

CALIFORNIA ENVIRONMENTAL QUALITY ACT INITIAL STUDY

The Department of Toxic Substances Control (DTSC) has completed the following document for this project in accordance with the California Environmental Quality Act (CEQA) [Pub. Resources Code, div. 13, § 21000 et seq] and accompanying Guidelines [Cal. Code Regs., tit. 14, § 15000 et seq].

PROJECT TITLE: Issuance of Renewal Standardized Hazardous Waste Facility Permit, Series A, to ECS Refining		CALSTARS CODING:
PROJECT ADDRESS: 705 Reed Street	CITY: Santa Clara	COUNTY: Santa Clara
PROJECT SPONSOR: ECS Refining	CONTACT: Beverly Kennedy	PHONE: (541) 753-1400

APPROVAL ACTION UNDER CONSIDERATION BY DTSC:			
<input type="checkbox"/> Initial Permit Issuance	<input checked="" type="checkbox"/> Permit Renewal	<input type="checkbox"/> Permit Modification	<input type="checkbox"/> Closure Plan
<input type="checkbox"/> Removal Action Workplan	<input type="checkbox"/> Remedial Action Plan	<input type="checkbox"/> Interim Removal	<input type="checkbox"/> Regulations
<input type="checkbox"/> Other (specify):			

STATUTORY AUTHORITY:
<input checked="" type="checkbox"/> California H&SC, Chap. 6.5 <input type="checkbox"/> California H&SC, Chap. 6.8 <input type="checkbox"/> Other (specify):

DTSC PROGRAM/ ADDRESS: Permit Renewal Team/700 Heinz Ave., Berkeley, CA 94710	CONTACT: Amber Harmon	PHONE: 510-540-3779
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PROJECT DESCRIPTION:
<p>Background: ECS Refining (ECS) has been operating at this location since 1979 (see Figure 1 and Figure 2). They received Standardized Permit Interim Status in 1993 and were issued a Standardized Hazardous Waste Facility Permit (Permit) effective December 30, 1997. The Permit was issued to All Metals Incorporated, doing business as ECS Refining, but formal ownership has changed to ECS Refining Texas LLC doing business as ECS Refining. ECS is currently applying for a renewal of their Standardized Hazardous Waste Facility Permit, Series A.</p> <p>ECS Refining is a metal recycler that operates a hazardous waste storage and treatment facility to reclaim precious and base metals from photochemical wastes, metal-bearing wastewaters, tin/lead solder dross and related wastes from electronic manufacturing, and other metal-bearing solid hazardous waste.</p> <p>A California Environmental Quality Act Initial Study was conducted and a Negative Declaration was approved in December 1997. When this analysis was conducted, the hazardous waste activities that were proposed included many units that are currently not in use at ECS.</p> <p>Due to economic changes, in particular the decline in waste photochemical solutions due to the advent of digital photography, many of the treatment and storage units have been closed or were never installed. In addition, the passage of SB 2111 in 1998 mandated that silver-only hazardous wastes be regulated only to the extent they are regulated under RCRA, which led to the removal of the Steel Wool Column Recovery Unit, Electrolytic Recovery Unit, Drying Ovens and Ball Mills from the Permit.</p>

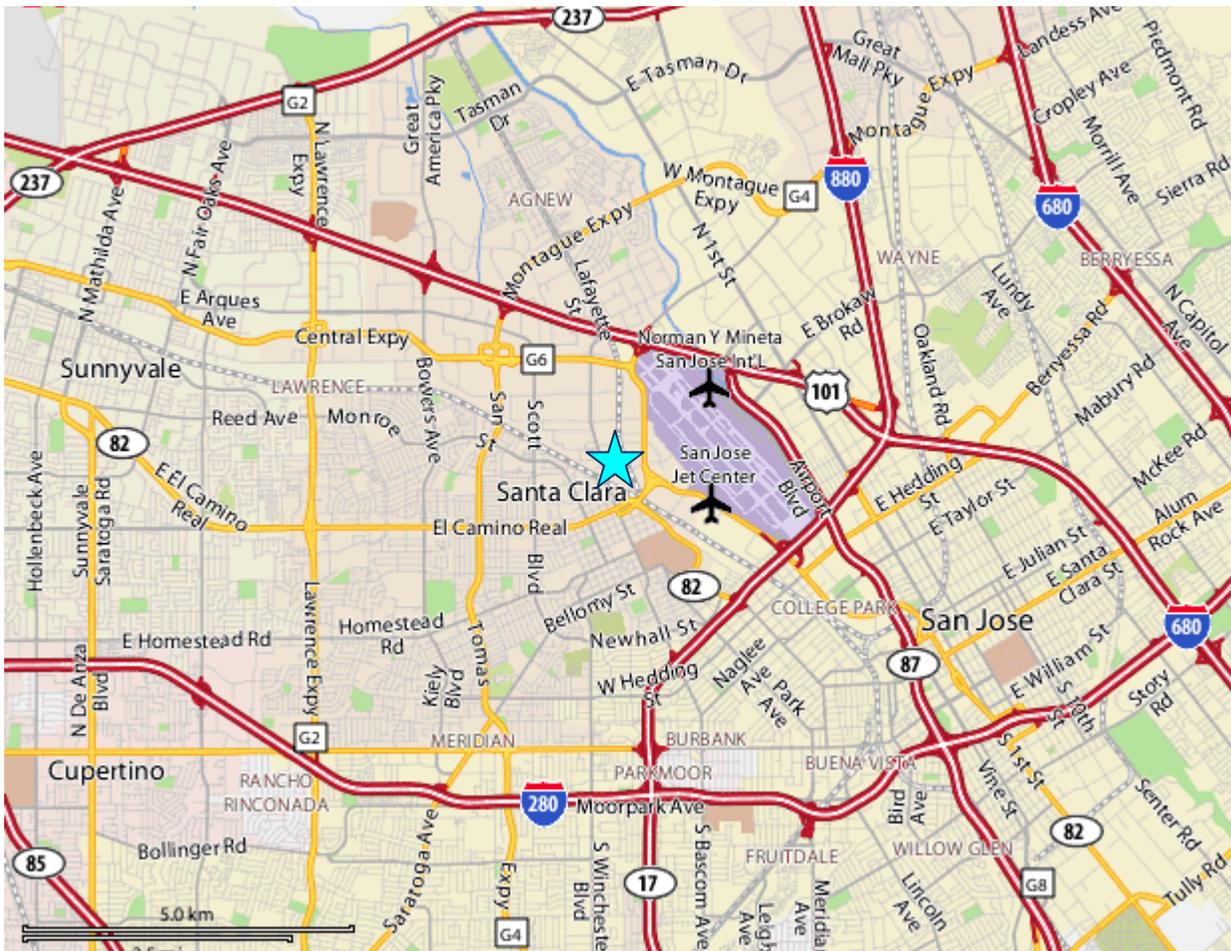


Figure 1: Regional Map (Location of ECS Refining indicated by star)

Units that have been closed include the Sludge Dryer/Mixer, 175 Crucible Furnace, Solder Pot Furnace and 3000 Pot Furnace.

Units that were never installed include the Fluorescent Tube Crusher, Precipitation Unit, Wet Ball Mill, Storage Area IIc, and the LED Vacuum Evaporation Unit.

In the 1997 Permit, 15 tanks were permitted to store and treat hazardous waste. Some of these tanks have been closed and some were never installed. There are only 6 tanks included in the permit renewal application.

In addition, the permitted storage capacity of Storage Areas I and IV has been reduced. Storage Area III no longer stores hazardous waste.

Project Activities:

This project consists of renewing the Standardized Hazardous Waste Facility Permit, Series A, which expired on December 30, 2007. ECS submitted a renewal application in December 2006 and therefore continues its operation under the expired permit. Since the Negative Declaration was approved in December 1997, many of the permitted hazardous waste treatment and storage units at ECS Refining have been removed from the Permit.

The permitted treatment units in the renewal permit will consist of the Photochemical Processing Unit, Vacuum Evaporation Unit, Hot Pot Furnace, Tray Furnace, 600 Crucible Furnace, 430 Crucible Furnace, E-Waste/Printed Circuit Board Shredder, and CRT Glass Washing Unit (see Figure 3). The permitted storage units are Storage Area I, Storage Area IIa, Storage Area IIb and Storage Area IV. There are six treatment/storage tanks associated with the Photochemical Processing Unit and the Vacuum Evaporation Unit, which are located in Storage Area IIa and Storage Area IIb. The maximum total liquid and solid hazardous waste that may be stored in the four storage areas is 848 55-gallon drums and 16,700 gallons in tanks.

Although this project will involve the addition of two new permitted hazardous waste units (E-Waste/Printed Circuit Board Shredder and CRT Glass Washing Unit), the overall volume of hazardous waste that will be processed at ECS is significantly reduced compared to the volume analyzed in the 1997 Initial Study and Negative Declaration. The E-Waste/Printed Circuit Board Shredder is already installed at the facility to shred universal waste and will only be authorized to treat hazardous waste if this project is approved. The CRT Glass Washing Unit will use aqueous acidic treatment to wash and remove the phosphor coatings from prepared Cathode Ray Tube (CRT) Glass to allow for greater recycling options. This unit will be built in an existing enclosed warehouse with a concrete slab floor covered with acid-resistant epoxy coating. The acid used in this process is dilute and has low vapor pressure; therefore, it has low migratory potential. Approximately four 55-gallon drums of acid will be delivered to the facility each month to be used in this treatment process. The effluent waste will either be treated on-site and discharged under permit with the POTW or will be shipped off-site as a hazardous waste. The employees will be trained in careful handling of the acid.

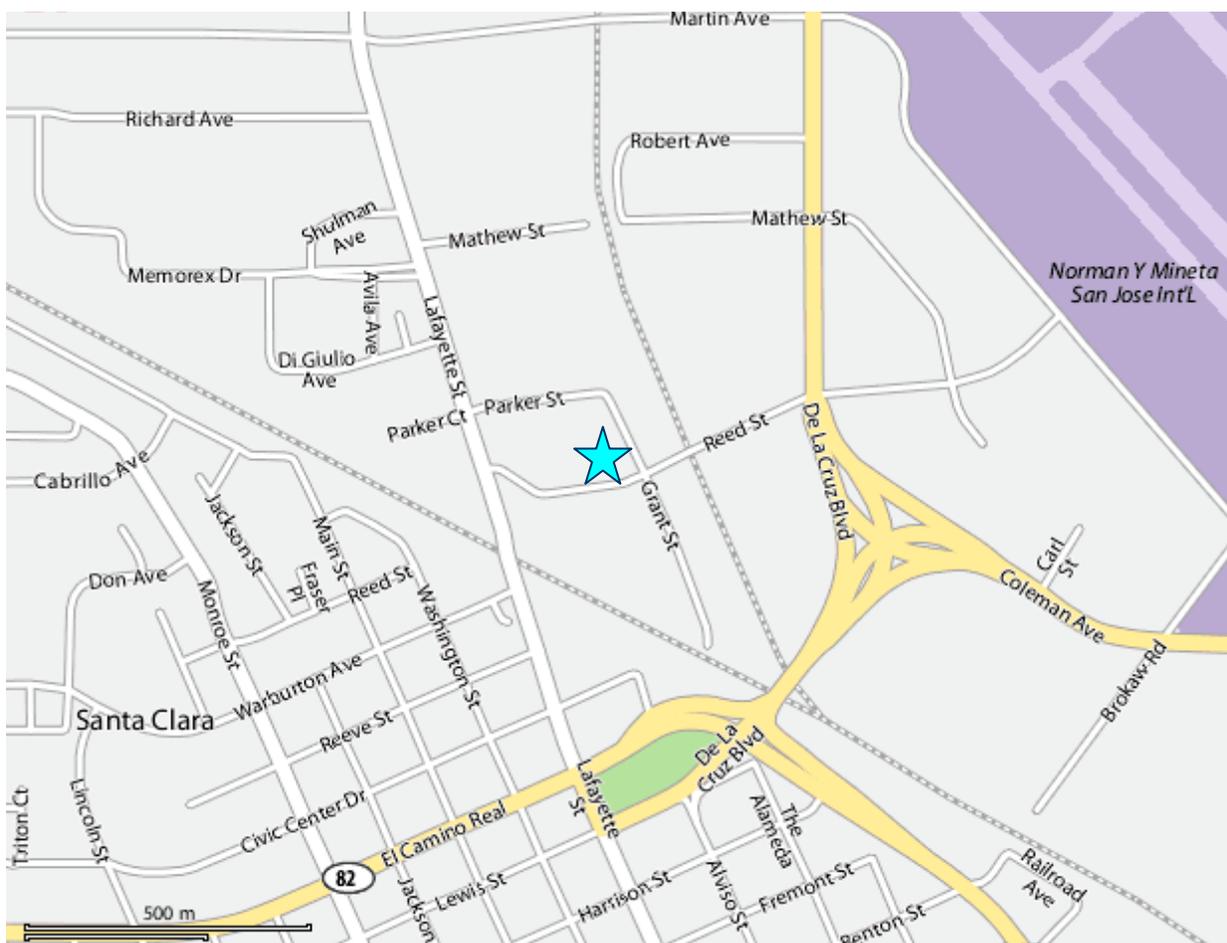


Figure 2: Vicinity Map (location of ECS Refining indicated by star)

ENVIRONMENTAL IMPACT ANALYSIS:

1. Aesthetics

Project Activities Likely to Create an Impact: None

Description of Baseline Environmental Conditions: ECS Refining has operated at this site since 1979 and is located in an area zoned as heavy industrial by the City of Santa Clara. The activities at the site will be conducted indoors in an existing building or in outdoor area covered by a roof. There are no vistas or scenic views in the area. Exterior yard areas are lighted at night as a security measure, with lights that use a total wattage of approximately 2,400 watts.

Analysis as to whether or not project activities would:

- a. Have a substantial adverse effect on a scenic vista.

Impact Analysis: There will be no adverse effect, since there are no scenic vistas near the facility.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a state scenic highway.

Impact Analysis: The facility is not located near any state scenic highways.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- c. Substantially degrade the existing visual character or quality of the site and its surroundings.

Impact Analysis: The facility is located in an area zoned for Heavy Industry and is surrounded by warehouses and industrial buildings. The visual quality of the site and its surroundings will not be changed or degraded.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- d. Create a new source of substantial light of glare that would adversely affect day or nighttime views in the area.

Impact Analysis: There will be no changes and no new sources of lighting.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

References Used: 1, 2

2. Agricultural Resources

Project Activities Likely to Create an Impact: None

Description of Baseline Environmental Conditions: The facility is located in an area zoned by the city of Santa Clara as “MH – Heavy Industry.” This location was designated as heavy industry prior to ECS Refining’s occupation of the site in 1979. The City of Santa Clara Zoning Map indicates that there are no areas zoned for farmland in the immediate vicinity of the facility.

Analysis as to whether or not project activities would:

- a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.

Impact Analysis: N/A

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- b. Conflict with existing zoning or agriculture use, or Williamson Act contract.

Impact Analysis: N/A

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural uses.

Impact Analysis: N/A

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

References Used: 1, 2, 3

3. Air Quality

Project Activities Likely to Create an Impact: release of particulates into the air from malfunction of the air pollution control equipment (i.e. baghouse), potential acid emissions from the CRT Glass Washing Unit

Description of Baseline Environmental Conditions: The City of Santa Clara has a moderate climate, with average annual high temperatures in the low 70s and low temperatures around 50° Fahrenheit. The Bay Area Air Quality Management District (BAAQMD) regulates air quality in the San Francisco Bay Area, which includes Santa Clara. The Bay Area Basin is classified as a federal and state non-attainment area for ozone (8-hour concentration). The Bay Area Basin has also been designed as a state non-attainment area for fine particulate matter (PM₁₀ and PM_{2.5}), but under federal standards these criteria pollutants have been designated as unclassified.

ECS Refining is an existing facility that has been operating at this location since 1979. ECS Refining is a metal recycler that operates a hazardous waste storage and treatment facility to reclaim precious and base metals from photochemical wastes, metal-bearing wastewaters, tin/lead solder dross and related wastes from electronic manufacturing, and other metal-bearing solid hazardous waste. The processing of the material (tin/lead solder dross and paste, photochemicals with silver, and non-hazardous electronic scrap and cathode ray tubes) has the potential to emit dust contaminated by lead or other metals. These processes are all vented to air emission control equipment (i.e. baghouses) to control process and fugitive emissions. All potential sources of air pollutants currently installed in the facility, whether they handle

hazardous waste or not, have been approved and permitted by the BAAQMD. This includes the E-Waste/Printed Circuit Board Shredder, which is currently installed to treat universal waste and will only be authorized to treat hazardous waste if this project is approved. The CRT Glass Washing Unit has not yet been installed and will not treat waste containing volatile organics.

Applicable control measures to reduce potential acid emissions from the CRT Glass Washing Unit include: the reaction tank will be enclosed during the preparation process and vented to an acid scrubber that uses an alkaline scrubbing solution. However, without detailed, specific process information, this is only a general suggestion of applicable control technology for potential emissions. There may be emissions other than acid mists/aerosols that require control prior to BAAQMD issuing a permit for this unit or facility. Without specific process information, BAAQMD cannot be certain that acid mists/aerosols are the only potential emissions. Prior to installation, ECS Refining will need to consult with and submit a permit application to the BAAQMD to determine if the CRT Glass Washing Unit requires an air permit. A conclusive determination of appropriate control technologies will be made during the BAAQMD permitting process. ECS Refining will not be allowed to operate the CRT Glass Washing Unit until after completion of the BAAQMD permitting process.

Analysis as to whether or not project activities would:

- a. Conflict with or obstruct implementation of the applicable air quality plan.

Impact Analysis: All current activities at the facility have been evaluated for their compliance with the applicable air standards and air quality plans. The facility will consult with the BAAQMD to ensure that the CRT Glass Washing Unit will operate in compliance with all air quality standards. Therefore, no further analysis is necessary.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation.

Impact Analysis: ECS Refining is an existing permitted hazardous waste treatment and storage facility that has been operating at this location since 1979. The facility is located in an industrial area and their contribution to traffic is minimal. All of their treatment processes are reviewed by the BAAQMD for compliance. The project is not expected to increase the existing truck traffic currently generated by the facility. The roads surrounding the facility are city streets. Refer to Section 15, Traffic and Transportation, for additional discussion. The facility will consult with the BAAQMD to ensure that the CRT Glass Washing Unit will operate in compliance with all air quality standards. The project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- c. Result in cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

Impact Analysis: ECS Refining is currently operating as a permitted hazardous waste treatment and storage facility at this location. All potential sources of air pollutants currently installed in the facility, whether they handle hazardous waste or not, have been approved and permitted by the BAAQMD. The proposed CRT Glass Washing Unit will undergo BAAQMD permit review prior to installation to determine if it is a potential generator of air pollutants and mitigate any potential emissions. The project will not result in cumulative considerable net increase of any criteria pollutant.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact

No Impact

d. Expose sensitive receptors to substantial pollutant concentrations.

Impact Analysis: Sensitive receptors include residences, schools, playgrounds, childcare centers, athletic facilities, long-term health care facilities, rehabilitation centers, convalescent center, and retirement homes. Sensitive populations are more susceptible to the effects of air pollution than are the general population.

The facility is located in an area zoned for Heavy Industry by the City of Santa Clara. There are a few residences located 0.25 miles away from ECS, which are the nearest sensitive receptors to the facility. All schools, hospitals, and places of worship are at least 1 mile away from ECS. All potential sources of air pollutants currently installed in the facility, whether they handle hazardous waste or not, have been approved and permitted by the BAAQMD. The proposed CRT Glass Washing Unit will undergo BAAQMD permit review prior to installation to determine if it is a potential generator of air pollutants and mitigate any potential emissions. Emissions from truck traffic are limited to the time it takes for the trucks to arrive and leave the facility. The operations of the facility are not expected to change if the project is approved. Therefore, approval of the project will not expose sensitive receptors to substantial pollutant concentrations.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

e. Create objectionable odors affecting a substantial number of people.

Impact Analysis: The facility is located in an area zoned for heavy industry. The facility reclaims precious and base metals from a variety of metal wastes, which are generally not odor-generating wastes. All treatment and storage processes are conducted indoors or within a covered, bermed area. Emissions from truck traffic are limited to the time it takes for the trucks to arrive and leave the facility, and are not different from emissions from cars and trucks traveling along city streets. Therefore, the project will not create objectionable odors affecting a substantial number of people.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

f. Result in human exposure to Naturally Occurring Asbestos (see also Geology and Soils, f.).

Impact Analysis: Based on information obtained from the California Department of Conservation, Division of Mines and Geology, there may be naturally occurring asbestos in the City and County of Santa Clara. However, since the project does not involve any disturbance to the soil, there will be no possibility of liberation of any naturally occurring asbestos.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

References Used: 1, 2, 4, 8, 9

4. Biological Resources

Project Activities Likely to Create an Impact: None. The project consists of renewal of a Standardized Hazardous Waste Treatment and Storage permit for an existing facility. No new construction is being proposed.

Description of Baseline Environmental Conditions: The project site is located in a developed industrialized area zoned for Heavy Industry, near the San Jose International Airport. The site has been developed since 1955 and ECS Refining has been operating at this location since 1979. The project, if approved, would not substantially alter the operations at the

site. The site is entirely paved. This site does not contain any plant or animal habitat, although there is minor landscaping around the building consisting of grass, small bushes and trees. The California Department of Fish and Game Natural Diversity Database (RARE FIND) was used to identify endangered, threatened, rare or listed species or species of concern in the area. According to the RARE FIND report, there are no species of concern within a mile of the project site. No adverse impacts have been identified during past operation of this facility. There are no nearby bodies of water. The RARE FIND report did not identify any riparian lands, wetlands, or fish and wildlife habitats in proximity to the project site. Therefore, no further analysis of potential impacts is necessary.

Analysis as to whether or not project activities would:

- a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

Impact Analysis: The project site does not contain any plant or animal habitat of any species of concern.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

Impact Analysis: There are no riparian habitats or other sensitive natural communities at or near the project site.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Impact Analysis: There are no wetlands at or near the project site.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Impact Analysis: There are no fish or wildlife habitats at or near the project site.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- e. Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Impact Analysis: There are no local policies or ordinances protecting biological resources at or near the project site.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Impact Analysis: There are no habitat or community conservation plans at or near the project site.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

References Used: 1, 4, 6, 11

5. Cultural Resources

Project Activities Likely to Create an Impact: None

Description of Baseline Environmental Conditions: The facility is located in an area zoned for Heavy Industry, near the San Jose International Airport. The City of Santa Clara Historical District, a mixed use residential and commercial area, is located approximately 0.5 miles SW of the facility. The University of Santa Clara, which is also considered a historical resource by the City of Santa Clara, is located approximately 1 mile SE of the facility. There will be no new buildings or disturbance of any land.

Analysis as to whether or not project activities would:

- a. Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5.

Impact Analysis: There will be no new buildings or disturbance of any land, so there will be no impact to any historical resource.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- b. Cause a substantial adverse change in the significance of an archeological resource pursuant to 15064.5.

Impact Analysis: There are no known archeological resources at or near the site, and there will be no new buildings or disturbance to the land.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Impact Analysis: There are no known paleontological resources or unique geological features at or near the site, and there will be no new buildings or disturbance to the land.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact

No Impact

- d. Disturb any human remains, including those interred outside of formal cemeteries.

Impact Analysis: There are no known human remains outside of formal cemeteries known in close proximity to the site and there will be no new buildings or disturbance to the land.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

References Used: 1, 4

6. Geology and Soils

Project Activities Likely to Create an Impact: None

Description of Baseline Environmental Conditions: There are no active earthquake faults in the City of Santa Clara. However, the city (and the facility) is five miles from the Hayward Fault and seven miles from both the San Andreas and Calaveras Faults. There will be no new buildings, no movement of soil or alteration of any ground feature.

Analysis as to whether or not project activities would:

- a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
- ❖ Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. (Refer to Division of Mines and Geology Special Publication 42).
 - ❖ Strong seismic ground shaking.
 - ❖ Seismic-related ground failure, including liquefaction.
 - ❖ Landslides.

Impact Analysis: There are no known active faults crossing or in close proximity to the facility, so the potential for exposing people to adverse effects due to ground rupture from a known earthquake fault is very low. Some ground shaking may be possible due to the Hayward, San Andreas or Calaveras faults; however, since the faults are a minimum of 5 miles distance and the buildings were built in conformance with the Uniform Building Code, the risk of potential substantial adverse effects is negligible. If there is strong ground shaking, this has the possibility to cause liquefaction, as the facility is located in a zone designated as D1-2, where the water table is 10-20 feet below surface. This area is considered to have relatively high potential for liquefaction; however, liquefaction was rare in Santa Clara County during the 1906 earthquake and is not known to have occurred in the City of Santa Clara from the strongest shaking known in the Bay Area. Therefore, the possibility of exposing people or structures to adverse effects due to liquefaction or other seismic-related ground failure is very low. The topography of the facility and the surrounding area is flat, so there will be no risk from landslides.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- b. Result in substantial soil erosion or the loss of topsoil.

Impact Analysis: Due to the City's flat terrain and well-established creek channels, erosion is not a significant hazard within the City of Santa Clara.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

Impact Analysis: There are no known active faults crossing or in close proximity to the facility, so the potential for ground rupture is very low. Due to the proximity of the Hayward, San Andreas and Calaveras faults, strong ground shaking will probably be the major geologic hazard to the facility. Strong ground shaking has the possibility to cause liquefaction, as the facility is located in a zone designated as D1-2, where the water table is 10-20 feet below surface. This area is considered to have relatively high potential for liquefaction; however, liquefaction was rare in Santa Clara County during the 1906 earthquake and is not known to have occurred in the City of Santa Clara from the strongest shaking known in the Bay Area. Therefore, the soil will not become unstable as a result of the project.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.

Impact Analysis: Many high clay content soils within the Santa Clara Valley are expansive, so it is possible the facility is located on expansive soil. However, the project does not involve physical changes of the site or alteration of any ground feature, and the buildings were in conformance with the Uniform Building Code at the time of their construction. Therefore, no substantial risk has been created.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of water.

Impact Analysis: The facility is connected to the City of Santa Clara sewer system and will not use a septic system; therefore this is not applicable.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- f. Be located in an area containing naturally occurring asbestos (see also Air Quality, f.).

Impact Analysis: Based on information obtained from the California Department of Conservation, Division of Mines and Geology, there may be naturally occurring asbestos in the City and County of Santa Clara. However, since the project does not involve any disturbance to the soil, there will be no possibility of liberation of any naturally occurring asbestos.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

References Used: 1, 4, 5,

7. Hazards and Hazardous Materials

Project Activities Likely to Create an Impact: Transportation of hazardous wastes to/from the facility, storage and treatment of hazardous wastes at the facility, release of metal particulates into the air from malfunction of the air pollution control equipment (i.e. baghouse), release of hazardous waste through fire or earthquake

Description of Baseline Environmental Conditions: ECS Refining is a metal recycler that operates a hazardous waste storage and treatment facility to reclaim precious and base metals from photochemical wastes, metal-bearing wastewaters, tin/lead solder dross and related wastes from electronic manufacturing, and other metal-bearing solid hazardous waste. The processing of the material (tin/lead solder dross and paste, photochemicals with silver, and non-hazardous electronic scrap and cathode ray tubes) has the potential to emit dust contaminated by lead or other metals. These processes are all vented to air emission control equipment (i.e. baghouses) to control process and fugitive emissions. The Bay Area Air Quality Management District (AQMD) requires efficiency testing on the baghouses and regulates their activity.

The CRT Glass Washing Unit will use aqueous acidic treatment to wash and remove the phosphor coatings from prepared Cathode Ray Tube (CRT) Glass to allow for greater recycling options. The acid used in this process is dilute and has low vapor pressure; therefore, it has low migratory potential. The employees will be trained in careful handling of the acid. Approximately four 55-gallon drums of acid will be delivered to the facility each month to be used in this treatment process. The effluent waste will either be treated on-site and discharged under permit with the POTW or will be shipped off-site as a hazardous waste. The area that will house this operation will consist of an enclosed warehouse with a concrete slab floor covered with acid-resistant epoxy coating.

The site is fully paved and fenced. The facility transports hazardous wastes to the facility for recycling. Two company trucks pick up hazardous and non-hazardous wastes throughout Northern California daily. In addition, third party trucks make pickups and deliveries of hazardous and non-hazardous wastes several times daily.

Analysis as to whether or not project activities would:

- a. Create a significant hazard to the public or the environment throughout the routine transport, use or disposal of hazardous materials.

Impact Analysis: The majority of the materials transported to the facility are solids. Liquids are transported in DOT-approved containers. All liquid handling and processing areas have secondary containment and are underlain with a geotextile liner. Processes that may cause emissions have air pollution control equipment that is inspected regularly.

This project will not involve or result in any increased risk of upset. The activities at the facility are not expected to have any significant effects on the environment. Waste management practices, operating procedures, emergency plans, and emergency training requirements help ensure safe conditions and minimize the possibility of releases to the environment.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Impact Analysis: Many elements are in place to prevent accidents at the site involving hazardous materials. For example, the loading dock at the facility is recessed to contain spills if they occur, and spill clean up equipment is maintained in the loading area. The employees are trained to handle the wastes handled, and are trained in emergency procedures.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact

No Impact

- c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school.

Impact Analysis: There are no existing or proposed schools within one-quarter mile of the facility.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to public or the environment.

Impact Analysis: The site is not included on a list of hazardous material sites compiled pursuant to Government code Section 65962.5.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- e. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

Impact Analysis: The facility maintains an emergency response and contingency plan to guide facility personnel in the event of a hazardous materials release or natural disaster. No additional emergency response plan is needed.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

References Used: 1

8. Hydrology and Water Quality

Project Activities Likely to Create an Impact: None

Description of Baseline Environmental Conditions: ECS maintains an industrial wastewater discharge permit (Permit number SC-144B) issued by the San Jose/Santa Clara Water Pollution Control Plant that allows batch discharge of treated photochemical waste after testing to ensure compliance with local discharge limits for metals and pH. The CRT Glass Washing Unit is a proposed unit that will use aqueous acidic treatment to wash and remove the phosphor coatings from prepared Cathode Ray Tube (CRT) Glass to allow for greater recycling options. The effluent waste will either be treated on-site and discharged under permit with the POTW (San Jose/Santa Clara Water Pollution Control Plant) or will be shipped off-site as a hazardous waste.

Analysis as to whether or not project activities would:

- a. Violate any water quality standards or waste discharge requirements.

Impact Analysis: Wastewater treatment approvals are in place for all existing processes that require wastewater treatment. If the effluent waste from the CRT Glass Washing Unit cannot meet the local discharge limits, then the effluent will be shipped off -site as a hazardous waste.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated

- Less Than Significant Impact
 No Impact

- b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficient in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).

Impact Analysis: The site is supplied by municipal water from the City of Santa Clara. The facility does not use groundwater supplies. No activities at the site currently impact the ground water quality and are not anticipated to impact ground water in the future.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site.

Impact Analysis: There are no streams or river at the site. The entire site is paved or covered in concrete. The uncovered yard areas of the site slope gradually to the street gutters, allowing rain to drain off. There will be no change to the existing draining pattern.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site.

Impact Analysis: There will be no change to the existing drainage pattern.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- e. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.

Impact Analysis: None. The project will not create or contribute runoff water which would exceed the capacity of existing or planned storm water discharge systems or provide substantial additional sources of polluted runoff.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- f. Otherwise substantially degrade water quality.

Impact Analysis: None. Under normal operating conditions, no hazardous waste is discharged from the facility. In the unlikely event that a spill should occur at the site, any spilled material will immediately be collected by and cleaned up from the paved surface of the loading area or the concrete floor of the warehouse, thus preventing any migration offsite. Because the project is not allowed to discharge any hazardous waste, and any spills are captured by the concrete or pavement, the project will not degrade water quality.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- g. Place within a 100-flood hazard area structures which would impede or redirect flood flows.

Impact Analysis: The facility is not located within a 100-year flood plain.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- h. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

Impact Analysis: The nearest dam is located several miles away from the facility. The only body of water near the facility is the Guadalupe River, which is located approximately 1.2 miles northeast of the facility, on the east side of the San Jose airport. However, the facility is not anticipated to be impacted by any potential flooding of this river.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- i. Inundation by seiche, tsunami or mudflow.

Impact Analysis: Tsunamis are large ocean waves that are generated by major seismic events. Storms at sea also can generate heavy waves. Both have the potential to cause flooding in low-lying coastal areas. The project site is located in the city of Santa Clara, well away from the Pacific Ocean, and is therefore not located in a tsunami hazard area.

A seiche is a surface wave created when a body of water is shaken; usually by earthquake activity. Inundation from a seiche can occur, for example, if a wave overflows a containment wall, such as the wall of a reservoir, water storage tank, dam or other artificial body of water. The Lexington Reservoir Dam is not expected to be a significant hazard to Santa Clara since the city is nine miles from the reservoir. Similarly, because of the distance between Santa Clara and San Francisco Bay (and the intervening salt ponds and levees) is expected to provide protection against seiches at the facility site.

The topography of the facility site and surrounding area is flat and highly developed. There are no hills nearby. Since the area is flat and developed, the potential for inundation by mudflow is negligible.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

References Used: 1, 4, 7

9. Land Use and Planning

Project Activities Likely to Create an Impact: None

Description of Baseline Environmental Conditions: The facility is located in an area zoned by the city of Santa Clara as "MH – Heavy Industry." Land use on the site is governed by the City of Santa Clara General Plan and Zoning Ordinance. This location was designated as heavy industry prior to ECS Refining's occupation of the site in 1979.

Analysis as to whether or not project activities would:

- a. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

Impact Analysis: The City of Santa Clara has verified that the use of the facility meets the intent of the zoning designation; therefore no further analysis is necessary.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- b. Conflict with any applicable habitat conservation plan or natural community conservation plan.

Impact Analysis: The County of Santa Clara Habitat Conservation Plan provides oversight for habitat conservation. However, since ECS is an existing facility and this project will not involve any construction or disturbance to the land, it does not require oversight by this Plan.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

References Used: 1, 6

10. Mineral Resources

Project Activities Likely to Create an Impact: None

Description of Baseline Environmental Conditions: The facility is located in an area zoned by the city of Santa Clara as "MH – Heavy Industry." Land use on the site is governed by the City of Santa Clara General Plan and Zoning Ordinance. This location was designated as heavy industry prior to ECS Refining's occupation of the site in 1979. There are no significant mineral resources located within the City of Santa Clara.

Analysis as to whether or not project activities would:

- a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

Impact Analysis: There are no known mineral resources within the City of Santa Clara.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

Impact Analysis: Per the City of Santa Clara General Plan, there are no significant mineral resources located within the City.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact

No Impact

References Used: 1, 4

11. Noise

Project Activities Likely to Create an Impact: None

Description of Baseline Environmental Conditions: The facility is located in an area zoned by the city of Santa Clara as “MH – Heavy Industry.” This location was designated as heavy industry prior to ECS Refining’s occupation of the site in 1979. The facility operations that generate noise are the truck traffic associated with the facility and three air compressors that are located outdoors.

Analysis as to whether or not project activities would:

- a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Impact Analysis: The City of Santa Clara has determined that the noise associated with ECS Refining is in compliance with ordinances for land designated for heavy industrial use.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- b. Exposure of persons to or generation of excessive groundbourne vibration or groundbourne noise levels.

Impact Analysis: There are no aspects of this project that will involve groundbourne vibration or groundbourne noise levels.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- c. A substantial permanent increase in ambient noise levels in the vicinity above levels existing without the project.

Impact Analysis: There will be no substantial permanent increases in ambient noises associated with this project, as the essential operations at the facility will not change.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

Impact Analysis: The only potential temporary increase in ambient noise level would be the installation of the CRT Glass Washing Unit. However, this unit will be installed in an existing enclosed warehouse and should not create noise sufficient to disturb the industrial neighboring properties.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

References Used: 1

12. Population and Housing

Project Activities Likely to Create an Impact: None

Description of Baseline Environmental Conditions: The project consists of renewal of a Standardized Hazardous Waste Treatment and Storage permit for an existing facility. No new construction is being proposed. Approval of the project is not expected to change the size of the workforce.

Analysis as to whether or not project activities would:

- a. Induce substantial population growth in area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

Impact Analysis: The project is not anticipated to induce population growth. The proposed project does not include the construction or demolition of any housing, and it would not result in a direct impact to the existing housing stock.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.

Impact Analysis: No existing housing exists at the project site, therefore no existing housing will be displaced.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

Impact Analysis: The proposed project would not displace any people because there are no people residing at the project site. Accordingly, there would be no displaced population requiring the construction of replacement housing elsewhere.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

References Used: 1

13. Public Services

Project Activities Likely to Create an Impact: None

Description of Baseline Environmental Conditions: The project consists of renewal of a Standardized Hazardous Waste Treatment and Storage permit for an existing facility. No new construction is being proposed. Approval of the project is not expected to change the size of the workforce or induce population growth.

Analysis as to whether or not project activities would:

- a. Result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:

- ❖ Fire protection
- ❖ Police protection
- ❖ Schools
- ❖ Parks
- ❖ Other public facilities

Impact Analysis: There will be no need to construct or alter governmental facilities since the activities at the project site will remain the same. Therefore, no further analysis is necessary.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

References Used: 1

14. Recreation

Project Activities Likely to Create an Impact: None

Description of Baseline Environmental Conditions: The project consists of renewal of a Standardized Hazardous Waste Treatment and Storage permit for an existing facility. No new construction is being proposed. Approval of the project is not expected to change the size of the workforce or induce population growth. The nearest recreational facility is a community baseball park located approximately 0.5 miles away from the project site. Other parks are located in the city, with the closest park located approximately 1.5 miles south of the facility.

Analysis as to whether or not project activities would:

- a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

Impact Analysis: The workforce will not be changed as a result of this project, so there should be no increased usage or the surrounding recreational facilities.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

- b. Include recreational facilities or require construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Impact Analysis: The project site does not include recreational facilities, and will not require modification to any existing recreational facilities.

Conclusion:

- Potentially Significant Impact
- Potentially Significant Unless Mitigated
- Less Than Significant Impact
- No Impact

References Used: 1

15. Transportation and Traffic

Project Activities Likely to Create an Impact: None

Description of Baseline Environmental Conditions: This project will not involve nor result in significant change of transportation or circulation patterns. The site is served by surface streets with freeway access approximately one mile to the east. Between the hours of 7:30 AM and 5:00 PM, there are 20 employee cars and 5 visitor cars that travel to the facility. In addition, 3-5 company trucks enter and exit the facility daily. Deliveries of hazardous waste may also be made by third-part registered haulers. Transportation activities conducted under the Standardized Permit will be the same as analyzed for the Permit issued in 1997. Vehicles destined for and leaving the facility use public thoroughfares through industrial areas. Primary routes to the facility include U.S. Highway 101 to the De La Cruz Blvd exit to Reed Street, Interstate 880 to the Coleman Avenue exit to De La Cruz Blvd to Reed Street, and Interstate 880 to Montague Expressway (CR-G4) to E. Trimble Road to De La Cruz Blvd to Reed Street. Two freeway segments near the project site were analyzed in 2000 to determine their existing level of service. Interstate 880, from the segment SR-87 to the Coleman Avenue exit, and the segment of U.S. Highway 101 from Great America Parkway to Montague Expressway were both operating at a Level of Service (LOS) D. The level of service goal for the City of Santa Clara is LOS D. The Congestion Management Agency for Santa Clara County is the Santa Clara Valley Transportation Authority (VTA), and they only require a Transportation Impact Analysis if 100 or more peak hour vehicle trips are generated by a proposed project.

Analysis as to whether or not project activities would:

- a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections).

Impact Analysis: Since ECS Refining is currently operating as a permitted universal waste treatment and storage facility and no physical expansion of the facility is planned, traffic to and from the facility is expected to remain essentially unchanged. ECS has been operating in this location since 1979, so its current traffic has already been factored into existing traffic load and capacity. No additional truck trips are anticipated due to the addition of the two new permitted units. Therefore the project will not cause a substantial increase in traffic.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- b. Exceed, either individually or cumulatively, a level of service standard established by the country congestion management agency for designated roads or highway.

Impact Analysis: Per the discussion in subsection a. above, the project will not cause a substantial increase in traffic and will not significantly worsen existing traffic conditions.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- c. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Impact Analysis: There are no sharp curves or dangerous intersections near the project site, nor are there any farm vehicles using the nearby roads.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

d. Result in inadequate emergency access.

Impact Analysis: The project site is served by city streets, which provide emergency access to fire and police departments. The project does not involve any changes that will impair emergency access.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

e. Result in inadequate parking capacity.

Impact Analysis: The facility currently has sufficient parking available to employees and visitors, as well as additional street parking. The project will not result in an increased work force, and parking capacity will remain sufficient.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

f. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).

Impact Analysis: There are no bus sites or bicycle lanes on the streets adjacent to the project site, and there will be no expansion of facility operations. Therefore, there should be no conflict with policies or programs supporting alternative transportation.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

References Used: 1, 4, 10

16. Utilities and Service Systems

Project Activities Likely to Create an Impact: None

Description of Baseline Environmental Conditions: ECS maintains an industrial wastewater discharge permit (Permit number SC-144B) issued by the San Jose/Santa Clara Water Pollution Control Plant that allows batch discharge of treated photochemical waste after testing to ensure compliance with local discharge limits for metals and pH. The CRT Glass Washing Unit is a proposed unit that will use aqueous acidic treatment to wash and remove the phosphor coatings from prepared Cathode Ray Tube (CRT) Glass to allow for greater recycling options. The effluent waste will either be treated on-site and discharged under permit with the POTW (San Jose/Santa Clara Water Pollution Control Plant) or will be shipped off-site as a hazardous waste.

Analysis as to whether or not project activities would:

a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.

Impact Analysis: Wastewater treatment approvals are in place for all existing processes that require wastewater treatment. If the effluent waste from the CRT Glass Washing Unit cannot meet the local discharge limits, then the effluent will be shipped off -site as a hazardous waste.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Impact Analysis: There will be no construction or expansion of any water or wastewater treatment facilities.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Impact Analysis: There will be no construction or expansion of storm water drainage facilities.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed.

Impact Analysis: Existing water is supplied to the site by the City of Santa Clara, which adequately supports the facility's needs.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- e. Result in determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments.

Impact Analysis: San Jose/Santa Clara Water Pollution Control plant is the wastewater treatment provider for this facility. It has the capacity to treat 167 million gallons of wastewater per day. This capacity is adequate to fulfill the wastewater treatment requirements of the facility.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- f. Be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs.

Impact Analysis: This project is not anticipated to increase landfill utilization.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

- g. Comply with federal, state, and local statutes and regulations related to solid waste.

Impact Analysis: No aspect of the permit renewal will affect the facility's ability to comply with all statutes and regulations related to solid waste.

Conclusion:

- Potentially Significant Impact
 Potentially Significant Unless Mitigated
 Less Than Significant Impact
 No Impact

References Used: 1, 7

Mandatory Findings of Significance

Based on evidence provided in this Initial Study, DTSC makes the following findings:

- a. The project has does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.
- b. The project has does not have impacts that are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
- c. The project has does not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

Determination of Appropriate Environmental Document:

Based on evidence provided in this Initial Study, DTSC makes the following determination:

The proposed project COULD NOT HAVE a significant effect on the environment. A **Negative Declaration** will be prepared.

The proposed project COULD HAVE a significant effect on the environment. However, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **Mitigated Negative Declaration** will be prepared.

The proposed project MAY HAVE a significant effect on the environment. An **Environmental Impact Report** is required.

The proposed project MAY HAVE a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **Environmental Impact Report** is required, but it must analyze only the effects that remain to be addressed.

The proposed project COULD HAVE a significant effect on the environment. However, all potentially significant effects (a) have been analyzed adequately in an earlier Environmental Impact Report or Negative Declaration pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier Environmental Impact Report or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project. Therefore, nothing further is required.

Certification:

I hereby certify that the statements furnished above and in the attached exhibits, present the data and information required for this initial study evaluation to the best of my ability and that the facts, statements and information presented are true and correct to the best of my knowledge and belief.

//Original signed by//

11/6/08

Preparer's Signature

Date

Amber Harmon
Preparer's Name

Hazardous Substances Engineer
Preparer's Title

510-540-3779
Phone #

ATTACHMENT A

REFERENCES

1. ECS Refining Standardized Permit Renewal Application/Environmental Information Form (DTSC 1176), dated April 28, 2008.
2. California Environmental Quality Act Special Initial Study and Negative Declaration, DTSC, December 24, 1997.
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9. Correspondence with Bay Area Air Quality Management District (Faye Bruno, Air Quality Engineer, Permit Evaluation Department, and Gregory Tholen, Senior Environmental Planner, Planning Department), July 17, 2008.
10. Silicon Valley Rapid Transit Corridor Final Environmental Impact Report, Santa Clara Valley Transportation Authority, November 2004. Available online at http://www.svrta.org/2006_eis_docs.asp?area=docs. Accessed May 6, 2008.
11. California Department of Fish and Game, Natural Diversity Data Base (RARE FIND), California Natural Diversity – Endangered Species in San Jose West Quadrangle, May 6, 2008.