

INITIAL STUDY

The Department of Toxic Substances Control (DTSC) has completed the following Initial Study for this project in accordance with the California Environmental Quality Act (§ 21000 et seq., California Public Resources Code) and implementing Guidelines (§15000 et seq., Title 14, California Code of Regulations).

I. PROJECT INFORMATION

Project Name: FMC Corporation Central Plant Area, Proposed Remedy Selection for Soil, Soil Gas, and Groundwater

Site Address: 1125 Coleman Avenue

City: San Jose State: CA Zip Code: 95110 County: Santa Clara

Company Contact Person: Zahra M. Zahiraleslamzadeh

Address: P.O. Box 58123

City: Santa Clara State: CA Zip Code: 95052 Phone Number: (408) 289-3141

Project Description

The Department of Toxic Substances Control (DTSC) is considering approval of a Corrective Measures Study (CMS) Report, dated September 22, 2005, that would allow FMC Corporation (FMC) to implement final corrective measures for groundwater, soil, and soil gas associated with historical chemical releases in the Central Plant Area portion of the Facility located at 1125 Coleman Avenue in San Jose, California. If DTSC approves the CMS Report, the selected final corrective measures will be put in place. The recommended final corrective measures alternative for the Central Plant Area is: (1) the soil excavations that have already been implemented as interim measures for soil contamination; (2) continued operation and maintenance of the property boundary groundwater extraction and treatment system for groundwater plume containment, including site groundwater monitoring; and (3) soil gas mitigation measures that will prevent potential vapor intrusion into future buildings. Institutional controls that are effective and enforceable are a component of the recommended final corrective measures alternative. These institutional controls, including restrictions on the use of groundwater, will be defined in deed restrictions for the property that will be implemented through a land use covenant with the DTSC.

Based on the recommended final corrective measures alternative described above, the proposed Project for this Initial Study and Negative Declaration consists of the following specific future actions:

- Continued extraction of groundwater from nine of ten existing extraction wells located on the northern property boundary along Coleman Avenue and the transmission of that impacted groundwater to the treatment system;
- Continued operation and maintenance of the groundwater treatment system and discharge of the treated groundwater to the City of San Jose's storm drain system in compliance with the existing National Pollutant Discharge Elimination System (NPDES) permit;
- Continued groundwater monitoring to demonstrate the effectiveness of the extraction wells in containing the impacted groundwater; and
- Development of deed restrictions for the Central Plant Area implemented through land use covenant regulations with the DTSC.

The preparation of this Initial Study and proposed Negative Declaration for the Project described above (i.e., approval of the final corrective measures alternative) is being taken in accordance with requirements of the Resource Conservation and Recovery Act (RCRA). The Corrective Action Consent Agreement (“Consent Agreement”) between FMC, United Defense Limited Partnership, and DTSC, effective January 2, 1996, was issued by DTSC under the authority of Section 25187 of the Health and Safety Code for the 147-acre Facility located in Santa Clara County, California. This Initial Study and Proposed Negative Declaration pertains only to the 25-acre portion of the Facility known as the Central Plant Area. The Consent Agreement defines the work scope for RCRA corrective action at the Facility, including the Central Plant Area. Prior to the Consent Agreement becoming effective in January 1996, RCRA corrective action was performed through the requirements of various permits. Much of the basis for work performed under the Consent Agreement was based on the findings of the RCRA Facility Assessment (RFA) conducted by the DTSC in 1992 and later revised and updated by DTSC and FMC. The RFA and the subsequent Current Conditions Report (1996) provided the basis for the subsequent RCRA Facility Investigation (RFI) performed for the Central Plant Area. The RFI was performed in several phases of soil and groundwater sampling (1997-2003), interim measures (1998-2002), a soil gas survey and vapor intrusion assessment (2004-2005), and related human health risk assessments and ecological surveys. The RFI was approved by DTSC on July 29, 2005 allowing a Corrective Measures Study (CMS) to be conducted and presented in the CMS Report submitted to DTSC on September 22, 2005. The CMS was performed in accordance with the Scope of Work of the Consent Agreement, with the exception of a CMS Workplan, the requirement for which was verbally waived by DTSC in a meeting held at DTSC’s offices in Berkeley, California on October 26, 2004.

Project Background

The Central Plant Area, part of the 1125 Coleman Avenue Facility, was purchased from the City of San Jose in 1946. Prior to that time, the land was reportedly used for agricultural purposes. Most of FMC’s operations at the Facility since 1951 were dedicated to the design, production, and testing of military tracked vehicles under United States Department of Defense contracts. Various types of vehicles with numerous uses were manufactured at the Facility since about 1951.

Due largely to specifications mandated by the Department of Defense, certain materials, including solvents and paint, were required in the manufacturing processes. Manufacturing operations conducted at the Facility included fabrication of metal parts, electroplating, chemical conversion coating, metal finishing, welding, painting, and parts assembly. Potentially hazardous materials managed at the Facility included various oils, coolants, lubricants, solvents, paints, acids, alkalis, and metals used in manufacturing processes. Diesel and gasoline fuel were also stored and dispensed in the Central Plant Area for testing engines and road testing the vehicles.

Buildings or pavement cover most of the Central Plant Area. The buildings are called “Plants” and are numbered. They were used principally for the manufacturing of military tracked vehicles. The principal operations in the Central Plant Area included machining, degreasing, heat treatment, plating, surface cleaning and preparation, and painting for the manufacture and rehabilitation of military tracked vehicles. Raw aluminum and steel were used to fabricate parts. The machining required water- and oil-based coolants to cool the machine bits. These operations included the use of acid solutions (phosphoric and chromic), alkaline solutions, cyanide, metals, hydrocarbons (gasoline, diesel, motor oil, lubricating and cutting oil, mineral oil, and oil emulsions), paints, solvents (trichloroethylene [TCE], 1,1,1-trichloroethane [1,1,1-TCA], methylene chloride, methyl chloroform, toluene, xylenes, and methanol), ethylene glycol, ethylene oxide, polyalkylene glycols, and polychlorinated biphenyls (PCBs).

Some waste streams and sludge were processed in a wastewater treatment plant in the Central Plant Area which was constructed in 1978 and began operation in 1979. The plant was primarily used for neutralizing acid and alkali waste, reducing hexavalent chromium, facilitating cyanide destruction, precipitating heavy metals, and removing solids from metal finishing and electroplating wastes before discharging process effluents to the Publicly Owned Treatment Works.

In 1997, FMC ceased operations in the Central Plant Area. Since that time, the Central Plant Area has been largely unused.

The RCRA Corrective Action investigation and cleanup process consists of multiple steps, some of which have already been completed. The areas that need to be addressed have been identified and investigated. Cleanup activities have already been conducted in some areas as part of interim measures that were implemented to protect human health and/or the environment. The final step of the RCRA Corrective Action cleanup process is to determine appropriate final methods to achieve corrective action objectives. The document evaluating final cleanup methods—the CMS Report—is being made available to the public and other agencies for their review and comment, concurrent with the release of this Initial Study and Negative Declaration.

The CMS Report was submitted by FMC to DTSC on September 22, 2005 and DTSC has completed a technical review of the document. This review was made to ensure that the document has complete information and that the information is technically accurate. DTSC submitted comments to FMC in a letter dated November 23, 2005. FMC submitted responses to those comments in a letter to DTSC dated December 1, 2005. After completing its review of the responses to comments, DTSC has (1) prepared a Statement of Basis of its decision regarding Final Remedy Selection and (2) completed the environmental documentation (i.e., this Initial Study) pursuant to the California Environmental Quality Act (CEQA). DTSC is now formally soliciting public comments on these documents during a 45-day comment period. After all comments have been received, DTSC will make a decision on the most appropriate final corrective measures alternative. If DTSC approves the CMS Report, the selected final corrective measures will be put in place.

Project Location

The Project site is located in the City of San Jose, south of the San Francisco Bay (Figure 1). The approximately 25-acre Central Plant Area is rectangular in shape and is located east of the City of San Jose/City of Santa Clara border (Figure 2). To the north of the Central Plant Area is Coleman Avenue, to the west is the Test Track Area (formerly owned by FMC and sold to the City of San Jose), to the south is the Union Pacific Railroad property, and to the east is FMC's former Plant 7 Area currently owned by Arcadia. The Norman Y. Mineta San Jose International Airport (San Jose International Airport) is located across Coleman Avenue north of the Central Plant Area.

Project Purpose

The purpose of the Project is to select and implement the final corrective measures recommended in the CMS Report. The CMS Report: (1) developed and evaluated corrective measure alternatives that may be taken at the Central Plant Area to address the presence of hazardous wastes (including hazardous constituents) in the environment and (2) recommended the final corrective measures to be taken at the Central Plant Area that are protective of human health and the environment. The CMS Report, submitted to DTSC on September 22, 2005, presents the development and evaluation of corrective measure alternatives, from which a recommendation is provided for implementation of corrective action in the Central Plant Area. Corrective measures would be implemented as part of the Corrective Measures Implementation (CMI) phase of the Project.

Project Activities

The recommended final corrective measures alternative for groundwater contamination is continued operation of the property boundary plume containment system (Figure 3), which is effective in achieving its goals. Continued groundwater monitoring, development and implementation of a soil management plan, and development of institutional controls would also be part of the final corrective measures. The evaluation and selection process incorporated technologies regardless of the determination of technical

impracticability of restoring on-site groundwater to MCLs. However, this impracticability was used as a critical evaluation metric to determine an appropriate alternative that could be effective and reliable.

The recommended final corrective measures alternative for soil is soil excavation already accomplished as interim measures in the Central Plant Area. These excavations reduced the concentrations of constituents of concern to below risk levels approved by the DTSC for protection of human health. Thus, further soil remediation beyond that accomplished as interim measures was determined to be unnecessary based on a human health exposure pathway and receptor analysis (potential impacts to future construction/excavation workers only) that concludes the interim measures resulted in no unacceptable residual risk from soil contaminants. Also, no unacceptable residual risk from soil contaminants exists based on the site-specific assessment of cumulative risks and hazards. With respect to soil gas, the recommended final corrective measure alternative is the implementation of institutional controls, including soil gas mitigation measures that will be defined in deed restrictions for the property implemented through land use covenant regulations of the DTSC. This recommendation was based on a vapor intrusion assessment which concluded that potentially unacceptable risks to future indoor office workers from intrusion of subsurface vapor into buildings that may be constructed within specific areas of the Central Plant Area could be effectively managed by such measures.

The recommended continued operation of the groundwater plume containment system is justified because it has been effective since its implementation in 2002 as an interim measure. This corrective measures alternative offers an acceptable balance of the Five Corrective Measure Criteria: (1) short- and long-term effectiveness; (2) reduction of toxicity, mobility and/or volume; (3) long-term reliability; (4) implementability; and (5) preliminary cost. This corrective measures alternative also satisfactorily complies with the Four Corrective Action Standards: (1) protect human health and the environment; (2) attain corrective action objectives, including media cleanup standards; (3) control the source(s) of releases so as to reduce or eliminate, to the extent practicable, further releases of hazardous wastes (including hazardous constituents) that may pose a threat to human health and the environment; and (4) comply with any applicable Federal, state, and local standards for management of wastes. Therefore, the recommended final corrective measures alternative is able to attain the DTSC-approved human-health risk-based corrective action objectives; and, thus, protect human health.

Project Schedule

The final corrective measures alternative will be implemented immediately upon approval of the final remedy by the DTSC. Since the main component of the final remedy is the continuation of the operating groundwater extraction and treatment system, and groundwater monitoring and reporting, no schedule for its implementation is necessary. Other components of the final remedy will be developed in conjunction with the preparation of the CMI Plan and deed restrictions following approval of the CMS Report. A schedule for property re-development has not been set.

II. DISCRETIONARY APPROVAL ACTION BEING CONSIDERED BY DTSC

- | | | |
|--|---|--|
| <input type="checkbox"/> Initial Permit Issuance | <input type="checkbox"/> Closure Plan | <input type="checkbox"/> Removal Action Workplan |
| <input type="checkbox"/> Permit Renewal | <input type="checkbox"/> Regulations | <input type="checkbox"/> Interim Removal |
| <input type="checkbox"/> Permit Modification | <input type="checkbox"/> Remedial Action Plan | <input checked="" type="checkbox"/> Other (Specify)
Corrective Measures Study
Report |

Program/ Region Approving
Project:

CEQA Lead Agency and Project Approval of Initial Study and
Negative Declaration, Department of Toxic Substances Control,
California Environmental Protection Agency

DTSC Contact
 Person: Andrew Berna-Hicks, Project Manager

Address: 700 Heinz Avenue, Suite 300

City: Berkeley State: CA Zip Code: 94710 Phone Number: (510) 540-3956

III. ENVIRONMENTAL RESOURCES POTENTIALLY AFFECTED

The boxes checked below identify environmental resources in the following ENVIRONMENTAL SETTING/IMPACT ANALYSIS section found to be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact."

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> None Identified | <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural Resources |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources |
| <input type="checkbox"/> Geology And Soils | <input type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Hydrology and Water Quality |
| <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation and Traffic | <input type="checkbox"/> Utilities and Service Systems | |

IV. ENVIRONMENTAL IMPACT ANALYSIS

The following pages provide a brief description of the physical environmental resources that exist within the area affected by the proposed project and an analysis of whether or not those resources will be potentially impacted by the proposed project. Preparation of this section follows guidance provided in DTSC's California Environmental Quality Act Initial Study Workbook [Workbook]. A list of references used to support the following discussion and analysis are contained in Attachment A and are referenced within each section below.

Mitigation measures which are made a part of the project (e.g.: permit condition) or which are required under a separate Mitigation Measure Monitoring or Reporting Plan which either avoid or reduce impacts to a level of insignificance are identified in the analysis within each section.

1. Aesthetics

Project activities likely to create an impact.

None

Description of Environmental Setting:

The Project site is currently fully developed with numerous buildings and minimal landscaping. The only public view of the Project site is from Coleman Avenue. The current buildings and landscaping will not be altered by the Project activities; therefore, the existing visual character or quality of the Project site and its surroundings will not be degraded. The Project site does not contain a scenic vista, historic buildings, or rock outcroppings. As can be viewed on the Caltrans website, the site is not located adjacent to a state

scenic highway. The Project activities will not create a new source of substantial light or glare. No further analysis is determined necessary.

Specific References:

Map of Santa Clara County Scenic Highways on Caltrans website on scenic highways:
http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm.

Findings of Significance:

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

2. Agricultural Resources

Project activities likely to create an impact:

None

Description of Environmental Setting:

The Project site is not located on or in proximity to Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland). The Project site is zoned combined industrial/commercial by the City of San Jose and Santa Clara County General Plans. As shown on the Santa Clara County Williamson Act Lands 2004 figure on the Department of Conservation website, no lands under the Williamson Act are in the vicinity of the Project site. The Project activities will not alter the existing environment and the Project site is not in proximity to Farmland; therefore, no conversion of Farmland to non-agriculture uses will result from the Project activities. No further analysis is determined necessary.

Specific References:

City of San Jose, 2003. Final Environmental Impact Report. FMC/Coleman Avenue Planned Development Rezoning (PDC98-104). SCH#1999122059. September.

DTSC, 1999. Special Initial Study for Approval of an Interim Measures Workplan. California Environmental Quality Work. July.

Santa Clara County Williamson Act Lands 2004 figure on Department of Conservation website:
ftp://ftp.consrv.ca.gov/pub/dlrp/wa/Map%20and%20PDF/Santa%20Clara/santa%20clara%20wa%2004_05%20COE%20SP.pdf.

Findings of Significance:

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

3. Air Quality

Project activities likely to create an impact:

None

Description of Environmental Setting:

The Project site is located in the City of San Jose, Santa Clara County within the boundaries of the San Francisco Bay Area Air Basin. The climate in this area is a mild, semi-arid Mediterranean-type climate, with average annual precipitation of 18 inches. Temperatures in this area are generally mild, and the prevailing winds are to the north-northwest.

The Bay Area Air Quality Management District (BAAQMD) is the regional agency responsible for regulating stationary source emissions in the Bay Area. The BAAQMD's primary responsibility is to meet and maintain the federal and state ambient air quality standards in the Bay Area. The BAAQMD is actively engaged in implementing region-wide programs intended to achieve and maintain attainment with federal and state standards for six ambient air pollutants. These ambient pollutants include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, particulate matter (PM₁₀), and PM_{2.5}. The BAAQMD operates a network of permanent monitoring sites throughout the Bay Area. The monitoring site closest to the Project site is on Fourth Street in downtown San Jose, about two miles east of the Project site. Previous studies have indicated that the air quality at this monitoring site exceeded state standards for ozone and PM₁₀, which are considered regional pollutants.

Although a National Pollutant Discharge Elimination System (NPDES) permit is required for the Project, a BAAQMD permit is not required. No air emissions are produced by Project activities (the operation and maintenance of the groundwater extraction and treatment system).

Analysis of Potential Impacts. Describe to what extent project activities would:

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

There are no air emissions produced by the Project. The Project does not require a BAAQMD permit. Therefore, the Project will not conflict with or obstruct any air quality plan.

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

The Project does not require a BAAQMD permit. Therefore, the Project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation.

- 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).

The Project will not emit ambient pollutants, such as ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, particulate matter (PM₁₀), and PM_{2.5}. Therefore, the Project will not result in a 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.

- d. Expose sensitive receptors to substantial pollutant concentrations.

The nearest sensitive receptors to the Project site would be the existing residential neighborhood located approximately 3,000 feet to the southeast on Newhall Street. Based on responses to items a. and b. above, the Project will not expose these sensitive receptors.

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

No odor will be created by the Project. Therefore, the Project will not create objectionable odors affecting a substantial number of people.

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

The Project already exists, and thus would not undergo any construction and expose persons to any Naturally Occurring Asbestos.

Specific References:

City of San Jose, 2003. Final Environmental Impact Report. FMC/Coleman Avenue Planned Development Rezoning (PDC98-104). SCH#1999122059. September.

Findings of Significance:

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

4. Biological Resources

Project activities likely to create an impact.

None

Description of Environmental Setting:

The Project site is located in a long-established developed portion of the City of San Jose with the San Jose International Airport to the north and the Union Pacific Railyard to the south. Most of the land surface on the Project site as well as the surrounding region is paved. The developed (i.e., landscaped) and ruderal (i.e., weedy) habitat within the Central Plant Area supports animal species typically associated with disturbed urban areas (e.g., house sparrow, starling, mice).

During the course of the RFI and in conjunction with the preparation of the Final Environmental Impact Report (EIR) for the 1125 Coleman Avenue Facility (i.e., both the Central Plant Area and the adjacent Test Track Area), ecological resources of concern specific to the Facility were identified and evaluated. This assessment, initially implemented for the Test Track Area, and which is also directly relevant to the Central Plant Area, was approved by DTSC on October 23, 2001 as part of the Test Track Area RCRA Facility Investigation Report. This ecological resources assessment included the identification of potential ecological receptors, specifically special status plants and special status animals based on the Final EIR. Special status plant and animal species include federal and California listed threatened and endangered species, federal and state proposed or candidate threatened or endangered species, California fully protected species, and species that may be considered endangered or rare under Section 15380(d) of the CEQA.

Special status plant species reported in the Santa Clara Valley are found in natural communities associated with serpentine grasslands and valley foothill grasslands. These natural communities are not found within the Central Plant Area. No special status plants or potentially suitable habitat for these species were observed in the Central Plant Area.

The majority of special status animals occurring in the Santa Clara Valley breed and forage in habitat types not present in the Central Plant Area. Habitats absent from the Central Plant Area include freshwater marsh, freshwater ponds with emergent vegetation, salt marsh, and serpentine soils. The Central Plant Area does not provide suitable habitat for several special status species found in the Santa Clara Valley including the vernal pool tadpole shrimp, California red-legged frog, California

tiger salamander, California clapper rail, or the Salt-marsh Harvest Mouse. Several special status birds may occasionally forage on the ruderal areas of the Central Plant Area, but not breed on it. These include the American Peregrine Falcon (*Falco peregrinus anatum*), California Horned Lark (*Eremophila alpestris actia*), Loggerhead Shrike (*Lanius ludovicianus*), Northern harrier (*Circus cyaneus*), sharp-shinned hawk (*Accipiter striatus*), Cooper's hawk (*Accipiter cooperi*), and white-tailed kite (*Elanus caeruleus*). No suitable habitat exists to support resident or breeding populations of these species.

Eleven species of birds and three species of bats were identified as special status animals that have been known, historically or currently, to be present via migration through or foraging in the vicinity of the 1125 Coleman Avenue Facility. Only one species, the Burrowing Owl (*Speotyto cunicularia*), has been observed to have occupied portions of and to have breeding habitat in the Test Track Area. Surveys for Burrowing Owls were conducted in the Test Track Area in May 1997, 1997, November 1999, May 2000, and May 2002 by H.T. Harvey and Associates. The Test Track Area was inspected for owls, potential nesting burrows, and secondary evidence of their presence (e.g., feathers, droppings, prey remains, and cast pellets). Three pairs of owls were observed on the Test Track Area in 1997, two pairs in both 1998 and 1999, and one pair on 2000. Surveys were not conducted in 2001. During the protocol level survey conducted over three days on May 2002, no Burrowing Owls or signs of their presence were observed. Unlike the Test Track Area, with large undeveloped areas, Burrowing Owls have not been identified as inhabiting the Central Plant Area. The portion of the Test Track Area with the observed Burrowing Owl activity is located more than 1,000 feet from the border with the Central Plant Area.

With reimbursement from FMC, DTSC will pay the Department of Fish and Game Notice of Determination filing fee of \$1,200 required pursuant to Section 711.4 of the Fish and Game Code in lieu of satisfying the requirements of Finding of De Minimis Impact to fish, wildlife, and habitat. Based on information currently available from the previous studies summarized above, and taking into consideration the payment of the filling fee, the Project will not pose any threat to biological resources.

Analysis of Potential Impacts. Describe to what extent 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.

No special status plants or potentially suitable habitat for special status animals were observed in the Central Plant Area. Only one species identified as a special status animal, the Burrowing Owl (*Speotyto cunicularia*), has been observed in the adjacent Test Track Area. However, Burrowing Owls have not been identified as inhabiting the more completely developed Central Plant Area. Project activities will not remove any foraging habitat for Burrowing Owls or result in the destruction of any burrows. Based on this information, the Project will not 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.

- 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.

The Project does not contain riparian habitat or support sensitive natural communities. No impact will occur as these resources are not present.

- 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.

There is no marsh, vernal pool, or wetlands on the Project site. No impact will occur as these resources are not present.

- 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.

No migration routes or corridors will be disturbed by the Project. The Project site is not a native wildlife nursery site.

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

The Project will not conflict with local applicable policies protecting biological resources, including the City of San Jose Tree Removal Controls (San Jose Civil Code, Sections 13.31.010 to 13.32.100). The Project will not lead to the removal of any trees and will not disturb areas subject to local policies protecting biological resources.

- 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.

The Project site is not located within the boundaries of a Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, no impact would occur.

Specific References:

City of San Jose, 2003. Final Environmental Impact Report. FMC/Coleman Avenue Planned Development Rezoning (PDC98-104). SCH#1999122059. September.

DTSC, 1999. Special Initial Study for Approval of an Interim Measures Workplan. California Environmental Quality Work. July.

DTSC, 2001. DTSC approval of the Test Track Area RFI Report. October 23.

Malcolm Pirnie, 2001. Test Track Area RFI Report. Prepared by Malcolm Pirnie for FMC. October 15.

Malcolm Pirnie, 2005. Corrective Measures Study Report – Central Plant Area. Prepared by Malcolm Pirnie for FMC. September 22.

Findings of Significance:

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

5. Cultural Resources

Project activities likely to create an impact:

None

Description of Environmental Setting:

The Project site is located in an archaeologically sensitive area. One large prehistoric archaeological site, CA-SCL-430 extends to within about 100 feet of the northern FMC property boundary. The proximity of the original channel of the Guadalupe River suggests there is the potential for a buried archaeological site on the Project site. However, the potential for paleontological remains in the Project area is low because the sediments are of relatively recent origin.

An archaeological study was performed by Basin Research and Associates, Consulting Archaeologists, in May 1997. The study included an archival search and reconnaissance-level surface survey. A historic structure inventory was completed for the FMC site by Ward Hill, Architectural Historian in March 2002.

The cultural history of the San Jose area is marked by four distinct periods beginning with occupation by Native Americans during the prehistoric period. Areas near the Guadalupe River in the Santa Clara Valley were occupied for hundreds of years by Native Americans. The Project area is located approximately one-half mile southwest of the Guadalupe River; therefore, it is likely that the area provided a favorable environment for aboriginal populations. Occupation in the area dates from the Early Horizon (3000-500 BC) to Late Horizon (AD 1800) with many of the sites having multiple occupations through time. Numerous prehistoric recorded sites within several miles of the Project site are associated with small and large villages, some of which have yielded Native American burials. Little is known about these early villages because the Native American population quickly declined by 1810 due to reintroduced diseases, a declining birthrate, and the impact of the mission system as European settlers moved into the region.

The prehistoric period was followed by Spanish-colonial contact and settlement during the late 18th century. With the collapse of the Spanish-colonial Empire during the early 19th century, Mexico assumed control of the region. During the Mexican Period, the Project site was situated within Rancho El Porero de Santa Clara (St. Cares colt or horse Pasteur). No structures of the Hispanic Period are known to have been constructed on the Project site. It is likely that the land was used for stock grazing. In the mid-19th century, the United States gained sovereignty over the region and this event was soon followed by an onrush of American settlers whose presence would forever change the character of the region. In the mid-1800s the majority of the rancho and pueblo lands and some of the ungranted land in California were subdivided as the result of population growth, the American takeover, and the confirmation of property titles. Growth of the population is attributable to the Gold Rush and the completion of the transcontinental railroad.

Commodore Robert Stockton purchased property including the Project site in 1847 from James Alexander Forbes. Stockton is credited with four major contributions to the area, including "The Alameda Gardens" subdivision, the importation of nursery stock from the East Coast, the first successful introduction of the honeybee to California (State Landmark 945, on the adjacent San Jose International Airport property), and the introduction of pre-fabricated houses into the area.

By 1866, Charles and Kate McLaughlin owned the property including the Project site. McLaughlin was notable as the "stagecoach king" and for his later involvement with railroads. He controlled nearly all the Coast line stages of the overland Mail Company originating from San Francisco. McLaughlin was the contractor for the San Francisco and San Jose Railroad company, and later was involved with the Western Pacific. As part of the Western Pacific franchise transfer to the Central Pacific, McLaughlin was reassigned the Central Pacific land grants. These so-called "railroad lands" made him the most prominent land owner in the county.

No American Period buildings or features were present in the Project area in 1866. By 1876, the Project site was part of a 687-acre parcel owned by Kate McLaughlin. One residential structure was located within the present Project site. According to a review of the USGS topographic map series it appears that this structure was removed by 1899 and the Project area remained undeveloped through 1943. The property was sold to the City of San Jose between 1941 and 1943 for the future San Jose Airport. Around 1948, 167 acres were purchased by FMC.

According to Ward Hill, Architectural Historian, the armored vehicle factory (Plant 2/3) currently located on the Project site pre-dates 1956.

Analysis of Potential Impacts. Describe to what extent project activities would:

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

The pre-1956 building noted above was evaluated in accordance with Section 15064.5(a) (2-3) of the CEQA guidelines. The structure was not found to be a historical resource for the purposes of CEQA.

No prehistoric, historic, or architectural resources have been identified within or immediately adjacent to the Project site. No surface or subsurface evidence of significant prehistoric and historic archaeological resources or architectural features was observed on-site. No evidence of the ca 1876 McLaughlin structure was observed on-site.

In addition, Project activities will not include the disturbance of any potentially present above or below ground historical resources. Therefore, the Project will not result in the loss of historic resources.

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

The Project site is considered to be in an archaeologically sensitive area based on the proximity of a known prehistoric site and of the Guadalupe River, which was heavily populated in prehistoric and ethno historic times. However, no archeological resources have been identified within or immediately adjacent to the Project site. In addition, Project activities will not include the disturbance of any potentially present above or below ground archeological resources. Therefore, the Project will not result in the loss of archaeological resources.

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

No paleontological resources or unique geologic features are known to exist on the Project site. In addition, Project activities will not include the disturbance of any potentially present paleontological resources or unique geologic features. Therefore, the Project will not result in the loss of archaeological resources.

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

Project activities will not include the disturbance of soil, so human remains will not be uncovered. However, if human remains are discovered, the Native American Heritage Commission will be contacted for reference to a Most Likely descendant, and the recommendation of that individual with respect to treatment and deposition of the remains will be sought.

Specific References:

City of San Jose, 2003. Final Environmental Impact Report. FMC/Coleman Avenue Planned Development Rezoning (PDC98-104). SCH#1999122059. September.

DTSC, 1999. Special Initial Study for Approval of an Interim Measures Workplan. California Environmental Quality Work. July.

Findings of Significance:

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

6. Geology and Soils

Project activities likely to create an impact:

None

Description of Environmental Setting:

The Project site is essentially flat with very low relief. The subsurface stratigraphy at the Project site consists of about 20 feet of silty clay underlain by interbedded sands and clays to the investigation depth of 100 feet below ground surface.

The Project site is located in the seismically-active San Francisco Bay region. Earthquakes in this region are dominated by activity on the San Andreas and related faults. No known faults cross the Project site. The nearest mapped faults are the questionable northern extension of the Piercy fault and Silver Creek fault, located approximately 4 miles to the southeast and approximately 3 miles to the east of the Project site, respectively. Other more distant faults include the Hayward fault approximately 5 miles to the northeast, the Monte Vista-Shannon fault approximately 5 miles to the southwest, the Calaveras fault approximately 9 miles to the northeast, and the San Andreas fault approximately 11.5 miles to the southwest. All of these faults, along with the southern Hayward fault, are potential sources of seismic activity, which could produce strong ground shaking at the Project site. The Project site is also located within the Seismic Hazard Zone for Liquefaction and the potential for liquefaction at the Project site is to be considered moderately high. In addition, the Project site is underlain by expansive soils, which may shrink or swell as a result of seasonal or man-made soil moisture content change.

Analysis of Potential Impacts.

There are no known active faults that traverse the Project site. As such, surface fault rupture is not expected. Because the Project site is located in a seismically active zone, the groundwater and extraction treatment system, and associated piping has been designed to avoid potential damage from strong seismic ground shaking, liquefaction, and expansive soils that will expose people or structures to potential substantial adverse effects. In addition, because the Project site is essentially flat and paved, it is not subject to landslides or soil erosion.

Specific References:

City of San Jose, 2003. Final Environmental Impact Report. FMC/Coleman Avenue Planned Development Rezoning (PDC98-104). SCH#1999122059. September.

Findings of Significance:

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

7. Hazards and Hazardous Materials

Project activities likely to create an impact.

Conveyance of extracted groundwater impacted with volatile organic compounds approximately 1,000 feet from the extraction wells to the treatment system in a standard buried utility trench. A second activity is the continued operation and maintenance of the groundwater treatment system.

Description of Environmental Setting:

The proposed Project will generate specific wastes requiring management. The locations of the extraction wells, conveyance piping trench, and treatment system are shown on Figure 3. Under normal operating conditions, the groundwater extraction and treatment system will generate the following wastes: filter bags, filter baskets, and sludge from the filtration unit; spent granular activated carbon (GAC) media from the GAC vessel; and GAC media from backwashing the GAC vessel.

Analysis of Potential Impacts. Describe to what extent project activities would:

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

Filter bags, filter basket, and sludge from the filtration unit, spent GAC media from the GAC vessel, and GAC media from backwashing the GAC vessel would be handled in accordance with applicable and appropriate storage, transport, and disposal requirements, including federal and state laws and regulations. These federal and state laws would pertain to the firm contracted to backwash the spent or used GAC from the GAC vessel and place fresh GAC into the vessel. Compliance with these laws and regulations would reduce potential hazardous waste impacts to a less than significant level to the public or the environment.

- 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.

Due to an upset condition or accident, untreated groundwater containing volatile organic compounds could be released due to a leak or rupture from the conveyance piping or the treatment system. Untreated extracted groundwater that could potentially leak from the treatment system would accumulate in the sump or would be contained by the secondary containment berm surrounding the treatment system, designed specifically for this purpose. Similarly, any leakage from the conveyance piping would be contained by the secondary containment constructed for the pipeline specifically for this purpose. Given the types and quantities of wastes generated by this activity, hazardous materials used would create a less than significant hazard to the public or the environment.

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

There is no school located within one-quarter mile of the Project site.

- 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.

The Project site is not included on the Cortese list (Government Code Section 65962.5). Therefore, it does not create a significant hazard to the public and the environment.

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

The groundwater extraction wells and conveyance piping are located underground. Only the treatment system, located on a ground-level 57-foot-by-30-foot pad is above ground. Therefore, the Project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan for a facility or facilities constructed in the 25-acre Central Plant Area.

Specific References:

DTSC, 1999. Special Initial Study for Approval of an Interim Measures Workplan. California Environmental Quality Work. July.

Malcolm Pirnie, 2002. Test Track Area North Boundary Groundwater Extraction and Treatment System. Operation and Maintenance Plan. September.

Findings of Significance:

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

8. Hydrology and Water Quality

Project activities likely to create an impact.

Discharge of extracted groundwater to the City of San Jose's storm drain system that does not meet the water quality (NPDES) permit conditions.

Description of Environmental Setting:

There are no waterways present on the Project site. The closest waterway to the Project site is the Guadalupe River located approximately one-half mile to the northeast. The Project site overlies the Santa Clara Groundwater Basin, which has an aerial extent of approximately 240 square miles. Depth to groundwater varies seasonally, generally located five to seven feet below ground surface. The primary purpose of this Project is to improve groundwater quality by pumping groundwater from extraction wells located along Coleman Avenue and conveying the extracted groundwater to an onsite treatment plant to remove volatile organic compounds. The treated groundwater is discharged to the City of San Jose's storm drain under a NPDES permit regulated by the San Francisco Regional Water Quality Control Board. The storm drain empties into the Guadalupe River. As required by the NPDES permit, water samples from the Guadalupe River are collected annually from a location immediately downstream of the storm drain outfall to the creek to confirm that no volatile organic compounds are detected.

Analysis of Potential Impacts. Describe to what extent project activities would:

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

The proposed Project will continue to remove volatile organic compounds from extracted groundwater, which will continue to improve groundwater quality. Treated groundwater from the treatment system will continue to be discharged to the City of San Jose storm drain in accordance with the NPDES permit. Water quality standards and/or discharge requirements would potentially be violated if GAC breakthrough were to occur. However, routine GAC breakthrough monitoring is performed for the express purpose of ensuring that the GAC is replaced or changed-out prior to breakthrough. This routine monitoring renders this potential impact to be less than significant.

- 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).

The proposed Project will continue to remove volatile organic compounds from extracted groundwater at a total rate of about 90 gallons per minute (gpm) from the nine operational extraction wells. The low extraction rate of 90 gpm will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge.

- 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.

The Project site is paved; therefore, it will not affect the existing drainage pattern in the Project area, or result in any erosion or siltation.

- 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.

The Project site is paved; therefore, it will not affect the existing drainage pattern in the Project area, or result in any surface runoff.

- 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.

The Project will continue to discharge treated groundwater from the treatment system to the City of San Jose storm drain under a NPDES permit. The low discharge rate of 90 gpm will not affect the capacity of the storm drain system. The treated groundwater discharge will meet the NPDES permit conditions, and therefore, will not be a source of polluted water to the storm drain system. Therefore, the Project will not contribute to runoff water other than what is permitted under the NPDES permit, and will not add a source of polluted runoff.

- f. Otherwise substantially degrade water quality.

The proposed Project will continue to remove volatile organic compounds from extracted groundwater, which will continue to improve groundwater quality. Therefore, it will not degrade water quality.

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

According to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRMs), the majority of the Project site is located outside of the 100-year floodplain, in Zone D

(Area of undetermined, but possible hazard). A very small portion (about one percent) of the Project site (portion of the landscaped area along Coleman Avenue) is located in Zone AO (areas of 100-year shallow flooding where depths are between one and three feet; average depths of inundation are shown but no flood hazard factors are determined). However, a separate large-scale flood control project, sponsored by the U.S. Army Corps of Engineers, on portions of the Guadalupe River to the west of the Project site is nearly completed and following its completion, it is expected that no portion of the Project site will be within the 100-year floodplain. Therefore, the Project will not impede or redirect flood flows.

- 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.

Based on comments in (g) above, the Project will not 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.

- i. Inundation by seiche, tsunami or mudflow.

The Project site is located in a generally flat area approximately nine miles southeast of the southernmost extension of San Francisco Bay. Inundation by seiche, tsunami, or mudflow is unlikely to occur.

Specific References:

City of San Jose, 2003. Final Environmental Impact Report. FMC/Coleman Avenue Planned Development Rezoning (PDC98-104). SCH#1999122059. September.

Malcolm Pirnie, 2001. Test Track Area RFI Report. Prepared by Malcolm Pirnie for FMC. October 15.

Findings of Significance:

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

9. Land Use and Planning

Project activities likely to create an impact.

Physical presence of the 10 groundwater extraction wells, approximately 1,000 feet of conveyance piping in a standard buried utility trench, the groundwater treatment system, and the monitoring wells sampled periodically in accordance with the groundwater monitoring plan approved by the DTSC. Specific restriction on land use for the Project site will be defined in deed restrictions implemented through land use covenant regulations of the DTSC.

Description of Environmental Setting:

The Project site is located in the Santa Clara Valley, situated near the southern end of the San Francisco Bay within the City of San Jose. The Santa Clara Valley was historically used for agricultural production. Today, the Santa Clara Valley consists largely of urban development due, in part, to the establishment and growth of the electronics industry. According to the City of San Jose Zoning Maps (as can be viewed on their website), the Project site is located in an area that includes commercial, industrial, and residential land uses. Land adjacent to the Project site is used mainly for industrial or commercial purposes; the only

residential area is located along Newhall Street. The proposed City of San Jose Plan designation for the Project site is combined industrial/commercial, such as office/research and development, hotel, car rental facilities, and retail uses.

The Central Plant Area groundwater extraction and treatment system facilities (i.e., extraction wells, conveyance piping and treatment system) are shown on Figure 3.

Analysis of Potential Impacts. Describe to what extent 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.

Future land use and planning will require that the extraction well vaults, constructed at ground surface for each of the 10 extraction wells, remain accessible for routine operation and maintenance (O&M) tasks such as servicing the submersible pumps in each well and rehabilitating/cleaning the well, if needed. When the DTSC determines that groundwater extraction is no longer necessary, the wells will be decommissioned, typically by removing the well casing with a drill rig. The conveyance piping from the wellheads to the treatment plant is buried in a standard shallow utility trench. Land use and planning should also leave the trench accessible for routine O&M tasks and eventual removal. The treatment system contains numerous components constructed on a concrete pad enclosed within covered cyclone fencing. Land use and planning will need to accommodate for access to the treatment system for routine O&M activities as well as eventual removal. Access to the groundwater monitoring wells must also be maintained to allow for periodic sampling. The deed restrictions may include other land use controls. Considering these land use planning issues, the Project site will have a less than significant impact on land use and planning.

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

The Project site is not located within the boundaries of a habitat conservation plan or natural community conservation. Therefore, no impact would occur.

Specific References:

City of San Jose Zoning Map Number 66:

<http://www.sanjoseca.gov/planning/zonemap/images/maps/zone066.pdf>

City of San Jose, 2003. Final Environmental Impact Report. FMC/Coleman Avenue Planned Development Rezoning (PDC98-104). SCH#1999122059. September.

Malcolm Pirnie, 2005. Corrective Measures Study Report – Central Plant Area. Prepared by Malcolm Pirnie for FMC. September.

Findings of Significance:

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

10. Mineral Resources

Project activities likely to create an impact:

None

Description of Environmental Setting:

The Project activities will not involve the disturbance or loss of any mineral resources; therefore, no further analysis is determined necessary.

Findings of Significance:

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

11. Noise

Project activities likely to create an impact:

None

Description of Environmental Setting:

The Project site is located in an area zoned for combined industrial/commercial uses across Coleman Avenue from the San Jose International Airport. Ambient noise sources that affect the baseline noise level of the area include:

- Vehicle traffic on Coleman Avenue (average noise level measured at 66.5 decibels);
- Aircraft noise from the Norman Y. Mineta San Jose International Airport (typical noise levels of jet aircraft landings and takeoffs are approximately 75 decibels); and
- Railroad noise from the Union Pacific Railroad tracks adjacent to the southern Project site boundary.

The nearest noise-sensitive residences to the Project activities are located approximately 3,000 feet away on Newhall Street to the south.

Noise sources emanating from Project activities are the operation of the groundwater treatment system due mainly to small pumps. A minimal additional source of noise is generated from the vehicle traffic needed for Project activities. The noise levels produced by Project activities are significantly lower than the ambient noise and will not exceed any regulatory limits. Noise-sensitive receptors located on Newhall Street will not be impacted by the Project activities due to the minimal noise generated and, particularly, by the high ambient noise levels associated with Coleman Avenue, the San Jose International Airport, and Highway 880. Therefore, Project activities will not impact noise levels. No further analysis is determined necessary.

Specific References:

City of San Jose, 2003. Final Environmental Impact Report. FMC/Coleman Avenue Planned Development Rezoning (PDC98-104). SCH#1999122059. September.

Findings of Significance:

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

12. Population and Housing

Project activities likely to create an impact:

None

Description of Environmental Setting:

The Project does not include new businesses, housing, infrastructure development, or in any way induce any population growth in the area, directly or indirectly. It will not displace existing population or housing. Therefore, no further analysis is determined necessary.

Findings of Significance:

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

13. Public Services

Project activities likely to create an impact:

None

Description of Environmental Setting:

Following DTSC's approval of the CMS Report, FMC will prepare and submit to DTSC for approval the Corrective Measures Implementation (CMI) Plan. The CMI Plan will contain separate plans for the O&M of the groundwater extraction and treatment system as well as a Health and Safety Plan. The CMI Plan will be substantially similar to the CMI Plan approved for the Test Track Area groundwater extraction and treatment system by the DTSC. With this expectation, the following information is provided.

FMC will remain responsible for the O&M of the groundwater extraction and treatment system, including any unscheduled system shutdowns. An example of an unscheduled shutdown would be due to an electrical power loss. In the event of an emergency, power to the entire treatment system can be stopped using the main switch breaker located in the area of the system control boxes

Analysis of Potential Impacts. Describe to what extent 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
In the event of a fire that cannot be controlled by operators using the fire extinguisher located behind the control boxes, the City of San Jose Fire Department will be contacted. However, even in this instance, the fire will not increase the number of firemen needed in the local fire department and will not alter this service.
 - Police protection
The Project site is currently fenced and locked. In the event of a robbery or vandalism, the City of San Jose Police Department will be contacted. However, such an event will not increase the number of policemen needed in the local police department and will not alter this service.

- Schools

The Project will not cause the population to increase in the City of San Jose; therefore, it will not increase the need for more schools.

- Parks

The Project will not cause the population to increase in the City of San Jose; therefore, it will not increase the need for more parks and recreation areas.

- Other public facilities

The Project will not cause the population to increase in the City of San Jose; therefore, it will not increase the need for other public facilities to be increased or created in order to accommodate more people.

Specific References:

Malcolm Pirnie, 2002. Test Track Area North Boundary Groundwater Extraction and Treatment System. Operation and Maintenance Plan. September.

Findings of Significance:

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

14. Recreation

Project activities likely to create an impact:

None

Description of Environmental Setting:

The Project activities will not cause a change in site use; therefore, they will not increase the use of existing neighborhood and regional parks or other recreational facilities. The project activities will not include creation of recreational facilities or require construction or expansion of recreational facilities. Therefore, no further analysis is determined necessary.

Findings of Significance:

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

15. Transportation and Traffic

Project activities likely to create an impact:

- One automobile will travel to the Project site daily from San Jose for on-site security.
- One passenger truck will travel to the Project site from Contra Costa County one day per week for regular maintenance of the groundwater extraction and treatment system.

- One passenger truck will travel to the Project site from Contra Costa County for 10 days straight in April and October for semi-annual groundwater monitoring.
- One flatbed truck with gated sides will travel to the Project site from Alameda County one day every two months for removal of hazardous waste (GAC change-out) as part of the routine O&M of the groundwater treatment system.

Description of Environmental Setting:

Regional access to the Project site is via Interstate 880. Local access is provided by Coleman Avenue to the northeast and Brokaw Road to the west.

The passenger truck and automobile traffic will enter and exit the Project site from both Gate 1 and Gate 2 (see Figure 3). The flatbed truck will enter and exit the Project site at Gate 2. After exiting Gate 2, the flatbed truck carrying contaminated GAC will travel eastbound along Coleman Avenue, enter Interstate 880 and travel southbound. The flatbed truck will be operated by a licensed hazardous waste hauler who will comply with transportation requirements and regulation for the transportation of specific types of hazardous wastes. If an accident were to occur and the contents of the truck were to be released, the impacts of the spill would be limited to the immediate area since the contents (GAC) are solid and would not migrate or spread to any significant extent.

Analysis of Potential Impacts. Describe to what extent 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).

The Project activities would result in the addition of 1-2 vehicles per day as detailed above to normal traffic flow. This extremely small amount is not substantial in relation to existing traffic load and capacity of on Coleman Avenue or Interstate 880.

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

The Project activities would include the addition of only 1-2 vehicles, which will not exceed a level of service standard established by the county congestion management agency for designated roads or highways.

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

The Project activities will not necessitate any design feature changes or incompatible uses. The flatbed truck and other vehicles will use the standard center divide turning lane while awaiting a break in traffic sufficient to make a left hand turn to enter the Project site (if crossing traffic on Coleman Avenue).

- d. Result in inadequate emergency access.

The Project site currently has adequate emergency access. Project activities will not block access to emergency access.

- e. Result in inadequate parking capacity.

Substantial parking is available at the Project site, well in excess of current use. Project activities will not result in inadequate parking capacity.

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

There is a bus stop along Coleman Avenue immediately west of Gate 1 near the Project site. Project activities will not conflict with adopted policies, plans, or programs supporting alternative transportation.

Findings of Significance:

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

16. Utilities and Service Systems

Project activities likely to create an impact:

None

Description of Environmental Setting:

- A small amount of electricity is needed for the Project. Electricity is provided by PG&E.
- A NPDES permit allows the treated groundwater to be discharged to the City of San Jose's storm drain. A 15-inch storm drain is located in Coleman Avenue and branches to the north under Coleman Avenue. The storm drain empties into the Guadalupe River located approximately one-half mile northeast of the Project site.
- Other utilities servicing the Project site include: (1) water supply (potable water and recycled water) served by the San Jose Water Company; (2) communications by SBC; (3) domestic wastewater treatment by the San Jose/Santa Clara Water Pollution Control Plant.
- The Project activities will not generate solid waste. However, solid waste collection services for the Project site are provided by a number of non-exclusive service providers and any waste pickup may be disposed at four privately-owned landfills in San Jose.

Analysis of Potential Impacts. Describe to what extent project activities would:

The Project requires electricity, water, permitted discharge to the storm drain, and waste disposal services for used GAC (handled privately as described above). However, no impact on agencies providing utility services is anticipated or will result in new utility systems or alter existing ones. No further analysis is determined necessary.

Specific References:

City of San Jose, 2003. Final Environmental Impact Report. FMC/Coleman Avenue Planned Development Rezoning (PDC98-104). SCH#1999122059. September.

Findings of Significance:

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

17. Mandatory Findings of Significance

Analysis of Potential Impacts. Describe to what extent project activities would:

- a. 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.

The Project would have a beneficial effect on the quality of the environment by removing volatile organic compounds from groundwater at the Project site. The Project site is located in a long-established developed area in the City of San Jose. Most of the land surface in the region is paved. The developed (i.e., landscaped) and ruderal (i.e., weedy) habitat within the Central Plant Area supports animal species typically associated with disturbed urban areas (e.g., house sparrow, starling, mice). As mentioned in environmental factor #4, Biological Resources, Burrowing Owls were observed in the Test Track Area in the past, but not in the Central Plant Area. There are no wildlife habitat areas such as an aquatic environment, wetlands, or undeveloped habitats supporting any fish species or animal life within the Project site. Therefore, no habitat areas will be displaced and there will be no impact on wildlife habitat.

- b. 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.

Although less than significant individual impacts have the potential to occur during the Project, the potential impacts will not contribute to a cumulative effect. The Project will only create less than significant impacts during the implementation process and will not effect or be effected by past and future projects.

- c. Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

The Project will have a positive effect on humans by removing volatile organic compounds from the groundwater at the Project site. In addition, the Project will have no impact on air quality. Therefore, the Project will have no direct or indirect environmental effects that will cause substantial adverse effects on human beings.

Findings of Significance:

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

V. FINDING OF DE MINIMIS IMPACT TO FISH, WILDLIFE AND HABITAT (Optional)

Prepared only if a Finding of De Minimis Impact to fish, wildlife and habitat is proposed in lieu of payment of the Department of Fish and Game Notice of Determination filing fee required pursuant to section 711.4 of the Fish and Game Code.

Instructions

A finding of “no potential adverse effect” must be made to satisfy the requirements for the Finding of De Minimis Impact as required by title 14, California Code of Regulations, section 753.5. “No potential adverse effect” is a higher standard than “no significant impact” and the information requested to provide substantial evidence in support of a “no potential adverse effect” is not identical in either its standard or content to that in other parts of the Initial Study.

In the *Explanation and Supporting Evidence* section below, provide substantial evidence as to how the project will have **no potential adverse effect** on the following resources:

- a) Riparian land, rivers, streams, watercourse, and wetlands under state and federal jurisdiction.
- b) Native and non-native plant life and the soil required to sustain habitat for fish and wildlife.
- c) Rare and unique plant life and ecological community's dependent on plant life.
- d) Listed threatened and endangered plant and animals and the habitat in which they are believed to reside.
- e) All species of plant or animals as listed as protected or identified for special management in the Fish and Game Code, the Public Resources Code, the Water Code, or regulation adopted there under.
- f) All marine and terrestrial species subject to the jurisdiction of the Department of Fish and Game and the ecological communities in which they reside.
- g) All air and water resources the degradation of which will individually or cumulatively result in a loss of biological diversity among the plants and animals residing in that air and water.

Explanation and Supporting Evidence

(Note: *Relevant portions of the Initial Study may be referenced where appropriate*)

Finding

Based on the explanation and supporting evidence provided above, DTSC finds that the project will have no potential for adverse effect, either individually or cumulatively on fish and wildlife, or the habitat on which it depends, as defined by section 711.2 of the Fish and Game Code.

VI. DETERMINATION OF APPROPRIATE ENVIRONMENTAL DOCUMENT

On the basis of this Initial Study:

- I find that the proposed project COULD NOT have a significant effect on the environment. A NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, 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 DECLARATION will be prepared.
- I find that the proposed project MAY HAVE a significant effect on the environment. An ENVIRONMENTAL IMPACT REPORT will be prepared.

<hr/>		<hr/>
DTSC Project Manager Signature		Date
<hr/>	Hazardous Substances Engineer	<hr/>
Andrew Berna-Hicks, P.E.	DTSC Project Manager Title	(510) 540-3956
DTSC Project Manager		Phone #

<hr/>		<hr/>
DTSC Branch/Unit Chief Signature		Date
<hr/>	Chief, Standardized Permitting and Corrective Action Branch	<hr/>
Mohinder S. Sandhu, P.E.	DTSC Branch Chief Title	(916) 255-3716
DTSC Branch/Unit Chief		Phone #

ATTACHMENT A
INITIAL STUDY REFERENCE LIST

For

FMC Final Corrective Measures Study Report Project
(Project Name)

City of San Jose, 2003. Final Environmental Impact Report. FMC/Coleman Avenue Planned Development Rezoning (PDC98-104). SCH#1999122059. September.

City of San Jose Zoning Map Number 66:
<http://www.sanjoseca.gov/planning/zonemap/images/maps/zone066.pdf>.

DTSC, 1999. Special Initial Study for Approval of an Interim Measures Workplan. California Environmental Quality Work. July.

DTSC, 2001. DTSC approval of the Test Track Area RFI Report. October 23.

Malcolm Pirnie, 2001. Test Track Area RFI Report. Prepared by Malcolm Pirnie for FMC. October 15.

Malcolm Pirnie, 2002. Test Track Area North Boundary Groundwater Extraction and Treatment System. Operation and Maintenance Plan. September.

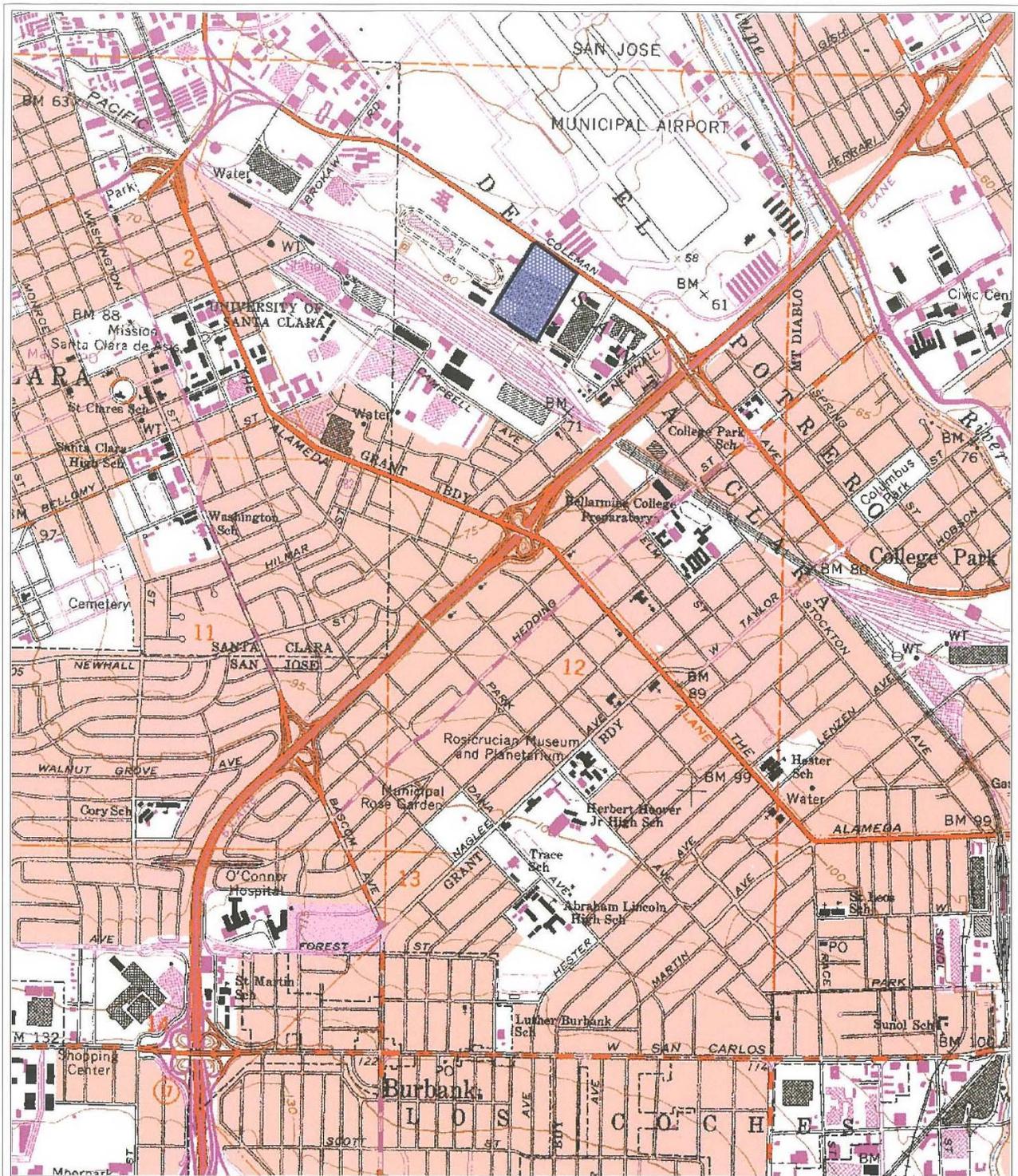
Malcolm Pirnie, 2005. Corrective Measures Study Report – Central Plant Area. Prepared by Malcolm Pirnie for FMC. September 22.

Map of Santa Clara County Scenic Highways on Caltrans website on scenic highways:
http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm.

Santa Clara County Williamson Act Lands 2004 figure on Department of Conservation website:
ftp://ftp.consrv.ca.gov/pub/dlrp/wa/Map%20and%20PDF/Santa%20Clara/santa%20clara%20wa%202004_05%20COE%20SP.pdf.



Map Document: (P:\3917\003\GIS\MXD\CEQA_figure1.mxd)



P:\3917\003\gis\cpa_rf_general.apr_SiteLocation

Legend

 Central Plant Area Location



0  3500 Feet

**MALCOLM
 PIRNIE**

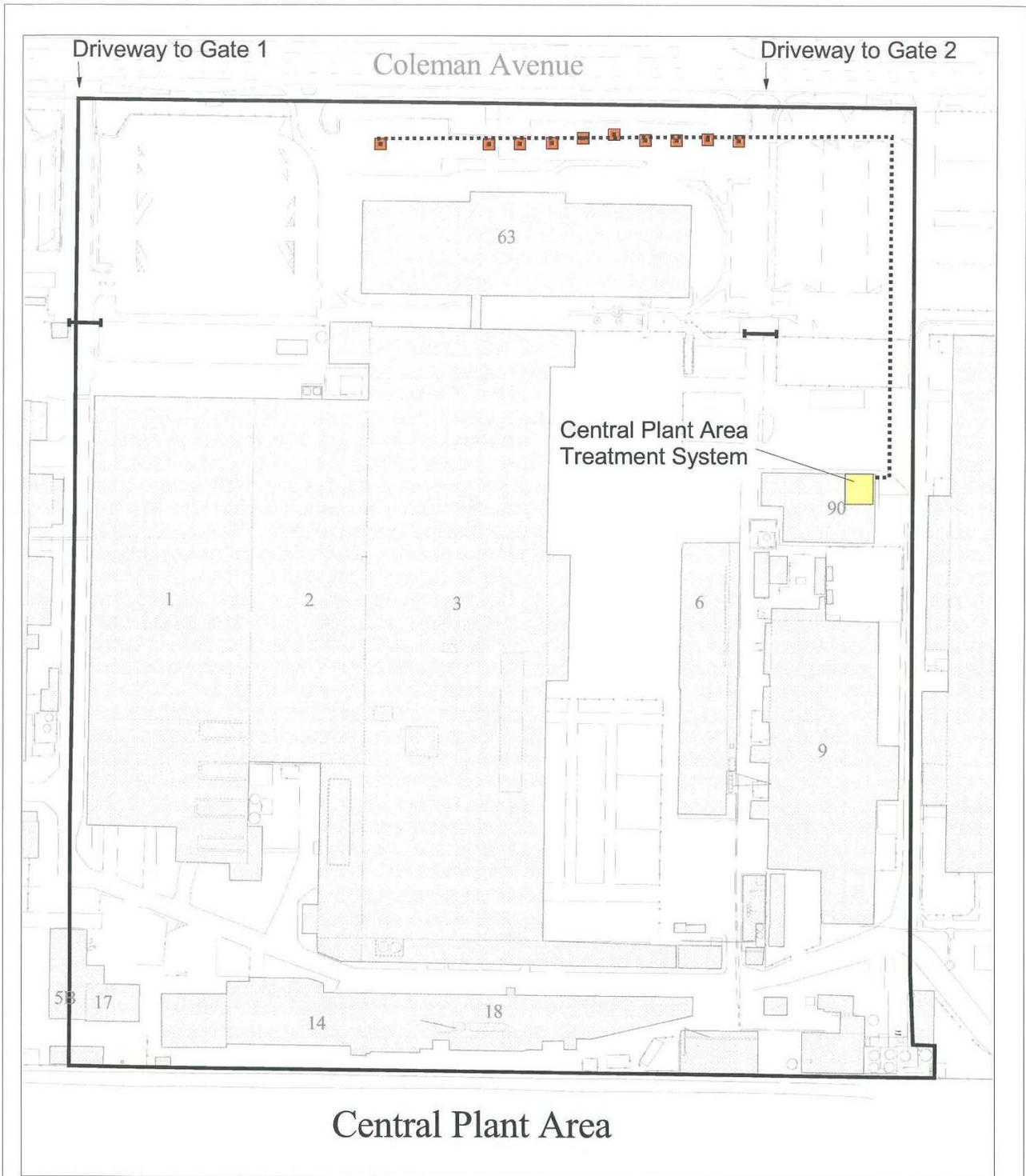
FMC

1125 Coleman Avenue
 San Jose, California

Vicinity Location Map
 Central Plant Area
 CEQA Initial Study

Figure 2

January 2006



P:\3917\003\gjs\ceqa_report\2005.apr_Unil Locations

Legend

- Central Plant Area Boundary
- Building
- Extraction Well
- Conveyance Piping
- Treatment System
- Entrance Gate



80 0 80 160 Feet



1125 Coleman Avenue
 San Jose, California

Project Site Layout
 Central Plant Area
 CEQA Initial Study

Figure 3

January 2006