



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control

Maureen F. Gorsen, Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Arnold Schwarzenegger
Governor

Response to Comments
(December 20, 2006)

REMEDY SELECTION AND CORRECTIVE MEASURES STUDY REPORT

Redevelopment Property
Hitachi Global Storage Technologies (GST), Inc.
5600 Cottle Road
San Jose, California 95193
EPA Id. No. CAR000128793

Background

Public Participation Activities:

The Department of Toxic Substances Control (DTSC) issued the public notice for the remedy selection and Corrective Measures Study (CMS) Report for the Redevelopment Property on September 8, 2006. A display advertisement was placed in the San Jose Mercury News on September 8, 2006, announcing the public comment period and public hearing. A fact sheet with information about the project and public participation activities was mailed to approximately 6,900 addresses on the facility mailing list. Document repositories were set up at the Santa Teresa Library in San Jose and at the DTSC office in Berkeley. On October 12, 2006, a public hearing was held at the Southside Community Center located at 5585 Cottle Road in San Jose. Eight members of the public attended the public hearing and two people provided comments. These comments are listed in this Response to Comments document. The public comment period was from September 8, 2006, through October 23, 2006. No written comments were received.

California Environmental Quality Act (CEQA):

The City of San Jose prepared an Environmental Impact Report (EIR) for the proposed redevelopment of the Redevelopment Property and certified the EIR on June 6, 2005. DTSC prepared a Responsible Agency checklist to evaluate whether the EIR adequately evaluated potential impacts from implementation of the selected remedy. DTSC determined that the EIR adequately evaluated potential impacts from the

selected remedy described in the CMS Report. DTSC prepared a Statement of Findings and filed a Notice of Determination with the State Clearinghouse, Office of Planning and Research.

Comments Received and Responses to Comments

The following comments were received during the public hearing on October 12, 2006. They are taken from the transcript of the public hearing and were edited for clarity. A copy of the public hearing transcript is attached.

Councilmember Forrest Williams, District 2, San Jose:

Comment 1:

In regards to the noticing, what range, how far do we go in terms of noticing the community here? It's a fairly large site and there are industrial sites around, if we get out to a large community. There are a lot of people that are concerned about the site and what is going on there. So, I just wanted to know about the noticing. Do we need to do additional noticing so that more people will understand what's going on there?

Response to Comment 1:

The public notice was published in the San Jose Mercury News, which is a major newspaper of general circulation in San Jose and the vicinity of the Hitachi GST site. The fact sheet was mailed to 6,598 resident/occupant addresses within an approximately quarter mile distance from the facility boundaries. A map showing the boundaries of the mailing list is attached. Additionally, the fact sheet was mailed to 276 public officials, agencies, businesses, media, and interested parties and to 68 addresses on DTSC's mandatory mailing list. DTSC's mandatory mailing list contains addresses for individuals and organizations who have requested to receive information for DTSC's projects on a regional or state-wide basis. DTSC believes that the size of the mailing list is adequate to inform residents in the vicinity of the facility. DTSC is willing to work with Councilmember Williams to develop other means to contact interested persons within the local community and neighborhoods.

Comment 2:

My second question is in terms of the dust control. How often do we really inspect to make sure the dust is maintained? I've had calls to my office that they smell things in the air that seem to relate to kind of a dusty smell and that type of thing. So, the

question is, are we adequately making sure that the dust is controlled during the demolition or "de-staging" of the building.

Response to Comment 2:

Dust emissions are controlled using standard construction dust control practices and additional measures specified in the Asbestos Dust Mitigation Plan (ADMP) approved by the Bay Area Air Quality Management District (BAAQMD) on July 5, 2006. Air monitoring is conducted daily on weekdays and periodically on weekends at the perimeter and inside of the property. Monitoring data is submitted weekly to the BAAQMD. The BAAQMD contact person for this project is Mr. Gary Lipari and his phone number is (415) 749-4708. Sampling results to date demonstrate no dust impact and asbestos levels below health-based thresholds.

DTSC has been informed that representatives from the City of San Jose visit the site approximately daily to observe project activities for conformance with project requirements. Project dust control measures are required mitigation measures from the final EIR approved and are also monitored by the City of San Jose.

DTSC has not received any calls concerning odors from the demolition activities. If local residents observe dust emissions or smell odors that they believe are the results of project activities, they should contact the BAAQMD 24 hour toll-free complaint hotline 1-800-334-6367. DTSC representatives have been at the site several times and have noted the musty "wet earth" smell resulting from the extensive watering for dust control. There was also a sweet "tree sap" odor from the tree removal activities.

Comment 3:

My question is how long will this process take in terms of making sure that the site is clean and that we're not exposed in any way in regards to the contaminants that are on the site.

Response to Comment 3:

The characterization and cleanup activities on the Redevelopment Property are dependent upon the building demolition schedule. The last building demolition is scheduled to be completed in April 2007 and any remaining cleanup activities completed by July 2007. A final comprehensive report of site characterization and cleanup activities is planned to be completed in late July 2007. If the site characterization and cleanup reports show that contaminants have been removed to

safe concentrations, then DTSC will start a public process to determine that the Redevelopment Property is clean and may be removed from the Hitachi GST facility permit. Hitachi GST's goal is to have this final decision reached by the end of November 2007.

Comment 4:

Where will the contaminated soil be disposed of? I know we talked about the roadway, using some of that [material] being authorized to be under the road bed of the roads to be capped and protected so it is not easily disturbed. So, there may be others that we have to take off-site someplace. I would like to know where that is going to be.

Response to Comment 4:

Contaminated soil will be evaluated to determine if it is hazardous or non-hazardous waste. Hitachi GST has informed DTSC that it intends to send hazardous waste to Chemical Waste Management, Kettleman Hills, 35251 Old Skyline Road, Kettleman Hills, California, and send non-hazardous waste to Waste Management, Inc., Altamont Landfill, 10840 Altamont Pass Road, Livermore, California.

Comment 5:

Finally, the question of DTSC, are they the final word in regard [to the project]? Are there any other agencies above DTSC that have to give their okay or certify that the clean-up is adequate for construction of homes and also the recreational activities that are planned for that site?

Response to Comment 5:

DTSC has the final regulatory authority to determine that the clean-up is complete. This authority comes from California hazardous waste control law concerning corrective action for release of hazardous waste or constituents at a facility issued a hazardous waste facility permit. If DTSC determines that the clean-up is not adequate for future residential or recreational uses of the site, then DTSC is required to prepare a Land Use Covenant, which specifies the restrictions on the future use of the property. DTSC is not the agency responsible for approval of construction of homes or recreational facilities planned for the site.

Ms. Lisa Jafferries, Kaiser Permanente Hospital:

Comment 6:

I'm wondering in terms of all the questions asked here around air contaminants and disposal methods that you were aware that we not only have residences here, but we have a 228-bed hospital across the highway?

Response to Comment 6:

DTSC is aware of the Kaiser Permanente Hospital located south of the Hitachi GST facility and on the other side of Highway 85. Sensitive receptors, such as at the hospital, were considered in the evaluations for the EIR prepared by the City of San Jose. Based on prior investigations of the Redevelopment Property, DTSC does not anticipate that toxic materials will be emitted to off-site receptors. Particulate (dust) emissions would be the primary means of transporting contaminants off-site and there is an extensive program in place to reduce dust emissions. The air monitoring system includes a monitor at the southern perimeter of the Hitachi GST property and the results demonstrate no dust impact and asbestos levels below health-based thresholds. Truck traffic from the site to the disposal facilities is not routed by the hospital.

Attachments

1. "Public Hearing, Hitachi GST Redevelopment Property," Peters Shorthand Reporting Corporation, October 30, 2006.
2. Figure, "Hitachi GST Mailing List Parameter," from Denise Lloyd, Hitachi Global Storage Technologies, Inc., October 25, 2006.

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

PUBLIC HEARING
HITACHI GST
REDEVELOPMENT PROPERTY

5585 COTTLE ROAD
SAN JOSE, CALIFORNIA

THURSDAY, OCTOBER 12, 2006

6:30 P.M.

A P P E A R A N C E S

Jesus Cruz
Public Participation Specialist

Paul Ruffin, Project Manager

Rizgar Ghazi, Hearing Officer

Brian Endlich, Toxicologist

Buck King, Geologist

Public Comment

Council Member Forrest Williams
District 2

Lisa Jafferries, Kaiser Permanente

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P R O C E E D I N G S

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2
3 PUBLIC PARTICIPATION SPECIALIST CRUZ: So, with
4 all that being covered, we would like to move on. The
5 formal portion of tonight's hearing will have to be answered
6 in writing by DTSC. We will formulate them after the
7 closing of the commentary on October 23rd, and then we will
8 put out a document called "The Response to Comments" that
9 will be mailed to all people who ask a question or comment
10 and to a select portion of the mailing list. With all that
11 having been covered, we would like to move on to the formal
12 comment period.

13 Also, one more detail. I will be handing out
14 these yellow comment cards on which we would like to have
15 you write your name, address, phone number, and just a
16 general idea of what your comment or question is going to
17 be. If you'd like to ask a question or comment on the
18 record, here are the little yellow cards, and are we ready
19 to move into the formal question and comment portion of
20 tonight's hearing.

21 We have our first commentor, okay, and this is
22 Council Member Forrest Williams, and he would like to make a
23 comment on the record.

24 COUNCILMAN WILLIAMS: My name is Forrest, F-O-R-R-
25 E-S-T, Williams, W-I-L-L-I-A-M-S. I am the Council Member

1 for District 2, South San Jose, which includes the site on
2 question at this time.

3 In regards to the noticing, what range, how far do
4 we go in terms of noticing the community here because, you
5 know, it's a fairly large site, and there are industrial
6 sites around if we really get out to a large community, but
7 there are a lot of people that are concerned about the site
8 and what is going on there. So, I just wanted to know about
9 the noticing, do we need to do additional noticing so that
10 more people will understand what's going on there.

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12 control, how often do we really inspect that to make sure
13 the dust is maintained because I've had calls from my office
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15 relate to kind of a dusty smell and that type of thing. So,
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17 is controlled during the demolition or what we say "D
18 Staging" of the building.

19 Finally, my question is how long will this process
20 take in terms of making sure that the site is clean and that
21 we're not exposed in any way in regards to the contaminates
22 that are on the site.

23 The other question that I have is where will the
24 contaminated soil be disposed of. I know we talked about
25 the roadway, using some of that being authorized to be under

1 the road bed of the roads to be capped and protected so it
2 is not easily disturbed. So, there may be others that we
3 have to take it off-site someplace, and I would like to know
4 where is that going to be.

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6 word in regard -- are there any other agency above DTSC that
7 have to be -- give their okay or certify the clean-up that
8 is adequate for construction of homes and also the
9 recreational activities that are planned for that site?

10 Thank you very much.

11 PUBLIC PARTICIPATION SPECIALIST CRUZ: Thank you
12 Council Member Williams. Anymore questions on the record?
13 Once again, we will not be answering those questions
14 tonight. We will answer them in the "Response to Comments"
15 document after the closing of the public comment period,
16 which closes on October 23rd.

17 Do we have any more questions from anyone here?

18 Yes, go ahead.

19 MS. JAFFERIES: My name is Lisa Jafferries, L-I-S-
20 A, J-A-F-F-E-R-I-E-S. I work for Kaiser Permanente Hospital
21 across the highway. I have not seen the EIR, and I guess
22 I'm wondering in terms of all the questions asked here
23 around air contaminates and disposal methods that you were
24 aware that we not only have residences here, but we have a
25 228-bed hospital across the highway. So, I just wanted to

1 ask that question.

2 Thank you.

3 PUBLIC PARTICIPATION SPECIALIST CRUZ: Thank you.

4 Any more questions or comments on the record? As I said, we
5 will respond to them in writing after the closing of the
6 comment period.

7 It looks like at this time, we don't have any more
8 questions on the record for DTSC. Paul, do we have a
9 slide --

10 MR. RUFFIN: That was the last slide. Let me go
11 back.

12 PUBLIC PARTICIPATION SPECIALIST CRUZ: Okay, once
13 again, the public comment period ends on October 23rd.
14 Submit all comments to Paul Ruffin, Department of Toxic
15 Substances Control. He is located 8800 Cal Center Drive,
16 2nd Floor, Sacramento, California 95826 or e-mail. We will
17 also accept your comments by e-mail or regular mail. The e-
18 mail in this case, it is pruffin, p-r-u-f-f-i-n,
19 @dtsc.ca.gov.

20 With that, I will conclude, close the meeting.
21 Thank you very much for attending, and we appreciate you
22 coming tonight.

23 (Thereupon, the public hearing of the Department of
24 Toxic Substances Control was adjourned at 7:26 p.m.)
25

CERTIFICATE OF REPORTER

I, SAMUEL MAYHEW, an Electronic Reporter, do hereby certify that I am a disinterested person herein; that I recorded the foregoing California Department of Toxic Substances Control public hearing; that it was thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said public hearing, nor in any way interested in the outcome of said matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 30th of October, 2006.



Samuel Mayhew

Hitachi GST mailing list parameter.

SEE 855 WP

