



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

December 20, 2006

To Whom It May Concern:

### **NOTICE OF DECISION FOR CORRECTIVE ACTION REMEDY SELECTION**

The Department of Toxic Substances Control (DTSC) is issuing this Notice of Decision for Corrective Action Remedy Selection (Notice of Decision) and approves the remedy for soil set forth in the "Corrective Measures Study (CMS) Report, Redevelopment Property, Hitachi Global Storage Technologies, Inc., 5600 Cottle Road, San Jose, California," (CMS Report) dated August 31, 2006. DTSC hereby also approves the CMS Report.

In accordance with the California Code of Regulations, title 22, section 66271.9 regarding public notices, DTSC held a 45-day public comment period from September 8, 2006, through October 23, 2006, to seek public comments on the proposed remedy. A public notice regarding the public comment period and public hearing was published in the San Jose Mercury News on September 8, 2006. A fact sheet regarding the proposed remedy was mailed to approximately 6,900 persons, organizations, and addresses on the facility mailing list. A public hearing was held, starting at 6:30 PM on Thursday, October 12, 2006, at the Southside Community Center in San Jose. Eight members of the public attended the public hearing and comments were received from two people. No other written or verbal comments were received during the public comment period.

DTSC has prepared a Response to Comments document, which has been made a part of the administrative record and is available to the public at the repositories listed at the end of this Notice of Decision. A copy of the Response to Comments has been mailed to those who submitted comments or otherwise requested a copy.

Pursuant to the California Environmental Quality Act (CEQA) DTSC prepared a Findings of Fact and Statement of Overriding Considerations (FFSOC) and a Statement of Findings (SOF) for this corrective action project. These documents were prepared based on DTSC's review of the Final Environmental Impact Report (EIR) for the Hitachi Campus and Mixed-Use Transit Village Project, State Clearinghouse Number 2004072110, prepared by the City of San Jose and certified on June 6, 2005. The FFSOC and SOF are part of DTSC's final decision for this project.

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The effective date for these decisions is December 20, 2006.

Copies of this Notice of Decision, Response to Comments, Statement of Findings, and CMS Report are available for review at the:

Santa Teresa Public Library  
290 International Circle  
San Jose, California 95119  
(408) 281-1879

Department of Toxic Substances Control  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710  
(510) 540-3800, Call for an appointment

These documents are also available at DTSC's website, [www.dtsc.ca.gov](http://www.dtsc.ca.gov).

The complete administrative record associated with this Notice of Decision is available for review at:

Department of Toxic Substances Control  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710  
(510) 540-3800, Call for an appointment

If you have any questions, please contact Mr. Paul Ruffin of my staff at (916) 255-6677 or at [pruffin@dtsc.ca.gov](mailto:pruffin@dtsc.ca.gov).

-- Signed by --

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Mohinder S. Sandhu, P.E., Chief  
Standardized Permitting and Corrective Action Branch