



Department of
Toxic Substances
Control

*Preventing
environmental
damage from
hazardous waste,
and restoring
contaminated
sites for all
Californians.*



State of California



California
Environmental
Protection Agency

Fact Sheet, September 2007

Land Use Covenant Setting Land Use Restrictions for the Jackson Family Trust Site Available for Public Review and Comment

Introduction

A 30-day comment period is open for a proposed land use covenant for the Jackson Family Trust site in Morgan Hill. The land use covenant sets restrictions on the future use of the site due to contamination from prior operations.

The Department of Toxic Substances Control (DTSC) invites you to review and comment on a draft land use covenant from September 14 through October 14, 2007. The site is at 235 Tennant Avenue in Morgan Hill. It was formerly owned by Contraves, Inc.

Past operations at the site (for example, melting and machining of metal parts) contaminated the soil with Total Petroleum Hydrocarbons (TPH). TPH is a chemical compound derived from a broad family of chemical compounds such as gasoline, kerosene, fuel oil, asphalt and other lubricants that originally come from crude oil. TPH can be harmful if a person is exposed to it. TPH was found in soil beneath a building (Building B) on the site. The draft covenant proposes leaving the contamination in place and restricting future use of the site to commercial/industrial activities.

History and Background

On September 13, 2004, DTSC signed an agreement with the former property owner to oversee environmental investigations at the site. As part of the agreement, soil samples were taken and analyzed to determine how much and what kind of contamination exists at the site. The investigation found TPH in soil located about two feet below the surface.

Land Use Covenant

The concrete floor in Building B acts as a barrier between the foundation and the contaminated soil so there is no exposure to the public. The owner of the site will be required to inspect, monitor, maintain, and perform other activities consistent with the information provided in the draft covenant.

If the current owner chooses to sell, lease, or rent the site he must notify the buyer, lessee, or tenant in writing that the site will not be used for activities such as opening a day care, building a home, or growing food.

Direct comments on the Land Use Covenant to Ms. Violeta Mislant, DTSC Project Manager, 5796 Corporate Avenue, Cypress, California, 90630-4732. You can submit your comments to Ms. Mislant electronically at vmislant@dtsc.ca.gov. All comments must be submitted by 5:00 p.m. on October 14, 2007.

Response to Comments

After the public comment period ends, DTSC will review and consider all comments received and make a final determination to approve, amend, or deny the draft land use covenant. Anyone who submits comments will be sent the Response to Comments document. This document provides all of the comments received during the comment period and DTSC's responses to those comments.



Information Repositories

The draft land use covenant is available at the Gilroy Library located at 7387 Rosanna Street, Gilroy, California, 95020-6193. Please contact Ms. Lani D. Yoshimura, Community Librarian by phone at (408) 842-8207 or by email at Gilroy_Manager@library.sccgov.org for days and hours of operation.

The draft land use covenant and other documents related to this project are also available at the Department of Toxic Substances Control, 5796 Corporate Avenue, Cypress, California, 90640-4732. Call (714) 484-5300 to setup an appointment to review the land use covenant at the Corporate Avenue office.

Questions

If you have questions about the draft land use covenant, please contact Ms. Violeta Mislant by phone at (714) 484-5387 or by email at vmislant@dtsc.ca.gov. If you have questions regarding public involvement, please contact Ms. Heidi Nelson by phone at (866) 495-5651 or by email at hnelson@dtsc.ca.gov.

Media Inquiries

If you are a member of the press, please contact Mr. Ron Baker, Public Information Officer, Department of Toxic Substances Control by phone at (916)324-3142 or by email at rbaker@dtsc.ca.gov.

Notice to the Hearing Impaired

You can obtain additional information by using the California State Relay service at (888) 877-5378. Ask the operator to connect you to Ms. Violeta Mislant at (714) 484-5387.

If you would like to know more about the Department of Toxic Substances Control, please visit our website at www.dtsc.ca.gov.