

NEGATIVE DECLARATION**ADDENDUM****HITACHI GLOBAL STORAGE TECHNOLOGIES, INC.****CHLOROFORM RELEASE AREA****SAN JOSE, CALIFORNIA****A. INTRODUCTION**

From August 31, 2007, through October 15, 2007 the California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) circulated for public review and comment a Corrective Measures Study Report (dated August 29, 2007) (CMS Report) for corrective action activities proposed to be conducted at the Chloroform Release Area at Hitachi Global Storage Technologies, Inc. (Hitachi GST) in San Jose, California. At that time, DTSC prepared an Initial Study and Draft Negative Declaration, (both dated August 29, 2007) to comply with the requirements of the California Environmental Quality Act (CEQA) (Pub. Resources Code, div. 13, § 21000 et seq.) and its implementing Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.). After the comment period, DTSC approved the CMS Report and filed a Notice of Determination (SCH# 2007082165) with the State Clearinghouse on November 28, 2007 to document its compliance with the requirements of CEQA. No challenges were received during the 30-day legal period for filing such challenges under CEQA.

Activities conducted pursuant to the approved CMS Report included: 1) operation of a 2-Phase™ Extraction system to remove soil vapor and groundwater contaminated with chloroform; 2) operation of a diesel fueled generator to provide electrical power for the 2-Phase™ Extraction system; 3) use of activated carbon vessels to remove chloroform from the extracted vapor prior to its release to the environment; and 4) storage, transportation, and treatment of extracted groundwater. Implementation of the corrective action described in the CMS Report began in June 2007 and the 2-Phase™ Extraction system was shutdown in August 2008.

The CMS Report and the Initial Study stated that “The extraction system will be operated, to the extent practicable, until the cleanup goals are met.” The corrective action conducted for the Chloroform Release Area is described in the “Final Remedy Completion Report, Chloroform Release Area at Former Building 028J” dated November 17, 2008 (Remedy Completion Report); the “Groundwater and Soil Gas Sampling Results –December 2008 Report, Chloroform Release Area at Former Building 028J” dated January 5, 2009, prepared by ENVIRON International Corporation (December 2008 Report); and the updated Final Statement of Basis prepared by DTSC dated January 14, 2009 (Final Statement of Basis).

As a remedial program is implemented, DTSC and the regulated entity may mutually determine that adjustments are necessary that may not have been contemplated at the time of the selection of the remedy. That happened in this case. The differences between the actual remedy implementation and the approved CMS Report are minor and justifiable.

DTSC has prepared this Addendum to describe the changes in post remediation monitoring that occurred during implementation of the project and to explain why those changes did not result in any additional or significant impacts compared to those described in the August 2007 Initial Study and Negative Declaration for the corrective action project at the Chloroform Release Area. Also, DTSC received several comments from an interested party concerning attainment of the groundwater cleanup goal (Corrective Action Objective or CAO) and additional CEQA compliance. Although a change in the implementation of the project did not occur with regard to this goal, this Addendum clarifies the groundwater CAO issue.

B. DESCRIPTION OF VARIATION IN MONITORING DURING IMPLEMENTATION OF THE REMEDY

Section 7.11 of the Chloroform CMS Report states that “post-remedial monitoring will be implemented to assess rebound of chloroform concentrations in the former Building 028J Area. Post-remedial monitoring will consist of monthly monitoring of groundwater

and soil gas concentrations for an additional three months following equipment demobilization.” Actual implementation of post-remediation monitoring varied slightly as discussed below.

The Chloroform CMS Report (Sections 7.10 and 7.11), the Negative Declaration, and the November 2007 Final Statement of Basis (Section “Next Steps”) describe the extraction system shutdown and monitoring in essentially the same way, as follows:

- 1) The extraction system will be operated, to the extent practicable, until the corrective action obligations (CAOs) are met. The primary performance criteria will be the concentrations of chloroform in extracted vapor and groundwater. If extracted concentrations of chloroform decrease significantly, the system may be shut down temporarily or permanently.
- 2) Decisions on shutdown will be based on a review of the extracted chloroform concentrations and secondary performance criteria, which include vapor flow rates, applied vacuum, vacuum radius of influence, groundwater extraction rates, and water table drawdown. These criteria will be used to decide whether changes in operation, including temporal or zone pulsing of the system, may increase removal rates or improve the effectiveness of the cleanup. If changes are not likely to improve the cleanup, temporary system shutdown will be followed by interim monitoring of soil gas and groundwater.
- 3) Interim monitoring will consist of monthly monitoring of groundwater collected from the monitoring/extraction wells and soil gas collected from temporary or semi-permanent soil gas probes placed at intermediate points between the monitoring/extraction wells. If chloroform concentrations meet the cleanup goals (or CAOs) for three consecutive months, DTSC will evaluate whether the extraction system will be permanently shut down and the equipment demobilized. [The Chloroform CMS Report has additional monitoring options described in Section 7.10 to facilitate limited redevelopment activities while groundwater monitoring continued.]

- 4) Concentrations in groundwater and soil gas tend to increase or “rebound” to some extent several months after shut down of 2-Phase™ Extraction. Post-remedial monitoring will be implemented for an additional three months after equipment demobilization to assess rebound of chloroform concentrations. If after three months of post remedial monitoring [Note: the phrase “(i.e., after demobilization)” is added in the Chloroform CMS Report, Section 7.11] ,the risk assessment for this area shows risks are within acceptable ranges for residential land use, the cleanup will be determined to be complete [Note: the CMS Report also states that “redevelopment activities could continue unmitigated.”]. If rebound is unacceptable, the extraction system may be returned to operation. If the cleanup goals cannot be met by continued operation of the 2-Phase™ Extraction system, then an alternative remedial approach will be considered.

Following are the variations that occurred during implementation:

First, all of the post-remediation sampling rounds were conducted before equipment demobilization. So, there was not an “interim monitoring” period, followed by extraction system demobilization, then followed by another “post-remedial monitoring” period. DTSC and Hitachi GST decided it was not prudent to demobilize equipment when the results of the post-remediation monitoring could result in a decision to reactivate the extraction system. DTSC finds that this variation that occurred during implementation is not significant because post-demobilization sampling is no more reliable in determining whether there has been rebound than post-shutdown, but pre-demobilization, monitoring.

Second, rather than monthly post-remediation monitoring for three consecutive months after demobilization, three monitoring events occurred after shutdown as follows: 1) the first round of post-remediation sampling was conducted in the one week period following system shutdown; 2) the second round occurred eight weeks after shutdown; and 3) the third round occurred 19 weeks after shutdown.

DTSC finds the variations discussed above that occurred during implementation were not significant because 1) the interim monitoring period was replaced by interim monitoring conducted during temporary system shutdowns and additional focused system operation, which successfully provided information needed for guiding remediation activities and evaluating remediation progress; 2) the post remediation sampling implemented over 19 weeks fulfilled the requirement for three discrete post remediation sampling rounds and closely approximated the 3 month post remediation monitoring schedule; and 3) remediation system surface component demobilization has no material effect on post remediation monitoring. In short, the sampling results demonstrate that it is not necessary to conduct additional sampling in order to conclude that chloroform levels will not rebound over the Risk Based Target Concentrations (RBTCs).

C. CLARIFICATION CONCERNING GROUNDWATER CLEANUP GOAL

The Initial Study states that the overall cleanup goal (also called the overall “Corrective Action Objective” or overall “CAO”) for the Chloroform Release Area is “...to prevent exposure of future occupants to elevated concentrations of chloroform in soil, soil gas and groundwater.” The CMS Report states that the CAOs for soil and soil gas are, “To the extent practicable”, remediate soil gas and soil to meet levels at or below the Risk Based Target Concentrations (RBTCs), which are thresholds that ensure occupants are not exposed to elevated concentrations of contaminants. The RBTC for groundwater with regard to future residential use of the property is 380 ug/L, which is the level that must be reached to ensure that vapor intrusion from groundwater does not pose a risk for future residential occupants. Additionally, the Regional Water Quality Control Board—San Francisco Bay (RWQCB-SF) had specified a cleanup standard of 80 ug/L for drinking water, also known as the Maximum Contaminant Level (MCL) for drinking water. The CMS Report states the CAO for groundwater is “To the extent practicable,” remediate groundwater to levels at or below the RBTCs for groundwater and at or below the 80ug/L standard for drinking water. To meet the overall CAO (“preventing exposure of future occupants to elevated concentrations of chloroform in soil, soil gas and groundwater”), it is only necessary to meet the groundwater RBTC of 380 ug/L.

Nonetheless, the CMS Report identified achieving the MCL, to the extent practicable, as part of the CAO for groundwater and the Initial Study and the Health Risk Discussion in the Initial Study referenced the 80 ug/L as a cleanup goal. But it also said that “The extraction system will be operated, to the extent practicable, until the cleanup goals are met.” Additionally, a covenant on the Redevelopment Property and the Chloroform Release Area prohibits use of groundwater for drinking.

DTSC has found that the overall CAO for the remedy – to prevent exposure of future on-site populations to elevated concentrations of chloroform in soil, soil gas and groundwater – has been met, as have the RBTCs for chloroform in soil, soil vapor and groundwater. The drinking-water based specific CAO for groundwater – to achieve 80 ug/L of chloroform in groundwater “to the extent practicable” has been met. DTSC’s proposed decision to terminate corrective action without full attainment of the drinking water-based 80 ug/L numeric threshold is not inconsistent with the remedy selected in the CMS Report because the CMS Report expressly contemplates that the corrective action could be determined to be complete without full achievement of that numeric threshold. DTSC has determined that the drinking water MCL has been achieved to the extent practicable (and thus the CAO for groundwater has been met) for the following reasons:

- 1) Chloroform mass concentration in extracted soil gas reached an asymptotic level during continuous and pulsed modes so that continued operation of the extraction system is no longer justified;
- 2) The small amount of chloroform remaining in the subsurface is primarily bound in the A/B Aquitard below the A-Aquifer. It is not necessary to remove this residual mass of chloroform in this aquitard because it does not significantly affect the chloroform concentrations in either the A-Aquifer or the B-Aquifer.; and
- 3) There is no public health-based reason to achieve the drinking water MCL at this site because of the recorded covenant prohibiting use of shallow groundwater as drinking water.

The Negative Declaration stated, on page 3, "If the cleanup goals cannot be met by continued operation of the 2-PHASE™ Extraction System, then an alternative approach will be considered and potential environmental impacts will be evaluated in a separate CEQA document." DTSC has determined that it was not necessary to consider an alternative approach because the overall CAO for the remedy has been met, as have the media-specific CAOs for soil, soil gas and groundwater. As a result, there is no alternative to evaluate in a separate CEQA document.

D. JUSTIFICATION FOR PREPARATION OF AN ADDENDUM

DTSC is proposing to determine that corrective action for the Chloroform Release Area is complete for the reasons discussed in the Final Statement of Basis. DTSC has determined that the corrective action project with the changes described in Section B. above would not create any new impacts to the environment that are different from those disclosed in the previously prepared Negative Declaration, and that only additional clarifying information about those changes in the form of an Addendum to the Negative Declaration is appropriate to satisfy the requirements of CEQA prior to approval of the completion of CMS Report activities. DTSC makes this finding based on the following:

Section 15164 of the CEQA Guidelines provides the authority for preparing an Addendum to a previously certified EIR or adopted Negative Declaration (ND). Specifically, section 15164 states the following:

- (a) *The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in §15162 calling for preparation of a subsequent EIR have occurred.*
- (b) *An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in §15162 calling for the preparation of a subsequent EIR or Negative Declaration have occurred.*

- (c) *An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted Negative Declaration.*
- (d) *The decision-making body shall consider the addendum with the final EIR or adopted Negative Declaration prior to making a decision on the project.*
- (e) *A brief explanation of the decision not to prepare a subsequent EIR pursuant to §15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.*

According to CEQA Guidelines section 15162(a), once the EIR or Negative Declaration has been certified, a lead agency need not prepare a subsequent EIR or Negative Declaration unless . . . *on the basis of substantial evidence in light of the whole record* . . . one or more of the following conditions occurs:

- (1) *Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
- (2) *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
- (3) *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:*

(A) The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative;
or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

In this case, minor changes made during implementation of the CMS Report project do not constitute a “substantial change” to the project that would require “major revisions” to the Negative Declaration due to new or increased impacts (Cal. Code Regs., tit. 14, §15162 (a)(1)). Additional investigations into the site’s environmental conditions have not produced “new information of substantial importance” that would result in new or greater impacts not discussed in the Negative Declaration, and no additional mitigation measures are necessary (Cal. Code Regs., tit. 14, §15162(a)(3)).

Substantial evidence supporting DTSC’s decision not to prepare a subsequent Negative Declaration pursuant to CEQA Guidelines section 15162 as a result of minor changes during implementation of the CMS Report is provided below in Section E: *Applicability of Previous CEQA Analysis and Conclusions*. The environmental analysis presented in Section E evaluates potential impacts of the changes specifically in light of the environmental findings in the previously-adopted Negative Declaration. This evaluation demonstrates that the changes that occurred during implementation of the CMS Report

will not create new or greater significant environmental impacts than those identified in the previous Negative Declaration, and as such, a subsequent Negative Declaration to address this new information is not required.

E. APPLICABILITY OF PREVIOUS CEQA ANALYSIS AND CONCLUSIONS

The information below addresses each of the environmental issues that were analyzed within the scope of the previous Negative Declaration, including the Initial Study, prepared and certified by DTSC for activities related to the approved CMS Report. The conclusions of the previous analyses are provided as a reference for each environmental component for the purpose of describing whether the proposed changes to the CMS Report activities (refer to Section B: *Description of Variation in Monitoring During Implementation of the Remedy*) would affect the findings of those analyses.

Aesthetics. The Negative Declaration concluded that visual impacts associated with the CMS Report activities would be less than significant. The corrective action project has occurred during the demolition/construction phase of the redevelopment project and has not significantly altered the existing visual character or quality of the site during this phase. Concluding operation of the 2-Phase™ Extraction system will permit removal of the system and associated equipment. This will improve the site's visual character. This finding in the Negative Declaration would not be changed due to the changes in monitoring that occurred during implementation of the approved CMS Report.

Air Quality. The Negative Declaration concluded that air quality impacts associated with the CMS Report activities would be less than significant. Operation of the project's extraction system was in accordance with a permit issued by the Bay Area Air Quality Management District (BAAQMD). The diesel powered generator operation was in accordance with a permit from the California Air Resources Board (CARB). One of the requirements of the CARB permit is that the generator engine may not be operated at the same location for more than 12 consecutive months. Ceasing operation of the 2-Phase™ Extraction system will stop emissions from the vapor treatment system and diesel generator and will be consistent with the 12 month limit in the CARB permit. This

finding in the Negative Declaration would not be changed due to the changes in monitoring that occurred during implementation of the approved CMS.

Biological. The Negative Declaration concluded there would be no impacts on biological resources associated with the CMS Report activities. This finding would not be changed due to the changes in monitoring that occurred during implementation of the approved CMS Report.

Cultural Resources. The Negative Declaration concluded there would be no impacts on cultural resources associated with the CMS Report activities. This finding would not be changed due to the changes in monitoring that occurred during implementation of the approved CMS Report.

Geology and Soils. The Negative Declaration concluded there would be no geology and soils impacts associated with the CMS Report activities. This finding would not be changed due to the changes in monitoring that occurred during implementation of the approved CMS Report.

Hazards and Hazardous Materials. The Negative Declaration concluded there would be less than significant impacts associated with hazards and hazardous materials. The project activities with the potential to create an impact are operation of the 2-Phase™ Extraction system and transportation of spent activated carbon containers, contaminated personnel protective equipment and other solid waste, and waste water to off-site recycling, treatment, and disposal facilities. Ceasing operation of the 2-Phase™ Extraction system will stop potential impacts associated with accidental release of extracted soil vapor and groundwater or diesel fuel and impacts from storage, transportation and treatment of spent activated carbon and extracted groundwater. Demobilization of the 2-Phase™ Extraction system has not yet occurred, but would still be required at the completion of corrective action. This finding would not be changed due to the changes in monitoring that occurred during implementation of the approved CMS Report.

The CMS Report's project was intended to remove chloroform from groundwater and soil gas to achieve concentrations that are protective of human health for unrestricted use of the property. Operation of the 2-PhaseTM Extraction system has reduced chloroform concentrations below the human health risk based target concentrations (RBTCs) of 380 ug/L in groundwater and 1.9 ug/L in soil gas at 10 feet below ground surface (bgs) and 1.1 ug/L in soil gas at 5 feet bgs. These RBTCs are based on a cancer risk of 10^{-6} for vapor inhalation using a residential (unrestricted use) scenario. The maximum soil gas concentration of chloroform (0.47 ug/L) measured in soil gas at 5 feet bgs in October 2008 corresponds to an estimated cancer risk of 4.3×10^{-7} . Based on the October 2008 groundwater monitoring results, the post-remediation estimated cancer risks are 2.4×10^{-7} (using results from wells EW-1 through EW-15) and 3.5×10^{-7} (using results from wells EW-1 through EW-18). Operation of the 2-PhaseTM Extraction system has successfully met its risk-based cleanup goals. The finding of the Negative Declaration would not be changed due to the changes in monitoring that occurred during implementation of the approved CMS Report.

Hydrology and Water Quality. The Negative Declaration concluded that hydrology and water quality impacts associated with the CMS Report activities would be less than significant. The CMS Report activities were intended to improve water quality in the project area by removing chloroform contaminated groundwater. In particular, the clean-up goal for chloroform was the drinking water Maximum Contaminant Level (MCL) of 80 ug/L for trihalomethanes (chloroform is a trihalomethane) to the extent practicable. This MCL goal was included in the CMS Report because it was used in the Site Cleanup Requirements order issued to IBM for the former IBM facility. However, reaching this MCL is not necessary in order to achieve the overarching RBTCs as discussed in the section above on Hazards and Hazardous Materials. Further, the groundwater from the shallow A-aquifer below the Chloroform Release Area is not currently used for drinking water and previously recorded land use restrictions prohibit its use for drinking water in the future.

Operation of the 2-PhaseTM Extraction system has substantially reduced the chloroform concentration in groundwater and areal extent of the chloroform plume. Although the

MCL of 80 ug/L has not been met at all extraction well locations, the average chloroform concentration in groundwater for the 8 A-Aquifer wells (EW-4, EW-5, EW-6, EW-9, EW-10, EW-13, EW-14, and EW-16) installed in the Chloroform Release Area was 117 ug/L in October 2008 and 72 ug/L in December 2008. As discussed in more detail in the Remedy Completion Report and the December 2008 Report, ceasing operation of the 2-PhaseTM Extraction system will not result in significant impacts to water quality because natural dilution processes will reduce the chloroform concentration over time. Only a small amount of chloroform is estimated to currently remain, primarily in the A/B aquitard, and that remaining amount does not prevent achievement of the Risk Based Target Concentrations (RBTCs) for the site. Downward groundwater flow through the A/B aquitard will control chloroform transport. The chloroform concentration in the underlying B-aquifer is estimated not to increase above the 80 ug/L MCL. Ceasing operation of the 2-PhaseTM Extraction system prior to achieving the MCL drinking water standard at all locations in the A-aquifer will not create a significant environmental impact. The less than significant finding of the Negative Declaration would not be changed due to the changes in monitoring that occurred during implementation of the approved CMS Report.

Land Use and Planning. The Negative Declaration concluded that land use and planning impacts associated with the CMS Report activities would be less than significant. The Chloroform Release Area is within the Redevelopment Property, which the City of San Jose has approved for development into commercial, residential and park areas. The CMS Report activities to clean up contamination are consistent with the City of San Jose's land use decisions. The Negative Declaration stated that if the chloroform concentrations in groundwater and soil gas are not reduced to health protective levels, then residential use of the project area may be restricted or additional measures will be required to prevent potential vapor intrusion impacts in buildings. The operation of the 2-PhaseTM Extraction System has reduced the concentration of chloroform in groundwater and soil gas to concentrations less than the vapor intrusion risk based cleanup goals (the RBTCs). Therefore, no additional measures are required to prevent potential vapor intrusion impacts in buildings and residential use of the

Chloroform Release Area will not be restricted. Although the 80 ug/L MCL for groundwater has not been achieved, an existing Covenant and Environmental Restriction for the Redevelopment Property restricts (prohibits) the use of shallow groundwater for drinking water supply. Therefore, not meeting the 80 ug/L MCL goal has no significance for land use and planning of the Chloroform Release Area and no additional measures are required. The Regional Water Quality Control Board – San Francisco does not oppose DTSC’s decision not to demand achievement of the 80 ug/L MCL goal prior to shutting down the 2-PhaseTM Extraction system. The less than significant finding of the Negative Declaration would not be changed due to the changes in monitoring that occurring during implementation to the approved CMS Report.

Mineral Resources. The Negative Declaration concluded there would be no impacts on mineral resources associated with the CMS Report activities. This finding would not be changed due to the changes in monitoring that occurred during implementation of the approved CMS Report.

Noise. The Negative Declaration concluded that noise impacts associated with the CMS Report activities would be less than significant. Noise levels created by the 2-PhaseTM Extraction System blower and electric generator would not exceed City of San Jose standards or ambient conditions except in the vicinity of the equipment accessible only by project workers. The maximum noise level at the extraction system is below the California Occupational Safety and Health Act (CalOSHA) threshold. Ceasing operation of the 2-PhaseTM Extraction System will stop noise generation from the system blower and electric generator. This finding of the Negative Declaration would not be changed due to the changes in monitoring that occurred during implementation of the approved CMS Report.

Population and Housing. The Negative Declaration concluded there would be no population and housing impacts associated with the CMS Report activities. This finding would not be changed due to the changes in monitoring that occurred during implementation of the approved CMS Report.

Public Services. The Negative Declaration concluded there would be no impacts on public services resources associated with the CMS Report activities. This finding would not be changed due to the changes in monitoring that occurred during implementation of the approved CMS Report.

Recreation. The Negative Declaration concluded there would be no impacts on recreation facilities associated with the CMS Report activities. This finding would not be changed due to the changes in monitoring that occurred during implementation of the approved CMS Report.

Transportation and Traffic. The Negative Declaration concluded that transportation and traffic impacts associated with the CMS Report activities would be less than significant. The number of vehicle trips associated with the corrective action project was estimated to be approximately 2 trips per day. Ceasing operation of the 2-Phase™ Extraction System may result in a temporary increase from the 2 trips per day average during demobilization of the treatment system and extraction wells. However, this increase will not be significant in relationship to the existing traffic associated with the Hitachi GST facility. Demobilization of the 2-Phase™ Extraction System was included in the project description for the approved CMS Report evaluated in the Negative Declaration. This finding would not be changed due to the changes in monitoring that occurred during implementation of the approved CMS Report.

Utilities and Service Systems. The Negative Declaration concluded that utilities and service systems impacts associated with the CMS Report activities would be less than significant. Treatment of extracted groundwater would meet Regional Water Quality Control Board standards and would not require expansion or construction of wastewater treatment facilities. The amount of solid waste associated with the corrective action project is very small. Ceasing operation of the 2-Phase™ Extraction System will stop extraction of groundwater. Most of the solid waste will be generated during demobilization of the extraction system. Demobilization of the 2-Phase™ Extraction System was included in the project description for the approved CMS Report evaluated

in the Negative Declaration. This finding would not be changed due to the changes in monitoring that occurred during implementation of the approved CMS Report.

F. FINDINGS

Implementation of the approved CMS Report with the changes discussed in Section B: *Description of Variation in Monitoring During Implementation of the Remedy* will not result in significant effects on the environment. Operation of the 2-Phase™ Extraction system removed a substantial fraction of the chloroform from soil, soil gas, and groundwater and significantly reduced the areal extent of impacted property. The concentrations of chloroform in soil gas and groundwater have been reduced to less than the health risk based concentration goals for the vapor intrusion into buildings. Also, although the groundwater MCL for drinking water supply was not achieved, there is an existing prohibition on the use of shallow groundwater from this property and it is not necessary to reach this threshold in order to achieve the overarching health risk goals. No additional restrictions on the use of the property are required. The Negative Declaration for the approved CMS Report found that potential impacts would be less than significant and these findings would not be changed due to the changes in monitoring that occurred during implementation of the CMS Report.

G. CONCLUSION

Implementation of the CMS Report with the changes discussed in Section B: *Description of Variation in Monitoring During Implementation of the Remedy* above does not significantly alter the findings or conclusions reached in the previously adopted Negative Declaration. This Addendum to the Negative Declaration satisfies the requirements of CEQA prior to DTSC's proposed determination that corrective action is complete for the Chloroform Release Area.

H. CERTIFICATION

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

<u>// original signed by //</u>		<u>January 14, 2009</u>
Project Manager Signature		Date
<u>Paul Ruffin</u>	<u>Hazardous Substances Engineer</u>	<u>(916) 255-6677</u>
Name	Title	Telephone

REFERENCES USED

1. City of San Jose, Final Environmental Impact Report, Hitachi Campus and Mixed-Use Transit Village Project, June 6, 2005.
2. ENVIRON International Corporation, Corrective Measures Study Report, Chloroform Release Area, Former Building 028J, August 29, 2007.
3. Department of Toxic Substances Control, California Environmental Quality Act Initial Study, Corrective Action Remedy for Chloroform Impacted Area at Hitachi Global Storage Technologies, Inc., August 29, 2007.
4. Department of Toxic Substances Control, Negative Declaration, Corrective Action Remedy for Chloroform Impacted Area at Hitachi Global Storage Technologies, Inc., November 26, 2007.
5. ENVIRON International Corporation, Final Remedy Completion Report, Chloroform Release Area at Former Building 028J, November 17, 2008.
6. ENVIRON International Corporation, Groundwater and Soil Gas Sampling Results - December 2008 Report, Chloroform Release Area at Former Building 028J, January 5, 2009.
7. Department of Toxic Substances Control, Final Statement of Basis, updated January 14, 2009.