



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, November 2007

Land Use Controls Proposed for Terrace Drive Properties

The Department of Toxic Substances Control (DTSC) and the City of San Jose invite you to review and comment on the draft Removal Action Workplan (draft RAW) for the Terrace Drive Properties (see map on page 3). This cleanup action is part of the ongoing cleanup of Watson Park in San Jose, California.

In July 2006, DTSC mailed a fact sheet informing the surrounding community that a cleanup of soil containing lead and burn ash was being conducted on 9 properties under a Time Critical Removal Action (TCRA) workplan. The lead and burn ash contaminated soil exists to a depth of 15 feet below the ground surface. The TCRA activities for the Terrace Drive Properties included removing 3 to 5 feet of contaminated soil from the residential yards. Clean soil was imported to serve as a cap for the residual lead and burn ash/dump debris remaining on the individual residential properties. Structures, asphalt, concrete, or other solid surfaces also serve as a part of the cap.

The TCRA removal activities on the properties were completed in August 2006. However, lead and burn ash/dump debris remain beneath the cap. The draft RAW describes the prior cleanup actions, alternatives considered and the proposed remedy for the Terrace Drive Properties. The draft RAW is available for public review and comment. Before DTSC approves, modifies, or denies the draft RAW, DTSC will review and consider all comments received during the public comment period.

Public Comment Period

November 13, 2007 - December 12, 2007

We encourage you to review and comment on the draft RAW for the Terrace Drive Properties. DTSC will hold a 30-day public comment period beginning November 13, 2007 and ending on December 12, 2007. The draft RAW is available for your review at the information repositories listed on page 4 of this fact sheet. All e-mailed comments must be sent to the DTSC no later than 5 p.m. by December 12, 2007. Please submit your written comments to:

Katharine Hilf, DTSC Project Manager
700 Heinz Avenue
Berkeley, California 94710
or send an e-mail to Khilf@dtsc.ca.gov

DTSC understands the community's interest in the draft RAW and the proposed cleanup actions. Currently, a public meeting is not scheduled for this project; however, if you feel one is warranted you can request a meeting by contacting Ms. Kim Rhodes, Public Participation Specialist, toll-free at 866-495-5651 or 916-255-3651 or by e-mail to Krhodes1@dtsc.ca.gov. Please state your reason(s) in your request and DTSC will consider your request for a public meeting to discuss the draft RAW.



Investigation Findings

In 2004 during construction of a new skate park, ash and other debris was uncovered from a former burn dump and landfill that was closed in the early 1930's. In spring 2006, soil samples were taken throughout Watson Park to define the lateral and vertical extent of the burn dump materials. Based on the preliminary results, additional soil samples were taken from 11 properties adjacent to Watson Park. The lead most likely came from glass, ceramic glazes, and paints that are commonly found in burn dump waste. The soil samples indicated that elevated lead levels up to 6,200 parts per million depending on the location of the sample. The soil samples indicated that the residual lead from burn ash/dump debris went down to a depth of 15 feet below ground surface in some areas.

Proposed Removal Action Workplan

The draft RAW submitted by the City of San Jose summarizes all of the investigations conducted for the Terrace Drive Properties, outlines available cleanup alternatives, evaluates the alternatives and proposes a preferred alternative that would prevent or reduce potential risks to public health and the environment. Cleanup alternatives are screened and evaluated on the basis of their ability to prevent or reduce potential risk to public health and the environment, ability to be implemented, and cost.

Proposed Removal Action Workplan Activities

DTSC evaluated the following three proposed alternatives for the final remedy for the Terrace Drive Properties:

Alternative 1 – No Action: this alternative proposes no physical or institutional controls, no removal of soil and no monitoring.

Alternative 2 – Capping with Institutional Controls: this alternative proposes minimizing exposure to the contaminated soil on the Terrace Drive Properties. However, due to the residual contamination left on the properties after completion of the August 2006 TCRA, a Land Use Covenant (deed restriction) is proposed where lead is above cleanup goals (255 parts per million). A Land Use Covenant is a legal action or obligation that when implemented restricts certain activities and imposes future property use limitations. It also

provides property owners notice that the property contains residual contamination.

Alternative 3 – Complete Excavation with Off-site Disposal: this alternative proposes complete excavation to below unrestricted levels, transporting contaminated soil to an appropriate landfill, and refilling the properties with clean soil.

DTSC Recommended Remedial Action Alternative

DTSC recommends Alternative 2, Capping with Institutional Controls, as the recommended alternative for the properties. Because burn ash/dump debris remains on portions of the properties to a depth of 15 feet, a Land Use Covenant to limit the potential for future exposure through controlling and limiting future excavation on the properties is proposed. The proposed Land Use Covenant for Terrace Drive Properties restricts the digging in limited access areas and below three feet in the restricted soil cap area without prior approval by DTSC.

California Environmental Quality Act - Notice of Exemption

DTSC evaluated any possible impacts of the removal action for this project, as required by the California Environmental Quality Act. DTSC has prepared a draft Notice of Exemption (NOE) which states that this removal action will not have significant impacts on the environment. The draft NOE is available for public review, along with other supporting documents in the information repositories.

Next Steps

At the completion of the public comment period, if comments are received from the community on the activities proposed in the draft RAW, DTSC will review and consider all comments before making a final decision on the draft RAW. DTSC will prepare a "Response to Comments" document that consists of all comments received and DTSC responses to the comments. Anyone who submits comments regarding the proposed draft RAW activities will receive a copy of the document. Additionally, a copy of the document will be placed in the information repositories listed on page 4. If comments are not received during the comment period, DTSC will approve the draft RAW and implement the plan as stated.

Path: G:\gis\projects\157-2864957\mxd\TerraceDr_WorkplaceConfirmation_sample.mxd, 09/18/07, comills_bill



To view the Terrace Drive documents and other related documents, please visit DTSC website at www.dtsc.ca.gov. Click on "Find a site near you" in the middle of the page. On the first line, type in San Jose and select Watson Park from the alphabetical list of San Jose sites.

For More Information

Please contact the following individuals with any questions or concerns you may have regarding Terrace Drive Properties and the draft RAW.

For questions regarding the draft RAW: Katharine Hilf, DTSC Project Manager, at (510) 540-3817 or by e-mail to Khilf@dtsc.ca.gov.

For questions regarding the public participation process: Kim Rhodes, DTSC Public Participation Specialist, toll-free (866) 495-5651 or (916) 255-3651 or by e-mail to Krhodes1@dtsc.ca.gov.

For questions from the media: Angela Blanchette, DTSC Public Information Officer, at (510) 540-3732 or by e-mail to Ablanche@dtsc.ca.gov.

Information Repositories

To view the draft RAW, CEQA NOE and other related documents please visit the following locations:

Dr. Martin Luther King, Jr. Library

150 East San Fernando Street
2nd Floor Reference Desk
San José, CA 95112

Northside Community Center

488 North 6th Street
San José, CA 95112

Empire Gardens Elementary School

1060 East Empire Street
San José, CA 95112
Hours: 8:00 a.m. to 5:00 p.m.

Department of Toxic Substances Control

700 Heinz Avenue
Berkeley, CA 94710
File Room: Monday - Friday 8 a.m. to 5 p.m.
By appointment only (510) 540-3800

Notice to the Hearing Impaired Individuals

TDD users can use the California Relay Service at 1-888-877-5378, please ask to speak with Ms. Kim Rhodes at (916) 255-3651.