



Department of  
Toxic Substances  
Control

*The Mission of the  
Department of  
Toxic Substances  
Control is to  
provide the highest  
level of safety, and  
to protect public  
health and the  
environment from  
toxic harm.*



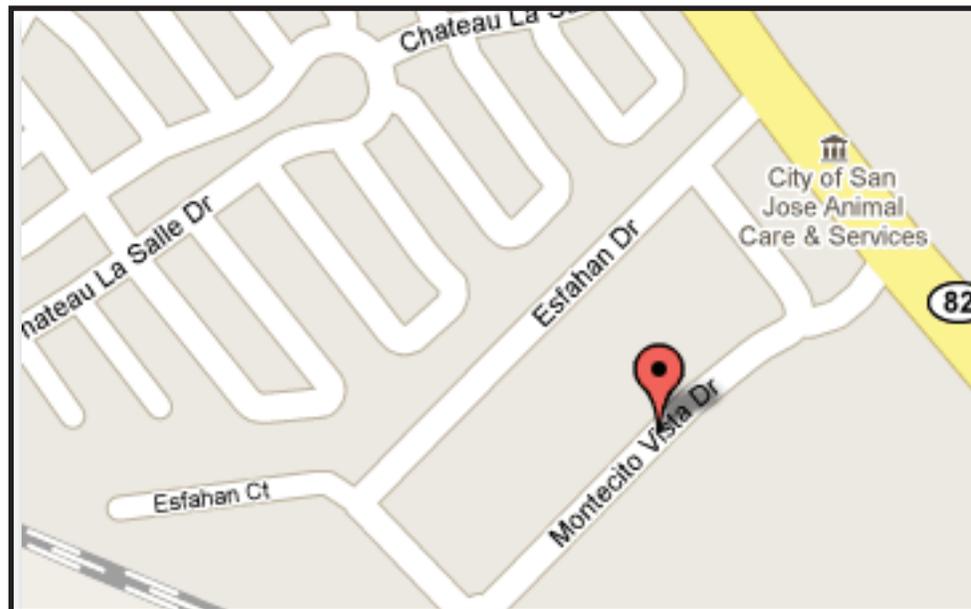
State of California



California  
Environmental  
Protection Agency

Fact Sheet, August 2010

## Draft Removal Action Workplan for Orvieto Family Apartments Site



Orvieto Family Apartments, L.P. is in the process of preparing a draft Removal Action Workplan (RAW) and conducting a removal action under the oversight of the Department of Toxic Substances Control (DTSC). The Orvieto Family Apartments Site is a 1.89 acre vacant site located at 80 Montecito Vista Drive in San Jose, California. The previous development at the Site consisted of a portion of a mobile home park on the northern corner and an auto wrecking yard on the remainder of the site. The Site is part of the “Montecito Vista” mixed use development. The Site is undeveloped land belonging to ROEM Corporation as future development area for Montecito Vista. The parcel is bounded to the southwest by the Raisch Products asphalt plant. A Union Pacific Railroad line is present about 600 feet to the southwest. Residential townhomes are located to the north. The proposed development on the 1.89-acre Site consists of a three to four story residential complex with subterranean parking.

DTSC determined that cleanup action is required after tests showed elevated levels in soil of lead, polychlorinated biphenyls (PCBs), and total petroleum hydrocarbons as motor oil (TPHmo) from past operations at the Site.

### **PUBLIC COMMENT PERIOD August 19, 2010 to September 20, 2010**

DTSC is accepting public comments on a draft RAW for the Orvieto Family Apartments Site. DTSC will hold a 30-day public comment period beginning August 19, 2010 and ending on September 20, 2010. All email comments must be postmarked or received by September 20, 2010. Mail written comments to:

Henry Chui  
DTSC Project Manager  
700 Heinz Avenue  
Berkeley, California, 94710  
[HChui@dtsc.ca.gov](mailto:HChui@dtsc.ca.gov)



## Site History

The Site consists of 1.89 acres of vacant, previously developed land located at 80 Montecito Vista Drive in San Jose, California. The previous development at the Site consisted of a portion of a mobile home park on the Site's northern corner and an auto wrecking yard on the remainder of the Site. The Site was owned by Goble Properties during that period. In 2006, ROEM Corporation purchased the Site from Goble Properties as part of a 29.6-acre purchase of the greater Goble Lanes Properties area along Monterey Highway at Goble Lane with the goal of developing the land for the mixed-use Montecito Vista Development. ROEM has currently only developed the northern portion of the 29.6-acres of land as residential townhomes. The proposed development on the 1.89 acre Site is a portion of the Montecito Vista development consisting of a three to four story residential complex with subterranean parking.

## Investigation Findings

During investigations conducted at the Site between 2001 and 2010, lead, PCBs, and TPHmo were detected above established screening levels. No contamination was detected in groundwater beneath the Site.

## Draft Removal Action Workplan

The primary objective of a draft RAW is to evaluate cleanup alternatives and to identify a preferred cleanup plan which prevents or reduces potential risks to public health and the environment. Cleanup alternatives are screened and evaluated on the basis of their effectiveness, ability to be implemented, and cost. A draft RAW identifies the cleanup plan that DTSC recommends. Before DTSC makes a final decision to approve, modify, or deny a cleanup plan the draft RAW is made available to the public for review during a public comment period. All comments are reviewed and considered before the draft RAW is approved.

## Proposed Cleanup Options

Three cleanup alternatives were evaluated in the draft RAW for the Orvieto Family Apartments Site.

Alternative 1 - No Action

Alternative 2 – Containment/Capping-in-place

Alternative 3 – Excavation/Off-Site Disposal

## DTSC's Cleanup Recommendation

DTSC recommends a combination of Alternative 2

(soil containment/capping in place) and

Alternative 3 (excavation/off-site disposal) as the preferred alternative for addressing the Site. This activity would effectively reduce the potential threat to human health and the environment prior to the Site to be developed for residential living.

If this alternative is approved, Alternative 2 would involve a land use covenant between the Site owner and DTSC will be put in place pursuant to California Code of Regulations, Title 22, Section 67391.1 for any area(s) of the Site where soil with concentrations of contaminants exceeding the Site residential cleanup levels remains in place or is contained on-site. The land use covenant will be recorded with the Santa Clara County Recorder's Office and would include the following restrictions that would apply to the restricted area(s):

- Residential development for human habitation shall not be permitted in the restricted area, except for the development of townhouses and multi-family residences. Any townhouse or multi-family residential developments shall be constructed so that areas for human habitation shall not have ground level outdoor play areas except for areas covered with asphalt, concrete, or other surfacing that prevents contact with soils.
- The restricted area(s) shall not be used as a hospital for humans, a public or private school for persons under 21 years of age, or a day care for children.
- All subsurface work will need to be conducted in accordance with a DTSC-approved soil management plan, and any breach of structures or pavement acting as barriers preventing direct contact with the soil will require notification to DTSC.
- Annual inspections would be performed and reports submitted to DTSC to ensure there is compliance with the restrictions of the land use covenant.

Under Alternative 3, approximately 6,000 to 8,000 cubic yards of impacted soil will be excavated and disposed off -site. It is likely that the excavated soil will be stockpiled on-site pending acceptance notice from the disposal facility prior to loading of soil into trucks. All soil stockpiles will be located in a designated area. Stockpiles will be placed on an impermeable material to prevent contamination of the ground beneath. If needed, clean import soil or

other fill material may be brought to the Site, to backfill areas where impacted soil would be removed. Import soil would be accompanied by certificates, analytical data and other supporting documents that indicate the import material is suitable for the Site.

### **Safety and Dust Control during Cleanup**

If the proposed alternative is approved, the following activities would occur during the cleanup process to ensure public safety and minimize dust:

- Installation of temporary fencing with windscreens for security and dust control
- Driving all vehicles at slow speeds while on the property
- Spraying the work area with clean water to control dust
- Securing trucks with covers before they leave the Site
- Brushing all truck tires entering and leaving the site to remove soil and debris
- Monitoring the air at the site to ensure the amount of dust stays at safe levels

### **Soil Removal and Truck Route**

The removal action will be implemented in one phase. Once the RAW is approved by DTSC, implementation is typically initiated within 30 days. If there is a delay, DTSC will send out a fieldwork notice at least five days prior to implementation to announce start of field activities and/or notify you of any delays. Potential delays may include funding to complete the response action, negotiation of access agreements, contracting with qualified hazardous waste contractors to complete the work, and/or other related issues.

The total estimated volume for removal is 10,350 tons or approximately 575 truck loads. Excavation activities and off-site disposal are expected to take one week to complete. The draft RAW proposes that removal activities will occur between the hours of 7 a.m. to 5 p.m., Monday thru Friday. Approximately 575 truckloads of contaminated soil will be transported to a State permitted disposal facility. The trucks will be operated by a licensed hazardous waste trucking contractor. Truck routes will be determined by the City of San Jose as a function of approving the Grading Permit.

### **California Environmental Quality Act**

Based on the conditions of the Site and the proposed cleanup alternative, DTSC has

determined the response action qualifies for a

Class 30 Categorical Exemption pursuant to California Code of Regulations, title 14, section 15330, and intends to issue a Notice of Exemption (NOE) when the Final RAW is approved to comply with the California Environmental Quality Act (CEQA) requirements. The draft NOE will be made available for public review, along with other supporting documents in the information repositories

### **Next Steps**

DTSC will review and consider comments received during the 30-day public comment period before making a final decision to approve, modify or deny the draft RAW. If comments are received from the community on the draft RAW's proposed activities, DTSC will prepare a "Response to Comments" at the completion of the public comment period. Anyone who submits comments will receive a copy of the "Response to Comments" document as well as a copy of the document will be placed in the information repositories.

### **DTSC Contact Information**

Please contact any of the following individuals with any questions or concerns you may have regarding the project.

For questions regarding the draft RAW, contact Henry Chui, DTSC Project Manager, at (510) 540-3759 or [HChui@dtsc.ca.gov](mailto:HChui@dtsc.ca.gov).

For questions regarding the public participation process, contact Tammy Pickens, DTSC Public Participation Specialist, at (916) 255-3594, 1(866) 495-5651 or [TPickens@dtsc.ca.gov](mailto:TPickens@dtsc.ca.gov).

For questions from the Media, contact Robert Palomars, DTSC Public Information Officer, at (916) 324-7031 or [RPalomars@dtsc.ca.gov](mailto:RPalomars@dtsc.ca.gov).

### **Where to Find Site Documents**

The draft RAW and other related documents may be viewed at the following locations:

Tully Community Branch Library  
880 Tully Road  
San Jose, California 95111  
(408) 808-3030

Department of Toxic Substances Control  
File Room  
700 Heinz Avenue Suite 200  
Berkeley, California, 94710  
(510) 540-3800  
By appointment only

## Notice to Hearing Impaired Individuals

TDD users can use the California Relay Service (1-888-877-5378) to reach Tammy Pickens at (916) 255-3594.

### Comment Form for the Orvieto Family Apartments Site

If you use this form to send us your comments, please include your name and address. All written comments must be postmarked by September 20, 2010. Please send or email this form to:

Henry Chui  
DTSC Project Manager  
700 Heinz Avenue  
Berkeley, California, 94710  
[HChui@dtsc.ca.gov](mailto:HChui@dtsc.ca.gov)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Affiliation (if any): \_\_\_\_\_

Phone number (optional): \_\_\_\_\_

Comments: \_\_\_\_\_

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*Note: If you need more space, please feel free to use another sheet of paper.*

### Would you like to be added or removed from the Orvieto Family Apartments Site Mailing List?

If you would like to be added or removed from the mailing list for the Orvieto Family Apartments Site, please complete the information below and return to . Tammy Pickens, 8800 Cal Center Drive, Sacramento, California 95826. You can email your request to be added or removed from the mailing list to [TPickens@dtsc.ca.gov](mailto:TPickens@dtsc.ca.gov).

\_\_\_\_\_ Please remove my name from the mailing list

\_\_\_\_\_ Please add my name to the mailing list

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

*Note: While this mailing list is solely for DTSC use, the list is considered a public record.*