



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, October 2007

## Cleanup Plan Available for Review for the Vista Montana Park Site

San José, California

A proposal to clean up contamination at the Vista Montana Park site (VMP) is open for public comment. The Department of Toxic Substances Control (DTSC) invites the public to review and comment on the cleanup plan called a Draft Removal Action Workplan (Draft RAW). The VMP site is located at 55 Vista Montana, 81 Vista Montana, 305 Tasman Drive, 4145 North First Street, and 4041 North First Street, San José. The map on page 3 shows the site location and adjacent areas.

Investigations at the VMP site found that soil is contaminated with pesticide-related contaminants and include arsenic, lead, and dichloro-diphenyl trichloroethane (DDT). Vista Montana Park Homes LLC and ERP Operating Limited Partnership plan to purchase and redevelop the VMP site into townhouses, apartments, and two public parks. The town homes and apartments will be built on raised parking structures. If the Draft RAW is approved, the proposed cleanup would involve capping the contaminated soil on the site. Contaminated soil would be removed from the public park areas and placed on the residential areas. Clean soil will then be brought in to cover the public park areas. The residential areas will be capped by building foundations, street, parking pavements, and landscaping, all of which will prevent exposure to the contaminated soil.

DTSC invites public review and comment on the Draft RAW during a 30-day public comment period. The Draft RAW describes in detail the investigation and proposed cleanup activities for the VMP site. The Draft RAW and other site-related documents are available at the Information Repositories listed on page 5.

DTSC is a part of the California Environmental Protection Agency. An important function of DTSC is to evaluate sites for potential hazardous substances or contamination that may pose a risk to public health and the environment and to oversee soil and

### PUBLIC COMMENT PERIOD

We encourage you to review and comment on the Draft RAW. DTSC will hold a 30-day public comment period beginning **October 18, 2007 and ending November 19, 2007**. All comments must be postmarked by November 19, 2007. All e-mailed comments must be received no later than 5:00 pm on that same day. Please submit your comments to:

Jovanne Villamater  
DTSC Project Manager  
700 Heinz Avenue  
Berkeley, California 94710  
(510) 540-3876 or [Jvillam1@dtsc.ca.gov](mailto:Jvillam1@dtsc.ca.gov)

For information about public participation and community involvement, please contact Chao Thao, DTSC Public Participation Specialist, 8800 Cal Center Drive, Sacramento, California 95826 at (916) 255-3649 or toll-free at (866) 495-5651 or by email to [Cthao@dtsc.ca.gov](mailto:Cthao@dtsc.ca.gov). A public meeting will be considered if a request identifying the issues to be raised is made to Chao Thao by November 1, 2007.



groundwater investigations and cleanup if contamination is found. DTSC is the lead government agency overseeing soil and groundwater investigation and cleanup at the VMP site.

### Site Location

The 20.75 acre VMP site consists of 4 parcels: Parcel A, Parcel B1, Parcel B2, and Parcel C. The northern most portion of the site is bounded by North First Street; Tasman Drive bounds the southern most portion of the site; the western portion of the site is bounded by residential development; Cisco Systems parking lot and commercial development bounds the eastern portion of the site; Vista Montana runs through the site and divides Parcel A, B1 and B2 from Parcel C. The site map shows the 4 parcels and their boundaries.

The proposed public park sites are on Parcel C (5 acres) and between Parcel B1 and B2 (1 acre). The town homes and apartments are proposed for Parcels A, B1, and B2.

### Site History

The VMP site was used for agricultural purposes for several decades prior to development and was planted with orchards as early as 1939. The site use prior to 1939 likely was either agricultural or undeveloped land. By 1974, the orchards were removed and the site was planted with row crops.

The current on-site buildings appear to have been constructed in the mid-1980s. The buildings on the four parcels are currently used for office space, light manufacturing, and offsite storage.

### Investigation Findings

Soil investigations were conducted between 1998 and 2006. The following chart lists the primary contaminants detected at the VMP site and DTSC's screening levels for the future planned use for the site. Soil samples were collected from depths of 0 to 10 feet below the ground surface.

Naturally-occurring arsenic levels in the Bay Area typically exceed human health risk-based screening levels for residential use in California. For this reason, background concentrations (10 ppm up to 20 ppm) for the Bay Area have been previously accepted as cleanup levels. Arsenic is identified as the only contaminant of concern because there

Primary Contaminants	Likely Source of Contaminants	Maximum Level Detected	Cleanup Goals for VMP site
Lead	Former Storage Area	310 ppm	150 ppm
Arsenic	Historical pesticide use	89 ppm	10-20 ppm
DDT	Historical pesticide use	9.4 ppm	1.6 ppm
ppm = parts per million			

are arsenic concentrations on the VMP site above naturally-occurring background levels. Lead and DDT are not considered contaminants of concern because the higher concentrations of these contaminants are found only in certain parts of the VMP site and are not found site wide.

Groundwater investigations were conducted in 1991, 1998, and 2006. Groundwater has not been found to be impacted at the site.

### Draft Removal Action Work Plan

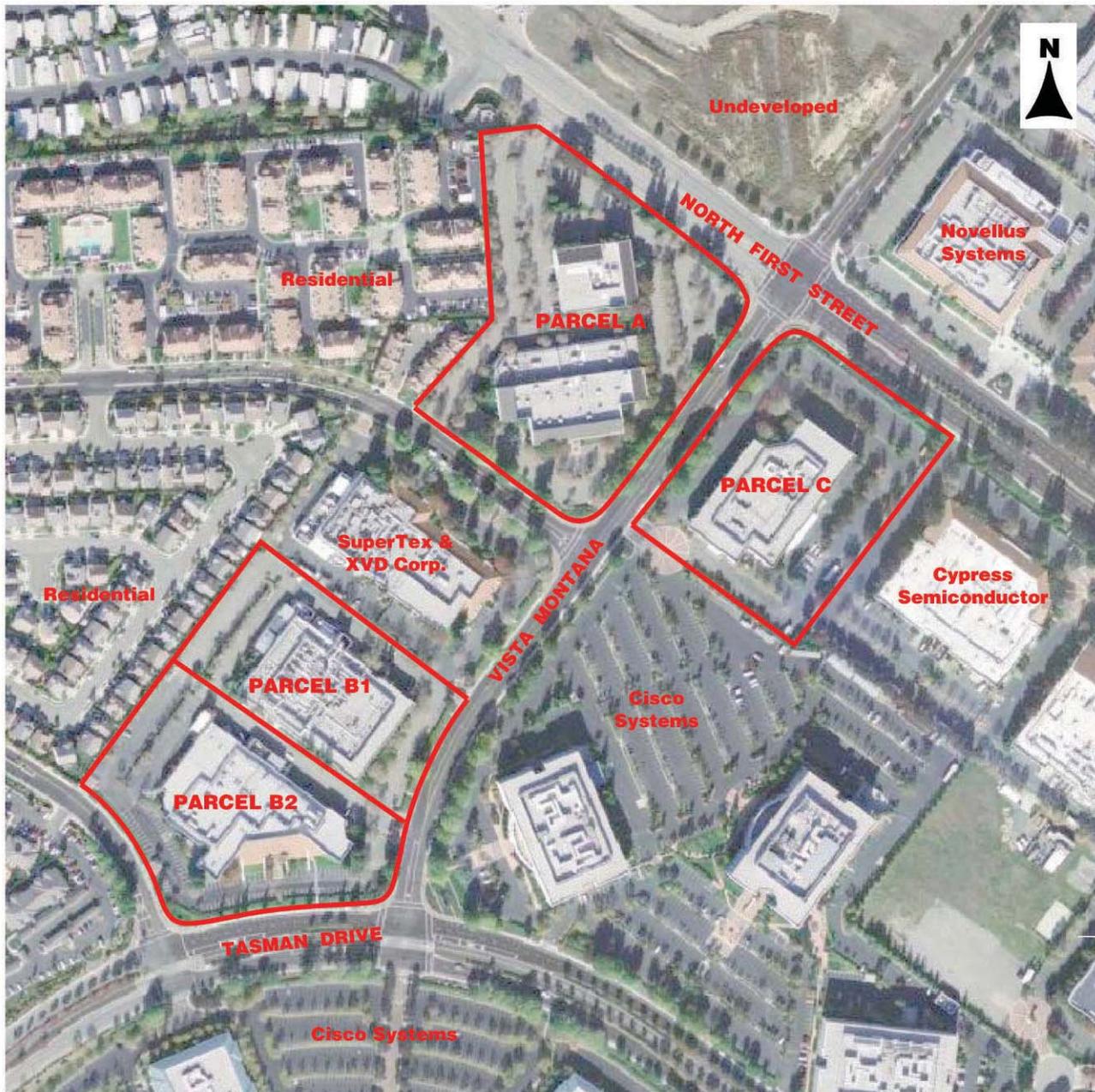
The primary objective of a Draft RAW is to evaluate cleanup alternatives and to identify a preferred alternative that prevents or reduces potential risks to public health and the environment. A Draft RAW summarizes previous studies and identifies the possible cleanup alternatives. Cleanup alternatives are screened and evaluated on the basis of their effectiveness, ability to implement, and cost. A Draft RAW identifies the alternative DTSC recommends and believes is the most appropriate for the site.

Before DTSC makes a final decision to approve, modify or deny a Draft RAW, it is made available for public review and comment during a 30-day public comment period. All comments received during the public comment period are reviewed and considered before a final decision is made by DTSC.

### Cleanup Alternatives Considered

Three cleanup alternatives were evaluated to address the contamination at the VMP site:

- Alternative 1 involves "No Action". This alternative means no cleanup activities would occur.
- Alternative 2 involves removal and offsite



disposal of arsenic-contaminated soil from the proposed residential parcels (parcels A, B1, and B2) and the public park parcels (parcel C and between Parcel B1 and B2). Any soil with arsenic concentrations above 20 ppm would be removed to an off-site permitted facility. Clean soil would be brought to the site to backfill the excavations and restore the grade at the public park parcels.

- Alternative 3 involves excavation of approximately 22,060 cubic yards (1,671 truckloads) of contaminated soil from the proposed public park areas. The maximum depth of excavation would be 2 feet. The excavated soil would be placed on the

proposed residential area. A 2-foot cap of DTSC approved clean soil would be placed over the proposed public park areas to replace the contaminated soil that is removed. The construction of the residential garage foundation, driveway, and parking lot pavement would cap the residential area and prevent exposure to the contaminated soil. An operation and maintenance program would be implemented to monitor and protect the cap. A land use covenant would be put in place that prohibits the use of the property for schools, day-care centers or hospitals. The land use covenant also would require that any townhouse or multifamily

residence developments be built without ground level outdoor play areas except for areas covered with asphalt, concrete or other surfacing that prevents contact with soils. In addition, any work that involves disturbing soil or the cap would need DTSC approval and notification.

### **DTSC's Cleanup Recommendation and Proposed Activities**

DTSC recommends Alternative 3 as the preferred cleanup alternative. The capping, together with the land use covenant and operation and maintenance program, would limit the exposure to contaminated soils in the future and would be protective of human health and the environment.

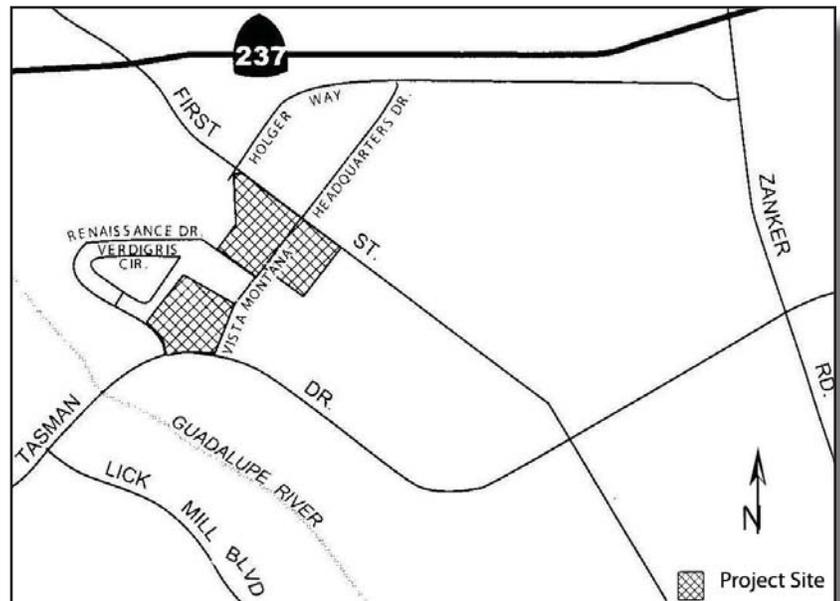
If the Draft RAW is approved, you can expect to see the following activities at the site:

- Large equipment, such as excavators and backhoes, will be used to excavate and stockpile the contaminated soil.
- Approximately 48,000 cubic yards (2,600 truckloads) of DTSC approved clean soil will be transported to the site to replace contaminated soil excavated from the public park areas and to raise the elevation of the residential areas.
- Air monitoring will take place during excavation activities and throughout the daytime work schedule to protect workers and the community.
- During excavation activities, soil and work areas will be lightly sprayed with water from water trucks to reduce or prevent dust.

### **Proposed Schedule and Truck Route**

Once the Draft RAW has been approved, soil excavation activities can begin as early as December 2007. Construction of the cap is expected to be completed by 2009.

Excavation activities are expected to occur between 7 a.m. and 7p.m. Monday through Friday. Approximately 5 to 10 trucks are expected to be on the site each day. All trucks and vehicles will be



washed before exiting the site.

Trucks transporting equipment and clean soil to the VMP site are expected to travel on Highway 237, exit onto North First Street, and then turn right onto Vista Montana.

### **California Environmental Quality Act (CEQA) Compliance**

The City of San José prepared a final Program Environmental Impact Report (EIR) for the North San José Development and a subsequent VMP site-related Initial Study – EIR Addendum that evaluate the potential environmental impacts of the proposed site cleanup and development project for Vista Montana Park. DTSC plans to rely on these documents in order to meet its CEQA requirements. These CEQA documents, along with the Draft RAW, are available for your review on the internet and are also located at the Information Repositories listed on page 5.

### **Next Steps**

The public has an opportunity to review and comment on the Draft RAW during a 30-day public comment period. The 30-day public comment period begins on October 18, 2007 and ends on November 19, 2007.

DTSC will consider all comments received during the comment period before making a final decision on approving, modifying, or denying the Draft RAW. Once a decision has been made, DTSC will prepare a “Response to Comments” document that explains how public comments

were considered and how they were, or were not, incorporated into the final cleanup decision for the site. All individuals who submitted comments or questions will be sent a copy of the “Response to Comments” document. A copy of the “Response to Comments” document will also be available at the Information Repositories.

### Information Repositories

The Draft RAW, CEQA documents, and other site-related reports are available at the Information Repositories listed below:

#### Alviso Branch Library

5050 N. First Street  
Alviso, CA 95002  
(408) 263-3626

#### Novellus Systems

4000 N. First Street  
San José, CA 95134  
(408) 943-9700  
Hours: Monday – Friday 9:00 a.m. – 5:00 p.m.

The full Administrative Record is located at:

#### DTSC File Room

700 Heinz Avenue  
Berkeley, California 94710  
(510) 540-3800  
(Please call for an appointment.)  
Hours: Monday – Friday 8:00 a.m. – 5:00 p.m.

### Website Information

The Draft RAW is available online at [www.envirostor.dtsc.ca.gov/public/](http://www.envirostor.dtsc.ca.gov/public/). Enter San José for the city and click “Get Report.” Find Vista Montana Park and click on “Report.” This will take you to DTSC’s database where you will find the Draft RAW and other documents related to the Vista Montana Park site.

The City of San José’s EIR can be reviewed on-line at [www.sanjoseca.gov/planning/nsj/environment.asp](http://www.sanjoseca.gov/planning/nsj/environment.asp). The Addendum can be accessed at [www.sanjoseca.gov/planning/eir/Addendums\\_to\\_IS/PDC07-055/06-30%20Initial%20Study.pdf](http://www.sanjoseca.gov/planning/eir/Addendums_to_IS/PDC07-055/06-30%20Initial%20Study.pdf).

If you would like to learn more about the Department of Toxic Substances Control, you can visit us online at [www.dtsc.ca.gov](http://www.dtsc.ca.gov).

### For More Information

For questions regarding the Draft RAW contact:

Jovanne Villamater  
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[Jvillam1@dtsc.ca.gov](mailto:Jvillam1@dtsc.ca.gov)

For questions regarding public participation contact:

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8800 Cal Center Drive  
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(916) 255-3649  
Toll-free at (866) 495-5651  
[Cthao@dtsc.ca.gov](mailto:Cthao@dtsc.ca.gov)

For media inquiries contact:

Angela Blanchette  
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[Ablanche@dtsc.ca.gov](mailto:Ablanche@dtsc.ca.gov)

### Annuncio

Si prefiere hablar con alguien en español acerca de ésta información, favor de llamar a Jesus Cruz, Departamento de Control de Substancias Tóxicas. El número de teléfono es (916) 255-3315.

### Notice to the Hearing Impaired

TDD users can obtain information about the Vista Montana Park site by using the California State Relay Service at (888) 877-5378. Please ask to speak with Chao Thao, DTSC Public Participation Specialist, at (916) 255-3649.

