

County of Santa Clara

Department of Environmental Health

Hazardous Materials Compliance Division Site Mitigation Program

1555 Berger Drive, Suite 300
San Jose, CA 95112-2716
(408)918-3400 FAX (408)280-6479



June 27, 2019

APNs: 259-28-003, 004, 005

SENT VIA ELECTRONIC MAIL ONLY

Robert Putnam
HDS Construction Corp
dHUDSON@HUDCORP.NET

SUBJECT: Site Cleanup Program – 138 Stockton Development, SCP Case No. 2017-03s
138 Stockton Ave., San Jose, CA

Dear Mr. Putnam:

On June 8, 2017 the Department of Environmental Health (DEH) issued you a directive letter which approved a Soil Management Plan associated with redevelopment of the above referenced properties. One of the conditions of approval (Condition #12) required a Deed Restriction/Environmental Covenant to be filed with the Santa Clara County Office of the Clerk-Recorder. As of the date of this letter, the DEH is not aware that this condition of approval has been met.

A Deed Restriction/Environmental Covenant is required for this project because State of California Class I Non-RCRA hazardous material (contaminated soil) was buried beneath the new building foundation. Due to the hazardous material buried on-site, the building foundation and hardscape must be maintained in a way that prevents exposure to the contaminated soil. The Deed Restriction/Environmental Covenant is an instrument to help ensure proper communication of the restrictions and maintenance requirements to future site workers and owners. At this time, the DEH requires you to submit a draft of the Deed Restriction/Environmental Covenant for review. The DEH can provide a template for this document upon request.

SUBMITTAL REQUIREMENT

Please submit the following technical reports to DEH via GeoTracker according to the following schedule:

Deed Restriction/Environmental Covenant - DRAFT

August 16, 2019

Technical reports are required pursuant to our authority under Section 101480 of the California Health and Safety Code. Each report shall include conclusions and recommendations for the next phases of work required to protect water resources, human health and safety, and the environment at the site. All required work must be performed in a prompt and timely manner. Revisions to the schedule shall be requested at least two weeks prior to the due date in writing with appropriate justification for the anticipated delays and a proposed revised schedule.

Board of Supervisors: Cindy Chavez, Mike Wasserman, Dave Cortese, Susan Ellenberg S. Joseph Simitian
County Executive: Jeffrey V. Smith

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The California Business and Professions Code (Sections 6735, 7835, and 7835.1) require that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments must be performed under the direction of an appropriately registered or certified professional.

It should be noted that any additional or previously unidentified contamination at this property may require further notification, investigation or cleanup.

If you have any questions, please feel free to contact me at (408) 918-1954 or via email.

Sincerely,

Aaron Costa
Senior Hazardous Materials Specialist
Site Mitigation Program
aaron.costa@cep.sccgov.org

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File - GeoTracker