

CITY OF MOUNTAIN VIEW

Office of the City Manager • 500 Castro Street • Post Office Box 7540 • Mountain View, California 94039-7540
650-903-6301 • FAX 650-962-0384

November 7, 2009

Ms. Alana Lee
Project Manager, MEW Study Area
United States Environmental Protection
Agency, Region 9
75 Hawthorne Street, SFD-7-3
San Francisco, CA 94105

**Re: COMMENTS ON JULY 2009 PROPOSED PLAN FOR THE VAPOR INTRUSION
PATHWAY AND AUGUST 20, 2009 UPDATES, MEW SUPERFUND STUDY
AREA**

Dear Ms. Lee:

The City of Mountain View ("City") appreciates the opportunity to comment on the July 2009 Proposed Plan and the August 2009 Update for the Vapor Intrusion Pathway for the MEW Superfund Study Area. The comments below convey City staff's input, but do not necessarily reflect comments or direction of the City Council. At this point, City staff offers the following specific comments for the EPA's consideration when finalizing the Preferred Alternatives for the Vapor Intrusion Pathway.

The City refers to, reiterates and incorporates by this reference its comments as set forth in its letters to EPA dated March 5, 2008 and November 22, 2006, copies of which are attached to this letter as Attachments 1 and 2.

The City supports the Responsible Parties, the property owners and their tenants (both commercial and residential), and EPA in their efforts to do what is reasonably necessary to resolve all conditions that pose any threat to the health, safety and well-being of the citizens of Mountain View and the community in general. Of paramount concern to the City is protection of the health, safety and well-being of its citizens. Toward this end, the City believes it is imperative that the RPs, property owners and EPA reach consensus on the best and most effective vapor intrusion remedy as quickly and as efficaciously as possible. The City agrees that it is necessary to accelerate remediation of the solvent plume in the groundwater to mitigate and eventually eliminate risk from vapor intrusion. This is the best and most effective way in which to mitigate risk from vapor intrusion into structures within the MEW Study Area. As such, alternative remedial technologies, such as bio-remediation or others, should be tested and, if successful under site conditions, implemented expeditiously to clean up the groundwater as soon as possible.

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The City agrees that sub slab and sub membrane depressurization systems would be the most effective and reliable vapor mitigation alternatives. The City believes that Commercial Property Owners' ("MCO") proposed alternative for vapor intrusion plan has merit and could be effective, both in the immediate future and over the long term. Voluntary, negotiated, recorded agreements between Responsible Parties and property owners are viable, permanent and protective. In cases where a property owner refuses to grant access, the City is willing to assist the RPs and EPA however feasible on an informal basis to encourage owners to cooperate.

The City believes that the operation of HVAC systems as a remedy—whether as the primary component of the remedy or as a back-up alternative—could serve as an option, but only as one of last resort and only if the property owner agrees. Operation of HVAC systems for extended periods will have adverse effects on the environment and will increase energy consumption and greenhouse gas emissions. The City recently adopted communitywide greenhouse gas reduction targets, and selection of HVAC operation as a remedy would work counter to these goals. The City cannot support any remedial alternative that uses or relies upon such a system, unless the immediate health and safety of its citizens require it and no other option is available.

In the event EPA retains HVAC as a potential remedial alternative, then the City believes EPA and the property owners should compile more information about current HVAC systems and operations. Neither the current Proposed Plan nor the Final Supplemental Remedial Investigation and Feasibility Study presents sufficient data to support extended HVAC operations as a feasible and viable alternative to vapor intrusion mitigation. There is insufficient information about conditions and operability of current HVAC systems on a building-by-building basis. Moreover, there is insufficient data about estimated costs needed to improve or replace HVAC systems on a building-by-building basis.

The City believes that there are viable and effective non-legislative alternatives for a municipal component of the vapor intrusion remedy's Institutional Control. These include the City's permit application and approval process, development/use conditions of approval, property databases, and California Environmental Quality Act review of projects and refinements to the City's CEQA Guidelines.

The City recommends that the City's administrative process for development and building permits serve as the municipal component of the vapor intrusion remedy's Institutional Control. These administrative procedures, described in draft form in Attachment 3, have been adhered to in practice by the City for many years, effectively addressing environmental conditions related to new and re-development in the MEW Study Area. The City has the authority, under its police power, to require property owners and tenants to comply with these procedures. These administrative procedures, which the City's Community Development Director formally will issue, capture building construction or improvement that involve or implicate elements of vapor pathway mitigation (e.g., installation of sub slab systems and

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correction of slab incursions or defects). These administrative procedures also describe "future improvements", which the City believes could enhance and improve the development and building permit process as it applies to the MEW Study Area. An "Integrated Permit System" could integrate and coordinate the City's three database systems (planning, building and code enforcement) to ensure that all properties and parcels within the MEW Study Area are captured by this Institutional Control. Although the City does not have the resources to purchase and implement this type of integrated system, if the EPA determines such a system is critical to the MEW Study Area vapor intrusion remedy, then the City would request that EPA and/or the Responsible Parties reimburse it for the costs of updating and improving the software necessary to integrate these database systems.

The Proposed Plan currently identifies a "municipal ordinance" as EPA's preferred Institutional Control for all remedial alternatives (except for the "No Action" alternative). In light of the above recommendation about the most effective and practical Institutional Control, the City questions whether an ordinance would be a viable part of any long-term remedy. An ordinance as a mechanism to enforce remedial alternatives is not feasible or effective for several reasons, including the following:

a. Due to equal protections constraints, any ordinance would need to apply to areas and properties in addition to MEW Study Area buildings and residences; thus, an ordinance would have an overly and disproportionately broad sweep to address a small number of properties;

b. The City does not have funds, personnel, resources or expertise to enforce and implement on-going sampling, monitoring and correction. Furthermore, even if it was intended that such on-going City involvement would be fully cost-recovered through payment from the MEW Site Responsible Parties, it would represent a new type of regulatory activity for the City with indirect resource impacts and administrative complexities. Thus, the City questions whether such a program would be in the best operational and financial interests of all parties involved, especially when contamination site monitoring has occurred for decades directly between RPs, private environmental contractors, and lead regulatory agencies without local agency involvement.

c. An ordinance is the result of political action and, by definition, could be temporary and subject to change; legislated solutions are less durable and effective (due to the "political" quality of council decisions). The Plan's statement on page 15 -- that "[o]nce adopted . . . use of a municipal ordinance can be an effective long-term method to ensure remedy implementation" -- is not necessarily true.

Other potential downsides to an ordinance for which here has been little to no consideration or analysis in the Proposed Plan include the following:

a. The process by which an ordinance must be prepared, vetted and enacted is long, unwieldy and uncertain. Extensive public input is required, and study sessions and public hearings are time-consuming but necessary. The outcome of this process is not predictable.

b. Costs of preparation, public participation and hearing, and adoption and implementation of an ordinance are uncertain. On page 10, the Plan states that "the estimated cost to prepare and adopt an ordinance is approximately \$25,000, and the annual cost to monitor and enforce the performance of the ordinance is \$23,000, resulting in a 30-year present worth cost of \$310,000." Although only preliminarily reviewed by the City, these estimates were made before more fully reviewing the concept of an ordinance with the EPA, the Responsible Parties, and commercial and residential property owners, and are likely to be significant underestimates.

Recorded covenants and access/mitigation agreements between Responsible Parties and property owners serve the same purpose and accomplish the same objectives as an ordinance or zoning. Such recorded instruments provide notice and information to current and prospective property owners and users. And the City's permit process, as explained above, combined with mitigation agreements tied to building-specific Operations and Maintenance Plans, will help ensure that new buildings, or buildings that undergo substantial modification, are designed, constructed, and/or improved to mitigate potential vapor intrusion. Recorded agreements have been negotiated and implemented successfully at the MEW site, as the Final Feasibility Study reports on page 74.

In the event EPA and other parties nonetheless pursue an ordinance as part of the remedy's Institutional Control, there are many details to be developed and discussed regarding the feasibility of a municipal ordinance as an IC. EPA and the MEW parties must acknowledge and account for the costs of development, implementation, and on-going monitoring and enforcement of any such ordinance, as the City should be and is entitled to recover fully such costs. The City is not a responsible party (or liable person under CERCLA), and public monies in this case should not be expended for environmental clean-up tasks that are the responsibility of private parties who caused or contributed to the contamination at issue.

Although the component of the remedy that suggests a municipal ordinance as an Institutional Control has been the subject of on-going discussion between City staff and EPA, this would require future study sessions and public meetings with the City Council. Therefore, EPA should anticipate extensive future public input during consideration of a municipal ordinance in its remedy selection decision, which EPA should respond to in the Responsiveness Summary and document in the Record of Decision Amendment.

Residential Areas. For reasons discussed above, an ordinance would not be the most effective and efficient method to ensure implementation and management of a vapor intrusion remedy of existing or new residences in the Vapor Intrusion Study Area. The Responsible Parties should be required to install vapor intrusion control systems in existing residences that

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have been tested and warrant a system or in new residences as warranted. The City's permit process for Residential development is described in Attachment 3.

The Record of Decision Amendment should recognize that any solution -- including the Institutional Control component of the remedy -- must be designed and implemented on a property-by-property/building-by-building basis. There are too many variations in building types and conditions (as the Proposed Plan acknowledges on page 9), as well as varying chemical concentrations in groundwater under different properties, for a standard or homogeneous solution. This in and of itself undermines the effectiveness of a general, overarching mechanism such as an ordinance or overlay zone in commercial and/or residential areas.

Mitigation should be on a property-by-property/building-by-building basis, and the City believes that there is insufficient data about air quality conditions or vapor intrusion (not every building has been sampled adequately or at all). Moreover, the City is concerned that the cost of implementation and monitoring of each building-specific remedy has not been adequately or accurately estimated.¹ Finally, the City questions whether certain air sampling data are so old (2003-2004) that this data are not accurate or reliable indicator of current interior vapor conditions.

The Proposed Plan and the Final Supplemental Remedial Investigation and Feasibility Study do not map clearly enough the specific boundaries of the Vapor Intrusion Study Area, although a subsequent map and lists identify properties by address. EPA should provide documentation that clearly shows which individual properties by parcel number fall within the study area and describes the process for estimating the plume boundaries and how frequently the plume is mapped. These details are critical to a property owner's understanding about the status of their property.

The Vapor Intrusion Study Area should be clearly defined and precisely drawn, and the boundary between the Study Area "Buffer Zone" and the line of the plume estimated at TCE 5 ppb in shallow groundwater should be clearly delineated, particularly in residential areas. The distinction between being in the buffer zone versus actually above groundwater contamination could be an important distinction from a property owner's perspective.

On page 27 of the Proposed Plan, EPA states that the overall cost estimate for the preferred alternative was calculated based on its preliminary classification of existing buildings

¹ The Final Remedial Investigation (page 71) acknowledges that in the areas south of Highway 101 within the A aquifer TCE plume boundary, 28 commercial buildings had not been sampled as of the time of the report. At page 8, the Final Feasibility Study indicates that 26 commercial buildings had not been sampled within this area.

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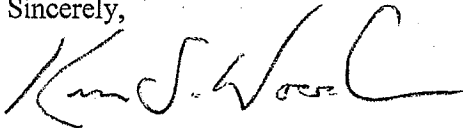
into various compliance tiers based on currently available indoor air sampling data. EPA should make these preliminary classifications available to property owners upon request.

The Proposed Plan discusses the requirement and/or option for property owners to conduct additional confirmation sampling to confirm their tier of compliance, also stating that "additional lines of evidence may be collected and evaluated at any time to determine whether a move between tiers would be appropriate" (p. 23). Property owners of "victim sites" to the groundwater contamination should not have to cover the costs of this "burden of proof" sampling. Additionally, EPA should specify with further guidance what constitutes "additional lines of evidence."

As discussed on previous occasions with EPA, City staff reiterates and emphasizes that due to the complexities of this Proposed Plan, extra outreach to both residential and commercial property owners, tenants, and employees in the Vapor Intrusion Study Area is warranted. In addition, and related to outreach efforts, the City would like to recommend that the EPA consider the development of a clear and concise webpage that addresses the frequently asked questions and concerns regarding the MEW Study Area from the residential property owner, commercial property owner, and tenant's perspectives.

Again, thank you for the opportunity to provide these comments. The City would like to commend the EPA and the Responsible Parties for the considerable efforts and progress that have been achieved over decades of work in the MEW area, and looks forward to continuing to work to ensure the public health and safety and environmental protection in this vital area of the City. Please contact me in the Mountain View City Manager's Office at (650) 903-6301 or by e-mail to kevin.woodhouse@mountainview.gov if you have any questions or require additional information regarding these comments.

Sincerely,



Kevin S. Woodhouse
Assistant to the City Manager

cc: City Council
CM, ACM, CDD, EDM, SACA-Quinn, ACA-Chopra, ZA, BO (Acting), FM
Lenny Siegel, CPEO
Perry Palmer, Mountain View Commercial Owners



CITY OF MOUNTAIN VIEW

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March 5, 2008

MR ELIE H HADDAD PE
LOCUS TECHNOLOGIES
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MS ALANA LEE—PROJECT MANAGER
SUPERFUND DIVISION SFD-7-3
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75 HAWTHORNE STREET
SAN FRANCISCO CA 94105

CITY STAFF COMMENTS REGARDING FEASIBILITY OF HEALTH AND SAFETY ORDINANCE INSTITUTIONAL CONTROL

Dear Ms. Lee and Mr. Haddad:

As follow-up to our January 8, 2008 meeting regarding institutional controls for vapor intrusion at the MEW study area, City staff would like to provide the following comments and suggestions.

Implementing revisions to the City's Health and Safety Ordinance to require a periodic certification and monitoring program for heating/ventilation/air conditioning (HVAC) systems for specific targeted buildings within the MEW study area may be possible but would pose several technical and administrative challenges:

1. Detailed risk-based criteria would need to be developed to determine which buildings would be subject to the certification and monitoring program. The EPA's and MEW companies' technical expertise would be required during the evaluation and development of such criteria as well as during the public hearing process to defend the criteria and during any subsequent challenges to the criteria. Building owners in the MEW study area undoubtedly will be concerned about being subject to such a monitoring program and likely will want to have periodic reevaluations of their buildings as groundwater contamination levels decrease or tenant improvements inside buildings are made. In short, there is the possibility that building-by-building challenges to the ordinance will pose an ongoing technical and administrative, if not legal, challenge to the program.

Mr. Elie H. Haddad, P.E.

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2. If this ordinance were recommended to the City Council, the issue of whether or not it should be applied City-wide where the same health risk conditions potentially exist will need to be considered. There are numerous shallow groundwater solvent contamination cases in Mountain View. If it were to be applied City-wide, the EPA's and MEW companies' technical expertise and/or resources would be required to evaluate these areas for buildings that might be subject to the ordinance. Otherwise, this institutional control originally being sought for the MEW study area could create implementation and enforcement funding gaps elsewhere in the City.
3. Although the MEW companies have indicated that voluntary agreements to an HVAC certification and monitoring program negotiated between the property owners and the MEW companies would be less feasible, based on past experience, than the Health and Safety Ordinance idea, this option does not appear to staff to have been thoroughly evaluated. How many property owners in the MEW study area are currently under agreement with the MEW companies for access or other provisions? How many already have restrictive covenants? What are the restrictions? How many would be subject to this ordinance concerning HVAC systems? Would buildings that have operational HVAC systems and have been tested and shown to not have an indoor vapor risk be subject to the monitoring program? Are there any buildings that do not have operational HVAC systems? Have incentives been offered to property owners for voluntary compliance? How would nonvoluntary compliant property owners react if they had to choose between voluntary compliance and being subject to an ordinance?
4. Although the details of the ordinance idea have yet to be worked out, the City does not have staff, resources or technical expertise to develop and implement such an ordinance and enforcement program.

Due to the points above, City staff would like to recommend an approach to the health and safety ordinance idea in which all possible voluntary agreement efforts are attempted before the significant political process of a mandatory ordinance is initiated. If voluntary agreement efforts fail, then a mandatory ordinance to bring the remaining property owners into compliance would be more politically and administratively feasible. City staff recommends that the MEW companies and the EPA develop a reasonable work plan for pursuing voluntary compliance. The City would be willing to participate in, but not lead, this effort. If there are still noncompliant property owners after one year (or whatever appropriate work plan time line is determined), the appropriateness of a health and safety ordinance should be further considered.

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Thank you for the opportunity to review and comment on this issue. The City looks forward to continuing its participation in this process to ensure the responsible parties continue their efforts toward a clean and health-protective environment for Mountain View residents and businesses.

I can be reached at (650) 903-6215 or by e-mail at kevin.woodhouse@mountainview.gov if you would like to discuss these comments.

Sincerely,



Kevin S. Woodhouse
Assistant to the City Manager and
Environmental Management Coordinator

KSW/9/MGR
610-03-05-08L-E^

cc: CM, ACM, CDD, PWD, SACA—Emerson, FC, FM, EDM (Berns)



CITY OF MOUNTAIN VIEW

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November 22, 2006

Elie H. Haddad, P.E.
Jessica D. Ramirez, P.E.
Locus Technologies
299 Fairchild Drive
Mountain View, CA 94043

Alana Lee, Project Manager
Superfund Division SFD-7-3
EPA Region IX
75 Hawthorne Street
San Francisco, CA 94105

COMMENTS RE: SUPPLEMENTAL FEASIBILITY STUDY FOR VAPOR INTRUSION, MIDDLEFIELD-ELLIS-WHISMAN AREA AND MOFFETT FIELD, CA, OCT. 16, 2006

Dear Ms. Lee, Mr. Haddad and Ms. Ramirez:

Thank you for the opportunity for the City of Mountain View to review and comment on this subject report. This report is an important step toward addressing the potential vapor intrusion pathway into current and future buildings overlying the MEW Study Area groundwater contamination plume. As you are aware, the City is supportive of efforts to address these important vapor intrusion issues, and over the past few years has played an active role in advocating for and facilitating community involvement in MEW Study Area and Moffett Field clean-up actions. In addition to participating in the Northeast Mountain View Advisory Council and Moffett Restoration Advisory Board meetings, the City has met and discussed these issues with the Responsible Parties and regulatory agencies on multiple occasions. The City looks forward to continuing its participation in this process to ensure the Responsible Parties continue their efforts toward a clean and health-protective environment for Mountain View residents and businesses.

The comments below represent City staff's preliminary review of the Feasibility Study Report. Later in the RI/FS-Proposed Plan-ROD process, depending on your responses to these comments, it may be necessary for staff to present this issue to the Mountain View City Council for additional review, comment, and decision-making as related to City policies, practices, and resources. As these comments convey, many of the Institutional Controls proposed in the Feasibility Study Report potentially impact the City well beyond its current policies, practices, and resources.

City staff would like to provide the following comments on Section 8.3, "Institutional Controls," pp. 91-93, and Section 8.4, "General Approach," pp. 93-96:

1. References to one-time or annual building and/or ventilation system inspections or verifications in Sections 8.3.1, 8.3.2, 8.3.3, 8.3.4, 8.3.6, 8.4.1, 8.4.2, and 8.4.3 are ambiguous about who would conduct such inspections or verifications. For clarification, the City does not verify HVAC system functionality as part of the building inspection and permitting process. Furthermore, the City does not have the jurisdiction, resources, or staffing to implement this kind of ongoing monitoring and enforcement program; this would be an entirely new, unfunded program requiring legislative authority and enforcement power, resources, and fees. The City recommends that such a program, if chosen as an institutional control, should be conducted privately between the Responsible Parties, building owners/occupants, and the U.S. EPA. Such a program should be paid for by the Responsible Parties and incentives could be given to businesses that participate to increase cooperation and participation.
2. The last full paragraph on p. 91 states that "the City of Mountain View may wish to evaluate a local ordinance, zoning change or overlay at the Site to incorporate engineering controls for new commercial and residential construction and/or operational controls on existing commercial properties." Adoption of an overlay zone (which designates an area requiring special treatment) would require significant staff time to develop, implement, and oversee, is beyond current City staff and resources, and would require City Council policy direction. The City has never applied overlay zones to environmental issues, particularly because environmental conditions for properties can change but rezoning properties to remove the overlay as groundwater is cleaned up would be very cumbersome. Adopting an overlay zone for environmental conditions would generate significant concern from property owners and require Environmental Planning Commission and City Council public hearings and action by these bodies.

The City's current planning review practices for new development and re-development include database tools, mapping tools, and staff expertise to assess contamination issues. Although not as institutionalized as an overlay zone control, these practices have proven effective at addressing vapor intrusion risks at new and re-development sites through mitigation requirements such as vapor barriers and sub-slab ventilation systems. City staff would like to strongly discourage reliance on the overlay zone concept as an institutional control. However, if necessary, City staff is open to continuing discussions with the Responsible Parties and the EPA about the pros and cons, resource impacts, and significant public decision-making process, including City Council decision-making, required to implement this type of institutional control.

In addition, please consider the following two comments:

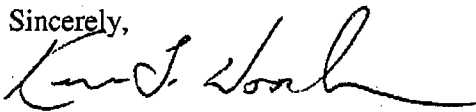
3. Regarding the statement under Section 1.2, "Site Background," p. 3, last paragraph that "The MEW area is currently zoned primarily for commercial and light industrial use, and the City of Mountain View has indicated that it has no current plans to change the zoning in the MEW area," please be advised that the City is currently engaged in a South

Whisman Rezoning Study to consider the possible conversion of industrial land to residential uses in the area bounded by Whisman Rd., Ferguson Dr., Whisman Station, and properties on the south side of Middlefield Rd. This rezoning study area is adjacent to and potentially may include some overlap with the southern most estimated plume boundary of the MEW study area. City staff is available to provide additional information about the status of this rezoning study as necessary.

4. Acceleration of groundwater remediation is the most guaranteed solution to future vapor intrusion risks. The City understands some MEW Site Responsible Parties are implementing pilot tests to explore the effectiveness of bio-remediation or other alternative remediation strategies. The City would like to encourage additional focus and priority on technologies that might accelerate groundwater remediation.

City staff appreciates the opportunity to review and comment on this report. I can be reached at (650) 903-6215 or by e-mail at kevin.woodhouse@mountainview.gov if you have questions about these comments. The City looks forward to working collaboratively to address these vapor intrusion issues.

Sincerely,



Kevin S. Woodhouse
Assistant to the City Manager &
Environmental Management Coordinator

cc: Alana Lee, Project Manager, United States Environmental Protection Agency
Sandy Olliges, NASA-Ames Research Center
Lenny Siegel, Center for Public Environmental Oversight
Rick Weissenborn, Navy BRAC Program Management Office West

CM, ACM, CDD, PWD, SACA-Emerson, DCDD

**CITY OF MOUNTAIN VIEW
MEMORANDUM**

DATE: November 6, 2009

TO: Community Development Staff

FROM: Randal Tsuda, Community Development Director

SUBJECT: CITY PERMIT PROCESS FOR MEW PROJECTS

This document describes the development review process for new construction and certain remodeling projects in the Middlefield-Ellis-Whisman Study Area. This document has been prepared to clarify, and reinforce, these processes in light of the United States Environmental Protection Agency's review and anticipated changes to the MEW Study Area Record of Decision.

Timelines vary depending on the type and scope of each project.

Commercial/Office/Industrial Projects

Ministerial

1. Tenant Improvements (TI) for existing businesses without exterior changes
 - No Planning Permit required
 - Building Permit(s) required, issued by the Building Official
 - a. Building Division staff shall require that any proposed penetrations of the slab foundation shall be properly sealed in accordance with EPA requirements.
 - b. These permits are not routed to the EPA for review.

Discretionary

2. New principally permitted or conditionally permitted tenants in existing buildings
 - Planning Permit required (Development Review Permit (Change of Use), Conditional Use Permits)
 - Building Permit(s) required only if a Tenant Improvement is proposed, in which case Subsection 1 shall be followed.
 - a. Operational conditions related to monitoring are not included.
 - b. Sub-slab or other mitigation under the existing buildings is not required.
 - c. These applications are categorically exempt from CEQA review.
 - d. These permits are not routed to the EPA for review.

3. New buildings or additions with habitable space less than 10,000 square feet in floor area, or changes to the site, architectural or landscaping design of the property.
 - Planning Permit required (Development Review Permits or Transit-Oriented Development Permits)
 - Building Permit(s) required subject to Subsection 1 above, except for limited landscaping proposals which may not require Building Permits.
 - a. A project may include components from Subsection 1, 2 and/or 3.
 - b. Planning Division staff shall include a Condition of Approval for sub-slab mitigation under new buildings and additions in accordance with EPA requirements for any Planning Permit proposing new floor area.
 - c. Building Division staff shall require that any proposed penetrations of the slab foundation shall be properly sealed in accordance with EPA requirements as a condition of the building permit.
 - d. The builder shall demonstrate compliance with the Conditions of Approval prior to occupancy, subject to the approval of the Building Official and Zoning Administrator.
 - e. Sub-slab or other mitigation under the existing building is not required by City permit.
 - f. These applications are categorically exempt from CEQA review.
 - g. These permits shall not be routed to the EPA for review.

4. New buildings or additions over 10,000 square feet in floor area
 - Planning Permit required (Development Review Permits or Transit-Oriented Development Permits)
 - Building Permit(s) required
 - a. A project may include components from Subsections 1 through 4.
 - b. Planning Division staff shall route Initial Studies to the EPA for comment pursuant to CEQA, including Phase I and II reports.
 - c. Planning Division staff shall ensure that applicable EPA mitigations are reflected in the CEQA document and as Conditions of Approval in the Planning Permit.
 - d. Planning Division staff shall include a Condition of Approval for sub-slab mitigation under new buildings and additions in accordance with EPA requirements.
 - e. Building Division staff shall require that any proposed penetrations of the slab foundation shall be properly sealed in accordance with EPA requirements as a condition of the building permit.
 - f. The builder shall demonstrate compliance with the Conditions of Approval to prior to occupancy, subject to the approval of the Building Official and Zoning Administrator.

Residential Projects

Ministerial

5. New single-family homes or duplexes, or additions to single family homes or duplexes
 - No Planning Permit required
 - Building Permit(s) required, issued by the Building Official
 - a. Building Division staff shall require that any proposed penetrations of the slab foundation shall be properly sealed in accordance with EPA requirements.
 - b. Building Division staff shall require any addition of floor area to use a concrete slab foundation and include sub-slab mitigation in accordance with EPA requirements.
 - c. Sub-slab or other mitigation under the existing building is not required by City permit.

- d. These permits are not routed to the EPA for review.

Discretionary

6. New residential subdivision of 4 parcels or less, minor additions to apartment complexes less than 10,000 square feet in floor area.
 - Planning Permit required (Planned Unit Development Permits, Development Review Permits, or Parcel Maps)
 - Building Permit(s) required and shall be processed as described in Subsection 5 above.
 - a. Planning Division staff shall include a Condition of Approval for sub-slab mitigation under new buildings and additions in accordance with EPA requirements.
 - b. Building Division staff shall require that any proposed penetrations of the slab foundation shall be properly sealed in accordance with EPA requirements as a condition of the building permit
 - c. The builder shall demonstrate compliance with the Conditions of Approval to prior to occupancy, subject to the approval of the Building Official and Zoning Administrator.
 - d. Sub-slab or other mitigation under the existing buildings are not required by City permit.
 - e. These applications are categorically exempt from CEQA review
 - f. These permits are not routed to the EPA for review.
7. New residential subdivision of 5 parcels or more, new apartment projects or major additions to apartment complexes over 10,000 square feet in floor area.
 - Planning Permit required (Planned Unit Development Permits, Development Review Permits, or Tentative Maps)
 - Building Permit(s) required and shall be processed as described in Subsection 5 above.
 - a. Planning Division staff shall route Initial Studies to the EPA for comment pursuant to CEQA, including Phase I and II reports.
 - b. Planning Division staff shall ensure that applicable EPA mitigations are reflected in the CEQA document and as Conditions of Approval in the Planning Permit,

- c. Planning Division staff shall include a Condition of Approval for sub-slab mitigation under new buildings and additions in accordance with EPA requirements.
- d. Building Division staff shall require that any proposed penetrations of the slab foundation shall be properly sealed in accordance with EPA requirements as a condition of the building permit.
- e. The builder shall demonstrate compliance with the Conditions of Approval to prior to occupancy, subject to the approval of the Building Official and Zoning Administrator.

Future Improvements

The following measures would improve the process of identifying MEW properties to ensure that appropriate mitigations are implemented. These measures shall be completed depending on available funding:

- A. Flag MEW properties in Planning, Building and Code Enforcement Database systems to inform staff when a new application in the MEW area is received.
- B. Designate the MEW study area on the Planning Division Land Use Policies map and complete implementation of a GIS layer related to all contamination sites.
- C. Update the reporting capabilities in the Planning and Building Databases to provide periodic reports of new permits issued in the MEW area to provide courtesy information to the EPA.

Cc: City Attorney's Office
City Manager's Office