

Appendix G-3

NOA Mitigation Letter



June 20, 2013

Ms. Jodi Starbird
David J. Powers & Associates, Inc.
1871 The Alameda, Suite 200
San Jose, CA 95126

RE: Naturally-Occurring Asbestos Construction Mitigation Measures, Communication
Hill, San Jose

Dear Jodi,

Per your request, this letter describes the occurrence of naturally-occurring asbestos (NOA) at the subject site, mitigation measures during grading and construction, and long-term permanent options to control the release of airborne asbestos fibers. The mitigation measures are required by the Bay Area Quality Management District (BAAQMD) in accordance with their Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations (ACTM) (State of California, 2002).

Serpentine bedrock containing NOA (as chrysotile) is present over large areas of the Site, as demonstrated by previous geologic mapping (Cornerstone, 2009) and laboratory testing (McCloskey Consultants, 2013). The concentrations exceed the BAAQMD limit of 0.25%, the project area of grading exceeds 1 acre, and therefore a Dust Mitigation Plan is required to be submitted and approved by the BAAQMD. The plan must describe dust control measures during grading as well as long term dust control measures.

Grading and Construction Requirements

As described in the ACTM regulations, the dust control measures for Construction and Grading Operations that apply to this Site must include the following:

- Track-out prevention and control measures;
- Active stockpiles be adequately wetted or covered with tarps;
- Control for disturbed surface areas and storage piles that remain inactive for more than 7 days;
- Control for traffic on unpaved roads, parking lots, and staging areas;
- Control for earthmoving activities; and,
- Control for Off-Site transport.

The specific practices to be implemented are required to be included in an Asbestos Dust Mitigation Plan that would have to be prepared and submitted to the BAAQMD for review and approval prior to grading activities. The BAAQMD may require air monitoring for asbestos, requires recordkeeping for 7 years, and may require submittal of any air monitoring results.

In addition to State regulations enforced by the BAAQMD, there are CalOSHA worker safety criteria for asbestos that the grading contractor will need to be aware of as well, in addition to any other site personnel who could be working in the NOA areas where exposure could occur during construction activities. For these personnel there are training requirements that range up from a minimum of 3 hours of asbestos awareness training. All trade contractors should be notified of the CalOSHA worker safety requirements as it is their responsibility as employers. Post-grading and during Site development, MCI recommends that all subsurface excavations in the areas with NOA be monitored to prevent uncontrolled release and spreading of NOA materials on the surface during and after excavation.

Post-Construction Stabilization of Disturbed Areas

Upon completion of the project, disturbed surfaces with NOA exceeding the BAAQMD threshold concentration of 0.25% require stabilization using one or more of the following methods, as described in the ACTM regulations:

- Establishment of a vegetative cover;
- Placement of at least 3 inches of non-asbestos-containing material;
- Paving;
- Any other measure deemed sufficient to prevent wind speeds of 10 miles per hour or greater from causing visible dust emission.

As noted in the MCI Phase II Report (McCloskey Consultants, 2013), the planned cut areas of exposed bedrock will not support vegetation and will need a thin soil cap to do so. There are on-Site, asbestos-free soils that can be used for this purpose (do not contain NOA exceeding the BAAQMD threshold) though import soils may need to be imported if sufficient quantity is not present on Site. Fill slopes composed of serpentinite and other bedrock materials were evaluated by the project biologists, Live Oak Associates, for their ability to support a vegetative cover, and they believe that hydroseeding these slopes with the right types of native grasses and forbs would be

successful. Specific seed mixes and hydroseeding type would need to be specified by then.

We hope this letter provides you with the information you need at this time. Please let me know if you have any questions or comments about these issues.

Best regards,

Tham F. Pichay

Thomas F. McCloskey, P.G., C.E.G., C.HG.
Principal Geologist

Copies: Addressee (e-copy)
KB Home
Attn: Mr. Steve Bull (e-copy)
Live Oak Associates
Attn: Mr. Rick Hopkins (e-copy)