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**San Francisco Bay Regional Water Quality Control Board**

January 23, 2019  
Place ID 807803 (LW)

MTA Properties  
Attn: Robert J. Bettencourt  
P.O. Box 13105  
Coyote, CA 95013  
(sent via email to [robbettencourt@comcast.net](mailto:robbettencourt@comcast.net))

KB Home South Bay Inc.  
Attn: Peter Lezak  
5000 Executive Parkway Ste. 125  
San Ramon, CA 94583  
(sent via email to [plezak@kbhome.com](mailto:plezak@kbhome.com))

**Subject: Recognition that Scheduled Conditions Met for the Ore Processing Area and Stormwater Controls for the Communications Hill 2 Project at the Hillsdale Mine and Surrounding Property, San Jose, Santa Clara County**

Dear Messrs. Bettencourt and Lezak:

We have reviewed your December 17, 2018, report notifying us that several actions required in our letter dated October 12, 2018 have been completed. The report demonstrates that furnace materials containing elemental mercury are stockpiled and sufficiently isolated to minimize mobilization while awaiting installation and that conditions required to maximize the efficacy of final installation will be met. Specifically, your report indicates the following:

1. The manufacturer/installer provided a letter to confirm that the vapor barrier used will inhibit the migration of mercury vapors satisfactorily;
2. A geotextile layer will be used to protect the vapor barrier from puncture during installation;
3. An aerial photograph of the location of the stockpile of materials contaminated with elemental mercury was provided. In addition, regular updates on the status of this material with photographic demonstration that it is encapsulated to minimize mobilization are provided to staff. While the status updates have not been received weekly as requested, they are submitted sufficiently regularly to satisfy staff (approximately biweekly). These submittals should continue until installation of that material is complete; and
4. Photo documentation of installation will be submitted upon completion, as staff requested.

Hillsdale Mine/Communications Hill 2 Project  
Recognition that Scheduled Conditions Have Been Met for Furnace and Stormwater Corrective  
Actions

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We find that those conditions were met and appreciate the status updates on this area and other stormwater controls at the site. We look forward to reviewing the completion report. Please contact me at (510) 622-2363 or [lwhalin@waterboards.ca.gov](mailto:lwhalin@waterboards.ca.gov) if I can assist you in completing the remaining corrective actions.

Sincerely,

Lindsay Whalin, MS, PG  
Groundwater Protection Division

**CC:** Elyse Heilshorn – Water Board, Stormwater  
Steve Pletsch & Meenaxi Panakkal – City of San Jose