

From: [City of Cupertino Planning Dept.](#)  
 To: [REDACTED]  
 Cc: [REDACTED]  
 Subject: FW: Non Complaint Vallico  
 Date: Monday, June 25, 2018, 12:33:39 PM  
 Attachments: [ATT00001.htm](#)  
[image5.png](#)  
[image6.png](#)

From the Planning Department's general mailbox

From: Grace Schmidt  
 Sent: Monday, June 25, 2018, 10:02 AM  
 To: City of Cupertino Planning Dept. <planning@cupertino.org>  
 Subject: FW: Non Complaint Vallico

From: Kitty Moore [REDACTED]  
 Sent: Thursday, June 21, 2018, 8:01 PM  
 To: Cupertino City Manager's Office <manager@cupertino.org>  
 Cc: Darcy Paul <DPaul@cupertino.org>; Timm Borden <TimmB@cupertino.org>; David Stillman <DavidS@cupertino.org>; City Clerk <CityClerk@cupertino.org>; Randolph Hom <RandolphH@cupertino.org>; City Attorney's Office <CityAttorney@cupertino.org>; [REDACTED]  
 Subject: Non Complaint Vallico

City Manager,

Please be aware of the 1,000 Gallon UST on the west side of Sears Automotive which allegedly was installed around 1969 which would likely be leaking. It is an unaccounted for waste oil tank.

Also Pursuant to Section 65926.5

GOVERNMENT CODE - GOV TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] ( Heading of Title 7 amended by Stats. 1974, Ch. 1536. ) DIVISION 1. PLANNING AND ZONING [65000 - 66210] ( Heading of Division 1 added by Stats. 1974, Ch. 1536. ) CHAPTER 4.5. Review and Approval of Development Projects [65920 - 65964.1] ( Chapter 4.5 added by Stats. 1977, Ch. 1200. ) ARTICLE 6. Development Permits for Classes of Projects [65960 - 65964.1] ( Article 6 added by Stats. 1978, Ch. 1271. ) (a) The Department of Toxic Substances Control shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all of the following

(1) All hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code. (2) All land designated as hazardous waste property or border zone property pursuant to former Article 11 (commencing with Section 25220) of Chapter 6.5 of Division 20 of the Health and Safety Code. (3) All information received by the Department of Toxic Substances Control pursuant to Section 25242 of the Health and Safety Code on hazardous waste disposals on public land. (4) All sites listed pursuant to Section 25356 of the Health and Safety Code. (b) The State Department of Health Services shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all public drinking water wells that contain detectable levels of organic contaminants and that are subject to water analysis pursuant to Section 116395 of the Health and Safety Code. (c) The State Water Resources Control Board shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all of the following (1) All underground storage tanks for which an unauthorized release report is filed pursuant to Section 25295 of the Health and Safety Code. (2) All solid waste disposal facilities from which there is a migration of hazardous waste and for which a California regional water quality control board has notified the Department of Toxic Substances Control pursuant to subdivision (e) of Section 13273 of the Water Code. (3) All cease and desist orders issued after January 1, 1986, pursuant to Section 13301 of the Water Code, and all cleanup or abatement orders issued after January 1, 1986, pursuant to Section 13304 of the Water Code, that concern the discharge of wastes that are hazardous materials. (d) The local enforcement agency, as designated pursuant to Section 18051 of Title 14 of the California Code of Regulations, shall compile as appropriate, but at least annually, and shall submit to the Department of Resources Recycling and Recovery, a list of all solid waste disposal facilities from which there is a known migration of hazardous waste. The Department of Resources Recycling and Recovery shall compile the local lists into a statewide list, which shall be submitted to the Secretary for Environmental Protection and shall be available to any person who requests the information. (e) The Secretary for Environmental Protection shall consolidate the information submitted pursuant to this section and distribute it in a timely fashion to each city and county in which sites on the lists are located. The secretary shall distribute the information to any other person upon request. The secretary may charge a reasonable fee to persons requesting the information, other than cities, counties, or cities and counties, to cover the cost of developing, maintaining, and reproducing and distributing the information. (f) Before a lead agency accepts as complete an application for any development project which will be used by any person, the applicant shall consult the lists sent to the appropriate city or county and shall submit a signed statement to the local agency indicating whether the project and any alternatives are located on a site that is included on any of the lists compiled pursuant to this section and shall specify any list. If the site is included on a list, and the list is not specified on the statement, the lead agency shall notify the applicant pursuant to Section 65943. The statement shall read as follows

HAZARDOUS WASTE AND SUBSTANCES STATEMENT The development project and any alternatives proposed in this application are contained on the lists compiled pursuant to Section 65962.5 of the Government Code. Accordingly, the project applicant is required to submit a signed statement that contains the following information Name of applicant Address Phone number Address of site (street name and number if available, and ZIP Code) Local agency (city/county) Assessor's book, page, and parcel number Specify any list pursuant to Section 65962.5 of the Government Code Regulatory identification number Date of list \_\_\_\_ Applicant, Date \_\_\_\_ (g) The changes made to this section by the act amending this section, that takes effect January 1, 1992, apply only to projects for which applications have not been deemed complete on or before January 1, 1992, pursuant to Section 65943. (Amended by Stats. 2012, Ch. 39, Sec. 26, (SB 1018) Effective June 27, 2012.)

<https://files.acrobat.com/a/preview/925ab1de-c379-4731-9490-a700477cf051>

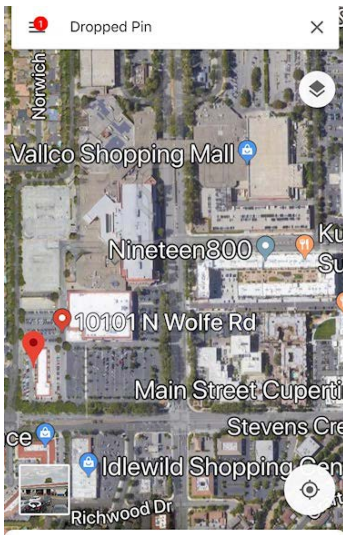
A building plan from 1969 for the Sears Automotive Center that was reviewed by Cornerstone depicts a 1,000 gallon waste oil UST on the west side of the building. Similarly, the SWEEPS UST database lists seven USTs at Sears (the six USTs that were removed in 1985, and the 1,000 gallon waste oil UST). No records pertaining to the removal of a 1,000 gallon waste oil UST were identified during this study. During our Site visit, an access cover was observed in the pavement in the vicinity of the waste oil UST depicted on the 1969 building plan. Thus, it appears that a waste oil UST may remain on-Site. We recommend that the potential presence of a waste oil UST be further investigation by removing the access cover and, if uncertainty remains, the subsequent performance of a geophysical survey. If a UST is identified, it should be removed in coordination with the Santa Clara County Fire Department and DEH, and underlying soil quality should be evaluated. If no UST is identified, soil quality at the location of the waste oil UST, as depicted on the 1969 building plan, should be evaluated via the collection of soil samples from borings for laboratory analyses.

45

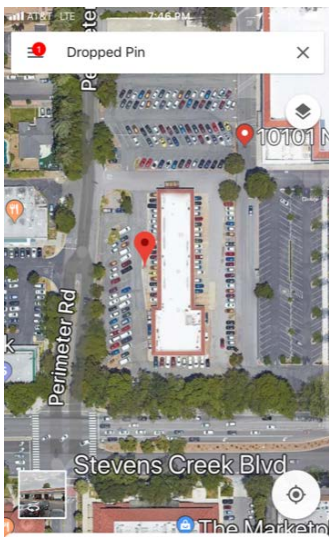


41

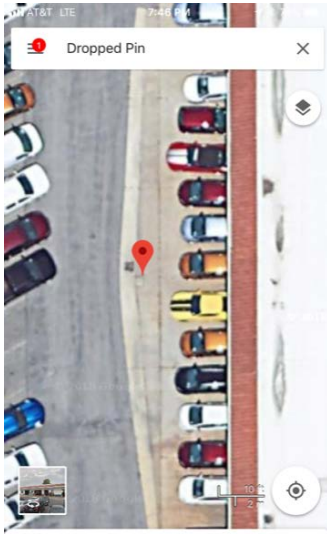
Photograph 23. Concrete access cover (near storm drain at the suspected waste oil UST location at SAC.



Dropped Pin  
near Innamed Road, Cupertino, CA 95014



Dropped Pin  
near Innamed Road, Cupertino, CA 95014



Dropped Pin  
near Unnamed Road, Cupertino, CA 95014

There has been no testing of lead arsenate, DDT or other pesticides which likely were used on the site over more than 40 years.

I do not want this site disturbed without testing.

Pop the lid on the alleged 1,000 gallon UST. Failure to do so and have an inspection makes the city now knowingly allow a potential hazardous waste dump go unreported and that will be your legacy.

Best regards,  
Kitty Moore

---

Total Control Panel

To: [cityclerk@cupertino.org](mailto:cityclerk@cupertino.org)

From: [REDACTED]

[Remove](#) this sender from my allow list

[Login](#)

*You received this message because the sender is on your allow list.*