

### 3.9 Hazardous Materials

This section describes the potential hazardous materials impacts associated with the proposed changes to the approved project. This evaluation includes hazardous materials impacts related to construction personnel, people residing in the area, and the surrounding environment.

#### Environmental Setting

This section describes the changes to the existing hazardous materials conditions and applicable regulations subsequent to the certification of the 2014 Subsequent IS/MND. This analysis is based on and supported by the February 2018 *Capital Expressway Light Rail - Environmental Data Resources (EDR) Radius Map Report with GeoCheck* (Environmental Data Resources 2018) (included in Attachment D of the Second Subsequent IS). Because surrounding hazardous materials site conditions can change over time, an updated database search was conducted as part of this review.

As with the approved project, the proposed changes to the approved project are located within an urban environment with numerous buildings and structures. Table 3.9-1 identifies the known hazardous materials sites located within 1/8 mile of the proposed changes to the approved project corridor.

As shown in Table 3.9-1, there are 27 hazardous materials sites located within 1/8 mile of the location of the proposed changes to the approved project. Five of the sites were also identified as potential environmental concerns in the 2005 Final EIR (Matos Eastridge Shell/John Lassetter Jr at 2690 Story Road [#4 in Table 3.9-1]; Wright Bros, Inc. at 2660 John Montgomery Drive [#5 in Table 3.9-1]; Chevron #9-8247 at 2710 Story Road [#9 in Table 3.9-1]; Airport Properties at 20502 John Montgomery Road [#10 in Table 3.9-1]; and Gas & Shop, Capital Car Wash, Clean Machine Inc. at 2701 Story Road [#19 in Table 3.9-1]). The other 13 sites identified as potential environmental concerns in the 2005 Final EIR are not relevant to the proposed changes to the approved project.

Two preliminary hazardous materials evaluations consisting of soil and groundwater sampling were conducted in 2006 and 2011. These evaluations were conducted to determine the potential for nearby hazardous materials release sites to result in contamination of the soils and groundwater underlying the approved project corridor.

The 2006 *Draft Hazardous Materials Evaluation Report Capitol Expressway Light Rail Extension Project* (Geocon Consultants, Inc. 2006) stated that impacted soil and groundwater from three hazardous materials release sites (2701 Story Road, 2710 Story Road, and 2375 Quimby Road) would likely be encountered during ground-disturbing activities for the approved project. The 2375 Quimby Road site is located south of the location of the proposed changes to the approved project. As such, this site is not further discussed. The other contamination sources (i.e., Chevron #9-8247 at 2710 Story Road [#9 in Table 3.9-1] and Gas & Shop, Capital Car Wash, Clean Machine Inc. at 2701 Story Road [#19 in Table 3.9-1]) have since been remediated under the oversight of the Santa Clara County Local Oversight Program (LOP) and have received closure as of February

2017 and April 2015, respectively. Other locations of elevated contaminant concentrations in groundwater were not located within the corridor of the approved project. Groundwater does not typically remain static in the subsurface and as such, groundwater analytical data from 2006 may not reflect current existing conditions. Additionally, the *2006 Draft Hazardous Materials Evaluation Report Capitol Expressway Light Rail Extension Project* evaluation detected total petroleum hydrocarbons as diesel (TPHd) and total hydrocarbons as motor oil (TPHmo) in surface soils (soils immediately beneath the asphalt pavement) in the vicinity of the northern portion of the Eastridge Transit Center parking area. No other soil sample contaminant detection was identified within the corridor of the proposed changes to the approved project.

The 2011 *Soil Sample Report Capitol Expressway Light Rail Bus Improvement Project* (Geocon Consultants, Inc. 2011) conducted soil samplings in unpaved areas along the west side of Capitol Expressway between Story Road and Quimby Road, and in the vicinity of the former J.C. Penney Facility located at 2242 Tully Road (#13 in Table 3.9-1). Lead was reported in the soil sampling along Capitol Expressway and limited concentrations of TPHd and TPHmo were detected in the soil samplings in the vicinity of the former J.C. Penney Facility. However, none of these concentrations exceeded regulatory criteria and would not require special handling if removal and disposal were required.

**Table 3.9-1 Hazardous Materials Sites within 1/8-mile of the Location of the Proposed Changes to the Approved Project**

No.	Site	Address	Distance from the proposed changes to the approved project	Databases	Site Status Summary
1	Mercedes Benz of San Jose/Auto Company XXII, Inc.	3000 East Capitol Expressway	0.01 mile to the south-southeast	RCRA-LQG, FINDS, ECHO, CUPA Listings, AST, HAZNET, SAN JOSE HAZMAT	Large Quantity Generator site. Waste includes: waste oils, degreasing sludge, spent solvents, etc. AST onsite. No violations associated with this listing were identified.
2	Beshoff Infiniti	2198 Tully Road	0.02 mile to the west	AST, CUPA Listings, SAN JOSE HAZMAT	County of Santa Clara CUPA HMBP site. AST onsite. No violations associated with this listing were identified.
3	Autozone #5924	2690 Story Road	0.03 mile to the north-northwest	LUST, HIST LUST, HIST UST, CUPA Listings, HIST CORTESE, San Jose HAZMAT	LUST site. The case involved gasoline release to groundwater. Case opened in March of 1985 and received closure by the San Francisco Bay Regional Water Quality Control Board in February of 1996. No other violations associated with this listing were identified.
4	Matos Eastridge Shell/John Lassetter Jr	2690 Story Road	0.03 mile to the north-northwest	EDR Hist Auto, HIST UST	Historic gasoline service station. Four USTs onsite. Gasoline and waste oil. No violations associated with this listing were identified.
5	Wright Bros, Inc.	2660 John Montgomery Drive	0.03 mile to the south-southeast	LUST, HIST LUST, EMI, HIST CORTESE	LUST site. The case involved waste/motor/hydraulic/lubricating oil release to soil. Case opened in May of 1992 and received closure by the Santa Clara County LOP in October of 1995. No other violations associated with this listing were identified.

No.	Site	Address	Distance from the proposed changes to the approved project	Databases	Site Status Summary
6	Aero Trends/ LP Enterprises/ Flying S Aviation	2635 Cunningham Avenue	0.03 mile to the southeast	LUST, HIST LUST, HIST CORTESE, UST, CUPA Listings, San Jose HAZMAT	LUST site. The case involved an aviation fuel release to soil. Case opened in May of 1996 and received closure by the Santa Clara County LOP in June of 1996. No other violations associated with this listing were identified.
7	Verizon Wireless	2636 John Montgomery Road	0.03 mile to the south	EMI, San Jose HAZMAT	Site subject to emissions inventory. Carbon monoxide and nitrogen oxides reported to the Bay Area Air Quality Management District. No violations associated with this listing were identified.
8	SJSU-Reid Hillview Aviation Facility	2105 Swift Avenue	0.03 mile to the south-southeast	CUPA Listings	The site is included in the County’s CUPA database. The CUPA consolidates the administration, permits, inspections, and enforcement activities related to hazardous materials handling. No violations associated with this listing were identified.
9	Chevron #9-8247	2710 Story Road	0.04 mile to the north-northwest	HIST UST, UST, LUST, EMI, HIST CORTESE, HIST LUST, SWEEPS UST, RCRA-SQG, FINDS, ECHO, HAZNET, CUPA Listings, EDR Hist Auto, SAN JOSE HAZMAT	Historic LUST site. The case involved MTBE/TBA/fuel oxygenates, gasoline release to soil and groundwater. Case opened in January of 1981 and received closure by the Santa Clara County LOP in February of 2017. Various remediation techniques conducted onsite for several years, including in-situ chemical treatment as well as groundwater and soil vapor extraction and treatment. No other violations associated with this listing were identified.
10	Airport Properties	20502 John Montgomery Road	0.04 mile to the south-southeast	LUST, HIST CORTESE	LUST site. The case involved a diesel fuel release to groundwater due to a failure of an onsite UST. Case opened in August of

No.	Site	Address	Distance from the proposed changes to the approved project	Databases	Site Status Summary
					1991 and received closure by the Santa Clara County LOP in December of 1995. No other violations associated with this listing were identified.
11	Eastridge Shopping Center, Eastridge Shopping Mall Inc, Eastridge Center Food Pavillon	1 Eastridge Drive	0.04 mile to the southwest	RCRA-SQG, LUST, HIST LUST, FINDS, ECHO, HAZNET, HIST CORTESE, CUPA Listings, SWEEPS UST	Historic LUST site. The case involved a diesel release to groundwater. Case opened in November of 1991 and received closure by the Santa Clara County LOP in July of 1997. Listed as a hazardous waste generator. 2,000-gallon diesel UST onsite. No other violations associated with this listing were identified.
12	McDonald's Corp	2680 Story Road	0.06 mile to the north-northwest	CUPA Listings, San Jose HAZMAT	County of Santa Clara CUPA HMBP site. No violations associated with this listing were identified.
13	J.C. Penney	2242 Tully Road	0.06 mile to the southwest	LUST, HIST LUST, HIST CORTESE	Historic LUST site. The case involved gasoline release to soil and groundwater. Groundwater monitoring and extraction was conducted onsite, as well as soil vapor extraction. Case opened in February of 1979 and received closure by the Santa Clara County LOP in November of 2012. No other violations associated with this listing were identified.
14	Firestone Master Care #3682	2240 Tully Road	0.06 mile to the southwest	LUST, HIST LUST, HIST CORTESE	Historic LUST site. The case involved a release (of undisclosed material) to soil. Case opened in January of 1992 and received closure by the Santa Clara County LOP in October of 1994. No other violations associated with this listing were identified.

No.	Site	Address	Distance from the proposed changes to the approved project	Databases	Site Status Summary
15	Macy’s Department Store at Eastridge	2210 Tully Road	0.07 mile to the southwest	SLIC, CUPA Listings	Cleanup Program Site. The case involved a hydraulic fluid release to soil and groundwater. Case opened in April of 2014 and received closure by the Santa Clara County LOP in March of 2016. No other violations associated with this listing were identified.
16	Clearwire - Silverstone	1555 Silverstone Place	0.07 mile to the northwest	San Jose HAZMAT	Auto wrecking facility. Part of the San Jose hazardous materials database. No violations associated with this listing were identified.
17	Fill-Em’-Fast #90-04, World Oil #101, Texaco (CVX #21-1340), Bill S Mobil Oil Service	2695 Story Road	0.07 mile to the north-northwest	HIST UST, UST, LUST, HIST LUST, SWEEPS UST, HIST UST, CUPA Listings, EDR Hist Auto, HIST CORTESE, San Jose HAZMAT	Historic LUST site. Site contamination associated with site Chevron #9-8247. The case involved MTBE/TBA/fuel oxygenates, gasoline release to soil and groundwater. Case opened in February of 1985 and received closure by the Santa Clara County LOP in July of 2010. No other violations associated with this listing were identified.
18	Pep Boys #828	2730 Story Road	0.09 mile to the north-northwest	FINDS, CUPA Listings, San Jose HAZMAT	County of Santa Clara CUPA HMBP site. Classified as Auto Wrecking/Misc Simple Facility under San Jose HAZMAT. No violations associated with this listing were identified.
19	Gas & Shop, Capital Car Wash, Clean Machine Inc.	2701 Story Road	0.09 mile to the north-northwest	UST, LUST, HIST LUST, SWEEPS UST, CUPA Listings, HIST CORTESE, San Jose HAZMAT, EDR Hist Auto	Historic LUST site. The case involved Benzene, Toluene, Xylene, MTBE/TBA/fuel oxygenates, gasoline release to soil and groundwater. Case opened in February of 1992 and received closure by the Santa Clara County LOP in

No.	Site	Address	Distance from the proposed changes to the approved project	Databases	Site Status Summary
					April of 2015. No other violations associated with this listing were identified.
20	Gee Bee Aero, Inc.	2502 John Montgomery Road	0.10 mile to the west-southwest	RCRA-SQG, FINDS, ECHO	Small Quantity Generator site. Types of wastes not disclosed in EDR report. There were no violations associated with this listing.
21	West Valley Transmission	2771 Dublin Drive	0.11 mile to the north-northwest	EDR Hist Auto	Historic automotive repair shop. No violations associated with this listing were identified.
22	Lane's Auto Service	2739 Story Road #B	0.12 mile to the north-northwest	CUPA Listings	The site is included in the county's CUPA database generating waste oil. Also listed as a HMBP facility. No violations associated with this listing were identified.
23	Tire Time/Tire & Wheel Warehouse	2739 Story Road	0.12 mile to the north-northwest	CUPA Listings, San Jose HAZMAT, EDR Hist Auto	County of Santa Clara CUPA HMBP site generating waste oil. Classified as Auto Repair Facility under San Jose HAZMAT. No violations associated with this listing were identified.
24	Nice Air	2575 Robert Fowler Way	0.12 mile to the south-southwest	AST, CUPA Listings, San Jose HAZMAT	County of Santa Clara CUPA HMBP site. Classified as Auto Repair Facility under San Jose HAZMAT. AST onsite. No violations associated with this listing were identified.
25	Safeway #3095	2980 East Capitol Expressway	0.12 mile to the southeast	CUPA Listings, EMI, HAZNET, San Jose HAZMAT	County of Santa Clara CUPA HMBP site. Site subject to emissions inventory and also generates hazardous waste. Waste categories include: alkaline solutions, inorganic solid waste, aged or surplus organics, pharmaceutical waste, and solvent mixtures. No violations associated with this listing were identified.

No.	Site	Address	Distance from the proposed changes to the approved project	Databases	Site Status Summary
26	Albertsons No. 7135	2980 East Capitol Expressway	0.12 mile to the southeast	RCRA NonGen / NLR, FINDS, ECHO, EMI	Classified as a non-generator of hazardous waste. Site subject to emissions inventory and historically a small quantity generator. No violations associated with this listing were identified.
27	Chipotle Mexican Grill #2138	2990 East Capitol Expressway 40	0.12 mile to the southeast	CUPA Listings, San Jose HAZMAT	County of Santa Clara CUPA HMBP site. No violations associated with this listing were identified.

Notes:

AST = Aboveground Storage Tank

CORTESE = Hazardous Waste & Substances Sites List

CUPA = Certified Unified Program Agency

ECHO = Enforcement & Compliance History Information

EDR Hist Auto = EDR Exclusive Historical Auto Stations

EMI = Emissions Inventory Data

FINDS = Facility Index System/Facility Registry System

HAZMAT = Hazmat/Incidents

HAZNET = Facility and Manifest Data

HIST = Historical

HMBP = Hazardous Materials Business Plan

LOP = Local Oversight Program

LUST = leaking underground storage tank

MTBE = methyl tert-butyl ether

RCRA-LQG Resource Conservation and Recovery Act – Large Quantity Generator

SLIC = Spills, Leaks, Investigations and Cleanup

SWEEPS =Statewide Environmental Evaluation and Planning System

TBA = tertiary butyl alcohol

UST = underground storage tank

Source: Environmental Data Resources 2018.

## Environmental Impacts and Mitigation

The impact discussion in this section primarily focuses on the proposed changes to the approved project that could result in new or more significant hazardous materials impacts compared to the impacts previously identified and analyzed for the approved project.

The addition of extensive pile driving required for construction of the proposed aerial guideway included in the proposed changes to the approved project would in some cases require dewatering, which could cause construction workers to encounter and be exposed to hazardous materials, and could expose the surrounding environment to contaminated soils and groundwater from historic hazardous materials handling in the area. However, this potential for exposure to impacted soil and groundwater during construction of the proposed changes to the approved project would not be new or substantially increased in severity compared to the impacts previously identified and analyzed for the proposed project.

The proposed changes to the approved project would not alter approved project operations, which would entail operating light rail trains using electricity delivered through an overhead contact system primarily within the median of the Capitol Expressway. As with the approved project, the proposed changes to the approved project would not transport or handle any hazardous materials, or emit hazardous emissions that would pose a hazard to nearby schools, the public, and the environment. Maintenance of the proposed changes to the approved project requiring the use of common hazardous materials would be required to comply with applicable regulations regarding the transport and handling of these materials. The proposed changes to the approved project would not introduce new or more significant impacts related to operational hazardous materials use.

Some of the proposed changes to the approved project would require a greater amount of ground-disturbing activities compared to the approved project. Most notably, the aerial guideway would include the construction of concrete columns supported on pile foundations and aerial sound walls. In addition, revisions to the Capitol Expressway roadway configuration, which includes roadway widening, and the proposed relocation of the PG&E electrical transmission facilities would require slightly more ground-disturbing activities than the approved project. Other proposed changes to the approved project, such as modifications to the Eastridge Station platforms and tracks and the reduction in parking spaces at the Eastridge Park-and-Ride lot, would result in fewer ground-disturbing activities compared to the approved project.

Regarding construction activities, the proposed changes to the approved project could introduce new or more significant impacts related to hazardous materials, beyond those identified and analyzed for the approved project. Overall, construction activities associated with the proposed changes to the approved project are expected to involve similar amounts of ground disturbance as the approved project. However, construction of the proposed changes to the approved project would in some cases require dewatering, which could cause construction workers to encounter and be exposed to hazardous materials, and could expose the surrounding environment to contaminated soils and

groundwater from historic hazardous materials handling in the area beyond what was anticipated and analyzed in the 2005 Final EIR.

The 27 hazardous materials sites located within 1/8 mile of the project corridor (Table 3.9-1) either do not have violations associated with the listing, or have since been remediated and have received closure. It is not anticipated that conditions at sites located within 1/8 mile of the project corridor would significantly affect the soils and groundwater underlying the proposed changes to the approved project. As previously discussed, the 2011 *Soil Sample Report Capitol Expressway Light Rail Bus Improvement Project* determined that the concentrations of lead, TPHd, and TPHmo detected in the soil samplings in the vicinity of the former J.C. Penney Facility did not exceed regulatory criteria and would not require special handling if removal and disposal were required. However, as indicated in the 2006 *Draft Hazardous Materials Evaluation Report Capitol Expressway Light Rail Extension Project* (Geocon Consultants, Inc. 2006), there is potential for construction activities near the northern portion of the Eastridge Transit Center parking area to expose contaminants in surficial soils. Therefore, it is possible that construction workers and the surrounding environment could be exposed to impacted soil and groundwater during ground-disturbing activities from historic hazardous materials handling in the area. However, the potential for exposure to impacted soil and groundwater during construction of the proposed changes to the approved project would not be increased compared to the impacts previously identified and analyzed for the proposed project.

**Impact:** Based on the analysis above, the proposed changes to the approved project would not result in new significant impacts or a substantial increase in the severity of previously identified significant impacts related to hazardous materials.

The following impacts from the 2005 Final EIR would still apply to the proposed changes to the approved project: HAZ (CON)-1 (Release of Hazardous materials into the Environment), HAZ-9 (Hazard to the Public or Environment through Reasonable Foreseeable Upset and Accident Conditions Caused by the Release of Hazardous Materials); HAZ-10 (Hazardous Emissions or Handling of Hazardous or Acutely Hazardous Materials, Substances, or Waste within 0.25 Mile of an Existing or Proposed School); HAZ-11 (Hazard to the Public or the Environment from a Federally or State-Listed Hazardous Material Site); and HAZ-12 (Hazard to the Public or the Environment through the Routine Transport, Use, or Disposal of Hazardous Materials).

**Mitigation:** The following mitigation measures identified in the 2005 Final EIR would still apply to the proposed changes to the approved project: HAZ (CON)-1a (Conduct subsurface Investigations), HAZ (CON)-1b (Control Contamination), HAZ (CON)-1c (Conduct Lead and Asbestos Surveys Prior to Building Demolition or Renovation), HAZ-9a (Conduct Subsurface Investigations in Areas of the Corridor That May Be Underlain by Contaminated Soil or Groundwater) and HAZ-

9b (Control Contamination Resulting from Previously Unidentified Hazardous Waste Materials).

Inclusion of these mitigation measures would reduce this impact to “Less than Significant.”

**Less-than-significant impact with mitigation.**

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