

Section 3.9 Hazardous Materials

Introduction

This section discusses the effects of the alternatives analyzed in this Supplemental DEIS with regard to hazardous materials. Specifically, this section includes an assessment of substantial adverse effects and mitigation measures of the alternatives related to hazardous materials.

This section is based on and updates the 2003 hazardous materials report prepared by Parikh Consultants (Parikh 2003). A copy of the hazardous materials report and updated Environmental Data Resources Report (EDR 2009) is available for review at VTA offices upon request. A summary of this information can also be found in the Capitol Expressway Corridor Background Report.

Affected Environment

FIELD SURVEY AND RESULTS

Parikh Consultants conducted reconnaissance-level field surveys within the corridor on December 20, 2002 and February 9, 2003, to confirm the locations and conditions of sites identified as a potential environmental concern.

Additionally, as noted above, ICF undertook an updated records review of properties in the proposed corridor in November 2009.

Many businesses located within the study area will require further assessment of groundwater in the vicinity. Between Alum Rock Road to Story Road four sites will require further assessment. Sparkle Cleaners (303 South Capital Avenue) has very little information available but due to the nature of the services will require further assessments; Shell (2510 Alum Rock Road) currently has an open case listed on the LUST database and will require groundwater assessment; Pacific Bell (3205 Rose Avenue) has reported traces of petroleum hydrocarbons and MTBE in groundwater, requiring further assessment; Eagle Gas and Mini Mart (95 South Capitol Avenue) has reported presence of petroleum hydrocarbons. Story Road to Eastridge Transit Center requires further assessment of five businesses. Jet Gas (former) (2790 Story Road) is listed in the LUST database for presence of petroleum hydrocarbons in groundwater; Chevron 9-8247 (2710 Story Road) is listed in the LUST database for exhibiting adverse effects on groundwater; SAVEK and Capitol Car Wash (2701 Story Road) is listed in the LUST and Cortese databases for the presence of MTBE and gasoline in the groundwater; Texaco (2695 Story Road) is listed in the LUST and Cortese database for the presence of MTBE and gasoline in groundwater; and Rotten Robbie #11 (2305 Story Road) is listed in the LUST database for release of waste oil to groundwater. The final area for review was from Eastridge Transit Center to Quimby Road, where only one business will require further site assessment; J.C.

Penney (2242 Tully Road) is listed in the LUST database for the presence of gasoline in the groundwater.

Environmental Consequences

APPROACH AND METHODS

The assessment of adverse effects related to hazardous materials was based on the findings of the hazardous materials report prepared by Parikh Consultants (2003) and on professional judgment based on the updated EDR records search of the site vicinity in 2009. The assessment evaluates the potential for construction and operational activities under the proposed alternatives to adversely affect the environmental conditions within the Capitol Expressway Corridor with respect to hazardous materials. Where applicable, mitigation measures are provided to minimize anticipated adverse effects.

EFFECTS AND MITIGATION MEASURES

The proposed alternatives would not involve transport, use, or disposal of hazardous materials, nor would they emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or wastes within 0.25 miles of a school. As a result, these issues are not discussed further.

No-Build Alternative

The No-Build Alternative is not anticipated to result in any impacts related to hazardous materials.

Light Rail Alternative

These hazardous materials effects are also described in Section 3.18 *Construction*.

Impact: Hazard to the Public or Environment through Reasonable Foreseeable Upset and Accident Conditions Caused by the Release of Hazardous Materials

Along the proposed 2.3-mile extension, the Light Rail Alternative would vary from at-grade to above grade aerial structures. Construction of this alternative would involve subsurface drilling, which could lead to a finding of contaminated soil and/or groundwater. This would be considered an adverse effect. Implementation of the following mitigation measures would minimize this adverse effect.

Mitigation: HAZ-1 – Conduct Subsurface Investigations in Areas of the Corridor That May Be Underlain by Contaminated Soil or Groundwater

VTA shall conduct Phase I (and if necessary Phase II) site investigations to determine whether any chemicals of concern are present. If necessary, a risk assessment shall be prepared and procedures established before construction to address the identification, excavation, handling, and disposal of hazardous materials. If contaminated soil or groundwater is encountered, VTA shall notify the appropriate local environmental management agencies and local fire departments. VTA shall ensure that any identified environmental site conditions that may represent a risk to public health and safety will be remediated in accordance with federal, state, and local environmental laws and regulations.

Before construction, a determination shall be made by a qualified environmental assessor (based on field sampling of media, laboratory analysis of samples, visual confirmation of environmental conditions, etc.) as to the nature of environmental risk associated with construction activities at the identified hazardous materials sites. A similar determination shall also be made for the proposed Park-and-Ride lot site. Recommendations of the qualified environmental assessor (e.g., preparation of a health and safety plan [HSP] for the project, implementation of a soil management work plan [SMWP] for the project, remediation of affected soil and groundwater, etc.) that are required to comply with federal, state, and local environmental laws and regulations shall be implemented by VTA and all its representatives, including contractors and earthwork construction workers, such that people are not exposed to an environmental condition on the project site as a result of an existing sources of contamination.

Before construction activities, soil samples shall be taken at park-and-ride lot facilities (only where grading is planned) to determine the presence or absence of banned pesticides. If soil samples indicate the presence of any contaminant in hazardous quantities, VTA shall contact the RWQCB and Department of Toxic Substances Control (DTSC) to determine the level of any necessary remediation efforts. These soils shall be remediated in compliance with applicable laws.

Mitigation: HAZ-2 – Control Contamination Resulting from Previously Unidentified Hazardous Waste Materials

In the event that previously unidentified waste or debris is discovered during construction/grading activities, and the waste or debris is believed to involve hazardous waste or materials, the contractor shall:

- immediately stop work in the vicinity of the suspected contaminant, and remove workers and the public from the area;
- notify the Resident Inspector;
- secure the area as directed by the Resident Inspector;
- notify the City of San Jose Hazardous Waste/Materials Coordinator and the San Jose Fire Department; and
- notify the City of San Jose Hazardous Waste/Materials Coordinator and the San Jose Fire Department.

Proposed Options

The above discussion is inclusive of the Light Rail Alternative options.

CUMULATIVE EFFECTS

No-Build Alternative

The No-Build Alternative would not contribute to cumulative impacts related to hazardous materials.

Light Rail Alternative

The Light Rail Alternative in combination with other reasonably foreseeable projects could potentially result in exposure to hazardous materials. However, implementation of Mitigation Measures HAZ-1 and HAZ-2 would minimize the Light Rail Alternative's contribution to adverse cumulative impacts related to hazardous materials.