J. HAZARDS

This section describes the potential for hazardous materials[1] to affect human health and the environment associated with the implementation of *Strategy 2000*. Several potential development areas in the *Strategy 2000* project area have been affected by reported releases of contaminants affecting soils and groundwater. There may be a potential for construction workers and future site workers and residents to come into contact with hazardous materials at these development areas during and following project development. New land uses at redevelopment areas will include commercial uses that may use, store, or dispose of significant quantities of hazardous materials.

Products as diverse as gasoline, paint, solvents, film processing chemicals, household cleaning products, refrigerants, and radioactive substances are categorized as hazardous materials. Hazardous wastes are a subset of hazardous materials and, in the broadest sense, hazardous wastes are simply hazardous materials that are no longer useful and require disposal.

This section provides a discussion of the regulatory framework concerning hazardous materials and identifies potential impacts and mitigation measures, as necessary.

1. Setting

a. Regulatory Framework. A myriad of laws and regulations at the federal, State, and local levels affect the management of hazardous materials. In California, the U.S. Environmental Protection Agency (U.S. EPA) has granted most enforcement authority over Federal hazardous materials regulations to the California Environmental Protection Agency (Cal EPA). In turn, two local agencies, the San Jose Fire Department (SJFD) and Santa Clara County Department of Environmental Health (SCCDEH), have been granted authority by the State to enforce most regulations pertaining to hazardous materials in the City of San Jose. A more detailed discussion of regulatory agencies and their jurisdiction is included in Appendix G of this EIR.

Oversight over investigation and remediation of sites affected by hazardous materials releases can be performed by State agencies, such as the Department of Toxic Substances Control (DTSC), regional agencies, such as the San Francisco Bay Regional Water Quality Control Board (RWQCB), or local agencies, such as SCCDEH or the Santa Clara Valley Water District (SCVWD). RWQCB has conducted oversight for hazardous materials investigations and remediation at and near the project site, and would be expected to be responsible for oversight of hazardous materials issues related to project development.

Most of the City of San Jose's hazardous materials programs are administered and enforced under the Certified Unified Program Agency (CUPA) program. The CUPA program was established under State Senate Bill 1082 in 1993 to reduce the cost and improve the efficiency of enforcement of haz-

[1] The California Health and Safety Code defines a hazardous material as "...any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety, or to the environment. Hazardous materials include, but are not limited to, hazardous substances, hazardous waste, radioactive materials, and any material which a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment." (Health and Safety Code Section 25501)

ardous materials regulations. CalEPA began certifying local governments as CUPAs in December 1996; Santa Clara County was certified as a CUPA effective March 1, 1997.[2]

The CUPA program encompasses several existing hazardous materials programs: *Hazardous Materials Management Plan* (HMMP) (commonly referred to as the *Hazardous Materials Business Plan*), California Accidental Release Plan (CalARP), underground storage tank (UST) programs, above-ground storage tank programs, and hazardous waste generation and treatment. San Jose differs from some jurisdictions, in that there are two agencies charged with administration of the CUPA program. While the Santa Clara County Department of Environmental Health (SCCDEH) is the CUPA for San Jose, the San Jose Fire Department (SJFD) is a "Participating Agency" in the CUPA program, and enforces portions of the CUPA program under a written agreement with the County.

b. Local Hazardous Materials Policies and Regulations. The City of San Jose General Plan and the San Jose Municipal Code both contain policies and regulations that address the management, storage, and disposal of hazardous materials. These policies and regulations are outlined below.

(1) San Jose General Plan Policies. As presented below, the San Jose General Plan contains several goals and policies related to hazardous materials and wastes.

Hazardous Materials Goal. Protect City residents from the risks inherent in the transport, distribution, use and storage of hazardous materials, recognizing that the use of these materials is integral to many aspects of society.

- Hazardous Materials Policy 1. The City should require proper storage and disposal of hazardous materials to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal.
- Hazardous Materials Policy 2. The City should support State and Federal legislation which strengthen safety requirements for the transportation of hazardous materials.
- Hazardous Materials Policy 3: The City should incorporate soil and groundwater contamination analysis within the environmental review process for development proposals. When contamination is present on a site, the City should report this information to the appropriate agencies that regulate the cleanup of toxic contamination.
- Hazardous Materials Policy 4: Development located within areas containing naturally-occurring asbestos should be required to mitigate any potential impacts associated with grading or other subsurface excavation.

Hazardous Waste Management Goal 1: To protect public health, safety, and the environment, wherever feasible, by reducing or eliminating the generation of hazardous waste as expeditiously as possible through the adoption and implementation of a hierarchy of hazardous waste management priorities by hazardous waste generators. The hazardous waste management hierarchy emphasizes the importance of preventing pollution by giving primacy to reducing hazardous waste at the source of generation. The hierarchy requires source reduction and recycling particularly as alternatives to land disposal whenever feasible.

Hazardous Waste Management Goal 2: To site only those facilities which are necessary to safely, economically and responsibly manage the hazardous waste needs of the County of Santa Clara.

[2] California EPA, 1998. List of Certified Unified Program Agencies (CUPAs). June.

- Hazardous Waste Management Policy 9: Proper storage and disposal of hazardous wastes shall be required to prevent leaks, explosions, fires, or the escape of harmful gases, and to prevent materials from combining to form hazardous substances and wastes.

(2) San Jose Municipal Code. The San Jose Municipal Code contains several regulations regarding hazardous materials and hazardous wastes. The City has adopted the California Fire Code, which contains specific requirements for the storage of hazardous materials and wastes (Title 17, Chapter 17.12). Hazardous materials storage permits are required for all businesses (Title 17, Chapter 17.88), and zoning regulations prohibit land uses requiring a hazardous materials storage permit on residential parcels (Title 20, Chapter 20.80.720). Other regulations targeting specific hazardous materials users include detailed hazardous materials requirements for automobile dismantlers (Title 6, Chapter 6.14.390).

c. Hazardous Materials Potentially Present in the *Strategy 2000* Project Area. Hazardous materials from historical land uses, reported releases, and lead and asbestos exposure are described below.

(1) Hazardous Materials From Historical Land Uses. The project area has been developed for more than 100 years with a variety of commercial, residential, and industrial land uses. Industrial land uses are often associated with the use of hazardous materials, such as petroleum products, solvents, and heavy metals. Prior to the 1970s, few hazardous materials regulations existed, and typical industrial processes often released hazardous materials to the soil, water, and air. Hazardous materials releases at a former industrial property may not be immediately apparent, especially if the property has been vacant for several years prior to the proposed redevelopment.

Contaminants historically released from commercial and industrial properties may also migrate via shallow groundwater to other properties in the vicinity. Vapors from contaminated groundwater can pass through cracked or porous foundations and impact indoor air quality, and workers who come into contact with contaminated groundwater during construction or maintenance activities may also be affected.

(2) Reported Releases of Hazardous Materials. Hazardous materials releases have been reported at or adjacent to many of the properties where redevelopment is envisioned in *Strategy 2000*. Based on information compiled into a comprehensive database for the Downtown area, there are 51 reported releases of hazardous materials at or adjacent to redevelopment sites (Table V.J-1).[3] Many of the identified release sites may have the potential to affect more than one redevelopment site. Soil and groundwater contamination from such releases could present a health risk to construction workers and future users of these parcels.

Of these reported releases of hazardous materials, 43 were from a leaking underground storage tank (LUST). Releases of solvents, gasoline, diesel, waste oil, and other petroleum products were reported. Five sites were listed on the RWQCB's Spills, Leaks, Incidents, and Cleanups (SLIC)

Text continues on page 280

[3] Environmental Data Resources, Inc., 2003. San Jose Strategy 2000 Project Environmental Database Report. July 28.

Table V.J-1: Reported Hazardous Material Releases, By Greater Downtown Areas

Greater Downtown Area	General Location	Hazardous Materials Site	List	Status
PLAZA DE CESAR CHAVEZ				
A-1 Enlarge Plaza de Cesar Chavez	Bordered by San Fernando St, Almaden Blvd., Market St. San Carlos St.	None Identified		
A-2 Development surrounding the Plaza	Surrounding the Plaza	Greyhound Lines 70 Almaden	LUST	Release of gasoline reported in 1990. Case closed
		Diocese of San Jose 80 S. Market St.	LUST	Release of petroleum reported in 1989. Case closed
		90 S. Market St.	CHMIRS	Release of flammable liquid reported in 1991.
		Forest City Development 101 San Fernando	LUST	Release of gasoline reported in 1998. Active case.
		Chevron 222 W. San Carlos	LUST	Release of gasoline reported in 1985. Case closed
A-3 Complete Tech Museum expansion	South of Park Street	None identified		
A-4 San Antonio Block 8- NW Corner of San Carlos and 1st Street	NW corner of San Carlos and South 1st Streets	Shell 270 W. San Carlos	LUST	Release of gasoline reported in 1994. Case closed.
		River Park/Lincoln Properties 333 W. San Carlos	LUST	Release of solvents reported in 1994. Active case.
		Dohrman Building 325 S. 1st St.	LUST	Release of petroleum reported in 1995. Case closed.
		Fox California Theater 345 S. 1st St.	LUST	Release of petroleum reported in 2001. Case closed.
		Valley Title Co. 300 S. 1st St.	SLIC	Inactive case.
A-5 San Antonio Block 8- SE Quadrant of Market Street and San Antonio	SE Quadrant of Market Street and Paseo de San Antonio	None identified		
A-6 Park Center Plaza	NW corner of Market Street and Park Avenue	None identified		
ST. JAMES PARK				
B-1 Relocation of existing senior center and reuse of site	The existing center is at the NE corner of the park	First Unitarian Church 160 N. 3rd St.	LUST	Release of petroleum reported in 2000. Case closed.
B-2 Development surrounding St. James Park	Surrounding Park	First Unitarian Church 160 N. 3rd St.	LUST	Release of petroleum reported in 2000. Case closed.

Table V.J-1 *continued*

Greater Downtown Area	General Location	Hazardous Materials Site	List	Status
		Bank of Trade Building 100 E. Santa Clara	LUST	Release of diesel reported in 1989. Case closed.
		Century City Parking Lot 15 S. 3rd St.	SLIC	Active case.
		Thomas Fallon House 175 W. St. John	LUST	Release of petroleum reported in 1994. Case closed.
		U.S. Postal Service 101 N. 1st St.	LUST	Release of diesel reported in 1989. Case closed.
B-3 North St. James Park Site	NW corner of North Second and St. James Streets	None identified		
B-4 Mixed Use project	SE quadrant of North 2nd and St. John Streets	First Unitarian Church 160 N. 3rd St.	LUST	Release of petroleum reported in 2000. Case closed.
B-5 Julian Street realignment	Julian Street between SR 87 and North First Street	Lorentz and Sons 201 W. Julian St.	CERCLIS	Preliminary assessment performed in 1988. No further action proposed.
		Brandenburg Properties 185 W. Julian St.	LUST	Release of oil reported in 2000. Case closed.
		Brandenburg Properties 160 W. Julian St.	LUST	Release of gasoline reported in 2001. Case closed.
		Brandenburg-Butters 330 Terraine St.	LUST	Release of oil reported in 2000. Case closed
		Brandenburg Properties 153 W. Julian St.	CERCLIS; SLIC	Release of solvents reported. Active case.
		Brandenburg Properties 345 N. San Pedro	LUST	Release of oil reported in 2001. Case closed.
		FMC 333 W. Julian	CERCLIS; SLIC; LUST	Former military factory. Active SLIC case. Release of solvents reported in 1991. Active LUST case.
1ST AND 2ND STREETS				
C-1 San Antonio Block 2	SW Corner of San Fernando and South 2nd Streets	Klesitz Property 101 Monterey Highway	LUST	Release of gasoline reported in 1985. Case closed.
C-2 Fountain Alley	West side of South 2nd Street approximately 200 feet south of Santa Clara Streets	None identified		
C-3 2nd and Santa Clara lot	West Side of south 2nd Street, 200 feet south of Santa Clara Street	None identified		

Table V.J-1 *continued*

Greater Downtown Area	General Location	Hazardous Materials Site	List	Status
C-4 Woolworth Building	27 South First Street	None identified		
C-5 Repertory Plaza	1st Street	Klesitz Property 101 Monterey Highway	LUST	Release of gasoline reported in 1985. Case closed.
		Valley Title Co. 300 S. 1st St.	SLIC	Inactive case.
SANTA CLARA STREET				
D-1 Develop a new paseo though the improvement of Post Street and Lightstone Alley	Post Street between Market Street and South 1st Street	None identified		
D-2 160 W. Santa Clara	SW corner of Santa Clara and San Pedro Streets	None identified		
D-3 180 W. Santa Clara	SE corner of Santa Clara and Notre Dame Streets	None identified		
D-4 Mitchell Block	Block bounded by Santa Clara, Market, St. John and North 1st Streets	S&W Land Company 448-454 Santa Clara St.	LUST	Former LUST site.
		Thomas Fallon House 175 W. St. John	LUST	Release of petroleum reported in 1994. Case closed.
		US Postal Service 101 N. 1st St.	LUST	Release of diesel reported in 1989. Case closed.
D-5 Hotel	SE quadrant of Santa Clara Street and SR 87	City of San Jose 320 Harron St.	LUST	Release of mineral spirits reported in 1987. Case closed.
		City of San Jose 333 W. Santa Clara	LUST	Release of gasoline reported in 1993. Active case.
		SCVWD Property 361 W. Santa Clara	LUST	Release of waste oil reported in 1993. Active case.
D-6 1 South Market	SW corner of Market and Santa Clara Streets	Diocese of San Jose 80 S. Market St.	LUST	Release of petroleum reported in 1989. Case closed
		90 S. Market St.	CHMIRS	Release of flammable liquid reported in 1991.
D-7 Second and Santa Clara	West side of south 2nd between Santa Clara and San Fernando	None identified		
SAN PEDRO SQUARE				
E-1 Redevelopment of parking lot with Housing over Retail	San Pedro Street between Santa Clara and St. John Streets	None identified		

Table V.J-1 *continued*

Greater Downtown Area	General Location	Hazardous Materials Site	List	Status
E-2 Develop a new plaza	On the west side of San Pedro street, between Santa Clara and St. John Streets	None identified		
E-3 Develop a new green in front of the Fallon House	North of San Pedro Square	None identified		
E-4 Parking Garage	West of Almaden Boulevard and north of Santa Clara St.	City of San Jose 333 W. Santa Clara	LUST	Release of gasoline reported in 1993. Active case.
		SCVWD Property 361 W. Santa Clara	LUST	Release of waste oil reported in 1993. Active case.
SAN FERNANDO STREET				
F-1 San Antonio Block 3	SW corner of San Fernando and South 3rd Streets	Paseo Villas 130 E. San Fernando	LUST	Release of gasoline reported in 1998. Active case.
		San Jose Gas Light Co 136 S. 3rd St.	Coal Gas	Former coal gasification plant.
F-2 Mixed-use Project	North of San Fernando and west of San Pedro	None identified		
SOFA DISTRICT AND CONVENTION CENTER				
G-1 I-280 3rd to 7th Street ramps	North side of I-280 between 3rd and 10th Street	San Jose Commercial Property 130 Margaret Street	LUST	Release of petroleum reported in 1993. Case closed.
G-2 Completion of the Convention Center Expansion	South of the existing Convention Center	Corotto Company 477 S. Market St.	LUST	Release of gasoline reported in 1990. Active case.
G-3 Dimensions Site	West side of Market St. north of San Salvador	None identified		
G-4 Valley Title B part of Block 8	South of San Carlos between 1st and 2nd Streets	Fox California Theater 345 S. 1st St.	LUST	Release of petroleum reported in 2001. Case closed.
		Dohrman Building 325 S. 1st St.	LUST	Release of petroleum reported in 1995. Case closed.
		Valley Title Co. 300 S. 1st St.	SLIC	Inactive case.
		River Park/Lincoln Properties 333 W. San Carlos	LUST	Release of solvents reported in 1994. Active case.
G-5 San Carlos Street	Bbetween South 2nd and South 3rd Streets	River Park/Lincoln Properties 333 W. San Carlos	LUST	Release of solvents reported in 1994. Active case.
G-6 Reed and Market Block	At the NW corner of Market and Reed Streets	None identified		
G-7 Balbach and Market Streets	NW corner	None identified		

Table V.J-1 *continued*

Greater Downtown Area	General Location	Hazardous Materials Site	List	Status
G-8 Parque de los Pobladores	Confluence of Market and 1st Streets	Firestone Building 599 S. 1st St.	LUST	Release of gasoline reported in 1989. Case closed.
		Former Texaco Station 598 S. 1st St.	LUST	Release of gasoline reported in 1993. Active case.
		Corotto Company 477 S. Market St.	LUST	Release of gasoline reported in 1990. Active case.
CIVIC CENTER				
H-1 North Santa Clara Development Site	North side of Santa Clara Street between 4th and 6th Streets	Chevron 147 E. Santa Clara	LUST	Release of gasoline reported in 1993. Active case.
		Downtown Auto Express 154 E. Santa Clara	LUST	Release of gasoline reported in 1987. Case closed.
		Deluxe Cleaners 224 E. Santa Clara	SLIC	Active site
		Deluxe Cleaners 250 E. Santa Clara	LUST	Release of solvents reported in 1992. Active case.
H-2 Albertsons site	South side of Santa Clara St. between 6th and 7th Streets	Deluxe Cleaners 224 E. Santa Clara	SLIC	Active site
		Deluxe Cleaners 250 E. Santa Clara	LUST	Release of solvents reported in 1992. Active case.
H-3 High rise site	NW corner of Santa Clara and 4th Street	Chevron 147 E. Santa Clara	LUST	Release of gasoline reported in 1993. Active case.
		Downtown Auto Express 154 E. Santa Clara	LUST	Release of gasoline reported in 1987. Case closed.
H-4 New Parking garage	Mid-block between Santa Clara and St. James steets and 4th and 5th Streets	Chevron 147 E. Santa Clara	LUST	Release of gasoline reported in 1993. Active case.
		Downtown Auto Express 154 E. Santa Clara	LUST	Release of gasoline reported in 1987. Case closed.
		Deluxe Cleaners 224 E. Santa Clara	SLIC	Active site
		Deluxe Cleaners 250 E. Santa Clara	LUST	Release of solvents reported in 1992. Active case.
		Richardsons Auto Service 247 E St. John	LUST	Release of gasoline reported in 1985. Active case

Table V.J-1 *continued*

Greater Downtown Area	General Location	Hazardous Materials Site	List	Status
SAN CARLOS				
I-1 Demolish old Library	Southside of San Carlos St. between Market St. and Almaden Blvd.	None identified		
I-2 Move Federal Building	Northside of San Carlos St. between 1st and 2nd Streets	Fox California Theater 345 S. 1st St.	LUST	Release of petroleum reported in 2001. Case closed.
		Dohrman Building 325 S. 1st St.	LUST	Release of petroleum reported in 1995. Case closed.
		Valley Title Co. 300 S. 1st St.	SLIC	Inactive case.
		River Park/Lincoln Properties 333 W. San Carlos	LUST	Release of solvents reported in 1994. Active case.
ALMADEN BOULEVARD				
J-1 Sobrato Residential Development	SE Corner of Almaden and Balbach	None identified		
J-2 Housing on Balbach Street	South side of Balbach between Market Street and Almaden Blvd	Corotto Company 477 S. Market St.	LUST	Release of gasoline reported in 1990. Active case.
J-3 Mixed Use on South Market	South Market between Balbach and I-280	Firestone Building 599 S. 1st St.	LUST	Release of gasoline reported in 1989. Case closed.
		Former Texaco Station 598 S. 1st St.	LUST	Release of gasoline reported in 1993. Active case.
		Corotto Company 477 S. Market St.	LUST	Release of gasoline reported in 1990. Active case.
J-4 200 Park Ave	SW corner of Almaden and Park Ave.	None identified		
J-5 Adobe Phase IV	SW corner of San Fernando Street and Almaden Blvd.	355 W. San Fernando St.	CHMIRS	Release of 100 gallons of gasoline to the ground reported in 1989.
DIRIDON ARENA AREA				
K-1 Complete Guadalupe River Park	Between St. John and Julian Streets	SCV Paramedics 58 Autumn St.	LUST	Release of mineral spirits reported in 1989. Case closed.
K-2 Expand Guadalupe River Park	Adjacent to the new Diridon station area	San Jose Arena Ritchey Parcel 60 Montgomery St.	LUST	Release of gasoline reported in 1997. Case closed.
		San Jose Arena Holeman Parcel 443 W. Santa Clara	LUST	Release of mineral spirits reported in 1989. Case closed.
		San Jose Arena Block 5A 522 W. Santa Clara	LUST	Release of gasoline reported in 1988. Active case.

Table V.J-1 *continued*

Greater Downtown Area	General Location	Hazardous Materials Site	List	Status
K-3 Parking Structure	West of Arena	Pacific Gas and Electric 514-538 W. St. John	Coal Gas	Former coal gasification plant.
		Mandana Tile 517 W. St. John	LUST	Release of gasoline reported in 1996. Case closed.
		San Jose Foundary 525 W. St. John	LUST	Release of gasoline reported in 1987. Active case.
NORTH GATEWAY				
L-1 Taylor and Coleman site	Corner of Taylor and Coleman	Adolph Gutierrez 455 Coleman Road	LUST	Release of petroleum reported in 1995. Case closed.
		Southern Pacific Co. 483 Coleman Road	LUST	Release of waste oil reported in 1995. Case closed.
		Chevron 702 Coleman Road	LUST	Release of gasoline reported in 1988. Active case.
		Maida Specialty Company 715 Coleman Avenue	LUST	Release of gasoline reported in 1988. Active case.
L-2 Autumn Street realignment and extension	Between St John Street and Coleman Avenue	Pacific Gas and Electric 514-538 W. St. John	Coal Gas	Former coal gasification plant.
		Mandana Tile 517 W. St. John	LUST	Release of gasoline reported in 1996. Case closed.
		San Jose Foundary 525 W. St. John	LUST	Release of gasoline reported in 1987. Active case.
		Milligan News Company 150 N. Autumn		Release of gasoline reported in 1989. Case closed.
L-3 Coleman Road Widening	Coleman from the 87 to Taylor	Adolph Gutierrez 455 Coleman Road	LUST	Release of petroleum reported in 1995. Case closed.
		Southern Pacific Co. 483 Coleman Road	LUST	Release of waste oil reported in 1995. Case closed.
		Chevron 702 Coleman Road	LUST	Release of gasoline reported in 1988. Active case.
		Maida Specialty Company 715 Coleman Avenue	LUST	Release of gasoline reported in 1988. Active case.
L-4 Brandenburg site	NE Corner of Julian and Hwy 87	Lorentz and Sons 201 W. Julian St.	CERCLIS	Preliminary assessment performed in 1988. No further action proposed.
		Brandenburg Properties 185 W. Julian St.	LUST	Release of oil reported in 2000. Case closed.
		Brandenburg Properties 160 W. Julian St.	LUST	Release of gasoline reported in 2001. Case closed.

Table V.J-1 *continued*

Greater Downtown Area	General Location	Hazardous Materials Site	List	Status
		Brandenburg-Butters 330 Terraine St.	LUST	Release of oil reported in 2000. Case closed
		Brandenburg Properties 153 W. Julian St.	CERCLIS; SLIC	Release of solvents reported. Active case.
		Brandenburg Properties 345 N. San Pedro	LUST	Release of oil reported in 2001. Case closed.
L-5 Interim Parking	East of Autumn Street and north of Julian Street	SCV Paramedics 58 Autumn St.	LUST	Release of mineral spirits reported in 1989. Case closed.
		Milligan News Company 150 N. Autumn	LUST	Release of gasoline reported in 1989. Case closed.
L-6 Parking	DK to do B not on map			

Notes: CERCLIS = US EPA list of known and suspected hazardous material sites
CHMIRS = California Hazardous Materials Incident Reporting System
Coal Gas = EDR list of former coal gasification plants.
LUST = RWQCB list of leaking underground storage tanks.
SLIC = RWQCB list of non-UST spills, leaks, investigations, and cleanups.

Source: Environmental Data Resources, Inc., 2003. San Jose Strategy 2000 Project, Environmental Database Report, July 28.

database of non-underground tank groundwater contamination sites. Two sites were listed on the California Hazardous Materials Incident Reporting System (CHMIRS), which lists surface spills of hazardous materials. Three sites were listed on the federal Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) database of suspected hazardous material sites. Two sites were listed on a database of former coal gasification plants; these plants historically generated heavy hydrocarbon wastes such as coal tar.

(3) Aerially-Deposited Lead Near Major Roadways. Soils adjacent to major roadways and railroads often contain elevated concentrations of lead. Investigations conducted in 1994 and 1995 concluded that surface and sub-surface soils adjacent to either side of Interstate 80 (I-80) in northern Alameda County and along Interstate 880 (I-880) in southern Alameda County (both major eight- to ten-lane freeways) contained concentrations of lead exceeding California's hazardous waste criteria.[4] The lead concentrations appear to be a result of the deposition of airborne particulates and surface water runoff associated with tailpipe emissions prior to the time lead was phased out of vehicle fuels. Studies by the California Department of Transportation (Caltrans) suggest that hazardous waste levels of lead, if present, are generally found in soils within 30 feet of the edge of pavement.[5]

Portions of the Greater Downtown study area are similarly adjacent to major roadways, including Interstate 280 (I-280) and State Route 87 (SR 87). Properties located near these or other major roadways may contain elevated concentrations of lead in exposed surface soils, which could be a health hazard to construction workers and users of the properties.

(4) Lead and Asbestos from Demolition or Renovation of Existing Buildings. Asbestos was commonly used in building materials until the early 1980s, when its use in the United States began to be phased out. Lead oxide and lead chromate were commonly used in paints until 1978, when regulations limited the allowable lead content in paint. As many structures within in the *Strategy 2000* project area were constructed prior to 1980, it is possible that lead and asbestos are present in building materials in these areas.

Lead is a suspected human carcinogen, a known teratogen (i.e., causes birth defects), and a reproductive toxin. Federal and State regulations govern the renovation and demolition of structures where lead or material containing lead are present. Regulations pertaining to demolition of structures with lead-based paint are promulgated by federal and State agencies.

Asbestos is a known human carcinogen. Federal, State, and local requirements also govern the removal of asbestos or suspected asbestos-containing materials, including the renovation and demolition of structures where asbestos is present. These requirements are promulgated by the federal and State agencies and the Bay Area Air Quality Management District (BAAQMD).

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[4] Reidel Environmental Services, Inc., 1994. Soil Sampling Report, Interstate Highway 80, Alameda County, California, prepared for the California Department of Transportation, 10 February, and Teichman, J., Coltrin, D., Prouty, K., and Bir, W.A., 1993. A Survey of Lead Contamination in Soil Along Interstate 880, Alameda County, California, American Industrial Hygiene Association Journal, September.

[5] California Environmental Protection Agency, Department of Toxic Substances Control (DTSC), 2000. Fact Sheet, Variance for Caltrans Districts 4,6,7,8,10,11,12 For Reuse of Lead-Contaminated Soils.

2. Impacts and Mitigation Measures

a. Criteria of Significance. Implementation of *Strategy 2000* would have a significant impact relating to hazardous materials if it would:

- Create a significant hazard to the public or the environment as a result of routine transport, use, production, upset, or disposal of hazardous materials;
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;
- Bring people into direct contact with hazardous materials on a listed hazardous materials site compiled, pursuant to Government Code section 65962.5;
- Create a significant hazard to the public or the environment from existing hazardous materials contamination by exposing future occupants or users of the site to contamination in excess of soil and groundwater cleanup goals developed for the site; or
- Impair the implementation or interfere with an emergency response or evacuation plan.

b. Less-Than-Significant Hazards Impacts. *Strategy 2000* is a general document that attempts to guide development and redevelopment of Greater Downtown San Jose. It articulates a vision and recommends policies and actions towards achieving that vision. It does not propose site specific or even neighborhood specific projects. However, based on the proposed development areas that have been identified, broad classes of potential hazardous materials issues are detailed below.

Following implementation of *Strategy 2000*, the project would not result in the routine transport, use, or disposal of significant quantities of hazardous materials. The project would not interfere with an emergency response plan, and would not expose people to wildland fire hazards. Electromagnetic fields (EMFs) onsite would be similar to other residential and mixed use projects throughout downtown San Jose. Implementation of the project would therefore have no significant impacts related to these potential concerns.

c. Significant Hazards Impacts. The proposed project would result in three significant adverse impacts related to hazardous materials. With mitigation, all of these impacts would be reduced to a less-than-significant level.

<u>Impact HAZ-1</u>: Redevelopment of properties within the *Strategy 2000* project area could expose construction workers and/or the public to hazardous materials from existing soil and groundwater contamination during and/or following redevelopment. Sensitive receptors located near the development could potentially be affected by releases of hazardous materials. (S)

Details for future specific development projects undertaken as part of *Strategy 2000* are not yet known. However, future projects would in many cases include demolition and renovation of existing structures, and excavation and grading of soils for construction of foundations. If structures with underground facilities were proposed, dewatering of groundwater may be required.

Soils throughout the proposed redevelopment areas could be disturbed during site redevelopment. If hazardous materials releases have occurred at or near these areas, the soils may potentially contain a variety of chemical compounds associated with fuels, oils, solvents, metals, or other hazardous sub-

stances originating from historical and/or current land uses. Contaminated soils encountered during site redevelopment activities, such as excavation and grading, could result in potential health risks to construction workers and/or the public.

Historic but undocumented releases of hazardous materials to the subsurface may also have impacted groundwater quality at the parcels to be developed. Chemical compounds present in groundwater may also have migrated from their original source areas and affected groundwater quality elsewhere in the study area. If contaminated groundwater were encountered during redevelopment activities, potential health risks to construction workers and/or the public could result. If excavations were to extend to the groundwater table, dewatering could be required. Extracted contaminated groundwater would require on-site management and/or treatment.

If hazardous materials were released at parcels near sensitive receptors, the health effects of the release could be magnified. Sensitive receptors are populations that are especially susceptible to the effects of hazardous materials, including children, the elderly, and those with compromised immune systems. Areas where sensitive receptors would be expected to be located include residential areas, hospitals, day care facilities, nursing homes, and schools.

Implementation of the following four-part mitigation measure would reduce this potential impact to a less-than-significant level.

> Mitigation Measure HAZ-1a: Prior to development or redevelopment of any parcel as part of implementation of *Strategy 2000*, a Phase I site assessment should be conducted by a qualified professional (e.g., a California-registered environmental assessor) to identify current or historical land uses that have or may have included the storage or generation of hazardous materials and the potential for releases of hazardous materials to have occurred that might impact the site. The assessments should be performed in conformance with standards adopted by the American Society for Testing and Materials (ASTM) for Phase I site assessments. The Phase I site assessment should identify any limitations to development due to the presence of any sites associated with hazardous materials in the vicinity of the subject site, and present recommendations for further investigation of the site, if necessary.
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> Mitigation Measure HAZ-1b: If a Phase I site assessment were to indicate that a release of hazardous materials could have affected the site, additional soil and/or groundwater investigations should be conducted by a qualified environmental professional to assess the presence and extent of contamination at the site. Soil and groundwater investigations should be conducted in conformance with State and local guidelines and regulations.
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> Mitigation Measure HAZ-1c: If the results of the subsurface investigation(s) indicated the presence of hazardous materials, site remediation may be required by the applicable State or local regulatory agencies. Depending on the nature of contamination, remediation could consist of soils removal, groundwater extraction/treatment, or modification to site planning and building design to minimize risks of exposure. Specific remedies would depend on the extent and magnitude of contamination and the requirements of the regulatory agencies.
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> Mitigation Measure HAZ-1d: For any site where contamination has been identified, construction should only occur in accordance with a site-specific health and safety plan prepared by a

certified industrial hygienist. The plan should include provisions for monitoring exposure to construction workers, delineate procedures to be undertaken in the event that contamination is identified above action levels, and identify emergency procedures and responsible personnel. If construction were to take place on sites adjacent to sensitive receptors, the health and safety plan should include air monitoring at the perimeter of the construction site. The health and safety plan should include performance standards identified to minimize the effects of airborne contaminants on sensitive receptors (for example, stopping work in dusty conditions, limiting excavation areas, or wetting down of surfaces). The presence of lead-based paint or asbestos-containing materials at the site may require additional site safety procedures. Construction workers at contaminated sites would be required to have received hazardous materials training in accordance with federal and State regulations. Completion of these mitigation measures should be a condition of approval for any grading, demolition, or building permit within the *Strategy 2000* project area. (LTS)

Impact HAZ-2: Demolition or renovation of buildings containing lead-based paint and asbestos-containing building materials could release airborne lead and asbestos particles, which may potentially affect the health of construction workers and future site users. (S)

If asbestos containing-materials were present in structures planned for demolition or renovation, persons exposed to airborne asbestos fibers could suffer health risks. If lead-based paint were present at project site structures, and the structures were extensively renovated or demolished, construction workers and nearby workers could be exposed to lead-based paint dust. State regulations require that air monitoring be performed during and following renovation or demolition activities at sites containing lead-based paint (Title 8, California Code of Regulations, Section 1532.1). Appropriate modifications to renovation/demolition activities would be required if airborne lead levels exceed the current federal OSHA action level of 30 μg/m3 (calculated as an eight-hour, time-weighted average).

Implementation of the following two-part mitigation measure would reduce this potential impact to a less-than-significant level.

Mitigation Measure HAZ-2a: For compliance with existing regulations, an asbestos survey shall be performed on all structures proposed for demolition that are known or suspected to have been constructed prior to 1980. If asbestos-containing materials are determined to be present, the materials shall be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the Bay Area Air Quality Management District.

Mitigation Measure HAZ-2b: For compliance with existing regulations, a lead-based paint survey shall be performed on all structures proposed for demolition that are known or suspected to have been constructed prior to 1980. If lead-based paint is identified, then federal and State construction worker health and safety regulations shall be followed during renovation or demolition activities. If loose or peeling lead-based paint is identified at the building, it shall be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations. (LTS)

<u>Impact HAZ-3</u>: New businesses developed as part of the *Strategy 2000* may include the use, storage, or disposal of hazardous materials. Improper management of hazardous materials could potentially expose workers and/or the public to health risks. (S)

Specific businesses for development envisioned by *Strategy 2000* are not yet identified. Some redevelopment would include commercial and mixed land uses, and these areas could potentially include businesses such as dry cleaners, photo processors, or medical facilities that use significant quantities of hazardous materials and/or generate hazardous wastes. Improper hazardous material use, storage, or disposal could potentially result in releases that would affect future site users and/or the environment.

If future businesses were to use, store, or dispose of hazardous materials, the businesses would be required to comply with federal, State, and local requirements for managing hazardous materials. Depending on the type and quantity of hazardous materials, these requirements could include the preparation of, implementation of, and training in the following plans, programs, and permits:

- *Hazardous Materials Business Plan (Business Plan)*. Facilities that use, store, or handle hazardous materials in quantities greater than 500 pounds, 55 gallons, or 200 cubic feet are required to prepare a Business Plan. The Business Plan would contain facility maps, up-to-date inventories of all hazardous materials for each area, emergency response procedures, equipment, and employee training.
- *Hazardous Waste Generator Requirements*. Facilities that generate more than 100 kilograms per month of hazardous waste, or more than 1 kilogram per month of acutely hazardous waste, must be registered with the U.S. EPA. DTSC administers hazardous waste generator registration in California.
- *Contingency Plan*. All facilities that generate hazardous waste must prepare a Contingency Plan. The Contingency Plan identifies the duties of the facility Emergency Coordinator, identification and location of emergency equipment, and also includes reporting procedures for the facility Emergency Coordinator to follow after an incident.
- *California Accidental Release Prevention Program (CalARP)*. Facilities that use significant quantities of acutely hazardous materials must prepare a Risk Management Program (RMP) if there may be a significant likelihood that this use could pose an accident risk. The RMP must include a description of acutely hazardous material accidents occurring at the facility within the past three years, a description of equipment, procedures, and training to reduce the risk of acutely hazardous materials accidents, and an off-site consequence analysis that models potential impacts from an accidental release to surrounding areas.
- *Injury and Illness Prevention Plan*. The California General Industry Safety Order requires that all employers in California shall prepare and implement an Injury and Illness Prevention Plan which should contain a code of safe practice for each job category, methods for informing workers of hazards, and procedures for correcting identified hazards.
- *Emergency Action Plan*. The California General Industry Safety Order requires that all employers in California prepare and implement an Emergency Action Plan. The Emergency Action Plan designates employee responsibilities, evacuation procedures and routes, alarm systems, and training procedures.

- *Fire Prevention Plan*. The California General Industry Safety Order requires that all employers in California prepare and implement a Fire Prevention Plan. The Fire Prevention Plan specifies areas of potential hazard, persons responsible for maintenance of fire prevention equipment or systems, fire prevention housekeeping procedures, and fire hazard training procedures.
- *Hazard Communication Plan*. Facilities involved in the use, storage, and handling of hazardous materials are required to prepare a Hazard Communication program. The purpose of the Hazard Communication program is to provide methods for safe handling of hazardous materials, ensure proper labeling of hazardous materials containers, and ensure employee access to Material Safety Data Sheets (MSDSs).

Mitigation Measure HAZ-3: Prior to issuance of building permits for development or redevelopment in the project area that may involve the use, storage, or disposal of hazardous materials, the City shall determine that the proposed use has adhered to current regulations and programs concerning hazardous waste. (LTS)

Adherence to current regulations and programs, as outlined above, would reduce this impact to a less-than-significant level. No further mitigation is required.