4.4 HAZARDS AND HAZARDOUS MATERIALS

This assessment focuses on the potential public health effects associated with exposure to hazardous materials during implementation of the proposed LRDP projects. Hazardous materials uses at the campus, identified in the Hazardous Materials Business Plans (HMBPs) (West Valley College 1997a, 2003, and 2004), are summarized in this section. In addition, this section summarizes results of a regulatory database search, which identifies existing hazardous materials uses as well as sites at the campus and within a specified distance where soil or groundwater has been affected or is suspected to be affected by a chemical release(s) from past or present site uses (referred to as environmental cases) and have been identified on regulatory databases (EDR 2003). This information is used, along with review of available documents addressing a previous leaking underground storage tank at the campus, to assess the potential to encounter hazardous materials in the soil and groundwater and to encounter hazardous materials during demolition and renovation of existing buildings. A description of each database reviewed for the database search and its publication date is included in Appendix D. Regulatory requirements related to investigation and cleanup of environmental cases; assessment and abatement of hazardous building materials during demolition and renovation; repairs and renovations to hazardous materials storage facilities; closure of underground storage tanks (USTs); and hazardous materials handling during operation are also summarized below.

4.4.1 Environmental Setting

Hazardous *materials*, defined in Section 25501(h) of the California Health and Safety Code, are materials that, because of their quantity, concentration, or physical or chemical characteristics, pose a substantial present or potential hazard to human health and safety or to the environment if released to the workplace or environment. Hazardous materials have been and are commonly used in commercial, agricultural and industrial applications as well as in residential areas to a limited extent. A *waste* is any material that is relinquished, recycled, or inherently waste-like. Title 22 of the California Code of Regulations, Division 4.5, Chapter 11 contains regulations for the classification of hazardous wastes. A waste is considered a *hazardous waste* if it is toxic (causes human health effects), ignitable (has the ability to burn), corrosive (causes severe burns or damage to materials), or reactive (causes explosions or generates toxic gasses) in accordance with the criteria established in Article 3. Article 4 also lists specific hazardous wastes. Waste categories including Resource Conservation and Recovery Act (RCRA) hazardous waste, non-RCRA hazardous waste, extremely hazardous waste, and special waste are identified in Article 5. If improperly handled, hazardous materials and wastes can result in public health hazards, if released to the soil, groundwater, or air in vapors, fumes, or dust.

Potential Presence of Hazardous Materials in Soil and Groundwater

Soil or groundwater contamination could occur at a proposed project site due to a chemical release at an "environmental case" on campus in the vicinity of a planned project, or from an off-site chemical release that could migrate to the campus and affect soil or groundwater quality. In general, an environmental case

is identified due to site disturbance activities such as removal of an underground storage tank, a spill of hazardous substances, or excavation for construction. Properties with documented soil contamination would not likely affect a project unless the contamination extended onto the project site; thus, only adjacent properties with soil contamination would have the potential to affect soil quality at a project site. However, groundwater plumes can migrate over long distances and, in general, groundwater contamination within a one-half-mile radius of the campus would be considered to have the potential to affect groundwater quality at the campus. The text below discusses the environmental cases identified by the database search (EDR, 2003) at the campus and within one-half mile.

West Valley College. Based on the computerized database search, the college is identified in the Spills, Leaks, Investigation, and Cleanup Cost Recovery Listing of the California Regional Water Quality Control Board, San Francisco Bay Region (RWQCB) (SLIC Reg2) and in Leaking Underground Storage Tank (LUST) and Cortese databases. Listing in these databases indicates that soil and/or groundwater contamination has occurred although no specific information is provided regarding contaminants identified, their concentrations, or any remedial actions conducted. Limited information available from the database search indicates that one SLIC case was closed prior to October 17, 1994 and required no further action. One LUST case was also closed in 1995. One SLIC case involving a release of solvents from a neutralization tank at the Math and Science Building is reported as inactive as of 1994, but information provided by the College shows that this case has been closed by the RWQCB as discussed below. As of January 2001, one LUST case, also described below, was still open. The Santa Clara Valley Water District and RWQCB were contacted to obtain additional information regarding all of the SLIC and LUST cases, and only information regarding the open LUST case is available from the Santa Clara Valley Water District, Leaking Underground Storage Tank Oversight Program.

Neutralization Tank at Math and Science Building. In April, 1994, a neutralization UST was removed from an area to the north of the Math and Science Building (see Figure 3-3 for building location), and surrounding soil was excavated (RWQCB 1996). At the time of removal, a leak from the UST inlet joint was suspected and all obviously discolored soil was removed; the excavation activities were observed by an inspector from the Santa Clara County Department of Environmental Health and the excavation was backfilled. Prior to backfilling, soil samples were collected to evaluate the quality of soil remaining in place. Based on the Remedial Action Completion Certificate provided by the RWQCB, the soil samples were analyzed for volatile organic compounds, although the closure summary indicates that mercury (a metal) was identified in the soil samples at a maximum concentration of 140 milligrams per kilogram (mg/kg). A work plan for additional investigation at this location states that nine halogenated volatile organic compounds were detected in these soil samples and that some metals concentrations were greater than the Total Threshold Limit Concentration, a criteria used by California to classify hazardous wastes (ETIC 1994). The maximum mercury concentration identified in the soil prior to excavation, as reported by the RWQCB, is greater than the Total Threshold Limit Concentration of 20 mg/kg.

On the basis of analytical results of the soil samples from the excavation, additional investigation was conducted to evaluate soil and groundwater quality in the vicinity of the former tank. The primary contaminant of concern identified in soil and groundwater samples obtained using a probe was 1,1,2-trichloroethane (1,1,2-TCA) identified in the soil and groundwater. Subsequently, the UST excavation area was excavated to a depth of 14 feet in 1995 and an additional 51 cubic yards of soil were removed. The primary contaminants of concern identified in soil and groundwater samples from this excavation were 1,1,2-TCA and chloroform. Because these compounds were identified in groundwater samples, three groundwater monitoring wells were installed to further evaluate groundwater quality and one soil boring was installed to evaluate the potential for later migration of contaminants. No lateral movement of contaminants was indicated and volatile organic compounds were not detected in the groundwater samples. The Remedial Action Completion Certificate indicates that the maximum concentrations of contaminants remaining in the soil after over excavation were 1,1,2-TCA at 12 mg/kg; benzene at 0.036 mg/kg; xylenes at 0.031 mg/kg; and mercury at 0.17 mg/kg. The maximum concentration of toluene remaining in the groundwater was 0.8 microgram per liter (ug/L). Other contaminants, including 1,1,2-TCA were not detected in the groundwater samples.

The RWQCB concluded that no further action would be required at this location because excavation of the UST area removed the contaminated soil and that the residual levels of contaminants would not pose a substantial threat to the environment, water quality, or human health. The RWQCB provided a Remedial Action Completion Certificate for this case on August 6, 1996 (RWQCB 1996) stating that the agency must be notified in the event of planned excavation activities in the UST area or a change in land use.[1] In this certificate, the RWQCB approved abandonment of the groundwater monitoring wells installed at this location although it is possible that the wells were never abandoned.

The U.S. Environmental Protection Agency (USEPA) and the RWQCB have published guidelines for the evaluation of chemicals commonly found in soil or groundwater where a release of hazardous materials has occurred, including preliminary remediation goals (PRGs) published by the USEPA (USEPA 2004) and environmental screening levels (ESLs) published by the RWQCB (RWQCB 2005). For an industrial worker, these screening levels are conservative estimates of safe levels of a chemical that a worker could be exposed to in soil and groundwater as a result of occupational exposure. If the concentration of a chemical in the soil or groundwater is below the PRG or ESL, then it can be assumed that the chemical would not pose a health risk to the worker. However, these screening levels are based on conservative exposure assumptions, and it is possible to conduct a more detailed risk assessment using project specific exposure assumptions to develop a higher concentration that would be considered safe.

[1] A handwritten note in college files indicates that John West of the RWQCB stated on 8/14/96 that "if over excavations are planned…" should not have been included in this letter, but that he would not be sending a corrected letter.

In addition, screening levels for industrial workers would generally be lower for industrial workers than construction workers because the industrial worker would be exposed to the soil and groundwater over a lifetime while the construction worker would only be exposed for the duration of construction activities. Therefore, safe levels of chemicals in soil and groundwater would generally be higher for construction workers than industrial workers.

The 1,1,2-TCA concentration of 12 mg/kg in the post-excavation soil exceeds the residential PRG of 0.73 mg/kg and ESL of 0.032 mg/kg as well as the industrial/commercial PRG of 1.6 mg/kg and ESL of 0.070 mg/kg. On the basis of this, it would be necessary to conduct a more detailed risk assessment to evaluate acceptable levels of 1,1,2-TCA in the soil.

Dispenser Pump Removal at Warehouse and Facilities Area. Based on available documents, the college removed the dispenser pump from the Warehouse and Facilities area (see Figure 3-3 for building locations) in the east-central portion of the campus in January 2001. The UST at this location had been removed in 1991 and replaced with a 6,000-gallon, two compartment, double-walled fiberglass UST. Both compartments of the UST were used for unleaded gasoline in 2001 although one compartment had previously been used for leaded gasoline (SCVWD 2001b).

Confirmation soil samples from below the dispenser depth contained up to 1,800 mg/kg of total petroleum hydrocarbons as gasoline (TPHg) as well as detectable levels of ethylbenzene, toluene, and xylenes. On the basis of this, the Santa Clara Valley Water District, Leaking Underground Storage Tank Oversight Program required additional investigation of soil and groundwater quality at the site. In response, two soil borings and one groundwater monitoring well were installed in June 2001 (Dugan Associates 2001). TPHg was identified at a maximum concentration of 810 mg/kg in soil from these borings; the maximum concentration was identified in a soil sample from a depth of 24 feet below ground surface. Benzene was also identified at 1.4 mg/kg in this soil sample, the only sample with a detection of benzene.

Grab groundwater samples[2] were collected from the two soil borings. TPHg and benzene were identified at a maximum concentration of 13 milligrams per liter (mg/L) and 0.74 mg/L, respectively, in these samples and toluene, ethyl benzene, and xylenes were also detected. Toluene was identified at 0.00057 mg/L in the groundwater sample from Monitoring Well MW-1, but TPHg or other petroleum hydrocarbons were not detected. Methyl-tert-butyl-ether (MTBE), a fuel oxygenate, was not detected in any of the soil or groundwater samples. Monitoring Well MW-1 is located in the inferred downgradient direction from the existing UST.

[2] Grab groundwater samples are collected from open soil borings, without installation of a well and often contain more sediment than groundwater samples collected from a properly completed well. Therefore, grab groundwater samples typically contain higher concentrations of contaminants than samples from wells because the contaminants tend to adhere to the sediment.

On the basis of this sampling, the Santa Clara Valley Water District concluded that the petroleum hydrocarbons identified in the groundwater sample from the boring likely resulted from the former USTs removed in 1991 and were not likely a result of a release from the new UST, but required additional sampling of Monitoring Well MW-1 to confirm the analytical results (SCVWD 2001a). The well was re-sampled on February 4, 2002 and TPHg, BTEX, and fuel oxygenates (including MTBE) were not identified in the groundwater sample (WellTest, Inc. 2002). No further action has been taken regarding this case.

Environmental Cases Within One-Half Mile. Environmental cases identified within one-half mile of West Valley College are summarized in Table 4.4-1. Based on the database search, a total of six sites were identified in the LUST and Cortese databases, indicating that a release from an underground storage tank had occurred. The closest two cases are the Saratoga Municipal Corporation Yard and Saratoga School Maintenance facility located on Allendale Avenue, approximately one-eighth mile to the west of the campus. The database review indicates that both cases involved a release of gasoline and groundwater quality at both sites had been affected. However, the case at the School Maintenance Facility has been closed.

Table 4.4-1

Summary of Environmental Cases Within One-Half Mile of West Valley College

Site Name	EDR Map No.	Address	SLIC	VCP	Cal Sites	LUST	Cortese	CHMIRS
Saratoga Municipal Corporation Yard	B11, B12, B14	19700 Allendale				x	x	
Saratoga School Maintenance	B15	19710 Allendale				x	x	
West Valley Join Community College/SCC Department of Environmental	A1, A2, A3, A4, A5, A6, A10	14000 Fruitvale Ave.	x			x	x	
Saratoga Retirement Community/Odd Fellows Home of California	D19, D20, A7	14500 Fruitvale Ave.		x	x	x	x	
August Property	29	14770 Live Oak Lane				x	x	
Not Reported	21	20007 Marybrook Dr.						x
James Keator	24	19381 San Marcos Rd.				x	x	
Anthony Cataldi Property	F26	19800Versailles Way				x	x	

Notes: SLIC Reg2: Spills, Leaks, Investigation, and Cleanup Cost Recovery Listing, Region 2; VCP: Voluntary Cleanup Plan; LUST: Leaking Underground Storage Tank; Cortese: Cortese Hazardous Waste and Substances Site List; CHMIRS: California Hazardous Material Incident Report System.

Source: Environmental Data Resources 2003

The database review indicates that the Odd Fellows Home located approximately one-eighth mile to the south of the campus on Fruitvale Avenue was identified in the LUST and Cortese databases because of a release of mineral spirits in 1992. However, the case was closed in 1997. The Saratoga Retirement Community at the same address was identified in the Voluntary Cleanup Plan (VCP) and CalSites databases because the facility entered into a voluntary cleanup agreement with the Department of Toxic Substances Control (DTSC). The database review indicates that no action was required because the agreement was for a mortgage company only.

The remaining three LUST and Cortese cases were reported to only involve soil and have been closed. These sites would have a low potential to affect soil or groundwater quality at the campus because they are each located more than one-eighth mile from the campus and only soil quality was affected by the release. One spill of hazardous materials within one-half mile of the campus was identified in the CHMRIS database. The spill involved the release of less than 10 gallons of pool patch materials to Saratoga Creek at 20007 Marybrook Drive.

Hazardous Building Materials. Some building materials commonly used in older buildings could present a public health risk if disturbed during an accident or during demolition or renovation of an existing building. Hazardous building materials include asbestos, electrical equipment such as transformers and fluorescent light ballasts that contain polychlorinated biphenyls (PCBs), fluorescent lights containing mercury vapors, and lead-based paints. Asbestos and lead-based paint may also present a health risk to existing building occupants if they are in a deteriorated condition. If removed during demolition of a building or disturbed during renovation, these materials would also require special disposal procedures. Regulations applicable to the assessment and abatement of hazardous building materials are summarized in Appendix D.

Up until the 1970s, asbestos has been used as a common building material, including use as insulation materials, shingles and siding, roofing felt, floor tiles, brake linings, and acoustical ceiling material. Asbestos is a known carcinogen and presents a public health hazard if it is present in “friable” (easily crumbled) form.

Lead-based paint was commonly used prior to 1960 and these paints are likely present in buildings constructed prior to 1960. Lead is toxic to humans, particularly young children, and can cause a range of human health effects depending on the level of exposure. When adhered to the surface of the material they are painted to, lead-based paints pose little health risk. Where the paint is delaminated or chipping, the paint can cause a potential threat to the health of young children or other building occupants who may ingest the paint. Lead dust could also present public health risks during demolition of a structure with lead-based paint. Lead-based paint that has separated from a structure may also contaminate nearby soil.

PCBs were commonly manufactured and used in the United States between 1929 and 1977 for uses such as electrical transformers and capacitors and fluorescent light ballasts. It is a highly toxic group of substances that remains persistent in the environment, accumulates in biological systems, interferes with

the reproductive system, and acts as an immuno-suppressant. Under the Toxic Substance Control Act, Congress began regulating the use and manufacturing of PCBs since 1978, although PCBs continue to be used under strict regulations.

Most fluorescent light ballasts manufactured prior to 1978 contain approximately 0.5 ounces of PCBs in a small capacitor; although, the quantity can be up to two ounces. In 1978, the USEPA estimated that there were approximately 850 million of these capacitors in use in the United States. Disposal of more than one pound of PCBs, or approximately 16 capacitors, to a landfill would require notification of the USEPA under CERCLA. Ballasts manufactured after January 1, 1978 do not contain PCBs and should be labeled as such on the ballast.

On February 9, 2004, regulations took effect in California that classified all fluorescent lamps and tubes as a hazardous waste in California because they contain mercury. When these lamps or tubes are placed in the trash and collected for disposal, they can be broken and mercury is released to the environment, can also be absorbed through the lungs into the bloodstream of people close, and can be washed by rain water into waterways. The mercury in urban storm water sediment results in part from improperly discarded fluorescent lamps and tubes (CIWMB 2005). Approximately 370 pounds of mercury were released in California in 2000 due to the breakage of electric lamps and tubes during storage and transportation. It is estimated that nearly 75 million waste fluorescent lamps and tubes are generated annually in California and these lamps and tubes contain more than half a ton of mercury.

4.4.2 Conformance with Hazardous Materials Regulations

Regulatory Framework

Hazardous materials and hazardous wastes are extensively regulated by federal, state, and local regulations, with the major objective of protecting public health and the environment. In general, these regulations provide definitions of hazardous materials; establish reporting requirements; set guidelines for handling, storage, transport, remediation, and disposal of hazardous wastes; and require health and safety provisions for workers and the public. Regulatory agencies also maintain databases of sites that handle hazardous wastes or store hazardous materials in underground storage tanks, and of environmental cases where hazardous materials may have been released to the soil and/or groundwater.

The major federal, state, and regional agencies enforcing these regulations include the U.S. Environmental Protection Agency (USEPA) (federal); the DTSC and the State Water Resources Control Board (SWRCB) (state); the RWQCB and the Bay Area Air Quality Management District (BAAQMD) (regional). A more detailed description of the federal, state and regional hazardous materials regulatory framework is presented in Appendix D.

The Santa Clara County Department of Environmental Health, as a Certified Unified Program Agency (CUPA), is the local agency with primary responsibility for implementing state environmental programs

in Saratoga. The six programs implemented include the Hazardous Materials Business Plan/Emergency Response Plan, Hazardous Waste/Tiered Permitting, Underground Storage Tanks (Spill Prevention, Control, and Countermeasures only), California Accidental Release Program, and the Uniform Fire Code Hazardous Materials Management Plan. In addition, on July 1, 2004, responsibility for implementation of the Local Oversight Program for oversight of investigation and cleanup of leaking underground storage tanks began transfer from the Santa Clara Valley Water District to the Department of Environmental Health. Complete transition is expected by June 30, 2005 (Santa Clara County Department of Environmental Health 2005). Solvent and toxic cases are typically enforced by the RWQCB, DTSC, or USEPA, but the Santa Clara Valley Water District may provide peer review for these cases through the Solvent and Toxic Cleanup Liaison Program.

Santa Clara County Hazardous Materials Regulations

Hazardous materials storage regulations enforced by the Santa Clara County Department of Environmental Health are contained in Division B11 of the Santa Clara County Ordinance Code. In accordance with this code, businesses which store specified quantities of hazardous materials are required to obtain a hazardous materials storage permit and submit a HMBP (described in the next section) or hazardous materials/waste registration form.

The plan must specify appropriate containment for hazardous materials and monitoring capabilities to detect a leak, subject to the approval of the Department of Environmental Health. Provisions for overfill protection, separation of incompatible materials, drainage of facilities that could be exposed to rain, and spill protection must also be specified. Facilities that qualify as a minimal storage site based on the quantities of hazardous materials stored may submit a hazardous materials/waste registration form in lieu of the HMBP. All hazardous materials handling and storage facilities are subject to inspection by the Department of Environmental Health for determining compliance with legal requirements for hazardous materials storage. Facilities which generate hazardous wastes must also obtain a hazardous waste generator permit from the Department of Environmental Health and facilities with underground storage tanks must obtain and underground storage tank permit.

Division B11 of the Santa Clara County Code also specifies requirements for repairs or renovations to hazardous materials storage facilities, as well as for closure of any hazardous materials storage facilities no longer in use. Substantial repairs and closure must be carried out in accordance with a permit from the Department of Environmental Health. When a facility is renovated or repaired, the replacement facility must meet current hazardous materials storage requirements. Closure of hazardous materials storage facilities must be conducted in accordance with an approved closure plan that minimizes the need for future maintenance; minimizes or eliminates public health or safety threats, or threats to the environment, from residual hazardous materials remaining after closure is completed; and demonstrates that hazardous materials the were stored in the facility will be removed, disposed of, neutralized, or reused in an appropriate manner. It is the responsibility of the hazardous materials storage facility to conduct all actions necessary to cleanup an unauthorized release of hazardous materials from the storage facility.

Underground Storage Tank Closures

In accordance with the California Health and Safety Code, Division 20, Chapters 6.7 and 6.75, the Santa Clara County Environmental Health Department has the responsibility to implement state UST regulations and to oversee investigation and cleanup of UST leak sites in Saratoga as the Certified Uniform Program Agency. This agency implements state UST corrective action regulations specified in Title 23 if the California Code of Regulations, Chapter 16, Article 7. The RWQCB still retains authority to approve case closure.

For removal of a UST, the Environmental Health Department requires an approved closure plan and permit for removal of the UST (Unidocs 2000). Prior to removal, the contractor must notify the BAAQMD and Underground Services Alert, and must also prepare a health and safety plan. Following removal of the tank soil samples must be taken from the tank excavation and groundwater must also be sampled if present in the tank excavation to evaluate whether additional action is required. If indicated by the analytical results, the case could be referred to the local oversight program or the RWQCB for additional investigation and possibly cleanup. Soil removed from the UST excavation must be stored on bermed plastic and covered while on-site, and legally disposed of. The Environmental Health Department inspects all UST removals and confirmation sampling.

Hazardous Materials Business Plans (HMBPs)

Businesses that handle specified quantities of chemicals are required to submit a HMBP in accordance with Division B11 of the Santa Clara County Code. This plan allows local agencies to plan appropriately for a chemical release, fire, or other incident. In Saratoga, the plan must include:

- an inventory of hazardous materials with Department of Transportation (DOT) hazard class, maximum quantity on-site, largest container size, and storage location(s) for each hazardous material and waste;
- a general facility description and facility storage map including site and facility layouts including chemical loading areas, parking lots, internal roads, storm and sewer drains, and adjacent site uses;
- a monitoring program specifying monitoring methods and frequency of monitoring for each hazardous material storage area; and
- record keeping forms including an inspection check sheet or log to be used in conjunction with routine inspections.

Hazardous materials storage permits are issued for a five-year period. The permit and the HMBP must be updated whenever there is a change in the quantities or types of hazardous materials stored at the facility.

West Valley College HMBP. As required by law, the District maintains a HMBP, which lists the chemicals stored and used at West Valley College as a part of normal business operations (West Valley

College 2003 2004). As summarized in Table 4.4-2, the college stores chemicals in a variety of areas including the Print Shop, Chemistry and Biology laboratories, Science Building Equipment Room, Administration of Justice Building, Bookstore Equipment Areas, Theater Building, Language Arts Building, Pool Equipment Room, and Facilities Building. An Aboveground Separation, Containment, and Monitoring Plan has been prepared for each of these areas. The 2003 HMBP identifies one, two-compartment 10,000-gallon underground storage tank (UST) containing regular unleaded gasoline at the Warehouse and Facilities Building, a 170-gallon diesel tank at the Health Center Building, and a 75-gallon diesel tank at the IS Building. Diesel fuel is needed at these two locations to operate the emergency generators. In addition to these tanks, the college has identified a heating oil UST at the Carlson House.[3]

In 1992, the BAAQMD issued a permit to operate a 2,000-gallon and a 4,000-gallon UST for unleaded gasoline (BAAQMD 1992). Testing results indicate that this is one 6,000-gallon tank with a 2,000-gallon and a 4,000-gallon compartment. The 1997 HMBP prepared for the college identifies a 150-gallon diesel fuel tank and 200-gallon waste oil tank at the Grounds Department Building as well as a 6,000-gallon unleaded fuel tank at the Warehouse and Facilities Building[4] (West Valley College 1997a).

Inspection by Santa Clara County Department of Environmental Health on September 29, 1997 identified several minor violations of hazardous materials handling and storage laws and regulations (West Valley College 1997b). Areas where violations were noted included the Auto Shop, Printing Services, Chemistry Department, Tin Warehouse, Photography Lab, and various District facilities. The types of violations noted generally involved labeling of waste containers, improper waste containers, improper documentation of waste accumulation and monitoring, exceedance of waste accumulation time limits, maintenance of waste disposal records, missing records of inspections of hazardous materials/waste storage areas, improper separation of oxygen and acetylene cylinders at the pool, lack of posted procedures in all hazardous materials storage areas, spills in two areas that had not been cleaned up, an outdated letter from Chief Financial Officer demonstrating financial responsibility for taking corrective action under the Underground Storage Tank Cleanup Fund, and missing records of inspection for the UST monitoring system. In addition, the HMBP and Hazardous Material Inventory Statement were out of date. The college corrected these violations and submitted documentation of the corrections, including an updated HMBP, to the Santa Clara County Department of Environmental Health in October 1997.

[3] Personal communication on March 17, 2005 with Shawn Blaylock, CCS Group.

[4] This building is identified as the Garage/Auto Repair Facility in the HMBP.

Table 4.4-2

Hazardous Category of Materials Used at West Valley College

	Hazard Category	
Description	**Hazardous Materials**	**Hazardous Wastes**
Print Shop	Fire, Acute Health, Chronic Health	Acute Health
Chemistry	Fire, Reactive, Pressure Release, Acute Health, Chronic Health	Fire, Acute Health
Biology	Fire, Reactive, Pressure Release, Acute Health, Chronic Health	Reactive, Acute Health, Chronic Health
Science Building Equipment Room	Reactive, Acute Health	None
Art Building/Art Lab	Fire, Reactive, Pressure Release, Acute Health, Chronic Health	Fire, Reactive, Acute Health, Chronic Health
Administration of Justice Building	Fire, Acute Health	None
Bookstore Equipment Areas	Acute Health	None
Theater Building	Fire, Reactive, Acute Health	Fire
Language Arts Building	Fire, Acute Health, Chronic Health	Acute Health
Pool Equipment Room	Fire, Reactive, Pressure Release, Acute Health	None
Facilities Building	Fire, Reactive, Pressure Release, Acute Health, Chronic Health	Fire, Pressure Release, Acute Health, Chronic Health

Notes: Definition of Hazard Categories**:** *Fire* - flammable liquids and solids, combustible liquids, pyrophorics, oxidizers. *Reactive* - unstable reactives, organic peroxides, water reactives, radioactives. *Pressure Release* - explosives, compressed gases, blasting agents. *Acute Health* - toxics, highly toxics, irritants, sensitizers, corrosives, other hazardous chemicals with an adverse health effect with short-term exposure. *Chronic Health* - carcinogens, other chemicals with an adverse effect with long-term exposure.
Sources: West Valley College 2004; Santa Clara County Department of Environmental Health 2002.

Based on the computerized database search, West Valley College is classified as a large quantity generator under RCRA and has permitted USTs. The permitted USTs include a 2,000-gallon unleaded fuel tank installed in 1975, a 3,000-gallon regular gasoline tank installed in 1974, and a 25- gallon waste tank installed in 1970. Information regarding the disposition of these tanks is not available although information available from the Santa Clara County Valley Water District indicates that there was a tank removal in 1991 as discussed above. These are considered permitted uses of hazardous materials that are well regulated although two violations of RCRA regulations were reported prior to April 1995. The

database search indicates that the noted violations were corrected by April 12, 1995. The college is also identified in the HAZNET database, indicating that they have legally-manifested hazardous wastes for off-site disposal or recycling.

West Valley College is also listed in the Facility Inventory Database (CA FID) and Historical UST Registered Database (HIST UST) which lists sites with historic and active USTs as well as the Facility Index System (FINDS) which is a federal database that includes information on facilities included in other more detailed databases.

West Valley College Emergency Response Procedures. The HMBP (West Valley College 2003) includes an emergency response plan specifying procedures to be implemented in the event of a chemical emergency. These procedures include the following:

- Identify the character, exact source, amount, and areal extent of any released hazardous materials;
- Assess possible hazards to human health or the environment that may result from the explosion, fire, or release. This assessment must consider both direct and indirect effects;
- Activate internal facility alarms or communications systems, where applicable, to notify all facility personnel;
- Notify appropriate local authorities;
- Notify the State Office of Emergency Services;
- Monitor for leaks, pressure build-up, gas generation, or ruptures in valves, pipes, or other equipment shut down in response to the incident; and
- Take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous materials at the facility.

Prior to resuming operations in an area affected by a chemical incident, the following procedures are followed:

- Provide for proper storage and disposal of recovered waste, contaminated soil or surface water, or any other material that results from an explosion, fire, or release at the facility;
- Ensure that no material that is incompatible with the release material is transferred, stored, or disposed of in areas of the facility affected by the incident until cleanup procedures are completed;
- Ensure that all emergency equipment is cleaned, fit for its intended use, and available for use;
- Notify the California Environmental Protection Agency's Department of Toxic Substances Control, the Santa Clara County's Hazardous Materials Compliance Division, and the local fire department's hazardous materials program that the facility is in compliance with the above provisions.

The time, date, and details of any hazardous materials incident that requires implementation of this plan is noted in the operating records and the incident is reported to the appropriate regulatory agencies within 15 days.

All college personnel are trained in internal alarm/notification requirements, evacuation/reentry procedures and assembly point locations, and external emergency response organization notification requirements. Chemical handlers are also trained in safe methods for handling and storage of hazardous materials, proper use of personnel equipment, and specific hazards of each chemical they could be exposed to. Hazardous waste handlers/managers are also trained in all aspects of hazardous waste management specific to their job duties. The college maintains an inventory of emergency response equipment at the facility including respiratory protection and other personnel protective equipment, fire extinguishers, spill control and decontamination equipment, and communications and alarm systems.

4.4.3 Potential Impacts and Mitigation Measures

Significance Criteria

Based upon the criteria presented in Appendix G of the *CEQA Guidelines*, the project would result in potentially significant impacts if it would:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment;
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment;
- Be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, and would result in a safety hazard for people residing or working in the project area;
- Be located within the vicinity of a private airstrip and would result in a safety hazard for people residing or working in the project area;
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

Definition, identification and determination of threshold levels of hazardous materials and wastes are provided in the Title 40 of the Code of Federal Regulations (40 CFR) and in Title 22 of the California Code of Regulations. In accordance with these regulations, a hazardous waste is a substance or combination of substances that because of its quantity, concentration or physical, chemical, or infectious characteristics may pose a substantial threat or potential hazard to human health or environment when improperly treated, stored, transported, disposed of, or otherwise managed. Determination of "substantial" hazard or "insignificant" levels of hazardous materials is performed by the regulatory agencies on a case-by-case basis, depending on the proposed uses, potential exposure, and degree and type of hazard.

As indicated in the Initial Study (Appendix A), the project is not located within an airport land use plan area or within two miles of a public use airport or in the vicinity of a private airstrip. The project would also not impair or physically interfere with an adopted emergency response or emergency evacuation plan and would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. Therefore, these topics are not discussed further.

Construction Impacts

Impact 4.4-1: Hazardous materials could be encountered in the soil and/or groundwater during ground-disturbing activities associated with implementation of the LRDP. (Potentially Significant)

Excavation of soil, and possibly dewatering, would be required for rebuild, renovation/expansion, and new construction projects (planned expansion of the Campus Center, Library/Television Building, P.E. Complex, and Math and Science Building; construction of the Fox Center, new Information Systems Building, and Child Development Center; replacement of the Art Labs, Art Studios, and Health Care Building; realignment of campus entries; development of new vehicle access to the Theater Arts Area; and reconfiguration of the campus roadways and walkways). If hazardous materials are present in the soil and groundwater, construction workers, campus staff and students, and the public could be exposed to the contaminated soil or groundwater and potentially also to chemical vapors during construction activities. Depending on the nature and extent of the contamination encountered and whether or not proper precautions are implemented, this could potentially cause adverse health effects and nuisance vapors. Unless proper precautions are implemented, such materials could cause adverse environmental effects if released to the environment. The soil and groundwater may also require special disposal as a restricted or hazardous waste.

The addition to the Math and Science Building would be constructed in the location of the former neutralization tank at this building and as discussed in the Setting, West Valley College has also been identified in the Spills, Leaks, Investigation, and Cleanup Cost Recovery Listing of the RWQCB (SLIC Reg2) and in Leaking Underground Storage Tank (LUST) and Cortese databases for releases of hazardous materials at the Facilities Building and other locations that are not well documented by existing information. Although the RWQCB has provided a Remedial Action Completion Certificate for the

former neutralization tank, some volatile organic compounds remain in place. Soil and/or groundwater quality could also be affected in the vicinity of the other environmental cases and affected groundwater at the Saratoga Municipal Corporation Yard and Saratoga School Maintenance Facility could also migrate to the campus, particularly if groundwater dewatering is required during construction. If damaged during construction, the existing groundwater monitoring wells at the Math and Science Building could provide conduits for groundwater contamination.

Potential impacts related to exposure to hazardous materials in soil and groundwater would mitigated to a less-than-significant level with implementation of the Mitigation Measures 4.4-1a–f, which will require a Phase I environmental site assessment prior to construction (including notification of regulatory agencies for construction work in the vicinity of an environmental case), site health and safety plan, material disposal plan, discharged water control and disposal plan, contingency plan, and proper abandonment of the groundwater monitoring wells at the Math and Science Building.

Mitigation Measure 4.4-1: The following measures should be required for any construction projects at West Valley College that would involve ground disturbance:

a. The District should retain a qualified professional (e.g., a California-registered environmental assessor) to conduct a Phase I environmental site assessment prior to implementing any LRDP activities that involve breaking ground. The assessment should conform with standards adopted by the ASTM for Phase I environmental site assessments and should include a detailed review of existing reports that have been archived. Land uses that currently or historically have stored or generated hazardous materials should be evaluated and historic releases of hazardous materials could affect soil or groundwater quality at the site should be identified. The assessment should include recommendations for further investigation of the site, if necessary.

   If the Phase I environmental site assessment were to indicate that a release of hazardous materials could have affected soil or groundwater quality at the project location, the District should retain a qualified environmental professional to conduct sampling to assess the presence and extent of contamination and identify proper health and safety precautions. For construction activities at the Math and Science Building and at sites where a chemical release is identified, the District would be required to notify the regulatory agencies and should request designation of a lead agency, either the Santa Clara County Department of Environmental Health, RWQCB, or DTSC, for investigation and cleanup of the release in accordance with Chapter 6.65 of Division 20 of the California Health and Safety Code. In general, the lead agency would be the Santa Clara County Department of Environmental Health if the source of the release is an underground storage tank and there is no evidence of extensive groundwater contamination. The RWQCB would be the lead agency if there is sufficient groundwater contamination, the RWQCB has issued a cleanup order in connection with the release at the site, or the source of the release is subject to waste discharge requirements issued by the RWQCB. The lead agency would be the DTSC if the source of the release is a facility, hazardous waste management unit, or activity that is or was regulated by the DTSC, the DTSC has issued a

clean up or corrective action order for the site, or otherwise initiated action related to the release, or the DTSC is or has conducted oversight at the request of the responsible party.

In accordance with Section 25264 of the Health and Safety Code, the lead agency is required to supervise all aspects of the site investigation and remedial action conducted by the responsible party and for determining the adequacy of the site investigation and remediation activities at the site and the extent to which they comply with appropriate state and local laws, ordinances, regulations, and standards. Upon determining that a site investigation and remediation has been satisfactorily completed and that a permanent remedy to the release has been accomplished, the lead agency would issue a certificate of completion certifying that applicable remedial action standards and objectives were achieved.

b. The District should require the construction contractor to prepare and to implement a site safety plan identifying the chemicals present, potential health and safety hazards, monitoring to be performed during site activities, soils-handling methods required to minimize the potential for exposure to harmful levels of the chemicals identified in the soil, appropriate personnel protective equipment, and emergency response procedures.

c. The District should require the construction contractor(s) to prepare a material disposal plan, based on the results of sampling conducted as specified in Mitigation Measure 4.4-1a, for excess soil produced during construction activities. The plan should specify the disposal method for soil, approved disposal site, and written documentation that the disposal site will accept the waste. The contractor should be required to submit the plan to the District for acceptance prior to implementation. During construction, excess soil from new construction activities and reconfiguration of campus roadways and walkways should be stockpiled and sampled to determine the appropriate disposal requirements in accordance with the hazardous waste classification and disposal regulations described in Appendix D. As described in this appendix, if the soil is not suitable for reuse, disposal at a regulatory permitted Class I, II, or III disposal facility could be required.

d. The District should require the construction contractor(s) to prepare a discharged water control and disposal plan detailing requirements for containment and discharge of any groundwater produced during dewatering, if dewatering is required. The discharge plan, designed by a California-registered Civil Engineer and submitted to the District for acceptance prior to implementation, should include requirements for testing and disposal of the groundwater. Discharge will comply with National Pollutant Discharge Elimination System (NPDES) requirements of the RWQCB including the Construction Activities Storm Water General Permit, general permit for Discharge or Reuse of Extracted and Treated Groundwater Resulting from the Cleanup of Groundwater Polluted by Volatile Organic Compounds, or the general permit for Discharge or Reuse of Extracted and Treated Groundwater Resulting From the Cleanup of Groundwater Polluted by Fuel Leaks and Other Related Wastes at Service Stations and Similar Sites, discussed below. Alternatively, an individual discharge permit, or waiver, could be required.

Groundwater from an area that is not known to be contaminated may sometimes be discharged in accordance with the Construction Activities Storm Water General Permit that would be issued for construction activities, as discussed in Section 5.1, Hydrology and Water Quality, Mitigation Measure 5.1-4 of this EIR. Procedures for handling and discharge of uncontaminated water would be specified in the Storm Water Pollution Prevention Plan prepared in accordance with the NPDES permit.

The RWQCB has issued two general permits for discharge of groundwater from contaminated sites: the permit for Discharge or Reuse of Extracted and Treated Groundwater Resulting From the Cleanup of Groundwater Polluted by Volatile Organic Compounds (RWQCB 2004) and the permit for Discharge or Reuse of Extracted and Treated Groundwater Resulting From the Cleanup of Groundwater Polluted by Fuel Leaks and Other Related Wastes at Service Stations and Similar Sites (RWQCB 2001). Discharge of groundwater to surface water in the vicinity of a site with known volatile organic compound (VOC) contamination or a known fuel leak case would likely need to comply with these permits, as applicable.

In accordance with these permits, it would be necessary to file a Notice of Intent application and upon review, the RWQCB would issue a discharge authorization letter authorizing the initiation of the discharge and specifying any permit requirements, including the maximum allowable discharge rate, discharge limitations for specific organic chemicals, and trigger levels for metals and additional organic chemicals. Although trigger levels are not specific limitations on the chemical quality of groundwater that can be discharged, exceedance of these levels could require additional investigation and possibly development of a numerical standard for the chemical that exceeds the trigger level. In accordance with each permit, the discharger must implement a self-monitoring program to demonstrate compliance with permit requirements.

e. The District should require the construction contractor(s) to have a contingency plan for sampling and analysis of potential hazardous materials and for coordination with the appropriate regulatory agencies, in the event that previously unidentified hazardous materials are encountered during construction. If any hazardous materials are identified, the contractor(s) should be required to modify their health and safety plan to include the new data, conduct sampling to assess the chemicals present, and identify appropriate disposal methods. Evidence of potential contamination includes soil discoloration, suspicious odors, the presence of USTs, or the presence of buried building materials.

   As discussed in Mitigation Measure 4.4-1a, the construction contractor would be legally required to notify the regulatory agencies of a discovered release. The assigned lead agency would oversee all aspects of the site investigation and remedial action; determine the adequacy of the site investigation and remediation activities at the site and the extent to which they comply with appropriate state and local laws, ordinances, regulations, and standards; and ultimately issue a certificate of completion certifying that applicable remedial action standards and objectives were achieved.

f. The District should locate existing groundwater monitoring wells at the Math and Science Building and properly abandon any wells that are within the footprint of the addition or could be damaged during construction in accordance with Santa Clara Valley Water District and State requirements for well abandonment.

Impact Significance After Mitigation: Less than significant.

Impact 4.4-2: Hazardous building materials may be present in buildings that are planned for renovation or demolition by the proposed LRDP. (Potentially Significant)

Hazardous building materials including asbestos-containing materials, lead-based paint, fluorescent light tubes, and PCB containing electrical equipment may be present in the buildings that are planned to be demolished, remodeled, renovated/expanded (see Table 3-1) and could be encountered during maintenance of the building interiors and exteriors as well as maintenance of the utility system. If friable or nonfriable asbestos is present, there is a potential for release of airborne asbestos fibers when the asbestos-containing materials are disturbed, unless proper asbestos abatement precautions are taken. Such a release could expose the construction workers, campus staff and students, and surrounding populations to airborne asbestos fibers. Similarly, if lead-based paint is present and has delaminated or chipped from the surfaces of the building materials, there is a potential for the release of airborne lead particles, unless proper lead abatement procedures are followed. If PCBs are present in the building to be demolished, leakage could expose workers to unacceptable levels of PCBs (greater than 5 parts per million, based on Title 22, *California Code of Regulations*). Removal of fluorescent light tubes could result in exposure to mercury vapors if the lights are broken.

Such potential exposure would be mitigated to a less-than-significant level with implementation of Mitigation Measure 4.4-2, which requires the District to conduct surveys for hazardous building materials prior to any renovation activities, and if warranted, to implement appropriate abatement and disposal procedures in compliance with applicable regulations.

Mitigation Measure 4.4-2: For every proposed project involving demolition, remodeling, or renovation of existing structures, the District should incorporate into contract specifications the requirement that the contractor(s) have a hazardous building materials survey completed by a Registered Environmental Assessor or a registered engineer. This survey should be completed prior to any construction or demolition activities associated with each project. If any friable asbestos-containing materials or lead-containing materials are identified, adequate abatement practices, such as containment and/or removal, shall be implemented in accordance with applicable laws, described in Appendix D, prior to demolition or renovation. Any PCB-containing equipment or fluorescent lights containing mercury vapors should also be removed and legally disposed of in accordance with the disposal framework described in Appendix D.

Impact Significance After Mitigation: Less than significant.

Impact 4.4-3: Remodeling, renovation, or demolition of existing facilities that are used for hazardous materials storage could expose construction workers, campus staff and students, or the public to hazardous materials, which could cause human health or environmental effects without proper precautions. (Less than Significant)

In the absence of proper precautions, proposed modification and renovation of hazardous materials storage facilities in the Math and Science Building, Library/Television Building, Art Labs, Administration of Justice Building, Theater Building, Language Arts Building, and Pool Equipment Room could disturb hazardous materials which could expose workers, students, or the public to hazardous materials during renovation activities or result in an accidental release to the environment. In addition, a release of hazardous materials could occur when the existing heating oil UST at the Carlson House is removed. However, these activities would require a permit from the Santa Clara County Department of Environmental Health as discussed below, and would not pose a threat to human health or the environment.

Proposed renovation of hazardous materials storage facilities included in the HMBP for the college will require a permit from the Santa Clara County Department of Environmental Health pursuant to Division B11 of the Santa Clara County Code (discussed in the Setting section). As part of the permit requirements, a work plan must be submitted to and approved by the Department of Environmental Health and the work must be conducted in accordance with the approved plan. Compliance with this permit requirement would mitigate potential impacts related to renovation of hazardous materials storage facilities to a less-than-significant level.

For removal of the UST at Carlson House the college would prepare a closure plan and health and safety plan for removal of the UST and would submit an application for a permit to remove the UST. Upon approval of the closure plan and receipt of the permit, the college would remove the UST and obtain confirmation soil samples from the UST excavation in accordance with Santa Clara County Department of Environmental Health requirements. If indicated by the analytical results of confirmation sampling, the case could be referred to the Department of Environmental Health or the RWQCB for additional investigation and possibly cleanup. Compliance with state UST closure requirements specified in Title 23 of the California Code of Regulations and requirements of the Department of Environmental Health would mitigate potential impacts related to UST removal to less than significant.

Mitigation Measure 4.4-3: None required beyond compliance with requirements in Division B11 of the Santa Clara County Code and UST removal requirements of the Santa Clara County Department of Environmental Health.

Operational Impacts

Impact 4.4-4: Implementation of the LRDP could result in an increase in the quantities of chemicals stored and used on campus, and could also increase the volume of hazardous wastes produced. (Less than Significant)

Implementation of the proposed LRDP would result in the net addition of approximately 55,400 assignable square feet of space. Such expansion could increase the use of hazardous materials on campus. If accidentally released during storage or transportation, these materials and wastes could cause human health effects to campus students and staff as well as surrounding populations, including students at the Redwood Middle School, and could cause adverse environmental effects if released to the environment. However, similar to existing conditions, any new use of hazardous materials or generation of hazardous wastes would be required to comply with the requirements of Division B11, Chapters XIII and XV of the Santa Clara County Code. In accordance with this code, a facility is required to modify its hazardous materials storage permit and HMBP detailing hazardous material inventories, site layouts, training and monitoring procedures, and emergency response plans when there is a change in the quantities or types of hazardous materials stored. A facility is also required to modify its hazardous waste generator permit if there is a change in the hazardous wastes that are generated.

Transportation of hazardous materials would be subject to the requirements of a well-established regulatory framework. The California Highway Patrol and the California Department of Transportation (Caltrans) are the primary state agencies with responsibility for enforcing federal and state regulations pertaining to transport of hazardous materials within California. The U.S. Department of Transportation regulates the transport of chemicals and hazardous materials by truck between states. These agencies regulate container types and packaging requirements as well as licensing and training for truck operations, chemical handling and hazardous waste haulers.

Although Redwood Middle School is located within one-fourth mile of the campus, compliance with the Santa Clara County Department of Environmental Health regulations for hazardous materials storage and hazardous materials transport regulations would reduce the potential for an unacceptable release of hazardous materials within one-fourth mile of a school.

Compliance with Division B11 of the Santa Clara County Code (which incorporates state and federal requirements) and established hazardous materials transport regulations would minimize potential exposure of site personnel and the public (including Redwood School) to any accidental releases of hazardous materials or waste during campus operations and would also protect the area from potential environmental contamination. Therefore, compliance with these regulations would mitigate this potential impact to a less-than-significant level.

Mitigation Measure 4.4-4: None required beyond compliance with requirements in state and federal requirements governing the transportation and use of hazardous materials and Division B11 of the Santa Clara County Code.

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