

4.6 HAZARDS AND HAZARDOUS MATERIALS

4.6.1 Setting

a. Physical Setting. The project site is located in an area that is comprised primarily of commercial land uses, with commercial and residential uses adjacent to the project site. Properties in the vicinity of the site include single-family homes, townhouse complexes, commercial office buildings, and retail stores. One industrial building lies to the north of the subject property. The site is predominantly used for commercial and retail purposes, but the plan area also contains commercially designated yet undeveloped land that was formerly used as an airport. Portions of the former Skypark Airport have been redeveloped with recreational uses such as a youth skate park and a dog park. The skate park is off-site to the northwest, but the dog park exists within the subject area boundaries.

Despite the relatively mountainous terrain of Scotts Valley, the topography of the site is relatively flat. The site is approximately 520 feet above mean sea level. Elevations increase to the northeast and south of the site, but elevations decrease directly to the north where a tributary drainage to Bean Creek exists.

The site is currently developed with two shopping centers and the former Skypark Airport, which is partially open space with one area in the central western portion that is fenced and used for a dog park. In addition, there are two banks, the Scotts Valley Sports Center, the Scotts Valley Transit Center, an AmeriGas propane facility, a Suburban Propane facility, the Storage Depot self storage facility, a vacant commercial building for sale, a recreational vehicle (RV) storage yard, the Mañana Woods Mutual Water Company Treatment Plant, and a U.S. Post Office on the site.

Existing Potential Hazards. Rincon Consultants completed a Phase I Environmental Site Assessment (ESA) for the project site (see Appendix D). The Phase I ESA was modeled after Phase I ESAs under ASTM Practice E 1527-05, with the exception that no tenant interviews were performed and the interiors of onsite structures were not observed during our site reconnaissance.

The site is predominantly used for commercial activities, but the plan area also contains commercially designated yet undeveloped land that was formerly used as an airport. Portions of the former Skypark Airport have been redeveloped with recreational uses such as a youth skate park and a dog park. The skate park is to the northwest, but the dog park exists within the subject area boundaries.

Review of an environmental database records search (EDR) indicated that fourteen environmental listings are for addresses that exist within the subject property area. Fourteen environmental listings are reported for properties adjacent to the subject property area, and thirteen environmental listings are reported to be present within one half mile of the subject property. See Table 4.6-1 for a summary of these listings.



Table 4.6-1 – EDR Listing Summary of Sites within ½ Mile of the Subject Property

Site Name	Site Address	Distance from Subject Property (miles)	Database Reference
K-Mart/Scotts Valley Shopping Center (Areas L and M on Figure 4.6-1)			
Scotts Valley Square Mt. Hermon Veterinary Clinic	266 Mt. Hermon Road	Subject Property	CERC-NFRAP, Haznet
K-Mart	270 Mt. Hermon Road	Subject Property	Haznet
Scotts Valley Square, Scotts Valley Dry Cleaners	272 A Mt. Hermon Road	Subject Property	Envirostor, SLIC, RCRA-SQG, Finds, Haznet, Drycleaners
Silicon Valley Bank	276 Mt. Hermon Road	Subject Property	Haznet
Area O on Figure 4.6-1			
Wescosa/T.H. Ramsey	662 Mt. Hermon Road	Subject Property	Sweeps UST
Former Skypark Airport Area			
Former City Hall	370 Kings Village Road	Subject Property and Adjacent North	Hist UST, LUST, Cortese, Sweeps UST
Kings Village Shopping Center (Areas A through F on Figure 4.6-1)			
OW Trusts	210 Mt. Hermon Road	Subject Property	Haznet
Coast to Coast Hardware	218 Mt. Hermon Road	Subject Property	Haznet, LUST, Hist UST, Sweeps UST, CA FID UST
CC Color Lab	218 Mt. Hermon Road Unit D	Subject Property	RCRA-SQG, Finds, Haznet
Nexcycle/Nob Hill Foods	222 Mt. Hermon Road	Subject Property	SWRCY
Kings Cleaners	222 Mt. Hermon Road (Unit K)	Subject Property	Haznet, Drycleaners, RCRA-SQG, Finds, CERC-NFRAP
Mañana Woods Well (232 Kings Village Drive, north of Area H on Figure 4.6-1)			
Mañana Woods Well	Kings Village Road	Subject Property	SLIC
Adjacent Properties of Environmental Concern			
Former Skypark Airport Area			
Skypark Airport	400 Mt. Hermon Road	Adjacent Northwest	Envirostor
Skypark Airport	400 Kings Village Road	Adjacent Northwest	LUST
Skypark Airport Leachfield	Mt. Hermon Road and Kings Village Road	Adjacent Southeast	CERC-NFRAP, Response, Envirostor
440 Kings Village Road			
Stewart Division	440 Kings Village Road	Adjacent North	CHMIRS, Hist UST, CA WDS, Haznet, Cortese, ERNS, CA Fid UST, Sweeps UST
Aviza Tech	440 Kings Village Road	Adjacent North	CA WDS, RCRA- SQG, Finds, Manifest
Watkins-Johnson	440 Kings Village Road	Adjacent North	SLIC, AIRS, Envirostor, Hist Cal- Sites, CERCLIS, NPL, Consent, ROD, US Eng Controls, US Inst Control, CHMIRS
Silicon Valley – Scotts Valley	440 Kings Village Road	Adjacent North	CA WDS
SVG Thermal Systems, LLC	440 Kings Village Road	Adjacent North	ICIS



Table 4.6-1 – EDR Listing Summary of Sites within ½ Mile of the Subject Property

Site Name	Site Address	Distance from Subject Property (miles)	Database Reference
Other Adjacent Properties			
Shaws Cleaners, Art Dry Cleaners	245 G Mt Hermon Road	Adjacent South	RCRA-SQG, Finds, Drycleaners, SLIC
Bay Photo Inc., Scotts Valley Store	235 G Mt. Hermon Road	Adjacent South	RCRA-SQG, Finds
Skips Tire Scotts Valley, Winston Tire Company #215, Goodyear Scotts Valley	231 Mt. Hermon Road	Adjacent South	Haznet, CA Fid UST, CHMIRS, Sweeps UST, RCRA-SQG, Finds
John A. Stevens DDS, Inc.	221 Mt. Hermon Road, Unit H	Adjacent South	Haznet
Kragen Auto Parts	245-B Mt. Hermon Road	Adjacent South	Finds
IDE Incorporated	269 Mt. Hermon Road	Adjacent South	Haznet
Valley Gardens Golf Course	263 Mt. Hermon Road	Adjacent South	CERC-NFRAP
Longs Drug Store #197	257 Mt. Hermon Road	Adjacent South	Haznet
Nearby Properties of Environmental Concern			
Camp Evers Plume			
Chevron Station 9-1337	200 Mt. Hermon Road	1/8 – ¼ SE	LUST, Cortese
Scott Valley Gas & Mart	201 Mt. Hermon Road	¼ - ½ SE	Haznet, Finds
BP Oil Facility No. 11239	201 Mt. Hermon Road	¼ - ½ SE	LUST, Cortese, CA Fid UST, Sweeps UST
Mobil Station #10-KDQ	201 Mt. Hermon Road	¼ - ½ SE	LUST, Hist UST
Unocal Service Station #6153, ConocoPhillips Company, Scotts Valley Union 76, Tosco Facility #6153	99 Mt. Hermon Road	¼ - ½ SE	Haznet, Finds, Hist UST, LUST, Cortese, Sweeps UST, UST
Shell Service Station, Larry's Shell	90 Mt. Hermon Road	¼ - ½ SSE	CA Fid UST, Sweeps UST, Hist UST, LUST, Cortese, UST, Notify 65
Other Nearby Properties			
Kaiser Pit	Mt. Hermon Road	< 1/8 SSE	Envirostor
Former Franks Auto Wreckers	700 Mt. Hermon Road	¼ - ½ West	Sweeps UST, Envirostor
Spring Lakes Mobile Home Park	225 Mt. Hermon Road	¼ - ½ SE	Haznet, Hist UST, CA Fid UST, Sweeps UST
Unknown	103 Whispering Pines Drive	¼ - ½ SSE	CHMIRS
Integrity Auto	107 Whispering Pine Drive #A	¼ - ½ SSE	Haznet
SVUSD/Scotts Valley Middle School	8 Bean Creek Road	¼ - ½ SE	Haznet, Finds, Notify 65, Cortese, LUST, CERC-NFRAP
Gold Metal Auto Body, Scotts Valley Property Investors	4253 Scotts Valley Drive	¼ - ½ ESE	Haznet



Scotts Valley Town Center Specific Plan
 Section 4.6 Hazards and Hazardous Materials



- % Areas Detailed on Table 1
- 1 Kings Cleaners Location
- + Locations of Remediation Compounds



0 500 1,000 Feet

Site Plan

Source: RRM Design Group, 2008 and Rincon Consultants, 2008.

Figure 4.6-1
 City of Scotts Valley

Rincon reviewed available information through EDR, the online databases maintained by the Regional Water Quality Control Board (Geotracker) and the State Department of Toxic Substances Control (Envirostor), the Scotts Valley Water District Groundwater Management Program Annual Report for the 2006 Water Year, and requested a review of files at the Santa Cruz County Environmental Health Services Department and the Central Coast Regional Water Quality Control Board for those addresses on the subject site and immediately adjacent properties that had reported existing underground storage tanks (USTs), historical USTs, reported leaking underground storage tanks (LUSTs), or some other type of unauthorized release.

Historical sources reviewed as part of this Phase I included topographic maps (1902, 1948, 1955, 1968, 1980, 1991 and 1998), aerial photographs (1948, 1956, 1963, 1982, 1993, and 1998), and city directory listings (1975, 1980, 1986, 1992, 2002, and 2006). According to our review of historical records, it appears that the Skypark Airport was developed in 1946 and was operational until 1983. Most of the buildings in the Kings Village Shopping Center were developed by 1969, with the northeastern two-story office building constructed sometime between 1980 and 1982. The Sports Center building, the AmeriGas building, and the former Wescosa building were developed by 1982, the buildings in the southwestern corner of the Kings Village Shopping Center were developed by 1986, the buildings in the Kmart Shopping Center (with the exception of the Kmart building itself) and the self-storage facility were developed by 1991, and the Kmart building was developed by 1993.

Site reconnaissance, interviews, and review of historical records have revealed evidence of eleven recognized environmental conditions in connection with the property as follows:

- The potential presence of a UST at the former Wescosa property;
- The Scotts Valley Cleaners plume of perchloroethylene (PCE) contaminated groundwater and ongoing remediation;
- An open LUST case regarding one former UST on the subject property and one former UST on the north adjacent property related to the former City Hall building;
- The presence of residual kerosene contaminated soil in the area of a former UST at the rear of the 218 Mt. Hermon building;
- The presence of fuel related volatile organic compound (VOC) contamination in groundwater in the municipal groundwater well and associated treatment system operated by Mañana Woods on the subject property;
- The presence of Kings Cleaners, a dry cleaning facility that has been operating on the subject property since 1969;
- The presence of numerous above ground propane storage tanks at Suburban Propane and AmeriGas on the subject property;
- The presence of two unlabeled drums containing solid material in the Sports Center parking lot;
- The potential contribution to groundwater contamination beneath the subject property by solvent and oil spills at the northeastern end of the former Skypark Airport, in the vicinity of the former hangar and maintenance buildings, northwest of the subject property;



- The presence of trichloroethylene (TCE) and PCE contaminated groundwater beneath the northwestern portion of the subject property from the former north adjacent Watkins-Johnson facility; and
- The presence of fuel-related VOC contaminated groundwater beneath the central and southeastern portion of the subject property from the Camp Evers site.

Land Uses Sensitive to Hazards. There are three schools located within one-quarter mile of the Specific Plan area, including Scotts Valley Children's Center, located at 255 Mt. Hermon Road, KidsArt, located at 226 Mt. Hermon Road, and Scotts Valley Middle School, located at 8 Bean Creek Road.

b. Regulatory Setting. At the federal level, primary responsibility for enforcing the laws and regulations that govern the use, storage, and disposal of hazardous materials and hazardous waste falls to the Environmental Protection Agency (EPA). The Resource Conservation and Recovery Act of 1976 (RCRA) defines when a hazardous substance is a hazardous waste based on a number of criteria, and regulates hazardous wastes from "cradle to grave," that is, from generation of the waste through disposal. Title 49 of the Code of Federal Regulations (CFR 49) contains lists of more than 2,400 hazardous materials and regulates the transport of hazardous materials. The Occupational Health and Safety Administration (OSHA) published standard 1910.120, addressing dangers that hazardous materials pose in the workplace. The standard requires that employers evaluate the potential health hazard that hazardous materials pose in the workplace and communicate information concerning hazards and appropriate protective measures to employees. Under OSHA standard 1910.120, a health hazard is defined to mean "a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees."

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, also known as Superfund, was established to hold multiple parties, including past and present owners, operators, transporters, and generators jointly, severally, and strictly liable for the remediation costs of a hazardously contaminated site. Under CERCLA, defense against contamination liability was usually established by conducting Phase I, II and III environmental site assessments (ESA). However, there were no well established guidelines for conducting ESA's, which lead to subsequent legal issues. In 2002, the Small Business Liability Relief and Revitalization Act ("Brownsfield Law") was enacted which amends and clarifies liability under CERCLA and provides grant funding for the cleanup of brownfield sites. The Brownsfield Law also required that the EPA establish standards for conducting ESA's by 2006. The law requires that to have defense against contamination liability one must conduct an "All Appropriate Inquiry" (AAI) prior to property acquisition in accordance with standards established by the EPA. The EPA established the following standards for conducting an AAI environmental site assessment:

- The results of an inquiry by an environmental professional;
- Interviews with past and present owners, operators, and occupants of the facility for the purpose of gathering information regarding the potential for contamination at the facility;



- Reviews of historical sources, such as chain of title documents, aerial photographs, building department records, and land-use records, to determine previous uses and occupancies of the real property since the property was first developed;
- Searches for recorded environmental clean-up liens against the facility that are filed under federal, state, or local law;
- Reviews of federal, state, and local government records, waste disposal records, underground storage tank records, and hazardous waste handling, generation, treatment, disposal, and spill records concerning contamination at or near the facility;
- Visual inspections of the facility and adjoining properties;
- Specialized knowledge or experience on the part of the defendant;
- The relationship of the purchase price to the value of the property if the property was not contaminated;
- Commonly known or reasonably ascertainable information about the property; and
- The degree of obviousness of the presence or likely presence of contamination at the property and the ability to detect the contamination by appropriate investigation.

In order to have defense against contamination liability, one must follow all of the standards listed above.

At the state level, under Title 22, Division 4.5 of the California Code of Regulations (CCR 22), the California Department of Toxic Substance Control (DTSC) regulates hazardous waste in California primarily under the authority of the federal Resource Conservation and Recovery Act of 1976, and the California Health and Safety Code. The DTSC is responsible for permitting, inspection, compliance, and corrective action programs to ensure that entities that generate, store, transport, treat, or dispose of potentially hazardous materials and waste comply with federal and State laws. The DTSC defines hazardous waste as waste substances which can pose a substantial or potential hazard to human health or the environment when improperly managed. Hazardous waste possesses at least one of these four characteristics: ignitability, corrosivity, reactivity or toxicity; or it appears on special EPA lists.

The State of California Water Resources Control Board (SWRCB) also regulates the handling, storage, and disposal of hazardous substances in construction projects. Permits and/or other action by the SWRCB may be required if contamination of water or soils occurs during the construction of the proposed project.

California Environmental Protection Agency (CalEPA) is directly responsible for administering the "Unified Program," which consolidates and coordinates the administrative requirements, permits, inspections, and enforcement activities for environmental and emergency management programs. The Unified Program is intended to provide relief to businesses complying with the overlapping and sometimes conflicting requirements of formerly independently managed programs and is implemented at the local government level by Certified Unified Program Agencies (CUPA). A local CUPA is responsible for administering/overseeing compliance with the following programs, as required by state and federal regulations:



- Hazardous Materials Release Response Plans and Inventories (Business Plans)
- California Accidental Release Prevention (CalARP) Program
- Underground Storage Tank Program (UST)
- Aboveground Petroleum Storage Act Requirements for Spill Prevention, Control and Countermeasure (SPCC) Plans (AST)
- Hazardous Waste Generator and Onsite Hazardous Waste Treatment (tiered permitting) Programs
- California Uniform Fire Code: Hazardous Material Management Plans and Hazardous Material Inventory Statements

Chapter 6.95 of the California Health and Safety Code requires any business handling or storing in excess of 55 gallons or 500 pounds of a solid or liquid hazardous material or 200 cubic feet of gas to submit Hazardous Materials Management Business Plans (HMBPs). These plans are to provide emergency responders with emergency contact information, site-specific chemical inventories, and vicinity as well as facility maps. Facilities storing materials that are “acutely” hazardous and in excess of the quantities in CCR, Title 19, must submit a more comprehensive Risk Management Plan, which includes off-site consequences analysis, maintenance, training programs, and an executive summary.

Furthermore, California Public Resources Code section 21151.4 states an environmental impact report shall not be certified and a negative declaration shall not be approved for any project involving the construction or alteration of a facility within 1/4 of a mile of a school that might reasonably be anticipated to emit hazardous air emissions, or that would handle an extremely hazardous air emissions, or that would handle an extremely hazardous substance or a mixture containing extremely hazardous substances in a quantity equal to or greater than the state threshold quantity specified pursuant to subdivision (j) of Section 25532 of the Health and Safety Code, that may pose a health or safety hazard to persons who would attend or would be employed at the school, unless both of the following occur:

- The lead agency preparing the environmental impact report or negative declaration has consulted with the school district having jurisdiction regarding the potential impact of the project on the school.
- The school district has been given written notification of the project not less than 30 days prior to the proposed certification of the environmental impact report or approval of the negative declaration.

4.6.2 Impact Analysis

a. Methodology and Impact Criteria. The following impacts were determined in the City’s Initial Study to be less than significant with respect to the proposed project:

- *For a project 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, result in a safety hazard for people residing or working in the project area*



- *For a project within the vicinity of a private airstrip, 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*
- *Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas*

Consistent with the criteria used in the Initial Study for this project, development pursuant to the proposed Specific Plan would result in a significant impact 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 reasonably 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 waster 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 Section Code 65962.5 and, as a result, would create a significant hazard to the public or the environment*

b. Project Impacts and Mitigation Measures.

Impact HM-1 **Eleven recognized environmental conditions are present within the Specific Plan area, which could present hazards to construction workers and/or persons in the vicinity. Impacts would be Class II, significant but mitigable.**

Rincon performed a Phase I ESA of the project site, which revealed evidence of eleven recognized environmental conditions in connection with the property as follows:

- The potential presence of a UST at the former Wescosa property;
- The Scotts Valley Cleaners plume of PCE contaminated groundwater and ongoing remediation;
- An open LUST case regarding one former UST on the subject property and one former UST on the north adjacent property related to the former City Hall building;
- The presence of residual kerosene contaminated soil in the area of a former UST at the rear of the 218 Mt. Hermon building;
- The presence of fuel related VOC contamination in groundwater in the municipal groundwater well and associated treatment system operated by Mañana Woods on the subject property;
- The presence of Kings Cleaners, a dry cleaning facility that has been operating on the subject property since 1969;
- The presence of numerous above ground propane storage tanks at Suburban Propane and AmeriGas on the subject property;
- The presence of two unlabeled drums containing solid material in the Sports Center parking lot;



- The potential contribution to groundwater contamination beneath the subject property by solvent and oil spills at the northeastern end of the former Skypark Airport, in the vicinity of the former hangar and maintenance buildings, northwest of the subject property;
- The presence of TCE and PCE contaminated groundwater beneath the northwestern portion of the subject property from the former north adjacent Watkins-Johnson facility; and
- The presence of fuel-related VOC contaminated groundwater beneath the central and southeastern portion of the subject property from the Camp Evers site.

Construction associated with future development within the Specific Plan area may include the temporary transport, storage, and use of potentially hazardous materials including fuels, lubricating fluids, cleaners, solvents, and other materials. Contractors would be required to adhere to the requirements of a *Health and Safety Plan* that would be developed for the project as well as regulations promulgated by the California Water Resources Board. Depending on the volume of materials stored, Santa Cruz County could require the installation of temporary Aboveground Storage Tanks (ASTs) to store fuels during construction. Santa Cruz County requirements for storage (temporary and permanent) include safeguards such as a Spill Prevention Control and Countermeasure Plan.

Mitigation Measures. The following mitigation measures are required to reduce potential impacts from hazardous materials to a less than significant level:

HM-1(a) Wescosa Property and Building. Prior to grading or development activities in the former Wescosa property area (Area O on Figure 4.6-1), a site-specific reconnaissance of the building and property shall be performed in an attempt to observe evidence of a UST. If a suspect UST area is identified, a geophysical survey shall be performed or exploratory test pits shall be excavated in an attempt to confirm whether or not a UST is present. If a UST cannot be identified during a site reconnaissance and subsequent geophysical survey and/or excavation of exploratory test pits, then care shall be taken during grading in the event that an undocumented UST is unearthed. An environmental consultant shall be contacted if an undocumented UST is unearthed to evaluate the UST and obtain the appropriate permits for removal of the UST.

HM-1(b) Area N or K-Mart Shopping Area. Prior to grading or development activities in the southwestern portion of the subject property (Area N) or the K-Mart Shopping Center area, SECOR International shall be contacted regarding ongoing groundwater monitoring, sampling, and remediation activities at the Scotts Valley Cleaners site. Numerous groundwater monitoring wells exist in the K-Mart Shopping Center parking lot, and in the vacant lot at Area N, related to SECOR's ongoing environmental remediation activities. In addition, human health risk assessments



shall be performed for any buildings constructed in Area N that are to be occupied.

HM-1(c) Sports Center and North Adjacent Parking Lot. An environmental consultant shall be present on the subject property during any grading or development activities in the Sports Center area and north adjacent associated parking lot to monitor soil cuttings and ambient air for the presence of VOCs. Reportedly the former UST in this location was removed and no residual contamination was identified. However, the case is still open with the RWQCB, most likely due to an unauthorized release from a second UST for the former City Hall building located across Kings Village Road to the north.

HM-1(d) Area A. If any excavation is planned in the vicinity of 218 Mt. Hermon Road (Area A on Figure 4.6-1), an environmental consultant shall be contracted to locate the reported residual kerosene contaminated soil at the rear of the building prior to the demolition of the building. The environmental consultant shall then be contracted to excavate and dispose of the residual kerosene contaminated soil subsequent to the demolition of the structure.

HM-1(e) Kings Cleaners. Kings Cleaners (Area B on Figure 4.6-1) has reportedly been operating at the subject property since 1969. It is possible that this facility has had spills or leaks that have impacted soil and groundwater beneath the property. ~~If any redevelopment is proposed at this location,~~ A subsurface investigation in the area of Kings Cleaners is warranted, primarily for the purpose of evaluating to evaluate the human health risk to existing tenants in the building, and particularly if this area is slated for redevelopment in the future, to evaluate any impacts associated with future development under the Scotts Valley Town Center Specific Plan.

HM-1(f) Suburban Propane and AmeriGas Relocation. An environmental consultant shall perform a comprehensive site reconnaissance and evaluation for these two properties prior to their relocation. Relocation of propane tanks shall be coordinated with the Santa Cruz County Environmental Health Department (the applicable CUPA) and the Scotts Valley Fire Protection District. Relocation of these two facilities shall be permitted as if they were new facilities. Appropriate permits for above ground storage shall be acquired and hazardous materials business plan requirements shall be met. The two facilities shall adhere to the State of California Accidental Release Program (CAL ARP) requirements, if applicable.



HM-1(g) Propane Facilities Operations. The following measures apply to both of the existing propane facilities, if they were to remain and continue operating within the plan area. The requirements listed below would mitigate the hazards of a possible occurrence from a product leak, accidental product release during transfer operations, partially opened excess flow valve, failed valve, hose blowdown, or other abnormal occurrence, the addition of the following fire protection and prevention measures should assure a very low probability of an occurrence and provide for a safer environment for the population, increased protection for the existing exposures from the propane tank and increased protection of the tank from the existing exposures.

1. Install a redundant fail-safe product control using both approved emergency shutoff valves and backflow check valves per MFPA 58 sec. 6.24.4.1 2. Install internal valves with the provision for the addition of remote closure. All valves shall comply with the New Bulk Plant NFPA 58 2004 edition code requirements.
2. Install a combined fire protection system with placement of monitor nozzles and deluge fixed water spray activated automatically by approved monitored detection devices, and manually. The nozzles and sprinklers shall be located and arranged so that the entire container surface is wetted at a water rate of 750 gpm and 7,500 gallons total volume of water at stream flow time of 10 minutes. The fire flow requirement shall include the combined fire protection system plus hand lines.
3. The fire department shall determine if an additional steamer fire hydrant is necessary.
4. The propane operator shall submit a hose management procedure designed to reducing the possibility of hose failure.
5. Provide early monitored detection and isolation to assist in product control.
6. Provide an administrative control procedure for hose replacement, inspection intervals and procedures, testing and inspection of detection devices, emergency shutoffs, excess flow valves, and training.
7. Work with the Scotts Valley Fire Protection District to improve safety.

HM-1(h) Unlabeled Drums. The owner of the Sports Center shall be contacted and questioned regarding the contents of the two unlabeled drums in the Sports Center parking lot. If the contents are known and not hazardous, then the drums shall be removed



and properly disposed. If the contents are unknown, then an environmental consultant capable of sampling and identifying the drum contents shall be contracted to properly dispose of the drums. The drums shall be disposed prior to redevelopment or grading activities.

HM-1(i) Contaminated Groundwater - Northwestern Portion of Property. Contaminated groundwater exists beneath the northwestern portion of the subject property from the Watkins-Johnson plume. The extent of the plume beneath the subject property is not clear. According to the Scotts Valley Water District Annual Report (ETIC, 2007), the Watkins-Johnson plume does not extend beneath the subject property (Figure 6 of Appendix D). However, the most recent report on file for the Watkins-Johnson facility, by Arcadis (2006), indicates that TCE and PCE are present in well WJ-41, which is located just off-site to the northwest. Prior to any redevelopment or grading activities in the northwestern portion of the property (Sports Center and Skypark Airport area), Arcadis shall be contacted regarding the presence and location of groundwater monitoring wells (if any) on the subject property, and the estimated extent of the groundwater contamination beneath the subject property. Human health risk assessments, if deemed necessary by an environmental consultant, shall be prepared for any new developments above the identified plume of contaminated groundwater utilizing Arcadis' data.

HM-1(j) Contaminated Groundwater - Central and Southeastern Portion of Property. Contaminated groundwater exists beneath the central and southeastern portion of the subject property from the Camp Evers site plume. The extent of the plume beneath the subject property is fairly well defined as shown on Figure 6 of Appendix D taken from the Scotts Valley Water District Annual Report (ETIC, 2007) and based on information from Delta Consultants (see Camp Evers Site in Appendix 4 of Appendix D). Delta Consultants and Mañana Woods Water Company shall be contacted prior to any redevelopment or grading activities in the central or southeastern areas of the site. Numerous groundwater monitoring wells exists on the subject property related to the ongoing groundwater monitoring and sampling activities by Delta Consultants for the Camp Evers plume (see Figure 2 of Delta Consultants' October 20, 2007 report in Appendix 4 of Appendix D). In addition, the groundwater extraction well and remediation compound for treatment of the Camp Evers plume groundwater is located on the subject property south of Walgreens (Area A on Figure 4.6-1). At a minimum, preparation of human health risk assessments may be warranted for any new developments above the existing Camp Evers plume.



HM-1(k) Health Risk Assessments. Human health risk assessments recommended shall include vapor transport and risk calculations in an environmental fate and transport analysis for specified chemicals. The calculations shall be performed to evaluate the inhalation exposure pathway for future building occupants, and if deemed to exist, calculations shall also be prepared for exposure pathways for dermal contact and ingestion. A commercial exposure scenario shall be used for those areas to be redeveloped with commercial uses, and a residential exposure scenario shall be used for those areas to be redeveloped with residential uses. The human health risk assessment model used shall include site-specific VOC soil vapor concentrations for all contaminants identified in soil and groundwater beneath the proposed redevelopment areas, and for all reported concentrations beneath these areas. If significant health risks are identified, no building construction shall occur until site cleanup activities have been completed that will minimize potential health risks.

Significance After Mitigation. Through the implementation of proposed mitigation measures, impacts would be considered less than significant.

Impact HM-2 Future development under the proposed Specific Plan could include or require the transport of various potentially hazardous substances that could adversely affect the public. Handling and transport of hazardous substances would be in compliance with state and federal regulations. Impacts would be Class II, significant but mitigable.

The proposed Specific Plan would permit land uses that could include or require the transport of potentially hazardous substances that could adversely affect the public. In addition, certain allowed uses may use or create hazardous materials. Photographic studios would be allowed, which generally handle various chemicals on site and potentially require the transport of such materials. Medical offices would also be permitted and may result in the transport and use of medical supplies or other medically related materials, some of which could be biohazards. Laundry cleaning establishments would also be permitted, which generally handle significant quantities of hazardous cleaning chemicals.

The proposed Specific Plan would allow an intensification of residential development in the project area, including potential mixed commercial/residential uses. Such development may result in land use conflicts and introduce potential hazards to future residents. In addition, residential uses in this area could be exposed to hazards from existing commercial uses.

If improperly handled, hazardous products could result in potential risks to persons onsite, nearby residents, or may damage the environment. Best management practices (BMPs) are required to prevent pollutants from discharging into surface waters. In addition, all transport and storage of such materials would be conducted in strict compliance with Federal, State, and local protocols.



The federal Toxic Substances Control Act (TSCA) of 1976 regulates chemical substances, which are substances and mixtures that might pose unreasonable risks of injury to human health or the environment. TSCA authorizes EPA to require manufacturers to test their chemical products to determine their “toxic effects” and provide this information to EPA for agency review before commercial manufacture is permitted.

Businesses that utilize hazardous materials are subject to Emergency Planning and Community Right to- Know (Proposition 65) requirements as set forth in Title III of the Superfund Amendments and Reauthorization Act (SARA) and the California Waters Bill. These regulations require worker notification of hazardous substances in the workplace. The proposed Home Depot Center is subject to these requirements.

The State Waters Bill (AB 2185, et al.), set forth in the California Health and Safety Code Sections 25500–25545, requires businesses that utilize hazardous materials above certain thresholds to prepare on-site “business plans” for possible emergencies involving those materials and to provide copies of the plans to local emergency response agencies. The business plan must include an Inventory List and an Emergency Action Plan. Minimum thresholds are as follows:

- *Liquids: 55 gallons*
- *Solids: 500 pounds*
- *Compressed gases: 200 cubic feet (measured at standard temperature and pressure)*
- *Radioactive: quantities that exceed Nuclear Regulatory Commission thresholds requiring the preparation of emergency plans (10 CFR Parts 30, 40, and 70)*

Exemptions from these thresholds include the following:

- *Hazardous materials stored as consumer packages for direct distribution to the general public*
- *Up to 1,000 cubic feet of oxygen, nitrous oxide, and/or nitrogen stored by physicians, dentists, podiatrists, veterinarians, and pharmacists*
- *Up to 55 gallons of any lubricating oil and up to 275 gallons of all lubricating oil stored by one business*

Development under the Specific Plan could involve the storage of various hazardous materials, including paints, pesticides, solvents, oils, and acids. It is not anticipated that the proposed project would meet the Waters Bill thresholds for storage of hazardous materials.

Implementation of BMPs and compliance with local, State, and federal regulations regarding hazardous materials use, transport, and storage are considered adequate to address these potential hazards. Therefore, mitigation measures in Section 4.7, *Hydrology and Water Quality* would reduce potential impacts regarding use and storage of hazardous materials during operation of the project to less than significant levels.

Mitigation Measures. The following mitigation measures are recommended to reduce potential impacts from hazardous materials to a less than significant level:



HM-2(a) Mixed-Use Restrictions. Mixed-use developments within the Specific Plan area that include residential development cannot include photographic studios, medical facilities (except offices), laundry facilities, or other types of development that store, use or transport hazardous materials, unless such development plans are first reviewed and approved by the Scotts Valley Fire Protection District in consultation with the Santa Cruz County Environmental Health Department to ensure compatibility of such development.

HM-2(b) Transport Route Restrictions. The Specific Plan shall be revised to include provisions restricting the transport of hazardous materials on roadways adjacent to future residential uses within the downtown area.

Significance After Mitigation. Through the implementation of the federal, state, and local regulations and policies related to the use a transport of hazardous materials described above, and proposed mitigation measures, impacts would be considered less than significant.

Impact HM-3 Development under the proposed Specific Plan would potentially result in the emission of hazardous or handle acutely hazardous materials, substances, or waste within one-quarter mile of existing schools. Impacts would be Class III, less than significant.

Future development could support the use or transport of hazardous materials, which may affect existing schools in the area. There are three schools located within one-quarter mile of the Specific Plan area, including Scotts Valley Children's Center, located at 255 Mt. Hermon Road, KidsArt, located at 226 Mt. Hermon Road, and Scotts Valley Middle School, located at 8 Bean Creek Road.

Any hazardous materials usage within the Specific Plan area would be subject the federal, state, and local regulations and policies. The County of Santa Cruz Environmental Health Department requires a business plan in accordance with State regulations.

Furthermore, Public Resources Code section 21151.4 requires notification of a particular school if it were to be affected by development that would create hazardous conditions. The affected school would be able to comment on the project and express any related concerns, which may result in potential prescriptive mitigation, such as limits on the materials used, or restrictions on the transport and storage of such materials.

Mitigation Measures. No mitigation measures are required.

Significance After Mitigation. Impacts would be less than significant without mitigation.



c. Cumulative Impacts. The proposed Specific Plan could result in development that allows the use, transport, or storage of hazardous materials. However, these kinds of activities could occur without the Specific Plan, and are not materially different that what could occur elsewhere in the City and region. Mitigation of potential hazards is regulated by federal, state, and local requirements, and would be addressed on a case-by-case basis. Thus, cumulative impacts would be less than significant, since all projects would individually be mitigated to a less than a significant level.

