

# Peet Road Property

## Frequently Asked Questions

The Board of Education of the Morgan Hill Unified School District has had several agenda items in the last few months on the acquisition and remediation of the Peet Road Property (S.G. Borello Elementary School). During these Board meetings, members of the public have asked questions regarding the acquisition of the property, site conditions and remediation method and process. For the benefit of the community, the questions that have been asked at the Board meetings have been incorporated into this document. Other frequently asked questions have been included to provide a broader scope of information.

If you have a question that isn't addressed here please contact Allison Murray at (408) 201-6052 or [murraya@mhusd.org](mailto:murraya@mhusd.org).

### **Acquisition of Property**

1. *I thought the property was donated, why doesn't the property owner need to remediate the property?*

When the donation was accepted by the Board of Education in 2003, there was no requirement that the property owner remediate the property.

2. *Why is there a need for a new elementary school?*

Based on the proposed City of Morgan Hill population ceiling of 59,000 by 2035, Morgan Hill Unified School District would have an increase of over 2,500 students over the next 20 years which will necessitate the construction of at least three new elementary schools. Ideally, new schools would be built prior to the completion of the surrounding new housing developments so that as families move into their new homes, their neighborhood school is open.

3. *Why does the District need this land in particular? Why can't a school be built in a different location?*

The location of the Peet Road property is ideal for a new school and has been identified since 2003 as the District's next elementary school. Since early 2000's, the neighborhood around the Peet Road property has been developed with three large developments - Coyote Estates, Alicante Estates, and Mission Ranch. The City of Morgan Hill has approved three additional developments which are within one mile of the Peet Road site (San Sebastian Estates - 244 units, Roland - 69 units, and Lantana - 66 units) which has increased the need for a neighborhood school for this area of Morgan Hill.

In addition, the property's location within the City of Morgan Hill makes it much more valuable land especially considering land of this size is nearly impossible to find. Also, being within the City limits allows for the District to utilize the City's existing infrastructure (water) which reduces site development costs.

4. *What will happen to the property if the District refuses the donation?*

If the District does not accept the donation, the property owners, who are real estate developers, will retain the property and it is likely it will be developed into additional housing. In 2014, when the City of Morgan Hill did not pursue its right to purchase a portion of the property for development of park space, the property owner applied for and received approval to build an additional seven houses on the former park space.

In addition, the District would also lose rights to a property worth approximately \$9,000,000 and would still need to purchase another school site. There are very few properties of this size within the City of Morgan Hill, and it is highly unlikely that an alternative property would be free of contaminants since most of Santa Clara County was previously farmed with the use of pesticides.

5. *Since there are much higher need areas for a new school, how does building a school at this site help with overcrowding?*

The majority of the District's elementary schools are located west of Highway 101. The two schools located east of Highway 101 (Jackson Academy of Math and Music and Nordstrom Elementary School) have experienced high growth over the last few years due to new housing developments. Building another school east of Highway 101 will not only create space for new students, but it may also alleviate overcrowding at our current schools as boundaries could be adjusted to shift students from one of the current elementary schools to S.G. Borello Elementary School.

## **Site Conditions**

1. *When was testing completed and what were the results?*

A Phase II Environmental Site Assessment was conducted in late summer of 2014 and additional soil samples were collected in February 2016 by McCloskey Consultants Inc. to evaluate the Peet Road Property for the potential presence of manmade or naturally-occurring compounds that could affect use of the property as an elementary school site. Sampling included the collection and analysis of soil samples from within and around the existing building perimeters, historical structures, stockpile, and the agricultural field. Elevated concentrations of various organochlorine pesticides were detected only in the agricultural field area. Concentrations of Dieldrin exceeded the single compound United States Environmental Protection Agency (USEPA) Regional Screening Level (RSL) for residential use. The detailed testing results are available in [Preliminary Environmental Assessment \(PEA\)](#) summarized in Table 1 on Page 45.

2. *Is there any danger that contaminants could spread?*

Even though some have expressed concerns about organochlorine pesticides leaching into the groundwater, scientists have assured us that organochlorine pesticides are highly insoluble in water (meaning they do not dissolve easily) and adhere strongly to soil, so it is unlikely that the contaminant would spread via water. The contaminants are not volatile nor do they easily become airborne. In order to ensure the ongoing safety of the community, it is necessary to remove the contaminants from the site. There are safety controls built into the Removal Action Workplan (RAW) which address this concern as well.

3. *I heard the soil is “toxic”? Is that true?*

We have heard this statement numerous times, but in fact Dieldrin in soil is not considered toxic waste (or hazardous waste) until it reaches a concentration of 8.0 milligrams per kilogram (mg/kg). The highest level detected at Peet Road Property was 0.690 mg/kg, so although the level detected is above the RSL (screening level); the Dieldrin contaminants are significantly below the threshold for toxic (or hazardous) waste.

There is one location where the total DDT concentration exceeds 1.0 mg/kg and therefore exceeds the hazardous waste threshold.

4. *What is the status of the California Environmental Quality Act Review?*

The District completed a preliminary California Environmental Quality Act Review (CEQA) which contemplated the acquisition of the land for a future school facility. In January 2013, the Board of Education adopted Resolution 2012-13 #32 with a finding of a Mitigated Negative Declaration. School Site Solutions, Inc. is completing a supplemental CEQA report related to the construction of the school facility which also has a component that addresses the Removal Action Workplan project.

5. *Where will the potable water for the students and staff come from? And, if the water is local, will the District be testing the water to be sure it is free of all contamination of metals and toxins including Dieldrin?*

The S.G. Borello Elementary School will be supplied potable water from the City of Morgan Hill. The City of Morgan Hill water quality meets or exceeds all Federal and State health and environmental standards and is routinely inspected by the State of California Department of Health Services. Annual reports regarding City of Morgan Hill water quality can be obtained [here](#).

## **Remediation**

1. *What type of remediation is the District considering?*

The District considered a variety of remediation methods: excavate/disposal (or “off-haul”), containment/capping, bioremediation, and phytoremediation. The Department of Toxic Substances (DTSC), who is overseeing the cleanup action, has published the [“Proven Technologies and Remedies Guidance for Remediation of Organochlorine Pesticides in Soil”](#) which describes each of these remediation options.

By far the most commonly used method is excavate/disposal since the removal of the contaminants removes the threat permanently, although this method is also the costliest. The District considered capping the contaminants, but this was inconsistent with the site master plan which includes a park and field areas. Also, capping does not remove the contaminants from the site and Staff was concerned with allowing the contaminants to remain. Bioremediation of this site previously occurred in 2005 and no one can explain why the contaminants were found when the District re-tested the site, therefore Staff does not recommend using this option a second time. Staff considered phytoremediation, but this is not a proven technology according to DTSC so the District would be required to do a pilot study, then a one-acre bench study, and finally full site remediation which would extend the timeline for construction of the school. Finally, since there are no proven successes in remediating school sites using phytoremediation, Staff found that there was not enough evidence to support this remediation methodology.

**2. *How did the District determine that off-haul is the best method?***

The District puts the health and safety of students, staff and community at the forefront when making any decision. After considering all remediation methodologies, Staff believes that excavate/disposal is the best method as it permanently removes the contaminated soils. In addition, the relatively quick timeline to complete remediation (approximately four weeks) will ensure that construction of the school can begin on time. Although it's the most expensive method for remediation, we believe this is money well spent in order to protect our community.

DTSC data supports the decision to excavate/dispose since the “data indicates that excavation/disposal was the most frequently selected cleanup alternative and containment/capping was the next most frequently chosen cleanup alternative. The selection of the cleanup alternative as the preferred approach appears to be influenced by proven effectiveness, ability to meet the project timeframes, foreseeable future land use and volume of impacted area. Containment/capping was selected if a cap was compatible with the current and foreseeable future land use and the associated land-use restrictions were not an issue with interested parties.”

**3. *What is the cost of remediation and how is the District funding it?***

The estimated cost of remediation using the excavate/disposal method is \$1,850,000 which includes DTSC oversight fees, disposal fees, direct costs (excavating, grading, and trucking), and field monitoring by a third-party including air monitoring. The cost of remediation would be funded out of Fund 25 (Capital Facilities). Capital Facilities funds are generated when home developers are assessed a per square footage fee on new homes which the District uses to pay for space (example: new schools or new classrooms on existing campuses) to house the students the new development creates.

**4. *Wouldn't it be a better use the funds to put the budget allocated for remediation toward increasing salaries and benefits for staff?***

The costs will be funded from Capital Facilities funds. These funds can only be used for facilities, the funds cannot be used to pay for salaries and benefits.

**5. *How will the District ensure the neighborhood is safe during remediation?***

Safety of the community during the process will be ensured throughout the remediation activities. Ambient weather conditions including temperature, relative humidity, wind speed, and wind direction will be monitored onsite during excavation activities by the field personnel using a portable weather station. Air monitoring will be performed during all remediation activities in which contaminated soils are being handled or disturbed. During remediation activities perimeter dust levels will be monitored both upwind and downwind. Dust control measures will be in place and if an action level is reached or exceeded, all work will be stopped.

The District will hire a consultant to oversee the project and will ensure that at least one field engineer or scientist will be present on site during the excavation of the soils. These individuals will be responsible for observing the excavation activities, perimeter air monitoring and sampling, confirmation soil sampling, and monitoring health and safety measures, decontamination procedures, and confirming that the contractor activities are being completed in accordance with the DTSC approved Removal Action Workplan.

**6. *How we know the remediation successfully removed the contaminants?***

Confirmation samples will be taken after the excavation and removal of the contaminated soil. If concentrations in the confirmation samples exceed the remediation goals, additional excavation will be performed. If the confirmation samples are within the remediation goals, a Removal Action Completion Report would be prepared for review and comment by the DTSC. The report will document the remediation of the affected soils have been performed in accordance with the approved Removal Action Workplan. DTSC will then issue a Site Certification for the property.

**7. *At a Board meeting, a member of the public stated that levels of Dieldrin came back 75% higher after the original remediation in 2005. How is that possible and how can the District ensure it doesn't happen again?***

The District cannot speculate as to why Dieldrin was detected in the soil again. During the Board meeting, DTSC Staff stated that after the remediation in 2005 the site continued to be used for agricultural purposes with row crops planted intermittently from approximately June 2007 through June 2011. This assessment is based on the review of historical aerial photographs of the site. If the site is remediated and utilized for non-agricultural purposes, such chemicals would not be warranted on site for use nor for potential release into the environment.

**8. *I heard that the District does not plan to replace the soil that will be off-hauled which will leave a pit on the site, is that true?***

*The grading and development plan has not been fully completed and thus the amount of replacement import soil needed, if any, cannot be determined until the master plan and schematic design of the school is completed. The current estimate is that approximately 14,300 cubic yards of soil would need to be removed from the property for construction of the school. The District would have to typically remove soil for construction as a building pad for schools would normally require the excavation of two feet of soil and asphalt for playgrounds and parking require the excavation of one foot of soil, so in the deepest areas of excavation/disposal import fill may be needed. Conversely, the site may need to be re-graded in which case import fill would not be needed. If import soils are needed, the fill materials will be evaluated following the DTSC Information Advisory Clean Imported Fill Material (October 2001). Staff will ensure that the fill soils are not affected by manmade or natural hazardous materials exceeding school site guidance concentrations.*

**9. *Why can't the District cap the land rather than dig the toxins out?***

The District examined this option. Ultimately capping the materials did not provide an acceptable risk level for Staff since the contaminants would remain on the property. In addition, capping was inconsistent with the District's master plan which includes field and park areas.

If the District used the capping method, the District would be required to enter into a land use covenant with DTSC which may restrict the future use of the site. The land use covenant may include a combination of easements or restrictions. A long term operations and maintenance plan (O&M Plan) would need to be implemented to monitor and maintain the long term integrity and effectiveness of the installed capping system. The District would need to enter into an Operation and Maintenance Agreement with DTSC for oversight of the implementation of the O&M Plan. Easements allow access to the property, for example, so operation and maintenance requirements can be performed while restrictions are provisions which oblige or restrict the property owner from certain uses or activities on the property.

**10. If the District decided not to accept the property, would a developer need to remediate the soil? If so, which process would likely be used by the developer?**

If the District did not accept the property, and the property owner wanted to develop the property for housing they would need to remediate the property and receive approval through DTSC before building homes.

We cannot speculate as to what method a future developer may use, but we can share that the developer currently constructing the seven homes on property adjoining the Peet Road Property will be using excavate/disposal to remediate the property for housing.

**11. I have reviewed the Pipeline Study conducted for the Peet Road Property, were soils tests only taken at a depth of 3.5 feet (although high levels were still found) to avoid hitting the water and gas pipes? How are you planning on excavating safely and thoroughly to remove the soil if you can only clear to a depth of 3.5 feet?**

Please note that the deepest soil sample in the farmed area with elevated Dieldrin concentrations was 2.5 feet, not 3.5 feet.

There are two natural gas transmission pipelines, one natural gas distribution pipeline, and several large volume water pipelines within 1,500 feet of the school site. These pipelines are near, but not on the property therefore it will not impede the District's ability to excavate and remove the contaminated soils.

The results of the District's Pipeline Study verified that in the unlikely event of a rupture or leak in the natural gas or water pipelines that the risk to students and Staff at the proposed school site is less than significant based on the screening criteria determined by the California Department of Education.

**12. Why are the District's consultants not present at the MHUSD Board meetings? Who is monitoring and regulating the District's Board?**

The District's consultants are present at MHUSD Board meeting when requested by Staff. Since consultants are compensated for their attendance at meetings, Staff attempts to minimize the number of consultants at meetings so as not to incur additional project costs. At the September 20, 2016 Board meeting representatives from McCloskey Consultants Inc. and DTSC were present and fielded questions from the Board. In addition, the District Staff invited concerned community members to meet with District Staff and consultants; however, the invited community members did not attend the meeting.

The [Department of Toxic Substances Control](#) (DTSC) is responsible for the oversight of project. DTSC has assigned a Public Participation Specialist, Ms. Asha Setty, to assist with the community outreach activities related to this project. In June 2016, 527 surveys were mailed to mandatory agencies, key contacts, and neighbors. DTSC will have a public comment period and community meeting regarding the proposed Removal Action Workplan to answer questions and address concerns.

## Other Questions

1. *I live in the neighborhood, is my house contaminated?*

The District did not perform any testing in the residential areas around the Peet Road Site. If you have concerns about your residence, we would recommend that you conduct your own sampling. The District cannot recommend a company to perform the testing.

If you are interested in finding out additional information about current or prior remediation activities you may do so by using the public [Envirostor database](#) which can be searched by address and/or city.

2. *I saw a notice that pesticides were being used at school sites, how often it is used and how are parents notified?*

The District does use herbicides with contain Glycoside to assist with weed control. The District policy is to use spot treatment of herbicide as way to manage weeds; however, this is part of an Integrated Pest Management solution that includes many other methods which include physical controls, reducing irrigation (not applicable in drought years), changing mowing heights, hand-pulling, and more frequent aeration of sod.

Parents are notified annually with a written notification at the beginning of the year. In addition, notices are placed in the front office window prior to spraying occurring to inform parents and the community.

The District is monitoring current legislative changes, including [DRP 16-004](#), which will require schools to be notified when growers use certain pesticides near a school site.

3. *When will construction of the school site start and when will the school be open?*

Typical design and construction of a school takes at least three years. If land has to be purchased or remediated prior to construction this adds at least two additional years to receive necessary approvals or to complete remediation activities.

Since this site has to be remediated first, we have already begun the design of the school in order to expedite the process. Site work could begin as early as fall 2017 with occupancy of the school in 2020. As more information is known the timeline will be adjusted accordingly.

4. *I've noticed movement on the site, is the District already moving dirt before the Board has voted?*

The Site is currently used by the owner as a design enter and staging area for construction, so there is daily activity on the Site. The current property owner is constructing seven new homes which will adjoin the school site. The developer will be using excavate/disposal to remediate the property for housing. We have been informed that these remediation activities will be starting shortly so residents will notice an increased level of construction activities once the remediation starts. This remediation is separate from the District's remediation and concerns should be directed to the developer (Lupine Investors LLC 385 Woodview Avenue # 100, Morgan Hill, CA (408) 779-5900).

DTSC is the approval agency for the project and once the District receives DTSC approval it can begin the remediation work at the Peet Road Site. The Board does not approve a remediation method; the Board's role is visionary/policy setting.