

# Responses to 2011-2012 Grand Jury Report

Every year, when the annual Santa Cruz County Grand Jury Report is published, designated agencies are requested to respond to the findings and recommendations of the report. These responses may agree or disagree with the findings, and may indicate that recommendations have already been implemented, will be in the future, or will not be implemented, or that further analysis is required.

Comments may also be added to the responses. When a response agrees with a recommendation, further comments are optional. In case of complete or partial disagreement, or in response to recommendations for action, comments should be provided as part of the response.

For each report, the collected responses are published in a separate file on the [grand jury's section of the county's public website](#). Note: The responses are provided as received, and have not been edited, except for minimal formatting to make them appear correctly on this web page.

## Report: [Known Soil Contamination and Building Permit Applications](#)

This report requested responses from the following:

1. City of Watsonville Community Development Department [Watsonville]: findings 1-3; recommendations 1-5
2. City of Santa Cruz Department of Planning and Community Development [Santa Cruz City]: findings 1-3; recommendations 1-5
3. City of Capitola Community Development Department [Capitola]: findings 1-3; recommendations 1-5 *[Note: Responses below were received from City of Capitola Public Works Department]*
4. City of Scotts Valley Building Department [Scotts Valley]: findings 1-3; recommendations 1-5
5. County of Santa Cruz Planning Department: findings 1-3; recommendations 1-5
6. County of Santa Cruz Health Services Agency: findings 1-3; recommendations 1-5

*[Note: Santa Cruz County did not provide separate responses from the requested agencies; instead, the county sent one consolidated response to all reports. The grand jury is unable to determine whether a given response comes from the Planning Department or the Health Services Agency; all responses are therefore marked as "County of Santa Cruz".]*

- **Finding 1: The building departments of the County of Santa Cruz, and the Cities of Watsonville, Capitola, Santa Cruz and Scotts Valley, do not consistently communicate with Environmental Health Services (EHS) to identify known soil contamination sites during the building permit application process.**
  - Response from Watsonville: **PARTIALLY DISAGREE**

The City of Watsonville routinely refers all projects involving commercial kitchens, beauty salons, heavy industrial, etc., to EHS in the event that the applicant has not already obtained clearance from the same.

- Response from Santa Cruz City: **PARTIALLY DISAGREE**

I am not aware of the communication between other cities, the County and Environmental Health Services to respond with regard to consistency.

However, the City of Santa Cruz regularly works with EHS on remediation plans and appropriate building (grading) permit issuance when know sites are identified. In addition, projects which require EHS approval such as restaurants, are routinely routed to EHS prior to issuance of a building permit.
- Response from Capitola: **DISAGREE**

The City of Capitola Building Department does communicate with Environmental Health Services (EHS) to identify known soil contamination sites during the building permit application process, and follows all EHS regulatory procedures.
- Response from Scotts Valley: **PARTIALLY DISAGREE**

The City's standard practice is to refer applicants and/or the applications for restaurants, septic systems, and certain demolition permits to EHS.
- Response from County of Santa Cruz: **PARTIALLY AGREE**

The Santa Cruz County building department communicates with Environmental Health Services (EHS) during the project application routing of plans for EHS review. Whenever the building department becomes aware that soil contamination exists, the project applicant and EHS staff are notified.
- **Finding 2: Public access to the Environmental Health Database is unnecessarily limited because it is only available by visiting or calling the EHS office.**
  - Response from Watsonville: **PARTIALLY DISAGREE**

The City of Watsonville is not responsible for the maintenance or publishing of this database. Necessary information is available to the public online. The City makes computers accessible to the public free of charge.
  - Response from Santa Cruz City: **PARTIALLY DISAGREE**

The EHS office maintains lists that the City of Santa Cruz regularly references. The City has a link from our in-house permit tracking system to the Geo-Tracker web page on the County web site.
  - Response from Capitola: **DISAGREE**

The City of Capitola does not maintain nor control public access to the EHS database.
  - Response from Scotts Valley: **PARTIALLY DISAGREE**

The City of Scotts Valley does not produce or maintain the Environmental Health Database, however, the Santa Cruz County Site Mitigation List is available online.

- Response from County of Santa Cruz: **AGREE**  
[No further comment]
- **Finding 3: With the exception of the county's LORI Property Disclosure Statement, nowhere in the examination of city and county building permits was the issue of existing or possible soil contamination brought to the attention of the applicant.**
  - Response from Watsonville: **PARTIALLY DISAGREE**  
The City of Watsonville routinely refers all projects involving commercial kitchens, beauty salons, heavy industrial, etc., to EHS in the event that the applicant has not already obtained clearance from the same. In the event that City has knowledge of existing contamination, the applicant will be alerted and referred to EHS.
  - Response from Santa Cruz City: **PARTIALLY DISAGREE**  
The issue of possible or existing soil contamination is brought to the attention of an applicant when the City staff person handling the permit has knowledge of such conditions. When environmental review (under CEQA) is required for issuance of a permit, soil contamination potential is verified. Other than in those instances there is no formal process or legal requirement to do so with issuance of a building permit.
  - Response from Capitola: **AGREE**  
There are no current regulatory requirements for a city to notify, analyze, or search for possible soil contamination as part of the planning or building permit process.
  - Response from Scotts Valley: **PARTIALLY DISAGREE**  
It is the City of Scotts Valley's standard practice to refer applicants and/or the applications for restaurants, septic systems, and certain demolition permits to EHS. Additionally, if the City is aware of existing or possible soil contamination, the applicant would be referred to EHS.
  - Response from County of Santa Cruz: **AGREE**  
[No further comment]
- **Recommendation 1: The building departments of the County of Santa Cruz and of the cities of Watsonville, Capitola, Santa Cruz and Scotts Valley should establish a procedure with Environmental Health Services to identify known soil contamination sites during the building permit application process.**
  - Response from Watsonville: **WILL NOT BE IMPLEMENTED**  
The City of Watsonville has no jurisdiction over EHS and cannot compel EHS to develop such a system. Furthermore, any new procedure that relies on City staff would be difficult to implement at this time, as we are

understaffed.

In the event that EHS can staff and fund any development related to this communication issue, the City of Watsonville would consider the system.

- Response from Santa Cruz City: **WILL NOT BE IMPLEMENTED**  
EHS is the agency responsible for compiling, tracking and disseminating information about known soil contamination. It is agreed that current information on known sites should be readily available to property owners and to the City. (It already is available in part.) This would require EHS to take the lead in coordinating an approach with the building departments. The City building department would cooperate in such an effort, but does not have authority to direct the work or compel action by EHS. As well, depending upon the nature of the established procedure, the City would need to evaluate our capacity to add that to our business practices and work program. Due to these uncertainties the City cannot commit to a six month timeframe.
  - Response from Capitola: **REQUIRES FURTHER ANALYSIS**  
The City of Capitola would be willing to participate in a regional effort.
  - Response from Scotts Valley: **WILL NOT BE IMPLEMENTED**  
The City of Scotts Valley does agree that more information regarding known soil contamination is beneficial and the City of Scotts Valley will continue to work with EHS. However, the City of Scotts Valley does not have jurisdiction over this information and therefore cannot commit to the required six month time frame to implement procedures and/or further analyze the issue.
  - Response from County of Santa Cruz: **HAS NOT YET BEEN IMPLEMENTED, BUT WILL BE IMPLEMENTED IN THE FUTURE**  
Environmental Health Services is willing to work with the county and city building departments to establish and implement a more clearly defined procedure for information sharing regarding known contaminated sites within the county borders. One solution being explored is through linking information to the county GIS database system.
- **Recommendation 2: Environmental Health Services should make the Environmental Health Database available as an online geographic resource within the existing Santa Cruz County Geographic Information Systems database. Environmental Health Services should also provide their department phone number as a link on the GeoTracker website.**
    - Response from Watsonville: **WILL NOT BE IMPLEMENTED**  
The City of Watsonville has no jurisdiction over this action.
    - Response from Santa Cruz City: **WILL NOT BE IMPLEMENTED**  
This has been implemented in part. The City of Santa Cruz does not have authority to compel action by EHS.
    - Response from Capitola: **WILL NOT BE IMPLEMENTED**

The databases belonging to County Environmental Health and is not the responsibility of the City of Capitola.

- Response from Scotts Valley: **WILL NOT BE IMPLEMENTED**  
The City of Scotts Valley does not have jurisdiction over EHS and the County GIS database.
- Response from County of Santa Cruz: **PARTIALLY IMPLEMENTED**  
Recent discussions between Environmental Health Services and the County Information Services Department indicated that within the next year the current Fortis document imaging and file management system will be replaced by the SIRE document management system which includes a web access component. Environmental Health Services is currently analyzing the possibility of making all historical public records available on the internet through this system. While this solution would not be directly linked to the current Santa Cruz County Geographic Information System, it would allow more complete access to all non-confidential historical public records in our data system without the need to call or come in to the office. It is expected that the web access would be available soon after going live with the new SIRE system.

The second part of recommendation R2 has been implemented. The current version of the public Geotracker website lists the case contacts information, including the staff member's name, e-mail address and phone number. This information is accessed by clicking on the caseworker's name on the main page of the particular case being researched.

- **Recommendation 3: Building departments should make property owners and developers aware that the Environmental Health Database lists known soil contamination sites, as a routine step in the building permit application process.**
  - Response from Watsonville: **HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**  
The City of Watsonville currently does not include advisories regarding soil contamination on it's permits and forms. A message like the one suggested could be added to these forms. The City will decide where the message is most beneficial for the public and add it to the same. It is expected that this will take place in the next 8 to 12 months.
  - Response from Santa Cruz City: **HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**  
The City's Building Permit application form typically contains only legally required notices. However, notice about EHS resources and information on contamination sites it can be made available to building permit applicants. As well a link to such County EHS information could be created on the City's public web site for building permit information.

This can be accomplished within the next six months.

- Response from Capitola: **HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**

The City of Capitola will make property owners aware of the database as part of the application process within the next three months.
  - Response from Scotts Valley: **HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**

See response to Recommendation R5.
  - Response from County of Santa Cruz: **HAS NOT YET BEEN IMPLEMENTED, BUT WILL BE IMPLEMENTED IN THE FUTURE**

The County Building Department website and counter materials will be revised to refer to the database. Building Department staff will be trained regarding making referrals to the database and Environmental Health Services.
- **Recommendation 4: Environmental Health Services and the building departments should notify applicants that the identification of contaminated soils on their property may impact the building permit process.**
    - Response from Watsonville: **HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**

As in previous response: The City of Watsonville currently does not include advisories regarding soil contamination on its permits and forms. A message like the one suggested could be added to these forms. The City will decide where the message is most beneficial for the public and add it to the same. It is expected that this will take place in the next 8 to 12 months.
    - Response from Santa Cruz City: **HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**

This notification could be included in the information and resources described in Recommendation R3. This can be accomplished in the next six months.
    - Response from Capitola: **HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**

The City of Capitola will be implementing within the next three months by notifying applicants that the identification of contaminated soils on their property may impact the building permit process.
    - Response from Scotts Valley: **HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**

See response to Recommendation R5.
    - Response from County of Santa Cruz: **HAS BEEN IMPLEMENTED**

The County is already implementing the recommendation. The County's Building Department routinely notifies applicants during the pre-screening process that the identification of contaminated soils on their property may

impact the timely completion of the building permit process.

Additionally, EHS, as part of the site closure process, routinely notifies responsible parties that existing soil contamination on their property could pose an unacceptable risk during certain site development activities such as grading or excavation. In such cases, conditions are typically written into closure documents, or deed restrictions are placed, that require notification be made to EHS and local building departments, among other agencies, should the site be redeveloped.

- **Recommendation 5: Environmental Health Services and the building departments should develop a soil contamination advisory statement, such as the sample given below, and incorporate that statement and information into the building permit application process.**

- Response from Watsonville: **HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**

The City of Watsonville currently does not include advisories regarding soil contamination on its permits and forms. A message like the one suggested could be added to these forms. The City will decide where the message is most beneficial for the public and add it to the same. It is expected that this will take place in the next 8 to 12 months.

- Response from Santa Cruz City: **HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**

The City Building staff are willing to collaborate with EHS to develop a statement such as this. It could be in the information and resources described in Recommendation R3. This can be accomplished in the next six months.

- Response from Capitola: **HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**

The City of Capitola will provide an advisory statement and information in the building permit application process. Will be implemented within the next three months.

- Response from Scotts Valley: **HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**

The City of Scotts Valley agrees that a "Soil Contamination Advisory Statement" could be beneficial for applicants and will revise the building permit application to include a statement to this effect. This will be completed within one year of the date of the Grand Jury Final Report.

- Response from County of Santa Cruz: **HAS NOT YET BEEN IMPLEMENTED, BUT WILL BE IMPLEMENTED IN THE FUTURE**

The County will develop appropriate public noticing text that will be listed on the Building Department website and included as a separate public handout at the building counter.

