

4.14 HAZARDOUS MATERIALS

4.14.1 ENVIRONMENTAL SETTING

IN THIS SECTION:

- Overview
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- City Setting

This section addresses hazardous materials use in the City of Santa Cruz. The State CEQA Guidelines Appendix G also identifies proximity to airports and wildland fire areas as potential hazards. The City is not located within two miles of an airport or private airstrip, and thus, is not subject to potential hazards related to proximity to an airport. The nearest airport is approximately 15 miles to the south in the city of Watsonville. Potential wildland fire hazards are addressed in the “Fire Protection Services” subsections of the PUBLIC SERVICES (Chapter 4.6) section of this EIR. Emergency response also is addressed in the PUBLIC SERVICES section of this EIR.

OVERVIEW

According to the draft *General Plan 2030*, hazardous materials include toxic metals, chemicals and gases; flammable and/or explosive liquids and solids; corrosive materials; infectious substances; and radioactive materials. Hazardous materials pose a variety of potential dangers to public health and welfare related to transport, storage, handling, and disposal of these materials. Hazardous materials and hazardous waste can result in public health hazards if released into the soil, groundwater or air.

The California Health & Safety Code (Section 15501) defines hazardous material as “any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. Hazardous materials include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.” The California Code of Regulations (Title 22, Section 66260.10) defines “extremely hazardous material” as “a substance or combination of substances which, if human exposure should occur, may likely result in death, disabling personal injury or serious illness caused by the substance or combination of substances because of its quantity, concentration or chemical characteristics.”

Hazardous waste is any hazardous material that is discarded or slated for disposal. The California Health & Safety Code (Sections 25517 and 25141) defines hazardous waste as a

waste that because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment, due to factors including, but not limited to, carcinogenicity, acute toxicity, chronic toxicity, bioaccumulative properties, or persistence in the environment, when improperly treated, stored, transported, or disposed of, or otherwise managed.

REGULATORY SETTING

The management of hazardous materials and hazardous wastes is regulated at federal, state, and local levels through programs administered by the U.S. Environmental Protection Agency (U.S. EPA), agencies within the California Environmental Protection Agency (Cal/EPA), such as the Department of Toxic Substances Control (DTSC), federal and state occupational safety agencies, Monterey Bay Unified Air Pollution Control District (MBUAPCD), and Santa Cruz County Environmental Health Services.

Federal Regulations

The U.S. EPA is responsible for enforcement and implementation of federal laws and regulations pertaining to hazardous materials. The federal regulations are codified primarily in Title 40 of the Federal Code of Regulations. The primary legislation includes the Resource Conservation and Recovery Act of 1976 (RCRA) and the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA) and the Emergency Planning and Community Right-to-Know (SARA Title III). These laws and associated regulations include specific requirements for facilities that generate, use, store, treat, transport, and/or dispose of hazardous materials.

The Hazardous Materials Transportation Act of 1975 (HMTA) is the major transportation-related statute regulating the transportation of hazardous cargo. The HMTA empowers the U.S. Department of Transportation (DOT) with regulatory and enforcement authority to provide adequate protection against the risks to life and property inherent in the transportation of hazardous material in commerce. For materials that are designated as hazardous, specific requirements pertaining to the packaging, labeling, and transportation apply to any person or business transporting a hazardous material.

The U.S. Department of Labor Occupational Safety and Health Administration (OSHA) is responsible for enforcement and implementation of federal laws and regulations pertaining to worker health and safety. OSHA requires training for hazardous materials operators, which includes personal safety, hazardous materials storage and handling procedures, and emergency response procedures.

Other relevant federal laws include the Hazardous and Solid Waste Amendments Act (HSWA) regarding hazardous waste management, the Toxic Substances Control Act (TSCA), pertaining to the tracking and screening of industrial chemicals, and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), which controls pesticide distribution, sale and use.

Applicable federal regulations and guidelines are contained primarily in Titles 10, 29, 40, and 49 of the Code of Federal Regulations.

State Regulations

In California, the DTSC is authorized by the U.S. EPA and Cal/EPA to enforce and implement federal hazardous waste laws and regulations. Requirements place “cradle-to-grave” responsibility for hazardous waste disposal on the shoulders of hazardous waste generators. Generators must ensure that their wastes are disposed of properly, and legal requirements dictate the disposal requirements for many waste streams (e.g., banning many types of hazardous wastes from landfills).

California regulations pertaining to hazardous materials equal or exceed federal regulations. In January 1996, Cal/EPA adopted regulations implementing a Unified Hazardous Waste and Hazardous Materials Management Regulatory Program governing (1) hazardous waste generators and hazardous waste onsite treatment, (2) underground storage, (3) above-ground storage tanks, (4) hazardous materials release response plans and inventories, (5) risk management and prevention programs, and (6) Unified Fire Code hazardous materials management plans and inventories. The program is implemented at the local level by a designated local agency—the Certified Unified Program Agency (CUPA). The CUPA is responsible for consolidating the administration of the six program elements within its jurisdiction. The Santa Cruz County Environmental Health Services is the designated CUPA for the City of Santa Cruz.

State and federal laws require detailed planning to ensure that hazardous materials are properly handled, used, stored, and disposed of, and in the event that such materials are accidentally released, to prevent or to mitigate injury to health or the environment. California’s Hazardous Materials Release Response Plans and Inventory Law, sometimes called the “Business Plan Act,” aims to minimize the potential for accidents involving hazardous materials and to facilitate an appropriate response to possible hazardous materials emergencies. The law requires businesses that use hazardous materials to provide inventories of those materials to designated emergency response agencies, to illustrate on a diagram where the materials are stored on site, to prepare an emergency response plan, and to train employees to use the materials safely.

Along with DTSC, the Regional Water Quality Control Board (RWQCB), which operates under the jurisdiction of Cal/EPA, is responsible for implementing regulations pertaining to management of soil and groundwater investigation and cleanup. RWQCB regulations applicable to hazardous materials are contained in Title 27 of the California Code of Regulations (CCR). Additional state regulations applicable to hazardous materials are contained in Title 22 of the CCR. Title 26 of the CCR is a compilation of those sections or titles of the CCR that are applicable to hazardous materials.

Transportation of hazardous materials and wastes is regulated by Title 26 of the CCR. The California Department of Transportation (Caltrans) is the primary regulatory authority for the interstate transport of hazardous materials and establishes safe handling procedures for packaging, marking, labeling, routing, etc. The California Highway Patrol and Caltrans enforce federal and State regulations and respond to hazardous materials transportation emergencies.

A “Uniform Hazardous Waste Manifest” is required by DTSC and must accompany most hazardous waste before transporting any waste off site. The manifest travels with the hazardous waste from the point of generation, through transportation, to the final treatment, storage and disposal facility. If a discharge or spill of hazardous waste occurs during transportation, the transporter is required to take appropriate immediate action to protect human health and the environment (i.e., notify local authorities, dike the discharge area), and shall be responsible for the discharge/cleanup, pursuant to Title 22 of the California Code of Regulations, Sections 66263.30 and 66263.31.

With respect to worker safety regulations at the state level, the California Department of Industrial Relations, Division of Occupational Safety and Health, formerly known as Cal/OSHA, is charged with enforcement of state regulations and supervision of workplaces in California that are not under direct federal jurisdiction. State worker health and safety regulations applicable to construction workers include training requirements for hazardous waste operations and emergency response, all of which equal or exceed their federal counterparts.

Although there are numerous state policies dealing with hazardous waste materials, the most comprehensive is the Tanner Act (Assembly Bill [AB] 2948) adopted in 1986. The Tanner Act governs the preparation of hazardous waste management plans and the siting of hazardous waste facilities in the state. The act also mandates the adoption of a Hazardous Waste Management Plan by every county in the state that must include provisions defining: (1) the planning process for waste management; (2) the permit process for new and expanded facilities; and (3) the appeal process to the state available for certain local decisions.

Local Regulations

MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT

Regarding hazardous air emissions, the MBUAPCD implements the federal National Emission Standards for Hazardous Air Pollutants (NESHAP) and Maximum Achievable Control Technology (MACT) requirements through the federal operating permit program, pursuant to MBUAPCD Rule 218. In addition, MBUAPCD’s permitting program includes a “Best Control Technology” (BCT) review under MBUAPCD Rule 1000, *Permit Guidelines and Requirements for Sources Emitting Toxic Air Contaminants*. This rule covers proposed new or reconstructed major sources of federal hazardous air pollutants, toxic air contaminants, and carcinogenic toxic air contaminants.

In compliance with state law, the MBUAPCD also administers the AB 2588 Air Toxics “Hot Spots” Program. Facilities must report their toxic air contaminant emissions and if the MBUAPCD determines the facility poses a potential public health risk, the facility must perform a health risk assessment (HRA). An HRA includes an analysis of toxic air contaminant emissions and characterizes human health risks as a result of the estimated exposures. If the estimated health risks exceed threshold levels, the public in the affected area must be notified and steps taken to reduce emissions.

CITY AND COUNTY REGULATIONS

The City's Hazardous Materials Ordinance regulates and enforces the proper storage and handling of hazardous materials. Santa Cruz City Municipal Code Chapter 6.50, Hazardous Materials, outlines procedures for any person or business that uses hazardous materials within the City. Each user is required to obtain and keep current a hazardous materials permit and is required to handle, control, and store hazardous materials in accordance with an approved Hazardous Materials Management Plan (HMMP). Depending on the quantity of solid, liquid and gaseous hazardous materials, a user would submit either a short or standard form HMMP. A standard form HMMP requires more detailed information be provided, including monitoring and inspections. In addition to the HMMP, the health officer may request additional information deemed necessary to protect the public health.

Santa Cruz County Environmental Health Services is designated by Cal/EPA as the Certified Unified Program Agency (CUPA) within the geographic boundaries of the County and is responsible for enforcing the local ordinance and state laws pertaining to use and storage of hazardous materials, including the issuance and administration of HMMPs. The City's Fire Department works in conjunction with County Environmental Health in responding to reports of hazardous materials spills and accidents, enforcing hazardous materials regulations and enforcing the City's fire code as it relates to the use and storage of hazardous materials.

CITY SETTING

Hazardous Material Use and Hazardous Sites

There are no current large-scale businesses that use significant quantities of hazardous materials or generate substantial amounts of hazardous waste within the City. Most hazardous materials relate to fuels, and chemicals/materials associated with small businesses, such as dry cleaners, gas stations, automotive businesses and similar businesses, as well as institutions, such as schools and universities.

Improper handling and/or storage of hazardous materials can lead to soil or groundwater contamination that requires removal or remediation (cleanup) prior to conversion to other uses. This is often encountered with uses such as underground fuel storage or historic uses that have used chemicals in manufacturing processes.

The Hazardous Waste and Substances Sites (Cortese) List is a planning document used by the state of California, local agencies and developers to comply with CEQA requirements regarding provision of information about the location of hazardous materials release sites. Government Code Section 65962.5 requires the Cal/EPA to develop at least annually an updated Cortese List with input from DTSC and other state and local government agencies. There are no sites within the City of Santa Cruz that are listed on the Cortese List; only one site within Santa Cruz County is listed, which is located in Scotts Valley.

The EnviroStor database is an online search and Geographic Information System (GIS) tool for identifying sites with known or potential contamination, and sites where DTSC's environmental oversight or review has been requested or required. A search conducted in May 2011

revealed that there are seven sites where cleanup activities are underway within the City. These include former industrial or transportation uses in the Harvey West and downtown area.

- The California Water Resources Board also maintains a database system known as “Geotracker”, which is used by the State Board, regional boards, and local agencies to track and archive compliance data from authorized or unauthorized discharges of waste to land, or unauthorized releases of hazardous substances from underground storage tanks. This system consists of a relational database, on-line compliance reporting features, a geographical information system (GIS) interface and other features that are utilized by the State Board, Cleanup sites [formerly known as DoD non UST]);
- Land Disposal sites (Landfills); and
- Permitted UST facilities.

A search conducted in May 2011 revealed that there are about 50 leaking underground storage tank (LUST) cleanup sites and 13 other cleanup sites identified within the Geotracker database for the City of Santa Cruz. These sites are generally concentrated along Mission, Water and Ocean Streets, within the Harvey West industrial area, and in the downtown area.

Landfill Disposal

The City’s landfill is classified as a Class III landfill, which can accept limited types of hazardous materials. T regional boards, local agencies, regulated industry and the public to input, manage, or access compliance and regulatory tracking data. GeoTracker was developed pursuant to a mandate by the California State Legislature (AB 592, SB 1189) to investigate the feasibility of establishing a statewide GIS for LUST sites (leaking underground fuel tank sites). In its pilot phase, Geotracker assembled public drinking water well and LUST data from two study areas, Santa Clara and Santa Monica. Now, Geotracker includes data for non-UST (underground storage tank) cleanup cases in addition to LUST cases. The database provides access to statewide environmental data and tracks regulatory data for the following types of sites:

- LUST cleanup sites;
- Cleanup Program Sites (CPS; also known as Site Cleanups [SC] and formerly known as Spills, Leaks, Investigations, and Cleanups [SLIC] sites);

Military sites (consisting of: Military UST sites; Military Privatized sites; and Military he types of materials that can be disposed at Class, I, II and III landfills are specified in state regulations. Many common household products contain chemicals that can be harmful to humans, animals and the environment, and become "Household Hazardous Waste" when the products are no longer needed. Examples include paint, solvents, pesticides, house batteries, many cleaners, and auto care products. It is dangerous and illegal to dispose of household hazardous waste in the garbage, down the drain or on the ground. The City maintains a Household Hazardous Waste drop-off site at the Santa Cruz Resource Recovery Center.

Other hazardous wastes must be taken to other facilities outside the City that are permitted to accept certain types of hazardous wastes. The following is a partial list of hazardous items not accepted at the City’s landfill:

- ☐ Chemicals or chemical sludges which are toxic, corrosive, irritants or a strong sensitizer
- ☐ Infectious wastes
- ☐ Radioactive wastes
- ☐ Asbestos wastes
- ☐ Tank cleaning sludges or sediments
- ☐ Contaminated soils or sand
- ☐ Wastes containing free liquid exceeding State regulatory limits

4.14.2 RELEVANT PROJECT ELEMENTS

PROPOSED GOALS, POLICIES & ACTIONS

The **HAZARDS, SAFETY & NOISE** chapter of the draft *General Plan 2030* includes one goal that addresses hazardous materials:

GOAL HZ4 *Reduced danger and impacts from hazardous materials.*

This goal includes four accompanying policies and 13 specific actions related to reducing impacts related to hazardous materials and regulating hazardous wastes

FUTURE DEVELOPMENT POTENTIAL

The *General Plan 2030* Land Use Map and land use designations are largely unchanged from the 1990-2005 General Plan / Local Coastal Program, except for three new mixed use land designations that have been developed and applied to the following major transportation corridors: Mission Street, Ocean Street, Soquel, Avenue, and Water Street. Additionally, land use designation changes are proposed for three specified sites: Swenson, Golf Club Drive area, and an addition to the Dimeo Lane landfill site. The Swenson and Golf Club Drive sites are designated for residential uses. Action LU2.2.3 also includes addition of a 5.5-acre parcel adjacent to the Dimeo Lane landfill and Resource Recovery Center on the south, but specific uses have not yet been identified. However, the site will not be used as part of expansion of the landfill disposal area.

The *General Plan 2030* continues to include an industrial land use designation in the same areas currently designated industrial (Westside and Harvey West). Some of the draft *General Plan 2030* policies and actions support certain types of land uses and/or development and/or intensified redevelopment. Light industrial and “creative” industrial uses are encouraged in the Harvey West area (LU3.2.3), and “incubator” uses are specified for the Westside industrial area (LU3.2.4).

4.14.3 IMPACTS AND MITIGATION MEASURES

CRITERIA FOR DETERMINING SIGNIFICANCE

In accordance with the California Environmental Quality Act (CEQA), State CEQA Guidelines (including Appendix G), City of Santa Cruz plans, policies and/or guidelines, and agency and professional standards, a project impact would be considered significant if the project would:

- 14a Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- 14b 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;
- 14c Be located on a site that 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; or
- 14d Emit hazardous emissions or handle hazardous materials, substances or waste within one-quarter mile of an existing or proposed school.

IMPACT ANALYSIS

Based on the significance criteria identified above, the following impact analyses address potential creation of hazards to the public through transport, use or disposal of hazardous materials (14a); potential release of hazardous materials (14b); and emissions near schools (14d). There are no sites within the City that are listed the Government Code section 65962.5 (Cortese) list of hazardous materials sites (14c).

Potential Future Development & Buildout

Adoption and implementation of the proposed *General Plan 2030* would not directly result in increased new development. However, the draft General Plan includes policies and a land use map that support additional development. As described in the PROJECT DESCRIPTION and LAND USE sections of this EIR (Chapters 3.0 and 4.1, respectively), an estimate of the amount of development that is expected to occur by the year 2030 was developed, which includes 3,350 additional residential dwelling units and approximately 3,140,000 additional square feet of commercial, office and industrial uses.

Some of the draft *General Plan 2030* policies and actions support certain types of land uses and/or development, including new mixed-use use districts and/or intensified redevelopment. The *General Plan 2030* continues to include an industrial land use designation in the same areas currently designated industrial (Westside and Harvey West). Light industrial and “creative” industrial uses are encouraged in the Harvey West area (LU3.2.3), and “incubator” uses are specified for the Westside industrial area (LU3.2.3). Additionally, Policy ED6.2 encourages and supports “green” and environmentally-oriented businesses to locate in Santa Cruz. Overall, the type of industry and business supported in the draft *General Plan 2030* are not the type of

industry that would be significant sources of hazardous material use or generators of substantial amounts of hazardous waste.

Hazardous materials pose a variety of dangers to public health and welfare and include toxic metals, chemicals and gases, flammable and/or explosive liquids and solids, corrosive materials, infectious substances, and radioactive materials. The transport, distribution and storage of these materials is a concern of Santa Cruz residents.

Impact 4.14-1 Creation of Hazard with Transport, Use or Disposal of Hazardous Materials

Adoption and implementation of the proposed *General Plan 2030* could indirectly result in creation of a hazard to the public or environment through the routine transport, use or disposal of hazardous materials. With implementation of proposed *General Plan 2030* policies and actions and adherence to federal, state and local regulations, a significant hazard would not be expected to result. This is considered a *less-than-significant impact*.

Potential future development accommodated by the proposed *General Plan 2030*, as summarized above, could result in land uses that use and/or dispose of hazardous materials. New development, particularly non-residential development, would be expected to use some hazardous materials and generate hazardous waste. Residential uses also would be expected to use and dispose of hazardous household products. As indicated above, the type of industry and business that currently exist within the City and which are supported in the draft *General Plan 2030* are not the type that would be significant sources of hazardous material use or generators of substantial amounts of hazardous waste. However, hazardous materials would be continued to be used by some businesses, including fuels, chlorine, dry-cleaning solutions, and substances used in some commercial and industrial businesses. The routine use of chemicals and materials used in small businesses could create a hazard to the public or environment if not properly transported, stored, used and/or disposed.

The transportation of hazardous materials and wastes is subject to strict federal and state regulations. Certain types of uses are regulated by the state. Chemicals stored in aboveground or underground storage tanks are regulated by the state as well, and storage and containment parameters are established to provide containment in the event of accidental release. City regulations require permits for businesses that use hazardous materials, and establish requirements for storage and containment of hazardous materials. The City Fire Department works in conjunction with County Environmental Health in responding to reports of hazardous materials spills and accidents and enforcing hazardous materials regulations.

The draft *General Plan 2030* also includes policies and actions that would serve to reduce impacts related to the transport, use or disposal of hazardous materials as summarized on Table 4.14-1. Policy HZ4.4 and its supporting actions call for reduction of the risk of exposure to hazardous materials, including regulating the siting and permitting of businesses that handle hazardous materials. Policies HZ4.1 and HZ4.2 call for regulation of hazardous wastes, and HZ4.3 calls for quick and proper response to emergencies. Furthermore, Policy NRC3.2 discourages the use of environmentally harmful pesticides and herbicides.

Conclusion. Adoption and implementation of the proposed *General Plan 2030* would not directly result in new development, but new development accommodated by the Plan that utilizes hazardous materials or generates hazardous waste, would be regulated pursuant to federal, state and local laws to ensure proper transportation, handling and disposal. Furthermore, the proposed *General Plan 2030* includes goals, policies and actions that set forth measures to avoid impacts related to hazardous material use or disposal as summarized on Table 4.14-1. With adherence to local and state regulations, as well as implementation of these proposed policies and actions, the proposed *General Plan 2030*'s indirect impact related to creation of hazards due to hazardous material transport, use or disposal would be considered less-than-significant.

Mitigation Measures

No mitigation measures are required as a significant impact has not been identified.

TABLE 4.14-1
Proposed General Plan Policies & Actions that Avoid or Minimize
Hazardous Materials Impacts

Type of Measure / Action	Policies / Actions
MINIMIZE EXPOSURE TO OR CREATION HAZARDOUS MATERIAL	♦ Reduce risk of exposure to hazardous materials: HZ4.4 ♦ Regulate businesses that handle and use hazardous materials: HZ4.4.1 ♦ Periodically review and update procedures for land uses that handle, store or transport specific hazardous materials: HZ4.4.2 ♦ Reduce use of toxic materials in community: HZ4.1.4 ♦ Safe use and disposal of hazardous/toxic materials: HZ4.1.7 ♦ Require City staff to use nontoxic materials: HZ4.1.5 ♦ Discourage use of harmful pesticides, chemical fertilizers: NRC3.2 ♦ Locate sensitive land use away from hazardous materials locations: HZ2.2.3
REGULATE HAZARDOUS WASTE	♦ Regulate hazardous wastes: HZ4.1, HZ4.1.2 (hours, routes) ♦ Ensure proper handling & disposal of hazardous materials: HZ4.2 ♦ Maintain Hazardous Household Wastes facility: HZ4.2.1, HZ4.2.2 ♦ Prevent illegal dumping of hazardous waste at the Resource Recovery facility: HZ4.2.3 ♦ Work with pharmacies to provide drop-off for medications: HZ4.2.4 ♦ Work with County to prepare & implement County Hazardous Materials Plan: HZ4.1.1
PROVIDE ADEQUATE EMERGENCY RESPONSE	♦ Ensure resources for quick response to hazardous waste emergencies: HZ4.3, HZ4.3.1

Impact 4.14-2 Exposure to Hazardous Materials

Adoption and implementation of the proposed *General Plan 2030* could indirectly result in exposure to contaminated sites accidental release of hazardous materials. With adherence to federal, state and local regulations, a significant hazard would not be expected to be created. This is considered a *less-than-significant impact*.

Future development could expose the public to hazardous materials due to siting near contaminated soils or groundwater; airborne releases; or accidental releases. New development located within industrial areas or known areas of historic use of chemicals or hazardous materials would be required to prepare a Phase I Environmental Assessment to determine potential presence of soil or groundwater contamination and to conduct further monitoring with implementation of remedial actions if necessary, if sources of contamination are identified. This is typically completed as part of real estate transactions and the CEQA environmental review process.

Businesses that generate airborne toxic emissions would be subject to MBUAPCD Rule 1000, requirements for regulating sources of toxic air contaminants (TACs). This includes preparation of a health risk assessment in situations where TACs may exceed regulatory thresholds.

The redevelopment of existing development sites would result in demolition of buildings, some of which may contain asbestos and lead-based paint that could expose workers to a hazardous material release. All demolition activities would be required to be undertaken according to OSHA standards to protect workers from asbestos and lead based paint. Any demolition of buildings containing asbestos also would be required to comply with the MBUAPCD's Rule 306 that requires reporting and investigation of certain buildings with asbestos as established under federal law. The National Emissions Standards for Hazardous Air Pollutants (NESHAPS) as set forth in the Code of Federal Regulations—40 CFR Part 61--is designed to prevent "visible emissions" of asbestos when buildings are renovated or demolished. Under federal law, a building must be inspected for asbestos prior to demolition or renovation, and federal and state agencies must be notified prior to demolition. According to the State Air Resources Control board, removal and disposal of asbestos procedures and controls must be specified in the notification form.

Conclusion. Adoption and implementation of the proposed *General Plan 2030* would not directly result in new development, but new development accommodated by the Plan could result in exposure to hazardous materials due to proximity to contaminated sites or accidental release of hazardous materials. With adherence to federal, state and local regulations, the proposed *General Plan 2030*'s indirect impact related to exposure to hazardous materials would be considered less-than-significant.

Mitigation Measures

No mitigation measures are required as a significant impact has not been identified.

Impact 4.14-3 Hazardous Materials Use or Emissions Near Schools

Adoption and implementation of the proposed *General Plan 2030* could indirectly result in of school students to hazardous materials or emissions. With adherence to federal, state and local regulations, a significant hazard would not be expected to be created. This is considered a *less-than-significant impact*.

Future new development may be located within one-quarter mile of existing school facilities. As discussed in the “Schools” subsection of the PUBLIC SERVICES (Chapter 4.6) section of this EIR, there are 10 public schools and a number of private schools located within the City, as well as, the University of California campus. New development that use hazardous materials or emit TACs could result in exposure of students to these materials. However, as discussed above in Impacts 4.14-1 and 4.14-2, hazardous material use is regulated by a number of state and local agencies, and TACs are regulated by the MBUAPCD. With adherence to these regulations, exposure would be minimized as materials would be properly stored, used, and disposed pursuant to these regulations, and air emissions would be controlled to prevent exceedences of regulatory thresholds.

Conclusion. Adoption and implementation of the proposed *General Plan 2030* would not directly result in new development, but new development accommodated by the Plan that is within one-quarter mile of a school facility could result in exposure of students to hazardous materials. With adherence to federal, state and local regulations, exposure to hazardous materials and emissions would be considered less-than-significant.

Mitigation Measures

No mitigation measures are required as a significant impact has not been identified.

REFERENCES

California Department of Toxic Substance Control.

- 2007. “DTSC’s Hazardous Waste and Substances Site List – Site Cleanup (Cortese List).” online at: http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm
- 2007. “Site Cleanup.” Online at: http://www.dtsc.ca.gov/SiteCleanup/index.cfm#Cleanup_Sites