

## 4.6 HAZARDS AND HAZARDOUS MATERIALS

This section evaluates the potential hazardous material and public health impacts from implementation of the proposed project. The analysis presented in this section is based on review of the Phase I environmental site assessment (ESA) prepared for the project site (assessor parcel number 222-25-03) by Kleinfelder in September 2005.

The thresholds for determining the significance of impacts for this analysis are based on the environmental checklist in Appendix G of the State CEQA Guidelines. As described in the environmental checklist, the proposed project would result in significant hazards and hazardous materials impacts if it would emit hazardous emissions or involve the handling of hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school, or if it would be located within an airport land use plan or within 2 miles of an airport. The project site is not located within an airport land use plan or within 2 miles of a public or private airport, and no existing or proposed schools are located within 0.25 mile of the project site. The nearest school, Sierra High School, is located 0.3 mile to the north at 1700 Thomas Street. The Brock Elliott School is located 0.5 mile to the east at 1110 Stonum Lane. Therefore, the project's potential to result in hazards and hazardous materials impacts at nearby schools and airports is not evaluated further in this Draft EIR. The project's potential effect on emergency access routes and plans is discussed in Section 4.11, "Transportation and Circulation."

### 4.6.1 ENVIRONMENTAL SETTING

The project site is a fallow agricultural field and irrigation control structures run east and west along the southern border of the site. An irrigation well and pump are located at the site's western edge. In the past, the site was used for agricultural row crop production. No other structures are located on the site.

A Phase I ESA was prepared by Kleinfelder in September 2005 for the project site (copies of the report are available for review at the City of Manteca Community Development Department, 1001 W. Center Street, Manteca, California). The purpose of the Phase I ESA was to document recognized environmental conditions (RECs) on the property related to current and historical uses of the area and to evaluate the potential for release of hazardous materials from on-site or off-site sources that could significantly affect environmental conditions at the project site. The site reconnaissance and records search conducted for the Phase I ESA did not find documentation of any RECs in soil or groundwater associated with the historic use of the property (Kleinfelder 2005). Although the Phase I ESA indicates that a shed and trailer are located in the northeast corner of the site, these structures were not observed during a March 2007 site visit.

EDAW searched the U.S. Environmental Protection Agency's (EPA's) "Envirofacts" website to confirm and update information presented in the ESA. The Envirofacts website presents information from several regulatory agencies and databases, including those for the EPA, Department of Toxic Substances Control (DTSC), and Office of Emergency Services (OES). According to the Envirofacts website, no sites within 0.25 mile of the project site have the potential to create a hazardous condition on the project site or in groundwater beneath the site (EPA 2007). Therefore, this issue is not addressed further in this Draft EIR.

### SOIL/GROUNDWATER

According to the Phase I ESA, previous agricultural use of the project site could have resulted in the application of environmentally persistent pesticides. The Phase I ESA recommended shallow soil sampling for organochlorine pesticides be conducted on-site to determine the concentrations of potential contaminants in on-site soils. In addition, an irrigation well is located in the southwest corner of the site. If the well is to be removed, Kleinfelder recommends that the well be abandoned in accordance with local, state, and federal regulations (Kleinfelder 2005).

## **SEPTIC TANKS**

No septic tanks were observed at the site.

## **ASBESTOS/LEAD PAINT**

No asbestos building materials or lead containing paint were observed at the site. In addition, no “Transite”-like piping was observed on the project site. However, properties with a history of agricultural uses, such as the project site, have been known to use underground asbestos-containing Transite piping. The Phase I ESA recommended that in the event that Transite piping is encountered during site excavation and development, piping should be removed, transported, and disposed of in accordance with local, state, and federal laws and regulations.

## **PCBs**

A pad-mounted transformer was observed on the northern border of the project site. Although soil stains and a petroleum odor were noted adjacent to and north of the transformer, the staining appeared “de minimus” per the American Society of Testing and Materials (ASTM) standard and does not appear to pose an environmental concern (Kleinfelder 2005).

## **PETROLEUM HYDROCARBONS**

In the past, the site was used for agricultural row crop production. No aboveground storage tanks (ASTs), 55-gallon or other drums, underground storage tanks (USTs), odors, stressed vegetation, or chemicals were observed at the project site.

## **4.6.2 REGULATORY SETTING**

### **FEDERAL AND STATE PLANS, POLICIES, REGULATIONS, AND LAWS**

Hazardous materials handling is subject to numerous laws and regulations at all levels of government. Table 4.6-1 lists the authority of federal and state regulatory agencies that oversee hazardous materials handling and management. A summary of the most pertinent regulations is provided below.

#### **Hazardous Materials Management**

Federal and state laws require detailed planning to ensure that hazardous materials are properly handled, used, stored and disposed of, and if such materials are accidentally released, to prevent or to mitigate injury to health or the environment. The Federal Emergency Planning and Community Right-to-Know Act of 1986 imposes hazardous materials planning requirements to help protect local communities in the event of accidental release.

The California Hazardous Materials Release Response Plans and Inventory Law of 1985 (Business Plan Act) requires preparation of Hazardous Materials Business Plans and disclosure of hazardous materials inventories. A business plan includes an inventory of hazardous materials handled, facility floor plans showing where hazardous materials are stored, an emergency response plan, and provisions for employee training in safety and emergency response procedures (California Health and Safety Code, Division 20, Chapter 6.95, Article 1). Statewide, DTSC has primary regulatory responsibility for management of hazardous materials, with delegation of authority to local jurisdictions that enter into agreements with the state. Local agencies, including the San Joaquin County Department of Environmental Health (SJCDEH) and the City of Manteca Fire Department administer laws and regulations.

Storage of hazardous materials in aboveground and underground tanks is regulated by the SWRCB, which has overall responsibility for implementing all regulations set forth in the California Code of Regulations (CCR).

**Table 4.6-1  
Summary of Hazardous Materials Regulatory Authority**

Regulatory Agency	Jurisdiction	Authority
<b>Federal</b>		
Environmental Protection Agency (EPA)	Federal	Federal Water Pollution Control Act Clean Air Act Resource Conservation & Recovery Act Federal Emergency Planning and Community Right-to-Know Act (EPCRA) Comprehensive Environmental Response, Compensation & Liability Act Superfund Amendments & Reauthorization Act Federal Insecticide, Fungicide & Rodenticide Act
Department of Transportation (DOT)	Federal	Hazardous Materials Transportation Act
Occupation Safety and Health Administration (OSHA)	Federal	Occupational Safety & Health Act
<b>State</b>		
Department of Toxic Substances Control (DTSC)	Statewide	Health and Safety Code CCR Titles 17, 19, & 22
Department of Industrial Relations (Cal-OSHA)	Statewide	California Occupational Safety & Health Act
Department of Transportation (Caltrans)	Statewide	Hazardous materials transportation
Public Utilities Commission (PUC)	Statewide	Natural gas pipelines; General Order No. 112-D
Office of Emergency Services (OES)	Statewide	Hazardous Materials Release/Response Plans Acutely Hazardous Materials Law
State Fire Marshall	Statewide	Uniform Fire Code, CCR Title 19 Hazardous liquid pipelines
Health & Welfare Agency	Statewide	Safe Drinking Water & Toxic Enforcement Act
Integrated Waste Management Board	Statewide	AB 939
State Water Resources Control Board (SWRCB)	Statewide	Porter-Cologne Water Quality Control Act CCR Title 23
Central Valley Regional Water Quality Control Board (RWQCB)	Regional	NPDES permit requirements
San Joaquin Valley Air Pollution Control District (SJVAPCD)	Regional	California Clean Air Act, SJVAPCD Regulations
<b>Local</b>		
San Joaquin County Environmental Health Department	County	Hazardous materials disclosure Contaminated sites cleanup CCR Title 22 CEQA implementation
County Agricultural Commissioner	County	Agricultural chemicals regulation
City of Manteca Sewer Utility	Local	Wastewater conveyance
City of Manteca Fire Department	Local	Hazardous materials disclosure Emergency response
Source: Date compiled by EDAW in 2006		

## Worker Safety

The Cal-OSHA and the federal Occupational Safety and Health Administration (OSHA) are the agencies responsible for assuring worker safety in the handling and use of chemicals in the Occupational Safety and Health Act of 1970. Fed-OSHA has adopted numerous regulations pertaining to worker safety, contained in the Code of Federal Regulations Title 29 (29 CFR). These regulations set standards for safe workplaces and work practices, including standards relating to hazardous material handling. Cal-OSHA assumes primary responsibility for developing and enforcing state workplace regulations. Because California has a federally approved OSHA

program, it is required to adopt regulations that are at least as stringent as those found in 29 CFR. Cal-OSHA standards are generally more stringent than federal regulations.

Cal-OSHA regulations pertaining to the use of hazardous materials in the workplace, as detailed in CCR Title 8, include requirements for safety training, availability of safety equipment, accident and illness prevention programs, hazardous substance exposure warnings, and emergency action and fire prevention plan preparation. Cal-OSHA enforces hazard communication program regulations that contain training and information requirements, including procedures for identifying and labeling hazardous substances, communicating hazard information related to hazardous substances and their handling, and preparation of health and safety plans to protect workers and employees at hazardous waste sites. The hazard communication program requires that Material Safety Data Sheets (MSDSs) be available to employees and that employee information and training programs be documented.

### **Emergency Response to Hazardous Materials Incidents**

California has developed an Emergency Response Plan to coordinate emergency services provided by federal, state, and local government and private agencies. Response to hazardous materials incidents is one part of this plan. The plan is managed by the State OES, which coordinates the responses of other agencies including the Cal-EPA, the California Highway Patrol (CHP), California Department of Fish and Game, Central Valley Regional Water Quality Control Board (RWQCB), SJCDEH, San Joaquin County Sheriff's Department, and the City of Manteca Fire Department.

### **Hazardous Materials Transport**

The U.S. Department of Transportation regulates hazardous materials transportation between states. State agencies with primary responsibility for enforcing federal and state regulations and responding to hazardous materials transportation emergencies are the CHP and the California Department of Transportation (Caltrans). Together, these agencies determine container types used and license hazardous waste haulers for hazardous waste transportation on public roads.

### **Hazardous Waste Management**

The California DTSC regulates the generation, transportation, treatment, storage, and disposal of hazardous waste under the Federal Resource Conservation and Recovery Act and the State Hazardous Waste Control Law. Both laws impose comprehensive regulatory systems for handling hazardous waste in a manner that protects human health and the environment.

## **REGIONAL AND LOCAL PLANS, POLICIES, REGULATIONS, AND ORDINANCES**

### **City of Manteca General Plan**

The City of Manteca General Plan (City general plan) includes the following goals and policies related to hazards and hazardous materials that are relevant to this analysis:

- ▶ **Policy S-P-16:** City approvals of all new development shall consider the potential for the production, use, storage, and transport of hazardous materials and provide for reasonable controls on such hazardous materials.
- ▶ **Policy S-P-17:** Within its authority, the City shall regulate the production, use, storage, and transport of hazardous materials to protect the health of Manteca residents.

## 4.6.3 ENVIRONMENTAL IMPACTS

### ANALYSIS METHODOLOGY

The following information and reports documenting potential hazardous conditions at the project site were reviewed for this analysis:

- ▶ plans for the project;
- ▶ available literature, including documents published by city, county, state, and federal agencies;
- ▶ applicable elements from the City general plan; and
- ▶ *Phase I Environmental Site Assessment for Approximate 16-Acre Proposed Lowe's* (Kleinfelder 2005).

In addition to reviewing the above reports, EDAW searched the EPA's Envirofacts website (as described above) to confirm information presented in the ESA and to identify any new hazardous material sites in the project area. Project activities were evaluated against the hazardous materials information gathered from the above sources to determine whether any risks to public health and safety or other conflicts would occur.

### THRESHOLDS OF SIGNIFICANCE

The project would result in significant hazardous materials impacts if it would:

- ▶ 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 or through the routine transport, use, or disposal of hazardous materials;
- ▶ result in safety hazards to people residing or working in the project area; or
- ▶ expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

### IMPACT ANALYSIS

**IMPACT 4.6-1 Hazards and Hazardous Materials — Create a Safety Hazard to Construction Workers and Residents.**  
*Although no hazardous environmental conditions have been identified to date on the project site, past agricultural and farming operations at the project site could have resulted in contamination of soil and/or groundwater in some locations. In addition, demolition, excavation, and construction activities at the project site could result in the exposure of construction workers to previously undiscovered hazardous materials, including asbestos, petroleum hydrocarbons, and pesticides. The presence of contamination in on-site soils could create a significant environmental or health hazard if left in place. This would be a **potentially significant impact**.*

The Phase I ESA report states that previous agricultural use of the project site could have resulted in elevated concentrations of hazardous constituents (i.e., pesticides) in surface soils and potentially groundwater. In addition, although no asbestos building materials or lead containing paint were observed at the site, properties with a history of agricultural uses, such as the project site, have been known to use underground asbestos-containing Transite piping.

Development of the project would involve site grading, excavation for utilities, backfilling, demolition of existing structures (including the irrigation control structures, irrigation well, pump, and possibly Transite piping), and construction of new commercial facilities. During construction activities, construction workers could come in contact with and be exposed to hazardous materials present in soils and groundwater. Further, the presence of contamination in on-site soils could create a significant environmental or health hazard if left in place. Because

construction workers could be exposed to known or previously undiscovered hazardous materials present on-site (including asbestos-containing Transite piping) during construction activities and contamination in on-site soils and groundwater could create a significant environmental or health hazard if left in place, this would be a **potentially significant** impact.

**IMPACT** Hazards and Hazardous Materials — Create a Significant Hazard to the Public or the Environment.  
4.6-2 *The project would involve the storage, use, and transport of hazardous materials at the project site during construction activities. In addition, because the project includes commercial uses, it is possible that some facilities could use or store hazardous materials during operation. However, use of hazardous materials at the site would be in compliance with local, state, and federal regulations. Therefore, impacts related to creation of significant hazards to the public or the environment through routine transport, storage, use, disposal, and risk of upset would be less than significant.*

Development of the project site with commercial uses would involve the storage, use, and transport of hazardous materials during construction activities. In addition, commercial uses associated with project operation could include facilities that could use, store, and routinely transport hazardous materials on and off the project site. Transportation of hazardous materials on area roadways is regulated by the CHP and Caltrans, whereas use of these materials is regulated by the DTSC, as outlined in Title 22 of the CCR. The project applicant, builders, contractors, business owners, and others would be required to use, store, and transport hazardous materials in compliance with local, state, and federal regulations during project construction and operation. Facilities that would use hazardous materials on-site after the project is constructed would be required to obtain permits and comply with appropriate regulatory agency standards designed to avoid hazardous waste releases. Therefore, the project would be consistent with relevant City general plan policies that regulate the use of hazardous materials (policies S-P-16 and S-P-17).

An irrigation well is located in the southwest corner of the site. The proposed project would not utilize the existing irrigation well for landscape irrigation, and water for site landscape irrigation would be provided by the City (Bouillon, pers. comm., 2007). Because the on-site irrigation well would not be utilized, it would be closed and destroyed in accordance with local, state, and federal regulations.

Because the project would implement and comply with existing hazardous material and well closure regulations, impacts related to creation of significant hazards to the public or the environment through routine transport, use, disposal, and risk of upset of hazardous materials would be unlikely with project development. Therefore, this would be a **less-than-significant** impact.

**IMPACT** Hazards and Hazardous Materials — Potential Wildfire Hazard. *The project site is not located in a designated wildland fire area or a High Fire Hazard Severity Zone. Therefore, the project would not expose people or structures to significant risk of loss or injury involving wildland fires. This would be a less-than-significant impact.*

The California Department of Forestry and Fire Protection identify wildland fire areas and Very High Fire Hazard Severity Zones for all counties in California. None of these areas or zones are located in or near the City of Manteca (California Resources Agency 2003). In addition, the project site is located within an established urban area. Therefore, the project would not expose people or structures to significant risk of loss or injury involving wildland fires. This would be a **less-than-significant** impact.

#### 4.6.4 MITIGATION MEASURES

No mitigation measures are required for the following less-than-significant impacts:

Impact 4.6-2: Create a Significant Hazard to the Public or the Environment.

Impact 4.6-3: Potential Wildfire Hazard.

The following mitigation measure is provided for the potentially significant impact.

**Mitigation Measure 4.6-1: Create a Safety Hazard to Construction Workers and Residents.**

- a. To avoid health risks to construction workers, prior to issuance of a grading permit the applicant shall prepare a site Health and Safety Plan. This plan will outline measures that shall be employed to protect construction workers and the public from exposure to hazardous materials during demolition and construction activities. These measures could include, but would not be limited to, posting notices, limiting access to the site, air monitoring, watering, and installation of wind fences. Development contractors shall be required to comply with state health and safety standards for all demolition work. If necessary, this shall include compliance with OSHA and Cal-OSHA requirements regarding exposure to asbestos and lead-based paint.
- b. Before demolition of any structures associated with past and current farming operations (i.e., irrigation control structures, irrigation well, pump, and any Transite piping) or grading in any areas of previously undiscovered contamination, the project applicant shall investigate the extent to which soil and/or groundwater has been contaminated from past operations. This investigation shall follow ESA and/or other appropriate testing guidelines and shall include, as necessary, analysis of soil and/or groundwater samples taken at or near potential contamination sites. If the results indicate that contamination exists at levels above regulatory action standards, then the SJCDEH shall be notified and the site shall be remediated in accordance with recommendations made by SJCDEH, RWQCB, DTSC, or other appropriate federal, state, or local regulatory agencies. The agencies involved would depend on the type and extent of contamination. Remediation activities could include but would not be limited to the excavation of contaminated soil areas and hauling of contaminated soil materials to an appropriate off-site disposal facility, mixing of on-site soils, and capping (i.e., paving or sealing) of contaminated areas.
- c. The project contractors shall prepare a site plan that identifies any necessary remediation activities appropriate for proposed land uses, including excavation and removal of on-site contaminated soils, and redistribution of clean fill material on the project site. The plan shall include measures that ensure the safe transport, use, and disposal of contaminated soil and building debris removed from the site. In the event that contaminated groundwater is encountered during site excavation activities, the contractor shall report the contamination to the appropriate regulatory agencies, dewater the excavated area, and treat the contaminated groundwater to remove contaminants before discharge in the sanitary sewer system. The development contractors shall be required to comply with the plan and applicable local, state, and federal laws and the requirements of the City of Manteca for dewatering discharge. The plan shall outline measures for specific handling and reporting procedures for hazardous materials, and disposal of hazardous materials removed from the site at an appropriate off-site disposal facility.

In addition, the following measures shall apply to construction activities as appropriate.

- (1) The SJCDEH shall be notified if evidence of previously undiscovered soil or groundwater contamination (e.g., stained soil, odorous groundwater) is encountered during excavation. Any contaminated areas shall be remediated in accordance with recommendations made by SJCDEH, RWQCB, DTSC, or other appropriate federal, state, or local regulatory agencies as generally described above.

- (2) Before demolition of any Transite piping, the project applicant shall hire a qualified consultant to investigate whether any of this piping, including recently demolished piping, contain asbestos-containing materials that could become friable or mobile during demolition activities. If found, the asbestos-containing materials shall be removed by an accredited inspector in accordance with EPA and Cal-OSHA standards. In addition, all activities (construction or demolition) in the vicinity of these materials shall comply with Cal-OSHA asbestos worker construction standards. The asbestos-containing materials shall be disposed of properly at an appropriate off-site disposal facility.

#### **4.6.5 LEVEL OF SIGNIFICANCE AFTER MITIGATION**

With implementation of the mitigation measure identified above, the project's hazards and hazardous materials impacts would be reduced to a less-than-significant level because the contractor shall prepare a site Health and Safety Plan; investigate the extent to which soil and/or groundwater has been contaminated from past operations; and prepare a site plan that identifies any necessary remediation activities appropriate for proposed land uses, including excavation and removal of on-site contaminated soils and redistribution of clean fill material on the project site.