

## **4.7 HAZARDS AND HAZARDOUS MATERIALS**

This section describes existing and potential sources of environmental hazards and hazardous materials associated with the proposed project. The information referenced in this section was gathered from a Phase 1 Environmental Site Assessment (ESA) prepared for this project and previous documentation prepared for the Halcyon Road Master Environmental Impact Report (EIR) (Morro Group 2007). Information on the potential for naturally-occurring asbestos hazards is included in the Air Quality section of this EIR.

### **4.7.1 Existing Conditions**

#### **4.7.1.1 Hazardous Material Definition**

As defined in Chapter 6.95 of Division 20 of the California Health and Safety Code, Section 25501(k), a hazardous material is "...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 which 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."

#### **4.7.1.2 Hazard Versus Risk**

Worker safety and public health are potentially at risk whenever hazardous materials are used or exposed. It is often helpful to distinguish between the "hazard" associated with these materials and the "risk" they pose to human health or the environment. A hazardous material has the potential to cause damage upon accident or incidental exposure. The risk of an event is determined by a combination of the probability of exposure to hazardous materials and the severity of consequences should exposure occur (California Office of Emergency Services 1989). The likelihood of exposure to a hazardous material coupled with its inherent hazardous properties determines the degree of risk to public health or the environment. To be of high risk, exposure to a hazardous material must be both likely and have negative consequences.

#### **4.7.1.3 Site Conditions**

The proposed project site includes channelized portions of Arroyo Grande Creek and Los Berros Creek. The areas immediately north of the project site have undergone increasing urbanization over the last 100 years. The area north of the project site includes single family residences, mobile home parks, industrial uses, agricultural uses, the Oceano County Airport, and the Oceano Wastewater Treatment Plant. The Union Pacific Railroad (UPRR) railroad lines (formerly the Southern Pacific Railroad) were in place by 1901.

Areas south of the channel have remained in agricultural cultivation over the same period. Scattered residences and agriculture accessory buildings do exist south of the channels. A small sand mine is located just south of the western end of the project area.

#### **4.7.1.4 Hazardous Materials Land Uses**

The following land uses associated with hazards and hazardous materials were identified within the vicinity of the proposed project site.

### Propane Filling and Storage Station

Delta Liquid Energy, a liquid propane company has a distribution station located on the west side of Arroyo Grande Creek near the western intersection of Highway 1 and Halcyon Road. Access to the site is from Highway 1. The parking lot is large enough to accommodate multiple trucks to park off of the street and to turn around without affecting traffic flow on Highway 1. The station contains two large, liquid propane storage tanks, set behind protective steel bollards, which are located adjacent to Arroyo Grande Creek and on the opposite side of the large unpaved parking area from a small residential building containing a home office.

### Buried Natural Gas and Petroleum Lines

The Phase I ESA prepared for the Halcyon Road Master EIR identified two sets of pipes, buried at an unknown depth adjacent to Halcyon Road, within the project area. The first set, operated by Southern California Gas Company, is a 16-inch pipe used for transporting and distributing natural gas which extends along the south and west side of Halcyon Road. The second, an eight-inch semi-refined petroleum pipeline operated by ConocoPhillips (who acquired the pipelines from Tosco/Unocal) extends along the north and east side of Halcyon Road. Both sets of pipes are fitted with pressure monitoring and leak detection devices, as well as manual shut off valves that can be utilized in the event that a leak is detected. There are no documented releases from these pipelines. The pipes are checked aerially twice a week for leaks, and on foot six times per month (Morro Group 2007). These lines are identified in the conceptual plans. A third gas line was identified during preparation of the conceptual plans for this proposed project. It is located below the eastern levee and crosses west over the creek near the northern limits of the project area.

### Agricultural Hazards

Intensive agriculture dominates the project area, particularly on the southern side. Agricultural activities involve regular plowing by large farm equipment, laying irrigation pipes and irrigation, pesticide use, and crop harvesting. The Phase I ESA prepared for the Halcyon Road Master EIR included soil testing at locations north and south of Highway 1, adjacent to Halcyon Road. These areas are relatively close to where levee improvements are proposed. The soil was tested to a depth of one foot. A number of pesticide residues were discovered, but were below levels that pose a risk during construction.

There are two locations where storage of agricultural pesticides may occur relatively close to the proposed project. One location is south of the Arroyo Grande Creek channel on either side of the UPRR railroad. This site includes above-ground storage tanks (AST). The other site is located east of the channel near the northern terminus of the project area. These areas appear to include storage and maintenance of agricultural equipment. The Phase I ESA notes that these types of operations are known to store and mix agricultural chemicals. Further, the active agricultural operations regularly apply pesticides or other hazardous materials to the soil and crops.

### Union Pacific Railroad

Active and inactive railroad beds frequently have concentrations of petroleum products and lead elevated above natural background conditions. Petroleum product concentrations and lead concentrations are derived from drippings from rail vehicles and flaked paint, respectively. Wooden railroad ties may contain preservatives (i.e., creosote), some of which may contain hazardous constituents. The Phase I ESA prepared for this project notes that typically railroad

right-of-way soils contain elevated concentrations of arsenic, as well as lead and organochlorine pesticides due to former weed control practices.

### Oceano County Airport

The Oceano County Airport is located northwest of the project site. The airport has one runway approximately 2,300 feet long and 50 feet wide. The southern end of the runway extends to within approximately 200 feet of the northern levee. The airport does not have scheduled carrier service. The airport has its own planning areas, which reflect state and federal airport safety regulations and local land uses.

The airport seeks to avoid accidents through minimizing potential obstructions (landforms, towers, trees, etc.) to aircraft and minimizing hazards which would potentially interfere with the takeoff, landing, or maneuvering of aircraft at the Airport. These hazards include electrical interference, land uses which may attract birds or produce smoke, among others.

#### **4.7.1.5 Agency Records**

Federal, state, and local regulatory agencies publish databases or “lists of businesses and properties that handle hazardous materials or hazardous waste, or are the known location of a release of hazardous substances to soil and/or groundwater. These databases are available for review and/or purchase at the regulatory agencies, or the information may be obtained through a commercial database service. The databases checked are shown in Table 4.6-1. Three potential hazardous materials sites were identified in the search (bold findings in Table 4.6-1) and described below.

### Leaking Underground Storage Tank

The Regional Water Quality Control Board (RWQCB) maintains records of reported leaking underground storage tank (LUST) incidents and is required to submit an annual report to the state that covers the reported leaks of hazardous substances from underground storage tanks. There is one RWQCB LUST property listed within one-half mile of the site. The Craig Bell property is a former gasoline service station located approximately one-third of a mile north of the site at the intersection of Front St. and Highway 1. According to reports reviewed at RWQCB, groundwater monitoring and remediation are on-going as of the beginning of 2008. The groundwater contamination plume does not extend beyond a one block area of that facility, which would not include the project site.

### Underground Storage Tank

Fukuhara Farms, located at 1091 South Halcyon Road is listed on the historical underground storage tank (UST) list maintained by the State Water Resources Control Board as having two tanks. A file review conducted at the County of San Luis Obispo Office of Environmental Health Services (CSLOEHS) revealed no evidence of USTs at the facility. However, a 500-gallon diesel above ground storage tank (AST) and a 500-gallon gasoline AST were noted at the facility. Waste oil and filters were also listed, but records did not indicate the waste oil was being stored in a tank (AST or UST). These tanks are not located within the proposed area of disturbance.

### Cortese List

The Office of Environmental Protection (OEP), Office of Hazardous Materials maintains the Identified Hazardous Waste and Substances Site database also known as the Cortese list. This

database identifies contaminated public drinking water supply wells, sites selected for remediation, sites with known toxic releases, UST sites with reported releases, and solid waste disposal facilities where contamination migration is known. There is one Cortese listed property within a half-mile of the site. The Bell property, discussed above, appears on this list. As previously discussed, the groundwater contamination plume does not extend beyond a one block area of that facility, which does not include the project site.

**Table 4.7-1. Environmental Database Records Search**

Database	Agency	Search Radius	Findings
<b>Federal</b>			
NPL	EPA	1 mile	None listed
CERCLIS	EPA	½ mile	None listed
RCRA-TSD	EPA	1 mile	None listed
RCRA-GEN	EPA	Site and bordering	None listed
ERNS	EPA	Site	None listed
CORRACTS TSD	EPA	1 mile	None listed
Non-CORRACTS TSD	EPA	½ mile	None listed
<b>State</b>			
BEP/AWP/EnviroStor	Cal-EPA	1 mile	None listed
SWIS/SWAT V	RWQCB	½ mile	None listed
<b>LUST</b>	<b>RWQCB</b>	<b>½ mile</b>	<b>One</b>
SLIC	SWCB	½ mile	None listed
<b>UST</b>	<b>CSLOEHS</b>	<b>Site and bordering</b>	<b>One</b>
CHMIRS	CIWMB	Site and bordering	None listed
<b>CORTESE</b>	<b>OEP</b>	<b>½ mile</b>	<b>One</b>

## 4.7.2 Regulatory Setting

Hazards and hazardous material management is subject to multiple laws, policies, and regulations at all levels of government. The agencies responsible for enforcing applicable laws and regulations develop and enforce standards for the handling and cleanup of specific materials determined to pose a risk to human health or the environment. The enforcing agency at the local level for the proposed project area is San Luis Obispo County Health Agency, Division of Environmental Health. Enforcement agencies at the State level include two branches of the California Environmental Protection Agency (CalEPA): the Department of Toxic Substances Control (DTSC), and the RWQCB. The Federal enforcement agency is the EPA. A brief description of agency involvement in management of hazardous materials is provided below.

### 4.7.2.1 Federal Policies and Regulations

The EPA is the Federal agency responsible for enforcement and implementation of federal laws and regulations pertaining to hazardous materials; in addition, the EPA provides oversight and supervision for some site investigation/remediation projects. For disposal of certain hazardous wastes, the EPA has developed land disposal restrictions and treatment standards. Legislation includes the Resources Conservation and Recovery Act of 1986 (RCRA), the Superfund Amendments and Reauthorization Act of 1986 (SARA), and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). The Federal regulations are primarily codified in Title 40 of the Code of Federal Regulations (CFR). These laws and regulations include specific requirements for facilities that handle, generate, use, store, treat, transport, and/or dispose of hazardous materials, as well as for investigation and cleanup of contaminated property.

### 4.7.2.2 State Policies and Regulations

#### Central Coast Regional Water Quality Control Board

The project site is located within the jurisdiction of the Central Coast RWQCB. The RWQCB is authorized by the California Porter-Cologne Water Quality Act of 1969 ("the Porter-Cologne Act"), to implement water quality protection laws. When the quality of the groundwater or the surface waters of the State is threatened, the RWQCB has the authority to require investigations and remedial actions. In addition, the Central Coast RWQCB is the State regulatory agency that oversees the local Leaking Underground Fuel Tank (LUFT) program, which was established to regulate underground fuel tanks. Under the LUFT program, local implementing agencies are required to permit, inspect, and oversee monitoring programs to detect leakage of hazardous materials.

#### California Environmental Protection Agency, Department of Toxic Substances Control

In California, the DTSC, a branch of CalEPA, works in conjunction with, or in lieu of, the EPA to enforce and implement specific hazardous materials laws and regulations. California has enacted its own legislation pertaining to the management of hazardous materials.

#### California Occupational Safety and Health Agency

Worker health and safety in California is regulated by the Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA). Cal/OSHA standards and practices for workers dealing with hazardous materials are contained in Title 8 of the CCR, and include Division 1, Chapter 4, Subchapter 7 (General Industry Safety Orders) and Section 5192

(Hazardous Waste Operations and Emergency Response). General construction regulations are found in Division 1, Chapter 4, sub-chapter 4 (Construction Safety Orders). Cal/OSHA offers on-site evaluations and issues notices of violation to enforce necessary improvements to on-site health and safety practices to achieve compliance with regulations.

### Hazardous Materials Release Response Plans and Inventory Act of 1985

The Hazardous Materials Release Response Plans and Inventory Act, also known as the Business Plan Act, requires businesses using hazardous materials to prepare a plan that describes their facilities, inventories, emergency response plans, and training programs. Hazardous materials are defined as raw or unused materials that are part of a process or manufacturing step. They are not considered to be hazardous waste. Health concerns pertaining to the release of hazardous materials; however, are similar to those relating to hazardous waste.

### Hazardous Waste Control Act

The Hazardous Waste Control Act created the state hazardous waste management program, which is similar to, but more stringent than, the federal Resource Conservation and Recovery Act program. The act is implemented by regulations contained in Title 26 of the California Code of Regulations, which describes required aspects for the proper management of hazardous waste.

### Emergency Services Act

Under the Emergency Services Act, the state developed an emergency response plan to coordinate emergency services provided by federal, state, and local agencies. Rapid response to incidents involving hazardous materials or hazardous waste is an important part of the plan, which is administered by the California Office of Emergency Services. The office coordinates the responses of other agencies, including EPA, the California Highway Patrol, regional water quality control boards, air quality management districts, and county disaster response offices.

## **4.7.2.3 Local Policies and Regulations**

### San Luis Obispo County Air Pollution Control District

The federal and state Clean Air Acts are enforced locally by the San Luis Obispo County Air Pollution Control District (SLOAPCD). The SLOAPCD regulates potential discharges of criteria air pollutants (including organic compounds that contribute to ozone formation) and toxic air contaminants.

### San Luis Obispo County Office of Emergency Services

The County Office of Emergency Services is an emergency management agency with responsibilities that include coordination of emergency and disaster preparedness planning, response, and recovery with and between local, state, and federal agencies. The County Office of Emergency Services is committed to serving the public before, during and after times of emergency and disaster by promoting effective coordination between agencies, and encouraging emergency preparedness of the public and organizations involved in emergency response.

### San Luis Obispo County Health Agency

Pursuant to State law and local ordinance, the Division of Environmental Health of the San Luis Obispo County Health Agency conducts inspections to ensure proper handling, storage, and disposal of hazardous materials and proper remediation of contaminated sites. In addition, the Hazardous Materials Release Response Plans and Inventory Law of 1985 (Business Plan Act, [i.e., Chapter 6.95 of Division 20 of the California Health and Safety Code]) requires that any business that handles or stores hazardous materials prepare a Hazardous Materials Business Plan. Under this law, businesses are required to submit inventories of on-site hazardous materials and wastes and the locations where these materials are stored and handled. This information is collected and certified by San Luis Obispo County Environmental Health Department for emergency response purposes. There are no cities within San Luis Obispo County that have adopted and implemented their own hazardous materials programs in lieu of the County program; however, the City of San Luis Obispo Fire Department is a participating agency with San Luis Obispo County.

### Oceano County Airport Land Use Plan

The purpose of the Airport Land Use Plan (ALUP) is to ensure compatible land uses in the vicinity of the airport, promote the safety and well-being of the public by ensuring adoption of land use regulations, minimize exposure of persons to hazards associated with the operation of the Oceano County Airport, to provide a set of policies and criteria to assist the Airport Land Use Commission (ALUC) in evaluating the compatibility of proposed actions of local agencies with the present and future operations at the Oceano County Airport and with the ALUP, and to provide guidance to local agencies in presenting proposed actions to the ALUC for review. The ALUP designates specific airport-related planning areas that restrict development based on its potential to interfere or be affected by the airport.

### **4.7.3 Thresholds of Significance**

Appendix G of the CEQA *Guidelines* states that a project would normally have a significant impact if it would create a potential health hazard or involve use, production, or disposal of materials that pose a hazard to people, animal, or plant populations in the area affected. For the purposes of this analysis, an impact would be considered significant if the project would:

1. Create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials;
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accidental conditions involving the release of hazardous materials into the environment;
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or planned school; or
4. Be located on a site which is included on a list of hazardous materials sites compiled by local, state, or federal agencies and, as a result, will create a significant hazard to the public or the environment.
5. Substantially increase hazards due to a design feature or incompatible uses.

#### 4.7.4 Impact Assessment and Methodology

The EIR impact analysis focuses on potential health risks associated with the proposed project, particularly from surrounding land uses where the potential for hazardous material release could be encountered and affect the project site. Methodology for assessing the proposed project includes a review of the Phase I ESA prepared for the project and existing regulatory plans and policies. Significant impacts would result if the project would increase the likelihood that hazardous materials or conditions would be encountered or created during project implementation due to existing conditions such as leaking USTs, or the characteristics of the proposed project.

#### 4.7.5 Project-Specific Impacts and Mitigation Measures

Potential hazards and/or hazardous materials identified in this chapter occur in and around the project site. Those identified are associated with hazards located below ground (i.e., pipelines), potentially contaminated surface or subsurface soils, and above-ground storage tanks. Components of the project that would require significant disturbance of surface conditions or operation of heavy machinery in proximity to hazardous materials are those most likely to result in significant impacts.

##### 4.7.5.1 Propane Filling and Storage Station

Based on the conceptual plans prepared for the project, only the Alternative 3c levee raise component would require disturbance in proximity to the propane tanks. As currently proposed, that component would require relocation of the tanks. It may be possible to construct retaining walls along that portion of the property and avoid relocation, but it is unknown at this time if that is a preferred and feasible alternative.

##### **HAZ Impact 1    The construction of Alternative 3c may require the relocation of potentially explosive liquid natural gas storage tanks.**

##### Mitigation Measures

*HAZ/ mm-1        Prior to completion of the final design plans, the District shall obtain the natural gas purveyor's Hazardous Materials Plan, which shall include, but is not limited to, details of the existing and proposed storage tank locations and associated infrastructure, and relocation procedures. The procedures shall be referenced on the final plans and implemented during construction, as necessary.*

##### Residual Impact

There is a certain amount of inherent risk in the storage and use of natural gas that no precautions can fully mitigate. However, with caution and professional handling and operation, these risks can be mitigated to acceptable levels. With implementation of this mitigation, impacts would be *less than significant*.

##### 4.7.5.2 Buried Natural Gas and Petroleum Lines

As proposed, the initial sediment management activities would include excavation within the proposed alignment of the buried pipelines. Excavations for construction of Alternative 3a and 3c may also be deep enough to warrant mitigation as well.

**HAZ Impact 2**     **Implementation of the sediment management, and Alternative 3a and 3c components of the project, could potentially disturb existing gas and petroleum pipelines located within the Arroyo Grande Creek channel and levees.**

Mitigation Measures

*HAZ/mm-2*            *Prior to construction, pipeline locations shall be clearly indicated on construction plans and in the field. Project plans shall include specific measures to be taken by construction crews so that damage to the pipelines is avoided.*

Residual Impact

Implementation of this measure would reduce potential impacts to a *less than significant level*. No additional mitigation is required.

**4.7.5.3 Agricultural Hazards**

Soils test performed for the Halcyon Road MEIR indicate that soil pesticide levels in areas along Halcyon Road do not warrant further action. However the active agricultural operations adjacent to the project site include the regular spraying and use of potentially hazardous materials including fertilizer and pesticides. Construction crews could be exposed to pesticide during all components of the proposed project given the proximity of the project site to active operations.

In addition, there are several ASTs adjacent to the project site which could be encountered during construction activity.

**HAZ Impact 3**     **During implementation of the WMP, construction workers may be exposed to agricultural chemicals due to overlap between normally scheduled applications and construction activities.**

Mitigation Measures

*Implement AGR/mm-5.*

*HAZ/mm-3*            *At least 30 days prior to commencement of all construction activities, the County shall provide local agriculturalists a construction schedule and request that use of agricultural chemicals (particularly sprays) be limited during construction hours (typically 8:00 a.m. to 4:00 p.m.).*

Residual Impact

Implementation of these measures would result in close coordination between construction crews and local agriculturalists, reducing potential conflicts and hazards to *less than significant*. No additional mitigation is required.

**HAZ Impact 4**     **Heavy machinery would be operated in proximity to ASTs and other storage equipment which may contain hazardous materials.**

## Mitigation Measures

*Implement AGR/mm-5.*

*HAZ/mm-4*      *Prior to initiation of construction activities that include heavy machinery, existing ASTs located within 50 feet of the exterior toe of the levee slopes shall be identified on construction plans and identified in the field.*

## Residual Impact

Implementation of these measures would reduce potential impacts to *less than significant*. No additional mitigation is required.

### **4.7.5.4 UPRR Right-of-Way**

Project components, including Alternative 3a and 3c levee raise and the UPRR bridge raise, would include disturbance within the UPRR right-of-way and may potentially encounter hazardous materials associated with the railroad.

**HAZ Impact 5**      **Construction activities associated with the Alternative 3a and 3c levee raise and the UPRR bridge raise may expose construction crews to hazardous soil conditions associated with the railroad right of way.**

## Mitigation Measures

*HAZ/mm- 5*      *Prior to construction of any project component that would result in significant disturbance within the UPRR railroad right-of-way, a qualified consultant shall perform soils tests to determine whether or not hazardous conditions exist. If so, a Contaminated Materials Management Plan (CMMP) shall be developed in coordination with the County Environmental Health Division and implemented during construction.*

## Residual Impact

Implementation of this measure would reduce potential impacts to a *less than significant level*. No additional mitigation is required.

## Secondary Impact

In the event that soils contamination is present, the disturbed soils may have to be removed from the site and disposed of at an appropriate location. For Alternative 3a and 3c, the area of disturbance is relatively small and the amount of soil to be removed may be less than 100 cubic yards. The UPRR bridge raise would require significant disturbance in the right of way, although the amount of contaminated soil to be hauled would be insignificant when compared to the total earthwork required for this component (135,000 cubic yards). Therefore additional truck trips related to soil hauling would be *less than significant*.

### **4.7.5.5 Oceano County Airport**

Portions of the project would be located adjacent to areas that the Airport Master Plan notes are exposed to "Severe/Significant Airport Impact". These areas include the Runway Protection Zone, area Oa (Open Space), and area I-2 (Industrial). The proposed project would not

increase development density in these areas or attract more people to these areas, and therefore, would not expose additional persons to aircraft hazards.

Alternatives 3a and 3c would increase the levee heights along the channel between the UPRR bridge and the eastern end of the runway. Alternative 3c would increase the height by as much as four feet in some places, raising the levee to an elevation of approximately 34 feet above sea level west of the UPRR bridge. At this point the levee is approximately 1,500 feet from the southern end of the runway. This increase in height would not affect the visibility of the runway or pose an impact hazard to aircraft.

The vegetation management component of the project includes in some places, the planting of “upland” riparian species, such as cottonwood and sycamore. These trees are longer-lived, provide habitat, and require less maintenance than willows. However they can also grow much higher. Sycamores could easily reach 50 to 100 feet in height. This could pose a strike hazard to aircraft and potentially affect visibility of the runway.

**HAZ Impact 6 Proposed vegetation management would potentially introduce taller tree species near the southern end of the runway, resulting in a strike hazard to aircraft.**

Mitigation Measures

*HAZ/mm-6 Planting tall tree species (sycamore or cottonwood) within the channel between the UPRR bridge and the southern end of the runway shall be prohibited.*

Residual Impact

Implementation of this measure would reduce potential impacts to a *less than significant level*. No additional mitigation is required.

**4.7.6 Cumulative Impacts**

Potential hazards and use of hazardous materials are location-specific to the extent that they may result in significant impacts on the localized environment, but they are not “cumulative” in the sense normally applied in CEQA documents. Further, the impacts identified in this section are associated with relatively short-term construction activities, with the exception of long-term vegetation and sediment management. Therefore, the cumulative impacts related to these issues and mitigation measures that have been identified for the proposed project would apply cumulatively as well. Cumulative impacts would be *less than significant*. No additional mitigation is required.

This page intentionally left blank.