4.14 HAZARDOUS MATERIALS

INTRODUCTION

The presence of hazardous materials is a part of everyday life that could affect residents, workers, and visitors within the County. Certain activities can pose a risk of exposure to people or the environment due to routine or accidental releases, such as spills, or as a result of possible contamination related to past uses of property. This section describes the potential adverse impacts on human health that could result from the use of hazardous materials and hazards associated with soil or groundwater contamination from past uses.

ENVIRONMENTAL SETTING

The following summarizes information contained in Chapter 9.6 and Chapter 9.7, Safety, Hazardous Waste and Hazardous Materials Emergency Response, in the *General Plan Background Report (Background Report)*, which are hereby incorporated by reference.

Hazardous Materials Use and Hazardous Waste

Various industrial and commercial facilities within the County use and store hazardous materials and generate hazardous waste. Underground storage tanks (USTs) are primarily used to contain gasoline and other petroleum products such as diesel and waste oil. A variety of other hazardous materials and wastes, such as solvents, are also stored in underground storage tanks. Facilities that use and store hazardous materials and wastes must comply with federal, State, and local laws governing hazardous materials/waste handling, storage, transportation, and disposal (described below).

Hazardous waste generators in Fresno County include industries, businesses, public and private institutions, and households. In 1995, there were approximately 400 small-quantity (between 100 and 1,000 kilograms per month) hazardous waste generators, and approximately 300 large-quantity (more than 1,000 kilograms per month) hazardous waste generators. Appendix 9B in the *Background Report* contains a list of large-quantity generators, based on data maintained by the U.S. Environmental Protection Agency (EPA). Waste oil comprises the largest percentage of industrial hazardous waste generated in Fresno County. Nonhalogenated solvents, pesticides, polychlorinated biphenyls (PCBs) and dioxins, and nonhalogenated organic sludges and solids accounted for slightly less. The majority of these businesses are located in the Fresno-Clovis metropolitan area.

There are two operating permitted treatment, storage, and disposal (TSD) facilities in Fresno County. Safety Kleen Corporation operates two TSD facilities in Fresno County, one treatment facility in Reedley and one collection center in Fresno. Parts cleaning solvents (mineral spirits and immersion cleaner) are recycled at the Reedley facility.

Fresno County has prepared a *Hazardous Waste Management Plan* (HWMP) in accordance with *California Health and Safety Code Section* 24135 et seq. The Fresno County HWMP, which was developed in 1988, identifies hazardous waste generators within the County, amounts and types of waste produced, and projected waste generation. In addition, the Plan identifies the need for any potential future locations of treatment, storage, and disposal (TSD) facilities and includes policies and potential impacts for the management of hazardous waste within the County. The major goal of the HWMP is to reduce the need for new hazardous waste facilities by reducing waste at its source through recycling, reduced use of hazardous materials, and public education. The HWMP was, for the second time, submitted to the State in 1992 and was not approved. During the public comment process on the HWMP, Sierra Nevada foothill areas were acknowledged to be unsuited for hazardous waste disposal due to limited road access, fire hazard areas, and the fractured rock aquifers that could not be monitored or effectively cleaned up if a spill occurred.

Contaminated Sites

Pesticide manufacturing/processing, storage, and applicator facilities, industrial manufacturing and processing, and old dumps comprise most of the sites where soil or groundwater contamination has occurred. Twenty sites in Fresno County were identified in the 1988 HWMP as "major contaminated sites." Five sites were included on the federal National Priorities List (NPL). Since 1988, three sites have been certified (i.e., remediation has been completed) by the California Department of Toxic Substances Control. According to the Fresno County Department of Community Health, Environmental Health System, no new major contaminated sites have been identified. In addition to the major sites, approximately 400 smaller sites have been included in the 1998 California Department of Substances Control Hazardous Waste and Substances Site List compiled pursuant to *Government Code* Section 65962.5 ("Cortese List"). The majority of the sites are in the Fresno and Clovis metropolitan area and are related to leaking USTs. A list of sites included in the Cortese List is included in Appendix 9C of the *Background Report*.

Underground Storage Tanks

Leaking USTs, particularly those containing petroleum products, represent the major sources of soil and groundwater contamination in the County. According to the Central Valley Regional Water Quality Control Board (CVRWQCB) Underground Tank Tracking System Database, over 600 underground tank locations in Fresno County, primarily in the Fresno-Clovis metropolitan area, have been identified as contaminated from leaking underground storage tanks. Soil or groundwater contamination due to leaking underground tanks at automobile service stations comprised almost all of the cases. Of the 600, approximately one-third have been closed (i.e., remediated or no further action is required) by Fresno County or the CVRWQCB.

Hazardous Materials Transportation

Hazardous wastes are transported through Fresno County by two modes: truck and rail. Two major north-south roadways are located in Fresno County. State Route 99 is a freeway that runs through the central part of the County. Major rail lines in the vicinity of State Route 99 include Union Pacific and

the Burlington Northern and Santa Fe Railroads. To the west, Interstate 5 traverses the County at the base of the Coast Range foothills. State Routes 33, 41, 43, 63, 145, 168, 180, and 198 provide local service to urban and rural areas in the County. County roads, city streets, and regional and State roadways may be used to transport hazardous wastes from their sources to disposal facilities.

Hazardous Materials Emergencies

Fresno County's Department of Community Health, Environmental Health System coordinates an Emergency Response Team that provides technical oversight and assistance for all emergency situations, including hazardous materials incidents that occur in Fresno County. The team began operation in 1981, and a *Hazardous Materials Emergency Plan* has been developed. The majority of hazardous materials incidents in Fresno County are fuel-spill related. If a hazardous materials incident occurs, an Emergency Response Team is dispatched by the Sheriff's office. When Environmental Health System personnel reach the site, they assist other emergency response personnel in (1) assessing the situation, (2) determining cleanup strategies, (3) overseeing evacuation, if necessary, and (4) certifying that cleanup is complete.

REGULATORY SETTING

The management of hazardous materials and hazardous wastes is regulated independently of the CEQA process at federal, State, and local levels through programs administered by the U.S. Environmental Protection Agency (EPA), agencies within the California Environmental Protection Agency(Cal/EPA), such as the Department of Toxic Substances Control (DTSC) and the Regional Water Quality Control Board (RWQCB), U.S. Department of Transportation (DOT), California Highway Patrol, federal and State Occupational Safety and Health agencies (OSHA), and Office of Emergency Services (OES). A number of these federal and State laws and regulations are administered at the local level by Fresno County. In addition, the Uniform Fire Code and Uniform Building Code include requirements pertaining to hazardous materials and hazardous wastes, which are monitored and enforced at the local level.

For sites where soil or groundwater contamination due to the release of a hazardous substance has been identified or could occur, the oversight of such sites often involves several different agencies that may have overlapping authority and jurisdiction. The DTSC and RWQCB are the two primary State agencies responsible for administering laws and regulations pertaining to hazardous materials release sites. For sites with leaking USTs, the local jurisdiction (Fresno County) would be responsible for oversight and monitoring of any cleanups. Any activities requiring risk management efforts to reduce potential hazards to people or the environment at the project site would be performed under local or State agency regulatory oversight, depending on the nature and extent of the problem, in accordance with established laws and regulations.
Stringent requirements for the development of K-12 schools near sites where hazardous materials are used or may be released into the environment are established in Section 17213 of the State Education Code and in Section 21151.8 of the Public Resources Code.

Demolition and renovation of buildings or structures where certain hazardous materials (e.g., asbestos and lead) are present must comply with State laws and regulations and local air pollution district notification and monitoring requirements.

Stringent federal and state regulations pertaining to container packaging and labeling, vehicle placarding, and manifesting have been established to protect the public and environment during the transport of hazardous materials and wastes. Federal requirements are specified by the U.S. Department of Transportation (DOT) in Title 49 of the Code of Federal Regulations. California regulations include those established by the Department of Toxic Substances Control (Title 22 of the *California Code of Regulations*) and California Highway Patrol (Title 13 of the California Code of Regulations). Transporters carrying hazardous materials and wastes must also adhere to certain routing requirements enforced by the California Highway Patrol under Section 31303 of the *California Vehicle Code*.

The application of restricted agricultural products on farming operations is regulated, monitored, and enforced by the Fresno County Department of Agriculture, Weights and Measures in accordance with the provisions of the California Department of Food and Agriculture Pesticide Regulation Program. Mosquito abatement and vector control services are provided by four special districts within Fresno County according to established guidelines and standards. Those districts are Coalinga-Huron Mosquito Abatement District, Consolidated Mosquito Abatement District, Fresno Mosquito Abatement District, and Fresno-Westside Mosquito Abatement District. Hazardous materials air emissions are regulated, monitored, and enforced by the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD).

PLAN ELEMENTS

Development under the Draft General Plan would bring residents, construction workers, employees, and visitors into or near areas with the hazards discussed above. The Draft General Plan contains the following policies regarding hazardous materials and wastes.

Policy HS-F.1	The County shall require that facilities that handle hazardous materials or hazardous wastes be designed, constructed, and operated in accordance with applicable hazardous materials and waste management laws and regulations.
Policy HS-F.2	The County shall require that applications for discretionary development projects that will use hazardous materials or generate hazardous waste in large quantities include detailed information concerning hazardous waste reduction, recycling, and storage.
Policy HS-F.3	The County, through its Hazardous Materials Incident Response Plan, shall coordinate and cooperate with emergency response agencies to ensure adequate county-wide response to hazardous materials incidents.
Policy HS-F.4	For redevelopment or infill projects or where past site uses suggest environmental impairment, the County shall require that an investigation be performed to identify the potential for soil or groundwater contamination. In the event soil or groundwater contamination is identified or could be encountered during site development, the County shall require a plan that identifies potential risks and actions to mitigate those risks prior to, during, and after construction.

Policy HS-F.5	The County shall require that demolition of structures where friable asbestos or other hazardous materials could be released into the environment comply with applicable regulations and standards.
Policy HS-F.6	The County shall work cooperatively with the State Department of Toxic Substances Control and Regional Water Quality Control Board to promote the timely and efficient cleanup of contaminated sites under the regulatory oversight of these agencies.
Policy HS-F.7	The County shall ensure that the mining and processing of minerals in the County is conducted in compliance with applicable environmental protection standards.
Policy HS-F.8	The County shall encourage and promote household hazardous waste information and collection programs.
Policy OS-G.12	The County shall continue, through its land use planning processes, to avoid inappropriate location of residential uses and sensitive receptors in relation to uses that include but are not limited to industrial and manufacturing uses and any other use which have the potential for creating a hazardous or nuisance effect.

IMPACTS AND MITIGATION MEASURES

Method of Analysis

The analysis of potential hazardous materials and hazardous waste impacts is based on information compiled and presented in the *Background Report*. This information included available technical reports and published information, correspondence, and consultation with knowledgeable agency personnel. The analysis is qualitative, and evaluates the extent to which development under the Draft General Plan could be affected by increased use of hazardous materials and development or redevelopment of sites where contamination may be present. The analysis assumes that growth would continue to occur primarily in areas that are already urbanized.

Standards of Significance

For purposes of this EIR, an impact may be deemed significant if development under the Draft General Plan would:

- create a substantial hazard to the public or the environment through the routine transport, use, storage, or disposal of hazardous materials or reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;

- create a substantial hazard to the public or the environment through development or redevelopment of a contaminated site; or

- adversely affect implementation of a hazardous materials emergency response plan.

Impacts and Mitigation Measures

4.14-1 Development under the Draft General Plan would increase the use of hazardous materials and the generation of hazardous wastes.

The Fresno-Clovis metropolitan area has historically experienced the greatest problems related to hazardous materials and wastes, and development under the Draft General Plan would increase the possibility of exposure of people and the environment to hazardous materials. The increased risks would occur as a result of expansion of industrial processes and commercial activities that use hazardous materials and generate hazardous waste, and through the development/ redevelopment of former industrial, commercial, or agricultural sites where hazardous chemicals were used or disposed. Increased industrial and commercial activities would generate additional volumes of hazardous waste requiring disposal, and some increase in household hazardous materials would also be expected to occur. Exposure to hazardous materials is expected to be greatest in areas where existing industries or operations ("large-quantity generators") are present. The demolition or renovation of buildings and structures could involve asbestos-containing materials or similar airborne hazards. In addition, continued agricultural operations in the County will involve the use and storage of fertilizers, herbicides, and pesticides, some of which may have harmful effects. Finally, local highways and railroads will continue to transport significant amounts of hazardous materials, thereby exposing nearby people and the environment to potentially hazardous situations. Such increases in the use, storage, and transport of hazardous materials, and the generation of hazardous waste would occur with or without the project as development-related growth occurs in the County and incorporated cities.

General Plan Policies HS-F.1 through HS-F.3, HS-F.5, HS-F.6, HS-F.7, and OS-G.12 direct the County to ensure that hazardous materials use and waste management activities are performed in compliance with applicable laws and regulations and address the need to avoid inappropriate siting of sensitive land uses. These laws and regulations also apply to locations within incorporated areas. Specific laws and regulations pertain to the development of school sites, regardless of the jurisdiction. Policy HS-F.3 would ensure hazardous materials incidents emergency response capabilities are maintained, including city-County mutual aid agreements. These policies are also applicable to agricultural operations, where pesticides, fertilizers, and herbicides may be used near residential or mixed-use development, or where mosquito and vector control operations involving the use of hazardous materials for abatement activities are necessary. Policies HS-F.2 and HS-F.8 encourage reductions in hazardous waste generation, which would reduce the amount of hazardous materials used and stored, would reduce the demand on County hazardous waste facilities, and would reduce the potential for soil or groundwater contamination as a result of spills or leaks. The transport of hazardous materials and wastes on local roadways would continue to be subject to applicable federal and State regulations. In the event of a hazardous materials incident on a local roadway, Policy HS-F.3 would provide for local fire protection and other emergency response agencies to ensure adequate County-wide response to accidents or spills.

Because federal and State laws and regulations governing hazardous materials management are equally applicable to cities and counties, there would be no substantial difference in effects between the unincorporated and incorporated areas for growth that would occur with or without the Proposed Project. The Draft General Plan policies reinforce the need for compliance to ensure that growth would not create a substantial hazard to the public or environment through the routine transfer, use, storage, or disposal of hazardous materials. Therefore, impacts related to hazardous materials and wastes would be ***less than significant***.

Mitigation Measures

4.14-1 *None required.*

4.14-2 Development under the Draft General Plan would increase the risk of exposure to existing soil and groundwater contamination.

Development under the Draft General Plan would increase the possibility of exposure of people and the environment to hazardous materials through the development and redevelopment of former industrial, commercial, or agricultural sites where hazardous chemicals were used or disposed. Exposure to hazardous materials is expected to be greatest in areas where existing or past activities have resulted in soil or groundwater contamination, generally in the incorporated areas. The potential for encountering contaminated soil or groundwater during site development activities would occur with or without the project as development-related growth occurs in the County.

The identification and effective management of contaminated sites in unincorporated areas of the County would be addressed through implementation of General Plan Policies HS-F.4 through HS-F.6. These policies would ensure that the development or redevelopment of sites where soil or groundwater contamination has been identified or where buildings may contain hazardous constituents can proceed safely and would be managed to the satisfaction of regulatory agencies with jurisdictional authority over the affected sites. Although these policies would address development in unincorporated areas, similar policies may not exist for all cities under whose jurisdiction most of the future growth, with or without the project, would occur. Therefore, this impact is considered ***significant***.

Mitigation Measures

4.14-2 *No mitigation is required beyond General Plan Policies HS-F.4 through HS-F.6 for Fresno County. No mitigation measures are available to the County to reduce impacts occurring within the cities' jurisdiction.*

Although General Plan policies would reduce potentially significant impacts related to contaminated sites within unincorporated areas of the County, implementation of such requirements within the incorporated areas is not within the County's jurisdiction to monitor and enforce. Therefore, the impact is considered significant and unavoidable.

Cumulative Impacts

The cumulative context is county-wide development through the year 2020.

4.14-3 Development under the Draft General Plan, in combination with cumulative development, would increase the use of hazardous materials and the generation of hazardous wastes.

The Proposed Project by itself (i.e., the growth attributable directly to the Economic Development Strategy and the Draft General Plan policies) represents a relatively small portion of the growth projected to occur in the county by 2020, because the population growth would be unchanged by the project. The difference between the project and not approving the project is the growth that would occur in the employment sector and the mix of employment and the patterns of development that would occur in the unincorporated area. Impacts 4.14-1 and 4.14-2, above, considers the effects of growth related directly to the project along with the growth that is projected to occur with or without project. Consequently, the impacts address both cumulative (partially) and project-specific impacts. Where a significant and unavoidable impact has been identified for county-wide growth, the project contribution to that impact would be considered cumulatively considerable, even if on a project-specific level, it may be considered less than significant.

Hazardous waste would be generated in conjunction with hazardous materials used in future development, or as a result of cleanup of contaminated sites redeveloped for new uses. Hazardous wastes would require treatment and/or disposal at permitted facilities, which also accept such wastes from other locations in the State. The project would contribute considerably to hazardous waste impacts. Therefore, cumulative impacts related to hazardous waste generation and disposal are considered significant.

Mitigation Measures

4.14-3 *None available beyond General Plan Policies HS-F.1 through HS-F.8 and OS-G.12.*

Implementation of the Draft General Policies listed above would reduce the project's contribution to this significant cumulative impact, but not to less-than-significant levels, and such measures would not reduce the cumulative effect to less-than-significant levels. Therefore, the cumulative impact would remain significant and unavoidable.