4.7 HAZARDS AND HAZARDOUS MATERIALS

This chapter describes the regulatory framework and existing conditions related to hazards and hazardous materials within the Project site, and the potential impacts resulting from development of the Project.

4.7.1 ENVIRONMENTAL SETTING

4.7.1.1 REGULATORY FRAMEWORK

Hazardous materials refer generally to hazardous substances, hazardous waste, and other materials that exhibit corrosive, poisonous, flammable, and/or reactive properties and have the potential to harm human health and/or the environment. Hazardous materials are used in products (e.g., household cleaners, industrial solvents, paint, pesticides, etc.) and in the manufacturing of products (e.g., electronics, newspapers, plastic products, etc.). Hazardous materials can include petroleum, natural gas, synthetic gas, acutely toxic chemicals, and other toxic chemicals that are used in agriculture, commercial, and industrial uses; businesses; hospitals; and households. Accidental releases of hazardous materials have a variety of causes, including highway incidents, warehouse fires, train derailments, shipping accidents, and industrial incidents.

The term "hazardous materials" as used in this section includes all materials defined in the California Health and Safety Code (H&SC):

> "A 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 unified program 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 term includes chemicals regulated by the United States Department of Transportation (USDOT), the United States Environmental Protection Agency (EPA), the California Department of Toxic Substances Control (DTSC), the California Governor's Office of Emergency Services (CalOES), and other agencies as hazardous materials, wastes, or substances. "Hazardous waste" is any hazardous material that has been discarded, except those materials specifically excluded by regulation. Hazardous materials that have been intentionally disposed of or inadvertently released fall within the definition of "discarded" materials and can result in the creation of hazardous waste. Hazardous wastes are broadly characterized by their ignitability, toxicity, corrosivity, reactivity, radioactivity, or bioactivity. Federal and State hazardous waste definitions are similar, but contain enough distinctions that separate classifications are in place for federal Resource Conservation and Recovery Act (RCRA) hazardous wastes and State non-RCRA hazardous wastes. Hazardous wastes require special handling and disposal because of their potential to impact public health and the environment. Some materials are designated "acutely" or "extremely" hazardous under relevant statutes and regulations.

Hazardous materials and wastes can pose a significant actual or potential hazard to human health and the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Many federal, State, and local programs that regulate the use, storage, and transportation of hazardous materials and hazardous waste are in place to prevent these unwanted consequences. These regulatory programs are designed to reduce the danger that hazardous substances may pose to people and businesses under normal daily circumstances and as a result of emergencies and disasters.

Federal Agencies and Regulations

United States Environmental Protection Agency

The EPA laws and regulations ensure the safe production, handling, disposal, and transportation of hazardous materials. Laws and regulations established by the EPA are enforced in San Mateo County by the California Environmental Protection Agency (CalEPA).

United States Department of Transportation

The USDOT has the regulatory responsibility for the safe transportation of hazardous materials between states and to foreign countries. The USDOT regulations govern all means of transportation, except for those packages shipped by mail, which are covered by United States Postal Service regulations. The federal RCRA of 1976 imposes additional standards for the transport of hazardous wastes.

Occupational Safety and Health Administration

The Occupational Safety and Health Administration (OSHA) oversees the administration of the Occupational Safety and Health Act, which requires specific training for hazardous materials handlers, provision of information to employees who may be exposed to hazardous materials, and acquisition of material safety data sheets (MSDS) from materials manufacturers. The MSDS describe the risks, as well as proper handling and procedures, related to particular hazardous materials. Employee training must include response and remediation procedures for hazardous materials releases and exposures.

State Agencies and Regulations

California Health and Safety Code and Code of Regulations

California Health and Safety Code Chapter 6.95 and California Code of Regulations, Title 19, Section 2729, set out the minimum requirements for business emergency plans and chemical inventory reporting. These regulations require businesses to provide emergency response plans and procedures, training program information, and a hazardous material chemical inventory disclosing hazardous materials stored, used, or handled on-site. A business which uses hazardous materials or a mixture containing hazardous materials must establish and implement a business plan if the hazardous material is handled in certain quantities.

California Environmental Protection Agency

One of the primary agencies that regulate hazardous materials is the CalEPA. The State, through CalEPA, is authorized by the EPA to enforce and implement certain federal hazardous materials laws and regulations. The California DTSC, a department of the CalEPA, protects California and Californians from exposure to hazardous waste, primarily under the authority of the RCRA and the California Health and Safety Code.[1] The DTSC requirements include the need for written programs and response plans, such as Hazardous Materials Business Plans (HMBPs). The DTSC programs include dealing with aftermath clean-ups of improper hazardous waste management, evaluation of samples taken from sites, enforcement of regulations regarding use, storage, and disposal of hazardous materials, and encouragement of pollution prevention.

California Division of Occupational Safety and Health

Like OSHA at the federal level, the California Division of Occupational Safety and Health (CalOSHA) is the responsible state-level agency for ensuring workplace safety. The CalOSHA assumes primary responsibility for the adoption and enforcement of standards regarding workplace safety and safety practices. In the event that a site is contaminated, a Site Safety Plan must be crafted and implemented to protect the safety of workers. Site Safety Plans establish policies, practices, and procedures to prevent the exposure of workers and members of the public to hazardous materials originating from contaminated sites or buildings.

California Building Code

The State of California provided a minimum standard for building design through the California Building Code (CBC), which is located in Part 2 of Title 24 of the California Code of Regulations (CCR). The CBC is based on the 1997 Uniform Building Code, but has been modified for California conditions. The CBC is updated every 3 years, and the current CBC went into effect in January 2014. It is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. Commercial and residential buildings are plan-checked by local city and county building officials for compliance with the CBC typical fire safety requirements of the CBC included; the installation of sprinklers in all high-rise buildings; the establishment of fire resistance standards for fire doors, building materials, and particular types of construction; and the clearance of debris and vegetation within a prescribed distance from occupied structures in wildlife hazard areas.

California Emergency Management Agency

The California Emergency Management Agency (CalEMA) was established as part of the Governor's Office on January 1, 2009 – created by Assembly Bill (AB) 38 (Nava), which merged the duties, powers, purposes, and responsibilities of the former Governor's Office of Emergency Services with those of the Governor's Office of Homeland Security. The CalEMA is responsible for the coordination of overall State agency response to major disasters in support of local government. The agency is responsible for assuring the State's readiness to respond to and recover from all hazards – natural, manmade, emergencies, and disasters – and for assisting local governments in their emergency preparedness, response, recovery, and hazard mitigation efforts.

[1] Hazardous Substance Account, Chapter 6.5 (Section 25100 et seq.) and the Hazardous Waste Control Law, Chapter 6.8 (Section 25300 et seq.) of the Health and Safety Code.

California Department of Forestry and Fire Protection

The California Department of Forestry and Fire Protection (CAL FIRE) has mapped fire threat potential throughout California.[2] CAL FIRE ranks fire threat based on the availability of fuel and the likelihood of an area burning (based on topography, fire history, and climate). The rankings include no fire threat, moderate, high, and very high fire threat. Additionally, the CAL FIRE produced the 2010 Strategic Fire Plan for California, which contains goals, objectives, and policies to prepare for and mitigate for the effects of fire on California's natural and built environments.[3]

California Fire Code

California Code of Regulations, Title 24, also known as the California Building Standards Code, contains the California Fire Code (CFC), included as Part 9 of that Title. Updated every 3 years, the CFC includes provisions and standards for emergency planning and preparedness, fire service features, fire protection systems, hazardous materials, fire flow requirements, and fire hydrant locations and distribution. Similar to the CBC, the CFC is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions.

California Department of Transportation and California Highway Patrol

Two State agencies have primary responsibility for enforcing federal and State regulations and responding to hazardous materials transportation emergencies: the California Highway Patrol (CHP) and the California Department of Transportation (Caltrans). Caltrans manages more than 50,000 miles of California's highway and freeway lanes, provides intercity rail services, permits more than 400 public-use airports and special-use hospital heliports, and works with local agencies. Caltrans is also the first responder for hazardous material spills and releases that occur on those highway and freeway lanes and intercity rail services.

The CHP enforces hazardous materials and hazardous waste labeling and packing regulations designed to prevent leakage and spills of materials in transit and to provide detailed information to cleanup crews in the event of an accident. Vehicle and equipment inspection, shipment preparation, container identification, and shipping documentation are all part of the responsibility of the CHP, which conducts regular inspections of licensed transporters to assure regulatory compliance. In addition, the State of California regulates the transportation of hazardous waste originating or passing through the State.

Common carriers are licensed by the CHP, pursuant to the California Vehicle Code, Section 32000. This section requires licensing every motor (common) carrier who transports, for a fee, in excess of 500 pounds of hazardous materials at one time and every carrier, if not for hire, who carries more than 1,000 pounds of hazardous material of the type requiring placards. Common carriers conduct a large portion of the business in the delivery of hazardous materials.

[2] CalFIRE, http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones_development.php, accessed on December 2, 2014.

[3] CalFIRE, *2010 Strategic Fire Plan for California,* http://cdfdata.fire.ca.gov/pub/fireplan/fpupload/fpppdf668.pdf, accessed on December 2, 2014.

Federal and State Hazardous Materials-Specific Programs and Regulations

Asbestos-Containing Materials Regulations

Asbestos-containing materials (ACM) are materials that contain asbestos, a naturally occurring fibrous mineral that has been mined for its useful thermal properties and tensile strength. ACM is generally defined as either friable or non-friable. Friable ACM is defined as any material containing more than one percent asbestos. Friable ACM is more likely to produce airborne fibers than non-friable ACM, and can be crumpled, pulverized, or reduced to powder by hand pressure. Non-friable ACM is defined as any material containing one percent or less asbestos. Non-friable ACM cannot be crumpled, pulverized, or reduced to powder by hand pressure. When left intact and undisturbed, ACM does not pose a health risk to building occupants. Potential for human exposure occurs when ACM becomes damaged to the extent that asbestos fibers become airborne and are inhaled. Inhalation of asbestos airborne fibers can lead to various health problems, the most serious of which includes lung disease.

State-level agencies, in conjunction with the EPA and OSHA, regulate removal, abatement, and transport procedures for ACMs. Releases of asbestos from industrial, demolition, or construction activities are prohibited by these regulations and medical evaluation and monitoring is required for employees performing activities that could expose them to asbestos. Additionally, the regulations include warnings that must be heeded and practices that must be followed to reduce the risk for asbestos emissions and exposure. Finally, federal, State, and local agencies must be notified prior to the onset of demolition or construction activities with the potential to release asbestos.

Lead-based Paint

Lead-based paint (LBP), which can result in lead poisoning when consumed or inhaled, was widely used in the past to coat and decorate buildings. Lead poisoning can cause anemia and damage to the brain and nervous system, particularly in children. Like ACM, LBP generally does not pose a health risk to building occupants when left undisturbed; however, deterioration, damage, or disturbance will result in hazardous exposure. In 1978, the use of LBP was federally banned by the Consumer Product Safety Commission. Therefore, only buildings built before 1978 are presumed to contain LBP, as well as buildings built shortly thereafter, as the phase-out of LBP was gradual.

Polychlorinated Biphenyls

The EPA prohibited the use of polychlorinated biphenyls (PCBs) in the majority of new electrical equipment starting in 1979, and initiated a phase-out for much of the existing PCB-containing equipment. The inclusion of PCBs in electrical equipment and the handling of those PCBs are regulated by the provisions of the Toxic Substances Control Act (TSCA), 15 United States Code Section 2601 et seq. Relevant regulations include labeling and periodic inspection requirements for certain types of PCB-containing equipment and outline highly specific safety procedures for their disposal. The State of California likewise regulates PCB-laden electrical equipment and materials contaminated above a certain threshold as hazardous waste; these regulations require that such materials be treated, transported, and disposed accordingly. At lower concentrations for non-liquids, regional water quality control boards may exercise discretion over the classification of such wastes.

CalOSHA's Lead in Construction Standard is contained in Title 8, Section 1532.1 of the California Code of Regulations. The regulations address all of the following areas: permissible exposure limits (PELs); exposure assessment; compliance methods; respiratory protection; protective clothing and equipment; housekeeping; medical surveillance; medical removal protection (MRP); employee information, training, and certification; signage; record keeping; monitoring; and agency notification.

Regional Agencies and Regulations

San Francisco Bay Regional Water Quality Control Board

The Porter-Cologne Water Quality Act[4] established the State Water Resources Control Board (SWRCB) and divided the state into nine regional basins, each under the jurisdiction of a Regional Water Quality Control Board (RWQCB). The San Francisco Bay Region (Region 2) is the Regional Water Quality Control Board (San Francisco Bay RWQCB), which regulates water quality in the Project area. The San Francisco Bay RWQCB has the authority to require groundwater investigations when the quality of groundwater or surface waters of the state is threatened, and to require remediation actions, if necessary.

Bay Area Air Quality Management District

The Bay Area Air Quality Management District (BAAQMD) has primary responsibility for control of air pollution from sources other than motor vehicles and consumer products (which are the responsibility of CalEPA and California Air Resources Board [CARB]). The BAAQMD is responsible for preparing attainment plans for non-attainment criteria pollutants, control of stationary air pollutant sources, and the issuance of permits for activities including demolition and renovation activities affecting asbestos containing materials (District Regulation 11, Rule 2) and lead (District Regulation 11, Rule 1).

Daly City adopted the Association of Bay Area Governments (ABAG) Multi-Jurisdictional Hazard Mitigation Plan, updated in 2010. The plan identifies measures to reduce the impacts of natural and manmade hazards and to facilitate the recovery and repair of structures if damage if damage should occur from hazardous events. Adoption of the plan ensures that Daly City is eligible for certain federal and State funds for disaster recovery in case of such an event.

San Mateo County Health System

The San Mateo County Health System hazardous materials Program is the local Certified Unified Program Agency (CUPA). A local CUPA is responsible for administering/overseeing compliance with the following programs, as required by state and federal regulations:

- Hazardous Materials Release Response Plans and Inventories (Area Plans)
- California Accidental Release Prevention (CalARP) Program
- Underground Storage Tank Program (UST)

[4] California Water Code Sections 13000 et seq.

- Aboveground Petroleum Storage Act Requirements for Spill Prevention, Control and Countermeasure (SPCC) Plans (AST)
- Hazardous Waste Generator and Onsite Hazardous Waste Treatment (tiered permitting) Programs
- California Fire Code: Hazardous Material Management Plans and Hazardous Material Inventory Statements

Businesses, such as photographic, chrome plating or service stations, which generate small amount of hazardous waste or require underground storage of hazardous materials, require a permit from the department.

San Mateo County Sheriff's Office of Emergency Services and Homeland Security

The Emergency Management Program is a county-wide system that provides emergency management actions for the prevention of, preparedness for, response to, and recovery from, any emergency or disaster. The system encompasses all jurisdiction organizations, agencies, departments, entities, and individuals responsible for emergency management activities. The program provides a common framework for which a variety of agencies may work together effectively. Additionally, the program provides standardized and coordinated emergency management procedures.

Under the Emergency Management Program, the Office of Emergency Services has initiated the process of updating the 2007 County Emergency Operations Plan (EOP). The primary focus of the revision process has been the departure from an all-encompassing "EOP" concept, which describes emergency management phases in brief – to the adoption of separate plans, which provide detailed actions and procedures. This will provide a more comprehensive Emergency Management Program.

The EOP describes and identifies the agencies, jurisdictions, and actions during a response to an emergency, the role of the Emergency Operations Center (EOC), and the coordination that occurs between the EOC and City/Town departments and agencies. Forthcoming annexes and appendices to this plan will describe in more detail response actions and hazards specific to the jurisdiction. While these are in development, existing departmental plans and hazard specific annexes remain in effect.

North County Fire Authority

Daly City is served by the North County Fire Authority (NCFA), which is a joint powers authority established in 2003 also serving the communities of Brisbane and Pacifica. It is a full service organization, providing fire and emergency response to over 185,000 residents over 60 square miles in San Mateo County.

Local Agencies and Regulations

City of Daly City 2030 General Plan

The City of Daly City's General Plan was adopted by the Daly City, City Council in March 2013. Environmental hazards in the City are addressed in the Safety Element, including natural hazards, man-made hazards, and hazard control and

emergency response. The Safety Element also establishes goals, policies, and programs, which are listed in Table 4.7-1, intended to reduce identified hazards to acceptable levels.

City of Daly Municipal Code

Chapter 8.5 Hazardous Materials and Chapter 8.14 Recyclables Materials of the Daly City Municipal Code define the City's policies regarding recycling and solid and hazardous waste disposal and recycling.

4.7.1.2 EXISTING CONDITIONS

This section describes existing conditions related to hazardous materials, airport hazards, and wildlife fires within the Project site.

Hazardous Materials Sites

California Government Code Section 65962.5 requires the CalEPA to compile, maintain, and update specified lists of hazardous material release sites. The California Environmental Quality Act (CEQA) (California Public Resources Code Section 21092.6) require the lead agency to consult the lists compiled pursuant to Government Code Section 65962.5 to determine whether the project and any alternatives are identified on any of the following lists:

- **EPA NPL:** The EPA's National Priorities List includes all sites under the USEPA's Superfund program, which was established to fund cleanup of contaminated sites that pose risk to human health and the environment.
- **EPA CERCLIS and Archived Sites:** The EPA's Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) includes a list of 15,000 sites nationally identified as hazardous sites. This would also involve a review for archived sites that have been removed from CERCLIS due to No Further Remedial Action Planned (NFRAP) status.
- **EPA RCRIS (RCRA Info):** The Resource Conservation and Recovery Act Information System (RCRIS or RCRA Info) is a national inventory system about hazardous waste handlers. Generators, transporters, handlers, and disposers of hazardous waste are required to provide information for this database.
- **DTSC Cortese List:** The DTSC maintains the Hazardous Waste and Substances Sites (Cortese) list as a planning document for use by the State and local agencies to comply with the CEQA requirements in providing information about the location of hazardous materials release sites. This list includes the Site Mitigation and Brownfields Reuse Program Database (CalSites).
- **DTSC HazNet:** The DTSC uses this database to track hazardous waste shipments.
- **SWRCB LUSTIS:** This stands for the Leaking Underground Storage Tank Information System (LUST or LUSTIS) and the SWRCB maintains an inventory of USTs and leaking USTs, which tracks unauthorized releases.

TABLE 4.7-1 POLICIES OF THE DALY CITY 2030 GENERAL PLAN RELATING TO HAZARDOUS MATERIALS AND EMERGENCY OPERATIONS

Policy Number	Policy
Hazardous Materials	
Policy SE-4.1	Support efforts to locate, regulate, and maintain information regarding hazardous materials located or transported within the City.
Policy SE-4.2	Cooperate with the County of San Mateo in the regulation of hazardous materials and transportation of such material in Daly City.
Policy SE-4.3	Promote on-site treatment of hazardous wastes by waste generators to minimize the use of hazardous materials and the transfer of waste for off-site treatment.
Policy SE-4.4	Promote measures aimed at significantly decreasing solid waste generation including community recycling. Require recycled materials storage and collection areas in accordance with requirements of the Recycling Ordinance.
Policy SE-4.5	Promote public awareness of safe and effective hazardous waste use, storage, and disposal; utilize the media sources to inform residents.
Policy SE-4.6	Require the preparation of a risk assessment to determine site suitability for applications for hazardous waste management facilities. Establish the distance requirements for these facilities from public assembly, residential or immobile population and recreation areas and structures. Assess impacts from seismic, geologic, and flood hazards, impacts on wetlands, endangered species, air quality and emergency response capabilities; and proximity to major transport routes.
Emergency Operations	
Policy SE-5.4	Utilize emergency evacuation routes as determined by the Police Department. The evacuation routes will follow the major roadways as set forth in the Circulation Element.
Policy SE-5.5	Promote awareness of the City's emergency operations procedure; utilize media sources to inform residents.
Policy SE-5.6	Improve inter-jurisdictional, interagency cooperation with other public and private agencies for safety in future land use planning, hazard prevention and emergency response.
Policy SE-5.7	Support the adoption and full implementation of the Local Hazard Mitigation Plan (LHMP) which was adopted by the City Council on March 12, 2012, under resolution 12-33 and accepted by FEMA and posted by ABAG June 5, 2012.

The required lists of hazardous material release sites are commonly referred to as the "Cortese List" after the legislator who authorized the legislation. Because the statute was enacted more than 20 years ago, some of the provisions refer to agency activities that were conducted many years ago and are no longer being implemented and, in some cases, the information required in the Cortese List does not exist. Those requesting a copy of the Cortese Lists are now referred directly to the appropriate information resources contained on internet websites hosted by the boards or departments referenced in the statute, including DTSC's online EnviroStor[5] database and the SWRCB's online GeoTracker database.[6] These two databases include hazardous material release sites, along with other categories of sites or facilities specific to each agency's jurisdiction.

[5] DTSC Envirostor, http://www.envirostor.dtsc.ca.gov/public/.

[6] SWRCB GeoTracker, http://www.geotracker.waterboards.ca.gov/.

A search of the online databases on December 2, 2014, revealed no listings within the Project site. The search did, however, reveal four LUST listings adjacent to (UNOCAL Station #5323 at 137 Serramonte Boulevard) or in close proximity to (Olympian Serramonte GoodYear at 501 Serramonte Boulevard, Shell Service Station at 4698 Callan Boulevard, and Breuners at 301 Gellert Boulevard) the Project site. All four listings are identified in databases as "Completed-Case Closed," indicating the LUST site has been sufficiently investigated and remediated and does not pose a significant hazard to the public or the environment.

Existing or Proposed Schools

The nearest public school to the Project site is Daniel Webster Elementary School located at 425 El Dorado Drive, roughly 1,000 feet to the northwest beyond Cabrillo Highway. All other public schools are located more than ¼-mile distant from the Project site.

Airport Hazards

The nearest public airport to the Project site is San Francisco International Airport, which is located over 4 miles to the southeast. There are no private airstrips located within 2 miles of the Project site. However, the Project site is within the boundaries of the airport influence area and would be subject to a determination of consistency from the Airport Land Use Commission to ensure the project is compatible with the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport,* July 2012,

Wildland Fire Hazard

There are no wildlands located within the City. CAL FIRE evaluates fire hazard severity risks according to areas of responsibility (i.e. federal, state, and local). According to CAL FIRE,[7] there are no very high fire hazard severity zones (VHFHSZ) within the Local Responsibility Area on or near proximity to the Project site. Likewise, there are no moderate, high, and very high fire hazard severity zones in the State Responsibility Areas in the vicinity of the Project site.[8]

4.7.2 STANDARDS OF SIGNIFICANCE

An Initial Study was prepared for the Project (see Appendix A of this Draft EIR). Based on the analysis contained in the Initial Study it was determined that development of the Project would not result in significant environmental impacts per the following significance criteria and therefore, these are not discussed in this chapter.

- Be located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport it results in a safety hazard for people residing or working in the project area.

[7] California Department of Forestry and Fire Protection, 2008. San Mateo County Very High Fire Hazard Severity in LRA map, accessed on December 2, 2014.

[8] California Department of Forestry and Fire Protection, 2007. *Fire Hazards and Severity Zones in State Responsibility Areas,* http://frap.cdf.ca.gov/webdata/maps/sanmatero/fhszs_map.43.pdf, accessed on December 2, 2014.

- Be within the vicinity of a private airstrip and result in a safety hazard for people residing or working in the project area.

Based on the Initial Study it was determined that the Project could result in a significant impacts regarding hazards and hazardous materials if it would:

1. Create a significant hazard to the public or the 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 accident 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 ¼-mile of an existing or proposed school.
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.
5. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.
6. 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.

4.7.3 IMPACT DISCUSSION

HAZ-1 **The Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.**

The Project site may contain ACM, LBP, PCBs, or other potentially hazardous building materials (e.g., mercury, commercial wastes) that may be encountered during demolition and renovation of existing structures on the Project site. Additionally, during the operational phase of the Project, common cleaning substances, building maintenance products, paints and solvents, and similar items would be stored, and used, in the buildings on-site. These potentially hazardous materials, however, would not be of a type or occur in sufficient quantities to pose a significant hazard to public health and safety or the environment.

The transportation of chemicals and hazardous materials is governed by the US DOT, which stipulates the types of containers, labeling, and other restrictions to be used in the movement of such material on interstate highways. In addition, OSHA oversee the administration of the Occupational Safety and Health Act, which requires: specific training for hazardous materials handlers; provision of information to employees who may be exposed to hazardous materials; and acquisition of MSDS from materials manufacturers. MSDS describe the risks, as well as proper handling and procedures, related to particular hazardous materials. Employee training must include response and remediation procedures for hazardous materials releases and exposures.

Removal of on-site hazardous materials (if present) by contractors licensed to remove and handle these materials in accordance with existing regulations as, described in Section 4.7.1.1, would ensure that risks associates with the transport, storage, use, and disposal of such materials would be reduced to the maximum extent practical. Compliance with these regulations would result in a *less than significant* impact.

Applicable Regulations:

- DOT Hazardous Materials Transport Act-Code of Federal Regulations (CFR) 49
- EPA Resource Conservation and Recovery Act (RCRA)
- EPA Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)
- CAL/OSHA
- California Health and Safety Code (Chapters 6.95 and 19)
- California Code of Regulations (section 2729)
- California Building Code
- San Mateo County Health System – CUPA Program
- City of Daly Municipal Code (Chapter 8.14)

Significance Before Mitigation: Less than significant.

HAZ-2	**The Project would not 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.**

Operation of the Project would involve the storage and use of common cleaning substances, building maintenance products, paints, and solvents. These potentially hazardous substances would not be of a type or occur in sufficient quantities on site to pose a significant hazard to public health and safety or the environment. The storage and use of these materials would be subject to existing federal, State, and local regulations, such as the following:

- EPA laws and regulations ensure the safe production, handling, disposal, and transportation of hazardous materials. Laws and regulations established by the EPA are enforced locally by Cal-EPA.
- As described above, OSHA oversees training for hazardous materials handlers and the provision of information to employees who may be exposed to hazardous materials.
- California Health and Safety Code Chapter 6.95 and 19 California Code of Regulations Section 2729 set out the minimum requirements for business emergency plans. These regulations require businesses to provide emergency response plans and procedures, training program information, and a hazardous material chemical inventory disclosing hazardous materials stored, used, or handled on site. A business that uses hazardous materials or a mixture containing hazardous materials must establish and implement a business plan if the hazardous material is handled in certain quantities.
- Cal OSHA is the responsible State-level agency for ensuring workplace safety. Cal OSHA assumes primary responsibility for the adoption and enforcement of standards regarding workplace safety and safety practices.

- CalEMA is responsible for the coordination of overall State agency response to major disasters in support of local government. The agency is responsible for assuring the State's readiness to respond to and recover from all hazards and for assisting local governments in their emergency preparedness, response, recovery, and hazard mitigation efforts.
- The San Mateo County Environmental Health Department (SMEHD) is the DTSC Certified Unified Program Agency (CUPA) charged with implementing and enforcing State and local policies relating to hazardous materials in San Mateo County. This includes administration of the Hazardous Materials Business Plan Program and California Accidental Release Program.

Compliance with these regulations would ensure that the risk of accidents and spills are minimized to the maximum extent practicable. Consequently, overall, associated impacts would be *less than significant*.

Applicable Regulations:

- DOT Hazardous Materials Transport Act-Code of Federal Regulations (CFR) 49
- EPA Resource Conservation and Recovery Act (RCRA)
- EPA Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)
- CAL/OSHA
- California Health and Safety Code (Chapters 6.95 and 19)
- California Code of Regulations (Section 2729)
- California Building Code
- San Mateo County Health System – CUPA Program
- City of Daly Municipal Code (Chapter 8.14)
- CAL/EPA (State's Environmental Protection Laws)
- DTSC (2011-2016 Strategic Plan)
- RWQCB (Poter-Cologne Water Quality Control Act)

Significance Before Mitigation: Less than significant.

HAZ-3	**The Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school.**

The closest school, Daniel Webster Elementary, is located 0.2-mile northwest from the Project site at 425 El Dorado Drive. However, as described above, the Project would not involve the storage, handling, or disposal of hazardous materials that would pose a significant risk to the public. Therefore, there would be *less-than-significant* impact related to hazardous emissions or hazardous materials handling as a result of the Project within ¼-mile of a school.

Applicable Regulations:

- DOT Hazardous Materials Transport Act-Code of Federal Regulations (CFR) 49
- EPA Resource Conservation and Recovery Act (RCRA)
- EPA Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)
- CAL/OSHA

- California Health and Safety Code (Chapters 6.95 and 19)
- California Code of Regulations (Section 2729)
- California Building Code
- San Mateo County Health System – CUPA Program
- City of Daly Municipal Code (Chapter 8.14)
- CAL/EPA (State's Environmental Protection Laws)
- DTSC (2011-2016 Strategic Plan)
- RWQCB (Porter-Cologne Water Quality Control Act)
- DTSC (School Property Evaluation and Cleanup Program)
- California Department of Education (School Facility)

Significance Before Mitigation: Less than significant.

HAZ-4	**The Project would not be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.**

According to the DTSC's EnviroStor database, the Project site contains a LUST Cleanup Site.[9] The status of the case is listed in the database as "Completed – Closed." Therefore, the Project site has been remediated and the LUST site does not pose a significant hazard to the public or the environment and the impact is *less than significant*.

Applicable Regulations:

- California Government Code Section 65962.5

Significance Before Mitigation: Less than significant.

HAZ-5	**The Project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.**

The City of Daly City has adopted ABAG's Multi-Jurisdictional Local Hazard Mitigation Plan (LHMP) Taming Natural Disasters, along with a local annex to the plan, as its LHMP. ABAG's Multi-Jurisdiction LHMP addresses nine hazards affecting the Bay Area: earthquake faulting, earthquake shaking, earthquake-induced and weather-related landslides, liquefaction, tsunamis, flooding, wildfires, and drought. The City of Daly City's annex contains additional mitigation measures specific to Daly City that serve to ensure adequate emergency response planning as new development, such as the Project, occurs in the city. These measures require new development to:

- Comply with all building and fire codes as well as other regulations when constructing or significantly re-modeling infrastructure facilities.
- Conduct periodic fire-safety inspections of all privately owned commercial and industrial buildings.

[9] Department of Toxic Substances Control (DTSC), EnviroStor database, http://www.envirostor.dtsc.ca.gov/public/Default.asp, accessed on January 27, 2014.

- Maintain and update as necessary the local government's Standardized Emergency Management System (SEMS) Plan and the National Incident Management System (NIMS) Plan, and submit an appropriate NIMS Compliance Assistance Support Tool (NIMCAST) report.
- Install alert and warning systems for rapid evacuation or shelter-in-place.
- Conduct periodic test of the alerting and warning system.

The Project would be subject to the City's emergency planning and response procedures, including the measures listed above, as well as standard plan review and building inspection procedures conducted by the NCFA. The Project does not include any features that would impair the implementation of these procedures and plans. Therefore, the impact is *less than significant*.

Applicable Regulations:

- DOT Hazardous Materials Transport Act-Code of Federal Regulations (CFR) 49
- EPA Resource Conservation and Recovery Act (RCRA)
- EPA Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)
- CAL/OSHA
- California Health and Safety Code (Chapters 6.95 and 19)
- California Code of Regulations (Section 2729)
- California Building Code
- San Mateo County Health System – CUPA Program
- City of Daly Municipal Code (Chapter 8.14)
- CAL/EPA (State's Environmental Protection Laws)
- DTSC (2011-2016 Strategic Plan)
- RWQCB (Poter-Cologne Water Quality Control Act)
- Cal EMA (Strategic Plan 2010-2015)
- City of Daly Emergency Operations Plan

Significance Before Mitigation: Less than significant.

HAZ-6	**The Project would not expose people or structures to a significant loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.**

According to the CAL FIRE, the Project site is not located within a fire hazard severity zone.[10] Therefore, the risk of wildland fire is considered to be low and the impact would be *less than significant*.

[10] California Department of Forestry and Fire Protection, 2008. Very High Hazard Severity Zones in LRA, http://frap.fire.ca.gov/webdata/maps/san_mateo/fhszl_map.41.pdf, accessed on January 27, 2014.

Applicable Regulations:

- CAL FIRE
- California Fire Code

Significance Before Mitigation: Less than significant.

4.7.4 CUMULATIVE IMPACTS

HAZ-7	**The Project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to hazards and hazardous materials.**

With respect to hazardous materials in the environment, effects are generally limited to site-specific conditions due to the fact that exposure typically is dependent on proximity to the source of the hazardous material. An exception to this precept would be contaminant groundwater plumes resulting from multiple sources and underlying larger areas. However, based on research in preparing Section 4.7.1.2, Hazardous Materials Sites, there are no known groundwater contaminant plumes beneath or in near proximity to the Project site. The geographic scope for cumulative impacts associated with hazards and hazardous materials, therefore, encompasses the Project site and immediate vicinity.

As listed in Table 4-1 in Chapter 4, Environmental Analysis, of this Draft EIR, there are four major developments in the process of being constructed, which consist of a mixed-use development, office and retail, renovations to a regional shopping center, and condominiums. Although there are other projects in Daly City, they are generally located approximately 2 to 4 miles north of the Project site. Assuming the other projects comply with General Plan policies and other applicable local land use regulations, it is unlikely the Project would contribute to a significant cumulative impact.

As discussed previously, development of the Project would not result in significant impacts from the increased use of hazardous household materials and would not increase exposure to potential hazards associated with wildland fires. The Project would not interfere with implementation of emergency response plans. In addition, potential project-level impacts associated with hazards and hazardous materials would be further reduced through compliance with General Plan policies and strategies, other local, regional, State, and federal regulations. Consequently, construction of the Project in combination with past, present, and reasonably foreseeable projects in the near vicinity would result in a *less-than-significant* cumulative impact.

Applicable Regulations:

- DOT Hazardous Materials Transport Act-Code of Federal Regulations (CFR) 49
- EPA Resource Conservation and Recovery Act (RCRA)
- EPA Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)
- CAL/OSHA
- California Health and Safety Code (Chapters 6.95 and 19)
- California Code of Regulations (Section 2729)
- California Building Code

- San Mateo County Health System – CUPA Program
- City of Daly Municipal Code (Chapter 8.14)
- CAL/EPA (State's Environmental Protection Laws)
- DTSC (2011-2016 Strategic Plan)
- RWQCB (Poter-Cologne Water Quality Control Act)
- Cal EMA (Strategic Plan 2010-2015)
- City of Daly Emergency Operations Plan
- CAL FIRE
- California Fire Code

Significance Before Mitigation: Less than significant.

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