

## 4.7 Hazards and Hazardous Materials

This section describes the existing setting related to hazards and hazardous materials based on the current conditions, a regulatory database search for the Project Site and surroundings, and the federal, state, and local regulations related to hazardous materials that would apply to the Project.

### 4.7.1 Environmental Setting

#### Background

Materials and waste may be considered hazardous if they are poisonous (toxicity), can be ignited by open flame (ignitability), corrode other materials (corrosivity), or react violently, explode or generate vapors when mixed with water (reactivity). The term “hazardous material” is defined in law as any material that, because of quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment.<sup>1</sup> In some cases, past industrial or commercial uses on a site can result in spills or leaks of hazardous materials and petroleum, causing contamination of underlying soil and groundwater. Federal and state laws require that soils and groundwater having concentrations of contaminants such as lead, gasoline, or industrial solvents that are higher than certain acceptable levels must be handled and disposed as hazardous waste during excavation, transportation, and disposal. The California Code of Regulations (CCR), Title 22, §66261.20–24 contains technical descriptions of characteristics that would cause a soil to be classified as a hazardous waste. The use of hazardous materials and disposal of hazardous wastes are subject to numerous laws and regulations at all levels of government (see Regulatory Setting below).

#### Hazardous Building Materials

Development and redevelopment projects often involve the need to demolish existing older structures. Many older buildings contain building materials that consist of hazardous materials, which can be hazardous to people and the environment once disturbed. These materials include lead-based paint, asbestos-containing materials (ACM), and polychlorinated biphenyls (PCBs).

Prior to the EPA ban in 1978, lead-based paint was commonly used on interior and exterior surfaces of buildings. Through such disturbances as sanding and scraping activities, or renovation work, or gradual wear and tear, old peeling paint, or paint dust particulates have been found to contaminate surface soils or cause lead dust to migrate and affect indoor air quality. Exposure to residual lead can cause severe adverse health effects especially in children.

Asbestos is a naturally-occurring fibrous material that was extensively used as a fireproofing and insulating agent in building construction materials before such uses were banned by the U.S. Environmental Protection Agency (EPA) in the 1970s. ACM were commonly used for insulation of heating ducts as well as ceiling and floor tiles to name a few typical types of materials. Similar to lead-based paint, ACM contained within the building materials present no

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<sup>1</sup> State of California, Health and Safety Code, Chapter 6.95, Section 25501(o).

significant health risk because there is no exposure pathway. However, once these tiny fibers are disturbed, they can become airborne and become a respiratory hazard. The fibers are very small and cannot be seen with the naked eye. Once they are inhaled, they can become lodged into the lung potentially causing lung disease or other pulmonary complications.

PCBs are organic oils that were formerly used primarily as insulators in many types of electrical equipment including transformers and capacitors. After PCBs were determined to be a carcinogen in the mid to late 1970s, the U.S. EPA banned PCB use in most new equipment and began a program to phase out certain existing PCB-containing equipment. Fluorescent lighting ballasts manufactured after January 1, 1978, do not contain PCBs and are required to have a label clearly stating that PCBs are not present in the unit.

## Local Setting

Land use within the Project Site and surroundings are a mix of commercial, retail, residential and light industrial use. Commercial and light industrial operations have the potential to release hazardous materials to soil and groundwater in the vicinity of the Project Site. Potential sources include gasoline service stations and commercial uses that handle solvents or other hazardous materials. Residential land use can also result in the release of hazardous materials.

A regulatory database search of existing sites within and immediately adjacent to the Project Site was conducted for the purpose of this analysis (Department of Toxic Substances Control [DTSC] and State Water Resources Control Board [SWRCB], 2011). A limited buffer was chosen based on professional judgment considering the general use of hazardous materials in the Project Site and surroundings and the size of the Project Site. The database search involved a search of the DTSC (EnviroStor) and SWRCB (GeoTracker) environmental databases for sites with documented use, storage, or release of hazardous materials or petroleum products. The databases identified sites that have had reported releases of hazardous materials or waste including active contaminated sites that are currently under assessment and/or remediation. Some of the sites found on these databases include facilities or sites that are closed because the contamination levels were found to be below regulatory thresholds requiring remediation or remediation has satisfied the regulatory agency overseeing the effort.

The GeoTracker database includes sites found on the Spills, Leaks, Investigations, and Cleanups (SLIC) program as well as the Leaking Underground Fuel Tank (LUFT) program, both of which are overseen by the Regional Water Quality Control Board (RWQCB). The GeoTracker search results indicated a total of two SLIC sites and 11 LUFT sites within a quarter mile of the Project Site. The two SLIC sites are summarized below (SWRCB, 2011):

- Former Virginia Cleaners (currently retail apparel store and 7-11 convenience store), 1305-1335 Main Street: A release of solvents associated with past dry cleaning operations was reported at this site and is currently undergoing further characterization to determine the full lateral and vertical extent of contamination (Chlorinated Hydrocarbons, Tetrachloroethylene (PCE), Trichloroethylene (TCE), Vinyl Chloride). Several environmental investigations have been performed at the site. Solvents have been detected in soil, groundwater, and soil vapor beneath the former dry cleaning location in the

southern portion of the site. The dissolved plume extends north (downgradient) toward the Las Trampas Creek, bounding the site to the northwest. Solvents have not been detected in creek water. The plume has not been fully delineated.

- Kaiser Sand and Gravel, 1333 North California Boulevard: A release was first recorded in 1995 but no other details regarding any further action are available. The site is currently listed as inactive.

Among the 11LUFT sites, the majority of the sites or cases have been closed and only three remain open. A summary of the open cases are provided below:

- Former Standard Oil Station, 1500 Mt. Diablo Boulevard: A release of petroleum products was reported at this site and is currently undergoing further characterization to determine the full lateral and vertical extent of contamination.
- BP No. 11141 (Former), 1611 Newell Avenue: A release of waste oil/hydraulic fluid/lubricating oil was reported for the site which is currently undergoing remediation to reduce the potential exposure to human health and the environment to minimal risks.
- Shell Service Station, 1599 Newell Avenue: This site has been under investigation since 2007 for a petroleum fuel release that has not been fully characterized in its lateral and vertical extent. Continued site assessment activities are being conducted at the site.

No Superfund sites, State Response Sites, Voluntary Cleanup Sites, or School Cleanup sites are located within the Project Site and surroundings according to the Envirostor database (DTSC, 2011). In addition, there were no military evaluations or DTSC corrective actions located within the Project Site and surroundings.

## 4.7.2 Regulatory Setting

### Federal

The U.S. EPA is the lead agency responsible for enforcing federal regulations that affect public health or the environment. The primary federal laws and regulations include the Resource Conservation and Recovery Act of 1976 (RCRA) and the Hazardous and Solid Waste Amendments enacted in 1984; the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA); and the Superfund Act and Reauthorization Act of 1986 (SARA). Federal statutes pertaining to hazardous materials and wastes are contained in the Code of Federal Regulations (CFR), Title 40. These include 40 CFR Part 745 which covers lead-based paint poisoning prevention in certain residential structures. Part 745 identifies lead-based paint hazards and provides standards for lead-based paint hazards that apply to target housing and child-occupied facilities. There are no Superfund sites at or near this Project Site, so Superfund would not apply.

### RCRA

RCRA Subtitle C regulates the generation, transportation, treatment, storage and disposal of hazardous waste by “large-quantity generators” (1,000 kilograms per month or more) through

comprehensive life cycle or “cradle to grave” tracking requirements. The requirements include maintaining inspection logs of hazardous waste storage locations, records of quantities being generated and stored, and manifests of pick-ups and deliveries to licensed treatment/storage/disposal facilities. RCRA also identifies standards for treatment, storage, and disposal.

According to RCRA Subpart C and the US EPA, materials and waste are considered hazardous based on four characteristics:

- **Ignitability.** Ignitable wastes can create fires under certain conditions, are spontaneously combustible, or have a flash point less than 60 °C (140 °F). Examples include waste oils and used solvents.
- **Corrosivity.** Corrosive wastes are acids or bases (pH less than or equal to 2, or greater than or equal to 12.5) that are capable of corroding metal containers, such as storage tanks, drums, and barrels. Battery acid is an example.
- **Reactivity.** Reactive wastes are unstable under “normal” conditions. They can cause explosions, toxic fumes, gases, or vapors when heated, compressed, or mixed with water. Examples include lithium-sulfur batteries and explosives.
- **Toxicity.** Toxic wastes are harmful or fatal when ingested or absorbed (e.g., containing mercury, lead, etc.).

### ***Occupational Safety and Health Act***

The OSHA administers the Occupational Safety and Health Act, which requires special training of handlers of hazardous materials, notification to employees who work in the vicinity of hazardous materials, and acquisition from the manufacturer of material safety data sheets (MSDS). An MSDS describes the proper use of hazardous materials. The Act also requires and training of employees to remediate any hazardous material accidental releases.

## **State and Local**

### ***Hazardous Materials and Waste Handling***

The California Environmental Protection Agency (Cal EPA), DTSC regulates the generation, transportation, treatment, storage, and disposal of hazardous waste. State and federal laws require detailed planning to ensure that hazardous materials are properly handled, used, stored, and disposed of, and in the event that such materials are accidentally released, to prevent or to mitigate injury to health or the environment. These laws require hazardous materials users to prepare written plans, such as Hazard Communication Plans and Hazardous Materials Business Plans. Laws and regulations require hazardous materials users to store these materials appropriately and to train employees to manage them safely. A number of agencies participate in enforcing hazardous materials management requirements, including DTSC, the RWQCB and the Contra Costa Department of Environmental Health.

Throughout Contra Costa County, a Hazardous Materials Management Plan must be prepared and submitted to the County by businesses that use or store certain quantities of hazardous materials.

As discussed above, the federal RCRA established a “cradle-to-grave” regulatory program for governing the generation, transportation, treatment, storage and disposal of hazardous waste. Under RCRA, individual states may implement their own hazardous waste programs in lieu of RCRA as long as the state program is at least as stringent as federal RCRA requirements. In California, the DTSC regulates the generation, transportation, treatment, storage, and disposal of hazardous material waste. The hazardous waste regulations establish criteria for identifying, packaging, and labeling hazardous wastes; dictate the management of hazardous waste; establish permit requirements for hazardous waste treatment, storage, disposal, and transportation; and identify hazardous wastes that cannot be disposed of in landfills.

### ***Hazardous Materials Transportation***

The United States Department of Transportation regulates hazardous materials transportation on all interstate roads. Within California, the state agencies with primary responsibility for enforcing federal and state regulations and for responding to transportation emergencies are the California Highway Patrol (CHP) and the California Department of Transportation (Caltrans). Together, federal and state agencies determine driver-training requirements, load labeling procedures, and container specifications. Although special requirements apply to transporting hazardous materials, requirements for transporting hazardous waste are more stringent, and hazardous waste haulers must be licensed to transport hazardous waste on public roads.

### ***Soil and Groundwater Contamination***

In Contra Costa County, remediation of contaminated sites is generally performed under the oversight of DTSC, the RWQCB, and/or the Contra Costa Department of Environmental Health. At sites where contamination is suspected or known to occur, the project sponsor is required to perform a site investigation and draw up a remediation plan, if necessary. For typical development projects, site remediation is completed either before or during the construction phase of the project.

### ***Underground Storage Tanks***

State laws governing underground storage tanks (USTs) specify requirements for permitting, monitoring, closure, and cleanup. Regulations set forth construction and monitoring standards for existing tanks, release reporting requirements, and closure requirements. Generally speaking, the Contra Costa Department of Environmental Health is the local agency designated to permit and inspect USTs and to implement applicable regulations. A closure plan for each UST to be removed must be prepared and submitted to the County prior to tank removal. Upon approval of the UST closure plan by the County, the In Contra Costa County, the Contra Costa Hazardous Materials Program is the designated Certified Unified Program Agency (CUPA) and would oversee UST removal and the subsequent collection of subsurface soil samples from beneath a removed UST.

### ***Worker Safety***

Occupational safety standards exist in federal and state laws to minimize worker safety risks from both physical and chemical hazards in the work place. The California Division of Occupational Safety and Health (Cal OSHA) and the federal OSHA are the agencies responsible for ensuring worker safety in the workplace.

Cal OSHA assumes primary responsibility for developing and enforcing standards for safe workplaces and work practices. At sites known to be contaminated, a Site Safety Plan must be prepared to protect workers. The Site Safety Plan establishes policies and procedures to protect workers and the public from exposure to potential hazards at the contaminated site.

### ***Emergency Response***

California has developed an emergency response plan to coordinate emergency services provided by federal, state, and local government and private agencies. Responding to hazardous materials incidents is one part of this plan. The plan is administered by the State Office of Emergency Services (OES), which coordinates the responses of other agencies, including Cal EPA, CHP, the Department of Fish and Game, the RWQCB, and the local fire department. The Contra Costa Hazardous Materials Program provides first response capabilities, if needed, for hazardous materials emergencies within the city.

### ***Structural and Building Components***

#### **Asbestos-Containing Materials**

Similar to federal laws, state laws and regulations also pertain to building materials containing asbestos. Inhalation of airborne fibers is the primary mode of asbestos entry into the body, making friable (easily crumbled) materials a respiratory health threat. These existing laws and regulations prohibit emissions of asbestos from asbestos-related manufacturing, demolition, or construction activities; require medical examinations and monitoring of employees engaged in activities that could disturb asbestos; specify precautions and safe work practices that must be followed to minimize the potential for release of asbestos fibers; and require notice to federal and local governmental agencies prior to beginning renovation or demolition that could disturb asbestos.

#### **Polychlorinated Biphenyls (PCBs)**

PCBs are organic oils that were formerly placed in many types of electrical equipment, including transformers and capacitors, primarily as electrical insulators. Years after widespread and commonplace installation, it was discovered that exposure to PCBs may cause various health effects, and that PCBs are highly persistent in the environment.

In 1979, the U.S. EPA banned the use of PCBs in most new electrical equipment and began a program to phase out certain existing PCB-containing equipment. The use and management of PCBs in electrical equipment is regulated pursuant to the Toxic Substances Control Act, 15 U.S.C. § 2601 et seq. (TSCA). Regulations generally require labeling and periodic inspection

of certain types of PCB equipment and set forth detailed safeguards to be followed in disposal of such items.

### **Lead and Lead-Based Paint**

Pursuant to California Code of Regulations, Title 22 Section 66261.24, waste soil containing lead is classified as hazardous if the lead exceeds a total concentration of 1,000 parts per million (ppm) and a soluble concentration of 5 ppm. Cal-OSHA regulates lead-based paint under Title 8, Section 1532.1. The regulations address lead-based paint hazards created by renovation, repair, and painting activities that disturb lead-based paint.

## **Local**

### **General Plan 2025 Policies**

The General Plan contains the following relevant goal, policies, and actions in Chapter 6, Safety and Noise, related to hazardous materials:

#### **Safety and Noise**

- **Goal 3:** Reduce dangers from hazardous materials.
  - *Policy 3.1:* Facilitate the proper disposal of hazardous materials.
  - *Policy 3.2:* Prioritize safety needs of non-industrial land uses.
  - *Policy 3.3:* Incorporate hazardous materials abatement provisions in zoning and subdivision decisions and entitlement permits.
  - *Policy 3.4:* Work with federal and state authorities to ensure that any transport of hazardous materials through Walnut Creek is at the highest standard of safety.
    - *Action 3.4.1:* Designate hazardous material carrier routes that direct hazardous materials away from populated and other sensitive areas.
  - *Policy 3.5:* Require that soils, groundwater, and buildings affected by hazardous material releases from prior land uses, and lead and asbestos potentially present in building materials, will not have the potential to adversely affect the environment or the health and safety of residents.
    - *Action 3.5.1:* Require an environmental investigation for hazardous materials when reviewing application for new development in former commercial or industrial areas.
  - *Policy 3.6:* Require that new development and redevelopment protect public health and safety from hazardous materials.
    - *Action 3.6.1:* Require environmental investigation stipulated by State and County regulations for potential hazardous material releases from prior uses, as well as lead and asbestos present in building materials.

## 4.7.3 Impacts and Mitigation Measures

### Significance Criteria

The Project would have a significant impact on the environment 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 one-quarter mile of an existing or proposed school.
4. Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.
5. Result in a safety hazard for people residing or working in the Project Area for a project within the vicinity of a private airstrip or within an airport land use plan.
6. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
7. 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.

These criteria are applied broadly. Under CEQA, the analysis extends only to whether the Project would cause impacts on the existing environment. Hazardous materials impacts to future residents and workers of the Project are not within the scope of a CEQA analysis. However, the City has directed that this EIR also evaluate such issues within the Project. Accordingly, the above criteria are applied to non-CEQA issues as well. For ease of reference, both CEQA and non-CEQA issues are addressed together, which means that phrases such as “impact” and “mitigation measure” are applied to both CEQA and non-CEQA analysis. However, insofar as the non-CEQA issues are concerned, “impacts” are regulatory issues, and “mitigation measures” is used to refer to recommended conditions of approval.

### Approach to Analysis

This following impact analysis focuses on potential impacts of the Project related to exposure to hazardous substances. The evaluation considered Project plans, current conditions at the Project Site and surroundings, and applicable regulations and guidelines.

### **Topics Briefly Addressed**

Some of the CEQA criteria are considered to have no impact based upon the Project Description (Chapter 3) and research on potential Project impacts; therefore, they are not discussed further in this EIR.

- **Criterion 3: Hazardous Materials Emissions Near a School:** There are no schools located within a quarter mile of the Project Site. Regardless, the Project would not include any significant hazardous emissions or handle significant quantities of hazardous materials, substances or waste such that it would put occupants of any schools in the area at risk. Therefore, there would not be any potential impacts related to emissions near schools.
- **Criterion 4: Hazardous Materials Site According to Government Code Section 65962.5:** According to a search of available environmental databases, the Project Site is not listed as a site with a hazardous materials release. Therefore, no potential impact related to a significant hazard to the public or the environment from such a site would exist. However, other sites in the area were included on these databases and are discussed further below.
- **Criterion 5: Vicinity of Airstrip:** The closest airstrip or airport to the Planning Area is the Buchanan Field located approximately 6 miles north, well outside of the Airport Land Use Plan. Therefore, there would no potential impacts to any airports or airstrips.
- **Criterion 6: Emergency Response Plan or Evacuation Plan:** The Project could result in an increased resident, employee and visitor population in the area. However, the Project would not alter the existing street network, and it would comply with all emergency vehicle access requirements as a condition of construction. Overall, the Project would not impede an established emergency access route or interfere with emergency response requirements and would not result in permanent road closures. Therefore, the Project would have no impacts to emergency response or evacuation plans.
- **Criterion 7: Wildland Fires:** The Project Area is located within an urbanized area that is not immediately adjacent to any wildlands. All construction that might be associated with the Project would be required to adhere to Building Fire Codes that are designed to minimize the potential for uncontrolled fires. Therefore, implementation of the Project would not expose people or structures to significant risk of wildland fires and would have no impact.

### **Impacts by Project Scenario**

The following analysis applies to both the Maximum Commercial Scenario and the Maximum Mixed-Use Scenario, largely due to the fact that it is difficult to quantify the differences in hazardous materials use, handling, and disposal under the two scenarios. Limited quantities of hazardous materials are likely under both scenarios and ultimately the potential impacts would be relatively similar. Therefore, the following analysis considers potential impacts associated with both the Maximum Commercial Scenario and the Maximum Mixed-Use Scenario; both scenarios are discussed under a single Impact Statement for each criterion.

## Impacts

### ***Transportation, Use, and Storage of Hazardous Chemicals***

**The Project could include increased commercial and residential land uses that could involve the transportation, use, and storage of hazardous chemicals, which could potentially present public health and/or safety risks to facility workers, residents, and visitors, and the surrounding area (Criterion 1). (Less than Significant)**

Proposed development facilitated under the Project would be expected to increase commercial and residential land uses and could involve a range of increased chemical products that are considered hazardous materials or hazardous waste. Exposure to hazardous chemicals through improper handling or through accidental upset conditions could cause acute or chronic health effects to the public and environment.

Handling and use of these hazardous materials and the disposal of the resulting hazardous wastes would be required to follow the applicable laws and regulations, as described in *Regulatory Setting* above. The net result of compliance would be the reduction of risks and hazards to workers, the public, and the environment to levels that would be considered acceptable.

Hazardous materials would typically be stored in their original containers prior to use. As required, the hazardous materials would be stored in each building, in locations according to compatibility and in storage enclosures (i.e., flammable material storage cabinets and biological safety cabinets) or in areas or rooms specially designed, protected, and contained for such storage, in accordance with applicable regulations. Hazardous materials would be handled and used in accordance with applicable regulations by personnel that have been trained in the handling and use of the material and that have received proper hazard-communication training. Hazardous materials reporting (i.e., California Hazardous Materials Business Planning, California Proposition 65 notification, and Emergency Planning and Community-Right-to-Know Act reporting) would be completed as required.

Existing regulatory requirements, such as RCRA “cradle to grave” requirements for hazardous materials and the County’s Hazardous Materials Management Plan, establish minimum standards for businesses handling hazardous materials. This regulatory framework requires that hazardous materials are stored, handled, and disposed of according to the Hazardous Materials and Waste Management Plan of Contra Costa County and restrictions on facilities handling large quantities of hazardous materials would be placed (however, it is important to note that the proposed Project does not include industrial or manufacturing uses that would qualify as large quantity users). Transportation routes for hazardous materials would be identified and regulated (Caltrans) to minimize the potential adverse effects from accidental upset conditions. Therefore, this would be a less than significant impact.

**Mitigation:** None required.

### ***Release of Hazardous Materials During Demolition Activities***

**Existing structures demolished to allow for development facilitated by the Project could potentially contain hazardous building materials, such as lead-based paint, asbestos-containing materials (ACMs), or polychlorinated biphenyls (PCBs), which could expose and adversely affect workers, the public, or the environment if not handled appropriately (Criterion 2). (Less than Significant)**

Demolition of any existing structures, especially older structures where these hazardous building materials were commonly used in construction, could be released during demolition activities and expose construction workers, the public, or the environment. The level of potential impact is dependent upon the age, construction, and building materials in each building and the protocols employed for demolition. However, there are established measures that certified contractors commonly use to contain, store, and dispose of these hazardous materials in a manner that limits exposure. The first step towards appropriate handling and demolition is conducting thorough surveys to identify the presence of these materials. ACMs are regulated both as a hazardous air pollutant under the Clean Air Act and as a potential worker safety hazard under the authority of Cal-OSHA. Cal-OSHA also regulates worker exposure to lead-based paint. The Bay Area Air Quality Management District (BAAQMD) is vested by the California legislature with authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement, and is to be notified ten days in advance of any proposed demolition or abatement work.

Notification includes the names and addresses of operations and persons responsible; description and location of the structure to be demolished/alterd including size, age and prior use, and the approximate amount of friable asbestos; scheduled starting and completion dates of demolition or abatement; nature of planned work and methods to be employed; procedures to be employed to meet BAAQMD requirements; and the name and location of the waste disposal site to be used. The BAAQMD randomly inspects asbestos removal operations. In addition, the BAAQMD will inspect any removal operation concerning which a complaint has been received.

Potential exposure to these hazardous building materials can be reduced through appropriate use of personal protective equipment, isolation and containment of work areas, and placement of waste in approved transport containers.

Both the federal OSHA and Cal-OSHA regulate worker exposure during construction activities that disturb lead-based paint. The Interim Final Rule found in 29 CFR 1926.62 covers construction work in which employees may be exposed to lead during such activities as demolition, removal, surface preparation for repainting, renovation, cleanup, and routine maintenance. The OSHA-specified compliance includes respiratory protection, protective clothing, housekeeping, special high-efficiency filtered vacuums, hygiene facilities, medical surveillance, and training. No minimum level of lead is specified to activate the provisions of this regulation.

California regulates PCBs under Title 22, California Code of Regulations, Sections 66261.24 and 66261.113, as a hazardous waste in liquid format concentrations equal to or above 5 parts per million (ppm) and non-liquids at concentrations equal to or above 50 ppm. If wastes contain the threshold levels stated above, they must be disposed of as a hazardous waste. The same is true for

PCB-laden electrical equipment. Liquid wastes are usually either treated and landfilled, or incinerated. Non-liquid wastes are generally landfilled or incinerated, sometimes after non-hazardous parts are recycled. Materials containing detectable concentrations of PCBs are prohibited from being released into sources of drinking water under Proposition 65.

Fluorescent light ballasts containing PCBs are considered hazardous waste and must be transported and disposed of as hazardous waste. Transportation of these ballasts for consolidation prior to disposal is exempted from manifesting and use of a registered hauler up to two 55 gallon drums per vehicle.

Adherence to existing regulations would reduce the potential for hazardous building materials to impact the environment or the public. Therefore, as already required by applicable regulations and laws, proposed redevelopment of older existing facilities would be required to adhere to appropriate identification and abatement procedures by certified contractors who employ practices that limit the exposure of hazardous building materials, where present. Therefore this would be a less-than-significant impact.

**Mitigation:** None required.

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### ***Accidental Release of Hazardous Materials***

**Construction facilitated by the Project could potentially 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 (Criterion 2). (Less than Significant)**

Temporary construction activities associated with development under the proposed Project may involve the transport and use onsite of hazardous materials, such as limited quantities of gasoline, diesel fuel, hydraulic fluid, solvents, oils, and paints for the construction of individual, projects within the Project Site. These materials would be transported along the roadways and temporarily stored onsite. Containment and spill clean up is encompassed in the Storm Water Pollution Prevention Plan (SWPPP) discussed in Section 4.8, *Hydrology and Water Quality*, to prevent hazardous materials from spreading off the property. Hazardous materials being generated during construction will be disposed of as described in the required SWPPP. Therefore, as a condition of construction, compliance with existing regulations (NPDES) would address potential upsets and accidents limiting the potential impacts during construction to less than significant.

**Mitigation:** None required.

## ***Exposure of People to Past Releases of Hazardous Materials or Wastes***

**Impact HAZ-1: The Project could encounter contamination from past releases of hazardous materials in the area of the Project Site, such as from underground fuel storage tanks, could potentially expose residents or workers to hazardous materials or wastes (Criteria 1 and 4). (Potentially Significant)**

Sites in the immediate vicinity of the Project Site which have been impacted by petroleum hydrocarbons from leaking underground storage tanks or other chemical constituents such as solvents associated with dry cleaning operations, could expose individuals to hazardous conditions resulting from exposure of contaminated soils or groundwater. Exposure of residents to underground hazardous wastes is considered a *potentially significant* impact. Areas impacted by former releases could expose construction workers or future residents to hazardous materials or hazardous wastes.

As summarized in the Project Description, there are a number of sites listed on regulatory agency databases with hazardous materials releases within the immediate vicinity of the Project Site and surroundings. The majority of these sites have been closed indicating that there is no longer any contamination at levels that could adversely affect human health or the environment. Investigations and remediation efforts are generally required by overseeing agencies such as the County's Hazardous Materials Program, RWQCB, and the DTSC, which establish cleanup levels according to existing or proposed uses. In general, soils contaminated from releases of petroleum hydrocarbons associated with USTs are found in limited areas around the origin of release and do not migrate very far offsite. Groundwater contamination, depending on a number of factors can migrate further. Solvents are generally very soluble in water and can be found to migrate well offsite. The former Virginia Dry Cleaners (now retail apparel store and 7-11 convenience store) is located across the street from the Project Site where solvents have been found in groundwater. The Virginia Dry Cleaners site is currently undergoing remediation efforts that are addressing both soil and groundwater contamination. Based on monitoring efforts at the site, groundwater contamination appears to be undergoing natural attenuation. Therefore, given the natural attenuation combined with the active remediation efforts at the site, the potential for encountering contamination at the Project Site at levels that would adversely affect the public or the environment is considered relatively low. However, the potential for the Project to encounter underground hazardous wastes and release them to the environment is considered a *potentially significant* impact. Implementation of the following mitigation measures, would reduce the impact to a level less than significant.

**Mitigation Measure HAZ-1a:** Any subsurface materials exposed during construction activities that appear suspect of contamination, either from visual staining or suspect odors, shall require immediate cessation of excavation activities and notification of the Contra Costa County Hazardous Materials Division. Soils suspected of contamination through visual observation or from observed odors, shall be segregated from other soils and placed on and covered by plastic sheeting and characterized for potential contamination in accordance with direction received from the Contra Costa County Hazardous Materials Division. If contamination is found to be present, any further proposed groundbreaking activities within areas of identified or suspected contamination shall be conducted according to a site specific health and safety plan, prepared by a licensed professional and

approved by Contra Costa County Environmental Health Division (Hazardous Materials Program).

**Mitigation Measure HAZ-1b:** Any groundwater generated during construction dewatering shall be contained and profiled in accordance with Regional Water Quality Control Board (RWQCB) or Central Contra Costa Sanitary District (CCCSD) requirements depending on whether water will be discharged to storm sewer or sanitary sewer. Any water that does not meet permitted requirements by these two agencies shall be transported offsite for disposal at an appropriate facility, or treated, if necessary to meet applicable standards, prior to discharge in accordance with approval from the RWQCB or CCCSD.

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## Cumulative Impact

### *Geographic Context*

The cumulative geographic context for hazardous materials includes the Project Site and all areas of the City, as well as area roadways used to transport hazardous materials.

### *Cumulative Release or Exposure to Hazards or Hazardous Materials*

**The Project, combined with other past, present, existing, approved, pending, and reasonably foreseeable future projects in the vicinity, could potentially contribute to cumulative releases of hazards or hazardous materials. (Less than Significant)**

As discussed above, the Project has the potential to release hazardous substances and materials. After mitigation, that potential would result in less than significant hazards and hazardous material impacts under either development scenario. Hazards and hazardous material impacts typically occur in a local or site-specific context versus a cumulative context combined with other past, present, and future development projects. Implementation of regulatory requirements of agencies such as DTSC, RWQCB, Caltrans, and Contra Costa County Environmental Health Department (Hazardous Materials Program) would similarly address site-specific hazards and emergency access and operation for all other existing projects and projects in the foreseeable future. Anticipated development projects (e.g., residential and commercial land uses) that would occur in the surrounding region would not significantly increase human health or safety risks.

This impact is considered less than cumulatively considerable because of compliance with the regulatory requirements identified above that include measures for the safe transport, storage, use, and disposal of hazardous materials and wastes for the protection of human health and the environment.

**Mitigation:** None required.

## 4.7.4 References

Department of Toxic Substances Control (DTSC), *EnviroStor Database Results for Walnut Creek*, [http://www.envirostor.dtsc.ca.gov/public/map.asp?global\\_id=&x=-119.1357421875&y=37.82280243352756&zl=5&ms=640,480&mt=m&findaddress=True&city=WALNUT%20CREEK&zip=&county=&federal\\_superfund=true&state\\_response=true&voluntary\\_cleanup=true&school\\_cleanup=true&corrective\\_action=true&tiered\\_permit=true&permit\\_site=true&permit\\_and\\_ca\\_site=true](http://www.envirostor.dtsc.ca.gov/public/map.asp?global_id=&x=-119.1357421875&y=37.82280243352756&zl=5&ms=640,480&mt=m&findaddress=True&city=WALNUT%20CREEK&zip=&county=&federal_superfund=true&state_response=true&voluntary_cleanup=true&school_cleanup=true&corrective_action=true&tiered_permit=true&permit_site=true&permit_and_ca_site=true), accessed November 2, 2011.

State Water Resources Control Board (SWRCB), *Geotracker Database for Walnut Creek*, <http://www.geotracker.swrcb.ca.gov/map/>, accessed November 2, 2011.