

14

HAZARDOUS MATERIALS AND HAZARDS

The Hazardous Materials and Hazards chapter of the Environmental Impact Report (EIR) describes existing and potentially occurring hazards and hazardous materials within the project area. This chapter discusses potential impacts posed by these hazards to the environment, as well as to workers, visitors, and residents within and adjacent to the project area. The project site has undergone two separate environmental reviews from previous projects, which have since been withdrawn (Refer to the Project Background subsection in Chapter 3). In addition, an Initial Study was prepared by Placer County on April 24, 2008 for the Bohemia Retail project (proposed project) and is included as Appendix C of this Draft EIR. The Hazardous Materials and Hazards Chapter is primarily based on information drawn from the following sources: *Placer County General Plan (PCGP)*,¹ *PCGP EIR*,² the *Auburn/Bowman Community Plan (ABCP)*,³ the *Phase I Environmental Site Assessment* (See Appendix P),⁴ and the *Phase II Limited Soil Testing Study* (See Appendix Q).⁵

Impacts that have already been identified in the Bohemia Retail Initial Study as having *no impact* (for a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing in the project area; 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), impacts with *less-than-significant* levels (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, would it create a significant hazard to the public or the environment; expose people to existing sources of potential health hazards), or impacts that include required mitigation measures to reduce the impacts to a *less-than-significant* level (create a significant hazard to the public or the environment through the routine handling, transport, use, or disposal of hazardous or acutely hazardous materials; 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; create any health hazard or potential health hazard), are not further addressed within this chapter. The impacts identified as *potentially significant* in the Initial Study are addressed in this chapter. Required mitigation measures from the Initial Study have been included in Chapter 2, Executive Summary, of this Draft EIR.

14.1 ENVIRONMENTAL SETTING

Regional Setting

The proposed project site is located approximately 2.3 miles north of downtown Auburn, located centrally in Placer County, California. The four parcels comprising the project site are located just north of the City limits and are within the County's jurisdiction. The general terrain of the County descends from the fairly steep hillsides in the east to the nearly flat, gently rolling lands located to the west.

Existing Site Conditions

The term hazardous substance refers to both hazardous materials and hazardous wastes. A material is defined as hazardous if the material appears on a list of hazardous materials prepared by a federal, State, or local regulatory agency or if the material has characteristics defined as hazardous by such an agency.

The California Environmental Protection Agency, Department of Toxic Substances Control (Cal-EPA, DTSC) defines hazardous waste, as found in the California Health and Safety Code, Section 25141(b), as follows:

[...] its quantity, concentration, or physical, chemical, or infectious characteristics: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; (2) pose a substantial present or potential hazard to human health or the environment, due to factors including, but not limited to, carcinogenicity, acute toxicity, chronic toxicity, bioaccumulative properties, or persistence in the environment, when improperly treated, stored, transported, or disposed of, or otherwise managed.

The project site was formerly used for the Bohemia Lumber Company. A Phase I Environmental Site Assessment (ESA) was conducted by Charles Lockwood Consulting Engineer, Inc. on May 19, 2004 for the former Bohemia Subdivision Project, which encompassed the same project site as proposed under this project. The four parcels comprising the project site are a subset of a larger parcel originally used for the Cal Ida Lumber Mill that began in 1901. The site was later converted in the 1970s for the development of the Bohemia Mill operations, which later ceased during the early 1980s. All remaining structures and equipment associated with the Bohemia Lumber Mill were demolished or removed during this time; however, level pavement, foundations, and gravel areas still remain onsite. Previous lumber and mill operations contributed to two areas of soil contamination.⁶

The proposed project site is currently vacant. Remains from the previous mill and lumber operations are onsite, but have since been overgrown with volunteer grasses and brush vegetation. On-site vegetation is comprised of non-native annual grasses, blackberry species, and oak species. A small seasonal wetland is also located onsite. Areas identified during the 2004 Phase I ESA indicated that a considerable amount of foundations and pavement remain in the northwest area of the project site. Foundations were also found to be located in the north and northeast areas of the site. Surrounding land uses of the proposed project site include residential, commercial, industrial, and open space. The general terrain of the proposed site is fairly level, with a slight slope to the west (towards SR 49).

Soil remediation was performed on the project site by Vector Engineering. Results of the soil remediation revealed that local bedrock was present at very shallow depths (approximately one to five feet below ground surface). Groundwater was found at shallow depths in the project site vicinity, likely attributed to Wise Canal (discussed in Chapter 12, Hydrology and Water Quality). A site characterization determined that elevated concentrations of cadmium and lead were found onsite. The Phase I ESA and a Phase II Limited Soil Testing were submitted to the County and to

DTSC in 2004 and 2006, respectively. The contaminated soils have since been excavated and removed from the site (140 cubic yards were transported via a non-hazardous manifest, while an additional 38 cubic yards were transported via a hazardous waste manifest). In late 2007, the DTSC issued a No Further Action determination, which states that the site does not represent any significant health hazards related to past uses of hazardous materials at the project site.⁷

The closest public use airport to the subject property is the Auburn Municipal Airport, which is located approximately one and a half miles to the north. The Airport Land Use Compatibility Plan (ALUCP) determines land use compatibility depending on type of use and proximity to the airport. The project site is located within the Compatibility Zoning Designation “D.” The project site is not located in the vicinity of any private airstrips.

14.2 REGULATORY SETTING

Many agencies regulate hazardous substances. The following discussion contains a summary review of regulatory controls pertaining to hazardous substances, including federal, State, and local laws and ordinances.

Federal Regulations

Federal agencies that regulate hazardous materials include the Environmental Protection Agency (EPA), the Occupational Safety and Health Administration (OSHA), the Department of Transportation (DOT), and the National Institute of Health (NIH). The following federal laws and guidelines govern hazardous materials:

- Federal Water Pollution Control Act;
- Clean Air Act;
- Occupational Safety and Health Act;
- Federal Insecticide, Fungicide, and Rodenticide Act;
- Comprehensive Environmental Response, Compensation, and Liability Act;
- Guidelines for Carcinogens and Biohazards;
- Superfund Amendments and Reauthorization Act Title III;
- Resource Conservation and Recovery Act;
- Safe Drinking Water Act; and
- Toxic Substances Control Act.

Prior to August 1992, the principal agency at the federal level regulating the generation, transport and disposal of hazardous waste was the EPA under the authority of the Resource Conservation and Recovery Act (RCRA). As of August 1, 1992, however, the California Department of Toxic Substance Control (DTSC) was authorized to implement the State’s hazardous waste management program for the EPA. The federal EPA continues to regulate hazardous substances under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA).

State Regulations

The Cal-EPA and the California State Water Resources Control Board establish rules governing the use of hazardous materials and the management of hazardous waste. Applicable State laws include the following:

- Public Safety/Fire Regulations/Building Codes;
- Hazardous Waste Control Law;
- Hazardous Substances Information and Training Act;
- Air Toxics Hot Spots and Emissions Inventory Law;
- Underground Storage of Hazardous Substances Act; and
- Porter-Cologne Water Quality Control Act.

Within Cal-EPA, DTSC has primary regulatory responsibility, with delegation of enforcement to local jurisdictions that enter into agreements with the State agency, for the management of hazardous materials and the generation, transport, and disposal of hazardous waste under the authority of the Hazardous Waste Control Law (HWCL).

Local Regulations

Auburn/Bowman Community Plan

The ABCP does not contain specific goals and policies regarding hazardous materials and hazards. Therefore, the applicable goals and policies to the proposed project are those referenced within the PCGP (See Chapter 1, Introduction, for a listing of PCGP policies applicable to the project).

14.3 IMPACTS AND MITIGATION MEASURES

Standards of Significance

In accordance with CEQA, the effects of a project are evaluated to determine if they would result in a significant adverse impact on the environment. For the purposes of this Draft EIR, an impact is considered significant if the proposed project would:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- 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;
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
- 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, would it create a significant hazard to the public or the environment;

- For a project located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area;
- For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area;
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan;
- Create any health hazard or potential health hazard; or
- Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

Method of Analysis

Site conditions and impacts for this chapter are based on the PCGP EIR, the PCGP and local, State, and federal database searches conducted during the Phase I ESA and Phase II Soil Investigation Report.

As stated earlier, impacts identified as *potentially significant* within the Initial Study are addressed below. All other impacts listed in the Standards of Significance above have already been addressed in the Initial Study and have been identified as having *no impact*, a *less-than-significant* impact, or include mitigation measures to reduce the proposed project's potential for an adverse impact to a less-than-significant level.

Project-Specific Impacts and Mitigation Measures

14-1 Impacts related to the on-site fueling station.

Construction activities would involve the short-term use and storage of on-site hazardous materials that are common to construction sites (fuels, solvents, etc.). All materials would be used, stored, and disposed of in accordance with all applicable federal, State, and local regulations and by way of the recommended manufacturer's directions. Potential impacts related to construction activities of the on-site fueling station are not considered to be significant.

The proposed project would include an on-site fueling station surrounded by proposed parking and landscaped areas in the southwest corner of the project site. The station would also include a canopy-covered kiosk that would sell other common types of hazardous materials (oils, batteries, antifreeze, etc). In addition, Mitigation Measure 12-3(e) set forth in Chapter 12, Hydrology and Water Quality, requires that the overhanging roof structure or canopy must not drain onto the fuel dispensing area, and that the canopy downspouts be routed to prevent drainage across the fueling area. Fuel would be stored on-site in underground storage tanks (USTs), which would dispense fuels via nine multipurpose dispensers (18 fuel pumps). It should be noted that underground storage of hazardous materials is subject to the provisions of the California Health and Safety Code

and Title 23 of the California Code of Regulations. The USTs will be installed and operated under permit and inspection with Placer County Environmental Health Services (PCEHS) and in compliance with California Health and Safety Code and Title 23 of the California Code of Regulations.

Underground storage tank systems are equipped with overflow alarms; however, spills can occur due to alarm malfunction and/or operator error. While this type of release is uncommon due to overflow alarms, it could result in the accidental release of approximately 60 to 100 gallons of fuel to the ground surface. As a project condition of approval, curbing around the perimeter of the fueling station shall be high enough to prevent off-site migration of a surface spill of up to 100 gallons of fuel. In addition, as a project condition of approval, the oil and water separator shall be located and sized such that a surface spill of up to 100 gallons of fuel will be contained on-site and the site shall be sloped such that any accidental release will flow to the oil and water separator (See also Mitigation Measure 12-3(e)). It should be noted that the underground fuel storage tanks associated with the proposed fueling station would be double-walled with either fiberglass or fiberglass-clad steel construction and would be monitored by a monitoring system with multiple sensors. Interstitial space of tanks and product piping would be maintained under constant vacuum or pressure. The continuous monitoring of the interstitial spaces of the tank and piping would be designed such that a breach in the primary or secondary containment would be detected prior to release of liquid or vapor of the substance to the environment. Issuance and renewal of facility operating permits by Placer County Environmental Health Services is contingent on the facility remaining in compliance with all testing and operation requirements and maintaining a properly operating monitoring system.

Further, the fuel dispensing area will be required to be paved with Portland cement concrete and have a minimum 2 percent slope, with separation from the rest of the site by a grade break to prevent runoff of stormwater (See also Mitigation Measure 14-1(b), #6, below). Furthermore, it should be noted that, as a project Condition of Approval, monitoring system certifications will be required to be conducted annually and the results will be submitted for review and approval by Placer County Environmental Health Services. The monitoring system certifications will be required to be conducted by a qualified technician with appropriate licensing. Operational activities would include the routine handling of hazardous materials during the transportation, storage, and retail activities associated with the on-site fueling station. All on-site hazardous materials would be used, stored, and disposed of in accordance with all applicable federal, State, and local regulations and according to the recommended manufacturer's instructions.

However, the possibility cannot be eliminated that potential impacts could result from spills, overfilling, leaks, or rupture of the underground storage tanks. Furthermore, the quantity of such materials sold onsite and potential spills could expose the public to significant hazards, which is considered a *potentially significant* impact.

Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above impact to a less-than-significant level.

- 14-1(a) *The project proponent shall submit to the Placer County Environmental Health Services (EHS) a Hazardous Materials Business Plan (HMBP) detailing the quantity of hazardous materials (fuels, oils, solvents, batteries) and waste that would be kept at the station. The HMBP shall include spill prevention measures, as well as procedures for the proper cleanup and disposal for all hazardous materials and waste transported, stored, used, or sold onsite. In addition to the HMBP, the project proponent shall also submit complete construction plans to be reviewed by the EHS prior to the approval of grading permits. The payment of all applicable fees shall also be submitted to the EHS when construction plans are submitted.*
- 14-1(b) *The project applicant shall comply with the Placer County permit conditions and State regulations (Title 23, Chapter 16), as well as State Fire Codes for the installation and operation of the underground storage tanks. Implementation of the aforementioned requirements shall include, but not be limited to, the following components:*
- 1. To be conducted by a qualified and licensed contractor;*
 - 2. Secondary containment for all tank penetrations;*
 - 3. Double wall vent and vapor lines, with crash protection post for vent risers;*
 - 4. Watertight tank sump lids and watertight traffic grade manways;*
 - 5. Overfill prevention equipment;*
 - 6. Traffic-rated drainways between the dispenser islands leading to an oil/water separator;*
 - 7. Underground storage tank leak detection system (automated) with positive shutdown;*
 - 8. Testing and monitoring including manual inspection of the underground storage tank system;*
 - 9. Periodic inspections of underground storage tanks by the local fire department;*
 - 10. Proven emergency response plan for potential spills;*
 - 11. Prompt reporting of the discovery of a leaking or ruptured tank system or major surface spill; and*
 - 12. Employee training for spill prevention, clean up, and reporting.*
- 14-1(c) *Implement Mitigation Measure 12-3(e).*

14-2 Impacts related to exposure to hazardous emissions, substances, or waste within one-quarter mile of an existing or proposed school.

The project site is not located within a quarter of a mile distance to any existing or planned school. However, nearby residences are located within a quarter of a mile radius and are considered to be sensitive receptors for both construction and operational phases of the proposed project. Toxic air contaminants (TACs) would be released into the environment during short-term construction activities and operation of the proposed project. The emission of TACs from construction activities, delivery trucks, and the operation of the on-site fueling station is analyzed in Chapter 9, Air Quality. In addition, as discussed in Impact 14-1, above, numerous precautions will be incorporated as part of the design of the proposed fueling station to ensure that impacts related to hazardous emissions or waste do not occur.

Because construction and operation of the proposed project would not expose any hazardous emissions, substances, or waste to any schools within a one-quarter mile radius, and because potential impacts related to hazardous substances associated with the fueling station are mitigated for in Chapter 9, Air Quality, and Chapter 12, Hydrology and Water Quality, of the EIR, *no impact* would occur from project implementation.

Mitigation Measure(s)

None required.

14-3 Impacts related to airport land use plans.

The proposed project would result in the construction of a commercial/retail venue within the Airport Land Use Compatibility Plan (ALUCP) for the Auburn Municipal Airport. The project site is approximately one and a half miles south of the airport and, as depicted on the Placer County ALUCP, would be located within the Compatibility Zone “D” designation. An area with a Zone “D” designation is an area that is “sometimes overflowed by aircraft arriving and departing the airport.” Hazards to flight are the only compatibility concern and building heights within the Zone “D” designation are generally restricted to be less than 150 feet (except on high terrain).⁸

Safety compatibility with the ALUCP for a Zone “D” designation is restricted to flight hazards and would not include other factors such as noise compatibility, residential density, population intensity, and open space/land requirements. The proposed project would not include equipment or structures during the construction and operational phases that would exceed the height restrictions for a Zone “D” designation; therefore, project implementation would result in a *less-than-significant* impact to the safety of aircraft traffic and to any people working or residing in the vicinity.

Mitigation Measure(s)

None required.

Endnotes

¹ Placer County. *Countywide General Plan Policy Document*. August 16, 1994.

² Placer County. *Countywide Placer County General Plan EIR*. October 1993.

³ Placer County. *Auburn/Bowman Community Plan*. 1994 (updated 1999).

⁴ Charles Lockwood Consulting Engineer, Inc. *Phase I Environmental Site Assessment for Bohemia Parcels APN 052-102-012, -013, -017*. June 8 2004.

⁵ GHH Engineering, Inc. *Revised Soil Sampling & Assessment Report (Phase II Soil Investigation)*. June 6, 2006.

⁶ California Department of Toxic Substances Control. *No Further Action Letter for Bohemia Subdivision Project, Auburn, Placer County, California*. December 20, 2007.

⁷ *Ibid.*

⁸ Placer County. *Placer County Airport Land Use Compatibility Plan*. October 2000.