

## **3.8 HAZARDS AND HAZARDOUS MATERIALS**

This section describes existing hazards and hazardous materials in the IVMP project area and relevant regulations, assesses potential impacts of IVMP build out on hazards and hazardous materials, and recommends mitigation measures to reduce potentially significant impacts.

### **3.8.1 ENVIRONMENTAL SETTING**

Isla Vista has approximately 70 businesses, which include restaurants, retail shops, auto repair shops, laundromats, grocery stores, and a car wash. The following businesses should be viewed as having potential for high risk on the environment and people: auto repair or painting, heavy equipment storage, dry cleaners, chemical storage/manufacturing, electronics manufacturing, vehicle fleet businesses, pesticide storage, service stations, machine shops and junk yards, etc. The project area does not have an extensive history of the aforementioned uses, nor do the proposed land use changes encourage the proliferation of these uses. However, the previous existence of these uses or identified contaminated sites should be considered during IVMP implementation. This is primarily applicable to mixed use projects, which would contain residential components.

Within the project area there are currently three Hazardous Waste Generator facilities and no Hazardous Material Business Plans (HMBP). There are four Site Mitigation Unit (SMU) facilities, all of which are closed. There is one Leaking Underground Fuel Tank (LUFT) site currently completing the assessment phase and about to begin remediation and two closed sites. The site currently under remediation, which is a former Unocal site located at 881 Embarcadero Del Mar, is currently proposed for a mixed use private development project.

Transportation of hazardous materials/wastes in the project area could occur along HWY 101, the UCSB campus, Hollister Avenue, and on the Southern Pacific Railroad tracks as well as other streets in the project area. For non-transportation related emergencies, the County Fire Department responds to all hazardous materials emergencies within the authority of the California Fire Code. Cal-Environmental Protection Agency identified airborne hazardous pollutants, such as asbestos fibers, are regulated by the County APCD through federal and local legislation. Asbestos is a mineral used in building materials such as roofing tiles or vinyl floor tile. It is dangerous to people only as airborne fibers which can be inhaled or swallowed. Asbestos containing building materials (ACBM) are most common in structures built prior to 1979. Since most of Isla Vista was constructed during the 1960-70's, many project area buildings likely include ACBM. Construction activities which would disturb asbestos and release asbestos fibers must be reported to the County Fire Department and to the APCD and be conducted according to applicable rules and regulations. Disposal of any ACBM is also regulated by County Fire, and specific requirements are determined during the permitting process. It is also likely that existing building surfaces have been treated with lead-based paint and that a lead-based paint abatement plan would need to be prepared during redevelopment activities.

## **Airport Safety**

The Santa Barbara Municipal Airport (SBMA), which is located northeast of the project area, encompasses approximately 950 acres and is used for both aviation and non-aviation purposes. The County Airport Land Use Commission is the governing authority presiding over airport matters. While no segments of the project area lie within the clear or approach zone, such close proximity to the SBMA warrants analysis. The Airport's Aviation Facilities Plan includes two components: (1) Runway modifications and (2) a terminal expansion project. Modifications to the existing runway include shifting the runway west by 800 feet to accommodate new safety zones on each end. Terminal expansion activities include improved passenger accommodations and the consolidation of existing services. Both components are not anticipated to adversely impact the project area.

The primary airport hazards within the project are the potential for an off-course airplane to crash or drop material such as a detached section of the aircraft's body or fuel. The IVMP has the potential to result in build-out which could result in increased exposure to airport hazards but not at significant levels. No mitigations are anticipated.

### **3.8.2 REGULATORY FRAMEWORK**

Hazardous materials are used in numerous facilities in the community. Government regulations assure that operators of these facilities use these chemicals in a safe manner that protects the health and welfare of the persons using them, as well as the community at large. The County Fire Department, as the Certified Unified Program Agency (CUPA) regulates the use, storage and disposal of hazardous materials in this county. When there is an unauthorized release, County Fire also oversees the assessment and remediation of the hazardous materials in a way that mitigates any human and/or environmental health hazards.

#### ***Regulatory Definitions***

Definitions of hazardous materials and hazardous waste are as follows:

- **Hazardous Material:** Any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. Hazardous materials include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering regulatory agency has a reasonable basis for believing it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. A number of properties may cause a substance to be considered hazardous including toxicity, ignitability, corrosivity, or reactivity (California Health and Safety Code, Section 25501(k)).
- **Hazardous Waste:** A waste or combination of waste that, because of its quantity, concentration, or physical, chemical or infection characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or

incapacitating reversible illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed (Title 22, California Code of Regulations, Section 66084). The term hazardous waste includes extremely hazardous waste and acutely hazardous waste.

### **Federal Authorities and Administering Agencies**

#### **Comprehensive Environmental Response, Compensation, and Liability Act**

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as Superfund law, outlines the potential liability for the cleanup of hazardous substances, defenses to such liability, appropriate inquiry into site status under Superfund, statutory definitions of hazardous substances, petroleum products, and petroleum exclusion under CERCLA.

#### **Superfund Amendment and Reauthorization Act Title III**

Title III of the Superfund Amendment and Reauthorization Act of 1986 is the Emergency Planning and Community Right-to-Know Act. Facilities are required to list on Form R, the Toxic Chemical Release Inventory Reporting Form, the hazardous substances that are handled on site, report off-site locations to which toxic chemicals are transferred in wastes, and to account for the total aggregate releases of listed toxic chemicals for the calendar year.

#### **Resource Conservation and Recovery Act**

The Resource Conservation and Recovery Act (RCRA) (42 U.S.C., §§ 6901-6987) regulates the potential health and environmental problems associated with solid waste hazards and non-hazardous waste. RCRA provides the general framework for the national hazardous and non-hazardous waste management systems. This framework includes the determination of whether hazardous wastes are being generated, techniques for tracking wastes to eventual disposal, and the design and permitting of hazardous waste management facilities.

#### **Occupational Safety and Health Standards**

Regulations for asbestos are contained in Occupational Safety and Health Administration (OSHA) Standards-29 CFR. Regulations for lead-based paint are contained in the Lead-Based Paint Elimination Final Rule 24 CFR 33, governed by the U.S. Housing and Urban Development (HUD).

### **California State Authorities and Administering Agencies**

#### **Title 22 of the California Code of Regulations**

Title 22 of the California Code of Regulations (CCR) addresses hazardous materials and wastes. The Hazardous Waste Control Law of 1972 is the seminal hazardous waste control law in California. The Hazardous Materials Release Response Plans and Inventory Law of 1986 (Business Plan Act) governs hazardous materials handling, reporting requirements, and local agency oversight programs. Section 65962.5 of the Government Code directs the Department of Toxic Substances Control (DTSC) to compile a list of all hazardous-waste facilities subject to corrective action pursuant to Section 25187.5 of the California Health and Safety Code.

Transportation of hazardous materials/wastes is regulated federally by the Department of Transportation (Caltrans) and within the State of California (CCR Title 26). The California Highway Patrol (CHP) and Caltrans enforce federal and state regulations and respond with the County Fire Department to hazardous materials transportation emergencies. Emergency responses are coordinated as necessary between federal, state, and local governmental authorities and private persons through a state mandated Emergency Response Plan.

### **Health and Safety Code**

Section 19827.5 of the California Health and Safety Code, adopted January 1, 1991, requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos.

### **Local Regulations and Administering Agencies**

Within County Fire, the Fire Prevention Division (FPD) regulates most aspects of hazardous materials. The Regional Water Quality Control Board (RWQCB) regulates the National Pollutant Discharge Elimination System (NPDES) program for the federal government. Both are the local enforcement agencies for the regulation of hazardous waste/materials. The APCD also oversees regulation of airborne hazardous materials/waste issues.

The CUPA authority administers the “Hazardous Materials Business Plan” (HMBP) program, which requires businesses handling or storing certain amounts of hazardous materials to prepare a plan, which includes an inventory of hazardous materials stored onsite (above specified quantities), an emergency response plan, and an employee training program. Plans must be prepared and submitted to FPD for approval prior to facility operation and are reviewed/updated biennially or within 30 days of a change. Businesses which use, store, or handle 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of a compressed gas at standard temperature and pressure require HMBPs to be submitted and approved by FPD. The FPD also administers the California Fire Code (CFC). If a business handles hazardous materials, a Hazardous Materials Management Plan (HMMP) may be required, dependent upon the chemicals used, the business location and land use concerns.

Businesses using “acutely hazardous materials” (AHM) must submit a Risk Management and Prevention Program (RMPP) detailing past AHM accidents, AHM equipment condition, maintenance and monitoring, and controls to minimize the risk of accident to the FPD. There are currently no businesses using AHMs in the project area.

Hazardous waste producing businesses must obtain a County Hazardous Waste Generator Permit from the FPD and comply with local and State regulations. Permit applications must be made 30 days prior to beginning operation of a business that will generate hazardous wastes. The FPD permit must be renewed annually and FPD must inspect the facility on a regular basis.

The FPD also regulates and enforces State underground storage tank installation and monitoring requirements, including permitting and inspecting, as well as abandonment permitting. The purpose of the LUFT program is to oversee the proper assessment and remediation of contaminants released into the environment from underground fuel storage tanks. Site assessment and remediation regulations for groundwater contamination are enforced locally by the FPD. The FPD also oversees the assessment and remediation of soil contamination associated with underground storage tanks. Large chlorinated solvent sites involving groundwater contamination are usually overseen by the RWQCB. The County has added a similar program, SMU, to the LUFT program to address all other releases which do not fall under the auspices of LUFT. Guidelines for assessment/remediation of SMU sites are very similar, if not the same, as in LUFT.

Soil and/or groundwater contamination usually results from leaking tanks, tank overflow, leaking underground pipes, and/or spills of automotive fluids, cleaning solvents, etc. Lead and zinc from leaking batteries can also be a contamination source. Most contaminated sites are discovered during abandonment of underground storage tanks, facility inspections, and reporting of accidental or unauthorized releases and property transfers.

When discovered, contaminated sites are assessed to determine if cleanup is required. Drinking water action levels are commonly used as cleanup thresholds for groundwater. If regulatory cleanup levels are exceeded, remediation may be required. Generally, cleanup levels are established on a site-by-site basis by the FPD. Options include removal of contaminated soil/water to a licensed disposal facility or onsite/offsite remediation, depending on the type of contamination. Cleanup activities must be consistent with all applicable rules, regulations, and laws. A cleanup is not considered complete until confirmatory samples of soil and/or groundwater reveal levels of contamination below the standards set for the site. Alternatively, a risk analysis may be prepared for the site to determine that there are no human or environmental risks associated with leaving contamination below specific levels in place on the site. Typically when contamination is left in place, prior to issuing a closure letter, FPD requires a deed notice or deed restriction to be placed on title to the property.

### **Goleta Community Plan**

In areas impacted by oil and gas development,

- **DevStd RISK-GV-2.1:** In areas impacted by oil and gas development, the project developer shall submit to Santa Barbara County Department of Environmental Health Services (EHS) a soil-sampling plan to investigate the extent of onsite soil contamination. Remedial measures shall be instituted by the developer as necessary in conjunction with the results of the soil sampling plan and the recommendations of EHS.

In areas where businesses use or store hazardous materials;

- **Policy RISK-GV-3:** When adding residential units to a business through the Mixed use Overlay, it shall be demonstrated to the satisfaction of EHS that materials present in the business would not create a hazard to occupants of the residence, with or without mitigation.

### 3.8.3 THRESHOLDS OF SIGNIFICANCE

Impacts related to hazardous materials are evaluated pursuant to CEQA Appendix G, which states that a project will normally have a significant effect on the environment if it will create a potential public health hazard or involve the use, production, release or disposal of materials which pose a hazard to people, animal, or plant populations in the area affected.

### 3.8.4 IMPACTS AND MITIGATION MEASURES

Build-out of the IVMP could result in the following hazards and hazardous materials impacts:

**Impact HAZ-1: Development of the proposed project would potentially cause the disturbance of contaminated soil/groundwater.**

IVMP implementation is expected to result in earthmoving activities in areas of known and/or potential soil and/or groundwater contamination. Impacts could include potential localized spread of contamination as well as environmental degradation of downstream biological habitats; exposure of construction workers and/or the public to chemical compounds in soils, soil gases, and groundwater; exposure of workers, the public, and the environment to airborne chemical compounds migrating from the site; potential accidents during transportation of contaminated soils or groundwater; potential accidents during remediation due to operational failure of treatment systems; and potential interference with ongoing remediation activities. *Potentially significant* impacts could result if new development occurred in areas previously contaminated, but not remediated.

Public improvement projects, including Pardall Road and the Embarcadero Loop improvements could be located near or adjacent to contaminated or potentially contaminated sites. One active clean up site exists near the site of the Pardall Road improvements and adjacent to the installation of a roundabout at the intersection of Embarcadero Del Mar and Pardall Road. *Potentially significant* impacts could occur as a result of future earthmoving activities in the event full remediation/closure has not occurred prior to site preparation. However, full remediation is anticipated by 2007/2008 (personal conversation, Ron Gutier, 2005).

Private development projects on contaminated or potentially contaminated sites could occur throughout the planning area. The same active clean-up site exists within the boundary of an identified potential affordable housing site. *Potentially significant* impacts relating to this site could occur as a result of future earthmoving activities in the event full remediation/closure has not occurred prior to site preparation. In the case of the potential affordable housing site, full remediation is expected to be complete by 2007/2008.

**Mitigation Measure HAZ-1.1:** County RDA and P&D shall work with County Fire and property owners of known or future contaminated sites to resolve issues related to contamination that could impact potential Master Plan projects. This will help mitigate the potential spread of any hazardous materials from contamination sites adjacent to Master Plan projects.

**Mitigation HAZ-1.2:** For any private or public projects proposed in areas of known or potential contamination, the responsible parties and/or lead County department shall prepare environmental audits and construction contingency plans. Doing so will provide safe options for construction sites which may be contaminated by hazardous materials. A construction contingency plan shall be part of the project conditions.

**Mitigation HAZ-1.3:** If previously unknown soil and/or groundwater contamination is found to exist onsite during excavation and/or as a result of any assessment, work is to cease immediately in the impacted area and a workplan to determine the lateral and vertical extent of the contamination shall be submitted to FPD and a site remediation plan shall be submitted to the FPD or the RWQCB for review and approval. Construction contingency plans and a Site Health and Safety Plan shall be prepared as necessary. Undertaking these measures will serve to protect the health and safety of project workers as well as residents living adjacent to Master Plan project areas.

**Residual Impact:** If sites have not been fully remediated, impacts are considered *significant and unavoidable (Class I)*. Once sites are fully remediated, residual impacts are expected to be *less than significant (Class III)*.

**Impact HAZ-2: Development of the proposed project would potentially cause the release of asbestos fibers.**

Existing buildings in the project area could potentially have been constructed with ACBM. With implementation of the IVMP a number of these buildings could be remodeled/demolished resulting in the potential release of asbestos fibers into the environment and potential health impacts on community members. Impacts are considered *potentially significant*.

**Mitigation Measure HAZ-2.1:** Prior to remodeling/demolition activities of a residential building with less than four units or a commercial building involving pre-1979 structures, the applicant shall determine whether the structure(s) proposed for demolition contains asbestos that is friable (i.e. brittle) during demolition or disposal. If the structure does contain friable asbestos, a contractor who is state-certified for asbestos removal shall remove the asbestos. Determining the existence of ACBM's and removing them safely will be important in preserving the long term health of both construction workers and residents associated with potentially contaminated structures.

**Mitigation Measure HAZ-2.2:** Prior to remodeling/demolition activities of a residential building with more than four units or a commercial building involving pre-1979 structures, a APCD Asbestos Demolition and Renovation Compliance Checklist will be completed and a certified asbestos consultant shall conduct asbestos sampling and develop a plan for removal, as deemed necessary by the APCD and County Fire.

**Residual Impact:** With proper enforcement of these mitigation measures, asbestos impacts can be *mitigated to less than significant levels (Class II)*.

**Impact HAZ-3: Redevelopment of buildings could increase the risk of exposure to lead and lead-based paint.**

Lead-based paint (LBP) could become separated from building materials during the demolition process. Separated paint can be classified as a hazardous waste if the lead content exceeds 1,000 parts per million and would need to be disposed of accordingly. Additionally, LBP chips can pose a hazard to workers and adjacent sensitive land uses. Both the federal and California OSHA regulate all worker exposure during construction activities that impact LBP. Interim Final Rule found in 29 CFR Part 1926.62 covers construction work where employees may be exposed to lead during such activities as demolitions, removal, surface preparation for re-painting, renovation, clean up and routine maintenance. The OSHA-specified method of compliance includes respiratory protection, protective clothing, housekeeping, hygiene facilities, medical surveillance, training etc.

Since most of the residences and commercial buildings were built prior to the 1979 regulations that limited the use of lead, it is reasonable to assume that surfaces may have been treated with LBP. In addition, it is possible that painted surfaces on existing structures were applied prior to 1978 when the Consumer Products Safety Commission lowered the allowable concentration of lead in paints to 0.5 percent by weight. Therefore, some painted building material surfaces may contain unhealthful amounts of lead. If lead is found, the potential exposure of construction workers to LBP would have *potentially significant* impacts.

**Mitigation Measure HAZ-3.1:** Potential exposure of construction workers to LBP shall be minimized through disclosure of the potential presence of LBP for demolition and renovation of structures that were constructed prior to 1979. Prior to any demolition or renovation of buildings constructed to 1979 on any painted surfaces, a LBP survey shall be conducted by the applicant to determine the level of risk posed to construction workers, building occupants, business owners and their employees from exposure to the paints present. Results of the LBP survey shall be documented with the applicable County agencies. Any recommendations made in that survey related to the paints present at the project site shall be implemented prior to the demolition or renovation of the painted surfaces.

**Mitigation Measure HAZ-3.2:** If a determination is made that LBP is present in a building slated for demolition or renovation, the applicant shall implement a LBP abatement plan, which shall include the following components:

1. A site Health and Safety Plan, as needed.
2. Containment of all work areas to prohibit off-site migration of paint chip debris.
3. Removal of all peeling and stratified lead-based paint on building surfaces and on non-building surfaces to the degree necessary to safely and properly complete demolition activities per the survey recommendations.

The LBP abatement plan shall be prepared by a consulting firm certified in LBP removal and documented with the applicable County agencies. Undergoing this process will limit unnecessary exposure to construction workers and occupants present at the project site.

**Residual Impact:** Compliance with all federal, state and local regulations in addition to the implementation of the identified mitigation measures will reduce impacts to *less than significant levels (Class II)*.

### **Cumulative Impacts**

The pending and approved projects identified in Chapter 3, will result in cumulative impacts to hazards and hazardous materials. Together, these cumulative projects will ultimately generate 3,351,485 sf of commercial and industrial development and 3,313 new residential units throughout the Goleta Valley, UCSB and Isla Vista area. This will result in a cumulatively significant amount of redevelopment, grading and ground disturbance that has the potential to cause the dispersal of hazards and hazardous materials.

Implementation of the IVMP could result in the redevelopment of buildings throughout the downtown and residential areas. Full build-out could result in an additional 51,485 square feet of commercial uses and up to 1,447 new residential units. It is anticipated that this new commercial square footage will not result in an increase in hazardous material usage, storage or handling. It is expected that hazardous materials may be present during demolition. Compliance with all federal, state and local regulations will address impacts as a result of redevelopment activities. The project area is located near or adjacent to UCSB, the City of Goleta and the airport. Hazardous materials are likely present in each location, however; the management of hazardous materials under each jurisdiction is regulated by federal, state and local regulations. As a result, cumulative impacts are considered *adverse, but not significant (Class III)*.

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