

## 4.6 HAZARDS AND HAZARDOUS MATERIALS

### 4.6.1 Issues

This section addresses the potential for impacts related to the presence and use of hazardous materials associated with the DSP based on the historical and current uses in and around the DSP area and the proposed land uses. These risks are primarily associated with the potential for on-site hazards from hazardous materials storage, underground and aboveground storage tanks, and the operations of facilities historically located within the boundaries of the Downtown area. Potential hazardous materials impacts from the construction of the project are also analyzed, as are hazards related to airports, wildland fires, and emergency response.

### 4.6.2 Setting

#### Hazardous Materials

The DSP area includes approximately 50 acres and is centered along Old Redwood Highway east of Highway 101. Current land uses in the planning area are mostly urban. Based on review of aerial photographs and site visits, the planning area is dominated by commercial uses, followed by vacant land, streets and surface parking areas, and residences

A review of environmental databases related to the DSP area identified several sites with known or suspected contamination resulting from previous uses. The identified sites include four Leaking Underground Storage Tank (LUST) sites, shown in Table 4.6-1. LUSTs are commonly associated with gasoline stations and can pose a contamination risk to soil and groundwater in the vicinity of the station.

Table 4.6-1: LUST Sites Identified Within Cotati Downtown Specific Plan Area			
Site Name	Address	Case	Status
Shell Service Station	7675 Old Redwood Highway	LUST	Groundwater affected; remedial action underway.
Beacon Service Station	7716 Old Redwood Highway	LUST	Groundwater affected; remedial action underway.
Ultramar Service Station	7898 Old Redwood Highway	LUST	Groundwater affected; post-remediation monitoring underway.
Unocal Service Station	8600 Old Redwood Highway	LUST	Groundwater affected; post-remediation monitoring underway.
LUST—Leaking Underground Storage Tank Site under regulatory oversight. Source: Padre Associates, Inc. memorandum (see Appendix 4.6) and Environmental Data Resources, Inc., EDR Radius Map Report, December 19, 2006. Located on electronic file with the City of Cotati.			

Several LUST sites with a status of “Case Closed” were listed on the EDR database report. A status of “Case Closed” indicates that the contamination at each site has been adequately remediated to the satisfaction of the Regional Water Quality Control Board (RWQCB), which has oversight for the protection of surface and groundwater quality. However, it is possible that residual soil contamination might remain at each of these sites, and additional remedial activities may be required by local or state regulatory agencies if grading activities during development/ redevelopment disturb remaining areas of contaminated soils.

Additional sites were listed on the regulatory databases as currently or previously containing underground storage tanks (USTs), generating small quantities of hazardous wastes, or handling hazardous materials in reportable quantities. The listing of sites as containing USTs or handling hazardous materials or wastes is not necessarily an indication of site contamination. The environmental database review did not indicate the presence of landfills, Superfund sites, or sites with extensive or migrating contamination which could have implications with the proposed DSP area.

#### **Airports/Airstrips**

There are no airports or airstrips within or adjacent to Cotati. The nearest airports to Cotati are the Petaluma Municipal Airport located at the northeast edge of Petaluma, and the Charles M. Schulz Sonoma County Airport located northwest of Santa Rosa.

#### **Wildland Fires**

The DSP area is not in an area subject to wildland fires.

### **4.6.3 Regulatory Setting**

The following discussion provides the federal, state, and local regulatory framework for hazardous materials and waste, and worker health and safety.

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

The use, storage, and disposal of hazardous materials, including management of contaminated soils and groundwater, are regulated by numerous local, state, and federal laws and regulations. The U.S. Environmental Protection Agency (U.S. EPA) is the federal agency that administers hazardous materials and hazardous waste regulations. The state agency is the California EPA (Cal/EPA), which includes the California Department of Toxic Substances Control (DTSC), the State Water Resources Control Board (SWRCB), the California Air Resources Board (ARB), and other offices. The North Coast Regional Water Quality Control Board, the Bay Area Air Quality Management District (BAAQMD), and the Sonoma County Health Department have jurisdiction on regional or local levels. A description of each agency jurisdiction and its involvement in the management of hazardous materials and waste is provided below.

*Federal.* The U. S. EPA is the federal agency responsible for enforcement and implementation of federal laws and regulations pertaining to hazardous materials. The federal regulations are primarily codified in Title 40 of the Code of Federal Regulations (40 CFR). The legislation is outlined in the Resource Conservation and Recovery Act of 1976 (RCRA), the Superfund Amendments and Reauthorization acts of 1986 (SARA), and the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA). The U.S. EPA provide oversight for federal site investigation and remediation projects, and has developed land disposal restrictions and treatment standards for the disposal of certain hazardous wastes.

*State.* Three state agencies, described below, regulate hazardous materials and waste applicable to the proposed DSP.

**Department of Toxic Substances Control (DTSC).** Within the Cal/EPA, the DTSC is authorized by the U.S. EPA to enforce and implement federal

hazardous materials laws and regulations. Most state hazardous materials regulations are contained in Title 22 of the California Code of Regulations (CCR). The DTSC generally acts as the lead agency for soil and groundwater cleanup that affect public health, and establishes cleanup levels for subsurface contamination that are equal to, or more restrictive than, federal levels. Cal/EPA and the DTSC are responsible for maintaining the Hazardous Waste and Substances Sites List (the "Cortese List") under Government Code §65962.5, which provides information about the location of hazardous materials release sites. According to the most current version of the Cortese List (accessed December 31, 2007), there are no sites in Cotati on the list.

**State Water Resources Control Board (SWRCB).** The SWRCB enforces regulations on UST programs. It also allocates monies to eligible parties who request reimbursement of funds to clean up soil and groundwater pollution from UST leaks. The SWRCB also enforces the Porter-Cologne Water Quality Act through its nine regional boards, including the North Coast RWQCB, described below.

**California Air Resources Board (ARB).** This agency is responsible for coordination and oversight of state and local air pollution control programs in California, including implementation of the California Clean Air Act of 1988. ARB has developed state air quality standards, and is responsible for monitoring air quality in conjunction with the local air districts.

**Regional and Local Agencies.** The following three regional and local agencies have regulatory authority over the management of hazardous materials and waste within Cotati.

**North Coast Regional Water Quality Control Board (RWQCB).** The City of Cotati is located within the jurisdiction of the RWQCB, which provides for protection of state waters in accordance with the Porter-Cologne Water Quality Act of 1969. The RWQCB can act as lead agency to provide oversight for sites where the quality of groundwater or surface waters is threatened, and has the authority to require investigations and remedial actions.

**Bay Area Air Quality Management District (BAAQMD).** The BAAQMD has the primary responsibility for control of air pollution from sources other than motor vehicles and consumer products (which is the responsibility of U.S. EPA and ARB). The BAAQMD is responsible for preparing attainment plans for non-attainment criteria air pollutants, control of stationary sources of air pollution, and the issuing of permits for air emissions. The BAAQMD is also responsible for reviewing demolition notifications under the National Emission Standards for Hazardous Air Pollutants (NESHAP; Asbestos, 40 CFR Part 61), which require the assessment and proper removal of asbestos-containing materials that could release asbestos when disturbed prior to the demolition of buildings.

**Sonoma County Environmental Health Division (EH).** The Sonoma County Environmental Health Division (EH) is the primary agency responsible for local enforcement of state and federal laws pertaining to hazardous materials management. The Sonoma County Local Oversight Program (LOP) is housed within EH, and oversees the investigation and cleanup of fuel

releases from USTs in all areas of the County except Santa Rosa and Healdsburg.

### **Worker Health and Safety**

Worker health and safety is regulated at the federal level by the Department of Labor, Occupational Safety and Health Administration (OSHA). In accordance with OSHA requirements, workers at hazardous waste sites (or working with hazardous wastes as might be encountered during excavation of contaminated soils) must receive specialized training and medical supervision according to the Hazardous Waste Operations and Emergency Response (HAZWOPER) regulations.

Worker health and safety is regulated in California by the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA). California standards for workers dealing with hazardous materials (including hazardous wastes) are contained in CCR Title 8 and include practices for all industries, and specific practices for construction, and hazardous waste operation and emergency response. Cal/OSHA conducts on-site evaluations and issues notices of violation to enforce necessary improvements to health and safety practices.

#### **4.6.4 Methodology**

An environmental records search was conducted by Environmental Data Resources, Inc. (EDR) for the DSP area to identify known or suspected areas of contamination, underground storage tank locations, solid waste management facilities, and hazardous waste treatment, storage, and/or disposal locations. The research activities completed for this EIR provide an overview of the environmental conditions of the Downtown area and are not intended to replace property-specific Phase I environmental site assessments on any parcels within the DSP planning area.

#### **4.6.5 Significance Thresholds**

A significant hazardous material or public health and safety impact would occur if the project would:

- a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- b. 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.
- c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, create a significant hazard to the public or the environment.
- e. 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.

- f. 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.
- g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

#### **4.6.6 Impacts and Mitigation Measures**

##### **Less than Significant Impacts**

The project area is not located within an airport land use planning area nor within the vicinity of an airstrip (thresholds e and f). The project area is largely urbanized, and is surrounded by largely developed space; wildfire risk is considered low and less than significant (threshold h).

The project would not create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials (threshold a). The proposed project does not include construction of industrial uses that would use large amounts of hazardous materials or generate hazardous wastes. However, small quantities of hazardous wastes (such as oil, paints, and solvents) would be generated by residences, businesses, and park facilities. These materials will be required to be handled, stored, transported, and disposed of in accordance with state and federal hazardous materials and hazardous waste regulations as discussed above. The impact from the use of these materials by the proposed project is considered less than significant because only small amounts of hazardous materials will be used or produced, which will be required to be disposed of properly when spent. Sonoma County operates the Household Toxics Facilities which is available to residences and businesses with small quantities of waste.

The project would also not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (threshold b). Older buildings within the Downtown area may contain asbestos-containing materials and lead-based paint. Asbestos-containing materials are required to be abated prior to demolition activities as part of the federal NESHAP asbestos notification process required to be satisfied by any project applicant within the DSP prior to the issuance of any demolition permit by the City. The BAAQMD reviews NESHAP demolition notifications and is responsible for ensuring that asbestos-containing materials that could release asbestos fibers during demolition are properly contained and removed from the structure. Cal-OSHA safety regulations require worker protection measures during abatement of lead-based paint activities. Impacts from the presence of asbestos-containing materials and lead-based paint are less than significant through application of existing regulations in conformance with BAAQMD and OSHA requirements.

The project will not result in hazardous emissions or handling of hazardous materials, especially near a school (threshold c). Two schools are located within one-quarter mile of the planning area. Proposed land uses would not include industrial uses that could result in the handling of large quantities of hazardous materials or wastes or would result in hazardous air emissions. Demolition activities will be required to

comply with BAAQMD and OSHA standards for demolition and redevelopment activities, as discussed above. This impact is considered less than significant because of regulatory handling requirements.

According to the most current version of the Cortese List, there are no sites in Cotati on the list (threshold d). Therefore, no significant hazards from such sites would be created for the public or the environment. The LUST sites identified in the Setting section, are in the process of remediation under the jurisdiction of the Regional Water Quality Control Board. Remediation in accordance with all applicable legal requirements would result in a less than significant impact.

Implementation of the DSP would not impose physical impediments to emergency response or evacuation efforts (threshold g). It is reasonable to assume that during construction phases of individual projects associated with the Plan, temporary detours and traffic delays can be expected. These types of conditions are normal to development activities in an urban area. Implementation of standards set forth in the City's Emergency Evacuation Plan and the requirement of project proponents to ensure efficient traffic flow during construction phases renders impacts less than significant. The proposed modification of the intersection in the middle of La Plaza has been evaluated in Section 4.12 Traffic and Circulation; as noted therein, the intersection is expected to continue to operate at acceptable levels with the implementation of mitigation measures described in that section thereby not affecting emergency response.

#### 4.6.7 Cumulative Impacts

The existing cumulative impact is not significant. This conclusion is based in part on the conclusion in the EIR for the current Cotati General Plan. The General Plan EIR concluded that there would not be significant impacts to these resources.

The DSP's impacts are less than significant and it does not result in a significant cumulative impact. Specifically, the impact of the project will not make a cumulatively considerable contribution to the significant cumulative impact. The reason for this conclusion is individual construction projects outside of the Downtown that are anticipated to occur during the same time will result in a minor increase in hazardous waste disposal and treatment needs. The wastes that may be generated in a cumulative scenario will be handled by existing waste disposal and treatment facilities located within the region. Sonoma County's Central Landfill located at 500 Meham Road accepts hazardous waste, and also offers pick up of hazardous waste at scheduled times throughout the year.<sup>1</sup>

No cumulative safety impacts are anticipated to occur as a result of the project. Cumulative impacts from the construction activities within the Downtown and anticipated development activities outside of the Downtown are anticipated to be less than significant.

#### 4.6.8 References

California Environmental Protection Agency. Accessed 9/5/07. *Background and History on "Cortese List" Statute.*  
<http://www.calepa.ca.gov/SiteCleanup/CorteseList/Background.htm> .

Environmental Data Resources, Inc. December 19, 2006. *The EDR Radius Map Report.*

Padre Associates, Inc. October 26, 2006. *Memorandum.*

Sonoma County Waste Management Agency. Business Hazardous Waste, 2007-2008 Community Toxics Collections Schedule.  
[http://www.recyclenow.org/b\\_hazardous.html](http://www.recyclenow.org/b_hazardous.html)

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<sup>1</sup> Sonoma County Waste Management Agency. Business Hazardous Waste, 2007-2008 Community Toxics Collections Schedule. [http://www.recyclenow.org/b\\_hazardous.html](http://www.recyclenow.org/b_hazardous.html)

