

4.9 HAZARDS AND HAZARDOUS MATERIALS

This section discusses the project's potential impacts relating to hazards and hazardous materials. This analysis consists of a description of existing conditions of the project site and surrounding area, a summary of the regulatory framework, and an evaluation of potential impacts associated with hazards and hazardous materials.

4.9.1 Existing Conditions

4.9.1.1 Specific Plan Area

The Specific Plan Area is generally surrounded by rural residential uses, Willow Road, and Cherokee Place to the north; existing residential development within the community of Nipomo to the south; existing residential development and Hetrick Avenue to the west; and US 101 to the east. The nearest school is Nipomo High School, which is located approximately 0.2 mile east, beyond US 101. The Specific Plan Area is undeveloped, except for some unpaved ranch roads and minimal structures/materials to support on-site seasonal grazing activities.

4.9.1.1.1 RECORDED HAZARDOUS MATERIALS SITES

The NCSO has a history of hazardous material incidents. Between 1994 and 2018, there have been 58 reported hazardous materials incidents, which is 3% of the County's reported hazardous materials incidents during the same timeframe (County of San Luis Obispo 2019). The SWRCB GeoTracker database and the Department of Toxic Substance Control (DTSC) Envirostor database were queried and did not identify any previously recorded hazardous materials sites within a 1,000-foot buffer the project area (SWRCB 2021; DTSC 2021a). In addition, the CDOC Geologic Energy Management Division (CalGEM) Well Finder map database was queried and there are no reported oil or gas wells recorded within the property (CalGEM 2021). Proximate recorded hazardous materials sites are shown in Figure 4.9-1.

4.9.1.1.2 PESTICIDES AND FERTILIZERS

Due to the project region's agricultural setting, it is highly likely that nearby active agricultural lands utilize pesticides and/or fertilizers during typical operations. Pesticides are toxic and may be potentially hazardous to human, animal, and environmental health. Those who use pesticides regularly or are in close proximity to an area where pesticides are regularly used may be at risk for potential health effects. The four types of exposure are through skin contact, through inhalation, orally, and/or through the eyes. Acute toxicity of a pesticide refers to the chemical's ability to cause injury to a person or animal from a single exposure, generally of short duration (Pennsylvania State University [Penn State] 2017). Any harmful effects that occur from long-term exposure to a pesticide are called chronic effects. Suspected chronic effects from exposure to certain pesticides include birth defects, toxicity to a fetus, production of benign or malignant tumors, genetic changes, blood disorders, nerve disorders, endocrine disruption, and reproduction effects (Penn State 2017).

Fertilizers are chemical substances that are added to the soil to make it more fertile in order to produce more fruit and vegetable products from the plants. Typically, fertilizers include a composition of nitrogen, phosphorus, and potassium. Overuse of fertilizers may result in several potential hazards to human and environmental health, including infiltrating groundwater, degrading aquatic ecosystems, and causing chronic illness. The excessive use of common fertilizers may result in birth defects, respiratory problems, cardiac disease, and several types of cancers (Kerker 2019).

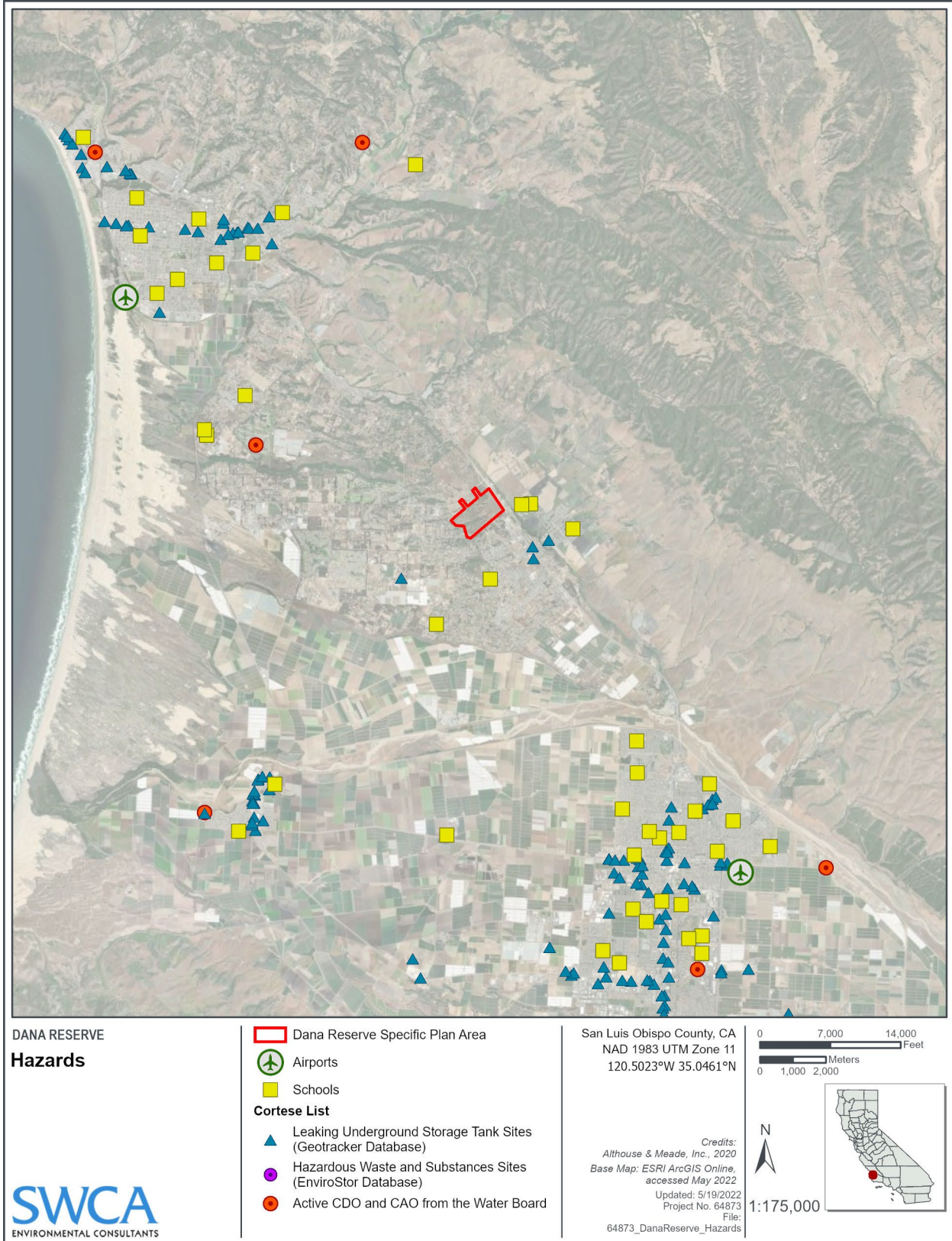


Figure 4.9-1. Known hazardous materials sites, sensitive uses, and hazards.

The project site is located in proximity to several active agricultural operations, including, but not limited to, covered and uncovered row crops located approximately 250 feet to the east (on the opposite side of US 101 and adjacent to Nipomo Creek) and 0.25 mile to the northwest and southwest.

4.9.1.1.3 ASBESTOS AND ASBESTOS-CONTAINING MATERIALS

Asbestos, a mineral fiber that occurs in rock and soil, naturally occurs in serpentine rock located throughout the county. The SLOAPCD identifies areas in the county that likely contain NOA. The Specific Plan Area is not located in an area where NOA is likely to occur (SLOAPCD 2021). In addition to NOA, asbestos may also occur in asbestos-containing material, including a variety of building construction materials for insulation and as a fire retardant. Asbestos has also been used in a wide range of manufactured goods, mostly in building materials, including roofing shingles, ceiling and floor tiles, paper products, and asbestos cement products (USEPA 2021a).

Exposure to asbestos may occur through the disturbance of asbestos-containing material during product use, demolition work, building or home maintenance, repair, and remodeling. In general, exposure may occur only when the asbestos-containing material is disturbed or damaged in some way to release particles and fibers into the air. Exposure to asbestos increases your risk of developing lung disease (USEPA 2021a).

4.9.1.1.4 AERIALY DEPOSITED LEAD

In the 1920s, refiners began adding lead compounds to gasoline to boost octane levels and improve engine performance. Due to the addition of lead compounds in gasoline, automobile emissions resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. Although the use of lead in gasoline has since been prohibited, ADL-contaminated soils still exist along roadsides and medians and may also be found under existing road surfaces. The highest lead concentrations are usually found within 10 feet of the edge of the pavement and within the top 6 inches of the soil. In some cases, lead is as deep as 2 to 3 feet below the surface and can extend 20 feet or more from the edge of pavement (DTSC 2016).

The Specific Plan Area's eastern boundary is coterminous with the Caltrans ROW along US 101 and extends to within approximately 30 feet of the paved roadway.

4.9.1.1.5 COUNTY EVACUATION ROUTES

Based on the County Office and Emergency Services (OES), US 101 and SR 1 are the primary evacuation routes out of the county. State highways and local roads can be used to reach US 101 and SR 1. In the event of an evacuation, the California Highway Patrol (CHP), local law enforcement, and other response agencies would direct traffic along these routes (OES 2021).

4.9.1.2 Off-Site Improvements

The exact location of proposed off-site transportation, water, and wastewater system improvements is currently not known; however, proposed off-site transportation improvements would occur at the location of proposed internal roadway connections to existing roads outside of the Specific Plan Area (Willow Road, North Frontage Road, Pomeroy Road, Hetrick Avenue, and Cory Way). Proposed water system improvements are anticipated to be located within previously developed roadways and other disturbed areas along North Oakglen Avenue and Tefft Street, and proposed wastewater system improvements are anticipated to occur along North Frontage Road (see Figures 2-4 through 2-7 in Chapter 2, *Project Description*). Nipomo Elementary School is located approximately 0.15 mile south of Tefft Street and Nipomo High School is located approximately 0.2 mile east of North Oakglen Avenue.

4.9.1.2.1 RECORDED HAZARDOUS MATERIALS SITES

Based on a query of the SWRCB GeoTracker database, there are two closed leaking underground storage tank (LUST) cleanup sites and one closed cleanup program site within 1,000 feet of proposed wastewater system improvement areas. Additionally, there are two closed LUST cleanup sites and one open cleanup program site within 1,000 feet of proposed water system improvement areas (SWRCB 2021). The open cleanup program site is the Conoco Phillips Line, which is undergoing assessment as of August 17, 2010. The contaminants of concern at this location are crude oil and polynuclear aromatic hydrocarbons (PAHs) (SWRCB 2022). Based on a query of the DTSC Envirostor database, there is one closed school investigation site at Nipomo High School, which is located approximately 800 feet east of North Oakglen Avenue (DTSC 2021a). In addition, based on a query of the CalGEM Well Finder map database, there are no reported oil or gas wells recorded within or near proposed off-site water or wastewater improvement areas (CDOC Geologic Energy Management Division [CalGEM] 2021). Proximate recorded hazardous materials sites are shown in Figure 4.9-1.

4.9.1.2.2 PESTICIDES AND FERTILIZERS

As previously discussed, there is potential for fertilizer and pesticide use to result in chronic health effects, including birth defects, toxicity to a fetus, production of benign or malignant tumors, genetic changes, blood disorders, nerve disorders, endocrine disruption, and reproduction effects (Penn State 2017). Proposed off-site wastewater improvements are located in previously developed commercial areas and are not located near existing agricultural land uses. Proposed off-site water system improvements are located adjacent to several active agricultural operations, including, but not limited to, uncovered row crops located along Tefft Street.

4.9.1.2.3 ASBESTOS AND ASBESTOS-CONTAINING MATERIALS

Asbestos, a mineral fiber that occurs in rock and soil, naturally occurs in serpentine rock located throughout the county. According to the SLOAPCD NOA map, proposed off-site water system improvements are not located in an area where NOA is likely to occur; however, proposed off-site wastewater improvements are located in an area where NOA is likely to occur (SLOAPCD 2021). In addition to NOA, asbestos may also occur in asbestos-containing materials, including roofing shingles, ceiling and floor tiles, paper products, and asbestos cement products (USEPA 2021a).

4.9.1.2.4 AERIALY DEPOSITED LEAD

Typically, ADL-contaminated soils still exist along roadsides and medians and may also be found under existing road surfaces. Proposed off-site NCSW water and wastewater system improvements would occur within or adjacent to previously developed roadways, including US 101, that have the potential to contain ADL-contaminated soils.

4.9.2 Regulatory Setting

4.9.2.1 Federal

4.9.2.1.1 RESOURCE CONSERVATION AND RECOVERY ACT

The Resource Conservation and Recovery Act (RCRA) of 1976 establishes the framework for a national system of solid waste control. The RCRA is a program administered by the USEPA for the regulation of the generation, transportation, treatment, storage, and disposal of hazardous waste. The RCRA was amended in 1984 by the Hazardous and Solid Waste Act, which affirmed and extended the “cradle to grave” system of regulating hazardous wastes. Among other things, the use of certain techniques for the

disposal of some hazardous wastes was specifically prohibited by the Hazardous and Solid Waste Act (USEPA 2021a).

4.9.2.1.2 TOXIC SUBSTANCES CONTROL ACT

The Toxic Substances Control Act (TSCA) of 1976 authorizes the USEPA to require reporting, record keeping, testing requirements, and restrictions related to chemical substances and/or mixtures. Food, drugs, cosmetics, and pesticides are generally excluded from TSCA. There are six primary substances that the USEPA focuses on under the TSCA, including polychlorinated biphenyls (PCBs), asbestos, radon, lead, formaldehyde, and mercury (USEPA 2016). TSCA requirements most often affect the regulation of PCBs, asbestos, and lead in federal facilities. For example, under the TSCA, asbestos regulations require that only properly trained and certified persons perform asbestos abatement activities in public or commercial buildings (USEPA 2016).

4.9.2.1.3 COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 provides a federal “superfund” to aid in the cleanup of uncontrolled or abandoned hazardous waste sites, as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment. The “superfund” was established by taxing the chemical and petroleum industries. Under CERCLA, the USEPA is given the power to seek out parties responsible for pollutant or contaminant release and assure their cooperation in cleanup. CERCLA also established the revision of the National Contingency Plan, which provides guidelines and procedures necessary to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. In addition, the National Contingency Plan created the National Priorities List (NPL), which is the list of sites of national priority among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States (USEPA 2021b).

4.9.2.1.4 SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT

On October 17, 1986, the Superfund Amendments and Reauthorization Act (SARA) of 1986 was enacted to amend the RCRA, described above, based on the USEPA’s experience in administering the superfund during the program’s first 6 years. The following changes were reflected by the SARA:

- The SARA stresses the importance of permanent remedies and innovative treatment technologies in cleaning up hazardous waste sites;
- Superfund actions were required to consider the standards and requirements found in other federal and state environmental laws and regulations;
- New enforcement authorities and settlement tools;
- The SARA increases state involvement in every phase of the Superfund program;
- The SARA increases the focus on human health problems posed by hazardous waste sites;
- Citizen participation was encouraged during the decision-making process regarding site cleanup; and
- The SARA increased the size of the trust fund to \$8.5 billion.

In addition, the SARA required the USEPA to revise the Hazard Ranking System to ensure that the risk caused by uncontrolled hazardous waste sites is accurately assessed and reflected on the NPL (USEPA 2021c).

4.9.2.1.5 HAZARDOUS MATERIAL TRANSPORTATION UNIFORM SAFETY ACT

The Hazardous Material Transportation Uniform Safety Act was amended in 1990 to clarify conflicting federal, state, and local regulations. The amendment requires the Secretary of Transportation to issue regulations for the safe transport of hazardous materials in domestic and foreign commerce. The secretary also retains the authority to designate hazardous materials as hazardous when they pose an uncontrolled threat to health, safety, or property. The act also includes provisions to encourage uniformity among different state and local highway routing regulations, develop criteria for issuance of federal permits to motor carriers of hazardous materials, and regulate the transport of radioactive materials.

4.9.2.1.6 FEDERAL OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION - PROCESS SAFETY MANAGEMENT STANDARD

The federal Occupational Safety and Health Administration (OSHA) issued the Process Safety Management of Highly Hazardous Chemicals standard (29 CFR Sections 1910.119 and 1926.64) to identify requirements for the management of hazards during the use of hazardous chemicals for general industry and construction activities. This standard includes requirements for preventing or minimizing the consequences of catastrophic releases of toxic, reactive, flammable, or explosive chemicals. Requirements of this standard include providing employees with information about hazardous chemicals, training employees on the operation of equipment that use hazardous materials, and employer requirements to perform a process hazard analysis.

4.9.2.1.7 ASBESTOS HAZARD EMERGENCY RESPONSE ACT

The purpose of the Asbestos Hazard Emergency Response Act (AHERA) of 1986 is to require the USEPA to evaluate the extent of danger to human health posed by asbestos in public and commercial buildings and the means to respond to any identified danger. The AHERA establishes regulations for inspections, abatement activity, appropriate response actions, implementation of response actions, operations and maintenance programs, periodic surveillance of asbestos, transport and disposal, and management plans required for schools. The AHERA also creates accreditation programs for inspectors, management plan developers, and abatement contractors.

4.9.2.1.8 ASBESTOS NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

The SLOAPCD is delegated authority by the USEPA to implement the federal Asbestos NESHAP regulations specified in 40 CFR 61, Subpart M. There are specific requirements and procedures delineated in this regulation that pertain to certain demolition and renovation projects. All nonresidential demolitions of any kind of structure or asbestos-containing material disturbance are required to be approved in advance by the SLOAPCD. Requirements for an owner/operator subject to this regulation include conducting a thorough inspection for the presence of asbestos by a Certified Asbestos Consultant (CAC) and written notification to the SLOAPCD of the demolition or renovation at least 10 working days prior to the start of the job.

4.9.2.1.1 FEDERAL CLEAN AIR ACT

Regulations under the FCAA are designed to prevent accidental releases of hazardous materials. The regulations require facilities that store minimum quantities (called threshold quantities) or greater of listed regulated substances to develop a Risk Management Plan, including hazard assessments and response programs to prevent accidental releases of listed chemicals.

4.9.2.2 State

4.9.2.2.1 CORTESE LIST

The Cortese List, which is a hazardous waste and substances site list, is a planning document used by the state, local agencies, and developers to comply with the requirements of CEQA, which requires the disclosure of hazardous materials sites. California Government Code Section 65962.5 requires the CalEPA to compile and annually update lists of hazardous waste sites and land designated as hazardous waste sites throughout the state. CalEPA may seek assistance from the DTSC, California Department of Health Services, SWRCB, or California Department of Resources Recycling and Recovery (CalRecycle) when compiling the list (DTSC 2021). In regard to a new project, before the lead agency accepts an application for any development project as complete, the applicant must consult these lists to determine if the subject site is included on the Cortese List.

4.9.2.2.2 HAZARDOUS WASTE CONTROL

HSC Division 20, Chapter 6.5 codifies the Hazardous Waste Control law, which states that generators of hazardous waste must employ technology and management practices for the safe handling, treatment, recycling, and destruction of their hazardous wastes prior to disposal. The law also creates the Hazardous Waste Management Council, who is responsible for making recommendations for a system that ensures financial liability for persons injured or otherwise affected by hazardous wastes that are treated or disposed of within their community. It is the overall intent of this law to grant those powers necessary to secure and maintain interim and final authorization for the state hazardous waste program in accordance with the requirements of Section 3006 of Public Law 94-580, the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6926), and to implement such program in lieu of the federal program.

4.9.2.2.3 ENVIRONMENTAL HEALTH STANDARDS FOR THE MANAGEMENT OF HAZARDOUS WASTE

Title 22, Division 4.5 of the CCR codifies regulations in place for the management of hazardous waste, implemented by and affecting the DTSC. DTSC is a department of the CalEPA, which is the primary agency in California that regulates hazardous waste, cleans up existing contamination, and looks for ways to reduce the hazardous waste produced in California. The DTSC regulates hazardous waste in California primarily under the authority of the RCRA and HSC.

A material is considered hazardous if it appears on a list of hazardous materials prepared by a federal, state, or local agency, or if it has characteristics defined as hazardous by such an agency. A hazardous material is defined in CCR Title 22 as follows:

A substance or combination of substances which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may either (1) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (2) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of or otherwise managed. (22 CCR Section 66261.10)

Title 22 of the CCR identifies several regulations pertaining to the management of hazardous materials, and the following may be applicable to construction and/or operation of the project:

- 22 CCR 66261.20 classifies hazardous waste as a substance that is ignitable, corrosive, reactive, or toxic.

- 22 CCR 66262.11 provides a method of determination for hazardous materials to ensure generators properly handle, store, transport, and/or dispose of hazardous materials accordingly.
- 22 CCR 66262.30–66262.35 requires proper packaging, labeling, marking, placarding, and accumulation timing of hazardous materials that are to be transported.
- 22 CCR 66262.70 states that waste pesticide, including pesticide containers or inner liners from pesticide containers, that meets the definition of hazardous waste, generated as part of a commercial farming operation is not required to be managed in compliance with the standards in this chapter.
- 22 CCR 66263.30-66262.32 requires that in the event of a discharge of hazardous waste during transportation, the transporter shall take immediate action to protect human and environmental health, shall clean up spilled hazardous waste discharge, and properly report the incident.
- 22 CCR 66268 identifies land disposal restrictions for hazardous wastes, treatment standards for wastes, prohibitions on storage and land disposals, and potential incineration requirements.

4.9.2.2.4 CERTIFIED UNIFIED PROGRAM AGENCY

The Certified Unified Program Agency (CUPA) is overseen by the CalEPA and is a program that protects residents of the state from hazardous waste and hazardous materials by ensuring local regulatory agencies consistently apply statewide standards when they issue permits, conduct inspections, and engage in enforcement activities. The CUPA consists of the following programs:

- **California Accidental Release Prevention Program:** HSC Division 20, Chapter 6.95, Article 2 identifies requirements of the California Accidental Release Prevention Program (CalARP), which is implemented by the California Governor’s Office of Emergency Services (Cal OES). The purpose of CalARP is to prevent accidental releases of substances that can cause serious harm to the public and the environment, to minimize the damage if releases do occur, and to satisfy community right-to-know laws. These objectives are accomplished by requiring businesses that produce, handle, process, distribute, or store certain chemicals over a threshold quantity to develop a Risk Management Program, prepare a Risk Management Plan, and submit the Risk Management Plan to the local CUPA.
- **Hazardous Material Release Response Plans and Inventory Law:** HSC Division 20, Chapter 6.95, Article 1 identifies requirements of the Hazardous Material Release Response Plans and Inventory Law, which requires businesses to develop a Release Response Plan for hazardous materials emergencies if they handle more than 500 pounds, 55 gallons, or 200 cubic feet of hazardous materials. In addition, the business must prepare a Hazardous Materials Inventory of all hazardous materials stored or handled at the facility. Handling and storage of hazardous materials must be conducted in a manner that promotes worker and environmental safety. Both the Release Response Plan and the Hazardous Materials Inventory must be supplied to the CUPA for the program. For the proposed project, the CUPA consists of the County of San Luis Obispo Environmental Health Services (EHS).
- **Aboveground Petroleum Storage Tank Program:** HSC Division 20, Chapter 6.67 identifies the requirements for the Aboveground Petroleum Storage Tank Program, which is implemented by the Office of the State Fire Marshal (CAL FIRE). Under this program, tank facilities with 10,000 gallons or more of total aboveground petroleum storage capacity are inspected at least once every 3 years by a CUPA and have reporting and fee requirements, while tank facilities with an aboveground petroleum storage capacity of less than 10,000 gallons have reporting and fee requirements.

- **Underground Storage Tank Program:** HSC Division 20, Chapter 6.7 identifies the requirements for the Underground Storage Tank Program, which is implemented by the SWRCB. The purpose of this program is to protect the public health and safety and the environment from releases of petroleum and other hazardous substances from underground storage tanks through leak prevention, cleanup, enforcement, and tank tester licensing.

4.9.2.2.5 PESTICIDES AND PEST CONTROL OPERATIONS

Title 3 (Food and Agriculture), Division 6 of the CCR consists of regulations for pesticide and pest control operations within California. These regulations identify program requirements, licensing requirements, use requirements, storage requirements, transportation requirements, safety requirements, and monitoring requirements for pesticide use. Specifically, CCR Division 6600 identifies the general standards of care for pesticide use, which includes:

- Use only pest control equipment which is in good repair and safe to operate.
- Perform all pest control in a careful and effective manner.
- Use only methods and equipment suitable to insure proper application of pesticides.
- Perform all pest control under climatic conditions suitable to insure proper application of pesticides.
- Exercise reasonable precautions to avoid contamination of the environment.

In addition to regulations regarding pest control use, CCR Division 6 also includes regulations for protection of the environment. CCR Division 6, Chapter 4 prohibits and otherwise restricts the use of pesticides that may result in damage to air quality, aquatic and marine environments, compost, and surface waters.

4.9.2.2.6 CALIFORNIA FOOD AND AGRICULTURAL CODE

Division 7, Chapter 2 of the State of California Food and Agricultural Code provides regulations for the use of pesticides in the state. These regulations include recommended uses, worker safety requirements, contamination prevention, and other requirements to minimize or avoid negative impacts to health due to improper use of pesticides. Specifically, Section 12972 requires that the use of pesticides shall not result in substantial drift to non-target areas. Section 12977 allows the Agricultural Commissioner to enforce this provision. In addition, Section 12982 states that the local health officer has the right to investigate any health hazard from pesticide use and take necessary action, in coordination with the Agricultural Commissioner, to abate the hazard.

4.9.2.2.7 SITE-SPECIFIC HEALTH AND SAFETY

Under California Division of Occupational Safety and Health Administration (Cal/OSHA) Title 8, Subchapter 2, employers must disclose potential workplace hazards and develop site-specific health and safety plans for workers and the workplace. In addition, workers that may potentially be exposed to hazardous materials in their workplace must be notified of exposure so that they are aware of workplace hazards.

4.9.2.3 Local

4.9.2.3.1 COUNTY OF SAN LUIS OBISPO GENERAL PLAN

Safety Element

The County's Safety Element was adopted in 1999 and provides goals, policies, and implementation measures to minimize risk associated with the loss of life, property, and economic well-being as a result of disasters. The two basic principles of the safety element include being ready for disaster and managing development to reduce risk.

The Safety Element is undergoing an update that will comply with SB 1241, Fire Hazard Safety; SB 379, Natural Hazard Adaptation and Resiliency; and AB 2140, Integration of Local Hazard Mitigation Plan.

Conservation and Open Space Element

The County's COSE would be applicable to reducing potential hazards or exposure of hazardous materials as a result of the project and includes policies for minimizing exposure to TACs, PM, SO₂, CO, NO_x, and lead.

4.9.2.3.2 COUNTY OF SAN LUIS OBISPO LOCAL HAZARD MITIGATION PLAN

The County's Local Hazard Mitigation Plan (LHMP) is currently in the process of being updated. The update of the LHMP aims to provide practical, meaningful, attainable, and cost-effective mitigation solutions to reduce vulnerability to natural disasters and other hazards. The LHMP update is applicable to the County and to its municipalities, community services districts, and special districts. The LHMP update will allow the region to mitigate the impacts of hazards based on current and expected future conditions, creating a more resilient county in the face of increasingly severe, frequent, and costly disasters. The LHMP update aims to limit new development in hazard areas, and as permissible, build to standards that will prevent or reduce damage. The following hazards are a priority when planning mitigation strategies:

- Drought and Water Shortage (high)
- Earthquake (high)
- Wildfire (high)
- Adverse Weather: Thunderstorm/Heavy Rain/Hail/Lighting/Dense Fog/Freeze (medium)
- Agricultural Pest Infestation and Disease (medium)
- Biological Agents (medium)
- Dam Incidents Flood (medium)
- Landslides and Debris Flow (medium)
- Tsunami and Seiche (medium)
- Human Caused: Hazardous Materials (medium)

4.9.2.3.3 COUNTY OF SAN LUIS OBISPO ENVIRONMENTAL HEALTH SERVICES

The County EHS provides a CUPA Program, based on CalEPA's CUPA program, for hazardous materials and waste. Under the County's CUPA Program, the following programs are monitored and enforced:

- **Aboveground Petroleum Storage Tank Program:** The purpose of this program is to protect public health and the environment from a potential source of surface and groundwater contamination by regulating aboveground storage tanks containing hazardous materials. Program objectives are accomplished through inspection, plan review, incident investigation, enforcement, public education, and assistance to industry.
- **Underground Storage Tank Program:** The intent of the identified program is to protect public and environmental health from a potential source of groundwater contamination by regulating underground storage tanks containing hazardous materials. This is accomplished through inspection, plan check, incident investigation, enforcement, public education, and assistance to industry.
- **California Accidental Release Prevention Program:** As described above, the purpose of the CalARP is to protect the public health and the environment from the uncontrolled release of extremely hazardous substances by requiring businesses to establish programs to reduce the risk of an accidental hazardous substance release and manage emergency operations in the event of a release
- **Hazardous Materials Business Plan:** As described above, the purpose of this program is to protect public health, emergency responders, and the environment from the release of hazardous materials at a regulated facility by ensuring proper handling and storage, and to provide timely and accurate information to emergency response personnel and to the public.
- **Hazardous Waste Generator Program:** This program protects the public health and the environment from the release of hazardous wastes by regulating industries that generate hazardous waste. This is accomplished through inspection, surveillance, incident investigation, assistance to industry, enforcement, and public education.
- **Household Hazardous Waste Disposal:** This program regulates the release of hazardous wastes stored and generated by the general public by providing public education as well as opportunities to the general public to dispose of common household hazardous wastes in a manner that prevents contamination to the environment. This program is implemented by the San Luis Obispo County Integrated Waste Management Authority (IWMA).

4.9.2.3.4 ASBESTOS AIRBORNE TOXIC CONTROL MEASURE FOR CONSTRUCTION, GRADING, QUARRYING, AND SURFACE MINING OPERATIONS

The CARB identifies asbestos as a toxic air contaminant. In San Luis Obispo County, asbestos naturally occurs in serpentine rock located throughout the county. According to CARB's Asbestos Airborne Toxic Control Measure (ATCM) for Construction, Grading, Quarrying, And Surface Mining Operations, prior to any grading activities at a site identified as having the potential for NOA, the owner or operator will be required to comply with the applicable sections contained in the NOA ATCM (SLOAPCD 2021b). For those projects within an area identified as having the potential for NOA, the following requirements apply:

- For grading projects qualifying for NOA ATCM exemption, an NOA exemption form must be submitted with geologic evaluation.
- For grading projects in serpentine rock, less than 1 acre, a project form with geologic evaluation must be submitted and dust control measures shall be included during grading.
- For grading projects in serpentine rock, more than 1 acre, a project form with geologic evaluation must be submitted, and an Asbestos Dust Mitigation Plan must be submitted for approval to be implemented during grading.

4.9.2.4 Applicable State, Regional, and Local Land Use Plans and Policies Relevant to Hazards and Hazardous Materials

Table 4.9-1 lists applicable state, regional, and local land use policies and regulations pertaining to hazards and hazardous materials that were adopted for the purpose of avoiding or mitigating an environmental effect and that are relevant to the proposed project. A general overview of these policy documents is presented in Section 4.9.2, *Regulatory Setting*, and Chapter 3, *Environmental Setting*. Also included in Table 4.9-1 is an analysis of project consistency with identified policies and regulations. Where the analysis concludes the proposed project would potentially conflict with the applicable policy or regulation, the reader is referred to Section 4.9.5, *Project-Specific Impacts and Mitigation Measures*, and Section 4.11, *Land Use and Planning*, for additional discussion.

Table 4.9-1. Preliminary Policy Consistency Evaluation

Goals, Policies, Plans, Programs and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
County of San Luis Obispo General Plan		
Safety Element		
<p>Policy S-8 Flood Hazard. Strictly enforce flood hazard regulations both current and revised. FEMA regulations and other requirements for the placement of structures in flood plains shall be followed. Maintain standards for development in flood-prone and poorly drained areas.</p>	<p>The intent of this policy is to minimize risks associated with flood hazards.</p>	<p>Potentially Consistent. The project is not located within a mapped flood hazard zone and future development would be designed to meet both County stormwater and drainage requirements and Central Coast RWQCB post-construction stormwater requirements. See Section 4.10, <i>Hydrology and Water Quality</i>, for further analysis.</p>
<p>Policy S-24 Aircraft Hazards. Reduce the potential for disaster from airport and land use conflicts in conjunction with the Airport Land Use plans.</p>	<p>The intent of this policy is to reduce risk associated with aircraft hazards.</p>	<p>Potentially Consistent. As discussed in the project IS/NOP, the project site is not located within an airport land use plan or within 2 miles of a public airport or public use airport and would not result in impacts related to development near an airport.</p>
<p>Policy S-25 Radiation Hazards. Maintain a high level of emergency preparedness and information to the public.</p>	<p>The intent of this policy is to reduce risk associated with radiation hazards.</p>	<p>Potentially Consistent. Implementation of the project would not establish a new source of radiation hazards or have an effect on community preparedness related to radiation hazards.</p>
<p>Policy S-26 Hazardous Materials. Reduce the potential for exposure to humans and the environment by hazardous substances.</p>	<p>The intent of this policy is to reduce risk associated with hazardous materials.</p>	<p>Potentially Consistent. Future development associated with the DRSP would require the transport, use, and disposal of hazardous materials, including diesel fuel, gasoline, solvents, oils, paints, etc. Construction of associated off-site improvements to roadways</p>

Goals, Policies, Plans, Programs and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
<p>Implementation Measures</p> <p>Program S-68. Review commercial projects which use, store, or transport hazardous materials to ensure necessary measures are taken to protect public health and safety.</p> <p>Program S-69. Work with Caltrans to require all transport of hazardous materials to follow Caltrans approved routes.</p>		<p>and water and wastewater infrastructure would similarly require use of hazardous substances commonly used in construction activities. All hazardous materials would be subject to federal, state, and local regulations for the transport, use, and disposal of hazardous materials. Construction crews would be required to comply with CCR Title 22, which regulates the use, storage, and transport of hazardous materials. In addition, construction crews would be subject to HSC Division 20, Chapter 6.95, which requires the preparation and implementation of a Hazardous Material Release Response Plan and the preparation of a Hazardous Materials Inventory for materials used and stored at the site. Compliance would be monitored by the County EHS.</p> <p>Future land uses within the Specific Plan Area that may require the use of small quantities of hazardous materials (i.e., fuels, oils, solvents, lubricants, paints) would be required to comply with CCR Title 22 and HSC Division 20, Chapter 6.95, described above, which would avoid or minimize the potential for risk to the public due to improper handling of hazardous materials. In addition, the project would be subject to the County's Household Hazardous Waste Disposal Program, which is enforced by the San Luis Obispo County IWMA to prevent environmental contamination caused by disposal of household hazard substances.</p>
<p>Policy S-27 Pesticide Hazards. Reduce the potential for pesticide exposure to humans and the environment.</p> <p>Implementation Measures</p> <p>Program S-72. Work with pesticide applicators (including commercial applicators and other users such as homeowners) to ensure necessary measures are taken to protect public health and safety.</p>	<p>The intent of this policy is to reduce hazards associated with pesticides.</p>	<p>Potentially Consistent. The project does not include establishment of an Agriculture land use designation or agricultural uses and would not otherwise allow the establishment of a use that would involve the application of substantial pesticides on-site. Due to the limited historic agricultural activities within the Specific Plan Area, exposure to existing dangerous levels of pesticides within the project site is very low.</p>
<p>Conservation and Open Space Element</p>		
<p>Policy AQ 3.4 Toxic exposure. Minimize public exposure to toxic air contaminants, ozone, particulate matter, sulfur dioxide, carbon monoxide, nitrogen oxides, and lead.</p>	<p>The intent of this policy is to minimize public exposure to TACs.</p>	<p>Potentially Consistent. On-site off-road equipment and trucks would result in short-term emissions of DPM, which could contribute to an increase in fugitive dust and diesel exhaust emissions. Implementation of Mitigation Measures AQ/mm-2.1 and AQ/mm-2.2 would reduce fugitive dust and diesel exhaust emissions during proposed construction activities for buildout of the Specific Plan Area. DPM concentrations are typically strongest within 300 feet of the freeway and decrease by roughly 70% at 500 feet. A small portion of planned multi-family residential units located within the northeastern and southeastern portion of the project site have the potential to be located within 500 feet of US 101. Mitigation Measure AQ/mm-3.1 would require future development</p>

Goals, Policies, Plans, Programs and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
		of sensitive land uses, including residential dwellings, childcare facilities, or other sensitive land uses, to be located a minimum of 500 feet from US 101. Further, implementation of the proposed project would not be anticipated to result in or contribute to localized CO concentrations that would exceed applicable ambient air quality standards.
San Luis Obispo County Multi-Jurisdictional Hazard Mitigation Plan		
Goal 2. Mitigate hazard impacts to existing and future development.	The intent of this policy is to mitigate potential hazards to existing and future development.	Potentially Consistent. In order to reduce potential short- and long-term environmental impacts related to hazardous materials spill, construction crews and proposed businesses would be required to comply with CCR Title 22, which regulates the use, storage, and transport of hazardous materials. In addition, construction crews would be subject to HSC Division 20, Chapter 6.95, which requires the preparation and implementation of a Hazardous Material Release Response Plan and the preparation of a Hazardous Materials Inventory for materials used and stored at the site.
Objective 2.1. Limit new development in hazard areas, and as permissible, build to standards that will prevent or reduce damage.	The intent of this policy is to limit new development in hazard areas.	Potentially Consistent. The Specific Plan Area is located in a seismically active region. Therefore, there is potential for seismic-related hazards and other ground failure events. Proposed occupiable buildings and structures would be subject to requirements of the most recent CBC to reduce risk accordingly. In addition, mitigation has been included to further reduce risk through structural and other design requirements. The project is not located within a mapped flood hazard zone.
Goal 3. Build and support local capacity to address, and commitment to minimize, San Luis Obispo County's vulnerability to potential hazards through collaboration with the incorporated cities and special districts.	The intent of this policy is to minimize vulnerability to potential hazards.	Potentially Consistent. The project includes the construction of two collector roads intended to improve existing emergency response and evacuation conditions within the project region. In addition, construction of these collector roads would ensure buildout of the project does not adversely affect emergency response and evacuation efforts.
Objective 3.1. Improve existing capabilities to manage emergency situations.	The intent of this policy is to improve emergency response following emergency situations.	Potentially Consistent. As described in Section 4.15, <i>Public Services</i> , the project would result in an increased need for fire and police protection services, which would be offset through payment of Public Facilities Fees. Increased demand on fire protection services would be offset through implementation of identified mitigation to provide land for future development of a new fire station.
Goal 4. Minimize the level of injury and loss of life and damage to existing and future critical facilities, property, and infrastructure due to natural hazards.	The intent of this policy is to minimize the level of injury and loss of life and damage existing and future development.	Potentially Consistent. Proposed occupiable buildings and structures would be subject to requirements of the most recent CBC to reduce risk accordingly. In addition, mitigation has been included to further reduce

Goals, Policies, Plans, Programs and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination
Objective 4.1. Enhance the ability of community assets so as to minimize damages sustained from potential hazards.	The intent of this policy is to enhance existing programs to minimize damages sustained from potential hazards.	risk through structural and other design requirements. The project is not located within a mapped flood hazard zone. Potentially Consistent. The project includes the construction of two collector roads intended to improve existing emergency response and evacuation conditions within the project region. In addition, construction of these collector roads would ensure buildout of the project does not adversely affect emergency response and evacuation efforts. In addition, mitigation has been included to set aside land for construction of a future fire department to improve emergency response ability in the regions. Further, the project would be subject to the payment of public facilities fees to offset demand on fire and police protection services.
Objective 4.2: Develop a comprehensive approach to reducing the level of damage and losses due to hazards through utilizing resilient community and critical infrastructure design, management, code enforcement, GIS mapping, improved policies, procedures, training evacuation planning, and planning processes.	The intent of this policy is to reduce the level of damage and losses due to hazards.	Potentially Consistent. Proposed occupiable buildings and structures would be subject to requirements of the most recent CBC to reduce risk accordingly. In addition, mitigation has been included to further reduce risk through structural and other design requirements.

4.9.3 Thresholds of Significance

The determinations of significance of project impacts are based on applicable policies, regulations, goals, and guidelines defined by CEQA and the County. Specifically, the project would be considered to have a significant effect on hazards and hazardous materials if the effects exceed the significance criteria described below:

- 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 Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.
- f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Each of these thresholds is discussed under Section 4.9.5, *Project-Specific Impacts and Mitigation Measures*, below.

As discussed in the IS/NOP, the project site is not located within an airport land use plan or within 2 miles of a public airport or public use airport and would not result in impacts related to development

near an airport. Therefore, issues related to the following threshold of significance are not discussed further in the EIR:

- 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 or excessive noise for people residing or working in the project area.

See EIR Appendix B, *Notice of Preparation for the Draft Environmental Impact Report and Comment Letters*, for more information related to this topic.

In addition, potential impacts related to wildland fire will be evaluated in Section 4.20, *Wildfire*, and the following threshold is not discussed in this section of the EIR (see Section 4.20, *Wildfire*):

- g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

4.9.4 Impact Assessment and Methodology

The project's potential impacts associated with hazards and hazardous materials were evaluated by use of the environmental checklist questions included in Appendix G of the State CEQA Guidelines, included in Section 4.9.3, *Thresholds of Significance*. Potential impacts were evaluated based on a comprehensive review of the proposed project and all associated components, applicable database information, and all applicable regulatory requirements.

4.9.5 Project-Specific Impacts and Mitigation Measures

WOULD THE PROJECT CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT THROUGH THE ROUTINE TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS MATERIALS?

Specific Plan Area

HAZ Impact 1: The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Impacts would be less than significant (Class III).

Implementation of the project would result in the adoption of the DRSP, which would allow for future residential and mixed-use development within the Specific Plan Area. Future development associated with the DRSP would require the transport, use, and disposal of hazardous materials, including diesel fuel, gasoline, solvents, oils, paints, etc. Future construction activities are anticipated to occur over the course of several years as the Specific Plan builds out, during which hazardous materials would be routinely transported, used, and disposed of. During the construction period, all hazardous materials would be subject to federal, state, and local regulations for the transport, use, and disposal of hazardous materials. Construction crews would be required to comply with CCR Title 22, which regulates the use, storage, and transport of hazardous materials. In addition, construction crews would be subject to HSC Division 20, Chapter 6.95, which requires the preparation and implementation of a Hazardous Material Release Response Plan and the preparation of a Hazardous Materials Inventory for materials used and stored at the site. Compliance would be monitored by the County EHS. Based on required compliance with existing regulations regarding hazardous material use, transport, and disposal, future construction activities are not anticipated to result in significant hazard to the public due to routine transport, use, or disposal of hazardous materials. Therefore, potential construction-related impacts would be *less than significant*.

At full buildout, the Specific Plan Area would consist of approximately 215.9 acres of residential development (1,289 potential units), 22.3 acres of commercial and nonresidential development (110,000–203,000 potential square feet), and 49.8 acres of open space/recreation. The DRSP does not include future allocation of land uses that would directly or indirectly generate the routine use of hazardous materials that could result in significant hazard to the public (e.g., automotive service stations and gas stations are not permitted within the Specific Plan Area). Allowable future land uses, such as single-family residences, multi-family residences, pocket parks, gardens, child daycare facilities, building materials and hardware stores, drive-thru services, general retail, health/fitness clubs, hotels and motels, neighborhood markets, public assembly and entertainment facilities, offices, restaurants and bars, schools, small-scale manufacturing, neighborhood parks, equestrian trails, and playgrounds do not require the use of large quantities of hazardous materials or the use of any unique acutely hazardous materials.

Any future uses within the Specific Plan Area that may require the use of small quantities of hazardous materials (e.g., fuels, oils, solvents, lubricants, paints) would be required to comply with CCR Title 22 and HSC Division 20, Chapter 6.95, described above, which would avoid or minimize the potential for risk to the public due to improper handling of hazardous materials. In addition, individual residential units within the Specific Plan Area are anticipated to use, transport, and store small quantities of cleaning solutions, solvents, paints, oils, lubricants, etc. during operation of the proposed project. The use of small quantities of household hazardous substances would not create a significant hazard to the public. In addition, the project would be subject to the County’s Household Hazardous Waste Disposal Program, which is enforced by the San Luis Obispo County IWMA to prevent environmental contamination caused by disposal of household hazard substances. Therefore, operation of the project would not result in significant hazard to the public due to the use, transport, or disposal of hazardous materials and potential impacts would be *less than significant*.

HAZ Impact 1 (Class III)
The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
Mitigation Measures
<i>Mitigation is not necessary.</i>
Residual Impacts
<i>Based on required compliance with state and local regulations, residual impacts related to the routine use, transport, and disposal of hazardous materials would be considered less than significant (Class III).</i>

Off-Site Improvements

HAZ Impact 2: Off-site improvements would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Impacts would be less than significant (Class III).

Proposed off-site improvements would require temporary construction activities that would require the use of transport, use, and disposal of hazardous construction-related materials, including diesel fuel, gasoline, solvents, oils, paints, etc. During proposed construction activities for off-site transportation, water, and wastewater system improvements, all hazardous materials would be subject to federal, state, and local regulations for the transport, use, and disposal of hazardous materials. Construction crews would be required to comply with CCR Title 22, which regulates the use, storage, and transport of hazardous materials and HSC Division 20, Chapter 6.95, which requires the preparation and

implementation of a Hazardous Material Release Response Plan and the preparation of a Hazardous Materials Inventory for materials used and stored at the site. Compliance with these regulations would be monitored by the County’s Environmental Health and Safety Division. Based on required compliance with existing regulations regarding hazardous material use, transport, and disposal, construction activities for off-site NCSD improvements are not anticipated to result in significant hazard to the public due to routine transport, use, or disposal of hazardous materials. Therefore, potential construction-related impacts would be *less than significant*.

Operation of proposed off-site improvements would require maintenance and repair trips on an as-needed basis. Any maintenance and repair trips that require the use, transport, or disposal of hazardous materials would be required to comply with CCR Title 22 and HSC Division 20, Chapter 6.95 to reduce the potential for upset. Based on required compliance with existing regulations and the limited nature of proposed off-site improvements, operation of proposed off-site transportation, water, and wastewater system improvements would not result in significant hazard to the public due to the use, transport, or disposal of hazardous materials; therefore, potential impacts would be *less than significant*.

HAZ Impact 2 (Class III)
Off-site improvements would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
Mitigation Measures
<i>Mitigation is not necessary.</i>
Residual Impacts
<i>Based on required compliance with state and local regulations, residual impacts related to the routine use, transport, and disposal of hazardous materials would be considered less than significant (Class III).</i>

WOULD THE PROJECT 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?

Specific Plan Area

HAZ Impact 3: The project could 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. Impacts would be less than significant with mitigation (Class II).

Implementation of the project would allow for future residential and mixed-use development. Operation of the Specific Plan Area would not generate the use, transport, or disposal of hazardous materials that would result in significant upset due to accidental release. As previously discussed, future construction activities would be required to comply with CCR Title 22 and HSC Division 20, Chapter 6.95 during the transport, use, and disposal of hazardous materials including diesel fuel, gasoline, solvents, oils, paints, etc. Due to required compliance with existing regulations in place, future construction of the Specific Plan Area is not anticipated to result in foreseeable upset or accident conditions.

As discussed in Section 4.3, *Air Quality*, the project is not located in an area with potential for soils containing NOA (SLOAPCD 2021). Therefore, future earthwork is not anticipated to result in the release

of NOA; however, due to the proximity of areas with potential for NOA to occur, Mitigation Measure AQ/mm-7.1 has been included to minimize the potential to release NOA during ground-disturbing activities. In addition, the project site is currently undeveloped and would not require demolition of buildings or other structures prior to buildout of the Specific Plan Area. Therefore, the project would not result in the release of asbestos from demolition or other disturbance to asbestos containing material.

The Specific Plan Area is currently undeveloped and does not consist of any internal paved roads that would have been heavily used during the time lead was a component in gasoline; therefore, the potential for ADL to occur within the Specific Plan Area is very low. However, the eastern boundary of the site extends adjacent to US 101 and includes areas within approximately 30 feet of the paved roadway. ADL is known to occur in road shoulder areas along US 101 in the project vicinity and elsewhere in the state; however, the highest lead concentrations are usually found within 10 feet of the edge of the pavement and within the top 6 inches of the soil. In some cases, lead is as deep as 2 to 3 feet below the surface and can extend 20 feet or more from the edge of pavement. No project development would occur within the Caltrans ROW or within 30 feet of US 101; therefore, the potential for the disturbance of substantial amounts of ADL as a result of development within the Specific Plan Area is low. Therefore, potential impacts related to ADL that could create a significant hazard to the public would be less than significant.

Upon implementation of the identified mitigation, construction and operation of the proposed project would not result in the short- or long-term use of hazardous materials that would result in significant upset if accidentally released and would not generate the use of significantly hazardous materials within the project area. Therefore, impacts would be *less than significant with mitigation*.

HAZ Impact 3 (Class II)
The project could 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.
Mitigation Measures
Implement Mitigation Measure AQ/mm-7.1.
Residual Impacts
With implementation of Mitigation Measure AQ/mm-7.1, potential impacts related to significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be considered less than significant (Class II).

Off-Site Improvements

HAZ Impact 4: Off-site improvements could 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. Impacts would be less than significant with mitigation (Class II).

Hazardous materials required for the construction and operation of proposed off-site transportation and NCSD-related improvements would not generate the use, transport, or disposal of hazardous materials that would result in significant upset due to accidental release. Hazardous materials required for temporary construction and long-term maintenance and repair trips would be subject to CCR Title 22 and HSC Division 20, Chapter 6.95 to reduce the risk associated with the use, transport, and disposal of hazardous materials. The significant risk of hazardous material contamination near sensitive areas (e.g., drainages and Nipomo Creek near the location of proposed NCSD water system improvements) would be minimized through implementation of Mitigation Measures BIO/mm-16.1, BIO/mm-16.2, and

BIO/mm-16.3. Therefore, impacts related to hazardous materials required for construction and operation of the project would be *less than significant*.

Proposed off-site wastewater system improvements would require ground disturbance approximately 35 feet from US 101, along North Frontage Road, and proposed off-site water system improvements would occur within a previously developed culvert under US 101. ADL is known to occur in road shoulder areas along US 101 in the project vicinity and elsewhere in the state. The highest lead concentrations are generally located within 10 feet of the edge of the pavement and within the top 6 inches of the soil. In some cases, lead is as deep as 2 to 3 feet below the surface and can extend 20 feet or more from the edge of pavement. Proposed off-site wastewater system improvements would not occur within 30 feet of US 101 and is not anticipated to disturb substantial amounts of ADL. In addition, proposed off-site water system improvements would occur within a previously developed culvert, which would avoid additional soil disturbance within 30 feet of US 101 that could result in potential disturbance of ADL. Since proposed improvements would not require soil disturbance within 30 feet of US 101, the potential for the disturbance of substantial amounts of ADL as a result of off-site improvements is low. Therefore, potential impacts related to the accidental release of ADL-contaminated soils would be *less than significant*.

In addition, proposed wastewater system improvements along North Frontage Road would be located in an area with potential for NOA to occur (SLOAPCD 2022). Mitigation Measure AQ/mm-7.1 would require geologic evaluation of proposed improvement areas to determine if NOA is present and identifies the proper protocol to be implemented during construction if NOA is present within proposed improvement areas in accordance with SLOAPCD requirements. Therefore, potential impacts related to accidental release of NOA would be *less than significant with mitigation*.

HAZ Impact 4 (Class II)
Off-site improvements could 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.
Mitigation Measures
Implement Mitigation Measures AQ/mm-7.1 and BIO/mm-16.1 through BIO/mm-16.3.
Residual Impacts
Following implementation of Mitigation Measures AQ/mm-7.1 and BIO/mm-16.1 through BIO/mm-16.3, potential impacts related to significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be considered <i>less than significant (Class II)</i> .

WOULD THE PROJECT EMIT HAZARDOUS EMISSIONS OR HANDLE HAZARDOUS OR ACUTELY HAZARDOUS MATERIALS, SUBSTANCES, OR WASTE WITHIN ONE-QUARTER MILE OF AN EXISTING OR PROPOSED SCHOOL?

Specific Plan Area

HAZ Impact 5: The project could emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Impacts would be less than significant (Class III).

The nearest school is Nipomo High School, which is located approximately 0.2 mile east of the Specific Plan Area, on the opposite side of US 101. Adoption of the DRSP and future buildout of the Specific Plan Area would not result in new land uses that would permanently require the use of or generate hazardous materials near Nipomo High School. Future construction activity would temporarily result in the use of diesel fuel, gasoline, solvents, paints, etc. within 0.25 mile of Nipomo High School; however, any hazardous materials used during construction would be used in accordance with federal, state, and local regulations, including CCR Title 22 and the HSC. Any risk of exposure is substantially reduced by the location of US 101, which separates the project site from the high school. Additionally, no construction activities or operational uses within the Specific Plan Area would require the use of substantial amounts of hazardous materials or uniquely acute hazardous materials that could create a substantial risk to proximate sensitive receptors.

Based on required compliance with existing regulations, future construction activities are not anticipated to result in significant hazardous emissions near Nipomo High School. Therefore, construction-related and operational impacts related to hazardous emissions within 0.25 mile of a school would be *less than significant*.

HAZ Impact 5 (Class III)
The project could emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
<i>Mitigation Measures</i>
<i>Mitigation is not necessary.</i>
<i>Residual Impacts</i>
<i>Through required compliance with existing regulations, residual impacts related to hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school would be considered less than significant (Class III).</i>

Off-Site Improvements

HAZ Impact 6: Off-site improvements could emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Impacts would be less than significant (Class III).

Proposed off-site transportation improvements would occur at the location of proposed internal roadway connections to existing roads outside of the Specific Plan Area (Willow Road, North Frontage Road,

Pomeroy Road, Hetrick Avenue, and Cory Way). Proposed water system improvements are anticipated to be located along North Oakglen Avenue and Tefft Street and proposed wastewater system improvements are anticipated to occur along North Frontage Road (see Figures 2-4 and 2-5 in Chapter 2, *Project Description*). There are two schools located within 0.25 mile of proposed off-site improvement areas, including Nipomo Elementary School, located approximately 0.15 mile south of Tefft Street, and Nipomo High School, located approximately 0.2 mile east of North Oakglen Avenue. Therefore, there is potential for construction of proposed off-site improvements to use or generate hazardous materials near existing schools. In addition, operation of proposed off-site improvement areas would require maintenance and repair trips on an as-needed basis, which may require the transport, use, and/or disposal of limited quantities of hazardous materials. Construction and operation would be required to comply with CCR Title 22 and the HSC to reduce the risk of accidental hazardous material release near existing school sites. Therefore, construction-related and operational impacts related to hazardous emissions within 0.25 mile of a school would be *less than significant*.

HAZ Impact 6 (Class III)
Off-site improvements could emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
Mitigation Measures
<i>Mitigation is not necessary.</i>
Residual Impacts
<i>Based on required compliance with existing regulations, residual impacts related to hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school would be considered less than significant (Class III).</i>

WOULD THE PROJECT 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?

Specific Plan Area

As discussed in the IS/NOP, the County determined the Specific Plan Area is not located on a hazardous materials site pursuant to California Government Code Section 65962.5 and would not result in development on or adjacent to a hazardous materials site. Since the Specific Plan Area is not be located on a hazardous materials site, there would be *no impact* related to development on or adjacent to a hazardous materials site.

Off-Site Improvements

HAZ Impact 7: Off-site improvements would be located near a hazardous materials site pursuant to California Government Code Section 65962.5. Impacts would be less than significant with mitigation (Class II).

Proposed off-site transportation improvements would occur at the location of proposed internal roadway connections to existing roads outside of the Specific Plan Area (Willow Road, North Frontage Road, Pomeroy Road, Hetrick Avenue, and Cory Way). Proposed water system improvements are anticipated to be located along North Oakglen Avenue and Tefft Street and proposed wastewater system improvements

are anticipated to occur along North Frontage Road (see Figures 2-4 through 2-7 in Chapter 2, *Project Description*). Based on a query of the SWRCB GeoTracker database, there are two closed LUST cleanup sites and one closed cleanup program site within 1,000 feet of proposed wastewater system improvement areas. Additionally, there are two closed LUST cleanup sites and one open cleanup program site within 1,000 feet of proposed water system improvement areas (SWRCB 2021). Based on a query of the DTSC Envirostor database, there is one closed school investigation site at Nipomo High School, which is located approximately 800 feet east of North Oakglen Avenue and associated water system improvements (DTSC 2021a).

The open cleanup program site is located near the Tefft and Carrillo Streets intersection, located approximately 40 feet north of the Tefft Street road shoulder, and the cleanup program site is identified as the Conoco Phillips Line, which is undergoing assessment as of August 17, 2010. The contaminants of concern at this location are crude oil and PAHs (SWRCB 2022). There is potential for proposed ground disturbance activities for off-site water system improvements to release crude oil or PAHs if present within the soil. Mitigation Measure HAZ/mm-7.1 would require the proper evaluation, monitoring, handling, and disposal of excavated soils in accordance with applicable federal, state, and local regulations to reduce the risk of accidental release of contaminated soils. Other hazardous materials sites identified near proposed off-site improvement areas have been closed; therefore, soils in those areas are not anticipated to contain hazardous materials that could be released during ground-disturbing activities. Off-site NCSID improvements would not result in occupiable building or structures that could result in the long-term exposure of project occupants to contaminated soils. Therefore, potential impacts related to development on or adjacent to a hazardous materials site would be less *than significant with mitigation*.

HAZ Impact 7 (Class II)	
Off-site improvements would be located near a hazardous materials site pursuant to California Government Code Section 65962.5.	
Mitigation Measures	
HAZ/mm-7.1	<p><i>Prior to initiation of vegetation removal, demolition activities, or any earth-moving activities within 1,000 feet of any open hazardous materials site pursuant to California Government Code Section 65962.5, the project contractor shall prepare and implement a Hazardous Materials Management Plan that details procedures that will be taken to ensure the appropriate handling, stockpiling, testing, and disposal of excavated materials to prevent the inadvertent release of contaminated soil and demolished materials to the environment during construction activities. Elements of the plan shall include, but would not necessarily be limited to, the following:</i></p> <p>Worker Health and Safety</p> <ol style="list-style-type: none"> 1. Accident prevention measures. 2. The requirement that all construction crew members be trained regarding best practices for the appropriate handling, stockpiling, testing, and disposal of excavated materials prior to beginning work. <p>Soil Contamination</p> <ol style="list-style-type: none"> 1. Procedures for the proper handling, stockpiling, testing, and disposal of excavated materials in accordance with California Code of Regulations Title 14 and Title 22. 2. Soil contamination evaluation and management procedures, including how to properly identify potential contamination (e.g., soil staining, odors, buried material), the requirement that construction activities within a 50-foot radius of potentially contaminated soil be halted until the hazard has been assessed and appropriately addressed, the requirement that access to potentially contaminated areas be limited to properly trained personnel, and procedures for notification and reporting, including internal management and local agencies (e.g., California Department of Forestry and

HAZ Impact 7 (Class II)
<p><i>Fire Protection, County of San Luis Obispo Environmental Health Services), as needed.</i></p> <ol style="list-style-type: none"> 3. <i>Monitoring of ground-disturbing activities for soil contamination may include visual and organic vapor monitoring by personnel with appropriate hazardous materials training, including 40 hours of Hazardous Waste Operations and Emergency Response (HAZWOPER) training.</i> 4. <i>If visual and organic vapor monitoring indicates signs of suspected contaminated soil, then soil samples shall be collected and analyzed to characterize soil quality.</i> 5. <i>Evaluation of all potentially contaminated materials encountered during project construction activities in accordance with applicable federal, state, and local regulations and/or guidelines governing hazardous waste. All materials deemed to be hazardous shall be remediated and/or disposed of following applicable regulatory agency regulations and/or guidelines. Disposal sites for both remediated and non-remediated soils shall be identified prior to beginning construction. All evaluation, remediation, treatment, and/or disposal of hazardous waste shall be supervised and documented by qualified hazardous waste personnel.</i>
<p>Residual Impacts</p>
<p><i>Following implementation of Mitigation Measure HAZ/mm-7.1, potential impacts related to development on or adjacent to a hazardous materials site would be less than significant (Class II).</i></p>

WOULD THE PROJECT IMPAIR IMPLEMENTATION OF OR PHYSICALLY INTERFERE WITH AN ADOPTED EMERGENCY RESPONSE PLAN OR EMERGENCY EVACUATION PLAN?

Specific Plan Area

HAZ Impact 8: The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant (Class III).

Based on the County OES, US 101 and SR 1 are the primary evacuation routes out of the county (County of San Luis Obispo OES 2021). The eastern border of the project site is bound by US 101, which would serve as the nearest evacuation route for the project.

Implementation of the project would result in the future development of approximately 238.2 acres of residential, commercial, and open space/recreational uses on three parcels that create a 288-acre Specific Plan Area in the southwestern portion of the county. Future development would result in approximately 1,28 potential units and 110,000–203,000 potential square feet of commercial and nonresidential development. Future development would be required to meet County, Caltrans, and CAL FIRE requirements for site access and internal roads to allow for adequate public ingress and egress at the site. The County Public Works Department and Fire Marshall have reviewed the project and confirmed it meets state and local requirements for ingress/egress and emergency access. Buildout of the DRSP would increase vehicles traveling on surrounding roadways and the number of vehicles needing to access US 101 and other roadways in the event of an evacuation. However, the Specific Plan Area is immediately adjacent to one of the primary evacuation routes in the county. The project would further improve regional circulation by developing two collector routes through the Specific Plan Area to provide connection to Willow Road, and by contributing to a Caltrans’ improvement that would improve traffic signal timing at the US 101/Willow Road interchange. Further discussion of external roadway improvements and internal roadway design is included in Section 4.17, *Transportation*. Additional

information related to the adequacy of emergency access in the event of a wildfire is included in Section 4.20, *Wildfire*.

HAZ Impact 8 (Class III)
The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
Mitigation Measures
<i>Mitigation is not necessary.</i>
Residual Impacts
<i>Residual impacts related to the physical interference with an adopted emergency response plan or emergency evacuation plan would be less than significant (Class III).</i>

Off-Site Improvements

HAZ Impact 9: Off-site improvements would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant (Class III).

The project includes off-site construction for installation of proposed transportation improvement and NCS D water and wastewater infrastructure improvements. Proposed off-site transportation improvements would occur at the location of proposed internal roadway connections to existing roads outside of the Specific Plan Area (Willow Road, North Frontage Road, Pomeroy Road, Hetrick Avenue, and Cory Way). Proposed NCS D water infrastructure improvements are proposed at the intersection of North Dana Foothill Road and West Tefft Street, along West Tefft Street and North Oakglen Avenue, under US 101, and at two of the four proposed access points into the Specific Plan Area. NCS D sewer improvements would occur along North Frontage Road from the Southland WWTF to the Specific Plan Area (see Figures 2-4 through 2-7 in Chapter 2, *Project Description*).

Improvements conducted at proposed access points to the Specific Plan Area would result in temporary impairment of emergency access to the site; however, improvements would likely be conducted incrementally, would be constructed prior to occupancy of adjacent portions of the Specific Plan Area, and other access routes would remain open to allow for emergency ingress and egress. Construction and installation of other proposed off-site water and sewer improvements would likely require traffic controls, including partial lane closures. Proposed improvement projects are anticipated to occur incrementally, which would reduce the amount of potential traffic congestion caused by lane closures or other traffic controls. Traffic controls would be temporary in nature and would include detour routes as necessary to allow for emergency and other access to surrounding areas. Proposed infrastructure improvements would not result in aboveground features that could physically impede any established emergency response or evacuation routes. New infrastructure and improvements would not substantially increase maintenance demands and would not result in population growth that could create additional vehicle trips along evacuation routes. Therefore, potential short- and long-term impacts associated with implementation of off-site infrastructure would not significantly impede an emergency response or evacuation plan. Therefore, impacts would be *less than significant*.

HAZ Impact 9 (Class III)
Off-site improvements would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
Mitigation Measures
<i>Mitigation is not necessary.</i>
Residual Impacts
<i>Residual impacts related to the physical interference with an adopted emergency response plan or emergency evacuation plan would be less than significant (Class III).</i>

4.9.6 Cumulative Impacts

HAZ Impact 10: The project would not result in a cumulatively considerable impact to hazards and hazardous materials. Impacts would be less than cumulatively considerable and less than significant (Class III).

Existing and foreseeable future projects within the project region are identified in Chapter 3, *Environmental Setting*. Future construction of the proposed project, and reasonably foreseeable future projects, would expose additional groups of people and the environment to construction-related hazards due to the temporary use of hazardous materials. Specific hazards associated with other proposed development projects would be identified through discretionary review processes and/or required environmental review and mitigated accordingly. Hazards associated with the presence of toxic or other hazardous substances would be tested, handled, transported, and disposed of in accordance with existing federal and state regulations. In most cases, compliance with existing regulations, including CCR Title 22, HSC Division 20, Chapter 6.95, and County-issued permit conditions would minimize cumulative impacts associated with hazards and hazardous materials. The proposed project would comply with all applicable requirements and state and local regulations pertaining to the transport, use, and disposal of hazardous materials. Therefore, the contribution of the project toward cumulative effects related to the use of hazardous materials would be *less than cumulatively considerable*.

Based on future buildout of the Specific Plan Area, and the potential buildout of other foreseeable development projects in the county, it is anticipated that there would be an increase of vehicles traveling on local roadways, which could slow of public egress in the event of an evacuation. However, implementation of the project would overall improve regional circulation by developing two collector routes through the Specific Plan Area to provide connection to Willow Road, and by improving traffic signal timing at the US 101/Willow Road interchange. In addition, the proposed project would provide adequate public and emergency entry and exit points throughout the Specific Plan Area, which have been reviewed by the County Public Works Department and Fire Marshall, confirming the project meets state and local requirements for ingress/egress and emergency access. Reasonably foreseeable future projects would also be required to provide adequate emergency access for emergency and public ingress and egress and would be subject to environmental review to ensure consistency with applicable emergency response and evacuation plans. Therefore, the contribution of the project toward cumulative effects related to emergency response and evacuation would be *less than cumulatively considerable*.

HAZ Impact 10 (Class III)
The project would not result in a cumulatively considerable impact to hazards and hazardous materials.
Mitigation Measures
<i>Mitigation is not necessary.</i>
Residual Impacts
<i>Cumulative impacts would be avoided through compliance with identified project-specific mitigation; no additional mitigation is needed to avoid or minimize potential cumulative impacts. Therefore, residual impacts would be less than significant (Class III).</i>

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