3.8 - Hazards and Hazardous Materials

3.8.1 - Introduction

This section describes the existing hazards and hazardous materials setting and potential effects from project implementation of the Sphere of Influence Amendment (SOIA) Area. Descriptions and analysis in this section are based on information contained in the Elk Grove Sphere of Influence Customized Report, prepared on October 21, 2010, by Environmental Data Resources (EDR), Inc., attached to this EIR as Appendix D, and on existing regulatory framework.

Hazardous Materials and Hazardous Wastes

A substance 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. The health effects from exposure to hazardous materials vary based on factors that include the quantity to which the person is exposed, the frequency of exposure, the exposure pathway, and individual susceptibility.

The California Code of Regulations (CCR) defines a hazardous material as a substance that, because of physical or chemical properties, quantity, concentration, or other characteristics, may either (1) cause an increase in mortality or an increase in serious, irreversible, or incapacitating, 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 (CCR, Title 22, Division 4.5, Chapter 10, Article 2, Section 66260.10).

Hazardous wastes are similarly defined. In particular, hazardous wastes are hazardous materials that no longer have practical use, such as substances that have been discarded, discharged, spilled, contaminated, or are being stored prior to proper disposal. According to Title 22 of the CCR, hazardous materials and hazardous wastes are classified according to four properties: toxicity, ignitability, corrosively, and reactivity (CCR, Title 22, Chapter 11, Article 3). Toxicity, ignitability, corrosivity, and reactivity are defined in the CCR, Title 22, Sections 66261.20–22261.24.

3.8.2 - Environmental Setting

On October 21, 2010, EDR conducted a search of the regulatory agency databases listed in Table 3.8-1 in order to identify potential hazardous conditions within the proposed SOIA Area. As indicated above, the complete EDR report can be viewed in its entirety in Appendix D.

Table 3.8-1: Regulatory Agency Databases Searched

Database Type	Definition of Database	Type of Record	Agency	No. of Records within the Proposed Sphere of Influence Amendment Area[1, 2]
SSTS	Section 7 of the Federal Insecticide, Fungicide, and Rodenticide Act	Types and amounts of pesticides, active ingredients and devices being produced, and those having been produced and sold or distributed	US EPA	2
ICIS	Integrated Compliance Information System	Supports the information needs of the national enforcement and compliance program as well as the unique needs of the National Pollutant Discharge Elimination System (NPDES) Program	—	1
FINDS	Facility Index System	Facility information and "pointers" to other sources that contain more detail	US EPA	2
NPDES	National Pollutant Discharge Elimination System	A listing of NPDES permits, including stormwater	—	1
HIST CORTESE	California Office of Emergency Information Sites	State index of properties formerly listed as having hazardous waste based on input from fourteen state databases	California Environmental Protection Agency/ Office of Emergency Information	3
LUST	Leaking Underground Storage Tank Incident Reports	Contain an inventory of reported leaking underground storage tank incidents	State Water Resources Control Board	3
CA FID UST	Facility Inventory Database	Active and inactive underground storage tank locations	State Water Resources Control Board	3

Table 3.8-1 (cont.): Regulatory Agency Databases Searched

Database Type	Definition of Database	Type of Record	Agency	No. of Records within the Proposed Sphere of Influence Amendment Area[1, 2]
HIST UST	Historical Underground Storage Tank Registered Database	Contains archived registered UST sites	State Water Resources Control Board	3
SWEEPS UST	Statewide Environmental Evaluation and Planning System	No longer maintained	Formerly State Water Resources Control Board	3
CHMIRS	California Hazardous Material Incident Report System	Information on reported hazardous material incidents, i.e., accidental releases or spills	California Office of Emergency Services	2
AST	Aboveground Storage Tank	Contains registered ASTs	State Water Resources Control Board	1
CDL	—	Listing of drug lab locations	—	1
HAZNET	Hazardous Waste Information System	A listing of facilities that generate hazardous waste	California Department of Toxic Substance Control	5
EMI	Emissions Inventory Data	Toxics and criteria pollutant emissions data	CARB and local air pollution control agencies	1

Notes:
[1] Some records are not unique and have been counted in multiple databases.
[2] The physical location of each of these sites is detailed in the Environmental Data Resources Report, found in Appendix D.
Source: Environmental Data Resources, 2010.

3.8.3 - Regulatory Framework

Pertinent hazardous materials-related regulations that apply to the proposed area of incorporation originate at both the federal and state level, but many are implemented and enforced at the local or regional level. Sacramento County's Environmental Management Department (EMD) manages most hazardous materials regulation and enforcement in the proposed SOIA Area. Sacramento County's EMD defers large cases of hazardous materials contamination or violations to the Central Valley Regional Water Quality Control Board (RWQCB) and the California Department of Toxic Substances Control (DTSC). However, it is common for other agencies to become involved—such as the Sacramento Metropolitan Air Quality Management District in permitting of asbestos abatement, and the federal and state Occupational Safety and Health Administration (OSHA) in preparation of

hazardous materials remediation site safety plans—when issues of hazardous materials arise. In addition, the Sacramento Metropolitan Fire District is responsible for hazardous materials emergency first response where a hazardous materials incident imminently threatens life or property.

3.8.4 - Regulatory Framework

Federal

US Environmental Protection Agency

The EPA leads the nation's environmental science, research, education, and assessment efforts. The EPA's mission is to protect human health and to safeguard the natural environment, related to air, water, and land. The EPA works closely with other federal agencies, state and local governments, and Indian tribes to develop and enforce regulations under existing environmental laws. The EPA is primarily responsible for researching and setting national standards for a variety of environmental programs and delegates to states and tribes responsibility for issuing permits, and monitoring and enforcing compliance. When national standards are not met, the EPA can issue sanctions and take other steps to assist the states and tribes in reaching the desired levels of environmental quality. The EPA also works with industries and all levels of government in a wide variety of voluntary pollution prevention programs and energy conservation efforts.

EPA Region 9 has jurisdiction over Elk Grove and the southwestern United States (Arizona, California, Nevada, and Hawaii).

EPA programs related to hazardous materials include:

- Community Right-to-Know Information
- Pesticide Management
- Toxic Release Inventory
- Brownfields (CalSites Database)
- Cleanup Technologies
- Compliance Assistance
- Emergency Response
- Hazardous Waste
- Oil Spills

Resource Conservation and Recovery Act

The 1976 Federal Resource Conservation and Recovery Act (RCRA) and the 1984 RCRA Amendments regulate the treatment, storage, and disposal of hazardous and non-hazardous wastes. The legislation mandated that hazardous wastes be tracked from the point of generation to their ultimate fate in the environment. This includes detailed tracking of hazardous materials during transport and permitting of hazardous material handling facilities.

The 1984 RCRA amendments provided the framework for a regulatory program designed to prevent releases from USTs. The program establishes tank and leak detection standards, including spill and overflow protection devices for new tanks. The tanks must also meet performance standards to ensure that the stored material will not corrode the tanks. Owners and operators of USTs had until December 1998 to meet the new tank standards. As of 2001, an estimated 85 percent of USTs complied with the required standards.

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) introduced active federal involvement to emergency response, site remediation, and spill prevention, most notably the Superfund program. The act was intended to be comprehensive in encompassing both the prevention of, and response to, uncontrolled hazardous substances releases. The act deals with environmental response, providing mechanisms for reacting to emergencies and to chronic hazardous material releases. In addition to establishing procedures to prevent and remedy problems, it establishes a system for compensating appropriate individuals and assigning appropriate liability. It is designed to plan for and respond to failure in other regulatory programs and to remedy problems resulting from action taken before the era of comprehensive regulatory protection.

US Department of Transportation

The Hazardous Materials Transportation Act of 1974, as amended, is the basic statute regulating hazardous materials transportation in the United States. This law gives the US Department of Transportation and other agencies the authority to issue and enforce rules and regulations governing the safe transportation of hazardous materials.

State agencies are authorized to designate highways for the transport of hazardous materials. Where highways have not been designated, hazardous materials must be transported on routes that do not go through or near heavily populated areas.

State

California Code of Regulations

California Code of Regulations (CCR) Title 8 requires every employer to establish, implement, and maintain an effective Injury and Illness Prevention Program that includes a system for ensuring that employees comply with safe and healthy work practices and procedures for identifying and evaluating workplace hazards.

California Health and Safety Code

The California Environmental Protection Agency has established rules governing the use of hazardous materials and the management of hazardous wastes. California Health and Safety Code Sections 25531, et seq. incorporate the requirements of Superfund Amendments and Reauthorization Act and the Clean Air Act as they pertain to hazardous materials. Health and Safety Code Section 25534 directs facility owners storing or handling acutely hazardous materials in reportable quantities

to develop a Risk Management Plan (RMP). A RMP is a detailed engineering analysis of the potential accident factors present at a business and the mitigation measures that can be implemented to reduce this accident potential. The RMP must be submitted to the appropriate local authorities, the designated local administering agency, and the EPA for review and approval. Chapter 6.95 of the California Health and Safety Code establishes criteria for the preparation of business and area plans relating to the handling and release or threatened release of hazardous materials.

CEQA and the Cortese List

The Cortese List (Hazardous Waste and Substances Site List) is a planning document used by the state, local agencies, and developers to comply with CEQA requirements to consider Government Code Section 5962.5 in evaluating proposed development projects. Section 65962.5 states that the list should contain all hazardous waste facilities subject to corrective action, all hazardous waste property or border zone property designations, all information received on hazardous waste disposals on public land, all hazardous substance release sites listed pursuance to Government Code Section 25356, and all sites that were included in the former Abandonment Site Assessment Program.

California Environmental Protection Agency (Cal EPA)

Government Code Section 65962.5 requires the California Environmental Protection Agency (Cal EPA) to develop a Cortese List at least annually. The Department of Toxic Substances Control is responsible for a portion of the information on the list, and other local and state government agencies are required to provide additional information. Cal EPA operates the Air Resources Board, Department of Pesticide Regulation, Department of Toxic Substances Control, Department of Resources Recovery and Recycling (CalRecycle), Office of Environmental Health Hazard Assessment, and State Water Resources Control Board. The function of each is discussed below.

Air Resources Board (CARB): Promotes and protects public health, welfare, and ecological resources through the effective and efficient reduction of air pollutants in recognition and consideration of the effects on the economy of the state.

Department of Pesticide Regulation (DPR): Regulates all aspects of pesticide sales and use to protect the public health and the environment for the purpose of evaluating and mitigating impacts of pesticide use, maintaining the safety of the pesticide workplace, ensuring product effectiveness, and encouraging the development and use of reduced risk pest control practices.

Department of Toxic Substances Control (DTSC): The department's mission is to restore, protect, and enhance the environment, to ensure public health, environmental quality, and economic vitality, by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention. The DTSC protects residents from exposures to hazardous wastes and operates programs to:

- Deal with the aftermath of improper hazardous waste management by overseeing site cleanups.

- Prevent releases of hazardous waste by ensuring that those who generate, handle, transport, store, and dispose of wastes do so properly.
- Take enforcement actions against those who fail to manage hazardous wastes appropriately.
- Explore and promote means of preventing pollution, and encourage reuse and recycling.
- Evaluate soil, water,and air samples taken at sites, and develop new analytical methods.

Department of Resources Recovery and Recycling (CalRecycle): Protects the public health and safety and the environment through waste prevention, waste diversion, and safe waste processing and disposal. CalRecycle is responsible for managing California's solid waste stream and is helping California divert its waste from landfills by:

- Developing waste reduction programs.
- Providing public education and outreach.
- Assisting local governments and businesses.
- Fostering market development for recyclable materials.
- Encouraging used oil recycling.
- Regulating waste management facilities.
- Cleaning up abandoned and illegal dump sites.

Office of Environmental Health Hazard Assessment (OEHHA): Responsible for developing and providing risk managers in state and local government agencies with toxicological and medical information relevant to decisions involving public health. OEHHA also works with federal agencies, the scientific community, industry, and the general public on issues of environmental as well as public health.

State Water Resources Control Board (SWRCB): Preserves and enhances the quality of California's water resources, and ensures their proper allocation and efficient use for the benefit of present and future generations. The SWRCB maintains the Leaking Underground Storage Tank Information System (LUTIS) Database, which contains information on registered leaking underground storage tanks (LUSTs) in the state.

California Occupational Safety and Health Agency (CalOSHA)

CalOSHA sets and enforces standards that ensure safe and healthy working conditions for California's workers. The Division of Occupational Safety & Health is charged with jurisdiction and supervision over workplaces in California that are not under federal jurisdiction. CalOSHA regulates issues involving unsafe workplace conditions, worker exposure to chemicals, illness due to workplace exposure, or improper training.

State Regulatory Programs Division (SRPD)

The SRPD oversees the technical implementation of the State's Unified Program, a consolidation of six environmental programs at the local level, and conducts reviews of Unified Program agencies to ensure their programs are consistent statewide, conform to standards, and deliver quality environmental protection at the local level. The SRPD also carries out the State's hazardous waste recycling and resource recovery program designed to facilitate recycling and reuse of hazardous waste. The SRPD conducts a corrective action oversight program that assures any releases of hazardous constituents at generator facilities that conduct on-site treatment of hazardous waste are safely and effectively remediated, and oversees the hazardous waste generator and on-site waste treatment surveillance and enforcement program carried out by local Unified Programs.

California Department of Transportation (Caltrans) and California Highway Patrol

The California Vehicle Code Section 31303 requires that hazardous materials be transported via routes with the least overall travel time and prohibits the transportation of hazardous materials through residential neighborhoods. In California, the California Highway Patrol (CHP) is authorized to designate and enforce route restrictions for the transportation of hazardous materials. To operate in California, all hazardous waste transporters must be registered with the DTSC. Unless specifically exempted, hazardous waste transporters must comply with the California Highway Patrol Regulations, the California State Fire Marshal Regulations, and the United States Department of Transportation Regulations. In addition, hazardous waste transporters must comply with Division 20, Chapter 6.5, Article 6 and 13 of the California Health and Safety Code, and the Title 22, Division 4.5, Chapter 13 of the California Code of Regulations, both of which are administered by the DTSC.

Central Valley Regional Water Quality Control Board (RWQCB)

There are nine Regional Water Quality Control Boards (RWQCBs) throughout the state. The Central Valley RWQCB has jurisdiction over the City of Elk Grove, with offices in Sacramento. Individual RWQCBs function as the lead agencies responsible for identifying, monitoring, and cleaning up LUSTs. Storage of hazardous materials in USTs is regulated by the State Water Resources Control Board (SWRCB), which oversees the nine RWQCBs.

Local

The Sacramento County Environmental Management Department (EMD) is both the local environmental health regulatory agency and the countywide Certified Unified Program Agency. The EMD is also the Local Oversight Program for underground storage tank site investigation, cleanup, and closure, and it is the Local Enforcement Agency (LEA) for landfills. The Central Valley RWQCB also has jurisdiction over the management of surface water and groundwater contamination such as the cleanup of spill sites. Finally, the Sacramento Metropolitan Air Quality Management District (SMAQMD) is involved in the assessment of health and environmental hazards associated with both criteria and toxic (or hazardous) air pollutants.

City of Elk Grove

Approval by LAFCo of this SOIA does not authorize any change in land use or governance. However, the proposed project would adjust the City of Elk Grove's SOI and allow the City the opportunity to file an annexation request with LAFCo to annex lands within the SOIA Area. The City of Elk Grove General Plan establishes goals and policies to guide both present and future development within the City's jurisdiction. The City of Elk Grove's General Plan policies related to hazards and human health that may apply to potential future development in the SOIA Area are provided below.

- **Policy SA-2:** In considering the potential impact of hazardous facilities on the public and/or adjacent or nearby properties, the City shall consider the hazards posed by reasonably foreseeable events. Evaluation of such hazards shall address the potential for events at facilities to create hazardous physical effects at offsite locations that could result in death, significant injury, or significant property damage. The potential hazardous physical effects of an event need not be considered if the occurrence of an event is not reasonably foreseeable as defined in Policy SA-3. Absent substantial evidence to the contrary, a "hazardous physical effect" from an event shall be a level of exposure to a hazardous physical effect in excess of the levels identified in Policy SA-4.
- **Policy SA-3:** For the purpose of implementing Policy SA-2, the City considers an event to be "reasonably foreseeable" when the probability of the event occurring is as indicated in the table below.

Land Use	Probability of Occurrence per Year
"Agriculture, Light Industrial and Industrial" Uses involving continuous access and the presence of limited number of people but easy evacuation, e.g. open space, warehouses, manufacturing plants, etc.	Between 100 in one million and 10 in one million (10-4 to 10-5)
"Commercial" Uses involving continuous access but of easy evacuation, e.g. commercial uses, offices, etc.	Between 10 in one million and 1 in one million (10-5 to 10-6)
"Residential" All other land uses without restriction including institutional uses, residential areas, etc.	1 in one million and less (10-6)

- **SA-3-Action 1:** As part of the environmental review process for proposed projects, the City shall analyze potential safety-related impacts resulting from or affecting new development which could cause or be affected by reasonably foreseeable events. This analysis shall include the potential for events to occur at the facility, and the potential for hazardous physical effects to result from such events with respect to the hazards listed in Table SA-A.
- **SA-3-Action 2:** The City shall maintain a database which records, in maps and text, the identified offsite hazards from any reasonably foreseeable events at hazardous facilities in Elk Grove, and shall make this information available to the public.

- **Policy SA-4:** The Maximum Acceptable Exposure standards shown in Table SA-A shall be used in determining the appropriateness of either:
  (1) Placing a use near an existing hazardous facility which could expose the new use to hazardous physical effects, or
  (2) Siting a hazardous facility that could expose other nearby uses to hazardous physical effects.

  Absent substantial evidence to the contrary, the placement of land uses that do not meet the Maximum Acceptable Exposure standards shall be considered to result in a significant, adverse impact for the purposes of CEQA analysis.
- **Policy SA-5:** The City will cooperate with other local, regional, state, and federal agencies, and with rail carriers in an effort to secure the safety of all residents and businesses in Elk Grove.
- **SA-5-Action 1:** Establish an Emergency Operations Center (EOC) to coordinate and direct overall emergency response operations. The establishment of the EOC should be coordinated with the Elk Grove Police Department, appropriate City departments, the Elk Grove CSD Fire District, and the County Sheriff's Department.
- **SA-5-Action 2:** Establish an emergency response organization consisting of representatives from the Elk Grove Police Department, City departments, the Elk Grove CSD Fire Department, County agencies, utility agencies, schools, and the public.
- **SA-5-Action 3:** Participate in State mutual aid agreements with neighboring cities and counties; State and federal emergency relief agencies; and private enterprises such as Red Cross, Salvation Army, and local medical institutions to assist in shelter, relief, and first aid operations. Encourage cooperation among adjacent communities to provide backup fire suppression and law enforcement assistance in emergency situations.
- **SA-5-Action 4:** Participate in the Standard Emergency Management System.
- **SA-5-Action 5:** Comply with the State of California Emergency Services Act.
- **Policy SA-7:** The City of Elk Grove will work to identify and eliminate hazardous waste releases from both private companies and public agencies.
- **Policy SA-8:** Storage of hazardous materials and waste shall be strictly regulated, consistent with state and federal law.
- **SA-8-Action 1:** Regularly review the City's codes to ensure that City regulations reflect the most up-to-date standards for the storage, handling, and use of hazardous and toxic materials.
- **SA-8-Action 2:** Secondary containment and periodic examination shall be required for all storage of hazardous and toxic materials, consistent with the requirements of state or federal law.
- **SA-8-Action 3:** As part of the review and approval of development plans and building permits, ensure that secondary containment is provided for hazardous and toxic materials.
- **SA-8 Action 4:** Prior to site improvements for properties that are suspected or known to contain hazardous materials and sites that are listed on or identified on any hazardous material/waste database search shall require that the site and surrounding area be reviewed,

tested, and remediated for potential hazardous materials in accordance with all local, state, and federal regulations.

- **Policy SA-9:** The City shall seek to ensure that all industrial facilities are constructed and operated in accordance with up-to-date safety and environmental protection standards.
- **SA-9-Action 1:** Support continued enforcement of permitting requirements for radioactive materials, and enforce public safety standards for the use of these materials, including the placarding of transport vehicles.
- **Policy SA-10:** Industries which store and process hazardous or toxic materials shall provide a buffer zone between the installation and the property boundaries sufficient to protect public safety. The adequacy of the buffer zone shall be determined by the City of Elk Grove.
- **SA-10-Action 1:** Consider the impact of proposed industrial development projects with respect to transport of hazardous materials within the city. To the extent feasible, uses requiring substantial transport of hazardous materials should be located to direct such traffic away from the city's residential and commercial areas.
- **Policy CI-24:** The City shall consider the recommendations in the Comprehensive Land Use Plans (CLUPs) for airports within or adjacent to Elk Grove in the review of potential land uses or projects.
- **Policy CI-25:** The City shall ensure that new development near airports be designed to protect public safety from airport operations consistent with recommendations and requirements of the Airport Land Use Commission, Caltrans, and the Federal Aviation Administration.

3.8.5 - Methodology

The impacts related to hazards and hazardous materials from implementation of the 2003 Elk Grove General Plan were evaluated in the General Plan Environmental Impact Report (EIR). All mitigation measures identified for impacts in the Elk Grove General Plan EIR and adopted by the City continue to remain the responsibility of the City as part of implementation of the General Plan. Consequently, upon approval of any future annexation request for the SOIA Area, those General Plan policies and EIR mitigation measures are assumed to apply to development within the SOIA Area.

3.8.6 - Thresholds of Significance

According to Appendix G, Environmental Checklist, of the CEQA Guidelines, hazards and hazardous materials impacts resulting from the implementation of the proposed project would be considered significant 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 likely 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, 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, result in a safety hazard for people residing or working the project area. (Refer to Section 7.0, Effects Found Not to Be Significant.)

f) For a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area. (Refer to Section 7.0, Effects Found Not to Be Significant.)

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.

3.8.7 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the project and provides mitigation measures where appropriate.

Transport or Disposal of Hazardous Materials

Impact HAZ-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.**

Impact Analysis

This impact evaluates the proposed project's potential to create hazards caused by the routine transport, use, or disposal of hazardous materials or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

The proposed project itself would not construct or develop any structures or infrastructure and therefore would not result in a change that would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. The proposed project would extend Elk Grove's SOI boundaries.

The proposed project could result in indirect effects associated with reasonably foreseeable urbanization of the SOIA Area. Construction of subsequent projects in the SOIA Area would be

required to comply with applicable building, health, fire, and safety codes. Hazardous materials would be used in varying amounts during construction and occupancy of subsequent development projects in the SOIA Area. Construction and maintenance activities would use hazardous materials such as fuels (gasoline and diesel), oils and lubricants, paints and paint thinners, glues, cleaners (which could include solvents and corrosives in addition to soaps and detergents), and possibly pesticides and herbicides. A significant hazard to the public or the environment would not be created through the routine transport, use, or disposal of a small amount of hazardous materials, assuming such use complies with applicable federal, state, and local regulations including, but not limited to, Titles 8 and 22 of the California Code of Regulations (CCR), the Uniform Fire Code, and Chapter 6.95 of the California Health and Safety Code.

Hazardous materials regulations, which are codified in Titles 8, 22, and 26 of the CCR, and their enabling legislation set forth in Chapter 6.95 of the California Health and Safety Code, were established at the state level to ensure compliance with federal regulations to reduce the risk to human health and the environment from the routine use of hazardous substances. These regulations must be implemented by employers/businesses, as appropriate, and are monitored by the State (e.g., Cal OSHA in the workplace or the DTSC for hazardous waste) and/or local jurisdictions.

By ensuring that businesses in or adjacent to project sites comply with all applicable regulations, the City of Elk Grove would reduce impacts associated with the potential for accidental release of hazardous materials during project occupancy that would result in increased risk of exposure to accidental release of hazardous materials, and the potential for an increased demand for incident emergency response. This would be accomplished by ensuring that regulated activities (e.g., businesses) are managed in accordance with applicable regulations such as Hazardous Materials Release Response Plans and Inventories (Business Plans), the California Accidental Release Prevention (CalARP) Program, and the California Uniform Fire Code: Hazardous Material Management Plans and Hazardous Material Inventory Statements.

Compliance with Title 26, Division 6, of the CCR, which would be monitored by the City of Elk Grove, would reduce impacts associated with potential for accidental release during project construction or occupancy and the potential for an increased demand for incident emergency response. Compliance with this regulation would ensure that businesses and public facilities where hazardous materials are used or stored adhere to regulations designed to prevent leakage and spills of material in transit and provide detailed information to cleanup crews in the event of an accident.

Workplace regulations addressing the use, storage, and disposal of hazardous materials in Title 8 of the CCR would apply to businesses and public facilities in and adjacent to the project site. Compliance with these regulations would be monitored by the Cosumnes Community Service District (CCSD) Fire Department when they perform inspections for flammable and hazardous materials storage. Other mechanisms in place to enforce the Title 8 regulations include compliance audits and

reporting to local and state agencies. Implementation of the workplace regulations would further reduce the potential for hazardous materials releases.

Implementation of Title 49, Parts 171–180, of the Code of Federal Regulations would reduce any impacts associated with the potential for accidental release during project construction or occupancy or by transporters delivering hazardous materials or picking up hazardous waste. These regulations establish standards by which hazardous materials would be transported within and adjacent to the proposed SOIA Area. Where transport of these materials occurs on roads, the California Highway Patrol (CHP) is the responsible agency for enforcement of regulations.

Implementation of and compliance with applicable federal and state laws and regulations that are administered and enforced by the City of Elk Grove would reduce impacts associated with the routine use, storage, and transportation of hazardous materials in the SOIA Area to a less than significant level.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

No mitigation is required.

Level of Significance After Mitigation

Less than significant impact.

Accident Conditions Involving Release of Hazardous Materials

Impact HAZ-2:	**The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.**

Impact Analysis

This impact evaluates the proposed project's potential to create hazards caused by accident conditions involving release of hazardous materials. Implementation of the SOIA could indirectly result in hazardous impacts within the SOIA Area. It is likely that implementation of the SOIA would lead to the development of hundreds of new buildings, and the rural, open space, agricultural character of the area could reasonably be foreseen to change to that of an urbanized environment.

Several federal, state, and county agencies are currently responsible for regulating hazardous materials generation, use, and disposal. The proposed project would not result in any greater need to regulate hazardous materials, hazardous wastes, accidental spills, or contaminated properties. Nor would the ownership of the properties identified in this section change or become the responsibility of City of Elk Grove.

Furthermore, the project does not include the use, storage, or transport of hazardous materials and/or substances. In this context, the proposed project would 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. No significant hazard would be created beyond the existing current conditions in the proposed SOIA Area. Sacramento County has hazard materials plans and policies in place, and the proposed SOIA would act within the existing framework until the City of Elk Grove annexes the SOIA Area into Elk Grove. While the project may result in a change that would have 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, compliance with federal, state, and local laws related to hazardous substances would render any impacts less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

No mitigation is required.

Level of Significance After Mitigation

Less than significant impact.

Hazardous Materials Located Near Schools

Impact HAZ-3:	**The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school.**

Impact Analysis

This impact evaluates the proposed project's potential to emit hazardous substances near a school.

The project does not involve the creation, relocation, or changes to operation of any facilities that could emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school. The act of amending the City of Elk Grove's SOI would not create any additional emissions or result in the handling of hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school beyond the current existing conditions. Franklin Elementary School is the only school located within the proposed SOIA Area in the westernmost portion.

However, subsequent development of the SOIA Area could include the construction of schools, and other future development could occur within one-quarter mile of a school. Construction and operation of future projects within the SOIA Area, including projects within a quarter mile of a school, would involve the use of hazardous materials. Operation of school or residential uses generally does not entail the use or disposal of hazardous materials in substantial amounts. Projects that use, store, or

dispose of hazardous materials would be required to comply with federal, state, and local regulations to ensure the safe handling of these materials. Due to strict regulations, the risk of release or exposure to hazardous materials within Elk Grove would be minimized. Associated health and safety risks would generally be limited to those individuals handling the materials or to persons in the immediate vicinity of the materials. Although the risk of accident or inadvertent releases cannot be completely avoided, hazardous materials incidents would typically be site-specific, generally one-time occurrences that would not combine with similar effects elsewhere. Implementation of applicable hazardous materials management laws and regulations adopted at the federal, state, and local level would reduce potential impact associated with the risk of exposure to hazardous materials.

Because the proposed SOIA does not include a land use plan, the location of schools or uses that could handle or generate hazardous materials is not known at this time. However, Public Resources Code Sections 21151.4, 21151.8, and 21151.2 require that no EIR be approved for a project involving the construction or alteration of a facility that might reasonably be anticipated to result in hazardous air emissions within one-quarter mile of a school unless the lead agency has consulted with the school district having jurisdiction regarding the potential impact of the project on the school, or the school has been given written notification of the project not less than 30 days prior to approval of the EIR. As discussed in Chapter 2, Project Description, any future development in the SOIA Area would be required to comply with CEQA. This compliance would ensure disclosure of potential effects on schools and compliance with existing regulations would reduce any potential hazards to less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

No mitigation is required.

Level of Significance After Mitigation

Less than significant impact.

Hazardous Materials Site Listing

Impact HAZ-4:	**The project may 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, create a significant hazard to the public or the environment.**

Impact Analysis

This impact evaluates the proposed project's potential to be located on a hazardous materials site.

As provided in the setting discussion, the SOIA Area includes numerous sites identified on various agency databases (see Table 3.8 1 for a more comprehensive list). The SOIA Area contains one parcel of land that is listed as an RCRA generator of hazardous wastes according to the EPA's Envirofacts

database (EPA 2010a). The proposed SOIA Area does not contain parcels of land that are listed on the DTSC's Hazardous Waste and Substances List (DTSC 2010) or the EPA's Superfund National Priorities List (EPA 2010b). Pursuant to the CEQA, the DTSC maintains a Hazardous Waste and Substances Sites List (Cortese List, Government Code Section 65962.5). As part of the Cortese List, the DTSC also tracks "Calsites"—mitigation or brownfield sites that are subject to annual workplans and/or are listed as backlog sites, and confirmed release sites that are not currently being worked on by the DTSC. Before placing a site in the backlog, the DTSC ensures that all necessary actions have been taken to protect the public and the environment from any immediate hazard posed by the site. There are currently no sites listed on the DTSC Cortese List in the County of Sacramento or any area surrounding the SOIA Area.

The project site has historically been used for agricultural purposes, so there is potential for contamination from historic use of pesticides. Areas where storage, mixing, rinsing, or disposal of environmentally persistent pesticides has occurred could contain relatively high concentrations of these chemicals. Because hazards related to historic use of the SOIA Area could present safety hazard for people residing or working in the SOIA Area, this impact is considered potentially significant.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

The following mitigation would ensure any known hazards due to past uses of the site are cleaned up prior to site preparation and, if any evidence of soil contamination or other hazards is discovered during construction, appropriate controls are implemented to ensure the risk to people and the environment from hazardous materials or wastes are minimized.

MM HAZ-4 At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will acknowledge that it will impose the following conditions on all discretionary projects. Prior to site improvements for properties that are suspected or known to contain hazardous materials and sites that are listed on or identified on any hazardous material/waste database search, the site and surrounding area shall be reviewed, tested, and remediated for potential hazardous materials in accordance with all local, state, and federal regulations.

Level of Significance After Mitigation

Implementation of the above mitigation measure ensures a less than significant impact regarding hazardous materials sites through review, testing, and remediation of sites that are suspected or known to contain hazardous materials.

Less than significant impact.

Interference with Emergency Plans

Impact HAZ-5:	**The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.**

Impact Analysis

This impact evaluates the proposed project's potential to impair or physically interfere with an emergency response plan or emergency evacuation plan.

Currently, three sets of plans are maintained by the Emergency Operations Center, including supporting documentation to a master preparedness plan known as the Multi-Hazard Functional Plan. The format of this document is in accordance with guidelines established by the California Emergency Management Agency (Cal EMA). Essentially, the Multi-Hazard Functional Plan consolidates all hazard-specific plans prepared by several agencies throughout Sacramento County into a single document.

The proposed SOIA Area is currently covered under the County's Multi-Hazard Functional Plan. It is likely that implementation of the SOIA would lead to the development of hundreds of new buildings, and the rural, open space, agricultural character of the area could reasonably be foreseen to change to that of an urbanized environment. The indirect urban development foreseeable associated with the proposed SOIA would not impair implementation of, or physically interfere with, any emergency response/evacuation plans, because the project will not close or modify any roadways that would be used for such purposes. Further, future streets included within SOIA Area will comply with the County's/City's design standards pertaining to emergency access.

The expansion of the SOI boundary would not require the County to provide its own emergency response plan/emergency evacuation plan. Municipal or contract staff would create their own Multi-Hazard Functional Plan, or they would work with the County to implement a new or an existing Multi-Hazard Functional Plan. The project would not impair implementation of or physically interfere with the adopted emergency response plan or emergency evacuation plan; rather, the project provides for implementation and adoption of such plans.

Level of Significance Before Mitigation

No impact.

Mitigation Measures

No mitigation is required.

Level of Significance After Mitigation

No impact.

Wildland Fires

Impact HAZ-6:	**The project would not 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.**

Impact Analysis

Wildland fires are those fires that pose a threat to the more rural areas of the County. Grass fires and peat fires are the two main types of wildland fires of concern in Sacramento County. Grass fires are an annual threat in the unincorporated area of the County, especially in recreational areas such as the American River Parkway. Peat fires are unique to the Delta where peat is subject to spontaneous combustion. Once started, these fires become very difficult to control. Peat can still burn some distance underground, even when the upper layers of peat are saturated with water over an extended period of time. Once the ground has dried out, a peat fire may return to the surface. Urbanized areas do not have fire hazards associated with high levels of vegetation.

The California Department of Forestry and Fire Protection (CalFire) defines wildland, wildland fires, and wildland urban interface as follows:

- Wildland: Uncultivated land, other than fallow, neglected, or maintained for such purposes as wood or range-forage production, wildlife, recreation, protective watershed cover, or wilderness.
- Wildland Fire: Any fire occurring on undeveloped land.
- Wildland Urban Interface: The geographical point where flammable vegetation meets manmade structures.

The proposed SOIA Area includes areas deemed wildlands; however, these areas are not located in a Fire Hazard Severity Zone as identified by CalFire. It is likely that implementation of the SOIA would lead to the development of hundreds of new buildings, and the rural, open space, agricultural character of the area could reasonably be foreseen to change to that of an urbanized environment. The SOIA Area does not include the development of hillsides above the 15 percent slope line or within Fire Hazard Severity Zones. The risks to people and structures from a wildland fire on hillsides would not be significant, because (1) adequate fire protection will be available, (2) structures will utilize fire-resistant building materials (e.g., Class “A” roofing materials), and (3) the street and circulation system will comply with County/City design standards pertaining to emergency access.

The proposed SOIA Area is almost completely undeveloped, and the proposed project would not create any new areas of undeveloped land or flammable vegetation defined as wildland beyond what currently exists. The project would not 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, since the SOIA Area is not located in a Fire Hazard Severity Zone. Thus, any impacts related to project implementation would be less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

No mitigation is required.

Level of Significance After Mitigation

Less than significant impact.

Exposure to Electric and Magnetic Fields

Impact HAZ-7:	**The project would not expose people to electric and magnetic fields from nearby high-voltage lines.**

Impact Analysis

Electric and magnetic fields (EMFs) are invisible lines of force that surround any electrical device that is plugged in and turned on. EMFs are made up of waves of electric and magnetic energy moving together (radiating) through space. Electric fields are produced by electric charges, and magnetic fields are produced by the flow of current through wires or electrical devices. EMFs are commonly associated with power lines. A person standing directly under a high-voltage transmission line may feel a mild shock when touching something that conducts electricity. These sensations are caused by the strong electric fields from the high-voltage electricity in the lines. They occur only at close range because the electric fields rapidly become weaker as the distance from the line increases.

High-voltage transmission lines cross the SOIA Area east of State Route 99 and south of Grant Line Road. No federal agency has yet set extremely low frequency EMF standards for transmission lines; therefore, no established threshold exists. Presently, no state, county, or city has provisions or codes regulating development near major transmission lines or substations. The California Department of Education developed distance setback requirements from high-voltage transmission lines for educational facilities. These setback distances are as follows: 100 feet from a 50-kilovolt (Kv) to 133 Kv line; 150 feet from a 220-Kv to 230-Kv line; and 350 feet from a 500-Kv to 550-Kv line. However, the Department of Education revised its policy in 2003 and now allows school districts to encroach within these setbacks, based upon specific findings made in an EMF Management Plan.

The City of Elk Grove or Sacramento County does not have any setback requirements in place related to EMF. CEQA advises that a project's impact is significant if it creates a potential public health hazard. In an effort to deal with the uncertainty of EMF, several utility companies and some government jurisdictions have addressed the EMF issue through "prudent avoidance." Prudent avoidance serves to limit public exposure to EMF through planning and design measures involving relatively small investments of money and effort. The California Department of Education standard

for schools (typically the most rigorous standard) is to set buildings back 100 feet from the transmission line right-of-way.

As stated previously, no land use plan is proposed in conjunction with the SOIA application. The proposed project could result in indirect effects and exposure to EMF associated with reasonably foreseeable urbanization and ground-disturbing activities in the SOIA Area. However, with the adoption of prudent avoidance serving to limit public exposure to EMF with 100-foot setbacks from transmission line right-of-ways, any impacts resulting from EMF would be considered less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

No mitigation is required.

Level of Significance After Mitigation

Less than significant impact.