3.3 Hazards and Hazardous Materials

This section of the Draft EIR (DEIR) addresses the potential environmental impacts of the proposed project related to hazards and hazardous materials. The project site's hazardous materials use history is described and surrounding hazardous materials sites are identified. The impact analysis focuses on potential impacts associated with the transport, use, and disposal of hazardous materials associated with the proposed project as well as potential impacts to the proposed project related to existing hazardous materials sites in the area. The impact analysis also addresses emergency access to and surrounding the site. The information in this section is based on review of the Pittsburg General Plan and associated EIR, the City's Emergency Response Plan and Hazardous Waste Management Plan (HWMP), applicable federal, state, and local regulations related to hazardous materials, and hazardous materials incidents databases. The reader is referred to Section 3.4, Hydrology and Water Quality, for information related to flooding hazards.

The City published a Notice of Preparation (NOP) for the project. A copy of the NOP, along with comments received during the public review period, is contained in **Appendix A**. No comments were received related to hazards or hazardous materials.

3.3.1 EXISTING SETTING

HAZARDOUS MATERIALS AND WASTE DEFINED

According to 22 California Code of Regulations (CCR) Section 66261.20, the term "hazardous substance" refers to both hazardous materials and hazardous wastes and both are classified according to four properties: toxicity, ignitability, corrosiveness, and reactivity. A hazardous material is defined by 22 CCR Section 66261.10 as a substance or combination of substances that may cause or significantly contribute to an increase in serious, irreversible, or incapacitating illness or may pose a substantial presence or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

Public health is potentially at risk whenever hazardous materials are or will be used. It is necessary to differentiate between the hazard of these materials and the acceptability of the risk they pose to human health and the environment. A hazard is any situation that has the potential to cause damage to human health and the environment. The risk to health and public safety is determined by the probability of exposure and to the inherent toxicity of a material (DTSC 2011).

Factors that can influence health effects when human beings are exposed to hazardous materials include the dose the person is exposed to, the frequency of exposure, the duration of exposure, the exposure pathway (route by which a chemical enters a person's body), and the individual's unique biological susceptibility.

Hazardous wastes are hazardous substances that no longer have practical use, such as materials that have been discarded, discharged, spilled, or contaminated or are being stored until they can be disposed of properly (22 CCR Section 66261.10). Soil that is excavated from a site containing hazardous materials is a hazardous waste if it exceeds specific 22 CCR criteria. While hazardous substances are regulated by multiple agencies, as described under the Regulatory Framework subsection below, cleanup requirements for hazardous wastes are determined on a case-by-case basis according to the agency with lead jurisdiction over the project.

EXISTING SETTING

Contra Costa County is one of the largest generators of hazardous waste in the state, with the majority of this waste generated by industrial uses located along waterfronts. Most significant of these uses are the petroleum and chemical processing plants in the northeastern portion of Pittsburg, in which the project site is located. Potential hazards associated with these uses and transport of hazardous materials is related to the toxicity, flammability, and explosivity of petroleum and chemical materials (City of Pittsburg 2001).

HAZARDOUS MATERIALS SITES IN PROJECT AREA

GeoTracker is the State Water Resources Control Board's online database that provides access to statewide environmental data and tracks regulatory data for the following types of sites:

- Leaking underground fuel tank (LUFT) cleanup sites;
- Cleanup Program Sites (CPS; also known as Site Cleanups and formerly known as Spills, Leaks, Investigations, and Cleanups [SLIC] sites);
- Military sites (consisting of military underground storage tank [UST] sites, military privatized sites, and military cleanup sites [formerly known as DoD non UST]);
- Land disposal sites (landfills); and
- Permitted UST facilities.

In October of 2013, a search was performed using GeoTracker to identify any known or suspected (reported but not yet confirmed) sources of environmental hazards within 3 miles of the project site. Beyond 3 miles, any impact on the site is remote and unlikely.

The GeoTracker search identified 117 records within 3 miles of the project site. Of those records, 68 represented past incidents and issues that have been remediated and their records closed and that do not present a concern for the project site or the proposed project. The remaining 49 records and their approximate locations relative to the project site are listed in **Table 3.3-1** below.

As shown in the table, the site of the existing facility (Site No. 1, Former Crown Cork and Seall Company, Inc.) is identified as a known hazardous release site by the State Water Resources Control Board (SWRCB). Its current status is listed as "Open – Verification Monitoring" which, according to the SWRCB, indicates that remediation phases at the site are essentially complete, a monitoring/sampling program is occurring to confirm successful completion of cleanup at the site, and no additional active remediation is considered necessary (SWRCB 2013).

As described in Chapter 2.0, Project Description, the project includes an 18.5-acre addition to the existing facility. With the exception of the existing 3.5-acre GWF property and a 5-acre area currently used by the facility for parking and storage, the addition area was analyzed for development in the Columbia Solar Energy Project Mitigated Negative Declaration (MND; SCH# 2013012038; **Appendix D**). According to the Columbia Solar MND, this portion of the addition is identified on the California Department of Toxic Substances Control (DTSC) list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 as well as in the SWRCB's Geotracker database as a subarea of the USS-POSCO Industries (UPI) site (Site No. 2, USS-POSCO, WMU II). The current status of the larger USS-POSCO Industries site is listed by the SWRCB as "Open" and by DTSC as "Active." According to DTSC, an "Active" case indicates that an investigation

and/or remediation is currently in progress. However, remediation to commercial/industrial standards was approved for the subarea (Site L-A) in 2005. Corrective actions taken on this portion of the site are discussed further below.

PROJECT SITE BACKGROUND

Past Uses

The project site and surrounding properties have a long history involving the use, storage, and management of hazardous materials related to various industrial operations. Prior to 1954, the site was owned by United States Steel Corporation (now known as USS-POSCO Industries). The western portion of the project site was used by USS-POSCO as part of a landfill for disposal of metal slag, wire mill scale, waste oils, grease, paints, spent solvents, sodium dichromate, and miscellaneous wastes from 1930 to 1980. Landfill materials and potential associated contaminants may also underlie areas of the southwestern portion of the site of the existing facility. The site of the existing facility was occupied by various steel can and metal shearing manufacturing operations from approximately 1954 to 1992. These operations involved the use of numerous chemical compounds that can be grouped into three general categories: (1) food-grade enamels, coatings, and sealing compounds; (2) solvents and thinners; and (3) lubricants and hydraulic oils.

Previous Hazardous Materials Investigations and Corrective Actions

Existing Facility

Investigation of potential impacts related to the potential release of hazardous materials at the project site was begun in 1985 and included a series of evaluations of site history and soil and groundwater sampling and remediation activities (City of Pittsburg 1995). Remediation has been completed on the site and groundwater wells are now monitored by the San Francisco Bay Regional Water Quality Control Board to ensure contaminant levels remain below applicable standards (SWRCB 2011).

Addition Areas

As described above, the addition, excluding the former GWF facility, is listed as a subarea (Site L-A) of the larger USS-POSCO Industries site. Under a corrective action for the larger USS-POSCO Industries site, supervised by DTSC, this area was characterized and a number of individual disposal locations were identified and remediated to DTSC-approved site-specific clean-up levels. The completed corrective action measures included excavation and offsite disposal of known materials with hazardous constituent concentrations exceeding cleanup levels (URS 2009a; DTSC 2010). The cleanup levels are designed to be protective for industrial/commercial worker exposures. Construction worker exposure would be further controlled to safe levels by a project-specific Soil Management Plan (SMP) and Health and Safety Plan (HSP) required by a restrictive land use covenant (LUC).

TABLE 3.3-1
IDENTIFIED HAZARDOUS MATERIALS/RELEASE SITES WITHIN 3 MILES OF THE PROJECT SITE

No.	Site Name	Status	Distance	Direction
1	FORMER CROWN CORK AND SEAL COMPANY, INC	OPEN - VERIFICATION MONITORING	0.00	
2	USS-POSCO, WMU II	OPEN	0.00	
3	USS INDUSTRIAL PARK	OPEN - SITE ASSESSMENT	0.05	SOUTH
4	USS REALTY DEVELOPMENT	OPEN - SITE ASSESSMENT	0.06	EAST
5	USS STEEL POSCO – PITTSBURG	OPEN – INACTIVE	0.12	NORTH
6	USS INDUSTRIAL PARK SITE #2	OPEN – SITE ASSESSMENT	0.17	NORTH
7	KNA CALIFORNIA	OPEN - SITE ASSESSMENT	0.18	EAST
8	DOW CHEMICAL CO PITTSBURG FACILITY – LANDFILL	OPEN	0.24	NORTH
9	DOW CHEMICAL CO PITTSBURG FACILITY	OPEN - REMEDIATION	0.24	NORTH
10	SALT RIVER CONSTRUCTION	OPEN – SITE ASSESSMENT	0.90	NORTHEAST
11	GWF POWER SYSTEMS INC	OPEN – INACTIVE	0.92	NORTHWEST
12	KOCH CARBON BAY AREA BULK TERMINAL	OPEN – VERIFICATION MONITORING	1.04	NORTHWEST
13	DIABLO SERVICES	OPEN – INACTIVE	1.18	NORTHWEST
14	HIGHLANDS RANCH PHASE II	OPEN – REMEDIATION	1.24	SOUTH
15	MANVILLE SALES CORP	OPEN – INACTIVE	1.31	NORTHWEST
16	GREAT AMERICAN CLEANERS	OPEN – ASSESSMENT AND INTERIM REMEDIAL ACTION	1.41	SOUTH
17	SHELL SS (EX-TEXAXO/REGAL)	OPEN - ELIGIBLE FOR CLOSURE	1.44	SOUTHEAST
18	PG&E ANTIOCH SERVICE YARD	OPEN – SITE ASSESSMENT	1.50	SOUTHEAST
19	REDDING PETROLEUM	OPEN – REMEDIATION	1.52	NORTHWEST
20	USA GASOLINE CORPORATION	OPEN – VERIFICATION MONITORING	1.54	SOUTHEAST
21	PITTSBURG REDEVELOPMENT #1	OPEN – ELIGIBLE FOR CLOSURE	1.55	NORTHWEST
22	BELL GAS	OPEN – REMEDIATION	1.56	NORTHWEST
23	PITTSBURG 81 088, CITY OF	OPEN – INACTIVE	1.60	WEST
24	PETRO EXPRESS	OPEN – REMEDIATION	1.60	EAST
25	CAMP STONEMAN	OPEN - INACTIVE	1.70	SOUTHWEST

No.	Site Name	Status	Distance	Direction
26	BAY POINT CORNER LOT	OPEN - INACTIVE	1.71	SOUTHWEST
27	ANCHOR GLASS LANDFILL	OPEN	1.76	EAST
28	USA GASOLINE STATION NO. 127	OPEN – SITE ASSESSMENT	1.85	SOUTHWEST
29	BEACON	OPEN – SITE ASSESSMENT	1.86	SOUTHWEST
30	FORT KNOX PITTSBURG	OPEN – INACTIVE	1.87	SOUTHWEST
31	SUPERIOR CAR WASH	OPEN – VERIFICATION MONITORING	1.91	SOUTHWEST
32	CITY OF ANTIOCH CORPORATION YARD	OPEN – VERIFICATION MONITORING	1.96	EAST
33	ANTIOCH LANDFILL	OPEN	1.99	SOUTH
34	MEXICO AUTO WRECKERS	OPEN – INACTIVE	2.02	NORTHWEST
35	MIRANT DELTA PITTSBURG POWER PLANT	OPEN – VERIFICATION MONITORING	2.27	NORTHWEST
36	GAS FOR LESS	OPEN – REMEDIATION	2.27	EAST
37	TOSCO – FACILITY #5963	OPEN – ELIGIBLE FOR CLOSURE	2.41	SOUTHEAST
38	PANTELL'S MUSIC BOX	OPEN – ELIGIBLE FOR CLOSURE	2.42	EAST
39	ANCHOR GLASS	OPEN	2.54	EAST
40	A STREET EXTENSION	OPEN – ELIGIBLE FOR CLOSURE	2.74	EAST
41	HICKMONT CANNERY (FORMER)	OPEN – INACTIVE	2.81	EAST
42	HICKMOTT CANNERY (FORMER)	OPEN – ELIGIBLE FOR CLOSURE	2.81	EAST
43	SILVERA PROPERTY	OPEN – REMEDIATION	2.88	EAST
44	UNOCAL #3946	OPEN – VERIFICATION MONITORING	3.00	SOUTHEAST
45	SHELL SS CASE #2	OPEN – REMEDIATION	3.02	SOUTHEAST
46	ANTIOCH DELTA COVE PROJECT	OPEN – INACTIVE	3.03	SOUTHEAST
47	FULTON SHIPYARD	OPEN – SITE ASSESSMENT	3.04	EAST
48	FORMER SERVICE STATION	OPEN - VERIFICATION MONITORING	3.04	SOUTHEAST
49	NARCO	OPEN – INACTIVE	3.05	WEST

Source: SWRCB 2013; SWRCB 2014

Notes: Does not include closed and remediated records.

In 2005, the DTSC approved the Corrective Action Measures Completion Report submitted by UPI, affirming that the landfill area soils had been sufficiently remediated. A final condition of the landfill area remediation was the recording of an LUC between UPI and DTSC. The LUC limits future uses of the site to commercial or industrial uses and specifically prohibits certain other uses such as agriculture, schools, or hospitals. The LUC also requires that any earth moving activity at the site be performed in accordance with the SMP and HSP (USS-POSCO and DTSC, 2010). The SMP requires monitoring for potentially unknown deposits of hazardous materials during any site grading activities, and their testing and removal if encountered. Responsibility for removal and disposal of contaminated soil or material, if it is encountered, is expected to remain the responsibility of UPI. Furthermore, the SMP requires dust control during grading, restriction of public access to the site, and construction worker health and safety monitoring measures to protect workers and the public. The HSP implements a comprehensive health and safety program for site workers (URS 2009b).

HAZARDOUS WASTE MANAGEMENT IN PITTSBURG

Many industrial operations in the City of Pittsburg involve the use or production of hazardous materials. Most significant are the petroleum and chemical processing plants in the northeastern portion of the city. According to the City's Hazardous Waste Management Plan, 11 large-quantity generators produced approximately 79,500 tons of hazardous waste in 1989. Of this tonnage, about 45 percent was treated on-site and 55 percent was shipped off-site for treatment or recycling. The HWMP estimates that about 2,300 metric tons of hazardous waste is produced by small-quantity generators per year (projected in 1990). The majority is in the form of waste oil from vehicle maintenance shops. Hazardous waste reduction efforts by large generators are estimated to have decreased the amount of waste produced by more than 80 percent since 1990, which primarily resulted from improved production processes at industrial facilities, such as USS-POSCO (City of Pittsburg 2001).

TRANSPORT OF HAZARDOUS MATERIALS

The California Highway Patrol and California Department of Transportation have primary responsibility in regulating the transportation of hazardous waste and materials. Recently, the City designated roadways within Pittsburg that are acceptable for transport of hazardous materials. These roadways are all located within the industrial areas north of State Route (SR) 4, including (City of Pittsburg 2001, p. 10-20):

- Loveridge Road;
- Pittsburg-Antioch Highway;
- Tenth Street/Willow Pass; and
- North Parkside Drive.

3.3.2 REGULATORY FRAMEWORK

FEDERAL

Federal Clean Air Act (42 U.S.C. Section 7401 et seq.)

Administered by the United States Environmental Protection Agency (USEPA), the federal Clean Air Act (CAA) regulates hazardous air pollutants from stationary and mobile sources via National

Ambient Air Quality Standards (NAAQS). Section 112 of the Clean Air Act requires issuance of technology-based standards for major sources and certain area sources. Major sources are defined as a stationary source or group of stationary sources that emit or have the potential to emit 10 tons per year or more of a hazardous air pollutant or 25 tons per year or more of a combination of hazardous air pollutants. An area source is any stationary source that is not a major source. For major sources, Section 112 requires that the USEPA establish emission standards that require the maximum degree of reduction in emissions of hazardous air pollutants. These emission standards are commonly referred to as maximum achievable control technology or MACT standards (USEPA 2011).

Federal Clean Water Act (33 U.S.C. Section 1251 et seq.)

The federal Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. Under the Clean Water Act, the USEPA implements pollution control programs such as setting wastewater standards for industry and setting water quality standards for all contaminants in surface waters (USEPA 2011).

The CWA made it unlawful to discharge any pollutant from a point source into navigable waters, unless a permit was obtained. Industrial, municipal, and other facilities must obtain permits through the USEPA's National Pollutant Discharge Elimination System (NPDES) permit program if their discharges go directly to surface waters. In California, the USEPA has authorized the state to administer the NPDES permit program. As such, the NPDES permit program is discussed further under the "State" subheading below.

Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. Section 9601 et seq.)

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) provides a federal "superfund" to clean up uncontrolled or abandoned hazardous-waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment. Through CERCLA, the USEPA identifies parties responsible for any release and assure their participation in the cleanup. The USEPA is authorized to implement CERCLA in all 50 states and in United States territories, though Superfund site identification, monitoring, and response activities are coordinated through the state environmental protection or waste management agencies. The Superfund Amendments and Reauthorization Act (SARA) of 1986 reauthorized CERCLA to continue cleanup activities around the country and included several site-specific amendments, definition clarifications, and technical requirements (USEPA 2011).

Resource Conservation and Recovery Act (42 U.S.C. Section 6901 et seq.)

The Resource Conservation and Recovery Act (RCRA) gives the USEPA the authority to control hazardous waste from "cradle to grave," including the generation, transportation, treatment, storage, and disposal of hazardous waste. The RCRA also sets forth a framework for the management of nonhazardous solid wastes.

The federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to the RCRA that focus on waste minimization and phasing out land disposal of hazardous waste as well as corrective action for releases. Some of the other mandates of this law include increased enforcement authority for the USEPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program (USEPA 2011).

Occupational and Safety Health Act (29 U.S.C. Section 651 et seq.)

The Occupational and Safety Health Act (OSHA) is intended to ensure worker and workplace safety by requiring that employers provide their workers a place of employment free from recognized hazards to safety and health, such as exposure to toxic chemicals, excessive noise levels, mechanical dangers, heat or cold stress, or unsanitary conditions. OSHA is a division of the United States Department of Labor that oversees the administration of the act and enforces standards in all 50 states.

Toxic Substances Control Act 15 U.S.C. Section 2601 et seq.

The Toxic Substances Control Act (TSCA) provides the USEPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. The TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint (USEPA 2011).

Various sections of the TSCA provide authority to:

- Require, under Section 5, pre-manufacture notification for "new chemical substances" before manufacture.
- Require, under Section 4, testing of chemicals by manufacturers, importers, and processors where risks or exposures of concern are found.
- Issue Significant New Use Rules (SNURs), under Section 5, when it identifies a "significant new use" that could result in exposures to, or releases of, a substance of concern.
- Maintain the TSCA Inventory, under Section 8, which contains more than 83,000 chemicals. As new chemicals are commercially manufactured or imported, they are placed on the list.
- Require those importing or exporting chemicals, under Sections 12(b) and 13, to comply with certification reporting and/or other requirements.
- Require, under Section 8, reporting and recordkeeping by persons who manufacture, import, process, and/or distribute chemical substances in commerce.
- Require, under Section 8(e), that any person who manufactures (including imports), processes, or distributes in commerce a chemical substance or mixture and who obtains information which reasonably supports the conclusion that such substance or mixture presents a substantial risk of injury to health or the environment to immediately inform the USEPA, except where the USEPA has been adequately informed of such information.

Federal Hazardous Materials Transportation Law and Hazardous Materials Regulations (49 U.S.C. Section 5101 et seq.)

The federal hazardous materials transportation law is the basic statute regulating hazardous materials transportation in the United States. Section 5101 of the federal hazmat law states that the purpose of the law is to protect against the risks to life, property, and the environment that are inherent in the transportation of hazardous material in intrastate, interstate, and foreign commerce.

The Hazardous Materials Regulations (HMR) are administered by the Pipeline and Hazardous Material Safety Administration (PHMSA) and implement the federal hazmat law. The HMR govern the transportation of hazardous materials via highway, rail, vessel, and air by addressing hazardous materials classification, packaging, hazard communication, emergency response information, and training. The HMR also issues procedural regulations, including provisions on registration and public sector training and planning grants (49 CFR Parts 105, 106, 107, and 110). The Pipeline and Hazardous Material Safety Administration issues the HMR (PHMSA 2011).

STATE

Unified Program

The Unified Program consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of the following six environmental and emergency response programs (CalEPA 2011):

- The Hazardous Waste Generator (HWG) program and Hazardous Waste Onsite Treatment activities;
- The Aboveground Storage Tank (AST) program Spill Prevention Control and Countermeasure Plan requirements;
- The Underground Storage Tank (UST) program;
- The Hazardous Materials Release Response Plans and Inventory (HMRRP) program;
- California Accidental Release Prevention (CalARP) program; and
- The Hazardous Materials Management Plans and the Hazardous Materials Inventory Statement (HMMP/HMIS) requirements.

The state agencies responsible for these programs set the standards, while local governments implement the standards. The California Environmental Protection Agency (CalEPA) oversees implementation of the Unified Program as a whole, and the local Certified Unified Program Agency (CUPA) is required to consolidate, coordinate, and make consistent the administrative requirements, permits, fee structures, and inspection and enforcement activities for these six program elements. Most CUPAs have been established as a function of a local environmental health or fire department. The Contra Costa County Health Services Department, Hazardous Materials Division, is the CUPA for Contra Costa County.

REGIONAL

Contra Costa County Health Services Department, Hazardous Materials Division

As previously stated, the Contra Costa County Health Services Department, Hazardous Materials Division (CCHSHM), is the CUPA for Contra Costa County. As such, the CCHSHM implements the programs in the county discussed below.

Hazardous Materials Business Plan Program

The Hazardous Materials Business Plan (HMBP) program regulates businesses that store 55 gallons of hazardous materials as a liquid, 500 pounds of hazardous materials as a solid, or 200 cubic

feet of hazardous materials as a gas. For regulated businesses, there is an annual inventory-reporting requirement that involves completing forms sent out by the CCHSHM every December. In addition to the annual reporting requirement, a regulated business is required to have a current emergency response plan and site diagram on file at the CCHSHM. A copy of these documents is forwarded to the local fire departments so they are aware of the hazardous materials on site. These documents fulfill the requirements of federal law (SARA), as well as state regulations.

The Recycling Center and Transfer Station (RCTS) was required to prepare and submit a Hazardous Materials Business Plan to the County Health Services Department in accordance with state law prior to start of operations.

Hazardous Waste Generator Program

This program ensures the safe and legal handling, storage, and disposal of hazardous waste by inspecting businesses in Contra Costa County that generate hazardous waste and issuing permits and inspecting businesses in the county that perform certain treatments of hazardous waste. Universal waste and silver recovery are also included in the program (CCHSHM 2011).

California Accidental Release Prevention (CalARP) Program

The CalARP Program is designed to prevent catastrophic accidental releases of highly toxic or flammable chemicals. Regulated facilities are required to have prevention programs, including risk management and safety plans, to prevent releases. The plans include identification of regulated materials on-site, worst-case scenarios in terms of off-site consequences of an accidental release, an accidental release prevention program, a five-year accident history, and proposed changes to improve safety. In addition, engineers assigned to the CalARP program conduct regular audits of regulated facilities to ensure compliance with applicable regulations and to verify that potential problems are adequately addressed (Contra Costa Board of Supervisors 2009, p. 6).

Underground Storage Tank Program

This program is intended to protect the public health from exposure to hazardous materials stored in underground storage tanks (USTs), including the protection of groundwater from contamination. Activities to obtain these objectives include annual inspections and the issuance of operating permits, which are also issued for UST system installation, removals, upgrades, and repairs. CCHSHM personnel witness specified phases of the work being conducted on the UST system to ensure that the work is conforming to plans approved by the CCHSHM (CCHSHM 2011).

Aboveground Petroleum Storage Act Program

This program applies to petroleum and petroleum products and byproducts that are stored in aboveground 55-gallon drums or larger containers. The owners/operators of such tanks are required to prepare a Spill Prevention Control and Countermeasure Plan (SPCCP) conforming to applicable federal regulations and including a facility diagram, the type of oil in each container, discharge prevention measures, secondary containment or other discharge/drainage controls, countermeasures for discharge discovery, response and cleanup, methods of disposal of recovered materials, and an emergency contact list (Contra Costa Board of Supervisors 2009, p. 7).

Two large aboveground petroleum storage tanks are located in the main parking area of the project site and are used to fuel trucks associated with the facility. The facility has an approved SPCCP for these tanks.

Hazardous Materials Area Plan

The Contra Costa County Hazardous Materials Area Plan (HMAP) describes the overall hazardous materials emergency response organization within Contra Costa County, establishes the lines of authority and coordination for hazardous materials incidents affecting Contra Costa County, and identifies the roles and responsibilities of local, state, and federal government agencies necessary to minimize the impacts of a hazardous materials incident.

Industrial Safety Ordinance

The Industrial Safety Ordinance requires regulated facilities to implement safety programs to prevent chemical accidents from occurring that could have a detrimental impact to the surrounding communities.

LOCAL

City of Pittsburg Hazardous Waste Management Plan

The City's adopted Hazardous Waste Management Plan (HWMP), prepared in 1990, describes the generation, transport, and disposal of hazardous waste in the city, including both large and small generators.

City of Pittsburg Emergency Response Plan

The City of Pittsburg Emergency Operations Plan (EOP) was last updated in 2005 (City Council Resolution No. 05-10223). The EOP outlines procedures for educating the public about emergency preparedness and also establishes procedures for City response to emergency situations, including management of communication systems, provision of medical assistance, and maintenance of local financing structures and government leadership roles in the aftermath of a significant emergency event (City of Pittsburg 2005).

City of Pittsburg General Plan

The City adopted its current General Plan in 2001. **Appendix F** provides those General Plan policies relevant to hazards and hazardous materials and to the proposed project as well as a preliminary evaluation of the project's consistency with these policies. While this DEIR discusses the project's consistency with the General Plan pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15125(d), the appropriate reviewing authority will ultimately make the determination of the project's consistency with the General Plan.

3.3.3 IMPACTS AND MITIGATION MEASURES

STANDARDS OF SIGNIFICANCE

The impact analysis provided below is based on the CEQA Guidelines Appendix G thresholds of significance. The proposed project would have a significant impact related to hazards and hazardous materials if it would:

1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

2) 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.

3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

4) 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.

5) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area.

6) For a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area.

7) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

8) 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.

The Initial Study prepared for the proposed project (see **Appendix A**) determined that the project would have no impact or a less than significant impact related to significance thresholds 3, 5, 6, and 8. In addition, the Columbia Solar Project Mitigated Negative Declaration (State Clearinghouse No. 2013012038; **Appendix D**) found no potentially significant impacts in the area of Hazards and Hazardous Materials as a result of development of the 15 acre vacant site onto which the proposed project would expand. Therefore, these issues are not discussed further in this section. For a discussion of air emissions, see Section 3.1, Air Quality.

METHODOLOGY

The following impact analysis is based on a review of the project site's historical uses and hazardous materials investigations and remediation activities as provided in the records of the State Water Resources Control Board and the California Department of Toxic Substances Control, as well as information provided in the 1995 EIR for the existing facility (City of Pittsburg 1995). This information was used to identify potential hazards to construction workers, facility employees, and the public. The analysis is also based on a review of the proposed site plan and facility operations to identify potential impacts related to the handling of unexpected hazardous materials in the waste stream entering the facility. Finally, the City's Emergency Operations Plan and the proposed site plan and traffic impact analysis were reviewed to determine the project's potential to interfere with the movement of emergency response vehicles or the evacuation plans for the city.

PROJECT IMPACTS AND MITIGATION MEASURES

Hazard to the Public through Routine Transport, Use, or Disposal of Hazardous Materials (Standard of Significance 1)

Impact 3.3.1 Implementation of the proposed project would result in the routine transport, use, and disposal of hazardous materials during both construction and operation that could pose a potential hazard to the public and the environment. However, federal, state, and local regulations provide a comprehensive regulatory system for handling, using, and transporting hazardous materials in a manner that protects human health and the environment. This impact is therefore considered **less than significant**.

No hazardous, infectious, or liquid wastes are accepted at the facility, and the proposed project would not change this. However, household hazardous wastes such as batteries, paints, and oil, as well as hazardous wastes recovered from incoming loads that illegally contain it, are occasionally included in solid waste dropped off by the public and by commercial waste haulers. The facility operates a load check program to screen and filter out such materials in incoming waste loads. Recovered hazardous materials are temporarily stored in a designated area (shown on **Figure 2.0-6**) and transferred off-site for proper disposal in accordance with applicable state and local regulations. This load check program will continue at the facility with project implementation. As discussed in the Regulatory Framework subsection, the facility would update its HMBP and be required to comply with the annual inventory reporting requirement and have a current emergency response plan and site diagram on file at the CCHSHM. The reporting would take into account any increase in hazardous materials associated with the increase in overall solid waste processed at the facility. Therefore, the risk to the public from exposure to hazardous wastes in the waste stream entering the facility would be controlled by existing regulations and would not substantially differ from the current operations.

The facility is an industrial operation with numerous pieces of mechanical equipment that require the handling, use, and storage of hazardous substances such as fuels, oils, lubricants, antifreeze, batteries, solvents and other hazardous substances and waste for routine fueling, maintenance and repair. The addition of a second sorting line at the Material Processing Area as well as the proposed Biomass Gasification Unit (BGU) could increase the amount of such hazardous substances handled, used, and stored on the project site. Because the proposed truck maintenance facility and yard would be relocated from a property east of Loveridge Drive, it operation on the project site would not result in a net increase in hazardous substances used, stored or transported to the area. All hazardous materials present on the project site would continue to be handled, used, and stored in compliance with all applicable federal, state, and local regulations including the facility's updated HMBP, as discussed previously. The project also proposes to relocate the existing fueling station, including both above ground storage tanks, from the MDRF main parking lot to the site of the proposed truck maintenance facility and yard. The facility's current SPCCP would require update and County approval ensuring compliance with applicable federal regulations, as described in the Regulatory Framework subsection. Further, transport of such materials to the project site would be subject to Federal Motor Carrier Safety Administration (FMCSA) regulations concerning highway routing of hazardous materials, hazardous materials endorsements for a commercial driver's license, highway hazardous material safety permits, and financial responsibility requirements for motor carriers of hazardous materials. CCR Title 26, Division 6, which would be monitored by the California Highway Patrol on off-site state highways, requires strict adherence to regulations designed to prevent leakage and spills of material in transit and provides detailed information to cleanup crews in the event of an accident. Under the Rail Haul Operations Plan option, unrecyclable solid waste from the

tipping floor would be placed in collection containers for long-haul by rail to a permitted regional landfill. Transport of solid waste under this option would also be required to comply with applicable regulations with regard to prevention of leakage and spills.

Therefore, even though the proposed project would result in the routine transport, handling, use, and disposal of hazardous materials, the project would be subject to federal, state, and local regulations regarding hazardous materials as discussed above. These regulations provide a comprehensive regulatory system for handling, using, and transporting hazardous materials in a manner that protects human health and the environment to the greatest extent practicable. Therefore, with adherence to existing state, federal, and local regulations, potential hazards to the public and the environment resulting from the proposed project would be reduced to a **less than significant** level.

Mitigation Measures

None required.

Exposure of Persons to Hazardous Materials During Project Construction (Standards of Significance 2 and 4)

Impact 3.3.2 Construction workers could be exposed to hazardous materials during site preparation. However compliance with existing applicable worker health and safety laws and regulations would minimize potential for exposure. With mitigation, this impact would be **less than significant**.

As described above, the project site and surrounding properties have a long history of industrial use involving the use, storage, transport, and disposal of potentially hazardous chemicals, metals, and other materials. Implementation of the proposed project would involve minimal ground disturbance at the site of the proposed truck maintenance facility and yard, BGU and Material Processing Area as well as in those areas proposed for parking and equipment/commodity storage (see **Figure 2.0-7**). In addition, some excavations would be required for the undergrounding of utilities.

The 1995 EIR for the existing facility (City of Pittsburg 1995) indicates that landfill materials with potential associated contaminants may underlie areas of the southwestern portion of the 1995 project site and the adjacent parcel to the west, which encompasses the Mixed C&D Processing Facility. The 1995 EIR also indicates that soil sampling and testing of the site of the former GWF Facility was found in 1989 to contain elevated concentrations of soluble lead (up to 28 milligrams per liter) and Total Petroleum Hydrocarbons (TPH) (up to 290,000 milligrams per kilogram). Although the soil contamination on this parcel was removed by GWF Power prior to development, it is unclear if any such remediation occurred at the adjacent site which is included in the site of the proposed truck maintenance facility and yard. In addition, as described previously, the western portion of the project site was part of the larger USS-POSCO Industries site and was used as part of a landfill for disposal of metal slag, wire mill scale, waste oils, grease, paints, spent solvents, sodium dichromate, and other miscellaneous wastes. Although remediation of this site was completed to commercial/industrial standards and approved in 2005 with land use restrictions, residual contaminants could remain in the soil.

Ground disturbance by construction workers could expose contaminated soils on the project site. The proposed ground-disturbing activities on the site of the existing facility would be limited). Approximately 18.5 acres of the project site will be repaved or resurfaced. . Compliance with

existing worker safety health and safety laws and regulations at these locations would minimize the potential for worker exposure and associated health risks.

Ground disturbing activities on the undeveloped parcels within the western portion of the project site (addition area) would be performed in conformance with the SMP and HSP prepared as part of corrective actions for the larger USS-POSCO Industries site ensuring that the public, workers and the environment would be protected in the event that residual hazardous constituents are encountered.

Furthermore, as required by Mitigation Measure D-1 in the 1995 EIR (City of Pittsburg 1995), a Construction Worker Site Health and Safety Plan was prepared for the site that identifies areas of known contaminant releases and safety procedures for performing work in those areas, as well as procedures in the event unknown contamination is discovered during work. To minimize the potential for exposure and health risks, mitigation measures **MM 3.3.2a** and **MM 3.3.2b** require the applicant to update this existing plan or prepare a new plan for the proposed project and comply with the land use restrictions for the western portion of the project site. Therefore, this impact is **less than significant** with incorporation of mitigation.

Mitigation Measures

MM 3.3.2a The project applicant shall either update the existing facility's Construction Worker Site Health and Safety Plan or prepare a new plan to include the entire current project site and proposed site preparation and construction activities. The completed plan shall be implemented during all project construction activities. The plan shall address the potential for workers to be exposed to contaminated soils and shall provide specific measures to be implemented to ensure worker health and safety. These measures may include site controls, use of protective clothing, soil watering, hazard awareness training for workers, and/or emergency medical response procedures.

Timing/Implementation: *Prior to issuance of grading permits for the 18.5 acre expanded site.*

Enforcement/Monitoring: *City of Pittsburg Development Services Department*

MM 3.3.2b The project applicant shall comply with all relevant requirements of the *Covenant to Restrict Use of Property, Environmental Restriction (Re: A limited portion of County of Contra Costa APN 073-200-021 UPI Pittsburg Facility Site L-A Property, DTSC site code number 520024), DOC-2010-0132574-00 recorded by the Contra Costa County Clerk-Recorder's office on July 1, 2010.*

Timing/Implementation: *During Site Preparation and Construction*

Enforcement/Monitoring: *City of Pittsburg Development Services Department*

Interference with Emergency Response Plans (Standard of Significance 7)

Impact 3.3.3 Construction and operation of the proposed project would not interfere with implementation of the City's Emergency Operations Plan (EOP). This impact would be **less than significant**.

The City's EOP outlines procedures for educating the public about emergency preparedness and establishes procedures for City response to emergency situations, including management of communication systems, provision of medical assistance, and maintenance of local financing structures and government leadership roles in the aftermath of a significant emergency event (City of Pittsburg 2005).

Implementation of the proposed project would have no impact on the public education aspects of the EOP. In addition, the project site is not located near any significant communication or medical facilities or infrastructure and would have no effect on access to and operation of such facilities. Furthermore, the project would not result in unacceptable levels of service or delay at area intersections or along area roadways and would not, therefore, interfere with emergency response efforts. This impact would be **less than significant**.

Mitigation Measures

None required.

3.3.4 CUMULATIVE SETTING, IMPACTS, AND MITIGATION MEASURES

CUMULATIVE SETTING

The cumulative setting for hazards associated with the proposed project includes proposed, planned, approved, and reasonably foreseeable projects listed in **Tables 3.0-1** through **3.0-3** in Section 3.0, Introduction to the Environmental Analysis and Assumptions Used, of this DEIR.

CUMULATIVE IMPACTS AND MITIGATION MEASURES

Cumulative Hazardous Materials Exposure

Impact 3.3.4 Implementation of the proposed project, along with other proposed, planned, approved, and reasonably foreseeable projects in the area, would have a **less than cumulatively considerable** impacts related to hazards and hazardous materials.

Hazardous material, human health, and safety impacts, as described in State CEQA Guidelines Appendix G, are typically site-specific and not cumulative by nature. Therefore, the cumulative setting for hazardous materials is limited to the project site and the area immediately surrounding the project site. Cumulative hazardous materials impacts would result if the proposed project or other existing, planned, or reasonably foreseeable projects within the cumulative setting area would substantially increase the total amount of hazardous materials being transported over public roadways or being used, stored, or disposed in the area or would newly expose the public to existing hazardous conditions.

As shown in **Table 3.0-3**, there are proposed, planned, approved, or otherwise reasonably foreseeable industrial projects within 3 miles of the project site that could involve hazardous

materials. While implementation of these projects could increase the total amount of hazardous materials in the area, the proposed project would not contribute significantly to this increase based on the day-to-day operations at the site. As described in Impact 3.3.1 above, no hazardous, infectious, or liquid wastes are accepted at the Mt. Diablo facility, and the proposed project would not change this. While small amounts of common household hazardous wastes such as batteries, paints, and oil, as well as hazardous wastes recovered from incoming loads that illegally contain it, are occasionally included in the general solid waste stream entering the facility, a load check program is implemented to screen and remove such materials from the normal waste stream. Any hazardous wastes discovered are temporarily stored on-site in a designated area until they can be properly disposed of in accordance with applicable state and local regulations. Furthermore, all hazardous substances used in the routine fueling, maintenance and repair of equipment and vehicles on the project site would be handled in accordance with all applicable federal, state and local regulations thereby minimizing potential hazards to workers, the public and the environment. Therefore, the proposed project would not contribute significantly to the anticipated cumulative increase in hazardous materials in the area. This impact would be **less than cumulatively considerable**.

Mitigation Measures

None required.

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