

4.9 HAZARDS AND HAZARDOUS MATERIALS

4.9.1 INTRODUCTION

This section describes hazardous materials within the project site, analyzes potential impacts related to construction and occupancy of the Hyatt Place project (project), and proposes mitigation measures to reduce potentially significant impacts associated with hazards and hazardous materials.

Relevant policies and regulations are also described in this section.

Information for this section was obtained from the following sources:

- California State Water Quality Control Board, 2015, GeoTracker
- California Department of Fire and Forestry Protection (CAL FIRE), 2008
- Diablo Green Consulting, 2011, Phase 1 Environmental Site Assessment
- City of Half Moon Bay, General Plan, *Safety Element*, 1991
- City of Half Moon Bay Local Coastal Program & Land Use Plan, 2021
- AEI Consultants, 2019, The EDR Radius Map Report
- The City/County Association of Governments of San Mateo County, 2014, Final Airport Land Use Compatibility Plan for the environs of Half Moon Bay Airport

Project consistency with the 2021 Local Coastal Land Use Plan (LCLUP) is analyzed in this draft Environmental Impact Report (EIR) where applicable. The LCLUP was updated and adopted by City Council in October 2020 and certified by the California Coastal Commission (CCC) in April 2021. The updated LCLUP comprises the City's reexamined and updated policy approach for carrying out the Coastal Act in a manner that addresses changed conditions since certification of the 1996 LCLUP.

All documents referenced in the draft Environmental Impact Report (EIR) are available via CD or weblink upon request. The location of the other reference materials is cited at the end of this section. Hard copies of the draft EIR are located at the City of Half Moon Bay, Planning Division, 501 Main Street, Half Moon Bay, CA 94019.

In response to the Notice of Preparation for this EIR, public comments were received regarding the project. However, none addressed the issue of hazards and hazardous materials.

4.9.2 EXISTING CONDITIONS

This section identifies potential hazards and hazardous materials that may occur within the project site.

Hazardous Materials Release Sites

There are no hazardous materials release sites present on the Cortese List on the project site. Three Leaking Underground Storage Tank (LUST) sites are located within 0.25 mile the project site; however, all LUST cleanup sites are completed, and their cases are closed.¹

A LUST cleanup site is an Underground Storage Tank site that has had an unauthorized release, including a leak or spill, of a hazardous substance, usually fuel hydrocarbons. The Regional Water Quality Control Board (RWQCB) tracks the location and status of LUST sites.

In August 2011, an Environmental Data Request (EDR) search was conducted as part of a Phase I Environmental Site Assessment (ESA) for the adjacent parcel at the James Ford Dealership at the northern end of the project site. In 2019, a new EDR search was conducted to determine if new active sites were listed. Due to the age of the previous EDRs, the California State Water Resources Control Board GeoTracker tool was used to identify any additional listed sites within 1 mile of the project. These tools revealed two open LUST sites and one Military Cleanup Site, summarized in **Table 4.9-1**. A Military Cleanup Site includes all cleanup sites that are located on existing military bases or those which are to be transferred; these include a wide range of discharges.²

¹ California State Water Quality Control Board, GeoTracker. Last Revised: 2020. GeoTracker. Available: https://geotracker.waterboards.ca.gov/map/?global_id=T0608100634. Accessed January 17, 2022.

² California State Water Quality Control Board, GeoTracker Site/Facility Type Definitions. Last Revised: 2020. Available: https://geotracker.waterboards.ca.gov/site_type_definitions. Accessed January 17, 2022.

Table 4.9-1 Environmental Data Request Search Results

Site	Search Radius (Miles)	Database(s)	Status
Offill Trust Property 517 Poplar Street	0.30	LUST	Open – Site Assessment as of 1/7/2020
Former Half Moon Bay Flight Strip 724 Kelly Avenue	0.70	Military Cleanup Site	Open – Inactive as of 12/20/2005
Caltrans Maintenance Facility 2203 South Cabrillo Highway	0.80	LUST	Open – Eligible for Closure as of 2/11/2020

Source: AEI Consultants, 2019 ; Diablo Green Consulting, 2011 ; GeoTracker, 2020

Notes: LUST = Leaking Underground Storage Tank

Agricultural Contaminants

Based on a review of historical aerial photos, the project site and local vicinity (study area) was utilized for agricultural practices dating from the mid-20th century to 2013. As a result, local soils may have been impacted by agricultural contaminants, such as lead, organochlorine pesticides (OCP), and herbicides, used on the project site. In addition, pesticides that have partially broken down over time may release heavy metals into the soil.

4.9.3 REGULATORY SETTING

Federal and State

The US Environmental Protection Agency (EPA) is responsible for enforcing regulations related to hazardous materials and wastes, including evaluation and remediation of contamination. The EPA works collaboratively with other agencies to enforce materials handling and storage regulations and site cleanup requirements. The Department of Transportation (DOT) is authorized to regulate safe transport of hazardous materials.

California Occupational Safety and Health Act of 1973

The California Occupational Safety and Health Act of 1973 was enacted to guarantee safe and healthful working conditions in the State. It is administered by the California Occupational Safety and Health Administration (CalOSHA). This act is designed to protect worker safety by ensuring a workplace free from recognized hazards, including exposure to toxic chemicals. CalOSHA regulates construction procedures for projects in which workers may be exposed to lead in Title 8 of the California Code of

Regulations, 1532, and procedures regarding the handling of contaminated soil in Title 8 of the California Code of Regulations, 5192.

Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA)

CERCLA, often referred to as “Superfund,” delineates the liability for contamination between current property owners and the public. The purpose of CERCLA is to regulate former and newly discovered uncontrolled waste disposal and spill sites. This program is administered by the EPA, which has the power to seek out parties responsible for any contamination and assure their cooperation in cleanup and remediation.

Government Code Section 65962.5

Government Code Section 65962.5 requires the California Environmental Protection Agency (CalEPA) to annually compile a list of hazardous and potentially hazardous facilities and release sites identified by the Department of Substance Control, the State Department of Health Services, and the State Water Resources Control Board, and the California Integrated Waste Management Board (CIWMB). This list is commonly referred to as the “Cortese List”.

Hazardous Materials Transportation

The Hazardous Materials Transportation Act of 1975 (HMTA) authorizes the United States Department of Transportation (DOT) to regulate the transportation of hazardous or potentially hazardous material. This regulation includes minimum standards during transit-related labeling, handling, routing, and reporting. Hazardous waste transporters must comply with the Title 40 and Title 49 of the Code of Federal Regulations.

Individuals involved in the transportation of hazardous materials must also comply with numerous state regulations administered by the Department of Toxic Substance Control (DTSC) and the California Highway Patrol (CHP). Pertinent state regulations include the California Health and Safety Code, Division 20, Chapter 6.5, Article 6 & 6.5; California Code of Regulations (CCR), Title 22, Division 4.5, and California Code of Regulations Chapter 13 and 19.

The Hazardous Materials Transportation Act is administered by the DOT via its performance of inspections and training, and its issuance of transportation guidelines. The Federal government delegates enforcement authority to the states.

Resource Conservation and Recovery Act of 1976 (RCRA)

RCRA gives EPA the authority to control the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA includes procedures and requirements for reporting releases of hazardous materials, and for cleanup of such releases. RCRA also includes procedures and requirements for handling hazardous wastes or soil, or groundwater contaminated with hazardous wastes. Most of the compliance monitoring responsibility under the RCRA is delegated to state and local authorities.

Toxic Substances Control Act (TSCA) of 1976

The TSCA provides the EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to certain chemical substances. This act addresses the production, importation, use, disposal, and clean-up of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, and lead-based paint.

Project Consistency

Project construction may require the handling, transport, and disposal of contaminated soil or groundwater. If contaminated soil or groundwater is discovered during the Phase II ESA soil testing (see **Mitigation Measure HAZ-1 in Section 4.9.4, Impacts and Mitigation Measures**), construction activities could be subject to the appropriate federal and state regulatory oversight to ensure no adverse effects to public health or workers related to hazardous materials would occur during construction or operation, including the remediation and disposal of contaminated soil and/or water, if levels detected exceed environmental screening levels (ESLs) for the intended use.³ In general, the DTSC administers EPA standards regarding public health effects of soil contamination. The relevant regulatory requirements listed above would be implemented at the time of preliminary development plans and tentative map applications.

The project does not include land uses that would involve regular use of hazardous materials; therefore, federal laws that regulate the storage, handling, transport, and disposal of hazardous materials are not anticipated to be applicable to operations.

³ Remediation and disposal of contaminated soils or water include the collection methods and transport to a landfill that accepts hazardous wastes.

Local

San Mateo County Environmental Health Policies and Procedures

The Safety Element of the City's General Plan and Local Coastal Program do not contain policies regarding hazardous materials applicable to the project. The General Plan's Safety Element governs the use of hazardous materials used or stored by residents, businesses, and industries. However, the City complies with San Mateo County Environmental Health procedures, which includes policies and procedures relevant to hazardous material impacts for new developments, including the project. The County Housing Inspection Program, which applies to hotels, establishes policies from California Health and Safety Code Section 17920 to be enforced by San Mateo County Environmental Health.

Project Consistency

San Mateo County Environmental Health enforces health and safety codes through the Housing Inspection Program, which applies to hotels as well as other rental properties. The Housing Inspection Program cites California Health and Safety Code Section 17920, which lists numerous standards for health and safety, including those for sanitation, structural stability, wiring, and plumbing. The project would be required to pay fees for inspection services as set by County Ordinance No. 04180.⁴

4.9.4 IMPACTS AND MITIGATION MEASURES

Thresholds of Significance

The following thresholds of significance for hazards and hazardous materials were derived from the *Environmental Checklist in the California Environmental Quality Act (CEQA) Guidelines Appendix G*. These thresholds of significance have been amended or supplemented, as appropriate, to address lead agency requirements and the full range of potential impacts related to this project.

An impact of the project would be considered significant and would require mitigation if it would meet one of the following thresholds of significance:

⁴ San Mateo County Environmental Health Services, Housing Inspection Program. Last Revised: September 10, 2018. Available: https://www.smchealth.org/sites/main/files/file-attachments/housing_program_mail_out_packet.pdf. Accessed: September 3, 2020.

- Haz a)** Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- Haz b)** Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment;
- Haz c)** Emit hazardous emissions or handle hazardous or acutely hazardous materials, substance or waste within 0.25 miles of an existing or proposed school;
- Haz d)** Be located on a site which is included on a list of hazardous materials site compiled pursuant to Government Code Section 65962.5, and, as a result, would it create a significant hazard to the public or the environment;
- Haz e)** For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing and working in the area;
- Haz f)** Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan;
- Haz g)** Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires

Methodology

For the purposes of this draft EIR, "hazardous materials" are defined as substances that could pose a substantial present or future risk to human health or the environment if improperly handled, stored, disposed, or otherwise managed. Hazardous materials can result in public health hazards through human contact with contaminated soils and/or groundwater; or through airborne releases in vapors, fumes, or dust.

Construction workers typically have the greatest risk of exposure during site preparation and grading. Accidents or spills during the transport of hazardous materials can also expose the public and the environment to these substances. If contamination at a site remains undetected or unmitigated, future residents may experience health risks due to long-term exposure.

To identify hazardous waste sites in the vicinity of the project, two EDRs were conducted in 2011 for the adjacent James Ford Dealership and in 2019 for the project. The results of the two EDRs and an additional GeoTracker

search are included in **Table 4.9-1**. These tools identified three reported open hazardous materials sources within less than 1 mile of the project site, two being LUST sites, which is not uncommon for areas with agricultural uses. Using the thresholds listed above, the potential risk for hazardous materials exposure, especially during construction, is evaluated below.

Discussion of Impacts

Haz a) *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

Less than Significant. During construction and grading, diesel fuels, solvents, and similar substances would be transported to and used at the project site as part of the operation and maintenance of heavy construction equipment. The transport and use of such materials would be for a short-term duration and would be limited to the quantities required for construction and grading. As discussed in **Section 4.4, Biological Resources**, the project site would include a 1.95-acre buffer along the western side of the site plan, which would reduce the potential for impacts to jurisdictional wetlands resulting from the transport of such materials. Therefore, the project would not create a hazard to the public or the environment and no significant impact would result from the transport or use of such materials over the construction and grading period. The transport of such materials is regulated by federal and State regulators to ensure public safety.

Project operation would not entail the routine use, transport, or disposal of hazardous materials as part of its day-to-day operations. No substantial quantities of hazardous materials would be stored on-site during operation, except for small amounts of common cleaning and landscaping products that are typically found in most residences, commercial buildings, and institutional facilities. Given the above, potential impacts associated with the use, transport, and storage of hazardous materials would be less than significant.

Haz b) *Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

Impact HAZ-1. The project would create a significant hazard to the public and environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Less than Significant with Mitigation. Historical aerial photographs of the project site reveal that the site was used for agricultural purposes as late as

2013. Pesticides, herbicides, lead, and other agrichemicals may remain in or on the surface of the soil. In addition, the nearby LUST sites and other site listed in **Table 4.9-1**, may lead to polluted groundwater migrating onto the project site. Implementation of **Mitigation Measure HAZ-1** would reduce impacts related to soil and groundwater contamination to a less-than-significant level by testing for contamination and prescribing methods for its containment, collection and disposal.

Mitigation Measure HAZ-1: Prior to issuance of a grading permit, a Phase II environmental site assessment (Phase II ESA) shall be conducted and shall include water and soil testing at the project site. The project applicant and the contractor shall implement the prescribed avoidance and remediation measures to protect workers and the public from any hazardous materials found at the site as identified in the Phase II ESA and site testing results. A plan to remediate any contamination in excess of standards shall be submitted to the appropriate reviewing authority. The remediation areas shall also be indicated on grading plans. The remediation could include measures such as contaminated soil removal and disposal, dewatering and containment of polluted groundwater, and other containment and control measures to avoid exposure to concentrations of contaminants in excess of standards and in accordance with Department of Toxic Substances Control and Occupational Safety and Health Administration standards. Documentation for the implementation of any necessary remediation measures shall be transmitted to the City and the appropriate reviewing authority as proof of implementation of the remediation plan.

Significance after Mitigation. With implementation of **Mitigation Measure HAZ-1**, hazardous soils would be identified and recommendations for remediation and disposal would be included as part of the Phase II ESA, preventing a release of hazardous materials in the environment. Therefore, implementation of the project would result in less than significant impact.

Haz c) *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

Impact HAZ-2. Project construction would involve handling hazardous substances within one-quarter mile of an existing school.

Less than Significant with Mitigation. The project is located approximately 1,200 feet (.23 mile) southwest from Sea Crest Elementary School. If contamination is detected on the project site, transportation and disposal activities could handle hazardous materials within 0.25-mile of the school.

Implementation of **Mitigation Measure HAZ-1** includes measures to determine if contamination exists at the site and what measures would be appropriate in protecting the public from any hazardous materials found at the site. Such measures would be implemented by the project applicant and the contractor.

Significance after Mitigation. Implementation of avoidance and remediation measures identified through the application of **Mitigation Measure HAZ-1** would reduce hazardous materials impacts within 0.25 mile of a school and would therefore result in a less than significant impact.

Haz d) *Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

No Impact. Among other uses, the DTSC EnviroStor⁵ list (Cortese) is used by the State, local agencies, and developers to comply with the CEQA requirements to disclose information about the location of hazardous materials release sites. Government Code section 65962.5 requires the California Environmental Protection Agency to develop at least annually an updated Cortese List. DTSC is responsible for a portion of the information contained in the Cortese List. Other State and local government agencies are required to provide additional hazardous material release information for the Cortese List. The Cortese list was consulted on August 18, 2020, and no listing in the City was disclosed. Therefore, the project site is not listed on the State's Hazardous Waste and Substances Site list. Therefore, no impact would occur.

Haz e) *Would the project be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

No Impact. The project is located approximately 6 miles southeast of the Half Moon Bay Airport (located in El Granada and owned and operated by the County of San Mateo). A review of the *Airport Land Use Compatibility Plan for the Environs of Half Moon Bay Airport* indicates that the project is not located within the boundaries of this plan. Therefore, implementation of the project would not result in a safety hazard or excessive noise for construction workers or future guests. Therefore, no impact would occur.

⁵ <https://dtsc.ca.gov/dtscs-cortese-list/>

Haz f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No Impact. Implementation of the project would not result in any substantial modification to existing public roadways that would impair emergency access in the vicinity of the project site. The project design would not affect emergency vehicle access to the adjacent roadways, Main Street and SR-1. A separate project recently completed by the City, the Half Moon Bay Highway Safety and Operational Improvements South Project, improves emergency access and safety in the vicinity of the project, improving operation and safety on SR-1 between Wavecrest Road and Seymour Street. Thus, implementation of the project would not impair or physically interfere with an adopted emergency response plan or emergency evacuation system. No impact would occur.

Haz g) Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

No Impact. CAL FIRE's Fire Hazard Severity Zones (FHSZ) Maps includes proposed Fire Hazard Severity Zone Maps for State Responsibility Area lands and separate draft Very High Fire Hazard Severity Zone Maps for Local Responsibility Area lands. CAL FIRE allows those reviewing local responsibility area hazard zone maps to verify any adopted ordinances that may affect communities' hazard mapping and building code requirements. The project site is not located within a Fire Hazard Severity Zone. Furthermore, the project site is not located adjacent to any wildlands. Commercial and residential land uses surround the project site to the north and east, while agricultural fields are adjacent to the project site to the west. Refer to **Section 4.17, Other Resource Topics** for additional discussion related to wildfire.

4.9.5 CUMULATIVE IMPACTS

Cumulative impacts occur when two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. Other projects in the area include past and planned residential, commercial, and infrastructure development projects in the City as listed in **Chapter 4.0, Setting, Impacts, and Mitigation Measures**.

Hazardous materials are regulated by local, State, and federal laws to prevent unacceptable risks to human health and the environment due to exposure to hazardous materials. Transport, use and disposal of hazardous

materials would comply with all applicable regulations during project construction. Currently, it is unknown if contaminated soils and groundwater are present on the project site. A Phase II ESA, as required by **Mitigation Measure HAZ-1**, would be completed to determine if contaminated soils and groundwater are present at the project site prior to site grading. If contaminated soils are found on the project site, remediation would occur as recommended by the Phase II ESA and as required by any applicable oversight agency in accordance with federal, state, and local regulations. Project operation would not require the routine use or transport of hazardous materials. Any future developments would comply with the same regulations that govern project construction and operation as part of the development review and construction permitting process. The project would not contribute any cumulatively considerable impacts to the cumulative hazards or hazardous waste on or in the vicinity of the project site. Therefore, the project would not result in a cumulative impact.

4.9.6 REFERENCES

- California State Water Quality Control Board. Last Revised: 2015. GeoTracker. Available: https://geotracker.waterboards.ca.gov/map/?global_id=T0608100634 Accessed January 2022.
- California Department of Fire and Forestry Protection. 2008. California Fire Hazard Severity Zone Map Update Project. Available: http://www.fire.ca.gov/fire_prevention/fhsz_maps_sanmateo. Accessed January 2022.
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