4.15 HAZARDS AND HAZARDOUS MATERIALS

This section contains a discussion of human-caused hazards that may potentially have an effect on the Planning Area, including hazardous and toxic materials (such as facilities regulated by the U.S. Environmental Protection Agency [EPA], hazardous waste and disposal, toxic releases, leaking underground storage tanks [USTs], and brownfields). This section describes the existing conditions of these hazards and analyzes impacts related to these hazards with respect to the 2030 General Plan.

Service levels by fire personnel and other emergency responders are addressed in Section 4.9, "Public Services, Utilities, and Service Systems" of this DEIR. Potential hazards and associated impacts related to toxic air contaminant emissions are discussed in Section 4.3, "Air Quality"; potential impacts from geologic hazards are discussed in Section 4.7, "Geology and Soils"; and potential impacts on groundwater and flooding are discussed in Section 4.5, "Hydrology and Water Resources."

4.15.1 REGULATORY SETTING

FEDERAL PLANS, POLICIES, REGULATIONS, AND LAWS

Hazardous Materials Handling

At the federal level, the principal agency regulating the generation, transport, and disposal of hazardous substances is the Environmental Protection Agency (EPA), under the authority of the Resource Conservation and Recovery Act (RCRA). The RCRA established an all-encompassing federal regulatory program for hazardous substances that is administered by EPA. Under the RCRA, EPA regulates the generation, transportation, treatment, storage, and disposal of hazardous substances.[1]

The Federal Emergency Planning and Community Right to Know Act of 1986 imposes hazardous-materials planning requirements to help protect local communities in the event of accidental release of hazardous substances.

Hazardous Materials Transport

The U.S. Department of Transportation (USDOT) regulates transportation of hazardous materials between states. The USDOT Federal Railroad Administration (FRA) enforces the Hazardous Materials Regulations, which are promulgated by the Pipeline and Hazardous Materials Safety Administration for rail transportation. These regulations include requirements that railroads and other transporters of hazardous materials, as well as shippers, have and adhere to security plans and also train their employees involved in offering, accepting, or transporting hazmat on both safety and security matters.

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) created a trust fund to provide broad federal authority for releases or threatened release of hazardous substance that could endanger public health or the environment.

Superfund Amendments and Reauthorization Act

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 created the Superfund hazardous substance cleanup program (CERCLA, P.L. 96-510, enacted December 11, 1980). It was enlarged and

[1] The RCRA was amended in 1984 by the Hazardous and Solid Waste Amendments of 1984, which specifically prohibits the use of certain techniques for the disposal of various hazardous substances. EPA has delegated much of the RCRA requirements to the California Department of Toxic Substances Control (DTSC).

reauthorized by the Superfund Amendments and Reauthorization Act of 1986 (SARA, P.L. 99-499). The EPA compiles a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States and its territories, known as the National Priorities List. These locations are commonly referred to as "Superfund sites."

Worker Safety Requirements

The U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) is responsible at the federal level for ensuring worker safety. OSHA sets federal standards for implementation of workplace training, exposure limits, and safety procedures for the handling of hazardous substances (as well as other hazards). OSHA also establishes criteria by which each state can implement its own health and safety program.

Regulation of Polychlorinated Biphenyls and Lead-Based Paint

The Toxic Substances Control Act (TSCA) of 1976 (Title 15 of the U.S. Code [USC], Section 2605) banned the manufacture, processing, distribution, and use of polychlorinated biphenyls (PCBs) in totally enclosed systems. PCBs are considered hazardous materials because of their toxicity. They have been shown to cause cancer in animals, along with effects on the immune, reproductive, nervous, and endocrine systems, and studies have shown evidence of similar effects in humans (EPA 2004).

The EPA Region 9 PCB Program regulates remediation of PCBs in several states, including California. Title 40 of the Code of Federal Regulations, Section 761.30(a)(1)(vi)(A) states that all owners of electrical transformers containing PCBs must register their transformers with EPA. Specified electrical equipment manufactured between July 1, 1978 and July 1, 1998 that does not contain PCBs must be marked by the manufacturer with the statement "No PCBs" (Section 761.40[g]). Transformers and other items manufactured before July 1, 1978 and containing PCBs, must be marked as such.

The Residential Lead-Based Paint Hazard Reduction Act of 1992 amended TSCA to include Title IV, Lead Exposure Reduction. EPA regulates renovation activities which could create lead-based paint hazards in target housing and child-occupied facilities, and has established standards for lead-based paint hazards and lead dust cleanup levels in most pre-1978 housing and child-occupied facilities.

Clean Air Act

The federal Clean Air Act (CAA) was enacted in 1970. The most recent major amendments made by Congress were in 1990. The CAA required EPA to establish primary and secondary national ambient air quality standards. Section 112 of the CAA defines hazardous air pollutants and sets threshold limits. Additional information about CAA is contained in Section 4.3, "Air Quality."

STATE PLANS, POLICIES, REGULATIONS, AND LAWS

The state regulations that govern hazardous materials are equal to or more stringent than federal regulations. California has been granted primary oversight responsibility by EPA to administer and enforce hazardous waste management programs. State regulations have detailed planning and management requirements to ensure that hazardous wastes are handled, stored, and disposed of properly to reduce risks to human health and the environment. Several key state laws pertaining to hazardous wastes are discussed below. In addition, DTSC, the State Water Resources Control Board (SWRCB), and the Integrated Waste Management Act also regulate the generation of hazardous materials, also described below.

Hazardous Materials Release Response Plans and Inventory Act of 1985

The Hazardous Materials Release Response Plans and Inventory Act (Section 25500 et seq. of the California Health and Safety Code), also known as the Business Plan Act, defines hazardous materials as raw or unused materials that are part of a process or manufacturing step.

Although hazardous materials are not strictly defined as hazardous wastes, the health concerns involved are similar, and facility descriptions, materials inventories, and emergency response plans are required. Reports pursuant to this act for the Planning Area would be filed with Sutter County.

Hazardous Waste Control Act

The Hazardous Waste Control Act is implemented by regulations contained in Title 26 of the California Code of Regulations that describe requirements for the proper management of hazardous wastes. The act created the state hazardous waste management program, which is similar to but more stringent than the federal RCRA program. The program includes hazardous waste criteria for:

- identification and classification;
- generation and transportation;
- design and permitting of recycling, treatment, storage, and disposal facilities;
- treatment standards;
- operation of facilities and staff training; and
- closure of facilities and liability requirements.

The Hazardous Waste Control Act and Title 26 regulations list more than 800 potentially hazardous materials and establish criteria for identifying, packaging, and disposing of such wastes. Under these regulations, the generator of hazardous waste material must complete a manifest that accompanies the material from the point of generation to transportation to the ultimate disposal location, with copies of the manifest filed with DTSC.

Hazardous Materials Transport

Some state agencies have the responsibility for enforcing federal and state regulations and responding to hazardous materials transportation emergencies, which include the California Highway Patrol (CHP), the California Department of Transportation (Caltrans), and DTSC.

Regulations governing hazardous materials transport are included in the California Vehicle Code (Title 13 of the California Code of Regulations, the State Fire Marshal Regulations (Title 19 of the California Code of Regulations), and Title 22 of the California Code of Regulations.

Transport of hazardous materials can only be conducted under a registration issued by DTSC. ID numbers are issued by DTSC or USEPA for hazardous waste transporters and treatment, storage and disposal facilities for hazardous materials. These numbers used to identify the hazardous waste handler and to track waste from point of origin to final disposal. All material transport takes place under manifest, and compliance with Title 22 requires that transporters take immediate action to protect human health and the environment in the event of spill, release, or mishap.

Emergency Services Act

Under the Emergency Services Act (California Government Code Section 8850 et seq.), the state developed an emergency response plan to coordinate emergency services provided by federal, state, and local agencies. Quick response to incidents involving hazardous materials or hazardous waste is a key part of the plan. The Governor's Office of Emergency Services administers the plan, coordinating the responses of other agencies,

including EPA, the California Highway Patrol, RWQCBs, air quality management districts, and county disaster response offices.

Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65)

Proposition 65, a California ballot measure passed in November 1986, requires the governor to publish at least annually a list of chemicals known to the state to cause cancer or reproductive toxicity. Proposition 65 is administered under the California Office of Environmental Health Hazard Assessment.

Hazardous Waste and Substances Sites List

The Hazardous Waste and Substances Sites List (Cortese list) is a planning document required by California Government Code Section 65962.5. DTSC is required to compile the list, which consists of potentially contaminated sites in the state. It is used by state agencies, local agencies, and developers to comply with CEQA requirements in providing information about the location of hazardous materials release sites.

Underground Storage Tank Program

The California Department of Public Health (formerly the California Department of Health Services) and the SWRCB list hazardous sites of USTs listed for remedial action because of unauthorized release of toxic substances. Leak prevention, cleanup, enforcement, and tank testing certification are the elements of the UST Program, which is administered by the SWRCB.

California Integrated Waste Management Act

This act requires the development and implementation of household hazardous-waste disposal plans. The CIWMB oversees compliance with this act and enforces operational plans for solid-waste facilities.

Unified Program

The California Environmental Protection Agency (Cal/EPA) grants to qualifying local agencies oversight and permitting responsibility for certain state programs pertaining to hazardous waste and hazardous materials. This is achieved through the Unified Program, created by state legislation in 1993 to consolidate, coordinate, and make consistent the administrative requirements, permits, inspections, and enforcement activities for the following emergency and management programs:

- hazardous materials release response plans and inventories (business plans);
- California Accidental Release Prevention Program (CalARP);
- UST Program;
- Aboveground Petroleum Storage Act Requirements for Spill Prevention, Control and Countermeasure plans;
- Hazardous Waste Generator and On-site Hazardous Waste Treatment (tiered permitting) Programs; and
- California Uniform Fire Code: Hazardous material management plans and hazardous material inventory statements.

Cleanup of Contaminated Sites

The State of California has a number of different regulatory structures governing cleanup of contaminated sites. Many of these programs are regulated by DTSC, including RCRA corrective actions, State Superfund sites,

brownfields programs and voluntary cleanups. The State Water Resources Control Board (through Regional Water Quality Control Boards and some local agencies) regulates releases with the potential to affect water resources under programs, such as the Leaking Underground Storage Tanks program and the Spills, Leaks, Investigations, and Cleanups program. Regulatory authority for these programs may be delegated by the federal government (as with RCRA corrective actions directed by DTSC) or may be found in the California Health and Safety Code. These regulations vary in their specifics, but require the reporting, investigation, and remediation of sites where releases of hazardous materials have occurred, followed by appropriate disposal of any hazardous materials. These programs govern a range of pollutants, such as solvents, petroleum fuels, heavy metals, and pesticides) in surface water, groundwater, soil, sediment, and air.

California Department of Forestry and Fire Protection

The California Department of Forestry and Fire Protection (CAL FIRE) is responsible for protecting and maintaining privately owned wildlands, providing emergency services, and responding to wildland fires throughout California. There are no State responsibility areas for fire in the Study Area or Planning Area.

California Emergency Response Plan

California has developed an emergency response plan to coordinate emergency services provided by federal, state, and local governments and private agencies. Response to hazardous material incidents is one part of this plan. The plan is managed by the California Emergency Management Agency (Cal EMA), which coordinates the responses of other agencies, including Cal/EPA, CHP, California Department of Fish and Game, Central Valley RWQCB, and the Sutter County Emergency Services Program.

School Site Selection and Approval Guide

The California Department of Education has developed the *School Site Selection and Approval Guide* to help school districts select appropriate locations for educational institutions. The guide contains 12 screening and ranking criteria, including: safety, location, topography, cost, utilities, and public acceptance.

REGIONAL AND LOCAL PLANS, POLICIES, REGULATIONS, AND ORDINANCES

Hazardous Waste

The Sutter County Community Services Department, Environmental Health Division is the certified unified program agency (CUPA) for all cities and unincorporated areas in Sutter County. The CUPA was created by the California Legislature to minimize the number of business inspections and fees. As CUPA, the County Division of Public Health is responsible for the following tasks and programs:

- Staff members of the Environmental Health Division conduct the permitting and inspection of businesses that handle quantities of hazardous materials or hazardous waste greater than or equal to 55 gallons, 500 pounds, or 200 cubic feet of a compressed gas at any time.

- In conjunction with the Hazardous Materials Business Plan Program, staff members inspect businesses for compliance with the Hazardous Waste Control Act and respond to complaints of illegal disposal of hazardous waste. The County Environmental Health Division also inspects businesses that treat hazardous wastes, pursuant to permit by rule, conditional authorization, or conditional exemption.

- Hazardous materials management plans address emergency response to incidents involving businesses handling hazardous materials in excess of 55 gallons or 500 pounds, or 200 cubic feet of gas. Plans include an inventory of hazardous materials that is updated annually. Hazardous materials may be new or waste materials that are toxic, reactive, ignitable, or corrosive. Hazardous waste is subject to storage time limits, disposal requirements, and labeling requirements on containers.

- Most hazardous waste may be stored for only 90 days, but there are exceptions for small-quantity generators under certain circumstances. Hazardous wastes are reported on the annual inventory of hazardous materials as part of the hazardous materials management plan.

Fire Districts

In addition to CAL FIRE (see "California Department of Forestry and Fire Protection" above), the Sutter County Fire Department's County Service Area F provides fire protection services to the City of Live Oak. The primary fire station in Live Oak is at 2745 Fir Street.

Sutter County Emergency Services Program

The Sutter County Community Services Department, Emergency Services Program (Sutter County 2008b), is responsible for planning, response, and recovery activities associated with natural and man-made emergencies and disasters throughout the County and coordination of those activities with Local Agencies, California Emergency Management Agency, and the Federal Emergency Management Agency. Sutter County and the incorporated communities of Yuba City and Live Oak have developed a comprehensive Multi-Hazard Mitigation Plan to address potential hazards and emergencies before they occur and to maintain eligibility for mitigation funding from the Federal Emergency Management Agency (Yuba City 2008).

Sutter County General Plan

The Sutter County General Plan (1996, Health and Safety Element, pages 62–69) goals and policies apply to development within the unincorporated area of the County.

Policies

- **Policy 7.D-2:** The County shall require that new development, at a minimum, meets state standards for fire protection.
- **Policy 7.E-1:** The County shall require that new development around airports does not create a safety hazard.
- **Policy 7.F-1:** The County shall ensure that the use and disposal of hazardous materials complies with appropriate federal, state and local requirements.
- **Policy 7.F-2:** The County shall maintain and implement a Sutter County Hazardous Waste Management Plan (SCHWMP) consistent with the requirements of state law.
- **Policy 7.F-3:** Review of all proposed development projects that manufacture, use or transport hazardous materials shall be coordinated between the County and appropriate state and federal agencies.
- **Policy 7.F-4:** The County shall require that development proposals that will generate hazardous waste or utilize hazardous materials provide a hazardous waste business and emergency plan pursuant to state law.
- **Policy 7.F-5:** The County shall coordinate as necessary with appropriate state and federal agencies to facilitate remediation of known hazardous waste sites.

4.15.2 ENVIRONMENTAL SETTING

DEFINITIONS OF TERMS

For purposes of this section, the term "hazardous materials" refers to both hazardous substances and hazardous wastes. A "hazardous material" is defined by federal regulations as "a substance or material that … is capable of

posing an unreasonable risk to health, safety, and property when transported in commerce" (49 CFR 171.8). California Health and Safety Code Section 25501 defines a hazardous material as follows:

> *Hazardous material means any material that, because of its quantity, concentration, or physical, or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. Hazardous materials include, but are not limited to, hazardous substances, hazardous waste, and any material which a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.*

Hazardous wastes are defined in California Health and Safety Code Section 25141(b) as wastes that:

> *…because of their quantity, concentration, or physical, chemical, or infectious characteristics, [may either] cause, or significantly contribute to an increase in mortality or an increase in serious illness [, or] pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.*

LAND USES AND CONDITIONS IN THE PLANNING AREA

Site Reconnaissance and Records Searches

At the time of the notice of preparation (NOP) for this DEIR, land uses in the Planning Area primarily consist of existing urban uses and active agricultural lands. To determine the potential for hazardous materials contamination on or near the Planning Area, regulatory databases regarding hazardous materials were searched. Details of the search results are provided below by the regulatory agency.

Hazardous and Toxic Materials—EPA-Regulated Facilities

The U.S. Environmental Protection Agency's (EPA's) Envirofacts web site presents information from several regulatory agencies and databases, including those for EPA, California Department of Toxic Substances Control (DTSC), and Office of Emergency Services (OES), and contains a variety of environmental information maintained by EPA, such as the locations of releases of more than 650 toxic chemicals. Information includes facilities that handle or transport hazardous material, have released toxic materials, or generate toxic waste. According to the EPA's Envirofacts database, the Planning Area includes the following:

- Boota Singh, 3025 Corinne Court – Hazardous Waste Transporter;
- Harjit S. Janda, 9800 Garnet Court – Hazardous Waste Collector and Transporter;
- Pacific Bell, 9945 Larkin Road – Small Quantity Generator (generates between100 and 1,000 kilograms of hazardous waste per month); and
- Live Oak Garage, 9979 Highway 99 – Small Quantity Generator.

Hazardous and Toxic Materials – Leaking Underground Storage Tanks

The RWQCB Division of Water Quality manages an Underground Storage Tank Program to protect public health and safety and the environment from releases of petroleum and other hazardous substances from leaky tanks. The RWQCB provides assistance to local agencies enforcing UST requirements. The Sutter County Department of Agriculture Underground Hazardous Material Storage Tank Program manages the inspection of all County USTs (Sutter County 2008c).

The RWQCB's GeoTracker website is a database and geographic information system that provides online access to track regulatory data about leaking underground storage tanks. Table 4.15-1 details the site, location, potential contaminates, potential media, and cleanup status of leaking underground storage tanks located within the Planning Area.

Table 4.15-1
Hazardous and Toxic Materials Sites – Leaking Underground Storage Tanks

Site Name	Address	Potential Contaminant(s) of Concern	Potential Media Affected	Cleanup Status
C. J.'s Service Center	9988 Broadway Street	Solvents; Motor, Hydraulic, and Lubricating Oil Waste	Aquifer used for Drinking Water Supply	Open – Site Assessment as of 8/12/2005
Bihlman Property	8880 Larkin Road	Gasoline	Soil	Open – Site Assessment as of 9/16/2005
Birla Tires	10019 Live Oak Boulevard	Gasoline	Aquifer used for Drinking Water Supply	Open – Verification Monitoring as of 3/26/2007
East 99 Service Station	10046 Live Oak Highway	Gasoline	Aquifer used for Drinking Water Supply	Open – Remediation as of 5/6/2005
Live Oak High School	2201 Pennington Road	Gasoline	Aquifer used for Drinking Water Supply	Completed – Case Closed as of 7/26/2006
Tiff's Market	9881 Live Oak Boulevard	Gasoline	Aquifer used for Drinking Water Supply	Open – Site Assessment as of 8/6/2004
Southern Pacific – Live Oak	Larkin Road	Lead	Soil	Completed – Case Closed as of 1/1/1989
More for Less	10020 Live Oak Boulevard	Gasoline	Aquifer used for Drinking Water Supply	Open – Site Assessment as of 5/22/2007

Source: Geotracker 2009

Agricultural Chemical Use

Agriculture (including orchards and rural residences) is the predominant land use in the undeveloped portions of the Planning Area. Pesticides and other chemicals are often applied in agricultural areas, and can potentially present a public health hazard. The Sutter County Department of Agriculture, Pesticide Use Enforcement Division regulates pesticide use within the County. The program focuses on ensuring safe working conditions for agricultural and pest control workers. The program also includes pesticide use reporting, incident investigations, outreach activities promoting best management practices, and monitoring applications in the field (Sutter County 2008d).

TRANSPORTATION OF HAZARDOUS AND TOXIC MATERIALS

Highways and railroads represent risks associated with accidents resulting in potential releases of hazardous materials that could injure persons or damage structures on nearby lands. Land use hazards associated with transport of hazardous cargo exist in the Planning Area because State Route (SR) 99 and the Union Pacific Railroad (UPRR) are considered major transportation routes that pass through the area, and a wide range of hazardous cargo is regularly transported along these routes. Types of hazardous cargo regularly transported out of, into, and through Live Oak by highway or railroad include flammable liquids, corrosive materials, compressed and/or poisonous gases, explosives, flammable solids, and irritating materials. The railroad line typically carries

oil tankers and lumber, and some gases. There have been no railroad crashes or spills in the past seven years (Takhar, pers. comm., 2008).

Some potential exists for spills of flammable liquids after a highway or railway mishap, subsequent ignition of the liberated contents, and possible human casualties and/or property damage in the path of the burning liquid. Burning spillage can also drain into nearby streams and drainage facilities (e.g., roadside storm drains), spreading fire and increasing the area of contamination.

Data from 2007 indicates that SR 99 accommodates approximately 14,900 daily vehicle trips north, and 19,000 daily vehicle trips south of Encinal Road (just south of the Planning Area). Truck traffic makes up approximately 9.2 % of the total traffic on SR 99 in the Live Oak area (Caltrans 2007a).

UPRR railroad tracks extend through the center of the Planning Area. This rail line supports approximately 20 train trips per day.[2] According to statistics for the UPRR railroad line from the Federal Railroad Administration, Office of Safety Analysis, rail accidents over the UPRR system as a whole have been decreasing over time (1,808 incidents in 1999 and 1,136 incidents in 2007). The UPRR railroad line operates 32,426 miles of track as of 2005 and reported 1,136 train accidents in 2007, with four accidents resulting in a release of hazardous material (Wikipedia 2008, Federal Railroad Administration 2008). These statistics indicate that the annual likelihood of a railroad accident along any given mile of UPRR railroad would be approximately 3.5% or a frequency of approximately one accident every 29 years. Although the likelihood for railway accidents is present, the 2007 statistics indicate that injury and death related to these accidents are rare; with fatalities occurring in approximately 3.1% of the recorded accidents (Federal Railroad Administration 2008).

There are several natural gas transmission lines in the Live Oak area. One transmission line enters the area from the north under SR 99, continues under Nevada Street from the north end of the city to Larkin Road, continues south down Larkin Road to SR 99 at the south end of the city, and continues south out of the area under SR 99. A spur of transmission line traverses from this line east under Pennington Road from Larkin Road to Metteer Road. Another transmission line traverses the southwest portion of the Planning Area from northwest to southeast. Other high-pressure gas distribution lines are present throughout the City. The California Public Utilities Commission regulates the siting and operation of natural gas transmission lines.

WILDFIRE RISK AREAS

Areas at risk for extreme wildfires are designated by CAL FIRE as those lands where dense vegetation with severe burning potential prevails.

The term “wildfire” refers to fires that usually result from the ignition of dry grass, brush, or timber. Wildfires commonly occur in areas that are characterized by steep, heavily vegetated hillsides, which make suppression of the fire difficult. Wildfires play an important role in the ecology of many natural habitats; however, as urban development moves into areas susceptible to wildfire hazards, risks to human safety and property increase.

To describe an area where urban development has been located in proximity to open space, or wildland areas, the term urban-wildland interface is commonly used. The most common type of urban-wildland interface results when development occurs immediately adjacent to wildland vegetation. Other interface conditions can be created when urban development is intermixed with wildland vegetation or when pockets of wildland vegetation occur inside developed areas. Fires that occur within the urban-wildland interface areas affect natural resources as well as life and property.

According to data from CAL FIRE, the Planning Area is not designated as a very high threat for fire hazards (CAL FIRE 2009).

[2] The Noise background report prepared to support the 2030 General Plan reported 21 daily operations.

AIRPORTS

The Planning Area is not subject to any Airport Land Use plans, and there are no private airstrips in the planning area (Cook, pers. comm., 2008). This topic will not be further discussed in this EIR.

4.15.3 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

METHODOLOGY

This analysis considers the range and nature of foreseeable hazardous materials use, storage, and disposal resulting from implementation of the 2030 General Plan, and identifies the primary ways that these hazardous materials could expose individuals or the environment to health and safety risks. As discussed in Section 4.15.1, "Regulatory Framework," compliance with applicable federal, state, and regional and local health and safety laws and regulations by residents and businesses in the City would protect the health and safety of the public. State and local agencies are required to enforce applicable requirements. In determining the level of significance, the analysis assumes that development would comply with relevant federal, state, regional, and local ordinances and regulations.

The range and types of uses accommodated under the 2030 General Plan can be identified only in very general terms. The nature of general plans, consistent with state law and common practice, is that specific land uses are not identified. Rather, categories of land use are defined that would allow a wide range of specific uses. The specific types of businesses allowed in commercial and mixed use land use designations, for example, and whether or not they would generate or use hazardous materials is not knowable. Businesses such as gasoline service stations and dry cleaners are some of the most common retail operations which typically use hazardous materials (motor fuels and solvents, respectively), but other possible commercial and industrial uses could potentially use a range of oils and lubricants, solvents, fertilizers, pesticides and herbicides, and other chemicals and materials in liquid, solid, or gas form. Future development in the Planning Area could involve a variety of land uses, including residences, commercial uses, industrial uses, community uses, office space, and public services facilities (i.e., educational and institutional uses). As a result, this analysis assumes and evaluates a broad range of potential uses that could handle hazardous materials, and a broad range of potential hazardous materials that could be used.

This analysis is limited to a qualitative evaluation of impacts associated with the potential presence of hazardous materials or hazards in the Planning Area, and an evaluation of the extent to which the 2030 General Plan would allow industrial uses and other uses which commonly employ or generate hazardous materials or waste in their production processes. A preliminary review of environmental risk databases was conducted, but this analysis did not include any sampling, site specific review, laboratory analysis, or inspection of buildings or site surfaces. Site specific investigation for projects developed under the General Plan will be required to address hazardous materials conditions. For example, Phase I environmental site assessments would be required for specific projects pursuant to California Government Code Section 65962.5, and if this assessment indicates the presence or likely presence of contamination, Phase II soil/groundwater testing and remediation could be required before development on a site-specific basis.

THRESHOLDS OF SIGNIFICANCE

Based on Appendix G of the State CEQA Guidelines, a hazards and hazardous materials impact is considered significant if the proposed project would:

- create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;

- 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;
- emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
- be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment;
- impair implementation of or physically interfere with an adopted emergency-response plan or emergency-evacuation plan; or
- 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.

There are no airports or private airstrips within the Planning Area, and the Planning Area is not subject to any airport land use plans. Therefore, potential safety hazards related to operation of airports or private airstrips are not evaluated further in this EIR. The Planning Area does not include any areas of moderate, high, or very high fire hazard severity zones (CAL FIRE 2009). Therefore, potential safety hazards related to wildland fires are not evaluated further in this EIR.

IMPACT ANALYSIS

IMPACT 4.15-1 Routine Transport, Use, or Disposal of Hazardous Materials. *Future population growth during buildout of the 2030 General Plan would result in an increase in the routine transport, use, and/or disposal of hazardous materials, which could result in exposure of such materials to the public through either routine use or accidental release. Implementation of proposed 2030 General Plan policies, in combination with existing regulations, would reduce the potential impacts related to the routine transportation of hazardous materials. This impact would be less than significant.*

Land uses and development consistent with the 2030 General Plan would allow development of new residential, commercial, and industrial uses. New residential development would result in increased use, storage, and disposal of household hazardous materials. New commercial and industrial development would also result in increased use, storage, and/or disposal of hazardous materials during routine operations. Of particular concern are facilities with USTs or other methods of storage that could accidentally leak into the soil, water, or air. Specific examples of such facilities include gas stations, automotive repair shops, and dry cleaners. In addition, groundwater could become contaminated from these impairments.

The amount of hazardous materials transported through the Planning Area on main local and regional routes, the UP railroad, and state routes (i.e., SR 99) is likely to increase as a result of new development allowed by the 2030 General Plan and region growth. With additional development anticipated under the 2030 General Plan along the abovementioned major transportation corridors, more people would be potentially exposed to toxic spills or releases under buildout conditions compared to existing conditions. In addition, several natural gas transmission and distribution lines are present in the Planning Area.

Transportation of hazardous materials on area roadways is regulated by CHP and Caltrans, and use of these materials is regulated by DTSC, as outlined in Title 22 of the California Code of Regulations (CCR). USDOT (through the Hazardous Materials Transportation Act), and other regulatory agencies (including the California Public Utilities Commission for natural gas transmission lines) provide standards designed to avoid releases including provisions regarding securing materials and container design. Facilities developed under the General Plan that would use hazardous materials on-site would be required to obtain permits and comply with appropriate regulatory agency standards designed to avoid hazardous waste releases and protect the public health.

Relevant Policies and Programs of the 2030 General Plan

The following 2030 General Plan policies would address the routine transport of hazardous materials:

- **Policy PS-3.2:** The City will add a section to the emergency response plan on railroad safety to address potential releases related to accidents or spills of hazardous substances, such as gasoline, diesel, or transported hazardous materials/hazardous wastes.

- **Policy PS-4.1:** The City, through its discretionary review authority, will assess potential risks associated with hazardous materials used, stored, transported, and disposed, and ensure they are handled in a safe manner and in compliance with local, state, and federal safety standards.

Conclusion

Projects potentially developed under the General Plan that would involve the use, transport, and disposal of hazardous materials are subject to regulations that are designed to protect the public health. The above 2030 General Plan policies also require consideration of hazardous materials issues in the land use planning process. Implementation of current state and federal regulations, as well as the policies of the 2030 General Plan may not prevent all potential releases of hazardous materials but would serve to minimize both the frequency and the magnitude, if such a release occurs. In combination with existing federal and state regulations, these policies would also reduce the potential impacts of the routine transportation of hazardous materials in the Planning Area. This impact would be **less than significant**.

Mitigation Measure

No mitigation beyond existing hazardous materials regulations and the 2030 General Plan policies and programs is required.

IMPACT 4.15-2 Interference with an Adopted Emergency-Response Plan. *Implementation of the proposed 2030 General Plan would create additional traffic and residences requiring evacuation in case of an emergency. Implementation of proposed policies would ensure conformance with countywide emergency-response programs and continued cooperation with emergency-response service providers. This impact would be less than significant.*

An efficient roadway and circulation system is vital for the evacuation of residents and the mobility of fire suppression, emergency response, and law enforcement vehicles. Implementation of the 2030 General Plan would create additional traffic and develop new residences requiring evacuation in case of an emergency.

The Sutter County Community Services Department, Emergency Services Program oversees the development, establishment, and maintenance of programs and procedures to protect lives and property of county residents from the effects of natural or human-caused disasters. Also, the City of Live Oak participates in the County's Multi-Hazard Mitigation Plan to prevent hazards and emergencies.

Relevant Policies and Programs of the 2030 General Plan

The following 2030 General Plan policies would ensure conformance with local emergency-response programs and continued cooperation with emergency-response service providers:

- **Policy PS-3.1:** The City shall maintain and update the City's emergency response plan, as needed, and ensure ongoing consistency with the General Plan.

- **Policy PS-3.3:** The City will maintain mutual aid agreements with other agencies in Sutter County.

- **Policy PS-3.4:** The City will coordinate with the County Office of Emergency Services to identify and establish evacuation routes and operational plans to be used in case of dam failure, flood disaster, and fire. The City will provide relevant outreach to residents and businesses regarding evacuation routes for each hazard type.

- **Policy PS-3.5:** The City will require development and maintenance of a road system that provides adequate access for emergency equipment.

Conclusion

Implementation of these General Plan policies would ensure that future development would not interfere with emergency response plans. This impact would be **less than significant**.

Mitigation Measure

No mitigation beyond existing regulations and the 2030 General Plan policies and programs is required.

IMPACT 4.15-3 **Public Health Hazards from Project Development on a Known Hazardous Materials Site Compiled Pursuant to Government Code Section 65962.5.** *Several sites within the Planning Area are listed on the Cortese List as known hazardous materials sites. Implementation of the proposed project could expose construction workers to hazardous materials from these sites during construction activities, and hazardous materials on-site could create an environmental or health hazard if left in place. This impact would be less than significant.*

Review of the Cal/EPA databases indicates that a number of sites within the City of Live Oak and the Planned Growth Area are listed on the Cortese List developed according to Government Code Section 65962.5.[3] Activities at these sites may have resulted in contamination of soil and groundwater. During construction activities and demolition, construction workers could come into contact with, and be exposed to, hazardous materials present in on-site soil or groundwater. Further, the presence of contamination in on-site soils or groundwater could create a significant environmental or health hazard if left in place.

Relevant Policies and Programs of the 2030 General Plan

The following 2030 General Plan policies would address Cortese-listed sites:

- **Policy PS-4.3:** The City will coordinate with appropriate federal, state, and regional agencies to address local sources of groundwater and soil contamination, including underground storage tanks, septic tanks, agriculture, and industrial uses.

- **Policy PS-4.5:** The City will support efforts to identify and remediate soils and groundwater contaminated with toxic materials, and to identify and eliminate sources contributing to such contamination.

Conclusion

The above 2030 General Plan policies and current regulations would not absolutely prevent exposure to hazardous materials, but would use existing facility information to identify areas of hazardous materials use. In combination with existing federal and state regulations pertaining to hazardous site cleanup, these policies would also reduce the potential impacts of development on listed hazardous materials sites in the Planning Area under the 2030 General Plan. This impact would be **less than significant**.

[3] California Environmental Protection Agency, *Cortese List Data Resources*, online. Available at http://www.calepa.ca.gov/SiteCleanup/CorteseList/default.htm. Accessed July 8, 2009.

Mitigation Measure

No mitigation beyond existing regulations and the 2030 General Plan policies and programs is required.

IMPACT 4.15-4 **Emission or Handling of Hazardous or Acutely Hazardous Materials, Substances, or Waste within One-Quarter Mile of an Existing or Proposed School**. *Implementation of the 2030 General Plan could result in development of uses that would emit or handle hazardous waste in proximity to new or existing This impact would be* ***less than significant****.*

Because the proposed land uses identified in the 2030 General Plan are generally conceptual, it cannot be demonstrated that the necessary distance would be implemented between incompatible land uses and the potential school sites. One proposed Civic Center location includes an area within ¼ mile of an area designated for industrial use. However, the California Department of Education enforces school siting requirements, and new facilities would not be constructed within ¼ mile of facilities emitting or handling materials based on these requirements. Furthermore, permitting requirements for individual hazardous material handlers or emitters, including enforcement of Public Resources Code Section 21151.4, would require evaluation and notification where potential material handling and emission could occur in proximity to schools.

Relevant Policies and Programs of the 2030 General Plan

- **Policy Air-3.1:** Development of sensitive uses (such as residences and schools) shall be located an adequate distance from existing and potential sources of air pollutant emissions (including TACs), such as SR 99.
- **Policy Air-3.2:** The City will ensure that industrial, manufacturing, and processing facilities that may produce toxic or hazardous air pollutants are located at an adequate distance from residential areas and other sensitive receptors, taking into consideration weather patterns, the quantity and toxicity of pollutants emitted, and other relevant parameters.
- **Policy Air-3.3:** The City will coordinate with the Feather River Air Quality Management District to identify sources of TACs and determine the need for health risk assessments for proposed development.

Conclusion

The 2030 General Plan policies address siting of sensitive receptors, such as schools, relative to potential hazards. In addition, enforcement of California Department of Education school siting regulations, permitting requirements for individual hazardous material handlers and emitters, and enforcement of Public Resources Code Section 21151.4 during project-level environmental review would prevent future conflicts between hazardous materials handling and emissions and schools. This impact would be **less than significant.**