This section describes the physical setting, hazards assessment, hazardous material sites, fire hazards, regulatory setting, and impacts that are expected related to hazards and hazardous materials. This section is based in part on the following documents, reports, and studies:

- *Cortese List Data Resources* (Cal EPA, 2019);
- *Draft Master Environmental Impact Report General Plan and Development Code Update, City of Fresno, Fresno County, California* (City of Fresno, 2014);
- *Fresno General Plan Public Review Draft Program Environmental Impact Report* (City of Fresno, 2020);
- *Envirostor Data Management System* (California DTSC, 2019);
- *Fresno County Airport Land Use Compatibility Plan* (Fresno County Airport Land Use Commission, 2018).
- *Fresno General Plan* (City of Fresno, 2014);
- *Fresno Municipal Code* (City of Fresno, 2007);
- *GeoTracker* (California State Water Resources Board, 2019); *and*
- *Web Soil Survey (NRCS, 2019).*

One comment was received during the public review period for the Notice of Preparation regarding this topic from Cathy Caples (August 2019). The portion of this comment letter which relates to this topic is addressed within this section. Full comments received are included in Appendix A.

3.8.1 ENVIRONMENTAL SETTING

PHYSICAL SETTING

Project Location

The Plan Area is triangular in shape and located west of State Route 99. It is bounded on the south by West Clinton Avenue, and to the west by Grantland and Garfield Avenues. The Plan Area includes the southwest portion of Highway City adjacent to State Route 99. See Figure 2.0-1 for the regional location map and Figure 2.0-2 for the Plan Area vicinity map. Figures 2.0-1 and 2.0-2 found in Section 2.0 illustrate the regional location and vicinity map.

Existing Site Uses

Large portions of the Plan Area are improved with existing residential, public facilities, commercial, mixed use, undeveloped rural land, and agricultural uses. These uses are spread throughout the entire Plan Area. Agricultural uses are primarily located in the western portion of the Plan Area. The developed uses are aggregated in the central and eastern portions of the Plan Area.

A portion of the Plan Area is located within the City of Fresno City limits, and a portion is within unincorporated Fresno County (within the City's Sphere of Influence [SOI]). The City of Fresno General Plan designates the existing Plan Area as: Low Density Residential, Medium Low Density Residential, Medium Density Residential, Urban Neighborhood Residential, High Density Residential, Community Commercial, General Commercial, Recreation Commercial, Office, Business Park, Light

Industrial, Corridor/Center Mixed Use, Regional Mixed Use, Community Park, Open Space – Ponding Basin, Neighborhood Park, Open Space, Public/Quasi-Public Facility, Special School, Elementary School, Elementary, Middle & High School, and High School. See Figure 2.0-4 for the existing City General Plan land use designations.

Existing Surrounding Uses

Existing surrounding land uses include State Route 99; the historic communities of Herndon and Highway City; incorporated areas of the City of Fresno to the northeast; incorporated areas of the City of Fresno to the east (including mostly industrial uses); unincorporated Fresno County and incorporated areas of the City of Fresno to the south (including farmland uses, rural residential uses, low density residential uses, and underutilized parcels); and unincorporated Fresno County to the west (including farmland and rural residential uses).

Site Topography

The Plan Area is relatively flat with natural gentle slope near State Route 99. The Plan Area topography ranges in elevation from approximately 283 to 315 feet above mean sea level. A large amount of land in the Plan Area is farmland or rural residential lots with large, uneven, and underutilized parcels.

Site Soils

A Web Soil Survey was completed for the Plan Area using the Natural Resources Conservation Service (NRCS) Web Soil Survey program. The NRCS Soils Map is provided in Figure 3.8-1. Table 3.8-1 identifies the type and range of soils found in the Plan Area.

TABLE 3.8-1: PLAN AREA SOILS

NAME	*ACRES IN PLAN AREA*	*PERCENT OF PLAN AREA*
Exeter loam	215.7	3.1%
Exeter sandy loam	1,227.6	17.5%
Exeter sandy loam, shallow	150.2	2.1%
Hanford gravelly sandy loam	15.0	0.2%
Hanford sandy loam, benches	17.3	0.2%
Hesperia fine sandy loam, moderately deep	1.7	0.0%
Pollasky fine sandy loam, 2-9% slopes	2.6	0.0%
Pollasky sandy loam, 9-15% slopes	5.3	0.1%
San Joaquin loam, 0-3% slopes	213.4	3.0%
San Joaquin loam, shallow, 0-3% slopes	757.6	10.8%
San Joaquin sandy loam, 0-3% slopes, MLRA 17	1,523.4	21.7%
San Joaquin sandy loam, shallow, 0-3% slopes	2,872.8	41.0%
Water	12.1	0.2%

SOURCE: NRCS WEB SOIL SURVEY, 2019.

HAZARDS ASSESSMENT

For the purposes of this EIR, "hazardous material" is defined as provided in California Health & Safety Code, Section 25501:

- 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 that 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 waste" is a subset of hazardous materials. For the purposes of this EIR, the definition of hazardous waste is essentially the same as that in the California Health & Safety Code, Section 25517, and in the California Code of Regulations (CCR), Title 22, Section 66261.2:

- Hazardous wastes are wastes that, because of their quantity, concentration, 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.

CCR Title 22 categorizes hazardous waste into hazard classes according to specific characteristics of ignitibility, corrosivity, reactivity, or toxicity. Hazardous waste with any of these characteristics is also known as a Resource Conservation and Recovery Act (RCRA) waste.

Hazardous materials can be categorized as hazardous non-radioactive chemical materials, radioactive materials, toxic materials, and biohazardous materials. The previous definitions are adequate for non-radioactive hazardous chemicals. Radioactive and biohazardous materials are further defined as follows:

- Radioactive materials contain atoms with unstable nuclei that spontaneously emit ionizing radiation to increase their stability.
- Radioactive wastes are radioactive materials that are discarded (including wastes in storage) or abandoned.
- Toxic wastes are harmful or fatal when ingested or absorbed (e.g., containing mercury, lead). When toxic wastes are land disposed, contaminated liquid may leach from the waste and pollute groundwater.
- Biohazardous materials include materials containing certain infectious agents (microorganisms, bacteria, molds, parasites, and viruses) that cause or significantly contribute to increased human mortality or organisms capable of being communicated by invading and multiplying in body tissues.

- Medical wastes include both biohazardous wastes (byproducts of biohazardous materials) and sharps (devices capable of cutting or piercing, such as hypodermic needles, razor blades, and broken glass) resulting from the diagnosis, treatment, or immunization of human beings, or research pertaining to these activities.

There are several categories of hazardous materials and hazardous wastes that could be found on any given property based on past uses. Some common examples include agrichemicals (chlorinated herbicides, organophosphate pesticides, and organochlorine pesticides, such as such as Mecoprop (MCPP), Dinoseb, chlordane, dichloro-diphenyltrichloroethane (DDT), and dichloro-diphenyl-dichloroethylene (DDE)), petroleum based products (oil, gasoline, diesel fuel), a variety of chemicals including paints, cleaners, and solvents, and asbestos-containing or lead-containing materials (e.g., paint, sealants, pipe solder).

"Recognized Environmental Conditions" is one of the terms used to identify environmental liability within the context of a Phase I Environmental Sites Assessment (ESA). The American Society for Testing and Materials (ASTM) defines the recognized environmental condition in the E1527-13 standard as "the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. De minimis conditions are not recognized environmental conditions."

Adjoining Properties

The Plan Area is bounded on the north and east by Highway 99, to the south by West Clinton Avenue, and to the west by Grantland and Garfield Avenues.

Historical Use Information

Historical information was reviewed to develop a history of the previous uses within the Plan Area and surrounding area, in order to evaluate the Plan Area and adjoining properties for evidence of environmental concerns. Standard historical sources reviewed during the preparation of this report included the following, as available:

ENVIRONMENTAL RECORDS AND DATABASES

De Novo Planning Group performed a search of local, state, and federal agency databases for the Plan Area and known contaminated sites in the vicinity.

The USEPA Toxic Release Inventory (TRI) does not list data on disposal or other releases of toxic chemicals in the Plan Area (USEPA, 2017). The nearest TRI site is located east of the Union Pacific Railroad tracks, along North Brawley Avenue.

The California Department of Toxic Substances Control (DTSC) maintains the *Envirostor Data Management System*, which provides information on hazardous waste facilities (both permitted and corrective action) as well as any available site cleanup information. There are four sites listed in the database within the Plan Area:

- West Shields Elementary School: This site is located at 4108 Shields Avenue, and is a part of the DTSC – Site Cleanup Program. The cleanup status is active as of 1/4/2017. A Phase 1 assessment was completed on this site on January 4, 2017. Past uses that caused contamination are not specified. The Potential materials (e.g. soil, water, etc.) affected were also not specified.

- Golden State Ranch Property: This site is located at Ashlan Avenue and Grantland Avenue, and the DTSC is the oversight agency for this site. The cleanup status is active as of 2/27/2002. Past uses that caused contamination include agricultural – row crops. No contaminants were found at this site.

- Parc West Development: This site is located at the intersection of Shields, Grantland, Garfield, and Gettysburg avenues. The cleanup status is currently inactive. Past uses that caused contamination included agricultural – orchard and agricultural – row crop uses. Potential contaminants of concern are under investigation, and the potential materials affected are soils.

The Solid Waste Information System (SWIS) is a database of solid waste facilities that is maintained by the California Integrated Waste Management Board (CIWMB). The SWIS data identifies active, planned and closed sites. The Plan Area does not have any active or planned solid waste facilities listed in the database.

There is a broad list of federal and state databases that provide information for sites with varying potential for risk from the possible existence of hazardous materials. There are numerous redundancies among these various database listings. Below is a brief summary of each.

National Priorities List: The National Priorities List (NPL) of Superfund Sites and Proposed NPL Sites is USEPA's database of more than 1,200 sites designated or proposed for priority cleanup under the Superfund program. NPL sites may encompass relatively large areas. No site listed in this database is located within the Plan Area. The closest site listed in this database is the Fresno Municipal Sanitary Landfill, located south of SR 180.

RCRIS System: The Resource Conservation and Recovery Information System (RCRIS) is a USEPA database that includes selective information on sites that generate, transport, store, treat, and/or dispose of hazardous waste as defined by RCRA. Identification on this list does not indicate that there has been an impact on the environment. No portion of the Plan Area is listed in this database.

CORRACTS: Corrective Action Report (CORRACTS) is a USEPA database that identifies hazardous waste handlers with RCRA corrective action activity. No portion of the Plan Area is listed in this database.

PADS System: PCB Activity Database System (PADS) is a USEPA database that identifies generators, transporters, commercial storers, and/or brokers and disposers of polychlorinated biphenyls (PCBs) who are required to notify USEPA of such activities. No portion of the Plan Area is listed in this database.

Cortese Database: The Cortese database identifies public drinking water wells with detectable levels of contamination, hazardous substance sites selected for remedial action, sites with known toxic material identified through the abandoned site assessment program, sites with underground storage tanks (USTs) having a reportable release, and all solid waste disposal facilities from which there is known hazardous substance migration. The source of this database is the California Environmental Protection Agency (Cal EPA). No portion of the Plan Area is listed in this database.

GeoTracker: GeoTracker provides online access to environmental data and is the interface to the Geographic Environmental Information Management System, a data warehouse which tracks regulatory data about underground fuel tanks, fuel pipelines, and public drinking water supplies. GeoTracker has replaced past databases, such as the Leaking Underground Storage Tank Information System and the Underground Storage Tank (UST) database. Information on hazardous material sites provided by the GeoTracker database is provided in greater detail below.

Hazardous Material Sites

As noted above, the State of California Hazardous Waste and Substances Site List (also known as the "Cortese List") is a planning document used by the state, local agencies, and developers to comply with the California Environmental Quality Act (CEQA) requirements for providing information about the location of hazardous materials sites. Government Code Section 65962.5 requires Cal EPA to annually update the Cortese List. DTSC is responsible for preparing a portion of the information that comprises the Cortese List. Other state and local government agencies are required to provide additional hazardous material release information that is part of the complete list.

Searches of the GeoTracker database identified one active and one inactive hazardous material sites located within the Plan Area known to handle and store hazardous materials that are associated with a hazardous material related release or occurrence. The terms "release" or "occurrence" include any means by which a substance could harm the environment: by spilling, leaking, discharging, dumping, injecting, or escaping.

Table 3.8-2 displays the known hazardous material sites located within the Plan Area with a description of the type, status, and address. As shown, one active and one inactive site are located within the Plan Area, with the remaining sites are designated as completed, no action required, no further action, or not specified.

TABLE 3.8-2: GEOTRACKER KNOWN HAZARDOUS MATERIAL RELEASE SITES WITHIN THE PLAN AREA

SITE NAME	*TYPE*	*STATUS*	*ADDRESS*
7-Eleven #24180	LUST Cleanup Site	Completed	426 West Ashlan Avenue
AT&T California – SBR29	Permitted UST	--	4309 North Polk Avenue
Chevron #9-9093	LUST Cleanup Site	Completed	3996 Parkway Drive North
Di Redo Dry Yard	LUST Cleanup Site	Completed	6150 Shaw Avenue West
EZ Trip	LUST Cleanup Site	Completed	6639 Parkway Drive North
Former Sieberts' Oil Company	LUST Cleanup Site	Completed	2837 North Parkway Drive
Fresno Gas & Liquor	Permitted UST	--	3110 West Shields Avenue
Golden State Ranch Property	School Investigation	No Action Required	Ashlan Avenue/Grantland Avenue
Johnny Quik #175	Permitted UST	--	4395 West Ashlan Avenue
Jura Farms, Inc.	LUST Cleanup Site	Completed	5545 Dakota West
Moore Truck Lines	LUST Cleanup Site	Completed	3693 Parkway North
Parkway Mini-Mart	Permitted UST	--	
Proposed Constance-Sierra Elementary School	School Investigation	No Further Action	Northeast Corner of Constance and Sierra Avenues
Quick 'N' E-Z #19	Permitted UST	--	
Siebert's Oil Company	LUST Cleanup Site	Completed	2837 Parkway Drive North
Shop N Go, #607	Permitted UST	--	4245 West Ashlan
Sugahara Farm	LUST Cleanup Site	Completed	4108 Shields Avenue West
Vallee Food Store	LUST Cleanup Site	Completed	2414 Marks North
Westlake Proposed 430 Acre Development	Voluntary Cleanup	Inactive	Bounded by Shields, Grantland, Garfield, and Gettysburg
West Shields Elementary School	School Investigation	Active	4108 Shields Avenue

SOURCE: STATE WATER RESOURCES CONTROL BOARD GEOTRACKER (2019).

NOTE: -- = NOT SPECIFIED WITHIN THE GEOTRACKER DATABASE.

The **West Shields Elementary School** site has an active permitted underground storage tank (UST). The permitting agency for this site is the DTSC. On January 4, 2017, DTSC received the Phase I for review. This site is currently a vacant lot with native grasses. The site has been used for agricultural purposes from at least 1937 through at least 1998. Multiple structures were formerly located at the site. In 1993, remediation of petroleum hydrocarbon-impacted soil was performed after removing a 500-gallon single-walled gasoline UST from the site. In addition, a water well was observed within the southwest quadrant of the site. The Phase I concludes that the only recognized environmental condition (REC) at the site is the potential application of persistent herbicides and pesticides due to the historical agricultural use of the site. The Phase I identifies the UST removal activities as a historical REC and indicates that no additional investigation appears warranted at this time. Moreover, the Phase I identifies the following Site Development Issues: the potential presence of septic systems likely associated with the water well and the former on-site structures. The Phase I recommends properly abandoning and/or destroying the septic system and water well in accordance with all applicable state and local guidelines. On January 18, 2017, based on the provided information, DTSC determined that a Preliminary Environmental Assessment (PEA) is needed for the site. On August 4, 2017, DTSC conducted a site walk-through with the District and their consultant followed by the PEA scoping meeting. DTSC received the draft PEA Workplan on May 7, 2018 and issued comments on May 25, 2018. DTSC received the draft final PEA Workplan on June 23, 2018 and issued and approval letter or July 23, 2018. On September 4, 2018, DTSC conducted oversight

of the PEA fieldwork. DTSC received the draft PEA Report on 11 December 2018 and issued comments in a letter dated January 11, 2019. No subsequent information is available for the site.

The Inactive **Westlake Proposed 430 Acre Development** site is a voluntary (inactive) cleanup site. The DTSC is the lead agency for the site. A Preliminary Endangerment Assessment was planned for this former agricultural property. The site is proposed as a Planned Residential Community. The DTSC had a Voluntary Cleanup Agreement with the applicant for the Planned Residential Community. Potential media affected includes soils. Potential contaminants of concern are under investigation. Should the site be developed in the future, future cleanup activities would be required prior to development on this site, as applicable.

Emergency Response

The City of Fresno Fire Department provides fire prevention, suppression and investigation services, airport fire and rescue, urban search and rescue, response to medical emergencies (EMS), and response to hazardous materials incidents. The FFD service areas consists of the City of Fresno, and also includes extra-territorial services via contracts to provide services to the Fig Garden Fire Protection District, Fresno Yosemite International Airport, and surrounding areas through mutual aid and automatic aid requests.

Transportation of Hazardous Materials

The nearest roadway and transportation route approved for the transportation of explosives, poisonous inhalation hazards, and radioactive materials in the city is State Route 99.

WILDFIRE HAZARDS

Wildfires are a major hazard in the State of California. Wildfires burn natural vegetation on developed and undeveloped lands and include timber, brush, woodland, and grass fires. While low intensity wildfires have a role in the County's ecosystem, wildfires put human health and safety, structures (e.g., homes, schools, businesses, etc.), air quality, recreation areas, water quality, wildlife habitat and ecosystem health, and forest resources at risk.

Wildland fire hazards exist in varying degrees within the Plan Area. None of the Plan Area is located within or near to a State Responsibility Area (SRA). The Plan Area is located within a Local Responsibility Area (LRA). Most of the Plan Area is located in the "LRA Unzoned" Fire Hazard Severity Zone (FHSZ). However, small areas within the northern, central, and southern portions of the Plan Area are located in the "LRA Moderate" FHSZ. There are no very high fire hazard severity zones (VHFHSZ) located within or near the Plan Area.

3.8.2 REGULATORY SETTING

The following is an overview of the federal, State, and local regulations that are applicable to the proposed Specific Plan.

FEDERAL

The primary federal agencies that are responsible for overseeing regulations and policies regarding hazardous materials are the Environmental Protection Agency (EPA), Department of Labor Occupational Safety and Health Administration (OSHA), and the Department of Transportation (DOT). Several laws governing the transport, storage, and use of hazardous materials are governed by these agencies as well as oversight for contaminated sites cleanup. Federal laws and regulations that are applicable to hazards and hazardous materials are presented below.

Hazardous Materials Transportation Act

The Hazardous Materials Transportation Act, as amended, is the basic statute regulating hazardous materials transportation in the United States. The purpose of the law is to provide adequate protection against the risks to life and property inherent in transporting hazardous materials in interstate commerce. This law gives the U.S. Department of Transportation (USDOT) and other agencies the authority to issue and enforce rules and regulations governing the safe transportation of hazardous materials.

Resource Conservation and Recovery Act

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

The 1984 RCRA amendments provided the framework for a regulatory program designed to prevent releases from USTs. The program establishes tank and leak detection standards, including spill and overflow protection devices for new tanks. The tanks must also meet performance standards to ensure that the stored material will not corrode the tanks.

Comprehensive Environmental Response, Compensation, and Liability Act

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

Natural Gas Pipeline Safety Act

The Natural Gas Pipeline Safety Act authorizes the U.S. Department of Transportation Office of Pipeline Safety to regulate pipeline transportation of natural (flammable, toxic, or corrosive) gas and other gases as well as the transportation and storage of liquefied natural gas. The Office of Pipeline Safety regulates the design, construction, inspection, testing, operation, and maintenance of pipeline facilities. While the federal government is primarily responsible for developing, issuing, and enforcing pipeline safety regulations, the pipeline safety statutes provide for State assumption of the intrastate regulatory, inspection, and enforcement responsibilities under an annual certification. To qualify for certification, a state must adopt the minimum federal regulations and may adopt additional or more stringent regulations as long as they are not incompatible.

Toxic Substances Control Act

The Toxic Substances Control Act of 1976 provides the EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from Toxic Substances Control Act, including, among others, food, drugs, cosmetics and pesticides. The Toxic Substances Control Act addresses the production, importation, use, and disposal of specific chemicals including PCBs, asbestos, radon and lead-based paint.

Various sections of Toxic Substances Control Act 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 Toxic Substances Control Act 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 record-keeping 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 EPA, except where EPA has been adequately informed of such information. EPA screens all Toxic Substances Control Act b§8(e) submissions as well as voluntary "For Your Information" (FYI) submissions. The latter are not required by law, but are submitted by industry and public interest groups for a variety of reasons.

The Emergency Planning and Community Right-To-Know Act

The Emergency Planning and Community Right-To-Know Act (also known as Title III of the Federal Superfund Amendments and Reauthorization Act, or "SARA III") (42 United States Code 11001, et seq.), was established by the EPA to allow for emergency planning at the state and local level regarding chemical emergencies, to provide notification of emergency release of chemicals, and to address community right-to-know regarding hazardous and toxic chemicals. SARA III was designed to increase community access and knowledge about chemical hazards as well as facilitate the creation and implementation of state/Native American tribe emergency response commissions, responsible for coordinating certain emergency response activities and for appointing local emergency planning committees. Section 1910.1200(c) Title 29 of the CFR defines "chemicals or hazardous materials" for the purposes of SARA III.

Federal Insecticide, Fungicide, and Rodenticide Act

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 United States Code 136, et seq.) was originally passed in 1947. It has been amended several times, most extensively in 1972, and most recently by the Food Quality Protection Act of 1996. The purpose of FIFRA is to establish federal jurisdiction over the distribution, sale, and use of pesticides. It also gives EPA the authority to study the effects of pesticide use. Other key provisions of FIFRA require pesticide applicators to pass a licensing examination for status as "qualified applicators," create a review and registration process for new pesticide products, and ensure thorough and understandable labeling that includes instructions for use.

STATE

The primary state agencies that are responsible for overseeing regulations and policies regarding hazardous materials are the California Office of Emergency Services (OES), California Environmental Protection Agency (Cal-EPA), Department of Toxic Substances Control (DTSC), California Department of Transportation (Caltrans), California Highway Patrol (CHP), California Water Quality Control Board, and the California Air Resources Board. Several laws governing the generation, transport, and disposal of hazardous materials are administered by these agencies. State laws and regulations that are applicable to hazards and hazardous materials are presented below.

California Health and Safety Code

Cal-EPA has established rules governing the use of hazardous materials and the management of hazardous wastes. Many of these regulations are embodied in the California Health and Safety Code. The code includes regulations that govern safe drinking water, substances control, land reuse and revitalization, remediation, restoration, and methamphetamine contaminated cleanups.

California Hazardous Materials Release Response Plans and Inventory Program Business Plan

When hazardous materials are improperly handled or stored, they can result in a threat to employees, public health, and/or the contamination of the environment. State and Federal Community Right-to-Know laws were passed in 1984. These laws allow public access to information

about the types and amounts of chemicals being used at local businesses. The laws also require businesses to plan and prepare for a chemical emergency through the preparation of a Hazardous Materials Inventory that is certified annually and a Hazardous Materials Business Plan that is certified tri-annually. Businesses are inspected at least once every three years by a Certified Unified Program Agencies (CUPA) inspector to verify compliance with the California Health and Safety Code and California Code of Regulations.

A Business Emergency Response Plan and Inventory is required of any facility which handles hazardous materials or waste in amounts greater than:

- 55 gallons for liquids;
- 500 pounds for solids; or
- 200 cubic feet for compressed gases.

On October 8, 2011, Governor Brown signed Assembly Bill (AB) 408. AB 408 amends the Health & Safety Code Chapter 6.95, Section 25503.5 hazardous materials inventory reporting thresholds. With passage of this legislation, inventory reporting quantities were changed as follows:

1. For a solid or liquid hazardous material that is classified as a hazard solely as an irritant or sensitizer, the new reporting quantity is 5,000 pounds.
2. For a hazardous material that is a gas, at standard temperature and pressure, and for which the only health and physical hazards are simple asphyxiation and the release of pressure, the new reporting quantity is 1,000 cubic feet. (Reporting of gases in a cryogenic state remains unchanged).
3. For oil-filled electrical equipment that is not contiguous to an electrical facility, the new reporting quantity for the oil is 1,320 gallons.

California Code of Regulations Title 22 and Title 26

The California Code of Regulations (CCR) Title 22 provides state regulations for hazardous materials, and CCR Title 26 provides regulation of hazardous materials management. In 1996, Cal EPA established the "Unified Hazardous Waste and Hazardous Materials Management Regulatory Program" (Unified Program) which consolidated the six administrative components of hazardous waste and materials into one program.

California Government Code Section 65962.5

The provisions in Government Code Section 65962.5 are commonly referred to as the "Cortese List" (after the Legislator who authored the legislation that enacted it). The list, or a site's presence on the list, has bearing on the local permitting process as well as on compliance with CEQA. Government Code § 65962.5 was originally enacted in 1985, and per subsection (g), the effective date of the changes called for under the amendments to this section was January 1, 1992. While Government Code Section 65962.5 refers to the preparation of a "list," many changes have occurred related to web-based information access since 1992 and this information is now largely available on the Internet sites of the responsible organizations. Those requesting a copy of the

Cortese "list" are now referred directly to the appropriate information resources contained on the Internet web sites of the boards or departments that are referenced in the statute.

Section 65962.5(a)(1) requires that DTSC "shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all the following: ….(1) [a]ll hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code ("HSC")."

The hazardous waste facilities identified in HSC § 25187.5 are those where DTSC has taken or contracted for corrective action because a facility owner/operator has failed to comply with a date for taking corrective action in an order issued under HSC § 25187, or because DTSC determined that immediate corrective action was necessary to abate an imminent or substantial endangerment.

Occupational Safety and Health Act

The Occupational Safety and Health Act of 1970 (OSH Act) was passed to prevent workers from being killed or otherwise harmed at work. The law requires employers to provide their employees with working conditions that are free of known dangers. The OSH Act created the Occupational Safety and Health Administration (OSHA), which sets and enforces protective workplace safety and health standards. OSHA also provides information, training and assistance to employers and workers.

The California Division of Occupational Safety and Health, better known as Cal/OSHA, protects and improves the health and safety of workers in California and the safety of passengers riding on elevators, amusement rides, and tramways – through the following activities:

- Setting and enforcing standards;
- Providing outreach, education, and assistance; and
- Issuing permits, licenses, certifications, registrations, and approvals.

LOCAL

Fresno General Plan

The Fresno General Plan establishes the following objectives and policies directly related to hazards and hazardous materials.

NOISE AND SAFETY ELEMENT

Objective NS-4: Minimize the risk of loss of life, injury, serious illness, and damage to property resulting from the use, transport, treatment, and disposal of hazardous materials and hazardous wastes.

> **Policy NS-4-a:** Processing and Storage. Require safe processing and storage of hazardous materials, consistent with the California Building Code and Uniform Fire Code, as adopted by the City.

Policy NS-4-b: Coordination. Maintain a close liaison with the Fresno County Environmental Health Department, Cal-EPA Division of Toxics, and the State Office of Emergency Services to assist in developing and maintaining hazardous material business plans, inventory statements, risk management prevention plans, and contingency/emergency response action plans.

Policy NS-4-c: Soil and Groundwater Contamination Reports. Require an investigation of potential soil or groundwater contamination whenever justified by past site uses. Require appropriate mitigation as a condition of project approval in the event soil or groundwater contamination is identified or could be encountered during site development.

Policy NS-4-d: Site Identification. Continue to aid federal, State, and County agencies in the identification and mapping of waste disposal sites (including abandoned waste sites), and to assist in the survey of the kinds, amounts, and locations of hazardous wastes.

Policy NS-4-e: Compliance with County Program. Require that the production, use, storage, disposal, and transport of hazardous materials conform to the standards and procedures established by the County Division of Environmental Health. Require compliance with the County's Hazardous Waste Generator Program, including the submittal and implementation of a Hazardous Materials Business Plan, when applicable.

Policy NS-4-f: Hazardous Materials Facilities. Require facilities that handle hazardous materials or hazardous wastes to be designed, constructed, and operated in accordance with applicable materials and waste management laws and regulations.

Policy NS-4-g: Hazmat Response. Include policies and procedures appropriate to hazardous materials in the City's disaster and emergency response preparedness and planning, coordinating with implementation of Fresno County's Hazardous Materials Incident Response Plan.

Policy NS-4-h: Household Collection. Continue to support and assist with Fresno County's special household hazardous waste collection activities, to reduce the amount of this material being improperly discarded.

Policy NS-4-i: Public Information. Continue to assist in providing information to the public on hazardous materials.

Objective NS-5: Protect the safety, health, and welfare of persons and property on the ground and in aircraft by minimizing exposure to airport-related hazards.

Policy NS-5-a: Land Use and Height. Incorporate and enforce all applicable Airport Land Use Compatibility Plans (ALUCPs) through land use designations, zoning, and development standards to support the continued viability and flight operations of Fresno's airports and to protect public safety, health, and general welfare.

- Limit land uses in airport safety zones to those uses listed in the applicable ALUCPs as compatible uses, and regulate compatibility in terms of location, height, and noise.

- Ensure that development, including public infrastructure projects, within the airport approach and departure zones complies with Part 77 of the Federal Aviation Administration Regulations (Objects Affecting Navigable Airspace), particularly in terms of height.

Policy NS-5-b: Airport Safety Hazards. Ensure that new development, including public infrastructure projects, does not create safety hazards such as glare from direct or reflective sources, smoke, electrical interference, hazardous chemicals, fuel storage, or from wildlife, in violation of adopted safety standards.

Policy NS-5-c: Avigation Easements. Employ avigation easements in order to secure and protect airspace required for unimpeded operation of publicly owned airports.

Policy NS-5-d: Disclosure. As a condition of approval for residential development projects, require sellers to prepare and provide State Department of Real Estate Disclosure statements to property buyers notifying of noise and safety issues related to airport operations.

Policy NS-5-e: Planned Expansion. Allow for the orderly expansion and improvement of publicly-owned airports, while minimizing adverse environmental impacts associated with these facilities.

- Periodically update airport facility master plans in accordance with FAA regulations.

- Require land use within the boundaries of the Fresno-Yosemite International Airport and Chandler Downtown Airport to conform to designations and policies specified in adopted City of Fresno compatible land use plans.

- Provide local jurisdictions surrounding the City's publicly owned airports with specific guidelines for effectively dealing with the presence and operation of these airports.

Objective NS-6: Foster an efficient and coordinated response to emergencies and natural disasters.

Policy NS-6-a: County Multi-Jurisdiction Hazard Mitigation Plan. Adopt and implement the Fresno County Multi-Jurisdiction Hazard Mitigation Plan and City of Fresno Local Hazard Mitigation Plan Annex.

Policy NS-6-b: Disaster Response Coordination. Maintain coordination with other local, State, and Federal agencies to provide coordinated disaster response.

Policy NS-6-c: Emergency Operations Plan. Update the City's Emergency Operations Plan periodically, using a whole community approach which integrates considerations for People with access and functional needs in all aspects of planning.

Policy NS-6-d: Evacuation Planning. Maintain an emergency evacuation plan in consultation with the Police and Fire Departments and other emergency service providers, which shows potential evacuation routes and a list of emergency shelters to be used in case of catastrophic emergencies.

Policy NS-6-e: Critical Use Facilities. Ensure critical use facilities (e.g., City Hall, police and fire stations, schools, hospitals, public assembly facilities, transportation services) and other structures that are important to protecting health and safety in the community remain operational during an emergency.

- Site and design these facilities to minimize their exposure and susceptibility to flooding, seismic and geological effects, fire, and explosions.
- Work with the owners and operators of critical use facilities to ensure they can provide alternate sources of electricity, water, and sewerage in the event that regular utilities are interrupted in a disaster.

Policy NS-6-f: Emergency Vehicle Access. Require adequate access for emergency vehicles in all new development, including adequate widths, turning radii, hard standing areas, and vertical clearance.

Policy NS-6-g: Emergency Preparedness Public Awareness Programs. Continue to conduct programs to inform the general public, including people with access and functional needs, of the City's emergency preparedness and disaster response procedures.

PUBLIC UTILITIES AND SERVICES ELEMENT

Objective PU-2: Ensure that the Fire Department's staffing and equipment resources are sufficient to meet all fire and emergency service level objectives and are provided in an efficient and cost effective manner.

Policy PU-2-a: Unify Fire Protection. Pursue long-range transfer of fire protection service agreements with adjacent fire districts that, in concert with existing automatic aid agreements, will lead to the eventual unification of fire protection services in the greater Fresno area.

Policy PU-2-b: Maintain Ability. Strive to continually maintain the Fire Department's ability to provide staffing and equipment resources to effectively prevent and mitigate emergencies in existing and new high-rise buildings and in other high-density residential and commercial development throughout the city.

Policy PU-2-c: Rescue Standards. Develop appropriate standards, as necessary, for rescue operations, including, but not limited to, confined space, high angle, swift water rescues, and the unique challenges of a high speed train corridor.

Policy PU-2-d: Station Siting. Use the General Plan, community plans, Specific Plans, neighborhood plans, and Concept Plans, the City's Geographic Information Systems (GIS) database, and a fire station location program to achieve optimum siting of future fire stations.

Policy PU-2-e: Service Standards. Strive to achieve a community wide risk management plan that include the following service level objectives 90 percent of the time:

- *First Unit on Scene* – First fire unit arriving with minimum of three firefighters within 5 minutes and 20 seconds from the time the unit was alerted to the emergency incident.
- *Effective Response Force* – Provide sufficient number of firefighters on the scene of an emergency within 9 minutes and 20 seconds from the time of unit alert to arrival. The effective response force is measured as 15 firefighters for low risk fire incidents and 21 firefighters for high risk fire incidents and is the number of personnel necessary to complete specific tasks required to contain and control fire minimizing loss of life and property.

Objective PU-3: Enhance the level of fire protection to meet the increasing demand for services from an increasing population.

Policy PU-3-a: Fire Prevention Inspections. Develop strategies to enable the performance of annual fire and life safety inspection of all industrial, commercial, institutional, and multi-family residential buildings, in accordance with nationally recognized standards for the level of service necessary for a large Metropolitan Area, including a self-certification program.

Policy PU-3-b: Reduction Strategies. Develop community risk reduction strategies that target high service demand areas, vulnerable populations (e.g. young children, older adults, non-English speaking residents, persons with disabilities, etc.), and high life hazard occupancies

Policy PU-3-c: Public Education Strategies. Develop strategies to re-establish and enhance routine public education outreach to all sectors of the community.

Policy PU-3-d: Review Development Applications. Continue Fire Department review of development applications, provide comments and recommend conditions of approval that will ensure adequate on-site and off-site fire protection systems and features are provided.

Policy PU-3-e: Building Codes. Adopt and enforce amendments to construction and fire codes, as determined appropriate, to systematically reduce the level of risk to life and property from fire, commensurate with the City's fire suppression capabilities.

Policy PU-3-f: Adequate Infrastructure. Continue to pursue the provision of adequate water supplies, hydrants, and appropriate property access to allow for adequate fire suppression throughout the City.

Policy PU-3-g: Cost Recovery. Continue to evaluate appropriate codes, policies, and methods to generate fees or other sources of revenue to offset the ongoing personnel and maintenance costs of providing fire prevention and response services.

Fresno Municipal Code

Various provisions of the City of Fresno Municipal Code are relevant to hazards and hazardous materials, including portions of Chapter 15, Chapter 10, and Chapter 11. Discussion of these relevant portions of the Fresno Municipal Code are provided below.

Chapter 15 of the Fresno Municipal Code replaced the former development code in its entirety. It establishes new zone districts, permitted uses, development standards, and procedures in a contemporary, well-organized, and comprehensive manner. The new code reflects contemporary planning and business practices and sets clear criteria for new development. Proposals that conform to the new vision will have a streamlined approval process designed to boost economic development. In addition, infill development will be more feasible in Fresno under the new Development Code, designed for balanced growth in the future.

Article 25 (Performance Standards) of the Citywide Development Code (CDC) has the following purposes: 1) Establish permissible limits and allow objective measurement of nuisances, hazards, and objectionable conditions; and 2) Ensure that all uses will provide necessary control measures to protect the community from nuisances, hazards, and objectionable conditions. The General Standard of Article 25 is stated as follows: “Land or buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious conditions, chemical fires, explosive, blight, or other hazards that could adversely affect the surrounding area.”

Article 27 (Standards for Specific Uses and Activities) of the CDC states: “The purpose of this article is to establish standards for specific uses and activities that are permitted or conditionally permitted in some or all districts. These provisions are supplemental standards and requirements to minimize the impacts of these uses and activities on surrounding properties and to protect the health, safety, and welfare of their occupants and of the general public.” This article specifies regulation governing the operation of various types of facilities and activities, including hazardous waste management facilities, recycling facilities, and hazardous materials storage activities.

Section 15-2727, Development of Former Landfill Sites and Hazardous Sites, states “A Conditional Use Permit shall be required for the development of all former Landfill Sites and other sites deemed hazardous, regardless of the proposed use. As part of the application, the applicant shall at a minimum, provide a geotechnical report that provides a complete analysis of on-site soil conditions, fault hazards, underground water conditions, and recommendations as well as a post-closure plan that outlines remediation measures. Applicants shall comply with all State and federal regulations related to operation, post-closure remediation, and monitoring.”

Separately, Chapter 10, Regulations Regarding Public Nuisances and Real Property Conduct and Use, includes:

Article 14, Hazardous Spills Expense Recovery. The intent of Article 14 is stated as follows: "Surface waters, groundwater, soils, vegetation, and atmosphere inside the City of Fresno are susceptible to damage from the handling, storage, use, processing and disposal of hazardous material and the expense incurred by the taxpayers as a result of the City of Fresno or its Designee having to respond in an emergency to protect life, property and the environment when there has been a release of hazardous materials should be recovered from the person responsible for the emergency." In conjunction with Chapter 15, Article 27 of the City of Fresno Municipal Code, Article 14 pertains to the recovery of expenses associated with hazardous spills. Specifically, the code states that "Any person causing a release or threatened release which results in an emergency action shall be liable to the City of Fresno for the recoverable costs resulting from the emergency action."

Additionally, Chapter 11, Building Permits and Regulations, includes Article 2, Section 11-218, Debris and Excavations, which requires of demolition projects that the permit holder properly cap the sanitary sewer house connection, and to properly fill or otherwise protect all basements, cellars, septic tanks, wells, and other excavations, and said lot or parcel shall be left level and in a condition to be disked for control of weeds.

Fire Department Hazardous Materials Response Team

The City of Fresno Fire Department recognizes the potential for a large chemical release to occur which could expose thousands of people to hazardous or toxic vapors. The City of Fresno Fire Department Hazardous Materials Response Team (HMRT) has embraced an all-hazards approach to emergency response to ensure that the City receives effective protection from the risk of hazardous materials releases.

Emergency Operations Plan

In addition to emergency response to hazardous materials incidents, both the City of Fresno and the County of Fresno implement programs to facilitate emergency preparedness for other types of incidents within the Plan Area. Specifically, the City of Fresno has an Emergency Operations Plan that describes what the City's actions will be during a response to an emergency. This plan also describes the role of the Emergency Operations Center (EOC) and the coordination that occurs between the EOC, City departments, and other response agencies. The plan establishes a requirement for the emergency management organization to mitigate any significant emergency disaster affecting the City of Fresno. The plan also identifies the policies, responsibilities, and procedures required to protect the health and safety of City communities, public and private property, and the environmental effects of natural or technological disasters. In addition, the plan establishes the operation concepts and procedures associated within initial response operations (field response) to emergencies, the extended response operations (City of Fresno Emergency Operations Center Activities), and the recovery process. Furthermore, the plan complies with the State of California Emergency Operations Plan "Cross Walk" checklist for determining whether an emergency plan has addressed critical elements of California's Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS).

Fresno County Environmental Health Department

The Fresno County Environmental Health Department maintains a Hazardous Materials Management Plan/Hazardous Materials Business Plan (HMMP/HMBP). The HMMP/HMBP describes agency roles, strategies and processes for responding to emergencies involving hazardous materials. The Environmental Health Department maintains a Hazardous Materials Database and Risk and Flood Maps available to the public on its website.

Fresno County Multi-Jurisdictional Hazard Mitigation Plan

The Fresno County Multi-Jurisdictional Hazard Mitigation Plan (MJHMP) (May 2018), aims to reduce or eliminate long-term risk to people and property from hazards. Fresno County, along with 17 participating jurisdictions, including the City of Fresno, prepared the MJHMP to demonstrate the community's commitment to reducing risks from hazards and serves as a tool to help decision makers direct mitigation activities and resources.

Certified Unified Program Agency (CUPA)

The California Environmental Protection Agency designates specific local agencies as Certified Unified Program Agencies (CUPA), typically at the county level. The Fresno County Department of Environmental Health is the CUPA designated for Fresno County. The Fresno County Department of Environmental Health is responsible for the implementation of statewide programs within its jurisdiction, including: Underground storage of hazardous substances (USTs), Hazardous Materials Business Plan (HMP) requirements, California Accidental Release Prevention (Cal-ARP) program, etc. Implementation of these programs involves permitting, inspecting, providing education/guidance, investigations, and enforcement. The Fresno County Environmental Health Division (FCEHD) is the local CUPA.

3.8.3 IMPACTS AND MITIGATION MEASURES

THRESHOLDS OF SIGNIFICANCE

Consistent with Appendix G of the CEQA Guidelines, the Specific Plan will have a significant impact from hazards and hazardous materials if it will:

- 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 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.

- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the project area.
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

Additionally, consistent with Appendix G of the CEQA Guidelines, the proposed project will have a significant impact from wildfire if it is located in or near state responsibility areas or lands classified as very high fire hazard severity zones, and if the proposed project will:

- Substantially impair an adopted emergency response plan or emergency evacuation plan.
- Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.
- Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.
- Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

IMPACTS AND MITIGATION MEASURES

Impact 3.8-1: Specific Plan implementation has the potential to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. (Less than Significant with Mitigation)

The unauthorized releases of hazardous materials into the environment could create environmental impacts to properties, the natural environment, and human health. The significance of these impacts could vary according to the release location and the quantity and nature of the substance released. Hazardous releases can occur in areas that treat, store, transport and use hazardous materials; however, certain areas are at higher risk for releases. In the event of an unauthorized release of hazardous materials/substances, emergency response measures must be implemented to mitigate potential risks and ensure the protection of human health and the natural environment.

CONSTRUCTION PHASE IMPACTS

Construction activities would occur in phases through the implementation of the Specific Plan. Construction equipment and materials would likely require the use of petroleum-based products (oil, gasoline, diesel fuel), and a variety of chemicals including paints, cleaners, and solvents. The use

of these materials at a construction site will pose a reasonable risk of release into the environment if not properly handled, stored, and transported.

Additionally, properties within the Plan Area may have residual soil (and potentially groundwater) contamination that may require remediation. Also, potentially hazardous building materials (e.g., asbestos containing materials, lead-based paint, etc.) could be encountered during demolition of existing structures to accommodate new development. A release into the environment could pose significant impacts to the health and welfare of people and/or wildlife, and could result in contamination of water (groundwater or surface water), habitat, and countless important resources.

Like most agricultural and farming operations in the Central Valley, agricultural practices in the area have used agricultural chemicals including pesticides and herbicides as a standard practice. Residual concentrations of pesticides may be present in soil as a result of historic agricultural application and storage. Continuous spraying of crops over many years can potentially result in a residual buildup of pesticides in farm soils. Of highest concern relative to agrichemicals are chemicals such as chlorinated herbicides, organophosphate pesticides, and organochlorine pesticides, such as Mecoprop (MCPP), Dinoseb, chlordane, dichloro-diphenyltrichloroethane (DDT), and dichloro-diphenyl-dichloroethylene (DDE). Other chemicals may also be present due to other built-up uses. As described in the Environmental Setting, there is a historical record of soil contamination at the Proposed Constance-Sierra Elementary School site, the Westlake Proposed 430 Acre Development, and the West Shields Elementary School site, each of which are at differing levels of cleanup status. Therefore, there is the potential for other sites to have experienced contamination or have a history of hazardous materials being used as part of previous or current operations. Implementation of the Specific Plan could involve the transport, use, or disposal of hazardous materials associated with future construction and/or remediation activities. The transport of hazardous materials and any potential remediation activities would be subject to existing federal, State, and local regulations. Additionally, the proposed project would also be required to implement Mitigation Measures 3.8-1 through 3.8-10, which provide requirements for any ground disturbance activities within 50 feet of a well; require Phase I and Phase II site assessments, and other remediation activities including surveys and assessments, cleanup plans, programs, and activities, as applicable; and requires actions to ensure that developing a property within the Plan Area does not present an unacceptable risk to human health, if applicable, through the use of an Environmental Site Management Plan (ESMP). Therefore, the potential for existing or new hazards within the Plan Area or generated by the proposed project is limited. Additional requirements include those related to evaluation of potential asbestos and lead prior to planned renovation or demolition of residential and/or commercial structures in the Plan Area, and soil sampling for hazardous materials. Implementation of Mitigation Measures 3.8-1 through 3.8-10 would reduce potential impacts that could occur due to the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment associated with construction activities within the Plan area to a ***less than significant*** level.

OPERATIONAL PHASE IMPACTS

The operational phase of implementation of the Specific Plan would occur after construction is completed and business operators/employees, and residents move in to occupy the structures and

facilities on a day-to-day basis. Hazardous waste generators in the Plan Area include industries, businesses, public and private institutions, and households. Facilities that store, use or handle hazardous materials above reportable amounts are required to prepare and file a Hazardous Materials Business Plan (Business Plan) for the safe storage and use of chemicals. In the event of an emergency, firefighters, health officials, planners, public safety officers, health care providers and others rely on the Business Plan. Implementation of the Business Plan should prevent or reduce damage to the health and safety of people and the environment if a hazardous material is released.

The FCEHD, as the local CUPA, is responsible for administering/overseeing compliance with the Hazardous Materials Business Plan requirements, as well as other related regulatory programs such as those involving USTs, hazardous waste generation, hazardous waste treatment and disposal facility permitting, and hazardous materials releases.

Implementation of the proposed Specific Plan would result in the continued use and storage of hazardous materials, including common cleaning products, building maintenance products, paints and solvents, and other similar items. Routinely used hazardous materials, however, would not be of the type or occur in sufficient quantities to pose a significant hazard to public health and safety or to the environment. It is anticipated that some facilities within the Specific Plan area would use certain classes of hazardous materials that require risk management plans to protect surrounding land uses. Future development also would result in continued generation of hazardous waste by certain facilities. Therefore, the transport of hazardous materials could occur during future operational activities. However, transport of hazardous materials would be subject to existing federal, State, and local regulations, as well as cooperation with the local CUPA and the City of Fresno Fire Department (FFD).

Implementation of the Specific Plan will allow for the development of a wide variety of land uses, including Low Density Residential, Medium Low Density Residential, Medium Density Residential, Medium High Density Residential, Urban Neighborhood Residential, High Density Residential, Community Commercial, Recreation Commercial, General Commercial, Regional Commercial, Office, Business Park, Light Industrial, Corridor/Center Mixed Use, Regional Mixed Use, Pocket Park, Neighborhood Park, Community Park, Open Space, Ponding Basin, Public Facility, Church, Special School, Elementary School, Elementary, Middle & High School, High School, and Fire Station uses, as well as the required transportation and utility improvements.

Each of these uses will likely use a variety of hazardous materials commonly found in urban areas including: paints, cleaners, and cleaning solvents. There could be a risk of release of these materials into the environment if they are not stored and handled in accordance with best management practices approved by Fresno County Environmental Health Division and the FFD. In addition, Mitigation Measure 3.8-1 requires that, prior to bringing hazardous materials onsite, the applicant shall submit a Hazardous Materials Business Plan (HMBP) to Fresno County Environmental Health Division (CUPA) for review and approval. This would further reduce the potential for a significant impact to this topic. Compliance with the applicable regulations, as well as implementation of the following mitigation measures, as appropriate, would ensure that the implementation of the Specific Plan would have a ***less than significant*** impact relative to this issue.

MITIGATION MEASURE(S)

Mitigation Measure 3.8-1*: Prior to bringing hazardous materials onsite, the applicant shall submit a Hazardous Materials Business Plan (HMBP) to Fresno County Environmental Health Division (CUPA) for review and approval. If during the construction process the applicant or their subcontractors generates hazardous waste, the applicant must register with the CUPA as a generator of hazardous waste, obtain an EPA ID# and accumulate, ship and dispose of the hazardous waste per Health and Safety Code Ch. 6.5. (California Hazardous Waste Control Law).*

Mitigation Measure 3.8-2*: Prior to initiation of any ground disturbance activities within 50 feet of a well, the applicant shall hire a licensed well contractor to obtain a well abandonment permit from Fresno County Environmental Health Department, and properly abandon the on-site wells, pursuant to review and approval of the City Engineer and the Fresno County Environmental Health Department.*

Mitigation Measure 3.8-3*: Prior to the issuance of a grading permit, the property owners and/or developers of properties shall ensure that a Phase I ESA (performed in accordance with the current ASTM Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process [E 1527]) shall be conducted for each individual property prior to development or redevelopment to ascertain the presence or absence of Recognized Environmental Conditions (RECs), Historical Recognized Environmental Condition (HRECs), and Potential Environmental Concerns (PECs) relevant to the property under consideration. The findings and conclusions of the Phase I ESA shall become the basis for potential recommendations for follow-up investigation, if found to be warranted.*

Mitigation Measure 3.8-4*: In the event that the findings and conclusions of the Phase I ESA for a property result in evidence of RECs, HRECs and/or PECs warranting further investigation, the property owners and/or developers of properties shall ensure that a Phase II ESA shall be conducted to determine the presence or absence of a significant impact to the subject site from hazardous materials.*

The Phase II ESA may include but may not be limited to the following: (1) Collection and laboratory analysis of soils and/or groundwater samples to ascertain the presence or absence of significant concentrations of constituents of concern; (2) Collection and laboratory analysis of soil vapors and/or indoor air to ascertain the presence or absence of significant concentrations of volatile constituents of concern; and/or (3) Geophysical surveys to ascertain the presence or absence of subsurface features of concern such as USTs, drywells, drains, plumbing, and septic systems. The findings and conclusions of the Phase II ESA shall become the basis for potential recommendations for follow-up investigation, site characterization, and/or remedial activities, if found to be warranted.

Mitigation Measure 3.8-5*: In the event the findings and conclusions of the Phase II ESA reveal the presence of significant concentrations of hazardous materials warranting further investigation, the property owners and/or developers of properties shall ensure that site characterization shall be conducted in the form of additional Phase II ESAs in order to characterize the source and maximum extent of impacts from constituents of concern. The findings and conclusions of the site*

characterization shall become the basis for formation of a remedial action plan and/or risk assessment.

Mitigation Measure 3.8-6*: If the findings and conclusions of the Phase II ESA(s), site characterization and/or risk assessment demonstrate the presence of concentrations of hazardous materials exceeding regulatory threshold levels, prior to the issuance of a grading permit, property owners and/or developers of properties shall complete site remediation and potential risk assessment with oversight from the applicable regulatory agency including, but not limited to, the CalEPA Department of Toxic Substances Control (DTSC) or Regional Water Quality Control Board (RWQCB), and Fresno County Environmental Health Division (FCEHD). Potential remediation could include the removal or treatment of water and/or soil. If removal occurs, hazardous materials shall be transported and disposed at a hazardous materials permitted facility.*

Mitigation Measure 3.8-7*: Prior to the issuance of a building permit for an individual property within the Plan Area with residual environmental contamination, the agency with primary regulatory oversight of environmental conditions at such property ("Oversight Agency") shall have determined that the proposed land use for that property, including proposed development features and design, does not present an unacceptable risk to human health, if applicable, through the use of an Environmental Site Management Plan (ESMP) that could include institutional controls, site-specific mitigation measures, a risk management plan, and deed restrictions based upon applicable risk-based cleanup standards. Remedial action plans, risk management plans and health and safety plans shall be required as determined by the Oversight Agency for a given property under applicable environmental laws, if not already completed, to prevent an unacceptable risk to human health, including workers during and after construction, from exposure to residual contamination in soil and groundwater in connection with remediation and site development activities and the proposed land use.*

Mitigation Measure 3.8-8*: For those sites with potential residual volatile organic compounds (VOCs) in soil, soil gas, or groundwater that are planned for redevelopment with an overlying occupied building, a vapor intrusion assessment shall be performed by a licensed environmental professional. If the results of the vapor intrusion assessment indicate the potential for significant vapor intrusion into the proposed building, the project design shall include vapor controls or source removal, as appropriate, in accordance with Regional Water Quality Control Board (RWQCB), the Department of Toxic Substances Control (DTSC) or the Fresno County Environmental Health Division (FCEHD) requirements. Soil vapor mitigations or controls could include passive venting and/or active venting. The vapor intrusion assessment as associated vapor controls or source removal can be incorporated into the ESMP.*

Mitigation Measure 3.8-9*: In the event of planned renovation or demolition of residential and/or commercial structures on the subject site, prior to the issuance of demolition permits, asbestos and lead based paint (LBP) surveys shall be conducted in order to determine the presence or absence of asbestos-containing materials (ACM) and/or LBP. Removal of friable ACM, and non-friable ACMs that have the potential to become friable, during demolition and/or renovation shall conform to the standards set forth by the National Emissions Standards for Hazardous Air Pollutants (NESHAPs).*

The San Joaquin Valley Air Pollution Control District (SJVAPCD) is the responsible agency on the local level to enforce the National Emission Standards for Hazardous Air Pollutants (NESHAPs) and shall be notified by the property owners and/or developers of properties (or their designee(s)) prior to any demolition and/or renovation activities. If asbestos-containing materials are left in place, an Operations and Maintenance Program (O&M Program) shall be developed for the management of asbestos containing materials.

Mitigation Measure 3.8-10*: Prior to the import of a soil to a particular property within the Plan Area as part of that property's site development, such soils shall be sampled for toxic or hazardous materials to determine if concentrations exceed applicable Environmental Screening Levels for the proposed land use at such a property, in accordance with Regional Water Quality Control Board (RWQCB), the Department of Toxic Substances Control (DTSC) or the Fresno County Environmental Health Division (FCEHD) requirements.*

Impact 3.8-2: Specific Plan implementation has the potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. (Less than Significant)

The Specific Plan has the potential for the routine transport, use, or disposal of hazardous materials, as described under Impact 3.8-1. There are several schools located within the Plan Area. These schools include: Glacier Point Middle School, Harvest Elementary School, Herndon-Barstow Elementary School, Teague Elementary School, John Steinbeck Elementary School, Central High School (East Campus), and Justin Garza High School. Other schools located within 0.25 miles from the Plan Area include James K. Polk Elementary School and Hanh Phan Tilley Elementary School. In addition, new schools are anticipated to be developed near to the Plan Area over time. However, as provided under Impact 3.8-1, with implementation of Mitigation Measures 3.8-1 through 3.8-10, potential risks associated with the routine transport, use, or disposal of hazardous materials resulting from implementation of the Specific Plan would be reduced to a less than significant level. For example, Mitigation Measure 3.8-1 requires businesses generating hazardous waste to comply with a HMBP and to register with the CUPA, as appropriate. Mitigation Measure 3.8-2 provides requirements for any ground disturbance activities within 50 feet of a well. Additional requirements are provided in Mitigation Measures 3.8-3 through 3.8-10, such as Phase I and Phase II site assessments, and other remediation activities including surveys and assessments, cleanup plans, programs, and activities, as applicable. Therefore, the potential for existing or new hazards within the Plan Area or generated by the proposed project to affect nearby schools is limited. Moreover, compliance with the applicable General Plan objectives and policies would ensure that the Specific Plan implementation would have a limited potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste with one-quarter of an existing school. Therefore, implementation of the Specific Plan would have a ***less than significant*** impact with respect to emitting hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within 0.25-mile of an existing or proposed school.

Impact 3.8-3: Specific Plan implementation would not result in impacts from being included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. (Less than Significant)

The Plan Area is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Implementation of the Specific Plan would have a ***less than significant*** impact with regards to this environmental issue.

Impact 3.8-4: Specific Plan implementation would not result in safety hazards for people residing or working in the Plan Area as a result of public airport or public use airport. (Less than Significant)

There are no documented public airports or public use airports within two miles of the Plan Area, and the Plan Area is not located within an airport land use plan. The closest public or public use airport is the Fresno Chandler Executive Airport, located approximately 2.5 miles to the south of the Plan Area, at its closest point. Therefore, implementation of the Plan would have a ***less than significant*** impact with regards to this environmental issue.

Impact 3.8-5: Specific Plan implementation would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (Less than Significant)

Future construction activities within the Plan Area could affect access along nearby roadways during construction, as short-term, temporary lane closures may occur. However, emergency access would be required to remain open and accessible at all times. Future applicants would be required to provide alternate route (i.e. detour) plans with a tentative schedule of planned closures prior to the beginning of construction to ensure that activities would not impede emergency access. These plans would be subject to review and approval by the City of Fresno Public Works Department, the Fresno Fire Department, and the Fresno Police Department. Construction activities are not expected to result in any unknown significant road closures, traffic detours, or congestion that could hinder the emergency vehicle access or evacuation in the event of an emergency.

Separately, the proposed project would develop new roadways within the Plan Area. However, the new roadways would be required to comply with the City's police and fire standards for emergency access. Specifically, new roadways within the Plan Area would also be subject to review and approval by the City of Fresno Public Works Department, the Fresno Fire Department, and the Fresno Police Department and would provide increased access to and within the Plan Area. Therefore, roadways within the Plan Area would not impair the implementation of or physically interfere with any adopted emergency response plan or emergency evacuation plan. Moreover, the proposed project would not conflict with the goals and objectives of the Fresno County's Multi-Hazard Mitigation Plan. For example, Objective 1.3 of the Fresno County Multi-Hazard Mitigation Plan requires the improvement of transportation corridors to allow for better evacuation routes for the public and better access for emergency responders. Implementation of the Specific Plan would have a ***less than significant*** impact with regards to this environmental issue.

Impact 3.8-6: Specific Plan implementation would not have the potential to expose people or structures to a risk of loss, injury or death from wildland fires, or result in any other wildfire impact. (Less than Significant)

HAZARDS RELATED TO WILDLAND FIRES

The Plan Area is not located in or near to any SRA or land classified as VHFHSZs. Small areas within the northern, central, and southern portions of the Plan Area are identified as having a moderate potential for wildland fires. According to the Fresno General Plan, the City is largely urbanized or working agricultural land without steep topographies; thus, wildland fire threats are minimal. Although Fresno is proximate to high and very high fire hazard designated areas, the City is largely categorized as little or no threat or moderate fire hazard, which is largely attributed to paved areas. Implementation of the Specific Plan would result in increased urbanization of the area; including increased paved area. Future development would be required to comply with the current fire code (i.e. included in the Fresno Fire Code Section as established by the City of Fresno Fire Department), as well as all applicable City Municipal Code requirements. For example, City Municipal Code Chapter 11, Article 1 provides building code requirements, and City Municipal Code Chapter 10, Article 5 describes the City's fire prevention requirements including adoption of the 2019 California Fire Code. Therefore, implementation of the Specific Plan would have a ***less than significant*** impact with regards to the potential to expose people or structures to a risk of loss, injury, or death from wildland fires.