

4.5 HAZARDS AND HAZARDOUS MATERIALS

This section describes the potential for hazardous materials and other hazards that could affect the health and safety of the community as a result of the Focused General Plan Update (FGPU). The analysis is based on the 2011 Comprehensive Land Use Update (CLUU) Program Environmental Impact Report (PEIR), with an emphasis on conditions that may have changed since approval of the 2011 CLUU PEIR. Hazards related to airports and wildland fires are discussed in Chapter 7 Comprehensive Land Use Update PEIR Subject Areas Requiring No Change in Analysis.

4.5.1 Existing Conditions

This section describes potential hazards related to hazardous materials, brownfields, and emergency preparedness in National City. Hazards relating to water and water quality are discussed in Chapter 7, Section 7.7 Hydrology and Water Quality.

Hazardous Materials Transportation, Storage, Use, and Disposal

Hazardous materials include a wide variety of substances commonly used in households and businesses. Used motor oil, paint, solvents, lawn care and gardening products, household cleaners, gasoline, and refrigerants are among the diverse range of substances classified as hazardous materials. Nearly all businesses and residences generate some amount of hazardous waste. Certain businesses and industries generate larger amounts of such substances, including gas stations, automobile service and repair shops, printers, dry cleaners, and photo processors. Hospitals, clinics, and laboratories generate medical waste, which is also potentially hazardous.

Health and environmental risks associated with hazardous materials are related to releases that can occur at facilities (fixed site) or along transportation routes (off site). Releases can occur as a result of human carelessness, technological failure, intentional acts, and natural hazards. Hazardous materials releases, depending on the substance involved and type of release, can directly cause injuries and death and/or contaminate air, water, and soils.

The Planning Area is developed with a variety of land uses, including commercial office, retail, industrial, civic, and residential uses. Past land use within the Planning Area also included heavier industrial uses. The types of businesses in the Planning Area that are or were likely to generate hazardous waste or to store hazardous substances, including petroleum products, include gasoline service stations; automobile repair facilities, dealerships, and other automobile-related facilities; transit operations; dry cleaning facilities; chemical facilities; and medical and dental facilities. Per the Adopted General Plan Safety Element, National City has a greater number of hazardous materials facilities per square mile than the incorporated areas of San Diego County, particularly within the Westside (Old Town) neighborhood, where some of these facilities are within close proximity to residential uses. Furthermore, there are Unified Port of San Diego (Port) and Navy facilities directly adjacent to the Planning Area that may involve the routine transportation and use of hazardous materials. The City does not regulate these uses and does not have authority over Naval or Port activities.

Household hazardous waste may be generated by residential uses throughout the Planning Area. Household hazardous waste is any product labeled toxic, poison, corrosive, flammable, combustible, or irritant that is disposed of. Hazardous materials, used in many household products (such as drain cleaners, waste oil, cleaning fluids, insecticides, and car batteries), are often improperly disposed of as part of normal household trash. These hazardous materials can interact with other chemicals to create risks to people or cause soil and groundwater contamination.

Brownfields

Brownfields are normally characterized as real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.¹

In addition to being, or suspected to be, contaminated, brownfields are generally underutilized due to perceived remediation costs and liability concerns. National City's industrial and shipping-based history resulted in a substantial amount of the acreage west of Interstate-805 containing brownfields.

Known Hazardous Materials Sites

State Water Resources Control Board

The GeoTracker database² is the State Water Resources Control Board (SWRCB) data management system for managing sites that impact groundwater, especially those that require groundwater cleanup (leaking underground storage tanks, Department of Defense, Site Cleanup Program), as well as permitted facilities such as operating underground storage tanks and land disposal sites. Leaking underground storage tanks are a significant source of petroleum impacts to groundwater and can also result in potential threats to health and safety. The SWRCB records soil and/or groundwater contamination caused by leaking underground storage tanks in its GeoTracker database.

According to the GeoTracker database, the City currently has 165 sites listed, with 159 of those sites listed as closed and 12 listed as open, with active site assessment, active remediation, or an inactive cleanup program (see Figure 4.5-1 and Appendix 13.C.4 GeoTracker Database Search).

California Department of Toxic Substances Control (DTSC)

The State of California Hazardous Waste and Substances Site List (also known as the Cortese List) is a planning document used by State and local agencies to comply with the California Environmental Quality Act (CEQA) requirements in providing information about the location of hazardous materials sites. The DTSC is responsible for preparing a portion of the information contained in the Cortese List, through its EnviroStor database of sites listed pursuant to Section 25256 of the Health and Safety Code. This includes a listing of hazardous substance release sites selected for, and subject to, a response action. EnviroStor must update the list of sites at least annually to reflect new information regarding previously listed sites or the addition of new sites requiring a response action.

According to the EnviroStor Data Management System,³ National City has 22 sites listed sites; of these, three are active, eight are inactive and require an evaluation or action, two require no further action, one is undergoing closure, and seven are under evaluation by a local agency (see Appendix 13.C.5 EnviroStor Database Search). The DTSC's online data management system tracks the department's cleanup, permitting, enforcement, and investigation efforts at hazardous waste facilities and sites with known or suspected contamination issues.

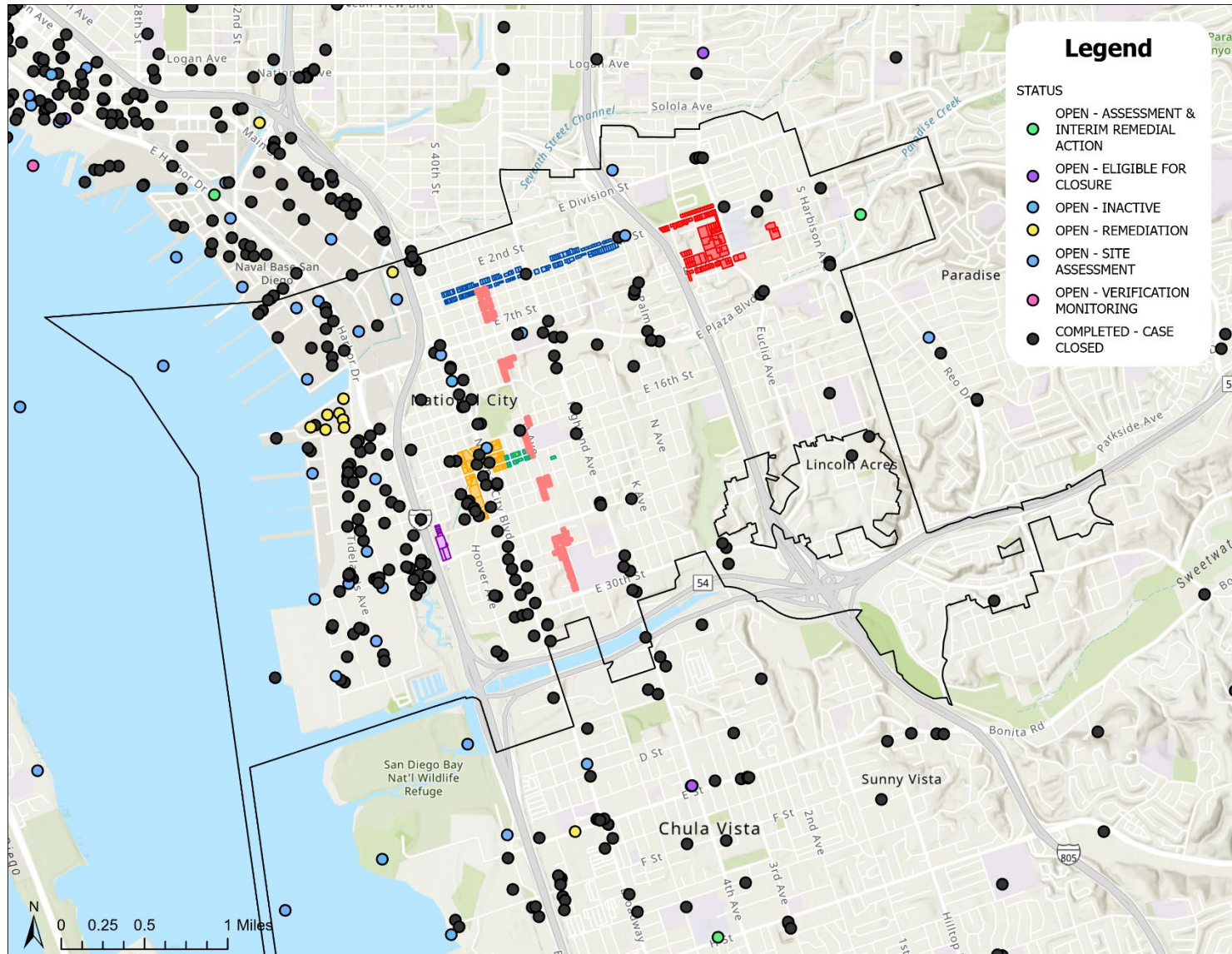
1 EPA, Overview of EPA's Brownfields Program, <https://www.epa.gov/brownfields/overview-epas-brownfields-program>.

2 SWRCB, GeoTracker, <https://geotracker.waterboards.ca.gov/>

GeoTracker contains records for sites that require cleanup, such as leaking underground storage tank sites, Department of Defense Sites, and Site Cleanup Program sites. GeoTracker also contains records for various unregulated projects, as well as permitted facilities, including irrigated lands, oil and gas production, operating permitted underground storage sites, and land disposal sites.

3 The DTSC's EnviroStor database is an online search and geographic information system (GIS) tool for identifying sites that have known or potential contamination, as well as facilities permitted to treat, store, or dispose of hazardous waste. The EnviroStor database includes the following hazardous waste facilities and cleanup sites: permitted treatment, storage, and disposal facilities; federal Superfund (National Priorities List) sites; State response sites, including military facilities and State Superfund sites; voluntary cleanup sites; school sites; and corrective action sites.

Figure 4.5-1 GeoTracker Hazardous Waste Sites



Source: SWRCB, GeoTracker, National City, Accessed September 26, 2022

San Diego County

In addition, the San Diego County Hazardous Materials Division (HMD), a division of the Department of Environmental Health (DEH), manages the Hazardous Materials Management Database (HMMD). The goal of the HMD is to protect human health and the environment by ensuring that hazardous materials, hazardous waste, medical waste, and underground storage tanks are properly managed. To accomplish this goal, the HMD regulates facilities that:

- Handle or store hazardous materials in reportable amounts, per the Hazardous Material Business Plan (HMBP) (see Section 4.5.2.3, below)
- Are part of the California Accidental Release Prevention (CalARP) Program
- Generate or treat hazardous waste in any amount
- Generate or treat medical waste in any amount
- Are subject to the Aboveground Petroleum Storage Act
- Own or operate underground storage tanks

All businesses in the County of San Diego that conduct any of these activities are required by law to obtain and maintain a valid Unified Program Facility Permit (UPFP). Per the Certified Unified Program Agency (CUPA) Permitted Facility Records Search, 193 businesses in National City have a “complete” or “issued” status within the UPFPs database (see Appendix 13.C.6 San Diego County CUPA Permitted Facility Records Search).

Older Structures

Hazardous materials are commonly found in the building materials of structures, including residential structures, built prior to approximately 1978. Buildings constructed prior to 1978 potentially contain hazardous building materials such as asbestos-containing material (ACM); lead-containing surfaces, including lead-based paint (LBP); and other toxic materials such as mercury, polychlorinated biphenyls (PCBs), and freon. A land use inventory and field reconnaissance identified the presence of numerous buildings within the Planning Area built prior to 1978.

4.5.2 Regulatory Framework

4.5.2.1 Federal

Federal Disaster Mitigation Act 2000

The Federal Disaster Mitigation Act requires all local governments to create a disaster plan in order to qualify for funding for hazard mitigation planning projects. A Multi-hazard Mitigation Plan is a countywide plan that identifies risks and ways to minimize damage by natural and human-caused disasters. The plan is a comprehensive resource document that serves many purposes, such as enhancing public awareness, creating a decision tool for management, promoting compliance with State and federal program requirements, enhancing local policies for hazard mitigation capability, and providing inter-jurisdictional coordination. The County of San Diego’s Multi-Jurisdiction Hazard Mitigation Plan (2018)⁴ includes all of the cities in the County, as well as unincorporated areas. Hazard mitigation plans must be updated every five years.

Resource Conservation and Recovery Act (RCRA) (42 United States Code [U.S.C.] Section 6901 et seq.)

RCRA regulates the identification, generation, transportation, storage, treatment, and disposal of solid and hazardous materials. The U.S. Environmental Protection Agency has the authority under RCRA to authorize states to implement RCRA, and California is a RCRA-authorized state. Title 40 California Code of Regulations, Part 290 establishes technical standards and corrective action requirements for owners and operators of underground storage tanks under RCRA.

⁴ County of San Diego, Multi-Jurisdiction Hazard Mitigation Plan, 2018 https://www.sandiegocounty.gov/oes/emergency_management/oes_jl_mitplan.html

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

CERCLA provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. This act established the National Priorities List of contaminated sites and the Superfund cleanup program. CERCLA established the requirements for abandoned hazardous waste sites and provides for liability of persons responsible for releases of hazardous waste at these sites.

The Superfund Amendments and Reauthorization Act (SARA) amends CERCLA and increases state involvement by requiring Superfund actions to consider state environmental laws and regulations. SARA also established a regulatory program for underground storage tanks and the Emergency Planning and Community Right-to-Know Act.

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

The Toxic Substances Control Act regulates manufacturing, inventory, and disposition of industrial chemicals, including hazardous materials. It addresses the production, importation, use, and disposal of specific chemicals, including PCBs, ACM, and LBP.

Community Environmental Response Facilitation Act of 1992

The Community Environmental Response Facilitation Act requires the federal government, before termination of federal activities on any real property owned by the government, to identify real property where no hazardous substance was stored, released, or disposed of.

Emergency Planning and Community Right-to-Know Act (42 U.S.C. Section 11001 et seq. and 40 Code of Federal Regulations Part 350.1 et seq.)

The Emergency Planning and Community Right-to-Know Act regulates facilities that use hazardous materials in quantities that mandate reporting to emergency response officials.

Occupational Safety and Health Act of 1970

The Occupational Safety and Health Act requires training handlers of hazardous materials, notifying employees who work in the vicinity of hazardous materials, acquiring safety data sheets that describe the proper use of hazardous materials, and training employees to remediate any accidental releases of hazardous material. It also regulates lead and asbestos as they relate to employee safety to reduce potential exposure. Additionally, this act requires contractors conducting LBP and ACM surveys and removal to be certified by the U.S. Occupational Safety and Health Administration.

Federal Compliance with Pollution Control (Executive Order 12088 of 1978)

Executive Order 12088 requires federal agencies to take necessary actions to prevent, control, and abate environmental pollution that results from federal facilities and activities that federal agencies control.

4.5.2.2 State**CEQA**

Under the CEQA Guidelines Article 19, Categorical Exemptions, Section 15300.2(e) applies to hazard waste sites. Per CEQA, "A categorical exemption shall not be used for a project located on a site, which is included on any list compiled pursuant to Section 65962.5 of the Government Code." Therefore, even if a project were otherwise qualified for an infill exemption (15332) or New Construction or Conversion of Small Structures exemption (15303), etc., it would not be exempt from CEQA if located on a listed hazardous waste site, and the Lead Agency would be required to prepare a negative declaration or environmental impact report.

California Government Code Health and Safety Code Title 26 Toxics, Division 20 Miscellaneous Health and Safety Provisions, Chapter 6.5 Hazardous Waste Control⁵

Chapter 6.5 of the California Health and Safety Code establishes regulations and incentives that ensure that the generators of hazardous waste employ technology and management practices for the safe handling, treatment, recycling, and destruction of their hazardous wastes prior to disposal.

Article 3.5 Hazardous Waste Management Plans (Section 25135, et. seq.)

Article 3.5 gives cities the ability to defer to a county's department of environmental health on the subject of hazardous waste management. Specifically:

- a) *The Legislature finds and declares as follows:*
 - 1. *An effective planning process involving public and private sector participation exists at the county level for establishing new, or expanding existing, solid waste facilities, but an equivalent process has not been established at the local level to plan for the management of hazardous wastes.*
 - 2. *Counties are presently required to prepare solid waste management plans for all waste disposal within each county and for all waste originating in each county. While the department has requested that counties include in their solid waste management plans a hazardous waste management element, there is not presently a clear mandate that they do so.*
[...]
- b) *It is the intent of the Legislature that the hazardous waste management plans prepared pursuant to this article serve as the primary planning document for hazardous waste management at the local level; that the plans be integrated with other local land use planning activities to ensure that suitable locations are available for needed hazardous waste facilities; that land uses adjacent to, or near, hazardous waste facilities, or proposed sites for these facilities, are compatible with their operation; and that the plans are prepared with the full and meaningful involvement of the public, environmental groups, civic associations, generators of hazardous wastes, and the hazardous waste management industry.*

California Government Code Health and Safety Code Title 26 Toxics, Division 20 Miscellaneous Health and Safety Provisions, Chapter 6.95 Hazardous Materials Release Response Plans and Inventory (Section 25500 et. seq)⁶

The Legislature declares that, in order to protect the public health and safety and the environment, it is necessary to establish business and area plans relating to the handling and release or threatened release of hazardous materials. The establishment of a statewide environmental reporting system for these plans is a statewide requirement. Basic information on the location, type, quantity, and health risks of hazardous materials handled, used, stored, or disposed of in the state, which could be accidentally released into the environment, is required to be submitted to firefighters, health officials, planners, public safety officers, health care providers, regulatory agencies, and other interested persons. The information provided by business and area plans is necessary in order to prevent or mitigate the damage to the health and safety of persons and the environment from the release or threatened release of hazardous materials into the workplace and environment.

California Fire Code 2019 Chapter 1 Scope and Administration Section 105 Permits Section 105.1 (et. seq.)⁷

A property owner or owner's authorized agent who intends to conduct an operation or business, or install or modify systems and equipment that are regulated by this code, or to cause any such work to be performed, shall first make application to the fire code official and obtain the required permit. [...] A permit shall constitute permission to maintain, store or handle materials; or to conduct processes that produce conditions hazardous to life or property;

⁵ California Legislative Information, California Law, Chapter 6.5 Hazardous Waste Control, https://leginfo.ca.gov/faces/codes_displayexpandedbranch.xhtml?lawCode=HSC&division=20.&title=&part=&chapter=6.5.&article=3.5.&goUp=Y

⁶ California Legislative Information, California Law, Chapter 6.95. Hazardous Materials Release Response Plans and Inventory 25500-25547.8 https://leginfo.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=HSC&division=20.&title=&part=&chapter=6.95.&article=

⁷ 2019 California Fire Code, Title 24, part 9, <https://codes.iccsafe.org/content/CFC2019P1/chapter-1-scope-and-administration>

or to install equipment utilized in connection with such activities; or to install or modify any fire protection system or equipment or any other construction, equipment installation or modification in accordance with the provisions of this code where a permit is required by Section 105.6 [Required Operational Permits] or 105.7 [Required Construction Permits], [which includes hazardous materials, as detailed under Section 105.6.20].

4.5.2.3 Local

County of San Diego DEH

HMD is the CUPA for San Diego County, responsible for regulating facilities that handle or store hazardous materials, are a part of the CalARP Program, generate or treat hazardous waste, store at least 1,320 gallons of aboveground petroleum, and own or operate underground storage tanks. The County DEH is the local agency responsible for implementing CalARP, a State-mandated program. CalARP focuses on prevention through awareness by reducing the potential of the release of extremely poisonous gases such as chlorine, ammonia, sulfur dioxide, and/or other toxic materials. Facilities that handle such materials are required to have a Risk Management Program in place. A Risk Management Program outlines and analyzes worst-case scenarios as they relate to the community and provides an emergency response plan, equipment procedures and training, a mitigation or accidental release plan, prevention programs, and hazard and location assessments.

In conformance with the California Health and Safety Code, businesses that handle hazardous materials (including hazardous waste) or extremely hazardous substances at reportable quantities are required to prepare and submit an HMBP to the County DEH to receive a UFPF. The purpose of an HMBP is to minimize hazards to human health and the environment from unplanned, accidental releases of hazardous substances into the air, soil, or surface water. An HMBP must include an emergency response program that serves to manage emergencies at the given facility and prepare response personnel for a variety of conditions. HMBPs are submitted to the HMD and are reviewed and updated as necessary every three years, or in the event of an accidental release, change in materials storage location or use, or change in business name, address, or ownership.

According to the County DEH⁸:

The HMBP contains detailed information on the storage of hazardous materials at regulated facilities. The purpose of the HMBP is to prevent or minimize damage to public health, safety, and the environment, from a release or threatened release of a hazardous material. The HMBP also provides emergency response personnel with adequate information to help them better prepare and respond to chemical-related incidents at regulated facilities.

San Diego County Code of Regulatory Ordinances Title 6 Health and Sanitation Division 8 Unified Program, Sewage and Solid Waste (Disclosure of Hazardous Waste Regulatory Ordinance)⁹

Chapter 8 Hazardous Incident Response Section 68.801 through Section 68.806

It is the intent of the Board of Supervisors that the County, through its Office of Emergency Services (OES) and the Department of Environmental Health and Quality (Department), should continue to participate in regional arrangements to ensure prompt and effective responses to hazardous materials release incidents (including suspected and threatened releases) within the County.

Chapter 9 Certified Unified Program Agency Section 68.901 (et. seq.)

It is the intent of the Board of Supervisors that the Department of Environmental Health is designated as the Certified Unified Program Agency. It is further the intent of the Board of Supervisors that the Director of the Department of Environmental Health provide health care information and other appropriate

⁸ San Diego County Department of Environmental Health and Quality, Hazardous Materials Business Plan (HMBP), <https://www.sandiegocounty.gov/content/sdc/deh/hazmat/hazmat.html>

⁹ San Diego County Code of Regulatory Ordinances, Title 6 Health and Sanitation, https://codelibrary.amlegal.com/codes/san_diego/latest/sandiego_regs/0-0-0-71708

technical assistance on a 24-hour basis to emergency responders in the event of a hazardous waste incident involving community exposure. [...]

- (a) *The Director, in addition to their other duties, is hereby designated as the Officer to implement and enforce the Unified Program as certified by the California Secretary for Environmental Protection and specified in the California Health and Safety Code, Chapter 6.11 (commencing with Section 25404). No business, person, owner or operator shall have a unified program facility as defined in Section 68.904.5 without obtaining a unified program facility permit with the applicable permit elements from the Director.*

Chapter 11 Certified Unified Program Agency, Hazardous Materials Inventory and Response Plan Section 68.1101 (et. Seq.)

It is the intent of the Board of Supervisors that the Director of the Department of Environmental Health shall implement Division 20, Chapter 6.95 of the Health and Safety Code. It is further the intent of the Board of Supervisors that the Director of the Department of Environmental Health expand the application of the Business Plan, Area Plan, other reporting, disclosure and monitoring requirements of Division 20, Chapter 6.95 of the Health and Safety Code in a manner hereinafter prescribed [in this chapter].

National City Municipal Code Title 9 Health and Sanitation Chapter 9.4 Disclosure of Hazardous Materials and Regulation of Hazardous Waste Establishments and Adoption of the Certified Unified Program Agency, Hazardous Materials Inventory and Response Plan¹⁰

The following sections of the National City Municipal Code adopted the language of the San Diego County Code, as described above.

9.40.010 - Adoption of county ordinance requiring the disclosure of hazardous materials Chapter 8 Hazardous Incident Response (commencing with Section 68.801) of Division 8 of Title 6 of the San Diego County Code of Regulatory Ordinances, known as the Disclosure of Hazardous Materials Ordinance, was adopted as an ordinance of the city of National City, with any amendments and modifications of that division as have been or are duly adopted by the county of San Diego, unless local modifications are enacted by the city of National City, pursuant to law.

9.40.020 - Adoption of county ordinance regulating hazardous waste establishments Chapter 9 of Title 6 of the San Diego County Code, commencing with Section 68.901, known as the Hazardous Waste Regulatory Ordinance, is hereby adopted as an ordinance of the city of National City, together with any amendments and modifications of that division as have been or are duly adopted by the county of San Diego, unless local modifications are enacted by the city of National City, pursuant to law.

9.40.040 - Adoption of the San Diego County Ordinance relating to the Certified Unified Program Agency, Hazardous Materials Inventory and Response Plan Chapter 11 of Division 8 of Title 6 of the San Diego County Code, commencing with Section 68.1101, known as the "Certified Unified Program Agency, Hazardous Materials Inventory and Response Plan," is hereby adopted as an ordinance of the city of National City, together with any amendments and modifications of that division as have been, are or shall be duly adopted by the county of San Diego, unless local modifications are enacted by the city of National City. Copies of the code adopted by reference shall be kept on file in the office of the city clerk.

National City Municipal Code Title 15 Buildings and Construction Chapter 15.28 California Fire Code Section 15.28.002 (et seq.)

There is adopted by the city council of the city of National City for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion and establishing a fire prevention bureau, the 2019 California Fire Code, and the appendices thereto, including both Administration Divisions I and II, published by the International Code Council and the California

¹⁰ National City Municipal Code, https://library.municode.com/ca/national_city/codes/code_of_ordinances?nodeId=16516

Building Standards Commission, and the National Fire Protection Association Standards (current edition) published by the National Fire Protection Association, save and except such portions as are hereinafter deleted, added, or amended. Within this chapter, those codes may be collectively referred to as the California Fire Code. One copy of this adopted code is on file in the office of the fire marshal of the city of National City. The code is adopted and incorporated as fully as if set out as length herein, and from the date on which this chapter shall take effect, shall be controlling within the limits of the city of National City.

National City General Plan Safety Element

The 2011 General Plan Safety Element includes the following goals and policies regarding hazardous materials and hazardous waste within the City.

Compatible Development

- **Goal LU-3:** A land use pattern that avoids the creation and continuance of incompatible land uses.
 - **Policy LU-3.9:** Ensure that any development that falls within an airport influence area (AIA) is consistent with the applicable Airport Land Use Compatibility Plan (ALUCP).

Emergency and Disaster Preparedness and Response

- **Goal S-5:** Minimized loss of life and property and disruptions in the delivery of vital public and private services during and following emergencies and disasters.
 - **Policy S-5.2:** Consult with San Diego County, the U.S. Navy, and other appropriate agencies regarding disaster preparedness planning, to establish evacuation routes for all types of emergencies, and to ensure the health and safety of residents during an emergency.

Hazardous Materials, Brownfields, and Military Installations

- **Goal S-7:** Minimized risks to life, property, and the environment associated with the storage, transport, and disposal of hazardous materials.
 - **Policy S-7.1:** Promote hazardous waste minimization and use of best available technology in City operations, where feasible.
 - **Policy S-7.2:** Continue to consult with the County and other appropriate agencies in the administration and enforcement of hazardous materials permit requirements, where feasible.
 - **Policy S-7.3:** Facilitate coordinated, effective response to hazardous materials emergencies in the City to minimize health and environmental risks.
 - **Policy S-7.5:** Ensure the compatibility of uses which store, collect, treat, or dispose of hazardous materials with adjacent uses.
 - **Policy S-7.6:** Work with the U.S. Navy to minimize public safety impacts from hazardous materials used in military operations.
 - **Policy S-7.7:** Work with property owners and lead agencies to reduce soil contamination from industrial operations and other activities that use, produce, or dispose of hazardous or toxic substances.

Redevelopment of Brownfields

- **Goal S-8:** The redevelopment of brownfields with appropriate uses that reduce safety hazards and enhance the character of the community
 - **Policy S-8.1:** Promote the clean-up and reuse of contaminated sites and prioritize remediation and redevelopment of brownfield sites within and adjacent to residential and mixed-use areas.
 - **Policy S-8.2:** Require owners of contaminated sites to develop a remediation plan, as required by State and Federal law
 - **Policy S-8.3:** Continue to use the Department of Toxic Substances Control (DTSC) and the State Water Resources Control Board (SWRCB) active databases of permitted and cleanup sites to monitor future uses at those locations. Require appropriate mitigation and clean-up of sites that are known to contain toxic materials as a condition of allowing reuse.

City of National City Emergency Operations Plan (October 2020)¹¹

The City of National City Emergency Operations Plan describes a comprehensive emergency management system that provides for a planned response to disaster situations associated with natural disasters, technological incidents, and nuclear-related incidents. It describes the overall responsibilities for protecting life and property and ensuring the overall well-being of the population. The plan also identifies the sources of outside support that might be provided by other jurisdictions as well as the private sector.

4.5.3 Significance Determination Thresholds

As of 2022, the CEQA Guidelines IX. Hazards and Hazardous Materials thresholds (a) through (g) contains the following significance thresholds:

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

4.5.4 Methodology

The 2022 CEQA guidelines Section IX Hazards and Hazardous Materials added to the significance threshold (e) the text in bold:

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

Threshold (h) from the 2011 CEQA Guidelines was revised to remove the bolded text below, and the bolded text in the 2022 version of the threshold (renumbered as [g]) as bolded in Section 4.3.3, above, was not present.

- h) *Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, **including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.***

The discussion of analysis under **thresholds (f) and (g)** can be found in Chapter 7, Comprehensive Land Use Update PEIR Subject Areas Requiring No Changes in Analysis under the discussion of Section 7.6 Hazards and Hazardous Materials, Issue 6 (Adopted Emergency Response Plan) and Issue 7 (Wildland Fires).

¹¹ National City, Emergency Operations Plan, October 2020, <https://www.nationalcityca.gov/home/showdocument?id=29721&t=638085241546870000>

4.5.5 Issue 1: Transport, Use, and Disposal

Buildout of the FGPU would result in potential new residential, mixed-use, and industrial development that could involve the routine transport, use, and/or disposal of hazardous materials during construction or operations. Hazardous materials are presently found in conjunction with all land uses within the Planning Area, as described above in Section 4.5.1. Demolition and construction activities may result in the transport of hazardous materials (e.g., ACMs, LBPs, and/or contaminated soils); however, this transport would be limited in duration and would not be considered routine. Adoption of the FGPU would not result in a substantially greater volume of use or transport of hazardous materials presently occurring within the City.

The General Plan Safety Element contains goals and policies that would reduce the risks associated with the routine use, transportation, and disposal of hazardous materials that would apply to future development projects. In addition, the FGPU includes the updates to policies within the Safety Element, including:

- **Policy S-7.8:** *Promote the development of a Hazardous Materials Management Plan (HMMP) and Jurisdictional Urban Runoff Management Programs (JURMP). Ensure new development satisfies the requirements outlined in these management plans.*
- **Policy S-8.4:** *Ensure reuse developments prepare all required hazardous waste and material assessments, studies, and implement necessary avoidance, minimization, and/or mitigation measures.*

As a new addition to the Safety Element, Policy S-7.8 would apply to all commercial and industrial development projects. Future development projects would be subject to consistency review with the requirements of the HMMP and JURMP.¹² All applicants would be required to submit a Hazardous Materials Questionnaire to the County DEH or the Air Pollution Control District for review and approval, with the exception of tenant improvement applications. DEH approval would be required to be filed prior to issuance of a building permit by the City's Building Department.

Policy S-8.4 would ensure all reuse development projects prepare an HMBP and Risk Management Program per DEH requirements. The DEH would issue a UPFP prior to issuance of the building permit from the National City Building Department. Any mitigation would be developed during this review and would be a condition of issuance of a UPFP.

Future development also would be required to comply with City Municipal Code sections 9.40.010, 9.40.020, and 9.40.040, which would require all businesses handling hazardous wastes to be permitted by the CUPA program prior to operations. As noted in the regulatory setting above, all requirements of these code sections are administered through compliance with the California Fire Code, which would be checked by the County DEH as a condition of the issuance of a UPFP.

Therefore, with compliance with General Plan policies, the municipal code, and federal and State regulations, the impact of future development consistent with the FGPU in creating a significant hazard to the public through the routine use, transport, and disposal of hazardous materials would be *less than significant*.

4.5.6 Issue 2: Reasonably Foreseeable Upset and Accident Conditions

Future development associated with the FGPU is not anticipated to increase the likelihood of upset and accident conditions potentially involving the release of hazardous materials into the environment. The accidental upset of hazardous materials—either known or unknown—could occur during excavation

¹² National City, Jurisdictional Runoff Management Program (JURMP), June 2020
<https://www.nationalcityca.gov/home/showpublisheddocument/25037/637286133402730000>

and construction of future infill development. Exposure to hazardous materials could occur through contact with contaminated soil or groundwater, skin contact, or inhalation of vapors or dust.

During construction, workers also could be exposed to hazardous materials during demolition of buildings. Numerous structures within the Planning Area were constructed prior to 1978. Demolition of buildings built prior to 1978 in the Planning Area may expose workers to ACM or LBP. Inhalation of asbestos-containing dust may cause acute or chronic toxicity. Exposure of persons other than construction workers would be reduced by the exclusion of non-authorized personnel in construction areas determined to contain potentially hazardous materials. Exposure of construction workers would be controlled through conformance with California Occupational Safety and Health Administration worker safety standards.

For sites with recorded hazardous material concerns, project applicants must obtain confirmation from the DEH that the site has been remediated to the extent that it is required for the proposed use. For example, residential development requires a greater level of remediation than a commercial use that would be paved, resulting in limited exposure to ground contamination.

Additionally, future development projects on listed hazardous materials sites are exceptions to any applicable exemptions under CEQA, pursuant to CEQA Guidelines Section 15300.2, which states that “a categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.” Therefore, future development projects on known hazardous materials sites would be subject to future environmental review pursuant to CEQA and would be required to identify and assess the impacts of hazardous materials during the land use permitting process.

As described under Issue 1, above, the required preparation of an HMBP under the County DEH’s regulations would minimize hazards to human health and the environment from unplanned, accidental releases of hazardous substances through routine use or transport. With preparation of the HMBP, exposure risk would be reduced in the event of upset and accidental conditions, and therefore, the FGPU’s impact would be *less than significant*.

In the unlikely event of upset or accidental release, mandated protocols for reporting the release, notifying the public, and remediating the event (if determined necessary by regulatory agencies) are intended to reduce public risks. Specifically, the risks associated with the accidental release of hazardous materials would be managed through the implementation of Assembly Bill 3205, California Hazardous Waste Control Law, California Health and Safety Code, California Fire Code, and RCRA regulations. However, since there is the potential for unknown hazardous materials throughout the Planning Area, risks from accidental release of unknown subsurface sources and within existing on-site structures exists, and impacts are potentially significant (**Impact HAZ-1**).

4.5.7 Issue 3: Within ¼ Mile of an Existing or Proposed School

The FGPU would not allow land uses that would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste, such as industrial facilities handling chemical wastes, near existing schools. It is noted that there are no proposed new schools within the City, as existing schools have adequate capacity for existing demand (see Chapter 2 Environmental Setting, Section 2.3.6.3 Schools).

Compliance with General Plan Safety Element Policy S-7.5 would require future development to be reviewed to ensure the compatibility of uses which store, collect, treat, or dispose of hazardous materials with adjacent uses. Therefore, the FGPU would have a *less than significant* impact on allowing land uses that emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste to be located within a ¼ mile of an existing school.

4.5.8 Issue 4: A Site Included on a List of Hazardous Materials Sites

The Planning Area is largely urbanized, and infill development allowed under the FGPU has the potential to be developed on sites with existing soil or groundwater contamination. As shown in Figure 4.5-1, GeoTracker notes a number of sites with previous (remediated) or active contamination. Any infill development proposed on a site listed on a hazardous waste database would be required to prepare all required hazardous waste and material assessments and plans (including the Hazardous Materials Questionnaire and HMBP) to determine necessary avoidance, minimization, and/or mitigation measures prior to ground disturbance, thus reducing the potential in exposing the public to hazards during construction.

Future development under the FGPU would require compliance with General Plan Safety Element Policies S-8.1 through S-8.3, which would require cleanup and remediation of these contaminated sites as a condition of reuse of the site.

Redevelopment of contaminated sites, or adjacent sites, with existing soil or groundwater contamination could pose a significant hazard to the public or the environment through releases of hazardous materials into the environment. Although the risk of significant hazard to the public or the environment from redevelopment of sites with existing soil or groundwater contamination can be reduced by conformance with existing policies and regulations, it cannot be completely eliminated and therefore would have a *significant impact* (**Impact HAZ-1**).

4.5.9 Issue 5: Airport Land Use Compatibility Plan Safety Hazard or Excessive Noise

No private airstrips are located within the vicinity of the Planning Area. As noted in Chapter 4.6 Land Use, Section 4.6.2 Regulatory Framework, portions of the Planning Area are within the AIA of the San Diego International Airport, Naval Air Station North Island (NASNI), and Brown Field Municipal Airport. As detailed under Issue 2 in Chapter 4.6 Land Use, an ALUCP consistency determination was completed for the FGPU and a conditional consistency finding by the Airport Land Use Commission (ALUC) for the FGPU was issued (see Appendix 13.C.12). Each ALUC is responsible for safeguarding the general public by designating an AIA as it relates to airport-related noise and safety, identifying airspace protection measures, and restrictions on land use within the airport's vicinity. The ALUC determined that the Planning Area is not located within any AIA safety zones. As a condition of approval for future development consistent with the FGPU, each project must receive a Determination of No Hazard to Air Navigation from the Federal Aviation Administration.

As noted in Chapter 4.7 Noise, portions of the AIA appear to be within the noise contours for NASNI. The ALUC consistency determination noted that the Planning Area is not within any AIA noise contours. As a condition of this consistency determination, future residences located within the NASNI ALUCP AIA would be subject to overflight notification requirements. The ALUC determined that the Planning Area is outside of the San Diego International Airport and Brown Field noise contours map. Impacts from excessive noise is analyzed under Issue Area 1 in Chapter 7 under Section 7.10 Noise.

A portion of the Salt Flats, located within the southernmost extent of National City, lies within the AIA for the Brown Field Municipal Airport. The Salt Flats are located within the airspace protection and/or overflight notification areas. This area is referred to as "Review Area 2" in the Brown Field ALUCP and only contains land use restrictions that limit the heights of structures, particularly in areas of high terrain. As the Brown Field Municipal Airport ALUCP contains only an area in the southernmost extent of National City that is within the salt flats, it is excluded from further discussion, as no changes are proposed to this area by the FGPU.

The consistency determination made by the ALUC determined that the Planning Area is not located within any AIA safety zones or noise contours, and, since the FGPU does not propose any actual development, impacts are *less than significant*.

4.5.10 Mitigation, Monitoring, and Reporting

To support the City in avoiding, minimizing, and mitigating potential impacts from these sites during future buildout for site-specific development, the following mitigation framework would be required:

MM-HAZ-1 Environmental Site Assessment:

Applications for site-specific developments under the Focused General Plan Update where the Planning Department has determined a potential impact to a site listed in a hazardous materials database, or to sites with potential but unknown hazardous material impacts, shall be required to comply with the following mitigation framework:

Projects shall be required to identify potential conditions that require further regulatory oversight and demonstrate compliance based on the following measures prior to issuance of any permits.

- a) A Phase I Environmental Site Assessment (ESA) shall be completed in accordance with ASTM International Standards. If hazardous materials are identified that require remediation, a Phase II ESA and remediation effort shall be conducted in conformance with federal, state, and local regulations.
- b) If the Phase II ESA identifies the need for remediation, then the following shall occur prior to the issuance of grading permits:
 - 1) The applicant shall retain a qualified environmental engineer to develop a soil and/or groundwater management plan to address the notification, monitoring, sampling, testing, handling, storage, and disposal of contaminated media or substances (soil, groundwater). The qualified environmental consultant shall monitor excavations and grading activities in accordance with the plan. The groundwater management and monitoring plans shall be approved by the City of National City prior to development of the site.
 - 2) The applicant shall submit documentation showing that contaminated soil and/or groundwater on proposed development parcels has been avoided or remediated to meet cleanup requirements established by appropriate local regulatory agencies (Regional Water Quality Control Board [RWQCB]/California Department of Toxic Substances Control [DTSC]/Department of Environmental Health [DEH]) based on the future planned land use of the specific area within the boundaries of the site (i.e., commercial, residential), and that the risk to human health of future occupants of these areas therefore has been reduced to below a level of significance.
 - 3) The applicant shall obtain written authorization from the appropriate regulatory agency (RWQCB/DTSC/DEH) confirming the completion of remediation. A copy of the authorization shall be submitted to the City to confirm that all appropriate remediation has been completed and that the proposed development parcel has been cleaned up to the satisfaction of the regulatory agency. In the event that previous contamination has occurred on a site that has a previously closed case or on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, the DEH shall be notified of the proposed land use.
 - 4) All cleanup activities shall be performed in accordance with all applicable federal, state, and local laws and regulations, and required permits shall be secured prior to commencement of construction to the satisfaction of the City and compliance with applicable regulatory agencies such as but not limited to the National City Municipal Code.

4.5.11 Significance after Mitigation

With implementation of the **MM-HAZ-1** for site-specific developments consistent with the FGPU, **Impact HAZ-1** can be reduced to *less than significant*.