

## 4.8 HAZARDS AND HAZARDOUS MATERIALS

This section provides an overview of potential hazards and hazardous materials within and in the vicinity of the project site and assesses potential impacts to public health and safety and the environment that could result from implementation of the proposed project. Mitigation measures to reduce significant impacts are identified, where appropriate.

### 4.8.1 Setting

This section describes the existing conditions related to hazards and hazardous materials within and in the vicinity of the project site, as well as applicable regulatory agency framework and local policies.

#### 4.8.1.1 Historical and Current Land Uses

Prior to 1957, the project site was undeveloped land with creek channels present in the southern and southeastern portions of the project site. In 1957, development on the project site had begun with grading of the site's northeast portion. By 1963, grading and placement of fill material across the entire project site had occurred, and the hillside adjacent to the east of the project site had also been graded and benched, suggesting that this hillside was a source of fill material for the project site. Construction of the existing buildings in the central portion of the project site had also begun by 1963, and the Emporium opened in 1965; additional buildings and the surrounding parking lots were completed by 1968. By 1974, the former Sears Department Store, Auto Center, and Appliance Service Center and surrounding parking lots had been built in the southern portion of the project site. By 1987, the parking structure in the southwest portion of the project site had been constructed after the mall underwent a major renovation. By 1993, the Kohl's building was constructed in the western portion of the project site and the HomeGoods building had been constructed in the eastern portion of the project site. The project site continued to be developed through 2012 with the addition of the 5000 Northgate Drive building onto the Kohl's building and the Rite Aid building in the northeast portion of the project site. The buildings on the project site have been occupied by various commercial businesses, including retail stores, restaurants, a movie theater, and appliance and vehicle service facilities.

#### 4.8.1.2 Hazardous Materials and Subsurface Contamination

Information regarding hazardous materials and subsurface contamination at the project site and surrounding properties was obtained from review of the 2021 Phase I Environmental Site Assessment (2021 Phase I ESA)<sup>1</sup> and previous environmental investigations that were attached to the 2021 Phase I ESA (refer to Appendix E). Various businesses at the project site and surrounding properties have been listed on regulatory databases for the storage, use, and disposal of hazardous materials. Many of these database listings are related to the routine storage, use, and disposal of relatively small quantities of hazardous materials and are not considered to present an environmental concern for the project site.

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<sup>1</sup> Roux Associates, Inc. 2021. *Phase I Environmental Site Assessment (ESA), Northgate Mall, 5800 Northgate Drive, San Rafael, California*. November 8.

The 2021 Phase I ESA included the review of environmental investigations performed for several leaking underground storage tank (LUST) sites located in areas surrounding the project site and concluded that these off-site LUST cases should not pose a threat to the project site. The 2021 Phase I ESA indicates that investigations and remedial excavation were conducted in 2019 to remove volatile organic compound (VOC)-impacted soil at a drycleaner located at 412 Las Gallinas Avenue, in the shopping center adjacent to the west of the project site. The 2021 Phase I ESA indicates that the San Francisco Bay Regional Water Quality Control Board (RWQCB) concurred with a Closure Request Report for the drycleaner in a letter dated October 20, 2020. The 2021 Phase I ESA did not indicate whether groundwater had been impacted by VOCs at this adjacent off-site property, or whether the VOC release at this off-site property could potentially impact the project site. This off-site property is not listed as a hazardous materials release site on the State Water Resources Control Board (SWRCB) GeoTracker database,<sup>2</sup> and no other information regarding the investigations and remedial excavation performed at this property is presented in the 2021 Phase I ESA.

Information from database listings and previous investigations that identified existing or potential hazardous building materials and hazardous materials contamination at the project site is discussed below.

**Hazardous Building Materials.** A hazardous materials survey performed in 2007 identified six transformers suspected of containing polychlorinated biphenyls (PCBs) in the catwalk of the project site buildings, and four samples of paint were analyzed and found to contain lead.<sup>3</sup> A lead-based paint survey was also performed in 2008 that identified red paint on various steel beams and columns at the project site as lead-based paint.<sup>4</sup>

**Transformer Oil Release.** A 1993 Phase I ESA indicated that the Pacific Gas and Electric Company (PG&E) had previously tested all pad-mounted transformers at the project site and three were found to contain PCBs at concentrations greater than 50 parts per million (ppm).<sup>5</sup> These three transformers were reportedly replaced with non-PCB-containing transformers.<sup>6</sup> Only one transformer observed at the project site during the 2021 Phase I ESA had a visible “Non-PCB” label. A database listing indicated that in November 1997, a PG&E transformer leaked 125 gallons of oil into a subsurface vault. All of the oil was reportedly contained within the vault and the leak was

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<sup>2</sup> State Water Resources Control Board (SWRCB). n.d. GeoTracker Database. Website: <https://geotracker.waterboards.ca.gov/> (accessed March 29, 2023).

<sup>3</sup> RGA Environmental. 2008. *Hazardous Materials Survey, The Mall at Northgate, San Rafael, California*. March 13.

<sup>4</sup> ATC Associates, Inc. 2008. Limited XRF Paint Sampling – Northgate Mall, 5800 Northgate Mall, San Rafael, CA. August 12.

<sup>5</sup> Substances containing PCBs at concentrations exceeding 50 ppm are regulated as PCBs containing materials under the Toxic Substances Control Act for remediation and disposal purposes; however, exposure to materials containing PCBs at much lower concentrations than 50 ppm can present health risks.

<sup>6</sup> ATC/Diagnostic Environmental Inc., 1993. *Environmental Site Assessment, Northgate Mall, San Rafael, California*. August 12.

fixed.<sup>7</sup> It is not known whether transformers with PCB concentrations below 50 ppm may have remained at the project site. Information regarding the location of the transformer that leaked or whether the leaked oil contained PCBs was not available in the 2021 Phase I ESA. PCBs can be absorbed into concrete, and if cracks or holes were present in the vault where leakage occurred, then PCBs could have been released into underlying soil.

**Staining at Backup Generator.** Staining has been observed on a concrete pad around a diesel-powered backup generator located on the west side of the Kohl's (former Mervyn's) building over the course of many years. This staining was first documented in a 1993 Phase I ESA that identified it as minor oily staining.<sup>8</sup> The staining was identified again during a 2009 Phase I ESA that identified it as diesel staining from apparent minor spillage from overfills.<sup>9</sup> Photos included in the 2009 Phase I ESA show this area of staining extending to the edges of the concrete pad, which is located within a planter area. Therefore, it is possible that releases of diesel fuel have resulted in contamination of soil near this generator.

**Potential Dry Cleaning and Auto Parts Cleaning.** Database listings indicated that the former Sears Department Store disposed of various solvents in 2004 and 2008, including trichloroethylene (TCE) and tetrachloroethylene (PCE). The 2021 Phase I ESA indicates that these chemicals may indicate that dry-cleaning activities may have taken place within the former Sears Department Store. A 2009 Phase I ESA indicated that the Sears facility at 8108 Northgate Drive was identified as a laundry and garment service in 2003; however, dry cleaning operations were denied by Sears and Macerich (the former owner of the project site), and the solvents were likely related to Sears Auto Center operations. Fairfax French Cleaners was in operation at the project site until 2007; however, according to a 1993 Phase I ESA, this location was used for pickup/drop-off only, and no dry cleaning was performed on site.<sup>10</sup> Hazardous materials releases are common at older dry cleaning facilities and auto repair facilities that historically disposed of used solvents through sewer systems, which can be prone to leakage. Solvents including TCE and PCE were commonly used for dry cleaning and auto parts cleaning. Such hazardous materials releases are a common source of subsurface contamination from VOCs (including TCE and PCE), which can migrate readily through soil and groundwater and impact indoor air quality due to vapor intrusion into buildings. Concentrations of PCE have been detected in soil vapor beneath the former Sears Auto Center as discussed below.

**Former Sears Department Store and Auto Center.** Database listings indicated that between 1989 and 2018, Sears Roebuck & Co. and Sears Auto Center at 9000 Northgate Drive disposed of sludge waste, oil-containing waste, solvents, organic/inorganic solid waste, and various types of chemical solutions. In 1994 and 1995, this facility disposed of PCB-containing material. In 2017, this facility disposed of 2.4 tons of contaminated soil from site cleanup. The auto center reportedly had six

<sup>7</sup> Roux Associates, Inc. 2021. *Phase I Environmental Site Assessment (ESA), Northgate Mall, 5800 Northgate Drive, San Rafael, California*. November 8.

<sup>8</sup> ATC/Diagnostic Environmental Inc. 1993. *Environmental Site Assessment, Northgate Mall, San Rafael, California*. August 12.

<sup>9</sup> Bureau Veritas North America, Inc. 2009. *Phase I Environmental Site Assessment, Mervyn's Department Store, 5010 Northgate Mall, The Mall at Northgate, San Rafael, California*. January 5.

<sup>10</sup> Roux Associates, Inc. 2021. *Phase I Environmental Site Assessment (ESA), Northgate Mall, 5800 Northgate Drive, San Rafael, California*. November 8.

underground storage tanks (USTs) for product and waste oil as well as a concrete sump for waste oil and grease that were installed in 1972. Jiffy Lube/Flamingo Properties was also listed at 9000 Northgate Drive as a gasoline service station/auto repair shop from 1996 to 2009. Between 1996 and 2005, this facility disposed of oil-containing waste and various organic solutions.<sup>11</sup>

The 2021 Phase I ESA summarized information from several environmental investigations and hazardous materials removal actions performed at the project site, with supporting documentation presented in Appendix H of the 2021 Phase I ESA (provided in Appendix E). Many of the investigations and cleanup actions occurred at the former Sears Department Store and Auto Center (which also included a former gas station) as summarized below.

**Removal of USTs, Fuel Dispensers, Piping, and Hydraulic Lifts from the Sears Auto Center.** UST removal documentation included in Appendix H of the 2021 Phase I ESA indicates that at least four USTs were removed from the former Sears Auto Center in 1986: one 8,000-gallon gasoline tank, one 1,000-gallon waste oil tank, and two 500-gallon bulk motor oil tanks. According to a 1987 letter from the Marin County Department of Environmental Health (DEH), which is included in Appendix H of the 2021 Phase I ESA, soil and groundwater sample results indicated a "...safe level or absence of any residual of product formerly stored in the underground storage tanks at this location."<sup>12</sup> Soil or groundwater testing results were not included in the UST removal documentation; therefore, the degree of subsurface contamination identified during removal of the former USTs, if any, is unknown. Other documents included in Appendix H of the 2021 Phase I ESA indicate the former presence and removal of two gasoline USTs at the former gas station; however, the UST removal documentation included in Appendix H of the 2021 Phase I ESA did not indicate removal of a second fuel UST.

In 1994, two fuel dispenser islands and associated piping were removed from the former gas station next to the Sears Auto Center building. Oil piping associated with former oil USTs at the Sears Auto Center building was also removed. Approximately 34 cubic yards of petroleum-hydrocarbon-impacted soil was segregated and disposed of off site.<sup>13</sup> Soil samples were collected from beneath the piping, and only minor concentrations of petroleum hydrocarbons were detected in the samples. Chromium was detected in one sample above typical San Francisco Bay Area (Bay Area) background concentrations. Due to the low levels of petroleum hydrocarbons and low risk of public exposure to this soil, no further investigation was recommended at the time. Based on the results of the dispenser island removal, closure of this site was requested from the San Rafael Fire Department in 1999. In response, the City of San Rafael (City) requested specific records from Sears, including documentation of UST removals

<sup>11</sup> Roux Associates, Inc. 2021. *Phase I Environmental Site Assessment (ESA), Northgate Mall, 5800 Northgate Drive, San Rafael, California*. November 8.

<sup>12</sup> Ibid.

<sup>13</sup> Fluor Daniel GTI. 1996. *Dispenser Island and Product Line Removal Report, Sears Store 1528, 9000 Northgate Mall, San Rafael, California*. July 1.

and associated lab reports, and requested additional soil and groundwater sampling for analysis of methyl-tert-butyl-ether (MTBE).<sup>14</sup>

A 1997 report documented the removal of three hydraulic lifts at the former Sears Auto Center. Concentrations of hydraulic oil and PCBs were detected in soil near the lifts, and contaminated soils were excavated to a depth of 3 feet. The presence of PCBs may indicate that the lifts were installed prior to the 1977 ban on PCBs; therefore, the remaining 14 lifts may have similar subsurface impacts.<sup>15</sup>

The 2021 Phase I ESA indicates that in an email exchange dated September 23, 2021, MGP XI Northgate, LLC provided documentation of hydraulic lift decommissioning from Transform SR Holding Management LLC (Transform), which manages the former Sears company's current business affairs. According to Transform, no report was generated for the decommissioning of the 14 former hydraulic lifts, and the typical procedures for Sears Auto Group include pulling the pistons from the ground, pumping out as much hydraulic fluid as possible, filling the remaining cylinder with sand, and capping with concrete.<sup>16</sup>

**2009 Phase I and II ESAs.** A Phase I ESA was prepared for the project site in 2009 that recommended a Phase II investigation be performed at the Sears Auto Center based on the lack of information regarding USTs, the potential for subsurface contamination from petroleum hydrocarbons and PCBs from the remaining hydraulic lifts, and the potential for subsurface contamination (particularly from PCEs and TCEs) from the oil/water separator and connected trench drain.<sup>17</sup>

A Phase II ESA was performed at the former Sears Auto Center in 2009. No evidence of remaining USTs was found during a geophysical survey and site inspection. Soil borings targeted the areas of former USTs, existing and former hydraulic lifts, the trench drain, and oil/water separator. Two groundwater monitoring wells were installed to the north of the former gas station; however, the wells did not produce sufficient groundwater for sampling at the time; therefore, it was recommended that they be sampled at a later date. Although photoionization detector (PID)<sup>18</sup> readings ranging from 30 to 200 ppm were noted in multiple borings adjacent to the north of the trench drain, only relatively minor concentrations of petroleum hydrocarbons and VOCs including methylene chloride, acetone, and 2-butanone were detected in soil samples.<sup>19</sup> The elevated PID readings suggest that impacts from VOCs could be present in the subsurface of the former Sears Automotive Center that were not identified by the soil sampling

<sup>14</sup> Roux Associates, Inc. 2021. *Phase I Environmental Site Assessment (ESA), Northgate Mall, 5800 Northgate Drive, San Rafael, California*. November 8.

<sup>15</sup> Roux Associates, Inc. 2021. *Phase I Environmental Site Assessment (ESA), Northgate Mall, 5800 Northgate Drive, San Rafael, California*. November 8.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> A PID measures concentrations of volatile organic vapors, and elevated readings are typically indicative of contamination from petroleum hydrocarbons and/or VOCs.

<sup>19</sup> Sigma Engineering, Inc. 2009. *Phase II Environmental Site Assessment Recommendations, Sears Automotive Center, Northgate Mall, 9000 Northgate Mall, San Rafael, CA*. October 20.

and analysis performed. Analysis of PCBs was not performed for soil samples collected near the existing and former hydraulic lifts although previous investigations identified potential PCB contamination near hydraulic lifts as a concern, as discussed above.

**2017 Passenger Elevator Jack Removal.** A passenger elevator jack was removed from the western end of the Sears Department Store in 2017. After removing the jack piston from its casing, sediment and groundwater were removed from within the casing. The groundwater had an oily sheen, and sediment near the groundwater level that had a petroleum hydrocarbon odor was sampled. Sediment was removed up to a depth of approximately 20 feet, where a suspected concrete cap was encountered at the bottom of the casing. Concentrations of petroleum hydrocarbons and polycyclic aromatic hydrocarbons (PAHs) exceeding applicable Environmental Screening Levels (ESLs) were detected in the sediment.<sup>20</sup> PCBs were not detected in the sediment sample.<sup>21</sup>

**2017 Limited Phase II Assessment.** A Limited Phase II Assessment<sup>22</sup> was performed at the former Sears facilities in 2017. A private utility locator identified a possible location of one or more USTs in the parking lot southeast of the former Sears Auto Center building. Borings were advanced in and around the Sears Auto Center near the hydraulic lifts, a sunken work bay, an oil storage area, suspected USTs, a clarifier, and an elevator. Three more borings were advanced near the Sears Department Store elevators, and one boring was advanced in the waste storage area of the former Sears Appliance Service Center. Groundwater samples were collected in two borings near elevators and from the two monitoring wells installed in 2009. A concrete sample was also collected from the Sears Auto Center battery storage area.<sup>23</sup>

Relatively minor concentrations of petroleum hydrocarbons were detected in soil samples near various features, and elevated concentrations of petroleum hydrocarbons were detected near a hydraulic lift and the former Sears Department Store passenger elevator. Petroleum hydrocarbon contamination was also identified in the groundwater samples collected near the Sears Department Store elevators, with very high concentrations detected near the passenger elevator. A relatively minor concentration of petroleum hydrocarbons as diesel was detected in a groundwater sample from the monitoring well on the west side of the former gas station. An elevated concentration of petroleum hydrocarbons as oil and grease was detected in a groundwater sample from the monitoring well on the east side of the former gas station; however, the 2017 Phase II Assessment did not describe this petroleum hydrocarbon contamination.<sup>24</sup> Petroleum hydrocarbons as gasoline were not analyzed in the groundwater samples although the former gas station had gasoline USTs.

<sup>20</sup> Roux Associates, Inc. 2021. *Phase I Environmental Site Assessment (ESA), Northgate Mall, 5800 Northgate Drive, San Rafael, California*. November 8.

<sup>21</sup> Amec Foster Wheeler. 2017. *Passenger Elevator Jack Removal Assessment Summary, Sears Retail Store #1528, Northgate Mall, San Rafael, California*. February 17.

<sup>22</sup> TÖR Environmental, Inc. 2017. *Limited Phase II Soil, Soil Gas, and Groundwater Assessment, Sears at Northgate Mall, 9000 Northgate Drive, San Rafael, California*. August 22.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

Elevated concentrations of PCE (exceeding current residential and commercial ESLs<sup>25</sup>) were detected in soil vapor samples at three locations in the western portion of the Former Sear Auto Center. PCE was not detected in other soil vapor samples;<sup>26</sup> however, the soil vapor laboratory reporting limits for PCE and other potential contaminants of concern (including TCE, benzene [a constituent of gasoline], and vinyl chloride [a breakdown product of PCE]) were above the current residential and commercial ESLs for soil vapor. Therefore, undetected contamination from VOCs could be present in soil vapor at the former Sears Auto Center.

The 2017 Limited Phase II Assessment recommended performing further assessment/ remediation of the former Sears Auto Center's in-ground clarifier, hydraulic lifts, sunken work bay, and UST area as well as the former Sears Department store elevators.<sup>27</sup>

**2018 Subsurface Assessment.** A Subsurface Assessment was performed in 2018 to address environmental concerns identified in the 2017 Limited Phase II Assessment. A geophysical survey was performed south of the former Sears Auto Center to investigate the area identified as possibly containing USTs, and two test borings were advanced in the possible UST area; however, no USTs were found. Three borings were advanced in the former Sears Department Store passenger elevator room, and concentrations of petroleum hydrocarbons were detected in soil and groundwater samples that were much lower than the concentrations identified during the 2017 Limited Phase II Assessment. The 2018 Subsurface Assessment indicated that groundwater sample concentrations at the passenger elevator do not suggest that remedial action is warranted and recommended that the report be shared with the County of Marin (County) with a request for closure.

**2021 Phase I ESA.** The 2021 Phase I ESA documented staining and spilled liquids on the floors of multiple hydraulic elevator equipment rooms located at the former Sears Department Store and Auto Center buildings during the site reconnaissance. The 2021 Phase I ESA did not identify the staining and spilled liquids as environmental concerns that required further action.<sup>28</sup> Based on the proximity of the staining and spilled liquids to the hydraulic elevator equipment, it is likely that the staining and liquids are from hydraulic oil. Older hydraulic oil can contain PCBs; however, documentation of PCBs testing of concrete or underlying soil/groundwater near these areas of staining is not available except for the PCB analysis performed during the 2017 passenger elevator jack removal, as discussed below. Therefore, it is possible that impacts from PCBs could be present in concrete or underlying soil and groundwater near hydraulic elevator equipment at the project site.

The 2021 Phase I ESA identified environmental concerns at the project site, including concentrations of VOCs in soil vapor and PCBs in soil beneath the former Sears Auto Center that exceeded ESLs, the petroleum hydrocarbon releases at the elevators of the former Sears

<sup>25</sup> Regional Water Quality Control Board (RWQCB). 2019. Environmental Screening Levels. January.

<sup>26</sup> TÖR Environmental, Inc. 2017. *Limited Phase II Soil, Soil Gas, and Groundwater Assessment, Sears at Northgate Mall, 9000 Northgate Drive, San Rafael, California*. August 22.

<sup>27</sup> Ibid.

<sup>28</sup> Roux Associates, Inc. 2021. *Phase I Environmental Site Assessment (ESA), Northgate Mall, 5800 Northgate Drive, San Rafael, California*. November 8.

Department Store that affected soil and groundwater, and the lack of documentation regarding the removal of USTs at the former Sears Auto Center. The 2021 Phase I ESA recommended that these environmental concerns be investigated further during redevelopment after the existing buildings are demolished.

**GeoTracker Listing.** The former Sears Retail Store is listed on the SWRCB GeoTracker database as a Non-Case Information site with a status of “informational item/review complete” as of December 10, 2021.<sup>29</sup> An email correspondence available on GeoTracker indicates that Marin County referred this site to the RWQCB for review in 2019 after receiving the 2018 Subsurface Assessment, and different staff members from the RWQCB had differing opinions regarding whether to open a Cleanup Program case or keep the site as a Non-Case Information site. The last opinion provided by an RWQCB staff member indicated they did not see why they would not open a Cleanup Program case, especially considering the petroleum contamination in the groundwater that is not delineated and the presence of highly contaminated soil. The RWQCB is not going to leave petroleum product in the subsurface without knowing the extent, the proposed land use, and all the other parameters that the Low Threat Closure Policy requires them to evaluate.<sup>30</sup>

#### 4.8.1.3 Aviation Hazards

Airport-related hazards are generally associated with aircraft accidents, particularly during takeoffs and landings. Other airport operation hazards include incompatible land uses, power transmission lines, wildlife hazards (e.g., bird strikes), and tall structures that penetrate the regulated surfaces surrounding an airport. The nearest airport to the project site is the San Rafael Airport, which is a small private airport located approximately 1 mile northeast of the project site that does not have a land use plan. The nearest public airport to the project site is the Marin County Airport at Gness Field in Novato, approximately 9 miles to the north. The project site is not located within the land use plan area for the Marin County Airport at Gness Field.<sup>31</sup>

#### 4.8.1.4 Regulatory Framework

The use, storage, and disposal of hazardous materials—including management of contaminated soils and groundwater—is regulated by numerous local, State, and federal laws and regulations. Federal, State, regional, and local agency’s jurisdiction in the management of hazards and hazardous materials, as applicable to the proposed project, is described below.

**Federal Regulations.** At the federal level, the United States Environmental Protection Agency (EPA) administers hazardous materials and hazardous waste regulations, the Occupational Safety and Health Administration (OSHA) regulates worker safety related to hazardous materials handling, and

<sup>29</sup> State Water Resources Control Board (SWRCB). n.d. GeoTracker Webpage for Sears Retail Store #1528. Website: [https://geotracker.waterboards.ca.gov/profile\\_report.asp?global\\_id=T10000014929](https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000014929) (accessed April 4).

<sup>30</sup> Regional Water Quality Control Board (RWQCB). 2020. Email Correspondence dated June 19. Website: [https://documents.geotracker.waterboards.ca.gov/regulators/deliverable\\_documents/6645978629/New%20Information%20Email%2006192020.pdf](https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/6645978629/New%20Information%20Email%2006192020.pdf) (accessed April 4).

<sup>31</sup> Cortright & Seibold. 1991. Airport Land Use Plan, Marin County Airport Gness Field. June 10.



the United States Department of Transportation (DOT) regulates hazardous waste transportation. The authority of these agencies and applicable regulations are described below.

**United States Environmental Protection Agency (EPA).** The EPA is the federal agency responsible for enforcement and implementation of federal laws and regulations pertaining to hazardous materials and hazardous waste. The federal regulations are primarily codified in Title 40 of the Code of Federal Regulations (CFR). The legislation includes the Resource Conservation and Recovery Act (RCRA) of 1976, the Superfund Amendments and Reauthorization Acts of 1986, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and the Toxic Substances Control Act of 1976 (TSCA). The EPA provides oversight for site investigation and remediation projects, and has developed protocols for sampling, testing, and evaluation of solid wastes.

In 1989, the EPA issued a final rule banning most asbestos-containing products. In 1991, this regulation was overturned and, as a result of the Court's decision, the 1989 asbestos regulation only bans new uses of asbestos in products that would be initiated *for the first time* after 1989 and bans the following specific asbestos-containing products: flooring felt, rollboard, and corrugated, commercial, or specialty paper.<sup>32</sup>

**Resource Conservation and Recovery Act (RCRA).** The RCRA is a combination of the first federal solid waste statutes and all subsequent amendments mandated by Congress. The RCRA establishes the framework for a national system of solid waste control. Subtitle D of the RCRA is dedicated to non-hazardous solid waste requirements, and Subtitle C focuses on hazardous solid waste. Solid waste includes solids, liquids, and gases and must be discarded to be considered waste. Under Subtitle C of the RCRA, the EPA has developed a comprehensive program to ensure that hazardous waste is managed safely from the moment it is generated to its final disposal (referred to as cradle-to-grave) and may authorize states to implement key provisions of hazardous waste requirements in lieu of the federal government. If a state program does not exist, the EPA directly implements the hazardous waste requirements in that state. Subtitle C regulations set criteria for hazardous waste generators, transporters, and treatment, storage, and disposal facilities. This includes permitting requirements, enforcement, and corrective action or cleanup.

**Hazardous Materials Transportation Act (HMTA).** The federal HMTA of 1975 is the statutory basis for the extensive body of regulations aimed at ensuring the safe transport of hazardous materials on water, rail, and highways and through air or pipelines. It includes provisions for material classification, packaging, marking, labeling, placarding, and shipping documentation.

**United States Department of Transportation (DOT).** In 1990 and 1994, the federal HMTA was amended to improve the protection of life, property, and the environment from the inherent risks of transporting hazardous material in all major modes of commerce. The DOT developed hazardous materials regulations that govern the classification, packaging, communication,

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<sup>32</sup> United States Environmental Protection Agency (EPA). 2023. Asbestos Ban and Phase-Out Federal Register Notices. Website: <https://www.epa.gov/asbestos/asbestos-ban-and-phase-out-federal-register-notices> (accessed April 6, 2023).

transportation, and handling of hazardous materials, as well as employee training and incident reporting. The transportation of hazardous materials is subject to both RCRA and DOT regulations. The California Highway Patrol, California Department of Transportation (Caltrans), and the California Department of Toxic Substances Control (DTSC) are responsible for enforcing federal and State regulations pertaining to the transportation of hazardous materials.

**Occupational Safety and Health Administration (OSHA).** Worker health and safety is regulated at the federal level by OSHA. The federal Occupational Safety and Health Act of 1970 authorizes the states to establish their own safety and health programs with OSHA approval. Worker health and safety protections in California are regulated by the California Occupational Safety and Health Administration (Cal/OSHA), as described below. California standards for workers dealing with hazardous materials are contained in 8 California Code of Regulations (CCR), which includes practices for all industries (General Industrial Safety Orders) as well as specific practices for construction. Workers at hazardous waste sites (or workers who may be exposed to hazardous wastes that might be encountered during excavation of contaminated soils) must receive specialized training and medical supervision according to OSHA Hazardous Waste Operations and Emergency Response regulations. Additional regulations have been developed for construction workers potentially exposed to lead and asbestos. Cal/OSHA enforcement units conduct on-site evaluations and issue notices of violation to enforce necessary improvements to health and safety practices.

**State Regulations.** At the State level, the California Environmental Protection Agency (CalEPA) implements and enforces environmental laws that regulate air, water, and soil quality; pesticide use; and waste recycling and reduction. CalEPA consists of the DTSC, the SWRCB (which operates via nine RWQCBs), the California Air Resources Board (CARB), the Department of Pesticide Regulation, the California Department of Resources Recycling and Recovery (CalRecycle), and the Office of Environmental Health Hazard Assessment (OEHHA). The DTSC and the SWRCB administer hazardous materials and hazardous waste regulations, CARB regulates air pollution control programs, and Cal/OSHA regulates worker safety related to hazardous materials handling. The authority of these agencies and applicable regulations are described below.

**Department of Toxic Substances Control (DTSC).** In California, the DTSC is authorized by the EPA to enforce and implement federal hazardous materials laws and regulations. California regulations pertaining to hazardous materials are equal to or exceed the federal regulation requirements. Most State hazardous materials regulations are contained in CCR Title 22. The DTSC generally acts as the lead agency for soil and groundwater cleanup projects that affect public health and establishes cleanup levels for subsurface contamination that are equal to or more restrictive than federal levels. The DTSC has also developed land disposal restrictions and treatment standards for hazardous waste disposal in California.

**California Health and Safety Code.** Health and Safety Code Division 20, Chapter 6.5 – Hazardous Waste Control, is the primary hazardous waste statute in the State of California and implements the RCRA as a “cradle-to-grave” waste management system in California. It specifies that generators have the primary duty to determine whether their wastes are hazardous and to ensure their proper management. It also establishes criteria for the reuse and recycling of hazardous wastes used or reused as raw materials. It exceeds federal requirements by

mandating source reduction planning and a much broader requirement for permitting facilities that treat hazardous waste. It also regulates additional types of wastes and waste management activities that are not covered by federal law under the RCRA.

Chapter 6.95 of the Health and Safety Code also establishes minimum Statewide standards for Hazardous Materials Business Plans (HMBPs), including basic information on the location, type, quantity, and health risks of hazardous materials and/or waste. Each business must prepare an HMBP if that business uses, handles, or stores a hazardous material and/or waste or an extremely hazardous material in quantities greater than or equal to the following:

- 55 gallons for a liquid
- 500 pounds of a solid
- 200 cubic feet for any compressed gas
- Threshold planning quantities of an extremely hazardous substance

**State Water Resources Control Board (SWRCB).** The SWRCB enforces regulations on implementation of UST programs. It also allocates funding to eligible parties that request reimbursement of costs to clean up soil and groundwater pollution from UST leaks. The SWRCB also enforces the Porter-Cologne Water Quality Control Act (Porter-Cologne Act) through its nine RWQCBs, including the San Francisco Bay RWQCB, which is described below.

**California Air Resources Board (CARB).** This agency is responsible for coordination and oversight of State and local air pollution control programs in California, including implementation of the California Clean Air Act of 1988. CARB has developed State air quality standards and is responsible for monitoring air quality in conjunction with the local air districts.

**California Code of Regulations (CCR) Title 22.** Most State and federal regulations and requirements that apply to generators of hazardous waste are spelled out in CCR Title 22, Division 4.5. Title 22 contains the detailed compliance requirements for hazardous waste generators, transporters, and treatment, storage, and disposal facilities. Because California is a fully authorized state according to RCRA, most RCRA regulations (those contained in 40 CFR 260 et seq.) have been duplicated and integrated into Title 22. However, because DTSC regulates hazardous waste more stringently than the EPA does, the integration of California and federal hazardous waste regulations that make up Title 22 does not contain as many exemptions or exclusions as does 40 CFR 260. As with the California Health and Safety Code, Title 22 also regulates a wider range of waste types and waste management activities than the RCRA regulations in 40 CFR 260 do. To aid the regulated community, the State of California compiled the hazardous materials, waste, and toxics-related regulations contained in CCR Titles 3, 8, 13, 17, 19, 22, 23, 24, and 27 into one consolidated CCR Title 26, "Toxics." However, the California hazardous waste regulations are still commonly referred to as Title 22.

**California Occupational Safety and Health Administration (Cal/OSHA).** Worker health and safety protections in California are regulated by Cal/OSHA. California standards for workers dealing with hazardous materials are contained in CCR Title 8, which includes practices for all industries (General Industrial Safety Orders), as well as specific practices for construction. Workers at hazardous waste sites (or workers who may be exposed to hazardous wastes that

might be encountered during excavation of contaminated soils) must receive specialized training and medical supervision according to OSHA Hazardous Waste Operations and Emergency Response regulations. Additional regulations have been developed for construction workers potentially exposed to lead and asbestos. Cal/OSHA enforcement units conduct on-site evaluations and issue notices of violation to enforce necessary improvements to health and safety practices.

**California Fire Code.** The California Fire Code is Part 9 of CCR Title 24, also referred to as the California Building Standards Code. The California Fire Code incorporates the latest International Fire Code of the International Code Council with necessary California amendments. The purpose of the California Fire Code is to establish the minimum requirements consistent with nationally recognized good practices to safeguard the public health, safety, and general welfare from the hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises, and to provide safety and assistance to firefighters and emergency responders during emergency operations.

California Fire Code Chapter 33 contains requirements for construction activities, including the development and implementation of a site safety plan establishing a fire prevention program. In addition, California Fire Code Chapter 35 contains specific requirements for welding and other hot work. The requirements are intended to maintain the required levels of fire protection, limit fire ignition and spread, establish the appropriate operation of equipment, and promote prompt response to fire emergencies. Regulated features include fire protection systems, firefighter access, water supply, means of egress, hazardous materials storage and use, and temporary heating equipment and other ignition sources.

**Government Code Section 65962.5.** The provisions of Government Code Section 65962.5 require the DTSC, the SWRCB, the California Department of Health Services, and CalRecycle (formerly the California Integrated Waste Management Board) to submit information pertaining to sites associated with solid waste disposal, hazardous waste disposal, LUST sites, and/or hazardous materials releases to the Secretary of CalEPA.

**Regional Regulations.** The following regional agencies have regulatory authority over the proposed project's management of hazardous materials and hazards.

**San Francisco Bay Regional Water Quality Control Board (RWQCB).** The Porter-Cologne Act established the SWRCB and divided the state into nine regional basins, each under the jurisdiction of an RWQCB. The RWQCB (Region 2) regulates water quality in the Bay Area, including the project site. The RWQCB has the authority to require groundwater investigations when the quality of groundwater or surface waters of the State are threatened, and to require remediation actions, if necessary. The RWQCB has developed ESLs to help expedite the preparation of environmental risk assessments at sites where contaminated soil and groundwater have been identified. The RWQCB issued the Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (MRP), Order R2-2015-0049, NPDES Permit No. CAS612008, which addresses the potential discharge of hazardous materials

in municipal stormwater from municipalities in the Bay Area (described in detail under Section 4.9, Hydrology and Water Quality, of this Environmental Impact Report [EIR]).

**Bay Area Air Quality Management District (BAAQMD).** The BAAQMD has primary responsibility for control of air pollution from sources other than motor vehicles and consumer products (which are the responsibility of the EPA and CARB). BAAQMD is responsible for preparing attainment plans for non-attainment criteria pollutants, control of stationary air pollutant sources, and the issuance of permits for activities including asbestos demolition and renovation activities.

BAAQMD Regulation 11-2 requires that prior to commencement of any demolition or renovation, the owner or operator must thoroughly survey the affected structure or portion thereof for the presence of asbestos-containing materials (ACMs). The survey must be performed by a person who is certified by the Division of Occupational Safety and Health, who has taken and passed an EPA-approved Building Inspector course, and who conforms to the procedures outlined in the course. The survey must include sampling and the reporting of results of laboratory analysis of the asbestos content of all suspected ACMs. This survey must be made available, upon request by the Air Pollution Control Officer, prior to the commencement of any regulated ACM removal or any demolition. If ACMs are identified, the disturbance/removal and management of ACMs must be performed in accordance with BAAQMD Regulations under Rule 11-2 to ensure that asbestos would not be released into the environment.

**Marin County Public Works, Certified Unified Program Agency (CUPA).** Marin County Public Works is the CUPA for the City of San Rafael. The CUPA is the primary agency responsible for local enforcement of State and federal laws pertaining to hazardous materials and hazardous waste management and is responsible for coordination of the following CUPA Programs: HMBP Program, Hazardous Waste Generator/Tiered Permitting Program, UST Program, California Accidental Release Program (CalARP), and the Aboveground Petroleum Storage Tank Program. The role of a CUPA is to consolidate, coordinate, and make consistent the administrative requirements, permits, inspections, and enforcement activities associated with the regulation of hazardous materials and hazardous wastes.

**Marin County Emergency Operations Plans.** The following emergency operations and local hazard mitigation plans are applicable to the project area:

- **Marin County Operational Area Emergency Recovery Plan (ERP).** The Marin County Operational Area ERP<sup>33</sup> establishes procedures and assigns responsibility to ensure the effective management of emergency recovery operations within the Marin County Operational Area, which includes San Rafael. The ERP describes operational concepts relating to recovery, identifies components of recovery organization, and describes general responsibilities of the Marin County Sheriff's Office of Emergency Services (Marin OES).

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<sup>33</sup> Marin County Sheriff's Office of Emergency Services (OES). 2012. Marin County Operational Area Emergency Recovery Plan (ERP). November.

Recovery operations in a multi-jurisdictional incident are coordinated and managed by the Operational Area in accordance with the California Emergency Services Act.<sup>34</sup>

- **Marin Operational Area Emergency Operations Plan (EOP).** The Marin Operational Area EOP<sup>35</sup> establishes policies and procedures, in addition to assigning responsibilities to ensure the effective management of emergency operations within the Marin Operational Area. Cities and towns within the Marin County participate in the Marin Operational Area coordination of emergency management activities. Emergency operations are split into four phases: Preparedness Phase, Response Phase, Recovery Phase, and Prevention/Mitigation Phase. The City of San Rafael coordinates with Marin OES to ensure emergency management functions meet the expectations of the City.<sup>36</sup>
- **Marin County Multi-Jurisdictional Local Hazard Mitigation Plan (MCM LHMP).** The MCM LHMP<sup>37</sup> assesses risks posed by natural hazards and to develop a mitigation strategy for reducing the County's risks. Several jurisdictions and special districts participated in the creation of the MCM LHMP, including the City of San Rafael. The risks and mitigations in the MCM LHMP are broad and encompass the entirety of Marin County. The MCM LHMP incorporates each local jurisdiction's individual LHMP as appendices to ensure jurisdiction-specific information supplements the vulnerability mitigation included in the MCM LHMP. The City of San Rafael LHMP is incorporated into the MCM LHMP as Appendix P.<sup>38</sup>

**Local Plans and Regulations.** The City of San Rafael General Plan, Municipal Code, and Local Hazard Mitigation Plan (LHMP) are discussed below.

**City of San Rafael General Plan.** The following policies and programs of the City of San Rafael General Plan 2040 pertaining to hazards and hazardous materials would be applicable to the proposed project:

**Policy S-1.1: Local Hazard Mitigation Plan (LHMP).** The San Rafael LHMP is adopted by reference into the General Plan. Policies and actions throughout the General Plan shall be consistent with the LHMP and support its goals and objectives.

**Program S-1.1A: LHMP Mitigation Action Plan.** Implement the Mitigation Action Plan in the LHMP. The City will consider opportunities to advance each action through operating procedures, development approvals, budgets, public education, and capital improvement projects.

**Policy S-5.2: Hazardous Materials Storage, Use and Disposal.** Enforce regulations regarding proper storage, labeling, use and disposal of hazardous materials to prevent leakage,

<sup>34</sup> Placeworks. 2021. *San Rafael General Plan 2040 & Downtown Precise Plan Draft EIR*. January 7.

<sup>35</sup> Marin County Sheriff's Office of Emergency Services (OES). 2014. *Marin Operational Area Emergency Operations Plan*. October.

<sup>36</sup> Placeworks. 2021. *San Rafael General Plan 2040 & Downtown Precise Plan Draft EIR*. January 7.

<sup>37</sup> Marin County Sheriff's Office of Emergency Services (OES). 2018. *Marin County Multi-Jurisdictional Local Hazard Mitigation Plan (MCM LHMP)*.

<sup>38</sup> Placeworks. 2021. *San Rafael General Plan 2040 & Downtown Precise Plan Draft EIR*. January 7.

potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal.

**Program S-5.2A: CUPA Program.** Continue to participate in the Certified Unified Program Agency (CUPA) program. The CUPA's responsibilities shall include overseeing the investigation and closure of contaminated underground storage tank sites.

**Policy S-5.4: Development on Formerly Contaminated Sites.** Ensure that the necessary steps are taken to clean up residual hazardous materials on any contaminated sites proposed for redevelopment or reuse. Properties that were previously used for auto service, industrial operations, agriculture, or other land uses that may have involved hazardous materials should be evaluated for the presence of toxic or hazardous materials in the event they are proposed for redevelopment with a sensitive land use.

**Program S-5.4A: Use of Environmental Databases in Development Review.** When development is proposed, use environmental and hazardous materials data bases (such as the State GeoTracker data base) to determine whether the site is contaminated as a result of past activity. As appropriate, require studies and measures to identify and mitigate identified hazards.

**Program S-5.4B: Hazardous Soils Clean-Up.** Work with appropriate agencies to require remediation and clean-up prior to development of sites where hazardous materials have impacted soil or groundwater. The required level of remediation and clean-up shall be determined by the Certified Unified Program Agency based on the intended use of the site and health risk to the public.

**Program S-5.4C: Environmental Site Management Plan (ESMP).** Require the preparation of an ESMP in consultation with the San Francisco Bay Regional Water Quality Control Board and/or the Department of Toxic Substance Control (DTSC), for proposed development on sites with known contamination of hazardous materials pursuant to Government Code Section 65962.5. This includes, but is not limited to, sites in the on-line DTSC EnviroStor Data Base and the State GeoTracker Data base.

**Program S-5.4D: Soil Vapor Intrusion Assessment.** For sites with potential residual soil or groundwater contamination that are planned for redevelopment with an overlying occupied building, a soil vapor intrusion assessment shall be performed by a licensed environmental professional. If the results indicate the potential for significant vapor intrusion into the building, project design shall include vapor controls or source removal as appropriate in accordance with regulatory agency requirements.

**Policy S-5.5: Transportation of Hazardous Materials.** Enforce Federal, State and Local requirements and standards regarding the transportation of hazardous materials. As appropriate, support legislation that strengthens these requirements.

**Program S-5.5A: Safe Transport of Hazardous Materials.** Support California Highway Patrol's efforts to ensure the safe transport of hazardous materials.

**Policy CSI-3.2: Mitigating Development Impacts.** Engage the Police and Fire Departments in the review of proposed development and building applications to ensure that public health

and safety, fire prevention, and emergency access and response times meet current industry standards.

**Program CSI-3.2B: Emergency Response Time.** Use the development review process to identify appropriate measures to reduce fire hazards and ensure emergency response capacity that is consistent with National Fire Protection Association standards.

Appendix F of the City's General Plan outlines geotechnical review requirements for development projects and also requires preparation of a preliminary hazardous materials evaluation for development projects located on artificial fill or on land that has been used by businesses. If the preliminary evaluation identifies evidence of hazardous materials, a Hazardous Waste Investigation Report would be required. The hazardous waste investigation should include the following:

- Installation of groundwater and/or vadose zone monitoring wells
- Laboratory analysis of fills, unconsolidated deposits, and water samples and/or gas samples for hazardous waste contamination
- Periodic monitoring of gases and/or water samples
- Preparation of a written report that includes the following as judged necessary by the geotechnical consultant:
  - Chemical analysis results of soil, groundwater, and/or gas samples (Including values for normal or allowable ranges)
  - Boring logs with a description of subsurface materials
  - Subsurface permeability test results
  - Potentiometric map of groundwater in the site vicinity
  - A map showing the concentrations, lateral extent, and thickness of the contamination zone if ground contamination exists
  - A discussion about water supplies that may be affected by contaminated sites
  - Recommended mitigation measures for contaminated sites
  - Suitability assessment of existing or proposed waste dump sites

**Municipal Code.** The Municipal Code requirements related to hazards and hazardous materials that would be applicable to the project are described below.

Section 14.16.180 of the Municipal Code indicates that new development on lots filled prior to 1974 or on lots that were used for auto service uses, industrial uses, or other land uses that may have involved hazardous materials shall be evaluated for the presence of toxic or hazardous materials prior to development approvals, and the requirements for review are set forth in the geotechnical review matrix in the General Plan.



**Local Hazard Mitigation Plan (LHMP).** The City adopted an LHMP<sup>39</sup> in 2017 that was prepared to guide hazard mitigation planning to better protect the people and property of San Rafael from the effects of natural disasters and hazard events. The LHMP evaluates changes in growth and development, both past and future, and examined these changes in the context of hazard-prone areas, and how the changes in growth and development affect loss estimates and vulnerability. The LHMP indicates that population projections for San Rafael were 60,800 in 2020, 64,400 in 2030, and 68,700 in 2040. The LHMP identifies three planned development/redevelopment areas of San Rafael, including the Northgate/Civic Center (which includes the project site). The LHMP indicates that long-range planning efforts call for mixed-use and residential development in the Northgate shopping area. Limited hazards were identified at the project site by the LHMP (e.g., a medium risk of liquefaction in the northern and eastern portions of the project site), and the majority of the project site is identified as having high flame length, rate of spread and population density during an average fire season or under extreme fire conditions, and isolated locations of very high flame length, rate of spread and population density during extreme fire conditions. No critical facilities were identified by the LHMP on or adjacent to the project site. The LHMP presents a mitigation strategy for reducing the City's risk and vulnerability to hazards that comprises LHMP goals and objectives and a mitigation action plan, which includes a series of mitigation action projects and implementation measures. Many of the mitigation actions are applicable to areas of hazards, critical facilities, drainage/flood protection features, and utilities that are not located on the project site. Some mitigation actions are applicable to the whole city (e.g., performing an earthquake study, various drought mitigation actions, traffic signal improvements for first responders, and establishing emergency evacuation shelters).

#### 4.8.2 Impacts and Mitigation Measures

The following describes the potential impacts of the proposed project related to hazards and hazardous materials. This section begins with the criteria of significance that establish the thresholds for determining whether an impact is significant. The latter part of this section presents the impacts associated with the proposed project and identifies mitigation measures, as necessary.

##### 4.8.2.1 Criteria of Significance

Implementation of the proposed project would have a significant impact related to hazards and hazardous materials if it would:

**Threshold 4.8.1:** Create a substantial hazard to the public or the environment due to the release of hazardous materials into the environment as a result of inherent risks involved in the transport, use, disposal, or management of hazardous or potentially hazardous materials by project-related construction and operation activities;

**Threshold 4.8.2:** Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment as a result of failure to comply

<sup>39</sup> City of San Rafael. 2017. San Rafael Local Hazard Mitigation Plan, June. Adopted November 20, 2017.

with applicable federal, State, or local regulations or local regulatory oversight of contaminated properties;

- Threshold 4.8.3:** Create a public health hazard due to hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school;
- Threshold 4.8.4:** Create a significant hazard to the public or the environment as the result of locating the proposed project or related infrastructure on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5;
- Threshold 4.8.5:** Permit development inconsistent with an adopted Comprehensive Airport Land Use Compatibility Plan and thereby result in a safety hazard or excessive noise for people residing or working in the project area due to aircraft operations; or
- Threshold 4.8.6:** Impair implementation of the following emergency-related activities:
- Preparedness for an emergency (activities undertaken prior to an emergency in order to improve the City's ability to coordinate, respond, and recover from a critical incident);
  - Response to an emergency (actions taken immediately before, during, or directly after a critical incident in order to minimize the potential or existing impacts of the incident);
  - Recovery from an emergency (damage assessment, short-term and long-term recovery activities, and administration of recovery assistance programs); or
  - Mitigation of the potential for emergencies (actions and measures taken to reduce or eliminate the degree of long-term risk from natural and technological hazards).

Potential impacts related to wildfires, as presented in Appendix G of the *State CEQA Guidelines*, are addressed in Chapter 5.0, Other CEQA Considerations, of this EIR.

#### 4.8.2.2 Project Impacts

The following section provides an evaluation and analysis of the potential impacts of the proposed project for each of the criteria of significance listed above and potential cumulative impacts. Impacts that would occur with implementation of Phase 1 (2025 Master Plan) and Phase 2 (2040 Vision Plan) would not differ by phase and therefore are not differentiated in this section.

#### **Threshold 4.8.1: Routine Transport, Use, Disposal, and Management of Hazardous Materials.**

Hazardous materials (e.g., fuel, oils, and paints) would be routinely transported, stored, and used at

the project site during construction activities. Because the proposed project would result in soil disturbance greater than 1 acre, management of soil and hazardous materials during construction activities would be subject to the requirements of the Stormwater Construction General Permit (described in detail under Section 4.7, Hydrology and Water Quality, of this EIR), which requires preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) that includes hazardous materials storage requirements. For example, construction site operators must store chemicals in watertight containers (with appropriate secondary containment to prevent any spillage or leakage) or in a storage shed (completely enclosed).

Construction of the proposed project would result in the generation of various waste materials that would require recycling and/or disposal, including some waste materials that could be classified as hazardous waste. Hazardous materials would be transported by a licensed hazardous waste hauler and disposed of at facilities that are permitted to accept such materials as required by the DOT, RCRA, and State regulations.

Operation of the project would involve the routine storage and use of small quantities of commercially available hazardous materials for routine maintenance (e.g., paint and cleaning supplies). In addition, equipment installed at the project site (e.g., hydraulic elevator systems and backup generators) may involve the storage of hydraulic fluid, fuels, and other hazardous materials. The City's Fire Department and Building Division coordinate the review of building permits to ensure that hazardous materials requirements are met prior to construction, including proper hazardous materials storage facilities. If storage of hazardous materials exceeding specific quantities (see Section 4.8.1.4 above) occurs during project operation, the project would be required to comply with existing hazardous materials regulations, including preparation of an HMBP, as enforced by Marin County Public Works. The purpose of the HMBP is to ensure that employees are adequately trained to handle hazardous materials and provides information to the Fire Department should emergency response be required.

The routine transportation, use, and disposal of hazardous materials during construction and operation may pose health and safety hazards to workers if the hazardous materials are improperly handled, or to the nearby public and the environment if the hazardous materials are accidentally released into the environment. Potential impacts associated with accidental releases of hazardous materials into the environment are discussed under Threshold 4.8.2, below.

Compliance with the regulations described in Section 4.8.1.4 above, including OSHA and Cal/OSHA regulations, the California Fire Code, the California Health and Safety Code Division 20, Chapter 6.5, CCR, DOT, RCRA, and other federal, State, regional, and local regulations, are mandatory and they would ensure that the proposed project would not create a significant hazard to the public or the environment associated with the routine transport, use, or disposal of hazardous materials by ensuring that these materials are properly handled during construction and operation of the proposed project. Therefore, this impact would be **less than significant**.

**Threshold 4.8.2: Accidental Release of Hazardous Materials.** The public and/or the environment could be affected by the release of hazardous materials from the project site into the environment if: (1) hazardous building materials (e.g., lead paint, asbestos, and PCBs) were disturbed and released into the environment during the demolition of existing structures; (2) leakage, spills, or

improper disposal of hazardous materials would occur during construction or operation of the project; or (3) the project would expose construction workers, the public, future users of the project site (which include sensitive residential land uses), or the environment to potentially contaminated soil, groundwater, or soil vapor during construction or operation of the project.

**Hazardous Building Materials.** Asbestos is a known human carcinogen that was commonly used in building materials until the early 1980s. Asbestos-containing products remain in use within the United States and include some roof and non-roof coatings and other asbestos-containing building materials.<sup>40</sup> Section 19827.5 of the California Health and Safety Code requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. BAAQMD Regulation 11-2 requires that prior to commencement of any demolition or renovation, the owner or operator must thoroughly survey the affected structure or portion thereof for the presence of ACMs. The survey must be performed by a person who is certified by the Division of Occupational Safety and Health, who has taken and passed an EPA-approved Building Inspector course, and who conforms to the procedures outlined in the course. The survey must include sampling and the reporting of results of laboratory analysis of the asbestos content of all suspected ACMs. This survey must be made available, upon request by the Air Pollution Control Officer, prior to the commencement of any regulated ACM removal or any demolition. If ACMs are identified, the disturbance/removal and management of ACMs must be performed in accordance with BAAQMD Regulations under Rule 11-2 to ensure that asbestos would not be released into the environment.

Prior to 1978, lead compounds were commonly used in exterior and interior paints. Due to its health effects, the application of lead-based paint on residential structures was banned in 1978; however, lead-based paint can be found in commercial or industrial structures, regardless of construction date (because its use is still allowed in commercial and industrial applications).<sup>41</sup>

Lead paint has been identified on structures at the project site as discussed under Section 4.8.1.2 above. The stabilization and/or removal of lead paint prior to demolition or renovation of structures would be required in accordance with applicable laws and regulations, including but not limited to: California OSHA's Construction Lead Standard, Title 8 CCR Section 1532.1, and Department of Health Services regulation 17 CCR Sections 35001 through 36100, as may be amended.

Fluorescent lighting tubes and ballasts, computer displays, and several other common items containing hazardous materials (including mercury, a heavy metal) are regulated as "universal wastes" by the State of California and may be present on the project site. Universal waste

<sup>40</sup> United States Environmental Protection Agency (EPA). 2017. Preliminary Information on Manufacturing, Processing, Distribution, Use, and Disposal: Asbestos, February. Website: <https://www.epa.gov/sites/production/files/2017-02/documents/asbestos.pdf> (accessed April 6, 2023).

<sup>41</sup> Department of Toxic Substances Control (DTSC). 2006. Interim Guidance Evaluation of School Sites with Potential Soil Contamination as a Result of Lead from Lead-Based Paint, Organochlorine Pesticides from Termiticides, and Polychlorinated Biphenyls from Electrical Transformers. June 9 (Revised).

regulations allow common, low-hazard wastes to be managed under less stringent requirements than other hazardous wastes. Management of other hazardous wastes is governed by DTSC hazardous waste rules.

Compliance with existing regulations would ensure that hazardous buildings materials including ACMs, lead paint, and universal wastes would be identified through a comprehensive hazardous building materials survey and removed/stabilized as necessary prior to building demolition or renovation activities.

PCBs were historically used as coolants and lubricants in transformers, capacitors, heating/cooling equipment, and other electrical equipment, and were also used as plasticizers in paints, plastics, rubber products, and caulking. PCBs have been demonstrated to cause cancer and a variety of other adverse health effects in animals, including effects on the immune system, reproductive system, nervous system, and endocrine system. Although manufacturing of PCBs has been banned in the United States since 1979, they may still be found in older electrical equipment and other building materials such as light ballasts and caulking. PCBs or PCB-contaminated items require proper off-site transport and disposal at a facility that can accept such wastes, in accordance with the TSCA and other federal and State regulations. PCBs in manufactured materials such as caulking may also move directly into adjoining materials, particularly porous materials such as wood, concrete, and other types of masonry.<sup>42</sup> As discussed under Section 4.8.1 above, a release of transformer oil occurred at the project site in 1997, and the oil was reportedly contained in a concrete vault; however, it is not known whether the leaked oil contained PCBs. Therefore, PCB-contaminated concrete could be present in this vault.

The EPA has indicated there was potential widespread use of PCB-containing building materials in buildings built or renovated between about 1950 and 1979. Prior to removal, the EPA recommends PCB testing of caulking and other building materials that are going to be removed to determine what protections are needed during removal and to determine proper disposal requirements.<sup>43</sup>

Electrical and lighting equipment that may contain hazardous materials (e.g., mercury and PCBs) can be readily identified and therefore would be appropriately managed/disposed of in accordance with applicable regulations including TSCA, DTSC hazardous waste rules, and other federal and State regulations; however, PCB-containing building materials such as caulks/sealants, rubber window seals/gaskets, specialized paints, mastics, and other adhesives cannot be readily identified and require testing to evaluate whether these materials contain PCBs. Old hydraulic oil can also contain PCBs and, as discussed under Section 4.8.1 above, PCBs have been

<sup>42</sup> United States Environmental Protection Agency (EPA). 2015a. PCBs in Building Materials – Questions & Answers, July 28. Website: [https://www.epa.gov/sites/production/files/2016-03/documents/pCBS\\_in\\_building\\_materials\\_questions\\_and\\_answers.pdf](https://www.epa.gov/sites/production/files/2016-03/documents/pCBS_in_building_materials_questions_and_answers.pdf) (accessed April 6, 2023).

<sup>43</sup> United States Environmental Protection Agency (EPA). 2015b. Practical Actions for Reducing Exposure to PCBs in Schools and Other Buildings, Guidance for school administrators and other building owners and managers. July 28. Website: [https://www.epa.gov/sites/production/files/2016-03/documents/practical\\_actions\\_for\\_reducing\\_exposure\\_to\\_pCBS\\_in\\_schools\\_and\\_other\\_buildings.pdf](https://www.epa.gov/sites/production/files/2016-03/documents/practical_actions_for_reducing_exposure_to_pCBS_in_schools_and_other_buildings.pdf) (accessed April 6, 2023).

detected in soil near the former hydraulic lifts of the former Sears Auto Center, and staining and spilled liquids have been observed on the floors of multiple hydraulic elevator equipment rooms located at the former Sears Department Store and Auto Center buildings. Therefore, PCB-contaminated concrete could be present near hydraulic lifts and elevator equipment at the project site.

There are no existing regulations that require testing to identify PCBs in building materials prior to demolition or renovation activities in San Rafael. If testing for PCBs in building materials is not performed prior to demolition or renovation activities, the improper handling of potential PCB-containing materials could result in the release of PCBs into the environment. This would be a **potentially significant** impact.

**Impact HAZ-1 Demolition or renovation activities may result in the release of PCBs into the environment. (S)**

In order to control the risk of releasing PCBs into the environment from demolition or renovation activities, the Mitigation Measure HAZ-1 shall be implemented.

**Mitigation Measure HAZ-1**

**Hazardous Building Materials Survey.** Prior to issuance of demolition or renovation permits for existing structures, the project sponsor shall perform a comprehensive Hazardous Building Materials Survey (HBMS) for the structures to be affected, which shall be prepared and signed by a qualified environmental professional, documenting the presence or lack thereof of polychlorinated biphenyls (PCBs) containing equipment and materials, and any other hazardous building materials. The testing for PCBs shall include, but not be limited to, sampling of hydraulic oil in elevator equipment at the former Sears facilities, and sampling of stained concrete near existing and former hydraulic elevator and lift equipment at the former Sears facilities. The location of the vault that contained the transformer oil leak in 1997 shall be identified through coordination with representatives of the project site, research of building plans, and/or by requesting such information from the Pacific Gas and Electric Company (PG&E); sampling of concrete for PCBs shall be performed in this vault. If the location of the transformer that leaked oil in 1997 cannot be identified, PCB sampling shall be performed at all concrete vaults that could potentially have been affected by a transformer oil release. The HBMS shall include abatement specifications for the stabilization and/or removal of the identified hazardous building materials in accordance with all applicable laws and regulations. The project sponsor shall implement the abatement specifications and shall submit to the City evidence of completion of abatement activities prior to demolition or renovation of the existing structures. (LTS)

Compliance with the existing hazardous building materials regulations and implementation of Mitigation Measure HAZ-1 would ensure that hazardous building materials are identified and appropriately managed prior to demolition or renovation activities, and the risk of hazardous building materials being released into the environment during construction of the project would be reduced to **less than significant with mitigation**.

***Spills, Leaks, or Improper Disposal of Hazardous Materials.*** An accidental release of hazardous materials (e.g., oils, fuels, solvents, paints, or contaminated soil) during project construction could result in exposure of construction workers, the public, and/or the environment to hazardous materials. As discussed above, the proposed project would be subject to the requirements of the Construction General Permit, which requires preparation and implementation of a SWPPP to reduce the risk of spills or leaks from reaching the environment, including procedures to address minor spills of hazardous materials. Measures to control spills, leakage, and dumping must be addressed through structural as well as non-structural Best Management Practices (BMPs), as required by the Construction General Permit. For example, equipment and materials for cleanup of spills must be available on site, and spills and leaks must be cleaned up immediately and disposed of properly. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage, leaks, sludge or waste disposal, or drainage from raw material storage.

As discussed above, the transportation of hazardous materials is subject to both RCRA and DOT regulations. If a discharge or spill of hazardous materials occurs during transportation, the transporter is required to take appropriate immediate action to protect human health and the environment (e.g., notify local authorities and contain the spill), and is responsible for the discharge cleanup.

Operation of the project would involve the routine storage and use of small quantities of commercially available hazardous materials for routine maintenance (e.g., paint and cleaning supplies) and project residents may generate household hazardous wastes (HHW) (e.g., batteries, cosmetics, and cleaning products). HHW generated in San Rafael can be disposed of at the Marin HHW Facility, which is located in San Rafael, either by dropping it off or arranging for pick-up. If larger quantities of hazardous materials would be stored on the site, mandatory compliance with existing hazardous materials regulations including the California Fire Code and Health and Safety Code, as enforced by the City's Fire Department and Marin County's CUPA Programs, would require hazardous materials to be properly stored, labeled, and disposed of, and requires training and planning to ensure appropriate responses to spills and emergencies.

Compliance with existing regulations regarding the management of hazardous materials, as discussed above and under Threshold 4.8.1, would ensure that potential impacts related to spills, leaks, or improper disposal of hazardous materials that would be routinely handled during construction and operation of the project would be **less than significant**.

***Soil, Groundwater, and Soil Vapor Contamination.*** As discussed under Section 4.8.1 above, the 2021 Phase I ESA identified subsurface contamination at the project site including concentrations of PCE in soil vapor and PCBs in soil beneath the former Sears Auto Center that exceeded ESLs, and petroleum hydrocarbon contamination in soil and groundwater at the

elevators of the former Sears Department Store. The 2021 Phase I ESA recommended that these environmental concerns be further investigated during redevelopment after existing buildings are demolished.<sup>44</sup>

The source and extent of the PCE in soil vapor beneath the Sears Auto Center has not been identified. In addition, soil vapor laboratory reporting limits for PCE and other VOCs were above the current residential and commercial ESLs for soil vapor; therefore, undetected contamination from VOCs could be present in soil vapor at the former Sears Auto Center. Unidentified contamination from PCBs could also be present in soil and groundwater in areas of the 1997 transformer oil leak, hydraulic elevators, and hydraulic lifts because testing for PCBs has not been performed near many of these features.

The disturbance of contaminated soil or groundwater during construction activities could result in impacts to construction workers, the public, and the environment as dust or vapors containing hazardous materials can be released into the environment, movement of contaminated soil can spread contamination to new areas, and construction of landscaping (and in particular stormwater treatment/infiltration features) over areas of contaminated soil or groundwater could increase the leaching of contaminants from soil into groundwater or the migration of contaminated groundwater. Construction of buildings and utilities in areas with elevated VOCs in soil vapor could create health hazards for future occupants of the project site due to vapor intrusion of VOCs to indoor air. Therefore, the potential release of subsurface hazardous materials into the environment during construction and operation of the project would be a **potentially significant** impact.

The 2021 Phase I ESA recommended that environmental concerns at the project site be further investigated during redevelopment after existing buildings are demolished;<sup>45</sup> however, demolition of buildings could result in the disturbance of potentially contaminated soil and can make it difficult to locate areas of previously identified contamination or features of environmental concern. Demolition can also make it difficult to identify potential source areas of contamination in soil beneath buildings, as the demolition activities can result in disturbance of the soil surface that can cover or spread out areas of soil staining creating a potentially significant impact.

#### **Impact HAZ-2 Subsurface hazardous materials may be released into the environment during construction and operation of the project. (S)**

The City's General Plan includes Policy S-5.4: Development on Formerly Contaminated Sites to ensure that the necessary steps are taken to clean up residual hazardous materials on any contaminated sites proposed for redevelopment or reuse. The City's General Plan includes Programs S-5.4A: Use of Environmental Databases in Development Review, S-5.4B: Hazardous Soils Clean-Up, S-5.4C: Environmental Site Management Plan (ESMP), and S-5.4D: Soil Vapor Intrusion Assessment, which require working with appropriate agencies to require remediation

<sup>44</sup> Roux Associates, Inc. 2021. *Phase I Environmental Site Assessment (ESA), Northgate Mall, 5800 Northgate Drive, San Rafael, California*. November 8.

<sup>45</sup> Ibid.



and clean-up prior to development of sites where hazardous materials have impacted soil or groundwater. For sites with the potential for significant vapor intrusion into buildings, project design must include vapor controls or source removal as appropriate in accordance with regulatory agency requirements.

To reduce the potential impact and control the risk of releasing hazardous materials into the environment during construction and operation, the project shall implement Mitigation Measure HAZ-2.

**Mitigation Measure HAZ-2**

**Soil and Groundwater Management Plan.** The project sponsor shall engage with the appropriate regulatory agency (e.g., the San Francisco Bay Regional Water Quality Control Board [RWQCB] or Department of Toxic Substances Control [DTSC]) to provide oversight of additional subsurface investigation at the project site, preparation and implementation of a Soil and Groundwater Management Plan (SGMP), and the implementation of remedial actions, as necessary, at the project site. The additional subsurface investigation activities shall include additional investigation of potential contamination source areas to define the extent of subsurface contamination at the project site. The additional subsurface investigation activities shall include analysis of PCBs in soil and groundwater near areas of former and existing hydraulic elevators and lifts and the transformer that leaked oil in 1997. The SGMP shall outline soil and groundwater management protocols that would be implemented during redevelopment of the project site to ensure that construction workers, the public, future occupants, and the environment would not be exposed to hazardous materials that may be present in the subsurface of the project site. The SGMP shall include, at a minimum, the following procedures to be implemented during construction:

- Health and safety requirements for construction workers that may handle contaminated soil or groundwater;
- Guidelines for controlling airborne dust, vapors, and odors;
- Air monitoring requirements for volatile organic compounds (VOCs) during construction;
- Regulatory notification requirements if undocumented contamination or features of environmental concern (e.g., underground storage tanks [USTs] or clarifiers/sumps/vaults and associated piping) are encountered;
- Inspection and sampling protocols for contaminated soil or groundwater by a qualified environmental professional;

- Guidelines for groundwater dewatering, treatment, and disposal to ensure compliance with applicable regulations/permit requirements; and
- Guidelines for the segregation of contaminated soil, stockpile management, characterization of soil for off-site disposal or on-site re-use, and importing of clean fill material.

The report(s) documenting additional investigation activities and the SGMP shall be submitted to the regulatory oversight agency for review and approval prior to the City issuing demolition or grading permits for the project. Remedial actions that may be required for the project could include, but would not necessarily be limited to, removal of hazardous materials containers/features (e.g., USTs, piping, clarifiers/sumps/vaults), removal and off-site disposal of contaminated soil or groundwater, in-situ treatment of contaminated soil or groundwater, or engineering/institutional controls (e.g., installation of vapor intrusion mitigation systems and establishing deed restrictions).

If remedial actions are required for the project, the project sponsor shall submit to the City evidence of approvals from the regulatory oversight agency for any proposed remedial action plans prior to the City issuing demolition, grading, or building permits that would be required for the remedial action. The project sponsor shall document the implementation of the SGMP during construction and the completion of remedial actions. The project sponsor shall submit to the City evidence of approval from the regulatory oversight agency for the implementation of the SGMP and completion of any remedial actions prior to the City issuing a certificate of occupancy for the project site. (LTS)

Implementation of Mitigation Measure HAZ-2 would ensure that subsurface contamination on the project site would be properly investigated and remediated, and the risk of subsurface hazardous materials being released into the environment during construction and operation of the project would be **less than significant with mitigation**.

**Threshold 4.8.3: Hazardous Emissions within 0.25 Mile of Schools.** Vallecito Elementary School is located at 50 Nova Albion Way and is just under 0.25 mile west of the northwest corner of the project site. No other schools were identified within 0.25 mile of the project site.<sup>46</sup> Compliance with the existing hazardous materials regulation described under Section 4.8.1.4 above (e.g., Marin County's CUPA Programs, OSHA and Cal/OSHA regulations, the California Fire Code, the California Health and Safety Code, CCR, DOT, RCRA, BAAQMD, and other federal, State, regional, and local

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<sup>46</sup> California Department of Education. 2023. California Schools Directory. Website: <https://www.cde.ca.gov/schooldirectory> (accessed April 4, 2023).

regulations) and implementation of Mitigation Measures HAZ-1 and HAZ-2 would ensure that potential impacts related to hazardous emissions within 0.25 mile of schools as a result of the project would be **less than significant**.

**Threshold 4.8.4: Government Code Section 65962.5.** The project site is not included on the lists of hazardous materials release sites compiled pursuant to Government Code Section 65962.5.<sup>47</sup> Although the project site did have USTs near the former Sears Auto Center, and some petroleum hydrocarbon contamination has been identified in the areas of the former USTs, the project site has not been designated as a LUST site by the SWRCB. If a petroleum hydrocarbon release from former or potential existing USTs is identified during future investigation or construction activities at the project site, the project site could be designated as a LUST site in the future. Implementation of Mitigation Measure HAZ-2 would ensure that if the project site becomes a LUST site and listed pursuant to Government Code Section 65962.5, investigation and remediation of the project site would be performed under regulatory agency oversight, which would ensure that potential impacts related to subsurface contamination would be **less than significant**.

**Threshold 4.8.5: Aviation Hazards.** As discussed under Section 4.8.1.3 above, the nearest airport to the project site is the San Rafael Airport, a small private airport located approximately 1 mile northeast of the project site that does not have a land use plan. The nearest public airport to the project site is the Marin County Airport at Gnos Field in Novato, approximately 9 miles to the north. The project site is not located within the land use plan area for the Marin County Airport at Gnos Field and is not located within 2 miles of a public airport or public use airport. Given the distances from the project site to the nearest public or public use airports, the project would not be subject to any airport safety hazards and would not have an adverse effect on aviation safety or flight patterns. Noise levels at San Rafael Airport are below the State threshold of 65 decibels (dB) Community Noise Equivalent Level (CNEL) and are expected to remain below this level in the future;<sup>48</sup> therefore, people residing or working at the project site would not be exposed to excessive aircraft noise. Therefore, the proposed project would have **no impact** related to aviation hazards.

**Threshold 4.8.6: Emergency-Related Activities.** Potential impacts related to emergency preparedness, emergency response, emergency recovery, and emergency mitigation are discussed below.

***Preparedness for an Emergency.*** The Marin County Sheriff's OES has developed an EOP<sup>49</sup> that includes emergency operations for San Rafael, which is regularly updated. The EOP provides procedures and establishes policies for managing any disaster and provides directions on evacuating San Rafael, and emergency communications and field responses, among other items. The City has developed an LHMP<sup>50</sup> that includes a mitigation strategy for reducing the city's risk and vulnerability to hazards, and accounts for projected population growth within San Rafael,

<sup>47</sup> California Environmental Protection Agency (CalEPA). 2023. Cortese List Data Resources. Website: <https://calepa.ca.gov/sitecleanup/corteselist/> (accessed April 12, 2023).

<sup>48</sup> City of San Rafael. 2021. *San Rafael General Plan 2040*, adopted August 2.

<sup>49</sup> Marin County Sheriff's Office of Emergency Services (OES). 2014. *Marin Operational Area Emergency Operations Plan*. October.

<sup>50</sup> City of San Rafael. 2017. *San Rafael Local Hazard Mitigation Plan*. Adopted November 20, 2017.

including development/redevelopment of the Northgate/Civic Center area, which includes the project site. Implementation of the City of San Rafael General Plan Program S-1.1C would ensure that the LHMP is periodically updated and therefore would account for the project. The proposed project would not conflict with the EOP or LHMP, and it would not interfere with the Marin County Sheriff's or the City's ability to maintain or update the EOP or LHMP or other emergency preparedness activities. Therefore, this impact would be **less than significant**.

**Response to an Emergency.** As described under Section 4.8.1.4 above, there are multiple emergency response-related plans that apply to San Rafael, including the City's LHMP, and the Marin County ERP,<sup>51</sup> EOP, and MCM LHMP.<sup>52</sup> Development of the project would result in an increase in population within San Rafael that could result in a corresponding increase in the demand for emergency response resources and services; however, the development of the project would not impair or interfere with implementation of the established emergency response-related plans discussed above. The City's General Plan contains many policies and programs related to local planning and development decisions to ensure compliance with existing emergency response and evacuation plans, and the projected population for the proposed project was accounted for in General Plan buildout assumptions. Implementation of the City's General Plan policies and programs would ensure that the City maintains an effective emergency response program that accounts for development of the project.

Furthermore, as discussed in Section 4.9, Transportation, the proposed project would provide adequate emergency access to and through the project site, and the proposed project would result in an overall reduction in traffic on the surrounding roadway network over the course of the day and during the critical p.m. peak-hour period. Therefore, neither phase of the proposed project would result in adverse impacts on emergency response times within the vicinity of the project site.

Construction of the project could require temporary closure of traffic lanes on roadways adjacent to the project site during construction activities (e.g., for utility connections). This could impede the implementation of emergency response and evacuation plans; however, any construction activities that would result in temporary roadway closures would be required to obtain traffic permits from the City and prepare a traffic control plan, which would maintain emergency response and evacuation access through appropriate traffic control measures and detours. Therefore, this impact would be **less than significant**.

**Recovery from an Emergency.** Recovery from an emergency can include safety/damage assessments, short-term and long-term recovery activities, and administration of recovery assistance programs. As with any development in San Rafael, the proposed project would create new structures and improvements that could require safety/damage assessments after an emergency, and could therefore result in an incremental increase in the City's time frame for completion of safety/damage assessments. The proposed project would not interfere with or

<sup>51</sup> Marin County Sheriff's Office of Emergency Services (OES). 2012. Marin County Operational Area Emergency Recovery Plan (ERP). November.

<sup>52</sup> Marin County Sheriff's Office of Emergency Services (OES). 2018. Marin County Multi-Jurisdictional Local Hazard Mitigation Plan (MCM LHMP).

impair implementation of recovery from an emergency, and therefore the proposed project would result in **less than significant** impacts related to recovery from an emergency.

***Mitigation of Potential for Emergencies.*** The mitigation of emergencies includes actions and measures taken to reduce or eliminate the degree of long-term risk from natural and technological hazards. The City's LHMP and the MCM LHMP contain detailed hazard assessments and potential mitigation strategies. The mitigation strategies identified in the City's LHMP and the MCM LHMP do not include any actions that are specific to the project site, and the project would not interfere with implementation of the more general city-wide or county-wide actions identified in these plans. Therefore, the proposed project would not interfere with or impair implementation of mitigation strategies identified in the City's LHMP or the MCM LHMP. Therefore, the proposed project would result in **less than significant** impacts related to mitigation of the potential for emergencies.

#### 4.8.2.3 Cumulative Impacts

This section evaluates cumulative impacts related to hazards and hazardous materials. This cumulative analysis examines the effects of the project in the relevant geographic area in combination with buildout of the General Plan. Cumulative impacts are addressed only for those thresholds that would result in a project-related impact, whether it be less than significant or less than significant with mitigation. If the project would result in no impact with respect to a particular threshold (e.g., aviation), it would not contribute to a cumulative impact; therefore, no further discussion of cumulative effects related to these topics is required.

Occurrence of a cumulative effect related to hazardous materials would require that multiple projects release hazardous materials at the same time near each other; therefore, the geographic area of concern for cumulative hazardous materials-related impacts is the project site and nearby areas. However, there are no current or probable future projects under City review within the vicinity of the project site. The project and cumulative projects assumed under General Plan buildout would involve the routine use of hazardous materials during construction and operation. Required compliance with existing hazardous materials regulations including OSHA and Cal/OSHA regulations, the California Fire Code, the California Health and Safety Code, CCR, DOT, RCRA, and other federal, State, regional, and local regulations, would ensure that the project and cumulative projects would not create a significant hazard to the public or the environment associated with the routine transport, use, or disposal of hazardous materials or accidental spills, leaks, or improper disposal of hazardous material by ensuring that these materials are properly handled during construction and operation. The project and cumulative projects would involve demolition and renovation activities that could release hazardous building materials into the environment. Compliance with existing hazardous building materials regulations and implementation of Mitigation Measure HAZ-1 would ensure that hazardous building materials on the project site are identified and appropriately managed prior to demolition or renovation activities. The project site has known and potential unidentified subsurface contamination from hazardous materials, and cumulative projects occurring under General Plan buildout may also have subsurface contamination from hazardous materials. Implementation of Mitigation Measure HAZ-2 would ensure that subsurface contamination on the project site would be properly investigated and remediated. Therefore, the project would not result in cumulatively considerable impacts related to the routine transport, use,

or disposal of hazardous materials or accidental release of hazardous materials into the environment, including hazardous emissions near schools, and the project's contribution to any cumulative impact would be **less than significant**.

Cumulative impacts to emergency response/evacuation can occur when an increase in vehicle traffic occurs in an area with limited vehicular access; therefore, the geographic area of concern for cumulative emergency response/evacuation impacts is the roadway network surrounding the project site. However, as discussed above and in Section 4.9, Transportation, the proposed project would result in a reduction in traffic on the surrounding roadway network. Therefore, although the proposed project and cumulative projects would result in an increase in population within San Rafael and within the immediate project area, resulting in an incremental increase in the demand for emergency response resources and services, the project would not impair or interfere with implementation of established emergency response-related plans because there would continue to be adequate roadway capacity to accommodate emergency evacuation. Furthermore, implementation of the City's General Plan policies and programs would ensure that the City maintains an effective emergency response program that accounts for development of the project and cumulative projects. The project and cumulative projects could require temporary closure of traffic lanes during construction activities (e.g., for utility work). This could temporarily impede the implementation of emergency response and evacuation activities; however, any construction activities that would result in temporary roadway closures would be required to obtain traffic permits from the City and prepare a traffic control plan that would maintain emergency response and evacuation access through appropriate traffic control measures and detours. Based on the above considerations, adequate emergency response and evacuation capabilities would be maintained at the project site, and cumulative projects and potential impacts of the project related to impairing or interfering with the emergency response or evacuation plans would not be cumulatively considerable and this cumulative impact would be **less than significant**.