3.8 Hazardous Materials, Public Health and Safety

This subchapter describes applicable existing hazardous materials, public health, and safety conditions in the Project impact footprint and vicinity; and, identifies associated regulatory requirements. Baseline information for the following analysis was derived from a number of sources, including the Conceptual Fire Protection Plan, Project Reclamation Plan, and Vector Management Plan (EnviroMINE 2019a, 2019b and 2014; see Appendices K, B, and J, respectively), and applicable regulatory statutes, codes, and ordinances.

3.8.1 Hazardous Materials Definitions

The assessment of existing hazardous materials conditions within the Project impact footprint includes the identification of known or potential occurrences of "hazardous substances," "hazardous wastes" and/or "acutely toxic substances," based on the following definitions from the USEPA (2006):

- A hazardous substance is defined as: (1) any material that poses a threat to human health and/or the environment, with hazardous substances typically toxic, corrosive, ignitable, explosive, or chemically reactive; or (2) any substance designated by the USEPA to be reported if a designated quantity of the substance is spilled in the waters of the United States or is otherwise released into the environment.

- A hazardous waste is defined as a by-product of society that can pose a substantial or potential hazard to human health or the environment when improperly managed, with hazardous wastes possessing at least one of four identified hazardous characteristics (i.e., ignitability, corrosivity, reactivity or toxicity), or appearing on special USEPA lists.

- An acutely toxic substance is defined as a material that would cause severe biological harm or death soon after a single exposure or dose.

3.8.2 Regulatory Framework

3.8.2.1 *Federal Guidelines, Policies and Regulations*

The handling, storage and remediation of hazardous materials are regulated on the Federal level by the USEPA. The principal legislative/regulatory vehicles for this process include the Resource Conservation and Recovery Act of 1976 (RCRA, as amended), and the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA, as amended). RCRA established a comprehensive regulatory system for investigating and addressing past, present and potential future contamination at hazardous waste treatment, storage, and disposal sites. This process includes a manifest system for "cradle to grave" regulation of hazardous wastes, wherein such materials are required to be tracked from the generating facility to the final disposal site (including transport).

CERCLA provides a system to investigate and remediate "uncontrolled or abandoned hazardous waste sites and to address future releases of hazardous substances into the environment." This legislation was amended in 1986 by the Superfund Amendments and Reauthorization Act (SARA). Under Title III of SARA, a nationwide emergency planning and response program established

reporting requirements for businesses that store, handle, or produce significant quantities of hazardous or acutely toxic substances as defined under Federal laws. Title III of SARA also required each state to implement a comprehensive system to inform Federal authorities, local agencies, and the public when a significant quantity of hazardous or acutely toxic substances are stored or handled at a facility.

Executive Order (EO) 13045, *Protection of Children from Environmental Health Risks and Safety Risks*, was issued by President William Clinton in April 1997. Under this EO, Federal agencies are directed to prioritize assessments of environmental health and safety risks that may disproportionately affect children and to ensure that policies, programs, activities, and standards address the identified risks.

3.8.2.2 *State and Local Guidelines, Policies and Regulations*

In California, the use, handling, and storage of hazardous materials is regulated by Division 20, Chapter 6.95, of the California Health and Safety Code. Under Sections 25500-25543.3 of the cited regulations, facilities handling hazardous materials are required to prepare a Hazardous Materials Business Plan (HMBP), California Health and Safety Code 2003). The HMBP provides information to local emergency response agencies regarding the types and quantities of hazardous materials stored at a facility and provides detailed emergency planning and response procedures in the event of a hazardous material release. In the event that a facility stores quantities of acutely hazardous materials (AHMs) above established thresholds of 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of a compressed gas (per the listing in Title 8, Section 5189, Appendix A, of the CCR), preparation and approval of a HMBP and a California Accidental Release Plan also are required pursuant to applicable Federal and State guidelines (including the Federal Risk Management Plan Rule [USEPA 1996a], the Occupational Safety and Health Administration [OSHA] Process Safety Management Program [U.S. Department of Labor 1992], and the California Accidental Release Prevention [CalARP] program and Risk Management Plan [CalARP; California Office of Emergency Services 2014]). These plans provide information on the potential impact zone of a worst-case release, provide supporting documentation on associated community risks and safety measures, and require specific programs to minimize risks and identify remedial measures. The administering agency for these regulations in San Diego County is the County Hazardous Materials Management Division (HMMD).

The use, transport, and storage of explosives in the State of California is regulated through Division 11 of the California Health and Safety Code (2003), including Part 1, Chapters 1 through 9, Sections 12000-12401; and Part 2, Chapter 5 and 6, Sections 12570-12654 (with portions of these regulations encompassing applicable Federal requirements as well). In San Diego County, the regulatory process for blasting operations is administered by the County Sheriff's Department. Specific elements of this process include the following:

- Submission of an application to the Sheriff's Department describing: (1) the type, amount and frequency of proposed blasting; (2) the name and qualifications of the proposed blaster; (3) the amount, nature and schedule of explosives to be transported to the site; and (4) the amount, nature and location of on-site explosives storage (if applicable).

- Verification by the Sheriff's Department of the above application data with the State Department of Industrial Relations (SDIR), to ensure that the proposed blaster is licensed through the SDIR and that all other applicable requirements have been met.

- Consultation by the Sheriff's Department with appropriate State and/or Federal officials regarding proposed/required safety measures related to the transportation of explosives to and/or from the site (if determined necessary by the Sheriff's Department).

Vector control is addressed in the County Department of Environmental Health, Vector Surveillance and Control Program (DEH-VSC). This guideline is intended to protect public health/safety from impacts related to hazards associated with vectors.

Protection from wildland fire hazards is addressed in Article 86 of the 2001 California Fire Code, which requires a fire protection plan for all new development in the Urban Wildland Interface zone. The San Diego Fire-Rescue Department (SDFD) and the County PDS also require such a fire protection plan. As noted above, a Conceptual Fire Protection Plan was prepared for the Proposed Project in compliance with California Fire Code Article 86 and is included as Appendix K of this EIR.

3.8.3 Environmental Setting

3.8.3.1 *Potential for Hazardous Materials*

The Project impact footprint and adjacent areas are predominantly undeveloped, with existing on-site land uses and entitlements including a 60-foot SDG&E easement including power lines that runs diagonally through the Project site. One SDG&E utility tower exists on the site and three additional towers are located approximately 50 feet from the Project impact footprint. An SDG&E 20-foot gas pipeline easement runs along the western boundary of the project area. A search of hazardous material regulatory listing sites was conducted in July 2006 for the Project impact footprint and vicinity, with specific listings including the California Site Assessment and Mitigation Program (SAM) Case Listing, the California Hazardous Waste and Substances Site List, and the County Department of Environmental Health's (DEH's) Hazardous Materials Establishment Database. These listings include facilities that use and store hazardous materials and wastes, as well as sites with documented releases (e.g., spills or leaks) of hazardous substances. No listings were identified for the Project impact footprint and immediately adjacent areas in any of the noted sources, with the California Hazardous Waste and Substances Site List also not including any listings in the impact footprint vicinity. Identified listings in the Project impact footprint vicinity from other identified sources are summarized below.

<u>SAM Case Listing</u>

Identified listings in the SAM database include three separate sites at the California Department of Corrections R.J. Donovan Correctional Facility located at 480 Alta Road (approximately 1.25 miles northwest of the Project impact footprint). These three sites involve the unauthorized release of hazardous material(s) and are all listed as affecting "soils only" (i.e., no groundwater contamination). The status of these sites is listed as "case closed" (Case No. H20838-001), "leak being confirmed" (Case No. H20838-002) and "preliminary assessment" (H20838-003). Based on

the nature (i.e., soil contamination only) and intervening distance of these sites, no associated existing or potential impacts to the Project impact footprint are anticipated.

DEH Hazardous Materials Establishment Database

Identified listings in the DEH database include seven separate sites (located off site) as summarized below:

1. Hitachi Transport Systems (America) – This facility is located at 2222 Enrico Fermi Drive, approximately 1.5 miles southwest of the Project impact footprint. The Hitachi site is listed for on-site storage of three separate chemicals (polymethylene polyphenylisocynate, polyurethane resin, and propane), with associated risks for all three limited to fire. Due to the nature of these materials and the intervening distance, no associated existing or potential impacts to the Project impact footprint are anticipated.

2. Calpine Power Plant – This facility is located at 606 De La Fuente Court, adjacent to the Project impact footprint, with no specific data regarding hazardous material use, storage or release provided in the database.

3. Britton & Company – This site is located at 9651 Airway Road, approximately 1.6 miles west-southwest of the Project impact footprint. The Britton site is listed for on-site storage of propane, with associated risks limited to fire. Due to the nature of the identified material and the intervening distance, no associated existing or potential impacts to the Project impact footprint are anticipated.

4. Energy Labs, Inc. – This site is located at 9651 Airway Road, approximately 1.6 miles west-southwest of the Project impact footprint. The Energy Labs site is listed for on-site storage of propane, with associated risks limited to fire. Due to the nature of the identified material and the intervening distance, no associated existing or potential impacts to the Project impact footprint are anticipated.

5. In & Out Warehousing – This site is located at 9651 Airway Road, approximately 1.6 miles west-southwest of the Project impact footprint. The In & Out site is listed for on-site storage of propane, with associated risks limited to fire. Due to the nature of the identified material and the intervening distance, no associated existing or potential impacts to the Project impact footprint are anticipated.

6. Larkspur Energy, LLC – This site is located at 9355 Otay Mesa Road, approximately 0.6 mile west (downgradient) of the Project impact footprint. The Larkspur site is listed for a number of materials/associated hazardous, including aqueous ammonia/acute hazards, compressed nitrogen and carbon dioxide/pressure release, diesel oil/fire, acrylic acid/acute hazards, tetraflouroethene/fire, sodium hydroxide/acute hazards, sodium hypochlorite/ acute hazards, sulfuric acid/reactive and acute hazards, and lubricating oils/fire. Two 150-gallon, steel double-walled underground storage tanks are also located on-site and are used to store unspecified waste products, with no associated leaks documented. Due to the downgradient location of the Larkspur facility and the intervening distance, no associated existing or potential impacts to the Project impact footprint are anticipated.

7. Aceves Trucking Company – This site is located at 2330 Enrico Fermi Drive, approximately 0.5 mile southwest (downgradient) of the Project impact footprint. The Aceves Trucking facility is listed for storage of waste oil, used batteries, and used oil filters, with associated hazards including fire and chronic hazards. Due to the nature of the identified materials, the downgradient location of the Aceves facility, and the intervening distance, no associated existing or potential impacts to the Project impact footprint are anticipated.

Based on the described conditions, the probability for existing hazardous materials to occur on site, or for the site to be affected by existing off-site hazardous material use/discharge, is low.

3.8.3.2 *Vector Hazards*

The Project site is located at the extreme eastern end of Otay Mesa within the rising hills of the San Ysidro Mountains. In this area, resistant rocks of the Santiago Peak Volcanics rise above the gently sloping hills to the west. Currently, the Project site consists of natural terrain that slopes in westerly and southerly directions, which causes the existing on- and off-site runoff to flow in these paths.

Over the past 30 years of rainfall data, the wettest year (1997-1998) produced approximately 27 inches of rainfall in the Project area.

It is possible that ponding of water may currently exist on the Project site, which could attract vectors, such as mosquitoes, for breeding.

3.8.3.3 *Wildland Fire Hazards*

The Project impact footprint is located within the jurisdiction of the SDFD, with the closest fire station located at 1590 La Media Road. The OWD would supply water; the closest public fire hydrant is located approximately 500 feet west of the northeastern corner of the Project impact footprint along the south side of Calzada de la Fuente. Topography at the site is generally hilly and steep. Slopes within the Project impact footprint vary from nearly less than 15 percent to over 40 percent. Hills are separated by steep but generally shallow canyons. Vegetation is primarily chaparral in a recovery growth stage (generally under six feet in height and widely spaced), due to three major wildland fires in the past 12 years. Santa Ana conditions are common, characterized by low humidity, warm temperatures, and high winds, generally from the north or east. The most notable recent fire on site was the "Otay Fire" in October 2003, which occurred during an extreme Santa Ana condition and burned approximately 43,000 acres. The "Harris Fire" in October 2007 burned nearby lands but did not burn the Project impact footprint.

Vegetation on-site is primarily chaparral that has recovered from two large wildland fires in the late 1990s and 2003. Currently, while on-site vegetation is in a recovery growth stage, the site's vulnerability to a catastrophic fire is reduced. However, once the vegetation has fully recovered, the Project impact footprint would have the prerequisites for rapid fire spread and high energy release, based on the type and continuity of vegetation, topography, erratic winds, and potential drought conditions.

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