4.9 HAZARDS AND HAZARDOUS MATERIALS

This chapter describes the potential impacts associated with the adoption and implementation of the proposed project that are related to hazardous materials, airport safety hazards, and the impairment of an adopted emergency response plan or emergency evacuation plan. A summary of the relevant regulatory framework and existing conditions is followed by a discussion of potential impacts and cumulative impacts from implementation of the proposed project. A discussion of wildland fire hazards is provided in Chapter 4.18, Wildfire, of this Draft Environmental Impact Report (EIR).

4.9.1 ENVIRONMENTAL SETTING

4.9.1.1 REGULATORY FRAMEWORK

Federal Regulations

United States Environmental Protection Agency

The United States Environmental Protection Agency (USEPA) is the primary federal agency that regulates hazardous materials and waste. In general, the USEPA works to develop and enforce regulations that implement environmental laws enacted by Congress. The agency is responsible for researching and setting national standards for a variety of environmental programs, delegating the responsibility for issuing permits, and monitoring and enforcing compliance to states and Native American tribes. USEPA programs promote handling hazardous wastes safely, cleaning up contaminated land, and reducing waste volumes through such strategies as recycling. California falls under the jurisdiction of USEPA Region 9. Under the authority of the Resource Conservation and Recovery Act (RCRA) and in cooperation with State and tribal partners, the USEPA Region 9 Waste Management and Superfund Divisions manage programs for site environmental assessment and cleanup, hazardous and solid waste management, and underground storage tanks.

United States Department of Transportation

The United States Department of Transportation (DOT) has the regulatory responsibility for the safe transportation of hazardous materials between states and internationally. The DOT regulations govern all means of transportation, except for those packages shipped by mail, which are covered by United States Postal Service regulations. The federal RCRA of 1976 (described herein) imposes additional standards for the transport of hazardous wastes.

Occupational Safety and Health Administration

The Occupational Safety and Health Administration (OSHA) requires specific training for hazardous materials handlers, provision of information to employees who may be exposed to hazardous materials, and acquisition of material safety data sheets from materials manufacturers. The material safety data sheets describe the risks, as well as proper handling and procedures, related to specific hazardous materials. Employee training must include response and remediation procedures for hazardous materials releases and exposures.

Resource Conservation and Recovery Act of 1976, as amended by the Hazardous and Solid Waste Amendments of 1984

Federal hazardous waste laws are generally promulgated under the RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984. These laws provide for the "cradle to grave" regulation of hazardous wastes. Any business, institution, or other entity that generates hazardous waste is required to identify and track its hazardous waste from the point of generation until it is recycled, reused, or disposed. The Department of Toxic Substances Control (DTSC) is responsible for implementing the RCRA program as well as California's own hazardous waste laws, which are collectively known as the Hazardous Waste Control Law. Under the Certified Unified Program Agency (CUPA) program, the California Environmental Protection Agency (CalEPA) has in turn delegated enforcement authority to the Marin County Department of Public Works, Waste Management Division, for State law regulating hazardous waste producers or generators in San Rafael.[1]

Comprehensive Environmental Response, Compensation, and Liability Act and the Superfund Amendments and Reauthorization Act of 1986

Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as "Superfund," on December 11, 1980. CERCLA established prohibitions and requirements concerning closed and abandoned hazardous waste sites; provided for liability of persons responsible for releases of hazardous waste at these sites; and established a trust fund to provide for cleanup when no responsible party could be identified. The Superfund Amendments and Reauthorization Act (SARA) amended the CERCLA on October 17, 1986. SARA stressed the importance of permanent remedies and innovative treatment technologies in cleaning up hazardous waste sites; required Superfund actions to consider the standards and requirements found in other State and federal environmental laws and regulations; provided new enforcement authorities and settlement tools; increased State involvement in every phase of the Superfund program; increased the focus on human health problems posed by hazardous waste sites; encouraged greater citizen participation in making decisions on how sites should be cleaned up; and increased the size of the trust fund to $8.5 billion.

Emergency Planning Community Right-to-Know Act

The Emergency Planning Community Right-to-Know Act (EPCRA), also known as SARA Title III, was enacted in October 1986. This law requires State and local governments to plan for chemical emergencies. Reported information is then made publicly available so that interested parties may become informed about potentially dangerous chemicals in their community. EPCRA Sections 301 through 312 are administered by USEPA's Office of Emergency Management. USEPA's Office of Information Analysis and Access implements the EPCRA Section 313 program. In California, SARA Title III is implemented through California Accidental Release Prevention (CalARP) program. Under the CUPA program, the CalEPA has in turn delegated enforcement authority to the San Rafael Fire Department (SRFD) for CalARP.[2]

[1] City of San Rafael, 2004, *San Rafael General Plan 2020 Draft Environmental Impact Report*.

[2] PlaceWorks, 2016, Phase I Environmental Site Assessment for City of San Rafael Fire Station 57.

Hazardous Materials Transportation Act

The DOT regulates hazardous materials transportation under Title 49 of the Code of Federal Regulations. State agencies that have primary responsibility for enforcing federal and State regulations and responding to hazardous materials transportation emergencies are the California Highway Patrol (CHP) and the California Department of Transportation (Caltrans). The California State Fire Marshal's Office has oversight authority for hazardous materials liquid pipelines. The California Public Utilities Commission has oversight authority for natural gas pipelines in California. These agencies also govern permitting for hazardous materials transportation.

Federal Response Plan

The Federal Response Plan of 1992 is a signed agreement among 27 federal departments and agencies and other resource providers, including the American Red Cross, that: (1) provides the mechanism for coordinating delivery of federal assistance and resources to augment efforts of State and local governments overwhelmed by a major disaster or emergency; (2) supports implementation of the Robert T. Stafford Disaster Relief and Emergency Act, as well as individual agency statutory authorities; and (3) supplements other federal emergency operations plans developed to address specific hazards. The Federal Response Plan is implemented in anticipation of a significant event likely to result in a need for federal assistance or in response to an actual event requiring federal assistance under a Presidential declaration of a major disaster or emergency. The Federal Response Plan is part of the National Response Framework, which was most recently updated in October 2019.

The Stafford Act

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) of 1988, as amended, authorizes federal government assistance for emergencies and disasters when State and local capabilities are exceeded. The Stafford Act forms the statutory authority for most federal disaster response activities, especially as they relate to the Federal Emergency Management Agency (FEMA) and FEMA programs.

National Response Framework

The National Response Framework, published by the United States Department of Homeland Security (updated October 28, 2019), is a guide for the nation to respond to all types of disasters and emergencies. This framework describes specific authorities and best practices for managing incidents that range from serious local or large-scale terrorist attacks to catastrophic natural disasters. In addition, the National Response Framework describes the principles, roles, and responsibilities, and coordinating structures for responding to an incident, and further describes how response efforts integrate with those of the other mission areas.

Natural Gas Pipeline Safety Act of 1968

The Natural Gas Pipeline Safety Act of 1968 authorizes the DOT to regulate pipeline transportation of flammable, toxic, or corrosive natural gas and other gases as well as the transportation and storage of liquefied natural gas. The Pipeline and Hazardous Materials Safety Administration (PHMSA) within the DOT develops and enforces regulations for the safe, reliable, and environmentally sound operation of the

nation's 2.6-million-mile pipeline transportation system. DOT's and PHMSA's regulations governing natural gas transmission pipelines, facility operations, employee activities, and safety are found at Code of Federal Regulations Title 49, Transportation, Parts 190 through 192, Part 195, and Part 199.

Pipeline Safety Improvement Act of 2002

The Pipeline Safety Improvement Act mandates that the DOT, the Department of Energy, and the National Institute of Standards and Technology in the Department of Commerce carry out a program of research, development, demonstration, and standardization to ensure the integrity of pipeline facilities.[3] The purpose of the Research and Design Program is to identify safety and integrity issues and develop methodologies and technologies to characterize, detect, and manage risks associated with natural gas and hazardous liquid pipelines.

Pipeline Inspection, Enforcement, and Protection Act of 2006

The Pipeline Inspection, Enforcement, and Protection Act confirms the commitment to the Integrity Management Program and other programs enacted in the Pipeline Safety Improvement Act of 2002. The 2006 legislation includes provisions on:

- Preventing excavation damage to pipelines through the enhanced use and improved enforcement of State "One-Call" laws that preclude excavators from digging until they contact the State One-Call system to locate the underground pipelines;
- Minimum standards for Integrity Management Programs for distribution pipelines (including installation of excess flow valves on single-family residential service lines based on feasibility and risk);
- Standards for managing gas and hazardous liquid pipelines to reduce risks associated with human factors (e.g., fatigue);
- Authority for the Secretary to waive safety standards in emergencies;
- Authority for the Secretary to assist in restoration of disrupted pipeline operations;
- Review and update incident reporting requirements;
- Requirements for senior executive officers to certify operator integrity management performance reports; and
- Clarification of jurisdiction between states and PHMSA for short laterals that feed industrial and electric generator consumers from interstate natural gas pipelines.[4]

Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011

The Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 was designed to examine and improve the state of pipeline safety regulation. This act accomplishes the following:

- Reauthorizes PHMSA's federal pipeline safety programs through fiscal year 2015.
- Provides the regulatory certainty necessary for pipeline owners and operators to plan infrastructure investments and create jobs.

[3] Pipeline and Hazardous Materials Safety Administration, October, 2017. Pipeline Safety Improvement Act of 2002. https://www.phmsa.dot.gov/pipeline/congressional-mandates/pipeline-safety-improvement-act-2002.

[4] Interstate Natural Gas Association of America, 2019, *The Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006*. https://www.ingaa.org/Pipelines101/143/861/851.aspx.

- Improves pipeline transportation by strengthening enforcement of current laws and improving existing laws where necessary.
- Ensures a balanced regulatory approach to improving safety that applies cost-benefit principles.
- Protects and preserves Congressional authority by ensuring certain key rulemakings are not finalized until Congress has an opportunity to act.[5]

State Regulations

California Environmental Protection Agency

One of the primary State agencies that regulate hazardous materials is the CalEPA. CalEPA is authorized by the USEPA to enforce and implement certain federal hazardous materials laws and regulations. The California DTSC, a department of the CalEPA, protects California and Californians from exposure to hazardous waste, primarily under the authority of the RCRA and the California Health and Safety Code.[6] The DTSC requirements include the need for written programs and response plans, such as Hazardous Materials Management Plans. The DTSC programs include dealing with aftermath clean-ups of improper hazardous waste management, evaluation of samples taken from sites, enforcement of regulations regarding use, storage, and disposal of hazardous materials, and encouragement of pollution prevention.

California Division of Occupational Safety and Health

Like OSHA at the federal level, the California Division of Occupational Safety and Health (CalOSHA) is the responsible State-level agency for ensuring workplace safety. CalOSHA assumes primary responsibility for the adoption and enforcement of standards regarding workplace safety and safety practices. In the event that a work site is contaminated, a Site Safety Plan must be crafted and implemented to protect the safety of workers. Site Safety Plans establish policies, practices, and procedures to prevent the exposure of workers and members of the public to hazardous materials originating from the contaminated site or building.

California Office of Emergency Services

The California Office of Emergency Services (Cal OES) was established as part of the Governor's Office on January 1, 2009. It was created pursuant to Assembly Bill 38, which merged the duties, powers, purposes, and responsibilities of the former Governor's Emergency Management Agency with those of the Governor's Office of Homeland Security. Cal OES is responsible for the coordination of overall State agency response to major disasters in support of local government. The agency is responsible for ensuring the State's readiness to respond to and recover from all hazards—natural, humanmade, emergencies, and disasters—and for assisting local governments in their emergency preparedness, response, recovery, and hazard mitigation efforts.

[5] Pipeline and Hazardous Materials Safety Administration, March 2019, *Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011*. https://www.phmsa.dot.gov/legislative-mandates/pipeline-safety-act/pipeline-safety-regulatory-certainty-and-job-creation-act

[6] Hazardous Substance Account, Chapter 6.5 (Section 25100 et seq.) and the Hazardous Waste Control Law, Chapter 6.8 (Section 25300 et seq.) of the Health and Safety Code.

California Department of Transportation and California Highway Patrol

Caltrans and the CHP are the two State agencies that have primary responsibility for enforcing federal and State regulations and responding to hazardous materials transportation emergencies. Caltrans manages more than 50,000 miles of California's highways and freeways, provides intercity rail services, permits more than 400 public-use airports and special-use hospital heliports, and works with local agencies. Caltrans is also the first responder for hazardous material spills and releases that occur on highways, freeways, and intercity rail lines.

The CHP enforces hazardous materials and hazardous waste labeling and packing regulations designed to prevent leakage and spills of materials in transit and to provide detailed information to cleanup crews in the event of an accident. Vehicle and equipment inspection, shipment preparation, container identification, and shipping documentation are all part of the responsibility of the CHP, which conducts regular inspections of licensed transporters to assure regulatory compliance. In addition, the State of California regulates the transportation of hazardous waste originating or passing through the State.

Common carriers are licensed by the CHP, pursuant to Section 32000 of the California Vehicle Code. This section requires licensing every motor (common) carrier who transports, for a fee, in excess of 500 pounds of hazardous materials at one time and every carrier, if not for hire, who carries more than 1,000 pounds of hazardous material of the type requiring placards. Common carriers conduct a large portion of the business in the delivery of hazardous materials.

California Building Code

The State of California provided a minimum standard for building design through the California Building Code (CBC), which is found in Title 24, Part 2 of the California Code of Regulations. The CBC is updated every three years. It is generally adopted on a jurisdiction-by-jurisdiction basis and may be subject to further modification based on local conditions. Commercial and residential buildings are plan-checked by local city and county building officials for compliance with the typical fire safety requirements of the CBC, including the installation of sprinklers in all high-rise buildings; the establishment of fire resistance standards for fire doors and building materials; and the clearance of debris and vegetation near occupied structures in wildfire hazard areas. The City regularly adopts updates to the CBC under the San Rafael Municipal Code (SRMC) Chapter 12.100, Adopted Codes.

California Health and Safety Code

California Health and Safety Code Chapter 6.95 and California Code of Regulations Title 19, Section 2729, set out the minimum requirements for business emergency plans and chemical inventory reporting. These regulations require businesses to provide emergency response plans and procedures, training program information, and a hazardous material chemical inventory disclosing hazardous materials stored, used, or handled on site. A business that uses hazardous materials or a mixture containing hazardous materials must establish and implement a management plan if the hazardous material is handled in certain quantities.

Senate Bill 379

Senate Bill 379, approved October 8, 2015, requires all cities and counties to include climate adaptation and resiliency strategies in the safety elements of their general plans upon the next revision beginning January 1, 2017. The bill requires the climate adaptation update to include a set of goals, policies, and objectives for their communities based on the vulnerability assessment, as well as implementation measures, including the conservation and implementation of natural infrastructure that may be used in adaptation projects. Specifically, the bill requires that upon the next revision of a general plan or local hazard mitigation plan (LHMP), the safety element is to be updated as necessary to address climate adaptation and resiliency strategies applicable to the city or county.

Regional Regulations

San Francisco Bay Regional Water Quality Control Board

The Porter-Cologne Water Quality Control Act established the State Water Resources Control Board (SWRCB) and divided the State into nine regional basins, each under the jurisdiction of a Regional Water Quality Control Board (RWQCB). The San Francisco Bay RWQCB, Region 2, regulates water quality in the EIR Study Area. The San Francisco Bay RWQCB has the authority to require groundwater investigations and/or remedial action if the quality of groundwater or surface waters of the State are threatened.

Bay Area Air Quality Management District

The Bay Area Air Quality Management District (BAAQMD) has primary responsibility for control of air pollution from sources other than motor vehicles and consumer products. The latter are typically the responsibility of the CalEPA and the California Air Resources Board. The BAAQMD is responsible for preparation of attainment plans for non-attainment criteria pollutants, control of stationary air pollutant sources, and issuance of permits for activities, including demolition and renovation activities affecting asbestos-containing materials (District Regulation 11, Rule 2) and lead (District Regulation 11, Rule 1).

Zero Waste Marin

Marin County Hazardous and Solid Waste, now known as Zero Waste Marin, is a joint powers authority agreement between Belvedere, Larkspur, Mill Valley, Novato, San Rafael, San Anselmo, Corte Madera, Fairfax, Ross, Tiburon, and Marin County established in 1996 to help Marin County residents and businesses meet the County's zero waste goal by 2025. This agency is responsible for coordinating recycling of solid waste and disposing of hazardous materials, in addition to providing information on household hazardous waste disposal.

Marin Household Hazardous Waste Facility

The City of San Rafael and Zero Waste Marin sponsor the Marin Household Hazard Waste Facility (MHHWF). Jointly operated with the SRFD, MHHWF provides residents and business owners with a method of disposing of hazardous waste.

Marin County Operational Area Emergency Recovery Plan

The *Marin County Operational Area Emergency Recovery Plan* (ERP), adopted in November 2012, establishes procedures and assigns responsibility to ensure the effective management of emergency recovery operations within the Marin County Operational Area, which includes the City of San Rafael. The ERP describes operational concepts relating to recovery, identifies components of recovery organization, and describes general responsibilities of the Marin County Office of Emergency Services (Marin OES). Recovery operations in a multi-jurisdictional incident are coordinated and managed by the Operational Area in accordance with the California Emergency Services Act.

Marin Operational Area Emergency Operations Plan

The *Marin Operational Area Emergency Operations Plan* (EOP), adopted in October 2014, 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 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 expectation of the City.

Marin County Multi-Jurisdictional Local Hazard Mitigation Plan

The Marin County Multi-Jurisdictional Local Hazard Mitigation Plan (MCM LHMP) was completed in November 2018 to assess 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 encompassing of the entirety of Marin County. The MCM LHMP incorporates each local jurisdictions 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. Local Regulations

San Rafael General Plan 2020

The City of San Rafael 2020 General Plan goals, policies, and programs relevant to hazards and hazardous materials are primarily in the Safety and Resilience Element. As part of the proposed project, some existing General Plan policies would be amended, substantially changed, or new policies would be added. Many of these changes are intended to incorporate LHMP initiatives adopted in November 2017 into the General Plan. A comprehensive list of policy changes is provided in Appendix B, Proposed General Plan Goals, Policies, and Programs, of this Draft EIR. Applicable goals, policies, and programs are identified and assessed for their effectiveness and potential to result in an adverse physical impact later in this chapter under Section 4.9.3, Impact Discussion.

San Rafael Municipal Code

The SRMC includes various directives pertaining to hazards and hazardous materials. The SRMC is organized by title, chapter, and section. Most provisions related to impacts from hazards and hazardous materials are in Title 4, Fire, Title 12, Building Regulations, and Title 14, Zoning, as follows:

- Title 4, Fire: This title adopts the 2018 California Fire Code and 2019 International Fire Code, which includes several provisions regarding the storage and disposal of hazardous materials. Such provisions include storage of flammable and combustible liquids in aboveground tanks and the storing and dispensing of liquified petroleum gas and other flammable liquids and gases.
- Chapter 12.100, Adopted Codes: The City of San Rafael has adopted the CBC with certain modifications as Section 12.12.101 et seq.
- Chapter 14, Site and Use Regulations. Section 14.16.180, Hazardous Soils Conditions, requires new development on lots filled prior to 1974 used for auto service uses, industrial uses, or other land uses which may have involved hazardous materials to be evaluated for the presence of toxic or hazardous materials prior to development approvals. The SRMC also requires the submittal of a Phase 1 Environmental Site Assessment on non-residential sites that are proposed for residential use.

San Rafael Local Hazard Mitigation Plan

The San Rafael LHMP, adopted in November 2017, is a guide to hazard mitigation within San Rafael and serves as a tool to help decision makers direct hazard mitigation activities and resources. In the context of an LHMP, mitigation is an action that reduces or eliminates long-term risk to people and property from hazards, including fire and other natural hazards. A more detailed description of the LHMP, relating to wildland fires, is provided in Chapter 4.18, Wildfire, of this Draft EIR.

San Rafael Wildfire Prevention and Protection Action Plan

The *San Rafael Wildfire Prevention and Protection Action Plan* (WPPAP), conditionally approved in March 2019 and formally adopted in August 2020 following review by a Steering Committee, provides a series of prescriptions, programs, and ordinance updates needed to make the city more fire and disaster resistant. The WPPAP is designed to serve as a master plan and framework to address all phases of disaster response: mitigation, preparedness, response, and recovery. The WPPAP considers and incorporates local, county, regional, and national findings and best practices. More information on the WPPAP can be found in Chapter 4.18, Wildfire, of this Draft EIR.

4.9.1.2 EXISTING CONDITIONS

EIR Study Area

Schools

As previously described in Chapter 4.3, Air Quality, of this Draft EIR, some land uses are considered more sensitive to airborne hazardous materials than others due to the types of population groups or activities involved. Because sensitive population groups include children, the California Environmental Quality Act (CEQA) requires an evaluation of hazardous emissions or handling hazardous materials, substances, or

waste within 0.25 miles of an existing or proposed school, private or public. The San Rafael City Schools District operates 13 schools in the city, including eight elementary schools, one K–8 school, one middle school, and three high schools. There are also approximately 64 private schools within the city of which four are in the Downtown Precise Plan Area. These schools are made up of Head Start programs and daycares, as well as elementary schools, middle schools, and high schools.[7] There are currently no known proposals for new schools in the EIR Study Area.

Hazardous Materials Sites

California Government Code Section 65962.5 requires the CalEPA to compile, maintain, and update specified lists of hazardous material release sites. CEQA (California Public Resources Code Section 21092.6) requires the lead agency to consult the lists compiled pursuant to Government Code Section 65962.5 to determine whether the project and any alternatives are identified on any of the following lists:

- USEPA NPL. The USEPA's National Priorities List (NPL) includes all sites under the USEPA's Superfund program, which was established to fund cleanup of contaminated sites that pose risks to human health and the environment.
- USEPA CERCLIS and Archived Sites. The USEPA's Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) includes a list of 15,000 sites nationally identified as hazardous sites. This would also involve a review for archived sites that have been removed from CERCLIS due to No Further Remedial Action Planned status.
- USEPA RCRIS (RCRA Info). The Resource Conservation and Recovery Act Information System (RCRIS or RCRA Info) is a national inventory system about hazardous waste handlers. Generators, transporters, handlers, and disposers of hazardous waste are required to provide information for this database.
- DTSC Cortese List. The DTSC maintains the Hazardous Waste and Substances Sites (Cortese) list as a planning document for use by the State and local agencies to comply with the CEQA requirements in providing information about the location of hazardous materials release sites. This list includes the Site Mitigation and Brownfields Reuse Program Database.
- DTSC HazNet. The DTSC uses this database to track hazardous waste shipments.
- SWRCB LUSTIS. Through the Leaking Underground Storage Tank Information System, the SWRCB maintains an inventory of Underground Storage Tanks (USTs) and leaking USTs (LUST), which tracks unauthorized releases.

The required lists of hazardous material release sites are commonly referred to as the "Cortese List," named after the legislator who authored the legislation. Because the statute was enacted more than 20 years ago, some of the provisions refer to agency activities that were conducted many years ago and are no longer being implemented and, in some cases, the information required in the Cortese List does not exist. Those requesting a copy of the Cortese Lists are now referred directly to the appropriate information resources contained on websites hosted by the boards or departments referenced in the statute, including DTSC's online EnviroStor database and the SWRCB's online GeoTracker database. These two databases include hazardous material release sites, along with other categories of sites or facilities specific to each agency's jurisdiction.

[7] GreatSchools.org, 2019. California > San Rafael. https://www.greatschools.org/california/san-rafael/schools/?sort=name&st%5B%5D=private, accessed on September 3, 2019.

A search of the online EnviroStor and GeoTracker databases on May 20, 2019, identified 173 hazardous materials sites within the EIR Study Area excluding the hazardous materials sites in the Downtown Precise Plan Area, which are discussed in detail under the subheading "Downtown Precise Plan" later in this chapter). Of the 173 sites, 31 are designated as active and the remaining 142 sites are designated as "closed" or "completed – case closed."[8] The 31 active hazardous materials sites are shown in Table 4.9-1 and on Figure 4.9-1, while the remaining 142 sites are listed in Appendix G, Hazardous Materials Data, of this Draft EIR. The majority of the 31 listed sites are classified as LUST sites, which are primarily associated with gasoline and diesel fuels.

Airport Hazards

The EIR Study Area is not located within an airport land use plan area. The San Rafael Airport is a private airport in the northeastern EIR Study Area. The nearest public airport is the Marin County Airport, located approximately 8 miles to the north of the EIR Study Area.[9]

Emergency Response and Evacuation Planning Areas

As described in Section 4.9.1.1, Regulatory Framework, the EIR Study Area is within the planning areas of the Marin Operational Area EOP, the Marin County Operational Area ERP, and the San Rafael LHMP.

Wildfire Hazards

A more robust discussion of wildland fire hazards is provided in Chapter 4.18, Wildfire, of this Draft EIR. As described in Chapter 4.18, the EIR Study Area contains land within a State Responsibility Area and Local Responsibility Area (see Figure 4.18-1). The portion of the EIR Study Area within the State Responsibility Area is designated as a Moderate Fire Hazard Severity Zone. The land within the Local Responsibility Area is designated as Moderate or High Fire Hazard Severity Zones. There are no lands in the EIR Study Area classified by the State of California as being a Very High Fire Hazard Severity Zone. As shown on Figure 4.18-2, approximately 6,000 acres are within the wildland-urban interface (WUI), which is defined as any area where structures and other human development meet or intermingle within wildland vegetation.[10]

Downtown Precise Plan Area

Schools

Four schools and daycares are located within the Downtown Precise Plan Area and 13 schools and daycares are within 0.25 miles of the Downtown Precise Plan Area border. There are currently no known proposals for new schools in the Downtown Precise Plan Area.

[8] Eleven of the 31 sites listed are located at the same address or are associated with a former military installation at the end of Smith Ranch Road.

[9] Caltrans, Division of Aeronautics Maps and Data, Caltrans Aviation GIS Data, https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=32c3cbe24491427d872e2fec173a4b22, accessed on April 23, 2019.

[10] Cal OES. 2018. California State Hazard Mitigation Plan.

HAZARDS AND HAZARDOUS MATERIALS

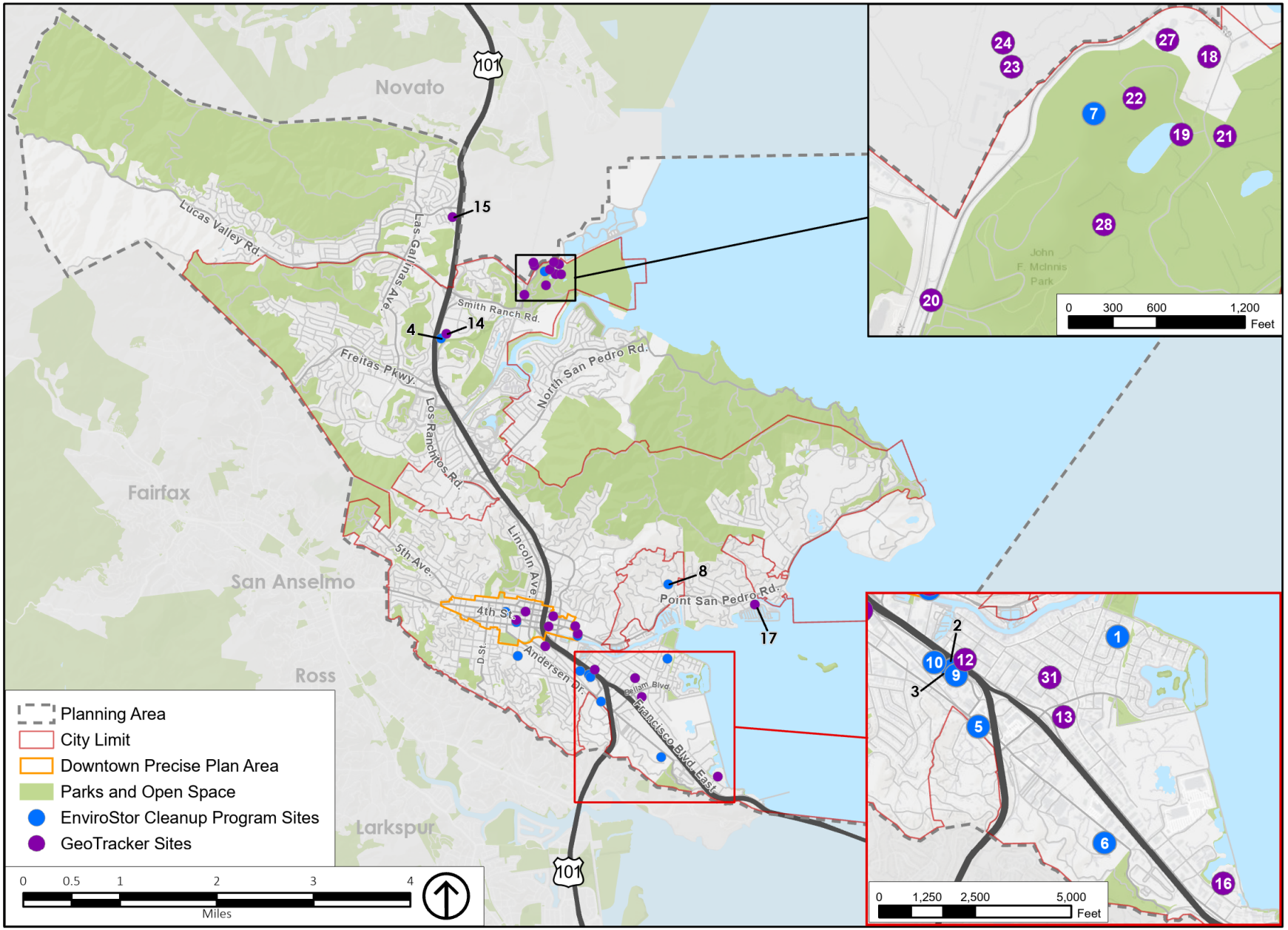
TABLE 4.9-1 ACTIVE HAZARDOUS MATERIAL SITES IN THE EIR STUDY AREA (EXCLUDING THE DOWNTOWN PRECISE PLAN AREA)

Map ID	Site Name	Address	Site Type	Potential Contaminants	Cleanup Status
Envirostor Cleanup Program Sites					
1.	Bahia Vista Elementary School	125 Bahia Way	School Investigation	No contaminants found	No Action Required
2.	Baxter Court Property	714 A Francisco Boulevard West	Tiered Permit	Chromium, PCE, TCE	Certified O&M - Land Use Restrictions Only
3.	Baxters Court Area	Baxters Court	State Response	None specified	Refer: RCRA
4.	Fairchild Semiconductor Corp	4300 Redwood Highway	Corrective Action	VOCs	Refer: RWQCB
5.	Marin Radiator & Auto Air Conditioning	786 Andersen Drive	Evaluation	Contaminated soil	Inactive - Needs Evaluation
6.	PG&E Utility Corporation Yard	1220 Andersen Drive	Evaluation	PCBS	Inactive - Needs Evaluation
7.	San Francisco Nike Battery 93 (J09CA0944)	—	Military Evaluation	None specified	Refer: RWQCB
8.	San Rafael BIV Area	—	Military Evaluation	None specified	No Further Action
9.	Specification Chromium Corporation	712 Francisco Boulevard	Tiered Permit	None specified	No Further Action
10.	Specification Chromium Corporation	14 Baxters Court	Evaluation	Cyanide, Metals, Uncategorized	Inactive - Needs Evaluation
11.	The Car Shop	616 Lindaro Street	Evaluation	Lead	No Further Action
GeoTracker Sites					
12.	7 Hoag Street	7 Hoag Street	Cleanup Program Site	None specified	Open
13.	City Of San Rafael Fire Station No.4	46 Castro Avenue	Cleanup Program Site	None specified	Open - Inactive
14.	Former Fairchild Semiconductor	4300 Redwood Highway	Cleanup Program Site	VOCs	Open - Verification Monitoring - Land Use Restrictions
15.	Former Prosperity Cleaners	187 Marinwood Avenue	Cleanup Program Site	DCE, PCE, TCE, Vinyl chloride	Open - Assessment & Interim Remedial Action
16.	Ghilotti; Barbara Fasken Trust	200 Morphew Street	Cleanup Program Site	Gasoline	Open - Inactive
17.	Loch Lomond Marina [a]	261 Loch Lomond Drive	Cleanup Program Site	Benzene, DCE, Ethylbenzene, Gasoline, Other petroleum, PCE, Toluene, TPH, Vinyl chloride, Xylene	Open - Assessment & Interim Remedial Action
18.	Los Gallinas Sanitary District	300 Smith Ranch Road	Cleanup Program Site	TPH, Waste oil	Open - Inactive
19.	Nike Battery 93, Sf (J09ca094400) - Aoi 1 S-112 Electrical Power Plant Ust	290 Smith Ranch Road	Military UST Site	None specified	Open - Eligible For Closure
20.	Nike Battery 93, Sf (J09ca094400) - Aoi 10 S-411 Electrical Power Plant Ast	290 Smith Ranch Road	Military Cleanup Site	None specified	Open - Eligible For Closure

TABLE 4.9-1 ACTIVE HAZARDOUS MATERIAL SITES IN THE EIR STUDY AREA (EXCLUDING THE DOWNTOWN PRECISE PLAN AREA)

Map ID	Site Name	Address	Site Type	Potential Contaminants	Cleanup Status
21.	Nike Battery 93, Sf (J09ca094400) - Aoi 2 - S-131 Missile Assembly And Test Building	290 Smith Ranch Road	Military UST Site	Diesel, Xylene	Open - Eligible For Closure
22.	Nike Battery 93, Sf (J09ca094400) - Aoi 3 S-158 Ready Room Ust	291 Smith Ranch Road	Military UST Site	None specified	Open - Eligible For Closure
23.	Nike Battery 93, Sf (J09ca094400) - Aoi 4 S-216 Administrative Area	290 Smith Ranch Road	Military UST Site	TPH, Xylene	Open - Eligible For Closure
24.	Nike Battery 93, Sf (J09ca094400) - Aoi 5 S-217 Ust, Administrative Area	290 Smith Ranch Road	Military UST Site	Diesel	Open - Eligible For Closure
25.	Nike Battery 93, Sf (J09ca094400) - Aoi 6 S-218 Ust (And Fuel Line), Administrative Area	290 Smith Ranch Road	Military UST Site	None specified	Open - Eligible For Closure
26.	Nike Battery 93, Sf (J09ca094400) - Aoi 7 S-219 Ust Administrative Area	290 Smith Ranch Road	Military UST Site	Diesel	Open - Eligible For Closure
27.	Nike Battery 93, Sf (J09ca094400) - Aoi 8 Radar Tower Ust S-418	290 Smith Ranch Road	Military UST Site	None specified	Open - Eligible For Closure
28.	Nike Battery 93, Sf (J09ca094400) - Aoi 9 S-213 Enlisted Men's Barracks	290 Smith Ranch Road	Military Cleanup Site	None specified	Open - Eligible For Closure
29.	Proshop Inc.	658 Irwin Street	Cleanup Program Site	Diesel, Waste oil	Open - Site Assessment
30.	San Rafael City Schools Maintenance Facility	38 Union Street	LUST Cleanup Site	Benzene, Gasoline, Toluene	Open - Assessment & Interim Remedial Action
31.	Warnecke Property	62-68 Belvedere Street	Cleanup Program Site	TPH	Informational Item

Notes: Sites with a cleanup status of "closed" or "completed – case closed" and are included in Appendix G, Hazardous Materials Data, of this Draft EIR.
[a] Loch Lomond Marina has one open site (former dry cleaners) and one closed site (former gas station which has been remediated).
Source: Department of Toxic Substance Control (DTSC) EnviroStor 2019 and State Water Resources Control Board (SWRCB) GeoTracker 2019.



Source: ESRI, 2017; County of Marin, 2009; City of San Rafael, 2019; PlaceWorks, 2019.

Figure 4.9-1
Active Hazardous Materials Sites

Hazardous Materials Sites

The search of the online EnviroStor and GeoTracker databases conducted on May 20, 2019, identified 39 hazardous materials sites within the Downtown Precise Plan Area. Of the 39 hazardous materials sites, there are eight active sites that are listed in Table 4.9-2 and shown on Figure 4.9-2. The remaining 31 sites have a designated cleanup status as "closed" or "completed – case closed" and are listed in Appendix G, Hazardous Materials Data, of this Draft EIR. The majority of listed sites are classified as cleanup sites, and most are associated with gasoline and diesel.

Airport Hazards

The Downtown Precise Plan Area, is not located within an airport land use plan area.

Emergency Response and Evacuation Planning Areas

As described in Section 4.9.1.1, Regulatory Framework, the EIR Study Area, including the Downtown Precise Plan Area is within the planning areas of the Marin Operational Area EOP, the Marin County Operational Area ERP, and the San Rafael LHMP.

Wildfire Hazards

A more robust discussion of wildland fire hazards is provided in Chapter 4.18, Wildfire, of this Draft EIR. The Downtown Precise Plan Area contains both high and moderate fire hazard severity zones in the northern portion of the area (see Figure 4.18-3). The northern, western, and southwestern areas of the Downtown Precise Plan Area are within the WUI (see Figure 4.18-4).

4.9.2 STANDARDS OF SIGNIFICANCE

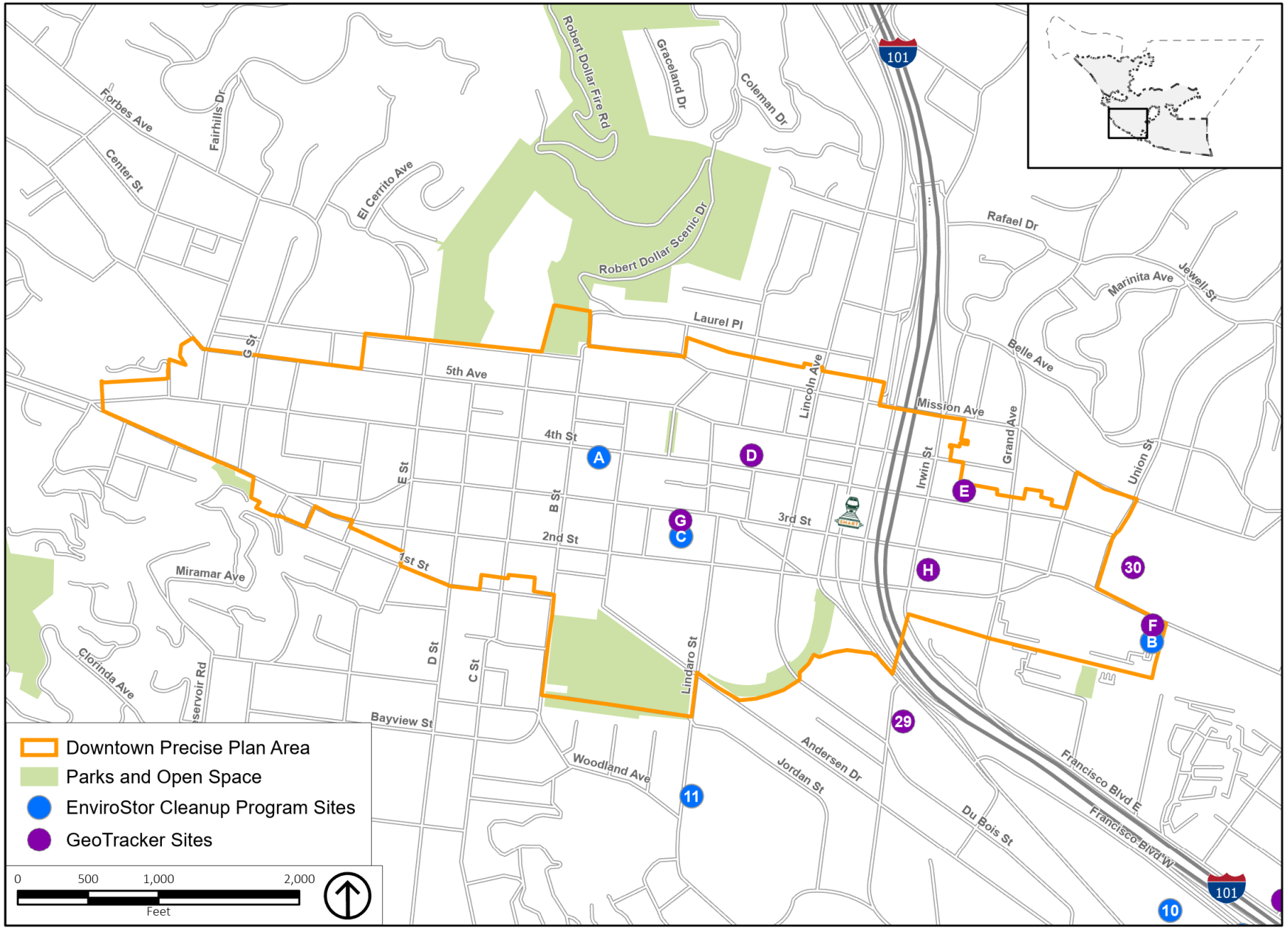
Pursuant to Appendix G, Environmental Checklist Form, of the CEQA Guidelines, implementation of the proposed project would result in a significant impact related to hazards and hazardous materials if it would:

1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
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.
3. Emit hazardous emissions or handle hazardous materials, substances or waste within 0.25 miles of an existing or proposed school.
4. Be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area.
6. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
7. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.
8. Result in significant cumulative impacts related to hazards and hazardous materials

TABLE 4.9-2 RELEVANT HAZARDOUS MATERIAL SITES IN THE DOWNTOWN PRECISE PLAN AREA

Map ID	Site Name	Address	Site Type	Potential Contaminants	Cleanup Status
Envirostor Cleanup Program Sites					
A.	Former Maxim Gas Plant Office	4th Street Between A & B Streets	State Response	No contaminants found	No Further Action
B.	Marin-Sonoma Mosquito Abatement District	201 3rd Street	Voluntary Cleanup	Benzene, DDT, Diesel, Xylenes	Certified / Operation & Maintenance
C.	PG&E, San Rafael MGP (San Rafael Corporate Center)	2nd Street and Anderson Drive on both sides of Avenue and Lindaro Street	Voluntary Cleanup	Contaminated soil, Lead, PAHS, VOCs	Active
GeoTracker Sites					
D.	Former Grand Auto Store #9	850 4th Street	Cleanup Program Site	None specified	Open - Inactive
E.	Marin Cleaners	520 4th Street	Cleanup Program Site	Other chlorinated hydrocarbons, PCE, TCE	Open - Remediation
F.	Marin/Sonoma Mosquito (Former)	201 3rd St	Cleanup Program Site	Diesel	Open - Verification Monitoring
G.	PG&E - MGP - San Rafael	Listed as Third St And Brooks Ave, but known as the 999 3rd St site	Cleanup Program Site	Petroleum, Fuels, Soils, Polynuclear aromatic hydrocarbons	Open - Remediation - Land Use Restrictions
H.	Shell	834 Irwin St	LUST Cleanup Site	Diesel, Gasoline, Waste oil	Open - Verification Monitoring

Notes: Sites with a cleanup status of "closed" or "completed – case closed" and are included in Appendix G, Hazardous Materials Data, of this Draft EIR.
Source: Department of Toxic Substance Control (DTSC) EnviroStor 2019 and State Water Resources Control Board (SWRCB) GeoTracker 2019.



Source: ESRI, 2017; County of Marin, 2009; City of San Rafael, 2019; PlaceWorks, 2019.

Figure 4.9-2
Downtown Active Hazardous Materials Sites

4.9.3 IMPACT DISCUSSION

HAZ-1	**Implementation of the proposed project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.**

General Plan 2040

Implementation of the proposed General Plan 2040 would facilitate potential new development, including residential, mixed-use, commercial, industrial, and recreational uses, within San Rafael. However, there are no changes to the amount of land that is designated for industrial or light industrial uses that generate substantial quantities of hazardous materials and therefore the routine transport of hazardous materials. While potential future development under the proposed General Plan 2040 could result in the use and storage of hazardous materials, including common cleaning products, building maintenance products, paints and solvents, fertilizers and pesticides used in landscaping and yard care, along with other similar items. In general, these potentially hazardous materials would not be of the type to occur in sufficient quantities to pose a significant hazard to public health and safety or to the environment. As described in Section 4.9.1.1, Regulatory Framework, future development involving the routine transport or use of hazardous materials during construction, are subject to a variety of federal, State, regional, and local regulations. All hazardous materials to be transported must remain in compliance with DOT regulations. Potential future development would be subject to regulatory programs such as those overseen by the RWQCB and the DTSC. Non-residential development that would require the use of hazardous materials regulated by federal, State, regional, and local agencies would issue permits for the use of the hazardous materials, which would be monitored and routinely updated by the responsible agency depending on the type of material. These agencies also require applicants for development of potentially contaminated properties to perform investigation and cleanup if the site is found to be contaminated with hazardous substances. Additionally, Marin County Waste Management Division (WMD) has substantial regulations concerning hazardous materials in the EIR Study Area. For example, Marin County WMD requires the development and approval of Hazardous Materials Management Plans demonstrating safe storage and handling of hazardous materials and requires inspections of such handling and storage.

Potential future development that would introduce hazardous materials to a site, or that would generate hazardous waste, would be regulated pursuant to federal, State, regional, and local laws. Compliance with these regulations would minimize the potential for a significant adverse effect on the environment due to the routine use, transport, and disposal of hazardous materials.

The proposed Conservation and Climate Change (C) and Safety and Resilience (S) Elements contain goals, policies, and programs that require local planning and development decisions to require best hazardous materials practices as part of development. The following goals, policies, and programs would serve to minimize exposure to hazardous materials from routine transport, use, or disposal in the EIR Study Area.

Goal C-3: Clean Water. Improve water quality by reducing pollution from urban runoff and other sources, restoring creeks and natural hydrologic features, and conserving water resources.

- Policy C-3.5: Groundwater Protection. Protect San Rafael's groundwater from the adverse effects of urban uses. Encourage opportunities for groundwater recharge to reduce subsidence and water loss, and support water-dependent ecosystems.
  - Program C-3.5A: Underground Tank Remediation. Continue efforts to remediate underground storage tanks and related groundwater hazards. Avoid siting new tanks in areas where they may pose hazards, including areas prone to sea level rise.

Goal S-5: Protection from Hazardous Materials. Protect those who live, work, and visit San Rafael from risks associated with hazardous materials.

- Policy S-5.1: Hazardous Waste Management. Support State, regional, countywide and local programs to responsibly manage hazardous waste consistent with protection of public health, welfare, safety and the environment.
- 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, 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.
- 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.
  - Program S-5.5B: Pipeline Safety. Coordinate with regulatory agencies and utilities to ensure the safety of all fuel pipelines and ensure that maintenance and operating conditions are fully compliant with all state and federal safety regulations

- Policy S-5.6: Hazardous Building Materials. Reduce the presence of hazardous building materials by implementing programs to mitigate lead, friable asbestos, and other hazardous materials where they exist today and by limiting the use of hazardous building materials in new construction. If such materials are disturbed during building renovation or demolition, they must be handled and disposed in a manner that protects human health and the environment.
- Policy S-5.7: Household Hazardous Waste. Promote education about the safe disposal of household hazardous waste, such as motor oil and batteries, including the location of designated household hazardous waste disposal sites.

As part of the City's project approval process, potential future development and redevelopment would be required to comply with existing federal, State, regional, and local regulations, including the proposed General Plan goals, policies, and programs that have been prepared to minimize impacts related to hazardous materials. Compliance with these regulations would minimize the risk of an adverse effect on the environment, through the routine use, transport, and disposal of hazardous materials, and therefore impacts would be *less than significant*.

Significance without Mitigation: Less than significant.

Downtown Precise Plan

Similar to potential development in the remainder of the EIR Study Area, potential future development in the Downtown Precise Plan Area could occur on sites with known hazardous materials and/or potentially hazardous building materials that would require cleanup prior to any development; thus, the transport of hazardous materials could occur during future remediation and/or construction activities. Any remediation or construction activities that result in the transport and/or disposal of hazardous materials would be required to comply with all regulations applicable to potential future development under the proposed General Plan 2040. Therefore, it is anticipated that there would be no exposure of hazardous materials during routine transport and/or disposal of such materials.

The proposed types of uses that could occur in the Downtown Precise Plan Area are office, commercial, civic, and residential land uses and, therefore, would generally not include manufacturing or research processes that generate substantial quantities of hazardous materials. As with the proposed General Plan 2040, any potential future development that would introduce hazardous materials to a site, or that would generate hazardous waste, would be regulated pursuant to federal, State, regional, and local laws. Compliance with these regulations would minimize the potential for a significant adverse effect on the environment due to upset and accident involving the use of hazardous materials.

The proposed Downtown Precise Plan has no specific policies, and the Downtown Code has no specific regulations to reduce impacts from hazardous materials; therefore, the impacts and mitigation described for the proposed General Plan 2040 would also apply in the Downtown Precise Plan Area. Accordingly, like the General Plan 2040, implementation of the Downtown Precise Plan would not result in impacts related to the routine transport, use, and disposal of hazardous materials and impacts would be *less than significant*.

Significance without Mitigation: Less than significant.

HAZ-2	**Implementation of the proposed project could 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.**

General Plan 2040

The proposed General Plan 2040 would facilitate potential new development, including residential, mixed-use, commercial, industrial, and recreational uses, within San Rafael. Some potential future development could occur on sites that are contaminated with hazardous materials, which includes sites that are active, undergoing verification monitoring, and/or undergoing remediation action, as indicated in Table 4.9-1. Construction of new buildings could result in the release of hazardous soil-based materials into the environment during site grading and excavation. Likewise, demolition of existing structures could potentially result in release of hazardous building materials (e.g., asbestos, lead paint, etc.) into the environment. Potential future development could also result in the use of hazardous materials during project operation, such as cleaning solvents, fertilizers, pesticides, and other materials used in the regular maintenance and operation of certain developments.

Potential future development under the proposed project would be required to comply with existing regulations as part of the City's project approval process, as described in Section 4.9.1.1, Regulatory Framework, of this chapter. The City actively monitors compliance with federal, State, regional, and local regulations, including SRMC Chapter 14.16.180, Hazardous Soil Conditions, which requires new development on lots filled prior to 1974, that may have involved hazardous materials, be evaluated for the presence of toxic or hazardous materials prior to development approvals. Compliance with the required Stormwater Pollution Prevention Plan and best management practices (see Chapter 4.10, Hydrology and Water Quality, for additional detail), as well as the implementation of the General Plan goals, policies, and programs that have been prepared to minimize impacts related to accidents and spills of hazardous materials listed in Impact Discussion HAZ-1, would also ensure future development under the proposed General Plan 2040 would not 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. In addition, as described under Impact Discussion HAZ-4, implementation of Mitigation Measure HAZ-4 would reduce the accidental release of hazardous materials to the public and the environment from sites with known hazardous material contamination. Therefore, the impact is *less than significant*.

Significance without Mitigation: Less than significant.

Downtown Precise Plan

Potential new development, including residential, mixed-use, and commercial uses would occur in the Downtown Precise Plan Area. Same as the proposed General Plan 2040 discussed previously, potential future development in the Downtown Precise Plan Area could occur on sites that are contaminated with hazardous materials, which includes sites that are active, undergoing verification monitoring, and/or undergoing remediation action, as indicated in Table 4.9-2. Due to the age of the existing buildings in the

Downtown Precise Plan Area, these buildings may contain asbestos-containing materials or lead-based paint, which were not regulated in construction until the early 1970s. Any remediation, construction and demolition activities, or routine use of, hazardous materials, would be required to comply with all federal, State, regional, and local regulations also applicable to potential future development in the remainder of the city. Furthermore, the mitigation measures identified in Impact Discussion HAZ-4 would also reduce impacts from airborne hazardous materials.

The proposed Downtown Precise Plan has no specific policies, and the Downtown Code has no specific regulations to reduce impacts from hazardous materials; therefore, the impacts and mitigation described for the proposed General Plan 2040 would also apply in the Downtown Precise Plan Area. Accordingly, like the General Plan 2040, implementation of the Downtown Precise Plan would not result in a hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of these materials into the environment and impacts would be *less than significant*.

Significance without Mitigation: Less than significant.

HAZ-3 Implementation of the proposed project could emit hazardous emissions or handle hazardous materials, substances or waste within 0.25 miles of an existing or proposed school.

General Plan 2040

It is possible that implementation of the proposed General Plan 2040 could result in potential future development that would involve hazardous materials, either through construction or operation of new development, within 0.25 miles of an existing or proposed school. As described under Impact Discussions HAZ-1 and HAZ-2, while some potential future development under the proposed General Plan 2040 could be reasonably expected to handle hazardous materials or generate hazardous emissions, the storage, use, and handling of these materials would be subject to existing federal, State, and local regulations. Potential future development would be required to comply with existing regulations as described in Section 4.9.1.1, Regulatory Framework, and reiterated in Impact Discussions HAZ-1 and HAZ-2, including General Plan goals, policies, and programs that have been prepared to minimize impacts as a result of hazardous materials. These regulations would ensure requirements regarding use or transport of hazardous materials are met prior to construction, which includes buffer zones between schools and hazardous materials sites.

The proposed Safety and Resilience (S) Element contains additional provisions that require local planning and development decisions to ensure hazardous materials sites do not impact adjacent sites that contain sensitive land uses or populations in the EIR Study Area.

Goal S-5: Protection from Hazardous Materials. Protect those who live, work, and visit San Rafael from risks associated with hazardous materials.

- Policy S-5.3: Protection of Sensitive Uses. Provide safe distances between areas where hazardous materials are handled or stored and sensitive land uses such as schools, public facilities, and

residences. When the location of public improvements in such areas cannot feasibly be avoided, effective mitigation measures will be implemented.

- Program S-5.3A: Inventory of Existing Hazards. Work with State and County GIS data to identify existing hazardous materials permit holders near schools, evaluate relative risk levels, and determine actions in the event of an accidental release. This data should be used to evaluate risk levels and develop measures to ensure the safety of students and school staff where necessary.
- Program S-5.3B: Reducing Hazards Near Schools. Consistent with CEQA and the California Public Resource Code 21151.4, limit activities with the potential to release hazardous materials within one-quarter mile of schools.

Compliance with federal, State, regional, and local requirements regarding ongoing environmental review and management of hazardous materials would ensure that potential future development under the proposed General Plan 2040 would not result in a significant impact to adjacent land uses that may contain sensitive receptors. Furthermore, implementation of Mitigation Measures HAZ-4 below would reduce impacts from sites with known hazardous material contamination, and Mitigation Measure AIR-3.1b, in Chapter 4.3, Air Quality, of this Draft EIR, would reduce impacts from airborne hazardous materials during construction activities near sensitive land use projects (e.g., hospitals, nursing homes, daycare centers) in San Rafael. Compliance with existing requirements and the recommended mitigation measures, would therefore reduce the potential for emission of hazardous materials within 0.25 miles of a school during construction and operation of future development, and impacts would be *less than significant*.

Significance without Mitigation: Less than significant.

Downtown Precise Plan

As with the proposed General Plan 2040, potential future development in the Downtown Precise Plan Area could occur on sites that require the removal of hazardous materials during construction, or the use of hazardous materials during project operation that are within 0.25 miles of existing schools. However, as discussed above, any remediation, construction activities, or routine use of, hazardous materials, would be required to comply with all federal, State, regional, and local regulations, including the proposed General Plan 2040 goals, policies, and programs listed in Impact Discussion HAZ-1, as well as Mitigation Measures HAZ-4 and AIR-3.1b, which reduce the risk of potential release of hazardous materials within 0.25 miles of an existing or proposed school.

The proposed Downtown Precise Plan has no specific policies, and the Downtown Code has no specific regulations to reduce impacts from hazardous materials; therefore, the impacts and mitigation described for the proposed General Plan 2040 would also apply in the Downtown Precise Plan Area. Accordingly, like the General Plan 2040, implementation of the Downtown Precise Plan would not result in a hazardous materials impact within 0.25 miles of an existing or proposed school and impacts would be *less than significant*.

Significance without Mitigation: Less than significant.

HAZ-4	**Implementation of the proposed project could be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.**

General Plan 2040

As shown in Table 4.9-1, a number of hazardous materials sites are listed on databases compiled pursuant to Government Code Section 65962.5. These include 31 sites located in the greater EIR Study Area, outside of the Downtown Precise Plan Area, designated as active. Although implementation of the proposed General Plan 2040 anticipates that potential future development and redevelopment could occur on existing vacant or infill sites in urban areas, the location of potential future development is unknown and may occur on sites included in the database in Table 4.9-1. As discussed in Impact Discussions HAZ-1 through HAZ-3, construction on a site listed in the database could result in the release of potentially hazardous soil-based materials into the environment during site grading and excavation operations. Further, demolition of existing structures could potentially result in the release of hazardous building materials (e.g., asbestos, lead-based paint) into the environment. Use of hazardous materials on newly developed properties after construction could potentially include cleaning solvents, fertilizers, pesticides, and other materials used in the regular maintenance and operation of future development.

As described in Impact Discussions HAZ-1 through HAZ-3, potential future development that would occur under implementation of the proposed General Plan 2040 would be required to comply with all federal, State, regional, and local regulations regarding the safe handling, transport, disposal, and use of hazardous materials. Further, the proposed General Plan 2040 includes specific goals, policies, and programs that would further require land planning and development decisions to reduce the impacts that potential future development with known hazardous materials, or the use of such materials, could have on the environment and the public. However, because hazardous materials sites exist in the EIR Study Area, as indicated in Table 4.9-1, it is possible that future development could occur on a designated hazardous materials site, which could result in the direct contact, inhalation, or ingestion of hazardous materials that could potentially cause adverse health impacts to construction workers, future site inhabitants, and nearby sensitive receptors. The preparation of project-specific management plans and studies would require mitigation that would protect construction workers, future site inhabitants, and nearby sensitive receptors.

The severity of health effects would depend on the contaminant(s), concentration, use of personal protective equipment during construction, and duration of exposure. Site specific Environmental Site Management Plan for sites with known contamination would summarize soil and groundwater analytical data collected on the project site during past investigations; identify management options for excavated soil and groundwater, if contaminated media are encountered during deep excavations; and identify monitoring, irrigation, or other wells requiring proper abandonment in compliance with local, State, and federal laws, policies, and regulations. The ESMP would include measures for identifying, testing, and managing soil and groundwater suspected of or known to contain hazardous materials. The ESMP would:

- Provide procedures for evaluating, handling, storing, testing, and disposing of soil and groundwater during project excavation and dewatering activities, respectively;

- Describe required worker health and safety provisions for all workers potentially exposed to hazardous materials in accordance with State and federal worker safety regulations;
- and Designate personnel responsible for implementation of the ESMP.

For sites with potential residual contamination in soil or groundwater that are planned for redevelopment with an overlying occupied building, a soil vapor intrusion assessment would indicate the potential for significant vapor intrusion into an occupied building, project design shall include vapor controls or source removal, as appropriate, in accordance with regulatory agency requirements. Soil vapor mitigations or controls could include vapor barriers, passive venting, and/or active venting.

Without site-specific evaluation for sites with known contamination, the disturbance and release of hazardous materials during earthwork activities, if present, could pose a hazard to construction workers, nearby receptors, and the environment, and impacts could be potentially *significant*.

Impact HAZ-4: Potential future development could result in construction and operation activities on sites with known hazardous materials and, as a result, create a significant hazard to the public or the environment.

Mitigation Measure HAZ-4: To ensure that construction on sites with known contamination pursuant to the lists compiled pursuant to Government Code Section 65962.5, which include, but are not limited to, the Department of Toxic Substance Control's online EnviroStor database and the State Water Resource Control Board's online GeoTracker database, do not result in or create a significant hazard to the public or the environment, the City shall adopt the following General Plan programs to support Policy S-5.4 (Development on Formerly Contaminated Sites) to be implemented as part of the project approval process:

- New Program: Environmental Site Management Plan. Require the preparation of an Environmental Site Management Plan (ESMP) in consultation with the San Francisco Bay Regional Water Quality Control Board and/or the Department of Toxic Substance Control, for development on sites with known contamination of hazardous materials pursuant to Government Code Section 65962.5, which include, but are not limited to, the Department of Toxic Substance Control's online EnviroStor database and the State Water Resource Control Board's online GeoTracker database.
- New Program: Soil Vapor Intrusion Assessment. For sites with potential residual contamination in soil or groundwater 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 of the vapor intrusion assessment indicate the potential for significant vapor intrusion into an occupied building, project design shall include vapor controls or source removal, as appropriate, in accordance with regulatory agency requirements.

Significance with Mitigation: Less than significant.

Downtown Precise Plan

As shown in Table 4.9-2, a number of hazardous materials sites in the Downtown Precise Plan Area are listed on databases compiled pursuant to Government Code Section 65962.5. There are eight sites

specifically within the Downtown Precise Plan Area, which are currently active. The Downtown Precise Plan Area is considered urban and largely built out and all potential future development and redevelopment would therefore occur on existing vacant or infill sites. As with the proposed General Plan 2040, the specific location of future development is unknown and may occur on sites included in the database in Table 4.9-2. The proposed Downtown Precise Plan has no specific policies, and the Downtown Code has no specific regulations to reduce impacts from hazardous materials; therefore, the impacts and mitigation described for the proposed General Plan 2040 would also apply in the Downtown Precise Plan Area and impacts could be potentially *significant* without mitigation.

Significance with Mitigation: Less than significant.

HAZ-5	**Implementation of the proposed project could, for a project located within an airport land use plan, or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area.**

The EIR Study Area is not located within an airport land use plan area. A small private airport, the San Rafael Airport, is located in the northeastern corner of the EIR Study Area, and the nearest public airport, the Marin County Airport, is located approximately 8 miles north of the EIR Study Area. Given the distances from the nearest public or public use airports, the EIR Study Area would not be subject to any airport safety hazards. The proposed project would also not have an adverse effect on aviation safety or flight patterns. Therefore, there would be *no impact* related to public airport hazards.

Significance without Mitigation: Less than significant.

HAZ-6	**Implementation of the proposed project could impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.**

General Plan 2040

Potential future development in the city is projected to occur primarily on a limited number of vacant parcels and in the form of infill/intensification on sites either already developed and/or underutilized, and/or in close proximity to existing residential and residential-serving development, and in areas with close proximity to public transportation. Implementation of the proposed General Plan 2040 would not include land use changes that impair or physically interfere with the Marin Operational Area EOP, the Marin County Operational Area ERP, or the San Rafael LHMP.

The proposed Safety and Resilience (S) Element contains goals, policies, and programs that require local planning and development decisions to comply with existing emergency response and evacuation plans. The following goals, policies, and programs would serve to ensure potential future development in the EIR Study Area does not physically interfere with any such adopted plan.

Goal S-1: A Safer, More Resilient City. Minimize San Rafael's vulnerability to the impacts of environmental hazards and public health emergencies.

- Policy S-1.1: Local Hazard Mitigation Plan (LHMP). The San Rafael LHMP is adopted by reference into the General Plan.1 Policies and actions throughout the General Plan shall be consistent with the LHMP and support its goals and objectives.
- Policy S-1.4: Public Health Emergencies. Minimize the impact of public health emergencies, including pandemics, through effective planning, response, and recovery. The City will work with the County of Marin and other public and private partners to contain and control disease outbreaks, limit the number of illnesses and deaths, preserve the continuity of critical government functions, minimize social disruption, and reduce economic loss.
  - Program S-1.4A: LHMP Amendments. Amend local emergency preparedness documents as needed to address public health emergencies, including communication protocol, emergency operating procedures, and provisions for sheltering-in-place.

Goal S-6: Emergency Preparedness. Improve disaster preparedness, resiliency, response, and recovery. The City should enhance public outreach, awareness, education, and preparedness for all hazards to minimize losses.

- Policy S-6.1: Disaster Preparedness Planning. Conduct disaster prevention and preparedness planning in cooperation with other public agencies and public interest organizations.
  - Program S-6.1A: Mutual Aid Agreements. Continue, and where feasible expand, mutual aid agreements that augment public safety personnel in times of emergency.
  - Program S-6.1B: Standardized Emergency Management System (SEMS). Maintain a SEMS-based emergency plan that provides direction and identifies responsibilities after a disaster. Continue to train all City employees and officials in SEMS procedures.
  - Program S-6.1.C: Emergency Preparedness Plan. Update and publicize the City's emergency preparedness plan in conformance with State guidelines, including information on evacuation routes and shelter locations. The City's Emergency Operations Center Handbook also should be updated.

Potential future development under implementation of the proposed General Plan 2040 would be required to comply with existing regulations and adopted plans related to emergency response and evacuation as part of the City's project approval process. Compliance with applicable federal, State, and local regulations would ensure future development under the proposed General Plan 2040 would not interfere with existing adopted plans, such as the Marin Operational Area EOP, the Marin County Operational Area ERP, and the San Rafael LHMP, and impacts would be *less than significant*.

Significance without Mitigation: Less than significant.

Downtown Precise Plan

As with the proposed General Plan 2040, potential future development under the Downtown Precise Plan would occur on a limited number of vacant parcels and in the form of infill/intensification on sites either already developed and/or underutilized. Implementation of the Downtown Precise Plan would require

compliance with all federal, State, regional, and local regulations, including the proposed General Plan 2040 goals, policies, and programs listed above, which ensure compliance with existing emergency response and evacuation plans.

The proposed Downtown Precise Plan has no specific policies, and the Downtown Code has no specific regulations to reduce impacts from hazardous materials; therefore, the impact described for the proposed General Plan 2040 would also apply in the Downtown Precise Plan Area. Accordingly, like the General Plan 2040, implementation of the Downtown Precise Plan would not interfere with existing adopted plans such as the Marin Operational Area EOP, the Marin County Operational Area ERP, and the San Rafael LHMP, and impacts would be *less than significant*.

Significance without Mitigation: Less than significant.

HAZ-7	**Implementation of the proposed project could expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.**

General Plan 2040

Chapter 4.18, Wildfire, of this Draft EIR provides a discussion of the relevant regulatory framework and existing conditions pertaining to wildland fire hazards in the EIR Study Area. The EIR Study Area contains land within the State Responsibility Area and Local Responsibility Area, shown on Figure 4.18-1. The portion of the EIR Study Area within the State Responsibility Area is designated as a moderate fire hazard severity zone. The land within the Local Responsibility Area is designated as moderate or high fire hazard severity zones. There are no lands in the EIR Study Area classified by the State of California as being a "Very High Fire Hazard Severity Zone." As shown on Figure 4.18-2, the EIR Study Area also includes lands within the WUI, which is defined as any area where structures and other human development meet or intermingle within wildland vegetation.[11] However, there are no proposed land use changes as part of the proposed General Plan 2040 that would modify the types of land uses or exacerbate any risks beyond what is currently allowed in the General Plan 2020.

Potential future development under the proposed General Plan 2040 would result in increased opportunities for development to occur on infill sites in existing urban areas of the EIR Study Area. Therefore, while not prohibiting potential future development from occurring in the State or Local Responsibility Area or within the WUI, by increasing infill opportunities, the City is reducing the need for development in higher-risk areas. As shown on Figure 4.18-3, some infill sites are located within the WUI areas. All potential future development under the proposed General Plan 2040 would be required to comply with State and local regulations as well as the proposed goals, policies, and programs described in Chapter 4.18, Wildfire, of this Draft EIR, and the City's WPPAP, all which reduce the likelihood of significant risk of loss, injury, or death involving wildland fires. Therefore, implementation of the proposed General

[11] California Office of Emergency Services. 2018. *California State Hazard Mitigation Plan*.

Plan 2040 would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires, and impacts would be *less than significant*.

Significance without Mitigation: Less than significant.

Downtown Precise Plan

The Downtown Precise Plan Area contains minimal areas of both high and moderate fire hazard severity zones, and as with the remainder of the city, there are no very high fire severity zones (see Figure 4.18-3). Areas in the north, northwest, and southwest of the Downtown Precise Plan Area are within the WUI (see Figure 4.18-4). As with the proposed General Plan 2040, the majority of potential future development under the Downtown Precise Plan would occur on a limited number of vacant parcels and in the form of infill/intensification on sites either already developed and/or underutilized, some of which would occur within the WUI area.

The proposed Downtown Precise Plan has no specific policies, and the Downtown Code has no specific regulations to reduce impacts from wildland fire hazards; therefore, the impact described for the proposed General Plan 2040 would also apply in the Downtown Precise Plan Area. Accordingly, like the General Plan 2040, implementation of the Downtown Precise Plan would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires, and impacts would be *less than significant*.

Significance without Mitigation: Less than significant.

HAZ-8 Implementation of the proposed project could result in a cumulatively considerable impact to hazards and hazardous material.

As discussed previously, potential future development allowed by the proposed project would not result in significant impacts from hazardous materials and would not increase exposure to potential hazards associated with wildland fires. Where the EIR Study Area contains sites included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5, compliance with federal, State, and local regulations, as well as implementation of Mitigation Measure HAZ-4 would reduce these impacts to less than significant. Implementation of the proposed project would not interfere with implementation of emergency response plans or result in significant impacts regarding airport hazards.

Cumulative development in adjacent jurisdictions would be subject to the same federal, State, and regional regulations, as well as regional safety plans, such as the Marin County Operational Area ERP and the Marin County Operational Area EOP. Since impacts associated with hazardous materials and wildland fires are by their nature focused on specific sites or areas, the less-than-significant impacts within the EIR Study Area from the proposed project would not contribute to a cumulative increase in hazards in the immediate vicinity of the Downtown Precise Plan Area, EIR Study Area, or greater Marin County region. Therefore, cumulative impacts associated with hazards and hazardous materials would be *less than significant*

Significance with Mitigation: Less than significant.

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