

4.7 HAZARDS AND HAZARDOUS MATERIALS

The State defines hazardous material as any material "...that, because of its quantity, concentration, or chemical characteristics poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. Hazardous materials are commonly used by all segments of society, including manufacturing and service industries, commercial enterprises, agriculture, military installations, hospitals, schools, and households. Hazardous waste is often generated as a byproduct of industrial, manufacturing, agricultural, and other uses." A hazardous material may become hazardous waste upon its abandonment, discard, or recycling; or by actions that change the composition of previously non-hazardous material.¹

Potential effects include those associated with the routine transport, use, or disposal of hazardous materials; reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; and safety hazards associated with the project location in an airport land use planning area. Potential impacts associated with toxic air contaminants that could be emitted during operation of the project are addressed in Section 4.3 (Air Quality), while the potential hazardous material effects on groundwater are addressed in Section 4.8 (Hydrology and Water Quality). This section is based in part on the *Phase I Environmental Site Assessment* prepared for Wal-Mart Store No 1915-03 Yucca Valley, California (Alaska Petroleum Environmental Engineering, Inc., September 2005) which is included as Appendix J.

4.7.1 Existing Setting

The Yucca Valley Retail Specific Plan is located at the southeast corner of Avalon Avenue and State Route 62 (Twenty-nine Palms Highway). There are no existing or proposed schools located within 0.25 mile of the proposed project site. The airport nearest the project site is Yucca Valley Airport. This airport is located approximately one mile southwest of the project site. The project site is not located in an area adjacent to natural areas prone to wildland hazards.

The project site is not listed on the Department of Toxic Substance Control's Hazardous Waste and Substance Site List (Cortese List). The project site has no known past uses and it not known to have ever been developed. Land uses surrounding the project site include vacant land to the north, south, and east, and administrative/office uses to the west. No adjacent facilities are listed on the Cortese list.

4.7.2 Existing Policies and Regulations

Federal Regulations

Comprehensive Environmental Response, Compensation, and Liability Act. Discovery of environmental health damage from disposal sites prompted the U.S. Congress to pass the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund). The purpose of CERCLA is to identify and clean up chemically contaminated sites that pose a significant environmental health threat. The Hazard Ranking System is used to determine whether a site should be placed on the National Priorities List for cleanup activities.

¹ California Health and Safety Code, §25501(n) and (o); and §25124.

Superfund Amendments and Reauthorization Act. The Superfund Amendments and Reauthorization Act (SARA) pertains primarily to emergency management of accidental releases. It requires formation of State and local emergency planning committees, which are responsible for collecting material handling and transportation data for use as a basis for planning. Chemical inventory data is made available to the community at large under the “right-to-know” provision of the law. In addition, SARA also requires annual reporting of continuous emissions and accidental releases of specified compounds. These annual submissions are compiled into a nationwide Toxics Release Inventory (TRI).

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

Resource Conservation and Recovery Act. The Resource Conservation and Recovery Act (RCRA) Subtitle C addresses hazardous waste generation, handling, transportation, storage, treatment, and disposal. It includes requirements for a system that uses hazardous waste manifests to track the movement of waste from its site of generation to its ultimate disposition. The 1984 amendments to RCRA created a national priority for waste minimization. Subtitle D establishes national minimum requirements for solid waste disposal sites and practices. It requires states to develop plans for the management of wastes within their jurisdictions. Subtitle I requires monitoring and containment systems for underground storage tanks that hold hazardous materials. Owners of tanks must demonstrate financial assurance for the cleanup of a potential leaking tank.

State Regulations

The California Hazardous Waste Control Law. The Hazardous Waste Control Law (HWCL) is the primary hazardous waste statute in the State of California. The HWCL implements RCRA as a “cradle-to-grave” waste management system in the State of California. HWCL specifies that generators have the primary duty to determine whether their wastes are hazardous and to ensure their proper management. The HWCL also establishes criteria for the reuse and recycling of hazardous wastes used or reused as raw materials. The HWCL exceeds Federal requirements by mandating source reduction planning and a much broader requirement for permitting facilities that treat hazardous waste. It also regulates a number of types of wastes and waste management activities that are not covered by Federal law with RCRA.

The California Hazardous Material Management Act. The Hazardous Materials Management Act (HMMA) requires that businesses handling or storing certain amounts of hazardous materials prepare a Hazardous Materials Business Plan (HMBP), which includes an inventory of hazardous materials stored on-site (above specified quantities), an emergency response plan, and an employee training program. Businesses that use, store, or handle 55 gallons of liquid, 500 pounds of a solid, or 200 cubic feet of a compressed gas at standard temperature and pressure require HMBPs. Plans must be

prepared prior to facility operation and are reviewed/updated biennially (or within 30 days of a change).

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

California Emergency Services Act. Government Code 8550-8692 provides for the assignment of functions to be performed by various agencies during an emergency to the end that the most effective use may be made of all manpower, resources, and facilities for dealing with any emergency that may occur. The coordination of all emergency services is recognized by the State to mitigate the effects of natural, man-made, or war-caused emergencies which result in conditions of disaster or extreme peril to life, property, and the resources of the State, and generally to protect the health and safety and preserve the lives and property of the people of the State.

Local Regulations

San Bernardino County Fire Department Hazardous Materials Division. The Hazardous Materials Division of the San Bernardino County Fire Department is responsible for conducting compliance inspections for over 7,000 regulated facilities in San Bernardino County. These facilities handle hazardous materials, generate or treat hazardous waste, and/or operate underground storage tanks. The Certified Unified Program Agency (CUPA), of which the Hazardous Materials Division is part, provides a comprehensive environmental management approach to resolve environmental issues. This balanced approach utilizes education and effective enforcement procedures to minimize the potential risk to human health and the environment and establish an atmosphere to promote fair business practices.

Town of Yucca Valley Comprehensive General Plan Policies. The Hazardous and Toxic Materials Element of the General Plan defines goals and policies related to hazardous materials. The specific policy of the Hazardous and Toxic Materials Element that is relevant to the proposed project is as follows:

Policy 3 Require that disposal of all hazardous and/or toxic waste is in compliance with existing Federal, State, and County regulations.

4.7.3 Thresholds of Significance

Based on Appendix G of the *CEQA Guidelines* (2005), the proposed project would result in a significant impact related to hazards and hazardous materials if it results in any of the following:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment;
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area;
- For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area;
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation; and/or
- Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

4.7.4 Impacts and Mitigation

Less than Significant Impacts

The following impacts were determined to be less than significant. In each of the following issues, either no impact or a less than significant impact would occur (and, therefore, no mitigation would be required) or adherence to established regulations, standards, and policies would reduce potential impacts to a less than significant level.

Routine Transport, Use, and Disposal of Hazardous Materials

Threshold	Would the proposed project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
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The proposed project would result in the construction of approximately 229,000 square feet of supercenter commercial space, a 6-pump gas station, and approximately 4,000 square feet of fast-food restaurant space. Potentially hazardous materials such as petroleum products, pesticides, fertilizer, and other household hazardous products such as paint products, solvents, and cleaning products would be stored and sold in conjunction with on-site supercenter sales. The transport, storage, handling, and retail sale of these substances are routinely conducted at such sites. All activity involving hazardous substances would be conducted in accordance with applicable local, State, and Federal safety standards. The transport and delivery of fuel to gasoline stations is regulated by the Federal Department of Transportation while the Hazardous Materials Division of the San Bernardino County Fire Department provides permitting, inspection, and enforcement activities of gas stations including leaking and non-leaking underground storage tanks (USTs) and spill incidents. With adherence to the existing requirements applicable to activities at the supercenter and gas station, potential impacts associated with the use, transport, storage, and disposal of hazardous materials would be less than significant.

Reasonable Foreseeable Upset and Accident Conditions

Threshold	Would the proposed project 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?
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The potential for an accidental release of hazardous materials into the environment is present at the proposed project site. However, due to the size of containers such products would be sold in, any hazardous material spill associated with the household hazardous products sold in the supercenter such as paint products, solvents, cleaning products, fertilizer, or related substances are likely to be small and easily contained. Because of the volume of materials involved in the transport and dispensing of petroleum products, any hazardous material release at either the proposed gas station or tire and lube facility could be larger than that at any of the proposed retail uses. As earlier stated, any hazardous materials on-site would be handled in accordance with all applicable State and Federal laws, specifically the Hazardous Materials Business Plan (HMBP), which includes containment, reporting, and remediation requirements in the event of a spill or accidental release. The handling of hazardous materials in accordance with all applicable local, State, and Federal standards, ordinances, or regulations would reduce the impacts associated with environmental and health hazards related to an accidental release of hazardous materials to a less than significant level.

Existing or Proposed School

Threshold	Would the proposed project emit hazardous emissions or handle acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
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No existing or proposed schools are located within 0.25 mile of the proposed project site; therefore, no impact related to the emission or handling of hazardous substances near a school would occur.

Hazardous Material Sites

Threshold	Would the proposed project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
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The project site is not listed on the Cortese List. Additionally, the Phase I Environmental Site Assessment searched Federal and State hazardous materials sites databases and found the project and facilities immediately adjacent to the site were not identified on any such database. The project site is vacant and has never been developed and/or utilized for other uses. No reported hazardous materials were identified during the Phase I Environmental Site Assessment. In addition, the Phase I Environmental Site Assessment did not discover any evidence of storage tanks or the storage of hazardous materials during a visual inspection of properties immediately adjacent to the project site. Immediately adjacent land uses include vacant land to the north, south, and east; and office/administrative uses to the west of the project site. Since no hazardous materials were identified during the Phase I Environmental Site Assessment, the project site has never been developed, and the visual inspection of immediately adjacent land uses did not reveal evidence of storage tanks or the storage of hazardous materials, the presence of hazardous materials on-site is considered unlikely; therefore, impacts associated with this issue are considered less than significant.

Emergency Response Plan

Threshold	Would the proposed project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
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Implementation of the proposed project would increase the amount of commercial retail and restaurant uses beyond that which currently exists. Development of the proposed project would generate an increase in the number and volume of traffic on local and regional roadway networks. The developers of the proposed project would be required to design, construct, and maintain structures, roadways, and facilities to comply with applicable local, regional, State and/or Federal requirements related to emergency access and evacuation plans. Construction activities which may temporarily restrict vehicular traffic would be required to implement adequate and appropriate measures to facilitate the passage of persons and vehicles through/around any required road closures. Adherence to these measures would reduce potential impacts related to this issue to a less than significant level.

Within Two Miles of a Public or Private Airport

Threshold	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, would the project result in a safety hazard for people residing or working in the proposed project area?
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The Yucca Valley Airport is located approximately one mile west of the proposed project site. The Yucca Valley Airport is a privately owned airstrip that has been leased on a long-term basis to the Yucca Valley Airport District (General Plan, page V-22). According to the *Airport Comprehensive Land Use Plan for the Yucca Valley Airport*¹, the proposed project is located within Safety Review Area 3. Safety Review Area 3 has the lowest exposure to aircraft operations and the lowest potential to be impacted by aviation related hazards. Safety Review Area 3 reflects reduced exposure to aircraft operations and aviation hazards. Commercial land use within this area is compatible with the airport's activities. Due to the low probability of aviation hazards occurring within Safety Review Area 3 and the compatibility of land uses of the project with airport activities, the impacts associated with aviation safety hazards are considered to be less than significant. Although the proposed project is compatible with airport activities and would result in a low probability of aviation hazards, the proposed project is required to submit a Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration (FAA) in accordance with Federal Aviation Regulation Part 77, "Objects Affecting Navigable Airspace." There are no private airports located within the project vicinity.

Wildland Fires

Threshold	Would the proposed project expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildland?
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The project site is located along State Route 62, where nearly all commercial development within Yucca Valley occurs. The project site is located within a developed area of Yucca Valley and is not located in an area prone to wildland fires; therefore, no impact related to this issue would occur.

Potentially Significant Impacts

No potentially significant impacts associated with hazardous materials or other hazards have been identified; thus, no mitigation measures would be required.

4.7.5 Cumulative Impacts

The nature of several of the impacts discussed in this section is not cumulatively considerable. Accidental spills and leaks are unplanned occurrences. It is impossible to predict the occurrences of such events and the likelihood of such events occurring in close proximity to each other at the same

¹ San Bernardino County Planning Department, *Airport Comprehensive Land Use Plan, Yucca Valley Airport*, February 1992.

time is very small; therefore, such events cannot be considered cumulatively. The proposed project would not result in potentially significant impacts associated with the routine transport, use, and disposal of hazardous materials; the emission or handling of hazardous substances within 0.25 mile of an existing or proposed school; hazardous materials sites; an adopted emergency response or evacuation plan; wildland fires; or aviation safety hazards. There are no projects that would, in combination with the proposed project, result in any significant impact associated with the routine transport, use, and disposal of hazardous materials; the emission or handling of hazardous substances within 0.25 mile of an existing or proposed school; hazardous materials sites; an adopted emergency response or evacuation plan; wildland fires; or aviation safety hazards. Therefore, there are no significant cumulative impacts associated with hazards and hazardous materials.