

## J. HAZARDS AND HAZARDOUS MATERIALS

The scope of this section includes non-geologic and non-air quality related hazards such as fire hazards, airport hazards, hazardous material spills, and public safety.

This section was prepared by Keith Miller of Morro Group based on information contained within the *Public Access and Resource Management Plan* (RRM, 2003), the *Resource Inventory and Constraints Report* (Rincon, 2002), County of San Luis Obispo planning documents, responses to the Notice of Preparation for the EIR, and discussions with Cambria Fire Department and the County Sheriff's Department.

### 1. REGULATORY SETTING

#### a. HAZARDOUS MATERIALS

##### 1) Federal Policies and Regulations

The EPA is the Federal agency responsible for enforcement and implementation of Federal laws and regulations pertaining to hazardous materials. In addition, the EPA provides oversight and supervision for some site investigation/remediation projects. For disposal of certain hazardous wastes, the EPA has developed land disposal restrictions and treatment standards. Legislation includes the Resources Conservation and Recovery Act of 1986 (RCRA), the Superfund Amendments and Reauthorization Act of 1986 (SARA), and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). The Federal regulations are primarily codified in Title 40 of the Code of Federal Regulations (40 CFR). These laws and regulations include specific requirements for facilities that handle, generate, use, store, treat, transport, and/or dispose of hazardous materials, as well as for investigation and cleanup of contaminated property.

##### 2) State Policies and Regulations

California regulations are equal to or more stringent than federal regulations. EPA has granted the State of California primary oversight responsibility to administer and enforce hazardous waste management programs. State regulations require planning and management to ensure that hazardous wastes are handled, stored, and disposed of properly to reduce risks to human health and the environment. In California, the DTSC, a branch of CalEPA, works in conjunction with or in lieu of the EPA to enforce and implement specific hazardous materials laws and regulations. California has enacted its own legislation pertaining to the management of hazardous materials. The California legislation for which the DTSC has primary enforcement authority are the Hazardous Waste Control Act, a statute that primarily regulates the management of hazardous waste, and the Hazardous Substance Account Act, a statute that governs the cleanup of contaminated property and is modeled after CERCLA. Title 22 of the CCR, enacted pursuant to the Hazardous Waste Control Act, establishes criteria for identifying hazardous wastes and presents hazardous waste management requirements. These regulations are reprinted in Title 26, Toxics, of the CCR. The DTSC acts as the Lead Agency for some soil and groundwater cleanup projects. For sites where water quality is potentially endangered, the DTSC consults with the Regional Water Quality Control Board (RWQCB) on technical and regulatory issues. Several key laws pertaining to hazardous wastes are discussed below.

Under the Emergency Services Act, the state developed an emergency response plan to coordinate emergency services provided by federal, state, and local agencies. Rapid response to incidents involving hazardous materials or hazardous waste is an important part of the plan, which is administered by the California OES. The office coordinates the responses of other agencies, including EPA, the California Highway Patrol, regional water quality control boards, air quality management districts, and county disaster response offices.

### 3) Local Policies and Regulations

Pursuant to State law and local ordinance, the Division of Environmental Health of the County of San Luis Obispo Health Agency conducts inspections to ensure proper handling, storage, and disposal of hazardous materials and proper remediation of contaminated sites. In addition, information collected under the Business Plan Act is collected and certified by County of San Luis Obispo Environmental Health Department for emergency response purposes.

The County OES is an emergency management agency with responsibilities that include coordination of emergency and disaster preparedness planning, response, and recovery with and between local, state, and federal agencies. To address the potential for an uncontrolled hazardous material release in San Luis Obispo County, and to ensure that adequate resources are available to respond to a significant hazardous materials release, the County OES has prepared a *Hazardous Materials Emergency Response Plan* (1994).

#### b. ELECTROMAGNETIC FIELDS

The California Public Utilities Commission (CPUC) regulates privately owned electric and telecommunications facilities. In general, utilities must patrol (walk, drive, or fly by) their systems once a year (in urban areas) or once every two years (in rural areas). Utility companies must conduct detailed inspections every three to five years, depending on the type of equipment. For detailed inspections, records must specify the condition of inspected equipment, any problems found, and a scheduled date for corrective action. Starting on July 1, 1998, the utility company must submit an annual report summarizing inspections made, equipment condition observed, and repairs made. Utility companies are required to make intrusive inspections of power poles (including taking samples for analysis) every ten years (if not previously inspected) or every twenty years (CPUC, 2005).

#### c. WILDLAND FIRE HAZARDS

The California Public Resources Code (PRC) defines hazardous fire areas, restrictions on fire use, and minimum fire protection requirements for the state; the Code is administered by CAL FIRE. The PRC also sets forth provisions for the reduction of fire hazards around buildings located on land that is covered with flammable material. A firebreak of at least thirty feet is required to be maintained around buildings by removing all flammable vegetation or combustible growth. Wider firebreaks may be required under extra-hazardous conditions. Firebreak clearance is also required around electrical transmission poles and towers.

In addition to the PRC, several local ordinances direct fire prevention activities within San Luis Obispo County. §23.05.080 of the Coastal Zone Land Use Ordinance (CZLUO) is devoted

entirely to Fire Safety and includes standards pertaining to the preparation and review of fire safety plans, fire safety standards, site access, and driveway requirements.

## **2. EXISTING CONDITIONS**

### **a. HAZARDOUS MATERIALS**

A hazardous material is defined by the California Environmental Protection Agency (CalEPA) Department of Toxic Substances Control (DTSC) as a material that poses a significant present or potential hazard to human health and safety or the environment if released because of its quantity, concentration, or physical or chemical characteristics (26 California Code of Regulations 25501). For the purposes of this analysis, hazardous materials include raw materials, and hazardous waste includes waste generated by facilities and businesses or waste material remaining on-site as a result of past activities. Worker safety and public health are potentially at risk whenever hazardous materials are used or exposed. It is often helpful to distinguish between the “hazard” associated with these materials and the “risk” they pose to human health or the environment. A hazardous material has the potential to cause damage upon accident or incidental exposure. The risk of an event is determined by a combination of the probability of exposure to hazardous materials and the severity of consequences should exposure occur (California Office of Emergency Services (OES), 1989). The likelihood of exposure to a hazardous material coupled with its inherent hazardous properties determines the degree of risk to public health or the environment. To be of high risk, exposure to a hazardous material must be both likely and have negative consequences.

### **b. ELECTROMAGNETIC FIELDS**

Wherever electricity is used, electric and magnetic fields are present. Because there is a relationship between electric and magnetic fields they are often termed electromagnetic fields (EMF). Electric fields are created by voltage, and higher voltage produces stronger electric fields.

According to the World Health Organization (WHO) website, it is not disputed that EMF above certain levels can trigger biological effects. Experiments with healthy volunteers indicate that short-term exposure at the levels present in the environment or in the home do not cause any apparent detrimental effects. Exposures to higher levels that might be harmful are restricted by national and international guidelines. The current debate is centered on whether long-term low-level exposure can evoke biological responses and influence people's well being (WHO, EMF, 2005).

#### **1) Electric Transmission Lines**

Due to their high voltage and high EMF exposure potential, electric transmission and distribution lines are commonly identified as an EMF exposure source. The intensity of EMF created by power lines is dependent upon the line voltage, the height above the ground or the depth below the ground, electrical phasing configuration, and the distance from the line (*County of San Luis Obispo Safety Element*, 1999). There are no above ground major electric transmission lines within the FRP.

## 2) Wireless Telecommunication Facilities

According to the Federal Communications Commission (FCC), wireless telecommunication facilities emit a form of electromagnetic radiation known as radio frequency (RF) energy or radiation. FCC rules require transmitting facilities to comply with RF exposure guidelines. The RF exposure guidelines established by the FCC are designed to protect the public health with a very large margin of safety. For all frequency ranges at which FCC licensees operate, §1.1310 of the FCC's rules establishes maximum permissible exposure (MPE) limits to which people may be exposed. These limits have been endorsed by federal health and safety agencies such as the Environmental Protection Agency (EPA) and the Food and Drug Administration (FDA).

### c. WILDLAND FIRE HAZARDS

The FRP is located in a predominantly rural setting, and would result in the development of recreational facilities adjacent to wildland open space areas. According to the *County Safety Element*, areas where urban development has been located in proximity to open space, or "wildland" areas, the term "urban/wildland interface" is commonly used. The most common type of urban/wildland interface results when urban development occurs on the fringe of existing urban areas, adjacent to wildland vegetation. The FRP is in a high fire hazard severity zone.

The FRP and the adjacent residential and commercial developments represent an urban/wildland interface. The *Resource Inventory and Constraints Report* (Rincon, 2006) prepared for the FRP noted that fuel loading is a significant problem. Fuel loading can occur when dead and downed debris shed from plants builds up. In a healthy ecosystem these "fuels" can breakdown, supplying the forest with a steady supply of new nutrients. In Monterey pine forests, such as those located within the FRP, a regular cycle of burning has historically aided in the breakdown of materials and ensured that debris did not build up. In more recent years, fires that have started in the forests of Cambria have been suppressed, due to their proximity to urban areas. As a result, fuel loads are heavy.

The California Department of Forestry and Fire Protection/County of San Luis Obispo Fire Department (CAL FIRE) provides fire protection, emergency medical, and rescue services to the unincorporated areas of the County. To reduce the risks associated with the fuel loads described above, CAL FIRE has identified a number of potential fuel break and fuel reduction areas in Cambria. These include two areas on the West FRP, one adjacent to Plymouth Street and Huntington Road, and an area adjacent to Warren Road and Trenton Avenue.

The FRP *Public Access and Resource Management Plan* recognizes that fire management and prevention are important to the overall management and safety of the FRP. In the plan, the Cambria Fire Department is charged with monitoring the vegetative communities for fuel load conditions and "determining effective means to correct problems." Fuel reduction techniques discussed in the plan include creating a defensible zone of 50 to 300 feet adjacent to the Lodge Hill Neighborhood, clearing the forest of dead, standing trees, and trimming tree limbs up to six feet above the forest floor. The plan prohibits smoking within the FRP and recommends posting flagging or warning signs during periods of very high fire danger.

The nearest fire station is located on Burton Drive, approximately one-quarter mile from the East FRP access point on Burton Drive, and approximately one and one-quarter miles to the proposed

West FRP emergency access point at Marlborough Street. The *Public Access and Resource Management Plan* includes an all-weather access road through the West FRP from this point north to Windsor Boulevard (the Marine Terrace Trail). This trail was approved by the County in 2006.

On the East FRP, primary access is located off of Rodeo Grounds Drive. During major storms, this road has been compromised due to flooding and other hazards including falling tree limbs. The CCSD proposes to construct an emergency access road, which would extend from Rodeo Grounds Drive to Piney Way. The emergency road would be gated to avoid daily, non-emergency use.

d. **PUBLIC SAFETY**

Police service in Cambria is provided by the County Sheriffs Department. The closest Sheriff substation is located in Los Osos. That station is responsible for patrolling unincorporated areas of the county from Avila Beach to San Simeon. Response times to the project site have been estimated by the Sheriff's Department to be twenty to thirty minutes. The Sheriff's Department has noted that the ratio of deputies to population has not kept pace with the population growth in the county. The current ratio is .64 deputies per 1,000 citizens (San Luis Obispo County Sheriff; June 2006). City police departments within the county average one deputy per 1,000 citizens. The Sheriff's Department has developed guidelines to prevent crime and increase public safety. These guidelines are published in the "Crime Prevention through Environmental Design" informational packet (refer to Appendix A).

The *Public Access and Resource Management Plan* for the FRP recommends a public safety and signage program to provide for the safety of visitors. Signage would be employed during periods when trail maintenance is required.

e. **WEST FRP – SITE CONDITIONS**

The FRP is located within the Cambria urban area. West FRP can be accessed from the Park Hill and West Lodge Hill neighborhoods, and Highway 1. East FRP can be accessed by Rodeo Grounds Road, the Crosstown Trail, and Highway 1. Although the FRP is in close proximity to urban land uses, it has remained relatively undeveloped. It has been used for cattle ranching in the past, and a few structures were present on the FRP in the early 20<sup>th</sup> century. The vast majority of the FRP includes native and nonnative habitats such as riparian, coastal, forest, chaparral, and grasslands.

1) **West FRP – Hazardous Materials Present in Soil**

The FRP has been historically used for grazing livestock. The West FRP included at one time a number of dairy farm buildings such as a residence and agricultural accessory structures. Cultural investigations have revealed a number of small refuse deposits at the site. Because the historical agricultural operation was limited to ranching, not intensive crop production, the likelihood of agriculture related hazardous materials (i.e., pesticides, fertilizers) present on the FRP is very low.

## 2) West FRP – Transport of Hazardous Materials

Highway 1 is located along the eastern boundary of the West FRP. Highway 1 is a major transportation route, and is used to transport hazardous materials through the County each year. According to the *County Safety Element*, in the event of a hazardous materials release in San Luis Obispo County that occurs off of a state highway, the fire agency or jurisdiction where the release has occurred has incident command authority. For hazardous materials releases that occur on highways or other roadways within California Highway Patrol (CHP) jurisdiction, the CHP will assume incident command authority (*County of San Luis Obispo Safety Element*, 1999). Transportation of hazardous materials is not proposed for development on West FRP.

## 3) West FRP – Electric Transmission Lines

Due to their high voltage and high EMF exposure potential, electric transmission and distribution lines are commonly identified as an EMF exposure source. The intensity of EMF created by power lines is dependent upon the line voltage, the height above the ground or the depth below the ground, electrical phasing configuration, and the distance from the line (*County of San Luis Obispo Safety Element*, 1999). There are no above ground major electric transmission lines within the project site.

## 4) West FRP – Wireless Telecommunication Facilities

According to the Federal Communications Commission (FCC), wireless telecommunication facilities emit a form of electromagnetic radiation known as radio frequency (RF) energy or radiation. FCC rules require transmitting facilities to comply with RF exposure guidelines. The RF exposure guidelines established by the FCC are designed to protect the public health with a very large margin of safety. For all frequency ranges at which FCC licensees operate, §1.1310 of the FCC's rules establishes maximum permissible exposure (MPE) limits to which people may be exposed. These limits have been endorsed by federal health and safety agencies such as the Environmental Protection Agency (EPA) and the Food and Drug Administration (FDA).

An application for a wireless facility is currently under consideration by the County of San Luis Obispo and California Coastal Commission, and will be constructed on the West FRP, approximately 0.6 mile southeast of Huntington Road, near the Monterey Pines forest in the northeast corner. The closest proposed trail is the Creek to Ridge Trail (refer to Figure III-5).

## 5) West FRP – Wildland Fire Hazards

The West FRP and the adjacent residential development represents an urban/wildland interface. In Monterey pine forests, such as those located within the West FRP, a regular cycle of burning has historically aided in the breakdown of materials and ensured that debris did not build up. In more recent years, fires that have started in the forests of Cambria have been suppressed, due to their proximity to urban areas. As a result, fuel loads are heavy. To reduce the risks associated with the fuel loads described above, CAL FIRE has identified a number of potential fuel break and fuel reduction areas in Cambria, including two areas on the West FRP, one adjacent to Plymouth Street and Huntington Road, and an area adjacent to Warren Road and Trenton Avenue.

#### f. EAST FRP – SITE CONDITIONS

The East FRP is located within the Cambria urban area, and is accessed via Rodeo Grounds Drive. The site historically supported a residence and rodeo grounds. Currently, the CCSD operates a water facility on the east ranch. The vast majority of the East FRP includes native and nonnative habitats such as riparian, forest, chaparral, and grasslands.

##### 1) East FRP – Hazardous Materials Present in Soil

Similar to the West FRP, the East FRP has not been used for agricultural or industrial uses that may have used potentially hazardous materials. Currently, the CCSD operates a water pumphouse, which includes structures and water tanks, adjacent to the East FRP and the County operates a storage yard on the East FRP. To allow development of the park, some of the County facilities will be removed, although a pump station will be constructed. There are no significant quantities of known hazardous materials used at the existing CCSD and County facilities.

##### 2) East FRP – Transport of Hazardous Materials

Highway 1 is located along the western boundary of the East FRP. Highway 1 is a major transportation route used to transport hazardous materials through the County each year. According to the *County Safety Element*, in the event of a hazardous materials release in San Luis Obispo County that occurs off of a state highway, the fire agency or jurisdiction where the release has occurred has incident command authority. For hazardous materials releases that occur on highways or other roadways within California Highway Patrol (CHP) jurisdiction, the CHP will assume incident command authority (*County of San Luis Obispo Safety Element*, 1999). Transportation of hazardous materials is not proposed with this project.

##### 3) East FRP – Electric Transmission Lines

There are no above ground major electric transmission lines within the project site.

##### 4) East FRP – Wildland Fire Hazards

The East FRP is located adjacent to wildland open space areas and urban areas. On the East FRP, primary access is located off of Rodeo Grounds Drive. During major storms, this road has been compromised due to flooding and other hazards including falling tree limbs. The CCSD proposes to construct an emergency access road, which would extend from Rodeo Grounds Drive to Piney Way. The emergency road would be gated to avoid daily, non-emergency use.

### 3. **THRESHOLDS OF SIGNIFICANCE**

As defined in the *CEQA Guidelines*, Appendix G, and the CCSD Initial Study Checklist, hazards and hazardous materials impacts would be considered significant if the project would:

- Create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials;
- Result in the risk of explosion or release of hazardous substances (i.e., oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances;

- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or planned school;
- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would create a significant hazard to the public or the environment;
- Expose people to a safety risk associated with an airport flight pattern;
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; 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. IMPACT ASSESSMENT AND METHODOLOGY

Given the lack of historical development on the FRP, and the type of proposed uses, the hazards and hazardous materials impact assessment focuses on likely future hazards associated with wildland fire and public safety.

#### 5. PROJECT-WIDE IMPACTS AND MITIGATION MEASURES

##### a. PUBLIC SAFETY

The proposed project is expected to increase the active and passive use of the FRP. Given the size of the project area and proposed variety of uses, implementation of the project would affect existing Sheriff's resources, resulting in increased calls for service.

**HM Impact 1    Increased active and passive use of facilities may result in an increase in service calls and area necessary to patrol, resulting in potentially significant impacts to the Sheriff's Department resources.**

HM/mm-1        Prior to application for land use or construction permits, and prior to site disturbance, the CCSO shall coordinate with the Sheriff's Department to incorporate "Crime Prevention through Environmental Design" standards to the facility and amenity design, where applicable.

*Residual Impact*    With implementation of mitigation, this impact would be considered *less than significant with mitigation, Class II*.

##### b. WILDLAND FIRE HAZARD

The threat of wildland fire at the FRP is very high due to high fuel loads that have resulted from dead trees and fire suppression activities. The proposed project would increase use of the FRP, and maintenance activities, increasing the risk of a user starting an accidental fire and exposing users and adjacent residential communities to the hazards associated with wildland fire.

**HM Impact 2    The threat of accidental fire may significantly increase due to increased use of the FRP and proposed trail construction and maintenance**

**activities, exposing users and residents in adjacent neighborhoods to the hazards associated with wildland fire..**

- HM/mm-2 To reduce the potential for wildland fire, the CCSO shall implement the Fire Management and Prevention strategies included in the Management Plan, including, but not limited to:
- a. Creating a defensible zone of 50-300 feet adjacent to the Lodge Hill neighborhood;
  - b. Prohibiting smoking and fires of any kind within the FRP;
  - c. Clearing dead standing trees, dense underbrush and tree limbs up to six feet above ground;
  - d. Posting red flags at staging areas to warn visitors to be careful extra vigilant periods of high fire hazards; and,
  - e. Coordinating all ranch maintenance activities with the CFD.

*Residual Impact* With implementation of mitigation, this impact would be considered *less than significant with mitigation, Class II.*

## **6. EAST FRP – IMPACTS AND MITIGATION MEASURES**

### **a. HAZARDOUS MATERIALS**

Operation and maintenance of the community park may require the use of fertilizers and other chemicals for landscape and park maintenance. Prior to operation of the community park, the CCSO would be required to file a Hazardous Materials Business Plan with the County Environmental Health Division. The plan would identify the quantity and storage methods proposed by the CCSO. Based on implementation of this requirement, potential impacts related to hazardous materials would be less than significant.

**HM Impact 3 Operation and maintenance of the community park may require the use of hazardous materials, potentially resulting in public exposure.**

HM/mm-3 Prior to operation of the community park, the CCSO shall submit a Hazardous Materials Business Plan to the County Division of Environmental Health.

*Residual Impact* With implementation of mitigation, this impact would be considered *less than significant with mitigation, Class III.*

### **b. EMERGENCY ACCESS**

The East FRP is approximately seventy acres in size and primary access is provided by Rodeo Grounds Drive via Burton Drive. Two additional emergency access roads are included in the *Public Access and Resource Management Plan* for the southern (eastern) side of Santa Rosa Creek and from Piney Way.

Please refer to Chapter V.L. (Public Services and Utilities) for further discussion on emergency response issues and impacts.

**Implementation of these emergency access roads would reduce impacts related to emergency vehicle access to *less than significant, Class III*.**

## **7. CUMULATIVE IMPACTS**

This project, along with others in the area, will have a cumulative effect on police and fire protection. The project's direct and cumulative impacts are within or below the general assumptions of allowed use for the subject property that was used to estimate existing public facility fees; therefore no significant cumulative impacts are expected.

**LIST OF ABBREVIATED TERMS**

<b>Abbreviation</b>	<b>Term</b>
CalEPA	California Environmental Protection Agency
CAL FIRE	California Department of Forestry and Fire Protection/County of San Luis Obispo Fire Department
CCSD	Cambria Community Services District
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CHP	California Highway Patrol
CPUC	California Public Utilities Commission
CZLUO	Coastal Zone Land Use Ordinance
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
EMF	electromagnetic fields
EPA	Environmental Protection Agency
FCC	Federal Communications Commission
MPE	maximum permissible exposure
PRC	Public Resources Code
RCRA	Resources Conservation and Recovery Act
RF	radio frequency
RWQCB	Regional Water Quality Control Board
SARA	Superfund Amendments and Reauthorization Act
WHO	World Health Organization

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