

## **Section 16**

### **Hazards and Hazardous Materials**

This section describes how development associated with the *City of Modesto Urban Area General Plan* (UAGP) would increase the generation of hazardous materials and expose people or property to hazardous conditions.

#### **A. ENVIRONMENTAL SETTING**

The following information is provided in accordance with Section 15125 of the California Environmental Quality Act (CEQA) Guidelines. This environmental setting is the baseline for determining whether an impact of the UAGP is significant.

For the purposes of this master environmental impact report (Master EIR), a hazardous material is defined by California Health and Safety Code Section 25501 as follows:

“Hazardous material” means any material that, because of its quantity, concentration, or physical 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” include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.

For the purposes of this Master EIR, a hazard is defined as any physical condition that would result in exposure of people or property to substantial risk of death or damage.

#### **1. Study Area for Direct Impacts**

The study area for direct impacts related to generation of hazardous materials is the UAGP planning area.

#### **2. Study Area for Cumulative Impacts**

This analysis will be based on the plan or projection approach to examining cumulative effects, as provided under Section 15130(b)(1)(B) of the State CEQA Guidelines. The pertinent plan used for this purpose is the City of Modesto’s (City’s) UAGP. The study area for cumulative impacts on hazardous materials is the Modesto planning area.

#### **3. Existing Physical Conditions in the Study Area**

This section describes the general status of hazardous materials within Modesto. Because of existing federal, state, and local hazardous materials programs and policies already in place, the

evaluation of hazardous materials is limited to a qualitative description of the existing regulatory framework under which the City operates. Hazardous materials conditions are generally no more adverse than described in the 1995 Master EIR and subsequent updates. The following discussion provides a description of the federal, state, and local policies in place and provides a summary of the various site classifications, by which hazardous materials are identified. The following discussion also describes Modesto's current status of compliance with hazardous materials regulations.

## **a. Groundwater Point Source Pollution**

### **(1) Leaking Underground Storage Tanks**

Leakage from underground storage tanks (USTs), particularly those installed prior to the regulatory scheme enacted in the 1980s, is a source of soil and groundwater contamination in Modesto. Contaminants typically include fuels (gasoline and diesel), waste oil, and solvents. Agricultural tank systems of more than 1,100 gallons and all nonagricultural tank systems are tested routinely and monitored for leaks. (A tank system includes an underground tank and its associated piping.) Permits must be issued as a condition of operation and include:

- a. annual precision testing;
- b. leak monitoring; and,
- c. inventory reconciliation.

Contamination generally is discovered during the routine investigation of suspected leakage or tank removal. Inspections of USTs are administered by the Stanislaus County (County) Environmental Resources Department's hazardous materials program.

The Environmental Resources Department investigates all such sites to determine the degree of contamination and the level of cleanup needed. The County works closely with the Central Valley Regional Water Quality Control Board (RWQCB) during all phases of the site investigation. The State of California sometimes serves in a lead role when it is determined that the state is better able to oversee a site.

### **(2) Commercial / Industrial Pollution**

#### **(a) Superfund Sites**

The U.S. Environmental Protection Agency (EPA) has identified an area near McHenry and Roseburg Avenues (the "Modesto Ground Water Contamination" site) as a Superfund site. The Superfund regulations are discussed below under *Federal Regulations*. The EPA, Region IX, provides the following information (U.S. Environmental Protection Agency 2007b).

The Modesto Ground Water Contamination site has groundwater contamination linked to Halford's Cleaners at 941 McHenry Avenue, which discharged tetrachloroethylene (PCE) into the City sewer and leaked PCE into the soil and

groundwater over a period of approximately 50 years. An unknown quantity of PCE was released. The dry cleaning equipment that led to the release has been replaced with modern equipment, and PCE is no longer being discharged into the sewer. A UST at the cleaners has been removed and remediated.

The dry cleaner is located approximately 1,200 feet from a municipal water well. When the City began monitoring groundwater in 1984, Municipal Well 11 was found to be contaminated with PCE above the allowable drinking water standard. The City took the well out of service, and a granular activated carbon treatment system was installed in June 1991 to remove the PCE contamination from the groundwater. Municipal Well 11 was shut off in October 1994 because it was found to be contaminated with low levels of naturally occurring uranium that are slightly above the allowable drinking water level. Municipal Well 11 may never be returned to service as a source of drinking water because of the cost of removing the naturally occurring uranium.

Information on the soil and groundwater contamination at the site was collected during a removal assessment in 1990, and a soil vapor extraction system was installed to address shallow soil contamination. Subsequent investigations determined that no immediate actions were required, and the soil vapor extraction system has been turned off until a final remedy is selected. The EPA performed preliminary investigations and determined that no immediate actions were required while the final cleanup is being planned.

The EPA completed Phase 1 and Phase 2 investigations and is conducting a Phase 3 investigation to determine the nature and extent of contamination. Remediation activities have begun on a portion of the site.

**(b) Other Hazardous Materials Sites Compiled Pursuant to California Government Code 65962.5 (Cortese List)**

The Department of Toxic Substances Control (DTSC) has identified an area on West Service Road, approximately eight (8) miles southwest of Central Modesto, as a state response site. The DTSC provides the following information about the site in its Site Mitigation and Brownfields Reuse Program EnviroStor database (Department of Toxic Substances Control 2007).

The Gallo Glass–Sisk Ranch site is part of a parcel owned by Sisk Ranch that was filled with 1,500 cubic yards of chromium contaminated furnace brick from the Gallo Glass manufacturing facility. Chromium leached from the bricks and contaminated the groundwater beneath the site and Evans Orchard, the adjacent property. The groundwater contaminated with chromium reached a depth of approximately 110 feet below the ground surface.

In October 1986, the contaminated bricks and soil were removed as an interim remedial measure. To address groundwater contamination at the Gallo Glass–Sisk Ranch site, a remedial action plan (RAP) was completed in February 1991. The RAP specified that groundwater be extracted and treated to below the drinking water maximum contaminant level for chromium with a chemical treatment system. In 1994, the DTSC approved the design of an expanded

groundwater treatment system, which included the addition of three monitoring wells to verify capture, two extraction wells to increase the zone of capture, and two leach lines to increase the capacity for treated groundwater disposal.

Final remedial actions at the Gallo Glass–Sisk Ranch site, as identified in an operation and maintenance plan certified by the DTSC in June 1995 and as described in the “Enforceable Agreement” between the Gallo Glass company and the DTSC, dated June 30, 1995, included groundwater extraction, chemical treatment, and the reintroduction of treated groundwater into the aquifer via percolation ponds and leach lines.

### **1. Implementation, Monitoring, and Report Activities**

In accordance with the June 1995 Enforceable Agreement between the Gallo Glass company and the DTSC, five-year review reports for the site were submitted by Gallo Glass to the DTSC on August 21, 2000, and October 28, 2005. Based on a review of the 2000 report, the DTSC determined that remedial actions at the site remained protective of human health and the environment. No areas of the site were in noncompliance with the selected remedial actions, the operation and maintenance plan, or the operation and maintenance agreement. In 2001, all the site groundwater monitoring wells showed chromium levels to be below the cleanup goal of 50 parts per billion (drinking water standard). Accordingly, the DTSC allowed Gallo Glass to shut down the on-site groundwater extraction and treatment system and continue monitoring the groundwater monitoring well network. From 2003 onward, elevated concentrations of chromium were found in one monitoring well located on the northwestern edge of the historical plume. Consequently, in its review of the 2005 report, the DTSC determined that Gallo Glass needs to implement additional remedial actions to meet the objectives of the RAP. The DTSC requested that Gallo Glass submit a revised five-year review report to address the increased levels of chromium discovered in the single well (Patenaude pers. comm.). The DTSC currently is reviewing and responding to Gallo Glass’s revised five-year review report (Patenaude pers. comm.).

### **(c) Nonpoint Source Pollution**

Nonpoint source pollution results when pollutants, such as oil and grease, fertilizers, pesticides, bacteria associated with litter and animal wastes, and solvents and household chemicals, flow through storm drains into creeks, streams, and the Tuolumne and Stanislaus Rivers. Unlike industrial waste and sanitary wastewater, stormwater is not treated, so it carries any pollutants with it directly into the creeks, streams, and rivers. Studies have shown that these nonpoint sources are a significant contributor of pollutants that appear in these waterbodies. Pollutants flow through the storm drain system and find their way to the waterbodies after being deposited on paved surfaces or spilled into gutters. Surface runoff also can flow into the canals of the Modesto Irrigation District (MID) during heavy storms.

The City received a municipal National Pollution Discharge Elimination System (NPDES) permit for stormwater discharges from the Central Valley RWQCB. Under this permit, the City is required to develop, administer, implement, and enforce a Comprehensive Stormwater Management Program to reduce pollutants in urban runoff to the maximum extent practicable. In compliance with this requirement, the City has developed the *City of Modesto Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures* (City of Modesto 2001a). The manual includes specific design requirements for minimizing pollutant runoff.

**(d) Transfer Stations, Storage Areas, and Landfills**

The potential for a release of hazardous materials exists whenever solid waste is transported or transferred. Once waste is deposited into landfills, the potential exists for groundwater contamination because of leachate. The County operates the Fink Road Landfill on the west side of Interstate 5 under permit from the California Integrated Waste Management Board (CIWMB). The Fink Road Landfill is the primary repository for Modesto's solid waste.

**(3) Existing Policies Applying to the Study Area**

Below is a comprehensive list of major federal, state, County, and City policies in effect that apply to the study area. This list provides the full range of applicable policies that a project within the study area potentially would need to comply with, including policies beyond the jurisdiction of the City. This list of laws, regulations, and programs also serves to describe the circumstances under which the Master EIR analyzed this environmental topic.

A discrete reference number, following the initials of the resource topic, is assigned to each policy or policy summary listed to facilitate its identification elsewhere in this Master EIR or, where appropriate, its incorporation as a mitigation measure into subsequent projects analyzed under this Master EIR (e.g., hazardous materials policies are designated HM-*X*, where *X* is the discrete policy number).

**(a) Federal Regulations**

The principal federal regulatory agency governing hazardous materials is the EPA. Two primary federal regulations concerning hazardous materials are described below. Other federal regulations are contained primarily in Titles 29, 40, and 49 of the Code of Federal Regulations.

The Resource Conservation and Recovery Act (RCRA) empowers the EPA to administer a regulatory program that extends from the manufacture of hazardous materials to their disposal, regulating the generation, transportation, treatment, storage, and disposal of hazardous waste at all facilities and sites in the nation.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as Superfund, was passed to facilitate the cleanup of the

nation's toxic waste sites. Superfund, which is administered by the EPA, was amended by the Superfund Amendment and Reauthorization Act (SARA), Title III (community right-to-know laws), in 1986. Title III states that past and present owners of land contaminated with hazardous substances will be held liable for the cost of the cleanup, with certain exceptions.

A hazardous substance is defined pursuant to CERCLA 42 United States Code 9601 (14), and interpreted by EPA regulations and the courts as:

1. Any substance designated pursuant to Section 1321(b)(2)(A) of Title 33 of the Code of Federal Regulations.
2. Any element, compound, mixture, solution, or substance designated pursuant to Section 9602 of CERCLA.

Federal regulations, implemented primarily by the federal government, apply to public and private activities.

The EPA maintains the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) database to help keep track of known contamination sites. It contains data on potentially hazardous waste sites that have been reported to the EPA by states, local jurisdictions, and others under CERCLA. This list is commonly referenced during predevelopment site investigations to determine whether a site may be contaminated.

## **(b) State Regulations**

In California, state regulations governing hazardous materials are equal to or more stringent than federal regulations. The state has been granted primary oversight responsibility by the EPA to administer and enforce hazardous waste management programs. State regulations have detailed planning and management requirements to ensure that hazardous wastes are handled, stored, and disposed of properly to reduce risks to human health and the environment. Several key state laws pertaining to hazardous wastes are discussed below. In addition, the DTSC, the SWRCB, and the Integrated Waste Management Act regulate the generation and disposal of hazardous materials, as described below.

The Hazardous Materials Release Response Plans and Inventory Act of 1985 (Section 25500 et seq. of the CHSC, also known as the Business Plan Act) requires businesses using hazardous materials to prepare a plan that describes their facilities, identifies materials, and describes their emergency response plans and training programs. Hazardous materials are defined as raw or unused materials that are part of a process or manufacturing step; they are not considered hazardous wastes. Health concerns pertaining to the release of hazardous materials, however, are similar to those relating to hazardous wastes. Often, the facilities subject to this act also generate hazardous wastes. The plan and related reports are filed with the county. The required plan also informs emergency responders of hazardous materials.

The Hazardous Waste Control Act (HWCA) created the state hazardous waste management program, which is similar to, but more stringent than, the federal RCRA program. The HWCA is implemented by regulations contained in

California Code of Regulations Title 26, which describes requirements for the proper management of hazardous wastes. This includes criteria for:

1. identification and classification;
2. generation and transportation;
3. the design and permitting of recycling, treatment, storage, and disposal facilities;
4. treatment standards;
5. the operation of facilities and staff training; and,
6. the closure of facilities and liability requirements.

These regulations list more than 800 materials that may be hazardous and establish criteria for identifying, packaging, and disposing of such wastes. Pursuant to the HWCA and Title 26, the generator of hazardous waste must complete a manifest that accompanies the waste from the generator to the transporter and to the ultimate disposal location. Copies of the manifest must be filed with the DTSC.

Under the Emergency Services Act, the state developed an emergency response plan to coordinate emergency services provided by federal, state, and local agencies. Quick responses to incidents involving hazardous materials or hazardous waste are a key part of the plan, which is administered by the California Office of Emergency Services (OES). The OES coordinates the responses of other agencies, including the EPA, the California Highway Patrol, RWQCBs, air quality management districts, and county disaster response offices.

Various other state regulations affect hazardous waste management. These include the regulations described below.

The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) requires the labeling of substances known or suspected by the state to cause cancer.

California Government Code Section 65962.5 requires the DTSC to compile a list of potentially contaminated sites in the state (the Cortese List). The purpose of this legislation is to inform local agencies of the existence of these sites.

The DTSC and the SWRCB list hazardous sites selected for remedial action and USTs with a reported unauthorized release of toxic materials. UST cleanup is administered locally, with the SWRCB providing oversight.

The CIWMB lists all solid waste disposal facilities from which there is known migration of hazardous substances. The CIWMB also administers the California Integrated Waste Management Act, which, among other things, oversees the development and implementation of household hazardous waste disposal plans. The CIWMB enforces solid waste facilities' operational plans.

The California Environmental Protection Agency is authorized to endow qualifying local agencies with oversight and permitting responsibility for certain state programs. The agency oversees the implementation of the Unified Program, which was created by state legislation in 1993 to consolidate, coordinate, and make consistent the administrative requirements, permits, inspections, and enforcement activities for the following environmental and emergency management programs:

1. hazardous materials release response plans and inventories (business plans);
2. the California Accidental Release Prevention (CalARP) Program;
3. the UST program;
4. Aboveground Petroleum Storage Act requirements for spill prevention, control and countermeasure (SPCC) plans;
5. hazardous waste generator and onsite hazardous waste treatment (tiered permitting) programs; and,
6. California Uniform Fire Code: Hazardous Material Management Plans and Hazardous Material Inventory Statements.

**(c) Stanislaus County Policies**

Pursuant to the Integrated Waste Management Act, each county within the state is required to adopt a county integrated waste management plan, part of which addresses the handling of household hazardous wastes, such as paint, motor oil, and cleaning solutions. The household hazardous waste elements for each city and the county identify programs for the safe collection, recycling, treatment, and disposal of hazardous waste. County policies, as summarized below, are relevant because they manage development in unincorporated areas within the study area.

**HM-1:** The County’s General Plan Safety Element minimizes the effects of hazardous conditions that might cause a loss of life and property. The County Environmental Resources Department investigates all such sites to determine the degree of contamination and the level of cleanup needed. The County works closely with the DTSC and the RWQCB during all phases of the site investigation.

**HM-2:** The County is a Certified Unified Program Agency—authorized by the DTSC to administer a number of state programs at the local level. It regulates hazardous materials within its incorporated areas (including Modesto) and unincorporated areas. The County’s role includes taking the following actions (Stanislaus County 2007).

1. Implement risk management and prevention laws to minimize chemical releases in the community.
2. Maintain a hazardous materials response team to assist police and fire agencies during transportation and industrial accidents involving chemical spills.
3. Prepare and implement the County’s area plan for emergency responses to chemical spills in the community.
4. Permit and inspect the removal of USTs.



5. Permit and monitor new USTs.
6. Oversee site investigation for soil and groundwater contamination and cleanup.
7. Inspect hazardous waste generators.
8. Review procedures for the storage, treatment, and disposal of hazardous wastes.
9. Prepare and implement the County's hazardous waste management plan.
10. Develop and implement the County's Household Hazardous Waste collection program.
11. Inspect medical facilities to ensure compliance with state medical waste management laws.
12. Implement hazardous materials disclosure laws (business plans) to ensure access to information about chemicals handled by businesses.

**(d) City of Modesto Policies**

The UAGP policies for hazardous materials management apply to development within incorporated areas. These policies identify programs for the safe collection, recycling, treatment and disposal of hazardous wastes generated within Modesto. The applicable UAGP policies are listed below.

**HM-3:** Comply with all existing federal and state laws which regulate the generation, transportation, storage, and disposal of hazardous materials. (UAGP Policy VI.M.1)

**HM-4:** Require that businesses and industries using hazardous material provide mitigation measures commensurate with the hazards they bring to the community, in accordance with the most current adopted edition of the Uniform Fire Code. (UAGP Policy VI.M.2)

**HM-5:** In the event that site inspection or construction activities uncover chemical contamination, underground storage tanks, abandoned drums, or other hazardous materials or wastes at a parcel, the inspection report preparer shall so notify the City. The City shall notify the County Health Services Department. Under the direction of these agencies, a site remediation plan would be prepared by the project applicant.

The plan would (1) specify measures to be taken to protect workers and the public from exposure to potential site hazards and (2) certify that the proposed remediation measures would clean up the wastes, dispose the wastes, and protect public health in accordance with federal, state, and local requirements. Permitting or work in the areas of potential hazard shall not proceed until the site remediation plan is on file with the City.

If a parcel is found to be contaminated to a level that prohibits the proposed use, the potential for reduction of the hazard should be evaluated. Site remediation is theoretically capable of removing hazards to levels sufficiently low to allow any use at the site. In practice, both the technical feasibility of the remediation and its cost (financial feasibility) should be evaluated in order to determine the overall feasibility of locating a specific use on a specific site. In some cases, it may require restriction to industrial use or a use that involves complete paving and covering of the parcel.

In accordance with OSHA requirements, any activity performed at a contaminated site shall be preceded by preparation of a separate site health and safety plan (prepared by the project applicant and filed with the City) for the protection of workers and the public. All reports, plans, and other documentation shall be added to the administrative record. (UAGP Policy VI.M.3)

**HM-6:** For each specific project that would generate hazardous waste, require as a condition of building permit approval that the project sponsor prepare a hazardous material transportation program. Passage through residential streets should be minimized and parking of waste haulers on residential streets should be prohibited. The City Fire Department shall review and approve the applicant's hazardous materials transportation program or, working with the applicant, modify it to the satisfaction of both parties. (UAGP Policy VI.M.4)

**HM-7:** Prior to the issuance of all building permits, identify the site in relation to all Comprehensive Environmental Response, Compensation and Liability Information System sites and to known or suspected uncontrolled or abandoned hazardous waste sites. All projects within 2,000 feet of these facilities should conduct hazardous materials studies as necessary to identify the type and extent of contamination, if any, and the extent of risk to human health and public safety. If necessary, a remedial action program should be developed and implemented as in UAGP Policy VI.M.3. (UAGP Policy VI.M.5)

**HM-8:** Applicants for building permits should determine that a site containing or formerly containing residences or farm buildings / structures has been fully investigated for the presence of hazardous materials or wastes prior to issuance of the permit. Investigation should consist of, at minimum, a Phase I environmental site assessment and a Phase II site assessment, if found necessary as a result of the Phase I assessment. The findings of the site assessment should be reported to the City and the County's Department of Environmental Resources. The appropriate remediation should occur prior to final occupancy of the approved development. (UAGP Policy VI.M.6)

#### **4. Policies That Avoid Impacts**

The following policies are in effect and have been determined to reduce, avoid, or mitigate environmental impacts within the existing city limits and within the planning area as it is annexed and develops. County policies are included because they reduce or avoid cumulative impacts. The policy reference numbers are listed, and the full text of these policies or policy summaries is found in Section A-3.a(3) above, *Existing Policies Applying to the Study Area*.

##### **a. Stanislaus County Policies**

The territory outside the city limits is under County jurisdiction. The County has jurisdiction within Modesto in order to apply toxic materials regulations. The County General Plan has the following applicable policies: HM-1 and HM-2.

**b. City of Modesto**

The City's proposed UAGP policies and other adopted City policies and regulations related to hazard materials include: HM-3 through HM-8.

**B. CONSIDERATION AND DISCUSSION OF SIGNIFICANT IMPACTS**

The following information is provided in accordance with State CEQA Guidelines Section 15126.2.

**1. Thresholds of Significance**

Appendix G, Section VIII, of the State CEQA Guidelines describes eight (8) significant impact types related to hazards and hazardous materials. The UAGP would have a significant effect relative to hazards and hazardous materials within Modesto if it would or may:

- a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- b. 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;
- c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
- d. Be located on a site that 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 environment;
- e. 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;
- f. 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;
- g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or,
- h. 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.

**2. Significant Direct Impacts**

- a. Implementation of the General Plan amendment would lead to urban development that would require occasional transport, use and disposal of hazardous materials and wastes, which could result in reasonably foreseeable accident conditions involving the release of hazardous materials into the environment. Both the County of Stanislaus and the City of Modesto implement a Hazardous Waste Management Plan that serves as the guideline for managing

hazardous wastes. This plan provides direction to the hazardous materials response team to assist police and fire agencies during transportation and industrial accidents involving chemical spills.

State laws were passed in 1985 that require users of hazardous materials to disclose the type and location of such materials so that emergency response teams can be prepared for potential disasters. Because General Plan policies and existing State and local regulatory programs are in place to reduce these potential hazards, any such impacts would be less than significant.

- b. Implementation of the General Plan amendment would result in additional urban development. Construction equipment typical of many development projects has the potential to release oils, greases, solvents, and other finishing materials through accidental spills. Spill or upset of these materials would have the potential to affect surrounding properties. However, the consequences of construction-related spills are not as great as other accidental spills and releases because the amount of hazardous material released during a construction-related spill is small—the volume in any single piece of construction equipment is generally less than 50 gallons, and fuel trucks are limited to 10,000 gallons or less. Construction-related spills of hazardous materials are not uncommon, but the enforcement of construction and demolition standards, including a SWPPP and BMPs by appropriate local and state agencies (i.e., fire departments) would minimize the potential for an accidental release of petroleum products and/or hazardous materials during construction. Federal, state, and local controls have been enacted, and are enforced, to reduce the effects of potential hazardous materials spills during construction of program facilities. Therefore, it is not anticipated that use of hazardous materials during construction would result in a reasonably foreseeable upset or accident condition that would cause significant hazard to the public or environment.

Reasonably foreseeable spills under operational conditions would be handled according to the specifications of the City's and County's Hazardous Waste Management Plan. This plan governs the preparation and implementation the County's Area Plan for emergency response to chemical spills in the community. There would be limited potential for a reasonably foreseeable upset or accident under construction and operation due to the quantity and type of hazardous materials used; therefore, it is not anticipated that a significant hazard to the public or the environment would occur. This impact would be less than significant.

- c. Implementation of the General Plan amendment would result in additional urban development and the intensification of land uses that could emit hazardous emissions or result in the handling of hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school. The proposed General Plan does not explicitly incorporate policies to limit the use of hazardous materials near school sites, or to limit the development of proposed schools near existing contamination. However, relevant City policies (HM-3 through HM-8, above) require compliance with applicable federal and state requirements, specific transportation routes, certain procedures to address spills / contamination and investigations to reveal any existing / prior soil contamination. The City routinely consults with the affected school district prior to discretionary approval of new businesses and industry that use hazardous materials near existing school sites as part of the project review process. Additionally, school siting regulations implemented by the Department of Education prohibit locating proposed schools near existing contamination. Therefore, this impact would be less than significant.

- d. Impacts of the proposed project relative to hazardous materials would be less-than-significant, based on the existing regulatory framework and General Plan policies HM-3 through HM-8 (shown above). The contaminated sites identified earlier in this section are being remediated and therefore would not result in a release of hazardous materials. New development would be required to comply with regulations monitoring and controlling the handling and use of hazardous and toxic materials. As a result, the project would not create new impacts.

Operational requirements placed on the Fink Road landfill by the CIWMB and oversight of discharge permits by the Central Valley RWQCB would avoid the release of materials from that source. Therefore, this impact is less-than-significant. Finally, any impact(s) from leaking USTs would be less-than-significant, based on the existing regulatory framework, as any leaks must be remediated before a site is deemed suitable for residential use.

- e. Implementation of the proposed General Plan amendment would lead to urban development and other activities that could be within two miles of a public airport or public use airport. Development in this vicinity could result in a safety hazard to people on the ground and in the plane during take-offs and/or landings.

To reduce this impact, Stanislaus County adopted an updated ALUCP in 2016, specifying height and various other land use restrictions to prevent creation of physical, visual, or electronic hazards to flight within the airspace required for operation of aircraft to and from the airports. The Modesto City-County airport is included in the 2016 ALUCP. As a result, such impacts would be less than significant.

- f. There are no private airstrips within the project boundary. No such impacts would occur.
- g. Responsibility for the day-to-day administration of Stanislaus County's disaster preparedness, mitigation, response, and recovery programs has been assigned to the OES. The OES develops and maintains the Stanislaus County Emergency Operations Plan and its associated annexes. It also coordinates training, planning, and exercises for first responders throughout the Stanislaus Operational Area. (Stanislaus County)

Additionally, Stanislaus County has adopted the 2010 Multi-Jurisdictional Hazard Mitigation Plan. The Stanislaus County Multi-Jurisdictional Hazard Mitigation Plan is a countywide plan that identifies risks posed by disasters, and identifies ways to minimize damage from those disasters. The plan is a comprehensive resource document that serves many purposes, including: enhancing public awareness and understanding, creating a decision tool for management, promoting compliance with State and Federal program requirements, enhancing local policies for hazard mitigation capability, and providing inter-jurisdictional coordination. This Plan includes a risk assessment, vulnerability analysis, and mitigation plan / strategy for earthquake, landslide, dam failure, flood, and wildfire hazards. Therefore, impacts would be less than significant.

- h. Fire-susceptible areas within Stanislaus County are in the extreme eastern and western portions, far removed from Modesto. There would be no such impacts associated with the proposed Project.

### **3. Significant Cumulative Impacts**

CEQA and its Guidelines require the disclosure of the significant cumulative environmental effects, a statement as to whether the project would make a cumulatively considerable contribution to any such effects, and if so, mitigation measures intended to reduce the project's contribution (Section 15130 of the State CEQA Guidelines). A cumulative effect is one that results from past, present, and probable future projects. A project that has a less than significant direct effect on the environment may make a considerable contribution to a cumulative effect nonetheless.

A cumulative impact analysis first identifies whether a cumulatively significant effect exists in the given resource area. If one does, the analysis determines whether the project will make a considerable contribution to that effect. Where a cumulative impact is severe, even a small contribution may be considerable. Where a project is required to implement or fund its fair share of a mitigation measure designed to alleviate the cumulative impact, its contribution will be rendered less than considerable. (Section 15130(a) of the State CEQA Guidelines.)

The cumulative impacts of past activities are locally significant where spills or contamination have occurred. However, future development under the UAGP would not make a considerable contribution to that impact, as new development and related activities would comply with the existing regulatory scheme and proposed UAGP policies. Any cumulative impacts would be less than significant.

### **4. Potential Impacts for Which There Is Insufficient Information to Support a Full Analysis**

Soil and groundwater can become contaminated through a variety of sources, including accidental spills, disposal on the ground surface, leaks in sewers and UST systems, and other releases. Any proposed site-specific project within the City's UAGP boundary must comply with federal, state, regional, and local laws that regulate the generation, transportation, storage and disposal of hazardous materials. Site-specific analyses would be conducted as required by General Plan policies, and any requisite remediation or clean-up activities would be required. All potential impacts have been analyzed.

## **C. POLICIES ADOPTED TO MINIMIZE SIGNIFICANT EFFECTS**

The following information is provided in accordance with State CEQA Guidelines Section 15126.4.

### **1. Policies That Reduce Direct Impacts**

The generation, transportation, storage, and disposal of hazardous materials within the UAGP boundary cannot be completely eliminated. However, the release of hazardous materials can be controlled and reduced to a less-than-significant level through adherence to County and City policies and regulations, including HM-1 through HM-8, above. These policies provide for safe transportation and rapid clean-up of spills or other accidents.

## **2. Policies That Reduce Cumulative Impacts**

No further mitigation is required for cumulative impacts that is different than that for direct impacts, and cumulative impact analysis for the generation of hazardous materials would not be required for any anticipated subsequent projects that require a mitigated negative declaration (Section 21157.5 of the Public Resources Code [PRC]) or a focused EIR (Section 21158 PRC).

## **D. MONITORING POLICIES THAT REDUCE IMPACTS**

The following information is provided in accordance with PRC Section 211081.6. The policies identified in this Master EIR have been drawn from the proposed UAGP amendment, and they are implemented by that plan. City staff provides the City Council with an annual report on UAGP implementation; therefore, no separate mitigation monitoring program is required for the UAGP Master EIR.