

## Section 3.8

# Hazards and Hazardous Materials

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This section describes the environmental and regulatory setting for hazards and hazardous materials. It also describes impacts on hazards and hazardous materials that would result from implementation of the proposed San Rafael Transit Center Replacement Project (proposed project) and other build alternatives and mitigation for significant impacts, where feasible and appropriate. This section is partially based on the Phase I Environmental Site Assessment (ESA) prepared for the proposed project by Baseline Environmental Consulting in May 2020. Refer to Section 3.17, Wildfire, for discussion of hazards related to wildfires. Impacts related to the No-Project Alternative are discussed in Chapter 5, Alternatives to the Project.

### 3.8.1 Existing Conditions

This section provides an overview of the regulatory setting pertaining to hazards and hazardous materials, a review of hazards and hazardous materials potentially present within the project area, and the potential for impacts during construction activities for the proposed project. A material is considered hazardous if it appears on a list of hazardous materials prepared by a federal, state, or local agency, or if it has characteristics defined as hazardous by such an agency. Factors that influence the health effects of exposure to hazardous material include the dose to which the person is exposed, the frequency of exposure, the exposure pathway, and individual susceptibility.

The California Code of Regulations defines a hazardous material as a substance that, because of physical or chemical properties, quantity, concentration, or other characteristics, may either: (1) cause an increase in mortality or an increase in serious, irreversible, or incapacitating illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Hazardous wastes are defined in a similar manner. Hazardous wastes are hazardous materials that no longer have practical use, such as substances that have been discarded, discharged, spilled, or contaminated, or are being stored prior to proper disposal.

#### 3.8.1.1 Regulatory Setting

Hazardous materials are subject to numerous laws and regulations intended to maintain health and safety when transporting, using, storing, or disposing of hazardous materials.

##### Federal

Federal agencies responsible for regulating hazardous materials include the U.S. Environmental Protection Agency (EPA), Occupational Safety and Health Administration (OSHA), and U.S. Department of Transportation.

EPA is the primary regulator of the generation, transport, and disposal of hazardous substances. EPA regulates hazardous materials under the Resource Conservation and Recovery Act (RCRA) of 1976 and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980. OSHA is the agency primarily responsible for ensuring worker safety, including by minimizing

the potential effect of hazardous materials and substances to workers. OSHA sets requirements for workplace training, exposure limits for certain substances and materials, and other safety procedures. The U.S. Department of Transportation regulates interstate transport of hazardous materials and substances through the Hazardous Materials Transportation Act. This act sets requirements for driver training, load labeling, container design, and other safety specifications.

The following federal laws and regulations contain guidance on hazards and hazardous materials.

### **Federal Toxic Substances Control Act/Resource Conservation and Recovery Act/ Hazardous and Solid Waste Act**

The federal Toxic Substances Control Act (1976) and the RCRA established an EPA-administered program for regulating the generation, transport, treatment, storage, and disposal of hazardous waste. The California Department of Toxic Substances Control (DTSC) regulates hazardous waste primarily under the authority of the federal RCRA.

### **Comprehensive Environmental Response, Compensation, and Liability Act/ Superfund Amendments and Reauthorization Act**

CERCLA, commonly known as “Superfund,” was enacted by Congress on December 11, 1980. This law (Title 42 of the United States Code Section 103) provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA establishes requirements concerning closed and abandoned hazardous waste sites, provides for the liability of persons responsible for releases of hazardous waste at these sites, and establishes a trust fund to provide for cleanup when no responsible party can be identified. CERCLA also enabled the revision of the National Contingency Plan (Title 40 of the Code of Federal Regulations [CFR], Part 300), which provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, and/or contaminants. The National Contingency Plan also established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.

### **Occupational Safety and Health Administration**

OSHA’s mission is to ensure the safety and health of American workers by setting and enforcing standards; providing training, outreach, and education; establishing partnerships; and encouraging continual improvement in workplace safety and health. OSHA establishes and enforces protective standards and reaches out to employers and employees through technical assistance and consultation programs. OSHA standards are listed in Title 29 of the CFR, Section 1910.

### **Department of Transportation Hazardous Materials Regulations**

In Title 49 CFR Parts 100–185, the U.S. Department of Transportation’s hazardous materials regulations cover packaging, handling, and transporting such materials. These regulations include Parts 107 (Hazard Materials Program), 130 (Oil Spill Prevention and Response), 172 (Emergency Response), 173 (Packaging Requirements), 174 (Rail Transportation), 176 (Vessel Transportation), 177 (Highway Transportation), 178 (Packaging Specifications), and 180 (Packaging Maintenance).

### **Lead-Based Paint Elimination Final Rule**

In Title 24 CFR, Section 33, regulations for lead-based paint are specified in the Lead-Based Paint Elimination Final Rule, which is governed by the U.S. Department of Housing and Urban

Development. The rule requires sellers and lessors to disclose known lead-based paint and lead-based paint hazards to prospective purchasers and lessees. In addition, all lead-based paint abatement activities must be in compliance with state and federal OSHA requirements as well as those from the California Department of Health Services. Only trained and certified lead-based paint personnel are allowed to perform abatement. All lead-based paint removed from structures must be hauled and disposed of by a transportation company that has been licensed to transport this type of material to a landfill or receiving facility that has been licensed to accept the waste.

## State

At the state level, the California EPA and the Office of Emergency Services (OES) regulate the use of hazardous substances. The California EPA coordinates California's environmental legislation to restore, protect, and enhance the environment (Cal/EPA 2020). The California OES is responsible for coordinating the state's response to earthquakes, floods, significant wildfires, prolonged drought impacts, and other emergencies (California OES 2020a). The California OES Special Operations & Hazardous Materials Section is responsible for coordinating statewide implementation of hazardous materials accident prevention and emergency response programs for all types of hazardous materials incidents and threats (California OES 2020b). The DTSC is the primary agency in California for regulating hazardous waste, cleaning up existing contamination, and finding ways to reduce the amount of hazardous waste produced in California.

### **California Health and Safety Code and California Code of Regulations**

California Health and Safety Code Chapter 6.95 and California Code of Regulations Title 19, Section 2729, set out the minimum requirements for business emergency plans and chemical inventory reporting. These regulations require businesses to provide emergency response plans and procedures, training program information, and a hazardous material chemical inventory disclosing hazardous materials stored, used, or handled on site.

### **California Code of Regulations, Title 8, Industrial Relations**

Occupational safety standards exist in federal and state laws to minimize worker safety risks from both physical and chemical hazards in the workplace. The California Division of Occupational Safety and Health and OSHA are the agencies responsible for ensuring safety in the workplace. The California Division of Occupational Safety and Health assumes primary responsibility for developing and enforcing standards for safe workplaces and work practices.

### **California Government Code Section 65962.5(a)**

California Government Code Section 65962.5(a) (commonly referred to as the Cortese List) encompasses DTSC-listed hazardous waste facilities and sites, Department of Health Services lists of contaminated drinking water wells, sites listed by the State Water Resources Control Board as having underground storage tank (UST) leaks or a discharge of hazardous wastes or materials into the water or groundwater, and lists from local regulatory agencies of sites with a known migration of hazardous waste or material.

### **Hazardous Waste Control Act**

DTSC is responsible for enforcing the Hazardous Waste Control Act (California Health and Safety Code Section 25100 et seq.), which creates the framework under which hazardous wastes are

managed in California. The law provides for the development of a state hazardous waste program that administers and implements the provisions of the federal RCRA's cradle-to-grave waste management system in California. It also provides for the designation of California-only hazardous waste and development of standards that are equal to, or in some cases more stringent than, federal requirements.

### **Unified Hazardous Waste and Hazardous Materials Management Regulatory Program**

The Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (California Health and Safety Code Chapter 6.11, Sections 25404–25404.9) consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of environmental and emergency response programs (e.g., the Hazardous Materials Business Plan Program, California Accidental Release Prevention Program, UST Program, Aboveground Storage Tank Program, Hazardous Waste Generator Program, Hazardous Waste Tiered-Permitting Program) and provides authority to the Certified Unified Program Agency. The Certified Unified Program Agency for San Rafael is the Marin County Department of Public Works, Waste Management Division.

### **California Labor Code (Division 5, Parts 1, 6, 7, and 7.5)**

The California Labor Code is a collection of regulations pertaining to appropriate training for using and handling hazardous materials as well as operating equipment and machines that use, store, transport, or dispose of hazardous materials. Division 5, Part 1, Chapter 2.5, ensures that employees who are in charge of handling hazardous materials are properly trained and informed about the materials they handle. Division 5, Part 7, ensures that employees who work with volatile flammable liquids are outfitted with appropriate safety gear and clothing.

### **State Water Resources Control Board General Stormwater Permits**

The statewide General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities is issued, and periodically renewed, by the State Water Resources Control Board. The permit was adopted in 2009 and revised in 2012 (Order 2012-0006-DWQ). All construction activities that disturb 1 acre or more must prepare and implement a construction Stormwater Pollution Prevention Plan (SWPPP) that specifies best management practices (BMPs) to prevent pollutants from contacting stormwater. BMPs are effective, practical, structural, or nonstructural methods used to prevent or reduce the movement of sediments, nutrients, and pollutants from land to surface waters. The intent of the SWPPP and BMPs is to keep materials from moving off site into receiving waters, eliminate or reduce non-stormwater discharges to storm sewer systems and other waters of the United States, and perform sampling and analysis to determine the effectiveness of BMPs in reducing the volume of pollutants (even if not visually detectable) in stormwater discharges and preventing them from causing or contributing to violations of water quality objectives.

## Local

### Marin County Operational Area Emergency Recovery Plan

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

### Marin Operational Area Emergency Operations Plan

The Marin County Sheriff's OES adopted the *Marin Operational Area Emergency Operations Plan* in October 2014. Cities and towns within the county participate in the Marin Operational Area coordination of emergency management activities. This plan addresses the planned response to emergency situations associated with large-scale disasters affecting Marin County. The plan is based on the functions and principles of the California Standardized Emergency Management System, the National Incident Management System, and the California Incident Command System. The *Marin Operational Area Emergency Operations Plan* assesses 19 different types of threats, including natural disasters, extreme weather conditions, infrastructure failures, and security threats. The plan explains general responsibilities and procedures to be utilized in an emergency situation and provides background information and potential damages for each specific type of potential emergency (Marin County Sheriff's OES 2014).

### ~~The City of San Rafael General Plan 2020~~

~~The City of San Rafael General Plan 2020 contains multiple goals and policies that pertain to hazardous materials (City of San Rafael 2016). The City of San Rafael General Plan 2020 discusses hazardous materials in the context of their use by businesses, transport on highways and streets, and presence in household cleaning products. The City of San Rafael General Plan 2020 also acknowledges the presence of hazardous materials due to historical industrial uses, the types of materials used to fill low-lying sites for development, or materials deposited in dump sites prior to current regulations governing sanitary landfills.~~

The following policies are applicable to hazards and hazardous materials:

~~**S-1. Location of Future Development:** Permit development only in those areas where potential danger to the health, safety, and welfare of the residents of the community can be adequately mitigated.~~

~~**Policy S-1a:** Through the entitlement process, evaluate applications for geoseismic and hazardous materials dangers and require appropriate mitigations.~~

~~**Policy S-11: Restriction of Businesses:** Restrict siting of businesses or expansion of businesses that have the potential for a significant hazardous materials release within one-quarter mile of schools.~~

~~**S-11a. Survey of Facilities:** Survey existing industrial facilities within one-quarter mile of the schools. The survey would be used to determine the presence of hazardous materials and evaluate the risk of an accidental release that could adversely affect the health and safety of students and school staff~~

**Policy S-13. Potential Hazardous Soils Conditions:** Where development is proposed on sites with known previous contamination, sites filled prior to 1974 or sites that were historically auto service, industrial or other land uses that may have involved hazardous materials, evaluate such sites for the presence of toxic or hazardous materials. The requirements for site-specific investigation are contained in the Geotechnical Review Matrix.

**S-13a. Potentially Hazardous Soils Map:** Prepare a map showing sites with known soil and groundwater contamination, in order to identify new developments that warrant environmental investigation and testing.

**S-13b. Hazardous Soils Cleanup:** Require remediation and cleanup in accordance with regional and local standards in order to develop on sites where hazardous materials have impacted soil or groundwater. At a minimum, remediation and clean up of contaminated sites shall be in accordance with regional and local standards. The required level of remediation and clean up shall be determined by the Certified Unified Program Agency (CUPA) based on the intended use of the site and health risk to the public.

**S-14. Hazardous Materials Storage, Use, and Disposal:** Enforce regulations regarding proper storage, use and disposal of hazardous materials to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal.

**S-14a. CUPA Program.** Continue to participate in the CUPA program

**S-15. Hazardous Waste Management:** Support measures to responsibly manage hazardous waste consistent with protection of the public health, welfare, safety and the environment. The City of San Rafael supports the Marin County Hazardous Waste Management Plan as adopted by the State, County and Cities within Marin County. See S-14a (CUPA Program).

**S-16. Transportation of Hazardous Materials:** Enforce Federal, State and Local requirements and standards regarding the transportation of hazardous materials. Support, as appropriate, legislation that strengthens safety requirements for the transportation of hazardous materials.

**S-16a. Safe Transport of Hazardous Materials.** Support California Highway Patrol's efforts to ensure the safe transport of hazardous materials.

## **Draft San Rafael General Plan 2040 and Downtown San Rafael Precise Plan**

The City released a public draft of adopted San Rafael General Plan 2040 in November 2020 August 2021 (City of San Rafael 2020a 2021a). This update to *The City of San Rafael General Plan 2020* is accompanied by a *Downtown San Rafael Precise Plan*, which provides a roadmap to growth and development in the Downtown San Rafael neighborhood (City of San Rafael 2020b). Applicable policies from the San Rafael General Plan 2040 se plans are listed below.

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

- **Policy S-5.1: Hazardous Waste Management.** Support State, regional, countywide and local programs to responsibly manage hazardous waste consistent with protection of public health, welfare, safety and the environment.
- **Policy S-5.2: Hazardous Materials Storage, Use and Disposal.** Enforce regulations regarding proper storage, labeling, use and disposal of hazardous materials to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal.
  - **Program S-5.2A: CUPA Program.** Continue to participate in the Certified Unified Program Agency (CUPA) program. The CUPA's responsibilities shall include overseeing the investigation and closure of contaminated underground storage tank sites.

## **Marin County Multi-Jurisdictional Local Hazard Mitigation Plan**

The City of San Rafael adopted the Marin County Multi-Jurisdictional Local Hazard Mitigation Plan in November of 2018. This plan assesses risks posed by natural hazards and includes a mitigation strategy for reducing the County's risks. The County prepared the Marin County Multi-Jurisdictional Local Hazard Mitigation Plan in accordance with the requirements of the Disaster Mitigation Act of 2000.

## **San Rafael Local Hazard Mitigation Plan**

The *San Rafael Local Hazard Mitigation Plan* (LHMP), adopted in November 2017, is a guide to hazard mitigation within San Rafael and serves as a tool to help decision-makers direct hazard mitigation activities and resources. In the context of an LHMP, mitigation is an action that reduces or eliminates long-term risk to people and property from hazards, including fire and other natural hazards (City of San Rafael 2017). A more detailed description of the LHMP, relating to wildland fires, is provided in Section 3.17, Wildfire, of this ~~Draft~~ Final Environmental Impact Report.

## **City of San Rafael Municipal Code**

The following section of the City of San Rafael Municipal Code pertains to potential hazards and hazardous materials impacts related to the proposed project:

**Title 4, Section 5704.3.3.11:** Storage of flammable and combustible liquids and other hazardous materials. The storage of flammable or combustible liquids or other hazardous materials in public storage facilities is prohibited. Such facilities shall post legible and durable signs to indicate same in a manner and locations as specified by the Fire Chief. This section shall apply to new and existing public storage facilities.

**Title 14, Section 16.180 Hazardous soils conditions:** New development on lots filled prior to 1974 or on lots which were used for auto service uses, industrial uses or other land uses which may have involved hazardous materials shall be evaluated for the presence of toxic or hazardous materials prior to development approvals. The requirements for review are set forth in the geotechnical review matrix in the general plan. (Ord. 1625 § 1 (part), 1992)

### **3.8.1.2 Environmental Setting**

A Phase I ESA was prepared by Baseline Environmental Consulting in May 2020 to identify and evaluate hazardous materials and substances with potential to be encountered during construction and maintenance of the proposed project. This assessment included a review and evaluation of the physical setting, historical land uses, environmental records, previous environmental investigations in the project vicinity, and a site reconnaissance.

ASTM International's E1527-13 standard defines minimum search distances to use in the evaluation of environmental records of hazardous materials release sites. Minimum search distances range from 0.5 to 1.0 mile from the study area, which included all the areas of substantial improvements proposed for each of the four build alternatives. Refer to Appendix ~~K~~ L of the Final EIR for additional detail on the environmental records search conducted as a part of the Phase I ESA.

## **Site History**

As early as 1924, land uses developed within the study area included residential dwellings, a hotel, a lumber yard, a train station, and a railroad corridor. Two gasoline service stations were adjacent to

the study area (Baseline Environmental Consulting 2020). Between 1924 and 1950, the railroad corridor and station operations expanded, the U.S. Highway 101 (US-101) viaduct was constructed over the study area, and additional land uses within the study area included a bus station, milk and creamery company, gravel company, and automotive repair services. Two additional gasoline service stations were within the study area, six additional gasoline service stations were adjacent to the study area, and one aboveground oil storage tank was adjacent to the study area (Baseline Environmental Consulting 2020). Between 1950 and 1970, the US-101 viaduct expanded, one additional gasoline service station was within the study area, and six additional gasoline service stations were adjacent to the study area (Baseline Environmental Consulting 2020).

Since 1970, most of the automotive repair services and all of the gasoline service stations and the aboveground oil tank previously identified within and adjacent to the study area have been redeveloped primarily for residential and commercial uses. Based on the site reconnaissance conducted on May 15, 2020, there are two land uses currently within the study area that appear to manage hazardous materials: an automotive repair service station and a dry cleaner facility (Baseline Environmental Consulting 2020).

Common contaminants of concern in soil and/or groundwater associated with automotive repair services, gasoline service stations, and aboveground oil tanks include heavy metals (e.g., lead and arsenic), total petroleum hydrocarbons, volatile organic compounds, and polychlorinated biphenyls. Common contaminants of concern associated with dry cleaner facilities include chlorinated solvents. Some of these land uses in the study area have documented hazardous materials releases. The land uses that do not have documented hazardous materials releases include the following (Baseline Environmental Consulting 2020):

- A former gasoline service station (circa 1950) adjacent to the study area at the northeast corner of the current Lincoln Avenue and 3rd Street intersection
- A former automobile service building (circa 1950) within the study area north of the current Hetherton Street and 4th Street intersection
- A former aboveground oil storage tank for a gravel company (circa 1950) adjacent to the study area to the northeast of the current Hetherton Street and 3rd Street intersection
- Former automobile and gasoline service stations (circa 1950 and 1970) and a current automobile service station and dry cleaner building (2020) within and adjacent to the study area at the northwest, southwest, and southeast corners of the current Irwin Street and 4th Street intersection

Evidence of potentially undocumented hazardous materials releases or future threats of hazardous materials releases was not observed within or adjacent to the study area during the site reconnaissance. However, this does not preclude the possibility that undocumented releases may have occurred in the past at these facilities that store and manage hazardous materials. Therefore, undocumented soil and/or groundwater contamination (if any) could potentially be encountered during project construction and maintenance in proximity to historical and current land uses associated with hazardous materials.

## Hazardous Materials Records Search

The review of environmental records identified 54 hazardous materials release sites within 1 mile of the study area (Appendix B of the Phase I ESA [~~Appendix XK of the Final EIR~~]). Release sites that



could potentially pose a threat of affecting environmental conditions within the study area include sites within and adjacent to the study area. In addition, offsite migration of groundwater contaminant plumes from active release sites hydraulically upgradient (i.e., west) of the study area can pose a potential threat of affecting environmental conditions within the study area. Based on these screening criteria, 13 of the 54 release sites are considered a potential concern and are discussed further below to determine if they pose a known or potential threat of affecting environmental conditions within the study area. The other 41 release sites are either hydraulically downgradient of the study area or are closed sites<sup>1</sup> and not within or adjacent to the study area; therefore, these sites are not expected to affect environmental conditions within the study area. Further evaluation determined that six of the 13 release sites of potential concern are not expected to affect environmental conditions within the study area. The remaining seven sites of concern are listed and described in Table 3.8-1 and shown on Figure 3.8-1.

**Table 3.8-1. Hazardous Materials Sites of Concern**

Site #	Site Name	Site Description
1	D&S Garage 718 4th Street	In 1989, a release of petroleum from leaking USTs was reported following tank removal activities at the D&S Garage site, which is adjacent to the study area. In 2007, the case was closed by the lead regulatory oversight agency (Regional Water Quality Control Board). According to the most recent groundwater monitoring event in 2006, residual concentrations of total petroleum hydrocarbons as diesel (TPH-d) and methyl tert-butyl ether (MTBE) were reported in the immediate vicinity of the former USTs about 25 feet west of the study area.
2	John Irish Jeep Dealership 475 Francisco Boulevard	In 1988, a release of petroleum from leaking USTs was reported at this site following tank removal activities. The site is adjacent to the study area. In 1996, the case was closed by the lead regulatory oversight agency (Regional Water Quality Control Board). According to the most recent groundwater sampling results in 1996, residual concentrations of toluene and MTBE were reported in groundwater samples collected in the immediate vicinity of the USTs about 200 feet west of the study area.
3	Marin Color Service 770 2nd Street	A release of petroleum and paint thinner from leaking USTs was reported at this site following tank removal activities, adjacent to the study area. In 1998, the case was closed by the lead regulatory oversight agency (Regional Water Quality Control Board). According to the most recent groundwater sampling results in 1998, residual concentrations of chlorinated solvents were reported in groundwater samples collected about 50 feet west of the study area.
4	Shell 755 2nd Street	The Shell site, adjacent to the study area, was formerly a gasoline service station. In 1987, a release of petroleum from leaking USTs was reported following tank removal activities at the site. In 2009, the case was closed by the lead regulatory oversight agency (Regional Water Quality Control Board). According to the most recent groundwater sampling results in 2008, residual concentrations of TPH-d and MTBE were reported in groundwater samples collected about 30 feet west of the study area.
5	Greyhound Line, Inc. 701 3rd Street	On 8 November 1990, a release of petroleum from leaking USTs was reported at the Greyhound Line, Inc. site, which appears to be within the study area. The case was subsequently closed by the lead regulatory agency (Regional Water Quality Control Board).

<sup>1</sup> Investigation and/or remediation activities have been completed.

Site #	Site Name	Site Description
6	Savoy Rain Tunnel 620 2nd Street	In 1990, a release of petroleum from leaking USTs was reported at the Savoy Rain Tunnel site, which is adjacent to the study area. In 1996, the case was closed by the lead regulatory oversight agency (Regional Water Quality Control Board). According to the most recent sampling results, residual concentrations of total petroleum hydrocarbons remain in the soil and groundwater near the former USTs.
7	Exxon 902 Irwin Street	The Exxon site was formerly a gasoline service station. In 2003, the case was closed by the lead regulatory oversight agency (Regional Water Quality Control Board).

Source: Baseline Environmental Consulting 2020

## Schools

Schools in the vicinity of the project area include Saint Raphael School, James B. Davidson Middle School, Laurel Dell Elementary School, Madrone High School, and San Rafael High School. Saint Raphael School is at the intersection of 5th Avenue and Court Street. James B. Davidson Middle School is on Woodland Avenue, near the intersection of Woodland Avenue and Lindaro Street. Laurel Dell Elementary School is on Woodland Avenue between Eva Street and Seibel Street. Madrone High School and San Rafael High School share a campus and are on Mission Avenue between Union Street and Embarcadero Way.

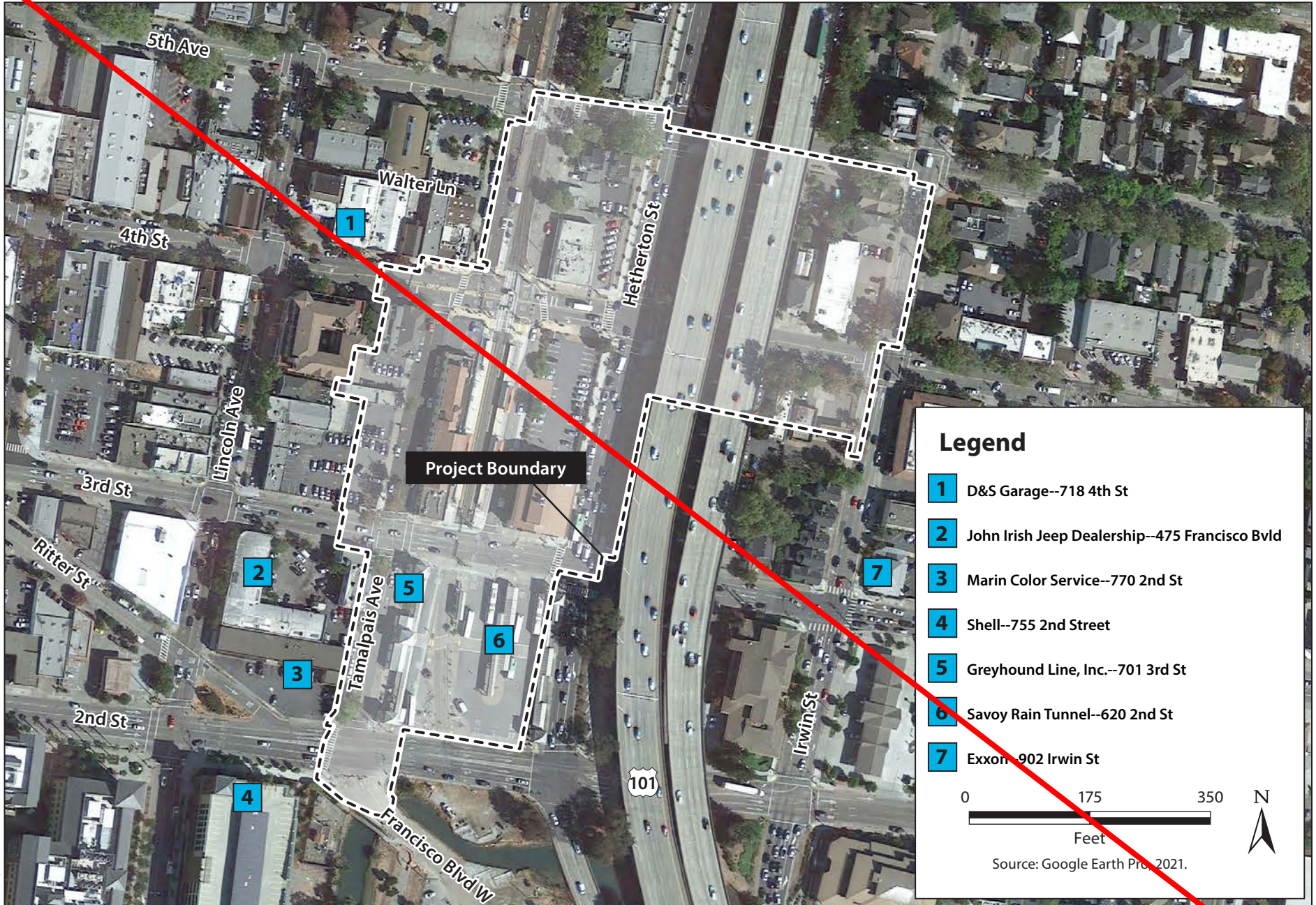
## Airports

The closest airport to the project area is the San Rafael Airport (also called Marin Ranch Airport), a small, privately owned airport approximately 3 miles north of the project area. Marin County Airport (also called Gness Field) is a small, publicly owned airport operated by the Marin County Public Works Department and located about 13 miles north of the project area. Marin County Airport's airport land use plan, adopted in 1991, defines the boundary of the planning area as 2 miles from the airport boundary, which was the default planning boundary as of the time of this document's issuance (Marin County Planning Department 1991). The updated airport land use planning handbook states that 2 miles is still the default study area for an airport's influence area boundary (Caltrans 2011).

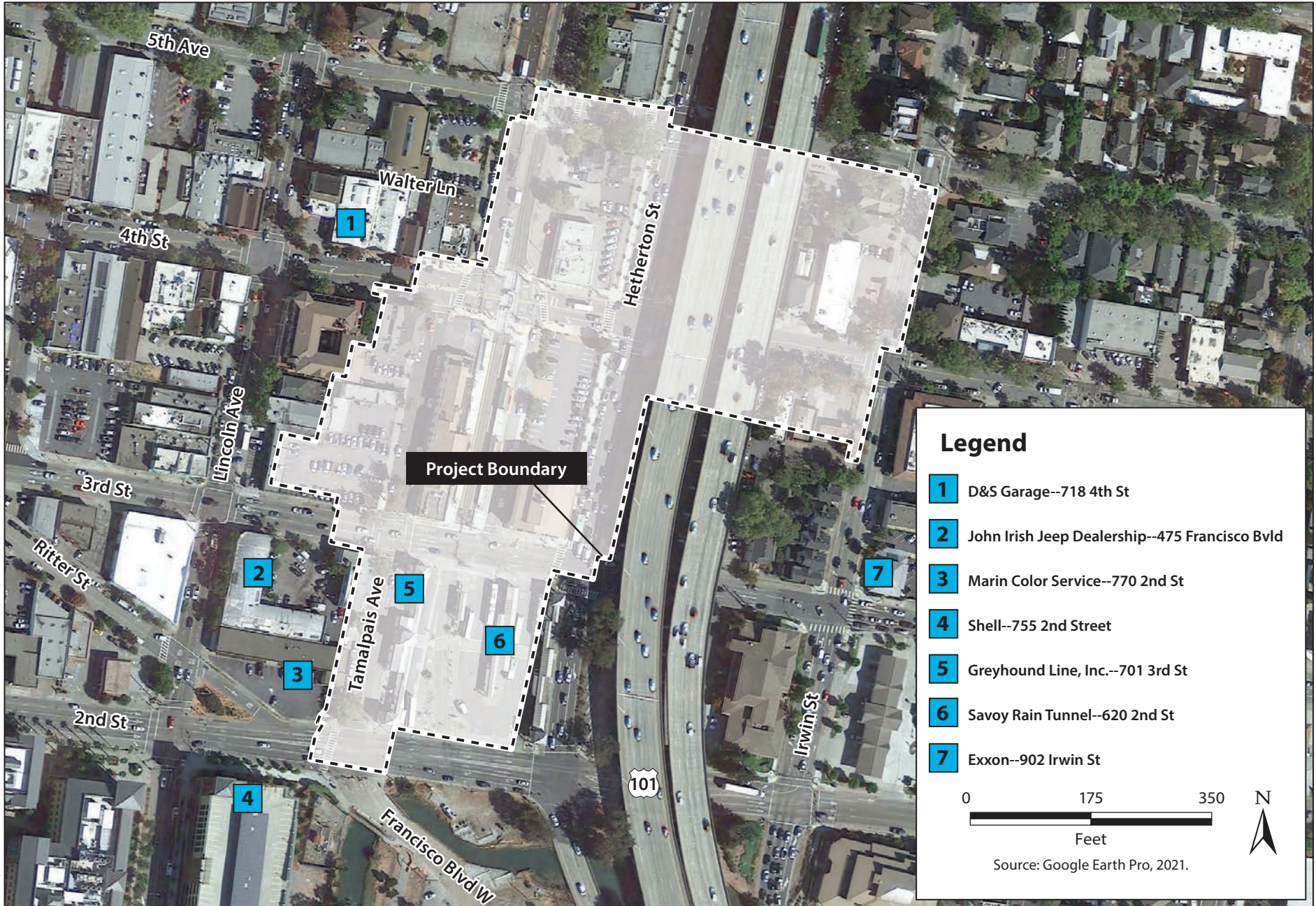
## City of San Rafael Fire Department

The San Rafael Fire Department provides fire protection and emergency services to the City. The San Rafael Fire Department includes a Fire Prevention Bureau that issues fire permits for construction, operations, and inspections. The Fire Marshal works closely with the City's Code Enforcement Officer to ensure all structures meet State Fire Code Standards. The San Rafael Fire Department also is responsible for monitoring the storage and use of hazardous materials and issuing permits for hazardous materials use. Hazardous materials inspections are included in the program (City of San Rafael 2016).

The San Rafael Fire Department also delivers fire response and rescue services for both urban and wildland fires (City of San Rafael 2021b).



**Figure 3.8-1**  
**Hazards and Hazardous Materials**



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**Updated Figure 3.8-1  
Hazards and Hazardous Materials**

## Wildland Fire Hazard

The project area is not within a Moderate, High, or Very High Fire Hazard Severity Zone (CAL FIRE 2020). See Section 3.17, Wildfire, for a discussion of hazards related to wildfire.

### 3.8.2 Environmental Impacts

Four different build alternatives, which are all in Downtown San Rafael within 500 feet of the existing transit center, are being evaluated. Impacts for the build alternatives are presented together unless they differ substantially among alternatives.

#### 3.8.2.1 Methodology

The Phase I ESA was prepared in accordance with ASTM International's E1527-13, Standard Practice for Environmental Site Assessments: Phase I Environmental Assessment Process. The study area included all areas of substantial improvements associated with each of the build alternatives.

The assessment included a review of published maps, technical reports, and environmental records available on regulatory databases to identify and evaluate potential conditions of concern in the study area. Environmental conditions of concern that could potentially be encountered by the proposed project include Recognized Environmental Conditions (RECs), as defined by ASTM International (2013 [as cited in the Phase I ESA]). RECs are defined as "the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment." The following environmental conditions of concern that are not classified as RECs were also considered in the Phase I ESA:

- Aerially deposited lead (ADL) from highway corridors
- Soil contamination from railroad corridors
- Hazardous building materials

#### 3.8.2.2 Thresholds of Significance

The following California Environmental Quality Act Guidelines Appendix G thresholds identify significance criteria to be considered for determining whether a project could have significant impacts related to hazards and hazardous materials.

Would the proposed project:

- 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 § 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 or excessive noise for people residing or working in the project area?
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

### 3.8.2.3 Impacts

#### **Impact HAZ-1: Create a Significant Hazard to the Public or the Environment through the Routine Transport, Use, or Disposal of Hazardous Materials**

##### **Construction**

###### **All Build Alternatives**

Project construction would involve routine transport, use, and disposal of hazardous materials such as fuels, lubricants, solvents, and paint. Transport, use, and disposal of these hazardous materials during construction would be required to comply with applicable hazardous materials regulations, such as those discussed under Section 3.8.1.1, Regulatory Setting. The use of small amounts of hazardous materials during construction is typical to the construction of similar projects.

Construction of the proposed project would not be expected to require the transport, use, and disposal of acutely hazardous materials. Mitigation Measure MM-HYD-CNST-1, Prepare and Implement a Stormwater Pollution Prevention Plan, would include BMPs, to be finalized by the project contractor, employed during construction to prevent spills or release of hazardous materials into the surrounding environment. BMPs may include, but are not limited to, treatment requirements and operating procedures to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from material storage. The SWPPP would also require that equipment and materials for cleanup of spills must be available on site, and spills and leaks must be cleaned up immediately and disposed of in accordance with applicable regulations. In the event of a hazardous material spill or release, project construction staff would follow the procedures outlined in BMPs.

With the implementation of Mitigation Measure MM-HYD-CNST-1, this impact would be *less than significant with mitigation*.

##### **Operations**

###### **All Build Alternatives**

Operation of the completed transit center would not require the regular transport, use, or disposal of hazardous materials. Maintenance and fueling of the buses would not occur at the facility and any spills from bus operation would be incidental. No fuel would be stored on site at the transit center. The transit center could result in occasional, incidental impacts from the disturbance of soils

containing hazardous materials or residual groundwater contamination. Hazardous materials used for maintenance of the facility (e.g., paints, solvents, cleaning substances) would be handled in accordance with appropriate regulations and guidelines on transport, use, storage, and disposal of such materials. A Hazardous Materials Management Plan would be prepared and would cover hazardous materials stored on site, per San Rafael Fire Department requirements. Due to the intermittent nature of maintenance activities with the potential to require hazardous materials and the proposed project's required compliance with hazardous materials regulations, this impact would be *less than significant*. No mitigation measures would be required.

### Mitigation Measures

Under any build alternative that is selected and constructed, the project proponent would implement See Mitigation Measure MM-HYD-CNST-1 in Section 3.9, Hydrology and Water Quality.

## **Impact HAZ-2: Create a Significant Hazard to the Public or the Environment through Reasonably Foreseeable Upset and Accident Conditions Involving the Release of Hazardous Materials into the Environment**

The Phase I ESA identified known hazardous materials sites with environmental conditions of concern as well as general environmental conditions of concern within 1 mile of the Phase I ESA study area, which encompassed the footprints of all four build alternatives. Because the Phase I ESA studied the proposed project in the context of this combined study area, the four build alternatives are analyzed together in this impact discussion and impact determinations apply to all build alternatives.

### Construction

#### All Build Alternatives

Construction of the proposed project could result in potential spills or accidental release of hazardous materials. The Phase I ESA's records search identified seven known hazardous materials sites (see Table 3.8-2) with environmental conditions of concern that have the potential to be encountered during project construction. Although the Phase I ESA did not identify any RECs, the potential for construction to encounter contamination related to environmental conditions of concern remains and Mitigation Measure MM-HAZ-CNST-1 would be implemented to further assess hazardous materials of concern within the project area prior to construction.

Two of the sites are former gas stations, two sites are former automobile repair or service businesses, one is a former bus station, one is a former car dealership, and one is a former car wash. The conditions of concern at six of the seven sites are related to soil and/or groundwater contamination from USTs. Construction activities also have the potential to disturb hazardous materials from residual groundwater contamination, ADL contamination, soil contamination from railroad corridors, and hazardous building materials.

The US-101 viaduct, within the Phase I ESA's study area, was constructed before the phase-out of lead in gasoline. Shallow soils within approximately 20 feet of the edge of pavement in highway corridors have the potential to be contaminated with ADL from historical vehicle emissions prior to the elimination of lead in gasoline. Therefore, maintenance of the proposed project could disturb exposed shallow soils near the US-101 viaduct and encounter ADL contamination.

Common soil contaminants along railroad corridors include metals and petroleum products from railroad operations. A historical railroad corridor crosses the project area, generally following Tamalpais Avenue and curving to the west at the intersection of Tamalpais Avenue and 2nd Street. Project improvements that require ground disturbance within the railroad corridor could encounter soil contamination from past railroad operations.

Asbestos-containing materials, such as thermal system insulation, surfacing materials, and asphalt and vinyl flooring, may be present in buildings constructed prior to 1981. Residential structures built prior to 1978 and any commercial or industrial building (regardless of construction date) could have surfaces that have been coated with lead-based paint. The Phase I ESA identified that structures within the study area could contain these hazardous building materials. Modification or demolition of such structures during construction could release hazardous building materials into the environment and pose a health risk to construction workers and the public, if not handled and disposed of properly. This would be a potentially **significant** impact.

Mitigation Measure MM-HYD-CNST-1, which includes preparation and implementation of a SWPPP, would include BMPs designed to ensure proper handling of hazardous materials encountered during construction activities and compliance with applicable regulations and policies. For example, the SWPPP's BMPs would include treatment requirements and operating procedures to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from material storage. The SWPPP would also require that equipment and materials for cleanup of spills must be available on site, and spills and leaks must be cleaned up immediately and disposed of in accordance with applicable regulations. In the event of a hazardous material spill or release, project construction staff would follow the procedures outlined in BMPs.

Additionally, construction staff would follow all applicable federal, state, and local regulations and guidelines if hazardous materials are encountered during construction. In the event that construction activities encounter hazardous materials related to a known hazardous materials site, the contractor would follow appropriate safety procedures and relevant agencies would be notified promptly.

Any hazardous materials produced during demolition of existing structures and pavement would be disposed of appropriately in a permitted landfill. Compliance with federal, state, and local hazardous materials regulations, in combination with implementation of Mitigation Measure MM-HYD-CNST-1, would ensure that hazardous materials utilized and encountered during construction would be used, stored, and disposed of properly, minimizing potential impacts related to upset and accident conditions. With these considerations, construction-phase impacts from the disturbance of known hazardous materials sites near the project site would be ***less than significant with mitigation***.

## Operations

### All Build Alternatives

Maintenance of the transit center could intermittently require use, transport, or disposal of hazardous materials (e.g., paints, solvents, cleaning substances), creating the possibility of accidental spills or release of hazardous materials.

Although they would be limited and intermittent, maintenance activities requiring ground disturbance could disturb the sites identified in the Phase I ESA as having environmental conditions of concerns that could potentially be encountered during maintenance of the proposed project.



Table 3.8-2 summarizes the known hazardous material sites with residual soil and/or groundwater contamination that could potentially be encountered during maintenance of the proposed project. These maintenance activities could also encounter hazardous materials from residual groundwater contamination and ADL contamination in shallow soils. In the event of an accidental hazardous material spill, transit center staff would follow all appropriate reporting and cleanup procedures, such as those from ~~the City of San Rafael General Plan 20202040~~. A Hazardous Materials Business Plan would be prepared if necessary and would cover hazardous materials stored on site, per Marin County Department of Public Works, Waste Management Division CUPA requirements. The proposed project would also be required to comply with San Rafael Fire Department's fire permit conditions. Compliance with applicable hazardous materials regulations would ensure that hazardous materials encountered during maintenance activities would be handled safely, minimizing the effects of accidental spills. This impact would be ***less than significant***.

## Mitigation Measures

Under any build alternative that is selected and constructed, the following measures would be implemented.

### **MM-HAZ-CNST-1: Phase II Site Investigation**

Prior to construction, a Phase II Site Investigation shall be performed to further investigate hazardous materials concerns related to soil, groundwater, and building materials that could be disturbed by construction of the selected alternative, per the recommendations made in the Phase I ESA.

See Mitigation Measure MM-HYD-CNST-1 in Section 3.9, Hydrology and Water Quality.

## **Impact HAZ-3: Emit Hazardous Emissions or Handle Hazardous or Acutely Hazardous Materials, Substances, or Waste within One-Quarter Mile of an Existing or Proposed School**

### **Construction**

#### **Move Whistlestop Alternative**

Saint Raphael School is approximately 1,300 feet northwest of the Move Whistlestop Alternative. No other schools are within 0.25 mile of the project site. Limited quantities of hazardous materials commonly used in construction may be required for project construction and transported past Saint Raphael School for delivery to or removal from the project site. Additionally, construction could result in potential spills or accidental release of hazardous materials. As discussed above, construction could disturb hazardous materials related to known hazardous materials sites in the project area or from residual groundwater contamination, ADL contamination, soil contamination from railroad corridors, and hazardous building materials, resulting in spills or accidental release of such materials. This impact would be potentially **significant** but would be minimized by the implementation of Mitigation Measure MM-HYD-CNST-1, which includes preparation and implementation of a SWPPP. The SWPPP would include BMPs designed to ensure proper handling of hazardous materials utilized or encountered during construction activities and compliance with applicable regulations and policies, as described previously. This impact would be ***less than significant with mitigation***.

### **Adapt Whistlestop Alternative**

Saint Raphael School is approximately 1,300 feet northwest of the Adapt Whistlestop Alternative. No other schools are within 0.25 mile of the project site. For the reasons described under the Move Whistlestop Alternative, this impact would be ***less than significant with mitigation***.

### **4th Street Gateway Alternative**

No schools are within 0.25 mile of the 4th Street Gateway Alternative project site. ***No impact*** would occur.

### **Under the Freeway Alternative**

No schools are within 0.25 mile of the Under the Freeway Alternative project site. ***No impact*** would occur.

## **Operations**

### **Move Whistlestop Alternative**

Saint Raphael School is approximately 1,300 feet northwest of the Move Whistlestop Alternative. No other schools are within 0.25 mile of the project site. As discussed above, operation of the proposed project would not generate hazardous materials or facilitate the routine transport, use, or disposal of hazardous materials within the project site. Maintenance of the proposed project may require infrequent use of limited quantities of hazardous materials within the project site. Additionally, maintenance activities requiring ground disturbance could disturb hazardous materials from residual groundwater contamination, ADL contamination, soil contamination from railroad corridors, and hazardous building materials, resulting in spills or accidental release of such materials. Any such use of hazardous materials utilized in project maintenance would adhere to the applicable local, state, and federal regulations regarding hazardous materials. This impact would be ***less than significant***.

### **Adapt Whistlestop Alternative**

Saint Raphael School is approximately 1,300 feet northwest of the Adapt Whistlestop Alternative. No other schools are within 0.25 mile of the project site. For the reasons described under the Move Whistlestop Alternative, this impact would be ***less than significant***.

### **4th Street Gateway Alternative**

No schools are within 0.25 mile of the 4th Street Gateway Alternative project site. ***No impact*** would occur.

### **Under the Freeway Alternative**

No schools are within 0.25 mile of the Under the Freeway Alternative project site. ***No impact*** would occur.

## **Mitigation Measures**

Under any build alternative that is selected and constructed, the project proponent would implement See Mitigation Measure MM-HYD-CNST-1 in Section 3.9, Hydrology and Water Quality.

### **Impact HAZ-4: 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, Create a Significant Hazard to the Public or the Environment**

#### **Construction and Operations**

##### **All Build Alternatives**

The environmental records search conducted for the proposed project's Phase I ESA did not identify any sites on the Cortese List, as identified in Government Code § 65962.5, within the study area. *No impact* would occur.

##### **Mitigation Measures**

No mitigation is required.

### **Impact HAZ-5: 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, Result in a Safety Hazard or Excessive Noise for People Residing or Working in the Project Area**

#### **Construction and Operations**

##### **All Build Alternatives**

The project site is not within 2 miles of an airport or within an Airport Land Use Compatibility Plan's airport influence area. *No impact* would occur.

##### **Mitigation Measures**

No mitigation is required.

### **Impact HAZ-6: Impair Implementation of or Physically Interfere with an Adopted Emergency Response Plan or Emergency Evacuation Plan**

#### **Construction**

##### **All Build Alternatives**

Construction of the proposed project would result in construction-related lane closures that could temporarily interfere with the emergency response actions described in the *Marin Operational Area Emergency Operations Plan*, *Marin County Operational Area ERP*, and/or the *San Rafael LHMP* in the vicinity of the project area. The potential of construction to interfere with the emergency response actions outlined in these plans would be temporary and intermittent. As described in Chapter 2, Project Description, a Traffic Control Plan would be implemented to minimize obstructions at all major thoroughfares, which would help to ensure continued emergency access to the project area and nearby properties. The Traffic Control Plan would include provisions for construction truck marshaling to prevent congestion from construction traffic and associated impacts on emergency

services on roads leading to and from the project area. As necessary, this plan would include detours and provisions for clear signage, including for emergency vehicles to use during emergency response. A *less-than-significant* impact would occur.

## Operations

### All Build Alternatives

Operation of the new transit center would not impair or physically interfere with the *Marin Operational Area Emergency Operations Plan*, *Marin County Operational Area ERP*, and/or the *San Rafael LHMP*, as the proposed project would be required to comply with applicable regulations and adopted plans as a part of the City's project approval process. Additionally, operation of the proposed project would not increase susceptibility to the emergency events discussed in these plans and would not change Marin County's or the City's ability to activate emergency response actions for the emergency events described in these plans. The Golden Gate Bridge, Highway and Transportation District's *Emergency Operations Plan* would be updated to include the new facility. This plan is intended to provide direction and guidance for use in response to and recovery from emergency events and identifies coordination processes with relevant emergency management agencies (Golden Gate Bridge, Highway and Transportation District 2019). See Section 3.13, *Public Services and Recreation*, for a discussion of the potential impacts on public services, including emergency services. A *less-than-significant* impact would occur.

### Mitigation Measures

No mitigation is required.

## **Impact HAZ-7: Expose People or Structures, Either Directly or Indirectly, to a Significant Risk of Loss, Injury or Death Involving Wildland Fires**

The project area is not within a Very High Fire Hazard Severity Zone (CAL FIRE 2020). The project area is within a fully developed area of San Rafael. Therefore, potential impacts associated with exposure of 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, would be *less than significant*. Impacts related to wildfires are discussed further in Section 3.17, *Wildfire*.