

## 4.11 HAZARDOUS MATERIALS AND PUBLIC HEALTH

This section describes the potential impacts of the Resources Building Replacement Project related to hazardous materials and public health. The evaluation provided in this section is based on review of the Phase I environmental site assessment (ESA) completed for the project site by the Sanberg Group (Appendix J).

### 4.11.1 Regulatory Background

#### FEDERAL PLANS, POLICIES, REGULATIONS, AND LAWS

##### Management of Hazardous Materials

Federal laws require planning to ensure that hazardous materials are properly handled, used, stored, and disposed of, and if such materials are accidentally released, to prevent or mitigate injury to health or the environment. The U.S. Environmental Protection Agency (EPA) is the agency primarily responsible for enforcement and implementation of federal laws and regulations pertaining to hazardous materials. Applicable federal regulations pertaining to hazardous materials are primarily contained in CFR Titles 29, 40, and 49. Hazardous materials, as defined in the Code, are listed in 49 CFR 172.101. Management of hazardous materials is governed by the following laws.

- ▲ The Toxic Substances Control Act of 1976 (15 United States Code [USC] Section 2601 et seq.) regulates the manufacturing, inventory, and disposition of industrial chemicals, including hazardous materials. Section 403 of the Toxic Substances Control Act establishes standards for lead-based paint hazards in paint, dust, and soil.
- ▲ The Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.) is the law under which EPA regulates hazardous waste from the time the waste is generated until its final disposal (“cradle to grave”).
- ▲ The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (also called the Superfund Act or CERCLA) (42 USC 9601 et seq.) gives EPA authority to seek out parties responsible for releases of hazardous substances and ensure their cooperation in site remediation.
- ▲ The Superfund Amendments and Reauthorization Act (SARA) of 1986 (Public Law 99-499; USC Title 42, Chapter 116), also known as SARA Title III or the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), imposes hazardous materials planning requirements to help protect local communities in the event of accidental release.
- ▲ The Spill Prevention, Control, and Countermeasure (SPCC) rule includes requirements for oil spill prevention, preparedness, and response to prevent oil discharges to navigable waters and adjoining shorelines. The rule requires specific facilities to prepare, amend, and implement SPCC Plans. The SPCC rule is part of the Oil Pollution Prevention regulation, which also includes the Facility Response Plan rule.

##### Transport of Hazardous Materials

The U.S. Department of Transportation regulates transport of hazardous materials between states and is responsible for protecting the public from dangers associated with such transport. The federal hazardous materials transportation law, 49 USC 5101 et seq. (formerly the Hazardous Materials Transportation Act 49 USC 1801 et seq.) is the basic statute regulating transport of hazardous materials in the United States. Hazardous materials regulations are enforced by the Federal Highway Administration, the U.S. Coast Guard, the Federal Railroad Administration, and the Federal Aviation Administration.

## Worker Safety

The federal Occupational Safety and Health Administration (OSHA) is the agency responsible for assuring worker safety in the handling and use of chemicals identified in the Occupational Safety and Health Act of 1970 (Public Law 91-596, 9 USC 651 et seq.). OSHA has adopted numerous regulations pertaining to worker safety, contained in CFR Title 29. These regulations set standards for safe workplaces and work practices, including standards relating to the handling of hazardous materials and those required for excavation and trenching.

## STATE PLANS, POLICIES, REGULATIONS, AND LAWS

### Management of Hazardous Materials

In California, both federal and state community right-to-know laws are coordinated through the Governor's Office of Emergency Services (Cal OES). The federal law, SARA Title III or EPCRA, described above, encourages and supports emergency planning efforts at the state and local levels and to provide local governments and the public with information about potential chemical hazards in their communities. Because of the community right-to-know laws, information is collected from facilities that handle (e.g., produce, use, store) hazardous materials above certain quantities. The provisions of EPCRA apply to four major categories:

- ▲ emergency planning,
- ▲ emergency release notification,
- ▲ reporting of hazardous chemical storage, and
- ▲ inventory of toxic chemical releases.

Information gathered in these four categories helps federal, state, and local agencies and communities understand the chemical hazards in a particular location or area and what chemicals individual facilities are using, storing, or producing onsite.

The corresponding state law is Chapter 6.95 of the California Health and Safety Code (Hazardous Materials Release Response Plans and Inventory). Under this law, businesses within the project site would be required to prepare a Hazardous Materials Business Plan, which would include hazardous materials and hazardous waste management procedures and emergency response procedures, including emergency spill cleanup supplies and equipment. At such time as the applicant begins to use hazardous materials at levels that reach applicable state and/or federal thresholds, the plan is submitted to the administering agency.

The California Department of Toxic Substances Control (DTSC), a division of the California Environmental Protection Agency (Cal/EPA), has primary regulatory responsibility over hazardous materials in California, working in conjunction with EPA to enforce and implement hazardous materials laws and regulations. As required by Section 65962.5 of the California Government Code, DTSC maintains a hazardous waste and substances site list for the State, known as the Cortese List. Individual regional water quality control boards (RWQCBs) are the lead agencies responsible for identifying, monitoring, and overseeing cleanup of leaking underground storage tanks (USTs). The Central Valley RWQCB has jurisdiction over the project site.

### Transport of Hazardous Materials and Hazardous Materials Emergency Response Plan

The State of California has adopted U.S. Department of Transportation regulations for the movement of hazardous materials originating within the state and passing through the state; state regulations are contained in 26 California Code of Regulations (CCR). State agencies with primary responsibility for enforcing state regulations and responding to hazardous materials transportation emergencies are the California Highway Patrol (CHP) and the California Department of Transportation (Caltrans). Together, these agencies determine container types used and license hazardous waste haulers to transport hazardous waste on public roads.

California has developed an emergency response plan to coordinate emergency services provided by federal, state, and local governments and private agencies. Response to hazardous materials incidents is one part of the plan. The plan is managed by the Governor's Office of Emergency Services, which coordinates the responses of other agencies in the project area.

### **Management of Construction Activities**

Through the Porter-Cologne Water Quality Act and the National Pollution Discharge Elimination System (NPDES) program, RWQCBs have the authority to require proper management of hazardous materials during project construction. For a detailed description of the Porter-Cologne Water Quality Act, the NPDES program, and the role of the Central Valley RWQCB, see Section 4.10, "Hydrology and Water Quality."

The State Water Board adopted the statewide NPDES General Permit in August 1999. The state requires that projects disturbing more than one acre of land during construction file a Notice of Intent with the RWQCB to be covered under this permit. Construction activities subject to the General Permit include clearing, grading, stockpiling, and excavation. Dischargers are required to eliminate or reduce non-stormwater discharges to storm sewer systems and other waters. A stormwater pollution prevention plan (SWPPP) must be developed and implemented for each site covered by the permit. The SWPPP must include best management practices (BMPs) designed to prevent construction pollutants from contacting stormwater and keep products of erosion from moving off-site into receiving waters throughout the construction and life of the project; the BMPs must address source control and, if necessary, pollutant control.

### **Worker Safety**

The California Occupational Safety and Health Administration (Cal/OSHA) assumes primary responsibility for developing and enforcing workplace safety regulations within the state. Cal/OSHA standards are typically more stringent than federal OSHA regulations and are presented in Title 8 of the CCR. Cal/OSHA conducts onsite evaluations and issues notices of violation to enforce necessary improvements to health and safety practices.

Title 8 of the CCR also includes regulations that provide for worker safety when blasting and explosives are utilized during construction activities. These regulations identify licensing, safety, storage, and transportation requirements related to the use of explosives in construction.

## **LOCAL PLANS, POLICIES, REGULATIONS, AND LAWS**

The Resources Building Replacement Project is located on State-owned property, has been authorized and funded by the State of California through the State Projects Infrastructure Fund (SPIF), and would be implemented by the California Department of General Services (DGS). As explained in Section 4.2 "Land Use" of this DEIR, under Section 4.2.1 "Local Plans, Policies, Regulations, and Laws," State agencies are not subject to local plans, policies, and zoning regulations. Nevertheless, in the exercise of its discretion, DGS does reference, describe, and address local plans, policies, and regulations that are applicable to the project. This evaluation is also intended to be used by local agencies for determining, as part of their permit processes, the project's consistency with local plans, policies, and regulations.

### **County of Sacramento**

The County of Sacramento enforces State regulations governing hazardous substance generators; hazardous substance storage; and the inspection, enforcement, and removals of USTs in both the City of Sacramento and Sacramento County. The county Hazardous Materials Division (HMD) regulates the storage, use, and disposal of hazardous materials in Sacramento County by issuing permits, monitoring regulatory compliance, and investigating complaints. HMD oversees remediation of certain contaminated sites resulting from leaking USTs, reviews technical aspects of cleanup of hazardous-substance sites, and provides assistance to public and private operations seeking to minimize the generation of hazardous substances.

## City of Sacramento 2035 General Plan

The following goal and policies from the Sacramento 2035 General Plan Health and Safety Element of the City of Sacramento General Plan pertain to hazardous materials and are relevant to the project:

**Goal PHS 3.1 Reduce Exposure to Hazardous Materials and Waste.** Protect and maintain the safety of residents, businesses, and visitors by reducing, and where possible, eliminating exposure to hazardous materials and waste.

- ▲ **PHS 3.1.1 Investigate Sites for Contamination.** The City shall ensure buildings and sites are investigated for the presence of hazardous materials and/or waste contamination before development for which City discretionary approval is required. The City shall ensure appropriate measures are taken to protect the health and safety of all possible users and adjacent properties.
- ▲ **PHS 3.1.2 Hazardous Material Contamination Management Plan.** The City shall require that property owners of known contaminated sites work with Sacramento County, the State, and/or Federal agencies to develop and implement a plan to investigate and manage sites that contain or have the potential to contain hazardous materials contamination that may present an adverse human health or environmental risk.
- ▲ **PHS 3.1.4 Transportation Routes.** The City shall restrict transport of hazardous materials within Sacramento to designated routes.

## City of Sacramento Department of Utilities

The City of Sacramento regulates the discharge of groundwater to the City's sewer and separated drainage systems. The City's Department of Utilities Engineering Services Resolution No. 92-439 requires approval of a Memorandum of Understanding (MOU) for long-term (greater than 30 days), and an approval letter for short term (less than 30 days), groundwater dewatering discharges to the City's sewer and/or separated drainage system. The MOU must cover proposed dewatering details such as flow rate, system design, and contaminant monitoring plan. Discharges to the sewer must meet the Sacramento Regional County Sanitation District (SRCSD) and RWQCB-approved levels. Dischargers to the sewer must obtain a SRCSD discharge permit. Discharges to the separated drainage system will require approval from RWQCB.

## City of Sacramento Hazardous Materials Program

The City's Hazardous Materials Program (HazMat) provides capability for response to hazardous material emergencies. HazMat contains a minimum of 108 firefighters trained to the Hazardous Materials Response level and includes three Hazardous Materials Response Teams and one Decontamination Team. Under a contractual agreement, HazMat provides 24-hour first response to hazardous materials incidents within the City of Sacramento.

## City of Sacramento Emergency Operations Plan

The City of Sacramento Emergency Operations Plan (EOP), published in April 2005, provides safeguards to minimize loss of life and property damage during natural disasters and emergencies of national defense. The EOP establishes an Emergency Management Organization and assigns functions and tasks in accordance with California's Standardized Emergency Management System. The EOP provides guidance as to disaster response from the initial onset through the cost recovery process. It includes policies, responsibilities, and procedures necessary to protect human health and safety, public and private property, and the environment from the effects of natural and anthropogenic disasters and emergencies. The EOP outlines the specific emergency-related responsibilities of City agencies. For example, the City of Sacramento Police Department is responsible for implementing emergency evacuations, including traffic control plans, while the City of Sacramento Fire Department is the first responder for hazardous materials incidents (City of Sacramento 2005).

## City of Sacramento Evacuation Plan

The City of Sacramento Evacuation Plan (2008) provides evacuation-specific strategy and information to support and guide the City's Emergency Managers, Emergency Operations Center staff, and other governmental and non-governmental agencies that would be involved with an evacuation event in the City. Therefore, the Evacuation Plan serves as an amendment to the EOP. Flooding is considered the primary threat that would invoke an evacuation in Sacramento. Therefore, much of the Evacuation Plan is dedicated to procedures to be followed in the event of a flood emergency. However, the associated strategy and plan details apply to other hazards, as well. The City of Sacramento Fire Department maintains updated records of the emergency response and evacuation routes for the City (City of Sacramento 2008).

## Sacramento Metropolitan Air Quality Management District

The proposed project would be subject to Sacramento Metropolitan Air Quality Management District Rule 902 for asbestos abatement; 8 CCR Sections 1529 and 1532.1 (construction safety orders pertaining to asbestos and lead, respectively); and CFR Part 61, Subpart M (pertaining to asbestos). These regulations govern the specific methods to be used for removal of asbestos and lead-based paint, and specify workplace safety measures that must be used to protect the health of construction workers during the removal process.

### 4.11.2 Existing Conditions

For purposes of this section, the term "hazardous materials" refers to both hazardous substances and hazardous wastes. A "hazardous material" is defined in the Code of Federal Regulations (CFR) as "a substance or material that ... is capable of posing an unreasonable risk to health, safety, and property when transported in commerce" (49 CFR 171.8). California Health and Safety Code Section 25501 defines a hazardous material 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 which 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.

"Hazardous wastes" are defined in California Health and Safety Code Section 25141(b) as wastes that:

... because of their quantity, concentration, or physical, chemical, or infectious characteristics, [may either] cause, or significantly contribute to an increase in mortality or an increase in serious illness [or] pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

According to the Phase I ESA prepared for the project site, there are no records in various hazardous materials databases of past soil or groundwater contamination at the project site.

The P Street Block is paved with asphaltic concrete and used as a parking lot. The surface is moderately weathered but appears in good condition. Miscellaneous oil spots are present but not atypical for such use. The Heilbron House, due to its age, may contain hazardous materials such as asbestos in building materials, lead in paints, polychlorinated biphenyls (PCB), or mercury-containing fluorescent lamps, thermostats, or switches.

The proposed child-care facility to be placed on the rooftop plaza of the Subterranean Building just north of the P Street Block (see Chapter 3, "Project Description") would not result in disturbance to the interior of the building and nor would it require ground-disturbing activities.

### 4.11.3 Environmental Impacts and Mitigation Measures

#### ANALYSIS METHODOLOGY

The following reports document potential hazardous conditions at the potential project sites and were reviewed for this analysis:

- ▲ materials prepared by the Master Architect team for the Resources Building Replacement Project;
- ▲ available literature, including documents published by federal, State, County, and City agencies;
- ▲ review of applicable elements from the City of Sacramento General Plan; and
- ▲ Phase I Environmental Site Assessment for the Resources Building Replacement Project, prepared by Sanberg (2017); refer to Appendix J.

Activities proposed as part of the project were evaluated against the hazardous materials information gathered from the above sources to determine whether any risks to public health and safety or other conflicts would occur.

#### THRESHOLDS OF SIGNIFICANCE

An impact related to hazardous materials and public health is considered significant if implementation of the project would do any of the following:

- ▲ 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; or
- ▲ 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 create a significant hazard to the public or the environment.

#### ISSUES OR POTENTIAL IMPACTS NOT DISCUSSED FURTHER

The nearest school to the project site is William Land Elementary School in the Sacramento City Unified School District and approximately 0.5-mile southwest of the project site. There are no schools within one-quarter mile, as identified in the threshold of significance above. There are several day-care/child-care centers within one-quarter mile of the project site. Many of these are located within State owned office buildings and facilities. California Government Code Section 4560-4563 calls for, under certain circumstances, the provision of space for child-care facilities in State office buildings. Although some materials qualifying as hazardous may be used in an office building setting (e.g., cleaners, lubricants for mechanical equipment), these materials, used in this context, are not incompatible with nearby day-care/child-care facilities. The issue of the project emitting hazardous emissions or resulting in the handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school is not evaluated further in this DEIR.

The project site is not on a list of hazardous-materials sites compiled pursuant to Government Code Section 65962.5 (Cortese List) (CalEPA 2017). Therefore, this issue is not evaluated further.

The project site is not located within an airport land use plan or within two miles of a public airport or public use airport, or within the vicinity of a private airstrip, and would not result in an aviation related safety hazard for people residing or working in the project area. Therefore, this issue is not evaluated further.

The project site is in downtown Sacramento, an urban area that includes office buildings; apartments, high-rise condominiums, and other residences; parks; restaurants, and shops. The project site is not adjacent to or intermixed with wildlands. Therefore, the project would not expose people or structures to significant risk due to wildland fires and this issue is not evaluated further.

For evaluation of potential dewatering activities during construction, see Section 4.10, "Hydrology and Water Quality," Impact 4.10-1.

## ENVIRONMENTAL IMPACTS

### Impact 4.11-1: Storage, use, or transport of hazardous materials

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Implementation of the Resources Building Replacement Project would involve the storage, use, and transport of hazardous materials at the project site. However, use of hazardous materials would be in compliance with local, State, and federal regulations. Therefore, adverse impacts related to the creation of significant hazards to the public through routine transport, storage, use, disposal, and risk of upset would not occur. This impact is considered **less than significant**.

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Project construction and operation would involve the temporary storage, use, and transport of hazardous materials (e.g., fuels, lubricants, paint) during construction activities. Transportation of hazardous materials on area roadways is regulated by the California Highway Patrol and Caltrans, whereas use of these materials is regulated by DTSC, as outlined in CCR Title 22. The State would be required to use, store, and transport hazardous materials in compliance with local, State, and federal regulations during construction. Any use of hazardous materials after construction would be required to comply with appropriate regulatory agency standards designed to avoid releases of hazardous materials. Because construction and operation of the proposed project would comply with existing hazardous materials regulations, impacts related to creation of significant hazards to the public through routine transport, use, disposal, and risk of upset would not occur. Therefore, this impact would be **less than significant**.

### Mitigation Measures

No mitigation is required.

### Impact 4.11-2: Exposure of construction workers and others to hazardous materials

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According to the Phase I ESA prepared for the project site, there are no records in various hazardous materials databases of past soil or groundwater contamination at the site. Grading, excavation, and other soil disturbance at the project site would not represent a significant risk. Demolition of the parking lot could result in the exposure of construction workers to hazardous materials. Contractors and the State would be required to comply with federal, State, and local regulations intended to protect workers and the public from exposure to hazardous materials and related to the remediation and disposal of contaminated materials. Compliance with these regulations would prevent the proposed project from resulting in a significant risk to construction workers or the public. This impact would be **less than significant**.

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Development of the project site would involve site grading, excavation for utilities, dewatering of open trenches, backfilling, and construction of the new building and associated facilities. According to the Phase I ESA prepared for the project site, there are no records in various hazardous materials databases of past soil or groundwater contamination at the site. Because no evidence of soil and groundwater contamination were found in database searches or during a site visit conducted during preparation of the Phase I ESA, it is highly unlikely that existing hazardous materials would be encountered during these activities. Contractors and the

State would be required to comply with federal, State, and local regulations related to the remediation and disposal of any yet-unknown contaminated materials encountered during construction, and regulations pertaining to worker safety. The State must coordinate with various agencies regarding appropriate methods to address the any contamination found at the project site. The project includes repairs and minor rehabilitation to the exterior of the Heilbron House, such as repainting and replacement of missing trim. If such activities involve asbestos-, lead-, and PCB-containing materials, all remediation, containment, or removal of such materials would follow all regulatory requirements and standards. Any disposal of hazardous materials would occur in a manner consistent with applicable regulations and at an appropriate off-site disposal facility. In addition, the County HMD shall be notified if evidence of previously undiscovered soil or groundwater contamination (e.g., stained soil, odorous groundwater) is encountered during excavation and dewatering activities. Also, as addressed in Impact 4.10-1 of this DEIR, the SWPPP would include a dewatering plan, which would establish measures to treat any groundwater pumped from the construction site prior to release.

Remediation and disposal of any identified hazardous materials would be implemented in accordance federal, State, and local laws and regulations intended to protect workers and the public from exposure to hazardous materials. Compliance with these laws and regulations would be achieved, in part, through direct coordination with applicable regulatory agencies. Compliance with existing regulations would prevent the implementation of the proposed project from resulting in a significant risk to construction workers or the public from exposure to hazardous materials. This impact would be **less than significant**.

### Mitigation Measures

No mitigation is required.

### Impact 4.11-3: Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan

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During construction, the project could result in temporary lane or street closures, which could affect emergency access and evacuation routes. DGS shall prepare a construction traffic control plan, consistent with Section 12.20.20 of the Sacramento City Code, which would minimize construction impacts related to potential interference with emergency response or evacuation. In addition, the project site is located within a downtown street grid, and there are various alternative routes available to access the project site and nearby locations. This impact would be **less than significant**.

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The easement for the alley through the center of the P Street Block would be abandoned for construction of the office building. However, the project would maintain the existing public rights-of-way around the P Street Block and the Subterranean Building. Therefore, project operation would not alter emergency response or evacuation.

During construction, it may be necessary to restrict or redirect pedestrian, bicycle, or vehicular movements around the site to accommodate demolition, material hauling, construction, staging, and modifications to existing infrastructure. Such restrictions could include lane closures, lane narrowing, and detours, which would be temporary. Because of the light rail line on O Street, potential lane restrictions or closures would be more likely to affect 7<sup>th</sup>, 8<sup>th</sup>, and P Streets. Vehicular, pedestrian, and bicycle access to apartments, offices, and other uses (such as Capital Athletic Club) on 7<sup>th</sup>, 8<sup>th</sup>, and P Street would be maintained. In addition, the project site is located within a downtown street grid, and there are various alternative routes available to access the project site and nearby locations if there are access disruptions on these roads.

DGS would prepare a construction traffic control plan, consistent with Section 12.20.20 of the Sacramento City Code, that illustrates the location of the proposed work area; identifies the location of areas where the public right-of-way would be closed or obstructed and the placement of traffic control devices necessary to perform the work; shows the proposed phases of traffic control; and identifies the time periods when the traffic control would be in effect and the time periods when work would prohibit access to private property from a public right-of-way. The plan may be modified by the City at any time to eliminate or avoid traffic

conditions that are hazardous to the safety of the public. The traffic control plan would also provide information on access for emergency vehicles to prevent interference with emergency response.

Preparation of the required traffic control plan and compliance with the plan would minimize construction impacts related to interference with emergency response or evacuation. This impact would be **less than significant**.

### **Mitigation Measures**

No mitigation is required.

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