4.8 HAZARDS AND HAZARDOUS MATERIALS

This section describes the existing hazards and hazardous materials conditions of the project site, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the Cypress Point project (proposed project) in the City of Oceanside (City). The following analysis is based on the Phase I and Limited Phase II Environmental Site Assessment that was prepared for the proposed project by Leighton and Associates, Inc. in August 2020, and is incorporated by reference herein. The Phase I and Limited Phase II Environmental Site Assessment is included as Appendix J to this EIR.

4.8.1 Existing Conditions

Hazardous Materials Definition

The term "hazardous materials" refers to both hazardous substances and hazardous wastes. Under federal and state laws, materials, including wastes, may be considered hazardous if they are specifically listed by statute as such or if they exhibit one of the following four characteristics: toxicity (causes adverse human health effects), ignitability (has the ability to burn), corrosivity (causes severe burns or damage to materials), or reactivity (can react violently, explode, or generate vapors). The term "hazardous material" is defined in law as any material that, because of quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment (California Health and Safety Code, Section 25501[o]).

In some cases, past industrial or commercial activities may have resulted in spills or leaks of hazardous materials, resulting in soil and/or groundwater contamination. Excavated soils having concentrations of certain contaminants, such as lead, gasoline, or industrial solvents, that are higher than certain acceptable levels must be managed, treated, transported, and/or disposed of as a hazardous waste. The California Code of Regulations (CCR), Title 22, Sections 66261.10 through 66261.24, contains technical descriptions of characteristics that would cause a soil to be designated a hazardous waste.

Federal and state laws require that hazardous materials be specially managed. California regulations are compliant with federal regulations and in most cases, are more stringent. Regulations also govern the management of potentially hazardous building materials, such as asbestos-containing materials, lead-based paint, and polychlorinated biphenyls (PCBs) during demolition activities that could potentially disturb existing building materials.

Historic Property Uses

Historically, the project site has been vacant and undeveloped since at least 1938. The project site was then used for agricultural purposes from 1953 through the 1970s. Since the 1970s the project site has been vacant, undeveloped land. Adjacent parcels to the east and south were graded for development in the 1970s, resulting in some grading or earthwork activities on the project site. The project site, and the properties to the north and west, remained vacant and undeveloped.

Currently the 7.3-acre project site is vacant, undeveloped land, with drainage swales located along the southern boundary and across the northern portion of the project site. The project site has two observation wells and one gate valve/air pressure valve. These two groundwater monitoring wells were drilled by the San Diego County Water Authority and the City of Oceanside, respectively. Additionally, one gate valve/air pressure valve was also observed adjacent to the central-western property line and appears to be off-site. If the wells are unused, the wells may be considered abandoned. Abandon wells should be permanently destroyed per State of California and County of San Diego Department of Environmental Health requirements. Per County guidance, these wells must be properly destroyed by a C57 licensed well driller under the County's Department of Environmental Health and Quality (DEHQ) permit, prior to any grading or construction on the project site. The gate valves/air pressure valves may need to be relocated/abandoned in accordance with the local agency's codes.

The project site is located in a residential land use area, with the nearest existing residence located approximately 50 feet from the project site at its nearest point to the south and east. Land to the north and west consist of naturally vegetated land and the San Luis Rey River.

Hazardous Material Sites

Based on a review of hazardous material databases (see Section 4.8.2, Regulatory Setting, below), hazardous materials may currently be or previously have been stored and used at numerous facilities and locations within the project vicinity for a variety of purposes. Some of these facilities within the area may have experienced unauthorized releases into soil or groundwater, and these releases may or may not have been reported to the appropriate agency or agencies.

A search of the State Water Resources Control Board (SWRCB) GeoTracker and the Department of Toxic Substances Control (DTSC) EnviroStor databases revealed that there are no hazardous sites within a 0.5-mile radius of the project site. The nearest listed site is 0.8 miles away and is characterized as "completed-case closed", which means it does not represent an environmental concern.

Site Reconnaissance

On July 9, 2020, a representative of Leighton conducted a reconnaissance-level assessment of the project site was completed to assess the potential for on-site releases of hazardous materials and petroleum products. The site reconnaissance consisted of the observation and documentation of existing site conditions and nature of the neighboring property development within 0.25 mile of the project site. As described above, two observation wells and one gate valve/air pressure valves were identified along the eastern site boundary. Additionally, one gate valve/air pressure valve was also observed adjacent to the central-western property line and appears to be off-site. Drainage swales were identified along the southern boundary and across the northern portion of the project site, and miscellaneous soil and household debris were observed along the eastern site boundary. Site reconnaissance photos are included as an appendix to Appendix J of this EIR.

On July 20, 2020, Leighton personnel advanced eight hand auger borings (HA-1 through HA-8) to a maximum depth of 1.5 feet below ground surface (bgs) at the project site. Soil samples were collected from each of the hand auger boring locations at 0.5 and 1.5 feet bgs. A total of 16 soil samples were collected from the eight hand auger borings across the project site and analyzed for OCPs by EPA Method 8081A and arsenic by EPA Method 6010B. Both OCPs and arsenic were detected from the soil samples; however, OCPs were below the U.S. EPA Regional Screening Levels (RSLs) for residential soil, and detected arsenic was below the DTSC Southern California Regional Background Concentration for residential soil. No RECs, HRECs, or CRECs were identified.

Sensitive Receptors

Preschools, schools, daycare centers, nursing homes, and hospitals are considered sensitive receptors for hazardous material issues because children and the elderly are more susceptible than adults to the effects of many hazardous materials. There are no sensitive receptors within a 0.25-mile radius of the project site.

Airports

The nearest public airport to the project site is the Oceanside Municipal Airport, located approximately 1.5 miles southwest of the project site. According to the Oceanside Municipal Airport Land Use Compatibility Plan (ALUCP), the southern portion of the project site is within the Airport Overflight Notification Area (ALUC 2010).

Wildfires

Both the State of California and County of San Diego map the Fire Hazard Severity Zones (FHSZs) within San Diego County. According to the California Department of Forestry and Fire Protection (CAL FIRE), the FHSZs are based on an evaluation of fire history, existing and potential duel,

flame length, blowing embers, terrain, weather, and the likelihood of buildings igniting. The proposed project is within a Local Responsibility Area (LRA) unzoned Fire Hazard Severity Zone, also referred to as "non-very high fire hazard severity zone" (CAL FIRE 2009). Therefore, the project site has a low potential for risk of wildfire hazards.

Evacuation Routes

The City of Oceanside General Plan Public Safety Element includes evacuation routes for people who are forced from their homes during a disaster. The main through streets and highways within the city would be the primary relocation routes, and schools would serve as refuge centers capable of providing food and shelter (City of Oceanside 2002). El Camino Real and California State Route 76 are the nearest evacuation routes to the project site.

4.8.2 Regulatory Setting

Federal

Hazardous Materials Transportation Act

The U.S. Department of Transportation regulates hazardous materials transportation under Title 49 of the United States Code (U.S.C.). State agencies with primary responsibility for enforcing federal and state regulations and responding to hazardous materials transportation emergencies are the California Highway Patrol and the California Department of Transportation. These agencies also govern permitting for hazardous materials transportation. Title 49 CFR reflects laws passed by Congress as of January 2, 2006.

Federal Toxic Substances Control Act and Resources Conservation and Recovery Act

The Federal Toxic Substances Control Act of 1976 (15 U.S.C. 2601-2697) and the Resource Conservation and Recovery Act (RCRA) of 1976 (42 U.S.C. 6901-6992) established a program administered by the U.S. Environmental Protection Agency (EPA) for regulation of the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA was amended in 1984 by the Hazardous and Solid Waste Act (PL 98-616), which affirmed and extended the "cradle-to-grave" system of regulating hazardous wastes. The use of certain techniques for the disposal of some hazardous wastes was specifically prohibited by the Hazardous and Solid Waste Act. Under the authority of RCRA, the regulatory framework for managing hazardous waste, including requirements for entities that generate, store, transport, treat, and dispose of hazardous waste is found in 40 CFR, Parts 260-299.

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA; U.S.C.9601-9675), commonly known as "Superfund", was enacted by Congress on December 11, 1980. This law provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA established requirements concerning closed and abandoned hazardous waste sites, provided for liability of persons responsible for releases of hazardous waste at these sites, and established a trust fund to provide for cleanup when no responsible party could be identified. CERCLA also enabled the revision of the National Contingency Plan. The National Contingency Plan provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants.

International Fire Code

The International Fire Code (IFC; ICC 2020), created by the International Code Council (ICC), is the primary means for authorizing and enforcing procedures and mechanisms to ensure the safe handling and storage of any substance that may pose a threat to public health and safety. The IFC regulates the use, handling, and storage requirements for hazardous materials at fixed facilities. The IFC and the International Building Code (IBC) use a hazard classification system to determine what protective measures are required to protect life safety in relation to fire. These measures may include construction standards, separations from property lines, and specialized equipment. To ensure that these safety measures are met, the IFC employs a permit system based on hazard classification. The IFC is updated every 3 years, with the most recent edition being from 2021.

Federal Aviation Administration Functions

The Federal Aviation Administration (FAA) has primary responsibility for the safety of civil aviation. The FAA's major functions regarding hazards include the following: (1) developing and operating a common system of air traffic control and navigation for both civil and military aircraft, (2) developing and implementing programs to control aircraft noise and other environmental effects of civil aviation, (3) regulating U.S. commercial space transportation, and (4) conducting reviews to determine the safety of persons and property on the ground are protected.

Federal Response Plan

The Federal Response Plan of 1999 (FEMA 1999) is a signed agreement among 27 federal departments and agencies, including the America Red Cross, that (1) provides the mechanism for coordinating delivery of federal assistance and resources to augment efforts of state and local governments overwhelmed by a major disaster or emergency; (2) supports implementation of the Robert T. Stafford Disaster Relief and Emergency Act, as well as individual agency statutory

authorities; and (3) supplements other federal emergency operations plans developed to address specific hazards. The Federal Response Plan is implemented in anticipation of a significant event likely to result in a need for federal assistance or in response to an actual event requiring federal assistance under a presidential declaration of a major disaster or emergency.

State

California Occupational Safety and Health Administration

The California Occupational Safety and Health Administration (CalOSHA) is the primary agency responsible for worker safety in the handling and use of chemicals in the workplace. CalOSHA standards are generally more stringent than federal regulations. The employer is required to monitor worker exposure to listed hazardous substances and notify workers of exposure (8 CCR 330 et seq.). The regulations specify requirements for employee training, availability of safety equipment, accident prevention programs, and hazardous substance exposure warnings.

California Hazardous Waste Control Act

The Department of Toxic Substances Control is responsible for the enforcement of 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 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. While the Hazardous Waste Control Act is generally more stringent than RCRA, until the EPA approves the California hazardous waste control program (which is charges with regulating the generation, treatment, storage, and disposal of hazardous waste), both the state and federal laws apply in California. The Hazardous Waste Control Act lists 791 chemicals and approximately 300 common materials that may be hazardous; establishes criteria for identifying, packaging, and labeling hazardous wastes; prescribes management controls; establishes permit requirements for treatment, storage, disposal, and transportation; and identifies some wastes that cannot be disposed of in landfills.

According to 22 CCR 66001 et seq., substances having a characteristic of toxicity, ignitability, corrosivity, or reactivity are considered hazardous waste. Hazardous wastes are hazardous substances that no longer have a practical use, such as material that has been abandoned, discarded, spilled, contaminated, or are being stored prior to proper disposal.

Toxic substances may cause short-term or long-lasting health effects ranging from temporary effects to permanent disability or death. For example, toxic substances can cause eye or skin irritation, disorientation, headache, nausea, allergic reactions, acute poisoning, chronic illness, or other adverse

health effects if human exposure exceeds certain levels (the level depends on the substance involved). Carcinogens (substances known to cause cancer) are a special class of toxic substances. Examples of toxic substances include most heavy metals, pesticides, and benzene (a carcinogenic component of gasoline). Ignitable substances (e.g., gasoline, hexane, and natural gas) are hazardous because of their flammable properties. Corrosive substances (e.g., strong acids and bases such as sulfuric (battery) acid or lye) are chemically active and can damage other materials or cause severe burns upon contact. Reactive substances (e.g., explosives, pressurized canisters, and pure sodium metal, which react violently with water) may cause explosions or generate gases or fumes.

Other types of hazardous materials include radioactive and biohazardous materials. Radioactive materials and wastes contain radioisotopes, which are atoms with unstable nuclei that emit ionizing radiation to increase their stability. Radioactive waste mixed with chemical hazardous waste is referred to as "mixed wastes". Biohazardous materials and wastes include anything derived from living organisms. They may be contained with disease-causing agents, such as bacteria or viruses (22 CCR 66261.1 et seq.).

Cortese List

Government Code Section 65962.5, commonly referred to as the Cortese List, was originally enacted in 1985. Provisions set forth in Section 65962.5 require that the Department of Toxic Substances Control compile and update a list of the following:

- All hazardous waste facilities subject to corrective action
- All land designated as hazardous waste property or border zone property
- All information received by the Department of Toxic Substances Control on hazardous wastes disposals on public lands
- All sites listed pursuant to Section 25356 of the Health and Safety Code (hazardous substance release sites)
- All sites included in the Abandoned Site Assessment Program

California Accidental Release Prevention Program

Similar to the EPA Risk Management Program, the California Accidental Release Prevention (CalARP) Program (19 CCR 2735.1 et seq.) regulates facilities that use or store regulated substances, such as toxic or flammable chemicals, in quantities that exceed established thresholds. The overall purpose of CalARP is to prevent accidental releases of regulated substances and reduce the severity of releases that may occur. The CalARP Program meets the requirements of the EPA Risk Management Program, which was established pursuant to the Clean Air Act amendments.

California Health and Safety Code

In California, the handling and storage of hazardous materials is regulated by Division 20, Chapter 6.95, of the California Health and Safety Code (Section 25500 et seq.). Under Sections 25500-25543.3, facilities handling hazardous materials are required to prepare a hazardous materials business plan. Hazardous materials business plans contain basic information about the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of in the state.

Chapter 6.95 of the Health and Safety Code establishes minimum statewide standards for Hazardous Materials Business Plans. Each business shall prepare a Hazardous Materials Business Plan if that business uses, handles, or stores a hazardous material (including hazardous waste) or an extremely hazardous material in disclosable quantities greater than or equal to the following:

- 500 pounds of a solid substance
- 55 gallons of a liquid
- 200 cubic feet of compressed gas
- A hazardous compressed gas in any amount (highly toxic with a Threshold Limit Value of 10 parts per million or less)
- Extremely hazardous substances in threshold planning quantities (California Health and Safety Code, Section 25503.5).

In addition, in the event that a facility stores quantity of specific acutely hazardous materials above a threshold set forth by California code, facilities are also required to prepare a risk management plan and California accidental release prevention plan. The risk management plan and accidental release prevention plan provides information about the potential impact zone of a worst-case release and require plans and programs designed to minimize the probability of a release and mitigate potential impacts.

California Fire Code

The California Fire Code (CFC) is Chapter 9 of Title 24 of the CCR. It was created by the California Building Standards Commission, and it is based on the IFC created by the ICC. It is the primary means for authorizing and enforcing procedures and mechanisms to ensure the safe handling and storage of any substance that may pose a threat to public health and safety. The CFC regulates the use, handling, and storage requirements for hazardous materials at fixed facilities. The CFC and the California Building Code use a hazard classification system to determine what protective measures are required to protect fire and life safety. These measures may include construction standards, separations from property lines, and specialized equipment.

To ensure that these safety measures are met, the CFC employs a permit system based on hazard classification. The CFC is updated every 3 years.

California Emergency Services Act

Under the Emergency Services Act (California Government Code, Section 8550 et seq.), the State of California developed an emergency response plan to coordinate emergency services provided by federal, state, and local agencies. Rapid response to incidents involving hazardous materials or hazardous waste is an integral part of the plan, which is administered by the Governor's Office of Emergency Services. The Office of Emergency Services coordinates the responses of other agencies, including the EPA, California Highway Patrol, Regional Water Quality Control Boards (RWQCBs), air quality management districts, and county disaster response offices.

Regional Water Quality Control Board (RWQCB)

The RWQCB implements the California Water Code which regulates water discharges to land. If a discharge of waste threatens a water of the state, a report waste discharge or an application for a waiver of a report of waste discharge must be filed with the RWQCB. The RWQCB accomplishes its permitting responsibility by issuing either a general or site-specific permit (Waste Discharge Permit) or a waiver of a permit.

Local

San Diego County Emergency Plan

The San Diego County Emergency Plan is a comprehensive emergency management system that provides for a planned response to disaster situations associated with natural disasters, technological incidents and nuclear defense operations. The Plan includes operational concepts relating to various emergency situations, identifies components of the Emergency Management Organization and describes the overall responsibilities for protecting life and property and assuring the overall well-being of the population. The plan also identifies the source of outside support that might be provided (through mutual aid and specific statutory authorities) by other jurisdictions, state and federal agencies and the private sector.

San Diego County Multi-Jurisdictional Hazard Mitigation Plan

The San Diego County Multi-Jurisdictional Hazard Mitigation Plan was prepared in July 2010 to meet federal and state requirements for disaster preparedness to make the county eligible for funding and technical assistance from state and federal hazard mitigation programs. The plan includes a risk assessment to enable local jurisdictions to identify and prioritize appropriate mitigation actions that will reduce losses from potential hazards, including flooding, earthquakes,

fires, and man-made hazards. To address potential hazards, the plan then incorporates mitigation goals and objectives, mitigation actions and priorities, an implementation plan, and documentation of the mitigation planning process for each of the twenty-one participating jurisdictions, including the City of Oceanside.

California Disaster and Civil Defense Master Mutual Aid Agreement

As provided for in the California Emergency Services Act, this agreement was developed in 1950 and adopted by all 58 California counties. This statewide mutual aid system is designed to ensure that adequate resources, facilities, and other support is provided to jurisdictions whenever their own resources prove to be inadequate to cope with a given situation. San Diego County is located in Mutual Aid Region 6 of the state system, which also includes Imperial, Riverside, San Bernardino, Inyo, and Mono counties.

Oceanside Municipal Airport Land Use Compatibility Plan

The San Diego County Regional Airport Authority develops and adopts Airport Land Use Compatibility Plans (ALUCPs) for each public use and military airport within its jurisdiction. The Oceanside Municipal ALUCP, as amended in December 2010, provides policies to ensure compatibility with the airport and surrounding land uses. These policies span various topics including noise, overflight zones, and safety. The ALUCP is based upon the FAA approved Airport Layout Plan.

City of Oceanside General Plan

State of California Law requires that each city prepare and adopt an approved General Plan that provides comprehensive, long-term guidance for the City's future. General Plans are also required to contain specific elements regarding different areas of planning. Relevant elements are as follows:

Hazardous Waste Management Element

The Hazardous Waste Management Element serves as primary guidelines for policies as they relate to effective management of hazardous materials within the City of Oceanside's influence. This element emphasizes policies that minimize hazardous waste within the City and contains siting criteria for specified hazardous waste facilities.

Public Safety Element

The Public Safety Element identifies hazards, such as earthquakes, fires, and tsunamis, and provides guidance for proper mitigation measures, such as evacuation routes, to ensure safety. Along with long range policies regarding seismic, flooding, and fire hazards, this element also includes a Public Safety Plan. The Public Safety Plan includes maps of indicating areas that have increased susceptibility to these hazards and relocation routes during emergency evacuations.

4.8.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to hazards and hazardous materials are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to hazards would occur if the proposed project would:

1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
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.
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
4. 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 the environment.
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, would the project result in a safety hazard or excessive noise for people residing or working in the project area.
6. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
7. Expose people or structures, either directly or indirectly, to a significant risk or loss, injury or death involving wildland fires.

4.8.4 Impacts Analysis

The impact analysis herein is based on the findings of the Phase I and Limited Phase II ESA prepared for the project (Appendix J). The purpose of the Phase I ESA was to identify, to the extent feasible and pursuant to the processes prescribed in ASTM International (ASTM) E1527-13,

recognized environmental conditions (RECs)[1], historical RECs (HRECs)[2], or controlled RECs (CRECs)[3] in connection with the project site.

Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Construction

Construction activities would entail routine transport of materials potentially hazardous to humans, wildlife, and sensitive environments. These materials include gasoline oil, solvents, cleaners, paint, and various other liquids and materials required for the operation of construction equipment. Direct impacts to human health and biological resources from transport, use, or disposal of these materials could occur as a result of project construction. However, existing federal and state standards are in place for the handling, storage, and transport of these materials and would be implemented during construction of the proposed project. These regulations include the Federal Chemical Accident Prevention Provisions (Part 68 of the Code of Federal Regulations); California Highway Patrol and California Department of Transportation container and licensing requirements for transportation of hazardous waste on public roads; the International Fire Code; the Resource Conservation and Recovery Act of 1976 as amended by the Hazardous and Solid Waste Amendments of 1984; California's Hazardous Waste Control Law; the California Fire Code; California Health and Safety Code Hazardous Materials Release Response Plans and Inventory; the California Integrated Waste Management Act; regulations developed by California Occupations Safety and Health Administration; and the state Hazardous Waste Control Act.

Additionally, standard best management practices included in the SWPPP required of the proposed project by the Construction General Permit (see Chapter 4.9, Hydrology and Water Quality), and associated hazardous materials handling protocols would be prepared and implemented to ensure the safe storage, handling, transport, use, and disposal of all hazardous materials during the construction phase of the proposed project. Therefore, potential impacts related to the routine transport, use, or disposal of hazardous materials during project construction is determined to be **less than significant**.

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1 RECs are defined, according to ASTM E1527-13 as: The presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any 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. De minimis conditions are not RECs (Appendix J).

2 HRECs are defined, according to ASTM E1527-13 as: A past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls.

3 CRECs are defined, according to ASTM E1527-13 as: A REC resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls.

Operations

Residential uses are not typically associated with the transport, use, or disposal of hazardous materials. Household goods used by residential homes that contain toxic substances are usually low in concentration and small in amount. Therefore, there is no significant risk to humans or the environment from the use of such household goods. Residents are required to dispose of household hazardous waste, including pesticides, batteries, old paint, solvents, used oil, antifreeze, and other chemicals, at a Household Hazardous Waste Collection Facility. Also, as of February 2006, fluorescent lamps, batteries, and mercury thermostats can no longer be disposed in the trash. Furthermore, the transport, use, and disposal of hazardous materials are fully regulated by the EPA, State of California, San Diego County, and/or the City. With mandatory regulatory compliance, potential hazardous materials impacts associated with long-term operation of the project would be **less than significant**.

Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Construction

As described above, construction of a residential development on the project site would entail transport, use, or disposal of potentially hazardous materials including but not limited to, diesel fuel, gasoline, equipment fluids, concrete, cleaning solutions and solvents, lubricant oils, adhesives, human waste, and chemical toilets. Spill or upset of these materials could have the potential to significantly impact surrounding land uses; however, federal, state, and local controls have been enacted to reduce the effects of such potential hazardous materials spills. The Oceanside Fire Department enforces city, state, and federal hazardous materials regulations for the City. City regulations include spill mitigation, and containment and securing of hazardous materials containers to prevent spills. Compliance with these requirements is mandatory as standard permitting conditions and would minimize the potential for the accidental release or upset of hazardous materials, thus ensuring public safety. Therefore, compliance with the above requirements such as Cal/OSHA requirements, the Hazardous Waste Control Act, CalARP Program, and the California Health and Safety Code would ensure potential impacts related to the release of hazardous materials would be **less than significant**.

Operations

As stated above, residential uses are not typically associated with the transport, use, or disposal of hazardous materials. Residents are required to dispose of household hazardous waste at a Household Hazardous Waste Collection Facility. In addition, operations would be required to comply with EPA, State of California, San Diego County, and/or the City regulations pertaining to household wastes.

With mandatory regulatory compliance, potential hazardous materials accidental release impacts associated with long-term operation of the project would be **less than significant**.

Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

The project site is not located within 0.25 mile of an existing or proposed school. Foussat Elementary School is within 0.5 mile, located northeast of the proposed project location. As stated above, residential uses are not typically associated with the transport, use, or disposal of hazardous materials. Construction activities would comply with the above requirements such as Cal/OSHA requirements, the Hazardous Waste Control Act, CalARP Program, and the California Health and Safety Code. Compliance with these requirements is mandatory and would minimize the potential for the accidental release of hazardous materials; therefore, impacts to schools as a result of project implementation is determined to be **less than significant**.

Would the project 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 the environment?

The Phase I and Limited Phase II ESAs (Appendix J) has revealed no evidence of recognized environmental conditions (RECs), historical RECs (HRECs), or controlled RECs (CRECs) in connection with the property with the exception of the following:

- Agricultural uses on the site from 1953 to 1967, which is a potential REC for the Site.

Based on the findings of the Phase I ESA, a Limited Phase II ESA (Appendix J) was prepared due to the site's historical use for agricultural purposes, which may have potentially contaminated soils with OCPs and/or arsenic. The Phase II ESA analyzed soil samples and the results indicate one of 16 samples detected organochlorine pesticides (OCPs), but the concentration was far below the U.S. EPA Regional Screen level for residential soil. Arsenic was detected in 4 of 16 samples, with the maximum concentration detected being below the DTSC's Southern California Regional Background Concentration for residential soil. The results of the soil samples determined that no significant risks or hazards are anticipated due to the concentrations of chemicals detected during this investigation.

Additionally, the project site was not identified on the "Cortese" Hazardous Waste and Substances Sites List (Cortese)/Historical Cortese (HIST Cortese) databases (Appendix J). The Phase I and Limited Phase II ESAs prepared for the project site determined that the site does not warrant listing. Therefore, implementation of the proposed project would result in **less than significant** impacts related to hazardous materials sites.

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?

The nearest airports are the Oceanside Municipal Airport, located approximately 1.2 miles southwest of the proposed project, and the McClellan-Palomar Airport, located approximately 8 miles southeast of the proposed project. The project is located outside of the safety zones for both airports (ALUC 2010).

The project is located within the north area of Review Area 2 for the Oceanside Municipal Airport (ALUC 2010). Review Area 2 consists of locations beyond Review Area 1 but within the airspace protection and/or notification overflight areas. Limits on the heights of structures, particularly in areas of high terrain, are the only restrictions on land uses within Review Area 2 and the proposed building height does not conflict with these restrictions. As a new residential project in this area, an airport overflight notification would be required to be provided to future residents as part of standard City conditions. The project would be constructed in compliance with requirements of the Airport Land Use Commission for Oceanside Municipal Airport. Therefore, although the project is located within two miles of a public airport, impacts related to an airport safety hazard or excessive airport noise is determined to be **less than significant**.

Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The adopted emergency plans applicable to the project area consists of the Multi- Jurisdictional Hazard Mitigation Plan for San Diego County (County of San Diego 2018a) the San Diego County Emergency Operations Plan (County of San Diego 2018b) and the City's Emergency Operations Plan (City of Oceanside 2016). In addition, the City has developed a tsunami evacuation map (City of Oceanside n.d.a).

The Multi-hazard Mitigation Plan is a countywide plan that identifies risks and ways to minimize damage by natural and manmade disasters. The plan is a comprehensive resource document that serves many purposes such as enhancing public awareness, 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. The project would not impair implementation of the Multi-hazard Mitigation Plan.

The 2016 Emergency Operations Plan was adopted by City Council on March 15, 2017. The City's Emergency Operations Plan describes a comprehensive emergency management system which provides for a planned response to disaster situations associated with natural disasters, technological incidents, terrorism and nuclear-related incidents. It delineates operational concepts relating to various emergency situations, identifies components of the Emergency Management

Organization, and describes the overall responsibilities for protecting life and property and assuring the overall well-being of the population. The plan also identifies the sources of outside support which might be provided (through mutual aid and specific statutory authorities) by other jurisdictions, state and federal agencies and the private sector.

As discussed in Chapter 4.9, Hydrology and Water Quality, the coast of the City is within a tsunami inundation area. As a part of the City's Emergency Operations Plan, the City developed a tsunami evacuation map (City of Oceanside n.d.a). This City map shows the project site located outside of the tsunami evacuation area for the City. Evacuation routes shown on the tsunami evacuation map (City of Oceanside n.d.a), and the project would not interfere with any evacuation routes identified on the tsunami evacuation map. As the project is not within the identified evacuation area and is not near any roads used for evacuation routes, the project would not impede implementation of this plan or the associated tsunami evacuation plan.

The proposed project would provide two access points for emergency responders: one entrance from the south of the site via Los Arbolitos Boulevard (from El Camino Real), and one from the east of the site via Aspen Street. The proposed project would not require the full closure of any public or private streets or roadways during construction or operations and would not impede access of emergency vehicles to the project or any surrounding areas. During the proposed sidewalk improvements to Aspen Street, including extending the curb, gutter, and sidewalk on both sides of the street leading to the project site with ADA-accessible corner curbs, the project would implement a traffic control plan to ensure continued access through the area. This traffic control plan is a standard City requirement and a condition of approval required for projects that involve improvements with within a right-of-way or access easement and would be subject to approval by the City Traffic Engineer. Further, the project would provide all required emergency access in accordance with the requirements of the Oceanside Fire Department, as detailed in Chapters 4.13 Public Services and 4.15 Traffic and Circulation.

Overall, the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Therefore, impacts are determined to be **less than significant**.

Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

According to the California Department of Forestry and Fire Protection's (CAL FIRE's) Very High Fire Hazard Severity Zones in LRA (Local Responsibility Area) map, the project site is not located within or adjacent to a Very High Fire Hazard Severity Zone (CAL FIRE 2009). The project site is located within an urbanized and developed area of the City. Although the project site borders the San Luis Rey River, this wildland is not in an area where there is risk for wildfire.

Therefore, impacts are determined to be **less than significant**. Please refer to Chapters 4.13 Public Services and 4.18 Wildfire, of this EIR, for a detailed discussion on fire service and wildfire risk.

4.8.5 Mitigation Measures

No impacts to hazards and hazardous materials were identified; thus, no mitigation measures are required.

4.8.6 Level of Significance After Mitigation

As discussed above, the project site is currently undeveloped and is not listed on any hazardous materials sites/databases. Furthermore, construction and operation of a residential development on the project site is not expected to result in the transport, release, or disposal of any significant hazardous materials. No impacts to hazards and hazardous materials were identified; thus, no mitigation measures are required. Impacts related to hazards and hazardous materials would be **less than significant**.

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