

4.8 HAZARDS/HAZARDOUS MATERIALS

4.8.1 Setting

The Project Site encompasses approximately 1,994 acres located in the central northern portion of unincorporated San Benito County. The Project Site is located approximately three miles southwest of the City of Hollister, approximately 3.5 miles southeast of the City of San Juan Bautista and approximately 1.0 mile south of State Route 156 (SR 156), and 0.25 mile west of the San Justo Reservoir (see Section 2.0, *Project Description*, Figure 2-1 and Figure 2-2).

a. General Hazards Associated with Current and Historical Uses.

Historic Land Use. Review of historical records indicates that the Project Site is mostly undeveloped land that has primarily been used for grazing since 1921. Agricultural use at the Project Site has included row crop production, an olive tree orchard, dryland farming, irrigated pasture, and grazing. However, the portions of the site proposed for residential and commercial development have not historically been farmed with row crops or orchards.

Existing Site Conditions. A portion (approximately 262 acres) of the Project Site currently consists of the San Juan Oaks Golf Club, which includes an 18-hole golf course, clubhouse, driving range and support structures. Currently, approximately 1,502 acres of the Project Site is used for agricultural activities. This includes approximately 1,131 acres of grazing land (75% of total agricultural land); approximately 315 acres (21%) of dryland farming; and approximately 56 acres (4%) of row crops, which is limited to the organic olive orchard near Union Road (approximately 13 acres) and row crops east of San Juan Oaks Drive (approximately 43 acres). The Project Site has a cattle corral located along the central northern boundary; rolling hillsides along the southern boundary; and a protected wetlands area in the northwestern corner. Three seasonal drainage channels, typically trending north-to-south, extend from the southern hillsides.

A Phase I environmental site assessment (ESA) was prepared for the Project Site by ENGEO in February 2013 (see Appendix F). The ESA included a site reconnaissance, a regulatory records review, standard historical sources, aerial photographs, fire insurance maps, physical setting sources, and findings regarding the potential presence of any recognized environmental conditions (RECs) at the Project Site. As defined by the American Society for Testing and Materials (ASTM), a REC is "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; 3) under conditions that pose a material threat of a future release to the environment". As discussed more fully in the Phase I ESA (attached as Appendix F to this SEIR) and in this section, the Phase I ESA found no written documentation or other evidence of hazardous materials violations or discharge on the areas to be disturbed by development within the Project Site (ENGEO, 2013).

b. Hazards Associated with Adjacent Land Uses. Agricultural land in the form of row crops is located directly north and west of the Project Site. In addition, areas of undeveloped land, grazing land, and irrigated pasture and dry-farming, are located to the north, south, east and west of the Project Site, as described further below.



There are also existing and historic industrial operations located to the east of the Project Site, which involve the use of hazardous materials. Specifically, the potential hazards associated with these as well as the other adjacent land uses are described below. Table 4.8-1 lists the potential hazardous sites identified in the EDR searches for the Project Site and surrounding areas.

As shown in Table 4.8-1 below, the EDR reports did not find any listed contaminated sites within the boundaries of the Project Site. As further noted in Table 4.8-1 above, the study identified six sites within one mile of the Project Site. Four of the six sites are located at the same address (3601 Union Road), located approximately one mile northeast of the Project Site near the intersection of San Juan Oaks Road and Union Road. For purposes of this SEIR, these four sites shall be collectively referred to herein as the “Teledyne Site”.

**Table 4.8-1
EDR Summary of Sites on or Near the Project Site**

Site Name	Site Description	Site Address	Distance from Project Site (Approx.)	Database Reference¹
Teledyne McCormick Selph	Explosives manufacturing and testing facility; treatment and storage of hazardous waste generated by explosives	3601 Union Road (entire facility, Treatment Storage Unit 1 - Burn Unit/Detonation Pit)	400 feet east of the northern portion of the site along San Juan Oaks Rd	CERC-NFRAP, CORRACTS, RCRA-TSDF, RCRA-LQG, US FIN ASSUR, 2020 COR ACTION, CA WDS, CA NPDES, CA WMUDS/SWAT, CA FID UST, CA SLIC, CA HIST UST, NY MANIFEST, CA SWEEPS UST, CA ENF, CA ENVIROSTOR, CA HWP
Special Devices Inc.	Hazardous waste handler; non-generator	3601 Union Road	400 feet east of the northern portion of the site along San Juan Oaks Rd	RCRA NonGen/NLR, US MINES, FINDS, CA HAZNET
Hollister RCRA Pond Closure	Facility that treats and/or disposes of liquid or semisolid waste produced as part of the industrial /manufacturing process; hazardous/influent or solid waste that contain toxic, corrosive, ignitable or reactive substances and must be managed according to applicable DOHS standards	3601 Union Road	400 feet east of the northern portion of the site along San Juan Oaks Rd	CA WMUDS/SWAT
Rancho San Justo	Cattle Ranch	4800 San Juan Canyon Road	150 feet southeast of the site's southwestern leg along San Juan Canyon Road	CA HIST UST, CA SWEEPS UST



**Table 4.8-1
EDR Summary of Sites on or Near the Project Site**

Site Name	Site Description	Site Address	Distance from Project Site (Approx.)	Database Reference ¹
Pacific Materials	Performs chemical analysis, energetic materials synthesis, inert and explosive device assembly, linear formed explosives, electronic and laser fabrication assembly	3601 Union Road	400 feet east of the northern portion of the site along San Juan Oaks Rd	CA AST
Perfection Auto Body & Paint	Auto body shop	778 Hillside Road	1200 feet south of the southern corner of the site	EDR PROPRIETARY RECORDS

Sources: EDR, 2012 and 2014.

Notes:

- The following is a key to the databases of hazardous materials listed in Table 4.8-1:
2020 COR ACTION–2020 Corrective Action Program List
CA AST– California Aboveground Storage Tank
CA ENF - California Enforcement Action Listing
CA ENVIROSTOR– California EnviroStor Database
CA FID UST– California Facility Inventory Database
CA HAZNET– California Facility and Manifest Data
CA HIST UST– California Hazardous Substance Storage Container Database
CA HWP– California EnviroStor Permitted Facilities Listing
CA NPDES– California NPDES Permits Listing
CA SLIC– California Statewide SLIC Cases
CA SWEEPS UST– California SWEEPS Underground Storage Tank Listing
CA WDS– California Waste Discharge System
CA WMUDS/SWAT– California Waste Management Unit Database
CERC-NFRAP– CERCLIS No Further Remedial Action Planned
CORRACTS– Corrective Action Report
FINDS– Facility Index System/Facility Registry System
NY MANIFEST– Facility and Manifest Data
RCRA-LQG – RCRA - Large Quantity Generators
RCRA-TSDF– RCRA – Treatment, Storage and Disposal
RCRA NonGen/NLR– RCRA – Non Generators
US FIN ASSUR– Financial Assurance Information
US MINES– Mines Master Index File

The Teledyne Site. The Teledyne Site contains approximately ten buildings used for administrative offices, assembly of electronics and explosives, and testing and research. However, for purposes of this SEIR analysis, the main operations of the Teledyne Site are the production of explosive material and specialty chemicals for industrial applications.

The USEPA 1989 Preliminary Assessment/Preliminary Review (PA) conducted in connection with this SEIR, identified twenty-three Solid Waste Management Units (SWMUs) on the Teledyne Site, which are defined as units where solid waste has been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. In July 1993, the California Department of Toxic Substances Control (DTSC) issued a permit to Teledyne authorizing the storage of hazardous waste in tanks and containers, treatment in surface impoundments and thermal treatment of explosive wastes. During a 1995 RCRA Facility Investigation, soil samples were collected and analyzed for lead at Treatment Storage Unit -1 (TSU-1), a permitted storage and treatment area for the deactivation of reactive chemicals by open burning which is located in the western portion of the Teledyne Site (California Department of Toxic Substances Control, 2008; Pacific Scientific, 2011). The results showed that lead concentrations in soil ranged from 4.4 to 15,000 milligram per kilogram (mg/kg). A site-



specific cleanup goal for lead of 5,285 mg/kg was established for this area within the Teledyne Site based on the risk to human health. Contaminated soil was excavated, at an approximate volume of 60 feet by 40 feet by 1.5 feet deep, and disposed off-site at a permitted facility. Following the removal of contaminated soil from TSU-1, annual sampling has demonstrated that this area is not contaminated with lead beyond the established standard for industrial facilities (Pacific Scientific, 2011).

In 1999, groundwater and soil investigations identified groundwater contamination by volatile organic compounds (VOCs) and perchlorate at several locations at the Teledyne Site. The sources of the contamination were not identified, but the highest concentrations of perchlorate appear to be in the vicinity of the former Thermal Destruction Facility. The former property owner, Teledyne, was required to conduct corrective actions for groundwater contaminated with VOCs and perchlorate under the oversight of Regional Water Quality Control Board (RWQCB) pursuant to a Corrective Action Plan (CAP) approved by the RWQCB on February 13, 2003. In February 2013, a separate Interim Action Work Plan was submitted for in-situ bioremediation, on behalf of the current owner of the site, TDY Industries, LLC, to treat perchlorate concentrations in the vicinity of the former Thermal Destruction Facility that exceed 1,000 micrograms per liter. Bioremediation in accordance with this plan would enhance natural microbial reduction of perchlorate by injecting a carbon substrate into the groundwater. This action is designed to mitigate continued down gradient migration of perchlorate from the source facility. According to an Annual Cleanup Status Report for this site from January 2014, remediation began in 2013 and is ongoing (TDY Industries, 2014a). According to this report, TDY Industries, LLC (the new owner of the Teledyne Site), plans to install additional injection wells until groundwater sampling confirms that perchlorate concentrations are below 1,000 micrograms per liter. Groundwater flow from the Teledyne Site is in the northwest direction, away from existing and proposed wells to the southwest on the Project Site (TDY Industries, 2014b).

Hollister RCRA Pond Closure, Special Devices Inc., and Pacific Scientific Energetic Materials Company, are also listed to be located at the Teledyne Site; each of these facilities generate and/or handle similar types of hazardous waste. In May 2006, DTSC issued a Hazardous Waste Facility Permit, authorizing four permitted treatment and storage units (DTSC, 2015). As of 2015, Pacific Scientific Energetic Materials Company (PSEMC) is the current owner and operator of the Teledyne Site (TDY Industries, 2014b). The Teledyne Site (including associated buildings) is still used for explosive ordnance material and specialty chemicals for industrial applications.

Hollister RCRA Pond Closure provides for the treatment and/or disposal of liquid or semi-solid waste produced as part of the industrial / manufacturing process, including hazardous/influent or solid waste that contain toxic, corrosive, ignitable or reactive substances, which must be managed according to applicable DOHS standards. According to the California Waste Management Unit Database, the Hollister RCRA Pond Closure is listed as a minor threat to water quality in the event of a violation of a regional board order, which would cause a relatively minor impairment of beneficial uses. However, to date, no violations have been reported. The Teledyne Site currently operates under RCRA Hazardous Waste Facility Permit 06-BRK-03, which expires on May 11, 2016 (DTSC, 2013). An inspection of the Teledyne Site on



January 12, 2015, to evaluate compliance with this RCRA permit found no violations (DTSC, 2015).

Special Devices Inc. is a hazardous waste handler (non-generator). According to the RCRA Non-Generators database, no violations have been found in connection with that portion of the Teledyne Site where Special Devices, Inc. is located (EDR, 2012).

Pacific Scientific Energetic Materials Company performs chemical analysis, energetic materials synthesis, inert and explosive device assembly, linear formed explosives, and electronic and laser fabrication assembly at this same site. This facility is listed as housing an approximately 3,800 gallon aboveground storage tank (AST). To date, no leaks at this facility have been identified (EDR, 2012).

The Rancho San Justo Site. Rancho San Justo is a cattle ranch, located at 4800 San Juan Canyon Road, approximately 150 feet southeast of the Project Site's southwestern boundary along San Juan Canyon Road. The ranch is listed in a database of historic USTs in California (HIST UST) as the location of an approximately 1,000-gallon underground storage tank (UST) containing leaded motor vehicle fuel (EDR, 2014). However, this listing does not indicate that leakage from UST has occurred, and the storage tank has not been listed in any database of leaking underground storage tanks (LUSTs). There is no indication that the UST has leaked or contaminated groundwater near the Project Site.

The Perfection Auto Body Site. Perfection Auto Body & Repair is an automobile repair and service station, located at 778 Hillside Road, approximately 1,200 feet south of the southern boundary of the Project Site. However, there have been no reported hazardous materials released at this location by this facility (EDR, 2012).

c. Other Potential Hazards. Other hazards that have the potential to impact the proposed Project are wildland fire hazards and hazardous materials transported on nearby roadways. These potential hazards are discussed more fully below. Section 4.9, *Hydrology and Water Quality*, discusses potential hazards related to dam failure and flooding.

Wildland Fire Hazards. Wildfires are large-scale brush and grass fires in undeveloped areas. Wildfires are often caused by human activities such as equipment use and smoking, and can result in loss of valuable wildlife habitat, soil erosion, and damage to life and property. The Project Site contains significant amounts of areas of open space and wildland areas, which pose potential fire hazard to on-site development and adjacent uses resulting from the Project.

The level of wildland fire risk is determined by a number of factors, including:

- *Frequency of critical fire weather;*
- *Percentage of slope;*
- *Existing fuel (vegetation, ground cover, building materials);*
- *Adequacy of access to fire suppression services; and*
- *Water supply and water pressure.*



The California Department of Forestry and Fire Protection (CAL FIRE) has mapped the relative wildfire risk in areas of large population by intersecting residential housing density with proximate fire threat. The CAL FIRE Fire Hazard Severity Zone map for state responsibility areas (SRAs)¹ in San Benito County (CAL FIRE, November 2007) shows three risk levels: moderate, high, and very high. According to this map, the Project Site falls within the Moderate to Very High range. CAL FIRE Fire Hazard Severity Zone map for local responsibility areas (LRAs)² in San Benito County (CAL FIRE, October 2007) shows the same three risk levels for the Project Site (i.e., Moderate to Very High range). The San Benito County Fire Safe Council prepared the Community Wildfire Protection Plan (May, 2010), which includes the San Benito County Fire Threat Rating map. This map classifies the fire threat on the Project Site as follows, depending upon location: little or no threat, moderate, and high.

Hazardous Materials Transport on Roadways. Portions of the Project Site border San Juan Oaks Drive and Union Road. Since known explosive manufacturing facilities (e.g., Pacific Scientific Energetic Materials Company on the Teledyne Site) and hazardous waste handling facilities (Special Devices Inc. on the Teledyne Site) are currently located along these roadways, it is likely that they are used for the transport of hazardous wastes and materials. Truck accidents could result in spills of such materials. However, all transport of hazardous materials are subject to federal, state, and local regulations put into place to minimize impacts, to the extent feasible, associated with the transportation of hazardous materials, as discussed further below.

d. Regulatory Setting. The management of hazardous materials and hazardous wastes is regulated at federal, state, and local levels, including, among others, through programs administered by the U.S. Environmental Protection Agency (USEPA); agencies within the California Environmental Protection Agency (CalEPA), such as DTSC; federal and state occupational safety agencies; and the San Benito County Environmental Health Division. Regulations pertaining to flood hazards are discussed in Section 4.9, *Hydrology and Water Quality*, and regulations for geologic and soil-related hazards are discussed in Section 4.6, *Geology and Soils*.

Definition of Hazardous Materials. 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. A hazardous material is defined in Title 22 of the California Code of Regulations as follows:

A substance or combination of substances which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may either (1) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (2) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of or otherwise managed. (California Code of Regulations, Title 22, Section 66261.10)

¹ SRA is a legal term defining the area where the State has financial responsibility for wildland fire protection. Incorporated cities and federal ownership are not included. The prevention and suppression of fires in all areas that are not SRAs are primarily the responsibility of local or federal agencies (Cal Fire, 2012).

² LRAs include incorporated cities, cultivated agriculture lands, and portions of the desert. LRA fire protection is typically provided by city fire departments, fire protection districts, counties, and by CAL FIRE under contract to local government (Cal Fire, 2012).



Chemical and physical properties cause a substance to be considered hazardous. Such properties include toxicity, ignitability, corrosivity, and reactivity. CCR, Title 22, Sections 66261.20-66261.24 defines the aforementioned properties. The release of hazardous materials into the environment could potentially contaminate soils, surface water, and groundwater supplies.

Federal. The Federal Toxic Substances Control Act (1976) and the Resource Conservation and Recovery Act of 1976 (RCRA) established a program administered by the EPA for the regulation of the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA was amended in 1984 by the Hazardous and Solid Waste Act (HSWA), which affirmed and extended the “cradle to grave” system of regulating hazardous wastes. Among other things, the use of certain techniques for the disposal of some hazardous wastes was specifically prohibited by HSWA.

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) was enacted in 1980 and amended by the Superfund Amendments and Reauthorization Act (SARA) in 1986. This law provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Among other things, 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 revision of the National Contingency Plan (NCP), which provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the National Priorities List (NPL).

State. The Department of Toxic Substances Control (DTSC), a department of the California EPA, is the primary agency in California that regulates hazardous waste, cleans up existing contamination, and looks for ways to reduce the hazardous waste produced in California. DTSC regulates hazardous waste in California primarily under the authority of RCRA and the California Health and Safety Code.

DTSC also administers the California Hazardous Waste Control Law (HWCL) to regulate hazardous wastes. While the HWCL is generally more stringent than RCRA, until the USEPA approves the California program, both state and federal laws apply in California. The HWCL 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.

Government Code Section 65962.5 requires the DTSC, the State Department of Health Services, the SWRCB, and CalRecycle to compile and annually update lists of hazardous waste sites and land designated as hazardous waste sites throughout the state. The Secretary for Environmental Protection consolidates the information submitted by these agencies and distributes it to each city and county where sites on the lists are located. Before the lead agency accepts an application for any development project as complete, the applicant must consult these lists to determine if the site at issue is included.



If any soil is excavated from a site containing hazardous materials, it would be considered a hazardous waste if it exceeded specific criteria in Title 22 of the California Code of Regulations. Remediation of hazardous wastes found at a site may be required if excavation of these materials is performed; it may also be required if certain other activities are proposed. Even if soil or groundwater at a contaminated site does not have the characteristics required to be defined as hazardous waste, remediation of the site may be required by regulatory agencies subject to jurisdictional authority. Cleanup requirements are determined on a case-by-case basis by the agency taking lead jurisdiction.

The State of California Public Resources Code Section 4291 requires that owners of property located within the responsibility area of CALFIRE create defensible spaces around structures where firefighters can provide protections during a wildfire (San Benito Fire Safe Council, 2010). CALFIRE guidelines for compliance with Section 4291 have been incorporated into the San Benito County Community Wildfire Protection Plan, which the County Board of Supervisors approved in 2010. According to these guidelines, a firebreak should be maintained by removing and clearing away all flammable vegetation and other combustible growth within 30 feet of each building or structure. Single specimens of trees or other vegetation may be retained if they are well-spaced, well-pruned, and not conducive to the spread of fire. At a distance of 30 to 100 feet from a structure, Section 4291 requires maintenance of a Reduced Fuel Zone with clearing treatments.

The State of California Food and Agricultural Code regulates the use of pesticides. Section 12972 requires that the use of pesticides not result in substantial drift to non-target areas. Section 12977 empowers the Agricultural Commissioner to enforce this provision. In addition, Section 12982 states that the local health officer shall investigate any health hazard from pesticide use and take necessary action, in cooperation with the Agricultural Commissioner, to abate the hazard.

Local.

Current Adopted San Benito County General Plan. Following are policies from the San Benito County General Plan (1985), Land Use Element, Open Space and Conservation Element, Seismic Safety Element, Safety Element and Transportation Element that are relevant to this analysis:

Land Use Element:

Policy 32 *Specific development sites shall be free from the hazards identified within the Open Space and Conservation Element Maps (e.g. faults, landslides, hillsides over 30% slope, flood plains). The site shall also be on soil suitable for building and maintaining well and septic systems (i.e. avoid impervious soils, high percolation or high groundwater areas, set back from creeks). Absent adequate mitigation, development shall not be located on environmentally sensitive lands (wetlands, erodable soil, archaeological resources, important plant and animal communities).*



Policy 33 Specific development sites shall avoid, when possible, locating in an environmentally sensitive area (wetlands, erodable soils, important plant and animal communities, archaeological resources).

Policy 36 The County should maintain high standards of siting and design in the development of all land uses. Standards and criteria shall be established by the County.

Open Space and Conservation Element:

Policy 35 Hazardous waste and waste source reduction. It is the policy of the County to implement the short-, mid-, and long-range goals and objectives outlined in the County of San Benito Final Source Reduction and Recycling Element and Household Hazardous Waste Element of 1992 or any future amendments.

Policy 36 Hazardous waste management plan. It is the policy of the County to implement the goals and objectives and policies of the San Benito County Hazardous Waste Management Plan, Volume I, July 1989.

Policy 37 Development policy for hazardous areas. It will be the policy of the County to limit densities in areas that are environmentally hazardous (fault, landslides/erosion, hillsides over 30% slope, flood plains) to levels that are acceptable for public health and safety for citizens and property. It is the County's policy to apply zoning categories, and scenic easements for the protection of environmentally hazardous or aesthetically valuable resources.

Policy 39 Restrict creation of new lots in hazardous areas. It is the policy of the County to prohibit new subdivision or lot-line adjustments that will create new lots located entirely within hazardous areas (slopes greater than or equal to 30%, 100-year flood plain, landslide/erosion hazard, fault zone).

Policy 41 Fire safety. New development will not be allowed where access is a fire safety risk.

Policy 42 Flood hazard. One of the County's prime responsibilities is for the health, safety, and welfare of its citizens and property. Because the County recognizes the inherent dangers of construction or development within a flood prone area, it shall be the County's policy to discourage development within areas identified as potential flood hazard areas. Furthermore, it is the County's policy to protect and preserve the 100-year flood plain on the most recent adopted FEMA maps or other maps as wetland resources, watersheds, and tributaries as natural resources for water supply, groundwater recharge, riparian habitat, and fishes.

Seismic Safety Element:

Policy 1 In general, urban expansion should be directed to areas of least risk from natural and man-made hazards.



Policy 3 The diversity of housing types within San Benito County should be evaluated with regard to suitable locations for high density housing. The location of buildings three stories and higher should be carefully examined in relation to ground shaking characteristics, potential for ground failure and other seismic hazards.

Safety Element:

Policy 1 Roads should be of adequate capacity for use in times of emergency.

Policy 3 It will be the County's policy to require that lands which are subdivided and developed in the future to residential or commercial uses be designed and constructed in such a manner that levels of "acceptable risk" identified in Appendix A of the Seismic Safety Element are not exceeded. It will be the County's further policy that these uses will supply adequate water for normal use and fire suppression. Roads which are suitable for safe passage for emergency vehicles, legible street name signs and two means of access to all parcels except on those with cul-de-sacs 600 feet or less.

Transportation Element:

Policy 11 Road development in hillside areas shall not exceed a 15% grade. Distances of no more than 400 feet would be allowed at grades up to 20%. Grades over 15% must have all weather surfaces such as asphalt or concrete.

Draft 2035 General Plan Update. The proposed (but not yet adopted) Draft 2035 General Plan Land Use Element, Circulation Element, Natural and Cultural Resources Element, and Health and Safety Element provide the following goals, policies and objectives pertaining to hazards and hazardous materials. Because the Draft 2035 General Plan Update has not yet been adopted by the Board of Supervisors, these policies are included for informational purposes only.

Land Use Element:

LU-1.8 Site Plan Environmental Content Requirements. The County shall require all submitted site plans, tentative maps, and parcel maps to depict all environmentally sensitive and hazardous areas, including: 100-year floodplains, fault zones, 30 percent or greater slopes, severe erosion hazards, fire hazards, wetlands, and riparian habitats.

LU-1.9 Airport Land Use Coordination and Consistency. The County shall coordinate planning and zoning with the San Benito County Airport Land Use Commission and ensure that all land uses and regulations within the Hollister and Frazier Airports areas of influence are consistent with the adopted San Benito County Airport Land Use Compatibility Plan.

LU-1.10 Development Site Suitability. The County shall encourage specific development sites to avoid natural and manmade hazards, including, but not limited to, active seismic faults, landslides, slopes greater than 30 percent, and floodplains.



Development sites shall also be on soil suitable for building and maintaining well and septic systems (i.e., avoid impervious soils, high percolation or high groundwater areas, and provide setbacks from creeks). The County shall require adequate mitigation for any development located on environmentally sensitive lands (e.g., wetlands, erodible soil, archaeological resources, important plant and animal communities).

- LU-4.3 *Residential Density Reductions. The County shall consider reducing the base density of a proposed residential development project if a combination of environmental hazards (e.g., fire, seismic, flooding, greater than 30 percent slope) and/or natural resources (e.g., sensitive habitat, wetlands) existing on the site, after consideration of the mitigations to be implemented to address those hazards, make higher densities less appropriate.*

Circulation Element:

- C-1.16 *Roads on Hillsides. The County shall require that new public and private roads on hillsides minimize visual impact by blending with natural landforms and by following the natural contours of the land as much as possible and that driveway access in hillside areas be consolidated where possible and limited to areas where adequate sight distance is available for all approaches.*
- C-1.17 *Grades on Hillsides. The County shall require that new roads on hillsides do not exceed a 15 percent grade. The County may allow grades on hillsides of up to 20 percent for distances of up to 400 feet. Grades over 15 percent must have all weather surfaces, such as asphalt or concrete.*
- C-1.19 *Avoid Hazardous Areas. The County shall ensure that road development is minimized in hazardous areas (e.g. faults, flood plains, landslide areas, fire hazard areas) and that, if a hazard is present within a planned road alignment, the planned alignment is modified to the extent feasible to avoid the hazard.*

Natural and Cultural Resources Element:

- NCR-8.3 *Grading within Scenic Corridors. The County shall review all projects involving grading within Scenic Corridors to protect valuable soil resources, preserve the natural environment, and avoid significant adverse impacts within scenic areas.*

Healthy and Safety Element:

- Goal HS-1 *To maintain the necessary level of fire, EMS, law enforcement, and disaster preparedness for the protection of the health, safety, and welfare of people living, working, and residing in San Benito County.*
- HS-1.4 *Maintain State of Readiness. The County shall maintain local law enforcement, fire, and health services in a state of readiness to insure adequate protection during a disaster for the citizens of San Benito County.*



- HS-1.7 *Multi-Hazard Mitigation Plan. The County shall develop, maintain, and implement a Multi-Hazard Mitigation Plan to address disasters such as earthquakes, flooding, dam or levee failure, hazardous material spills, epidemics, fires, extreme weather, major transportation accidents, and terrorism.*
- HS-1.11 *Road Capacity. The County shall require roads to be of adequate capacity for use in times of emergency.*
- HS-1.14 *Development Restrictions in High Risk Areas. The County shall discourage development in areas that may be more severely impacted by climate change, including areas at high risk of wildfire or flooding, unless proper design mitigation is included in the project.*
- HS-2.1 *Minimum Flood Protection. The County shall require a minimum 100-year flood protection for all new development in accordance with local, State, and Federal requirements to avoid or minimize the risk of flood damage.*
- HS-2.2 *Minimum Flood Protection. The County shall require a minimum 100-year flood protection for all new development in accordance with local, State, and Federal requirements to avoid or minimize the risk of flood damage.*
- Goal HS-4 *To minimize the risk of wildland and urban fire hazards.*
- HS-4.1 *Community Wildfire Protection Plan. The County shall maintain and implement the Community Wildfire Protection Plan as a mechanism for community input and identification of areas presenting high fire hazard risk.*
- HS-4.4 *Development in Fire Hazard Zones. The County shall require development in high fire-hazard areas to be designed and constructed in a manner that minimizes the risk from fire hazards and meets all applicable State and County fire standards.*
- HS-4.5 *Fire-Resistant Vegetation. The County shall require development in high fire-hazard areas to have fire-resistant vegetation, cleared fire breaks separating communities or clusters of structures from native vegetation, or a long-term comprehensive vegetation and fuel management program consistent with State codes 4290 and 4291 for wildland fire interface and vegetation management.*
- HS-4.6 *Clear Zones. The County shall encourage clear zones and weed abatement around new and existing residential structures in high-fire-hazard areas and assist property owners in identifying how clear zones should be maintained.*
- HS-5.2 *Sensitive Land Use Locations. The County shall ensure adequate distances between sensitive land uses and facilities or operations that may produce toxic or hazardous air pollutants or substantial odors.*
- Goal HS-6 *To safeguard and protect the health and safety of people, the environment, and personal property from the potential dangers associated with a hazardous materials release.*



- HS-6.1 *Hazardous Materials Storage and Disposal. The County shall require proper storage 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.*
- HS-6.2 *Hazardous Waste Management Plan. The County shall maintain and implement the Hazardous Waste Management Plan.*
- HS-6.3 *Consistency with Hazardous Waste Management Plan. The County shall ensure that all applicable land use decisions concerning zoning, subdivision, conditional use permits or variances granted for the operation or expansion of an off-site hazardous waste facility are consistent with the County Hazardous Waste Management Plan before approving a development application.*
- HS-6.5 *Transportation Routes. The County shall restrict transport of hazardous materials within San Benito County to designated routes.*
- HS-6.6 *Household Hazardous Waste Program. The County shall continue to sponsor household hazardous waste collection days to help residents lawfully dispose of household hazardous waste that is not accepted by the landfill.*
- HS-7.1 *Land Use Compatibility. The County shall prohibit land uses within unincorporated areas that interfere with the safe operation of aircraft or that would be exposed to hazards from the operation of aircraft.*
- HS-7.2 *Coordination with ALUC. The County shall coordinate with the ALUC on land use planning around airports and submit development proposals for land within the airport area of influence for review by the ALUC for consistency with the Airport Land Use Compatibility Plan.*
- HS-7.5 *Transmission Tower and Lines. The County shall review all proposed radio, television, power, or related transmission towers and lines for appropriate location and possible air travel conflicts during the discretionary application process.*

The consistency of the Project with applicable County General Plan and Draft 2035 General Plan Update goals, policies and objectives pertaining to hazards and hazardous materials, including key policies listed above, is evaluated in Section 4.10, *Land Use*. However, with respect to the Draft 2035 General Plan Update, because it has not been adopted as of the writing of this SEIR, this consistency analysis is provided for informational purposes only.

San Benito County Code of Ordinances. Several chapters of the San Benito County Code address hazards and hazardous materials, including the Hazardous Waste Facilities Consistency Ordinance (Title 11 [Public Health and Safety], Chapter 7 [Hazardous Substances]); the Flood Damage Prevention Ordinance (Title 19 [Land Use and Environmental Regulations], Chapter 15 [Flood Damage Prevention]); and the Subdivision Ordinance (Title 23 [Subdivision]).



The Hazardous Waste Facilities Consistency Ordinance (San Benito County Code, Title 11, Chapter 7), adopts by reference the relevant provisions of state law and the State Water Resources Control Board's associated regulations pertaining to the underground storage of hazardous substances and off-site hazardous waste facilities, and further requires consistency with the County's Hazardous Waste Management Plan. The San Benito County Environmental Health Division (SBCEHD) has been designated the lead agency for CUPA (Certified Unified Program Agency) for hazardous materials programs, pursuant to section 11.07.002 of the County Code, and acts as the single point of contact for issuance of permits at the local level. Site inspections of all hazardous materials programs (i.e., aboveground tanks and underground tanks, hazardous waste treatment, hazardous waste generators, hazardous materials management plans, etc.) are consolidated and accomplished by a single inspection. The program provides emergency response to chemical events to furnish substance identification; health and environment risk assessment; air, soil, water and waste sample collection; incident mitigation and cleanup feasibility options and on-scene coordination for state superfund incidents. The program also provides for the oversight, investigation and remediation of unauthorized releases from underground tanks.

Subdivision design standards and road standards, implementing the General Plan Policies identified above, are set forth in the Subdivision Ordinance (San Benito County Code of Ordinances, Title 23). Road standards applicable to minimizing on-site hazardous conditions and implementing the County's emergency response and evacuation plans, are set forth in Chapter 23.25 (Design Standards), section 23.25.009 (Streets); Chapter 23.27 (Fire Design Standards), section 23.27.004 (Standards); Chapter 23.29 (Road Standards); and Chapter 23.31 (Improvement Designs), Article II (Roadway Design Standards). Additionally, Chapter 23.31 (Improvement Designs), Article III (Storm Drainage Design Standards), implements General Plan policies pertaining to the prevention of flooding hazards. These standards focus on the 100-year design storm standard for the sizing of detention basins used to provide peak flow attenuation.

Additionally, the County of San Benito County Agricultural Commissioner regulates the use of pesticides for the production of food, as well as for structural and landscape uses, for the purpose of protecting public health and safety in the County (County of San Benito, Agriculture Programs, 2014). The Agricultural Commissioner requires that all pesticides be used pursuant to the manufacturers' instructions and that the pesticides are sprayed so as to prevent drift onto nearby properties. In addition, the Agricultural Commissioner's *Pesticide Use Compliance Guide for Employers and Businesses* restricts application of pesticides when there is a reasonable possibility of substantial drift to non-target areas or when application would contaminate public or private property, including the creation of a health hazard that prevents normal usage of that property. Regulations for some chemicals do not permit any human contact with the area sprayed until the chemical has dissipated down to acceptable levels. The re-entry periods (i.e., the period of time after which an employee may re-enter the area in which the chemical was applied) following application of the chemical are specified on the chemical label and by regulation. The Agricultural Commissioner's office requires that pesticide users strictly adhere to the chemical label and other applicable regulations. The Agricultural Commissioner's office also is responsible for issuing pesticide spraying permits and regulating the use of pesticides and other agricultural chemicals.



Chapter 21.01 (Building Regulations), Article II (California Building Standards Code) of the San Benito County Code also incorporates by reference the 2010 California Building Code, which includes requirements to improve fire safety for buildings in Fire Hazard Severity Zones. Pursuant to Chapter 7A (Materials and Construction Methods for Exterior Wildfire Exposure) in the 2010 California Building Code, buildings shall be constructed using noncombustible, fire-resistant, and ignition-resistant materials for roofing, exterior coverings, exterior windows and doors, and decking, and vents designed to resist ignition from the intrusion of burning embers and flame.

4.8.2 Previous Environmental Review

The 2003 *San Juan Oaks Golf Club General Plan Amendment/Zone Change/Vesting Tentative Subdivision Map EIR* (2003 EIR) examined the setting of the Project and the vicinity as it related to hazards and hazardous materials and the potential significant impacts resulting from development of the San Juan Oaks Golf Club General Plan Amendment/Zone Change/Vesting Tentative Subdivision Map Project. Although the 2003 EIR found that some quantities of pesticides, herbicides, and fertilizers would be stored and used at the site, it concluded that any such storage and use would be required to comply with applicable regulations to protect public health and safety. Additionally, the 2003 EIR found that, at that time, no releases of hazardous materials had occurred from properties located within one mile of the Project Site. Therefore, the 2003 EIR concluded that impacts related to hazardous material use and exposure would be less than significant. Additionally, the EIR identified that the Project Site was not located within ¼ mile of an existing or proposed school, and it was not located within two miles of public or private airport or land use plan. The 2003 EIR determined all potential impacts to be less than significant.

The 2003 San Juan Oaks Golf Club project included a General Plan Amendment/Zone Change/Vesting Tentative Tract Map. This previously approved project allowed for the development of 156 market rate residential units, 30 affordable units, a resort hotel, a village commercial site, a park, a permanent wildlife habitat/open space, an additional 18-hole golf course, and an additional nine-hole golf course. None of the previously approved uses have been constructed.

Although the 2003 EIR addressed hazards and hazardous materials impacts, substantial changes to the previously approved 2003 San Juan Oaks Golf Club project are proposed as part of the Del Webb at San Juan Oaks Specific Plan Project.

The development footprint of the 2003 San Juan Oaks Golf Club Project and the current proposed Project are substantially similar, as shown in Figure 1-1 in Section 1.0, *Introduction*. However, substantial changes to the previously approved 2003 San Juan Oaks Golf Club project are proposed as part of Del Webb at San Juan Oaks Specific Plan Project. Specifically, the Del Webb at San Juan Oaks Specific Plan project proposes to increase the previously approved overall impervious building area from approximately 193 acres to approximately 323 acres, increase the total number of residential dwellings from 186 single-family residential dwellings to 1,084 single-family residential dwellings, increase the neighborhood commercial area from approximately seven acres to approximately 14 acres, increase roadway areas from approximately 44 acres to approximately 88 acres, increase the permanent wildlife habitat/open



space from approximately 1,163 acres to approximately 1,243 acres, and develop an approximately ten-acre amenity center. In addition, the Project provides for the permanent preservation of approximately 153 acres of off-site prime agricultural land. Although the development footprint for these uses is substantially similar to the previous project, the proposed changes have the potential to substantially increase the severity of the previously identified impacts and trigger additional analysis under Public Resources Code Section 21166 and CEQA Guidelines Section 15162 with regard to hazards. Therefore, the following impact analysis has been prepared pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162 (a). In addition, the re-examination of hazards and hazardous materials is necessary because of the presence of new information provided in the Phase I ESA and EDR reports.

4.8.3 Impact Analysis.

a. Methodology and Significance Thresholds. Assessment of impacts is based on: 1) review of site information and conditions; 2) a review of the Project Site and vicinity that were evaluated in the Phase I ESA and two EDR reports, and 3) review of the San Benito County General Plan and other County information regarding hazards and hazardous materials issues.

The following thresholds are based on Appendix G of the *State CEQA Guidelines*. A significant impact regarding hazards and hazardous materials would occur if the proposed Project would result in any of the following conditions:

- 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 which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, 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 or public use airport, result in a safety hazard for people residing or working in the project area;*
- 6) *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area;*
- 7) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and/or*
- 8) *Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.*

The nearest school to the Project Site is San Benito High School, located over two miles to the northeast. Therefore, the Project would not affect an existing or proposed school within the designated range; accordingly, this SEIR does not evaluate this threshold further. Likewise, the Project Site is located more than four miles southwest of the Hollister Municipal Airport and



more than seven miles southeast of the Frazier Lake Airpark. There are no public airports or private airstrips within the Project vicinity. As such, the Project would not affect an airport land use plan or private airstrip; therefore, these thresholds are also not evaluated further in this SEIR.

The proposed Project also would not interfere with any existing emergency or evacuation plan since it would include new internal roadways and a secondary emergency vehicle access route. These components would improve emergency access to the site as well as evacuation routes from the site. Therefore, impacts related to emergency access would be less than significant.

Further discussion of these issues (threshold numbers 3, 5, 6, 7) can be found in Section 4.15, *Effects Found Not to Be Significant*. Impacts related to asbestos and lead based paint are discussed in Section 4.3, *Air Quality*.

b. Project Impacts and Mitigation Measures.

Impact HAZ-1 Development of the Project could pose health hazards to construction workers or future residents and occupants of the site, due to potential soil contamination from previous and ongoing uses involving the application of pesticides, herbicides, petroleum-based fuels, chlorinated solvents, or other chemicals. Impacts would be Class II, significant but mitigable. [Threshold numbers 1 and 4]

This analysis first covers the potential for on-site contamination from the historic and current use of chemicals, then identifies potential health hazards from exposure to such chemicals during construction and operation of the proposed Project, and lastly discusses regulations and design features in the Specific Plan that would reduce any hazards.

Sources of On-Site Contamination. Agricultural cultivation involving the application of pesticides or other chemicals can leave residual contaminants in soil and groundwater. The majority of the Project Site and surrounding land have been in agricultural use since the 1920s. According to the Phase I ESA, some crops have been cultivated on a portion of the Project Site over 20 years ago; however, the Project Site was primarily used for grazing, which would not have involved the use of agricultural chemicals. Furthermore, current agricultural use on the Project Site primarily involves grazing and dryland farming, although row crop production occurs on approximately 56 acres, approximately 13 acres of which are farmed organically and do not use pesticides (olive groves). As discussed above, the site reconnaissance and records review performed as part of the Phase I ESA did not find written documentation or physical evidence of soil or groundwater impairments associated with the historic use of that portion of the Project Site evaluated in the Phase I ESA; no RECs and no historical RECs were identified (ENGE0, 2013).

On adjacent properties, historic agricultural cultivation likely involved the application of pesticides or other chemicals routinely used in agricultural production. To detect potential spray drift from pesticide use on neighboring properties, 20 near-surface soil samples from the Project Site were collected in February 2013 and analyzed as part of the Phase I ESA (ENGE0, 2013). Twelve samples were located along the northern boundary of the Project Site and four



along the western boundary, while four background samples were collected along the southern hillsides in the area least likely to be subject to spray drift. The analytical results of the sampling reported non-detectable concentrations of organochlorine pesticides (i.e., concentrations too low to be detected). The reported concentrations of arsenic along the western and northern border of this area also are generally consistent with the background samples collected along the southern hillside and are consistent with typical background levels for the State of California. The Phase I ESA therefore concluded that the shallow subsurface soils at the Project Site that were evaluated do not present a recognized environmental concern with respect to potential spray drift from the adjoining northern and western properties.

Additional construction outside of the area analyzed in the Phase I ESA would occur for the 67 non-age-restricted single-family residential units, 200-room resort hotel, and 65,000-square foot neighborhood commercial center. These proposed uses would be located on areas of the Project Site which could have historically been used for agricultural purposes (i.e., row crops) and therefore may potentially contain residual pesticides or other chemicals routinely used in agricultural production. In addition, ongoing agricultural operations in the vicinity of the Project Site, and golf course operations within the Project Site, could include the use of hazardous chemicals.

Exposure to Hazardous Chemicals. The exposure of people to hazardous chemicals during construction and operation of the proposed Project could lead to adverse health effects. During site grading, construction workers on the Project Site could be exposed to soil-based agricultural chemicals, including organochlorine pesticides. Project users and maintenance personnel in the Project Site also could be exposed to agricultural chemicals during and after their application to the Existing Golf Club and adjacent agricultural land, whether through ingestion, inhalation, or dermal contact. The most likely paths of exposure are ingestion and inhalation of the chemicals during and after they are applied. Each of the chemicals applied to the neighboring agricultural fields or the San Juan Oaks Golf Club has a certain “breakdown period,” which is the time it takes for the chemical to dissipate.

Regulations and Design Features to Minimize Exposure. Uses on the Project Site and in the vicinity are regulated by the County of San Benito County Agricultural Commissioner, which, as described above, regulates the use of pesticides for the production of food, as well as for structural and landscape uses (including at golf courses), for the purpose of protecting public health and safety in the County (County of San Benito, Agriculture Programs, 2014). As noted above, the Agricultural Commissioner requires that all pesticides be used pursuant to the manufacturers’ instructions and that the pesticides are sprayed so as to prevent drift onto nearby properties. In addition, the Agricultural Commissioner’s *Pesticide Use Compliance Guide for Employers and Businesses* restricts application of pesticides when there is a reasonable possibility of substantial drift to non-target areas or when application would contaminate public or private property, including the creation of a health hazard that prevents normal usage of that property. Regulations for some chemicals do not permit any human contact with the area sprayed until the chemical has dissipated down to acceptable levels. The re-entry periods (i.e., the period of time after which an employee may re-enter the area in which the chemical was applied) following application of the chemical are specified on the chemical label and by regulation. The Agricultural Commissioner’s office requires that pesticide users strictly adhere to the chemical label and other applicable regulations.



The Agricultural Commissioner's office also is responsible for issuing pesticide spraying permits and local regulation of the use of pesticides and other agricultural chemicals. The implementing entity for the Project would be required to work with the Agricultural Commissioner's office to ensure that agricultural operators (and the Existing Golf Club operator) that remain on-site apply pesticides and other agricultural and landscape-related chemicals in compliance with the label, worker safety requirements, weather conditions, drift restrictions, and all other safety requirements as required by federal, state and local laws.

As part of Project design, the Specific Plan aims to establish residential neighborhoods that are buffered from potential nuisance factors associated with on-site and nearby agricultural practices, such as noise and dust. For example, where open hillside areas abut a roadway or developed lot, a minimum 30-foot wide continuous fuel modification area would be provided and consist of permanently irrigated plant material approved by the local Fire Marshall. This fuel modification area would also serve as a buffer which would provide protection from spray drift from agricultural and other chemical uses on surrounding agricultural parcels, by increasing the distance between the location of chemical applications and users on the Project Site. In addition, the Specific Plan specifies that native or equivalent adaptive vegetation shall be used for landscaping to reduce the amount of pesticide and fertilizer that might otherwise be required to maintain the landscaping on-site, which would help reduce potential risks to future Project residents and users that could otherwise occur as a result.

Nevertheless, the construction and operation of the proposed 67 non-age-restricted single-family residential units, 200-room resort hotel, and 65,000-square foot neighborhood commercial center could result in the exposure of people to residual chemicals in the soil from historic agricultural use. Impacts would be significant but mitigable with soil sampling and, if necessary, remediation.

Mitigation Measures. The following mitigation measure is required to reduce the above impacts to a less than significant level.

- HAZ-1** **Soil Sampling and Remediation.** Prior to issuance of any grading permits associated with the Project, a soil assessment shall be completed for the portion of land to be graded under the supervision of a professional geologist or professional civil engineer to confirm the presence or absence of contaminated soil in the portion of the Development Areas that was not evaluated in the Phase I ESA report, and presented to the San Benito County Environmental Health Services for confirmation. Laboratory analysis of soil samples shall be analyzed for the presence of organochlorine pesticides in accordance with EPA Test Method 8081. Soil samples also shall be analyzed for the presence of total arsenic in accordance with EPA Test Method 6010. Arsenic concentrations in the soil shall be evaluated by comparison with background levels in the southern hillsides on the Project Site, as identified in the Phase I ESA report, and with typical background levels in California, whereby an exceedance of typical background levels would represent a potential health hazard. If soil sampling



indicates the presence of any contaminant at concentrations exceeding applicable environmental screening levels, the Project proponent shall coordinate with San Benito County Environmental Health Services to develop and implement a program to remediate or manage the contaminated soil during construction. Disposal shall occur at an appropriate facility licensed to handle such contaminants and remedial excavation shall proceed under the supervision of an environmental consultant licensed to oversee such remediation. The remediation/disposal program shall be approved by San Benito County Environmental Health Services.

The Project proponent shall submit all correspondence to San Benito County Environmental Health Services prior to issuance of grading permits. All proper waste handling and disposal procedures shall be followed. Upon completion of any required remediation/disposal, a qualified environmental consultant shall prepare and submit to the County for review and approval a report summarizing the remediation efforts, the remediation/disposal approach implemented, and the analytical results after completion of the remediation, including all waste disposal or treatment manifests.

Significance After Mitigation. With implementation of the above measure, impacts related to exposure of hazardous materials during construction would be reduced to a less than significant level.

Impact HAZ-2 The Project would involve the development of certain land uses that could result in the use, transport or creation of hazardous materials, which could place such materials in proximity to residences and other occupied uses. Development would also occur near roadways on which accidents that involve hazardous materials could potentially create a public safety hazard by exposing people to contaminants. However, required adherence to existing regulations would reduce impacts to a Class III, less than significant impact. [Threshold numbers 2 and 4]

The Project would facilitate the construction of residential, resort, recreational and commercial land uses that may involve the use, storage, disposal or transportation of hazardous materials. The Project may also construct an optional on-site wastewater treatment plan (WWTP) within a portion of the neighborhood commercial area. The bio-solids removed during the treatment process would be transferred via truck to a landfill for disposal. Residential, resort, recreational and commercial uses do not generally involve the use, storage, disposal, or transportation of substantial quantities of hazardous materials. They may involve use and storage of some materials that are considered hazardous, although for the most part, these materials are expected to be limited to typical solvents, paints, chemicals used for cleaning and building maintenance, and landscaping supplies. These materials would not be substantially different



from household chemicals and solvents already in general and wide use throughout the County.

However, the neighborhood commercial uses could include, but would not be limited to: a bank, medical offices and out-patient services, a restaurant, a small market, a coffee shop and bakery, professional services (e.g. insurance, financial brokerage, etc.), local use vehicle sales and service, and other similar services that would support the community's needs. This could involve the transportation and use of certain hazardous materials. For example, medical offices and out-patient services, as well as the assisted living/skilled nursing/memory care facility, may result in the transport and use of medical supplies or other medically related materials, some of which could be biohazards. Vehicle service centers may result in the transport and use of petroleum-based or hydrocarbon hazardous waste, cleaning and paint solvents, lubricants, and oils. The 200-room resort hotel as well as the assisted living facility may also include laundry cleaning facilities which generally handle quantities of hazardous cleaning chemicals.

Additionally, the optional on-site WWTP may require the use of chemical solutions in the processing stages, particularly disinfection of treated water with chlorine, which is a potentially hazardous chemical. In addition, operation of an on-site wastewater treatment facility may require the routine transport, use, and disposal of hazardous materials. The facility would comply with Standard Guidelines adopted by the federal Occupational Safety and Health Administration (Hazardous Waste Operations and Emergency Response Standard, Title 29 Code of Federal Regulations (CFR) Part 1910.120), as well as the California Department of Toxic Substances Control (DTSC). In addition, operational transportation, storage, use, and disposal of hazardous materials and wastes would comply with all regulations, guidelines, and standards contained within the County's Hazardous Waste Management Plan and applicable permitting procedures required by all Federal, State, and local agencies associated with hazardous materials and waste issues. The use of a multi-stage scrubber, as described in Section 4.3, *Air Quality*, would limit the need for chemicals. However, if used, chemicals would be strictly controlled and utilized per all applicable regulations.

Adherence to the applicable hazardous material regulations detailed in the Regulatory Setting section above would help to minimize any impacts from the use and transport of hazardous materials within the Project Site. Development that occurs as a result of the Project also would be required to comply with the County's Hazardous Waste Management Plan (1989). Furthermore, in the unlikely event of a release of hazardous materials transported on the Project Site, County agencies would respond to the incident in accordance with the assignment of duties and procedures in the Hazardous Materials Incident Response Area Plan prepared by the San Benito County Environmental Health Division in January 2008. Compliance with these existing regulations and on-going monitoring of the plant's operations would reduce potential impacts associated with the routine use, handling, transport, and storage of hazardous materials in connection with the operation of the WWTP to a less than significant level.

In addition to uses on-site that could pose risks associated with hazardous materials, the operation of known explosive manufacturing facilities and hazardous waste handling facilities at the Teledyne Site can be expected to involve the transport of hazardous wastes and materials on Union Road near the Project Site. An accident along this route involving the transportation of hazardous materials or waste could create health hazards for site workers as well as future



Project residents, occupants and users. An accidental release of hazardous materials disposed at the RCRA-permitted facility on that site also could result in health hazards for site workers and future Project residents.

As discussed above, both the USEPA and the DOT, among other agencies, regulate the transport of hazardous waste and materials. The USEPA administers permitting, tracking, reporting, and operations requirements established by RCRA. DOT regulates the transportation of hazardous materials through implementation of the Hazardous Materials Transportation Act. This act administers container design, and labelling and driver training requirements. These established regulations are intended to track and manage the safe interstate transportation of hazardous materials and waste. Additionally, state and local agencies enforce the application of these acts and provide coordination of safety and mitigation responses in the case that accidents involving hazardous materials occur. Enforcement of these acts and rapid response by local agencies would reduce health hazards from the transportation of hazardous materials to a less than significant level. Additionally, the nearest transportation route on which hazardous wastes and materials could be transported, Union Road, is located at a distance of approximately 1.1 miles from the proposed residential development on the Project Site and approximately 0.9 mile from proposed neighborhood commercial uses on-site. These fairly large distances would further contribute to reducing the potential exposure of construction workers, future residents, employees, and customers on the Project Site to hazardous materials.

As discussed in Section 2.0, *Project Description*, Section 4.12, *Public Services*, and Section 4.15, *Effects Found Not to Be Significant*, the Project also would provide adequate secondary emergency access to the site, which would improve emergency response to the site in the event of a release of hazardous materials on transportation routes in the vicinity. Figure 2-8 shows that the proposed Project would involve construction of a 20-foot-wide emergency access road from the Project Site north to SR 156. The disposal of hazardous materials at the Teledyne Site also is regulated under RCRA Hazardous Waste Facility Permit 06-BRK-03. As discussed above, the Teledyne Site is currently in compliance with this permit (DTSC, 2015), and the accidental release of disposed hazardous materials is not anticipated. Therefore, impacts from the potential use, transport or creation of hazardous materials, due to implementation of the proposed Project, would be less than significant.

Mitigation Measures. No mitigation measures are necessary beyond adherence to applicable laws and regulations.

Significance After Mitigation. Impacts would be less than significant without mitigation.

Impact HAZ-3 The Project Site does not contain a listed hazardous materials site, and future residents and occupants would not be exposed to significant hazards from surrounding listed sites. Impacts would be Class III, less than significant. [Threshold number 4]

As previously identified, Environmental Data Resources, Inc. (EDR) performed an environmental records search for the active-adult residential portion of the Project Site in December 2012, for use in the Phase I ESA, and a subsequent records search for the entire Project Site as well as sites in the vicinity (within one mile of the Project Site) in January 2014. The EDR reports included a database search of public lists of sites that generate, store, treat or



dispose of hazardous materials or sites for which a release or incident has occurred. Federal, state and local lists were reviewed as part of the research effort. According to the EDR reports, the Project Site did not include any listed sites (EDR, 2012 and 2014).

However, the EDR reports found six listed sites within one mile of the Project Site. Four of the six sites are at the same address (3601 Union Road), located approximately one mile northeast of the Project Site near the intersection of San Juan Oaks Road and Union Road (collectively, the “Teledyne Site”). As discussed further above, there are currently remediation efforts for perchlorate contamination of groundwater occurring at the Teledyne Site. Given that the Teledyne Site is being remediated under supervision of the RWQCB, and that groundwater monitoring reveals that the prevailing groundwater direction is to the north-northwest (PES, 2012), the plume of contaminated groundwater from the Teledyne Site is moving in the opposite direction from the Project Site. Therefore, contamination from the Teledyne Site does not pose a significant risk to the Project. At the two remaining listed sites within one mile of the Project Site – Rancho San Justo and Perfection Auto Body – no releases of hazardous materials were detected.

For the reasons set forth herein, the proposed Project would not be sited on a location included on a list of hazardous materials sites and future Project residents, occupants and users would not be exposed to significant hazards from surrounding listed sites. Impacts would be less than significant.

Mitigation Measures. No mitigation is required.

Significance After Mitigation. No significant impact would occur related to hazardous materials sites.

**Impact HAZ-4 Development of the Project would be located in a wildland fire hazard area, which could create a potential safety hazard. However, new development located on the Project Site would be required to comply with existing regulations intended to minimize the potential effects associated with wildfires. Required compliance with these regulations would ensure that impacts would be Class III, less than significant.
[Threshold number 8]**

According to the CAL FIRE Fire Hazard Severity Zone maps for SRAs and LRAs in San Benito County (CAL FIRE, November 2007 and October 2007) the Project Site contains a mix of moderate to very high hazard severity designations. The San Benito County Fire Safe Council’s Community Wildfire Protection Plan designates the Project Site as having moderate to very high threat areas. The Project would include the construction of residential, resort, recreational and commercial uses. Therefore, the Project would expose structures and people to a significant wildland fire risk. As discussed in Section 4.12, *Public Services*, emergency service providers would have sufficient access to the site in the case of an emergency such as a wildfire, via the proposed emergency access road to SR 156, and with the implementation of Mitigation Measure PS-2, emergency response times to the area would remain adequate.



As part of Project design, the Specific Plan specifies several fire protection conditions. Specifically, all road widths and circulation, as well as the placement of fire hydrants and installation of automatic sprinkler systems, shall be designed in accordance with applicable requirements and standards of the San Benito County Fire Department. A road system that allows unhindered Fire Department access and maneuvering during emergencies shall also be provided. Specifically, the Project shall comply with the following:

- *Buildings shall be constructed using noncombustible, fire-resistant, and ignition-resistant materials for roofing, exterior coverings, exterior windows and doors, and decking, and vents designed to resist ignition from the intrusion of burning embers and flame, pursuant to Chapter 7A (Materials and Construction Methods for Exterior Wildfire Exposure) in the 2010 California Building Code.*
- *All on-site roads shall be all-weather surfaces with a minimum width of 18 feet, unobstructed by parking. Cul-de-sacs and turnouts shall be designed to adhere to applicable Fire Department standards. For private roads, there will be ongoing and legally binding provisions to maintain the roads to Fire Department approval.*
- *Structure numbers and street signs shall be lighted to County standards so that emergency vehicles including police and ambulances can locate residences in the event of any emergency.*
- *All fire hydrants shall be installed in accordance with County Zoning requirements.*
- *Prior to approval of any Land Use permits, the Applicant shall submit revised plans subject to the review and approval by the Fire Department that illustrate the roadways and site access, and the placement of fire hydrants throughout the site. Primary access shall be constructed as part of initial grading, and fire hydrants shall be installed prior to occupancy for each Project phase.*
- *The Project's water system shall be designed to maintain a minimum fire flow of 2,500 GPM for two hours (or greater) at 20 PSI.*
- *The Applicant shall prepare a fire/vegetation management plan.*

In addition to Project design, the Specific Plan includes a planting and irrigation program that creates sufficient fire protection setback areas as a buffer to protect development. Specifically, the Project would be required to adhere to a specified planting and irrigation program that would create fire protection/fuel modification setback zones to buffer homes and buildings from dry open hillsides and wooded areas. These buffer zones would consist of permanently irrigated tree, shrub, and/or ground cover plantings that exhibit fire resistant qualities. Where open hillside areas abut a roadway or developed lot, a minimum 30-foot wide continuous fuel modification area would be provided and consist of permanently irrigated plant material approved by the local Fire Marshall. In sections of this 30-foot fuel modification area where stormwater detention/detention ponds are located, permanently irrigated and maintained basin plantings as approved by the Fire Marshall would be included. This landscaping would provide fire protection, creating a buffer between the drier, natural open space and the residential dwellings. The selection of plant species would be required to conform to local fire department standards.

As discussed in Section 4.12, *Public Services*, development pursued as part of the Project would also be required to comply with guidance of the San Benito County Fire Department for fire safety in site design. Implementation of standard fire prevention measures and proper site design, as well as compliance with existing codes and ordinances, would ensure that impacts resulting from fire hazards would be less than significant.



Mitigation Measures. No mitigation is required.

Significance After Mitigation. Compliance with applicable federal, state and local laws would ensure less than significant impacts.

c. Cumulative Impacts. As discussed in Section 3.0, *Environmental Setting*, cumulative development based on a summary of projections in accordance with long-range general plan buildout of San Benito County and the cities of Hollister and San Juan Bautista would result in approximately 32,300 residents, 10,217 housing units, and approximately 4,320 employees. For the most part, cumulative impacts associated with hazards and hazardous materials are fairly site-specific. Nevertheless, development of past, present and reasonably foreseeable future developments could cumulatively increase the potential for exposure of people throughout San Benito County to existing soil contamination from ground disturbance during construction; hazards associated with the use, transport, or disposal of hazardous materials for any industrial projects; wildland fire hazards from development in a Fire Hazard Severity Zone; and compliance with the County's Emergency Response and/or Evacuation Plans because of the addition of residents and employees in areas without adequate emergency access. Cumulative development in the County would also increase the interface among recreational, agricultural, commercial, and industrial uses, primarily due to the conversion of agricultural land to urban uses and new residential development near existing commercial and industrial uses. Therefore, an overall increase in the potential for exposure to hazards, hazardous materials, and wildland fires could occur as urbanization occurs.

The Project would incrementally contribute to this cumulative effect. However, as discussed above, the Project, as well as other cumulative development, would be subject to review and oversight by the relevant agencies and as well as subject to applicable laws and regulations in place to minimize such potential hazards, to the extent feasible, which would help reduce significant impacts that might otherwise occur. Accordingly, as required under applicable laws and regulations, potential impacts associated with cumulative developments would be addressed on a case-by-case basis and appropriate mitigation would be designed to mitigate impacts resulting from individual projects, depending upon the type and severity of hazards present. Assuming that all hazards are adequately addressed for each individual development proposal, cumulative impacts related to hazards and hazardous materials would be less than significant. As discussed above, the proposed Project also would have less than significant Project-specific impacts related to hazards, with mitigation incorporated for further soil sampling in the portion of the site not analyzed by the Phase I ESA. Therefore, the proposed Project would not make a cumulatively considerable contribution to cumulative impacts.



This page intentionally left blank.

