SECTION 4.7

Hazards and Hazardous Materials

4.7 HAZARDS AND HAZARDOUS MATERIALS

This section describes the potential adverse impacts to human health and the environment due to exposure to hazardous materials or hazardous conditions that could be encountered as a result of the development of the proposed Project. The Project consists of the development of a 465-unit mixed residential project (Village at Los Carneros) and rezoning/ lot line changes that will impact the parking lots of lots 1 and 3 of Tract 14,500 and portions of the undeveloped Village at Los Carneros site along its southern boundary. Since lots 1 and 3 are currently fully developed with research/office buildings and do not house businesses that routinely deal with significant amounts of hazardous materials or generate hazardous waste, this portion of the Project site will not be included in this analysis. The term "Project" site when used in this Section refers solely to the currently undeveloped Village at Los Carneros Project site.

The information presented in this section is derived from the Phase I Environmental Site Assessment Report (ESA) and a Hazards and Hazardous Materials Assessment Report (HMA), both prepared by Citadel Environmental Services, dated April 2, 2012. Information provided in a Phase I Environmental Assessment for the property, prepared by American Environmental Specialists, Inc. and dated June 15, 2009 is also referenced. The Phase I ESA and HMA both included a review of historical uses of the site, the results of field reconnaissance, and a review of database records for any known contamination at the site and surrounding properties. These reports are provided in Appendix E.

Section 4.9 of the EIR (*Land Use and Planning*) addresses hazards associated with the Project's location relative to the Santa Barbara Municipal Airport. Hazards associated with flooding and tsunamis are discussed in Section 4.8, *Hydrology and Water Quality.* Hazards associated with ambient air quality are addressed in Section 4.2, *Air Quality,* and hazards associated with seismic events are assessed in Section 4.5, *Geology*.

4.7.1 Existing Conditions

Definition of Hazardous Materials

Health and Safety Code Chapter 6.5 provides both definitions and regulations related to hazardous materials managements and disposal. This EIR uses the definitions provided in the Health and Safety Code and regulations promulgated in accordance with that Code.

> "Hazardous material means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. Hazardous materials include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or environment."

Hazardous wastes occasionally may be generated by actions that change the composition of previously nonhazardous materials. The criteria that generally characterize a material as hazardous include ignitability, toxicity, corrosivity, reactivity, or bioactivity. The term "hazardous material" refers to both hazardous substances and hazardous waste.

Hazard Versus Risk

The health of workers and the general public are potentially at risk whenever hazardous materials have been used, or where exposure to such materials could occur. Inherent in the setting and analysis presented in this section are the ***hazard*** presented by these materials and the ***risk*** the pose to human health.

Exposure to some chemical substances may cause harm that can range from temporary discomfort to permanent disability or death. Hazardous materials that result in these types of adverse effects are general considered "toxic." Other chemical materials may not be considered toxic, but may be corrosive, or react with other substances to form other hazardous materials. Toxic materials are always classified as hazardous materials; however, not all hazardous materials are toxic. For purposes of the information and analysis presented in this section, the terms hazardous substances or hazardous materials are used interchangeably, and include materials that are considered toxic.

The *level of risk* to human health in a given environment is determined by the *probability of exposure* to a hazardous material and the *severity of harm* such exposure would pose. Therefore, a determination regarding the risk to human health must take into account the likelihood and means of exposure as well as the inherent toxicity of a material or danger posed by the hazard. For example, a high probability of exposure to a low toxicity chemical would not necessarily pose an unacceptable human health or ecological risk, whereas a low probability of exposure to a very high toxicity chemical might.

Various regulatory agencies, such as the U.S. and California Environmental Protection Agencies (U.S. and Cal EPA), State Water Resources Control Board (SWRCB), the California Department of Toxic Substances Control (DTSC) and State and federal Occupational Safety and Health Administrations (U.S. and Cal OSHA) are responsible for developing and/or enforcing *risk-based standards* to protect the public and the environment from the hazards posed by hazardous materials.

Physical Setting

The Project site as referenced in this analysis is comprised of lots 2, 4, 5, 6, and 7 of Tract 14,500. These are contiguous parcels located north and west of lots 1 and 3 of the same tract. These lots are vacant and undeveloped at present but would be developed with 462 residential units including single-family detached homes, attached townhomes, stacked flats, and apartments, if approved by the City.

The Project site is generally located north and west of Los Carneros Road, east of Tecolotito Creek, and south of a major transportation corridor that includes the Union Pacific Railroad (UPRR) right-of-way and U.S. 101 Freeway. Nearby uses include other residential development, light industrial uses, office, and commercial development. Since only small amounts of potentially hazardous materials are routinely used on and in the vicinity of the Project site, the primary source of hazards associated with the proposed Project are associated with the site's adjacency to the Union Pacific Railroad (UPRR)/U.S. 101 transportation corridor right-of-way (ROW), and the potential for radon gas at the site.

Environmental Site Assessment (ESA)

Citadel Environmental conducted site reconnaissance on January 26, 2012. Fieldwork included a "drive-by" survey of adjacent and surrounding properties as well as walking survey of the site itself, documented by photographs. Other field surveys, including those conducted for cultural resources and biological resources, duplicate the findings of the Citadel reports. Field reconnaissance was conducted to locate the presence of physical evidence that might the presence of environmentally hazardous conditions on or in the vicinity of the property. The Project site was inspected for the presence of visual and olfactory indications of contamination, distressed vegetation, petroleum-hydrocarbon staining, waste drums, illegal dumping, or improper waste storage or handling. Evidence of environmental concern such as stained pavement or soil, distressed vegetation or evidence of waste discharge to/or from the site was not observed during these field studies. There is no evidence of permits issued for the construction of permanent structures apart from those constructed on lots 1 and 3, and no documentation of hazardous materials usage at the site. Copies of the various ESAs conducted on the Project site, including the most current, are found in Appendix F.

Potential for the Historic Presence Hazardous Materials at the Site

In preparing its ESA, Citadel reviewed historical aerial photographs and topographic maps of the Project site and vicinity and available prior environmental assessments and records to ascertain historical land uses at the Project site. Aerial photographs of the site and vicinity were available in documents prepared for adjacent development and dated from 1929 to the present day. Topographic maps dating from 1910 through 1995 were examined and matched to the photographs. Other references used to establish the site's historic uses included the Cultural Resources reports prepared by McKenna et al in 2005 and 2012 and a series of geotechnical studies prepared variously by Fugro West (2000, 2003) and Albus-Keefe (2010, 2013). The purpose of identifying past uses is to evaluate the presence, or potential presence, of petroleum products, pesticides, herbicides, asbestos, or other hazardous substances that may have been discharged on the site, resulting in impacts, including potential for residual contamination, to soil, groundwater, and surface waters.

Past Uses 1900 Through 1990:

Cultural resource reports prepared by McKenna (2005, 2012), MAC Design Associates (2000, 2010), and others provide the most comprehensive description of prior land uses on and in the immediate vicinity of the Project site. MAC Design Associates was involved the assessment of historical land use and grading on properties immediately adjacent to the east side of the Project site, in the vicinity of what is now Los Carneros Drive. Its report included a set of historic aerial photographs dating from 1929 to 1982. The aerial photos show the majority of the area covered by Tract 14,500 and were, therefore, useful in determining its past use. MAC Design's initial report (2000) suggested that the Project site, like the property to its immediate east, was used for agricultural production of row crops at least by 1929, and that it was subsequently redeveloped as an orchard. In 2005, the McKenna Cultural Resources Report for this Project site picked up on the MAC 2000 description and included it in its description of prior site uses. However, a subsequent 2010 MAC Design Associates update utilized the above referenced aerial photos in conjunction with earlier mapping and, when overlaid on these map, the photos clearly showed that agricultural use did not extend into the Project site from the east. Other historic aerial photos of the Castlian Technical Center site include the western portion of Tract 14,500 and suggest that an orchard located on the Castilian site may have extended a short distance into the western margins of the Project site adjacent to the original alignment of Tecolotito Creek. Based on the most current assessment of the photographic evidence it

appears that only a very small portion of the west Project site was ever under cultivation and for this reason, the Project site is unlikely to have been subject to past contamination with herbicides, pesticides, or other chemicals ordinarily associated with long standing agricultural use.

The Project's geotechnical reports indicate that the Project site's natural elevation was at least ten feet higher than it's current elevation. Further, both the geotechnical report and the review of historic photographs indicated that in its natural condition the site was crossed by a number of natural drainage courses. Those on the east side of the Project site cross the site in a southeasterly direction, while drainage courses on the west side of the site appeared to flow in a southwesterly direction. The subsequent assignment of drainage areas to the site as part of the development of drainage plans and the location of outflows in the developed site reflects this original natural distribution of drainage flows.

The natural drainages appear to have been filled during periods when the site was graded for various reasons, as described in Section 4.5 (*Geology*), and ultimately were replaced by storm drains, inlets, and ditches. Apart from Tecolotito Creek, only one potentially natural tributary drainage remains on the site. Located in Lot 7, this unnamed tributary carries flows that are discharged from a culvert the runs under U.S. 101 and the UPRR right-of-way. Available documentation does not support identification of the unnamed tributary as a completely natural feature. It appears to be the repository for drainage from the UPRR right of way and the U.S. 101 freeway that is directed into the culvert; however, given the number of natural drainages that at one time crossed the Project site, the tributary could well be the preserved remnant of a natural tributary that, because of its location, was retained to carry diverted storm flows from the adjacent transportation corridor.

Modification of the natural site's natural terrain began in earnest in 1962 in connection with the widening of U.S. 101 and related roadway development. A comparison of aerial photos from November 1959 (MAC) and 1962 (MAC, Citadel) illustrates the extent and consequences of site grading: the removal and filling of multiple onsite drainage features and a reduction of ten feet in the site's overall elevation. Subsequent photographs taken over the following decade provide evidence of significant erosion and related site disturbance until 1969, when the northern extension of Los Carneros Road, construction of the freeway overpass and the final widening and improvement of U.S. 101 took place. An aerial photo dated October 1969 (MAC) shows numerous service roads and other disturbances within the eastern portion of the site, which indicated that the site may have been used as a staging area for these public improvement projects. If that was the case, there is no evidence of petroleum storage on the site and no record of a UST. By 1978 disturbance of the site appears to have temporarily ceased, as documented in aerial photos from the period (MAC, Citadel).

Site Utilization Post-1990

In 1989 construction started on the first phase of the Raytheon Specific Plan and mass grading occurred on the Project site. Construction of buildings of lots and 1 and 3 took place in 1990. Mass grading resulted in the creation of dirt stockpiles in various locations on the remaining vacant lots. At least one drainage channel was excavated on the west side of the property to carry flows from the business park to Tecolotito Creek and other drainage improvements, including what appears to be a detention basin, were made to the east side of the site.

Over-excavation and recompaction of Lot 2 was completed under the observation of Fugro West in 2000 in preparation for additional business park construction. Eight groundwater-monitoring wells were drilled to a depth of approximately 30 feet at the same time; however, no additional structures were erected. Contiguous Lots 2, 4, 5, 6, and 7 have remained vacant and, with the exception of improvements and habitat restoration activity in and adjacent to Tecolotito Creek, the only notable activity on the site has been periodic disking for weed abatement.

Oil and Gas

Available maps indicate that no oil or gas wells have been drilled at the site. No oil production wells, cisterns or sumps were observed during the site reconnaissance. The closest oil well to the Project site, identified by the State Department of Conservation,[1] is the "Bishop 1" well operated by Oryn Energy Company, which was capped in the 1950's. The well location is given as 800 feet north and 2150 feet east of the southwest corner of projected Section 7, Township 4N, Range 28W, San Bernadino B&M. The location was plotted by Penfield and Smith, reviewed by Citadel Environmental Services, and determined to be located off-site and north of U.S. 101. No evidence of agricultural smudge pots was observed during the site reconnaissance in the area once covered by the margins of an orchard.

Citadel observed no evidence indicating the presence of on-site fuel storage tanks, such as aboveground vents or piping nor were any hazardous materials discovered. No adverse environmental conditions that could affect the soil or groundwater beneath the site or other related environmental conditions associated with the site were observed.

One concrete-pad-mounted transformer (No. P539-4832), owned by Southern California Edison, is located on Lot 2. There is no evidence of staining or leakage of dielectric fluids from the transformer.

Hazards as a Result of Prior Land Uses.

None of the aerial photographs provided by McKenna, MAC, Citadel, or the County of Santa Barbara provide evidence supporting the presence of any activity that would have resulted in soil contamination (e.g., above ground or underground fuel tanks, heavy equipment storage or repair, or continuous agricultural production) with the exception of orchard use in the western margin of Lot 6. Field surveys conducted by Citadel Environmental Services in 2012 describe existing site improvements as consisting of a chain link fence along the boundary between the developed and remaining vacant lots, the previously described pad-mounted transformer on lot 2, a storm water inlet on Lot 4, a graded drainage ditch leading to Tecolotito Creek across Lot 6, and large dirt stockpiles extending across Lots 5, 6, and 7.

Database Records Review for Site and Neighboring Properties

Citadel reviewed a regulatory database report provided by Environmental Data Resources (EDR) to identify recorded environmental concerns at the site or surrounding area. Regulatory database records reported in the EDR database report include various federal, state, and county lists~~,~~ which are updated on a regular basis by each of the respective reporting agencies. Neighboring properties identified in the database, which are located within a 0.25-mile radius of the site are shown in **Table 4.7-1**.

[1] Letter in response to DEIR from Department of Conservation, Division of Oil, Gas, & Geothermal Resources, dated January 28, 2014.

As indicated in the "database reference" column of **Table 4.7-1**, the properties within 0.25 miles were identified on the following database lists:

- ***Resource Conservation and Recovery Act -Small Quantity Generator (RCRA-SQG):*** RCRA is US EPA's comprehensive information system providing access to data supporting the Resource Conservation and Recover Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984.
- ***Resource Conservation and Recovery Act (RCRA)-Non-Generator:*** The database includes selective information on sites, which generate, transport, store, treat and/or dispose of hazardous waste, as defined by RCRA. RCRA – Non Generator facilities do not presently generate hazardous waste.
- **Resource Conservation and Recovery Act (RCRA) Corrective Action Facilities (CORRACTS):** The EPA maintains this database of RCRA facilities that are undergoing "corrective action." Corrective actions may be required beyond the facility's boundary and can be required regardless of when the release occurred, even if it predates RCRA.
- ***ENVIROSTOR:*** The Department of Toxic Substances Controls (DTSC) Site Mitigation and Brownfields Reuse Program's ENVIROSTOR database identifies sites that have known contamination or sites for which there may be reasons to explore further.
- **Historical and Permitted UST/AST:** The permitted UST/AST records contain a listing of all underground storage containers and aboveground storage tanks permitted for hazardous materials usage. This database is maintained by the State Water Resources Control Board (SWRCB).
- **CA Facility Inventory Database (FID) Underground Storage Tank (UST):** The FID contains active and inactive underground storage tank locations. The source is the State Water Board.
- **Historical Auto Stations:** Environmental Data Resources (EDR) has searched selected national collections of business directories and has collected listings of potential gas station/filling station/service station sites that are available to researchers.
- **RCRA-Treatment, Storage, and Disposal Facility (TSDF):** RCRA Info is EPA's comprehensive information system, providing access to data RCRA and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites that generate, transport, store, treat and/or dispose of hazardous waste as defined by the RCRA.
- **Waste Discharge System (WDS):** WDS sites that have been issued waste discharge requirements.
- **National Pollution Discharge and Elimination System (NPDES):** The NPDES database contains a listing of NPDES permits, including storm water.
- **Leaking Underground Storage Tanks (LUST):** LUST records contain an inventory or reported LUST incidents. This database is maintained by the SWB.
- **Spills, Leaks, Investigations and Cleanup (SLIC):** This list includes facilities that have had known spills, leaks, investigations or cleanups of hazardous wastes or substances (information provided by the Central Coast Regional Water Quality Control Board).
- **Historical CORTESE and Current CORTESE:** Identified Hazardous Waste and Substance Sites (HWSS). This database, from the CAL EPA, identifies public drinking water wells with detectable levels of contamination, hazardous substance facilities selected for remedial action, facilities with known toxic material identified through the abandoned site assessment program, sites with USTs having a reportable release and all solid waste disposal facilities from which there is known migration.

- **California Hazardous Materials Incident Report System (CHMIRS):** The CHMIRS listing contains information on reported hazardous materials incidents (accidental releases or spills).
- **Facility INDex System (FINDS):** FINDS contains both facility information and pointers to other sources that contain more detail.
- **HAZNET:** Hazardous waste information system. Data that is extracted from the copies of hazardous waste manifests received each year by the California Department of Toxic Substances Control (DTSC).

Table 4.7-1
Properties on Hazardous Materials Lists within 0.25-mile of the Project Site

Facility Name	Facility Address	Distance From Site	Database Reference
International Transducer Corporation**	93 Castilian Drive	9 feet – South-Southwest	HIST UST; HAZNET
Raytheon Company**	93 Castilian Drive	9 feet – South-Southwest	RCRA-SQG; FINDS
Moseley Associates, Inc.	111 Castilian Drive	93 feet – South-Southwest	RCRA-SQG; FINDS; ENVIROSTOR
Transphorm, Inc.	115 Castilian Drive	101 feet-South-Southwest	RCRA-SQG
Tracor Aviation	165 Castilian Drive	189 feet- South-Southwest	RCRA-SQG; FINDS
Raytheon Company Esd**	71 South Los Carneros Road	Adjoining-South-Southeast	RCRA-SQG;FINDS
Raytheon Systems**	44 Castilian Drive, #B8	266 feet-South-Southwest	RCRA-LQG; FINDS; HAZNET;WDS; NPDES; SWEEPS UST
McGhan Medical Corporation	71 South Los Carneros	Adjoining-South-Southeast	RCRA-SQG;FINDS;HAZNET
Ferro Thick Film System	27 Castilian Drive	494 feet-South-Southwest	RCRA-NonGen; FINDS
Engineering Research Center	6740 Cortona	515 feet – South-Southwest	RCRA-SQG; FINDS; HAZNET
Dupont Displays, Inc.	6755 Hollister Avenue	657 feet – South	RCRA-SQG
Jennings Union Service	6755 Hollister Avenue	689 feet – South-Southwest	EDR Historical Auto Stations
Renco Corporation	26 Coromar Drive	768 feet – South-Southwest	RCRA-SQG; FINDS; SLIC;HAZNET
Military Family Housing	6767 Hollister	780-feet-South-Southwest	NPDES, HIST CORTESE;CHMIRS;HAZNET;EMI
Delco, Inc.	6767 Hollister	780-feet-South-Southwest	LUST;HIST CORTESE;ENVIROSTOR
Delco Electronics Corp	6767 Hollister	780-feet-South-Southwest	RCRA-TSDF; CERCNFRAP; CORRACTS; RCRA-NonGen; FINDS; HWP;

Facility Name	Facility Address	Distance From Site	Database Reference
Dupont Displays, Inc.	6780 Cortona Avenue	808 feet – South-Southwest	RCRA-SQG; FINDS; HAZNET; ENVIROSTOR
PS Medical	125 B Cremona Drive	878 feet – East-Southeast	RCRA-SQG; FINDS
Santa Barbara Research Center	B1 B3, 75 Coromar Drive	947 feet – South-Southwest	SWEEPS UST
Raytheon Vision Systems	75 Coromar Drive	947 feet – South-Southwest	AST; RCRA-TSDF; CERC-NFRAP; CORRACTS; RCRALQG; FINDS; WDS; CA FID UST; SLIC; SWEEPS UST; Notify 65; ENVIROSTOR; HWP
Alberto Culver	82 Coromar Drive	1014 feet – South-Southwest	HAZNET
RTR	Hollister Avenue	1015 feet – Southwest	HIST UST
Chevron Station 94419	6470 Hollister Avenue	1108 feet – South-Southeast	LUST; HIST UST; EDR Historical Auto Stations; CA FID UST; SWEEPS UST; RCRA-SQG; FINDS; HAZNET; UST; LUST; HAZNET;
HEI MAC Sports Car Service	6590 Hollister Avenue	1143 feet – South-Southeast	EDR Historical Auto Stations
Santa Barbara Research Center	6800 Cortona Drive	1156 feet – Southwest	RCRA-NonGen; FINDS; WDS; HIST UST; CHMIRS; HAZNET
California Highway Patrol – Goleta	6465 Calle Real	1215 feet – Northeast	AST; CA FID UST; SWEEPS UST; HIST UST; UST;
FAA Santa Barbara Airport RTR	6551 Hollister Avenue	1220 feet – South-Southeast	CA FID UST; SWEEPS UST
Signature Cleaners	6831 Hollister Avenue	1307 feet – South-Southwest	RCRA-SQG; FINDS; HAZNET;

The Project site is not listed in any of the above referenced databases. The database research identified sites within 0.25 mile of the Project site and determined that, based on location, distance, and the hydraulic gradient between the identified facility and the Project site or because of the site's "closed" regulatory status, hazardous waste spills, storage, generation and disposal associated with those locations would not affect the Project site.

The database research also found sites within 0.50 mile of the property. There include 11 CORTESE sites, all of which are reported on the leaking underground storage tank (LUST) database, and six SLIC sites. Based on the relative locations of the affected properties and

information that indicates that suspect releases from LUST sites are not considered significant, the Citadel ESA indicates that these facilities do not represent an environmental threat to the Project site.

Business Plan and Generator Sites Within a 2,000-Foot Radius of the Site

In consultation with the Santa Barbara County Fire Protection District Hazardous Materials Unit (HMU), Citadel conducted a data base search to determine the types of potentially hazardous chemicals used, and waste generated within a 2,000-foot radius of the Project site. None of these chemicals are listed as "acutely hazardous" as defined in 22 *California Code of Regulations § 66260.10 (see 22 CCR §§ 66261.30, et seq.)*[2]. Storage, use, and disposal of hazardous chemicals are subject to Business Plans, which are enforced by the HMU to prevent contamination of the environment. There is no record of Project site contamination by hazardous materials and waste generators.

Pad-Mounted Transformer

As previously stated, there is a concrete-pad-mounted electric transformer located within Lot 2. This transformer belongs to Southern California Edison and was installed for the benefit of the office and industrial buildings immediately to the south of the Project site at 1 South Los Carneros Road. The transformer has no electrical loading at this time. The transformer was field inspected and research was conducted to determine whether it contained polychlorinated biphenyls (PCBs) that could pose a hazard at the Project site. In electrical transformers the typical source of PCBs would be electrical transformer cooling oils.

In 1976 the EPA banned the manufacture and sale of PCB-containing transformers. By 1985 the EPA required that commercial property owners with transformers containing more than 500 ppm PCBs register the transformer with the local fire department, provide exterior labeling, and remove combustible materials within 5.0 meters of the transformer.[3]

Since the transformer appears to have been constructed concurrent with the development of the adjacent properties in 1989, the potential presence of polychlorinated biphenyls (PCBs) in the dielectric fluid of the transformer is considered low. Field inspection found no exterior labeling and the transformer is not listed with Fire Department. No other potential PCB containing equipment was observed at the Project site.

Proximity to the Union Pacific Railroad (UPRR)

The Project site is located adjacent to the UPRR right-of-way. The railroad carries passenger cars as well as freight trains. Some freight trains may carry hazardous materials. The Project site's proximity to the railroad includes the potential for an incident or derailment that could result in a release of hazardous material or a fire. The associated public health risk of an accident depends upon the materials released, the toxicity of those materials, and the wind direction that may carry the emissions from the release toward any occupied uses.

[2] Subchapter 7. *General Industry Safety* Orders Group 16. *Control of Hazardous Substances*. Article 109. *Hazardous Substances and Processes*, §5189. *Process Safety Management of Acutely Hazardous Materials*, Appendix A - *List of Acutely Hazardous Chemicals, Toxics and Reactives*

[3] 40 Code of Federal Regulations 761.30: Fire Rule

Older locomotives may have deposited asbestos and/or petrochemical on those portions of the Project site immediately adjacent to the UPRR right-of-way. However, Citadel found no surface indication of such deposits and did not recommend further testing.

Radon Gas

Radon is an odorless, tasteless, naturally occurring gas that has been linked to lung cancer. Radon exists in all soils throughout the United States and is produced from the breakdown of naturally occurring radium and uranium within the ground. Radon gas studies performed by the California Bureau of Mines and Geology and the Department of Health Services (DHS) from 1989-1993 indicate that Santa Barbara County falls within the Zone 1 designation, which suggests that there is a low to moderate potential for exposure to radon gas at or above the EPA recommended action level of 4.0 pico curies per liter (pC/L) (City of Goleta, 2007).

According to DHS, 278 radon tests were conducted within the zip code where the Project site is located (93117). Radon levels greater than or equal to 4 pC/L were observed in 44 of these tests. An assessment of the potential hazard posed by Radon on the site was conducted and the probability evaluated.

Regulatory Framework

Federal

Resource Conservation and Recovery Act - (RCRA) 42 U.S.C. Section 6901 et seq.

Resource Conservation and Recovery Act (RCRA) gave the EPA the authority to control hazardous waste from the "cradle-to-grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also set forth a framework for the management of non-hazardous wastes.

The 1986 amendments to RCRA enabled the EPA to address environmental problems that could result from underground tanks storing (UST) petroleum and other hazardous substances. RCRA focuses on active and future facilities. However, once hazardous materials have been released to the environment, they are deemed a waste as soon as the medium they have impacted is disturbed or moved. Therefore, contaminated soil is regulated under RCRA. The California Department of Toxic Substance Control implements the RCRA in California via Unified Program Agencies. In Santa Barbara County, the Unified Agency is the Santa Barbara County Fire Protection District. The hazardous waste regulations are codified in 22 California Code of Regulations §§ 66250, *et seq*.

Toxic Substances Control Act

The *Toxic Substances Control Action of 1976* banned the manufacture, processing, distribution, and use of PCBs in totally enclosed systems. In 1976, the U.S. EPA banned the manufacture and sale of PCB-containing transformers. Before this date, transformers were frequently filled with a dielectric fluid containing PCB-laden oil. By 1985, the EPA required that commercial property owners with transformers containing more than 500 parts per million (ppm) PCBs must register the transformer with the local fire department, provide exterior labeling, and remove combustible materials within 5.0 meters of the transformer (40 Code of Federal Regulations 761.30: "Fire Rule"). The EPA Regional 9 PCB Program regulates remediation of PCBs in several states, including California.

Rail Safety Improvement Act

Following the 2008 Metrolink rail accident in Chatsworth, a significant change in rail safety oversight occurred when Congress passed the *Rail Safety Improvement Act (RSIA) of 2008.* Among other things, the Act requires the installation, by December 31, 2015, of Positive Train Control on all freight and passenger trains that share tracks, all freight mainlines over which poison- or toxic-by-inhalation hazardous materials are transported, and such other tracks as the Secretary of Transportation may prescribe. The Act also makes significant changes to law regarding railroad safety management, railroad safety risk reduction strategies, and hours of service. The CPUC (described below) works with the Federal Railroad Administration (FRA) in the implementation of the Act (CPUC, 2008).

National Electric Safety Code

The National Electric Safety Code (NESC) sets standards for safeguarding of persons during installation, operation, and maintenance of electrical supply lines. The Code sets minimum electrical clearances and mechanical strengths accepted by the industry as safe and reliable.

State

California Office of Emergency Services

The California Office of Emergency Services coordinates the emergency response to an accidental release of acutely/extremely hazardous materials.

California Department of Toxic Substance Control

The California Department of Toxic Substance Control implements RCRA in California via Unified Program Agencies. The hazardous waste regulations are governed with the California Code of Regulations Title 22, Division 4.5.

California Occupational Safety and Health Act (Cal/OSHA)

Cal/OSHA was enacted in 1973 to protect workers and the public from safety hazards and to enforce California laws and regulations pertaining to workplace safety and health. Workplace safety is the prime responsibility of Cal/OSHA whether protecting workers who may handle hazardous material at an industrial site or protecting certified personnel responsible for remediation of hazardous substances. Title 8, CCR, §§ 337-340, require employers to monitor worker exposure levels to listed hazardous materials and to notify workers of exposure. Regulations stipulate the requirements for injury and illness prevention programs, proper equipment and use procedures, medical exams and training requirements, and reporting requirements.

Central Coast Regional Water Quality Control Board

The Central Coast Regional Water Quality Control Board (CCRWQCB) and Santa Barbara County Fire Protection District's Fire Prevention Division (SBCFPD) Site Mitigation Unit (SMU) enforce federal and State site remediation regulations. The SMU is the lead agency for the area and has instituted a Site Mitigation Program responsible for the supervision of cleanup at sites located throughout the County. The County will grant closure of an impacted site when confirmatory samples of soil and groundwater reveal that levels of contaminants are below the standards set by the SMU and the CCRWQCB.

California Public Utility Commission

California Public Utility Commission (CPUC) establishes power line construction standards in California under General Order 90 (GO-90). Other states have adopted the voluntary standards contained within the National Electric Safety Code (NESC-C3). Neither set of standards establishes regulations or safety standards for EMF. They set minimum electrical clearances and mechanical strengths accepted by the industry as safe and reliable. California's GO-95 contains more detailed design and construction details.

The CPUC requires that utilities use "low-cost" or "no-cost" mitigation measures for facilities requiring certification under General Order 131-D. The decision directed the utilities to use four percent of a project's total cost as a benchmark to determine what would be considered low-cost mitigation. The CPUC did not adopt any specific numerical limits or regulation on EMF levels related to electric power facilities.

State Railroad Inspection Plan and AB1935

The CPUC has safety and security regulatory authority over all rail transit agencies (RTAs) in California and works in cooperation with the Federal Transit Administration (FTA) and the RTAs to enhance public safety and security (CPUC, 2008). CPUC staff focus on verification of the System Safety and Security Plans (SSSP) of each RTA to ensure that these plans meet all State and Federal rules and regulations.

The State Railroad Inspection Plan and AB 1935 guide the CPUC's railroad inspection program. Taken together, these rules require the CPUC to ensure that all railroad locomotives, equipment, and facilities are inspected as necessary in accordance with the RSIA.

Local

City of Goleta General Plan

The Safety Element of the Goleta General Plan contains policies related to the storage, handling, disposal, and control of hazardous materials including, but not limited to, the following:

SE 1.3 Site Specific Hazards Studies:
Applications for new development shall consider exposure of the new development to coastal and other hazards. Where appropriate, an application for new development shall include a geologic/soils/geotechnical study and any other studies that identify geologic hazards affecting the proposed project site and any necessary mitigation measures. The study report shall contain a statement certifying that the project site is suitable for the proposed development and that the development will be safe from geologic hazards. The report shall be prepared and signed by a licensed certified engineering geologist or geotechnical engineer and shall be subject to review and acceptance by the City.

SE 1.4 Deed Restriction in Hazardous Areas:
As a condition of development on property subject to the hazards addressed in this Safety Element, the property owner shall be required to execute and record a deed restriction that acknowledges and assumes responsibility for the risks; waives any future claims of damage or liability against the City; and agrees to indemnify and hold harmless the City against any and all liability, claims, damages, and/or expenses arising from any injury to any person or damage to property due to such hazards.

SE 1.5 Subdivision of New Lots in Hazardous Areas:
Land divisions, including lot line adjustments, shall be prohibited in areas subject to geologic, seismic, flooding, and other hazards unless it is demonstrated by the subdivider that all lots in the new subdivision will have sufficient buildable land area that is situated outside the hazardous portions of the property.

SE 1.7 Abatement of Public Safety Hazard:
Where feasible, the City shall aggressively abate public safety hazards that may be discovered in the city.

SE 1.9 Reduction of Radon Hazards:
The City shall require the consideration of radon hazards for all new construction and require testing of radon levels for construction of homes and buildings located in areas subject to moderate or high potential for radon gas levels exceeding 4.0 picocuries as shown on maps produced by the California Division of Mines and Geology. The City shall require new homes to use radon-resistant construction where needed based on U.S. Environmental Protection Agency guidelines.

SE 10.1 Identification of Hazardous Materials Facilities:
The City shall work with Santa Barbara County Fire Department's Hazardous Materials Unit to maintain up- to-date lists and maps of facilities in Goleta that involve the storage, use, and/or transport of hazardous materials.

SE 10.2 Compliance with Law: The storage, handling, and disposal of any hazardous material shall be done only in strict compliance with applicable City, state, and federal law.

SE 10.5 Restriction on Residential Development Near Hazardous Facilities:
The City shall consider the exposure of new development to risk of hazardous materials accidents and exposure as a part of its project and environmental review processes and require any appropriate mitigation measures. The City shall not allow any new residential development near hazardous facilities if these residences would be exposed to unacceptable and immitigable risk.

SE 10.7 Identification, Transport, and Disposition of Potentially Contaminated Soil:
The City shall require a Soil Management Plan and a project-specific Health and Safety Plan for all new development and redevelopment within areas containing potentially contaminated soil. The Soil Management Plan and Health and Safety Plan should establish standards and guidelines for the following:

1. Identification of contaminated soil.
2. Identification of appropriate personal protective equipment to minimize potential worker exposure to contaminated soil.
3. Characterization of contaminated soil. Soil excavation. Interim and final soil storage. Verification sampling.
4. Soil transportation and disposal.

The Soil Management Plan and Health and Safety Plan should also address naturally occurring hazardous materials that may be present in the soil, such as methane and Radon-222, and include contingencies (e.g., characterization, management, and disposal) if they are present.

City of Goleta Inland Zoning Ordinance

The City of Goleta's Inland Zoning Ordinance and other implementing ordinances (including subdivision and grading ordinances) require development plans to identify the location of areas of geologic, seismic, flood, and other hazards (Section 35-317.3(2) Article III, Chapter 35 of the GMC).

Santa Barbara County Site Mitigation Unit (SBCFD SMU)

The Santa Barbara County Fire Protection District (SBCFD) Fire Site Mitigation Unit (SMU) oversees both the Certified Unified Program Agency (CUPA) inspection and disclosure program for Underground and Aboveground Storage Tanks (USTs and ASTs), as well as the Leaking Underground Storage Tank (LUST) program (by way of grant funding from the State of California Water Resources Control Board) in all cities and unincorporated portions of Santa Barbara County. The SBCFD SMU oversees general permitting and operation of USTs and ASTs as the CUPA. If any releases or contamination associated with a UST is identified, County Fire oversees the assessments and remediation under the LUST program.

Santa Barbara County Air Pollution Control District

The Santa Barbara County Air Pollution Control District (APCD) oversees emissions regulations in the region, including asbestos emissions from construction, with regulations requiring that buildings be surveyed for the presence of asbestos containing materials (ACMs) before disturbance and that ACM removal procedures limit emissions.

4.7.2 Thresholds of Significance

The City of Goleta's *Environmental Thresholds and Guidelines Manual* contains thresholds that categorize the significance of impacts to public safety resulting from the involuntary exposure to hazardous materials. These thresholds address impacts other than public safety although accidents that involve hazardous materials may potentially impact communities and the environment. These thresholds may be used to address the probability of such impacts occurring. The following materials may be carried by railroad and therefore have potential to affect the Project site:

Threshold 5. Handling, storage, and transport of compressed natural gas or methanol related to facilities for refueling motor vehicles with these materials;

Threshold 6. All handling, storage, and transport of chlorine in containers with a capacity of one ton or more, or an equivalent amount of chlorine in bottles or cylinders connected through a common header;

Threshold 7. Handling, storage and transport of anhydrous ammonia in containers with a capacity of one ton or more or an equivalent amount of anhydrous ammonia in bottles or cylinders connected through a common header; or

Threshold 8. Handling, storage, and transport of acutely hazardous rocket propellants such as nitrogen tetroxide including instances where the County would communicate with other jurisdictions about discretionary actions that affect public safety in this County such as designation of routes for transporting hazardous materials.

The following thresholds of significance are based on Appendix G of the CEQA Guidelines. For purposes of this EIR, implementation of the project may have a significant adverse impact with respect to hazards and hazardous materials if it would:

- 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; or
- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment.

4.7.3 Project Impacts

Risk of Upset Associated with the Site's Proximity to the Union Pacific Railroad

Impact HAZ 1: Would the development of the Project place residential structures and residents in proximity to the existing UPRR railroad tracks, creating a potential risk of upset associated with derailment, chemical leaks, and fire?

Significance Before Mitigation: Potentially Significant

Union Pacific Railroad is the largest freight hauler in the United States. Freight trains occasionally travel along the UPRR adjacent to the Project site; however, its Central Valley route from Los Angeles to Sacramento is UPRR's main freight line, while the coastal route, which passes through Goleta, is primarily used as a backup in emergencies or during periods of excess demand. In July, 2013, the Santa Barbara Association of Governments estimated that UPRR currently runs three freight trains a day between Ventura and Goleta, approximately half the number of operations on this route compared to ~~prior to~~ before the recession.[4] These trains may carry hazardous materials, which could be released during an accident.

Union Pacific maintains an Environmental Management Group, which oversees UPRR's compliance with environmental laws and regulations. The Management Group is strategically integrated into the company's operations and is charged with the responsibility of ensuring the employment of best practices to reduce environmental impacts. The program includes deployment of environmental management specialist who are experts in environmental impacts and hazardous materials, who work with the communities where UPRR operates. UPRR tracks every hazmat rail car on its network. If such a car is delayed, a dedicated team is dispatched to ensure its safety. In addition, UPRR conducts regular inspections of every component of its network that has an impact on the environment, including all potential sources of airborne emissions, releases of fuel or oil into the environment from storage facilities or locomotives, and industrial wastewater and storm water runoff.

Nonetheless, even with safety and hazmat procedures in place, accidents involving collisions and derailments happen and when they do they are "high impact" events. As noted in the Existing Conditions section discussion of Hazard v. Risk:

> "The *level of risk* to human health in a given environment is determined by the *probability of exposure* to a hazardous material and the *severity of harm* such exposure would pose. Therefore, a determination regarding the risk to human health must take into account the

[4] Mission and State, *Train in Vain?* June 6, 2013, at http://www.missionandstate.org/features/train-in-vain/accessed 9/1/13.

likelihood and means of exposure as well as the inherent toxicity of a material or danger posed by the hazard. For example, a high probability of exposure to a low toxicity chemical would not necessarily pose an unacceptable human health or ecological risk, *whereas a low probability of exposure to a very high toxicity chemical might*.**"**

The risk/impact potential of such a low probability/high risk occurrence can only be evaluated only in terms of probabilities. Such risk potential is determined by a combination of the probability of an accident and the probability that the spilled cargo is hazardous. Dangerous cargo represents approximately six percent of total freight movement in the United States (Reuters, December 15, 2006). In 2011, UPRR experienced 410 derailments nationally.[5] Of these incidents, 164 occurred on mainline tracks and the balance (246) on secondary routes. Of these incidents, approximately 0.074 percent involved a spill of hazardous materials, or an average of 1.2 derailments per year with hazardous materials releases. In addition to hazardous material releases, the danger of fire within the wreckage must also be considered. Accordingly, a probability assessment of the risk of catastrophic derailment of a freight train, either with or without hazardous materials, is required to determine the level of risk posed by the Project's proximity to the UPRR tracks. The closest residential structure in the Project would be located approximately 65 feet south of the UPRR right-of-way.

In determining worst-case freight train traffic on the central coast UPRR line, comparative data was used. According to the Federal Railroad Administration there are currently 13 freight trains on the coastal LOSSAN (Los Angeles – San Luis Obispo) Corridor, although the busiest segment of the corridor is south of the Project site, with the greatest growth occurring in Ventura County servicing Port Hueneme. There is capacity for up to 17 freight trails per day along the coastal route south of Ventura. However, based on current rail capacity, there would not be more than a total of seventeen trains passing through the Project area and only **one** of these would carry freight.

Assuming a 0.5-mile zone of possible accident impact along the Project's north boundary, the tracks adjacent to the Project site would represent 5,785 train miles where an accident might occur. The risk to adjacent development from a hazardous spill is:

5,785 miles/year x 0.000001 derailment/mile x 0.0074 haz. spill risk = 0.00004 annual spill risk

This represents a probability of one hazardous spill/derailment every 25,000 years. Based on this analysis, the risk of derailment with or without hazardous material release is statistically extremely low – approximately the risk level of meteor strike. However, given that the consequences of any derailment incident resulting could significantly impact the surrounding population, it is important to mitigate such risk to the greatest extent feasible. According to the GP/CLUP FEIR (3.7-2 Transport), this potential impact cannot be mitigated to a less than significant level by any of the General Plan policies and remains significant with respect to both rail and trucking, particularly along the UPRR/US 101 ROW, where the Project site is located.

The FEIR states that the potential impact of the combination of rail traffic and trucking in the UPRR/U.S. 101 corridor "remains significant" and no feasible mitigation measures are proposed to reduce the level of significance. Therefore, the potential hazard represented by the combination of rail transport and trucking on the adjacent U.S. 101 corridor is considered significant and unavoidable with respect to the Project (**Class I**) based on the findings of the General Plan FEIR.

[5] Accessed website at: safetydata.fra.dot.gov, April 2012.

The City Council adopted a Statement of Overriding Consideration with respect to this impact as part of its action in certifying the FEIR for the General Plan. For purposes of this EIR's certification, that Statement of Overriding Consideration would be incorporated into the Project's findings by reference at certification of the EIR. ~~It is assumed that the City has adopted a statement of overriding consideration with respect to this impact as part of its action in certifying the FEIR for the GP/CLUP. For purposes of this EIR's certification, that statement of overriding consideration, assuming that it exists, would be incorporated into the findings by reference.~~

Mitigation Measure HAZ 1-1 is imposed on the Project, requiring notification of the hazards associated with the Project's location in proximity of the UPRR railroad tracks to potential lessees or buyers of units within the Project site. The mitigation measure also requires recordation of a separate notice regarding the Proximity of U.S. 101 and the UPRR and the potential risks associated with such proximity before the City issues building permits for any residential structures. The measure also requires preparation of a Notice to Property Owner and inclusion of the notice in the Project's CC&Rs. In addition, Mitigation Measure HAZ 1-2 requires the Permittee to develop a mitigation plan for Project residents that provides safe-harbor and/or or evacuation procedures in the event of train or trucking accident that involves the potential release of hazardous materials. However, even with these mitigation measures, the proximity of the Project site to the UPRR and U.S. 101 corridor remains significant and unavoidable (**Class I**).

Exposure to On-site Hazardous Materials (Agriculture Related)

Impact HAZ 2: Would grading and residential use of the Project site result in exposure to agricultural-related chemicals or unknown chemicals?

Significance Before Mitigation: Less Than Significant

Given that only a small portion of the western margin of the Project site was ever used for agricultural purposes, there is a extremely low potential that the soils onsite contain pesticides, fertilizers, or other chemicals routinely associated with past agricultural production. Accordingly, even though the Project site would undergo extensive grading involving excavation of native soils, it is highly unlikely that this work would result in exposure of construction workers to agricultural chemicals. Tecolotito Creek and its ~~riparian corridor and~~ SPA buffer cover the portion of the site where agricultural use took place. ~~Little~~ Limited excavation is anticipated in this area. Therefore, exposure of construction workers or future residents of the Project to agricultural–related hazardous chemicals not previously identified on-site is considered less than significant (**Class III**).

Exposure to On-site Hazardous Materials (Non-agriculture Related)

Impact HAZ 3: Would the demolition of the existing electric transformer equipment result in exposure to hazardous materials?

Significance Before Mitigation: Less Than Significant

The site contains a pad-mounted transformer dating from approximately 1986. Because it was constructed and installed subsequent to the U.S. ban on PCBs, the transformer would not contain PCB-laden oil. The Santa Barbara County Fire Protection District, which maintains a list of all potential PCB site, does not include this transformer on its list. Further, the transformer is not electrically loaded at this time. Therefore, there would be no risk of electrocution for workers engaged in its removal. All workers involved in the removal of the electrical transformer would

be employees of Southern California Edison, trained in the safe removal of the company's equipment. For these reasons, the demolition of the electrical transformer would pose a less than significant risk to workers (**Class III**).

Exposure to Hazardous Materials Generated in the Project Vicinity

Impact HAZ 4: Would hazardous materials sites in the vicinity of the Project result in a potential hazard to workers or residents?

Significance Before Mitigation: Less Than Significant

Identified Hazardous Materials Sites:

The Phase I ESA and HMA determined that neighboring properties identified as hazardous materials sites (described above) within a 0.25-mile distance, and properties identified at a distance of greater than 0.5-mile from the site, did not to represent an environmental concern to the site based on the reported operations at the ~~reported~~ facilities, regulatory status of hazardous materials incidents at the facility (e.g., closed case), the distance between the facility and the site, and the hydro-geologically cross-gradient location from the site. In addition, although some common trash debris was noted, site reconnaissance did not reveal the presence of hazardous chemicals. Therefore, the impact of nearby sites where hazardous materials are used or stored on the Project site is considered less than significant (**Class III**).

Hazardous Materials Business Plan and Generator Sites Within a 2,000-Foot Radius:

In preparing its Phase I ESA and HMA, Citadel conducted a search of the Santa Barbara County Fire Protection District's Hazardous Materials Unit (HMU) database to determine the types of chemicals that are in use within a 2,000-foot radius of the Project site. The database lists hazardous chemicals in use and provides an associated address. The HMU requires preparation and filing of a Business Plan and Emergency Response Plan by hazardous materials users based on types and quantities of the substances used. These plans are administered by the HMU and are designed to ensure all nearby chemicals are handled appropriately to minimize potential health effects of the users and the surrounding environment. With these plans and regulations in place, impacts are considered less than significant (**Class III**).

Residential and Recreation Ground Maintenance Involving the Use, Storage, or Disposal of Hazardous Materials

Impact HAZ 5: Would operation of the Project place workers or resident at risk of upset involving the use, storage, or disposal of hazardous materials?

Significance Before Mitigation: Potentially Significant

Minimal amounts of hazardous materials would be used and stored on the Project site. These are typically limited to materials associated with residential and landscape maintenance. Residents of the Project would likely use and store chemicals typical of single-family and apartment-style living. These would include typical household cleaning chemicals, detergents, bleaches, minor amounts of interior and exterior paint, vehicle fluids, etc.

Hazardous materials associated with residential operations and maintenance may also be used and stored on-site. These would include pool chemicals (e.g., cleaning chemicals and chlorine)

for maintenance of the common area clubhouse pool, fertilizers and pesticides for exterior grounds and landscaping, solvents, and exterior paints. Maintenance workers and management would require training in the proper use and storage of these materials and management would be responsible for providing secure storage containers. Mitigation Measure HAZ 5-1 has been imposed on the Project and requires the Permittee to determine with the Fire Department whether the amount of hazardous materials stored at the Project site would require a Hazardous Materials Business Plan (HMBP). If required, the HMBP must be reviewed and approved by the Fire Department and implemented by Project management. With training, implementation of Mitigation Measure HAZ 5-1, and compliance with existing regulations regarding the use and storage of small amounts of these types of hazardous materials, impacts would be less than significant (**Class II**)

Exposure to Naturally Emitted Radon Gas

Impact HAZ 6: Would the Project expose residents to low to moderate concentrations of naturally occurring radon gas?

Significance Before Mitigation: Potentially Significant

Santa Barbara County falls within the EPA's Radon Zone 1 with a predicted average indoor radon screening level of greater than 4 pC/l. Based on this zone designation, the Project site, once developed, may experience radon levels above the recommended EPA Action Level of 4.0 pC/l. Radon gas affects human health in occupied spaces on the ground level and particularly those that may occupy spaces below ground in certain areas.

Mitigation Measure HAZ 6-1 requires testing for radon gas ~~would be required~~ before construction. ~~and~~ Mitigation pursuant to existing code would be implemented if levels in excess of 4pC/l are found. With testing and compliance with existing regulations exposure risks would be reduced to a less than significant level (**Class II**).

4.7.4 Cumulative Impacts

Significance Before Mitigation: Significant and Unavoidable, Potentially Significant, and Less Than Significant

The GP/CLUP Final EIR identifies a significant and unavoidable cumulative hazards and hazardous materials risk of upset/exposure impact resulting from the inherent risk associated with the transport of hazardous materials along major transportation routes (including U.S. 101, and the Union Pacific railroad tracks), which are in close proximity to the Project site. Significant hazards include the risk of a trucking or rail accident and subsequent release of hazardous materials. The overall risk associated with transport of hazardous materials would be expected to increase following build-out the GP/CLUP as addition residential development is introduced in close proximity to major transportation routes. Although the Project's individual on-site risk or exposure to hazards and hazardous materials as a result of a transportation accident would be statistically low, the cumulative risk of such exposure associated with the introduction of additional population in close proximity to U.S. 101 and UPRR railroad tracks, is considered significant and unavoidable and the Project's contribution would be considered cumulatively considerable (**Class I**). The City Council adopted a statement of overriding consideration with respect to this impact as part of its action in certifying the FEIR for the General Plan. For purposes of this EIR's certification, that statement of overriding consideration would be incorporated into the findings by reference. ~~It is assumed that the City has adopted a~~

~~statement of overriding consideration with respect to this impact as part of its action in certifying the FEIR for the GP/CLUP. For purposes of this EIR's certification, that statement of overriding consideration, assuming that it exists, would be incorporated into the findings by the inclusion by reference of the GP/CLUP FEIR. If it does not, a statement of overriding considerations would be required for the approval of this Project.~~

With respect to all other issues associated with hazards and hazardous materials addressed in this section, the Project's contribution would be less than cumulatively considerable (**Class III and Class II**).

4.7.5 Mitigation Measures

Impact HAZ 1: Developing the Project would place residential structures and persons in proximity to the existing UPRR railroad tracks, creating a potential risk of upset associated with derailment, chemical leaks, and fire.

HAZ 1-1: The Permittee must record a notification, in a form approved by the City Attorney, regarding the proximity of the UPRR railroad tracks and the potential risks associated with such proximity and ensure that any lease or sale documents used for the lease or sale of units on the Project site include this notification.

Plan Requirements and Timing: The Permittee must prepare a Notice to Property Owner (NTPO) and CC&Rs and submit same for review and approval by the City Attorney ~~prior~~ before the City issues building permits for any residential structure on the site. ~~any recordation of the final map~~. The Permittee must provide the City with proof of recordation of the NTPO and CC&Rs before the City issues building permits ~~map recordation~~. Before the City issues building permits, a separate notice regarding proximity of the UPRR and U.S. 101 and the potential risks associated with such proximity, together with the measures incorporated into the Project to mitigate those risks, must be recorded

Monitoring: The Director of Planning and Environmental Review, the City Attorney, or designee, must verify compliance with this requirement before ~~map recordation~~ before the City issues a building permit for any residential structure.

HAZ 1-2: The Permittee must develop a mitigation plan for Project residents that provides safe-harbor and/or evacuation procedures in the event of a train accident and/or potential release of hazardous materials.

Plan Requirements and Timing: The Permittee must provide the Director of Planning and Environmental Review, the Santa Barbara County Fire Protection District, or designee, with a copy of the mitigation plan for review and approval. The plan must be included in the Project CC&Rs, which shall be reviewed and approved by the Director of Planning and Environmental Review and the City Attorney or designee, ~~before the recordation of the Project's final map~~ before the City issues a building permit for the Project.

Monitoring: The Director of Planning and Environmental Review, or designee, must verify compliance with this requirement ~~before map recordation~~ and before the City issues building permits.

Impact HAZ 5: Developing the Project could expose people to risk of upset involving the use, storage, or disposal of hazardous materials.

HAZ 5-1: Before any storage or use of regulated hazardous materials on-site (including pool maintenance chemicals, fertilizers, herbicides, pesticides, insecticides, lubricants, etc.), the permittee must determine whether the amount of hazardous materials stored at the Project site would require a Hazardous Materials Business Plan (HMBP) approved by the Fire Department. If required, the Permittee must retain the services of a qualified environmental consultant or safety engineer who will develop the business plan and a health and safety plan in order to ensure that compliance issues regarding the proper containment, usage, disposal and transportation practices are used, if required.

Plan Requirements and Timing: If required, the Fire Protection District approved HMBP must be submitted to the Director of Planning and Environmental Review, or designee, before the City undertakes final inspection and ~~issues~~ before the City issues a certificate of occupancy.

Monitoring: The Director of Planning and Environmental Review, or designee, must verify compliance with this requirement before the City issues a certificate of occupancy or conducts a final inspection. If required, the HMBP must be updated and enforced through the life of the Project as required by the Fire Protection District.

Impact HAZ 6: The Project may expose residents to low to moderate concentrations of naturally occurring radon gas.

HAZ 6-1: Radon testing must be conducted. If radon gas is present above the recommended EPA action level of (4.0 pC/L), habitable structures must be designed to provide venting and/or any other EPA approved mitigation measures to reduce such exposure below 4.0 pC/L.

Plan Requirements & Timing: A radon report including recommendations for appropriate EPA approved mitigation measures must be submitted to the Director of Planning and Environmental Review, or designee, for review and approval before the City issues any permit allowing construction of any habitable structures.

Monitoring: The Director of Planning and Environmental Review, or designee, must ensure compliance with this requirement before the City issues any permit for construction of any habitable structures. The City Building Inspector must verify compliance in the field before conducting a final inspection or issuing a certificate of occupancy.

4.7.6 Residual Impacts

Implementation of existing regulations as well as Mitigation Measures HAZ 1-1, HAZ 1-2, HAZ 5-1, and HAZ 6-1, would reduce all but one of the Project's residual impacts related to hazardous materials upset and exposure to less than significant levels (**Class II and III**). However, the Project's residual contribution to cumulative and Project-level risks associated with the exposure of people and the environment to hazards and hazardous materials as a

result of a rail or truck accident on the UPRR or U.S Highway 101 would remain significant and unavoidable (**Class I),** consistent with the findings of the GP/CLUP FEIR. The City Council adopted a Statement of Overriding Considerations with respect to this impact as part of its action in certifying the FEIR for the General Plan. For purposes of this EIR's certification, that Statement of Overriding Considerations would be incorporated into the findings by reference.