

1 **3.8 HAZARDS AND HAZARDOUS MATERIALS**

HAZARDS AND HAZARDOUS MATERIALS – Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) 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, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2 **3.8.1 Environmental Setting**

3 The presence of hazardous materials or other safety hazards at the Project site,
 4 including accidental releases such as spills or emissions during removal activities, is
 5 unlikely, but could affect residents, workers, and visitors within and adjacent to the
 6 Project site.

1 The Project is located in the Suisun Bay, in northern unincorporated Contra Costa
 2 County. Primary Project needs include the ability to recycle or dispose of non-
 3 hazardous solid waste associated with the removal of the outfall pipe, including treated
 4 wood, and other solid piping.

5 Hazardous materials that could exist within the outfall pipe and associated remnants
 6 include: creosote-treated timber pilings, petroleum based residues, and hydraulic fluids.
 7 Additionally, hazardous materials will be used and generated during removal activities.
 8 All associated hazardous materials will be removed from the Project site for proper
 9 disposal.

10 **3.8.2 Regulatory Setting**

11 **Federal and State**

12 Federal and State laws and regulations pertaining to this issue area and relevant to the
 13 Project are identified in Table 3.8-1.

Table 3.8-1 Laws, Regulations, and Policies (Hazards and Hazardous Materials)

U.S.	Clean Water Act (CWA) (33 USC 1251 et seq.)	The CWA is comprehensive legislation (it generally includes reference to the Federal Water Pollution Control Act of 1972, its supplementation by the CWA of 1977, and amendments in 1981, 1987, and 1993) that seeks to protect the nation’s water from pollution by setting water quality standards for surface water and by limiting the discharge of effluents into waters of the U.S. <i>(see below and in Section 3.9, Hydrology and Water Quality).</i>
U.S.	California Toxics Rule (40 CFR 131)	In 2000, the USEPA promulgated numeric water quality criteria for priority toxic pollutants and other water quality standards provisions to be applied to waters in the State of California. USEPA promulgated this rule based on the Administrator’s determination that the numeric criteria are necessary in the State of California to protect human health and the environment. Under CWA section 303(c)(2)(B), the USEPA requires states to adopt numeric water quality criteria for priority toxic pollutants for which the USEPA has issued criteria guidance, and the presence or discharge of which could reasonably be expected to interfere with maintaining designated uses. These Federal criteria are legally applicable in California for inland surface waters, enclosed bays, and estuaries.
U.S.	Hazardous Materials Transportation Act (HMTA) (49 USC 5901)	The HMTA delegates authority to the U.S Department of Transportation to develop and implement regulations pertaining to the transport of hazardous materials and hazardous wastes by all modes of transportation. Additionally, the USEPA’s Hazardous Waste Manifest System is a set of forms, reports, and procedures for tracking hazardous waste from a generator’s site to the disposal site. Applicable Federal regulations are contained primarily in CFR Titles 40 and 49.
U.S.	National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR 300)	Authorized under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 USC 9605, as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99 through 499; and by CWA section 311(d), as amended by the Oil Pollution Act of 1990 (OPA), Pub. L. 101 through 380. The NCP outlines requirements for responding to both oil spills and releases of hazardous substances. It specifies compliance, but does not require the preparation of a written plan. It also provides a comprehensive system for reporting, spill containment, and cleanup. The U.S. Coast Guard

Table 3.8-1 Laws, Regulations, and Policies (Hazards and Hazardous Materials)

		(USCG) and USEPA co-chair the National Response Team. In accordance with 40 CFR 300.175, the USCG has responsibility for oversight of regional response for oil spills in “coastal zones,” as described in 40 CFR 300.120.
U.S.	Oil Pollution Act (OPA) (33 USC 2712)	The OPA requires owners and operators of facilities that could cause substantial harm to the environment to prepare and submit plans for responding to worst-case discharges of oil and hazardous substances. The passage of the OPA motivated California to pass a more stringent spill response and recovery regulation and the creation of the Office of Spill Prevention and Response (OSPR) to review and regulate oil spill plans and contracts.
U.S.	Resource Conservation and Recovery Act (RCRA) (42 USC 6901 et seq.)	The RCRA authorizes the USEPA to control hazardous waste from “cradle-to-grave,” which encompasses its generation, transportation, treatment, storage, and disposal. RCRA’s Federal Hazardous and Solid Waste Amendments from 1984 include waste minimization and phasing out land disposal of hazardous waste as well as corrective action for releases. The Department of Toxic Substances Control is the lead State agency for corrective action associated with RCRA facility investigations and remediation.
U.S.	Toxic Substances Control Act (TSCA) (15 USC 2601–2692)	The TSCA authorizes the USEPA to require reporting, record-keeping, testing requirements, and restrictions related to chemical substances and/or mixtures. It also addresses production, importation, use, and disposal of specific chemicals, such as polychlorinated biphenyls (PCBs), asbestos-containing materials, lead-based paint, and petroleum.
U.S.	Other	<ul style="list-style-type: none"> • Act of 1980 to Prevent Pollution from Ships requires ships in U.S. waters, and U.S. ships wherever located, to comply with International Convention for the Prevention of Pollution from Ships. • Convention on the International Regulations for Preventing Collisions at Sea. These regulations establish “rules of the road” such as rights-of-way, safe speed, actions to avoid collision, and procedures to observe in narrow channels and restricted visibility. • Inspection and Regulation of Vessels (46 USC Subtitle II Part B). Federal regulations for marine vessel shipping are codified in 46 CFR parts 1 through 599 and are implemented by the USCG, Maritime Administration, and Federal Maritime Commission. These regulations provide that all vessels operating offshore, including those under foreign registration, are subject to requirements applicable to vessel construction, condition, and operation. All vessels (including motorboats) operating in commercial service (e.g., passengers for hire, transport of cargoes, hazardous materials, and bulk solids) on specified routes (inland, near coastal, and oceans) are subject to requirements applicable to vessel construction, condition, and operation. These regulations also allow for inspections to verify that vessels comply with applicable international conventions and U.S. laws and regulations. • Navigation and Navigable Waters regulations (33 CFR) include requirements pertaining to prevention and control of releases of materials (including oil spills) from vessels, traffic control, and restricted areas, and general ports and waterways safety.
CA	Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (Gov. Code § 8574.1 et	This Act and its implementing regulations seek to protect State waters from oil pollution and to plan for the effective and immediate response, removal, abatement, and cleanup in the event of an oil spill. The Act requires vessel and marine facilities to have marine oil spill contingency plans and to demonstrate financial responsibility, and requires immediate cleanup of spills, following the approved contingency plans, and fully mitigating impacts on wildlife. The Act assigns primary authority to the OSPR division within the CDFW to direct prevention, removal, abatement, response, containment, and cleanup efforts with regard to all aspects of any oil spill in the marine waters of the State. The

Table 3.8-1 Laws, Regulations, and Policies (Hazards and Hazardous Materials)

	seq.; Pub. Resources Code § 8750 et seq.)	CSLC assists OSPR with spill investigations and response.
CA	Other	<ul style="list-style-type: none"> • California Clean Coast Act (SB 771) establishes limitations for shipboard incinerators, and the discharge of hazardous material—including oily bilgewater, graywater, and sewage—into State waters or a marine sanctuary. It also provides direction for submitting information on visiting vessels to the CSLC and reporting of discharges to the State water quality agencies. • California Harbors and Navigation Code specifies a State policy to “promote safety for persons and property in and connected with the use and equipment of vessels,” and includes laws concerning marine navigation that are implemented by local city and county governments. This Code also regulates discharges from vessels within territorial waters of the State of California to prevent adverse impacts on the marine environment. This Code regulates oil discharges and imposes civil penalties and liability for cleanup costs when oil is intentionally or negligently discharged to the State waters. • California Seismic Hazards Mapping Act (Pub. Resources Code, § 2690) and Seismic Hazards Mapping Regulations (Cal. Code Regs., tit. 14, Div. 2, Ch. 8, Art. 10) (See Section 3.6, <i>Geology and Soils</i>). • Hazardous Waste Control Act (Cal. Code Regs., tit. 26) defines requirements for proper management of hazardous materials. • Porter-Cologne Water Quality Control Act (Cal. Water Code, § 13000 et seq.) (See Section 3.9, <i>Hydrology and Water Quality</i>).

1 Local

2 The following goals and policies regarding hazardous materials uses from the Contra
3 Costa County General Plan (2005) were considered in this analysis:

- 4 • **Safety Element**
- 5 ○ Goal 10-I: To provide public protection from hazards associated with use,
6 transport, treatment, and disposal of hazardous substances.
- 7 ○ Policy 10-61: Hazardous waste releases from both private companies and
8 from public agencies shall be identified and eliminated.
- 9 ○ Policy 10-68: When an emergency occurs in the transportation of hazardous
10 materials, the County Office of Emergency Services shall be notified as soon
11 as possible.
- 12 • **Public Facilities/Services Element – Hazardous Waste Management**
- 13 ○ Goal 7-AM: To eliminate the generation and disposal of hazardous waste
14 materials to the maximum extent feasible by:
- 15 1. Reducing the use of hazardous substances and the generation of
16 hazardous wastes;
- 17 2. Recovering and recycling the remaining waste for reuse;
- 18 3. Treating those waste not amenable to source reduction or recycling so
19 that the environment and community health are not threatened by their
20 ultimate disposal;

- 1 4. Incinerating those wastes amenable to this technology; and
- 2 5. Properly disposing of residuals in approved residual repositories.
- 3 ○ Policy 7-116: The accelerated clean-up of contaminated sites, including
- 4 containment of the sites as quickly as possible, shall be supported,
- 5 commensurate with minimizing the risk to the environment and to public health.

6 **3.8.3 Impact Analysis**

7 ***a) Create a significant hazard to the public or the environment through the routine*** 8 ***transport, use, or disposal of hazardous materials?***

9 **Less than Significant with Mitigation.** The Project includes the routine transport, use,
10 and disposal of hazardous materials that could create a significant hazard to the public
11 or environment absent measures to avoid or reduce this potential impact. Specifically,
12 Project-related removal activities will generate debris from the outfall pipe, pilings, and
13 associated materials, some of which may be hazardous. Additionally, the outfall pipe
14 would be removed using a barge and marine construction equipment, which would
15 require the routine use of hazardous materials including fuel (diesel and gasoline) and
16 marking paint. There is no indication of the presence of lead-based paint or other
17 residual materials associated with the outfall pipe.

18 Although the levee road would be used for onshore access via the occasional truck or
19 pedestrian, all hazardous materials to be used at the Project site and materials slated
20 for removal will be staged and stored at the shore base contractor’s yard and not on the
21 levee road. A California Hazardous Materials Business Plan consistent with
22 requirements of the California Fire Code will be implemented for the contractor’s yard.
23 All hazardous materials and hazardous wastes to be stored or used at the contractor’s
24 yard shore base will be identified and a record of the inventory will be kept on site.

25 The routine transport, use, or disposal of hazardous materials described above could
26 have a potentially significant impact to the public or the environment. However,
27 implementation of **MM BIO-3** and **MM BIO-4**, including the use of a turbidity curtain,
28 floating boom, and drip pans to contain any leaks of hazardous materials from the
29 barge, will reduce impacts to less than significant.

30 **MM BIO-3. In Water Turbidity Protections.** A turbidity curtain shall be installed
31 to protect fish from potential water quality/turbidity effects. The curtain (100 linear
32 feet) shall be installed and maintained around the shoreline terminus flange of
33 the pipe to contain muddy water and sediment materials that escape from the
34 6-inch-diameter outfall pipe during pipe removal. Sawdust generated during
35 cutting and removal of timber pilings will also be contained in this curtain and/or
36 skimmed and removed if floating in water (and disposed of in plastic bags). No
37 activities that would entrain or impinge fish shall be used.

1 **MM BIO-4. Protection from Release of Toxic Substances.** The Applicant shall
2 implement the following measures to prevent the release of toxic substances.

- 3 • All engine-powered equipment used and operated upon and from the deck of
4 the barge shall incorporate the use of drip-pans or other means to retain fluids
5 beneath the equipment.
- 6 • Only approved and certified fuel cans with “no-spill” spring loaded lids shall be
7 used when fueling up diesel or gas engines. Engines will be turned OFF and
8 fueling will not be done over the water. A spill kit with absorbent diapers shall
9 be readily available next to each filling area.
- 10 • A continuous floating oil-absorbent sock shall be deployed and maintained
11 around the entire barge to contain any accidental leakage of fuel or hydraulic
12 fluids.

13 ***b) Create a significant hazard to the public or the environment through***
14 ***reasonably foreseeable upset and accident conditions involving the release of***
15 ***hazardous materials into the environment?***

16 **Less than Significant Impact with Mitigation.** The Project’s demolition activities
17 create the potential for an accidental release of hazardous materials. Fuels, lubricants,
18 and hydraulic fluid are needed to operate vehicles, equipment and machinery during
19 demolition activities. Because work is proposed on and near the water, an upset or
20 accidental release of these hazardous materials has the potential to adversely affect
21 surface water and nearby ecological receptors. However, implementation of **MM BIO-4**,
22 above, will reduce impacts to less than significant.

23 ***c) Emit hazardous emissions or handle hazardous or acutely hazardous***
24 ***materials, substances, or waste within ¼ mile of an existing or proposed school?***

25 **No Impact.** There are no schools within 0.25 mile of the Project site, therefore no
26 impacts are expected.

27 ***d) Be located on a site which is included on a list of hazardous materials sites***
28 ***compiled pursuant to Government Code Section 65962.5 and, as a result, would it***
29 ***create a significant hazard to the public or the environment?***

30 **No Impact.** The California Environmental Protection Agency (Cal EPA) Hazardous
31 Waste and Substances Site List (Cortese List), which is compiled pursuant to
32 Government Code section 65962.5, was reviewed, and the property is not listed (Cal
33 EPA 2014), therefore no impacts are expected.

34 ***e) For a project located within an airport land use plan or, where such a plan has***
35 ***not been adopted, within 2 miles of a public airport or public use airport, would***

1 ***the project result in a safety hazard for people residing or working in the project***
2 ***area?***

3 **No Impact.** The Project site is not within an airport land use planning area or within
4 2 miles of a public airport or public use airport, therefore no impacts are expected.

5 ***f) For a project within the vicinity of a private airstrip, would the project result in a***
6 ***safety hazard for people residing or working in the project area?***

7 **No Impact.** The Project site is not within 2 miles of a private air strip, therefore no
8 impacts are expected.

9 ***g) Impair implementation of or physically interfere with an adopted emergency***
10 ***response plan or emergency evacuation plan?***

11 **No Impact.** The Project would not interfere with an emergency response plan because
12 it would occur entirely within Honeywell property or on Suisun Bay and would not affect
13 any roads or other facilities that are part of an adopted emergency response plan or
14 emergency evacuation route. Facility staff stationed at the guard house and in the
15 administration building would provide access to emergency personnel during the
16 Project. See Section 3.16 (e) in Transportation/Traffic for a discussion of potential
17 temporary impacts to marine police services and emergency response.

18 ***h) Expose people or structures to a significant risk of loss, injury or death***
19 ***involving wildland fires, including where wildlands are adjacent to urbanized***
20 ***areas or where residences are intermixed with wildlands?***

21 **No Impact.** The Project site is not subject to wildland fires or in an area where
22 residences are intermixed with wildlands, therefore no impacts are expected.

23 **3.8.4 Mitigation Summary**

24 Implementation of the following measure will reduce Project-related impacts associated
25 with hazards and hazardous materials to less than significant.

- 26 • MM BIO-3 In Water Turbidity Protections
27 • MM BIO-4 Protection from Release of Toxic Substances