

I. HAZARDS AND HAZARDOUS MATERIALS

This section describes hazards and hazardous materials¹ related to future development in the City of Albany that could pose a significant threat to human health or the environment. The setting section describes the existing conditions and regulatory framework. The impacts and mitigation measures section defines the criteria of significance and identifies potential impacts and mitigation measures related to hazards and hazardous materials for future development in the City of Albany.

1. Setting

The setting section describes existing conditions in the City of Albany and pertinent federal, State, and local agency laws, regulations, and programs related to hazards and hazardous materials.

a. Accidental Hazardous Materials Releases. In California, all handlers of hazardous materials are required to immediately notify the Governor's Office of Emergency Services (Cal OES) Warning Center and the local Certified Unified Program Agency (CUPA) in the event of an accidental hazardous material release or threat of a release. Between 2005 and 2014, there were 36 accidental release events in the City of Albany reported to the Cal OES Warning Center (Table IV.I-1). The majority of the releases (27 of the 36) were related to an overflow or leak of sewer/stormwater pipelines. Two of the incidents involved train collisions with pedestrian trespassers and no chemicals were spilled. Only 5 of the 36 releases reported involved a hazardous material. The hazardous materials were released from either a highway/roadway incident or other sources (e.g., residence or unknown). Over the 10-year period, the average number of hazardous material releases was 0.5 per year. The hazardous material releases were either contained or did not require remediation under the supervision of the State Water Resources Control Board (SWRCB) or Department of Toxic Substances Control (DTSC).

Table IV.I-1: Summary of Accidental Release Events Reported in the City of Albany Between 2005 and 2014

Source	Non-Hazardous Material Releases	Hazardous Material Releases	Total Releases
Commercial/Industrial Facility	1	0	1
Highway/Roadway	1	2	3
Railroad	2	0	2
Sewer/Stormwater	27	0	27
Other	0	3	3
Totals	31	5	36

Source: Cal OES Warning Center spill release archive files from 2005 to 2014. Accessed by Baseline Environmental Consulting May 2015.

The Albany City Council passed Resolution No. 2015-10 on March 3, 2015 opposing transportation of fossil fuel materials, including crude oil, coal, and petroleum coke through the City of Albany. The

¹ The California Health and Safety Code defines a hazardous material as "... 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. Hazardous materials include, but are not limited to, hazardous substances, hazardous waste, radioactive materials, and any material which a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment." (Health and Safety Code, Section 25501).

resolution states that the City strongly urges State and federal agencies to adopt regulations for petroleum product shipments, including disclosure requirements and increasing design and operation regulations. Subsequently the City sent a letter to the federal Secretary of Transportation with these recommendations.² No railroad incidents involving the release of hazardous materials have been reported in the City of Albany.

b. Hazardous Materials Release Sites. The status and location of all hazardous materials release sites requiring regulatory oversight for assessment and/or remediation actions are reported on the SWRCB’s GeoTracker database and the DTSC’s EnviroStor database. According to these databases, the majority of hazardous materials release sites in the City of Albany are related to leaking petroleum underground storage tanks (USTs).

As of May 2015, the SWRCB database³ and DTSC database⁴ records identify 47 hazardous materials release sites in the City of Albany; 9 of those sites are under active regulatory agency oversight for remediation and monitoring activities and the remaining 38 have been closed. The primary contaminants of concern at the active hazardous materials release sites include petroleum hydrocarbons, chlorinated solvents, volatile organic compounds, and metals. The active hazardous materials release sites are summarized in Table IV.I-2. Land use redevelopment on or near an active hazardous materials release site could pose a potential health risk to future construction workers, residents, and/or others who may come into contact with the hazardous materials.

Table IV.I-2: Summary of Active Hazardous Materials Release Sites

Facility Name	Address
1 Exxon	990 San Pablo Avenue
2 Firestone #3655	969 San Pablo Avenue
3 Albany 1-Hour Cleaners	1187 Solano Avenue
4 Albany Hill Mini Mart	800 San Pablo Avenue
5 Plaza Car Wash	400 San Pablo Avenue
6 Bridgewater Condominiums	545 Pierce Street
7 Western Forge & Flange Co	540 Cleveland Avenue
8 Curoco Steel Systems (Toxic)	536 Cleveland Avenue
9 Albany Solid Waste Disp	Buchanan Street Extension

Note: Facility names derived directly from SWRCB and DTSC regulatory databases.

Source: State Water Resources Control Board, GeoTracker Database; Department of Toxic Substances Control, EnviroStor Database. Accessed by Baseline Environmental Consulting March 2014.

c. Radioactive Waste. Between about 1988 and 1997, radioactive materials were used for agricultural research and experimentation at the Gill Tract, a 10-acre plot owned by the University of California, Berkeley. The Gill Tract is located on San Pablo Avenue south of Marin Avenue.

² Mass, Peter, City of Albany Mayor, 2015. Letter to the Honorable Anthony R. Foxx Secretary of Transportation, RE: Rail Safety – Expedited Action Requested. March 16.

³ State Water Resources Control Board, 2015. GeoTracker Database. Website: geotracker.swrcb.ca.gov (accessed on May 28).

⁴ Department for Toxic Substances Control, 2015. EnviroStor Database. Website: www.envirostor.dtsc.ca.gov/public (accessed on May 28).

Historical research has shown that the use of radioactive materials was limited to the Hybridoma Laboratory. A comprehensive radiation survey conducted in 2009 determined that there was no evidence of radiological contamination on the Gill Tract. Based on the findings of the survey, the Radiological Health Branch of the California Department of Public Health removed the Gill Tract from UC Berkeley's radioactive materials license and authorized the location for unrestricted use.⁵

d. Hazardous Building Materials. Hazardous materials are commonly found in building materials that may be affected during demolition and renovation activities. Building materials such as thermal system insulation, surfacing materials, and asphalt and vinyl flooring materials installed in buildings prior to 1981 may contain asbestos.⁶ Lead compounds may be present in interior and exterior paints used for commercial buildings, regardless of construction date.⁷ Lead and asbestos are State-recognized carcinogens.⁸ Demolition or renovation activities in Albany could release asbestos fibers and lead particles into the air, which then may be inhaled by construction workers and the general public. In addition, other common items present in buildings, such as electrical transformers, fluorescent lighting, electrical switches, heating/cooling equipment, and thermostats could contain hazardous materials, which may pose a health risk if not handled and disposed of properly.

e. School Receptors. Children are more susceptible to adverse health effects from hazardous materials than the general population. As of May 2015, there are seven schools in the City of Albany that are managed under the Albany Unified School District, one private high school and multiple private preschool facilities within the City, as well as schools located near Albany in adjacent jurisdictions.

f. Emergency Response. The Albany Fire Department is responsible for responding to and preparing for emergencies and disasters in the City of Albany. The City's Emergency Operations Center, located at 1000 San Pablo Avenue, serves as the primary location for internal operational, planning, and logistical activities in the event of a localized or regional disaster impacting Albany. In the event of an emergency response or evacuation, the primary access routes through the City would include San Pablo Avenue, Marin Avenue, Solano Avenue, and Buchanan Street.

g. Wildland Fire Hazards. The California Department of Forestry and Fire Protection (CAL FIRE) has mapped areas in Alameda County with significant fire hazards based on fuels, terrain, and other relevant factors. These zones, referred to as Very High Fire Hazard Severity Zones, are classified by the CAL FIRE Director in accordance with Government Code Sections 51175-51189 to assist responsible local agencies, such as the Albany Fire Department, identify measures to reduce the potential for losses of life, property, and resources from wildland fire. CAL FIRE has determined that

⁵ University of California, Berkeley, 2012. Office of Environment, Health & Safety. FAQ Index, *Gill Tract: Radiation Safety*. June 11.

⁶ California Code of Regulations, Title 8 Industrial Relations, Section 5208 Asbestos.

⁷ Department for Toxic Substances Control, 2006. Interim Guidance Evaluation of School Sites with Potential Soil Contamination as a Result of Lead from Lead-Based Paint, Organochlorine Pesticides from Termiticides, and Polychlorinated Biphenyls from Electrical Transformers. June 9 (Revised).

⁸ California Environmental Protection Agency, 2014. Office of Environmental Health Hazard Assessment. *Safe Drinking Water and Toxic Enforcement Act of 1986, Chemicals Known to the State to Cause Cancer or Reproductive Toxicity*. January 31.

there are no Very High Fire Hazard Severity Zones in the City of Albany.⁹ However, the City of Albany has determined that the eucalyptus forest on top of Albany Hill poses a wildland fire hazard that could impact the surrounding community.

h. Regulatory Agency Framework. Products as diverse as gasoline, paint, solvents, household cleaning products, refrigerants, and radioactive substances are categorized as hazardous materials. The proper management of hazardous materials is a common concern for all communities. Beginning in the 1970s, governments at the federal, State, and local levels became increasingly concerned about the effects of hazardous materials on human health and the environment. Numerous laws and regulations were developed to investigate and mitigate these effects. As a result, the storage, use, generation, transport, and disposal of hazardous materials are highly regulated by federal, State, and local agencies. These agencies and information about the laws, regulations, and programs they administer are summarized below.

(1) Federal Regulations. The U.S. Environmental Protection Agency (USEPA) is the lead agency responsible for enforcing federal laws and regulations governing hazardous materials that affect public health or the environment. The major federal laws and regulations enforced by the USEPA that could potentially relate to future developments in the City of Albany include: the Resource Conservation and Recovery Act (RCRA); the Toxic Substances Control Act (TSCA); the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); the Superfund Amendments and Reauthorization Act (SARA); the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); and the Hazardous Material Transportation Act (HMTA).

In 1976, RCRA was enacted to provide a general framework for the USEPA to regulate hazardous waste from the time it is generated until its ultimate disposal. In accordance with RCRA, facilities that generate, treat, store, or dispose of hazardous waste are required to ensure that the wastes are properly managed from “cradle to grave” by complying with the federal waste manifest system.

In 1976, TSCA was enacted to provide the USEPA authority to regulate the production, importation, use, and disposal of chemicals that pose a risk of adversely impacting public health and the environment. TSCA, and subsequent amendments, regulate contaminants such as polychlorinated biphenyls (PCBs), ACMs, and LBP. TSCA also gives the USEPA authority to regulate the cleanup of sites contaminated with specific chemicals, such as PCBs.

In 1980, CERCLA, commonly known as the Superfund, was enacted to ensure that a source of funds was available for the USEPA to clean up uncontrolled or abandoned hazardous materials release sites that pose a risk of adversely impacting public health and the environment. Prohibitions and requirements regarding closed or abandoned hazardous waste sites and liability standards for responsible parties were also established by CERCLA. In 1986, SARA amended CERCLA to increase the Superfund budget, modify contaminated site cleanup criteria and schedules, and revise settlement procedures.

⁹ California Department of Forestry and Fire Protection, 2009. *Very High Fire Hazard Severity Zones in LRA; Alameda County*. Recommended by CAL FIRE on September 8.

In 1972, an amendment to FIFRA provided the USEPA authority to regulate the manufacture, distribution, and import of pesticides. The USEPA approves registered uses of a pesticide based on an evaluation of its potential adverse effects to human health and the environment. The USEPA has granted the California Department of Pesticide Regulation (DPR) authority to enforce federal laws pertaining to the proper and safe use of pesticides.¹⁰ The DPR can also designate pesticides as “restricted material” based on potential adverse effects to public health, applicators, farm workers, domestic animals, honeybees, the environment, wildlife, or crops other than those being treated.

In 1990 and 1994, the HMTA was amended to improve the protection of life, property, and the environment from the inherent risks of transporting hazardous material in all major modes of commerce. The U.S. Department of Transportation (DOT) developed hazardous materials regulations, which govern the classification, packaging, communication, transportation, and handling of hazardous materials, as well as employee training and incident reporting.¹¹ The transportation of hazardous materials is subject to both RCRA and DOT regulations.

The Occupational Health and Safety Administration (OSHA) is the federal agency responsible for enforcement and implementation of federal laws and regulations pertaining to worker health and safety. Under OSHA jurisdiction, the Hazardous Waste Operations and Emergency Response regulations require training and medical supervision for workers at hazardous waste sites.¹² Additional regulations have been developed for construction workers regarding exposure to lead¹³ and asbestos¹⁴ during construction activities.

(2) State Regulations. In California, the USEPA has granted most enforcement authority of federal hazardous materials regulations to the California Environmental Protection Agency (Cal/EPA). Under the authority of Cal/EPA, the SWRCB and DTSC are responsible for overseeing the remediation of contaminated soil and groundwater sites. The provisions of Government Code 65962.5 (also known as the Cortese List) require the SWRCB, DTSC, the California Department of Health Services, and the California Department of Resources Recycling and Recovery to submit information pertaining to sites associated with solid waste disposal, hazardous waste disposal, and/or hazardous materials releases to Cal/EPA.

The California Highway Patrol, the California Department of Transportation (Caltrans), and DTSC are responsible for enforcing federal and State regulations pertaining to the transportation of hazardous materials. If a discharge or spill of hazardous materials occurs during transportation, the transporter is required to take appropriate immediate action to protect human health and the environment (e.g., notify local authorities and contain the spill), and is responsible for the discharge cleanup.¹⁵

¹⁰ California Code of Regulations, Title 3 Food and Agriculture, Division 6 Pesticides and Pest Control Operations.

¹¹ Code of Federal Regulation, Title 49 Transportation, Parts 171-180.

¹² Code of Federal Regulation, Title 29 Labor, Section 1910.120 Hazardous Waste Operations and Emergency Response.

¹³ Code of Federal Regulation, Title 29 Labor, Section 1926.62 Lead.

¹⁴ Code of Federal Regulation, Title 29 Labor, Section 1926.1101 Asbestos.

¹⁵ California Code of Regulations, Title 22 Social Security, Section 66260.10 et seq.

State worker health and safety regulations related to construction activities are enforced by the California Division of Occupational Safety and Health (Cal/OSHA). Regulations include exposure limits and requirements for protective clothing and training to prevent exposure to hazardous materials. Cal/OSHA also enforces occupational health and safety regulations specific to lead and asbestos investigations and abatement, which equal or exceed their federal counterparts.¹⁶

Under the California Education Code and Public Resource Code, prospective school sites must be assessed to determine if any former or current hazardous materials release sites or hazardous materials pipelines are present on the proposed site.¹⁷ Local hazardous materials agencies and air quality districts must also be consulted to ensure that no sites within 0.25 miles of a school that handle or emit hazardous substances would potentially endanger future students or workers at the prospective school site. All school districts receiving State funds must prepare a Phase I environmental site assessment on prospective school sites. The Phase I environmental site assessment would detail the historical uses of the property and indicate any potential for contamination. DTSC must review this assessment and make one of the following findings: 1) that no further action is required; or 2) that concerns about contamination exist and the district must conduct a Preliminary Endangerment Assessment (PEA). The PEA entails site sampling and the development of a detailed risk assessment of any contaminants present on the proposed school property.

(3) Regional and Local Regulations. The Bay Area Air Quality Management District (BAAQMD) oversees the protection of air quality in the San Francisco Air Basin, which includes the City of Albany. Hazardous and acutely hazardous emissions during construction (e.g., demolition of buildings containing asbestos) and facility operations (e.g., petroleum vapors from gas stations) are subject to health risk assessment regulations and permitted conditions of operation to protect nearby sensitive receptors.

The SWRCB supports the San Francisco Bay Regional Water Quality Control Board (RWQCB), which is responsible for overseeing the protection of water quality in the Bay Area. Under authority from the RWQCB, the Alameda County Department of Environmental Health (ACDEH) implements a Local Oversight Program (LOP) to oversee the investigation and remediation of leaking underground fuel tanks in Alameda County.

The routine management of hazardous materials in California is administered under the Unified Program.¹⁸ Most of the City of Albany's hazardous materials programs are administered and enforced under the Unified Program. The Cal/EPA has granted responsibilities to ACDEH for implementation and enforcement of hazardous material regulations in the City of Albany under the Unified Program as a CUPA. The ACDEH issues fee-based permits for all of the hazardous materials programs. In addition, a household hazardous waste (HHW) disposal program for Albany residents is administered by the Alameda County Waste Management Authority. A summary of the hazardous materials

¹⁶ California Code of Regulations, Title 8 Industrial Relations, Sections 1529 Asbestos, 1532.1 Lead, and 5192 Hazardous Waste Operations and Emergency Response.

¹⁷ California Education Code, Section 17210 et seq. and Public Resource Code, Sections 21151.2, 21151.4, and 21151.8.

¹⁸ California Health and Safety Code, Chapter 6.11 Unified Hazardous Waste and Hazardous Materials Management Regulatory Program, Sections 25404-25404.9.

programs administered by the ACDEH CUPA and Alameda County Waste Management Authority are provided below.

Hazardous Materials Business Plan Program. The ACDEH requires any facility that uses, handles, or stores aggregate quantities of any hazardous materials equal to or greater than 55 gallons of liquid, 500 pounds of solid, and/or 200 cubic feet of compressed gas to report their chemical inventories to ACDEH by preparing a Hazardous Materials Business Plan (HMBP). The HMBP must be submitted electronically to the ACDEH through the California Environmental Reporting System (CERS)¹⁹ for review. An HMBP must include measures for safe storage, transportation, use, and handling of hazardous materials. The HMBP must also include a contingency plan that describes the facility's response procedures in the event of a hazardous materials release.

California Accidental Release Prevention Program. Under the California Accidental Release Prevention (CalARP) Program, the ACDEH requires facilities that handle more than a threshold quantity of a regulated hazardous substance (listed in Tables 1-3, 19 CCR 2770.5), such as federally-listed extremely hazardous toxic and flammable substances and State-listed acutely hazardous materials, to prepare a risk management plan (RMP). An RMP must analyze the potential for an accidental release and provide measures that can be implemented to reduce this potential. ACDEH's review of the RMP includes a public notification process.

Underground Storage Tank Program. Hazardous materials stored in underground storage tanks (USTs), such as gasoline, could potentially leak over time and pose a risk of adversely affecting public health and the environment. The UST Program implemented by ACDEH requires facilities to acquire a five-year operating permit that includes conditions describing how to install, monitor, operate, and maintain USTs to protect public health and the environment. Tanks must be constructed with primary and secondary levels of containment and be designed to protect public health and the environment for the lifetime of the installation. The USTs must be monitored for leaks and built such that a leak from the primary container into the secondary container will be detected. When USTs are proposed for removal or modification, additional permit applications must be submitted to ACDEH. The ACDEH oversees UST removal activities to identify potential evidence of leakage.

Aboveground Storage Tank Program. The Aboveground Petroleum Storage Act (APSA) requires facilities in California storing petroleum products in aboveground tanks greater than or equal to 55 gallons and having an aggregate aboveground storage capacity greater than or equal to 1,320 gallons to prepare and implement a Spill Prevention, Countermeasure, and Control (SPCC) Plan (40 CFR 112). An SPCC Plan must be kept onsite at all times and address prevention, preparation, and response measures to prevent petroleum discharges into navigable water and adjoining shorelines.

Hazardous Waste Generator Program. Once a hazardous material has been used or processed, what remains may be considered a hazardous waste. Facilities that generate any quantity of hazardous waste are required to submit a Hazardous Waste Generator Survey to the ACDEH electronically through CERS. All facilities must obtain a waste manifest identification number from the DTSC and facilities that generate more than 100 kilograms of hazardous waste per month, or more than 1 kilogram of acutely hazardous waste, must also register with USEPA RCRA program.

¹⁹ California Environmental Reporting System, 2014. Website: cers.calepa.ca.gov.

Hazardous Waste Tiered-Permitting Program. The Unified Program regulates a Tiered-Permitting Program for authorizing facilities that generate hazardous waste to treat eligible waste streams onsite. The tiers include the following permits: Permit by Rule (PBR), Conditionally Authorized (CA), and Conditionally Exempt (CE). PBR Tiered-Permitting facilities can treat any volume of hazardous waste, including hazardous wastes with more than one hazard. CA Tiered-Permitting facilities are only authorized to treat less than 5,000 gallons or 45,000 pounds per month of hazardous wastes with only one characteristic or hazard. CE Tiered-Permitting facilities are only authorized to treat less than 55 gallons per month of hazardous waste.

All Tiered-Permitting facilities in the City of Albany must notify the ACDEH of their permit status. All Tiered-Permitting facilities must characterize waste streams prior to treatment, and PBR Tiered-Permitting facilities must prepare a waste analysis plan. Instructions must be maintained onsite for operating treatment equipment, evaluating the efficacy of treatment operations, implementing a contingency plan in the event of a hazardous material release, and documenting daily inspections of tanks and weekly inspections of containers.

Household Hazardous Waste Program. Many Albany residents routinely store and dispose of hazardous materials, such as paints and thinners, cleaning products, motor oil, batteries, electronics, and other such items. Long-term storage of hazardous products in residences poses an unnecessary risk of accidentally poisoning children and/or pets. When residents discard these kinds of hazardous materials, they become household hazardous waste (HHW). Pouring HHW down the drain, into storm sewers, or on the ground and placing HHW in the trash could potentially contaminate soil, ground-water, or surface water.

In California, it is illegal to dispose of HHW in the trash, down the drain, or by abandonment.²⁰ The Alameda County Waste Management Authority provides disposal options for HHW to residents of the City of Albany. Drop-off services for HHW are available to Albany residents at the Alameda County Waste Management Authority's Oakland Facility on 2100 East 7th Street in Oakland.

City of Albany General Plan. The following policies from the 1992 Albany General Plan addressed hazards and hazardous materials:

- **Policy CHS 3.1:** Evaluate and map the presence of hazardous materials at any development or redevelopment sites filled prior to 1974, or sites historically devoted to uses which may have involved hazardous wastes.
- **Policy CHS 3.2:** Continue to participate and cooperate with the Alameda County Hazardous Waste Management Authority and the County Department of Environmental Health in their efforts to require proper storage and disposal of hazardous materials.

These policies will soon be superseded by a more robust set of policies and action programs in the Draft General Plan. The new policies reflect the broader regulatory framework and heightened awareness of hazardous materials issues in the state, as well as best practices in policy planning.

²⁰ California Health and Safety Code, Article 10.8 Household Hazardous Waste and Small Quantity Generator Waste, Sections 25218-25218.13.

2. Impacts and Mitigation Measures

This section provides an assessment of the potential adverse impacts related to hazards and hazardous materials within the City of Albany. It begins with the criteria of significance, which establishes the thresholds for determining whether an impact is significant. The latter part of this section identifies potential impacts and evaluates how they relate to policies and actions of the Draft General Plan. Where potentially significant impacts are identified, mitigation measures are recommended.

a. Criteria of Significance. Implementation of the Draft General Plan would result in a significant hazard or hazardous materials impact if it would:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment;
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
- Include 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;
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- 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.

b. Impact Analysis. The following section provides an evaluation and analysis of the potential impacts of the Draft General Plan for each of the criteria of significance listed above and potential cumulative impacts.

(1) Routine Transport, Use, Handling or Disposal of Hazardous Materials. New development or redevelopment in the City of Albany could involve the routine management of hazardous materials that could pose a significant threat to human health or the environment if not properly managed. The storage, use, handling, generation, transport, and disposal of hazardous materials during site construction and operation activities is addressed by federal, State, and local laws, regulations, and programs. On the local level, the ACDEH implements regulatory programs for sites that routinely manage hazardous materials to ensure the safe storage, management, and disposal of hazardous materials in accordance with the Unified Program. Furthermore, the following specific policies and actions of the Draft General Plan would be applicable:

- **Policy EH-3.2: Design of Storage and Handling Areas.** Ensure that hazardous material storage and handling areas are designed and operated to minimize the risk of environmental contamination and the potential for adverse health effects.
- **Policy EH-3.3: Interagency Coordination.** Continue to work with Stopwaste.org, the Alameda County Waste Management Authority, the Alameda County Environmental Health Department, and state and federal agencies to ensure the safe storage, handling, and disposal of hazardous materials within Albany.

- **Policy EH-3.6: Household Hazardous Waste.** Support expanded public education on household hazardous waste and the locations where such waste can be safely and properly disposed in Alameda and Contra Costa Counties.
- **Action EH-3.A: Public Education and Outreach.** Provide links from the City of Albany's website to the websites of the County, State and federal agencies that regulate hazardous materials management. This should include a link to the SWRCB's, DTSC's, and ACDEH's databases that include archived reports on hazardous materials clean-up by address, and other databases indicating where the use of hazardous materials has been permitted.
- **Action EH-3.B: CUPA Programs.** Continue to work with the Alameda County Department of Environmental Health in its capacity as the Certified Unified Program Agency (CUPA) for hazardous materials management programs in Albany, including implementation of requirements for Hazardous Materials Business Plans, Risk Management Plans, and hazardous waste permitting.
- **Action EH-3.C: Household Hazardous Waste Day.** Work with Stopwaste.org to establish an annual household hazardous waste (HHW) collection day in Albany, or alternatively to establish a partnership with nearby cities that enables Albany residents to more easily dispose of household hazardous waste.

Compliance with federal, State, and local requirements and the Draft General Plan policies and actions would reduce this potential impact to a less-than-significant level and no further mitigation is required.

(2) **Accidental Releases of Hazardous Materials.** Potential upset and accident conditions associated with construction activities, building demolition, and hazardous material handlers (e.g., facilities and transporters) are discussed below.

Construction Activities. Project construction activities in the City of Albany would include the management of hazardous materials, such as motor fuels, oils, solvents, and lubricants. Common construction activities, such as fueling, maintenance, and operation of construction equipment, could result in an accidental release of hazardous materials into the environment. The use of hazardous materials would be subject to existing hazardous materials laws and regulations, and adherence to these standards would reduce the potential occurrence of an accidental release. In addition, a Stormwater Pollution Prevention Plan (SWPPP) must be prepared for coverage under the Construction General Permit in accordance with the requirements of the SWRCB. The SWPPP requires implementation of Best Management Practices for hazardous materials storage and soil stockpiles, inspections, maintenance, training of employees, and containment of releases to prevent runoff into existing stormwater collection systems or waterways.

Since compliance with existing regulations is mandatory, accidental hazardous materials releases during construction activities would have a less-than-significant impact on the public or the environment, and no additional mitigation is required.

Building Demolition. Demolition of buildings containing hazardous building materials could potentially release hazardous materials into the environment. The removal of hazardous building materials prior to demolition is governed by federal and state laws and regulations. Section 19827.5 of the California Health and Safety Code requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants.

In the City of Albany, the BAAQMD oversees the removal of regulated ACMs.²¹ All friable (crushable by hand) ACMs or non-friable ACMs subject to damage must be abated prior to demolition in accordance with applicable requirements. Friable ACMs must be disposed of as an asbestos waste at an approved facility. Non-friable ACMs may be disposed of as non-hazardous waste at landfills that will accept such wastes. Workers conducting asbestos abatement must be trained in accordance with State and federal OSHA requirements.

Loose and peeling LBP must be disposed of as a State and/or federal hazardous waste if the concentration of lead equals or exceeds applicable waste thresholds. State and federal OSHA regulations require a supervisor who is certified to identify existing and predictable lead hazards to oversee air monitoring and other protective measures during demolition activities where LBP may be present. Special protective measures and notification to Cal/OSHA are required for highly hazardous construction tasks related to lead, such as manual demolition, abrasive blasting, welding, cutting, or torch burning of structures where LBP is present.²²

Fluorescent lighting tubes and ballasts, mercury thermometers, and several other common items containing hazardous materials are regulated under the California Universal Waste Rule,²³ which is less stringent than most other federal and State hazardous waste regulations. To manage universal waste in accordance with the streamlined requirements for the State of California, generators must relinquish the waste to a universal waste transporter, another universal waste handler, or a universal waste destination facility.

The following Draft General Plan policy would be applicable to this potential impact:

- **Policy EH-3.5: Hazardous Building Materials.** Coordinate with appropriate regulatory agencies and building owners to reduce potential hazards related to exposure to hazardous building materials, such as lead, mercury, and asbestos. Ensure that any hazardous materials removed during home renovations are properly handled and disposed.

Implementation of the Draft General Plan policy, as well as existing regulatory requirements, would reduce the potential risk of impacts related to the reasonably foreseeable upset or accident conditions involving hazardous building materials to a less-than-significant level, and no additional mitigation is required.

Hazardous Materials Handlers. Common sources of accidental hazardous materials releases during project operations include transport along highways/roadways and railroads, or from commercial/industrial facilities. Between 2005 and 2014, the average number of accidental hazardous material releases in Albany was 0.5 per year. The hazardous material releases were either contained or did not require remediation under the supervision of the SWRCB or DTSC; therefore, the risk of a significant hazard to the public or the environment through reasonably foreseeable upset and accident

²¹ Bay Area Air Quality Management District, 1998. *Regulation 11, Rule 2; Asbestos Demolition, Renovation, and Manufacturing*. October 7.

²² California Code of Regulations, Title 8 Industrial Relations, Section 1532.1 Lead.

²³ California Code of Regulations, Title 22 Social Security, Division 4.5 Environmental Health Standards for the Management of Hazardous Waste, Chapter 23 Standards for Universal Waste Management.

conditions is relatively low. Furthermore, the following Draft General Plan policy would be applicable to transporters of hazardous materials:

- **Policy EH-3.4: Transportation Safety.** Support state and federal legislation which strengthens safety requirements for the transportation of hazardous waste by truck and rail through Albany and nearby cities.

Implementation of the Draft General Plan policy, in addition to the existing low risk of accidental hazardous material releases in the City of Albany and regulatory requirements for the routine management of hazardous materials, as described above, would reduce the potential risk of impacts related to reasonably foreseeable upset or accident conditions involving hazardous materials handlers to a less-than-significant level, and no additional mitigation is required.

(3) Existing and Proposed School Sites. The handling or emission of hazardous or acutely hazardous materials near schools must consider potential health effects to children, who are considered sensitive receptors. Prospective school sites must be reviewed to determine that such sites are not contaminated by hazardous materials or located within 0.25 miles of land uses that manage substantial quantities of hazardous materials. California Education Code Sections 21151.2, 21151.4, and 21151.8 specifically require investigation of prospective school sites in accordance with DTSC guidance.

Future developments of potential concern could include the siting of new commercial and/or industrial facilities that would emit or handle hazardous or acutely hazardous materials, renovation or demolition of buildings containing hazardous materials, and/or redevelopment of an existing hazardous materials release site. The primary exposure pathway of concern is commonly the inhalation of air contaminants, such as particulate matter. As discussed above, hazardous materials used during project construction activities and operations would be managed in accordance with applicable laws and regulations. The following policy of the Draft General Plan would also apply to this potential impact:

- **Policy EH-3.7: Development Review.** Consider proximity to hazardous materials in the development review process. Zoning regulations and standards should ensure safe distances between businesses using hazardous materials and sensitive land uses such as housing.

This policy, in coordination with existing regulatory requirements, would reduce the potential for school children to be exposed to hazardous or acutely hazardous materials to a less-than-significant level, and no additional mitigation is required.

(4) Hazardous Material Sites. As of May 2015, there are nine active hazardous material release sites in the City of Albany with regulatory oversight from either the RWQCB or DTSC. Some of these sites are included on the Cortese List in accordance with Government Code section 65962.5. There may be other hazardous material release sites that are not active, but have deed/land-use restrictions associated with a former hazardous materials release, that would also be included on the Cortese List. Contamination from hazardous material release sites on the Cortese List can potentially affect human health and the environment. Direct contact, inhalation, or ingestion of hazardous materials could potentially cause adverse health effects to construction workers and future site users. The severity of health effects would depend on the contaminant(s), concentration, use of personal protective equipment for construction workers, institutional controls, and/or engineering controls, and duration of exposure. The disturbance of hazardous materials on these sites during earthwork activities could pose a hazard to construction workers, nearby receptors, and the environment. Future

site users who come into contact with contaminated media could also experience adverse health effects. The following Draft General Plan policy addresses this potential impact:

- **Policy EH-3.1: Consideration of Prior Uses.** As part of the development review and approval process, consider potential risks associated with the previous uses of property that may have involved hazardous material handling, storage, or disposal. Require remediation where such hazards exist to ensure the health and safety of future residents and workers.

Continued regulatory oversight for the cleanup of existing hazardous materials release sites, adherence with existing deed/land-use restrictions, and implementation of Policy EH-3.1 would reduce potential impacts related to hazardous materials release sites, including those on the Cortese List, to a less-than-significant level and no additional mitigation is required.

(5) **Emergency Response and Evacuation Plans.** The Draft General Plan contains the following policies and actions regarding emergency response plans:

- **Policy EH-1.2: Critical Facilities.** Ensure that critical public facilities such as City Hall, schools, the police station, and the fire station are designed and maintained in a manner that ensures their resilience and ability to function during and after a natural disaster.
- **Policy EH-4.1: Response and Recovery Program.** Maintain an active and effective City of Albany emergency response and recovery program that provides direction and identifies responsibilities following a disaster.
- **Policy EH-4.2: Resident and Business Preparedness.** Develop and expand local efforts to organize and train area residents and employees so they can assist themselves and others during the first 72 hours following an earthquake or major disaster.
- **Policy EH-4.3: Emergency Operations Center.** Maintain a dedicated Emergency Operations Center to serve as the command point for emergency service delivery and communication. As directed by the Emergency Response Plan, identify supplemental sites (such as schools and/or the Library) where emergency services can be delivered and supplies can be stored.
- **Policy EH-4.4: Utility Resilience.** Work with local gas, electric, cable, water, sewer, and other utility providers to maintain and retrofit their facilities and ensure their ability to function or be quickly restored following a disaster.
- **Policy EH-4.5: Responding to the Needs of a Diverse Community.** Ensure that emergency preparedness information is available in the primary non-English languages spoken in Albany, and that preparedness programs recognize the special needs of seniors and persons with disabilities. The City and Fire Department should work with local cultural institutions and special needs service providers to improve preparedness.
- **Policy EH-4.6: Long-Term Recovery.** Incorporate provisions for long-term post-disaster recovery in local emergency preparedness plans. Such provisions should address the period beyond the initial 72 hours following a disaster and should identify strategies for rebuilding, structural repairs, restoration of services, and economic recovery.
- **Action EH-4.A: Updated Emergency Preparedness Plan.** Update and revise Albany's emergency preparedness planning documents. As part of this effort, review current data and information on hazard levels, existing emergency response protocol, and the preparedness plans of major employers in the community. Emergency plans should be consistent with federal Standard Emergency Management System (SEMS) guidelines, and the standards used to determine funding eligibility for emergency planning, relief, and recovery.

- **Action EH-4.B: Upgrades to Critical Facilities.** Continue efforts to upgrade the City’s schools and essential service facilities to ensure that they remain functional after a major disaster.
- **Action EH-4.C: CERT Training.** Continue the City of Albany and Albany Fire Department Community Emergency Response Team (CERT) and Albany Local Emergency Response Training (ALERT) training programs for residents.
- **Action EH-4.D: Emergency Supplies.** Regularly acquire, and as needed replace, emergency equipment, supplies, and communication systems, consistent with local emergency response plans.
- **Action EH-4.E: Drills.** Conduct periodic training exercises and disaster drills to test the effectiveness of local emergency response procedures.

Increased traffic as a result of new development in the City of Albany could impair existing and future emergency response and evacuation procedures. However, the following policies and actions require adequate access for emergency vehicle:

- **Policy T-4.10: Emergency Vehicles.** Provide adequate access for emergency vehicles as development takes place and as road modifications are completed. The Albany Police and Fire Departments should participate in development review and transportation planning to ensure that adequate access is provided. Painted curbs should be used as needed to limit parking in areas where emergency vehicle access is needed or where vehicle parking would impede traveler safety.

The policies and actions of the Draft General Plan would reduce potential impacts related to impairment or interference with emergency response plans or emergency evacuation plans to a less-than-significant level, and no additional mitigation is required.

(6) Wildland Fire Hazards. According to CAL FIRE, there are no Very High Fire Hazard Severity Zones within or adjacent to the City of Albany. However, the City of Albany has determined that the eucalyptus forest on top of Albany Hill poses a wildland fire hazard that could impact the surrounding community. The following Draft General Plan policies and actions address both general fire hazards concerns in Albany and the risk of wildland fire on Albany Hill:

- **Policy EH-2.1: Vegetation Management.** Implement vegetation management and fuel reduction programs in the highest hazard areas on Albany Hill, including areas adjacent to homes and areas of heavy recreational use.
- **Policy EH-2.3: Mutual Aid Agreements.** Work collaboratively with other jurisdictions to reduce wildfire hazards and respond to wildfire emergencies in the East Bay and elsewhere in California.
- **Policy EH-2.4: Defensible Space.** Ensure that private property owners in areas such as Albany Hill control weeds and other flammable vegetation around their homes in a manner that minimizes the risk of structure fires and threats to nearby properties.
- **Action EH-2.A: Albany Hill Eucalyptus Forest Management.** Manage the eucalyptus forest on Albany Hill to reduce the threat of wildfire. Consistent with the Albany Creekside Master Plan, this should include a combination of removing accumulated ground debris, managing ground cover and shrubs, removing loose or hanging bark, removing the growth of previously cut stumps, removing non-native trees such as acacia where they act as ladder fuels, maintaining the canopy to prevent invasive shrubs, and selectively thinning out denser stands.
- **Action EH-2.B: Peak Load Water Supply.** Work with EBMUD to ensure that peak load water supply and water pressure is sufficient to respond to local fire emergencies.

Based CAL FIRE's assessment of wildland fire hazards risks in the City of Albany and the Draft General Plan policies and actions, impacts related to wildland fire hazards on new development or redevelopment in the City of Albany would be less than significant and no additional mitigation is required.

c. Cumulative Impacts. Hazardous materials and other public health and safety issues are generally site-specific and would not contribute to impacts associated with other contaminated sites in Alameda County. For example, investigation and possible subsequent remediation of a development or redevelopment site in the City of Albany would not affect other investigation and remediation sites within Alameda County (or even other sites in the City of Albany). Therefore, the City's contribution to countywide impacts related to hazards and hazardous materials with implementation of the Draft General Plan would not be cumulatively considerable.

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