3.6 - Hazards and Hazardous Materials

3.6.1 - Introduction

This section describes hazards and hazardous materials[1] within the vicinity of the Warm Springs/ South Fremont Community Plan area that could pose a significant threat to human health or the environment. 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. Descriptions and analysis in this section are based on a Hazardous Materials User Study prepared by TRC Solutions, Inc., included in this EIR as Appendix E.1, and a Phase I Environmental Site Assessment (Phase I ESA) prepared by BASELINE Environmental Consulting, included in this EIR as Appendix E.2.

3.6.2 - Environmental Setting

Hazardous Materials

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 laws and regulations. These agencies and information about the laws, regulations, and programs they administer are summarized in Section 3.6.3, Regulatory Framework.

In the plan area, hazardous materials concerns include the potential for a serious hazardous materials incident from current industrial land uses as well as contamination in soil and groundwater from past land uses. Those concerns were analyzed in a Hazardous Materials User Study and a Phase I Environmental Site Assessment, which are summarized below.

Hazardous Materials User Study

The City of Fremont retained TRC Solutions, Inc. to conduct a Hazardous Materials User Study for the plan area. The purpose of this assessment was to analyze potential constraints and impacts to siting new sensitive receptors in an existing industrial area from the presence of hazardous materials being used and/or transported.

The study used federal and state modeling protocols to analyze the hazardous risk posed to sensitive receptors by the hazardous materials storage, use, generation, and transportation within the plan

[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).

area. The resulting information was intended to help guide decisions regarding future land use within the plan area.

After reviewing public records for information on chemicals of concern, 11 sources in the plan area with the most likely problematic hazardous materials risks were selected, including the Pacific Gas and Electric and Chevron Pipeline Company pipelines (Table 3.6-1). Quantitative worst-case release scenarios (no contaminant containment) and alternative release scenarios were modeled.

Table 3.6-1: Key Hazardous Materials Users/Facility Summary

User/Facility	Hazardous Material(s)	Characteristics
7UP Bottling Co.	Liquid Propane	Liquid propane stored in 900-gallon cylinder
Glacier Ice Co.	Anhydrous Ammonia	Anhydrous ammonia stored in 15,000-gallon aboveground storage tank
Global Plating	Nitric Acid; Hydrocyanic Acid	Nitric acid stored in 500-gallon aboveground storage tank; Potassium cyanide stored 190-gallon silver plating bath tank
Hayward Quartz	Liquid Hydrogen	Liquid hydrogen stored in 9,000-gallon aboveground storage tank
West Coast Quartz	Liquid Hydrogen	Liquid hydrogen stored in 9,500-gallon aboveground storage tank
Western Digital	Chlorine; Anhydrous Ammonia; Silane	Chlorine gas stored in a quantity of 44 cubic feet in a cylinder; anhydrous ammonia gas stored in a quantity of 250 cubic feet; silane gas stored in a quantity of 60 cubic feet in a cylinder
Truck-Rail Handling, Inc. (Snoboy)	Methanol	Truck-rail loading/unloading facility; rail cars with capacity of 31,250 gallons of methanol stored onsite
PG&E Pipeline	Natural Gas	Underground natural gas pipeline that serves Tesla Plant; extends eastward from I-880
Chevron Pipeline	Gasoline	Underground petroleum products pipeline; located within Union Pacific Railroad right-of-way; parallels Kinder Morgan Pipeline
Kinder Morgan Pipeline	Aviation Fuel	Underground petroleum products pipeline; located within Union Pacific Railroad right-of-way; parallels Chevron Pipeline
Source: TRC Solutions, Inc. 2013.		

Worst-case release scenario modeling indicated that there is a potential for releases that could pose a health and safety risk to future sensitive receptors within the plan area. A “threat radius” was identified for each of the 11 sources for each type of potential hazardous materials incident; they ranged from 219 feet for the Western Digital facility at 44100 Osgood Road to greater than one mile at the Glacier Ice Company at 43960 Fremont Boulevard. Absent mitigation, development within these distances of the sources could expose persons to a potential hazardous materials upset. The threat radii for the pipelines ranged from 317 to 858 feet; as pipelines traverse the plan area from

north to south, worst-case releases from the pipelines could potentially affect parcels within a significant portion of the plan area.

Phase I Environmental Site Assessment

BASELINE Environmental Consulting conducted a Phase I ESA for the plan area. The scope of work for the Phase I ESA included: (1) a review of historical land use information, including historical topographic maps and aerial photographs; (2) a review of environmental records from local, state, and federal regulatory agencies; and (3) a reconnaissance survey of the plan area.

A review of historical aerial photographs and topographic maps showed that the plan area and the surrounding areas were being used for agriculture prior to 1939. The report concluded that residues from historical and current pesticide and herbicide use could potentially be present in shallow soils within the plan area. Historical pesticide use was judged to be of particular concern because arsenic from inorganic pesticides and residues from organochlorine pesticides used in the past have the potential to persist for many decades in shallow soil.

The review of historical aerial photographs and topographic maps showed that development of industrial and light industrial buildings in the plan area began by 1961. During the site reconnaissance, it was observed that the plan area contains primarily industrial and light industrial land uses. The reconnaissance identified 119 sites at and adjacent to the plan area with evidence of hazardous material use. A total of 281 sites were listed on hazardous materials transportation, use, storage, or disposal regulatory agency records (Table 3.6-2). The report concluded that widespread current and historical use of hazardous materials on and surrounding the plan area indicates that there is a potential for undocumented hazardous materials releases to have occurred, potentially affecting soil and groundwater.

Table 3.6-2: Sites in Regulatory Agency Files and Databases

Type of Site	Number of Sites in Plan Area	Number of Sites in Surrounding Area
Sites that use, transport, store, and/or dispose of hazardous materials	205	181
Sites reporting a one-time hazardous materials incident	14	4
Sites reporting a hazardous materials release requiring regulatory agency oversight for investigation and/or remediation	14	36
Sites on other regulatory agency hazardous materials databases	4	4
Note: Some sites appear on multiple databases. Source: BASELINE, 2013.		

Other hazardous materials concerns identified in the Phase I ESA included pipelines, railroad tracks, the potential for aerially deposited lead from vehicle exhaust near highways, and lead-based paint,

asbestos, and other hazardous materials present in building materials that may be released during demolition.

Emergency Response and Evacuation Plans

The City of Fremont's Disaster Management Operations Plan was developed in compliance with state requirements and also meets the requirements of the Federal Emergency Management Agency (FEMA) as the City's local hazard mitigation plan. Fremont's Disaster Management Operations Plan provides policies and procedures for the evacuation, dispersal, or relocation of people from hazardous areas during natural disasters to less threatened areas. The plan also describes the organization and responsibilities for conducting movement operations. Evacuation routes suited for different types of potential disasters are shown in the City's Disaster Management Operations Plan.

All proposed development projects in Fremont are reviewed by the Fire Department to ensure that appropriate measures are taken to minimize fire risks and allow for emergency access. Projects are reviewed for adequacy of access, design features (e.g., setbacks, clearances) and compliance with technical code requirements. On larger developments, Fremont typically requires two ingress-egress roads to ensure sufficient access in the event of an emergency. The City has established minimum pavement widths and overhead clearance for all emergency access roads. Overhead clearance, turning radii, and turnaround areas are also regulated to ensure emergency vehicle access.

3.6.3 - Regulatory Framework

Federal

Hazardous Materials Laws

The U.S. Environmental Protection Agency (EPA) is the 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 EPA include the Resource Conservation and Recovery Act, the Toxic Substances Control Act, the Comprehensive Environmental Response, Compensation and Liability Act, and the Superfund Amendments and Reauthorization Act.

In 1976, the Resource Conservation and Recovery Act was enacted to provide a general framework for the EPA to regulate hazardous waste from the time it is generated until its ultimate disposal. In accordance with Resource Conservation and Recovery Act, facilities that generate, treat, store, or dispose of hazardous waste are required to ensure that the wastes are properly managed from "cradle to grave."

In 1976, the Toxic Substances Control Act was enacted to provide the EPA authority to regulate the production, importation, use, and disposal of chemicals that pose a risk of adversely impacting public health and the environment, such as polychlorinated biphenyls (PCBs), asbestos-containing materials, and lead-based paint. The Toxic Substances Control Act also gives the EPA authority to regulate the cleanup of sites contaminated with specific chemicals, such as PCBs.

In 1980, the Comprehensive Environmental Response, Compensation and Liability Act, commonly known as the Superfund, was enacted to ensure that a source of funds was available for the EPA to remediate 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 Comprehensive Environmental Response, Compensation and Liability Act. In 1986, the Superfund Amendments and Reauthorization Act amended Comprehensive Environmental Response, Compensation and Liability Act to increase the Superfund budget, modify contaminated site cleanup criteria and schedules, and revise settlement procedures.

Other relevant federal laws include the Hazardous and Solid Waste Amendments Act regarding hazardous waste management, the Toxic Substances Control Act, pertaining to the tracking and screening of industrial chemicals, and the Federal Insecticide, Fungicide, and Rodenticide Act, which controls pesticide distribution, sale and use. Applicable federal regulations and guidelines are contained primarily in Code of Federal Regulations (CFR) Titles 10, 29, 40, and 49.

Hazardous Material Transportation

While the EPA regulates overall use and cleanup of hazardous materials, the U.S. Department of Transportation (DOT) is the federal administering agency responsible for hazardous materials transportation regulations. The DOT Office of Hazardous Materials Safety oversees a national safety program to minimize the risks related to commercial transportation of hazardous materials. The federal hazardous materials transportation law is the basic statute regulating hazardous materials transportation in the U.S. Federal hazardous materials transportation regulations are contained in 49 CFR Parts 171-180. In California, the California Department of Transportation (Caltrans) is the implementing agency for DOT laws and regulations.

Worker Health and Safety

Worker health and safety is protected by federal and state laws and 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. Additional regulations have been developed for construction workers regarding exposure to lead and asbestos during construction activities. State regulations pertaining to worker health and safety are discussed below.

State

Hazardous Materials

In California, the EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (Cal/EPA). The mission of Cal/EPA is to restore, protect, and enhance the environment to ensure public health, environmental quality, and economic vitality. Under the authority of Cal/EPA, the Department of Toxic Substances Control (DTSC) and the San Francisco Bay Regional Water Quality Control Board (RWQCB) are responsible for overseeing the cleanup of contaminated soil and groundwater sites in the plan area. RWQCB regulations applicable to hazardous materials are contained in Title 27 of the California Code of Regulations (CCR). Additional state regulations applicable to hazardous materials are contained in CCR Title 22. CCR Title 26 is a compilation of those sections or titles of the CCR that are applicable to hazardous materials.

Worker Health and Safety

The California Department of Industrial Relations, Division of Occupational Safety and Health, enforces State worker health and safety regulations related to construction activities. Regulations include exposure limits, protective clothing, and training requirements to prevent exposure to hazardous materials. Division of Occupational Safety and Health also enforces occupational health and safety regulations specific to lead and asbestos investigations and abatement, which equal or exceed their federal counterparts.

School Siting

Special state requirements apply to the siting of a school facility. Section 17210, et seq. of the State Education Code, Section 21151.2, Section 21151.4, and Section 21151.8 of the Public Resources Code require that prospective school sites be reviewed to determine that such sites are not a current or former hazardous waste disposal site, a hazardous substance release site, or the site of hazardous substance pipelines. Specifically, California Education Code Section 17213 specifies that a school district may not acquire land for a school site that contains an aboveground or underground hazardous liquid or gas pipeline. State regulations prohibit school sites "near an aboveground water or fuel storage tank or within 1,500 feet of the easement of an aboveground or underground pipeline that can pose a safety hazard as determined by a risk analysis study, conducted by a competent professional" (Title 5 CCR Section 14010(h)). Consultation is required with local hazardous materials agencies and air quality districts to ensure that no sites within 0.25 mile 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 assessment on prospective school sites. The Phase I 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. The process entails site sampling and the development of a detailed risk assessment of any contaminants present on the proposed school property.

Local

City of Fremont

Hazardous Materials Programs

City hazardous material responsibilities and requirements are codified in the Fremont Municipal Code, Chapter 8.35 (Hazardous Materials Management). Over 1,100 businesses are regulated under the City's Hazardous Materials Ordinance. The routine management of hazardous materials in California is administered under the Unified Program. The Cal/EPA has granted responsibilities to the Fremont Fire Department, Fire Prevention Department for implementation and enforcement of hazardous material regulations under the Unified Program as a Certified Unified Program Agency (CUPA). The Unified Program consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of the following hazardous materials programs: Hazardous Materials Business Plan Program, California Accidental Release Prevention Program, Underground Storage Tank (UST) Program, Aboveground Storage Tank (AST) Program,

Hazardous Waste Generator Program, and Hazardous Waste Tiered-Permitting Program. The most common CUPA programs are described briefly below.

Hazardous Materials Business Plan Program. Any facility storing aggregate quantities of any hazardous materials equal to or greater than 10 gallons of liquids, 50 pounds of solids, or 200 cubic feet of gases is required to report their chemical inventories to the Fire Department by preparing a Hazardous Materials Business Plan. A Hazardous Materials Business Plan must include measures for safe storage, transportation, use, and handling of hazardous materials. The Hazardous Materials Business Plan must also include a contingency plan that describes the facility's response procedures in the event of a hazardous materials release. This informs the community on chemical use, storage, handling, and disposal practices. It is also intended to provide essential information to fire fighters, health officials, planners, elected officials, workers, and their representatives so that they can plan for and respond to potential exposures to hazardous materials.

California Accidental Release Prevention Program. Under the California Accidental Release Prevention Program, 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, must prepare a risk management plan. The plan must analyze the potential for an accidental release and provide measures that can be implemented to reduce this potential. Facilities that are required to prepare a risk management plan must obtain and keep current a CalARP Program Facility Permit. Two facilities in the plan area participate in the California Accidental Release Prevention Program: Glacier Ice Company at 43960 Fremont Boulevard and Global Plating, Inc. at 44620 Grimmer Boulevard.

Underground Storage Tank Program. Because of fire hazards, flammable liquids, such as gasoline, have historically been stored in USTs, which, over time, may leak, resulting in potential risks for the general public and the environment. The Fremont Fire Department requires that USTs be installed, monitored, operated, and maintained in a manner that protects 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 a UST is proposed to be removed, a detailed permit application must be submitted to the Fire Department, which oversees UST removal activities to identify potential evidence of leakage.

Aboveground Storage Tank Program. The Aboveground Petroleum Storage Act 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 Plan (40 CFR 112). A Spill Prevention, Countermeasure, and Control Plan must address prevention, preparation, and response measures to prevent oil discharges into navigable water and adjoining shorelines. Facilities with aggregate aboveground storage capacity of 1,320 gallons or more of petroleum are required to operate under a Hazardous Materials Permit and submit a tank facility statement annually to the Fire Department.

Hazardous Waste Generator Program. Once a hazardous material has been used or processed, what remains may be considered a hazardous waste. Facilities that generate more than 100 kilograms of hazardous waste per month, or more than one kilogram of acutely hazardous waste, must be registered with EPA's Resource Conservation and Recovery Act program and are subject to extensive regulations regarding storage and disposal.

General Plan

The City of Fremont General Plan sets forth the following goals and policies related to hazards and hazardous materials that are relevant to the proposed project:

- Goal 10-6 and Policies 10-6.1, 10-6.2, 10-6.3, 10-6.4, and 10.6-5 call for minimizes risks to life, property and the environment resulting from the use, storage, transportation and disposal of hazardous materials.
- Goal 10-7 and Policy 10.7-2 call for maintaining a high degree of emergency preparedness through regularly updating a Disaster Management Operations Plan and adequately training personnel to respond to any catastrophic emergency or disaster.

3.6.4 - Thresholds of Significance

According to Appendix G, Environmental Checklist, of the CEQA Guidelines, hazards and hazardous materials impacts resulting from the implementation of the proposed project would be considered significant if the project would:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

b) 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.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

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.

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 the project area. (Refer to Section 7, Effects Found Not To Be Significant.)

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area. (Refer to Section 7, Effects Found Not To Be Significant.)

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

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. (Refer to Section 7, Effects Found Not To Be Significant.)

3.6.5 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the project and provides mitigation measures where appropriate.

Routine Transport, Use, or Disposal of Hazardous Materials

Impact HAZ-1:	**Buildout of the Community Plan may expose the public or the environment to hazardous materials from routine transport, use, or disposal of hazardous materials.**

Impact Analysis

The Community Plan contemplates a wide variety of potential end uses, including industrial, office, lodging, retail, residential, open space, and a school. The Community Plan acknowledges and recognizes that there are a number of existing hazardous materials users within and near the plan area, and seeks to promote land use compatibility by locating the most sensitive uses (i.e., residential and school) as far away as possible from the most intensive uses. Additionally, the Community Plan contemplates locating non-sensitive land uses (e.g., office, retail, research and development, etc.) between the most intensive uses and the most sensitive uses to provide additionally buffering. As such, the Community Plan seeks to minimize exposure of the public or environment to existing routine hazardous materials usage within and near the plan area.

Moreover, new development or redevelopment in the plan area would necessarily involve the routine management of some hazardous materials that could pose a significant threat to human health or the environment if not properly managed or accidently released. During construction, this would include the use of fuels, lubricants, and other hazardous materials associated with heavy construction equipment. During operation, it would be expected that small quantities of cleaning, maintenance, and landscaping chemicals would be used and stored in nearly all buildings developed under the Community Plan, and industrial uses, even under the performance standard established by the Community Plan, may potentially use additional types of hazardous materials.

The routine storage, use, handling, generation, transport, and disposal of hazardous materials during site construction and operation activities are addressed by federal, state, and local laws, regulations, and programs, including the Resource Conservation and Recovery Act, the Toxic Substances Control Act, DOT regulations in 49 CFR, and hazardous materials regulations in CCR Title 26 at the federal and state levels. On the local level, the Fremont Fire Department 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 and City policies (see discussion, above).

Should new uses within the plan area propose the use of large quantities of hazardous materials, Mitigation Measure HAZ-1 would require that they be evaluated for compatibility with surrounding

land uses and, if necessary, incorporate appropriate protection measures. With the implementation of mitigation, impacts would be less than significant.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM HAZ-1 Prior to issuance of building permits for any new use within the Community Plan area that proposes to use large quantities of hazardous materials, the City of Fremont shall review the project application for compatibility with existing and planned land uses. The review process shall focus on the location of existing and planned sensitive receptors (e.g., residential uses and schools) and whether the proposed hazardous material usage would expose such uses to unacceptable safety risks. If necessary, the City shall condition the proposed hazardous materials user to incorporate appropriate protection measures (e.g., containment facilities).

Level of Significance After Mitigation

Less than significant impact.

Risk of Upset

Impact HAZ-2: Buildout of the Community Plan may expose the public or environment to hazardous materials from reasonably foreseeable upset and accident conditions.

Impact Analysis

The Hazardous Materials User Study for the plan area identified 11 potential sources of hazardous materials releases that could pose a health risk to future residents or workers in the event of a worst-case scenario.

Worst-case release scenario modeling indicated that there is a potential for releases that could pose a health and safety risk to future sensitive receptors within the plan area. A "threat radius" was identified for each of the 11 sources for each type of potential hazardous materials incident; they ranged from 219 feet for the Western Digital facility at 44100 Osgood Road to greater than one mile at the Glacier Ice Company at 43960 Fremont Boulevard. Absent mitigation, development within these distances of the sources could expose persons to a potential hazardous materials upset. The threat radii for the pipelines ranged from 317 to 858 feet; as pipelines traverse plan area from north to south, worst-case releases from the pipelines could potentially affect parcels within a significant portion of the plan area.

Although worst-case scenario conditions were judged to be highly unlikely, the study recommended that measures should be adopted, when feasible, to reduce the risk of consequences to future sensitive receptors. The adoption of these measures would also protect against smaller, and potentially more common, releases.

The measures recommended for stationary sources included setback distance, flame and blast walls, earthen berms, building orientation, building ventilation system shutdown, and building materials.

These same mitigation measures were also recommended for the mitigation of potential pipeline release effects. Other measures recommended specifically to address pipeline release effects included mitigating site design, elimination of ignition sources, installation of leak monitoring and alarms systems, and installation of automatic shut-off valves. Additionally, the probability of a pipeline release could be reduced by requesting more frequent and rigorous safety testing, installing better signage, providing right-of-way encroachment protection, and reducing pipeline operating pressure. City of Fremont enforcement of existing regulations and collaboration with businesses to improve operating procedures were recommended to reduce the probability of release from all evaluated sources.

These recommendations are reflected in Mitigation Measure HAZ-2a.

The Phase I ESA for the plan area identified numerous current and historical land uses with the potential to affect soils and groundwater within the plan area. If present, this contamination could pose a health risk to construction workers and future residents and workers in the plan area. The ESA recommended that a parcel-specific Phase I ESA be performed prior to development of projects in the plan area, and any evidence of contamination be followed up with a Phase II ESA.

The Phase I ESA also identified the potential for lead-based paint, asbestos-containing building materials, and other common hazardous materials to be present in existing buildings in the plan area. Though these materials are not a significant concern during the active life of the building, they may be released to the air during demolition, potentially creating a health risk to future construction workers and nearby members of the general public. Implementation of Mitigation Measures HAZ-2a, HAZ-2b and HAZ-2c would reduce impacts to a level of less than significant.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM HAZ-2a Prior to issuance of a building permit for a proposed project pursuant to the Community Plan, the project applicant shall submit a hazardous materials risk analysis to the City of Fremont for review and approval. The risk analysis shall incorporate information from the plan area Hazardous Materials User Study or a site-specific risk analysis performed by a qualified professional. The risk analysis shall describe potential hazardous materials incident risks and describe mitigation from the Hazardous Materials User Study or site-specific risk analysis that would protect future site users from those risks. The mitigation shall be incorporated into the project plans.

MM HAZ-2b Prior to issuance of a building permit for a proposed project pursuant to the Community Plan, a Phase I Environmental Site Assessment (Phase I ESA) shall be prepared to American Society for Testing and Materials standards for the project. If the Phase I ESA identifies the potential for soil or groundwater contamination to be present at the site, a Phase II ESA shall be prepared by a qualified environmental professional.

If contamination is identified during Phase I and II investigations, projects undertaken under the Community Plan shall incorporate any necessary measures to ensure that any potential added health risks to construction workers, maintenance and utility workers, site residents and workers, and the general public as a result of hazardous materials are reduced to a cumulative risk of less than one in one million for carcinogens and a cumulative hazard index of 1.0 for non-carcinogens, or as otherwise required by a regulatory oversight agency. The risk evaluation and any required response actions would be a condition of approval for construction, demolition, or grading permits and would be subject to review and/or approval by regulatory oversight agencies. These agencies could also require additional site investigation to more fully delineate the extent of contaminants of concern at the site. If extensive onsite excavation and/or soil off-haul is determined to be the appropriate response action for a site, additional CEQA review may be required to evaluate potential impacts for the response related to air quality, noise and traffic.

MM HAZ-2c Hazardous building materials surveys shall be conducted by a qualified and licensed professional for all structures, not previously inspected or abated, proposed for demolition or renovation as part of a project undertaken under the Community Plan. All loose and peeling lead-based paint and asbestos-containing material shall be abated by certified contractor(s) in accordance with local, state, and federal requirements. All other hazardous materials shall be removed from buildings prior to demolition in accordance with California Department of Industrial Relations, Division of Occupational Safety and Health regulations. The completion of the abatement activities shall be documented by a qualified environmental professional(s) and submitted to the City for review with applications for issuance of construction and demolition permits.

Level of Significance After Mitigation

Less than significant impact.

Exposure of Schools to Hazardous Materials or Emissions

Impact HAZ-3: Buildout of the Community Plan would not expose students and teachers at the proposed new school to hazardous materials or emissions.

Impact Analysis

No schools are currently located within 0.25 mile of the Community Plan area. The closest schools are the Fred E. Weibel and Warm Springs Elementary Schools, located approximately 0.5 mile east and south of the plan area, respectively. However, development under the Community Plan would include construction of a new school within Area 4 (refer to Exhibit 2-3).

As described under the Regulatory Framework section, state law requires that regulatory agencies be consulted regarding a potential school site to ensure that existing land uses do not manage or emit hazardous materials that could pose a health risk to future students, teachers, and workers. The Fremont Unified School District has initiated the consultation process with the California Department of Education about the suitability of the proposed school site. In addition, a Phase I ESA for the

school site must be prepared and reviewed by the DTSC School Property Evaluation and Cleanup Division. Should potential hazardous materials concerns be identified in the site assessment, a Preliminary Endangerment Assessment must be prepared, and remediation, if required, would be completed under DTSC oversight.

Compliance with these existing requirements would reduce this potential impact to a level of less than significant and no further mitigation would be required.

Level of Significance Before Mitigation
Less than significant impact.

Mitigation Measures
No mitigation is necessary.

Level of Significance After Mitigation
Less than significant impact.

Hazardous Materials Site

Impact HAZ-4: Buildout of the Community Plan may expose future construction workers, residents, and other users to hazardous materials from listed hazardous material sites.

Impact Analysis
As noted in the Phase I ESA for the plan area, more than 200 sites in and near the plan area are listed on regulatory agency databases related to hazardous materials use, storage, disposal, or release (Table 3.6-2). Should hazardous materials be present in soil, groundwater, or building materials, these hazardous materials could be released during construction and could pose a health risk to construction workers and future residents and workers. The Phase I ESA recommended that a parcel-specific Phase I site assessment be conducted prior to the redevelopment of any of the parcels within the plan area. The parcel-specific Phase I ESA could rely on the research and findings of the Community Plan-wide Phase I ESA to the extent practical. Based on the findings of the parcel-specific Phase I ESA and the proposed future land uses of the parcel, additional investigation, including soil, groundwater, or soil gas sampling, could be warranted. Implementation of Mitigation Measure HAZ-2b, which requires a parcel-specific Phase I ESA, would reduce this potential impact to a less than significant level.

Level of Significance Before Mitigation
Potentially significant impact.

Mitigation Measures
Implement Mitigation Measure HAZ-2b.

Level of Significance After Mitigation
Less than significant impact.

Emergency Evacuation or Response

Impact HAZ-5: Buildout of the Community Plan would not interfere with existing emergency evacuation or response plans.

Impact Analysis

The Community Plan contemplates a network of new and improved roadways that would be designed and constructed in accordance with the City of Fremont General Plan street section standards. This would improve emergency evacuation and response within the plan area.

Individual development projects would be required to comply with the California Fire Code's access requirements including, but not limited to, the provision of at least two access points suitable for use by fire apparatus. Additionally, the City of Fremont actively maintains a Disaster Management Operations Plan, and all development projects are reviewed by the Fire Department to ensure that emergency response is not constrained.

Compliance with these standards would ensure that impacts are less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

Less than significant impact.