

4.8 HAZARDS AND HAZARDOUS MATERIALS

This chapter describes the regulatory framework and existing conditions within the Parkway Plan Area and potential impacts related to hazardous materials, airport hazards, emergency response plans, and wildland fires that could result with the adoption and implementation of the proposed Plan.

4.8.1 ENVIRONMENTAL SETTING

4.8.1.1 REGULATORY FRAMEWORK

This section summarizes existing federal, State, regional, and local policies and regulations that apply to hazards and hazardous materials.

Federal Programs and Regulations

Environmental Protection Agency

The United States Environmental Protection Agency's (EPA) laws and regulations ensure the safe production, handling, disposal, and transportation of hazardous materials. Laws and regulations established by the EPA are enforced in Fresno and Madera Counties by the California EPA.

U.S. Department of Transportation

Transportation of chemicals and hazardous materials are governed by the United States Department of Transportation (DOT), which stipulates the types of containers, labeling, and other restrictions to be used in the movement of such material on interstate highways.

Occupational Safety and Health Administration

The Occupational Safety and Health Administration (OSHA) oversees administration of the Occupational Safety and Health Act, which requires specific training for hazardous materials handlers, provision of information to employees who may be exposed to hazardous materials, and acquisition of material safety data sheets (MSDS) from materials manufacturers. Material safety data sheets describe the risks, as well as proper handling and procedures, related to particular hazardous materials. Employee training must include response and remediation procedures for hazardous materials releases and exposures.

HAZARDS AND HAZARDOUS MATERIALS

State Programs and Regulations

California Health and Safety Code and Code of Regulations

California Health and Safety Code Chapter 6.95 and 19 California Code of Regulations Section 2729 set out the minimum requirements for business emergency plans and chemical inventory reporting. These regulations require businesses to provide emergency response plans and procedures, training program information, and a hazardous material chemical inventory disclosing hazardous materials stored, used, or handled on site. A business which uses hazardous materials or a mixture containing hazardous materials must establish and implement a business plan if the hazardous material is handled in certain quantities.

California Environmental Protection Agency

One of the primary agencies that regulates hazardous materials is the California Environmental Protection Agency (CalEPA), which is authorized by the EPA to enforce and implement federal hazardous materials laws and regulations. The Department of Toxic Substance Control (DTSC), a department of the CalEPA, protects California and Californians from exposure to hazardous waste, primarily under the authority of the federal Resource Conservation Recovery Act (RCRA) of 1976 and the California Health and Safety Code.¹ DTSC requirements include the need for written programs and response plans, such as Hazardous Materials Business Plans (HMBPs). DTSC programs include dealing with aftermath clean-ups of improper hazardous waste management, evaluation of samples taken from sites, enforcement of regulations regarding use, storage, and disposal of hazardous materials, and encouragement of pollution prevention.

In addition, DTSC's School Property Evaluation and Cleanup Division is responsible for assessing, investigating, and cleaning-up proposed school sites. The Division's goal is to ensure that proposed school properties are free of contamination or that they have been cleaned to a level that protects the students and staff who will occupy the new school. School sites that will receive State funding for acquisition or construction are required to go through an environmental review and cleanup process under DTSC's oversight.

California Division of Occupational Safety and Health (Cal OSHA)

Like OSHA at the federal level, Cal OSHA is the responsible State-level agency for ensuring workplace safety. Cal OSHA assumes primary responsibility for the adoption and enforcement of standards regarding workplace safety and safety practices. In the event that a site is contaminated, a Site Safety Plan must be crafted and implemented to protect the safety of workers. Site Safety Plans establish policies, practices, and procedures to prevent the exposure of workers and members of the public to hazardous materials originating from the contaminated site or building.

The California Department of Transportation

The California Department of Transportation (Caltrans) manages more than 50,000 miles of California's highway and freeway lanes, provides inter-city rail services, permits more than 400 public-use airports and special-use

¹ Department of Toxic Substances Control, http://www.dtsc.ca.gov/InformationResources/DTSC_Overview.cfm#Overview_of_DTSC, accessed April 21, 2017.

HAZARDS AND HAZARDOUS MATERIALS

hospital heliports and works with local agencies. Caltrans is also the first responder for hazardous material spills and releases that occur on those highway and freeway lanes and inter-city rail services.

State Water Resources Control Board

In California, the State Water Resources Control Board (SWRCB) has broad authority over water quality control issues for the State. The SWRCB is responsible for developing Statewide water policy and exercises their powers delegated to the State by the federal government under the Clean Water Act (CWA). Other State agencies with jurisdiction over water quality regulation in California include the California Department of Health Services (DHS) (for drinking water regulations), the California Department of Pesticide Regulation, the California Department of Fish and Game (CDFG), and the Office of Environmental Health and Hazard Assessment. Regional authority for planning, permitting, and enforcement is delegated to the nine Regional Water Quality Control Boards (RWQCBs). The regional boards are required to formulate and adopt water quality control plans for all areas in the region and establish water quality objectives in the plans. The Parkway Plan Area is within the jurisdiction of the Central Valley RWQCB (Region 5).

Materials-Specific Programs and Regulations

Asbestos-Containing Materials (ACM) Regulations

State-level agencies, in conjunction with the federal EPA and OSHA, regulate removal, abatement, and transport procedures for asbestos-containing materials. Releases of asbestos from industrial, demolition, or construction activities are prohibited by these regulations and medical evaluation and monitoring is required for employees performing activities that could expose them to asbestos. Additionally, the regulations include warnings that must be heeded and practices that must be followed to reduce the risk for asbestos emissions and exposure. Finally, federal, State, and local agencies must be notified prior to the onset of demolition or construction activities with the potential to release asbestos.

Polychlorinated Biphenyls (PCBs)

The U.S. EPA prohibited the use of PCBs in the majority of new electrical equipment starting in 1979, and initiated a phase-out for much of the existing PCB-containing equipment. The inclusion of PCBs in electrical equipment and the handling of those PCBs are regulated by the provisions of the Toxic Substances Control Act, 15 U.S.C. Section 2601 et seq. (TSCA). Relevant regulations include labeling and periodic inspection requirements for certain types of PCB-containing equipment and outline highly specific safety procedures for their disposal. The State of California likewise regulates PCB-laden electrical equipment and materials contaminated above a certain threshold as hazardous waste; these regulations require that such materials be treated, transported, and disposed accordingly. At lower concentrations for non-liquids, regional water quality control boards may exercise discretion over the classification of such wastes.

California Building Code

The state of California provided a minimum standard for building design through the 2010 California Building Code (CBC), which is located in Part 2 of Title 24 of the California Code of Regulations (CCR). The 2010 CBC is

HAZARDS AND HAZARDOUS MATERIALS

based on the 1997 Uniform Building Code, but has been modified for California conditions. It is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. Commercial and residential buildings are plan-checked by local city and county building officials for compliance with the CBC. Typical fire safety requirements of the CBC included; the installation of sprinklers in all high-rise buildings; the establishment of fire resistance standards for fire doors, building materials, and particular types of construction; and the clearance of debris and vegetation within a prescribed distance from occupied structures in wildlife hazard areas.

California Emergency Management Agency (CAL EMA)

The California Emergency Management Agency (CAL EMS) was established as part of the Governor's Office on January 1, 2009, created by Assembly Bill 38 (Nava), which merged the duties, powers, purposes, and responsibilities of the former Governor's Office of Emergency Services with those of the Governor's Office of Homeland Security. Cal EMA is responsible for the coordination of overall State agency response to major disasters in support of local government. The agency is responsible for assuring the State's readiness to respond to and recover from all hazards – natural, manmade, was-caused emergencies and disasters – and for assisting local governments in their emergency preparedness, response, recovery, and hazard mitigation efforts.

California Department of Forestry and Fire Protection (CAL FIRE)

The California Department of Forestry and Fire Protection (CAL FIRE) has mapped fire threat potential throughout California.² CAL FIRE ranks fire threat based on the availability of fuel and the likelihood of an area burning (based on topography, fire history, and climate). The rankings include no fire threat, moderate, high, and very high fire threat. Additionally, CAL FIRE produced a *2010 Strategic Fire Plan for California*, which contains goals, objectives, and policies to prepare for and mitigate the effects of fire to California's natural and built environments.³

California Fire Code (2010)

California Code of Regulations, Title 24, also known as the California Building Standards Code, contains the California Fire Code (CFC), included as Part 9 of that title. Updated every three years, the CFC includes provisions and standards for emergency planning and preparedness, fire service features, fire protection systems, hazardous materials, fire flow requirements, and fire hydrant locations and distribution.

Lead-Based Paint (LBP)

Cal OSHA's Lead in Construction Standard is contained in Title 8, Section 1532.1 of the California Code of Regulations. The regulations address all of the following areas: permissible exposure limits (PELs); exposure assessment; compliance methods; respiratory protection; protective clothing and equipment; housekeeping;

² CAL FIRE, http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones_development.php, accessed April 21, 2017.

³ CAL FIRE. *2010 Strategic Fire Plan for California*, <http://cdfdata.fire.ca.gov/pub/fireplan/fpupload/fpppdf668.pdf>, accessed April 21, 2017.

HAZARDS AND HAZARDOUS MATERIALS

medical surveillance; medical removal protection (MRP); employee information, training, and certification; signage; record keeping; monitoring; and agency notification.

Parkway Master Plan Policies

The Conservancy will implement its mission and the Parkway Master Plan in a manner consistent with its adopted Parkway Master Plan goals, objectives, policies, design guidelines, and best management practices (BMPs) to the extent practicable.

Local Regulations and Policies

The Conservancy is the lead agency responsible for preparing, approving, and implementing the proposed Parkway Master Plan. The Conservancy may assist other government agencies and nonprofit organizations in implementing elements of the proposed Plan. The Conservancy’s authorities and jurisdiction are described in Chapter 3. Local land use policies relevant to Parkway development and implementation are discussed in this section.

Ordinance Code of Fresno County

The ordinance Code of Fresno County⁴ contains rules and regulations pertaining to hazards and hazardous wastes in Fresno County, specifically, Title 8, Health and Safety, Title 5, Building and Construction, and Title 19, Planning.

Fresno County General Plan

The 2000 Fresno County General Plan⁵ Hazardous Materials Element contains the following policies regarding hazardous materials and wastes (Table 4.8-1).

TABLE 4.8-1 FRESNO COUNTY GENERAL PLAN POLICIES RELEVANT TO HAZARDS AND HAZARDOUS MATERIALS.

Policy Number	Policy/Goal
Health and Safety Element	
Policy HS-F.3	The County, through its Hazardous Materials Incident Response Plan, shall coordinate and cooperate with emergency response agencies to ensure adequate county-wide response to hazardous materials incidents.
Policy HS-F.6	The County shall work cooperatively with the State Department of Toxic Substances Control and Regional Water Quality Control Board to promote the timely and efficient cleanup of contaminated sites under the regulatory oversight of these agencies.
Policy HS-F.7	The County shall ensure that the mining and processing of minerals in the County is conducted in compliance with applicable environmental protection standards.

⁴ Ordinance Code of Fresno County, <http://library.municode.com/index.aspx?clientid=14972>, accessed April 21, 2017.

⁵ Fresno County General Plan Policy Document, 2000 General Plan Review, Revised Public Draft Review, January 2013, http://www2.co.fresno.ca.us/0110a/Questys_Agenda/MG201174/AS201197/AS201199/AI201247/DO201407/5.PDF, accessed April 21, 2017.

HAZARDS AND HAZARDOUS MATERIALS

Fresno County Department of Public Health

The County's Department of Public Health is a State Certified Unified Program Agency (CUPA), responsible for implementing a unified hazardous materials and hazardous waste management regulatory program. Compliance is achieved through routine inspections of all regulated facilities, and investigation of citizen-based complaints and inquiries regarding improper handling and/or disposal of hazardous materials and/or hazardous wastes.

Hazardous waste source reduction is a primary goal of the CUPA. Additionally, the agency provides oversight for the remediation of contaminated sites.

Madera County Code

The Madera County Code⁶ contains rules and regulation pertaining to hazards and hazardous wastes in Madera County, specifically Title 7, Health and Sanitation, Title 14, Buildings and Construction, and Title 16, Environmental Impact.

Madera County General Plan

The Madera County Plan,⁷ which was adopted on October 24, 1995, sets forth the following goals and policies related to fire hazards, airport hazardous, emergency management, public safety, and hazardous materials (Table 4.8-2).

Madera County Environmental Health Department

The County's Environmental Health Department, like Fresno County Department of Public Health, is a CUPA, responsible for ensuring that businesses in Madera County handle, store, and dispose of hazardous materials and hazardous wastes in compliance with applicable laws and regulations in order to protect the health and environment of the citizens of Madera County.

City of Fresno Municipal Code

The Fresno Municipal Code⁸ contains rules and regulations pertaining to hazards and hazardous wastes with the City of Fresno, specifically Chapter 6, Municipal Services and Utilities, Chapter 10, Regulations Regarding Public Nuisances and Real Property Conduct and Use, and Chapter 12, Land Use Planning and Zoning.

City of Fresno General Plan

The City of Fresno General Plan,⁹ Safety Element, adopted February 1, 2012, sets forth the following goals and policies related to fire hazards, hazardous materials, and airport safety (Table 4.8-3).

⁶ Madera County Code, <http://library.municode.com/index.aspx?clientId=16466&stateId=5&stateName=California>, accessed April 21, 2017

⁷ Madera County General Policy Document, adopted October 24, 1995, http://www.jnmcommercial.com/pdfs/51-madera_county_general_plan.pdf, accessed April 21, 2017.

⁸ Ordinance Code of Fresno County, <http://library.municode.com/index.aspx?clientId=14972>, accessed April 21, 2017

⁹ 2025 City of Fresno General Plan, 2012, <http://www.fresno.gov/Government/Departmentdirectory/DARM/AdvancedPlanning/2025FresnoGeneralPlan.htm>, accessed April 21, 2017.

HAZARDS AND HAZARDOUS MATERIALS

TABLE 4.8-2 MADERA COUNTY GENERAL PLAN POLICIES RELEVANT TO HAZARDS AND HAZARDOUS MATERIALS

Policy/Goal Number	Policy/Goal
Health and Safety Element	
<i>Fire Hazards</i>	
<i>Goal 6.C</i>	<i>To minimize the risk of loss of life, injury, and damage to property and watershed resources resulting from unwanted fires.</i>
Policy 6.C.1	The County shall ensure that development in high-fire-hazard areas is designed and constructed in a manner that minimizes the risk from fire hazards and meets all applicable state and county fire standards. In areas with high or extreme-wildfire hazards, the County shall limit parcel sizes to 21 acres or larger or encourage clustered or planned residential development with on-site fire suppression measures.
Policy 6.C.5	The County shall require development to have adequate access for fire and emergency vehicles and equipment. All major subdivisions shall have two points of ingress and egress.
Policy 6.C.6	The County shall ensure that existing and new buildings of public assembly incorporate adequate fire protection measures to reduce the potential loss of life and property in accordance with state and local codes and ordinances.
Policy 6.C.8	The County shall work with local fire protection agencies, the California Department of Forestry and Fire Protection, and the U.S. Forest Service to promote the maintenance of existing fuel breaks and emergency access routes for effective fire suppression.
Policy 6.C.10	The County shall continue to work cooperatively with the California Department of Forestry and Fire Protection and local fire protection agencies in managing wildland fire hazards.
<i>Hazardous Materials</i>	
<i>Goal 6.G</i>	<i>To minimize the risk of loss of life, injury, serious illness, damage to property, and economic and social dislocations resulting from the use, transport, treatment, and disposal of hazardous materials and hazardous materials wastes.</i>
Policy 6.G.1.	The County shall ensure that the use and disposal of hazardous materials in the county complies with local, state, and federal safety standards
Policy 6.G.5.	The County shall strictly regulate the storage of hazardous materials and wastes.

4.8.1.2 EXISTING SETTING

This section describes existing conditions in the Parkway Plan Area related to hazardous materials, airport hazards, and wildland fires. The Parkway Plan Area follows the San Joaquin River for an approximately 23-mile reach from Friant Dam to Highway 99. The Parkway Plan Area is generally within the floodplain of the river and varies in width from narrow corridors, where the bluffs are close to the river, to broader, less topographically constrained areas.

HAZARDS AND HAZARDOUS MATERIALS

TABLE 4.8-3 CITY OF FRESNO GENERAL PLAN GOALS AND POLICIES RELATED TO HAZARDS AND HAZARDOUS MATERIALS

Policy/Goal Number	Policy/Goal
Health and Safety Element	
<i>Hazardous Materials</i>	
Objective 1-6	Reduce and control the adverse effects of hazardous materials on the public's health, safety, and welfare so as to promote the public health and welfare of local residents and the productive capacity of industry.
Policy 1-6-a	Hazardous materials will be defined as those that, because of their quantity, concentration, physical or chemical characteristics, pose a significant potential hazards to human health, safety, or the environment. Specific federal, state, and local definitions and listings of hazardous materials will be used by the City of Fresno.
Policy 1-6-b	The city will coordinate and cooperate with other local, state, and federal agencies with expertise and responsibility for hazardous materials.
Policy 1-6-c	Approval of annexations, and development projects (including issuance of building permits) will be subject to state and federal requirements for adequate assessment and mitigation measures on listed hazardous material sites and for business activities that involve more than threshold amounts of hazardous materials.
Policy 1-6-e	Through the environmental review process for land use plans and other development projects, the city will continue to identify and assess the health- and safety-related implications of storage, use, and disposal of hazardous materials.
Policy 1-6-g	The city will continue to prevent, assess, and seek remediation for, any hazardous material contamination within, and affecting, its planning area.
Policy 1-6-h	The city will continue to aid in the identification and mapping of waste disposal sites (including abandoned wastes), and to assist in the survey of the kinds, amounts, locations, etc., of hazardous wastes.
Policy 1-6-i	The city will utilize conditions for development projects, will adopt and enforce ordinances, and will use its police powers for land use regulation, code enforcement and nuisance abatement in order to prohibit the inappropriate use of, and/or discharge of, toxic and hazardous materials to the atmosphere, to wastewater collection and storm drainage systems, to groundwater, and to surface bodies of water, when such use or discharge threatens public health, safety, or general welfare.
Policy 1-6-j	Disaster and emergency response preparedness and planning for the city will include procedures and policies appropriate to hazardous materials.
Policy 1-6-k	The city will continue to support and assist with special household hazardous waste collection activities, to reduce the amount of this material being improperly discarded.
Policy 1-6-l	The city will continue to assist in providing information to the public on hazardous materials.

Hazardous Materials

Transport, Use, and Disposal of Hazardous Materials

The major transportation routes within the Parkway Plan Area are Friant Road and short sections of Highway 99 and Highway 41. These transportation routes may be used to transport hazardous materials from suppliers to

HAZARDS AND HAZARDOUS MATERIALS

users. Transportation accidents involving hazardous materials could occur on any of the routes, potentially resulting in explosions, physical contact by emergency response personnel, environmental degradation, and exposure to the public.

Known Hazardous Materials Sites

Regional Water Quality Control Board (GeoTracker Database)

The GeoTracker database is the RWQCB's data management system for managing sites that impact groundwater, especially those that require groundwater cleanup (Underground Storage Tanks (USTs), Department of Defense, Site Cleanup Program), as well as permitted facilities such as operating USTs and land disposal sites. GeoTracker contains well, tank, and pipeline data in California. A database search, conducted on April 21, 2017, revealed a total of seven listings in the Parkway Area.¹⁰ Of these, three are leaking underground storage tank (LUST) cleanup sites (all of which are closed), three are cleanup program sites (all of which are closed), and one is listed as an open land disposal site, although there is no historical, current operational, or other available information for this site contained in the database. Pertinent information available for each of these sites, including address and status, is provided in Table 4.8-4.

TABLE 4.8-4 HAZARDOUS MATERIALS SITES IN AND NEAR SAN JOAQUIN RIVER PARKWAY.

No.	Name	Address	City	Type	Status	Database
1	CalMat of Central California	11599 Friant Road	Fresno	Cleanup Program Site	Completed-Case Closed 7/10/1996	GeoTracker
2	Old River	8225 Milburn Avenue	Fresno	Lust Cleanup Site	Completed-Case Closed 5/17/1991	GeoTracker
3	Friant Store	17254 Friant Road	Friant	Lust Cleanup Site	Completed-Case Closed 6/7/1996	GeoTracker
4	Southern Pacific Transportation Company	17390 Friant Road	Friant	Cleanup Program Site	Completed-Case Closed 11/6/2013	GeoTracker
5	Lost Lake Park Maintenance	16385 Friant Road	Friant	Lust Cleanup Site	Completed-Case Closed 5/7/2002	GeoTracker
6	Lost Lake Landfill	17385 Friant Road	Friant	Land Disposal Site	Open	GeoTracker
7	Vulcan Materials Company	11599 Old Friant Road	Fresno	Cleanup Program Site	Completed-Case Closed 1/31/2013	GeoTracker

Department of Toxic Substances Control

The DTSC's EnviroStor database is an online search tool for identifying sites that were contaminated or are potentially contaminated and in need of further investigation. The EnviroStor database also identifies facilities that are authorized to treat, store, dispose of, and/or transfer hazardous waste. The EnviroStor database includes lists of the following site types: federal Superfund sites; State Response, including Military Facilities and Federal

¹⁰ California State Water Resources Control Board (SWRCB), GeoTracker, accessed April 21, 2017.

HAZARDS AND HAZARDOUS MATERIALS

Superfund; Voluntary Cleanup; and School sites. EnviroStor provides the site name, site type, status, address, any restricted use and/or recorded deed restrictions, past use(s) that caused contamination, potential contaminants of concern, site history and planned and completed activities. Sites in the EnviroStor database may also be included in the GeoTracker database and vice versa. As of April 21, 2017, there were no regulatory properties listed within or in near proximity the immediate Parkway Plan Area.

Airport Hazards

There are no airports or private airstrips in the Parkway Plan Area.¹¹ Portions of the Parkway Plan Area are located within two miles of the privately owned, public-use Sierra Sky Park Airport in the City of Fresno and the privately owned, private-use Arnold Ranch Airport in Madera County. The Fresno Yosemite International Airport is approximately eight or more miles from the Parkway Plan Area.

Wildland Fire Hazard

The California Department of Forestry and Fire Protection Services (CAL FIRE) evaluates fire hazard severity risks according to areas of responsibility (i.e. federal, State, and local). According to CAL FIRE, the Parkway Area is designated as having moderate to high fire threat.¹²

4.8.2 STANDARDS OF SIGNIFICANCE

The proposed development of the Parkway Plan Area would result in a significant impact with regard to hazardous and hazardous wastes if it would:

1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school.
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.
5. Be located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, result in a safety hazard for people residing or working in the Project area.
6. Be within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the Project area.

¹¹ AirNav, <http://www.airnav.com/airports/us/CA>, accessed April 21, 2017.

¹² CalFire, Wildland Fire and building Codes, http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones_maps, accessed April 21, 2017.

HAZARDS AND HAZARDOUS MATERIALS

7. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
8. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

4.8.3 IMPACT DISCUSSION

This section analyzes potential project-specific and cumulative impacts related to hazardous materials, airport hazards, emergency response plans, and wildland fires. This discussion is organized by each of the potential impacts identified in the standards of significance.

HAZ-1	The proposed Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
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The development and uses under the proposed Plan would not involve routine transport of hazardous waste, thus no impacts from the operation of recreation and conservation uses would occur. Potential impacts during construction, including potential accidents, from the use of hazardous materials on-site such as gasoline, diesel fuel, lubricating oil, grease, hydraulic fluid, solvents, caulking and paint would be reduced to less-than-significant levels through compliance with applicable local, State, and federal regulations, as well as the use of standard handling practices followed by trained personnel. Additionally, during the operational phase of future development, common cleaning substances, building maintenance products, paints and solvents, and similar items may be stored and used in buildings within the Parkway Plan Area. These potentially hazardous materials, however, would not be of a type or occur in sufficient quantities to pose a significant hazard to public health and safety or the environment. Compliance with the following laws, regulations, and conditions of approval, and BMP HAZ-1, would minimize hazards associated with the routine transport, use, or disposal of hazardous materials to the maximum extent practicable; therefore, the impact would be *less than significant*.

BMP HAZ-1. Construction Site Hazardous Materials and Waste Water Management

- An inventory of all hazardous materials used (and/or expected to be used) at the worksite and the end products that are produced (and/or expected to be produced) after their use shall be maintained by the worksite manager.
- As appropriate, containers shall be properly labeled with a “Hazardous Waste” label and hazardous waste will be properly recycled or disposed of off-site.
- Contact of chemicals with precipitation shall be minimized by storing chemicals in watertight containers with appropriate secondary containment to prevent any spillage or leakage.
- Quantities of toxic materials, such as equipment fuels and lubricants, shall be stored with secondary containment that is capable of containing 110 percent of the primary container(s).

HAZARDS AND HAZARDOUS MATERIALS

- Petroleum products, chemicals, cement, fuels, lubricants, and non-storm drainage water or water contaminated with the aforementioned materials shall not contact soil and shall not be allowed to enter surface waters or a storm drainage system.
- All toxic materials, including waste disposal containers, shall be covered when they are not in use, and located as far away as possible from a direct connection to the storm drainage system or surface water.
- Sanitation facilities (e.g., portable toilets) shall be placed at least 100 feet away from the bank of a river, water channel, or pond.
- Sanitation facilities shall be regularly cleaned and/or replaced, and inspected daily for leaks and spills.

Applicable Laws, Regulations, and Permits, Relevant Local Land Use Policies:

- DOT Hazardous Materials Transport Act-Code of Federal Regulations (CFR) 49
- EPA Resource Conservation and Recovery Act (RCRA)
- EPA Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)
- CAL/OSHA
- California Health and Safety Code (Chapters 6.95 and 19)
- California Code of Regulations (Section 2729)
- California Building Code

Significance Without Mitigation: Less than significant.

HAZ-2	The proposed Project would not 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.
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The adoption and implementation of the proposed Plan would provide for habitat restoration, low-impact public recreation (e.g., hiking, cycling, canoeing, etc.) and associated construction. As described above, operation of future projects could involve the storage and use of common cleaning substances, building maintenance products, paints and solvents in the proposed buildings; however, these potentially hazardous substances would not be of a type or occur in sufficient quantities on-site to pose a significant hazard to public health and safety or the environment. The storage and use of these materials would be subject to existing federal and State regulations. Compliance with these regulations, and BMP HAZ-1 listed above would ensure that the risk of accidents and spills are minimized to the maximum extent practicable. Therefore, the impact would be *less than significant*.

Applicable Laws, Regulations, and Permits, Relevant Local Land Use Policies:

- DOT Hazardous Materials Transport Act-Code of Federal Regulations (CFR) 49
- EPA RCRA
- EPA CERCLA
- CAL/OSHA
- California Health and Safety Code (Chapters 6.95 and 19)

HAZARDS AND HAZARDOUS MATERIALS

- California Code of Regulations (Section 2729)
- California Building Code

Significance Without Mitigation: Less than significant.

HAZ-3 The proposed Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school.

Valley Oak Elementary School in the Clovis Unified School District is within ¼ mile of the Parkway Plan Area. Other schools within ½- to ¾-mile of the Parkway Plan Area include the Rio Vista, Norman Liddell, Forkner, and Nelson Elementary Schools within the Fresno Unified School District and Pinedale Elementary School in the Clovis Unified School District. Adoption and implementation of the proposed Plan would provide for habitat restoration and low-impact public recreation (e.g, hiking, cycling, and canoeing) and associated construction of supporting facilities. Construction activities would be subjected to applicable existing regulations pertinent to hazardous materials use and transport. As discussed above, operation of future projects under the proposed Plan would involve the storage and use of common cleaning substances, building maintenance products, paints and solvents in the proposed buildings; however, these potentially hazardous substances would not be of a type or occur in sufficient quantities on-site to pose a significant hazard to public health and safety or the environment. The storage and use of these materials would be subject to existing federal and State regulations. Compliance with applicable regulations and conditions of approval would ensure that the risk to existing or proposed schools are minimized to the maximum extent practicable. Therefore, the impact would be *less than significant*.

Applicable Laws, Regulations, and Permits, Relevant Local Land Use Policies:

- DOT Hazardous Materials Transport Act-Code of Federal Regulations (CFR) 49
- EPA RCRA
- EPA CERCLA
- CAL/OSHA
- California Health and Safety Code (Chapters 6.95 and 19)
- California Code of Regulations (Section 2729)
- California Building Code

Significance Without Mitigation: Less than significant.

HAZ-4 The proposed Project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.

As discussed in Section 4.8.1.2, seven sites within or in near proximity to the Parkway Plan Area are included in RWQCB’s Geo Tracker database of hazardous materials sites. Of these, six of the sites have been investigated, undergone some form of corrective action, an issued a closure letter by the RWQCB, indicating the site is considered to be low threat to public health, safety, and the environment. The remaining site is identified as Lost

HAZARDS AND HAZARDOUS MATERIALS

Lake Landfill located in or near Lost Lake Recreation Area. No information for the site, including violations or enforcement actions, is available in the GeoTracker database, and the site is listed as “Open-Inactive,” meaning no regulatory oversight activities currently are being conducted by the RWQCB. Therefore, this site too, although included on a list of hazards materials sites, does not appear to create a significant hazard to the public or the environment. Furthermore, compliance with applicable federal, State, and local applicable regulations and conditions of approval would ensure that any potential impacts relating to these sites would be *less than significant*.

Applicable Laws, Regulations, and Permits, Relevant Local Land Use Policies:

- DOT Hazardous Materials Transport Act-Code of Federal Regulations (CFR) 49
- EPA Resource Conservation and Recovery Act (RCRA)
- EPA Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)
- CAL/OSHA
- California Health and Safety Code (Chapters 6.95 and 19)
- California Code of Regulations (Section 2729)
- California Building Code

Significance Without Mitigation: Less than significant.

HAZ-5 **The proposed Project would not be 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.**

As discussed in Section 4.8.1.2 (Airport Hazards), there are no public airports within two miles of the Parkway Plan Area.

Applicable Laws, Regulations, and Permits, Relevant Local Land Use Policies:

- None

Significance Without Mitigation: Less than significant.

HAZ-6 **The proposed Project would not be within the vicinity of a private airstrip and result in a safety hazard for people residing or working in The Parkway Area.**

As discussed in Section 4.8.1.2, Airport Hazards, portions of the Parkway Plan Area are located within two miles of the privately-owned, public-use Sierra Sky Park Airport in the City of Fresno and the privately owned, private-use Arnold Ranch Airport in Madera County. While the Sierra Sky Park runway is adjacent to the Milburn and Bluff Pointe units of the Parkway Plan Area, no residences and few daily employment opportunities would be introduced at these locations through the implementation of the Master Plan Update. In addition, compliance with objectives and policies established in the City of Fresno General Plan (Airport Safety) and the County of Madera General Plan (Airport Hazards) would ensure that impacts associated with airport hazards remain *less than significant*.

HAZARDS AND HAZARDOUS MATERIALS

Applicable Laws, Regulations, and Permits, Relevant Local Land Use Policies:

- City of Fresno General Plan (Safety Element-Airport Safety)
- County of Madera General Plan (Health and Safety Element- Airport Hazards).

Significance Without Mitigation: Less than significant.

HAZ-7 The proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

The adoption and Implementation of the proposed Plan would not involve any changes to public streets, roads, or evacuation infrastructure and does not include the development of any features that would impair the implementation of the emergency operation plans of the City of Fresno and Counties of Madera and Fresno. Implementation of the proposed Plan will result in new emergency response and rescue access routes within the Parkway Plan Area. Currently, County of Fresno Parks and the Sheriff’s Offices of Madera and Fresno counties work together to evacuate and close lands along the river during emergencies, such as during flood conditions. This system will continue under the proposed Plan. Furthermore, the proposed Plan includes policies to coordinate with enforcement and response agencies to identify and designate emergency access points throughout the Parkway Plan Area. Overall, the impact would be *less than significant*.

Applicable Laws, Regulations, and Permits, Relevant Local Land Use Policies:

- California Fire Code (Part 9 CCR)
- California Building Code (Part 2 CCR)
- Cal EMA (Strategic Plan 2010-2015)
- DOT Hazardous Materials Transport Act-Code of Federal Regulations (CFR) 49
- EPA RCRA
- EPA CERCLA
- CAL/OSHA
- California Health and Safety Code (Chapters 6.95 and 19)
- California Code of Regulations (Section 2729)
- California Building Code
- Ordinance Code of Fresno County (Titles 5, 8, and 19)
- Fresno County General Plan (Health and Safety Element)
- Madera County Code (Titles 7, 14, and 16)
- Madera County General Plan (Health and Safety Element)
- City of Fresno Municipal Code (Chapters 6, 10, and 12)
- City of Fresno General Plan (Safety Element).

Significance Without Mitigation: Less than significant.

HAZARDS AND HAZARDOUS MATERIALS

HAZ-8 **The proposed Project would not 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.**

As discussed in Section 4.8.1.2 (Wildland Fire Hazard), the Parkway Plan Area is designated as having moderate to high fire threat by CAL FIRE. The adoption and implementation of the Master Plan Update will result in stewardship residences, campgrounds, visitor centers, and services structures. Compliance with the following applicable regulations and conditions of approval and the implementation of the proposed Master Plan Update goals, policies, BMP FIRE-1, and actions would ensure the risk of loss, injury, or death involving wildland fires is minimized to the maximum extent practicable; therefore, impacts would be *less than significant*.

BMP FIRE-1. Fire Prevention

- All structures shall comply with County and CAL FIRE standards.
- Fire prevention measures shall be implemented including mowing shoulders of roads, parking areas and trails, buffers around buildings, and buffers at boundaries of Parkway lands if adjacent to urban development; and clearing ladder fuels around structures.

Applicable Laws, Regulations, and Permits, Relevant Local Land Use Policies:

- California Fire Code (Part 9 CCR)
- California Building Code (Part 2 CCR)
- CAL FIRE (2010 Strategic Fire Plan)
- Ordinance Code of Fresno County (Titles 5, 8, and 19)

Significance Without Mitigation: Less than significant.

4.8.4 CUMULATIVE IMPACTS

HAZ-9 **Future development under the proposed Plan, in combination with past, present, and reasonably foreseeable growth, would result in less than significant cumulative impacts with respect hazards and hazardous materials.**

This section analyzes potential impacts related to hazards and hazardous materials that could occur from a combination of the adoption and implementation of the proposed Plan with buildout of plans within the vicinity of the Parkway Plan Area.

Although the proposed Plan would introduce new structures, facilities to support low-impact recreation activities, enhance wildlife habitat, and increase connectivity amongst Parkway trails, all of which could increase hazards and hazardous materials at buildout, implementation would be carried out in accordance with applicable local, State, and federal laws. Hazards and hazardous materials would have a *di minimus* contribution to cumulative impacts because of the low impact recreational activities, low density, and manual use of hazardous materials associated

HAZARDS AND HAZARDOUS MATERIALS

with the propose Project. Furthermore, because the proposed Plan itself is not proposing site specific projects, future projects as a result of implementation would be subject to separate project-level California Environmental Quality Act (CEQA) review where site-specific impacts would be identified along with mitigation measures. Therefore, adherence to existing policies and ordinances aimed at protecting public safety along with the provisions of subsequent independent CEQA review for specific projects, cumulative impacts of the proposed Plan would be less than significant.

Applicable Laws, Regulations, and Permits, Relevant Local Land Use Policies:

- DOT Hazardous Materials Transport Act-Code of Federal Regulations (CFR) 49
- EPA RCRA
- EPA CERCLA
- CAL/OSHA
- California Health and Safety Code (Chapters 6.95 and 19)
- California Code of Regulations (Section 2729)
- California Building Code

Significance Without Mitigation: Less than significant.

HAZARDS AND HAZARDOUS MATERIALS