

4.9 Hazards and Hazardous Materials

This section describes the existing hazards and hazardous material conditions of the project site and vicinity, identifies associated regulatory requirements, evaluates potential project and cumulative impacts, and identifies mitigation measures for any significant impacts related to implementation of the Laguna Creek Diversion Retrofit Project (Proposed Project). This analysis is based on a review of online hazardous material site databases and fire hazard severity zone maps.

A summary of the comments received during the scoping period for this environmental impact report (EIR) is provided in Table 2-1 in Chapter 2, Introduction, and a complete list of comments is provided in Appendix A. Comments related to wildfire protection (i.e., defensible space) were received from the California Department of Forestry and Fire Protection (CAL FIRE). Issues identified in the public comments related to potentially significant effects on the environment according to the California Environmental Quality Act (CEQA) and/or issues raised by responsible and trustee agencies are identified and addressed in this EIR.

4.9.1 Existing Conditions

4.9.1.1 Hazardous Materials

Definitions and Overview

As defined in the California Health and Safety Code Section 25501, “hazardous material” means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant hazard to human health and safety, or to the environment, if released into the workplace or the environment. “Hazardous materials” include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing would be injurious to the health and safety of persons, or harmful to the environment if released into the workplace or the environment. Hazardous wastes are hazardous substances that no longer have a practical use, such as material that has been abandoned, discarded, spilled, or contaminated, or is being stored prior to proper disposal.

California Code of Regulations (CCR), Title 22, Chapter 11, Article 2, Section 66261.10 provides the following definition for hazardous waste:

[A] waste that exhibits the characteristics may: (1) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (2) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed or otherwise managed.

According to CCR Title 22, substances having a characteristic of toxicity, ignitability, corrosivity, or reactivity are considered hazardous waste. Toxic substances may cause short-term or long-lasting health effects, ranging from temporary effects to permanent disability or death. For example, toxic substances can cause eye or skin irritation, disorientation, headache, nausea, allergic reactions, acute poisoning, chronic illness, or other adverse health effects if human exposure exceeds certain levels (levels depend on the substance involved). Carcinogens, substances known to cause cancer, are a special class of toxic substances. Examples of toxic substances include most heavy metals, pesticides, and benzene (a carcinogenic component of gasoline). Ignitable substances, such as gasoline, hexane, and natural gas, are hazardous because of their flammable properties. Corrosive substances

(e.g., strong acids and bases such as sulfuric (battery acid or lye) are chemically active and can damage other materials or cause severe burns upon contact. Reactive substances (e.g., explosives, pressurized canisters, and pure sodium metal, which react violently with water) may cause explosions or generate gases or fumes.

Regulatory Records Review

Government Code Section 65962.5 requires the California Environmental Protection Agency (CalEPA) to compile a list of hazardous waste and substances sites (Cortese List). While the Cortese List is no longer maintained as a single list, the following databases provide information that meet the Cortese List requirements:

- List of hazardous waste and substance sites from the Department of Toxic Substances Control's (DTSC's) EnviroStor database (Health and Safety Codes 25220, 25242, 25356, and 116395).
- List of leaking underground storage tank (LUST) sites from the State Water Resources Control Board (SWRCB) GeoTracker database (Health and Safety Code 25295).
- List of solid waste disposal sites identified by SWRCB with waste constituents higher than hazardous waste levels outside the waste management unit (Water Code Section 13273 subdivision [e] and 14 CCR Section 18051).
- List of cease and desist orders and cleanup and abatement orders from SWRCB (Water Code Sections 13301 and 13304).
- List of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the California Health and Safety Code, as identified by DTSC.

A search of hazardous material sites databases was conducted on May 12, 2020, to identify any sites located within 1 mile of the project site that are on the Cortese List compiled pursuant to Section 65962.5 of the California Government Code. Based on this search, no Cortese List sites have been identified within 1 mile of the project site.

Project Site Conditions

The project site has been used as a water diversion facility since its construction in 1890. A chlorination station was constructed in 1965, but chlorine is no longer used to treat the water at the project site, and the building, now referred to as the control building, currently houses the various controls for the sediment release valves. Propane for the emergency backup generator is stored on the site in a 250-gallon aboveground tank. No other fuels, gas, oil, solvents, petroleum products, etc., are stored on site.

Non-Cortese List Sites

EnviroStor and GeoTracker databases were searched to identify cleanup sites within 1 mile of the project site. These sites do not meet the definition of a Cortese List site, as described above, but have environmental contamination that may impact the Proposed Project. Examples of cleanup sites include voluntary cleanup sites or hazardous waste corrective action sites. Dudek conducted this database search on May 12, 2020. No hazardous material sites were identified within 1 mile of the project site.

4.9.1.2 Other Hazards

Aircraft Hazards

There are no airports located within 2 miles of the project site, nor does the project site lie within an airport land use plan.

Fire Hazards and Emergency Response

The project site is located within a high fire hazard severity zone, also within a state responsibility area (CAL FIRE 2007). CAL FIRE is responsible for fire response at the project site. In addition to CAL FIRE, the Bonny Doon Volunteer Fire and Rescue is an all-volunteer first-responder unit of the Santa Cruz County Fire Department. Bonny Doon Fire and Rescue respond alongside CAL FIRE from the Fall Creek Station on Empire Grade, located approximately 2.4 miles (straight-line distance) north of the project site.

4.9.1.3 Sensitive Receptors

Scattered residences are located within 0.25 miles of the project site, with the nearest residence located approximately 100 feet south of the project site across Smith Grade. There are no current or proposed schools located within 0.25 miles of the project site (CDE 2020; CSCD 2020). The nearest schools are Bonny Doon Elementary, 1492 Pine Flat Road, which is located approximately 2.7 miles north-northwest of the project site, and University of California, Santa Cruz, which is located approximately 3.8 miles east-southeast of the project site (CSCD 2020).

4.9.2 Regulatory Framework

4.9.2.1 Federal

Toxic Substances Control Act

The Toxic Substances Control Act of 1976 provides the U.S. Environmental Protection Agency (EPA) with the authority to require reporting, record-keeping, and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from the Toxic Substances Control Act, including food, drugs, cosmetics, and pesticides.

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as “Superfund,” was enacted by Congress in 1980. CERCLA provides a federal “Superfund” to clean up uncontrolled or abandoned hazardous waste sites, as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment. Through CERCLA, EPA was given power to seek out those parties responsible for any release and ensure their cooperation in the cleanup.

Emergency Planning and Community Right-To-Know Act

Authorized by Title III of the Superfund Amendments and Reauthorization Act (SARA), the Emergency Planning and Community Right-to-Know Act (EPCRA) was enacted by Congress in 1986 as the national legislation on community safety. This law is designed to help local communities protect public health, safety, and the environment from chemical

hazards. To implement EPCRA, Congress requires each state to appoint a State Emergency Response Commission (SERC). The SERCs are required to divide their states into Emergency Planning Districts and to name a Local Emergency Planning Committee for each district. The project site is located in Administrative, Mutual Aid, and Local Emergency Planning Committee Region II, Coastal (California Governor's Office of Emergency Services 2014). Broad representation by fire fighters, health officials, government and media representatives, community groups, industrial facilities, and emergency managers ensures that all necessary elements of the planning process are represented.

Hazardous Materials Transportation Act

Transportation of hazardous materials is regulated by the U.S. Department of Transportation's Office of Hazardous Materials Safety. The office formulates, issues, and revises hazardous materials regulations under the Federal Hazardous Materials Transportation Law. The hazardous materials regulations cover hazardous materials definitions and classifications, hazard communications, shipper and carrier operations, training and security requirements, and packaging and container specifications. The hazardous materials transportation regulations are codified in the Code of Federal Regulations (CFR), Title 49, Parts 100 through 185.

The hazardous materials transportation regulations require carriers transporting hazardous materials to receive training in the handling and transportation of hazardous materials. Training requirements include pre-trip safety inspections, use of vehicle controls and equipment including emergency equipment, procedures for safe operation of the transport vehicle, training on the properties of the hazardous material being transported, and loading and unloading procedures. All drivers must possess a commercial driver's license as required by 49 CFR Part 383. Vehicles transporting hazardous materials must be properly placarded. In addition, the carrier is responsible for the safe unloading of hazardous materials at the site, and operators must follow specific procedures during unloading to minimize the potential for an accidental release of hazardous materials.

Transportation by rail is regulated per 49 CFR Part 174, Subpart C, which includes requirements for marking and placarding of rail cars and the segregation of hazardous materials. Subpart D covers the requirements for handling of placarded rail cars, including position in the train and maximum allowable speed (50 miles per hour for most hazards substances). Subparts E, F, G, J, and K include requirements for transportation of explosives, gases, flammable liquids, poisonous materials, and radioactive materials, respectively. Safety requirements include inspections at every stop, specific training, and train crew knowledge of the rail car contents and location.

Occupational Safety and Health Act

The Occupational Safety and Health Administration (OSHA) was established in 1971 is responsible at the federal level for ensuring worker safety. All OSHA standards are regulated under 29 CFR Parts 1900 through 1990, Parts 2200 through 2205, and Part 2400. Occupational Safety and Health Standards are regulated under 29 CFR Part 1910. OSHA sets federal standards for implementing workplace training, exposure limits, and safety procedures for the handling of hazardous substances and hazardous materials (as well as other hazards). OSHA also establishes criteria by which each state can implement its own health and safety program.

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) gives EPA the authority to control hazardous waste from "cradle-to-grave." This regulation, which was enacted in 1976, includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also set forth a framework for the management of non-hazardous solid wastes. The Federal Hazardous and Solid Waste Amendments of 1984 focused on waste minimization and

phasing out land disposal of hazardous waste, as well as corrective action for releases. Amendments in 1986 enabled the EPA to address environmental problems that could result from underground tanks storing petroleum and other hazardous substances. Some of the other mandates of this law include increased enforcement authority for EPA, more stringent hazardous waste management standards, and a comprehensive UST program.

U.S. Department of Transportation

The Department of Transportation established standards for the transport of hazardous materials and hazardous wastes (49 United States Code, Part 172, Subchapter C – Shipping Papers). The standards include requirements for labeling, packaging, and shipping hazardous materials and hazardous wastes, as well as training requirements for personnel responsible for shipping papers and manifests.

4.9.2.2 State

Certified Unified Program

CalEPA implements and enforces a statewide hazardous materials program known as the Certified Unified Program, established by Senate Bill 1082 in 1993 to consolidate, coordinate, and make consistent the administrative requirements, permits, inspections, and enforcement activities for the following environmental and emergency management programs for hazardous materials:

- Hazardous Materials Release Response Plans and Inventories (Hazardous Materials Business Plans, or HMBPs)
- California Accidental Release Prevention Program
- Underground Storage Tank Program
- Aboveground Petroleum Storage Act Requirements for Spill Prevention, Control, and Countermeasure Plans
- Hazardous Waste Generator and On-Site Hazardous Waste Treatment Programs
- California Uniform Fire Code, Hazardous Materials Management Plans (HMMPs), and Hazardous Material Inventory Statements

CalEPA certifies local government agencies as Certified Unified Program Agencies (CUPAs) to implement hazardous waste and materials standards. Santa Cruz County Environmental Health is designated as the local CUPA in Santa Cruz County.

California Hazardous Waste Control Law

California Health and Safety Code Division 20, Chapter 6.5 establishes regulations to protect the public health and the environment by assisting generators of hazardous waste in meeting the responsibility for the safe disposal of hazardous waste. The California Hazardous Waste Control Law is administered by the CalEPA and pertains to administering a state hazardous waste program in lieu of the federal RCRA program, pursuant to Section 3006 of Public Law 94-580, as amended. The Hazardous Waste Control Law lists 791 chemicals and approximately 300 common materials that may be hazardous; establishes criteria for identifying, packaging, and labeling hazardous wastes; prescribes management controls; establishes permit requirements for treatment, storage, disposal, and transportation; and identifies some wastes that cannot be disposed of in landfills.

California Accidental Release Prevention Program

Similar to the Federal Risk Management Program, the California Accidental Release Prevention Program includes additional state requirements and an additional list of regulated substances and thresholds. The regulations of the program are contained in CCR Title 19, Division 2, Chapter 4.5. The intent of the California Accidental Release Prevention Program is to provide first responders with basic information necessary to prevent or mitigate damage to public health, safety, and the environment from the release or threatened release of hazardous materials.

California Department of Toxic Substances Control and California Highway Patrol Hazard Transportation Program

The California DTSC administers the transportation of hazardous materials throughout the state. Regulations applicable to the transportation of hazardous waste include Title 22, Division 4.5, Chapter 13 and Chapter 29 of the CCR, as well as Division 20, Chapter 6.5, Articles 6.5, 6.6, and 13 of the California Health and Safety Code. The DTSC requires that drivers transporting hazardous wastes obtain a certificate of driver training that shows the driver has met the minimum requirements concerning the transport of hazardous materials, including proper labeling and marking procedures, loading/handling processes, incident reporting and emergency procedures, and appropriate driving and parking rules. The California Highway Patrol also requires shippers and carriers to complete hazardous materials employee training before transporting hazardous materials.

California Health and Safety Code

The handling and storage of hazardous materials is regulated by Division 20, Chapter 6.95 of the California Health and Safety Code. Under Sections 25500–25543.3, facilities handling hazardous materials are required to prepare a HMBP, which contain basic information on the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of in the state.

Chapter 6.95 of the Health and Safety Code establishes minimum statewide standards for HMBPs. Each business shall prepare a HMBP if that business uses, handles, or stores a hazardous material (including hazardous waste) or an extremely hazardous material in quantities greater than or equal to 500 pounds of a solid substance, 55 gallons of a liquid, 200 cubic feet of compressed gas, a hazardous compressed gas in any amount (highly toxic with a Threshold Limit Value of 10 parts per million or less), or extremely hazardous substances in threshold planning quantities. In addition, in the event that a facility stores quantities of specific acutely hazardous materials above the thresholds set forth by California code, facilities are also required to prepare a Risk Management Plan and California Accidental Release Plan.

California Division of Occupational Safety and Health Hazard Handling Procedures

The California Division of Occupational Safety and Health (Cal/OSHA) is the primary agency responsible for worker safety in the handling and use of chemicals in the work place. Cal/OSHA standards are generally more stringent than federal regulations. The employer is required to monitor worker exposure to listed hazardous substances and notify workers of exposure (8 CCR Sections 337 through 340). The regulations specify requirements for employee training, availability of safety equipment, accident prevention programs, and hazardous substance exposure warnings.

Protection of Forest, Range, and Forage Lands/Defensible Space

Public Resources Code (PRC) Section 4291 requires the creation of a 100-foot fire break or fire protection area around and adjacent to habitable buildings or structures. These requirements indicate that a person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or land that is covered with flammable material, shall maintain defensible space of 100 feet from each side and from the front and rear of the structure. The amount of fuel modification necessary shall take into account the flammability of the structure as affected by building material, building standards, location, and type of vegetation. Fuels shall be maintained in a condition so that a wildfire burning under average weather conditions would be unlikely to ignite the structure. This paragraph does not apply to single specimens of trees or other vegetation that are well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a structure or from a structure to other nearby vegetation. The intensity of fuels management may vary within the 100-foot perimeter of the structure, the most intense being within the first 30 feet around the structure. “Fuel” means any combustible material, including petroleum-based products and wildland fuels.

A letter received from CAL FIRE during the scoping period (see Appendix A) acknowledges that the Proposed Project does not include construction of habitable buildings or structures and thus is not required to incorporate defensible space per PRC Section 4291. However, CAL FIRE recommends creation of 100 feet of fire protection area around infrastructure associated with the diversion dam in order to provide protection of important infrastructure during wildfire.

4.9.2.3 Local

County of Santa Cruz Environmental Health

As previously discussed, Santa Cruz County Environmental Health is designated by CalEPA as the CUPA within the geographic boundaries of the County and is responsible for enforcing the local ordinance and state laws pertaining to use and storage of hazardous materials, including the issuance and administration of HMMPs. The City’s Fire Department works in conjunction with County Environmental Health in responding to reports of hazardous materials spills and accidents, enforcing hazardous materials regulations, and enforcing the City’s fire code as it relates to the use and storage of hazardous materials.

County of Santa Cruz General Plan and Local Coastal Plan – Chapter 6: Public Safety

California Government Code Section 65302(g) requires the development of Safety Elements. The County of Santa Cruz General Plan and Local Coastal Plan Safety Element (County of Santa Cruz 2020) provides policies that meet the General Plan objectives. The following policies relate specifically to hazards and hazardous materials and may apply to the Proposed Project.

- Policy 6.5.1 requires access standards for new construction to allow emergency vehicle access.
- Policy 6.5.3 sets conditions for project approval, including adequate water availability, flammable vegetation clearance, smoke detection devices, fire retardant roofs, and adequate disposal of refuse.
- Policy 6.5.4 sets fire protection standards for building sites outside urban services line, including access requirements, building requirements for those located inside critical fire hazard areas, flammable vegetation control, and water availability.

- Policies 6.6.1 through 6.6.3 provide standards for use, maintenance, and control of hazardous material use and storage. Hazardous material users are obligated to minimize or eliminate hazardous material use wherever possible. The County will maintain standards which are at least equal in protection for the environment and community as those imposed by other local governments within Santa Cruz County, and in adjoining counties.

4.9.3 Impacts and Mitigation Measures

This section contains the evaluation of potential environmental impacts associated with the Proposed Project related to hazards and hazardous materials. The section identifies the standards of significance used in evaluating the impacts, describes the methods used in conducting the analysis, and evaluates the Proposed Project's impacts and contribution to significant cumulative impacts, if any are identified.

4.9.3.1 Thresholds of Significance

The standards of significance used to evaluate the impacts of the Proposed Project related to hazards and hazardous materials are based on Appendix G of the CEQA Guidelines, as listed below. A significant impact would occur if the Proposed 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 release of hazardous materials into the environment.
- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 miles 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. Result in a safety hazard or excessive noise for people residing or working in the project area, for a project 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.
- F. Impair implementation of or physically interfere with an adopted emergency evacuation plan.
- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

4.9.3.2 Analytical Methods

This impact analysis assumes that the Proposed Project would be constructed and operated in compliance with the policies and regulations applicable to hazards and hazardous materials, as described above in Section 4.9.2, Regulatory Framework. A review of applicable regulatory records was conducted to characterize the existing environmental setting in the study area, as described above in Section 4.9.1, Existing Conditions, and to identify any existing hazardous waste and substances sites on or near the project site that could affect construction or operation of the Proposed Project.

4.9.3.3 Project Impact Analysis

Areas of No Impact

The Proposed Project would not have impacts with respect to the following standards of significance as described below:

- **Hazardous Materials near Schools (Significance Standard C).** There are no schools located within 0.25 miles of the project site, and the Proposed Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials within 0.25 miles of an existing or proposed school. Therefore, the Proposed Project would have no impact.
- **Cortese List Hazards (Significance Standard D).** The Proposed Project would not create a significant hazard to the public or the environment related to hazardous materials sites because it is not located on or within 1 mile of a hazardous material site that is included on a list compiled pursuant to Government Code Section 65962.5, as described in Section 4.9-1, Existing Conditions, above. Therefore, the Proposed Project would have no impact.
- **Airport Hazards (Significance Standard E).** The Proposed Project would not result in a safety hazard or excessive noise for people working or residing in the project area due to airports because the project site is not located within 2 miles of a public use airport nor is it located within an airport land use plan. Therefore, the Proposed Project would have no impact.
- **Emergency Evacuation Hazards (Significance Standard F).** As discussed in Section 4.13, Transportation, the Proposed Project would not result in impacts to traffic, including obstruction to evacuation routes. Therefore, the Proposed Project would not impair implementation of or physically interfere with an adopted emergency evacuation plan because the Proposed Project would not impact evacuation routes, change public roadways or access, or increase the need for emergency response at the project site. Therefore, the Proposed Project would have no impact.

Impacts

This section provides a detailed evaluation of hazards and hazardous materials impacts associated with the Proposed Project.

Impact HAZ-1: Routine Transport, Use, or Disposal of Hazardous Materials (Significance Standard A). The Proposed Project would require use and transportation of petroleum products and small quantities of hazardous materials, but would not result in a significant hazard to the public or environment.
(Less than Significant)

Relatively small amounts of commonly used hazardous substances such as gasoline, diesel fuel, lubricating oil, adhesive materials, grease, solvents, and architectural coatings would be used during construction. These materials are not considered extremely hazardous and are used routinely for both construction projects and structural improvements. These materials would be transported and handled in accordance with all federal, state, and local laws regulating the management and use of hazardous materials, and would be managed in accordance with the City's Standard Construction Practices as described in Section 3.6.3, Standard Construction Practices. The following practices would further reduce the risk of use, transportation, and disposal of hazardous materials:

- Stabilize spoil disposal sites and other debris areas and include sediment control measures so that it is not conveyed to waterways (Standard Construction Practice #5).
- Equipment and fueling areas would not be within 65 feet of the stream channel (Standard Construction Practice #6).
- Hazardous substances would be stored within established containment areas in water-tight containers and spill kits would be available. Equipment and vehicles would be checked for leaks and would maintained to prevent leaks (Standard Construction Practice #7 and #8).
- Waste and trash would be managed (Standard Construction Practice #9).

Consequently, use of these materials for their intended purpose would not pose a significant risk to the public or environment. Once construction has been completed, fuels and other hazardous materials would no longer remain within the work area. Propane for the emergency backup generator would continue to be stored on the site (250-gallon aboveground tank). No other fuels, gas, oil, solvents, petroleum products, etc., would be stored on site. Use, transportation, and disposal of hazardous materials during routine operation and maintenance activities would be done in accordance with the manufacturer's recommendations and federal, state, and local laws and regulations. Therefore, 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, and impacts would be less than significant.

Impact HAZ-2: Reasonably Foreseeable Upset or Accident Conditions (Significance Standard B). 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. (*Less than Significant*)

As discussed under Impact HAZ-1, relatively small amounts of commonly used hazardous materials would be used for construction and operation of the Proposed Project, and these materials would be handled, stored, transported, and disposed of in accordance with the manufacturer's recommendations and federal, state, and local laws and regulations. During operation and maintenance of the Proposed Project, the hazardous materials stored on site would be a 250-gallon aboveground storage tank of propane, similar to existing conditions. As described above, should additional hazardous materials be required to be stored on site, depending on the quantity, the City would be required to submit a HMBP to Santa Cruz County Environmental Health, the local CUPA agency for the project site. In addition to the HMBP, the County health officer may request additional information deemed necessary to protect the public health. Use, transportation, and disposal of these materials during routine operation and maintenance activities would be done in accordance manufacturer's recommendations and federal, state, and local laws and regulations. While the probability for a release of hazardous materials to the environment would be low, accidental spills, leaks, or other releases of hazardous materials could directly enter Laguna Creek.

As discussed in Section 4.10, Hydrology and Water Quality, construction activities would disturb less than 1 acre; therefore, the Proposed Project is exempt from the Construction General Permit, including preparation of a Stormwater Pollution Prevention Plan (SWPPP) and best management practices (BMPs). However, the City's Standard Construction Practices, as described in Section 3.6.3, Standard Construction Practices, would be employed to ensure water quality protection. These are summarized as follows:

- Locate and stabilize spoil disposal and debris areas with sediment control measures so debris and sediments are not conveyed into waterways (Standard Construction Practice #5).
- Equipment and fueling areas will include implementation of spill prevention methods, such as secondary containment (Standard Construction Practice #6).
- Hazardous materials, such as gas and oil, will be stored within an established containment area. Vehicles and equipment will have spill kits, will be checked daily for leaks, and will be properly maintained to prevent contamination. Hazardous materials, including petroleum products, will be stored in water-tight containers within secondary containment. Emergency spill kits will be available at all times (Standard Construction Practice #7).
- Equipment will be inspected regularly for leaks (Standard Construction Practice #8).

With implementation of these Standard Construction Practices, the potential for an accidental releases to enter Laguna Creek or to be released to the soil would be reduced. Therefore, 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 and impacts would be less than significant.

Impact HAZ-3: Wildfire Hazards (Significance Standard G). The Proposed Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. (*Less than Significant*)

As discussed in Section 4.2, Impacts Not Found to be Significant, construction and operation of the Proposed Project would not exacerbate wildfire risks or include habitable structures that could expose people or structures to wildfire. Construction could include the use of welding equipment, torching, generators, chainsaws, and chippers, all of which could produce sparks. However, the City's Standard Construction Practices, as described in Section 3.6.3, Standard Construction Practices, include fire safety measures that would be implemented during construction, specifically during use of such equipment (Standard Construction Practice #32). Spark arrestors would be required for internal combustion engine equipment, fire suppression equipment would be required on site during use of such mechanical equipment, and construction activities would not be conducted during high fire hazard periods (i.e., red flag warnings).¹ Fire suppression equipment would include items such as fire extinguishers and shovels. Therefore, the Proposed Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires, and impacts would be less than significant.

A letter received from CAL FIRE during the scoping period acknowledges that the Proposed Project does not include construction of habitable buildings or structures and thus is not required to incorporate defensible space per PRC Section 4291. However, in the letter CAL FIRE recommends creation of 100 feet of fire protection area around infrastructure associated with the diversion dam in order to provide protection of important infrastructure during wildfire. The City will consider the need to implement vegetation/fuels management at this and other facilities to protect such infrastructure during wildfire; however, such management, if warranted, would not be conducted as part of the Proposed Project given that the Proposed Project would not include habitable structures and would not increase wildland fire risk hazards at the project site.

¹ Red flag warnings and fire weather watches are issued by CAL FIRE based on weather patterns (low humidity, strong winds, dry fuels, etc.) and listed on their website (<https://www.fire.ca.gov/programs/communications/red-flag-warnings-fire-weather-watches/>).

4.9.3.4 Cumulative Impacts Analysis

This section provides an evaluation of cumulative hazards and hazardous materials impacts associated with the Proposed Project and other reasonably foreseeable future projects, as identified in Table 4.1-1 in Section 4.1, Introduction to Analysis, and as relevant to this topic. The geographic area for the analysis of cumulative impacts related to hazards and hazardous materials consists of the project site and areas immediately adjacent to, upstream, and downstream of the site along Laguna Creek because impacts related to hazards and hazardous materials depend on the specific conditions on the particular project site and its immediate vicinity. Generally, these site-specific impacts would not combine with one another to create cumulative impacts, unless the cumulative development sites overlapped or were immediately adjacent to one another.

The Proposed Project would not contribute to cumulative impacts related to hazardous emissions or materials within 0.25 miles of an existing or proposed school (Significance Standard C), hazardous material sites on the Cortese List (Significance Standard D), aircraft hazards (Significance Standard E), or interference with an adopted emergency evacuation plan (Significance Standard F) because it would have no impacts related to these standards, as described above. Therefore, these significance standards are not further evaluated.

Impact HAZ-4: Cumulative Hazard Impacts (Significance Standards A, B, and G). The Proposed Project, in combination with past, present, and reasonably foreseeable future development, would not result in a significant cumulative impact related to routine transport, use, disposal, or accidental release of hazardous materials, or related to significant risk of loss, injury, or death involving wildland fires. *(Less than Significant)*

The known cumulative projects planned within the geographic area of analysis for cumulative impacts related to hazards and hazardous materials, which is project site and immediate vicinity, include the Laguna Pipeline portion of the North Coast System Repair and Replacement Project. The Santa Cruz Water Rights Project (SCWRP) and the Reggiardo Diversion upgrade identified in the Anadromous Fisheries Habitat Conservation Plan do not overlap with and are not in the immediate vicinity of the project site. Although the Laguna Pipeline would entail limited construction within the project vicinity, it would occur several years after construction of the Proposed Project and therefore would not result in significant cumulative impacts due to the combined effect of both projects.

As indicated in Section 4.1, there are not any known substantive proposed or pending development projects that would overlap with or be located in the immediate vicinity of the Facility that would be under the jurisdiction of the County. However, if any such projects are proposed they would be subject to County approval; such projects that require discretionary approval are assumed to be designed or otherwise conditioned to avoid and minimize impacts related to hazards and hazardous materials. Additionally, the cumulative projects would be required to comply with all federal, state, and local laws and regulations regarding the use, transport, handling, storage, disposal, and release of hazardous materials, and include project-specific BMPs as applicable, which would reduce the potential for a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or reasonably foreseeable upset or accident conditions. Similarly, cumulative projects would be required to address potential risks to wildland fire and incorporate BMPs that would reduce such risks. Therefore, the Proposed Project, in combination with past, present, and reasonably foreseeable future projects, would result in less-than-significant cumulative impacts related to hazards, hazardous materials, and wildland fires.

4.9.3.5 Mitigation Measures

As described above, the Proposed Project would not result in any significant impacts related to hazards and hazardous materials, and therefore, no mitigation measures are required.

4.9.4 References

Bonny Doon Fire and Rescue. 2020. “Bonny Doon Fire & Rescue.” Accessed May 28, 2020 at <https://www.bonnydoonfire.org/>.

CAL FIRE (California Department of Forestry and Fire Protection). 2007. *Santa Cruz County Fire Hazard Severity Zones in SRA*. November 7, 2007. Accessed April 23, 2020 at https://osfm.fire.ca.gov/media/6768/fhszs_map44.pdf.

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