4.7 HAZARDS AND HAZARDOUS MATERIALS

This section evaluates environmental impacts of the proposed project on human health, as a result of the presence hazards and the use of hazardous materials. Information presented in the setting and analysis subsections was obtained from visits to the project site, the Alameda County Department of Environmental Health (ACDEH), and Phase I and Phase II Environmental Site Assessments commissioned by the project applicant.

4.7.1 ENVIRONMENTAL SETTING

4.7.1.1 Background

4.7.1.1.1 Definition of Terms

For purposes of this section of the EIR, the term "hazardous materials" refers to both hazardous substances and hazardous wastes. A "hazardous material" is defined in the Code of Federal Regulations (CFR) as "a substance or material that…is capable of posing an unreasonable risk to health, safety, and property when transported in commerce" (49 CFR Sec. 171.8). California Health and Safety Code Section 25501 defines a hazardous material as follows:

> *"Hazardous material" means any material that, because of its quantity, concentration, or physical, chemical characteristics poses a significant present or potential 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 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.*

"Hazardous wastes" are defined in California Health and Safety Code Section 25141(b) as wastes that

> *…because of their quantity, concentration, or physical, chemical, or infectious characteristics, [may either] cause, or significantly contribute to an increase in mortality or an increase in serious illness[, or] pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.*

4.7.1.1.2 On-Site Land Uses

The site is currently developed with the racetrack and associated facilities, in addition to grass covered hillsides that are used for parking during race events. Past use of the project site for these purposes has resulted in the use and storage of hazardous materials and/or wastes, which could have resulted in the

release of hazardous materials into the soil. The potential for such materials to be present on the site is discussed in detail below.

4.7.1.1.3 Environmental Assessment Documentation

4.7.1.1.3.1 Results of Agency Database Research

Federal, state, and local records, including the database of the California Department of Toxic Substances Control (DTSC), California State Water Resources Control Board (SWRCB), California Office of Environmental Protection, and the Environmental Protection Agency (US EPA), were searched as part of the environmental assessments prepared for the project site. The environmental assessment documents prepared for the site conform to ASTM (America Society for Testing and Materials) requirements, as described in ASTM Bulletin E 1527 97, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process. Each of the environmental assessment documents includes a summary and description of the specific agency database reviewed, the ASTM specified search radius distances (up to 1 mile), and figures showing all identified documented sites having hazardous materials storage, generation, disposal or contamination that were identified in the Environmental Data Resources, Inc. database.

4.7.1.1.3.2 Phase I Environmental Site Assessment

A Phase I Environmental Site Assessment was completed for the project site in February 2006 (Northgate 2006) (see **Appendix 4.7**). The purpose of the Phase I Environmental Site Assessment was to document recognized environmental concerns on the site related to current and historical uses of the area, and to evaluate the potential for a release of hazardous materials from on-site or off-site sources that could significantly affect environmental conditions at the project site. The Phase I Environmental Site Assessment conducted for the project site included a review of historical information, aerial photography, and topographic maps; a search of federal and state environmental databases for both off-site areas and the proposed project site; and a site visit. These sources of information were then used to make a determination about the presence or likely presence of any hazardous substances or petroleum products on the project site. The Phase I Environmental Site Assessment reports that conditions may indicate an existing release, a past release, or a material threat of a release of a hazardous substance or petroleum product onto the surface or into the ground, groundwater, or surface water of the property. The Phase I Environmental Site Assessment identified the following potentially hazardous conditions:

- A 250-gallon plastic tank containing waste oil located on a concrete slab in the pit area located southeast of the racetrack; and

- An excavated trench containing several full and empty 55-gallon drums present in the low-lying area northeast of the racetrack.

A Phase II soil and groundwater investigation was performed to evaluate these potential concerns (see **Appendix 4.7**).

4.7.1.1.3.3 Phase II Environmental Site Assessment

A Phase II Environmental Site Assessment soils and groundwater quality investigation was completed in response to the discovery of the items found on the property during the Phase I investigation. A Phase II investigation typically includes collection and analysis of soil and groundwater samples. Based on the results of the soil and groundwater analysis, a Phase II Environmental Site Assessment may recommend additional testing, remediation, or other controls to address contamination.

A soil and groundwater quality investigation was performed on January 24 and 25, 2006, to evaluate the areas of potential environmental concern identified during the Phase I Environmental Site Assessment. Sample locations are shown in Figure 2 of **Appendix 4.7**).

Soil samples were collected from the vicinity of the waste oil collection area, and soil and groundwater samples were collected in the lowland drainage swale. Soil samples in the vicinity of the waste oil collection area were analyzed for concentrations of total petroleum hydrocarbons (gasoline, diesel, and oil) using US EPA Method 8015M, and for volatile organic compounds (VOCs) using US EPA Method 8260B. Soil samples collected in the lowland drainage area were additionally analyzed for metals, organochlorine pesticides, and PCBs using US EPA Method 8081/8082. Test results are shown in Table 3 of **Appendix 4.7**.

The tests indicated that the concentrations of petroleum hydrocarbons were below the Environmental Screening Levels (ESL) established by the Regional Water Quality Control Board (RWQCB). The Phase II investigation determined that based on test results, soil quality in the waste oil collection area is not significantly impacted.

Test results from the lowland drainage swale indicated concentrations of naphthalene (a VOC derived from petroleum products) above the ESL for commercial land uses. The Phase II investigation determined that soil in the vicinity of the lowland drainage swale was impacted by leakage from several plastic and rusted metal drums on the site. These drums have been removed from the site.

Test results from surface and groundwater samples collected at the lowland drainage swale detected the presence of bromomethane. However, the measured concentration was below the Preliminary Remediation Goal for Tap Water Established by the US EPA. The Phase II investigation determined that

groundwater at the site was not impacted by automotive debris or drums present in the lowland swale area.

Off-Site Conditions

Available federal and state environmental databases were searched for sites adjoining the proposed project site and areas up to 1 mile away. Among the numerous databases searched were the US EPA's National Priorities List of federal "Superfund" sites and the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS), and their California equivalents, the CAL-SITES databases. No off-site conditions were identified that could affect the site's soils.

Site History and Site Reconnaissance

The history review of the project site indicated that the racecourse was constructed in 1963. Prior to that time, the site was likely vacant land used for dry farming. The track area was generally constructed on fill placed in a former drainage swale. According to the review of historic aerial photographs conducted for the Phase I Environmental Site Assessment, presence of grading or waste disposal activities in the low-lying drainage swale located northeast of the racetrack was not obvious. However, the site reconnaissance for the Phase I Environmental Site Assessment revealed scattered debris including empty drums and motor vehicle parts, and garbage, along with an excavated trench containing several full and empty drums in the low-lying area. A plastic 250-gallon tank containing waste oil was observed on a concrete slab near the "pit" area, on the southeast side of the racetrack.

Files maintained by the Alameda County Department of Public Works Agency (ACDPWA) include notices of violation from the years 1969, 1974, 1985, and 1989 related to code violations for storage of wrecked vehicles, illegal operation of the racetrack, occupation of the project site without a septic system or other sanitary facilities, and general disrepair of facilities. The storage of wrecked automobiles is of particular concern inasmuch as they can be a source of fuels, lubricants, and hydraulic fluids, all of which are considered hazardous materials, which can leak onto surface soils and eventually migrate to surface or subsurface waters. A "special investigation" was performed at the project site in 1989, which concluded that improvements were done at the project site without required permits. Work performed without the benefit of permits would not have been inspected to ensure that all work was done in accordance with all applicable safety codes, including those developed to minimize or eliminate the creation of hazardous conditions.

Files maintained by the Alameda County Fire Department included two fire inspection reports for "Spectator Racing" and "Traffic Crew Racing" dated April 26, 2005. The inspection reports list several violations, including the need to properly restrain compressed gas cylinders, keep flammable liquid

storage out of buildings, lack of secondary containment devices for fuel products, and lack of hazardous material information sheets. The inspection reports indicated that hazardous material use and storage at the project site includes compressed gases and automotive fuels and fluids that appear to be associated with individual racing teams and operations (Northgate 2006).

Files maintained by the ACDEH include a notice addressed to the Altamont Raceway, dated November 17, 2005, requesting that a Hazardous Materials Business Plan (HMBP) be prepared for the project site and submitted to the ACDEH by December 16, 2005. A file review of ACDEH files was conducted subsequent to the Phase I Environmental Site Assessment. The files included notices of violation and inspection reports in 2006 and 2007. A reinvestigation conducted on June 1, 2007, indicated that a US EPA number from DTSC had not been obtained, required the submittal of the HMBP by no later than June 15, 2007, and no receipts were available for the disposal of hazardous waste, as required by the ACDEH. A HMBP was filed with the ACDEH on July 30, 2007.

The ACDEH files also contain a Phase I Environmental Site Assessment for the project site, prepared by the Bentley Company on October 28, 1994. The 1994 Environmental Site Assessment indicates that the facilities at the project site had been constructed in 1966, and used for an estimated 300 events between 1966 and 1991. The 1994 Environmental Site Assessment indicates that some dry farming for wheat and barley was conducted in undeveloped areas of the project site between 1991 and 1993. The project site was being redeveloped for racing at the time of the Environmental Site Assessment. Environmental concerns noted in the previous Environmental Site Assessment included the presence of a 500-gallon aboveground fuel storage tank (AST) located southeast of the racetrack and the presence of construction debris and fill material in a triangular-shaped depression southwest of the racetrack, adjacent to paved drive areas leading to the track and grandstands.

The ACDEH files also contain a report titled *Subsurface Investigation of Buried Fill Deposit, Altamont Raceway Park*, by LEE, Inc., dated December 12, 1995. The report indicates that soil samples were collected from borings and test pits located in the fill area identified in the Bentley Company Environmental Site Assessment Soil sample analytical results indicated that the fill material contained total residual petroleum hydrocarbons (TRPH) up to 5,900 parts per million (ppm). However, the chromatograms from the sample analyses reportedly matched a chromatogram from an analysis of asphalt samples collected from the fill material, suggesting that the TRPH in soil was due to asphalt debris in the fill. A closure letter was issued by the ACDEH on January 15, 1996, indicating that no further action was required related to the fill material at the project site. The ACDEH letter concluded that the material posed no threat to human health or the environment, due to the absence of dangerous or high-risk compounds, the limited mobility of the detected TRPH compounds, and the depth to groundwater (estimated at that time to be greater than 35 feet below ground surface) in the area of the fill material.

4.7.1.1.4 Local Fire Conditions

According to the California Department of Forestry and Fire Protection's (CDF's) Fire Resource Assessment Program (FRAP), the project site is located in a "mixed interface" zone for wildland fires. These are areas where rural structures are adjacent to vast areas of vegetation, causing a greater threat of wildland fires during the fire season. Undeveloped grasslands, currently used for cattle grazing and wind farms, surround the project site. Based on fuel type, the project site is rated as a moderate fire risk. The project area and the surrounding vicinity are located in a State Responsibility Area, making the CDF the service provider primarily responsible for providing basic wildland fire protection. The fire season extends from late spring to fall, and tends to be the highest during summer or fall high wind conditions (Diablo Firesafe Council 2005). Fire response is discussed in detail in **Section 4.13, Public Services,** of this document.

4.7.2 REGULATORY ENVIRONMENT

4.7.2.1 Federal

The US EPA is the main federal agency responsible for enforcing regulations related to hazardous materials and wastes, including evaluation and remediation of contamination and hazardous wastes. The US EPA works with other agencies to enforce materials handling and storage regulations and site cleanup requirements. The Occupational Safety and Health Administration (OSHA) and the Department of Transportation (DOT) are authorized to regulate safe transport of hazardous materials.

Primary federal laws pertaining to hazardous materials and wastes include the Resource Conservation and Recovery Act of 1976 (RCRA) and the Comprehensive Environmental Responsibility, Compensation, and Liability Act of 1980 (CERCLA). RCRA includes procedures and requirements for reporting releases of hazardous materials, and for cleanup of such releases. RCRA also includes procedures and requirements for handling hazardous wastes or soil or groundwater contaminated with hazardous wastes. CERCLA delineates the liability for contamination between current property owners and others. The Hazardous Materials Transportation Act is administered by the DOT via its issuance of inspections, training, and transportation requirements and information; the federal government delegates enforcement authority to the states.

4.7.2.2 State

State agencies that regulate hazardous materials and contamination include the California Environmental Protection Agency (Cal/EPA), Department of Health Services (DHS), DTSC, and the Regional Water Quality Control Board (RWQCB). The DTSC administers US EPA's standards regarding public health

effects of soil contamination, while the RWQCB administers state water quality standards for surface and groundwater. Lead responsibility for remediation depends on the proposed use of a parcel, the character of waste contaminants, and the need for site monitoring. Transport of hazardous materials is administered by the California Department of Transportation (Caltrans), and enforced by the California Highway Patrol (CHP).

Relevant state laws that address soil and water pollution, hazardous materials storage, handling, transport and disposal include the State Water Code, Underground Storage Tank Code, Cortese Act (listing of hazardous waste and substances sites), and Proposition 65 (safe drinking water and toxics enforcement).

4.7.2.3 Local

4.7.2.3.1 Alameda County Department of Environmental Health

The mission of the ACDEH is to protect the health, safety, and well-being of the public through promotion of environmental quality. The ACDEH reviews plans and inspects facilities of hazardous waste generators and haulers, facilities with underground tanks or large quantity storage, and underground tank installations. The ACDEH also reviews and oversees the cleanup of underground fuel releases and provides a 24-hour emergency vehicle for identification and advice to first responders regarding hazardous materials present in the event of a fire or accidental spill. The ACDEH is the key agency implementing and enforcing the state's regulations as set forth by the Department of Toxic Substances Control.

4.7.2.3.2 Alameda County East County Area Plan

The Alameda County East County Area Plan (ECAP) establishes policies to minimize the risks to lives and property due to seismic, geologic, flooding, and fire hazards. Policies related to seismic and geologic hazards are listed and addressed in **Section 4.6, Geology and Soils,** in this draft EIR, and policies related to flood hazards are addressed in **Section 4.8, Hydrology and Water Quality**. The County implements programs to reduce hazards related to fires and other natural disasters. The following policies related to fire hazards are relevant to the project:

4.7.2.3.2.1 Environmental Health and Safety Element

Policy 134: The County shall not approve new development in areas with potential natural hazards (flooding, geologic, wildland fire, or other environmental hazards) unless the County can determine that

feasible measures will be implemented to reduce the potential risk to acceptable levels, based on site-specific analysis.

Policy 320: The County shall consider, in reviewing development projects and subdivision of agricultural lands, the severity of natural fire hazards, potential damage from wildland and structural fires, the adequacy of fire protection services, road access, and the availability of an adequate water supply and pressure.

Policy 324: The County shall require the use of fire-resistant building materials, fire-resistant landscaping, and adequate clearance around structures in "high" and "very high" fire hazard areas.

4.7.3 ENVIRONMENTAL ANALYSIS

4.7.3.1 Thresholds of Significance

The proposed project would result in a significant impact if it would

- create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;
- emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school;
- 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;
- 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, would the project result in a safety hazard for people residing or working in the project area;
- for a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area;
- impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

4.7.3.2 Methodology

Information obtained from visits to the project site, the ACDEH, and Phase I and Phase II Environmental Site Assessments commissioned by the project applicant was used to determine the environmental impacts of the proposed project.

4.7.3.3 Impacts and Mitigation Measures

Potential Impact 4.7-1: Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

The proposed project includes the continued use and transport of fuels and other automotive-related hazardous materials associated with the use of the site as a motorsports park; however, there would be no net increase in the use and transport of those materials with regard to vehicles used for competition. However, the project would allow a net increase of approximately 33.6 percent in spectators, with a corresponding increase in spectator vehicles parked on the project site. Spectator vehicles would be expected to leak or drip automotive fuels, oils, and hydraulic fluids, all of which are considered hazardous materials. These materials could eventually enter the groundwater system or be transported to the on-site detention basin by stormwaters. This is a potentially significant impact.

Conclusion: Potentially significant.

HAZ-1: Prior to the increase in spectator attendance, the project applicant shall commission the preparation of a stormwater collection and filtration system designed by a qualified engineer. The purpose of the system shall be to collect all stormwater flows from all parking areas and convey those waters to a centralized area for filtering out all hazardous materials and fluids prior to stormwater entering either the groundwater system or the on-site detention basin. The stormwater collection and filtration system plan shall be submitted to ACDEH for review and approval. The stormwater collection and filtration system shall be installed prior to the increase in spectator attendance.

Significance After Mitigation: Less than significant.

Potential Impact 4.7-2: Would the project 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?

The proposed project would not include a net increase in auto racing activities, the most likely source of foreseeable upset or accident conditions that could involve the release of hazardous materials. Therefore, there would be no impact.

Conclusion: No impact.

Mitigation Measure: None required.

Potential Impact 4.7-3: Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?

The nearest school to the project site is the Mountain House Elementary School, which is located approximately 3 miles north of the project site in Byron. As such, the proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school.

Conclusion: No impact.

Mitigation Measure: None required.

Potential Impact 4.7-4: Would the project 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?

The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Conclusion: No impact

Mitigation Measure: None required

Potential Impact 4.7-5: Would the project 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, would the project result in a safety hazard for people residing or working in the project area?

The project site is not located within an area covered by an airport land use plan. The nearest commercial or general aviation airport to the project site is the Byron Airport, located approximately 7 miles to the north.

Therefore, implementation of the project would not result in a safety hazard related to the operation of a commercial or general aviation airport for people residing or working in the project area.

Conclusion: No impact

Mitigation Measure: None required

Potential Impact 4.7-6: Would the project be within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

There is no known private airstrip within 2 miles of the project site. Therefore, there would be no impact.

Conclusion: No impact

Mitigation Measure: None required

Potential Impact 4.7-7: Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

There is no known emergency response plan or emergency evacuation plan for the Altamont area. The proposed project would generate approximately 1,476 trips on area roadways during the Friday PM Peak Hour, above the 6,150 trips already occurring at that time (see **Section 4.15, Transportation and Traffic**). While response times for emergency services providers are expected to increase in the long term due to increased traffic during commute periods, there will be no impairment of an adopted emergency response or emergency evacuation plan directly or partially attributable to the proposed project. Therefore, there would be no impact.

Conclusion: No impact

Mitigation Measure: None required

Potential Impact 4.7-8: Would the project 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?

The proposed project would generate a temporary and recurring increase in demand for fire services during events held on site. Based on the historic maximum baseline usage of 6,150 people (comprised of spectators, drivers, crew, employees, and vendors) the proposed project would result in a net increase of 1,850 spectators to the site. This represents an approximately 33.6 percent net increase in people on the site, with a corresponding increase in spectator vehicles. This net increase in population at the site, even if only temporary, will incrementally raise the risk of fire from vehicle exhausts and the careless disposal of smoking materials. While the unimproved parking areas are maintained by the project applicant to minimize risk of fire from vehicle exhaust and carelessly disposed smoking materials, there remains a potentially significant impact.

The proposed project also includes the installation of two caretaker residences, which represents a permanent resident population of up to 5.5 people for the site. The introduction of permanent residents to the site will raise the risk of fire from vehicle exhausts, careless disposal of smoking materials, as well as the potential introduction of outdoor cooking. This relatively minimal new permanent population to the site and the general project area could, together with the net increase in spectators and spectator vehicles, represent a potentially significant impact.

Conclusion: Potentially significant

HAZ-2: The raceway operators shall develop a fire and emergency plan that addresses fire risks and mitigation practices to reduce those risks. The plan should address and provide for on site rescue, medical, and first aid, and fire fighting. The plan shall also include provisions to increase on-site storage of water for fire suppression in accordance with recommendations of the Alameda County Fire Department. The plan shall be developed by the raceway operator within 1 month of approval of the proposed project, and shall be reviewed and approved by the Alameda County Fire Department prior to the start of the 2009 racing season.

Significance After Mitigation: Less than significant