2.18 HAZARDS AND HAZARDOUS MATERIALS

2.18.1 CONSTRUCTION IMPACTS

Comment

9. Where will stockpiles of contaminated/unsuitable soils be located? *(Johannes Hoffman, AIA Contracting Officer’s Technical Representative, U.S. Department of Labor, Employment and Training Administration)* [15.7]

Tangentially related to air quality is the fact that the Dust Control Ordinance requires additional dust control measures when winds exceed 15 miles per hour; mitigation measure M-AQ-4, contemplates that there may be winds that exceed twenty miles per hour, and impacts W-S3 and W-S4 recognize the possibility of a Section 148 wind disaster, possibly in different areas of the Project. Local history can be telling; Lennar Homes’s poor efforts regarding the asbestos, manganese and other toxic elements that went into the air during the development at the Bayview Hunters Point project, led to three violation notices and over $515,000 in civil penalties for violations of California Health and Safety Code Section 424. A regulatory commission should be established to monitor this development as old naval bases may similarly contain these toxic elements. Despite this recent experience, neither the Wind and Shadow Mitigation Measures (IV. I., S-73 through S-74) nor other proposed mitigation measures such as the Hazardous and Hazardous Materials DEIR analysis, including the Human Health Risk Assessment, adequately address this concern or otherwise propose sufficient mitigation/improvement measures. *(Nick S. Rossi, Esq., representing Kenneth and Roseanna Masters)* [19.28]

Response

As stated in the EIR in Section IV.P, Hazards and Hazardous Materials, p. IV.P.42, all protocols for the management of excavated soils and stockpiles would be implemented in accordance with the Soil and Groundwater Management Plan (“SGMP”) established by Mitigation Measure M-HZ-1. In general, the soils would be stockpiled on the same parcel where they originate. As also stated on EIR p. IV.P.42, the SGMP soil management requirements include protection and security measures for the public, including immediate neighboring sites. These measures would, at a minimum, meet the requirements of the San Francisco Dust Control Ordinance and, consistent with that Ordinance, would require implementation of additional measures when winds exceed 15 miles per hour. For example, the Dust Control Ordinance requires a site-specific dust control plan that includes monitoring the wind direction, placing particulate dust monitors upwind and downwind, keeping records of particulate monitoring results, and hiring an independent third party to conduct inspections for visible dust and keeping records of those inspections. See also Mitigation Measures M-AQ-1 and M-AQ-4, in EIR Section IV.G, Air Quality, on pp. IV.G.26 and IV.G.37, respectively, for additional requirements regarding fugitive dust control measures. Excavation under the Proposed Project would be limited to what is necessary for construction of the Proposed Project’s development program. Excavation for the purposes of ongoing remediation is being conducted by the Navy and is not part of the Proposed Project. As stated on
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EIR p. IV.P.43, remediation on most parcels will likely be completed prior to commencement of proposed construction activities and would occur without the Proposed Project. As also stated on this page, the SGMP would include dust control measures to protect the public “from exposure to any known or newly discovered hazardous materials.”

2.18.2 EMERGENCY RESPONSE

Comments

Moreover, the Project’s emergency response plan, as analyzed by the DEIR (at Hazards and Hazardous Materials IV. P.38 and IV.P.39), should have included analysis/mitigation measures of practice and drills to ensure proper education/preparation for flooding as well as the adequacy of safety routes in areas designated for emergency evacuation. These analysis/mitigation measures are crucial due to the fact that TI/YBI are located in an area with high seismic activity and limited access off of them (as discussed below), which could further contribute to berm failure. The DEIR should include an analysis of seismic failures that could impede access off the islands as evidenced by the Bay Bridge collapse during the 1989 Loma Prieta earthquake. (Nick S. Rossi, Esq., representing Kenneth and Roseanna Masters) [19.5]

And I’ve mentioned before, Treasure Island, being located in a Tsunami location, we don’t think the emergency response plan adequately addresses that, nor does it provide for drills or practical responses. (Nick S. Rossi, representing Ken Masters) [TR.5.4]

The safety danger is not addressed and the event of any need for large numbers of people to be moved off the island, one westbound onramp towards San Francisco on the other side of the island is not practical, it is dangerous and invites significant loss of life in the event of an emergency. I point to the SFPD’s & California Highway Patrol’s own event management currently and before the Macalla onramp was closed as part of the new spans construction. Their logistics were not included in this EIR…. (Todd Brennen, Secretary, YBI-Residence Association Inc, YBI Residence Mutual Benefit Corporation) [12.2]

Regardless of berm height, evacuation of Treasure Island is likely following a seismic event. Some discussion should be provided in the EIR describing the methods to be used to evacuate the 8,000 residential units and 550,000 sf of retail and commercial space. Analysis should include with and without Bay Bridge scenarios and should provide quantitative statements of time required to evacuate. (Arc Ecology) [28.7]

Response

The analysis of emergency response for the Proposed Project is covered in several sections of the EIR, including Section IV.P, Hazards and Hazardous Materials (pp. IV.P.38-IV.P.39), Section IV.N, Geology and Soils (pp. IV.N.31-IV.N.32), and Section IV.E, Transportation (pp. IV.E.116-IV.E.117). As stated on EIR p. IV.P.39, “TIDA and the San Francisco Department of Emergency Management have prepared an Emergency Response Plan for events that may occur on Treasure Island and Yerba Buena Island.” This plan includes preparedness efforts such as the creation of neighborhood emergency response teams and a crisis action team. New tenants would receive
information on protocols in the event of an emergency such as a flooding event. The Plan also addresses how evacuation would be carried out, if required.

A seismic retrofit of the western span of the Bay Bridge has just been completed, and the eastern span is being rebuilt as a lifeline facility designed to remain open even in a very large earthquake. Caltrans expects to open the new span by about 2013, which is well before any significant numbers of new residents would be added to the Project Area. Nevertheless, as discussed on EIR p. IV.N.31, the potential vehicular constraints that may occur in the event of an earthquake would be supported by the proposed ferry service as well as the alternate water access on the eastern side of the Island at Pier 1. Seismic events, including tsunamis, were considered in the Treasure and Yerba Buena Risk Assessment, which is Appendix D to the Treasure and Yerba Buena Emergency Response Plan.¹ Impact GE-6, on EIR p. IV.N.31-IV.N.32, provides an analysis of potential seismic failures that might impede access off the Islands. The analysis concludes that the added ferry service, combined with the proposed seismic improvements and back-up utility infrastructure, would provide opportunities to evacuate the Islands in the event of an emergency, and reduce the potential impact to less-than-significant levels without requiring mitigation. To clarify that the improvements and ferry service would provide for both access to and egress from the Islands, the fifth and sixth sentences in the first paragraph in Impact GE-6 on EIR p. IV.N.31 are revised as follows (deletions are shown in strike through and new text is underlined):

In addition, Macalla Road, which is not a viaduct, could become temporarily two-way to be more available for emergency access and egress purposes. If the viaduct were to become unusable due to a major earthquake, access to transportation to and from Treasure Island would be available via ferry service, included as part of the Proposed Project.

Not all emergency situations would require evacuation or evacuation of everyone on the Islands. If evacuation of the Islands were necessary as a result of a seismic event or other emergency, the amount of time to evacuate would depend on the number of residents and visitors present at the time of that emergency. In the absence of any specific circumstances, it would be speculative to predict evacuation times. The Emergency Response Plan sets forth a comprehensive plan to enable evacuation efficiently, including priorities for evacuation based on need, so that injured persons, children attending schools on Treasure Island who are separated from their families, and medically dependent residents and visitors would be given priority. To address changes in the potential impact of hazards on facilities, the population, and response capabilities, the Plan provides for periodic revisions to respond to population increases and changes in the numbers and types of buildings on the Islands as development occurs (see the Emergency Response Plan, p. 3).

¹ Treasure and Yerba Buena Emergency Response Plan, Prepared for the Treasure Island Development Authority and the City and County of San Francisco’s Department of Emergency Management, January 2009.
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See also the response in Section 2.14, Public Services, in this Comments and Responses document.

### 2.18.3 JOB CORPS CAMPUS

**Comment**

16. Job Corps would like to explore receiving consideration for a Voluntary Clean-Up Agreement similar to that which will be afforded the school site (p. 46 of the Summary).

*(Johannes Hoffman, AIA Contracting Officer’s Technical Representative, U.S. Department of Labor, Employment and Training Administration)* [15.14]

**Response**

The comment refers to the programs that are overseen by the Department of Toxic Substances Control ("DTSC"). The Voluntary Cleanup Program is intended for responsible parties that are capable of funding cleanup and funding DTSC’s oversight, to proceed with investigations and remediation at their sites in a more streamlined process. However, school sites are handled through a different program. State laws require all proposed school sites that will receive State funding for purchase or construction to go through DTSC’s environmental review process specifically set up for schools. This process ensures that new school sites are uncontaminated, or if previously contaminated, that they have been remediated to a safe level. The Jobs Corps would not qualify for the School Program but should be able to participate in the regulatory process as appropriate to their circumstances.

### 2.18.4 IONIZING RADIATION

**Comment**

2) FAILURE TO ACCOUNT FOR AND AVOID HEALTH AND ENVIRONMENTAL HAZARDS OF TOXIC MATERIALS, INCLUDING BUT NOT LIMITED TO IONIZING RADIATION; AND, FAILURE TO MEET THE LEGAL PRECAUTIONARY PRINCIPLE ESTABLISHED BY ORDINANCE IN THE SAN FRANCISCO, CALIFORNIA, ENVIRONMENT CODE CHAPTER 1: - PRECAUTIONARY PRINCIPLE POLICY STATEMENT - SECTIONS 100-104 (see http://library.municode.com/HTML/14134/level1/CH1PRPRPOST.html)

Ionizing Radiation

In June 2005 the National Academies of Science reported that there is no safe dose of ionizing radiation (see http://www8.nationalacademies.org/onpinews/newsitem.aspx?RecordID=11340)

Proceeding with any development while such wastes remain anywhere in the project area, presents unnecessary and unacceptable risks to human health and wildlife. Therefore the DEIR must be revised to direct that all radiological waste materials be removed from the Treasure Island and Yerba Buena Island Redevelopment Plan before any development may proceed.
The Precautionary Principle And All Hazardous Materials

Furthermore, because San Francisco’s own legally established Precautionary Principle also requires that no person be unnecessarily exposed to ionizing radiation or any other hazardous materials, it is doubly mandated that all radiological and other hazardous materials must be completely removed from the Treasure Island and Yerba Buena Island Redevelopment Plan area before any development is allowed to proceed.

Finally, because it is possible for human error and/or natural disaster to trigger their failure, none of the ‘Institutional Controls’ referred to in the DEIR and in the Treasure Island and Yerba Buena Island Redevelopment Plan itself are consistent with San Francisco’s Precautionary Principle and therefore no such Institutional Controls are acceptable in the DEIR or project. Therefore the DEIR must be revised to direct that all reliance on ‘Institutional Controls’ be removed from the Treasure Island and Yerba Buena Island Redevelopment Plan. (Eric Brooks, Sustainability Chair, San Francisco Green Party) [30.5]

Response

The potential hazard of ionizing radiation is included in the discussion of the Navy’s Radiological Assessment Program for Treasure Island, which is summarized in EIR Section IV.P, Hazards and Hazardous Materials, on pp. IV.P.15-IV.P.16. As stated on EIR p. IV.P.15, “by law, the Navy retains responsibility for all radiological contamination, and must be responsible for its remediation.” As stated on EIR pp. IV.P.15-IV.P.16, the radiological cleanup of the remaining radiological contamination (ionizing radiation) “will occur prior to regulatory closure, which will be obtained prior to transfer. TIDA cannot accept any property with known radiological contamination. If any radiological materials are subsequently discovered during construction activities, the Navy would be responsible and required to perform any necessary remedial activities to obtain ‘free release’ of the subject property.” The Precautionary Principle requires a thorough exploration and careful analysis of a wide range of alternatives when considering threats to human health and the environment. The Navy’s past efforts to identify and remove radiological waste have been consistent with the Precautionary Principle. As indicated on EIR p. IV.P.15, the Navy has determined under regulatory oversight that “the remaining low-level radiological material contamination at the Naval base is isolated to small portions of Site 12 and Building 233.” Following cleanup, which will occur before the sites are transferred to TIDA, no remaining ionizing radiation will be present at sites proposed for new construction under the Proposed Project.

Some of the sites, as part of the CERCLA and FOST process, will have institutional controls that can limit access to a site, restrict uses of a particular site, or simply require DTSC notification in the event that any ground disturbing activities are proposed. These institutional controls are implemented as a result of CERCLA requirements to evaluate various alternatives, consistent with the Precautionary Principle, in a thorough process as described on EIR p. IV.P.5. However, as stated on EIR p. IV.P.3, the Navy’s remediation efforts which include the final closure requirements mandated by the overseeing agency (DTSC or RWQCB), are not part of the
Proposed Project and are being carried out independent of the Proposed Project, and will be completed prior to transfer of the applicable parcels and the subsequent commencement of construction activities required to implement the Proposed Project. Any institutional or land use controls that are required by the overseeing agency, as stated on EIR p. IV.P.52, would be protective of human health and the environment. These types of controls are widely employed and have been proven effective. DTSC’s Land Use Covenant Regulations are regulated by law and reflect DTSC’s current policy (Official Policy and Procedure #87-14). The current policy became effective April 19, 2003, which added section 67391.1 to title 22, division 4.5, chapter 39 in the California Code of Regulations.

2.18.5 RISKS FROM CLOSED REMEDIATION SITES

**Comment**

With further regard to the DEIR and potentially toxic issues affecting the Project, it should be noted that there are several active and closed hazardous sites located on Treasure Island. Incredibly, the DEIR appears to assume that no risk surrounds the hazardous sites that have been closed, unless it is related to construction or the school. It should be noted that closed hazardous sites can be reopened in the future if other contaminants are identified. Planning efforts should disclose the facts to future residents and analyze the risks. Additionally, the DEIR states continuing hazardous material cleanup will meet the requirements of applicable agencies. No specific information about the type of hazardous cleanup is mentioned in the DEIR. In addition, the DEIR fails to analyze and/or otherwise propose improvement/mitigation measures concerning the potential cost of any such future hazardous clean up. (See P. Hazards and Hazardous Materials, pages IV.p.9 and IV.P.17).

(Nick S. Rossi, Esq., representing Kenneth and Roseanna Masters) [19.29]

**Response**

As detailed in EIR Section IV.P, Hazards and Hazardous Materials, p. IV.P.5, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) regulatory process is very thorough and requires substantiation that no significant threat to human health or the environment remains on the site following site closure. As mentioned on EIR p. IV.P.52, “neither site closure nor a FOST [Finding of Suitability to Transfer], FOSET [Finding of Suitability for Early Transfer], or LIFOC [Lease in Furtherance of Conveyance] would be approved by the overseeing regulatory agency unless the data clearly indicate that no significant risks to human health or the environment remains.” While new data can cause a previously closed site to reopen, this would most likely occur during construction when subsurface soils are disturbed. This is addressed in the EIR under Impacts HZ-1 through HZ-7 and related mitigation measures, beginning on EIR p. IV.P.39. Any further analysis of potential impacts regarding later discovery of contaminants would be speculative and therefore is not presented in this document.

Various remediation approaches are being employed, evaluated, or proposed across Naval Station Treasure Island by the Navy as part of its remediation programs: these approaches include
excavation and offsite disposal, bioremediation, groundwater extraction and treatment, and institutional controls. These various remediation approaches are discussed throughout the summary of Installation Restoration (“IR”) sites beginning on EIR p. IV.P.17.

The comment suggests that mitigation or improvement measures be identified for the costs of any potential future remediation. Since the Navy is funding existing, ongoing remediation efforts, those costs are not related to the Proposed Project. Economic effects of a proposed project are not required to be analyzed in CEQA documents. The cost of remediation does not affect the physical environmental impacts identified in the EIR or change the severity of those impacts; no mitigation or improvement measures are necessary other than those already identified in the EIR.

2.18.6 EXISTING REMEDIATION EFFORTS

Comment

The environmental issues here with hazardous waste, I am not worried about, the underground tanks have been removed. We have the oversight of the Water Resources Control Board and state toxics along BCDC also control the tide, the hundred feet where it comes in and out. (William Lee, San Francisco Planning Commission) [TR.24.4]

Response

The comment correctly states that a majority of the underground storage tanks have been removed, and the remaining remediation efforts are being overseen by various regulatory agencies.