

## **IV. Environmental Impact Analysis**

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### **E. Hazards and Hazardous Materials**

#### **1. Introduction**

This section of the Draft EIR provides an analysis of the Project's potential impacts with regard to hazards and hazardous materials. The analysis is based in part on the *Phase I Environmental Site Assessment prepared by California Environmental Inc., dated March 21, 2017*, which is included as Appendix E of this Draft EIR; and the *Methane Investigation Report (Methane Report)*, prepared by Carlin Environmental Consulting, Inc., dated February 13, 2017, and included in Appendix D of this Draft EIR.

#### **2. Environmental Setting**

##### **a. Regulatory Framework**

The regulations governing the storage and handling of hazardous materials are complex, with a varying degree of overlap associated with existing federal, state, and local programs. In general, applicable laws and regulations are aimed at hazardous materials inventory and emergency response planning, risk planning and accident prevention, employee hazard communication, public notification of potential exposure to specific chemicals, and storage of hazardous materials including aboveground storage tanks (AST), and underground storage tanks (UST). A description of the major policies and programs regulating hazardous materials storage and handling applicable to activities at the Project Site is provided below.

##### **(1) Hazardous Materials Use, Storage, and Management**

###### ***(a) Emergency Planning and Community Right-to-Know Act (Superfund Amendments and Reauthorization Act, Title III)***

In 1986, Congress adopted the Emergency Planning and Community Right-to Know Act (42 United States Code Sections 11001–11050) as Title III of the federal Superfund Amendments and Reauthorization Act. The federal Emergency Planning and Community Right-to-Know Act establishes reporting and planning requirements for businesses that handle or store specified hazardous materials. These reports and plans provide federal, state, and local emergency planning and response agencies with information about the

amounts of materials that businesses use, release, and/or spill. They also provide the public with information about potential hazards in their communities.

In California, many of the requirements of the Emergency Planning and Community Right-to-Know Act overlap with regulations adopted under the state's Hazardous Materials Release Response Plans and Inventory Law Health and Safety Code Sections 25531 *et seq.*, which are discussed below. The Emergency Planning and Community Right-to-Know Act consists of four separate programs, including:

- Planning for emergency response (Sections 301 to 303), which is also addressed by the provisions of the Hazardous Materials Release Response Plans and Inventory Law and the Health and Safety Code Sections 25531 *et seq.*;
- Reporting leaks and spills (Section 304), also covered by the Hazardous Materials Release Response Plans and Inventory Law;
- Reporting hazardous materials inventories (Sections 311 and 312), which is also required by the Hazardous Materials Release Response Plans and Inventory Law; and
- Annual reporting of total releases of specified "toxic chemicals" (Section 313).

*(b) Hazardous Materials Release Response Plans and Inventory*

Businesses in California that handle hazardous materials are required to comply with California's Hazardous Materials Release Response Plans and Inventory Law (Assembly Bill 2185; Health and Safety Code Section 25500 *et seq.*). Basic requirements of hazardous materials planning under the Hazardous Materials Release Response Plans and Inventory Law include the development of detailed inventories of the hazardous materials used and stored on-site, a program of employee training for hazardous materials release response, and the identification of emergency contacts and response procedures. The reporting thresholds in the Hazardous Materials Release Response Plans and Inventory Law for hazardous materials are:

- 55 gallons of a liquid;
- 500 pounds of a solid;
- 200 cubic feet of a compressed gas measured at standard temperature and pressure; and
- For radioactives, the quantity for which an emergency plan is required under federal or state regulations.

Any facility that meets minimum thresholds for established categories of waste must comply with the reporting requirements and file a business emergency plan with the local administering agency. For the Project Site, the local administering agency is the City of Los Angeles Fire Department (LAFD). The LAFD refers to the business emergency plan as a Hazardous Materials Business Plan. The Hazardous Materials Business Plan must include a complete inventory of all hazardous materials used and stored at a site in quantities above the associated thresholds and a program of employee training for hazardous materials releases.

*(c) Unified Hazardous Waste and Hazardous Materials Management Regulatory Program*

Senate Bill 1082 (1994) established the Unified Hazardous Waste and Hazardous Materials Management Regulatory Program. The LAFD is a Certified Unified Program Agency. The Unified Hazardous Waste and Hazardous Materials Management Regulatory Program consolidates and coordinates the six state programs that regulate business and industry's use, storage, handling, and disposal of hazardous materials and hazardous wastes. The Certified Unified Program Agency requirements include submittal of the following: Business Information Form; Hazardous Materials System BP-8 Computer Listing of Inventory Submitted; Annual Inventory Update Form; and Regulated Substance Registration Form.

*(d) Health and Safety Code Section 25531*

Health and Safety Code Sections 25531 *et seq.* requires risk planning and accident prevention provisions for facilities that use or store acutely hazardous materials. Acutely hazardous materials (known as Extremely Hazardous Substances under the Emergency Planning and Community Right-to-Know Act) are defined as any chemical designated as an extremely hazardous substance in the Code of Federal Regulations, Title 40, Part 355 (40 Code of Federal Regulations 355), Appendix A. Under Health and Safety Code Sections 25531 *et seq.*, facilities that store or utilize certain types and quantities of hazardous materials may be required to develop Risk Management Plans. Risk Management Plans include management, engineering and safety studies, as well as the construction of physical improvements, if warranted, designed to minimize the potential for hazardous materials accidents and, if an accident does occur, to minimize the impacts of such an event. Risk Management Plans are process-specific rather than project-specific. As such, they focus on the use of hazardous materials in various operations. For processes that use quantities of hazardous materials at or above the thresholds defined by the Health and Safety Code Sections 25531 *et seq.*, a Risk Management Plan must be prepared. Quantity thresholds as defined under Health and Safety Code Sections 25531 *et seq.* vary for different hazardous constituents. Health and Safety Code Sections 25531 *et seq.* require that Risk Management Plans be updated every three years for continuing

operations or whenever the process changes to the extent that the current Risk Management Plan does not reflect the revised process.

The state Office of Emergency Services delegated authority to local agencies to administer the Hazardous Materials Release Response Plans and Inventory Law and Health and Safety Code Sections 25531 *et seq.* In the City of Los Angeles, LAFD issues permits for hazardous materials handling (in accordance with the Hazardous Materials Release Response Plans and Inventory Law), enforces Assembly Bill 2185 (per the Hazardous Materials Release Response Plans and Inventory Law), and administers the applicable sections of the Los Angeles Fire Code, including Division 8 (Hazardous Materials Release Response Plans and Inventory Statements). Risk Management Plans are required to be filed with the Los Angeles County Department of Public Works and with the LAFD. The LAFD administers the requirements of the Hazardous Materials Release Response Plans and Inventory Law and Health and Safety Code Sections 25531 *et seq.* through a combination of the following: LAFD inspections; plan checks; disclosure requirements associated with Hazardous Materials Business Plans; and requirements for the preparation and filing of Risk Management Plans. Any business handling hazardous materials (as defined in Section 25500 of California Health and Safety Code, Division 20, Chapter 6.95) is required to obtain a local fire department permit and register the business as a hazardous materials handler.

*(e) Federal and California Occupational Safety and Health Acts*

Federal occupational safety and health regulations also contain provisions with respect to hazardous materials management. The applicable federal law is the Occupational Safety and Health Act of 1970, as amended, which is implemented by the Occupational Safety and Health Administration (OSHA) (29 United States Code, Sections 651–678). Federal Occupational Safety and Health Act requirements, set forth in Title 29 Code of Federal Regulations Section 1910 *et seq.*, are designed to promote worker safety, worker training, and worker right-to-know. A major component of the federal regulations is the requirement that employers implement the Occupational Safety and Health Act Hazard Communication Standard to provide information to employees about the existence and potential risks of exposures to hazardous substances in the workplace. As part of the Hazard Communication Standard, employers must:

- Obtain material safety data sheets from chemical manufacturers which identify the types and handling requirements of hazardous materials used in given areas;
- Make the material safety data sheets available to their employees;
- Label chemical containers in the workplace;
- Develop and maintain a written hazard communication program; and

- Develop and implement programs to train employees about hazardous materials.

Employers are also required to train a team of employees to appropriate federal Occupational Safety and Health Act-defined levels, to respond to accidental releases of hazardous materials, and, as appropriate, to retain on-call contractors to perform hazardous materials accidental release responses (29 Code of Federal Regulations 1910.120, Hazardous Waste Operations and Emergency Response Standards).

Since the State of California has a state plan with provisions at least as stringent as those required by the Occupational Safety and Health Act, the United States Department of Labor has delegated the authority to administer the Occupational Safety and Health Act regulations to the state. The California Occupational Safety and Health Act program (codified in the California Code of Regulations, Title 8, or 8 California Code of Regulations generally and in the Labor Code Sections 6300–6719) is administered and enforced by the Division of Occupational Safety and Health, a unit of California’s Department of Industrial Relations. The California Occupational Safety and Health Act is similar to the federal program.

In addition to the provisions identified above, the California Occupational Safety and Health Act requires employers to implement a comprehensive, written Injury and Illness Prevention Program. An Injury and Illness Prevention Program is an employee safety program that covers the full range of potential workplace hazards, including those associated with hazardous materials.

*(f) Safe Drinking Water and Toxic Enforcement Act*

The Safe Drinking Water and Toxic Enforcement Act (22 California Code of Regulations Section 12000 *et seq.*), also known as Proposition 65, was developed to improve public health by reducing the incidence of cancer and adverse reproductive outcomes that might result from exposure to potentially hazardous chemicals. Proposition 65 requires the following:

- The creation of a list of chemicals and substances, and the levels at which they are believed to have the potential to cause cancer or deleterious reproductive effects in humans;
- Restriction of discharges of listed chemicals into known drinking water sources at levels above the regulatory levels of concern;
- Public notification of any unauthorized discharge of hazardous waste;
- A clear and understandable warning given prior to a known and intentional exposure to a listed substance; and

- Establishment of a right of action for private citizens and a separate set of notice requirements for “designated government employees” and counties.

Though Proposition 65 is enforced by the County of Los Angeles Health Officer, the law can also be enforced by State or local government prosecutors (i.e., State Attorney General, County District Attorney, and City Attorney), as well as members of the public in certain instances.

#### *(g) California Radiation Control Regulations*

The California Radiation Control Regulations (17 California Code of Regulations Division 1, Chapter 5, Subchapter 4) include standards for the protection against radiation hazards. The Los Angeles County Department of Health Services, on behalf of the State Department of Health Services, has the primary responsibility for administering these standards, which apply to both employers and employees. Standards include procedures regarding the proper use, storage/labeling, training, waste management and disposal, and emergency release of a regulated source of radiation.

#### *(h) Uniform Fire Code*

Additional requirements pertaining to hazardous materials management are set forth in the Uniform Fire Code. The Uniform Fire Code regulates the types, configuration, and quantities of hazardous materials that can be stored within structures. The Uniform Fire Code also regulates the storage of hazardous materials (e.g., storage tanks) in outdoor areas. These regulations are implemented by LAFD through regular inspections of on-site operations and through issuance of notices of violation in cases where storage facilities do not meet code requirements. In addition to regulations governing hazardous materials handling, there are reporting requirements associated with a hazardous materials release. These reporting provisions require, in some instances, notification of the local Certified Unified Program Agency (i.e., LAFD), the State Office of Emergency Services, and National Response Center, if warranted.

#### *(i) City of Los Angeles General Plan Safety Element*

The City’s General Plan Safety Element (adopted on November 26, 1996) includes policies related to the City’s response to hazards and natural disasters and represents the long-range emergency response plan for the City of Los Angeles. The General Plan Safety Element seeks to address the protection of people from unreasonable risks associated with natural disasters (e.g., fires, floods, and earthquakes) and reduce future losses of life, injuries, and socioeconomic disruption from other safety issues including the management of hazardous materials.

Additionally, LAFD monitors the storage of hazardous materials in the City for compliance with local requirements. Specifically, businesses and facilities which store more than the threshold quantities of hazardous materials as defined in Chapter 6.95 of the California Health and Safety Code are required to file an Accidental Risk Prevention Program with the LAFD. This program includes information such as emergency contacts, phone numbers, facility information, chemical inventory, and hazardous materials handling and storage locations.

## (2) Hazardous Waste Generation, Handling, and Disposal

### *(a) Federal Resource Conservation and Recovery Act and California Hazardous Waste Control Law*

The federal Resource Conservation and Recovery Act (RCRA) (42 United States Code Sections 6901–6992k) regulates the generation, transportation (through standards applicable to transporters of hazardous waste), treatment, storage, and disposal of hazardous waste. Under RCRA regulations, hazardous wastes must be tracked from the time of generation to the point of disposal. The RCRA program also establishes standards for hazardous waste treatment, storage, and disposal units, which are intended to have hazardous wastes managed in a manner that minimizes present and future threats to the environment and human health. At a minimum, each generator of hazardous waste must register and obtain a hazardous waste activity identification number. If hazardous wastes are stored for more than 90 days or treated or disposed of at a facility, any treatment, storage, or disposal unit must be permitted under the RCRA.

The RCRA classifies users that generate greater than 1,000 kilograms (approximately 2,205 pounds) per month of non-acutely hazardous waste as “large quantity generators.” Large-quantity generators are subject to the life cycle hazardous waste management requirements of the RCRA. The RCRA requires large quantity generators to maintain inspection logs of hazardous storage locations, records of the quantity of hazardous waste being generated and stored on-site, manifests of pick-ups of these wastes from the site by licensed hazardous waste transporters, and records from the licensed treatment/storage/disposal facilities which receive and ultimately treat or dispose of the waste.

The RCRA allows individual states to develop their own programs for the regulation of hazardous waste as long as they are at least as stringent as the federal act. The State of California has developed the California Hazardous Waste Control Law (Health and Safety Code Section 25100 *et seq.*; 22 California Code of Regulations Section 66260.1 *et seq.*), which is modeled closely after the RCRA. Unlike the RCRA, the Hazardous Waste Control Law does not recognize a threshold below which generators are exempt from some or all of the Hazardous Waste Control Law requirements.

The United States Environmental Protection Agency (USEPA) has delegated RCRA enforcement to the State of California. Primary authority for the statewide administration and enforcement of Hazardous Waste Control Law rests with the California Environmental Protection Agency's (CalEPA) Department of Toxic Substances Control (DTSC). The DTSC is responsible and/or provides oversight for contamination cleanup, and administers statewide hazardous waste reduction programs. The DTSC has delegated to local agencies the authority to inspect and regulate hazardous waste generators. As previously indicated, LAFD is a Certified Unified Program Agency under the Unified Program. The Unified Program consolidates and coordinates the six state programs that regulate business and industry's use, storage, handling, and disposal of hazardous materials and hazardous wastes.

Both the RCRA and the Hazardous Waste Control Law require businesses to prepare biennial hazardous waste reports that identify the nature and quantity of each type of hazardous waste generated and the treatment, disposal method, and facilities used for each waste (40 Code of Federal Regulations 262.41(a) and 22 California Code of Regulations 66262.41). These reports must be submitted to the DTSC.

*(b) Federal Occupational Safety and Health Act and California Occupational Safety and Health Act*

The federal Occupational Safety and Health Act and California Occupational Safety and Health Act regulations also contain worker safety provisions with respect to routine hazardous waste management operations and emergency responses involving hazardous wastes. The provisions are included in the Hazardous Waste Operations and Emergency Response Standard (29 United States Code sec 651 *et seq.*; 29 Code of Federal Regulations 1910.120; 40 Code of Federal Regulations 311), which requires a written health and safety program, worker training, emergency response training, medical surveillance, and measures to reduce worker exposure to hazardous waste.

*(c) Uniform Fire Code*

The Uniform Fire Code regulates hazardous waste storage facilities through regular site inspections by the LAFD and through the issuance of notices of violations in cases where storage facilities do not meet code requirements.

### (3) Underground Storage Tanks

*(a) Resource Conservation and Recovery Act, Subtitle I*

In 1984, Congress adopted a national UST regulatory program (42 United States Code 6991 *et seq.*), commonly referred to as Subtitle I of the RCRA. Regulations implementing this program are found at 40 Code of Federal Regulations 280. Subtitle I

authorized the USEPA to issue regulations establishing construction standards for new UST installations (those installed after December 22, 1988), as well as strict standards for:

- Upgrading existing USTs and associated piping;
- New UST installations;
- Corrosion protection for USTs and piping;
- Spill and overfill protection and, for USTs that contain substances other than petroleum, secondary containment methods to detect and contain leaks and leak detection for associated piping;
- Leak detection and reporting of releases and corrective actions;
- On-site practices and record keeping;
- UST closure standards; and
- Financial responsibility.

After 1998, all nonconforming tanks were required to be upgraded or closed.

*(b) California Code of Regulations and California Health and Safety Code*

Prior to the adoption of the federal UST regulatory program, the State of California initiated the regulation of USTs storing hazardous substances in 1983. The State of California has since further defined the federal laws and regulations related to the UST program. The California Health and Safety Code, Division 20, Chapter 6.7, governs the UST program, and regulates the program in California Code of Regulations Title 23, Division 3, Chapter 16 and Chapter 18. The various elements regulated by the state's UST program include:

- Registration of USTs;
- Permitting USTs;
- Establishment of UST construction and operational standards;
- Installation of leak detection systems and/or monitoring of USTs for leakage;
- Establishment of UST closure requirements;
- Licensing of UST contractors;

- Establishment of financial responsibility requirements;
- Release reporting/corrective action; and
- Enforcement.

The state's UST program has been amended frequently to incorporate the federal requirements. As with the federal standards, the State's UST program required that all tanks have leak detection, corrosion protection, and spill and overflow devices by December 1998. USTs that did not meet the 1998 requirements were required to be immediately retrofitted or removed. One notable difference between the federal and state regulations is that under the State's UST program, the demarcation date between "existing" and "new" USTs is January 1, 1984 (as opposed to December 22, 1988).

Oversight of the statewide UST program is assigned to the State Water Resources Control Board (23 California Code of Regulations Section 2610 *et seq.*). The administration of the UST regulatory and permit program is performed by local agencies. The administration of the UST program within the City is performed by the LAFD. The responsibility for oversight of leaking USTs lies with the California Regional Water Quality Control Board—Los Angeles Region. The City of Los Angeles' UST regulations are contained in Chapter 5, Article 7 of the Los Angeles Municipal Code (LAMC), commonly called the Los Angeles Fire Code.

#### (4) Aboveground Storage Tanks

##### *(a) Aboveground Petroleum Storage Act*

In 1989, California established the Aboveground Petroleum Storage Act instituting a regulatory program covering ASTs containing specified petroleum products (Health and Safety Code Sections 25270–25270.13). The Aboveground Petroleum Storage Act applies to a facility if it has a storage capacity of 10,000 gallons or more or is subject to oil pollution prevention and response requirements under 40 Code of Federal Regulations Part 112 (40 Code of Federal Regulations 112) of the Clean Water Act. Oil pollution prevention requirements must be met if the facility has a cumulative aboveground storage capacity of 1,320 gallons or more of oil and may reasonably be expected to discharge oil in harmful quantities into navigable waters. CalEPA's DTSC regulations may apply if ASTs contain hazardous waste and are stored longer than 90, 180, or 270 days (depending on other criteria).

Under the Aboveground Petroleum Storage Act, each owner or operator of a regulated AST facility must file biennially a storage statement with the State Water Resources Control Board disclosing the name and address of the AST facility; the contact person for the facility; and the location, size, age, and contents of each AST that exceeds

10,000 gallons in capacity and that holds materials that are at least five percent petroleum. In addition, each owner or operator of a regulated AST must prepare a Spill Prevention Control and Countermeasure Plan in accordance with federal and state requirements (40 Code of Federal Regulations 112 and Health and Safety Code Section 25270.5[c]). Compliance is required for facilities with total aboveground oil storage capacity that exceeds 1,320 gallons.

As noted above, the Spill Prevention Control and Countermeasure Plan is intended to minimize the potential for accidental release of oil or petroleum products into or upon the navigable waters of the United States or adjoining shoreline. Groundwater monitoring may also be required if the tank exterior surface, connecting piping, and the floor directly beneath the tank cannot all be monitored by direct viewing. Notification to the state Office of Emergency Services is required immediately upon discovery of any spill or release of 42 gallons or more of petroleum (Health and Safety Code Section 25270.8). Currently, the responsibility for inspecting ASTs and ensuring that Spill Prevention Control and Countermeasure Plans have been prepared lies with the California Regional Water Quality Control Board.

*(b) City of Los Angeles Requirements*

In addition to the state requirements, local jurisdictions also impose requirements concerning ASTs. The LAFD requires that all ASTs containing more than 60 gallons of combustible materials have a form of secondary containment. If the tank is located inside a building with sprinklers, the secondary containment must be able to hold 100 percent of the tank contents plus 20 minutes of sprinkler water. Outdoor containment must be able to handle 100 percent of the tank contents and 24 hours of rainwater from a 25-year storm.

*(c) South Coast Air Quality Management District Rule 1166*

If volatile organic compound (VOC)–contaminated soil resulting from leakage from storage or transfer operations, accidental spillage, or other deposition is discovered during excavation or grading, the South Coast Air Quality Management District’s (SCAQMD’s) Rule 1166 (VOC Emission from Decontamination of Soil) requirements to control the emission of VOCs are applicable. SCAQMD’s Rule 1166 includes the development and approval of a mitigation plan, notification prior to excavation or grading, monitoring for VOC contamination, and the handling and treatment of VOCs if discovered.

## (5) Asbestos

*(a) Toxic Substances Control Act*

In 1976, the federal Toxic Substances Control Act (15 United States Code Sections 2601–2671) established a system of evaluation in order to identify chemicals which may

pose hazards. The Toxic Substances Control Act also established a process by which public exposure to hazards may be reduced through manufacturing, distribution, use and disposal restrictions or labeling of products. Under the Toxic Substances Control Act (40 Code of Federal Regulations 763), the USEPA has enacted strict requirements on the use, handling, and disposal of asbestos-containing materials (ACMs). These regulations include the phasing out of friable asbestos and ACMs in new construction materials beginning in 1979 (40 Code of Federal Regulations 763). Friable asbestos may be found in pre-1979 construction. In addition, due to potential adverse health effects in exposed persons, in 1989 the USEPA banned most uses of asbestos in the country. Although most of the ban was overturned in 1991, the current banned product categories include corrugated paper, rollboard, commercial paper, specialty paper, flooring felt, and any new uses. The Toxic Substances Control Act is enforced by the USEPA through inspections of places in which ACMs are manufactured, processed, and stored and through the assessment of administrative and civil penalties and fines, as well as injunctions against violators.

*(b) Federal Resource Conservation and Recovery Act and State Hazardous Waste Control Law*

Under the federal RCRA, asbestos is not regulated as hazardous waste, but under the state Hazardous Waste Control Law, it is considered a “non-RCRA” or “California-only” hazardous waste. CalEPA’s DTSC classifies ACMs as hazardous waste if they are friable (e.g., easily crumbled) and contain 1 percent or more asbestos (California Code of Regulations, Title 22, Section 66261.24). Non-friable bulk asbestos-containing waste is considered by the DTSC as nonhazardous regardless of its asbestos content, so it is not subject to regulation under California Code of Regulations, Title 22, Division 4.5. The DTSC regulates the packaging, on-site accumulation, transportation (through standards applicable to transporters of hazardous waste), and disposal of asbestos when it is a hazardous waste.

*(c) Federal and California Occupational Safety and Health Acts*

The federal and state Occupational Safety and Health Acts regulate asbestos as it relates to employee safety through a set of general notification requirements and corrective actions to reduce potential exposure levels. The federal Occupational Safety and Health Act Worker Exposure Rule for Asbestos (29 Code of Federal Regulations 1910.1001 and 1926.1101) requires certain actions on the part of any employer whose employees are potentially exposed to asbestos fiber levels above the permissible exposure limit (0.2 fiber per cubic centimeter of air, averaged over an 8-hour day). These actions include:

- Corrective measures to reduce exposure levels;
- Notification, including warning signs and labels;

- Controlled access;
- Use of protective equipment;
- Implementation of engineering and housekeeping controls; and
- Employee training programs.

The Occupational Safety and Health Act has established an action level for workplace exposure, as well. If an employee could be exposed above the action level, employers must begin compliance activities such as notification, employee training, air monitoring and, in some cases, medical surveillance. In buildings that contain ACMs, levels of airborne asbestos are not expected to reach Occupational Safety and Health Act exposure standards. Nevertheless, the USEPA recommends that building owners inform building occupants of the presence and location of ACMs, even if potential exposure is below the levels identified above. In addition to these regulations, contractors involved in asbestos surveys and removal are required to be certified by the Division of Occupational Safety and Health.

*(d) Connelly Act*

The Connelly Act (Assembly Bill 3713; Health and Safety Code Section 25915 *et seq.*) establishes notification requirements for all owners and employees working within any pre-1979 building known to contain ACMs. Notification could be based upon a survey of ACMs and their locations. The notification requirements of the Connelly Act are enforced by the California Division of Occupational Safety and Health.

*(e) National Emission Standards for Hazardous Air Pollutants*

The USEPA has established National Emission Standards for Hazardous Air Pollutants (40 Code of Federal Regulations 61 Part M) that govern the use, removal, and disposal of ACMs as a hazardous air pollutant. The National Emission Standards for Hazardous Air Pollutants regulations concern the manufacture, spraying, and fabricating of ACMs, as well as its application, removal, and disposal. The National Emission Standards for Hazardous Air Pollutants regulations mandate the removal of friable ACMs before a building is demolished and include notification requirements prior to demolition. The regulations also mandate removal techniques, limit visible emissions of dust to the outside air during removal or renovation, specify disposal procedures, and include provisions governing the packaging and labeling of asbestos wastes. The National Emission Standards for Hazardous Air Pollutants regulations are promulgated and enforced by the USEPA. Responsibility for implementing these requirements has been delegated to the State of California, which in turn has delegated the responsibility to the SCAQMD. The

SCAQMD implements the National Emission Standards for Hazardous Air Pollutants through its Rule 1403, discussed below.

*(f) South Coast Air Quality Management District Rule 1403*

SCAQMD Rule 1403, Asbestos Emissions from Renovation/Demolition Activities, regulates asbestos as a toxic material and controls the emissions of asbestos from demolition and renovation activities by specifying agency notifications, appropriate removal procedures, and handling and clean up procedures. Rule 1403 applies to owners and operators involved in the demolition or renovation of structures with ACMs, asbestos storage facilities, and waste disposal sites. The requirements under this rule include the following:

- Surveying structures for ACMs;
- Agency notification of intention to remove asbestos;
- ACMs removal procedures and time schedules;
- ACMs handling and clean up procedures;
- ACMs storage, disposal and landfill requirements; and
- Record keeping.

**(6) Lead-Based Paint**

*(a) Federal and California Occupational Safety and Health Acts*

Federal Occupational Safety and Health Act requirements, set forth in 29 Code of Federal Regulations Section 1910 *et seq.*, are designed to promote worker safety, worker training, and worker right-to-know. Requirements include: General Industry Respiratory Protection Standard (29 Code of Federal Regulations 1910.134) for the use of respiratory protection devices intended to control occupational diseases caused by breathing air contaminated with harmful dusts, fogs, fumes, mists, gases, smokes, sprays, or vapors; the Lead in General Industry Standard (29 Code of Federal Regulations 1910.1025), which is applicable to all occupational exposures to lead, except for lead exposures in the construction industry, to protect employees from significant lead exposures and to educate the employees on health hazards associated with lead; and, the General Industry Hazard Communication Standard (29 Code of Federal Regulations 1910.1200), which is the Occupational Safety and Health Act's general industry hazard communication standard and applies to all employees exposed to chemical and physical hazards in the general industry sector. The Occupational Safety and Health Act requirements set forth in 29 Code of Federal Regulations Section 1926 *et seq.*, are designed to promote safety during

construction. These requirements include standards to comprehensively address the issue of evaluating and communicating chemical and physical hazards to employees in the construction sector (the Construction Industry Hazard Communication Standard [29 Code of Federal Regulations 1926.59]) for the demolition, salvage, removal, alternation, etc. of lead-containing materials and lead contamination/emergency clean up, transportation, disposal, storage, or containment of lead or materials containing lead on the site or location at which construction activities are performed, including maintenance activities associated with construction activities (the Lead in Construction Standard [29 Code of Federal Regulations 1926.62]). As with 29 Code of Federal Regulations 1910.134, the Respiratory Protection in Construction Standard (29 Code of Federal Regulations 1926.103) is applicable to all employees who are required or choose to wear respiratory protection devices. The intent of the standard is to control occupational diseases caused by breathing air contaminated with harmful dusts, fogs, fumes, mists, gases, smokes, sprays, or vapors. This standard requires the establishment of a written respiratory protection program whenever employees are required or choose to wear respirators.

Title 8 of the California Code of Regulations, Section 1532.1 (8 California Code of Regulations 1532.1) is a rule developed by OSHA in 1993 and adopted by the State of California. This rule is comparable to the federal standards described above. While this regulation has been updated several times since 1993, one important difference between it and the federal standard is the additional requirement to notify the Division of Occupational Safety and Health in writing before abating 100 square feet or more of lead-based paint (LBP). Title 17 of the California Code of Regulations, Division 1, Chapter 8 requires that all consultants and contractors conducting activities involving LBP or lead hazards be certified. This regulation also defines LBP, lead hazards, and lead clearance criteria. This regulation requires that the California Department of Health Services be notified in writing before all hazard-related testing and hazard mitigation-related abatement activities.

Title 22 of the California Code of Regulations, Section 66261.24 (22 California Code of Regulations 66261.34) is the state's version of the requirements for testing of all waste streams prior to disposal.

*(b) Safe Drinking Water and Toxic Enforcement Act*

The Safe Drinking Water and Toxic Enforcement Act (Title 22, Division 2, Chapter 3, Sections 12000 through 14000), enacted as Proposition 65, lists lead as a substance known to the State of California to be a reproductive toxin and prohibits a business from knowingly exposing anyone to levels in excess of the "No Significant Risk Level" without first giving a "clear and reasonable warning." The No Significant Risk Level is set at five micrograms of lead per day. In addition to providing warning requirements, these codes prohibit discharge to land or water where lead can pass into a source of drinking water.

## (7) Polychlorinated Biphenyls

### *(a) Toxic Substances Control Act*

Polychlorinated biphenyls (PCBs) can be found in older transformers and other electrical equipment. Due to their hazardous properties, all aspects of PCBs are strictly regulated by the USEPA under the Toxic Substances Control Act. These regulations ban the manufacture of PCBs although the continued use of existing PCB-containing equipment is allowed. Transformer oil containing PCBs at a concentration exceeding five parts per million is the California-regulated concentration for hazardous waste though PCBs in transformer oil at a concentration up to 50 parts per million are currently allowed in transformers in California. The Toxic Substances Control Act also contains provisions controlling the continued use and disposal of existing PCB-containing equipment.

The disposal of hazardous waste building materials, including PCBs, is also regulated by federal and state laws. The disposal of PCB wastes is regulated by the Toxic Substances Control Act (40 Code of Federal Regulations 761), which contains life cycle provisions similar to those in the RCRA.

### *(b) California Hazardous Waste Control Law*

In addition to the Toxic Substances Control Act, provisions relating to PCBs are contained in the Hazardous Waste Control Law, previously discussed, which lists PCBs as hazardous waste.

## (8) Oil Wells and Methane Gas

### *(a) California State Division of Oil, Gas and Geothermal Resources*

In compliance with Section 3229, Division 3 of the California Public Resources Code, before commencing any work to abandon any well, the owner or operator shall file with the California State Division of Oil, Gas and Geothermal Resources a written notice of intention to abandon the well (California State Division of Oil, Gas and Geothermal Resources form OG108). Abandonment shall not proceed until approval is given by the California State Division of Oil, Gas and Geothermal Resources. If a written response to the notice of intention is not received from the California State Division of Oil, Gas and Geothermal Resources within ten working days, the proposed abandonment shall be deemed to have been approved. If abandonment operations have not commenced within one year of receipt of the notice of intention, the notice of intention shall be deemed canceled.

### *(b) City of Los Angeles Methane Mitigation Requirements*

Los Angeles Ordinance No. 175790 defines the methane mitigation requirements for all projects, which fall within the “methane zone” or the “methane buffer zone.” The zones have been defined by the City of Los Angeles to include areas of the City which fall within or adjacent to the oil production fields by the Division of Gas and Geothermal Resources. The ordinance requires that each parcel that falls within the methane or methane buffer zone be evaluated for methane concentration and pressure and certified by an approved testing agency. Upon completion and certification, the highest concentration and pressure measures during the investigation determines the “design level” for the project. The ordinance defines five design levels and corresponding mitigation measures for all sites in the methane and methane buffer zones. Level I is the least stringent escalating to Level V as the most stringent “active” methane mitigation. As part of the ordinance, alternatives to the measures specified in the ordinance are permitted with the approval of the City.

## **b. Existing Conditions**

### **(1) Current and Historical Uses of the Project Site**

The current and past land uses within the Project Site were identified to assess their potential to present concerns relative to the presence of hazards and/or the handling of hazardous materials. These concerns are classified as Recognized Environmental Conditions (RECs), which are defined as “the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, past release, or material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, ground water or surface water of the property.” In order to differentiate between conditions relating to current and prior uses, conditions relating to prior uses are classified as Historical Recognized Environmental Conditions (HREC). Controlled Recognized Environmental Conditions (CRECs) are RECs resulting from a past release of hazardous substances or petroleum products that have been addressed to the satisfaction of the applicable regulatory authority, and the hazardous products are allowed to remain in place subject to required controls.

As described in Section II, Project Description, of this Draft EIR, the Project Site is currently developed with three structures, including a two-story Barnes & Noble bookstore located along the northeast corner of the Project Site, near the Maxella Avenue and Glencoe Avenue intersection; a single-story building providing a variety of retail uses located generally within the southern portion of the Project Site, along Glencoe Avenue; a two-story commercial and retail building located generally within the western portion of the Project Site; and surface parking and circulation areas. According to the Phase I ESA included as Appendix E of this Draft EIR, based on a review of historic documents and

photographs, the Project Site was agricultural land until approximately 1973, when the first commercial structures were constructed on-site. By 1977, the Project Site was occupied by the existing commercial structures.

According to information provided in the SCAQMD Facility Information Detail (FIND) database, the Project Site has previously been issued air emissions permits by SCAQMD for natural gas charboilers. Based on the nature of the permits for restaurant operations, the permits are not considered a REC for the Project Site. Therefore, the Phase I ESA determined that there are no RECs, HRECs and/or CRECs on the Project Site.

## (2) Hazardous Materials Database Search

The Phase I ESA for the Project Site included a computerized government environmental records search. The records search included numerous government databases such as those of registered USTs, operators who are hazardous waste generators, former landfills, and sites with a known hazardous materials release. These findings are summarized below.

### *(a) Project Site*

Based on the database records search, the Project Site is listed on the California Hazardous Waste Information System (CA HAZNET), which includes facility and manifest data for sites that file hazardous waste manifests with the DTSC.<sup>1</sup> The CA HAZNET database identifies the Project Site as being a hazardous waste generator between 1993 and 1995. Hazardous wastes reportedly generated on-site included asbestos containing waste, organic liquid mixture, and organic solids with halogens. Based on building permit records, these hazardous wastes appear to be attributed to remodeling activities that occurred on the Project Site during that time period. No violations were identified with respect to the hazardous waste listings. In addition, based on a lack of reported spill, leaks, or violation, this listing is not considered to represent a significant environmental concern.

### *(b) Surrounding Sites*

Several properties located within a one-mile radius of the Project Site are listed on various regulatory databases. Four sites located near the Project Site are considered environmental concerns. One site has been listed on multiple regulatory databases for having hazardous waste located on-site, one site is listed as a contaminated site, and two

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<sup>1</sup> Note that being listed within any of these lists does not imply that an environmental problem exists presently or has existed in the past.

sites are listed as having had an environmental release occur on-site. These sites are discussed further below.

The nearest listed environmental concern is the property formerly occupied by Transco Products Incorporated located approximately 189 feet northwest of the Project Site at 4241 Glencoe Avenue. This property has been listed on a number of regulatory databases for both prior generation of more than 100 and less than 1,000 kilograms of hazardous waste during any calendar month and for operating a 500-gallon waste oil UST. The property is specifically listed on the following regulatory databases: Resource Conservation and Recovery Act—Small Quantity Generator (RCRA-SQG), California Statewide Environmental Evaluation and Planning System Underground Storage Tanks (CA SWEEPS UST), California Hazardous Substance Storage Container Underground Storage Tank (CA HIST UST), California Facility Inventory Database Underground Storage Tanks (CA FID UST), Facility Information Detail (FINDS); and Enforcement and Compliance History Online (ECHO). Although it is unknown if the 500-gallon waste oil UST was removed prior to redevelopment of the site, no hazardous waste violations were found in connection with the property. Based on a lack of reported violation, this listing is not considered to represent a significant environmental concern to the Project Site.

The nearest listed contaminated site to the Project Site is the USA Gasoline Corporation # 98 property located approximately 200 feet southeast of the Project Site on the southwest corner of Glencoe Avenue and Mindanao Way. This property is considered a contaminated site and is listed on the following regulatory databases: RCRA-SQG, FINDS, ECHO, Environmental Data Resources, Inc. Historical Auto Station (EDR Hist Auto), California leaking underground storage tank (CA LUST), California Hazardous Substance Storage Container Database Hazardous Waste and Substance Site List (CA HIST CORTESE), California Underground Storage Tank (CA UST), CA FID UST, CA SWEEPS UST; and CA HIST UST. According to the Phase I ESA, a gasoline release impacting soil and groundwater was discovered in February 1989 and a case was opened with the LAFD. No documentation was found that indicates any testing beneath or around the gas station was conducted prior to case closure in January 1997. The case was reopened in May 2000. In October 2011, three single-walled 12,000-gallon USTs located west of the pump islands were removed from the site and two double-walled 20,000-gallon USTs were installed northeast of the pump islands. During the UST upgrade activities, approximately 1,929 cubic yards of impacted soil was removed from the site. In March 2012, the case was referred to the Regional Water Quality Control Board. In June 2013 one groundwater extraction well and four groundwater monitoring wells were installed. Currently the Regional Water Quality Control Board case is under review and pending closure. Notwithstanding, based on the south-southeast groundwater gradient of the site, which flows away from the Project Site, this site is not considered to represent a significant environmental concern to the Project Site.

The 76 Unocal Gas Station located west-southwest of the Project Site, approximately 400 feet from the Project Site at 4300 Lincoln Boulevard is considered a release site and is listed on the following regulatory databases: CA HIST UST, CA UST, CA LUST, CA HIST CORTESE, EDR Hist Auto, CA SWEEPS UST, and CA FID UST. A leak impacting groundwater was first reported in 1988 with concentrations of MTBE (methyl tert-butyl ether) in groundwater up to 1,800 µg/L (microgram/liter). The case regarding the release was closed on June 18, 1997. In March and April 2009, five monitoring wells were installed and were sampled from 2009 through 2012. Based on the concentrations of the petroleum hydrocarbons in the monitoring wells, the site was issued a case closure by the Regional Water Quality Control Board in September 2012. As discussed in the Phase I ESA, due to the south-southeast groundwater gradient of the site, which flows away from the Project Site, this site is not considered to represent a significant environmental concern to the Project Site.

An additional release site is the former property of the Cornell-Dubilier Electronics Division located north-northwest of the Project, approximately 1,200 feet from the Project Site, at 4144 Glencoe Avenue. The site is considered a solvent release site and is located on the following regulatory databases: California Bond Expenditure Plan (CA BOND EXP. PLAN), RCRA- SQG, CA HAZNET, safety and environmental management system (SEMS), CA RESPONSE, CA ENVIROSTOR, and California Spills, Leaks, Investigation, and Cleanup (CA SLIC). During an investigation of the property in 1988, elevated concentrations of PCBs, trichloroethylene (TCE), and tetrachloroethylene (PCE) were detected in the soils. PCBs, TCE, and PCE were also detected in the groundwater beneath the site. In February 2006, DTSC approved a Remedial Action Plan for the site. As of 2015, DTSC has determined that permanent groundwater monitoring wells are necessary in the down-gradient direction to monitor VOCs due to the presence of PCE and TCE concentrations found in the dewatering system located at the Marina Marketplace site. Therefore, it is likely that groundwater beneath the Project Site has been impacted by this off-site solvent release. A Remedial Action Completion Report by DTSC is due in 2019.<sup>2</sup>

With respect to oil production sites, according to the State of California Department of Conservation's Division of Oil, Gas & Geothermal Resources (DOGGR) Online Mapping System, the Project Site is located within a 2,000-foot radius of the Playa del Rey oil field. The database also indicates that there are two oil wells located within a 2,000-foot radius of the Project Site.

With regard to landfill sites, Thatcher Street processing and transfer station located approximately 1,750 feet west-southwest of the Project Site is listed on the Solid Waste

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<sup>2</sup> Department of Toxic Substances Control, EnviroStor, Cornell-Dubilier Electronics, [www.envirostor.dtsc.ca.gov/public/profile\\_report?global\\_id=19360279](http://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=19360279), accessed March 21, 2018.

Information (SWIS) and the Waste Management Unit Database (WMUD) databases. The station processes and stores construction/demolition inert and mixed municipal waste. This site is not considered to represent a significant environmental concern to the Project Site.

### (3) Hazardous Materials Use and Storage

Currently, operations within the Project Site involve the use of limited quantities of potentially hazardous materials typical of those used in retail properties and landscaping. These materials include pesticides for landscaping, cleaning solvents for maintenance, small quantities of paint, and other general maintenance products. During the Project Site reconnaissance conducted on August 2, 2016 as part of the Phase I ESA, no recognized environmental conditions such as leaks, stains, spills, or distressed vegetation were observed on the Project Site. In addition, no hazardous substances, drums or other chemical containers were observed on-site.

### (4) Hazardous Waste Generation, Handling, and Disposal

During the Project Site reconnaissance, an on-site trash compactor located near 4365 Glencoe Avenue, and numerous trash bins were observed on the Project Site. No evidence of spills or staining was identified near the trash compactor or trash bins. The wastes are removed from the Project Site by a licensed contractor to be managed at licensed waste treatment, disposal, or recycling facilities that are permitted to receive the applicable waste.

### (5) Underground and Aboveground Storage Tanks

During the Project Site reconnaissance, no evidence of existing USTs or ASTs was observed on the Project Site.

### (6) Asbestos-Containing Materials

Asbestos is a naturally occurring mineral made up of microscopic fibers. Asbestos has unique qualities which include its strength, fire resistance, resistance to chemical corrosion, poor conduction of heat, noise, and electricity, and low cost. Asbestos was widely used in the building industry starting in the late 1800s and up until the late 1970s for a variety of uses, including acoustic and thermal insulation and fireproofing, and is often found in ceiling and floor tiles, linoleum, pipes, structural beams, and asphalt. Despite its useful qualities, asbestos becomes a hazard if the fibers separate and become airborne. Inhalation of airborne asbestos fibers could cause lung diseases. Any building, structure, surface asphalt driveway, or parking lot constructed prior to 1979 could contain asbestos

or ACMs. Based on the age of the retail buildings (i.e., constructed as early as 1973), there is a potential for ACMs to be present on-site.

### (7) Lead-Based Paint

Lead is a naturally occurring element and heavy metal that was widely used as a major ingredient in most interior and exterior oil-based paints prior to 1950. Lead compounds continued to be used as corrosion inhibitors, pigments, and drying agents from the early 1950s to 1972, when the Consumer Products Safety Commission specified limits on lead content in such products. While adults can be affected by excessive exposure to lead, the primary concern is the adverse health effects on children. The most common paths of lead exposure in humans are through ingestion and inhalation. LBP is of concern both as a source of exposure and as a major contributor to lead in interior dust and exterior soil. Due to the age of the retail buildings, it is possible LBPs could be present.

### (8) Polychlorinated Biphenyls

Typical sources of PCBs include electrical transformer cooling oils, fluorescent light fixture ballasts, and hydraulic oil. In 1976, the USEPA banned the manufacture and sale of PCB-containing transformers. Prior to this date, transformers were frequently filled with a dielectric fluid containing PCB-laden oil. PCB-contaminated transformers known or assumed under the Toxic Substances Control Act to contain between 50 and 499 ppm of PCBs are also subject to USEPA regulations.<sup>3</sup> By 1985, the USEPA required that commercial property owners with transformers containing more than 500 ppm of PCBs must register the transformer with the local fire department, provide exterior labeling, and remove combustible materials within five meters (40 CFR 761.30: "Fire Rule").

During the Project Site reconnaissance, three vaulted transformers utilized by the Project Site, were observed on-site. Surficial staining was not observed in the vicinity of the transformers. No other potential PCB-containing equipment was observed on the Project Site.

### (9) Oil Wells and Methane Gas

During the Project Site reconnaissance, no evidence of dry wells, monitoring wells, or other wells was observed on the Project Site. A review of the State of California, DOGGR Online Mapping System determined the Project Site is located within a 2,000-foot

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<sup>3</sup> U.S. Environmental Protection Agency, *PCBs Questions & Answers*, [www3.epa.gov/region9/pcbs/faq.html](http://www3.epa.gov/region9/pcbs/faq.html), accessed March 15, 2017.

radius of the Playa del Rey oil field. The database also indicates that there are two oil wells located within a 2,000-foot radius of the Project Site.

Shaerby Oil Company located southeast of the Project Site has an exploratory oil well that is listed as plugged and inactive. In July 1937, the well was spudded to a depth of 856 feet and drilled to a total depth of 7,522 feet. On September 20, 1937, the well was abandoned due to a lack of production. The well was plugged with mud followed by a cement plug from 875 feet to 818 feet.

Marathon Oil Company located southwest of the Project Site has an exploratory oil well that is listed as plugged and inactive. In March 1929, the well was spudded to a depth of 905 feet and drilled to a depth of 6,210 feet. On May 30, 1929, the well was abandoned due to a lack production. The well was plugged with mud followed by a steel cap welded on top of the casing.

The Project Site is located within a designated Methane Buffer Zone mapped by the City.<sup>4</sup> Methane is a naturally occurring gas associated with the decomposition of organic materials. In high-enough concentrations, between 50,000 parts per million and 150,000 parts per million by volume in the presence of oxygen, methane can be considered an explosion hazard. A Methane Report was prepared for the Project in February 2017 to evaluate the potential subsurface hazardous gas conditions at the Project Site as they relate to the construction and operation of the Project. According to the Methane Report, which is included in Appendix D, of this Draft EIR, a methane investigation, which consisted of the installation of 11 soil vapor probes, was performed. The results of the investigation revealed elevated concentrations of methane gas between 20 and 1,050 parts per million of methane by volume.

## (10) Other Site Conditions

The Project Site is not located in an area designated by the USEPA as having a high potential for radon gas exposure.

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<sup>4</sup> *City of Los Angeles Department of City Planning, ZIMAS, Parcel Profile Report for 13450 Maxella Avenue., <http://zimas.lacity.org/>, accessed March 15, 2017.*

### 3. Project Impacts

#### a. Thresholds of Significance

In 2015, the California Supreme Court in *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369 (CBIA v. BAAQMD), held that CEQA generally does not require a lead agency to consider the impacts of the existing environment on the future residents or users of the project. The revised thresholds provided below are intended to comply with this decision. Specifically, the decision held that an impact from the existing environment to the project, including future users and/or residents, is not an impact for purposes of CEQA. However, if the project, including future users and residents, exacerbates existing conditions that already exist, that impact must be assessed, including how it might affect future users and/or residents of the project. For example, if construction of the project on a hazardous waste site will cause the potential dispersion of hazardous waste in the environment, the EIR should assess the impacts of that dispersion to the environment, including to the project's residents. Thus, in accordance with Appendix G of the State CEQA Guidelines and the *CBIA v. BAAQMD* decision, the Project would have a significant impact related to hazards and hazardous materials if it would:

***Threshold (a): Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or***

***Threshold (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; or***

***Threshold (c): Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school; or***

***Threshold (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 create a significant hazard to the public or the environment caused in whole or in part from the project's exacerbation of existing environmental conditions; or***

***Threshold (e): For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area; or***

***Threshold (f): For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area; or***

***Threshold (g): Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan; or***

***Threshold (h): Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands, caused in whole or in part from the project's exacerbation of existing environmental conditions.***

For this analysis, the Appendix G Thresholds listed above are relied upon. The analysis utilizes factors and considerations identified in the City's 2006 L.A. CEQA Thresholds Guide, as appropriate, to assist in answering the Appendix G Threshold questions.

The L.A. CEQA Thresholds Guide identifies the following criteria to evaluate impacts associated with hazards and hazardous materials:

#### (1) Risk of Upset/Emergency Preparedness

- *Compliance with the regulatory framework;*
- *The probable frequency and severity of consequences to people or property as a result of a potential accidental release or explosion of a hazardous substance;*
- *The degree to which the project may require a new, or interfere with an existing, emergency response or evacuation plan, and the severity of the consequences; and*
- *The degree to which project design will reduce the frequency or severity of a potential accidental release or explosion of a hazardous substance.*

#### (2) Human Health Hazards

- *Compliance with the regulatory framework for the health hazard;*
- *The probable frequency and severity of consequences to people from exposure to the health hazard; and*
- *The degree to which project design would reduce the frequency of exposure or severity of consequences of exposure to the health hazard.*

## b. Methodology

To evaluate potential impacts relative to hazards and hazardous materials, a Phase I ESA was prepared for the Project Site in accordance with the requirements of *ASTM Practice E1527-13 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process* (ASTM Standard E1527-13).<sup>5</sup> The analysis of the potential impacts regarding hazards and hazardous material was based on the following:

- Visual inspection of the entire Project Site with special attention given to any hazardous materials storage and handling, distressed vegetation, and stains that could indicate contamination;
  - Survey of the surrounding area to determine if other potential contaminated sites exist that could environmentally impact the Project Site;
  - Observation of Project Site and area drainage patterns for potential contamination migration pathways;
- Interviews with persons familiar with Project Site usage;
- Review of historical sources of the Project Site and regulatory agency records for the Project Site and surrounding sites;
- Review of current Project Site geotechnical and methane reports; and
- Review of previous environmental reports prepared for the Project Site and adjacent parcels.

In addition, the Phase I ESA provides general information regarding ACMs, LBP, radon, oil and gas exploration, and methane gas. Recommendations regarding the construction and operation of the Project are based on these results. The Phase I ESA and the Methane Report are provided in Appendix D of this Draft EIR.

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<sup>5</sup> *This publication by the American Society for Testing and Materials (ASTM) defines good commercial and customary practice in the United States of America for conducting an environmental site assessment of a parcel of commercial real estate with respect to the range of contaminants within the scope of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C. §9601) and petroleum products.*

## c. Analysis of Project Impacts

### (1) Project Design Features

No specific project design features are proposed with regard to hazards and hazardous materials.

### (2) Project Impacts

***Threshold (a): Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?***

#### *(a) Construction*

During demolition, on-site grading, and building construction, hazardous materials such as fuel and oils associated with construction equipment, as well as coatings, paints, adhesives, and caustic or acidic cleaners could be used, handled, and stored on the Project Site. The use, handling, and storage of these materials could increase the opportunity for hazardous materials releases and, subsequently, the exposure of people and the environment to hazardous materials. However, all potentially hazardous materials would be used and stored in accordance with manufacturers' specifications and instructions, thereby reducing the risk of hazardous materials use. In addition, as described in the Regulatory Framework subsection above, there are regulations aimed at establishing specific guidelines regarding risk planning and accident prevention, protection from exposure to specific chemicals, and the proper storage of hazardous materials. The Project would be in full compliance with all applicable federal, state, and local requirements concerning the use, storage, and management of hazardous materials. Consequently, there is limited potential for Project construction activities to expose people to a substantial risk resulting from the release or explosion of a hazardous material, or from exposure to a health hazard in excess of regulatory standards. The Project Site would not exacerbate the current environmental conditions so as to create a significant hazard to the public or the environment. **Therefore, impacts related to the routine transport, use, or disposal of hazardous materials during construction would be less than significant, and no mitigation measures are required.**

#### *(b) Operation*

Operation of the Project would use potentially hazardous materials typical of those used in residential and commercial uses. As with Project construction, all hazardous materials on the Project Site would continue to be acquired, handled, used, stored, and disposed of in accordance with all applicable federal, state and local requirements. **Therefore, with implementation of appropriate hazardous materials management**

protocols at the Project Site and continued compliance with all applicable local, state, and federal laws and regulations relating to environmental protection and the management of hazardous materials, impacts associated with the routine transport, use, or disposal of hazardous materials during operation of the Project would be less than significant.

***Threshold (b): 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?***

*(a) Construction*

*(i) Hazardous Waste Generation, Handling, and Disposal*

During demolition, excavation, on-site grading and building construction, hazardous materials, such as fuel, and oils associated with construction equipment, as well as coatings, paints, adhesives, and caustic or acidic cleaners, would be used, and therefore, would require proper handling and management and, in some cases, disposal. In addition, the Phase I ESA identified a potential for groundwater contamination to exist on the Project Site. This contamination is a result of the elevated concentrations of PCBs, TCE, and PCE that were detected in the soils at the former property of Cornell-Dubilier Electronics Division located north-northwest of the Project Site.

The Project Site is in proximity to several sensitive uses, including residential uses, which may be affected by the generation, handling, and disposal of hazardous wastes during Project construction. The management of any resultant wastes could increase the potential for hazardous material releases and, subsequently, the exposure of people and the environment to hazardous materials. However, construction activities would occur in accordance with regulatory requirements, including specific OSHA requirements regarding worker safety and use of hazardous materials. Similarly, ground disturbance associated with site clearance, excavation, and grading activities during construction would be required to comply with relevant and applicable federal, state, and local regulations and requirements. In addition, in the event dewatering is required during construction of the Project, any discharge of groundwater would occur pursuant to, and comply with, the applicable NPDES permit or industrial user sewer discharge permit requirements. Pursuant to such requirements, the groundwater extracted would be chemically analyzed to determine contamination and the appropriate treatment and/or disposal methods. With compliance with relevant regulations and requirements, Project construction activities would not expose people to a substantial risk resulting from the release or explosion of a hazardous material, or from exposure to a health hazard, in excess of regulatory standards. **Therefore, impacts associated with hazardous waste management during**

**construction would be less than significant, and no mitigation measures are required.**

*(ii) Underground and Aboveground Storage Tanks*

According to the Phase I ESA, no evidence of existing USTs or ASTs was observed on the Project Site. In the unlikely event that USTs, underground facilities, buried debris, waste drums, tanks, and stained or odorous soils are found within areas proposed for demolition, suspect materials would be removed in accordance with all applicable federal, state, and local regulations. In addition, compliance with applicable permitting, notification, and worker safety regulations and programs would ensure construction worker safety at and near sites with potential contamination. Adherence to these guidelines would serve to effectively avoid worker exposure to hazardous materials that may be encountered on-site during construction activities. **Therefore, with compliance with applicable regulations, impacts related to the removal of USTs, ASTs, or other buried materials during demolition and building construction would be less than significant, and no mitigation measures are required.**

*(iii) Asbestos-Containing Materials*

As discussed above, based on the age of the on-site buildings, ACMs may be present on-site. Thus, in accordance with SCAQMD Rule 1403, the Project Applicant would be required to conduct a comprehensive asbestos survey prior to demolition, subject to approval by the City of Los Angeles Department of Building and Safety. In the event that ACMs are found within areas proposed for demolition, suspect materials would be removed by a certified asbestos abatement contractor in accordance with applicable regulations. With compliance with relevant regulations and requirements, Project construction activities would not expose people to a substantial risk resulting from the release of asbestos fibers into the environment. **Therefore, impacts related to the removal of ACMs during demolition would be less than significant, and no mitigation measures are required.**

*(iv) Lead-Based Paint*

As discussed above, based on the age of the on-site buildings, LBP may be present on-site. In the event that LBP is found within areas proposed for demolition, suspect materials would be removed in accordance with procedural requirements and regulations for the proper removal and disposal of LBP prior to demolition activities. Example procedural requirements include the use of respiratory protection devices while handling lead-containing materials, containment of lead or materials containing lead on the Project Site or at locations where construction activities are performed, and certification of all consultants and contractors conducting activities involving LBP or lead hazards. With compliance with relevant regulations and requirements, Project construction activities would not expose people to a substantial risk resulting from the release of LBP into the

environment. **Therefore, impacts related to the removal of LBP during demolition would be less than significant, and no mitigation measures are required.**

*(v) Polychlorinated Biphenyls*

As discussed above, three vaulted transformers utilized by the Project Site, were observed on-site. No leaks or stains were observed on the ground beneath the transformers during the site reconnaissance. Therefore, the transformers are unlikely to represent an environmental concern. In the event that PCBs are found within areas proposed for demolition, suspect materials would be removed in accordance with all applicable federal, state, and local regulations. **Therefore, impacts related to the removal of PCBs during demolition would be less than significant, and no mitigation measures are required.**

*(vi) Oil Wells and Methane Gas*

While no oil wells or oil production facilities were identified on-site, the Project Site is located within a 2,000-foot radius of the Playa del Rey oil field, and previously unknown wells could be present. If previously unidentified wells are encountered during Project construction, an accidental release could occur or contaminated soil could be uncovered. Adherence to all applicable regulatory compliance measures would ensure impacts associated with previously unidentified oil wells or oil production facilities would be less than significant.

As discussed above, the Project Site is also located within a City-designated Methane Buffer Zone as defined by the City of Los Angeles Department of Building and Safety. According to the Methane Report, which is included in Appendix D of this Draft EIR, a methane investigation, which consisted of the installation of 11 soil vapor probes, was performed. The results of the investigation revealed elevated concentrations of methane gas between 20 and 1,050 parts per million of methane by volume.

Grading or construction activities within portions of the Project Site that are designated as being within a Methane Buffer Zone and that involve work in confined spaces on-site could pose a potential for methane build-up, resulting in a possible hazardous condition. As provided in the Methane Report, the Project would comply with the City of Los Angeles' Methane Mitigation Ordinance No. 175790. Under this ordinance, the Project Site is categorized as a Level III Site Design with a Design Methane Pressure of equal to and less than two inches in the water column. Adherence to the City of Los Angeles' Methane Mitigation Ordinance, the construction safety measures, as well as compliance with California Occupational Safety and Health Act safety requirements, would serve to avoid substantial risk in the event that elevated levels of these soil gases are encountered during grading and construction. Based on such safety provisions and

appropriate monitoring, grading and construction activities associated with development within a Methane Buffer Zone are not expected to substantially expose construction workers to elevated levels of methane or other soil gases. Additionally, the waterproofing membrane required by the Los Angeles Department of Building and Safety to be installed during construction would be designed to be effective in reducing the potential for vapor intrusion associated with degassing of VOCs from potentially contaminated groundwater. The waterproofing membrane in conjunction with the ventilated garage space would eliminate the vapor intrusion potential at the Project Site. Thus, compliance with regulatory standards would reduce the chance of exposure of people to a substantial risk resulting from the release or explosion of an oil or methane gas, or from exposure to a health hazard, in excess of regulatory standards. **Therefore, impacts associated with oil wells and methane gas during demolition and building construction would be less than significant, and no mitigation measures are required.**

*(b) Operation*

*(i) Hazardous Waste Generation, Handling, and Disposal*

As discussed above, operation of the Project would involve the use of potentially hazardous materials typically used in residential and commercial uses, and for building and ground maintenance, including cleaning solvents, and pesticides for landscaping. As the proposed commercial operations would be similar to the type of operations occurring presently on-site and adjacent to the Project Site, no substantial increases in the amount or type of operational hazardous wastes would be expected to occur with those uses or with the proposed Project uses. As stated previously, activities involving the handling and disposal of hazardous wastes would occur in compliance with all applicable federal, state, and local requirements concerning the handling and disposal of hazardous waste. Therefore, with compliance with relevant regulations and requirements, operational activities would not expose people to a substantial risk resulting from hazardous waste, handling, and disposal. **Thus, impacts associated with hazardous waste management during operation of the Project would be less than significant, and no mitigation measures are required.**

*(ii) Underground and Aboveground Storage Tanks*

Development of the Project includes residential, retail, and restaurant uses. The Project does not propose the installation of underground or aboveground storage tanks. As such, operation of the Project would not expose people to substantial risk resulting from the release or explosion of a hazardous material, or from exposure to a health hazard, in excess of regulatory standards associated with USTs or ASTs. **Thus, impacts associated with underground and aboveground storage tanks during operation of the Project would be less than significant, and no mitigation measures are required.**

*(iii) Asbestos-Containing Materials*

Development of the Project would include the use of commercially-sold construction materials that would not include asbestos or ACMs. Project operation is, therefore, not anticipated to increase the occurrence of friable asbestos or ACMs at the Project Site. Therefore, operation of the Project would not expose people to substantial risk resulting from the release of, or exposure to, asbestos or asbestos containing materials. **Thus, no impacts associated with asbestos or ACMs during operation of the Project would occur, and no mitigation measures are required.**

*(iv) Lead-Based Paint*

Development of the Project would include the use of commercially-sold construction materials that would not include LBP. Project operation is, therefore, not anticipated to increase the occurrence of LBP at the Project Site. Operation of the Project would not expose people to LBP as no LBPs would be used. Thus, the Project would not expose people to substantial risk resulting from the release of, or exposure to, LBP. **Impacts associated with LBP during operation of the Project would not occur, and no mitigation measures are required.**

*(v) Polychlorinated Biphenyls*

In accordance with existing regulations which ban the manufacture of PCBs, the new electrical systems to be installed as part of the Project would not contain PCBs. Therefore, during operation of the Project, maintenance of such electrical systems would not expose people to PCBs and operation of the Project would not expose people to any risk resulting from the release of PCBs in the environment. **Therefore, no impacts related to PCBs during Project operation would occur, and no mitigation measures are required.**

*(vi) Oil Wells and Methane Gas*

Development of the Project includes residential, retail, and restaurant uses. The Project does not propose the development of oil wells. **Therefore, impacts associated with oil wells during operation of the Project would be less than significant, and no mitigation measures are required.**

All new buildings and paved areas located within a Methane Buffer Zone would comply with the City of Los Angeles' Methane Mitigation Ordinance No. 175790. Under this ordinance, the Project Site is categorized as a Level III Site Design with a Design Methane Pressure of equal to and less than two inches in the water column. As the permitting process would ensure that new development would comply with the City's Methane Mitigation Ordinance, the Project would not expose people or structures to

substantial risk resulting from the release of a hazardous material, or from exposure to a health hazard, in excess of regulatory standards, associated with the release of methane gas. **Impacts associated with methane gas would be less than significant, and no mitigation measures are required.**

***Threshold (c): 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?***

As discussed in the Initial Study included as Appendix A of this Draft EIR, the Project Site is not located within 0.25 mile of an existing or proposed school. The nearest schools to the Project Site include: Kids Pointe Pre School located approximately 0.3 mile from the Project Site at 4311 Lincoln Boulevard, Short Avenue Elementary located approximately 0.5 mile from the Project Site at 12814 Maxella Avenue, Venice Senior High School located approximately 1.0 mile from the Project Site at 13000 Venice Boulevard, and Marina Del Rey Middle School located approximately 1.6 miles from the Project Site at 12500 Braddock Drive. **Therefore, the Project would not create a significant hazard to nearby schools, and no mitigation measures are required.**

***Threshold (d): Is the Project 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 create a significant hazard to the public or the environment caused in whole or in part from the project's exacerbation of existing environmental conditions?***

Based on the database records search, the Project Site is listed on the California Hazardous Waste Information System (CA HAZNET), which includes facility and manifest data for sites that file hazardous waste manifests with the DTSC. The CA HAZNET database identifies the Project Site as being a hazardous waste generator between 1993 and 1995. Hazardous wastes reportedly generated on-site included asbestos containing waste, organic liquid mixture, and organic solids with halogens. Based on building permit records, these hazardous wastes appear to have been attributed to remodeling activities that occurred on the Project Site during that time period. No violations were identified with respect to the hazardous waste listings. **In addition, based on a lack of reported spill, leaks, or violation, this listing is not considered to represent a significant impact, and no mitigation measures are required.**

***Threshold (e): Is the Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, and would result in a safety hazard for people residing or working in the project area?***

***Threshold (f): Is the Project within the vicinity of a private airstrip, and would result in a safety hazard for people residing or working in the project area?***

As discussed in the Initial Study included as Appendix A of this Draft EIR, the Project Site is not located within two miles of an airport, private airstrip, or within an area subject to an airport land use plan. The closest airport to the Project Site, the Santa Monica Municipal Airport in Santa Monica, is located approximately 2.15 miles from the Project Site and is not located within the Airport Influence Area. **Given the distance between the Project Site and Santa Monica Municipal Airport, the Project would not have the potential to exacerbate current environmental conditions that would result in a safety hazard and no mitigation measures are required.**

***Threshold (g): Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?***

According to the Safety Element of the City of Los Angeles General Plan, the Project Site is located in proximity to a designated disaster route along the Marina Expressway and Lincoln Boulevard.<sup>6</sup> As discussed in Section IV.J, Transportation/Traffic, of this Draft EIR, construction activities for the Project would be primarily confined to the Project Site and would only include minor off-site work for installation of utility connections. In addition, a Construction Management Plan would be implemented during construction of the Project to ensure that adequate and safe access remains available within and near the Project Site during construction activities. The Construction Management Plan would include street closure information, traffic controls to direct traffic, a detour plan, haul routes, and a staging plan. The Project would also comply with all applicable codes and ordinances for emergency access. **Therefore, with adherence to regulatory requirements and implementation of a Construction Management Plan, construction of the Project would not be anticipated to significantly impair implementation of, or physically interfere with, any adopted or on-site emergency response or evacuation plans. Impacts related to emergency response and evacuation during construction would be less than significant, and no mitigation measures are required.**

During operation, the Project would not involve any activities that would impede public access or travel along the public right-of-way or interfere with an adopted emergency response or evacuation plan. As discussed in Section IV.I.1, Public Services—Fire Protection, of this Draft EIR, emergency vehicles would continue to access the Project Site directly from the surrounding roadways, including Glencoe Avenue and Maxella Avenue. In

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<sup>6</sup> *Los Angeles General Plan Safety Element, November 1996, Exhibit H, Critical Facilities and Lifeline Systems, p. 61.*

addition, the increase in traffic generated by the Project would not significantly impact emergency vehicle response to the Project Site and surrounding uses, including along City-designated disaster routes since the drivers of emergency vehicles are able to avoid traffic by using sirens to clear a path of travel or by driving in the lanes of opposing traffic. Accordingly, Project operation, including traffic generated by the Project, would not cause a substantial effect on emergency response as a result of increased traffic congestion. **As such, impacts associated with emergency response and emergency evacuation plans would be less than significant.** Refer to Section IV.I.1, Public Services—Fire Protection, of this Draft EIR, for a detailed analysis regarding emergency response.

***Threshold (h): 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 caused in whole or in part from the project's exacerbation of existing environmental conditions?***

As discussed in the Initial Study included as Appendix A of this Draft EIR, the Project Site is not located within a City-designated Very High Fire Hazard Severity Zone. Therefore, the Project would not subject people or structures to a significant risk of loss, injury, or death as a result of exposure to wildland fires and, the proposed residential and commercial uses would not create a fire hazard that has the potential to exacerbate the current environmental condition relative to wildfires. **No hazards impacts related to wildland fires would occur, and no mitigation measures are required.**

#### **d. Cumulative Impacts**

As indicated in Section III, Environmental Setting, of this Draft EIR, there are 39 related projects in the vicinity of the Project Site. Development of the Project in combination with the related projects has the potential to increase the risk for an accidental release of hazardous materials. Each of the related projects would require evaluation for potential threats to public safety, including those associated with the use, storage, and/or disposal of hazardous materials, ACMs, LBP, PCBs, and oil and gas and would be required to comply with all applicable local, state, and federal laws, rules and regulations. Because environmental safety issues are largely site-specific, this evaluation would occur on a case-by-case basis for each individual project affected, in conjunction with development proposals on these properties. Therefore, with full compliance with all applicable local, state, and federal laws, rules and regulations, as well as implementation of site-specific recommendations for the related projects, cumulative impacts related to hazards and hazardous materials would be less than significant.

### **e. Mitigation Measures**

With implementation of regulatory requirements, Project-level and cumulative impacts with regard to hazards and hazardous materials would be less than significant. Therefore, no mitigation measures are required.

### **f. Level of Significance After Mitigation**

No mitigation measures are required for the Project. Project-level and cumulative impacts with regard to hazards and hazardous materials would be less than significant.