

IV. Environmental Impact Analysis

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 a Hazardous Materials Technical Report (Haz Mat Report) prepared for the Project by CDM Smith, dated June 2017; a Phase I Environmental Site Assessment (Phase I ESA) prepared by RPS GaiaTech, dated April 2016; a Clarification/Addendum Letter to the Phase I ESA (First Phase I Addendum) prepared by RPS GaiaTech, dated May 2017; and a second Clarification/Addendum Letter to the Phase I ESA (Second Phase I Addendum) prepared by RPS GaiaTech, dated January 2018. Collectively, these reports are provided 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 on the Project Site is provided below. Refer to the Haz Mat Report provided in Appendix D of this Draft EIR for further discussion of relevant regulations.

(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 [USC] 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.

(b) California Health and Safety Code, Chapter 6.95: 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 (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 hazardous materials used and stored on-site, a program of employee training for hazardous materials release response, and identification of emergency contacts and response procedures. Any facility that meets minimum thresholds for established categories of waste must comply with reporting requirements and file a business emergency plan with the local administering agency. Health and Safety Code Sections 25531–25543.3 require risk planning and accident prevention provisions for facilities that use or store Acutely Hazardous Materials, which are defined as any chemical designated as an extremely hazardous substance in the Code of Federal Regulations (CFR), Title 40, Part 355, Appendix A. Under Health and Safety Code Section 25534, facilities that store or utilize certain types and quantities of hazardous materials may be required to develop Risk Management Plans. The State's Office of Emergency Services has delegated authority to local agencies to administer Health and Safety Code Section 25000 *et seq.*

For the Project Site, the local administering agency is the City of Los Angeles (City) Fire Department (LAFD). Business emergency plans or Hazardous Materials Business Plans are filed with the LAFD. The LAFD also issues permits for hazardous materials handling in accordance with Health and Safety Code Sections 25531–25543.3, enforces Sections 25500–25519, and administers the applicable sections of the Los Angeles Fire Code. Risk Management Plans are required to be filed with both the Los Angeles County (County) Department of Public Works and LAFD. The LAFD administers the requirements of these bills through a combination of LAFD inspections, plan checks, disclosure

requirements associated with Hazardous Materials Business Plans, and requirements for the preparation and filing of Risk Management Plans.

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

Senate Bill (SB) 1082 (1994) established the Unified Hazardous Waste and Hazardous Materials Management Regulatory Program. The LAFD is a Certified Unified Program Agency (CUPA). 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.

(d) 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 USC, Sections 651–678). Federal Occupational Safety and Health Act requirements, set forth in Title 29 CFR Section 1910 *et seq.*, are designed to promote worker safety, worker training, and worker right-to-know. The California Occupational Safety and Health Act program (codified in the California Code of Regulations (CCR), Title 8, and in 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, but also 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.

(e) Safe Drinking Water and Toxic Enforcement Act

The Safe Drinking Water and Toxic Enforcement Act (27 CCR Section 25000 *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 State to publish a list of chemicals and substances known to cause cancer, birth defects, or other reproductive harm. Proposition 65 also requires businesses to notify the public about significant amounts of chemicals in consumer products, in homes and workplaces, and/or chemicals that are released into the environment; and prohibits businesses from discharging significant amounts of listed chemicals into known sources of drinking water. Although Proposition 65 is enforced by the County 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).

(f) California Radiation Control Regulations

The California Radiation Control Regulations (17 CCR Division 1, Chapter 5, Subchapter 4) include standards for the protection against radiation hazards. The 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.

(g) 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 the National Response Center, if warranted.

(h) 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 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 Health and Safety Code Chapter 6.95 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 USC 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 RCRA. The United States Environmental Protection Agency (USEPA) has delegated RCRA enforcement to the State of California.

RCRA also 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 CCR Section 66260.1 *et seq.*), which is modeled closely after RCRA. Both 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 CFR Section 262.41(a) and 22 CCR Section 66262.41). These reports must be submitted to the California Environmental Protection Agency's (CalEPA) Department of Toxic Substances Control (DTSC), which is the primary authority for the statewide administration and enforcement of Hazardous Waste Control Law. 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 CUPA under the Unified Program.

(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, which require a written

health and safety program, worker training, emergency response training, medical surveillance, and measures to reduce worker exposure to hazardous waste (29 U.S.C, Section 651 *et seq.*; 29 CFR Section 1910.120; 40 CFR Part 311).

(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 USC Section 6991 *et seq.*), commonly referred to as Subtitle I of RCRA. Regulations implementing this program are found at 40 CFR Part 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 upgrades, maintenance, protection, and closure of existing USTs. After 1998, all non-conforming 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 has since further defined the federal laws and regulations related to the UST program. California Health and Safety Code, Division 20, Chapter 6.7 governs the UST program, with additional program regulations set forth in CCR Title 23, Division 3, Chapter 16 and Chapter 18. The various elements regulated by the State's UST program include the registration, permitting, monitoring, and closure of USTs; the establishment of UST construction and operational standards; the licensing of UST contractors; release and reporting/corrective actions; and the establishment of financial responsibility.

Oversight of the statewide UST program is assigned to the State Water Resources Control Board (SWRCB) (23 CCR Section 2610 *et seq.*). 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 (LARWQCB). 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 facilities with storage capacities of 10,000 gallons or more or are subject to oil pollution prevention and response requirements under 40 CFR Part 112. Under the Aboveground Petroleum Storage Act, each owner or operator of a regulated AST facility must file biennially a storage statement with the SWRCB 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 CFR Part 112 and Health and Safety Code Section 25270.5[c]). 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 Boards.

(b) City of Los Angeles Requirements

In addition to state requirements, local jurisdictions impose requirements concerning ASTs. The LAFD requires all ASTs containing more than 60 gallons of combustible materials to have a form of secondary containment. If a 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.

(5) Volatile Organic Compounds

If soil contaminated by volatile organic compounds (VOCs) as a result of 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) Rule 1166 (VOC Emission from Decontamination of Soil) requirements to control the emission of VOCs are applicable. SCAQMD 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.

(6) Asbestos

(a) Toxic Substances Control Act

Under the Toxic Substances Control Act (40 CFR Part 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 began in 1979. 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 RCRA, asbestos is not regulated as hazardous waste, but under California's 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 one percent or more asbestos (22 CCR, Section 66261.24). 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 CFR Sections 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 and establishes an action level for workplace exposure. 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 addition, 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 [AB] 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 CFR Part 61 Subpart M) that govern the use, removal, and disposal of ACMs as a hazardous air pollutant. 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.

(7) Lead-Based Paint

(a) Federal and California Occupational Safety and Health Acts

Federal Occupational Safety and Health Act requirements for occupational exposure to lead, set forth in 29 CFR Section 1910 *et seq.*, protect employees from significant lead exposures and educate employees on health hazards associated with lead. The requirements set forth in 29 CFR Section 1926 *et seq.* are designed to promote safety during construction and include standards to comprehensively evaluate and communicate chemical and physical hazards to employees in the construction sector, specifically related to the demolition, salvage, removal, alteration, etc. of lead-containing materials; lead contamination/emergency clean up; and the transportation, disposal, storage, or containment of lead or materials containing lead on the site or location at which construction activities are performed. The State has adopted requirements comparable to the federal requirements in 1993 (8 CCR, Section 1532.1) but also requires the Division of Occupational Safety and Health to be notified in writing before abating 100 square feet or more of lead-based paint (LBP). In addition, 17 CCR, Division 1, Chapter 8 requires all

consultants and contractors conducting activities involving LBP or lead hazards to be certified. This regulation defines LBP, lead hazards, and lead clearance criteria and also requires the California Department of Health Services to be notified in writing before all hazard-related testing and hazard mitigation-related abatement activities.

(b) Safe Drinking Water and Toxic Enforcement Act

The Safe Drinking Water and Toxic Enforcement Act (27 CCR Sections 25000 et seq.), enacted as Proposition 65, lists lead as a substance known to the State of California to be a reproductive toxin and prohibits businesses from knowingly exposing anyone to levels in excess of the “No Significant Risk Level” without first giving “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.

(8) 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 and contain provisions controlling the continued use and disposal of existing PCB-containing equipment. Disposal of hazardous waste building materials, including PCBs, is also regulated by federal and state laws. Disposal of PCB wastes is regulated by the Toxic Substances Control Act (40 CFR Part 761), which contains life cycle provisions similar to those in 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.

(9) 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 request approval from the California State Division of Oil, Gas and Geothermal Resources (DOGGR) via a written notice of intention to abandon the well (DOGGR Form OG108).

(b) *Los Angeles Methane Seepage Regulations*

The Los Angeles Methane Seepage Regulations (LAMC Chapter IX, Article I, Division 71, Section 91.7103) provide requirements for buildings and paving in areas classified as located in a Methane Zone or Methane Buffer Zone. The City's methane mitigation requirements currently require a methane site assessment to establish the appropriate methane mitigation level for design of a building methane mitigation system. The assessment consists of the collection of soil gas samples to evaluate the maximum detected methane concentration in soil gas. Based on the results, a site is classified as requiring Level I, II, III, IV, or V methane mitigation requirements.

b. Existing Conditions

Current and past land uses within the Project Site were identified to assess their potential to present concerns relative to the potential presence of hazards and/or the handling of hazardous materials. These concerns are classified as Recognized Environmental Conditions (RECs), which are defined by the American Society for Testing and Materials (ASTM) *Standard Practice for Environmental Site Assessments—E1527-13* as “the presence or likely presence of any hazardous substances or petroleum products in on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment.”¹ In order to differentiate between conditions relating to current and prior uses, conditions relating to prior uses are classified as Historical Recognized Environmental Conditions (HRECs). Additionally, Controlled RECs (CRECs) are RECs that resulted from a past release that have been addressed to the satisfaction of the applicable regulatory authority. The existence of RECs, HRECs, and CRECs on the Project Site due to prior and current on-site activities is addressed below. This summary is based on the Haz Mat Report, and in some cases the Phase I ESA, unless otherwise noted.

(1) Current and Historical Uses of the Project Site

As described in Section II, Project Description, of this Draft EIR, existing uses within the northern portion of the 2.71-acre Project Site consist of a former 99-space surface parking lot, which is currently in use as a staging and excavation area for construction of the Los Angeles County Metropolitan Transit Authority (Metro) Regional Connector 2nd

¹ *This publication by the ASTM defines good commercial and customary practice in the U.S. 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. Section 9601) and petroleum products.*

Street/Broadway rail station and portal. Pursuant to a right-of-entry agreement, Metro has had exclusive control and use of the surface parking area since March 2015 and will continue to use it as a construction staging/laydown location for the Regional Connector project until up to September 2021. At that time, control of the surface parking lot (with the exception of the portal area), will revert back to the Applicant (CA-LATS South, LLC). Metro's current plans call for the restoration of a paved surface area on those areas of the northern portion of the Project Site outside of the new Metro portal and plaza area following the completion Metro's construction activities. Separate from the proposed Project, while construction of the Metro portal may involve the use of hazardous materials and may encounter subsurface contamination, the Final EIR prepared for the Regional Connector Transit Corridor Project concluded impacts associated with hazardous materials would be mitigated to a less-than-significant level.²

The southern portion of the Project Site contains a five-story, approximately 67-foot-tall parking structure that includes rooftop parking and two subterranean levels and comprises a total of approximately 457,000 square feet. The structure was constructed in 1988 and currently provides 1,460 vehicular spaces, which are used for parking by tenants of Los Angeles Times Square (sometimes referred to as Times Square; i.e., the city block on the northeastern side of West 2nd Street bounded by South Spring Street on the east and South Broadway on the west), as well as public parking for other businesses, commuters, and residents in the immediate area. The existing parking structure is not considered a use that has a potential to impact the Project Site.

Based on documents and information obtained for the Phase I ESA, the Project Site has been developed since at least 1888. At that time, the Project Site was developed with numerous buildings, including offices, businesses and stores, residences, a portion of Los Angeles City Hall, a church, a synagogue, and a kitchen. In the mid-1890s, a portion of the site was redeveloped with buildings associated with the Los Angeles Theatre and Music Hall. By the early 1900s, a hotel had been constructed on the eastern portion of the site. From the 1920s through the 1940s, areas of the Project Site were cleared and used as parking lots. By 1950, a gas station was present at the intersection of West 2nd Street and South Spring Street.³ From the 1950s through the 1960s, additional buildings were

² Los Angeles County Metropolitan Transportation Authority, *Regional Connector Transit Corridor Project, Final Environmental Impact Statement/Environmental Impact Report*, www.metro.net/projects/connector/connector-final-eiseir/, January 20, 2012, accessed October 18, 2018.

³ Although the roadways in the Project vicinity typically are referred to within this Draft EIR without a directional indicator (e.g., 2nd Street and Spring Street), such indicators are included in this section in order to avoid any confusion relating to specific street addresses listed in permit files and on government databases. Similarly, whereas elsewhere in this Draft EIR directional references have been simplified (i.e., Broadway is described as bordering the Project Site to the west but is actually located to the

(Footnote continued on next page)

demolished, and the Project Site was used for parking. The gas station was demolished between 1981 and 1985, and a parking garage was constructed in 1988. Around 2000, several buildings that had contained a card shop and restaurant were demolished on the northern portion of the Project Site, bringing it into its current configuration.

The gas station, which began operation on-site between 1940 and 1950, was located at 201 South Spring Street and identified as Poole Bill Chevron Station and Poole Bill Chevron Service in City directories. No additional information regarding the gas station and any USTs associated with the gas station was available from the documents reviewed and persons consulted in preparing the Phase I ESA. The tanks may have been closed and abandoned in place or removed prior to UST regulations being promulgated; as such, no records of the tanks exist. Due to the operation of the gas station prior to current environmental regulations and the lack of information regarding the handling, storage, and disposal practices with respect to hazardous wastes, the historical operation of the gas station and the limited information regarding the tanks are considered a REC for the Project Site.

According to the Phase I ESA, two 48,000-gallon diesel USTs and one 1,000-gallon waste oil UST were removed from the Project Site in 1992. The 48,000-gallon diesel USTs were associated with an emergency power generator located at Los Angeles Times Square. In addition, a UST removal investigation involving three 10,000-gallon ink tanks associated with operations at the Los Angeles Times newspaper printing facility at Times Square was completed at 201 South Spring Street in 1989 and 1990.⁴ A 15,000-gallon diesel fuel UST associated with an emergency power generator, which replaced the 48,000-gallon USTs, and related underground piping were removed from the Project Site by Metro in 2014. These former USTs are considered CRECs for the Project Site and are discussed further below.

(2) Hazardous Materials Database Search

The Phase I ESA included information requests from various agencies to obtain environmentally relevant information regarding the Project Site, as well as a search of federal and state environmental databases to determine if the Project Site or nearby properties are listed and have a potential to adversely impact the site. The records search included numerous government databases, such as those of registered USTs, operators

northwest), within this section such descriptions have not been simplified so as to accurately reflect the information presented in the Haz Mat Report and Phase I ESA.

⁴ *The Phase I ESA makes repeated reference to “two 5,000-gallon ink tanks”; however, the First Phase I Addendum included in Appendix D of this Draft EIR clarifies there were three 10,000-gallon ink tanks.*

who are hazardous waste generators, former landfills, and sites with a known hazardous materials release. These findings are summarized below.

(a) Project Site

The Project Site is listed in multiple files and databases, including LAFD files, DTSC's GeoTracker, the Emissions Inventory (EMI), Statewide Environmental Evaluation and Planning System Underground Storage Tanks (SWEEPS UST), and historic cleaner databases, as detailed below.

LAFD records indicate that a UST removal investigation was completed at 201 South Spring Street in 1989 and 1990, which included three 10,000-gallon ink tanks.⁵ According to LAFD, the 1989/1990 investigation identified fuel hydrocarbons in 4 of 17 sample borings ranging from 800 mg/kg to 4,800 mg/kg. Impacted soils were present in unconsolidated sediments that extended to 15 feet below ground surface (bgs). The removal report or additional details regarding the UST removal were not included in LAFD records. The LAFD granted closure for this removal in 1991. The potential for this contamination to impact the Project Site is limited, and any potential residual soil contamination left in place is classified as a CREC.

LAFD's files also include a UST removal investigation for Broadway and 2nd Street prepared for the Los Angeles Times in 1992. According to this investigation, one 1,000-gallon waste oil UST and two 48,000-gallon diesel USTs were removed from the Los Angeles Times facility in July 1992. The removal report notes that a black tar-like substance was observed on the sidewalls near the base of the excavation at approximately 12 feet bgs. Approximately 1,000 gallons of perched groundwater was pumped out of the tank pit during the removal.

In addition, soil and water samples, as well as samples of the tar-like substance, were taken at the time of the UST removal. The samples were analyzed for total petroleum hydrocarbons (TPH) and benzene, toluene, ethylbenzene, and total xylenes (BTEX). TPH was detected in soils at a maximum concentration of 477 milligrams per kilogram (mg/kg), which was below the allowable level (10,000 mg/kg) that may be left in place according to the applicable regulations at the time. The sampling in 1992 also identified total xylenes in two soil samples at 0.034 mg/kg and 0.059 mg/kg. The water samples analyzed during the UST removal did not identify TPH but did identify benzene and toluene at 3.3 and 1.5

⁵ *The Phase I ESA makes repeated reference to "two 5,000-gallon ink tanks"; however, the First Phase I Addendum included in Appendix D of this Draft EIR clarifies there were three 10,000-gallon ink tanks.*

micrograms per liter ($\mu\text{g/l}$), respectively.⁶ A leaking UST (LUST) incident was filed for the UST removal due to the sampling results. However, after a review of the sampling information, LAFD issued a no further action letter in 1995, and the LUST incident was closed. Accordingly, this on-site contamination as a result of the former release is considered a CREC.

Given the passage of time since the initial soil and water sampling in 1992, a comparison of the sampling results to the current Environmental Screening Levels (ESLs) was conducted as part of the Phase I ESA. According to the most recent Tier 1 ESLs published in February 2016, the soil screening level for TPH as diesel is currently 230 mg/kg; accordingly, the maximum TPH concentration of 477 mg/kg detected in 1992 exceeds the current standard. The two soil samples with total xylenes detected at 0.034 mg/kg and 0.059 mg/kg both fall below the current ESL for xylene (2.3 mg/kg). In addition, the water samples with benzene at 3.3 $\mu\text{g/l}$ exceed the current ESL for benzene (1.0 $\mu\text{g/l}$). Based on this comparison of past sampling results to current standards, residual contamination may exist in shallow, perched groundwater and subsurface soils as a result of the historic release and may exceed current cleanup standards.

LAFD records also show a permit approval in 2002 for the removal and replacement of existing fill and suction sumps with total containment at 213 South Spring Street, the location of the existing parking structure. The removal of double-walled piping and installation of new flexible piping, new manway covers, and a new manway box were also included under the permit.⁷

With respect to federal and state environmental databases, the Project Site was identified in the EMI database for the year 1990 under the name Los Angeles Times at 213 South Spring Street. The EMI listing appears to be compliance-related and is not indicative of a release of hazardous materials.

The database search also listed the site address of 214 West 2nd Street on the SWEEPS UST and UST database for the former presence of at least one UST. No additional details were available, and this address does not appear elsewhere in the environmental database report or on online databases indicative of known subsurface impacts.

Finally, the database search also listed a clothes presser and cleaner called Economy Gus in the historic cleaners database in 1937, with a site address of 234 West

⁶ *The Phase I ESA erroneously indicated benzene levels were 303 $\mu\text{g/l}$. As clarified in the First Phase I Addendum included in Appendix D of this Draft EIR, 3.3 $\mu\text{g/l}$ is correct.*

⁷ *Manway covers and boxes pertain to access openings and fittings for storage tanks and wells.*

2nd Street. This address does not appear elsewhere in the environmental database report or on online databases indicative of known subsurface impacts. Perchloroethene, a chlorinated solvent typically used by dry cleaners since the 1960s, is not expected to have been used at the Project Site because the operating date associated with this cleaner is 1937, prior to the use of this solvent.

In addition to the records search results summarized above, a 2014 letter report prepared on behalf of Metro indicates that a 15,000-gallon diesel fuel UST was removed from the former surface parking lot at the Project Site by Metro.⁸ This UST was associated with the emergency power generator located across West 2nd Street at 145 South Spring Street (part of Los Angeles Times Square), northeast of the Project Site, and replaced the 48,000-gallon diesel fuel USTs that were removed in 1992. All underground piping lines servicing the UST were indicated as cut and capped below ground at the northeastern corner of the work zone, as well as beneath West 2nd Street. No residual fluids were identified in the lines. LAFD allowed the lines left in place to be removed during subsequent work by Metro in conjunction with ongoing construction of the Regional Connector 2nd Street/Broadway rail station and portal. The UST itself was removed in October 2014. Samples taken at that time did not identify TPH as diesel (TPH-D), VOCs, BTEX, and fuel oxygenates. The soil was approved for use as backfill, and the excavation was capped with 6 inches of road base followed by 4 inches of asphalt. No subsurface releases associated with the UST or associated piping were identified. Additional soil sampling was conducted in 2017 beneath West 2nd Street (immediately adjacent to the Project Site) as part of the Metro Regional Connector project.⁹ No VOCs or TPH were detected in those samples, and detected metals were below regulatory thresholds.

(b) Surrounding Sites

The surrounding area has been densely developed since at least the 1880s. Historical properties included liveryes, a furniture manufacturing company, and a State-owned garage. Many of the surrounding properties were identified on various environmental databases, including UST and LUST databases, and various other databases indicative of environmental impacts at the facilities. While no facilities impacting the Project Site were identified, given the long history of the surrounding area and the numerous listings related to USTs, brownfields, and other databases suggesting

⁸ *ARCADIS, Project Completion Report, Underground Storage Tanks Removal, Los Angeles Metropolitan Transportation Authority, Regional Connector Project—LA Times Location, December 8, 2014.*

⁹ *Soil Sample Analysis Results of 2nd and Broadway Station Regional Connector Corridor Project prepared for Metro's 2nd and Broadway rail station project by Kroner Environmental Services, Inc, dated March 2017.*

environmental impacts, there is a mild potential for surrounding properties to impact the Project Site. Specific sites are discussed below.

The address 240 Hill Street, approximately 300 feet west-northwest of the Project Site, was identified on the historic Cortese and LUST databases under the name Times Mirror. A LUST incident was reported in association with a release of an “other solvent” or non-petroleum hydrocarbon. The potential medium affected is noted as “an aquifer used for drinking water supply.” In 1997, product sheen was noted in a monitoring well and was remediated. The LUST case was listed as closed in 1997 and appears to be associated with a former property operated by Times Mirror located west-northwest of the site along Hill Street. Given that the LUST incident has received closure, the potential for this case to impact the Project Site is considered low.

The address 145 South Spring Street, which is part of Times Square and located northeast of the Project Site across West 2nd Street, was identified on the historic Cortese and LUST databases under the name Times Mirror Corporation. A LUST incident was reported in association with a release of gasoline discovered in 1988. According to the GeoTracker website, gasoline impacts were identified in soils, but no groundwater impacts are listed. The LUST case included two 6,000-gallon diesel USTs and one 3,000-gallon gasoline UST used to support former emergency power generators at the Times Mirror facility. The tanks were located beneath South Spring Street. It was determined that the release impacted soil only, and the case received regulatory closure from the LARWQCB in March 1989. Based on the nature of the release (soil only), and the fact that it received regulatory closure, the potential for this case to impact the Project Site is considered low.

In addition, approximately 30 addresses were identified on the historic cleaners database, and one address was identified on the historic auto station database within a 1/8-mile radius of the Project Site. These listings are based on City directories, not necessarily dry cleaning or gas stations, and are not indicative of potential contamination. None of the addresses were identified in any of the other databases searched (with the exception of the Times Mirror facility northeast of the Project Site, as discussed above).

Other facilities were identified in the database search, but due to gradient, status, distance, and/or the type of listing, none of these additional sites were considered significant to the Project Site. Details regarding these facilities are presented in the database search report included in the Phase I ESA.

(3) Hazardous Materials Use and Storage

Based on information provided by the Applicant and field observations, no significant quantities of hazardous materials are used or stored on the Project Site.

Minor oil staining was observed on the concrete floors in the parking garage. However, the concrete was observed to be in good condition with limited evidence of cracks, breaks, or other direct conduits to the subsurface. As a result, this minor staining is not likely to impact the Project Site.

The Applicant is not aware of spills or releases associated with existing uses on-site, with the exception of releases from the historic USTs discussed above. Field observations noted no obvious indications of spills or releases, with the exception on the minor staining discussed above. No historical spills or releases were identified in the review of historical data other than those noted above.

(4) Hazardous Waste Generation, Handling, and Disposal

Based on field reconnaissance and information provided by the Applicant, RCRA-regulated hazardous waste is not currently generated on-site, and no evidence of on-site hazardous waste disposal was observed.

(5) Underground Storage Tanks

No known USTs are currently located on the Project Site. However, as detailed above, a number of USTs were historically located at the Project Site, including the following:

- Three 10,000-gallon ink USTs formerly located at the corner of West 2nd Street and South Spring Street were removed in 1989 and 1990.¹⁰
- Two 48,000-gallon diesel USTs and one 1,000-gallon waste oil UST formerly located on the central portion of the surface parking lot in the northern portion of the Project Site were removed in 1992.
- One 15,000-gallon diesel UST formerly located on the central portion of the surface parking lot in the northern portion of the Project Site were removed in 2014.

It is possible that additional USTs may have been operated at the Project Site in association with the former gas station or other past uses.

¹⁰ *The Phase I ESA makes repeated reference to “two 5,000-gallon ink tanks”; however, the First Phase I Addendum included in Appendix D of this Draft EIR clarifies there were three 10,000-gallon ink tanks.*

(6) Aboveground Storage Tanks

One 60-gallon diesel fuel day tank associated with an emergency generator is located in a gated enclosure immediate northeast of the existing parking structure on-site. No visual evidence of materials release was noted during site reconnaissance.

(7) Polychlorinated Biphenyls (PCBs)

One pad-mounted transformer is located adjacent to the northeastern side of the existing parking structure on-site between the parking structure and the former surface parking lot. The transformer was not labeled as to its PCB content but appeared to be in good condition with no evidence of leaks or spills. The Applicant has indicated that the transformer is owned by the utility provider, who would be responsible for any leaks or spills from the transformer.

Three cable-operated elevators are located in the parking structure. Given the dates of their installation and the type (i.e., non-oil bearing), these elevators are unlikely to contain PCBs.

No other potential PCB-containing equipment was observed during site reconnaissance.

(8) 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.

According to the Applicant, no ACM surveys have been conducted on-site, and an ACM survey was not included as part of the Haz Mat Report or the Phase I ESA. However, no potential ACM was observed during site reconnaissance. Because the parking structure was constructed in 1988 after asbestos was no longer commonly used in construction, the potential for ACMs to be present is low.

(9) Lead-Based Paint

LBP was widely used in the past as a protective coating material and was a major ingredient in paint pigment. The Consumer Products Safety Commission banned paint and other surface coating materials that contain lead in 1978. Deterioration, damage, or disturbance of LBP on buildings or other structures may result in exposure to lead through inhalation or ingestion. Because the parking structure was constructed in 1988, it is unlikely to contain LBP. Further, as the northern portion of the Project Site contains no permanent structures and was most recently used for surface parking, it is unlikely that LBP would represent a substantial risk resulting from the release of a hazardous material, or from exposure to a health hazard, in excess of regulatory standards. However, lead could exist in low amounts in the existing fill materials anticipated to be unearthed during excavation, as the Project Site has been extensively developed and redeveloped since at least 1888 and multiple past buildings have been demolished.

(10) Methane Gas

Methane is a colorless, odorless natural gas that is not toxic but is highly combustible and potentially explosive in the presence of oxygen. Methane can typically be found at oil fields, oil wells, and landfills. The accumulation of methane below the ground due to pavement and structures can result in elevated concentrations, creating an explosion risk. The City has established methane zones, which indicate a high risk for methane exposure, and methane buffer zones, which indicate a lower risk for methane exposure. Based on a Preliminary Geotechnical Engineering Investigation prepared for the Project, the Project Site is not located within a designated City of Los Angeles Methane Zone or Methane Buffer Zone and would not require any site-specific methane soil gas testing in compliance with the City Department of Building and Safety Methane Mitigation Standards.¹¹

3. Project Impacts

a. Methodology

As previously indicated, a Hazardous Materials Technical Report was prepared for the Project to evaluate potential impacts relative to hazards and hazardous materials. The objective of the Haz Mat Report is to provide a baseline description of the Project Site related to historical and existing uses, as well as the storage and disposal of hazardous

¹¹ The "Preliminary Geotechnical Engineering Investigation to Satisfy the Requirements for Filing a Vesting Tentative Tract Map with the Department of City Planning" prepared by Geotechnologies, Inc. and dated August 11, 2016, is on file with the Department of City Planning (Case No. VTT-74320).

materials, based in part on information provided in the Phase I ESA. In addition, the Haz Mat Report evaluates potential impacts related to hazardous materials associated with the proposed redevelopment of the Project Site. More specifically, the analysis of potential impacts regarding hazards and hazardous materials is based on the following: (1) a site inspection; (2) interviews with parties familiar with the Project Site; (3) historical research into the past uses of the Project Site; and (4) hazardous materials research with regard to the Project Site, adjoining properties, and surrounding area. In addition, the Phase I ESA provides general information regarding asbestos-containing materials, lead-based paints, and other environmental issues and conditions. Recommendations regarding the Project's construction and operation are based on the results in the Haz Mat Report. The Haz Mat Report and Phase I ESA are provided in Appendix D of this Draft EIR.

b. Thresholds of Significance

(1) State CEQA Guidelines Appendix G

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 a project. The revised thresholds provided below are intended to comply with this decision. Specifically, the decision held that an impact from the existing environment on a 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.

In accordance with Appendix G of the 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;

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;

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

(2) 2006 L.A. CEQA Thresholds Guide

The *L.A. CEQA Thresholds Guide* states that the determination of significance with regard to impacts associated with risk of upset/emergency preparedness and human health hazards shall be made on a case-by-case basis, considering the following factors:

(a) 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.

(b) 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.

In assessing impacts related to hazards and hazardous materials in this section, the City will use Appendix G as the thresholds of significance. The criteria identified above from the *L.A. CEQA Thresholds Guide* will be used where applicable and relevant to assist in analyzing the Appendix G threshold questions.

c. Analysis of Project Impacts

(1) Project Design Features

No project design features with respect to hazards or hazardous materials are proposed.

(2) Relevant Project Characteristics

As described in detail in Section II, Project Description, of this Draft EIR, the Project involves the development of a 30-story mixed-use building consisting of 107 residential units (comprising an estimated 137,347 square feet), plus 7,200 square feet of ground level commercial retail uses, and 534,044 square feet of office uses.

(3) 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, excavation, 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. The management of any resultant hazardous wastes could increase the opportunity for hazardous materials releases and, subsequently, the exposure of the public to hazardous materials. However, all potentially hazardous materials would be used, stored, and disposed in accordance with manufacturers' specifications and instructions, thereby reducing the risk of hazardous materials use. Additionally, all 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 applicable federal, state, and local regulations and requirements, including, but not limited to RCRA, California Hazardous Waste Control Law, federal OSHA, Cal/OSHA, SCAQMD rules, and permits and associated conditions issued by the City of Los Angeles Department of Building and Safety. With compliance with relevant regulations and requirements, construction activities associated with the Project would not expose the public 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, the Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials during construction. As such, impacts would be less than significant, and no mitigation measures are required.**

(b) Operation

Operation of the Project would use limited quantities of potentially hazardous materials typical of those used in commercial, office, and residential uses, including cleaning agents, paints, pesticides, and other materials used for landscaping. Since the Project does not propose any industrial uses, these materials present a low risk for hazards exposure. Additionally, as with Project construction, all hazardous materials on the Project Site would be acquired, handled, used, stored, and disposed of in accordance with all applicable federal, state and local requirements. As with any business in California, tenants and vendors are subject to all applicable OSHA training and informational requirements regarding hazardous materials. **Therefore, with implementation of appropriate hazardous materials management protocols during Project operation and compliance with all applicable local, state, and federal laws and regulations relating to environmental protection and the management of hazardous materials, as well as adherence to manufacturer's instructions for the safe handling and disposal of hazardous materials, the Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials during operation of the Project. As such, impacts would be less than significant, and no mitigation measures are required.**

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) Underground and Aboveground Storage Tanks

While several former on-site USTs have been removed and received closure status, construction activities may disturb previously unknown or unidentified USTs (such as any associated with the former gas station located at the northeastern corner of the Project Site) or residual contamination during construction. Project-related grading and excavation, particularly those activities associated with construction of the Project's basement level, could uncover or disturb any previously unknown or unidentified USTs or residual contamination, including soil and/or groundwater that was within historical cleanup standards when originally removed and sampled but may now exceed current cleanup standards (specifically with regard to TPH as diesel and benzene).

In the event previously unidentified USTs or residual contamination is uncovered or disturbed during construction, soil and/or groundwater impacts and the potential exposure of people and the environment to hazardous materials could occur. If USTs or contaminated soils or groundwater are encountered during construction, the Project would comply with existing regulatory requirements pertaining to their removal. Soil sampling would be conducted during the UST removal process, and the results of those sampling activities may initiate a site assessment process if warranted.

Unexpectedly encountered contamination would be excavated, treated, or disposed of to the satisfaction of the applicable regulatory agencies, which could include LAFD, LARWQCB, and/or the DTSC. Compliance with regulatory permitting, notification, and worker safety regulations and programs would address construction worker safety at, or near, areas 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.

Nevertheless, because the potential for residual contamination exists and previously unknown or unidentified USTs may be located on-site, the Project may 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. As such, impacts would be potentially significant prior to mitigation.

(ii) Polychlorinated Biphenyls

As discussed above, during the Project Site reconnaissance, one pad-mounted transformer was identified at the northeastern side of the parking structure. The transformer appeared to be in good condition with no evidence of leaks or spills. Therefore, the transformer is unlikely to represent an environmental concern.

In the event that PCBs are found during construction, suspect materials would be removed in accordance with all applicable federal, state, and local regulations, and, thus, the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of PCBs into the environment. Therefore, impacts related to the removal of PCBs during 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 parking structure, ACMs are unlikely to be present on-site. Nevertheless, if ACMs are found during construction, suspect materials would be removed by a certified asbestos abatement contractor in accordance with applicable regulations. **With compliance with relevant regulations and requirements, the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of ACMs into the environment. Therefore, impacts related to the removal of ACMs during construction would be less than significant, and no mitigation measures are required.**

(iv) Lead-Based Paint

As discussed above, based on the age of the parking structure, LBP is unlikely to be present on-site. However, lead could exist in low amounts in the existing fill material during excavation, as the Project Site has been extensively developed and redeveloped since at least 1888 and multiple past buildings have been demolished. In the event that LBP is found during construction, suspect materials would be removed in accordance with regulatory 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, the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions**

involving the release of LBP into the environment. Therefore, impacts related to the removal of LBP during construction would be less than significant, and no mitigation measures are required.

(v) Methane Gas

As discussed above, the Project Site is not located within a City-designated Methane Zone or Methane Buffer Zone. As such, the Project would not require any site-specific methane soil gas testing. **The Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of methane gas into the environment. Therefore, impacts with respect to methane gas during construction would be less than significant, and no mitigation measures are required.**

(vi) Off-Site Contamination

Although it is not expected that off-site soil contamination could impact the Project Site, should off-site properties in the surrounding area to the northwest (i.e., upgradient of the Project Site), which are included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, have contaminated groundwater, there is a potential for groundwater contamination beneath the Project Site due to migration.

The depth of groundwater on the Project Site ranges from 110 to 140 feet bgs. The Project's excavation activities would reach a maximum depth of 25 feet and thus are not expected to impact groundwater. However, as previously discussed, shallow perched groundwater has been observed at depths ranging from 13.5 to 17 feet bgs. While the most recent (2014) removal of an on-site UST did not encounter perched groundwater, construction of the Project's basement and building footings may have the potential to encounter perched water should it exist within the excavation area. If construction dewatering is required, or if groundwater is encountered, it is anticipated to be short-term and limited to shallow/perched groundwater.

In the event shallow/perched groundwater is encountered during construction, it would be sampled for laboratory analysis. Based on the test results and other technical and economic feasibility considerations, the shallow/perched groundwater would either be disposed of into the storm drain system in compliance with applicable permit requirements or, if determined to be the only viable disposal alternative, the sanitary sewer system. The discharge of groundwater to storm drains from dewatering operations is regulated under the LARWQCB's adopted National Pollutant Discharge Elimination System (NPDES) Order No. R4-2013-0095 (General NPDES Permit No. CAG994004, *Waste Discharge Requirements for Discharges of Groundwater from Construction and Project Dewatering to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties*; referred to

as the General NPDES Permit). If the analytical test results of the groundwater show that any toxic substance exceeds applicable water quality screening criteria, permit enrollment and treatment of the groundwater would be required prior to discharge. Alternatively, when discharge to the storm drain system is infeasible, construction groundwater may be discharged into the sanitary sewer system through an industrial waste sewer discharge permit obtained from the City Department of Public Works, Bureau of Sanitation, Industrial Waste Management Division under LAMC Section 64.30 (Los Angeles Industrial Waste Control Ordinance). **With adherence to applicable groundwater discharge requirements, including relevant permit requirements, impacts associated with a neighboring site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 would be less than significant.**

(b) Operation

(i) Underground and Aboveground Storage Tanks

The Project does not include the installation of USTs but may include the installation of AST(s) for use with an emergency generator(s). As such, operation of the Project could expose the public to substantial risk resulting from the release or explosion of a hazardous material, or from exposure to a health hazard associated with ASTs. However, in accordance with LAFD requirements, any AST containing more than 60 gallons of combustible materials would have a form of secondary containment and comply with applicable design standards. Any AST containing 10,000 gallons or more of specified petroleum products would be subject to state requirements, including preparation of a Spill Prevention Control and Countermeasure Plan and biennial filing of a storage statement with the SWRCB. With adherence to applicable regulatory requirements, potential impacts associated with the installation and operation of any new ASTs would be reduced to a less-than-significant level.

Due to the previous USTs located on and near the Project Site, there is a possibility of vapor intrusion within the basement level of the Project. However, based on expert studies undertaken at leaking UST sites to assess potential inhalation exposure and risk to human health associated with the migration of petroleum hydrocarbon vapors from the subsurface to indoor air, documented occurrences of petroleum vapor intrusion are extremely rare. In addition, VOCs related to TPH (such as BTEX and naphthalene) were found in soil samples associated with UST removals on and near Project Site at non-detect or low levels; therefore, the potential for vapor intrusion is not expected to be an issue on the Project Site.

Thus, the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment associated with

operation of a UST or AST. Impacts associated with USTs and ASTs during operation of the Project would be less than significant, and no mitigation measures are required.

(ii) 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. **Accordingly, during operation of the Project, maintenance of such electrical systems would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of PCBs into the environment. Therefore, no impacts related to PCBs during operation of the Project would occur, and no mitigation measures are required.**

(iii) Asbestos-Containing Materials

Development of the Project would include the use of commercially-sold construction materials that do not contain asbestos or ACMs. **Accordingly, Project operation is not anticipated to make use of or expose people to friable asbestos or ACMs on the Project Site. Therefore, operation of the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of asbestos or ACMS into the environment. 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, including paints, that do not contain lead. **Accordingly, Project operation is not anticipated to make use of or expose people to LBP on the Project Site. Operation of the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of LBP. Impacts associated with LBP during operation of the Project would not occur, and no mitigation measures are required.**

(v) Methane Gas

As discussed above, the Project Site is not located within a City-designated Methane Zone or Methane Buffer Zone. As such, the Project would not require any site-specific methane soil gas testing. **The Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of methane gas into the environment. Therefore,**

impacts with respect to methane gas during operation 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 one-quarter mile of an existing or proposed school.

As discussed in Section VI, Other CEQA Considerations, of this Draft EIR and in the Initial Study included as Appendix A of this Draft EIR, there are no school sites located within a 0.25 mile radius of the Project Site. **As such, the Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Therefore, the Project would have a less-than-significant impact with respect to Threshold (c), and no further analysis is required.**

Threshold (d): Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would 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.

As discussed above, a review of online databases found no open or closed cleanup sites on the Project Site. Although the Project Site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, several nearby off-site locations are listed as hazardous materials sites pursuant to Government Code Section 65962.5 (such as historic Cortese and LUST lists). However, as discussed above, off-site properties, including those listed as hazardous materials sites, are not expected to significantly impact the Project Site. **Accordingly, the Project would not 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 associated with hazardous materials sites compiled pursuant to Government Code Section 65962.5. Impacts would be less than significant, and no mitigation measures are required.**

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.

As discussed in Section VI, Other CEQA Considerations, of this Draft EIR and in the Initial Study included as Appendix A of this Draft EIR, the Project Site is not located within 2 miles of an airport or within an airport planning area. The nearest airport is the Los Angeles International Airport (LAX) located approximately 10.5 miles southwest of the

Project Site. **As such, the Project would not result in a safety hazard for people residing or working in the Project area. Therefore, no impacts would occur with respect to Threshold (e), and no further analysis is required.**

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.

As discussed in Section VI, Other CEQA Considerations, of this Draft EIR and in the Initial Study included as Appendix A of this Draft EIR, the Project Site is not located within 2 miles of a private airstrip. The closest private airstrip is the Los Alamitos Army Airfield, approximately 21 miles southeast of the Project Site. **As such, the Project would not result in a safety hazard for people residing or working in the Project area. Therefore, no impacts would occur with respect to Threshold (f), and no further analysis is required.**

Threshold (g): Would the project impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

As discussed in Section VI, Other CEQA Considerations, of this Draft EIR and in the Initial Study included as Appendix A of this Draft EIR, Project construction would be conducted in accordance with standard construction management plans that would ensure adequate circulation and emergency access. Additionally, as discussed in Section IV.J, Transportation/Traffic, of this Draft EIR, the Construction Traffic Management Plan prepared pursuant to Project Design Feature TR-PDF-1 would require coordination with the City and emergency service providers to ensure adequate access is maintained to the Project Site and neighboring properties during construction. Moreover, if necessary, drivers of emergency vehicles are trained to utilize center turn lanes, or travel in opposing through lanes (on two-way streets) to pass through crowded intersections or streets. Accordingly, the respect entitled to emergency vehicles and driver training allows emergency vehicles to negotiate typical street conditions in urban areas, including areas near any temporary travel lane closure(s). The Project also would comply with LAFD access requirements. **As such, the Project would not impair implementation of, or physically interfere with, the City's emergency response plan or emergency evacuation plan. Therefore, impacts would be less than significant with respect to Threshold (g), and no further analysis is required.**

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 Section VI, Other CEQA Considerations, of this Draft EIR and 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, and there are no wildlands located adjacent to the Project Site. Additionally, the Project's design and construction would comply with all applicable LAFD and code requirements. **As such, the Project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands, caused in whole or in part from the Project's exacerbation of existing environmental conditions. Therefore, no impacts would occur with respect to Threshold (h), and no further analysis is required.**

4. Cumulative Impacts

While impacts associated with hazards and hazardous materials are typically site-specific, conditions such as contaminated groundwater can affect down-gradient properties. Additionally, future growth and development may occur on or around properties known to contain hazardous or potentially hazardous conditions, such as hazardous waste generation or handling, or the presence of leaking underground storage tanks. Accordingly, the geographic context for the cumulative impact analysis of hazards and hazardous materials is the general Project vicinity.

As identified in Section III, Environmental Setting, of this Draft EIR, 173 related projects in the surrounding area are expected to be constructed and/or operational during the same time period as the Project. Much of this growth is anticipated by the City and will be incorporated into the Central City Community Plan update, known as the DTLA 2040 Plan, which the Department of City Planning is in the process of preparing (refer to Section IV.F, Land Use, of this Draft EIR for further discussion). According to the DTLA 2040 projections, an additional approximately 125,000 people, 70,000 housing units, and 55,000 jobs will be added to the Downtown area by the year 2040.¹²

Cumulative growth within the Project vicinity has the potential to increase the use, storage, and transport of hazardous materials; the risk of upset or accident conditions involving a release of hazardous materials; and other potential safety hazards and health risks. Each of the related projects would require evaluation for potential threats to public

¹² *Growth projections current as of December 2018. Source: City of Los Angeles, DTLA 2040, About This Project, www.dtl2040.org/, accessed December 6, 2018.*

safety, including those associated with the use, storage, handling, 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. **With full compliance with all applicable local, state, and federal laws, rules, and regulations, as well as implementation of site-specific recommendations and mitigation for the related projects, as with the Project, the Project's impacts related to hazards and hazardous materials would not be cumulatively considerable and would be less than significant.**

5. Mitigation Measures

HAZ-MM-1: Preparation of a Soil Management Plan (SMP): Prior to the issuance of a grading permit, a qualified environmental professional as defined by 40 CFR 312.10 shall be retained to prepare a SMP to guide the development of the below-grade portions of the Project Site (excepting those portions of the Project Site that are owned by Metro and that were excavated as part of the Regional Connector 2nd Street/Broadway rail station and portal).¹³ The SMP shall document the historical conditions known about the Project Site and be prepared and executed in compliance with all applicable regulatory requirements. The SMP shall:

- Be implemented during soil disturbing construction activities (excavation and/or grading) to address any residual soil contamination and to ensure that any contaminated soils are properly identified, excavated, and disposed of off-site or remediated on-site.
- Include practices that are consistent with the California Division of Occupational Safety and Health regulations, California Code of Regulations, Title 8, as well as Certified Unified Program Agency remediation standards that are protective of the planned use.

¹³ *To be considered a qualified environmental professional, a person must hold a current Professional Engineer's or Professional Geologist's license or registration from a state, tribe, or U.S. territory (or the Commonwealth of Puerto Rico) and have the equivalent of three years of full-time relevant experience; or be licensed or certified by the federal government, a state, tribe, or U.S. territory (or the Commonwealth of Puerto Rico) to perform environmental inquiries as defined in Section 312.21 and have the equivalent of three years of full-time relevant experience; or have a Baccalaureate or higher degree from an accredited institution of higher education in a discipline of engineering or science and the equivalent of five years of full-time relevant experience; or have the equivalent of ten years full-time experience.*

- Document the historical conditions known about the Project Site and be prepared and executed in compliance with all applicable regulatory requirements;
- Address any residual soil contamination and to ensure that any contaminated soils are properly identified, excavated, and disposed of off-site or remediated on-site.
- Require that a qualified environmental professional or their designated representative be present on the Project Site during grading and excavation activities to sample and screen any potential residual soil contamination should it be encountered.

The qualified environmental professional shall use visual identification (such as discolored soils) and/or a screening (organic vapor) meter to identify any residual soil contamination. If potential residual soil contamination is observed based on the visual identification or the screening meter, excavation and grading within such area shall be temporarily halted and redirected around the area until the contamination is evaluated by the qualified environmental professional using appropriate sampling and analytical techniques. The nature and extent of contamination shall be determined and the appropriate handling, disposal, and/or treatment of the contaminated soil shall be implemented in accordance with all applicable regulatory requirements.

The SMP also shall provide/include, as applicable, the following:

- Protocols and procedures for properly handling contaminated soil that may be encountered and to protect human health and the environment during soil disturbing construction activities (excavation and/or grading);
- Procedures for segregation of visibly impacted soil/characterization/off-site disposal (if encountered), health and safety training, soil stockpile management (if conducted), import fill placement (if needed), and environmental site controls for stormwater and dust during the development activities;
- Action levels and air monitoring procedures for worker and community safety.

HAZ-MM-2: If any UST is encountered, a Division 5 Permit shall be obtained from the LAFD to abandon/remove the tank(s). The contractor removing the tank(s) shall be required to have a proper and current Los Angeles City Business Tax Registration Certificate and Appropriate State of California Contractor's License. Soil sampling shall be conducted by a qualified environmental professional or their designated representative per LAFD requirements during UST removal and the results of the sampling activities along with the removal activities shall be submitted

in a tank removal report to the LAFD. Based on the results of the soil sampling, the LAFD may require additional site assessment and as appropriate remediation, if impacted soils are identified during the UST removal.

6. Level of Significance After Mitigation

With the implementation of HAZ-MM-1 and HAZ-MM-2 above, Project impacts with regard to residual contamination would be less than significant. All other hazards and hazardous materials impacts, including cumulative impacts, would be less than significant.