

IV. Environmental Impact Analysis

E. Hazards and Hazardous Materials

1. Introduction

This section analyzes the Project's potential hazards and hazardous materials impacts that could occur during Project construction and operation. In addition, this section analyzes the Project's incremental contribution to cumulative hazards and hazardous materials impacts from past, present, and probable future projects. The analysis is largely based on the following eight reports by Citadel EHS (Citadel): *Phase I Environmental Site Assessment* (Phase I ESA) dated June 28, 2017; *Limited Phase II Subsurface Investigation* (Phase II), dated March, 2018; *Soil Characterization Report*, dated September 20, 2019; *Environmentally-Regulated Materials Survey Report (Interim Report)*, *Pre-Demolition Asbestos and Lead Survey* (Interim ACM-LBP Survey), dated October 23, 2017; *Methane Testing Report* (Methane Report), dated July 10, 2017; Soil Management Plan (SMP), dated December 20, 2019; and the *Supplemental Environmentally-Regulated Materials Survey Report* (Supplemental ERM Survey), dated December 7, 2020. These reports are included as Appendices G, H, I, J, K, L, and M to this Draft EIR, respectively.

2. Environmental Setting

a. Regulatory Framework

Several plans, regulations, and programs include policies, requirements, and guidelines regarding Hazards and Hazardous Materials at the federal, state, regional, and City of Los Angeles levels. As described below, these plans, guidelines, and laws include the following:

- Resource Conservation and Recovery Act (RCRA)
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
- Occupational Safety and Health Act of 1970
- Toxic Substances Control Act (TSCA)
- Hazardous Materials Transportation Act (HMTA)

- Research and Special Programs Administration (RSPA)
- Other Hazardous Materials Regulations
- Federal Emergency Management Act (FEMA)
- Disaster Mitigation Act of 2000
- State Policies and Regulations
- California Hazardous Materials Release Response Plans and Inventory Law of 1985
- Hazardous Waste and Substances Sites (Cortese List)
- Hazardous Waste Control Law
- License to Transport Hazardous Materials—California Vehicle Code, Section 32000.5 et seq.
- Underground Storage Tanks Program
- Aboveground Petroleum Storage Act
- Lead Based Paint Regulations
- California Division of Occupational Safety and Health (Cal/OSHA)
- The Safe Drinking Water and Toxic Enforcement Act
- California Water Code (CWC)
- South Coast Air Quality Management District Rule 1166
- South Coast Air Quality Management District Rule 1403
- Government Code Section 3229, Division (California Geologic Energy Management Division)
- California Fire Code (CFC)
- Uniform Fire Code (UFC)
- California Governor’s Office of Emergency Services (Cal OES)
- Emergency Managed Mutual Aid (EMMA) System
- Los Angeles County Operational Area Emergency Response Plan (ERP)

- Certified Unified Program Agency (CUPA)
- Los Angeles Fire Code
- Los Angeles Municipal Code (Methane Zones and Methane Buffer Zones)
- Waste Discharge Requirements
- Emergency Management Department (EMD), Emergency Operations Organization (EOO), and Emergency Operation Center (EOC)
- General Plan, Conservation Element
- Los Angeles County Airport Land Use Commission Comprehensive Land Use Plan (ALUC)

(1) Federal

(a) Resource Conservation and Recovery Act

The federal RCRA (42 United States Code [USC] secs. 6901–6992k), which amended and revised the Solid Waste Disposal Act, regulates the generation, transportation, treatment, storage, and disposal of hazardous waste. Under RCRA regulations, generators of hazardous waste must register and obtain a hazardous waste activity identification number. 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 RCRA's.

Underground Storage Tanks (USTs) are regulated under Subtitle I of RCRA and its regulations, which establish construction standards for UST installations installed after December 22, 1988, as well as standards for upgrading existing USTs and associated piping. Since 1998, all non-conforming tanks were required to be either upgraded or closed.

(b) Comprehensive Environmental Response, Compensation, and Liability Act

CERCLA, commonly known as “Superfund,” was enacted by Congress on December 11, 1980.¹ This law provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA establishes requirements concerning closed and abandoned

¹ USEPA, *Superfund CERCLA Overview*, www.epa.gov/superfund/superfund-cercla-overview, accessed February 24, 2021.

hazardous waste sites, providing for liability of persons responsible for releases of hazardous waste at these sites, and established a trust fund to provide for cleanup when no responsible party could be identified. CERCLA also enabled the revision of the National Contingency Plan. The National Contingency Plan provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The National Contingency Plan also establishes the National Priorities List, which is a list of contaminated sites warranting further investigation by the EPA. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.²

(c) Occupational Safety and Health Act of 1970

The Occupational Safety and Health Act of 1970, which is implemented by the federal Occupational Safety and Health Administration (OSHA), contains provisions with respect to hazardous materials handling. OSHA was created to assure safe and healthful working conditions by setting and enforcing standards and by providing training, outreach, education, and assistance. OSHA provides standards for general industry and construction industry on hazardous waste operations and emergency response. OSHA requirements, as set forth in 29 Code of Federal Regulations (CFR) Section 1910, et. seq., are designed to promote worker safety, worker training, and a worker's right-to-know. The U.S. Department of Labor has delegated the authority to administer OSHA regulations to the State of California. The California OSHA program (Cal/OSHA) (codified in the California Code of Regulations [CCR], Title 8, or 8 CCR generally and in the Labor Code secs. 6300–6719) is administered and enforced by the Division of Occupational Safety and Health (DOSH). Cal/OSHA is very similar to the OSHA program. Among other provisions, Cal/OSHA requires employers to implement a comprehensive, written Injury and Illness Prevention Program (IIPP) for potential workplace hazards, including those associated with hazardous materials.

(d) Toxic Substances Control Act

In 1976, the federal Toxic Substances Control Act (15 USC Sections 2601–2671) established a system of evaluation in order to identify chemicals which may pose hazards. TSCA 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. TSCA establishes a process by which public exposure to hazards may be reduced through manufacturing, distribution, use and disposal restrictions or labeling of products. Polychlorinated Biphenyls

² USEPA, “Summary of the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund),” www.epa.gov/laws-regulations/summary-comprehensive-environmental-response-compensation-and-liability-act, accessed February 24, 2021.

(PCB)s are hazardous materials regulated by the USEPA under TSCA. These regulations ban the manufacture of PCBs although the continued use of existing PCB-containing equipment is allowed. PCBs were formerly used in such applications as hydraulic fluids, plasticizers, adhesives, fire retardants, and electrical transformers, among others. TSCA also contains provisions controlling the continued use and disposal of existing PCB-containing equipment. The disposal of PCB wastes is also regulated by TSCA (40 CFR 761), which contains life cycle provisions similar to those in RCRA. In addition to TSCA, provisions relating to PCBs are contained in the Hazardous Waste Control Law (HWCL), which lists PCBs as hazardous waste.

Under TSCA, 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. 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. TSCA also establishes USEPA's Lead Abatement Program regulations, which provide a framework for lead abatement, risk assessment, and inspections. Those performing these services are required to be trained and certified by USEPA.

(e) Hazardous Materials Transportation Act

The U.S. Department of Transportation (USDOT) prescribes strict regulations for the safe transportation of hazardous materials, including requirements for hazardous waste containers and licensed haulers who transport hazardous waste on public roads. The Secretary of the Department of Transportation receives the authority to regulate the transportation of hazardous materials from the HMTA, as amended and codified in 49 USC Section 5101 et seq. The Secretary of Transportation is authorized to issue regulations to implement the requirements of 49 USC. The Pipeline and Hazardous Materials Safety Administration (PHMSA)³, formerly the Research and Special Provisions Administration, was delegated the responsibility to write the hazardous materials regulations, which are contained in Title 49 of the CFR Parts 100–180.⁴ Title 49 of the CFR, which contains the regulations set forth by the HMTA, specifies requirements and regulations with respect to the transport of hazardous materials. It requires that every employee who transports hazardous materials receive training to recognize and identify hazardous materials and become familiar with hazardous materials requirements. Under the HMTA, the Secretary

³ U.S. Department of Transportation, *Pipeline and Hazardous Materials Transportation Law: An Overview*, www.phmsa.dot.gov/standards-rulemaking/hazmat/federal-hazardous-materials-transportation-law-overview, accessed February 24, 2021.

⁴ Title 49, CFR, Parts 100 to 185.

of Transportation "may authorize any officer, employee, or agent to enter upon, inspect, and examine, at reasonable times and in a reasonable manner, the records and properties of persons to the extent such records and properties relate to: (1) the manufacture, fabrication, marking, maintenance, reconditioning, repair, testing, or distribution of packages or containers for use by any "person" in the transportation of hazardous materials in commerce; or (2) the transportation or shipment by any "person" of hazardous materials in commerce."

(f) Research and Special Programs Administration

RSPA regulations cover definition and classification of hazardous materials, communication of hazards to workers and the public, packaging and labeling requirements, operational rules for shippers, and training. They apply to interstate, intrastate, and foreign commerce by air, rail, ships, and motor vehicles, and also cover hazardous waste shipments. RSPA's Federal Highway Administration (FHWA) is responsible for highway routing of hazardous materials and highway safety permits. The U.S. Coast Guard regulates bulk transport by vessel. The hazardous material regulations include emergency response provisions, including incident reporting requirements. Reports of major incidents go to the National Response Center, which in turn is linked with CHEMTREC, a service of the chemical manufacturing industry that provides details on most chemicals shipped in the United States.

(g) Other Hazardous Materials Regulations

In addition to the USDOT regulations for the safe transportation of hazardous materials, other applicable federal laws that also address hazardous materials. These include:

- Community Environmental Response Facilitation Act (CERFA) of 1992;
- Clean Water Act;
- Clean Air Act;
- Safe Drinking Water Act;
- Atomic Energy Act; and
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

(h) Federal Emergency Management Act

FEMA was established in 1979 via executive order and is an independent agency of the federal government. In March 2003, FEMA became part of the U.S. Department of

Homeland Security with the mission to lead the effort in preparing the nation for all hazards and effectively manage federal response and recovery efforts following any national incident.⁵ FEMA also initiates proactive mitigation activities, trains first responders, and manages the National Flood Insurance Program and the U.S. Fire Administration.

(i) Disaster Mitigation Act of 2000

Disaster Mitigation Act (42 USC §5121) provides the legal basis for FEMA mitigation planning requirements for State, local, and Indian Tribal governments as a condition of mitigation grant assistance. It amends the Robert T. Stafford Disaster Relief Act of 1988 (42 USC §5121-5207) by repealing the previous mitigation planning provisions and replacing them with a new set of requirements that emphasize the need and creates incentives for state, Tribal, and local agencies to closely coordinate mitigation planning and implementation efforts. This Act reinforces the importance of pre-disaster infrastructure mitigation planning to reduce disaster losses nationwide and the streamlining of the administration of federal disaster relief and programs to promote mitigation activities. Some of the major provisions of this Act include:

- Funding pre-disaster mitigation activities;
- Developing experimental multi-hazard maps to better understand risk;
- Establishing state and local government infrastructure mitigation planning requirements;
- Defining how states can assume more responsibility in managing the Hazard Mitigation Grant Program (HMGP); and
- Adjusting ways in which management costs for projects are funded.

The mitigation planning provisions outlined in Section 322 of this Act establish performance-based standards for mitigation plans and require states to have a public assistance program (Advance Infrastructure Mitigation [AIM]) to develop county government plans. The consequence for counties that fail to develop an infrastructure mitigation plan is the chance of a reduced federal share of damage assistance from 75 percent to 25 percent if the damaged facility has been damaged on more than one occasion in the preceding 10-year period by the same type of event.

⁵ *Federal Emergency Management Act, www.fema.gov/about/history, accessed February 24, 2021.*

(2) State

(a) State Policies and Regulations

The primary state agencies with jurisdiction over hazardous chemical materials management are CalEPA's Department of Toxic and Substance Control (DTSC) and the Los Angeles Regional Water Quality Control Board (LARWQCB). Other state agencies involved in hazardous materials management include Cal/OSHA and the State Office of Emergency Services (Cal OES).

Authority for the statewide administration and enforcement of RCRA rests with DTSC. While DTSC has primary state responsibility in regulating the generation, storage and disposal of hazardous materials, DTSC may further delegate enforcement authority to local jurisdictions. In addition, DTSC is responsible and/or provides oversight for contamination cleanup and administers statewide hazardous waste reduction programs. DTSC operates programs to accomplish the following: (1) manage the aftermath of improper hazardous waste management by overseeing site cleanups; (2) prevent releases of hazardous waste by ensuring that those who generate, handle, transport, store, and dispose of wastes do so properly; and (3) evaluate soil, water, and air samples taken at sites.

The storage of hazardous materials in USTs is regulated by the State Water Resources Control Board (SWRCB), which delegates authority to the Regional Water Quality Control Board (RWQCB) on the regional level, and typically to the local fire department on the local level.

The Cal/OSHA program is administered and enforced by the DOSH. Cal/OSHA is very similar to the federal OSHA program. For example, both programs contain rules and procedures related to exposure to hazardous materials during demolition and construction activities. In addition, Cal/OSHA requires employers to implement a comprehensive, written IIPP. An IIPP is an employee safety program for potential workplace hazards, including those associated with hazardous materials.

The Cal OES Hazardous Materials (HazMat) section under the Fire and Rescue Division coordinates statewide implementation of hazardous materials accident prevention and emergency response programs for all types of hazardous materials incidents and threats. In response to any hazardous materials emergency, the HazMat section staff is called upon to provide state and local emergency managers with emergency coordination and technical assistance.

(b) California Hazardous Materials Release Response Plans and Inventory Law of 1985

The Business Plan Act requires preparation of Hazardous Materials Business Plans and disclosure of hazardous materials inventories, including an inventory of hazardous materials handled, plans showing where hazardous materials are stored, an emergency response plan, and provisions for employee training in safety and emergency response procedures for businesses that handle, store, or transport hazardous materials in amounts exceeding specified minimums (California Health and Safety Code [HSC], Division 20, Chapter 6.95, Article 1). Statewide, DTSC has primary regulatory responsibility for management of hazardous materials, with delegation of authority to local jurisdictions that enter into agreements with the state. Local agencies are responsible for administering these regulations.

Several state agencies regulate the transportation and use of hazardous materials to minimize potential risks to public health and safety, including CalEPA and the California Emergency Management Agency. The California Highway Patrol and Caltrans enforce regulations specifically related to the transport of hazardous materials. Together, these agencies determine container types used and license hazardous waste haulers for hazardous waste transportation on public roadways.

(c) Hazardous Waste and Substances Sites (Cortese List)

Government Code Section 65962.5, amended in 1992, requires the CalEPA to develop and update annually the Hazardous Waste and Substances Sites (Cortese) List, which is a list of hazardous waste sites and other contaminated sites. The Cortese List is a planning document used by the State, local agencies, and developers to comply with California Environmental Quality Act (CEQA) requirements pertaining to providing information about the location of hazardous materials release sites. While the Cortese List is no longer maintained as a single list, the following databases provide information that meet the Cortese List requirements:

1. List of Hazardous Waste and Substances sites from the DTSC Envirostor database (HSC Sections 25220, 25242, 25356, and 116395);
2. List of open and active leaking underground storage tank (LUST) Sites by County and Fiscal Year from the SWRCB GeoTracker database (HSC 25295);
3. List of solid waste disposal sites identified by the SWRCB with waste constituents above hazardous waste levels outside the waste management unit (Water Code Section 13273[e] and 14 CCR Section 18051);

4. List of “active” Cease and Desist Orders and Cleanup and Abatement Orders from the SWRCB (CWC Sections 13301 and 13304); and
5. List of hazardous waste facilities subject to corrective action pursuant to HSC Section 25187.5, identified by the DTSC.

(d) Hazardous Waste Control Law

The Hazardous Waste Control Law (HWCL) empowers DTSC to administer the state’s hazardous waste program and implement the federal program in California. CCR Titles 22 and 23 address hazardous materials and wastes. Title 22 defines, categorizes, and lists hazardous materials and wastes. Title 23 addresses public health and safety issues related to hazardous materials and wastes and specifies disposal options.

(e) License to Transport Hazardous Materials—California Vehicle Code Section 32000.5 et seq.

The California Department of Transportation (Caltrans) regulates hazardous materials transportation on all interstate roads. Within California, the State agencies with primary responsibility for enforcing federal and State regulations and for responding to transportation emergencies are the California Highway Patrol and Caltrans. Together, federal and State agencies determine driver-training requirements, load labeling procedures, and container specifications for vehicles transporting hazardous materials.

(f) Underground Storage Tanks Program

The State regulates USTs through a program pursuant to HSC, Division 20, Chapter 6.7, and CCR Title 23, Division 3, Chapter 16 and Chapter 18. The State’s UST program regulations include among others, permitting USTs, installation of leak detection systems and/ or monitoring of USTs for leakage, UST closure requirements, release reporting/ corrective action, and enforcement. Oversight of the statewide UST program is assigned to the SWRCB which has delegated authority to the RWQCBs and typically on the local level, to the fire department. The Los Angeles Fire Department (LAFD) administers and enforces federal and state laws and local ordinances for USTs at the Project Site. Plans for the construction/installation, modification, upgrade, and removal of USTs are reviewed by LAFD Inspectors. If a release affecting groundwater is documented, the project file is transferred to the appropriate RWQCB for oversight.

(g) Aboveground Petroleum Storage Act

In 1989, California established the Aboveground Petroleum Storage Act instituting a regulatory program covering ASTs containing specified petroleum products (HSC 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 aboveground storage tank (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 HSC Section 25270.5[c]). The responsibility for inspecting ASTs and ensuring that Spill Prevention Control and Countermeasure Plans have been prepared lies with the RWQCBs.

(h) Lead Based Paint Regulations

Lead-based paint (LBP) is defined as any paint, varnish, stain, or other applied coating that has a one milligram per square centimeter (mg/cm^2) (5,000 microgram per gram [$\mu\text{g}/\text{g}$] or 0.5 percent by weight) or more of lead. The US Consumer Product Safety Commission (16 CFR 1303) banned paint containing more than 0.06 percent lead for residential use in 1978. Buildings built before 1978 are much more likely to have LBP.

The demolition of buildings containing LBPs is subject to a comprehensive set of California regulatory requirements that are designed to assure the safe handling and disposal of these materials. Cal/OSHA has established limits of exposure to lead contained in dusts and fumes, which provides for exposure limits, exposure monitoring, and respiratory protection, and mandates good working practices by workers exposed to lead, particularly since demolition workers are at greatest risk of adverse exposure. Lead-contaminated debris and other wastes must also be managed and disposed of in accordance with applicable provisions of the California HSC.

(i) California Division of Occupational Safety and Health

Cal/OSHA is responsible for developing and enforcing workplace safety standards and ensuring worker safety in the handling and use of hazardous materials (8 CCR, Section 1529). Among other requirements, Cal/OSHA requires entities handling specified amounts of certain hazardous chemicals to prepare injury and illness prevention plans and chemical hygiene plans, and provides specific regulations to limit exposure of construction workers to lead. OSHA applies to this Project because contractors will be required to comply with its handling and use requirements that would increase worker safety and reduce the possibility of spills, and to prepare an emergency response plan to respond to accidental spills.

(j) The Safe Drinking Water and Toxic Enforcement Act

The Safe Drinking Water and Toxic Enforcement Act (HSC Section 25249.5, et seq.), Proposition 65, lists chemicals and substances believed to have the potential to cause cancer or deleterious reproductive effects in humans. It also restricts the discharges of listed chemicals into known drinking water sources above the regulatory levels of concern, requires public notification of any unauthorized discharge of hazardous waste, and requires that a clear and understandable warning be given prior to a known and intentional exposure to a listed substance.

(k) California Water Code

The CWC authorizes the SWRCB to implement provisions of the Clean Water Act, including the authority to regulate waste disposal and require cleanup of discharges of hazardous materials and other pollutants. In regards to construction dewatering discharge analysis and treatment, groundwater may be encountered during deeper excavations for the subterranean parking structure, building foundations, or other subterranean building components. Under the CWC, discharges of any such groundwater to surface waters, or any point sources hydrologically connected to surface waters, such as storm drains, is prohibited unless conducted in compliance with a Waste Discharge Requirement (WDR) permit. In addition to the CWC, these permits implement and are in compliance with the federal Clean Water Act's National Pollutant Discharge Elimination System (NPDES) program. In accordance with these legal requirements, dewatering, treatment, and disposal of groundwater encountered during construction activities would be conducted in accordance with the LARWQCB's Waste Discharge Requirements for Discharges of Groundwater from Construction and Project Dewatering to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties, pursuant to adopted Order No. R4-2013-0095, or any other appropriate WDR permit identified by the LARWQCB.⁶ Compliance with an appropriate WDR permit would include monitoring, treatment if appropriate, and proper disposal of any encountered groundwater in accordance with applicable water quality standards. If, for example, extracted groundwater contains Total Petroleum Hydrocarbons (TPH) or other petroleum breakdown compounds in concentrations exceeding water quality standards, compliance with legal requirements would mandate treatment to meet published state water quality standards prior to discharge into a storm drain system.

⁶ *Los Angeles Regional Water Quality Control Board, Order No. R4-2013-0095, Waste Discharge Requirements for Discharges of Groundwater from Construction and Project Dewatering to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties, June 6, 2013.*

(l) South Coast Air Quality Management District Rule 1166

South Coast Air Quality Management District (SCAQMD) Rule 1166, Volatile Organic Compound Emissions from Decontamination of Soil, requires that an approved mitigation plan be obtained from SCAQMD prior to commencing any of the following activities: (1) The excavation of an underground storage tank or piping which has stored volatile organic compounds (VOCs); (2) The excavation or grading of soil containing VOC material including gasoline, diesel, crude oil, lubricant, waste oil, adhesive, paint, stain, solvent, resin, monomer, and/or any other material containing VOCs; (3) The handling or storage of VOC-contaminated soil [soil which registers >50 parts per million (ppm) or greater using an organic vapor analyzer (OVA) calibrated with hexane] at or from an excavation or grading site; and (4) The treatment of VOC-contaminated soil at a facility. This rule sets requirements to control the emission of VOCs from excavating, grading, handling and treating VOC-contaminated soil as a result of leakage from storage or transfer operations, accidental spillage, or other deposition.

(m) 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.

(n) Government Code Section 3229, Division 3 (California Geologic Energy Management Division)

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 Geologic Energy Management Division (CalGEM), formerly the Division of Oil, Gas, and Geothermal Resources (DOGGR), via a written notice of intention to abandon the well.

(o) California Fire Code, Title 24, Part 9, Chapters 33, 50, and 57

The 2019 CFC, written by the California Building Standards Commission, is based on the 2018 International Fire Code (IFC). The IFC is a model code that regulates minimum fire safety requirements for new and existing buildings, facilities, storage and processes. The IFC addresses fire prevention, fire protection, life safety, and safe storage and use of hazardous materials in new and existing buildings, facilities, and processes.

The CFC, Chapter 9 of Title 24 of the CCR, was created by the California Building Standards Commission based on the International Fire code and is updated every three years. The overall purpose of the CFC is to establish the minimum requirements to safeguard the public health, safety, and general welfare from the hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises, and to provide safety and assistance to firefighters and emergency responders during emergency operations. Chapter 49 of the CFC contains minimum standards for development in the wildland–urban interface and fire hazard areas. The CFC also provides regulations and guidance for local agencies in the development and enforcement of fire safety standards.

(p) Uniform Fire Code

The UFC, Article 80 (UFC Section 80.103 as adopted by the State Fire Marshal pursuant to HSC Section 13143.9), includes specific requirements for the safe storage and handling of hazardous materials. These requirements are intended to reduce the potential for a release of hazardous materials and for mixing of incompatible chemicals, and specify the following specific design features to reduce the potential for a release of hazardous materials that could affect public health or the environment:

- Separation of incompatible materials with a noncombustible partition;
- Spill control in all storage, handling, and dispensing areas; and
- Separate secondary containment for each chemical storage system. The secondary containment must hold the entire contents of the tank, plus the volume of water needed to supply the fire suppression system for a period of 20 minutes in the event of catastrophic spill.

(q) California Governor's Office of Emergency Services

In 2009, the State of California passed legislation creating the Cal OES and authorized it to prepare a Standard Emergency Management System (SEMS) program (Title 19 CCR Section 2401 *et seq.*), which sets forth measures by which a jurisdiction should handle emergency disasters. In California, SEMS provides the mechanism by which local governments request assistance. Non-compliance with SEMS could result in the state withholding disaster relief from the non-complying jurisdiction in the event of an emergency disaster. Cal OES coordinates the state's preparation for, prevention of, and response to major disasters, such as fires, floods, earthquakes, and terrorist attacks. During an emergency, Cal OES serves as the lead state agency for emergency management in the state. It also serves as the lead agency for mobilizing the state's resources and obtaining federal resources. Cal OES coordinates the state response to major emergencies in support of local government. The primary responsibility for emergency management resides with the local government. Local jurisdictions first use

their own resources and, as they are exhausted, obtain more from neighboring cities and special districts, the county in which they are located, and other counties throughout the state through the statewide mutual aid system (see discussion of Mutual Aid Agreements, below). California Emergency Management Agency (Cal-EMA) maintains oversight of the state's mutual aid system.

(r) Emergency Managed Mutual Aid System

Cal OES developed the Emergency Managed Mutual Aid (EMMA) System in response to the 1994 Northridge Earthquake. The EMMA System coordinates emergency response and recovery efforts along the coastal, inland, and southern regions of California. The purpose of EMMA is to provide emergency management personnel and technical specialists to afflicted jurisdictions in support of disaster operations during emergency events. Objectives of the EMMA Plan is to provide a system to coordinate and mobilize assigned personnel, formal requests, assignment, training and demobilization of assigned personnel; establish structure to maintain the EMMA Plan and its procedures; provide the coordination of training for EMMA resources, including SEMS training, coursework, exercises, and disaster response procedures; and to promote professionalism in emergency management and response. The EMMA Plan was updated in November 2012 and supersedes the 1997 EMMA Plan and November 2001 EMMA Guidance.

(3) Regional

(a) Los Angeles County Operational Area Emergency Response Plan

The County of Los Angeles developed the ERP to ensure the most effective allocation of resources for the maximum benefit and protection of the public in time of emergency. The ERP does not address normal day-to-day emergencies or the well-established and routine procedures used in coping with them. Instead, the operational concepts reflected in this plan focus on potential large-scale disasters like extraordinary emergency situations associated with natural and man-made disasters and technological incidents which can generate unique situations requiring an unusual or extraordinary emergency response. The purpose of the plan is to incorporate and coordinate all facilities and personnel of the County government, along with the jurisdictional resources of the cities and special districts within the County, into an efficient Operational Area organization capable of responding to any emergency using a Standard Emergency Management System, mutual aid and other appropriate response procedures. The goal of the plan is to take effective life-safety measures and reduce property loss, provide for the rapid resumption of impacted businesses and community services, and provide accurate documentation and records required for cost-recovery.

(b) Los Angeles County Airport Land Use Commission Comprehensive Land Use Plan

In Los Angeles County, the Regional Planning Commission has the responsibility for acting as the Airport Land Use Commission (ALUC) and for coordinating the airport planning of public agencies within the county. ALUC coordinates planning for the areas surrounding public use airports. The Los Angeles County Airport Land Use Plan (dually titled Comprehensive Land Use Plan) provides for the orderly expansion of Los Angeles County's public use airports and the area surrounding them. It is intended to provide for the adoption of land use measures that will minimize the public's exposure to excessive noise and safety hazards. In formulating this plan, the Los Angeles County ALUC has established provisions for safety, noise insulation, and the regulation of building height within areas adjacent to each of the public airports in the County.

(4) Local

(a) Certified Unified Program Agency

The primary local agency with responsibility for implementing federal and state laws and regulations pertaining to hazardous materials management is the Los Angeles County Health Department, Environmental Health Division. The Los Angeles County Health Department is the CUPA for the County of Los Angeles. A CUPA is a local agency that has been certified by CalEPA to implement the six state environmental programs within the local agency's jurisdiction. This program was established under the amendments to the California HSC made by Senate Bill 1082 in 1994. The six consolidated programs are:

- Hazardous Materials Release Response Plan and Inventory (Business Plans);
- California Accidental Release Prevention (CalARP);
- Hazardous Waste (including Tiered Permitting);
- USTs;
- ASTs (Spill Prevention Control and Countermeasures [SPCC] requirements);
and
- UFC Article 80 Hazardous Material Management Program (HMMP) and Hazardous Material Identification System (HMIS).

As the CUPA for County of Los Angeles, the Los Angeles County Health Department Environmental Health Division maintains the records regarding location and status of hazardous materials sites in the county and administers programs that regulate and enforce the transport, use, storage, manufacturing, and remediation of hazardous

materials. By designating a CUPA, Los Angeles County has accurate and adequate information to plan for emergencies and/or disasters and to plan for public and firefighter safety.

A Participating Agency is a local agency that has been designated by the local CUPA to administer one or more Unified Programs within their jurisdiction on behalf of the CUPA. The Los Angeles County Health Department, Environmental Health Division has designated the LAFD as a Participating Agency. The LAFD monitors the storage of hazardous materials in the City for compliance with local requirements. Specifically, businesses and facilities that store more than threshold quantities of hazardous materials as defined in California HSC Code Chapter 6.95 are required to file an Accidental Risk Prevention Program with LAFD. This program includes information such as emergency contacts, phone numbers, facility information, chemical inventory, and hazardous materials handling and storage locations. LAFD also has the authority to administer and enforce federal and State laws and local ordinances for USTs. Plans for the construction/installation, modification, upgrade, and removal of USTs are reviewed by LAFD Inspectors.

(b) Los Angeles Fire Code

At the local level, the LAFD monitors the storage of hazardous materials for compliance with local requirements. Specifically, businesses and facilities that store more than threshold quantities of hazardous materials as defined in Chapter 6.95 of the California HSC are required to file an Accidental Risk Prevention Program with the LAFD.⁷ This program includes information such as emergency contacts, phone numbers, facility information, chemical inventory, and hazardous materials handling and storage locations. The LAFD also issues permits for hazardous materials handling and enforces California's Hazardous Materials Release Response Plans and Inventory Law (HSC Section 25500 et seq.). Basic requirements of California's Hazardous Materials Release Response Plans and Inventory Law include the development of detailed hazardous materials inventories used and stored on-site, a program of employee training for hazardous materials release response, identification of emergency contacts and response procedures, and reporting of releases of hazardous materials. Any facility that meets the minimum reporting thresholds (i.e., a mixture containing a hazardous material that has a quantity at any one time during the reporting year that is equal to, or greater than, 55 gallons for materials that are liquids, 500 pounds for solids, or 200 cubic feet for compressed gas) must comply with the

⁷ *The CalARP program encompasses both the federal "Risk Management Program," established in the Code of Federal Regulations, Title 40, Part 68, and the State of California program, in accordance with the Title 19 of the California Code of Regulations, Division 2, Chapter 4.5.*

reporting requirements and file a Business Emergency Plan (BEP) with the local administering agency.⁸

The LAFD also administers the Fire Life Safety Plan Check and Fire Life Safety Inspections interpreting and enforcing applicable standards of the Fire Code, Title 19, Uniform Building Code, City, and National codes concerning new construction and remodeling. As part of the Fire Life Safety Plan Check and Fire Life Safety Inspections, businesses that store hazardous waste or hazardous materials in amounts exceeding the thresholds noted above are subject to review.

Section 91.7109.2 of the Los Angeles Municipal Code (LAMC) requires LAFD notification when an abandoned oil well is encountered during construction activities and requires that any abandoned oil well not in compliance with existing regulations be re-abandoned in accordance with applicable rules and regulations of CalGEM.

(c) Los Angeles Municipal Code (Methane Zones and Methane Buffer Zones)

LAMC Chapter IX, Article 1, Division 71, Section 91.7103, also known as the Los Angeles Methane Seepage Regulations, establishes requirements for buildings and paved areas located in methane zones and methane buffer zones. Requirements for new construction within such zones include methane gas sampling and, depending on the detected concentrations of methane and gas pressure at the site, application of design remedies for reducing potential methane impacts. The required methane mitigation systems are based on the site Design Level, with more involved mitigation systems required at the higher Site Design Levels. The required methane mitigation systems are designed so that when properly implemented, they reduce methane-related risks to a less than significant level.

(d) Waste Discharge Requirements

Effective on December 28, 2012, the Los Angeles RWQCB adopted Order No. R4-2012-0175, NPDES Permit No. CAS004001, Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges into the Coastal Watersheds of Los Angeles County. The permit establishes new performance criteria for new development and redevelopment projects in the coastal watersheds of Los Angeles County (with the exception of the city of Long Beach). Storm water and non-storm water discharges consist of surface runoff generated from various land uses, which are conveyed via the municipal separate storm sewer system and ultimately discharged into surface waters throughout the

⁸ California Health & Safety Code, Division 20, Chapter 6.95, Article 1; California Code of Regulations, Title 19, Sections 2620-2732; California Code of Regulations, Title 24, Part 9, Section 80.115; Los Angeles Municipal Code, Article 7 of Chapter V, Section 57.120.1, and 57.120.1.4

region (“storm water” discharges are those that originate from precipitation events, while “non-storm water” discharges are all those that are transmitted through an MS4 Storm Water Permit and originate from precipitation events). Discharges of stormwater and non-storm water from the MS4s, or storm drain systems, in the Coastal Watersheds of Los Angeles County convey pollutants to surface waters throughout the Los Angeles Region. Non-storm water discharges through an MS4 in the Los Angeles Region are prohibited unless authorized under an individual or general NPDES permit; these discharges are regulated by the Los Angeles County NPDES Permit, issued pursuant to Clean Water Act Section 402. Coverage under a general NPDES permit such as the Los Angeles County permit can be achieved through development and implementation of a project-specific SWPPP.

(e) Emergency Management Department, Emergency Operations Organization, and Emergency Operation Center

The City of Los Angeles EMD is comprised of four divisions and two units including administrative services division, communications division, community emergency management division, operations division, planning unit, and training exercise unit. The EMD works with City departments, municipalities and with community-based organizations to ensure that the City and its residents have the resources and information they need to prepare, respond, and recover from emergencies, disasters and significant events. The EMD is the operational department responsible for the City’s emergency preparations (planning, training and mitigation), response and recovery operations. The EMD centralizes command and information coordination to enable its unified chain-of-command to operate efficiently and effectively in managing the City’s resources.

The EOC is the focal point for coordination of the City’s emergency planning, training, response and recovery efforts. EOC processes follow the National All-Hazards approach to major disasters such as fires, floods, earthquakes, acts of terrorism and large-scale events in the City that require involvement by multiple City departments.

(f) General Plan, Conservation Element

The City of Los Angeles General Plan includes a Conservation Element adopted in September 2001. Policies relevant to hazards and hazardous materials are shown in Table IV.E-1 on page IV.E-20:

b. Existing Conditions

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

Table IV.E-1
Relevant General Plan Policies: Conservation Element—
Resource Management (Fossil Library)—Petroleum (Oil And Gas)

Policy 1	Continue to encourage energy conservation and petroleum product reuse.
Policy 3	Continue to protect neighborhoods from potential accidents and subsidence associated with drilling, extraction and transport operations, consistent with California Department of Conservation, Division of Oil and Gas requirements. ^a
<p>^a As noted above, DOGGR is now known as CalGEM.</p> <p>Source: City of Los Angeles, 1996 and 2001..</p>	

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.” No controlled recognized environmental conditions (CRECs) or historical recognized environmental conditions (HRECs) were identified on the Project Site.

(1) Current and Historical Uses of the Project Site

As described in Section II, Project Description, of this Draft EIR, the 0.97-acre Project Site is currently developed with the following structures: a one-story, 6,848-square-foot cathedral building; three ancillary church buildings with a total of 12,370 square feet of floor area, including a two-story, 2,520-square-foot rectory, a one-story, 5,426-square-foot social hall, and a three-story, 4,424-square-foot building with offices and meeting rooms; and a surface parking lot.

As discussed in the Phase I ESA included as Appendix G to this Draft EIR, based on a review of historic fire insurance maps and building permits, the Project Site was undeveloped before the existing cathedral building was constructed in 1936. The two-story rectory was constructed in 1939. A garage and tool room were constructed for the church and rectory in 1950. The garage was demolished in 1968 prior to the development of the current parish hall later that year. The existing three-story building with offices and meeting rooms was constructed in 1995.

(2) Hazardous Materials Database Search

The Phase I ESA for the Project includes a database search report from Environmental Data Resources, Inc. (EDR), dated June 12, 2017, which is included as

Appendix K to the Phase I ESA.⁹ The report documents findings of various federal, state, and local regulatory database searches regarding properties with known or suspected releases of hazardous materials or petroleum hydrocarbons. These findings are summarized below.

(a) Project Site

The Project Site is listed on the Environmental Database Resources Historic Gas Stations (EDR Hist Auto) database based on the Project Site's identification as a former automotive repair shop in 1999 and a historical gas station between 2001 and 2003. However, that is incorrect because the Project Site has been used exclusively for church purposes since the late 1930s. In addition, based on a review of building permits, City directories and aerial photographs, the Phase I ESA found no indication that the Project Site operated as a gas station between 2001 and 2003. Furthermore, the Project Site was not identified on LAFD's list of active and inactive ASTs, USTs, and hazardous materials inventories. As such, the listing is in error and not considered to represent the Project Site.

(b) Adjoining Sites

Several nearby properties were identified in the databases searched by EDR. A complete list is provided in the Phase I ESA. Details on two select properties are provided below.

(i) Merry Go Round Cleaners

The nearest listed site is the Merry Go Round Cleaners property, located approximately 257 feet northwest of the Project Site at 8550 W. Third Street. The property was used as a dry cleaning facility between 1967 and 2006. The property was identified as a drycleaner, RCRA Small Quantity Generator (SQG) in 1996, and a RCRA Large Quantity Generator (LQG) in 1986. The facility was also listed on the Spills, Leaks, Investigations, and Cleanups (SLIC) database for the remediation of VOCs and in the EMI database for the total organic hydrocarbon gases emission of one ton in 1995.

As discussed in the Phase I ESA, there are two off-site monitoring wells with respect to this former dry cleaning facility which are located on S. Holt Avenue (MW-14) and S. San Vicente Boulevard (MW-13) and monitors potential down gradient movement. In 2014, tetrachloroethylene (PCE) was detected at MW-13 at concentrations of 0.66 and 18.3 microgram per liter ($\mu\text{g/L}$) in the upper and lower aquifers, respectively. PCE was also detected at MW-14 at a concentration of 7.58 $\mu\text{g/L}$ in the upper aquifer. PCE was not

⁹ The search radius for each database varies. Refer to the Phase I ESA included as Appendix G of this Draft EIR for details.

detected at MW-14 in the lower aquifer. As discussed in the Phase I ESA, LARWQCB approved the removal of MW-14 in May 2015 based on the low VOCs detected in the upper aquifer and non-detect (for three annual monitoring events) in the lower aquifer. However, LARWQCB did not approve the removal of MW-13. In the 2015 Second Semi-Annual monitoring event, PCE was not detected at MW-13 in the upper aquifer; however, PCE was detected at a concentration of 25.9 µg/L in the lower aquifer. Due to this well's proximity to the Project Site, the groundwater at the Project Site is likely to have a detectable amount of PCE.

The Phase II, included as Appendix H to this Draft EIR, was prepared to further evaluate potential impacts of this dry cleaning facility on the Project Site. In addition to the PCE identified in the Phase I ESA, the Phase II noted that trichloroethylene (TCE) and cis-1,2-dichloroethene (cis-1,2-DCE), which are daughter products of PCE, were identified in assessments of the dry cleaning facility. Groundwater sampling conducted as part of the Phase II identified PCE and TCE in each sample, with PCE concentrations ranging from 7.27 µg/L to 50.6 µg/L and TCE in concentrations ranging from 1.68 µg/L to 32.2 µg/L, all of which are above the regulatory maximum contaminant levels (MCLs) with respect to drinking water. Cis-1,2-DCE was detected in two samples at concentrations of 7.2 µg/L and 8.96 µg/L which are also above its respective MCL.

Soil vapor sampling identified PCE in four samples, with concentrations ranging between 112 and 651 micrograms per cubic meter (µg/m³). At the time the samples were taken, all PCE detections were below the San Francisco Bay Regional Water Quality Control Board's environmental screening level (ESL) of 2,100 µg/m³ then in effect for commercial/industrial uses.¹⁰ This commercial/industrial ESL has recently been revised to 67 µg/m³, which means that the measured levels exceed the current commercial/industrial ESL. One PCE sample had a concentration of 651 µg/m³, which exceeded the residential ESL of 240 µg/m³ then in effect (it also exceeds the recently revised ESL of 15 µg/m³). TCE was detected in two samples, with concentrations of 248 and 100 µg/m³. The sample with a concentration of 248 µg/m³ exceeded the residential ESL of 240 µg/m³ then in effect, and both samples exceed the recently revised ESL of 16 µg/m³. No other VOCs were detected.

Following the Phase I ESA and Phase II, the Soil Characterization Report was prepared for the Project in September 2019 (refer to Appendix I to this Draft EIR). As part of this study, 72 soil samples were taken from six borings across the Project Site. Total Petroleum Hydrocarbons (TPH) were detected in only one sample at a concentration of 6.9

¹⁰ While the Project is located within the jurisdiction of the Los Angeles Regional Water Quality Control Board, the San Francisco Bay Regional Water Quality Control Board's environmental screening levels are used statewide.

milligrams per kilogram (mg/kg), which is below the ESL of 11,000 mg/kg. PCE and TCE were detected in only one sample at concentrations of 0.064 mg/kg and 0.018 mg/kg, which were below the corresponding ESLs of 0.59 mg/kg and 0.95 mg/kg. No Title 22 Metals were detected in any samples and arsenic was detected only in background concentrations not considered to be hazardous. Based on the results of the Soil Characterization Report, the soils are considered generally clean and can be disposed of at a Class III (non-hazardous) landfill.

(ii) La Mirage Cleaners

The La Mirage Cleaners property is located approximately 626 feet east-northeast of the Project Site at 8474 W. 3rd Street. The property, which was formerly a drycleaner, is listed in the RCRA-SQG, Facility Index System/Facility Registry System (FINDS), Enforcement and Compliance History Online (ECHO), and EMI databases.

As discussed in the Phase I ESA, the property was identified as a RCRA-SQG in 1991 and listed in the FINDS and ECHO databases; however, no violations were reported. The property was also identified on the EMI database for the total organic hydrocarbon gases emission of one ton in 1987 and 1990. However, that property is not subject to any pending environmental investigation or cleanup order. Moreover, it is not upgradient from the Project Site. For these reasons, the La Mirage Cleaners property does not represent a material risk to the Project Site.

(3) Hazardous Materials Use and Storage

As discussed above, the Project Site is currently developed with the cathedral, rectory, social hall, office building, and surface parking lot. During the Project Site reconnaissance conducted on June 14, 2017, as part of the Phase I ESA, routine janitorial and maintenance supplies were observed in containers sized for commercial use and were properly stored with no signs of staining or leaking. Fryer oil was also observed in the kitchen area with no signs of staining or leaking. No RECs such as leaks, stains, spills, or distressed vegetation were observed on the Project Site and no significant quantities of hazardous materials are used or stored on the Project Site. Therefore, the Phase I ESA determined that the hazardous materials observed on-site were not expected to represent a significant environmental concern.

(4) Hazardous Waste Generation, Handling, and Disposal

During the Project Site reconnaissance, no evidence of hazardous waste generation or petroleum products was observed.

(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. The Interim ACM-LBP Survey included as Appendix J to this Draft EIR identified ACM in various locations throughout the existing buildings on the Project Site, which is consistent with the age of those buildings. An additional investigation for ACM was completed in November 2020 as part of the Supplemental ERM Survey included as Appendix M to this Draft EIR. As detailed therein, approximately 20 square feet of ACM was identified in the cathedral's roof structure.

(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. The Interim ACM-LBP Survey identified LBP in various locations within the existing buildings on the Project Site, which is consistent with the age of those buildings. An additional investigation for LBP was completed in November 2020 as part of the Supplemental ERM Survey included as Appendix M to this Draft EIR. As detailed therein, LBP was identified on a door and doorframe within the cathedral.

(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.¹¹ 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 5 meters (40 CFR 761.30: "Fire Rule").

During the Site reconnaissance, one hydraulic elevator was observed on the Project Site. Although minor leaking was observed, no drains in the elevator room and no cracks in the concrete flooring were observed. Therefore, the equipment is not expected to represent a significant environmental concern. No other potential PCB-containing equipment was observed on the Project Site during Site reconnaissance as part of the Phase I ESA. However, an additional investigation for PCBs was completed in November 2020 as part of the Supplemental ERM Survey included as Appendix M to this Draft EIR. As detailed therein, six light fixture ballasts were identified within the cathedral.

(9) Oil Wells and Methane Gas

A review of the CalGEM Online Mapping System determined the Project Site is located within the limits of the San Vicente and Salt Lake Oil Fields¹² and identified an oil well approximately 200 feet northeast of the Project Site. According to the Online Mapping System, the well, formerly operated by Chevron USA Inc., is inactive and plugged.

The Project Site is also located within a City-designated Methane Zone. For properties within the Methane Zone, the LADBS, through Chapter 71 of the Los Angeles Building Code, requires that subsurface soil gas sampling be conducted prior to any development. A methane investigation was performed by Citadel on June 14, 2017, and the report is presented in a Methane Report included as Appendix K to this Draft EIR. The subsurface investigation identified methane concentrations up to 13,000 ppmv in the soil beneath the Project Site.

¹¹ USEPA, *Learn about Polychlorinated Biphenyls (PCBs)*, <https://www.epa.gov/pcbs/learn-about-polychlorinated-biphenyls-pcbs>, accessed April 12, 2021.

¹² CalGEM, *Well Finder*, <https://maps.conservation.ca.gov/doggr/wellfinder/#/-118.37754/34.07246/19>, accessed April 12, 2021.

(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. The Federal EPA Radon Zone for Los Angeles County is Zone 2, which indicates an average indoor concentration greater than or equal to 2.0 pCi/L of air and less than or equal to 4.0 pCi/L. In a survey, 38 tests were performed within the 90048 ZIP Code for the presence of radon. Of these, one test was found to contain radon in excess of 4.0 pCi/L. Site-specific radon values were not available and were not a part of the Phase I ESA.

3. Project Impacts

a. Thresholds of Significance

In accordance with Appendix G to the State CEQA Guidelines, 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; 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 or excessive noise for people residing or working in the project area; or

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

Threshold (g): Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

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 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, the 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).¹³ The analysis of

¹³ *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 CERCLA (42 U.S.C. §9601) and petroleum products.*

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;¹⁴
- 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 II, Soil Characterization Report, Interim ACM-LBP Survey, Methane Report, SMP, and Supplemental ERM Survey were reviewed and the recommendations provided therein were incorporated in this analysis. The Phase I ESA, Phase II, Soil Characterization Report, Interim ACM-LBP Survey, Methane Report, SMP, and Supplemental ERM Survey are included as Appendices G, H, I, K, L, M, and N to this Draft EIR, respectively.

c. Project Design Features

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

d. Analysis of 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?

¹⁴ As part of the Phase I ESA, Citadel conducted an interview with Father Elias Sleiman, a representative of the Project Site owner, on June 14, 2017.

As evaluated in the Initial Study prepared for the Project, included in Appendix A to this Draft EIR, the Project would not involve the routine transport of hazardous materials to and from the Project Site during construction. Additionally, operation of the Project would involve the routine use of small quantities of potentially hazardous materials typical of those used in residential and church uses, including cleaning products, paints, and those used for maintenance of landscaping and pools. All hazardous materials used on the Project Site would be used, stored, and disposed of in accordance with all applicable federal, state, and local requirements. **Therefore, as determined in the Initial Study, the Project's impact with respect to Threshold (a) 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?

(1) Impact Analysis

(a) Construction

(i) Hazardous Waste Generation, Handling, and Disposal

As discussed above, during demolition, deconstruction, 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, could be used, and therefore, would require proper handling and management and, in some cases, disposal. The use, handling, storage, and disposal of these materials could increase the opportunity for hazardous materials releases and, subsequently, the exposure of people and the environment to hazardous materials. However, as previously discussed, all potentially hazardous materials used during construction of the Project would be used and disposed of 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, Project construction activities would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of potentially hazardous materials used during construction.

As also discussed above, the Phase II identified concentrations of PCE, TCE, and cis-1,2-DCE in groundwater samples beneath the Project Site that exceed the identified MCLs. However, the development of the Project would not exacerbate the potential impact

of this existing groundwater contamination on construction workers or the public. The MCLs identified in the Phase II are drinking water standards, and neither construction workers nor the public would drink any exposed groundwater during the construction process.

Similarly, the Phase II identified concentrations of PCE and TCE in soil vapor samples beneath the Project Site that exceed the identified ESLs. However, the development of the Project would not exacerbate the potential impact of this existing soil vapor contamination on construction workers or the public, for several reasons. First, the soil vapor concentrations are low in relation to the ambient air. Second, the risk from the measured concentrations is very low because the ESLs are based on health risk assessments that assume 40 hours of exposure per week for a period of 30 years. Here, the duration of the Project's grading phase would only be approximately six months. Third, the identified soil vapor concentrations were measured directly from the soil, but any vapor would be significantly diluted once exposed to the ambient air and enters the breathing space of the typical construction worker.

As also previously discussed, the Soil Characterization Report did not identify any soil contaminants above ESLs, and determined the soil was generally clean and could be disposed of at a Class III landfill.

Nevertheless, in accordance with the recommendation of the Phase II, the SMP was prepared to address the following: describe specific soil handling controls required to comply with local, state, and federal overseeing agencies; prevent unacceptable exposure to contaminated soil; and prevent the improper disposal of contaminated soil. The SMP applies to soil-disturbing activities at the Project Site, including excavation, grading, trenching, utility installation or repair, and any other human activities that could potentially bring contaminated soil to the surface. The SMP requires the preparation of a site-specific health and safety plan, stormwater pollution prevention plan, temporary fencing and signage, and site security to restrict access to the Project Site by anyone other than work personnel. The SMP also includes procedures to follow in the event contaminated soils or unknown subsurface structures are encountered during construction, as well as air monitoring and soil sampling procedures to detect VOCs. Specifically, the SMP includes detailed soil management procedures for the handling, storage, monitoring, transportation, and ultimate disposal of any contaminated soils encountered during construction.

Based on the foregoing discussion, the construction of the Project would not exacerbate the potential impact of the existing groundwater, soil and soil vapor contamination on construction workers or the public, and therefore 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. Moreover, any potential impact of existing contaminated soil or soil

vapors on construction workers or the public during project construction would be further reduced with the implementation of the SMP. Therefore, the Project's impact associated with hazardous waste generation, handling, and disposal during construction would be less than significant.

(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 the Project Site, 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, as well as the recommendations included in the SMP, would ensure construction worker safety at and near sites with potential contamination in the unlikely event that a UST or AST is discovered on or in proximity to the Project Site that caused such contamination. Adherence to these regulations and programs would effectively avoid worker exposure to hazardous materials that may be encountered on-site during construction activities. **Therefore, the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving USTs, ASTs, or other buried materials. Therefore, the Project's impact related to the potential removal of USTs, ASTs, and other buried materials during construction would be less than significant.**

(iii) Asbestos-Containing Materials

As discussed above, the Interim ACM-LBP Survey and Supplemental ERM Survey identified ACM in various locations throughout the Project 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 LADBS. All identified ACM and 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. **As such, the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving ACMs. Therefore, the Project's impact related to the removal of ACMs during demolition would be less than significant.**

(iv) Lead-Based Paint

As discussed above, the Interim ACM-LBP Survey and Supplemental ERM Survey identified LBP in various locations throughout the Project Site. All identified and suspect LBP would be removed in accordance with procedural requirements and regulations for the

proper removal and disposal of LBP prior to demolition activities. Examples of 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. **As such, the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving LBPs. Therefore, the Project's impact related to the removal of LBP during demolition would be less than significant.**

(v) Polychlorinated Biphenyls

As discussed above, during the Project Site reconnaissance, one hydraulic elevator was observed on-site; however, no drains in the elevator room and no cracks in the concrete flooring were observed. Therefore, the equipment observed is unlikely to represent a significant environmental concern. Potentially PCB-containing light ballasts were also identified within the cathedral as part of the Supplemental ERM Survey. Suspected PCB-containing materials would be removed in accordance with all applicable federal, state, and local regulations. **As such, the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving PCBs. Therefore, the Project's impact related to the removal of PCBs during demolition would be less than significant.**

(vi) Oil Wells and Methane Gas

Oil Wells

As noted above, the Project Site is located within the limits of the San Vicente and Salt Lake Oil Fields and one oil well, formerly operated by Chevron USA Inc., is located approximately 200 feet northeast of the Project Site. However, as discussed in the Phase I ESA, the oil well is inactive and plugged. In the unlikely event that previously unidentified wells are encountered during construction of the Project, an accidental release could occur, or contaminated soil could be uncovered. **However, adherence to all applicable federal, State, and local regulations and requirements, as well as implementation of the SMP, would ensure that the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving oil wells. The Project's impact associated with previously unidentified oil wells or oil production facilities would be less than significant.**

Methane Gas

As discussed above, the Project Site is located within a City-designated Methane Zone as defined by the LADBS. As evaluated in the Methane Report prepared for the Project, included in Appendix K to this Draft EIR, methane was detected in concentrations up to 13,000 ppmv beneath the Project Site. However, a temporary dewatering system would be in place during construction, which would remove groundwater containing methane from the work area. In addition, adherence to construction safety measures, including, but not limited to, the preparation of a health and safety plan, distribution and use of personal protective equipment, maintaining good housekeeping on-site at all times, and holding routine safety meetings, as well as compliance with California Occupational Safety and Health Act safety requirements, would serve to reduce the risk in the event that elevated levels of these soil gases are encountered during grading and construction. **As such, with compliance with existing regulations, the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving methane gas, and the Project's impact associated with methane gas and hydrogen sulfide would be less than significant.**

(b) Operation

(i) Hazardous Waste Generation, Handling, and Disposal

While none of the proposed uses would generate material quantities of hazardous materials, buildout of the Project would result in an increase in the use of potentially hazardous materials including those used for building and ground maintenance, cleaning solvents, household chemicals, and pesticides for landscaping because of the increase in development. 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.

As discussed above, the Phase II identified concentrations of PCE, TCE, and cis-1,2-DCE in groundwater samples beneath the Project Site that exceed the identified MCLs. However, the development of the Project would not exacerbate the potential impact of this existing groundwater contamination on future residents. The MCLs identified in the Phase II are drinking water standards, and future residents would not be exposed to or drink the groundwater.

Similarly, the Phase II identified concentrations of PCE and TCE in soil vapor samples beneath the Project Site that exceed the identified ESLs. However, the development of the Project would not exacerbate the potential impact of this existing soil vapor contamination on future residents. Moreover, as explained in the methane discussion below, the proposed mat foundation and retaining walls for the subterranean parking structure would be designed and waterproofed for an undrained condition that

would withstand hydrostatic forces and thereby prevent methane intrusion. This methane barrier would be equally effective in preventing the intrusion of PCE/TCE vapors.

As such, the operation of the Project would not exacerbate the potential impact of the existing groundwater, soil and soil vapor contamination on future residents, and therefore 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. Therefore, the Project's impact associated with hazardous waste generation, handling, and disposal during operation of the Project would be less than significant.

(ii) Underground and Aboveground Storage Tanks

Development of the Project includes residential and institutional uses. The Project does not include the installation of USTs or ASTs. **As such, operation of the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving USTs and ASTs. Therefore, the Project's impact associated with underground and aboveground storage tanks during operation of the Project would be less than significant.**

(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. **As such, operation of the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving ACMs. Therefore, no impact associated with asbestos or ACMs during operation of the Project would occur.**

(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. **As such, the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving LBPs. Therefore, no impact associated with LBP during operation of the Project would occur.**

(v) *Polychlorinated Biphenyls (PCBs)*

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. **As such, the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving PCBs. Therefore, no impact related to PCBs during Project operation would occur.**

(vi) *Oil Wells and Methane Gas*

Oil Wells

As previously discussed, the Project Site is located within the limits of the San Vicente and Salt Lake Oil Fields; however, the Project does not include the creation of new oil wells. **As such, operation of the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving oil wells. Therefore, no impact associated with oil wells during operation would occur.**

Methane Gas

All new buildings and paved areas located within a Methane Zone would comply with the City's methane mitigation requirements (LAMC Section 91.7104). Specifically, the Methane Report identified methane beneath the Project Site in concentrations up to 13,000 ppmv. Based on the City's Methane Mitigation Requirements, the Project Site is considered to be Design Level V. As set forth in the Geotechnical Report for the Project (Appendix IS-3 to the Initial Study), which is included as in Appendix A to this Draft EIR, the project geologist has proposed an alternative methane mitigation system designed by an architect, engineer or geologist that is equivalent to providing a permanent dewatering system and related mitigation as described in the City's methane mitigation requirements (LAMC Section 91.7104). Specifically, the project geologist has determined that the proposed mat foundation and retaining walls for the subterranean parking structure would be designed and waterproofed for an undrained condition that would withstand hydrostatic forces and thereby prevent methane intrusion. **As the permitting process would ensure that Project would comply with the City's methane mitigation requirements, the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving methane gas. Therefore, the Project's impact associated with the release of methane gas during operation would be less than significant.**

(2) Mitigation Measures

Project-level impacts with regard to the release of hazardous materials into the environment would be less than significant. Therefore, no mitigation measures are required.

(3) Level of Significance After Mitigation

Project-level impacts related to the release of hazardous materials into the environment were determined to be less than significant without mitigation. Therefore, no mitigation measures were required or included, and the impact level remains less than significant.

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 evaluated in the Initial Study prepared for the Project, there are no schools within one-quarter mile of the Project Site. Additionally, the handling and disposal of hazardous materials and wastes would occur in compliance with applicable federal, state, and local regulations. **Therefore, as determined in the Initial Study, impacts with respect to Threshold (c) would be less than significant.**

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?

As evaluated in the Initial Study prepared for this Project, the Project Site is listed on the EDR Hist Auto database based on the Project's identification as a former automotive repair shop in 1999 and a historic gas station between 2001 and 2003. However, that is incorrect because the Project Site has been used exclusively for church purposes since the late 1930s. The listing is an error and does not represent the Project Site. **Therefore, as determined in the Initial Study, impacts with respect to Threshold (d) would be less than significant.**

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 or excessive noise for people residing or working in the project area?

As evaluated in the Initial Study prepared for this Project, the Project Site is not located within an airport land use plan or within two miles of an airport. The closest airports

to the Project Site are Santa Monica Municipal Airport, located approximately 7.4 miles southwest of the Project Site and Los Angeles International Airport, located approximately 9.5 miles south of the Project Site. Given the distance between the Project Site and the nearest airports, the Project would not have the potential to result in a safety hazard or excessive noise for people residing or working in the area of the Project Site. **Therefore, no impact with respect to Threshold (e) would occur.**

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

As evaluated in the Initial Study prepared for this Project, no streets directly adjacent to the Project Site are designated disaster routes, with the nearest designated disaster route being La Cienega Boulevard located approximately 0.2 miles east of the Project Site. The Project does not require the permanent closure of any local public streets, and vehicular access to the Project Site would be provided from the publicly-accessible alley that abuts the Project Site to the north, as well as a drop-off area along Burton Way. **Therefore, the Project's impact with respect to Threshold (f) would be less than significant.**

Threshold (g): Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

As discussed in Section VI, Other CEQA Considerations, of this Draft EIR, and evaluated in the Initial Study prepared for this Project, the Project Site is not located within a City-designated Very High Fire Hazard Severity Zone, nor is it located within a City-designated fire buffer zone. Additionally, the proposed uses would not create a fire hazard that has the potential to exacerbate the current environmental condition relative to wildfires. **Therefore, no impact with respect to Threshold (g) would occur.**

e. Cumulative Impacts

(1) Impact Analysis

As indicated in Section III, Environmental Setting, of this Draft EIR, there are 44 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. However, 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, as discussed above for the Project. 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, the Project's contribution to cumulative impacts related to hazards and hazardous materials would not be cumulatively considerable, and cumulative impacts would be less than significant.**

(2) Mitigation Measures

Cumulative impacts with regard to hazards and hazardous materials would be less than significant. Therefore, no mitigation measures are required.

(3) Level of Significance After Mitigation

Cumulative impacts with regard to hazards and hazardous materials were determined to be less than significant without mitigation. Therefore, no mitigation measures are required or included, and the impact level remains less than significant.