IV. Environmental Impact Analysis

G. Hazards and Hazardous Materials

1. Introduction

This section of the Draft EIR provides an analysis of the Project's potential impacts with regard to hazards and hazardous materials. The analysis is based in part on the *Phase I Environmental Site Assessment (ESA)* prepared by *A/E Consultants Inc*, dated February 20, 2020, which is included as Appendix G.1 of this Draft EIR and the *Methane Survey Report*, prepared by Citadel EHS, dated April 9, 2020, and included in Appendix G.2 of this Draft EIR.

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
- Comprehensive Environmental Response, Compensation, and Liability Act
- Occupational Safety and Health Act of 1970
- Toxic Substances Control Act
- Hazardous Materials Transportation Act
- Research and Special Programs Administration
- Federal Emergency Management Act
- Disaster Mitigation Act of 2000
- Other Hazardous Materials Regulations

- State Policies and Regulations
- California Hazardous Materials Release Response Plans and Inventory Law of 1985
- Hazardous Waste and Substances Sites
- 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
- The Safe Drinking Water and Toxic Enforcement Act
- California Water Code
- Government Code Section 3229, Division (California Geologic Energy Management Division)
- California Fire Code
- Uniform Fire Code
- California Governor's Office of Emergency Services
- Emergency Managed Mutual Aid System
- South Coast Air Quality Management District Rule 1113
- South Coast Air Quality Management District Rule 1166
- South Coast Air Quality Management District Rule 1403
- Los Angeles County Operational Area Emergency Response Plan
- Los Angeles County Airport Land Use Commission Comprehensive Land Use Plan
- Certified Unified Program Agency

- Los Angeles Fire Code
- Los Angeles Municipal Code (Methane Zones and Methane Buffer Zones)
- Waste Discharge Requirements
- Emergency Management Department, Emergency Operations Organization, and Emergency Operation Center
- General Plan, Conservation Element

(1) Federal

(a) Resource Conservation and Recovery Act

The federal Resource Conservation and Recovery Act (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

The 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 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

[1] *USEPA, Superfund CERCLA Overview, www.epa.gov/superfund/superfund-cercla-overview, accessed January 11, 2022.*

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.

In addition, pursuant to OSHA, a developer that undertakes a construction project that involves the handling of contaminated site conditions must prepare and implement a Health and Safety Plan (HASP) that sets forth the measures that would be undertaken to protect those that may be affected by the construction project. While a HASP is prepared and implemented pursuant to OSHA, the HASP is not subject to regulatory review and approval, although a HASP is typically appended to a Soil Management Plan if this document is required by the Certified Unified Program Agency (CUPA), which is the City of Los Angeles Fire Department (LAFD) with regard to the Project site. The HASP, if required, would be prepared in accordance with the most current OSHA regulations, including 29 CFR 1910.120, Hazardous Waste Operations and Emergency Response and 29 CFR 1926, Construction Industry Standards, as well as other applicable federal, State, and local laws and regulations.

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[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 January 11, 2022.*

(d) Toxic Substances Control Act

In 1976, the federal Toxic Substances Control Act (TSCA) (15 USC Sections 2601–2671) established a system of evaluation in order to identify chemicals which may pose hazards. TSCA is enforced by the United States Environmental Protection Agency (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 (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 Hazardous Materials Transportation Act (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 Code of Federal Regulations (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 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

The 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. The 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) Federal Emergency Management Act

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

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[3] *USDOT, Pipeline and Hazardous Materials Safety Administration, Federal Hazardous Materials Transportation Law: An Overview, www.phmsa.dot.gov/standards-rulemaking/hazmat/federal-hazardous-materials-transportation-law-overview, accessed January 11, 2022.*

[4] *Federal Register, Code of Federal Regulations 49, Parts 100 to 185, Revised as of October 1, 2010.*

[5] *FEMA, History of FEMA, www.fema.gov/about/history, accessed January 11, 2022.*

activities, trains first responders, and manages the National Flood Insurance Program and the U.S. Fire Administration.

(h) Disaster Mitigation Act of 2000

Disaster Mitigation Act (42 USC Section 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 Sections 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.

(i) 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; and
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

(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 (RWQCB). 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 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 (CHP) and the California Department of Transportation (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

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 Section 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 (California Water Code [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.

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 CHP 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 RWQCB 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 5 percent petroleum. In addition, each owner or operator of a regulated AST must prepare a SpiI 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 1 milligram per square centimeter (mg/cm^2) (5,000 microgram per gram [µg/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. With regard 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. R4-2018-0125, 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. R4-2018-0125, Waste Discharge Requirements for Discharges of Groundwater from Construction and Project Dewatering to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties, adopted September 13, 2018.*

(l) 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.

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

The 2019 California Fire Code (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 IFC 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.

(n) Uniform Fire Code

The Uniform Fire Code (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.

(o) 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.

(p) 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) South Coast Air Quality Management District Rule 1166

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.

(b) 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.

(c) Los Angeles County Operational Area Emergency Response Plan

The County of Los Angeles developed the Emergency Response Plan (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.

(d) 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.

In addition, the LAFD, in their role as the CUPA, also oversees and addresses issues relating to the presence and handling of contaminated soils that may be present at the Project site. Any such hazardous materials that may be encountered would be managed (using tools, such as a Soil Management Plan [SMP]) in accordance with all relevant and applicable federal, State, and local laws and regulations that pertain to the use, storage, transportation and disposal of hazardous materials and waste. The SMP, if required, would describe the methodology to identify and manage (reuse or off-site disposal) contaminated soil during soil excavation and/or construction. The SMP would also provide protocols for confirmation sampling, segregation and stockpiling, profiling, backfilling, disposal, guidelines for imported soil, and backfill approval from the City's Department of Building and Safety (DBS). The SMP would also describe the methodology to manage underground features that may be encountered during construction. In addition, the LAFD may consult with other agencies (e.g., DTSC and the LARWQCB) if the nature of the contamination warrants the involvement of these agencies.

(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 Health and Safety Code 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 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

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[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.*

[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.*

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 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 (CWA) 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 Emergency Management Department (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 Emergency Operations Organization (EOO) is the operational department responsible for the City's emergency preparations (planning, training and mitigation), response and recovery operations. The EOO centralizes command and information coordination to enable its unified chain-of-command to operate efficiently and effectively in managing the City's resources.

The Emergency Operation Center (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.G-1 below:

Table IV.G-1
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[a] requirements.
Source: City of Los Angeles, 1996 and 2001.	
[a] *As noted above, DOGGR is now known as CalGEM.*	

b. Existing Conditions

(1) Current and Historical Uses of the Project Site

The current and past land uses within the Project site were identified to assess their potential to present concerns relative to the presence of hazards and/or the handling of hazardous materials. These concerns are classified as Recognized Environmental Conditions (RECs), which are defined as "the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, past release, or material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, ground water or surface water of the property."

According to the Phase I ESA included as Appendix G.1 of this Draft EIR, based on review of aerial photographs and historic topographic maps, there are no indications of environmental concerns on the Project site. Specifically, based on aerial photograph review, the past use of the Project site is indicated to have been agricultural and/or open land prior to the construction of the current structures. As described in detail in the Phase I ESA, the existing development was originally completed in 1969. Historical topographical maps for the Project site also showed no indication of any property use that suggests environmental concern. Furthermore, a City directory abstract review indicates that no past

or current tenants have conducted operations that would have had an effect on the Project site's environmental conditions.

(2) Hazardous Materials Database Search

The Phase I ESA for the Project site obtained a database search report from Environmental Data Resources, Inc. (EDR), dated January 31, 2020, which is included as an attachment to the Phase I ESA. 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

Based on the EDR database records search included in Appendix G.1 of this Draft EIR, the Project site is listed on the HAZNET (Hazardous Waste Information System) database. The California Department of Health Services, Toxic Substances Control Division, has developed and maintained lists of hazardous waste generators and hazardous waste treatment, storage and disposal facilities in the State of California, in accordance with the Hazardous Waste Control Law (California Health and Safety Code Section 25100 et seq.) and the Hazardous Waste Management Act of 1976 (California Health and Safety Code Section 25179.1 et seq.). Inclusion of a facility in the HAZNET list is not necessarily an indication of an environmental problem. As provided in the Phase I ESA, page 22, included in Appendix G.1 of this Draft EIR, the identified record references the Coalinga Corporation as removing unnamed hazardous waste material to a landfill in 2012, which was subsequently recovered for reuse off site or blended with other fuels off site. Due to the proper handling, storage, and disposal of this prior waste, and no reported regulatory violations, this former waste is not considered to be an environmental concern to the Project site.

(b) Surrounding Sites

While no adjacent properties were listed on the databases included in the EDR records search, several properties within 0.5 mile of the Project site were identified in the databases searched by EDR. These properties are discussed further below.

The nearest listed site is the Transaction Companies Limited property, located approximately 0.2 mile north-northwest of, and upgradient from, the Project site at 12120 Wagner Street. The property is listed in the SEMS-ARCHIVE (Superfund Enterprise Management System Archive) database. However, the site is not classified as a federal facility or included on the national priorities list. Additionally, the case was archived as of

January 23, 1996, with no further action indicated. Based on its current status, this property does not have an impact on the Project site.

The Transaction Technology, Inc., located at 12959 Coral Tree Place, approximately 0.5 mile west-southwest of, and downgradient from the Project site, is listed in the LUST (Leaking Underground Storage Tanks) and CORTESE (Hazardous Waste and Substances Site List) database. A leak was first reported in March 1988, noting solvents affecting the adjoining groundwater. Pollution characterization began in October 1992, with no further action. Based on the elapsed time since the incident, and lack of any further action, it is not considered to be an environmental concern to the Project site.

The Hughes Helicopters, Inc., located at Centinela Avenue and Teale Street, approximately 0.8 mile east-northeast of, and upgradient from the Project site, is listed in the BEP (Bond Expenditure Plan) databases. The 454-acre site has been used to manufacture and test machine and aircraft parts and to research and develop electronic components. Groundwater samples have indicated high levels of trichloroethylene (TCE), dichloroethane (DCE), dichloroacetic acid (DCA), xylene isomers, and hydrocarbons. Groundwater contamination is suspected but has not been verified to date. Based on its current status, separation distance, and investigative work in progress, this BEP site is not considered to be an environmental concern to the Project site.

(3) Hazardous Materials Use and Storage

As discussed in Section II, Project Description, of this Draft EIR, the Project site currently includes a 23,072-square-foot office building and two accessory buildings comprised of 5,044 square feet and 2,144 square feet at 12575 W. Beatrice Street, and an 87,881-square-foot office building at 12541 W. Beatrice Street, as well as surface parking. Any hazardous materials used or wastes generated at the office buildings would be consistent with those typically used in office uses. These materials could include small amounts of commonly-available janitorial and cleaning supplies and other general maintenance products.

During the Project site reconnaissance conducted on January 6, 2020 as part of the Phase I ESA, no recognized environmental conditions, such as leaks, stains, spills, or distressed vegetation, were observed on the Project site. In addition, no hazardous substances, drums, or other chemical containers were observed on-site.

As part of the Phase I ESA, A/E West Consultants conducted an interview with Ms. Cassidy McClenn, Field Director and Tenant Representative of Control Collaborative Innovation Lab. Ms. McClenn answered questions concerning the current use, operations, and improvements at the Project site. According to Ms. McClenn, normal repair activities are performed to meet on-going maintenance and tenant needs. Ms. McClenn stated that,

to the best of her knowledge, no asbestos-containing materials or lead-based paints have been utilized in the on-going maintenance or repair activities. Ms. McClenn also stated that there are no USTs or ASTs on the site. Ms. McClenn further stated that the site has not been the location of a petroleum spill, chemical spill, fire, or other environmental incident during her tenure.

(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

No evidence of existing USTs or ASTs was observed on the Project site. A review of the list of registered storage tanks in California, prepared by the EDR, indicates that no registered USTs or ASTs are located on the Project site.

(6) Asbestos-Containing Materials

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

(7) Lead-Based Paint

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

(8) Polychlorinated Biphenyls

Typical sources of PCBs include electrical transformer cooling oils, fluorescent light fixture ballasts, and hydraulic oil. In 1976, the USEPA banned the manufacture and sale of PCB-containing transformers. Prior to this date, transformers were frequently filled with a dielectric fluid containing PCB-laden oil. PCB-contaminated transformers known or assumed under the Toxic Substances Control Act to contain between 50 and 499 ppm of PCBs are also subject to USEPA regulations.[9] By 1985, the USEPA required that commercial property owners with transformers containing more than 500 ppm of PCBs must register the transformer with the local fire department, provide exterior labeling, and remove combustible materials within five meters (40 CFR 761.30: "Fire Rule").

During the site reconnaissance, one pad-mounted, utility company transformer was observed. The transformer appeared to be in satisfactory condition, with no evidence of leaks. Based on utility ownership as well as no observed leaks, no potential PCB-containing equipment was observed on the Project site.

(9) Oil Wells and Methane Gas

A review of the California Geologic Energy Management Division (CalGEM) Online Mapping System determined there are no oil and gas wells within or adjacent to the Project site. The nearest well is approximately 2,995 feet southeast of the Project site and is a plugged and abandoned oil and gas well.[10,11]

The Project site is located within a designated Methane Zone mapped by the City.[12] Methane is a naturally occurring gas associated with the decomposition of organic materials. In high-enough concentrations, between 50,000 parts per million and 150,000 parts per million by volume in the presence of oxygen, methane can be considered an explosion hazard.

A Methane Survey Report (Appendix G.2 of this Draft EIR) was conducted at the Project site on March 23 and 24, 2020 by Citadel, which evaluated methane levels and also

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[9] *U.S. Environmental Protection Agency, PCBs Questions & Answers, www.epa.gov/pcbs/learn-about-polychlorinated-biphenyls-pcbs, accessed July 10, 2020.*

[10] *California Department of Conservation, Well Search, https://secure.conservation.ca.gov/WellSearch/Details?api=03705649, accessed July 9, 2020.*

[11] *CalGEM GIS, Well Finder, https://maps.conservation.ca.gov/doggr/wellfinder/#openModal/-118.40429/33.97886/16, accessed January 11, 2022.*

[12] *City of Los Angeles Department of City Planning, ZIMAS, Parcel Profile Report for 12575 Beatrice St., http://zimas.lacity.org/, accessed July 10, 2020.*

tested for hydrogen sulfide (H_2S) concentrations. Citadel drilled five borings (identified as B1 to B5) in the parking and exterior common areas to evaluate the current conditions. These five borings were advanced to approximately 25 feet. Gas probes were placed at approximately 8, 13, and 20 feet below ground surface in boring B1 and at 10, 15, and 25 feet below ground surface in borings B2, B3, and B5. Probes were not set in boring B4 due to the high level of groundwater encountered at 7 feet. The field monitoring reported the highest encountered concentration of methane gas in probe B2 at 10 feet at 3,900 parts per million by volume (ppmv) and also reported a concentration of 0.012 ppmv of hydrogen sulfide (H_2S). With regard to hydrogen sulfide (H_2S), as provided in the Methane Survey Report, the reported concentration is below the soil vapor screening level of 293 $\mu g/m^3$ (microgram/cubic meter) based on the indoor air EPA Regional Screening Level for commercial sites. With regard to methane, according to City methane mitigation requirements as set forth in Table 71 – Minimum Methane Mitigation Requirements of the City Methane Ordinance (also provided in Appendix A of the Methane Survey Report), using the highest recorded concentration and design pressure of 3,900 ppmv and less than two inches of water column pressure, respectively, for methane gas, the Project site is considered a Design Level III[13] and would be required to be designed in accordance with this classification.

(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.

3. Project Impacts

a. Thresholds of Significance

In accordance with Appendix G of 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

[13] *The City's Methane Mitigation Requirements sets forth five design levels (Design Levels I–V) based on the methane concentrations (in ppmv) of a site. Level I is based on a methane concentration of 0–100, Level II is based on a methane concentration of 101–1,000, Level III is based on a methane concentration of 1,001–5,000, Level IV is based on a methane concentration of 5,001–12,500, and Level V is based on a methane concentration of greater than 12,500.*

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 Threshold questions.

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

(1) Risk of Upset/Emergency Preparedness

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

(2) Human Health Hazards

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

b. Methodology

To evaluate potential impacts relative to hazards and hazardous materials, a Phase I ESA was prepared for the Project site in accordance with the requirements of *ASTM Practice E1527-13 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process* (ASTM Standard E1527-13).[14] The analysis of the potential impacts regarding hazards and hazardous material was based on the following:

- Visual inspection of the entire Project site with special attention given to any hazardous materials storage and handling, distressed vegetation, and stains that could indicate contamination;
  - Survey of the surrounding area to determine if other potential contaminated sites exist that could environmentally impact the Project site;
  - Observation of Project site and area drainage patterns for potential contamination migration pathways;
- Interviews with persons familiar with Project site usage;[15]
- 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

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

[15] *As part of the Phase I ESA, A/E West Consultants conducted an interview with Ms. Cassidy McClenn, Field Director and Tenant Representative of Control Collaborative Innovation Lab, February 2020.*

- Review of previous environmental report prepared for the Project site (Phase I Environmental Site Assessment prepared by A/E West Consultants, Inc., dated October 15, 2018).

In addition, a Methane Report, prepared by Citadel EHS, dated April 9, 2020, was reviewed and the recommendations provided therein were incorporated in this analysis. The Phase I ESA and the Methane Report are provided in Appendix G of this Draft EIR.

c. Project Design Features

No specific project design features are proposed with regard 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?

(1) Impact Analysis

(a) Construction

The Project construction would not involve the routine transport of hazardous materials to and from the Project site during construction. During demolition, excavation, on-site grading, and building construction, hazardous materials, such as fuel and oils associated with construction equipment, as well as coatings, paints, adhesives, and caustic or acidic cleaners, could be occasionally used on the Project site through the duration of construction. While some hazardous materials used during construction could require disposal, such activity would occur occasionally and only for the duration of construction and would cease upon completion of the Project. As such, construction of the Project would not involve the routine disposal of hazardous materials. Notwithstanding, 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 the use of hazardous materials during construction, and development of the Project on the Project site would not exacerbate the current environmental conditions so as

to create a significant hazard to the public or the environment. **Therefore, with implementation of appropriate hazardous materials management protocols at the Project site and continued compliance with all applicable local, state, and federal laws and regulations relating to environmental protection and the management of hazardous materials, impacts related to the routine transport, use, or disposal of hazardous materials during construction would be less than significant.**

(b) Operation

Operation of the Project would involve the routine use of small quantities of potentially hazardous materials typical of those used in office and commercial uses, including cleaning products, paints, and those used for maintenance of landscaping. Such use would be consistent with that currently occurring as part of the office building. In addition, as with Project construction, all hazardous materials used on the Project site during operation would be used, stored, and disposed of in accordance with all applicable federal, State, and local requirements. Due to the type of development proposed (e.g., office and commercial), operation of the Project would involve the routine transport of small quantities of hazardous materials to and from the Project site. **Therefore, with implementation of appropriate hazardous materials management protocols at the Project site and continued compliance with all applicable local, State, and federal laws and regulations relating to environmental protection and the management of hazardous materials, impacts associated with the routine transport, use, or disposal of hazardous materials during operation of the Project would be less than significant.**

(2) Mitigation Measures

Impacts related to the routine transport, use, or disposal of hazardous materials would be less than significant. Therefore, no mitigation measures are required.

(3) Level of Significance After Mitigation

Impacts related to the routine transport, use, or disposal of hazardous materials 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 (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, 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 discussed in the Initial Study prepared for the Project and included in Appendix A of this Draft EIR, data from the California Division of Mines and Geology indicate the historic high groundwater level on the Project site is approximately 7 feet below ground surface. In addition, borings drilled within the Project site as part of the Geotechnical Investigation in the Initial Study, which is included as Appendix A.1 of this Draft EIR, encountered water seepage at depths ranging between 22.5 feet and 30 feet below ground surface. Therefore, dewatering operations are expected during construction. Any discharge of groundwater would occur pursuant to, and comply with, the applicable National Pollutant Discharge Elimination System permit or industrial user sewer discharge permit requirements. Pursuant to such requirements, the groundwater extracted would be chemically analyzed to determine contamination and the appropriate treatment and/or disposal methods. With compliance with relevant regulations and requirements, Project construction activities would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the handling and disposal of extracted groundwater.

Based on the above, construction of the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and

accident conditions involving the release of hazardous materials into the environment. Therefore, impacts 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, there is no evidence of existing USTs or ASTs within the Project site. The Project would not involve any construction in or near the area of existing UST sites within 0.25 mile of the Project site. No other records were found that indicate the presence of USTs within the areas proposed for construction. Notwithstanding, in the unlikely event that USTs are found, suspect materials would be removed in accordance with all applicable federal, State, and local regulations. For example, if USTs are encountered, prior to removal, applicable permits would be obtained from the LAFD. **As such, with compliance with applicable regulations and requirements, the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving USTs and ASTs. Therefore, impacts related to the potential removal of USTs during construction would be less than significant.**

(iii) Asbestos-Containing Materials

As discussed above, based on the age of the existing buildings, it is possible ACMs could be present. In the event that ACMs are found within areas proposed for demolition, suspect materials would be removed by a certified asbestos abatement contractor in accordance with applicable regulations. With compliance with relevant regulations and requirements, Project construction activities would not expose people to a substantial risk resulting from the release of asbestos fibers into the environment. **As such, with compliance with applicable regulations and requirements, the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving ACMs. Therefore, impacts related to the potential removal of ACMs during demolition would be less than significant.**

(iv) Lead-Based Paint

As discussed above, based on the age of the existing buildings, it is possible LBMs could be present. In the event that LBP is found within areas proposed for demolition, suspect materials would be removed in accordance with procedural requirements and regulations for the proper removal and disposal of LBP prior to demolition activities. Example procedural requirements include the use of respiratory protection devices while handling lead-containing materials, containment of lead or materials containing lead on the Project site or at locations where construction activities are performed, and certification of all consultants and contractors conducting activities involving LBP or lead hazards. With

compliance with relevant regulations and requirements, Project construction activities would not expose people to a substantial risk resulting from the release of LBP into the environment. **As such, with compliance with applicable regulations and requirements, the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving LBPs. Therefore, impacts related to the potential removal of LBP during demolition would be less than significant.**

(v) Polychlorinated Biphenyls

As discussed above, no items containing PCBs were observed on-site. In the event that PCBs are found within areas proposed for demolition, suspect materials would be removed in accordance with all applicable federal, State, and local regulations. **As such, with compliance with applicable regulations and requirements, the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving PCBs. Therefore, impacts related to the potential removal of PCBs during demolition would be less than significant.**

(vi) Oil Wells and Methane Gas

Oil Wells

According to the CalGEM Online Mapping System, there are no oil and gas wells within or adjacent to the Project site. As described above, the nearest well is located approximately 2,995 feet southeast of the Project site but is a plugged and abandoned oil and gas well. 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 the release of hazardous materials into the environment, and no impacts associated with oil wells during operation would occur.

Methane Gas

As discussed above, the Project site is located within a City-designated Methane Zone as defined by the City Methane Ordinance. As described in the Methane Survey Report prepared for the Project, in March 2004, Ordinance Number 175790 was adopted into the Los Angeles Building Code to establish citywide methane mitigation requirements, and included updated construction standards to control methane intrusion into buildings. This ordinance set forth a standard of assessment and mitigation in the planning stages of all new construction in these areas. As specifically discussed above in Subsection 2.a.(4)(c), 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.

Excavation and construction activities within the Project site that involve work in confined spaces on-site could pose a potential for methane and hydrogen sulfide build-up, resulting in a possible hazardous condition. Adherence to industry-standard construction safety measures, 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. In addition, based on the Methane Survey Report and as required by the City's methane regulations, the Project would comply with the City's requirements for being located on a site classified to be Design Level III. Based on this design level, the Project would be required to implement a dewatering system; an active system consisting of a gas detection system, mechanical ventilation, alarm system, impervious membrane, perforated horizontal pipes, a gravel blanket under impervious membrane, and vent riser; and miscellaneous systems consisting of trench dams and conduit or cable or seals. **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 impacts associated with methane gas and hydrogen sulfide would be less than significant.**

(b) Operation

(i) Hazardous Waste Generation, Handling, and Disposal

As discussed above, the Project site is currently developed with a 23,072-square-foot office building and two accessory buildings comprised of 5,044 square feet and 2,144 square feet at 12575 W. Beatrice Street, and an 87,881-square-foot office building at 12541 W. Beatrice Street, as well as surface parking. 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. 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 such, with compliance with relevant regulations and requirements, operational activities 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, impacts 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 office and commercial uses. The Project does not propose the installation of underground or aboveground storage tanks. **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, no impacts associated with underground and aboveground storage tanks during operation of the Project would occur.**

(iii) Asbestos-Containing Materials

Development of the Project would involve 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 impacts associated with asbestos or ACMs during operation of the Project would occur.**

(iv) Lead-Based Paint

Development of the Project would involve 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 impacts 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 impacts related to PCBs during Project operation would occur.**

(vi) Oil Wells and Methane Gas

Oil Wells

The Project does not include the installation 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 impacts associated with oil wells during operation would occur.**

Methane Gas

All new buildings and paved areas located within a Methane Zone must comply with the City of Los Angeles' Methane Ordinance. Under this ordinance, the Project site is categorized as a Design Level III due to the presence of methane in soil vapor sampling and would be required to implement methane controls accordingly. These methane controls include a dewatering system, an impervious membrane, ventilation systems capable of providing a complete change of air, development and implementation of an operations and maintenance plan, as well as an emergency plan. **As the permitting process would ensure that new development would comply with the City's Methane Mitigation Ordinance, 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, impacts associated with the release of methane gas during operation would be less than significant.**

(2) Mitigation Measures

Impacts related 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

Impacts related to the release of hazardous materials into the environment would be less than significant without mitigation with compliance with the City's Methane Ordinance. 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?

(1) Impact Analysis

The Project site is not located within 0.25 mile of an existing or proposed school. The nearest school is Playa Del Rey Elementary School, located at 12221 Juniette Street approximately 0.3 mile east of the Project site. Although the Project would have the potential to emit and would involve the handling of hazardous materials, particularly during construction activities, all such activities involving the handling and disposal of hazardous materials and wastes would occur in compliance with all applicable federal, State, and local requirements concerning the handling and disposal of hazardous waste. **As such, with compliance with relevant regulations and requirements**, **the Project would not create a significant hazard to nearby schools. Therefore, impacts regarding the Project's emission or handling of hazardous materials and wastes within 0.25 mile of an existing school would be less than significant.**

(2) Mitigation Measures

Impacts related to the emission or handling of hazardous materials within one-quarter mile of a school would be less than significant. Therefore, no mitigation measures are required.

(3) Level of Significance After Mitigation

Impacts related to the emission or handling of hazardous materials within one-quarter mile of a school 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 (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?

(1) Impact Analysis

As discussed above, based on the EDR database records search, the Project site is listed in the HAZNET database.[16] As provided in the database records search, the HAZNET listing was due to Coalinga Corporation removing unnamed hazardous waste material to a landfill in 2012, which was subsequently recovered for reuse off site or blended with other fuels off site. Due to the proper handling, storage, and disposal of this

[16] *As indicated in the Phase I ESA, being listed within the HAZNET database does not imply that an environmental problem exists presently or has existed in the past.*

prior waste, and no reported regulatory violations, this former waste is not considered to be an environmental concern to the Project site. **Based on the database records, the Project site's status reporting no violations associated with these previous activities, and the proposed activities, the Project would not create a significant hazard to the public or the environment caused in whole or in part from the Project's exacerbation of existing environmental conditions. Therefore, impacts regarding this threshold would be less than significant.**

(2) Mitigation Measures

Impacts related to the Project site's listing on a list of hazardous materials sites would be less than significant. Therefore, no mitigation measures are required.

(3) Level of Significance After Mitigation

Impacts related to the Project site's listing on a list of hazardous materials sites 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 (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 discussed in Section VI, Other CEQA Considerations, of this Draft EIR, and evaluated in the Initial Study prepared for the Project, included as Appendix A of this Draft EIR, the Project site is not located within two miles of an airport, private airstrip, or within an area subject to an airport land use plan. As such, as determined in the Initial Study, the Project would not result in a safety hazard or excessive noise for people residing or working in the Project site area. Therefore, impacts to Threshold (e) would not occur, and no further analysis is required.

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

As discussed in Section VI, Other CEQA Considerations, of this Draft EIR, and evaluated in the Initial Study prepared for the Project, included as Appendix A of this Draft EIR, the Project would comply with LAFD access requirements and applicable LAFD regulations regarding safety. Also, the Project would not impede emergency access within the Project site or vicinity that could cause an impediment along City designated disaster routes such that the Project would impair the implementation of the City's emergency

response plan. As such, as determined in the Initial Study, the Project would not impair the implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Therefore, impacts to Threshold (f) would be less than significant, and no further analysis is required.

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 the Project, included as Appendix A of this Draft EIR, the Project site is not located within a City-designated Very High Fire Hazard Severity Zone or within a City-designated fire buffer zone. As such, as determined in the Initial Study, the Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. Therefore, impacts with respect to Threshold (g) would be less than significant, and no further analysis is required.

e. Cumulative Impacts

(1) Impact Analysis

As indicated in Section III, Environmental Setting, of this Draft EIR, there is one related project in the vicinity of the Project site. Development of the Project in combination with the related project has the potential to increase the risk for an accidental release of hazardous materials. The related project 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 project and the Project, the Project's contribution would not be cumulatively considerable, and cumulative impacts would be less than significant.**

(2) Mitigation Measures

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

(3) Level of Significance After Mitigation

Cumulative impacts related to hazards and hazardous materials 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.