

## IV. Environmental Impact Analysis

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### F. Hazards and Hazardous Materials

#### 1. Introduction

This section analyzes the Project's potential hazards and hazardous materials impacts that could occur during Project construction and operation. In addition, this section analyzes the Project's incremental contribution to cumulative hazards and hazardous materials impacts from past, present, and probable future projects. The analysis is largely based on the *Phase I Environmental Site Assessment* (Phase I ESA)<sup>1</sup> and *Limited Phase II Subsurface Investigation* (Phase II Investigation)<sup>2</sup> prepared for the Project by Ramboll Environ, the *Source Area Removal Report*<sup>3</sup> prepared by Ramboll Environ, and correspondence from the Los Angeles County Fire Department (LACoFD) Health Hazardous Materials Division.<sup>4</sup> These are all provided in Appendix G of this Draft EIR. The analysis is also based in part on the *Preliminary Geotechnical Assessment* (Geotechnical Assessment)<sup>5</sup> prepared for the Initial Study and included as Appendix A 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

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<sup>1</sup> Ramboll Environ, *Phase I Environmental Site Assessment for Sacramento-Bay, 2145-2161 Sacramento Street, 2136 & 2159 Bay Street*, October 2016. Included in Appendix G of this Draft EIR.

<sup>2</sup> Ramboll Environ, *Limited Phase II Subsurface Investigation for 2145-2161 Sacramento Street, 2136 and 2159 Bay Street*, October 5, 2016. Included in Appendix G of this Draft EIR.

<sup>3</sup> Ramboll Environ, *Source Area Removal Report for Sacramento Street Property, LP 2145-2161 Sacramento Street and 2136 & 2159 Bay Street*, November 28, 2017. Included in Appendix G of this Draft EIR.

<sup>4</sup> Los Angeles County Fire Department, *Health Hazardous Materials Division, correspondence*, December 26, 2018. Included as Appendix G.4 of this Draft EIR.

<sup>5</sup> Geotechnologies, Inc., *Preliminary Geotechnical Assessment, Proposed Commercial Development 2159 Bay Street*, November 21, 2017. Included as Appendix IS-3 of the Initial Study which is included as Appendix A of this Draft EIR.

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.<sup>6</sup> 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 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.<sup>7</sup>

*(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

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<sup>6</sup> USEPA, *Superfund CERCLA Overview*, [www.epa.gov/superfund/superfund-cercla-overview](http://www.epa.gov/superfund/superfund-cercla-overview), accessed January 28, 2022.

<sup>7</sup> 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](http://www.epa.gov/laws-regulations/summary-comprehensive-environmental-response-compensation-and-liability-act), accessed January 28, 2022.

(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.

*(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),<sup>8</sup> 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.<sup>9</sup> 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

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<sup>8</sup> 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](http://www.phmsa.dot.gov/standards-rulemaking/hazmat/federal-hazardous-materials-transportation-law-overview), accessed January 28, 2022.

<sup>9</sup> *Federal Register, Code of Federal Regulations 49, Parts 100 to 185, Revised as of October 1, 2010.*

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.<sup>10</sup> FEMA also initiates proactive mitigation 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

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<sup>10</sup> FEMA, *History of FEMA*, [www.fema.gov/about/history](http://www.fema.gov/about/history), accessed January 28, 2022.

- 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 Spill Prevention Control and Countermeasure Plan in accordance with federal and state requirements (40 CFR Part 112 and HSC Section 25270.5[c]). The responsibility for inspecting ASTs and ensuring that Spill Prevention Control and Countermeasure Plans have been prepared lies with the RWQCBs.

*(h) Lead-Based Paint Regulations*

Lead-based paint (LBP) is defined as any paint, varnish, stain, or other applied coating that has a 1 milligram per square centimeter ( $\text{mg}/\text{cm}^2$ ) (5,000 microgram per gram [ $\mu\text{g}/\text{g}$ ] or 0.5 percent by weight) or more of lead. The US Consumer Product Safety Commission (16 CFR 1303) banned paint containing more than 0.06 percent lead for residential use in 1978. Buildings built before 1978 are much more likely to have LBP.

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

*(i) California Division of Occupational Safety and Health*

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

*(j) The Safe Drinking Water and Toxic Enforcement Act*

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

*(k) California Water Code*

The CWC authorizes the SWRCB to implement provisions of the Clean Water Act, including the authority to regulate waste disposal and require cleanup of discharges of hazardous materials and other pollutants. In 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.<sup>11</sup> 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.

*(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.

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<sup>11</sup> *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.*

*(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 1113*

South Coast Air Quality Management District (SCAQMD) Rule 1166, Architectural Coating, requires manufacturers, distributors, and end users of architectural and industrial maintenance coatings to reduce VOC emissions from the use of these coatings, primarily by placing limits on the VOC content of various coating categories.

#### *(b) 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.

#### *(c) 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.

*(d) 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.

*(e) 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.<sup>12</sup> 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.<sup>13</sup>

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.

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<sup>12</sup> *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.*

<sup>13</sup> *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.*

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

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

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

*(d) Waste Discharge Requirements*

Effective on December 28, 2012, the Los Angeles RWQCB adopted Order No. R4-2012-0175, NPDES Permit No. CAS004001, Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges into the Coastal Watersheds of Los Angeles County. The permit establishes new performance criteria for new development and redevelopment projects in the coastal watersheds of Los Angeles County (with the exception of the city of Long Beach). Storm water and non-storm water discharges consist of surface runoff generated from various land uses, which are conveyed via the municipal separate storm sewer system and ultimately discharged into surface waters throughout the 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.F-1 below:

**Table IV.F-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 <sup>a</sup> requirements.
<sup>a</sup> As noted above, DOGGR is now known as CalGEM.	
Source: City of Los Angeles, Conservation Element, 1996 and 2001.	

## 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.”

As described in the Phase I ESA (Appendix G of this Draft EIR), the approximately 1.7-acre site is currently improved with three buildings: an approximately 25,700-square-foot building located in the southern portion of the site (2145-2161 Sacramento Street); an approximately 13,500-square foot building located in the north central portion of the site (2136 Bay Street); and an approximately 9,000-square foot building located in the northeast portion of the site (2159 Bay Street).<sup>14</sup> As described in Section II, Project Description, of this Draft EIR, these buildings currently house office, light industrial and creative office uses operated by Hyperloop One for engineering and test development operations, office operations, and fabrication and machining operations. Exterior areas in the central and eastern portions of the Project Site are used for storage, equipment staging, and exterior operations. Other smaller structures at the Project Site include shipping containers that have been converted into offices and conference rooms, tents used for welding operations and meetings, and stacked parking systems. In addition, designated areas for storage of industrial byproducts and materials associated with on-site uses are located within the Project Site.

According to the Phase I ESA, based on review of historical records, the Project Site was developed by 1906 (and possibly earlier) for industrial purposes, including a stone yard (northern portion of the Project Site) and carpet cleaning operation (southeast portion of the Project Site). The Hill Brothers Chemical Company (HBCC) began operating in 1924 and continued until approximately 2013, with operations consisting primarily of chemical manufacturing and storage and production of materials used in the building industry. The building in the southern portion of the Project Site was used for various industrial and warehousing purposes between 1923 and the late 1990s. As such, the Phase I ESA

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<sup>14</sup> Note that the building square footage identified here from the Phase I ESA are in terms of gross square feet, whereas Section II, Project Description, of this Draft EIR discusses the existing on-site buildings in terms of LAMC-defined floor area.

identified the Project Site's historical operations resulting in on-site soil, soil gas, and groundwater impact as a REC.

Furthermore, HBCC is listed on several databases related to the potential presence of historical USTs. The State Water Resources Control Board's GeoTracker database contains a 1988 document that lists various kinds of hazardous substance storage features but without indication of the historical aboveground or underground status. The 20 features included five diesel tanks (1,000 to 6,000 gallons), two gasoline tanks (10,000 gallons), seven waste tanks (360 to 4,500 gallons), and six waste oil tanks (200 to 5,000 gallons).

Subsequently, as discussed further below, a Phase II Investigation was conducted, focusing on soil and soil vapor sampling in areas not previously investigated, the potential presence of USTs, and groundwater sampling.

## (2) Hazardous Materials Database Search

The Phase I ESA for the Project Site reviewed information from federal and state environmental databases, including a radius report prepared by Environmental Data Resources, Inc. (EDR), dated July 2016, which is included in Appendix B of the Phase I ESA. The report documented 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 environmental database records search, the Project Site is listed on several databases under the HBCC name, including Statewide Environmental Evaluation and Planning System—Underground Storage Tank (SWEEPS UST), Hazardous Substance Storage Container Database—Underground Storage Tank (HIST UST), California Facility Inventory Database—Underground Storage Tank (CA FID UST), California Hazardous Material Incident Report System (CHMIRS), National Pollutant Discharge Elimination System (NPDES) Permits Listing, and Facility and Manifest Data (HAZNET).

The Project Site's listings under SWEEPS UST, HIST UST, and CA FID UST led to the Phase II Investigation for the Project Site.

The CHMIRS listing for HBCC is associated with a release of approximately 300 gallons of ammonia that occurred in 2000 during transfer between two fixed tanks. The listing indicated that the oversight agency was City of Los Angeles Fire Department; however, cleanup was conducted by Los Angeles County Hazmat. According to the Phase I ESA, the incident appears to have been addressed by the appropriate regulatory

agency or agencies, and the release does not appear to have affected soil or groundwater. As such, this matter does not represent a contamination concern to the Project Site.

The Project Site's listings under HAZNET and NPDES are not indicative of a release or contamination concern. The NPDES listing appears to be for various HBCC facilities in California and Arizona but does not include the Project Site. The HAZNET listing is for disposal of organic waste in 2013. As such, these listings are compliance-related and do not suggest a contamination concern on the Project Site.

*(b) Adjoining Sites*

According to the EDR database search report, no adjoining sites are listed on databases that are indicative of a potential contamination concern.

*(c) Sites Within One-Half Mile of Project Site*

Two non-adjoining properties of the Project Site were identified in the databases searched by EDR. These properties are discussed further below.

The Los Angeles County Metropolitan Transportation Authority (Metro)/Butterfield property, located at 590 South Santa Fe Avenue, approximately 0.5 mile northwest of the Project Site, is listed on EnviroStor, Voluntary Cleanup Properties (VCP), and several databases related to compliance and the presence of USTs. The EnviroStore and VCP listings indicate that the property formerly was used for chemical and paint manufacturing, which resulted in subsurface impacts with benzene, polynuclear aromatic hydrocarbons, total petroleum hydrocarbons (TPH), benzene, ethylbenzene, xylenes, and metals. According to GeoTracker records, the property is undergoing cleanup and soil removal for the protection of groundwater under DTSC oversight.<sup>15,16</sup> Based on the available information and the distance from the Project Site, the property is unlikely to present a concern to the Project Site.

The At Mateo property, located at 555 Mateo Street, approximately 0.6 mile northwest of the Project Site, is listed on EnviroStor, VCP, and compliance databases. EnviroStor and VCP listings indicate that voluntary cleanup actions were conducted at the property. Specifically, these actions were related to former foundry, fuel storage/refueling,

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<sup>15</sup> Department of Toxic Substances Control, *EnviroStor, MTA/Butterfield (19281223)*, [www.envirostor.dtsc.ca.gov/public/profile\\_report.asp?global\\_id=19281223](http://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=19281223), accessed January 28, 2022.

<sup>16</sup> Department of Toxic Substances Control, *GeoTracker, Metro Location 661 South (Former Butterfield Property) (WDR100039448)*, [https://geotracker.waterboards.ca.gov/profile\\_report.asp?global\\_id=WDR100039448](https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=WDR100039448), accessed January 28, 2022.

and machine shop operations. In April 2016, the DTSC approved the soil removal activities and the associated Removal Action Completion Report.<sup>17</sup> In June 2016, DTSC provided certification and determined that all appropriate response actions have been completed, and that all acceptable engineering practices were implemented, and that no further removal/remedial action is necessary.<sup>18</sup> As such, based on the available information and the distance from the Project Site, the property is unlikely to present a concern to the Project Site.

In addition, the EDR report indicated that poor or inadequate address information was available for several properties located within the vicinity of the Project Site. However, based on the list of unmapped properties, none appeared to be adjacent to the Project Site.

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

The Project Site is currently developed with three buildings occupied by the Virgin Hyperloop One Company. Existing uses include engineering and test development operations, office operations, and fabrication and machining operations.

The primary chemicals used at the Project Site include adhesives, hardeners, coolants, acrylic coatings, fireproof paints, epoxy and epoxy remover, retaining compound, wood stain and finish, and aerosol materials, as well as specific chemicals, such as acetone and isopropyl alcohol. In addition, Hyperloop One uses maintenance-related materials, such as paints, oils, lubricants, greases, vacuum pump fluid, hydraulic fluid, welding gases, refrigerant chemicals, and sanitizers and detergents. These materials, as well as propane and diesel used on-site, are generally stored in four flammable cabinets within the Project Site. Hazardous wastes generated at the Project Site include scrap metal and oily rags, which are also stored within the Project Site. Designated areas for on-site storage of raw materials and hazardous waste were under construction at the time the Phase I ESA was prepared. Hyperloop One facility personnel<sup>19</sup> were not aware of any significant spills or releases of materials at waste and container storage areas.

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<sup>17</sup> *Department of Toxic Substances Control, Approval of Response Action Completion Report and No Further Action Determination for the At Mateo Site, 555 Mateo, Los Angeles (Site Code: 301708), dated April 11, 2016.*

<sup>18</sup> *Department of Toxic Substances Control, Remedial Action Certification Form for At Mateo/555 Mateo Street, signed by DTSC June 28, 2016.*

<sup>19</sup> *Hyperloop One facility personnel included Brandon Polley, Operations Manager; Joe Mullin, Director of Facilities; and David Coronella, Facilities Manager.*

#### (4) Underground and Aboveground Storage Tanks

According to the Phase I ESA, one diesel UST was formerly located at the Project Site and was removed in approximately 1990. The Project Site is not listed on the Leaking Underground Storage Tank (LUST) database. In addition, SWRCB GeoTracker record indicates that up to 20 subsurface features potentially were historically present at the Project Site, as listed above in Subsection 2.b.(1). The record does not indicate whether the features were underground or aboveground. Thus, the Phase I ESA identified a REC related to historical operations resulting in on-site soil, soil gas, and groundwater impact.

Based on the REC and historical industrial operations of the Project Site, a Phase II Investigation was conducted. As part of the Phase II Investigation, a UST survey was completed to evaluate the potential presence of steel USTs. Soil and soil vapor samples were also taken to evaluate the presence of VOCs and TPH. The results of the sampling did not indicate that significant subsurface impacts existed beneath the existing building footprints, and the detected concentrations in PCE in soil vapor beneath the building were considered generally low. At the time, given the Project Site was capped with asphalt and/or concrete, no further action was recommended by the Phase II Investigation with regard to the presence of metals in shallow soils. In addition, groundwater sampling data showed low VOC and TPH concentrations. As such, no active remediation is warranted.

During the soil sampling process, however, a metallic feature was encountered. Based on findings from the Phase II Investigation, there is evidence that historical release(s) from the site have adversely impacted the subsurface environment, most notably in the immediate vicinity of the subsurface metallic object near the single boring. The metallic object was recommended to be removed with excavation of underlying soil.

Following the completion of Phase II Investigation and its recommendations, the subsurface metallic object was removed, and soil was excavated in accordance with a soil management plan. On December 4, 2018, the Los Angeles County Recorder's Office recorded a Notice of Environmental Condition and Environmental Restriction (Notice) for the Project Site, which restricts the property to commercial/industrial use. In addition, the Site Mitigation Unit of the County of Los Angeles Fire Department (LACoFD) Health Hazardous Materials Division reviewed the source area and soil removal reports and the existing site conditions.<sup>20</sup> On December 26, 2018, in a letter to the Applicant, the Site

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<sup>20</sup> *The LAFD and LACoFD Health Hazardous Material Division are Certified Unified Program Agencies. However, the LACoFD Division implements the Hazardous Waste Generator Element of the Unified Program for all businesses in the City of Los Angeles. The LACoFD Division's Site Mitigation Unit operates a voluntary oversight program per California Health and Safety Code Section 101480 which allows oversight of certain contaminated sites. In addition, in May 2008, (DTSC delegated corrective action oversight authority to the LACoFD Health Hazardous Materials Division under Chapter 6.5 of (Footnote continued on next page)*

Mitigation Unit confirmed that the known site contamination had been satisfactorily assessed for commercial/industrial site use as long as the Notice requirements and restrictions are adhered to.<sup>21</sup> The Site Mitigation Unit had no further requirement or restriction related to the Project Site.

### (5) Polychlorinated Biphenyls (PCBs)

Typical sources of PCBs include electrical transformer cooling oils, fluorescent light fixture ballasts, and hydraulic oil. In 1979, 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 parts per million (ppm) of PCBs are also subject to USEPA regulations.<sup>22</sup> By 1985, the USEPA required that commercial property owners with transformers containing more than 500 ppm of PCBs must register the transformer with the local fire department, provide exterior labeling, and remove combustible materials within five meters (40 CFR 761.30: "Fire Rule").

During the site reconnaissance, several pole-mounted transformers were found to be located on Bay Street and Sacramento Street. There was no indication of leaks or releases from electrical equipment. As the installation dates of the unit are unknown and may predate the 1979 federal ban on the manufacture of PCBs, it is possible that the transformer oils contain PCBs. Based on location, it is assumed that the Los Angeles Department of Water and Power (LADWP) owns the transformers.

### (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 1980s for a

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*Division 20 of California Health and Safety Code to implement corrective action under consent agreement at CUPA facilities within its jurisdiction. The Site Mitigation Unit operates within the jurisdiction of the Los Angeles County Certified Unified Program Agency and the cities of Santa Monica and Los Angeles. The voluntary oversight provides an option (in addition DTSC and Regional Water Quality Control Board programs) for County residents/businesses that seek oversight in a cost effective and timely manner.*

<sup>21</sup> County of Los Angeles Fire Department, Health Hazardous Material Division, Site Mitigation Unit, 2145 Sacramento Street and 2136 & 2159 Bay Street, Los Angeles, CA 90021 (SMU File #17-1096/RO0001714), correspondence dated December 26, 2018. See Appendix G of this Draft EIR.

<sup>22</sup> U.S. Environmental Protection Agency, PCBs Questions & Answers, <https://19january2017snapshot.epa.gov/www3/region9/pcbs/faq.html>, accessed January 28, 2022.

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.

The buildings on the Project Site were constructed between 1923 and 1955, which was before asbestos was phased out of use in many building material applications. According to the Phase I ESA, a separate report was completed in 2014 specifically for the 2145-2161 Sacramento Street building. As discussed therein, a visual survey and limited sampling for asbestos were conducted in 1990. This visual survey did not indicate the presence of asbestos-containing materials, except for a small area of vinyl floor tile and mastic in one unit. A bulk sample of tile was reportedly collected during the survey and analyzed for asbestos-containing materials. While the sampling results were not provided, the area of tile was reportedly removed.

There are no regulatory requirements to remove presumed or suspect asbestos-containing materials or evaluate whether building materials contain asbestos unless the materials are damaged and have the potential to release fibers or the materials have the potential to be disturbed during renovation or demolition activities. According to the report completed in 2014, no obviously damaged building materials were observed.

### (7) Lead-Based Paint (LBP)

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 and through the 1940s. While other pigments were used the 1950s, the use of lead in paint continued until the early 1970s. In 1978, the Consumer Products Safety Commission banned paint and other surfacing coating materials that are “lead-containing paint.” 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. Based on the construction dates of the buildings between 1923 and the 1950s, it is possible LBP was used historically on facility structures.

### (8) Oil Wells and Methane Gas

A review of the State of California Division of Oil, Gas, and Geothermal Resources (DOGGR) Online Mapping System determined that the Project Site does not contain any oil

wells.<sup>23</sup> Based on the Safety Element, the Project Site is not located within an oil field or oil drilling area in the City.<sup>24</sup> In addition, as provided by the Geotechnical Assessment prepared for the Project by Geotechnologies, Inc. and included as Appendix G of this Draft EIR, the Project Site is not located within a Methane Zone or Methane Buffer Zone designated by the City.

### (9) Other Site Conditions

According to Hyperloop One facility personnel, the existing buildings have not experienced problems with water intrusion in interior areas. In exterior areas, however, a minor flooding event occurred just north of the Sacramento Building, which resulted in the installation of a sump near the northeast corner of the Sacramento Building. Stormwater at the Project Site infiltrates into unpaved areas or enters storm drains and sumps in paved areas. These storm drains discharge the stormwater to the municipal storm sewer system. Air compressor condensate is discharged to the ground surface or is captured in buckets and later discharged to the storm drain.

Based on EDR database information related to radon, the Project Site is located in an area categorized as Zone 2, which indicates average indoor basement radon levels between 2 and 4 pCi/L. The USEPA's continuous exposure limit, which is the limit at which further testing or remedial action is suggested, is 4.0 pCi/L. This USEPA continuous exposure limit applies to residential, not commercial, properties. According to the California Radon database, radon did not exceed 4 pCi/L at two properties surveyed in the same zip code as the Project Site. A USEPA survey conducted in Los Angeles County found that the average radon level of a first floor room at 63 properties was 0.711 pCi/L.

## 3. Project Impacts

### a. Thresholds of Significance

In accordance with Appendix G of the State CEQA Guidelines, a 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***

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<sup>23</sup> DOGGR GIS, Well Finder, <https://maps.conservation.ca.gov/doggr/wellfinder/#openModal/-118.23534/34.03717/14>, accessed January 28, 2022.

<sup>24</sup> Los Angeles General Plan Safety Element, November 1996, Exhibit E, Oil Field & Oil Drilling Areas, p. 55.

**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)<sup>25</sup> and was followed by a Limited Phase II Subsurface Investigation (Phase II Investigation) prepared in response to RCs identified at the Project Site by the Phase I ESA.<sup>26</sup> 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 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;

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<sup>25</sup> *This publication by the American Society for Testing and Materials (ASTM) defines good commercial and customary practice in the United States of America for conducting an environmental site assessment of a parcel of commercial real estate with respect to the range of contaminants within the scope of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C. §9601) and petroleum products.*

<sup>26</sup> *The initial Limited Phase II Subsurface Investigation included shallow soil and soil vapor sampling in areas not previously investigated and the potential presence of USTS. Based on the results, subsequent Phase II activities included deeper soil and soil vapor sampling, and finally groundwater sampling to follow up on the findings of the two phases of soil and soil vapor sampling. See the Limited Phase II Subsurface Investigation, included in Appendix G of this Draft EIR, for further discussion, including identification of the specific analysis standards and guidelines (i.e., USEPA, Cal/EPA, DTSC, LARWQCB, etc.) followed in the investigation.*

- Interviews with Project Site facility personnel;<sup>27</sup>
- 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 reports;
- Review of previous environmental reports prepared for the Project Site and adjacent parcels;
- Drilling and sampling activities;
- Laboratory analyses and data evaluation; and
- Written correspondence from the County of Los Angeles Fire Department.

The Phase I ESA, Phase II Investigation, Source Area Removal Report, and County of Los Angeles Fire Department correspondence 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?***

As discussed in Section VI, Other CEQA Considerations, of this Draft EIR, and evaluated in the Initial Study for the Project, which is included in Appendix A of this Draft EIR, the types and amounts of hazardous materials that would be used during Project construction and operation would be typical of those utilized for commercial developments. All potentially hazardous materials to be used during Project construction and operation would be contained, stored, and used in accordance with manufacturers' instructions and handled in accordance with all applicable standards and regulations, including but not limited to, those set forth by the federal and California Occupational Safety and Health

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<sup>27</sup> *Hyperloop One facility personnel included Brandon Polley, Operations Manager; Joe Mullin, Director of Facilities; and David Coronella, Facilities Manager.*

Acts. Such requirements include obtaining material safety data sheets from chemical manufacturers, making these data sheets available to employees, labeling chemical containers in the workplace, developing and maintaining a written hazard communication program, and developing and implementing programs to train employees about hazardous materials. Any associated risk would be adequately reduced to a less than significant level through compliance with these standards and regulations. **Therefore, impacts related to Threshold (a) would be less than significant, and no further analysis of this issue is required.**

***Threshold (b): Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?***

### (1) Impact Analysis

#### *(a) Construction*

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

During demolition, excavation, on-site grading, and building construction, hazardous materials, such as fuel and oils associated with construction equipment, as well as coatings, paints, adhesives, and caustic or acidic cleaners, 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. Accordingly, 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.

According to the 2016 Phase I ESA, Phase II subsurface soil sampling was conducted in 2015 which detected residual soil contamination at the Project Site, including VOCs (primarily tetrachloroethene [PCE], trichloroethene [TCE], 1,1,1-trichloroethane [1,1,1-TCA] and TPH, as well as lead and arsenic, that collectively constitute a REC at the

Project Site.<sup>28</sup> However, as indicated in the 2017 Source Area Removal Report included in Appendix G of this Draft EIR: (1) remediation of soil contamination at the Project Site has been completed under a 2017 Source Area Removal Work Plan approved by the Los Angeles County Fire Department (LACFD); (2) a site-wide Closure Report incorporating all environmental investigations and remediation performed to date will be submitted to LACFD in which a No Further Action (NFA) designation request will be made; and (3) LACFD will either issue the requested NFA or require further remediation, if needed, before issuing the NFA.<sup>29</sup> Therefore, the Project 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 contaminated soil.

**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, and impacts associated with hazardous waste generation, handling, and disposal during construction would be less than significant.**

*(ii) Underground and Aboveground Storage Tanks*

As discussed above, according to the Phase I ESA, one diesel UST was formerly located at the Project Site and was removed in approximately 1990. Following the completion of the Phase II Investigation, soil was excavated in accordance with a soil management plan, and a subsurface metallic object was removed. In December 2018, the Site Mitigation Unit of the County of Los Angeles Fire Department's Health Hazardous Materials Division completed its review of the source area and soil removal reports and the existing site conditions and confirmed that the known site contamination had been satisfactorily assessed for commercial/industrial site use. This source area removal did not encounter USTs.<sup>30</sup> In the unlikely event that USTs are found, suspect materials would be removed in accordance with all applicable federal, state, and local regulations, and applicable permits would be obtained from the LAFD prior to removal. **Therefore, with compliance with applicable regulations, 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**

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<sup>28</sup> *Ramboll Environ US Corporation, Phase I Environmental Site Assessment, Sacramento-Bay (2145-2161 Sacramento Street, 2136 & 2159 Bay Street), pgs. 2 and 25, October 2016. Included in Appendix G of this Draft EIR.*

<sup>29</sup> *Ramboll Environ US Corporation, Source Area Removal Report, Sacramento-Bay Property (2145-2161 Sacramento Street, 2136 & 2159 Bay Street), p.1, October 2016. Included in Appendix G of this Draft EIR.*

<sup>31</sup> *Note that being listed within any of these lists does not imply that an environmental problem exists presently or has existed in the past.*

**environment, and impacts related to the potential removal of USTs during construction would be less than significant.**

*(iii) Polychlorinated Biphenyls*

The Project would not require removal of several pole-mounted transformers located on Bay Street and Sacramento Street. In addition, during construction of the proposed buildings, the Project would maintain a 15-foot clearance radius from the centerline of the power poles to the proposed buildings. Notwithstanding, in the event that PCBs are found within areas that are proposed for demolition, suspect materials would be removed in accordance with all applicable federal, state, and local regulations. **Therefore, with compliance with applicable regulations, 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 impacts related to the removal of PCBs during demolition would be less than significant.**

*(iv) Asbestos-Containing Materials*

In accordance with SCAQMD Rule 1403, the Project Applicant would be required to conduct a comprehensive asbestos survey prior to demolition, subject to approval by the City of Los Angeles Department of Building and Safety. In the event that asbestos-containing materials are found on-site, suspect materials would be removed by a certified asbestos abatement contractor in accordance with applicable regulations. With compliance with relevant regulations and requirements, Project construction activities would not expose people to a substantial risk resulting from the release of asbestos fibers into the environment. **Therefore, with compliance with applicable regulations, 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 impacts related to the removal of asbestos-containing materials during demolition would be less than significant.**

*(v) Lead-Based Paint*

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

requirements, Project construction activities would not expose people to a substantial risk resulting from the release of LBP into the environment. **Therefore, with compliance with applicable regulations, 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 impacts related to the removal of LBP during demolition would be less than significant.**

*(vi) Oil Wells and Methane Gas*

As discussed above, according to the State of California DOGGR Online Mapping System, the Project Site does not contain any oil wells. According to the Project's Geotechnical Assessment, the Project Site is not located within a Methane Zone or Methane Buffer Zone designated by the City. **Therefore, 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 impacts associated with oil wells or methane zone would be less than significant.**

*(b) Operation*

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

As discussed above, the Project Site is currently developed with three buildings and smaller structures for light industrial engineering and test development operations, office operations, and fabrication and machining operations. Buildout of the Project would replace such uses with offices, commercial retail/restaurant uses, and event and meeting spaces. As such, the Project would replace the current industrial uses with non-industrial uses that would reduce the usage of hazardous materials on-site. The Project would use potentially hazardous materials, including those used for building and ground maintenance, cleaning solvents, and pesticides for landscaping. Activities involving the handling and disposal of hazardous wastes would occur in compliance with all applicable federal, state, and local requirements concerning the handling and disposal of hazardous waste. **Therefore, with compliance with relevant regulations and requirements, operational activities would not 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 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 retail/restaurant uses. The Project does not propose the installation of USTs or ASTs. **As such, operation of the**

**Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, and impacts associated with USTs and ASTs during operation of the Project would be less than significant.**

*(iii) 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. **Therefore, 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 related to PCBs during Project operation would occur.**

*(iv) Asbestos-Containing Materials*

As mentioned above, in the event that ACMs are found on-site during construction, suspect materials would be removed by a certified asbestos abatement contractor in accordance with applicable regulations. In addition, development of the Project would include the use of commercially-sold construction materials without asbestos or ACMs. Therefore, any potential for the occurrence of friable materials or ACMs during Project operation would be eliminated. **Therefore, operation of the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, and no impacts associated with asbestos or ACMs during operation of the Project would occur.**

*(v) Lead-Based Paint*

As mentioned above, in the event that LBP is found prior to demolition activities, suspect materials would be removed in accordance with procedural requirements and regulations for the proper removal and disposal of LBP. In addition, development of the Project would include the use of commercially-sold construction materials without LBP. Therefore, any potential for the occurrence of LBP during Project operation would be eliminated. Operation of the Project would not expose people to LBP as no LBPs would be used. **Thus, the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, and impacts associated with LBP during operation of the Project would not occur.**

(vi) *Oil Wells and Methane Gas*

The Project would not involve any installation of oil wells. As discussed above, the Project Site is not located within a City-designated Methane Zone or Methane Buffer Zone. As such, the Project would not require any site-specific methane soil gas testing. **Thus, 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 or methane gas into the environment. Therefore, impacts with respect to oil wells or methane gas during operation would not occur.**

(2) Mitigation Measures

Project-level impacts related to the creation of 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 would be less than significant. Therefore, no mitigation measures are required.

(3) Level of Significance After Mitigation

Project-level impacts related to the creation of 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 would be less than significant. 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 0.25 mile of an existing or proposed school?***

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

***Threshold (d): Is the Project located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?***

### (1) Impact Analysis

As discussed above, based on the EDR database records search, the Project Site is listed on six databases, including SWEEPS UST, HIST UST, CA FID UST, CHMIRS, NPDES Permits Listing, and HAZNET.<sup>31</sup> These were listed under HBCC. However, the records do not indicate whether the features were aboveground or underground. Thus, a Phase II Investigation was conducted in 2016. As described in response to Threshold (b) above, following recommendations from the Phase II Investigation, a subsurface metallic object was removed and soil was excavated in accordance with a soil management plan.<sup>32</sup> In December 2018, the Site Mitigation Unit of the County of Los Angeles Fire Department's Health Hazardous Materials Division confirmed that the known site contamination had been satisfactorily assessed for commercial/industrial site use (see Appendix G). For any unidentified conditions or future operation that could pose an environmental concern, the Project would comply with the California Health and Safety Code, State Water Code, or other applicable laws and regulations. **Based on these listings, the Phase II Investigation, and the subsequent source and soil removal 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.**

### (2) Mitigation Measures

Project-level impacts related to the creation of a significant hazard to the public or the environment caused in whole or in part from the Project's exacerbation of existing environmental conditions would be less than significant. Therefore, no mitigation measures are required.

### (3) Level of Significance After Mitigation

Project-level impacts related to the creation of a significant hazard to the public or the environment caused in whole or in part from the Project's exacerbation of existing environmental conditions would be less than significant. Therefore, no mitigation measures were required or included, and the impact level remains less than significant.

***Threshold (e): Is the Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or***

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<sup>31</sup> Note that being listed within any of these lists does not imply that an environmental problem exists presently or has existed in the past.

<sup>32</sup> Ramboll Environ, *Source Area Removal Report, Sacramento Street Property, LP, 2145-2161 Sacramento Street and, 2136 and 2159 Bay Street, Los Angeles, California, November 28, 2017. Included as Appendix G of this Draft EIR.*

***public use airport, and would 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 the Initial Study included as Appendix A of this Draft EIR, the Project Site is not located within 2 miles of an airport or within an area subject to an airport land use plan. **Therefore, no impact related to Threshold (e) would occur, and no further analysis of this issue 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 the Initial Study included as Appendix A of this Draft EIR, the nearest disaster routes to the Project Site are the Hollywood Freeway (US-101), the Santa Monica Freeway (I-10), and the Golden State Freeway (I-5), which are all accessible within less than 1 mile of the Project Site. Alameda Street is also a designated disaster route located approximately 0.5 mile east of the Project Site.<sup>33</sup> While it is expected that the majority of construction activities for the Project would be confined to the Project Site, limited off-site construction activities may occur in adjacent street rights-of-way during certain periods of the day, which could potentially require temporary lane closures. However, if lane closures are necessary, the remaining travel lanes would be maintained in accordance with standard construction management plans that would be implemented to ensure adequate circulation and emergency access.

Operation of the Project would generate traffic in the Project vicinity and would result in some modifications to site access. However, the Project would comply with LAFD access requirements and would not impede emergency access within the Project vicinity. Furthermore, as discussed above, the closest disaster routes include Alameda Street, US-101, I-10, and I-5, which are all less than 1 mile from the Project Site. The Project would not cause an impediment along the City's designated disaster routes or impair the implementation of the City's emergency response plan.

**Therefore, impacts related to Threshold (f) would be less than significant, and no further analysis of this issue is required.**

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<sup>33</sup> *Los Angeles General Plan Safety Element, November 1996, Exhibit H, Critical Facilities and Lifeline Systems, p. 61.*

***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 the Initial Study included as Appendix A of this Draft EIR, the Project Site is not located within a City-designated Very High Fire Hazard Severity Zone, nor is it located within a City-designated fire buffer zone.<sup>34,35</sup> **Therefore, the Project would not expose people or structures, directly or indirectly, to a significant risk of loss, injury, or death as a result of exposure to wildland fires. Impacts regarding Threshold (g) would be less than significant, and no further analysis of this issue is required.**

## **e. Cumulative Impacts**

### **(1) Impact Analysis**

As indicated in Section III, Environmental Setting, of this Draft EIR, there are 73 related projects in the vicinity of the Project Site. Development of the Project in combination with the related projects has the potential to increase the risk for an accidental release of hazardous materials. Each of the related projects would require evaluation for potential threats to public safety, including those associated with the use, storage, and/or disposal of hazardous materials, asbestos-containing materials, LBP, PCBs, and oil and gas and would be required to comply with all applicable local, state, and federal laws, rules and regulations, as discussed above for the Project. Because environmental safety issues are largely site-specific, this evaluation would occur on a case-by-case basis for each individual project affected, in conjunction with development proposals on these properties. **Therefore, with full compliance with all applicable local, state, and federal laws, rules and regulations, as well as implementation of site-specific recommendations for the related projects and Project, significant cumulative impacts related to hazards and hazardous materials would not occur. As such, the Project's contribution would not be cumulatively considerable and cumulative impacts would be less than significant.**

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<sup>34</sup> City of Los Angeles Department of City Planning, ZIMAS, Parcel Profile Report, <http://zimas.lacity.org/>, accessed September 27, 2022. The Very High Fire Hazard Severity Zone was first established in the City of Los Angeles in 1999 and replaced the older "Mountain Fire District" and "Buffer Zone" shown on Exhibit D of the Los Angeles General Plan Safety Element.

<sup>35</sup> City of Los Angeles, Safety Element of the Los Angeles City General Plan, November 26, 1996, Exhibit D, p. 53.

## (2) Mitigation Measures

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

## (3) Level of Significance After Mitigation

Cumulative impacts with regard to the use and presence of hazards and hazardous materials would be less than significant. Therefore, no mitigation measures were required or included, and the impact level remains less than significant.