

5. Environmental Analysis

5.8 HAZARDS AND HAZARDOUS MATERIALS

This section evaluates the potential impacts of the proposed project on human health and the environment due to exposure to hazardous materials or conditions associated with the project site, project construction, and project operations. Potential project impacts and appropriate mitigation measures or standard conditions are included as necessary. The analysis in this section is based, in part, upon the following source(s):

- *Phase I Environmental Site Assessment, 6501 Through 6513 East Serrano Avenue, Anaheim, California*, Leighton and Associates, Inc., September 21, 2018.

A complete copy of this study is included as Appendix I to this Draft EIR.

5.8.1 Environmental Setting

5.8.1.1 REGULATORY BACKGROUND

Hazardous materials refer generally to hazardous substances that exhibit corrosive, poisonous, flammable, and/or reactive properties and have the potential to harm human health and/or the environment. Hazardous materials are used in products (household cleaners, industrial solvents, paint, pesticides, etc.) and in the manufacturing of products (e.g., electronics, newspapers, plastic products). Hazardous materials can include petroleum, natural gas, synthetic gas, acutely toxic chemicals, and other toxic chemicals that are used in agriculture, commercial, and industrial uses; businesses; hospitals; and households. Accidental releases of hazardous materials can occur from a variety of causes, including highway incidents, warehouse fires, train derailments, shipping accidents, and industrial incidents.

Responsible agencies that regulate hazardous materials and waste include federal and state agencies.

United States Environmental Protection Agency: The EPA is the primary federal agency that regulates hazardous materials and waste. In general, the EPA works to develop and enforce regulations that implement environmental laws enacted by Congress. The agency is responsible for researching and setting national standards for a variety of environmental programs and delegates to states and tribes the responsibility for issuing permits and for monitoring and enforcing compliance. EPA programs promote handling hazardous wastes safely, cleaning up contaminated land, and reducing trash. Under the authority of the Resource Conservation and Recovery Act (RCRA) and in cooperation with state and tribal partners, the EPA's Waste Management Division manages a hazardous waste program, an underground storage tank program, and a solid waste program that includes development of waste reduction strategies such as recycling.

California Environmental Protection Agency: CalEPA was created in 1991 by Governor's Executive Order. Under the CalEPA umbrella, there are six boards and departments—Air Resources Board, Department of Resources Recycling and Recovery, Department of Pesticides Regulations, Department of Toxic Substances Control (DTSC), Office of Environmental Health Hazard Assessment, and State Water Resources Control Board—to create a cabinet-level voice for the protection of human health and the environment and to assure the coordinated deployment of state resources. CalEPA oversees the unified hazardous waste and hazardous materials management regulatory program.

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California Department of Toxic Substances Control: DTSC is a department of CalEPA, which authorizes DTSC to administer the RCRA program in California to protect people from exposure to hazardous wastes. The department regulates hazardous waste, cleans up existing contamination, and implements regulations to control and reduce the hazardous waste produced in California primarily under the authority of RCRA and in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (Title 22, California Code of Regulations, Divisions 4 and 4.5). Permitting, inspection, compliance, and corrective action programs ensure that people who manage hazardous waste follow state and federal requirements and other laws that affect hazardous waste specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning. Los Angeles County, including the City of Los Angeles, is in DTSC's Southern California region.

Federal and state statutes as well as local ordinances and plans regulate the use, storage, and transportation of hazardous materials and hazardous waste. These regulations can reduce the danger hazardous substances may pose to people and businesses under normal daily circumstances and as a result of emergencies and disasters.

Federal

Safety and Health Regulations for Construction

Title 26, Part 1926 of the Code of Federal Regulations (CFR) establishes standards for general safety and health provisions, occupational health and environmental controls, demolition, toxic and hazardous substances, and other aspects of construction work. For example, it establishes standards for general safety and health, such as development and maintenance of an effective fire protection and prevention program at the job site. It also establishes standards for occupational health and environmental controls, such as for exposure to lead and asbestos.

State

California Accidental Release Prevention Program

CalARP includes the Federal Accidental Release Prevention Program, with certain additions specific to California pursuant to Article 2, Chapter 6.95, of the Health and Safety Code. The purpose of the CalARP Program is to prevent the accidental releases of regulated substances. Businesses using regulated substances exceeding a threshold quantity are evaluated under this program to determine the potential for and impacts of accidental releases. Depending on the potential hazards, business owners may be required to develop and submit a risk management plan.

Business Plan Act

In recognition of the dangers associated with keeping hazardous substances, the state legislature has enacted several laws regulating the use and transport of identified hazardous materials. California's Hazardous Materials Release Response Plans and Inventory Law, sometimes called the "Business Plan Act," aims to minimize the potential for accidents involving hazardous materials and to facilitate an appropriate response to possible hazardous materials emergencies. The law requires businesses that use hazardous materials to provide inventories of those materials to designated emergency response agencies, to illustrate on a diagram where the

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materials are stored onsite, to prepare an emergency response plan, and to train employees to use the materials safely.

Hazardous Materials Transportation

Section 31303 of the California Vehicle Code and U.S. Department of Transportation regulations state that hazardous materials being directly transported from one location to another must use routes with the least overall travel time (e.g., major roadways/highways instead of local streets). The California Highway Patrol and California Department of Transportation are the enforcement agencies for hazardous materials transportation regulations. Transporters of hazardous materials and waste are responsible for complying with all applicable packaging, labeling, and shipping regulations.

Worker and Workplace Hazardous Materials Safety

Occupational safety standards in federal and state laws minimize worker safety risks from both physical and chemical hazards in the workplace. Cal/OSHA is responsible for developing and enforcing workplace safety standards and ensuring worker safety in the handling and use of hazardous materials. Among other requirements, Cal/OSHA obligates many businesses to prepare Injury and Illness Prevention Plans and Chemical Hygiene Plans. The Hazard Communication Standard requires that workers be informed of the hazards associated with the materials they handle. For example, manufacturers must appropriately label containers, Material Safety Data Sheets must be available in the workplace, and employers must properly train workers.

Hazardous Materials in Structures

Asbestos is regulated as a hazardous air pollutant under the Clean Air Act and is also regulated as a potential worker safety hazard under the authority of the federal Occupational Safety and Health Administration. Cal/OSHA considers asbestos-containing building material a hazardous substance when a bulk sample contains more than 0.1 percent asbestos by weight. Cal/OSHA requires that a qualified contractor licensed to handle asbestos materials handle any material containing more than 0.1 percent asbestos by weight. Any activity that involves cutting, grinding, or drilling during building renovation or demolition or relocation of underground utilities could release friable asbestos fibers unless proper precautions are taken.

Lead is regulated as a hazardous material, and inorganic lead is regulated as a toxic air contaminant. Lead-containing paints, according to Cal/OSHA, are defined as paints reported with any detectable levels of lead by paint chip analysis (8 CCR, Section 1532.1(d)). When disturbed for construction purposes, these surfaces are subject to Cal/OSHA exposure assessment requirements.

Several regulations and guidelines pertain to abatement of and protection from exposure to asbestos-containing materials (ACM) and lead-based paint (LBP):

- Lead-based paint
 - 8 CCR Subchapter 4 (Construction Safety Orders), Section 1532.1
 - Title 29 CFR 1926, Subpart D

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- Asbestos
 - 8 CCR Subchapter 4, Section 1529
 - 29 CFR 1926, Subpart Z
 - 40 CFR 61, Subpart M

These rules and regulations provide exposure limits, exposure monitoring, respiratory protection, and good working practice for workers exposed to lead and ACMs. In California, ACM and LBP abatement must be performed and monitored by contractors with appropriate certification from the California Department of Health Services. California Health and Safety Code Sections 17920.10 and 105255 require lead to be contained during demolition activities.

Polychlorinated biphenyls (PCBs) were commonly used in the small capacitor within fluorescent light ballasts. Ballasts manufactured through 1979 may contain PCBs. PCB regulations are included in 40 CFR 761, which requires the material to be incinerated. The entire lighting fixture does not need special handling and disposal as long as the ballast (electrical box) is not leaking. The nonleaking ballasts can be removed and recycled or disposed of properly.

Hazardous Waste Control

Health and Safety Code, Division 20, Chapter 6.5, and 22 CCR, Division 4.5, Environmental Health Standards for the Management of Hazardous Waste address how hazardous waste must be handled, stored, transported, treated, and disposed. They provide an effective process for hazardous waste management planning at the local level to ensure adequate handling, storing, transporting, treating, and disposing of hazardous materials.

5.8.1.2 EXISTING CONDITIONS

The Project Site is currently developed as a commercial center, constructed circa 1980, that consists of seven 1-story, multi-suite structures surrounded by asphalt-paved surface parking. The elevation of the Project Site is approximately 860 feet above mean sea level, and the topography slopes gently to the west-southwest. Existing tenants include the Orange County Performing Arts Academy, Kumon, a dentist office, several insurance offices, Bodies by Us (gym), a couple of salons, a martial arts studio, Aqua Duks (swim school), Green Earth Cleaners, and Serrano Heights Academy.

Because the existing buildings were constructed circa 1980, ACM, LBP, and PCBs are not concerns because they had been banned and phased out by then.

Standard Environmental Records Search Result

A search of selected government databases was conducted using the EDR database report system; the search is included as Appendix E of the Phase I, which is in Appendix I of DEIR. The listings searched are shown in Table 5.8-1, *Environmental Database Search*. As shown, the Project Site was not identified in any of the reviewed database lists. Additionally, no offsite properties with potential to adversely impact the Project Site were identified.

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Table 5.8-1 Environmental Database Search

Database Searched	Project Site Listed?
Federal National Priority List (NPL) site list	No
Federal Delisted NPL site list	No
Federal Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) list	No
Federal CERCLIS No Further Remedial Action Planned (NFRAP) site list	No
Federal Resource Conservation and Recovery Act (RCRA) Corrective Action Report (CORRACTS) facilities list	No
Federal RCRA non-CORRACTS Treatment, Storage, and Disposal (TSD) facilities list	No
Federal RCRA generators list	No
Federal institutional controls / engineering controls registries	No
Federal Emergency Response Notification System (ERNS) list	No
State- and tribal - equivalent NPL	No
State- and tribal - equivalent CERCLIS	No
State and tribal landfill and/or solid waste disposal site lists	No
State and tribal leaking storage tank lists	No
State and tribal registered storage tank lists	No
State and tribal voluntary cleanup sites	No
State and tribal Brownfields sites	No
US Brownfields A Listing of Brownfields Sites	No
Local Lists of Landfill / Solid Waste Disposal Sites	No
Local Lists of Hazardous waste / Contaminated Sites	No
Local Lists of Registered Storage Tanks	No
Local Land Records	No
Records of Emergency Release Reports	No
Other Ascertainable Records	No
EDR High Risk Historical Records	No
EDR Recovered Government Archives	No

Source: Leighton 2018.

5.8.1.3 SURROUNDING LAND USES

The Project Site is bordered to the north and east by residential properties; to the south by East Serrano Avenue, followed by residential properties; and to the west by Nohl Ranch Road, followed by a vacant lot. The Walnut Canyon Reservoir is approximately 0.6 mile northeast of the Project Site.

5.8.1.4 EMERGENCY MANAGEMENT AND PREPAREDNESS

The City’s Hazard Mitigation Plan was prepared in response to the Disaster Mitigation Act of 2000 (Public Law 106-390), which requires state and local governments to prepare hazard mitigation plans to document their hazard mitigation planning process and to identify hazards, potential losses, mitigation needs, goals, and strategies. The City of Anaheim released a draft 2015 hazard mitigation plan, but it has not yet been adopted

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by the City Council. The hazard mitigation plan identifies and assesses the community's risks for natural disasters and how to best minimize or manage those risks. It is a comprehensive review of the natural disasters that are most likely to occur in Anaheim and projects that the City can undertake to mitigate the risks.

The City also has an emergency operations plan that was adopted on May 9, 2017. The plan establishes a comprehensive framework of policy and guidance for emergency and disaster response operations. Identified hazards in the City include aircraft incidents, civil unrest, earthquakes, disease outbreak (large scale), flooding/dam failure, hazardous materials, stage III power outage, terrorism, high winds and tornado events, train derailment, urban and wildland fires, and vector control/agricultural emergency.

5.8.2 Thresholds of Significance

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

- H-1 Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- H-2 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.
- H-3 Emit hazardous emissions or handle hazardous or acutely hazardous materials, substance, or waste within one-quarter mile of an existing or proposed school.
- H-4 Be located on a site which is included on a list of hazardous materials compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment.
- H-5 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 result in a safety hazard or excessive noise for people residing or working in the project area.
- H-6 Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- H-7 Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

The Initial Study, included as Appendix A, substantiates that impacts associated with the following thresholds would be less than significant:

- Threshold H-1
- Threshold H-2
- Threshold H-4
- Threshold H-5

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These impacts will not be addressed in the following analysis.

5.8.3 Plans, Programs, and Policies

Regulatory Requirements

RR HAZ-1 In compliance with Health and Safety Code, Division 20, Chapter 6.5, and 22 CCR Division 4.5, Environmental Health Standards for the Management of Hazardous Waste, hazardous waste will be handled, stored, transported, treated, and disposed according to mandated laws and regulations found in these code sections. They provide an effective process for hazardous waste management planning at the local level to ensure adequate handling, storing, transporting, treating, and disposing of hazardous materials.

5.8.4 Environmental Impacts

A Phase I was prepared in order to identify recognized environmental conditions (RECs), historical RECs, or controlled RECs in connection with the Project Site, to the extent feasible and pursuant to the processes prescribed in ASTM International (ASTM) E1527-13. The Phase I scope of work included a reconnaissance-level visit for evidence of the release(s) of hazardous materials and petroleum products; records review (including review of previous environmental reports, selected governmental databases, and historical review); and interviews with the property owner and the property manager.

RECs are defined by ASTM E1527-13 as “the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. De minimis conditions are not RECs.”

Historical RECs are defined by ASTM E1527-13 as “a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls.”

Controlled RECs are defined by ASTM E1527-13 as “a REC resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls.”

According to the Phase I, the Project Site was undeveloped vacant land from 1896 to 1980, and the existing commercial center was developed in 1980s, and no RECs, historical RECs, or controlled RECs were identified in connection with the Project Site.

5.8.4.1 IMPACT ANALYSIS

The following impact analysis addresses thresholds of significance for which the Initial Study disclosed potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

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Impact 5.8.1: The Proposed Project would not result in hazardous emissions or handle hazardous or acutely hazardous materials, substance, or waste within one-quarter mile of an existing or proposed school. [Threshold H-3]

Anaheim Hills Elementary School is within one-quarter mile of the Project Site. However, the Proposed Project involves development and operation of residential uses, and residential uses are not known to emit hazardous emissions or handle hazardous materials. And any handling, storing, transporting, treating, or disposing of hazardous materials are required to follow appropriate sections of Health and Safety Code as identified in RR HAZ-1. Moreover, as discussed in Section 5.2, *Air Quality*, the Proposed Project is not anticipated to emit hazardous emissions that would exceed the applicable threshold levels during construction or operation. The Proposed Project would not expose any sensitive receptors to significant concentrations of air pollutants, and impacts would not be significant.

Level of Significance Before Mitigation: Less than significant.

Impact 5.8-2: Project development would not impair implementation of or physically interfere with an adopted emergency responder or evacuation plan. [Threshold H-6]

The Proposed Project would result in a net decrease in traffic volumes and would not conflict with any adopted emergency response or evacuation plans. The Project Site's surrounding roadways would continue to provide emergency access through the Project area and to surrounding properties during the Project's construction. According to the traffic study by LSA (see DEIR Appendix O), the Proposed Project would result in a net decrease in trips as residential uses replace commercial uses. Therefore, the Project would not interfere with an adopted emergency responder or evacuation plan.

During the construction phase, construction-related activities could interfere with an adopted emergency response plan and/or with the daily operations of Anaheim Fire and Rescue. Construction-related trips involve construction worker trips, large trucks hauling soil and debris from the site, trucks delivering construction equipment to/from the site, and large trucks delivering concrete and other construction materials. These trips could potentially interfere with the area traffic during emergency situations.

Level of Significance Before Mitigation: Potentially Significant.

Impact 5.8-3: The Proposed Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. [Threshold H-7]

The Project Site and its vicinity are within a Very High Fire Hazard Severity Zone or a Special Protection Area identified by the Anaheim General Plan Safety Element, Figure S-5, Fire Protection Areas. However, the Project Site is already developed with urban uses and already being served by Anaheim Fire and Rescue (AFR). The proposed development would not convert any wildlands or open space to expose additional properties or people to wildland fire threats. Development of the Proposed Project would be required to comply with the California Building Code Chapter 7A requiring new buildings in Very High Fire Hazard Severity Zones to use ignition-resistant construction methods and materials. According to the emergency operations plan, the City

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experiences wildland fires from small localized fires to severe urban/wildland fires that cover thousands of acres. The reasons for difficulty in controlling wildland fires are:

- Adverse weather conditions
- Large quantities of combustible fuel
- Inaccessible terrain
- Water supplies
- Topography
- Increase of wildland and urban interfaces

The Project Site is fully developed, and the above-listed difficulties associated with wildland fires would not be increased by Project implementation, therefore, would not expose people or structures to significant risks associated with wildland fires.

The major objective of wildland fire defense planning is to prevent wildland fires from starting and, if unsuccessful, to minimize their damage to natural resources and structures. Some of the more successful programs currently in effect that contribute to the success of wildland fire prevention activities include:

- Closure of public access to land in hazardous fire areas
- Construction and maintenance of community and private fuel modification zones
- Weed abatement program
- Fire prevention education programs
- Hazard reduction inspection program
- California Fire Code enhancements
- California Building Standards Code enhancements

The Proposed Project would be constructed in compliance with the most recently adopted fire and building codes. The Project Site is already developed, and no fuel modification or weed abatement programs are necessary to reduce vegetation onsite. Oversight by AFR would also ensure the required number of fire hydrants and required water flows. The Proposed Project would not increase the existing wildland fire threats in the area, and would not expose increased number of structures or people to wildfire risks. Impacts would not be significant.

Level of Significance Before Mitigation: Less than significant.

5.8.5 Cumulative Impacts

The hazardous materials study area considered for cumulative impacts is within approximately one mile of the Project Site. There is one development project under review within one mile of the Project Site on upgradient from the Project Site and there are no facilities in the Project vicinity that are on the hazardous materials sites listings (Anaheim 2019, LSA 2018). The Proposed Project, and other projects in the Project vicinity would not use, store, transport, and dispose of increased amounts of hazardous materials and thus could pose substantial risks to the public and the environment. As with the Proposed Project, the use, storage, transport, and disposal

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of hazardous materials by other projects would conform with regulations of multiple agencies. Cumulative impacts would be less than significant after compliance with such regulations, and Project impacts would not be cumulatively considerable.

The Proposed Project would result in a net reduction in long-term vehicle trips, therefore, combined with other projects in the area, the Proposed Project would not contribute substantially to inadequate operation or interference of emergency evacuation plan. Additionally, although the Proposed Project and other projects in the vicinity could increase construction-related traffic, therefore, impact emergency access and evacuation plans, as with the Proposed Project, other project would also be required to prepare and implement worksite staging and traffic control plan, reviewed and approved by the City prior to the start of any construction work. Provided that each construction site is managed and worksite staging and traffic control plan are reviewed and approved by the City, no cumulatively significant impacts to emergency evacuation plan are anticipated. Impacts would be less than significant, cumulatively.

Level of Significance Before Mitigation: Less than significant.

5.8.6 Level of Significance Before Mitigation

Upon implementation of regulatory requirements and standard conditions of approval, some impacts would be less than significant: 5.8-1 and 5.8-3.

Without mitigation, this impact would be **potentially significant**:

- **Impact 5.8-2** The Proposed Project could potentially impair an adopted emergency response plan or emergency evacuation plan during construction.

5.8.7 Mitigation Measures

Impact 5.8-2

HAZ-1 A site-specific construction worksite staging and traffic control plan shall be prepared and submitted to the City of Anaheim for review and approval prior to the start of any construction work. This plan shall include such elements as the location of any potential partial lane closures, hours during which lane closures (if any) would not be allowed, local traffic detours (if any), protective devices and traffic controls (such as barricades, cones, flag persons, lights, warning beacons, temporary traffic signals, warning signs). The Proposed Project will be required to comply with the City-approved plan measures.

5.8.8 Level of Significance After Mitigation

Impact 5.8-2

Mitigation Measure HAZ-1 is necessary to ensure that construction staging and traffic control plans are prepared and implemented. This plan will indicate on- or offsite construction staging areas, any potential for full or partial lane closures, hours during which lane closures (if any) would not be allowed, local traffic detours

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(if any), and protective devices and traffic controls (such as barricades, cones, flag persons, lights, warning beacons, temporary traffic signals, warning signs). Provided that site-specific construction worksite staging and traffic control plans are approved and implemented, the Proposed Project would not adversely impact or physically interfere with an adopted emergency responder or evacuation plan. Additionally, construction would be temporary, approximately two years, and would occur only between the hours of 7:00 AM and 7:00 PM, from Monday through Saturday. No construction is allowed at any time on Sundays or federally recognized holidays. Therefore, with Mitigation Measure HAZ-1, impacts would be less than significant, and no significant and unavoidable adverse impacts would remain.

5.8.9 References

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