

## 3.7 Hazards and Hazardous Materials

This chapter describes the environmental and regulatory setting for hazards and hazardous materials. It also describes impacts on hazards and hazardous materials that would result from implementation of the proposed Project (Project).

A hazardous material is any substance that, because of its quantity, concentration, or physical or chemical properties, may pose a hazard to human health and the environment. Under *California Code of Regulations* (CCR) Title 22, the term “hazardous substance” refers to both hazardous materials and hazardous wastes. Both of these are classified according to four properties: (1) toxicity, (2) ignitability, (3) corrosiveness, and (4) reactivity (CCR Title 22, Chapter 11). A hazardous material is defined in CCR Title 22 as:

[a] substance or combination of substances which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may either (1) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (2) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of or otherwise managed (CCR Title 22 Section 66260.10).

Hazardous materials in various forms can cause death, serious injury, long-lasting health effects, and damage to buildings, homes, and other property. Hazards to human health and the environment can occur during production, storage, transportation, use, or disposal of hazardous materials.

Hazardous materials information in this chapter is based in part on the *Preliminary Geologic Hazards Evaluation City of Los Angeles Sidewalk Repair Program Los Angeles, California*, prepared by Ninyo & Moore in February of 2018 (see *Appendix G*).

### 3.7.1 Regulatory Setting

#### 3.7.1.1 Federal

##### **Federal Toxic Substances Control Act/Resource Conservation and Recovery Act/Hazardous and Solid Waste Act**

The federal *Toxic Substances Control Act* (1976) (TSCA) and the *Resource Conservation and Recovery Act of 1976* (RCRA) established a U.S. Environmental Protection Agency (U.S. EPA)-administered program to regulate the generation, transport, treatment, storage, and disposal of hazardous waste. TSCA authorized the U.S. EPA to secure information on all new and existing chemical substances, as well as to control any of the substances that were determined to cause unreasonable risk to public health or the environment. The RCRA was amended in 1984 by the Hazardous and Solid Waste Act, which affirmed and extended the “cradle to grave” system of regulating hazardous wastes.

##### **Comprehensive Environmental Response, Compensation, and Liability Act/ Superfund Amendments and Reauthorization Act**

The *Comprehensive Environmental Response, Compensation, and Liability Act* (CERCLA), commonly known as “Superfund,” was enacted by Congress on December 11, 1980. This law (42 United States Code [USC] 103) provides 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, provides for liability of persons responsible for releases of hazardous waste at these sites, and establishes a trust fund to provide for cleanup when no responsible party can be identified. CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP (Title 40, Code of Federal Regulations [CFR], Part 300) provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, and/or contaminants. The NCP also established the National Priorities List. CERCLA was amended by the *Superfund Amendments and Reauthorization Act* on October 17, 1986.

### **The Emergency Planning and Community-Right-to-Know Act**

The Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 was created to help communities plan for chemical emergencies and to respond to concerns regarding environmental and safety hazards resulting from the storage and handling of toxic chemicals. EPCRA requires the reporting of storage, use, and releases of hazardous substances to the federal, state, and local governments.

### **Section 402 of the Clean Water Act: National Pollutant Discharge Elimination System Permits**

Section 402 establishes the National Pollutant Discharge Elimination System (NPDES), a permitting system for the discharges (except for dredge or fill material) of any pollutant into waters of the U.S. Regional Water Quality Control Board (RWQCBs) administer this permitting program in California. Section 402(p) requires permits for discharges of stormwater from industrial/construction and municipal separate storm sewer systems (MS4s). In addition, construction sites on an acre or greater of land are required to obtain an NPDES permit.

### **U.S. Environmental Protection Agency Human Health Risk Assessment Guidance**

The U.S. EPA developed guidance for conducting human health risk assessments, which include the following steps (U.S. EPA, 2016):

- **Planning:** Guidance for identifying at-risk populations, environmental hazards of concern, sources of environmental hazards, pathways of exposure, health effects, and duration of toxic effects.
- **Hazard Identification:** Guidance for determining whether exposure to a stressor can cause an increase in the incidence of specific health effects.
- **Dose-Response:** Guidance for determining the likelihood and severity of adverse health effects in response to the amount and condition of exposure to an agent.
- **Exposure Assessment:** Guidance for measuring or estimating the magnitude, frequency, and duration of human exposure to an agent in the environment or estimating future exposures for an agent that has not yet been released.
- **Risk Characterization:** Guidance for determining the nature and presence or absence of risks, describing how the risk was assessed, and disclosing where uncertainties still exist.

## **Occupational Safety and Health Administration**

The Occupational Safety and Health Administration's (OSHA's) mission is to ensure the safety and health of American workers by setting and enforcing standards; providing training, outreach, and education; establishing partnerships; and encouraging continual improvement in workplace safety and health. OSHA establishes and enforces protective standards and reaches out to employers and employees through technical assistance and consultation programs. OSHA standards are listed in 29 CFR 1910.

## **Department of Transportation Hazardous Materials Regulations (49 CFR 100–185)**

U.S. Department of Transportation (DOT) Hazardous Materials regulations cover all aspects of hazardous materials packaging, handling, and transportation. Some of the topics covered include; Parts 107 (Hazard Materials Program), 130 (Oil Spill Prevention and Response), 172 (Emergency Response), 173 (Packaging Requirements), 174 (Rail Transportation), 176 (Vessel Transportation), 177 (Highway Transportation), 178 (Packaging Specifications), and 180 (Packaging Maintenance).

### **3.7.1.2 State**

#### **California Environmental Protection Agency**

The California Environmental Protection Agency (CalEPA) was created in 1991. It unified California's environmental authority in a single cabinet-level agency and brought the California Air Resources Board, State Water Resources Control Board (SWRCB), RWQCB, CalRecycle, Department of Toxic Substances Control (DTSC), Office of Environmental Health Hazard Assessment, and Department of Pesticide Regulation under one agency. These agencies were placed under the CalEPA "umbrella" for the protection of human health and the environment to ensure the coordinated deployment of state resources. Their mission is to restore, protect, and enhance the environment and ensure public health, environmental quality, and economic vitality.

#### **Department of Toxic Substances Control**

DTSC, a department of CalEPA, is the primary agency in California for regulating hazardous waste, cleaning up existing contamination, and finding ways to reduce the amount of hazardous waste produced in California. DTSC regulates hazardous waste primarily under the authority of the federal RCRA and the California Health and Safety Code (primarily Division 20, Chapters 6.5 through 10.6, and CCR Title 22, Division 4.5). Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning. Title 22, Article 3 highlights the procedures of identifying hazardous waste into these 4 categories: ignitable, corrosive, reactive, and toxic. Article 5 categorizes hazardous waste into acutely hazardous waste, extremely hazardous waste, non-RCRA hazardous waste, RCRA hazardous waste, special waste, and universal waste. Title 22 of the CCR also underscores the guidelines for managing hazardous waste, which includes storing, housekeeping, record keeping, and inspecting waste (Department of Toxic Substances Control, 2002).

The DTSC Environmental Health Standards for the Management of Hazardous Waste is included in CCR, Title 22, Division 4.5. All hazardous waste generators must comply with the guidelines, which are enforced by DTSC, for identifying, labeling, accumulating, preparing, and preventing outcomes related to hazardous waste.

## **Cortese List**

Government Code 65962.5 requires CalEPA to develop a hazardous waste and substances site list (Cortese List), which includes: hazardous waste sites according to DTSC and the Health and Safety Code; contaminated public drinking water wells sites listed by the State Department of Health Services; Underground Storage Tank (UST) leaks, solid waste facilities, and hazardous waste sites listed by the SWRCB; and other sites as designated by various other state and local governments. Section 6592.5 requires that the Cortese list be at least annually updated. The Cortese List complies with the CEQA requirements in providing information about the location of hazardous materials release sites. Appendix E2 contains the list of Cortese sites in the City of Los Angeles (City) as of June 14, 2019, which serves as a representative list for purposes of this Draft EIR.

## **Porter-Cologne Water Quality Control Act**

The Porter-Cologne Water Quality Control Act restricts disposal of wastes or any other activity that may degrade waters of the state. The Act requires cleanup of wastes that are below hazardous concentrations but could impact ground and surface water quality (Section 13002). The Act established nine Region and State Water Boards, which are primarily responsible for protecting water quality in California. The Regional Water Boards regulate discharges by issuing permits through NPDES for waste discharge requirements for non-point source discharges. Anyone discharging materials or proposing to discharge materials that could affect water quality must file a report of waste discharge, unless the discharge would be into a community sewer system (SWRCB, 2014).

## **Hazardous Waste Control Act (Section 25100 et seq.)**

DTSC is responsible for enforcing the *Hazardous Waste Control Act* (California Health and Safety Code Section 25100 et seq.), which creates the framework under which hazardous wastes are managed in California. The law provides for the development of a state hazardous waste program that administers and implements the provisions of the federal RCRA cradle-to-grave waste management system in California. It also provides for the designation of California-only hazardous waste and development of standards that are equal to or, in some cases, more stringent than federal requirements.

## **Unified Hazardous Waste and Hazardous Materials Management Regulatory Program**

The *Unified Hazardous Waste and Hazardous Materials Management Regulatory Program* (Unified Program) (California Health and Safety Code, Chapter 6.11, Sections 25404–25404.9) provides authority to the Certified Unified Program Agency (CUPA). The CUPA for the City is the Los Angeles City Fire Department (City LAFD) Haz Mat Program. Further discussion is provided below in Local Section 3.7.1.3.

The Unified Program consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of the following hazardous materials programs: Site Mitigation Unit (SMU), Hazardous Materials Business Plan (HMBP) Program, California Accidental Release Prevention (CalARP) Program, UST Program, AST Program, Hazardous Waste Generator Program, and Hazardous Waste Tiered-Permitting Program.

## **California Code of Regulations, Title 8—Industrial Relations**

Occupational safety standards exist in federal and state laws to minimize worker safety risks from both physical and chemical hazards in the workplace. The California Division of Occupational Safety and Health (Cal OSHA) and the federal OSHA are the agencies responsible for assuring worker safety in the workplace. Cal OSHA assumes primary responsibility for developing and enforcing standards for safe workplaces and work practices. These standards would apply to construction activities.

### **California Labor Code (Division 5, Parts 1, 6, 7, and 7.5)**

The *California Labor Code* is a collection of regulations that include regulation of the workplace to ensure appropriate training on the use and handling of hazardous materials and operation of equipment and machines that use, store, transport, or dispose of hazardous materials. Division 5, Part 1, Chapter 2.5, ensures that employees who are in charge of handling hazardous materials are appropriately trained and informed with respect to the materials they handle. Division 5, Part 7, ensures that employees who work with volatile flammable liquids are outfitted with appropriate safety gear and clothing.

### **3.7.1.3 Regional**

#### **South Coast Air Quality Management District (SCAQMD) Rule 402-Nuisance**

See discussion in Air Quality 3.2.1.3

#### **SCAQMD Rule 403-Fugitive Dust**

See discussion in Air Quality 3.2.1.3

#### **SCAQMD Rule 404-Particulate Matter Concentrations (Rule 404)**

Rule 404 prohibits discharge into the atmosphere from any source, particulate matter in excess of the concentration at standard conditions. Discharge into the atmosphere from any source, particulate matter (PM) in excess of 450 milligrams per cubic meter (0.196 grain per cubic foot) in discharged gas calculated as dry gas at standard conditions are prohibited.

#### **SCAQMD Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil**

Rule 1166 was adopted by the SCAQMD on August 5, 1988 and subsequently amended in 1995 and 2001. The rule sets requirements to control the emission of Volatile Organic Compounds (VOC) during the excavating, grading, handling, and/or treating of VOC- contaminated soil. Prior to these activities, an approved mitigation plan must be obtained from SCAQMD.

#### **SCAQMD Rule 1403**

The purpose of this rule is to specify work practice requirements to limit asbestos emissions from building demolition and renovation activities, including the removal and associated disturbance of asbestos-containing materials (ACM), such as underground utility pipes, which may be applicable in some instances on the Project site. The requirements for demolition and renovation activities include asbestos surveying, notification, ACM removal procedures and time schedules, ACM

handling and clean-up procedures, and storage, disposal, and landfilling requirements for asbestos-containing waste materials (ACWM). All operators are required to maintain records, including waste shipment records, and are required to use appropriate warning labels, signs, and markings. Applicability of this rule, in whole or in part, is applicable to owners and operators of any demolition or renovation activity, and the associated disturbance of asbestos.

### 3.7.1.4 Local

#### City of Los Angeles Fire Department Haz Mat Program

The City LAFD provides emergency response and guidance to hazardous materials incidents within the City. The City LAFD Haz Mat Program utilizes a unified approach with allied agencies (i.e. Los Angeles County Fire Department or County LAFD) and many stakeholders to provide preparedness, prevention, response, mitigation and resiliency to hazardous materials emergencies. The City LAFD is an all-hazards response organization, and the Haz Mat Program is designed to address the natural, technological, or purposeful response challenges, including chemical, biological, radiological, nuclear and explosive (CBRNE) threats to our community and national security.

In compliance with California state guidelines, each governmental agency designated by the State of California as a CUPA is authorized to apply statewide standards to each facility within its jurisdiction that treats hazardous waste on site or generates hazardous waste, USTs, or stores hazardous materials. In May of 2008, DTSC delegated corrective action oversight authority under Chapter 6.5 of Division 20 of California Health and Safety Code to implement corrective action under consent agreement at CUPA facilities within its jurisdiction. CUPA's are mandated by the State to establish a single billing statement process for the collection of the fees and surcharges associated with the practices of each of the regulated businesses. The City LAFD is concerned with public safety and the environment as it relates to the management of hazardous materials and hazardous waste.

City LAFD and the Police Department (LAPD) are first responders if a hazardous-materials or a hazardous-waste release incident is reported via 911. They work with many partnering and supportive agencies. A step by step notification, the *Hazardous Materials Incident Contingency Plan* protocol is published by the California Office of Emergency Services (OES). An OES checklist form is contained in Appendix E1 and is available online at <https://www.caloes.ca.gov/cal-oes-divisions/fire-rescue/hazardous-materials/hazmat-publications>. The notification process begins with calling 911 whereby City LAFD is notified of all releases and includes other agency notifications, as necessary. Some of the key partnering and supportive agencies are described further below.

City Department of Public Works, Bureau of Sanitation (LASAN), Watershed Protection Division assists the City LAFD in ensuring that the quality of surface water and the watershed are protected during any hazardous materials incidents and response, including chemical and biological releases, such as biological waste from homeless occupancies.

Other partnering support comes from the County LAFD. In 1991, the responsibility for the Los Angeles County Hazardous Materials Control Program was transferred from the LA County Health Department to Deputy Health Officers at the County LAFD.<sup>1</sup> The County LAFD Deputy Health Officers assist the City

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<sup>1</sup> Guidelines of Director of Health Services and Forester and Fire Warden in Performance of Hazardous Materials Control Program Activities, February 17, 1998, as supplied by Deputy Fire Chief Fernando Florez, County LAFD, Health & Hazardous Materials Division, Emergency Operations Unit, July 12, 2019.

LAFD in matters regarding public health and hazardous materials and waste release per a 1997 Memorandum of Understanding (MOU) between the City LAFD and the County LAFD. Various CUPA responsibilities are outlined in this MOU; the County LAFD is identified as a CUPA Partnering Agency, in the areas of site mitigation, criminal investigations, and emergency response.<sup>2</sup> In addition, the LA County Public Health Department continues to provide the City with expertise in other areas of public health such as communicable diseases, pathogens, vector and rodent control, severe biological and toxicological threats (e.g., anthrax, etc.).<sup>3</sup> The LA County Public Health Department has been “Health Officer” for the City since 1964. In addition, the County LAFD, Health and Hazardous Materials Division provides Tier 2 hazardous waste assessment and mitigation services<sup>4</sup>

## City of Los Angeles General Plan Safety Element

### Hazard Mitigation

#### Goal 1

A city where potential injury, loss of life, property damage and disruption of the social and economic life of the city due to fire, water related hazard, seismic event, geologic conditions or release of hazardous materials disasters is minimized.

#### Policy 1.1.4

Health/environmental protection. Protect the public and workers from the release of hazardous materials and protect City water supplies and resources from contamination resulting from accidental release or intrusion resulting from a disaster event, including protection of the environment and public from potential health and safety hazards associated with program implementation.

## City of Los Angeles Emergency Operations Organization and Hazard Mitigation Plan

The Department of Emergency Operations Organization (EEO) within the City is responsible for the City's emergency preparations (planning, training and mitigation), response and recovery operations. The EEO is comprised of all agencies of the City's government and centralizes command and information coordination to enable its unified chain-of-command to operate efficiently and effectively in managing the City's resources.

- The 2018 Hazard Mitigation Plan (HMP) is prepared to lessen the vulnerability to disasters and to reduce risks from natural hazards. An HMP serves as a guide for decision makers as they commit City resources to minimize the effects of natural hazards. The HMP integrates with existing planning mechanisms such as building and zoning regulations, long-range planning mechanisms, and environmental planning. The planning process includes conducting a thorough hazard vulnerability analysis, creating community disaster mitigation priorities, and developing subsequent mitigation strategies and projects.

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<sup>2</sup> Memorandum of Understanding, Coordination of Unified Program Agency by the Los Angeles City Fire Department and Los Angeles County Fire Department, as supplied by Assistant Fire Chief Fernando Florez, County LAFD, Health & Hazardous Materials Division, Emergency Operations Unit, July 12, 2019.

<sup>3</sup> Telephone Communication with Assistant Fire Chief Fernando Florez and H. Froelich (LABOE) on July 12, 2019.

<sup>4</sup> *Notice of Approval for Tier 2 Level Implementation and Enforcement of Environmental Assessment and Corrective Action, Los Angeles County Fire Department Certified Unified Program Agency, Department of Toxic Substances Control, May 9, 2008.*

## 3.7.2 Environmental Setting

The City, located within Los Angeles County, covers 467 square miles, or 302,596 acres. Approximately 76 percent of the City is developed. The City is bordered by the cities of Calabasas, Hidden Hills, and Santa Monica to the west as well as the Pacific Ocean; the cities of Burbank, Glendale, and Pasadena as well as the Angeles National Forest to the north; the Cities of South Pasadena, Alhambra, Commerce, Vernon, and South Gate to the east; and Compton, Carson, Gardena, Inglewood, Culver City, and El Segundo to the south. In addition, West Hollywood, Beverly Hills, and San Fernando are islands within the City. Pockets of unincorporated Los Angeles County lie within and adjacent to the City.

### 3.7.2.1 Hazardous Materials

#### Historic Use

The City grew into an industrial center, starting in the late 1800s when several railroads selected it as their western terminus. In 1892, oil was discovered in what is now Downtown Los Angeles, and later in other areas of the City. During World War II, the City was a center for production of aircraft and war supplies. The postwar growth boomed in the City by continuing aircraft-related industries, oil production and refining, attracting automotive assembly plants, furniture production, clothing manufacturing, and many other industries that spread out along major thoroughfares. During this time, industrial growth occurred without regulation; homes and neighborhoods were sited without regard to proximity to industry. Defense industries commonly stored industrial solvents in ponds. Small businesses that utilized hazardous materials, including dry-cleaners, gas stations, automotive repair shops, and manufacturing facilities commonly disposed of petroleum products and other hazardous waste into the ground. Lead paint was used commonly and without regulation until 1978 in residential neighborhoods and public facilities. Sprawling agricultural land that preceded urban development was characterized by the use of organochlorine pesticides (OCPs) until the 1970s and 1980s. In 1976, government regulation addressed the use of polychlorinated biphenyls (PCBs), which are still commonly used in the manufacture and construction of transformers, electrical and hydraulic equipment, and some common household items. During the 1970s, the larger industries gradually left and government introduced regulations regarding disposal of hazardous materials. Through regulation and oversight, portions of the aforementioned contamination have been addressed and remediated, however, impacted sites (from historic and in some cases, more current hazardous materials use) continue to exist throughout the City.

#### Hazardous Materials and Current Land Use

Land use within the City is primarily residential, constituting 60 percent of all acreage. Public land is the second most common land use, representing 20 percent of acreage, while commercial and industrial land uses each represent 7 percent of acreage. It is anticipated that the Project would be implemented near a variety of land uses. Due to the nature of the land use, residential and public lands typically do not pose significant hazardous material impacts. Hazardous materials are not typically handled in significant amounts and materials used are typical for cleaning, maintenance, etc. and not materials classified as acutely hazardous. Industrial and commercial land use have a higher likelihood of hazardous materials impacts and are discussed in more detail below:



Industrial land use can encompass a wide range of business operations that have the potential to create hazardous materials impacts. Industrial facilities store hazardous materials in USTs and/or above ground storage tanks, and in designated storage locations. Age and improper maintenance of storage tanks have been common causes for soil and groundwater contamination. Improper handling and storage of hazardous material containers can lead to hazardous material incidents.

Commercial locations can include vehicle repair sites, gasoline fueling stations and dry-cleaning facilities. Like industrial facilities, some commercial sites often store hazardous materials in storage tanks and in designated areas within the facility. Hazardous materials spills and leaks in vehicle repair and fueling locations can lead to hydrocarbon impacted soil and groundwater. Improper storage and use of hazardous materials in dry cleaning facilities can lead to contaminated soil and groundwater.

The above land uses are examples of uses that would typically occur adjacent to the construction sites within the Project area.

### **Schools**

The City is primarily served by Los Angeles Unified School District (LAUSD); which is the second largest school district in the country. LAUSD enrolls more than 640,000 students in kindergarten through 12th grade, at over 900 schools, and 187 public charter schools with boundaries that spread over 720 square miles. The City consists of various private schools, daycare centers, after school centers, and other educational centers. Consequently, sidewalk repair could occur near a school or similar functioning use.

### **Emergency Response Plan**

The City LAFD is responsible for emergency medical services and fire protection in Los Angeles. In the event of an emergency, the City LAFD along with other City agencies would implement all appropriate emergency procedures outlined in the Hazard Mitigation Plan (described in more detail in Section 3.7.1, *Regulatory Setting*). The plan was implemented to reduce risks from disasters to the people, property, economy, and environment within the City.

### **Wildfire Hazards**

Wildfire hazards are discussed in Chapter 3.17, *Wildfire Hazards*.

## **3.7.3 Environmental Impact Analysis**

### **3.7.3.1 Approach**

Project Design Features, along with analysis of potential impacts related to hazards and hazardous materials were based in part on information presented in the *Preliminary Geologic Hazards Evaluation City of Los Angeles Sidewalk Repair Program Los Angeles, California*. Ninyo & Moore. February 2018 (see *Appendix G*).

### 3.7.3.2 Project Design Features

**PDF-HAZ-1:** For each proposed Project site a database search pursuant to California Government Code Section 65962.5 would be conducted to identify applicability of any regulatory requirements or hazardous material risks associated with the construction site or the adjacent sites.

**PDF-HAZ-2-**In events of spills, leaks, or other contamination, the protocols pursuant to the *Hazardous Materials Incident Contingency Plan* published by the California Office of Emergency Services would be followed. A checklist for protocol notification to the public agencies can be found in Appendix E1 and online at <https://www.caloes.ca.gov/cal-oes-divisions/fire-rescue/hazardous-materials/hazmat-publications>. This would include notification to the City LAFD, who would make recommendations as to which outside agencies, such as DTSC, RWQCB, Department of Health Services, etc., would be consulted.

**PDF-HAZ-3-**If a Project site is on a public right away and contains contaminated soil then work would be Pursuant to the BOE Standard Specification Section No. 02310 *Earthwork* Subsection No. 3.3, *Contaminated Soils*, which specifies the requirements and procedures, including handling and disposing of contaminated soils or debris encountered during site excavations would be implemented.

**PDF-HAZ-4-**If the Project site on a public right away contains contaminated ground water, BOE Standard Specification Section No. 02235 *Dewatering* would be implemented. This requires National Pollutant Discharge Elimination System (NPDES) permitting, and it also includes Waste Discharge Requirements (WDR) for discharges into the storm drain. If discharged to the sanitary sewer system, an Industrial Waste Permit through the Bureau of Sanitation would be implemented.

### Thresholds of Significance

The following City's 2006 *L.A. CEQA Thresholds Guide*, along with Appendix G of the CEQA Guidelines, guided the formulation of significance criteria to be considered for determining whether a project could have significant impacts related to hazards and hazardous materials.

A project impact would be considered significant if the following would occur as the result of construction or operation of the Project:

**HAZ-1:** Would the proposed Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions through the routine transport, use, or disposal of hazardous materials or handling in such a way as to involve the release of hazardous materials into the environment? *Appendix G of the CEQA Guidelines.*

**HAZ-2:** Would the proposed Project emit/handle/involve hazardous materials and/or waste within one-quarter mile of an existing or proposed school? *Project-Specific Threshold derived from Appendix G of the CEQA Guidelines.*

**HAZ-3:** Would the proposed Project be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? *Appendix G of the CEQA Guidelines.*

**HAZ-4:** Would the proposed Project hinder or impair an adopted emergency response or evacuation plan or route? *Project-Specific Threshold derived from Appendix G of the CEQA Guidelines.*

The Initial Study (Appendix A) considered the CEQA Guidelines Appendix G hazards and hazardous materials sample questions regarding airport land use plans, private airstrips, and wildland fires, and determined the impacts would be less than significant. Subsequent to the release of the Initial Study in 2017, the revised 2018 CEQA Guidelines modified Appendix G to move the private airstrip question to the noise chapter, and added a question regarding excessive noise in an airport land use plan; the noise analysis for the Project is provided in Chapter 3.10, *Noise*. Consistent with the analysis in the Initial Study and the *2006 L.A. CEQA Thresholds Guide* screening criteria, the continuing sidewalk repair activities under the Project would not result in a safety hazard in an airport land use plan or expose people or structures either directly or indirectly to significant risk from wildland fires, since the improvements such as repair and upgrades to pre-existing sidewalks would result in circumstances similar to existing conditions and would be temporary activities during construction. Therefore, there would be no significant impacts to airport land use plans and wildland fires from the Project, and no further analysis is provided in the Draft EIR.

### 3.7.3.3 Construction Impacts

**HAZ-1. Would the proposed Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions through the routine transport, use, or disposal of hazardous materials or handling in such a way as to involve the release of hazardous materials into the environment?**

**The impact would be less than significant.**

#### **Routine Transport, Use, Disposal, and Handling of Hazardous Materials**

The continuation of construction activities arising from the Project under all construction scenarios would involve routine transport, use, and disposal of hazardous materials such as solvents, paints, oils, and grease and materials that are typically used in construction projects. Such transport, use, and disposal would be compliant with applicable regulations such as those under RCRA, OSHA, DOT, California Labor Code, and the CCR.

Moreover, these hazardous materials are generally used in small amounts, and any spills that may occur would be contained and cleaned according to the Materials Safety Data Sheet in the appropriate manner. The City LAFD is the designated enforcement agency for the City that regulates hazardous materials identified by U.S. EPA and CalEPA. Any potential construction-related hazardous releases or emissions would be from commonly used materials such as grease, solvents, and paints and would not include substances listed in 40 CFR 355 Appendix A: Extremely Hazardous Substances and Their Threshold Planning Quantities. Any such releases would be small and localized. Any spills that may occur would be contained and cleaned according to the Materials Safety Data Sheet (MSDS)/Globally Harmonized System (GHS) in the appropriate manner.

#### **Other Releases of Hazardous Materials**

During excavation related to the continuing sidewalk repair construction under the Project, contaminated groundwater and/or contaminated soil may occasionally be encountered, which may involve a release of hazardous materials into the environment. The excavation depth associated with Scenario 1 is typically up to approximately 5 feet and the construction would be on existing sidewalk and curbs, which are not contaminated or have been remediated prior to the initial construction. Substantial utility work, along with sidewalk and curb repairs, would occur throughout the City within one-quarter of mile of an existing or proposed school over the life of the Project. The excavation depth

associated with this Scenario 2 could be up to 30 feet. The probability of encountering contamination during sidewalk construction work is very low based on the prior ongoing sidewalk repairs. If a potential impact is identified, its risk to the environment, including sensitive receptors, would be evaluated and PDF-HAZ-2 through PDF-HAZ 4 would be implemented as they are required under existing applicable law and regulation. These include and are not limited to those regulations and laws cited in the Section 3.7.1 and enforced by the corresponding and appropriate jurisdictional agency. Handling of hazardous materials and hazardous waste, in the City, for the Project, would follow all applicable federal, state and local regulations discussed under HAZ-1 and pursuant to PDF-HAZ 2 through PDF-HAZ 4 would be required per state regulations and BOE standards.

Specifically, if ground water is encountered as part of deep excavation and construction, then dewatering procedures described in PDF-HAZ-4 and permit requirements of the National Pollutant Discharge Elimination System (NPDES) would be applicable. Discharges of treated or untreated groundwater generated from dewatering operations or other applicable wastewater discharges not specifically covered in other general or individual NPDES permits are currently regulated under a regional general permit, General Waste Discharge Requirements for Discharges of Groundwater from Construction and Project Dewatering to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties (Order No. R4-2013-095, NPDES No. CAG994004).

Furthermore, in the event of storm water discharges during construction, it would be covered under Phase 1 *Los Angeles County Municipal Stormwater NPDES Permit (MS4 Permit)* for the City. Section 402 of the CWA establishes the NPDES permit, which is applicable to all discharges to waters of the United States, including stormwater associated with construction activities, industrial operations, municipal drainage systems, and point sources, to protect surface water quality. Under the current Phase 1 MS4 permit for Los Angeles County (Order No. R4-2012-175), as described further under Section 3.8.1.3, MS4 Permit. MS4 permits require that cities and counties develop and implement programs and measures, including BMPs, control techniques, system design and engineering methods, and other measures, as appropriate, to reduce the discharge of pollutants in stormwater to the maximum extent practicable (MEP) and achieve water quality standards. The MS4 permit also includes construction requirements for implementation of minimum construction site BMPs, as shown in Table 3.7-1, for erosion, sediment, non-stormwater management, and waste management on all construction sites that are less than 1 acre.

**Table 3.7-1. City of Los Angeles MS4 Permit Minimum Construction Site BMPs**

Erosion Controls	<ul style="list-style-type: none"> <li>• Scheduling</li> <li>• Preservation of Existing Vegetation</li> </ul>
Sediment Controls	<ul style="list-style-type: none"> <li>• Silt Fence</li> <li>• Sand Bag Barrier</li> <li>• Stabilized Construction Site Entrance/Exit</li> </ul>
Non-Stormwater Management	<ul style="list-style-type: none"> <li>• Water Conservation Practices</li> <li>• Dewatering Operations</li> </ul>
Waste Management	<ul style="list-style-type: none"> <li>• Material Delivery and Storage</li> <li>• Stockpile Management</li> <li>• Spill Prevention and Control</li> <li>• Solid Waste Management</li> <li>• Concrete Waste Management</li> <li>• Sanitary/Septic Waste Management</li> </ul>

Source: City of Los Angeles MS4 Permit. Los Angeles County Department of Public Works, *Construction Site Best Management Practices Manual*, August 2010 (available <http://dpw.lacounty.gov/cons/specs/BMPManual.pdf>).

Contaminated soils are considered hazardous waste under the California Health and Safety Code. Therefore, BOE Standard Specifications Section 02310, Subsection 3.3, *Contaminated Soil* would be implemented for routine construction activities, per PDF-HAZ-3. This includes, and is not limited to, a site-specific Health and Safety Plan, OSHA Trainings, and soils testing per the SCAQMD Rule 1166 permit, as discussed in Section 3.7.1.2, and required procedures in the CCR, Title 22.

Actions and procedures for handling unknown substances as those required in CCR Title 8, Section 5192, Subsection G, enforced by the California Department of Industrial Relations specifies mandatory regulations to assist employees and employers in certain grave circumstances for the training and use of Level A and Level B of Personal Protective Equipment and gear for worker safety would be applicable.

The type and extent of the contamination will dictate the appropriate response and remediation appropriate for the site and the agencies to be notified. When the presence of VOCs from contaminated soil is suspected, which would generally be detected initially by strong odor per SCAQMD Rule 1166 for petroleum hydrocarbons, SCAQMD would be notified. Under Rule 1166 samples would be taken to measure the level of contamination in the soil before identifying the site as contaminated. If the VOC levels exceed 50 parts per million (ppm), a site mitigation plan, pursuant to Rule 1166, would be prepared, which may include use of soil vapor suppressants, covers over and below the soil, containerization, or removal of the contaminated material. Offsite disposal of hydrocarbon contaminated waste would be pursuant under EPA's Title 40, Environment and Title 49 Transportation Code of Federal Regulation Section 172.704 as enforced by the DOT.

#### **Applicable Existing Law and Hazardous Material Releases**

To further support the less-than-significant impact determination for the Project, potential scenarios are outlined below. These scenarios demonstrate that adequate local response and regulations, understandings and practices are in place to avoid significant impact should a hazardous materials or hazardous waste release potentially occur or be discovered during the continuation of construction activities from the Project.

#### ***Scenario A: Immediate Threat to Public Safety and/or Public Health and the Environment*** –

Generally, the City LAFD CUPA Section investigates spills of hazardous materials and enforces the cases through either an administrative penalty or through the Office of the City Attorney Environmental Justice Unit. The City LAFD and LAPD are first responders to any hazardous materials or hazardous waste releases that qualify as an immediate threat to public safety or the environment. As stated above, such a scenario that would constitute an immediate threat to public safety or the environment is not anticipated and would be rare, since applicable law and standard design features would address construction-related releases, and any construction-related releases are expected to be small and localized.

Regardless, State law requires spills of hazardous materials from construction-related activities as stated above to be reported to the City LAFD, CUPA, and OES. These first responders are trained to ensure public safety and the proper management of hazardous materials, hazardous waste, and emergency response within the City. In addition, the City's LASAN is an assisting agency, if there is an imminent threat to the watershed or surface water quality from sidewalks that might drain to street, from curb-side to curb side and storm drain runoff ways. Depending on the type of release, partnering responders may also include the County LAFD, U.S. Coast Guard, State Office of Emergency Services, National Response Center, Highway Patrol, etc.). The Deputy Health Officers

of the County LAFD, Health and Hazardous Materials Division respond to incidents within the City and support the City LAFD, as a partnering CUPA agency, to fully evaluate imminent threats to public health, including those originating from biological and chemical releases, such as hazardous materials spills, release and abandonment. The notification protocol is detailed in Appendix E1, with a summary of associated scenarios, regulations, and participating response agencies.

**Scenario B: Non-Immediate Threat and Equipment Involved (AST, UST or Utility)** – If, during excavation and site investigation for the continuing repair activities, a prior release of potentially hazardous materials is determined to be from an above-ground storage tank (AST) or UST, the City LAFD, Bureau of Fire Prevention and Public Safety, CUPA Section, Environmental Unit for UST & Hazardous Materials supervises further response. The steps include evaluating the storage tank status (permitted and properly closed), identifying a responsible party, and proceeding with the closure, as appropriate. Typically, an AST or UST may be found on uses adjacent to the Project sites.

- **Local utility companies** would be contacted if it is apparent that the release is coming from utility equipment or pipelines. For example, if an above-ground transformer is leaking onto the sidewalk then the release would be addressed by the equipment owner (e.g., Los Angeles Department of Water & Power, etc.). Each utility owner maintains their own internal procedures and approach to safely clean-up releases, utilizing existing regulation.
- **Los Angeles Regional Water Quality Control Board (LARWQCB), Underground Tank Unit** – In case of a perceived threat to surface water or groundwater quality, the City LAFD is typically contacted. If warranted by the type and degree of release, they would then notify the LARWQCB via an Unauthorized Release Report. AST releases may also be referred to the LARWQCB in a similar manner.
- **DTSC** – City CUPA or participating agencies, upon consensus, may refer a site to the DTSC if the release appears to be above their level of expertise, associated with a school site or if DTSC is determined to be the lead agency by consensus due to a higher perceived risk to public health, public safety, and/or if environmental justice concerns are involved.
- **U.S. EPA** – City CUPA or participating agencies, upon consensus, may refer a case to the U.S. EPA, if it is determined to be under Federal jurisdiction (e.g., federal or military uses, chemical(s) released are subject to the TSCA, chemical release is at a level that meets or exceeds Federal reportable quantities, etc.)

**Scenario C: Non-Immediate Threat and No Equipment Involved:** This scenario can result in several different outcomes. The release case can be referred from the City LAFD, as CUPA lead, to any of the below agencies or directly reported to the below agencies from the responsible party.

- **County LAFD, Health and Hazardous Materials Division, Site Mitigation Unit** – A regulated business owner, public party or private party that would be responsible for release and/or cleanup, could request assistance. They are typically low to medium risk release, and the agreement for oversight of cleanup is voluntary and reimbursed to the County LAFD. In addition, the County LAFD is tasked with assessment and enforcement for Tier 2 hazardous waste facilities. <sup>5</sup>Tier 2 infers Conditional Authorization for onsite treatment of most hazardous waste streams with only one hazardous characteristic and quantities.

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<sup>5</sup> Notice of Approval for Tier 2 Level Implementation and Enforcement of Environmental Assessment and Corrective Action, Los Angeles County Fire Department Certified Unified Program Agency, Department of Toxic Substances Control, May 9, 2008.

- **Los Angeles County Department of Public Health** – Assists with pathogenic public health risks, communicable diseases, and/or terrorist public health risks such as anthrax threats, etc. Other related long-term public health inspection and control programs are also operated by the County within the City.
- **LARWQCB, Site Cleanup Unit** – If no equipment leaks are associated with the release or the source is unknown under this scenario and there is a perceived threat to surface water or groundwater quality, the case may be referred to this unit of the LARWQCB for cleanup oversight.
- **DTSC and U.S. EPA** – See Scenario B, as it applies to Scenario C also.

### **Conclusion**

The routine transport, use, and disposal of hazardous materials from the continuing activities arising from the Project would involve small amounts and be addressed through applicable law. Releases from existing groundwater and soil contamination is not expected, but would be addressed through PDF-HAZ-2 through PDF-HAZ-4 related to standard City BOE conditions and applicable law that address the proper handling and disposal of contaminated material. As a result, the Project would not create a significant hazard through the routine transport, use, or disposal of hazardous materials.

### **Mitigation Measures**

No mitigation is required.

### **HAZ-2. Would the proposed Project emit/handle/involve hazardous materials and/or waste within one- quarter mile of an existing or proposed school?**

**The impact would be less than significant.**

Continuation of sidewalk repair construction work under the Project could occur throughout the City within one-quarter of mile of an existing or proposed school. The probability of encountering contamination during sidewalk construction work is very low due to the excavation depth and from the fact that the approximately 900 Scenario 1 type routine sidewalk construction repairs done from Fiscal Year of 2016 to Fiscal Year 2017 have not emitted/handled or involved hazardous materials within one-quarter of a mile of an existing or proposed school. In the rare scenario of encountering hazardous materials within one-quarter mile of an existing or proposed school, as discussed in HAZ-1, existing law and PDF HAZ-2 through PDF-HAZ 4 would apply to ensure that impacts would be less than significant. As a result, the Project would not emit/handle/involve hazardous materials and/or waste within one-quarter mile of an existing or proposed school.

### **Mitigation Measures**

No mitigation is required

**HAZ-3. Would the proposed Project be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

**The impact would be less than significant.**

Pursuant to PDF-HAZ-1, potential construction sites for the continuing sidewalk repair would require evaluation whether the sites may be on, or adjacent to, sites that are on the Cortese List, Government Code Section 65962.5. Appendix E2 of this Draft EIR contains the sites in Los Angeles that are in the Cortese List as of the publishing of the document. No known sidewalks or public rights-of-way are currently on the list. However, there may be instances where sidewalk repair work is occurring near a site that is on the Cortese List. Being near a Cortese List site is not necessarily an impact creating a significant hazard to the public or the environment. This is because the nature of the proposed work would only disturb soils of the adjacent site. For sidewalk work adjacent to a Cortese List site, compliance with respective agency regulatory requirements/corrective action plan as required by law would prevent cross contamination into the sidewalk site and vice versa (i.e., if a sidewalk site itself should be on the Cortese List) through evaluation of the site prior to commencing excavation/ construction, which would include an evaluation of risk of migration and responsive actions as necessary. As discussed in HAZ-1, any existing contamination would be addressed through PDF-HAZ-2 through PDF-HAZ-4 related to standard City BOE conditions and applicable law that address the proper handling and disposal of contaminated material.

If migrations have been found during construction onto those sidewalks, the corrective action associated with an active Cortese List site pursuant to Section 25187.5 (hazardous waste facility), Section 25220, Article 11 of Chapter 6.5 of Division 20 (hazardous facility property), Section 25242 (DTSC hazardous waste disposal), Section 25356, Section 116395 (water sites with organic contaminants), Section 25295 (USTs) of the Health and Safety Code; pursuant to Section 13273 (migration of hazardous waste), Section 13301 (cease and desist), Section 13304 (discharge of hazardous waste) of the Water Code; and pursuant to Section 18051 of Title 14 of the California Code of Regulations would be applicable.

In conclusion, the nature of the construction activities are such that they are unlikely to disturb any unidentified/unknown contamination. In the event contamination is uncovered (i.e., as a result of migration for a Cortese list site) during construction, PDFs and applicable laws and regulations dictate the steps to be taken and will ensure impacts would not create a significant hazard to the public or the environment and are less than significant.

**Mitigation Measures**

No mitigation is required.

**HAZ-4. Would the proposed Project hinder or impair an adopted emergency response or evacuation plan or route?**

**The impact would be less than significant.**

Impacts to emergency response or evacuation plans or routes are also discussed in Chapter 3.12, *Transportation/Traffic*. As set forth in Chapter 3.12, continuing construction activity arising from the Project could occur near emergency service facilities (e.g., fire stations and hospital) and along roadways used by emergency service providers. For substantial utility relocation work, occurring under Scenario 2, street closures for vehicle and pedestrian traffic may be required.



During the continuing construction arising under the Project, per standard procedures, adequate emergency access would be maintained during lane closures along major and secondary highways and collectors. Where feasible, for construction staging, traffic control would be employed to re-route pedestrians around the sidewalk construction area and signage would be posted to direct pedestrians and drivers. Construction managers and personnel would follow Work Area Traffic Control Handbook (WATCH) and/or Manual on Uniform Traffic Control Devices (MUTCD) guidelines to ensure the safety of vehicle, pedestrian, and bicycle traffic during re-routing. Compliance with such existing standard industry practices such as traffic control and signage, and requirements such as with those in the WATCH manual and “most recent of edition of the *SSPWC Greenbook* adopted by the Bureau of Engineering” would provide adequate emergency access. Access roads would be available for emergency personnel as required in the most recent copy of the *BOE Brownbook*; and traffic control, signage, and coordination with Los Angeles Department of Transportation (as appropriate) would occur.

Furthermore, in the unforeseen event of any hazardous material emergencies, the California Hazardous Material Incident Contingency Plan (HMICP), developed by the State’s Office of Emergency Services (OES), includes several different scenarios of emergency responses to reduce confusion, improve safety, organize and coordinate actions in case of major unforeseen circumstances. A sample protocol is provided in Appendix E1 and online at <https://www.caloes.ca.gov/cal-oes-divisions/fire-rescue/hazardous-materials/hazmat-publications>. The HMICP would be utilized by local governments to clarify agency roles and relationships concerning hazardous material emergencies.

In conclusion, because of the standard procedures and compliance with standard industry practices, the Project would not hinder or impair an adopted emergency response or evacuation plan or route, and impacts would be less than significant.

### **Mitigation Measures**

No mitigation is required.

#### **3.7.3.4 Operational Impacts**

The continuation of operational activities from the Project would include sidewalk inspection and street tree monitoring and watering with a hose that is attached to a water tank on a pick-up truck. During construction activities, the street trees would have been planted in a 4- by 6-foot street tree well, per the proposed Revised Street Tree Retention, Removal and Replacement Policy for the Sidewalk Repair Program. As discussed Chapter 2, *Project Description*, the street trees will be manually watered 33 times annually. For the times when manual watering is not feasible, two 15-gallon water bags would be placed in the street tree well for the new street trees until the next scheduled manual watering. Other than routine watering and inspection, there are no additional operations associated with the Project. As a result of the proposed Revised Street Tree Retention, Removal and Replacement Policy for the Sidewalk Repair Program, there would be an increase in the number of street trees from the baseline count of 711,248 to 728,793 and an approximate 0.72 percent net increase of the street tree canopy cover.

**HAZ-1. Would the proposed Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions through the routine transport, use, or disposal of hazardous materials or handling in such a way as to involve the release of hazardous materials into the environment?**

**HAZ-2. Would the proposed Project emit/handle/involve hazardous materials and/or waste within one- quarter mile of an existing or proposed school?**

**There would be no impact during operation.**

The continuation of operational activities arising from the Project would only include street tree watering and inspection activities. No hazardous materials would be transported, used, or disposed of during normal project operations, including within one-quarter mile of an existing or proposed school.

**HAZ-3. Would the proposed Project be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

**There would be no impact during operation.**

The continuation of operational activities arising from the Project would only include street tree watering and inspection activities. Although these activities could occur within sites that are included in or are adjacent to sites in the Cortese list, soil and or groundwater would not be disturbed. Thus, potential contamination would remain undisturbed. Additionally, because these activities would not involve hazardous materials, they would not exacerbate existing subsurface conditions. No impacts would occur.

**HAZ-4. Would the proposed Project hinder or impair an adopted emergency response or evacuation plan or route?**

**There would be no impact during operation.**

The continuation of operational activities arising from the Project would only include street tree watering and inspection activities. These activities would be performed occasionally, on a small scale and within sidewalk footprints. Therefore, the Project would not hinder or impair any local emergency response or evacuation plan. Moreover, street tree watering and inspection activities do not feature permanent characteristics that could result in impacts on emergency response or evacuation in the area. No impacts would occur.

### **Mitigation Measures**

No mitigation measures for operational activities are required.

## **3.7.4 Significant Unavoidable Adverse Impacts**

No significant unavoidable adverse impact related to hazards and hazardous materials would occur.