4.7 HAZARDS AND HAZARDOUS MATERIALS

4.7.1 INTRODUCTION

The section discusses the potential impacts of the proposed project on hazards and hazardous materials. The analysis in this section is based on information in the *Phase I Environmental Site Assessment (Phase I ESA) Basic Site Reconnaissance and Records Search* (AB Geoscience, May 1998) and the *Environmental FirstSearch Report* (FirstSearch, February 17, 2012), which are included in Appendix G.

4.7.2 METHODOLOGY

Project impacts related to hazards and hazardous materials were evaluated based on site surveys and records investigations and the potential to expose sensitive receptors, including residents, workers in surrounding buildings, and construction workers, to hazards or hazardous materials during construction activities and after development/redevelopment of the project site. A *Phase I Environmental Site Assessment (Phase I ESA) Basic Site Reconnaissance and Records Search* (AB Geoscience, May 1998) and an *Environmental FirstSearch Report* (FirstSearch, February 17, 2012) were prepared to determine any existing hazardous waste issues related to former or current operations within the project site and in the surrounding vicinity. Based on the findings of the Phase I ESA and the FirstSearch Report, impacts were evaluated and mitigation measures were developed to address recognized environmental concerns, as well as the use and disposal of hazardous materials.

4.7.3 EXISTING ENVIRONMENTAL SETTING

Existing Land Uses on the Project Site

The existing buildings on the project site date to the late 1920s, with the majority of the buildings constructed in the 1960s.

The existing land uses on the project site include office, retail, service commercial (hair salon), light industrial (upholstery), and parking uses. These uses may involve the storage and use of hazardous materials, such as cleaning agents, solvents, office chemicals, hair chemicals, paints, fertilizers, and pesticides. The storage, use, transport, and disposal of such hazardous materials are subject to local, State, and federal regulations.

Site reconnaissance, review of available databases (VISTA) and discussions with regulatory authorities conducted by AB Geoscience (Phase I ESA) identified several existing environmental concerns that have the potential to impact the proposed project. Those concerns include potential groundwater contamination, asbestos-containing materials (ACMs), lead-based paint (LBP), polychlorinated biphenyls (PCBs), and unknown hazardous materials. In addition, an updated database search was conducted by FirstSearch in February 2012.

Based on the records search and the field review of the project site conducted for the Phase I ESA, the existing land uses do not include any underground storage tanks (USTs) or aboveground storage tanks (ASTs). No substantial quantities of hazardous materials are stored on the project site. No suspect staining of soil or exterior areas was observed. The existing uses do not generate hazardous wastes. Finally, the existing buildings do not have substantial air pollution sources or industrial waste water discharges.

Findings of the Records Searches

The Phase I ESA included a records search of various databases maintained by federal and State agencies regarding hazardous materials and wastes. The findings of this records search, as well as the 2012 database search, are summarized in Table 4.7.A. According to the Phase I ESA, only one hazardous materials site was identified on the project site, the Chevron USA service station, which was previously located at 9098 West Santa Monica Boulevard. This service station is no longer present on the project site.

Table 4.7.A lists notable sites that have had a release of hazardous materials as reported within the database report, and Table 4.7.B lists notable sites that have had a release of hazardous materials as reported in the Phase I ESA and the updated FirstSearch Report.

Underground Storage Tanks. According to the Phase I ESA, a service station (Chevron USA No. 9-6156) was previously located on the west of the project site at 9098 West Santa Monica Boulevard. Soil and groundwater were impacted by the leaking of leaded gasoline from USTs at this station. Two USTs were excavated, removed, and disposed from the site. The impacted soil and groundwater were remediated by excavation and disposal, three groundwater monitoring wells were abandoned, and the case was closed upon completion of the clean-up activity. As shown on the Leaking Underground Storage Tank (LUST) database information in the database reports, the reporting date for the LUST was July 31, 1985, and the case (No. 9006901) is listed as closed. According to the Phase I ESA, a UST was previously located on the project site at 629 Almont Drive (listed under Viking Pet Shop), which is currently Danny Custom Upholstery. The database lists the status of this UST as closed. Another location, just east of the project site at 632 Almont Drive, also appears in the USTCUPA database under the name of Almont Kennels with a status of closed, and under the name of Beverly Hills Kennels, with a status of permitted. One UST database contains five listings for 642 Almont Drive (Western Dye House) east of the project site. Three of those listings show a status of closed and two show the status as removed. Another UST database lists an active UST at this address with an additional tank previously removed and listed as inactive. The Resource Conservation and Recovery Act Information System – Generator/Handler database lists the address as a small quantity generator.

Based on the Environmental FirstSearch Report, three additional UST sites are reported near the project site. An equipment company (Ever Rite Equipment Company) was previously located northeast of the project site at 9017 Santa Monica Boulevard. An UST was excavated and removed from the site. The impacted groundwater was remediated by excavation and disposal. The case was closed upon completion of the clean-up activity. As shown on the State Water Resources Control Board (SWRCB) database website (Geotracker), the reporting date for the LUST was January 1,

Table 4.7.A: Hazardous Materials Databases

Acronym	Name	Description
FEDERAL		
NPL	National Priorities List	The United States Environmental Protection Agency's (EPA) registry of the nation's worst uncontrolled or abandoned hazardous waste sites. NPL sites are targeted for possible long-term remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA).
CERCLIS	Comprehensive Environmental Response, Compensation, and Liability Information System	A comprehensive listing of known or suspected uncontrolled or abandoned hazardous waste sites. These sites have either been investigated or are currently under investigation by the EPA for the release, or threatened release, of hazardous substances.
CERCLIS-NFRAP	Comprehensive Environmental Response, Compensation, and Liability Information System – No Further Remedial Action Planned	As of February 1995, CERCLIS sites designated "NFRAP" have been removed from CERCLIS. NFRAP sites may be sites where, following an initial investigation, no contamination was found, the contamination was removed quickly without the need for the site to be placed on the NPL, or the contamination was not serious enough to require federal Superfund action or NPL consideration. The EPA has removed approximately 25,000 NFRAP sites to lift the unintended barriers to the redevelopment of these properties and has archived them as historical records so the EPA does not needlessly repeat the investigations in the future. This policy change is part of the EPA's Brownfields Redevelopment Program to help cities, states, private investors, and affected citizens promote economic redevelopment of unproductive urban sites.
RCRA COR	Resource Conservation and Recovery Act Corrective Action Report	This database contains information concerning RCRA facilities that have conducted or are currently conducting a corrective action. A Corrective Action Order is issued pursuant to RCRA Section 3008(h) when there has been a release of hazardous waste or constituents into the environment from an RCRA facility. Corrective actions may also be imposed as a requirement for receiving and maintaining a Treatment, Storage, and Disposal Facilities (TSDF) permit.
RCRA Treatment, Storage, and Disposal (TSD)	Resource Conservation and Recovery Information System (RCRIS)	The EPA's RCRA program identifies and tracks hazardous waste from the point of generation to the point of disposal. The RCRA facilities database is a compilation by the EPA of facilities that report generation, storage, transportation, treatment, or disposal of hazardous waste.

Table 4.7.A: Hazardous Materials Databases

Acronym	Name	Description
RCRA GEN	RCRA Generators	The EPA's RCRA program identifies and tracks hazardous waste from the point of generation to the point of disposal. The RCRA facilities database is a compilation by the EPA of facilities that report generation, storage, transportation, treatment, or disposal of hazardous waste. RCRA Large Generators are facilities that generate at least 1,000 kilograms (kg)/month of nonacutely hazardous waste (or 1 kg/month of acutely hazardous waste). RCRA Small Quantity Generators are facilities that generate less than 1,000 kg/month of nonacutely hazardous waste.
RCRA NLR	RCRA No Longer Reporting	The EPA's program identifies and tracks hazardous waste from the point of generation to the point of disposal. The RCRA facilities database is a compilation by the EPA of facilities that report generation, storage, transportation, treatment, or disposal of hazardous waste. The RCRA NLR database is a compilation of the facilities not currently classified by the EPA but still included in the RCRIS database. Reasons for nonclassification include failure to report in a timely manner, being no longer in business, being no longer in business at the listed address, and no longer generating hazardous waste materials in quantities that require reporting.
Federal IC/EC	Brownfield Management System (BMS) Federal Engineering and Institutional Controls	BMS is national database system designed to assist the EPA in collecting, tracking, and updating information, as well as reporting on the major activities and accomplishments of the various Brownfield grant programs. IC/EC lists Superfund sites that have either an engineering or an institutional control.
ERNS	Emergency Response Action Notification System	ERNS is a national computer database system used to store information on the sudden and/or accidental release of hazardous substances, including petroleum, into the environment. The ERNS reporting system contains preliminary information on specific releases, including the spill location, the substance released, and the responsible party.
Tribal Lands	Indian Lands of the United States	Database of areas with boundaries established by treaty, statute, and/or executive or court order and recognized by the federal government as territories in which Native American tribes have primary governmental authority. The Indian Lands of the United States map layer shows areas of 640 acres or more that are administered by the United States Bureau of Indian Affairs. Included are federally administered lands within a reservation that may or may not be considered part of the reservation.

Table 4.7.A: Hazardous Materials Databases

Acronym	Name	Description
STATE		
Tribal Voluntary Cleanup Program (VCP)	Site Mitigation and Brownfields Reuse Program Database (SMBRPD)/CalSites	The California Department of Toxic Substances Control (DTSC) has developed an electronic database system with information on sites that are known to be contaminated with hazardous substances, as well as information on uncharacterized properties where further studies may reveal problems. The SMBRPD, also known as CalSites, is used primarily by DTSC as an information tool to evaluate and track activities at properties that may have been affected by the release of hazardous substances.
Spills 90	Spills List	Provided by Regional Water Quality Control Boards (RWQCBs) 1–9. The California RWQCBs maintain reports of sites that have records of spills, leaks, investigations, and cleanups.
Solid Waste Landfill (SWL)	Solid Waste Landfill Facilities (SWF/LF) State Waste Management Unit Data System (WMUDS)	This database tracks closed and inactive landfills. SWF/LF records typically contain an inventory of solid waste disposal facilities on landfills. These may be active or inactive facilities or open dumps that failed to meet RCRA Section 4004 criteria for SWLs or disposal sites. This database is provided by the State Water Resources Control Board (SWRCB) and used for program tracking and inventory of waste management units. It contains information from the facility and waste management unit, the Solid Waste Assessment Test (SWAT) program, and report summary information, Chapter 15 (formerly Subchapter 15) information, Toxic Pits Cleanup Act (TPCA) and RCRA program information, and closure information. It also contains some information from the Waste Discharge System (WDS).
SPL	State Equivalent Priority List	This database is a comprehensive listing of sites that are considered to be potentially hazardous to the public health and welfare by the State of California. Further, this is the ASTM equivalent of a State Hazardous Waste Sites List.
UST	Regional Underground Storage Tank	The historical database of registered USTs is provided by the SWRCB, Office of Underground Storage Tanks. Refer to the local-level UST list for more current information. Some states do not require registration of heating oil tanks, especially those used for residential purposes.
AST	Aboveground Storage Tank	This is a database of registered ASTs provided by the SWRCB.
LUST	Leaking Underground Storage Tank	This database is maintained by the SWRCB. LUST records contain an inventory of reported LUST incidents. Not all states maintain these records, and the information stored varies state by state.

Table 4.7.A: Hazardous Materials Databases

Acronym	Name	Description
Toxic Pits and Toxic Pits Cleanup Facilities	Toxic Pits and Toxic Pits Cleanup Facilities	This database is a list of Toxic Pits cleanup facilities, and identifies facilities suspected of containing hazardous wastes where cleanup has not yet been completed. The data comes from the State Water Resources Control Board. No Toxic Pits facilities are listed within the ASTM search distance.
Tribal IC	Deed-Restricted Sites Listing	The California Environmental Protection Agency's (CalEPA's) DTSC Board maintains a list of deed-restricted sites, or properties where the DTSC has placed limits or requirements on the future use of the property due to the varying levels of cleanup possible, practical, or necessary at the site.
State Permit	CA County– Los Angeles	Los Angeles Hazardous Materials Permits–Handlers and Generators Permit information. This database is maintained by the Hazardous Materials Division.
State Other	CalEPA/County SMBRPD/CalSites	The CalEPA DTSC has developed an electronic database system with information on sites that are known to be contaminated with hazardous substances and information on uncharacterized properties where further studies may reveal problems. The SMBRPD, also known as CalSites, has information to evaluate and track activities at properties that may have been affected by the release of hazardous substances.

Source: FirstSearch Database (Appendix G).

Table 4.7.B: Summary of Records Searches

Database	Radius Searched[1]	Recorded Hazardous Materials Sites on the Project Site		Other Sites within Searched Radius	
		VISTA Search (May 7, 1998)	FirstSearch (February 17, 2012)	VISTA Search (May 7, 1998)	FirstSearch (February 17, 2012)
Federal					
National Priority List (NPL)	1 mile	No sites	No sites	No sites	No sites
Delisted NPL	0.50 mile	Not searched[2]	No sites	Not searched	No sites
Resource Conservation and Recovery Act (RCRA) Corrective Actions	1 mile	No sites	No sites	No sites	No sites
RCRA Treatment, Storage, and Disposal Facilities	0.50 mile	No sites	No sites	No sites	No sites
RCRA Violators and Enforcement	0.25 mile	No sites	Not searched	No sites	Not searched
RCRA No Longer Regulated	0.12 mile	Not searched	No sites	Not searched	No sites
Emergency Response Notification System	0.12 mile	No sites	No sites	1 site	1 site
RCRA Generators	0.25 mile	No sites	No sites	7 sites	9 sites
Toxic Release Inventory Database/Federal Engineering and Institutional Controls	0.25 mile	No sites	No sites	No sites	No sites
Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS)	0.50 mile	No sites	No sites	No sites	No sites
Federal Brownfield	0.25 mile	Not searched	No sites	Not searched	No sites
State or Local					
State Equivalent Priority List	1 mile	No sites	Not searched	1 site	Not searched
Hazardous Material Incident Report System	0.25 mile	Not searched	No sites	Not searched	No sites
California Equivalent CERCLIS	0.5 mile	No sites	No sites	No sites	No sites
Tribal Lands	1 mile	Not searched	No sites	Not searched	1 site
Tribal Sites	1 mile	Not searched	No sites	Not searched	2 sites
Tribal Engineering Controls	0.25 mile	Not searched	No sites	Not searched	No sites
Tribal Brownfields	0.5 mile	Not searched	No sites	Not searched	No sites
Spills, Leaks, Investigation & Cleanup Recovery Listing	0.25 mile	Not searched	No sites	Not searched	No sites
Toxic Pits	0.5 mile	No sites	Not searched	No sites	Not searched
Voluntary Cleanup Program	0.5 mile	No sites	No sites	No sites	No sites

Table 4.7.B: Summary of Records Searches

Database	Radius Searched[1]	Recorded Hazardous Materials Sites on the Project Site		Other Sites within Searched Radius	
		VISTA Search (May 7, 1998)	FirstSearch (February 17, 2012)	VISTA Search (May 7, 1998)	FirstSearch (February 17, 2012)
Solid Waste Landfills and Transfer Stations	0.5 mile	No sites	No sites	2 sites	1 site
Leaking Underground Storage Tanks	0.5 mile	1 site	No sites	4 sites	8 sites
Cortese List	0.5 mile	No sites	No sites	5 sites	7 sites
Deed Restriction Properties Report	0.5 mile	No sites	No sites	No sites	No sites
Toxic Pits Cleanup Facilities	0.5 mile	No sites	Not searched	No sites	Not searched
Underground Storage Tanks	0.25 mile	No sites	No sites	7 sites	6 sites
Los Angeles County Site Mitigation Complaint Log	0.25 mile	No sites	No sites	No sites	No sites
Permits	0.12 mile	Not searched	No sites	Not searched	No sites
Hazardous Waste Manifest	0.12 mile	Not searched	No sites	Not searched	2 sites

Source: Phase I ESA and FirstSearch Database (Appendix G).

[1] Radius from the project site searched for records of hazardous sites.

[2] Available databases vary over time and by company.

1950, and the case (T0603704570) is listed as "case closed as of June 20, 2002."[1] A sports car service company (Al Axelrod Sports Car Service) and a company under the name of Swoboda, Inc., were previously located northeast of the project site, at 631 North Robertson Boulevard and 672 N. La Peer Drive, respectively. USTs at these sites were removed. No LUST cases were reported at these facilities.

Asbestos-Containing Materials. The use of asbestos in many building products was banned by the EPA by the late 1970s. In 1989, the EPA issued a ruling prohibiting the manufacturing, importation, processing, and distribution of most asbestos-containing products. This rule, known as the Ban and Phase-Out Rule, would have effectively banned the use of nearly 95 percent of all asbestos products used in the United States. However, the U.S. 5th Circuit Court of Appeals vacated and remanded most of the Ban and Phase-Out Rule in October 1991. Due to this court decision, many asbestos-containing product categories not previously banned (prior to 1989) may still be in use today. Common material types found in buildings are floor tile and roofing materials. ACMs represent a concern when a building is subject to damage that results in the release of fibers. Friable ACMs, which can be crumbled by hand pressure and are, therefore, susceptible to damage, are of particular concern. Nonfriable ACMs are a potential concern if a building is damaged by maintenance work, demolition, or other activities. As stated previously, ACMs were identified in various buildings on the project site. No asbestos survey documentation was available for the project site. For the purposes of this analysis, it is assumed that ACMs are present.

The South Coast Air Quality Management District (SCAQMD) and the Los Angeles County Department of Health Services (DHS) are the enforcement agencies for ACMs on the project site.

The site survey conducted by AB Geoscience (May 1998) identified suspect ACMs in various buildings on the project site. The identified ACMs include sprayed acoustic ceiling materials, pipe fittings, and insulation primarily located in mechanical rooms, and sprayed acoustic material in an interior building stairwell. According to the Phase I ESA, ACMs that posed an immediate threat to the health of occupants were previously removed and disposed of, and the remaining ACMs are not exposed and are in good condition.

Lead. Lead has been used historically as follows: in commercial and residential uses, roads, and ceramic paint; in electric batteries and other devices; as a gasoline additive; for weighting; in gunshot; and for other purposes. It is recognized as being toxic to human health and the environment and is widely regulated in the United States. Buildings constructed prior to 1978 are presumed to contain lead-based paint unless proven otherwise, although buildings constructed after 1978 may also contain lead-based paint. Lead is regulated as a "criteria" pollutant under the federal Clean Air Act, which has led to its elimination from automotive fuels. Lead is also regulated as a toxic pollutant under the federal Clean Water Act (CWA) and the State Porter-Cologne Water Quality Control Act, as well as under the federal and California Safe Drinking Water Acts. Aerially deposited lead (ADL) from past use of leaded fuels is a concern in unpaved areas adjacent to highly traveled roads.

[1] State Water Resources Control Board website, Geotracker, http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0603704570, accessed March 9, 2012.

Release of LBPs into the environment is a violation of several laws, including Occupational Safety and Health Administration (OSHA), Resource Conservation and Recovery Act (1976) (RCRA), the Clean Air Act (CAA), and the CWA. The Phase I ESA reported that because of the age of the existing structures on the project site, it is likely that LBP is present underneath more recent layers of paint. For the purposes of this analysis, it is assumed that LBP is present on the project site.

The SCAQMD and the Los Angeles County DHS are the enforcement agencies for lead contaminants on the project site.

Polychlorinated Biphenyls. Standard equipment suspected of potentially containing PCBs includes industrial-capacity transformers, fluorescent light ballasts, and oil-cooled machinery. All PCB-designated transformers were required to be replaced with non-PCB-designated transformers after PCBs were designated as a carcinogen by the EPA in 1977. Transformers are currently classified as PCB-containing if their cooling oils contain greater than 50 milligrams per liter total PCBs. The management of PCB-containing transformers is the responsibility of the local utility or the transformer owner. Samples must be taken from the transformer in order to determine the presence or absence of PCBs.

If old light ballasts or electrical transformers remain within the existing structures on the project site, they may potentially contain PCBs.

Arsenic. Based on a review of the Environmental FirstSearch Report dated February 2012, soil and groundwater sampling indicated that the highest levels of arsenic were found within the top 2 feet of soil along the old Union Pacific Railroad (UPRR) right of way, and groundwater is unaffected by the contamination of arsenic. In addition, Lots 12 and 13 are currently undergoing remediation through a Voluntary Cleanup Agreement between the DTSC and the UPPR. Therefore, potential impacts of excavation on elevated levels of arsenic in the soil and groundwater on adjacent lots are not anticipated to be significant. Please refer to Appendix G for a copy of the memorandum specifically related to elevated levels of arsenic on Lots 12 and 13.

Off-Site Hazardous Waste Sites. Of the off-site hazardous waste sites listed in Table 4.7.A under the 2012 FirstSearch database report, two LUST cases are still open as of February 2012.[1] These LUST sites are reported near the project site. One of the sites, under the name Southern CA RTD, was previously located northeast of the project site at 8800 West Santa Monica Boulevard, and another site under the name Santa Palm Car Wash was previously located northeast of the project site at 8787 Santa Monica Boulevard. Both of these sites are located upgradient of the project site, which means the groundwater from these sites flows toward the project site. Based on the current status and the groundwater flow information, these sites may pose a potential environmental concern in connection with the proposed project.

[1] State Water Resources Control Board website, Geotracker, http://geotracker.swrcb.ca.gov, accessed February 20, 2012.

Groundwater sampling conducted on April 25, 2005, at the site, did not find elevated levels of gasoline-related total petroleum hydrocarbons (TPH), which are the primary constituents in oil, gasoline, and diesel (refer to Section 4.8, Hydrology and Water Quality). The groundwater analysis found elevated levels (25,000 micrograms per liter) of tetrahydrofuran (THF), a solvent used in the construction of plastic piping.

Groundwater samples were also collected on September 29 and October 1, 2008. No volatile organic carbons (VOCs), semi organic volatile carbons (SVOCs), hydrocarbon fuels or compounds, pesticides, or polychlorinated biphenyls were detected above laboratory detection limits.

4.7.4 REGULATORY SETTING

A number of federal, State, and local laws have been enacted to regulate the management of hazardous materials. Implementation of these laws and the management of hazardous materials are regulated independently of the California Environmental Quality Act (CEQA) process through programs administered by various agencies at the federal, State, and local levels. An overview of the key hazardous materials laws and regulations that apply to the proposed project is provided below.

Federal Policies and Regulations

Several federal agencies regulate hazardous materials. These include the EPA, OSHA, and the United States Department of Transportation. In most cases, enforcement of environmental laws and regulations established at the federal level is delegated to State and local environmental regulatory agencies. Applicable federal regulations are contained primarily in Code of Federal Regulations (CFR), Titles 29, 40, and 49. In particular, Title 49 of the CFR governs the manufacture of packaging and transport containers, packing and repacking, labeling, and the marking of hazardous material transport.

In addition, with respect to emergency planning, the Federal Emergency Management Agency (FEMA) is responsible for ensuring the establishment and development of policies and programs for emergency management at the federal, State, and local levels. This includes the development of a national capability to mitigate against, prepare for, respond to, and recover from a full range of emergencies.

Applicable major federal laws are described below.

Toxic Substances Control Act. Established in 1976 and amended on December 31, 2002, the Toxic Substances Control Act (TSCA) (15 United States Code [USC] (C. 53) Section 2601-2692) grants the EPA power to require proper reporting, record-keeping, and testing requirements related to chemical substances and/or mixtures. Specifically, the TSCA addresses the production, importation, use, and disposal of specific chemicals, including PCBs, asbestos, radon, and LBP. The TSCA establishes the EPA's authority to require the notification of the use of chemicals, require testing, maintain a TSCA inventory, and require those importing chemicals under Sections 12 (b) and 13 to comply with certification and/or other reporting requirements. This federal legislation also phased out the use of

ACMs in new building materials and set requirements for the use, handling, and disposal of ACMs. Disposal standards for LBP wastes are also detailed in the TSCA.

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Emergency Response Planning. CERCLA was enacted by Congress on December 11, 1980, to tax chemical and petroleum industries and provide federal authority to respond directly to the release or threatened release of hazardous materials. These materials include substances that may put either the public health and/or the environment at risk. The tax dollars collected as a result of CERCLA are utilized in remediating abandoned or uncontrolled hazardous waste sites. Under CERCLA, regulations are established related to abandoned hazardous waste sites, liability is provided for persons responsible for the release of hazardous waste, and a trust fund is established to clean up sites where no responsible party can be identified.[1]

Resource Conservation and Recovery Act (RCRA). The RCRA was enacted in 1974 (42 USC Section 6901 et seq.) as the first step in regulating the potential health and environmental risks associated with solid hazardous and nonhazardous waste disposal. Subtitle I of this legislation authorizes the EPA to issue regulations for new underground storage tank installations, as well as strict standards for upgrading underground storage tanks, corrosion protection, spill and overflow protection, on-site practices and record-keeping, underground storage tank closure standards, and financial responsibility.

Federal Occupational Safety and Health Act (OSHA). The federal OSHA (29 USC 651 et seq.) established requirements for workers involved in the handling, use, and disposal of hazardous materials, including emergency response, hazard communication, and personal protective equipment. This federal legislation requires special training of handlers of hazardous materials, notification to employees who work in the vicinity of hazardous materials, acquisition from manufacturers of material safety data sheets (which describe the proper use of hazardous materials), and training of employees to remediate any accidental releases of hazardous materials. This legislation also regulates lead and asbestos exposure as it relates to worker safety.

State Policies and Regulations

Hazardous waste in California is regulated primarily under the authority of the federal RCRA and the California Health and Safety Code (HSC). Other California laws related to hazardous materials and wastes are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning of those materials.

State agencies with jurisdiction over hazardous chemical materials management are the DTSC and the Regional Water Quality Control Boards (RWQCBs). DTSC administers the State's hazardous waste program and implements the federal [RCRA] program in California. The nine RWQCBs in the State issue and enforce National Pollutant Discharge Elimination System (NPDES) permits and regulate

[1] United States EPA, CERCLA Overview, http://www.epa.gov/superfund/policy/cercla.htm, accessed February 2012.

leaking underground storage tanks and other sources of groundwater contamination. Other State agencies involved in hazardous materials management are the Department of Industrial Relations (State OSHA implementation), Office of Emergency Services (OES—California Accidental Release Prevention implementation), California Department of Fish and Game (CDFG), California Air Resources Board (ARB), California Department of Transportation (Caltrans), State Office of Environmental Health Hazard Assessment (OEHHA—Proposition 65 implementation), the Department of Resources Recycling and Recovery (CalRecycle), and the State of California Division of Oil, Gas, and Geothermal Resources (DOGGR). The enforcement agencies for hazardous materials transportation regulations are the California Highway Patrol (CHP) and Caltrans. Hazardous materials and waste transporters are responsible for complying with all applicable packaging, labeling, and shipping regulations.

Applicable major State laws are described below.

California Code of Regulations and California Health and Safety Code. The California Code of Regulations (CCR) and the California HSC incorporate the requirements of the federal RCRA Subtitle I and set registration and permitting requirements, construction/operational standards, closure requirements, licensing of underground storage tank contractors, financial responsibility requirements, release reporting/corrective action requirements, and enforcement. Additionally, these provisions regulate the abatement process in the event of contamination of hazardous wastes. Specifically, the California HSC establishes standards, regulations, and requirements for the installation, inspection, registration, maintenance, and abandonment of USTs. These regulations also require the installation of leak detection systems and/or monitoring of UST installations. Since 1998, all USTs have been required to include corrosion protection, leak detection, and spill/overflow devices.

Businesses that utilize hazardous materials are subject to Emergency Planning and Community Right-to-Know (Proposition 65) requirements as delineated in the California HSC. These regulations require worker notification of hazardous substances in the workplace. The proposed retail/office businesses are subject to these requirements. In addition, Title 8 of the CCR Sections 1532.1 and 1529, provides for exposure limits, exposure monitoring, respiratory protection, and good working practices by workers exposed to lead and asbestos. Lead- and asbestos-contaminated debris must be managed and disposed of in accordance with the applicable provision of the California HSC.

Chapter 4 of Title 14 of the CCR establishes requirements for the development, regulation, and conservation of oil and gas resources. Specifically, Section 1723, et seq. establishes standards for the plugging and abandonment of oil wells, while Section 1981 outlines the regulations and standards for modifying existing wells and sets forth additional standards for plugging abandoned wells.

California Hazardous Waste Control Law. The Hazardous Waste Control Act (HSC, Division 20, Chapter 6.5) created the State hazardous waste management program, which is similar to, but more stringent than, the federal program under the federal RCRA (42 USC Section 6901, et seq.). The California Hazardous Waste Control Law regulates the generation, transportation, treatment, storage, and disposal of hazardous waste by large-quantity generators through comprehensive life cycle or "cradle to grave" tracking requirements. Regulations in the CCR, Title 26, list more than 800

materials, including asbestos and PCBs, which may be hazardous and establish criteria for their identification, packaging, and disposal. Under the Hazardous Waste Control Act, hazardous waste generators must complete a manifest that accompanies the waste from the generator to the transporter to the ultimate disposal location. Copies of the manifest must be filed with the State's DTSC.

State of California Division of Oil, Gas, and Geothermal Resources. The DOGGR supervises the drilling, operation, maintenance, and abandonment of oil, gas, and geothermal wells throughout the State. The regulatory program set forth by DOGGR for the management of these resources emphasizes the appropriate development of oil, natural gas, and geothermal resources in the State through sound engineering practices that protect the environment, prevent pollution, and ensure public safety.

State Occupational Safety and Health Act. The federal OSHA is implemented through the California Occupational Safety and Health Administration (Cal/OSHA). Specifically, Cal/OSHA requires special training of handlers of hazardous materials, notification to employees who work in the vicinity of hazardous materials, acquisition from the manufacturer of material safety data sheets that describe the proper use of hazardous materials, and training of employees to remediate any accidental hazardous material releases. Cal/OSHA also requires preparation of an Injury and Illness Prevention Program (IIPP), which is an employee safety program of inspections, procedures to correct unsafe conditions, employee training, and occupational safety communication. According to the Phase I ESA, suspect ACMs are identified in various buildings on site. The Phase I ESA also identified suspect LBP structures on site. In addition, due to the age of the existing structures on site, it is likely that old light ballasts or electrical transformers remain within the existing structures on site, and they may contain PCBs. Since the proposed project includes the demolition of remnant structures that may have the potential to release asbestos and lead, and construction workers could potentially be exposed to soil gases and residual soil contamination, this provision would be applicable.

Cal/OSHA's regulatory purview includes the following provisions to minimize the potential for release of asbestos, lead, and other airborne contaminants during construction and demolition activities.

- **Asbestos:** Cal/OSHA regulations prohibit emissions of asbestos from demolition and construction activities; require medical examinations and monitoring of employees engaged in activities that could disturb asbestos; specify precautions and safe work practices to minimize the potential for release of asbestos; and require notice to federal and local government agencies before beginning demolition or construction activities that could disturb asbestos.
- **Lead:** Cal/OSHA establishes a maximum safe exposure level for types of construction work in which lead exposure may occur, including demolition activities where materials containing lead are present; removal or encapsulation of materials containing lead; and new construction, alteration, repair, or renovation of structures with materials containing lead. Inspection, testing, and removal of lead-containing building materials must be performed by State-certified contractors who comply with applicable health and safety and hazardous materials regulations. Building materials with LBP attached are not typically considered hazardous waste unless the paint is chemically or physically removed from the building debris.

- **Airborne Contaminants:** Cal/OSHA regulates exposure to airborne contaminants (e.g., soil gases such as hydrogen sulfide) during construction under Title 8, Section 5155, Airborne Contaminants that establishes which compounds are considered a health risk, the exposure limits associated with such compounds, protective equipment, workplace monitoring, and medical surveillance required for compliance.

The characterization and disposal of environmentally regulated materials, such as ACMs, LBPs, PCBs, mercury, diethylhexyl phthalate (DEHP), and electronic wastes, is regulated by the DTSC under Title 22 CCR.

Unified Hazardous Waste and Hazardous Materials Management Regulatory Program. The California Environmental Protection Agency (Cal-EPA) grants to qualifying local agencies oversight and permitting responsibility for certain State programs pertaining to hazardous waste and hazardous materials. This is achieved through the Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program) (27 CCR Division 1, Subdivision 4, Chapter 1, Sections 15100–15620), created by State legislation in 1993 to consolidate, coordinate, and make consistent the administrative requirements, permits, inspections, and enforcement activities for the following emergency and management programs:

- Hazardous materials release response plans and inventories (business plans);
- California Accidental Release Prevention Program (CalARP);
- Underground Storage Tank Program;
- Aboveground Petroleum Storage Act Requirements for Spill Prevention, Control and Countermeasure Plans;
- Hazardous Waste Generator and On-site Hazardous Waste Treatment (tiered permitting) Programs; and
- California Uniform Fire Code: Hazardous material management plans and hazardous material inventory statements.

The local Certified Unified Program Agency (CUPA) implements program elements either directly or in coordination with affiliated Participating Agencies (PA). The County of Los Angeles Fire Department is the CUPA for the project site. Business Plans for operations subject to the Hazardous Materials Release Response Plans and Inventory Act are reviewed and approved by the CUPA. The CUPA also conducts inspections of these facilities. The County of Los Angeles Fire Department has the authority to require business plans for facilities that do not meet the minimum requirements if it determines that CUPA oversight is needed due to the type of facility or location.

Emergency Services Act. Under the Emergency Services Act, the State of California developed an emergency response plan to coordinate emergency services provided by federal, State, and local agencies. Rapid response to incidents involving hazardous materials or hazardous waste is an important part of the plan, which is administered by the California Office of Emergency Services (OES). This office coordinates the responses of other agencies, including the EPA, the California

Highway Patrol, the nine RWQCBs, the various air quality management districts, and county disaster response offices.

Regional and Local Policies and Regulations

As discussed above, the County of Los Angeles Fire Department administers hazardous materials environmental compliance within the City. The City's Department of Building and Safety identifies and enforces compliance with WHMC Section 14.08.010. The regional air quality management district for Southern California, the SCAQMD, creates regulatory and advisory standards regarding air pollutants within the Southern California region. These agencies, as well as the laws and regulations they enforce, are discussed below.

South Coast Air Quality Management District Rule 1403. SCAQMD Rule 1403, Asbestos Emissions from Demolition/Renovation Activities, sets regulatory requirements as they relate to the emission of air pollutants that could pose potential significant harm to the environment and human health. Within the context of this section of this Recirculated Draft Environmental Impact Report (Recirculated DEIR), SCAQMD Rule 1403 regulates and sets requirements for the survey and identification, abatement, demolition, SCAQMD notification, and disposal of ACMs.

South Coast Air Quality Management District Rule 1166. SCAQMD Rule 1166, Volatile Organic Compound Emissions from Decontamination of Soil, requires that a mitigation plan be approved by the Air Quality Management District prior to:

- The excavation of underground storage tank or transfer piping previously used for VOCs;
- The excavation or grading of soil consisting of VOC material, such as gasoline, diesel, crude oil, lubricant, waste oil, adhesive, paint, stain, resin, monomer, and/or any material containing VOCs; or
- The handling or storage of VOC-contaminated soil.

City of West Hollywood Municipal Code. WHMC Section 14.08.010 requires that all high-rise building occupants be instructed annually on procedures to be followed in the event of fire, earthquake, or other emergency.

City of West Hollywood Development Conditions. The City has standard development conditions that are applicable to the proposed project. Conditions related to hazardous materials include the Construction Period Mitigation Plan and Storm Water Pollution Prevention Plan as discussed in detail in Section 3.0, Project Description, and as outlined below.

Construction Period Mitigation Plan. A construction period mitigation plan shall be prepared by the applicant and submitted to the City of West Hollywood Building Official and City

Engineer for approval prior to the issuance of a building permit for the proposed project. As applicable, this plan shall:

- Specify the names, addresses, telephone numbers, e-mail addresses, and business license numbers of all contractors and subcontractors, the project architect, and the project applicant;
- Describe how the demolition of existing structures on site will be accomplished;
- Designate the permitted waste haulers and recyclers and include the construction period disposal and recycling plan;
- Designate where any cranes will be located for erection and construction;
- Describe how much of the public street, alleyway, and sidewalk is proposed to be used in conjunction with project construction;
- Identify the extent and nature of any pile-driving operations;
- Describe the length and number of any tiebacks that must extend under adjacent properties;
- Specify the nature and extent of any dewatering and its possible effects on adjacent buildings;
- Describe the anticipated construction-related truck routes, number of truck trips, and hours of hauling and parking operations;
- State whether any construction activity is proposed beyond the hours normally permitted in the City;
- Describe any proposed construction-related noise mitigation measures;
- Describe construction period security measures, including any fencing, lighting, and security personnel;
- Provide a drainage plan for the construction period;
- Provide a construction period parking plan that will minimize the use of public streets for construction worker and equipment parking; and
- List a designated on-site construction manager.

Storm Water Pollution Prevention Plan. For the demolition and construction phases of the proposed project, the project construction contractor would need to adhere to a Storm Water Pollution Prevention Plan (SWPPP) that specifies Best Management Practices (BMPs) consistent with the National Pollutant Discharge Elimination System (NPDES) Permit for the purposes of controlling wet weather erosion. Because the project site is larger than one acre, the SWPPP must be undertaken in compliance with regulations issued by the SWRCB in addition to local requirements. The SWPPP will be subject to review and approval by the City prior to issuance of a demolition permit for the proposed project.

4.7.5 THRESHOLDS OF SIGNIFICANCE

The following thresholds of significance criteria are based on Appendix G of the CEQA Guidelines. Based on these thresholds, implementation of the proposed project would have a significant impact related to hazards and hazardous materials if it would:

Threshold 4.7.1: Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;

Threshold 4.7.2: 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;

Threshold 4.7.3: Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;

Threshold 4.7.4: 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;

Threshold 4.7.5: 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, result in a safety hazard for people residing or working in the project area;

Threshold 4.7.6: For a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area;

Threshold 4.7.7: Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or

Threshold 4.7.8: Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

4.7.6 PROJECT IMPACTS

Threshold 4.7.1: Would the proposed project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Potentially Significant Impact

Construction. Construction of the proposed project would involve the routine use, handling, storage, transport, and disposal of hazardous materials such as fuels, lubricants, paints, and solvents. In compliance with existing federal, State, and local regulations, the amounts of these materials present during construction would be limited and would not pose a significant adverse hazard to workers or the environment. The construction contractor would be required to implement standard BMPs regarding hazardous materials storage, handling, and disposal during construction in compliance with the State General Permit to protect water quality. Compliance with various federal, State, and local regulations related to hazardous materials use, storage, transportation, and disposal would reduce the risk of a spill or accidental release of hazardous materials to a less than significant level.

The existing buildings on the project site may be constructed of materials that contain ACMs, LBPs, PCBs, and/or other hazardous materials. Because the proposed project would include demolition and removal of all on-site structures, the appropriate identification, removal, and disposal of these building materials consistent with existing federal, State, and local regulations would be required. Therefore, Mitigation Measure HAZ-1, requiring predemolition surveys and appropriate removal methods for ACM-, LBP-, or PCB-containing materials, is proposed. Implementation of Mitigation Measure HAZ-1 would reduce the potentially significant adverse impacts related to the removal and disposal of hazardous materials in existing structures on the project site to below a level of significance.

Less than Significant Impact

Operation. The proposed retail, commercial, and residential uses on site would involve the use of small amounts of hazardous materials typical of such uses. The handling, use, storage, transport, and disposal of small amounts of substances used for commercial cleaning, residential maintenance, and landscaping care, such as cleaners, solvents, paints, fertilizers, and pesticides, are subject to existing applicable federal, State, and local regulations. Therefore, there would be no significant adverse hazard to the public or the environment during project operation through the routine handling, storage, transport, use, or disposal of typical hazardous materials and/or wastes, and no mitigation would be required.

Threshold 4.7.2: Would the proposed 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?

Potentially Significant Impact

Construction. The appendix of the Phase I ESA contains a photograph identifying an abandoned well at the former gas station site; however, the text of the Phase I ESA does not discuss this abandoned well. Because it is unknown whether this well was properly abandoned, documentation from the Los Angeles County DHS will be required. Once properly abandoned, the well would not present a hazard to the project site. Compliance with Mitigation Measure HAZ-2, provided below, would ensure that the status of the well is documented and, if necessary, the well abandoned properly as part of the proposed project. Mitigation Measure HAZ-2 would reduce potential adverse impacts related to this well to below a level of significance.

The Phase I ESA determined that the UST at 642 North Almont Drive, directly east of the project site, is a possible source of contamination that could affect the project site. In addition, the updated database records search determined that two additional sites, located northeast of the project site, were also possible sources of contamination that could affect the project site. Adjacent USTs have the potential to affect the project site through underground leaks and subsequent migration of contaminated groundwater. Based on these off-site impacts to groundwater, groundwater may pose a potential health risk to construction workers.

The proposed project would require dewatering during construction, and the Applicant is required to comply with all applicable provisions in the State General Permit with respect to dewatering, including water sampling, analysis, and reporting of dewatering-related discharges (refer to Mitigation Measure HY-1 in Section 4.8, Hydrology and Water Quality). Compliance with groundwater dewatering requirements of the State General Permit as outlined in Mitigation Measure HY-1 would mitigate potential impacts related to contaminated groundwater to a less than significant level. Further, impacts to construction workers potentially encountering contaminated groundwater would be reduced to less than significant levels through compliance with a health and safety plan that directs specific actions consistent with local, State, and federal regulations for encounters with known and potential hazardous materials as required in Mitigation Measure HAZ-3.

Although it is not anticipated that hazardous materials would be encountered or accidentally released during construction, it is possible that unknown and undocumented hazardous materials could be uncovered during construction activities. To mitigate the potential for upset or accidental release of hazardous materials into the environment, the project would need to follow local, State, and federal regulations with respect to the handling of hazardous materials. This requirement is set forth in Mitigation Measure HAZ-4; therefore, implementation of mitigation would reduce potentially significant impacts related to accidental release of unknown hazardous to a less than significant impact.

Less than Significant Impact

Operation. The proposed project would result in the development of a mixed-use commercial and residential development. As such, the proposed project would involve the use of routine hazardous materials (e.g., solvents, paints, cleaners and fertilizers) typical of such land uses, but would not present a significant hazard related to foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Compliance with various federal, State, and local regulations related to hazardous materials use, storage, transportation, and disposal would reduce the risk of a spill or accidental release of hazardous materials to a less than significant level, and no mitigation would be required.

Threshold 4.7.3: Would the proposed project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less than Significant Impact

As stated previously, the proposed project would not produce hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste. In addition, these activities would not occur within 0.25 mile of an existing or proposed school. Therefore, impacts would be less than significant, and no mitigation would be required.

Threshold 4.7.4: Would the proposed project 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?

Potentially Significant Impact

According to the Phase I ESA, only one site from the hazardous materials databases compiled pursuant to Government Code Section 65962.5 was identified on the project site. The listing of the Chevron USA service station, which was previously located at 9098 West Santa Monica Boulevard, is no longer located on the site. Soil and groundwater were impacted by the leaking of leaded gasoline from USTs at this station. Two USTs were excavated, removed, and disposed from the site. The Phase I ESA reported contaminated soil and groundwater was removed from the project site, and the project site listing is indicated as closed. However, as discussed above, it is unknown whether one abandoned well at the former gas station was properly abandoned. Therefore, compliance with Mitigation Measure HAZ-2, which requires documentation from the Los Angeles County DHS, is required. Once properly abandoned, the well would not present a hazard to the project site. Mitigation Measure HAZ-2 would reduce potential adverse impacts related to this well to below a level of significance and would ensure that the project site would not create a significant hazard to the public or the environment.

Threshold 4.7.5: 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 the proposed project result in a safety hazard for people residing or working in the project area?

No Impact

The project site is approximately 7.5 miles northeast of the Santa Monica Airport, approximately 10 miles southwest of Burbank International Airport, and approximately 12 miles north of Los Angeles International Airport. Therefore, the project site is not within an airport land use plan or within 2 miles of a public airport or private airstrip and would not result in a safety hazard for people residing or working on site. No mitigation would be required.

Threshold 4.7.6: For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

No Impact

As stated above, the project site is not within the vicinity of a private airstrip or airport and would therefore not result in a safety hazard related to aviation safety and airports. No mitigation would be required.

Threshold 4.7.7: Would the proposed project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less than Significant Impact

Access to, from, and on the project site for emergency vehicles would be reviewed and approved by the Los Angeles County Fire Department (LACFD) prior to project construction. The proposed project would be required to comply with all applicable codes and ordinances for emergency vehicle access. Compliance with required LACFD conditions provided later in Section 4.12, Public Services and Utilities, would ensure adequate access to, from and on the project site for the LACFD and would reduce impacts of the project related to emergency response to below a level of significance. No mitigation would be required.

Threshold 4.7.8: Would the proposed project expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Less than Significant Impact

According to the City's General Plan Safety and Noise Element (2011), the project site is not located in a designated wildland fire hazard area. Therefore, the proposed project would not expose people or structures to a significant adverse risk of loss, injury, or death involving wildland fires. Impacts would therefore be considered less than significant, and no mitigation would be required.

4.7.7 MITIGATION MEASURES

HAZ-1 Prior to issuance of any demolition permits, the Applicant shall submit predemolition surveys for asbestos-containing materials (ACMs) and lead-based paint (LBP) (including sampling and analysis of all suspected building materials) and proof that inspections for polychlorinated biphenyl (PCB) containing electrical fixtures have been performed, subject to review and approval by the City of West Hollywood Building Official. All inspections, surveys, and analyses shall be performed by appropriately licensed and qualified individuals in accordance with applicable regulations (i.e.: American Society for Testing and Materials [ASTM] E 1527-05 and 40 Code of Federal Regulations [CFR], Subchapter R, Toxic Substances Control Act [TSCA], Part 716) and submitted to the Director of Building and Safety for review and approval prior to issuance of demolition permits. All identified ACM-, LBP-, and PCB-containing electrical fixtures shall be removed, handled, and properly disposed of by appropriately licensed contractors according to all applicable regulations during demolition of structures (40 CFR, Subchapter R, TSCA, Parts 745, 761, and 763). Air monitoring shall be conducted by appropriately licensed and qualified individuals in accordance with applicable regulations to ensure adherence to applicable regulations (e.g., South Coast Air Quality Management District [SCAQMD]) and to provide safety to workers and the adjacent community. The Applicant shall provide documentation (e.g., all required waste manifests, sampling, and air monitoring analytical results) to the City of West Hollywood Director, Building and Safety

Division, showing that abatement of any ACM-, LBP-, or PCB-containing electrical fixtures identified in these structures has been completed in compliance with all applicable regulations and approved by the appropriate regulatory agency(ies) (40 CFR, Subchapter R, TSCA, Parts 716, 745, 761, 763, and 795 and CCR Title 8, Article 2.6).

HAZ-2 Prior to issuance of grading permits, the Applicant shall provide verification, subject to review and approval by the City of West Hollywood's Building Official, that the abandoned well under the former gas station on site has been properly abandoned per applicable standards.

HAZ-3 Prior to issuance of a grading permit, the Applicant shall submit a Health and Safety Plan subject to review and approval by the City's Building Official. The program shall be consistent with local, State, and federal regulations and shall encompass all subsurface soil disturbance and groundwater activities. The Health and Safety Plan shall include the following components:

- A summary of all potential risks to construction workers, monitoring programs, maximum exposure limits for all site chemicals, and emergency procedures;
- The identification of a site health and safety officer;
- Methods of contact, phone number, office location, and responsibilities of the site health and safety officer;
- Specification that the site health and safety officer shall be contacted immediately by the construction contractor if evidence of soil or groundwater contamination is encountered during site preparation and construction; and
- Specification that the Los Angeles County Fire Department (LACFD) and shall be notified if evidence of soil contamination is encountered and the Regional Water Quality Control Board shall be notified if groundwater contamination is encountered

HAZ-4 During construction activities, the Applicant shall immediately notify the City of West Hollywood Building Official and the Los Angeles County Fire Department (LACFD), Health Hazardous Materials Division, Division Chief, if any unknown substances or potentially hazardous materials are encountered. The County Health Hazardous Materials Division Chief shall determine the appropriate procedures for handling and disposal of the materials in accordance with local, State, and federal regulations.

4.7.8 CUMULATIVE IMPACTS

The hazardous materials study area considered for cumulative impacts consists of (1) the area that could be affected by proposed project activities, such as the release of hazardous materials, and (2) the areas affected by other projects whose activities could directly or indirectly affect the presence or fate of hazardous materials on the project site. In general, only areas adjacent to or very close to the

project site are considered due to the limited potential impact area associated with release of hazardous materials into the environment.

In the existing condition, building materials and soils may contain hazardous materials that would need to be removed and transported off site to an approved disposal facility. This would be a temporary condition that is subject to regulatory oversight. Once existing hazardous materials have been removed to the satisfaction of the Los Angeles County Health Department, SCAQMD, and the LACFD, Health Hazardous Materials Division (as applicable), project operation, like other mixed-use developments, would involve the use and storage of household hazardous materials typical of commercial businesses and residences and would not present a significant hazard to the environment with regulatory compliance procedures in place.

With the exception of hazardous materials transport, the proposed project would not create potential significant cumulative adverse impacts off site. Transport of hazardous materials is closely regulated by the California Highway Patrol, and local police and fire departments are trained in emergency response procedures for safely responding to accidental spills of hazardous substances on public roads. In addition, with implementation of Mitigation Measures HAZ-1, HAZ-3 and HAZ-4, hazardous materials would be adequately monitored during construction activities to ensure that there would be no significant adverse impact to the environment or to human health. Therefore, the temporary transport of existing hazardous materials and the future transport of household hazardous materials to and from the project site would not present a significant cumulative hazard.

Impacts associated with hazardous soils, groundwater, and use of hazardous materials on site would be controlled through application of standard regulatory procedures set forth in Mitigation Measures HAZ-1 through HAZ-4. There are no known projects adjacent to or in the vicinity of the project site that could be affected by on-site handling of hazardous materials or that could result in significant hazards or hazardous materials impacts on site. Accordingly, the proposed project's contribution to hazards and hazardous materials cumulative impacts would be less than significant with implementation of mitigation.

4.7.9 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Implementation of the mitigation measures described above would reduce potential project-related adverse hazards and hazardous materials impacts to less than significant levels.