

IV. Environmental Impact Analysis

F. Hazards and Hazardous Materials

1. Introduction

This section of the Draft EIR provides an analysis of the Project's potential impacts with regard to hazards and hazardous materials. The analysis is based in part on the *Phase I Environmental Site Assessment (Phase I ESA)* prepared by Geosyntec Consultants, dated March 2018, which is included as Appendix H.1 of this Draft EIR; the *Oil Well Report*, prepared by Geosyntec Consultants, dated March 2, 2018, and updated in February 2021 (the Oil Wells Investigation Report) and included as Appendix H.3; the *Methane Report*, prepared by Geosyntec Consultants, dated February 2018 and updated in February 2021 and included in Appendix H.4 of this Draft EIR; and the letter from California Geologic Energy Management Division—Southern District (CalGEM) dated December 11, 2020, and included in Appendix H.3 of this Draft EIR.

2. Environmental Setting

a. Regulatory Framework

The regulations governing the storage and handling of hazardous materials are complex, with a varying degree of overlap associated with existing federal, state, and local programs. In general, applicable laws and regulations are aimed at hazardous materials inventory and emergency response planning, risk planning and accident prevention, employee hazard communication, public notification of potential exposure to specific chemicals, and storage of hazardous materials including aboveground storage tanks (AST), and underground storage tanks (UST). A description of the major policies and programs regulating hazardous materials storage and handling applicable to activities at the Project Site is provided below.

(1) Hazardous Materials Use, Storage, and Management

(a) *Emergency Planning and Community Right-to-Know Act (Superfund Amendments and Reauthorization Act, Title III)*

In 1986, Congress adopted the Emergency Planning and Community Right-to Know Act (42 United States Code Sections 11001–11050) as Title III of the federal Superfund Amendments and Reauthorization Act. The federal Emergency Planning and Community

Right-to-Know Act establishes reporting and planning requirements for businesses that handle or store specified hazardous materials. These reports and plans provide federal, state, and local emergency planning and response agencies with information about the amounts of materials that businesses use, release, and/or spill. These reports and plans also provide the public with information about potential hazards in their communities.

In California, many of the requirements of the Emergency Planning and Community Right-to-Know Act overlap with regulations adopted under the state's Hazardous Materials Release Response Plans and Inventory Law Health and Safety Code Sections 25531 *et seq.*, which are discussed below. The Emergency Planning and Community Right-to-Know Act consists of four separate programs, including:

- Planning for emergency response (Sections 301 to 303), also addressed by the provisions of the Hazardous Materials Release Response Plans and Inventory Law and the Health and Safety Code Sections 25531 *et seq.*;
- Reporting leaks and spills (Section 304), also covered by the Hazardous Materials Release Response Plans and Inventory Law;
- Reporting hazardous materials inventories (Sections 311 and 312), also covered by the Hazardous Materials Release Response Plans and Inventory Law; and
- Annual reporting of total releases of specified "toxic chemicals" (Section 313).

(b) Hazardous Materials Release Response Plans and Inventory

Businesses in California that handle hazardous materials are required to comply with California's Hazardous Materials Release Response Plans and Inventory Law (Assembly Bill 2185; Health and Safety Code Section 25500 *et seq.*). Basic requirements of hazardous materials planning under the Hazardous Materials Release Response Plans and Inventory Law include the development of detailed inventories of the hazardous materials used and stored on-site, a program of employee training for hazardous materials release response, and the identification of emergency contacts and response procedures. The reporting thresholds in the Hazardous Materials Release Response Plans and Inventory Law for hazardous materials are:

- 55 gallons of a liquid;
- 500 pounds of a solid;
- 200 cubic feet of a compressed gas measured at standard temperature and pressure; and

- For radioactives, the quantity for which an emergency plan is required under federal or state regulations.

Any facility that meets minimum thresholds for established categories of waste must comply with the reporting requirements and file a business emergency plan with the local administering agency. For the Project Site, the local administering agency is the City of Los Angeles Fire Department (LAFD). The LAFD refers to the business emergency plan as a Hazardous Materials Business Plan. The Hazardous Materials Business Plan must include a complete inventory of all hazardous materials used and stored at a site in quantities above the associated thresholds and a program of employee training for hazardous materials releases.

(c) Unified Hazardous Waste and Hazardous Materials Management Regulatory Program

Senate Bill 1082 (1994) established the Unified Hazardous Waste and Hazardous Materials Management Regulatory Program. The LAFD is a Certified Unified Program Agency. The Unified Hazardous Waste and Hazardous Materials Management Regulatory Program consolidates and coordinates the six state programs that regulate business and industry's use, storage, handling, and disposal of hazardous materials and hazardous wastes. The Certified Unified Program Agency requirements include submittal of the following: Business Information Form; Hazardous Materials System BP-8 Computer Listing of Inventory Submitted; Annual Inventory Update Form; and Regulated Substance Registration Form.

(d) Health and Safety Code Section 25531

Health and Safety Code Sections 25531 *et seq.* requires risk planning and accident prevention provisions for facilities that use or store acutely hazardous materials. Acutely hazardous materials (known as Extremely Hazardous Substances under the Emergency Planning and Community Right-to-Know Act) are defined as any chemical designated as an extremely hazardous substance in the Code of Federal Regulations, Title 40, Part 355 (40 Code of Federal Regulations 355), Appendix A. Under Health and Safety Code Sections 25531 *et seq.*, facilities that store or utilize certain types and quantities of hazardous materials may be required to develop Risk Management Plans. Risk Management Plans include management, engineering and safety studies, as well as the construction of physical improvements, if warranted, designed to minimize the potential for hazardous materials accidents and, if an accident does occur, to minimize the impacts of such an event. Risk Management Plans are process-specific rather than project-specific. As such, they focus on the use of hazardous materials in various operations. For processes that use quantities of hazardous materials at or above the thresholds defined by the Health and Safety Code Sections 25531 *et seq.*, a Risk Management Plan must be prepared. Quantity thresholds as defined under Health and Safety Code Sections 25531

et seq. vary for different hazardous constituents. Health and Safety Code Sections 25531 *et seq.* require that Risk Management Plans be updated every three years for continuing operations or whenever the process changes to the extent that the current Risk Management Plan does not reflect the revised process.

The state Office of Emergency Services delegated authority to local agencies to administer the Hazardous Materials Release Response Plans and Inventory Law and Health and Safety Code Sections 25531 *et seq.* In the City of Los Angeles, LAFD issues permits for hazardous materials handling (in accordance with the Hazardous Materials Release Response Plans and Inventory Law), enforces Assembly Bill 2185 (per the Hazardous Materials Release Response Plans and Inventory Law), and administers the applicable sections of the Los Angeles Fire Code, including Division 8 (Hazardous Materials Release Response Plans and Inventory Statements). Risk Management Plans are required to be filed with the Los Angeles County Department of Public Works and with the LAFD. The LAFD administers the requirements of the Hazardous Materials Release Response Plans and Inventory Law and Health and Safety Code Sections 25531 *et seq.* through a combination of the following: LAFD inspections; plan checks; disclosure requirements associated with Hazardous Materials Business Plans; and requirements for the preparation and filing of Risk Management Plans. Any business handling hazardous materials (as defined in Section 25500 of California Health and Safety Code, Division 20, Chapter 6.95) is required to obtain a local fire department permit and register the business as a hazardous materials handler.

(e) Federal and California Occupational Safety and Health Acts

Federal occupational safety and health regulations also contain provisions with respect to hazardous materials management. The applicable federal law is the Occupational Safety and Health Act of 1970, as amended, which is implemented by the Occupational Safety and Health Administration (OSHA) (29 United States Code, Sections 651–678). Federal Occupational Safety and Health Act requirements, set forth in Title 29 Code of Federal Regulations Section 1910 *et seq.*, are designed to promote worker safety, worker training, and worker right-to-know. A major component of the federal regulations is the requirement that employers implement the Occupational Safety and Health Act Hazard Communication Standard to provide information to employees about the existence and potential risks of exposures to hazardous substances in the workplace. As part of the Hazard Communication Standard, employers must:

- Obtain material safety data sheets from chemical manufacturers which identify the types and handling requirements of hazardous materials used in given areas;
- Make the material safety data sheets available to their employees;
- Label chemical containers in the workplace;

- Develop and maintain a written hazard communication program; and
- Develop and implement programs to train employees about hazardous materials.

Employers are also required to train a team of employees to appropriate federal Occupational Safety and Health Act-defined levels, to respond to accidental releases of hazardous materials, and, as appropriate, to retain on-call contractors to perform hazardous materials accidental release responses (29 Code of Federal Regulations 1910.120, Hazardous Waste Operations and Emergency Response Standards).

Since the State of California has a state plan with provisions at least as stringent as those required by the Occupational Safety and Health Act, the United States Department of Labor delegated the authority to administer the Occupational Safety and Health Act regulations to the state. The California Occupational Safety and Health Act program (codified in the California Code of Regulations, Title 8, or 8 California Code of Regulations generally and in the Labor Code Sections 6300–6719) is administered and enforced by the Division of Occupational Safety and Health, a unit of California’s Department of Industrial Relations. The California Occupational Safety and Health Act is similar to the federal program.

In addition to the provisions identified above, the California Occupational Safety and Health Act requires employers to implement a comprehensive, written Injury and Illness Prevention Program. An Injury and Illness Prevention Program is an employee safety program that covers the full range of potential workplace hazards, including those associated with hazardous materials.

(f) Safe Drinking Water and Toxic Enforcement Act

The Safe Drinking Water and Toxic Enforcement Act (22 California Code of Regulations Section 12000 *et seq.*), also known as Proposition 65, was developed to improve public health by reducing the incidence of cancer and adverse reproductive outcomes that might result from exposure to potentially hazardous chemicals. Proposition 65 requires the following:

- The creation of a list of chemicals and substances, and the levels at which they are believed to have the potential to cause cancer or deleterious reproductive effects in humans;
- Restriction of discharges of listed chemicals into known drinking water sources at levels above the regulatory levels of concern;
- Public notification of any unauthorized discharge of hazardous waste;

- A clear and understandable warning given prior to a known and intentional exposure to a listed substance; and
- Establishment of a right of action for private citizens and a separate set of notice requirements for “designated government employees” and counties.

Though Proposition 65 is enforced by the County of Los Angeles Health Officer, the law can also be enforced by State or local government prosecutors (i.e., State Attorney General, County District Attorney, and City Attorney), as well as members of the public in certain instances.

(g) California Radiation Control Regulations

The California Radiation Control Regulations (17 California Code of Regulations Division 1, Chapter 5, Subchapter 4) include standards for the protection against radiation hazards. The Los Angeles County Department of Health Services, on behalf of the State Department of Health Services, has the primary responsibility for administering these standards, which apply to both employers and employees. Standards include procedures regarding the proper use, storage/labeling, training, waste management and disposal, and emergency release of a regulated source of radiation.

(h) Uniform Fire Code

Additional requirements pertaining to hazardous materials management are set forth in the Uniform Fire Code. The Uniform Fire Code regulates the types, configuration, and quantities of hazardous materials that can be stored within structures. The Uniform Fire Code also regulates the storage of hazardous materials (e.g., storage tanks) in outdoor areas. These regulations are implemented by LAFD through regular inspections of on-site operations and through issuance of notices of violation in cases where storage facilities do not meet code requirements. In addition to regulations governing hazardous materials handling, there are reporting requirements associated with a hazardous materials release. These reporting provisions require, in some instances, notification of the local Certified Unified Program Agency (i.e., LAFD), the State Office of Emergency Services, and National Response Center, if warranted.

(i) City of Los Angeles General Plan Safety Element

The City’s General Plan Safety Element (adopted on November 26, 1996) includes policies related to the City’s response to hazards and natural disasters and represents the long-range emergency response plan for the City. The General Plan Safety Element seeks to address the protection of people from unreasonable risks associated with natural disasters (e.g., fires, floods, and earthquakes) and reduce future losses of life, injuries, and

socioeconomic disruption from other safety issues including the management of hazardous materials.

Additionally, LAFD monitors the storage of hazardous materials in the City for compliance with local requirements. Specifically, businesses and facilities which store more than the threshold quantities of hazardous materials as defined in Chapter 6.95 of the California Health and Safety Code are required to file an Accidental Risk Prevention Program with the LAFD. This program includes information such as emergency contacts, phone numbers, facility information, chemical inventory, and hazardous materials handling and storage locations.

(2) Hazardous Waste Generation, Handling, and Disposal

(a) Federal Resource Conservation and Recovery Act and California Hazardous Waste Control Law

The federal Resource Conservation and Recovery Act (RCRA) (42 United States Code Sections 6901–6992k) regulates the generation, transportation (through standards applicable to transporters of hazardous waste), treatment, storage, and disposal of hazardous waste. Under RCRA regulations, hazardous wastes must be tracked from the time of generation to the point of disposal. The RCRA program also establishes standards for hazardous waste treatment, storage, and disposal units, which are intended to have hazardous wastes managed in a manner that minimizes present and future threats to the environment and human health. At a minimum, each generator of hazardous waste must register and obtain a hazardous waste activity identification number. If hazardous wastes are stored for more than 90 days or treated or disposed of at a facility, any treatment, storage, or disposal unit must be permitted under the RCRA.

The RCRA classifies users that generate greater than 1,000 kilograms (approximately 2,205 pounds) per month of non-acutely hazardous waste as “large quantity generators.” Large-quantity generators are subject to the life cycle hazardous waste management requirements of the RCRA. The RCRA requires large quantity generators to maintain inspection logs of hazardous storage locations, records of the quantity of hazardous waste being generated and stored on-site, manifests of pick-ups of these wastes from the site by licensed hazardous waste transporters, and records from the licensed treatment/storage/disposal facilities which receive and ultimately treat or dispose of the waste.

The RCRA allows individual states to develop their own programs for the regulation of hazardous waste as long as they are at least as stringent as the federal act. The State of California has developed the California Hazardous Waste Control Law (Health and Safety Code Section 25100 *et seq.*; 22 California Code of Regulations Section 66260.1 *et*

seq.), which is modeled closely after the RCRA. Unlike the RCRA, the Hazardous Waste Control Law does not recognize a threshold below which generators are exempt from some or all of the Hazardous Waste Control Law requirements.

The United States Environmental Protection Agency (USEPA) has delegated RCRA enforcement to the State of California. Primary authority for the statewide administration and enforcement of Hazardous Waste Control Law rests with the California Environmental Protection Agency's (CalEPA) Department of Toxic Substances Control (DTSC). The DTSC is responsible and/or provides oversight for contamination cleanup and administers statewide hazardous waste reduction programs. The DTSC has delegated to local agencies the authority to inspect and regulate hazardous waste generators. As previously indicated, LAFD is a Certified Unified Program Agency under the Unified Program. The Unified Program consolidates and coordinates the six state programs that regulate business and industry's use, storage, handling, and disposal of hazardous materials and hazardous wastes.

Both the RCRA and the Hazardous Waste Control Law require businesses to prepare biennial hazardous waste reports that identify the nature and quantity of each type of hazardous waste generated and the treatment, disposal method, and facilities used for each waste (40 Code of Federal Regulations 262.41(a) and 22 California Code of Regulations 66262.41). These reports must be submitted to the DTSC.

(b) Federal Occupational Safety and Health Act and California Occupational Safety and Health Act

The federal Occupational Safety and Health Act and California Occupational Safety and Health Act regulations also contain worker safety provisions with respect to routine hazardous waste management operations and emergency responses involving hazardous wastes. The provisions are included in the Hazardous Waste Operations and Emergency Response Standard (29 United States Code sec 651 *et seq.*; 29 Code of Federal Regulations 1910.120; 40 Code of Federal Regulations 311), which requires a written health and safety program, worker training, emergency response training, medical surveillance, and measures to reduce worker exposure to hazardous waste.

(c) Uniform Fire Code

The Uniform Fire Code regulates hazardous waste storage facilities through regular site inspections by the LAFD and through the issuance of notices of violations in cases where storage facilities do not meet code requirements.

(3) Underground Storage Tanks

(a) Resource Conservation and Recovery Act, Subtitle I

In 1984, Congress adopted a national UST regulatory program (42 United States Code 6991 *et seq.*), commonly referred to as Subtitle I of the RCRA. Regulations implementing this program are found at 40 Code of Federal Regulations 280. Subtitle I authorized the USEPA to issue regulations establishing construction standards for new UST installations (those installed after December 22, 1988), as well as strict standards for:

- Upgrading existing USTs and associated piping;
- New UST installations;
- Corrosion protection for USTs and piping;
- Spill and overfill protection and, for USTs that contain substances other than petroleum, secondary containment methods to detect and contain leaks and leak detection for associated piping;
- Leak detection and reporting of releases and corrective actions;
- On-site practices and record keeping;
- UST closure standards; and
- Financial responsibility.

After 1998, all nonconforming tanks were required to be upgraded or closed.

(b) California Code of Regulations and California Health and Safety Code

Prior to the adoption of the federal UST regulatory program, the State of California initiated the regulation of USTs storing hazardous substances in 1983. The State of California further defined the federal laws and regulations related to the UST program. The California Health and Safety Code, Division 20, Chapter 6.7, governs the UST program, and regulates the program in California Code of Regulations Title 23, Division 3, Chapter 16 and Chapter 18. The various elements regulated by the state's UST program include:

- Registration of USTs;
- Permitting USTs;
- Establishment of UST construction and operational standards;

- Installation of leak detection systems and/or monitoring of USTs for leakage;
- Establishment of UST closure requirements;
- Licensing of UST contractors;
- Establishment of financial responsibility requirements;
- Release reporting/corrective action; and
- Enforcement.

The state amended its UST program frequently to incorporate the federal requirements. As with the federal standards, the State's UST program required that all tanks have leak detection, corrosion protection, and spill and overflow devices by December 1998. USTs that did not meet the 1998 requirements were required to be immediately retrofitted or removed. One notable difference between the federal and state regulations is that under the State's UST program, the demarcation date between "existing" and "new" USTs is January 1, 1984 (as opposed to December 22, 1988).

Oversight of the statewide UST program is assigned to the State Water Resources Control Board (23 California Code of Regulations Section 2610 *et seq.*). The administration of the UST regulatory and permit program is performed by local agencies. The administration of the UST program within the City is performed by the LAFD. The responsibility for oversight of leaking USTs lies with the California Regional Water Quality Control Board—Los Angeles Region. The City's UST regulations are contained in Chapter 5, Article 7 of the Los Angeles Municipal Code (LAMC), commonly called the Los Angeles Fire Code.

(4) Aboveground Storage Tanks

(a) Aboveground Petroleum Storage Act

In 1989, California established the Aboveground Petroleum Storage Act instituting a regulatory program covering ASTs containing specified petroleum products (Health and Safety Code Sections 25270–25270.13). The Aboveground Petroleum Storage Act applies to a facility if it has a storage capacity of 10,000 gallons or more or is subject to oil pollution prevention and response requirements under 40 Code of Federal Regulations Part 112 (40 Code of Federal Regulations 112) of the Clean Water Act. Oil pollution prevention requirements must be met if the facility has a cumulative aboveground storage capacity of 1,320 gallons or more of oil and may reasonably be expected to discharge oil in harmful quantities into navigable waters. CalEPA's DTSC regulations may apply if ASTs contain hazardous waste and are stored longer than 90, 180, or 270 days (depending on other criteria).

Under the Aboveground Petroleum Storage Act, each owner or operator of a regulated AST facility must file biennially a storage statement with the State Water Resources Control Board disclosing the name and address of the AST facility; the contact person for the facility; and the location, size, age, and contents of each AST that exceeds 10,000 gallons in capacity and that holds materials that are at least 5 percent petroleum. In addition, each owner or operator of a regulated AST must prepare a Spill Prevention Control and Countermeasure Plan in accordance with federal and state requirements (40 Code of Federal Regulations 112 and Health and Safety Code Section 25270.5[c]). Compliance is required for facilities with total aboveground oil storage capacity that exceeds 1,320 gallons.

As noted above, the Spill Prevention Control and Countermeasure Plan is intended to minimize the potential for accidental release of oil or petroleum products into or upon the navigable waters of the United States or adjoining shoreline. Groundwater monitoring may also be required if the tank exterior surface, connecting piping, and the floor directly beneath the tank cannot all be monitored by direct viewing. Notification to the state Office of Emergency Services is required immediately upon discovery of any spill or release of 42 gallons or more of petroleum (Health and Safety Code Section 25270.8). Currently, the responsibility for inspecting ASTs and ensuring that Spill Prevention Control and Countermeasure Plans have been prepared lies with the California Regional Water Quality Control Board.

(b) City of Los Angeles Requirements

In addition to the state requirements, local jurisdictions also impose requirements concerning ASTs. The LAFD requires that all ASTs containing more than 60 gallons of combustible materials have a form of secondary containment. If the tank is located inside a building with sprinklers, the secondary containment must be able to hold 100 percent of the tank contents plus 20 minutes of sprinkler water. Outdoor containment must be able to handle 100 percent of the tank contents and 24 hours of rainwater from a 25-year storm.

(c) South Coast Air Quality Management District Rule 1166

If volatile organic compound (VOC)–contaminated soil resulting from leakage from storage or transfer operations, accidental spillage, or other deposition is discovered during excavation or grading, the South Coast Air Quality Management District’s (SCAQMD’s) Rule 1166 (VOC Emission from Decontamination of Soil) requirements to control the emission of VOCs are applicable. SCAQMD’s Rule 1166 includes the development and approval of a mitigation plan, notification prior to excavation or grading, monitoring for VOC contamination, and the handling and treatment of VOCs, if discovered.

(5) Asbestos

(a) Toxic Substances Control Act

In 1976, the federal Toxic Substances Control Act (15 United States Code Sections 2601–2671) established a system of evaluation in order to identify chemicals which may pose hazards. The Toxic Substances Control Act also established a process by which public exposure to hazards may be reduced through manufacturing, distribution, use and disposal restrictions or labeling of products. Under the Toxic Substances Control Act (40 Code of Federal Regulations 763), the USEPA has enacted strict requirements on the use, handling, and disposal of asbestos-containing materials (ACMs). These regulations include the phasing out of friable asbestos and ACMs in new construction materials beginning in 1979 (40 Code of Federal Regulations 763). Friable asbestos may be found in pre-1979 construction. In addition, due to potential adverse health effects in exposed persons, in 1989 the USEPA banned most uses of asbestos in the country. Although most of the ban was overturned in 1991, the current banned product categories include corrugated paper, rollboard, commercial paper, specialty paper, flooring felt, and any new uses. The Toxic Substances Control Act is enforced by the USEPA through inspections of places in which ACMs are manufactured, processed, and stored and through the assessment of administrative and civil penalties and fines, as well as injunctions against violators.

(b) Federal Resource Conservation and Recovery Act and State Hazardous Waste Control Law

Under the RCRA, asbestos is not regulated as hazardous waste, but under the state Hazardous Waste Control Law, it is considered a “non-RCRA” or “California-only” hazardous waste. CalEPA’s DTSC classifies ACMs as hazardous waste if they are friable (e.g., easily crumbled) and contain 1 percent or more asbestos (California Code of Regulations, Title 22, Section 66261.24). Non-friable bulk asbestos-containing waste is considered by the DTSC as nonhazardous regardless of its asbestos content, so it is not subject to regulation under California Code of Regulations, Title 22, Division 4.5. The DTSC regulates the packaging, on-site accumulation, transportation (through standards applicable to transporters of hazardous waste), and disposal of asbestos when it is a hazardous waste.

(c) Federal and California Occupational Safety and Health Acts

The federal and state Occupational Safety and Health Acts regulate asbestos as it relates to employee safety through a set of general notification requirements and corrective actions to reduce potential exposure levels. The federal Occupational Safety and Health Act Worker Exposure Rule for Asbestos (29 Code of Federal Regulations 1910.1001 and 1926.1101) requires certain actions on the part of any employer whose employees are

potentially exposed to asbestos fiber levels above the permissible exposure limit (0.2 fiber per cubic centimeter of air, averaged over an 8-hour day). These actions include:

- Corrective measures to reduce exposure levels;
- Notification, including warning signs and labels;
- Controlled access;
- Use of protective equipment;
- Implementation of engineering and housekeeping controls; and
- Employee training programs.

The Occupational Safety and Health Act established an action level for workplace ACM exposure, as well. If an employee could be exposed above the action level, employers must begin compliance activities such as notification, employee training, air monitoring and, in some cases, medical surveillance. In buildings that contain ACMs, levels of airborne asbestos are not expected to reach Occupational Safety and Health Act exposure standards. Nevertheless, the USEPA recommends that building owners inform building occupants of the presence and location of ACMs, even if potential exposure is below the levels identified above. In addition to these regulations, contractors involved in asbestos surveys and removal are required to be certified by the Division of Occupational Safety and Health.

(d) Connelly Act

The Connelly Act (Assembly Bill 3713; Health and Safety Code Section 25915 *et seq.*) establishes notification requirements for all owners and employees working within any pre-1979 building known to contain ACMs. Notification could be based upon a survey of ACMs and their locations. The notification requirements of the Connelly Act are enforced by the California Division of Occupational Safety and Health.

(e) National Emission Standards for Hazardous Air Pollutants

The USEPA established National Emission Standards for Hazardous Air Pollutants (40 Code of Federal Regulations 61 Part M) that govern the use, removal, and disposal of ACMs as a hazardous air pollutant. The National Emission Standards for Hazardous Air Pollutants regulations concern the manufacture, spraying, and fabricating of ACMs, as well as its application, removal, and disposal. The National Emission Standards for Hazardous Air Pollutants regulations mandate the removal of friable ACMs before a building is demolished and include notification requirements prior to demolition. The regulations also mandate removal techniques, limit visible emissions of dust to the outside air during

removal or renovation, specify disposal procedures, and include provisions governing the packaging and labeling of asbestos wastes. The National Emission Standards for Hazardous Air Pollutants regulations are promulgated and enforced by the USEPA. Responsibility for implementing these requirements was delegated to the State of California, which in turn delegated the responsibility to the SCAQMD. The SCAQMD implements the National Emission Standards for Hazardous Air Pollutants through its Rule 1403, discussed below.

(f) South Coast Air Quality Management District Rule 1403

SCAQMD Rule 1403, Asbestos Emissions from Renovation/Demolition Activities, regulates asbestos as a toxic material and controls the emissions of asbestos from demolition and renovation activities by specifying agency notifications, appropriate removal procedures, and handling and clean up procedures. Rule 1403 applies to owners and operators involved in the demolition or renovation of structures with ACMs, asbestos storage facilities, and waste disposal sites. The requirements under this rule include the following:

- Surveying structures for ACMs;
- Agency notification of intention to remove asbestos;
- ACMs removal procedures and time schedules;
- ACMs handling and clean up procedures;
- ACMs storage, disposal and landfill requirements; and
- Record keeping.

(6) Lead-Based Paint

(a) Federal and California Occupational Safety and Health Acts

Federal Occupational Safety and Health Act requirements, set forth in 29 Code of Federal Regulations Section 1910 *et seq.*, are designed to promote worker safety, worker training, and worker right-to-know. Requirements include: General Industry Respiratory Protection Standard (29 Code of Federal Regulations 1910.134) for the use of respiratory protection devices intended to control occupational diseases caused by breathing air contaminated with harmful dusts, fogs, fumes, mists, gases, smokes, sprays, or vapors; the Lead in General Industry Standard (29 Code of Federal Regulations 1910.1025), which is applicable to all occupational exposures to lead, except for lead exposures in the construction industry, to protect employees from significant lead exposures and to educate the employees on health hazards associated with lead; and, the General Industry Hazard

Communication Standard (29 Code of Federal Regulations 1910.1200), which is the Occupational Safety and Health Act's general industry hazard communication standard and applies to all employees exposed to chemical and physical hazards in the general industry sector. The Occupational Safety and Health Act requirements set forth in 29 Code of Federal Regulations Section 1926 *et seq.*, are designed to promote safety during construction. These requirements include standards to comprehensively address the issue of evaluating and communicating chemical and physical hazards to employees in the construction sector (the Construction Industry Hazard Communication Standard [29 Code of Federal Regulations 1926.59]) for the demolition, salvage, removal, alternation, etc. of lead-containing materials and lead contamination/emergency clean up, transportation, disposal, storage, or containment of lead or materials containing lead on the site or location at which construction activities are performed, including maintenance activities associated with construction activities (the Lead in Construction Standard [29 Code of Federal Regulations 1926.62]). As with 29 Code of Federal Regulations 1910.134, the Respiratory Protection in Construction Standard (29 Code of Federal Regulations 1926.103) is applicable to all employees who are required or choose to wear respiratory protection devices. The intent of the standard is to control occupational diseases caused by breathing air contaminated with harmful dusts, fogs, fumes, mists, gases, smokes, sprays, or vapors. This standard requires the establishment of a written respiratory protection program whenever employees are required or choose to wear respirators.

Title 8 of the California Code of Regulations, Section 1532.1 (8 California Code of Regulations 1532.1) is a rule developed by OSHA in 1993 and adopted by the State of California. This rule is comparable to the federal standards described above. While this regulation has been updated several times since 1993, one important difference between it and the federal standard is the additional requirement to notify the Division of Occupational Safety and Health in writing before abating 100 square feet or more of lead-based paint (LBP). Title 17 of the California Code of Regulations, Division 1, Chapter 8 requires that all consultants and contractors conducting activities involving LBP or lead hazards be certified. This regulation also defines LBP, lead hazards, and lead clearance criteria. This regulation requires that the California Department of Health Services be notified in writing before all hazard-related testing and hazard mitigation-related abatement activities.

Title 22 of the California Code of Regulations, Section 66261.24 (22 California Code of Regulations 66261.34) is the state's version of the requirements for testing of all waste streams prior to disposal.

(b) Safe Drinking Water and Toxic Enforcement Act

The Safe Drinking Water and Toxic Enforcement Act (Title 22, Division 2, Chapter 3, Sections 12000 through 14000), enacted as Proposition 65, and previously described above in Subsection 2.a(1)(f), lists lead as a substance known to the State of California to

be a reproductive toxin and prohibits a business from knowingly exposing anyone to levels in excess of the “No Significant Risk Level” without first giving a “clear and reasonable warning.” The No Significant Risk Level is set at five micrograms of lead per day. In addition to providing warning requirements, these codes prohibit discharge to land or water where lead can pass into a source of drinking water.

(7) Polychlorinated Biphenyls

(a) Toxic Substances Control Act

Polychlorinated biphenyls (PCBs) can be found in older transformers and other electrical equipment. Due to their hazardous properties, all aspects of PCBs are strictly regulated by the USEPA under the Toxic Substances Control Act. These regulations ban the manufacture of PCBs although the continued use of existing PCB-containing equipment is allowed. Transformer oil containing PCBs at a concentration exceeding five parts per million is the California-regulated concentration for hazardous waste though PCBs in transformer oil at a concentration up to 50 parts per million are currently allowed in transformers in California. The Toxic Substances Control Act also contains provisions controlling the continued use and disposal of existing PCB-containing equipment.

The disposal of hazardous waste building materials, including PCBs, is also regulated by federal and state laws. The disposal of PCB wastes is regulated by the Toxic Substances Control Act (40 Code of Federal Regulations 761), which contains life cycle provisions similar to those in the RCRA.

(b) California Hazardous Waste Control Law

In addition to the Toxic Substances Control Act, provisions relating to PCBs are contained in the Hazardous Waste Control Law, previously discussed, which lists PCBs as hazardous waste.

(8) Oil Wells and Methane Gas

(a) California Geologic Energy Management Division

In compliance with Section 3229, Division 3 of the California Public Resources Code, before commencing any work on an abandoned oil well, the owner or operator shall file with the California Geologic Energy Management Division (CalGEM), previously known as the California State Division of Oil, Gas and Geothermal Resources (DOGGR), a written notice of intention to abandon the well (California State Division of Oil, Gas and Geothermal Resources Notice of Intention to Abandon Geothermal Well form OGG108). Abandonment work of oil and gas wells shall not proceed until an approval is issued by CalGEM. If a written response to the notice of intention is not received from CalGEM within

ten working days, the proposed abandonment shall be deemed to have been approved. If abandonment operations have not commenced within one year of CalGEM receipt of the notice of intention, the notice of intention shall be deemed canceled.

(b) City of Los Angeles Methane Mitigation Requirements

Los Angeles Ordinance No. 175,790 defines the methane mitigation requirements for all projects, which fall within the “methane zone” or the “methane buffer zone.” The zones are defined by the City to include areas of the City which fall within or adjacent to the oil production fields as reflected on CalGEM’s maps of oil fields. The ordinance requires that each parcel that falls within the methane or methane buffer zone be evaluated for methane concentration and pressure and certified by an approved testing agency, or a building can be designed to Site Design Level V in lieu of Site testing (Division 71, Section 91.7104.1). Upon completion and certification, the highest concentration and pressure measured during the investigation determines the “design level” for the project. The ordinance defines five design levels and corresponding mitigation measures for all sites in the methane and methane buffer zones. Level I is the least stringent escalating to Level V as the most stringent “active” methane mitigation. As part of the ordinance, alternatives to the measures specified in the ordinance are permitted with the approval of the City.

b. Existing Conditions

(1) Current and Historical Uses of the Project Site

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

As described in Section II, Project Description, of this Draft EIR, the Project Site is currently developed with four vacant structures generally located in the center and along the western area of the Project Site; the Elysian apartment building, which provides 96 joint live-work units and includes a ground floor restaurant, generally located along the northern portion of the Project Site; and surface parking and circulation areas, generally located on the eastern half of the Project Site. The Project Site was previously constructed and occupied by the Metropolitan Water District of Southern California (MWD) and most recently adapted for use by the Holy Hill Community Church.

As described in detail in the Cultural and Paleontological Resource Assessment included in Appendix E.2 of this Draft EIR, historical maps of the Project Site indicate the Project Site was initially developed as a park (named Beaudry Park) in 1873. In 1881, Beaudry Park at the Project Site was advertised for sale and was acquired by the Sisters of Charity, who built a hospital at the Project Site. During the time the Sisters of Charity occupied the Project Site, an oil discovery in 1892 led to an oil drilling boom in certain areas of the City and the Los Angeles City Oil Field was defined. The Los Angeles City Oil Field ran in a roughly westerly direction from Elysian Park for a distance of approximately 4.5 miles. The Project Site is located within the East Field portion of the Los Angeles City Oil Field, with the Project Site specifically marking the western extent of the East Field. Based on the Cultural and Paleontological Resource Assessment, oil wells in the East Field produced satisfactorily at the start but waned quickly, operating only between two and 13 years. Oil drilling on a portion of the Project Site continued through the early 1900s under a 10-year lease that gave the Sisters of Charity rights to oil on their property.

In November 1927, the Sisters of Charity moved their hospital to a new facility. The hospital at the Project Site remained vacant and the hospital was demolished between 1932 and 1934. The nurses' residences constructed in 1914, a shrine, and stairs remained on the Project Site until the Project Site was redeveloped by the Metropolitan Water District of Southern California (MWD) in 1959. MWD began construction of the MWD Sunset Boulevard Headquarters Campus on the Project Site in 1961 and completed construction of the buildings (Buildings 1, 2, and 3 as identified in Section II, Project Description, of this Draft EIR) in 1963. An additional office tower annex (also known as Building 4 or the existing Elysian apartment building) was later built in 1973. The Elysian apartment building is not part of the Project. MWD moved from the Project Site in 1993. The Holy Hill Community Church purchased the property in 1994 and constructed an additional building (Building 5) in 1998. The Holy Hill Community Church vacated the Project Site in 2014. As previously noted, the church buildings, which include Buildings 1, 2, 3, and 5, are currently vacant.

Based on a review of the historical documents and in general accordance with CalGEM's records, there is a reasonable basis to assume the presence of six oil wells, as indicated on the CalGEM online database, along the southern and eastern Site boundary. Existing roads along the southern and eastern Site perimeter appear to have been altered (i.e., widened), likely resulting in oil well locations that are now within the wider street right of way than was present in the early 1900s. Although a few of the historical maps could be interpreted to suggest additional oil wells at or near the site, given the absence of any corroborating evidence at this time, despite fairly extensive historical research, it is possible that the potential additional locations shown on a few historical maps are actually the same six oil wells identified in CalGEM's database.

The oil wells are listed as “buried/idle”¹ in the database maintained by CalGEM. In addition, based on various correspondence with CalGEM, the buried oil wells are likely not to have been abandoned in accordance with current CalGEM standards. Furthermore, a subsurface investigation in the southern portion of the Project Site conducted in 2015² identified petroleum hydrocarbons and methane concentrations in soil at the Project Site. As described above, the Project Site is located within the Los Angeles City Oil Field, which is known to have concentrations of methane and hydrogen sulfide. In addition, the Project Site is located within the City of Los Angeles Methane Zone. Based on the previous use of the Project Site, the location of the Project Site within an oil field and methane zone, the likely presence of buried oil wells and identified concentrations of petroleum hydrocarbons and methane in soil at the Project Site, these conditions can be identified to be RECs as described in the Phase I ESA.

(2) Hazardous Materials Database Search

The Phase I ESA for the Project Site obtained a database search report from Environmental Data Resources, Inc. (EDR), dated February 5, 2018, which is included as Appendix C of the Phase I ESA. The report documents findings of various federal, state, and local regulatory database searches regarding properties with known or suspected releases of hazardous materials or petroleum hydrocarbons. These findings are summarized below.

(a) Project Site

Based on the EDR database records search, the Project Site is listed on eight databases, including Hazardous Waste Information System (HAZNET), Resources Conservation and Recovery Act—Small Quantity Generators (RCRA-SQG), Underground Storage Tanks (UST), Statewide Environmental Evaluation and Planning System Underground Storage Tanks (SWEEPS UST), California’s Facility Inventory Database for Underground Storage Tanks (CA FID UST), Facility Index System Data Systems (FINDS), Enforcement and Compliance History Online (ECHO), and Emissions Inventory Data (EMI).³ As provided in the database records search, the HAZNET listing was due to the generation of asbestos waste, which was generated at the Project Site and disposed off-site in 1995 and 2008 as well as other unreported wastes that were generated and disposed off-site in 2012. The RCRA-SQG (small quantity generator) listing is associated

¹ CalGEM defines idle wells as wells that have been inactive for a period of 24 consecutive months while buried wells are typically older and are not abandoned to current standards.

² ADR Environmental Group, Inc., *Subsurface Investigation Report*, May 7, 2015.

³ Note that being listed within any of these lists does not imply that an environmental problem exists presently or has existed in the past.

with MWD's operation of the Project Site and the generation of small quantities of hazardous waste defined as the generation of more than 100 kilograms and less than 1,000 kilograms of hazardous waste during any calendar month. No violations were reported with MWD's generation of small quantities of hazardous wastes. The UST, SWEEPS UST, and CA FID UST listings are associated with the location of at least one UST within the Project Site. The FINDS listing refers to the EPA's Facility Index System, which is a central inventory of facilities monitored or regulated by the EPA. Similarly, the ECHO listing is the EPA's tool, which allows a user to search for facilities by address or name and review violations. The EMI listing refers to Emissions Inventory Data associated with the emissions of air pollutants in 1990 and 1995.

(b) Surrounding Sites

Several surrounding properties were identified in the databases searched by EDR. However, given the locations of those properties relative to the Project Site, none of the notable listings identified are thought to have affected the Project Site adversely. These sites are discussed further below.

The nearest listed site is the Seng Auto and Kathleen Ross property, located north of the Project Site at 1165 Sunset Boulevard. The property is listed in the Leaking Underground Storage Tank (LUST), SWEEPS UST, CA FID UST, and California Hazardous Substance Storage Container Database Hazardous Waste and Substance Site List (HIST UST) databases. A release from a UST which potentially impacted soil was reported in April 1990, and the case was closed in June 1998. Due to its hydraulically cross-gradient location from the Project Site, closed case status, and lack of evidence to suggest groundwater was impacted, this property does not appear to have impacted the Project Site.

The Marland Company, located at 1100 to 1154 Bellevue Avenue, adjoining southwest of the Project Site across Sunset Boulevard, is listed in the LUST database. A gasoline release that potentially impacted groundwater was discovered in December 1998. The case has been closed since May 2000. In addition, the Marland Company property located at 538 Beaudry Avenue is listed in the Spills, Leaks, Investigations, and Cleanups (SLIC) database. A SLIC related case for the property was closed in September 1996, and the potential Constituent of Concern was not identified. Due to the properties' lower elevations and hydraulically cross-gradient and down-gradient locations from the Project Site, the property is unlikely to have impacted the Project Site.

The CVS Pharmacy Store, located at 1050 Sunset Boulevard, southwest of the Project Site across Sunset Boulevard, is listed in the FINDS, Resource Conservation and Recovery Act—Large Quantity Generator (RCRA-LQG), and ECHO databases. The CVS facility was identified as a large quantity generator of hazardous waste, including ignitables

and corrosives. However, no violations were reported. Due to the nature of facility operations and hydraulically cross-gradient direction from the Project Site, the property is unlikely to have impacted the Project Site.

The KROQ facility located at 655 Beaudry Avenue, south of the Project Site across Beaudry Avenue, is listed in the Above Ground Storage Tank (AST) database. The facility contained a 1,320-gallon AST owned by Infinity Broadcasting. No release from the AST was identified. As no release from the AST was identified and given its lower elevation and hydraulically down-gradient direction from the Project Site, the property is unlikely to have impacted the Project Site.

The Metropolitan Water District and MWD Headquarters Garage, located at 610 North Figueroa Terrace, southwest of the Project Site across Beaudry Avenue, is listed in the LUST, HIST UST, UST, SWEEPS UST, CA FID UST, Los Angeles County Site Mitigation (LA Co. Site Mitigation), EMI, and Historical Cortese Hazardous Waste & Substances Site List (HIST CORTESE) databases. The facility reportedly contains four active 550-gallon waste oil USTs and four active 4,000-gallon capacity unleaded fuel USTs. A waste, motor, hydraulic, or lubricating oil release that potentially impacted groundwater was discovered in May 1990. This case was closed in July 1997. Due to its lower elevation and hydraulically down-gradient direction from the Project Site, the property is unlikely to have impacted the Project Site.

The Sprague facility, located at 806 Beaudry Avenue, east of the Project Site across Beaudry Avenue, is listed in the SWEEPS UST and CA FID UST databases. The facility reportedly contains a 3,500-gallon UST containing an unknown substance with the status listed as inactive. Based on the EDR database, no reports of a release were noted. The property is unlikely to have impacted the Project Site.

(c) Sites Within 0.5 Mile of Project Site

Several properties within 0.5 mile of the Project Site were identified in the databases searched by EDR. These properties are discussed further below.

The Morgan Linen Facility, located at 905 Yale Street, approximately 2,500 feet east of the Project Site, is listed in DRYCLEANERS, LUST, HIST UST, SWEEPS UST, CA FID UST, EMI, HIST CORTESE, ECHO, California Hazardous Material Incident Reporting System (CHMIRS), LA Co. Site Mitigation, and FINDS databases. The property is currently used as a linen supply facility. No release of chlorinated solvents typically associated with dry cleaning operations was recorded. However, a gasoline release from a UST that potentially impacted groundwater was discovered in May 1986. The case has been closed since September 1996. Based on the relatively lower elevation, proximity, and

hydraulically cross-gradient location from the Project Site, the property is unlikely to have impacted the Project Site.

The US Marine Corps Reserve Center, located at 1700 Stadium Way, approximately 1,700 feet northeast of the Project Site, is listed in LUST, SWEEPS UST, CA FID UST, Calsites (HIST Cal-Sites), HAZNET, HIST CORTESE, SLIC, EnviroStor Database (ENVIROSTOR), State Response Sites (RESPONSE), Cortese Hazardous Waste and Substances Sites List (CORTESE) and Military Cleanup Sites Listing (MCS) databases. The property is currently used by the City of Los Angeles Fire Department for training purposes but was formerly used as a military base which included a former service station and vehicle lube rack area. Potential historical sources of contamination include a former gasoline UST and several drums of unknown waste formerly located at the lube rack. Soil and groundwater investigations identified elevated concentrations of lead and petroleum hydrocarbons. As of April 2007, groundwater data indicate a decreasing trend, and the plume is reportedly contained onsite. As such, the property is unlikely to have impacted the Project Site.

Five additional properties within 0.5 mile of the Project Site are documented with closed LUST cases. Due to their distance and direction from the Project Site, these cases are unlikely to represent a risk to the Project Site.

(3) Hazardous Materials Use and Storage

The Project Site currently includes a multi-story office building complex which was initially constructed and occupied by MWD and later adapted for use by the Holy Hill Community Church and the Elysian apartment building. The four buildings within the Project Site that were most recently used as church facilities are currently vacant and are not in operation. The Elysian apartment building is occupied. As the former church facilities are vacant, there are no hazardous materials currently being used or generated within that portion of the Project Site. Any hazardous materials used or wastes generated at the Elysian apartment building would be consistent with those typically used in mixed use developments involving a variety of residential, commercial, office, and restaurant uses. These materials could include pesticides for landscaping, cleaning solvents for maintenance, small quantities of paint, and other general maintenance products.

During the Project Site reconnaissance conducted on January 21, 2016 as part of the Phase I ESA, no recognized environmental conditions such as leaks, stains, spills, or distressed vegetation were observed on the Project Site. In addition, no hazardous substances, drums or other chemical containers were observed on-site.

(4) Hazardous Waste Generation, Handling, and Disposal

During the Project Site reconnaissance, no evidence of hazardous waste generation or petroleum products was observed.

(5) Underground and Aboveground Storage Tanks

While no evidence of existing USTs or ASTs was observed on the Project Site, SCAQMD and LAFD records indicate the permitting and installation of a 500-gallon diesel-fuel UST associated with the Project Site's former use as the MWD headquarters. As set forth in the Phase 1, based on LAFD records, the UST appears to be located near the northern perimeter of the Project Site, as part of the Elysian apartment building, which is not part of the Project. Records also indicate that the 500-gallon UST is used by the Elysian apartment building for a backup generator. As provided in a supplemental letter prepared by Geosyntec Consultants, dated December 2018 and included in Appendix H.2 of this Draft EIR, the UST formerly used by MWD is the same UST now operated by the Elysian apartment building. As such, there is only one UST on-site.

(6) Asbestos-Containing Materials

Asbestos is a naturally occurring mineral made up of microscopic fibers. Asbestos has unique qualities which include its strength, fire resistance, resistance to chemical corrosion, poor conduction of heat, noise, and electricity, and low cost. Asbestos was widely used in the building industry starting in the late 1800s and up until the late 1970s for a variety of uses, including acoustic and thermal insulation and fireproofing, and is often found in ceiling and floor tiles, linoleum, pipes, structural beams, and asphalt. Despite its useful qualities, asbestos becomes a hazard if the fibers separate and become airborne. Inhalation of airborne asbestos fibers could cause lung diseases. Any building, structure, surface asphalt driveway, or parking lot constructed prior to 1979 could contain asbestos or ACMs. Based on the age of the existing buildings (i.e., MWD buildings constructed as early as 1963), it is possible ACMs could be present.

(7) Lead-Based Paint

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

both as a source of exposure and as a major contributor to lead in interior dust and exterior soil. Due to the age of the existing buildings, it is possible LBPs could be present.

(8) Polychlorinated Biphenyls

Typical sources of PCBs include electrical transformer cooling oils, fluorescent light fixture ballasts, and hydraulic oil. In 1976, the USEPA banned the manufacture and sale of PCB-containing transformers. Prior to this date, transformers were frequently filled with a dielectric fluid containing PCB-laden oil. PCB-contaminated transformers known or assumed under the Toxic Substances Control Act to contain between 50 and 499 ppm of PCBs are also subject to USEPA regulations.⁴ By 1985, the USEPA required that commercial property owners with transformers containing more than 500 ppm of PCBs must register the transformer with the local fire department, provide exterior labeling, and remove combustible materials within five meters (40 CFR 761.30: “Fire Rule”).

During the site reconnaissance, no potential PCB-containing equipment was observed on the Project Site.

(9) Oil Wells and Methane Gas

(a) Oil Wells

According to the Updated Oil Wells Investigation Report included as Appendix H.3 of this Draft EIR, review of CalGEM’s online database indicates that six former oil and gas production wells are located in the southern and eastern portions of the site, and numerous historical oil and gas wells are located in the vicinity. Records indicate that the six oil wells were constructed and were formerly operated by Oceanic Oil Company. The location of the six oil wells reflected in CalGEM’s maps are shown on Figure IV.F-1 on page IV.F-25. Available specific oil well details are below:

- API 03725955—Oceanic Oil Co., Well #2
- API 03725954—Oceanic Oil Co., Well #3
- API 03725959—Oceanic Oil Co., Well #4
- API 03725956—Oceanic Oil Co., Well #5
- API 03725957—Oceanic Oil Co., Well #6

⁴ U.S. Environmental Protection Agency, *PCBs Questions & Answers*, www.epa.gov/pcbs/learn-about-polychlorinated-biphenyls-pcbs, accessed December 2020.

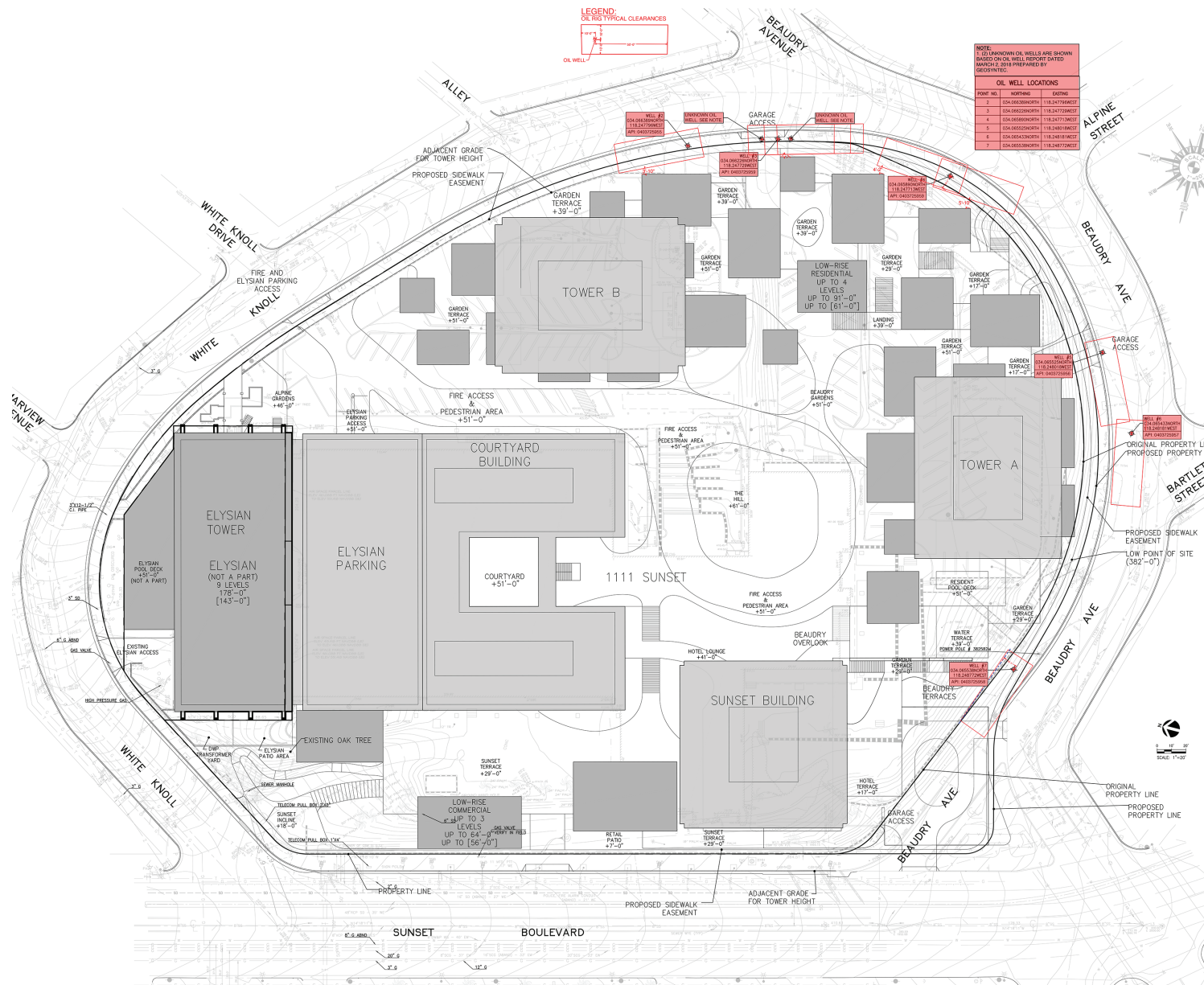


Figure IV.F-1
Oil Wells Located in the Vicinity

- API 03725958—Oceanic Oil Co., Well #7

Following a request of site-specific records in 2016, CalGEM indicated that no detailed records for the six oil wells listed above are available. In an email dated February 17, 2016, CalGEM reported that a gap exists in the records for a range of API numbers, which includes the six API numbers associated with the oil wells listed above; therefore, well-specific records are not available from CalGEM.

Based on a review of available information from oil wells located in the general vicinity of the Project Site and based on previous communications with CalGEM, in general, wells in the Los Angeles Oil Field are relatively shallow (i.e., 800 to 1,000 feet deep). Based on the era of the oil wells, the oil wells at the vicinity of the site are expected to be vertical (i.e., not directional). Based on previous communications with CalGEM, the methods and/or status of abandonment of the six oil wells are unknown and the CalGEM-plotted oil well locations are not certain and, therefore, the on-site oil wells are categorized in the CalGEM database as the default status of “buried/idle.”

In addition to the review of the CalGEM database, several other methods of evaluation were employed to attempt to locate the six oil well in the vicinity of the Project Site which are documented in the Updated Oil Wells Investigation Report, Appendix H.3 of this Draft EIR. Some of the methods of evaluation included first a historic photo and document review:

- A desktop evaluation was performed which included reviewing readily available historical aerial photos, historical site documents, CalGEM well finder database, and maps of the Los Angeles Oil Field.
- A review of historical aerials of the Project Site from 1922, 1924, 1933, 1938, and 1957. Online aerials dated 1989, 1994, and annually from 2002 to 2020, were viewed on GoogleEarth™. Based on review of the available aerial photographs, previous site structures included an infirmary and associated facilities dating back to the late 1800s. The 1922 oblique aerial photo depicts several oil derricks along the eastern and southern site boundaries. By 1924, the oil derricks appear to have been removed.

Based on the review of available aerial photographs, by 1957, the majority of the existing structures appear to have been demolished and the Project Site was re-graded. Subsequent aerials show the construction of an existing multi-use office building complex of three interconnected buildings. The aerial photographs described above are included as Attachment A to the Updated Oil Wells Investigation Report (Appendix H.3 of this Draft EIR).

Based on review of the historical documents, it is concluded that the six oil wells listed in the CalGEM online database may be located on-site. Although the historical photographs and maps could be interpreted to suggest that additional oil wells maybe located at or near the Project Site, given that absence of any corroborating evidence, despite an extensive historical research, it is equally possible that these additional locations are actually the same six oil wells identified in CalGEM's database as the field record of data is extremely parse and discrepancies could exist regarding the longitude and latitude information provided for in the CalGEM database. Thus, the evaluation focused on the six oil wells provided in the CalGEM database that may be located on-site.

Second, a geophysical survey was conducted at the site on October 30, 2020, and consisted of magnetic and electromagnetic utility locator techniques. The geophysical survey was focused along the eastern and southern portions of the site in an attempt to locate abandoned steel-cased oil wells previously identified in the aerial photographs and reflected in CalGEM's database. The geophysical survey located several utilities and near surface metallic objects; however, magnetic data did not indicate the presence of steel-cased oil wells within the upper 10 feet. Field activities completed for the Project consisted of the geophysical survey and a site reconnaissance visit to perform a visual inspection. No additional field investigations or explorations (e.g., excavation, trenching, etc.) have been performed at this time. A copy of the geophysical survey report is included in Attachment B of the Updated Oil Well Report (Appendix H.3 of this Draft EIR).

The Project Site was previously developed on multiple occasions and is currently developed with four vacant buildings, surface parking areas, retaining walls, as well as the existing Elysian apartment building, which is not a part of the Project. Extensive field exploration that would require any type of excavation, in an effort to locate the potential oil wells is not currently feasible and/or practical due to the unknown location(s) of the existing oil wells and the existing structures and site development, including adjacent public infrastructure. Thus, no excavation work has been performed to date. However, as noted in Section II, Project Description, to this Draft EIR, the Project Site will undergo extensive excavation and grading as part of the Project, and, thus, field exploration to locate the potential oil wells will occur at that time in coordination with CalGEM, as required.

The exploratory information was provided to CalGEM as part of the Project's Construction Site Well Review Application. CalGEM issued its application response stating that if any of the six existing wells are encountered on site during Project construction, "the Division shall be contacted immediately considering remedial plugging and re-abandonment operations may be required."⁵ Furthermore, CalGEM stated the following:

⁵ CalGEM letter dated December 11, 2020. See Appendix H.3 of this Draft EIR.

The Division categorically advises against building over, or in any way impeding access to, oil, gas, or geothermal wells. Impeding access to a well could result in the need to remove any structure or obstacle that prevents or impedes access including, but not limited to, buildings, housing, fencing, landscaping, trees, pools, patios, sidewalks, roadways, and decking. Maintaining sufficient access is considered the ability for a well servicing unit and associated necessary equipment to reach a well from a public street or access way, solely over the parcel on which the well is located. A well servicing unit, and any necessary equipment, should be able to pass unimpeded along and over the route, and should be able to access the well without disturbing the integrity of surrounding infrastructure.

There are no guarantees a well abandoned in compliance with current Division requirements will not start leaking in the future. It always remains a possibility that any well may start to leak oil, gas, and/or water after abandonment, no matter how thoroughly the well was plugged and abandoned. The Division acknowledges wells plugged and abandoned to the most current standards have a lower probability of leaking in the future, however there is no guarantee that such abandonments will not leak.

As shown on Figure 3 of the Updated Oil Well Location Investigation Report, the proposed buildings are located in a manner that, based on CalGEM's maps, would not directly place any new buildings over the potential six on-site oil wells shown on the CalGEM maps. Further, as proposed, the buildings would not significantly impede future access to the locations of the existing wells as depicted in CalGEM's maps. Finally, as shown in Figure IV.F-1 on page IV.F-25, the proposed site development plan also includes sufficient setback to accommodate appropriate sized drill rig access allowing for future abandonment/re-abandonment, in the unlikely scenario that re-abandonment is necessary.

(b) Methane

The Project Site is also located within a designated Methane Zone mapped by the City.⁶ Methane is a naturally occurring gas associated with the decomposition of organic materials. In high-enough concentrations, between 50,000 parts per million and 150,000 parts per million by volume in the presence of oxygen, methane can be considered an explosion hazard. As discussed above, a subsurface investigation conducted in 2015 identified elevated methane concentrations in soil at the Project Site.

⁶ City of Los Angeles Department of City Planning, ZIMAS, Parcel Profile Report for 1111 Sunset Blvd., <http://zimas.lacity.org/>, accessed December 2020.

(10) Other Site Conditions

The Project Site is not located in an area designated by the USEPA as having a high potential for radon gas exposure.

3. Project Impacts

a. Thresholds of Significance

In accordance with Appendix G of the State CEQA Guidelines, the Project would have a significant impact related to hazards and hazardous materials if it would:

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

Threshold (b): Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; or

Threshold (c): Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school; or

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

Threshold (e): For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area; or

Threshold (f): Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan; or

Threshold (g): Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

For this analysis, the Appendix G Thresholds listed above are relied upon. The analysis utilizes factors and considerations identified in the City's 2006 L.A. CEQA Thresholds Guide, as appropriate, to assist in answering the Appendix G Threshold questions.

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

(1) Risk of Upset/Emergency Preparedness

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

(2) Human Health Hazards

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

b. Methodology

To evaluate potential impacts relative to hazards and hazardous materials, a Phase I ESA was prepared for the Project Site in accordance with the requirements of *ASTM Practice E1527-13 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process* (ASTM Standard E1527-13).⁷ The analysis of the potential impacts regarding hazards and hazardous material was based on the following:

- Visual inspection of the entire Project Site with special attention given to any hazardous materials storage and handling, distressed vegetation, and stains that could indicate contamination;

⁷ *This publication by the American Society for Testing and Materials (ASTM) defines good commercial and customary practice in the United States of America for conducting an environmental site assessment of a parcel of commercial real estate with respect to the range of contaminants within the scope of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C. §9601) and petroleum products.*

- Survey of the surrounding area to determine if other potential contaminated sites exist that could environmentally impact the Project Site;
- Observation of Project Site and area drainage patterns for potential contamination migration pathways;
- Interviews with persons familiar with Project Site usage;⁸
- Review of historical sources of the Project Site and regulatory agency records for the Project Site and surrounding sites;
- Review of current Project Site geotechnical and methane reports; and
- Review of previous environmental reports prepared for the Project Site and adjacent parcels.

In addition, an Oil Well Report, prepared by Geosyntec Consultants, dated March 2, 2018, and updated February 4, 2021, and a Methane Report, also prepared by Geosyntec Consultants, dated February 2018 and updated February 2021, were reviewed and the recommendations provided therein were incorporated in this analysis. The Phase I ESA, the Oil Well Report, updated Oil Wells Investigation Report, and the Updated Methane Report are provided in Appendix H of this Draft EIR.

c. Project Design Features

The following project design features are proposed with regard to hazards:

Project Design Feature HAZ-PDF-1: Project buildings would be placed in a manner so as to not significantly impede future access to the locations of the existing wells as depicted in CalGEM's maps.

d. Analysis of Project Impacts

As set forth in Section II, Project Description, of this Draft EIR, the Project proposes two development scenarios—the Mixed Use Development Scenario and the No-Hotel Development Scenario. Under the Mixed Use Development Scenario, up to 737 residential units, up to 180 hotel rooms, up to 48,000 square feet of office space, and up to 95,000 square feet of general commercial floor area are proposed. Under the No-Hotel

⁸ As part of the Phase I ESA, Geosyntec Consultants conducted an interview with Mr. Jack Jensen, a representative of the Project Site owner, in March 2016. Additionally, Mr. Brian Falls, Vice President of 1111 Sunset Boulevard, LLC, was interviewed in February 2018 as an authorized representative for the Project Site owner.

Development Scenario, a maximum of up to 827 residential units would be constructed along with up to 48,000 square feet of office space, and up to 95,000 square feet of general commercial floor area. The additional residential units (under the No-Hotel Development Scenario) would be located in the Sunset Building and would replace the 180 hotel rooms proposed by the Mixed Use Development Scenario. Regardless of the removal of the hotel, the Project design would remain as proposed. Specifically, the total floor area, building heights, massing, and footprint would be the same under both development scenarios. In addition, construction activities including depth of excavation, overall amount of grading, and the types of equipment to be used would be the same under both development scenarios. The types of hazardous materials used during operation of the Project would also be the same under both development scenarios. As the differences in the land use mix under the two development scenarios do not affect the analytics related to hazards and hazardous materials, the analysis of potential impacts associated with hazards and hazardous materials provided below accounts for both development scenarios and the term “Project” is used.

Threshold (a): Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

(1) Impact Analysis

(a) Construction

The Project would not involve the routine transport of hazardous materials to and from the Project Site during construction. During demolition, excavation, on-site grading, and building construction, hazardous materials such as fuel and oils associated with construction equipment, as well as coatings, paints, adhesives, and caustic or acidic cleaners could be routinely used on the Project Site through the duration of construction. While some hazardous materials used during construction could require off-site disposal, such activity would occur only for the duration of construction and would cease upon completion of the Project construction following all appropriate regulatory protocols. As such, construction of the Project would involve the non-routine, short-term use of hazardous materials and no hazardous waste disposal will occur on-site. Notwithstanding, all potentially hazardous materials used during construction of the Project would be used and disposed of in accordance with manufacturers’ specifications and instructions, thereby reducing the risk of hazardous materials use. In addition, as described in the Regulatory Framework subsection above, there are regulations aimed at establishing specific guidelines regarding risk planning and accident prevention, protection from exposure to specific chemicals, and the proper storage of hazardous materials. The Project would be in full compliance with all applicable federal, state, and local requirements concerning the use, storage, and management of hazardous materials. Consequently, Project construction activities would not create a significant hazard to the public or the environment

through the use of hazardous materials during construction, and development of the Project on the Project Site would not exacerbate the current environmental conditions so as to create a significant hazard to the public or the environment. **Therefore, with implementation of appropriate hazardous materials management protocols at the Project Site and continued compliance with all applicable local, state, and federal laws and regulations relating to environmental protection and the management of hazardous materials, impacts related to the routine transport, use, or disposal of hazardous materials during construction would be less than significant.**

(b) Operation

Operation of the Project would involve the routine use of small quantities of potentially hazardous materials typical of those used in residential and commercial uses, including cleaning products, paints, and those used for maintenance of landscaping and pools. Such use would be consistent with that currently occurring as part of the Elysian apartment building. In addition, as with Project construction, all hazardous materials used on the Project Site during operation would be used, stored, and disposed of in accordance with all applicable federal, state and local requirements. Due to the type of development proposed (e.g., residential and commercial), operation of the Project would not involve the routine transport of hazardous materials to and from the Project Site. **Therefore, with implementation of appropriate hazardous materials management protocols at the Project Site and continued compliance with all applicable local, state, and federal laws and regulations relating to environmental protection and the management of hazardous materials, impacts associated with the routine transport, use, or disposal of hazardous materials during operation of the Project would be less than significant.**

(2) Mitigation Measures

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

(3) Level of Significance After Mitigation

Project-level impacts related to the routine transport, use, or disposal of hazardous materials were determined to be less than significant without mitigation. Therefore, no mitigation measures were required or included, and the impact level remains less than significant.

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

(1) Impact Analysis

(a) Construction

(i) Hazardous Waste Generation, Handling, and Disposal

As discussed above, during demolition, excavation, on-site grading, and building construction, hazardous materials such as fuel and oils associated with construction equipment, as well as coatings, paints, adhesives, and caustic or acidic cleaners, could be used, and therefore, would require proper handling and management and, in some cases, disposal. The use, handling, storage, and disposal of these materials could increase the opportunity for hazardous materials releases and, subsequently, the exposure of people and the environment to hazardous materials. However, as previously discussed, all potentially hazardous materials used during construction of the Project would be used and disposed of in accordance with manufacturers' specifications and instructions, thereby reducing the risk of hazardous materials use. In addition, as described in the Regulatory Framework subsection above, there are regulations aimed at establishing specific guidelines regarding risk planning and accident prevention, protection from exposure to specific chemicals, and the proper storage of hazardous materials. The Project would be in full compliance with all applicable federal, state, and local requirements concerning the use, storage, and management of hazardous materials. Consequently, Project construction activities would not create or exacerbate a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of potentially hazardous materials used during construction.

As previously described, a review of CalGEM Online Mapping System determined the Project Site is located within the L.A. City Oil Field, and six "buried/idle" oil wells are likely located near (on-site), or adjacent to (off-site), the southern and eastern perimeter of the Project Site. According to a representative with CalGEM, previously implemented abandonment procedures (current conditions) are unlikely to be in compliance with current standards. The Project Site is also located within a designated Methane Zone mapped by the City. As noted above, a subsurface investigation conducted in 2015 identified petroleum hydrocarbons and elevated methane concentrations in soil at the Project Site. As such, construction activities could encounter contaminated soil, including soil that has been contaminated with hydrocarbons, that would require proper handling and off-site disposal as per existing regulatory requirements and implementation of Mitigation Measure HAZ-MM-3. In the event that contaminated soils are encountered during construction, or construction occurs in areas of known or potential contamination, the nature and extent of the contamination would be determined and appropriate handling, off-site disposal, and/or treatment would be implemented in accordance with applicable regulatory requirements,

including SCAQMD Rule 1166.⁹ Specifically, SCAQMD Rule 1166 requires that an approved mitigation plan be obtained from SCAQMD prior to commencing any of the following activities: the excavation of an underground storage tank or piping which has stored VOCs; the excavation or grading of soil containing VOC material including gasoline, diesel, crude oil, lubricant, waste oil, adhesive, paint, stain, solvent, resin, monomer, and/or any other material containing VOCs; the handling or storage of VOC-contaminated soil [soil which registers >50 parts per million (ppm) or greater using an organic vapor analyzer (OVA) calibrated with hexane] at or from an excavation or grading site; or the treatment of VOC-contaminated soil at a facility. SCAQMD Rule 1166 further requires that a copy of the approved mitigation plan be on-site during the entire excavation period and that the SCAQMD executive officer be notified at least 24 hours prior to excavation. In accordance with SCAQMD Rule 1166, monitoring for VOC contamination would occur at least once every 15 minutes and VOC concentration readings would be recorded. When VOC-contaminated soil is detected, the approved mitigation plan would be implemented. Therefore, compliance with existing regulations would ensure the Project would not create or exacerbate a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the handling and disposal of contaminated soil that may be encountered onsite.

As shown on Figure 3 to the Updated Oil Wells Investigation Report, the proposed structures (i.e., buildings) are located in a manner that, based on CalGEM's maps, would not place buildings over oil wells. Also, the proposed site development plan, as shown on Figure IV.F-1 on page IV.F-25, does not significantly impede future access to the locations of the existing wells as depicted in CalGEM's maps consistent with HAZ-PDF-1. Additionally, as shown in Figure IV.F-1, the proposed site development plan also includes sufficient setback to accommodate appropriate sized drill rig access allowing for future abandonment/re-abandonment in the unlikely scenario that re-abandonment is necessary. As such, less than significant impacts are anticipated with respect to the proposed Project site plan and future access to abandoned oil wells within the Project vicinity.

Additionally, as discussed further below, the Project would include implementation of Mitigation Measures HAZ-MM-1 through HAZ-MM-3, to ensure potential impacts associated with the discovery of buried oil wells is less than significant. Specifically, Mitigation Measure HAZ-MM-1 may require that an additional surface geophysical survey be conducted to locate the wells on the Project Site. In October 2020, a geophysical survey was performed. However, no oil wells were identified by the geophysical survey. In accordance with CalGEM requirements, excavation work during the construction would proceed in general accordance with standard of care and skills ordinarily exercised for

⁹ South Coast Air Quality Management District. *Rules and Compliance, Rule 1166*, www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1166.pdf?sfvrsn=4, accessed December 2020.

similar projects and circumstances to help identify potential signs of oil wells. If located, any oil wells would be unearthed and inspected by a licensed Petroleum Engineer and/or their designated representative and will be reported to CalGEM to assess and prescribe abandonment procedures based on their observed condition, as well as the Petroleum Administrator, the Los Angeles City Certified Unified Program Agency (LACUPA), and Los Angeles Department of City Planning. Furthermore, adherence to standard construction safety measures, as well as compliance with California Occupational Safety and Health Act safety requirements, would serve to reduce the risk in the event that elevated levels of soil gases are encountered during grading and construction. In addition, as provided in the Methane Report, the Project, would include implementation of Mitigation Measure HAZ-MM-4, to ensure potential impacts associated with subsurface gases is less than significant.

As discussed in Section IV.G, Hydrology and Water Quality, of this Draft EIR, below grade parking would extend to a maximum depth of 64 feet. Data from the California Division of Mines and Geology indicate the historic high groundwater level on the Project Site is approximately 20 feet below ground surface. In addition, borings drilled within the Project Site as part of the Geotechnical Investigation included in Appendix G.1 of this Draft EIR encountered water seepage at depths ranging between 16 feet and 62 feet below ground surface. Therefore, dewatering operations are expected during construction. As such, any discharge of groundwater would occur pursuant to, and comply with, the applicable National Pollutant Discharge Elimination System permit or industrial user sewer discharge permit requirements. Pursuant to such requirements, the groundwater extracted would be chemically analyzed to determine contamination and the appropriate treatment and/or disposal methods. With compliance with relevant regulations and requirements, Project construction activities would not create or exacerbate a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the handling and disposal of extracted groundwater.

Based on the above, with the implementation of Project Design Feature HAZ-PDF-1 and Mitigation Measures HAZ-MM-1 through HAZ-MM-5, construction of the Project would not exacerbate risk of upset and accident conditions associated with the release of hazardous materials into the environment. Therefore, impacts associated with hazardous waste generation, handling, and disposal during construction would be less than significant.

(ii) Underground and Aboveground Storage Tanks

According to the Phase I ESA, while no evidence of existing USTs or ASTs was observed on the Project Site, SCAQMD and LAFD records indicate the permitting and installation of a 500-gallon diesel-fuel UST associated with the Project Site's former use as the MWD headquarters. Based on SCAQMD and LAFD records, the UST appears to be

located near the northern perimeter of the Project Site, as part of the Elysian apartment building. The Project would not involve any construction in or near the area of the existing UST. No other records were found that indicate the presence of USTs within the areas proposed for construction. Notwithstanding, in the unlikely event that USTs are found, suspect materials would be removed in accordance with all applicable federal, state, and local regulations. For example, if USTs are encountered, prior to removal, applicable permits would be obtained from the LAFD. **As such, with compliance with applicable regulations and requirements, the Project would not exacerbate risk of upset and accident conditions associated with USTs, ASTs, or other buried materials. Therefore, impacts related to the potential removal of USTs during construction would be less than significant.**

(iii) Asbestos-Containing Materials

As discussed above, based on the age of the on-site buildings, ACMs may be present on-site. Thus, in accordance with SCAQMD Rule 1403, the Project Applicant would be required to conduct a comprehensive asbestos survey prior to demolition, subject to approval by the City of Los Angeles Department of Building and Safety (LADBS). In the event that ACMs are found within areas proposed for demolition, suspect materials would be removed by a certified asbestos abatement contractor in accordance with applicable regulations. With compliance with relevant regulations and requirements, Project construction activities would not expose people to a substantial risk resulting from the release of asbestos fibers into the environment. **As such, with compliance with applicable regulations and requirements, the Project would not exacerbate risk of upset and accident conditions associated with ACMs. Therefore, impacts related to the removal of ACMs during demolition would be less than significant.**

(iv) Lead-Based Paint

As discussed above, based on the age of the on-site buildings, LBP may be present on-site. In the event that LBP is found within areas proposed for demolition, suspect materials would be removed in accordance with procedural requirements and regulations for the proper removal and disposal of LBP prior to demolition activities. Example procedural requirements include the use of respiratory protection devices while handling lead-containing materials, containment of lead or materials containing lead on the Project Site or at locations where construction activities are performed, and certification of all consultants and contractors conducting activities involving LBP or lead hazards. With compliance with relevant regulations and requirements, Project construction activities would not expose people to a substantial risk resulting from the release of LBP into the environment. **As such, with compliance with applicable regulations and requirements, the Project would not exacerbate risk of upset and accident conditions associated with LBPs. Therefore, impacts related to the removal of LBP during demolition would be less than significant.**

(v) Polychlorinated Biphenyls

As discussed above, no items containing PCBs were observed on-site. In the event that PCBs are found within areas proposed for demolition, suspect materials would be removed in accordance with all applicable federal, state, and local regulations. **As such, with compliance with applicable regulations and requirements, the Project would not exacerbate risk of upset and accident conditions associated with PCBs. Therefore, impacts related to the removal of PCBs during demolition would be less than significant.**

(vi) Oil Wells and Methane Gas

Oil Wells

According to CalGEM's Online Mapping System, there are six former oil and gas production wells located on, or adjacent to, the Project Site. An evaluation of the reported oil wells on the Project Site was conducted by Geosyntec Consultants in March 2018 and updated in February 2021. Based on the Project's Construction Site Well Review Letter and communication with CalGEM, the six buried wells are likely to not be abandoned in accordance with CalGEM's current abandonment standards. In addition, previous soil and soil vapor testing at the Project Site identified concentrations of petroleum hydrocarbons and methane, which may be indicative of historical oil production activities that occurred within the L.A. City Oil Field area. Field explorations that include extensive excavation to locate the potential oil wells are not currently feasible and/or practical due to the existing structures and development, including adjacent public infrastructure. Where construction is proposed in the area of potentially existing oil wells, applicable CalGEM requirements would be followed. A geophysical survey performed by GeoVision in October 2020 did not identify oil wells located at the Project Site. While the geophysical survey did not locate any oil wells, the Project would include implementation of Mitigation Measure HAZ-MM-1 and HAZ-MM-2, provided below, to ensure potential impacts associated with the discovery of buried wells is less than significant. Specifically, Mitigation Measures HAZ-MM-1 may include an additional surface geophysical survey be conducted to attempt to locate the oil wells on the Project Site following demolition of existing structures (as the prior survey did not locate any existing oil wells and existing structures can potentially limit geophysical survey capabilities and/or access in some areas of the site). If located, as per HAZ-MM-2, the wells would be unearthed and inspected by a licensed Petroleum Engineer and will be reported to CalGEM to assess and prescribe abandonment procedures based on their observed condition, as well as the Petroleum Administrator, LACUPA, and Los Angeles Department of City Planning. Therefore, a soil and site management plan would be developed and implemented pursuant to Mitigation Measure HAZ-MM-3 to address the potential identification and abandonment of the oil wells, if encountered during earthwork activities.

In addition, as noted above, as shown on Figure 3 to the Updated Oil Wells Investigation Report, the proposed structures (i.e., buildings) are located in a manner that, based on CalGEM's maps, would not place buildings over oil wells. Also, the proposed site development plan, as shown on Figure IV.F-1 on page IV.F-25, does not significantly impede future access to the locations of the existing wells as depicted in CalGEM's maps consistent with HAZ-PDF-1. Additionally, as shown in Figure IV.F-1, the proposed site development plan also includes sufficient setback to accommodate appropriate sized drill rig access allowing for future abandonment/re-abandonment, in the unlikely scenario that re-abandonment is necessary. As such, less than significant impacts are anticipated with respect to the proposed Project site plan and future access to abandoned oil wells within the Project vicinity.

As such, with compliance with existing regulatory requirements and implementation of Project Design Feature HAZ-PDF-1 and Mitigation Measures HAZ-MM-1 through HAZ-MM-3, the Project would not exacerbate risk of upset and accident conditions associated with oil wells, impacts associated with previously installed oil wells would be less than significant with implementation of mitigation.

Methane Gas

As discussed above, the Project Site is located within a City-designated Methane Zone as defined by the LADBS. In addition, hydrogen sulfide is found across the L.A. City Oil Field, in which the Project Site is located. As evaluated in the Methane Report prepared for the Project and updated in February 2021, included in Appendix H.4 of this Draft EIR, excavation and construction activities within the Project Site that involve work in confined spaces on-site could pose a potential for methane and hydrogen sulfide build-up, resulting in a possible hazardous condition. Adherence to the construction safety measures, as well as compliance with California Occupational Safety and Health Act safety requirements, would serve to reduce the risk in the event that elevated levels of these soil gases are encountered during grading and construction. In addition, as provided in the Updated Methane Report, the Project, would include implementation of Mitigation Measures HAZ-MM-4 and HAZ-MM-5, provided below, to ensure potential impacts related to subsurface gases and associated potential impacts to soil and groundwater is less than significant. Specifically, Mitigation Measure HAZ-MM-4 would install controls during construction at the Project Site to mitigate the effects of subsurface gases on workers and the public. **As such, with compliance with existing regulations and implementation of Mitigation Measure HAZ-MM-4 and HAZ-MM-5, the Project would not exacerbate risk of upset and accident conditions associated with methane gas, and impacts associated with methane gas and hydrogen sulfide would be less than significant with implementation of mitigation.**

(b) Operation

(i) Hazardous Waste Generation, Handling, and Disposal

As discussed above, the Project Site is currently developed with four vacant structures, the occupied Elysian apartment building, and surface parking areas. Since a portion of the Project Site is currently vacant, buildout of the Project would result in an increase in the use of potentially hazardous materials including those used for building and ground maintenance, cleaning solvents, household chemicals, and pesticides for landscaping. As stated previously, activities involving the handling and disposal of hazardous wastes would occur in compliance with all applicable federal, state, and local requirements concerning the handling and disposal of hazardous waste. **As such, with compliance with relevant regulations and requirements, operational activities would not exacerbate risk of upset and accident conditions associated with the release of hazardous materials into the environment. Therefore, impacts associated with hazardous waste generation, handling, and disposal during operation of the Project would be less than significant.**

(ii) Underground and Aboveground Storage Tanks

The Project does not propose the installation of underground or aboveground storage tanks and Project operation would not impact the existing UST associated with the Elysian apartment building, at the north end of the Project Site. **As such, operation of the Project would not exacerbate risk of upset and accident conditions associated with USTs and ASTs. Therefore, impacts associated with underground and aboveground storage tanks during operation of the Project would be less than significant.**

(iii) Asbestos-Containing Materials

Development of the Project would include the use of commercially-sold construction materials that would not include asbestos or ACMs. Project operation is, therefore, not anticipated to increase the occurrence of friable asbestos or ACMs at the Project Site. **As such, operation of the Project would not exacerbate risk of upset and accident conditions associated with ACMs. No impacts associated with asbestos or ACMs during operation of the Project would occur.**

(iv) Lead-Based Paint

Development of the Project would include the use of commercially-sold construction materials that would not include LBP. Project operation is, therefore, not anticipated to increase the occurrence of LBP at the Project Site. Operation of the Project would not expose people to LBP as no LBPs would be used. **As such, the Project would not**

exacerbate risk of upset and accident conditions associated with LBPs. Therefore, no impacts associated with LBP during operation of the Project would occur.

(v) Polychlorinated Biphenyls (PCBs)

In accordance with existing regulations which ban the manufacture of PCBs, the new electrical systems to be installed as part of the Project would not contain PCBs. Therefore, during operation of the Project, maintenance of such electrical systems would not expose people to PCBs and operation of the Project would not expose people to any risk resulting from the release of PCBs in the environment. **As such, the Project would not exacerbate risk of upset and accident conditions associated with PCBs. Therefore, no impacts related to PCBs during Project operation would occur.**

(vi) Oil Wells and Methane Gas

Oil Wells

The Project does not include the installation of new oil wells. In addition, with the implementation of PDF-HAZ-1, Project design would not impede access to abandoned oil wells on the Project Site should the need for re-abandonment arise during Project operations. **As such, operation of the Project would not exacerbate risk of upset and accident conditions associated with operation or re-abandonment of oil wells. Therefore, no impacts associated with oil wells during operation would occur.**

Methane Gas

All new buildings and paved areas located within a Methane Zone would comply with the City of Los Angeles' Methane Mitigation Ordinance No. 175,790. Under this ordinance, the Project Site is categorized as a Level V Site Design due to the presence of methane in soil vapor sampling and would be required to implement methane controls accordingly. These methane controls include a dewatering system, an impervious membrane, ventilation systems capable of providing a complete change of air, development and implementation of an operations and maintenance plan, as well as an emergency plan. **As the permitting process would ensure that new development would comply with the City's Methane Mitigation Ordinance, as well as implementation of Mitigation Measures HAZ-MM-4 and HAZ-MM-5, the Project would not exacerbate risk of upset and accident conditions associated with methane gas. Therefore, impacts associated with the release of methane gas during operation would be less than significant.**

(2) Mitigation Measures

The following mitigation measures are provided to reduce impacts with regard to the release of hazardous materials into the environment during construction:

Mitigation Measure HAZ-MM-1: The Applicant is responsible for ensuring that all wells on the Project Site shall be abandoned and all construction in and around an abandoned well are consistent with current CalGEM regulations and recommendations (meeting the standards at the time of condition clearance). To ensure this requirement is met, the following shall be required:

- The Applicant shall engage a licensed Petroleum Engineer to monitor any and all grading or construction activities on, and in the vicinity of, oil well(s);
- The licensed Petroleum Engineer and/or his/her designee will visually inspect the excavation areas for signs of potential oil wells. If signs of potential oil well(s) cannot be visually identified or detected by the Petroleum Engineer and/or his/her designee, additional geophysical survey may also be performed during the excavation work to help locate potential oil wells, if present, within the Project Site;
- The City of Los Angeles Petroleum Administrator and/or his/her designee, in his or her reasonable discretion, shall monitor and inspect activities related to well abandonment, site preparation, zonal isolation, grading/shoring (CalOSHA), and other relevant activities on the Project Site to ensure public health and safety, regulatory consistency, and industry best practices;
- All well abandonment activities shall be consistent with CalGEM recommendations;
- The licensed Petroleum Engineer shall prepare a written report noting the exact location of the well (including latitude and longitude of each well in NAD 83 (to the sixth decimal place minimal) coordinate system), photos showing the condition of the well, and any other relevant documentation, evidencing compliance with CalGEM regulations and recommendations and shall submit said report to CalGEM (certified mail), the Petroleum Administrator, the Los Angeles City Certified Unified Program Agency (LACUPA), and to the Los Angeles Department of City Planning; and
- Prior to the issuance of building permit for the Project by the Los Angeles Department of Building and Safety (LADBS), the written report prepared by the licensed Petroleum Engineer must be approved by the City's Petroleum Administrator and LA CUPA.

Mitigation Measure HAZ-MM-2: If any on-site oil wells are located, the licensed Petroleum Engineer shall survey and leak test all oil wells and shall equip the wells in general accordance with relevant CalGEM and City of Los Angeles Petroleum Administrator and/or his/her designee requirements as specified below.

- A. Leak Tested: On-site oil wells will be leak tested for potential liquid and gas leakage. The top casing, if encountered, of oil wells within the boundary must be leak tested in the field for excessive methane levels, in coordination with CalGEM. Results of the leak test shall be documented by a Licensed Petroleum Engineer and included in the written report (see MM-HAZ-1 above);
- B. Protection Measures: Appropriate protection measures shall be developed in accordance with relevant CalGEM and City of Los Angeles oil well requirements. Potential protection measures may include vent cones and related vent pipes and risers. Protection measures are typically implemented as a precautionary measure to help reduce and/or detect potential leak.

Mitigation Measure HAZ-MM-3: A soil and site management plan will be developed and implemented to ensure all on-site contaminated soil is properly disposed of at an appropriate, permitted disposal or treatment facility and to address the potential identification and abandonment of oil wells if encountered during earthwork activities.

- The soil management plan shall be submitted to the City of Los Angeles Department of Building and Safety for review and approval prior to the commencement of excavation and grading activities.
- As part of the soil management plan, a licensed Petroleum Engineer, and/or his/her designee, in his or her reasonable discretion, shall be present on the Project Site during grading and excavation activities in the suspected locations of the wells and shall be on call at other times to monitor compliance with the soil and site management plan.

Mitigation Measure HAZ-MM-4: During construction activities at the Project Site, controls shall be in place to mitigate the effects of subsurface gases and impacted soil and groundwater on workers and the public. During construction, the following shall be implemented:

- Gas monitoring devices would be present to alert workers of elevated gas concentrations when basement or subsurface soil disturbing work is being performed;
- Contingency procedures would be in place if elevated gas concentrations are detected such as the mandatory use of personal protective equipment, evacuating the area, and/or increasing ventilation within immediate work area where the elevated concentrations are detected;

- Workers would be trained to identify exposure symptoms and implement alarm response actions;
- If the groundwater elevation is lowered using dewatering wells prior to excavation below groundwater, groundwater would be collected, treated, and discharged in accordance with Los Angeles Regional Water Quality Control Board (LARWQCB) requirements;
- Soil and groundwater exposed during excavations would be minimized to reduce the surface area which could off-gas. This will be done by staggering exposed demolition areas;
- Soil removed as part of construction will be sampled and tested for off-site disposal in a timely manner. If soil is stockpiled prior to disposal, it would be managed in accordance with the Project's Storm Water Pollution Prevention Plan (SWPPP);
- Fencing would be established to limit public access and allow for gas dilution; and
- Health and Safety Plan (HASP) development which would describe the work activities and hazards associated with each work activity. Hazard mitigation would be presented in the HASP to limit construction risks to workers. The HASP would have emergency contact numbers, maps to the nearest hospital, gas monitoring action levels, gas response actions, allowable worker exposure times, and mandatory PPE requirements. The HASP will be signed by all workers onsite to demonstrate their understanding of the construction risks.

Mitigation Measure HAZ-MM-5: The Applicant shall install a Passive System regardless of the design methane concentration or the design methane pressures. The Passive System for the Project shall include, at minimum:

- A. A standard de-watering system or a reinforced concrete mat slab designed to accommodate the hydrostatic pressure;
- B. A sub-slab vapor collection and ventilation system that includes:
 - a. Perforated horizontal collection piping;
 - b. A permeable gravel blanket for soil gas migration of a minimum 2 inches thick;
 - c. Solid vent risers (amount and size are dependent on building size); and
 - d. A complete impervious membrane (barrier) system. Since there are known oil wells on-site, this barrier system will be a chemically compatible product that covers the entire footprint of the proposed structure.

- C. If a concrete mat slab is used, the sub-slab vapor collection and ventilation system can be omitted, as approved by LADBS through submission of a Request for Modification of Building Ordinances form.

(3) Level of Significance After Mitigation

With the implementation of Mitigation Measures HAZ-MM-1 through HAZ-MM-5 provided above, Project-level impacts related to the release of hazardous materials into the environment would be reduced to a less-than-significant level.

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

(1) Impact Analysis

The Project Site is located within 0.25 mile of an existing or proposed school. Specifically, Downtown Magnets High School, located at 1081 West Temple Street and Betty Plasencia Elementary School are located approximately 0.25 mile southwest of the Project Site. Although the Project would have the potential to emit and would involve the handling of hazardous materials, particularly during construction activities, all such activities involving the handling and disposal of hazardous materials and wastes would occur in compliance with all applicable federal, state, and local requirements concerning the handling and disposal of hazardous waste. **As such, with compliance with relevant regulations and requirements, the Project would not create a significant hazard to nearby schools. Therefore, impacts regarding the Project's emission or handling of hazardous materials and wastes within 0.25 mile of an existing school would be less than significant.**

(2) Mitigation Measures

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

(3) Level of Significance After Mitigation

Project-level impacts related to the emission or handling of hazardous materials within one-quarter mile of a school were determined to be less than significant without mitigation. Therefore, no mitigation measures were required or included, and the impact level remains less than significant.

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

(1) Impact Analysis

As discussed above, based on the EDR database records search, the Project Site is listed on eight databases, including HAZNET, RCRA-SQG, UST, SWEEPS UST, CA FID UST, FINDS, ECHO, and EMI.¹⁰ As provided in the database records search, the HAZNET listing was due to the generation of asbestos waste, which was generated at the Project Site and disposed off-site in 1995 and 2008 as well as other unreported wastes that were generated and disposed off-site in 2012. The RCRA-SQG listing is associated with MWD's operation of the Project Site and the generation of small quantities of hazardous waste defined as the generation of more than 100 kilograms and less than 1,000 kilograms of hazardous waste during any calendar month. No violations were reported with MWD's generation of small quantities of hazardous wastes. The UST, SWEEPS UST, and CA FID UST listings are associated with the location of at least one UST within the Project Site. The FINDS listing refers to the EPA's Facility Index System, which is a central inventory of facilities monitored or regulated by the EPA. Similarly, the ECHO listing is the EPA's tool, which allows a user to search for facilities by address or name and review violations. The EMI listing refers to Emissions Inventory Data associated with the emissions of air pollutants in 1990 and 1995. **Based on the listings associated with previous activities, the Project Site's status reporting no violations associated with these previous activities, and the proposed activities, the Project would not create a significant hazard to the public or the environment caused in whole or in part from the Project's exacerbation of existing environmental conditions. Rather, it is anticipated that with removal of existing potentially contaminated soil as well as potential re-abandonment of buried oil wells in accordance with applicable standards, and Mitigation Measures HAZ-MM-1 through HAZ-MM-3, the Project would improve existing on-site conditions. Therefore, impacts regarding this threshold would be less than significant.**

(2) Mitigation Measures

With implementation of regulatory requirements and Mitigation Measures HAZ-MM-1 through HAZ-MM-3, Project-level impacts related to the Project Site's listing on a list of hazardous materials sites would be less than significant.

¹⁰ Note that being listed within any of these lists does not imply that an environmental problem exists presently or has existed in the past.

(3) Level of Significance After Mitigation

Project-level impacts related to the Project Site's listing on a list of hazardous materials sites were determined to be less than significant with implementation of regulatory requirements and Mitigation Measures HAZ-MM-1 through HAZ-MM-3.

Threshold (e): For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

As discussed in Section VI, Other CEQA Considerations, of this Draft EIR, and evaluated in the Initial Study prepared for the Project, included as Appendix A of this Draft EIR, the Project Site is not located within two miles of an airport, private airstrip, or within an area subject to an airport land use plan. **As such, as determined in the Initial Study, the Project would not have the potential to exacerbate current environmental conditions that would result in a safety hazard or excessive noise for people residing or working in the Project Site area. Therefore, impacts to Threshold (e) would not occur. No further analysis is required.**

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

(1) Impact Analysis

(a) Construction

According to the Safety Element of the City of Los Angeles General Plan, the nearest disaster route to the Project Site is Sunset Boulevard, which is located immediately west of the Project Site.¹¹ As discussed in Section IV.L, Transportation, of this Draft EIR, while most construction activities are expected to be primarily contained within the boundaries of the Project Site, it is expected that construction fences would encroach into the public right-of-way (e.g., sidewalks and roadways) adjacent to the Project Site on White Knoll Drive, Alpine Street, and Beaudry Avenue. As such, sidewalks surrounding the Project Site are expected to be temporarily closed during construction. However, as discussed in Section IV.L, Transportation, of this Draft EIR, travel lanes would be maintained in each direction on all streets around the Project Site throughout the construction period and emergency access would not be impeded. In addition, the

¹¹ Los Angeles General Plan Safety Element, November 1996, Exhibit H, Critical Facilities and Lifeline Systems, p. 61.

Construction Management Plan (TR-PDF-1) that would be implemented during construction of the Project would include street/lane closure information, a detour plan, haul route(s), and a staging plan. The Project would also comply with all applicable codes and ordinances for emergency access. In addition, Project construction would not close or block access to any properties in the vicinity of the Project Site. **As such, with adherence to regulatory requirements and implementation of the proposed Construction Management Plan (TR-PDF-1), construction of the Project would not significantly impair implementation of, or physically interfere with, any adopted or on-site emergency response or evacuation plans. Therefore, impacts related to emergency response and evacuation plans during construction would be less than significant.**

(b) Operation

During operation, the Project would not involve any activities that would impede public access or travel along the public right-of-way or interfere with an adopted emergency response or evacuation plan. As discussed in Section IV.K.1, Public Services—Fire Protection, of this Draft EIR, emergency vehicles would continue to access the Project Site directly from the surrounding roadways. In addition, the increase in traffic generated by the Project would not significantly impact emergency vehicle response to the Project Site and surrounding uses, including along City-designated disaster routes, such as Sunset Boulevard, located west of the Project Site, since the drivers of emergency vehicles have the ability to avoid traffic by using sirens to clear a path of travel or driving in the lanes of opposing traffic. **As such, operation of the Project would not significantly impair implementation of, or physically interfere with, any adopted or on-site emergency response or evacuation plans. Therefore, impacts related to emergency response and evacuation plans during operation of the Project would be less than significant.**

(2) Mitigation Measures

Project-level impacts related to impairing implementation of emergency response or emergency evacuation plans would be less than significant. Therefore, no mitigation measures are required.

(3) Level of Significance After Mitigation

Project-level impacts related to impairing implementation of emergency response or emergency evacuation plans were determined to be less than significant without mitigation. Therefore, no mitigation measures were required or included, and the impact level remains less than significant.

Threshold (g): Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

As discussed in Section VI, Other CEQA Considerations, of this Draft EIR, and evaluated in the Initial Study prepared for the Project, included as Appendix A of this Draft EIR, the Project Site is not located within a City-designated Very High Fire Hazard Severity Zone, nor is it located within a City-designated fire buffer zone. Additionally, the proposed uses would not create a fire hazard that has the potential to exacerbate the current environmental condition relative to wildfires. **As such, as determined in the Initial Study, the Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. Therefore, impacts with respect to Threshold (g) would be less than significant. No further analysis is required.**

e. Cumulative Impacts

(1) Impact Analysis

As indicated in Section III, Environmental Setting, of this Draft EIR, there are 89 related projects in the vicinity of the Project Site. Development of the Project in combination with the related projects has the potential to increase the risk for an accidental release of hazardous materials. Each of the related projects would require evaluation for potential threats to public safety, including those associated with the use, storage, and/or disposal of hazardous materials, ACMs, LBP, PCBs, and oil and gas and would be required to comply with all applicable local, state, and federal laws, rules and regulations, as discussed above for the Project. Because environmental safety issues are largely site-specific, this evaluation would occur on a case-by-case basis for each individual project affected, in conjunction with development proposals on these properties. **Therefore, with full compliance with all applicable local, state, and federal laws, rules and regulations, as well as implementation of site-specific recommendations for the related projects and Project, cumulative impacts related to hazards and hazardous materials would not occur. As such, the Project's contribution would not be cumulatively considerable and cumulative impacts would be less than significant.**

(2) Mitigation Measures

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

(3) Level of Significance After Mitigation

Cumulative impacts related to hazards and hazardous materials were determined to be less than significant without mitigation. Therefore, no mitigation measures were required or included, and the impact level remains less than significant.