

IV. ENVIRONMENTAL IMPACT ANALYSIS

D. HAZARDOUS MATERIALS AND MAN-MADE HAZARDS

The following analysis of hazardous materials and man-made hazards is based primarily upon the technical report *Phase I Environmental Site Assessment, Westfield Shopping Mall Fashion Square*, prepared by The Reynolds Group, and dated February 2008. This study is provided in Appendix F: Phase I Environmental Site Assessment of this DEIR.

1. ENVIRONMENTAL CONDITIONS

a. Physical Setting

(1) Historic and Existing Use of Hazardous Substances at the Project Site

The shopping center was originally constructed on the project site in 1962 and renovated in 1990 and 1996. Since 1996, operations and uses of chemicals at the site have not substantially changed. Prior to the construction of the shopping center, the project site was occupied by a school.

Operation of the existing facilities does not include the use or generation of significant quantities of hazardous materials. According to a Phase I Environmental Site Assessment (ESA) prepared for the project site (see Appendix F: Phase I Environmental Site Assessment), several of the shopping center tenants are small quantity generators of hazardous wastes.¹ In addition, other more common chemicals common for janitorial, maintenance, and painting supplies are stored on-site. Several products that are used and stored in small quantities for general maintenance purposes on-site could be hazardous if mishandled or spilled.

A review of facilities at the project site that are currently under review, management, or notification by a regulatory agency for hazardous substances was conducted. The following properties (i.e., tenants) were identified:

- Sephora Stores is a small quantity generator of hazardous wastes. The wastes are stored in a five gallon container and are picked up for recycling or disposal on an as needed basis. No violations found.
- Kits/Ritz Camera has a one-hour photo developing service that generates a small quantity of hazardous waste from the film developing process. Silver is recovered from the waste developing fluids and then those fluids are dumped into the sewer system. The recovered silver is picked up for recycling on an as needed basis. No violations were found. Site reconnaissance through the ESA noted that the film development chemical use area was clean and well maintained at Ritz Camera. No violations were found in the database review.

¹ The Reynolds Group, Inc. 2008. *Phase I Environmental Site Assessment, Westfield Shopping Mall Fashion Square*. Tustin, CA: Author. [See Appendix F of this Draft EIR]

- LensCrafters is a small quantity generator of organic solids hazardous wastes. The wastes are stored in a five gallon container and picked up for disposal on an as needed basis. No violations were found in the database review.
- JP Mechanical is listed as a small quantity generator of waste oil and mixed oil hazardous waste at the subject Property. Reportedly, the wastes were stored in a five gallon container and picked up for recycling or disposal on an as needed basis. City Freehold was also listed on the HAZNET database as a small quantity generator of inorganic solids hazardous wastes. The wastes were stored in a five gallon container and are picked up for recycling or disposal on an as needed basis. Neither of these tenants was observed at the time of the site visit; and neither historic telephone directories nor a tenant report listed either of these businesses at the Property. According to Westfield staff, City Freehold may have been a prior owner or management company for the project site.
- Bloomingdale's is not specifically identified through the agency list review. However, Bloomingdale's is a generator of hazardous wastes from two categories. Bloomingdale's retains a 55 gallon of used grease from the restaurant which is picked up for recycling by Baker Industries on an as needed basis. Also, returned and damaged cosmetics and fragrances are classified as hazardous waste. Those wastes are also stored in a 55 gallon drum and picked up for disposal by Smurfit Co. on an as needed basis. No violations were found in the database review.
- Macy's also generates a small amount of hazardous waste identical to the waste from Bloomingdale's. Their waste is stored in a 55 gallon drum and is picked up by Clean Harbors Co., Inc. on an as needed basis. No violations were found in the database review.

The Cortese List of hazardous materials sites compiled pursuant to Government Code Section 65962.5 does not list the project site as having a hazardous materials problem needing cleanup.² No National Priority List (NPL) sites, Corrective Action Report (CORRACTS) sites or State Hazardous Waste Sites (Cal-Sites) were identified within a one mile radius of the subject property; no Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) sites, Resource Conservation and Recovery Information System – Treatment, Storage and Disposal Facility (RCRIS-TSD) sites or Solid Waste Facility/Landfill (State Landfill) sites were identified within a ½ mile radius of the subject property; no Resource Conservation and Recovery Information System – Large Quantity Generator (RCRIS Lg. Quan. Gen.) sites or Underground Storage Tank (UST) sites were identified within a ¼ mile radius of the subject property.

² California Department of Toxic Substances Control (DTSC). 2008 (as updated). Hazardous Waste and Substances Site List (Cortese List). 12 June 2008
<http://www.envirostor.dtsc.ca.gov/public/search.asp?cmd=search&city=&zip=&county=Los%20Angeles&federal_superfund=True&state_response=True&voluntary_cleanup=True&school_cleanup=True&permitted=True&corrective_action=True&display_results=Report&pub=True>.

(2) *Historic and Existing Use of Hazardous Substances at Surrounding Sites*

The immediate vicinity is dominated by commercial and residential uses. North of the project site is a residential neighborhood composed primarily of apartment buildings immediately north and single family dwellings further north. Parcels along Riverside Drive, both west of Hazeltine Avenue and east of Woodman Avenue, are primarily commercial use. Notre Dame High School is at the northeast corner of Woodman Avenue and Riverside Drive and a Downey Savings office is found on the northwest corner of this intersection.

The 76 –Tosco Gasoline Service Station, a Leaking Underground Storage Tank (LUST) site is found just south of Notre Dame High, adjacent to the northeast of the project site. South of the 76 Tosco station, on Woodman Avenue are some small retail shops and an office building. West of the Property, at the southwest corner of the intersection of Riverside Drive and Hazeltine Avenue is a Sunkist office building (LUST site). A Trader Joes store is found at the northwest corner of Riverside and Hazeltine, and a Los Angeles Department of Water & Power facility at the northeast corner of this intersection. Located to the adjacent to the north west of the Property at 14061 Riverside Drive is a former Chevron Service Station which is a closed LUST case.

Three (3) small quantity generator sites are identified within 1/4 mile of the project site. They are identified as:

- Burbank Medical Clinic Inc., 13739 Riverside Drive, located adjacent to the north northeast of the project site, is a small quantity generator with no violations found.
- Former Chevron Station #9-1683, 14061 Riverside Drive located adjacent to the north northwest, former gasoline station site. Site is now closed. The former Chevron station is discussed in more detail below.
- High Tech Auto, located adjacent to the west of the project site at 4774 Woodman Avenue, is a small quantity generator with no violations found.

The Cortese List, which is not currently updated by the State of California, identifies public drinking water wells with detectable levels of contamination, hazardous substance sites selected for remedial action, sites with known toxic material identified through the abandoned site assessment program, sites with USTs having a reportable release and all solid waste disposal facilities from which there is known migration. A review of the Cortese list revealed that there are four (4) Cortese sites within a half mile radius of the project site. All of these sites are also found in the LUST database. The Cortese sites include:

- The 76-Tosco Gasoline Service Station found on Woodman Avenue and Riverside Drive
- The former Chevron station at 14061 Riverside Drive adjacent to the north of the Property

- The Sunkist Growers site, adjacent to the west of the property and
- The Fashion Square Car Wash (LUST Site) located just south of the Ventura Freeway on Woodman Avenue

The former Chevron and Sunkist LUST cases are closed. The 76-Tosco and Fashion Square sites are still undergoing assessment/remediation. See *Appendix F: Phase I Environmental Assessment*, for a more detailed description of these sites found near the project site.

The adjacent property (Sunkist) west of the project site was previously identified in 1996 as a LUST site for leaking gasoline that has affected the aquifer. Remedial action was completed and the case was closed in 1996. Due to the cross-gradient location and the closed nature of the case, the location of this previous LUST site is not known to have affected the project site. Four other LUST were identified within a one-half mile radius of the project site, but due to their distance and cross/down-gradient location from the project site, these sites are not expected to negatively affect the project site.

(3) *Electrical Transformers and Hydraulic Equipment*

The main building has two floors in the area between Macy's and Bloomingdale's with stairways, escalators and elevators for the use of shopping patrons. The Macy's department store has four floors and Bloomingdale's has three floors. In addition to the elevators for the shopping patrons, there are several freight elevators.

A total of eight hydraulic elevators were observed at the shopping center. The hydraulic elevators are serviced by Kone Elevator (Kone). According to Kone, the elevators are serviced with hydraulic fluid that does not contain polychlorinated biphenyls (PCBs). The hydraulic elevators were observed to be in good condition and no evidence of leaks was observed at the time of the ESA. A fifty five gallon drum of oil was observed in one of the equipment rooms for the freight elevators. No stains or other evidence of leaking were observed around the drum of oil.

Four hydraulic trash compactors are located at the shopping center. A representative of IEM, the company which maintains the trash compactors, indicated that the hydraulic fluid in the compactors does not contain PCB's.

(4) *PCBs, Asbestos and Lead*

Twelve pad-mounted electrical transformers are located along Riverside Drive and along the parking garage areas south of the shopping center building. The transformers (IS 2627-1-01 & 02 through IS 2627- 6-01 & 02) are the property of the Los Angeles Department of Water & Power (LADWP). LADWP is responsible for any maintenance on their transformers. A request has been sent to the LADWP regarding the possible presence of PCB's in the transformers. However, the transformer stations are labeled "No PCBs in this station". Several additional transformers are located within the shopping mall building. All of those transformers are "dry type" transformers and, as such, are not suspect of containing PCB's.

Fluorescent light ballasts were observed throughout the project site. As the mall was originally constructed in 1962 prior to when PCB use was more common, it is possible that PCB-containing light ballasts may be located on the subject property. However, since the mall was renovated in 1990 and 1996, it is unlikely that PCB-containing fluorescent light ballasts are present on the subject property.

Asbestos Containing Materials (ACM) were identified in only one tenant space (Erik's Shoes) in the shopping center, in a portion of the mall that is part the original 1962 construction. Approximately 450 square feet of friable asbestos ceiling materials were found in the Erik's Shoes shop. This ACM is considered a REC, requiring proper management in-place and notification to the tenants of that shop.

Because the shopping center was constructed in 1962 (prior to current asbestos regulations), it is possible that other ACM may be located on the subject property. However, due to subsequent renovations in 1990 and 1996, it is unlikely that significant quantities of friable ACM are present.

Again, because of the date of construction in 1962 (occurring prior to current lead paint regulations), it is possible that lead-containing paint may be located in the original shopping center structures. However, since the mall has gone through major renovations in 1990 and 1996, it is unlikely that lead-containing paint is present in occupied areas of the mall.

(5) *Storage Tanks*

Two emergency backup generators were also observed in a walled open air area on the southern portion of the project site, with an associated above ground double-walled diesel tank located on concrete. Minor staining was observed near the diesel tank. No other aboveground storage tanks (ASTs) or visual evidence of existing underground storage tanks (USTs), such as pipes, vents, pumps, or stains were observed. The subject property was not identified in public databases as a UST or a LUST site. One 55-gallon drum of oil was observed to be stored without secondary containment in the area of freight elevators. Provided that these fuels are handled using best management practices, they are not considered an issue of environmental concern at this time. The drums were not stored in an area having secondary containment; however, no signs of spillage or leakage were noted.

(6) *On-Site and Off-Site Man-Made Hazards*

No public use airport is located within two miles of the project site. The closest public airport is Burbank/Bob Hope Airport, located approximately 9 miles northeast of the project site.

b. Regulatory and Policy Setting

(1) Hazardous Substances

Many agencies regulate the use of hazardous materials. These include the Environmental Protection Agency (EPA), the Occupational Safety and Health Administration (OSHA), the Nuclear Regulatory Commission (NRC), the Department of Transportation (DOT), the National Institutes of Health (NIH), and the Food and Drug Administration (FDA) for the federal government. State agencies, including the Health and Welfare Agency (HWA), under which is the Department of Toxic Substances Control (DTSC), have parallel, and in some cases more stringent, rules governing the use of hazardous materials. The Los Angeles Fire Department is the local regulating body for hazardous materials, due to the passage of AB 2185 and AB 2187, which require full disclosure of the use and storage of hazardous materials that could lead to public exposure to these substances. In addition to the laws governing the use of hazardous substances, federal and state laws also exist to control the generation, transportation, and disposal of hazardous wastes. At the federal level, the principal regulatory agency is the EPA. Within the state, DTSC has primary regulatory responsibility.

(2) Asbestos and Lead

In California, any facility that is known to contain asbestos is required to have a written asbestos management plan. Removal of asbestos containing materials must be conducted in accordance with the requirements of the South Coast Air Quality Management District (SCAQMD) Rule 1403, which sets forth regulations and procedures for the identification, notification, removal and disposals of AMCs.

Similarly, the California Occupational Safety and Health Administration (Cal-OSHA) has established safety levels for exposure to lead contained in dusts and fumes (as from lead-based paints). The California Code of Regulations (Title 8 Section 1532.1) provides for exposure limits, monitoring and protective measures for exposure to lead.

(3) Storage Tanks

The storage of hazardous materials in USTs is regulated by the State Water Resources Control Board (SWRCB). Authority for hazardous materials is delegated to the local level through the Regional Water Quality Control Board (RWQCB) and the City of Los Angeles Fire Department (LAFD). The LAFD administers and enforces Federal and State laws, as well as local ordinances, for USTs.

2. THRESHOLDS OF SIGNIFICANCE

Unless otherwise indicated, the thresholds of significance identified in this section and used to determine the Proposed Project environmental effects are based on direction from the Los Angeles CEQA Thresholds Guide (as adopted 2006).

The following factors are set forth in the LA CEQA Thresholds Guide for consideration, on a case-by-case basis, of the significance of potential environmental impacts:

Risk of Upset/Emergency Preparedness

- 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.

Human Health Risk

- 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.

3. ENVIRONMENTAL IMPACTS

a. Relevant Project Characteristics

The Proposed Project would not change substantially land uses at the site, the types of hazardous materials used or stored at the site, or the quantity of these materials. The Proposed Project does not include excavation and disturbance of soil and groundwater at the project site that have any known contamination.

The shopping center is heated and cooled by electric-powered, roof mounted central Heating, Ventilating and Air Conditioning (HVAC) units. Electricity, drinking water and sewage service are provided by the LADWP. Natural gas service is provided by The Gas Company and solid waste disposal is provided through Consolidated. Floor drains located throughout the shopping center drain to the sanitary sewer system. The Proposed Project would continue to be served in a similar manner.

The analysis does not assume any specific Project Design Features as part of the Proposed Project; however, the analysis assumes that the Proposed Project will be constructed and operated in accordance with all applicable codes, regulations and standard practices, including the following:

- The Proposed Project shall comply with SCAQMD Rule 1403 regulating the removal of ACMs from on-site buildings.
- The Proposed Project shall comply with Construction Safety Orders 1532.1 (pertaining to lead) from Title 8 of the California Code of Regulations as well as other applicable federal, state and local rules and regulations.

In addition, standard conditions and regulatory requirements described in Section IV: Environmental Impact Analysis: E-Water Resources, would also address regulations that affect the use/storage of hazardous materials and man-made hazards.

b. Project Impacts

Based on the IS, potential impacts for a number of environmental issues were determined to be less than significant. The scope of the following analysis focuses only on those impacts that were determined through the NOP and IS process to have a potential significant environmental effect. Issues related to Hazardous Materials and Man-Made Hazards that were determined to be less than significant and require no further analysis, include: listing as a known hazardous site, contamination of soils and/or groundwater, contribution to hazardous conditions to an airport/air strip, and wildfire hazards. An explanation supporting this conclusion is provided in Section VI: Other Environmental Considerations: A-Effects Not Found To Be Significant of this EIR.

(1) Hazardous Substances

Existing shopping center (retail and restaurant) operations do not result in extensive generation or use of hazardous materials. The Proposed Project would not change substantially land uses at the site, the types of hazardous materials used or stored at the site, or the quantity of these materials. The Proposed Project does not include any known, unique specific uses that would pose a potential hazardous materials impact due to the reasonably foreseeable upset involving the release of hazardous materials. The Proposed Project, or the continued use of the shopping center in general, is not expected to exceed maximum regulatory requirements for hazardous materials and is not expected to release hazardous materials within the project area or into nearby soil and groundwater supplies.

Additional chemicals and fuels may be temporarily stored as used on-site throughout the duration of construction activity for the Proposed Project. Plans and programs designed to protect water quality, such as the Standard Urban Stormwater Mitigation Plan (SUSMP) and Stormwater Pollution Prevention Plan (SWPPP) will address appropriate storage, spill containment and contingency programs for hazardous materials retained on-site during the construction phase. These programs are described in more detail in Section IV: Environmental Impact Analysis: E-Water Resources of this DEIR.

During both the construction phase and ongoing operation of the shopping center, the shipment and storage of hazardous materials to and on the site must conform to all applicable laws, regulations, and health and safety standards set forth by federal, state, and local authorities to properly dispose of such materials and their containers.

Any materials would be stored and disposed of in accordance with State and local regulations and industry standards. By complying with the generally applicable administrative procedures required by the Municipal Code and the industry-wide safety procedures for the use and storage of these materials, the Proposed Project will result in a less than significant impact due to hazardous materials.

The closest school to the project site is Notre Dame High School, located approximately 0.15 miles east of the project site at the northeast corner of the Riverside Drive/Woodman Avenue intersection. However, as the Proposed Project would involve the continuation of current retail/restaurant land uses, and would be consistent with land uses in the project vicinity which do not typically emit substantial concentrations of hazardous emissions or waste, potential impacts to the school due to the routine generation, use, storage, or transport of hazardous materials would be less than significant.

(2) *PCBs, Asbestos and Lead*

Demolition of portions of the shopping center that interface with the building structures dating from the original 1962 construction may expose materials containing PCBs, asbestos and/or lead.

Due to the age and proposed demolition of existing buildings, the potential exists that asbestos containing materials (ACM) may be located and exposed in the structure(s). Exposure to ACM during demolition could be hazardous to the health of demolition workers as well as area residents and employees. However, these impacts can be mitigated to a less than significant level by incorporation of proper handling and disposal procedures. For example, the Proposed Project shall comply with SCAQMD Rule 1403 regulating the removal of ACMs from on-site buildings.

In accordance with the ESA, it is recommended that any ACMs continue to be managed in place by the existing Asbestos Operating and Maintenance Program. Planned renovation and demolition activities that may affect the integrity of any unknown ACMs will be completed in accordance with standard practices to evaluate for such materials. If encountered, then the ACMs should be removed by a licensed asbestos abatement contractor in accordance with all applicable Federal, State and local regulatory guidelines.

Similarly, based on the age of the existing structures, the potential exists for the older portions of the shopping center to contain lead-based paint. Exposure to lead-based paint, if encountered during demolition or renovation tied to implementation of the Proposed Project could pose a health hazard to workers and employees at the shopping center. Potential impacts due to lead-based paint can be mitigated to a less than significant level by incorporation of proper handling and disposal procedures.

(3) Storage Tanks

The Proposed Project is anticipated to provide an area with secondary containment for any 55-gallon drums containing fuels or chemicals, such as those used for hydraulic and generator equipment. This storage area with secondary containment will prevent any accidental spills or leaks from causing any negative impacts to the environment.

(4) Emergency Response and Evacuation

The Proposed Project will be constructed on private property and will not block or interfere with any major highways. During the Building Permit process, access to the project site will be designed to provide access for emergency response vehicles to the satisfaction of the LAFD. The Proposed Project will not impair implementation of or physically interfere with an adopted emergency response plan and will result in a less than significant impact.

(5) Consistency with Applicable Plans and Policies

Consistency with applicable plans and policies, including land use and design policies which indirectly address hazardous materials and water resource protection, is discussed in detail in Section IV: Environmental Impact Analysis: F-Land Use, Planning and Urban Decay of this EIR.

(6) Cumulative Impacts

A significant hazardous materials impact is typically based on consideration of the project's proposed routine transport, use, and disposal of hazardous materials directly related to project operations and the potential for the Proposed Project to indirectly create a hazardous materials release into the environment

As discussed above, the Proposed Project would result in a less than significant hazardous materials impact due to the routine transport, use, and disposal of hazardous waste. The project site is not included on a list of hazardous materials sites or immediately upstream of environmentally sensitive areas which could result in a release of hazardous materials into the environment, not directly related to the Proposed Project. The Proposed Project includes an expansion of existing retail facilities which are not known to generate substantial amounts of hazardous materials. The Proposed Project is not anticipated to contribute to a cumulative hazardous materials impact due to generation of a substantial amount of waste. Further, the Proposed Project will not significantly interfere with an adopted emergency response plan at the site. None of the related projects are located in the immediate project vicinity along these roadways. The Proposed Project is not anticipated to contribute to a cumulative hazardous materials impact due to interference with an emergency route.

PCBs, ACMs and lead-based paint may be present in buildings targeted for demolition in conjunction with the related project list. Unless ACMs and lead paint are removed prior to demolition, potentially significant cumulative health hazards related to the accidental release of

asbestos and/or lead could occur. However, as with the Proposed Project, all demolition activity associated with the related projects is assumed to be conducted in full compliance with the applicable federal, state and local rules and regulations addressing PCBs, asbestos, and lead; therefore, the potential for an accidental release would be minimal and cumulative impacts would be considered less than significant.

Related projects also have the potential to contain other hazardous substances associated with their operation and maintenance. It is anticipated that they will also comply with all required rules and regulations concerning the use of hazardous substances. Further it should be noted that none of commercial related projects are located near enough to the project site to have a cumulative effect on hazardous material generation or disposal and none of the residential related projects are located along the truck routes to be used by the Proposed Project. There would be no potential cumulative hazardous impacts associated with the Proposed Project and the related projects.

4. MITIGATION PROGRAM

Mitigation Measures identified in Section IV: Environmental Impact Analysis: E-Water Resources, will serve to reduce or eliminate potential environmental concerns related to hazardous materials and man-made hazards. In addition, the following Mitigation Measures are recommended:

- MM HAZ-1: The Proposed Project shall comply with SCAQMD Rule 1403 regulating the removal of ACMs from on-site buildings.
- MM HAZ-2: The Proposed Project shall comply with Construction Safety Orders 1532.1(pertaining to lead) from Title 8 of the California Code of Regulations as well as other applicable federal, state and local rules and regulations.
- MM HAZ-3: Prior to the issuance of the demolition permit, the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant that no ACMs are present in the portion of the building to be demolished. If ACMs are found to be present, the applicant shall abate such ACMs in compliance with the South Coast Air Quality Management District's Rule 1403 as well as other applicable federal, state and local rules and regulations.
- MM HAZ-4: Prior to the issuance of the demolition permit, the applicant shall provide a letter to the Department of Building and Safety from a qualified lead-paint abatement consultant that no lead-based paint is present in the portion of the building to be demolished. If lead-based paint is found to be present, it shall be abated in compliance with Construction Safety Orders 1532.1(pertaining to lead) from Title 8 of the California Code of Regulations as well as other applicable federal, state and local rules and regulations.

- MM HAZ-5: Prior to issuance of the Certificate of Occupancy the applicant shall provide a letter from the Fire Department stating that the LAFD has permitted the facility's use, storage and creation of hazardous wastes.
- MM HAZ-6: All 55-gallon drums on site shall be stored in secondary containment to prevent any accidental spills or leaks.
- MM HAZ-7: Hazardous materials generated, as a result of routine maintenance of equipment shall be disposed of in accordance with legal disposal procedures.

5. SIGNIFICANT PROJECT IMPACTS AFTER MITIGATION

Compliance with SCAQMD Rule 1403 requirements would reduce impacts related to the removal of ACMs from on-site buildings to the extent required by existing regulations. Required compliance and the on-going asbestos and lead abatement program for the site would assure a less than significant ACM impact. With implementation of the recommended mitigation measures, the Proposed Project would not result in a significant adverse impact related to hazardous materials or man-made hazards.