

Section 3.4

Hazards

Section Summary

This section addresses the potential impacts of hazards and hazardous materials related to the Proposed Project and discusses related impacts to the environment. This section also describes impacts on public health and safety that could result from implementation of the Proposed Project.

Section 3.4, Hazards, provides the following:

- A description of the existing environmental setting in the Port of Los Angeles (POLA or Port) area;
- A description of the existing hazards/hazardous substances handled at the Project site;
- A discussion on the methodology used to determine whether the Proposed Project would adversely change the existing physical conditions or increase impacts related to hazards and hazardous materials;
- An impact analysis of the Proposed Project; and
- A description of any mitigation measures proposed to reduce any potential impacts and residual impacts, as applicable.

Key Points

The previous 1996 Certified EIR evaluated the potential for fire, explosion, or accidental release of hazardous materials during operations and the risk of soil and groundwater contamination. Risks were found to be acceptable and no mitigation was recommended.

The proposed Phase 1 – Continued Operations Period could result in future degradation of the existing concrete and asphalt cap, which could create a new significant hazard to the public or environment. Mitigation in the form of a maintenance plan for the existing cap (MM-HAZ-1) would be required to ensure the cap is appropriately maintained. No new significant impact would occur with the implementation of this mitigation.

The proposed Phase 2 – Non-operational Restoration Period would include demolition of all site structures that could contain hazardous building materials. This could potentially result in a release of hazardous materials during routine demolition activities, creating a new significant impact to the public and on-site workers. Mitigation in the form of a pre-demolition hazardous materials survey (MM-HAZ-2) and abatement plan would be required. No new significant impact would occur with the implementation of this mitigation.

The Proposed Project would not result in any other new or substantially more severe significant impacts or any significant and unavoidable impacts related to hazards.

3.4.1 INTRODUCTION

The Initial Study/Notice of Preparation (IS/NOP) prepared for the Proposed Project in March 2023 found that the Proposed Project would need to be analyzed under recent regulations with regard to the routine transport, use or disposal of hazardous materials, and additional analysis would be conducted to determine if new significant or cumulatively considerable impacts could occur. The IS/NOP also found that the Proposed Project needs to be further analyzed to determine if it could result in reasonably

foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Finally, the IS/NOP also found that the Proposed Project is located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and the issues related to this listing would be further evaluated with regard to potentially significant hazards to the public or the environment. These findings were based on a review of existing operations, current regulations, and ongoing remediation actions under regulatory oversight (see Appendix A, IS/NOP, of this Draft SEIR). This section evaluates the significance of these potential impacts.

This section is based on the findings of the Hazardous Materials Technical Report prepared for the Applicant’s Facility and Proposed Project (Dudek 2024).

3.4.2 ENVIRONMENTAL SETTING

3.4.2.1 Hazardous Materials

Hazardous materials are the raw materials for a product or process that, according to Department of Transportation are capable of posing significant risk to health, safety, or property when transported. The State of California classifies hazardous materials as “any material that, because of its quantity, concentrations, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or the environment if released into the workplace or environment” (HSC 25260). Classes of hazardous materials that may be used at or transported to the Proposed Project site include flammable materials, toxic materials, and corrosive materials. Examples of these hazardous materials, as described in the stormwater pollution prevention plan (SWPPP; Maine and Peterson 2021) include diesel fuel, gasoline, hydraulic oil, lead-acid batteries, polychlorinated biphenyl (PCB) capacitors and ballasts, and alkaline batteries. These hazardous materials are removed from recyclable materials before they’re processed.

3.4.2.2 Hazardous Wastes

In addition to hazardous materials, hazardous wastes can be generated at the site as part of daily operations at the site. Hazardous wastes are defined in the Health and Safety Code (HSC) 25141 as wastes that, due to the concentrations, quantity, or characteristics may cause mortality or significant, irreversible illness, and/or pose a present or potential hazard to human health or the environment. These are further defined in California Code of Regulations (CCR) Title 22 Article 3, “Characteristics of Hazardous Waste,” Sections 66261.20 through 66261.24. These may include toxic, flammable, corrosive, or radioactive materials. There are also universal wastes, such as light ballasts and batteries. Hazardous wastes generated by the Proposed Project typically are associated with wastes found in scrapped materials, which may include waste oils, waste batteries, waste coolants, spent dust collector filters, and non-Resource Conservation and Recovery Act (RCRA) hazardous wastes.

Operations also create treated auto shredder residue, also defined as chemically treated metal shredder residue (CTMSR). In the late 1980s, the Department of Health (predecessor of the Department of Toxic Substances Control [DTSC]) determined that the metal treatment fixation process of metal shredder waste (i.e., CTMSR) was capable of lowering soluble concentrations of contaminants of concern in metal shredder residue such that the waste was rendered insignificant as a hazard to human health and safety, livestock, and wildlife. Seven facilities applied for and were granted nonhazardous waste classification letters by the Department of Health (and later DTSC), so long as they continued to use fixation technologies for metal shredder residue. The authority was issued under CCR Title 22 Section 66260.200(f), and the authorization is known as an (f) letter. With this (f) letter authorization, CTMSR is considered non-hazardous waste.

3.4.2.3 Current and Historical Site Uses

The Proposed Project site is located on Terminal Island, which was originally tidelands along a strip of land called Rattlesnake Island. Beginning in the early 1900s, the area was filled with dredged materials to create Terminal Island. During World War II (the 1930s and 1940s), the site and surrounding area was used for naval vessel construction. In 1946, the dry docks used for ship construction were dismantled and the area was further filled with dredged sediments; sediments were laid on top of dismantling debris and likely miscellaneous material from open dumping (Mittelhauser 1994). Ship dismantling occurred on the site after World War II (late 1940s) through the early 1960s.

Multiple oil and gas wells were drilled on the Proposed Project site in the 1950s. The wells were owned by Exxon Corporation (now Exxon Mobil Corporation) and drilled under oil lease “TUA-1”. Well numbers included TUA-1 171 through TUA-1 181. In 1991, permits were issued to abandon the wells; abandonment was completed in 1992 during Hugo Neu-Proler’s occupancy, as discussed in the next paragraph.

As described in Section 2.4.5 of this SEIR, the Proposed Project site is currently operated as a scrap metal recycling facility. Scrap metal recycling operations began in 1962 under Hugo Neu-Proler. In October 2005, Hugo Neu Corporation (owner/operator of the Hugo Neu-Proler Site) was acquired by Sims Group Limited. The company applied for a subsidiary name change from Hugo Neu-Proler to Sims Hugo Neu West in October 2005. In September 2007, Sims Group merged with Adams Steel, creating SA Recycling. SA Recycling (the Applicant) continued operations at the site beginning as of September 1, 2007 (DTSC 2011). As part of the Proposed Project, scrap metal recycling operations would continue for up to 10 years.

As noted in Section 3.4.2.2 and discussed in the Hazardous Materials Technical Memo (Sections 5 and 3.3, Dudek 2024), metal shredding activities at the site are covered under an (f) letter authorization, which was issued to Hugo Neu-Proler and transferred to the Applicant when they took over operations in 2007.

3.4.2.4 Previous Environmental Investigations and Site Conditions

As outlined in the Hazardous Material Technical Report (Dudek 2024), multiple historical and ongoing environmental investigations, monitoring, and remedial actions have occurred on the Proposed Project site. In summary, these actions include:

- A site characterization, remedial action plan (RAP), and feasibility study for remediation of soil contamination (March 1994).
- Soil remediation under Waste Discharge Requirement (WDR) No. 96-020 issued by Los Angeles Regional Water Quality Control Board (LARWQCB), with concurrent monitoring and reporting of groundwater conditions under monitoring and reporting program (MRP) No. 7656 (1996 through 2003).
- Ongoing monitoring and remediation of a free phase hydrocarbon contamination plume (also referred to as a light non-aqueous liquid [LNAPL] plume) on groundwater beneath the Project site under LARWQCB File 90-47 (1988 through present day).
- Investigation outlined in a Site Characterization Work Plan prepared in accordance with Section 8(c)(2) of Permit 750, approved by LARWQCB on July 14, 2023, and DTSC on September 7, 2023 (GSI 2023a). The results of the investigation were summarized in a Site Characterization Report, submitted to both POLA and DTSC in November 2023 (GSI 2023b).

In addition, DTSC issued the Applicant an Enforcement Order for Corrective Action (“Corrective Action Order” or CAO) identifying both on and off-site impacts associated with release of hazardous material

constituents (as defined item 1.4 of the CAO and CCR Title 22 Section 66261.24). This CAO, Docket No. HWCA-FY20/21-015, was issued in October 2021, and stated that hazardous waste or hazardous waste constituents are present both on and off site and are caused by ongoing operations. While the facility operates under an (f) letter authorization, which allows characterization of CTMSR as non-hazardous waste for disposal purposes, DTSC's CAO claims additional hazardous waste constituents have been identified due to on-site operations and, therefore, must be appropriately mitigated and managed.

Following issuance of the CAO, the Applicant and DTSC entered into a Consent Order, Docket No. HWCA 20187418, issued on December 12, 2023 (included herein as Appendix E-1), which supersedes the CAO. The Consent Order alleges violations to the health and safety code (HSC) observed at the Project site by DTSC, including improper/unlawful stockpiling/storage of materials with hazardous waste constituents, resulting in potential releases to the environment (Violations 3.1 and 3.2); off-site migration of hazardous material constituents (Violations 3.3 and 3.4); improper handling of on-site water in the water treatment system, resulting in potential release of hazardous materials on site (Violations 3.5 and 3.6); acceptance, treatment, storage, and disposal of hazardous wastes without a permit or authorization (Violation 3.7); and on-site accumulation of materials with hazardous waste constituents, failing to minimize possible releases of hazardous wastes to the environment (Violations 3.8, 3.9, and 3.10). The Applicant admitted to alleged violations 3.3, 3.4, 3.8, 3.9, and 3.10. Compliance requirements are outlined in the Consent Order, including Exhibit A. Alleged off-site violations have been addressed by investigation and cleanup/removal of off-site CTMSR (light fibrous material (LFM)) as outlined in the Off-Site LFM Investigation Work Plan (Appendix E-2). Continuing evaluation and cleanup of any off-site releases will occur as described in the Off-site LFM Investigation Work Plan and Off-Site LFM Cleanup/Removal Work Plan (Appendix E-3). The Applicant has come into compliance with some of the alleged violations, and agreed to come into compliance with all alleged violations and provide DTSC with evidence of changes within the schedule outlined in the Consent Order. Exhibit A requires interim and permanent corrective actions and measures to prevent the disposal of hazardous substances and wastes, and preparation and submittal of a current conditions report within 90 days. Exhibit A also includes procedural provisions required for ongoing operations, including preparation of California Environmental Quality Act (CEQA) documentation, land use covenants, operations and maintenance plans, health and safety plans, a community profile, and a selected remedy for remediation of contamination identified in the recent site investigation as necessary (GSI 2023b) (discussed further below). Exhibit A also requires, as part of the site investigation (GSI 2023a, 2023b), an investigation for per- and polyfluoroalkyl substances (PFAS) in soil and groundwater.

The aforementioned investigations have resulted in the following findings. These findings, summarized below, are discussed in further detail in the Hazardous Materials Technical Report (Dudek 2024):

- Historical operations have resulted in impacts to soil and groundwater at the site, including an existing LNAPL plume, which is currently undergoing monitoring and remediation (LARWQCB File 90-47). The plume is limited to the area beneath the stormwater treatment area and warehouse, and monitoring results indicate diesel and volatile organic compounds (VOC) concentrations are decreasing over time. The LARWQCB Case is a Leaking Underground Storage Tank (LUST) case that occurred in 1988 and is currently open.
- Soil remediation has occurred on the site under WDR Order No. 96-020, which consisted of excavation of soils impacted with petroleum hydrocarbons, VOCs, semi-volatile organic compounds (SVOCs), PCBs, and metals; off-site disposal of said soils; and placement of a concrete cap (cap) across the site. WDR Order No. 96-020 was terminated in 2012 following completion of soil remediation, placement of a concrete cap over remaining impacted soils, and groundwater monitoring efforts. However, cleanup levels specified in the WDR Order,

issued in 1996, are no longer deemed protective, and are not likely to meet present-day regulatory screening levels.

- The existing concrete cap is at least 6 inches thick (up to 24 inches thick) with only minor cracks and no evidence of degradation causing exposure of underlying soils (GSI 2023b). Present-day soil conditions meet cleanup levels established in the 1996 WDR (except mercury in one location at 27 mg/kg, above the WDR cleanup level of 20 mg/kg) (LARWQCB 1996). However, concentrations of arsenic, lead, mercury, and PCBs (Aroclor 1260) in select locations are above present-day screening levels for commercial/industrial use (DTSC screening levels for commercial/industrial soil [DTSC 2022]) (GSI 2023b). Similarly, present-day groundwater samples have concentrations of arsenic, beryllium, and molybdenum above present-day screening levels for tap water (DTSC screening level for tap water [DTSC 2022]), in addition to the LNAPL plume (GSI 2023b). Concentrations of arsenic and molybdenum are slightly higher than those observed during monitoring for the WDR (Clayton Environmental 2002). Present-day soil and groundwater screening levels are lower than those established for the WDR in 1996, resulting in observed exceedances as noted above. The impacted soils are beneath a concrete cap that is at least 6 inches thick, and groundwater beneath the Project site is not used for drinking water.
- As outlined in the Consent Order, on- and off-site samples collected by DTSC between 2017 and 2022 have identified wastes stored on the site that exhibit characteristics of hazardous waste due to exceedances of the toxicity criteria defined under CCR Title 22 Section 66261.24, and there was evidence of off-site migration of these hazardous waste constituents. The Consent Order legally requires the Applicant to address the alleged violations identified by DTSC, and includes both on-site and off-site corrective actions and a schedule of implementation. Corrective actions include completion of a supplemental site investigation (to supplement the 2023 Site Investigation [GSI 2023b]), and selection of remedies for contamination identified both the 2023 Site Investigation and any supplemental investigations.

3.4.3 REGULATORY SETTING

3.4.3.1 Federal Regulations

U.S. Environmental Protection Agency

Title 40 USC, Chapter 1, Subchapter I, Parts 260-265 – Solid Waste Disposal Act/Federal Resource Conservation and Recovery Act of 1976

The Solid Waste Disposal Act, as amended and revised by the RCRA, establishes requirements for the management of solid wastes (including hazardous wastes), landfills, underground storage tanks, and certain medical wastes. The statute also addresses program administration; implementation and delegation to the states; enforcement provisions and responsibilities; and research, training, and grant funding. Provisions are established for the generation, storage, treatment, and disposal of hazardous waste, including requirements addressing generator record keeping, labeling, shipping paper management, placarding, emergency response information, training, and security plans.

Title 40 USC, Chapter 1, Subchapter I, Part 273 – Universal Waste

This regulation governs the collection and management of widely generated waste, including batteries, pesticides, mercury-containing equipment, and bulbs. This regulation streamlines the hazardous waste management standards and ensures that such waste is diverted to the appropriate treatment or recycling facility.

Title 40 USC, Chapter 1, Subchapter D, Part 112 – Oil Pollution Prevention

Oil Pollution Prevention regulations require the preparation of a Spill Prevention, Control, and Countermeasure (SPCC) Plan if oil is stored in excess of 1,320 gallons in aboveground storage (or have a buried capacity of 42,000 gallons). SPCC regulations place restrictions on the management of petroleum materials and, therefore, have some bearing on hazardous materials management.

Title 40 USC, Chapter 1, Subchapter C, Part 61 – National Emission Standards for Hazardous Air Pollutants, Subpart M – National Emission Standard for Asbestos

This regulation established National Emission Standards for Hazardous Air Pollutants (NESHAP) and names asbestos-containing material (ACM) as one of these materials. ACM use, removal, and disposal are regulated by United State Environmental Protection Act (USEPA) under this law. In addition, notification of friable ACM removal prior to a proposed demolition project is required by this law.

Title 42 U.S. Code of Federal Regulations, Chapter 116 – Emergency Planning and Community Right-to-Know Act

The Emergency Planning and Community Right-to-Know Act (EPCRA) provides for public access to information about chemical hazards. The EPCRA and its regulations included in Title 40 U.S.C. Parts 350-372 establish four types of reporting obligations for facilities storing or managing specified chemicals: emergency planning, emergency release notification, hazardous chemical storage reporting requirements, and toxic chemical release inventory. USEPA maintains a database, termed the Toxic Release Inventory, which includes information on reportable releases to the environment.

Title 15 USC, Chapter 53, Subchapter I, Section 2601 et seq. – Toxic Substances Control Act of 1976

The Toxic Substances Control Act (TSCA) of 1976 empowers USEPA to require reporting, record-keeping, and testing, as well as to place restrictions on the use and handling of chemical substances and mixtures. This regulation phased out the use of asbestos and ACM in new building materials and also sets requirements for the use, handling, and disposal of ACM as well as for lead-based paint (LBP) waste. As discussed above, USEPA has also established National Emission Standards for Hazardous Air Pollutants (NESHAP), which govern the use, removal, and disposal of ACM as a hazardous air pollutant and mandate the removal of friable ACM before a building is demolished and require notification before demolition. In addition to asbestos, ACM, and LBP requirements, this regulation also banned the manufacturing of PCBs and sets standards for the use and disposal of existing PCB-containing equipment or materials.

Title 42 U.S. Code of Federal Regulations, Section 9601 – Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 101 – Definitions

CERCLA provides for the cleanup of uncontrolled or abandoned hazardous wastes sites as well as accidents, spills, and other emergency releases of hazardous substances. CERCLA Section 101 [42 U.S.C. Section 9601] provides definitions for terms used throughout CERCLA, including *hazardous substance*, *toxic pollutants*, *hazardous air pollutants*, *hazardous waste*, and *release*.

Hazardous Substance: CERCLA Section 101(14) defines “hazardous substance” by reference to lists of substances designated under specific authorities. The CERCLA list of hazardous substances (40 Code of Federal Regulations [CFR] part 302.4) is currently comprised of the following lists:

- Clean Water Act (CWA) Hazardous Substances per CWA Section 311(b)(2) [40 CFR 116.4; 33 U.S.C. 1321(b)(2)]

- CWA Toxic Pollutants per CWA Section 307(a) [40 CFR 401.15, 40 CFR part 423 Appendix A, and 40 CFR 131.36; 33 U.S.C. 1317(a)]
- CAA Hazardous Air Pollutants per CAA Section 112(b) [33 U.S.C. 7412(b); P.L. 102-187 December 4, 1991; 70 FR 75047, December 19, 2005; 69 FR 69320, November 29, 2004; 61 FR 30816, June 18, 1996; 65 FR 47342, August 2, 2000, and 87 FR 393, January 5, 2022]
- RCRA Hazardous Wastes per RCRA Section 3001 [40 CFR part 261 Subpart D – Lists of Hazardous Wastes; 42 U.S.C. 6921]

Release: CERCLA Section 101(22) defines “release” as any “...spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant).”

Title 42 U.Sb. Code of Federal Regulations, Section 9602 – CERCLA Section 102 – Reportable Quantities

CERCLA Section 102 authorizes the Administrator to revise the substances specified as hazardous under CERCLA Section 102 and designate additional hazardous substances. Furthermore, CERCLA Section 102 assigns a Reportable Quantity of one pound to each hazardous substance and authorizes USEPA to promulgate regulations to revise the statutory Reportable Quantity. The Reportable Quantity identifies the quantities of substances that if released require notification and sets forth the notification requirements for releases of these substances.

The CERCLA List of Hazardous Substances and their Reportable Quantities are found in 40 CFR part 302, Table 302.4

Regional Screening Levels (RSLs)

The federal USEPA provides RSLs for chemical contaminants to provide comparison values for residential and commercial/industrial exposures to soil, air, and tap water (drinking water). RSLs are available on the EPA’s website and provide a screening level calculation tool to assist risk assessors, remediation project managers, and others involved with risk assessment and decision-making. RSLs are also used when a site is initially investigated to determine if potentially significant levels of contamination are present to warrant further investigation. In California, the DTSC Human and Ecological Risk Office (HERO) incorporated the USEPA RSLs into the HERO human health risk assessment. HERO created Human Health Risk Assessment (HHRA) Note 3, which incorporates HERO recommendations and DTSC-modified screening levels (DTSC-SLs) based on review of the USEPA RSLs. The DTSC-SL should be used in conjunction with the USEPA RSLs to evaluate chemical concentrations in environmental media at California sites and facilities.

U.S. Department of Labor, Occupational Safety and Health Administration

Title 29 USC, Part 1926 et seq. – Safety and Health Regulations for Construction

These standards require employee training; personal protective equipment; safety equipment; and written procedures, programs, and plans for ensuring worker safety when working with hazardous materials or in hazardous work environments during construction activities, including renovations and demolition projects and the handling, storage, and use of explosives. These standards also provide rules for the removal and disposal of asbestos, lead, LBP, and other lead materials. Although intended primarily to protect worker health and safety, these requirements also guide general facility safety. This regulation also requires that an engineering survey is prepared prior to demolition.

Title 29 USC, Part 1910 et seq. – Occupational Safety and Health Standards

Under this regulation, facilities that use, store, manufacture, handle, process, or move hazardous materials are required to conduct employee safety training; inventory safety equipment relevant to potential hazards; have knowledge on safety equipment use; prepare an illness prevention program; provide hazardous substance exposure warnings; prepare an emergency response plan; and prepare a fire prevention plan.

U.S. Department of Transportation

Title 49 USC, Part 172, Subchapter C – Shipping Papers

The Department of Transportation established standards for the transport of hazardous materials and hazardous wastes. The standards include requirements for labeling, packaging, and shipping hazardous materials and hazardous wastes, as well as training requirements for personnel completing shipping papers and manifests.

3.4.3.2 State Regulations

California Unified Program for Management of Hazardous Waste and Materials

California HSC, Division 20, Chapter 6.11, Sections 25404- 25404.9 Sections– Unified Hazardous Waste and Hazardous Materials Management Regulatory Program

Under the California Environmental Protection Agency (CalEPA), the DTSC and Enforcement and Emergency Response Program (ERP) administer the technical implementation of California’s Unified Program, which consolidates the administration, permit, inspection, and enforcement activities of several environmental and emergency management programs at the local level (DTSC 2019). Certified Unified Program Agencies (CUPAs) implement the hazardous waste and materials standards. This program was established under the amendments to the California HSC made by Senate Bill 1082 in 1994. The programs that make up the Unified Program are:

- Aboveground Petroleum Storage Act (APSA) Program
- Area Plans for Hazardous Materials Emergencies
- California Accidental Release Prevention (CalARP) Program
- Hazardous Materials Release Response Plans and Inventories (Hazardous Materials Business Plans, or HMBPs)
- Hazardous Material Management Plan (HMMP) and Hazardous Material Inventory Statements (HMIS)
- Hazardous Waste Generator and On-Site Hazardous Waste Treatment (Tiered Permitting) Program
- Underground Storage Tank Program

The CUPA for the Project site is the Los Angeles County Fire Department.

Title 19 CCR, Chapter 2, Subchapter 3, Sections 2729-2734/California HSC Division 20, Chapter 6.95, Sections 25500–25520

This regulation requires the preparation of an HMBP by facility operators. The HMBP identifies the hazards, storage locations, and storage quantities for each hazardous chemical stored on site. The HMBP is submitted to the CUPA for emergency planning purposes. The Project site is currently subject to these requirements and there is an HMBP in place.

Hazardous Waste Management

Title 22 CCR, Division 4.5 – Environmental Health Standards for the Management of Hazardous Waste

In the State of California, the DTSC regulates hazardous wastes. These regulations establish requirements for the management and disposal of hazardous waste in accordance with the provisions of the California Hazardous Waste Control Act and federal RCRA. As with federal requirements, waste generators must determine if their wastes are hazardous according to specified characteristics or lists of wastes. Hazardous waste generators must obtain identification numbers; prepare manifests before transporting waste off site; and use only permitted treatment, storage, and disposal facilities. Standards also include requirements for record keeping, reporting, packaging, and labeling. Additionally, while not a federal requirement, California requires that hazardous waste be transported by registered hazardous waste transporters.

In addition, Chapter 31 – Waste Minimization, Article 1 – Pollution Prevention and the Hazardous Waste Source Reduction and Management Review of these regulations require that generators of 12,000 kilograms/year of typical, operational hazardous waste evaluate their waste streams every 4 years and, as applicable, select and implement viable source reduction alternatives. This Act does not apply to non-typical hazardous waste, including ACMs and PCBs, among others.

Title 22 California HSC, Division 20, Chapter 6.5 – California Hazardous Waste Control Act of 1972

This legislation created the framework under which hazardous wastes must be managed in California. It provides for the development of a state hazardous waste program (regulated by DTSC) that administers and implements the provisions of the federal RCRA program. It also provides for the designation of California-only hazardous wastes and development of standards that are equal to or, in some cases, more stringent than, federal requirements. The CUPA is responsible for implementing some elements of the law at the local level.

Human Health Risk Assessment Note 3 –DTSC-Modified Screening Levels (DTSC-SLs)

HHRA Note Number 3 presents RSLs (derived from the USEPA RSLs using DTSC-modified exposure and toxicity factors) for constituents in soil, tap water, and ambient air. The DTSC-SL should be used in conjunction with the USEPA RSLs to evaluate chemical concentrations in environmental media at California sites and facilities.

Chapter 50, Article 1, Section 68400.5 and Chapter 51, Article 2, Sections 69020 through 69022.

DTSC's HHRA guidance and process also allows the calculation of site-specific screening levels for individual cleanup sites, based on site-specific characteristics, human health and ecological exposure scenarios, and toxicity criteria.

Aboveground and Underground Petroleum Storage Tanks

Title 22 California HSC, Division 20, Chapter 6.67, Sections 25270 to 25270.13 – Aboveground Petroleum Storage Act

This law applies if a facility is subject to SPCC regulations under Title 40 U.S.C. Part 112, or if the facility has 10,000 gallons or more of petroleum in any or combination of above ground storage tanks and connecting pipes. If a facility exceeds these criteria, it must prepare a SPCC plan.

Low-Threat Underground Storage Tank Case Closure Policy

This policy applies to petroleum underground storage tank sites subject to Chapter 6.7 of the HSC. This policy establishes both general and media-specific criteria. If both the general and applicable media-specific criteria are satisfied, then the LUST case is generally considered to present a low threat to human health, safety and the environment. This policy recognizes, however, that even if all of the specified criteria in the policy are met, there may be unique attributes of the case or site-specific conditions that increase the risk associated with the residual petroleum constituents. In these cases, the regulatory agency overseeing corrective action at the site must identify the conditions that make case closure under the policy inappropriate.

Regional Water Boards and local agencies have been directed to review all cases in the Petroleum Underground Storage Tank Cleanup Program using the framework provided in this policy. These case reviews shall, at a minimum, include the following for each UST case:

1. Determination of whether or not each underground storage tank case meets the criteria in this policy or is otherwise appropriate for closure based on a site-specific analysis.
2. If the case does not satisfy the criteria in this policy or does not present a low-risk based upon a site-specific analysis, impediments to closure shall be identified.
3. Each case review shall be made publicly available on the State Water Board's GeoTracker web site in a format acceptable to the Executive Director.

Environmental Cleanup Levels

Environmental Screening Levels

Environmental Screening Levels (ESLs) provide conservative screening levels for over 100 chemicals found at sites with contaminated soil and groundwater. They are intended to help expedite the identification and evaluation of potential environmental concerns at contaminated sites. The ESLs were developed by San Francisco Bay Regional Water Quality Control Board; however, they are used throughout the state. While ESLs are not intended to establish policy or regulation, they can be used as a conservative screening level for sites with contamination. Other agencies in California currently use the ESLs (as opposed to RSLs). In general, the ESLs could be used at any site in the State of California, provided all stakeholders agree (SFBRWQCB 2019). In recent experience, regulatory agencies in various regions use ESLs as regulatory cleanup levels. The ESLs are not generally used at sites where the contamination is solely related to a LUST; those sites are instead subject to the Low-Threat Underground Storage Tank Closure Policy.

California Department of Transportation/California Highway Patrol

Title 13 CCR, Division 2, Chapter 6

California regulates the transportation of hazardous waste originating or passing through the state. The California Highway Patrol (CHP) and the California Department of Transportation (Caltrans) have primary responsibility for enforcing federal and state regulations and responding to hazardous materials transportation emergencies. CHP enforces materials and hazardous waste labeling and packing regulations that prevent leakage and spills of material in transit and provides detailed information to cleanup crews in the event of an incident. Vehicle and equipment inspection, shipment preparation, container identification, and shipping documentation are all part of the responsibility of CHP. CHP conducts regular inspections of licensed transporters to ensure regulatory compliance. Caltrans has emergency chemical spill identification teams at locations throughout the state.

Hazardous waste must be regularly removed from generating sites by licensed hazardous waste transporters. Transported materials must be accompanied by hazardous waste manifests.

Occupational Safety and Health

Title 8 CCR – Safety Orders

Under the California Occupational Safety and Health Act of 1973, the California Occupational Safety and Health Administration (CalOSHA) is responsible for ensuring safe and healthful working conditions for California workers. CalOSHA assumes primary responsibility for developing and enforcing workplace safety regulations in Title 8 of the CCR. CalOSHA hazardous substances regulations include requirements for safety training, availability of safety equipment, hazardous substance exposure warnings, and emergency action and fire prevention plan preparation. CalOSHA also enforces hazard communication program regulations, which contain training and information requirements, including procedures for identifying and labeling hazardous substances. The hazard communication program also requires that Material Safety Data Sheets be available to employees and that employee information and training programs be documented.

In Division 1, Chapter 4, Subchapter 4 – Construction Safety Orders of Title 8, construction safety orders are listed and include rules for demolition, excavation, explosives work, working around fumes and vapors, pile driving, vehicle and traffic control, crane operation, scaffolding, fall protection, and fire protection and prevention, among others.

CalOSHA Asbestos and Carcinogen Unit enforces asbestos standards in construction, shipyards, and general industry. This includes identification and removal requirements of asbestos in buildings, as well as health and safety requirements of employees performing work under the Asbestos-In-Construction regulations 8 CCR 1529. Only a CalOSHA-Certified Asbestos Consultant (CAC) can provide asbestos consulting (as defined by the Business and Professions Code, 7180–7189.7, and triggered by the same size and concentration triggers as for registered contractors). These services include building inspection, abatement project design, contract administration, supervision of site surveillance technicians, sample collection, preparation of asbestos management plans, and clearance air monitoring.

Asbestos and Air Quality

Enforcement of the NESHAP Regulation, HSC Section 39658(b)(1)

The California Air Resources Board (CARB) is responsible for overseeing compliance with the federal Asbestos NESHAPs in Los Angeles County. The Asbestos NESHAP Program enforces compliance with the federal NESHAP regulation for asbestos and investigates all related complaints, as specified by HSC Section 39658(b)(1). Of the 35 air districts in California, 16 of these districts do not have an asbestos program in place. In these “non-delegated” districts, a demolition/renovation notification is required for compliance with the Asbestos NESHAP. (This notification is not equivalent to a permit.) CARB reviews and investigates the notifications. The program also administers two annual statewide asbestos NESHAP task force meetings for air districts and USEPA to facilitate communication and enforcement continuity, and assists USEPA in training district staff to enforce the asbestos NESHAP.

Contractors State License Board

The California Department of Consumer Affairs Contractors State License Board manages the licensing of asbestos abatement contractors.

LBP

The California Department of Public Health enforces lead laws and regulations related to the prevention of lead poisoning in children, prevention of lead poisoning in occupational workers, accreditation and training for construction-related activities, lead exposure screening and reporting, disclosures, and limitations on the amount of lead found in products. Accredited lead specialists are required to find and abate lead hazards in a construction project and to perform lead-related construction work in an effective and safe manner. The specific regulations are as follows:

California Health & Safety Code Section 105250

Establishes a program to accredit lead-related construction training providers and certify individuals to conduct lead-related construction activities.

California Civil Code Sections 1102 to 1102.16

Requires the disclosure of known LBP hazards upon sale of a property.

California Labor Code Sections 6716 to 6717

Provides for the establishment of standards that protect the health and safety of employees who engage in lead-related construction work, including construction, demolition, renovation, and repair.

California Health & Safety Code Sections 116875 to 116880

Requires the use of lead-free pipes and fixtures in any installation or repair of a public water system or in a facility where water is provided for human consumption.

California Health & Safety Code Sections 105185 to 105197

Establishes an occupational lead poisoning prevention program to register and monitor laboratory reports of adult lead toxicity cases, monitor reported cases of occupational lead poisoning to ascertain lead poisoning sources, conduct investigations of take-home exposure cases, train employees and health professionals regarding occupational lead poisoning prevention, and recommended means for lead poisoning prevention.

California Accidental Release Prevention Program

Similar to the USEPA Risk Management Program, the California Accidental Release Prevention (CalARP) Program (19 CCR 2735.1 et seq.) regulates facilities that use or store regulated substances, such as toxic or flammable chemicals, in quantities that exceed established thresholds. Under the regulations, industrial facilities that handle hazardous materials above threshold quantities are required to prepare and submit a HMBP to the local CUPA via the California Environmental Reporting System. As part of the HMBP, a facility is further required to specify applicability of other state regulatory programs. The overall purpose of CalARP is to prevent accidental releases of regulated substances and reduce the severity of releases that may occur. The CalARP Program meets the requirements of the USEPA Risk Management Program, which was established pursuant to the Clean Air Act Amendments.

California Dig Alert

CA Government Code 4216

In accordance with CA Government Code 4216.2, an excavator planning to conduct an excavation shall notify the appropriate regional notification center of the intent to excavate between 2 and 14 calendar days prior to excavation activities. When the excavation is proposed within 10 feet of a “high priority subsurface installation,” which includes high pressure natural gas and petroleum pipelines, the operator of the high priority subsurface installation shall notify the excavator of the existing of the installation and set up an on-site meeting to determine actions required to verify location and prevent damage to the installation. The excavator shall not begin excavating until the on-site meeting is complete.

3.4.3.3 Local Regulations

South Coast Air Quality Management District (SCAQMD)

Rule 1403: Work Practice Requirements for Asbestos

SCAQMD Rule 1403 governs work practice requirements for asbestos in all renovation and demolition activities. The rule includes requirements for asbestos surveying, notifications, ACM removal procedures, schedules, handling and clean-up procedures, and storage, disposal, and landfill requirements for waste materials. All operators are also required to maintain records and use appropriate labels, signs, and markings.

Rule 1466: Control of Particulate Emissions from Soils with Toxic Air Contaminants

SCAQMD Rule 1466 is designed to minimize the amount of off-site fugitive dust emissions containing toxic air contaminants by reducing particulate emissions in ambient air during earth-moving activities. The rule applies to any owner or operator conducting earth-moving activities of soil with toxic air contaminants. Operators must apply appropriate management practices to reduce potential air emissions.

Rule 403: Dust Control Information

SCAQMD Rule 403 applies to any activity capable of generating fugitive dust, including earth-moving activities, and requires best available dust control measures to be applied during activities capable of generating fugitive dust. Operations on properties of 50 or more acres, or any earth-moving activities with daily throughput of 3,850 cubic meters or more three times in one 365-day period are considered large operations, and have additional requirements, including notifications and reports to be submitted to SCAQMD, and require trained personnel to oversee operations.

Rule 1166: Volatile Organic Compound Emissions from Decontamination of Soil

SCAQMD Rule 1166 sets requirements to control the emissions of VOCs during excavation, grading, handling and treating VOC-contaminated soil. Persons who plan to excavate underground storage tanks or associated piping shall follow requirements set forth in the Rule, including permitting, notification, and air monitoring. Additionally, rules apply to persons handling VOC-contaminated soils, including segregation, wetting to reduce dust, and visual inspections of stockpiles.

Los Angeles County Methane Zones

Los Angeles County Code Title 26, Sections 110.3, 110.4, and 110.5, amended by Ordinance No. 2019-0056: Methane Mitigation Standards

The County of Los Angeles, Department of Public Works has developed methane policies and mitigation standards for construction within designated methane zones. Policies include construction and mitigation requirements when potential gas hazards are within 1,000 feet of fill sites containing disposable materials, within 300 feet of a nearby oil and gas wells, or on contaminated soils. The policies also include standard specifications for methane gas mitigation.

City of Los Angeles Methane Mitigation Standards

Los Angeles City Ordinance 180619 and 175790, Methane Code

The City of Los Angeles has established methane codes for new construction, including the requirement for mitigation within a methane zone or methane buffer zone. The Los Angeles Building Department has authority to withhold permits on projects located within methane zones or methane buffer zones if plans do not properly show adequate protection against flammable gas incursion by installation of methane mitigation systems.

3.4.4 METHODOLOGY

Hazards and hazardous materials impacts were evaluated based on current operations and the findings of the Hazardous Materials Technical Report (Dudek 2024). This section evaluates the presence of hazards and hazardous materials as they relate to the proposed Phase 1 - Continued Operation of the Proposed Project for up to an additional 10 years and the up to 5-year Phase 2 - Non-operational Restoration Period of the Proposed Project

3.4.5 THRESHOLDS OF SIGNIFICANCE

The significance criteria used to evaluate the Project impacts related to hazards and hazardous materials are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to hazards and hazardous material would occur if the Project would:

1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as result, would it create a significant hazard to the public or the environment.
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area.
6. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
7. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

As discussed in Section 3.4.1, Introduction, the IS/NOP (Appendix A) identified less-than-significant impacts related to threshold 3) emission of hazardous materials within 0.25 miles of a school, threshold 5) safety or noise hazards near an airport, threshold 6) impairment of emergency response or evacuation plans, and threshold 7) wildfire risks. As such, these are not discussed in the subsequent sections.

3.4.6 IMPACT DETERMINATION

3.4.6.1 *Impact HAZ-1: Would the Proposed Project create a significant hazard to the public through the routine transport, use or disposal of hazardous materials?*

Findings in the 1996 Final EIR

The previous 1996 Certified EIR evaluated the potential for fire, explosion, or accidental release of hazardous materials during operation of the 1996 Approved Project. The 1996 Approved Project included improvements to site operations and layout, including new fire suppression equipment, new aboveground fuel storage tanks, shredder residue storage facilities, and implementation of written contingency and inspection plans. Operations included inspection and sorting of incoming materials to identify and separate hazardous materials for appropriate disposal. The analysis determined the potential for an accidental release was categorized as catastrophic, but the risk was categorized as acceptable, and no mitigation was recommended.

Impacts of the Proposed Project

As discussed in the Hazardous Materials Technical Report (Dudek 2024) and in the Consent Order (Appendix E-1), evidence of off-site migration of hazardous waste and hazardous waste constituents (as defined in CCR Title 22 Section 66261.24) was documented in multiple on-site inspections and sampling events conducted by DTSC between February 2017 and January 2022. Interim investigations and cleanup actions were completed by the Applicant (GSI 2022a), and further inspections conducted by DTSC from January 2022 to present did not result in findings of additional violations. As outlined in the Consent Order, the Applicant is required to implement further investigation and cleanup actions, as outlined in the Off-Site LFM Investigation Work Plan (Appendix E-2) and Off-Site LFM Cleanup and Removal Action Work Plan (Appendix E-3), which would investigate and evaluate for the presence of CTMSR (LFM) within a 0.5-mile radius and remove off-site materials that contain hazardous waste constituents. Remedial actions are currently underway, as outlined in the Work Plans, and DTSC can legally enforce these actions under the Consent Order.

Phase 1 Continued Operations

Hazardous Waste Violations

Operations would continue during Phase 1 in accordance with all applicable permits and authorizations, including Unified Hazardous Waste and Hazardous Materials Management Regulatory Program, National Pollutant Discharge Elimination System (NPDES) permits (reference Section 3.5, Hydrology and Water Quality), and air discharge permits under Title V (reference Section 3.1, Air Quality and Meteorology). As outlined in the Consent Order (Appendix E-1), response actions are required and legally enforceable by DTSC, which will address the alleged hazardous waste violations identified in the CAO and Consent Order, including off-site migration of hazardous waste constituents and on-site hazardous waste handling procedures (hazardous waste as defined in CCR Title 22 Section

66261.24). Consent Order Section 9 outlines the Applicant's required compliance actions to address all alleged violations noted by DTSC (Violations 3.1 through 3.10), which are summarized as follows:

- Violations 3.1 and 3.2 (improper/unlawful stockpiling/storage of materials with hazardous waste constituents, resulting in potential releases to the environment) have been corrected.
- Violations 3.3 and 3.4 (off-site migration of hazardous material constituents) have already undergone corrective actions (GSI 2023a) will be further evaluated and corrected as outlined in Exhibit A of the Consent Order.
- Violations 3.5 and 3.6 (improper handling of on-site water in the water treatment system, resulting in potential release of hazardous materials on site) will be corrected either through installation of a filter press in the water treatment system, which will be Permit by Rule authorized, or by otherwise capturing the water dripping from the gridded sieve bins.
- Violation 3.7 (acceptance of loads with hazardous waste constituents) will be corrected through preparation and implementation of an acceptance policy and quality control procedures for determination of acceptable loads.
- Violations 3.8 through 3.10 (on-site accumulation of materials with hazardous waste constituents, failing to minimize possible releases of hazardous wastes to the environment) will be corrected as outlined in Exhibit A of the Consent Order.

With implementation of legally enforceable action items outlined in the Consent Order (Appendix E-1), including implementation of off-site investigations and cleanup actions (Appendices E-2 and E-3), no new or substantially more severe impacts associated with hazardous waste and hazardous material handling violations would occur.

Asphalt and Concrete Cap

As discussed in the Hazardous Materials Technical Report (Dudek 2024) and in Section 3.4.2.4, Previous Environmental Investigations and Site Conditions, remedial actions that took place on the Project site under WDR Order No. 96-020 are no longer deemed protective of human health and the environment as they do not meet current regulatory screening criteria. Additionally, while recent evaluation determined the cap to be in good condition (GSI 2023b), there are no requirements in the WDR termination (LARWQCB 2012), nor are there BMPs in the SWPPP to address potential degradation of the existing cap originally placed in 2002 to contain remaining contaminated soils. The Phase 2 non-operational restoration of the Proposed Project, as discussed below, would remove the existing cap and require excavation of contaminated soils. Soils, concrete, and asphalt materials (parking lot) removed would be characterized and disposed of in accordance with applicable federal and state rules and regulations. While remediation and restoration would ultimately mitigate future impacts and the Project would ultimately result in a positive impact by removing contaminated soils, ongoing use without appropriate maintenance of the existing cap over the proposed 10-year operating period could result in future degradation of the existing cap and releases of contaminated soils prior to remediation, which could create a new significant hazard to the public or environment. Mitigation would be required.

Groundwater Contamination

The groundwater contamination plume beneath the site is undergoing remediation, and the size of the plume continues to decrease. Continued operation of the Proposed Project would include continued remediation and monitoring of the groundwater contamination plume under LARWQCB File 90-47, which is scheduled to continue until the groundwater reaches cleanup criteria established in the 1997 RAP (Clayton Environmental 1997) and/or as deemed complete by the regulatory agency and the Los Angeles Harbor Department (LAHD). As such, continued operation of the Proposed Project may result

in a reduced impact due to the groundwater contamination plume, and no new significant impacts would occur.

The Site Characterization (GSI 2023a, 2023b) also included investigation of groundwater, as discussed in Section 3.4.2.4. Exhibit A of the Consent Order states DTSC has received the Site Characterization Report for review and comment. Under the Consent Order, DTSC will review the Site Characterization Report along with other submitted data (including the 90-day progress report required by the Consent Order) and determine data gaps and additional investigation or measures required at the Project site.

Phase 2 Non-operational Restoration Period

Fugitive Dusts and Emissions of Toxic Air Pollutants

Restoration activities during the Phase 2 Non-operational Restoration Period have the potential to cause fugitive dusts and emissions of toxic air pollutants due to excavation of contaminated soils. SCAQMD Rules 1466, 1166, and 403 require dust and VOC control measures and monitoring to prevent impacts to public health or the environment. Excavation activities may also fall under WDRs specific to the Los Angeles region, which would be determined by LARWQCB. As outlined in Chapter 2, Project Description, excavation of soils would occur until remaining soils meet established regulatory cleanup goals for the site based on proposed future land use. The excavated areas would be backfilled with clean soil that, at a minimum, meets clean fill criteria set forth in LAHD's Environmental Guidance for Industrial Fill Material. Removal, transportation, and disposal of hazardous wastes and materials with hazardous waste constituents, and handling of hazardous materials during construction activities, would all be conducted in accordance with federal, state, and local rules and regulations. These rules and regulations include reporting, safety measures, and spill prevention techniques to reduce the potential for impacts to public safety or the environment. No new significant impacts or substantially more severe impacts beyond those previously analyzed would occur.

Hazardous Building Materials

The Phase 2 - Non-operational Restoration activities of the Proposed Project would include demolition of all site structures. Based on the age of the structures, asbestos, lead-based paint, and other hazardous building materials could be present. Although SCAQMD Rule 1403 requires all demolition projects undergo an inspection for asbestos and appropriate abatement of identified materials, demolition of these structures without proper abatement would potentially result in a release of hazardous materials during routine demolition activities, creating a new significant impact to the public and on-site workers. Mitigation would be required.

Mitigation Measures Applicable to the Proposed Project

MM-HAZ-1: Maintenance of the Existing Cap. The existing cap shall, at all times during the continued operations of the Proposed Project, prior to the deconstruction activities, meet the requirements of A.6 of the WDR, which includes a minimum of 6 inches of concrete pavement over a minimum of 8 inches of base rock or base material. A maintenance schedule shall be prepared and implemented that addresses ongoing maintenance and repair of the concrete cap. The schedule shall be reviewed and approved by LAHD. Inspections will be conducted by the site operator; inspection reports will be submitted to LAHD for review prior to finalization and/or submittal to any regulatory agency. Additionally, LAHD shall have authority to conduct regular cap inspections as outlined in the maintenance schedule to verify cap integrity and confirm the maintenance and repair schedule is being appropriately implemented. In addition

to LAHD oversight, a workplan must be submitted to and approved by DTSC if corrective actions associated with the Consent Order require removal of pavements overlying contaminated soils.

MM-HAZ-2: Pre-Demolition Hazardous Materials Survey and Abatement. A hazardous materials survey will be conducted on the Project site prior to demolition or other deconstruction activities. Demolition or renovation plans and contract specifications shall incorporate abatement procedures for the removal of materials containing hazardous materials, as defined at the time of the activity. All abatement work shall be done in accordance with federal, state, and local regulations and requirements, including those of the U.S. Environmental Protection Agency (which regulates disposal), Occupational Safety and Health Administration, U.S. Department of Housing and Urban Development, California Occupational Safety and Health Administration (which regulates employee exposure), and the South Coast Air Quality Management District.

Significance After Mitigation

Phase 1 Continued Operations

New impacts related to off-site deposition of hazardous waste constituents during operation would be reduced to less than significant with mitigation incorporated.

Implementation of **MM-HAZ-1** requires preparation and implementation of a cap maintenance program that would result in ongoing maintenance and inspection of the concrete cap during the continued operations phase (Phase 1). Regular inspections would be conducted by the site operator and inspection report would be submitted to LAHD for review prior to finalization and/or submittal to any regulatory agency. This would reduce or eliminate the potential for degradation of the existing engineered cap and subsequent releases of impacted/contaminated soils. New impacts to the public through routine continued operations would be reduced to a less than significant level with the implementation of this mitigation.

Implementation of Mitigation Measure **MM-HAZ-1** and adherence to federal, state, and local rules and regulations, would also further reduce potential impacts related to groundwater contamination.

Phase 2 Non-operational Restoration Period

Mitigation measure **MM-HAZ-2** would require a survey for and abatement of other hazardous building materials prior to demolition of on-site structures. The survey would evaluate universal wastes, lead-based paints, PCB-containing materials, and other hazardous materials that may be present on the Project site, such as drums, tanks, and totes containing hazardous liquids or residues that would be characterized as hazardous wastes. Once these materials are properly abated and removed, permitted demolition of the buildings in accordance with federal, state, and local rules and regulations would not release hazardous materials to the environment. New potential impacts related to hazardous building materials would be less than significant with implementation of this mitigation.

3.4.6.2 *Impact HAZ-2: Would the Proposed Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

Findings in the 1996 Final EIR

As discussed above in Section 3.4.6.1, the 1996 Certified EIR analysis determined the potential for an accidental release was categorized as catastrophic, but the risk was categorized as acceptable, and no mitigation was recommended.

Impacts of the Proposed Project

Phase 1 Continued Operations

As discussed in the August 2021 Addendum to the Applicant’s Extension Project EIR (Harris & Associates 2021), the air pollution control system (APCS) underwent improvements following an explosion that occurred in 2007. The improved design of the shredder directly addressed the cause of past explosions and preventive measures have been implemented. As such, future risk due to explosion is not anticipated.

As discussed in Section 3.4.6.1, evidence of off-site migration of hazardous waste and hazardous waste constituents was documented in multiple on-site inspections and sampling events conducted by DTSC between February 2017 and January 2022. Corrective actions have been implemented, and continued operations will include further evaluation and correction of off-site impacts under the Consent Order between DTSC and the Applicant (Appendix E-1). With implementation of these legally enforceable corrective actions during the operational phase of the Proposed Project, hazardous waste impacts would be corrected, and no new or substantially more severe impacts would result from the implementation of Phase 1.

Phase 2 Non-operational Restoration Period

As discussed in Section 3.4.6.1, potential releases of hazardous materials could occur due to demolition and restoration activities. New impacts for upset and accident conditions involving releases of hazardous materials during the demolition phase would be potentially significant, and mitigation is required.

Mitigation Measures Applicable to the Proposed Project

Both **MM-HAZ-1** and **MM-HAZ-2** would be required as outlined in Section 3.4.6.1.

Significance After Mitigation

Implementation of **MM-HAZ-1** would result in the development and implementation of an ongoing maintenance and repair program of the asphalt cap during the operational phase, which would prevent degradation and release of contaminated soils. This program would require routine inspections and out maintain the cap’s integrity while reducing the potential for contaminated soils to be released to the environment. As such, new impacts to the public or environment due to potential upset or accident conditions would be reduced to a less than significant level with mitigation incorporated.

Implementation of **MM-HAZ-2** would result in proper abatement of hazardous building materials during Phase 2’s demolition activities, and would result in removal of said materials prior to demolition of

on-site structures. This would remove the potential for upset or accident conditions, as protective measures would be required and implemented by licensed and certified personnel trained to handle hazardous building materials. With the implementation of this mitigation, and adherence to SCAQMD Rules 1403, 14666, 1166 and 403, new impacts to the public or environment due to potential upset or accident conditions would be reduced to a less than significant level.

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

Findings in the 1996 Final EIR

The 1996 Certified EIR discusses the known soil and groundwater contamination that was present at the time of certification. A risk assessment was prepared and accepted by California Office of Environmental Health Hazard Assessment that determined soil and groundwater posed no unacceptable threat to either on-site workers or persons outside the boundaries of the facility. Remediation options were evaluated for proposed future construction related to site improvements. Risks associated with these options were determined to be acceptable with air pollution controls and implementation of health and safety plans. No mitigation measures were proposed.

Impacts of the Proposed Project without Mitigation

The Project site is listed on the LUST database, which is a hazardous materials site pursuant to Government Code Section 65962.5 (Cortese List Site). The groundwater contamination plume associated with this listing is undergoing remediation and monitoring under LARWQCB File 90-47. As discussed above, remediation is ongoing until cleanup criteria established in the RAP are achieved and/or as deemed complete by the regulatory agency and LAHD. As such, continued operations would reduce impacts associated with the groundwater contamination plume, and no new impacts or substantially more severe impacts than those previously analyzed would occur.

Phase 1 - Continued Operations

As discussed in Sections 3.4.6.1 and 3.4.6.2, operation of the Proposed Project would include remedial activities required under LARWQCB File 90-47, which would ultimately reduce impacts associated with the site's listing on a Cortese List database, as regulatory requirements and remedial activities would further reduce impacts associated with this listing. Completion of remedial activities and closure of the regulatory file is required under state regulation, and as such no new or substantially more severe groundwater impacts associated with the Cortese List site would occur.

Phase 2 - Non-operational Restoration Period

The Phase 2 - Non-operational Restoration Period would further reduce impacts by removing impacted soils and replacement with clean fill. While soil contamination was previously addressed under WDR 96-020, the previous cleanup levels do not meet current regulatory standards, and therefore are no longer protective of human health or the environment. Restoration actions would remove remaining impacted concrete/asphalt and soils, and remaining soils and clean fill would meet present-day regulatory standards and those established by LAHD. The Applicant has also entered into a Consent Order with DTSC, under which remedial activities would also be required following review of the Site Investigation Report (GSI 2023b) and supplemental site investigation report (Appendix E-1). As such, no new or substantially more severe impacts would occur with implementation of the Proposed Project.

Mitigation Measures Applicable to the Proposed Project

No mitigation is required.

3.4.6.4 Summary of Impact Determinations

Table 3.4-1 summarizes the Proposed Project’s impacts with respect to hazards. As presented in Table 3.4-1, the Proposed Project’s impacts would include both newly significant impacts and no new significant or substantially more severe impacts than previously analyzed.

For each type of potential impact, the table describes the impact, notes the impact determinations, describes any applicable mitigation measures, and notes the residual impacts (i.e., the impact remaining after mitigation). All impacts, whether significant or not, are included in this table.

**Table 3.4-1
Summary Matrix of Potential Impacts and Mitigation Measures for Hazards Associated with the Proposed Project**

Environmental Impacts	Impact Determination	Mitigation Measures	Impacts After Mitigation
Impact HAZ-1: Would the Proposed Project create a significant hazard to the public through the routine transport, use or disposal of hazardous materials?	New significant impacts would occur	MM-HAZ-1 Maintenance of Existing Cap and MM-HAZ-2 Pre-Demolition Hazardous Materials Survey and Abatement	Less than significant impacts would occur with the implementation of new mitigation measures.
Impact HAZ-2: Would the Proposed Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	New significant impacts would occur	MM-HAZ-1 Maintenance of Existing Cap and MM-HAZ-2 Pre-Demolition Hazardous Materials Survey and Abatement	Less than significant impacts would occur with the implementation with new mitigation measures.
Impact HAZ-3: Would the Project be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	No new or substantially more severe significant impacts would occur	No mitigation is required	No new or substantially more severe significant impacts would occur

3.4.6.5 Mitigation Monitoring

MM-HAZ-1 Maintenance of the Existing Cap. The existing cap shall, at all times during the continued operations of the Proposed Project, prior to the deconstruction activities, meet the requirements of A.6 of the WDR, which includes a minimum of 6 inches of concrete pavement over a minimum of 8 inches of base rock or base material. A maintenance schedule shall be prepared and implemented that addresses ongoing maintenance and repair of the asphalt cap. The schedule shall be reviewed and approved by LAHD. Inspections will be conducted by the site operator; inspection reports will be submitted to LAHD for review prior to finalization and/or submittal to any regulatory agency. Additionally, LAHD shall have authority to conduct regular cap inspections as outlined in the maintenance schedule to verify cap integrity and confirm the maintenance and repair schedule is being appropriately implemented. In addition to LAHD oversight, a workplan must be submitted to and approved by DTSC if corrective actions associated with the Consent Order require removal of pavements overlying contaminated soils.

MM-HAZ-2 Pre-Demolition Hazardous Materials Survey and Abatement. A hazardous materials survey will be conducted on the Project site prior to demolition or other deconstruction activities. Demolition or renovation plans and contract specifications shall incorporate abatement procedures for the removal of materials containing hazardous materials, as defined at the time of the activity. All abatement work shall be done in accordance with federal, state, and local regulations and requirements, including those of the U.S. Environmental Protection Agency (which regulates disposal), Occupational Safety and Health Administration, U.S. Department of Housing and Urban Development, California Occupational Safety and Health Administration (which regulates employee exposure), and the South Coast Air Quality Management District.

3.4.7 SIGNIFICANT UNAVOIDABLE IMPACTS

3.4.7.1 Phase 1 Continued Operations Impacts

The Proposed Project will not result in any new significant and unavoidable impacts or a substantial increase in the severity of impacts previously identified effects.

3.4.7.2 Phase 2 Non-operational Restoration Period Impacts

The Proposed Project will not result in any new significant and unavoidable impacts with mitigation incorporated.