

5.8 Hazards and Hazardous Materials

5.8.1 INTRODUCTION

This section presents hazards and hazardous materials conditions within the Project site and evaluates the potential for the construction or operation of the Proposed Project to result in significant impacts related to exposing people or the environment to adverse hazards and hazardous materials conditions, and potential location on a hazardous materials site.

The term “hazardous material” is defined as any material that, because of quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment (State of California, Health and Safety Code, Chapter 6.95, Section 25501(o)). The analysis in this section is based on the following documents and resources:

- *City of Los Angeles General Plan Safety Element*, Adopted 24 November 2021
- *City of Los Angeles Municipal Code* (2023)
- *Port Master Plan*, Adopted September 2018
- *Phase I Environmental Site Assessment* (Phase I ESA), Prepared by SCS Engineers (Appendix G).
- *Phase II Environmental Site Assessment* (Phase II ESA), Prepared by SCS Engineers (Appendix H).

5.8.2 REGULATORY SETTING

5.8.2.1 Federal Regulations

Hazardous Materials Management

The primary federal agencies responsible for hazardous materials management include the U.S. Environmental Protection Agency (USEPA) and the U.S. Department of Labor Occupational Safety and Health Administration (OSHA).

Resource Conservation and Recovery Act of 1976

Federal hazardous waste regulations are generally promulgated under the Resource Conservation and Recovery Act (RCRA). Pursuant to RCRA, the U.S. Environmental Protection Agency (USEPA) regulates the generation, transportation, treatment, storage, and disposal of hazardous waste in a “cradle to grave” manner. RCRA was designed to protect human health and the environment, reduce/eliminate the generation of hazardous waste, and conserve energy and natural resources. The USEPA has largely delegated responsibility for implementing the RCRA program in California to the State, which implements this program through the California Hazardous Waste Control Law.

RCRA regulates landfill siting, design, operation, and closure (including identifying liner and capping requirements) for licensed landfills. In California, RCRA landfill requirements are delegated to the California Department of Resources Recycling and Recovery (CalRecycle), which is discussed in detail below.

RCRA allows the USEPA to oversee the closure and post-closure of landfills. Additionally, the federal Safe Drinking Water Act, 40 CFR Part 141, gives the USEPA the power to establish water quality standards and beneficial uses for waters from below- or above-ground sources of contamination. For the Project area, water quality standards are administered by the Regional Water Quality Control Board (RWQCB).

RCRA also allows the USEPA to control risk to human health at contaminated sites. Vapor intrusion presents a significant risk to human populations overlying contaminated soil and groundwater and is considered when conducting human health risk assessments and developing Remedial Action Objectives.

Occupational Safety and Health Act of 1970

Federal and state occupational health and safety regulations also contain provisions regarding hazardous waste management through the Occupational Safety and Health Act of 1970 (amended), which is implemented by the U.S. Department of Labor Occupational Safety and Health Administration (OSHA). Title 29 of the Code of Federal Regulations (29 CFR) requires special training of handlers of hazardous materials; notification to employees who work in the vicinity of hazardous materials; acquisition from the manufacturer of safety data sheets (SDS), which describe the proper use of hazardous materials; and training of employees to remediate any hazardous material accidental releases. OSHA regulates the administration of 29 CFR.

OSHA also establishes standards regarding safe exposure limits for chemicals to which construction workers may be exposed. Safety and Health Regulations for Construction (29 CFR Part 1926.65 Appendix C) contains requirements for construction activities, which include occupational health and environmental controls to protect worker health and safety. The guidelines describe the health and safety plan(s) that must be developed and implemented during construction, including associated training, protective equipment, evacuation plans, chains of command, and emergency response procedures.

Adherence to applicable hazard-specific OSHA standards is required to maintain worker safety. For example, methane is regulated by OSHA under 29 CFR Part 1910.146 with regard to worker exposure to a “hazardous atmosphere” within confined spaces where the presence of flammable gas vapor or mist is in excess of 10 percent of the lower explosive limit. Title 49 of the CFR governs the manufacture of packaging and transport containers, packing and repacking, labeling, and the marking of hazardous material transport. Title 42, Part 82 governs solid waste disposal and resource recovery.

Hazardous Materials Transportation Act

The transportation of hazardous materials is regulated by the Hazardous Materials Transportation Act, which is administered by the Research and Special Programs Administration of the US Department of Transportation (USDOT). The Hazardous Materials Transportation Act provides USDOT with a broad mandate to regulate the transport of hazardous materials, with the purpose of adequately protecting the nation against risk to life and property, which is inherent in the commercial transportation of hazardous materials. USDOT has regulations that govern the transportation of hazardous materials are applicable to any person who transports, ships, causes to be transported or shipped, or are involved in any way with the manufacture or testing of hazardous materials packaging or containers. USDOT regulations pertaining to the actual movement govern every aspect of the movement, including packaging, handling, labeling, marking, placarding, operational standards, and highway routing. Additionally, USDOT is responsible for developing curriculum to train for emergency response and administers grants to states and Indian tribes for ensuring the proper training of emergency responders. The Hazardous Materials Transportation Act was enacted in 1975 and was amended and reauthorized in 1990, 1994, and 2005.

Hazardous Materials Transportation Act

The transportation of hazardous materials is regulated by the Hazardous Materials Transportation Act (HMTA), which is administered by the Research and Special Programs Administration (RSPA) of the U.S. Department of Transportation (USDOT). The Hazardous Materials Transportation Act provides USDOT with a broad mandate to regulate the transport of hazardous materials, with the purpose of adequately

protecting the nation against risk to life and property, which is inherent in the commercial transportation of hazardous materials. The HMTA governs the safe transportation of hazardous materials by all modes, excluding bulk transportation by water. The RSPA carries out these responsibilities by prescribing regulations and managing a user-funded grant program for planning and training grants for states and Indian tribes. USDOT regulations that govern the transportation of hazardous materials are applicable to any person who transports, ships, causes to be transported or shipped, or are involved in any way with the manufacture or testing of hazardous materials packaging or containers. USDOT regulations pertaining to the actual movement govern every aspect of the movement, including packaging, handling, labeling, marking, placarding, operational standards, and highway routing. Additionally, USDOT is responsible for developing curriculum to train for emergency response and administers grants to states and Indian tribes for ensuring the proper training of emergency responders.

USEPA Regional Screening Levels

The USEPA provides Regional Screen Levels (RSLs) provide values for residential and commercial or industrial exposures to soil, air, and drinking water, applicable to all EPA regions. These screening levels have been implemented to standardize the assessment of Superfund sites. In addition, the RSLs may be used to determine if a site contains significant levels of contamination, warranting the need for further investigation. Under most circumstances, the presence of a chemical in soil, soil gas, or indoor air at concentrations below the corresponding RSL can be assumed to not pose a significant health risk to people who may live or work at the site. If a site is determined to contain significant levels of hazardous materials, RSLs may be modified for site-specific risk assessment to determine remediation cleanup standards.

Title 49, Code of Federal Regulations, Chapter I

Under Code of Federal Regulations (CFR) Title 49, Chapter I, USDOT's Pipeline and Hazardous Materials Safety Administration regulates the transport of hazardous materials. Title 49, Chapter I sets forth regulations for response to hazardous materials spills or incidents during transport and requirements for shipping and packaging of hazardous materials.

Code of Federal Regulations Title 29, Section 1926.62

CFR Title 29, Section 1926.62 provides federal regulations for construction work where an employee may be occupationally exposed to lead. It includes standards for exposure assessment, worker protection, methods of compliance, biological monitoring, and medical surveillance.

5.8.2.2 State Regulations

Hazardous Materials Management and Waste Handling

In the regulation of hazardous waste management, California law often mirrors or is more stringent than federal law. The California Environmental Protection Agency (CalEPA) and California Occupational Safety and Health Administration (CalOSHA) are the primary state agencies responsible for hazardous materials management. Additionally, the California Emergency Management Agency (CalEMA) administers the California Accidental Release Prevention (CalARP) program. The California Department of Toxic Substances Control (DTSC), which is a branch of CalEPA, regulates the generation, transportation, treatment, storage, and disposal hazardous waste, as well as the investigation and remediation of hazardous waste sites. The California DTSC program incorporates the provisions of both federal (RCRA) and State hazardous waste laws. The California Department of Pesticide Regulation, which is a branch of CalEPA, regulates the sale, use, and cleanup of pesticides (CCR, Title 3).

Excavated soil containing hazardous substances and hazardous building materials would be classified as a hazardous waste if they exhibit the characteristics of ignitability, corrosivity, reactivity, or toxicity (CCR, Title 22, Division 4.5, Chapter 11, Article 3). State and federal laws require detailed planning to ensure that hazardous materials are properly handled, used, stored, and disposed of, and in the event that such materials are accidentally released, to prevent or to mitigate injury to health or the environment. These laws and regulations are overseen by a variety of state and local agencies. The California Integrated Waste Management Board and the RWQCB specifically address management of hazardous materials and waste handling in their adopted regulations (CCR, Title 14 and CCR, Title 27).

The primary local agency, known as the Certified Unified Program Agency (CUPA), with responsibility for implementing federal and State laws and regulations pertaining to hazardous materials management is the City of Los Angeles Fire Department (LAFD). The Unified Program is the consolidation of six state environmental regulatory programs into one program under the authority of a CUPA. A CUPA is a local agency that has been certified by CalEPA to implement the six state environmental programs within the local agency's jurisdiction. This program was established under the amendments to the California Health and Safety Code made by SB 1082 in 1994. The six consolidated programs are:

- Hazardous Materials Release Response Plan and Inventory (Business Plans)
- California Accidental Release Prevention (CalARP)
- Hazardous Waste (including Tiered Permitting)
- Underground Storage Tanks (USTs)
- Above Ground Storage Tanks (Spill Prevention Control and Countermeasures (SPCC) requirements)
- Uniform Fire Code (UFC) Article 80 Hazardous Material Management Program (HMMP) and Hazardous Material Identification System (HMIS)

Hazardous Waste Control Act

The Hazardous Waste Control Act was passed in 1972 and established the California Hazardous Waste Control Program within the Department of Health Services. California's hazardous waste regulatory effort became the model for the federal RCRA. California's program, however, was broader and more comprehensive than the federal system, regulating wastes and activities not covered by the federal program. California's Hazardous Waste Control Law was followed by emergency regulations in 1973 that clarified and defined the hazardous waste program.

California Government Code Section 65962.5, Cortese List

The Hazardous Waste and Substance Sites List (Cortese List) is a planning document used by the state, local agencies, and developers to comply with CEQA requirements in providing information about the location of hazardous materials release sites. Government Code Section 65962.5 requires the California Environmental Protection Agency (CalEPA) to develop at least annually an updated Cortese List. The Department of Toxic Substances Control is responsible for a portion of the information contained in the Cortese List. Other state and local government agencies are required to provide additional hazardous material release information for the Cortese List.

California Code of Regulations (CCR), Title 22 - Hazardous Waste Control Law, Chapter 6.5

The Department of Toxic Substances Control regulates the generation, transportation, treatment, storage, and disposal of hazardous waste under RCRA and the California Hazardous Waste Control Law. Both laws impose "cradle-to-grave" regulatory systems for handling hazardous waste in a manner that protects human health and the environment. CalEPA has delegated some of its authority under the Hazardous Waste Control Law to county health departments and other Certified Unified Program Agencies.

CCR, Title 27 - Solid Waste

Title 27 of the CCR contains a waste classification system that applies to solid wastes that cannot be discharged directly or indirectly to waters of the State and which therefore must be discharged to waste management sites for treatment, storage, or disposal. CalRecycle and its certified Local Enforcement Agency regulate the operation, inspection, permitting, and oversight of maintenance activities at active and closed solid waste management sites and operations.

DTSC Note 3 Screening Levels

The DTSC Note 3 Screening Levels (DTSC-SLs) were developed based on the USEPA RSLs to use in the human health risk assessment at hazardous waste sites and permitted facilities in California. Since July 2014, the DTSC-SLs are regularly reviewed and updated, with the last update in May 2022. Similar to the USEPA RSLs, the DTSC-SLs may be used to identify if a site may be contaminated and the specific contaminants that may warrant remediation.

CCR, Title 8 – Occupational Safety

CalOSHA administers federal occupational safety requirements and additional state requirements in accordance with CCR, Title 8. CalOSHA requires preparation of an Injury and Illness Prevention Program (IIPP), which is an employee safety program of inspections, procedures to correct unsafe conditions, employee training, and occupational safety communication. This program is administered via inspections by the local CalOSHA enforcement unit.

CalOSHA regulates lead exposure during construction activities under CCR Title 8, Section 1532.1, Lead, which establishes the rules and procedures for conducting demolition and construction activities such that worker exposure to lead contamination is minimized or avoided.

Compliance with CalOSHA regulations and associated programs would be required for the Proposed Project due to the potential hazards posed by on-site construction activities and contamination from former uses.

Emergency Response to Hazardous Materials Incidents

California has developed an emergency response plan to coordinate emergency services provided by federal, state, local government, and private agencies. The plan is administered by the California Emergency Management Agency and includes response to hazardous materials incidents. The California Emergency Management Agency coordinates the response of other agencies, including CalEPA, California Highway Patrol, California Department of Fish and Wildlife, Regional Water Quality Control Board, South Coast Air Quality Management District, County Fire Department, and the County Department of Environmental Health.

California Emergency Services Act

The California Emergency Services Act (Government Code Section 8550 et seq.) was adopted to establish the State's roles and responsibilities during human-made or natural emergencies that result in conditions of disaster and/or extreme peril to life, property, or the resources of the State. This act is intended to protect health and safety by preserving the lives and property of the people of the State.

California Coastal Act Section 30232 and 30261

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and

cleanup facilities and procedures shall be provided for accidental spills that do occur. (California Coastal Act, Sections 30232 & 30261)

5.8.2.3 Regional Regulations

SCAQMD Rule 1166, Volatile Organic Compound Emissions from Decontamination from Soil

This SCAQMD rule sets requirements to control the emission of volatile organic compounds (VOCs) from excavating, grading, handling, and treating VOC contaminated soil as a result of leakage from storage or transfer operations, accidental spillage, or other deposition. Pursuant to SCAQMD Rule 1166, excavating or grading soil containing VOC materials shall:

“Apply for, obtain, and operate pursuant to a mitigation plan pursuant to the requirements of SCAQMD Rule 1166. Monitor for VOC contamination at least once every 15 minutes commencing at the beginning of excavation or grading and record all VOC concentration readings. Handling VOC-contaminated soil at or from an excavation or grading site shall segregate VOC-contaminated stockpiles from non-VOC contaminated stockpiles such that mixing of the stockpiles does not take place. VOC-contaminated soil stockpiles shall be sprayed with water and/or approved vapor suppressant and cover them with plastic sheeting for all periods of inactivity lasting more than one hour. A daily visual inspection shall be conducted of all covered VOC contaminated soil stockpiles to ensure the integrity of the plastic covered surfaces. Contaminated soil shall be treated or removed from an excavation or grading site within 30 days from the time of excavation.”

Los Angeles Regional Water Quality Control Board Dewatering Permit

On September 13, 2018, the Los Angeles RWQCB adopted the Waste Discharge Requirements for Discharges of Groundwater from Construction and Project Dewatering to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties (Order No. R4-2018-0125, NPDES No. CAG994044) (Groundwater Discharge Permit). This Permit regulates construction dewatering and discharges of groundwater to surface waters during excavation. This permit specifies the discharge prohibitions, receiving water limitations, monitoring and reporting program requirements, and general compliance determination criteria for groundwater dewatering during construction activities. Dischargers are required to collect and analyze representative groundwater samples for all constituents listed in the Groundwater Discharge Permit. Based on the results, dischargers would be required to provide treatment for any toxic compounds detected above the applicable screening levels. To obtain coverage under the Groundwater Discharge Permit, each permittee must submit a Notice of Intent to begin the application process.

5.8.2.4 Local Regulations

City of Los Angeles Local Hazard Mitigation Plan

The City of Los Angeles has developed and adopted a Local Hazard Mitigation Plan, which allows for federal grant funding eligibility to mitigate many of the natural hazards identified in the City. The plan sets strategies for earthquake hazards, flood hazards, fire hazards, and hazardous materials.

City of Los Angeles Emergency Operations Plan

The Los Angeles Emergency Operations Master Plan provides a basis for emergency procedures. The Emergency Operations Master Plan describes the authority figure, responsibilities, and operations for different levels of emergencies. The Plan also outlines objectives that may be used to develop specific response and recovery plans.

City of Los Angeles General Plan

The City of Los Angeles General Plan Safety Element contains the following policies related to hazards and hazardous materials that are applicable to the Proposed Project (City of Los Angeles, 2021):

Policy 1.1.4 Health/Environmental Protection. Protect the public and workers from the release of hazardous materials and protect City water supplies and resources from contamination resulting from release or intrusion resulting from a disaster event, including protection of the environment and public from potential health and safety hazards associated with program implementation.

Policy 1.1.5 Risk Reduction. Reduce potential risk hazards due to disaster with a focus on protecting the most vulnerable people, places and systems.

Policy 1.1.6 State and Federal Regulations. Assure compliance with applicable State and federal planning and development regulations. Regularly adopt new provisions of the California Building Standards Code, Title 24, and California Fire Code into the LAMC to ensure that new development meets or exceeds Statewide minimums. Ensure new development in VHFHSZs adheres to the California Building Code, the California Fire Code, Los Angeles Fire Code and California Public Resources Code. Facilitate compliance with new standards for existing non-conforming structures and evacuation routes.

Policy 3.1.2 Health/Safety/Environment. Develop and establish procedures for identification and abatement of physical and health hazards which may result from a disaster. Provisions shall include measures for protecting workers, the public and the environment from contamination or other health and safety hazards associated with the hazard in addition to abatement, repair, and reconstruction programs.

City of Los Angeles Municipal Code

Section 91.71, Methane Mitigation Requirements. The City of Los Angeles Municipal Code identifies methane mitigation requirements for all projects that fall within the “methane zone” or methane buffer zone”. In accordance with Section 91.7103 – General Methane Mitigation Requirements, all new buildings and paved areas located in a Methane Zone or Methane Buffer Zone shall comply with the Methane Mitigation Standards. Under the Municipal Code requirements, on-site methane testing and/or methane mitigation measures are mandated to protect new buildings, or paved areas, from potential methane hazards. The measurements of the concentration and pressure of the methane gas shall be used to determine the design requirements.

The Municipal Code defines 5 design levels corresponding to mitigation measures for all sites within methane zones and methane buffer zones. The Los Angeles Municipal Code Table 71 prescribes the minimum methane mitigation systems, such as, the passive, active and miscellaneous systems, depending on the concentration and pressure of the methane present at the site. Each component of the passive, active and miscellaneous systems shall be constructed of an approved material and shall be installed in accordance with the Methane Mitigation Standards. According to a parcel profile report from the City of Los Angeles Department of City Planning (LADCP), the Project site is located within the Methane Hazard Zone. Thus, onsite methane gas testing is required prior to final building design to identify the specific municipal code building requirements applicable to the site.

Chapter 5, Section 57, Divisions 4 and 5, Fire Protection. This division regulates the disclosure and storage of hazardous materials. Businesses that store flammable hazardous materials would be required to obtain permits from LAFD.

Chapter 6, Article 4, Public Property – Sewers, Water Courses and Drains. This portion of the municipal code regulates the release of hazardous materials into the public system. Article 4.4 requires the implementation of stormwater pollution control measures during construction and development, as required under the MS4 Permit.

5.8.3 ENVIRONMENTAL SETTING

The region surrounding the POLA contains several natural oil and gas fields. Development and use of these natural resources have been ongoing in the area for nearly a century. As a result, there are a variety of oil production and refining facilities scattered throughout the area and connected by various pipelines.

Project Site Setting

Consistent with the region, the Project site vicinity has a long history of gas, oil, and POLA related uses that has resulted in the contamination of soil and groundwater. The Project site is currently undeveloped and vacant except for remnants of two abandoned cellular communication towers, a partially paved access road, abandoned aboveground and underground oil and gas pipelines in the northern portion of the site, and four concrete culverts that cross under the I-110 freeway outlet to the Project site. A majority of the pipelines in the northern portion of the site were previously used by the Western Fuel Oil Company (WFOC) refinery to transport black oil, lite oil, slop oil, ethylene glycol, dimethyl ketone (acetone), ethylene dichloride, methyl ethyl ketone, waste oil, methyl isopropyl butyl ketone, isopropyl alcohol, styrene, and water.

Hazardous Materials

Contaminated Soils. The Phase I and Phase II Environmental Site Assessments (ESAs), included as EIR Appendix G and EIR Appendix H, detail that a soil investigation identified releases of total petroleum hydrocarbons (TPH) and VOCs within the northern portion of the site near the oil and gas pipeline infrastructure. The Phase I ESA (SCS Engineers, 2017a – EIR Appendix G) identified approximately 4,000 cubic yards of TPH-affected soil with concentrations above 1,000 milligrams per kilogram (mg/kg). A Phase II site investigation (SCS Engineers, 2017b – EIR Appendix H) was conducted at five locations throughout the Project site to provide additional soils testing of discolored and disturbed soils areas. One boring location located in the northern portion of the site identified TPH and VOCs at levels exceeding the California Department of Toxic Substances Control (DTSC) human health risk criteria. The area of affected soil is approximately 1,200 square feet, with an average depth of approximately 10 feet below ground surface (bgs) (estimated 12,000 cubic feet). Due to the existence of oil and gas pipelines within and adjacent to the site, additional areas of contaminated soils may exist under the existing ground surfaces. The Phase II ESA did not include any additional groundwater testing at the Project site (SCS Engineers, 2017b – EIR Appendix H).

The Centers for Disease Control and Prevention Agency for Toxic Substances and Disease Registry describes that TPH is a term used to describe a broad family of several hundred chemical compounds that originally come from crude oil. In this sense, TPH is really a mixture of chemicals. TPH released to the soil may move through the soil to the groundwater. Some TPH compounds can affect human central nervous systems causing headaches and dizziness at high levels; other compounds can cause a nerve disorder called "peripheral neuropathy," consisting of numbness in the feet and legs. Also, TPH compounds can cause effects on the blood, immune system, lungs, skin, and eyes; and thus, TPH is considered a hazardous substance (ATSDR, 1999).

The VOCs tested on-site are associated with oil and gasoline, such as benzene, bromomethane, toluene, and ethylbenzene. According to the American Lung Association, VOCs are gases emitted into the air, typically from gasoline, diesel emissions, wood burning, oil and gas extraction and processing, or industrial emissions.

VOCs generally harm the eyes and respiratory system, although more toxic VOCs may cause damage to the nervous system and other organs with prolonged contact or exposure (American Lung Association, 2024).

In addition, the Phase I ESA identified that there is a potential for the presence of aerially deposited lead (ADL) in soil at the Project site associated with the historical use of lead in gasoline, as the Project site is adjacent to the Harbor Freeway. Lead accumulates in the body, leading to an impairment to almost every system in the body. However, lead poisoning is especially detrimental to the nervous system. Adults may experience high blood pressure, brain and kidney damage, or death depending on the level of exposure. Children who have been exposed to lead may experience decreased mental development, brain damage, anemia, or muscle weakness (ATSDR, 2020).

Groundwater Contamination. Four flush-mounted groundwater wells are located within the northern portion of the Project site that are used for groundwater monitoring of contaminants as required by the Los Angeles Regional Water Quality Control Board (LARWQCB). Groundwater in the monitoring wells is approximately 17 feet below the ground surface and contains elevated levels of gasoline-range TPH, benzene, and VOCs from gas and oil related pipelines and uses in the area (SCS Engineers, 2017a – EIR Appendix G). Elsewhere on the Project site the depth to groundwater is variable but is consistent with an approximate elevation of approximately 10 feet above mean sea level (Appendix F).

Methane Gas. Methane gas which percolates from subsurface geological formations and subsurface decomposition of organic materials to the atmosphere is a natural phenomenon. Although it is typically harmless, in high enough concentrations, between 50,000 parts per million and 150,000 parts per million by volume in the presence of oxygen, methane can be explosive. In addition, at high concentrations methane may reduce the presence of oxygen, causing suffocation, mood changes, facial flushing, vision problems, unconsciousness (Jo JY et. al, 2013). The parcel profile report from the City Planning Division identifies that the Project site is located within a Methane Hazard Zone.

Setting Surrounding the Project Site

The Phase I ESA prepared for the Project site (SCS Engineers, 2017a – EIR Appendix G) included searches of federal, state, and local databases that identified hazardous materials concerns on sites within the vicinity of the Project site. Table 5.8-1 summarizes the properties near the Project site that are identified as having contamination from hazardous materials.

Table 5.8-1: Hazardous Materials Sites Near Project Site

Property	Address	Distance from Project	Status
Western Fuel Oil Company	2100 North Gaffey Street	1,584 feet northwest	The site is currently undergoing semiannual post remediation monitoring for TPH releases. WFOC historically owned several pipelines which cross easements on the Project site. Soil and groundwater contamination from the site is considered a REC.
Pacific Industrial S/ Phillips 66 – Los Angeles	1660 West Anaheim Street	3,168 feet northwest	This facility currently operates as a refinery. Groundwater monitoring is currently conducted pursuant to a Cleanup and Abatement Order issued by the LARWQCB, and oversight is also provided by DTSC. Therefore, the site is considered a potential source of groundwater contamination beneath the Project site.

Property	Address	Distance from Project	Status
Gaffey Street Yard/Harbor District Consolidated Facilities/Harbor Street Maintenance Yard/Gaffey Street Landfill/Harbor District Facilities	1400 North Gaffey Street	236 feet west	The site had historically been used as a municipal landfill dedicated primarily to incinerator ash and city street sweeping debris. The site is currently used as a municipal maintenance yard, sanitation yard, and green waste composting center. Leaks from USTs containing diesel, gasoline, kerosene, and other unspecified chemicals have been reported on this site. Remediation and testing for TPH-contaminated soils were conducted between 2003 and 2015. The LARWQCB granted regulatory case closure on September 1, 2015; therefore, this site is not anticipated to negatively affect the Project site.
Port of Los Angeles	1830 John S. Gibson	Abuts Project Site	The USTs at this site are listed as inactive, and no reports of releases have been recorded. This site is located on the eastern side of John S. Gibson Boulevard, downgradient from the Project site. Therefore, it is not anticipated to negatively affect the Project site.
American President Lines Ltd/Yang Ming Container Terminal	2050 John S. Gibson Boulevard	270 feet southeast	Diesel fuel releases from USTs have been reported at this site. However, the LUST case status is closed and the site is located downgradient from the Project site. Therefore, the site is not anticipated to negatively affect the Project site.

Source: Appendix G

5.8.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of State CEQA Guidelines indicates that a project could have a significant effect if it were to:

- HAZ-1 Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- HAZ-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;
- HAZ-3 Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
- HAZ-4 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, create a significant hazard to the public or the environment;
- HAZ-5 For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area;

- HAZ-6 Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- HAZ-7 Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

The Initial Study established that the Proposed Project would result in no impacts or less-than-significant impacts related to Thresholds HAZ-3, HAZ-5, HAZ-6, and HAZ-7; therefore, no further assessment of these impacts is required in this EIR.

5.8.5 METHODOLOGY

The Project site was evaluated for the presence of hazardous substances that, if present in sufficient concentrations, could result in impacts to human health of the environment if the Proposed Project is implemented. Likewise, the Project's use, disposal, storage, and other handling of hazardous materials was evaluated for potential release and impacts to humans and the environment. The qualitative analysis in this Section focuses on potential public safety and environmental hazards impacts, including the use, disposal, transport, or management of hazardous or potentially hazardous materials resulting from the construction and operation of the Project.

Information for this section was obtained, in part, from the Phase I ESA (Appendix G) and Phase II ESA (Appendix H) prepared for the Project site. The Phase I ESA is based on reviews of historical aerial photographs, historical topographic maps, Environmental Data Resources (EDR) database records, city directories, historical site occupants, historical site ownership records, site visits, and/or interviews of owners and tenants of the Project site. The Phase II ESA is based on the results of a soil investigation conducted on the Project site.

5.8.6 ENVIRONMENTAL IMPACTS

IMPACT HAZ-1: WOULD THE PROJECT CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT THROUGH THE ROUTINE TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS MATERIALS?

Less-than-Significant Impact. A hazardous material is typically defined as any material that due to its quantity, concentration, or physical or chemical characteristics, poses a significant potential hazard to human health and safety or the environment if released. Hazardous materials may include, but are not limited to hazardous substances, hazardous wastes, and any material that would be harmful if released. As previously described, the LAFD CUPA is the local administrative agency that coordinates regulatory programs that regulate use, storage, and handling of hazardous materials, including Hazardous Materials Business Plans.

Construction

The proposed construction activities would involve the routine transport, use, and disposal of hazardous materials such as paints, solvents, oils, and grease, during construction activities. In addition, hazardous materials would routinely be needed for fueling and servicing construction equipment on the site. These types of materials are not acutely hazardous, and all storage, handling, use, and disposal of these materials are regulated by federal and state regulations that are implemented by the Port during building permitting for construction activities.

Construction contractors would be required through LAHD and City permitting to comply with federal, state, and local laws and regulations regarding the transport, use, and storage of hazardous materials. Applicable laws and regulations include, but are not limited to, CFR, Title 29 - Hazardous Waste Control Act; CFR, Title

49, Chapter I; and Hazardous Materials Transportation Act requirements as imposed by the USDOT, CalOSHA, CalEPA, DTSC, and the LAFD CUPA. Additionally, construction activities would require a Stormwater Pollution Prevention Plan (SWPPP), which is mandated by the National Pollution Discharge Elimination System (NPDES) General Construction Permit and enforced by the LARWQCB. The SWPPP would include strict on-site handling rules and best management practices (BMPs) to minimize potential adverse effects to workers, the public, and the environment during construction, including, but not limited to:

- Establishing a dedicated area for fuel storage and refueling activities that includes secondary containment protection measures and spill control supplies;
- Following manufacturers' recommendations on the use, storage, and disposal of chemical products used in construction;
- Avoiding overtopping construction equipment fuel tanks;
- Properly containing and removing grease and oils during routine maintenance of equipment; and
- Properly disposing of discarded containers of fuels and other chemicals.

Implementation of the SWPPP, as confirmed through the LAHD and City's permitting process would limit potentially significant hazards from runoff of contaminated materials during construction to a less-than-significant level.

Contaminated Soils. As described previously, the Phase I and Phase II ESAs detail releases of TPH and VOCs within site soils at levels exceeding the DTSC human health risk criteria and estimated that the area of contaminated soil is approximately 1,200 square feet, with an average depth of approximately 10 feet bgs (estimated 12,000 cubic feet). Identified contaminated soils in areas of Project ground disturbance would be removed and disposed of during construction of the Proposed Project. Therefore, implementation of SCAQMD Rule 1166 related to excavating or grading soil containing VOC materials would be required along with the CalOSHA hazardous waste materials handling regulations, and the sections of the California Health and Safety Code, which are described above in the Regulatory Setting. These requirements were developed to protect human health and the environment from the hazards associated with exposure. In addition, due to the potential for other areas of contaminated soils or pipeline materials onsite, a qualified consultant would be required to prepare and implement a mitigation plan, per SCAQMD Rule 1166, to be used during earthwork and grading to manage VOC emissions.

In addition, a Soil Management Plan (SMP) will be prepared for the proper management and disposal of wastes in accordance with all applicable laws and regulations. The SMP would provide a protocol for ensuring the proper handling and disposal of contaminated soils that could be encountered during development, in a manner that is protective of human health and compliant with applicable laws and regulations. The SMP would be submitted to the Los Angeles Department of Building and Safety (LADBS) prior to the issuance of a grading permit and implemented during grading/development activities.

In addition, a Health and Safety Plan (HSP) would be required to be approved by the LADBS prior to the issuance of a grading permit and implemented pursuant to OSHA Safety and Health Standards (29 Code of Federal Regulations 1910.120). The HSP would outline health and safety requirements to minimize worker and public exposure to hazardous materials during construction, including vapor, water, and soil contamination. The HSP shall provide compliance with OSHA Safety and Health Standards and provide procedures in the event of release or human contact with hazardous materials during all construction activities. In the event elevated levels of subsurface gases are encountered during grading and excavation, the HSP would address potential vapor encroachment from soil contamination or pipelines within and near the Project site. In addition, the HSP would identify chemicals of concern, monitoring protocols, action levels, and personal protective equipment (PPE) requirements to minimize exposure to vapors. Gas monitoring devices shall be in place to alert workers in the event elevated gas or other vapor concentrations occur when soil excavation is being performed. Contingency procedures shall be in place in the event that elevated gas concentrations

are detected, such as the mandatory use of personal protective equipment, evacuation of the area, and/or increasing ventilation within the immediate work area. Workers shall be trained to identify exposure symptoms and implement alarm response.

Therefore, with compliance to SCAQMD Rule 1166 and OSHA Safety and Health Standards (29 Code of Federal Regulations 1910.120) and Cal/OSHA requirements (CCR Title 8, General Industry Safety Orders and California Labor Code, Division 5, Part 1, Sections 6300-6719), and the implementation of a SMP, impacts related to transport, use, or disposal of contaminated materials during construction would be less-than-significant.

Operation

The Project site would be developed as a truck and chassis parking lot, operations of which would generally involve limited quantities of hazardous materials such as diesel, automobile gas, automobile oil, and pesticides. Normal routine use of these products would not result in a significant hazard to residents or workers in the vicinity of the Proposed Project. During Proposed Project operations, trucks would travel to and from the Project site to pick up or drop off chassis and shipping containers would be “parked” on top of the chassis. No fueling, maintenance, or other industrial activity would occur on the Project site. On-site equipment would be zero-emission and all-electric and would not involve onsite fueling. Further, the proposed 50 SF building with restrooms and prefabricated guard booth would result in limited use of cleaners, paints, and other typical office and restroom consumer products that would not result in a significant hazard.

Also, should any future business that occupies the Project site handle acutely hazardous materials (as defined in Section 25500 of California Health and Safety Code, Division 20, Chapter 6.95) the business would require a permit from the LAFD CUPA. Such businesses are also required to comply with California’s Hazardous Materials Release Response Plans and Inventory Law, which requires immediate reporting to the LAFD CUPA and the State Office of Emergency Services regarding any release or threatened release of a hazardous material, regardless of the amount handled by the business. Any oil or gas spills from the incoming trucks would be reported, cleaned, and disposed of pursuant to LAFD CUPA requirements.

The routine transport, use, and disposal of acute hazardous materials is not anticipated during operations, and compliance with existing laws and regulations governing routinely used hazard and hazardous materials would reduce potential impacts related to less-than-significant.

IMPACT HAZ-2: WOULD THE PROJECT CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT THROUGH REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT?

Less-than-Significant Impact.

Construction

As described previously, construction of the Proposed Project would involve the limited use and disposal of hazardous materials. Equipment that would be used in construction of the Proposed Project has the potential to release gas, oils, greases, solvents, and spills of paint and other finishing substances. However, the amount of hazardous materials on site would be limited, and construction activities would be required to adhere to all applicable regulations regarding hazardous materials storage and handling, as well as to implement construction BMPs (through implementation of a required SWPPP implemented by City conditions of approval) to prevent a hazardous materials release and to promptly contain and clean up any spills, which would minimize the potential for harmful exposures. With compliance to existing laws and regulations, which are mandated by the City through construction permitting, the Proposed Project’s construction-related impacts would be less-than-significant.

Contaminated Soils. The Phase I ESA (Appendix G) determined that the onsite and adjacent oil and gas infrastructure has resulted in elevated levels of TPH and VOCs within an area of disturbed and discolored soils, which would be removed and disposed of during construction of the Proposed Project. It is possible that other subsurface areas of contaminated soils exist that could release hazardous vapors. The Phase II ESA (Appendix H) completed testing and recommended the preparation and implementation of a SMP for excavation, grading, and redevelopment activities. As previously described, the SMP requires handling of contaminated soils be completed in accordance with applicable laws and regulations to ensure that all wastes removed from the site are managed and disposed of properly. A certified hazardous waste hauler is required to remove and transport excavated impacted soil and other potentially hazardous materials per California Hazardous Waste Regulations to a landfill permitted by the state to accept hazardous materials. In addition, standard conditions and regulatory requirements would require approval and implementation of a HSP that would outline health and safety requirements to minimize worker and public exposure, and provide response to release and exposure, to hazardous materials during construction, including contaminated soils and vapors that could emanate from contaminated soils. Therefore, with compliance to SCAQMD Rule 1166 and OSHA Safety and Health Standards (29 Code of Federal Regulations 1910.120) and Cal/OSHA requirements (CCR Title 8, General Industry Safety Orders and California Labor Code, Division 5, Part 1, Sections 6300-6719), which will require implementation of a SMP and HSP in line with standard conditions, potential impacts related to significant hazard to the public or environment through the reasonably foreseeable release of contaminated soils or potential vapors from contaminated soils would be less-than-significant.

Contaminated Groundwater. Groundwater monitoring on the northern portion of the site has identified elevated concentrations of gasoline-range TPH, benzene, and VOCs, which is consistent with the identified soil contamination and the pipeline and adjacent refinery uses. As stated in the Preliminary Geotechnical Investigation (Appendix F), groundwater was not encountered during the soil borings, which reached a maximum depth of 71 feet below the existing ground surface. Previous studies encountered groundwater between depths of 38 to 57 feet below the existing ground surface but has been as high as approximately 17 feet below the ground surface. While the groundwater level may fluctuate with varying topography and tides, it is typically present at an elevation of approximately 10 feet above mean sea level (Appendix F).

Excavation is anticipated to reach depths of approximately 15 feet below the ground surface, which could be 2 feet above groundwater; therefore, there is a potential for contaminated groundwater to be encountered during construction and for groundwater dewatering to be required. Thus, should Project excavation encounter groundwater, Proposed Project construction would be required to incorporate contaminated dewatering measures in compliance with the Groundwater Discharge Permit (General NPDES Permit No. CAG994004). This permit would require testing and treatment as necessary for groundwater encountered during groundwater dewatering prior to release to surface waters to ensure that discharges do not contain pollutants. Compliance with the requirements of the Groundwater Discharge Permit, which would be implemented through the LAHD's development permitting process, would ensure that potential impacts related to a significant hazard to the public or environment through the reasonably foreseeable release of contaminated groundwater would be less-than-significant.

Aerially Deposited Lead (ADL). Due to the proximity of the Project site to the Harbor Freeway, there is a potential for ADL contaminated soil associated with the historical use of lead in gasoline (Appendix G). The preparation of a SMP as previously described would address the potential impacts related to ADL through proper sampling, excavation, and disposal. Thus, impacts from ADL deposited in the soil would be less-than-significant.

Operation

The Proposed Project would develop a truck and chassis short-term parking lot on the site. Operation of the Proposed Project is not anticipated to require regular use of hazardous materials. Limited quantities of

diesel, automobile gas, automobile oil may be present on site from the hauling trucks. However, no fueling, maintenance, or other industrial activity would occur on the Project site. On-site equipment would be zero-emission and all-electric and would not involve onsite fueling. The proposed restroom building and guard booth would result in limited use of cleaners, paints, and other typical office and restroom consumer products that would not result in a significant hazard. In addition, development of the Proposed Project would require a water quality management plan (WQMP) in compliance with the Los Angeles County MS4 Permit (Order No. R4-2012-0175-A01). BMPs would be incorporated in the WQMP that would protect human health and the environment should any accidental spills or releases of hazardous materials occur during operation of the Proposed Project. As previously described, spills of hazardous materials would be required to be reported, cleaned, and disposed of in compliance with LAFD CUPA regulations. Therefore, operations within the Project site would not result in a significant hazard to the public or the environment through reasonably foreseeable upset and accident involving hazardous material. Impacts related to hazardous materials from operation would be less-than-significant.

Methane Hazard Zone. As detailed previously, the Proposed Project is located within a Methane Hazard Zone. Construction of impervious surfaces can affect methane gas migration and Proposed Project buildings with confined spaces, such as the proposed guard shack and restrooms, could pose a potential for methane buildup, resulting in a possible hazardous condition, as previously described. However, the Proposed Project would be required to comply with the City's Municipal Code Section 91.71, et.al. requirements related to methane gas testing and mitigation systems, which are mandated based on the volume of methane gas identified during on-site testing and design of proposed structures, prior to receipt of building permits. Municipal Code Table 71 prescribes the minimum methane mitigation systems, such as, the passive, active and miscellaneous systems, depending on the concentration and pressure of the methane present at the site. Each component of the passive, active and miscellaneous systems would be required to be constructed of an approved material and would be required to be installed in accordance with the Methane Mitigation Standards that would reduce potential impacts to a less-than-significant level. Thus, compliance with regulatory requirements would reduce the potential for exposure of people to substantial volumes of methane gas that could result in a significant hazard to the public or environment. Therefore, impacts would be less-than-significant.

IMPACT HAZ-4: WOULD THE PROJECT BE LOCATED ON A SITE WHICH IS INCLUDED ON A LIST OF HAZARDOUS MATERIALS SITES COMPILED PURSUANT TO GOVERNMENT CODE SECTION 65962.5 AND, AS A RESULT, CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT?

No Impact. The Phase I Environmental Site Assessment (Appendix G) that was conducted included database searches, including the State Water Resources Control Board (SWRCB) GeoTracker website or the DTSC EnviroStor websites, to determine if the Project site is identified as a hazardous materials site. The record searches determined that although the site has a history of various uses and identified as previously generating hazardous wastes and clean-up activities, the Project site is not included on a Cortese List of hazardous materials sites pursuant to Government Code Section 65962.5.

Also, although the Phase I Environmental Site Assessment (Appendix G) and EnviroStor website identified offsite sources of contamination, such as oils and gas pipelines and contaminated soils, it did not identify any immediately adjacent sites that are included on a Cortese List of hazardous materials sites compiled pursuant to Government Code Section 65962.5 that could result in impacts related to the Proposed Project. As a result, impacts related to hazards from being located on or adjacent to a hazardous materials site would not occur from implementation of the Proposed Project.

5.8.7 CUMULATIVE IMPACTS

Cumulative land use changes within the POLA would have the potential to expose future area residents, employees, and visitors to chemical hazards through redevelopment of sites and structures that may contain hazardous materials. Thus, the Proposed Project's contribution to cumulative impacts to hazards and hazardous materials was analyzed in context with past and foreseeably future projects in the POLA and adjacent areas in the City of Los Angeles that are similarly affected by hazardous soil, groundwater, and methane gas conditions.

The severity of potential hazards for individual projects would depend upon the location, type, and size of development and the specific hazards associated with individual sites. As shown in Figure 5-1 in Section 5, *Environmental Impact Analysis*, of this EIR, the closest cumulative project is identified as Project No. 9, which is a redevelopment of an existing container terminal that is located across John S. Gibson Boulevard to the southeast of the Project site that is in the planning and environmental design stage. The cumulative project would demolish existing terminal improvements and develop new and expanded terminal facilities, including deeper berths, new wharfs, new and larger cranes, and expanded rail yards to support increased operations.

The commencement of construction of the adjacent cumulative project is unknown; however, it is possible that construction activities involving hazardous materials from both the Proposed Project and the adjacent cumulative project or other nearby cumulative projects would occur simultaneously that could have the potential to cumulatively contribute to an impact. However, all hazardous materials users and transporters, as well as hazardous waste generators and disposers are subject to regulations that require proper transport, handling, use, storage, and disposal of such materials to ensure public safety, which are verified by the POLA and/or City during the construction and development permitting process.

Thus, if hazardous materials are found to be present on any of the cumulative or future project sites, appropriate remediation activities would be required pursuant to standard federal, state, and regional regulations that would reduce potential impacts, such as the activities which would be done by the Proposed Project. In addition, a SMP would be prepared and implemented and compliance with SCAQMD Rule 1166 and OSHA Safety and Health standards would be implemented for the Proposed Project to ensure that hazardous soil from the site would be handled and disposed of in a manner which would reduce the potential of the Proposed Project to result in a hazard to the public or environment that could cumulatively combine. As such, Proposed Project impacts are not cumulatively considerable.

5.8.8 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Upon implementation of regulatory requirements, impacts related to Thresholds HAZ-1 and HAZ-2 would be less-than-significant, and no impact related to HAZ-4 would occur.

5.8.9 MITIGATION MEASURES

None.

5.8.10 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Upon implementation of regulatory requirements, impacts related to Thresholds HAZ-1 and HAZ-2 would be less-than-significant, and no impact related to HAZ-4 would occur. No significant and unavoidable impacts related to hazards and hazardous materials would occur.

5.8.11 REFERENCES

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