

5. Environmental Analysis

5.5 HAZARDS AND HAZARDOUS MATERIALS

This section evaluates the potential impacts of the proposed project on human health and the environment due to exposure to hazardous materials or conditions associated with the project site, project construction, and project operations. Potential project impacts and appropriate mitigation measures or standard conditions are included as necessary. The analysis in this section is based, in part, upon the following source(s):

- *Area Study [hazardous materials databases search]: Westminster, CA*, Environmental Data Resources, Inc. (EDR), February 5, 2016
- *City of Westminster Emergency Operations Plan*, City of Westminster, January 2016
- *City of Westminster Local Hazard Mitigation Plan*, City of Westminster, October 2015

The EDR report is included in Appendix F of this DEIR.

5.5.1 Environmental Setting

5.5.1.1 REGULATORY SETTING

Federal

Comprehensive Environmental Response, Compensation and Liability Act

The Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) is a law developed to protect the water, air, and soil resources from the risks created by past chemical-disposal practices. This law is also referred to as the Superfund Act and regulates sites on the National Priority List (NPL), which are called Superfund sites.

Emergency Planning and Community Right-To-Know Act

In 1986, Congress passed the Superfund Amendments and Reauthorization Act. Title III of this regulation may be cited as the “Emergency Planning and community Right-to-Know Act of 1986” (EPCRA). The Act required the establishment of state commissions, planning districts, and local committees to facilitate the preparation and implementation of emergency plan. Under the requirements, local emergency planning committees are responsible for developing a plan for preparing for and responding to a chemical emergency, including:

- An identification of local facilities and transportation routes where hazardous materials are present.
- The procedures for immediate response in case of an accident (this must include a community-wide evacuation plan).
- A plan for notifying the community that an incident has occurred.

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- The names of response coordinators at local facilities.
- A plan for conducting drills to test the plan.

The emergency plan is reviewed by the State Emergency Response Commission and publicized throughout the community. The local emergency planning committee is required to review, test, and update the plan each year. The Orange County Environmental Health Division (EHD) is responsible for coordinating hazardous material and disaster preparedness planning and appropriate response efforts with city departments and local and state agencies. The goal is to improve public- and private-sector readiness and to mitigate local impacts resulting from natural or man-made emergencies.

Another purpose of the EPCRA is to inform communities and citizens of chemical hazards in their areas. Sections 311 and 312 of EPCRA require businesses to report to state and local agencies the location and quantities of chemicals stored onsite. Under section 313 of EPCRA, manufacturers are required to report chemical releases for more than 600 designated chemicals. In addition to chemical releases, regulated facilities are also required to report offsite transfers of waste for treatment or disposal at separate facilities, pollution prevention measures, and chemical recycling activities. The US Environmental Protection Agency (EPA) maintains the Toxic Release Inventory database that documents the information that regulated facilities are required to report annually.

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) is the principal federal law that regulates generation, management, and transportation of hazardous waste. Hazardous waste management includes the treatment, storage, or disposal of hazardous waste.

State

Hazardous Materials Release Notification

Many state statutes require emergency notification of a hazardous chemical release:

- California Health and Safety Codes Sections 25270.8, and 25507
- Vehicle Code Section 23112.5
- Public Utilities Code Section 7673, (PUC General Orders #22-B, 161)
- Government Code Sections 51018, 8670.25.5 (a)
- Water Codes Sections 13271, 13272,
- California Labor Code Section 6409.1 (b)10

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Requirements for immediate notification of all significant spills or threatened releases cover owners, operators, persons in charge, and employers. Notification is required regarding significant releases from facilities, vehicles, vessels, pipelines, and railroads. In addition, all releases that result in injuries or harmful exposure to workers must be immediately reported to the California Occupational Safety and Health Administration pursuant to the California Labor Code Section 6409.1(b).

Hazardous Materials Disclosure Programs

The Unified Program administered by the State of California consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities for environmental and emergency management programs, which include: Hazardous Materials Release Response Plans and Inventories (business plans), the California Accidental Release Prevention (CalARP) Program, and the Underground Storage Tank (UST) Program. The Unified Program is implemented at the local government level by Certified Unified Program Agencies (CUPAs).

The CUPA for the City of Westminster is the Orange County EHD, which is responsible for regulating hazardous materials business plans and chemical inventory; hazardous waste and tiered permitting; underground storage tanks; aboveground storage tanks; and risk management plans.

Hazardous Materials Business Plans

Both the federal government (Code of Federal Regulations) and the State of California (California Health and Safety Code) require all businesses that handle more than a specified amount—or “reporting quantity”—of hazardous or extremely hazardous materials to submit a hazardous materials business plan to their CUPA. According to the EHD guidelines, the preparation, submittal, and implementation of a business plan is required by any business that handles a hazardous material or a mixture containing a hazardous material in specified quantities.

Business plans must include an inventory of the hazardous materials at the facility. Businesses must update their business plan at least every three years and the chemical portion every year. Also, business plans must include emergency response plans and procedures to be used in the event of a significant or threatened significant release of a hazardous material. These plans need to identify the procedures for immediate notification of all appropriate agencies and personnel, identification of local emergency medical assistance appropriate for potential accident scenarios, contact information for all company emergency coordinators, a listing and location of emergency equipment at the business, an evacuation plan, and a training program for business personnel.

California Accidental Release Prevention Program

CalARP became effective on January 1, 1997, in response to Senate Bill 1889. CalARP aims to be proactive and therefore requires businesses to prepare risk management plans, which are detailed engineering analyses of the potential accident factors present at a business and the mitigation measures that can be implemented to reduce this accident potential. This requirement is coupled with the requirements for preparation of hazardous materials business plans under the Unified Program, implemented by the CUPA.

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Leaking Underground Storage Tanks

Leaking USTs have been recognized since the early 1980s as the primary cause of groundwater contamination from gasoline compounds and solvents. In California, regulations aimed at protecting against UST leaks have been in place since 1983 (Health and Safety Code). This occurred one year before RCRA was amended to add Subtitle I, requiring UST systems to be installed in accordance with standards that address the prevention of future leaks. The State Water Resources Control Board has been designated the lead California regulatory agency in the development of UST regulations and policy.

Older tanks are typically single-walled steel tanks. Many of these have leaked as a result of corrosion, punctures, and detached fittings. As a result, the State of California required the replacement of older tanks with new double-walled fiberglass tanks with flexible connections and monitoring systems. UST owners were given 10 years to comply with the new requirements—deadline was December 22, 1998. However, many UST owners did not act by the deadline, so the state granted an extension for their replacement ending January 1, 2002. The California Regional Water Quality Control Boards, in cooperation with the Office of Emergency Services, maintain an inventory of leaking USTs in a statewide database.

California Code of Regulations, Title 22, Division 4.5

Title 22, Division 4.5, of the California Code of Regulations (CCR) sets forth the requirements for hazardous-waste generators; transporters; and owners or operators of treatment, storage, or disposal facilities. These regulations include the requirements for packaging, storage, labeling, reporting, and general management of hazardous waste prior to shipment. In addition, the regulations identify standards applicable to transporters of hazardous waste. These regulations specify the requirements for transporting shipments of hazardous waste, including manifesting, vehicle registration, and emergency accidental discharges during transportation.

California Fire Code

The 2013 California Fire Code (CCR Title 24 Part 9) sets forth requirements including those for building materials and methods pertaining to fire safety and life safety, fire protection systems in buildings, emergency access to buildings, and handling and storage of hazardous materials.

California Building Code

The California Building Code requires the installation and maintenance of smoke alarms in residential dwelling units:

- **CCR Title 24, Part 2, Section 907.2.11.2.** Smoke alarms shall be installed and maintained on the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms. In each room used for sleeping purposes, and in each story within a dwelling unit. The smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Smoke alarms shall receive their primary power from the building wiring and shall be equipped with a battery backup.

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Regional

South Coast Air Quality Management District

SCAQMD Rule 1403 governs the demolition of buildings containing asbestos materials. Rule 1403 specifies work practices with the goal of minimizing asbestos emissions during building demolition and renovation activities, including the removal and associated disturbance of asbestos-containing material (ACM). The requirements for demolition and renovation activities include asbestos surveying, notification, ACM removal procedures and time schedules, ACM handling and cleanup procedures, and storage and disposal requirements for asbestos-containing waste materials.

Local

City of Westminster Local Hazard Mitigation Plan

The City of Westminster Local Hazard Mitigation Plan (LHMP) was updated in 2015 to reflect the latest FEMA requirements. The LHMP establishes a basis for coordination and collaboration among participating agencies and public entities, and identifies and prioritizes future mitigation projects. The LHMP works in coordination with the City's General Plan and Emergency Operations Plan.

City of Westminster Emergency Operations Plan

The City of Westminster Emergency Operations Plan (EOP) was updated in 2016 and addresses the City's planned response to emergency situations associated with large-scale natural disasters, technological incidents and threats to national security. The EOP takes into account possible disruptions in many different types of services, including, but not limited to electricity, telecommunications, and water.

City of Westminster Municipal Code

The following sections of the City of Westminster Municipal Code address hazards and hazardous materials:

- Chapter 8.04 (Health Officer)
- Chapter 8.30 (Water Quality)
- Chapter 8.31 (Hazardous Materials Disclosure)
- Chapter 14.08 (Drilling and Operation)
- Chapter 14.12 (Storage and Handling)

5.5.1.2 EXISTING CONDITIONS

Historical Topographic Maps

1896: The Community of Westminster is limited to several square blocks next to what is now the southeast corner of Goldenwest Street and Westminster Avenue. The balance of the project area consists of vacant land with sparsely scattered buildings and with roadways mostly spaced at 0.5- to 1-mile intervals. A wetland area is shown extending northeast-southwest through the southwest quadrant of the project area.

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1935: The Community of Westminster has expanded east to a short distance east of Huntington Beach Boulevard (now Beach Boulevard). A Community of Barber City occupies several square blocks in the west part of the project area southwest of the intersection of Springdale Avenue and Westminster Avenue.

Midway City occupies about one-quarter square mile next to the northwest corner of Bolsa Avenue and Huntington Beach Boulevard (now Beach Boulevard). Central Memorial Park Cemetery occupies a quarter-square-mile area next to the west edge of Midway City. Outside of named communities, buildings are sparse and mainly concentrated along major roadways, especially Westminster Avenue.

1950: The Community of Westminster has expanded further but is still mostly in a 1.5-square-mile area bounded by Goldenwest Street on the west, Trask Avenue on the north, Newland Street on the east, and Hazard Avenue on the south. Midway City remains within the area it was in 1935. A Southern Pacific rail line extends north-south near what is now Gothard Street, and a branch of the line extends westward from the aforementioned line near the alignment of Hazard Avenue to the western City boundary. Barber City has expanded slightly south of Westminster Avenue and to a few city blocks north of Westminster Avenue. The cemetery shown on the 1935 maps is now named Westminster Memorial Park. Outside of named communities, buildings are sparse and mainly concentrated along major roadways, especially Westminster Avenue.

1965: The Interstate 405 and State Route 22 freeways are shown. Much of the project area is built out with urban land uses; vacant areas are interspersed among urbanized areas in the south-central and southeastern parts of the project area.

Database Search Findings

CERCLIS

The Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS), also known as Superfund, lists sites that are suspected to have contamination and require additional investigation to assess if they should be considered for inclusion on the NPL, which is considered the highest priority for cleanup by the EPA. One site within the City is on CERCLIS and is also a delisted NPL site. Ralph Gray Trucking Co., located near the intersection of Sowell Avenue and Goldenwest Avenue, is a 23-acre property in a residential area that was formerly used for the disposal of sulfuric acid sludge and oil refinery wastes from the 1930s through the 1950s. In 1986, black tar-like material was reported to be seeping up from the backyards of several houses. The Department of Toxic Substances Control (DTSC) initiated investigations of the site in 1986 and soon confirmed that the site was contaminated. Remedial activities from 1987 to 1991 included the excavation of impacted material. The EPA became involved in 1989 with more investigations. The facility was listed on the NPL in 1992. Remediation occurred on the site, and the facility was considered cleaned up in 2000 and was delisted from NPL in 2004.

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CERCLIS-NFRAP

Former CERCLIS sites that have No Further Response Actions Planned (NFRAP) are archived as CERCLIS-NFRAP sites. The list was created in February 1995 to document facilities where either no contamination was found, contamination was removed quickly, or the contamination was not significant enough to warrant NPL status. Two sites within the City are on the CERCLIS-NFRAP list. Based on a preliminary assessment in 1988, Altovac Technology, located at 14861 Moran Street did not qualify for NPL status. The DTSC granted no further action to the facility in 1995. Based on a preliminary assessment in 1989, Conroc Machine Tool, located at 9200 Bolsa Avenue, did not qualify for NPL status.

Department of Defense

The Seal Beach Naval Weapons Station is located adjacent to the west end of the City, opposite of Bolsa Chica Road. The Seal Beach Naval Weapons Station has operated for over 70 years. This facility has potential for impacted soil and groundwater.

GeoTracker

The GeoTracker database maintained by the State Water Resources Control Board lists hazardous materials release sites that impact groundwater; permitted facilities such as operating underground storage tanks, and land disposal sites. All of the open cases listed on GeoTracker in the project area are leaking underground storage tank (LUST) sites, listed below in Table 5.5-1. The number of closed cases is reported below the table.

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Table 5.5-1 GeoTracker: Open Leaking Underground Storage Tank Cases in Project Area

Site Name	Address	Potential Contaminants of Concern	Potential Media of Concern
Status: Open - Eligible for Closure			
Arco #6036	13142 Goldenwest St.	Gasoline	Groundwater other than drinking water
Arco #1633	6982 Westminster Blvd.	Gasoline, MTBE / TBA / Other Fuel Oxygenates	Groundwater other than drinking water
Chevron #9-5401	5992 Westminster Blvd.	Gasoline	Groundwater other than drinking water
Shell #8990	8990 Westminster Blvd.	Gasoline	Drinking water aquifer
Status: Open - Inactive			
Alpha Auto Sales	8180 Bolsa Ave., Midway City	Diesel	Drinking water aquifer
Status: Open - Remediation			
Westminster Maintenance Yard	14381 Olive St.	Gasoline	Groundwater other than drinking water
Chevron #9-5492	15482 Beach Blvd.	Gasoline	Groundwater other than drinking water
USA Petroleum Station #080	8500 Westminster Blvd.	Gasoline	Drinking water aquifer
Arco #1064	14511 Brookhurst St.	Waste Oil / Motor / Hydraulic / Lubricating, Gasoline	Groundwater other than drinking water
Valet Car Wash	14571 Brookhurst St.	Gasoline	Groundwater other than drinking water
G & M Oil #06	13741 Beach Blvd.	Gasoline	Groundwater other than drinking water
Status: Open - Site Assessment			
Unocal #5672	9972 Bolsa Ave.	Gasoline	Drinking water aquifer
Shell Oil	5981 Westminster Blvd.	Diesel	Groundwater other than drinking water
Mobil #18-G2W	15502 Beach Blvd.	Gasoline	Groundwater other than drinking water
Berri Property	8482 Westminster Blvd.	Gasoline	Groundwater other than drinking water
Del Taco Property	13731 Goldenwest St.	Gasoline	Drinking water aquifer
Chevron #21-2247	8481 Westminster Blvd.	Gasoline	Groundwater other than drinking water
Unocal Cop #5888	15482 Goldenwest St.	Waste Oil / Motor / Hydraulic / Lubricating, Gasoline	Groundwater other than drinking water
Status: Open - Verification Monitoring			
Shell Oil	15501 Beach Blvd.	Gasoline	Groundwater other than drinking water
Chevron #9-1202	9491 Edinger Ave.	Gasoline	Groundwater other than drinking water

Source: SWRCB 2015.

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GeoTracker lists 95 closed cleanup sites in the project area consisting of 86 LUST sites in the City of Westminster, seven LUST sites in the SOI, and two cleanup program sites in the City of Westminster (SWRCB 2015).

EnviroStor

The EnviroStor database maintained by the DTSC lists hazardous waste facilities and hazardous materials cleanup projects.

Table 5.5-2 EnviroStor: Selected Cases in Project Area

Site Name	Address	Site Type	Status	Potential Contaminants of Concern	Potential Media of Concern
Shell Service Station (Former)	8990 Westminster Ave.	Evaluation	Referred to Local Agency	None specified	None specified
Fletcher Engrg., Inc.	15164 Westminster Ave.	Tiered Permit	Referred to Local Agency	None specified	None specified
Yes Dry Cleaner	15397 Brookhurst St.	Evaluation	Referred to Local Agency	None specified	None specified

Source: DTSC 2016

The DTSC has issued No Further Action determinations—that is, has closed cases—for an additional five sites in the City of Westminster. No closed EnviroStor cases are listed in the SOI (DTSC 2016).

Environmental Database Search

An environmental database search for hazardous materials sites in the project area was completed by EDR on February 10, 2016. Numbers of listed sites per database are shown below in Table 5.5-3.

Table 5.5-3 Environmental Database Listings, EDR

Database Acronym: Name	Number of Sites Listed
Delisted NPL: National Priorities List	1
CERCLIS: Comprehensive Environmental Response, Compensation and Liability Information System	1
CERCLIS-NFRAP: CERCLIS- No Further Remedial Action Planned	1
RCRA-LQG: Large Quantity Generators of hazardous wastes; Resource Conservation and Recovery Act	8
RCRA-SQG: Small Quantity Generators of hazardous wastes (RCRA)	135
RCRA-CESQG: Conditionally Exempt SQGs	1
RCRA NonGen: Non-generators of hazardous waste (sites on the RCRAInfo database that do not currently generate hazardous waste)	17
ERNS: Emergency Response Notification System: Reported releases of oil and hazardous substances	36
HMIRS: Hazardous Materials Incident Report System: hazardous material spill incidents reported to the US Department of Transportation.	1
DOT OPS: Department of Transportation Office of Pipeline Safety Incident and Accident data	4
US CDL: US Clandestine Drug Labs	5
DOD: Department of Defense sites	1
TRIS: Toxic Release Inventory System	1

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Table 5.5-3 Environmental Database Listings, EDR

Database Acronym: Name	Number of Sites Listed
FTTS: FIFRA/TSCA Tracking System: tracks cases related to Federal Insecticide, Fungicide, & Rodenticide Act (FIFRA) and Toxic Substances Control Act (TSCA)	7
HIST FTTS: Historical FTTS	7
PADS: PCB Activity Database [Polychlorinated biphenyls]	1
FINDS: Facility Index System: contains sites listed on any of several other federal databases	203
CA Hist Cal-Sites: known and potential hazardous substance sites	1
CA SCH: School site evaluations by Department of Toxic Substances Control (DTSC)	1
CA SWF/LF: Solid Waste Facilities/Landfill Sites	1
CA WDS: Water Discharge System: Sites which have been issued waste discharge requirements	12
CA NPDES: National Pollution Discharge Elimination System (NPDES) permits, including stormwater	28
CA Cortese: Hazardous waste & substances sites list	3
CA HIST Cortese: Historical Cortese database	98
CA SWRCY: Recycling facilities	6
CA LUST: Leaking Underground Storage Tanks	130
CA FID UST: Active and inactive Underground Storage Tank locations	63
CA SLIC: Spills, Leaks, Investigations and Cleanup	11
CA UST: Underground Storage Tanks	101
CA HIST UST: Historical listing of UST sites	94
CA SWEEPS UST: Historical listing of UST sites	66
CA CHMIRS: Hazardous Material Incident Report System	60
CO ERNS: State reported spills	1
CA AST: Aboveground storage tanks	8
CA Notify 65: Proposition 65 incidents	1
CA DRYCLEANERS:	17
CA ENF: Enforcement actions	5
CA CDL: Clandestine drug labs	31
CA HAZNET: hazardous waste shipment manifests	1,092
TX Ind. Haz Waste: Industrial hazardous waste database: waste handlers, generators, and shippers in Texas	1
CA EMI: Emissions Inventory Data: Toxic and criteria pollutant emissions data	111
CA ENVIROSTOR: Sites with known contamination or reason for further investigation	9
CA HAULERS: waste tire haulers	2
CA PEST LIC: Licenses and certificates issued by Department of Pesticide Regulation	24
CA WMUDS/SWAT: Waste Management Unit Database System	1
CA BROWNFIELDS:	1
EDR Hist Auto: Historical gasoline stations and other automotive service businesses	226
EDR Hist Cleaners: Historical dry cleaners	94
CA RGA LUST: Historical listing of Leaking Underground Storage Tanks	442
CA RGA LF: Historical landfill database	2

Source: EDR 2016.

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Other Hazardous Materials in the Project Area

Asbestos-Containing Materials

Asbestos is the name of a group of silicate minerals that are heat resistant, and thus were commonly used as insulation and fire retardant. Inhaling asbestos fibers has been shown to cause lung disease (asbestosis) and lung cancer (mesothelioma) (DTSC 2010). Beginning in the early 1970s, a series of bans on the use of certain ACMs in construction were established by the EPA and the Consumer Product Safety Commission. Most US manufacturers voluntarily discontinued the use of asbestos in certain building products during the 1980s. Requirements for limiting asbestos emissions from building demolition and renovation activities are specified in SCAQMD Rule 1403 (Asbestos Emissions from Demolition/Renovation Activities).

California Government Code Sections 1529 and 1532.1 provide for exposure limits, exposure monitoring, respiratory protection and good working practice by workers exposed to lead and ACMs.

Lead-Based Paint

Lead was formerly used as an ingredient in paint (before 1978) and as a gasoline additive; both of these uses have been banned. Lead is listed as a reproductive toxin and a cancer-causing substance; it also impairs the development of the nervous system and blood cells in children (DTSC 2010). Those demolishing pre-1978 structures may presume the buildings contain lead-based paint (LBP) without having an inspection for LBP. Lead must be contained during demolition activities (California Health & Safety Code §§ 17920.10 and 105255). Title 29 Code of Federal Regulations (CFR) Part 1926 establishes standards for occupational health and environmental controls for lead exposure. The standard also includes requirements addressing exposure assessment, methods of compliance, respiratory protection, protective clothing and equipment, hygiene facilities and practices, medical surveillance, medical removal protection, employee information and training, signs, recordkeeping, and observation or monitoring.

5.5.2 Thresholds of Significance

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

- H-1 Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- H-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.
- H-3 Emit hazardous emissions or handle hazardous or acutely hazardous materials, substance, or waste within one-quarter mile of an existing or proposed school.
- H-4 Be located on a site which is included on a list of hazardous materials compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment.

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- H-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 result in a safety hazard for people residing or working in the project area.
- H-6 For a project in the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area.
- H-7 Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- H-8 Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to the urbanized areas or where residences are intermixed with wildlands.

The Initial Study, included as Appendix A, substantiates that impacts associated with the following thresholds would be less than significant:

- Threshold H-5
- Threshold H-6
- Threshold H-7
- Threshold H-8

These impacts will not be addressed in the following analysis.

5.5.3 Environmental Impacts

The following impact analysis addresses thresholds of significance for potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

Impact 5.5-1: Implementation of the General Plan Update would involve the transport, use, and/or disposal of hazardous materials. [Thresholds H-1, H-2, and H-3]

Impact Analysis: There are 18 public schools in the City of Westminster: 12 elementary schools, 3 middle schools, 2 high schools, and 1 preschool; and 8 private schools in the City (CDE 2015). One elementary school is in Midway City, a county island in the project area. Categories of land uses that emit hazardous emissions or handle hazardous substances that could pose a hazard to persons or schools within 0.25 mile of those land uses include industrial uses, some commercial uses, and construction activities. Impacts could be potentially significant. Impacts of hazardous emissions on surrounding land uses—including schools—from land uses redeveloped or reused pursuant to the General Plan Update are discussed in Chapter 5.2, *Air Quality*, of this DEIR.

The term “hazardous material” is defined in different ways by different regulatory programs. For the purposes of this environmental document, the definition of “hazardous material” is the same as outlined in the California Health and Safety Code, Section 25501:

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Hazardous materials that, because of their quantity, concentration, or physical or chemical characteristics, pose a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. Hazardous materials include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the unified program agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.

“Hazardous waste” is a subset of hazardous materials, and the definition is essentially the same as that in the California Health and Safety Code, Section 25117, and in the California Code of Regulations, Title 22, Section 66261.2:

Hazardous wastes are those that, because of their quantity, concentration, or physical, chemical, or infectious characteristics, may either cause, or significantly contribute to an increase in mortality or an increase in serious illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Hazardous materials can be categorized as hazardous nonradioactive chemical materials, radioactive materials, and biohazardous materials (infectious agents such as microorganisms, bacteria, molds, parasites, viruses, and medical waste).

Project Construction

Implementation of the General Plan Update would involve construction activities that would use materials such as fuels, lubricants, and greases in construction equipment and coatings used in construction. However, the materials used would not be in such quantities or stored in such a manner as to pose a significant safety hazard. These activities would also be short term or one time in nature. Project construction workers would be trained in safe handling and hazardous materials use.

The use, storage, transport, and disposal of construction-related hazardous materials and waste would be required to conform to existing laws and regulations. Compliance with applicable laws and regulations governing the use, storage, and transportation of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts to occur. For example, all spills or leakage of petroleum products during construction activities are required to be immediately contained, the hazardous material identified, and the material remediated in compliance with applicable state and local regulations for the cleanup and disposal of that contaminant. All contaminated waste encountered would be required to be collected and disposed of at an appropriately licensed disposal or treatment facility.

Furthermore, strict adherence to all emergency response plan requirements set forth by the City of Westminster and OCHCA would be required through the duration of the project construction. Therefore, hazards to the public or the environment arising from the routine use of hazardous materials during project construction would be less than significant, and no mitigation measures are necessary.

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Grading Activities

Grading activities of the development projects that would be allowed by the General Plan Update would involve the disturbance of onsite soils. Soils on certain parcels in the project area could be contaminated with hazardous materials due to current and historical oil operations, power plants, former landfills, and other commercial land uses. The transport of these materials and exposure to contaminated soils of workers and the surrounding environment would result in a significant impact. Any contaminated soils encountered on individual development sites would be required to be removed prior to grading activities and disposed of offsite in accordance with all applicable regulatory guidelines. Additionally, there is the potential to encounter unknown hazardous materials during grading activities. This is a significant impact.

Demolition Activities

Future development and redevelopment projects pursuant to the General Plan Update may require demolition of existing buildings and structures associated with the specific development site. Due to the age of the buildings and structures throughout the City, it is likely that ACM and LBP, as well as other building materials containing lead (e.g., ceramic tile), were used in their construction. Demolition of these buildings and structures can cause encapsulated ACM (if present) to become friable and, once airborne, they are considered a carcinogen.¹ A carcinogen is a substance that causes cancer or helps cancer grow. Demolition of the existing buildings and structures can also cause the release of lead into the air if not properly removed and handled. The EPA has classified lead and inorganic lead compounds as “probable human carcinogens” (USEPA 2013). Such releases could pose significant risks to persons living and working in and around project area, as well as to project construction workers.

Abatement of all ACM and LBP encountered during any future building demolition activities would be required to be conducted in accordance with all applicable laws and regulations, including those of the EPA (which regulates disposal), US Occupational Safety and Health Administration, US Department of Housing and Urban Development, Cal/OSHA (which regulates employee exposure), and SCAQMD. Lead hazards in Westminster are assessed and abated as necessary in accordance with Section 15.28.010 of the City’s municipal code and the Federal Residential Lead-Based Paint Hazard Reduction Act of 1992. Asbestos hazards are assessed and abated as necessary in accordance with California Code of Regulations, Title 8, Section 1529.

Cal/OSHA’s regulations for exposure of construction employees to ACMs require that demolition materials be handled and transported the same as other, nonfriable ACMs. The EPA requires that all asbestos work performed within regulated areas be supervised by a competent person who is trained as an asbestos supervisor (EPA Asbestos Hazard Emergency Response Act, 40 CFR 763). SCAQMD’s Rule 1403 requires that buildings undergoing demolition or renovation be surveyed for ACMs prior to any demolition or renovation activities. Should ACM be identified, Rule 1403 requires that ACMs be safely removed and disposed of at a regulated site, if possible. If it is not possible to safely remove ACMs, Rule 1403 requires

¹ When dry, an ACM is considered friable if it can be crumbled, pulverized, or reduced to powder by hand pressure. If it cannot, it is considered non-friable ACM. It is possible for nonfriable ACM to become friable when subjected to unusual conditions, such as demolishing a building or removing an ACM that has been glued into place.

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that safe procedures be used to demolish the building with asbestos in place without resulting in a significant release of asbestos. Additionally, during demolition, grading, and excavation, all construction workers would be required to comply with the requirements of Title 8 of the California Code of Regulations, Section 1529 (Asbestos), which provides for exposure limits, exposure monitoring, respiratory protection, and good working practices by workers exposed to asbestos.

Cal/OSHA regulates the demolition, renovation, or construction of buildings involving lead-based materials. It includes requirements for the safe removal and disposal of lead, and the safe demolition of buildings containing LBP or other lead materials. Additionally, during demolition, grading, and excavation, all construction workers would be required to comply with the requirements of Title 8 of the California Code of Regulations, Section 1532.1 (Lead), which provides for exposure limits, exposure monitoring, respiratory protection, and good working practice by workers exposed to lead.

However, to further prevent impacts from the potential release of ACM or LBP associated with individual development projects under the General Plan Update, an ACM and LBP survey of existing buildings and structures would be required prior to any demolition activities, as outlined in Mitigation Measure HAZ-3. Therefore, with compliance of all applicable laws and regulations and implementation of Mitigation Measure HAZ-3, hazardous impacts related to the release of ACMs and LBP would not occur. Compliance with these laws, regulations, and mitigation measure would be ensured through the City's development review and building plan check process.

Project Operation

Implementation of the General Plan Update would allow for the development of a variety of land uses, including residential, neighborhood-oriented retail (restaurants, grocery stores, and personal services), regional retail, office, hotel, visitor-serving recreation, and institutional uses. Operation of the future residential uses that would be accommodated under the proposed project would involve the use of small quantities of hazardous materials for cleaning and maintenance purposes, such as paints, household cleaners, fertilizers, and pesticides. Operation of the future commercial uses would also involve use of small amounts of hazardous materials. The types of commercial uses, and thus the types of hazardous materials to be used, are not yet known. However, the use of commercial-grade chemicals, cleaners, and solvents would be anticipated from the proposed retail/commercial uses. The industrial land uses near the Westminster Mall currently use hazardous materials and would be allowed to continue or expand in the future. The industrial land uses category permits mostly light industrial, distribution, or warehousing uses.

The use, storage, transport, and disposal of hazardous materials by future residents and commercial and industrial tenants/owners of the proposed project would be required to comply with existing regulations of several agencies, including the California Department of Toxic Substances Control, US Environmental Protection Agency, California Division of Occupational Safety and Health, California Department of Transportation, Orange County Health Care Agency, and Orange County Fire Authority. Regulations that would be required of those uses that involve transporting, using, or disposing of hazardous materials include RCRA, which provides the "cradle to grave" regulation of hazardous wastes; CERCLA, which regulates closed and abandoned hazardous waste sites; the Hazardous Materials Transportation Act, which governs

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hazardous materials transportation on U.S. roadways; International Fire Code (IFC), which creates procedures and mechanisms to ensure the safe handling and storage of hazardous materials; CCR Title 22, which regulates the generation, transportation, treatment, storage, and disposal of hazardous waste; and CCR Title 27, which regulates the treatment, storage, and disposal of solid wastes. For development in California, Government Code Section 65850.2 requires that no final certificate of occupancy or its substantial equivalent be issued unless there is verification that the owner or authorized agent has met, or is meeting, the applicable requirements of the Health and Safety Code, Division 20, Chapter 6.95, Article 2, Sections 25500 through 25520.

The Orange County Health Care Agency (OCHCA) functions as the CUPA for the City, and is responsible for enforcing Chapter 6.95 (Hazardous Materials Release Response Plans and Inventory) of the Health and Safety Code. As the CUPA, OCHCA is required to regulate hazardous materials business plans and chemical inventory, hazardous waste and tiered permitting, underground storage tanks, and risk-management plans. The Hazardous Materials Business Plan is required to contain basic information on the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of on development sites. The plan also contains an emergency-response plan, which describes the procedures for mitigating a hazardous release; procedures and equipment for minimizing the potential damage of a hazardous materials release; and provisions for immediate notification of the OCHCA, the Office of Emergency Services, and other emergency-response personnel. Implementation of the emergency response plan facilitates rapid response in the event of an accidental spill or release, thereby reducing potential adverse impacts. Furthermore, OCHCA is required to conduct ongoing routine inspections to ensure compliance with existing laws and regulations; identify safety hazards that could cause or contribute to an accidental spill or release; and suggest preventative measures to minimize the risk of a spill or release of hazardous substances.

Compliance with applicable laws and regulations governing the use, storage, transport, and disposal of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts. Additionally, future residential and nonresidential uses of the proposed project would be constructed and operated with strict adherence to all emergency response plan requirements set forth by the City of Westminster and OCHCA.

Any future development projects that would be accommodated by the General Plan Update would be subject to the City's development review process upon a formal request for a development permit. The City's development review process would include verification of land use compatibility compliance in accordance with the development standards of the General Plan and City zoning regulations (Title 21 of the municipal code). Additionally, the General Plan Update and City zoning regulations provide a list of allowable uses that are customized for highly urbanized areas of the City, thereby minimizing the exposure of future residents to potential impacts. For example, uses permitted by right in a mixed-use development are considered compatible with residential uses on the same development site.

Therefore, hazards to the public or the environment arising from the routine use, storage, transport, and disposal of hazardous materials during project operation would not occur. Impacts would be less than significant, and no mitigation measures are necessary.

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Impact 5.5-2: The City and its sphere of influence include properties listed on hazardous materials sites. [Threshold H-4]

Impact Analysis: The EDR review conducted searched the following databases to identify whether the project area was listed in any hazardous materials sites databases: NPL, CERCLIS, CERCLIS-NFRAP, Federal ERNS, RCRA Non-CORRACTS TSD Facilities, RCRA CORRACTS TSD Facilities, RCRA Generators, State Sites and State Spill Sites, Cortese List, Registered USTs, or SWF/LF. A listing of the facilities identified by state regulatory agencies within the project site is presented in Table 5.5-3. A complete listing of all the facilities identified is included in Appendix F.

As stated previously (see Tables 5.5-1 and 5.5-2), a number of sites and facilities in the project area are listed in hazardous materials sites databases. Thirty-six Emergency Response Notification System (ERNS) sites were identified in the project area. ERNS sites are for the reported releases of oil and hazardous substances—101 facilities were identified as having permitted underground storage tanks, which have the potential to impact soil and groundwater; 130 facilities were identified with LUSTs; 8 facilities were identified as being RCRA Large Quantity Generators; and 135 facilities were identified as RCRA Small Quantity Generators. These sites store and generate hazardous materials. One facility was identified as a CERCLIS site within a residential area due to oil refinery wastes and was reportedly remediated. Additionally, the Seal Beach Naval Weapons Station has operated west of the project area for over 70 years. This facility has potential for impacted soil and groundwater.

Due to the fact that there are numerous sites within and in proximity of the project area that have been listed in a hazardous materials database, the potential for impacts exists from hazardous substance contamination. Individual development projects that would be allowed under the General Plan Update could impact areas of hazardous substance contamination existing or remaining from historical operations, resulting in a significant impact on the environment. Impacting these areas may also pose a significant health risk to existing and future residents and/or workers.

Hazardous substance contaminated properties are regulated at the federal, state, and local level, and are subject to compliance with stringent laws and regulations for investigation and remediation. For example, compliance with the CERCLA, RCRA, California Code of Regulations Title 22, and related requirements would remedy any potential impacts caused by hazardous substance contamination. Future development would be required to comply with these existing laws and regulations. However, since future development could impact areas of existing contamination, this is considered a significant impact.

5.5.4 General Plan Update Goals and Policies

Public Health and Safety Element

- Goal PHS-5: Hazardous Materials
 - PHS-5.1: Hazardous Waste Facility Siting
 - PHS-5.2: Development Review
 - PHS-5.3: Hazardous Material Disclosure

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- PHS-5.4: Household Hazardous Waste
- PHS-5.5: Transportation
- PHS-5.6: Regional Facilities

5.5.5 Existing Regulations and Standard Conditions

Federal

- United States Code Title 42 Sections 9601 et seq.: Comprehensive Environmental Response, Compensation and Liability Act and Superfund Amendments and Reauthorization Act.
- United States Code Title 42, Sections 6901 et seq.: Resource Conservation and Recovery Act.
- United States Code Title 42 Sections 11001 et seq.: Emergency Planning & Community Right to Know Act.

State

- California Code of Regulations, Title 24, Part 2: California Building Code
- California Code of Regulations, Title 24, Part 9: California Fire Code.
- California Code of Regulations, Title 22, Division 4.5.
- California Health and Safety Code Section 25199: Tanner Act
- California Health and Safety Code Sections 13000 et seq.: fire regulations.
- California Health and Safety Codes Sections 25270.8, and 25507
- California Labor Code Section 6409.1 (b)10
- Government Code Sections 51018, 8670.25.5 (a)
- Public Utilities Code Section 7673, (PUC General Orders #22-B, 161)
- Vehicle Code Section 23112.5
- Water Codes Sections 13271, 13272,

Regional

- South Coast Air Quality Management District Rule 1403

Local

City of Westminster Municipal Code

- Chapter 8.04 (Health Officer)
- Chapter 8.30 (Water Quality)
- Chapter 8.31 (Hazardous Materials Disclosure)

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- Chapter 14.08 (Drilling and Operation)
- Chapter 14.12 (Storage and Handling)

5.5.6 Level of Significance Before Mitigation

Upon implementation of regulatory requirements and standard conditions of approval, the following impact would be less than significant: 5.5-2.

Without mitigation, these impacts would be **potentially significant**:

- **Impact 5.5-1** Implementation of the General Plan Update emit hazardous material or expose workers to hazardous materials during construction activities.
- **Impact 5.5-2** Implementation of the General Plan Update could impact properties listed on hazardous materials sites.

5.5.7 Mitigation Measures

Impact 5.5-1

HAZ-1 Concurrent with submittal of a development application for a project on a site identified in the EDR report within the City (Appendix F of this DEIR), the project applicant/developer shall submit a Phase I Environmental Site Assessment (ESA) to the City of Westminster Community Development Department to identify environmental conditions of the development site and determine whether contamination is present. The Phase I ESA shall be prepared by an Environmental Professional in accordance with the American Society for Testing and Materials (ASTM) Standard E 1527-13, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process. If recognized environmental conditions related to soils or groundwater are identified in the Phase I ESA, the project applicant shall perform soil and soil gas sampling, as required, as a part of a Phase II ESA. If contamination is found at significant levels based on EPA Region 9 Regional Screening Levels, the project applicant shall remediate all contaminated soils with the oversight and in accordance with state and local agency requirements (California Department of Toxic Substances Control, Regional Water Quality Control Board, Orange County Fire Authority, etc.). All contaminated soils and/or material encountered shall be disposed of at a regulated site and in accordance with applicable laws and regulations prior to the completion of grading. Prior to the issuance of building permits, a report documenting the completion, results, and follow-up remediation on the recommendations, if any, shall be provided to the City of Westminster Community Development Department evidencing that all site remediation activities have been completed.

HAZ-2 If soil is encountered during construction activities that is suspected of being impacted by hazardous materials, work at the subject construction activity area shall be halted, and the

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suspect site conditions shall be evaluated by a qualified environmental professional. The results of the evaluation shall be submitted to the Department of Toxic Substances Control (DTSC), or the Santa Ana Regional Water Quality Control Board (RWQCB) or other applicable oversight agency, as appropriate, and the necessary response/remedial measures shall be implemented—as directed by DTSC, RWQCB, or other applicable oversight agency—until all specified requirements of the oversight agencies are satisfied and a no further action status is attained.

HAZ-3 Prior to the issuance of demolition permits for any buildings or structures, the project applicant/developer shall conduct the following inspections and assessments for all buildings and structures onsite and shall provide the City of Westminster Community Development Department with a copy of the report of each investigation or assessment.

- The project applicant shall retain a California Certified Asbestos Consultant (CAC) to perform abatement project planning, monitoring (including air monitoring), oversight, and reporting of all asbestos-containing materials (ACM) encountered. The abatement, containment, and disposal of all ACM shall be conducted in accordance with the South Coast Air Quality Management District's Rule 1403 and California Code of Regulation Title 8, Section 1529 (Asbestos).
- The project applicant shall retain a licensed or certified lead inspector/assessor to conduct the abatement, containment, and disposal of all lead waste encountered. The contracted lead inspector/assessor shall be certified by the California Department of Public Health (CDPH). All lead abatement shall be performed by a CDPH-certified lead supervisor or a CDPH-certified worker under the direct supervision of a lead supervisor certified by CDPH. The abatement, containment, and disposal of all lead waste encountered shall be conducted in accordance with the US Occupational Safety and Health Administration Rule 29; CFR Part 1926; and California Code of Regulation, Title 8, Section 1532.1 (Lead).

Evidence of the contracted professionals attained by the project applicant shall be provided to the City of Westminster Community Development Department.

5.5.8 Level of Significance After Mitigation

The mitigation measures identified above would reduce potential impacts associated with hazards and hazardous materials to less than significant. Therefore, no significant unavoidable adverse impacts relating hazards have been identified.

5.5.9 References

California Department of Forestry and Fire Protection (CAL FIRE), 2011. Very High Fire Severity Zone map located at http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones_maps.php.

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California Department of Toxic Substances Control, 2016. EnviroStor database website located at <http://www.envirostor.dtsc.ca.gov/public/>.

California Division of Oil, Gas and Geothermal Resources, 2016. Well Finder database located at <http://maps.conservation.ca.gov/doggr/#close>.

City of Westminster, 2015.

City of Westminster, 2016.

Environmental Data Resources, Inc. (EDR). 2016, February 5. Area Study. Westminster, CA.

Orange County Airport Land Use Commission (OCALUC). 2015, July 16. Airport Environs Land Use Plan for Joint Forces Training Base Los Alamitos. <http://www.ocair.com/commissions/aluc/archive/2015/2015-07-16/item1.pdf>.

State Water Resources Control Board, 2016. GeoTracker database website located at <http://geotracker.waterboards.ca.gov/>.

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