
V. ENVIRONMENTAL IMPACT ANALYSIS

L. ENVIRONMENTAL HAZARDS

INTRODUCTION

This section summarizes the Phase I Environmental Site Assessment and Limited Subsurface Investigation Report prepared for Sterling Capital by ATC Associates, Inc. (ATC) on April 19, 1999. The report presents the existing environmental conditions, including any potential hazardous materials, on the existing Project Site. The entire Phase I Environmental Site Assessment and Limited Subsurface Investigation Report is included as Appendix E to this EIR.

REGIONAL AND ENVIRONMENTAL SETTING

Project Site History

The findings of a records search conducted at the South Central Coastal Information Center, UCLA Institute of Archaeology, Regional Information Center indicated that seven prehistoric archaeological sites had been recorded within a one-half mile radius of the Project Site and two historic archaeological sites within a one-half mile radius of the site, none of which are within the Proposed Project area. The Chumash Indians are believed to have inhabited areas of the Santa Monica Mountains, including a portion of territory encompassing the Project Site and extending northward. According to aerial photographs and building permits for the Project Site, agricultural and residential uses occupied the site approximately from the 1940s through today.

By 1994, a tree farm, operated by Environmental Tree Care, Inc., occupied the Project Site. The tree farm included ancillary structures and was enclosed by a fence. Several land uses unaffiliated with the trees farm were located near the boundary of the Project Site, including residential uses, and a horse and llama corral and their associated uses. At that time, vacant land covered by natural vegetation occupied the remainder of the site.

Current Site Use

Currently, the Project Site is mostly vacant with storage sheds at the northeastern corner. Due to past agricultural use on the Project Site, it has been cleared of most native vegetation. At the present time, the Project Site is predominantly devoid of natural vegetation with the exception of weeds, shrubs, and a mature stand of California Sycamore trees. An existing dirt road that served the previous agricultural use provides access to the interior of the Project Site.

Regulatory Setting

Several database lists were reviewed for information pertaining to the Project Site. These included the National Priorities List (NPL), the Comprehensive Environmental Response, Compensation and Liability

Information System (CERCLIS), Resource Conservation and Recovery Information System (RCRIS) – Generators, Resource Conservation and Recovery Act (RCRA) – Treatment, Storage, Disposal Facilities (TSD), RCRA – Violators, Emergency Response Notification System (ERNS), Department of Toxic Substances Control (DTSC), Solid Waste Information System (SWIS), Solid Waste Assessment Tests (SWAT), Cal-Sites – Annual Work Plan (AWP), Underground Storage Tanks (USTs)/Ca FID, Leaking Underground Storage Tanks (LUST), Cal-Sites-ASPIS, South Coast Air Quality Management District (AQMD), Los Angeles County Public Health Investigation (PHI), and the Los Angeles Regional Water Quality Control Board (RWQCB).

No NPL, SWIS, or Cal-Sites-AAWP sites were identified within one mile of the Project Site. Additionally, no CERCLIS, SWIS, or SWAT sites were identified within a one-half mile of the Project Site. There are no ERNS, SCAQMD, PHI, or RWQCB files regarding the Project Site.

Resource Conservation Recovery Information System (RCRIS)

The RCRIS includes selected information on sites that currently generate, transport, store, treat, or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Inclusion on the RCRIS list does not, in itself, imply an environmental concern. As of July 1998, the Project Site was not listed on any of the RCRA databases. Three RCRA sites were identified within a one-quarter mile from the Project Site, all of which are small-quantity generators. Two of the mentioned RCRA sites are cleaners. One treatment, storage, or disposal (TSD) and Corrective Action Site (CORRACTS) facility was also identified within a one mile radius of the Project Site.

Department of Toxic Substances Control (DTSC)

The State of California Environmental Protection Agency (Cal/EPA), Department of Toxic Substances Control (DTSC) is responsible for the promulgation and enforcement of State environmental protection laws and regulations. ATC contacted the DTSC's Glendale office for information pertaining to files on the Project Site. ~~The DTSC had not responded at the time of ATC's report.~~

Underground Storage Tanks (USTs)

Underground storage tanks (USTs) are regulated under Subtitle I of RCRA and must be registered with the State department responsible for administering the UST program. Data on registered USTs are provided by the California UST list, dated October 1990, the California Facility Inventory Database, dated October 1994, and the Los Angeles County UST and Waste Discharge Permit list, dated December 1997. As of these respective dates, the Project Site was not listed as having a permitted UST. Three UST facilities were listed as being present within one-quarter mile of the Project Site. All of the listed uses contain at least one gasoline tank, two contain diesel tanks, and one contains a waste oil tank.

Leaking Underground Storage Tanks (LUSTs)

The Regional Water Quality Control Board (RWQCB) has jurisdiction over water quality, water contamination problems, and LUSTs in the vicinity of the Project Site. The LUST list reviewed by ATC was dated October 1998. The Project Site was not included on the list. However, seven LUST sites were listed within one-half mile of the Project Site. Two of the LUST facilities, Crosscreek Yard and Los Angeles County Sheriffs Department, ~~were~~are located adjacent to the Project Site on the east and west. Both facilities were granted closure by the RWQCB.

Asbestos

Asbestos is the name given to a number of naturally occurring fibrous minerals that have been mined for their useful properties such as thermal insulation, chemical and thermal stability, and high tensile strength. Asbestos-containing materials (ACMs) were commonly used for acoustic insulation, thermal insulation, fire proofing, and in other building materials prior to 1981. When the microscopic fibers that make up asbestos become airborne, they can become inhaled and present a potential health hazard.¹ The U.S. EPA has taken steps to eliminate friable asbestos in building materials.² All untested materials are presumed to contain asbestos in buildings constructed prior to 1981.

Radon

Radon is an odorless, radioactive gas that occurs naturally in soil, rock, and building materials. It results from the natural radioactive decay of radium and uranium. In outdoor air, radon generally dilutes to show low concentrations that are usually not of concern. In enclosed spaces such as homes or offices, radon can accumulate and pose an environmental concern. Indoor levels of radon depend on a building's construction and the concentration in the underlying soil and rock.

According to the USEPA publication *EPA's Map of Radon Zones, California* (dated 1993), the Project Site is located in a county with a predicted average radon concentration between 2.0 picoCuries per liter (pCi/l) and 4.0 pCi/l. The EPA has set a standard of 4.0 pCi/l as the concentration of radon at which corrective action is recommended.

Lead

Lead-based paint is considered to be a health threat to people and, particularly, to children. Lead was a major ingredient in house paint used throughout the country prior to 1980, when it was discontinued under federal law. Similar to regulations for ACMs, California law requires that all residential buildings

¹ Environmental Protection Agency, website: www.epa.gov/opptintr/asbestos/asbe.pdf and www.epa.gov/opptintr/asbestos/asbuses.pdf, February 28, 2001.

² Friable materials are defined as those that can be crushed or reduced to powder by hand pressure.

constructed on or before January 1, 1979 or schools constructed on or before January 1, 1993 must be presumed to contain lead-based paint.³ Because it is likely that the structures on-site were originally constructed and modified prior to 1979, these structures have the potential to contain lead based paint and pose a hazard to children and persons on the Project Site.

ENVIRONMENTAL IMPACTS

Thresholds of Significance

Appendix G to the CEQA Guidelines identifies the following applicable criteria for determining whether a project's impacts are considered to have a significant impact on the environment. A project's impacts are considered significant when the project would:

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

Project Impacts

Construction-Related Impacts

Public record research of the Project Site indicated that no potential environmental concerns were present on the project site. The site was not listed on any federal, State, or local databases compiled in accordance with Government Code Section 65962.5. As discussed above, one RCRA TSD and CORRACTS facility is located within a one mile of the Project Site and is considered unlikely to have contaminated the Project Site. Three facilities within one-quarter mile of the Project Site were identified on the UST list, all three of which were identified to have reported releases. However, because of the distance of the USTs from the Project Site, and the gradient location of one of the USTs, the facilities do not present an apparent environmental concern with respect to the Project Site.

³ California Code of Regulations (CCR) Title 17, Division 1, Chapter 8, Section 35043.

Seven LUST sites were identified within a one-half mile radius of the Project Site, all of which have either been determined not to need remedial action, or have completed remedial action. The potential for contamination from these facilities on the Project Site were also tested through groundwater sampling and analysis. It was determined that contamination from the LUST site to the Project Site is unlikely due to the distant location and/or groundwater gradient.

Groundwater Sampling and Analysis

A groundwater analysis was conducted at the Project Site on April 5, 1999. Samples were analyzed for total petroleum hydrocarbons (TPH) and volatile organic compounds (VOCs) including benzene, toluene, ethylbenzene, and xylenes. TPH was not detected (ND) and concentrations of benzene and ethylbenzene ranged from ND to microgram per liter (1 µg/l). Concentrations of toluene were detected at 1 µg/l and concentrations of xylenes ranged from ND to 4 µg/l. All of these concentrations are below the State drinking water standards and, therefore, are not considered to be significant. However, pumped groundwater could potentially draw higher concentrations of contaminants onto the Project site. A mitigation measure is provided below to ensure that accidental contamination of the Project Site would not occur during construction activities.

In addition, because there is no evidence of USTs on the Project Site, it is unlikely that the site contributed to the presence of the substances detected on the site. Furthermore, the LUST sites in the vicinity have been fully remediated. As only trace levels of VOCs were found on the Project Site, no further remediation would be required.

Asbestos

Development of the Proposed Project would involve demolition and/or removal of the existing structures located on the Project Site. As mentioned previously, because the structures on the Project Site may have been built prior to the federal banning of ACMs, structures have the potential to have been constructed with building materials containing lead-based paint and/or ACMs. However, none of the structures on the project site were sampled and/or tested for ACMs during the assessment by ATC. The potential release of ACMs is considered to be a significant impact. Mitigation measures are recommended below to address this potential impact.

Radon

Based on the location of the Project Site, elevated levels of radon are not expected to be of concern.

Lead

During ATC's site reconnaissance, no areas of peeling or deteriorating paint were seen. It is possible that the structures on-site contain lead-based materials which could be released into the environment during demolition activities. Therefore, a mitigation measure is recommended below to address this potential impact.

Polychlorinated Biphenyls (PCBs)

ATC did not have interior access to the on-site structures and was unable to check for the presence of fluorescent lights in the buildings. Fluorescent light ballasts manufactured prior to 1978 may contain small quantities of PCBs. It is possible that PCBs could be released into the environment during demolition activities. Therefore, a mitigation measure is recommended below to address this potential impact.

Operational Impacts

Implementation of the Proposed Project would include the construction of 132,058 square feet of commercial, retail, and City Hall uses. The proposed uses do not involve any materials or activities that would entail the use of hazardous materials that could potentially pose a threat to individuals on site or on immediately adjacent properties.

Potentially hazardous materials that are anticipated to be used and/or stored on the project sites include common household cleaners, solvents, paints, or lacquers typical of commercial and office operations. The associated risk of storing and/or using such materials on the site after construction is complete would be adequately reduced to acceptable levels of safety via compliance with federal, ~~State~~state, and local regulations. In addition, the proposed land uses are not expected to use or store explosives in association with the construction or operations of the facilities, nor are any underground storage tanks proposed for the Project⁴. Based on the Proposed Project's required compliance with applicable regulations the risk of upset and accidental conditions involving the release of hazardous materials into the environment is considered to be less than significant.

MITIGATION MEASURES

As discussed above, it is likely the ACMs, lead-containing materials, PCBs, and contaminated groundwater could be released into the environment during demolition and pre-construction activities. The following mitigation measures are recommended to address these potential impacts:

1. The Project Developer shall obtain all necessary permits from the RWQCB prior to the installation of any temporary and/or permanent dewatering systems. Procurement of all

⁴ *The Proposed Project would use an OWTS, which includes a network of underground wastewater treatment tanks proposed to effectively remove solids and floatable oil and grease containing materials from the waste stream prior to discharging effluent on site. This OWTS is governed under the City of Malibu conformance review process, and by the Los Angeles Regional Water Quality Control Board's Waste Discharge Requirements (as discussed in Section V.F Hydrology/Water Quality, and/or Section V.I.-4 Public Utilities-Wastewater). See Section III.C for a complete description of the proposed wastewater treatment system, and Appendix F.*

applicable RWQCB permits will ensure the water quality of groundwater discharge into the storm drain infrastructure.

2. A demolition-level asbestos survey by a licensed contractor shall be conducted for the existing on-site structures. If the survey reveals that these structures contain ACMs, the structures shall be stabilized, removed, and disposed of in accordance with applicable regulations, including but not limited to, SCAQMD Rule 1403 and Cal/OSHA requirements.
3. During the demolition of existing structures, building materials shall be handled and disposed of in accordance with applicable ~~local~~federal, ~~State~~state, and ~~federal~~local regulations regarding lead-containing materials.
4. Fluorescent light ballasts not specifically labeled as not to contain PCBs shall be presumed to contain them and shall be disposed of in accordance with applicable regulations, including but not limited to, Cal/OSHA requirements.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With implementation of the mitigation measures above, impacts would be less than significant.