

## **4.7 HAZARDS AND HAZARDOUS MATERIALS**

A *Phase I Environmental Site Assessment* (January 2006) and a *Limited Phase II Environmental Site Assessment* (March 2006) were prepared by Phase One Inc. for the proposed project. These assessments are summarized below and they are provided in their entirety in Appendix F of this document.

The *Phase I Environmental Site Assessment* (Phase I ESA) addresses the potential for site contamination due to past or present land uses as well as the potential for future site contamination based on current conditions on and surrounding the project site. Based on the results of the Phase I ESA, a *Limited Phase II Environmental Site Assessment* (Phase II ESA) was performed to address potential contamination of subsurface soils. The ESAs provide detailed information regarding the methodology for preparing the assessments.

### **4.7.1 ENVIRONMENTAL SETTING**

#### **Hazardous Materials**

Hazardous materials generally include petroleum products (including oil and gasoline), automotive fluids (antifreeze, hydraulic fluid), paint, cleaners (dry cleaning solvents, cleaning fluids), and pesticides from agricultural uses (if in significant concentrations). Byproducts generated as a result of activities using hazardous materials (such as dry cleaning solvents, oil, and gasoline) are considered hazardous waste. Contamination usually takes the form of a hazardous materials or waste spill in soil. Such contamination can penetrate soils into the groundwater table, resulting in the pollution of a local water supply. Commercial uses, particularly those using underground storage tanks (USTs), commonly create such contamination. With the remediation techniques currently in practice, soil contamination typically does not pose a serious health risk, unlike contamination of groundwater.

Asbestos, a naturally occurring fibrous material, was used for years in many building materials for its fireproofing and insulating properties, and could potentially occur in the residences and associated structures on site. Loose insulation, ceiling panels, and brittle plaster are potential sources of friable (easily crumbled) asbestos. Nonfriable asbestos is generally bound to other materials such that it does not become airborne under normal conditions. Any activity that involves cutting, grinding, or drilling during demolition could release friable asbestos fibers unless proper precautions are taken. Inhalation of airborne fibers is the primary mode of asbestos entry into the body, making friable materials the greatest potential health risk.

Asbestos is a known human carcinogen and there is no known threshold level of exposure at which adverse health effects are not anticipated. Given this, the EPA has identified asbestos as a hazardous air pollutant pursuant to Section 12 of the Federal Clean Air Act. Further, the California Air Resources Board (CARB) has identified asbestos as a Toxic Air Contaminant (TAC) pursuant to the California Health and Safety Code (Section 39650 et seq.). Asbestos is also regulated as a potential worker safety hazard under the authority of the California Occupational Safety and Health Administration (CalOSHA). These rules and regulations prohibit emissions of asbestos from asbestos-related demolition or construction activities; require medical examinations and monitoring of employees engaged in activities that could disturb asbestos; specify precautions and safe work practices that must be followed to minimize the potential for release of asbestos fibers; and require notice to federal and local government agencies prior to beginning renovation or demolition that could disturb asbestos.

Lead is a naturally occurring metallic element. Among its numerous uses and sources, lead can be found in paint, water pipes, solder in plumbing systems, in soils around buildings, and

structures painted with lead-based paint. In 1978, the federal government required the reduction of lead in-house paint to less than 0.06 percent (600 parts per million). However, some paints manufactured after 1978 for industrial uses or marine uses legally contain more than 0.06 percent lead. Because of its toxic properties, lead is regulated as a hazardous material. Inorganic lead is also regulated as a toxic air contaminant.

In California, asbestos and lead abatement must be performed and monitored by contractors with appropriate certifications from the California Department of Health Services (DHS). In addition, CalOSHA has regulations concerning the use and management of such hazardous materials. CalOSHA enforces the hazard communication program regulations. All demolition that could result in the release of lead and asbestos must be conducted according to CalOSHA standards. These standards have been developed to protect the general population and construction workers from hazards associated with exposure to these materials. Young children, the elderly, and people in poor health may be more susceptible to adverse health effects from exposure to asbestos and lead released to the environment.

### **Current Uses of the Project Site**

The project site is currently occupied by two asphalt-paved parking lots and a vacant office building. According to the Phase I ESA, the native soils underlying the project site are considered Urban Land with a varying slope between zero and nine percent. Groundwater is anticipated to flow to the southwest at a depth of approximately 115 feet below ground surface (bgs).

Based on a site reconnaissance conducted as part of the Phase I ESA, no evidence of existing or previously existing aboveground or underground storage tanks were observed on the project site. No evidence of concern related to the storage or handling of hazardous substances was observed. Additionally, the project site is not expected to have a high concentration of radon, nor was any evidence of mold observed.

Due to the age of the on-site building at 131 West Commonwealth, it is suspected that building materials found (i.e., roofing material, carpet mastic, suspended ceiling tiles, sheetrock walls, rubber baseboard and mastic, and vinyl tile and mastic) may contain asbestos. However, none of the noted building materials were found to be in a damaged or friable condition. Lead may also be present on the project site in the form of lead-based paints and lead plumbing fixtures and pipes.

In the northwest corner of the north parking lot, there are two Southern California Edison pad-mounted transformers which may include equipment with polychlorinated bipheyls (PCBs). However, there was no evidence of leakage or staining on or around the transformers. As discussed in the IS/NOP provided in Appendix A, the transformers do not pose a significant environmental concern and no further analysis is required.

### **Past Uses of the Project Site**

Based on reviews of historical maps from 1890 to 1907 conducted as part of the Phase I ESA, the project site was historically occupied by dwelling units, outhouses, two water tanks, and a church. In 1917 additional structures were present including an auto painting building, garages, and a plumbing shop. The site was occupied with numerous dwellings, apartments and outhouses, as well as an auto trimming business and a building labeled "Mission." In 1949, an office and sheet metal/tin shop were located at 121 West Amerige Avenue. Other structures present on site included a building labeled "Neon Sign Works", a building labeled "Tire Storage", a manufacturer of fruit juice concentrates, an auto washing structure, an auto repair structure,

and single dwellings and apartments. The earliest reviewed aerial photograph showed that the project site consisted of a parking lot with a commercial building in the place of the present-day structure at 131 West Commonwealth Avenue in 1963. In 1980, the present-day improvements were visible on the site.

According to the Phase I ESA, previous uses of “recognized environmental concern” include the Reliable Sheet Metal Works and CP Scott Radios at 121 West Amerige Avenue and several previous on-site automotive repair, painting, and trimming shops. Although historical operation practices at the site are not known, those typically associated with these types of facilities include the use of underground fuel storage tanks; clarifiers which discharge wastewater; hydraulic lifts which utilize oils containing PCBs; lubricating oils; and greases. Based on the results of the Phase I ESA, and to determine whether an impact to the subsurface has occurred as a result of historical operations, a Limited Phase II ESA was conducted.

As part of the Phase II ESA, a total of 36 soil samples were collected from nine boring locations. All of these soil samples were analyzed for Total Recoverable Petroleum Hydrocarbons (TRPH), while 18 samples were analyzed for Volatile Organic Compounds (VOCs), and two samples (in the location of the former tin shop) were analyzed for CAM Metals. No detectable quantities of VOC or TRPH were reported. CAM metals were detected at levels that represent naturally occurring background levels and are well-below all applicable regulatory thresholds. As discussed in the IS/NOP provided in Appendix A, the Limited Phase II ESA concluded that there are no recognized environmental conditions at the project site related to previous uses and that no further investigation is required.

### **Current and Past Uses of Adjoining Properties**

Historically, the project site was surrounded by residential and commercial uses. Historic maps from 1890 through 1949 reviewed as part of the Phase I ESA show the land adjacent to the project site gradually increasing in density throughout the years. Around the turn of the century, a few scattered residences surrounded the project site along with a few stores and a church. In 1917 and 1927, more stores and commercial establishments had been introduced and automotive sale, repair, and supply shops were present. A hotel and gasoline service station were visible south of the project site in 1927. In 1949, individual dwellings were still present in addition to apartments, larger warehouse and storage buildings, and office buildings including the News Tribune Printing.

As early as 1963, development of adjoining properties was visible in the present-day configurations except for the commercial building on the southeast corner of West Amerige Avenue and North Malden Avenue. The structure represented in 1963 is smaller than the present-day building. On the 1980 aerial, all present-day improvements are visible on the surrounding properties.

### **Regulatory Records Search**

As described in the IS/NOP included in Appendix A, during preparation of the Phase I ESA, a search of regulatory databases conducted for the project site and the surrounding area did not produce any evidence of previous or existing hazardous materials conditions of concern that would affect the proposed project.

It should be noted that North County Automotive located at 146 Wilshire Avenue (southeast corner of Wilshire Avenue and Malden Avenue) appeared on databases as containing an underground storage tank(s) (UST). At the writing of this EIR, the subject USTs have been removed pursuant to a Court Order. Because the 146 Wilshire Avenue site has been removed

and is not adjacent to the project site, it would not be considered an existing hazardous materials condition of concern that would affect the proposed project.

#### 4.7.2 THRESHOLDS OF SIGNIFICANCE

The following significance criterion is based on the City's Initial Study Checklist for public health and safety. The project would have a potentially significant impact if it would:

- 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.

#### 4.7.3 ENVIRONMENTAL IMPACTS

##### Standard Conditions and Requirements

The following is a standard requirement related to asbestos-containing materials and is applicable to the proposed project.

SC 7-1      If it is determined with completion of MM 7-1 that the on-site structure contains asbestos-containing materials prior to demolition of the structure, the asbestos-abatement contractor shall comply with notification and asbestos-removal procedures outlined in SCAQMD Rule 1403 to reduce asbestos-related health risks. SCAQMD Rule 1403 applies to any demolition or renovation activity and the associated disturbance of asbestos-containing materials. This requirement shall be included on the contractors' specifications and verified by the City's Community Development Department.

##### Impact Analysis

***Threshold 7.1:      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?***

As noted previously, based on its age, the exiting building on site has the potential to contain lead-based paint and asbestos-containing materials (ACMs). According to the Phase I ESA, all the ACMs appear intact and undisturbed (in a non-friable condition); however, the structure will be demolished as part of the proposed project, thus disturbing the suspected ACMs. Demolition of the buildings could expose construction personnel to asbestos-containing building materials and lead-based paint unless proper precautions are taken to minimize exposure. The potential for release of asbestos and lead would be considered a significant impact. Because exposure to such materials can result in adverse health effects in uncontrolled situations, several regulations and guidelines pertaining to abatement of and protection from exposure to asbestos have been developed for demolition activities (described previously). Prior to demolition of the on-site structures, asbestos- and lead-containing materials would be removed and disposed of by qualified contractors. Assuming adherence to applicable requirements discussed in SC 7-1 and MMs 7-1 through 7-3, the removal and disposal of these materials would reduce potential impacts to a level considered less than significant.

Based on the Phase I and Limited Phase II Environmental Site Assessments performed for the project site (included in Appendix F and discussed previously in 4.7.1), there are no recognized environmental conditions at the project site which would create a significant hazard. Therefore,

no significant impacts would occur. However, MM 7-4 identifies appropriate procedures to follow in the event previously unidentified underground storage tanks or significant soil contamination is encountered during construction.

**Impact 7.1:** Demolition activities of the existing structure at 131 West Commonwealth Avenue would result in potential short-term exposure of construction workers to lead and asbestos containing materials which would be considered a potentially significant impact. This impact would be reduced to a level considered less than significant with implementation of SC 7-1 and MMs 7-1 through 7-3.

#### 4.7.4 CUMULATIVE IMPACTS

Identified impacts related to hazardous materials represent site-specific impacts which would be remediated to levels considered less than significant. Additionally, the proposed project as well as potential future projects would be required to comply with applicable local, state, and federal requirements concerning hazardous materials. Therefore, the proposed project would not contribute to any significant cumulative hazardous materials impacts.

#### 4.7.5 MITIGATION PROGRAM

##### Mitigation Measures

- MM 7-1 Prior to demolition of the existing structure at 131 West Commonwealth Avenue, the project applicant shall retain a qualified consultant to conduct an Asbestos-Containing Material (ACM) survey in accordance with the requirements of the Asbestos Hazard Emergency Response Act (AHERA). Should samples test positive for asbestos, an Operations and Maintenance Plan shall be developed detailing the material-handling procedures to be implemented until such time that demolition activities occur. Compliance with the Operations and Maintenance Plan shall be a requirement included on the contract specifications. Inclusion of these requirements on the contractor specifications shall be verified by the Community Development Department.
- MM 7-2 Prior to commencement of any activities with the potential to disturb the suspected asbestos-containing materials, the project applicant shall retain a certified asbestos abatement contractor to abate the ACM in accordance with all applicable regulations, including CalOSHA guidelines and SCAQMD Rule 1403 (refer to SC 7-1 above).
- MM 7-3 Prior to disturbance or demolition of painted surfaces, the project applicant shall retain a qualified consultant to perform a comprehensive lead-based paint survey. Should any materials test positive, the lead-based paint shall be removed from the project site and disposed of in accordance with all applicable regulations, including CalOSHA guidelines.
- MM 7-4 Based on the Phase I and Limited Phase II Environmental Site Assessments performed for the project site (included in Appendix F), it is not anticipated that any underground storage tanks or significant soil contamination will be encountered during construction. In the event these subsurface features or contaminated soil are encountered during site grading, work shall immediately cease in the area and the contractor shall notify the City of Fullerton Fire Department and retain a qualified hazardous materials engineer to assess the

impacts and prepare a response plan using risk-based cleanup standards applicable to residential land use. Upon approval of the response plan by the Fire Department or other agency, as applicable, the engineer shall obtain any required permits, oversee the removal of such features, and/or conduct the response work to the satisfaction of the Fire Department or other agency, as applicable, until closure status is attained.

#### **4.7.6 LEVEL OF SIGNIFICANCE AFTER MITIGATION**

Implementation of SC 7-1 and MMs 7-1 through 7-4 would reduce potential impacts to a level considered less than significant.