

5. Environmental Analysis

5.7 HAZARDS AND HAZARDOUS MATERIALS

This section of the DEIR evaluates the potential impacts of the McKinley Elementary School Campus Master Plan Project (Proposed Project) on human health and the environment due to exposure to hazardous materials or conditions associated with the Proposed Project's 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:

- *Phase I Environmental Site Assessment Report: McKinley Elementary School 2401 Santa Monica Boulevard, Santa Monica, California, 90404*, NV5 Alta Environmental, April 19, 2022.

A complete copy of this study is included in Appendix I to this DEIR.

No comments were received in response to the Initial Study/Notice of Preparation (IS/NOP) in regard to hazards and hazardous materials. The IS/NOP and all scoping comment letters are included as Appendices B and C of this DEIR.

5.7.1 Environmental Setting

Hazardous materials refer generally to hazardous substances that exhibit corrosive, poisonous, flammable, and/or reactive properties and have the potential to harm human health and/or the environment. Hazardous materials can include petroleum, natural gas, synthetic gas, acutely toxic chemicals, and other toxic chemicals that are used in agriculture, commercial, and industrial uses; businesses; hospitals; schools; and households (such as cleaners, solvents, paints, and pesticides). Accidental releases of hazardous materials can occur from a variety of causes, including traffic accidents, shipping accidents, and industrial/warehouse incidents.

5.7.1.1 REGULATORY BACKGROUND

Federal, state, and local laws, regulations, plans, or guidelines related to hazardous materials that are applicable to the Proposed Project are summarized below.

Federal

United States Environmental Protection Agency

The United States Environmental Protection Agency (EPA) is the primary federal agency that regulates hazardous materials and waste. In general, the EPA works to develop and enforce regulations that implement environmental laws enacted by Congress. The agency is responsible for researching and setting national standards for a variety of environmental programs and delegates to states and tribes the responsibility for issuing permits and for monitoring and enforcing compliance. EPA programs promote handling hazardous wastes safely, cleaning up contaminated land, and reducing trash. Under the authority of the Resource Conservation and Recovery Act (RCRA) and in cooperation with state and tribal partners, the EPA's Waste Management Division manages a hazardous waste program, an underground storage tank (UST) program, and a solid waste program that includes development of waste reduction strategies such as recycling.

5. Environmental Analysis

HAZARDS AND HAZARDOUS MATERIALS

Title 26, Part 1926 of the Code of Federal Regulations

Title 26, Part 1926 of the Code of Federal Regulations (CFR) establishes standards for general safety and health provisions, occupational health and environmental controls, demolition, toxic and hazardous substances, and other aspects of construction work. For example, it establishes standards for general safety and health, such as development and maintenance of an effective fire protection and prevention program at jobsites. It also establishes standards for occupational health and environmental controls, such as for exposure to lead and asbestos.

Resource Conservation and Recovery Act

Federal hazardous waste laws are generally promulgated under the Resource Conservation and Recovery Act of 1976, as amended by the Hazardous and Solid Waste Amendments of 1984. These laws provide for the “cradle to grave” regulation of hazardous wastes. Any business, institution, or other entity that generates hazardous waste is required to identify and track its hazardous waste from the point of generation until it is recycled, reused, or disposed. The Department of Toxic Substances Control (DTSC) is responsible for implementing the RCRA program as well as California’s own hazardous waste laws, which are collectively known as the Hazardous Waste Control Law. Under the Unified Program, the California Environmental Protection Agency (CalEPA) has in turn delegated enforcement authority to Santa Monica Fire Department for state law regulating hazardous waste producers or generators in Santa Monica. A certified Unified Program agency (CUPA) is a local agency that has been certified by CalEPA to implement the local Unified Program. The CUPA can be a county, city, or joint powers authority. A participating agency is a local agency that has been designated by the local CUPA to administer one or more Unified Programs within their jurisdiction on behalf of the CUPA. A designated agency is a local agency that has not been certified by CalEPA to become a CUPA but is the responsible local agency that would implement the six Unified Programs until they are certified. Currently, there are 83 CUPAs in California.

Emergency Planning Community Right-to-Know Act

The Emergency Planning Community Right-to-Know Act (EPCRA), also known as Title III of the Superfund Amendments and Reauthorization Act, was enacted in October 1986. This law requires any infrastructure at the state and local levels to plan for chemical emergencies. Reported information is made publicly available so that interested parties can be informed about potentially dangerous chemicals in their community. EPCRA Sections 301 through 312 are administered by the EPA’s Office of Emergency Management. The EPA’s Office of Information Analysis and Access implements the program in EPCRA Section 313. In California, Superfund Amendments and Reauthorization Act Title III is implemented through the California Accidental Release Prevention program. The State has delegated local oversight authority of the California Accidental Release Prevention program to the Santa Monica Fire Department.

Hazardous Materials Transportation Act

The US Department of Transportation regulates hazardous materials transportation under CFR Title 49. State agencies that have primary responsibility for enforcing federal and state regulations and responding to hazardous materials transportation emergencies are the California Highway Patrol and the California

5. Environmental Analysis

HAZARDS AND HAZARDOUS MATERIALS

Department of Transportation. The California State Fire Marshal's Office has oversight authority for hazardous materials liquid pipelines. The California Public Utilities Commission has oversight authority for natural gas pipelines. These agencies also govern permitting for hazardous materials transportation.

Federal Response Plan

The Federal Response Plan of 1999 is a signed agreement among 27 federal departments and agencies and other resource providers, including the American Red Cross, that: 1) provides the mechanism for coordinating delivery of federal assistance and resources to augment efforts of state and local governments overwhelmed by a major disaster or emergency; 2) supports implementation of the Robert T. Stafford Disaster Relief and Emergency Act as well as individual agency statutory authorities; and 3) supplements other federal emergency operations plans developed to address specific hazards. The Federal Response Plan is implemented in anticipation of a significant event likely to result in a need for federal assistance or in response to an actual event requiring federal assistance under a Presidential declaration of a major disaster or emergency. The Federal Response Plan is part of the National Response Framework, which was most recently updated in October 2019.

Occupational Safety and Health Administration

The federal Occupational Safety and Health Act of 1970 authorizes each state (including California) to establish its own safety and health programs with the U.S. Department of Labor, Occupational Safety and Health Administration's (OSHA) approval. The California Department of Industrial Relations regulates implementation of worker health and safety in California. Cal/OSHA enforcement units conduct on-site evaluations and issue notices of violation to enforce necessary improvements to health and safety practices. California standards for workers dealing with hazardous materials are in Title 8 of the California Code of Regulations (CCR); they include practices for all industries (General Industrial Safety Orders) and specific practices for construction and other industries. Workers at hazardous waste sites (or working with hazardous wastes that might be encountered during excavation of contaminated soil) must receive specialized training and medical supervision according to the Hazardous Waste Operations and Emergency Response regulations.

OSHA Regulation 29 CFR Standard 1926.62 regulates the demolition, renovation, or construction of buildings involving lead materials. Federal, state, and local requirements also govern the removal of asbestos or suspected asbestos-containing materials (ACM), including the demolition of structures where asbestos is present. All friable (crushable by hand) ACMs, or nonfriable ACMs subject to damage, must be abated following all applicable regulations and prior to demolition.

State

California Environmental Protection Agency

CalEPA was created in 1991 by Governor's Executive Order. Under the CalEPA umbrella are six boards and departments—Air Resources Board, Department of Resources Recycling and Recovery, Department of Pesticides Regulations, DTSC, Office of Environmental Health Hazard Assessment, and State Water Resources Control Board—to create a cabinet-level voice for the protection of human health and the environment and

5. Environmental Analysis

HAZARDS AND HAZARDOUS MATERIALS

to ensure the coordinated deployment of state resources. CalEPA oversees the unified hazardous waste and hazardous materials management regulatory program.

California Department of Toxic Substances Control

DTSC is a department of CalEPA, which authorizes DTSC to administer the RCRA program in California to protect people from exposure to hazardous wastes. The department regulates hazardous waste, cleans up existing contamination, and implements regulations to control and reduce the hazardous waste produced in California, primarily under the authority of RCRA and in accordance with the California Hazardous Waste Control Law (California Health and Safety Code [HSC], Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (22 CCR Divisions 4 and 4.5). Permitting, inspection, compliance, and corrective action programs ensure that people who manage hazardous waste follow state and federal requirements and other laws that affect hazardous waste specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning.

DTSC's Brownfields Restoration and School Evaluation Branch is responsible for assessing, investigating, and cleaning up proposed school sites and existing school sites. The oversight is to ensure that selected properties are free of contamination or, if the properties were previously contaminated, that they have been cleaned up to a level that protects the students and staff who will occupy the new school. All proposed school sites and existing school sites that will receive State funding for acquisition or construction are required to go through an environmental review and cleanup process under DTSC's oversight.

Government Code Section 65962.5

Government Code section 65962.5 requires, among other items, that the Department of Toxic Substances Control compile and update as appropriate, but at least annually, a list of the following sites and shall submit the list to the Secretary for Environmental Protection, including:

- (a) (1) All hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code.
- (2) All land designated as hazardous waste property or border zone property pursuant to former Article 11 (commencing with Section 25220) of Chapter 6.5 of Division 20 of the Health and Safety Code.
- (3) All information received by the Department of Toxic Substances Control pursuant to Section 25242 of the Health and Safety Code on hazardous waste disposals on public land.
- (4) All sites listed pursuant to Section 25356 of the Health and Safety Code.

Government Code section 65962.5 also requires that:

- (b) The State Department of Health Services shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all public drinking water wells that contain detectable levels of organic contaminants and that are subject to water analysis pursuant to Section 116395 of the Health and Safety Code.

5. Environmental Analysis

HAZARDS AND HAZARDOUS MATERIALS

(c) The State Water Resources Control Board shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all of the following:

(1) All underground storage tanks for which an unauthorized release report is filed pursuant to Section 25295 of the Health and Safety Code.

(2) All solid waste disposal facilities from which there is a migration of hazardous waste and for which a California regional water quality control board has notified the Department of Toxic Substances Control pursuant to subdivision (e) of Section 13273 of the Water Code.

(3) All cease and desist orders issued after January 1, 1986, pursuant to Section 13301 of the Water Code, and all cleanup or abatement orders issued after January 1, 1986, pursuant to Section 13304 of the Water Code, which concern the discharge of wastes that are hazardous materials.

(d) The local enforcement agency, as designated pursuant to Section 18051 of Title 14 of the California Code of Regulations, shall compile as appropriate, but at least annually, and shall submit to the Department of Resources Recycling and Recovery, a list of all solid waste disposal facilities from which there is a known migration of hazardous waste. The Department of Resources Recycling and Recovery shall compile the local lists into a statewide list, which shall be submitted to the Secretary for Environmental Protection and shall be available to any person who requests the information.

California Occupational Health and Safety Administration

Occupational safety standards in federal and state laws minimize worker safety risks from both physical and chemical hazards in the workplace. Cal/OSHA is responsible for developing and enforcing workplace safety standards and ensuring worker safety in the handling and use of hazardous materials.

California Building Code

The State of California provides a minimum standard for building design through the California Building Code (CBC), which is in 24 CCR Part 2. The 2022 CBC is based on the 2021 International Building Code but has been modified for California conditions. It is updated every three years, most recently in July 2022 with an effective date of January 1, 2023. The CBC, as adopted by local cities or counties, may be further modified based on local conditions. Typical fire safety requirements of the CBC include the installation of sprinklers in all high-rise buildings; the establishment of fire resistance standards for fire doors, building materials, and particular types of construction; and the clearance of debris and vegetation within a prescribed distance from occupied structures in wildlife hazard areas.

California Department of Forestry and Fire Protection

California Department of Forestry and Fire Protection (CAL FIRE) is dedicated to the fire protection and stewardship of over 31 million acres of California's wildlands. The Office of the State Fire Marshal (OSFM) supports CAL FIRE's mission to protect life and property through fire prevention engineering programs, law and code enforcement, and education. OSFM provides for fire prevention by enforcing fire-related laws in

5. Environmental Analysis

HAZARDS AND HAZARDOUS MATERIALS

state-owned or -operated buildings; investigating arson fires; licensing those who inspect and service fire protection systems; approving fireworks for use in California; regulating the use of chemical flame retardants; evaluating building materials against fire safety standards; regulating hazardous liquid pipelines; and tracking incident statistics for local and state government emergency response agencies. The California Fire Plan is the state's road map for reducing the risk of wildfire through planning and prevention to reduce firefighting costs and property losses, increase firefighter safety, and contribute to ecosystem health. The California Fire Plan is a cooperative effort between the State Board of Forestry and Fire Protection and CAL FIRE.

California Fire Code

The California Fire Code (CFC) is in 24 CCR Part 9. It is also updated every three years, most recently in 2022 with an effective date of January 1, 2023. The 2022 CFC is based on the 2021 International Fire Code but has been modified for California conditions. The CFC includes provisions and standards for emergency planning and preparedness, fire service features, fire protection systems, hazardous materials, fire flow requirements, and fire hydrant locations and distribution. Similar to the CBC, the CFC is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions.

California Governor's Office of Emergency Services

Through AB 38, the Governor's Office established the California Emergency Management Agency on January 1, 2009. The agency merged the duties, powers, purposes, and responsibilities of the former Governor's Office of Emergency Services with those of the Governor's Office of Homeland Security. CalEMA was responsible for the coordination of overall state agency response to major disasters in support of local government, for ensuring the state's readiness to respond to and recover from all hazards—natural, man-made, emergencies, and disasters—and for assisting local governments in their emergency preparedness, response, recovery, and hazard mitigation efforts. On July 1, 2013, Governor Edmund G. Brown Jr.'s Reorganization Plan #2 eliminated CalEMA and restored it to the Governor's Office as Cal OES, merging it with the Office of Public Safety Communications.

Hazardous Materials Management Act

A hazardous material is any substance that possesses qualities or characteristics that could produce physical damage to the environment and/or cause deleterious effects upon human health (22 CCR). The Hazardous Materials Management Act (22 CCR) requires that businesses and public entities handling or storing certain amounts of hazardous materials prepare a hazardous materials business plan that includes an inventory of hazardous materials stored on-site (above specified quantities), an emergency response plan, and an employee training program. Businesses that use, store, or handle 55 gallons of liquid, 500 pounds of solid, or 200 cubic feet of compressed gas at standard temperature and pressure require a hazardous materials business plan. Plans must be prepared prior to facility operation and are reviewed/updated biennially (or within 30 days of a change).

California Accidental Release Prevention Program

California Accidental Release Prevention Program includes the Federal Accidental Release Prevention Program with certain additions specific to California and pursuant to HSC Article 2, Chapter 6.95. The purpose of this

5. Environmental Analysis

HAZARDS AND HAZARDOUS MATERIALS

program is to prevent the accidental release of regulated substances. Businesses using regulated substances exceeding a threshold quantity are evaluated under this program to determine the potential for and impacts of accidental releases. Depending on the potential hazards, business owners may be required to develop and submit a risk management plan.

Regulations for Hazardous Materials in Structures

Asbestos is regulated as a hazardous air pollutant under the Clean Air Act and as a potential worker safety hazard under the authority of the federal Occupational Safety and Health Administration. Cal/OSHA considers ACM a hazardous substance when a bulk sample contains more than 0.1 percent asbestos by weight and requires a qualified contractor licensed to handle asbestos. Any activity that involves cutting, grinding, or drilling during building renovation or demolition or relocation of underground utilities could release friable asbestos fibers unless proper precautions are taken.

Lead is regulated as a hazardous material, and inorganic lead is regulated as a toxic air contaminant. Lead-containing paints, according to Cal/OSHA, are defined as paints reported with any detectable levels of lead by paint chip analysis (8 CCR § 1532.1(d)). When disturbed for construction purposes, these surfaces are subject to Cal/OSHA exposure assessment requirements.

Several regulations and guidelines pertain to abatement of and protection from exposure to ACM and lead-based paint:

- Lead-based paint
 - 8 CCR Subchapter 4, Construction Safety Orders, § 1532.1
 - 29 CFR 1926, Subpart D
- Asbestos
 - 8 CCR Subchapter 4, section 1529
 - 29 CFR 1926, Subpart Z
 - 40 CFR 61, Subpart M

These rules and regulations provide exposure limits, exposure monitoring, respiratory protection, and good working practice for workers exposed to lead and ACM. In California, ACM and lead-based-paint abatement must be performed and monitored by contractors with appropriate certification from the California Department of Health Services. HSC §§ 17920.10 and 105255 require lead to be contained during demolition activities.

Polychlorinated biphenyls (PCBs) were commonly used in the small capacitor in fluorescent light ballasts through 1979. PCB regulations are included in 40 CFR 761, which requires the material to be incinerated. The entire lighting fixture does not need special handling and disposal as long as the ballast (electrical box) is not leaking. The nonleaking ballasts can be removed and recycled or disposed of properly.

5. Environmental Analysis

HAZARDS AND HAZARDOUS MATERIALS

Hazardous Waste Control

HSC, Division 20, Chapter 6.5, and 22 CCR, Division 4.5, Environmental Health Standards for the Management of Hazardous Waste, address how hazardous waste must be handled, stored, transported, treated, and disposed. They provide an effective process for hazardous waste management planning at the local level to ensure adequate handling, storing, transporting, treating, and disposing of hazardous materials.

Regional

South Coast AQMD Rules and Regulations

All projects within the South Coast Air Basin (SoCAB) are subject to South Coast Air Quality Management District (AQMD) rules and regulations in effect at the time of activity.

- **Rule 403, Fugitive Dust.** This rule is intended to reduce the amount of particulate matter entrained in the ambient air as a result of anthropogenic (human-made) fugitive dust sources by requiring actions to prevent, reduce, or mitigate fugitive dust emissions. Rule 403 applies to any activity or human-made condition capable of generating fugitive dust and requires best available control measures to be applied to earth-moving and grading activities.
- **Rule 1403, Asbestos Emissions from Demolition/Renovation Activities.** The purpose of this rule is to specify work practice requirements to limit asbestos emissions from building demolition and renovation activities, including the removal and associated disturbance of ACM. The requirements for demolition and renovation activities include asbestos surveying, notification, ACM removal procedures and time schedules, ACM handling and clean-up procedures, and storage, disposal, and landfiling requirements for asbestos-containing waste materials. All operators are required to maintain records, including waste shipment records, and are required to use appropriate warning labels, signs, and markings.

Local

Certified Unified Program Agency

A Certified Unified Program Agency (CUPA) is a local agency that has been certified by California EPA to implement the local Unified Program. The CUPA can be a county, city, or joint powers authority. A participating agency is a local agency that has been designated by the local CUPA to administer one or more Unified Programs within their jurisdiction on behalf of the CUPA. A designated agency is a local agency that has not been certified by California EPA to become a CUPA but is the responsible local agency that would implement the six unified programs until they are certified.

The Santa Monica Fire Department (SMFD) is the designated CUPA for the City and is the primary local agency with responsibility for implementing federal and state laws pertaining to hazardous materials management. The SMFD maintains records regarding location and status of hazardous materials sites in the City and administers programs that regulate and enforce the transport, use, storage, and manufacturing, and remediation of hazardous materials. The SMFD contracts with the Los Angeles County Fire Department for hazardous waste inspection and enforcement components of the unified program (SMFD 2018).

5. Environmental Analysis

HAZARDS AND HAZARDOUS MATERIALS

Santa Monica Fire Department

The SMFD provides fire protection and emergency services to the city of Santa Monica, including the Proposed Project's Site. Additionally, the SMFD is the CUPA that implements the following programs consistent with state and federal regulations:

- Hazardous Materials Release Response Plans and Inventory Program
- California Accidental Release Prevention Program (CalARP)
- Aboveground Storage Tank Program
- Underground Storage Tank Program

The County of Los Angeles Fire Department, Health and Hazardous Materials Division CUPA administers the City's Hazardous Waste Generator Program, but the SMFD is the primary CUPA for the City Santa Monica (LA County Fire Department 2009).

Federal and state statutes as well as local laws and programs regulate the use, storage, and transportation of hazardous materials and hazardous waste. These regulations can reduce the danger hazardous substances may pose to people under normal daily circumstances and as a result of emergencies and disasters.

Santa Monica Municipal Code

Chapter 5.24, Hazardous Materials Release Response Plans And Inventory

Section 5.24 establishes a hazardous materials release response plan. The ordinance requires all businesses that handle any hazardous material or mixture containing hazardous materials to establish and implement a business plan for emergency response to a release or threatened release of hazardous materials. The business plan must describe emergency response plans and procedures to be used in the event of an accident. The requirements are established to prevent or mitigate the damage to the health and safety of persons and the environment from the release or threatened release of hazardous materials into the workplace and environment.

Emergency Response Plan

The City Office of Emergency Management has prepared the Multi Hazard Functional Emergency Plan. This plan addresses the City's response to natural or human-caused disasters. It provides an overview of operational concepts and identifies components of the City's emergency/disaster management organization with the Standardized Emergency Management Systems and the National Incident Management System. The plan focuses on large-scale events and places emphasis on emergency/disaster planning, volunteer training, public outreach, and resources for disaster response (City of Santa Monica 2013).

The City also prepared the All Hazards Mitigation Plan, which includes resources and information to assist City residents, public and private sector organizations, and others interested in planning for natural hazards. The mitigation plan provides a list of activities that may assist the City in reducing risk and preventing loss from future natural hazard events. The action items address multi hazard issues and activities to be undertaken in the event of earthquakes, landslides, flooding, tsunamis, wildfires, and severe windstorms/thunderstorms (City of Santa Monica 2016).

5. Environmental Analysis

HAZARDS AND HAZARDOUS MATERIALS

City of Santa Monica General Plan

The City's General Plan is primarily a policy document that sets goals concerning the community and gives direction to growth and development. In addition, it outlines the programs that were developed to accomplish the goals and policies of the General Plan.

Safety Element

The City of Santa Monica General Plan's Safety Element creates a cohesive guide consisting of specific policy-oriented implementation measures. The intention is to reduce the potential for loss of life, injuries, damage to property, and social and economic dislocation resulting from major hazards throughout the community. The Safety Element has the following goals, policies, and objectives related to hazards and hazardous materials:

Goal 5: Minimize threats to public health and safety from hazardous materials by strengthening local code enforcement actions, especially the potential of multiple releases caused by earthquakes.

- **Policy 5.1.** The use, storage, and transportation of toxic, explosive, and other hazardous and extremely hazardous materials shall be strictly controlled to prevent unauthorized discharges.
- **Policy 5.1.2.** The City shall continue to manage the Hazardous Materials Disclosure Program to identify and regulate business handling types and quantities of extremely hazardous materials, or hazardous materials in greater than consumer types and quantities.
- **Policy 5.2.** Coordinate regional objectives for hazardous materials management with adjacent jurisdictions.

5.7.1.2 EXISTING CONDITIONS

On-Site and Adjacent Uses

The Proposed Project's Site is developed as McKinley ES. The campus is surrounded by low-density residential neighborhoods immediately to the north, west, and south. Commercial uses are to the southeast and southwest, and medical offices are to the south across Santa Monica Boulevard. Providence Saint John's Health Center consists of midrise buildings to the west across 23rd Street. The campus is surrounded by properties zoned for Low-Density Residential (R2) and Mixed-Use Boulevard Low (MUBL) (Santa Monica 2015).

The surrounding residential neighborhood streets include Chelsea Avenue, Arizona Avenue, and 23rd Court (alley). Santa Monica Boulevard, a regional transportation corridor, is immediately south of the campus. Wilshire Boulevard is one block north of the campus.

Site History

The 1921 Santa Monica United States Survey (USGS) topographic quadrangle map shows a single building within the western corner of the Proposed Project's Site, at what is now Chelsea Avenue and Santa Monica Boulevard. The main school building is shown on the 1934 Sawtelle USGS topographic quadrangle map. Based on the 1938 United States Department of Agriculture (USDA) historical aerial photograph, the northern portion of the campus was an undeveloped field. The field in the northeast portion of the Proposed Project's

5. Environmental Analysis

HAZARDS AND HAZARDOUS MATERIALS

area shows some signs of development for open air sports in the 1941 USDA aerial photograph. The school is identified as “McKinley Sch” on the 1950 USGS topographic quadrangle map. No other historic uses were mapped for the Proposed Project’s Site.

Phase I Environmental Site Assessment

A Phase I Environmental Site Assessment (ESA) for the McKinley Elementary School was prepared in April 2022. Based on the regulatory database records and historical records, a drycleaner has operated at the property located at 2441 Santa Monica Boulevard from at least 1991 to present day. The drycleaner is located immediately across Chelsea Avenue at the northeast corner of Chelsea Avenue and Santa Monica Boulevard. Records indicate that dry-cleaning equipment used perchloroethylene (a chlorinated solvent) at this facility. While no violations, leaks, spills, or releases are reported, based on the proximity of this facility to the Proposed Project’s Site and inherent environmental risk associated with dry-cleaning facilities, the property at 2441 Santa Monica Boulevard is considered to represent a REC for the Proposed Project’s Site.

The Phase I ESA also concluded that based on the age of the buildings on the Proposed Project’s Site, there is the possibility for lead-based paint (LBP) residues within the shallow soil.

Hazardous Materials Site Database Search

A review of five databases from federal, state, and local environmental regulatory agencies was conducted to identify properties near the Proposed Project’s Site with reported unauthorized releases of hazardous materials and to identify properties that use, generate, store, treat or dispose of hazardous materials and chemicals, or release hazardous materials which may impact the campus. The databases searched and the findings regarding the campus and adjacent properties are presented below.

- GeoTracker: State Water Resources Control Board (SWRCB 2023)
- EnviroStor: Department of Toxic Substances Control (DTSC 2023)
- EJScreen: US Environmental Protection Agency (EPA 2023a)
- EnviroMapper: US Environmental Protection Agency (EPA 2023b)
- Solid Waste Information System (SWIS): California Department of Resources Recovery and Recycling (CalRecycle 2023)

The Phase I ESA prepared for the McKinley ES campus identified properties within a one-mile radius of the campus that are listed on federal, and/or local regulatory agency databases. The listed sites are considered unlikely to impact the Proposed Project’s Site, based upon factors including (but not limited to):

- The nature of the listing;
- The use of the site;

5. Environmental Analysis

HAZARDS AND HAZARDOUS MATERIALS

- When the site was listed and its current listed status;
- The developmental density of the setting;
- The distance between the listed and subject sites as related to the distance that releases are likely to migrate based on local surface and subsurface drainage conditions;
- The presence of intervening drainage divides; and/or the inferred groundwater movement.

However, as described above, one property (drycleaner) located at 2441 Santa Monica Boulevard represents a potential REC for the Proposed Project's Site due to historic activities as a drycleaner.

Hazardous Building Materials and Chemical Storage Areas

Hazardous Building Materials

Several of the buildings on-site were constructed prior to 1980 (Buildings A, B, C, and D). There is potential for lead from LBP to be present in on-site structures built prior to 1978. ACMs may also be present in on-site structures built prior to 1990.

ACM and LBP building surveys and removal/abatement have been conducted for specific areas on the campus including areas of Buildings A, B, C, and D (Alta Environmental 2018).

Storage Tanks

No Aboveground Storage Tanks (ASTs), Underground Storage Tanks (USTs), or Septic Tanks are recorded for the Proposed Project's Site.

Polychlorinated Biphenyls

PCBs were historically used as coolants, insulating materials and lubricants in electrical materials, such as transformers. PCBs were also used widely in caulking and elastic sealant materials, particularly from 1950 through the 1970's until PCBs were banned in 1979. DTSC guidance indicates that PCBs may exist in soil near exterior caulking present in buildings meeting the age criteria and adjacent unpaved areas. A pad-mounted electrical transformer is located on the southern portion of the Proposed Project's Site. Additionally, several pole-mounted electrical transformers were observed along the adjoining properties. No evidence of a past release from the transformers was observed or reported for the Proposed Project's Site.

5.7.2 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.

5. Environmental Analysis

HAZARDS AND 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.
- 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 or excessive noise for people residing or working in the project area.
- H-6 Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- H-7 Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

The IS/NOP, included as Appendix B, substantiates that impacts associated with the following thresholds would be less than significant; therefore, these impacts will not be further addressed in this DEIR:

- Threshold H-5
- Threshold H-7

These impacts are addressed in Chapter 6, *Other CEQA Considerations*, and in Appendix B of this DEIR.

5.7.3 Environmental Impacts

5.7.3.1 IMPACT ANALYSIS

The following impact analysis addresses thresholds of significance for which the Initial Study/Notice of Preparation disclosed potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

IMPACT 5.7.1: The Proposed Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. [Thresholds H-1]

Construction

Small amounts of commonly used hazardous substances, such as gasoline, diesel fuel, lubricating oil, grease, glues, and solvents would be used and transported to the Proposed Project's Site during construction of the Proposed Project. These materials are used routinely for similar types of construction projects, and the use of these materials would be temporary during construction activities of the Proposed Project. Any potential spills

5. Environmental Analysis

HAZARDS AND HAZARDOUS MATERIALS

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.

Federal, state, and local regulations govern the disposal of wastes identified as hazardous that could be produced during removal of existing asphalt and storage buildings, as well as during construction activities. All materials would be handled, transported, used, and disposed of in accordance with all federal, state, and local laws regulating the management and use of hazardous materials, including the Federal RCRA, which includes requirements for hazardous solid waste management; the DTSC Environmental Health Standards for the Management of Hazardous Waste (CCR Title 22, Division 4.5), which include standards for generators and transporters of hazardous waste; South Coast AQMD Rules governing work practice requirements for renovation and demolition activities; and CalOSHA, which includes standards for workplace health and safety. Furthermore, strict adherence to all emergency response plan requirements set forth by the City of Santa Monica and Los Angeles County Fire Department (LACoFD) would be required through the duration of the Proposed Project's construction. Therefore, impacts related to the routine transport, use, or disposal of hazardous materials during construction of each phase of the Proposed Project would be **less than significant**.

Operation

The campus would continue to operate in the same manner as current conditions. Small amounts of hazardous materials that could be used for maintenance of campus facilities and landscaped areas include chemical reagents, solvents, fuels, paints, cleansers, pesticides, and fertilizers. These materials would be similar to those currently used at the campus and throughout the campus. The management, use, storage, and transportation of such hazardous materials is subject to current local, state, and federal laws. Additionally, SMMUSD has a School Safety Plan that outlines procedures to address evacuation, clean up, and communication protocols to protect students and staff in the event of a hazardous materials spill (District 2018), and McKinley ES provides Safety Guidelines and Emergency Information to prepare staff, parents and students in case of an emergency. Therefore, impacts related to the routine transport, use, or disposal of hazardous materials during operation of the Proposed Project would be **less than significant**.

IMPACT 5.7-2: The Proposed Project would not 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. [Threshold H-2]

Construction

As described above, construction of the Proposed Project could potentially involve the use of hazardous materials, including gasoline, diesel fuel, lubricating oil, grease, solvents, and other chemicals. These materials are used routinely for similar types of construction projects, and the use of these materials would be temporary during construction activities of the Proposed Project. Any potential 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

5. Environmental Analysis

HAZARDS AND HAZARDOUS MATERIALS

of that contaminant. All contaminated waste encountered would be required to be collected and disposed of at an appropriately licensed disposal or treatment facility. All materials would be handled, transported, used, and disposed of in accordance with all federal, state, and local laws regulating the management and use of hazardous materials. Compliance with these regulations would reduce the potential for hazardous materials to be released to the environment during construction.

Based on the age of on-site structures that are proposed for renovation and demolition, hazardous building materials such as LBP, ACMs, and PCBs may be present within the structures. These hazardous materials may also be present in the shallow soils at the campus. The removal of building materials and disturbance of contaminated soils may result in the release of hazardous materials into the environment. Disturbance and removal of these materials could result in the release of hazardous materials into the environment. Exposure of construction workers or members of the public to these substances could result from direct contact with the substance during demolition and/or grading activities, incidental ingestion of the substance, and/or inhalation of airborne dust released from dried hazardous materials.

As described above, the property at 2441 Santa Monica Boulevard operated as a drycleaner. Records indicate that dry-cleaning equipment used perchloroethylene (a chlorinated solvent) at this facility. While no violations, leaks, spills, or releases are reported, based on the proximity of this facility to the campus and inherent environmental risk associated with dry-cleaning facilities there is a potential for chemicals used at this facility to have affected the soils and/or groundwater at the Proposed Project's Site. Impacts would be **potentially significant** due to the potential presence of hazardous building materials and soil contamination at the campus and the potential for the Proposed Project to result in the release of these materials to the environment. **Mitigation Measures HAZ-1** and **HAZ-2** would be implemented prior to building demolition and during construction to ensure that hazardous materials are properly identified and disposed in a manner that minimizes the potential for significant hazards to the public or to the environment to the extent feasible.

Operation

During operations, hazardous materials that could be used for maintenance of campus facilities and landscaped areas include chemical reagents, solvents, fuels, paints, cleansers, pesticides, and fertilizers. These materials would be similar to those currently used at the campus and throughout the campus. The management, use, storage, and transportation of such hazardous materials is subject to local, state, and federal laws. As described in Impact 5.7-2, SMMUSD has a School Safety Plan that outlines procedures to address evacuation, clean up, and communication protocols to protect students and staff in the event of a hazardous materials spill (District 2018), and McKinley ES provides Safety Guidelines and Emergency Information to prepare staff, parents and students in case of an emergency. Therefore, operational impacts associated with the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be **less than significant**.

5. Environmental Analysis

HAZARDS AND HAZARDOUS MATERIALS

IMPACT 5.7-3: The Proposed Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substance, or waste within one-quarter mile of an existing or proposed school. [Threshold H-3]

Construction

The campus is within an existing school. As described in Impacts 5.7-1 and 5.7-2, the Proposed Project's construction activities may involve the use of hazardous materials, such as fuels, oils, mechanical fluids, and other chemicals. These materials are not considered acutely hazardous and would be used in limited quantities. In addition, the transportation, storage, use, and disposal of such hazardous materials during construction activities would be conducted in accordance with applicable federal, state, and local statutes and regulations.

Demolition, remediation, and renovation of existing buildings and earth-moving activities at the campus could result in the release of hazardous building materials and soil contaminants such as ACMs, LBP, and PCBs. Release of these hazardous materials may create a hazard for the public, with the potential to affect students, staff, and visitors at McKinley ES resulting in a **potentially significant** impact. However, compliance with regulatory requirements and implementation of **Mitigation Measures HAZ-1** and **HAZ-2** would ensure that such materials would be properly removed, handled, and disposed. These measures would minimize the potential for the release of hazardous building materials and soil contaminants during construction activities and would ensure that students, faculty, and visitors at McKinley are not exposed to hazardous material releases.

Operation

During operations, hazardous materials that could be used for maintenance of campus facilities and landscaped areas include chemical reagents, solvents, fuels, paints, cleansers, pesticides, and fertilizers. These materials would be similar to those currently used at the campus and throughout the campus. As such, the minor and limited use of hazardous materials on the campus during operations would not be expected to adversely affect students, faculty, and visitors at McKinley ES. Adherence to federal, state, and local regulations would minimize risks associated with hazardous emissions in proximity to schools. Therefore, operational impacts associated with hazardous emissions or handling of hazardous or acutely hazardous materials, substance, or waste within one-quarter mile of an existing or proposed school would be **less than significant**.

IMPACT 5.7-4: The Proposed Project would not be located on a site which is included on a list of hazardous materials compiled pursuant to Government Code § 65962.5 and, as a result, would create a significant hazard to the public or the environment. [Threshold H-4]

California Government Code § 65962.5 requires CalEPA to develop a list (updated at least annually) of hazardous waste and substances release sites, known as the Cortese List or California Superfund. DTSC is responsible for a portion of the information in the Cortese List. Other state and local government agencies are required to provide additional hazardous material release information for the Cortese List.

As part of the Phase I ESA, EDR was contracted to perform a radius search of governmental databases for the Proposed Project. According to the search conducted by EDR, the campus was listed on the ECHO database; however, no violations were reported. Additionally, according to the two HWTZ HAZNET database

5. Environmental Analysis

HAZARDS AND HAZARDOUS MATERIALS

listings, this facility disposed of 25.3 tons of asbestos containing waste in 1993, 0.105 tons of inorganic solid waste in 2007, 0.84 tons of waste in 2001, 0.035 tons of inorganic solid waste in 2014, 0.07 tons of inorganic solid waste in 2014, and 0.04 tons of inorganic solid waste in 2008. The RCRA Non-Generators/No Longer Regulated database listings show that the school is not listed as a handler of nonhazardous or hazardous waste. Based on the database results, neither a release of hazardous materials nor the presence of a naturally occurring hazardous material that would pose a threat to public health or the environment is anticipated. The campus is not on any other state and federal hazardous materials sites. Therefore, the Proposed Project would not create a significant hazard to the public or the environment from being located on a hazardous materials site compiled pursuant to Government Code section 65962.5. Impacts would be **less than significant**.

Impact 5.7-5: Development of the Proposed Project would affect the implementation of an emergency responder or evacuation plan. [Threshold H-6]

During each phase of Project construction, construction vehicles including employees, vendors, and equipment would be traveling to and from the campus. Construction activities may occur during the school year, and therefore all construction staging areas and access locations would be well identified so that access for construction vehicles, as well as emergency responders is maintained. As identified in Section 5.12, *Transportation*, the campus would continue be accessible to emergency responders including SMFD via Santa Monica Boulevard, Arizona Avenue, Chelsea Avenue and 23rd Court during construction and operation of the proposed project. Project-related increase in traffic within the surrounding roadways would not be sufficient to affect emergency response in the area. To address fire and emergency access needs, the Proposed Project would be required to incorporate all applicable design and safety requirements from the most current adopted fire codes, building codes, and nationally recognized fire and life safety standards of the City of Santa Monica and the SMFD. The Proposed Project would also be subject to review by DSA who oversees design and construction for K–12 schools. The Proposed Project would also be required to comply with all design standards established by DSA including Policy 07-03, “Fire Department and Emergency Access Roadways and School Drop-Off Areas.” The purpose of this policy is to establish requirements based on State Fire Marshal Regulations contained in Titles 19 and 24 of the California Code of Regulations, and the California Vehicle Code for fire and emergency access roadways on public school or community college campuses, including fire and emergency access roadways combined with student drop-off and pick-up areas. DSA would review project plans to ensure that plans, specifications, and construction comply with California's building codes (Title 24 of the California Code of Regulations). In addition, the City and the SMFD would be responsible for reviewing the Proposed Project's compliance with related codes and standards prior to issuance of building permits. Therefore, construction and operation of the Proposed Project would not affect the implementation of an emergency responder or evacuation plan, and impacts would be **less than significant**.

5.7.4 Mitigation Measures

Impacts 5.7-2 and 5.7-3

HAZ-1 Prior to demolition or renovation activities, the existing buildings proposed for demolition or renovation will be inspected by a qualified environmental specialist for the presence of hazardous building materials, including asbestos containing materials asbestos-containing

5. Environmental Analysis

HAZARDS AND HAZARDOUS MATERIALS

materials (ACMs), lead-based paints (LBP), and polychlorinated biphenyls (PCBs). If hazardous building materials are detected, abatement and removal of these materials will be conducted in accordance with applicable federal, state, and local guidelines as follows:

- In the event that ACM and LBP are found on the campus, notice shall be provided to South Coast Air Quality Management District (AQMD), and any demolition activities likely to disturb ACM and LBP shall be carried out by a contractor trained and qualified to conduct lead- or asbestos-related construction work in conformance with South Coast AQMD, CalOSHA, Department of Toxic Substances Control (DTSC), and other applicable requirements. If found, ACM and LBP will be disposed of at an appropriately permitted facility.
- If PCBs are found on the campus, these materials shall be managed in accordance with the Metallic Discards Act of 1991 (PRC, sections 42160-42185) and other state and federal guidelines and regulations. Demolition plans and contract specifications will incorporate any necessary abatement measures in compliance with the Metallic Discards Act, particularly section 42175, Materials Requiring Special Handling, for the removal of PCB-containing materials.
- Once hazardous building materials are removed, a follow-up inspection shall be performed of the existing buildings prior to demolition or renovation to confirm that the hazardous items have been removed to an acceptable level per DTSC requirements before commencing with demolition activities.

HAZ-2

The District will retain a licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer with more than 2 years of experience conducting hazardous material and contamination assessments to conduct soil sampling. The soil sampling will be conducted prior to any disturbance of the area(s) suspected of potential contamination to evaluate shallow soil conditions with respect to lead-based paint (LBP) residues from on-site structures built prior to 1990 and chemicals commonly used at drycleaners including chlorinated solvents due to historic uses at nearby properties. If the soil sampling identifies the presence of contaminated soils, the contractor shall prepare and implement a contaminated soils removal action workplan (RAW) for removal of affected soils on-site. Affected soils shall be excavated and disposed of off-campus at a landfill permitted to accept such waste, and the campus shall be cleaned to an acceptable level per DTSC requirements.

After the District confirms that the affected soils have been removed, through the collection of soil samples in the excavation areas, the excavation shall be backfilled and compacted with clean soil, and the contractor will prepare a Completion Report that documents the removal and presents analytical results for the confirmation samples.

5. Environmental Analysis

HAZARDS AND HAZARDOUS MATERIALS

5.7.5 Level of Significance After Mitigation

Mitigation Measures HAZ-1 and HAZ-2 would ensure proper handling of hazardous building materials (e.g., ACMs and LBPs) and potentially contaminated soils during construction to ensure the safety of humans and the environment. The mitigation measures would reduce potential impacts associated with the routine transport, storage, production, use, or disposal of hazardous materials hazards to less than significant. This impact would be reduced to **less-than-significant with mitigation**.

5.7.6 Cumulative Impacts

The area considered for cumulative impacts is the City of Santa Monica. Hazards and hazardous waste impacts are typically unique to each site and do not usually contribute to cumulative impacts. Cumulative development projects would be required to assess potential hazardous materials impacts on the development site prior to grading. The Proposed Project and cumulative projects would be required to comply with laws and regulations governing hazardous materials and hazardous waters used and generated, as described in Section 5.7.1, *Environmental Setting*. Therefore, cumulative impacts related to hazards and hazardous materials would be **less than significant** after regulatory compliance.

5.7.7 References

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5. Environmental Analysis

HAZARDS AND HAZARDOUS MATERIALS

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