



## 5.10 HAZARDS AND HAZARDOUS MATERIALS

This section identifies the potential for the proposed project to expose the public or the environment to hazards and/or hazardous materials that may be related to existing conditions or new hazards created as a result of the proposed project. Where significant impacts are identified, mitigation measures are provided to reduce these impacts to the extent feasible. This section is based on a Phase I Environmental Site Assessment (Phase I ESA) (prepared by AEI Consultants dated December 5, 2013); refer to [Appendix 11.7, \*Phase I Environmental Site Assessment\*](#).

For this EIR, the term “hazardous material” is defined as any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a potential hazard to human health and safety, or to the environment, if released into the workplace or environment.<sup>1</sup> “Hazardous waste,” a subset of hazardous material, is material that is to be discharged, discarded, recycled, and/or reprocessed.

### 5.10.1 EXISTING SETTING

The project site is situated within a mixed use commercial, institutional, and residential area of the City, at Assessor’s Parcel Number (APN) 423-111-02. The project site is composed of the addresses 3300 Newport Boulevard (the former Newport Beach City Hall Complex) and 475 32nd Street (the Newport Beach Fire Department Fire Station No. 2 [Fire Station No. 2]). The Newport Beach Fire Department (Nbfd) currently occupies the eastern portion of the project site in one two-story permanent building (Fire Station No. 2). Existing operations include typical fire and rescue operations. In addition, this operation maintains an emergency diesel powered generator and an aboveground storage tank (AST). The AST has a capacity of 1,138 gallons and contains diesel fuel.

### HISTORICAL ON-SITE USES

Based on the Phase I ESA, the project site has been occupied by the City of Newport Beach from 1948 up until the recent vacancy. During this time, the on-site Nbfd operations were constructed at Fire Station No. 2 and a former jail facility also occupied the Newport Beach City Hall Complex. Prior to these operations, the project site was undeveloped land occupied by two small structures constructed on the southern portion of the project site. Based on the Phase I ESA, no environmental conditions of concern have been identified on-site as a result of historical on-site uses.

### Hazardous Materials Use, Storage, and/or Transport

Currently, no hazardous materials are used at the former Newport Beach City Hall Complex, as this property is currently vacant. The limited, temporary use of the site and buildings for municipal and community functions that are currently on-going also do not involve the use/storage/transport of hazardous materials. In the past, operations associated with the Newport Beach City Hall Complex included the handling of general household cleaning products. These materials were stored within various storage room/closets on site. These materials included general household floor cleaners, window cleaners, and countertop cleaning products. No reported releases of hazardous materials

<sup>1</sup> California Health and Safety Code, Chapter 6.5, Article 2, December 2006.



have occurred as a result of these operations. Based on the Phase I ESA, the presence of these materials at the project site does not represent a significant environmental concern.

Many transformers contain Polychlorinated Biphenyls (PCBs). The use of PCBs was banned in 1977 and most production/use in 1979. The Phase I ESA noted one pad-mounted transformer on-site which is owned and operated by Southern California Edison. Based on the Phase I ESA, this on-site transformer, in its current condition, does not present an environmental condition at the project site.

The existing NBFD maintains a diesel-powered generator and AST with a fuel dispenser on-site. No hazardous materials releases have been reported in association with these use/storage practices. However, the NBFD previously maintained two underground storage tanks (USTs). Once the original UST was removed, the site had undergone investigation and remedial activities related to a release that had occurred.

### ***Former Underground Storage Tank***

The original UST located at Fire Station No. 2 had a capacity of 10,000 gallons and was reported to contain gasoline. The UST was removed from the project site on August 9, 1988. During the UST removal, approximately 4,900 gallons of potentially contaminated groundwater from the tank pit was removed and appropriately disposed of off-site. The Orange County Health Care Agency (OCHCA) provided oversight for the additional investigations regarding the groundwater impact. An April 1991 sampling of the wells found no indication of impact in the surrounding soils/groundwater around the former UST. The site received case closure from the OCHCA in June 1991.

Subsequently, Leighton Consulting, Inc. was commissioned in August 2005 to remove a second 12,000-gallon UST that was installed in 1988. As part of the UST removal the three monitoring wells were appropriately decommissioned. None of the soil or groundwater samples collected from beneath the UST, associated piping, or from the monitoring wells detected any constituents above the laboratory reporting levels. Based on the results of the sampling, the OCHCA granted case closure in November 2005, and determined that no further action was required regarding this former UST.

Based on the Phase I ESA, the existing conditions are under the regulatory thresholds for residential use. Although a former UST reported a release to the environment, this past release is considered a historical environmental condition that does not currently present a significant environmental condition at the project site based on the issuance of “case closure/no further action” by the OCHCA.

### **On-Site Structures**

The project site is occupied by four permanent buildings at the former Newport Beach City Hall Complex and one permanent building at the Fire Station No. 2. These on-site structures may be associated with hazardous materials (e.g., asbestos containing material [ACM] and/or lead-based paint [LBP]), as they were constructed after 1978.



### ***Structural Asbestos***

Asbestos is a strong, incombustible, and corrosion resistant material, which was used in many commercial products since prior to the 1940s and up until the early 1970s. If inhaled, asbestos fibers can result in serious health problems. The California Division of Occupational Safety and Health (Cal/OSHA) asbestos construction standard (Title 8, CCR, Section 1259) defines ACM as material containing more than one percent asbestos. Asbestos Containing Construction Material (ACCM) is defined as any manufactured construction material which contains more than one tenth of 1 percent asbestos by weight.

Based on the Phase I ESA, due to the age of the on-site buildings, there is a potential that ACMs are present in on-site buildings. Suspect materials that may contain ACMs include, but may not be limited to, drywall systems, floor tiles, ceiling tiles, and roofing systems. Currently, Federal and State regulations govern the renovation and demolition of structures where ACM's are present. Based on the Phase I ESA, all observed suspect ACMs were in good condition and are not expected to pose a health and safety concern.

### ***Lead-Based Paints***

Lead has long been used as a component of paint, primarily as a pigment and for its ability to inhibit and resist corrosion. Over time, as concern over the health effects associated with lead began to grow, health and environmental regulations were enacted to restrict the use of lead in certain products and activities in the U.S. In the last twenty-five years, lead-based paint, leaded gasoline, leaded can solder and lead-containing plumbing materials were among the products that were gradually restricted or phased out of use.

Currently, Federal and State regulations govern the renovation and demolition of structures where LBPs are present. Due to the age of the on-site buildings, there is a potential that LBP is present in on-site buildings. Based on the Phase I ESA, all observed painted surfaces were in good condition and are not expected to pose a health and safety concern.

## **EMERGENCY EVACUATION**

The City is currently using the Standardized Emergency Management System (SEMS) for emergency response in the City, where depending on the type of incident, several different agencies and disciplines may be called upon to assist with emergency response. Agencies and disciplines that can be expected to be part of an emergency response team include medical, health, fire and rescue, police, public works, and the coroner. Additionally, policies and plans from the Orange County Operational Area Mutual Aid Plan (the State's Mutual Aid Plan) and the State's Fire and Rescue Mutual Aid System would be implemented.

Currently, NBFD provides basic life support (BLS), advanced life support (ALS) and emergency transportation utilizing the fire engines and ladder trucks housed in the NBFD's eight fire stations along with the paramedics housed in three of those stations. While the NBFD has the immediate capability of providing ALS service at three simultaneous incidents, there is an occasional need for additional ALS units. Additional ALS service is provided by nearby and adjoining public agencies by means of cooperative automatic aid agreements. Emergency transportation beyond the capability of the NBFD is provided by private ambulance companies.



In the event of a disaster, the City’s Emergency Operations Center can be opened. The center has undergone a series of considerable upgrades and improvements. Training for the residents within the City continues through the Community Emergency Response Team program. The continued development of the community’s disaster preparedness efforts will aid the residents of the City in an area-wide disaster by fostering a citywide culture of “preparedness.”

## **WILDLAND FIRE HAZARDS**

Based on Figure S4, *Wildland Hazards*, of the General Plan, the project site is located in a “Low/None” fire susceptibility area. However, the project site is situated in the urban/developed portion of the City and may be susceptible to urban fires. Many factors contribute to an area being at risk of structural fires in terms of the Nbfd’s capabilities to control them, including the construction size and type, built-in protection, density of construction, street widths, and occupancy size. The City’s daytime population levels may also add to the congestion and difficulty of ingress and egress of emergency response vehicles.

Many of the structures in the older portions of the City, some dating back to the 1930s, are susceptible to urban fires. These areas were built to older building standards and fire codes, made from non-fire-resistive construction materials, and built with no internal sprinklers and other fire safety systems in place. These areas include the Balboa Peninsula, where the project site is situated. The City has over 30 high-rise buildings that were constructed since the 1960s, four of which do not contain sprinkler systems: 3121 West Coast Highway, 601 Lido Park Drive, 400 Newport Center Drive, and 611 Lido Park Drive.

Geography is also a factor to fire safety in the City. Upper and Lower Newport Bay essentially divide the City into two regions, with approximately one-third of the Nbfd assets located west of Newport Bay, and the remaining assets east of Newport Bay. Connection between these two sides is provided by only a limited number of roadways (Pacific Coast Highway in the south, Bristol Street and the 73 Freeway on the north), making it difficult for fire stations on both sides of Newport Bay to support each other during multiple alarm emergencies. Failure of the bridge connectors on any of these roadways as a result of an earthquake, for example, would hinder emergency response from fire stations in east Newport Beach and Newport Coast into the densely populated areas of the City west and south of Newport Bay.

Earthquake-induced fires have the potential to be the worst-case fire-suppression scenarios for a community because an earthquake can cause multiple ignitions distributed over a broad geographic area. There are some older sections in Newport Beach where due to ground failure, breaks in the gas mains, and the water distribution system could lead to a significant fire-after-earthquake situation.

The City has adopted the 2013 California Fire Code with City amendments and some exceptions. These provisions include construction standards in new structures and remodels, road widths, and configurations designed to accommodate the passage of fire trucks and engines, and requirements for minimum fire flow rates for water mains.



## 5.10.2 REGULATORY SETTING

### FEDERAL AND STATE

According to the EPA, a “hazardous” waste is defined as one “which because of its quantity, concentrations, or physiochemical or infectious properties, may either increase mortality or produce irreversible or incapacitating illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed” (U.S. Public Health and Welfare Code Section 6903). Special handling and management are required for materials and wastes that exhibit hazardous properties. Treatment, storage, transport, and disposal of these materials are highly regulated at both the Federal and State levels. Compliance with Federal and State hazardous materials laws and regulations minimizes the potential risks to the public and the environment presented by these potential hazards. These laws and regulations include, but are not limited to, the following:

- Resources Conservation and Recovery Act (RCRA) – Hazardous waste management;
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) – Cleanup of contamination;
- Superfund Amendment and Reauthorization Act (SARA) – Cleanup of contamination; and
- Hazardous Materials Transportation Act (HMTA) – Safe transport of hazardous materials.

These laws provide the “cradle to grave” regulation of hazardous wastes. Businesses, institutions, and other entities that generate hazardous waste are required to identify and track their hazardous waste from the point of generation until it is recycled, reused, or disposed of. The primary responsibility for implementing RCRA is assigned to the U.S. Environmental Protection Agency (EPA), although individual states are encouraged to seek authorization to implement some or all RCRA provisions.

The EPA and the California Department of Toxic Substances Control (DTSC) have developed and continue to update lists of hazardous wastes subject to regulation. In addition to the EPA and DTSC, the Santa Ana Region (Region 8) Regional Water Quality Control Board (RWQCB), is the enforcing agency for the protection and restoration of water resources, including remediation of unauthorized releases of hazardous substances in soil and groundwater. Other State agencies involved in hazardous materials management include the Office of Emergency Services (OES), California Department of Transportation (Caltrans), California Highway Patrol (CHP), California Air Resources Board (CARB), and CalRecycle. California hazardous materials management laws include, but are not limited to, the following:

- Hazardous Materials Management Act – Business plan reporting;
- Hazardous Substance Act – Cleanup of contamination;
- Hazardous Waste Control Act – Hazardous waste management; and
- Safe Drinking Water and Toxic Enforcement Act of 1986 – Releases of and exposure to carcinogenic chemicals.



## Department of Toxic Substances Control

In 1992, the responsibility for implementation of RCRA was given to the DTSC. The DTSC is also responsible for implementing and enforcing California's own hazardous waste laws, which are known collectively as the Hazardous Waste Control Law. Although similar to RCRA, the California Hazardous Waste Control Law and its associated regulations define hazardous waste more broadly and regulate a larger number of chemicals. Hazardous wastes regulated by California, but not by EPA, are called "non-RCRA hazardous wastes."

## State Water Resources Control Board

Brownfields are underutilized properties where reuse is hindered by the actual or suspected presence of pollution or contamination. The goals of the State Water Resources Control Board's (SWRCB) Brownfield Program are to:

- Expedite and facilitate site cleanups and closures for Brownfields sites to support reuse of those sites;
- Preserve open space and greenfields;
- Protect groundwater and surface water resources, safeguard public health, and promote environmental justice; and
- Streamline site assessment, clean up, monitoring, and closure requirements and procedures within the various SWRCB site cleanup programs.

Site clean up responsibilities for brownfields primarily reside within four main programs at the SWRCB: the Underground Storage Tank Program, the Site Cleanup Program, the Department of Defense Program, and the Land Disposal Program. These SWRCB cleanup programs are charged with ensuring sites are remediated to protect the State of California's surface and groundwater and return it to beneficial use.

## California Air Resources Board

One of CARB's major goals is to protect the public from exposure to toxic air contaminants. The California Air Toxics Program establishes the process for the identification and control of toxic air contaminants and includes provisions to make the public aware of significant toxic exposures and for reducing risk.

The Toxic Air Contaminant Identification and Control Act (AB 1807, Tanner 1983) created California's program to reduce exposure to air toxics. The Air Toxics "Hot Spots" Information and Assessment Act (AB 2588, Connelly 1987) supplements the AB 1807 program by requiring a statewide air toxics inventory, notification of people exposed to a significant health risk, and facility plans to reduce these risks.

Under AB 1807, CARB is required to use certain criteria in the prioritization for the identification and control of air toxics. In selecting substances for review, the CARB must consider criteria relating to "the risk of harm to public health, amount or potential amount of emissions, manner of,



and exposure to, usage of the substance in California, persistence in the atmosphere, and ambient concentrations in the community.” AB 1807 also requires CARB to use available information gathered from the AB 2588 program to include in the prioritization of compounds. This report includes available information on each of the above factors required under the mandates of the AB 1807 program. AB 2588 air toxics “Hot Spots” program requires facilities to report their air toxics emissions, ascertain health risks, and to notify nearby residents of significant risks. In September 1992, the “Hot Spots” Act was amended by Senate Bill 1731 which required facilities that pose a significant health risk to the community to reduce their risk through a risk management plan.

## **Accidental Release Prevention Law**

The State’s Accidental Release Prevention Law provides for consistency with Federal laws (i.e., the Emergency Preparedness and Community Right-to-Know Act and the Clean Air Act) regarding accidental chemical releases and allows local oversight of both the State and Federal programs. State and Federal laws are similar in their requirements; however, the California threshold planning quantities for regulated substances are lower than the Federal quantities. Local agencies may set lower reporting thresholds or add additional chemicals to the program. The Accidental Release Prevention Law is implemented by the Certified Unified Program Agencies (CUPAs) and requires that any business, where the maximum quantity of a regulated substance exceeds the specified threshold quantity, register with the responsible CUPA as a manager of regulated substances and prepare a Risk Management Plan. A Risk Management Plan must contain an offsite consequence analysis, a five-year accident history, an accident prevention program, an emergency response program, and a certification of the truth and accuracy of the submitted information. Businesses submit their plans to the CUPA, which makes the plans available to emergency response personnel. The Business Plan must identify the type of business, location, emergency contacts, emergency procedures, mitigation plans, and chemical inventory at each location.

## **Transportation of Hazardous Materials/Wastes**

Transportation of hazardous materials/wastes is regulated by California Code of Regulations (CCR) Title 26. The United States Department of Transportation (DOT) is the primary regulatory authority for the interstate transport of hazardous materials. The DOT establishes regulations for safe handling procedures (i.e., packaging, marking, labeling and routing). The CHP and Caltrans enforce Federal and State regulations and respond to hazardous materials transportation emergencies. Emergency responses are coordinated as necessary between Federal, State and local governmental authorities and private persons through a State mandated Emergency Management Plan.

## **Worker and Workplace Hazardous Materials Safety**

Occupational safety standards exist to minimize worker safety risks from both physical and chemical hazards in the workplace. The Cal/OSHA is responsible for developing and enforcing workplace safety standards and assuring worker safety in the handling and use of hazardous materials. Among other requirements, Cal/OSHA requires many businesses to prepare Injury and Illness Prevention Plans and Chemical Hygiene Plans. The Hazard Communication Standard requires that workers be informed of the hazards associated with the materials they handle.



## **State Emergency Response and Evacuations Plans**

After the 1993 Oakland fire, the State of California passed legislation authorizing the State's Office of Emergency Services (State OES) to prepare a SEMS program that sets forth measures by which a jurisdiction handles emergency disasters. By December 1996, each jurisdiction was required to show the Office of Emergency Services that it is in compliance with SEMS through a number of measures, including having an up-to-date emergency management plan, which would include an emergency evacuation plan. Non-compliance with SEMS can result in the State withholding disaster relief from the non-complying jurisdiction in the event of a disaster.

## **California Department of Forestry and Fire Protection**

### ***Fire Hazard Severity Zones***

The California Department of Forestry and Fire Protection (CAL FIRE) created Fire Hazard Severity Zones using a computer model that factor in the fire history, existing and potential fuel (natural vegetation), flame length, blowing embers, terrain, and typical weather for an area. The severity of the hazard is based on the likelihood that an area will burn over a 30- to 50-year period without fuel-reduction efforts. Given the results of the modeling, the State identifies an area as a "moderate", "high", or "very high" fire hazard severity zone.

### ***Wildland-Urban Interface Fire Area Building Standards***

Title 24, Part 2 of California Code of Regulations (CCR), also known as the 2013 California Building Standards Code (CBSC), addresses building standards for new structures constructed in or near a designated fire hazard severity zone. New buildings located in any fire hazard severity zone must comply with all sections of the current CBSC. Specifically, minimum standards are established for materials and to provide a reasonable level of protection from wildfire exposure for buildings in Wildland-Urban Interface (WUI) Fire Areas. Ignition-resistant materials and design are required to reduce the risk from flame or burning embers projected by a vegetation fire.

## **California Fire Plan**

CAL FIRE and the State Board of Forestry (Board) regulate wildland fire protection in California through the 2010 Strategic Fire Plan (Fire Plan), June 2010. The mission of the Board is to lead California in developing policies and programs that serve the public interest in environmentally, economically, socially sustainable forest and rangeland management, and a fire protection system that protects and serves the people of the state.

## **REGIONAL**

### **Santa Ana Regional Water Quality Control Board**

The Santa Ana RWQCB is the enforcing agency for the protection and restoration of water resources, including remediation of unauthorized releases of hazardous substances in soil and groundwater. The UST Section directs environmental cleanup activities at leaking UST sites. Such sites include active and inactive gasoline stations, agricultural sites, brownfield redevelopment sites, airports, bulk petrochemical storage terminals, pipeline facilities, and various chemical and industrial





facilities. The Site Cleanup Section oversees activities at non-UST sites where soil or groundwater contamination have occurred. Many of these sites are former industrial facilities and dry cleaners, where chlorinated solvents were spilled, or have leaked into the soil or groundwater.

## **South Coast Air Quality Management District**

The South Coast Air Quality Management District (SCAQMD) works with CARB and is responsible for developing and implementing rules and regulations regarding air toxics on a local level. The SCAQMD establishes permitting requirements, inspects emission sources, and enforces measures through educational programs and/or fines. SCAQMD Rule 166 also sets the requirements to control the emission of Volatile Organic Compounds (VOCs) from excavating, grading, handling, and treating VOC-contaminated soil as a result of leakage from storage or transfer operations, accidental spillage, or other deposition.

## **COUNTY OF ORANGE**

### **Orange County Health Care Agency**

Since April 1988, the SWRCB has contracted with the County of Orange to provide regulatory oversight for cleanup of leaking underground storage tanks (LUSTs) under the Local Oversight Program (LOP) contract. The OCHCA, serving as the County's LOP, is responsible for the following:

- Confirming a release;
- Identifying and notifying Responsible Parties (RPs);
- Reviewing and approving preliminary site assessment work plans to determine the type and extent of soil and groundwater contamination;
- Overseeing assessment activities;
- Reviewing assessment reports, quarterly reports, feasibility studies, risk appraisals, and corrective action plans;
- Issuing cleanup directives to the RPs;
- Overseeing cleanup operations;
- Approving and certifying cleanup operations; and
- Completing all records.

The OCHCA, Environmental Health Division, is designated as the CUPA for the County of Orange by the State Secretary for Environmental Protection. The CUPA is the local administrative agency that coordinates the regulation of hazardous materials and hazardous wastes in Orange County through the following six programs:

- Hazardous Waste (HW);
- Underground Storage Tank (UST);
- Aboveground Petroleum Storage Tank (APST);
- Hazardous Materials Disclosure (HMD);
- Business Emergency Plan (BEP); and
- California Accidental Release Prevention (CalARP).



## Orange County Waste and Recycling

Leftover household products that contain corrosive, toxic, ignitable, or reactive ingredients are considered to be “household hazardous waste.” Products, such as paints, cleaners, oils, batteries, and pesticides that contain potentially hazardous ingredients require special care when you dispose of them. Improper disposal of household hazardous wastes can include pouring them down the drain, on the ground, into storm sewers, or in some cases putting them out with the trash. The dangers of such disposal methods might not be immediately obvious, but improper disposal of these wastes can pollute the environment and pose a threat to human health. Household hazardous waste and e-waste can be collected at a County Household Hazardous Waste Collection Center. The Huntington Beach Household Hazardous Waste Collection Center (located at 17121 Nichols Street-Gate 6, Huntington Beach) serves the project site.

## Multi-Casualty Incident Response Plan

Mass casualty incidents, those incidents usually involving three or more critical patients require the implementation of the Orange County Fire Services Operational Plan Annex “Multi-Casualty Incident Response Plan.” This Plan is an organizational plan that aids in assigning treatment teams and quickly moving patients off scene to appropriate receiving centers in an expeditious and organized manner.

The multi-casualty plan is intended to be implemented during any multi casualty incident, such as multiple vehicle accidents, aviation accidents, hazardous materials incidents, high-rise fires, and so forth. Although the system has been designed to be used with as few as three patients, it can be expanded to an infinite number as it becomes necessary.

## CITY OF NEWPORT BEACH

### Newport Beach Fire Department

The Nbfd has joined in partnership with the OCHCA as a Participating Agency (PA). The Nbfd administers the HMD and BEP programs, which are overseen by the OCHCA. Chapter 6.95 of Division 20 of the California Health and Safety Code, Section 11022 of Title 42 of the United States Code (1989), and local laws contain the minimum requirements for hazardous material inventory reporting and data management. These regulations require businesses within this jurisdiction to complete a chemical inventory to disclose hazardous materials stored, used, or handled on-site. This disclosure information assists emergency responders in planning for and handling emergencies involving hazardous materials. The main program objective is to safeguard the lives of emergency responders, the public, and to minimize property loss. The California Health and Safety Code also requires a BEP. The intent of the BEP is to assist in mitigating a release or threatened release of a hazardous material, and to minimize any potential harm or damage to human health or the environment.

### City of Newport Beach General Plan Safety Element

The following *City of Newport Beach General Plan* (General Plan) goals and policies are applicable to the proposed project:



Goal S 7: Exposure of people and the environment to hazardous materials associated with methane gas extraction, oil operations, leaking underground storage tanks, and hazardous waste generators is minimized.

Policy S 7.1 – Known Areas of Contamination. Require proponents of projects in known areas of contamination from oil operations or other uses to perform comprehensive soil and groundwater contamination assessments in accordance with American Society for Testing and Materials standards, and if contamination exceeds regulatory action levels, require the proponent to undertake remediation procedures prior to grading and development under the supervision of the County Environmental Health Division, County Department of Toxic Substances Control, or Regional Water Quality Control Board (depending upon the nature of any identified contamination). (Imp 7.1, 8.1)

Policy S 7.4 – Implementation of Remediation Efforts. Minimize the potential risk of contamination to surface water and groundwater resources and implement remediation efforts to any resources adversely impacted by urban activities. (Imp 6.1, 17.1, 18.1, 19.1)

Goal S 6: Protection of human life and property from the risks of wildfires and urban fires.

Policy S 6.8 – Update Building and Fire Codes. Regularly update building and fire codes to provide for fire safety design. (Imp 7.1)

## **Local Hazard Mitigation Plan**

The most current Local Hazards Mitigation Plan (LHMP) is, and as updated from time to time will continue to be, incorporated in the Safety Element. The Safety Element and the LHMP are complementary documents that work together to achieve the ultimate goal to reduce the impacts on the community from a disaster.

## **City of Newport Beach Emergency Management Plan**

Within the Nbfd, the Disaster Preparedness Coordinator has updated the City's Emergency Management Plan, including the development and implementation of disaster training for employees. The Emergency Management Plan describes the different levels of emergencies, the local emergency management organization, and the specific responsibilities of each participating agency, government office, and City staff. A Citywide drill, which involves implementation of the Plan, is conducted annually.

### **5.10.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA**

#### **CEQA SIGNIFICANCE CRITERIA**

Appendix G of the *CEQA Guidelines* contains the Environmental Checklist form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:



- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (refer to Section 8.0, *Effects Found Not to be Significant*);
- 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 (refer to Impact Statement HAZ-1);
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school (refer to Section 8.0, *Effects Found Not to be Significant*);
- 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 it create a significant hazard to the public or the environment (refer to Impact Statement HAZ-1);
- 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 the project result in a safety hazard for people residing or working the in the project area (refer to Section 8.0, *Effects Found Not to be Significant*);
- For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working the project area (refer to Section 8.0, *Effects Found Not to be Significant*);
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (refer to Impact Statement HAZ-2); and/or
- Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands (refer to Impact Statement HAZ-3).

Based on these standards, the effects of the proposed project have been categorized as either a “less than significant impact” or a “potentially significant impact.” Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.

## 5.10.4 IMPACTS AND MITIGATION MEASURES

### ACCIDENTAL RELEASE OF HAZARDOUS MATERIALS

**HAZ-1 THE PROPOSED PROJECT COULD CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR ENVIRONMENT THROUGH ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS.**



## *Impact Analysis:*

### Short-Term Construction

One of the means through which human exposure to hazardous substance could occur is through accidental release. Incidents that result in an accidental release of hazardous substances into the environment can cause contamination of soil, surface water, and groundwater, in addition to any toxic fumes that might be generated. Human exposure of contaminated soil or water can have potential health effects based on a variety of factors, such as the nature of the contaminant and the degree of exposure. Construction activities associated with development of the project could release hazardous materials into the environment through reasonably foreseeable upset and accident conditions.

### *Structural Demolition*

The three of the four existing, permanent on-site structures were constructed prior to 1978. Thus, the potential for asbestos containing materials (ACM) or lead-based paints (LBPs) exists. Demolition of the structures could expose construction personnel and the public to ACMs or LBPs. Federal and State regulations govern the renovation and demolition of structures where ACMs and LBPs are present. All demolition that could result in the release of ACMs or LBPs must be conducted according to Federal and State standards.

The National Emission Standards for Hazardous Air Pollutants (NESHAP) mandates that building owners conduct an asbestos survey to determine the presence of ACMs prior to the commencement of any remedial work, including demolition (Mitigation Measure HAZ-1). If ACM material is found, abatement of asbestos would be required prior to any demolition activities. If paint is separated from building materials (chemically or physically) during demolition of the structures, the paint waste would be required to be evaluated independently from the building material by a qualified Environmental Professional (HAZ-2). If LBP is found, abatement would be required to be completed by a qualified Lead Specialist prior to any demolition activities. Compliance with Mitigation Measures HAZ-1 and HAZ-2, as well as SCAQMD Rule 1403, would reduce potential impacts in this regard to less than significant levels.

### *Utility Removal/Relocation*

Based on the Phase I ESA, one pad-mounted transformer was noted on-site which is owned and operated by Southern California Edison. Based on the Phase I ESA, this transformer is expected to contain PCBs. In its current condition, this transformer does not present an environmental condition at the project site. However, the on-site transformers would be required to be removed and replaced with new transformers during site disturbance activities. Thus, implementation of Mitigation Measure HAZ-3 would require that the removed transformers be evaluated under the purview of the local utility purveyor in order to confirm or deny the presence of PCBs. In the event that PCBs are identified on the project site, the local utility purveyor would identify proper handling procedures regarding potential PCBs. With implementation of Mitigation Measure HAZ-3, impacts pertaining to the potential release of hazardous substances associated with the on-site transformers during site disturbance would be reduced to less than significant levels.



### *Existing Soil/Groundwater Contamination On-Site*

Construction activities on the project site would result in the disturbance of soil/groundwater to the west of the former UST located at the Fire Station No. 2. However, based on the Phase I ESA, no hazardous materials of concern have been detected above regulatory thresholds for residential use for soils/groundwater at the project site. Thus, soil/groundwater disturbance activities are not anticipated to result in health and safety impacts to construction workers.

### *Existing Groundwater Contamination in Vicinity*

Construction activities could encounter groundwater during site disturbance activities. However, based on the Phase I ESA conducted for the project site, no hazardous materials above regulatory thresholds are anticipated at the project site as a result of off-site properties. Thus, disturbance activities are not anticipated to result in health and safety impacts to construction workers as a result of encountering groundwater at the project site.

### *Proposed Soil Import*

Implementation of the proposed project would require the import of fill materials (approximately 7,000 cubic yards of soil), which could include contaminated soils. With implementation of the recommended Mitigation Measure HAZ-4, the contractor, in consultation with a Phase II/Site Characterization Specialist, would be required to verify that all imported fill materials, and on-site materials that are used for fill, do not include hazardous substances above regulatory thresholds. With implementation of the Mitigation Measure HAZ-4, impacts in this regard would be reduced to less than significant levels.

### *Encountering Unexpected Hazardous Materials Conditions*

Site disturbance/demolition activities could expose workers to a variety of potentially hazardous materials. Implementation of Mitigation Measures HAZ-1 through HAZ-4 would reduce potential impacts from site disturbance/demolition activities that would result in accidental conditions at the project site. If unknown wastes or suspect materials are discovered during construction by the contractor, which he/she believes may involve hazardous wastes/materials, the contractor would be required to complete the following (Mitigation Measure HAZ-5):

- Immediately stop work in the vicinity of the suspected contaminant, removing workers and the public from the area;
- Notify the Community Development Director of the City of Newport Beach;
- Secure the areas as directed by the Community Development Director; and
- Notify the Orange County Health Care Agency's Hazardous Waste/Materials Coordinator.

### *Transport of Hazardous Materials*

In the event that hazardous materials are encountered in soil/groundwater during excavation and grading activities, the off-site transport and disposal of hazardous materials may occur. Further, the off-site transport and disposal of hazardous materials associated with the demolition of the existing on-site structure may also occur. The off-site transport and disposal would be short-term in nature, only occurring during demolition and excavation/grading activities, and would be subject to Federal,



State, and local health and safety regulations that protect public safety. Handling, transport, and disposal of these materials are regulated by the DTSC, CalEPA, Cal/OSHA, OCHCA, and NBFDD. The project construction contractor would also be subject to the requirements of the Cal/OSHA and OCHCA governing removal actions. DTSC regulations would require specific hazardous materials handling methods, truck haul routes, and schedules to minimize potential exposure during hazardous materials removal actions. With adherence to the requirements of affected regulatory agencies regarding the handling, transport, and disposal of hazardous materials, the proposed project would not create a significant hazard to the public or the environment. As such, impacts related to the temporary off-site hauling and disposal of hazardous building materials during demolition would be less than significant.

### *Conclusion*

With implementation of Mitigation Measures HAZ-1 through HAZ-5 and compliance with applicable Federal, State, and local regulatory requirements pertaining to hazardous materials, potential impacts would be reduced to less than significant levels.

### Project Operations

The proposed project would consist of the operation of a hotel facility and accessory uses typically found with hotels including restaurants, meeting rooms, spa facilities, retail, and recreational activities, etc. Large quantities of hazardous materials posing a substantial risk to public health and safety are not typically associated with these uses. Minor amounts of cleaning products along with the occasional use of pesticides and herbicides for landscape maintenance are the extent of materials anticipated to be utilized on-site. Thus, as only small quantities of commonly-used chemicals (e.g., cleaning products, pesticides, and herbicides) are expected to be used/stored on-site, long-term operational impacts associated with potential accidental conditions would be less than significant.

Operations of the existing Fire Station No. 2 would continue, similar to existing conditions, upon implementation of the proposed project. The NBFDD would continue to maintain the on-site AST and associated diesel generator on-site. With continued compliance with existing Federal, State, and local laws and regulations, impacts in this regard would be reduced to less than significant levels.

### ***Mitigation Measures:***

HAZ-1 Prior to demolition activities, an asbestos survey shall be conducted by an Asbestos Hazard Emergency Response Act (AHERA) and California Division of Occupational Safety and Health (Cal/OSHA) certified building inspector to determine the presence or absence of asbestos containing-materials (ACMs). If ACMs are located, abatement of asbestos shall be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the South Coast Air Quality Management District (SCAQMD) Rule 1403.

HAZ-2 If paint is separated from building materials (chemically or physically) during demolition of the structures, the paint waste shall be evaluated independently from the building material by a qualified Environmental Professional. If lead-based paint is found, abatement shall be completed by a qualified Lead Specialist prior to any activities that would create lead dust



or fume hazard. Lead-based paint removal and disposal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Contractors performing lead-based paint removal shall provide evidence of abatement activities to the City Engineer.

HAZ-3 Any transformers to be removed or relocated during grading/construction activities shall be evaluated under the purview of the local utility purveyor (Southern California Edison) in order to confirm or deny the presence of PCBs. In the event that PCBs are identified, the local utility purveyor shall identify proper handling procedures regarding potential PCBs.

HAZ-4 The Contractor shall verify that all imported soils, and on-site soils proposed for fill, are not contaminated with hazardous materials above regulatory thresholds in consultation with a Phase II/Site Characterization Specialist. If soils are determined to be contaminated above regulatory thresholds, these soils shall not be used as fill material within the boundaries of the project site, unless otherwise specified by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup (e.g., Department of Toxic Substances Control, Regional Water Quality Control Board, Orange County Health Care Agency, etc.).

HAZ-5 If unknown wastes or suspect materials are discovered during construction by the contractor that are believed to involve hazardous waste or materials, the contractor shall comply with the following:

- Immediately cease work in the vicinity of the suspected contaminant, and remove workers and the public from the area;
- Notify the Community Development Director of the City of Newport Beach;
- Secure the area as directed by the Community Development Director; and
- Notify the Orange County Health Care Agency's Hazardous Materials Division's Hazardous Waste/Materials Coordinator (or other appropriate agency specified by the Community Development Director). The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required.

*Level of Significance:* Less Than Significant With Mitigation Incorporated.

## **INTERFERENCE WITH AN ADOPTED EMERGENCY RESPONSE OR EVACUATION PLAN**

**HAZ-2 OPERATIONS OF THE PROJECT WOULD NOT CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR ENVIRONMENT THROUGH INTERFERENCE WITH AN ADOPTED EMERGENCY RESPONSE OR EVACUATION PLAN.**

*Impact Analysis:* The City of Newport Beach EMP is the only emergency response plan applicable to the project site. The EMP does not identify any specific requirements for the project site, nor is the site identified by the EMP as being part of an emergency evacuation route.





Additionally, the project would not require the complete closure of any public or private streets or roadways during construction. Upon project completion, proposed egress/ingress for the new hotel would be designed to accommodate emergency vehicles. However, the proposed project would result in a change of site access to and from Fire Station No. 2. During construction, access to and from Fire Station No. 2 would be maintained at all times. Upon project completion, access to Fire Station No. 2 would be accommodated along both Via Oporto and 32nd Street rather than just 32nd Street. The project's application materials were reviewed by the NBFDD, which determined that the project's design accommodates appropriate emergency access. Additionally, project implementation would close an existing driveway across the project site that provides access to the adjacent Via Lido Plaza shopping center from 32nd Street. Historically, this access point to Via Lido Plaza was gated and used only by large delivery trucks. NBFDD has evaluated the permanent closure of this driveway and determined that closure would not affect emergency access, as adequate fire access to Via Lido Plaza is provided from Newport Boulevard, Via Lido, and private parking areas accessed by two existing vehicular driveways. Thus, the proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, and less than significant impacts would occur in this regard.

**Mitigation Measures:** No mitigation is required.

**Level of Significance:** Less Than Significant Impact.

## WILDLAND FIRE HAZARDS

### HAZ-3 OPERATIONS OF THE PROJECT COULD CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR ENVIRONMENT AS A RESULT OF URBAN FIRE HAZARDS.

**Impact Analysis:** The General Plan Safety Element indicates that the project site and surrounding areas are considered to have a low or no susceptibility to wildland fire hazards. However, the project site is susceptible to urban fires as the Balboa Peninsula contains many older buildings that were built prior to current fire codes and do not contain fire protective measures typical of modern construction. As a result, the General Plan indicates that fires within the Balboa Peninsula (including within the project area) could potentially spread quickly. The proposed project would demolish all existing buildings on-site and redevelop the site with new construction in accordance with the current Fire Code, including fire protection measures that would attenuate the risk of fire hazards. Furthermore, any fires within the project area would not comprise wildland fires, as there are no wild lands on or near the project site. Accordingly, the project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, and a less than significant impact would occur in this regard.

**Mitigation Measures:** No mitigation is required.

**Level of Significance:** Less Than Significant Impact.



### 5.10.5 CUMULATIVE IMPACTS

- **THE PROPOSED PROJECT COULD CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR ENVIRONMENT THROUGH ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS.**
- **OPERATIONS OF THE PROJECT WOULD NOT CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR ENVIRONMENT THROUGH INTERFERENCE WITH AN ADOPTED EMERGENCY RESPONSE OR EVACUATION PLAN.**
- **OPERATIONS OF THE PROJECT COULD CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR ENVIRONMENT AS A RESULT OF URBAN FIRE HAZARDS.**

*Impact Analysis:* Cumulative projects are not anticipated to result in a cumulatively considerable hazardous materials impact. The project could contribute, cumulatively (although not significantly), to a hazard involving the transport of hazardous materials during construction. Other cumulative projects could result in the transport of hazardous materials during site disturbance/demolition/remedial activities. Handling, transport, and disposal of these materials are regulated by the DTSC, CalEPA, Cal/OSHA, OCHCA, and NBFDA. The construction contractor, on a project-by-project basis, would be subject to the requirements of the DTSC governing removal actions. DTSC regulations require specific hazardous materials handling methods, truck haul routes, and schedules to minimize potential exposure during hazardous materials removal actions. Compliance with all applicable Federal and State laws related to the transportation of hazardous materials would reduce the likelihood and severity of accidents during transit, thereby ensuring that a less than significant cumulatively considerable impact would occur as a result of implementation of the proposed project.

*Mitigation Measures:* No mitigation measures are required.

*Level of Significance:* Less Than Significant Impact.

### 5.10.6 SIGNIFICANT UNAVOIDABLE IMPACTS

No significant impacts related to hazards and hazardous materials have been identified following implementation of the recommended Mitigation Measures HAZ-1 through HAZ-5 and compliance with the applicable Federal, State, and local regulatory requirements.