4. ENVIRONMENTAL IMPACT ANALYSIS
6. HAZARDOUS MATERIALS

1. INTRODUCTION

This section summarizes the Phase I Environmental Site Assessment ("Phase I") prepared for Santa Monica College by Ellis Environmental Management, Inc. on August 15, 2011; and the Soil and Groundwater Sampling Malibu Civic Center: 23525 Civic Center Way, Malibu California ("Phase II") prepared by Ellis Environmental Management, Inc. on January 17, 2012. The reports present the existing environmental conditions, including any potential hazardous materials, on the existing Project Site. The reports are included as Appendix H to this EIR.

2. REGIONAL AND ENVIRONMENTAL SETTING

a. Current Site Use

Currently, the Project Site has several improvements including parking lots, a temporary trailer, a communication tower, and a one-story Sheriff's Station that was decommissioned in the 1990s.[1] The Sheriff's Station has a basement that contains a pump station. Additionally, there are other smaller structures on-site such as retaining walls. Due to the development and previous soil work to support the current structures, the Project Site has been cleared of most native vegetation. At the present time, the Project Site is predominantly devoid of vegetation with the exception of a small courtyard at the northeast corner of the Project Site that is landscaped and includes mature trees, and the landscaping and tree work beautifying the parking lot bordering Civic Center Way. An existing road to the east of the Project Site, La Paz Lane, provides access to the interior and back parking lot on the Project Site that serves the Waterworks building. All buildings on the property are served by septic systems.

b. Regulatory Setting

(1) Federal Regulations/Policies

A variety of federal laws and regulations governing the management and control of hazardous substances have been established to protect the environment. These regulations fall under the jurisdiction of the USEPA and include the following:

- The Resource Conservation and Recovery Act (RCRA) was enacted in 1976 and provides the framework for the national hazardous and non-hazardous waste management systems (United States Code, Title 42, Chapter 82). This framework includes the determination of whether

[1] *Preliminary Geotechnical Investigation, Proposed Malibu Campus, 23555 Civic Center Way, City of Malibu, California, Geolabs – Westlake Village, June 20, 2012, revised on April 5, 2013.*

hazardous wastes are being generated, and techniques for tracking wastes to eventual disposal (cradle to grave responsibility).

- Title 29 Code of Federal Regulations (CFR), Part 1910, contains the Occupational Safety and Health Administration (OSHA) requirements for workers regarding hazardous waste management operations and emergency responses involving hazardous waste. These regulations promote worker safety and other training, and worker's right-to-know.

- The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), or "Superfund," creates national policies and procedures to identify and clean up sites where hazardous substances have been released into the environment and provides statutory definitions of hazardous substances and petroleum products under United States Code, Title 42, Chapter 103.

- The Superfund Amendment and Reauthorization Act (SARA), Title III of the 1986 Emergency Planning and Community Right to Know Act (United States Code, Title 42, Chapter 116), which requires facilities to report items on USEPA Toxic Chemical Inventory Reporting Forms.

(2) State Regulations/Policies

At the State level, California has developed hazardous waste regulations that are similar to the federal laws, but that are more stringent in their application in some cases. The term "hazardous material" is defined in California Health and Safety Code Section 25501 as any material that, because of quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment. Hazardous materials include, but are not necessarily limited to, solvents, mercury, lead, asbestos, fuels, oils, paints, cleansers, and pesticides that are used in activities such as building and grounds maintenance. Potential adverse effects include those associated with reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; emitting hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; and location of the proposed project on a hazardous materials site.

The Hazardous Waste Control Law (HWCL) empowers the Department of Toxic Substances Control (DTSC), a division of California Environmental Protection Agency (CAL EPA) (formerly part of the Department of Health Services) to administer the State's hazardous waste program and implement the federal program in California. California Code of Regulations (CCR) Titles 22 and 23 address hazardous materials and wastes. Title 22 defines, categorizes, and lists hazardous materials and wastes. Title 23 addresses public health and safety issues related to hazardous materials and wastes and specifies disposal options.

Other relevant California laws include the following:

- The Hazardous Materials Release Response Plans and Inventory Law of 1986 (Assembly Bill (AB) 2185; Health and Safety Code Section 25500, et seq.) governs hazardous materials handling, reporting requirements, employee training, and local agency surveillance programs.

- Proposition 65 (CCR Title 22, Section 12000, et seq.) focuses on carcinogenic or teratogenic contaminants. It established a list of chemicals and substances and the level at which they are believed to potentially cause cancer, restricted discharge of listed chemicals at certain levels into known drinking water sources, required public notification of unauthorized discharges, required clear warning prior to a known and intentional exposure to a listed substance; and established a right of action for citizens, and separate notice requirements for government employees and counties.

- California Health and Safety Code, Division 20, Chapter 6.7, governs the State's Underground Storage Tank (UST) program and regulates the program in CCR Title 23, Division 3, Chapters 16 and 17.

- The Porter-Cologne Water Quality Control Act, adopted in 1969 and revised in 2009, requires maintaining the highest reasonably quality for the State's waters. It authorizes the Regional Water Control Boards (RWQCB)[2] to supervise cleanup efforts at spill sites that have affected groundwater.

The DTSC has the primary responsibility for enforcement and implementation of hazardous waste control laws in California. However, this responsibility is shared with other state and local government agencies, including the State Water Resources Control Board (SWRCB), the Los Angeles RWQCB, and city and county governments.

(3) Citywide Regulations/Policies

The General Plan of the City of Malibu Health and Safety Element, Goal 1, aims to prevent all avoidable risks to safety, health, and welfare from natural and man-made hazards including environmental hazards, fire, toxic and hazardous substances, water and air pollution, and landslides and debris flows.

c. Database Review

Several database lists were reviewed for information pertaining to the Project Site. These include the Los Angeles County Department of Public Health (LACDPH); Department of Toxic Substances Control (DTSC); Los Angeles County Fire Department (LACFD); Department of Oil, Gas, and Geothermal

[2] *The Los Angeles Regional Quality Control Board has jurisdiction over the Project Site and its surrounding area.*

Resources (DOGGR); Los Angeles Regional Water Quality Control Board (LARWQCB), which contains an inventory of reported Leaking Underground Storage Tanks (LUST); and the Los Angeles County Department of Public Works (LACDPW), which reports on the status of Underground Storage Tanks (UST).

Four historical LUSTs were identified on-site that have since been removed. The four underground storage tanks were removed from the property in January 1992 after groundwater contamination was observed during a site assessment performed by California Environmental in 1990. Two 4,000-gallon storage tanks containing unleaded gasoline, and one 4,000-gallon storage tank containing aviation fuel were confirmed to have underlying soil contamination following the tank pull. A 1,000-gallon diesel tank was removed at that time but was found to be free of underlying contamination. No records of site cleanup in response to the contamination identified at the Project Site. Despite this, case closure was given in October 1996, by the LARWQCB citing that the Malibu area does not have an aquifer used for drinking and that "passive remediation should decrease contamination to acceptable levels."

A property located approximately 0.5 to 1 mile north-northwest of the Project Site at 3011 Malibu Canyon Road is an active case under the California Department of Toxic Substances Site Cleanup Program Listing. The case was active as of 1/1/2008 and stemmed from leaking of aboveground storage tanks. Potential contaminants of concern are chromium III, mercury, white phosphorus, polynuclear aromatic hydrocarbons, diesel, PCE and TCE. The potential media affected are listed as soil and soil vapor. Based on the distance to the Project Site, and the media listed as impacted, this facility does not represent a recognized environmental condition (REC) in association with the subject property at this time.

The property located at 23670 Pacific Coast Highway (approximately 0.125 to 0.25 miles southwest of the Project Site) is listed under State and tribal LUST lists. A Regional Water Quality Control Board case is currently opened at the site and the site is undergoing remediation as of 1/16/2008. The potential contaminant of concern is listed as gasoline. The potential media affected is listed as "under investigation." The State Water Resources Control Board Geo Tracker lists the case having 13 groundwater wells that are monitored semiannually.

(1) Los Angeles County Department of Public Health (LACDPH)

The LACDPH is responsible for protecting the health and well-being of all persons in Los Angeles County with a focus on the population as a whole.[3] The LACDPH's Incident Report lists that 10 gallons of "Spent Petroleum Distillated" in containers were abandoned on the Project Site on 7/11/2013. The

[3] *http://publichealth.lacounty.gov/phcommon/public/aboutus/aboutdisplay.cfm?unit=ph&prog=ph&ou=ph, accessed November 2014.*

materials were cleaned up by Public Works, and the report states that "no ground/surface contamination observed at the time of the investigation."

(2) Department of Toxic Substances Control (DTSC)

The State of California Environmental Protection Agency (Cal/EPA), Department of Toxic Substances Control (DTSC) is responsible for the promulgation and enforcement of State environmental protection laws and regulations. Ellis Environmental Management Inc. ("Ellis Environmental") contacted the DTSC for information pertaining to files on the Project Site, and the DTSC stated that they have no records pertaining to the Project Site.

(3) Los Angeles Regional Water Quality Control Board (LARWQCB)

The Los Angeles Regional Water Quality Control Board (LARWQCB) protects ground and surface water quality in the Los Angeles Region, including the coastal watersheds of Los Angeles and Ventura Counties, along with very small portions of Kern and Santa Barbara Counties.[4] The Regional Water Quality Control Board has jurisdiction over water quality, water contamination problems, and LUSTs in the vicinity of the Project Site. After review of files provided by the UST Division under LARWQCB, a report from 1993 cites concentrations of up to 2,100 mg/kg of fuel hydrocarbons in soil samples on the Project Site, and up to 7,900 µg/kg of benzene in the groundwater downgradient from the tanks. The report proposes in-situ treatment system and a test system be installed in the area of greatest contamination. An Underground Storage Tank Case Closure notice was issued on October 4, 1996.

(4) Los Angeles County Department of Public Works (LADPW)

The Los Angeles County Department of Public Works is responsible for the design, construction, maintenance, and operation of Los Angeles facilities and infrastructure, such as water supply, flood control, water quality, and water conservation facilities. LADPW records document a removal of four USTs – two 4000-gallon unleaded gasoline tanks, one 4000-gallon aviation fuel tank, and one 1000-gallon diesel tank from the decommissioned Malibu Sheriff's Station in the early 1990s. All tanks are believed to have been originally installed in the 1970s. The report identified significant contamination under both of the gasoline tanks and beneath the aviation fuel tank, and recommended that the Public Works file be closed and "that further action at the site be directed by the Regional Water Quality Control Board". The LADPW gave closure to the site in April 1992 for the removal of the tanks and referred the site to the California Regional Water Quality Control Board for further investigation on groundwater contamination existing at the Project Site. The California Regional Water Quality Control Board granted case closure in 1996. On October 1, 1990, the site was inspected as a proposed location for the installation of a new storage tank. The report titled, "Environmental Site Assessment, Los Angeles County Sheriff's Station, Malibu, CA," by The Earth Technology Corporation indicates a concentration of benzene of 3,600 µg/l, well above the state drinking water standard of 1 µg/l. It stated that "because of the high levels

[4] *http://www.swrcb.ca.gov/losangeles/about_us/, accessed November 15, 2013.*

of benzene and toluene found MW-3, it is apparent that some form of groundwater remediation will be needed." It discussed methods for groundwater treatment but noted that the extent of contamination would need to be determined before a method of groundwater treatment could be assessed. In January 2005, a closure report for a 12,000-gallon unleaded gasoline UST was found in the site file and stated that the UST built in 1991 was removed with no evidence of soil contamination. All confirmation soil samples taken following removal were none detected for gasoline related contaminants. A closure certification notice was issued on August 5, 2008 by the Department of Public Works in response to the closure report.

d. Asbestos

Asbestos is the name given to a number of naturally occurring fibrous minerals that have been mined for their useful properties such as thermal insulation, chemical and thermal stability, and high tensile strength. Asbestos-containing materials (ACMs) were commonly used for acoustic insulation, thermal insulation, fire proofing, and in other building materials prior to 1981. When the microscopic fibers that make up asbestos become airborne, they can become inhaled and present a potential health hazard.[5] The U.S. EPA has taken steps to eliminate friable asbestos in building materials.[6] All untested materials are presumed to contain asbestos in buildings constructed prior to 1981. Because the structures on-site were originally constructed and modified prior to 1981, these structures have the potential to contain asbestos and pose a hazard to persons on the Project Site.

e. Radon

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

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

f. Lead

Lead-based paint is considered to be a health threat to people and, particularly, to children. Lead was a major ingredient in house paint used throughout the country prior to 1980, when it was discontinued under federal law. Similar to regulations for ACMs, California law requires that all residential buildings constructed on or before January 1, 1979 or schools constructed on or before January 1, 1993 must be

[5] *U.S. Department of Health and Human Services, Agency for Toxic Substances & Disease Registry, Asbestos Health Effects, http://www.atsdr.cdc.gov/asbestos/asbestos/health_effects/ (2008) accessed December 17, 2013.*

[6] *Friable materials are defined as those that can be crushed or reduced to powder by hand pressure.*

presumed to contain lead-based paint.[7] Because the structures on-site were originally constructed and modified prior to 1979, these structures have the potential to contain lead based paint and pose a hazard to children and persons on the Project Site.

3. ENVIRONMENTAL IMPACTS

a. Thresholds of Significance

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

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

b. Project Impacts

(1) Construction-Related Impacts

There are no current identified RECs on the Project Site. There is a seepage pit for septic systems on the northwest corner of the Project Site, north of the current building and northwest of the proposed building location. There is currently an asphalt parking lot on top of the seepage pits. According to the proposed Site Plan, a parking lot is designated for the portion of the Project Site overlaying the seepage pits. For this reason, extensive excavation and soil work is not required, but appropriate caution should be taken when developing this area. If any operation within the subject Project includes the construction, installation, modification, or removal of underground storage tanks (Los Angeles County Code Title 11, Division 4), the County of Los Angeles Department of Public Works, Environmental Programs Division must be contacted for required approvals and operating permits.

The Project Site is listed on the Leaking Underground Storage Tank list for three former USTs. As discussed above, the Project Site LUST was issued closure by the County of Los Angeles Regional Water Quality Control Board and the County of Los Angeles Department of Public Works in the 1990s, which indicates that the investigation and/or remediation have been completed to their satisfaction. The LUST classification on the Project Site represents a historic recognized environmental condition in connection

[7] *California Code of Regulations (CCR) Title 17, Division 1, Chapter 8, Section 35043.*

with the Project Site. No RECs are currently in use at the Project Site. Additionally, there are two sites that are located within a one-mile radius of the Project Site that have documented spills or leaks of gasoline. A property located at 3011 Malibu Canyon Road is an active case under the California Department of Toxic Substances Site Cleanup Program Listing. Based on the distance to the Project Site and the media listed as impacted this facility does not represent a REC in association with the subject property at this time. The property located at 23670 Pacific Coast Highway is a Regional Water Quality Control Board case that is currently opened. The site is undergoing remediation and is monitored semiannually.

In the Phase I Report, Ellis Environmental recommends further assessment to determine if hydrocarbon related contamination remains in the soil and groundwater at the site from the history of leaky gasoline and aviation fuel USTs. Ellis Environmental also recommends assessment to address how septic systems on-site might impact future construction efforts. Ellis Environmental performed soil and groundwater sampling and testing as reported in the Phase II Report. The Phase II Report concludes that the Site proposed for the new Santa Monica City College building appears to be free of residential gasoline contamination associated with a previous release of the Sheriff's Substation. No evidence was found to suggest that soil, soil vapor, or groundwater contamination is present at levels of concern. Very minor residual groundwater contamination was noted in two boring locations on the Los Angeles County Waterworks property. The concentrations detected were below applicable drinking water standards, and Ellis Environmental concludes that the concentrations are less than significant. No further assessment or remediation is believed to be required or necessary.

(a) Asbestos

Development of the Proposed Project would involve demolition and/or removal of the existing structures located on the Project Site. As mentioned previously, because the structures on the Project Site were built prior to the federal banning of ACMs, structures have the potential to have been constructed with building materials containing lead-based paint and/or ACMs. However, none of the structures on the Project Site were sampled and/or tested for ACMs during the assessment by Ellis Environmental. The potential release of ACMs is considered to be a significant impact. Mitigation Measure HAZ-2 is recommended to address this potential impact.

(b) Radon

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

(c) Lead

Due to the building's age, it is presumed that lead-based paint is present on the Project Site. The structures on-site containing lead-based materials could release lead into the environment during demolition activities. Therefore, Mitigation Measure HAZ-3 is recommended to address this potential impact.

(d) Polychlorinated Biphenyls (PCBs)

During reconnaissance of the Project Site, an Ellis Environmental assessor was escorted through the existing building on the Project Site. Ellis Environmental did not note the presence of fluorescent lights in the buildings, although it is presumed that fluorescent light ballasts manufactured prior to 1978 might be located on the Project Site. Fluorescent light ballasts manufactured prior to 1978 may contain small quantities of PCBs. It is possible that PCBs could be released into the environment during demolition activities. Therefore, Mitigation Measure HAZ-4 is recommended to address this potential impact.

(2) Groundwater Sampling and Analysis

Ellis Environmental performed soil and groundwater sampling in January 2012. As discussed above, the Phase II Report concludes that the levels of contamination on-site are less than significant and no further remediation is required. However, pumped groundwater could potentially draw slightly higher concentrations of contaminants onto the Project Site. Mitigation Measure HAZ-1 is recommended to ensure that accidental contamination of the Project Site would not occur during construction activities.

Since the Phase II investigation yielded less than significant impacts in relation to on-site contamination, potential RECs from surrounding properties are less this significant. Therefore, it is unlikely that surrounding properties contaminated the Project Site, groundwater or soil of the area.

(3) Operational Impacts

Implementation of the Proposed Project would include the construction of an 19,670 square foot educational facility and a 5,640 square foot Community Sheriff's Substation and Emergency Operations and Planning Center. Beyond relatively small quantities of solvents and chemicals that are routinely used in college science classes for education and instructional purposes, the proposed uses do not involve any materials or activities that would entail the use of hazardous materials that could potentially pose a threat to persons on-site or on immediately adjacent properties.

Potentially hazardous materials that are anticipated to be used and/or stored on the Project Site as part of the proposed community college facility include common household cleaners, solvents, paints, or lacquers typical of educational and police operations. The associated risk of storing and/or using such materials on the site after construction is complete would be adequately reduced to acceptable levels of safety via compliance with federal, State, and local regulations. In addition, the proposed Sheriff's Substation would require the on-site storage and handling of explosives and other potentially hazardous projectile materials. The type of explosives that would likely be stored on-site within the proposed Sheriff's Station and within secured Sheriff Department vehicles include 1) ammunition with inert projectiles; 2) tear gas and smoke, sting balls; and 3) small arms ammunition. All of these items will be stored in the Armory on-site in the Sheriff's Substation. The Sheriff's Department vehicles would be parked in a secured and fenced in area in the back lot. Based on the Proposed Project's required compliance with applicable regulations the risk of upset and accidental conditions involving the release of hazardous materials into the environment is considered to be less than significant.

Additionally, there are no public or private schools or proposed public or private schools within a quarter of a mile radius of the Project Site.

4. MITIGATION MEASURES

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

HAZ-1. The Project Developer shall obtain all necessary permits from the RWQCB prior to the installation of any temporary and/or permanent dewatering systems. Procurement of all applicable RWQCB permits will ensure the water quality of groundwater discharge into the storm drain infrastructure.

HAZ-2. A demolition-level asbestos survey by a licensed contractor shall be conducted for the existing on-site structures. If the survey reveals that these structures contain ACMs, the structures shall be stabilized, removed, and disposed of in accordance with applicable regulations, including but not limited to, SCAQMD Rule 1403 and Cal/OSHA requirements.

HAZ-3. During the demolition of existing structures, building materials shall be handled and disposed of in accordance with applicable federal, State, and local regulations regarding lead-containing materials.

HAZ-4. Fluorescent light ballasts not specifically labeled as not to contain PCBs shall be presumed to contain them and shall be disposed of in accordance with applicable regulations, including but not limited to, Cal/OSHA requirements.

HAZ-5 If any operation within the Project Site includes construction, installation, modification, or removal of underground storage tanks (Los Angeles County Code Title 11, Division 4), the County of Los Angeles must be contacted for required approvals and operation permits.

5. LEVEL OF SIGNIFICANCE AFTER MITIGATION

With implementation of the Mitigation Measures above, impacts would be less than significant.