

5. Environmental Analysis

5.6 HAZARDS AND HAZARDOUS MATERIALS

This section of the Draft Environmental Report (DEIR) evaluates the potential impacts of the Proposed Project on human health and the environment due to exposure to hazardous materials or conditions associated with the Project Site, project construction, and project operations. Potential project impacts and appropriate mitigation measures are included as necessary. The analysis in this section is based, in part, on the Environmental Databased Search Report by Environmental Data Resources, Inc. (EDR), dated July 24, 2014, included as Appendix D to this DEIR.

5.6.1 Environmental Setting

5.6.1.1 REGULATORY BACKGROUND

Hazardous materials and wastes can pose a significant actual or potential hazard to human health and the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Many federal, state, regional, and local programs that regulate the use, storage, and transportation of hazardous materials and hazardous waste are in place to prevent these unwanted consequences. These regulatory programs are designed to reduce the danger that hazardous substances may pose to people and businesses under normal daily circumstances and as a result of emergencies and disasters.

Federal

Resource Conservation and Recovery Act (RCRA) of 1976, as amended by the Hazardous and Solid Waste Amendments of 1984

Federal hazardous waste laws are generally promulgated under RCRA. 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 California 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 Certified Unified Program Agency (CUPA) program, the California Environmental Protection Agency (Cal/EPA) has in turn delegated enforcement authority to the County of Los Angeles (County) for state law regulating hazardous waste producers or generators.

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Superfund Amendments and Reauthorization Act (SARA) of 1986

Congress enacted CERCLA, commonly known as Superfund, on December 11, 1980. CERCLA established prohibitions and requirements concerning closed and abandoned hazardous waste sites; provided for liability of persons responsible for releases of hazardous waste at these sites; and established a trust fund to provide for cleanup when no responsible party could be identified. SARA amended the CERCLA on October 17, 1986. SARA stressed the importance of permanent remedies and innovative treatment technologies in cleaning up hazardous waste sites; required Superfund actions to consider the standards and requirements found in other state and federal environmental laws and regulations; provided new enforcement authorities

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and settlement tools; increased state involvement in every phase of the Superfund program; increased the focus on human health problems posed by hazardous waste sites; encouraged greater citizen participation in making decisions on how sites should be cleaned up; and increased the size of the trust fund to \$8.5 billion.

Emergency Planning Community Right-to-Know Act (EPCRA)

The EPCRA, also known as SARA Title III, was enacted in October 1986. This law requires any infrastructure at the state and local levels to plan for chemical emergencies. Reported information is then made publicly available so that interested parties may become informed about potentially dangerous chemicals in their community. EPCRA Sections 301 through 312 are administered by EPA's Office of Emergency Management. EPA's Office of Information Analysis and Access implements the EPCRA Section 313 program. In California, SARA Title III is implemented through CalARP.

Hazardous Materials Transportation Act

The United States Department of Transportation (DOT) regulates hazardous materials transportation under Title 49 (Transportation) of the Code of Federal Regulations (CFR). 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 Department of Transportation. These agencies also govern permitting for hazardous materials transportation. CFR Title 49 reflects laws passed by Congress as of January 2, 2006.

Federal Response Plan

The Federal Response Plan of 1999 is a signed agreement among 27 federal departments and agencies, 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.

State

California Health and Safety Code and Code of Regulations

California Health and Safety Code Chapter 6.95 (Hazardous Materials Release Response Plans and Inventory) and California Code of Regulations, Title 19, Section 2729 set out the minimum requirements for business emergency plans and chemical inventory reporting. These regulations require businesses to provide emergency response plans and procedures, training program information, and a hazardous material chemical inventory disclosing hazardous materials stored, used, or handled on site. A business that uses hazardous materials or a mixture containing hazardous materials must establish and implement a business plan if the hazardous material is handled in certain quantities.

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California Education Code (CEC)

The CEC establishes the law for California public education. CEC requires that DTSC be involved in the environmental review process for the proposed acquisition and/or construction of school properties that will use state funding. The CEC requires a Phase I Environmental Site Assessment be completed prior to acquiring a school site or engaging in a construction project. Depending on the outcome of the Phase I Environmental Site Assessment, a Preliminary Environmental Assessment and remediation may be required. The CEC also requires potential, future school sites that are proposed within two miles of an airport to be reviewed by Caltrans Division of Aeronautics. If Caltrans does not support the proposed site, no state or local funds can be used to acquire the site or construct the school.

California Building Code

The State of California provided a minimum standard for building design through the 2010 California Building Code (CBC), which is located in Part 2 of Title 24 of the California Code of Regulations (CCR). The most recent (2013) CBC is based on the 2012 International Building Code, but has been modified for California conditions. It is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. Commercial and residential buildings are plan-checked by local city and county building officials for compliance with the CBC. 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 Fire Code

California Code of Regulations, Title 24, also known as the California Building Standards Code, contains the California Fire Code (CFC), included as Part 9 of that title. Updated every three years, 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. The Long Beach Fire Department (LBFD) provides fire protection services for the City of Long Beach and enforces the CFC throughout the City, including the Project Site.

Asbestos-Containing Materials (ACM) Regulations

State-level agencies, in conjunction with the USEPA and California Occupational Safety and Health Administration (Cal/OSHA), regulate removal, abatement, and transport procedures for asbestos-containing materials. Releases of asbestos from industrial, demolition, or construction activities are prohibited by these regulations and medical evaluation and monitoring is required for employees performing activities that could expose them to asbestos. Additionally, the regulations include warnings that must be heeded and practices that must be followed to reduce the risk for asbestos emissions and exposure. For example, Title 8 of the California Code of Regulations, Section 1529 (Asbestos), provides for exposure limits, exposure monitoring, respiratory protection, and good working practices by workers exposed to asbestos. Finally, federal, state, and local agencies must be notified prior to the onset of demolition or construction activities with the potential to release asbestos.

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Polychlorinated Biphenyls (PCBs)

USEPA prohibited the use of PCBs in the majority of new electrical equipment starting in 1979, and initiated a phase-out for much of the existing PCB-containing equipment. The inclusion of PCBs in electrical equipment and the handling of those PCBs are regulated by the provisions of the Toxic Substances Control Act, 15 U.S.C. § 2601 et seq. (TSCA). Relevant regulations include labeling and periodic inspection requirements for certain types of PCB-containing equipment and outline highly specific safety procedures for their disposal. The state likewise regulates PCB-laden electrical equipment and materials contaminated above a certain threshold as hazardous waste; these regulations require that such materials be treated, transported, and disposed accordingly. At lower concentrations for non-liquids, regional water quality control boards may exercise discretion over the classification of such wastes.

Lead-Based Paint (LBP)

Cal/OSHA's Lead in Construction Standard is contained in Title 8, Section 1532.1 (Lead) of the California Code of Regulations. The regulations address all of the following areas: permissible exposure limits (PELs); exposure assessment; compliance methods; respiratory protection; protective clothing and equipment; housekeeping; medical surveillance; medical removal protection (MRP); employee information, training, and certification; signage; record keeping; monitoring; and agency notification.

Regional

South Coast Air Quality Management District Rule 1403

South Coast Air Quality Management District (SCAQMD) Rule 1403 governs the demolition of buildings containing asbestos materials. Rule 1403 specifies work practices with the goal of minimizing asbestos emissions during building demolition and renovation activities, including the removal and associated disturbance of asbestos-containing material (ACM). The requirements for demolition and renovation activities include asbestos surveying, notification, ACM removal procedures and time schedules, ACM handling and cleanup procedures, storage, and disposal requirements for asbestos-containing waste materials. Should ACM be identified, Rule 1403 requires that ACM be safely removed and disposed of, if possible. If it is not possible to safely remove ACM, Rule 1403 requires that safe procedures be used to demolish the building with asbestos in place without resulting in a significant release of asbestos.

Local

Medical Waste Management Act (MWMA)

The MWMA establishes the methods for handling, tracking, record keeping, hauling and disposal of medical waste by all medical generators and other handlers of medical waste. The California Health and Safety Code authorizes the City of Long Beach to implement the MWMA and to collect fees to cover the expenses of administering the program. The Long Beach Department of Health and Human Services, (LBHHS), Bureau of Environmental Health is responsible for administering and enforcing the MWMA. As defined in the MWMA, registration and/or permitting by the local enforcement agency (LEA) is required for medical-waste-generating facilities that perform onsite treatment of medical waste, produce greater than 200 pounds per

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month of medical waste, or store medical wastes from multiple small generators prior to disposal using a registered hazardous waste transporter. Qualifying medical waste generation facilities may be granted a Limited Quantity Hauling Exemption (LQHE), which provides an exemption for health care professionals to transport small amounts of medical waste (20 pounds per week) without having to meet registered haulers requirements (LBHHS 2015). Existing Conditions

Environmental Database Listings

An environmental database search was conducted by Environmental Data Resources, Inc. (EDR) on July 24, 2014. The search area extended about one mile outward surrounding the Project Site. Table 5.6-1 summarizes database listings within the Project Site and within the remainder of the search area. The full database search report is included as Appendix D to this DEIR.

Table 5.6-1 Hazardous Materials Listings

Database	Type of Sites Listed	Agency Maintaining Database	Number of Sites		
			Onsite	Offsite	Total
CERCLIS	Potentially hazardous waste sites that have been reported to the USEPA.	US Environmental Protection Agency (EPA)	0	2	2
CERC-NFRAP	Hazardous materials release sites (or suspected release sites) removed from CERCLIS sites list; No Further Remedial Action Planned.	EPA	2	6	8
CORRACTS	Hazardous waste handlers with Corrective Action activity.	EPA	0	2	2
RCRA-TSDF	Sites that treat, store, or dispose of hazardous wastes.	EPA	0	2	2
RCRA-LQG	Large quantity generators of hazardous wastes (generate over 1,000 kilograms [kg] of hazardous waste, or over 1 kg of acutely hazardous waste per month).	EPA	0	3	3
RCRA-SQG	Small quantity generators of hazardous wastes (generate between 100 kg and 1,000 kg of hazardous waste per month)	EPA	27	65	92
RCRA NonGen / NLR	Non-generators: do not presently generate hazardous waste.	EPA	9	19	28
US INST CONTROL:	Institutional controls (e.g. land use restrictions).	EPA	0	1	1
ERNS	Reported hazardous materials releases.	US Coast Guard	9	25	34
US Brownfields	Sites redeveloped/reused after hazardous materials cleanup.	EPA	0	5	5
US Mines		US Department of Labor	0	1	1
FTTS and HIST FTTS	Administrative cases and pesticide enforcement actions and compliance activities related to FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act), TSCA (Toxic Substances Control Act), and EPCRA (Emergency Planning and Community Right-to-Know Act)	EPA	0	2	2

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Table 5.6-1 Hazardous Materials Listings

Database	Type of Sites Listed	Agency Maintaining Database	Number of Sites		
			Onsite	Offsite	Total
PADS: PCB Activity Database	Generators, transporters, commercial storers and/or brokers and disposers of PCBs	EPA	0	1	1
2020 COR ACTION	Facilities expected to need corrective Action.	EPA	0	1	1
PRP	Potentially Responsible Parties.	EPA	0	1	1
US AIRS	Air pollution point sources regulated by the U.S. EPA and/or state and local air regulatory agencies.	EPA	0	1	1
US FIN ASSUR	Owners and operators of facilities that treat, store, or dispose of hazardous waste.		0	1	1
SWF/LF	Solid waste facilities/Landfill Sites.	Department of Resources Recycling and Recovery	0	5	5
NPDES	Permits for discharges to waters of the U.S.	State Water Resources Control Board (SWRCB)	2	4	6
UIC	Underground injection wells (oil & gas wells).	CA Dept. of Conservation	7	385	392
CA WDS	Waste discharge requirements.	State Water Resources Control Board	1	1	2
Hist Cortese	Historical UST sites.	DTSC	9	54	63
SWRCY	Solid waste recycling facilities.	CA Dept. of Conservation	0	1	1
LUST	Leaking Underground Storage Tank.	SWRCB	15	84	99
Hist UST	Historical Underground Storage Tank.		13	58	71
CA FID UST	Historical USTs.	SWRCB	15	49	64
SWEEPS UST	Historical USTs.	SWRCB	16	63	79
SLIC	Spills, Leaks, Investigation, and Cleanup.	SWRCB	2	19	21
UST	Underground Storage Tanks.	City of Long Beach	78	198	276
CHMIRS	California Hazardous Material Incident Reporting System.	California Emergency Management Agency (Cal/EMA)	13	29	42
AST	Aboveground Storage Tanks.	Cal/EPA	1	16	17
Notify 65	Listings of all Proposition 65 incidents reported to counties by the State Water Resources Control Board and the Regional Water Quality Control Board.	SWRCB and Los Angeles Regional Water Quality Control Board	0	3	3
DEED	Recorded land use restrictions.	DTSC	0	3	3
VCP	Voluntary Cleanup Program properties.	DTSC	0	3	3
Drycleaners	Registered drycleaners.	EPA	0	2	2
ENF	Enforcement Actions.	SWRCB	1	8	9
CDL	Clandestine Drug Lab.	DTSC	4	2	6
RESPONSE	Remediation action.	DTSC	0	2	2

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Table 5.6-1 Hazardous Materials Listings

Database	Type of Sites Listed	Agency Maintaining Database	Number of Sites		
			Onsite	Offsite	Total
Haznet	Hazardous Materials Shipment Manifests.	California Environmental Protection Agency (Cal/EPA)	120	175	295
EMI	Emissions Inventory: toxic and criteria pollutant emissions.	California Air Resources Board	19	30	49
HAULERS	Waste tire haulers.	CalRecycle	0	3	3
EnviroStor	Known or suspected contamination.	DTSC	2	23	25
MWMP	Medical Waste Management Program.	CA Dept. of Public Health	0	2	2
HWT	Hazardous Waste Transporters.	DTSC	0	1	1
WMUDS/SWAT	Waste Management Unit Database System	SWRCB	0	3	3
Historical auto stations	Historical auto stations.	EDR- Proprietary	118	276	394
Historical cleaners	Historical cleaners.	EDR- Proprietary	19	144	163
TOTAL			502	1,784	2,286

Source: EDR 2014.

Historic Uses of the Project Site

Historic Topographic Maps

The Project Site, as shown on four historic topographic maps (USGS 2014), is described below.

1896 Downey Sheet (shows entire Project Site): Only a few structures are mapped onsite: four in the southern part of the Project Site – three along Long Beach Boulevard and one on Anaheim Street; and three other structures in the northeast part of the Project Site near present-day Long Beach Memorial Hospital.

1925 Long Beach Quadrangle (only shows from south end of Project Site north to 23rd Street): Most of the Project Site is built out. A Pacific Electric railroad track extends along Long Beach Boulevard from 23rd Street to Anaheim Street and continues south to Ocean Avenue (now Ocean Boulevard).

1949 Long Beach Quadrangle (shows entire Project Site): The part of the Project Site south of Willow Street is built out. Parts of the portion of the Project Site north of Willow Street are vacant; part is built out (between Long Beach Boulevard and the future Blue Line track); and part contains scattered structures. Long Beach Memorial Hospital is not shown. A stub of the future I-405 ends just east of State Route 15 (now I-710). A triangular railroad junction is present at Long Beach Boulevard and 27th Street, near the existing Willow Blue Line Station. One Pacific Electric track extends south from the triangular railroad junction along Long Beach Boulevard; a second track extends southeast.

1964 Long Beach Quadrangle (shows entire site): Most of the Project Site is built out; a hospital is mapped on the site of Long Beach Memorial Medical Center; a trailer park is shown near the northwest corner of Long Beach Boulevard and Willow Street. Pacific Hospital is shown in the northwest part of the Project Site.

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Historic Aerial Photographs

The Project Site, as shown on historic aerial photographs from 1953 and 1972 (NETR 2014), is described below.

1953: Most of the part of the Project Site south of Spring Street is completely built out with urban uses; the only exception is the part of the Project Site west of the Pacific Electric railroad track, which is partly vacant. There are numerous oil derricks on the part of the Project Site north of Spring Street and on the northeast portion of the current Long Beach Memorial Medical Center (LBMMC) campus.¹ Otherwise, development is sparse on the part of the Project Site north of Spring Street. I-405 and LBMMC have not been built.

1972: The part of the Project Site south of Spring Street is built out with urban uses and appears generally similar to current conditions. Development is scattered north of Spring Street. I-405 and LBMMC are present.

Proximity to Schools

The following schools are within the Project Site or within 0.25 mile of the Project Site.

Within the Project Site:

- PAAL Academy High School: 1545 Long Beach Boulevard
- New City School: 1637 Long Beach Boulevard
- Jackie Robinson K-8 Academy: 2750 Pine Avenue

Within 0.25 Mile of the Project Site:

- Regency High School: 490 West 14th Street
- George Washington Middle School: 1450 Cedar Avenue
- Theodore Roosevelt Elementary School, 1400 East 20th Street
- Long Beach Polytechnic High School: 1600 Atlantic Avenue
- Peter Burnett Elementary School: 565 East Hill Street
- Holy Innocents Elementary School: 2500 Pacific Avenue
- Lafayette Elementary School: 2445 Chestnut Avenue

Long Beach Airport Height Limits

Several imaginary surfaces surrounding the runways at Long Beach Airport have been established by the Federal Aviation Administration (FAA). Two of these surfaces extend over parts of the Project Site:

- A horizontal surface at elevation 210.4 feet above mean sea level (amsl) extends from the intersection of Long Beach Boulevard and Willow Street to the north end of the Project Site.

¹ Oil derricks appear as long narrow triangular shadows extending northeastward.

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- A conical surface with slope 20:1 (horizontal:vertical) extends southward from the intersection of Long Beach Boulevard and Willow Street to the intersection of Long Beach Boulevard and Pacific Coast Highway, rising from an elevation of 210.4 feet at the former intersection to elevation 410.4 feet amsl at the latter (see Figure 5.6-1, *Structure Elevation Limits Pursuant to Federal Aviation Administration Part 77 Regulations*).

5.6.2 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.
- 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 for people residing or working in the project area.
- H-6 For a project in the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area.
- H-7 Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- H-8 Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to the urbanized areas or where residences are intermixed with wildlands.

The Initial Study, included as Appendix A, substantiates that impacts associated with the following thresholds would be less than significant:

- Threshold H-1
- Threshold H-5
- Threshold H-6

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- Threshold H-7
- Threshold H-8

These impacts will not be addressed in the following analysis. However, regarding Threshold H-5, most of the Project Site is under imaginary surfaces pursuant to Federal Aviation Administration (FAA) Part 77 Regulations regulating obstructions into navigable airspace surrounding Long Beach Airport. Therefore, this impact is analyzed below.

5.6.3 Environmental Impacts

The following impact analysis addresses thresholds of significance for potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

Impact 5.6.1: The construction and operational phases of future development projects that would be accommodated by the Proposed Project would not create substantial hazards through accidental release of hazardous materials, nor emit hazardous emissions or handle hazardous materials within one-quarter mile of a school site. [Thresholds H-2 and H-3]

Impact Analysis: Following is a discussion of the Proposed Project's potential to create a significant hazard to the public or the environment within each of the areas of the Project Site through the accidental release of hazardous materials during the operational and construction phases of future development projects that would be accommodated by the Proposed Project. Impacts to the public includes potential impacts to the four schools that are within one-quarter mile of the Project Site, which include Long Beach Polytechnic High School, Roosevelt Elementary, Burnett Elementary, and Holy Innocents Parish.

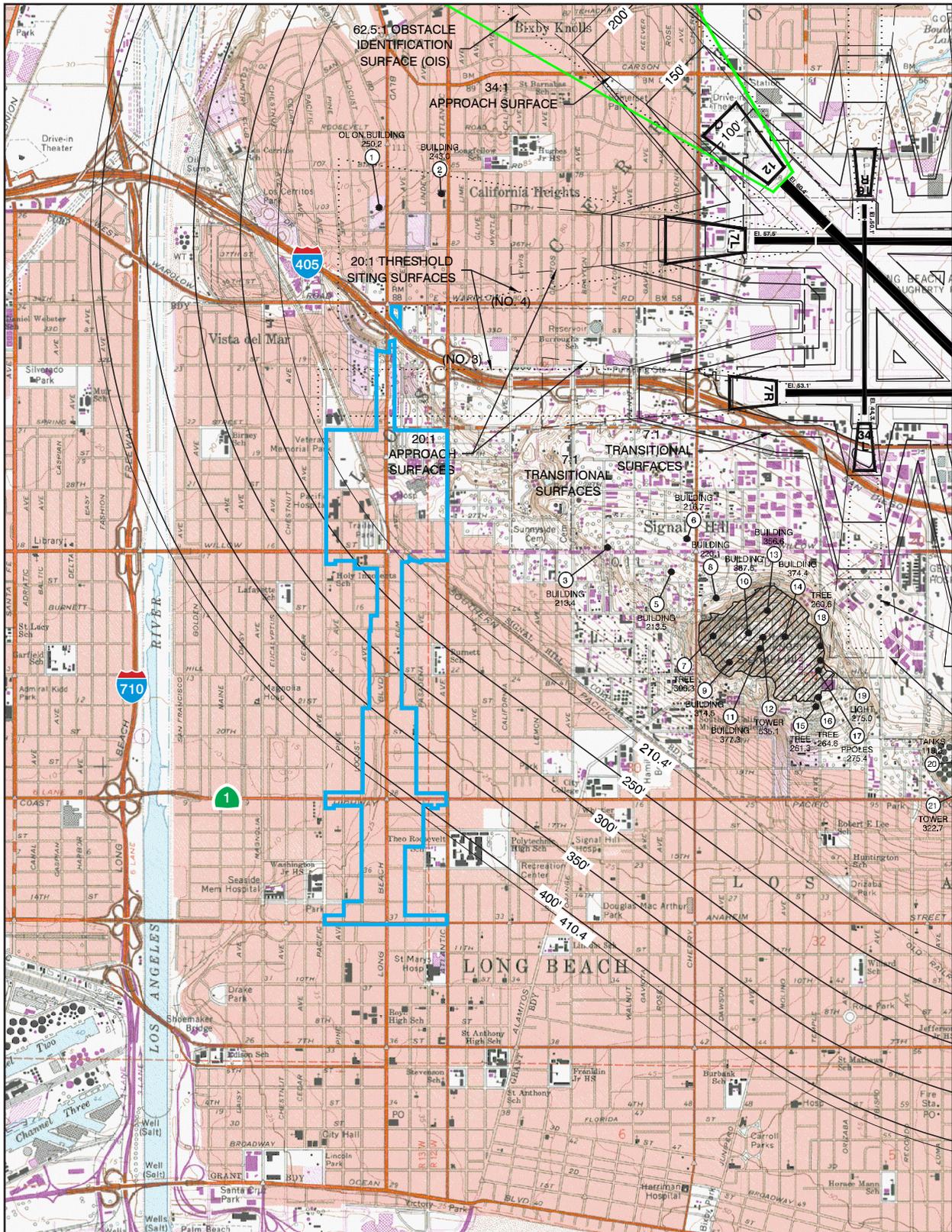
Midtown Specific Plan Area

Hazardous Materials Associated with Project Operation

The development of industrial uses or other land uses involving the storage, use, transport, and disposal of large amounts of hazardous wastes are not proposed and would not be permitted under the Midtown Specific Plan. No manufacturing, industrial, or other uses utilizing large amounts of hazardous materials would occur within the Midtown Specific Plan area. Proposed and permitted land uses in the Midtown Specific Plan include residential, restaurant, entertainment, office, neighborhood-serving commercial, live-work, health care and medical office, and open space uses.

Operation of the proposed residential uses would involve the use of small quantities of hazardous materials for cleaning and maintenance purposes, such as paints, household cleaners, fertilizers, and pesticides. The types of hazardous materials that could be used during operation of future nonresidential uses (restaurant, entertainment, office, neighborhood-serving commercial) are anticipated to include cleaning and maintenance products, paints, and solvents and degreasers. Additionally, health care and medical office uses could involve the use of hazardous medical waste (i.e., biomedical and radiological waste), as well as other hazardous materials such as chemical reagents, solvents, fuels, paints, cleansers, and pesticides.

Figure 5.6-1 Structure Elevation Limits Pursuant to Federal Aviation Administration Part 77 Regulations
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— Project Site Boundary
250' Elevation in feet above mean sea level

0 3,000
Scale (Feet)



Source: Mead & Hunt, April 2012

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The use, storage, transport, and disposal of hazardous materials by land uses pursuant to the Midtown Specific Plan would be governed by existing regulations set forth by several agencies. Regulations that would be required of those uses that involve transporting, using or disposing of hazardous materials include RCRA, which provides the ‘cradle to grave’ regulation of hazardous wastes; CERCLA, which regulates closed and abandoned hazardous waste sites; the Hazardous Materials Transportation Act, which governs hazardous materials transportation on U.S. roadways; IFC, which creates procedures and mechanisms to ensure the safe handling and storage of hazardous materials; CCR Title 22, which regulates the generation, transportation, treatment, storage and disposal of hazardous waste; and CCR Title 27, which regulates the treatment, storage and disposal of solid wastes. For development within the State of California, Government Code Section 65850.2 requires that no final certificate of occupancy or its substantial equivalent be issued unless there is verification that the owner or authorized agent has met, or is meeting, the applicable requirements of the Health and Safety Code, Division 20, Chapter 6.95, Article 2, Sections 25500 through 25520.

The Long Beach Fire Department (LBFD) and Long Beach Bureau of Environmental Health (BEH) jointly function as the Certified Unified Program Agency (CUPA) for the City, and are responsible for enforcing Chapter 6.95 (Hazardous Materials Release Response Plans and Inventory) of the Health and Safety Code. As the CUPA, LBFD and BEH are required to regulate hazardous materials business plans and chemical inventory, hazardous waste and tiered permitting, underground storage tanks, and risk-management plans. The Hazardous Materials Business Plan is required to contain basic information on the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of on development sites. The plan also contains an emergency-response plan, which describes the procedures for mitigating a hazardous release, procedures, and equipment for minimizing the potential damage of a hazardous materials release, and provisions for immediate notification of the LBFD, BEH the Office of Emergency Services, and other emergency-response personnel, such as the local fire agency having jurisdiction. Implementation of the emergency response plan facilitates rapid response in the event of an accidental spill or release, thereby reducing potential adverse impacts. Furthermore, BEH is required to conduct ongoing routine inspections to ensure compliance with existing laws and regulations; to identify safety hazards that could cause or contribute to an accidental spill or release; and to suggest preventative measures to minimize the risk of a spill or release of hazardous substances.

Medical waste that would be generated by any future health care and medical office uses that would be accommodated by the Midtown Specific Plan would be required to adhere to the provisions of the MWMA, which are administered and enforced by LBHHS. Under the MWMA, the City requires anyone operating a business that generates medical waste to obtain a permit, which is issued by LBHHS to ensure quality and enforcement of regulations.

Compliance with applicable laws and regulations governing the use, storage, transport, and disposal of hazardous materials would ensure that all potentially hazardous materials associated with future development that would be accommodated by the Midtown Specific Plan are used and handled in an appropriate manner and would minimize the potential for safety impacts. Compliance with these laws and regulations is ensured through the City’s development review and building plan check process. Therefore, hazards to the public or the environment arising from an accidental release of hazardous materials during project operation are not anticipated to occur.

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Furthermore, any future development projects that would be accommodated by the Midtown Specific Plan would be subject to the City's development review process upon a formal request for a development permit. The City's development review process would include verification of land use compatibility compliance in accordance with the development standards of the Midtown Specific Plan and City's Zoning Regulations (Title 21 of the City's Municipal Code). Additionally, the Midtown Specific Plan and City's Zoning Regulations provide a list of allowable uses that are customized for highly urbanized areas of the City, such as the Project Site, thereby minimizing the exposure of future residents to potential impacts. For example, uses permitted by right in a mixed-use development are considered compatible with residential uses on the same development site.

Hazardous Materials Associated with Project Construction

Construction Activities

Construction of development and redevelopment projects pursuant to the Midtown Specific Plan would involve the use of larger amounts of hazardous materials than would project operation, such as fuels, lubricants, and greases in construction equipment and coatings used in construction. However, the materials used would not be in such quantities or stored in such a manner as to pose a significant safety hazard. These activities would also be short term or one time in nature.

Additionally, as with project operation, the use, transport, and disposal of construction-related hazardous materials would be required to conform to existing laws and regulations. Compliance with applicable laws and regulations governing the use, storage, and transportation of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts to occur. For example, all 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. All contaminated waste would be required to be collected and disposed of at an appropriately licensed disposal or treatment facility.

Furthermore, strict adherence to all emergency response plan requirements set forth by LBFD and BEH would be required through the duration of the construction of each individual development project. Therefore, substantial hazards to the public or the environment arising from the routine use of hazardous materials during project construction would not occur, and impacts are not anticipated to be significant.

Grading Activities

Grading activities of the individual development projects that would be accommodated by the Midtown Specific Plan would involve the disturbance of onsite soils. Soils on certain parcels of the Project Site could be contaminated with hazardous materials due to current and historical commercial land uses. Exposure of contaminated soils to workers and the surrounding environment would result in a significant impact. Any contaminated soils encountered on individual development sites would be required to be removed prior to grading activities and disposed of offsite in accordance with all applicable regulatory guidelines.

However, to ensure that impacts from potential contaminated soils do not occur, Mitigation Measure HAZ-1 has been provided at the end of this section. Per Mitigation Measures HAZ-1, project applicants of future

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development projects that would be accommodate by the Midtown Specific Plan are required to submit a Phase I Environmental Site Assessment (ESA) prior to the issuance of grading permits; the ESA would identify any potential environmental conditions of a development site and determine whether contamination is present.

Therefore, with adherence to existing regulations and implementation of Mitigation Measure HAZ-1, impacts arising from the potential of encountering contaminated soils onsite during project grading activities would not occur. Compliance with existing regulations and this mitigation measure would be ensured through the City's development review and building plan check process.

Demolition Activities

Future development and redevelopment projects pursuant to the Midtown Specific Plan may require demolition of existing buildings and structures associated with the specific development site. Due to the age of the buildings and structures through the Midtown Specific Plan area (many over 50 years old), it is likely that asbestos-containing materials (ACM) and lead-based paints (LBP), as well as other building materials containing lead (e.g., ceramic tile), were used in their construction. Demolition of these building and structures can cause encapsulated ACM (if present) to become friable and, once airborne, they are considered a carcinogen.² A carcinogen is a substance that causes cancer or helps cancer grow. Demolition of the existing buildings and structures can also cause the release of lead into the air if not properly removed and handled. The United States Environmental Protection Agency (EPA) has classified lead and inorganic lead compounds as "probable human carcinogens" (EPA 2013). Such releases could pose significant risks to persons living and working in and around Project Site, as well as to project construction workers.

Abatement of all ACM and LBP encountered during any future building demolition activities would be required to be conducted in accordance with all applicable laws and regulations, including those of the EPA (which regulates disposal); US Occupational Safety and Health Administration; US Department of Housing and Urban Development; Cal/OSHA (which regulates employee exposure), and South Coast Air Quality Management District (SCAQMD).

For example, Cal/OSHA's regulations for exposure of construction employees to ACMs require that demolition materials be handled and transported the same as other, non-friable ACMs. The EPA requires that all asbestos work performed within regulated areas be supervised by a competent person who is trained as an asbestos supervisor (EPA Asbestos Hazard Emergency Response Act, 40 CFR 763). SCAQMD's Rule 1403 requires that buildings undergoing demolition or renovation be surveyed for ACM prior to any demolition or renovation activities. Should ACM be identified, Rule 1403 requires that ACM be safely removed and disposed of at a regulated site, if possible. If it is not possible to safely remove ACM, Rule 1403 requires that safe procedures be used to demolish the building with asbestos in place without resulting in a significant release of asbestos. Additionally, during demolition, grading, and excavation, all construction workers would be required to comply with the requirements of Title 8 of the California Code of Regulations, Section 1529

² When dry, an ACM is considered friable if it can be crumbled, pulverized, or reduced to powder by hand pressure. If it cannot, it is considered non-friable ACM. It is possible for non-friable ACM to become friable when subjected to unusual conditions, such as demolishing a building or removing an ACM that has been glued into place.

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(Asbestos), which provides for exposure limits, exposure monitoring, respiratory protection, and good working practices by workers exposed to asbestos.

Cal/OSHA Regulation 29 (CFR Standard 1926.62) regulates the demolition, renovation, or construction of buildings involving lead-based materials. It includes requirements for the safe removal and disposal of lead, and the safe demolition of buildings containing LBP or other lead materials. Additionally, during demolition, grading, and excavation, all construction workers would be required to comply with the requirements of Title 8 of the California Code of Regulations, Section 1532.1 (Lead), which provides for exposure limits, exposure monitoring, respiratory protection, and good working practice by workers exposed to lead.

However, to further prevent impacts from the potential release of ACM or LBP associated with individual development projects under the Midtown Specific Plan, an ACM and LBP survey of existing buildings and structures would be required prior to demolition activities, as outlined in Mitigation Measure HAZ-2.

Therefore, with compliance of all applicable laws and regulations and implementation of Mitigation Measure HAZ-2, hazardous impacts related to the release of ACMs and LBD would not occur. Compliance with these laws, regulations, and mitigation measure would be ensured through the City's development review and building plan check process.

Area Outside the Midtown Specific Plan

Under the Proposed Project, the area that is outside the Midtown Specific Plan, which covers two residential blocks around Officer Black Park (approximately 4 acres) west of Pasadena Avenue between 21st Street and 20th Street (see Figure 3-5, *Current and Proposed Zoning Designations*), would be extracted from PD 29 and retain its underlying conventional zoning designations, which include Single-Family Residential, standard lot (R-1-N); Three-Family Residential (R-3-S); and Park (P). With the exception of the zoning designation revisions that would be undertaken, no physical change (e.g., additional development intensity, redevelopment) is expected to occur within this area and all existing uses (which include residential uses, a church, and Officer Black Park) are expected to remain. Therefore, no hazards impacts are anticipated to occur.

Impact 5.6-2: Certain sites within the Project Site are included on a list of hazardous materials sites. [Threshold H-4]

Impact Analysis: The potential impacts resulting from the Proposed Project within each of the areas of the Project Site are addressed below.

Midtown Specific Plan Area

Individual development projects that would be accommodated by the Midtown Specific Plan area would involve ground disturbance that could encounter existing hazardous materials in site soils from listed hazardous materials sites. The environmental database search conducted for the Midtown Specific Plan area (see Appendix D) identified 502 listings within the Midtown Specific Plan area and an additional 1,784 listings within about one mile of the site, for a total of 2,286 listings (see Table 5.6-1, *Hazardous Materials Listings*).

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The great majority of the listings do not identify hazardous materials releases, but identify current or historic uses of hazardous materials where there is or was some potential for a release – including hazardous waste generators and existing or historic underground storage tanks.

Documented hazardous materials releases within the Midtown Specific Plan area include 15 leaking underground storage tank (LUST) sites; 12 California Hazardous Materials Incident Reporting System (CHMIRS) sites; nine Emergency Response Notification System (ERNS) sites (most of which were cross-listed as CHMIRS sites); two Spills, Leaks, Investigation, and Cleanup (SLIC) site, and two EnviroStor sites. Three of the LUST cases are open; the remaining 12 cases have been closed. Site assessments have been completed on two of the open LUST cases, and site remediation has been conducted on the third. Both of the SLIC cases are closed. The CHMIRS and ERNS sites have been cleaned up. The two EnviroStor cases have been referred to other agencies; the Department of Toxic Substances Control has issued a No Further Action determination for one of them. All of the hazardous materials releases documented in the database search are known to regulatory agencies. Most of the cases have been closed; site assessments and/or remediation have been conducted on most of the open cases.

However, due to the fact that there are numerous sites within and in proximity of the Midtown Specific Plan area that have been listed in a hazardous materials database, the potential for impacts exists from hazardous substance contamination. Individual development projects that would be accommodated by the Midtown Specific Plan may be impacted by hazardous substance contamination remaining from historical operations on a particular site that may pose a significant health risk resulting in a significant impact.

Hazardous substance contaminated properties are regulated at the federal, state, and local level, and are subject to compliance with stringent laws and regulations for investigation and remediation. For example, compliance with the CERCLA, RCRA, California Code of Regulations, Title 22, and related requirements would remedy any potential impacts caused by hazardous substance contamination. Future development project that would be accommodated by the Midtown Specific Plan would be required to comply with these existing laws and regulations. Additionally, Phase I Environmental Site Assessments (Phase I ESAs) would be required (in accordance with Mitigation Measure HAZ-1) for land purchasers to qualify for the Innocent Landowner Defense under CERCLA and to minimize environmental liability under other laws such as RCRA; and as a lender prerequisite to extend a loan for purchase of land. Phase I ESAs are also conducted to establish an environmental baseline before a lease of land. Phase I ESAs for future development projects pursuant to the Midtown Specific Plan would determine whether recognized environmental conditions are present on the proposed development site. If such conditions are present onsite, the site assessments would recommend sampling and testing of soil, soil vapor, and/or groundwater as needed to determine whether contaminants are present on or under the site at levels exceeding regulatory agency screening levels for the proposed type of land use. Where contaminant levels are identified at concentrations above screening levels, health risk assessments would be required to identify whether project development would expose project residents, workers, or visitors to substantial health risks. If substantial health risks arising from environmental contamination on, under, or near the site were identified, cleanup of such contamination would be required before the City of Long Beach would issue a certificate of occupancy for such project.

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Therefore, with compliance of all applicable laws and regulations and implementation of Mitigation Measure HAZ-1, impacts related to hazardous materials site listings would not be significant. Compliance with these laws, regulations, and mitigation measure would be ensured through the City’s development review and building plan check process.

Area Outside the Midtown Specific Plan

As noted above, with the exception of the zoning designation revisions that would be undertaken in this area of the Project Site under the Proposed Project, no physical change (e.g., additional development intensity, redevelopment) is expected to occur within this area and all existing uses are expected to remain. Therefore, no impacts related to hazardous materials site listings are anticipated to occur.

Impact 5.6-3: A large portion of the Project Site is located under imaginary surfaces pursuant to Federal Aviation Administration (FAA) Part 77 Regulations regulating obstructions into navigable airspace surrounding Long Beach Airport. [Thresholds H-5 and H-6]

Impact Analysis: Most of the Project Site – that is, the part of the site north of Pacific Coast Highway – is under imaginary surfaces regulating obstructions to navigable airspace surrounding Long Beach Airport pursuant to FAA Part 77 regulations (see Figure 5.6-1, *Structure Elevation Limits Pursuant to Federal Aviation Administration Part 77 Regulations*). Permitted structure elevations under FAA Part 77 are 210.4 feet amsl in the part of the Project Site north of the intersection of Long Beach Boulevard and Willow Street; south of that intersection the elevations range upward to 410.4 feet amsl near the intersection of Long Beach Boulevard and Pacific Coast Highway (Mead & Hunt 2012).

The potential impacts resulting from the Proposed Project within each of the areas of the Project Site are addressed below.

Midtown Specific Plan Area

A proponent of any proposed structure pursuant to the Midtown Specific Plan that would exceed the structure height limits set forth in FAA Part 77, as discussed above and shown in Figure 5.6-1 would be required to notify FAA before constructing such a structure. If such a structure is proposed, FAA would conduct a study to determine whether the proposed structure would constitute a hazard to air navigation.

Ground elevations under the imaginary surfaces that cover the Midtown Specific Plan area range from about 20 feet on Long Beach Boulevard just south of Willow Street to 114 feet at Atlantic Avenue and 31st Street. Maximum permitted building heights under the Midtown Specific Plan are shown in Table 5.6-2.

Table 5.6-2 Maximum Permitted Building Heights in Feet

	Transit Node High	Transit Node Low	Corridor	Medical
Parcels <200 feet deep	4 stories/50 feet	3 stories/36 feet	3 stories/36 feet	7 stories/84 feet
Parcels ≥200 feet deep	7 stories/84 feet	5 stories/60 feet	5 stories/60 feet	

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The highest elevations within the Midtown Specific Plan area, which occur near Atlantic Avenue and Spring Street, lie within the proposed Medical District portion of the Midtown Specific Plan. Under the maximum building height permitted for the Medical District (84 feet), a building within this area of the Midtown Specific Plan area would reach an elevation of 198 feet amsl (current ground elevation of 114 feet plus 84 feet of building height). The FAR Part 77 imaginary surface in this area of the Midtown Specific Plan area is set at an elevation of 210.4 feet amsl (see Figure 5.6-1). Therefore, implementation of the Midtown Specific Plan would not conflict with FAA Part 77 regulations and would not create a hazard to air navigation.

Area Outside the Midtown Specific Plan

As noted above, with the exception of the zoning designation revisions that would be undertaken in this area of the Project Site under the Proposed Project, no physical change (e.g., additional development intensity, redevelopment) is expected to occur within this area and all existing uses are expected to remain. Therefore, no impacts are anticipated to occur.

5.6.4 Cumulative Impacts

The area considered for cumulative hazards and hazardous materials impacts is the City of Long Beach.

Accidental Release of Hazardous Materials

The construction and operation of other planned development projects in the City of Long Beach, in accordance with the City's General Plan, would involve the use, store, transport, and dispose of hazardous materials. Such use and handling of hazardous materials could create risks of accidental release if the materials were not used, stored, transported, and disposed of safely. However, as with the Proposed Project, hazardous materials associated with other planned development projects would be required to be used, stored, transported, and disposed of in compliance with existing regulations set forth and enforced by numerous agencies, including LBFD, BEH, LBHHS, EPA, USDOT, SCAQMD, OSHA, and Cal/OSHA. Impacts would be less than significant.

Moreover, with compliance to regulatory requirements and implementation of mitigation measures, the Proposed Project would not result in any hazardous conditions with regard to building materials or soil contamination and would not combine with other planned development projects to result in a cumulatively considerable impact with respect to these potential hazards. Therefore, the Proposed Project's contribution to cumulative impacts related to hazardous materials and waste or the creation of any health hazards would not be significant and therefore, be less than cumulatively considerable.

Listed Hazardous Materials Sites

Other planned development projects in the City of Long Beach, in accordance with the City's General Plan, would involve redevelopment or reuse of sites that could be listed as hazardous materials sites. Ground disturbances at such sites, and redevelopment or reuse with structures for human occupancy on such sites, could create hazards for people and/or the environment. However, as with the Proposed Project, other planned development projects would be required to comply with existing regulations requiring the

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preparation of Phase I Environmental Site Assessments (ESAs); and, where such ESAs identify recognized environmental conditions, sampling and testing of soil, soil vapor, and/or groundwater for contaminants; and remediation as needed. Therefore, the Proposed Project's contribution to cumulative impacts related to hazardous materials sites listings would not be significant and therefore, be less than cumulatively considerable.

Navigable Airspace Surrounding Long Beach Airport

Other planned development projects in the City of Long Beach, in accordance with the City's General Plan, may occur in the area surrounding Long Beach Airport where heights of structures are regulated to avoid obstructions to navigable airspace pursuant to FAA Part 77 regulations. However, as with the Proposed Project, other planned development projects proposing structures that could exceed such elevation limits, or any structures over certain elevations above ground level, would be required to file a Notice of Proposed Construction or Alteration with the FAA. The FAA would conduct an aeronautical study to determine whether the proposed structure would be an obstruction to navigable airspace. Local land use control is under the jurisdiction of the City of Long Beach, not the FAA. The City is responsible for ensuring that development of proposed structures does not create obstructions to navigable airspace. Therefore, the Proposed Project's contribution to cumulative impacts related to airport-related hazards would not be significant and therefore, be less than cumulatively considerable.

5.6.5 Existing Regulations

Federal

- United States Code Title 42, Sections 9601 et seq.: Comprehensive Environmental Response, Compensation and Liability Act and Superfund Amendments and Reauthorization Act
- United States Code Title 42, Sections 6901 et seq.: Resource Conservation and Recovery Act
- United States Code Title 42, Sections 11001 et seq.: Emergency Planning & Community Right to Know Act
- Code of Federal Regulations Title 49, Parts 101 et seq.: Regulations implementing the Hazardous Materials Transportation Act (United States Code Title 49 Sections 5101 et seq.)
- United States Code Title 15, Sections 2601 et seq.: Toxic Substances Control Act
- US Environmental Protection Agency Asbestos Hazard Emergency Response Act, 40 CFR 763

State

- California Health and Safety Code Chapter 6.95 and 19 California Code of Regulations Section 2729: Business Emergency Plans and chemical inventory reporting

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- California Occupational Safety and Health Administration Regulation 29, CFR Standard 1926.62
- California Code of Regulations Title 24, Part 2: California Building Code
- California Code of Regulations Title 24, Part 9: California Fire Code
- California Code of Regulations Title 8, Section 1532.1, Lead in Construction Standard
- California Code of Regulations Title 8, Section 1529: Asbestos
- Title 8 of the California Code of Regulations, Section 1532.1: Lead

Regional

South Coast Air Quality Management District Rule 1403 Local

- Medical Waste Management Act, as administered and enforced by the Long Beach Department of Health and Human Services

5.6.6 Level of Significance Before Mitigation

Upon implementation of regulatory requirements and standard conditions of approval, the following impacts would be less than significant: 5.6-3.

Without mitigation, the following impacts would be **potentially significant**:

- Impact 5.6-1 Significant hazards through accidental release of hazardous materials could occur as a result of demolition and grading activities.
- Impact 5.6-2 Development sites within the Project Site are included on a list of hazardous materials sites.

5.6.7 Mitigation Measures

Impact 5.6-1

HAZ-1 Prior to the issuance of demolition permits for any buildings or structures that would be demolished in conjunction with individual development projects that would be accommodated by the Midtown Specific Plan, the project applicant/developer shall conduct the following inspections and assessments for all buildings and structures onsite and shall provide the City of Long Beach Development Services Department with a copy of the report of each investigation or assessment.

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- The project applicant shall retain a California Certified Asbestos Consultant (CAC) to perform abatement project planning, monitoring (including air monitoring), oversight, and reporting of all asbestos-containing materials (ACM) encountered. The abatement, containment, and disposal of all ACM shall be conducted in accordance with the South Coast Air Quality Management District's Rule 1403 and California Code of Regulation Title 8, Section 1529 (Asbestos).
- The project applicant shall retain a licensed or certified lead inspector/assessor to conduct the abatement, containment, and disposal of all lead waste encountered. The contracted lead inspector/assessor shall be certified by the California Department of Public Health (CDPH). All lead abatement shall be performed by a CDPH-certified lead supervisor or a CDPH-certified worker under the direct supervision of a lead supervisor certified by CDPH. The abatement, containment, and disposal of all lead waste encountered shall be conducted in accordance with the US Occupational Safety and Health Administration Rule 29, CFR Part 1926, and California Code of Regulation, Title 8, Section 1532.1 (Lead).
- Evidence of the contracted professionals attained by the project applicant shall be provided to the City of Long Beach Development Services Department. Additionally, contractors performing ACM and lead waste removal shall provide evidence of abatement activities to the City of Long Beach Building and Safety Bureau.

HAZ-2 Prior to the issuance of grading permits for individual development projects that would be accommodated by the Midtown Specific Plan, the project applicant/developer shall submit a Phase I Environmental Site Assessment (ESA) to the City of Long Beach Development Services to identify environmental conditions of the development site and determine whether contamination is present. The Phase I ESA shall be prepared by a Registered Professional Engineer and in accordance with the American Society for Testing and Materials (ASTM) Standard E 1527.05, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*. If recognized environmental conditions related to soils are identified in the Phase I ESA, the project applicant shall perform soil sampling as a part of a Phase II ESA. If contamination is found at significant levels, the project applicant shall remediate all contaminated soils in accordance with state and local agency requirements (California Department of Toxic Substances Control, Regional Water Quality Control Board, Long Beach Fire Department, etc.). All contaminated soils and/or material encountered shall be disposed of at a regulated site and in accordance with applicable laws and regulations prior to the completion of grading. Prior to the issuance of building permits, a report documenting the completion, results, and any follow-up remediation on the recommendations, if any, shall be provided to the City of Long Beach Development Services Department evidencing that all site remediation activities have been completed.

Impact 5.6-2

Mitigation Measure HAZ-2 applies to this impact.

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5.6.8 Level of Significance After Mitigation

Compliance with regulatory requirements and implementation of mitigation measures identified above would reduce potential impacts associated with hazards and hazardous materials to a less than significant level. Therefore, no significant unavoidable adverse impacts relating hazards have been identified.

5.6.9 References

City of Long Beach Department of Health and Human Services (LBDHHS). 2015. Medical Waste Generator Packet.

Los Angeles County Airport Land Use Commission (LACALUC). 2003, May 13. Long Beach Airport: Airport Influence Area. http://planning.lacounty.gov/assets/upl/project/aluc_airport-long-beach.pdf.

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United States Environmental Protection Agency (EPA). 2013. Lead Compounds. <http://www.epa.gov/airtoxics/hlthef/lead.html>.

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