Section 3.5
Hazards and Hazardous Materials

Section Summary

This section describes hazards associated with the construction and operation of the Berths 148-151 (Phillips 66) Marine Oil Terminal and Wharf Improvements Project (Proposed Project) and its two alternatives: the No Project Alternative (Alternative 1) and the Reduced Project Alternative (Alternative 2).

Section 3.5, Hazards and Hazardous Materials, provides the following:

- A description of the existing setting as it relates to existing hazards;
- A description of applicable local, state, and federal regulations and policies regarding hazardous materials;
- A discussion of the methodology used to determine whether the Proposed Project or either of the alternatives would result in impacts related to hazards and hazardous materials;
- An impact analysis of the Proposed Project and alternatives; and
- A description of any mitigation measures proposed to reduce any potential impacts and residual impacts, as applicable.

Key Points of Section 3.5

Past uses of the Berths 148-151 site have resulted in soil and groundwater contamination by petroleum products and halogenated volatile organic compounds (HVOCs) under the terminal. The Project site is listed on the "Cortese List" compiled in compliance with Government Code §65962.5. The contamination is currently being addressed by investigations being conducted pursuant to an ongoing Cleanup and Abatement Order (CAO) (CAO R4-2022-0139) and SCP No. 0120 issued by the Los Angeles Regional Water Quality Control Board (RWQCB).

Construction of the Proposed Project would include minor, shallow excavation in the upland areas of the terminal to modify pipelines and refurbish existing tankage, which could encounter soil contamination but are not expected to encounter contaminated groundwater. If contamination is encountered during construction, the protective measures, soil and air sampling, and control measures required by state and local regulations, specifically the RWQCB's site cleanup program, as set forth in the soil management plans included in Appendix D (Soil Management Plans, LAMT), would prevent significant impacts related to the release of hazardous materials. Construction and operation would not interfere with or be inconsistent with site remediation activities and would not create a significant hazard to the public or the environment through its location on a Cortese List site. Accordingly, impacts would be less than significant.

3.5.1 Introduction

This section evaluates the impacts from hazards and hazardous waste associated with the Proposed Project and alternatives. One of the main purposes of the Proposed Project is to increase the operational safety of the terminal by implementing Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS) upgrades. The upgrades, including installing a modern mooring system and replacing an aging timber wharf with a modern steel and concrete structure, would substantially reduce dangers from vessel movements and the risk of product releases to the environment. The Proposed Project includes construction that could encounter soil and groundwater contamination by hazardous materials.

The Initial Study prepared by the Los Angeles Harbor Department (LAHD) and released for public review with the Notice of Preparation in February 2023 evaluated hazards and hazardous materials associated with the Proposed Project, including the presence of hazardous wastes in soil and groundwater and the presence of contaminants in sediments at the berthing areas. The analysis concluded that although hazardous substances were present at the Project site, standard construction controls and compliance with regulatory requirements during construction and operation would prevent significant impacts on people and the environment. The analysis also concluded, from a review of state databases, that the site was not on any of the lists compiled under Government Code §65962.5 (collectively, the "Cortese List"). The Initial Study concluded that impacts would be less than significant and determined that the issue of Hazards and Hazardous Materials need not be considered in the Environmental Impact Report (EIR).

Since the Initial Study was released, the site has been added to the Cortese List. The site, referred to by the RWQCB as the Los Angeles Marine Terminal (SLT4307-169), is under a Cleanup and Abatement Order (RWQCB; CAO R4-2022-0139) and SCP No. 0120. Investigations and analyses preparatory to site remediation are ongoing.

The LAHD has determined that consideration of hazards and hazardous materials in the Draft EIR is appropriate. The Initial Study's conclusions regarding issues 9a-c and 9e-g (i.e., no impact or less than significant impacts) remain valid and are not considered in this Draft EIR: only issue 9d ("Would the project be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?") is being re-considered in light of the aforementioned developments occurring since the Initial Study was released.

This section includes a description of the affected environment as it relates to the CAO and Cortese listing, the regulatory setting, predicted impacts of the Proposed Project, and feasible mitigation measures to address those impacts.

3.5.2 Environmental Setting

The California Environmental Protection Agency (CalEPA) has identified the following data resources that provide information regarding facilities or sites identified as meeting the "Cortese List" requirements (CalEPA 2023).

- List of Hazardous Waste and Substances sites from Department of Toxic Substances Control (DTSC) EnviroStor database;
- List of Leaking Underground Storage Tank Sites by County and Fiscal Year from State Water Board GeoTracker database;

- List of solid waste disposal sites identified by the State Water Resources Control Board (SWRCB) with waste constituents above hazardous waste levels outside the waste management unit;
- List of "active" Cease and Desist Orders and Cleanup and Abatement Orders from the State Water Board; and
- List of hazardous waste facilities subject to corrective action pursuant to Health and Safety Code §25187.5, identified by DTSC.

The Site that is included in the 2022 CAO consists of approximately 15 acres of land referred to as the Los Angeles Marine Terminal (LAMT) site. The Site's boundaries generally coincide with the boundaries of the Phillips 66 MOT lease (Figure 2-2) but include the approximately 2.2 acres in the middle of the Project Area designated on Figure 2-2 as "Proposed Additional Leased Area." The approximately 13.5 acres of the Site comprising the current MOT has been used as a marine oil terminal since 1919, and, under several corporate entities, has handled and stored a variety of petroleum products, including crude oil, petroleum-based solvents, lubricants, and various petroleum fuel components (Trihydro 2024a). These activities have resulted in subsurface contamination of soil and groundwater. Site investigations, monitoring activities, and remedial activities have been conducted since the 1990s, including under a 2008 RWQCB Order to Complete Investigation, Assessment, and Remediation and, most recently, under the 2022 CAO. Approximately 0.74 acre of the Site, currently vacant and often referred to as the "Sliver Area," was used for storage and distribution of various chemicals, including HVOCs, by several other companies from approximately 1947 to 2014. The remaining 0.76 acre of the Site consists of roads and a railroad right-of-way.

According to the summary on Geotracker (RWQCB 2026), there are two categories of contaminants of concern related to the LAMT site: total petroleum hydrocarbons (TPH) and HVOCs. The TPH beneath the site is primarily fuel-range hydrocarbons, present in soil, groundwater, and as light non-aqueous phase liquids (LNAPL). HVOCs, primarily tetrachloroethene (PCE) and trichloroethene (TCE) and including, but not limited to, high concentrations of vinyl chloride, methylene chloride, dichloroethane (DCA), and trichloroethane (TCA), are present in soil, soil vapor, and groundwater. The contamination is currently understood to be primarily concentrated in the "Sliver Site" area formerly occupied by a chemical tank farm (now vacant) located between the two existing tank farms (roughly, see the area outlined in blue on Figure 2-2, Chapter 2: Project Description), but the contamination extends toward the east and west, beneath both the eastern and western tank farm, and past the shoreline at Berths 148-149.

Of primary concern to the Proposed Project is the presence of contamination in shallow soil and groundwater, as that is where proposed construction activities (such as trenching for piping installation and excavation for pads and footings), should they occur, may encounter contamination. Contamination exists in deeper soils and groundwater (i.e., more than approximately 20 feet below ground surface), however, that contamination would not be encountered by construction or other activities associated with the Proposed Project.

In the case of HVOCs, concentrations of PCE reach 130,000 micrograms per liter (ug/L) in shallow (i.e., 10-20 ft below ground surface) groundwater and 1,400 milligrams per kilogram (mg/kg) in shallow soil (4.5 feet below ground surface). Concentrations of TCE reach 540,000 ug/L in shallow groundwater and 950 mg/kg in shallow soil (TriHydro 2024a). Other HVOCs are present at lower, but still elevated concentrations that in many cases exceed the RWQCB's risk-based Tier II Environmental Screening Levels (ESL).

TPH concentrations include the gasoline components benzene, toluene, ethylbenzene, and xylene at concentrations up to 6,600 µg/kg in shallow soils and diesel-range organics at concentrations up to 9,400 mg/kg (TriHydro 2024b).

Risk assessments performed by TriHydro (2024c, d) identified elevated cancer and non-cancer risks to construction and maintenance workers, driven by exposure to contaminated groundwater in trenches. As no building is to be constructed in the area of maximum contamination, indoor workers would not face elevated risks from soil vapor contamination. The risk assessments did not identify risks to marine organisms.

As a result of the site investigations and risk assessments, and in response to direction by the LARWQCB in early 2024, Langan CA prepared a soil management plan to protect future construction workers on the site; as part of a risk assessment Trihydro also prepared a soil management plan. These plans (Langan 2024 and TriHydro 2024d, see Appendix D) provide protocols and procedures to be employed during soil excavation to protect workers and provide procedures for handling, disposing, and documenting contaminated soils excavated during redevelopment activities. Procedures include preparation and implementation of activity-specific health and safety plans, which would include worker training and appropriate protective gear. Soil management procedures include screening for contamination, management of contaminated soil stockpiles, soil disposal and equipment decontamination protocols, site management protocols, and activity documentation protocols.

3.5.3 Regulatory Setting

For the purposes of this Draft EIR, the applicable regulatory setting is the State of California's requirements specifically related to site contamination and the Cortese List.

3.5.3.1 Government Code Section 65962.5

The requirements of this section are commonly known as the Cortese List, after the legislator who sponsored its creation. The law requires various state departments, including Toxic Substances Control, Health Services, the Water Resources Control Board (and the regional boards), Resources and Recycling, and Environmental Protection to compile lists of various types of hazardous waste sites. Lead agencies are required to notify the compiling departments of proposed developments located on listed sites. The Cortese List is currently embodied in a set of databases accessible online.

3.5.4 Impacts and Mitigation Measures

3.5.4.1 Methodology

CEQA Baseline

As described in Section 2.6, the CEQA baseline for this Draft EIR is the conditions in the first full year calendar year preceding publication of the Notice of Preparation (NOP), which was in 2023; accordingly, the CEQA baseline year is 2021.

Thresholds of Significance

The Initial Study (IS) Section 4.9 in the NOP (Appendix A) found that impacts related to the following issues would be less than significant:

- 9a (*would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*);

- 9b (*Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*), and
- 9f (*Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*).

The following issues were determined to have no impact:

- 9c (*Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*),
- 9e (*For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*), and
- 9g (*Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?*).

These issue areas were, accordingly, eliminated from consideration in the Draft EIR. No new information has emerged to change the conclusions of the analyses in the Initial Study with respect to those six issue areas.

The IS also found that impacts related to issue 9d (*Would the project be located on a site that 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?*) would be less than significant because at the time the IS was prepared the site was not on the Cortese list. Since then, the site has been added to the Cortese List (Geotracker SLT4307-169).

Accordingly, LAHD has determined that the issue should be re-visited in this Draft EIR as Impact HAZ-1. The Proposed Project or alternative would have a significant adverse impact if it would:

> **Impact HAZ-1**: Would the Proposed Project be located on a site that 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?

3.5.4.2 Impact Determination

Proposed Project

As described earlier in more detail in Section 2.5.5.1, construction of the Proposed Project would primarily be water based, along the shoreline of Berths 148-151, but would include some landside activities such as relocating and abandoning piping, relocating equipment, and refurbishing existing storage tanks. The landside construction described in Section 2.5.1.2 could involve trenching, installation of new piping and removal of some abandoned piping, and some minor excavation along the waterfront to install product transfer and safety infrastructure.

Impact HAZ-1: Would the Proposed Project be located on a site that 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?

As described in Section 3.5.2, the Proposed Project is located on LAMT site included on the Cortese List, i.e., the RWQCB's Geotracker database, and is the subject of an active Cleanup and Abatement Order.

The site is industrial in nature and zoning and is surrounded by industrial uses. The nearest sensitive receptors are located more than one-half mile from the site (see Section 3.1.2). Accordingly, residential and other sensitive receptors have no contact with the site and are not exposed to site contamination. Because of the lack of exposure pathways, the risk assessments conducted pursuant to the 2022 CAO (Trihydro 2024c) did not identify residential and other sensitive receptors as a health risk concern.

The site assessments did identify construction workers as potentially at risk from site contamination. Excavations in upland areas could encounter contaminated soils, potentially exposing workers to soil vapors and soil contaminants. Because the location and severity of contamination have been documented, the risk to construction workers would be minimized by standard procedures that would be made part of the construction documents. As described in Section 3.5.2, appropriate training, protocols, and procedures are described in the Soil Management Plan prepared for the LAMT site by Langan (2024) and TriHydro (2024d; see Appendix D, Soil Management Plans, LAMT) to address construction during future site redevelopment. Those procedures may be revised as site investigation and remediation pursuant to the 2022 CAO proceed, and if so, Proposed Project construction would comply with the revised requirements. The protocols and procedures include preparation of worker health and safety plans based on known site conditions, pre-construction testing of soils to be excavated, and appropriate stockpiling, air sampling and monitoring for vapors, and testing, transport, and disposal of excavated soils in compliance with regulatory permits and applicable law.

Impact Determination

With implementation of the control measures described above, impacts of construction related to the presence of contaminated soils at a site listed under Government Code §65962.5 would be less than significant.

Mitigation Measures

No mitigation is required.

Residual Impacts

Impacts would be less than significant.

Alternative 1 – No Project Alternative

Under the No Project Alternative (Alternative 1), no construction or new operational activities would occur at the Project site. The existing Berths 148-151 MOT would cease operations and termination clauses associated with existing entitlement would be carried out. No subsequent use of the site has been proposed or is being considered at this time.. The No Project Alternative (Alternative 1) would not preclude future improvements at the site, but any such improvements would need to be analyzed in a separate environmental document as a new project. .

Impact HAZ-1: Would the No Project Alternative (Alternative 1) be located on a site that 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?

Because there would be no construction associated with the No Project Alternative (Alternative 1), there would be no possibility of encountering hazardous materials or wastes. Under the No Project Alternative (Alternative 1), there would be no operational activities, as the marine terminal would cease operations.

Impact Determination

Because there would be no construction or operations at the Project site, the No Project Alternative (Alternative 1) would not create a significant hazard to the public as a result of being included on a site compiled pursuant to Government Code §65962.5. Accordingly, the No Project Alternative (Alternative 1) would create no impact.

Mitigation Measures

No mitigation is required.

Residual Impacts

There would be no impact.

Alternative 2 – Reduced Project Alternative

In the Reduced Project Alternative (Alternative 2), all of the elements of the Proposed Project described in Section 2.5 would be built except the 11 idle tank refurbishment.

Impact HAZ-1: Would the Reduced Project Alternative (Alternative 2) be located on a site that 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?

In the Reduced Project Alternative (Alternative 2), it is possible that there would be less contamination encountered during construction if the refurbishment of the tanks described in the Proposed Project involved excavation. However, construction of the other elements of the Reduced Project Alternative (Alternative 2) would encounter contamination to the same extent as in the Proposed Project. In that case, the same protocols and procedures governing construction of the Proposed Project would apply to the Reduced Project Alternative (Alternative 2).

Impact Determination

With implementation of the control measures described for the Reduced Project, impacts of construction related to the presence of contaminated soils at a site listed under Government Code §65962.5 would be less than significant.

Mitigation Measures

No mitigation is required.

Residual Impacts

Impacts would be less than significant.

3.5.5 Summary of Impact Determinations

Table 3.5-1 provides a summary of the impact determinations of the Proposed Project and alternatives related to Hazards and Hazardous Materials. This table is meant to allow easy comparison of the potential impacts of the Proposed Project. Identified potential impacts may be based on federal, state, or City of Los Angeles significance criteria, LAHD criteria, and the scientific judgment of the report preparers.

For each type of potential impact, the table describes the impact, notes the CEQA impact determinations, describes any applicable mitigation measures, and notes the residual impacts (i.e., the impact remaining after mitigation). This table allows easy comparison of the potential impacts of the Proposed Project and alternatives. All impacts, whether significant or not, are included in this table.

Table 3.5-1. Summary Matrix of Impacts and Mitigation Measures Associated with the Proposed Project and Alternatives

Alternative	Environmental Impacts	Impact Determination	Applied Mitigation Measures	Residual Impacts After Mitigation	Lease Measure
Proposed Project	**HAZ-1**: Would the Proposed Project be located on a site that 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?	Less than significant	Mitigation not required	Less than significant	N/A
Alternative 1: No Project Alternative	**HAZ-1**: Would the No Project Alternative (Alternative 1) be located on a site that 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?	No Impact	Not applicable	No Impact	N/A
Alternative 2: Reduced Project Alternative	**HAZ-1**: Would the Reduced Project Alternative (Alternative 2) be located on a site that 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?	Less than significant	Mitigation not required	Less than significant	N/A

3.5.6 Mitigation Monitoring

Neither the Proposed Project nor either of the alternatives would result in significant impacts related to hazards or hazardous materials. Therefore, no mitigation measures are required.

3.5.7 Significant Unavoidable Impacts

The Proposed Project and the alternatives would not result in significant and unavoidable impacts related to hazards and hazardous materials.

References

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