

4.6 Hazards and Hazardous Materials

This section evaluates the potential for impacts relating to hazards and hazardous materials resulting from implementation of the OC River Walk Project (project).

4.6.1 Environmental Setting

4.6.1.1 Regulatory Framework

This section describes the federal, state, and local regulatory framework adopted to address hazards and hazardous materials.

Federal

Comprehensive Environmental Response, Compensation, and Liability Act (U.S. Code, Title 42, Section 9601 et seq.)

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is a law developed to protect the water, air, and soil resources from the risks created by past chemical disposal practices. This law is also referred to as the “Superfund Act” and regulates sites on the National Priority List, which are called “Superfund sites.”

Emergency Planning and Community Right-To-Know Act (U.S. Code, Title 42, Chapter 116)

In 1986, Congress passed the Superfund Amendments and Reauthorization Act. Title III of this regulation may be cited as the “Emergency Planning and Community Right-to-Know Act of 1986” (EPCRA). The act requires the establishment of state commissions, planning districts, and local committees to facilitate the preparation and implementation of an Emergency Plan. Under these requirements, local emergency planning committees are responsible for developing a plan that includes the following to prepare for and respond to a chemical emergency:

- An identification of local facilities and transportation routes where hazardous materials are present.
- The procedures for immediate response in case of an accident (this must include a community-wide evacuation plan).
- A plan for notifying the community that an incident has occurred.
- The names of response coordinators at local facilities.
- A plan for conducting drills to test the plan. The Emergency Plan is reviewed by the State Emergency Response Commission and publicized throughout the community. The local emergency planning committee is required to review, test, and update the plan each year.

Another purpose of the EPCRA is to inform communities and residents of chemical hazards in their areas. Sections 311 and 312 require businesses to report to state and local agencies the

location and quantities of chemicals stored on site. Under Section 313, manufacturers are required to report chemical releases for more than 600 designated chemicals. In addition to chemical releases, regulated facilities are also required to report off-site transfers of waste for treatment or disposal at separate facilities, pollution prevention measures, and chemical recycling activities. The U.S. Environmental Protection Agency maintains the Toxic Release Inventory database that documents the information that regulated facilities are required to report annually.

Resource Conservation and Recovery Act (U.S. Code, Title 42, Section 6901 et seq.)

The Resource Conservation and Recovery Act is the principal federal law that regulates generation, management, and transportation of hazardous waste. Hazardous waste management includes the treatment, storage, or disposal of hazardous waste.

State

California Accidental Release Prevention Program

The California Accidental Release Prevention Program became effective on January 1, 1997, in response to Senate Bill 1889. The program aims to be proactive by requiring businesses to prepare Risk Management Plans, which are detailed engineering analyses of the potential accident factors present at a business and include mitigation measures that can be implemented to reduce this accident potential. This requirement is coupled with the requirements for preparation of Hazardous Materials Business Plans under the Unified Program, implemented by the Certified Unified Program Agency (CUPA).

California Code of Regulations, Title 22, Division 4.5

Title 22, Division 4.5, of the California Code of Regulations sets forth the requirements for hazardous waste generators, transporters, and owners or operators of treatment, storage, or disposal facilities. These regulations include the requirements for packaging, storage, labeling, reporting, and general management of hazardous waste before shipment. In addition, the regulations identify standards applicable to transporters of hazardous waste. These regulations specify the requirements for transporting shipments of hazardous waste, including manifesting, vehicle registration, and emergency accidental discharges during transportation.

California Fire Code (California Code of Regulations, Title 24, Part 9)

The California Fire Code sets forth requirements for building materials and methods pertaining to fire safety and life safety, fire protection systems in buildings, emergency access to buildings, and handling and storage of hazardous materials. The City adopts the update to the California Fire Code every 3 years.

Government Code, Section 65302, requires the Safety Element of a General Plan to address evacuation routes. The CAL FIRE Safety Element checklist also requires cities to address

evacuation routes. In addition, Senate Bill 99 (2018) requires a Safety Element upon the next revision of the housing element on or after January 1, 2020, to include information identifying residential developments in hazard areas that do not have at least two emergency evacuation routes.

Hazardous Materials Business Plans

Both the federal government (Code of Federal Regulations) and the State of California (California Health and Safety Code) require businesses that handle more than a specified amount, or “reporting quantity,” of hazardous or extremely hazardous materials to submit a Hazardous Materials Business Plan to responsible local governments. According to City guidelines, the preparation, submittal, and implementation of a Hazardous Materials Business Plan is required by any business that handles a hazardous material or a mixture containing a hazardous material in specified quantities.

Hazardous Materials Business Plans must include an inventory of the hazardous materials at the facility. Businesses must update their plan and the chemical portion annually. In addition, Hazardous Materials Business Plan must include Emergency Response Plans and procedures to be used in the event of a significant or threatened significant release of a hazardous material. These plans need to identify the procedures for immediate notification of the appropriate agencies and personnel, identification of local emergency medical assistance appropriate for potential accident scenarios, contact information for the company emergency coordinators, a listing and location of emergency equipment at the business, an evacuation plan, and a training program for business personnel.

Hazardous Materials Business Emergency Plan

Assembly Bill 2286 (AB 2286) requires all CUPAs, participating agencies, and regulated businesses in the State of California to submit forms electronically. Through the California Environmental Reporting System, businesses have direct access to their Business Emergency Plans and Chemical Inventories. It allows local fire agencies to have immediate access to chemical inventories in the region in case of a spill, fire or other incident. These locally implemented programs also satisfy federal community right-to-know laws.

The Hazardous Materials Business Emergency Plan program requires businesses that handle hazardous materials (including hazardous waste) or extremely hazardous substances at reportable quantities to submit a Hazardous Materials Business Emergency Plan in the California Environmental Reporting System. The reportable quantities equal to or greater than:

- 55 gallons of a liquid;
- 500 pounds of a solid;
- 200 cubic feet of compressed gas; or
- Extremely hazardous substances above the threshold planning quantity.

The Orange County CUPA verifies information disclosed by businesses and provides it to agencies that are responsible for the protection of public health and safety and the environment, such as fire

departments, hazardous materials response teams and other local environmental regulatory groups. The public also has a right to review this information, with the exception of documents containing trade secrets or other confidential information.

Hazardous Materials Disclosure Programs

The Unified Program administered by the State of California consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities for environmental and emergency management programs, which include Hazardous Materials Release Response Plans and Inventories (Hazardous Materials Business Plans), the California Accidental Release Prevention Program, and the Underground Storage Tank (UST) Program. The Unified Program is implemented at the local government level by CUPAs.

The CUPA for the Cities of Anaheim and Orange is the County Health Care Agency Environmental Health Division, which is responsible for regulating hazardous waste and tiered permitting, underground storage tanks, aboveground storage tanks, and Risk Management Plans.

The Anaheim Fire & Rescue and the City of Orange Fire Department are both participating agency under the County's Unified Program and administers the Hazardous Materials Release Response Plans and Inventory Program and permits for handling underground storage and storage of hazardous materials pursuant to the Cities' Fire Codes.

Hazardous Materials Release Notification

The following state statutes require emergency notification of a hazardous chemical release:

- California Health and Safety Code, Sections 25270.8 and 25507
- California Vehicle Code, Section 23112.5
- California Public Utilities Code, Section 7673 (California Public Utilities Commission General Orders No. 22-B and 161)
- California Government Code, Sections 51018 and 8670.25.5(a)
- California Water Code, Sections 13271 and 13272
- California Labor Code, Section 6409.1(b)10

Requirements for immediate notification of significant spills or threatened releases cover owners, operators, people in charge, and employers. Notification is required regarding significant releases from facilities, vehicles, vessels, pipelines, and railroads. In addition, releases that result in injuries or harmful exposure to workers must be immediately reported to the California Division of Occupational Safety and Health (Cal/OSHA) pursuant to the California Labor Code, Section 6409.1(b).

Leaking Underground Storage Tanks

Leaking USTs have been recognized since the early 1980s as the primary cause of groundwater contamination from gasoline compounds and solvents. In California, regulations aimed at

protecting against UST leaks have been in place since 1983 (California Health and Safety Code). This occurred 1 year before the Resource Conservation and Recovery Act was amended to add Subtitle I, requiring UST systems to be installed in accordance with standards that address the prevention of future leaks. The State Water Resources Control Board was designated as the lead California regulatory agency in the development of UST regulations and policy. Older tanks are typically single-walled, steel tanks. Many of these have leaked as a result of corrosion, punctures, and detached fittings. As a result, the State of California required the replacement of older tanks with new, double-walled, fiberglass tanks with flexible connections and monitoring systems. UST owners were given 10 years to comply with the new requirements—the deadline was December 22, 1998. However, many UST owners did not act by the deadline; therefore, the state granted an extension for their replacement, ending January 1, 2002. The Regional Water Quality Control Boards, in cooperation with the Anaheim Fire & Rescue and the Orange City Fire Department, maintain an inventory of leaking USTs in a statewide database.

Local

Local Hazard Mitigation Plan

All cities and counties in California must prepare a General Plan, including a Safety Element that addresses various hazard conditions and other public safety issues. A community may decide to make the Safety Element a stand-alone chapter or incorporate it into another section of the General Plan. California Government Code, Section 65302.6, indicates that a community may adopt a Local Hazard Mitigation Plan (LHMP) into its Safety Element if the LHMP meets applicable state requirements. This adoption allows communities to use the LHMP to satisfy state requirements for safety elements. As the General Plan is an overarching long-term plan for community growth and development, incorporating the LHMP creates a stronger mechanism for implementing the LHMP. A city's LHMP and future updates are to be integrated into the city's General Plan Safety Element.

City of Anaheim

The City of Anaheim's LHMP was adopted on May 19, 2022, and is both a reference document and an action plan. It serves three primary purposes: (1) it provides a comprehensive analysis of the natural and human-caused hazards that threaten the City, with a focus on mitigation; (2) it keeps the City of Anaheim eligible to receive additional federal and state funding to assist with emergency response and recovery, as permitted by the federal Disaster Mitigation Act of 2000 and California Government Code, Sections 8685.9 and 65302.6; and (3) it complements the efforts undertaken by the Safety Element (City of Anaheim 2022). The LHMP complies with all requirements set forth under the federal Disaster Mitigation Act of 2000 and received approval from the Federal Emergency Management Agency (FEMA) in 2018. Sections of the Safety Element are supplemented by the LHMP, incorporated by reference in this element, as allowed by California Government Code, Section 65302(g).

It has information and resources to educate readers and decision-makers about hazard events and related issues and a comprehensive strategy that the City and community members can follow to improve resilience in the City. It is divided into six chapters (Introduction, Community Profile, Hazard Assessment, Vulnerability Assessment, Mitigation Strategy, and Plan Maintenance).

City of Orange

The City of Orange’s LHMP is dated October 2016, and the City of Orange is currently in the process of updating the LHMP. The request for proposal for the City of Orange LHMP Update was released in October 2024 and closed in November 2024.

The 2016 LHMP includes contents such as Community Profile, Hazards Assessment, Mitigation Actions, and Plan Maintenance to identify effective ways to reduce vulnerability to disasters by identifying critical facilities, capabilities, resources, information, and strategies for risk reduction, while helping to guide and coordinate mitigation actions. It provides a set of strategies intended to reduce risk from natural hazards through education and outreach programs; foster the development of partnerships; and implement risk reduction activities. The main purposes are to 1) establish a basis for coordination and collaboration among participating agencies and public entities; 2) identify and prioritize future mitigation projects; and 3) assist in meeting the requirements of federal assistance programs. The City of Orange LHMP works in conjunction with other plans, including the City’s General Plan and Emergency Operations Plan.

City of Anaheim General Plan – Safety Element

The City of Anaheim General Plan Safety Element includes the following goals and policies with regard to hazards and hazardous materials (City of Anaheim 2023):

- **Goal 4.1:** A community better protected from the release and exposure to hazard materials and wastes.

Policies

- Follow Anaheim Hazardous Materials Area Plan procedures in the event of a hazardous materials emergency.
- Promote the proper handling, treatment and disposal of hazardous materials and hazardous waste.
- Encourage businesses to utilize practices and technologies that will reduce the generation of hazardous wastes at the source.
- Implement Federal, State, and local regulations for the disposal, handling, and storage of hazardous materials.
- Promote the recovery and recycling of hazardous materials.

- Employ effective emergency preparedness and emergency response strategies to minimize impacts from hazardous materials exposures and releases.
- Partner with Orange County to provide needed hazardous waste programs to provide disposal of household hazardous waste at no cost to residents and participating agencies.

City of Orange General Plan – Safety Element

The City of Orange follows the County’s Hazardous Materials Inspection and Enforcement Plan. To prevent accidents, and ensure proper handling, routine inspections are conducted at businesses within the City that store, use, or handle hazardous materials.

The City of Orange General Plan includes the following goals and policies with regard to hazards and hazardous materials (City of Orange 2010):

- **Goal 4.0:** Minimize risks to life, property, and the environment associated with producing, using, storing, or transporting hazardous materials.
 - **Policy 4.1:** Assess potential risks of disposing, transporting, manufacturing and storing existing hazardous materials, and develop appropriate mitigation measures in case of accidents.
 - **Policy 4.2:** Prohibit new disposal, transport, manufacture, and storage of hazardous materials within the City without a mitigation plan in case of accidents. Hospitals meeting current state and federal standards are exempt.
 - **Policy 4.3:** Identify hazardous materials dumpsites, and ensure that the sites are cleaned in conformance with applicable federal and state laws prior to the establishment of new uses.
 - **Policy 4.4:** Ensure that the public is protected from fires, noxious fumes, and other hazards within the City’s industrial area.

4.6.1.2 Existing Conditions

The project site is located along the Santa Ana River corridor between Orangewood Avenue and extends approximately 1.7 miles north of Ball Road to the existing Anaheim Coves at Burris Basin in an urbanized area of the cities of Anaheim and Orange. The Santa Ana River within the project site boundaries is composed of a rock-lined embankment and soil-bottomed trapezoidal-shaped channel that functions primarily as a flood protection structure, providing stormwater conveyance and water resource management and protecting the adjacent lands from flooding in large storm events. The river also includes two reinforced concrete drop structures stretching across the bottom of the riverbed. The existing Santa Ana River Trail runs along the east bank on top of the existing river embankment north of Katella Avenue and along the west bank on top of the existing river embankment south of Katella Avenue. As such, the project site does not contain any uses that use, handle, or dispose of hazardous materials.

According to the EDR records search results for projects within the Platinum Triangle, which borders the project site and covers the project site, there is a plugged gas/oil well (ID# CAOG13000006267) in the Santa Ana River between Ball Road and the Union Pacific Railroad. There are also a cluster of groundwater wells (i.e., CADWR8000005676, 5036, USGS40000138399, CADWR8000005685) in the Santa Ana River near Ball Road (Centec Engineering 2020; Northgate 2020).

4.6.2 Thresholds of Significance

According to Appendix G of the California Environmental Quality Act (CEQA) Guidelines, the project would have a significant impact on hazards and hazardous materials if it would:

- **Threshold HAZ-1:** Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- **Threshold HAZ-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.
- **Threshold HAZ-3:** Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- **Threshold HAZ-4:** Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.
- **Threshold HAZ-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, result in a safety hazard or excessive noise for people residing or working in the project area.
- **Threshold HAZ-6:** Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- **Threshold HAZ-7:** Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

The Initial Study, found in Appendix A to the Draft Environmental Impact Report (EIR), determined that the following thresholds would have less than significant or no impact, and these environmental topics will not be addressed further in this section of the Draft EIR:

- Threshold HAZ-1
- Threshold HAZ-3
- Threshold HAZ-5
- Threshold HAZ-6
- Threshold HAZ-7

4.6.3 Plans, Programs, and Policies

This section addresses plans, programs, and policies relevant to the project.

PPP HAZ-1 Any project-related hazardous materials and hazardous wastes will be transported to or from the project site in compliance with applicable state and federal requirements, including the U.S. Department of Transportation regulations listed in the Code of Federal Regulations (Title 49, Hazardous Materials Transportation Act); California Department of Transportation standards; and the California Occupational Safety and Health Administration standards.

PPP HAZ-2 Any project-related hazardous waste generation, transportation, treatment, storage, and disposal will be conducted in compliance with the Subtitle C of the Resource Conservation and Recovery Act (Code of Federal Regulations, Title 40, Part 263), which establishes the responsibilities of generators and transporters of hazardous waste in the handling, transportation, and management of that waste.

PPP HAZ-3 Project construction will occur in accordance with the regulations of the Orange County Health Care Agency, Environmental Health Department (OCHCA-EHD), which serves as the designated Certified Unified Program Agency (CUPA). The project will be designed and constructed in accordance with the regulations of the OCHCA-EHD, which, as the designated CUPA, implements state and federal regulations for the following programs: (1) Hazardous Waste Generator Program, (2) Hazardous Materials Release Response Plans and Inventory Program, (3) California Accidental Release Prevention, (4) Aboveground Storage Tank Program, and (5) Underground Storage Tank Program.

4.6.4 Environmental Impacts

The following sections address various potential impacts relating to hazards and hazardous materials that could result from implementation of the project.

4.6.4.1 Threshold HAZ-2: Accidental Releases

Impact Analysis

Construction

Construction of the project would temporarily increase the transport, use, and disposal of construction-related hazardous materials that can come in the forms of gases, vapors, fumes, dusts, and mists, including but not limited to diesel fuel, lubricants, paints and solvents, silica dust from concrete, block, and mortar, and cleaning fluids. These materials are commonly used at construction sites, and construction activities would be required to comply with applicable state and federal regulations for proper transport, use, storage, and disposal of excess hazardous

materials and hazardous construction waste. Therefore, the project is not anticipated to 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.

Furthermore, in the event that hazardous waste is discovered during construction phase, the project is required to comply with the California Hazardous Substances Control Law (Health and Safety Code, Division 20, Chapter 6.5) and the California Code of Regulations, Title 22, Division 4.5 to properly identify, handle, and dispose hazardous waste or hazardous materials so that any accidental releases of hazardous materials into the environment is minimized. Therefore, implementation of the project would not create a significant hazard to the public or the environment, and impacts would be less than significant.

Operation

The project includes development of various improvements that will work to re-establish and activate the existing river corridor and transform and improve the river and riverbed's groundwater recharge potential in multiple phases over approximately 10 years. Considering the type of uses proposed for the OC River Walk project, which includes various components related to impoundments for additional groundwater recharge, pedestrian/bike bridges, new trails and existing trail improvements, and enhanced recreational, environmental, and educational amenities, none of the proposed improvements involve the use of hazardous materials. While some use of pesticides and herbicides for landscaping maintenance and cleaning products could occur, these uses are not anticipated to be associated with major hazardous materials and would not create unusually high quantities of hazardous waste that could potentially result in foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Furthermore, any uses of hazardous materials during operation of the project would be required to comply with existing regulations. Therefore, impacts would be less than significant.

Level of Significance Before Mitigation: Less than significant.

Mitigation Measures: No mitigation measures are required.

4.6.4.2 Threshold HAZ-4: Hazardous Materials Sites

Impact Analysis

California Government Code, Section 65962.5, requires the compiling of lists of the following types of hazardous materials sites: hazardous waste facilities; hazardous waste discharges for which the State Water Quality Control Board has issued certain types of orders; public drinking water wells containing detectable levels of organic contaminants; underground storage tanks with reported unauthorized releases; and solid waste disposal facilities from which hazardous waste has migrated. Five environmental lists were searched for hazardous materials sites on the project site and within a 500-foot radius as below and the project site is not listed as hazardous materials sites:

- **GeoTracker:** State Water Resources Control Board (SWRCB 2024)
- **EnviroStor:** Department of Toxic Substances Control (DTSC 2024)
- **EJScreen:** U.S. Environmental Protection Agency (USEPA 2024a)
- **EnviroMapper:** U.S. Environmental Protection Agency (USEPA 2024b)
- **Solid Waste Information System (SWIS):** California Department of Resources Recovery and Recycling (CalRecycle 2024)

The plugged oil/gas well and a cluster of groundwater wells in Santa Ana River as described in Section 4.7.1.2, Existing Conditions, are not hazardous materials sites per California Government Code, Section 65962.5, and would not create a significant hazard to the public or the environment. Furthermore, although some of the properties immediately adjacent to the project site were included on a list of hazardous materials sites, they obtained “closed” status that require no further remediation or were undergoing remediation pursuant to the California Hazardous Substances Control Law (Health and Safety Code, Division 20, Chapter 6.5) and according to the requirements of the California Administrative Code, Title 30, Chapter 22. Therefore, the project would not be located on a hazardous materials site and would not create a significant hazard to the public or the environment.

Level of Significance Before Mitigation: Less than significant.

Mitigation Measures: No mitigation measures are required.

4.6.5 Cumulative Impacts

4.6.5.1 Cumulative Threshold HAZ-2: Accidental Releases

The project, when combined with other cumulative projects, could potentially increase accidental release of hazardous materials during construction, if hazardous materials are discovered and if construction duration overlaps with other development projects in the area. However, as with the proposed project, other cumulative projects are also required to comply with the California Hazardous Substances Control Law (Health and Safety Code, Division 20, Chapter 6.5) and the California Code of Regulations, Title 22, Division 4.5 to properly identify, handle, and dispose hazardous waste or hazardous materials so that any accidental releases of hazardous materials into the environment is minimized. Therefore, impacts from accidental release of hazardous materials would be less than significant individually and cumulatively.

The project does not involve any hazardous materials other than typical herbicides for landscaping and cleaning products for future regular maintenance of various improvements. Therefore, the project is not anticipated to contribute to accidental release of hazardous materials individually or cumulatively during operation.

4.6.5.2 Cumulative Threshold HAZ 4: Hazardous Materials Sites

The project site is not included in the hazardous materials sites compiled pursuant to California Government Code, Section 65962.5. Therefore, when combined with other cumulative projects, the proposed project would not contribute to creating a significant hazard to the public or the environment.

4.6.6 Level of Significance Before Mitigation

Upon implementation of the plans, programs, and policies, the following threshold would be less than significant:

- **Threshold HAZ-2:** Implementation of the project would not create a significant hazard to the public or the environment through the release of hazardous materials into the environment.
- **Threshold HAZ-4:** The project site is not included on a list of hazardous materials sites, and as a result, would not create a significant hazard to the public or the environment.

4.6.7 Mitigation Measures

No mitigation measures are required.

4.6.8 Level of Significance After Mitigation

Not applicable.