4.8 Hazards and Hazardous Materials

This section evaluates the potential for impacts on hazards and hazardous materials resulting from implementation of the proposed French Hotel Project (Proposed Project). This section is partially based on the following technical report:

- Phase I Environmental Site Assessment, 31841, 31843, and 31871 Camino Capistrano, San Juan Capistrano, California 92675, Terrax Environmental Engineering and Consulting, October 8, 2021. (Appendix G)
- Asbestos and Lead-Based Paint Survey Report Manuel Garcia Adobe, 31841-31871 Camino Capistrano, San Juan Capistrano, California 92675, Earth Science LLC, April 3, 2024. (Appendix H)

A Notice of Preparation for the Project was released for public review on March 19, 2026, and an EIR Scoping Meeting was held on April 6, 2026. No comments related to hazards and hazardous materials were raised during the public scoping meeting. However, written comments were received from the California Department of Toxic Substances Control (DTSC) regarding potential hazardous materials associated with demolition and construction activities. DTSC recommended evaluation of hazardous building materials, including asbestos-containing materials and lead-based paint, consideration of soil sampling and management practices, and verification that any imported soil or fill material would be suitable for the intended land use. In response to these comments and to provide a conservative analysis, the EIR evaluates the potential for impacts associated with hazardous materials during construction and operation of the Proposed Project.

4.8.1 Environmental Setting

The following sections describe the environmental setting for the Project as it relates to hazards and hazardous materials.

4.8.2 Regulatory Setting

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

4.8.2.1 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 (CERCLA) 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." CERCLA provides

Federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Federal actions related to CERCLA are limited to sites on the National Priorities List for cleanup activities, with listings based on the U.S. Environmental Protection Agency's (USEPA's) Hazard Ranking System. The Hazard Ranking System is a numerical ranking system used to screen potential sites based on criteria such as the likelihood and nature of the hazardous material release and the potential to affect people or environmental resources. CERCLA was amended by the Superfund Amendments and Reauthorization Act (SARA) in 1986, as outlined below.

Superfund Amendments and Reauthorization Act

In 1986, Congress passed Superfund Amendments and Reauthorization Act (SARA). SARA is primarily intended to address the emergency management of accidental releases and to establish State and local emergency planning committees responsible for collecting hazardous material inventory, handling, and transportation data. Specifically, under Title III of SARA, a nationwide emergency planning and response program established reporting requirements for businesses that store, handle, or produce significant quantities of hazardous or acutely toxic substances as defined under Federal laws. Title III of SARA also requires each State to implement a comprehensive system to inform Federal authorities, local agencies, and the public when significant quantities of hazardous or acutely toxic substances are stored or handled at a facility. This data is made available to the community at large under the "right-to-know" provision, with SARA also requiring annual reporting of continuous emissions and accidental releases of specified compounds.

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

Title III of SARA may be cited as the "Emergency Planning and Community Right-to-Know Act of 1986." This act was created to help communities plan for emergencies involving hazardous substances. The act establishes requirements for Federal, State, and local governments, Native American Tribes, and industry regarding emergency planning and reporting on hazardous and toxic chemicals. There are four major provisions of the Emergency Planning and Community Right-to-Know Act: Emergency Planning (Sections 301–303); Emergency Release Notification (Section 304); Hazardous Chemical Storage Reporting (Sections 311–312); Toxic Chemical Release Inventory (Section 313); and the Clean Air Act Risk Management Plan Regulations (Clean Air Act, Section 112[r]).

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 Emergency Planning and Community Right-to-Know Act 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. Federal hazardous waste laws are largely promulgated under the Resource Conservation and Recovery Act (RCRA) (40 CFR, Part 260), as amended by the Hazardous and Solid Waste Amendments of 1984 (which are primarily intended to prevent releases from leaking underground storage tanks). These laws provide for the "cradle to grave" regulation of hazardous wastes. Specifically, under RCRA, 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 of. The U.S. Environmental Protection Agency (USEPA) has the primary responsibility for implementing the RCRA, although individual States can obtain authorization to implement some or all RCRA provisions.

Hazardous Materials Transportation Act

The U.S. Department of Transportation regulates hazardous materials transportation under Title 49 of the Code of Federal Regulations, which requires the U.S. Department of Transportation

Office of Hazardous Materials Safety to generate regulations for the safe transportation of hazardous materials.

Clean Water Act/Spill Prevention, Control, and Countermeasure Rule

The Clean Water Act (CWA) (33 USC Section 1251 et seq., formerly the Federal Water Pollution Control Act of 1972) was enacted with the intent of restoring and maintaining the chemical, physical, and biological integrity of the waters of the U.S. As part of the CWA, USEPA oversees and enforces the Oil Pollution Prevention regulation contained in 40 CFR Part 112, which is often referred to as the "SPCC Rule" because it requires facilities to prepare, amend, and implement spill prevention, control, and countermeasure (SPCC) plans. A facility is subject to SPCC regulations if a single oil storage tank has a capacity greater than 660 gallons, the total aboveground oil storage capacity exceeds 1,320 gallons, or the underground oil storage capacity exceeds 42,000 gallons and, because of its location, the facility could reasonably be expected to discharge oil into or upon the "navigable waters" of the U.S.

Other Federal regulations overseen by USEPA relevant to hazardous materials and environmental contamination include 40 CFR Part 1(D) (Water Projects) and 40 CFR Part 1(I) (Solid Wastes). Further, 40 CFR Part 1(D)(116) sets forth a determination of the reportable quantity for each substance that has been designated as hazardous, and 40 CFR Part 1(D)(117) applies to quantities of designated substances equal to or greater than the reportable quantities that may be discharged into waters of the U.S.

Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) of 1976 provides EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics, and pesticides. TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint.

Various sections of TSCA provide authority to:

- Require, under Section 5, pre-manufacture notification for "new chemical substances" before manufacture
- Require, under Section 4, testing of chemicals by manufacturers, importers, and processors where risks or exposures of concern are found
- Issue Significant New Use Rules (SNURs), under Section 5, when it identifies a "significant new use" that could result in exposures to, or releases of, a substance of concern.

- Maintain the TSCA Inventory, under Section 8, which contains more than 83,000 chemicals. As new chemicals are commercially manufactured or imported, they are placed on the list.

- Require those importing or exporting chemicals, under Sections 12(b) and 13, to comply with certification reporting and/or other requirements.

- Require, under Section 8, reporting and record-keeping by persons who manufacture, import, process, and/or distribute chemical substances in commerce.

- Require, under Section 8(e), that any person who manufactures (including imports), processes, or distributes in commerce a chemical substance or mixture and who obtains information which reasonably supports the conclusion that such substance or mixture presents a substantial risk of injury to health or the environment to immediately inform EPA, except where EPA has been adequately informed of such information. EPA screens all TSCA b§8(e) submissions as well as voluntary "For Your Information" (FYI) submissions. The latter are not required by law, but are submitted by industry and public interest groups for a variety of reasons.

4.8.2.2 State

Hazardous Waste Control Act

The Hazardous Waste Control Act created the State Hazardous Waste Management Project, which is similar to but more stringent than the Federal RCRA Project. The act is implemented by regulations contained in Title 26 of the California Code of Regulations (CCR), which describe the following aspects of the requirements for the proper management of hazardous waste:

- Identification and classification;
- Generation and transportation;
- Design and permitting of recycling, treatment, storage, and disposal facilities;
- Treatment standards;
- Operation of facilities and staff training; and
- Closure of facilities and liability requirements.

These regulations list more than 800 materials that may be hazardous and establish criteria for identifying, packaging, and disposing of such waste. Under the Hazardous Waste Control Act and Title 26, the generator of hazardous waste must complete a manifest that accompanies the waste from the generator to the transporter to the ultimate disposal location. Copies of the manifest must be filed with the Department of Toxic Substances Control (DTSC).

Certified Unified Program Agency

Pursuant to California Health and Safety Code, Chapter 6.11, the California Environmental Protection Agency (CalEPA) established the Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program), which consolidated a number of existing State programs related to hazards and hazardous materials. The Unified Program allows the designation of Certified Unified Program Agencies (CUPAs) to implement associated State regulations within their jurisdiction. CUPAs maintain records regarding location and status of sites that use hazardous materials within their areas of jurisdiction and administer programs that regulate and enforce the transport, use, storage, manufacturing, and remediation of hazardous materials. Most CUPAs have been established as a function of a local environmental health or fire department. Some CUPAs have contractual agreements with another local agency (i.e., a participating agency) that implements one or more Program Elements in coordination with the CUPA.

2018 State of California Multi-Hazard Mitigation Plan

The State of California Multi-Hazard Mitigation Plan is the official statement of the State's hazard identification, vulnerability analysis, and hazard mitigation strategy. The goal of the State of California Multi-Hazard Mitigation Plan is to guide implementation activities to achieve the greatest reduction of vulnerability, which results in saved lives, reduced injuries, reduced property damages, and protection for the environment. In particular, the State of California Multi-Hazard Mitigation Plan helps administer the Local Hazard Mitigation Plan (LHMP) program for the State. The California Emergency Management Agency supports and assists local governments in the development of LHMPs and tracks the progress and effectiveness of plan updates and projects. It provides local governments with information on integrating hazard identification, risk assessment, risk management, and loss prevention into a comprehensive approach to hazard mitigation and helps them identify cost-effective mitigation measures and projects.

California Environmental Protection Agency

CalEPA was created in 1991. It unified California's environmental authority into a single cabinet-level agency and brought the California Air Resources Board, State Water Resources Control Board (SWRCB), Regional Water Quality Control Boards (RWQCBs), California Department of Resources, Recycling and Recovery, DTSC, the Office of Environmental Health Hazard Assessment, and the Department of Pesticide Regulation under one agency. These agencies were placed within the CalEPA "umbrella" for the protection of human health and the environment to ensure a coordinated deployment of State resources. Their mission is to restore, protect, and enhance the environment and ensure public health, environmental quality, and economic vitality.

Department of Toxic Substance Control

DTSC, a department of CalEPA, is the primary agency in California for regulating hazardous waste, cleaning up existing contamination, and finding ways to reduce the amount of hazardous waste produced in California. DTSC regulates hazardous waste primarily under the authority of RCRA and the California Health and Safety Code (primarily Division 20, Chapters 6.5 through 10.6, and Title 22, Division 4.5). Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning. Government Code 65962.5 (commonly referred to as the Cortese List) includes DTSC-listed hazardous waste facilities and sites, Department of Health Services lists of contaminated drinking water wells, sites listed by SWRCB as having UST leaks or discharges of hazardous wastes or materials into the water or groundwater, and lists from local regulatory agencies of sites with a known migration of hazardous waste/material. For site remediation, DTSC does not publish, nor use, generic soil cleanup levels for contaminated sites. Because each site is unique, cleanup levels must be calculated for each site through a risk assessment, which takes into account the types of toxic materials at each site, the potential receptors, the pathways that the toxic compounds might follow to get to the receptors and their fate in the environment. The process begins with a Preliminary Endangerment Assessment, which may be followed by a health risk assessment, depending on the findings of the Preliminary Endangerment Assessment.

State Water Resources Control Board

SWRCB is responsible for Statewide regulation of water resources. SWRCB's mission is to "ensure the highest reasonable quality for waters of the State of California while allocating those waters to achieve the optimum balance of beneficial uses." SWRCB thus has joint authority over water allocation and water quality protection. SWRCB supports the efforts of the individual RWQCBs, of which there are nine Statewide. Each RWQCB makes critical water quality decisions for its region, including setting standards, issuing waste discharge requirements (WDRs), determining compliance with those requirements, and taking appropriate enforcement actions. Water quality standards are defined in each RWQCB's respective Basin Plan. A Basin Plan must conform to the policies set forth in the Porter-Cologne Water Quality Control Act (Porter-Cologne Act) and established by SWRCB in its State water policy. The Porter-Cologne Act also provides that an RWQCB may include in its region a regional plan with water discharge prohibitions applicable to particular conditions, areas, or types of waste. The RWQCBs are also authorized to enforce discharge limitations, take actions to prevent violations of these limitations from occurring, and conduct investigations to determine the status of quality of any of the waters of the State of California within their region. Civil and criminal penalties are also applicable to people who violate the requirements of the Porter-Cologne Act or SWRCB/RWQCB orders.

California Porter-Cologne Water Quality Control Act

The Federal CWA places the primary responsibility for the control of water pollution and for planning the development and use of water resources with the individual States, although it does establish certain guidelines for the States to follow in developing their programs. California's primary statute governing water quality and water pollution is the Porter-Cologne Act, which grants the SWRCB and RWQCBs broad powers to protect water quality and is the primary vehicle for the implementation of California's responsibility under the CWA. The Porter-Cologne Act grants the SWRCB and RWQCBs the authority and responsibility to adopt plans and policies, to regulate discharges to surface and groundwater, to regulate waste disposal sites, and to require the cleanup of discharges of hazardous materials and other pollutants. The Porter-Cologne Act also establishes reporting requirements for unintended discharges of any hazardous substance, sewage, oil, or petroleum product.

California Office of Emergency Services

To protect public health and safety as well as the environment, the California Office of Emergency Services is responsible for establishing and managing Statewide standards for business and area plans related to the handling and release, or threatened release, of hazardous materials. The California Office of Emergency Services requires basic information regarding hazardous materials handled, used, stored, or disposed of (including location, type, quantity, and health risks) to be available to firefighters, public safety officers, and regulatory agencies. Typically, this information should be included in business plans to prevent or mitigate impacts on the environment or the health and safety of individuals from the release or threatened release of these materials into the workplace and environment. These regulations are covered under Chapter 6.95 of the California Health and Safety Code, Article 1, Hazardous Materials Release Response and Inventory Project (Sections 25500 to 25520), and Article 2, Hazardous Materials Management (Sections 25531 to 25543.3).

Title 19 of the CCR (Public Safety; Division 2; Office of Emergency Services; Chapter 4; Hazardous Material Release Reporting, Inventory, and Response Plans; Article 4 [Minimum Standards for Business Plans]) establishes minimum Statewide standards for Hazardous Materials Business Plans. These plans must include the following: a hazardous material inventory, in accordance with Sections 2729.2 to 2729.7; emergency response plans and procedures, in accordance with Section 2731; and training project information, in accordance with Section 2732. Business plans should contain basic information regarding the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of in the State. Each business will prepare a hazardous materials business plan if that business uses, handles, or stores a hazardous material or an extremely hazardous material in quantities greater than or equal to the following:

- 500 pounds of a solid substance;
- 55 gallons of a liquid;

- 200 cubic feet of compressed gas;
- A hazardous compressed gas in any amount; and
- Hazardous waste in any quantity.

California Occupational Safety and Health Administration

The California Occupational Safety and Health Administration (Cal/OSHA) is the primary agency with responsibility for worker safety with respect to the handling and use of chemicals in the workplace. Cal/OSHA standards are generally more stringent than Federal regulations. The employer is required to monitor worker exposure to listed hazardous substances and notify workers of exposure (8 CCR Sections 337–340). The regulations specify requirements regarding employee training, the availability of safety equipment, accident-prevention projects, and hazardous substance exposure warnings.

Asbestos-Containing Materials Regulations

State-level agencies, in conjunction with USEPA and the 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 are 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 of asbestos emissions and exposure. Federal, State, and local agencies must also be notified prior to the onset of demolition or construction activities with the potential to release asbestos.

Polychlorinated Biphenyls

USEPA prohibited the use of polychlorinated biphenyls (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 USC Section 2601 et seq.). Relevant regulations include labeling and periodic inspection requirements for certain types of PCB-containing equipment and highly specific safety procedures for their disposal. California also regulates electrical equipment with PCBs and materials contaminated above a certain threshold as hazardous waste; these regulations require that such materials be treated, transported, and disposed of accordingly. At lower concentrations for non-liquids, RWQCBs may exercise discretion over the classification of such wastes.

Lead-Based Paint

Cal/OSHA's Lead in Construction Standard is contained in 8 CCR Section 1532.1. The regulations address all of the following areas: permissible exposure limits; exposure assessment; compliance

methods; respiratory protection; protective clothing and equipment; housekeeping; medical surveillance; medical removal protection; employee information, training, and certification; signage; record keeping; monitoring; and agency notification.

Hazardous Materials Transportation

The California Highway Patrol and California Department of Transportation are the State agencies with primary responsibility for enforcing Federal and State regulations and responding to hazardous materials transportation emergencies. These agencies also govern permitting for hazardous materials transportation within the State.

California Code of Regulations (CCR), Titles 22 and 26

A variety of California Code of Regulation (CCR) titles address regulations and requirements for generators of hazardous waste. Title 22 contains detailed compliance requirements for hazardous waste generators, transporters, and facilities for treatment, storage, and disposal. Because California is a fully-authorized state according to RCRA, most regulations (i.e., 40 CFR 260, et seq.) have been duplicated and integrated into Title 22. However, because the Department of Toxic Substances Control (DTSC) regulates hazardous waste more stringently than the EPA, the integration of state and federal hazardous waste regulations that make up Title 22 does not contain as many exemptions or exclusions as does 40 CFR 260. As with the HSC, Title 22 also regulates a wider range of waste types and waste management activities than does RCRA. To aid the regulated community, California has compiled hazardous materials, waste, and toxics-related regulations from CCR, Titles 3, 8, 13, 17, 19, 22, 23, 24 and 27 into one consolidated listing: CCR Title 26 (Toxics). However, the hazardous waste regulations are still commonly referred to collectively as "Title 22."

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 of San Juan Capistrano 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 the Orange County Health Care Agency (OCHCA), Environmental Health Division, which is the local CUPA.

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 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 San Juan Capistrano is the Orange County EHD, which is responsible for regulating hazardous materials business plans and chemical inventory, hazardous waste and tiered permitting, underground storage tanks, aboveground storage tanks, and risk management plans.

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

Releases of petroleum and other products from USTs have been recognized since the early 1980s as the primary cause of groundwater contamination in the United States. The RCRA Subtitle I establishes regulations governing the storage of petroleum products and hazardous substances in USTs and the prevention and cleanup of leaks. In USEPA Region 9 (California, Arizona, Hawaii, Nevada, Pacific Islands, and over 140 Tribal nations) the UST program operates primarily through State agency programs with USEPA oversight. Under the umbrella of CalEPA, the SWRCB provides assistance to local agencies enforcing UST requirements. The purpose of the UST program is to protect public health and safety and the environment from releases of petroleum and other hazardous substances. The program consists of four elements: leak prevention, cleanup, enforcement, and tank tester licensing. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for groundwater cleanup programs, including groundwater analytical data, the surveyed locations of monitoring wells, and other data. The SWRCB's GeoTracker system currently has information submitted by responsible parties for over 10,000 leaking UST (LUST) sites Statewide and was extended to include all SWRCB groundwater cleanup programs, including the LUST, non-LUST (Spill, Leaks, Investigation, and Cleanup), Department of Defense, and landfill programs.

CCR, Title 23, Chapter 16 (Underground Storage Tank Regulations) establish requirements for the design, construction, monitoring, repair, upgrade, and closure of USTs. The regulations also provide for the proper release reporting, initial abatement, and corrective action requirements.

4.8.2.3 Local

Orange County Fire Service Fire Prevention Guidelines

The Orange County Fire Service has set fire prevention guidelines that address such matters as fire flow, fire access, building construction, flammable and combustible liquids, and fire protection systems.

City of San Juan Capistrano General Plan

A complete rewrite of the City's General Plan was last adopted in December 1999. In May 2002, the City Council approved a variety of changes to several of elements of the General Plan. In February 2022, a new Environmental Justice Element was added to the General Plan. The General Plan's Housing Element is updated every eight years with the latest update adopted in August

2022. The City's General Plan is the principal land use document guiding development within the City. The City's General Plan is a comprehensive plan that establishes goals, objectives, and policies intended to guide growth and development in the City. The General Plan also serves as a blueprint for development throughout the community and is the vehicle through which the community needs, desires, and aspirations are balanced. The San Juan Capistrano General Plan is the fundamental tool for influencing the quality of life in the City.

Safety Element

The Safety Element (1999) identified and addresses those features or characteristics existing in or near the City which represent a potential hazard to the community's citizens, sites and structures, public facilities and infrastructure. The Safety Element establishes policies to minimize the danger to residents, workers and visitors while identifying actions needed to manage crisis situations such as earthquakes, fires and floods. Additionally, the Safety Element contains specific policies and programs to regulate existing and proposed development in hazard-prone areas. Continuing education of City officials and citizens about emergency preparedness is also addressed.

The following goals and policies applicable to the Proposed Project and related to hazards and hazardous materials are presented in the Safety Element:

- **Goal S-2:** Protect the community from hazards related to air pollution, nucleur power production, hazardous materials, ground transportation, and health crises.
    - **Policy S-2.2.** Work with the Orange County Sheriff's Deprtment to ensure that no hazardous materials are dumped in any area of the City and increasing surveillance to enable enforcement on illegal dumping.
    - **Policy S-2.3.** Cooperate with responsible federal, state, and County agencies to minimize the risk to the community from the use and transportation .
- **Goal S-4:** Improve the ability to the City to be prepared for and respond effectively to natural and human-caused emergencies.
    - **Policy S-4.2.** Maintain and update the Emergency Operations Plan and Local Hazard Mitigation Plan.
    - **Policy S-4.7.** Identify rights-of-way that do not provide adequate clearance for emergency vehicles and develop a contingency plan, to reach people in need of evacuation.

City of San Juan Capistrano Municipal Code

The City Municipal Code provides regulations and standards that help implement the goals and policies of the General Plan. The following sections of the Municipal Code contain relevant regulations related to hazards and hazardous materials.

Chapter 4, Emergency Preparedenss: The purposes of this chapter is to provide for the preparation and carrying out of plans for the protection of persons and property within this City in the event of an emergency; the direction of the Emergency Organization; and, the coordination of the emergency functions of the City with all other public agencies, corporations, organizations and affected private persons.

Chapter 3, Solid Waste. § 6-3.09 Special solid waste and hazardous solid waste. This requires special solid waste and hazardous solid waste to be handled and disposed of in accordance with applicable regulations and prohibits disposal of hazardous waste in containers designated for regular solid waste collection. The ordinance also authorizes the City to regulate the handling, transportation, and disposal of hazardous waste within City limits. Compliance with these requirements helps minimize the potential for hazardous materials releases associated with construction and operation of the Proposed Project.

Chapter 10, Fire Code. This adopts the 2025 Edition of the California Fire Code with amendments, additions, deletions, and exceptions.

4.8.3 Existing Conditions

Hazardous materials include, but are not limited to, hazardous substances, hazardous wastes, and any material that may be injurious to public health and safety or harmful to the environment if released into the workplace or environment. California Code of Regulations (CCR) Title 22, Chapter 11, Article 2, Section 66261.10 defines hazardous waste as a hazardous substance that no longer has practical use, including materials that have been discarded, discharged, spilled, contaminated, or are being stored prior to proper disposal. Soil excavated from a site may also be classified as hazardous waste if it exceeds applicable CCR Title 22 criteria. In addition, the California Health and Safety Code defines hazardous waste as a waste or combination of wastes that, because of its quantity, concentration, toxicity, corrosiveness, flammability, reactivity, or other characteristics, may pose a substantial present or potential hazard to human health or the environment when improperly managed.

Hazardous materials may be present in soil, groundwater, structures, or building materials as a result of current or historical land uses. Potentially hazardous materials commonly encountered in urban and developed areas include petroleum products, solvents, pesticides, herbicides, paints, cleaning agents, asbestos-containing materials (ACMs), lead-based paint (LBP), and other hazardous building materials. If improperly handled, stored, transported, or disposed of, these materials may adversely affect human health or environmental resources.

Exposure to hazardous materials may occur through inhalation, ingestion, dermal contact, or accidental release during transportation, storage, demolition, construction, or routine operations. Construction activities involving excavation, grading, demolition, or rehabilitation may also expose

workers or the public to previously unidentified hazardous materials, contaminated soil, or hazardous building materials. The following discussion summarizes existing hazardous materials conditions associated with the Project site and surrounding area.

4.8.3.1 Phase I ESA Findings

A Phase I Environmental Site Assessment (ESA) was prepared for the Project Site in accordance with ASTM E1527-13. During the Phase I ESA site reconnaissance, Terrax documented the general physical characteristics of the Project Site. The site is served by the City of San Juan Capistrano municipal sewer system, and surface water runoff from paved and landscaped areas is conveyed to the municipal stormwater drainage system. No surface impoundments, natural catch basins, settling ponds, drywells, wetlands, lagoons, wells, or cisterns were observed on the Project Site. Wall-mounted air conditioning units and domestic hot water equipment were present, and electrical and natural gas service is provided by Southern California Edison and Southern California Gas Company. A sewer manhole located on the northwestern portion of the Project Site was observed and may be associated with an abandoned septic system. Routine solid waste collection is provided through onsite refuse containers serviced by a licensed waste hauler. No wastewater or industrial discharge features or other significant site characteristics were observed during the reconnaissance.

The Phase I ESA identified several recognized environmental conditions (RECs) associated with the site's historical use. Specifically, the assessment identified: (1) a historical hazardous waste generator (HWTS/HAZNET) listing associated with the Roman Catholic Diocese of Orange, which generated aqueous solutions containing less than 10 percent organic residues that were transported off site for recycling between 1996 and 2000; (2) a historical permitted underground storage tank (UST) listing for which limited information was available regarding the tank characteristics and removal status, resulting in the UST being identified as a significant environmental concern; (3) the potential for elevated lead concentrations in soil resulting from deterioration of lead-based paint associated with the historic structures; and (4) the potential for residual agricultural chemicals, including pesticides and herbicides, associated with the property's former orchard use. Based on these findings, the Phase I ESA recommended completion of a Phase II ESA to evaluate whether hazardous substances associated with these historical conditions were present on the Project site. The Phase I ESA also identified the potential for asbestos-containing materials (ACMs) and lead-based paint (LBP) within the historic buildings and recommended that ACM and LBP surveys be completed prior to demolition or significant renovation activities..

4.8.3.2 Regulatory Database Review

Hazardous Sites

California Government Code, Section 65962.5, requires the California Environmental Protection Agency (CalEPA) to compile, maintain, and update specified lists of hazardous material release sites. The California Environmental Quality Act (CEQA) Guidelines (Public Resources Code

[PRC], Section 21092.6) requires the lead agency to consult the lists compiled pursuant to Government Code, Section 65962.5, to determine if the project area is identified on any of the following lists:

- **USEPA National Priorities List:** Lists all sites under the USEPA Superfund program, which was established to fund the cleanup of contaminated sites that pose risks to human health and the environment.
- **USEPA CERCLIS and Archived Sites:** The Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) list contains 15,000 sites nationally identified as hazardous sites. This would also involve a review of archived sites that have been removed from CERCLIS due to No Further Remedial Action Planned status.
- **USEPA RCRIS (RCRAInfo):** Resource Conservation and Recovery Act Information System (RCRIS or RCRAInfo) is a national inventory system for hazardous waste handlers. Generators, transporters, handlers, and disposers of hazardous waste are required to provide information for this database.
- **DTSC Cortese List:** The California DTSC maintains the Hazardous Waste and Substances Sites (Cortese) List as a planning document for use by State and local agencies to comply with the CEQA requirements in providing information about the location of hazardous materials release sites. This list includes the Site Mitigation and Brownfields Reuse Program Database (CalSites).
- **DTSC HazNet:** DTSC uses this database to track hazardous waste shipments.
- **SWRCB LUSTIS:** Leaking Underground Storage Tank Information System (LUSTIS). The SWRCB maintains an inventory of underground storage tanks and leaking underground storage tanks, which tracks unauthorized releases.

The DTSC EnviroStor database and the SWRCB GeoTracker database are the primary state databases used to track hazardous materials release sites and other environmental cleanup activities. EnviroStor is maintained by the Department of Toxic Substances Control (DTSC) and tracks cleanup, investigation, permitting, and enforcement activities associated with hazardous waste facilities and contaminated properties. GeoTracker is maintained by the State Water Resources Control Board (SWRCB) and tracks sites associated with underground storage tanks, permitted waste discharges, and environmental cleanup activities.

As part of the Phase I Environmental Site Assessment (ESA), environmental database records were reviewed to identify hazardous materials sites on or near the Project Site. The review included EnviroStor, GeoTracker, and other federal, State, local, and tribal environmental databases. The Project Site was not identified on the Cortese List of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and no active hazardous materials cleanup cases were identified on the Project Site. However, the Phase I ESA identified several recognized environmental conditions

(RECs) associated with the property, including a historical hazardous waste generator (HWTS/HAZNET) listing, a historical underground storage tank (UST) listing for which limited information regarding removal was available, the potential for elevated lead concentrations in soil associated with deterioration of lead-based paint, and the potential presence of residual agricultural chemicals related to the site's former orchard use. Based on these findings, the Phase I ESA recommended additional investigation of the identified RECs. No controlled recognized environmental conditions (CRECs) or historical recognized environmental conditions (HRECs) were identified. Several regulatory database listings associated with commercial, industrial, and transportation-related land uses were identified within the surrounding area; however, none were determined to represent a recognized environmental condition affecting the Project Site. Based on the environmental database review, site reconnaissance, and historical records review, the Phase I ESA identified several onsite recognized environmental conditions (RECs) warranting additional investigation, including a historical hazardous waste generator listing, a historical underground storage tank listing, the potential for lead-impacted soils associated with historic structures, and the potential presence of residual agricultural chemicals associated with former orchard use. These findings are discussed further in the Phase I ESA findings above and informed the subsequent hazardous building materials investigation conducted for the Project Site.

Site History and Existing Uses

The approximately 1.68-acre Project site is located at 31861–31871 Camino Capistrano within the Historic Town Center of San Juan Capistrano. The site is currently developed with several historic and non-historic structures, including the Domingo Yorba Adobe, Casa Manuel Garcia Adobe, an existing barn structure, surface parking areas, landscaped areas, and associated site improvements. Historic uses of the property have included residential, agricultural, commercial, and visitor-serving activities typical of the downtown area.

Based on the Phase I ESA (Appendix G), the Project Site has been developed since at least the early 1900s and has historically supported residential uses, small orchard operations, commercial activities, and associated site improvements. The Phase I ESA identified several recognized environmental conditions (RECs), including a historical hazardous waste generator listing, the potential presence of residual agricultural chemicals associated with former orchard use, and a historical underground storage tank (UST) listing. The property is identified in regulatory databases as a permitted UST facility under the authority of the Orange County Certified Unified Program Agency (CUPA); however, limited information was available regarding the size, contents, location, or removal status of the UST. Accordingly, the Phase I ESA identified the historical UST listing as a significant environmental concern warranting additional investigation. In addition, because portions of the site contain historic structures constructed prior to modern building material regulations, a separate hazardous building materials survey was conducted to evaluate the presence of asbestos-containing materials and lead-based paint.

Table 4.8-1. Historical Use Information

Period/Date	Source	Description/Use
1902 to 1906	Historic research, aerial photographs and topographic maps	Gently undulating land with small buildings, abutting Camino Capistrano/Rural residential, farmland
1938 to 1952	Historic research, aerial photographs, and topographic maps	Developed with four-five building structures and small orchard/Residential farmland
1963 to 1963	Historic research, building records, aerial photographs, and topographic maps	Developed with four-five buildings and improvements/Residential
1967 to 1994	Historic research, aerial photographs, building records, city directories, regulatory database, local, state, and federal agency records, public records, and topographic maps	Developed with paved parking, four-five structures including commercial retail and residential use buildings and farm land/Commercial, residential use
2000 to Present	Aerial photographs, building records, city directories, regulatory database, local, state, and federal agency records, public records, and topographic maps	Developed with paved parking, four-five structures including commercial retail and residential use buildings/Residential use

4.8.3.3 Phase II ESA Findings

Consistent with the recommendations of the Phase I ESA, a hazardous building materials survey (Phase II Asbestos and Lead-Based Paint Survey) attached as Appendix H, was conducted for the Manuel Garcia Adobe to evaluate the presence of asbestos-containing materials (ACMs) and lead-based paint (LBP) prior to renovation activities in April 2024. The survey included a visual inspection of accessible building materials and laboratory analysis of representative bulk samples and paint samples.

Laboratory analysis identified ACMs in several building materials, including approximately 300 linear feet of exterior window glazing containing 2 percent chrysotile asbestos, approximately 100 linear feet of roof mastic associated with a skylight containing 3 percent chrysotile asbestos, and approximately 200 square feet of interior linoleum flooring containing 15 percent chrysotile asbestos.

The survey also identified LBP in multiple locations within the building. Lead concentrations exceeding applicable regulatory thresholds were detected in exterior window frame paint and several interior wall surfaces, including paint containing lead concentrations of up to 50,000 parts per million (ppm). Approximately 500 square feet of exterior painted surfaces and approximately 3,000 square feet of interior painted surfaces were identified as containing lead-based paint. The identified ACMs and LBP are currently contained within existing building materials and do not pose a hazard under existing conditions. However, disturbance of these materials during renovation,

demolition, or construction activities has the potential to result in exposure to hazardous materials if not properly managed.

4.8.3.4 Schools and Sensitive Receptors

The Project site is located within an urbanized area containing residential, commercial, institutional, and visitor-serving uses. San Juan Elementary School is located approximately 0.2 mile northeast of the Project site, and Bridges Community Day High School is located approximately 0.25 mile northeast of the site. Additional sensitive receptors in the vicinity include nearby residences, hotels, places of worship, and visitors to the Historic Town Center.

4.8.3.5 Airport Hazards

The nearest public-use airports to the Project site are John Wayne Airport, located approximately 17 miles northwest, Oceanside Municipal Airport, located approximately 27 miles southeast, and Long Beach Airport, located approximately 36 miles northwest. The Project site is not located within an Airport Influence Area (AIA) or airport land use compatibility zone associated with any public airport. As such, the site is not subject to airport-related land use compatibility restrictions or aviation safety considerations.

4.8.3.6 Wildfire Hazards

The Project site is located within the developed urban core of San Juan Capistrano and is surrounded by existing commercial, institutional, residential, and visitor-serving land uses. The site is not located within a State Responsibility Area (SRA), Local Responsibility Area Very High Fire Hazard Severity Zone (VHFHSZ), or other area identified by CAL FIRE as having a substantial wildfire risk. Therefore, the Project site is not subject to significant wildfire hazards under existing conditions.

4.8.4 Method of Analysis

The hazards and hazardous materials analysis is based on a review of the Project plans, existing environmental conditions, applicable federal, state, and local regulations, and technical studies prepared for the Project. Sources consulted include the Phase I Environmental Site Assessment (ESA) prepared by Terrax Environmental Research, the Phase II Asbestos and Lead-Based Paint Survey prepared by Earth Science LLC, environmental regulatory database reviews, and comments provided by the California Department of Toxic Substances Control (DTSC) during the Notice of Preparation (NOP) review process.

The Phase I ESA included a review of historical records, environmental regulatory databases, and a site reconnaissance to identify recognized environmental conditions (RECs), controlled recognized environmental conditions (CRECs), historical recognized environmental conditions (HRECs), and other potential environmental concerns associated with the Project site. The Phase II survey included

inspection and sampling of building materials within the Casa Manuel Garcia Adobe to evaluate the presence of asbestos-containing materials (ACMs) and lead-based paint (LBP) that could be encountered during rehabilitation, demolition, or construction activities.

The analysis also considers applicable hazardous materials regulations administered by agencies including the United States Environmental Protection Agency (EPA), California Department of Toxic Substances Control (DTSC), California Division of Occupational Safety and Health (Cal/OSHA), South Coast Air Quality Management District (SCAQMD), Orange County Health Care Agency (OCHCA), and Orange County Fire Authority (OCFA). Impacts were evaluated based on the significance thresholds identified in Appendix G of the CEQA Guidelines and the extent to which compliance with applicable regulations would avoid or minimize potential hazards associated with construction and operation of the Proposed Project.

4.8.5 Thresholds of Significance

According to Appendix G of the CEQA Guidelines, the project would have a significant impact on hazards and hazardous materials if it would:

- **Threshold HAZ-a:** Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- **Threshold HAZ-b:** 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-c:** 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-d:** 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-e:** 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-f:** Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- **Threshold HAZ-g:** Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

The Initial Study, provided as Appendix A, determined that the Proposed Project would result in less than significant impacts with respect to Thresholds HAZ-a, HAZ-b, HAZ-c, and HAZ-f and no impacts with respect to Thresholds HAZ-d, HAZ-e, and HAZ-g. Accordingly, Thresholds HAZ-a, HAZ-c, HAZ-d, HAZ-e, HAZ-f, and HAZ-g are not discussed further in this EIR.

Although the Initial Study concluded that impacts associated with Threshold HAZ-b would be less than significant, the threshold is evaluated further in this EIR to provide a more detailed discussion of the potential for hazardous materials releases during demolition, rehabilitation, grading, and construction activities and to address the issues raised by DTSC. The analysis below incorporates the findings of the Phase I Environmental Site Assessment (ESA), the Phase II Asbestos and Lead-Based Paint Survey, and applicable federal, state, and local hazardous materials regulations.

4.8.6 Plans, Programs, and Policies

Compliance measures are uniformly applied regulations or requirements imposed by the approving agency based on the type of action proposed. Because these measures are standard requirements, they are not considered mitigation measures. The following existing plans, programs, and policies (PPPs) apply to development allowed under the Proposed Project and help reduce or avoid potential impacts related to hazards and hazardous materials:

PPP HAZ-1 **Transportation of Hazardous Waste.** Hazardous materials and hazardous wastes will be transported to and/or from the project 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 **Resource Conservation and Recovery Act.** 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), including the management of nonhazardous solid wastes and underground tanks storing petroleum and other hazardous substances.

PPP HAZ-3 **Certified Unified Program Agency.** Development of the Proposed Project will be designed and constructed 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. OCHCA-EHD 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.

PPP HAZ-4 **Asbestos-Containing Materials and Lead-Based Paints.** Demolition activities that have the potential to expose construction workers and/or the public to asbestos-

containing materials or lead-based paint are required to be conducted in accordance with applicable regulations, including, but not limited to:

- South Coast Air Quality Management District's Rule 1403
- California Health and Safety Code (Section 39650 et seq.)
- California Code of Regulations (Title 8, Section 1529)
- California Occupational Safety and Health Administration regulations (California Code of Regulations, Title 8, Section 1529 [Asbestos] and Section 1532.1 [Lead])
- Code of Federal Regulations, Title 40, Part 61 (asbestos); Title 40, Part 763 (asbestos); and Title 29, Part 1926 (asbestos and lead)

PPP HAZ-5 **Removal of Hazardous Materials.** The removal of hazardous materials, such as polychlorinated biphenyls (PCBs), mercury-containing light ballast, and mold, will be completed in accordance with applicable regulations pursuant to 40 Code of Federal Regulations (CFR) 761 (PCBs), 40 CFR 273 (mercury-containing light ballast), and 29 CFR 1926 (molds) by workers with the hazardous waste operations and emergency response training, as outlined in 29 CFR Section 1910.120 and 8 California Code of Regulations, Section 5192.

PPP HAZ-6 **Removal of Utility Lines and Pipelines.** New construction, excavations, and/or new utility lines within 10 feet of or crossing existing high-pressure pipelines, natural gas/petroleum pipelines, or electrical lines greater than 60,000 volts will comply with the California Code of Regulations, Title 8, Section 1541.

PPP HAZ-7 **Imported Soil and Fill Material.** Any imported soil or fill material used during construction of the Proposed Project shall be obtained from a lawful source and, if required by applicable regulations or agency direction, shall be tested and documented to demonstrate suitability for the intended land use. Imported material shall be managed in accordance with applicable requirements of DTSC, RWQCB, OCHCA-EHD, and other applicable regulatory agencies.

4.8.7 Environmental Impacts

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

4.8.7.1 Thresholds HAZ-b: 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.

Impact Analysis

Construction

Implementation of the Proposed Project would involve demolition of non-historic structures and additions, rehabilitation of the Casa Manuel Garcia Adobe and Domingo Yorba Adobe, site preparation, grading, utility installation, and construction of the proposed hotel, restaurant, event facilities, parking structure, and associated site improvements. These activities have the potential to expose workers or the public to hazardous materials through accidental release, disturbance, or improper handling of hazardous substances encountered during construction.

Hazardous Building Materials

A Phase II Asbestos and Lead-Based Paint Survey (Appendix H) was conducted for the Casa Manuel Garcia Adobe to evaluate the presence of hazardous building materials that could be encountered during demolition and rehabilitation activities. The survey identified asbestos-containing materials (ACMs) in exterior window glazing, roof mastic associated with a skylight, and interior linoleum flooring. The survey also identified lead-based paint (LBP) on portions of exterior window frames and interior painted surfaces.

Demolition and rehabilitation activities have the potential to disturb these materials, which could result in the release of airborne asbestos fibers or lead-containing dust if not properly managed. Implementation of MM HAZ-1 would require that identified ACMs be verified by a licensed asbestos abatement contractor prior to disturbance and that ACMs be removed, repaired, encapsulated, enclosed, or otherwise managed in accordance with applicable federal, State, and local regulations. The mitigation measure also requires completion of all applicable regulatory notifications and implementation of required removal, handling, transportation, and disposal procedures.

Implementation of MM HAZ-2 would require that the results of the hazardous building materials survey be provided to all contractors and subcontractors performing work that could disturb LBP, that the extent of LBP be verified prior to disturbance, and that all work involving LBP be conducted in accordance with applicable Cal/OSHA, OSHA, and other regulatory requirements, including implementation of appropriate worker protection measures, engineering controls, and personal protective equipment.

With implementation of MM HAZ-1 and MM HAZ-2, the potential for accidental release of hazardous building materials during construction would be reduced to a less-than-significant level.

Other Hazardous Building Materials

In addition to ACMs and LBP, older structures may contain hazardous materials commonly associated with historic buildings, including fluorescent light ballasts containing polychlorinated biphenyls (PCBs), mercury-containing switches, thermostats, lamps, and other universal wastes. These materials may be encountered during demolition and rehabilitation activities. Any such materials identified during construction would be required to be managed, transported, and disposed of in accordance with applicable hazardous waste regulations administered by DTSC, EPA, and OCHCA. Compliance with these regulations would minimize the potential for accidental release of hazardous materials.

Soil and Groundwater

Ground-disturbing activities associated with grading, excavation, utility installation, and foundation construction could encounter previously unidentified contaminated soil or groundwater, if present beneath the Project Site. As discussed in Section 4.8.2, the Phase I ESA identified several recognized environmental conditions (RECs), including a historical hazardous waste generator (HWTS/HAZNET) listing, a historical underground storage tank (UST) listing for which limited information regarding the tank characteristics and removal status was available, the potential for elevated lead concentrations in soil associated with deterioration of lead-based paint, and the potential presence of residual agricultural chemicals associated with the site's former orchard use. These RECs are based on historical site conditions and identify areas warranting environmental consideration during redevelopment; however, they do not document the presence of active soil or groundwater contamination or an active regulatory cleanup case affecting the Project Site.

Although historical site activities indicate the potential for subsurface contamination, the Phase I ESA identified no evidence of an active hazardous materials release during the site reconnaissance, and the Project Site is not listed on the Cortese List of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Nevertheless, if contaminated soil, groundwater, buried debris, underground storage tanks, stained soil, unusual odors, or other potentially hazardous materials are encountered during grading or excavation activities, construction in the affected area would be required to cease until the material is evaluated by a qualified environmental professional and appropriately managed in accordance with applicable federal, State, and local regulations, including requirements of the California Department of Toxic Substances Control (DTSC), the Regional Water Quality Control Board (RWQCB), and the Orange County Health Care Agency Environmental Health Division, as applicable. Compliance with these existing regulatory requirements would minimize the potential for reasonably foreseeable upset or accident conditions associated with previously unidentified contamination. Therefore, impacts would be less than significant.

Imported Soil and Fill Material

DTSC commented during the NOP review period that imported soil or fill material used on the site should be tested, documented, and demonstrated to be suitable for the intended land use. To the extent imported soil or fill material is required during construction, imported material would be obtained from lawful sources and managed in accordance with applicable regulatory requirements. These requirements are intended to prevent the introduction of contaminated fill material onto development sites and reduce the potential for exposure to hazardous substances.

Construction Materials and Equipment

Construction activities would require the temporary use and storage of fuels, lubricants, paints, solvents, adhesives, hydraulic fluids, and other hazardous materials commonly associated with construction projects. Accidental spills or leaks could occur during refueling, equipment maintenance, material transport, or construction operations. However, these materials would be used in relatively small quantities, stored in appropriate containers, and managed in accordance with applicable federal, state, and local requirements. Contractors would also be required to implement standard spill prevention and cleanup procedures. As a result, the potential for accidental releases of construction-related hazardous materials would be low and impacts would be less than significant.

Operation

Operation of the Proposed Project would involve the routine use of small quantities of hazardous materials typical of hotel, restaurant, hospitality, landscaping, and maintenance operations, including cleaning products, pool treatment chemicals, paints, fertilizers, and similar materials. These materials would be stored, handled, and disposed of in accordance with manufacturer specifications and applicable regulations. Because the Project would not involve the routine use, storage, or handling of unusually hazardous materials and would not include industrial processes or hazardous waste treatment activities, the likelihood of a significant accidental release would be low.

Conclusion

Construction of the Proposed Project would involve demolition, rehabilitation, excavation, and grading activities with the potential to disturb hazardous building materials and encounter hazardous substances associated with historic site conditions. Implementation of MM HAZ-1 and MM HAZ-2 would ensure that identified asbestos-containing materials and lead-based paint are appropriately characterized, managed, and, where necessary, abated prior to disturbance. In addition, compliance with existing federal, State, and local regulations governing hazardous materials management would minimize the potential for accidental releases associated with construction activities and any previously unidentified contamination encountered during excavation. During operation, hazardous materials would be limited to those commonly associated

with hotel and restaurant uses and would be handled in accordance with applicable regulations. Therefore, impacts associated with Threshold HAZ-b would be less than significant with mitigation incorporated.

Level of Significance Before Mitigation: Potentially significant without mitigation.

Mitigation Measures: MM HAZ-1 and MM HAZ-2.

4.8.8 Cumulative Impacts

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

4.8.8.1 Cumulative Threshold HAZ-b: 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.

Construction of the Project and other cumulative projects within the vicinity would involve the temporary use, storage, transport, and disposal of hazardous materials commonly associated with construction activities, including fuels, lubricants, paints, solvents, adhesives, and other construction-related materials. In addition, demolition or renovation of older structures associated with cumulative development could encounter hazardous building materials, including asbestos-containing materials (ACMs), lead-based paint (LBP), polychlorinated biphenyls (PCBs), mercury-containing equipment, or other hazardous substances. Similarly, ground-disturbing activities associated with cumulative development could encounter previously unidentified contaminated soil, groundwater, underground storage tanks, or other hazardous materials associated with historical site uses.

These potential hazards are generally site-specific and are addressed through project-specific environmental investigations and compliance with applicable federal, State, and local regulations governing the characterization, handling, abatement, transportation, and disposal of hazardous materials. For the Project, implementation of MM HAZ-1 and MM HAZ-2 would ensure that identified ACMs and LBP are appropriately managed prior to demolition or rehabilitation activities. Likewise, future cumulative projects would be subject to their own environmental review and, where applicable, would be required to comply with applicable hazardous materials regulations and implement project-specific avoidance, management, or mitigation measures to address hazardous materials encountered during construction.

Because hazardous materials impacts associated with construction activities are localized and project-specific, and because the Proposed Project and cumulative projects would be subject to applicable regulatory requirements governing hazardous materials management, the Proposed Project would not make a cumulatively considerable contribution to a significant cumulative impact

related to the release of hazardous materials into the environment. Therefore, cumulative impacts would be less than significant.

4.8.9 Level of Significance Before Mitigation

Environmental impacts related to Thresholds HAZ-b would be potentially significant.

4.8.10 Mitigation Measures

HAZ-1: **Asbestos-Containing Materials (ACMs).** Prior to any demolition, renovation, or rehabilitation activities that could disturb asbestos-containing materials (ACMs), the project applicant shall retain a licensed asbestos abatement contractor to verify the quantity and extent of identified ACMs and remove, repair, encapsulate, or otherwise manage the materials in accordance with applicable federal, State, and local regulations. Required notifications shall be submitted to the appropriate regulatory agencies prior to commencement of work. All removal, handling, transportation, storage, and disposal of ACMs shall comply with applicable U.S. Environmental Protection Agency (USEPA), California Division of Occupational Safety and Health (Cal/OSHA), South Coast Air Quality Management District (SCAQMD), and other applicable regulatory requirements. If ACMs are not disturbed by Project activities, they may remain in place and be managed pursuant to an operations and maintenance program, as appropriate.

HAZ-2: **Lead-Based Paint (LBP).** Prior to any demolition, renovation, or rehabilitation activities that could disturb lead-based paint (LBP), the project applicant shall provide the results of the hazardous building materials survey to all contractors and subcontractors performing work within affected structures. A qualified contractor shall verify the extent of LBP prior to disturbance, and all work involving LBP shall be performed in accordance with applicable Cal/OSHA, OSHA, and other federal, State, and local regulatory requirements. Appropriate worker protection measures, including engineering controls and personal protective equipment, shall be implemented during activities that may disturb LBP.

4.8.11 Level of Significance After Mitigation

Less than significant.