



4.8 PUBLIC HEALTH AND SAFETY

This Section addresses potential impacts related to the physical condition of the Dana Point Harbor Revitalization Project area and adjacent areas due to past and present activities and uses involving hazardous materials. The analysis includes a review of historic and existing on-site land uses and their associated activities. This section summarizes the review of Federal, State, and local agencies' databases of reported (suspect and/or known) hazardous materials and contaminated sites located within the study area, which is defined as the Project site and listed site within a 1.0-mile radius of it. Potential safety issues associated with the use, storage, emission, disposal, and transport of hazardous waste on and within the immediate vicinity of the study area are discussed.

Information in this section is based on the *Preliminary Hazardous Materials Assessment* (HMA), revised and dated July 22, 2005, performed by RBF Consulting; refer to Appendix I (Preliminary Hazardous Materials Assessment).

The term "hazardous material" includes both hazardous substances and hazardous waste. A material is defined as "hazardous" if it appears on a list of hazardous materials prepared by a Federal, State, or local regulatory agency, or if it has characteristics defined as hazardous by such an agency. A "hazardous waste" is a "solid waste" that exhibits toxic or hazardous characteristics. The EPA defines "solid waste" as material that is discarded or has served its intended purpose, unless the material is specifically excluded from regulation; such materials are considered waste whether they are discarded, reused, recycled, or reclaimed. The EPA classifies a material as hazardous if it has one or more of the following characteristics at specific thresholds: ignitability, corrosivity, reactivity, and toxicity. An "*historic recognized environmental condition*" (HREC) is defined as a condition that in the past will have been considered a REC, but which may or may not be considered a REC currently. HRECs are generally conditions that have in the past been remediated to the satisfaction of the responsible regulatory agency.

4.8.1 EXISTING CONDITIONS

4.8.1.1 CURRENT PROJECT SITE

Dana Point Harbor comprises approximately 276.8 acres and provides a diverse range of recreational and commercial amenities. The marina includes a variety of recreational, sporting, and commercial boating amenities in addition to recreational fishing. Marine services such as shipyards, 2,493 boat slips, boat maintenance facilities, and a boat fuel dock are located within the Harbor. Two hazardous material disposal stations are located near the Harbor Patrol Office and the Anchor Marine Center. Other prominent land uses are Dana Wharf, Mariner's Village, the Marina Inn (a 136-room hotel), numerous restaurants, small retail and gift shops, the Ocean Institute, Baby Beach, and the County-operated Youth and Group Facility. Planning Area 4 (accessed by a bridge extending across the marina) includes the Dana Point and Dana West Yacht Clubs, restaurants, a commercial fishing fleet area, the Harbor Patrol facilities, and boat storage.



In addition to the physical facilities, there are also ongoing boat-related maintenance practices that may contribute either indirectly or directly to a hazardous material condition within the Harbor, such as:

- Oil and fuel spills,
- Boat cleaning, painting, and maintenance,
- Underground storage tanks,
- Hazardous material disposal stations, and

EMERGENCY RESPONSE PLAN

The City's *Emergency Plan* designates procedures that will be followed in responding to anticipated emergencies within the City of Dana Point. The Plan describes how the City will prepare for, respond to, and recover from an emergency or disaster. The Plan is consistent with State and Federal guidelines regarding disaster planning. Additionally, the City maintains an Emergency Operations Center (EOC) and communications equipment to coordinate City services during local emergencies.

The County's Emergency Response Plan provides a detailed summary of the Countywide organization and identifies the responsibilities of each component agency in the event of a disaster. The Orange County and Operational Area Emergency Operations Center (OC OA/EOC) is used for managing disaster response and recovery for County agencies and departments and constituents served by the County. The OC OA/EOC coordinates disaster response and recovery for its operational area (including all political subdivisions of Orange County) and coordinates operations resource requirements and availability with the State Regional Operations Center. The OC OA/EOC acts as a central point for coordination and operational, administrative, and support needs of the emergency workers. The OC OA/EOC is staffed with personnel from all agencies within the County and various operational area jurisdictions and agencies.

Figure PS-7, *Evacuation Routes and Emergency Facilities*, of the City *General Plan* illustrates evacuation routes for the City. According to Figure PS-7, Pacific Coast Highway, Dana Point Harbor Drive, and Street of the Golden Lantern are designated as evacuation routes. The Dana Point Harbor Revitalization Project area is accessed via Dana Point Harbor Drive, which can be reached via Pacific Coast Highway or Street of the Golden Lantern.

4.8.1.2 HISTORICAL USAGE OF PROJECT SITE

INFORMATION FROM TOPOGRAPHICAL MAPS

Historical topographic maps dated 1902 through 1975 for the subject site and adjacent areas provided the following chronological sequence of site history.

- 1902. On-site uses consist of open beach. The San Juan Creek as well as several structures are northeast of the subject site and San Juan Rock is to the west. No pits, ponds, or lagoons were noted.



- 1949. On-site topography is similar to that of the 1902 topographic map. Increased development has occurred within the surrounding area. No pits, ponds, or lagoons were noted.
- 1968. On-site topography is slightly different from that of the 1949 topographic map because of the addition of a breakwater. Surrounding off-site uses have continued to develop. No pits, ponds, or lagoons were noted.
- 1975. On-site topography is slightly different from that of the 1968 topographic map. Dana Point Harbor is within the subject site via photorevisions. Surrounding off-site uses have drastically increased in development and consist of several mixed land uses.

INFORMATION FROM AERIAL PHOTOGRAPHS

Historical aerial photographs of the subject site and adjacent areas further identify development activities that have occurred in the past.

- 1946–1953. The subject site consists primarily of open beach uses. Limited structures are located within the northern portion of the site; however, the area is primarily vacant land.
- 1968. On-site uses are slightly different because of the addition of a breakwater. The subject site and surrounding area continues to be dominated by open beach and land uses.
- 1977. On-site uses appear to be substantially different from those of 1968. Dana Point Harbor is within the subject site. Surrounding off-site land uses have increased in development.
- 1989–1994. On- and off-site uses have further developed. In general, these on-site uses are similar to current conditions.

CONCLUSION REGARDING HISTORIC USAGE

No evidence to support the existence of a recognized environmental condition (REC) on-site was visible during the review of the historical topographic maps and aerial photographs.

4.8.2 METHODOLOGY

The HMA included the following:

- Records Review:
 - (a) Federal, State, and local regulatory agency lists (including those compiled by Environmental Data Resources, Inc.),
 - (b) Historical topographic maps and aerial photographs, and
 - (c) Recorded land title records;



- Site reconnaissance of existing on-site conditions and observations of adjacent property uses; and
- Interview(s) with person(s) knowledgeable in the previous and current ownership and uses of the site.

4.8.2.1 RECORDS RESEARCH

RBF Consulting (RBF) reviewed Federal, State, and local regulatory agency listings of reported sites with past or present hazardous materials, historical topographic maps, and aerial photographs information to identify listed hazardous sites within the study area. For regulatory agency listings, RBF reviewed both Federal listings under the EPA and State of California listings. RBF also reviewed public and private local records to obtain all files and records regarding the Dana Point Harbor Revitalization Project area.

On July 11, 2005, Environmental Data Resources (EDR) reviewed available public records; refer to Appendix I (Preliminary Hazardous Materials Assessment). The purpose of this research was to verify whether any sites that have been reported as contaminated or that generate hazardous materials are located within the Dana Point Harbor Revitalization Project (Project) boundaries or within a 0.5-mile radius of the Project site; refer to Exhibit 4.8-1 (EDR Overview Map). Public records identified 18 listed regulatory sites within the Project site (two listed sites are open case status at the time of this Assessment) and 24 listed regulatory sites outside the Project site, but within a 0.5-mile radius of the Project site.

Provided below are descriptions of the databases searched for information on regulatory sites located within the study area.

FEDERAL LISTINGS – EPA

National Priorities List (NPL): The NPL is the EPA's database of uncontrolled or abandoned hazardous waste sites identified for priority remedial actions under the Superfund program. A site must meet or surpass a predetermined hazard ranking system score, be chosen as a State's top priority site, or meet three specific criteria set jointly by the U.S. Department of Health and Human Services and the EPA in order to become an NPL site.

Resource Conservation and Recovery Act (RCRA) Corrective Action Report (CORRACTS): The EPA maintains the database of RCRA facilities that are undergoing "corrective action." A "corrective action order" is issued pursuant to RCRA Section 3008(h) when there has been a release of hazardous waste or constituents into the environment from a RCRA facility. Corrective actions may be required beyond the facility's boundary and can be required regardless of when the release occurred, even if it predated RCRA.

Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS/No Further Remedial Action Planned): The CERCLIS/No Further Remedial Action Planned database is a comprehensive listing of known or suspected uncontrolled or abandoned hazardous waste sites. These sites have either been investigated or are currently under investigation by the EPA for release or threatened





release of hazardous substances. Once a site is placed in CERCLIS/NFRAP, it may be subjected to several levels of review and evaluation, and ultimately placed on the NPL.

RCRA Permitted Treatment, Storage, Disposal Facilities (RCRA-TSD): The EPA's RCRA-TSD program identifies and tracks hazardous waste from the point of generation to the point of disposal. The RCRA-TSD facilities database is a compilation by the EPA of facilities that report generation, storage, transportation, treatment, or disposal of hazardous waste. RCRA-TSDs are facilities that treat, store, and/or dispose of hazardous waste.

RCRA Registered Small or Large Generators of Hazardous Waste (GNRTR): The RCRA Large and Small Quantity Generators database is a compilation by the EPA of facilities that report generation, storage, transportation, treatment, and disposal of hazardous waste.

Toxic Release Inventory System (TRIS): All facilities that manufacture, process, or import toxic chemicals in quantities in excess of 25,000 pounds per year are required to register with the EPA under Section 313 of the Superfund Amendments and Reauthorization Act (SARA Title III) of 1986. Data contained in the TRIS system covers approximately 20,000 sites and 75,000 chemicals releases.

STATE OF CALIFORNIA LISTINGS

State Equivalent CERCLIS List (SCL): This database is provided by the California Department of Toxic Substances Control (DTSC) to evaluate and track activities at sites that may have been affected by the release of hazardous substances.

State Equivalent Priorities List (SPL): This database is provided by the California EPA DTSC.

Leaking Underground Storage Tanks (LUST): This database is provided by the California EPA and provides information on properties with leaking underground storage tanks (LUSTs).

Solid Waste Landfill List (SWLF): This database is provided by the California Solid Waste Information System (SWIS) and consists of open as well as closed inactive solid waste disposal facilities and transfer stations, pursuant to the Solid Waste Management and Resource Recovery Act of 1972.

Registered Underground or Aboveground Storage Tank Database (UST/AST): This database is provided by the State Water Resources Control Board (SWRCB), Office of Underground Storage Tanks, and contains information on facilities with underground storage tanks.

Emergency Response Notification System (ERNS) and State Lists (SPILLS): This database contains information from spill reports made to Federal authorities, including the EPA, the USCG, the National Response Center, and the U.S. Department of Transportation.



REGIONAL AND LOCAL AGENCIES RECORDS

As part of the public records review process, RBF personnel visited or contacted the following agencies and inquired as to the availability of any files or records regarding the Study Area:

- Orange County Fire Authority (OCFA),
- Orange County Health Care Agency (OCHCA),
- California Regional Water Quality Control Board (RWQCB),
- Dana Point Harbor Patrol, and
- California Department of Oil, Gas and Geothermal Resources (DOGGR).

In addition, research for the Project area was conducted to investigate property ownership, on-site improvements, zoning, land use, transfer of last sale, and miscellaneous structural improvements.

OCFA and OCHCA. To determine the responsible fire stations serving Dana Point Harbor, the OCFA referred RBF to the OCHCA, which maintains records of underground storage tank (UST) maintenance, hazardous material spills, hazardous releases, and remediation efforts on-site. OCHCA files are maintained for on-site properties and are available for review.

On April 11, 2003, RBF Consulting interviewed the OCHCA Custodian of Records to determine whether the Project area has been under investigation because of hazardous materials regulations.

RWQCB. RBF contacted the Custodian of Records of the Regional Water Quality Control Board (RWQCB) – San Diego Region on January 27, 2003 with regard to properties listed in the EDR Database Search, and was informed that the RWQCB has no records for the properties identified in the EDR Database Search.

Dana Point Harbor Patrol. RBF Consulting interviewed Sergeant Falk with the Dana Point Harbor Patrol on April 15, 2003, to determine the presence or absence of files regarding the Project area. Sergeant Falk verified the existence of two USTs: one located at the fuel dock (Planning Area 11) and the other located at the Harbor Patrol office (Planning Area 4). Both are maintained by the County. To Sergeant Falk's knowledge, these tanks have had no hazardous materials spills, releases, or leaks.

HISTORICAL TOPOGRAPHICAL MAPS AND AERIAL PHOTOGRAPHS

See Section 4.8.2 (Existing Environmental Conditions) for a summary of information obtained from review of historical topographic maps and aerial photographs by RBF.

4.8.2.2 SITE RECONNAISSANCE AND PUBLIC RECORDS

SITE RECONNAISSANCE

On July 20, 2005, RBF conducted a site visit, which included a visual observation of Dana Point Harbor and surrounding properties. The objective of the site reconnaissance was to identify RECs, including hazardous substances and



petroleum products on the property (including soils, surface water, and groundwater), and with immediately adjacent properties.

Multiple structures are located within the boundaries of the Project area. On-site structures are commercial uses, storage, and maintenance facilities. The structures appear to be in fair to good condition, are of wood frame construction with either stucco, brick or wood siding, and are situated on concrete foundations. Many of the structures and associated lots are separated by wood or chain-link fencing (primarily within the eastern portions of the Harbor).

Pole mounted transformers and hydraulic lifts associated with boat maintenance and repair facilities exist on-site. Many transformers and hydraulic lifts still contain polychlorinated biphenyls (PCBs). Due to adverse impacts on human health, in 1977 the EPA banned some uses of PCBs, and in 1979 banned most production and use. The primary concern with hydraulic lifts is the potential for subsurface leakages of hydraulic fluids from the lift's piston. RBF observed no visible signs of staining or leakage from transformers located on-site.

USTs often times contain a regulated substance, such as a petroleum product. RBF observed visible evidence of USTs (primarily manholes and fuel pumps at the terminus of Puerto Place, in Planning Area 1). More specifically, active fuel pumps supplied by USTs are located on the adjoining dock, and are utilized by a variety of boaters. Approximately 100 feet north of the dock, several 55-gallon drums were situated on wood pallets. These drums appeared to contain waste oil and appear to be properly maintained; no odor or staining was observed. Additionally, evidence of USTs was observed near the Harbor Patrol Office (Planning Area 4); no evidence of leaking was observed.

Evidence of on-site USTs were noted through visual observations and governmental records searched. Nine documented USTs have been noted at the Project site and pose a "material threat":

- Dana Point Marina, 24500 Dana Point Harbor Drive
- Dana Point Maintenance Facility, 34551 Puerto Place
- Dana Point Marina Company, 34553 Casitas Place
- Embarcadero Marina, 34512 Embarcadero Place
- Dana Point Fuel Dock, 34661 Puerto Place
- KDL Services, Inc., DBA Dana Point Fuel DK, 34661 Puerto Place
- Dana West Marina, 24501 Dana Drive
- Dana Point Marina, 24701 Dana Drive
- Dana Point Marina Harbor Patrol, 25005 Dana Drive

Chemical storage areas were observed near the Harbor Patrol Office (Planning Area 4) and the Anchor Marine Center west of Puerto Place (Planning Area 1). These areas primarily contain common chemical wastes, oil, grease, solvents, and gasoline, all of which appeared to be associated with boat maintenance and repair. As mentioned above, several 55-gallon drums were noted at the terminus of Puerto Place.



No additional spills were noted during the July 20, 2005 site inspection. However, access was restricted to interior on-site structures and maintenance areas. Because the on-site shipyard has industrial uses, stained concrete is considered to be likely within Planning Area 1. Although surficial staining is considered a REC, the staining throughout the subject site was observed on concrete and asphalt, which decreases the likelihood of petroleum products entering the subsurface (ground). Therefore, the significance of the subsurface seepage is reduced.

Adjacent Properties

No physical presence of hazardous materials on adjacent properties was visibly evident during RBF's July 20, 2005, site inspection. No unusual or suspicious materials-handling or storage practices were observed with respect to adjacent properties. However, mixed uses are located adjacent to the site's northern boundary. It is anticipated that hazardous materials are used and stored within off-site areas, as many are utilized as gasoline stations, auto repair shops, and light industrial uses. Additionally, several off-site properties have been listed for activities associated with hazardous materials (transferring, storing, subsurface releases, remediation, etc.).

Off-Site Areas

The Revitalization Plan proposes the use of two off-site parking locations for temporary storage of boats and vehicles, and for employee parking during construction. The Selva Parking Lot is owned and operated by the County and is located near the southern end of Selva Road, approximately 1½ miles west of Dana Point Harbor. The SCWD property is north of Pacific Coast Highway and east of San Juan Creek.

PUBLIC RECORDS

A "*historic recognized environmental condition*" (HREC) is defined as a condition which in the past would have been considered a REC, but which may or may not be considered a REC currently. HRECs are generally conditions which have in the past been remediated to the satisfaction of the responsible regulatory agency. Based on this definition, 11 HRECs have been identified by EDR and are mentioned as part of the HMA. The following on-site properties are considered to be HRECs due to past subsurface releases of petroleum products:

- B. Latham Wastewater Treatment, 34152 Del Obispo Street (closed site)
- Orange County CAPO Yard/EMA/San Juan Capistrano Main Yard, 34102 Del Obispo Street (closed site)
- Cannan-Bart, Inc., 25742 Victoria Boulevard (closed site)
- John Groty/Serra Lumber, 25802 Victoria Boulevard (closed site)
- Performance Haus, 34112 Pacific Coast Highway (closed site)
- Ruben's Imports/George's Imports, 34119 South Pacific Coast Highway (closed site)
- Dana Point Chevron #9-7460, 34164 Pacific Coast Highway (closed site)
- Dana Point Shell (1998-0105), 34137 Pacific Coast Highway (closed site)



- Lantern Bay Cleaners, 24839 Del Prado (closed site)
- Northern Trust Co., 34091 Pacific Coast Highway (closed site)
- Southern California Gas Company, 34271 Del Obispo Street (closed site)

4.8.2.3 PERSONAL INTERVIEWS

COUNTY OF ORANGE FIRE AUTHORITY

RBF contacted Ms. Jennifer Bower, of the Orange County Fire Authority (OCFA) on April 14, 2003 to determine which fire stations are responsible for Dana Point Harbor. Ms. Bower indicated that fire stations #29, #30, and various other stations, depending on the type of response needed, serve the Dana Point Harbor area. Ms. Bower referred RBF to the County of Orange Health Care Agency, which maintains records of underground storage tank (UST) maintenance, hazardous material spills, releases and remediation efforts on-site.

ORANGE COUNTY HEALTH CARE AGENCY

RBF interviewed the Custodian of Records with the County of Orange Health Care Agency on April 11, 2003 regarding the subject site in an effort to determine whether the subject site has been under investigation of any hazardous materials regulations. Agency files typically contain information of underground/aboveground storage tanks and hazardous usages/storage based on a street address. According to the agency's records, files are maintained for on-site properties and are available for review. Due to subsurface releases reported by both on-and off-site properties, RBF conducted a file review at the Orange County Health Care Agency on April 24, 2003 in an effort to identify the current status and obtained further information with respect to the properties, files were not available for 34091 Pacific Coast Highway, 34342 Pacific Coast Highway, 24500 Dana Point Harbor Drive, 24705 Dana Point Harbor Drive, and 34661 Puerto Place. The following is a summary of the files reviewed:

- **34553 Casitas Place, Dana Point Marina Company:** An UST released waste oil and caused subsurface contamination. However, the file indicated that the remedial action required for the UST has been completed. The case was closed as of August 1, 1995.
- **34306 Pacific Coast Highway, 76 Station No. 7329:** The most recent Fluid Level Monitoring and Groundwater Sampling Report reviewed was conducted on October 13, 2002. The plume maps of this report indicate that contamination is present surrounding the site. However, this contamination is not anticipated to impact the subject site since the site of contamination is located greater than ¼ mile from the subject site.
- **34164 Pacific Coast Highway, Chevron Station No. 9-7460:** The most recent Workplan for Additional Site Assessment that was reviewed was dated June 17, 1996. The Workplan indicated that further work is required to determine the gradient of the groundwater and to determine the on-site extent of petroleum hydrocarbons.



- **24500/24501 Dana Point Harbor Drive, Dana West Marina:** This file indicated that waste oil contamination to soil was discovered as a result of a UST removal. Included in the file was a Remedial Action Completion Certification dated October 28, 1996. Therefore, remedial action has been completed for this site and it no longer poses a potential threat to the subject site.
- **34512 Embarcadero Place, Embarcadero Marina:** The most recent Quarterly Groundwater Monitoring Report reviewed was dated July 1999. This report indicated that two former USTs were removed from the site and the presence of MTBE was noted within the groundwater underneath the removed tanks. Groundwater sampling was performed and indicated that Benzene and MTBE were detected, however, both at low concentrations. However, the recent EDR report, dated July 11, 2005, listed 34512 Embarcadero Place as a case closed status as of September 8, 2000. Therefore, 34512 Embarcadero Place is considered to be a low potential for an environmental condition on the Project site due to site status since only low concentrations of Benzene and MTBE were detected and the case regarding Embarcadero place was closed.
- **25005 Dana Point Harbor Drive, Dana Point Harbor Patrol:** The files reviewed for this site indicate that remedial action has been completed and no further action is required. The case was closed as of November 18, 1992.

REGIONAL WATER QUALITY CONTROL BOARD

RBF contacted the Custodian of Records with the Regional Water Quality Control Board (RWQCB) – San Diego Region, on January 27, 2003 with regard to properties listed in the Environmental Data Resources (EDR) Database Search. The RWQCB is generally the lead agency for properties that have reported subsurface releases of petroleum products. RBF submitted such properties to the RWQCB on January 27, 2003 and requested a file review in order to determine the lateral and vertical extent of contamination with respect to the subject site. However, according to the Custodian of Records, no records were maintained by RWQCB for requested properties.

DANA POINT HARBOR PATROL

RBF interviewed Sgt. Falk with the Dana Point Harbor Patrol on April 15, 2003 in an effort to determine the presence or absence of files regarding to the subject site. Sgt. Falk indicated that there are two underground storage tanks (USTs) located within the subject area. One of the on-site USTs is located at the fuel dock and the other UST is located at the Harbor Patrol office. In addition, it was noted that the County of Orange maintains the USTs within the subject site. To Sgt. Falk's knowledge, no hazardous material spills, releases, or leaks have occurred on-site.

4.8.2.4 OTHER POTENTIAL SOURCES OF HAZARDOUS MATERIALS

Asbestos-Containing Material. Asbestos is a strong, incombustible, and corrosion-resistant material that was used in many commercial products up until the early 1970s. If inhaled, asbestos fibers can cause serious health problems.



Asbestos-containing materials (ACMs) are building materials that are more than 1% asbestos; (some state and regional regulators impose a threshold of 0.1%). The majority of the existing structures present in the Project area were built prior to 1972. Therefore, the potential for ACMs to be found on-site is likely.

Lead-Based Paint. The U.S. Consumer Product Safety Commission (CPSC) phased out the sale and distribution of residential paint containing lead in 1978. The mere presence of lead in paint may not make a material hazardous. In fact, if it is in good condition (no flaking or peeling), most intact lead-based paint (LBP) is not considered to be a hazardous material. In poor condition, LBPs can create a potential health hazard for building occupants. The majority of the existing structures present in the Project area were built prior to 1972. Therefore, the potential for LBPs to be found on-site is likely.

4.8.3 SIGNIFICANCE CRITERIA

The following thresholds of significance, based on the criteria contained in Appendix G of the *State CEQA Guidelines*, are used to determine whether implementation of the Dana Point Harbor Revitalization Plan will result in significant public health and safety impacts. Impacts resulting from Project implementation will be considered significant if the Project will:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; refer to Impact Statement 4.8-1 (Hazardous Materials);
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; refer to Impact Statements 4.8-1 (Hazardous Materials), 4.8-3 (Asbestos-Containing Materials) and 4.8-4 (Lead-Based Paint);
- Emit hazardous emissions or involve handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; refer to Section 7.0 (Effects Found Not To Be Significant);
- Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will create a significant hazard to the public or the environment; refer to Impact Statement 4.8-1 (Hazardous Materials);
- 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 for people residing or working in the Area; refer to Section 7 (Effects Found Not To Be Significant);
- For a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the Area; refer to Section 7 (Effects Found Not To Be Significant);



- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; refer to Impact Statement 4.8-5 (Emergency Response Plan);
- Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized study areas or where residences are intermixed with wildlands; refer to Section 7 (Effects Found Not To Be Significant); and/or
- Include a new or retrofitted stormwater treatment control Best Management Practice (BMP) (e.g. water quality treatment basin, constructed treatment wetlands), the operation of which could result in significant environmental effects (such as increased vectors and odors); refer to Impact Statement 4.8-2 (Odors and Vectors).

4.8.4 PROJECT IMPACTS

4.8.4.1 HAZARDOUS MATERIALS

- 4.8-1 *Implementation of the proposed Project will have the potential to create a significant hazard to the public or the environment related to hazardous materials. However, analysis conducted as part of the HMA concludes that, with implementation of the recommended Standard Conditions of Approval (SCAs) and Mitigation Measures, potential impacts will be reduced to less than significant levels.*

HARBORWIDE

Historical Site Usage: Based upon an evaluation of the documented land uses as indicated in the resources, series of historic aerial photographs and topographic maps, and the site inspection, the potential that adverse environmental conditions were created by previous uses within the Project area is considered to be low. HRECs are generally conditions which have been in the past been remediated to the satisfaction of the responsible regulatory agency. Based on this definition, 11 HRECs have been identified by EDR. The following on-site properties are considered to be HRECs due to past subsurface releases of petroleum products:

- B. Latham Wastewater Treatment, 34152 Del Obispo Street (closed site)
- Orange County CAPO Yard/EMA/San Juan Capistrano Main Yard, 34102 Del Obispo Street (closed site)
- Cannan-Bart, Inc., 25742 Victoria Boulevard (closed site)
- John Groty/Serra Lumber, 25802 Victoria Boulevard (closed site)
- Performance Haus, 34112 Pacific Coast Highway (closed site)
- Ruben's Imports/George's Imports, 34119 South Pacific Coast Highway (closed site)
- Dana Point Chevron #9-7460, 34164 Pacific Coast Highway (closed site)
- Dana Point Shell (1998-0105), 34137 Pacific Coast Highway (closed site)
- Lantern Bay Cleaners, 24839 Del Prado (closed site)
- Northern Trust Co., 34091 Pacific Coast Highway (closed site)



- Southern California Gas Company, 34271 Del Obispo Street (closed site)

Public Records Search: Public records identified 18 listed regulatory sites within the boundaries of the Project area. The regulated properties are listed below:

- Dana West Marina, 24500 Dana Point Drive
- 24650 Dana Point Harbor Drive
- Dana Point Maintenance Facility
- Dana Point Harbor, 34551 Puerto Place
- Orange County Harbors, Beaches & Parks, 34551 Puerto Place
- Dana Point Marina Company 34553 Casitas Place
- Embarcadero Marina, 34512 Embarcadero Marina
- Dana Point Shipyard, 34671 Puerto Place
- Dana Point Fuel Dock, 34661 Puerto Place
- KDL Services, Inc., DBA Dana Point Fuel DK, 34661 Puerto Place
- 24200 Dana Point Harbor Drive
- Dana West Marina, 24501 Dana Drive
- Dana Point Marina, 24705 Dana Drive
- Dana Point Marina 24701 Dana Drive
- Dana Point Marina Harbor Patrol
- County of Orange HB&P, 25005 Dana Drive

Two on-site properties (24501 Dana Drive and 24705 Dana Drive) have reported subsurface releases and have not yet received a closure status from the appropriate lead agency.

The HMA, revised July 22, 2005, indicated 71 listed regulatory sites were located within a one-mile radius of the subject site; refer to Appendix I for a complete listing. A potential REC on the subject site caused by these properties is considered low due to the groundwater flow direction from the subject site, and/or the status of the identified sites.

Impacts associated with RECs shall be minimized to less than significant levels with the implementation of standards conditions of approvals (SCAs) and Mitigation Measures. Mitigation Measures (MMs) such as MM 4.8-1 include requirements for Phase II and Phase III assessments reviewing all groundwater documents and former subsurface release on the Project site. MM 4.8-2 and MM 4.8-8 also provide further restrictions and guidance on handling any stained soils or surfaces within the area that may be composed of hazardous materials. Such measures are anticipated to lessen impacts regarding hazardous materials on-site.

Site Reconnaissance. Multiple on-site structures associated with commercial uses and boat storage and maintenance are located within the Project area. Pole mounted transformers (were visually observed on-site) and hydraulic lifts associated with boat maintenance and repair facilities may be located on-site. Many transformers and other materials (i.e., hydraulic lifts and associated fluids) still contain PCBs. Therefore, fluids containing PCBs may be present within hydraulic



lifts and transformers located within areas associated with boat maintenance. In order to minimize impacts regarding PCBs, MM 4.8-3 and MM 4.8-4 will be adhered to. MM 4.8-3 will require that any hydraulic lifts on-site shall be tested to determine the presence or absence of PCBs. Additionally, MM 4.8-4 specifies that any transformers relocated during site construction/demolition shall be supervised and conducted by the local utility purveyor to identify proper handling and proper procedures for potential PCBs. With the proper handling of transformers, as indicated in MM 4.8-3 and MM 4.8-4, impacts associated with this issue are anticipated to be less than significant.

Further, it is assumed that boat maintenance areas within Planning Area 1 store and utilize solvents, chemicals, oils, and petroleum products on-site. The proposed Project shall be required to meet all applicable SCAQMD regulations for solvent content as well as to California OSHA regulations. MM-17 and MM-18 have been included to minimize impacts to such storage and use of chemicals.

RBF Consulting observed visible evidence of USTs, one at the terminus of Puerto Place, in Planning Area 1 (Dana Point Maintenance Facility), and two near the Harbor Patrol Office, in Planning Area 4 (Dana Point Marine Company and the Embarcadero Marina). In addition, USTs were identified at the following properties:

- Dana West Marina, 24500 Dana Point Drive;
- Dana Point Fuel Dock, 34661 Puerto Place;
- Dana Point Marina Company, 34553 Casitas Place;
- Dana West Marina, 24501 Dana Drive;
- Dana Point Marina, 24701 Dana Drive;
- Dana Point Marina Harbor Patrol, 25005 Dana Drive;
- Embarcadero Marina, 34512 Embarcadero Place; and
- Dana Point Maintenance Facility, 34551 Puerto Place.

The proposed Project shall be required to adhere to a number of SCAs and MM to ensure that hazardous materials from USTs will be less than significant. Mitigation Measures that will apply to USTs include MM 4.8-5 through 4.8-7. MM 4.8-5 through MM 4.8-7 will require that any underground storage tanks to be removed/relocated during site construction/demolition shall be conducted under the purview of the local regulatory agency to identify proper handling procedures. The HRA reports that with the recommended Mitigation Measures impacts will be reduced to less than significant levels.

Overall, potential hazardous materials impacts associated with historical and present activities in the Project area that have resulted in the following conditions are considered significant unless mitigated:

- The potential presence of documented and undocumented PCBs,
- The potential presence of ACMs,
- The potential presence of LBPs,
- The potential presence of surficial staining,
- The confirmed presence of USTs on-site, and/or



- Reported surface and subsurface releases on-site.

Following implementation of the recommended SCAs and Mitigation Measures regarding soil sampling, review of groundwater documents, visual inspections of building interiors, testing of hazardous materials if encountered, removal and disposal of stained concrete and soils, and required measures if unknown wastes or suspect materials are discovered, potential impacts will be reduced to less than significant levels.

During construction, various types of construction equipment will be employed at the site. Hazardous materials of various kinds (lubrication oils, gasoline, diesel fuel, and solvents) can be expected to be present at the site to service construction equipment. Additionally, as a part of Project construction, surface coatings, adhesives, paint, and other finishing materials can be hazardous when not properly used and stored and the residuals not disposed of properly. Adherence to MM 4.8-8, 4.8-18 and 4.8-19 will ensure that impacts from these uses are less than significant.

Demolition activities could release asbestos-containing materials (ACMs) or lead-based paints (LBPs) into the environment. Refer to Sections 4.8-2 and 4.8-3 for further discussion.

Future Uses. The Revitalization Plan will involve replacement of retail and restaurant uses in Mariners Village, expansion and/or modification of marine service amenities in the Harbor, and educational and recreational amenities.

Harbor activities using hazardous materials (i.e., boat activities, operation, and maintenance) will continue to occur with implementation of the Revitalization Plan. Additionally, secondary activities that will occur within the Project area (i.e., building and landscape maintenance) will use hazardous materials. Hazardous materials used on-site will include solvents, chemicals, oils, petroleum products, and other materials used in the regular maintenance and operation of boats, in addition to fertilizers, pesticides, and other materials used in the regular maintenance of buildings and landscaping.

The future use and transport of hazardous materials associated with the Revitalization Plan will be subject to County, State, and Federal regulatory requirements and the guidelines developed by the County for the proper disposal of wastes. With proper use, storage, and disposal, boat operation and maintenance materials and building and landscape maintenance materials are not expected to result in hazardous or unhealthful conditions. Measures required by the County include standards and regulations regarding the storage, handling, use, and disposal of these materials. More specifically, County Zoning Code Section 7-9-146.4 identifies requirements regarding waste management and hazardous materials, including the use and occupancy of underground storage tanks. Adherence to these requirements and guidelines will reduce potential impacts to less than significant levels.



COMMERCIAL CORE

Record Search. Two on-site properties (24501 Dana Drive and 24705 Dana Drive) have reported subsurface releases and have not yet received a closure status from the appropriate lead agency. The Mitigation Measures mentioned for the Harborwide Project will also apply to the commercial core. With the implementation of Mitigation Measures such as MM 4.8-1, which includes requirements for Phase II and Phase III assessments reviewing all groundwater documents and former subsurface release on the Project site. MM 4.8-2 and MM 4.8-8 also provide further restrictions and guidance on handling any stained soils or surfaces within the area that may be composed of hazardous materials. Such measures are anticipated to lessen impacts regarding hazardous materials on-site.

Site Reconnaissance. Multiple on-site commercial structures associated with commercial uses and boater storage and maintenance facilities are located within the Commercial Core. Properties associated with boat maintenance and repair will have hydraulic lifts on-site. Additionally, many transformers and other materials (i.e., hydraulic lifts and associated fluids) still contain PCBs. Therefore, fluids containing PCBs may be present within transformers and hydraulic lifts (located within areas associated with boat maintenance). The implementation of the Mitigation Measures listed under the Harborwide will also apply to the commercial core.

Underground Storage Tanks (USTs) were identified at the following properties within the Commercial Core:

- Dana Point Maintenance Facility, 34551 Puerto Place,
- Dana Point Marina Company, 34553 Casitas Place, and
- Embarcadero Marina, 34512 Embarcadero Marina.

Several 55-gallon drums were observed adjacent to the fuel docks and boat maintenance areas (Planning Area 1). In addition, chemical storage areas primarily containing common chemical wastes, oil, grease, solvents and gasoline associated with boat maintenance were observed near the Harbor Patrol Office (Planning Area 4) and Anchor Marine Center (Planning Area 1). Further, it is anticipated that maintenance areas within the Commercial Core will store and utilize solvents, chemicals, oils, and petroleum products on-site. Adherence to MM 4.8-10, which requires that all storage, manifest, transport and disposal of all on-site generated waste shall be disposed in a manner to the satisfaction of the Manager, HCA/Hazardous Materials Program. Additionally, the operator shall keep storage, transportation, and disposal records on site and open for inspection to any government agency upon request.

Overall, potential hazardous materials impacts associated with historical and present activities in the Commercial Core that have resulted in the following conditions are considered significant unless mitigated:

- The potential presence of undocumented PCBs,
- The potential presence of ACMS,
- The potential presence of LBPS,



- The potential presence of surficial staining, and/or
- The confirmed presence of USTs on-site.

Following implementation of the recommended SCAs and Mitigation Measures regarding soil sampling, visual inspections of building interiors, testing of hazardous materials if encountered, removal and disposal of stained concrete and soils, and required measures if unknown wastes or suspect materials are discovered, potential impacts will be reduced to less than significant levels.

Future Uses. The Commercial Core area contains the majority of day-use commercial, restaurant, and marine service amenities located in the Harbor. Proposed activities within the Commercial Core area include the replacement and/or remodeling of existing retail and restaurant buildings and the construction of additional retail and restaurant uses, reconfiguration of existing parking areas and construction of a parking deck, new boater loading and drop-off areas, a dry stacked-boat storage, public restroom buildings, and other improvements to boater service. Yacht brokerages in boater service buildings 1 and 2 and other harbor-related office uses will be relocated to the Commercial Core.

Activities within the Commercial Core involving the use of hazardous materials (i.e., boat activities, operation, and maintenance) will continue to occur. As stated, future use and transport of hazardous materials will be subject to County, State, and Federal regulatory requirements and the guidelines developed by the County for the proper disposal of wastes. Adherence to these requirements and guidelines will reduce potential impacts to less than significant levels.

OFF-SITE AREAS

The Revitalization Plan proposes the use of the Selva and SCWD parking lots for temporary storage of boats and vehicle parking during Project construction. Hazardous materials will not be stored or transported to/from the parking facilities. Use of the parking facilities as a result of Project implementation will be consistent with their current and permitted use.

4.8.4.2 ODORS AND VECTORS

- 4.8-2 *The proposed Project will potentially create odors or foster disease vectors associated with the implementation of Best Management Practices (BMPs). With the implementation of recommended Mitigation Measures and Standards Conditions of Approval (SCAs), impacts will be reduced to less than significant level.*

HARBORWIDE

The Revitalization Plan proposes to utilize a variety of Best Management Practices (BMPs) to improve water quality throughout the Harbor by treating runoff water. Development and individual Revitalization projects within the Harbor will rely on a site-specific approach for the site design, source control, and treatment control BMPs to mitigate stormwater runoff pollution conditions. The Program WQMP recommends categories of treatment BMPs applicable to the specific land use within the Harbor Planning Areas to be considered at the time of Coastal Development



Permit approval. Wetbasins and constructed wetlands will not be constructed on-site. Implementation of the SCAs will be used to control mosquitoes associated with BMPs. In addition, the proposed Project will also implement bioswales to control runoff through natural methods to reduce the possibility of standing water. Therefore, implementation of the measures identified will ensure that there will be no impacts regarding disease vectors and odors as a result of construction of the BMPs. Additionally, the proposed Project will be required to adhere to the SCA 4.8-1 as well as MM 4.8-11. MM 4.8-1 will require the Vector Control District to survey the site to determine if any further vector control measures are necessary. MM 4.8-11 will require that the following methods shall be investigated to reduce odors and vectors: installing bypass litterbags with a fine mesh system and weights sewn on to prevent any gaps, drilling weep holes and a flap gate in the pipe upstream or other currently proven technology. Adherence to the Standard Conditions of Approval and Mitigation Measures will reduce potential impacts to less than significant levels.

COMMERCIAL CORE

Refer to Harborwide discussion, above.

OFF-SITE AREAS

The Revitalization Plan proposes the use of the Selva and SCWD parking lots for temporary storage of boats and vehicle parking during Project construction. No BMPs will be installed on these sites. The existing land use at the off-site areas are not anticipated to change and therefore will not require the use of BMPs to control odor and vector impacts.

4.8.4.3 ASBESTOS-CONTAINING MATERIALS

4.8-3 *The proposed Project has the potential to create a significant hazard to the public or the environment through the release of asbestos-containing materials (ACMs) into the environment, primarily during the construction of the Project. However, implementation of recommended Project Design Features and Mitigation Measures will reduce impacts to a less than significant level.*

HARBORWIDE

Given the age of some of the existing structures within the Project site (prior to 1978), ACMs may be present within on-site structures. The National Emission Standards for Hazardous Air Pollutants (NESHAP) mandates that building owners conduct an asbestos survey to determine the presence of ACMs prior to the commencement of any remedial work, including demolition. Prior to demolition work, MM 4.8-13 requires surveys to be completed for any structure to be demolished. If ACMs are found, abatement of asbestos is required prior to any demolition activities.

Any facility known to contain asbestos is required to have a written asbestos management plan, and removal of ACMs must be conducted in accordance with the requirements of the South Coast Air Quality Management District (SCAQMD) Rule 1403. As detailed in MM 4.8-13, Rule 1403 regulations require a survey of the facility prior to issuance of a permit by SCAQMD, notification of the SCAQMD prior to



construction activity, removal in accordance with prescribed procedures, placement of collected asbestos in leaktight containers or wrapping, and proper disposal. Any asbestos found shall be removed by a State-certified containment contractor in accordance with all applicable regulations and requirements. If identified on-site, the ACMs should be removed and disposed of at an appropriate permitted facility. Compliance with PDF 4.8-1 and MM 4.8-12 through 4.8-14 (requiring asbestos surveys and asbestos abatement) will reduce potential impacts to a less than significant level.

COMMERCIAL CORE

Demolition of existing structures within the Commercial Core as a result of implementation of the Project may result in significant impacts through the release of ACMs into the environment. Impacts regarding ACMs under the Harborwide discussion above are the same for the Commercial Core.

OFF-SITE AREAS

The Selva and SCWD parking lots will be used for temporary boat storage and vehicle parking. Implementation of the Project will not result in demolition activities occurring on the sites.

4.8.4.4 LEAD-BASED PAINT

- 4.8-4 *Project implementation will have a potential to create a significant hazard to the public or the environment through the release of lead-based paints (LBPs) into the environment. Analysis has concluded that with implementation of recommended Mitigation Measures will reduce impacts to a less than significant level.*

HARBORWIDE

LBP is likely to be found in several existing buildings constructed prior to 1978. If during demolition of structures, paint is separated from the building material (chemically or physically), a potential health hazard could occur for building occupants. This potential impact is considered significant unless mitigated. The California Occupational Safety and Health Administration (Cal-OSHA) has established limits of exposure to lead contained in dusts and fumes. As detailed in MM 4.8-16, the regulation contained in California Code of Regulations (CCR) Title 8, Section 1532.1 provides for exposure limits, exposure monitoring, and respiratory protection, and mandates good working practices by workers exposed to lead. Following compliance with Mitigation Measures (MM 4.8-15 and 4.8-16) requiring an independent evaluation and LBP abatement, as well as compliance with CCR Title 8, Section 1532.1, potential impacts will be reduced to a less than significant level.

COMMERCIAL CORE

Demolition of existing structures within the Commercial Core as a result of implementation of the Project may result in significant impacts through the release of LBPs into the environment. Refer to discussion of impacts regarding LBP under Harborwide, above.



OFF-SITE AREAS

The Project proposes the use of the Selva and SCWD parking lots for temporary storage of boats and vehicle parking. Implementation of the Project will not result in demolition activities occurring on the sites.

4.8.4.5 EMERGENCY RESPONSE PLAN

4.8-5 *Development of the proposed Project could physically interfere with an adopted emergency response plan or emergency evacuation plan. A less than significant impact will occur in this regard.*

HARBORWIDE

The County's Emergency Response Plan detail the specific responsibilities of the County before, during, and after an emergency. The Project proposes the development, expansion, and/or modification of commercial, restaurant, marine service, educational, and recreational amenities in the Harbor and will not impair or physically interfere with these emergency plans.

The Revitalization Plan proposes improvements to Puerto Place (Planning Area 1), including widening to the east from the existing western ROW. Additionally, the Project proposes improvements to the Dana Drive turn-around in Planning Area 4 and on Dana Point Harbor Drive at the Ocean Institute (Planning Area 6), to reduce conflicts with access to and from adjacent uses, and facilitate entries/exits for secured parking at these locations. Puerto Place and Dana Drive are not designated evacuation routes. Dana Point Harbor Drive is designated as an evacuation route. Proposed improvements to Dana Point Harbor Drive will occur at its western terminus. Dana Point Harbor Drive will continue to provide access to/from the Project site and proposed improvements of Dana Point Harbor Drive at the Ocean Institute will not interfere with an emergency evacuation route, because they will maintain existing evacuation routes, as discussed below.

It is anticipated that traffic flow will be temporarily impacted during construction of the proposed Project. The County DPHD will be responsible for developing a Construction Management Plan (CMP). The CMP will include measures to avoid or lessen potential ingress/egress, circulation, and emergency access impacts associated with Project implementation. Following compliance with CMP requirements, potential impacts will be less than significant in this regard.

COMMERCIAL CORE

The Project will replace and/or remodel existing retail and restaurant buildings and construct additional retail and restaurant uses; reconfigure existing parking areas; and construct a parking deck, new boater loading and drop-off areas, a dry stacked-boat storage building, and improvements to boater service and public restroom buildings within the Commercial Core area. Further, yacht brokerages in boater service buildings 1 and 2 and other Harbor-related office uses will be relocated to the Commercial Core area. The proposed Project will not impair or physically interfere with the City or County's emergency plans, because evacuation/emergency access routes are maintained by the plan.



The Project proposes improvements to Street of the Golden Lantern, including widening the roadway into the Commercial Core area from the Dana Point Harbor Drive intersection, constructing a new traffic circle link to the proposed Festival Plaza, and constructing a left-turn pocket and additional exit lane from the proposed parking structure and launch ramp area. Dana Point Harbor Drive and Street of the Golden Lantern are designated evacuation routes within the City. The Project area will continue to be accessed via Dana Point Harbor Drive, via Street of the Golden Lantern and Pacific Coast Highway. Implementation of the Project will not interfere with emergency access to the Project area via Dana Point Harbor Drive and/or Street of the Golden Lantern. Vehicular circulation improvements in this area include the removal of the existing turn-around at Ensenada Place and realignment of Dana Point Harbor Drive to promote better access by large vehicles and buses.

It is anticipated that traffic flow will be temporarily impacted during construction of the proposed Project. Following compliance with CMP requirements, as detailed above, potential impacts will be less than significant in this regard.

OFF-SITE AREAS

The Project proposes the use of the Selva and SCWD parking lots for temporary storage of boats and vehicle parking. Proposed use of these facilities will not physically interfere with an adopted response plan or emergency evacuation plan. Use of the parking facilities as a result of Project implementation will be consistent with their current and permitted use.

4.8.5 CUMULATIVE IMPACTS

4.8-6 *The proposed Project, in combination with other cumulative Projects, will increase exposure to the public of hazardous substances. Compliance with Federal, State, and local requirements on a project-by-project basis will reduce cumulative impacts to a less than significant level.*

For public health and safety, the study area considered for the cumulative impact of other projects consists of (a) the area that could be affected by proposed Project activities and (b) the areas affected by other projects whose activities could directly or indirectly affect the presence or fate of hazardous materials on the proposed Project site. Projects occurring adjacent to or very close to the Project site were considered because the potential impact area associated with release of hazardous materials into the environment is limited. Neither the proposed Project nor any of the identified cumulative projects will entail activities that will result in significant hazardous materials impacts.

4.8.6 PROJECT DESIGN FEATURES

The proposed Project includes features that reduce or eliminate potential impacts to environmental resources. The following Project Design Features (PDFs) are specified to be implemented.



PDF 4.8-1 If asbestos-containing materials (ACMs) are located, abatement of asbestos shall be completed prior to any demolition activities that will disturb ACMs or create an airborne asbestos hazard.

4.8.7 STANDARD CONDITIONS OF APPROVAL

Controls are imposed on new developments through the permitting process via the adoption of conditions of approval or through enforcement of existing ordinances and regulations. The County has developed extensive guidelines for development that will be implemented as the proposed Project is carried out. Existing applicable County of Orange Standard Conditions of Approval (SCA) are identified below.

SCA 4.8-1 Prior to the issuance of any grading permits, the County of Orange Dana Point Harbor Department shall provide evidence to the Manager, RDMD/Subdivision & Grading, that the Vector Control District has surveyed the site to determine if vector control measures are necessary. If the District determines measures are warranted, the DPHD shall conduct such measures in a manner meeting the approval of the Manager, RDMD/Subdivision and Grading.

SCA 4.8-2 Prior to issuance of certificates of use and occupancy, the county of Orange Dana Point Harbor Department shall provide plans or identify measures to comply with standard County procedures for implementing the Uniform Fire Code in the use of any combustible and flammable liquids, aboveground or underground storage of such materials, welding and potential spark production, and building occupancy rating in a manner meeting the approval of the Fire Chief. Further, a copy of the approved "UFC Implementation Plan" shall be furnished to the Manager, RDMD/Building Inspection, prior to the issuance of any certificates of use and occupancy.

4.8.8 MITIGATION MEASURES

4.8.8.1 HARBORWIDE

HAZARDOUS MATERIALS

MM 4.8-1 Prior to authorization of demolition permits, a qualified hazardous materials consultant with Phase II and Phase III assessment experience shall review groundwater documents regarding former subsurface releases on the Project site at 24501 Dana Drive and 24705 Dana Drive.

MM 4.8-2 The interior of individual on-site structures within the Project area shall be visually inspected prior to demolition or renovation, with particular attention to all industrial uses. If hazardous materials are encountered at any on-site structure, the materials shall be tested and properly disposed of in accordance with State and Federal regulatory requirements. Any stained soils or surfaces underneath the removed materials shall be sampled and tested for contaminants. Based on



the results of the analytical testing, the appropriate level of remediation shall be undertaken.

- MM 4.8-3 Hydraulic fluids associated with any hydraulic lifts on-site shall be tested to determine the presence or absence of PCBs. Additional samples shall be collected around the pistons to determine whether a subsurface release of hydraulic fluids has occurred. If found, appropriate remedial measures should be implemented to the satisfaction of the County.
- MM 4.8-4 Any transformers to be relocated during site construction/demolition should be conducted under the purview of the local utility purveyor to identify property handling procedures regarding potential PCBs.
- MM 4.8-5 Any underground storage tanks to be removed/relocated during site construction/demolition should be conducted under the purview of the local regulatory agency to identify property handling procedures. Also, due to the urbanized nature of the Project site, the presence of septic tanks is considered unlikely. However, Building Department Records should be reviewed to indicate any documented septic tanks and/or chemical storage tanks. If present, the tanks should be removed and properly disposed of at an approved landfill facility. Once the tank is removed, a visual inspection of the areas beneath and around the removed tank should be performed. Any stained soils observed underneath the septic tank should be sampled. Results of the sampling (if necessary) will indicate the level of remediation efforts that may be required.
- MM 4.8-6 Prior to demolition activities, Building Department Records shall be reviewed to verify the presence of septic tanks and/or chemical storage tanks on-site. If present, the tanks shall be removed and properly disposed of at an approved landfill facility. Once removed, exposed soils shall be visually observed to confirm the presence/absence of staining. In the event stained soils are observed, soils shall be tested to identify appropriate remedial activities.
- MM 4.8-7 Prior to the issuance of building permits for any tank or pipeline, the uses of said tank or pipeline shall be identified and the applicant shall submit a Chemical Management Plan in addition to a WQMP with all appropriate measures for chemical management (including, but not limited to, storage, emergency response, employee training, spill contingencies and disposal) in a manner meeting the satisfaction of the Manager, Building Permit Services, in consultation with the Resources and Development Management Department, the Orange County Fire Authority, the Orange County Health Care Agency and wastewater agencies, as appropriate, to ensure implementation of each agency's respective requirements. A copy of the approved "Chemical Management Plans" shall be furnished to the Manager, RDMD/Inspection Services, prior to the issuance of any Certificates of Use and Occupancy.



- MM 4.8-8 All stained concrete/asphalt should be removed and disposed of to an appropriate permitted facility. Once removed, exposed soils should be visually observed to confirm the presence/absence of staining (an indication of contamination migration into the subsurface). If observed, stained soils should be tested to identify appropriate remedial activities (if necessary).
- MM 4.8-9 If unknown wastes or suspect materials are discovered during construction that the contractor believes may be or contain hazardous waste or materials, the contractor shall:
- Immediately stop work in the vicinity of the suspected contaminant, and remove workers and the public from the area;
 - Notify the Project Engineer of the implementing agency;
 - Secure the area as directed by the Project Engineer; and
 - Notify the implementing agency's hazardous waste/materials coordinator.
- MM 4.8-10 The County of Orange Dana Point Harbor Department or its designee shall store, manifest, transport, and dispose of all on-site generated waste that meets hazardous waste criteria in accordance with California Code of Regulations Title 22 and in a manner to the satisfaction of the Manager, HCA/Hazardous Materials Program. The County shall keep storage, transportation, and disposal records on site and open for inspection to any government agency upon request.

ODORS AND VECTORS

- MM 4.8-11 During the design phase of the BMPs, the following methods shall be investigated to reduce odors and vectors: installing bypass litterbags with a fine mesh system and weights sewn on to prevent any gaps, drilling weep holes and a flap gate in the pipe upstream, or other currently proven technology.

ASBESTOS-CONTAINING MATERIALS

- MM 4.8-12 The National Emissions Standards for Hazardous Air Pollutants (NESHAP) mandates that building owners conduct an asbestos survey to determine the presence of asbestos containing materials (ACMs) prior to the commencement of any remedial work, including demolition. Prior to demolition work, it is recommended that areas be sampled as part of an asbestos survey. Any demolition of the existing buildings must comply with State law, which requires a contractor, where there is asbestos-related work involving 100 square feet or more of ACMs, to be certified and that certain procedures regarding the removal of asbestos be followed.



- MM 4.8-13 Prior to demolition activities, an asbestos survey shall be required to determine the presence or absence of asbestos. The results of the survey shall be submitted to the Manager, RDMD/Environmental Planning.
- MM 4.8-14 Asbestos removal shall be performed by a State-certified asbestos containment contractor in accordance with SCAQMD Rule 1403 and monitored by the County of Orange RDMD. Rule 1403 regulations require the following measures:
- A survey of the facility shall be conducted prior to issuance of a permit by SCAQMD;
 - SCAQMD shall be notified prior to construction activity;
 - ACMs shall be removed in accordance with prescribed procedures;
 - ACMs shall be placed in leaktight containers or wrapping; and
 - ACMs shall be properly disposed of.

LEAD-BASED PAINT

- MM 4.8-15 If during demolition of the structures, paint is separated from the building material (e.g., chemically or physically), the paint waste should be evaluated independently from the building material to determine its proper management. According to the Department of Toxic Substances Control, if paint is not removed from the building material during demolition (and is not chipping or peeling), the material could be disposed of as construction debris (a non-hazardous waste). It is recommended that the landfill operator be contacted in advance to determine any specific requirements they may have regarding the disposal of lead-based paint materials.
- MM 4.8-16 Lead-based paint removal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which provides for exposure limits, exposure monitoring, and respiratory protection, and mandates good working practices by workers exposed to lead.
- MM 4.8-17 Contractors performing lead-based paint removal shall provide evidence of certified training for lead-related construction work.
- MM 4.8-18 All finishing products used on site shall meet applicable SCAQMD regulations for solvent content, as required by SCAQMD Rules 1102 and 1171.
- MM 4.8-19 All uses of solvents shall be conducted in adherence to California OSHA regulations for exposure of workers during construction activities as required by CCR Title 8.



EMERGENCY RESPONSE PLAN

No mitigation is required.

CUMULATIVE IMPACTS

No mitigation is required.

4.8.8.2 COMMERCIAL CORE

HAZARDOUS MATERIALS

Refer to Mitigation Measure MM 4.8-1 to MM 4.8-10.

ODORS AND VECTORS

Refer to Mitigation Measure MM 4.8-11.

ASBESTOS CONTAINING MATERIALS

Refer to Mitigation Measure MM 4.8-12 to MM 4.8-14

LEAD-BASED PAINT

Refer to Mitigation Measure MM 4.8-5 to 4.8-19.

EMERGENCY RESPONSE PLAN

No mitigation is required.

CUMULATIVE IMPACTS

No mitigation is required.

4.8.8.3 OFF-SITE AREAS

No mitigation is required.

4.8.9 LEVEL OF SIGNIFICANCE AFTER MITIGATION

No significant impacts related to public health and safety have been identified with implementation of the Project Design Features, Standard Conditions of Approval, and Mitigation Measures specified in this section.