

## **3.7 HAZARDS AND HAZARDOUS MATERIALS**

### **3.7.1 Introduction**

This section evaluates the potential impacts associated with hazards and hazardous materials from implementation of Phase 3 of the Lake Forest Opportunities Study (Proposed Project) in the Project Area. This includes the potential for impacts associated with the transport, use, or disposal of hazardous materials, the upset and accident conditions involving the release of hazardous materials into the environment, hazardous emissions or hazardous material handling in proximity to an existing or proposed school, sites within the Project Area that may be included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, interference with an adopted emergency response plan or emergency evacuation plan, and hazards associated with wildland fires. As the former Marine Corps Air Station (MCAS) El Toro base is no longer in operation, there are no safety hazards for people working or residing in the Project Area from military aircraft activity, and therefore will not be analyzed in this section.

A hazardous material is defined as any material that due to its quantity, concentration, physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the work place or environment. Hazardous materials include, but are not limited to, hazardous substances, hazardous wastes, and any material that a business or the local implementing agency has a reasonable basis for believing would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.

Data used to prepare this section were taken from various sources, including the Lake Forest General Plan Safety and Noise Element, City of Lake Forest Municipal Code, City of Lake Forest Household Hazardous Waste Element, Orange County Fire Authority (OCFA) Hazardous Materials Area Plan, Department of Toxic Substances Control (DTSC), and the Environmental Record Search Inc. documents for the Project Area.

The NOP for this EIR was issued on July 7, 2004. Two NOP comment letters were received on hazards and hazardous materials issues: one from the California Department of Toxic Substances Control (DTSC); and one from the Orange County Fire Authority (OCFA). The DTSC outlined the procedures, regulations, and concerns they would like to see addressed in EIR. The OCFA noted how the location of Site 2 in an area deemed a Very High Severity Hazard Zone/Special Fire Protection Area (VHFSHZ/SFPA), requiring compliance with OCFA VHFSHZ/SFPA guidelines; and how the location of Site 1 is adjacent to the former MCAS El Toro, which was not addressed as a VHFSHZ/SFPA due to its status as federal property, and should be mitigated for its wildfire potential.

## 3.7.2 Environmental Setting

### ■ Regional Characteristics

#### *Transportation of Hazardous Materials*

Hazardous materials are transported through the county via highway, rail, pipeline, air, and water. Over 250 miles of interstate highway and 719 miles of major transportation routes run through Orange County (Orange County Fire Authority, 1999). The transport of hazardous materials through the City of Lake Forest is regulated by the State Department of Transportation. I-5 and SR-241 (Foothill Transportation Corridor) are used as transportation routes for hazardous materials. The Orange County Transit Authority (OCTA) is responsible for the railroad tracks that run through the City of Lake Forest, crossing El Toro Road. Burlington Northern, Amtrak, and Metrolink utilize the tracks for transportation purposes. The California Highway patrol has designated several highways in the county, including I-5, I-405, SR-57 and SR-91, as hazardous materials transportation corridors. Areas within the Project Area that are subject to a higher risk of hazardous materials incidents include locations near roadways that are frequently used for transporting hazardous materials. Other high-risk areas include locations near industrial facilities that use, store, or dispose of hazardous materials, and railways.

#### *Areas of Fire Hazard*

The Whiting Ranch Wilderness Area and the open space north of Portola Parkway between Portola Hills and Foothill Ranch, as well as a small portion extending south to Portola Parkway northwest of the Foothill Ranch community have been identified in the General Plan Safety and Noise Element as areas of fire hazard. Please refer to Figure 3.7-1.

#### *San Onofre Nuclear Generating Station (SONGS)*

The SONGS, which is a jointly owned enterprise among Southern California Edison (SCE), San Diego Gas & Electric, and the cities of Riverside and Anaheim, is located next to San Onofre State Beach near the southern boundary of Orange County (SCE 2005a), approximately 25 miles south of the City of Lake Forest. This nuclear generating station provides nearly 20 percent of the power to more than 15 million people in southern California. The station consists of three nuclear reactors, units 1, 2, and 3. Units 2 and 3 are currently in use. Two distinct types of waste that require special handling and disposal are produced at San Onofre—low-level and high-level radioactive waste (SCE 2005c). Low level wastes typically contain small amounts of radioactivity similar to those produced in the medical profession, including items such as towels, gloves, and tools used by workers. High-level waste consists of the solid spent, or used, uranium fuel rods, which require long-term, high-reliability isolation from the environment for their disposal.





## **Orange County Oil Field**

The City of Lake Forest is located within the County of Orange oil fields. According to the State Department of Conservation Division of Oil, Gas, and Geothermal Resources (DOGGR), four abandoned dry wells are located within the City boundaries but are not located in any of the project sites. These wells may not be plugged and abandoned according to current DOGGR specifications.

### **■ Project Area Characteristics**

#### **Existing Hazardous Materials Sites**

While the seven properties comprising the Project Area are predominantly vacant, the IRWD site contains numerous IRWD facilities including small buildings, underground water tanks, and buried pipelines. In addition, a nursery is also located within the Nakase site, which is located south of SR-241 and southeast of the intersection of Rancho Parkway and Bake Parkway. An orchard and nursery operation are located on Site 1 (Shea/Baker Ranch), which may involve use of pesticides or herbicides, and mining operations on Site 4 (Baker Ranch) could be a potential site of hazardous materials.

A search in the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS), which is a database used by the U.S. Environmental Protection Agency (EPA) to track activities conducted under its Superfund program, did not identify any sites within the City that are potential health hazards and/or have received preliminary assessments. The Cortese List is a planning document used by the State, local agencies, and developers to comply with the California Environmental Quality Act requirements in providing information about the location of hazardous materials release sites. Government Code section 65962.5 requires the California Environmental Protection Agency to develop an updated Cortese List at least annually. There are currently no sites listed in the Hazardous Waste and Substances Sites (Cortese) List in the City. Furthermore, a search in the Site Mitigation and Brownfields Reuse Program Database (also known as CalSites) did not identify the presence of any Brownfields in the City.

In December 2004, Environmental Record Search (ERS), Inc. completed a search of federal, state, and local regulatory databases to determine if any known hazardous material users were located within the Project Area. Four separate nexi were mapped in the survey: Alton Parkway and Dimension Drive, Alton Parkway and Dimension Drive, and Glenn Ranch Road and Portola Parkway, Regency Lane and Osterman Road. No high-risk sites (those that have known contamination and have not received a “case closed” or “no further action” status from the agency that maintains the records) were identified within the 1 to 1.5-mile search radius (depending on database used). The survey identified one property in the SWIS database, seven in the RCRA database, and one RCRA site in the EPA’s biennial report of hazardous waste generators.<sup>7</sup> Of these sites, only the SWIS-listed site is situated on a project parcel

<sup>7</sup> The SWIS database contains information on solid waste facilities, operations, and disposal sites throughout the State of California, and the types of facilities found in this database include landfills, transfer stations, material recovery facilities, composting sites, transformation sites, waste tire sites, and closed disposal sites. The RCRA facilities database is compilation by the Environmental Protection Agency (EPA) of facilities which report generation, storage, transportation, treatment, or disposal of hazardous waste. The United States Environmental Protection Agency (EPA), in partnership with the States<sup>1</sup>, biennially collects information regarding the generation, management, and final disposition of hazardous wastes regulated under the Resource Conservation

(Site 1—see Table 3.7-1); six RCRA-listed sites are located in proximity to Sites 4, 5, and 7 in developed portions of Baker Ranch and two RCRA-listed sites are within ½ mile of Site 1, but none of the eight RCRA sites is located on a project parcel. A summary of the listed sites within the Project Area and in the vicinity of project parcels generated by the ERS reports is shown in Table 3.7-1. Only one site is located on a project parcel (Site 1). The ERS reports are provided in Appendix F (Hazardous Materials).

**Table 3.7-1 Regulatory Database Search Results for Project Area**

Facility Name	Status	Location	City	On Project Site	Within 1 mile of Project Site(s)	Database
R & S Soil Products, Inc. <sup>a</sup>	Permitted	N/A	Lake Forest	1	N/A	SWIS
Certified Japanese Auto	Listed	20771 Bake Parkway, Unit F	Lake Forest	N/A	1	RCRA
Saddleback Valley Ornamental Iron Inc.	Listed	26891 Vista Terrace	Lake Forest	N/A	4,5,7	RCRA
Cleaners 2000	Listed	20761 Lake Forest Drive, #H	Lake Forest	N/A	4,5,7	RCRA
Santa Margarita Tire	Listed	20761 Lake Forest Drive, Unit K	Lake Forest	N/A	4,5,7	RCRA
Jiffy Lube No. 1301	Listed	20781 Lake Forest Drive	Lake Forest	N/A		RCRA
Foothill Cleaners	Listed	20651 Lake Forest Drive, A111	Lake Forest	N/A		RCRA
Arco Facility No. 06540	Listed	29080 Portola Parkway	Lake Forest	N/A	5	RCRA
Econo Lube N Tune	Listed	20572 Lake Forest Drive	Lake Forest	N/A		RCRA
ARB, Inc.	Listed <sup>1</sup>	26000 Commercentre Drive	Lake Forest	N/A	1	EPA

SOURCE: Environmental Record Search, Inc. 2004

<sup>a</sup> This site was identified on *The National Biennial RCRA Hazardous Waste Report*, based on 2003 data.

Of the nine RCRA-listed sites, all but one (Saddleback Valley Ornamental Iron, Inc.) are small quantity generators. Small quantity generators are defined as facilities that produce between 100 and 1,000 kilograms of hazardous waste per calendar month (U.S. EPA 2003). The Saddleback Valley Ornamental Iron Inc. is a large quantity generator of hazardous waste. None of the RCRA-listed sites in the Project Area is subject to any corrective action. The R & S Soil Products, Inc. site is listed as a permitted use in the SWIS database.

Aside from the listed sites shown in Table 3.7-1, the database search conducted by ERS Inc. also identified sites that were not mapped or able to be mapped due to various reasons, mostly resulting from incomplete or inaccurate address information. The City has identified specific locations for these four sites and has determined that three sites are located outside the City and one site is within City limits, specifically the Los Alisos Water District facility, which is located on Site 3 (Table 3.7-2).

and Recovery Act of 1976 (RCRA), as amended. The purpose of *The National Biennial RCRA Hazardous Waste Report (Based on 2003 Data)* is to communicate the findings of EPA’s 2003 hazardous waste reporting data collection efforts to the public, government agencies, and the regulated community.

**Table 3.7-2 Listed Sites within Lake Forest Not Able to Be Mapped**

<i>Facility Name</i>	<i>Status</i>	<i>Project Site</i>	<i>Location<sup>a</sup></i>	<i>City</i>	<i>Database</i>
Los Alisos Water District—Wisteria Street Facility	Case Closed	3	21802 Wisteria Street	Lake Forest	LUST

SOURCE: Environmental Record Search, Inc. 2004

LUST—The Leaking Underground Storage Tanks database includes sites with underground storage tanks that have been reported as having had a release. The source of this database is the California State Water Resources Control Board.

RCRA—The Resource Conservation and Recovery Act database includes selected information on sites that generate, store, treat, or dispose of hazardous waste as defined by the act. The source of this database is the U.S. EPA.

SWIS—The Solid Waste Information System database includes information on solid waste facilities, operations, and disposal sites throughout the State of California. The source of this data base is the California Integrated Management Board.

UST—The Underground Storage Tanks database includes a list of registered underground storage tanks. The source of this database is the California State Water Resources Control Board.

One site within the City of Lake Forest has been identified in the Spills, Leaks, Investigation and Cleanup (SLIC) List maintained by the Santa Ana Regional Water Quality Control Board (SARWQCB). The SLIC Section of the SARWQCB oversees activities at non-underground storage tank (UST) sites where soil or groundwater contamination have occurred due to former industrial facilities and dry cleaners, where chlorinated solvents were spilled or have leaked into the soil or groundwater. Table 3.7-3 shows the facility identified in the SLIC List within the City, and the substance that has been released at the facility. This site is located approximately 2.5 miles from the nearest project site, but is not within the Project Area.

**Table 3.7-3 Facilities on SLIC List for the City of Lake Forest**

<i>Name</i>	<i>Address</i>	<i>Substance Released</i>
Aspen Cleaners	22851 Lake Forest Drive	PCE

SOURCE: SARWQCB 2004

### 3.7.3 Planning and Regulatory Framework

Federal, state, and local laws require detailed planning to ensure that hazardous materials are properly handled, used, stored, and disposed of, and, in the event that such materials are accidentally released, to prevent or to mitigate injury to health or the environment.

#### ■ Federal

Primary federal agencies with responsibility for hazardous materials management include the Environmental Protection Agency (EPA), Department of Labor (Federal Occupational Health and Safety Administration [OSHA]), Department of Transportation (DOT), and Nuclear Regulatory Commission (NRC). Major federal laws and issue areas include the following statutes (and regulations promulgated there under):

- *Resources Conservation and Recovery Act (RCRA)*—hazardous waste management
- *Hazardous and Solid Waste Amendments Act (HSWA)*—hazardous waste management
- *Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)*—cleanup of contamination

- *Superfund Amendments and Reauthorization Act* (SARA)—cleanup of contamination
- Emergency Planning and Community Right-to-Know (SARA Title III)—business inventories and emergency response planning

Specific requirements for implementation of these statutes are codified in Title 40 of the *Code of Federal Regulations* (CFR). Additional regulations that apply to workplace safety and transportation of hazardous materials are contained in CFR Titles 29 and 49, respectively. Regulations that pertain to radioactive materials are included in CFR Title 10.

### ■ State

Primary state agencies with jurisdiction over hazardous chemical materials management are the Department of Toxic Substances Control (DTSC) and the Regional Water Quality Control Board (RWQCB). Other state agencies involved in hazardous materials management are the Department of Industrial Relations (state OSHA implementation), state Office of Emergency Services (OES—California Accidental Release Prevention implementation), California Department of Fish and Game (CDFG), California Air Resources Board (CARB), California Department of Transportation (Caltrans), state Office of Environmental Health Hazard Assessment (OEHHA—Proposition 65 implementation), and California Integrated Waste Management Board (CIWMB).

Hazardous materials management laws in California include the following statutes (and regulations promulgated there under):

- Hazardous Waste Control Law (HWCL)—hazardous waste management
- *Safe Drinking Water and Toxic Enforcement Act*—discharges to water and public notification
- *Hazardous Substances Account Act*—cleanup of contamination
- Hazardous Waste Management Planning and Facility Siting (“*Tanner Act*”)
- *Hazardous Materials Management Act* (HMMA)—“Business Plan” reporting
- California Radiation Control Law—radioactive materials

The HMMA requires that any business that handles hazardous materials greater than specified threshold quantities (500 pounds of a solid material, 55 gallons of a liquid, or 200 cubic feet of a compressed gas stored at any one point in time) must prepare a “Business Plan.”

Specific requirements for implementation are codified primarily in Title 26 of the California Code of Regulations (CCR) and Chapter 6.95 of the California Health and Safety Code. Additional regulations that apply to workplace safety are contained in CCR Title 8.

### **California Department of Toxic Substances Control**

The California Department of Toxic Substances Control (DTSC) has the primary enforcement authority for RCRA within California and for the state HWCL. The role of the DTSC is to protect residents from exposure to hazardous wastes by regulating hazardous waste, cleaning up existing contamination, and looking for ways to reduce the hazardous waste produced in California. DTSC regulates hazardous waste in California primarily under the authority of the federal RCRA of 1976, and the California Health and Safety Code. In addition, DTSC also reviews and monitors legislation to ensure that the position reflects



the Department's goals. From these laws, DTSC's major program areas develop regulations and consistent program policies and procedures. These regulations outline how hazardous waste handlers will comply with the laws. Under RCRA, DTSC has the authority to implement permitting, inspection, compliance, and corrective action programs to ensure that people who manage hazardous waste follow state and federal requirements. The local enforcement of these two laws is generally provided by county governments through a Memorandum of Understanding (MOU) with the DTSC.

### **Assembly Bill (AB) 2707**

California law requires cities and counties to develop programs to address household hazardous waste (HHW) under AB 2707, a companion bill to the Integrated Solid Waste Management Act (AB 939), and under the Tanner hazardous waste management planning legislation (AB 2948). AB 2707 requires that:

... each city shall prepare, adopt... a household hazardous waste element, which identifies a program for the safe collection, recycling, treatment, and disposal of hazardous wastes, as defined in Section 25117 of the Health and Safety Code, which are generated by households in the city and which should be separated from solid waste stream. (Chapter 3.5, Article 1, Section 41500, Public Resources Code).

AB 2707 defines HHW as those wastes (generated by households) that meet the definition of hazardous waste in Section 25117 of the California Health and Safety Code. Section 25117 of the California Health and Safety Code states in part that:

“Hazardous Waste” means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may either:

- Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness.
- Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

Examples of HHW include paints, motor oil, car batteries, caustic or acidic household products, pesticides, flammable polishes and cleaners, and certain aerosols. These materials may contain chemicals that may be toxic (poisonous or lethal when ingested), flammable (easily ignitable), corrosive (destroys living tissue), or reactive (creates an explosion or poisonous vapors when combined with incompatible materials).

The City of Lake Forest currently complies with AB 2707's HHW management requirements through implementation of its Household Hazardous Waste Element.

### **SB 1082**

In 1993, Senate Bill (SB) 1082 was passed by the State Legislature to streamline the permitting process for those businesses that use, store, or manufacture hazardous materials. The passage of SB 1082 provided for the designation of a Certified Unified Program Agency (CUPA) that would be responsible for the permitting process and collection of fees. The CUPA would be responsible for implementing at the local level the Unified Program (UP), which serves to consolidate, coordinate, and make consistent

the administrative requirements, permits, inspections, and enforcement activities for the following environmental and emergency management programs:

- Hazardous Materials Release Response Plans and Inventories (Business Plans)
- California Accidental Release Prevention (CalARP) Program
- Underground Storage Tank Program
- Aboveground Petroleum Storage Act Requirements for Spill Prevention, Control and Countermeasure (SPCC) Plans
- Hazardous Waste Generator and Onsite Hazardous Waste Treatment (tiered permitting) Programs
- California Uniform Fire Code: Hazardous Material Management Plans and Hazardous Material Inventory Statements

The CUPA serving Orange County, which includes the City of Lake Forest, is the Environmental Health Division of the Orange County Health Care Agency.

## ■ Regional Programs

### ***Orange County Integrated Waste Management Department Household Hazardous Waste Program***

While The City currently does not have its own facilities for HHW management, the County operates four HHW collection facilities, all of which are available for use by Lake Forest residents. Orange County has operated a HHW program since 1985 and initiated a permanent collection center program in 1989. Prior to 1985, the HHW program was coordinated by the Orange County Fire Department, which originated with a series of five collection events, one in each of the County's supervisorial districts, between April 1985 and November 1986. In 1989, the County's Board of Supervisors approved a plan to establish four to six permanent collection facilities. The first facility, in Anaheim, opened on July 5, 1990. Subsequent facilities opened in Huntington Beach and at the Prima Deshecha Landfill in 1991. Residents from anywhere in the County may use these facilities, which operates Monday through Saturday from 9 A.M. to 2 P.M.

### ***Orange County Hazardous Materials Area Plan (Area Plan)***

The Area Plan was prepared by the OCFA to assist agencies and businesses in Orange County in their pre-emergency planning and emergency response role. The Area Plan also serves to provide the public with information about facilities that may pose a threat or potential hazard to the community health and safety. Furthermore, this plan is designed to assist in the prevention or mitigation of the damage to the health and safety of persons and the environment from the release or threatened release of hazardous materials into the workplace or environment. The jurisdictions covered by the Area Plan include the unincorporated areas of the County of Orange, those cities contracted with the OCFA, and the City of Laguna Beach. Lake Forest is currently contracted to and served by the OCFA.

An objective of the Area Plan is to prescribe procedures for the effective and economical allocation of resources in time of hazardous materials emergency. This is done by establishing an emergency organization, assigning tasks, specifying policy and general procedures, and providing coordination of planning for all phases of emergency planning for a hazardous materials incident or emergency.

## ■ Local

### ***City of Lake Forest General Plan***

The following goals and policies are related to hazards and hazardous materials, and are taken from the Safety and Noise Element of the Lake Forest General Plan.

- Goal 2.0** Protection of the community from hazards associated with aircraft overflights, hazardous materials use, fire, and ground transportation.
- Goal 4.0** Improved ability of the city to respond to natural and human-related emergencies.
  - Policy 2.2** Reduce the risk to the community from the use and transport of hazardous materials
  - Policy 2.3** Reduce the per capita production of household hazardous waste in Lake Forest in concert with the County of Orange plans for reducing hazardous waste.
  - Policy 2.4** Reduce the risk to the community from fire.
  - Policy 4.1** Support the development of local preparedness plans and multi-jurisdictional cooperation and communication for emergency situations.
  - Policy 4.2** Educate residents and businesses regarding appropriate actions to safeguard life and property during and immediately after emergencies.

### **City of Lake Forest Household Hazardous Waste Element**

The City of Lake Forest Household Hazardous Waste Element identifies various goals and objectives addressing the management of HHW generated by City residents. Because the City of Lake Forest has chosen to participate in the existing Orange County Household Hazardous Waste Program, as described above, achieving the goals and objectives described in this Element depends on the successful continuation of that program. The key goal of the Household Hazardous Waste Element is to meet the requirements of AB 2707, which requires cities and counties to develop programs to address HHW. This element ensures that the needs of the Lake Forest residents are served by the County HHW program. Since the Proposed Project would result in a General Plan Amendment and Zone Change that would allow residential and mixed-uses on approximately 950 acres of vacant lands, the goals and objectives in this element would be applicable to the Proposed Project.

### ***City of Lake Forest Emergency Preparedness Plan***

The City of Lake Forest Emergency Preparedness Plan was developed to: help City staff determine the actions need to prevent disasters where possible; to reduce the vulnerability of residents to any disasters that cannot be prevented; to establish capabilities for protecting citizens from the effects of disasters; to respond effectively to the actual occurrence of disasters; and to provide for recovery in the aftermath of

any emergency involving extensive damage or other debilitating influence on the normal pattern of life within the community.

Emergency response to accidents in the City associated with hazards and hazardous waste material is typically undertaken by the Orange County Fire Authority. In addition, the fire service in Orange County supports an effective system of mutual aid and automatic aid between neighboring jurisdictions for the sharing of common resources. However, depending on the situation and location of a hazardous waste incident, agencies other than the City and County Fire Departments would also help provide emergency response. The planning basis for response to a hazardous material incident in Lake Forest is the Orange County Hazardous Materials Area Plan, as described above.

The Orange County Fire Authority actively enforces codes and ordinances to ensure a reasonable degree of fire safety exists in facilities and occupancies to minimize the threat to life and property. This activity is ongoing and conducted daily. Comprehensive pre-emergency planning, fire protection engineering, and training programs are currently in place and are designed to ensure the Department's ability to meet future service demands.

### ***City of Lake Forest Municipal Code***

According to Section 15.12.030 of the City Municipal Code, a hazardous material disclosure form must be filed annually to the Orange County Fire Department by any person who uses or handles a hazardous material. The disclosure form must be developed by the Director of Fire Services, and must include, but not limited to, a listing of the chemical name and any common names of every hazardous material used, the maximum amount of each hazardous material that is handled or used at any one time by the user over the course of the year, specific information on how and where the hazardous materials are handled or used by the user, and disclosure of the hazard characteristics of every hazardous material used.

### **3.7.4 Methodology**

The analysis in this section focuses on the use, generation, disposal, transport, or management of hazardous or potentially hazardous materials within the Project Area. In addition, the analysis also evaluates whether the Project Area is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 that could create a significant hazard to the public or environment. This analysis is based on database searches for the project site and surrounding properties. The probability for risk of upset, and the severity of consequences to an existing or proposed school associated with the increased use, handling, transport, and/or disposal of hazardous materials associated with implementation of the Proposed Project are also analyzed. Furthermore, the analysis will determine whether the Proposed Project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan due to proposed site access or other configuration. The analysis will also evaluate the impacts of the project to expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

### **3.7.5 Thresholds of Significance**

As the City's 2001 CEQA Significance Thresholds do not cover issues related to hazards and hazardous materials, the following thresholds of significance are based on Appendix G of the 2005 CEQA Guidelines. For purposes of this EIR, the Proposed Project would result in significant impacts related to hazards and hazardous materials if they would do any of the following:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of 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
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school
- Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the Project Area
- For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the Project Area
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan
- Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands

### 3.7.6 Impacts

CEQA requires that the Proposed Project’s potential environmental impacts be compared to on-the-ground conditions in the Project Area at the time the Notice of Preparation is issued or at the time the analysis of such impacts is commenced. Such on-the-ground conditions are considered, and often referred to as, the environmental or CEQA “baseline.” Thus, the following section analyzes the Proposed Project’s potential environmental impacts on baseline conditions. However, it should be noted that the land under consideration for the Proposed Project, while currently undeveloped, would not necessarily remain undeveloped. Most sites within the Project Area are subject to existing development agreements or entitlements and, in the absence of the Proposed Project, would in the future likely be developed with approximately 9.8 million square feet of industrial and commercial space under the existing General Plan. Given this, the analysis of alternatives to the Proposed Project in Chapter 4 of this EIR, under the “No Project/Reasonably Foreseeable Development” alternative, analyzes the potential environmental impacts associated with buildout of the existing General Plan. That analysis includes a comparison of the impacts of buildout of the existing General Plan with the potential environmental impacts of the Proposed Project.

**Impact 3.7-1            Implementation of the Proposed Project could result in a significant hazard to the public or the environment through the routine transportation, use, or disposal of hazardous materials.**

**Significance Level:    Less than significant with compliance with statutory requirements**

Implementation of the Proposed Project would result in development of some commercial facilities that could, handle, use, or dispose of hazardous materials. Currently, the Proposed Project sites contain one commercial facility that uses and handles hazardous waste, R&S Soil Products (see Table 3.7-). Implementation of the Proposed Project could result in the development of similar businesses in the Project Area, which in turn could result in an increased potential for exposure to hazards or hazardous materials. These businesses and facilities would be required to comply with applicable federal, state, and local laws regulating the generation, handling, transportation, and disposal of hazardous materials and waste. Specific requirements for implementation of these statutes are codified in Title 40 of the *Code of Federal Regulations* (CFR). Additional regulations that apply to workplace safety and transportation of hazardous materials are contained in CFR Titles 29 and 49, respectively. Regulations that pertain to radioactive materials are included in CFR Title 10. The HMMA requires that any business that handles hazardous materials greater than specified threshold quantities (500 pounds of a solid material, 55 gallons of a liquid, or 200 cubic feet of a compressed gas stored at any one point in time) must prepare a “Business Plan.” Specific requirements for implementation are codified primarily in Title 26 of the California Code of Regulations (CCR) and Chapter 6.95 of the California Health and Safety Code. Additional regulations that apply to workplace safety are contained in CCR Title 8. The haulers and users of hazardous materials are listed with the Orange County Fire Authority and are regulated and monitored under the auspices of the County of Orange.

Limited amounts of some hazardous materials could be used in the construction and operation of the Proposed Project, including standard construction materials (e.g., paints, solvents and fuels), cleaning and other maintenance products (used in the maintenance of buildings, pumps, pipes and equipment), diesel and other fuels (used in construction and maintenance equipment and vehicles), and the limited

application of pesticides associated with landscaping around new developments. The routine transportation, use, and disposal of these materials would be subject to a wide range of laws and regulations, including those listed above, that are intended to minimize potential health risks associated with their use or the accidental release of such substances. Compliance with these federal, state, and local regulations during the development of Proposed Project would result in no significant hazards to the public or the environment associated with the routine transport, use, or disposal of hazardous materials, and, therefore, impacts would be less than significant.

**Impact 3.7-2            Implementation of the Proposed Project could include activities that result in the release of hazardous materials into the environment during construction.**

**Significance Level:    Less than significant with mitigation and compliance with statutory requirements**

As implementation of the Proposed Project would result in urban infill and redevelopment, along with the intensification of development within the City, the existing structures on Sites 1, 3, 4 and 7 may need to be demolished prior to the construction of new buildings. Demolition of these existing structures could result in exposure of construction personnel and the public to hazardous substances such as asbestos or lead-based paints. Exposure pathways by which receptors could be exposed to hazardous materials include any of the following:

- Direct dermal contact with hazardous materials
- Incidental ingestion of hazardous materials (usually due to improper hygiene, when workers fail to wash their hands before eating, drinking, or smoking)
- Inhalation of airborne dust released from dried hazardous materials

Various regulations and guidelines pertaining to abatement of, and protection from, exposure to asbestos and lead have been adopted for demolition activities. In California, asbestos and lead abatement must be performed and monitored by contractors with appropriate certifications from the State Department of Health Services. In addition, the California Occupational Safety and Health Administration (Cal/OSHA) has regulations concerning the use of hazardous materials, including requirements for safety training, availability of safety equipment, hazardous materials exposure warnings, and emergency action and fire prevention plan preparation. Cal/OSHA enforces the hazard communication program regulations, which include provisions for identifying and labeling hazardous materials, describing the hazards of chemicals, and documenting employee-training programs. All demolition that could result in the release of lead and/or asbestos must be conducted according to Cal/OSHA standards.

The regulation and programs noted above would be followed during construction activities. Compliance with these regulations would ensure that construction workers and the general public would not be exposed to any unusual or excessive risks related to hazardous materials during demolition activities. As such, impacts associated with the exposure of construction workers and the public to hazardous materials during demolition activities would be less than significant.

Aside from demolition, the grading and excavation of sites for new development may also expose construction workers and the public to potentially unknown hazardous substances present in the soil or

groundwater. Such exposure would be considered a potentially significant impact. In the event undiscovered hazardous material contamination is found in the soil or groundwater during construction activities, such contamination could cause various short-term or long-term adverse health effects in persons exposed to the hazardous substances. In addition, exposure to contaminants could occur if the contaminants migrated from the contaminated zone to surrounding areas either before or after the surrounding areas were developed, or if contaminated zones were disturbed by future development at the contaminated location. On-site storage of fuels, application of pesticides, herbicides and other agricultural chemicals, or illicit debris disposal could have occurred in the area. It is known through a 1999 Phase I Environmental Site Assessment that there are several areas of Site 1 where hazardous materials were stored or handled. In addition, two areas west of the Borrego Canyon Wash that were previously utilized by the MCAS El Toro as an explosive ordnance disposal range and the Magazine Road Landfill. Stormwater discharges in the Borrego Canyon Wash from upstream have been recognized to contain waste oil. However, due to the age of that report, an updated Phase I would be required to determine the current conditions of Site 1.

In addition, eight mapped RCRA sites are located within a 1-mile radius of several of the project parcels (1, 4, 5, and 7) as identified on Table 3.7-1. While none of the RCRA sites is located directly on a project parcel, the potential exists for groundwater or soil contamination to exist in the vicinity of the RCRA sites, and, given their proximity to project parcels, and depending on groundwater flow and migration, it is possible that the project parcels have been contaminated by effluent from the RCRA sites. This is a potentially significant impact. Given the topography in the vicinity of the RCRA sites, drainage from these areas would be likely to approximate the drainage from Sites 1, 4, 5, and 7, which is toward the Borrego Canyon Wash for Site 1 and toward Aliso Creek and Serrano Creek for the remaining sites. Therefore, it is unlikely that groundwater would be contaminated in the vicinity of Site 2 from the RCRA sites. And, while Sites 3 and 6 are downstream of the RCRA sites, their hilly topography would likely prevent contamination from upstream drainage.

Of the two unmapped LUST sites (Table 3.7-2), one has been identified as closed and the other is undergoing remediation. Therefore, these two sites would not be expected to contribute to soil or groundwater contamination on the project parcels.

However, because up-to-date Phase I Environmental Site Assessments have not been performed for the project parcels, MM 3.7-1 will be required to determine the potential for hazardous materials, including contaminated soil or groundwater, on the project parcels. As provided for by MM 3.7-1, the developers, prior to issuance of a grading permit, shall perform a tiered CEQA review to determine the potential for significant impacts related to hazardous materials, and provide appropriate mitigation measures consistent with CEQA, which may include completion of a remediation plan, if required.. Therefore, with implementation of this mitigation measure, this impact on a programmatic level would be less than significant.



**Impact 3.7-3                    Implementation of the Proposed Project would not 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.**

**Significance Level:    Less than significant**

The accidental release of hazardous materials into the environment could result if there is improper handling, use, or disposal of hazardous materials by untrained personnel, a transportation accident, a fire or other emergency within the City, or if environmentally unsound disposal methods are used. The projects anticipated to be developed as part of the Proposed Project could include a variety of commercial businesses and public facilities. Operation of these business or facilities may require the use of equipment or machinery, including pumps, motors, compressors, etc. This equipment would require fuel in order to operate. Compliance with applicable regulations in the CCR and California Health and Safety Code would ensure that all feasible precautions are taken to prevent the accidental release of this fuel.

Hazardous materials regulations related to the use, handling, and transport of hazardous materials are codified in Titles 8, 22, and 26 of the CCR, and their enabling legislation set forth in Chapter 6.95 of the California Health and Safety Code. These laws were established at the state level to ensure compliance with federal regulations to reduce the risk to human health and the environment from the routine use of hazardous substances. These regulations must be implemented by employers/businesses, as appropriate, and are monitored by the state (e.g., Cal OSHA in the workplace or DTSC for hazardous waste) and/or the County. The haulers and users of hazardous materials are listed with the Orange County Fire Authority and are regulated and monitored under the auspices of the County of Orange. Implementation of Title 49, Parts 171-180, of the Code of Federal Regulations would reduce any impacts associated with the potential for accidental release of hazardous materials to a less-than-significant level. By ensuring that construction of the Proposed Project complies with the above regulations, impacts associated with the potential for accidental release of hazardous materials such as fuels, oils, or other flammable material would be minimized. Given that the proposed uses are residential and commercial, and not industrial, none of the proposed uses would be anticipated to handle hazardous materials and would be expected only to utilize routine cleaning chemicals such as detergents and bleach. With continued adherence to applicable federal, state, and local laws and implementation of the County's Hazardous Materials Area Plan, Landfill Load Checking Program, the Orange County Integrated Waste Management Department Household Hazardous Waste Program, the City's Emergency Plan, and Household Hazardous Waste Element, the potential for the accidental release of hazardous materials would be less than significant.

**Impact 3.7-4**            **Site 1 of the Proposed Project area is located within an area that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, impacts associated with the implementation of the Proposed Project could create significant hazards to the public or the environment.**

**Significance Level:**   **Less than significant with mitigation**

Based upon review of federal, state, and county hazardous waste lists and databases pursuant to Government Code Section 65962.5, there are no “Cortese” listed sites in the Project Area. However, Site 1 contains a commercial facility that uses and handles hazardous waste, R&S Soil Products (see Table 3.7-1) that is listed on the SWIS database. As noted above under Impact 3.7-2, the disturbance of soils and the demolition of existing structures could result in the exposure of construction workers or employees to health or safety risks if contaminated structures and/or soils are encountered during construction or maintenance activities. Impacts related to risks associated with contaminated soil or groundwater from the RCRA-listed sites in the vicinity of Site 1 have been comprehensively analyzed in Impact 3.7-2 of this EIR.

Because Site 1 contains a composting facility, the presence of hazardous materials such as pesticides and waste oil cannot be ruled out. As provided for by MM 3.7-1, the site developers, prior to issuance of a grading permit, shall perform a tiered CEQA review to determine the potential for significant impacts related to hazardous materials, and provide appropriate mitigation measures consistent with CEQA, which may include completion of a remediation plan, if required. Therefore, with implementation of this mitigation measure, this impact on a programmatic level would be less than significant.

**Impact 3.7-5**            **Implementation of the Proposed Project could result in hazardous emissions or involve the handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.**

**Significance Level:**   **Less than significant with mitigation (Site 1); less than significant (Sites 2 through 7)**

The Portola Hills Elementary School is located within one-quarter mile of Site 2 (Portola Center Site). As noted above in Impact 3.7-1 and Impact 3.7-2, limited amounts of some hazardous materials could be used in the construction and operation of new developments in the Proposed Project area, including the use of standard construction materials (e.g., paints, solvents and fuels), cleaning and other maintenance products (used in the maintenance of buildings, pumps, pipes and equipment), diesel and other fuels (used in construction and maintenance equipment and vehicles), and the limited application of pesticides associated with landscaping around new developments. None of these materials would result in the hazardous emissions or are considered acutely hazardous. The routine transport, use, and disposal of these materials would be subject to a wide range of laws and regulations intended to minimize potential health risks associated with their use or the accidental release of such substances. Hazardous materials regulations related to the use, handling, and transport of hazardous materials are codified in Titles 8, 22, and 26 of the CCR. The regulation and programs noted above would be followed during construction

activities. Compliance with these regulations would ensure that the general public would not be exposed to any unusual or excessive risks related to hazardous materials during construction on Sites 2, 3, 4, 5, 6, and 7.

A potential school site has been identified for Site 1. A listed SWIS site, R&S Soil Products, is also located on Site 1. Depending on the timing and order of development, the potential may exist for exposure of students to hazardous emissions, materials, substances, or wastes. Therefore, mitigation may be necessary to ensure that students are not exposed to hazardous emissions, materials, substances, or wastes. The mitigation of potential health hazards as a result of the construction of a school within the Project Area is the responsibility and within the jurisdiction of the SVUSD. With implementation of MM 3.7-2, this impact would be less than significant.

**Impact 3.7-6            Implementation of the Proposed Project could interfere with an adopted emergency response plan or emergency evacuation plan.**

**Significance Level:    Less than significant with mitigation**

Construction of the Proposed Project could result in short-term temporary impacts on street traffic adjacent to the proposed sites during construction activities. Any such impacts would be limited to the construction period and would affect only adjacent streets or intersections, and as such, would be unlikely to interfere with emergency response vehicles (e.g., fire, police, or ambulance). However, operation of the various businesses or facilities developed as part of the Proposed Project could increase traffic on roads or modify existing transportation routes and could interfere with the response times of emergency vehicles or temporarily obstruct evacuation routes.

During construction of the Proposed Project, temporary road or lane closures, which could potentially block emergency access and/or evacuation routes, could potentially occur along roadways adjacent to the project parcels. The project site is located within a developed area and multiple access points are available. Major access to the Project Area includes the Foothill Transportation Corridor, Bake Parkway, Lake Forest Drive, and El Toro Road. The presence of multiple alternative routes to the Project Area minimizes the potential for interference with emergency routes during construction. Nonetheless, should temporary road or lane closures occur, the Proposed Project could interfere with emergency evacuation. In order to address the potential for interference with an evacuation route during construction, mitigation measure MM 3.7-3 shall be implemented to reduce this impact to a less-than-significant level:

Although implementation of the Proposed Project would increase the number of people within the City at any one time that could be subject to injury from a catastrophic event, the City has an option, under the necessary circumstances, to request mutual aid from other jurisdictions, including nearby cities, counties, the California OES, and ultimately, the Federal Emergency Management Agency (FEMA). Mitigation measure MM 3.7-4 will be implemented to require the City to modify its Emergency Preparedness Plan response protocol and resources as necessary prior to the issuance of building permits associated with the proposed development within the Project Area.

With implementation of the identified mitigation measures, no obstruction of implementation of the existing emergency plans would occur, and this impact would be less than significant.

**Impact 3.7-7            Implementation of the Proposed Project could expose people or structures to a significant risk of loss, injury, or death involving wildland fires.**

**Significance Level:    Less than significant with mitigation**

Implementation of the Proposed Project would provide for development of approximately 5,415 residential Units, 648,720 square feet of Commercial Space, 50 acres of park and 45 acres of Public Facilities in the Project Area. The regional natural vegetation in this area is highly prone to wildfires. A wildfire in the national forest could spread to developed areas in the City. As noted on Figure 3.7-1, the identified fire hazard areas are located north of Portola Parkway. The City will reduce the potential for dangerous fires by coordinating with the OCFA to implement fire hazard education, fire protection and fuel modification programs. Site 2 is located within an area designated by OCFA to be a Very High Fire Severity Hazard Zone/Special Fire Protection Area (VHFSHZ/SFPA). As such, the proposed development on Site 2 under the Proposed Project may be exposed to a higher risk of fire hazards in the Project Area. Furthermore, Site 1 in the Project Area is located adjacent to the former MCAS El Toro property, which has been proposed as a nature preserve. While this federal property is not addressed as a VHFSHZ/SFPA area, the potential hazard associated with wildfires exists on this property. Thus, the proposed development on Site 1 under the Proposed Project may also be exposed to a higher risk of fire hazards. Because both Sites 1 and 2 would potentially be exposed to a higher risk of fire hazards, this would represent a potentially significant impact. Development on these two sites would also be required to comply with OCFA VHFSHZ/SFPA guidelines, which ensures that development design will comply with the applicable provisions of the 1997 Uniform Fire Code (UFC) as well as locally adopted ordinances enforced by the OCFA. However, with implementation of MM 3.12-1, as outlined in Section 3.12 (Public Services) and which would require both Sites 1 and 2 in the Project Area to comply with the OCFA's VHFSHZ/SFPA guidelines, the impacts associated with fire hazards on Sites 1 and 2 would be reduced to a less-than-significant level. Additionally, with implementation of MM 3.12-2, which would require all developers in the Project Area to enter into a Secured Fire Protection Agreement with the OCFA prior to approval of any Master, Project, or Tentative Tract Map, the potential need for additional fire apparatus and staff resulting from implementation of the Proposed Project would be reduced to a less-than-significant level. The Secured Fire Protection Agreement would specify the developer's contribution to capital improvements necessary to maintain adequate fire protection services in the area. Therefore, with implementation of mitigation measures MM 3.7-5 and MM 3.12-1 and 3.12-2, the impacts related to fire services would be less than significant.

**Impact 3.7-8            The Proposed Project would not create safety hazards to people residing or working within airport land use plans, within 2 miles of a public airport, or in the vicinity of private airstrips.**

**Significance Level    No impact**

John Wayne Airport, which is owned and operated by the County of Orange, is the only commercial service airport in Orange County. Along with the Fullerton Municipal Airport, which is centrally located in the Los Angeles Basin, and the Anaheim Airport, located in the City of Anaheim, these three airports are the only facilities that accommodate general aviation in the County. The project sites are not located within 2 miles of any of these airports; therefore, there are no impacts.

### 3.7.7 Mitigation Measures

The following mitigation measures are designed to eliminate or reduce to a level of less than significant those significant impacts to Hazards and Hazardous Materials that are caused by the Proposed Project and that are capable of being feasibly eliminated or reduced to a level of less than significant.

- MM 3.7-1*      *Prior to the issuance of grading permits, the site developer(s) shall perform a tiered review under CEQA for the site to be graded to assess the potential for significant impacts related to hazardous materials be responsible for performing all hazardous material studies in connection with site development of parcels 1, 4, 5, and 7, and submit a report to the City that shall be reviewed and approved by the Director of Public Works/City Engineer. The report shall include the following:*
- *Investigate the project site to determine whether it or immediately adjacent areas have a record of hazardous material contamination via the preparation of a preliminary environmental site assessment (ESA), which shall be submitted to the City for review. If contamination is found the report shall, characterize the site according to the nature and extent of soil contamination that is present before development activities proceed at that site.*
  - *If contamination is determined to be on site, the project developer(s), in accordance with appropriate regulatory agencies, shall determine the need for further investigation and/or remediation of the soils conditions on the contaminated site. If further investigation or remediation is required, it shall be the responsibility of the site developer(s) to complete such investigation and/or remediation prior to construction of the project.*
  - *If remediation is required, it shall be accomplished in a manner that reduces risk to below applicable standards and shall be completed prior to issuance of any occupancy permits.*
- MM 3.7-2*      *Prior to the construction of a school facility within the Project Area, additional tiered review under CEQA shall be performed by the lead agency for the school project to assess the potential for significant impacts related to the potential, if any, for environmental health hazards to students from the location of a school on Site 1.*
- MM 3.7-3*      *At least three business days prior to any lane closure, the construction contractor shall notify the OCSD and OCFA, along with the City Planning and Development Department, of construction activities that would impede movement (such as road or lane closures) along roadways immediately adjacent to the Project Area, to allow for uninterrupted emergency access and maintenance of evacuation routes.*
- MM 3.7-4*      *Prior to issuance of building permits for any development within the Project Area, the City shall modify, to the extent necessary, the City's emergency response protocol and available emergency response resources, as outlined in the Emergency Preparedness Plan, to accommodate development. Such modifications shall ensure that the existing level of emergency service is maintained.*
- MM 3.7-5*      *The City will reduce the potential for dangerous fires by implementing fire hazard education, fire protection, and fuel modification programs in coordination with the Orange County Fire Department (OCFA). In addition, all development located within portions of the Project Area that are designated as a VHFSHZ/SFPA by OCFA shall comply with OCFA*

*VHFSHZ/SFPA guidelines. Site developer(s) shall be responsible for providing evidence to the City and the OCEA prior to the issuance of grading permits that water pressure is adequate for fire-fighting purposes.*

### 3.7.8 Summary of Impacts

Table 3.7-4 summarizes the potential long-term adverse impacts of the Proposed Project related to hazards and hazardous materials, and identifies the significance of those impacts after mitigation.

Table 3.7-4 Summary of Impacts		
Impact	Threshold	Significance
3.7-1	Implementation of the Proposed Project would not result in a significant hazard to the public or the environment through the routine transportation, use, or disposal of hazardous materials.	Less than significant with compliance with statutory requirements
3.7-2	Implementation of the Proposed Project could include activities that result in the release of hazardous materials into the environment during construction.	Less than significant with mitigation and compliance with statutory requirements
3.7-3	Implementation of the Proposed Project would not 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.	Less than significant
3.7-4	Site 1 of the Proposed Project area is located within an area that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, impacts associated with the implementation of the Proposed Project could create significant hazards to the public or the environment.	Less than significant with mitigation
3.7-5	Implementation of the Proposed Project could result in hazardous emissions or involve the handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	Less than significant with mitigation (Site 1); Less than significant (Sites 2 through 7)
3.7-6	Implementation of the Proposed Project could interfere with an adopted emergency response plan or emergency evacuation plan.	Less than significant with mitigation
3.7-7	Implementation of the Proposed Project could expose people or structures to a significant risk of loss, injury, or death involving wildland fires.	Less than significant with mitigation
3.7-8	The Proposed Project would not create safety hazards to people residing or working within airport land use plans, within two miles of a public airport, or in the vicinity of private airstrips.	No impact

### 3.7.9 References

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