

P. HAZARDS AND HAZARDOUS MATERIALS

This section focuses on hazardous materials issues identified at the Fairmont Hotel complex located at 950 Mason Street. A Phase I Environmental Site Assessment (ESA) was prepared in September 2006 by ATC Associates Inc. (ATC) and is summarized herein.¹ The Phase I ESA was conducted to identify possible environmental concerns related to on-site or nearby chemical use, storage, handling, spillage, and/or on-site disposal, with particular focus on the presence, use, or release of hazardous substances or petroleum products on the site. The Phase I ESA included a review of environmental agency databases, previous reports and historical documents, visual observation of the site and neighboring properties, and interviews with selected site representatives. The Phase I ESA also addressed past and present land-use, operating practices at and near the site, and the potential for migration of chemicals, contaminants, and toxins onto the site from reported chemical releases on properties in the vicinity of the site. In addition, this section identifies impacts on related to hazards and hazardous materials that could result from the proposed project.

SETTING

The project site covers an entire city block in the Nob Hill neighborhood. The historic 1906 Fairmont Hotel and 1960's hotel tower and podium structure includes 591 guest rooms, meeting and banquet facilities, a restaurant/bar, several retail shops, support facilities, and a parking garage. The hotel currently operates an on-site dry cleaning facility and has a suite used by the hotel photographer for photo processing. According to the Phase I ESA, asbestos-containing materials (ACMs) have been identified within the historic 1906 Fairmont Hotel building. The site is underlain by the Franciscan Formation of Cretaceous age, which is described as a mixture of fragmented rock masses in a sheared matrix, also known as a *mélange* that can contain naturally occurring asbestos in serpentinite bodies.² However, no area of soil exposure is present, as the Fairmont Hotel complex covers the entire site. The project site is not within the Maher Ordinance Area, which requires an investigation of hazardous materials in soil if more than 50 cubic yards of soil are to be disturbed in the area of the city bayward of the historic pre-1906 earthquake high tide line.³

¹ ATC Associates, Inc., 2006, *Phase I Environmental Site Assessment*, September. This report is available for review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2008.0081E.

² *Ibid*, p. 9.

³ This area is largely the part of San Francisco created by landfill where past industrial land uses and debris fill associated with the 1906 earthquake and Bay reclamation often left hazardous residue in local soils and groundwater.

SURROUNDING PROPERTIES

The general area of the project site on Nob Hill is primarily characterized by commercial, hotel, industrial and residential land uses. A database search of adjacent properties indicates the presence of three sites that contain actively operating underground storage tanks (USTs). Two of these properties located south of the site are the Mark Hopkins Inter-Continental Hotel (999 California Street) and the Stanford Court Garage (905 California Street), while the other property is north of the site, at 1000 Mason Street. These off-site facilities are listed under regulatory database reports; however, the Phase I ESA indicates no violations or the potential of these properties to have a likely past, present, or material threat of release on the project site.

HISTORICAL USES

The Phase I ESA indicates that prior to 1902 the project site was developed with residential structures. Review of available Sanborn maps show that in 1886 the site included a dwelling (Porter Residence) and a stable and was bounded on its north side by a vacant lot; the Hopkins Mansion, Stanford Mansion, and Pacific Union Club (formerly Flood Mansion) are shown occupying the immediate project area. Historically, the surrounding properties have been predominantly residential, hotel or commercial properties. In 1902, the initial construction of the Fairmont Hotel began and it was completed in 1906. The hotel use of the project site has not changed since that time. The hotel's dry cleaning activities have been conducted onsite since approximately April 8, 1974. A review of the historical data available for the project site and surrounding area revealed no past uses that indicated a potential for adverse environmental conditions on the site.

GOVERNMENT DATABASE SEARCH

The Phase I ESA included a review of government databases of hazardous materials sites. The review indicated that the project site is listed on the HAZNET database for generating hazardous waste, including liquids with halogenated organic compounds, oxygenated solvents, and asbestos-containing waste. The ESA determined that the halogenated organic compounds are likely related to the hotel's dry cleaning service, the oxygenated solvents are associated with degreasing of operational systems and machinery, and the asbestos was likely attributed to past asbestos abatement work. The project site is also listed on the underground storage tank, leaking underground storage tank, and Cortese databases for former USTs at the site. According to the ESA, there are discrepancies regarding the number of and size of USTs associated with the site. It appears that the hotel formerly operated six USTs on site, all of which have

been removed.⁴ The leaking underground storage tank and Cortese listings are for one tank, which was determined by a previous investigation⁵ to have leaked diesel fuel. The tank was subsequently removed and the case was granted regulatory closure in 1999, which indicates that cleanup efforts were successful. Additionally, the ESA indicated that the project site is listed on the state Emissions Inventory (EMI) database, which identifies businesses that have been permitted for air emissions. The EMI database listing is related to the operation of the hotel's dry cleaner service and indicates that the facility was permitted for air discharge between 1990 and 2003. The site currently operates the dry cleaning service under permit with the local air board for dry cleaning operations.⁶

Hazardous Building Materials

ATC observed equipment/materials on the site that may contain polychlorinated biphenyls (PCBs) such as fluorescent light ballasts, a transformer vault, and hydraulic oil used to service the hotel's two hydraulic elevators. However, interviews with appropriate hotel staff and operators confirmed that all materials that once contained PCBs were removed and replaced. According to the Phase I ESA, ACMs were identified within the historic 1906 Fairmont Hotel building.

Hazardous Substance Storage/Handling

Hazardous materials are used and stored at various locations throughout the Fairmont Hotel property, including the kitchen, stock room, laundry and dry-cleaning room, paint shop, photo shop, main building rooftop, and the basement/boiler room. The materials are primarily associated with the hotel's laundry and dry-cleaning service and other routine hotel operations. The hazardous materials sub-consultant observed approximately 400 gallons of diesel fuel stored in a day tank associated with an emergency power generator on the building's rooftop. Other hazardous materials observed on the site included: janitorial/maintenance supplies, kitchen supplies/detergents, spot removers/bleach, heating fuel, water treatment chemicals for the building's boiler equipment, various compressed gases, photo-processing chemicals, paint and paint thinner, and dry cleaning solvent. All of the water treatment chemicals are stored in double containment containers.⁷ The observed hazardous substances generally appeared properly stored and handled.

⁴ ATC Associates, Inc., 2006, p. 3.

⁵ Ibid, p. 3.

⁶ Ibid, p. 3.

⁷ Vincent, Don, 2010. Fairmont Hotel, Personal Communication with Glenn Isaacson on January 22.

Waste Generation, Storage and Disposal

The only recorded hazardous waste generated on the site is dry cleaning solvent waste associated with the dry cleaning facility. Four ten-gallon containers of dry cleaning waste (containing Perchloroethylene) were observed stored on a secondary containment tray that also provides containment for the dry cleaning machine. Based on visual inspection, there was no evidence of residual impact to concrete or tiled coloring. The dry-cleaning activities occur on the terrace level of the building thereby providing separation from the ground by one floor and reducing the potential for impact to the site's soil and groundwater. The dry cleaning waste is picked up by Safety Kleen every three months. Based on the observed conditions, the generation and storage of dry cleaning solvent is not considered an environmental concern. Other generated wastes observed on the site include a silver recovery system in the darkroom of the hotel photographer's room as well as waste associated with routine hotel operations such as food waste, sanitary sewage, municipal trash, and used cooking grease. Commercial trash is stored in a trash compactor, which is picked up by a local sanitation company.

Storage Tanks

The Fairmont Hotel property formerly operated six USTs on site. Five USTs were removed from the site in 1997 and one UST was reportedly closed-in-place in 1988, but remains at the site. During the site inspection, the sub-consultant observed an aboveground storage tank (AST) associated with the emergency generator located on the podium building roof with an approximate capacity of 400 gallons. The AST is located within secondary containment in the form of a berm surrounding the AST. No evidence of leaks or stains surrounding the emergency generator or the AST were observed. Two more ASTs were also observed that are associated with the hotel's elevator equipment. There are two hydraulic elevators in the hotel and one AST is situated in each elevator room. The ASTs, which are estimated to be 50 and 75 gallons in capacity, appeared in good condition with no signs of heavy corrosion or leakage during site reconnaissance.

Groundwater Monitoring Wells

No groundwater monitoring wells were observed on site. The sub-consultant did not observe any evidence of water intrusion or mold on the site during the site reconnaissance.

REGULATORY SETTING

FEDERAL PLANS, POLICIES, REGULATIONS, AND LAWS

The U.S. EPA is the lead agency responsible for enforcing federal regulations that affect public health and the environment. The primary federal laws and regulations with EPA oversight include the Resource Conservation and Recovery Act of 1976 (RCRA) and the Hazardous and Solid Waste Amendments enacted in 1984; the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA); and the Superfund Act and Reauthorization Act of 1986. Federal statutes pertaining to hazardous materials and wastes are contained in the CFR Title 40.

STATE PLANS, POLICIES, REGULATIONS, AND LAWS

California hazardous materials laws incorporate federal standards, but are often stricter than federal laws. The primary state laws include the California Hazardous Waste Control Law, the State equivalent of RCRA, and the California Hazardous Substance Account Act, the State equivalent of CERCLA. State hazardous materials and waste laws are contained in the CCR Titles 22 and 26. State underground storage tank laws and regulations are contained in the CCR Title 23.

The California Department of Toxic Substances Control (DTSC) enforces hazardous materials and waste regulations in California, in conjunction with the U.S. EPA. The DTSC is responsible for regulating the management of hazardous substances, including the remediation of sites contaminated by hazardous substances. The San Francisco Bay RWQCB is authorized by the SWRCB to enforce provisions of the Porter Cologne Water Quality Control Act of 1969 in the San Francisco Bay Area. The BAAQMD may also impose specific requirements on remediation and other activities to protect ambient air quality from dust or other airborne contaminants.

Air Emissions

The BAAQMD is primarily responsible for planning, implementing, and enforcing federal and state ambient air quality standards in the San Francisco Bay Area. BAAQMD regulates both criteria air pollutants and toxic air contaminants. The state Asbestos Airborne Toxic Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations is also regulated by the BAAQMD. BAAQMD regulates particulate matter from construction activities and requires the implementation of various dust control measures to keep small-diameter particulates, or PM₁₀, levels to a minimum. Please refer to Section IV.G, Air Quality for additional information regarding air quality standards.

Hazardous Building Materials

Prior to 1978, lead compounds were commonly used in interior and exterior paints. Building materials often contained asbestos fibers prior to the 1980s to provide strength and fire resistance. Other common items, such as electrical transformers, fluorescent lighting, electrical switches, heating/cooling equipment, and thermostats, contain hazardous materials including PCBs, which may pose a health risk during building renovation if not handled and disposed properly.

Lead-Based Paint

Federal and State regulations govern the demolition of structures where lead, or material containing lead, is present. During demolition, lead-based paint that is securely adhering to wood or metal may be disposed of as demolition debris, which is a non-hazardous waste. Loose and peeling paint must be disposed of as a California and/or Federal hazardous waste if the concentration of lead exceeds applicable waste thresholds. State and federal construction worker health and safety regulations require air monitoring and other protective measures during demolition activities where lead-based paint is present.

Demolition must comply with Chapter 34, Section 3407 of the San Francisco Building Code, Work Practices for Exterior Lead-Based Paint on Pre-1979 Buildings and Steel Structures. Where there is any work that may disturb or remove lead paint on the exterior of any building built prior to December 31, 1978, and exterior work would disturb more than 100 square feet (sf) or 100 linear feet of lead-based paint, Chapter 34 requires specific notification and work standards, and identifies prohibited work methods and penalties.

Chapter 34 applies to buildings or steel structures on which original construction was completed prior to 1979 (which are assumed to have lead-based paint on their surfaces), where more than ten total square feet of lead-based paint would be disturbed or removed. The ordinance contains performance standards, including establishment of containment barriers, at least as effective at protecting human health and the environment as those in the U.S. Department of Housing and Urban Development Guidelines (the most recent Guidelines for Evaluation and Control of Lead-Based Paint Hazards) and identifies prohibited practices that may not be used in disturbance or removal of lead-based paint. Any person performing work subject to the ordinance shall make all reasonable efforts to prevent migration of lead paint contaminants beyond containment barriers during the course of the work, and any person performing regulated work shall make all reasonable efforts to remove all visible lead paint contaminants from all regulated areas of the property prior to completion of the work.

The ordinance also includes notification requirements, contents of notice, and requirements for signage. Notification includes notifying bidders for the work of any paint inspection reports verifying the presence or absence of lead-based paint in the regulated area of the proposed project. Prior to commencement of work, the responsible party must provide written notice to the Director of the DBI of: the location of the project; the nature and approximate square footage of the painted surface being disturbed and/or removed; anticipated job start and completion dates for the work; whether the responsible party has reason to know or presume that lead-based paint is present; whether the building is residential or nonresidential, owner-occupied or rental property, approximate number of dwelling units, if any; the dates by which the responsible party has or will fulfill any tenant or adjacent property notification requirements; and the name, address, telephone number, and pager number of the party who will perform the work. (Further notice requirements include Sign When Containment is Required, Notice by Landlord, Required Notice to Tenants, Availability of Pamphlet related to protection from lead in the home, Notice by Contractor, Early Commencement of Work [by Owner, Requested by Tenant], and Notice of Lead Contaminated Dust or Soil, if applicable.) The ordinance contains provisions regarding inspection and sampling for compliance by DBI, and enforcement, and describes penalties for non-compliance with the requirements of the ordinance.

Asbestos

Federal, State, and local requirements govern the removal of asbestos or suspected ACMs, including the demolition of structures where asbestos is present. Section 19827.5 of the California Health and Safety Code, adopted January 1, 1991, requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. The BAAQMD is vested by the California legislature with authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement, and is to be notified ten days in advance of any proposed demolition or abatement work.

Notification includes: the names and addresses of operations and persons responsible; description and location of the structure to be demolished/altered including size, age and prior use, and the approximate amount of friable asbestos; scheduled starting and completion dates of demolition or abatement; nature of planned work and methods to be employed; procedures to be employed to meet BAAQMD requirements; and the name and location of the waste disposal site to be used. The BAAQMD randomly inspects asbestos removal operations. In addition, the BAAQMD will inspect any asbestos removal operation for which a complaint has been received.

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The local office of the California State Occupational Safety and Health Administration (Cal/OSHA) must be notified of asbestos abatement to be carried out. Asbestos abatement contractors must follow state regulations contained in 8 CCR 1529 and 8 CCR 341.6 through 341.14 where there is asbestos-related work involving 100 sf or more of asbestos-containing material. Asbestos removal contractors must be certified as such by the Contractors Licensing Board of the State of California. The owner of the property where abatement is to occur must have a Hazardous Waste Generator Number assigned by, and registered with, the Office of the California Department of Health Services in Sacramento. The contractor and hauler of the material are required to file a Hazardous Waste Manifest, which details the hauling of the material from the site and the disposal of it. Pursuant to California law, DBI would not issue the required permit until the applicant has complied with the notice requirements described above. Workers conducting asbestos abatement must be trained in accordance with State and federal Occupational Safety and Health Administration (OSHA) regulations, as described in greater detail under the Worker Health and Safety section below.

Naturally Occurring Asbestos

The BAAQMD enforces standards required by Title 17, California Code of Regulations, Section 93105 to control Naturally Occurring Asbestos (NOA) derived emissions from construction, grading, and other operations to the lowest achievable rates using Best Available Control Technology. The regulations apply to any areas with ultramafic rock (i.e., metamorphic serpentinite forms), naturally-occurring asbestos, serpentinite, or where such materials are discovered after the start of these earthwork activities. A project applicant must submit notification to the BAAQMD Air Pollution Control Officer (APCO) 14 days prior to disturbing serpentinite, ultramafic rock, or earth materials containing NOA, and notification on the next business day on the discovery of the materials identified above. The notification must include implementation of dust control measures and submittal of an Asbestos Dust Mitigation Plan (ADMP) within 14 days.

Where more than one acre would be disturbed, the applicant must also submit an ADMP to BAAQMD for approval prior to startup of grading or soil disturbance. The BAAQMD may grant an exemption from the requirement for the ADMP, based on geological information submitted for a site, or require the applicant to take additional measures to assess for the presence of NOA in making the determination of whether an exemption may be granted.

The ADMP must incorporate measures to control all potential NOA emission sources including: 1) trackout onto the paved road; 2) inactive disturbed surfaces, areas to be graded, and storage piles;

3) traffic on unpaved on-site roads; 4) active materials storage piles, and earthmoving activities; 5) off-site transport of materials; and 6) post-project disturbed soil surfaces. The type of dust control measures for sites greater than one acre include: 1) limiting vehicle speeds to less than 15 miles per hour; 2) wetting areas prior to and following disturbance to prevent visible emissions from crossing project boundaries; 3) management of stockpiles to prevent emissions; 4) washing down equipment on the project site prior to movement to a paved roadway; 5) track-out prevention devices and cleanup of visible track out of soil onto paved roads using wet sweeping or high efficiency particulate air (HEPA) filtered vacuums; and 6) post-project stabilization of disturbed surfaces. The ADMP must also include an asbestos air monitoring plan if residences, business, hospitals, and other receptors are located within one-quarter mile of any boundary of an area to be disturbed. The provisions of the approved ADMP must be implemented for the entire duration of the project. The project applicant must report results of air monitoring, geological evaluation of the site, and the results of bulk sampling, as requested by the APCO, as required by this regulation. Please refer to Section IV.G, Air Quality for additional information.

Other Hazardous Materials in Buildings

Fluorescent lighting tubes and ballasts, computer displays, and several other common items containing hazardous materials are regulated as “universal wastes” by the State of California. These building materials may be encountered by workers prior to building demolition and renovation activities. Universal waste regulations allow common, low-hazard wastes to be managed under less stringent requirements than other hazardous wastes. Management of other hazardous wastes is governed under DTSC hazardous waste rules.

Worker Health and Safety

OSHA regulates worker health and safety at the federal level. The federal Occupational Safety and Health Act of 1970 authorizes states to establish their own safety and health programs with OSHA approval; the California Department of Industrial Relations regulates implementation of worker health and safety in California. The Department of Industrial Relations includes the Division of Occupational Safety and Health, which acts to protect workers from safety hazards through its Cal/OSHA program and provides consultative assistance to employers.

California standards for workers dealing with hazardous materials are contained in CCR Title 8 and include practices for all industries (General Industrial Safety Orders), and specific practices for construction, and other industries. Cal/OSHA enforces hazardous communication program regulations for workers handling and using hazardous materials. In addition, Cal/OSHA requires that all employers

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develop and implement an injury and illness prevention programs (CCR Title 8 Section 3202), emergency action and fire prevention plans with evacuation procedures for employees, alarm systems, and other procedures in the event of an emergency (CCR Title 8 Section 3220 and 3221). Additional regulations have been developed for workers with the potential for exposures to lead (CCR Title 8 Section 1532.1) and asbestos (CCR Title 8 Section 1529).

LOCAL PLANS, POLICIES, REGULATIONS, AND LAWS

Three local ordinances meet or exceed State and federal requirements for site investigations and the storage of hazardous substances. These include:

- San Francisco Health Code, Article 21 (the Hazardous Materials Ordinance);
- San Francisco Health Code, Article 22 (the Hazardous Waste Ordinance); And,
- San Francisco Department of Public Health Hazardous Materials Unified Program Agency.

Hazardous Materials Ordinance

Article 21 of the San Francisco Health Code (the Hazardous Materials Ordinance) provides for safe handling of hazardous materials in the City and County of San Francisco. Any person or business that handles, sells, stores, or otherwise uses hazardous materials in quantities exceeding specified thresholds would be required to obtain and keep a current hazardous materials certificate of registration to implement an HMBP submitted with the registration application. Facilities with USTs are also required to obtain a permit to operate the tank. In addition to specifying permitting requirements for hazardous materials and USTs, Article 21 prohibits unauthorized releases of hazardous materials and specifies requirements for reporting an unauthorized release, inspections after an unauthorized release, addressing abandoned USTs or hazardous materials handling facilities, and closure of hazardous materials handling facilities.

This Article helps protect the health and safety of the general community and emergency response personnel, such as fire fighters and paramedics. Data on hazardous materials use are stored in a citywide computer system and can be made available to emergency responders. The information assists emergency responders to assess and resolve hazardous materials incidents quickly and safely. Inspections are performed by the City every one to two years or upon complaint. Article 21 incorporates the California Underground Storage Tank Regulations specified in the California Health and Safety Code, Chapters 6.7 and 6.75; Hazardous Materials Release Response Plans and Inventory Regulations requiring preparation of an HMBP, and specified in the California Health and Safety Code, Chapter 6.95, Article 1; Aboveground Petroleum Storage Tank Regulations requiring preparation of a SPCC plan, and specified in

the California Health and Safety Code, Section 25270.5; and hazardous materials management provisions of the Uniform Fire Code requiring Hazardous Materials Inventories specified in Sections 8001.3.2(a) and 8001.3.3(a). It also provides for additional stricter local requirements.

Hazardous Waste Ordinance

Article 22 of the San Francisco Health Code (the Hazardous Waste Ordinance) provides for safe handling of hazardous wastes in the City and County of San Francisco. The ordinance incorporates the state requirements for hazardous waste described in Section 6.5 (Hazardous Waste Management), Article 2 of the California Health and Safety Code as well as the accompanying regulations found in CCR Title 22 and authorizes the SFDPH to implement the requirements of the Hazardous Waste Control Act related to hazardous waste generators in San Francisco. As provided by Article 22, the SFDPH has the authority to conduct inspections of any facilities where hazardous wastes are stored, handled, processed, disposed of, or treated to recover resources and must maintain records to document compliance with the Hazardous Waste Control Act. Hazardous wastes generated at a facility would be disclosed in the Hazardous Materials Certificate of Registration and HMBP prepared for the facility in accordance with Article 21 of the San Francisco Health Code described above. San Francisco Department of Public Health Hazardous Materials Unified Program Agency.

Cal/EPA has adopted regulations implementing a “Unified Hazardous Waste and Hazardous Materials Management Regulatory Program” (Unified Program). The six program elements of the Unified Program are hazardous waste generators and hazardous waste on-site treatment, underground storage tanks, above-ground storage tanks, hazardous material release response plans and inventories, risk management and prevention program, and Uniform Fire Code hazardous substances management plans and inventories. The program is implemented at the local level by a local agency—the Certified Unified Program Agency (CUPA). The CUPA is responsible for consolidating the administration of the six program elements within its jurisdiction. The San Francisco Department of Public Health Hazardous Materials Unified Program Agency (HMUPA) has been granted authority by the State under the Unified Program to enforce the program element regulations pertaining to hazardous materials in the city. These include permitting for hazardous materials storage, underground storage tanks, and hazardous waste generation under the DPH Certificate of Registration Program, described below.

A Hazardous Materials Compliance Certificate is awarded to businesses registered with the SFDPH that provide required annual information as applicable to their facility including: hazardous materials and wastes inventories, use, materials reduction, on-site treatment, and employee training; facility maps;

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emergency response procedures; underground storage tanks management (including forms, leak detection monitoring program, and financial responsibility certificates); medical wastes; regulated substances; aboveground storage tanks; diesel backup generators; and chlorofluorocarbon recovery and recycling. Under the DPH HMUPA, building contractors temporarily storing hazardous materials at a construction site must also apply and receive a HMUPA certificate for storage of hazardous materials during construction and must provide the appropriate fees.

Construction Dust Control Ordinance

The City has adopted Article 22B, Construction Dust Control Ordinance (Dust Ordinance) that requires stringent controls to minimize dust emissions. The Dust Ordinance was adopted in July 2008 and requires that all site preparation work, demolition, or other construction activities within the city to comply with specific dust control measures. For projects over one half-acre, the Dust Control Ordinance requires that the Project Applicant submit a Dust Control Plan (DCP) for approval by the SFDPH prior to issuance of a building permit by DBI.

The Dust Control Ordinance requires Project Applicants and responsible contractors for construction activities to control construction dust on the site or implement other practices that result in equivalent dust control that are acceptable to the Director. Dust suppression activities may include watering all active construction areas sufficiently to prevent dust from becoming airborne; increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Please refer to Section IV.G, Air Quality for additional information.

San Francisco Emergency Operations Plan

San Francisco has an Emergency Operations Plan (EOP) that was developed to ensure allocation of and coordination of resources in the event of an emergency in the city. The plan was prepared using the Standardized Emergency Management System and was developed as an extension of the State Emergency Plan. The EOP includes response to hazardous materials releases and other emergencies.

IMPACTS

SIGNIFICANCE THRESHOLDS

The thresholds for determining the significance of impacts in this analysis are consistent with the environmental checklist in Appendix G of the State *CEQA Guidelines*, which has been adopted and modified by the San Francisco Planning Department. For the purpose of this analysis, the following applicable thresholds were used to determine whether implementing the project would result in a

significant impact to hazards and hazardous materials. The project would have a significant impact with regard to hazards and hazardous materials if it would:

- P.a Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- P.b Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;
- P.c Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
- P.d Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment;
- P.e For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, the project would result in a safety hazard for people residing or working in the project area;
- P.f For a project within the vicinity of a private airstrip, the project would result in a safety hazard for people residing or working in the project area;
- P.g Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan; or
- P.h Expose people or structures to a significant risk of loss, injury, or death involving wildland fires.

PROPOSED PROJECT

The project sponsor proposes to demolish the existing Fairmont Hotel tower and podium structure and construct a 26-story residential tower and a five-story mid-rise residential component, both above a five-story podium structure. The new residential tower would be located on the northeastern corner of the site above the five-story podium. The proposed development would include four levels of below-grade parking, up to a maximum depth of approximately 40 feet below the Powell Street grade at the intersection of Powell and California Streets. The proposed podium, mid-rise residential component, and residential tower would involve excavation of up to 30,000 cubic yards of soil. The proposed project would cover the entire site, however, new construction would be limited to a portion of the property.

IMPACT EVALUATION

The closest existing airport to the Fairmont Hotel property is the San Francisco International Airport, located over 14 miles to the south of the site. The project site is not within an airport land use area or near a private airstrip. Therefore impacts related to safety hazards within the vicinity of an airport are not addressed further in this Draft EIR (Criteria P.e and P.f).

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A Phase I ESA was prepared for the project site in September of 2006.⁸ The following analysis addresses impacts related to hazardous materials use, transport, and disposal, and potential hazards from site contamination based on information in the Phase I ESA.

Impact HZ-1 The proposed project would not result in routine transport, use, or disposal of hazardous materials. (Less than Significant) [Criterion P.a]

The transport, use, or disposal of hazardous materials is typically thought of as routine when it is associated with long-term ongoing activities, such as those required for operation of the proposed project. Construction activities associated with the proposed project would be temporary in nature (36 months) and would not be considered routine as they would not be long-term ongoing activities. The transport, use, and disposal of hazardous materials during construction are discussed below under Impact HZ-2.

During operation, the proposed project would involve residential, hotel, and related support land uses that would require relatively small quantities of hazardous materials associated with janitorial, maintenance, and repair activities (i.e., commercial cleaners, lubricants, or paints), dry cleaning services (solvents), and household cleaning supplies. Use of these hazardous materials would be limited, and transport, storage, use, and disposal of these materials would be subject to federal, state, and local health and safety requirements. All of these products would be labeled to inform users of risks and to instruct them in proper disposal methods. Most of these materials would be consumed or neutralized through use, resulting in little hazardous waste, and would therefore not pose a substantial public health or safety hazard. Solvents associated with the dry cleaning facility would continue to be used as at present under the site's existing permit with the local air board for dry cleaning operations and waste material would continue to be picked up from Safety Kleen every three months. No change in the related hazard would occur. Accordingly, impacts related to the routine transport, use, or disposal of hazardous materials would be less than significant.

Impact HZ-2 The proposed project would not result in reasonably foreseeable upset and accident conditions involving the release of hazardous materials (Less than Significant) [Criterion P.b]

Project-related demolition, excavation, and development of the site 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. Demolition and construction activities related to the proposed project would require the use and transportation of hazardous materials (e.g., fuels,

⁸ ATC Associates, Inc., 2006, *Phase I Environmental Site Assessment*, September. This report is available for review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2008.0081E.

lubricants, paints, adhesives, demolished materials containing asbestos and lead paint) to and from the project site. In addition, construction vehicles would be used on-site that could accidentally release hazardous materials such as oil, grease, solvents or fuels. It is likely that the contractor(s) would store these hazardous materials and vehicles on the site temporarily during the period of construction activities. Accidental releases of hazardous materials during demolition and construction activities could contaminate soil and/or groundwater quality, which could result in adverse health effects to construction workers, the public, and the environment. Grading would occur in bedrock and with little potential to expose groundwater (see Section IV.N, Geology, Soils, and Seismicity and Section IV.O, Hydrology and Water Quality), and thus, the potential for contamination is deemed low. In addition, the construction contractor's expected compliance with requirements related to DPH's Hazardous Materials Unified Program Agency (HMUPA) certificate of storage for hazardous materials during project construction would ensure that potential impacts related to inadvertent release of hazardous materials would be less than significant. In addition, the project sponsor would be expected comply with the requirements of Article 4.1 of the San Francisco Public Works Code, which requires preparation and implementation of a SWPPP (described in Section IV.O, Hydrology and Water Quality on p. IV.O-13), which would further reduce potential impacts related to inadvertent release of hazardous materials. Compliance with the SWPPP and HMUPA requirements would ensure that impacts related to potential releases of hazardous materials during the transport, use, or disposal of hazardous materials during project construction activities would be less than significant.

As discussed above under Impact HZ-1, operation of the proposed project would involve the use of small quantities of hazardous materials associated with janitorial, maintenance, repair, and dry cleaning services. As stated, the use of these hazardous materials would be very limited and would be subject to federal, state, and local health and safety requirements for storage, use, transport, and disposal. Additionally, the site would continue to operate under existing permits for the aboveground storage tank and dry cleaning operations. Continued compliance with the requirements of federal, state, local, and existing permit regulations and procedures would prevent the inadvertent release of hazardous materials. Accordingly, impacts related to potential releases of hazardous materials during operation of the proposed project would be less than significant.

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Impact HZ-3 The proposed project could result in inadvertent release of mercury and polychlorinated biphenyls (PCBs) during demolition. (Less than Significant with Mitigation) [Criterion P.b]

Project demolition could result in an inadvertent release of mercury and PCBs that could expose construction workers, occupants, or visitors to these substances, which could lead to adverse health effects. Although abatement programs similar to those described for asbestos and lead-based paint have not been adopted for PCB and mercury testing and cleanup, items containing PCBs and mercury that are intended for disposal must be managed as hazardous waste and must be handled in accordance with OSHA worker protection requirements. Implementation of **Mitigation Measure M-HZ-3** below, which is also proposed as part of the project per the sponsor's Construction Management Plan would require the removal and proper disposal of PCB- and mercury-containing equipment prior to the start of project construction, including demolition or renovation. Any other hazardous materials identified either before or during demolition or renovation would be abated according to federal, state, and local laws and regulations. Following implementation of **Mitigation Measure M-HZ-3**, impacts related to release of PCBs and mercury during construction would be less than significant.

M-HZ-3: Removal of Hazardous Building Materials

The project sponsor shall ensure that PCB- and mercury-containing equipment are removed and properly disposed of, prior to the start of project-related demolition or renovation.

Impact HZ-4 The proposed project could result in release of naturally-occurring asbestos, lead, or other hazardous materials during excavation. (Less than Significant with Mitigation) [Criterion P.b]

As described above under Setting, the site is underlain by the Franciscan Formation, which is known to contain naturally-occurring asbestos within serpentinite bodies contained in the mélange. Chrysotile asbestos poses a hazard when it is in a crushed (friable) condition and becomes airborne, potentially resulting in adverse health effects for construction workers and the surrounding public and hotel patrons. Potential public health and safety impacts associated with encountering NOA in bedrock during the excavation of the additional parking levels of the podium structure would be a significant impact on the environment and worker and public health and safety under the Bay Area Air Quality Management District's (BAAQMD) CEQA Air Quality Guidelines, unless mitigated. While it is not known whether NOA is present in the bedrock located under the project site, the project sponsor would implement **Mitigation Measure M-HZ-4a: Serpentine Soils Containing Chrysotile Asbestos** on p. IV.P-17 and **Mitigation Measure M-HZ-4b: Health and Safety Plan** on p. IV.P-18, both of which are also proposed

as part of the project per the project sponsor's Construction Management Plan. **Mitigation Measure M-HZ-4a** would require the project sponsor to water the exposed soil during excavation activities and separate and sample serpentine rock if encountered during excavation. **Mitigation Measure M-HZ-4b** would require the preparation of a site-specific Health and Safety Plan to protect construction workers, hotel employees, and the general public during demolition, earthwork, and construction activities. Implementation of **Mitigation Measures M-HZ-4a** and **M-HZ-4b** would reduce this impact to a less-than-significant level.

The Phase I ESA revealed no evidence of hazardous environmental conditions in connection with the project site or surrounding properties; thus, a Phase II ESA was not recommended. However, the proposed project would require net new excavation of about 30 feet below the 10-foot depth of the existing basement level. With project implementation, the maximum depth of the basement levels would be 40 feet below Powell Street grade at the intersection of Powell and California Streets. Because soil to be excavated as part of the proposed project could potentially contain soils with hazardous substances (NOA) and/or 1906 earthquake debris (which has the potential to contain lead and other hazardous materials used during construction of the original structures as well as NOA), the Department of Public Health (DPH) has requested that a Phase II ESA be prepared to aid decisions made for stockpiling, transporting and disposing of excavated soil.

Implementation of **Mitigation Measure M-HZ-4c**, p. IV.P-18, which is also proposed as part of the project per the project sponsor's Construction Management Plan, requires the preparation of a Phase II ESA and characterization of the soils beneath the site. The Phase II ESA would determine the presence of lead or other contaminated soils prior to construction activities at the site. If DPH determines that the soils on the project site are not naturally containing or contaminated with hazardous materials, no further mitigation would be necessary. If DPH determines that soils on the project site are contaminated with hazardous materials at or above potentially hazardous levels, the project sponsor shall prepare a Site Mitigation Plan (SMP) for DPH review and approval. In addition during project-related construction activities, the construction contractor would be required to follow specific practices in handling, hauling, and disposing contaminated soils. Implementation of this measure would reduce any potential hazardous soils impacts on the environment and/or worker health and safety to a less-than-significant level.

M-HZ-4a: Serpentine Soils Containing Chrysotile Asbestos Mitigation Measure

The project sponsor shall ensure that the project/construction/grading contractor will water the site during excavation activities to eliminate visible dust emissions during excavation of the additional levels of

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parking, and take other steps to minimize dust generation during excavation and transport of soils/rock containing NOA. If serpentine rock is encountered during excavation, it shall be separated from other materials and sampled for asbestos. Excavated materials containing over one percent friable asbestos shall be treated as hazardous waste, requiring notification of the BAAQMD, and its transportation and disposal shall occur in accordance with applicable State and federal regulations. These procedures are intended to mitigate any potential health risks related to chrysotile asbestos, which may or may not be located on the project site.

M-HZ-4b: Health and Safety Plan

The contactor(s) shall prepare a site-specific Health and Safety Plan (HASP) in accordance with applicable Cal/OSHA requirements to protect construction workers, hotel employees, and the general public (including hotel patrons and neighboring residents) during demolition, earthwork, and construction activities. The HASP shall include dust control measures specified in Mitigation Measure M-HZ-4a.

In addition, the HASP shall identify the following protocols to be implemented from the time of surface disruption through the completion of construction. The protocols shall include at a minimum:

- Appropriate site security to prevent unauthorized pedestrian/vehicular entry, such as fencing or other barriers;
- Posting of “no trespassing” signs;
- Providing on-site meetings with construction workers to inform them about security measures and reporting/contingency procedures;
- Worker training requirements;
- Procedures for implementing a contingency plan and reporting if unanticipated hazardous are encountered (e.g., buried tanks);
- Point of contact at the construction site for neighbors who have concerns or questions; and,
- Personnel responsible for plan implementation.

The HASP shall be provided to DPH and the San Francisco Police Department prior to demolition activities on-site.

M-HZ-4c: Phase II ESA and Soils Characterization

The project sponsor shall ensure that the following steps are completed prior to earth-moving activities at the project site.

A. Determination of Presence of Lead or Other Contaminated Soils

A Phase II Environmental Site Assessment (ESA) shall be prepared for the portion of the project site where there would be earth-moving activities. Soil samples shall be collected by a qualified environmental professional (e.g., Professional Geologist, Professional Engineer or certified contaminated soil assessor [REA]). All sampling work shall be completed under the direction of the Department of Public Health (DPH). If DPH determines that the soils on the project site are not contaminated with hazardous materials at or above a potentially hazardous level, no further mitigation measures with regard to contaminated soils on the site would be necessary.

B. Preparation of Site Mitigation Plan

If DPH determines that soils on the project site are contaminated with hazardous materials at or above potentially hazardous levels, the project sponsor shall prepare a Site Mitigation Plan (SMP). The SMP shall be submitted to the DPH for review and approval. The SMP shall include a discussion of the level hazardous materials at the project site and mitigation measures for managing contaminated soils on the site, including but not limited to:

- The alternatives for managing contaminated soils on the site (e.g., encapsulation, partial or complete removal, treatment, recycling for reuse, or a combination);
- The preferred alternative for managing contaminated soils on the site and a brief justification;
- The specific practices to be used to handle, haul, and dispose of contaminated soils on the site;
- Provisions for testing any stockpiled soils prior to their disposal; and
- An assessment of potential health impacts from air emissions associated with soil excavation, identification of any applicable local standards that may be exceeded (including dust levels), risk of upset should there be an accident during the transport of contaminated soil, real-time air monitoring for contaminants of concern and action levels for air contaminants (including corrective actions to be taken in the event that action levels are reached during air monitoring), and emergency response procedures during soil excavation.

C. Handling, Hauling and Disposal of Lead and Other Contaminated Soils

The following practices shall be followed by the contractor(s) during construction of the proposed project. If DPH determines that the soils on the project site are contaminated with hazardous materials at or above potentially hazardous levels:

- Specific work practices. The construction contractor shall be alert for the presence of soils containing hazardous materials during excavation and other construction activities on the site (detected through soil odor, color, and texture and results of on-site soil testing), and shall be

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prepared to handle, profile (i.e., characterize) and dispose of such soils and dewatered groundwater appropriately (i.e., as dictated by local, State and federal regulations, including Cal/OSHA lead-safe work practices) if such materials are encountered on the site.

- Dust suppression. Soils exposed during excavation for site preparation and project construction activities shall be kept moist throughout the time they are exposed, both during and after work hours.
- Surface water runoff control. Where soils are stockpiled, visqueen (or equivalent liner) shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather.
- Soils replacement. If necessary, clean fill or other suitable material(s) shall be used to bring portions of the project site, where lead or other contaminated soils have been excavated and removed, up to construction grade.
- Hauling and disposal. Contaminated soils shall be hauled off the project site by waste hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste facility registered with the State of California.
- Haul trucks leaving the site shall have their tires washed clean prior to leaving the site to remove any contaminated material.

D. Report Preparation

After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a report to DPH for review and approval which shall include: mitigation measures in the SMP for handling and removing any contaminated soils from the project site, a description of whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures (if applicable).

Impact HZ-5 The proposed project could result in release of asbestos containing materials and lead-based paint during demolition. (Less than Significant) [Criterion P.b]

Due to their age, the 1960's hotel tower, podium structure and historic 1906 Fairmont Hotel may contain asbestos-containing materials and lead-based paint. As described in the Setting section above, demolition of structures where lead or material containing lead is present would be subject to Chapter 34, Section 3407 of the San Francisco Building Code, Work Practices for Lead-Based Paint on Pre-1979 Buildings and Steel Structures. Additionally, removal of asbestos or suspected ACMs are subject to Section 19827.5 of the California Health and Safety Code and BAAQMD requirements based on regulations contained in CCR Title 8 Section 1529 and 341.6 through 341.14. These requirements also apply to contractors and haulers. All lead-based paint and asbestos materials would be handled and disposed of in accordance with applicable regulations and procedures. DBI would not issue the required demolition and building permits

until the project sponsor has complied with and documented the appropriate and required noticing and recording processes by the contractor and hauler. These regulations and procedures, already established as part of the building permit review process, would ensure that any potential impacts due to lead-based paint and asbestos would be less than significant.

While asbestos impacts would be less than significant, the Phase I ESA recommended that an Asbestos Operations and Maintenance Plan be prepared by the project sponsor to manage known ACMs in the building. **Improvement Measure I-HZ-5** Asbestos Operations and Maintenance Plan which is also proposed as part of the project per the sponsor's Construction Management Plan would further reduce the less-than-significant asbestos-related impacts. Although not required by CEQA, City decision-makers, including the Planning Commission, may impose this measure as a condition of approval on the proposed project where warranted by project effects.

I-HZ-5: Asbestos Operations and Maintenance Plan

The project sponsor shall prepare an Asbestos Operations and Maintenance Plan to manage the known ACMs in the building. The plan shall be prepared and provided to DPH, prior to the start of project construction.

Impact HZ-6 The proposed project could result in a significant impact with regard to the emission of hazardous emissions or handling of hazardous or acutely hazardous materials within one-quarter mile of a school. (Less than Significant) [Criterion P.c]

The project site is located within one-quarter mile of two schools: Gordon J. Lau Elementary School, located 0.11 mile northeast at 950 Clay Street; and Commodore Stockton Child Development Center, located 0.16 mile north of the site at 949 Washington Street. The proposed project would involve residential, hotel, and related support land uses that would not emit or handle substantial amounts of hazardous or acutely hazardous emissions or materials. Minor amounts of hazardous materials associated with janitorial, maintenance, repair, and dry cleaning services would continue to be used at the site. No regulated, acutely hazardous substances are currently registered for use at the site. Hazardous materials brought on-site during and following construction of the proposed project would be managed in accordance with federal, State, and local regulations. Any acutely hazardous materials, if stored on site following construction of the proposed project, would be managed with oversight by DPH HMUPA and through compliance with federal, state, and local and hazardous materials management regulations. Dry cleaning operations would continue in compliance with the regulations of the existing air board permit. The purpose of these regulations is to reduce the potential for hazardous materials emergencies and

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potential impacts on sensitive receptors. With continued compliance with applicable hazardous materials management requirements and operational permits, the use and emissions of acutely hazardous materials in proximity to schools would be a less-than-significant impact.

Impact HZ-7 The proposed project could create a significant hazard to the public or the environment as a result of the project site's inclusion on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. (Less than Significant) [Criterion P.d]

As discussed above, the Phase I ESA included a review of public databases of hazardous materials sites. The review indicates that the site is listed on federal and state databases as having generated hazardous wastes (HAZNET, underground storage tank, leaking underground storage tank, Cortese, and EMI). The Phase I ESA determined that the site's handling of hazardous materials, which require inclusion on the HAZNET database, is likely related to the hotel's dry cleaning service, degreasing of metal parts associated with operational systems and machinery, and past asbestos abatement work.⁹ The project site's inclusion on the underground storage tank (UST), leaking UST, and Cortese databases results from the former operation of six tanks at the site; however, all tanks have been removed or closed in place. The leaking tank case was closed in 1999 by regulatory agencies and no further action was required. Additionally, the Phase I ESA indicated that the project site is listed on the EMI database due to the operation of the hotel's dry cleaners. The dry cleaner currently operates under a discharge permit from the local air board and would continue to do so following implementation of the proposed project. According to the Phase I ESA, none of these listings indicate a likely past, present, or material threat of release of hazardous materials at the site. As such, impacts related to the site's inclusion on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 would be less than significant as none of the listings was determined by the Phase I ESA to represent a recognized or potential environmental condition at the site and no evidence or threat of release was observed.

Impact HZ-8 The proposed project would not impair or interfere with an adopted Emergency Response Plan. (Less than Significant) [Criterion P.g]

As discussed above under local regulatory setting, the City's EOP ensures allocation of and coordination of resources in the event of an emergency and includes response to hazardous materials releases and other emergencies. The proposed project would be required to be consistent with the policies of the *San Francisco General Plan* Disaster Preparedness and Safety Element and construction and operational activities would be coordinated and designed to prevent the obstruction of emergency evacuation routes.

⁹ ATC Associates, Inc., 2006, p. 27.

As discussed in Section IV.E, Transportation and Circulation, implementation of **Improvement Measure I-TR-5.1**, p. IV.E-43, would encourage the project construction contractor to prepare a traffic control plan in coordination with DPW, the SFMTA (including SFMTA's Chief Inspector), the Fire Department, MUNI, the Planning Department, and other City agencies to reduce potential temporary construction impacts. The proposed project would also be consistent with the objectives of the City's *Disaster Mitigation Plan*. The proposed project would not impair or interfere with an adopted Emergency Response Plan and therefore the impact would be less than significant.

Impact HZ-9 The proposed project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires. (No Impact) [Criterion P.h]

The project site is located in an urbanized area of San Francisco that does not include wildlands or high fire hazard terrain or vegetation. San Francisco ensures fire safety primarily through provisions of the Building Code and the Fire Code. Existing buildings are required to meet standards contained in these codes. The proposed project would conform to the most current code standards, including development of an emergency response procedure manual and an exit drill plan. Construction of the proposed project would include the required fire protective systems and procedures to be followed in the case of fire or other emergencies as required by Section 12.202(e)(1) of the San Francisco Fire Code for buildings over 75 feet in height. Potential fire hazards (including those associated with hydrant water pressure and emergency access) would be addressed during the permit review process. Conformance with these standards would ensure appropriate life safety protections for the residential structures. The proposed project would not expose people or structures to a significant risk of loss associated with wildland fires; therefore no impact would occur.

CUMULATIVE IMPACTS

Impacts from hazards and hazardous materials are generally localized and site-specific and typically do not result in cumulative impacts. The proposed project, combined with cumulative projects in the area, could result in cumulative impacts related to excavation and disposal of soil; exposure to NOA; exposure of construction workers to lead, asbestos, and other hazardous building materials during construction activities; and the handling, storage, use, transport, and disposal of hazardous waste during construction and/or operation. These cumulative projects would be subject to oversight by federal, State, regional and local agency regulations and policies and code requirement similar to proposed project. Therefore, compliance with these regulations and site-specific hazardous materials management would ensure that no cumulatively considerable impacts would occur.

MITIGATION AND IMPROVEMENT MEASURES

MITIGATION MEASURES

Implementation of Mitigation Measures M-HZ-3, M-HZ-4a, M-HZ-4b, and M-HZ-4c would reduce potential hazards and hazardous materials, and public health and safety impacts to construction workers and the general public to less-than-significant levels.

IMPROVEMENT MEASURE

Implementation of Improvement Measure I-HZ-5 would further reduce the less-than-significant asbestos impact. Although not required by CEQA, City decision-makers, including the Planning Commission, may impose this measure as a condition of approval on the proposed project where warranted by project effects.