

## CALIFORNIA ENVIRONMENTAL QUALITY ACT STATEMENT OF FINDINGS

The Department of Toxic Substances Control (DTSC) has issued Findings for this project pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, Division 13, Section 21081) and implementing Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15091 et seq.)

### A. PROJECT SUBJECT TO DTSC APPROVAL

PROJECT TITLE: Forestar Countryside Property Removal Action Workplan		CALSTARS CODING:
PROJECT ADDRESS: 9581 Chino Avenue	CITY: Ontario	COUNTY: San Bernardino
PROJECT SPONSOR: Forestar Countryside, LLC	CONTACT: Angela Turner	PHONE/ EMAIL: 714-484-5450 Angela.turner@dtsc.ca.gov

APPROVAL ACTION UNDER CONSIDERATION BY DTSC:			
<input type="checkbox"/> Initial Permit Issuance	<input type="checkbox"/> Permit Renewal	<input type="checkbox"/> Permit Modification	<input type="checkbox"/> Closure Plan
<input checked="" type="checkbox"/> Removal Action Workplan	<input type="checkbox"/> Remedial Action Plan	<input type="checkbox"/> Interim Removal	<input type="checkbox"/> Regulations
<input type="checkbox"/> Other (specify):			

STATUTORY AUTHORITY:	
<input type="checkbox"/> California H&SC, Chap. 6.5	<input checked="" type="checkbox"/> California H&SC, Chap. 6.8
<input type="checkbox"/> Other (specify):	

PROJECT DESCRIPTION
<p><b>Project Description:</b> The project involves approval of a Removal Action Workplan (RAW) for the Forestar Countryside Site (Site). The cleanup decision document, referred to as a Removal Action Workplan (RAW), summarized investigation activities and analysis for polychlorinated biphenyls (PCBs), metals, and organochlorine pesticides (OCPs). OCPs and arsenic are present at concentrations above action levels and a Removal Action is warranted.</p> <p><b>Background:</b> The Site was predominantly used as a vineyard from the 1930's through the late 1960's. The Site was used for dairy farming purposes from the 1970s to approximately 2007. It was reported that OCPs such as Dichlorodiphenyltrichloroethane (DDT), Dichlorodiphenyldichloroethylene (DDE), Dichlorodiphenyldichloroethane (DDD), Dieldrin, and Toxaphene were used at the Site as pesticides to spray the cows as fumigation for flies and fleas. The spreading of pesticides occurred mostly along the trough (feeding lane). Structures associated with the previous dairy farm on the Site were cleared in 2010 and the Site has been vacant since that time. The Site owner entered into a Voluntary Cleanup Agreement (Docket Number: HSA-FY 18/19-040) with DTSC to facilitate site remediation and certification for redevelopment with homes.</p> <p><b>Project Activities:</b> The draft RAW proposes excavation, transportation, and off-site disposal of contaminated soil over a period of 6 to 8 weeks. In addition, clean import soil may be used to backfill excavated areas. The following project-specific activities are intended to prevent exposure of contaminants to future site occupants and protect the environment.</p> <ul style="list-style-type: none"> <li>• <b>Excavation</b> – Approximately 13,500 cubic yards (950 truckloads) of contaminated soil will be excavated and loaded onto trucks for disposal. Standard equipment including backhoes, excavators, and front-end loaders and/or other appropriate equipment will be used to conduct excavation activities. Clean import soil may be used to backfill excavated areas (up to 950 additional truckloads assuming all excavated soil will be backfilled). Confirmation sampling will be conducted to ensure cleanup goals have been met.</li> </ul>

Based on the presence of arsenic above the background level in the excavation area, it is anticipated that South Coast Air Quality Management District (SCAQMD) Rule 1466 requirements for the control of dust emissions from contaminated soil will apply. Rule 1466 requires reducing particulate emissions in the ambient air caused by earth-moving activities of impacted soil (i.e. excavating, grading, soil handling, treating, stockpiling, and transferring/disposal). The monitoring program in the RAW includes real time monitoring of PM<sub>10</sub> with at least one upwind and one downwind monitor during earth moving activities. If the PM<sub>10</sub> concentration averaged over two hours exceeds 25 micrograms per cubic meter, then mitigation measures (e.g., use of dust suppressants) will be implemented prior to resumption of excavation activities.

Project-related air emissions were modeled using CalEEMod (2016.3.2) and used to determine compliance with SCAQMD air quality significance thresholds (April 2019). Based on the modeling results, project-related activities would generate less than 4% of all allowable air emissions.

- **Transportation and Off-Site Disposal** – Based on the results of sample analysis, soils will be classified as either non-hazardous, California hazardous, or federal Resource Conservation and Recovery Act (RCRA) waste. Contaminated soil will be transported by truck to an approved off-site disposal facility. An approved truck route will be followed for trucks disposing contaminated soil.

DTSC utilized information and analysis in the Countryside Specific Plan, Final Environmental Impact Report to support a final determination about the type of environmental document required to be prepared for the proposed Forestar Countryside Property Removal Action Workplan as provided by Sections 15162, 15163, and 15164 of the CEQA Guidelines. Specifically, the Final EIR analyzed potential impacts related to contaminated soils in Section 3.6.5 (Hazards and Hazardous Materials) and analyzed potential impacts related to excavation and off-site disposal activities in Section 3.2.5 (Air Quality), Section 3.3.6 (Biological Resources), Section 3.4.5 (Cultural Resources), Section 3.5.5 (Geology and Soils), Section 3.7.5 (Hydrology and Water Quality), Section 3.8.5 (Noise), and Section 3.10.5 (Transportation/Traffic).

**B. LEAD AGENCY ENVIRONMENTAL DOCUMENT REVIEWED**

Lead Agency: City of Ontario
Lead Agency Environmental Document Title: Countryside Specific Plan, Final Environmental Impact Report
Date Certified: April 18, 2006
State Clearinghouse Number: 2004071001

**C. STATEMENT OF FINDINGS AND FACTS FOR ADEQUACY OF LEAD AGENCY ENVIRONMENTAL DOCUMENT**

Using its independent judgment, DTSC makes the following findings:

<input checked="" type="checkbox"/> The Lead Agency Final Environmental Document includes a description of the Project now before DTSC for decision
<input checked="" type="checkbox"/> The Lead Agency Final Environmental Document adequately analyzed impacts associated with the Project before DTSC for decision.
<input checked="" type="checkbox"/> DTSC concurs with the findings made by the Lead Agency Final Environmental Document relating to the Project before DTSC for decision.
<input checked="" type="checkbox"/> Mitigation measures are included in the Lead Agency Final Environmental Document for the following resources that would potentially be affected by the DTSC project and have been or will be implemented by the project proponent:

<input type="checkbox"/> Aesthetics	Mitigation Measure: None
<input type="checkbox"/> Agricultural Resources	Mitigation Measure: None
<input checked="" type="checkbox"/> Air Quality	Mitigation Measure: AQ-1, AQ-1-SP (refer to the Countryside Specific Plan Final Environmental Impact Report, Chapter 11 (March 2006), as attached).
<input checked="" type="checkbox"/> Biological Resources	Mitigation Measure: BIO-1(a)-SP, BIO-2(a)-SP, BIO-2(b)-SP, BIO-2(c)-SP, BIO-2(d)-SP, BIO-4-SP, BIO-5-SP (refer to the Countryside Specific Plan Final Environmental Impact Report, Chapter 11 (March 2006), as attached).
<input checked="" type="checkbox"/> Cultural Resources	Mitigation Measure: C-1, CUL-2(a)-SP, CUL-2(b)-SP, CUL-2(c)-SP, CUL-3(a)-SP, CUL-3(b)-SP, CUL-3(c)-SP, CUL-4-SP (refer to the Countryside Specific Plan Final Environmental Impact Report, Chapter 11 (March 2006), as attached).
<input checked="" type="checkbox"/> Geology/ Soils	Mitigation Measure: GEO-2(a)-SP, GEO-2(b)-SP, GEO-2(b)-SP (refer to the Countryside Specific Plan Final Environmental Impact Report, Chapter 11 (March 2006), as attached).
<input type="checkbox"/> Greenhouse Gas Emissions	Mitigation Measure: None
<input checked="" type="checkbox"/> Hazards/Hazardous Materials	Mitigation Measure: HM-1, HM-1(a)-SP, HM-1(b)-SP, HM-1(c)-SP, HM-1(d)-SP, HM-1(e)-SP, HM-2(a)-SP, HM-2(b)-SP, HM-2(c)-SP (refer to the Countryside Specific Plan Final Environmental Impact Report, Chapter 11 (March 2006), as attached).
<input checked="" type="checkbox"/> Hydrology/ Water Quality	Mitigation Measure: WQ-5, WQ-6, WQ-7, WQ-8 (refer to the Countryside Specific Plan Final Environmental Impact Report, Chapter 11 (March 2006), as attached).
<input type="checkbox"/> Land Use/Planning	Mitigation Measure: None
<input type="checkbox"/> Mineral Resources	Mitigation Measure: None
<input checked="" type="checkbox"/> Noise	Mitigation Measure: N-6, N-7, N-8, N-9, NOI-1-SP (refer to the Countryside Specific Plan Final Environmental Impact Report, Chapter 11 (March 2006), as attached).
<input type="checkbox"/> Population/Housing	Mitigation Measure: None
<input type="checkbox"/> Public Services	Mitigation Measure: None
<input type="checkbox"/> Recreation	Mitigation Measure: None
<input type="checkbox"/> Transportation/Traffic	Mitigation Measure: None
<input type="checkbox"/> Utilities/ Service Systems	Mitigation Measure: None

Mitigation measures identified in the Lead Agency Final Environmental Document have been adopted by DTSC for this Project and have been or will be implemented by the project proponent to avoid, reduce, or substantially lessen the project impacts. No additional mitigation measures are necessary, and no additional mitigation monitoring plan is required pursuant to CEQA.

For each significant environmental effect identified for the Project:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the Lead Agency Final Environmental Document.

Such changes or alterations are within the responsibility and jurisdiction of City of Ontario and not DTSC.

Such changes have been adopted by this public agency or can and should be adopted by this public agency.

Mitigation measures included in the Lead Agency Final Environmental Document are infeasible, and therefore, will not be incorporated into the DTSC Project for the following reasons:

**Based on the above findings, DTSC concludes:**

The proposed Project will not result in significant and unavoidable effects to the environment.

The proposed Project will result in significant and unavoidable effects to the following environmental resources:\*

<input type="checkbox"/> Aesthetics
<input type="checkbox"/> Agricultural Resources
<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources
<input type="checkbox"/> Cultural Resources
<input type="checkbox"/> Geology/ Soils
<input type="checkbox"/> Greenhouse Gas Emissions
<input type="checkbox"/> Hazards/Hazardous Materials
<input type="checkbox"/> Hydrology/ Water Quality
<input type="checkbox"/> Land Use/Planning
<input type="checkbox"/> Mineral Resources
<input type="checkbox"/> Noise
<input type="checkbox"/> Population/Housing
<input type="checkbox"/> Public Services
<input type="checkbox"/> Recreation
<input type="checkbox"/> Transportation/Traffic
<input type="checkbox"/> Utilities/ Service Systems

\*Impacts to these resources would remain significant even after applying mitigation measures described in the Lead Agency Final Environmental Document, or there is no feasible mitigation available.

\*In accordance with Cal. Code of Regs., title 14, section 15093, a Statement of Overriding Considerations was adopted by the Lead Agency for these resources. DTSC adopts a Statement of Overriding Considerations for these resources having determined that the DTSC Project benefits outweigh the significant environmental effects for the following reasons:

None of the conditions requiring a subsequent EIR or Negative Declaration pursuant to Cal. Code Regs., title 14 Section 15162 exist.

In accordance with Cal. Code of Regs., title 14, section 15093, a Notice of Determination indicating the results of said Findings will be filed with the Governor’s Office of Planning and Research/ State Clearinghouse.

**D. CERTIFICATION**

		<u>3/6/2020</u>
Project Manager Signature		Date
<u>Angela Turner</u>	<u>Senior Environmental Scientist</u>	<u>(714) 484-5477</u>
Project Manager Name	Project Manager Title	Phone #
		<u>3/5/20</u>
Supervisor Signature		Date
<u>Javier Hinojosa</u>	<u>Branch Chief</u>	<u>(714) 484-5484</u>
Supervisor Name	Supervisor Title	Phone #