## 5. Environmental Analysis

## 5.8 HAZARDS AND HAZARDOUS MATERIALS

This section evaluates the potential impacts of the proposed project on human health and the environment due to exposure to hazardous materials or conditions associated with the project site, project construction, and project operations. Potential project impacts and appropriate mitigation measures or standard conditions are included as necessary. The analysis in this section is based, in part, upon the following source(s):

- Phase I Environmental Site Assessment Report, Citadel Environmental Services Inc., March 15, 2017. (Appendix H1)
- Phase I Environmental Site Assessment Addendum Letter, Citadel Environmental Services Inc., May 22, 2019.
   (Appendix H1)
- Methane Survey Report, Citadel Environmental Services Inc., April 13, 2018. (Appendix H1)

Complete copies of these studies are included in the DEIR Appendix H1, H2, and H3.

## 5.8.1 Environmental Setting

### 5.8.1.1 REGULATORY BACKGROUND

## **Resource Conservation and Recovery Act**

The Resource Conservation and Recovery Act (RCRA) of 1976 (42 USC. § 6901 et seq.) is the principal federal law that regulates the generation, management, and transportation of waste. Hazardous waste management includes the treatment, storage, or disposal of hazardous waste. The RCRA gave the US Environmental Protection Agency (EPA) the authority to control hazardous waste from "cradle to grave," that is, from generation to transportation, treatment, storage, and disposal, at active and future facilities. It does not address abandoned or historical sites. The RCRA also set forth a framework for managing nonhazardous wastes. Later amendments required phasing out land disposal of hazardous waste and added underground tanks storing petroleum and other hazardous substances.

## **Emergency Planning and Community Right-to-Know Act**

Title III of SARA authorized the Emergency Planning and Community Right-to-Know Act (EPCRA; 42 USC § 11001 et seq.) to inform communities and citizens of chemical hazards in their areas by requiring businesses to report the locations and quantities of chemicals stored onsite to state and local agencies; releases to the environment of more than 600 designated toxic chemicals; offsite transfers of waste; and pollution prevention measures and activities and to participate in chemical recycling. The EPA maintains and publishes an online, publicly available, national database of toxic chemical releases and other waste management activities by certain industry groups and federal facilities—the Toxics Release Inventory.

To implement EPCRA, each state appointed a state emergency response commission to coordinate planning and implementation activities associated with hazardous materials. The commissions divided their states into emergency planning districts and named a local emergency planning committee for each district. The federal

EPCRA program is implemented and administered in California Governor's Office of Emergency Services (Cal OES), a state commission, 6 local committees, and 81 Certified Unified Program agencies (CUPAs). Cal OES coordinates and provides staff support for the commission and local committees.

#### **Toxic Substances Control Act**

The Toxic Substances Control Act (TSCA) of 1976 provides EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon and lead-based paint. Title IV of the TSCA directs EPA to regulate lead-based paint hazards.

TSCA's sections 402/404 requires that those engaged in lead abatements, risk assessments and inspections in homes or child-occupied facilities (such as day care centers and kindergartens) built prior to 1978 be trained and certified in specific practices to ensure accuracy and safety. TSCA Section 403, Residential Hazard Standards for Lead in Paint, Dust and Soil, sets standards for dangerous levels of lead in paint, household dust, and residential soil.

### Occupational Safety and Health Act

The federal Occupational Safety and Health Act (OSHA) of 1970 (29 USC § 651 et seq.) authorizes each state (including California) to establish their own safety and health programs with the US Department of Labor, Occupational Safety and Health Administration (OSHA) approval. The California Department of Industrial Relations regulates implementation of worker health and safety in California. California OSHA enforcement units conduct on-site evaluations and issue notices of violation to enforce necessary improvements to health and safety practices. California standards for workers dealing with hazardous materials are contained in Title 8 of the California Code of Regulations (CCR) and include practices for all industries (General Industrial Safety Orders), and specific practices for construction and other industries. Workers at hazardous waste sites (or working with hazardous wastes as might be encountered during excavation of contaminated soil) must receive specialized training and medical supervision according to the Hazardous Waste Operations and Emergency Response (HAZWOPER) regulations.

OSHA Regulation 29 Code of Federal Regulations Standard 1926.62 regulates the demolition, renovation, or construction of buildings involving lead materials. Federal, State, and local requirements also govern the removal of asbestos or suspected asbestos-containing materials (ACMs), including the demolition of structures where asbestos is present. All friable (crushable by hand) ACMs, or non-friable ACMs subject to damage, must be abated prior to demolition following all applicable regulations.

#### Title 40, Code of Federal Regulations, Section 61 Subpart M

Title 40 CFR Section 61 Subpart M—National Emissions Standards for Asbestos—sets forth emissions standards for asbestos from demolition and renovation activities, and for waste disposal from such activities.

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### Title 40, Code of Federal Regulations, Part 745

Contains regulations developed under sections 402 and 406 of the Toxic Substances Control Act and applies to all renovations performed for compensation in target housing and child-occupied facilities. The purpose of this subpart is to ensure the following:

- Owners and occupants of target housing and child-occupied facilities receive information on lead-based paint hazards before these renovations begin; and
- Individuals performing renovations regulated in accordance with §745.82 are properly trained; renovators and firms performing these renovations are certified; and the work practices in §745.85 are followed during these renovations.

### Title 29, Code of Federal Regulations, Section 1926.62

Title 29 CFR Section 1926.62, sets standards for occupational health and environmental controls for lead exposure in construction, regardless of the lead content of paints and other materials. The standards include requirements addressing exposure assessment, methods of compliance, respiratory protection, protective clothing and equipment, hygiene facilities and practices, medical surveillance, medical removal protection, employee information and training, signs, recordkeeping, and observation and monitoring. US Environmental Protection Agency's Lead Renovation, Repair and Painting Program Rules

EPA's 2008 Lead-Based Paint Renovation, Repair and Painting (RRP) Rule (as amended in 2010 and 2011), aims to protect the public from lead-based paint hazards associated with renovation, repair and painting activities. These activities can create hazardous lead dust when surfaces with lead paint, even from many decades ago, are disturbed. The rule requires workers to be certified and trained in the use of lead-safe work practices, and requires renovation, repair, and painting firms to be EPA-certified. These requirements became fully effective April 22, 2010.

#### Federal Aviation Administration

The basic responsibilities of the Federal Aviation Administration (FAA), under the US Department of Transportation, are the regulation of civil aviation to promote safety, airspace and air traffic management, and the regulation of commercial space transportation. CFR contains standards for aircraft noise emission levels.

#### State

### California Environmental Protection Agency

The California Environmental Protection Agency (Cal/EPA) was created in 1991, unifying California's environmental authority in a single cabinet-level agency and bringing the California Air Resources Board (Air Resources Board), State Water Resources Control Board, RWQCBs, California Department of Resources Recycling and Recovery (known as CalRecyle and formerly the Integrated Waste Management Board), Department of Toxic Substances Control (DTSC), Office of Environmental Health Hazard Assessment, and Department of Pesticide Regulation under one agency. These agencies were placed within the Cal/EPA

"umbrella" for the protection of human health and the environment and to ensure the coordinated deployment of state resources. Its mission is to restore, protect, and enhance the environment, to ensure public health, environmental quality, and economic vitality.

### Department of Toxic Substance Control

The DTSC is a department of Cal/EPA and is the primary agency in California that regulates hazardous waste, cleans-up existing contamination, and looks for ways to reduce the hazardous waste produced in California. The DTSC regulates hazardous waste in California primarily under the authority of the federal RCRA and the California Health and Safety Code (primarily Division 20, Chapters 6.5 through 10.6, and Title 22, Division 4.5). Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning.

Government Code Section 65962.5 (commonly referred to as the Cortese List) includes DTSC-listed hazardous waste facilities and sites, Department of Health Services (DHS) lists of contaminated drinking water wells, sites listed by the State Water Resources Control Board as having underground storage tank (UST) leaks and which have had a discharge of hazardous wastes or materials into the water or groundwater, and lists from local regulatory agencies of sites that have had a known migration of hazardous waste/material.

### Regional Water Quality Control Board

The RWQCB is a department of Cal/EPA that oversees investigation and cleanup of sites including underground storage tanks where wastes have been discharged in order to protect the water quality of the state. The RWQCB regulates wastewater discharges to surface waters and to groundwater. They also regulate storm water discharges from construction, industrial, and municipal activities

#### California Health and Safety Code

Cal/EPA has established rules governing the use of hazardous materials and the management of hazardous wastes. California Health and Safety Code Sections 25531, et seq. incorporate the requirement of Superfund Amendments and Reauthorization Act and the Clean Air Act as they pertain to hazardous materials. Health and Safety Code Section 25534 directs owners or operators storing, handling, or using regulated substances exceeding threshold planning quantities to develop and implement a Risk Management Plan. The Risk Management Plans are submitted to the administering agency and possibly USEPA, depending upon the chemical and the amount, for review.

#### Hazardous Materials Release Response Plans and Inventory Law

The Hazardous Materials Release Response Plans and Inventory Law (Health and Safety Code § 25500 et seq.), aims to minimize the potential for accidents involving hazardous materials and to facilitate an appropriate response to possible hazardous materials emergencies. The law requires businesses that use hazardous materials to provide inventories of those materials to designated emergency response agencies, to illustrate on a diagram where the materials are stored onsite, to prepare an emergency response plan, and to train employees to use the materials safely. Any business that handles hazardous materials in quantities equal to or greater than 55 gallons, 500 pounds, or 200 cubic feet of gas must submit a business plan.

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### Hazardous Materials Transportation

Section 31303 of the California Vehicle Code and US Department of Transportation regulate hazardous materials transport. The California Highway Patrol and California Department of Transportation are the enforcement agencies. Cal OES provides emergency response services involving hazardous materials incidents.

### Worker and Workplace Hazardous Materials Safety

The California Division of Occupational Safety and Health (Cal/OSHA) is responsible for developing and enforcing workplace safety standards and ensuring worker safety in the handling and use of hazardous materials. Among other requirements, Cal/OSHA obligates many businesses to prepare Injury and Illness Prevention Plans and Chemical Hygiene Plans. The Hazard Communication Standard requires that workers be informed of the hazards associated with the materials they handle.

### Hazardous Materials in Structures: Asbestos-Containing Materials and Lead-Based Paint

Several regulations and guidelines pertain to abatement of and protection from exposure to ACM and lead-based paint (LBP), including Construction Safety Orders 1529 (pertaining to ACM) and Section 1532.1 (pertaining to LBP) from Title 8 of the California Code of Regulations, and Part 61, Subpart M, of the Code of Federal Regulations (pertaining to ACM). In California, ACM and LBP abatement must be performed and monitored by contractors with appropriate certification from the California Department of Health Services. Asbestos is also regulated as a hazardous air pollutant under the Clean Air Act and a potential worker safety hazard under the authority of Cal/OSHA.

Requirements for limiting asbestos emissions from building demolition and renovation are specified in SCAQMD Rule 1403 (Asbestos Emissions from Demolition/Renovation Activities). California Government Code Sections 1529 and 1532.1 provide for exposure limits, exposure monitoring, respiratory protection and good working practice by workers exposed to lead and ACMs.

#### Requirements for Phase I Environmental Site Assessments

Phase I Environmental Site Assessments are required for land purchasers to qualify for the Innocent Landowner Defense under CERCLA, to minimize environmental liability under other laws such as RCRA, and as a lender prerequisite to extend a loan for purchase of land.

### Certified Unified Program Agency

A Certified Unified Program Agency (CUPA) is an agency of a county or city that administers several state programs regulating hazardous materials and hazardous wastes. San Bernardino County Fire is the CUPA for all incorporated cities and towns and unincorporated areas. County Fire administers the following programs:

- Hazardous Materials Release Response Plans and Inventory Program
- California Accidental Release Prevention Program, a combination of federal and state programs for the prevention of accidental release of regulated toxic and flammable substances

- Underground Storage Tanks Program
- Aboveground Petroleum Storage Act Program
- Hazardous Waste Generator and Onsite Hazardous Waste Treatment Programs Program
- Hazardous Materials Management Plan (HMMP) and Hazardous Material Inventory Statement (HMIS) in California Fire Code Program.

California Health and Safety Code, Sections 17920.10 and 105255

Lead must be contained during demolition activities.

8 CCR Sections 1529 and 1532.1: Worker Safety Standards: Asbestos and Lead

CCR Title 8 Section 1529 sets forth worker safety standards for lead exposure for employees conducting demolition, construction, and renovation work, including painting and decorating.

CCR Title 8 Section 1532.1 sets forth worker safety standards for employees in work including construction, demolition, renovation, and maintenance.

#### California Aeronautics Act

The State California Aeronautics Act of the California Public Utilities Code establishes statewide requirements for the airport land use compatibility planning and requires nearly every county to create an Airport Land Use Commission (ALUC) or other alternative. San Bernardino County opted for an alternative to the ALUC and delegated responsibility to prepare an Airport Land Use Compatibility Plan for each airport jurisdiction.

## California Airport Land Use Compatibility Planning Handbook

The California Airport Land Use Compatibility (ALUC) Planning Handbook provides planning guidance to ALUCs and counties and cities with jurisdiction over airport area land uses. The purpose of the handbook is to support the State Aeronautics Act. The handbook allows jurisdictions flexibility in determining air safety zones that represent areas of assumed accident potential.

#### Regional

South Coast Air Quality Management District (SCAQMD) Rule 1403 governs the demolition of buildings containing asbestos materials. Rule 1403 specifies work practices with the goal of minimizing asbestos emissions during building demolition and renovation activities, including the removal and associated disturbance of ACM.

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#### Local

### San Bernardino County Hazardous Materials Release Response Plans and Inventory Program

In San Bernardino County, the Business Emergency/Contingency Plan (Business Plan) is also used to satisfy the contingency plan requirement for hazardous waste generators. Any business subject to any of the CUPA permits is required in San Bernardino County to file a Business Emergency/Contingency Plan using the California Environmental Reporting System. This submission is used as the basis for the permit application. A new business going through the process of obtaining County planning or building approval is required to comply with the Business Emergency/Contingency Plan requirement prior to obtaining final certificate of occupancy and prior to bringing hazardous materials onto the property.

The quantities that trigger disclosure are based on the maximum quantity on site at any time excluding materials under active shipping papers or for direct retail sale to the public. The basic quantities are hazardous materials at or exceeding 55 gallons, 500 pounds, or 200 cubic feet at any time in the course of a year; specified amounts of radioactives, and extremely hazardous substances above the threshold planning quantity (SBCFD 2018).

### City of Ontario Hazard Mitigation Plan

The City of Ontario developed a Hazard Mitigation Plan to make the City infrastructure, business and residents less vulnerable to future incidents. The plan was prepared in accordance with the requirements of the Disaster Mitigation Act of 2000. A risk assessment was conducted to identify and profile natural and man-made hazards that pose a risk to the City of Ontario, assess the City's vulnerability to these hazards, and examine the capabilities in place to mitigate them. Based on the risk assessment, goals and objectives for reducing the City's vulnerability to hazards were identified. The four goals of the multi-hazard mitigation plan are:

- Minimize loss of life and property from natural and man-made hazard events
- Protect public health and safety
- Increase public awareness of risk from natural and man-made hazards
- Enhance emergency systems including warning systems (Ontario 2011)

### City of Ontario General Plan

The following goal and policies contained in the Safety Element (Hazardous Materials and Waste) are relevant to the proposed project:

Goal S6: Reduce potential for hazardous materials exposure and contamination.

- Policy S6-1: Disclosure and Notification. We enforce disclosure laws that require all users, producers, and transporters of hazardous materials and wastes to clearly identify the materials that they store, use or
- Policy S6-2: Response to Hazardous Materials Releases. We respond to hazardous materials incidents and coordinate these services with other jurisdictions.

- **Policy S6-4:** Safe Storage and Maintenance Practices. We require that the users of hazardous materials be adequately prepared to prevent and mitigate hazardous materials releases.
- Policy S6-5: Location of Hazardous Material Facilities. We regulate facilities that will be involved in the production, use, storage or disposal of hazardous materials, pursuant to federal, state, county, and local regulations, so that impacts to the environment and sensitive land uses are mitigated.
- Policy S6-9: Remediation of Methane. We require development to assess and mitigate the presence of methane, per regulatory standards and guidelines.

### City of Ontario Municipal Code

Municipal Code Section 7-3.07. Safety devices, lights, and barricades. Any activity or encroachment on a right-of-way which is hazardous, creates a hazard, or is in conflict with the normal use of a right-of-way shall be adequately safeguarded as required by the City. In the conduct of such activity or encroachment, materials, supplies, excavated material, and equipment shall be properly placed, and the permittee shall provide and maintain such safety devices, including, but not limited to, lights, barricades, signs, and guards, as are necessary to protect the public.

Municipal Code Section 9-1.3330. Environmental Performance Standards that require: "The use, handling, storage, and transportation of combustibles and explosives shall comply with applicable provisions of the Uniform Fire Code, the City of Ontario Hazardous Waste Ordinance and all other local, state and federal regulations."

### Ontario International Airport Land Use Compatibility Plan

The Ontario International Airport Land Use Compatibility Plan (ALUCP) was adopted by Ontario City Council on April 19, 2011. The basic function of the ALUCP is to provide guidance to affected jurisdictions and promote compatibility between the airport and surrounding land uses. The ALUCP designates the airport influence area, safety zones, noise impact zones, airspace protection zones, and overflight notification zones. Height and noise restrictions for future land uses are established for the airport approach safety zones. All development shall be constructed or reconstructed in accordance with Federal Aviation Regulations Part 77.

#### 5.8.1.2 EXISTING CONDITIONS

### **Current Uses of Property**

The site is currently occupied by Legend Dairy Farms. The northeast and north-center portions of the site consist of a single-family residential structure and a manufactured home structure along Eucalyptus with a dairy barn located between the two residences, one storage structure, approximately 10 storage barns, and approximately 21 sheds associated with the corrals for the housing of the cattle. The south portion of the site consists of a 106,000 square foot retention pond. The remaining areas of the site are irrigated cropland and berms are located along the perimeter of the site. There are three septic tanks on-site. The septic tank associated with the house has been pumped out at least once since 2005.

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The retention pond collects runoff from across the site, provides a potential dumping area for other dairy and animal-related wastes, and is used to irrigate crops on-site. Equipment throughout the site include one potable water well; aboveground storage tanks (ASTs) for storage of diesel, grain/feed, water, and fresh milk; milking machines and pumping system; air compressors, cooling equipment; boilers; and pole-mounted transformers.

### **Historical Uses of Property**

A review of historical sources showed that the site was generally undeveloped as early as 1902. The site appeared to be used for agricultural purposes as early as 1938. A small structure, likely a residence or farm-related, appeared to be developed in the northwest portion of the site along Eucalyptus Avenue by 1975. The northeast portion of the site appeared developed with the existing residences, dairy barn, storage structures, and approximately eight sheds associated with corrals by 1985. Pooled water also appeared in the location of the existing retention pond in the southwest portion of the site. The expansion of the corrals and retention pond to their current configurations appeared completed by 2010. In addition, the small structure located in the northwest portion of the site appeared to have been removed by 2010.

#### Phase I Environmental Site Assessment and Addendum

A Phase I Environmental Site Assessment (ESA) of the proposed project was completed in March 2017; an Addendum was completed in May 2019. The site was identified on the Waste Discharge System database as an agricultural facility with designated/influent or solid wastes that pose a significant threat to water quality (dairy waste ponds).

The Phase I ESA assessed nearby properties to evaluate the potential for onsite vapor encroachment concerns from off-site sources. No historical releases of petroleum products from leaking underground storage tanks (LUSTs) occurred within 0.25 miles and upgradient of the site. There are no properties within 0.125 miles and upgradient or cross-gradient of the site that are listed on the Historical Gas Station and Dry Cleaners databases. However, the Chino Airport property is located south of the site and was identified as occupied by Flite Craft from as early as 1986 as an aircraft and heavy equipment repair services. Groundwater monitoring in the vicinity of the airport indicated that no contaminants of concern will affect the project site from current or historic uses at Chino Airport. The ESA did not identify any other on or offsite release incidents that could cause vapor encroachment at the project site.

During the site reconnaissance, three 300-gallon diesel ASTs were observed onsite. The three ASTs have been at the site since 2005 and are serviced by Downs Energy of Corona approximately once a month. The elevated ASTs were located on asphalt surfaces with an upper dirt layer. No secondary containment was observed under the ASTs. Some staining was observed in the dirt layer below two of the ASTs. However, the Phase I ESA concluded that the staining would likely be localized to this area. In addition, heavy staining of the concrete floor by the compressors was observed. The staining is likely limited to the concrete floor; no cracks were observed on the surface floor.

The historic and current use of the site as a dairy-production farm may produce methane gas in the subsurface from animal wastes. Methane gas is a simple asphyxiant and when allowed to accumulate, can be explosive. The Phase I ESA addendum clarified concerns relating to methane generation from dead cows and manure. Dead

cows are picked up and hauled off site by Stiles Animal Removal. Manure is provided as fertilizer to a farm property along Euclid with the remainder of the manure is hauled offsite. Furthermore, a methane survey report was conducted to assess subsurface methane levels across the site. Based on the results of this investigation, methane gas was detected in subsurface vapor probes at maximum concentrations of approximately 10 percent of the lower explosive limit for methane.

The current site buildings were constructed prior to bans using asbestos-containing building materials (ACBMs) and polychlorinated biphenyls (PCBs) in electrical equipment came into effect in 1989 and 1978, respectively. No testing is known to have been performed to evaluate for the presence of ACBMs or PCBs at the site. Based on the construction date for the site buildings, lead-based paints may have been used on the site buildings.

Furthermore, the Federal EPA Radon Zone for San Bernardino County is Zone 2, which indicates an average indoor concentration greater than or equal to 2.0 picoCuries per liter (pCi/L) of air and less than or equal to 4.0 pCi/L. In a survey, 14 tests were conducted within the proposed project's zip code for the presence of radon. Of these, none was found to contain radon in excess of the EPA's action level of 4.0 pCi/L.

### Airport-Related Hazards

The project site is located immediately to the north of the Chino Airport and is approximately 4.6 miles to the southwest of the Ontario International Airport (ONT).

Figure 5.8-1, Chino Airport Land Use Compatibility, shows the project site within the Chino Airport's airport influence area (AIA) but outside the Chino Airport zoning overlay. Land use compatibility assessments are part of the Chino Airport Master Plan. The project site is within Safety Zone 6, Traffic Pattern Zone of the Chino Airport Overlay (Generic Safety Zones for General Aviation Airports from the Caltrans Division of Aeronautics – California Airport Land Use Planning Handbook). Zone 6 compatibility criteria prohibit people intensive uses such as stadiums, large day care centers, hospitals, and nursing homes. In the San Bernardino County Chino Airport Comprehensive Land Use Plan, the site is within Safety Zone III, Traffic Pattern/Overflight Zone. Light industrial and manufacturing uses are acceptable within this zone, provided that they do not generate any visual, electronic or physical hazards to aircraft (Vidal 1991). The Airport Land Use Compatibility Plan (ALUCP) for Chino Airport completed by the County of Riverside in 2008 provides additional guidance for development around Chino Airport. The project site is not within an existing or current airport noise hazard zone and is in Zone D as designated in the ALUCP (Mead and Hunt 2004a).

Figure 5.8-2, Los Angeles/Ontario International Airport Land Use Compatibility, shows the project site as being in the Ontario Airport's AIA. Land use compatibility assessments for ONT are included in the facilities Master Plan and ALUCP. The project site is not within a safety zone, a noise impact zone, or an airspace protection zone. The site is within an overflight notification zone requiring a real estate transaction disclosure for residential properties; a requirement that does not apply to the project site.

## 5.8.2 Thresholds of Significance

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

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- H-1 Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- H-2 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.
- H-3 Emit hazardous emissions or handle hazardous or acutely hazardous materials, substance, or waste within one-quarter mile of an existing or proposed school.
- H-4 Be located on a site which is included on a list of hazardous materials compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment.
- H-5 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 result in a safety hazard or excessive noise for people residing or working in the project area.
- H-6 Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- H-7 Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

The Initial Study, included as Appendix A, substantiates that impacts associated with the following thresholds would be less than significant:

- Threshold H-3
- Threshold H-6
- Threshold H-7

These impacts will not be addressed in the following analysis.

## 5.8.3 Plans, Programs, and Policies

- PPP HAZ-1 **Transportation of Hazardous Waste.** Hazardous materials and hazardous wastes shall be transported to and/or from the proposed project in compliance with any applicable state and federal requirements, including the U.S. Department of Transportation regulations listed in the Code of Federal Regulations (Title 49, Hazardous Materials Transportation Act); California Department of Transportation standards; and the California Occupational Safety and Health Administration standards.
- PPP HAZ-2 **Resource Conservation and Recovery Act**. Hazardous waste generation, transportation, treatment, storage, and disposal shall be conducted in compliance with the Subtitle C of the Resource Conservation and Recovery Act (RCRA) (Code of Federal Regulations, Title 40, Part 263), including the management of nonhazardous solid wastes. The San Bernardino County

but not limited to:

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Fire Protection District serves as the designated Certified Unified Program Agency (CUPA) and which implements state and federal regulations for the following programs: (1) Hazardous Materials Release Response Plans and Inventory Program, (2) California Accidental Release Prevention (CalARP) Program, (3) Aboveground Petroleum Storage Act Program, and (4) Underground Storage Tank (UST) Program (5) Hazardous Waste Generator and Onsite Hazardous Waste Treatment Programs (6) Hazardous Materials Management Plan and Hazardous Material Inventory Statement Program.

- PPP HAZ-3 **ACMs.** Demolition activities that have the potential to expose construction workers and/or the public to ACMs shall be conducted in accordance with applicable regulations, including,
  - South Coast Air Quality Management District's Rule 1403
  - California Health and Safety Code (Section 39650 et seq.)
  - California Code of Regulations (Title 8, Section 1529)
  - California Occupational Safety and Health Administration regulations (California Code of Regulations, Title 8, Section 1529)
  - Code of Federal Regulations (Title 40, Part 61, Title 40, Part 763, and Title 29, Part 1926)
- PPP HAZ-4 **Removal of Hazardous Materials.** The removal of hazardous materials, such as polychlorinated biphenyls (PCBs), mercury-containing light ballast, and mold shall be completed in accordance with applicable regulations pursuant to 40 CFR 761 (PCBs), 40 CFR 273 (mercury-containing light ballast), and 29 CFR 1926 (molds) by workers with the hazardous waste operations and emergency response (HAZWOPER) training, as outlined in 29 CFR 1910.120 and 8 CCR 5192.
- PPP HAZ-4 **Lead-Based Paints.** Demolition activities that have the potential to expose construction workers and/or the public to lead-based paint shall be conducted in accordance with applicable regulations, including, but not limited to: California Occupational Safety and Health Administration regulations (California Code of Regulations, Title 8 Section 1532.1)
  - Code of Federal Regulations (Title 40, Part 745, and Title 29, Part 1926)
  - EPA's Lead Renovation, Repair and Painting Program Rules and Residential Lead-Based
     Paint Disclosure Program
  - Sections 402/404 and 403, and Title IV of the Toxic Substances Control Act (TSCA)

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## 5.8.4 Environmental Impacts

#### 5.8.4.1 METHODOLOGY

This analysis evaluates the potential impacts of the proposed project on human health and the environment due to potential exposure of hazardous materials or conditions associated with the project site, project construction, and project operations. The Phase I ESA was conducted in accordance with the American Society for Testing and Materials (ASTM) Standard of Practice E1527-13 and the standards of care and diligence normally practiced by recognized consulting firms in performing services of a similar nature. The assessment included:

- Site inspection to verify current Site conditions, and check for visible evidence of previously disposed and/or currently present hazardous waste, surface contamination, underground and above ground storage tanks (USTs/ASTs), suspect polychlorinated biphenyls (PCBs), and other potential environmental hazards.
- A visual survey of the adjacent properties and the immediate vicinity to determine if any nearby sites posed
  a significant environmental threat to the site.
- Review of currently and readily available documents, including maps, aerial photographs, governmental databases of known hazardous waste sites and underground tanks, other consultant reports (if any), fire insurance maps, and other accessible records.
- Review of results from a search of available current land title records for environmental cleanup liens and other activity and use limitations, such as engineering controls and institutional controls.
- Consultation with appropriate governmental agencies having jurisdiction relative to the past history of the property, complaints or incidents in the immediate area, and permits that may have been issued.

#### 5.8.4.2 IMPACT ANALYSIS

The following impact analysis addresses thresholds of significance for which the Initial Study disclosed potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

Impact 5.8-1: Project construction could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions. [Thresholds H-1 and H-2]

#### Construction

Project-related construction activities would involve the use of larger amounts of hazardous materials than would project operation. Construction activities would include the use of materials such as fuels, lubricants, and greases in construction equipment and coatings used in construction. However, the materials used would not be in such quantities or stored in such a manner as to pose a significant safety hazard. These activities would also be short term or one time in nature and would cease upon completion of the proposed project's

construction phase. Project construction workers would also be trained in safe handling and hazardous materials use.

Additionally, as with project operation, the use, storage, transport, and disposal of construction-related hazardous materials would be required to conform to existing laws and regulations. Compliance with applicable laws and regulations governing the use, storage, transportation, and disposal of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts. For example, all spills or leakage of petroleum products during construction activities are required to be immediately contained, the hazardous material identified, and the material remediated in compliance with applicable state and local regulations for the cleanup and disposal of that contaminant. All contaminated waste would be required to be collected and disposed of at an appropriately licensed disposal or treatment facility. Furthermore, strict adherence to all emergency response plan requirements set forth by San Bernardino County Fire Protection District would be required through the duration of the project construction phase. Therefore, hazards to the public or the environment arising from the routine use of hazardous materials during project construction would be less than significant.

### Grading Activities

Grading activities required to develop the project would involve the disturbance of onsite soils. There is the potential for the discovery of contamination during grading activities, due to potential for chemical constituents to accumulate in the ponds and become trapped in the sediment (i.e. pesticides, heavy metals, or chemicals). Furthermore, site grading requires the removal of ASTs, where areas of staining was observed, and septic tanks prior to site development. A demolition permit from San Bernardino County Building & Safety Division will be required to remove the septic tanks. The handling and transport of these materials and exposure to contaminated soils for workers and the surrounding environment could result in a significant impact. Contaminated soils encountered during grading would be required to be removed and disposed of offsite in accordance with all applicable regulatory guidelines. This is a potentially significant impact.

The historic and current use of the site as a dairy-production farm may produce methane gas in the subsurface from animal wastes. A methane assessment was conducted to assess subsurface methane levels across a portion of the site. Based on the results of this investigation, methane gas was detected in subsurface vapor probes at maximum concentrations of approximately 10 percent of the lower explosive limit (LEL) for methane. The methane survey conducted is a preliminary investigation that identified methane on site, and further investigation is required to determined maximum concentrations across the project site. This is a potentially significant impact.

#### Demolition

Demolition of buildings and equipment on site has the potential to expose and disturb ACMs, PCBs, lead-based paints, and mercury. Site buildings were constructed prior to bans on ACBMs, PCBs, and lead-based paints coming into effect. Such releases could pose significant risks to persons living and working in and around the project site, as well as to project construction workers. Before demolition, a comprehensive ACM survey would be conducted to identify the locations and quantities of ACM in above-ground structures. The removal of hazardous materials, such as polychlorinated biphenyls (PCBs), mercury-containing light ballast, and mold,

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shall be completed in accordance with applicable regulations pursuant to 40 CFR 761 (PCBs), 40 CFR 273 (mercury-containing light ballast), and 29 CFR 1926 (molds) by workers with the HAZWOPER training, as outlined in 29 CFR 1910.120 and 8 CCR 5192. The removal of lead-based paint material shall be implemented in accordance with California Code of Regulations, Title 8 Section 1532.1, the Code of Federal Regulations (Title 40, Part 745, and Title 29, Part 1926), the EPA's Lead Renovation, Repair and Painting Program Rules and Residential Lead-Based Paint Disclosure Program, and sections 402/404 and 403, and Title IV of the Toxic Substances Control Act (TSCA).

The potential exposure of construction workers to ACMs, PCBs, lead-based paints, or mercury is a potentially significant impact. Survey of existing structures prior to demolition would be quired to characterize the potential exposure and further prevent impacts from the potential release of these materials.

### Operation

Operation of the business park would involve the use of small amounts of hazardous materials, such as industrial cleansers, greases, and oils for cleaning and maintenance purposes. The industrial park, intended for warehousing and office uses, may also involve transport, use, and disposal of hazardous materials; the specific substances and quantities of such materials are presently unknown. The use, storage, transport, and disposal of hazardous materials would be governed by existing regulations of several agencies, including the US Environmental Protection Agency, US Department of Transportation, California Division of Occupational Safety and Health, and the San Bernardino County Fire Protection District. Compliance with applicable laws and regulations governing the use, storage, transportation, and disposal of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts. Additionally, the proposed project would also be operated with strict adherence to all emergency response plan requirements set forth by the San Bernardino County Fire Protection District. Mandatory compliance with laws and regulations, would ensure that operational impacts would be less than significant.

*Level of Significance before Mitigation:* With the implementation of PPP HAZ-1 through HAZ-4, Impact 5.8-1 would be potentially significant.

Impact 5.8-2: The project site is on a list of hazardous materials sites and, as a result, development of the site could create a significant hazard to the public or the environment. [Threshold H-4]

The site was identified on the Waste Discharge System database as an agricultural facility with designated/influent or solid wastes that pose a significant threat to water quality (dairy waste ponds). As noted in Impact 5.8-1 the applicant shall perform a Phase II subsurface assessment of the sediments after the ponds have been drained. If the Phase II subsurface assessment detects chemical risks to human health and the environment due to sediments in the ponds, the project applicant is required to prepare a soils management

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San Bernardino County Fire Protection District is the CUPA for the City of Ontario; the Unified Program coordinates and makes consistent enforcement of several state and federal regulations governing hazardous materials.

plan, and any engineering or administrative controls or long-term operations and maintenance plan that is required by DTSC. This is considered a potentially significant impact.

*Level of Significance Before Mitigation:* With the implementation of PPP HAZ-1 through HAZ-4, Impact 5.8-2 would be potentially significant.

# Impact 5.8-3: The project site is located within the jurisdiction of the Ontario International Airport and Chino Airport. [Threshold H-5]

As discussed in Section 5.8.1.2 and shown in Figures 5.8-1 and 5.8-2 the project site is within the ONT and Chino Airport's AIA. The proposed project is in Zone D of the Chino Airport as designated in the ALUCP. Warehousing and office buildings are permitted in Zone D (Mead and Hunt 2004b). Furthermore, the maximum building height for the proposed project is 55 feet and the project does not require ALUC review (Mead and Hunt 2004c). In the San Bernardino County Chino Airport Comprehensive Land Use Plan, the site is within Safety Zone III, Traffic Pattern/Overflight Zone. Light industrial and manufacturing uses are acceptable within this zone, provided that they do not generate any visual, electronic or physical hazards to aircraft (Vidal 1991).

Furthermore, the project site is not within a ONT safety zone, noise impact zone, or airspace protection zone. Therefore, the proposed project would not result in a safety hazard or excessive noise for people residing or working in the project area and impacts would be less than significant.

Level of Significance Before Mitigation: Impact 5.8-3 is less than significant.

## 5.8.5 Cumulative Impacts

The area considered for cumulative impacts is the City of Ontario and related projects. Hazards and hazardous waste impacts are typically unique to each site and do not usually contribute to cumulative impacts. Cumulative development projects would be required to assess potential hazardous materials impacts on the development site prior to grading. The project and other cumulative projects would be required to comply with laws and regulations governing hazardous materials and hazardous waters used and generated as described in Section 5.8.1.1. Therefore, cumulative impacts related to hazards and hazardous materials would be less than significant after regulatory compliance.

The areas considered for cumulative airport-related hazards impacts are the airport influence areas of the ONT and Chino Airport. Some projects may be proposed within safety compatibility zones for those airports, and thus could cause some hazard to people on the ground from aircraft crashes. Airport land use planning agencies for the two airports regulate development within such zones. Projects proposed within such zones would be required to comply with land use regulations for the respective zones set forth by the affected agencies. Therefore, cumulative impacts would be less than significant after regulatory compliance.

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## 5.8.6 Level of Significance Before Mitigation

Upon implementation of regulatory requirements and standard conditions of approval, Impact 5.8-3 would be less than significant.

Without mitigation, these impacts would be **potentially significant**:

- Impact 5.8-1 Hazards to the public or the environment arising the transport, reuse, and disposal of contaminated soils during construction could be potentially significant.
- Impact 5.8-2 Impacted soils may be present in the ponds and hazards from contaminated soils during construction could be potentially significant.

## 5.8.7 Mitigation Measures

### Impact 5.8-1

- Prior to the issuance of grading permits, the project applicant shall conduct further testing for the presence of methane on the project site, in accordance with DTSC methane assessment guidelines. The project applicant shall prepare a methane gas soil survey and implement grading activity recommendations to the satisfaction of the City Building Department. This shall include a post-construction soil gas investigation and installation of methane gas mitigation systems where post-grading methane levels exceed 5,000 ppmv, should any such levels occur.
- HAZ-2 Following drainage of the on-site ponds, the project applicant shall conduct a limited Phase II subsurface assessment of sediments to evaluate the sediments for chemical risks to human health and the environment. If contamination from dairy and animal-related wastes is encountered at a level above Environmental Screening Levels (ESLs) for non-residential uses, the appropriate environmental agency (RWQCB, DTSC, SCAQMD) shall be notified. Any contamination identified as a result of such testing/sampling shall be investigated, and removed or remediated to the satisfaction of the environmental agency with evidence provided to the City.
- HAZ-3 **Soil Management Plan.** Prior to issuance of a grading permit, the project applicant shall retain a qualified environmental consultant to prepare a Soil Management Plan (SMP) that details procedures and protocols for onsite management of soils containing potentially hazardous materials. The SMP would be implemented during grading activities onsite to ensure that soils containing residual levels of hydrocarbons or arsenic are properly identified, monitored, and managed onsite, and include the following:
  - A certified hazardous waste hauler shall remove all potentially hazardous soils. In addition, sampling of soil shall be conducted during excavation to ensure that all petroleum hydrocarbon and arsenic impacted soils are removed, and that Environmental Screening

Levels (ESLs) for non-residential uses are not exceeded. Excavated materials shall be transported per California Hazardous Waste Regulations to a landfill permitted by the State to accept hazardous materials.

- Any subsurface materials exposed during construction activities that appear suspect of contamination, either from visual staining or suspect odors, shall require immediate cessation of excavation activities. Soils suspected of contamination shall be tested for potential contamination. If contamination is found to be present per the Department of Toxic Substances Control Screening Levels for industrial/commercial land use (DTSC-SLi) and the EPA Regional Screening Levels for industrial/commercial land use (EPA-RSLi), it shall be transported and disposed of per state regulations to an appropriately permitted landfill.
- The SMP shall include a Health and Safety Plan (HSP) addresses potential safety and health hazards and includes the requirements and procedures for employee protection; each contractor will be required to have their own HSP tailored to their particular trade that addresses the general project safety requirements. The HSP shall also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction.
- The SMP shall be prepared and executed in accordance with South Coast Air Quality Management District (SCAQMD) Rule 1166, Volatile Organic Compound Emissions from Decontamination of Soil. The SMP shall require the timely testing and sampling of soils so that contaminated soils can be separated from inert soils for proper disposal. The SMP shall specify the testing parameters and sampling frequency. Anticipated testing includes total petroleum hydrocarbons (TPH), volatile organic compounds (VOCs), and semi-volatile organic compounds (SVOCs). During excavation, Rule 1166 requires that soils identified as contaminated shall be sprayed with water or another approved vapor suppressant, or covered with sheeting during periods of inactivity of greater than an hour, to prevent contaminated soils from becoming airborne. Under Rule 1166, contaminated soils shall be transported from the project site by a licensed transporter and disposed of at a licensed storage/treatment facility to prevent contaminated soils from becoming airborne or otherwise released into the environment.
- All SMP measures shall be printed on the construction documents, contracts, and project plans prior to issuance of grading permits.

Construction period testing: Construction at the project site shall be conducted under a project-specific Construction Risk Management Plan (CRMP) to protect construction workers, the general public, and the environment from subsurface hazardous materials previously identified and to address the possibility of encountering unknown contamination or hazards in the subsurface. The CRMP shall summarize soil and groundwater analytical data collected on the project sites during past investigations and during site investigation activities; delineate areas of known soil and groundwater contamination, if applicable; and identify soil

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HAZ-4

and groundwater management options for excavated soil and groundwater, in compliance with local, state, and federal statutes and regulations. The CRMP shall:

- Provide procedures for evaluating, handling, storing, testing, and disposing of soil and groundwater during project excavation and dewatering activities, respectively.
- Require the preparation of a project-specific Health and Safety Plan that identifies hazardous materials present, describes required health and safety provisions and training for all workers potentially exposed to hazardous materials in accordance with State and Federal worker safety regulations, and designates the personnel responsible for Health and Safety Plan implementation.
- Require the preparation of a contingency plan that shall be applied should previously unknown hazardous materials be encountered during construction activities. The contingency plan shall include provisions that require collection of soil and/or groundwater samples in the newly discovered affected area by a qualified environmental professional prior to further work, as appropriate. The analytical results of the sampling shall be reviewed by the qualified environmental professional and submitted to the appropriate regulatory agency. The environmental professional shall provide recommendations, as applicable, regarding soil/waste management, worker health and safety training, and regulatory agency notifications, in accordance with local, state, and federal requirements. Work shall not resume in the area(s) affected until these recommendations have been implemented under the oversight of the County or regulatory agency, as appropriate.
- Designate personnel responsible for implementation of the CRMP. The CRMP shall be submitted to the County for review and approval prior to the issuance of construction and demolition permits. This measure would reduce the hazards and hazardous materials impact to a less-than-significant level.
- Prior to the commencement of any construction related site activities (clearing, demolition, grading etc.), all above ground storage tanks (ASTs) shall be removed. ASTs storing diesel shall be disposed of by a State of California licensed contractor and in compliance with the required San Bernardino County Fire Department (SBCFD) Hazardous Materials Division regulations for tank removals. For stained soils in the vicinity of diesel containing ASTs, as identified in the Phase I Environmental Site Assessment (ESA) dated March 15, 2017, soil samples shall be collected, as directed by the SBCFD inspector, for chemical analysis at a laboratory licensed by the State of California. If contaminated soils are encountered, a soil management plan shall be prepared to manage the stained soils during redevelopment.
- Prior to the issuance of a demolition permit for any buildings or structures onsite, the project applicant shall conduct a comprehensive ACM survey to identify the locations and quantities of ACM in above-ground structures. The project applicant shall retain a licensed or certified asbestos consultant to inspect buildings and structures onsite. The consultant's report shall

include requirements for abatement, containment, and disposal of ACM, if encountered, in accordance with the South Coast Air Quality Management District's Rule 1403.

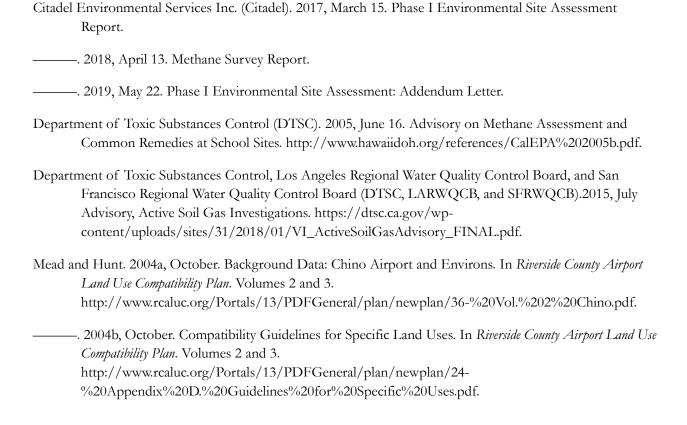
### Impact 5.8-2

Mitigation Measures HAZ-2, HAZ-3, and HAZ-4 apply.

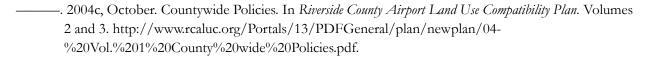
## 5.8.8 Level of Significance After Mitigation

The mitigation measures require further testing for methane and a Phase II to evaluate subsurface sediments for chemical risks to human health once the ponds are drained. Additionally, a Soils Management Plan would be required to ensure safe and appropriate handling, transportation, offsite disposal, reporting, oversight, and protocols used during construction to protect the health and safety of workers and future residents. The mitigation measures also require the proper removal and disposal of ASTs and ACMs. These measures reduced risks to human health and potential impacts of hazards and hazardous materials to less than significant levels. No significant unavoidable adverse impacts relating hazards have been identified.

## 5.8.9 References



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