

4.6 HAZARDS AND HAZARDOUS MATERIALS

This section describes the potential adverse impacts on human health and the environment due to exposure to hazardous materials or conditions that could be encountered as a result of implementation of the proposed project.

Data used to prepare this section were taken from various sources, including a Phase I Environmental Site Assessment (ESA) prepared for the project site by Professional Property Inspections, LLC (2007) and a Phase II ESA prepared for the project site by Ardent Environmental Group, Inc (2007). Copies of both assessments are provided in Appendix H. In addition, the City of San Bernardino General Plan (City of San Bernardino 2005, November) was also utilized in preparing this section. A radius search was conducted by EDR, Inc. to identify all hazardous materials sites within 1 mile of the project site. Full bibliographic entries for all referenced materials and communication are provided in Section 4.6.5 (References).

Two comment letters (provided in Appendix A) related to hazards and hazardous materials were received in response to the notice of preparation (NOP) circulated on August 3, 2007, for the proposed project and were taken into consideration during preparation of this environmental impact report (EIR). These letters are from the following:

- State of California Public Utilities Commission, dated September 4, 2007. It requests that the proposed project be developed with rail safety in mind, as the project site is located within close proximity to a Union Pacific Railroad Company Right-of-Way
- State Department of Toxic Substances, dated August 22, 2007. It requests several areas related to hazardous materials be taken into consideration in preparation of the EIR.

4.6.1 Environmental Setting

The proposed project would result in the construction of one warehouse/distribution facility for a total of 678,275 square feet (sf) on approximately 38.4 acres. The proposed project would include four small office areas, with a cross-dock loading configuration. As illustrated in Figure 3-1 (Regional Location Map), the project site is located at the northeast corner of Palm Avenue and Industrial Parkway, and south of the Interstate 215 (I-215)/Palm Avenue interchange, in the City of San Bernardino, San Bernardino County. The project site is currently vacant and contains concrete foundation of unknown age located to the east of the larger hill. No other physical on-site improvements are on the project site.

■ Definitions

Chapter 6.5 of the California Health and Safety Code sets forth definitions and regulations related to hazardous materials management and disposal. This EIR uses the definitions set forth in this chapter, which defines a hazardous material as:

Any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if

released into the workplace or the environment. “Hazardous materials” include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.

Hazardous wastes occasionally may be generated by actions that change the composition of previously non-hazardous materials. The criteria that generally characterize a material as hazardous include ignitability, toxicity, corrosivity, reactivity, radioactivity, or bioactivity.

Hazard versus Risk

Workers and general public health are potentially at risk whenever hazardous materials have been used or where there could be an exposure to such materials. Inherent in the setting and analyses presented in this section are the concepts of the “hazard” of these materials and the “risk” they pose to human health. Exposure to some chemical substances may harm internal organs or systems in the human body, ranging from temporary effects to permanent disability, or death. Hazardous materials that result in adverse effects are generally considered “toxic.” Other chemical materials, however, may be corrosive, or react with other substances to form other hazardous materials, but they are not considered toxic because organs or systems are not affected. Because toxic materials can result in adverse health effects, they are considered hazardous materials, but not all hazardous materials are necessarily “toxic.” For purposes of the information and analyses presented in this section, the terms hazardous substances or hazardous materials are used interchangeably and include materials that are considered toxic.

The risk to human health is determined by the probability of exposure to a hazardous material and the severity of harm such exposure would pose. That is to say, the likelihood and means of exposure, in addition to the inherent toxicity of a material, are used to determine the degree of risk to human health. For example, a high probability of exposure to a low toxicity chemical would not necessarily pose an unacceptable human health or ecological risk, whereas a low probability of exposure to a very high toxicity chemical might. Various regulatory agencies, such as the Environmental Protection Agency (EPA), State Water Resources Control Board (SWRCB), the California Department of Toxic Substances Control (DTSC), and state and federal Occupational Safety and Health Administrations (OSHA) are responsible for developing and/or enforcing risk-based standards to protect the public and the environment.

■ Phase I Environmental Site Assessment

A Phase I ESA provides information concerning the past and existing conditions on a site and is intended to provide a review of known and observable conditions to allow evaluation of the environmental conditions of a site. These conditions may include an existing release, past release, or threat of release of hazardous substances or petroleum products into structures, soil, groundwater, or surface water of the site.

The Phase I ESA for the project site included the following components:

- Site visit and reconnaissance to document current condition of the site and neighboring facilities in the vicinity

- Compilation of information concerning the site location and physical setting, including topography and soil and groundwater conditions
- Interview of personnel familiar with the site
- Summary of site history and adjoining properties
- Records review of several databases available from federal, state, and local regulatory agencies regarding hazardous substance use, storage, or disposal at the subject site, and for off-site facilities within the search distances specified in the American Society for Testing and Materials (ASTM) standard
- Review of a previous magnetometer investigation of the property to assess whether buried wastes may be present on the site
- Findings and Opinions
- Conclusions

Location and Physical Setting

As discussed above, the project site is located at the northeast corner of Palm Avenue and Industrial Parkway in San Bernardino California. The site includes flat open space as well as low rises and relief; there is a concrete foundation but no structures on the project site. Surrounding land uses include industrial park, vacant land, and a diner. The project site contains alluvial fan material derived from the local mountains including alternative layers of sand and gravel as well as mica schist. Groundwater is reported to exist at a depth range of 50 feet below ground surface and flows in a southerly direction.

Site History

The history of the project site was researched to identify past uses of the property in order to assess the likelihood for hazardous materials to be located on site as a result of previous uses of the property. The project site was reported to have been vacant until the construction Camp Ono, a U.S. Army installation that operated during World War II. Camp Ono served multiple purposes, including as a depot, manufacturing facility, munitions storage, and prisoner of war camp. The project site itself was reportedly used for tent manufacturing.

Previous Investigations

The project site is located within the boundaries of a Federal Superfund site referred to as the Newmark Groundwater Contamination site. Suspicions were raised regarding Camp Ono serving as a source of solvents to the regional groundwater impacts. Specifically, there were concerns that there may have been waste buried on site in a trench. In response, EPA directed a study that was conducted by EG&G Idaho, Inc. and included a magnetic field survey to assess the potential presence of buried materials. The study concluded no such buried materials are present on site.

Aerial Photo Review

Aerial photos of the project site were reviewed, and are included in Appendix H. Dates and brief descriptions of each photo are below.

- **1938**—The subject property is undeveloped; as is the entire area, save for farm fields north of Kendall Drive
- **1953**—Observations potentially show a building on the subject property in the northeast portion of the property; there is a grid pattern on the ground north and east of the large hill on the subject property, possibly indicating the location of previous military operations
- **1966**—No changes observed
- **1968**—No changes observed
- **1972**—Few houses can be observed north of I-215 and an industrial facility off site on Industrial Parkway, which appears to have a dirt road, were observed
- **1980**—A service station adjoins the northwest corner of the subject property, fronting Palm Avenue. No water tanks are present west of Palm Avenue
- **1989**—Tracks were observed along the hills, as if made by off road vehicles
- **1995**—Subject property appears undeveloped, although it appears fill has been placed and grading has occurred on the site; a gasoline service station and restaurant are adjoining the northwest corner of the subject property; I-215 is north and east of the project site, with residential development on the north side of the freeway
- **2002**—No changes observed

Site and Vicinity Reconnaissance

A site reconnaissance was conducted on the project site in January and again in April 2007 to assist in assessing the presence or likely presence of hazardous substances under conditions that indicate an existing release, a past release, or threat of release into structures, soil, groundwater, or surface water at the project site.

No evidence of underground storage tanks (UST) or aboveground storage tanks (AST) was observed during the site reconnaissance. In addition, no building or structures were observed on site; therefore, it is unlikely that asbestos containing building material (ACM), lead-based paint (LBP) or mold are present. Next, no groundwater monitoring wells, wastewater, pits, ponds, or lagoons were observed during the site reconnaissance. No significant quantities of hazardous waste or petroleum products were reported or observed on the site; however, what appeared to be the indiscriminate dumping site of trash, drums, and other debris was observed and soil staining was observed near dumped automobile parts. Finally, there also appeared to be some fill dirt placed on the site from unknown origins which may contain hazardous materials.

Storm water runoff from the I-215 freeway drains onto the project site. It has been shown elsewhere that stormwater runoff from freeways can contain hydrocarbons, metals, and other contaminants.

Land use in the immediate vicinity of the project site is a mix of commercial and industrial uses with residential and open space uses farther north. A gasoline service station and restaurant adjoin the northwest corner of the project site, with I-215 bounding the north and east of the site. A machine shop is located south of the project site.

Regulatory Agency Database Search

A government agency database records search was conducted by EDR, Inc. on October 14, 2010. The records search identifies properties located in the general vicinity of the proposed project site which may have contributed to a release of hazardous substances (e.g., spills, leaks, incidents, etc.) to the soil and/or groundwater. The records search is designed to meet the search requirements of the Environmental Protection Agency's (EPA) Standards and Practices for All Appropriate Inquiries (40 CFR Part 312) and the American Society for Testing of Materials (ASTM) Standard Practice for Environmental Site Assessments (E 1527-05).

The search radius (distance from project site) is dependent upon the applicable standards for each database and is identified below for each of the respective database listings. The project site itself was listed in the CERCLIS, AST, UST, and RCRA databases searched by EDR Inc. In addition, there are a variety of identified sites within the vicinity of the project site that are listed on the databases, as illustrated in Table 4.6-1 (Data Search Result). Many of the facilities are permitted for more than one hazardous material use and, therefore, could appear in more than one database.

| Table 4.6-1 Data Search Result | | |
|--|------------------------|--------------------------------|
| Agency Database | Survey Distance | No. of Sites Identified |
| United States Environmental Protection Agency (EPA) National Priority List (NPL) for Superfund Sites | 1.0 mile | 1 |
| U.S. Proposed NPL List | 1.0 mile | 0 |
| U.S. National Priority List Deletions (Delisted NPL) List | 1.0 mile | 0 |
| NPL Recovery List (Federal Superfund Liens) | Property | 0 |
| USEPA Comprehensive Environmental Response, Compensation and Liability Index System (CERCLIS) List | 0.5 mile | 2 |
| USEPA CERCLIS—No Further Remedial Action Planned (CERCLIS-NFRAP) | 0.5 mile | 0 |
| USEPA Resource Conservation and Recovery Act (RCRA) Corrective Action (CORRACTS) List | 1.0 mile | 0 |
| USEPA RCRA Permitted Treatment, Storage, and Disposal (TSD) Facilities | 0.5 mile | 0 |
| USEPA RCRA Registered Large Generators of Hazardous Waste (RCRA LQG) | 0.25 mile | 0 |
| USEPA RCRA Registered Small Generators of Hazardous Waste (RCRA SQG) | 0.25 mile | 0 |
| USEPA RCRA Registered Non-Generators of Hazardous Waste (RCRA NonGen) | 0.25 mile | 1 |
| USEPA Emergency Response Notification System (ERNS) List | Property | 0 |
| U.S. Hazardous Materials Incident Reporting System (HMIRS) | Property | 0 |
| U.S. Engineering Controls Sites (US ENG Controls) List | 0.5 mile | 1 |
| U.S. Institutional Controls Sites (US INST Controls) List | 0.5 mile | 1 |

Table 4.6-1 Data Search Result

| <i>Agency Database</i> | <i>Survey Distance</i> | <i>No. of Sites Identified</i> |
|---|------------------------------|--------------------------------|
| U.S. Record of Decision (ROD) List | 1.0 mile | 1 |
| State Hazardous Waste Sites (ENVIROSTOR) | 1.0 mile | 1 |
| State Hazardous Material Incidents, Including Accidental Releases and Spills (CHMIRS) | Property | 0 |
| State Hazardous Waste and Substances Sites (Cortese) | 0.5 mile | 0 |
| State Proposition 65 Database (Notify 65) | 1.0 mile | 0 |
| State Toxic Pits Cleanup Act Sites (Toxic Pits) | 1.0 mile | 0 |
| State Permitted Solid Waste Landfill, Incinerators or Transfer Stations (SWF/LF) List | 0.5 mile | 0 |
| State Waste Management Unit Database System (WMDUS/SWAT) | 0.5 mile | 0 |
| State Leaking Underground Storage Tank (LUST) List | 0.5 mile | 1 |
| State Bond Expenditure Plan (CA Bond Exp. Plan) | 1.0 mile | 0 |
| State Underground Storage Tanks (UST) List | 0.25 mile | 1 |
| State Site Cleanup (SLIC) List | 0.5 mile | 2 |
| HAZNET | Property | 0 |
| San Bernardino County Permit | 0.25 mile | 4 |
| State Voluntary Cleanup Program (VCP) | 0.5 mile | 0 |
| State Underground Storage Tanks on Indian Land (Indian UST) | 0.25 mile | 0 |
| State Leaking Underground Storage Tanks on Indian Land (Indian LUST) | 0.5 mile | 0 |
| State Facility Inventory Database of historic active and inactive UST locations (CA FID UST) | 0.25 mile | 1 |
| State Hazardous Substance Storage Container Database of historic UST sites (HIST UST) | 0.25 mile | 2 |
| Facility Index System (FINDS) | Property | 0 |
| State Drycleaners List | 0.25 mile | 0 |
| State Aboveground Storage Tanks (AST) | 0.25 mile | 1 |
| Statewide Environmental Evaluation and Planning System. Underground Storage Tanks (SWEEPS UST) | 0.25 mile | 1 |
| State Well Investigation Program (WIP) List | 0.25 mile | 0 |
| Other local, state, and/or federal databases including, but not limited to, Brownfield listings, Current and Former Department of Defense Sites, Consent Decrees, Records of Decision, Deed Restrictions, Hazardous Materials or Waste Tracking Systems and Facility Registries, and Enforcement Activities (see EDR report for complete listing of databases and search radii) | Varied according to database | 1 |

SOURCE: The EDR Radius Map Report. October 14, 2010.

The proposed project site was identified in the Superfund, AST, UST, RCRA, and San Bernardino County Permit databases. A summary of potential on-site hazardous materials is presented below. An active 2,200-gallon AST exists at Level 3 Communications, 0.05 mile south of the project site, operates with a San Bernardino County Permit. Fred G. Walter & Son, located 0.1 mile northwest of the project site, was identified in the RCRA list and UST database. The site handles hazardous waste and has four active USTs for storing fuel and used oil. Cajon Landfill is located 0.2 mile west of the project site and is

listed on Envirostor for undergoing an EPA Preliminary Assessment/Site Inspection (PA/SI) in August 2010. All three facilities are located at equal or higher elevation than the project site.

The government database report shows that the project site is located very near or at the origin of the groundwater contamination plume which caused the creation of the Newmark Groundwater Contamination Superfund Site. The contamination site covers approximately eight square miles of groundwater contaminated with volatile organic compounds (VOCs), including perchloroethylene (PCE) and trichloroethylene (TCE). These chemicals are industrial solvents that have been commonly used for a variety of purposes including dry cleaning, metal plating, and machinery degreasing. The contamination was first identified in 1980, which resulted in the closing of 20 water supply wells within a 6-mile radius of the site. In the 1990s, the EPA issued two interim records of decision (RODs) requiring the extraction, treatment, and delivery of the groundwater for redistribution through San Bernardino's potable water supply system or recharged to the aquifer. Following the RODs, monitoring wells were built and the contaminated groundwater began to be treated. In 2004, the EPA issued an explanation of significant differences (ESD) to modify the RODs from the 1990s. The ESD supplements the RODs with an institutional control (IC) program to assure the extraction and treatment systems remain effective by protecting and enhancing the barrier well system and regulating the installation of any new wells. Also in 2004, a consent decree was lodged in District Court to resolve a lawsuit against the U.S. Army over the cause of the contamination. Under the settlement, the United States will pay to the City of San Bernardino \$69 million to operate and maintain the EPA's groundwater treatment remedies for up to fifty years. In addition, the City will use some of the funds for other activities related to the cleanup, and build additional City treatment plants to expand its water treatment capacity. Although remediation is ongoing, the source of the release has not been discerned to date and a final determination regarding responsibility for the contamination has not been made.¹ The EPA will continue its work to identify the sources of contamination and develop a comprehensive cleanup plan.

The report also shows that the American National Can Company, located at 5715 Industrial Parkway, which is about 0.04 mile southwest of the project site, had a leaking underground gasoline tank case that was closed in October 1991. That site is located down-gradient from the project site, and groundwater flow as shown by the Superfund Site plume is to the south east and would not affect the project site.

Local Agency and other Records Review

Records on file with the County of San Bernardino Building Department revealed that a 600 sf cabin was constructed on the proposed project site in 1961. No records for the project site prior to 1994 were available for inspection at the City of San Bernardino. However, City records indicated that an application for phase grading was submitted and approved in August 1999, and a permit Application was submitted for vacant land fences in September 2004. The cabin no longer exists on the site.

¹ To date, potential sources have been discovered including a waste landfill site and the United States Army. The Army has settled with the City of San Bernardino with no admission of guilt. Currently the remediation effort includes two pump and treatment systems with the closest treatment facility being approximately 3.6 miles from the site with monitoring wells being more closely located to the site.

Findings and Opinions

The Phase I ESA conducted for the project site found the following:

- The site history did not reveal any recognized environmental conditions (REC)
- Site reconnaissance did not reveal possible RECs
- The agency database review did not reveal possible RECs for the project site
- The local agency record review did not reveal any RECs for the project site

Conclusions

The Phase I ESA concluded the following:

- The site is located at or near the source of the Newmark Groundwater Contamination Superfund site; the source of that superfund site has not been found and the responsible parties not identified; while the site was part of the former Camp Ono, activities on site or in the immediate site vicinity could have contributed to the release of solvents to groundwater
- Evidence of indiscriminate dumping of debris and fill dirt was observed on site. Such materials can contain hazardous materials
- Stormwater runoff from the adjacent I-215 flows onto the property; it has been shown elsewhere that stormwater runoff from freeways can contain hydrocarbons, metals, and other hazardous materials

■ Phase II Environmental Site Assessment

Based on the results of the Phase I ESA conducted for the project site, a Phase II was completed in 2007 (Appendix H) to assess the status of the Newmark Superfund Site, evaluate possible soil contamination next to a storm drain, and inspect debris piles and fill materials that have been placed on the project site for possible hazardous materials.

Newmark Superfund Site

During World War II, the project site was part of a larger property that was historically occupied by the United States Army (Army) San Bernardino Engineering Depot (SBED). The SBED site, also known as Camp Ono, comprised approximately 1,600 acres and was used by the Army as a vehicle and ammunition supply and storage depot, dry cleaning facility, sewage spreading area, tent manufacturing and dyeing facility, locomotive maintenance facility, railcar and tank degreasing facility, motor vehicle pool, prisoner of war camp, bomb manufacturing, and water softening facility. The project site was located at the extreme northern portion of Camp Ono. The northern entrance to Camp Ono was off Palm Avenue onto a street that was oriented in the same approximate location as Industrial Parkway. The street was oriented around the two large hills located on the site. The project site itself was reportedly used for tent manufacturing; however, a review of historical documentation conducted for the Phase II investigation indicates that the project site was not used during occupation of the surrounding area by the SBED. Most of the activities conducted at Camp Ono were completed on the topographically flat areas

located further southeast of the site. The SBED closed in June of 1947. Since that time, no reported development has occurred on the project site. However, as indicated in the Phase I investigation some grading may have occurred on the project site.

In 1980, municipal groundwater wells in the vicinity of the site indicated elevated concentrations of chlorinated solvents, namely tetrachloroethylene (PCE) and trichloroethene (TCE). Two regional groundwater contamination plumes (known as the Newmark and Muscoy Groundwater Plumes) have been identified near the project site. Due to the extensive plume size, threat to drinking water, and absence of known responsible parties, the Environmental Protection Agency (EPA) designated the area covering the groundwater plumes as the Newmark Superfund Site and placed it on the National Priority List (NPL or Federal Superfund Site). The Newmark Superfund Site covers approximately 16 square miles around Shandin Hills in San Bernardino. Based on a number of subsequent investigations, the source of the impacted groundwater is assumed to include activities formerly conducted at the SBED (namely operations at Camp Ono). Groundwater in the vicinity of the SBED has been reported at depths ranging from approximately 138 to 230 feet below the ground surface (bgs) in very complex geologic formations.

In addition, according to a document reviewed during the Phase II investigation, an interview with a long-time resident whose father worked at Camp Ono indicated that the Army may have illegally dumped potentially hazardous material after World War II when the camp was dismantled. In response, a magnetic field survey was performed on the project site to identify any buried ferrous material. The survey, performed in 1993 by EG&G Idaho, Inc., used a device known as a rapid geophysical surveyor (RGS) to analyze the project site. While no trench with large amounts of ferrous material was found on the project site, the survey did reveal a 5 foot vertical 4 inch steel pipe running east-west along the project site. A second utility line was observed running east-west, and is located at a depth of approximately 1 meter. A third linear line, similar to the first two, was observed running north-south within the project site. None of the detected objects are assumed to be hazardous and do not present a danger to people or the environment.

Storm Drains

Site visits in 2007 revealed two off-site storm drains that apparently divert storm water runoff from the adjacent I-215 Freeway onto the site. No stained or odorous soil was encountered. One sample was collected in the vicinity of each storm drain at depths of approximately 1-foot bgs. The soil samples were analyzed for total petroleum hydrocarbons carbon chain C_{10} - C_{32} (TPHcc), volatile organic compounds (VOCs), and Title 22 metals in general accordance with EPA Method Nos. 8015 (modified), 8260B, and 6010/7000 series. Laboratory results indicated no detectable concentrations of VOCs and no detectable to low concentrations of petroleum hydrocarbons (up to 103 milligrams per kilogram [mg/kg] of total petroleum hydrocarbons as oil C_{23} - C_{32} TPHo) and metals.

Concentrations of petroleum hydrocarbons were generally assessed based on the LARWQCB Interim Site Assessment and Cleanup Guidebook dated May 1996 (referred to herein as the "LARWQCB guidelines"). The LARWQCB guidelines were established to provide cleanup goals to protect groundwater. The guidelines take into account a number of variables including constituents detected,

lithological conditions, and depth to groundwater. Based on these guidelines and site conditions, concentrations of total petroleum hydrocarbons as gasoline C₄-C₁₂ (TPHg) and diesel fuel C₁₃-C₂₂ (TPHd) would be considered elevated if the concentrations exceeded 1,000 and 10,000 mg/kg, respectively. Concentrations of heavier petroleum hydrocarbons, referred to herein as TPHo C₂₃-C₃₀, would be considered elevated if concentrations exceeded 50,000 mg/kg. These concentrations were based on samples collected at depths greater than 150 feet to groundwater in sandy conditions.

Metals were compared to the Federal EPA Preliminary Remediation Goals for industrial properties (PRGi) and the California hazardous waste criteria. The PRGi values are based on human health-risk criteria. As per the hazardous waste criteria, elevated concentrations of metals would be defined as levels exceeding the Total Threshold Limit Concentration (TTLC) and/or ten times the Soluble Threshold Limit Concentration (STLC). Because arsenic is naturally occurring in California soils at concentrations that typically exceed the Federal PRGi values, arsenic was considered elevated at concentrations exceeding published background levels. According to the Kearney Foundation of Soil Science, background concentrations of arsenic in California ranges from approximately 0.59 to 11 mg/kg. Based on this publication, elevated concentrations of arsenic were defined as concentrations exceeding 11 mg/kg.

Based on these values, the concentrations of petroleum hydrocarbons and metals detected in the shallow soil samples collected at the site would be considered low and no further investigations or remediation was found to be necessary.

Debris and Fill Soils

A visual inspection of the debris and fill on the project site revealed no stained or odorous soil or materials such as car batteries, 55-gallon drums, or pipes. The materials placed on the property consisted of construction, landscaping, and municipal debris such as wood (processed and natural), metal, mattresses, glass, wire, plastic, concrete and brick. Based on this information, these materials would not be considered an environmental concern to the site.

The previous Phase I ESA indicated that a few empty 55-gallon drums were located on the project site. The locations of these drums were not documented in the previous report. Although pictures of the drums were provided, they were not observed during a site reconnaissance conducted during the Phase II investigation. The pictures in the previous Phase I ESA were reviewed and no stained soil beneath the drums was observed. Due to the fact that the drums were reportedly empty and no staining was noted in the vicinity of these features, the Phase II investigation concluded that these features, if still present on the site, would not be considered an environmental concern to the site.

Conclusion

The Phase II ESA confirmed that the project site was once part of Camp Ono; however, the Phase II ESA found that the likelihood that historical land uses contributed to the regional groundwater issues was low. Soil samples collected in the vicinity of possible runoff locations from the off-site storm drains indicated no detectable concentration of VOCs, and no detectable to low concentrations of petroleum hydrocarbons and metals. There are no structures on site, and no lead or asbestos is present. Based on

the findings contained in the Phase II ESA, the likelihood is low that storm water runoff has environmentally impacted the project site, and there is a low likelihood that hazardous materials are present.

4.6.2 Regulatory Framework

A number of federal, state, and local laws have been enacted to regulate the management of hazardous materials. Implementation of these laws and the management of hazardous materials are regulated independently of the California Environmental Quality Act (CEQA) process through programs administered by various agencies at the federal, state, and local levels. An overview of the key hazardous materials laws and regulations that apply to the proposed project is provided below.

■ Federal

Several federal agencies regulate hazardous materials. These include the EPA, OSHA, and the Department of Transportation (DOT). Applicable federal regulations are contained primarily in Titles 10, 29, 40, and 49 of the Code of Federal Regulations (CFR). In particular, Title 49 of the CFR governs the manufacture of packaging and transport containers, packing and repacking, labeling, and the marking of hazardous material transport. Some of the major federal laws and issue areas include the following statutes (and regulations promulgated thereunder):

- Resource Conservation and Recovery Act (RCRA)—hazardous waste management
- Hazardous and Solid Waste Amendments Act (HSWA)—hazardous waste management
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)—cleanup of contamination
- Superfund Amendments and Reauthorization Act (SARA)—cleanup of contamination
- Emergency Planning and Community Right-to-Know (SARA Title III)—business inventories and emergency response planning

The EPA is the primary federal agency responsible for the implementation and enforcement of hazardous materials regulations. In most cases, enforcement of environmental laws and regulations established at the Federal level is delegated to state and local environmental regulatory agencies.

In addition, with respect to emergency planning, the Federal Emergency Management Agency (FEMA) is responsible for ensuring the establishment and development of policies and programs for emergency management at the federal, state, regional, and local levels. This includes the development of a national capability to mitigate against, prepare for, respond to, and recover from a full range of emergencies.

■ State

Primary state of California (state) agencies with jurisdiction over hazardous chemical materials management are the DTSC and the RWQCB. Other state agencies involved in hazardous materials management are the Department of Industrial Relations (DIR, state OSHA implementation), Office of

Emergency Services (OES, California Accidental Release Prevention implementation), California Department of Fish and Game (CDFG), Air Resources Board (ARB), California Department of Transportation (Caltrans), state Office of Environmental Health Hazard Assessment (OEHHA, Proposition 65 implementation) and California Integrated Waste Management Board (CIWMB). The enforcement agencies for hazardous materials transportation regulations are the California Highway Patrol (CHP) and Caltrans. Hazardous materials and waste transporters are responsible for complying with all applicable packaging, labeling, and shipping regulations.

Hazardous chemical and biohazardous materials management laws in California include the following statutes (and regulations promulgated thereunder):

- Hazardous Materials Management Act—business plan reporting
- Hazardous Waste Control Act—hazardous waste management
- Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65)—releases of and exposure to carcinogenic chemicals
- Hazardous Substances Act—cleanup of contamination
- Hazardous Waste Management Planning and Facility Siting (Tanner Act)
- Hazardous Materials Storage and Emergency Response
- State Aeronautics Act contained in the California Resources Code Sections 21001 et seq.—aeronautic safety

State regulations and agencies that are specifically applicable to the project site include the Hazardous Materials Management Act and the OSHA, which are further described below.

California Environmental Protection Agency

The California EPA (Cal/EPA) has broad jurisdiction over hazardous materials management in the state. Within Cal/EPA, the DTSC has primary regulatory responsibility for hazardous waste management and cleanup. Enforcement of regulations has been delegated to local jurisdictions that enter into agreements with DTSC for the generation, transport, and disposal of hazardous materials under the authority of the Hazardous Waste Control Law.

Along with the DTSC, the RWQCB is responsible for implementing regulations pertaining to management of soil and groundwater investigation and cleanup. RWQCB regulations are contained in Title 27 of the California Code of Regulations (CCR). Additional state regulations applicable to hazardous materials are contained in Title 22 of the CCR. Title 26 of the CCR is a compilation of those sections or titles of the CCR that are applicable to hazardous materials.

Department of Toxic Substances Control

The RCRA of 1976 is the principal federal law that regulates the generation, management, and transportation of hazardous materials and other wastes. The DTSC regulates hazardous waste in the state, primarily under the authority of RCRA, and the California Health and Safety Code. Other laws that

affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning. Under RCRA, DTSC has the authority to implement permitting, inspection, compliance, and corrective action programs to ensure that people who manage hazardous waste follow state and federal requirements.

Hazardous Materials Management Plans

In January 1996, the Cal/EPA 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 materials 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 County CUPA has jurisdiction in the City of San Bernardino (see below).

Occupational Health and Safety Administration (OSHA)

Site safety requirements are generally based on the specifications of California Division of Occupational Safety and Health (CalOSHA). Applicable specifications prepared by OSHA related to earth resources consist of Section 29 CFR Part 1926 (Department of Labor 1989), which focuses on worker safety during excavation, shoring, and trenching.

Worker and Workplace Hazardous Materials Safety

Occupational safety standards exist in federal and state laws to minimize worker safety risks from both physical and chemical hazards in the workplace. The CalOSHA is responsible for developing and enforcing workplace safety standards and assuring worker safety in the handling and use of hazardous materials. Among other requirements, CalOSHA 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.

■ Regional

San Bernardino County Business Emergency/Contingency Plan

The Hazardous Materials Division of the San Bernardino County Fire Department is designated by the state Secretary for Environmental Protection as the Certified Unified Program Agency or “CUPA” for the County of San Bernardino in order to focus the management of specific environmental programs at the local government level.

In San Bernardino County, the Business Emergency/Contingency Plan (Business Plan) is 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. A

new business going through the process of obtaining County or City 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.

■ Local

City of San Bernardino Hazard Mitigation Plan

The City has taken pre-emptive steps to ensure the safety and security of residents in the event of a disaster. The Disaster Mitigation Act of 2000 (DMA 2000), Section 322 (a–d), requires that local governments, as a condition of receiving federal disaster mitigation funds, adopt a mitigation plan that describes the process for identifying hazards, risks, and vulnerabilities, identifies and prioritizes mitigation actions, encourages the development of local mitigation, and provides technical support for those efforts. Additionally, the City requires that fire personnel respond to all emergency calls. If fire personnel suspect hazardous waste may have been released, the City’s Haz-Mat team will arrive.

City of San Bernardino General Plan—Safety Chapter

The City of San Bernardino General Plan, adopted November 2005, serves as the principal land use planning document-guiding development within San Bernardino. The Safety Chapter of the General Plan contains several goals and policies that are relevant to hazards and hazardous materials.

- Goal 10.1** Protect the environment, public health, safety, and welfare from hazardous wastes.
 - Policy 10.1.2** Ensure the protection of surface and groundwater quality, land resources, air quality, and environmentally sensitive areas through safe transportation of waste through the City and comprehensive planning of hazardous materials, wastes, and sites.

- Goal 10.2** Promote proper operations of hazardous waste facilities and ensure regulations applicable to these facilities are enforced.
 - Policy 10.2.1** Require the proper handling, treatment, movement, and disposal of hazardous materials and hazardous waste.

- Goal 10.10** Protect people and property from the adverse impacts of winds.
 - Policy 10.10.1** Ensure that buildings are constructed and sited to withstand wind hazards.
 - Policy 10.10.2** Require that development in High Wind Hazard Area be designed and constructed to withstand extreme wind velocities.
 - Policy 10.10.3** Periodically review the structural design requirements for wind in the Building Code to reflect wind conditions and property damage experience as well as advances to construction technology.

- Policy 10.10.4** Require that structures be sited to prevent adverse funneling of wind on-site and on adjacent properties.
- Policy 10.10.5** Require that multi-story residential, commercial, and industrial buildings be designed to prevent wind tunnel effects around their base and in passageways.
- Policy 10.10.6** Construct public infrastructure (lighting poles, street lights, bridges, etc.) withstand extreme wind velocities in High Wind Hazards areas.
- Goal 10.12** Ensure the availability and effective response of emergency services in the event of a disaster.
- Policy 10.12.1** Maintain a functional emergency response plan that addresses all hazards.
- Policy 10.12.5** Prevent serious damage and injuries through effective hazard mitigation.

City of San Bernardino Municipal Code—Building and Construction

Chapter 15.04 Building Codes

This chapter is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within this jurisdiction (Ord. MC-669, 7-17-89).

15.04.210 Uniform Building Code Section 7014.5(a)

All parties performing grading operations, under a grading permit issued by the City Building Division, shall take reasonable preventive measures, as directed by the City Building Division, to avoid earth or other materials from the premises being deposited on adjacent streets or properties, by the action of storm water or wind, by spillage from conveyance vehicles or by other causes

Consistency Analysis

The proposed project is not expected to result in or create a significant hazard to the public or the environment. Compliance with applicable federal, state, and local laws and regulations would ensure that risks associated with hazards and hazardous materials would be minimized to acceptable levels for the proposed project. The proposed project would be consistent with Policies 10.1.2 and 10.2.1 as any transportation of hazardous waste to or from the project site would comply with applicable federal, state, and local laws and regulations pertaining to the transport, use, and disposal of hazardous waste. The proposed project would be consistent with Policies 10.10.1–.6, as any construction of the proposed project would be subject to review by the City and compliance with the City’s construction and building guidelines. The proposed project would also be consistent with Policies 10.12.1 and 10.12.5, which require functional emergency response plans and effective hazardous mitigation, as the project would follow all requirements related to proper building codes as well as the identified mitigation measures and

project requirements identified below. As such, proposed project would not conflict with the applicable goals and policies of the Safety chapter of the City's General Plan.

Municipal Code—Building and Construction, Chapter 15.04.210 Section 7014.5(a), ensures that reasonable preventive measures are taken to avoid depositing of debris on to adjacent properties and streets. It requires contractors to adopt reasonable preventive measure directed by the City Building Division to prevent earth or other materials from the premises being deposited on adjacent streets or properties. Compliance with applicable federal, state, and local laws and regulations would ensure that the proposed project would not conflict with the City of San Bernardino Municipal Code—Building and Construction.

4.6.3 Project Impacts and Mitigation Measures

■ Analytic Method

The analysis in this section focuses on the use, disposal, transport, or management of hazardous or potentially hazardous materials resulting from construction or operation of the proposed project. This section also addresses risks from high winds that could occur as a result of project design. The information in this section is based upon reviews of previously prepared reports documenting environmental investigations at the project site. In determining the level of significance, the analysis assumes that construction and operation of the proposed project would comply with all applicable federal, state, and local laws and regulations.

■ Thresholds of Significance

The following thresholds of significance are based on Appendix G of the 2011 CEQA Guidelines and City-specific thresholds, where applicable. For purposes of this EIR, implementation of the proposed project may have a significant adverse impact on biological resources if it would:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- 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 it create a significant hazard to the public or the environment.
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- Be inconsistent with wind-resistant design standards of the City.
- Result in adverse wind effects on adjacent properties.

Effects related to the following thresholds were found to have “no impact,” and are discussed in Section 4.14 (Effects Not Found to Be Significant). Would the project:

- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
- For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
- Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

■ Less-Than-Significant Impacts

| | |
|-----------|--|
| Threshold | Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? |
|-----------|--|

Impact 4.6-1 **Construction and operation of the proposed project could involve the routine transport, use, and disposal of hazardous materials, but no significant risk from accidental upset or exposure of construction workers or employees would occur. Compliance with existing regulations pertaining to hazardous materials would ensure that this impact would remain *less than significant*.**

Exposure of the public or the environment to hazardous materials could occur in the following manners: improper handling or use of hazardous materials or hazardous wastes particularly by untrained personnel; transportation accident; environmentally unsound disposal methods; or fire, explosion or other emergencies. The severity of potential effects varies with the activity conducted, the concentration of and type of hazardous material or wastes present, and the proximity of sensitive receptors.

The types and amounts of hazardous materials would vary according to the nature of the activity at the project site. In some cases, it is the type of hazardous material that is potentially hazardous; in others, it is the amount of hazardous material that could present a hazard. Whether a person exposed to a hazardous substance suffers adverse health effects as a result of that exposure depends upon a complex interaction of factors that determine the effects of exposure to hazardous materials: the exposure pathway (the route by which a hazardous material enters the body); the amount of material to which the person is exposed; the physical form of the hazardous material (e.g., liquid, vapor) and its characteristics (e.g., toxicity); the frequency and duration of exposure; and the individual's unique biological characteristics, such as age, gender, weight, and general health. Adverse health effects from exposure to hazardous materials may be short-term (acute) or long-term (chronic). Acute effects can include damage to organs or systems in the body and possibly death. Chronic effects, which may result from long-term exposure to a hazardous material, can also include organ or systemic damage, but chronic effects of particular concern include birth defects, genetic damage, and cancer.

Hazardous materials regulations were established at the state level to ensure compliance with federal regulations intended to reduce the risk to human health and the environment from the routine use of hazardous substances.

Hazardous Materials Use and Storage

While it is not anticipated that the proposed project would accommodate the warehousing and distribution of hazardous materials, some common hazardous materials could be used in varying amounts during construction and operation of the proposed project. The types of hazardous materials that could be present during operation of the proposed project could also include other maintenance products (e.g., paints and solvents) and grounds and landscape maintenance products formulated with hazardous substances, including fuels, cleaners and degreasers, solvents, paints, lubricants, adhesives, sealers, and pesticides/herbicides.

The proposed project would utilize only small amounts of routine cleaning products, and could store and/or transport other hazardous materials to and from the site. To ensure that workers and others at the project site are not exposed to unacceptable levels of risk associated with the use and handling of hazardous materials, employers and businesses are required to implement existing hazardous materials regulations, with compliance monitored by state (e.g., OSHA in the workplace or DTSC for hazardous waste) and local jurisdictions (e.g., the Huntington Beach Fire Department). Adherence to existing hazardous materials regulations would ensure compliance with existing safety standards related to the handling, use and storage of hazardous materials, and compliance with the safety procedures mandated by applicable federal, state, and local laws and regulations (RCRA, California *Hazardous Waste Control Law*, and principles prescribed by the California Department of Health Services, Centers for Disease Control and Prevention, and National Institutes of Health)

The proposed project is a warehouse distribution facility, and would not be classified as a generator of hazardous waste. However, should the use and/or storage of hazardous materials at the project site rise to a level subject to regulation, those uses would be required to comply with federal and state laws to eliminate or reduce the consequence of hazardous materials accidents resulting from routine use, disposal and storage of hazardous materials on the project site during both the construction and operation phases of the project. Therefore, compliance with applicable regulations would reduce the risk of project-induced upset from hazardous materials to a *less-than-significant* level.

Transportation of Hazardous Materials

The USDOT Office of Hazardous Materials Safety prescribes strict regulations for the safe transportation of hazardous materials, as described in Title 40, 42, 45, and 49 of the Code of Federal Regulations, and implemented by Title 17, 19, and 27 of the CCR.

The transportation of hazardous materials can result in accidental spills, leaks, toxic releases, fire, or explosion. The types of hazardous materials that could be present during operation of proposed project are expected to include household cleaning and maintenance products, pesticides and herbicides, paints, solvents and degreasers. The quantities of these products routinely in use or stored on the project site is unlikely to result in an increase in the amount of hazardous materials and/or waste brought to, or

generated by, the site uses when compared to the current uses and levels of generation. During the construction phase, hazardous materials in the form of paints, solvents, glues, roofing materials and other common construction materials containing toxic substances may be transported to the site, and construction waste that possibly contains hazardous materials could be transported off the site for purposes of disposal. Appropriate documentation for all hazardous waste that is transported off site in connection with activities at the project site would be provided as required to ensure compliance with the existing hazardous materials regulations described above. Adherence to these regulations, which requires compliance with all applicable federal and state laws related to the transportation of hazardous materials, would reduce the likelihood and severity of accidents which might occur during transit, reducing potential impacts to a level that is *less than significant*.

Disposal of Hazardous Waste

Operation of the proposed project would not require the handling of hazardous or other materials that would result in the production of large amounts of hazardous waste. Grading activities during construction of the proposed project will involve the transportation and subsequent disposal of soil and bedrock, no hazardous materials are present in the existing soil, as concluded by the Phase I and Phase II investigation conducted for the project site. In addition, during the construction phase, of the proposed project may generate hazardous and/or toxic waste. Federal, state, and local regulations govern the disposal of wastes identified as hazardous which could be produced in the course of demolition and construction. Hazardous materials encountered during demolition or construction activities would be disposed of in compliance with all applicable regulations for the handling of such waste, reducing the potential impacts of disposal of site-generated hazardous wastes to a level that is *less than significant*.

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| Threshold | Would the project 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? |
|-----------|--|

Impact 4.6-2 **Construction and operation of the proposed project could expose construction workers or the public to significant health and safety hazards through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. This is considered a potentially significant impact; however, compliance with applicable federal, state, and local regulations and implementation of mitigation measures MM4.6-1 and MM4.6-2 would reduce this impact to a *less-than-significant* level.**

Construction Impacts

The construction phase of the proposed project, which would include grading of the existing hills, may involve disturbing existing hazardous materials in the soil. Based on the findings of the Phase II ESA performed for the project site, the likelihood of encountering soil contamination on site is extremely low, given the results of soil sampling and the lack of hazardous materials present on site. In addition, the Phase II ESA revealed that no activities or development occurred on the project site during World War

II. Finally, while contaminated groundwater may be present on site; it is located at depth of 50 feet and would not be reached by construction activities.

However, it is possible that unknown contamination could exist on the project site. Demolition, grading and excavation activities for the proposed project could result in the exposure of construction personnel and the public to previously unidentified hazardous substances in the soil. Exposure to unanticipated hazardous substances could occur from previously unidentified soil contamination caused by the site's historic use, migrating contaminants originating at nearby listed sites. Exposure to hazardous materials during construction activities could occur as a result of any of the following:

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

If any unidentified sources of contamination are encountered during demolition, grading, or excavation, the removal activities required could pose health and safety risks capable of resulting in various short-term or long-term adverse health effects in exposed persons. This represents a potentially significant impact. In order to address the potential for encountering unknown contamination within the project site, mitigation measure MM4.6-1 would minimize the potential risk of exposure to contamination by implementing investigational and remediation efforts if unknown contamination is encountered during the construction phase of the proposed project:

MM4.6-1 In the event that previously unknown or unidentified soil and/or groundwater contamination is encountered during construction on the project site, construction activities in the immediate vicinity of the contamination area shall cease immediately. If contamination is encountered, a Risk Management Plan shall be prepared and implemented by a qualified REA that (1) identifies the contaminants of concern and the potential risk each contaminant would pose to human health and the environment during construction and post-development and (2) describes measures to be taken to protect workers, and the public from exposure to potential site hazards. Such measures could include a range of options, including, but not limited to, physical site controls during construction, remediation, long-term monitoring, post-development maintenance or access limitations, or some combination thereof. Depending on the nature of contamination, if any, appropriate agencies shall be notified (e.g., San Bernardino Fire Department). If needed, a Site Health and Safety Plan that meets Occupational Safety and Health Administration requirements shall be prepared and in place prior to commencement of work in any contaminated area.

With implementation of mitigation measure MM4.6-1, construction of the project site would not release hazardous materials from the soil or groundwater into the environment, and a **less-than-significant** impact would result.

Operational Impacts

Exposure of site visitors and employees to hazardous materials could occur by improper handling or use of hazardous materials or hazardous wastes during operation of the proposed project, particularly by untrained personnel, environmentally unsound disposal methods, or fire, explosion, or other

emergencies, all of which could result in adverse health effects. The types and amounts of hazardous materials would vary according to the nature of the activity. In some cases, it is the type of hazardous material that is potentially hazardous; in others, it is the amount of hazardous material that could present a hazard.

Due to the close proximity of the project site to the Union Pacific Railroad Company’s right-of-way and the potential for accidents to occur as well as the close proximity of the project site to residential uses, mitigation measure MM4.6-2 would designate haul routes to and from the project site, thereby eliminating the need for trucks to cross the right-of-way or travel within established residential uses.

MM4.6-2 Trucks transporting goods to and from the project site shall use either the Palm Avenue or University Parkway exits to reach the project site. Only Industrial Parkway (Hallmark Parkway) shall be used between the Interstate 215 off-ramps and the project site.

As noted, above, the project would not be considered a hazardous waste generator, and would utilize only small amounts of routine cleaning and landscaping chemicals during operation. In addition, the project would emit diesel particulate matter (DPM) from truck exhaust, although this has been determined to be a less-than-significant impact (see the discussion in Impact 4.2-2 of Section 4.2 [Air Quality]). In the unlikely event of a chemical spill or other accidental release of hazardous chemicals, the City Fire Department has a Hazardous Materials Response Team specially trained and equipped to handle hazardous materials releases which have adverse effects on lives, the environment, and property within the City of San Bernardino. In the event of an emergency involving hazardous material during operation of the proposed project, the City’s Haz-Mat team will be called. Compliance with all applicable federal, state, and local requirements pertaining to proper handling, use, storage, and disposal of hazardous materials, as analyzed above and implementation of mitigation measure MM4.6-2 would ensure that impacts related to accidental upset of hazardous materials during operation of the proposed project would be reduced to a *less-than-significant* level.

| | |
|-----------|--|
| Threshold | Would the project 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 it create a significant hazard to the public or the environment |
|-----------|--|

Impact 4.6-3 **The proposed project is located on a site that is included on a list of hazardous materials sites. However, construction or operation of the project would not create or result in a significant hazard to the public or the environment. This impact would be *less than significant*.**

A search of various regulatory databases identified several sites in the surrounding area as being contaminated or having the potential to become contaminated from the release of hazardous substances. In all, seven sites within a 1-mile radius of the project site were identified. The location and specific databases listing each site as contaminated is listed in Table 4.6-2 (Contaminated Sites) along with the location of each site and the specific databases listing the site as contaminated.

The American National Can Company, located at 5715 Industrial Parkway, was listed as containing leaking underground storage tanks (LUST). The LUST was originally reported in 1991. In addition to this

site, the Fred G. Walter and Son Machine Shop, located at 5770 Industrial Parkway is listed as containing inactive underground storage tanks, which at one time contained motor vehicle fuel and oil. No violations were reported for the Fred G. Walter and Son Machine Shop. Along with the previously mentioned sites, there are other sites identified in Table 4.6-2 that may handle or use hazardous materials during daily operation. The Phase I and subsequent Phase II determined that no contaminated soil is present on the project site.

However, the location of the project site within the Newmark Groundwater Contamination Site and the past use of the project site by Camp Ono place the site on the National Priority List (NPL), CERCLIS, and CORTESE.

As discussed in Section 4.6.1 (Environmental Setting), the project site is located within the Newmark Groundwater Superfund Site. This site was placed on the EPA’s NPL on March 31, 1989. The primary contaminants of concern within the Newmark Superfund Site included the solvents perchloroethylene (PCE) and trichloroethylene (TCE). These solvents are widely used in a variety of industries and are part of the class of chemicals known as VOCs. Since originally being placed on the NPL in 1989, the cause of the groundwater contamination is still unknown. The Superfund Site includes two separate groundwater plumes. Known as the Newmark and Muscoy Groundwater Operable Units, these plumes have been reported to a depth of 138 to 230 feet below the ground surface. Although the project is located above the Newmark Superfund Site, the Phase I performed for the proposed project determined that groundwater below the project site is located at a depth of 50 feet. As grading and construction of the proposed project would not reach a depth of 50 feet, no contact or release to potentially hazardous groundwater would occur.

Table 4.6-2 Contaminated Sites

| <i>Name</i> | <i>Address</i> | <i>Federal Record</i> |
|-------------------------------|------------------------------------|--|
| American National Can Company | 5715 Industrial Parkway | SLIC LUST |
| Cajon Landfill | Institutional Road/Cajon Boulevard | CERCLIS FINDS ENVIROSTAR |
| Denny’s #6606 | 5975 Palm Avenue | SBFD |
| Fred G. Walter & Son | 5770 Industrial Parkway | RCRA-NonGen FINDS CA FID UST HIST UST SWEEPS UST SBFD HAZNET |
| Imperial Gas LLC | 5985 Palm Avenue | SBFD |
| Industrial Rock Products | 5486 Industrial Parkway | HIST UST |
| Level 3 Communications | 5705 Industrial Parkway | AST SBFD |

Table 4.6-2 Contaminated Sites

| Name | Address | Federal Record |
|-----------------------------------|-------------------------------|--|
| Newmark Groundwater Contamination | Bunker Hill Groundwater Basin | NPL CERCLIS US ENG CONTROLS US INST CONTROL ROD FINDS |
| North End AM-PM | 5985 Palm Avenue | UST |
| THG Leased Property | 5518 Industrial Parkway | SLIC |
| San Bernardino Engineer Depot | N/A | FUDS |

SOURCE: The EDR Radius Map Report. October 14, 2010.

NPL—National Priority List. This database includes U.S. Environmental Protection Agency (EPA) National Priority List sites that fall under the EPA's Superfund program, established to fund the cleanup of the most serious uncontrolled or abandoned hazardous waste sites identified for possible long-term remedial action.

CERCLIS—Comprehensive Environmental Response, Compensation & Liability Information System. This database contains an extract of sites that have been investigated or are in the process of being investigated for potential environmental risk.

ENVIROSTOR—EnviroStor Database. The EnviroStor database is maintained by the Department of Toxic Substance Control's Site Mitigation and Brownfields Reuse Program. This database identifies sites that have known contamination or sites for which there may be reasons to investigate further.

LUST—Leaking Underground Storage Tanks. This database is maintained by the State Water Resources Control Board. LUST records contain an inventory of reported leaking underground storage tank incidents.

SBFD—San Bernardino Fire Department. Information provided in this database includes a listing of permitted sites in San Bernardino County, CA. This listing is maintained by the San Bernardino County Fire Department, Hazardous Materials Division. Included are underground storage tanks, medical waste handlers/generators, hazardous waste handlers, hazardous waste generators and waste oil generators/handlers.

RODS—Records of Decision. These decision documents maintained by the USEPA describe the chosen remedy for NPL (Superfund) site remediation. They also include site history, site description, site characteristics, community participation, enforcement activities, past and present activities, contaminated media, the contaminants present, and scope and role of response action.

SWEEPS—The Statewide Environmental Evaluation and Planning System (SWEEPS) contains a historical listing of active and inactive underground storage tank locations from the State Water Resources Control Board. Refer to CUPA listing for source of current data.

FUDS—Formerly Used Defense Sites.

SLIC—Statewide SCLIC Cases. The SLIC (Spills, Leaks, Investigations and Cleanup) program is designed to protect and restore water quality from spills, leaks, and similar discharges.

FINDS—Facility Index System/Facility Registry System. FINDS contains both facility information and 'pointers' to other sources that contain more detail.

RCRA-NonGen—RCRA – Non Generators. RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat, and/or dispose of hazardous waste. Non-Generators do not presently generate hazardous waste.

CA FID UST—Facility Inventory Database. The Facility Inventory Database (FID) contains a historical listing of active and inactive underground storage tank locations from the State Water Resource Control Board.

HIST UST—Hazardous Substance Storage Container Database. The Hazardous Substance Storage Container Database is a historical listing of UST sites

HAZNET—Facility and Manifest Data. The data are extracted from the copies of hazardous waste manifests received each year by the DTSC.

AST—Aboveground Petroleum Storage Tank Facilities. Registered Aboveground Storage Tanks.

US ENG CONTROLS—Engineering Controls Sites List. A listing of sites with engineering controls in place Engineering controls include various forms of caps, building foundations, liners, and treatment methods to create pathway elimination for regulated substances to enter environmental media or effect human health.

US INST CONTROL—Sites with Institutional Controls. A listing of sites with institutional controls in place. Institutional controls include administrative measures, such as groundwater use restrictions, construction restrictions, property use restrictions, and post remediation care requirements intended to prevent exposure to contaminants remaining on site.

UST—Active UST Facilities. Active UST (underground storage tank) facilities gathered from the local regulatory agencies.

Although the proposed project is located on a site that is included on one or more hazardous materials lists compiled in accordance with Government Code Section 65962.5, construction and operation of the proposed project would not create or result in a significant hazard to people or the environment, as noted, above. Therefore, the proposed project would result in a *less-than-significant* impact.

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| Threshold | Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? |
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Impact 4.6-4 Implementation of the proposed project could interfere with an adopted emergency response plan and/or emergency evacuation plan. This is a potentially significant impact. Implementation of mitigation measure MM4.6-3 would reduce this impact to *less than significant*.

The City’s Emergency Disaster Plan is the guiding document in the event of an emergency at the project site. The potential for a major calamity increases with the urbanization of previously unpopulated areas, and with the advent of industrial processes using hazardous materials. The Emergency Disaster Plan notes that the impact of disasters such as earthquakes, fires, and floods has become magnified as more high-risk land in the region is developed in response to pressure of urban growth. In addition, the use of hazardous chemicals in industry increases the potential for disaster. Transportation accidents can almost instantaneously create mass casualties. The Emergency Disaster Plan identifies numerous hazardous situations to which the City will respond, and includes natural and/or human-related disasters, including earthquakes, fires, hazardous or radiological materials spills and transportation accidents (City of San Bernardino 2005). The Emergency Disaster Plan provides an organizational and procedural framework for the management of emergency incidents, including evacuation procedures. It also describes the coordination with outside agencies for the further protection of the City’s employees, visitors, and property, as well as the surrounding community and environment. Mitigation measure MM4.6-3 shall be implemented to ensure that temporary street closures would not affect emergency access in the vicinity of the project site.

MM4.6-3 The Applicant shall notify the San Bernardino Police Department and the San Bernardino Fire Department to disclose temporary closures and alternative travel routes in order to ensure adequate access for emergency vehicles when construction of the project would result in temporary land or roadway closures.

The City’s Emergency Disaster Plan identifies specific evacuation routes within the City. The San Bernardino County General Plan (1993) designates potential evacuations routes in the event of an emergency. Within the San Bernardino Valley, the major routes out of the County are Interstates 10, 15, 210, and 215, along with State Highways 30, 31, 60, 66, 71 and numerous major and secondary highways. Specific routes would be designated during a specific emergency such as an earthquake, flood, fire, or other disaster. In addition to the potential evacuation routes listed above, Caltrans has identified a number of possible evacuation routes in the San Bernardino Valley. These roads have the least number of bridges, and may be among the safest roads to travel in the event of a major earthquake.

As there are no residential uses in close proximity to the proposed project (west of I-215), construction and operation would not impair evacuation routes for City residents. In addition, the second driveway of

the proposed project could be used for a secondary emergency access if needed. The proposed project is not proposing any structures or uses that would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Furthermore, emergency response teams would be notified of road closures during construction activities on the project site, as specified in mitigation measure MM4.6-3. Therefore, this impact would be *less than significant*.

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| Threshold | Would the project be inconsistent with wind-resistant design standards of the City |
|-----------|--|

Impact 4.6-5 **The proposed project is within a designated High Wind Area but would be consistent with City wind-resistant design standards. Compliance with project requirement PR4.6A would ensure that the impact would be *less than significant*.**

The City of San Bernardino is subject to extremely high winds, which have resulted in significant property damage. As shown in Figure 4.6-1 (Designated Wind Hazard Area), the northern half of the City adjacent to the mountains is classified as a “High Wind Area.” The most significant wind problems occur at the canyon mouths and valleys extending down slope from the San Bernardino Mountains. The highest velocities are associated with downslope canyon and Santa Ana winds (90–100 mph). Santa Ana winds are dry, warm winds that flow from the higher desert elevations in the north through the mountain passes and canyons. As the wind converges through the canyons, the velocities of the wind increase. Consequently, peak velocities are highest at the mouths of the canyons and dissipate as they spread across the valley floor. The proposed project is within a designated High Wind Area and is exposed to significant wind hazards.

The following project requirement shall be implemented, as required by federal, state, or local statute or code:

PR4.6A The project developer shall submit final site and construction plans to the City Building Division for a determination of consistency with wind-resistant design standards and compliance with City of San Bernardino Municipal Code 15.04.210 Section 7014.5(a).

The City Building Division is required to approve all design plans for consistency with General Plan policies with regard to wind-resistant design. Compliance with City regulations on wind-resistant building design would ensure that the proposed project would be designed and sited so as to minimize risks from wind damage. This impact would be *less than significant*.

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| Threshold | Would the project result in adverse wind effects on adjacent properties? |
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Impact 4.6-6 **Implementation of the proposed project would not result in adverse wind effects affecting adjacent property during periods of high-velocity wind. Compliance with project requirement PR4.6A would ensure that the wind effect on adjacent properties would be *less than significant*.**

The project site is adjacent to, and immediately north of, the Northwest Redevelopment Area. Some commercial uses exist along the I-215 frontage and on Palm Avenue, and single-family residential occurs

north of Kendall Drive, on the north side of Highway 215. During construction of the proposed project, high velocity winds could result in property damage to adjacent property as the wind carries loose debris from the project site to adjacent streets or properties through a wind tunnel effect. Potential hazardous materials from the construction site could be carried by the wind to adjacent properties and the residential area. The wind effect can expose the potential hazardous materials from the construction site to the construction workers and residents. The proposed project could also contribute to creating wind effects within the area as it is a permanent structure built within the landscape. Proper design guidelines would be necessary to ensure that the permanent structure would not create additional wind effects within the area. Compliance with the Municipal Code and project requirement PR4.6A would require the project developer to take preventive measures to reduce wind effects to adjacent properties under the direction of the City Building Division and would ensure that activities on the project site would have minimal effect on the surrounding land uses. In addition, appropriate dust control measures would be implemented through PR4.2B (Section 4.2 [Air Quality]) during each phase of development, as required by SCAQMD Rule 403—Fugitive Dust to provide additional dust suppression.

The proposed project is within a designated High Wind Area and is exposed to significant wind hazards. The City Building Division is required to approve all design plans for consistency with Municipal Code policies with regard to safety measures to reduce wind effect on adjacent properties. Compliance with City of San Bernardino Municipal Code 15.04.210 Section 7014.5(a) would ensure that the wind effects on adjacent properties would be *less than significant*.

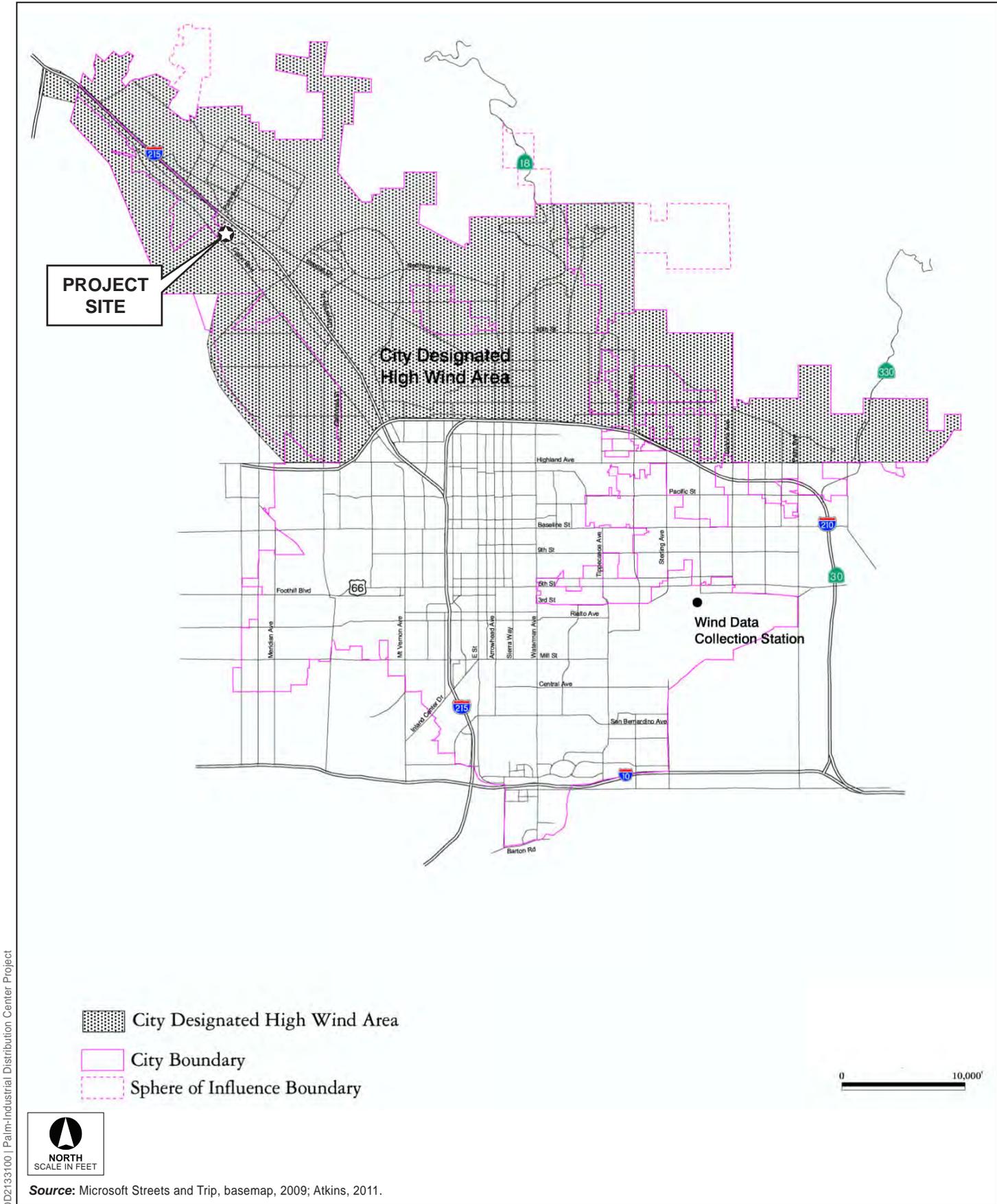
4.6.4 Cumulative Impacts

A cumulative impact analysis is only provided for those thresholds that result in a less-than-significant or significant and unavoidable impact. A cumulative impact analysis is not provided for Effects Found Not to Be Significant, which result in no project-related impacts.

Impacts associated with hazards and hazardous materials are generally localized and site specific, except for impacts resulting from transportation of hazardous materials. Therefore, this cumulative impact analysis considers development of the proposed project in conjunction with the other development in the City as represented by build-out of the City’s General Plan, as well as projects in neighboring jurisdictions, to provide a geographic context that is both site specific and relates to projects that could cumulatively contribute to a hazardous materials upset or accident condition along local haul routes.

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| Threshold | Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? |
|-----------|--|

Due to the nature of distribution centers and the high reliance on transportation to distribute and receive materials, the potential for cumulative impacts is greater at the proposed projects than some developments and could create a risk to the surrounding area residents through the routine transport of items to and from the center.



0D2133100 | Palm-Industrial Distribution Center Project



Source: Microsoft Streets and Trip, basemap, 2009; Atkins, 2011.

Figure 4.6-1
Designated Wind Hazard Area

Related development in the City and surrounding area could subject construction workers to health or safety risks through exposure to hazardous materials, although the individual workers potentially affected would vary from project to project. Projects would be required to comply with applicable federal, state, and local regulations. Adherence to applicable regulations and guidelines pertaining to hazardous materials would ensure that cumulative impacts from construction activities would be less than significant. The proposed project would also be required to comply with applicable statutes and regulations, which would ensure that the project would not result in significant public hazards as a result of the accidental release of hazardous materials.

In addition to cumulative construction impacts, cumulative development could potentially involve the operation of future uses that could release hazardous materials into the environment; however, similar to potential construction impacts, the storage and use of hazardous materials is strictly regulated by existing statutes. For example, California Building Code requirements prescribe safe storage accommodations. In addition, hazardous materials use regulations include requirements for employees to wear appropriate protective equipment, and safety equipment is routinely available in all areas where hazardous materials are used. It is required that future development projects would adhere to the applicable federal, state, and local requirements that regulate the release of hazardous materials into the environment resulting from operational activities. It should also be noted that any impacts would be localized.

Although existing, proposed, and reasonably foreseeable development could have potentially unique hazardous materials considerations, it is expected that future growth will generally comply with the range of federal, state, and local statutes and regulations applicable to hazardous materials, and will be subject to existing and future programs of enforcement by the appropriate regulatory agencies. For these reasons, cumulative impacts resulting from the use, transport, and disposal of hazardous materials would be less than significant. Adherence to applicable statutes and regulations would ensure that the proposed project would not result in significant public hazards as a result of hazardous materials use, transport, or disposal, the proposed project's contribution would not be cumulatively considerable, and the cumulative impact of the proposed project would be *less than significant*.

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| Threshold | Would the project 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? |
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Related development in the City and surrounding area could subject construction workers to health or safety risks through exposure to hazardous materials such as contaminated groundwater or soil, as well as routine cleaning and landscaping chemicals, although the individual workers potentially affected would vary from project to project. Projects would be required to comply with applicable federal, state, and local regulations. Adherence to applicable regulations and guidelines pertaining to hazardous materials would ensure that the project would not result in significant public hazards as a result of the accidental release of hazardous materials.

It is also possible that a number of the related projects and other future development in the City of San Bernardino could expose residents and construction workers to contaminated soil or groundwater. As

was stated above, the project site is within the Newmark Superfund Site due to contaminated groundwater from an unknown source. The site, originally established on the National Priority List in 1989, had an unknown contamination leak occur which contaminated both the Newmark and Muscoy underground plumes. While no person or company has been charged, the United States Army has agreed to pay \$69 million to the City for cleanup efforts. It is anticipated that future development projects would adhere to the applicable federal, state, and local laws and regulations that govern underground storage tanks and pesticide use, as well as requirements applicable to disposal and cleanup of contaminants. As a result, cumulative impacts would be less than significant. Additionally, site-specific investigations would be conducted at locations where contaminated soils or groundwater could occur to minimize the exposure of workers to hazardous substances. Adherence to all applicable statutes and regulations would ensure that the proposed project would not result in significant public hazards as a result of the accidental release of hazardous materials. As a result, the proposed project's contribution to cumulative impacts would not be cumulatively considerable and would be considered a *less-than-significant* impact.

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| Threshold | 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 it create a significant hazard to the public or the environment |
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This discussion pertains to the project site's inclusion on hazardous materials regulatory databases and the cumulative impacts associated with this development as it pertains to the surrounding area. As was stated previously, the project site sits on land within the Newmark Superfund Site. A Phase I and II ESAs were performed on the project site, and did not find any hazardous materials or contaminated soils on site. Future projects in the City and County would be regulated to ensure that either new development would not occur on hazardous materials sites, and impacts would be mitigated by appropriate remediation, or that the development would result in no cumulative effects. Appropriate site investigation and remediation would occur on sites prior to development if hazardous materials are anticipated to be present. This would ensure that development within the project sites vicinity would not make a cumulatively considerable contribution to impacts resulting from development on hazardous materials sites, and the impact would, therefore, be *less than significant*.

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| Threshold | Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? |
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Construction and operation of the proposed project and other future development in the City and surrounding area could interfere with an adopted emergency response or evacuation plan. The Emergency Disaster Plan for the City of San Bernardino addresses procedures for large-scale emergency situations, such as natural disasters and technological incidents and not normal day-to-day emergencies. This is an emergency preparedness document for large-scale emergencies situations such as earthquakes or a major air crash that would be applicable to the entire City including the project site. Because the City has prepared for such emergencies and as part of standard development procedures plans would be submitted to the City for review and approval to ensure that all new development has adequate emergency access, including turning radius in compliance with existing City regulations, there would be no cumulatively significant impact.

Construction and operation activities under the proposed project with respect to emergency response or evacuation plans due to temporary construction barricades or other obstructions that could impede emergency access would be subject to the City's permitting process, which coordinates with the Police and Fire Departments to ensure that emergency access is maintained at all times. Furthermore, the potential for any increased delays along evacuation routes from the incremental increase in new workers and patrons resulting from implementation of the proposed project would be considered less than significant. As a result, the proposed project's contribution to cumulative impacts associated with adopted emergency response or evacuation plans would not be cumulatively considerable. Therefore, the cumulative impact of the proposed project would be *less than significant*.

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| Threshold | Would the project be inconsistent with wind-resistant design standards of the City? |
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It is expected that future development within the High Wind Area would comply with the design guidelines of the City to ensure appropriate wind-resistant design standards. For this reasons, cumulative impacts related to inconsistency with wind-resistant design standards of the City would be less than significant. Additionally, the proposed project would also be required to comply with project requirement PR4.6A ensuring that the proposed project would be consistent with wind-resistant design standards approved by the City. The proposed project's contribution would not be cumulatively considerable and the cumulative impact of the proposed project would be *less than significant*.

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| Threshold | Would the project result in wind effects on adjacent properties? |
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It is also possible that a number of the related projects and other future development in the City of San Bernardino could expose residents and construction of adjacent properties to debris or loose materials carried by the wind through a wind tunnel effect. Related development in the City and surrounding area could subject construction workers to health or safety risks through exposure to loose materials or debris from construction activities, although the individual workers potentially affected would vary from project to project. Adherence to applicable regulations and guidelines pertaining to wind effects on adjacent properties would reduce the impact and cumulative impacts would be less than significant. The proposed project would also be required to comply with applicable regulations. As a result of the impact, would not be cumulatively considerable and the cumulative impact of the project would be *less than significant*.

4.6.5 References

Ardent Environmental Group, Inc. 2007. *Phase II Environmental Site Assessment*, May 31.

California Department of Transportation (Caltrans). 2007. <http://www.dot.ca.gov> (accessed August 23, 2007).

Professional Property Inspections, LLC. 2007. *Phase I Environmental Site Assessment, Palm Avenue/Industrial Parkway Property*. January.

San Bernardino, City of. 2005. *City of San Bernardino General Plan*.

San Bernardino Fire Department (SBFD). 2007. Retrieved from: <http://www.ci.san-bernardino.ca.us/depts/fire/default.asp>.

San Bernardino County Fire Department (SBFD) Hazardous Materials Division. *Certified Unified Program Agency Program*. <http://www.sbcfire.org/hazmat/cupa.asp> (accessed August 21, 2007).

The EDR Radius Map Report. October 14, 2010.