

4.8 HAZARDS AND HAZARDOUS MATERIALS

4.8.1 Introduction

The purpose of this section is to describe the potential impacts of implementing the Beaumont Summit Station Specific Plan (Project), on human health and the environment due to exposure to hazardous materials or conditions associated with the Project site, Project construction, and Project operations. Potential impacts and appropriate mitigation measures or standard conditions are included as necessary. The analysis in this section is based, in part, upon the following source(s):

- The Vertex Companies, Inc. April 2021. *Phase I Environmental Site Assessment*

A complete copy of this study is included in the Draft EIR as **Appendix G**.

4.8.2 Environmental Setting

Current Uses of Property

The Project site consists of several parcels of land, approximately 188-acres of development. The Project site was observed to be in a rural and residential area of the City of Beaumont (City) within Riverside County (County). Adjoining properties were observed (from the Project site or from public access areas) for signs of Recognized Environmental Conditions (RECs) and their potential to pose an environmental concern to the Project site. The uses and features of adjoining properties are described in **Table 4.8-1, Adjoining Property Summary** and the location of the site and the surrounding properties relative to the site are depicted in **Exhibit 4.8-1, Project Vicinity**.

Table 4.8-1: Adjoining Property Summary

Nearby/ Adjoining Property Summary		
Direction	Property Use	Concerns
North	Cherry Valley Boulevard with planned industrial uses zoned Industrial (I-P) and Danny Thomas Ranch beyond in the County of Riverside.	None
East	Scattered single-family residences zoned Agriculture (A-1-1) and residential (R-A-1) in the County of Riverside.	None
South	Brookside Avenue and property zoned for neighborhood commercial and single-family residential uses beyond.	None
West	Vacant property zoned for Residential (R-A-1) and Commercial (C-P-S) in the County of Riverside.	None

The central and east portions of the Project site are developed with multiple concrete foundations and several outbuildings which are remnants of the former Sunny-Cal Egg and Poultry Ranch operations that occupied the Project site from the early 1960s to 2005. The several outbuildings were constructed with wood-framing, concrete masonry units (CMU), wood panels and corrugated metal panels, with concrete flooring. The buildings had been abandoned since operations ceased and were in various states of disrepair.

Exterior areas of the Project site included undeveloped land, a retention pond on the southeast corner of the Project site and various dry creek beds on the southwest and south portions of the Project site. Several

above ground storage tanks (ASTs) of various sizes were observed on the southeast and northeast portions of the Project site, which were empty at the time of the Project site visit. The ASTs were empty, but likely held water and fuel. According to building permit records, one 12,000-gallon AST at the Project site was formerly used to hold diesel; however, this was not evident at the time of the Project site visit. Additionally, there are several rubble piles from recently demolished outbuildings and residences located on the northeast portion of the Project site, and open sub-grade vaults on the central portion of the Project site. A fenced-in enclosure with a small concrete masonry unit building that houses an active water well is located on the north central portion of the Project site. The well is designated as Well 29 and is owned and maintained by the Beaumont-Cherry Valley Water District.

Historical Uses of Property

A review of historical information showed that the Project site is located in a rural and residential area. It was undeveloped land and an intermittent creek as early as 1901. By 1938, the Project site was developed with orchards on the northeast section of the Project site until the mid-1940s, when they were removed and the land left vacant. By the early 1950s, residences and agricultural buildings were developed on the east portion of the Project site and by the mid-1960s, egg and poultry farm buildings were developed on the east portion of the Project site. Additional outbuildings and aboveground storage tanks (ASTs) are developed by the 1980s, with further building developments and water retention ponds on the central portion of the Project site in the mid-1990s. By 2009, the present City water well enclosure was developed on the northeast portion of the Project site in its current configuration. By 2016, the Project site buildings appear to be vacant and unused. No RECs were identified with the past and current use of the Project site.

Based on review of readily available historical information, the adjoining properties were undeveloped land as early as 1901 until orchards were developed on the east adjoining property by the late 1930s. By the early 1950s, orchards were developed on the west adjoining property until the mid-1960s, when the orchards were removed from the east and west adjoining properties and residences were developed on the east adjoining property. Additional residences and farms were developed on the east and south adjoining properties by the mid-1980s. Residential neighborhoods were developed on the south adjoining property by 2006 and by 2009 an RV park was developed on the central portion of the south adjoining property. No RECs were identified with respect to the historical surrounding property uses.

Environmental Site Assessment

According to the Phase I Environmental Site Assessment (ESA), the Project site address 37251 Cherry Valley Boulevard was identified on several databases for potential connection of a REC:

- Historical Underground Storage Tank (HIST UST) and Statewide Evaluation and Planning System UST (SWEEPS UST) for having historically one 550-gallon diesel UST, one 8,000-gallon diesel UST and one 1,000-gallon unleaded gasoline UST, installed between 1978 and 1979. The removal date of the USTs is unknown. Based on the lack of UST removal and closure documents, the historical USTs are considered evidence of a REC in connection with the site.
- Identified on the HAZNET, Hazardous Waste Tracking System (HWTS), and the National Pollutant Discharge Elimination System (NPDES) and California Integrated Water Quality System (CIWQS) databases for the disposal unspecified oil containing waste in 2006. The Project site maintained a

construction water permit from 2015 until its termination in 2016. These listings are not considered a REC in connection with the Project site.

- Identified on the California Environmental Reporting System Hazardous Waste (CERS HAZ WASTE) database for being a chemical storage facility. According to the Cal Environmental Protection Agency portal, approximately 1,200 to 2,999 gallons of sodium hypochlorite solution (potentially used as water chemical treatment for the city water well), which is stored in the CMU building inside the fenced in enclosure on the northeast portion of the Project site. Two violations related to submitting business plans were reported, but both violations were later brought to compliance. Based on the lack of reported releases, return to compliance, and that this enclosure is owned and maintained by the Beaumont-Cherry Valley Water District, this is not a REC in connection with the Project site.

A review of state and federal regulatory records revealed several facilities within ASTM-specified search radii of the Project site. The facilities are located over 1,850 feet from the site and are not considered an environmental concern to the site based on distance, regulatory status, and/or apparent groundwater gradient and are not further discussed.

Observations of site conditions were made during the site reconnaissance and are summarized in **Table 4.8-2, Site Observations**, below. Issues of concern are discussed in greater detail following the table.

Table 4.8-2: Site Observations

Site Observations		
Description	Reported/ Observed On-Site Y/N	Comments
Hazardous Substances and Petroleum Products	N	The site is currently unoccupied and unused, except for cattle grazing. No hazardous substances or petroleum products were observed on site. A stack of broken fluorescent light tubes was stored in an outbuilding on the northeast portion of the site. The current on-site operations do not represent an environmental concern.
UST(s)	N	VERTEX did not observe fill pipes, vent pipes or other evidence of UST(s). VERTEX did not observe operations and/or equipment that are typically associated with significant fuel or chemical storage that typically utilizes USTs. However, according to the HIST UST and SWEEPS UST regulatory databases, three fuel USTs were historically used at the site and were installed between 1978 and 1979. See Sections 6.1 and 6.3 for further
AST(s)	Y	There are several ASTs located on the north, east and south portion of the site. At the time of the assessment, the ASTs were empty, but likely held water and fuel. According to building permit records, one 12,000-gallon AST at the site was formerly used to hold diesel; however, this was not evident at the time of the site visit. No concerns or staining around
Strong, Pungent, or Noxious Odors	N	Not identified during the site visit.
Pools of Liquid	N	Not identified during the site visit.
Drums	N	Not identified during the site visit.

Site Observations		
Description	Reported/ Observed On-Site Y/N	Comments
Unidentified Substance Containers	N	Not identified during the site visit.
Polychlorinated Biphenyls (PCB)-containing Equipment	N	VERTEX observed a pad-mounted transformer on the northeast portion of the site in the fenced-in enclosure that houses the city water well. Additionally, based on the date of installation (by 2009), it is unlikely that the equipment is PCB containing. No concerns were noted.
Utilities (Electricity/ Natural Gas)	Y	Electricity – supplied by SCE Natural gas – none
Hydraulic Equipment	N	Not identified during the site visit.
Water Supply	N	The site is presently unoccupied.
Wells	Y	The Beaumont-Cherry Valley Water District has one city water well housed in an enclosure on the northeast portion of the site.
Wastewater	N	The site is presently unoccupied.
Septic	Y	Septic systems were not observed at the time of the assessment, due to the debris piles from recently demolished work and residential buildings on the northeast portion of the site; however, building permits indicated that septic systems and seepage pits were historically present at the site.
Storm Water	Y	Currently storm water at the site is either absorbed directly into the bare ground or directed south to the intermittent creek bed.
Flood Plain	N	According to the Federal Emergency Management Agency (FEMA), Flood Insurance Rate Map, the site is not located in a 100- or 500-year floodplain.
Pits, Ponds, Lagoons	N	Not identified during the site visit.
Stained Soil, Stained Pavement, Corrosion to Pavement	N	Not identified during the site visit.
Stressed Vegetation	N	Not identified during the site visit.
Solid Waste	Y	The site is unoccupied; however, there are large debris piles from the demolition of buildings and the remains of the previous business operations (chicken cages, fluorescent light bulbs, old engine parts) that
Hazardous Waste Management	N	Not identified during the site visit.
Heating/Cooling	N	The site is presently unoccupied and the buildings in a deteriorated state.
Drains, Sumps, Oil/Water Separators/Sand Traps	N	Not identified during the site visit.

Site Observations		
Description	Reported/ Observed On-Site Y/N	Comments
Vapor Intrusion	Y	As part of this assessment, VERTEX assessed the potential for impacts to the site from potential on- and off-site sources of vapor intrusion. The potential for impacts from off-site properties included a review of current off-site operations (see Section 2.4), a review of historical operations (see Section 5.2), and a review of regulatory database records (see Section 6.2). The former on-site USTs represent a potential sources

A records request was submitted to the Riverside County Department of Environmental Health – Hazardous Materials Certified Unified Program Agency for UST closure records for the site; however, a response is pending. Based on the lack of closure and removal documentation, the historical USTs are considered a REC in connection with the site. No other significant data gaps that would affect the ability to identify RECs at the site were encountered during this assessment. Deviations or deletions from the scope of work defined by ASTM E 1527-13 were not intentionally made.

Airport Hazards

The nearest airstrip is the Banning Municipal Airport in Banning, located at 200 S. Hathaway Street, Banning, CA 92220, approximately 9.5 miles east of the eastern Project site boundary.

Wildland Hazards

According to Cal Fire, the California Fire Hazard Severity Zone (FHSZ) Viewer, the Project site is not located within a moderate, high, or very high fire FHSZ.¹

Schools

The nearest schools to the Project site are Tournament Hills Elementary, which is less than a mile southwest from the Project site, Brookside Elementary School which is 1.65 miles west of the Project site, and Beaumont High School at 39139 Cherry Valley Boulevard, approximately 2.0 miles to the east.

4.8.3 Regulatory Setting

Hazardous materials and wastes are identified and defined by federal and state regulations for the purpose of protecting public health and the environment. Hazardous materials contain certain chemical, physical, or infectious properties that cause them to be considered hazardous. Hazardous wastes are defined in the Code of Federal Regulations (CFR) Title 40, Volume 25, Parts 260–265 and in the California Code of Regulations (CCR), Title 22 Div. 4.5, Chapter 11, Article 1, § 66261. Over the years, the laws and regulations have evolved to deal with different aspects of the handling, treatment, storage, and disposal of hazardous substances.

¹ Cal Fire. 2021. California Fire Hazard Severity Zone Viewer. Retrieved from: <https://egis.fire.ca.gov/FHSZ/> (accessed on June 2, 2021).

Federal

Federal Toxic Substances Control Act of 1976

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

TSCA §§ 402 and 404 requires that those engaged in lead abatements, risk assessments and inspections in homes or child-occupied facilities (such as daycare centers and kindergartens) built prior to 1978 be trained and certified in specific practices to ensure accuracy and safety. TSCA § 403, sets standards for dangerous levels of lead in paint, household dust, and residential soil.

Resource Conservation and Recovery Act of 1976

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

Comprehensive Environmental Response, Compensation, and Liability Act of 1980

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as “Superfund,” was enacted by Congress on December 11, 1980. This law provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA established requirements concerning closed and abandoned hazardous waste sites, provided for liability of persons responsible for releases of hazardous waste at these sites, and established a trust fund to provide for clean-up when no responsible party could be identified. CERCLA also enabled the revision of the National Contingency Plan. The National Contingency Plan provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The National Contingency Plan also established the National Priorities List, which is a list of contaminated sites warranting further investigation by the U.S. EPA. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.

Emergency Planning and Community Right-to-Know Act

Title III of the Superfund Amendments and Reauthorization Act (SARA) authorized the Emergency Planning and Community Right-to-Know Act (EPCRA; 42 USC §11001 et seq.) to inform communities and citizens of chemical hazards in their areas by requiring businesses to report the locations and quantities of chemicals

stored on-site to state and local agencies; releases to the environment of more than 600 designated toxic chemicals; off-site transfers of waste; and pollution prevention measures and activities and to participate in chemical recycling. The U.S. EPA maintains and publishes an online, publicly available, national database of toxic chemical releases and other waste management activities by certain industry groups and federal facilities—the Toxics Release Inventory.

To implement EPCRA, each state appointed a state emergency response commission to coordinate planning and implementation activities associated with hazardous materials. The commissions divided their states into emergency planning districts and named a local emergency planning committee for each district. The federal EPCRA program is implemented and administered in California Governor's Office of Emergency Services (Cal OES), a state commission, six local committees, and 81 Certified Unified Program Agencies (CUPAs). Cal OES coordinates and provides staff support for the state commission and local committees.

Occupational Safety and Health Act

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

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

Title 40, Code of Federal Regulations, §61 Subpart M

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

Title 40, Code of Federal Regulations, Part 745

Title 40, CFR, Part 745 contains regulations developed under §§ 402 and 406 of the TSCA and applies to all renovations performed for compensation in target housing and child-occupied facilities.

The purpose of this subpart is to ensure the following:

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

Title 29, Code of Federal Regulations, §1926.62

Title 29 CFR § 1926.62, sets standards for occupational health and environmental controls for lead exposure in construction, regardless of the lead content of paints and other materials. The standards include requirements addressing exposure assessment, methods of compliance, respiratory protection, protective clothing and equipment, hygiene facilities and practices, medical surveillance, medical removal protection, employee information and training, signs, recordkeeping, and observation and monitoring.

U.S. EPA's Lead Renovation, Repair and Painting Program Rules

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

Federal Aviation Administration

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

State

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

The enforcement agencies for hazardous materials transportation regulations are the California Highway Patrol and Caltrans. Hazardous materials and waste transporters are responsible for complying with all applicable packaging, labeling, and shipping regulations. South Coast Air Quality Management District

(SCAQMD) Rules and Regulations pertain to asbestos abatement (including Rule 1403), Construction Safety Orders 1529 (pertaining to asbestos), and 1532.1 (pertaining to lead) from Title 8 of the CCR. Hazardous chemical and biohazardous materials management laws in California include the following statutes:

- Hazardous Materials Management Act – requires that businesses handling or storing certain amounts of hazardous materials prepare a hazardous materials business plan, which includes an inventory of hazardous materials stored on site (above specified quantities), an emergency response plan, and an employee training program.
- Hazardous Waste Control Act (California Health and Safety Code [HSC], Division 20, Chapter 6.5, Article 2, § 25100, et seq.) – authorizes the DTSC and local certified unified program agencies to regulate facilities that generate or treat hazardous waste.
- Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) – requires the governor to publish and update, at least annually, a list of chemicals known to the state to cause cancer, birth defects, or other reproductive harm, and to inform citizens about exposures to such chemicals.
- Hazardous Waste Management Planning and Facility Siting, also known as the Tanner Act (Assembly Bill (AB) 2948, 1986) – requires counties to prepare, for California DTSC approval, hazardous waste management plans, and prescribes specific public participation activities, which must be carried out during the local land use permit process for siting new or expanding off-site commercial treatment, storage, and disposal facilities.
- Hazardous Materials Storage and Emergency Response (AB 2185) – requires the immediate reporting to local fire departments and Offices of Emergency Services of any release or threatened release of a hazardous material, regardless of the amount handled by the business.
- California Medical Waste Management Act (California HSC, §§ 117600–118360) – establishes procedures for the proper handling, storage, treatment, and transportation of medical waste.
- Land Disposal Restrictions (CCR, Chapter 18, Title 22) – set up by Congress in 1984 for the U.S. EPA, ensures that toxic constituents present in hazardous waste are properly treated before hazardous waste is land disposed.

State regulations and agencies pertaining to hazardous materials management and worker safety are described in the following subsections.

California Environmental Protection Agency

The California Environmental Protection Agency (Cal/EPA) was created in 1991, unifying California's environmental authority in a single cabinet-level agency and bringing the CARB, State Water Resources Control Board (SWRCB), Regional Water Quality Control Boards (RWQCB), California Department of Resources Recycling and Recovery (known as CalRecycle and formerly the Integrated Waste Management Board), DTSC, Office of Environmental Health Hazard Assessment, and Department of Pesticide Regulation under one agency. These agencies were placed within the Cal/EPA "umbrella" for the protection of human health and the environment and to ensure the coordinated deployment of state resources. Its mission is

to restore, protect, and enhance the environment, to ensure public health, environmental quality, and economic vitality.

Department of Toxic Substance Control

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

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

State Water Resources Control Board

Brownfields are underutilized properties where reuse is hindered by the actual or suspected presence of pollution or contamination. The SWRCB's Brownfield Program goals are to:

- Expedite and facilitate site clean-ups and closures for brownfield sites to support reuse of those sites;
- Preserve open space and greenfields;
- Protect groundwater and surface water resources, safeguard public health, and promote environmental justice; and
- Streamline site assessment, clean-up, monitoring, and closure requirements and procedures within the various SWRCB site clean-up programs.

Site clean-up responsibilities for brownfields primarily reside within four main SWRCB programs: the Underground Storage Tank Program; Site Cleanup Program; Department of Defense Program; and the Land Disposal Program. These SWRCB clean-up programs are charged with ensuring sites are remediated to protect California's surface and groundwater and return them to beneficial uses.

California Government Code Section 65962.5

Pursuant to CGC § 65962.5, environmental regulatory database lists were reviewed to identify and locate properties with known hazardous substance contamination within the proposed Project area (CGC § 65960 et seq.). Four state agencies are required to provide lists of facilities that have contributed, harbor, or are responsible for environmental contamination within their jurisdiction. The four state agencies that are required to provide these lists to the Secretary for Environmental Protection include the DTSC, the State Department for Health Services, the SWRCB, and the California Integrated Waste Management Board. The Secretary for Environmental Protection then takes each of the four-respective

agency lists and forms one list, referred to as the Hazardous Waste and Substances Site List – Site Clean-up (Cortese List), which is made available to every city and/or county in California.

California Health and Safety Code Section 25501

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

California Occupational Safety and Health Administration

CalOSHA is the primary agency responsible for worker safety in the handling and use of chemicals in the workplace. CalOSHA standards are generally more stringent than federal regulations. The employer is required to monitor worker exposure to listed hazardous substances and notify workers of exposure (8 CCR §§ 337–340). The regulations specify requirements for employee training, availability of safety equipment, accident prevention programs, and hazardous substance exposure warnings.

California Hazardous Waste Control Law

The California Hazardous Waste Control Law (California HSC, Division 20, Chapter 6.5) is administered by the CalEPA to regulate the management of hazardous wastes. While the Hazardous Waste Control Law is generally more stringent than the Resource Conservation and Recovery Act, until the EPA approves the California hazardous waste control program (which is charged with regulating the generation, treatment, storage, and disposal of hazardous waste), both the state and federal laws apply in California. The Hazardous Waste Control Law lists 791 chemicals and approximately 300 common materials that may be hazardous; establishes criteria for identifying, packaging, and labeling hazardous wastes; prescribes management controls; establishes permit requirements for treatment, storage, disposal, and transportation; and identifies some wastes that cannot be disposed of in landfills.

California Accidental Release Prevention Program

Similar to the Federal Risk Management Program, the California Accidental Release Prevention Program includes additional state requirements as well as an additional list of regulated substances and thresholds. The regulations of the program are contained in CCR Title 19, Division 2, Chapter 4.5. The intent of California Accidental Release Prevention Program is to prevent accidental releases of substances that can cause serious harm to the public and the environment, to minimize the damage if releases do occur, and to satisfy community right-to-know laws.

California Health and Safety Code

The handling and storage of hazardous materials are regulated by Division 20, Chapter 6.95 of the California HSC. Under §§ 25500–25543.3, facilities handling hazardous materials are required to prepare a hazardous materials business plan (HMBP). HMBPs contain basic information on the location, type,

quantity, and health risks of hazardous materials stored, used, or disposed of in the state. Chapter 6.95 of the HSC establishes minimum statewide standards for HMBPs.

In addition, in the event that a facility stores a quantity of specific acutely hazardous materials above the thresholds set forth by California code, facilities are also required to prepare a risk management plan and California Accidental Release Plan. The risk management plan and California Accidental Release Plan provide information on the potential impact zone of a worst-case release and require plans and programs designed to minimize the probability of a release and mitigate potential impacts (California HSC, Chapter 6.95).

Hazardous Materials Release Response Plans and Inventory Law

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

Hazardous Materials Transportation

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

Worker and Workplace Hazardous Materials Safety

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

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

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

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

Requirements for Phase I Environmental Site Assessments

Phase I ESAs are required for land purchasers to qualify for the Innocent Landowner Defense under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), to minimize environmental liability under other laws such as RCRA, and as a lender prerequisite to extend a loan for purchase of land.

Certified Unified Program Agency

A CUPA is an agency of a county or city that administers several state programs regulating hazardous materials and hazardous wastes. Riverside County Department of Environmental Health Hazardous Materials Branch is the CUPA for all incorporated cities and towns and unincorporated areas. Riverside County Department of Environmental Health Hazardous Materials Branch administers the following HazMat programs:

- California Accidental Release Prevention Program
- Underground Storage Tanks
- Aboveground Petroleum Storage Tanks
- Waste Generator
- Waste Treatment (Tiered)
- Hazardous Materials Business Plan
- Emergency Response Team

California Health and Safety Code, §§ 17920.10 and 105255

Lead must be contained during demolition activities.

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

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

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

California Aeronautics Act

The State Aeronautics Act included in the California Public Utilities Code establishes statewide requirements for airport land use compatibility planning and requires nearly every county to create an

Airport Land Use Commission (ALUC) or other alternative. San Bernardino County opted for an alternative to the ALUC and delegated responsibility to prepare an ALUCP for each airport jurisdiction.

California Airport Land Use Compatibility Planning Handbook

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

Regional

Regional Water Quality Control Board

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

SCAQMD Rule 1403 governs the demolition of buildings containing asbestos materials. Rule 1403 specifies work practices with the goal of minimizing asbestos emissions during building demolition and renovation activities, including the removal and associated disturbance of ACM.

Local

At the local level, Riverside County provides for enforcement and monitoring of federal and State regulations addressing hazardous materials/hazardous wastes activities and management. The following County Ordinances provide the primary means for implementing applicable federal and State policies.

Ordinance No. 615.3

This Ordinance designates the Riverside County Department of Environmental Health as the local enforcement agency responsible for ensuring compliance with the provisions of the California HSC, Chapter 6.5, Division 20, §§ 25100 et seq., and the Environmental Health Standards for the Management of Hazardous Waste as specified in Title 22 of the CCR, Division 4.5 related to the generation, storage, handling, disposal, treatment, and recycling of hazardous waste.

Ordinance No. 718.1

This Ordinance implements a local medical waste management program in accordance with the Medical Waste Management Act, as found in the California HSC, Division 14, Part 14. The Ordinance establishes requirements for the management of medical waste and makes provisions for the enforcement thereof.

County of Riverside Multi-Jurisdictional Local Hazard Mitigation Plan

The City of Beaumont is a participating jurisdiction in the Riverside County Multi-Jurisdictional Local Hazard Mitigation Plan (HMP). The HMP identifies the county's hazards, reviews and assesses past disaster

occurrences, estimates the probability of future occurrences, and sets goals to mitigate potential risks to reduce or eliminate long-term risk to people and property from natural and man-made hazards for the County and Operational Area member jurisdictions, including the City Beaumont. (Riverside County HMP, p. 4.)

Beaumont Drainage Management Plan

In accordance with the requirements of the State Regional Water Quality Control Board, the Beaumont-Cherry Valley Water District adopted a 2020 Urban Water Management Plan. The purpose of this plan is to analyze drainage problems in Beaumont and consider flood protection for existing and future development. Additionally, the plan aims to provide guidance on reducing levels of pollutants within stormwater runoff and increasing public awareness of water quality problems. (Beaumont 2040 Plan, p. 223.)

The Riverside County Flood Control and Water Conservation District (District) provides flood control facilities planning, design, operation, and maintenance within the City limits. The District's Master Drainage Plan for the Beaumont Area analyzes drainage issues in Beaumont and provides solutions for drainage issues within the plan area. The Plan also describes the location, size, and capacity of flood control facilities that are needed for current development and anticipated growth. (Beaumont 2040 Plan, p. 223.)

Local Hazard Mitigation Plan

The City's Local Hazard Mitigation Plan (LHMP) was last updated in 2017. The LHMP's purpose is to identify potential City hazards, review and assess past disaster occurrences, estimate the probability of future occurrences, and set goals to mitigate potential risks to reduce or eliminate long-term damage to people and property from natural and man-made hazards. The plan identifies vulnerabilities, prioritizes mitigation actions, evaluates resources and identifies mitigation shortcomings, provides future mitigation planning, and maintenance guidelines for the existing plan. Mitigation strategies included in the LHMP will serve as the implementation plan for the Beaumont 2040 Plan Safety Element. Under AB 2140, cities may adopt their LHMP into their Safety Elements in order to ensure eligibility for potential reimbursement of post-disaster public assistance. (Beaumont 2040 Plan, p. 222.)

Beaumont Municipal Code

The following chapters of the Beaumont Municipal Code (MC) address hazards and hazardous materials.

Title 2 – Administration and Personnel, Chapter 2.28 – Emergency Services

Section 2.28.010 of the Beaumont MC states that is the intent of this chapter that informal mutual aid shall be available and furnished in all cases of local peril or emergency when requested by appropriate agency designates. The official who may proclaim a local emergency is the City Manager. In the absence of the City Manager, the City Police Chief or designated agent, Emergency Services Director, or designated agent, and/or the Mayor, Mayor Pro tem, or other Council member designated.

Title 3 – Revenue and Finance, Chapter 3.36 – Emergency Preparedness Facilities Fees

Beaumont MC Chapter 3.36 establishes the collection of an impact fee to be levied on new development within the City to fund Emergency Preparedness Centers to accommodate expected growth in the City. As defined in Beaumont MC § 3.36.020, Emergency Preparedness Centers means those improvements necessary to provide those facilities identified in the City of Beaumont General Plan, the City's Multi-hazard Functional Plan and the Emergency Preparedness Facilities Fee Study dated January 26, 2001, and other improvements in connection therewith, as may be determined by the City Council from time to time, which are not otherwise provided by, or required of, development within the City pursuant to Beaumont MC Title 17 (Zoning), Title 16 (Subdivisions), and Title 15 (Building and Construction). Emergency Preparedness Centers shall also include architectural, administrative, engineering, legal, planning, environmental and other services required in connection with the implementation of this Chapter and the construction of the foregoing improvements.

The Emergency Preparedness Facilities Fee is collected prior to the issuance of a building permit for a new residential unit (including the conversion of an existing unit to more than one unit), new commercial, office, and industrial development, and additions to existing commercial, office, and industrial development greater than 200 gross square feet. The fees collected shall be used for the purpose of acquiring and construction facilities identified by the City Council in the Master Plan or facilities included in the City's capital improvement plan. (Beaumont MC, §§ 3.36.020, 3.36.080.)

Title 17 – Zoning, Chapter 17.04 – Performance Standards

Beaumont MC § 17.04.040 (Hazardous Materials), states that in order to protect the health and welfare of persons living, working, or visiting the City of Beaumont the use, storage, manufacture, or disposal of hazardous material shall be regulated and monitored according to the standards established by the US EPA, the California DHS, and Beaumont MC § 17.04.040.

Beaumont MC § 17.04.040A requires preparation of a risk management and prevention program in accordance with the California Health and Safety Code, in addition to an inventory statement in accordance with federal, state, and local laws for all structures and land uses using materials identified as hazardous by the State of California Environmental Protection Agency (Cal EPA) and the U.S. EPA.

Beaumont MC § 17.04.040B, requires compliance with all applicable ordinances in order to use and/or store of flammable or explosive materials. This section of the Beaumont MC also prohibits open burning unless a written permit has been issued by the appropriate responsible agency.

Beaumont MC § 17.04.040C, prohibits the discharge of liquid or solid waste or similar material that contaminates the water supply, or interferes with the bacterial processes in sewage treatment or otherwise causes the emission of dangerous or offensive elements into the public sewer or private disposal system, except in accordance with the applicable requirements of the U.S. EPA.

Beaumont MC § 17.04.040D, prohibits the emission of dangerous levels of radioactivity at any time. The term dangerous levels correspond to the applicable Federal and/or State standards for exposure.

City of Beaumont 2040 General Plan

Safety Element

As required by State law (CGC § 65302(g)), the Safety Element identifies forces of nature and events resulting from human action that have the potential to cause harm to life and property. The goal of the Safety Element is to reduce the potential short and long-term risk of death, injuries, property damage, and economic and social dislocation resulting from fires, floods, droughts, earthquakes, landslides, climate change, and other hazards. The Safety Element of the Beaumont General Plan includes goals and policies that will be applied to the Project related to hazards and hazardous materials. The applicable goals and policies are listed below:

Goal 9.3: **A City that provides effective emergency response following a natural or human-caused disaster.**

Policy 9.3.1 Ensure that the City's Emergency Operations Plan is regularly updated to be compatible with Federal, State and local emergency requirements and latest FEMA Best Practices.

Policy 9.3.5 Maintain emergency procedures for the evacuation and control of population in identified flood hazard areas in accordance with Section 8589.5 of the California Government Code.

Goal 9.4: **A City that is protected from the effects of natural and manmade disasters.**

Policy 9.4.2 Conduct a community risk assessment or hazard profile in partnership with fire crews, community members, and city staff to identify specific target hazards, including critical facilities, community assets, and historical buildings.

Goal 9.6: **A City that protects human life, land, and property from the effects of wildland fire hazards.**

Policy 9.6.3 Ensure that development in Very High Fire Hazard Severity Zones minimizes the risks of wildfire through planning and design of structures in accordance with the California Building Code Chapter 7A. Ensure adequate provisions for vegetation management, emergency access, and firefighting.

Goal 9.11: **A City with minimized risk associated with hazardous materials.**

Policy 9.11.1 Require all users, generators, and transporters of hazardous materials and wastes to provide and maintain an updated inventory of hazardous waste and materials, associated handling procedures, and clean-up response plans.

Policy 9.11.2 Require an assessment of hazardous materials use as part of environmental review and/or include approval of the development of a hazardous management and disposal plan, as a condition of a project, subject to review by the County Environmental Health Department.

Policy 9.11.3 Work with responsible Federal, State, and County agencies to effectively regulate the management, disposal, and appropriate remediation for accidental spills of hazardous materials and hazardous waste.

Policy 9.11.6 Establish clear policies and procedures in the event of a hazardous contamination. Recommend and offer trainings to private sector companies.

Policy 9.11.7 Coordinate with regulatory agencies regarding remnant safety hazards and future utilization of contaminated sites within Potrero Reserve and elsewhere in the City.

Policy 9.11.8 Adopt ordinances that reduce the level of risk from hazardous materials, hazardous waste, infectious waste, and radioactive materials to the public, industries, and businesses.

Policy 9.11.9 Promote proper hazardous waste disposal by hosting regular bi-annual or quarterly collection events.

Policy 11.11.3 Protect the health of the citizens by careful consideration of uses eliminate or reduce odors, toxins, or other hazardous discharges.

4.8.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines, Appendix G contains the Environmental Checklist Form, which includes questions concerning hazards and hazardous materials. The questions presented in the Environmental Checklist Form have been utilized as significance criteria in this section. Accordingly, the Project would have a significant effect on the environment 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;
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
- Be located on a site 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;
- 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 or excessive noise for people residing or working in the project area;
- Impair implementation of or physically interfere within an adopted emergency response plan or emergency evacuation plan; or
- Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

Methodology and Assumptions

The proposed Project is evaluated against the aforementioned significance criteria as the basis for determining the level of impacts related to hazards and hazardous materials. This analysis considers existing regulations, laws and standards that serve to avoid or reduce potential environmental impacts.

Where significant impacts remain, feasible mitigation measures are recommended, where warranted, to avoid or lessen the Project's significant adverse impacts.

4.8.5 Impacts and Mitigation Measures

Impact 4.8-1 *Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

Level of Significance: Less than Significant Impact

Construction

During Project construction, potentially hazardous materials would be handled and used on-site. These materials would include gasoline, diesel fuel, lubricants, and other petroleum-based products used to operate and maintain machinery. Handling of these potentially hazardous materials would be temporary and would coincide with the short-term construction phase. Although some of these materials would be stored on-site, storage would be required to comply with the guidelines established by the manufacturer's recommendations. Consistent with federal, state, and local requirements, transport, removal, and disposal of hazardous materials from the Project site would be conducted by a permitted and licensed service provider. Any handling, transport, use, or disposal would comply with all applicable federal, state, and local agencies and regulations, including the U.S. EPA, the California DTSC, the CalOSHA, Caltrans, the RCRA, and the Riverside County Department of Environmental Health Hazardous Materials Branch (the CUPA for Riverside County).

Operations

Operations of the proposed Project would not represent a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Properly removing and disposing of on-site hazardous materials in accordance with State and federal regulations before they are incidentally contacted can reduce impacts associated with these hazards. Additionally, any potentially hazardous material handled on the Project site would be limited in both quantity and concentrations, consistent with other similar industrial uses located in the City, and any handling, transport, use, and disposal would comply with applicable federal, state, and local agencies and regulations. Furthermore, as mandated by the OSHA, all hazardous materials stored on the Project site would be accompanied by a Material Safety Data Sheet, which would inform employees and first responders as to the necessary remediation procedures in the case of accidental release. In addition, and if applicable, future operations would include a hazardous materials business plan (HMBP) in accordance with §§ 25500–25543.3 of the Health and Safety Code. The Riverside County Department of Environmental Health Hazardous Materials Disclosure program governs the creation and maintenance of a HMBP. The information from the HMBP is made available to first responders in the county for emergency response activities. All handlers are required to disclose their inventory of hazardous materials in the form of a HMBP. The chemical inventory and HMBP must now be reported electronically.

Compliance with existing regulations would be sufficient to reduce potential impacts to a less than significant. Additionally, the Project would require various outdoor landscape maintenance activities. These demands would include the storage of, and periodic application of pesticides, herbicides, and

fertilizers. If equipment needed for landscaping are used and housed on-site, the Project may require the storage and of fuels and solvents on-site. Use of this type of equipment and listed materials are common to such facilities and compliance with existing regulations regarding their use would be sufficient to reduce potential impacts to a less than significant.

Mitigation Measures

No mitigation is necessary.

Level of Significance

Less than significant impact.

Impact 4.8-2 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?

Level of Significance: Less than Significant Impact

Construction

The construction of new developments could result in hazards to the public or the environment through the accidental upset or release of hazardous materials caused by accidental spillage of hazardous materials used during the construction phases of the Project, or as a result of the exposure of contaminated soil during grading activities. The Phase I ESA for the Project site evaluated the potential for hazardous materials, based upon readily discernible and/or documented present and historic uses of the properties and uses adjoining the sites and generally characterized the expected nature of hazardous materials that may be present as a result of such uses.

The Project site is not listed on an NPL or Superfund site, however the site was identified on the Historical HIST UST and SWEEPS UST databases at the site address 37251 Cherry Valley Boulevard under Sunny-Cal Egg & Poultry Co for having historically one 550-gallon diesel UST, one 8,000-gallon diesel UST and one 1,000-gallon unleaded gasoline UST, installed between 1978 and 1979. The removal date of the USTs is unknown. Based on the lack of UST removal and closure documents, the historical USTs are considered evidence of a REC in connection with the site, resulting in a potentially significant impact. A request to the County of Riverside Department of Environmental Health has been submitted for closure records. Their response is currently pending at the time of this report and is expected the week of March 22. The report will be updated pending the receipt of the records.

Operations

Project operations would involve the routine transport, use, and storage of materials/chemicals typical of industrial facilities. Use of these materials could 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. However, as discussed in Impact 4.8-1 above, the routine transport, use, and disposal of these materials during Project operations must adhere to federal, State, and local regulations for transport, handling, storage, and disposal of hazardous substances. The Project would also be subject to compliance with the regulatory framework which would ensure that Project

operations would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. A less than significant impact would occur in this regard.

Mitigation Measures

No mitigation measures are required.

Level of Significance

Less Than significant impact.

Impact 4.8-3 *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?*

Level of Significance: Less than Significant Impact

As stated previously, some hazardous substances and materials would be stored, used, and generated on the Project site during construction and operation. These substances include fuels for construction equipment and vehicles, motor oil, cleaning solvents, paints, and storage containers and applicators containing such materials. However, use of these materials would be limited to the Project site, are not considered acutely hazardous, and do not have the potential to impact any schools. The proposed Project, however, would not affect any nearby schools as there are no schools located within one-quarter mile of the Project site. The nearest school to the Project site is the Tournament Hills Elementary located at 36611 Champions Drive, approximately 0.9 miles to the southwest. The proposed Project would be required to adhere to all applicable regulations as noted in Impact 4.8-1. A less than significant impact would occur.

Mitigation Measures

No mitigation measures are required.

Level of Significance

Less than significant impact.

Impact 4.8-4 *Would the project be located on a site which is included on a list of hazardous materials Project sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

Level of Significance: Less than Significant Impact with Mitigation Incorporated

Construction and Operations

Consistent with ASTM International E1527-13, environmental databases and records were reviewed during preparation of the Phase I ESA to determine whether the Project site or surrounding properties are included on a list of hazardous materials sites compiled pursuant to CGC § 65962.5 (“Cortese” list). This records search concluded that the Project site is not included on the Cortese list.

The Phase I ESA analyzed the site for Recognized Environmental Conditions (RECs), Controlled RECs (CREC) or Historical RECs (HRECs). The Vertex Phase I ESA (April 20, 2021) did not find any evidence of RECs associated with the past and current use of the site; except for the following:

- The site was identified on the Historical UST (HIST UST) and Statewide Evaluation and Planning System UST (SWEEPS UST) databases at the site address 37251 Cherry Valley Boulevard under Sunny-Cal Egg & Poultry Co for having historically one 550-gallon diesel UST, one 8,000-gallon diesel UST and one 1,000-gallon unleaded gasoline UST, installed between 1978 and 1979.

As part of the Phase I ESA research, VERTEX submitted a public records request to the County of Riverside Department of Environmental Health – Hazardous Materials Certified Unified Program Agency for the site parcels on March 12, 2021. The records provided indicate the following:

- One 10,000-gallon double walled steel UST
- One 1,000-gallon double-walled steel UST
- One 550- gallon double walled steel UST

The research revealed that these USTs were removed from the site in January 1994. Confirmation sampling indicated relatively low concentrations of petroleum hydrocarbons as diesel, as gasoline, benzene, toluene, ethylbenzene, and xylenes were detected below the USTs. On September 20, 1994, the County of Riverside Department of Environmental Health granted "**no further action**" for the removed USTs which included the following statement: "Additionally, be advised that changes in the present or proposed use of the site may require further site characterization and mitigation activity. It is the property owner's responsibility to notify this agency of any changes in report content, future contamination findings, or site usage." Findings revealed that available materials did not indicate if excavated soil was disposed off-site or re-used to backfill the UST excavations. Based on this information and the conditions indicated in the "no further action letter," the former USTs represent a CREC in connection with the Project site.

Additionally, a 1994 Phase I ESA conducted for the site is referenced in this VERTEX Phase I for the proposed Project. Based on the findings of a 1994 Phase I ESA, a Phase II subsurface investigation was also conducted which did not find methane in subsurface soil gas. The Phase II ESA findings included the following:

1. No gasoline range hydrocarbons or volatile organic compounds (VOCs) were detected in any of the samples that were analyzed. Only one of the six samples analyzed had detectable levels of diesel range hydrocarbons with a value of 130 mg/kg. The concentration of the various metals detected in the samples are consistent with typical background levels and do not exceed any State or Federal action level.
2. VOCs were not detected in the soil sample that was collected from the "processing area."
3. Pesticides were not detected in any of the 18 soil samples that were collected from the retention pond/manure spreading areas.
4. Pesticides and herbicides were not detected in any of the 17 soil samples that were collected from the pesticide/chemical storage and chicken coop areas.

The Phase I ESA found that the current 2019 Regional Water Quality Control Board (RWQCB) Residential Environmental Screening Level (ESL) for petroleum hydrocarbons as diesel is 260 mg/kg and 1,200 mg/kg for Commercial/ Industrial use. Based on this information, the detection of diesel at 130 mg/kg represents a de minimis condition and not a REC.

Also, based on review of readily available historical information, the site is located in a rural and residential area. No HRECs were identified with respect to the historical surrounding property uses.

Several facilities were identified within the American Society for Testing and Materials (ASTM) search distances of the site. Based on distance, apparent gradient relationship, regulatory status, and/or other facility-specific characteristics, no RECs to the site were identified with respect to these facilities.

Conclusions

The Phase I ESA performed in conformance with the scope and limitations of ASTM E 1527-13, Standard Practice for ESAs concluded that no evidence of RECs, CREC or HRECs in connection with the site, except for the following:

- Based on the reported contamination and the conditions indicated in the no further action letter, the former USTs represent a CREC in connection with the site. However, **Mitigation Measure (MM) HAZ-1** is recommended.

The Project does not include any RECs and is not part of the Cortese List. Additionally, with implementation of **MM HAZ-1**, the Project create a less than significant impact regarding the creation of a significant hazard to the public or the environment.

Mitigation Measures

MM HAZ-1 The Applicant shall prepare a Soil Management Plan prior to the redevelopment of the site.

Level of Significance

Less than significant impact with mitigation incorporated.

Impact 4.8-5 *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

Level of Significance: No Impact

Construction and Operations

The Project site is not within two miles of a public airport or public use airport; therefore, the Project would not result in a safety hazard for the people residing or working in the area. The nearest airstrip is the Banning Municipal Airport in Banning located approximately 9.5 miles east of the Project site. Furthermore, the proposed Project does not include any towers or tall structures that would result in a safety hazard. According to the Specific Plan, Planning Area 1 buildings are subject to a 60 feet maximum

height and Planning Area 2 buildings are subject to a 50 feet maximum height. Refer to **Section 4.11, Noise**, for impacts related to excessive noise. No impact would occur.

Mitigation Measures

No mitigation measures are required.

Level of Significance

No impact.

Impact 4.8-6 *Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

Level of Significance: Less than Significant Impact

Constructions and Operations

The proposed Project shall comply with the City's adopted Multi-Hazard Functional Plan. The developer is required to design, construct, and maintain structures, roadways, and facilities to comply with the applicable federal, state, and local requirements related to emergency access and evacuation plans. The proposed plan will be reviewed and approved by the fire marshal during the plan review. Through compliance with applicable federal, state, and local requirements, a less than significant impact would occur.

Mitigation Measures

No mitigation is necessary.

Level of Significance

Less than significant impact.

Impact 4.8-7 *Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

Level of Significance: Less than Significant Impact

The majority of surrounding areas have been previously disturbed with residential or industrial developments or other areas that are highly disturbed from off-road activity. The area to the north of the Project site, Cherry Valley Boulevard, has been previously cleared and is undergoing grading operations (San Gorgonio Crossing Project). The area to the east of the Project site contains residential development, agricultural and undeveloped land. To the south of the Project site, Brookside Avenue, is followed by undeveloped land, and residential development. To the west of the Project site is undeveloped land and Interstate 10. Although these areas and the Project site are surrounded by developed areas and undeveloped areas, they are designated as a moderate fire hazard severity zone.

While the Project site is located in an area with vegetation that can be prone to fire, due to the presence of surrounding development, non-contiguous nature of the existing undeveloped areas, presence of area roadways, and concrete construction of development, it is not likely to be affected by a wildfire during

construction or operations. In addition, the undeveloped area to the north would be separated from the Project area by parking, the drive isle, and landscaping. This buffer would ensure an appropriate width to reduce the risk of potential fire hazards. Lastly, the Project site would be in accordance with the 2019 California Building Code Chapter 7A which would require the use of fire-resistant building materials and fire sprinklers. It is anticipated that these design elements would reduce exposure of the Project site to wildfire. Therefore, although the surrounding areas could experience a fire, because of the above-listed factors, impacts would be less than significant.

Mitigation Measures

No mitigation is necessary.

Level of Significance

Less than significant impact.

4.8.6 Cumulative Impacts

For purposes of hazardous materials impact analysis, cumulative impacts are considered for cumulative development in the general Project vicinity, a one-mile radius. Impacts associated with hazardous materials are often site-specific and localized. The Draft EIR evaluates environmental hazards in connection with the Project site and surrounding area. Regarding the off-site environmental hazards, the database search documents the findings of various governmental database searches regarding properties with known or suspected releases of hazardous materials within a search radius of up to one mile from the site and serves as the basis for defining the cumulative impacts study area.

The Project site is currently vacant. Database record searches reveal that the site does not contain any current USTs or hazardous clean-up sites. Historical aerial photo review shows the Project site has been mostly undeveloped, with only a few small structures or trailers on the site.

Cumulative impacts related to hazards and hazardous materials would result from projects that combine to increase exposure to hazards and hazardous materials. The potential for cumulative impacts to occur is limited since the impacts from hazardous materials use on site are site-specific. Although some of the cumulative projects and other future projects associated with buildup of the surrounding communities also have potential impacts associated with hazardous materials, the environmental concerns associated with hazardous materials are typically site specific. As with the proposed Project, future development within the area must comply with all federal, State, and local statutes and regulations applicable to hazardous materials.

Each project is required to address any issues related to hazardous materials or wastes on a project-specific basis. With adherence to applicable federal, State, and local regulations governing hazardous materials, the potential risks associated with hazardous materials would be less than significant. The incremental effects of the proposed Project related to hazards and hazardous materials, if any, are anticipated to be minimal, and any effects would be site-specific. Therefore, considering the above, Project impacts would be reduced to less than significant levels through compliance of applicable federal, State, and local requirements, policies, and regulations.

4.8.7 Significant Unavoidable Impacts

No significant unavoidable impacts have been identified.

4.8.8 References

Phase I Environmental Site Assessment. (2021). The Vertex Companies, Inc. Beaumont, CA



Exhibit 4.8-1: Project Vicinity

Beaumont Summit Station Specific Plan EIR
City of Beaumont



Not to scale

Kimley  Horn

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