

1 **3.8 HAZARDS/HAZARDOUS MATERIALS/HUMAN HEALTH AND SAFETY**

HAZARDS/HAZARDOUS MATERIALS/ HUMAN HEALTH AND SAFETY – Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2 **3.8.1 Environmental Setting**

3 The Project area is located within the Park, which is outside of the Pacific Gas and
 4 Electric Comprehensive Environmental Response and Compensation Liability Act
 5 (CERCLA) Area of Potential Effect (APE). The CERCLA preliminary investigation for
 6 groundwater and soil did not discover any contamination within the Project area
 7 (CH2MHILL 2009). Thus, there are no known hazardous materials or contaminants on
 8 the Project area.

1 3.8.2 Regulatory Setting

2 The following Federal and State laws and regulations pertaining to this issue area and
3 relevant to the Project are identified in Table 3.8-1.

Table 3.8-1. Laws, Regulations, and Policies (Hazards/Hazardous Materials/Human Health and Safety)

U.S.	Clean Water Act (CWA) (33 USC 1251 et seq.)	The CWA is comprehensive legislation (it generally includes reference to the Federal Water Pollution Control Act of 1972, its supplementation by the CWA of 1977, and amendments in 1981, 1987, and 1993) that seeks to protect the nation’s water from pollution by setting water quality standards for surface water and by limiting the discharge of effluents into waters of the U.S. <i>(see below and in Section 3.9, Hydrology and Water Quality).</i>
U.S.	Federal Clean Air Act (FCAA) (42 USC 7401 et seq.)	<p>The FCAA requires the U.S. EPA to identify National Ambient Air Quality Standards (NAAQS) to protect public health and welfare. National standards are established for ozone (O3), carbon monoxide (CO), nitrogen dioxide (NO2), sulfur dioxide (SO2), particulate matter (PM10 and PM2.5), and lead (Pb). In 2007, the U.S. Supreme Court ruled that carbon dioxide (CO2) is an air pollutant as defined under the FCAA, and that the USEPA has authority to regulate greenhouse gas (GHG) emissions. Pursuant to the 1990 FCAA Amendments, USEPA classifies air basins (or portions thereof) as in “attainment” or “nonattainment” for each criteria air pollutant, based on whether or not the NAAQS are achieved. The classification is determined by comparing monitoring data with State and Federal standards.</p> <ul style="list-style-type: none"> • An area is classified as in “attainment” for a pollutant if the pollutant concentration is lower than the standard. • An area is classified as in “nonattainment” for a pollutant if the pollutant concentration exceeds the standard. • An area is designated the standard attainment for a pollutant if the pollutant data available for comparisons. <p>(see above and in Section 3.3, Air Quality and Section 3.7, Greenhouse Gas(GHG) Emissions).</p>
U.S.	California Toxics Rule (40 CFR 131)	In 2000, the USEPA promulgated numeric water quality criteria for priority toxic pollutants and other water quality standards provisions to be applied to waters in the State of California. USEPA promulgated this rule based on the Administrator's determination that the numeric criteria are necessary in the State of California to protect human health and the environment. Under CWA section 303(c)(2)(B), the USEPA requires states to adopt numeric water quality criteria for priority toxic pollutants for which the USEPA has issued criteria guidance, and the presence or discharge of which could reasonably be expected to interfere with maintaining designated uses. These Federal criteria are legally applicable in California for inland surface waters, enclosed bays, and estuaries.
U.S.	National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR 300)	Authorized under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 USC 9605, as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), Pub. L. 99 through 499; and by CWA section 311(d), as amended by the Oil Pollution Act of 1990 (OPA), Pub. L. 101 through 380. The NCP outlines requirements for responding to both oil spills and releases of hazardous substances. It specifies compliance, but does not require the preparation of a written plan. It also provides a comprehensive system for reporting, spill containment, and cleanup. The United States Coast Guard (USCG) and USEPA co-chair the National

Table 3.8-1. Laws, Regulations, and Policies (Hazards/Hazardous Materials/Human Health and Safety)

		Response Team. In accordance with 40 CFR 300.175, the USCG has responsibility for oversight of regional response for oil spills in “coastal zones,” as described in 40 CFR 300.120.
U.S.	Oil Pollution Act (OPA) (33 USC 2712)	The OPA requires owners and operators of facilities that could cause substantial harm to the environment to prepare and submit plans for responding to worst-case discharges of oil and hazardous substances. The passage of the OPA motivated California to pass a more stringent spill response and recovery regulation and the creation of the Office of Spill Prevention and Response (OSPR) to review and regulate oil spill plans and contracts.
U.S.	Resource Conservation and Recovery Act (RCRA) (42 USC 6901 et seq.)	The RCRA authorizes the USEPA to control hazardous waste from “cradle-to-grave,” which encompasses its generation, transportation, treatment, storage, and disposal. RCRA’s Federal Hazardous and Solid Waste Amendments from 1984 include waste minimization and phasing out land disposal of hazardous waste as well as corrective action for releases. The Department of Toxic Substances Control is the lead State agency for corrective action associated with RCRA facility investigations and remediation.
U.S.	Toxic Substances Control Act (TSCA) (15 USC 2601–2692)	The TSCA authorizes the USEPA to require reporting, record-keeping, testing requirements, and restrictions related to chemical substances and/or mixtures. It also addresses production, importation, use, and disposal of specific chemicals, such as polychlorinated biphenyls (PCBs), asbestos-containing materials, lead-based paint, and petroleum.
U.S.	Other	Navigation and Navigable Waters regulations (33 CFR) include requirements pertaining to prevention and control of releases of materials (including oil spills) from vessels, traffic control, and restricted areas, and general ports and waterways safety.
CA	Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (Gov. Code, § 8574.1 et seq.; Pub. Resources Code, § 8750 et seq.)	This Act and its implementing regulations seek to protect State waters from oil pollution and to plan for the effective and immediate response, removal, abatement, and cleanup in the event of an oil spill. The Act requires vessel and marine facilities to have marine oil spill contingency plans and to demonstrate financial responsibility, and requires immediate cleanup of spills, following the approved contingency plans, and fully mitigating impacts on wildlife. The Act assigns primary authority to the Office of Spill Prevention and Response (OSPR) division within the CDFW to direct prevention, removal, abatement, response, containment, and cleanup efforts with regard to all aspects of any oil spill in the marine waters of the State. The CSLC assists OSPR with spill investigations and response.
CA	Other	<ul style="list-style-type: none"> • California Clean Coast Act (SB 771) establishes limitations for shipboard incinerators, and the discharge of hazardous material—including oily bilgewater, graywater, and sewage—into State waters or a marine sanctuary. It also provides direction for submitting information on visiting vessels to the CSLC and reporting of discharges to the State water quality agencies. • California Harbors and Navigation Code specifies a State policy to “promote safety for persons and property in and connected with the use and equipment of vessels,” and includes laws concerning marine navigation that are implemented by local city and county governments. This Code also regulates discharges from vessels within territorial waters of the State of California to prevent adverse impacts on the marine environment. This Code regulates oil discharges and imposes civil penalties and liability for cleanup costs when oil

Table 3.8-1. Laws, Regulations, and Policies (Hazards/Hazardous Materials/Human Health and Safety)

		<p>is intentionally or negligently discharged to the State waters.</p> <ul style="list-style-type: none"> • California Seismic Hazards Mapping Act (Pub. Resources Code, § 2690) and Seismic Hazards Mapping Regulations (Cal. Code Regs., tit. 14, Div. 2, Ch. 8, Art. 10) (See Section 3.6, <i>Geology and Soils</i>). • Hazardous Waste Control Act (Cal. Code Regs., tit. 26) defines requirements for proper management of hazardous materials. • Porter-Cologne Water Quality Control Act (Cal. Water Code, § 13000 et seq.) (See Section 3.9, <i>Hydrology and Water Quality</i>). • California Code of Regulations Title 22, Division 4.5 regulates hazardous wastes and materials by the implementation of a Unified Program to ensure consistency throughout the state in administration requirements, permits, inspections, and enforcement through a Certified Unified Program Agency (CUPA).
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1 The following local goals and policies related to hazardous materials are from the San
2 Bernardino County 2007 General Plan:

- 3 • Chapter IV Circulation and Infrastructure Element – Section D.2.Goal CI 11.
4 Water, Wastewater, and Stormwater. To ensure safe, reliable, and high quality
5 water supply for all residents and ensure prevention of surface and ground water
6 pollution by:
- 7 ○ **CI 11.1.** Apply Federal and State water quality standards for surface
8 and groundwater and wastewater discharge requirements in the review of
9 development proposals that relate to type, location, and size of the
10 proposed project to safeguard public health.
- 11 ○ **CI 11.2.** Support the safe management of hazardous materials to avoid
12 the pollution of both surface and groundwaters. Prohibit hazardous waste
13 disposal facilities within any area known to be or suspected of supplying
14 principal recharge to a regional aquifer.
- 15 ○ **CI 11.3.** Support the development of groundwater quality management
16 plans with emphasis on protection of the quality of underground waters
17 from non-point pollution sources.
- 18 • Certified Unified Program Agency (CUPA) (SBC Fire 2015): To ensure the
19 implementation of the applicable programs required under the CUPA to
20 “minimize the potential risk to human health and the environment and establish
21 an atmosphere to promote fair business practices.” Below lists the applicable
22 programs to the Project:
- 23 ○ Hazardous Materials Release Response Plans and Inventory
24 ○ California Accidental Release Prevention Program

1 **3.8.3 Impact Analysis (CEQA)**

2 **a) Create a significant hazard to the public or the environment through the**
3 **routine transport, use, or disposal of hazardous materials?**

4 **Less than Significant with Mitigation.** The Project would not pose a significant
5 hazard to the public or the environment through the routine transport, use, or
6 disposal of hazardous materials because the implementation of the Project would
7 not be considered a “hazardous waste generator” as defined by the USEPA. A
8 hazardous waste generator would routinely transport, use, or dispose of
9 hazardous materials.

10 Although no known hazardous material or contaminants are present and the
11 Project area is outside of any identified CERCLA APE, if previously unknown
12 hazardous materials or contaminants were discovered during Project
13 implementation, the impact would be potentially significant without mitigation. As
14 a result, **MM HHM-1** would be incorporated into the Project to provide assurance
15 that impacts resulting from discovery of previously unknown hazards would
16 remain less than significant.

17 **MM HHM-1: Discovered Contaminants Protections.** Should contaminants
18 be identified, activity on the site shall cease and a qualified Reclamation
19 Hazardous Materials Specialist for the Project shall be retained to conduct the
20 following:

- 21
- 22 • Obtain samples of the suspected contaminants
 - 23 • Require lab analysis and access findings to identify specific contaminants
 - 24 • Ensure appropriate remediation is conducted and completed in
accordance to the regulations specific to the contaminants identified.

25 **b) Create a significant hazard to the public or the environment through**
26 **reasonably foreseeable upset and accident conditions involving the release**
27 **of hazardous materials into the environment?**

28 **Less than Significant with Mitigation.**

29 The Project, once constructed, would operate in the same manner as under
30 current conditions as an open area and there would be no increase in the
31 transport, use, or disposal of hazards materials to the public or environment.
32 During all Project phases (Phases 1 through 4), there would be the use of heavy
33 equipment to construct the Project requiring the use of fuel (diesel and gasoline).
34 These fluids could leak from construction vehicles or be inadvertently released in
35 the event of an accident, potentially releasing petroleum compounds and metals.
36 Unless properly managed, such releases could result in adverse health effects or
37 contaminate exposed soil.

1 In addition, due to the known persistence of invasive plants in the Project area
2 such as saltcedar, the use of herbicides would be implemented to prevent the re-
3 growth of invasive plants as needed. This would assist the successful
4 establishment of the native plants once the re-vegetation plan is implemented.
5 There is potential to release herbicides into the created open backwater through
6 accidental spills or overspray. Since the Project would operate as a restored
7 wildlife and aquatic habitat, there would be no routine use of hazardous
8 materials, other than during construction.

9 Although the Project phases would present a potential for spills, the impacts
10 would be short-term and controlled by having an NPDES, SWPPP, and a WQMP
11 in place. Preparation of an NPDES, SWPPP, and WQMP are regulatory
12 requirements and would be obtained by Reclamation. Conditions and stipulations
13 specific to the Project area would be adhered to.

14 In addition, although not routine once construction is completed, the transport,
15 use, or disposal of hazardous materials described above during the Project
16 phases could have a potentially significant impact to the public or the
17 environment. However, implementation of **MM HHM-2** to contain potential leaks
18 from heavy fuel based equipment and overspray from the application of
19 herbicides, will reduce impacts to less than significant.

20 **MM HHM-2: Toxic Substances Protections.** To ensure toxic substances are
21 not released into the aquatic environment, the following measures shall be
22 followed:

- 23 • All engine-powered equipment shall be well-maintained and free of
24 leaks of fuel, oil, hydraulic fluid or any other potential contaminant;
- 25 • Staging areas for refueling of equipment shall be located away from
26 the backwater and away from the River to prevent any accidental fuel
27 leakage from contaminating surface water;
- 28 • A spill prevention and response plan shall be prepared in advance of
29 the commencement of work; a spill kit with appropriate clean-up
30 supplies shall be kept on hand during operations.
 - 31 ○ The kit shall include a floating oil-absorbent sock that could be
32 immediately deployed and maintained around the Project area
33 in the event of a spill or any accidental leakage of fuel or
34 hydraulic fluids;
 - 35 ○ Refueling and maintenance of mobile equipment shall not be
36 performed directly over the waters of the River. Only approved
37 and certified fuel cans with “no-spill” spring-loaded nozzles shall
38 be used; and

1 ○ All spill cleanup materials or other liquid or solid wastes shall be
2 securely containerized and labeled in the field.

3 • The application and control of herbicides and pesticides shall be in
4 accordance with the Toxic Substances Control Act (TSCA) and
5 Environmental Protection Agency Labeling requirements including but
6 not limited to:

7 ○ Requiring a certified and trained applicator

8 ○ Application of the material in accordance with its label

9 As discussed in Section 2.4, Phase 2 includes excavation of the open backwater.
10 This would be conducted by dry cutting so no turbidity issues would be
11 anticipated during this work. After construction of the open backwater channel,
12 water would be released to flow through the created open backwater. Filling of
13 the open backwater is anticipated to create an environment of temporary
14 turbidity. Turbid environments are ideal for the targeted fish species.

15 **c) *Emit hazardous emissions or handle hazardous or acutely hazardous***
16 ***materials, substances, or waste within one-quarter mile of an existing or***
17 ***proposed school?***

18 **No Impact.** There are no existing or proposed schools within one-quarter mile of
19 the proposed Project. Upon completion of the Project, site maintenance and
20 landscaping will require the use of ordinary types of hazardous materials such as
21 herbicides, but none of these would be used or stored on site in large enough
22 quantities that would create a significant impact resulting in accidental release or
23 spill.

24 Based on maps produced by the CARB, the site is not located within a region
25 that is likely to contain serpentines or ultramafic rocks; therefore, the potential for
26 release of naturally occurring asbestos during construction activities is
27 considered to be low to non-existent.

28 **d) *Be located on a site which is included on a list of hazardous materials sites***
29 ***compiled pursuant to Government Code section 65962.5 and, as a result,***
30 ***would it create a significant hazard to the public or the environment?***

31 **No Impact.** The Project site is not identified on the list of hazardous materials
32 sites compiled pursuant to Government Code section 65962.5.

33 **e) *For a project located within an airport land use plan or, where such a plan***
34 ***has not been adopted, within two miles of a public airport or public use***
35 ***airport, would the project result in a safety hazard for people residing or***
36 ***working in the project area?***

1 **No Impact.** As shown on San Bernardino County General Plan, Hazards Overlay
2 Regional Map EKFKB (Southeast portion of the County), the Project site is not
3 located within an airport influence area (SBC 2010). The Project would not result
4 in safety hazard impacts from aircraft-related uses.

5 **f) For a project within the vicinity of a private airstrip, would the project result**
6 **in a safety hazard for people residing or working in the project area?**

7 **No Impact.** The Project area would not be within the vicinity or
8 approach/departure flight path of a private airstrip. No impact is anticipated.

9 **g) Impair implementation of or physically interfere with an adopted**
10 **emergency response plan or emergency evacuation plan?**

11 **No Impact.** Activities associated with the Project would not impede existing
12 emergency response plans for the Project area and/or other land uses in the
13 vicinity. All construction vehicles and stationary construction equipment would be
14 staged off the internal roadway system and would not block emergency access
15 routes during construction. The Project would not alter the roadway system that
16 provides access to the larger Park area and would not impair implementation of,
17 or physically interfere with, an adopted emergency response plan or emergency
18 evacuation plan.

19 **h) Expose people or structures to a significant risk of loss, injury or death**
20 **involving wildland fires, including where wildlands are adjacent to**
21 **urbanized areas or where residences are intermixed with wildlands?**

22 **No Impact.** As shown on San Bernardino County General Plan, Hazards Overlay
23 Regional Map EKFKB (Southeast portion of the County), the Project site is not
24 located within a Fire Safety Overlay District (SBC 2010). The Project would not
25 result in any safety hazard impacts from wild fires.

26 **3.8.4 Environmental Consequences (NEPA)**

27 **No Action Alternative**

28 The No Action Alternative would have no impacts related to Hazards and Hazardous
29 Materials/Human Health and Safety. The Project area would remain at its current
30 condition where the potential of spills and leaks of fuel from the use of OHV would
31 remain the same. There are no hazardous materials or contaminants in the Project
32 area.

33 **Proposed Action (Project)**

34 The Project would use fuel based construction equipment during removal/clearing,
35 construction, maintenance, and operational activities, as well as the use of herbicides to
36 control the re-growth of invasive plants during the all phases of the Project, which may
37 lead to the potential for spills, leaks, and overspray of chemicals. To further reduce the

1 risk to the health and safety of the public, **MM HHM-2** and conditions and stipulations
2 required under the NPDES, SWPPP, and WQMP prepared for the Project to address
3 soil erosion and spills would be implemented to ensure control measures and
4 monitoring are in place to minimize risk of discharge and pollution to the created
5 backwater and the River located to the east of the Project area.

6 The use of the heavy fuel based equipment would be used during only Phases 1
7 through 2 and the potential of spills and leaks would be considered short-term. In
8 addition, herbicides for the control of invasive plant re-growth would be used as needed
9 and would be applied in accordance with the manufacturer label (**MM HHM-2**).

10 Although no known hazardous material or contaminants are present and the Project
11 area outside of any identified CERCLA APE, **MM HHM-1** would be incorporated into the
12 Project to provide assurance discovered contaminants would be handled appropriately.

13 **Cumulative Impacts**

14 The analysis area for potential cumulative impacts related to hazards and hazardous
15 materials was defined as the Project area because no potential impacts are anticipated
16 outside of the Project area. No cumulative impacts are anticipated because impacts
17 identified related to the Project would be short-term and the implementation of mitigation
18 measures would be implemented to prevent or minimize impacts relating to hazards and
19 hazardous materials.

20 **3.8.5 Mitigation Summary (CEQA Only)**

21 Implementation of the following mitigation measures would reduce the potential for
22 Project-related impacts to Hazards/Hazardous Materials/Human Health and Safety to
23 less than significant:

- 24 • MM HHM-1: Discovered Contaminants Protections
- 25 • MM HHM-2: Toxic Substances Protections