

COMMUNITY UPDATE

Department of Toxic Substances Control - DTSC's Mission is to protect California's people, communities, and environment from toxic substances, to enhance economic vitality by restoring contaminated land, and to compel manufacturers to make safer consumer products.

PROPOSED LAND USE COVENANT BIRTCHER LOGISTICS CENTER RIALTO Rialto, California

PUBLIC COMMENT PERIOD: November 7th to December 7th, 2022

The California Department of Toxic Substances Control (DTSC) invites you to review and comment on a proposed draft Land Use Covenant (LUC) at Birtcher Logistics Center Rialto (Site), located at 350 West Valley Boulevard and 1434-1444 South Willow Avenue, Rialto, California 92376. Historical underground storage tanks (USTs) at the Site led to petroleum hydrocarbon and volatile organic compound (VOC) contamination in soil and soil vapor primarily 30-45 feet below ground surface. Lead was also identified in soil. The draft LUC proposes institutional controls to restrict future usage of the Site to commercial/industrial development only. There are no potential health risks to occupants.

PUBLIC COMMENT PERIOD

November 7, 2022 – December 7, 2022

DTSC encourages you to comment on the Proposed Land Use Covenant. DTSC will consider and respond to all public comments received. Public comments sent by mail or received via e-mail must be postmarked by December 7, 2022 and sent to:

Travis Coburn, Project Manager
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, California 90630-4732
E-mail: Travis.Coburn@dtsc.ca.gov

Why a Land Use Covenant is Necessary: Although there are no current plans for residential development and no human health risk to current occupants, a LUC is necessary to prevent incompatible land uses, such as future residences, schools, daycares, and hospitals, for the Site.

Site Location & History: The Site is approximately a 21-acre property which was primarily used as an outdoor storage yard for various companies since the 1940s. Activities including maintenance and repair of heavy equipment were conducted in the southeastern portion of the Site where various garages and mechanical shop buildings were present. Historical USTs at the Site were also present in the southeastern portion of the Site. All USTs were removed by 1993 under the oversight of another



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regulatory agency. Environmental investigations performed prior to and under DTSC oversight have identified petroleum hydrocarbon and volatile organic compound (VOC) contamination at various depths in soil and soil vapor and lead in shallow soil.

What Are the Proposed Institutional Controls: The LUC proposes that the Site be restricted to commercial/industrial use through the implementation of administrative and legal controls. Any disturbance to the soil must be conducted in accordance with a soil management plan. This will prohibit drilling for any water, oil, or gas without prior written approval from DTSC.

Safety Measures: LUCs are used when DTSC has determined that it is safe to leave specific types of contamination at a property as long as defined restrictions are adhered to. The LUC restricts site usage to commercial/industrial use and requires annual inspections and reporting to DTSC to ensure conditions at the Site remain protective of human health and the environment.

California Environmental Quality Act (CEQA): CEQA requires the Lead Agency to evaluate and disclose environmental effects of a proposed project. The City of Rialto, as the Lead Agency for this proposed development, prepared an Environmental Impact Report (EIR) which disclosed that the soil conditions on the Site would not pose a hazard to the public or the environment from the proposed commercial/industrial land use. The draft EIR was available for public review from March 22, 2022, to May 5, 2022. The Birtcher Logistics Center Rialto project is pending consideration for approval by the Rialto City Council. The DTSC is considered a Responsible Agency for the Birtcher Logistics Center in the EIR. Responsible agencies include all public agencies other than the lead agency which have discretionary approval power over a portion of the project.

Next Steps: After the public comment period ends, DTSC will review and evaluate all comments received. DTSC will then issue a Response to Comments (RTC) document. The RTC will be sent to all individuals who submitted a written comment that included an e-mail or postal mailing address, and others who have requested the RTC. A copy of the RTC will also be placed at the DTSC Cypress Regional Office, the Bloomington Branch Library, and on the DTSC EnviroStor database.

DTSC will then make a final decision on the land use restrictions proposed in the draft LUC. Once the draft LUC is approved, Site development activities are expected to occur in the first quarter of 2023. No road closures or traffic impacts to residents or businesses are anticipated to occur. All Site development activities will be conducted in accordance with the DTSC-approved Soils Management Plan and applicable laws/regulations for the protection of human health and the environment.

Where to Find Project Documents: Project documents are available for public review at the following locations and electronically on DTSC's EnviroStor database:

DTSC Cypress Regional Office

5796 Corporate Avenue

Cypress, California 90630-4732

Phone: (714) 484-5336

Hours: Monday – Friday, 8AM – 5PM

****Please call for an appointment****



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Bloomington Branch Library

18028 Valley Boulevard,

Bloomington, CA 92316

Phone: (909) 820-0533

Hours: Hours vary

****Please call for hours****

Department of Toxic Substances Control EnviroStor Project Database:

https://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=60003162&mytab=activities

DTSC Contact Information:**Travis Coburn**

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For media inquiries, please contact:**Russ Edmondson**

Public Information Officer

Phone: (916) 323-3372

Email: Russ.Edmondson@dtsc.ca.gov



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PUBLIC COMMENT FORM

PUBLIC COMMENT PERIOD: November 7, 2022 – December 7, 2022
FOR DRAFT LAND USE COVENANT
BIRTCHEER LOGISTICS CENTER RIALTO, RIALTO, CA 92376

You can use this form to send in your written public comments on the proposed draft Land Use Covenant (LUC). You may also ask to be added or deleted from the project mailing list. If you know of anyone or any organizations that would like to be on the project mailing list, please use this form to notify us. Please send your comments to: Travis Coburn, DTSC Project Manager, Department of Toxic Substances Control, 5796 Corporate Ave, Cypress, CA 90630. You may also e-mail this same information to: Travis.Coburn@dtsc.ca.gov.

Reminder: All public comments on the proposed draft Land Use Covenant (LUC) must be postmarked or e-mailed by December 7, 2022.

Name: _____

Agency or Organization (if applicable): _____

Address: _____

Telephone No.: _____

Email Address: _____

 Please add me to the **BIRTCHEER LOGISTICS CENTER RIALTO** email list.

____ Please delete from the mailing list (add your address above).

Comments:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on the right side, suggesting it's resting on a surface.

DTSC mailings are solely for the purpose of keeping persons informed of DTSC activities. Mailing lists are not routinely released to outside parties. However, they are considered public records and, if requested, may be subject to release.



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