

## CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

To: Office of Planning and Research  
State Clearinghouse  
1400 Tenth Street, Room 212  
Sacramento, CA 95812-3044

From: Department of Toxic Substances Control  
Site Mitigation and Restoration Program  
5796 Corporate Avenue  
Cypress, CA 90630

**Project Title:** Mulberry Gardens Apartments Soil Removal Action Work Plan

**Project Location:** 2524 Mulberry Street, Riverside, California

**County:** Riverside

**Project Applicant:** Eden Housing

**Approval Action Under Consideration by DTSC:** Removal Action Work Plan

**Statutory Authority:** California Health and Safety Code, Chapter 6.8

**Project Description:** This project involves excavation and encapsulation of approximately 875 cubic yards (cy) of impacted soil (metals and organochlorine pesticides) at the approximately 4.27-acre Mulberry Gardens Apartments proposed redevelopment Site (Site). The Soil Removal Action Work Plan (RAW), dated May 2, 2024, summarizes the evaluation of remedial alternatives and proposed remediation to protect human health and the environment.

The Site is identified by Riverside County Assessor's Parcel Number 209-130-003. As of the date of the RAW, the Site is developed with five, low-rise buildings designated for use by the Division of Forestry, including the California Wildfire & Forest Resilience Task Force (CAL FIRE), as well as the California Department of Transportation (CalTrans). Proposed future Site use includes that of a residential development, sub-divided into two redevelopment plan areas: Family Housing and Senior Housing.

**Background:** The Site was historically used as a citrus orchard, but was developed in approximately 1955 with the existing onsite buildings, which were operated by CAL FIRE up through approximately 2019. The facility operations included office/administrative buildings, equipment storage buildings, a vehicular maintenance shop, and underground storage tanks (USTs). Specifically, historical operations included the following USTs: a 1,000-gallon UST for gasoline, a 550-gallon UST for diesel fuel, and a 300-gallon UST for waste oil. The locations of the former USTs remains unknown. The gasoline and diesel fuel USTs are believed to have been located adjacent to a "gas and oil" structure that was located near the center of the Site (and near the current "Diesel Generator House"). The waste oil UST may have been located near the auto shop, as these types of USTs are commonly associated with automotive operations. All three of the USTs are believed to have been removed from the Site. A June 6, 1994, letter from County of Riverside Department of Environmental Health (DEH) to CAL FIRE indicates that at least one UST was removed and "no significant contamination exists." The DEH letter did not indicate the size or contents of the removed UST, nor was the location of the former UST reported.

Several environmental investigations have been completed at the Site, and an unpaved area with arsenic, lead, and organochlorine pesticides (hereafter referred to as "pesticides") in soil at concentrations exceeding residential screening levels and/or regional background conditions was identified in the northwest portion of the Site. In addition, environmental investigations completed from 2020 through 2023 reported low concentrations of volatile organic compounds (VOCs) in soil vapor throughout the Site. Results of soil sampling completed at the Site were submitted to DTSC in a Phase II Environmental Site Assessment (ESA) and technical memorandum dated February 19, 2024 (*Supplemental Site Investigation Soil Sampling Results*). Additional soil vapor sampling was completed in March 2024, and a second round of deeper soil vapor sampling is planned for May 2024. The results of the soil vapor sampling and previous soil sampling will be submitted to DTSC in a forthcoming Supplemental Site Investigation (SSI) Report, and therefore potential exposure to VOCs are not evaluated in the soil RAW.

**Project Activities:** This Project will involve excavating approximately 875 cy of metals and pesticides-impacted soil (soil exceeding the residential cleanup goal) from the portion of the Site that is planned to be redeveloped as a “pocket park.” The excavated soil will be consolidated beneath an engineered cap which will be located beneath the proposed parking lot, adjacent to the east of the senior housing building.

Excavation activities will be performed using traditional and readily available excavation methods (i.e., excavator, backhoe, loader, dump truck). If post-excavation confirmation sampling identifies contaminants of concern (COCs) above applicable screening levels, additional soil that exceeds the Site remedial goals will be excavated.

The consolidated and capped soil area is expected to encompass a volume of approximately 7,500 square feet (ft<sup>2</sup>) with an approximately 3-foot-thick layer of impacted material that is expected to remain in place below the engineered cap.

Excavated soil that is impacted by COCs will be placed in shallow lifts, and recompact beneath the planned pavement at a depth of 5 ft below ground surface (bgs). The top of the recompact soil will be covered with a bright orange demarcation fabric to provide both a physical barrier and immediate visual evidence that impacted soil has been encountered during future subsurface work in this area of the Site. The consolidated soil will then be covered with a 1-foot-thick engineered cap prior to initiating construction of the proposed parking lot.

Since a utility corridor will be constructed through the encapsulated, recompact fill area, a three-foot-wide trench will be excavated and filled with clean fill in advance of utility line installation, limiting construction worker exposure to COCs. While the COCs are not anticipated to leach from soils by infiltrating water, the engineered cap will be located such that a 5-foot offset is provided between the consolidated soil and the planned bioinfiltration basins to prevent contact between consolidated soil and infiltrating stormwater.

Additionally, this Project includes institutional controls in the form of a Land Use Covenant (LUC). The LUC will be recorded to stipulate cap inspection and maintenance requirements, among other protective provisions. The LUC will document the extent and depth of the encapsulated, impacted material remaining onsite as part of this alternative.

Based on the COCs identified in onsite soil, South Coast Air Quality Management District (SCAQMD) Rule 1466 applies to this Site. The requirements to minimize offsite fugitive dust emissions which may contain toxic air contaminants are outlined in SCAQMD Rule 1466.1. Per the requirements of Rule 1466, particulate emissions in the ambient air caused by earth-moving activities of impacted soil must be reduced during construction (i.e., excavating, grading, soil handling, treating, stockpiling, and transferring/disposal). To address fugitive particulate emissions, real time monitoring of dust as particulate matter will be implemented. Monitoring will be completed using an aerodynamic diameter of 10 microns (PM10) with at least one upwind and one downwind monitor during earth moving activities. If the PM10 concentration averaged over two hours exceeds 25 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) as indicated in Rule 1466, then mitigation measures, such as use of dust suppressants, will be implemented prior to resumption of excavation activities.

Although not anticipated, in the event biological, cultural, or historical resources are discovered during pre-construction, construction, or other Site redevelopment related-activities, work will be suspended while a qualified biologist, cultural, or historical specialist assesses the Site, and arrangements are made to protect or preserve sensitive resources that are discovered. If human remains are discovered, no further disturbance will occur in the location where the remains are found, and the County Coroner will be notified pursuant to the Health and Safety Code, Chapter 2, Section 7050.5.

**Name of Public Agency Approving Project:** Department of Toxic Substances Control (DTSC)

**Name of Person or Agency Carrying Out Project:** Eden Housing

**Exempt Status:** Categorical Exemption: [CCR Title 14, Sec. 15330]

Minor Actions Take to Prevent, Minimize, Mitigate or Eliminate the Release or Threat of Release of a Hazardous Waste or Hazardous Substance

**Reasons Why Project is Exempt:**

1. The project is a minor action designed to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of hazardous waste or hazardous substances.
2. The project is a removal action that will not exceed \$1 million in cost.
3. The project does not involve the onsite use of a hazardous waste incinerator or thermal treatment unit or the relocation of residences or businesses and does not involve the potential release into the air of VOCs as defined in Health and Safety Code Section 25123.
4. The project will be consistent with applicable state and local environmental permitting requirements. A grading permit from the City of Riverside will be obtained if one is needed apart from the Site development permit. County permits are not anticipated for the remediation.
5. The exceptions pursuant to Cal. Code Rags., tit. 14, §15300.2 have been addressed as follows:
  - Cumulative Impact. The project will not result in cumulative impacts because it is designed to be a short-term, final remedy that would not lead to a succession of projects of the same type in the same place over time.
  - Significant Effect. The environmental safeguards and monitoring procedures that are enforceable and made a condition of project approval will prevent unusual circumstances from occurring so that there is no possibility that the project will have a significant effect on the environment.
  - Scenic Highways. The project will not damage scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, because it is not located within view of a highway officially designated as a state scenic highway.
  - Hazardous Waste Sites. The project is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
  - Historical Resources. The project is not expected to cause a substantial adverse change in the significance of a historical resource because none are anticipated; however, outreach to potentially interested Native American tribes is being conducted and every effort will be made to ensure any expressed concerns are addressed.

The administrative record for this project is available to the public by appointment at the following location:

Department of Toxic Substances Control  
Site Mitigation and Restoration Program  
5796 Corporate Ave,  
Cypress, CA 90630

Additional project information is available on EnviroStor:  
[https://envirostor.dtsc.ca.gov/public/profile\\_report?global\\_id=60003732](https://envirostor.dtsc.ca.gov/public/profile_report?global_id=60003732)

Contact Person	Contact Title	Phone Number
Wyatt George	Engineering Geologist	714-484-5387

Approver's Signature:



Date:

5/13/24

May 13, 2024

Approver's Name	Approver's Title
Meghan Hearne	Acting Branch Chief

TO BE COMPLETED BY OPR ONLY

Date Received for Filing and Posting at OPR: