

## 4.9 HAZARDS AND HAZARDOUS MATERIALS

### 4.9.1 Introduction

This section addresses potential hazards and hazardous material impacts at the project site and in the surrounding area that may result from implementation of the proposed project. The information contained in this section is based on a Hazardous Materials Technical Study (HMTS) prepared by Ninyo & Moore in September 2006 for the Del Mar Fairgrounds Master Plan. The HMTS is available for review at the Del Mar Fairgrounds Administrative Office and is included as Appendix H of this Environmental Impact Report (EIR).

### 4.9.2 Existing Environmental Setting

**Geologic and Hydrogeologic Conditions.** The project site is located in the San Diego County coastal section of the Peninsular Ranges Geomorphic Province. The portion of the province in San Diego County that includes the project area consists generally of Tertiary- and Quaternary-age sedimentary rock. The site is underlain by shallow fill soils, alluvium, and materials of the Bay Point Formation, which consists of poorly consolidated lagoon and nonmarine sandstone.

The San Dieguito River is located adjacent to the project site, and manmade reservoirs are located in the infield area of the Racetrack. Fluctuations in the groundwater level on site may occur due to variations in ground surface topography, tidal influence, subsurface geologic conditions and structure, rainfall, irrigation, and other factors. Based on the presence of surface water at an elevation of approximately 2 feet (ft) above mean sea level (amsl), groundwater on the project site is anticipated to be at a depth of approximately 5–10 ft below ground surface (bgs). When River levels are high or during periods of high rainfall, groundwater can be shallower than 5 ft bgs.

**Current/Past Uses of the Property.** The proposed project site was undeveloped marsh land at least as early as 1928. The Fairgrounds site was filled as part of the State of California's Swampland Reclamation Act, which was designed to develop swampland for "useful purposes." The initial 184-acre (ac) site was used as a golf course until 1936, when the golf course and 57 ac of additional land were purchased by the State Division of Fairs and Expositions for the development of a permanent Fairgrounds site. The 22nd District Agricultural Association (DAA) received a Works Progress Administration (WPA) grant to fund construction of the original facilities, including a main exhibit hall and auditorium, a combination Grandstands and utility building, 10 livestock buildings, an equipment shed, a main entrance building, a bell tower, stables for 600 horses, and a 1 mile (mi) long Racetrack. Many facilities have been added to the Fairgrounds over the years, including additional exhibit halls, livestock and thoroughbred racing barns, a new horse arena, and a satellite wagering facility. The more recent projects include two new multipurpose livestock barns completed in June 2006, and the addition of the roof on the arena, completed in spring 2009. Today, facilities on the Fairgrounds include a Racetrack, stables, Grandstands, a horse arena, barns, a multipurpose activity center, a satellite wagering facility, and other structures associated with the Fair and Racetrack. The eastern edge of the Fairgrounds property, known as Surf and Turf, contains a driving range, a miniature golf course, a pro shop, a dirt parking lot, tennis courts, a recreational vehicle (RV) lot, a volleyball tent, a swimming pool, and some vacant land. The portion of the property east and south of Jimmy Durante Boulevard is largely used as unpaved parking areas.

**Use, Storage, and Disposal of Hazardous Substances and Petroleum Products.** The Fairgrounds has extensive maintenance operations, including a paint shop, welding shop, plumbing shop, and general maintenance shop. These facilities are located along the southern boundary of the project site. Materials such as paint, oils, and compressed gases are located in this area and utilized for welding of equipment, maintenance of vehicles, and painting of buildings and equipment. Potential waste generated by the Fairgrounds includes waste oil, processing wastes, paint sludge, used oil filters, and waste antifreeze. Hazardous materials are also stored at the Del Mar Thoroughbred Club in the northern portion of the Fairgrounds site. In order to service vehicles, perform building maintenance, and care for horses, the Del Mar Thoroughbred Club is permitted to maintain paint thinner, lacquer, ethylene glycol, potassium hydroxide, gear oil, compressed gases, diesel fuel, vinyl acrylic paint, degreaser, caustic lime, and propane. Potential waste generated by the Del Mar Thoroughbred Club includes paint sludge, waste oil, hydrocarbon solvents, used oil filters, degreasing sludge, used batteries, infectious waste, and waste antifreeze.

The 22nd DAA collects and hauls all of the trash generated on site, except during the Race Meet, when trash is hauled off site by EDCO. Fluorescent lamps and ballasts are shipped to Veolia Environmental Services, and electronics and small batteries are taken to IMS Recycling. Vehicle batteries are disposed at Broding's. Other hazardous wastes generated at the project site are picked up by Safety Clean for disposal.

**Aboveground and Underground Storage Tanks.** There are five aboveground storage tanks (ASTs) currently located on the Fairgrounds. Two ASTs, each with an approximate capacity of 2,000 gallons, are located adjacent to the Fairgrounds maintenance area along the southern boundary of the project site. The ASTs contain diesel fuel and gasoline for use with trucks and equipment at the Fairgrounds. One 2,000-gallon diesel AST is located adjacent to the Grandstands and another 2,000-gallon diesel AST is located near the horse arena; both reportedly store fuel for adjacent back-up energy generators. One dual gasoline/diesel AST, approximately 4,000 gallons in capacity, is located at the Del Mar Thoroughbred Club maintenance area. The ASTs have secondary containment and appeared to be in good condition at the time of project site reconnaissance in 2006.

Several underground storage tanks (USTs), ranging in size from 500 to 2,000 gallons, were located on the project site but have been removed. The USTs contained gasoline and diesel fuel. Tank removal and unauthorized releases are detailed below.

- Three unauthorized release cases were associated with the USTs at the Del Mar Thoroughbred Club maintenance area (which is part of the Fairgrounds; it is located in the northern portion of the Fairgrounds site). The releases, which occurred in 1987, 1990, and 1993, affected groundwater but have since been granted closure by the County Department of Environmental Health (DEH).<sup>1</sup>

---

<sup>1</sup> The Hazardous Materials Division (HMD) is one of the four divisions of the Department of Environmental Health (DEH). HMD is the Certified Unified Program Agency (CUPA) for San Diego County responsible for regulating hazardous materials business plans and chemical inventory, hazardous waste and tiered permitting, USTs, and risk-management plans.

- Four USTs were removed from the Fairgrounds maintenance area (located along the southern boundary of the project site) between 1997 and 2004. Two unauthorized releases were associated with these USTs.
  - Records indicate that one 2,000-gallon gasoline UST was removed in 1997. DEH-mandated corrective active measures after elevated total petroleum hydrocarbon as gasoline (TPH-g) levels were noted in soil samples. A groundwater monitoring report prepared for this release indicated that soil contamination was limited, that impacted groundwater had migrated 125 ft to the southwest from the former UST, and that contaminant levels were below clean-up levels. The case was closed by DEH in 2000. At the time of closure, DEH indicated that approximately eight cubic yards of impacted soil remained in this location, and that benzene and methyl tertiary butyl ether (MTBE) in groundwater expressed a decreasing trend and that these constituents would biodegrade.
  - Two additional USTs were removed from the Fairgrounds maintenance yard in 2003. The 550-gallon USTs contained diesel fuel; tanks closure was complete when soil samples were found to be nondetectable for total petroleum hydrocarbon as diesel (TPH-d).
  - One additional UST, a 2,000-gallon-capacity gasoline tank, was removed from the Fairgrounds maintenance yard in 2004. DEH considered the tank closure complete although elevated levels of TPH-d (790 milligrams per kilogram [mg/kg]) and TPH-g (270 mg/kg) were found in the soil.

**Asbestos-Containing Materials (ACMs) and Lead-Based Paint (LBP).** The use of asbestos in many building products was banned by the United States Environmental Protection Agency (EPA) by the late 1970s. In 1989, the EPA issued a ruling prohibiting the manufacturing, importation, processing, and distribution of most asbestos-containing materials (ACMs). This rule, known as the Ban and Phase-Out Rule, would have effectively banned the use of nearly 95 percent of all asbestos products used in the United States. However, the United States 5th Circuit Court of Appeals vacated and remanded most of the Ban and Phase-Out Rule in October 1991. Due to this court decision, many asbestos-containing product categories not previously banned (prior to 1989) may still be in use today. Among these common material types found in buildings are floor tile and roofing materials. ACM represents a concern when it is subject to damage that results in the release of fibers. Friable ACM, which can be crumbled by hand pressure and is therefore susceptible to damage, is of particular concern. Nonfriable ACM is a potential concern if it is damaged by maintenance work, demolition, or other activities.

Lead has been used in commercial, residential, road, and ceramic paint; in electric batteries and other devices; as a gasoline additive; for weighting; in gunshot; and for other purposes. It is recognized as toxic to human health and the environment and is widely regulated in the United States. Buildings constructed prior to 1978 are presumed to contain lead-based paint (LBP) unless proven otherwise, although buildings constructed after 1978 may also contain LBP. Lead is regulated as a “criteria” pollutant under the federal Clean Air Act (CAA), which has led to its elimination from automotive fuels. Lead is also regulated as a toxic pollutant under the federal Clean Water Act (CWA) and the State Porter-Cologne Water Quality Control Act as well as under the federal and California Safe Drinking Water Acts.

Based on the dates of construction of a majority of the structures on the Fairgrounds, ACMs and LBP may be present.

**Environmental Database Searches.** The Hazardous Waste and Substances Sites (Cortese) List is a planning document used by the State, local agencies, and developers to comply with California Environmental Quality Act (CEQA) requirements in providing information about the location of hazardous materials release sites. The Cortese List, named after the Legislator who authored the legislation that enacted it, includes (but is not limited to) identified hazardous waste facilities, land designated as hazardous waste property, sites included in the Abandoned Site Assessment Program, and underground storage tanks for which an unauthorized release report is filed. Government Code Section 65962.5 requires the California EPA to develop (at least annually) an updated Cortese List. The Department of Toxic Substance Control (DTSC) is responsible for a portion of the information contained in the Cortese List. Other State and local government agencies are required to provide additional hazardous materials release information for the Cortese List.

The proposed project site is listed on the Resource Conservation and Recovery Act of 1996 Generator (RCRA-Gen), RCRA No Longer Regulated (NLR), California EPA Spills-1990, DEH Permits, Registered Underground Storage Tanks, and Leaking Underground Storage Tank (LUST) databases. For this reason, the proposed project site is considered a hazardous materials site and appears on the Cortese List pursuant to Government Code Section 65962.5.

**Fire Station Site.** Past uses of the proposed fire station site include a former warehouse, locally referred to as the Tin Barn Building, along a historic railroad spur constructed in the early 20th Century by the Atchison Topeka & Santa Fe Railroad. The historic railroad spur appears to have been removed or capped. Based on historic aerial photographs and United States Geological Survey (USGS) maps, the building was constructed between 1903 and 1929. The building is believed to have been used to store produce prior to World War II, storage of supplies relative to the military use of the Fairgrounds during World War II, and as a bottle cap manufacturing facility producing caps for soda bottles in the 1950s. In the 1960s–70s the railroad spur was used by trains as a drop-off location for Del Mar Fairgrounds visitors. Visitors would be dropped off at the end of the railroad spur next to the Tin Barn Building. The building itself was not used as a depot. The building was torn down in the 1980s due to termite damage, weather damage, and liability concerns by the land owner. A hair salon is currently operating on site in a more recently constructed building near the Tin Barn Building Foundation.

#### **Off-Site Uses.**

**Del Mar Dump Site.** A 1990 Regional Water Quality Control Board (RWQCB) Solid Waste Assessment Test (SWAT) address list for sites, operators, and owners states that a dump was located near the Del Mar Fairgrounds, but no other location data is provided. There are no files available from City of San Diego and the County of San Diego Local Enforcement Agencies (LEA) on this facility.

The fact that the site was listed on a regulatory agency database suggests a moderate to high likelihood that this facility existed on the Fairgrounds property. It should be noted, however, that this facility is not currently found on SWAT or Solid Waste Landfill (SWL) databases.

**ARCO #1919, 660 Via de la Valle.** This facility is located at the northeast corner of the intersection of Via de la Valle and Jimmy Durante Boulevard (adjacent to the project site). This facility is associated with four unauthorized releases. Two of the four releases were associated with failed integrity tests that were resolved and closed. The remaining two releases occurred in association with piping and USTs being removed from the facility. Site assessment activities, including the installation of groundwater wells, a soil vapor extraction pilot test, and the advancement of soil borings, were conducted at this facility from 1995 to 2003. Results for samples from the groundwater monitoring wells indicated some MTBE in soil within the groundwater zone and that MTBE is present in groundwater in concentrations ranging from 1.9 to 27 micrograms per liter ( $\mu\text{g/L}$ ), while benzene is less than 0.50  $\mu\text{g/L}$  and TPH-g is less than 100  $\mu\text{g/L}$ . Contaminants of concern for this property include TPH-g, benzene, toluene, ethylbenzene, and xylenes (BTEX), MTBE, and tertiary amyl methyl ether (TAME). In 2005, a corrective action plan had been prepared for this facility. The plan recommended natural attenuation based on the fact that beneficial uses and health are not at risk from this release and levels are predicted to be below maximum contaminant levels in approximately 50 years. In addition, data collected between 1991 and 2005 indicated that the plume was stable and degrading. DEH granted closure for these releases in 2006; approximately 2,300 cubic yards of contaminated soils remained after closure. Contamination from this release represents an environmental concern to the Fairgrounds should construction be planned on the northeasternmost portion of the Fairgrounds.

**Shell Service Station (formerly Texaco Service Station), 2205 Via de la Valle.** This gasoline service station is located on the south side of Via de la Valle to the west of Interstate-5 (I-5). This facility is associated with two unauthorized release cases. The first release was associated with a failed integrity test for a UST that occurred in 1993 and was granted closure by DEH in 2004. The second release is still active, with quarterly groundwater monitoring being conducted. Data indicate that the plume is stable and there is low likelihood that that release at this facility represents an environmental concern to the Fairgrounds. This facility has since been converted to a Shell Service Station.

**Aviation.** The Marine Corps Air Station (MCAS) Miramar is located approximately 7 mi from the proposed project site, north of the City of San Diego Community of Kearny Mesa and south of the City of San Diego Community of Mira Mesa. MCAS Miramar is a 24,000 ac installation located in north San Diego County and is one of the largest military bases in the area. The station averages 250 aircraft aboard on any given day, with up to 200,000 flight operations per year. The adopted Airport Land Use Compatibility Plan (ALUCP) for MCAS Miramar identifies Accident Potential Zone (APZs). The project site is not located in an APZ for MCAS Miramar.

## Emergency Response Plans.

**Countywide Emergency Response.** The Unified Disaster Council (UDC) is the governing body of the Unified San Diego County Emergency Services Organization. The Council comprises the Chair of the San Diego County Board of Supervisors, who serves as Chair of the Council, and representatives from the 18 incorporated cities, including the Cities of San Diego and Del Mar. The primary purpose of the UDC and the Emergency Services Organization is to provide for the coordination of plans and programs designed for the protection of life and property in the County of San Diego.

The County of San Diego Office of Emergency Services (OES) serves as staff to the UDC. In this capacity, OES is a liaison between the incorporated cities, the State OES, and the Federal Emergency Management Agency (FEMA), as well as nongovernmental agencies such as the American Red Cross.

The federal Disaster Mitigation Act of 2000 (at 44 Code of Federal Regulations [CFR] Parts 201 and 206) requires all local governments to create a disaster plan, develop and maintain a document outlining measures that can be taken before a hazard event occurs that would help minimize the damage to life and property, and produce an action plan that includes not only prioritized actions but also information on how the prioritized actions will be implemented. Implementation consists of identifying who is responsible for which action, what kind of funding mechanisms and other resources are available or will be pursued, and when the action will be completed.

Adopted in March 2004, the San Diego County Multi-Jurisdictional Hazard Mitigation Plan is a countywide plan that identifies risks posed by natural and manmade disasters and ways to minimize damage from those disasters. The OES approach to emergency planning has been comprehensive, (i.e., planning for and being prepared to respond to all hazards) including natural disasters, manmade emergencies, and war-related emergencies, utilizing the Standardized Emergency Management System (SEMS) and a coordinated Incident Command System. The Multi-Jurisdictional Hazard Mitigation Plan identifies resources available for emergency response and establishes coordination actions plans for specific emergency situations, including earthquake, fire, major rail and roadway accidents, flooding, hazardous materials incidents, terrorism, and civil disturbances.

The Multi-Jurisdictional Hazard Mitigation Plan includes specific goals, objectives, and mitigation action items developed by each of the participating jurisdictions that will help minimize the effects of the specified hazards that potentially affect the jurisdiction. It is also envisioned that these mitigation actions will be implemented on a jurisdiction-by-jurisdiction basis; however, UDC and OES will provide general oversight to this process to help reduce duplication of efforts between jurisdictions as appropriate, and to spearhead coordination of initiatives and action items that could be accomplished more efficiently on a regional level.

**Del Mar Fairgrounds.** The 22nd DAA has established an Emergency Operations Plan (EOP) for the Fairgrounds. The EOP delineates a plan of action for employees on the Fairgrounds in the event of an emergency or disaster. The EOP defines authority, organization, and prearranged

assessment and response groups that are to respond when emergencies or disaster occur that affect the Fairgrounds. Examples provided in the EOP include earthquakes, severe rainstorms, chemical accidents, bomb threats, major accidents (e.g., aircraft or train crash), dam failure, and fire. According to the report, "The EOP provides the basis for an orderly evacuation of the Fairgrounds, in conjunction with the Del Mar Fire Department, and effective utilization of manpower and equipment so as to minimize loss of life and damage to property."<sup>1</sup>

Although most of the criteria and response functions discussed in the EOP pertain to emergency situations that could occur on the Fairgrounds, off-site events may also affect operations on the Fairgrounds. During the fires in 2007, OES requested permission from the 22nd DAA to use the Del Mar Fairgrounds as an evacuation shelter. Permission was granted, and approximately 2,000 people and 2,500 animals were sheltered on site. A Memorandum of Understanding (MOU) between OES and the 22nd DAA is expected to be signed in 2009. The purpose of the MOU is to designate the Fairgrounds as an evacuation site and to stipulate under what conditions the site may be used as such (e.g., during the Fair and Race Meet and following a major earthquake, the site would not be available). The MOU would also state what services OES would provide on site and what items would be stockpiled on site. OES currently stores evacuation supplies on the Fairgrounds site, including cots and blankets.

**Fire Hazard.** Fire hazards threaten lives, property, and natural resources, and impact vegetation and wildlife habitats. Areas north, west, and southwest of the project site are developed with a variety of urban uses, including buildings and a roadway network. Areas located southeast and east of the project site (beyond I-5) are vacant (zoned Agricultural Residential [AR-1-1]; designated Park, Open Space, and Recreation). These areas are considered High Fire Hazard Areas by the City of San Diego. The San Diego Fire-Rescue Department is responsible for the preparation, maintenance, and execution of Fire Preparedness and Management Plans. In the event of a large wildfire within or threatening City limits, the San Diego Fire-Rescue Department could be assisted by the California Department of Forestry and Fire Protection (CAL FIRE), Federal Fire Department, or other local fire departments. The City of Del Mar Fire Code does not identify specific high fire hazards areas. Additional information about fire protection services is provided in Section 4.12, Public Services, of this EIR.

### 4.9.3 Regulatory Setting

Hazardous waste, like that generated by the Fairgrounds, is the unused or leftover portion of any hazardous chemicals or materials. Any leftover product that is labeled with the words danger, warning, toxic, caution, poison, flammable, corrosive, or reactive is considered a hazardous waste. Universal waste, also considered to be hazardous, includes consumer batteries, light bulbs, light tubes, and mercury-containing items. Regulations govern the collection and management of these widely generated wastes, thus facilitating environmentally sound collection and proper recycling or treatment. These regulations ease the regulatory burden on retail stores and others that wish to collect hazardous wastes and encourage the development of municipal and commercial programs to reduce the quantity of these wastes going to municipal solid waste landfills or combustors. In addition, the

---

<sup>1</sup> 22nd District Agricultural Association Del Mar Fairgrounds. Emergency Operations Plan, page 1.

regulations also ensure that the wastes subject to this system will go to appropriate treatment or recycling facilities pursuant to the full hazardous waste regulatory controls.

Hazardous wastes must be disposed of only at State-permitted treatment, storage, or disposal facilities. Hazardous wastes may not be disposed of in the regular trash or onto the surface of the ground or into the storm drain. Businesses that generate less than 27 gallons or 220 pounds of hazardous waste per month or less than one quart or 2.2 pounds of acutely hazardous waste (referred to as Conditionally Exempt Small Quantity Generators, or CESQGs) may use the County's Household Hazardous Waste Disposal Program for small businesses.

As described below, every hazardous waste generator is required to have an emergency contingency plan (business plan) designed to minimize hazards to human health and the environment from fires, explosions, or an unplanned release of hazardous waste to air, soil, or surface water. The plan is carried out immediately whenever a fire, explosion, or unplanned chemical release occurs.

## State and Federal.

**Hazardous Materials.** The federal Toxic Substances Control Act (TSCA) of 1976 regulates chemical substances, which are substances and mixtures that might pose unreasonable risks of injury to human health or the environment. TSCA authorizes the EPA to require manufacturers to test their chemical products to determine their "toxic effects" and provide this information to the EPA for agency review before commercial manufacture is permitted.

Businesses that utilize hazardous materials are subject to Emergency Planning and Community Right-to-Know (Proposition 65) requirements as set forth in Title III of the Superfund Amendments and Reauthorization Act (SARA) and the California Waters Bill. These regulations require worker notification of hazardous substances in the workplace. The Fairgrounds is subject to these requirements.

The State Waters Bill (Assembly Bill [AB] 2185 et al.), set forth in the California Health and Safety Code Sections 25500–25545, requires businesses that utilize hazardous materials above certain thresholds to prepare on-site "business plans" for possible emergencies involving those materials and to provide copies of the plans to local emergency response agencies. The business plan must include an Inventory List and an Emergency Action Plan. Minimum thresholds are as follows:

- Liquids: 55 gallons
- Solids: 500 pounds
- Compressed gases: 200 cubic feet (measured at standard temperature and pressure)
- Radioactive: quantities that exceed Nuclear Regulatory Commission thresholds requiring the preparation of emergency plans (10 CFR Parts 30, 40, and 70)

Exemptions from these thresholds include the following:

- Hazardous materials stored as consumer packages for direct distribution to the general public

- Up to 1,000 cubic feet of oxygen, nitrous oxide, and/or nitrogen stored by physicians, dentists, podiatrists, veterinarians, and pharmacists
- Up to 55 gallons of any lubricating oil and up to 275 gallons of all lubricating oil stored by one business

The Waters Bill requires an administering agency to oversee hazardous materials and waste laws. The CUPA implements program elements either directly or in coordination with affiliated Participating Agencies (PA). Business Plans for operations subject to the Waters Bill are reviewed and approved by the CUPA. The CUPA also conducts inspections of these facilities. The CUPA has the authority to require business plans for facilities that do not meet the minimum requirements if it determines that CUPA oversight is needed due to the type of facility or location. The CUPA for the Fairgrounds is the County DEH.

The Fairgrounds currently has five ASTs containing gasoline and/or diesel fuel; therefore, the proposed site project would meet the Waters Bill thresholds for storage of hazardous materials.

**Hazardous Waste.** Federal and California laws provide for “cradle to grave” regulation of hazardous wastes (i.e., the regulations govern a hazardous waste from its point of generation to its point of disposal at an approved landfill or incinerating facility). The federal hazardous waste law is known as the RCRA (40 CFR 240 et seq.). California has merged its RCRA authority into ongoing implementation of the State Hazardous Waste Control Law (HWCL), which was initially adopted in 1972 (22 California Code of Regulations [CCR] Section 66260.1 et seq.).

The EPA has primary responsibility for implementing the RCRA, and the California DTSC is the State’s lead agency in implementing HWCL and RCRA provisions. California allows county and city health departments and other local agencies to implement certain HWCL provisions regulating hazardous waste generators under terms of MOUs with DTSC.

All RCRA-regulated and California-regulated hazardous waste must be recorded on hazardous waste manifests, with copies sent to DTSC. The manifest is a way of tracking hazardous waste from its inception to its disposal. The project site is subject to these requirements for disposal and transport of hazardous waste. Within its jurisdictional area, the CUPA receives copies of hazardous waste manifests for tracking purposes.

**Aboveground Storage Tanks.** In 1989, California adopted the Aboveground Petroleum Storage Act (the AST Act [California Health & Safety Code Section 25270 et seq.]). The AST Act requires facility registration, Spill Prevention Control and Countermeasure (SPCC) plans and, in certain cases, groundwater monitoring. The State Water Resources Control Board (SWRCB) and the RWQCB implement these requirements.

**Occupational Safety and Health.** The federal Occupational Safety and Health Act of 1970 (OSH Act) (40 CFR 1902–1990) is the principal national law providing for worker safety and right to know. The broad policy goal of the act is “to assure so far as possible every working man and woman in the Nation a safe and healthful working environment.” It is implemented by the

United States Occupational Safety and Health Administration (OSHA), whose responsibilities include developing and promulgating occupational safety and health standards and ensuring that these standards are administered and enforced nationwide.

The federal OSH Act allows states to administer OSHA requirements after submitting a State plan. Cal/OSHA administers OSHA standards applicable to private employers within the State, along with additional authority provided by the California Occupational Safety and Health Act of 1973 (State OSH Act) (8 CCR, Sections 330–8618). These regulations are applicable to construction workers and prospective employees, retail businesses, and the restaurant at the Fairgrounds site. Complaints regarding health and safety issues at the project site would be investigated by Cal/OSHA.

**Asbestos-Containing Materials.** ACM products presently banned are corrugated paper, rollboard, commercial and specialty paper, flooring felt, and new uses of asbestos. Revisions to regulations issued by OSHA (June 30, 1995) require that all thermal system insulation, surfacing materials, and resilient flooring materials installed prior to 1981 be considered “presumed” asbestos-containing materials (PACMs) and treated accordingly. In order to rebut the designation as PACM, OSHA requires that these materials be surveyed, sampled, and assessed in accordance with 40 CFR 763 (Asbestos Hazard Emergency Response Act [AHERA]).

All asbestos should be removed from structures and disposed of in accordance with local, State, and federal regulations prior to renovation or demolition activities that would affect structures containing asbestos. Release of asbestos into the environment is a violation of several laws, including OSHA, RCRA, the CAA, and the CWA.

**Lead.** Lead has been used in commercial, residential, roadway, and ceramic paint products; in electric batteries and other devices; as a gasoline additive; for weighting, in gunshot; and for other purposes. It is recognized as toxic to human health and the environment and is widely regulated in the United States. Buildings constructed prior to 1978 are presumed to contain LBP unless proven otherwise, although buildings constructed after 1978 may also contain LBP. Lead is regulated as a “criteria” pollutant under the CAA, which has led to its elimination from automotive fuels. Aerially deposited lead (ADL) from past use of leaded fuels is a concern in unpaved areas adjacent to highly traveled roadways. Lead is also regulated as a toxic pollutant under the CWA and the Porter-Cologne Water Quality Control Act as well as under the federal and California Safe Drinking Water Acts.

All LBP above regulatory thresholds should be removed from structures and disposed of in accordance with local, State, and federal regulations prior to renovation or demolition activities that would affect structures that contain LBP or soils adjacent to structures that contain LBP. Release of LBP into the environment is a violation of several laws, including OSHA, RCRA, the CAA, and the CWA.

#### 4.9.4 Methodology

As described above, the information contained in this section is based on an HMTS for the Fairgrounds site prepared by Ninyo & Moore in September 2006. The objective of the HMTS was to evaluate specific existing, potential, or suspect conditions that may pose an environmental liability from soil and groundwater contamination regarding activities associated with adoption of the proposed Del Mar Fairgrounds Master Plan.

A limited site reconnaissance was conducted to visually identify areas of possibly contaminated surficial soil or surface water, improperly stored hazardous materials, possible sources of PCBs, and possible risk of contamination from activities at the site and adjacent properties. In addition, available maps, photographs, reports, and regulatory agency databases and files were reviewed for the proposed project and properties located within a 1,000 ft radius of the project site. The review of the databases identified locations of known hazardous waste sites; landfills; LUSTs; permitted facilities that utilize USTs; and facilities that use, store, or dispose of hazardous materials.

Past uses of the proposed fire station site were determined based on a records search, consultation with the City of Del Mar Planning Department, and a site visit conducted on March 2, 2008.

#### 4.9.5 Impact Significance Criteria

For this project, the following thresholds of significance were used. Impacts resulting from implementation of the proposed project related to hazards or hazardous conditions in the project area may be considered to be significant if implementation of the proposed project would:

- Threshold 4.9.1**      **Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.**
- Threshold 4.9.2**      **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.**
- Threshold 4.9.3**      **Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.**
- Threshold 4.9.4**      **Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.**
- Threshold 4.9.5**      **For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, the project would result in a safety hazard for people residing or working in a project area.**

- Threshold 4.9.6** For a project within the vicinity of a private airstrip, the project would result in a safety hazard for people residing or working in the project area.
- Threshold 4.9.7** Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- Threshold 4.9.8** Expose people or structures to a significant risk of loss, injury, or death involving wildfires, including where wildlands are adjacent to urbanized areas or where residents are intermixed with wildlands.

#### 4.9.6 Project Impacts

- Threshold 4.9.1** Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- Threshold 4.9.2** 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.
- Threshold 4.9.4** Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment.

#### Near-Term Project Impact Analysis.

**Construction.** Project construction includes demolition of existing structures to allow for new development. Structures to be demolished include the grooms' dormitory (known informally as "Motel 6") (48 rooms); the existing maintenance facilities; the Pat O'Brien Exhibit Hall, Bing Crosby Exhibit Hall, Exhibit Hall, and tent structure; the 22nd DAA marketing/human resources buildings and exhibit offices; the 22nd DAA operations building; the existing fire station; the Don Diego Clock Tower (although decorative tile from the Clock Tower will be retained and reused on site). The production and operations and purchasing trailers will also be removed. The presence of ACMs, LBPs, and PCB- and mercury-containing fixtures cannot be ruled out, and should any of these materials or other hazardous materials be discovered prior to the demolition of the existing structures, precautions would be necessary to ensure that the materials are properly removed and that workers and sensitive receptors are protected from hazardous contaminants. Mitigation Measure 4.9.1 requires predemolition surveys for ACMs and LBPs (including sampling and analysis of all suspected building materials), and inspections for PCBs- and mercury-containing electrical fixtures shall be performed. Mitigation Measure 4.9.1 and compliance with local, State, and federal regulations regarding the handling and disposal of these hazardous substances is considered adequate to reduce potential impacts to less than significant levels.

As stated above, several unauthorized releases have occurred on the project site. Although these release cases have been granted closure, residual contamination exists in both areas where former USTs were located. In addition, hazardous materials, hazardous wastes, clarifiers, possible hydraulic lifts with belowground reservoirs, ASTs, and former USTs not associated with a release have been identified on the project site. In addition, one adjacent property is also of environmental concern for the 22nd DAA. The ARCO station at 660 Via de la Valle has experienced a release, and MTBE has impacted soil and groundwater at the northeastern corner of the Fairgrounds. As a result of these releases, the proposed project site is listed on the RCRA-Gen, RCRA NLR, the California EPA Spills-1990, DEH Permits, Registered Underground Storage Tanks, and LUST databases.

Mitigation Measure 4.9.2 requires the 22nd DAA to perform a complete soil characterization in the vicinity of the known releases on the proposed project site (e.g., 22nd DAA Maintenance Area; Del Mar Thoroughbred Club maintenance area; northeast corner of the Fairgrounds affected by the release at ARCO, 660 Via de la Valle) prior to the start of construction in those areas and to provide an on-site, third-party monitor of these efforts. In addition, Mitigation Measure 4.9.3 requires the 22nd DAA to develop a Site and Community Health and Safety Plan prior to initiation of construction activities in order to reduce potential health and safety hazards to workers and the public, including those hazards associated with contaminated soils.

Caution would also be required during excavation activities near areas known to contain former USTs or the existing clarifiers because of the potential to encounter undocumented releases of contaminants. Because the presence of undocumented releases cannot be ruled out, this is considered a potentially significant impact of the proposed project and mitigation is required. Mitigation 4.9.4 requires the 22nd DAA to develop a contingency plan to address contractor procedures in the event that evidence of contaminated soil is found during excavation activities (e.g., stained soil, odors). The plan would indicate that if construction workers encounter underground tanks, gases, odors, uncontained spills, or other unidentified substances, the contractor shall stop work, cordon off the affected area, and notify the County of San Diego DEH. The DEH responder would determine the next steps regarding possible site evacuation, sampling, and disposal of the substance consistent with local, State, and federal regulations. Compliance with local, State, and federal requirements with regard to contamination delineation, removal, and disposal of contaminated soils and groundwater is considered adequate to address potential impacts related to these hazardous substances.

Project construction will also involve the routine use of hazardous materials such as fuels, paints, and solvents. In compliance with government regulations, the amount of these materials present during construction is limited and does not pose a significant hazard. In addition, the 22nd DAA and the California Construction Authority (CCA) are required to implement standard BMPs with regard to hazardous materials storage and use during construction (refer to Mitigation Measure 4.11.1, Section 4.11, Hydrology and Water Quality).

The proposed fire station site is not currently in public ownership. Prior to acquisition, a Phase I Environmental Site Assessment (ESA) will be prepared as required by Mitigation Measure 4.9.5 to further characterize the past uses of the site and to identify whether any subsequent testing and remedial actions are warranted. The Phase I ESA will include an on-site visual inspection of the property and surrounding properties, a review of data regarding the local geology and hydrology;

an assessment of current land use and practices of the property with particular attention given to assessing whether any hazardous material or waste management activities have occurred at the site; an assessment of the historic land use and development of the property through an interpretation of fire insurance maps, city directories, and/or aerial photographs of the site and interviews with persons knowledgeable of the site history; a review of owner/operator-provided documents and records; a review of local, State, tribal, and federal regulatory agency records maintained for the site; and a written report of all findings including Recognized Environmental Concerns, recommendations, and conclusions. The existing operation on the proposed fire station site is a hair salon that is assumed to contain related chemicals (e.g., hair dyes, permanent solutions). The hair salon will be closed or relocated and the building demolished as part of the proposed project. Mitigation Measure 4.9.5 requires preparation of a Phase I ESA for the proposed fire station site. Although no contamination related to the hair salon or previous uses is anticipated, Mitigation Measure 4.9.5 also requires appropriate remediation in the event contamination is found during the Phase I process or subsequent testing.

Mitigation Measures 4.9.1 through 4.9.5 will reduce potentially significant hazardous substances impacts associated with demolition, grading, excavation, and construction of the project to less than significant levels.

**Operation.** Project operation would involve the use of potentially hazardous materials (e.g., solvents, cleaning agents, paints, pesticides, or diesel and petroleum fuels) typical of hotel and Fairgrounds facilities. As stated above, the existing use on the fire station site would be closed or relocated as part of project implementation, and the existing building would be demolished. The proposed fire station would involve the routine use of potentially hazardous materials (e.g., solvents, cleaning agents, paints, pesticides, or diesel and petroleum fuels) typical of fire station facilities. These products are generally used in small amounts, and any spills that may occur are cleaned up as soon as they occur. Proper routine use of these products would not result in a significant hazard to residents or workers in the vicinity of proposed project. The proposed project would not produce hazardous emissions or handle acutely hazardous materials, substances, or waste. Therefore, there would be no significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous waste as a result of the proposed project. In addition, the proposed project would not create a significant hazard to the public or to the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment since no acutely hazardous materials would be handled on site and none of the near-term projects proposed in the Master Plan would require mitigation.

**Long-Term Project Impact Analysis.** The proposed long-term projects affect the same project site as the near-term projects, specifically the Fairgrounds site and the fire station site. The long-term projects include the seasonal train platform, the multilevel parking structure, improvements to the Backstretch Area, a new Horseman's Village, and construction of a new truck tunnel under the Racetrack. Construction of these projects could involve the same kinds of routine hazardous materials as would construction of the near-term projects, including fuels, paints, and solvents. Operation of the long-term projects could involve the same kinds of hazardous materials as operation of the near-term projects (e.g., solvents, cleaning agents, paints, pesticides, and/or fuels), and the proposed long-term

projects would result in the same potential impacts related to the transport, use, disposal, or release of hazardous materials into the environment as the near-term projects. Proposed long-term projects, including construction of a multilevel parking structure and a seasonal train platform, could result in potential significant impacts, and mitigation is required. Mitigation Measures 4.9.1 through 4.9.4 are applicable to the long-term projects (Strategy 4.9.1) and would reduce potentially significant hazardous substances impacts associated with demolition, grading, excavation, construction and operation of the long-term projects to less than significant levels. No additional mitigation would be required for construction and operation of long-term projects.

**Threshold 4.9.3      Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.**

**Near-Term Project Impact Analysis.** St. James Academy, a private school located in Solana Beach, is located within 0.25 mi of the proposed project site and approximately 0.98 mi from the proposed fire station relocation site. In addition, there are several schools located just over 1 mi north of the project site and proposed fire station relocation. These schools include Earl Warren Middle School (San Dieguito Union School District), Santa Fe Christian School (private), and Santa Fe Montessori School (private). As previously stated, the proposed project would involve the use of potentially hazardous materials (e.g., solvents, cleaning agents, paints, pesticides, and diesel and petroleum fuels) typical of Fairgrounds facilities. These products are generally used in small amounts, and any spills that may occur are cleaned up as soon as they occur. Proper routine use of these products would not result in a significant hazard to residents or workers in the vicinity of proposed project. The proposed project would not produce hazardous emissions or handle acutely hazardous materials, substances, or waste. Therefore, the proposed project would not result in a significant impact associated with hazardous emissions or the handling of hazardous or acutely hazardous materials, substances, or waste within 0.25 mi of an existing or proposed school, and no mitigation is required.

**Long-Term Project Impact Analysis.** The proposed long-term projects affect the same project site as the near-term projects. As stated above, the St. James Academy, a private school located in Solana Beach, is located within 0.25 mi of the proposed project site. As with the near-term projects, the proposed long-term projects would not result in a significant impact associated with hazardous emissions or the handling of hazardous or acutely hazardous materials, substances, or waste within 0.25 mi of an existing or proposed school, and no mitigation is required. Refer to the discussion above for additional information.

**Threshold 4.9.5      For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, the project would result in a safety hazard for people residing or working in a project area.**

**Threshold 4.9.6      For a project within the vicinity of a private airstrip, the project would result in a safety hazard for people residing or working in the project area.**

**Near-Term Project Impact Analysis.** MCAS Miramar is located approximately 7 mi from the proposed project site, north of Kearny Mesa and south of Mira Mesa. The adopted ALUCP for MCAS Miramar identifies APZs. The project site is not located within the airport land use planning area nor in an APZ for MCAS Miramar. The project site is approximately 12 mi from the McClellan-Palomar Airport, a County-owned public use airport located in the City of Carlsbad. The Fairgrounds is located outside the Airport Influence Area (AIA) and the Noise Impact Notification Area (NINA) for the McClellan-Palomar Airport. In addition, the proposed project site is not located in the vicinity of a private airstrip. The proposed project would not result in a safety hazard related to aviation uses, and no mitigation is required.

**Long-Term Project Impact Analysis.** The proposed long-term projects affect the same project site as the near-term projects. As stated above, the project site is not located within the airport land use planning area or in an APZ for MCAS Miramar. In addition, the proposed project site is not located within 2 mi of a public use airport or in the vicinity of a private airstrip. The proposed project would not result in a safety hazard related to aviation uses, and no mitigation is required.

**Threshold 4.9.7      Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.**

**Near-Term Project Impact Analysis.** As stated above, the County of San Diego has adopted a Multi-Hazard Mitigation Plan, and the 22nd DAA has established an EOP for the Fairgrounds. The proposed near-term projects would not impair or require modifications to the countywide Multi-Jurisdictional Hazard Mitigation Plan because the 22nd DAA is not a signatory to the plan and the Fairgrounds does not play a significant role in countywide emergency response planning. In the event of an emergency or disaster that required mass evacuations, the Del Mar Fairgrounds would continue to be available as a possible Evacuation Center/Shelter under the terms of the MOU expected to be signed between the County OES and the 22nd DAA in 2009.

The adopted 22nd DAA EOP would be applicable to any additional structures constructed on the project site as part of the Master Plan, including the proposed hotel. The 22nd DAA would be required to establish an evacuation plan for the hotel in compliance with City and State fire codes prior to occupancy of the hotel. The grounds maps contained in the EOP, which are updated annually based on the setup of the San Diego County Fair, would also be updated to reflect structures constructed as part of the proposed project. Mitigation Measure 4.9.6 requires that the EOP be updated to reflect newly constructed buildings prior to issuance of certificates of occupancy. In addition, Mitigation Measure 4.9.7 requires the 22nd DAA to submit a Business Plan (prepared in accordance with the Waters Bill) for the Del Mar Fairgrounds to DEH for review prior to relocation of the UST currently located in Del Mar Thoroughbred Club maintenance area (future location of the Maintenance Building B Complex). DEH will determine whether any additional safety or emergency response measures or revisions are required. Therefore, the proposed project would not impair implementation of or physically interfere with the existing EOP, and the EOP would provide for the orderly evacuations of the proposed structures in the event of an emergency or disaster.

In addition, access to, from, and on site for emergency vehicles would be reviewed and approved by the State Fire Marshal prior to project construction. All structures proposed to be developed as near-term projects, including the hotel, would be required to comply with all applicable codes and ordinances for emergency vehicle access. Compliance with required State of California fire safety standards would ensure adequate access to, from, and on site for the Del Mar Fire Department and would ensure that possible impacts of the project related to emergency response are below a level of significance.

Therefore, with implementation of Mitigation Measures 4.9.6 and 4.9.7, the proposed project would not result in a significant impact related to an adopted emergency response plan or emergency evacuation plan, and no additional mitigation is required.

**Long-Term Project Impact Analysis.** The proposed long-term projects affect the same project site as the near-term projects. The adopted 22nd DAA EOP would be applicable to any additional structures proposed as long-term projects as part of the Master Plan, and Mitigation Measure 4.9.6 requires the 22nd DAA to update the EOP prior to issuance of any certificates of occupancy for newly constructed buildings. The EOP would provide for the orderly evacuations of the proposed structures in the event of an emergency or disaster. In addition, all structures proposed on the project site, including the multilevel parking structure, would be constructed to meet the requirements of the State Fire Marshal, and emergency vehicle access through the existing site would be maintained. By adhering to the State of California fire safety standards, the proposed project would maintain emergency access to, from, and on site. Therefore, with implementation of Mitigation Measure 4.9.6 (Strategy 4.9.1), the proposed long-term projects would not disrupt emergency access and would not impair implementation of an adopted emergency response plan or emergency evacuation plan.

**Threshold 4.9.8      Expose people or structures to a significant risk of loss, injury, or death involving wildfires, including where wildlands are adjacent to urbanized areas or where residents are intermixed with wildlands.**

**Near-Term Project Impact Analysis.** As stated above, areas north, west, and southwest of the project site are developed with a variety of urban uses, including buildings and a roadway network. Areas located southeast and east of the project site (beyond I-5) are open space; these areas are considered to be High Fire Hazard Areas by the City of San Diego. The structures (e.g., hotel, exhibit halls, and maintenance buildings) proposed on the project site would be constructed to meet the requirements of the State Fire Marshal, and emergency vehicle access through the existing site would be maintained. By adhering to the State of California fire safety standards, the proposed project would not expose structures or future occupants of the facilities to a significant risk of loss, injury, or death involving wildfires. Therefore, no mitigation measures are required. Additional information about fire protection services is provided in Section 4.12, Public Services and Utilities, of this EIR.

**Long-Term Project Impact Analysis.** The proposed long-term projects affect the same project site as the near-term projects. As stated above, the structures proposed on the project site, including the multilevel parking structure, would be constructed to meet the requirements of the State Fire Marshal. In addition, emergency vehicle access through the existing site would be maintained. By adhering to

the State of California fire safety standards, the proposed project would not expose structures or future occupants of the facilities to a significant risk of loss, injury, or death involving wildfires. Therefore, no mitigation measures are required.

#### **4.9.7 Cumulative Impacts**

The assessment of potential cumulative impacts with regard to hazards and hazardous materials relates to the ability for impacts to occur off site. The hazardous materials study area considered for cumulative impacts consisted of (1) the area that could be affected by proposed project activities, and (2) the areas affected by other projects where activities could directly or indirectly affect the presence or fate of hazardous materials on the proposed project site. In general, only projects occurring adjacent to or very close to the project site are considered due to the limited potential impact area associated with release of the applicable hazardous materials into the environment.

In the existing condition, building materials and soils may contain hazardous materials that would need to be removed and transported off site to an approved disposal facility. This would be a temporary condition that is subject to regulatory oversight (i.e., DEH). After implementation, the proposed project would involve the use of limited amounts of hazardous materials associated with hotel and Fairgrounds and fire station operations. The contribution of hazardous materials use and hazardous waste disposal with implementation of the project is minimal, and combined hazardous materials effects from past, present, and reasonably foreseeable projects within the Cities of Del Mar, San Diego, and Solana Beach would not be significant. As previously stated, the proposed project would involve the use of potentially hazardous materials (e.g., solvents, cleaning agents, paints, pesticides, and diesel and petroleum fuels) typical of Fairgrounds facilities and a fire station, but these products would be used in small amounts and any spills that do occur would be cleaned up when they occur. Proper and routine use of these products would not result in a significant hazard to residents or workers in the vicinity of proposed project. The proposed project would not contribute incrementally to any potential airport proximity hazards. Furthermore, for the proposed project and all other projects in the area to be approved, each project is required to be consistent with the existing regulations related to hazards and hazardous materials. Consistency with federal, State, and local regulations prevent this and other projects from creating cumulative impacts in terms of hazards and hazardous materials.

Impacts associated with hazardous soils, groundwater, and use of hazardous materials on site would be controlled through application of standard regulatory procedures set forth in the mitigation measures listed below and in the other cited EIR sections. There are no known projects adjacent to or in the vicinity of the project site that could be affected by on-site handling of hazardous materials or that could result in significant hazards or hazardous materials impacts on site. For the reasons outlined above, implementation of the proposed project would not result in an incremental contribution to cumulative impacts related to hazards and hazardous materials that are considered cumulatively considerable. With implementation of Mitigation Measures 4.9.1 through 4.9.7, the proposed project's incremental contribution to impacts related to hazards and hazardous materials would be reduced to below a level of significance.

#### 4.9.8 Level of Significance prior to Mitigation

The proposed project may result in a significant impact related to the possible discovery of unknown waste or suspect materials, as well as LBP, ACMs and PCBs, on the project site during demolition, grading, excavation, or construction activities.

#### 4.9.9 Mitigation Measures

**Mitigation Measure 4.9.1** Prior to the issuance of any demolition permits, predemolition surveys for asbestos-containing materials (ACMs) and lead-based paints (LBPs) (including sampling and analysis of all suspected building materials) and inspections for polychlorinated biphenyls (PCB) and mercury-containing electrical fixtures shall be performed. All inspections, surveys, and analyses shall be performed by appropriately licensed and qualified individuals in accordance with applicable regulations (i.e., American Society for Testing and Materials (ASTM) E 1527-05, and 40 Code of Federal Regulations [CFR], Subchapter R, Toxic Substances Control Act [TSCA], Part 716). If the predemolition surveys do not find ACMs, LBP, or PCB-containing electrical fixtures, the 22nd District Agricultural Association (DAA) shall provide documentation of the inspection and its results to the County of San Diego Department of Environmental Health (DEH) to confirm that no further abatement actions are required. If the predemolition surveys find evidence of ACMs, LBP, or PCB- and mercury-containing electrical fixtures, all such materials shall be removed, handled, and properly disposed of by appropriately licensed contractors according to all applicable regulations during demolition of structures (40 CFR, Subchapter R, TSCA, Parts 745, 761, and 763). Air monitoring shall be completed by appropriately licensed and qualified individuals in accordance with applicable regulations both to ensure adherence to applicable regulations (e.g., San Diego Air Pollution Control District [SDAPCD]) and to provide safety to workers and the adjacent community. The 22nd DAA shall provide documentation (e.g., all required waste manifests, sampling, and air monitoring analytical results) to the DEH showing that abatement of any ACMs, LBP, or PCB- and mercury-containing electrical fixtures identified in these structures has been completed in full compliance with all applicable regulations and approved by the appropriate regulatory agency(ies) (40 CFR, Subchapter R, TSCA, Parts 716, 745, 761, 763, and 795, and CCR Title 8, Article 2.6). An Operating and Maintenance (O&M) Plan shall be prepared for any ACM, LBP, or PCB- and mercury-containing fixtures to remain in place and will be reviewed and approved by DEH.

**Mitigation Measure 4.9.2** The 22nd District Agricultural Association (DAA) shall perform a complete soil characterization in the vicinity of the known releases on the proposed project site (e.g., 22nd DAA Maintenance Area, the Del Mar Thoroughbred Club maintenance area, northeast corner of the

Fairgrounds affected by the release at ARCO, 660 Via de la Valle) prior to the start of construction in those areas and provide an on-site, third-party monitor of these efforts. The third-party monitor shall be allowed to inspect the monitoring and testing activities on site as well as the records and test results. The purpose of the monitoring and testing activities is to determine whether the soil is considered hazardous or nonhazardous and to ensure that surface soil conditions and conditions of exposed soils are safe and acceptable for on-site workers, on-site visitors, and residents and workers of properties adjacent to the site. The third-party monitor will be responsible for preparing and submitting weekly activity reports and testing results to the County of San Diego Department of Environmental Health (DEH). Disposal of impacted soils shall also be overseen by DEH.

**Mitigation Measure 4.9.3**

Prior to issuance of any notices to proceed for demolition or grading, a Site and Community Health and Safety Plan shall be prepared by the 22nd District Agricultural Association (DAA) or the California Construction Authority (CCA) in coordination with the County of San Diego Department of Environmental Health (DEH) for all workers in accordance with federal, State, and local regulations, for use during construction. The Health and Safety Plan shall include:

- A summary of all potential risks to construction workers, monitoring programs, maximum exposure limits for all site chemicals, and emergency procedures
- The identification of a site health and safety officer
- Methods of contact, phone number, office location, and responsibilities of the site health and safety officer
- Specification that the site health and safety officer be contacted immediately by the contractor should any potentially toxic chemical be detected above the exposure limits, or if evidence of soil contamination is encountered during site preparation and construction
- Specification that DEH is to be notified if evidence of soil contamination is encountered
- Specification that an on-site monitor will be present to perform monitoring and/or soil and air sampling during grading, trenching, or cut or fill operations

The Health and Safety Plan is to be approved by DEH and provided to all contractors on the project site. The Health and Safety Plan is required to be amended as needed if different site conditions are encountered by the site health and safety officer.

- Mitigation Measure 4.9.4** Prior to issuance of a notice to proceed with demolition, the California Construction Authority (CCA) shall review and approve a contingency plan that addresses the potential to encounter on-site unknown hazards or hazardous substances during construction activities. The plan shall indicate that if construction workers encounter underground tanks, gases, odors, uncontained spills, or other unidentified substances, the contractor shall stop work, cordon off the affected area, and notify the County of San Diego Department of Environmental Health (DEH). The DEH responder shall determine the next steps regarding possible site evacuation, sampling, and disposal of the substance consistent with local, State, and federal regulations.
- Mitigation Measure 4.9.5** Prior to acquisition, the 22nd District Agricultural Association (DAA) shall prepare a Phase I Environmental Site Assessment (ESA) for the proposed fire station site. The Phase I ESA shall be prepared in compliance with the requirements of American Society for Testing and Materials (ASTM) E1527-05 Standard Practice for Environmental Site Assessments or the most current standards at the time the assessment process is undertaken. Follow-up recommendations identified in the Phase I ESA, if any, will be conducted prior to site acquisition and redevelopment. In the event contamination is suspected, additional testing shall be conducted to determine the existence, type, and extent of any on-site contamination. Once testing is complete, appropriate remediation shall occur in consultation with the appropriate health and safety agency (e.g., Department of Environmental Health [DEH], California Department of Toxic Substance Control [DTSC]). Construction of the proposed fire station shall not commence until Phase I is complete and any remediation activities, if necessary, are closed by the oversight agency.
- Mitigation Measure 4.9.6** Prior to issuance of certificates of occupancy for newly constructed buildings, the 22nd District Agricultural Association (DAA) shall review and revise the Del Mar Fairgrounds Emergency Operations Plan (EOP). The plan shall be updated to include evacuations plans for all newly constructed buildings and shall determine how to effectively utilize manpower and equipment so as to minimize loss of life and damage to property.
- Mitigation Measure 4.9.7** Prior to relocation of the existing underground storage tank (UST), the 22nd District Agricultural Association (DAA) shall submit the existing Del Mar Fairgrounds Business Emergency Plan, Hazardous Materials Release Response Plan and Inventory to the Department of Environmental Health (DEH) for review. DEH shall determine whether additional measures/revisions are necessary based on proposed project implementation, consistent with California Health and Safety Code Section 25500, et seq.

#### **4.9.10 Programmatic Impact Avoidance and Mitigation Strategies**

The mitigation measures described above are based on hazardous materials record searches and investigations of the project site as documented in Appendix H of this EIR. The record searches and investigations were site specific, and the recommendations are applicable to both the near-term and long-term projects. Application of the mitigation measures described above reduces all potentially significant impacts to hazardous materials to below a level of significance; therefore, the following programmatic impact avoidance and mitigation strategy for long-term projects is required.

**Strategy 4.9.1**                      The 22nd District Agricultural Association (DAA) shall ensure implementation of measures to reduce hazards and hazardous materials impacts, including but not limited to implementation of Mitigation Measures 4.9.1–4.9.7, described above.

#### **4.9.11 Level of Significance after Mitigation**

Mitigation Measures 4.9.1 through 4.9.7 would reduce potentially significant hazardous substances impacts associated with demolition, grading, excavation, construction, and operation of the proposed project to less than significant levels. All potentially significant impacts related to hazards and hazardous substances are reduced below a level of significance after implementation of mitigation.