

ADDENDUM TO FINAL MITIGATED NEGATIVE DECLARATION FOR THE INTERIM REMOVAL MEASURE (IRM) WORKPLAN PROJECT AT THE ASCON LANDFILL SITE TO ADDRESS THE MODIFIED IRM PROPOSAL PROJECT

JULY 15, 2010

I. INTRODUCTION

Pursuant to the provisions of the California Environmental Quality Act (CEQA), the Department of Toxic Substances Control (DTSC) distributed a Draft Initial Study/Mitigated Negative Declaration (MND) (State Clearinghouse No.: 2009101077) for the proposed Interim Removal Measure (IRM) Project at the Ascon Landfill site for public review and comment from October 22, 2009 to November 23, 2009. The Final MND was adopted by DTSC on May 10, 2010. Since approval of the Final MND by DTSC, the Project Applicant, referred to as the "Ascon Responsible Parties" or RPs, have modified the internal construction components anticipated to occur as part of the IRM project. The proposed modifications (herein referred to as the "Modified IRM Proposal") are discussed more fully below.

To address the Modified IRM Proposal, an Addendum to the Final MND has been prepared. The DTSC has determined that an Addendum is the appropriate subsequent CEQA document to address the Modified IRM Proposal pursuant to CEQA Guidelines §15162, as explained in more detail in Section II, Purpose Of Addendum and CEQA Requirements, below. Pursuant to CEQA Guidelines §15164(c), this Addendum is not being circulated for public review, but will be attached to the Final MND. In addition, a Notice of Determination will be filed with the California State Clearinghouse within the State of California Office of Planning and Research.

II. PURPOSE OF ADDENDUM AND CEQA REQUIREMENTS

The purpose of this Addendum is to address the implications of the Modified IRM Proposal in order to determine whether any significant environmental impacts which were not identified in the Final MND would result, or, whether previously identified significant impacts would be substantially more severe. This document has been prepared in accordance with CEQA Guidelines (Title 14, Cal. Code Regs., 15000 et seq.) §15164 and §15162.

Section 15162(a) of the CEQA Guidelines provides that, for a project covered by a certified EIR or adopted negative declaration, preparation of a subsequent EIR or negative declaration rather than an Addendum is required only if one or more of the following conditions occur:

1. *Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
2. *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; or*

3. *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time of the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:*
- a) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*
 - b) Significant effects previously examined will be substantially more severe than shown in the previous EIR or negative declaration;*
 - c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*
 - d) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR or negative declaration would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternative.*

Section 15164(b) of the CEQA Guidelines states:

An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Based on the analysis presented herein, it has been determined that an Addendum to the Final MND is the appropriate CEQA document to address the Modified IRM Proposal given that none of the conditions described in §15162 calling for the preparation of a subsequent EIR or negative declaration have occurred. The environmental analysis relies in part on the analyses completed in the previous Final MND and directly references the Final MND where appropriate.

III. APPLICATION OF PREVIOUSLY CERTIFIED ENVIRONMENTAL DOCUMENTATION TO MODIFIED IRM PROPOSAL

Description of Modified IRM Proposal

The Project Description in the Final MND for the IRM Project indicated that the project would include removal and disposal, or, if feasible, recycling of the tarry materials from two interior lagoons (Lagoon 1 and 2) in the southwest zone of the Ascon site that received oil production waste during the landfill's operation. The maximum volume of material to be removed is 70,000 cubic yards, inclusive of any additives needed to dry the tarry materials for transport. These overall aspects of the IRM Project will remain under the Modified IRM Proposal.

In addition, under the Modified IRM Proposal, the IRM activities will still be confined to the Project site and there will be no effect on the proposed off-site haul routes or construction schedule described in the Final MND. The amount of subsurface disturbance will be similar to what was analyzed in the Final MND. Further, the Modified IRM Proposal will comply with the same regulatory requirements and implement the same components in the IRM Workplan that serve to minimize impacts on the environment.

The primary differences between the IRM Project analyzed in the Final MND and the Modified IRM Proposal are generally limited to the internal haul routes and excavation activity location internal to the Project site particularly around Lagoons 1 and 2. The Final MND indicated that the IRM Project would utilize excavators on the western and southern sides of Lagoons 1 and 2 to excavate tarry materials from the lagoons. Soils and/or drying additives will be pushed into the lagoons by dozers, if needed, and mixed with the tarry materials that cannot be directly excavated. The dozers would push soils into the lagoons from all sides. The excavated tarry materials (or mixed materials) will be transferred to offsite haul trucks or to an onsite stockpile staging area on the western banks of Lagoons 1 and 2. If the tarry materials were transported to the staging area, the tarry materials would then be loaded into lined trucks for disposal at an off-site facility. The haul trucks would enter the site from Hamilton Avenue through a gate located west of Magnolia Street. The trucks would proceed in a southerly direction along an existing access road located to the west of Lagoons 1 and 2. All loading of the tarry materials would occur to the west of Lagoons 1 and 2. After loading, the haul trucks would continue along the access road which "loops around" the southerly portion of Lagoon 1, and proceed in an easterly direction on the site towards the exit along Magnolia Street.

The following describes the activities anticipated to occur within the four areas of the Project site under the Modified IRM Proposal. To assist in describing the activities under the Modified IRM Proposal, Figure 1 (see attachment) is provided and divides the Project site into four areas (A, B, C and D).

Within Area A, referred to as the "Entrance and Staging Area," vehicles and haul trucks will enter the Project site from the existing gated driveway located on Hamilton Avenue and travel south along West Road in a similar manner as described in the Final MND. High Road would be used occasionally for deliveries and mainly for maintenance or worker travel (light duty auto). Diesel fuel tanks and storage silos for the lime kiln dust or similar additive (to be used as an additive to the tarry materials prior to loading into haul trucks) will be located within the staging area to the west of Lagoons 1 and 2. Haul trucks will be lined with plastic and proceed to Lagoon Perimeter Road for loading. The primary difference under the Modified IRM Proposal in Area A compared to the Final MND is that only limited mixing activities and loading of tarry materials will occur.

Within Area B, which includes Lagoons 1 and 2, mixing of lime kiln dust or similar additive and/or soil from a borrow area (located in Area C) with the tarry material will occur within the lagoon footprint. Mixing activities within the lagoons were also considered as part of the Final MND. However, only limited mixing outside of the lagoons is expected to occur under the Modified IRM Proposal. Lime kiln dust or similar additive will be pumped from the silo in Area A or B directly onto the working face of the excavation area within the lagoons. Soil will be brought by heavy equipment from on-site borrow areas. The material will be excavated with a long-reach excavator or other equipment from the lagoon shore and directly loaded into the trucks. Loading activities were also assumed to occur west of the lagoons as part of the Final MND. Haul trucks will then travel counter-clockwise on Lagoon Perimeter Road along the southern and eastern edges of Lagoon 1. Vehicles used for deliveries and other activities will use West and South Roads to traverse the Site. Although not anticipated to occur on a routine basis, South Road could be utilized for hauling should Lagoon Perimeter Road not be available. The primary differences within Area B under the Modified IRM Proposal, involve shifting the internal haul route from South Road to Lagoon Perimeter Road and only limited mixing will occur outside of Lagoons 1 and 2 to the west.

Within Area C, referred to as the "Truck Inspection, Decontamination Area and the Support Zone," borrow areas are located to the east of Lagoons 1 and 2. Haul trucks from Area B will likely use Crossover Road to access the truck decontamination area and weighing station before exiting the site from Area C, although other pathways are being considered. Trucks will be inspected and proceed through the decontamination process as warranted. Haul trucks will be weighed, topped off with more material if necessary, covered with

tarps, and proceed to the Magnolia Street gate including passing over the dust removal devices (rumble strips). A water tower will also be located in Area C. The Support Zone includes the trailers and parking areas for workers and visitors. Pit F is located west of the parking lot, but there are no planned IRM activities involving Pit F.

Within Area C, the primary difference under the Modified IRM Proposal is that the internal haul truck route will be moved slightly north (from South Road to Lagoon Perimeter Road and Crossover Road). However, the total distance traversed will remain approximately equal to the assumptions in the Final MND.

Within Area D, which includes Lagoons 3, 4, and 5, Central Road and East Road are alternate routes to be used occasionally for maintenance or work travel (light duty auto). Ambient air monitoring equipment will be located along North Road and Connector Road, accessed hourly by light duty vehicles during normal work hours. There are no planned IRM activities involving excavation of Lagoons 3, 4, or 5. No significant changes under the Modified IRM Proposal will occur within Area D.

Environmental Impact Analysis

As described in the Project Description above, the Modified IRM Proposal modifies the internal construction components anticipated to occur as part of the IRM project. The IRM activities will still be confined to the Project site and there would be no effect on the proposed off-site haul routes, volume of tarry materials to be excavated, or construction schedule described in the Final MND. The amount of subsurface disturbance will be similar to what was analyzed in the Final MND. Further, the Modified IRM Proposal will comply with the same regulatory requirements and implement the same components in the IRM Workplan that serve to minimize impacts on the environment. Based on these considerations, for the following 12 impact issue areas there will be no meaningful change to the analyses and findings presented in the Final MND: aesthetics, agricultural resources, cultural resources, geology and soils, hydrology and water quality, land use and planning, mineral resources, population and housing, public services, recreation, transportation and traffic, utilities and service systems. For each of these 12 issue areas, the Modified IRM Proposal will not result in new significant impacts and there will be no substantial increase in the severity of impacts compared to those identified in the Final MND. No new mitigation measures for these 12 issue areas will be required for the Modified IRM Proposal. Therefore, the impacts associated with for the Modified IRM Proposal for these 12 issue areas will be within the scope of impacts identified in the Final MND.

However, minor shifts in the location of construction activities under the Modified IRM Proposal will alter certain aspects of previously identified impacts associated with: air quality, biological resources, hazards and hazardous materials, and noise. Thus, the following sections identify the changes in impacts resulting from the Modified IRM Proposal for these four issue areas compared to the impacts identified in the Final MND.

A. Air Quality

Final MND. The Final MND concluded that implementation of the Project features and mitigation measures would reduce potentially significant regional or localized air quality impacts resulting from the proposed IRM activities to less than significant impacts. Construction emissions analyses performed using URBEMIS2007 demonstrated that regional air quality impacts would be less than significant with mitigation measures such as requiring the use of EPA Tier 3 construction equipment and the purchase of credits for haul truck emissions of oxides of nitrogen (NOx). Localized air quality impacts were also shown to be less than significant through ISCST3 dispersion modeling with inclusion of mitigation measures and project features such as enhanced dust control measures.

The Final MND concluded that the project is consistent with the SCAQMD's Air Quality Management Plan (AQMP). With regard to odors, the Final MND concluded that objectionable odors would be less than significant with mitigation measures such as emission suppressants and active monitoring. In addition, no naturally occurring asbestos have been identified at the site which would result in no impact with regard to naturally occurring asbestos.

The Final MND concluded that Greenhouse Gas (GHG) emissions generated from Project activities would be less than significant. In addition, the Project would not conflict with any applicable greenhouse gas plan or policy and would therefore not result in significant impacts with regard to GHG emissions

Modified IRM Proposal. Regional impacts associated with the Project, calculated on the basis of the worst-case day, are dominated by the on-road emissions from haul trucks. The number of daily trucks and distance traveled under the Modified IRM Proposal remains unchanged from the Final MND. The amount of material to be excavated from the Project site also remains the same under the Modified IRM Proposal. However, the on-site construction emissions resulting from the Modified IRM Proposal will differ slightly from the analysis in the Final MND. For example, the equipment mix proposed in the Modified IRM Proposal includes one additional excavator and an optional crane not considered in the Final MND. The equipment mix assumed in the Final MND contains additional equipment such as off-highway trucks, additional loaders and dumpers/tenders which are not expected to be used with implementation of the Modified IRM Proposal. Thus, equipment exhaust emissions contained in the Final MND is likely more conservative compared to the Modified IRM Proposal. Equipment used in the Current Proposed IRM will adhere to the requirements of Mitigation Measures AQ-1 and AQ-2. Emission credits will be purchased, in accordance with Mitigation Measure AQ-3, to offset emissions of NOx to less than significant levels.

In addition to the change in equipment mix, the site configuration under the Modified IRM Proposal including haul truck and loading activities differs from the Final MND. The on-site haul truck route under the Modified IRM Proposal primarily utilizes Lagoon Perimeter Road and not South Road. Speeds along Lagoon Perimeter Road will be kept to 5 miles per hour (mph) as compared to 10 mph allowed on South Road. Speed reduction is a highly effective strategy to reduce dust generation. The total distance travelled on-site will remain approximately equal to that analyzed in the Final MND. Thus, fugitive dust and exhaust emissions from haul truck travel will also remain similar to that analyzed in the Final MND.

The overly conservative emissions and modeling studies in the Final MND assumed that material would be "handled", mechanically excavated and "dropped" twice. The first time involved removing the tarry material from the lagoon(s) and placing (dropped) it upon the ground for mixing with additives or soil. The second time involved scooping up the mixed material and drop loading it into the haul trucks. Each "drop" results in emissions of fugitive dust. The direct pumping of lime kiln dust into the lagoons for mixing prior to loading under the Modified IRM Proposal should result in fewer emissions of fugitive dust from the Project site, since the tarry material will be "dropped" only once. Therefore, fugitive dust from excavation activities will be less than the analysis in the Final MND.

The air quality analysis contained in the Final MND was performed using a conservative set of assumptions such as extra or redundant equipment and additional soil handling. The modifications in the Modified IRM Proposal will not alter the impact findings or mitigation measures regarding air quality presented in the Final MND. There will be no new significant impacts and no increase in the severity of impacts regarding air quality generated by the Modified IRM Proposal compared to those impacts previously identified in the Final MND. No new mitigation measures are required for the Modified IRM Proposal. Therefore, the impacts for the Modified IRM Proposal are within the scope of impacts identified in the Final MND.

With respect to GHG emissions which are calculated on an annual basis, the total amount of material being removed and the overall schedule remain unchanged under the Modified IRM Proposal as compared to the Final MND. The variances in on-site equipment will likely result in GHG emissions that are similar or less than those in the Final MND. As mentioned previously, the equipment assumed in the Final MND is conservative and contains more equipment than under the Modified IRM Proposal. As a result, the Modified IRM Proposal will result in less than significant impacts with regard to GHG emissions similar to the conclusion in the Final MND.

B. Biological Resources

Final MND. Regarding sensitive species (flora and fauna), the Final MND indicated that approximately 67,000 individuals of southern tarplant occur on the project site. The populations of southern tarplant were mapped during surveys conducted by PCR in 2009. According to the Final MND, it was estimated that the IRM Project would permanently impact approximately 19,000 individuals, or 29 percent, of the southern tarplant population on the Project site. Also, the Final MND estimated that up to approximately 300,000 southern tarplant exist within the region, including the Project site population. The IRM Project and other reasonably foreseeable projects could impact 207,000 tarplants or 69 percent of the regional population. The Final MND prescribed Mitigation Measures BIO-1 to BIO-3 to mitigate impacts to the southern tarplant. Mitigation Measure BIO-1 states that, "A qualified biologist shall flag all populations of southern tarplant prior to construction activities, at a minimum, in accordance with PCR's 2009 mapped locations of the southern tarplant. The locations of southern tarplant shall be flagged with stakes and orange flagging (or similar materials) as to clearly identify all "no equipment zones" by construction personnel. If additional areas of southern tarplant are identified during the flagging, these populations shall be flagged also." Thus, the prescribed mitigation indicates that the true extent of impacts to southern tarplant mitigation would be determined with a subsequent field surveys. With implementation of the prescribed mitigation measures, potentially significant impacts to southern tarplant on a project and cumulative level were reduced to a less than significant level.

Regarding sensitive habitats and wetlands, the Final MND indicated that approximately 0.2 acre of disturbed coastal salt marsh is located within the southwestern corner of the Project site (refer to Figure 6, Plant Communities, in Final MND). The disturbed coastal salt marsh is not expected to be directly impacted by the proposed IRM Project. However, indirect impacts to this community may occur during construction activities (e.g., dust) which may potentially contribute to the further degradation of the area. Therefore, indirect impacts were concluded to be potentially significant absent mitigation. With implementation of Mitigation Measure BIO-4, potentially significant impacts to disturbed coastal salt marsh would be reduced to a less than significant level.

The Final MND concluded that the Project site has the potential to support both raptor and songbird nests due to the presence of trees, shrubs, and ground cover. Disturbing or destroying active nests is a violation of the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 et seq.) and the California Department of Fish and Game Code Sections 3503, 3503.5 and 3513. Nesting activity typically occurs from February 15 to August 31. In addition, nests and eggs are protected under Fish and Game Code Section 3503. The removal of vegetation during the breeding season was considered a potentially significant impact. With implementation of Mitigation Measure BIO-5, potentially significant impacts to migratory raptor and songbird species would be reduced to a less than significant level.

Modified IRM Proposal The analysis of impacts to southern tarplant is based upon PCR's Memorandum RE: Addendum to the Biological Resources Assessment for the Proposed Interim Removal Measure Workplan, Ascon Landfill Project Site, City Of Huntington Beach, Orange County, California, dated July 9, 2010 (see attachment)

Based on southern tarplant surveys conducted by PCR in 2010, the on-site southern tarplant population increased from approximately 67,000 to 660,476 individuals. It is clear that the southern tarplant populations have vastly expanded to occupy areas where they did not occur in previous surveys conducted in 2009.

The population increase has affected the site in four ways. First, southern tarplant occupy areas where work was proposed previously and they did not occur in previous surveys conducted in 2009. Second, southern tarplants occupy portions of the site where the modified work areas have been proposed. While avoidance has been provided to the extent feasible, these additional work areas are necessary to the hazardous waste removal operation and are largely dependent on the location of the contamination to be removed from the site. Third, southern tarplant populations in the areas of the site that will continue to be protected have also increased. Finally, the populations have occurred in new areas of the site that will now be protected that previously had no southern tarplant.

The result of the southern tarplant population changes is: 1. The newly occupied southern tarplant areas are located both within and outside of the previously contemplated footprint of IRM activities in the Final MND; 2. more southern tarplants in both areas to be disturbed and areas to be protected; 3. under the Modified IRM Proposal, the footprint of IRM activities will impact areas not previously contemplated in the Final MND; and 4. the footprint of the Modified IRM Proposal will impact some southern tarplant areas previously identified in the Final MND, but to a larger extent, will impact areas which did not previously include southern tarplant.

In light of the increase in southern tarplant populations on the site and review of the Modified IRM Proposal, it is anticipated that approximately 154,414 individuals or 23 percent of the total on-site southern tarplant population will be impacted by the Modified IRM Proposal. Thus, primarily due to the overall increase in southern tarplant populations on the site, and to a lesser extent the change in the footprint in construction activities, the Modified IRM Proposal will impact more southern tarplant than stated in the Final MND. However, given the increase in "non-impacted" southern tarplant, the Modified IRM Proposal will result in a lower percentage (23% vs. 29%) of project-specific impacts to the existing southern tarplant population when compared to the Final MND.

A cumulative impacts analysis was also conducted to determine if the Modified IRM Proposal would significantly reduce regional population numbers. A reasonable effort was made to understand the current regional population numbers of the southern tarplant within the defined region since the 2009 cumulative impacts analysis was conducted as part of the Final MND. Similar to the 2009 cumulative impacts analysis, the defined region included the historical range of the species, which included the coastal areas from Ventura to San Diego Counties. As such, an updated California Natural Diversity Database (CNDDB) search was conducted for this species throughout Ventura, Los Angeles, Orange and San Diego Counties. Unfortunately there was very little updated information on this species in the CNDDB. Only a handful of new occurrences were reported, which totaled approximately 8,160 individuals to the previously estimated 300,000 individuals during the 2009 cumulative analysis. It should be noted however; that the CNDDB is limited to information voluntarily submitted on a project by project basis and may not accurately reflect the true population trends in the region. As such, there may be other significant populations that have not yet been documented in this fashion. Further, due to the ten-fold increase in southern tarplant on the Project site, it can also be likely assumed that increases in existing southern tarplant populations in the region have also occurred. Personal communication with the Bolsa Chica Land Trust also confirmed this assumption, as the

known population of southern tarplant on Bolsa Chica lands has increased from 2009 to 2010.¹ However, the extent of such increases has not yet been quantified

For purposes of the Modified IRM Proposal cumulative impacts analysis, assuming the regional population of southern tarplant has increased by 8,160 from the two San Diego sites recorded in the CNDDDB, described above, and by 592,618 from the on-site increase from 2009 to 2010, the regional population is now be estimated to have increased from approximately 300,000 to 900,778.² The regional estimate is a conservative estimate (low), as it is likely expected that other sites containing southern tarplant have also experienced similar growth in total population during the 2010 season. Based on this conservative evaluation, the Modified IRM Proposal and other reasonably foreseeable projects could impact approximately 342,414 tarplants³ or 38 percent of the regional population. Thus, the Modified IRM Proposal would impact a lower percentage (38% vs. 69%) of the regional southern tarplant population when compared to the Final MND, suggesting that even after accounting for impacts, the regional tarplant population would increase by more than 465,364⁴ individuals compared to the baseline conditions assumed in the Final MND. Nonetheless, impacting 38 percent of the region's southern tarplant represents a potentially significant impact absent mitigation.

Overall, similar to the conclusions in the Final MND, project-specific and regional impacts to the southern tarplant are considered to be potentially significant under the Modified IRM Proposal. However, with implementation of Mitigation Measures BIO-1 to BIO-3 in the Final MND, project-specific and regional impacts to southern tarplant will be reduced to a less than significant level similar to the conclusion in the Final MND.

Based upon the analysis above, the increased number of impacted tarplants will not create a new significant effect not discussed in the previous Final MND, since this impact was previously disclosed in the Final MND. According to the California Department of Fish and Game, no new or revised mitigation measures or monitoring/reporting actions beyond what was indentified in the Mitigation Monitoring and Reporting Program (MMRP) as part of the Final MND will be required for the increased number of impacted southern tarplants.⁵ Lastly, while there will be an increase in the number of impacted southern tarplant by the Modified IRM Proposal, even after accounting for such impacts, the regional population of the southern tarplant is greater than estimated in the Final MND due to local and regional increases in plant populations. Mitigation Measure BIO-3 requires the Project to ensure that impacted southern tarplant is restored at an appropriate off-site location at a 1:1 ratio. Thus, regardless of the increase in the number of impacted southern tarplant, implementation of Mitigation Measure BIO-3 ensures that impacts to southern tarplant on a project-specific and regional basis will not be substantially increased when compared to the Final MND.

¹ Kim Kolpin. Personal communication, July 8, 2010.

² Regional calculation of southern tarplant assumes the following: 300,000 (Final MND) + 8,160 (2010 CNDDDB Database) + 592,618 (Increase in on-site tarplants from 2009 to 2010: 660,476 - 67,858) = 900,778

³ Calculation of regional southern tarplant impacted assumes the following: 207,000 (Final MND) + 135,414 (Increase in on-site tarplants impacted from 2009 to 2010: 154,414 - 19,000) = 342,414

⁴ Calculation assumes the following: 2010 Regional Data (900,778 - 342,414 = 558,364) - 2009 Regional Data (300,000 - 207,000 = 93,000) = 465,364

⁵ Telephone correspondence on July 6, 2010 between PCR, DTSC staff and Meredith A. Osborne, Associate Biologist (Botany), with the Habitat Conservation Division of the California Department of Fish and Game, South Coast Region (5). Ms. Osborne confirmed that the no new or revised mitigation measures or monitoring/reporting actions beyond what was indentified in the MMRP as part of the Final MND would be required for the increased number of impacted southern tarplants under the Modified IRM Proposal. Ms. Osborne also confirmed that an Addendum is appropriate for the CEQA assessment for disclosing impacts to southern tarplant under the Modified IRM Proposal.

It is also acknowledged that the Modified IRM Proposal was developed in recognition of Mitigation Measures BIO-1 to BIO-3, which require the project proponent to first ensure that IRM activities avoid southern tarplants, then minimize impacts to southern tarplants, and then, finally, restore any southern tarplant that would be potentially impacted by the Project. For example, avoidance features and protection elements implemented included a qualified biologist ground-truthing the Modified IRM Proposal work limits while supervising implementation of avoidance fencing. Where work limits encroached upon southern tarplant, the work limits were shifted, to the maximum extent feasible as to still allow for IRM activities, but also provide maximum avoidance of southern tarplant. Specific examples of avoidance and minimization efforts included the following:

- The width of the perimeter roads (specifically Central Road, East Road, High Road, and South Road) will be reduced to avoid significant impacts to southern tarplant along the edges. These roads will be limited to light duty vehicles.
- Turning radii at the intersection of internal roads will be reduced to the extent possible to minimize the number of southern tarplant impacted.
- The main haul route will be shifted from South Road to Lagoon Perimeter Road. This will substantially reduce the potential for impacts to dense populations of southern tarplant along South Road.
- The proposed borrow site will be re-positioned to avoid a significant population of southern tarplant (totaling 45,038) to the west of Central Road.
- Access to the barrel storage area will be re-positioned to occur in an already unavoidable area to be impacted where haul trucks exit the Lagoons via Crossover Road.
- The limits of the overflow parking will be reduced to avoid impacts to an additional 20,224 southern tarplant.
- Work limits between Lagoons 2 and 3 will be reduced to avoid direct impacts to 11 tarplant.
- Work limits will be reduced east of Lagoon 3 to avoid an additional 180 southern tarplant.

As of July 13, 2010, the above referenced avoidance and minimization efforts have been implemented by the RPs, with flagging and fencing of the southern tarplant populations to be avoided conducted by a qualified biologist approved by DTSC.

It is also acknowledged that during Autumn 2009, southern tarplant seeds were collected on the Project site in an effort to ensure that Mitigation Measure BIO-3 would be appropriately implemented. Approximately 200,000 seeds were collected and stored at the Rancho Santa Ana Botanic Garden. As the Final MND indicated that the IRM activities would impact approximately 19,000 individuals of southern tarplant, it was assumed that the seed collection efforts in Autumn 2009 would be more than sufficient to ensure that impacted southern tarplant would be restored at an appropriate off-site location at a 1:1 ratio per Mitigation Measure BIO-3.

However, given that the Modified IRM Proposal will impact approximately 154,000 individuals of southern tarplant, a qualified biologist under contract to DTSC will be collecting more seed in the Autumn of 2010 to increase the likelihood that the number of impacted plants will germinate and survive to meet the 1:1 ratio per Mitigation Measure BIO-3.

Regarding sensitive habitats and wetlands, the Modified IRM Proposal will not directly impact the approximately 0.2 acre of disturbed coastal salt marsh. Similar to the conclusion in the Final MND, the

Modified IRM Proposal could, however, result in indirect impacts to this community during construction activities (e.g., dust) which may potentially contribute to the further degradation of the area. Therefore, indirect impacts under the Modified IRM Proposal are concluded to be potentially significant absent mitigation. With implementation of Mitigation Measure BIO-4, potentially significant impacts to disturbed coastal salt marsh will be reduced to a less than significant level similar to the conclusion in the Final MND.

Finally, the Modified IRM Proposal will implement Mitigation Measure BIO-5 in a similar manner as stated in the Final MND to ensure that potentially significant impacts to raptor and songbird nests in trees, shrubs, and ground cover are reduced to a less than significant level. With implementation of Mitigation Measure BIO-5, potentially significant impacts to migratory raptor and songbird species under the Modified IRM Proposal will be reduced to a less than significant level similar to the conclusion in the Final MND.

From a biological resources perspective, the Modified IRM Proposal will not alter the impact findings and mitigation measures for biological resources presented in the Final MND. With implementation of the mitigation measures in the Final MND, no new significant impacts and no substantial increase in the severity of impacts regarding biological resources will result from the Modified IRM Proposal compared to those impacts previously identified in the Final MND. No new mitigation measures are required for the Modified IRM Proposal. Therefore, the impacts for the Modified IRM Proposal are within the scope of impacts identified in the Final MND.

C. Hazards and Hazardous Materials

Final MND. The Final MND found that adherence to control measures in the IRM Workplan and the project features designed to minimize public or environment exposure to hazards associated with the routine transport and disposal of hazardous materials would keep the potential exposure risk at a less than significant level. A detailed health risk assessment (HRA) was performed to address potential impacts to off-site residential and school receptors and the public or environment from IRM activities, and based on upper confidence limit potency values, the maximally exposed residential receptor would experience less than significant increases in the cancer incidence risk, chronic health hazard indices, and acute hazard indices. Implementation of the Project features would ensure that any public or environmental hazard from upset or accident would be avoided or kept to a level that is less than significant. On-site workers would not be exposed to toxic air contaminants (TACs) in excess of daily standards established by OSHA. With regard to on-site risks, the IRM Workplan includes a site-specific Health and Safety Plan (HASP), addressing health risks and hazards for each Project task. Implementation of the HASP would ensure that all Project personnel would be responsible for operating in accordance with the most current Occupational Safety and Health Administration (OSHA) regulations, as well as other applicable federal, state, and local laws and regulations. In addition, Project implementation would not require the closure of streets or significantly impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

Modified IRM Proposal. The Modified IRM Proposal will not increase the total amount of tarry materials to be removed or the maximum daily number of haul trucks. Excavation activities will remain confined to Lagoons 1 and 2, and proceed in large part as described in the Final MND. Emissions estimates are purposefully conservative typically resulting in a worst case, or over prediction of emissions. For example, the emissions and modeling studies assumed that material would be mechanically excavated and "dropped" twice, once to remove the tarry material from the lagoon and placed upon the ground for mixing, and a second time to be loaded into the haul trucks. Each "drop" results in emissions of fugitive dust. The direct pumping of lime kiln dust into the lagoons for mixing prior to loading should result in fewer emissions of TAC-containing dust from the Project site, since the tarry material will be "dropped" only once. The slower speed on Lagoon Perimeter Road will inhibit dust generation and re-entrainment. Therefore, short-term (daily or maximum

hourly) TAC exposure to on- and off-site receptors is expected to be the same or less than the prior analyses, resulting in less than significant impacts.

Long term impacts described in the Final MND, including chronic non-cancer health risks and life-time carcinogenic health risks, were dominated by exposure to diesel particulate matter (DPM), accounting for 99% of the total cancer risk at the maximally exposed individual resident (MEIR) location, to the east of the Project site. The Modified IRM Proposal does not alter the duration of IRM activities. The haul truck route has changed, moving the source of emissions slightly north (from South Road to Lagoon Perimeter Road). However, the total distance traversed will remain approximately equal to the assumptions used to calculate emissions of DPM. Thus, long-term exposure with the implementation of the Modified IRM Proposal is not expected to be substantively different than the results of the HRA performed as part of the Final MND, resulting in less than significant increases in chronic and carcinogenic health risk impacts.

The Modified IRM Proposal will incorporate all of the Project features outlined in the Final MND, which will ensure that any public or environmental hazard from upset or accident are avoided or kept to a level that is less than significant. The HASP (see Section 5.1.2) directs that the movement and use of vehicles and heavy equipment will be planned and performed with consideration for the location, height, and position of, amongst other things, natural features. Direct loading of the trucks at the edge of the lagoons will require much of Lagoon Perimeter Road (see Figure 1) to be widened. The existing topography and surface hazards surrounding Lagoons 1 and 2 will be addressed and minimized so as to ensure safe operation of the heavy duty equipment (such as the long-reach, crane, and haul trucks) needed for the IRM activities. The Modified IRM Proposal will not require the closure of streets or significantly impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

The Modified IRM Proposal will not alter the impact findings and mitigation measures for hazards/hazardous materials presented in the Final MND. There will be no new significant impacts and no substantial increase in the severity of impacts regarding hazards/hazardous materials resulting from implementation of the Modified IRM Proposal compared to those impacts previously identified in the Final MND. No new mitigation measures are required for the Modified IRM Proposal. Therefore, the impacts for the Modified IRM Proposal are within the scope of impacts identified in the Final MND.

D. Noise

Final MND. The Final MND concluded that the proposed IRM activities would result in less than significant impacts with regard to noise impacts. The noise analysis contained in the Final MND addressed nearby sensitive receptors and their exposure to noise and vibration from remediation activities, heavy equipment and off-site haul trucks. Within the analysis, all construction equipment was assumed to operate simultaneously and all construction equipment was assumed to be located at the construction area nearest to the affected receptors. These assumptions represent the worst-case noise scenario as construction activities would spread out throughout the entire site further away from the affected receptors. On-site construction noise analysis concluded that noise and vibration impacts from on-site remediation activities will be less than significant. In addition, noise from haul trucks traveling through residential neighborhoods was also analyzed. The analysis was performed in a conservative manner and based on the maximum number of trucks allowed on a daily basis. Noise and vibration impacts resulting from haul truck travel was shown to be less than significant. As a result, activities from on-site (heavy equipment) and off-site (haul truck) activities would result in a less than significant impact with regard to noise.

Modified IRM Proposal. The noise and vibration impact analysis contained in the Final MND focuses on on-site construction activities and off-site haul truck travel. The Modified IRM Proposal will alter the manner of

construction activities but the number of haul truck trips required will remain the same. The haul truck noise impacts are analyzed by the number of daily trucks. Since the number of daily trucks and distance traveled remains unchanged and the amount of material excavated will remain the same, off-site noise impacts would remain the same. However, the on-site project implementation activities noise resulting from the Modified IRM Proposal will differ slightly from the analysis in the Final MND in terms of the number of equipment and site configuration. For example, the equipment mix proposed in the Modified IRM Proposal will include one additional excavator and an optional crane not considered in the Final MND. The equipment mix assumed in the Final MND contains additional equipment such as off-highway trucks, additional loaders and dumpers/tenders which are not expected to be used with implementation of the Modified IRM Proposal. The site configuration would also change slightly, but the majority of heavy (noisy) equipment would remain in the same area as analyzed in the Final MND. Thus, noise impacts from on-site activities with implementation of the Modified IRM Proposal will likely be similar or less than those noise impacts presented in the Final MND. Noise and vibration impacts from off-site (haul truck) activities will remain the same for the Modified IRM Proposal as compared to the impacts presented in the Final MND.

The noise analysis contained in the Final MND was performed using a conservative set of assumptions such as extra or redundant equipment. The modifications in the Modified IRM Proposal will not alter the impact findings and mitigation measures regarding noise presented in the Final MND. There will be no new significant impacts and no substantial increase in the severity of noise impacts generated by the Modified IRM Proposal compared to those impacts previously identified in the Final MND. No new mitigation measures are required for the Modified IRM Proposal. Therefore, the impacts for the Modified IRM Proposal are within the scope of impacts identified in the Final MND.

IV. CONCLUSION

The Modified IRM Proposal will not alter the impact findings and mitigation measures for air quality, biological resources, hazards and hazardous materials and noise presented in the Final MND. With implementation of the prescribed mitigation measures in the Final MND, where applicable (i.e., air quality and biological resources), there will be no new significant impacts and no substantial increase in the severity of impacts regarding these four issues areas resulting from the Modified IRM Proposal compared to those impacts previously identified in the Final MND. No new mitigation measures are required for the Modified IRM Proposal. Therefore, the impacts for the Modified IRM Proposal are within the scope of impacts identified in the Final MND.

Based on the above, an Addendum is the appropriate CEQA document for the Modified IRM Proposal pursuant to CEQA Guidelines §15164(b) because none of the conditions described in §15162 calling for the preparation of a subsequent EIR or negative declaration have occurred. This addendum has appropriately disclosed the potential impacts from the Modified IRM Proposal and will be included as part of the CEQA record for the IRM Project. A Notice of Determination for this Addendum to the Final MND will be filed with the California State Clearinghouse within the State of California Office of Planning and Research.

CERTIFICATION

I hereby certify that the statements furnished above and in the exhibits, attached or incorporated by reference, present the data and information required for this evaluation to the best of my ability and that the facts, statements and information presented are true and correct to the best of my knowledge and belief.



Project Manager Signature

7/15/10

Date

Greg Holmes

Name

Supervising Hazardous Substances Scientist

Title

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Telephone

ATTACHMENTS

- Figure 1, *Modified IRM Proposal Project Area*
- Memorandum RE: Update to the Biological Resources Assessment for the Proposed Interim Removal Measure Workplan, Ascon Landfill Project Site, City of Huntington Beach, Orange County, California, prepared by PCR Services Corporation, dated July 14, 2010.



 Project Boundary



Memorandum

TO: Eric Maher, Department of Toxic Substances Control **DATE:** July 14, 2010

FROM: Crysta Dickson, Senior Biologist II

RE: **UPDATE TO THE BIOLOGICAL RESOURCES ASSESSMENT FOR THE PROPOSED INTERIM REMOVAL MEASURE WORKPLAN, ASCON LANDFILL PROJECT SITE , CITY OF HUNTINGTON BEACH, ORANGE COUNTY, CALIFORNIA.**

In 2009, as part of the Initial Study/Mitigated Negative Declaration (MND), **PCR Services Corporation (PCR)** conducted a Biological Resources Assessment for the proposed Interim Removal Measure Workplan (IRM) for the Ascon Project Site (“Site”) located in the City of Huntington Beach, Orange County, California.¹

Due to a significant increase in southern tarplant (*Centromadia parryi* ssp. *australis*)² on the Site in 2010 and changes in the proposed limits of disturbance as a result of the Modified IRM Proposal, a re-analysis of impacts to this species was warranted.

BACKGROUND

In the spring and summer of 2009, PCR biologists documented and mapped approximately 67,858 southern tarplant within 3.1 acres along the eastern, southern, and western portions of the Site (Figure 1, *2009 Existing Southern Tarplant Locations*, attached). Based on the proposed 2009 IRM workplan, it was determined that approximately 19,000 individuals within 0.9 acre, or 29 percent, of the southern tarplant population would be impacted on the Site (Figure 2, *2009 Impacted Southern Tarplant*, attached). It was further determined that the loss of 29 percent of the southern tarplant population on the Site represented a potentially significant impact absent mitigation.

A cumulative impact analysis was also conducted to determine the scope of impacts from the proposed IRM on southern tarplant within a defined geographic region. For purposes of the analysis, the defined region included the historical range of the species, which included the coastal areas of Ventura, Los Angeles, Orange, and San Diego Counties.

A reasonable effort was made to understand the remaining regional population numbers of the southern tarplant within the defined region, including a California Natural Diversity Database (CNDDB) search and personal communications with local botanists familiar with the species and its distribution trends. Based on this research, PCR estimated up to 300,000 southern tarplant remained within the previously defined region, including the Site’s population.

¹ PCR. 2009. *Initial Study/Mitigated Negative Declaration. Interim Removal Measure Workplan for Ascon Landfill Site, Huntington Beach, California. October.*

² [CNPS List 1B.1 species which is considered “seriously endangered in California (over 80 percent of occurrences threatened/high degree and immediacy of threat)"]

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Cumulative impacts to southern tarplant were estimated to be around 207,000 individuals (including the inclusion of the proposed 241 toll road extension and the full remedy of the Site). As such, cumulative impacts were calculated up to 69 percent of the regional population. Because the 241 toll road extension is uncertain, cumulative impacts were analyzed minus this impact. If the 241 toll road population were preserved, cumulative impacts were calculated at 22 percent of the regional population. Nevertheless, it was determined that cumulative impacts, regardless if 22 or 69 percent of the regional population, was considered potentially significant absent mitigation.

In order to reduce potentially significant impacts to less than significant, mitigation for impacts to 19,000 southern tarplant were proposed to be accomplished in the following manner:

- First, every effort shall be made to avoid southern tarplants during construction activities (refer to Mitigation Measure BIO-1);
- Second, minimize impacts to southern tarplant where feasible (refer to Mitigation Measure BIO-2); and
- Finally, restore any tarplant that will be impacted by the Project through off-site conservation. A qualified biologist will assist in the selection of an appropriate off-site conservation area, within the local watershed, that will accept the seed for broadcasting within a suitable and comparable-sized receptor site until a 1:1 ratio is met to the number of individuals and habitat impacted (refer to Mitigation Measure BIO-3).

A full discussion on the Biological Resources analysis conducted in 2009 can be found in PCR's Final MND, Interim Removal Measure Workplan for Ascon Landfill Site, Huntington Beach, California.

RE-ANALYSIS OF PROJECT RELATED IMPACTS

A significant increase in southern tarplant was documented on the Site in 2010. This increase was first noted during the monitoring of avoidance flagging activities being conducted in preparation of the IRM activities. In addition, review of the Modified IRM Proposal indicated that the area of disturbance would differ from that analyzed in the Final MND. As a result, a re-analysis of impacts to southern tarplant was warranted.

In June 2010, PCR biologists Crysta Dickson and Ezekiel Cooley conducted a Site survey and mapped the existing southern tarplant on the Site. As shown in Figure 3, *2010 Existing Southern Tarplant*, attached, approximately 660,476 southern tarplant were mapped throughout a majority of the Site. This represented an increase of 592,618 southern tarplant on the Site as compared to the

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approximate 66,858 mapped by PCR in 2009 (Figure 4, *Existing Southern Tarplant – 2009/2010 Comparison*, attached).

Potential impacts described in the Final MND to southern tarplant were analyzed against the Modified IRM Proposal. Project activities associated with the Modified IRM Proposal will primarily occur within Areas A, B, and C. Area D will be used on a limited basis and only light vehicle use (Figure 5, *Modified IRM Proposal Project Area*, attached). The Modified IRM Proposal will impact approximately 154,414 southern tarplant within 1.8 acres or 23 percent of the Site population (Figure 6, *2010 Impacted Southern Tarplant*, attached). Although this represents a six percent decrease from the proposed 2009 impacts (estimated at 29 percent of the Site population), the loss of even 23 percent of the southern tarplant population on the Site represents a potentially significant impact absent mitigation (Figure 7, *Impacted Southern Tarplant – 2009/2010 Comparison*, attached). Figure 8, *2010 Impacted and Un-Impacted Southern Tarplants* (attached), provides an illustration of the impacted and un-impacted areas of the southern tarplant under the Modified IRM Proposal.

It is clear that the southern tarplant populations have vastly expanded to occupy areas where they did not occur in previous surveys conducted in 2009.

The population increase has affected the site in four ways. First, southern tarplant occupy areas where work was proposed previously and they did not occur in previous surveys conducted in 2009. Second, southern tarplants occupy portions of the site where the modified work areas have been proposed. While avoidance has been provided to the extent feasible, these additional work areas are necessary to the hazardous waste removal operation and are largely dependent on the location of the contamination to be removed from the site. Third, southern tarplants populations in the areas of the site that will continue to be protected have also increased. Finally, the populations have occurred in new areas of the site that will now be protected that previously had no southern tarplant.

The result of the southern tarplant population changes is: 1. The newly occupied southern tarplant areas are located both within and outside of the previously contemplated footprint of IRM activities in the Final MND; 2. more southern tarplants in both areas to be disturbed and areas to be protected; 3. under the Modified IRM Proposal, the footprint of IRM activities will impact areas not previously contemplated in the Final MND; and 4. the footprint of the Modified IRM Proposal will impact some southern tarplant areas previously identified in the Final MND, but to a larger extent, will impact areas which did not previously include southern tarplant.

A cumulative impacts analysis was also conducted to determine if the Modified IRM Proposal would significantly reduce regional population numbers. A reasonable effort was made to understand, relatively, the current regional population numbers of the southern tarplant within the defined region since the 2009 cumulative impacts analysis was conducted as part of the Final MND.

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Similar to the 2009 cumulative impacts analysis, the defined region included the historical range of the species, which included the coastal areas from Ventura to San Diego Counties. As such, an updated California Natural Diversity Database (CNDDDB) search was conducted for this species throughout Ventura, Los Angeles, Orange and San Diego Counties. Unfortunately there was very little updated information on this species in the CNDDDB. Only a handful of new occurrences were reported, which totaled approximately 8,160 individuals to the previously estimated 300,000 individuals during the 2009 cumulative analysis. It should be noted; however, that the CNDDDB is limited to information voluntarily submitted on a project by project basis and may not accurately reflect the true population trends in the region. As such, there maybe other significant populations that have not yet been documented in this fashion. Further, due to the ten-fold increase in southern tarplant on the Site, it can also be likely assumed that increases in existing southern tarplant populations in the region have also occurred. Personal communication with the Bolsa Chica Land Trust also confirmed this assumption, as the known population of southern tarplant on Bolsa Chica lands has increased from 2009 to 2010.³ However, the extent of such increases has not yet been quantified.

For purposes of the Modified IRM Proposal cumulative impacts analysis, assuming the regional population of southern tarplant has increased by 8,160 from the two San Diego sites recorded in the CNDDDB, described above, and by 592,618 from the on-site increase from 2009 to 2010, the regional population is now be estimated to have increased from approximately 300,000 to 900,778.⁴ The regional estimate is a conservative estimate (low), as it is likely expected that other sites containing southern tarplant have also experienced similar growth in total population during the 2010 season. Based on this conservative evaluation, the Modified IRM Proposal and other reasonably foreseeable projects could impact approximately 342,414 tarplants⁵ or 38 percent of the regional population. Thus, the Modified IRM Proposal would impact a lower percentage (38% vs. 69%) of the regional southern tarplant population when compared to the Final MND, suggesting that even after accounting for impacts, the regional tarplant population would increase by more than 465,364⁶ individuals compared to the baseline conditions assumed in the Final MND. Nonetheless, impacting 38 percent of the regions southern tarplant represents a potentially significant impact absent mitigation.

³ Kim Kolpin. Personal communication, July 8, 2010.

⁴ Regional calculation of southern tarplant assumes the following: 300,000 (Final MND) + 8,160 (2010 CNDDDB Database) + 592,618 (Increase in on-site tarplants from 2009 to 2010: 660,476 – 67,858) = 900,778

⁵ Calculation of regional southern tarplant impacted assumes the following: 207,000 (Final MND) + 135,414 (Increase in on-site tarplants impacted from 2009 to 2010: 154,414 – 19,000) = 342,414

⁶ Calculation assumes the following: 2010 Regional Data (900,778 – 342,414 = 558,364) - 2009 Regional Data (300,000 – 207,000 = 93,000) = 465,364

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It is also acknowledged that the Modified IRM Proposal was developed in recognition of Mitigation Measures BIO-1 to BIO-3, which require the project proponent to first ensure that IRM activities avoid southern tarplants, then minimize impacts to southern tarplants, and then, finally, restore any southern tarplant that would be potentially impacted by the Project. For example, avoidance features and protection elements implemented included a qualified biologist ground-truthing the Modified IRM Proposal work limits while supervising implementation of avoidance fencing. Where work limits encroached upon southern tarplant, the work limits were shifted, to the maximum extent feasible as to still allow for IRM activities, but also provide maximum avoidance of southern tarplant. Specific examples of avoidance and minimization efforts included the following:

- The width of the perimeter roads (specifically Central Road, East Road, High Road, and South Road) will be reduced to avoid significant impacts to southern tarplant along the edges. These roads will be limited to light duty vehicles.
- Turning radii at the intersection of internal roads will be reduced to the extent possible to minimize the number of southern tarplant impacted.
- The main haul route will be shifted from South Road to Lagoon Perimeter Road. This will substantially reduce the potential for impacts to dense populations of southern tarplant along South Road.
- The proposed borrow site will be re-positioned to avoid a significant population of southern tarplant (totaling 45,038) to the west of Central Road.
- Access to the barrel storage area will be re-positioned to occur in an already unavoidable area to be impacted where haul trucks exit the Lagoons via Crossover Road.
- The limits of the overflow parking will be reduced to avoid impacts to an additional 20,224 southern tarplant.
- Work limits between Lagoons 2 and 3 will be reduced to avoid direct impacts to 11 tarplant.
- Work limits will be reduced east of Lagoon 3 to avoid an additional 180 southern tarplant.

As of July 13, 2010, the above referenced avoidance and minimization efforts have been implemented by RPs, with flagging and fencing of the southern tarplant populations to be avoided conducted by a qualified biologist approved by DTSC.

It is also acknowledged that during Autumn 2009, southern tarplant seeds were collected on the Project site in a effort to ensure that Mitigation Measure BIO-3 would be appropriately implemented. At that time, approximately 200,000 seeds were collected and stored at the Rancho Santa Ana Botanic Garden. As the Final MND indicated that the IRM activities would impact

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approximately 19,000 individuals of southern tarplant, it was assumed that the seed collection efforts in Autumn 2009 would be more than sufficient to ensure that impacted southern tarplant would be restored at an appropriate off-site location at a 1:1 ratio per Mitigation Measure BIO-3.

However, given that the Modified IRM Proposal will impact approximately 154,000 individuals of southern tarplant, a qualified biologist under contract to DTSC will be collecting more seed in the Autumn of 2010 to increase the likelihood that the number of impacted plants will germinate and survive to meet the 1:1 ratio per Mitigation Measure BIO-3.

MITIGATION MEASURES

Mitigation for impacts to 154,414 southern tarplant will be accomplished in the same manner as proposed in the Final MND, which includes implementation of Mitigation Measures BIO-1 to BIO-3, as described above.

CONCLUSION

Similar to the conclusions in the Final MND, project-specific and regional impacts to the southern tarplant are considered to be potentially significant under the Modified IRM Proposal. Based on discussions with the California Department of Fish and Game, no new or revised mitigation measures or monitoring/reporting actions beyond what was identified in the Mitigation Monitoring and Reporting Program (MMRP) as part of the Final MND would be required for the increased number of impacted southern tarplants.⁷ While there would be an increase in the number of impacted southern tarplant by the Modified IRM Proposal, even after accounting for such impacts, the regional population of the southern tarplant is greater than estimated in the Final MND due to local and regional increases in plant populations. Mitigation Measure BIO-3 requires the Project to ensure that impacted southern tarplant is restored at an appropriate off-site location at a 1:1 ratio. Thus, regardless of the increase in the number of impacted southern tarplant, implementation of Mitigation Measure BIO-3 ensures that impacts to southern tarplant on a project-specific and regional basis would not be substantially increased when compared to the Final MND. In conclusion, with implementation of Mitigation Measures BIO-1 to BIO-3 in the Final MND, project-specific and regional impacts to southern tarplant would be reduced to a less than significant level similar to the conclusion in the Final MND.

⁷ Telephone correspondence on July 6, 2010 between PCR, DTSC staff and Meredith A. Osborne, Associate Biologist (Botany), with the Habitat Conservation Division of the California Department of Fish and Game, South Coast Region (5). Ms. Osborne confirmed that no new or revised mitigation measures or monitoring/reporting actions beyond what was identified in the MMRP as part of the Final MND would be required for the increased number of impacted southern tarplants under the Modified IRM Proposal. Ms. Osborne also confirmed that an Addendum is appropriate for the CEQA assessment for disclosing impacts to southern tarplant under the Modified IRM Proposal.

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ATTACHMENTS

- Figure 1 *2009 Existing Southern Tarplant Locations*
- Figure 2 *2009 Impacted Southern Tarplant*
- Figure 3 *2010 Existing Southern Tarplant*
- Figure 4 *Existing Southern Tarplant – 2009/2010 Comparison*
- Figure 5 *Modified IRM Proposal Project Area*
- Figure 6 *2010 Impacted Southern Tarplant*
- Figure 7 *Impacted Southern Tarplant – 2009/2010 Comparison*
- Figure 8 *2010 Impacted and Un-Impacted Southern Tarplants*















