

NEGATIVE DECLARATION

Department of Toxic Substances Control
Southern California Cleanup Operations Branch
5796 Corporate Avenue
Cypress, CA 90630-4732

Subject: MITIGATED

Project Title: Interim Removal Measure Workplan for Ascon Landfill Site

State Clearinghouse No.: 2009101077

Project Location: The 38-acre Project site is located at the southwest corner of Hamilton Avenue and Magnolia Street (21641 Magnolia Street) in the southwest portion of the City of Huntington Beach, California. The site is identified by Assessor's Parcel Numbers 114-150-75, 114-150-78, 114-150-79, and 114-150-80.

County: Orange County

Project Description: The proposed Interim Removal Measure (IRM) planned for 2010 at the Ascon Landfill site includes removal and disposal, or, if feasible, recycling of the tarry materials from two interior lagoons in the southwest zone of the Ascon site that received oil production waste during the landfill's operation. The purpose of this action is to enable assessment of the materials underneath the tarry materials in Lagoons 1 and 2. As a result of the Landfill's history of receiving asphalt, concrete and other construction debris after it stopped receiving oil production waste, it is expected there are materials of unknown size and composition in and under the lagoons. A more complete assessment of Lagoons 1 and 2 will allow for an informed remedial construction effort during the final remedy in a manner that is protective of public health and safety and the environment. 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.

Finding Of Significant Effect On Environment: *(An Initial Study supporting this finding is attached.)*

Mitigation Measures: The following mitigation measures have been prescribed in the Initial Study:

Air Quality

AQ-1 All on-site construction equipment used for IRM Project activities shall be designated as EPA Tier 3 certified engines or engine retrofits comparable to EPA Tier 3 certified engines

AQ-2 All haul trucks used for hauling tarry materials or recycled material shall be model year 2004 or newer. Trucks that are 2007 or newer would be used for the hauling of material during the IRM if any become available prior to the start of work

AQ-3 Prior to commencement of IRM activities, the Project proponent shall have a Mitigation Agreement with the South Coast Air Quality Management District (SCAQMD), signed by an authorized SCAQMD officer and authorized representative of the Project proponent that provides for the purchase of oxides of nitrogen (NOx) credits under the appropriate SCAQMD emissions credit program. Daily logs shall be kept on-site that detail the number of pieces of equipment, total hours each piece of equipment ran, and total vehicle miles traveled by haul trucks within the South Coast Air Basin that day. Based upon these records, daily emissions of NOx generated by IRM activities shall be calculated and NOx credits purchased quarterly to offset any emissions at or above 100 pounds per day

AQ-4 Implement a protocol to address odor complaints that shall include:

- Post an odor complaint telephone number at the project site, including phone numbers for the SCAQMD where odor complaints can be logged via telephone
- Prior to the commencement of IRM activities, mail information to all surrounding property owners regarding procedures to follow to lodge an odor complaint

Biological Resources

BIO-1 The Project shall first avoid on-site populations of southern tarplant to the maximum extent feasible. Avoidance of the southern tarplant shall be implemented by the following measures:

- A. 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". If additional areas of southern tarplant are identified during the flagging, these populations shall be flagged also.
- B. Prior to the commencement of activities, all workers at the site, including those on-site temporarily or intermittently, shall be made aware of the locations of the "no equipment zones" and provided a map which identifies these areas.
- C. During the IRM activities, the "no equipment zones" shall be periodically monitored by a qualified biologist to ensure crews stay outside of these zones.
- D. To every extent feasible, the Project shall avoid the flagged locations of southern tarplant.

BIO-2. In areas where project activities may occur in close proximity to southern tarplant populations, such as but not limited to the staging area to the west of Lagoons 1 and 2 and the interior unpaved truck haul road, the Project shall minimize the extent of impact, as follows:

- A. Workers at the site, including those on-site temporarily or intermittently, shall be instructed to operate equipment and trucks on designated roads and obey established speed limits.
- B. Walking and standing on southern tarplants shall be discouraged.
- C. Parking or staging of equipment near southern tarplant populations shall be discouraged.
- D. When considering locations for the temporary or permanent stockpiling or storage of materials, the Project Proponent shall place such material at least 10 feet or as otherwise determined appropriate by a qualified biologist from avoided southern tarplants.

BIO-3 If southern tarplants cannot be avoided per Mitigation Measures BIO-1 and BIO-2, the Project shall ensure that impacted southern tarplant is restored at an appropriate off-site location. Restoration of the southern tarplant shall be implemented by the following measures:

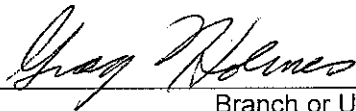
- A. The plants shall be counted and retained in place until they die back and the seed can be collected. The plant seed shall be stored in brown paper bags in a cool location until they have fully dried out and the seeds dehisced. The seeds shall not be stored longer than two years as the viability of the seed dramatically drops off after one year.
- B. A qualified biologist approved by DTSC shall identify 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 (of the number of individuals to the habitat impacted) is met. These activities shall be implemented by a qualified biologist approved by the DTSC and/or the on-site conservation area managers. The qualified biologist shall be responsible for locating the off-site conservation area, ensuring the restoration of the impacted southern tarplant at the off-site conservation area, and ensuring maintenance within the off-site conservation area through payment of fees.

BIO-4 The proposed Project shall implement the following Best Management Practices (BMPs) to ensure the disturbed coastal salt marsh is protected from potential indirect impacts:

- A. A qualified biologist approved by DTSC shall monitor the flagging of the disturbed coastal salt marsh to be conducted by Project Proponent's contractor prior to the initiation of IRM activities.
- B. Clean-up equipment such as booms, absorbent pads, and skimmers, shall be on-site prior to the start of excavation of tarry materials in case of a spill/leak.

- C. Tarry materials excavation or mixing conducted within 100 feet of the disturbed coastal salt marsh shall be minimized to the maximum extent feasible. In no case shall these activities be conducted within 50 feet of the disturbed coastal salt marsh. Should excavation activities, including construction vehicles, occur within 50 to 100 feet of the disturbed coastal salt marsh, containment mechanisms [i.e., hay rolls/bales, berm(s), and/or trench(s)] shall be placed between the disturbed coastal salt marsh and the excavation or mixing activities to ensure that excavated or mixing material(s) does not make contact with the coastal salt marsh.
- D. The staging and storage areas for equipment and materials shall be located a minimum of 100 feet from the disturbed coastal salt marsh.
- E. Vehicles and other equipment shall not be driven or operated in the disturbed coastal salt marsh, but are permitted to utilize the existing on site access roads which may occur within 100 feet of the disturbed coastal salt marsh. A biological monitor shall approve the delineation (i.e., brightly colored mesh fencing or k-rails) of the existing access roads.
- F. Access to the work site shall be via existing roads and access ramps.
- G. No equipment maintenance shall be conducted within 100-feet of the disturbed coastal salt marsh.
- H. The clean-up of all spills shall begin immediately upon identification.
- I. All litter and pollution laws will be adhered to during the IRM project.
- J. Hazardous substances shall be stored a minimum of 100 feet from the disturbed coastal salt marsh.

BIO-5: The Project Proponent shall be responsible for implementing mitigation to reduce potential impacts to migratory raptor and songbird species to below a level of significant in one or more of the following ways: (1) vegetation removal activities shall be scheduled outside the nesting season for raptor and songbird species (typically September 1 to February 14) to avoid potential impacts to nesting species (this will ensure that no active nests will be disturbed and that habitat removal could proceed rapidly); and/or (2) Any construction activities that occur during the raptor and songbird nesting season (typically February 15 to August 31) shall require that all suitable habitat be thoroughly surveyed for the presence of nesting raptor and songbird species by a qualified biologist approved by DTSC before commencement of clearing for the Project. If any active nests are detected, all construction related activities shall cease immediately within the buffer zones of active nests (300 feet for songbird and 500 feet for raptors). The qualified biologist shall monitor the nests, and construction activities may commence within the buffer areas at the discretion of the biologist. Operations could therefore continue as long as the biologist observes no negative impact to the nest or breeding bird behavior.



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5/10/10
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