

# MITIGATION MONITORING AND REPORTING PROGRAM

Pursuant to Section 21081.6 of the Public Resources Code and the *California Environmental Quality Act (CEQA) Guidelines* Section 15097, public agencies are required to adopt a monitoring or reporting program [referred to as a Mitigation Monitoring and reporting program (MMRP)] to assure that the mitigation measures and revisions identified in the Mitigated Negative Declaration (MND) are implemented. As stated in Section 21081.6 of the Public Resources Code:

*“...the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.”*

As defined in the *CEQA Guidelines*, Section 15097, “reporting” is suited to projects that have readily measurable or quantitative measures or which already involve regular review. “Monitoring” is suited to projects with complex mitigation measures, such as sensitive plant and habitat protection, which may exceed the expertise of the local agency to oversee, are expected to be implemented over a period of time, or require careful implementation to assure compliance.

The Initial Study/Mitigated Negative Declaration prepared for the Interim Removal Measure Workplan for Ascon Landfill Site Project provided an analysis of the environmental effects resulting from construction and operation of the project. A thorough evaluation of the project was undertaken in compliance with CEQA, including the identification of mitigation measures designed to avoid or substantially reduce the potential adverse environmental impacts of the project.

To sufficiently track and document the status of the mitigation measures, the following components are included in this MMRP:

- Mitigation measure number
- Mitigation measure (text)
- Monitoring/Reporting Actions
- Responsible Monitoring Party
- Monitoring Phase
- Verification/Approval Party
- Mitigation Measure Implemented? (Y/N, and date)
- Documentation Location (Monitoring Record)

Below are the mitigation measures and monitoring requirements.

**AIR QUALITY**

**Mitigation Measure 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.

**Monitoring/Reporting Actions:**

- Prior to commencement of IRM construction activities, the remediation contractor will verify that all off-road construction equipment (greater than or equal to 50 hp engine rating) to be used on-site meet USEPA Tier 3 emissions standards. Tier 3 verification will be supported with documentation from the equipment manufacturer or retrofit contractor/installer. The Project Proponent will keep copies of verification from the contractor(s) and maintain logs demonstrating compliance with Tier 3 emission standards. The logs will be available for inspection upon request by the DTSC.
- Model, serial number, equipment owner/operator, and any unique visible identifier of all equipment used on-site will be recorded in the log.

**Responsible Monitoring Party:** Project Proponent and Department of Toxic Substances Control

**Monitoring Phase:** Periodic inspections during project activities

**Verification/Approval Party:** Department of Toxic Substances Control

**Mitigation Measure Implemented? (Y/N), Name & Date:**

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**Remarks:**

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**Mitigation Measure 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.

**Monitoring/Reporting Actions:**

- Prior to commencement of activities, the hauling contractor will provide verification that all on-road vehicles used for hauling tarry or recycled materials be engine model year 2004 or newer. Engines manufactured prior to 2004 will be allowed if retrofitted to 2004 emission standards or better. Prior to the start of hauling activities, the hauling contractor(s) will provide written record demonstrating availability or absence of 2007 or new model year trucks in its fleet. The Project Proponent will maintain a log of trucks which meet this specification. The log will contain the truck engine model year or retrofit certification, Vehicle Identification Number (VIN), and license plate number. The Project Proponent will update the log as needed (prior to new/additional trucks arriving at the site) and make it available for inspection upon request by the DTSC.

- The log of haul trucks which meet emissions specifications (2004 or newer) will be used by the remediation contractor to verify that each truck meets specifications prior to loading of tarry or recycled materials.

**Responsible Monitoring Party:** Project Proponent and Department of Toxic Substances Control

**Monitoring Phase:** Periodic inspections during project activities

**Verification/Approval Party:** Department of Toxic Substances Control

**Mitigation Measure Implemented? (Y/N), Name & Date:**

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**Remarks:**

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**Mitigation Measure 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 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 above 100 pounds per day.

**Monitoring/Reporting Actions:**

- The Project Proponent will enter into a Mitigation Agreement with SCAQMD to purchase oxides of nitrogen (NOx) credits in order to off-set emissions above 100 pounds per day. The Project Proponent will provide a copy of the Mitigation Agreement with the SCAQMD to DTSC upon execution. An example is provided in Attachment A.
- The Project Proponent will maintain and store daily logs for on-site operational activities and haul trucks to be prepared and certified by the remediation contractor foreman or other designated representative and hauling contractors, respectively. The logs will be available for inspection upon request by the DTSC. Please see examples in Attachment B.
- The on-site operational activities logs will include equipment identification number, beginning and ending equipment hour readings, and date of readings. Haul truck logs will include the date of trip, time of departure. Daily logs for both on-site equipment and haul trucks will be summarized on a weekly basis to calculate amount of NOx credits to be purchased, if necessary.
- The logs will be reviewed at the end of the IRM activities, after all remediation activities and demobilization of the remediation contractor and equipment are completed, by DTSC to verify and confirm if credits are required to be purchased by the Project Proponent to offset any emissions above 100 pounds per day.

Excess emission offsets, if required, must be purchased in accordance with the terms of the Mitigation Agreement with the SCAQMD. A receipt from the SCAQMD for NOx credits will be provided by the Project Proponent to DTSC after completion of all purchases.

**Responsible Monitoring Party:** Project Proponent and Department of Toxic Substances Control

**Monitoring Phase:** Mitigation Agreement to be completed prior to project implementation. Logs to be reviewed periodically by DTSC during project activities.

**Verification/Approval Party:** Department of Toxic Substances Control

**Mitigation Measure Implemented? (Y/N), Name & Date:**

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**Remarks:**

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**Mitigation Measure 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.

**Monitoring/Reporting Actions:**

- The Project Proponent will post odor complaint phone numbers, including numbers used to reach the SCAQMD (1-800-CUT-SMOG) and Project Proponent (or third party hotline operator retained by the Project Proponent), at the entrance of the project site. Instructions for registering odor complaints will include the option of calling either number. Further, the Project Proponent will provide a mailing to all surrounding property owners within a 0.25-mile radius regarding procedures to follow to lodge an odor complaint. A mailing list and receipts for the mailings will be provided by the Project Proponent to the DTSC.
- A point of contact will be established by the Project Proponent, to be approved by the DTSC, who will act as a community liaison and have the authority to investigate odor complaints.
- Odor complaints received by the Project Proponent (either directly or through the SCAQMD, DTSC, or other agency) will be recorded in a log maintained and stored by the Project Proponent or remediation contractor. The log is to include a record of steps taken to address, minimize or curtail each odor complaint. The log will be available for inspection upon request by the DTSC.

**Responsible Monitoring Party:** Project Proponent

**Monitoring Phase:** Prior to project implementation and periodic inspections during project activities

**Verification/Approval Party:** Department of Toxic Substances Control

**Mitigation Measure Implemented? (Y/N), Name & Date:**

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**Remarks:**

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**BIOLOGICAL RESOURCES**

**Mitigation Measure 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.

**Monitoring/Reporting Actions:** The following actions will be implemented as part of Mitigation Measure BIO-1:

- (Item A) A qualified biologist approved by DTSC will monitor the flagging of the southern tarplant to be conducted by Project Proponent’s contractor prior to the initiation of IRM activities. The qualified biologist will provide a written compliance report, including a map of all on-site tarplant locations, to DTSC indicating all populations of tarplant have been appropriately flagged.
- (Item B). A qualified biologist approved by DTSC will conduct a contractor training program to ensure workers are made aware of the “no equipment zones.” Such programs will be applicable to those contractors/workers who will be performing ground disturbing activities, as well as tarry material excavation, handling, and/or hauling. At a minimum, all contractor foremen or supervisor will be required to attend the training and it will be the responsibility of the supervisor/foreman to ensure all workers are made aware of the “no equipment zones.” The Project Proponent will maintain copies of the southern tarplant location maps and provide the maps to the contractor foreman. The qualified biologist will provide a list of attendees to DTSC and the Project Proponent within one week of the training session(s). The Project Proponent must maintain copies

of the list(s) of trained personnel on site and present to DTSC, if requested. The Project Proponent is to ensure that at least one trained foreman is on-site at all times.

- (Item C and D) A qualified biologist approved by DTSC will conduct weekly monitoring visits to ensure the integrity of the flagged “no equipment zones.” The qualified biologist will provide a weekly written compliance report to DTSC.

**Responsible Monitoring Party:** Project Proponent, Qualified biologist, and Department of Toxic Substances Control as delineated above.

**Monitoring Phase:** Before and during project implementation

**Verification/Approval Party:** Department of Toxic Substances Control

**Mitigation Measure Implemented? (Y/N), Name & Date:**

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**Remarks:**

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**Mitigation Measure 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.

**Monitoring/Reporting Actions:** The following actions will be implemented as part of Mitigation Measure BIO-2:

- (Item A, B and C). A qualified biologist approved by DTSC will conduct a contractor training program to ensure workers are instructed on allowable and non-allowable activities when working near tarplant locations. Such programs will be applicable to those contractors/workers who will be performing ground disturbing activities, as well as tarry material excavation, handling, and/or hauling. At a minimum, all contractor supervisor/foremen will be required to attend the training session(s) and it will be the responsibility of the foreman to ensure all workers are made aware of the specified work parameters. The Project Proponent will maintain copies of the southern tarplant location maps and provide the maps to the contractor foreman. The qualified biologist will provide a list of attendees to DTSC and the Project Proponent within one week of training.

session(s). The Project Proponent must maintain copies of the list(s) of trained personnel on site and present to DTSC, if requested. The Project Proponent is to ensure that at least one trained foreman is on-site at all times.

- (Item D) A qualified biologist approved by DTSC will conduct weekly monitoring visits to ensure stockpiles and storage of materials are at least 10 feet from avoided southern tarplants, unless otherwise determined appropriate by the qualified biologist. The qualified biologist will provide a weekly written compliance report to DTSC.

**Responsible Monitoring Party:** Project Proponent, Qualified biologist, and Department of Toxic Substances Control

**Monitoring Phase:** Before and during project implementation

**Verification/Approval Party:** Department of Toxic Substances Control

**Mitigation Measure Implemented? (Y/N), Name & Date:**

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**Remarks:**

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**Mitigation Measure 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.

**Monitoring/Reporting Actions:** The following actions shall be implemented as part of Mitigation Measure BIO-3:

- (Item A) A qualified biologist approved by DTSC will provide a written compliance report to DTSC confirming seed collection and storage has been completed.

- (Item B) The seeds are to be broadcast by hand by a qualified biologist approved by the DTSC and/or the on-site conservation area managers within the receptor site during the appropriate growing season. Planting is to occur prior to the rainy season to avoid dispersal of seed or erosion of the seeded area. Temporary irrigation is to be installed during the first year of mitigation, if needed, or as otherwise determined appropriate by a qualified biologist.
- (Item B) A qualified biologist approved by DTSC will work with the conservation area managers to ensure the receptor site is monitored annually for success.
- (Item B) Southern tarplant growth is to be monitored by a qualified biologist approved by the DTSC and/or the on-site conservation area managers on a yearly basis for three years (during the blooming season) to determine when the tarplants have established a minimum 1:1 ratio to the individuals and habitat impacted.
- (Item B) Annual reports funded by the Project Proponent will be prepared by a qualified biologist or conservation area manager and submitted to the Department of Toxic Substances Control and other reviewing agencies (i.e., California Department of Fish and Game) by October 31 of each year.
- (Item B) If it is determined at the end of three years that the tarplants have not established a 1:1 ratio, then tarplants are to be grown from the local seed stock and transplanted to meet the 1:1 ratio or the implementation of adaptive management activities, as recommended by a qualified biologist or conservation area managers. Once identified, any adaptive management activities and recommendations will be summarized in a letter report to be provided to DTSC.
- (Item B) Once survivability of the tarplants can be confirmed and the 1:1 ratio met, success of the mitigation area will be considered complete. Such confirmation will be summarized in the annual report.
- (Item B) Prior to the completion of the mitigation activities, a receptor site, with a conservation easement or similar legal instrument shall be identified, together with the long term management entity approved and/or recommended by the appropriate reviewing agency (i.e., California Department of Fish and Game.) In addition, the receptor site is to be managed long-term by a management entity approved and/or recommended by the appropriate reviewing agency (i.e., California Department of Fish and Game).
- (Item B) Funding for the entire off-site restoration program is to be provided by the Project Proponent.

**Responsible Monitoring Party:** Qualified biologist and/or conservation area managers

**Monitoring Phase:** Before, during and after project implementation

**Verification/Approval Party:** Department of Toxic Substances Control

**Mitigation Measure Implemented? (Y/N), Name & Date:**

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**Remarks:**

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**Mitigation Measure 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.

**Monitoring/Reporting Actions:** The following actions will be implemented as part of Mitigation Measure BIO-4:

- (Item A, E) A qualified biologist approved by DTSC will monitor the flagging of disturbed coastal salt marsh and existing on-site access roads to be conducted by Project Proponent's contractor prior to the initiation of IRM activities. The qualified biologist will provide a written compliance report to DTSC indicating the disturbed coastal salt marsh and existing on-site access roads have been appropriately flagged.
- (Item B, F, I, H) A qualified biologist approved by DTSC will conduct a contractor training program to ensure workers are instructed on allowable and non-allowable activities when working near the disturbed coastal salt marsh. Such programs will be applicable to those contractors/workers who will be performing ground disturbing activities, as well as tarry material excavation, handling, and/or hauling. At a minimum, all contractor foremen will be required to attend the training session(s) and it will be the responsibility of the supervisor/foreman to

ensure all workers are made aware of the specified work parameters. The Project Proponent will maintain copies of maps showing the disturbed coastal salt marsh locations and provide the maps to the contractor foreman. The qualified biologist will provide a list of attendees to DTSC and the Project Proponent within one week of training session(s). The Project Proponent must maintain copies of the list(s) of trained personnel on site and present to DTSC if requested. Project Proponent to ensure that at least one trained foreman is on-site at all times.

- (Item C, D, G, J) A qualified biologist approved by DTSC will conduct weekly monitoring visits to ensure excavation, mixing, staging, maintenance, and storage of equipment and materials are at least 100 feet from the disturbed coastal salt marsh, unless otherwise determined appropriate by the qualified biologist. The qualified biologist will provide a weekly written compliance report to DTSC.

**Responsible Monitoring Party:** Project Proponent, Qualified biologist, and Department of Toxic Substances Control, as delineated above.

**Monitoring Phase:** Before and during project implementation

**Verification/Approval Party:** Department of Toxic Substances Control

**Mitigation Measure Implemented? (Y/N), Name & Date:**

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**Remarks:**

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**Mitigation Measure 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.

**Monitoring/Reporting Actions:** A qualified biologist approved by the DTSC will conduct a survey of potential nesting habitat no more than 14 days prior to commencement of mobilization/construction/clearing activities. The qualified biologist will provide DTSC with a written compliance report of the survey. Should monitoring of

active nests be determined necessary by the qualified biologist, weekly written compliance reports will be prepared by the qualified biologist and submitted to DTSC and the Project Proponent indicating the status of the active nests.

**Responsible Monitoring Party:** Project Proponent, Qualified biologist, and Department of Toxic Substances Control

**Monitoring Phase:** Before and during project implementation

**Verification/Approval Party:** Department of Toxic Substances Control

**Mitigation Measure Implemented? (Y/N), Name & Date:**

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**Remarks:**

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