

**NOTICE OF DETERMINATION**

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

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

Subject: FILING OF NOTICE OF DETERMINATION IN COMPLIANCE WITH SECTION 21108 OR 21152 OF THE PUBLIC RESOURCES CODE

Project Title: Addendum to the Mitigated Negative Declaration for the 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.

City: Huntington Beach

County: Orange County

Project Description: The Modified IRM Proposal changes 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 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 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.

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 identified 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.<sup>1</sup>

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.

<sup>1</sup> 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 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.

As  Lead Agency  a Responsible Agency under the California Environmental Quality Act (CEQA), DTSC approved the above-described project on 07-15-2010 and has made the following determinations:

- 1. The project  will  will not have a significant effect on the environment.
- 2. A  Negative Declaration  Addendum to Mitigated Negative Declaration  Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
- 3. Mitigation measures  were  were not made a condition of project approval.
- 4. A mitigation reporting or monitoring plan  was  was not adopted for this project.
- 5. A Statement of Overriding Considerations  was  was not adopted for this project.
- 6. Findings  were  were not made pursuant to the provisions of CEQA.

This is to certify that the final environmental document, comments and responses, and the record of project approval are available to the public at the following location: 5796 Corporate Avenue, Cypress, CA 90630-47321.

*Greg Holmes*

Branch or Unit Chief Signature

*7/16/10*

Date

Greg Holmes  
Branch or Unit Chief Name

Supervising Hazardous Substances Scientist  
Branch or Unit Chief Title

(714) 484-5461  
Phone #

TO BE COMPLETED BY OPR ONLY

Date Received For Filing and Posting at OPR:

RECEIVED  
 JUL 16 2010  
 STATE CLEARING HOUSE