



June 22, 2010

Project No. 01-114

Ricky Ramos
Department of Building and Planning
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Ascon Landfill Site
Huntington Beach, California
Coastal Development Permit No. 2009-007

Dear Mr. Ramos:

This letter addresses the conditions of approval outlined in the Notice of Action letter from the City of Huntington Beach, Attachment No. 1, Findings and Conditions of Approval, dated March 18, 2009, regarding the approval of the Coastal Development Permit (CDP) No. 2009-007 for the Interim Removal Measure at the Ascon Landfill Site in Huntington Beach, California.

Attachment No. 1 to the Notice of Action letter from the City, dated March 4, 2009, included two Conditions of Approval for CDP No. 2009-007, and they are addressed by number below (*in italics*):

1. The revised Interim Removal Measure dated October 2009 shall be the conceptually approved project.

The California Department of Toxic Substances Control (DTSC) is the lead agency for the Ascon Landfill Site, which is a State Superfund Site. The DTSC-approved Interim Removal Measure Workplan, dated May 2010, and the DTSC-approved Mitigated Negative Declaration, dated May 2010, are the documents that comprise of the conceptually approved project. These documents are posted on the Ascon Landfill Site website, www.ascon-hb.com.

2. Prior to the issuance of permits or the commencement of work, the following shall be completed:

- a. The final version of the Interim Removal Measure workplan shall be submitted for Public Works and Planning and Building Department review and approval. **(PW-PL&B)**

Copies of the Interim Removal Measure Workplan, dated October 2009, were delivered under separate cover to the City of Huntington Beach for review. A fact sheet was also mailed to the key contacts at the City and to the nearby community within a quarter mile radius around the Ascon Site in early October 2009, providing notification about the Draft Interim Removal Measure Workplan and Draft Mitigated Negative Declaration/Initial Study that was issued for public review. In addition, a City Council Study Session and an Open House were held in early October 2009 to provide an update on the Interim Removal Measure and the process to provide questions or comments on the Interim Removal Measure.

The City provided comments to the DTSC on the Draft Interim Removal Measure Workplan and Mitigated Negative Declaration, and DTSC responded to the City's comments in the DTSC's responses to public comments received. The Interim Removal Measure Workplan and Mitigated Negative Declaration were approved by DTSC on May 10, 2010.

The DTSC-approved Interim Removal Measure Workplan has been delivered under separate cover to the City of Huntington Beach Public Works and Planning and Building Departments, and is also located at www.ascon-hb.com.

- b. The applicant shall demonstrate that coverage has been obtained under California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) conforming to the current National Pollution Discharge Elimination System (NPDES) requirements shall be submitted to the Department of Public Works for review and acceptance. A copy of the current SWPPP shall be kept at the project site and another copy to be submitted to the City. (DAMP). **(PW)**

The Ascon Landfill Site is currently covered under the SWRCB's General Industrial NPDES permit, and additionally will conduct the Interim Removal Measure activities under the General Construction NPDES permit. A copy of the NOI for the General Construction NPDES permit and subsequent notification of the issuance of a WDID number will be provided to the City. A copy of the SWPPP for construction activities will also be provided to the City.

- c. Approval of the Interim Removal Measure shall not be in effect until the Department of Toxic Substances Control has taken action on the Mitigated Negative Declaration, which the City of Huntington Beach shall receive a copy of prior to commencement of any work on the site. The applicant shall comply with all applicable mitigation measures identified in the Mitigated Negative Declaration.

DTSC has approved the Mitigated Negative Declaration (MND) and issued a Mitigation Monitoring and Reporting Program (MMRP) that will be followed by the project team. Copies of the MND and MMRP were provided to the City of Huntington Beach and are posted at www.ascon-hb.com.

- d. If the operations described in the approved Interim Removal Measure Workplan necessitate a grading permit pursuant to the City of Huntington Beach Municipal Code, Chapter 17.05 (Grading and Excavation), then a grading permit shall be issued by the Public Works Department. **(PW)**

The Interim Removal Measure is exempt from the requirement to obtain a grading permit for the project, per Municipal Code Sections 17.05.050 c ("Refuse disposal sites controlled by other regulations") and d ("Earthwork construction regulated by Federal, State or City governments, or by any local agency..."). Nevertheless, the project applicant provided a grading permit application and preliminary grading plan with corresponding permit fees to the City of Huntington Beach, to allow for periodic observation and inspection by City staff.

- e. Any truck haul route plan as required by the project Code Requirements shall also depict locations designated for truck staging and queuing.

A truck haul route plan will be provided to the Dept. of Public Work prior to haul trucks arriving or departing from the Ascon Site for the Interim Removal Measure. Staging and queuing of trucks is not allowed on City streets, per the approved Interim Removal Measure Workplan.

- f. The condition of the existing pavement on Hamilton Avenue shall be evaluated before and after the completion of work, and based on mutual review by the applicant and the City of Huntington Beach; the applicant shall reimburse the City for proportionate share of pavement deterioration caused by the proposed project. **(PW)**

The City of Huntington Beach, Ascon Landfill Site Responsible Parties (RPs), and Cannery Hamilton Properties have entered into a Memorandum of Understanding (MOU) memorializing their understanding regarding past, present and future responsibility for maintenance and repairs of the public roadways around and adjacent to the Ascon Landfill Site. The MOU was approved by the City Council on June 21, 2010.

- g. If any mature trees are to be removed, the applicant shall provide a consulting arborist report on all existing trees. Said report shall quantify, identify, size and analyze the health of the existing trees. The report shall also recommend how the existing trees that are to remain shall be protected and how far construction/grading shall be kept from the trunk. (Resolution 4545). **(PW)**

No mature trees exist on the Ascon Landfill Site in Interim Removal Measure operation areas. Therefore, no mature trees are to be removed.

- h. The Consulting Arborist (approved by the City Landscape Architect) shall review the final landscape tree planting plan and approve in writing the selection and locations proposed for new trees and the protection measures and locations of existing trees to remain. Said Arborist report shall be incorporated onto the Landscape Architect's plans as construction notes and/or construction requirements. The report shall include the Arborist's name, certificate number and the Arborist's wet signature on the final plan. (Resolution-4545) **(PW)**

See above response to 2g. There is no plan to plant trees as part of the Interim Removal Measure activities, and there are no existing mature trees to protect in the Interim Removal Measure operation areas.

If you have any questions or comments, please contact me at (714) 863-0017 or tzeier@projectnavigator.com.

Sincerely,



Tamara Zeier, P.E.
Project Coordinator

TZ:tz

cc: Bob Hall, Deputy City Administrator
Travis Hopkins, Director of Public Works
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