Public Notice

The mission of DTSC is to protect California's people and environment from harmful effects of toxic substances through the restoration of contaminated resources, enforcement, regulation and pollution prevention.

Announcement of Scoping Meetings and Public Comment Period For Notice of Preparation for Draft Environmental Impact Report: Ascon Landfill Site, Huntington Beach, CA

PUBLIC COMMENT PERIOD: April 4th, 2013 - May 3rd, 2013

What Is Being Proposed? - A Notice of Preparation (NOP) is available for public review and comment. The purpose of the NOP is to solicit guidance from agencies and stakeholders for the scope and content of the environmental information to be included in the draft Environmental Impact Report (EIR). The Department of Toxic Substances Control (DTSC) is the lead regulatory agency for the approval of a Remedial Action Plan (RAP) for the Ascon Landfill site. Pursuant to the California Environmental Quality Act (CEQA) DTSC determined an EIR should be prepared to solicit public input, evaluate environmental impacts and analyze alternatives. The Ascon Landfill site is a vacant 38-acre parcel at the southwest corner of Hamilton Avenue and Magnolia Street and is a former landfill that accepted oil field waste. Under DTSC oversight significant work has been conducted at the Ascon Landfill site, both to improve current site conditions and to further the planning for the final cleanup. Current work now focuses on the public process and environmental evaluation for the final remedy to remediate the site.

Upcoming Public Scoping Meetings - The first of two Public Scoping Meetings (for the local community) will be held **Tuesday, April 23rd, 2013, at 6:00 pm, at Edison High School Cafeteria, 21400 Magnolia Street, Huntington Beach, 92646**. This first Public Scoping Meeting is being held in the local neighborhood and is targeted for local community members. The second of two Public Scoping Meetings (for public agencies) will be held **Wedesday, May 1st, 2013, at 1:00 pm, at City of Huntington Beach, City Council Chambers, 2000 Main Street, Huntington Beach, 92648**, and is targeted for public agencies, including City officials. *Important Note:* Each Public Scoping Meeting is intended to reach both the local community and public agencies, however both meetings are open to the general public and anyone is welcome to attend either meeting.

Information Repositories: Project documents including the NOP are available for electronic review on DTSC's EnviroStor website at *www.EnviroStor.dtsc.ca.gov*. Hard copies of project documents including the NOP are available for public review at the following Information Repository locations:

Huntington Beach Central Library	**Banning Branch Library**	**Dept. Toxic Substances Control**
7111 Talbert Avenue	**9281 Banning Avenue**	**5796 Corporate Avenue**
Huntington Beach, CA 92648	**Huntington Beach, CA 92646**	**Cypress, CA 90630**
(714) 842-4481	**(714) 375-5005**	**(714) 484-5337**

How Do I Participate? – The 30-day public comment period begins **April 4th, 2013** and ends **May 3rd, 2013**. Submit comments by **May 3rd, 2013** to: Safouh Sayed, DTSC Project Manager, 5796 Corporate Avenue, Cypress, CA 90630-4732, Safouh.Sayed@dtsc.ca.gov. For community outreach, contact Stacey Lear, DTSC Public Participation Specialist, (714) 484-5354, Stacey.Lear@dtsc.ca.gov. For media inquiries, contact *Charlotte Fadipe, DTSC Public Information Officer, (916) 323-3395, Charlotte.Fadipe@dtsc.ca.gov*.

INITIAL STUDY

Remedial Action Plan for Ascon Landfill Site

Ascon Landfill Site, Huntington Beach, California

April 2013

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CALIFORNIA ENVIRONMENTAL QUALITY ACT
INITIAL STUDY

The Department of Toxic Substances Control (DTSC) has completed the following Initial Study for this project in accordance with the California Environmental Quality Act (CEQA) (§ 21000 et seq., California Public Resources Code) and implementing Guidelines (§ 15000 et seq. Title 14, California Code of Regulations).

PROJECT INFORMATION

PROJECT TITLE: Remedial Action Plan for Ascon Landfill Site		**CALSTARS CODING:**
PROJECT ADDRESS: 21641 Magnolia Street	**CITY:** Huntington Beach	**COUNTY:** Orange
PROJECT SPONSOR: Ascon Responsible Parties (RPs)	**CONTACT:** Tamara Zeier, Project Manager, Project Navigator	**PHONE:** 714-388-1804 tzeier@projectnavigator.com

DISCRETIONARY APPROVAL ACTION BEING CONSIDERED BY DTSC

☐ Initial Permit Issuance ☐ Permit Renewal ☐ Permit Modification ☐ Closure Plan
☐ Removal Action Workplan ☒ Remedial Action Plan ☐ Interim Removal ☐ Regulations
☐ Other (specify):

STATUTORY AUTHORITY:

☐ California H&SC, Chap. 6.5 ☒ California H&SC, Chap. 6.8 ☐ Other (specify):

DTSC PROGRAM/ ADDRESS: Southern California Cleanup Operations Branch 5796 Corporate Avenue, Cypress, CA 90630-4732	**CONTACT:** Safouh Sayed safouh.sayed@dtsc.ca.gov	**PHONE:** (714) 484-5471

Summary

The Ascon Landfill Site (site) operated as a hazardous waste disposal facility from approximately 1938 through 1984. Since 1984, waste materials have not been accepted and the site has remained a closed landfill facility. In 2003, the Department of Toxic Substances Control (DTSC) entered into an Imminent and Substantial Endangerment Determination Consent Order (I&SE CO), Docket No. I&SE CO 02/03-007, and an Imminent and Substantial Endangerment Determination and Order and Remedial Action Order (I&SE-RAO), Docket No. I&SE-RAO 02/03-018, with ten Responsible Parties (RPs). As a result of these agreements, the RPs are required to finance the implementation of the final remedy at the site.

A Revised Feasibility Study (RFS) prepared by the RPs under DTSC oversight was approved in 2007. The RFS identified and evaluated six potential remedial action alternatives to protect public health and the environment at the project site. The RFS identified a "preferred alternative" to remedy the site that generally includes partial removal of waste materials within the site and a protective cap over the remaining waste materials. This preferred alternative is the subject of a Remedial Action Plan (RAP) currently under preparation by the DTSC. The RAP will identify the detailed components of the

"preferred alternative." A description of the preferred alternative is provided below. The preferred alternative is the Project being evaluated under CEQA in this Initial Study and forthcoming Environmental Impact Report (EIR). However, the EIR will include an analysis of a range of alternatives to remedy the site, including removal of all waste materials from the site. The forthcoming CEQA process, which will consider input from the public and public agencies, will determine whether the preferred alternative or another alternative will be implemented as the final remedy for the site.

Background

The site operated as a waste disposal facility from approximately 1938 through 1984. Much of the early waste came from oil drilling operations in the local and regional vicinity. Prior landowners entered into a voluntary cleanup agreement (VCA) with the DTSC in 1996. However, that VCA was terminated in 2001 via a 30-day notice letter issued to DTSC from a prior owner before the cleanup was conducted. In June 2001, DTSC notified a number of companies regarding their alleged cleanup responsibilities at the site. In 2003, DTSC entered into an I&SE CO, Docket No. I&SE CO 02/03-007, and an I&SE-RAO, Docket No. I&SE-RAO 02/03-018, with ten RPs. The RPs will finance the implementation of the final remedy.

Over the past approximately 30 years, there have been numerous and extensive investigations conducted at the site. The primary purpose of these investigations was to characterize the surface materials, subsurface wastes and soils, air, soil vapors, native soil characteristics, groundwater and surface water. Recent studies focused on air quality, potential waste emissions, and groundwater quality.

The RPs conducted a Revised Feasibility Study (RFS) that was approved by the DTSC in September 2007.[1] The RFS identified and evaluated six remedial action alternatives to protect public health and the environment at the project site. The RFS was prepared as defined by, and in conformance with, the I&SE CO, the I&SE-RAO, and the requirements set forth in Division 20 of the California Health and Safety Code, and Title 40 of the Code of Federal Regulations.

Out of the alternatives provided in the DTSC-approved RFS, Alternative 4 (Partial Source Removal with Protective Cap) was selected as the "preferred alternative" for remediation of the site. The preferred alternative includes the partial removal of existing on-site material and installation of a protective cap that would allow the site to be developed with a to-be-determined mix of restricted commercial, light industrial, and/or recreational uses, subject to future approval by DTSC. A Draft RAP is currently being prepared which will provide a detailed description of the components of the preferred alternative. The preferred alternative is recognized as basis for the "proposed Project" in this Initial Study.

Most recently, the RPs conducted an Interim Removal Measure (IRM) Project at the site. The IRM was conducted between July 2010 and March 2011 and involved the removal and disposal of approximately 70,000 cubic yards of tarry materials from on-site Lagoons 1, 2 and 3. The purpose of the IRM was to enable a further assessment of the site by allowing access to previously inaccessible materials, and to

[1] *Revised Feasibility Study for Ascon Landfill Site, prepared by Project Navigator, Ltd., September 20, 2007.*

prepare for the Draft RAP. Specifically, the removal of the tarry materials allowed for collection from the lagoon areas of geotechnical data that are being utilized to refine the preferred alternative.

This Initial Study serves as the first step of the environmental review process for the Project. Upon completion of public review and comment on the Initial Study, additional public review and comment will occur throughout the remaining environmental review process, which will include the preparation of an EIR. After completion of the environmental review process, the DTSC will identify the final remedy for the site.

The following sections provide an overview of existing site characteristics, the process used in the RFS to select the preferred alternative, and a description of the preferred alternative for remediation of the site.

Project Description

Site Location

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

Regional access to the project site is provided via the Interstate 405 (I-405) Freeway, State Highway 39 (Beach Boulevard), and State Highway 1 (Pacific Coast Highway or PCH) as shown in Figure 1, *Regional and Local Vicinity Map* (all figures follow at end of this Initial Study). The site is located approximately five miles south of I-405, one mile east of Beach Boulevard, and one-quarter mile north of PCH. Figure 2, *Surrounding Land Uses*, provides an aerial photograph of the site and surrounding land uses. As indicated in Figure 2, the site is bounded by Hamilton Avenue to the north and Magnolia Street to the east. The site is bounded by the following land uses: Edison Park and Community Center to the north across Hamilton Avenue; Edison High School near the northeast corner of Hamilton Avenue and Magnolia Street; single-family residential uses east of Magnolia Street; an oil storage tank area to the south; and light industrial uses and the Huntington Beach Flood Control Channel (Huntington Beach Channel) to the west. The site is enclosed by a chain-linked fence, but is accessible from four secured gates, all of which are located along Magnolia Street and Hamilton Avenue.

Site Ownership

The site is comprised of two parcels: the Cannery Hamilton Properties, LLC (CHP) parcel and the City parcel. The CHP parcel is that portion of the site currently owned by CHP. The CHP parcel is the entire site except for an approximately 30-foot wide margin along the northern edge of the site along Hamilton Avenue and an approximately 20-foot wide margin along the eastern edge of the site along Magnolia Street. Collectively, these two margin areas comprise the City parcel (refer to Figure 3, *Site Ownership*). Control of the City Parcel has been temporarily transferred to CHP by license agreement with the City of Huntington Beach.

Site Characteristics

In the early years of operation, much of the waste came from oil drilling operations and included drilling muds, wastewater brines, and other drilling wastes. Records show that from 1957 to 1971 chromic acid, sulfuric acid, aluminum slag, fuel oils, styrene, and other wastes were also disposed of at the site. From 1971 to 1984, solid wastes such as vehicles, asphalt, concrete, metal, soil, and wood were disposed of at the site. The site stopped receiving waste commercially in 1984.

Historical aerial photographs indicate that, at various times, most of the site was covered by lagoons containing waste materials. The lagoons were used mainly for disposal of oil production wastes such as drilling mud, brines, and petroleum-contaminated soil. Most of the site area not currently designated as a pit, lagoon, or perimeter berm is designated as part of the former lagoons. The areas formerly occupied by lagoons have since been filled in and covered over with imported soil and construction debris.

Wastes disposed of at the site were placed directly upon native soil. On-site soil was used to form berms resulting in the lagoons and pits. As waste material accumulated, the berms were raised such that much of the site is now approximately 10 to 20 feet above the surrounding street level. The outside slopes of the perimeter berm are covered with grasses, shrubs, and scattered small trees. The central portion of the northern berm along Hamilton Avenue was reduced in height by up to approximately eight feet in 2005 during the Emergency Action. The Emergency Action strengthened the north berm (along Hamilton Avenue) and mitigated potential seepage through the north berm by removal of approximately 50,000 CY of drilling mud from the northernmost lagoons (Lagoons 4 and 5) and installation of a toe drain along the toe of the north berm. Winterization work was also conducted on the site, including installation of storm water best management practices (BMPs), such as drainage swales and detention basins. The Emergency Action was mandated by record rainfall that occurred during the 2004-2005 wet season. The RPs performed the Emergency Action under DTSC oversight.

On-site elevations currently range from approximately five feet above mean sea level (MSL) at the southeastern corner to approximately 25 feet above MSL near the center of the site. The surface topography of adjacent properties is generally flat, with elevations ranging from approximately 5 to 10 feet above MSL.

From 1984 until approximately 2005, the site remained relatively unchanged. In 2005 through early 2006, the RPs implemented the Emergency Action, as discussed above. Also as discussed above, between 2010 and 2011 the RPs implemented the IRM that removed tarry materials from within three of the site's five visible impoundments (referred to as Lagoons 1 through 5). Also as part of the IRM, most of the tarry materials formerly found in Lagoons 1 and 2 were excavated and disposed off-site. In addition, some waste materials from within Lagoon 3 were removed during the IRM activities. As a result, currently, the five lagoons onsite are partially filled with waste materials. The site also has one covered pit (referred to as Pit F), seven former pits (A-E, G and H) and former lagoon areas that are no longer visible. The approximate locations of the visible impoundments, former pits, and other significant features such as buildings, gates, and oil production facilities are shown on Figure 4, *Site Features*.

The pits are of relatively limited surface extent. Each pit is less than approximately 7,200 square feet in surface area. Pits A, B, and H are located in the northwest corner of the site. Pits C, D, E, F, and G are located in the southeast corner of the site. Available records indicate that Pits A and B were used for disposal of oily wastes, while Pits C and D were used for disposal of chromic and sulfuric acids. Oily wastes, possibly containing styrene, were placed in Pit E. Styrene tar and synthetic rubber wastes were disposed in Pit F. Investigations show that material from Pit F appears to have migrated in the subsurface to a surface extent of approximately 1.1 acres within the project site's boundaries. Records regarding the types of wastes disposed of in Pits G and H have not been obtained.

The on-site thickness of the site's petroleum-impacted waste varies from a few feet to as much as 20 feet. Soil and construction debris, consisting of wood, brick, concrete, and asphalt, overlie much of the waste material and can currently be seen throughout the site. The combined thickness of solid debris and waste materials throughout the site is estimated to range from approximately five to 25 feet. The total volume of waste and impacted soils on site is estimated at approximately 1.4-million cubic yards (CY).

Figure 4 shows that, in addition to the lagoon and pit areas, the majority of the site is vacant with intermittent vegetation located throughout the site. There are also interior dirt and gravel roadways and/or pathways located throughout the site.

An oil production facility consisting of two oil wells on leased property is located along the western perimeter of the Ascon property. This facility is operated by third-parties. The third-party operator as of the date of this Initial Study is the South Coast Oil Corporation (SCOC).[2]

Until July 2004, a third party kept equipment on a two-acre oil production lease area in the east-central portion of the site (in the Krik Well No. 80 oil lease area). The oil production well (Krik Well No. 80) and associated tank storage were removed during clean-up operations in response to a March 17, 2004, crude oil release from Krik Well No. 80. The California Department of Conservation, Division of Oil, Gas & Geothermal Resources abandoned Krik Well No. 80 on March 27, 2004. At that time all oil production activities at the Ascon site ceased, with the exception of the SCOC leased area. CHP completed the well removal action on April 27, 2004. CHP submitted Krik Well No. 80 Release Completion Report to the federal Environmental Protection Agency (EPA) on June 14, 2004.[3]

Groundwater beneath the site is present at shallow depths below ground surface (bgs). The groundwater elevations are near MSL, as expected based on the site's proximity to the Pacific Ocean and adjacent Huntington Beach Flood Control Channel. Groundwater elevation has varied a few feet over time due to seasonal variations. Monitoring well data show that the highest groundwater elevations occur in the southwest corner of the property near the flood control channel, at approximately 0 feet MSL. The lowest groundwater elevations occur in the northwest corner of the site, at approximately 5 feet below MSL.

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[2] *The operator of the oil production facility is subject to change. For simplicity, this facility is referred to as "the South Coast Oil Corporation area" or "the SCOC area" throughout this Initial Study.*

[3] *Letter from Robert Wise, Federal On-Scene Coordinator, to CHP, dated April 27, 2004.*

Remedial Actions Considered

The RFS evaluated six alternatives for remediation of the site. The stated objectives of the RFS were to evaluate remedial technologies available to address impacted media at the site, to evaluate and confirm the appropriateness of process options to implement those technologies, to assemble remedial alternatives and evaluate them against the nine criteria set forth in the National Contingency Plan ("NCP") (summarized below), and to recommend a preferred alternative. The NCP, under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), describes the organizational structure and procedures for preparing for and responding to discharges of oil, hazardous substances, pollutants, and contaminants.

The approach and analysis used in the RFS was conducted in accordance with DTSC requirements as follows: Remedial action objectives and requirements for the site were identified. Various treatment technologies and remediation processes were reviewed for their applicability to the Ascon wastes. To evaluate the effectiveness of candidate technologies, focused, low volume treatability studies were conducted on specific wastes. Results from the treatability studies were used to develop remedial alternatives for the site. Based on the technology reviews, the specific Ascon field-testing results, the conclusions of the previously prepared Feasibility Study for the site in 2000, and additional groundwater and soils investigations conducted from 2004 through 2007, six specific alternatives were selected for detailed evaluation and comparison. The following is a brief summary of each of the alternatives considered:

Alternative 1: No Action - Alternative 1 consists of no further action at the site and is required to be evaluated as a baseline alternative under the NCP. If Alternative 1 were implemented, no action would be taken to contain, treat, or remove the affected soils. The existing fencing at the site would restrict direct contact with site wastes by trespassers. The City parcel would continue to be impacted by waste materials.

Alternative 2: Limited Waste Removal - Alternative 2 would mainly consist of removal and off-site disposal of the tarry materials from the lagoons; stabilization of the remaining lagoon materials and infilling where the tarry liquids were removed; removal and off-site disposal of Pit F materials; and, performance of long-term groundwater monitoring.

Alternative 3: Protective Cap - Alternative 3 would mainly consist of the removal and off-site disposal of the same material as would be removed in Alternative 2. In addition, the materials found near the streets in the City parcel would be moved to within the site property boundaries. The perimeter berms would be reconstructed, and a protective cap would be installed over the site to protect human health and the environment. Long-term groundwater monitoring would be performed.

Alternative 4: Partial Source Removal with Protective Cap - Alternative 4 would be similar to Alternative 3 except that additional materials would be removed and disposed off-site and the protective cap built over the remaining materials would be tiered with a lower profile near the streets. Long-term groundwater monitoring would be performed.

Alternative 5: Source Removal with Off-Site Disposal and SIT (Slurry Injection Technology) - Alternative 5 consists of removal and off-site disposal or deep well injection of all waste materials, including the

tarry liquids from the lagoons, the tarry wastes from Pit F, the soils impacted by Pit F, and the impacted soils and drilling muds from the current lagoons, former lagoons, pits, and the perimeter berm. Soils and drilling muds would be excavated until their chemical concentrations reach either levels that are protective of the public health and environment or background concentrations. After the removal of wastes, the site would be re-graded using on-site, clean, excavated material and/or imported soil. Long-term groundwater monitoring would be performed, if groundwater impacts remained.

Alternative 6: Source Removal with Off-Site Disposal - Alternative 6 is similar to Alternative 5 except that all waste materials would be disposed of off-site. Long-term groundwater monitoring would be performed, if groundwater impacts remained.

Each alternative was evaluated based on the first seven of the nine NCP criteria. The remaining two criteria, State Acceptance and Community Acceptance, will be evaluated as part of the EIR process. The following is a summary of the criteria:

1. Overall protection of human health and the environment.
2. Compliance with Applicable or Relevant and Appropriate Requirements (ARARs).
3. Long-term effectiveness and permanence.
4. Reduction of toxicity, mobility, or volume through treatment.
5. Short-term effectiveness.
6. Implementability.
7. Cost.
8. State acceptance.
9. Community acceptance.

An acceptable alternative must meet Criteria 1 and 2, known as "threshold criteria," in order to be carried further in the analysis. Criteria 3 through 7, known as "balancing criteria," are evaluated to determine the best overall solution. After public comment during the EIR process required by CEQA, the DTSC may alter its selected remedy on the basis of the last two "modifying" criteria.

The following is a summary of the evaluation results.

Alternative 1 (No Action) fails to meet many of the criteria, including the two threshold criteria of overall protection of human health and the environment and compliance with ARARs.

Alternative 2 (Limited Waste Removal) also fails to meet the threshold criteria.

Alternative 3 (Protective Cap) meets both of the threshold criteria and all of the balancing criteria to a degree.

Alternative 4 (Source Removal with Protective Cap) meets both of the threshold criteria and all the balancing criteria, to a degree. Alternative 4 better meets Criterion 3, long-term effectiveness and permanence, than Alternative 3 due to the additional volume of removed material.

Alternative 5 (Source Removal with Off-Site Disposal and SIT) meets the two threshold criteria and scores satisfactorily at meeting the balancing criteria. However, the SIT disposal as part of this alternative was deemed low on implementability.

Alternative 6 (Removal with Off-Site Disposal) meets the two threshold criteria and scores satisfactorily at meeting the balancing criteria. The area where Alternative 6 differs from Alternative 5 is the SIT option for deep well disposal. Since the SIT disposal was deemed low on implementability, Alternative 5 was deemed less feasible than Alternative 6. Alternative 6 was deemed low on short-term effectiveness because the implementation of the remedy would cause the most disruption to the community in terms of truck traffic, odors, and prolonged schedule to completion. Alternative 6 also presented the highest cost.

Based on the final evaluation and comparison of the alternatives, Alternative 4 was recommended in the RFS as the preferred alternative for the site. Thus, Alternative 4 is the Project being evaluated under CEQA. More specifically, the Project is necessarily modified and adapted from Alternative 4, as it is defined in the RFS, due to the waste removal conducted during the IRM and in consideration of improved removal technologies (*i.e.*, the site is now different than it was during the RFS formulation). However, the EIR for this Project will include an analysis of alternatives consistent with Section 15126.6 of the CEQA Guidelines. The alternatives will be evaluated for the purpose of avoiding or substantially lessening any significant environmental impacts that have been identified in the Project analysis, consistent with the basic objectives of the Project. A reasonable range of alternatives, including the mandatory No Action Alternative, will be analyzed in the Draft EIR. The alternatives will be defined in conjunction with DTSC staff. Based on the NCP criteria analysis above, it is anticipated that Alternative 6 will be analyzed qualitatively in the EIR as an alternative to the Project.

Please refer to the RFS for a detailed evaluation of the process conducted under DTSC's direction and oversight, and for additional details on each alternative. The RFS is available for review on the Ascon Landfill website at: http://www.ascon-hb.com, located under the 'Site Documents' tab; and also on DTSC's EnviroStor website at www.EnviroStor.ca.gov.

In addition, the Draft RAP for the project will be made available for public review in conjunction with the Draft EIR to be prepared for the Project, and will include an explanation of Project implementation activities.

Proposed Remediation Activities Under Preferred Alternative

The volume of waste materials to be excavated from the site during the preferred alternative is estimated to be up to 32,250 bank cubic yards ("BCY" is a measurement of volume with "in-the-ground" density) for planning purposes, most of which would be hauled in end-dump trucks to an off-site disposal site permitted to accept the waste material. The Project would be implemented in approximately 10 phases, as described below.

Phase 1 - Mobilization

Phase 1 would begin with general mobilization, which includes establishing a staging area with office trailer(s), installing utilities, bringing in earthwork and supporting equipment (e.g., water tower, foam units), bringing in and setting up perimeter air monitoring equipment, installing storm water best management practice (BMP) features, etc. Phase 1 would also consist of clearing activities, which includes removal of interior fencing and existing tall vegetation and establishing haul roads and work platforms. Haul roads would be established and maintained throughout the Project.

Phase 2 – Pit F

Upon completion of Phase 1, Pit F materials would be excavated for transport and off-site disposal (Phase 2) at a facility permitted to accept the waste material. Pit F would be temporarily graded to a working elevation. A temporary structure (e.g., Sprung®) is planned to be constructed over Pit F. The structure would be operated as a negative-pressure air enclosure whose effluent would be treated using granular activated carbon to capture emissions from the excavated waste prior to discharge to the atmosphere. The excavation of Pit F, consisting of approximately 2,250 BCY, would be performed under the enclosure by slot cutting, utilizing slurry trench technology. The trenches from which the Pit F materials would be excavated would be filled with a slurry to minimize potential emissions from the Pit F waste and inflow of groundwater. The Pit F materials would be excavated through the slurry. The excavated slots would then be backfilled with a mix of sand, cement, and water (*i.e.*, "flowable fill"). Upon completion of the excavation, the nonhazardous slurry would either be absorbed into adjacent soils or be disposed of with the excavated materials. The Pit F materials are planned to be loaded into sealed roll-off bins, or similar, and staged onsite. The staged bins would be transported to the disposal facility utilizing bin trucks and/or rail transportation. Excavation, loading of bins, and backfilling would be performed under the negative-pressure structure. Although the excavation volume is anticipated to be approximately 2,250 BCY, the volume of Pit F removal could be up to approximately 4,500 BCY, or 8,100 tons. Upon completion of Pit F work, the Pit F area would consist of cured flowable fill from working grade to the depth needed to remove the pit materials (up to approximately 30 feet depth below working grade [i.e., structure floor][4]).

Phase 3 – Cut and Fill Activities

Phase 3 of the Project would consist of grading, reconsolidation, and compaction of existing site materials. After clearing and grubbing, materials would be excavated and/or graded. Waste materials would be placed and compacted in designated fill areas or placed in the South Coast Air Quality Management District (SCAQMD) Rule 1166 emissions treatment cell/emissions control cell ("emissions control cell") if VOC-contaminated materials[5] are encountered during excavation. The site would be graded, including excavation where necessary, and backfilled to the top of subgrade, the final elevation

[4] *All elevations (EL) referenced herein are per the NAVD88 coordinate system with elevations below Mean Sea Level (MSL) referred to as negative.*

[5] *VOC-contaminated material is defined by SCAQMD as excavated soil that measures greater than 50 parts per million (ppm) total volatile organic compounds (VOCs) as measured with an organic vapor analyzer (OVA) (e.g., PID), within three inches of the excavated material within three minutes of excavation.*

of the waste prior to capping. However, prior to commencement of grading in the northern portion of the site in the Lagoons 4 - 5 area, portions of the contents of Lagoons 4 and 5 would be retained with a support system to enable grading and excavation of other portions of those lagoons. To achieve this support, a berm would be constructed inside the lagoons. The berm would act to retain the material left in place in Lagoons 4 and 5. This berm would be constructed by mixing the lagoon material with a binding material (e.g., cement, fly ash, lime kiln material, etc.) in the location of the berm, which will be left in place under the cap as part of the preferred alternative. After construction of the berm, Phase 3 would continue with the excavation of Lagoon 4 and 5 material located to the north and east of the newly constructed berm. All excavated material during Phase 3 would be monitored for VOCs and handled per the site's SCAQMD Rule 1150/1166 permit. Material designated as VOC-contaminated per SCAQMD Rule 1166 would be treated and retained onsite in an emissions control cell to be located in the former Lagoons 1 and 2 area per the SCAQMD Permit-to-Operate (PTO) for this system, or removed and disposed at an off-site disposal facility permitted to accept this waste material. Other excavated and graded materials (non-VOC contaminated materials) may be stockpiled onsite and would be used as fill as necessary to achieve subgrade. Other materials could be stockpiled for removal/disposal as part of the potential 32,250 BCY removal.

With regard to the other pit wastes (Pits A - E, G, and H), the preferred alternative would remove these wastes to the approximate adjacent street elevation (exact elevation to be determined during remedial design) if they are part of the partial source removal area, through excavation and off-site disposal and/or placement of excavated materials under the cap.

Groundwater, which may be exposed in the bottom of excavations, may be reused onsite or pumped into a water treatment system, if needed, and discharged or disposed. Surface water would be managed appropriately under the General Construction National Pollution Discharge Elimination System (NPDES) permit from the State Water Resources Control Board (SWRCB) and the site's Construction Storm Water Pollution Prevention Plan (SWPPP), and by one or more of the following three methods: (a) discharge to the City of Huntington Beach storm drain system after appropriate treatment using existing Best Management Practices (BMPs); (b) use as construction water; or (c) use as dust control water.

During the work performed in the phases described above, the Project would implement a perimeter air monitoring plan (AMP), including time-averaged sampling and real-time perimeter air monitoring. The AMP would include action levels with corresponding actions if/when action levels are exceeded. During the remediation activities, Rusmar® foam, or similar, would be applied to the waste materials to suppress potential emissions of potential chemicals of concern. In addition, water would be used to suppress dust.

In addition, during this phase, there would be an investigation of the location of Pacific Ranch #1 converted water well (former oil well) in the Lagoon 5 area. There would also be an investigation of the locations of AW-6 and AW-7 former groundwater monitoring wells, thought to be located under Hamilton Avenue based on anomalies found during a magnetic survey. If found, these monitoring wells would be properly abandoned or destroyed.

Phase 4 – Treatment Cell

Treatment of any VOC-contaminated materials would be performed by placement of the material in windrows in the emissions control cell and covering with vapor collection piping and plastic sheeting, per the SCAQMD permit-to-construct/permit-to-operate (PTC/PTO). Emissions collected from these materials would be transported through the piping using a blower and treated with granular activated carbon prior to discharge to the atmosphere.

Phase 5 – Concrete Debris

Concurrent with the cut and fill of existing material to achieve subgrade; some existing concrete debris and rubble would be consolidated and placed onsite as select deep fill (*i.e.*, the debris would be placed in locations and at depths so as to avoid detrimental impacts to the geotechnical stability of the cover system). As needed, some concrete debris may be broken and/or crushed with a breaker attachment on an excavator and/or a concrete crusher.

Phase 6 – Cap Construction

Phase 6 of the Project would consist of construction of the final cover (or "cap") system. As subgrade is achieved in portions of the cut and fill area, the final cover system would be constructed. This would include the installation of the gas collection layer and associated conveyance features (e.g., piping, strip composite, etc.), as well as the import, placement, and compaction of cover material. Bottom dump/belly dump trucks would be used up to 10 hours per workday to import approximately 240,000 BCY of cover materials over a period of 102 workdays, with a delivery rate of up 200 import trucks per workday. The cover materials would be graded to final grade. The cover system would not be constructed over the City Parcel, the site perimeter access road, or the SCOC area. The perimeter access road is planned to be constructed along the perimeter of the Site, outside of the toe of the cap and within the Ascon property line.

The cap over the site would be a sloped cap, consisting of different elevations in different areas, where the southwestern portion of the cap would be at a higher elevation than the cap at its northern and eastern extents. The capped areas may vary in elevation and size depending on the final area and vertical extent of source removal along the east and north sides of the site, all of which would be determined during the remedial design. The constructed cap would be designed to meet applicable laws and regulations, and would include a drainage system to collect and remove percolated storm water and a gas collection and removal system. The conceptual cap configuration is illustrated in Figure 5, *Conceptual Cap Configuration*.

The cover system (*i.e.*, cap) is anticipated to include the following elements, or a combination thereof:

1. Main Cap - The cap is anticipated to include, from top to bottom, a vegetative cover soil layer, a geonet biotic layer to prevent wildlife intrusion at the mid depth of the vegetative cover soil layer, a geosynthetic drainage layer, a geomembrane barrier layer, a vapor collection system, and a foundation layer comprised of in-place or reconsolidated waste materials and/or import fill. The geomembrane layer would minimize surface water infiltration into the underlying waste materials in

accordance with the requirements of California's Title 22, Division 4.5, *Environmental Health Standards for the Management of Hazardous Waste*. A gas collection and treatment system would be installed to collect and treat gases before discharge to the atmosphere. The conceptual profile for the main cap ("top deck") is illustrated in Figure 6, *Conceptual Cap Profiles*. The profile shown in Figure 6 is a conceptual illustration and will be subject to review and approval by DTSC.

2. Cap Slopes - The cap slopes are expected to include an evapotranspirative (ET) monolithic soil cover with a vegetative surface overlying a foundation consisting of in-place or reconsolidated waste materials and/or import fill (*i.e.*, "subgrade"). A geonet biotic layer would be placed below the surface to prevent wildlife intrusion. The conceptual profile of the cap on the slopes is illustrated in Figure 6. The profile shown in Figure 6 is a conceptual illustration and will be subject to review and approval by DTSC.

Phase 7 – Surface Water Controls

During implementation of the preferred alternative storm water falling on the site would be managed through the site's stormwater system under the General NPDES permit from the SWRCB and the site's Construction SWPPP. This is anticipated to be similar to existing storm water management practices.

After the remedy is complete, storm water would be managed per the General Industrial NPDES permit from the SWRCB and the site's Industrial SWPPP. It is anticipated that detention basins and storm water swales, or V-ditches, would be installed along the perimeter of the final cover. Diversion berms would be installed above the final cover. It is anticipated that storm water would be discharged from the onsite detention basins to the City's storm drain system in a manner similar to existing practices. The retention basins are illustrated in Figure 6.

Phase 8 – City Parcel

The City Parcel and onsite perimeter access road areas would be excavated as needed and backfilled with suitable import materials to top of final design grade. It is anticipated that a minimum of two (2) feet of materials would be removed and conservatively assumed that up to six (6) feet of materials may be removed. Impacted materials would be excavated and reconsolidated onsite under the cap. The City Parcel excavation would occur prior to completion of filling to final grade and cap construction (Phase 6).

Phase 9 – SCOC Site

Impacted waste materials in the SCOC area may be excavated, as needed, and backfilled with suitable import materials. Any excavated waste material from the SCOC property would be placed and reconsolidated onsite under the site's cap and/or transported and disposed offsite, pending the timing of the remediation of the SCOC area. Due to the active oil lease for the minerals beneath the SCOC property, the removal of SCOC-impacted soils could be postponed or conducted by the mineral estate owners of the SCOC property at a later time. Nevertheless, for CEQA planning purposes, it is assumed that the excavation would be simultaneous with the preferred alternative and the impacted materials would be incorporated under the remedy cap.

Phase 10 - Site Restoration

Phase 10 of the Project consists of site restoration activities including final grading of the perimeter road, establishing vegetation on the cap (e.g., grasses and low shrubbery), and demobilization of Project equipment.

Construction Equipment and Truck Activities

Implementation of the preferred alternative would require the use of various pieces of heavy equipment throughout the construction activities. Heavy equipment that would be used during Project implementation would likely include, but is not limited to, tracked excavators, front-end loaders, bulldozers, water trucks, dump trucks, etc. Light duty vehicles such as pickup trucks and other support vehicles also would likely be used during the Project.

Project implementation would include use of Tier 3 five-axle semi-tractor trailer trucks and/or semi-tractor trailer end-dump trucks, and possibly tanker trucks, to haul waste materials from the project site to the appropriate off-site disposal facility. The daily maximum number of trucks visiting the site for export and import of construction materials would likely vary by phase. The maximum number of daily truck trips is expected to occur during Phase 6, and may include up to 200 maximum daily bottom or end dumps for import materials.

The Project activities are expected to occur on-site Monday through Saturday, from 6:00 a.m. to 6:00 p.m. As many as 40 employees are expected to be routinely on-site. Haul trucks are proposed to access the site no earlier than 6:00 a.m. and depart the site no later than 6:00 p.m., Monday through Saturday. In any one hour, up to 25 haul trucks may enter the site and up to 25 haul trucks may depart from the site. Non material hauling trucks and other Project-related vehicles would also be allowed to access the site between 6:00 a.m. and 6:00 p.m. Monday through Saturday. To ensure continuous pedestrian (including bicycle) and vehicular safety at the entrance and exit points of the site, a flag person would be available during work hours to assist with truck ingress and egress, as needed.

The haul route to the site would be to have haul trucks exit the I-405 Freeway at Beach Boulevard. Trucks would then travel south on Beach Boulevard to PCH, turn left on PCH to Newland Street, go north on Newland Street to Hamilton Avenue, and turn right on Hamilton Avenue to the current project site entrance. The current Project entrance for haul trucks is located on Hamilton Avenue west of Magnolia Street. Future entrance(s) along Hamilton Avenue may be needed. Trucks leaving the site would exit the site on Magnolia Street and travel south to PCH. The trucks would then travel northwest on PCH and north on Beach Boulevard to the freeway entrance for the I-405. The haul route(s) on municipal streets would be reviewed and approved by the City of Huntington Beach prior to Project implementation.

Prior to leaving the project site, each truck will be inspected and decontaminated as necessary to remove loose debris in tire wells and on the truck exterior. The contracted trucking company would be a certified hazardous waste transportation contractor, if the material is profiled as hazardous.

The disposal facility where material would be transported depends on the types of wastes to be removed from the site. Proposed potential disposal destinations for impacted materials include: Waste

Management Kettleman Hills Facility (Kettleman City, California), McKittrick Facility (McKittrick, California), Clean Harbors' Buttonwillow facility (Buttonwillow, California), US Ecology (Beatty, Nevada), Clean Harbors Environmental Services Aragonite and Grassy Mountain Facilities (Utah), ECDC (Utah), Waste Management of Northwest (Arlington, Oregon), La Paz County Landfill (Arizona), Copper Mountain Landfill (Arizona), and South Yuma County Landfill (Arizona). The mode of transportation to these facilities could include truck haulers (e.g., end dumps, bin haulers with sealed roll-off bins for Pit F waste) and, potentially, train (likely only if taken out of state). If by train, roll-off bins may be transferred in Alhambra or along a rail spur in Huntington Beach. If dewatering is necessary, transportation may include vacuum trucks for liquids.

Proposed potential disposal locations for "green" waste and other non-impacted refuse include: Orange County's Frank R. Bowerman, Olinda Alpha, and Prima Deschecha landfills, Waste Management Azusa and El Sobrante landfills, Republic Sunshine Canyon landfill, and Los Angeles County Sanitation District Puente Hills landfill.

Long-Term Operations

This environmental analysis for the Project evaluates the implementation of the RAP, specifically, the proposed remediation activities described above for the preferred alternative needed to achieve the requirements of the Imminent and Substantial Endangerment Determination Consent Order issued by the DTSC. This Project will be concluded when the site achieves an "end state" consisting of a cap over the majority of the landfill site, surrounded by perimeter fencing, and the City parcel cleared and returned to existing street grade. Essentially, if the preferred alternative is implemented, the end state would represent a vacant, undeveloped capped site. Public access to the site would be restricted following completion of the Project. Subsequent development on the capped site following completion of the RAP is not contemplated as part of this Project. At this time, it is not possible to determine how long the end state will remain in place for the site. Since the Project does not propose specific development on the site after the end state, any subsequent development proposals would be subject to a deed covenant to protect the cap. Such a covenant would likely require DTSC approval and a subsequent entitlement process, including environmental review as appropriate pursuant to CEQA.

The following long-term activities are anticipated after the end state when construction activities associated with the preferred alternative are complete:

- Maintenance of a long-term groundwater monitoring program to ensure compliance with the remedial action objectives ("RAOs") identified in the RFS. The long-term groundwater monitoring program would include monitoring and sampling perimeter wells. Should impacts be found and verified above threshold levels at the site perimeter, a contingency plan would be followed, as appropriate.

- Maintenance of a long-term monitoring system to ensure Non-Aqueous Phase Liquid (NAPL) and/or dense NAPL are not migrating off-site.

Permitting

The following permits are anticipated to be needed for the preferred alternative activities at the site: a SCAQMD Rule 1166/Rule 1150 permit for any necessary handling of VOC-impacted materials; a

SCAQMD PTC/PTO in order to construct the planned emissions control/treatment cell onsite; a Coastal Development Permit from the City of Huntington Beach pursuant to the California Coastal Act; and a grading permit from the City of Huntington Beach.

A General Industrial NPDES permit is in place from the SWRCB for the site until the future remedial activities occur on the entire site. In addition, a Notice of Intent (NOI) would be submitted to the SWRCB for the General Construction NPDES permit during the construction period. A related Construction SWPPP would also be in place for the proposed construction activities.

Project Schedule

The construction schedule for the preferred alternative is estimated at approximately 1 year. The Project fieldwork can only be implemented after the EIR process is completed, which is anticipated to conclude in 2014, and after completion of the remedial design process and contractor selection. Based on this schedule, and with the necessary design and permitting activities, construction activities could potentially commence as early as 2015.

ENVIRONMENTAL RESOURCES POTENTIALLY AFFECTED

The boxes checked below identify environmental resources which were found in the following ENVIRONMENTAL SETTING/IMPACT ANALYSIS section to be potentially affected by this Project, involving at least one impact that is a "Potentially Significant Impact."

☒ Aesthetics	☐ Agriculture and Forestry Resources	☒ Air Quality
☒ Biological Resources	☒ Cultural Resources	☒ Geology/Soils
☒ Greenhouse Gas Emissions	☒ Hazards/Hazardous Materials	☒ Hydrology/Water Quality
☒ Land Use/Planning	☐ Mineral Resources	☒ Noise
☐ Population/Housing	☐ Public Services	☐ Recreation
☒ Transportation/Circulation	☐ Utilities/Service Systems	☒ Mandatory Findings of Significance

An Initial Study is a preliminary analysis conducted by the lead agency to determine if a project may have a significant effect on the environment. The Initial Study can aid in the preparation of an EIR in the following ways: identifies non-significant effects; allows the lead agency to focus on potentially significant effects; explains the reasons for determining why potential environmental effects would not be significant; and identifies the appropriate type of EIR.

The following definitions were used in the ENVIRONMENTAL SETTING/IMPACT ANALYSIS:

- "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant and will be further evaluated in the EIR. This impact conclusion does not presume that an impact will be significant in the EIR analysis. It only indicates that further analysis is needed in the EIR to make a determination of significance. If there are one or more "Potentially Significant Impact" entries in the Initial Study, an EIR is required.

- "Less Than Significant Impact with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from a "Potentially Significant Impact" to a "Less Than Significant Impact." The mitigation measures must be described, along with a brief explanation of how they reduce the effect to a less than significant level.

- "Less Than Significant Impact" applies where the project creates no significant impacts in that category, only "Less Than Significant Impacts." A "Less Than Significant" answer is adequately supported if the analysis shows that the impact does not rise to the level of a significant impact. A "Less Than Significant Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants that exceed applicable daily regulatory thresholds).

- "No Impact" applies where a project does not create an impact in that category. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one proposed. A "No Impact" answer should also be explained where it is based on project-specific factors as well as general standards (e.g., the project will not result in the emission of pollutants, based on a project-specific screening analysis).

ENVIRONMENTAL SETTING/IMPACT ANALYSIS

The following pages provide a brief description of the physical environmental resources that exist within the area affected by the proposed Project and an analysis of whether or not those resources would be potentially impacted by the proposed Project. Preparation of this section follows guidance provided in DTSC's California Environmental Quality Act Initial Study Workbook. References used to support the following discussions are footnoted within each section below.

1. AESTHETICS

Project activities likely to create an impact:

- Remediation activities associated with the excavation, removal, and disposal (including transportation activities to and from the site and use of heavy construction equipment on-site) of waste materials, including but not limited to, tarry liquids, drilling muds, contaminated soils, green waste, and construction debris;
- Reconsolidation of waste materials from the outer edges of the site to the site interior;
- Construction of a protective cap over the site; and
- Final site grading, seeding and demobilization.

Description of Baseline Environmental Conditions

The project site is bounded by park and recreation uses to the north, Edison High School to the northeast, single-family uses to the east, an oil storage tank area to the south; and the Huntington Beach Flood Control Channel and light industrial uses to the west. Magnolia Street adjacent to the project site is identified as a Landscape Corridor in the City of Huntington Beach General Plan.[6] The project site contains berms along its perimeters that extend to a height of approximately 15 feet. Trees have grown on the berm and other areas adjacent to Magnolia Street. The berm along Magnolia Street blocks views of the site's interior from the two-story single-family residences on the east side of Magnolia Street. The berm on the northern side of the site along Hamilton Avenue, which is partially covered with grasses and shrubs, also blocks views of the site's interior from the park and school uses to the north and northeast of the site. The site is also surrounded by a chain-link fence approximately six feet in height. Along Magnolia Street and Hamilton Avenue, a green plastic sheathing on the fence creates a visual barrier to the site.

Although not readily visible from the north or the east, the interior of the site varies in elevation from approximately 10 to 20 feet above regional grade and is highly disturbed. The site includes five (5) visible waste impoundments (referred to as Lagoons 1 through 5) and one (1) visible covered pit (referred to as Pit F). There are also scattered construction/concrete debris piles throughout the site

[6] *City of Huntington Beach, City of Huntington Beach General Plan, Circulation Element, Figure CE-12, Scenic Highways, Scenic Corridors, and Landscape Corridors, 1996.*

amongst scattered, unmaintained vegetation consisting primarily of invasive and weedy grasses, shrubs, and small trees.

Existing lighting sources near the site include street lighting along the adjoining streets. There are no light sources on the site. Artificial illumination in the project vicinity is also influenced by lighting associated with adjacent residential, park, and light industrial uses, as well as transient vehicular lighting from cars traveling on adjacent roadways.

Analysis as to whether or not Project activities would:

a. Have a substantial adverse effect on a scenic vista?

Impact Analysis: Pacific Coast Highway, located approximately one-quarter mile south of the site, is identified by the State of California as an Eligible State Scenic Highway but is not formally designated as a State Scenic Highway. Under existing conditions, it may be possible to see portions of the southern edge of the site from one or more segments of Pacific Coast Highway. The proposed remediation activities (including transportation activities to and from the site) would likely be at most, only minimally visible from Pacific Coast Highway given the distance (830 yards) and intervening development (including three 40-foot tall oil tanks in the Plains All American Pipeline property) between the site and Pacific Coast Highway. The construction of the protective cap could result in the maximum existing on-site elevation increasing from approximately 25 feet MSL to approximately 45 feet MSL in the southwestern portion of the site, which is the closest side of the site to Pacific Coast Highway. Given the potential for such on-site elevation changes, views to and across the site could be altered from Pacific Coast Highway. Therefore, it is recommended that the extent and quality of views to and across the site from Pacific Coast Highway be further evaluated within the EIR, with mitigation measures recommended, as appropriate.

Conclusion:
☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Impact Analysis: As discussed above, Pacific Coast Highway, located approximately one-quarter mile south of the site, is identified by the State of California as an Eligible State Scenic Highway but is not formally designated as a State Scenic Highway. No scenic buildings or rock outcroppings are located on the site. However, the site does contain large mature trees on its exterior on the Magnolia Street berm, which positively contribute to the site's visual quality from views along Magnolia Street. Therefore, it is recommended that the loss of these trees be further evaluated as potential scenic resources within the EIR, with mitigation measures recommended, as appropriate.

Conclusion:
☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

c. Substantially degrade the existing visual character or quality of the site and its surroundings?

Impact Analysis: Under existing conditions, views of the surrounding area of the site are available from single-family residential uses to the east across Magnolia Street and from park uses to the north across Hamilton Avenue. The site is enclosed entirely by a chain-linked fence, which include a green plastic sheathing along Hamilton Avenue and Magnolia Street. Views of the site from the single-family and park uses are limited to the chain-linked fence and the exterior berms. The exterior berm and other areas along Magnolia Street contain large trees.

The visual character of the site would be altered during removal of the perimeter berms, as well as during remediation activities (including transportation activities to and from the site) during the project implementation period. Although these activities would be temporary, the Project also includes the installation of a protective cap over the site that would alter its visual character. The protective cap would be installed outside of the City parcel within the interior of the site and would result in available views of the cap across the site, as it would slope upward from Hamilton Avenue and Magnolia Street towards the southwestern portion of the site. It is acknowledged that the Project does not include development of the Site or any subsequent land use improvements, any and all of which would be subject to environmental review, as appropriate, under the jurisdiction of the City of Huntington Beach. Nonetheless, given permanent topographical changes that would occur with the development of the protective cap and available views of the protective cap from surrounding land uses, it is recommended that the change in visual character of the site be further evaluated in the EIR, with mitigation measures recommended, as appropriate.

Conclusion:
☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

Impact Analysis: Project implementation is not expected to introduce new sources of light or glare on the site, except as may be needed to secure small, temporary and probably mobile project office(s). Heavy equipment, haul trucks, and employee vehicles associated with the Project would utilize normal headlights after dusk which, while visible, would not stand out in the surrounding urban setting. It is anticipated that the majority of vehicles associated with the Project would travel on, and to and from, the site during daytime hours. Overall, the Project would not substantially alter existing light and glare experienced on the site or in the vicinity during the remedy or following remedy completion. Less than significant impacts related to light and glare are expected. Further analysis of this issue in the EIR is not necessary.

Conclusion:
☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☒ Less Than Significant Impact
☐ No Impact

References Used:

1. City of Huntington Beach, City of Huntington Beach General Plan, Circulation Element, Figure CE-12, Scenic Highways, Scenic Corridors, and Landscape Corridors, 1996.
2. Project Navigator, Ltd., Revised Feasibility Study for the Ascon Landfill Site, September 20, 2007.

2. AGRICULTURE AND FORESTRY RESOURCES

Project activities likely to create an impact:

The Project does not include any activity that would create an impact on agricultural resources.

Description of Baseline Environmental Conditions

The project site does not contain prime or unique farmland of statewide or local importance as identified by the State Department of Conservation and the City of Huntington Beach General Plan. The site is neither zoned for agricultural uses nor under a Williamson Act agricultural reserve contract. The site was operated as a waste disposal facility from approximately 1938 through 1984. Since 1984, the site has remained vacant and inactive. No surrounding properties support agricultural activities and no forest land or timberland zoning is present on the site or in the surrounding area.

Analysis as to whether or not Project activities would:

a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

Impact Analysis: No impact would occur and further analysis of this issue in an EIR is not necessary.

Conclusion:
☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?

Impact Analysis: The Project would not conflict with existing zoning for agricultural use or a Williamson Act contract and further analysis of this issue in the EIR is not necessary.

Conclusion:
☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 1220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

Impact Analysis: The Project would not conflict with existing zoning for forest land or timberland and no impact would occur in this regard. Further analysis of this issue in the EIR is not necessary.

Conclusion:
☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

d. Result in the loss of forest land or conversion of forest land to non-forest use?

Impact Analysis: The Project would not result in the loss of forest land or conversion of forest land to non-forest use and no impact would occur in this regard. Further analysis of this issue in the EIR is not necessary.

Conclusion:
☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

Impact Analysis: The Project would not involve the conversion of farmland or forest land to other uses, either directly or indirectly. No impacts would occur in this regard. Further analysis of this issue in the EIR is not necessary.

Conclusion:
☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

References Used:

1. California Department of Conservation, Important Farmland in California, 2001.
2. City of Huntington Beach, City of Huntington Beach General Plan Map (2007)
3. City of Huntington Beach, City of Huntington Beach Zoning Map (Revised April 2007).

3. AIR QUALITY

Project activities likely to create an impact:

- Remediation activities associated with the excavation, removal, and disposal (including transportation activities to and from the site and use of heavy construction equipment on-site) of waste materials, including but not limited to, tarry liquids, drilling muds, contaminated soils, green waste and construction debris;
- Reconsolidation of waste materials from the outer edges of the site to the site interior;
- Construction of a protective cap over the site; and
- Final site grading, seeding and demobilization.

Description of Baseline Environmental Conditions

The project site is located within the South Coast Air Basin (Basin), a 6,600-square mile area encompassing all of Orange County and the non-desert portions of Los Angeles, Riverside, and San Bernardino Counties. The Basin is an area of high air pollution potential, particularly from June through September. The poor ventilation in the Basin, generally attributed to light winds and shallow vertical mixing, frequently reduces pollutant dispersion, causing elevated air pollution levels. Pollutant concentrations in the Basin vary with location, season, and time of day. Ozone concentrations, for example, tend to be lower along the coast, higher in the near inland valleys, and lower in the far inland areas of the Basin and adjacent desert.

The South Coast Air Quality Management District (SCAQMD) enforces air quality standards within the Basin as established by the California Air Resources Board (CARB) and the U.S. Environmental Protection Agency (USEPA). The SCAQMD is required, pursuant to the Clean Air Act, to reduce emissions of criteria pollutants for which the Basin is in non-attainment [i.e., ozone (O_3), respirable particulate matter (PM_{10}), fine particulate matter ($PM_{2.5}$), and lead (only the Los Angeles County portion of the Basin)]. The Project would be subject to the SCAQMD's Air Quality Management Plan (AQMP). The AQMP contains a comprehensive list of pollution control strategies directed at reducing emissions and achieving ambient air quality standards. These strategies are developed, in part, based on regional population, housing, and employment projections prepared by the Southern California Association of Governments (SCAG).

The Project includes off-site disposal or reclamation of the material removed from the site. Long-term disposal options being considered include landfills located outside of the Basin. Thus, potential impacts must be assessed for each of the air basins within California likely to experience an increase in emissions resulting from implementation of the Project, due primarily from transportation of material by truck, train, or other means.

Analysis as to whether or not Project activities would:

a. Conflict with or obstruct implementation of the applicable air quality plan?

Impact Analysis: The Project would be subject to the SCAQMD AQMP. The Project would contribute to regional and local air emissions during the proposed remediation activities. Project remediation

activities would produce emissions from disturbance of the site, construction equipment, and fugitive dust. Transport of material to appropriate landfills for long-term disposal would produce vehicle-related emissions. Disposal sites being considered include, but are not limited to, those approved landfills located in the San Joaquin Valley, subject to the San Joaquin Valley Air Pollution Control District's (SJVAPCD) air plans. Other disposal sites being considered include out-of-state locations in Arizona, which would require travel through the portion of the Salton Sea Air Basin subject to the SCAQMD air plans and/or the portion of the Mojave Desert Air Basin subject to the Mojave Desert Air Quality Management District (MDAQMD) air plans. Locations in Nevada or Utah are also being considered, which would require travel through the portion of the Mojave Desert Air Basin subject to the MDAQMD air plans. As such, it is recommended that the Project's consistency with any applicable air quality plans be addressed in the EIR.

Conclusion:
☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Impact Analysis: The State and Federal governments have set health standards for air pollutants, specifying levels beyond which the air is deemed unhealthful. The South Coast Air Basin is currently in non-attainment for O_3, PM_{10}, $PM_{2.5}$ and lead (Los Angeles County portion of the Basin) based on Federal air quality standards and non-attainment for O_3, nitrogen dioxide (NO_2), PM_{10}, $PM_{2.5}$, and lead (Los Angeles County portion of the Basin) based on State air quality standards. The standards for California are generally more stringent than the Federal standards and, in the case of PM_{10}, much more stringent.

Project implementation may result in potentially significant air quality impacts due to short-term and long-term criteria and toxic pollutant emissions. The Project has the potential to generate pollutant emissions from the proposed remediation activities on the site, as well as from the haul trips and remediation worker trips to and from the site. Short-term emissions may include fugitive dust and vapors from on-site remediation equipment and diesel exhaust particulate from on-site heavy-duty construction equipment and haul vehicles. Upon completion of the remediation activities, including installation of a protective cap, long-term emissions may include minimal fugitive vapors from the cap and vapor treatment system. It is recommended that these issues be further analyzed in the EIR with mitigation measures incorporated, as necessary.

Conclusion:
☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Impact Analysis: The South Coast Air Basin is currently in non-attainment for O_3, PM_{10}, $PM_{2.5}$, lead (Los Angeles County portion of the Basin), and NO_2 (state standards) It is recommended that emissions of these pollutants, and precursor pollutants in the case of ozone, be further analyzed and documented in the EIR with mitigation measures incorporated, as necessary. As stated above, the EIR will also analyze emissions expected to occur within other air basins, as appropriate.

Conclusion:
☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less than Significant Impact
☐ No Impact

d. Expose sensitive receptors to substantial pollutant concentrations?

Impact Analysis: The area surrounding the site contains nearby sensitive receptors, including but not limited to, residences across Magnolia Street, Edison High School, Edison Community Center, William Kettler Elementary School (currently closed) and John Eader Elementary School. Due to the potential criteria and toxic emission sources associated with the implementation of the proposed remediation activities, the exposure of these sensitive receptors within the project area to potentially significant levels of air pollutants may occur. It is recommended that these issues be further analyzed in the EIR with mitigation measures incorporated, as necessary.

Conclusion:
☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

e. Create objectionable odors affecting a substantial number of people?

Impact Analysis: The project site has been the subject of complaints regarding odors over the years, as filed with the SCAQMD. Potential odor emissions released during remediation activities, primarily from Pit F (Styrene Pit), may yield odor at high concentrations. It is recommended that these issues, and the effects on sensitive receptors, be further analyzed in the EIR with mitigation measures incorporated, as necessary.

Conclusion:
☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less than Significant Impact
☐ No Impact

f. Result in human exposure to Naturally Occurring Asbestos (see also Geology and Soils, Item f)?

Impact Analysis: No Naturally Occurring Asbestos materials have been identified at the site. Therefore, Project implementation would not result in human exposure to Naturally Occurring Asbestos. No impacts would occur and further analysis of this issue in the EIR is not necessary.

Conclusion:
☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

References Used:

1. Project Navigator, Ltd., Revised Feasibility Study for the Ascon Landfill Site, September 20, 2007.
2. California Air Resources Board, http://www.arb.ca.gov/desig/adm/adm.htm, Accessed 20, 2013.
3. U.S. Environmental Protection Agency, http://www.epa.gov/region9/air/maps/, Accessed March 20, 2013.

4. BIOLOGICAL RESOURCES

Project activities likely to create an impact:

- Remediation activities associated with the excavation, removal, and disposal (including transportation activities to and from the site and use of heavy construction equipment on-site) of waste materials, including but not limited to, tarry liquids, drilling muds, contaminated soils, green waste and construction debris;
- Reconsolidation of waste materials from the outer edges of the site to the site interior;
- Construction of a protective cap over the site; and
- Final site grading, seeding and demobilization.

Description of Baseline Environmental Conditions

The project site, located in Zone 5 of the Huntington Beach Coastal Zone, is vacant, highly disturbed, and surrounded primarily by urban uses. The dominant on-site vegetation is ornamental and ruderal (weedy). The site also contains limited areas of Baccharis scrub (including disturbed Baccharis scrub), disturbed cismontane alkali marsh, and oil and drilling waste disposal ponds. The majority of the site's habitat value is extremely low. However, the site does contain southern tarplant (CNPS List 1B), which is considered to be a sensitive plant species. The only animal species present, or likely to be present, are those adapted to disturbed or urban environments. No sensitive animal species are known to occupy the site.

The site adjoins the Huntington Beach Flood Control Channel to the west, which drains southeasterly to the Pacific Ocean. The relationship between the site and aquatic resources within the channel, and with wetlands adjoining it downstream, has not been established, although a tidal study performed as part of the site's groundwater remedial investigation demonstrated that the channel does not receive groundwater from the site.

Analysis as to whether or not Project activities would:

a. Have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Impact Analysis: The project site has been highly disturbed by long-term waste disposal operations and has mostly low biotic value. Nonetheless, as the site does support a sensitive plant species, the Project has the potential to affect a sensitive and/or special status species. In addition, the extent of migratory birds and foraging raptors that may currently use the site has not been determined. As a result, further analysis of potential impacts on candidate, sensitive, or special status species will be included in the EIR. The EIR analysis will consider Federal Register listing packages, survey protocols, and species data provided by the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW). Additionally, scientific journals, the California Natural Diversity Database (CNDDB), and the CDFG (Natural Heritage Division) species account database will be reviewed to determine the potential for sensitive plant and animal species in the project vicinity. The analysis of impacts on biological resources and associated findings and mitigation measures will be based on biological impact assessment reports that will be included in the EIR. The biological impact assessments will involve field survey(s) to determine the extent of sensitive species that inhabit the site and vicinity.

Conclusion:
☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in the City or regional plans, policies, regulations by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Impact Analysis: The site is in an urbanized location and has been highly disturbed through past landfill operations. The site is not identified in the City of Huntington Beach General Plan as a natural, conservation or open space resource. Nonetheless, as part of the biological impact assessment, site reconnaissance will be conducted to confirm if riparian habitat or other sensitive natural communities exist on the site. The EIR analysis will include a detailed evaluation of potential impacts on riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations or by the CDFW or USFWS with mitigation measures provided, if necessary.

In addition, the site is located adjacent to the Huntington Beach Flood Control Channel and is north of wetlands designated by the City of Huntington Beach's General Plan. Project implementation could indirectly affect aquatic habitat or other sensitive natural communities identified in City or regional

plans, policies, or regulations administered by the CDFW or USFWS associated with the adjacent wetlands. Further, the Project could potentially affect nearby biological resources. Therefore, it is recommended that this issue be further evaluated within the EIR, with mitigation measures recommended, as appropriate.

Conclusion:
☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Impact Analysis: Surveys will be conducted as part of the biological impact assessments that will be included in the EIR to determine if there is potential for significant impacts to federally protected wetlands. In addition, the site is located within 1,500 feet of wetlands designated by the City of Huntington Beach. Project implementation could directly or indirectly affect federally protected wetlands through drainage discharge. This issue will be further evaluated within the EIR, with mitigation measures recommended, as appropriate.

Conclusion:
☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Impact Analysis: The site is in an urbanized location and is highly disturbed. It does not function as a wildlife corridor, and no waterbodies or courses of water exist on-site to provide habitat for fish. However, the site contains trees and shrubs that potentially could be used by birds, including migratory birds, for nesting. In addition, the surrounding area features designated wetlands areas that could potentially contain native resident or migratory fish or wildlife species. Therefore, it is recommended that these issues be further evaluated within an EIR, with mitigation measures recommended, as appropriate.

Conclusion:
☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

e. Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance (e.g., oak trees or California walnut woodlands)?

Impact Analysis: The only applicable City of Huntington Beach conservation policy or ordinance is Chapter 13.50 Regulation of Trees of the Huntington Beach Municipal Code, which governs the planting, maintenance and removal of trees. However, it particularly applies to trees on streets, parkways, or other public places in the City. Therefore, the trees on the site would not be regulated by this ordinance. Therefore, the Project would not conflict with any local policies or ordinances protecting biological resources. Impacts would be less than significant, and no mitigation measures are necessary beyond compliance with City regulations. Further analysis of this issue in the EIR is not necessary.

Conclusion:
☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☒ Less Than Significant Impact
☐ No Impact

f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Impact Analysis: The project site is not located in an area that is included in any federal, state, local, or regional Habitat or Nature Community Conservation Plan. However, portions of the project site do meet the California Coastal Act's definition of an Environmentally Sensitive Habitat Area (ESHA). Under the California Coastal Act policy, no development or human disturbances (unless resource dependent) are allowed within an ESHA (Coastal Act §30240). Therefore, any impacts to an ESHA would be considered potentially significant. As indicated above, the site includes a sensitive plant species and may contain other sensitive natural communities. Therefore, it is recommended that the site's biological resources be further evaluated within an EIR to determine the Project's consistency with California Coastal Act's ESHA requirements.

Conclusion:
☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

References Used:

1. Initial Study/Mitigated Negative Declaration for the Interim Removal Measures Project, prepared by PCR Services Corporation, October 2009.

5. CULTURAL RESOURCES

Project activities likely to create an impact:

- Remediation activities associated with excavation into native soils and younger Quaternary Alluvium on the site.

The following discussion of impacts to cultural resources is primarily based on a Memorandum RE: Cultural Resources, prepared by Kyle Garcia, Senior Archaeologist I, with PCR Services Corporation, dated October 1, 2012. This Memorandum is included in Appendix A of this document.

Description of Baseline Environmental Conditions

Historic Resources

A historical resource is defined in Section 15064.5(a)(3) of the CEQA Guidelines as any object, building, structure, site, area, place, record, or manuscript determined to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California. Historical resources are further defined as being associated with significant events, important persons, or distinctive characteristics of a type, period, or method of; representing the work of an important creative individual; or possessing high artistic values. Resources listed in or determined eligible for the California Register, included in a local register, or identified as significant in a historic resource survey are also considered historical resources under CEQA.

PCR conducted a records search through the California Historical Resources Information System, South Central Coastal Information Center (CHRIS-SCCIC) at California State University, Fullerton, as part of the CEQA clearance for the IRM Project (2009). The historical resources investigation included archival records searches and literature reviews to determine: (i) if known historical resources sites have previously been recorded within the site or within a one-half mile radius of the site; (ii) if the site has been systematically surveyed by historians prior to the initiation of the study; and/or (iii) whether there is other information that would indicate whether or not the site is historically sensitive. The records search included a review of all previous historical resources investigations within the site and within a one-half mile radius of the site. In addition, the California Points of Historical Interest (CPHI), the California Historical Landmarks (CHL), the California Register of Historic Places (California Register), the National Register of Historic Places (National Register), and the California State Historic Resources Inventory (HRI) were reviewed.

Results of the records search conducted at the CHRIS-SCCIC indicated that three cultural resource studies have been previously conducted within the site. No historical resources were identified as part of these studies. In addition, no properties listed in the CPHI, CHL, the California Register, the National Register, or the HRI were identified within the site or within a half-mile. PCR also conducted a pedestrian survey of the site as part of the IRM Project, and identified a metal shed within the southwestern portion of the site. The shed houses abandoned equipment that may have serviced the site in the past. On the basis of its age and design, the structure is not considered to be a potential historical resource. No other potential historical resources were identified within the site during the pedestrian survey.

Archaeological Resources

An archaeological resource is defined in Section 15064.5(c) of the CEQA Guidelines as a site, area, or place determined to be historically significant as defined in Section 15064.5 (a) of the CEQA Guidelines (see definition of historical resource in Response a. above), or as a unique archaeological resource defined in Section 21083.2 of the Public Resources Code as an artifact, object, or site that contains information needed to answer important scientific research questions of public interest, or that has a special and particular quality such as being the oldest or best example of its type, or that is directly associated with a scientifically recognized important prehistoric or historic event or person.

As discussed above, results of the records search conducted at the CHRIS-SCCIC indicated that three cultural resource studies have been previously conducted within the site. One study (OR-2229) was conducted in 2000 by LSA Associates, Inc. (LSA) in the northwest corner of the site. The study included a cultural resource assessment for AT&T Wireless Services facility number C871.2. During the pedestrian survey of this assessment, LSA observed multiple shell fragments on the surface. LSA subsequently implemented a small-scale testing plan near the location of the shells. Specifically, one auger hole and four test pits were excavated to a depth of 85 centimeters (cm) and 60 cm, respectively, which yielded several complete shells and more shell fragments. LSA concluded that the shells observed were not the result of past human activity because there was no cultural material associated with the shells, there was a lack of midden soil, and because there is a nearby Pleistocene marine terrace with deposits in similar soil and shell species as found in the site. One prehistoric archaeological site (P-30-001531) was identified approximately one-quarter mile east of the site. P-30-001531 is recorded as a buried marine shell deposit (75 cm below the modern ground surface); however, PCR does not feel that this deposit was a result of human activity. This is because when PCR conducted archaeological and paleontological monitoring in 2009/2010 for a residential development located approximately one-quarter mile west of the site, they encountered the same soils and natural shells at this depth. PCR did not encounter archaeological material associated with the monitoring of that residential development. These findings are consistent with LSA's conclusion regarding the shells encountered within the site.

PCR also conducted a pedestrian survey of the site to identify any surficial archaeological resources. Due to past landfill activities, approximately 95% of the site has been heavily disturbed. PCR surveyed these heavily disturbed areas and the areas where the native ground surface was exposed and did not identify any archaeological resources.

Paleontological Resources

A paleontological resource records search for the IRM commissioned through the Natural History Museum of Los Angeles County (LACM) indicated that no vertebrate fossil localities have been recorded within the site. The results did indicate that localities have been recorded nearby in the same sedimentary deposits that underlie the site. The surficial deposits of the site may consist of unconsolidated younger Quaternary Alluvium. These deposits typically do not contain significant vertebrate fossils in the uppermost layers; however, they are usually underlain by older Quaternary deposits that frequently do contain significant vertebrate fossils. The nearest vertebrate fossil locality in these types of deposits is LACM 7366, located west-northwest of the site north of the Pacific Coast Highway between Lake Avenue and Beach Boulevard that produced specimens of marine, freshwater, and especially terrestrial specimens including leopard shark (*Triakis*), three-spined stickleback (*Gasterosteus*), garter snake (*Thamnophis*), desert shrew (*Notiosorex*), and most prominently, pocket

gopher (*Thomomys*). These specimens were obtained by screen washing matrix and consist solely of small specimens. Just north-northwest locality LACM 7366 but still south of Atlanta Avenue, there are a series of vertebrate fossil localities, LACM 7422-7425, that produced fossil specimens of mammoth (*Mammuthus*), bison (*Bison*), and horse (*Equus*) from these deposits.

No paleontological resources were identified during the pedestrian survey of the site.

Human Remains

A Sacred Lands File search for the site requested by PCR from the Native American Heritage Commission (NAHC) in Sacramento failed to indicate the presence of sacred lands or other Native American cultural resources in the immediate project area. The NAHC results noted, however, that the "absence of specific site information in the Sacred Lands File does not indicate the absence of cultural resources in any project area." Results of the cultural resource records search through the CHRIS-SCCIC also did not indicate any known human burials within the site, or within a one-half mile radius of the site. However, one Native American skeleton was encountered during excavations at the Newland House in 1981 approximately two miles north of the site. In addition, several hundred individuals were identified near the Bolsa Chica Ecological Reserve approximately five miles northwest of the site.

Analysis as to whether or not Project activities would:

a. Cause a substantial adverse change in significance of a historical resource as defined in State CEQA §15064.5?

Impact Analysis: As discussed in the environmental setting section above, the project site does not contain any historic resources. Thus, Project implementation would result in no impacts to historic resources. Further analysis of this issue in the EIR is not necessary.

Conclusion:
☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

b. Cause a substantial adverse change in significance of an archaeological resource pursuant to State CEQA §15064.5?

Impact Analysis: The site is located within an urbanized area and has been subject to significant disturbance due to waste disposal operations over many years. Any surficial archaeological resources that may have existed within the site are likely to have been displaced. As a result, the overall sensitivity of the site with respect to buried archaeological resources appears to be low. This conclusion was affirmed in a previous field investigation conducted on the site in 2000 and a survey conducted in 2009 for the IRM, both of which did not reveal the presence of any archaeological resources or features that suggest archaeological resources may exist below the site. Furthermore, the records search conducted for the site did not reveal any findings that support the presence of archaeological resources on the site.

Despite the low potential for archaeological resources to occur on site due to past landfill operations, should native soils be encountered during Project implementation there is still a possibility that

previously unknown archaeological resources could be discovered, particularly as the favorable natural conditions (i.e., proximity to Pacific Ocean) would have attracted prehistoric and historic inhabitants to the project area. Thus, this analysis has conservatively prescribed Mitigation Measures CULT-1 to CULT-3 should native soils be encountered by the Project. Furthermore, PCR communicated with three different Native American organizations in regards to the Project. Specifically, Ms. Joyce Perry, of the Juaneño Band of Mission Indians/Acjachemen Nation recommended that an archaeological monitor be present during all impacts to native soils and requests that her tribe be contacted if any cultural artifacts are encountered. The prescribed mitigation measures are consistent with the Native American correspondence received on the Project. With implementation of the prescribed mitigation measures, potentially significant impacts to unknown archaeological resources would be less than significant. Further analysis of this issue in the EIR is not necessary. Mitigation Measures CULT-1 to CULT-3 will be included in the Mitigation Monitoring and Reporting Program (MMRP) to be prepared for the Project.

Mitigation Measures

CULT-1 The Responsible Parties (RPs) shall retain a qualified archaeologist approved by the DTSC prior to the development of the site to monitor all ground-disturbing activities and excavation into native soils. These areas would most likely be isolated to the northern and eastern perimeter of the Site along Hamilton Avenue and Magnolia Street.

CULT-2 If archaeological resources are encountered during Project implementation, ground-disturbing activities shall temporarily be redirected from the vicinity of the find. The archaeologist shall be allowed to temporarily divert or redirect grading or excavation activities in the vicinity in order to make an evaluation of the find and determine appropriate treatment. Treatment may include implementation of archaeological data recovery excavations to remove the resource or preservation in place. All cultural resources recovered shall be documented on California Department of Parks and Recreation-site Forms to be filed with the California Historical Resources Information System South Central Coastal Information Center (CHRIS-SCCIC). The RPs, in consultation with DTSC and the archaeologist, shall designate repositories in the event that resources are recovered.

CULT-3 At the conclusion of the excavation activities that could extend into native soils, the archaeologist shall prepare a final report about the find to be filed with the RPs, DTSC, and the CHRIS-SCCIC, as required by the California Office of Historic Preservation. The report shall include documentation and interpretation of resources recovered. Interpretation shall include full evaluation of the eligibility with respect to the California Register of Historical Resources and the National Register of Historic Places.

Conclusion:

☐ Potentially Significant Impact
☒ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Impact Analysis: As discussed in the baseline environmental conditions section above, the site does not contain any known paleontological resources. Surface grading or very shallow excavations in the younger Quaternary Alluvium associated with the Project are unlikely to uncover significant vertebrate fossil remains. However, should deeper excavations extend down into the older Quaternary deposits there would be a very good chance of encountering significant vertebrate fossils specimens. This could result in a potentially significant impact. Thus, Mitigation Measures CULT-4 to CULT-6 have conservatively been prescribed for the Project. With implementation of the prescribed mitigation measures, potentially significant impacts to unknown paleontological resources would be less than significant. Further analysis of this issue in the EIR is not necessary. Mitigation Measures CULT-4 to CULT-6 will be included in the MMRP to be prepared for the Project.

Mitigation Measures

CULT-4 The RPs shall retain a qualified paleontologist approved by the DTSC prior to the development of the site to monitor all ground-disturbing activities and excavation into the older Quaternary Alluvium deposits. These areas would most likely be isolated to the northern and eastern perimeter of the site along Hamilton Avenue and Magnolia Street. Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains.

CULT-5 If a potential fossil is found, the paleontological monitor shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation and, if necessary, salvage. At the paleontologist's discretion and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing. Any fossils encountered and recovered shall be prepared to the point of identification and catalogued before they are donated to their final repository. Any fossils collected shall be donated to a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County (NHMLAC). Accompanying notes, maps, and photographs shall also be filed at the repository.

CULT-6 The paleontologist shall prepare a report summarizing the results of the monitoring and salvaging efforts, the methodology used in these efforts, as well as a description of the fossils collected and their significance. The report shall be submitted by the RPs to the DTSC, the NHMLAC, and other appropriate or concerned agencies to signify the satisfactory completion of the project and required mitigation measures.

Conclusion:

☐ Potentially Significant Impact
☒ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

d. Disturb any human remains, including those interred outside of formal cemeteries?

Impact Analysis: As discussed above, the site has been heavily disturbed and it is unlikely that implementation of the Project would impact buried or previously unknown human burials. Any resources that may have existed prior to the disturbances are likely to have been displaced. As a result, the overall sensitivity of the site with respect to buried resources appears to be low. Furthermore, the records search and field survey conducted for the site did not reveal any findings that would support the presence of human remains on the site.

Nonetheless, if human remains are unearthed during the proposed remediation activities, the DTSC would implement the process specified by the California State Health and Safety Code Section 7050.5. This section requires that no further disturbance occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined to be of Native American descent, the coroner shall notify the NAHC. The NAHC would then identify the person(s) thought to be the Most Likely Descendent of the deceased Native American, who would then help determine what course of action shall be taken in dealing with the remains.

Compliance with the regulatory requirements cited in State Health and Safety Code would ensure that in the unlikely event that human remains are discovered, impacts to previously unknown human remains are reduced to a less than significant level. Further analysis of this issue in the EIR is not necessary.

Mitigation Measures

Refer to Mitigation Measures CULT-1 to CULT-3. No additional mitigation measures are necessary.

Conclusion:

☐ Potentially Significant Impact
☒ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

References Used:

1. Natural History Museum of Los Angeles County, Letter Correspondence from Samuel A. Mcleod, Ph.D, Vertebrate Paleontology, November 29, 2008.
2. PCR Services Corporation, Memorandum RE: Cultural Resources, from Kyle Garcia, Senior Archaeologist I, October 1, 2012.

6. GEOLOGY AND SOILS

Project activities likely to create an impact:

- Remediation activities associated with the excavation, removal, and disposal (including transportation activities to and from the site and use of heavy construction equipment on-

site) of waste materials, including but not limited to, tarry liquids, drilling muds, contaminated soils, green waste, and construction debris;

- Reconsolidation of waste materials from the outer edges of the site to the site interior;
- Construction of a protective cap over the site; and
- Final site grading, seeding and demobilization.

Description of Baseline Environmental Conditions

Based on interpretation of aerial photography, the wastes contained at the site were placed directly upon the native sediments, and soil was used for forming berms for the lagoons and pits. There is no evidence that the wastes were placed into excavated troughs, except possibly in the case of the pits. It is estimated that solid debris and waste materials combined range in thickness throughout the site from approximately five to 25 feet.

Beneath the waste materials, the project site at its natural grade is underlain by Holocene-age sediments that consist of two units: an upper unit approximately 70 feet thick that consists of clay and silt with interbedded sands and peat beds, and a lower unit approximately 100 feet thick that consists of sand and gravel. More specifically, the native soil is composed of an upper silty clay layer that ranges from two to 10 feet thick, and a lower water-bearing sand unit.[7] The upper silty clay layer was noted in most of the borings drilled throughout the site and, to some extent, may have served to retard waste migration into deeper zones. The silty clay layer is believed to be thinner (less than two feet) beneath the southern one-third of the site and thicker (greater than 10 feet) beneath the northern two-thirds of the site.

The site is also within the northwest-trending Newport-Inglewood Fault Zone. The Newport-Inglewood Fault is an active, right-lateral, northwest trending fault system extending approximately 44 miles between Newport Beach on the south and Beverly Hills on the north. The State of California defines an active fault as one which has demonstrated surface displacement (relative movement in any direction) within the past 11,000 years (during the Holocene Epoch) and which therefore possesses a relatively high potential for future surface rupture. The maximum credible earthquake (MCE) expected to occur on the Newport-Inglewood Fault has a moment magnitude of 6.9. The South Branch of the Newport-Inglewood Fault is believed to lie below the southern portion of the site, while the North Branch seems to lie at depth beneath the site's eastern boundary.[8] The South Branch of the Newport-Inglewood Fault, which traverses the site, is categorized by the City of Huntington Beach as Category C, requiring special studies including a subsurface investigation, for critical and important land uses. The North Branch Fault, which runs along the site's eastern border, is categorized by the City as Category B, requiring special studies including subsurface investigation for critical and important land uses and special evaluation of faults for all habitable structures. The Project does not propose construction of critical and important land uses or structures that would require special studies. Any subsequent

[7] *Radian Corporation, "Final Site Characterization Report, Ascon-site, Volume 1 Text and Plates, Prepared for Ascon Properties, Inc.," 1988.*

[8] *Leighton & Associates, Preliminary Geologic Evaluation of the State (Alquist-Priolo) Special Studies Zone Maps, related to the Newport-Inglewood Fault Zone, City of Huntington Beach, April 17, 1986.*

development at the Site would be subject to environmental review, including consideration of potential impacts of faulting in the area.

Active faults may be designated as Earthquake Fault Zones under the Alquist-Priolo Earthquake Fault Zoning Act, which includes standards regulating development adjacent to active faults. The site is not located within a designated Alquist-Priolo Earthquake Fault Zone. However, the site is located just over one-half mile southeast of a designated Alquist-Priolo Zone segment.[9]

Liquefaction is a form of earthquake-induced ground failure that occurs primarily in relatively shallow, loose, granular, water-saturated soils. Excess water pressure that builds up during repeated movement from seismic activity can result in the transformation of the soil to a fluid mass. The California Geological Survey designates areas of liquefaction throughout California. Specifically, areas where historic occurrence of liquefaction or local geological, geotechnical and groundwater conditions indicate a potential for permanent ground displacements have been identified. The entire site is designated as a liquefaction area.[10] Further, the City of Huntington Beach General Plan Coastal Element (Figure C-29) identifies the project site as being within a "Very High" liquefaction potential area.

Analysis as to whether or not Project activities would:

a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:

   i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

Impact Analysis: The site is not located within a designated Alquist-Priolo Earthquake Fault Zone. However, branches of the active Newport-Inglewood Fault Zone pass through the site and along its eastern border. The South Branch of the Newport-Inglewood Fault, which traverses the site, is categorized by the City of Huntington Beach as Category C, requiring special studies including a subsurface investigation, for critical and important land uses. The North Branch Fault, which runs along the site's eastern border, is categorized by the City as Category B, requiring special studies including subsurface investigation for critical and important land uses and special evaluation of faults for all habitable structures. While the Project does not propose construction of critical and important land uses or structures, the potential exists due to the site's proximity to the Newport-Inglewood Fault that persons (i.e., workers) could be exposed to substantial adverse effects due to earthquake fault rupture during implementation of the proposed remediation activities. Furthermore, the long-term stability of the protective cap has not been established at this time. Thus, it is recommended that potential impacts related to exposure of people to fault rupture on the site be further analyzed and documented in the EIR with mitigation measures incorporated, as necessary.

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[9] *State Geologist, State of California Earthquake Fault Zones Map, July 1986.*

[10] *California Geological Survey, State of California Seismic Hazard Zones, Newport Beach Quadrangle, Official Map Liquefaction Zone Released: April 17, 1997, Landslide Zone Released: April 15, 1998.*

Conclusion:
☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

ii. Strong seismic ground shaking?

Impact Analysis: While the Project does not propose construction of any buildings, it would include the development of a protective cap that could allow future land uses on the site. The long-term stability of the protective cap has not been established at this time. Furthermore, Project implementation could subject people (i.e., workers) to potential adverse effects due to ground shaking associated with an earthquake. Thus, it is recommended that potential impacts associated with exposure of people to ground shaking hazards be further analyzed and documented in the EIR with mitigation measures incorporated, as necessary.

Conclusion:
☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

iii. Seismic-related ground failure, including liquefaction?

Impact Analysis: The project site exhibits high to medium liquefaction potential in the northeast corner and very high liquefaction potential in the remainder of the site, which could expose people (i.e., workers) to potential substantial adverse effects during an earthquake. Furthermore, the long-term stability of the protective cap has not been established at this time. Thus, it is recommended that potential impacts associated with exposure of people to seismic-related ground failure, including liquefaction, be further analyzed and documented in the EIR with mitigation measures incorporated, as necessary.

Conclusion:
☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

iv. Landslides?

Impact Analysis: The project site exhibits highly elevated soil liquefaction potential, which in alluvial areas maintaining a surface slope of one-half to five percent or more, can potentially result in shallow landslides. Thus, it is recommended that the extent of potential impacts associated with exposure of people such as employees, to seismic-related ground failure including landslides, be further analyzed and documented in the EIR with mitigation measures incorporated, as necessary.

Conclusion:
☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

b. Result in substantial soil erosion or the loss of topsoil?

Impact Analysis: The highly disturbed site does not presently contain topsoil. Since the project site has been extensively disturbed as a result of landfill operations and waste disposal activities, any topsoil that may have existed on the site is likely covered by impacted materials, waste, and imported fill layers. Although some of these materials could eventually be transported off the site upon remediation, additional soil will be imported to the site and compacted to support the protective cap and during final site grading. As such, the Project would not result in substantial loss of topsoil.

The excavation, removal and disposal of on-site soils during the Project would be undertaken in accordance with pertinent sections of the City of Huntington Beach Municipal Code (Sections 17.05.310 through 17.05.330), which require necessary permits, plan checks, and inspections to reduce the effects of erosion. However, given the significant quantities of soil to be moved during the proposed remediation activities, it is recommended that the extent for soil erosion be further analyzed in the EIR, with mitigation measures incorporated, as necessary.

Conclusion:
☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

Impact Analysis: As discussed in the baseline environmental conditions section above, the site is subject to strong seismic groundshaking and liquefaction hazards. Groundwater levels in the vicinity of the project site occur at levels as high as 5 feet below street level, and there is the high potential for perched water conditions. There is also high to very high potential for seismic related liquefaction due to the shallow depth of groundwater. Based on these geologic considerations, the potential for on or off-site landslides, lateral spreading, subsidence, or collapse does exist. It is recommended that potential impacts associated with exposure of people such as workers, to ground failure hazards be further analyzed and documented in the EIR with mitigation measures incorporated, as necessary.

Conclusion:
☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

Impact Analysis: Beneath the waste materials on the site, some clay or fine sedimentary materials do exist; however, the majority of these materials are not expansive. The City of Huntington Beach General Plan Coastal Element (Figure C-34) does identify a small portion of the northeast corner of the project site as located in a "low" (7 percent or less) potential soil expansion area. However, the system of excavation and reconsolidation of soils and waste and blending of contaminated soils with a solidification reagent (such as Portland cement or similar), as required, would in effect remedy any adverse soils conditions including those attributable to the presence of expansive soils. Therefore, impacts related to the potential for the site to be located on expansive soils would be less than significant. Further analysis of this issue in the EIR is not necessary.

Conclusion:
☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☒ Less Than Significant Impact
☐ No Impact

e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

Impact Analysis: The site is located in an urbanized area that is served by existing sanitary sewer infrastructure. The Project would not involve the use of septic tanks or alternative wastewater disposal systems. Thus, no impact would occur in this regard. Further analysis of this issue in the EIR is not necessary.

Conclusion:
☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

f. Be located in an area containing naturally occurring asbestos (see also Section 3 Air Quality [f])?

Impact Analysis: The native material underlying the site consists of fine, unconsolidated sediments typical for its coastal plain, sedimentary depositional environment. The coastal plain of the site is not a metamorphic or igneous environment, so therefore could not contain natural metamorphic asbestos minerals. Therefore, the site is not located in an area containing naturally occurring asbestos and no impacts would occur in this regard. Further analysis of this issue in the EIR is not necessary.

Conclusion:
☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

References Used:

1. California Geological Survey, State of California Seismic Hazard Zones, Newport Beach Quadrangle Official Map, Liquefaction Zone Released: April 17, 1997, Landslide Zone Released: April 15, 1998.
2. City of Huntington Beach, City of Huntington Beach General Plan, Coastal Element, Figure C-29, Liquefaction Potential and Figure C-34, Expansive Soil Distribution Map, 2001 (as amended through Oct. 2011).
3. City of Huntington Beach, City of Huntington Beach General Plan, Environmental Hazards Element, May 1996.
4. Leighton & Associates, Preliminary Geologic Evaluation of the State (Alquist-Priolo) Special Studies Zone Maps, related to the Newport-Inglewood Fault Zone, City of Huntington Beach, April 17, 1986.
5. Project Navigator, Ltd., Revised Feasibility Study for the Ascon Landfill Site, September 20, 2007.
6. Radian Corporation, "Final Site Characterization Report, Ascon-site, Volume 1 Text and Plates, Prepared for Ascon Properties, Inc.," 1988.
7. State Geologist, State of California Earthquake Fault Zones Map, July 1986.

7. GREENHOUSE GAS EMISSIONS

Project activities likely to create an impact:

- Remediation activities associated with the excavation, removal, and disposal (including transportation activities to and from the site and use of heavy construction equipment on-site) of waste materials, including but not limited to, tarry liquids, drilling muds, contaminated soils, green waste, and construction debris;
- Reconsolidation of waste materials from the outer edges of the site to the site interior;
- Construction of a protective cap over the site; and
- Final site grading, seeding and demobilization.

Description of Baseline Environmental Conditions

Greenhouse gases (GHGs) are compounds in the Earth's atmosphere which play a critical role in determining temperature near the Earth's surface. These gases allow high-frequency shortwave solar radiation to enter the Earth's atmosphere but retain some of the low frequency infrared energy, which is radiated back from the Earth towards space, resulting in a warming of the atmosphere. Regulated GHGs include carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6). GHGs are commonly quantified in the equivalent mass of CO_2, denoted as CO_2e, which takes into account the global warming potential (GWP) of each individual GHG compound. Based on the 2009 GHG inventory data (the latest year for which data are available), prepared by the California Air Resources Board (CARB), California emitted

453 million metric tons (MMT) CO_2e ***including*** emissions resulting from imported electrical power in 2009 and 405 MMT CO_2e ***excluding*** emissions related to imported power.[11]

According to CARB, the potential impacts in California due to global climate change may include: loss in snow pack; sea level rise; more extreme heat days per year; more high ozone days; more large forest fires; more drought years; increased erosion of California's coastlines and sea water intrusion into the Sacramento and San Joaquin Deltas and associated levee systems; and increased pest infestation.[12]

In September 2006, the Global Warming Solutions Act of 2006, also known as AB 32, was signed into law. AB 32 requires that the state reduce its GHG emissions to 1990 levels by 2020. CARB established the 1990 target at 427 MMT CO_2e. Under AB 32, CARB has primary responsibility for promulgating regulations, programs, and enforcement mechanisms to achieve the GHG emissions reduction target.

The Project includes off-site disposal of the material removed from the site. Long-term disposal options being considered include landfills located outside of the Basin. Thus, potential impacts must be assessed for the increase in GHG emissions resulting from implementation of the Project, due primarily from transportation of material by truck, train, or other means.

Analysis as to whether or not Project activities would:

a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Impact Analysis: Implementation of the Project is anticipated to produce greenhouse gas (GHG) emissions in excess of numeric thresholds. This impact will be evaluated in the EIR. Relevant project features that reduce GHG emissions will also be discussed in the EIR.

Conclusion:
☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

b Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Impact Analysis: As indicated in Response No. 7.a, implementation of the Project is anticipated to produce GHG emissions that have the potential to exceed thresholds. Consistency with applicable plans, policies or regulations adopted for the purpose of reducing GHG emissions will be evaluated in the EIR.

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[11] *California Air Resources Board, "California Greenhouse Gas 2000-2009 Inventory by Scoping Plan Category - Summary," http://www.arb.ca.gov/cc/inventory/data/data.htm. 2012.*

[12] *California Environmental Protection Agency, Climate Action Team,* Climate Action Team Report to Governor Schwarzenegger and the Legislature*, (2006).*

Conclusion:

☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

References Used:

1. California Air Resources Board, Climate Change Scoping Plan, December 2008.
2. California Air Resources Board, http://www.arb.ca.gov/cc/inventory/data/data.htm, Accessed March 20, 2013.
3. California Environmental Protection Agency, Climate Action Team, Climate Action Team Report to Governor Schwarzenegger and the Legislature, 2006.

8. HAZARDS AND HAZARDOUS MATERIALS

Project activities likely to create an impact:

- Remediation activities associated with the excavation, removal, and disposal (including transportation activities to and from the site and use of heavy construction equipment on-site) of waste materials, including but not limited to, tarry liquids, drilling muds, contaminated soils, green waste, and construction debris;
- Reconsolidation of waste materials from the outer edges of the site to the site interior;
- Construction of a protective cap over the site; and
- Final site grading, seeding and demobilization.

Description of Baseline Environmental Conditions

As discussed in the Project Description section above, the project site operated as a waste disposal facility from approximately 1938 through 1984. In the early years of operation, much of the waste came from oil drilling operations and included drilling muds, wastewater brines, and other drilling wastes. Records show that from 1957 to 1971 chromic acid, sulfuric acid, aluminum slag, fuel oils, styrene, and other wastes were also disposed on the site. From 1971 to 1984, inert solid wastes such as abandoned vehicles, asphalt, concrete, metal, soil, and wood were disposed on the site. The site stopped receiving waste commercially in 1984. Wastes contained at the site were placed directly upon the native soil, and soil was used to form berms resulting in the lagoons and pits. As the waste accumulated, the berms were raised such that much of the site is now approximately 10 to 20 feet above the surrounding street level. The thickness of the site waste varies from a few feet to as much as 20 feet. Soil and construction debris, consisting of wood, brick, concrete, and asphalt, were placed over much of the waste material and can currently be seen throughout the site. It is estimated that the combined thickness of solid debris and waste materials throughout the site ranges from about 5 to 25 feet.

The total number of waste types disposed at the site is not known. However, past investigators have summarized the documented types of wastes possibly disposed at the site. The largest volume of wastes disposed at the site was drilling mud and oil field wastes. Other wastes that may have been disposed of at the site include:

- Chromic and sulfuric acids
- Aluminum slag
- Magnesium and potassium chloride
- Corrosive material (acid sludges)
- Mercaptans
- Styrene
- Styrene tars
- "Dion iso-styrene monomer (sic)" (Environ, 2000)
- Polyester resin fractions
- Phenolic wastes
- Synthetic rubber
- Fuel oil (unusable/out of specification)
- Oily wastes
- Construction and other debris (soil, concrete, asphalt, wood, metal, abandoned vehicles, etc.).

Analysis as to whether or not Project activities would:

a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Impact Analysis: Project implementation includes remediation activities associated with the excavation, removal, and disposal of hazardous or impacted materials, including but not limited to, tarry liquids, drilling muds, and contaminated and/or impacted soils. The Project has the potential to result in emissions that include toxic air contaminants, particulate matter and diesel exhaust particulates from on-site heavy-duty equipment and haul vehicles. It is recommended that the potential increase in toxic emissions during remedial activities be further analyzed and documented in an EIR with mitigation measures incorporated, as necessary.

Compliance with applicable Federal, State, and local codes and regulations for the handling and storage of hazardous substances would apply throughout the length of the Project. Compliance with these regulations would help to ensure the safety of the workers and protect the public from inadvertent exposure to hazardous materials. Project compliance with applicable regulations would reduce or limit the impact of the remediation activities with regard to the routine transport, use and disposal of the hazardous materials. However, the extent of this reduction and the resultant impact will require additional analysis in the EIR with mitigation measures recommended, as necessary.

Conclusion:
☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Impact Analysis: Project implementation has the potential to result in emissions that include toxic air contaminates, particulate matter and diesel exhaust particulates from on-site heavy-duty equipment and haul vehicles. It is anticipated that remediation of the site could result in exposure of construction workers, employees, or the public to potential contaminants. Therefore, it is recommended that the areas of contamination be adequately delineated to the satisfaction of the DTSC prior to remediation of the site. In addition, Project implementation would occur in the context of public information, which will be described in the EIR.

It is recommended that health based clean up and ambient exposure monitoring goals be prepared, subject to DTSC approval. These goals should be documented in the EIR with mitigation measures incorporated, as necessary, to protect human health to the extent feasible.

Conclusion:
☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Impact Analysis: Two schools are located within approximately one-quarter mile of the site. Edison High School, located northeast of the site across Magnolia Avenue, and William Kettler School (currently closed). John H. Eader Elementary School is located southeast of the site along Banning Avenue. A Health Risk Assessment will be conducted to evaluate the potential health risks posed to off-site sensitive receptors, including schools in the area. The results of the Health Risk Assessment will be documented in the EIR with mitigation measures incorporated, as necessary.

Conclusion:
☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?

Impact Analysis: The project site is listed on the California DTSC's Hazardous Waste and Substances sites (Cortese) List. The list is a planning document used by State agencies and developers to comply with the California Environmental Quality Act requirements in providing information about locations of hazardous materials release sites. Government Code 65962.5 requires the California Environmental Protection Agency to develop an updated Cortese List at least annually. As previously indicated, the site which is an inactive landfill contains known hazardous materials. Thus, it is recommended that the proposed remediation activities and any associated hazards to the public or the environment be further analyzed in an EIR with mitigation measures incorporated, as necessary.

Conclusion:

☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

e. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Impact Analysis: Access to the site and within the site, including access for emergencies, would be reviewed and subject to approval by the City of Huntington Beach Public Works Department and the City of Huntington Beach Fire Department prior to implementation of the Project. Magnolia Street is identified as a tsunami evacuation route by the City of Huntington Beach. In the event a tsunami warning is issued, all work on the project site would be stopped. Thus, no emergency evacuation routes would be impacted by haul trucks leaving the site during an emergency evacuation. Further, workers would be evacuated from the site in accordance with the site-specific Health and Safety Plan and standard City procedures, and Project-related vehicles that are off-site would divert from or evacuate the area as directed by emergency response personnel. Therefore, although Project implementation would bring vehicles, equipment and personnel to the City, it would not significantly impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. Thus, a less than significant impact would occur in this regard.

Conclusion:

☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☒ Less Than Significant Impact
☐ No Impact

References Used:

1. Department of Toxic Substances Control (DTSC) 2012. "Cortese List." Online address: http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm
2. Project Navigator, Ltd., Revised Feasibility Study for the Ascon Landfill Site, September 20, 2007.

9. HYDROLOGY AND WATER QUALITY

Project activities likely to create an impact:

- Remediation activities associated with the excavation, removal, and disposal (including transportation activities to and from the site and use of heavy construction equipment on-site) of waste materials, including but not limited to, tarry liquids, drilling muds, contaminated soils, green waste, and construction debris;
- Reconsolidation of waste materials from the outer edges of the site to the site interior;
- Construction of a protective cap over the site; and
- Final site grading, seeding and demobilization.

Description of Baseline Environmental Conditions

Water Quality

Remediation activities associated with the Project would be required to comply with federal, state and local regulations governing water quality standards and waste discharge requirements. Surface water quality is regulated through the Federal Clean Water Act which requires all communities to develop methods to comply with standards for protecting the quality of water discharged into streams, including storm water runoff and non-storm water runoff. The nationwide implementation of the Clean Water Act is the responsibility of the United States Environmental Protection Agency (USEPA), which has established the National Pollutant Discharge Elimination System (NPDES) as the primary implementation program. In response to the 1987 amendments to the Clean Water Act, the USEPA NPDES Program required NPDES permits for: 1) Municipal Separate Storm Sewer System (also referred to as MS4s or Municipal Permits) generally serving, or located in incorporated places with 100,000 or more people; 2) 11 specific categories of industrial activity (including landfills); and 3) construction activity that disturbs one acre of land or more. Section 402 (p) of the Clean Water Act mandates that the MS4 permits must: 1) effectively prohibit the discharges of non-storm water to the MS4; and 2) require controls to reduce pollutants in discharges from MS4 to the maximum extent practicable (MEP), including Best Management Practices (BMPs), control techniques, and system, design and engineering methods.

In California, the regulation, protection, and administration of water quality is carried out by the State Water Resources Control Board (SWRCB), as authorized by the Porter-Cologne Water Quality Control Act of 1969. The State is divided into nine regions due to regional issues related to water quality and quantity. Each Regional Water Quality Control Board (RWQCB) is required to adopt a Water Quality Control Plan or Basin Plan that recognizes and reflects the regional differences in existing water quality, the beneficial uses of the region's ground and surface water, and local water quality conditions and problems. The project site is located within the Santa Ana Region, which is addressed in the Water Quality Control Plan Santa Ana River Basin (8). This document designates the beneficial uses of water bodies, sets water quality objectives to protect those uses, addresses localized water quality problems, and lays out a plan for water quality protection. The site is in the Lower Santa Ana River basin, Orange sub-basin. The designated present or beneficial uses of the groundwater for the sub-basin are

Municipal and Domestic Supply (MUN); Agricultural Supply (AGR); Industrial Service Supply (IND); and Industrial Process Supply (PROC).[13]

Storm water discharges in the City are regulated under the fourth-term regional individual permit—Santa Ana Region Waste Discharge Requirements for the County of Orange, Orange County Flood Control District, and The Incorporated Cities of Orange County within the Santa Ana Region Areawide Urban Stormwater Runoff Orange County Order (No. R8-2009-0030, NPDES No. CAS618030) (Municipal NPDES Permit). In accordance with the municipal permit, co-permittees of this Municipal NPDES Permit are responsible for the management of storm drain systems within their jurisdictions and are required to implement management programs, monitoring programs, implementation plans and all BMPs outlined in the Drainage Area Master Plan (DAMP) within each respective jurisdiction, and take any other actions as may be necessary to meet the Maximum Extent Practicable (MEP) standard. Also, included in the requirements pertaining to new development and significant re-development projects is the preparation of a Water Quality Management Plan (WQMP) for post construction maintenance and monitoring that includes BMPs for source control, pollution prevention, and/or structural treatment BMPs. WQMP's are to be developed in accordance with the approved Model WQMP and incorporate Low Impact Development (LID) principles. LID combines hydrologically functional site design with pollution prevention methods to compensate for land development impact on hydrology and water quality. As part of the LID principals, the LID design goals include maintaining or replicating the pre-development hydrologic regime such that a project creates a functionally equivalent post-development hydrologic regime. The Project does not propose specific land use development; however, a WQMP to address post-remedial conditions would be implemented.

In order to obtain authorization for construction storm water discharges, projects that result in the disturbance of one acre of land or greater must comply with the State General NPDES Permit for Discharge Associated with Construction Activities. In accordance with RWQCB requirements, a Notice of Intent (NOI) to comply with the State General NPDES Permit for Discharge Associated with Construction Activities would be required for such projects. In addition, in accordance with these NPDES permit requirements, a Storm Water Pollution Prevention Plan (SWPPP) incorporating BMPs would be required. The general Construction NPDES Stormwater Permit requires that these BMPs be in place prior to commencement of construction (i.e., remediation activities) at a site.

Regarding the Ascon site, a Surface Water Management Plan was prepared and submitted to DTSC in January 2004 and has been implemented on-site.[14] The site applied for coverage under NPDES General Permit No. CAS000001 (General Permit) from the California State Water Resources Control Board (SWRCB) for discharge of storm water associated with industrial activities at the site in December 2005, for coverage after completion of the Emergency Action. A SWPPP was prepared in accordance with the General Industrial Permit, as well as per the 2005 Coastal Development Permit conditions from the City of Huntington Beach, and was implemented and maintained to identify activities and materials that may affect storm water discharge quality and to identify and implement minimum and site-specific BMPs to meet water quality standards in the General Permit.

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[13] *California Regional Water Quality Control Board Santa Ana Region, Water Quality Control Plan Santa Ana River Basin (Region 8), February 2008.*

[14] *Project Navigator, Ltd., Surface Water Management Plan, January 27, 2004.*

Groundwater and Groundwater Quality

Groundwater is present at shallow depths below ground surface (bgs) at the site's lower elevations. The groundwater elevations are near MSL as expected based on the site's proximity to the Pacific Ocean and adjacent Huntington Beach Flood Control Channel. Groundwater elevation has varied a few feet over time due to seasonal variations. Monitoring well data show that the highest groundwater elevations occur in the southwest corner of the property near the flood control channel at near 0 feet MSL, while lowest groundwater elevations occur in the northwest corner of the site at approximately five feet below MSL.

The site experiences shallow groundwater conditions, and therefore some of the deeper wastes at the site may be in direct contact with groundwater. Some organic compounds and metals have been detected in shallow groundwater beneath the site at concentrations higher than the California or Federal Maximum Contaminant Levels (MCLs). Based on the result of previous groundwater investigations, groundwater contamination has not extended horizontally and is contained within the site boundaries. Groundwater monitoring occurs on at least a semi-annual basis to ensure that contamination does not extend beyond the project site boundaries. Monitoring wells are located along all sides of the project site.

Hydrology and Drainage

The site is located in a low-lying coastal area with relatively flat topography that gently slopes in a south/southwest direction toward the Pacific Ocean. As a result of past waste disposal activities, the site's natural topography has been widely disturbed; topographic elevations across the site currently range from approximately five feet above MSL at the southeast corner to approximately 27 feet above MSL near the center of the site. The major surface waters in the area of the site are the Pacific Ocean located approximately one-half mile south, the Santa Ana River located one mile east, and the Huntington Beach Flood Control Channel, which borders the site at the southwest corner. The Huntington Beach Channel runs in a northwest to southeast direction and roughly parallels the coastline. The channel merges with the Talbert Flood Control Channel between Magnolia and Brookhurst Streets, and from this point the merged channels enter the Talbert Marsh Wetlands and then flow into the Pacific Ocean.

Generally, the site is topographically higher than the surrounding area. An earthen berm surrounds much of the site and prevents some surface water from flowing off-site. A toe drain is located at the foot of the berm along Hamilton Avenue to collect potential storm water runoff from the berm and any potential future seepage from the berm. Conversely, the height of the site in comparison to surrounding streets and land uses generally prevents any urban runoff associated with the surrounding uses from draining onto the site. However, it is acknowledged that the southeast corner of the site is a low spot, and during heavy rains water flows from Magnolia Street onto the site in this area.

On-site surface water flow is managed and controlled through implementation and maintenance of a Storm Water Pollution Prevention Plan (SWPPP) and installation of storm water best management practices (BMPs), including collection swales and storm water detention basins. The swales and detention basins collect storm water that falls onto the site that is not collected in the lagoons and reduces potential sediments in storm water runoff. Storm water that comes in contact with lagoon

materials is referred to as "contact water," and remains onsite and is allowed to evaporate from the lagoons. Currently, there is one drainage outlet from the site, which is within a detention basin located in the southeastern corner of the site. This drainage outlet conveys storm water (excludes contact water) from the site to Magnolia Street where runoff is ultimately conveyed to the storm drain system. Given that much of the site's storm water is contained within the site during even heavy rainfall periods, it is rare that runoff occurs from the site. Nonetheless, storm water runoff, if any, is sampled and tested per the existing Industrial NPDES permit, and results are reported to the State Water Resources Control Board (SWRCB). Site inspections are conducted during rain events and once per month during the wet season to verify that the project site's storm water BMPs are operating correctly and that repairs are made as necessary.

Flooding

The Federal Emergency Management Agency (FEMA) has identified locations in the City that may be susceptible to flooding. The site is located in Flood Zone X.[15] Flood Zone X is designated as those areas that are protected from the one percent (1%) chance of occurrence in any given year (100-year flood) by levee, dike, or other structures subject to possible failure or overtopping during larger floods, which in the case of the site, is the Huntington Beach Channel.

Analysis as to whether or not Project activities would:

a. Violate any water quality standards or waste discharge requirements?

Impact Analysis: Currently the site is able to contain on-site storm water during most heavy rainfall events within the existing lagoons, swales and detention basins, thereby limiting the need to convey storm water off-site. The quantity and composition of surface runoff and groundwater infiltration would be altered as a result of the proposed remediation activities.

Since the Project would involve the disturbance of more than one acre of land, it would be subject to the provisions of the State General NPDES Permit for Discharge Associated with Construction Activities. A Notice of Intent (NOI) would be submitted to the SWRCB for compliance with the General Construction NPDES permit prior to commencement of the proposed remediation activities. Under this permit, the Project would be required to eliminate or reduce non-storm water discharges and develop and implement a Construction SWPPP. The SWPPP must include BMPs that identify and effectively reduce sediment and other pollutants from discharging into the City and/or County-maintained storm drain system.

Upon completion of the Project, the existing drainage pattern of the site would be altered such that stormwater runoff would be discharged either to the Huntington Beach Channel or to adjoining streets, which would then be conveyed to municipal stormwater treatment facilities. The Huntington Beach Channel was designed with enough capacity to accommodate flows from the project area, including the site. The protective cap would include, at a minimum, from top to bottom, a vegetative cover soil layer, biotic layer, geomembrane liner, geotextile gas collection layer, and a foundation layer. A surface water

[15] *Federal Emergency Management Agency, FEMA Map ID No. 06059C0263J, December 3, 2009.*

collection system would also be included in the design. The design features of the protective cap and the surface water collection system would serve to reduce water quality impacts.

However, groundwater in the project area is known to occur at depths as high as approximately five feet below street grade. Given the shallow depths of groundwater and known contamination on the site, it is recommended that the extent of existing and potential impacts regarding surface and groundwater be further analyzed in the EIR. In addition, a groundwater contingency plan for the site will be further evaluated in the EIR.

Conclusion:
☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

b. Substantially deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned land uses for which permits have been granted)?

Impact Analysis: No groundwater extractions are proposed as part of the Project. The Project would not require the use of groundwater that would be expected to substantially deplete groundwater supplies or interfere with groundwater. Water that would be used at the site during the proposed remediation activities would be supplied by the City of Huntington Beach Water Department, which draws its water primarily from groundwater wells while the remainder is from imported sources.

Under existing conditions, almost all areas of the site are permeable and as such, the site does not substantially interfere with groundwater recharge. The protective cap would include, at a minimum, from top to bottom, a vegetative cover soil layer, biotic layer, geomembrane liner, geotextile gas collection layer, and a foundation layer. A surface water collection system would also be included in the design. The design features of the protective cap would not allow for groundwater recharge through the cap. Due to the size and scope of the Project, there may be potential for groundwater to be affected in a manner that would create a net deficit in aquifer volume and potentially lower the groundwater table, or degrade the quality of groundwater. Therefore, analysis of groundwater issues will be included in the EIR with mitigation measures provided if necessary.

Conclusion:
☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

Impact Analysis: Project implementation would alter the existing drainage pattern of the site such that storm water runoff would be discharged either to the Huntington Beach Channel or to adjoining streets and into municipal stormwater treatment facilities. The Project would include two storm water detention basins located in the southeast and northwest corners of the site (refer to Figure 5) that would control storm water runoff from the site to prevent substantial erosion or siltation from occurring off-site. In accordance with the General Industrial NPDES Permit requirements for WQMPs to incorporate LID design principals, the Project's WQMP would ensure that the Project's post-remedial condition maintains or replicates the pre-development hydrologic regime such that the Project creates a functionally equivalent post-remedial hydrologic regime. Thus, the capacity of the existing municipal storm drain system and the Huntington Beach Flood Control Channel would be sufficient to accommodate flows from the site. Also, the protective cap would be stabilized and would include a vegetative soil layer on the top layer that would prevent substantial erosion or siltation on-site. Furthermore, compliance with the General Construction NPDES permit requirements during Project implementation and all relevant storm water quality management programs of Federal, State, County, and City agencies would reduce impacts in this regard to the maximum extent feasible. With implementation of the Project design features and compliance with the applicable regulatory requirements, impacts would be less than significant. Further analysis of this issue in the EIR is not necessary.

Conclusion:

☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☒ Less Than Significant Impact
☐ No Impact

d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

Impact Analysis: Project implementation would alter the existing drainage pattern of the site such that storm water runoff would be discharged either to the Huntington Beach Channel or to adjoining streets and into municipal storm water treatment facilities. As discussed in Response No. 9.c, above, the capacity of the municipal storm drain system and the Huntington Beach Channel would be sufficient to accommodate flows from the site. In addition, the design of the proposed surface water system and associated flooding protection would conform to all applicable regulatory requirements described above. Therefore, the Project is not expected to substantially alter the flooding potential of the area, which is already classified as minimal by FEMA. Impacts related to flooding would be less than significant, and further analysis of this issue in the EIR is not necessary.

Conclusion:

☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☒ Less Than Significant Impact
☐ No Impact

e. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

Impact Analysis: Project implementation would alter the existing drainage pattern of the site such that storm water runoff would be discharged either to the Huntington Beach Channel or to adjoining streets and into municipal stormwater treatment facilities. As discussed in Response No. 9.c, above, the capacity of the municipal storm drain system and the Huntington Beach Channel would be sufficient to accommodate flows from the site. However, as discussed in Response No. 9.a, above, the extent of existing and potential impacts regarding surface and groundwater will be further analyzed in the EIR.

Conclusion:
☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

f. Otherwise substantially degrade water quality?

Impact Analysis: As discussed in Response No. 9.a, above, the Project does have the potential to result in impacts to surface and/or groundwater quality. Therefore, potential water quality impacts will be further evaluated in the EIR.

Conclusion:
☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

g. Place within a 100-year flood plain structures which would impede or redirect flood flows?

Impact Analysis: The site is not located within a 100-year flood plain, nor does it propose development of any permanent structures that would impede or redirect flood. Thus, no impact would occur with regard to flood flows. Further analysis of this issue in the EIR is not necessary.

Conclusion:
☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

h. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

Impact Analysis: The site is not located within a 100-year flood plain or within an inundation area associated with the failure of a levee or dam. Thus, no impact would occur with regard to flood flows. Further analysis of this issue in the EIR is not necessary.

Conclusion:

☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

i. Inundation by seiche, tsunami, or mudflow?

Impact Analysis: A seiche is an oscillation of a body of water in an enclosed or semi-enclosed basin, such as a reservoir, harbor, lake, or storage tank. A tsunami is a great sea wave, commonly referred to as a tidal wave, produced by a significant undersea disturbance such as tectonic displacement of the sea floor associated with large, shallow earthquakes or underwater landsliding. Mudflows result from the downslope movement of soil and/or rock under the influence of gravity. The site is located relatively distant to any enclosed body of water or basin, and therefore, the potential for inundation by seiche does not exist. The site is relatively near to the ocean, and therefore potential exists for a tsunami to impact the site. The City of Huntington Beach designates the site and surrounding areas as moderate tsunami run-up area,[16] and requires that specific measures be taken by developers to prevent or reduce damage from these hazards and the risks upon human safety. The Project consists of remediation of the site and does not propose development resulting in the long-term exposure of people to inundation by tsunami potential. With implementation of the applicable design standards, the cap would not be susceptible to significant tsunami inundation hazards. Also, as the Project does not propose steep excavations, the potential for exposure of persons to mudflow hazards is considered low. Overall, impacts related to inundation by seiche, tsunami, or mudflow would be less than significant. Further analysis of this issue in the EIR is not necessary.

Conclusion:

☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☒ Less Than Significant Impact
☐ No Impact

References Used:

1. California Regional Water Quality Control Board Santa Ana Region, Water Quality Control Plan Santa Ana River Basin (Region 8), February 2008.
2. City of Huntington Beach, City of Huntington Beach Geotechnical Inputs to the Seismic Safety Element, February 1974.
3. Federal Emergency Management Agency, FEMA Map ID No. 06059C0263J, December 3, 2009.
4. Project Navigator, Ltd., Revised Feasibility Study for the Ascon Landfill Site, September 20, 2007.
5. Project Navigator, Ltd., Surface Water Management Plan, January 27, 2004.

[16] *City of Huntington Beach, City of Huntington Beach Geotechnical Inputs to the Seismic Safety Element, February 1974.*

10. LAND USE AND PLANNING

Project activities likely to create an impact:

- Since the RAP does not propose specific development on the project site, any subsequent development will be subject to a deed covenant to protect the cap, which will require DTSC approval and a subsequent entitlement process, including environmental review as appropriate pursuant to CEQA.

Description of Baseline Environmental Conditions

Project Site and Surrounding Uses

The site is currently a landfill site, surrounded primarily by urban land uses including residential, recreational, public facilities, and industrial development as illustrated in Figure 2. The site is bounded by the following land uses: Edison Park and Community Center to the north across Hamilton Avenue; Edison High School near the northeast corner of Hamilton Avenue and Magnolia Street; single-family residential uses east of Magnolia Street; an oil storage tank area to the south; and light industrial uses and the Huntington Beach Flood Control Channel to the west. The site is enclosed by a chain-linked fence, but is accessible from four secured gates, all of which are located along Magnolia Street and Hamilton Avenue.

Land Use Plans, Policies, and Regulations

The site is within the City of Huntington Beach and therefore is subject to the City's land use plans, policies and regulations, including applicable sections of the City of Huntington Beach General Plan, the Magnolia Pacific Specific Plan, and the City of Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The City also maintains specific requirements regarding grading and construction that would apply to the Project. Furthermore, in addition to the DTSC, regional agencies including SCAG, the Metropolitan Transportation Authority (MTA), and SCAQMD, are also involved with planning and land use issues that potentially affect the Project and/or site.

The Land Use Element of the General Plan designates the site as Residential Medium (RM) and a specific plan overlay (RM-15-sp).[17] Typical permitted uses under the RM land use designation include single-family residential units, duplexes, town homes, and garden apartments. The current zoning for the site is designated in the Magnolia Pacific Specific Plan.[18] The Magnolia Pacific Specific Plan, adopted in 1992, specifically addresses future development of the 38-acre site upon completion of the remediation of the site. The Specific Plan designates the site as Medium Density Residential, allowing for development of the site with a mixture of single family detached homes and multi-family units. While the site has been designated for residential use in the City's General Plan, the Magnolia Pacific Specific Plan and the HBZSO, the long-term land use for the site may be restricted based on the final clean-up

[17] *City of Huntington Beach, City of Huntington Beach General Plan, Land Use Element, 1996, Figure LU-5, Land Use Plan, Amended August 2003.*

[18] *City of Huntington Beach, City of Huntington Beach Zoning Map DM14Z, Adopted March 7, 1960 and amended July 1984.*

levels dictated by DTSC and any deed restrictions accepted by the current land owners. That is, residential uses would only be permitted to the extent appropriate, taking into account the Site's condition following remediation.

The zoning designations for the land uses adjacent to the site are: CF-R-Community Facilities - Recreational District (Edison Community Park) to the north; CF-E-FP2 - Educational District (Edison High School) to the northeast; R1-CZ - Low Density Residential District to the east; R1-CZ - Low Density Residential District to the southeast; M2-0-CZ-FP2 - Industrial District to the south; M2-0-CZ-FP2 - Industrial District to the southwest; and M1-A-0-CZ-FP2 - Light Industrial District to the west.

Analysis as to whether or not Project activities would:

a. Physically divide an established community?

Impact Analysis: The Project proposes to implement a program to address contamination of an existing landfill site. No established communities exist on the project site. No impacts would occur with Project implementation. Further analysis of this issue in the EIR is not necessary.

Conclusion:
☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

b. Conflict with applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Impact Analysis: The Project proposes to implement a program to address contamination on the site and does not propose development of any subsequent land uses. Since the RAP does not propose specific development on the project site, any subsequent development will be subject to a deed covenant to protect the cap. Such a covenant would likely require DTSC approval, and any subsequent entitlement process would include environmental review as appropriate pursuant to CEQA. As the site is presently designated (i.e., zoned) for residential uses, there is the potential for conflict with plans and policies of the City of Huntington Beach such as the City of Huntington Beach General Plan, the Magnolia Pacific Specific Plan, or the HBZSO. Potential land use conflicts will be evaluated in the EIR.

Conclusion:
☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

c. Conflict with any applicable habitat conservation plan or natural community conservation plan?

Impact Analysis: There are no habitat conservation plans or natural community conservation plans that cover the project area. However, as discussed in Response No. 4.f, the site's biological resources will

be further evaluated within an EIR to determine the Project's consistency with California Coastal Act's ESHA requirements.

Conclusion:

☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

References Used:

1. City of Huntington Beach, City of Huntington Beach General Plan, Land Use Element, 1996, Figure LU-5, Land Use Plan, Amended August 2003.
2. City of Huntington Beach, City of Huntington Beach Zoning Map DM14Z, Adopted March 7, 1960 and amended July 1984.
3. City of Huntington Beach, Magnolia Pacific Specific Plan, 1992.

11. MINERAL RESOURCES

The Project does not include any activity that would create an impact on mineral resources.

Description of Baseline Environmental Conditions

With regard to oil and gas, the City of Huntington Beach lies over several oil producing areas, comprising the Talbert, Sunset Beach, and West Newport and Huntington Beach oil fields.[19] The site is located near the coastal area of the City, which is known for its oil and gas production. The City of Huntington Beach General Plan identifies the project site as a rotary mud dump within a Principal Oil Producing Area. Petroleum reserves exist beneath the surface and are the only mineral resources in the project area. South Coast Oil Corporation (SCOC), or its successor, maintains oil production operations on the project site along its western perimeter. The SCOC portion of the project site is separated by a fence and a berm from the remainder of the Ascon site, and vehicular access is obtained using Surveyor Circle. Oil production is currently not feasible onsite within the site's fence line due to the presence of the landfill and the existing Imminent and Substantial Endangerment Order.

Analysis as to whether or not Project activities would:

a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

Impact Analysis: As noted above, the only mineral resource on the project site is petroleum resources. The oil production facility at the western perimeter of the project site (SCOC property) would not be capped as part of the Project. It is possible that impacted soils or waste materials within the SCOC area may be excavated, as needed, and backfilled with suitable import materials, simultaneously with

[19] *Department of Conservation, Oil, Gas, and Geothermal Fields in California Map, 2001.*

the preferred alternative. However, access to petroleum resources from the SCOC property would continue similar to existing conditions. Further, the project does not propose any activities that would extract petroleum resources or preclude future extraction of petroleum reserves from beneath the site. Therefore, Project implementation would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. No impacts would occur with Project implementation. Further analysis of this issue in the EIR is not necessary.

Conclusion:

☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

Impact Analysis: The Land Use Element of the City of Huntington Beach General Plan designates the site as Residential Medium and a specific plan overlay (RM-15-sp). The Magnolia Pacific Specific Plan designates the site as Medium Density Residential uses. Neither the General Plan nor the Magnolia Pacific Specific Plan delineates the site as a locally important mineral recovery site. Therefore, the Project would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. No impact would occur in this regard. Further analysis of this issue in the EIR is not necessary.

Conclusion:

☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

References Used:

1. City of Huntington Beach, City of Huntington Beach General Plan, Land Use Element, 1996, Figure LU-5 Land Use Plan, Amended August 2003.
2. City of Huntington Beach, Magnolia Pacific Specific Plan, 1992.
3. City of Huntington Beach, City of Huntington Beach Zoning Map DM14Z, Adopted March 7, 1960 and amended July 1984.
4. Department of Conservation, Oil, Gas, and Geothermal Fields in California Map, 2001.

12. NOISE

Project activities likely to create an impact:

- Remediation activities associated with the excavation, removal, and disposal (including transportation activities to and from the site and use of heavy construction equipment on-

site) of waste materials, including but not limited to, tarry liquids, drilling muds, contaminated soils, green waste, and construction debris;

- Reconsolidation of waste materials from the outer edges of the site to the site interior;
- Construction of a protective cap over the site; and
- Final site grading, seeding and demobilization.

Description of Baseline Environmental Conditions

The noise environment in the project area is dominated by traffic noise from nearby roadways. The heaviest traveled roadways in the vicinity of the project area include Magnolia Street and Hamilton Avenue, which border the site to the east and north, respectively. Secondary noise in the area results from the AES Huntington Beach Generating Station, Edison High School, Fire Station No. 4, Edison Community Center, and residential noise sources (e.g., passenger vehicles, pets, and landscape maintenance operations). Ambient noise levels in the project vicinity are typical of noise levels experienced within urbanized areas throughout the City.

The City's policy regarding acceptable noise levels is codified in Chapter 8.40 (Noise Control) in the Huntington Beach Municipal Code. These noise levels do not apply to "pre-empted" noise sources, such as traffic, where noise standards are dictated by Federal, State, and Regional entities. The noise ordinance recognizes that a 24-hour community noise standard cannot be strictly applied to construction noise sources or, in this case, remediation activities. Section 8.40.090 (Special Provisions) of the Municipal Code states that noise sources associated with construction, repair, remodeling, or grading of any real property are exempt from the City mandated noise criteria provided a permit has been obtained from the City and said activities do not take place between the hours of 8:00 P.M. and 7:00 A.M. on weekdays and Saturday, or at any time on Sunday or a Federal holiday.

Analysis as to whether or not Project activities would:

a. Result in the exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Impact Analysis: Project implementation has the potential to generate high noise levels from the proposed remediation activities on the site, as well as from the haul trips and remediation worker trips to and from the site. These new noise sources, while limited in duration to the remediation program, added to existing sources of noise in the area, may further increase noise levels in an area developed with sensitive receptors. Nearby sensitive receptors include, but are not limited to, residences across Magnolia Street, Edison High School, Edison Community Center, William Kettler Elementary School (currently closed) and John Eader Elementary School. Given the close proximity of sensitive receptors to both the site and haul route(s), it is recommended that these issues be further analyzed in an EIR with mitigation measures incorporated, as necessary.

Conclusion:

☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

b. Result in the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Impact Analysis: Project implementation would generally require the use of conventional heavy-duty construction equipment, which could result in groundborne vibration. In addition, given the close proximity of sensitive receptors to the haul route(s) and the large volume of waste material that would be hauled off-site by heavy-duty trucks, it is recommended that this issue be further analyzed in the EIR with mitigation measures incorporated, as necessary.

Conclusion:
☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Impact Analysis: While Project implementation has the potential to generate high noise levels, these new noise sources would be limited in duration to the Project's remediation, and would therefore not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the Project. Thus, less than significant long-term noise impacts would occur. Further analysis of this issue in the EIR is not necessary.

Conclusion:
☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☒ Less Than Significant Impact
☐ No Impact

d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Impact Analysis: Project implementation would have an effect on the community noise environment in the proximity of the site. For the reasons described in Response No. 12.a. above, a potentially significant noise impact may occur. This issue will be analyzed and documented in the EIR with mitigation measures incorporated, as necessary.

Conclusion:
☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

References Used:

1. City of Huntington Beach Municipal Code, Chapter 8.40 (Noise Control).
2. Project Navigator, Ltd., Revised Feasibility Study for the Ascon Landfill Site, September 20, 2007.

13. POPULATION AND HOUSING

Project activities likely to create an impact:

No Project activities are proposed that would have a direct impact on population and housing. The Project would not entail construction of new housing or demolition of existing housing.

Description of Baseline Environmental Conditions

Currently, the site is vacant and does not contain any residential units.

Analysis as to whether or not Project activities would:

a. Induce substantial population growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Impact Analysis: The Project does not propose development of new homes or businesses that could potentially induce substantial population growth in the area, nor does it propose to extend roads or major infrastructure that could indirectly induce population growth. Furthermore, while new employment opportunities would be created by the Project, it is expected that the employees would be drawn from the existing labor force in the region and would not require the need to relocate or place a demand for housing in the area. Thus, no impacts on area population growth would occur with Project implementation.

In addition, it is acknowledged that the Project does not include any subsequent land uses. Any applications for subsequent development of the site would be subject to environmental review pursuant to the California Environmental Quality Act under the jurisdiction of the City of Huntington Beach, and not as part of this Project.

Conclusion:

☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

b. Displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere?

Impact Analysis: The site contains no existing residential uses or residents, and none are proposed as part of the Project. Furthermore, the Project would not displace existing housing or people elsewhere necessitating the construction of replacement housing. No impacts would occur and further analysis of this issue in the EIR is not necessary.

Conclusion:
☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

c. Displace substantial numbers of people necessitating the construction of replacement housing elsewhere?

Impact Analysis: See Response No. 13.b. above.

Conclusion:
☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

References Used:

1. Project Navigator, Ltd. Revised Feasibility Study for the Ascon Landfill Site, September 20, 2007.

14. PUBLIC SERVICES

Project activities likely to create an impact:

- Use of public roads to and from the site for the removal and disposal of waste materials.

Description of Baseline Environmental Conditions

Fire Protection

The site is located within the service boundaries of the Huntington Beach Fire Department (Fire Department) which maintains eight fire stations throughout the City. The site is located within three miles of the following City of Huntington Beach fire stations: Fire Station 4 – Magnolia (21441 Magnolia Street), 300 feet from site; Fire Station 5 – Lake (530 Lake Street), 2.5 miles from site; and Fire Station 3 – Bushard (19711 Bushard Street), 3 miles from site.[20]

Under existing conditions, the site is fenced off, gates are locked, and only authorized personnel are allowed to enter the site. In the event of an emergency on the site, the Fire Department has keys and would access the site via the gated main entrance at Magnolia Street and/or the alternate gated entrance at Hamilton Avenue. Key Fire Department personnel, including the Fire Chief and Fire Marshal, are familiar with the project site, and there are maps of the site near the facility entrances that

[20] *City of Huntington Beach, City of Huntington Beach General Plan, Public Facilities and Public Services Element, Figure PF-1, Public Facility Locations, 1996.*

the Fire Department could use to navigate the site in an emergency. There are also markers on the interior roads that would help guide emergency personnel and vehicles within the site. The Ascon landfill sponsors inform the Fire Department of all significant activities that occur on the site, as necessary.[21]

Police Protection

The site is located within the police protection service boundaries of the City of Huntington Beach Police Department (Police Department). The main station for the Police Department is located at 2000 Main Street, with four substations also serving the City. The Downtown Substation, located at 204 5th Street, approximately two miles northwest, is the closest substation to the site.[22] All Police Department resources are based out of the main station.

Under existing conditions, the site is fenced off, gates are locked, and only authorized personnel are allowed to enter the site. In the event of an emergency, the Police Department has keys and would access the site via the gated main entrance at Magnolia Street and/or the alternate gated entrance at Hamilton Avenue. As stated above, there are maps on the site to navigate the site in an emergency event and road markers to help guide emergency personnel and vehicles within the site. In addition, police helicopters with infrared sensors patrol the site from overhead.[23]

Schools

The public education needs of the project area are served by the Huntington Beach City School District (HBCSD). Edison High School is located northeast of the site, near the northeast corner of Hamilton Avenue and Magnolia Street. The elementary and middle schools nearest the project area are William E. Kettler Elementary School (currently closed), John H Eader Elementary School, Isaac L Sowers Middle School, and S.A. Moffett Elementary School, located approximately 0.3 mile, 0.3 mile, 1.4 miles, and 1.5 miles, respectively, from the site. Under existing or proposed conditions, there are no onsite uses that create a demand for school services.

Parks and Recreation

The City of Huntington Beach operates parks and recreation facilities in the Project vicinity. No park facilities exist on the project site. The nearest recreation facility to the site is the Edison Park and Community Center, which includes 40 acres and is located directly north of the site across Hamilton Avenue. It includes a community recreation center, barbecue fire rings, basketball and tennis courts, soccer practice fields, tot lots, open play and picnic areas, and softball fields. Under existing conditions, there are no uses on the site that create a demand for parks and recreation services.

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[21] *Per telephone correspondence with Project Navigator, Ltd., September 24, 2009.*

[22] *City of Huntington Beach, City of Huntington Beach General Plan, Public Facilities and Public Services Element, Figure PF-1, Public Facility Locations, 1996.*

[23] *Per telephone correspondence with Project Navigator, Ltd., September 24, 2009.*

Analysis as to whether or not Project activities would:

a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services including:

Fire protection?

Impact Analysis: Project implementation is not expected to substantially affect the existing services provided by the City of Huntington Beach Fire Department. The Project does not propose subsequent development that would result in population growth to the area, thereby resulting in increased demands on current fire protection services and facilities. Compliance with the Huntington Beach Fire Code would ensure that the Project would not require additional fire protection facilities or staff. Thus, impacts regarding fire protection services would be less than significant. Further analysis of this issue in the EIR is not necessary.

Conclusion:
☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☒ Less Than Significant Impact
☐ No Impact

Police protection?

Impact Analysis: Project implementation is not expected to substantially affect the existing services provided by the City of Huntington Beach Police Department. The Project does not propose subsequent development that would consequently induce population growth to the area, thereby resulting in increased demands on current police protection services and facilities. Any increase in calls for services as a result of the Project is not expected to generate a significant demand for police protection services. Thus, no new police protection facilities would be required as a result of implementing the proposed Project. In addition, the site will remain a landfill site upon completion of the proposed Project. Project implementation would not result in changes to the standard operating procedure(s) implemented by the Police Department when responding to calls at the project site. Therefore, impacts to police protection services would be less than significant. Further analysis of this issue in the EIR is not necessary.

Conclusion:
☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☒ Less Than Significant Impact
☐ No Impact

Schools?

Impact Analysis: Project implementation would not generate additional students that may affect existing school capacity. While subsequent development of the site with residential land uses could result in local population growth that might require additional school facilities and/or staff, the Project does not

propose or include any such development. Thus, no impacts to school services would occur with Project implementation. Further analysis of this issue in the EIR is not necessary.

Conclusion:
☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

Parks?

Impact Analysis: The Project does not include residential development and therefore, would not result in a direct demand for open space and recreational facilities. While subsequent development of the site with residential land uses could result in local population growth that might require additional park facilities, the Project does not propose any such development. Thus, no impacts to parks would occur with Project implementation. Further analysis of this issue in the EIR is not necessary.

Conclusion:
☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

Other governmental services (including roads)?

Impact Analysis: Other public facilities that would serve the Project include libraries, roads and transit, utility systems such as water and sewer infrastructure, as well as other general public facilities. The Project is non-residential in nature and most of the expected employees would be drawn from the existing labor force in the region. As such, the Project would not directly generate any other new demand for public facilities.

The City of Huntington Beach has established a designated truck route plan, which identifies specific City truck routes throughout the City. These routes were selected to direct heavy truck traffic onto arterial and collector roadways, thereby reducing truck traffic on local residential streets, protecting residential areas from direct exposure to truck traffic-related noise and air pollution, and preventing significant pavement damage to local roadways. Existing truck routes near the site include Magnolia Street from PCH to Garfield Avenue, Hamilton Avenue from Newland Street to Brookhurst Street, Brookhurst Street from PCH to the I-405 Freeway, Newland Street from PCH to Atlanta Avenue, and Adams Avenue from Lake Street to the Santa Ana River. While the Project would require haul trips to transport materials to and from the site, such trips would occur on an approved haul route by the City. The designated haul routes have been assigned maximum weight limits for individual haul trucks. The haul trucks to be utilized as part of the Project would not exceed the maximum weight limits thereby minimizing the potential impacts to roads and transit. Based on the above, less than significant impacts to other public facilities would occur with Project implementation. Further analysis of this issue in the EIR is not necessary.

Conclusion:

☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☒ Less Than Significant Impact
☐ No Impact

References Used:

1. City of Huntington Beach, City of Huntington Beach General Plan, Circulation Element, Figure CE-7, Truck Routes, 1996.
2. City of Huntington Beach, City of Huntington Beach General Plan, Public Facilities and Public Services Element, Figure PF-1, Public Facility Locations, 1996.
3. City of Huntington Beach official website, Parks. http://www.ci.huntington-beach.ca.us/Residents/parks_facilities/parks/. Accessed March 20, 2013.

15. RECREATION

Project activities likely to create an impact:

No Project implementation activities are likely to result in an impact related to Recreation. Project implementation would not increase use of existing recreational facilities or create a need for additional recreational facilities for the community. Potential impacts to members of the public using the park during Project activities will be assessed in the Hazards and Hazardous Materials section of the EIR.

Description of Baseline Environmental Conditions

The City of Huntington Beach operates parks and recreation facilities in the Project vicinity. No park facilities exist on the project site. The nearest recreation facility to the site is the Edison Park and Community Center, which includes 40 acres and is located directly north of the site across Hamilton Avenue. It includes a community recreation center, barbecue fire rings, basketball and tennis courts, soccer practice fields, tot lots, open play and picnic areas, and softball fields.

Analysis as to whether or not Project activities would:

a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Impact Analysis: Physical impacts to recreation facilities are usually associated with population in-migration and growth. Project implementation would not induce population growth. Therefore, Project implementation would not increase the use of existing neighborhood and regional parks or other recreation facilities such that substantial physical deterioration of the facility would occur or be accelerated. No impacts would occur with Project implementation. Further analysis of this issue in the EIR is not necessary.

Conclusion:
☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Impact Analysis: The Project does not propose construction of recreational facilities and, as noted above, the Project is not expected to result in an increased demand for recreation that would require the construction or expansion of recreational facilities. No impacts would occur with Project implementation. Further analysis of this issue in the EIR is not necessary.

Conclusion:
☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

References Used:

1. City of Huntington Beach official website, Parks. http://www.ci.huntington-beach.ca.us/Residents/parks_facilities/parks/. Accessed March 20, 2013.

16. TRANSPORTATION/CIRCULATION

Project activities likely to create an impact:

- Haul trucks used to transport soil/waste to and from the site;
- Transport and use of heavy equipment to execute the project, including but not limited to tracked excavators, front-end loaders, bulldozer, water truck, on-site dump trucks, and end-dump trucks;
- Use of light-duty support vehicles such as pickup trucks during the Project; and
- Potential lane closures along Magnolia Street and/or Hamilton Avenue.

Description of Baseline Environmental Conditions

Regional access to the site is provided via the San Diego Freeway (I-405) approximately five miles to the north, Beach Boulevard (State Route 39) approximately two miles to the west, and Pacific Coast Highway (State Route 1) approximately 0.25 mile to the south. Local access to the site is provided via Hamilton Avenue and Magnolia Street.

Hamilton Avenue and Magnolia Street are designated as Primary Arterial Highways in the City of Huntington Beach General Plan Circulation Element (reference Figure CE-1, "Existing Network of

Arterial Streets and Highways"). Primary Arterial Highways are 4-lane, divided 84-foot wide roadways within 100-foot wide rights of way. As such, they are assumed to have carrying capacities of 30,000 average daily trips. Magnolia Street adjacent to the project site is a north/south bound undivided 4-lane roadway with a posted speed limit of 45 miles per hour. Hamilton Avenue adjacent to the Project site is an east/west bound 2-lane undivided roadway with a posted speed limit of 45 miles per hour.

The City of Huntington Beach has established a designated truck route plan, which identifies specific City truck routes throughout the City. These routes were selected to direct heavy truck traffic onto arterial and collector roadways, thereby reducing truck traffic on local residential streets, protecting residential areas from direct exposure to truck traffic-related noise and air pollution, and preventing significant pavement damage to local roadways. Existing truck routes near the site include Magnolia Street from Pacific Coast Highway to Garfield Avenue, Hamilton Avenue from Newland Street to Brookhurst Street, Brookhurst Street from Pacific Coast Highway to the I-405 Freeway, Newland Street from Pacific Coast Highway to Atlanta Avenue, and Adams Avenue from Lake Street to the Santa Ana River.[24] While the City does not specifically designate streets as hazardous waste haul routes, the Huntington Beach Police Department has stated that most hazardous waste transport occurs along the City's truck routes.

Analysis as to whether or not Project activities would:

a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

Impact Analysis: Project implementation would increase traffic on the existing street system as a result of truck trips associated with off-site removal and transport of impacted soils and waste materials. In accordance with the City's truck route plan, transport trucks associated with the Project would utilize designated truck routes in the City when transporting materials to the maximum extent feasible. Truck staging areas and specific haul routes would be identified to address removal of the materials. These haul routes may vary dependent upon several factors, including the locations of the entities to receive the materials that are removed from the site, weather, time of year, and types of transport materials. While the Project is expected to contribute to existing traffic on roadways for the duration of remediation activities, whether the Project would result in an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to ratio capacity on roads, or congestion at intersections) would be dependent upon how the trucks are assigned to the surrounding street system, time of day that trucks would travel, the frequency of trucks assigned to particular routes, as well as existing traffic at designated intersections. Therefore, this issue will be further evaluated in the EIR and mitigation measures shall be proposed as necessary.

[24] *City of Huntington Beach, City of Huntington Beach General Plan, Circulation Element, Figure CE-7, Existing Truck Routes, 1996.*

Conclusion:
☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

b. Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Impact Analysis: The Orange County Transportation Authority (OCTA) administers the Congestion Management Plan (CMP), a State-mandated program designed to address the impact urban congestion has on local communities and the region as a whole. The CMP provides an analytical basis for the transportation decisions contained in the State Transportation Improvement Project (STIP). The CMP guidelines require evaluation of all designated CMP roadway intersections where a project could add 50 or more trips during either peak hour; and all freeway segments where a project could add 150 or more trips in each direction during the peak hours. The increase in traffic resulting from the Project may result in significant impacts to the CMP network, particularly as export haul trucks may need to be evaluated in terms of passenger car equivalents. This issue shall be evaluated in further detail in the EIR and mitigation measures shall be proposed as necessary.

Conclusion:
☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

Impact Analysis: The nearest public use airport is John Wayne Airport which is located approximately 5.3 miles to the northeast of the project site. As such, the Project would not result in a change in air traffic patterns including increases in traffic levels or changes in location that would result in substantial safety risks. No impact would occur in this regard. Further analysis of this issue in the EIR is not necessary.

Conclusion:
☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

d. Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Impact Analysis: The haul routes proposed for the Project are planned to be the same as utilized during the IRM. As part of the IRM Traffic Study, city intersection dimensions were reviewed to ensure they

are adequate for the required truck turning radii for each of the routing options.[25] In all cases the street widths and turning radii are adequate for 5-axle trucks. Waste transport trucks are anticipated to enter the project site through the existing gate on Hamilton Avenue at the northwest corner of the project site (approximately 275 feet east of Surveyor Circle) and would exit through the southern gate on Magnolia Street, approximately ¼ mile south of Hamilton Avenue and 250 feet north of Bermuda Drive. However, it may be necessary to create an additional ingress/egress curb cut(s) along Hamilton Avenue. The existing project site entrance is 48 feet wide and able to accommodate a 40-foot turning radius of eastbound or westbound trucks turning into the project site from Hamilton Avenue. Ingress and egress driveways would be sufficiently wide to accommodate associated truck movements. This will be adequate for the expected number of trucks accessing the site. Traffic control staff would be present at the Hamilton Avenue and Magnolia Street to control truck traffic flow intermittently during heavy equipment and truck arrivals and departures. All traffic control activities would be conducted in accordance with City of Huntington Beach and CALTRANS Work Area Traffic Control Handbook (WATCH Manual) requirements.

The Project includes remediation activities to address on-site contamination and does not propose any subsequent development of the site. Therefore, the design and implementation of new roads or access ways is not contemplated as part of this Project. The Project would not result in a use that is incompatible with the existing roadways, in that upon completion of remediation activities, the site would remain in its current undeveloped state. Therefore, Project implementation would not substantially increase hazards due to a design feature or incompatible uses, and a less than significant impact would result. Further analysis of this issue in the EIR is not necessary.

Conclusion:
☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☒ Less Than Significant Impact
☐ No Impact

e. Result in inadequate emergency access?

Impact Analysis: Emergency access to the site would be provided from two entry points, one along Hamilton Avenue and one along Magnolia Street. During the majority of the remediation activities associated with the Project, Project implementation activities would be confined within the project site. However, during activities involving backfill and reconstruction of the perimeter berms, there is the potential for temporary lane closures along Magnolia Street and/or Hamilton Avenue, which could affect emergency access. Therefore, it is recommended that further analysis of emergency access be included in the EIR, with mitigation measures proposed, as necessary.

Conclusion:
☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☐ No Impact

[25] *Initial Study/Mitigated Negative Declaration for the Interim Removal Measures Project, prepared by PCR Services Corporation, October 2009.*

f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Impact Analysis: Orange County Transit Authority (OCTA) buses utilize Magnolia Street adjacent to the project site, including Bus Route 33 which extends along the east side of Magnolia Street. No truck traffic would affect OCTA buses along Magnolia Street during Project implementation. A Class II Bikeway (striped, on street lane) extends along the west side of Magnolia Street adjacent to the project site. During activities involving backfill and reconstruction of the perimeter berms, there is the potential for temporary lane closures along Magnolia Street and/or Hamilton Avenue, which could conflict with existing bikeways. Therefore, it is recommended that further analysis of conflicts with existing bikeway facilities be included in the EIR, with mitigation measures proposed, as necessary.

Conclusion:

☒ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less than Significant Impact
☐ No Impact

References Used:

1. City of Huntington Beach, City of Huntington Beach General Plan, Circulation Element, Figure CE-7, Existing Truck Routes, 1996.
2. City of Huntington Beach, City of Huntington Beach General Plan, Circulation Element, Figure CE-1, Existing Network of Arterial Streets and Highways, 1996.
3. Initial Study/Mitigated Negative Declaration for the Interim Removal Measures Project, prepared by PCR Services Corporation, October 2009.

17. UTILITIES

Project activities likely to create an impact:

- Remediation activities associated with the excavation, removal, and disposal (including transportation activities to and from the site and use of heavy construction equipment on-site) of waste materials, including but not limited to, tarry liquids, drilling muds, contaminated soils, green waste, and construction debris;
- Reconsolidation of waste materials from the outer edges of the site to the site interior;
- Construction of a protective cap over the site; and
- Final site grading, seeding and demobilization.

Description of Baseline Environmental Conditions

Water

Water service within the City of Huntington Beach is provided by a municipal water system that meets the majority of its water demand via groundwater wells located throughout the City. Water needed at the site, such as for dust suppression, will be supplied by onsite water supply connection and/or via connections to fire hydrants along Magnolia Street and/or Hamilton Avenue.

Wastewater

The City of Huntington Beach is located within the jurisdictional boundaries of the Orange County Sanitation District (OCSD). The project site currently does not generate wastewater; however, supporting sewer facilities that serve the project vicinity are located within the roadways directly surrounding the site, including a local connector line located in Hamilton Avenue and a County line located in Magnolia Street.

Storm Drains

The Orange County Flood Control District (OCFCD) maintains storm drain facilities that serve and border the project site, including the Huntington Beach Channel, which borders the site at the southwest corner and roughly parallels the coastline. The channel merges with the Talbert Flood Control Channel between Magnolia and Brookhurst Streets, southeast of the site, and from this point the merged channels enter the Talbert Marsh Wetlands and then flows into the Pacific Ocean.

On-site surface water flow is managed and controlled through implementation and maintenance of a SWPPP at the site and installation of storm water collection improvements, including collection swales and storm water detention basins. The swales and detention basins collect storm water that falls onto the site but is not collected in the lagoons. This collection mechanism reduces potential sediments in any storm water runoff. Storm water that comes in contact with lagoon materials, called “contact water” remains onsite and is allowed to evaporate from the lagoons. Currently, there is one engineered drainage outlet from the site, which is within a detention basin located in the southeastern corner of the site. This drainage outlet conveys storm water from the site to Magnolia Street where runoff is ultimately conveyed to the storm drain system. Given that most of the site’s storm water is contained within the site during even heavy rainfall periods, it is rare that runoff occurs from the site. Further, storm water runoff is sampled and tested per the Industrial SWPPP for the site and in accordance with the General Industrial NPDES permit with the SWRCB, and results are reported to the Santa Ana Regional Water Quality Control Board. Site inspections are conducted during rain events and once per month during the wet season to verify that the project site’s storm water BMPs are operating correctly and that repairs are made as necessary.

Solid Waste

Municipal solid waste (MSW), also called urban solid waste, is a waste type that includes predominantly household waste (domestic waste) sometimes with the addition of commercial wastes collected by a municipality within a given area. MSWs are either solid or semisolid and generally exclude industrial hazardous wastes. As the project site consists of an inactive landfill, no MSW is generated from the

site. The waste materials to be removed from the site are anticipated to be non-RCRA hazardous in nature and thus are distinguished from MSW. However, minor volumes of non-hazardous materials may be disposed of at McKittrick Landfill in Kern County or other appropriate landfills.

Analysis as to whether or not Project activities would:

a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Impact Analysis: Under existing conditions, no wastewater is generated from the site. Project implementation would not include the development of uses that would generate new wastewater flows. The Project does not propose a change in land use designation that allow greater average daily flows than could be produced following the current land use designation. Furthermore, it is acknowledged that the Project does not include development of any subsequent land use or improvements, any and all of which would be subject to environmental review, as appropriate, under the jurisdiction of the City of Huntington Beach. Thus, no impacts regarding wastewater would occur with Project implementation. Further analysis of this issue in the EIR is not necessary. Potential impacts regarding runoff during the proposed remediation activities are addressed in Section 9, *Hydrology and Water Quality*, above.

Conclusion:
☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Impact Analysis: Project implementation would not construct new buildings or land uses that would generate any increase in water demands or wastewater flow. Project implementation has no growth-inducing factors that would necessitate new or expanded facilities. Therefore, Project implementation would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. No impacts would occur with Project implementation. Further analysis of this issue in the EIR is not necessary.

Conclusion:
☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Impact Analysis: Project implementation would alter the existing drainage pattern of the site such that storm water runoff would be discharged either to the Huntington Beach Channel or to adjoining streets and into municipal storm water treatment facilities. The Project would include two stormwater detention

basins located in the southeast and northwest corners of the site (refer to Figure 5) which would control runoff from the site to prevent substantial erosion or siltation from occurring off-site. Construction activities associated with the on-site storm water facilities will be evaluated throughout the EIR, as appropriate. In accordance with the General Industrial NPDES Permit requirements for WQMPs to incorporate LID design principals, the Project's WQMP would ensure that the Project's post-development condition maintains or replicates the pre-development hydrologic regime such that the Project creates a functionally equivalent post-development hydrologic regime. Thus, the capacity of the existing municipal storm drain system and the Huntington Beach Channel would be sufficient to accommodate flows from the site. With implementation of the Project design features and compliance with the applicable regulatory requirements, construction of new off-site storm water drainage facilities or expansion of existing facilities would not be necessary as a result of Project implementation. Thus, impacts will be less than significant. Further analysis of this issue in the EIR is not necessary.

Conclusion:

☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☒ Less Than Significant Impact
☐ No Impact

d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Impact Analysis: The Project would result in a marginal increase in water demand over what currently is experienced at the site. The amount of water usage is expected to be nominal as it would be limited primarily to watering down the site for dust control and irrigation of vegetation, and it would be short-term, lasting only through the duration of the Project. It is expected that the City's municipal water sources can accommodate the Project's water requirement. Furthermore, the Project proposes no subsequent development that would generate a long-term effect to available water supplies provided by the City. As such, a less than significant impact would occur related to water supplies. Further analysis of this issue in the EIR is not necessary.

Conclusion:

☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☒ Less Than Significant Impact
☐ No Impact

e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Impact Analysis: The Project would not include the development of new buildings or land uses that would generate any increase in wastewater flow. Project implementation does not include provision of sewer services and would have negligible or no effect on existing systems. Therefore, Project implementation would result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments. Thus, no impacts would occur in this regard. Further analysis of this issue in the EIR is not necessary.

Conclusion:
☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Impact Analysis: As stated in the Baseline Environmental Conditions section above, the project site currently does not generate solid waste, which is distinguished from the hazardous waste and impacted soils to be hauled off-site as part of the Project. The Project would not construct new buildings or land uses that would generate an increase in MSW. The facility to which material would be transported from the project site is dependent on the types of wastes to be removed from the site. Proposed potential disposal destinations for impacted materials include: Waste Management Kettleman Hills Facility (Kettleman City, California), McKittrick Facility (McKittrick, California), Clean Harbors' Buttonwillow facility (Buttonwillow, California), US Ecology (Beatty, Nevada), Clean Harbors Environmental Services Aragonite and Grassy Mountain Facilities (Utah), ECDC (Utah), Waste Management of Northwest (Arlington, Oregon), La Paz County Landfill (Arizona), Copper Mountain Landfill (Arizona), and South Yuma County Landfill (Arizona). Proposed potential disposal locations for "green" waste and other non-impacted refuse include: Orange County's Frank R. Bowerman, Olinda Alpha, and Prima Deschecha landfills, Waste Management Azusa and El Sobrante landfills, Republic Sunshine Canyon landfill, and LASD Puente Hills landfill. Prior to initiating waste removal activities, the DTSC and the Project Sponsor would ensure that local, regional and/or interstate facilities designated for waste disposal or recycling have sufficient capacity for the materials that would be generated by Project implementation. Therefore, Project implementation impacts pertaining to being served by a landfill with sufficient permitted capacity to accommodate the Project solid waste disposal needs would be less than significant. Further analysis of this issue in the EIR is not necessary.

Conclusion:
☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☒ Less Than Significant Impact
☐ No Impact

g. Comply with federal, state, and local statutes and regulations related to solid waste?

Impact Analysis: As stated in the Baseline Environmental Conditions section above, the project site currently does not generate MSW, which is distinct from the hazardous waste and impacted soils to be hauled off-site as part of the Project. The Project would not construct new buildings or land uses that would generate an increase in municipal solid waste. As discussed in Response No. 17.f, above, the facility to which material would be transported from the project site is dependent on the types of wastes to be removed from the site. Any such materials would be examined and/or profiled before leaving the site to ensure they are suitable for disposal at the designated facility. Overall, the Project would not conflict with federal, state, and local statutes and regulations related to solid waste. No impacts would occur in this regard. Further analysis of this issue in the EIR is not necessary.

Conclusion:

☐ Potentially Significant Impact
☐ Less Than Significant Impact with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

References Used:

1. Initial Study/Mitigated Negative Declaration for the Interim Removal Measures Project, prepared by PCR Services Corporation, October 2009.
2. Project Navigator, Ltd., Revised Feasibility Study for the Ascon Landfill Site, September 20, 2007.

Mandatory Findings of Significance

Based on evidence provided in this Initial Study, DTSC makes the following findings:

a. The Project ☒ has ☐ does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

Explanation: As analyzed in this Initial Study, the project could result in environmental impacts that would have the potential to degrade the quality of the environment. As such, an EIR will be prepared to further analyze and document the project's potentially significant impacts.

b. The Project ☒ has ☐ does not have impacts that are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual Project are considerable when viewed in connection with the effects of past Projects, the effects of other current Projects, and the effects of probable future Projects.

Explanation: The Project is not growth inducing and would not itself result in an increase in area population, employment, or new infrastructure. The issues relevant to this Project are localized and primarily limited to the immediate vicinity of the site, with the exception of impacts regarding air quality, greenhouse gas emissions, noise, truck traffic and biological resources impacts to the southern tarplant. Cumulative impacts for these issues will be assessed in the EIR to be prepared for the Project.

c. The Project ☒ has ☐ does not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

Explanation: Based on the preceding responses, the Project could result in environmental effects that could result in substantial adverse impacts to human beings, either directly or indirectly, which requires further analysis within the EIR.

Determination of Appropriate Environmental Document:

Based on evidence provided in this Initial Study, DTSC makes the following determination:

☐ The proposed project COULD NOT HAVE a significant effect on the environment. A **Negative Declaration** will be prepared.

☐ The proposed project COULD HAVE a significant effect on the environment. However, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **Mitigated Negative Declaration** will be prepared.

☒ The proposed project MAY HAVE a significant effect on the environment. An **Environmental Impact Report** is required.

☐ The proposed project MAY HAVE a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **Environmental Impact Report** is required, but it must analyze only the effects that remain to be addressed.

☐ The proposed project COULD HAVE a significant effect on the environment. However, all potentially significant effects (a) have been analyzed adequately in an earlier Environmental Impact Report or Negative Declaration pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier Environmental Impact Report or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project. Therefore, nothing further is required.

CERTIFICATION:

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial study 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.

Preparer's Signature	3/19/13 Date

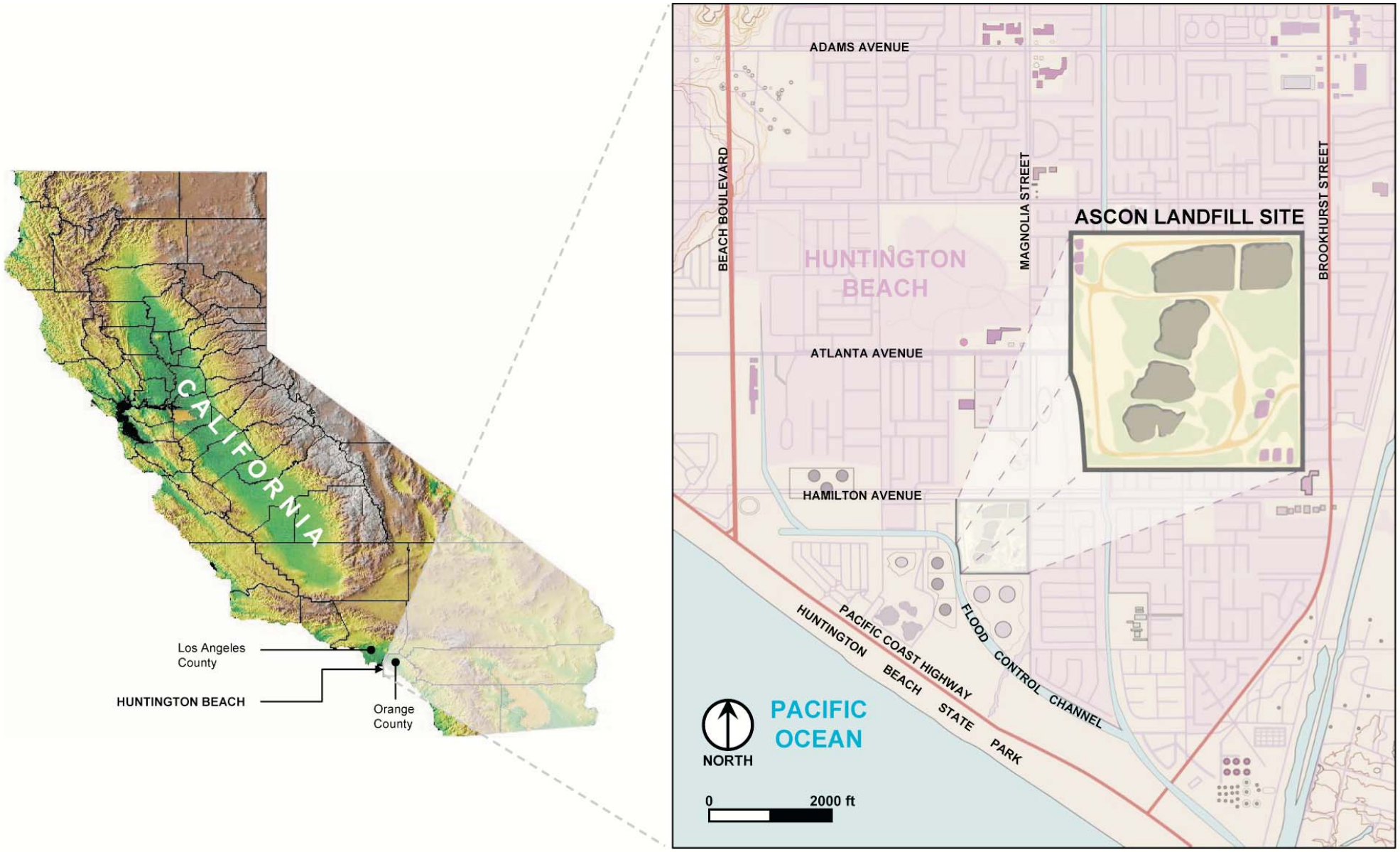
Safouh Sayed Preparer's Name	Hazardous Substances Engineer Preparer's Title	(714) 484-5478 Phone #

Branch or Unit Chief Signature	3/19/13 Date

Robert M. Senga Branch or Unit Chief Name	Unit Chief Branch or Unit Chief Title	(714) 484-5436 Phone #

LIST OF FIGURES

Figure



PCR

N

0 4000 Feet

Regional and Local Vicinity Map

Remedial Action Plan for Ascon Landfill Site

Source: Project Navigator, 2012.

FIGURE

1

PCR

Surrounding Land Uses

Remedial Action Plan for Ascon Landfill Site

Source: Project Navigator, 2013.

FIGURE
2

LEGEND

- Perimeter Fence
- Property Boundary
- Site Boundary

PCR

N

0 400 Feet

Site Ownership

Remedial Action Plan for Ascon Landfill Site

Source: Project Navigator, 2013.

FIGURE

3

LEGEND

- Internal Fences
- Site Gate
- Trailer
- Buried Pits

PCR

N

0 440 Feet

Site Features

Remedial Action Plan for Ascon Landfill Site

Source: Project Navigator, 2013.

FIGURE

4

NOTES:

1. STORM WATER DETENTION BASINS EXCAVATED INTO NATIVE SOIL. WASTE MATERIAL EXCAVATED AND RECONSOLIDATED UNDER FINAL COVER.
2. OIL LEASE PROPERTY WASTE MATERIAL, RELATED TO ASCON OPERATIONS, IF PRESENT, EXCAVATED AND RECONSOLIDATED UNDER FINAL COVER OR DISPOSED OFF-SITE AT APPROVED DISPOSAL FACILITY (DEPENDING ON TIMING OF CLOSURE CONSTRUCTION AND LEASE STATUS).
3. PERIMETER ROAD AND CITY OF HUNTINGTON BEACH PARCEL WASTE MATERIAL EXCAVATED TO A MAXIMUM DEPTH OF 6 FEET BELOW GROUND SURFACE AND RECONSOLIDATED UNDER FINAL COVER.

The cap configuration shown in this figure is conceptual. The final cap configuration will be subject to review and approval by DTSC.

PCR

N

0 300 Feet

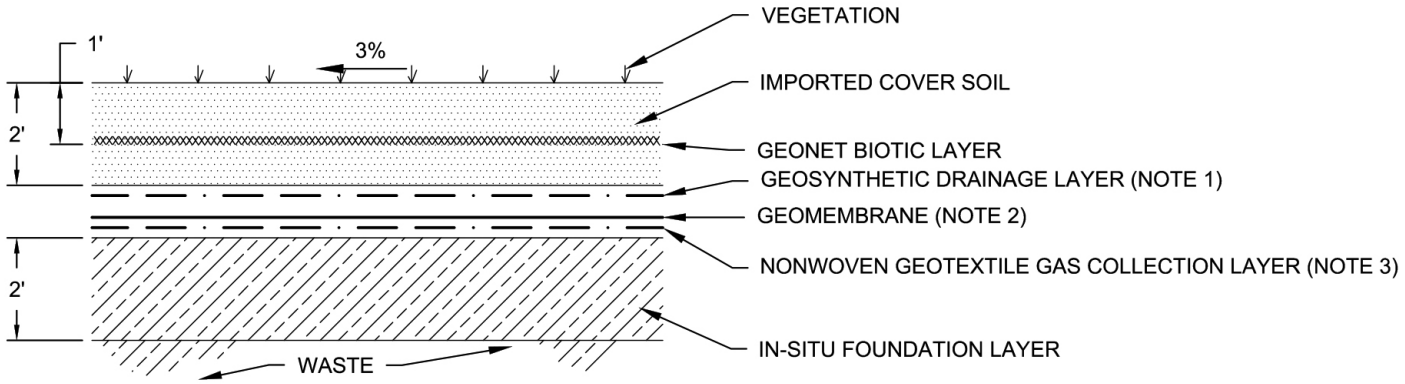
Conceptual Cap Configuration

Remedial Action Plan for Ascon Landfill Site

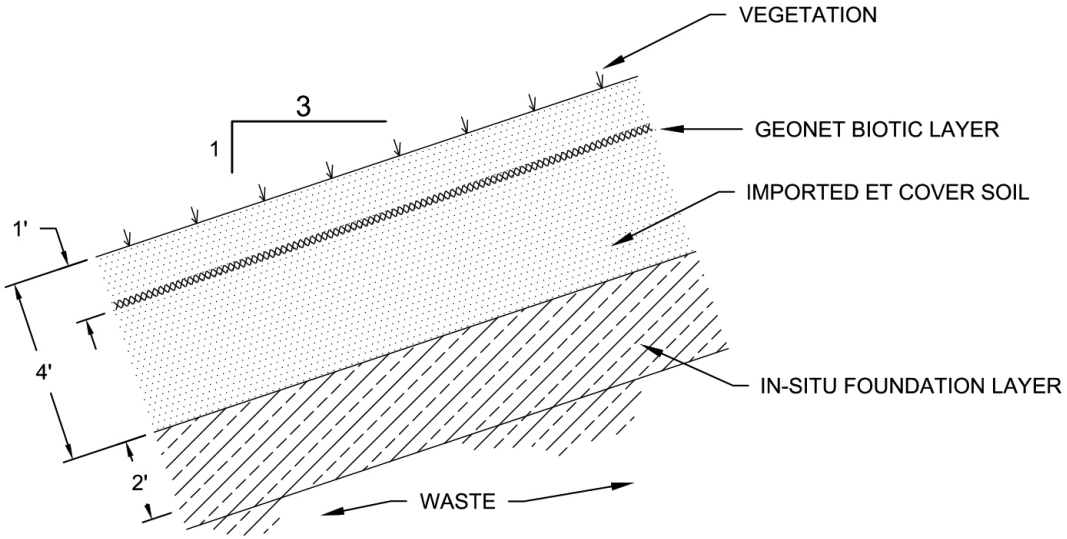
Source: Geosyntec Consultants, 2013.

FIGURE

5



PROFILE OF PROPOSED CAP FOR TOP DECK
(GEOMEMBRANE)



PROFILE OF PROPOSED CAP ON SIDE SLOPES
(EVAPOTRANSPIRATIVE)

NOTES:

1. DRAINAGE LAYER MATERIAL MAY BE NONWOVEN GEOTEXTILE OR GEOCOMPOSITE, AS DETERMINED DURING FINAL DESIGN.
2. GEOMEMBRANE TO BE COMPLIANT WITH USEPA "DESIGN AND CONSTRUCTION OF RCRA / CERCLA FINAL COVERS" (e.g. 40 mil LLDPE).
3. GAS COLLECTION LAYER TO BE UNDERLAIN BY GEOCOMPOSITE STRIP AND/OR PIPE NETWORK, TO COLLECT AND CONVEY GAS TO TREATMENT SYSTEM, AS DETERMINED DURING FINAL DESIGN.

The cap profiles shown in this figure are conceptual. The final cap profiles will be subject to review and approval by DTSC.

PCR

Conceptual Cap Profiles

Remedial Action Plan for Ascon Landfill Site

Source: Geosyntec Consultants, 2013.

FIGURE
6

APPENDIX A

Cultural Resources Data

STATE OF CALIFORNIA Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail: ds_nahc@pacbell.net

December 2, 2008

Mr. Matthew Gonzalez, Archaeological/Paleontological Technician
PCR SERVICES CORPORATION
233 Wilshire Boulevard, Suite 130
Santa Monica, CA 90401

Sent by FAX to: 310-451-5279
No. of Pages: 3

Re: Request for a Sacred Lands File records search and Native American Contacts list for the proposed **ASCON Landfill Project** located in Newport Beach; Orange County, California

Dear Mr. Gonzalez:

The Native American Heritage Commission (NAHC) was able to perform a record search of its Sacred Lands File (SLF) for the affected project area/area of potential effect (APE). The SLF failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the Sacred Lands File does not guarantee the absence of cultural resources in any project area.

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed are the names of culturally affiliated Native American Contacts that may have knowledge of cultural resources in the project area. A list of Native American contacts is attached to assist you. It is advisable to contact the persons listed; if they cannot supply you with specific information about the impact on cultural resources. A local tribe or Native American individual may be the only source of information about a cultural resource.

Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 15064.5(f) and Section 15097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery. Discussion of these should be included in your environmental documents, as appropriate.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,

Dave Singleton
Program Analyst

Attachment: Native American Contact List

Native American Contacts
Orange County
December 1, 2008

Ti'At Society
Cindi Alvitre
6515 E. Seaside Walk, #C Gabrielino
Long Beach , CA 90803
calvitre@yahoo.com
(714) 504-2468 Cell

Gabrielino/Tongva Council / Gabrielino Tongva Nation
Sam Dunlap, Tribal Secretary
761 Terminal Street; Bldg 1, 2nd floor Gabrielino Tongva
Los Angeles , CA 90021
office @tongvatribe.net
(213) 489-5001 - Office
(909) 262-9351 - cell
(213) 489-5002 Fax

Juaneno Band of Mission Indians Acjachemen Nation
David Belardes, Chairperson
31742 Via Belardes Juaneno
San Juan Capistrano , CA 92675
DavidBelardes@hotmail.com
(949) 493-0959
(949) 493-1601 Fax

Juaneno Band of Mission Indians Acjachemen Nation
Anthony Rivera, Chairman
31411-A La Matanza Street Juaneno
San Juan Capistrano , CA 92675-2674
arivera@juaneno.com
949-488-3484
949-488-3294 Fax

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
, Gabrielino Tongva
tattnlaw@gmail.com
310-570-6567

Juaneno Band of Mission Indians
Alfred Cruz, Cultural Resources Coordinator
P.O. Box 25628 Juaneno
Santa Ana , CA 92799
alfredgcruz@sbcglobal.net
714-998-0721
slfredgcruz@sbcglobal.net

Gabrieleno/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
PO Box 693 Gabrielino Tongva
San Gabriel , CA 91778
ChiefRBwife@aol.com
(626) 286-1632
(626) 286-1758 - Home
(626) 286-1262 Fax

Juaneno Band of Mission Indians
Adolph 'Bud' Sepulveda, Vice Chairperson
P.O. Box 25828 Juaneno
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bssepul@yahoo.net
714-838-3270
714-914-1812 - CELL
bsepul@yahoo.net

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed ASCON Landfill Project; located in the Newport Beach; Orange County, California for which a Sacred Lands File search and Native American Contacts list were requested.

Native American Contacts
Orange County
December 1, 2008

Sonia Johnston, Tribal Chairperson
Juaneño Band of Mission Indians
P.O. Box 25628 Juaneno
Santa Ana , CA 92799
sonia.johnston@sbcglobal.net
(714) 323-8312

Juaneno Band of Mission Indians
Anita Espinoza
1740 Concerto Drive Juaneno
Anaheim , CA 92807
(714) 779-8832

Juaneno Band of Mission Indians
Joe Ocampo, Chairperson
1108 E. 4th Street Juaneno
Santa Ana , CA 92701
joeaocampo@netzero.com
(714) 547-9676
(714) 623-0709-cell

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed ASCON Landfill Project; located in the Newport Beach; Orange County, California for which a Sacred Lands File search and Native American Contacts list were requested.

Natural History Museum of Los Angeles County
900 Exposition Boulevard • Los Angeles, CA 90007

Vertebrate Paleontology Section
Telephone: (213) 763-3325
FAX: (213) 746-7431
e-mail: smcleod@nhm.org

29 November 2008

Planning Consultants Research
233 Wilshire Boulevard, Suite 130
Santa Monica, CA 90401

Attn: Matthew Gonzalez, Archaeological / Paleontological Technician

re: Paleontological Records Search for the proposed Ascon Landfill Project, Orange County, project area

Dear Matthew:

I have conducted a thorough search of our Vertebrate Paleontology records for the proposed Ascon Landfill Project, Orange County, project area as outlined on the portion of the Newport Beach USGS topographic quadrangle map that you sent to me via e-mail on 25 November 2008. We do not have any vertebrate fossil localities that lie within the project boundaries, but we do have localities nearby from the same sedimentary units that occur in the proposed project area, although some occur only as subsurface deposits.

Surficial deposits in the entire proposed project area consist of unconsolidated younger Quaternary Alluvium. These deposits typically do not contain significant vertebrate fossils, at least in the uppermost layers, but they are usually underlain by older Quaternary deposit that frequently do contain significant vertebrate fossils.

Our closest fossil vertebrate locality is LACM 7366, west-northwest of the proposed project area north of the Pacific Coast Highway (Highway 1) between Lake Avenue and Beach Boulevard, that produced specimens of marine, freshwater, and especially terrestrial specimens including leopard shark, *Triakis*, three-spined stickleback, *Gasterosteus*, garter snake, *Thamnophis*, desert shrew, *Notiosorex*, and most prominently, pocket gopher, *Thomomys*. The specimens from this site were obtained by screen washing matrix and thus they consist solely of small specimens. Just north-northwest of locality LACM 7366 but still south of Atlanta Avenue, we have a series of vertebrate fossil localities, LACM 7422-7425, that produced fossil specimens of mammoth, *Mammuthus*, bison, *Bison*, and horse, *Equus*, from these deposits.

Surface grading or very shallow excavations in the younger Quaternary Alluvium

exposed in the proposed project area probably will not uncover significant vertebrate fossil remains. Deeper excavations that extend down into the older Quaternary deposits, however, have a very good chance of encountering significant fossil vertebrate specimens. Any substantial excavations in the proposed project area, therefore, should be monitored closely to quickly and professionally recover any fossil remains discovered while not impeding development. Additionally, because some of the nearby vertebrate fossil localities produced only small vertebrate remains that cannot be seen during normal excavation activities, it is recommended that sediment samples be collected and processed to determine the potential for small fossils in these deposits. Any fossils recovered during mitigation should be deposited in an accredited and permanent scientific institution for the benefit of current and future generations.

This records search covers only the vertebrate paleontology records of the Natural History Museum of Los Angeles County. It is not intended to be a thorough paleontological survey of the proposed project area covering other institutional records, a literature survey, or any potential on-site survey.

Sincerely,

Samuel A. McLeod

Samuel A. McLeod, Ph.D.
Vertebrate Paleontology

enclosure: draft invoice

Memorandum

TO: DTSC **DATE:** October 1, 2012
CC: Heidi Rous and Mike Harden
FROM: Kyle Garcia
RE: **CULTURAL RESOURCES - SUPPORT ANALYSIS FOR REMEDIAL ACTION PLAN FOR ASCON LANDFILL SITE**

The following summarizes the results and methodology of the records searches conducted for the above-referenced project site.

Historical Resources

A historical resource is defined in Section 15064.5(a)(3) of the CEQA Guidelines as any object, building, structure, site, area, place, record, or manuscript determined to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California. Historical resources are further defined as being associated with significant events, important persons, or distinctive characteristics of a type, period, or method of; representing the work of an important creative individual; or possessing high artistic values. Resources listed in or determined eligible for the California Register, included in a local register, or identified as significant in a historic resource survey are also considered historical resources under CEQA.

PCR conducted a records search through the California Historical Resources information System, South Central Coastal Information Center (CHRIS-SCCIC) at California State University, Fullerton on December 8, 2008. The historical resources investigation included archival records searches and literature reviews to determine: (i) if known historical resources sites have previously been recorded within the site or within a one-half mile radius of the site; (ii) if the site has been systematically surveyed by historians prior to the initiation of the study; and/or (iii) whether there is other information that would indicate whether or not the site is historically sensitive. The records search included a review of all previous historical resources investigations within the site and within a one-half mile radius of the site. In addition, the California Points of Historical Interest (CPHI), the California Historical Landmarks (CHL), the California Register of Historic Places (California Register), the National Register of Historic Places (National Register), and the California State Historic Resources Inventory (HRI) were reviewed.

Results of the records search conducted at the CHRIS-SCCIC indicated that three cultural resource studies have been previously conducted within the site. No historical resources were identified as part of these studies. In addition, no properties listed in the CPHI, CHL, the California Register, the National Register, or the HRI were identified within the site or within a half-mile. PCR conducted a pedestrian survey of the site on January 8, 2009, and identified a metal shack within the southwestern portion of the site. The shack houses

abandoned power equipment that may have serviced the site in the past. On the basis of its age and design, the structure is not considered to be a potential historical resource. No other potential historical resources were identified within the site during the pedestrian survey.

Archaeological Resources

An archaeological resource is defined in Section 15064.5(c) of the CEQA Guidelines as a site, area, or place determined to be historically significant as defined in Section 15064.5 (a) of the CEQA Guidelines (see definition of historical resource in Response a. above), or as a unique archaeological resource defined in Section 21083.2 of the Public Resources Code as an artifact, object, or site that contains information needed to answer important scientific research questions of public interest, or that has a special and particular quality such as being the oldest or best example of its type, or that is directly associated with a scientifically recognized important prehistoric or historic event or person.

As discussed above, results of the records search conducted at the CHRIS-SCCIC indicated that three cultural resource studies have been previously conducted within the site. One study (OR-2229) was conducted in 2000 by LSA Associates, Inc. (LSA) in the northwest corner of the site. The study included a cultural resource assessment for AT&T Wireless Services facility number C871.2. During the pedestrian survey of this assessment, LSA observed multiple shell fragments on the surface. LSA subsequently implemented a small-scale testing plan near the location of the shells. Specifically, one auger hole and four test pits were excavated to a depth of 85 centimeters (cm) and 60 cm, respectively, which yielded several complete shells and more shell fragments. LSA concluded that the shell observed was not the result of past human activity because there was no cultural material associated with the shell, there was a lack of midden soil, and because there is a nearby Pleistocene marine terrace with deposits in similar soil and shell species as found in the site. One prehistoric archaeological site (P-30-001531) was identified approximately one-quarter mile east of the site. P-30-001531 is recorded as a buried marine shell deposit (75 cm below the modern ground surface); however, PCR does not feel that this deposit was a result of human activity. This is because PCR is currently conducting archaeological and paleontological monitoring for a residential development located approximately one-quarter mile west of the site where the same soils and natural shell are being encountered at this depth. PCR has yet to encounter any archaeological material associated with the monitoring of this residential development. These findings are consistent with LSA's conclusion regarding the shell encountered within the site.

On January 8, 2009, PCR conducted a pedestrian survey of the site to identify any surficial archaeological resources. The site is heavily disturbed by the existing open pits and five impoundments that obstruct the native ground surface in 95 percent of the site. PCR

surveyed these heavily disturbed areas and the areas where the native ground surface was exposed and did not identify any archaeological resources.

Paleontological Resources

A paleontological resource records search commissioned through the Natural History Museum of Los Angeles County (LACM) indicated that no vertebrate fossil localities have been recorded within the site. The results did indicate that localities have been recorded nearby in the same sedimentary deposits that underlie the site. However, it is noted that the wastes contained at the site were placed directly upon the native soil, and on-site soil was used to form berms resulting in the lagoons and pits. As the material accumulated, the berms were raised such that much of the site is now approximately 10 to 20 feet above the surrounding street level. The materials above the natural grade include fill and waste materials.

Nonetheless, the surficial deposits of the site beneath the fill and waste materials consist of unconsolidated younger Quaternary Alluvium. These deposits typically do not contain significant vertebrate fossils in the uppermost layers; however, they are usually underlain by older Quaternary deposits that frequently do contain significant vertebrate fossils. The nearest vertebrate fossil locality in these types of deposits is LACM 7366, located west-northwest of the site north of the PCH between Lake Avenue and Beach Boulevard that produced specimens of marine, freshwater, and especially terrestrial specimens including leopard shark (Triakis), three-spined stickleback (Gasterosteus), garter snake (Thamnophis), desert shrew (Notiosorex), and most prominently, pocket gopher (Thomomys). These specimens were obtained by screen washing matrix and consist solely of small specimens. Just north-northwest locality LACM 7366 but still south of Atlanta Avenue, there are a series of vertebrate fossil localities, LACM 7422-7425, that produced fossil specimens of mammoth (Mammuthus), bison (Bison), and horse (Equus) from these deposits.

No paleontological resources were identified during the pedestrian survey of the site.

Human Remains

A Sacred Lands File search for the site requested by PCR from the Native American Heritage Commission (NAHC) in Sacramento failed to indicate the presence of sacred lands or other Native American cultural resources in the immediate Project area. The NAHC results also noted, however, that the "absence of specific site information in the Sacred Lands File does not indicate the absence of cultural resources in any project area." Results of the cultural resource records search through the CHRIS-SCCIC also did not indicate any known human burials within the site, or within a one-half mile radius of the site. However, one Native American skeleton was encountered during excavations at the Newland House in 1981

approximately two miles north of the site. In addition, several hundred individuals were identified near the Bolsa Chica Ecological Reserve approximately five miles northwest of the site.

NOP COMMENTS

Ascon Landfill Site
Notice of Preparation for Draft Environmental Impact Report
30-Day Public Comment Period and Public Scoping Meetings

1.0 Introduction

On April 4th, 2013, the Department of Toxic Substances Control (DTSC) public noticed the accepting of public comments on a Notice of Preparation (NOP) to solicit guidance from agencies and stakeholders for the scope and content of the environmental information to be included in the draft Environmental Impact Report (EIR). DTSC is the lead regulatory agency for the approval of a Remedial Action Plan for the Ascon Landfill site. Pursuant to the California Environmental Quality Act (CEQA), DTSC determined an EIR should be prepared in order to solicit public input, evaluate environmental impacts and analyze alternatives. The Ascon Landfill site is located at the southwest corner of Magnolia Street and Hamilton Avenue in Huntington Beach. The 30-day public comment period began April 4th, 2013, and ended May 1st, 2013.

DTSC hosted two public scoping meetings. The first of the two public scoping meetings (held for the local community) was held Wednesday, April 24th, 2013, at 6:00 pm, at Edison High School Multi Purpose Room, 21400 Magnolia Street, Huntington Beach, 92646. This first public scoping meeting was held in the local neighborhood and was specifically targeted for local community members. The second of two public scoping meetings was held Wednesday, May 1st, 2013, at 2:00 pm, at City of Huntington Beach, City Council Chambers, 2000 Main Street, Huntington Beach, 92648, and was specifically targeted for public agencies, including City officials.

Each public scoping meeting was intended to reach both the local community and public agencies, however both meetings were open to the general public and anyone was welcomed and allowed to attend either meeting.

Public comments are separated into the following Sections:

Section 2: Public Comments Received Via E-mail and U.S. Mail

Section 3: Public Comments Received At Public Scoping Meetings Held April 23, 2013, at Edison High School and May 1st, 2013, at City of Huntington Beach, City Council Chambers

2.0 Public Comments Received Via E-mail and U.S. Mail

Comment 1: Received from James Zisch, via e-mail: jzisch@jhz-cs.com

We are residents in close proximity to the ASCON Landfill site and are in review of the Initial Study document. Of special interest to us is the remediated status of the site and it's potential use subsequent to cleanup using the process currently under review.

It's noted that DTSC and it's current mission relates specifically to cleanup and mitigation of the contamination and does neither address nor concern itself with subsequent use at this juncture for the site. And, that all subsequent activity at the site will be addressed subsequent to the current effort. We purchased our home at 9021 Niguel Circle when it was presented that the site was, as it remains to be, zoned and planned to be a moderate density residential development; as mentioned in the current Initial Study. When we learned of the existence of the site, at property inspection during escrow, we immediately cancelled escrow and proceeded to investigate the current information that was available at that time. Once we satisfied ourselves that we had attained adequate information to determine the risks posed by the site we once again entered into escrow and consummated purchase of the property. Subsequent to our purchase the responsible parties entered into the consent order and the ongoing cleanup efforts have ensued.

We volunteered as interviewees during the initial months of enactment of the consent order. I personally inquired of the EPA representative during that interview whether or not any EPA remediated site previously contaminated to the extent of the ASCON landfill had ever been restored to a level meeting the requirements permitting permanent residential property development. The EPA representative affirmed to the negative that no site contaminated to the extent of the ASCON Landfill site had ever been restored to become habitable as permanent residence. With this in mind, would it be possible for EPA to provide us with a list of currently existing remediated sites that have a comparable solutions applied successfully and have successfully undergone development for subsequent land uses. In essence, we are interested to learn what potential impacts the ultimate solution a the ASCON Landfill site will present subsequent to within the United States and do not have to be confined to California. We are interested to better understanding what our new neighbor is going to be, or potentially be. We had what we believed to be full knowledge when we purchased 9021 Niguel Circle, however, now it is uncertain. The Initial Study is adequate for its intended purpose of preparation of the EIR, however, EPA has demonstrated with a track record that many aspects can take precedence to address the immediate while failing in the objective in the long-term.

With your assistance in providing a list of sites having undergone comparable cleanup process solutions and have been subsequently developed for other land use will allow us to see the current efforts with positive potential as opposed to what is currently a considerable degradation to the initial projections by EPA personally to us, as well as to the rest of the community. Thanks in advance. Respectfully, Jim Zisch.

Comment 2: Received from Jim Zisch, via e-mail jzisch@jhz-cs.com

Subject: Follow-up request for information pertaining to ASCON

Hello Stacey,

Not having heard back in reply to my previous e-mail from April 4, 2013, (embedded below), I thought I would follow-up and hopefully simplify the request.

Would it be possible for PEA to provide a list identifying comparable sites, with regard to the level of contamination of the ASCON site, that have successfully applied a comparable solution as it current under review for final cleanup of ASCON? The previous request was for list of sites having successfully implemented a comparable solution and had subsequent to cleanup successfully undergone further land use development. I would be happy to further investigate those sites to determine subsequent land use development from that list.

Thanks in advance for your assistance in addressing a successful and speedy remedy to the ASCON site cleanup.

Sincerely,
Jim Zisch

P.S. This is very important to us, as I hope you were able to determine from my previous email request for information, having addressed it to you as it is my understanding that it is in your capacity and responsibility for community participation in this effort. If I am mistaken, please direct me to the appropriate person at EPA to contact with this request for information. Again, thanks in advance.

James H. Zisch, III
9021 Niguel Circle
Huntington Beach, CA 92646 USA

jzisch@jhz-cs.com
http://www.jhz-cs.com/

Comment 3: Received from Arlene Coppola, 2180 El Dorado Street, Los Osos, CA 93402

Thank you for the info. I trust CEQA to do a good job re: Ascon cleanup plan. Please delete me from the Ascon Landfill site mailing list.

Comment 4: Received from Scott Cooper, DPM, 9372 Malahine Drive, Huntington Beach, CA 92646

We have lived near the Ascon disposal site 20 years and have been told for 18 years this area would be cleaned up. It is an eyesore and damage to my families health. Please expedite cleaning up of this site! We appreciate your help.

Comment 5: Received from Dave Singleton, Program Analyst, Native American Heritage Commission, 915 Capitol Mall, Room 364, Sacramento, CA 95814, (916) 653-6251, (916) 657-5390 fax

April 8, 2013

Savouh Sayed, Environmental Planner
California Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, CA 90630

RE: SCH# 2013041010 CEQA Notice of Preparation (NOP) draft Environmental Impact Report (DEIR) for the Remedial Action Plan for Ascon Landfill Site Project; located in the City of Huntington Beach; Orange County, California

Dear Safouh Sayed:

The Native American Heritage Commission (NAHC) has reviewed the CEQA Notice regarding the above referenced project. In the 1985 Appellate Court decision (170 Cal App 3rd 604), the court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources impacted by proposed projects, including archaeological places of religious significance to Native Americans, and to Native American burial sites.

The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resources, which includes archaeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

Contact the appropriate Information Center for a record search to determine: If a part or all of the area of project effect (APE) has been previously surveyed for cultural places(s), The NAHC recommends that known traditional cultural resources recorded on or adjacent to the APE be listed in the draft Environmental Impact Report.

If an additional archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey. We suggest that this be coordinated with the NAHC, if possible. The final report containing site forms, site significance,

and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure pursuant to California Government Code Section 6254.10. Contact has been made to the Native American Heritage Commission for: a Sacred Lands File Check. A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter to determine if the proposed activity might impinge on any cultural resources. Lack of surface evidence of archaeological resources does not preclude their subsurface existence.

Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archaeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities. Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans. Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Dave Singleton
Program Analyst
(916) 653-6251

Cc: State Clearinghouse

Attachment: Native American Contacts list
Ti'At Society/Inter-Tribal Council of Pimu
Cindi M. Alvitre, Chairwoman-Manisar
3094 Mace Avenue, Apt. B Gabrielino
Costa Mesa, CA 92626
Calvitre@yahoo.com
(714) 504-2468 Cell

Juanero Band of Mission Indians Acjachemen Nation
David Belardes, Chairperson
32161 Avenida Los Amigos Juaneno
San Juan Capistrano, CA 92675
chiefdavidbelardes@yahoo.com
(949) 493-4933 – home

(949) 293-8522

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin
Private Address – Gabrielino Tongva
tattnlaw@gmail.com
310-570-6567

Gabrieleno/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
PO Box 693 – Gabrielino Tongva
San Gabriel, CA 91778
GTTribalcouncil@aol.com
(626) 286-1632
(626) 286-1758 – Home
(626) 286-1262 –FAX

Gabrielino Tongva Nation
Sam Dunlap, Cultural Resources Director
P.O. Box 86908 Gabrielino Tongva
Los Angeles, CA 90086
samdunlap@earthlink.net
(909) 262-9351 – call

Juanero Band of Mission Indians Acjachemen Nation
Teresa Romero, Chairwoman
31411-A La Matanza Street Juanero
San Juan Capistrano, CA 92675-2674
(949) 488-3484
(949) 488-3294 – FAX
(530) 354-5876 – cell

Gabrielino Tongva Indians of California Tribal Council
Robert F. Dorame, Tribal Chair/Cultural Resources
P.O. Box 490 Gabrielino Tongva
Bellflower, CA 90707
gtongva@verizon.net
562-761-6417 – voice

Juanero Band of Mission Indians
Alfred Cruz, Cultural Resources Coordinator
P.O. Box 25628
Santa Ana, CA 92799
alfredgcruz@sbcglobal.net
714-998-0721
714-998-0721 – FAX

714-321-1944 – cell

United Coalition to Protect Panhe (UCPP)
Rebecca Robles
119 Avenida San Fernando Juanero
San Clemente, CA 92672
Rebrobles1@gmail.com
(949) 573-3138

Gabrielino-Tongva Tribe
Bernie Acuna, Co-Chairperson
P.O. Box 180 Gabirelino
Bonsall, CA 92003
(619) 294-6660-work
(310) 428-5690 – cell
(760) 636-0854 – FAX
Bacuna1@gabrienotribe.org

Juanero Band of Mission Indians Acjachemen Nation
Joyce Perry, Representing Tribal Chairperson
4955 Paseo Segovia Juaneno
Irvine, CA 92612
kaamalam@gmail.com
949-293-8522

Gabriellino-Tongva Tribe
Linda Candelaria, Co-Chairperson
P.O. Box 180 Gabrielino
Bonsall, CA 92003
Palmsprings9@yahoo.com
626-676-1184- cell
(760) 636-0854 – FAX

Gabrieleno Band of Mission Indians
Andrew Salas, Chairperson
P.O. Box 393 Gabrielino
Covina, CA 91723
(626) 926-4131
gabrielenoindians@yahoo.com

Gabrielino-Tongva Tribe
Conrad Acuna,
P.O. Box 180 Gabrielino
Bonsall, CA 92003
760-636-0854 – FAX

Comment 6: Received from Glenn Howland, via e-mail: glennhowland4@gmail.com

Safouh: Regarding information to be included in the EIR under CEQA. For the Remediation, exactly how many contaminated pits still need to be excavated?

Looking back at the first Remedial Action (2011) in comparison:

1. Will groundwater wells be monitored on and offsite during any excavation for contamination?
2. What about continuous emissions monitors to alert site personnel?
3. What residual contaminants (Benzene, Styrene, Mercaptane, Metals etc.) will most likely remain in the pits after remediation? Will the pits be filled in or concrete injected?
4. Where and how far will the excavated material be taken for treatment?

This question is not part of the above EIR. Do you know what Land-use Zonation this site is? Could it be modified possibly? I realize your not an HB City Employee.

Appreciate your time,

Glenn Howland

Comment 7: Received from Merle Moshiri, via e-mail: PARS11@gmail.com

I have lived in this area for 40 years. We had no idea when we moved into our home on Dorsett Dr. in the Park Place tract that we were moving into an area dominated by a toxic landfill. This awful place has cause our eyes to water, our noses to run, cancer in our neighbors, our furniture and cars to be coated in a black, greasy substance.

I am concerned about a subject that I don't feel has been adequately addressed. As you and your staff probably know, there are plans afoot in the City to build a proposed ocean desalination plant in proximity to the ASCON property. The pipeline they would need to use to export this water from the desal plant would run adjacent to the landfill up Hamilton Ave., across from Edison Park. You are aware there is already methane drift into Edison park and the closed school site, Kettler Elementary. The pipeline suggested would be approximately 48 to 54 inches in diameter. This would take some deep jacking directly in front of a berm that has already undergone an emergency repair.

Tell me what your plans are for investigating the construction plans for this pipeline. Have you taken soil samples along Hamilton Ave. to determine what lies beneath the pipeline construction area? And how deep?

What are your emergency plans in the event of toxic waste or dirt coming in contact with the workers, not to mention a spill that would be directly in the area of homes and businesses? Have you investigated the effect of vibrations on the "plume" that lies under the waste site?

Who is responsible, first alert, to guarantee the safety of the neighborhoods that border ASCON during this construction?

Thank you for your time and consideration.

Merle Moshiri.

Comment 8: Received from Norma Vander Molen, 9472 Mokihana Drive, Huntington Beach, CA 92646, via e-mail: miltnormavm@yahoo.com

Dear Mr. Sayed,

I have reviewed the alternatives for the Ascon Mud Dump and I am in fovor(sp) of alternative #6.

I live in Huntington Beach and have watched nothing happening over the past 48 years to clean up this blighted area. From time to time, minimal work has been done to try to improve the area. It is high time that action is taken to remove the contaminents (sp) and restore the area to it's previous pristine condition. Alternative #6 may well be the most expensive as far as money is concerned, but it is also the only way to restore the area. The other alternatives are simply "fixes" that do not address the whole problem. Waiting to implement Alternative 6 will simply increase the costs, so it is better to do it now.

When I served on the Huntington Beach City School District Board of Trustees for 9 years, from 1975-1984, this area was already one of concern as it related to the health of the nearby Eader school children and teachers as well as the Edison High School students and faculty. The truck traffic that ensued from attempts to "do something" negatively impacted the environment and road usage for residents while doing little to improve the dump. What has been tried simply has not worked.

The residents who live nearby have been exposed to various negative health and safety issues for decades. Serving on the Community Services Commission for the City of Huntington Beach for 17 years exposed me to the on-going health concerns as well as the blighted area that was often proposed to be used as a park. This was totally unacceptable due to the hazards of the area. The pollution of the soil and atmosphere does not allow for a public park. It also is not compatible with housing or any kind of use that involves people or animals.

The only way the Ascon Mud Dump can be productive is to remove all the contaminents (sp) and debris. It then could give the highest return monetarily by using the area for upscale housing. Implementing Alternative #6 is the only one that will allow full usage of the property as well as mitigate the health and safety concerns of the area while restoring the property to full use for the community and city. Delay in implementing Alternative #6 will result in higher costs to fix the problem as well as continuing the blight and health hazards. Alternative #6 is the only one that fully addresses the problem and provides for total restoration of the area.

Please feel free to contact me should you wish further input from me.

Yours truly,

Norma Vander Molen
9472 Mokihana Drive
Huntington Beach, CA 92626

Comment 9: Received from Fred Galluccio, MD, FAAFP, via e-mail: paxfred@earthlink.net

Hello

I am a home owner in the neighborhood next to the dump site. I have owned since 1986. When I bought I was NOT informed that it existed…it was not required at the time. I think it is unfortunate and terrible that it was allowed in the first place. I personally am thankful and hopeful that the site hopefully will be cleaned up finally (please do this). Though I am glad that the government is doing this, I feel that the corporations that did the damage to the environment should be held accountable.

If there is anything that I can do to assist in the process or if my input would be of any help pls advise. I was on the environmental board of HB for two terms but, I am an MD with an undergrad degree in biology…so I am not an expert, but do have some knowledge that might be helpful.

Sincerely,

Fred Galluccio, MD, FAAFP

Pray and work for peace and social justice,

Fred Galluccio

Comment 10: Received from John F. Scott, 22032 Capistrano Lane, Huntington Beach, CA 92646-8309, via e-mail: 4johnscott@gmail.com

April 22, 2013

Safouh Sayed, DTSC Project Manager
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, CA 90630

Dear Mr. Sayed:

After reviewing the alternatives that are being considered for the cleanup of the Ascon Landfill Site my recommendation is Alternative 6.

Poor planning and economic expediencies resulted in this site, a stone's throw from the beach, being condemned to store petroleum waste and other unwanted substances many of which were hazardous. Perhaps in an effort to diffuse public concern about the dangers to health that lurk behind those opaque fences, officials have labeled this site as The Ascon Landfill Site. This is a bit ironic considering the list of "hazardous waste" that the Department of **TOXIC** Substance Control (DTSC) has determined are present behind the posted warning signs. Court Action alleges violation of the several sections of the Health and Safety Code, the Business & Professions Code, the California Fish and Game Code by "knowingly and intentionally releasing or threatening to release chemicals known to the state of California to cause cancer or reproductive toxicity into water or onto or into land where such chemical passes or probably will pass into any source of drinking water." It is now just 1 year short of 90 years that this site, virtually on the ocean beach, was condemned to be a hazardous dump. It is time to change that. It is time to initiate Alternative 6.

A resident who lives across from Pit F, the pit where styrene was dumped, was quoted in an article that appeared in the *Register* on January 18, 2009 as follows, "There is an inordinate amount of diseases and cancer on my street. The guy across the street died of brain cancer. I was diagnosed with cancer and the lady across the street had cancer. The lady next door died of respiratory disease and my 63-year-old roommate died of autoimmune disease." On Adelia Circle there are 16 homes. In those homes there are 8 people who have had to face Parkinson's disease, respiratory problems, cancer or autoimmune disease.

Section 2.5.3 of Court documents used in the action against the responsible parties reads as follows, "SVOCs detected at the Site include polycyclic aromatic hydrocarbons such as benzo(a)pyrene and naphthalene, benzidine, polychlorinated biphenyls, phenol, and phthalates. Significant reisks from many of these chemicals may occur primarily by direct contact with soils, ingestion, and dermal exposure. Potential health effects include cancer, liver and kidney

damage, developmental and reproductive impairment, and effects on the immune system." Adelia Circle is across Magnolia about 100 feet from Pit F. We have been told that a study of cancer in the area shows a higher rate of cancer in this area of Huntington Beach when compared with other areas but that a causal relationship cannot be established. A "new" Revised Feasibility Study, not the Revised Feasibility Study used in the Court Action against the polluters, minimizes the dangers to the public, and is now the guiding light for cleanup purposes. Nonetheless, the potential for debilitating health effects for those living in proximity to this site cannot be denied. The facts of Adelia Circle cannot and should not be ignored.

The health of the residents of Southeast Huntington Beach must weigh heavily in cleanup considerations. Alternative 6 is the best alternative to do that.

Respectfully,

John F. Scott
22032 Capistrano Lane
Huntington Beach, CA 92646-8308

Comment 11: Received from Larry and Karil Hazard, via e-mail: Lhazard@aol.com

Dear Mr. Sayed,

My wife, children and I have lived in Huntington Beach for 30 years. To say that the Ascon Landfill Site has been a never-ending cancer on the neighborhood would be severely understating it. We have reviewed the various alternatives for site clean-up and respectfully **request using Alternative 6.**

Please help us end this nightmare. Thank you very much for your time and consideration.

Sincerely,

Larry and Karil Hazard

Comment 12: Received from Marinka Horak via e-mail: horackm@hotmail.com, to hb-talk@googlegroups.com on behalf of Mary Urashima:

Hi all,

I cannot comment or respond to any issues during DTSC's public comment period. I just want to remind you there is another public scoping meeting at 1

p.m., Wednesday, May 1, at Huntington Beach City Hall, in the city council chambers. The DTSC fact sheet with information can be viewed at http://www.ascon-hb.com/fact%20sheets/ascon-factsheet13-2013-04-04.pdf

Mary Urashima

On Wed, April 24, 2013 at 3:19 PM< Marinka Horack Horackm@hotmail.com wrote:

California Environmental Protection Agency
Department of Toxic Substances Control
Ascon Landfill Site Scoping Meeting

Attendance: About 45 people, including 7 DTSC members,
HB City Council Members Jim Katapodis and Joe Shaw –
we appreciate their attendance;
and community residents.

Tuesday, April 23, 2013, 6:00 – 8:00 PM
Notes on Public Comments (not direct quotes, but paraphrased summaries of what was said):

Speakers:

1. **Jack** – has lived in the neighborhood for 47 years. I'm disappointed that hundreds people are not here, but they are tired about how long it is taking to clean up the dump. Even we have known how toxic it is for over 20 years and who the responsible parties are [the oil companies that did the dumping], there is still no cleanup. Maybe if action had been taken earlier, many more people in the area would be alive today. Clean Ascon up properly and completely.

2. **George Mason** – Question: What is DTSC's vision about where this remedial action is going? What's going to be left after this project is done? Can the site be used by the public afterwords? What's the site going to look like? What is it going to be used for? A better vision is needed.

   Answer from John Scandura [DTSC Branch Chief] – At this point the plan is still in the conceptual state. What toxins remain will be entombed. Future uses of the site are unknown. Land use will be limited.

3. **Joe Shaw, HB Council Member** – Thank you for coming here. It's taking a long time. 2015 is too long to wait to clean this up. The project is too slow. There have been a lot of winds lately. What's keeping the dust from going into the neighborhood? I have responded to two citizen requests for chemical analysis of what was removed two years ago, and so far we're getting no answers. And we want to know what chemicals are still there.

Answer from one of the DTSC officials: In 2005-2006 there was an emergency removal from the north part of the site to decrease the steepness of the perimeter berm because of the heavy rains then, we wanted to keep the berm from washing down the street. In 2010 – 2011 tar waste, hydro-carbons, was removed from the lagoon. Therese are multiple classes of chemicals.

Question from Joe Shaw: Is there a chemical analysis of what was removed for the public to see?

Answer from DTSC official: Yes, I think we can make it public.

Question from Joe Shaw: What is being done to keep the dust from flying around?

Answer: Air sampling is done to assure it's not a health hazard. We're monitoring the dust. There is not a significant level of dust based on that.

4. **Victor:** I've lived in the neighborhood for 36 years. Are the trucks which haul away the toxins covered properly, and are the tires cleaned before they leave the site? How do you assure that toxins don't get in our water supply? The air quality should be measured regularly at our schools – Edison High and Eader School. We should have a member of our community on an advisory committee when decisions are being made.

   Answer from Safoud Sayed, DTSC Project Manager: The trucks are covered and washed before they leave the site. There is semi-annual monitoring of water quality at the site. No, there is no community member on an advisory committee, but there have been several core persons in the neighborhood who have kept in touch with us over the years. A Community Advisory Group – CAG could be formed if it is requested.

5. **Shawn Thompson**: I live very close to the site. Thank you for the 2005 emergency removal. My questions: How deep is the contamination? And where is the water table? What kind of cap is on the site? Is there something buried there? The berm around the site is graded toward the street – is there a detention basin to prevent flow into the street? What will the site be zoned for after the cleanup?

6. **Dr. Rita Boggs**, I'm a chemist who lives in Carson. We have had similar experienced with toxic dumps in Carson. Question: When was this first established as a hazardous site. What did you find?

   Answer: Chemicals which were associated with oil drilling – that information can be found in the EIR.

Question: Is the site Covered?

Answer: No – it is not capped now.

Dr. Rita Boggs: Petroleum chemicals include benzene. If that is covered, the membrane must be of a material and width that will not allow the benzene to penetrate through it. Earthquakes are apt to break the membrane. It is important to identify the chemicals at the site.

Answer from John Scandura: The styrene pit will be excavated under tents.

7. **John Scott** – long time resident in neighborhood. There was a cancer study done in the area. They found that the cancer rate is higher than in other parts of Huntington Beach, but did not link it to Ascon. On one street with 16 homes, half of the families have had cancer, neurological, and lung diseases. That street is across the street from the styrene pit. Odor from the site has permeated the SEHB area at times. The site began to be used by oil companies in the 1930s to dump their oil field chemicals. About 20 years ago a list of chemicals in the site was put out – there were 68 dangerous chemicals listed – among them styrene and benzene. This list was given to the court when you went to court to hold the parties responsible. That's the study used for the basis of the cleanup. Now where is a list of the chemicals that were found in the recent project? It doesn't make me very confident that a complete cleanup doesn't seem to be in the plan.

   Answer: The remedy phase is still in consideration. Alternate 4 (a partial cleanup) or Alternate 6 (a complete cleanup) are the main alternative plans still being considered. A carbon filter will be used to cover the site so it can filter materials that come out of the soil.

8. **Mark Dixon** – I've been concerned about this dump since I live nearby. My question is: Why can't they dig deep enough to clean out everything, so the area can be made habitable?

   Answer: We would like to take out the "last molecule," but there is a process laid down in the document.

Final comments made by John Scandura (DTSC Branch Chief):

The DTSC thanks all for coming to this meeting. Some questions were not answered. We have to do research. August is the timeframe for the EIR report. The cleanup plan will be determined by summer. Let your neighbors know to come to the August meeting. We are now thinking about the possibility of

Alternative 6 – a complete cleanup, however that would take over 30,000 truck trips to do. A complete cleanup would be very expensive, but a partial cleanup would require management and monitoring afterwards, so it might be just as costly as a complete cleanup. There will be emissions during the cleanup which we will monitor.

Comment 13: Received from Sandra Fazio via e-mail: sandyfazio@gmail.com

Thank you for your presentation to a small number (unfortunately) of local residents. I was dismayed that so few turned out for the meeting.

My concern is about today. There was a lot of discussion about the type of membrane that would be used in the future clean up and how much of the toxic gases might leak through. However, I heard little of how we are being protected this very day.

If I understood correctly, two tarps are all that is protecting this neighborhood from the VOCs, which include styrene, that are stored in the Ascon Landfill site. How is that even marginally acceptable?

Are the people in these close neighborhoods only worth a couple of tarps for all these years? Why aren't we better protected now if there is so much concern about the membrane to be used in the future???

I look forward to hearing from you.

Sandra Fazio

Comment 14: Received from Jim Zisch, via e-mail: jzisch@jhz-cs.com

Hello Safouh,

Thank you for your presentation yesterday evening at Edison High School.

During your presentation, I questioned the reference to the City of Huntington Beach owned property on the Site Ownership slide (third bullet point) with respect to the edges being on the Northern and Eastern edges, as opposed to Northern and Western edges; Magnolia Avenue is on the Eastern edge of the site, not the Western edge. (*Heidi Rous of PCR responded in reference to subsequent bullet point referring to SCOC's owned parcel on the Western perimeter.)* This error has been persistent through most of the project materials. In order to avoid possible future confusion, it may be advisble to correct this issue.

Again, thank you for your continuing efforts with regards to the ASCON cleanup. It is very much appreciated.

Respectfully,
Jim Zisch

Comment 15: Received from Law Offices of J. Arthur Roberts, Designated as a Federal Debt Relief Agency, 3345 NEWPORT BOULEVARD, SUITE 213, NEWPORT BEACH, CA 92663, Email: Joe@HomeLawLawyers.com, Tele: (949) 675-9900 Fax: (888) 989-9309

Safouh Sayed
DTSC Project Manager
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, CA 90630-4732

Dear Mr. Sayed:

After reviewing the alternatives that are being considered for the cleanup of the Ascon Landfill Site, I believe that Alternative 6 is the only appropriate and acceptable option.

The debilitating health effects for those living in proximity to this site cannot be denied. While the health of the residents of Southeast Huntington Beach must weigh heavily in cleanup considerations, so should the best and highest use of this rare land. Alternative 6 is the best option to alleviate ongoing health risks and restore the last significant coastal parcel in Orange County.

Global demand exists for coastal property in Orange County. The coastal lands are increasingly rare and deserving of the outmost care and conservation. It is a crime that this site was caused to be contaminated and condemned in the name of profit and poor planning. Equity, health and safety require that consequence of the contamination must e a full restoration of this unique parcel land to its original state. The residents of Huntington Beach deserve to be made healthy and whole.

Respectfully,

J. Arthur Roberts
Attorney at Law
9462 Tiki Circle
Huntington Beach, CA 92626

Comment 16: Received from Diane Amendola, via e-mail: diane@oco.net, via Mary Urashima, mary.adams.urashima@gmail.com

To: horackm@hotmail.com, hb-talk@googlegroups.com

And this is all they've done in 20 years? The CEPA and the City of Huntington Beach should be ashamed of their NON action.

How many lives have been negatively affected because of this toxic site and the non-action of all governmental bodies who have the power to do something……. And I thought I lived in an environmentally conscience city, who that is environmentally conscience could condone this lack of action. I should have attended the meeting but was out of the country at the time.

How much of this has gotten into our ground water? We can see and smell stuff that gets into our air but what about our water.

Diane

Comment 17: Received from Jerry Berger, via e-mail: jerry@jsbengineering.com, to diane@oco.net, horackm@hotmail.com, hb-talk@googlegroups.com

Diane – We have lived here since 1976. I have often told the story about how many of our neighbors died from one form of cancer or another, and we are significantly north of the ASCON. My son, his wife, and two kids are not significantly north. My daughter-in law was raised due east.

From what we know today, as well as many years ago, this dump contained and still contains carcinogenic chemicals.

And yes, what effective measures have been taken to eliminate this site's threat to the people living around. The only comments I hear from time to time is the people bought their homes around this site knowing it existed. How is that for pure stupidity on the parts of those suggesting the people that bought the homes bought their future death from cancer or a long contracted illness.

I think we all need to face one fact, the people we have placed in city government have repeatedly failed at finding and implementing a timely and successful solution for decades. People have continued to use the excuse that cleaning up the site is beyond the financial abilities of the city, county….. So year after year the solution has been delayed and is now a monster capable of shorting the lives of us, our children and grandchildren. If I rad correctly, will the site celebrate its 100th birthday in 2030. Please someone correct me.

I will stir the bucket a bit by saying 1) We seem to have demonstrated a furious outcry regarding the fire rings, wanting to preserve part of HB's history- ok. We

seem t have a city government that looks past public safety in the interest of deriving tax revenues from things like bars, message parlors, fireworks sales, and the list goes on. Yet the silent killer has not BEEN stopped, and for how many decades. We can look to the efforts to saving the Bolsa Chica, but we can turn our backs on the ASCON site, and just hope city government acts to protect the many lives surrounding ASCON.

There you go sweet heart, a bunch of ineffective politicians that cannot stand up to save their own asses let alone their neighbors. IT IS PATHETIC, ISN"T IT. Perhaps it they had cleaned this site up 50-60 years ago, it would be about time to develop housing on it today.

We must always remember, the image of SURF CITY is where the money finds its way to. If the Dump was right on PCH, I would imagine some fools simply building a road around it. CIRCUMVENTION. NOT INTERVENTION.

Sorry to chastise the Politicians as a whole. Many have given good years to the city and its citizens. But turning your backs on something with the potential to kill your fellow citizens surely is not very admirable. Not being held accountable is criminal.

Perhaps the citizens and business people should be demanding Option 6 begins asap, so one day in the near future HB's population does not wake up and find its precious property values have declined, because of an old hazardous dumping ground is discovered as the root cause as many lost lives. OMG, there I did it, placing the property values as more important that the lives that will have been lost over the last 80+ years.

There is no greater battle cry than of fighting to protect your life and those of your loved ones and friends. Have we devalued life in favor of pursuing less meaningful pursuits.

Jerry

Comment 18: Received from Tim Geddes, via e-mail: timgeddes3@gmail.com, to Jerry Berger, via e-mail: jerry@jsbengineering.com

Jerry,

As John Scott and various members of SEHBNA would be quick to point out, the ASCON site, located in Southeast Huntington Beach, has been ignored by our civic leaders downtown for decades. If the site was located in ANY other sector of town, it would have been on the City Hall radar long ago. SEHB has been the industrial whipping boy of the city long before I moved here (1983). We are bracketed on PCH by the AES power plant and the OCSD monstrosity. We have

oil tanks and the indignity of having the proposed Poseidon Resources desal dumped on us as well. We have storage and transportation facilities that add both pollution and eyesores galore. The stretch of coastline above PCH along our border is an embarrassment. Not a luxury hotel or a mansion in sight in what should be an incredibly scenic area of our city. While there are myriad reasons that dump has not been cleaned up before now (mostly because of the partisan politics that has gripped our city and county for far too long and the power wielded by certain oil company players and other special interests), the fact that SEHB has been allowed to be an industrial dumping ground is shameful. Former oil fields north of Main St. are now full of luxury gated communities.

The political will to take on the state has been tragically absent over the last twenty or thirty years. Would residents near the dump have put up with months worth of truck trips to haul away the toxic waste? I bet they would have. Would the city have been better off without this toxic eyesore removed from SEHB twenty years ago? Obviously. Of course, the city never moved against the AES power plant either (except for a brief period a dozen years ago), and the partisan special interests that have protected AES (and Poseidon) have been too powerful (until recently) for the community to buck. Nobody downtown apparently cares that the proposed Poseidon desal plant project would include a massive water transmission pipeline that would ruin SEHB quality of life for many months with its installation. Streets dug up and all manner of environmental risks incurred. Especially near the ASCON site. No real downsides for the rest of the city. Our SEHB community gets all of the negative impacts and NONE of the benefits. No wonder our resident here are pissed!

The “Responsible Parties” have been less than accommodating, trying to cut short EVERY clean-up option that costs them more money. This has led to lobbying resident groups to oppose cleaning up the site completely (Pristine Condition is a misleading misnomer) because it would involve another few weeks (even months would be better than years of environmental risk) of truck trips and clean-up efforts (and the resulting “inconvenience”). If our goal was to serve local residents and preserve community quality of life, we would be all over the RP’s to comply.

We all could do a lot better.

Tim

Comment 19: Received from Merle Mosheri, via e-mail: PARS11@aol.com, to HBTALK, jerry@jsbengineering.com, diane@oco.net, horackm@hotmail.com, hb-talk@googlegroups.com

I can vouch 100% that there was no EIR nor disclosure regarding ASCON when we bought our home next door to Kettler Elementary nearly 40 years ago in the Park Place tract. We were next door to a school and backed a community park

across the street from Edison High School, That should be safe right? WRONG. I still don't feel to dumb as I read in the Huntington Beach SEIR circa 2010 or 2011 and ASCON is described benignly as an "oil sump" as there is no mention by Corollo Bros. of the super funded toxic landfill that it is.

merle

Comment 20: Received from diane@oco.net

Too bad Erin Brockovich doesn't live in our community.

Comment 21: Received from Merle Mosheri, via e-mail: PARS11@aol.com, to HBTALK, diane@oco.net, hb-talk@googlegroups.com

Funny you should mention her. I have a friend who says if we want he can put us in touch with her. I HAVE thought of it,

Merle

Comment 22: Received from Marinka Horack, via e-mail: horackm@hotmail.com, to Merle Mosheri, pars11@aol.com, hb-talk@googlegroups.com

The people in Carson **have** apparently hired Erin Brokovich according to Dr. Rita Boggs, the chemist who spoke at our Edison High April 23 DTSC meeting. Dr. Boggs said that in the 1960s a 250-house tract was built right on top of a toxic dump in Carson. Now the residents who have suffered from many serious diseases are ready to fight.

The Department of Toxic Substances Control – DTSC – is under fire for this. State Senator DeLeon of Los Angeles is investigating concerns by the residents that the DTSC has dragged its feet and not done its job to protect citizens from these poisonous dumps.

This was reported on NBC4 news just last month.

Marinka

Comment 23: Received from John Scott, via e-mail: 4johnscott@gmail.com, via sebhna@yahoogroups.com, hb-talk@googlegroups.com

DTSC's mission statement: "To restore, protect and enhance the environment, to ensure public health, environmental quality and economic vitality, by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention".

A refrain frequently heard when cleanup of the Ascon Landfill Site is considered, a refrain from City Hall and from the Department of Toxic Control Substance, is that it would be too expensive for “responsible parties” to clean up the mess they have made in Southeast Huntington Beach.

2.4.11 of the Ascon Consent Order of the State of California, California Environmental Protection Agency, Department of Toxic Substance Control brought against the Ascon Responsible Parties summarizes the health risk of the Ascon Landfill Site: “The Baseline Health Risk Assessment (BHRA) quantitatively evaluated the potential health impacts at the Site. The BHRA concluded that the **estimated health risk for adult and children living in the immediate vicinity of the site, on site workers, and trespassers exceeds levels considered acceptable by California regulatory agencies.** These potential risks were found to be associated with the volatilization and subsequent inhalation of volatile organic compounds and oral and dermal contact with contaminants in the soil.”

Environmental Science and Engineering’s study from the 80’s and the 90’s Baseline Health Risk Assessment (BHRA) were major documents used in the legal action pursued in 2003 to determine who was responsible for cleaning up this historic disposal area known as Ascon Landfill Site, that poses the health risk mentioned above. Based upon what was presented to them, the Court determined the parties responsible for cleaning up this site.

Once cleanup responsibilities were determined, the characterization of the task and the concern for resident’s health changed. After having existed for almost 90 years, it was determined that the 25 feet earthen barrier containing the toxic medley was in danger of collapsing and so thousands of yards of hazardous waste were hauled away under the umbrella authority of a Negative Declaration. The explanation given to the residents was that the dangers were so imminent that there was no time for an Environmental Impact Report (EIR). After materials in lagoons 4 & 5 were removed, it was decided to see what lurked in the darkness beneath lagoons 1, 2, & 3 and, material determined by the 80’sstudies to be hazardous, was also removed and hauled away from those lagoons. Much has already been done at the site without protection for the public that an EIR might give them and much protected the bank accounts of the perpetrators.

These actions were made possible when DTSC produced a new Baseline Health Risk Assessment to remove “hazardous materials”. The 90’s BHRA used in the 2003 Court Action was discarded as too stringent, and so a the new BHRA was introduced. It diminished the risks and dangers argued in the court action. As if a magic wand had been waved over the site, the risks and dangers presented to the court as “hazardous material” disappeared, and a second BHRA was introduced dealing with “tarry material”.

Although we are now going to have the benefit of an Environmental Impact Report (EIR) it is obvious, even to the casual observer that the dye is cast. Since

"hazardous material" is now referred to as "tarry material" and Alternative 4, (Partial Source Removal with Protective Cap – Alternative 4 would be similar to Alternative 3 except that additional materials would be removed and disposed off-site and the protective cap built over the remaining materials would be tiered with a lower profile near the streets. Long-term groundwater monitoring would be performed.), will be forever the fate of this site in our neighborhood. It is no longer hazardous material. It is only tarry material **but it needs to be capped and use of the site must be restricted.** Continued monitoring of the ground water for contaminants will need to be performed for a "long-term". The difference between what is now, and what will be in the future, will be that less "tarry material" will be piled up there, continued ground water testing will need to be done, and an earthen cap on the site will be added. The remaining "tarry material" will be entombed at the site in tiers with the lowest profile near Hamilton Avenue and Magnolia Street.

DTSC's mission statements…are these just nice words, words that have no meaning for the residents SEHB?

The comment period for the EIR ends on May 3, 2013. Send your comments to:

Safouh Sayed, DTSC Project Manager
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, CA 90630-4732
E-mail: Safouh.Sayed@dtsc.ca.gov

Thanks,

John

Comment 24: Received from Merle Mosheri, via e-mail: PARS11@aol.com, via 4johnscott@gmail.com, sebhna@yahoogroups.com, hb-talk@googlegroups.com

And you think we have trouble with fire pits? You'll all be close to the ASCON at your bonfire rally. Take a drive by. Take a look at the proximity of Edison High School, Edison Park, Eader Elementary the homes and businesses surrounding this poisonous area.

Ms m

Comment 25: Received from Mark Dixon, via e-mail: aboutyou88@verizon.net

Please explain what is being done NOW to protect the residents who live adjacent to this landfill. I ask this question after hearing that a 60mm thick polyethylene membrane is planned to ensure our safety as part of the cleanup by

responsible parties, while at present the site is covered by a relatively thin tarpaulin.

This makes no sense to me, for this reason: If the threat of danger from hazardous material is so great that a very thick membrane is necessary to provide adequate protection, the danger at present must by definition be exponentially greater.

The timeline for the membrane is so distant that I will likely not live to benefit from it. What is being done NOW?

Mark W. Dixon
21612 Bahama Lane
Huntington Beach, CA 92646

Comment 26: Received from Dale Brown, via e-mail: dbrown22@socal.rr.com

April 28, 2013

Safouh Sayed, DTSC Project Manager
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, CA 90630-4732

Dear Mr. Sayed:

My family has lived in South Huntington Beach since 1971. Both of my children attended Eader Elementary and Edison High School; two schools located near the Ascon Landfill Site. They now own homes just blocks from where they were raised and have children (my grandchildren) enrolled at Eader and Edison.

The Ascon Landfill Site is a blemish, an eyesore and a health hazard to the premier coastal area where we live, work and recreate. Delaying the inevitable serves no good purpose. This property has to be repaired to a like state of the adjoining parcels, so that it can be enjoyed without fear of health risks to current and future residents.

I am recommending Alternative #6 of the clean-up proposals. This would allow use of the 38 acres for a park, parking lot or golf course. Many of us have fond memories of the Driftwood Golf Course located nearby at the 21462 Pacific Coast Hwy. in Huntington Beach. It was demolished years ago in favor of development. Use of the Ascon Landfill Site for recreation would be good for the community and tourists from nearby hotels now built over the old course.

Please choose alternative #6. Any job worth doing is worth doing right! Let’s not procrastinate any longer. Remove the debris and contaminants to mitigate health

and safety concerns and restore the property so that it may be productive and enjoyed by the community.

Sincerely,

Sale Brown
21801 Windsong Circle
Huntington Beach, CA 92646-8244

Comment 27: Received from Med Watson, 21691 Kaneoke Lane, Huntington Beach, CA, (714) 968-4191

I have lived in the area since 1965, so have followed the ascon situation since then. My take would be clean it up to level 4 therefore eliminating the transfer of so much toxic material by truck. Cap, and monitor water and air quality. No use for people in residency! Either open space or other non invasive purpose. How about an animal sanctuary? Thank you for your diligence in this project. Let's finally get this done to everyone's satisfaction.

Comment 28: Received from John Mottles, via e-mail: jgmhb@msn.com

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A refrain frequently heard when cleanup of the Ascon Landfill Site is considered, a refrain from City Hall and from the Department of Toxic Control Substance, is that it would be too expensive for "responsible parties" to clean up the mess they have made in Southeast Huntington Beach.

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Once cleanup responsibilities were determined, the characterization of the task and the concern for resident's health changed. After having existed for almost 90 years, it was determined that the 25 feet earthen barrier containing the toxic medley was in danger of collapsing and so thousands of yards of hazardous waste were hauled away under the umbrella authority of a Negative Declaration. The explanation given to the residents was that the dangers were so imminent that there was no time for an Environmental Impact Report (EIR). After materials in lagoons 4 & 5 were removed, it was decided to see what lurked in the darkness beneath lagoons 1, 2, and 3 and, material determined by the 80's studies to be hazardous, was also removed and hauled away from those lagoons. Much has already been done at the site without protection for the public that an EIR might give them and much which protected the bank accounts of the perpetrators.

These actions were made possible when DTSC produced a new Baseline Health Risk Assessment to remove **"hazardous materials"**. The 90's BHRA used in the 2003 Court Action was discarded as too stringent, and so a new BHRA was introduced. It diminished the risks and dangers argued in the court action. As if a magic wand had been waved over the site, the risks and dangers presented to the court as "hazardous material" disappeared, and a second BHRA was introduced dealing with "tarry material".

Although we are now going to have the benefit of an Environmental Impact Report (EIR) it is obvious, even to the casual observer that the dye is cast. Since "hazardous material" is now referred to as "tarry material" and Alternative 4, (Partial Source Removal with Protective Cap – Alternative 4 would be similar to Alternative 3 except that additional materials would be removed and disposed off-site and the protective cap built over the remaining materials would be tiered with a lower profile near the streets. Long-term groundwater monitoring would be performed.), will be forever the fate of this site in our neighborhood. It is no longer hazardous material. It is only tarry material **but it needs to be capped and use of the site must be restricted.** Continued monitoring of the ground water for contaminants will need to be performed for a "long-term". The difference between what is now, and what will be in the future, will be that less tarry material will be piled up there, continued ground water testing will need to be done, and an earthen cap on the site will be added. The remaining "tarry material" will e entombed at the site in tiers with the lowest profile near Hamilton Avenue and Magnolia Street.

DTSC's mission statements…are these just nice words, words that have no meaning for the residents of SEHB?

Probably time for another study, meeting, or commission……..but never any action from this empty suit of a "regulator"?

John Mottles

T

Comment 29: Received from MJ Baretich, via e-mail: mjbaretich@hotmail.com

Dear Mr. Sayed,

I have reviewed the alternatives for the Ascon Mud Dump and I am in favor of alternative #6.

I first came to live in Huntington Beach in 1967, moving to the Cabrillo Mobile Home Park on Pacific Coast Highway and Newland Street in 1983. I am semi-retired Avionics Engineer, formally working for Boeing and Northrop Grumman. While employed by Northrop Grumman, I had observed toxic clean-up protocol activities, which were very carefully controlled. This was not the case with the first clean up at Ascon, and I was concerned about the possible emissions from the un-tented clean-up area at the pits 1 and 2, and disposal of contaminated water that came from washing down the trucks. Where did this water go? Was it disposed of properly or just left on the ground? I believe I have read everything there is published on the Ascon Toxic Waste Dump….from the factual to the assumed, including that published by the OC Weekly.

Besides being an engineer, I am also an environmentalist, and have helped save some of the wetlands along Pacific Coast Highway from being destroyed, paved-over, and contaminated water from flowing into an ocean outlet. Working with the California Coastal Commission, the Army Corps of Engineers, CA Department of Fish and Game, and the CA Water Quality Control Board, we studied the aspects of the violations, and Notices of Violations plus fines were administered. The offending party had to restore the wetlands at PCH and Newland for five years.

I do believe action should be taken to remove all the contaminants, and especially from pits 4 and 5, and restore the area to the most pristine condition possible. But, as I was told, and shown by figures in various Ascon studies, those pits are 25 feet deep, including the berms. Having lived for 30 years in wetland property, I have first-hand knowledge that in our mobilehome park, we have physically drilled a well in the front wetlands to determine the water table at various times of the day. We hit water at 1-1/2 feet at average high tide, and the average depth was 2 feet from the top surface of the wetlands, with the low end at 3 feet during average low tide. We are across Newland Street on the same Santa Ana River Marshland as Ascon. What I am saying is that the lowest depths of pits 4 and 5 are most likely below the water table, and for all these years. Those toxic contaminants such as arsenic, cadmium, styrene, lead, mercury,

aviation fuel, etc. have been flowing into the water table, and I don't see how you are going to remove all of them, unless you remove the bottom elements at a minus low tide. In the April 2013 Remedial Action Plan, styrene is of concern.

I do believe you will need to tent the areas using negative air flow, and personal protective equipment (PPE) to protect workers from hazards, plus using other standard OSHA and decontamination precautionary practices.

Alternative #6 may well be the most expensive plan, but it is also the best way to restore the area as best that can be done. The other alternatives are simply "fixes" that do not address the whole problem. Ideally, the only way the Ascon Toxic Waste Dump can be productive is to remove all the contaminants and debris, but of course total removal can never happen.

Capping the worse areas after much contaminants are removed as possible, and then covering those caps with ten to 14 feet of fill and soil should bring the level of the land to meet requirements for a Tsunami expectation. Then, it might be useable for temporary human use such as a Community Center, an Art Center, a Wetlands Interpretive Center, ball fields, or a passive park, but never for housing.

The residents who use Edison Park, the students who go to Edison High School, and the residents who live nearby have been exposed to various negative health and safety issues for decades. Their health must be protected. A full-scale clean-up is necessary.

And before we do get a Tsunami which would spread these contaminants inland, something must be done very soon. With the approaching sea level rise, the water table is rising yearly in the bottom of these pits, and the underground flow of contaminants, if not already flowing, will soon start to creep northward and also to the flood control channel to the West and South of Ascon which empty into the ocean.

Thank you for letting me address this issue.

Mary Jo Baretich
President, Cabrillo Wetlands Conservancy
President, Cabrillo Wetland Village HOA (Cabrillo Mobile Home Park)
President, Golden State Manufactured-home Owners League

Comment 30: Received from Brad, ClearCurrents, via e-mail: Brad@clearcurrents.com

Safouh-

I am a resident of HB and have become very familiar with this project over the years by location and scent. I live by Edison HS and prior to that I lived off

Banning and Bushard (much closer to the facility) and there was a daily reminder that there was an issue for the community.

Recently I took a role at Clear Currents, is a green technology company dedicated to promoting a cleaner environment through innovative natural solutions. Our mission is to be a leader in providing innovative green solutions that replace toxic chemicals and other environmentally harmful products used by landfill industry and agriculture. We recognize the importance of contributing to a healthier environment for human, animal and marine life, encouraging sustainable sources of fresh water and supporting an abundant food supply. We see the opportunity to preserve our natural environment for our generation and those to come. Our goals:

- Cleaner land and waterways
- A reduction of toxic chemicals in the environment
- A healthier food supply
- A healthy and supportive environment for our communities
- Significantly reduce water consumption

I am attaching our spec sheet and we can share a recent project with you and the board that will share the remarkable results that surpassed all expectations for a large landfill plant.

Feel free to contact me directly for additional information.
Respectfully,

Brad
ClearCurrents
brad@clearcurrent.com
714-585-5717

All Flow

Provides Odor Elimination with Positive Environmental Impact

Environmentally safe alternative to landfill odor problems
SeaStar Green All Flow is a complex mixture of nutrients, vitamins, and trace elements. Biologically degradable, it is non-toxic to humans, animals, fish and plants. It has been found safe even at high concentrations to personnel handling the product. There are no irritating vapors associated with this product and it is non-flammable.

Multiple applications are possible. SeaStar Green (SSG) All Flow can be sprayed over the working face of landfills, used in perimeter fogging systems, sludge pits and compost piles. This product has wide applications to most odor problems that exist at a landfill site. SSG All Flow should be applied on a regular basis in order to ensure that odors are eliminated and cease to create a problem. The frequency of application is dependent on the strength and type of odor.

SSG All Flow is a technologically advanced product that is natural in origin, safe to handle and organically biodegradable in application. SSG All Flow formulation includes a stimulant that works on eliminating a vast array of odors that often exist at landfills, sludges, washdown areas, etc. SSG All Flow is non-hazardous, non-toxic and non-irritating.

Most odors are created by inadequate microbial activity. SSG All Flow excites the cell metabolism of the odor-causing micro-organisms through bacterial and enzymatic stimulation to help the waste decompose efficiently and effectively. The results of this are enhanced odor control and positive environmental affects.

Product Overview
SSG All Flow is a technology involving the use of a bio-catalyst. This complex mixture of nutrients, vitamins, enzymes and trace elements, work to eliminate the malodors associated with any organic waste.

In solid and liquid wastes there almost always is presence of some sort of malodor. This occurs because of the fermentation process involved in the aging of the waste, or "bio-mass". During this process the water (H_2O) has the hydrogen molecule (H_2) feed because the oxygen is consumed by the bacteria; in turn, this molecule then works as a sterilizer on the bio-mass. The odor occurs when sulphate used as an oxygen source by bacteria turn into sulphide and with the hydrogen molecules form hydrogen sulfide (H_2S) which freely emits into the atmosphere causing severe odor.

SSG All Flow allows a more efficient oxidation process through the use of sufficient electron acceptors. The effect is a stabilized system which optimizes the degradation of bio-mass due to a more complete oxidation process. Sulphur compounds such as sulphates are not utilized by the bacteria as an oxygen source. The same mechanism is true when dealing with mercaptans, skatole and other odor causing compounds.
With SSG All Flow, Biological Oxygen Demand (BOD) and Chemical Oxygen Demand (COD) levels as well as various other parameters are reduced. This reduction allows for other options of disposal.

PRODUCT APPLICATIONS

Landfills	Sludge pits Waste hauling	Food processing waste
Vegetable waste	Transfer stations	Wash-down areas
Septic trucks	Ponds	Various other malodorous areas

Landfills and Sludge: To Help Eliminate Odors
Landfills - SSG All Flow can be sprayed directly onto the area or injected into a fogging system. It can also be sprayed daily if odors are a nuisance. The amount of SSG All Flow required is dependent on the amount of malodorous materials added to the landfill and the temperature.

Sludge Treatment - SSG All Flow is effective in treating sludge at waste treatment plants and other types of operations. Continuous spraying of the sludge is an effective way to reduce odors. Equipment can also be washed down to remove odors and residue.

Scrubbers - SSG All Flow can be used in scrubber systems. Add a small amount of SSG All Flow directly into the circulation holding tanks for maximum reduction of odors. The amount depends on the strength of the odors to be eliminated.

Other Applications - Applications of SSG All Flow are limitless. Wash stations, sumps, wash racks and any other applications which have odors you would like to eliminate.

SSG All Flow Specifications

Weight	8.75 lbs. per gallon
pH	5.0-5.5
Form	Liquid
Appearance	Brown
Health Hazard	No health hazard with inhalation or contact with skin
Reactivity	Stable
DOT Requirements	None
Federal DOT Placard Requirements	None

Common Landfill and Sludge Odors

Substance	**Formula**	**Remarks**

Ammonia	NH3	Sharp Pungent Odor
Benzyle Mercaptan	C6H5CH2SH	Unpleasant Odor
Crotyle Mercaptan	CH3CH:CH.CH2SH	Skunk Odor
Ethyl Mercaptan	CH3CH2SH	Decayed Cabbage Odor
Ethyl Sulfide	(C2H5)2S	Nauseating Odor
Hydrogen Sulfide	H2S	Rotten Egg Odor
Methyl Sulfide	(CH3)2S	Decayed Vegetables
Skatole	C9H9N	Fecal Odor
Thiocresol	CH3C6H4.SH	Rancid Skunk-like Odor

Problems and Solutions

High BOD and COD levels

SSG All Flow is designed to lower BOD and COD levels approximately 40-60% depending on the makeup of the BOD and COD, and the retention time of the waste water in the process.

High TDS and TSS levels *Solids are broken down to smaller and biologically digestible products when SSG All Flow is applied to a WWTP. SSG All Flow then breaks it down to carbon dioxide and water. In some cases the SS levels are reduced 100%.*

High contents of fats, oil and greases (FOG)

SSG All Flow allows for the conversion of FOG to short chain molecules which facilitate removal and digestion of FOG in sewers and WWTPs.

Low dissolved oxygen content *Dissolved oxygen (DO) content of pond stand lagoons has been increased with the use of SSG All Flow. Topical application of pumping into the incoming stream is an efficient way to apply SSG All Flow.*

Low methane generation from digestors *The use of SSG All Flow can help to increase the methane level.*
Odor control *Sludge holding tanks and everything associated with sludge smells and is normally attributed to high H2S levels can be reduced with reasonable dosage.*

Environmentally Safe: SSG All Flow Helps Reduce Wastewater Contaminants and Solids

Municipalities, industrial facilities, wastewater treat plant operators and owners are faced with restrictive regulations and potential litigation from local and federal agencies in response to issues surrounding WWTPs compliance. SSG All Flow is environmentally safe in the reduction of COD and BOD levels, reducing FOG levels, and in helping to lower the Total Dissolved Solids (TDS) and Total Suspended Solids (TSS) levels. The bio-catalyst of SSG All Flow is effective in enhancing methane production and dissolved oxygen content. SSG All Flow is a highly concentrated, complex mixture of nutrients, vitamins, enzymes and trace elements. It is a biologically degradable and non-toxic to humans, animals, fish and plants and poses no health risk to personnel handling the product.

SSG All Flow: How Does It Work?

The type of organisms and bacteria which are dominant in wastewater depends on many factors, but of particular significance is the availability of micro-nutrients. Certain bacteria, especially aerobic species, need more trace elements as cofactors than anaerobic bacteria if the availability of such nutrients is low. Other bacteria which require fewer micro-nutrients will become dominant. In addition, sometimes bacteria or yeast strains release sufficient quantities of antibiotic that suppress the growth of other microorganisms. Protozoa may also have an undesirable effect by feeding on bacteria subsequently reducing the population of desirable bacteria.

SSG All Flow acts as a catalyst to promote and allow micro flora to develop. SSG All Flow will help stimulate bacteria affected by aerobic and anaerobic conditions, thereby, enhancing the natural biological cleaning process.

General Description

SSG All Flow is:

- a proprietary, bio-catalytic product in a concentrated form.
- non-toxic to humans, animals, marine life and the ecology.
- non-irritating and contains no known allergens to cause skin, respiratory or other reactions.
- 100% biodegradable
- stable and has an indefinite shelf life if stored in shade (under 120F) in sealed container. Freezing temperatures will slow reactions but will not render it ineffective.

• non-flammable, non-hazardous and non-toxic.
• a non-caustic concentrate.

The incorporation of trace elements within SSG All Flow is one of the many important reasons why the reactions proceed faster than typical enzymatic products. The trace elements are supplemental catalysts that allow SSG All Flow to work in a much broader spectrum allowing for the reduction of practically all unwanted common waste water compounds. These metalloenzymes allow for the creation of negatively charged oxygen atoms leaving that oxygen atom with a free radical, which is 'quite reactive' and decomposes rapidly. These types of reactions occur continuously to help degrade the chemicals that exist within the waste water.

The path that SSG All Flow takes in reducing the undesired compounds can be generalized with the following various types of reactions that normally occur in nature.

Reaction type	**Possible molecular structure**
Oxidation	ARO(CH2)N CH2 CH2 COOH <--> ARO(CH2N)COOH
Deamination	AR NH2 <--> AROH9
Dehalogenation	ARX <--> AR OH OR ARX <--> ARH (where X = CI,F,I, or BR)
Decarboxylation	AR COOH <--> ARH
Hydroxylation	ARH <--> AROH
Reduction of Unsaturates	ARC = CH <--> ARCH = CH2
Hydration	AR2C = CH2 <--> AR2CH CH2 OH

Note: AR = Aromatic - Could also be alkyl, heteroyclic or other organic moieties usually indicated as R. Other compounds within SSG All Flow arc used as well in the product which enhance the reaction rates to provide a vast array of bend its from odor control in solid waste and compost facilities to COD, BOD and TDS reduction in waste water streams from industrial and municipal plants.

SSG All Flow Bio-catalysts
In all enzyme catalyzed reactions, the first step is binding of the substrate. This is typically the unwanted chemical in the waste stream to the enzyme to form what is called the enzymesubstrate complex. The equilibrium step is as follows:

E+S <--> ES
Enzyme Substrate Enzyme-substrate Complex

The second step is shown as follows:

E+S <--> E+P
Enzyme Substrate Enzyme Product

This rate of reaction is determined by the concentration used as well as the chemical compounds that are desired to be reduced. In the unique formulation of SSG All Flow, the various types of compounds that can be reduced is extremely broad. This is because of the fact that enzymes alone are not the only force working.

Application Mixing Ratios (recommendations for possible uses of SSG All Flow)

Application	**Mixing Ratio**
Landfill	1 part SSG All Flow / 1,000 parts water, then sprayed
Treatment plants	3-5 gallons SSG All Flow / 1,000,000 gallons of daily now
Aeration ponds	1 part SSG All Flow / 1,000 gallons of capacity
Wash down areas	1 part SSG All Flow / 100 parts water, then sprayed
Septic tanks	1 gallon SSG All Flow / 20,000 gallons of capacity / month 6 ounces SSG All Flow / 1,000 gallons of capacity / month
Sludge pits	5-10 parts SSG All Flow / 1,000,000 parts of sludge
Grease traps	1 pint SSG All Flow / 1,000 gallons per day
Gray Water Tanks	1 gallon SSG All Flow / 2,000 gallons of tank capacity / day
Stainless Steel	*With frequent use*, thoroughly clean 1000 gallon tanks every 3-4 times used: fill tank with water, mix 2 gallons SSG All Flow with 5-6 gallons water, pour in tank and wait 3-4 hours, rinse completely with water; use tank right away and rinse between each use until re-cleaning with SSG All Flow.

Food Processing Tanks (Guidelines may vary)	*With infrequent use,* keep odors away by cleaning tank as above. Then refill tank with 200 gallons water, and add 1 quart SSG All Flow. Let sit 1-1/2 hours. Rinse and close tank until ready to use. Rinse tank with water before re-using.

(The application rates above are approximate figures to be used as a general guideline.)

What Happens to Fats, Oils and Grease?
SSG All Flow accelerates the digestive process as soon as it is introduced into the sewage flow through two separate sequential mechanisms of action.

A - Oxidative properties which stimulate" the molecular breakdown of the fats, oils and grease.

B - Acceleration of the natural microorganisms' digestive activities
.
The larger particles get broken down into smaller and smaller particles and are eventually broken down into their basic elements.

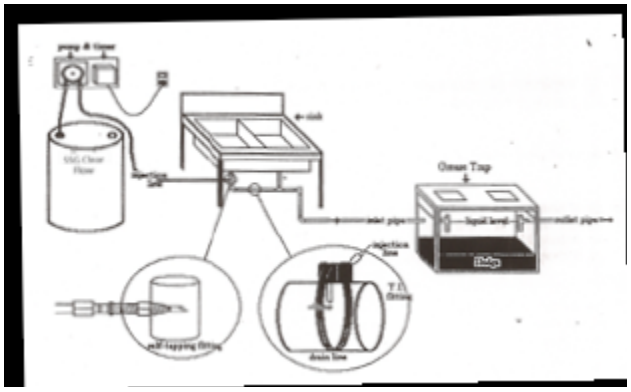
A grease trap has but one function - To Trap Grease. Unfortunately, when a grease trap is not functioning properly, it must be cleaned out frequently. This is a messy, smelly, time-consuming job. It also costs money. Even a "normally" functioning grease trap may have to be occasionally cleaned or even pumped. By using the SSG All Flow Grease Trap Maintenance System, you will substantially cut down the intervals you need to pump your grease trap, and in many cases, eliminate the need to pump altogether.

What is the SSG All Flow Grease Trap Maintenance System?
The SSG All Flow grease Trap Maintenance System is a trouble-free way to maintain your grease trap. Here are just some of the ways it can benefit you:

Reduction in Maintenance - Will reduce, and in many instances, eliminate the need for pumping and/or cleaning of the grease trap. This will save you time as well as money.

Trouble-free Lines - Will keep the sewage and drain lines clean far from the site of application.
Again, saving you time and money. *Odor Control* - Sewage odors originate from the incomplete breakdown of organic matter by bacteria. Stimulated bacteria, on the other hand, digest organic matter completely. By using SSG All Flow as a bacterial stimulant the end products of digestion are odor-free.

How to Use SSG All Flow
GREASE TRAPS
Shown below is an illustration of a typical sink and grease trap using SSG All Flow. The illustration shows SSG All Flow being injected with a timer controlled pump. However, if this is not feasible, SSG All Flow may be manually poured directly into the sink drain. (More product must be used as using this method is less efficient.) For maximum benefits, SSG All Flow should be metered with a timer controlled pump. The timer should be set to pump a small amount of SSG All Flow at regular intervals throughout the day.



THE SEPTIC TANK
The main ecological reason for having a septic tank is to digest and/or breakdown the organic solids you introduce into your system so they can flow cleanly into the distribution box, and finally into the leach field. The septic tank is, in some ways a miniature ecosystem, which is only made effective by the positive bacteria that reside there. These bacteria will either flourish or struggle to do their job depending on circumstances such as these: water temperature, amount of oxygen, rhythm of the water, chemicals used by the household, family diet, pH, and amount of use. For instance, bacteria flourish in temperatures between 70 and 80 F. As the temperature lowers, the bacterial actions decrease, and vice versa. Septic tanks have been improved in shape and design with compartments, baffles, and manholes. The size and design allow solids to settle or float out of the wastewater to be digested by microbes.

THE LEACH FIELD
The leach fields (or drain field) is the last step in your septic system. After the sewage has been digested and broken down by bacteria in the septic tank, water carries it through the distribution box and into the leach field. It is then absorbed into the soil.

PROBLEM SOURCES
Everything you put down your drains will have a positive or adverse effect on your septic system. You must treat the microbes in your septic tank well. Give them food they can eat, but at the same time, don't poison them.

1. Soaps, detergents, bleaches, cleaners and lye, to name a few, can be fatal to your bacteria. A good rule of thumb: use as few chemicals as possible.

2. Grease is a detriment. If the line between the house and the septic tank is extremely long, or has to make many turns and you habitually put grease down your drain, it will eventually clog your drain line. If that grease eventually finds its way into the leach field, sludge may result, causing compaction of the leach field which will result in an inability to percolate properly.

3. Septic tanks will treat sewage more completely when water use is low. If water pours or leaks through the drains continuously, the tank overloads, resulting in excess water and large pieces of undigested material entering the leach field and clogging the soil. Keeping water usage to a minimum will give the soil surfaces more time to aerate.

4. Waste brines from many water softeners can change the clays in your drain field resulting in compacted soil.

5. Beware of any product said to clean septic tanks. Many of these products temporarily precipitate solids, giving you a false illusion of success. Instead, they later cause a solid bulk that is more difficult for bacteria to eat as well as changing the acidity of the water to such a degree that most bacteria will perish.

Nitrification
The oxidation of ammonia or ammonia compounds to nitrates especially by bacterial action.

Reduction
The opposite of oxidation. The opposite of electrons to a compound often accompanied by the addition of hydrogen and the removal of oxygen.

Metabolism The sum of the physical and chemical processes in an organism by which the living matter is produced, maintained and destroyed, and by which energy is generated.

Fermentation
The anaerobic change of a compound producing energy.

Dissolved Oxygen (DO)
Dissolved oxygen or concentration of oxygen actually dissolved in water.

Biological Oxygen Demand (BOD)
The measurement of the dissolved oxygen used by microorganisms in the biochemical oxidation of organic matter.

Chelation

To firmly bind a metal ion with an organic molecule (ligand) to form a ring structure. The ring structure allows the mineral to become biologically active.

Catalyze
To induce or to accelerate a chemical reaction by a substance that remains unchanged in the process.

Cations
Positively charged ions.

Anions
Negatively charged ions.

Comment 31: Received from Melissa Zaiden, 21292 Compass Lane, 714-342-5847

__X__ Please add me to the Ascon Landfill site mailing list.

I am concerned about the radius (1 mile, 2 miles?) affected by environmental health risks. I have a son and daughter at Eader Elementary School. We have friends and neighbors who have cancer. I need to know if the air and groundwater are affected by the hazardous waste dump. During the cleanup are the exposure risks higher? Do teachers at Edison high school or surrounding neighbors have a higher incident of cancer?

Comment 32: Received from Jennifer Villasenor, Senior Planner, City of Huntington Beach, Department of Planning and Building, 2000 Main Street, Huntington Beach, CA 92648

April 30, 2013

Safouh Sayed, Project Manager
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, CA 90630-4732

Subject: Notice of Preparation/Initial Study for a Remedial Action Plan for the Ascon Landfill Site

Dear Mr. Sayed:

The City of Huntington Beach has reviewed the Draft NOP/Initial Study for the subject project and has the following comments for consideration in the EIR.

- The proposed project site is within the City of Huntington Beach Methane Mitigation District. Although development is not contemplated as part of the proposed project, the Huntington Beach Fire Department (HBFD) would require any future development to implement a Methane Barrier and

Methane Mitigation System pursuant to City Specification No. 429 *Methane District Building Permit.* To prevent the accumulation of Methane buildup at the site (under the protective cap, or, under a future structure), a venting system complying with City Specification No. 429 would be required. Although the Hazards section of the IS/NOP states that the project would comply with all applicable federal, State and local regulations, disclosure of the project site within the methane mitigation district and required compliance with City specifications should be included in the draft EIR discussion.

- The Project Description indicates that former oil wells exist in the Lagoon 5 area (Ranch No. 1) and in the east central part (Krik No. 80) of the site. Existing City data indicates that another well exists in the southeast portion of the site (most recent data indicates operator as Coast Supply Co., Ltd.). Please note that the HBFD requires compliance with City Specification No. 422 *Oil Well Abandonment Permit Process* in addition to compliance with Division of Oil Gas and Geothermal Resources (DOGGR) requirements for abandonment of the wells. Abandonment may also require venting per City Specification No. 429. This should be a consideration in the design and construction of the proposed protective cap and discussion included in the Draft EIR.

- Although development of the site is not contemplated by the proposed project, the HBFD would require compliance with City Specification No. 431-92 *Soil Clean-Up Standards* prior to any future development of the site. Incorporating compliance with City Specification No. 431-92 into the site remediation plan would ensure that the site is remediated in accordance with City standards that would be required prior to construction of any future development of the site.

- Fire/Emergency Access and Site Safety shall be maintained during project construction phases in compliance with City Specification No. 426, *Fire Safety Requirements for Construction Sites.*

HBFD Specifications can be found on the City's website at: http://www.huntingtonbeach.ca.gov/government/departments/Fire/fire_prevention_code_enforcement/fire_dept_city_specifications.cfm or by contacting the Fire Prevention Division at (714) 536-5411.

Thank you for the opportunity to comment on the Draft NOP/IS for the proposed project. The City looks forward to reviewing the draft EIR when it is released.

Sincerely,

Jennifer Villasenor
Senior Planner

Cc: Mary Beth Broeren, Planning Manager

Comment 33: Received from Christopher Herre, Branch Chief, Local Development/Intergovernmental Review, State of California, Department of Transportation, District 12, 3347 Michelson Drive, Suite 100, Irvine, CA 92612-8894, Tel: (949) 724-2241, Fax: (949) 724-2592

April 25, 2013

Safouh Sayed
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, California 90630-4732

Subject: Remedial Action Plan for Ascon Landfill Site

Dear Mr. Sayed,

Thank you for the opportunity to review and comment on the Notice of Preparation (NOP) for the Remedial Action Plan for Ascon Landfill Site. The proposal is the implementation of a Remedial Action Plan (RAP), which includes the removal and disposal of waste materials and a protective cap over the remaining waste materials the project site, which is located at 21641 Magnolia Street in the City of Huntington Beach. The nearest State routes to this project are SR-1 and SR-39.

The Department of Transportation (Department) is a commenting agency on this project and has no comment at this time. However, in the event of any activity in the Department's right-of-way, an encroachment permit will be required.

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Marlon Regisford at (949) 724-2241.

Sincerely,

Christopher Herre, Branch Chief
Local Development/Intergovernmental Review

C: Scott Morgan, Office of Planning and Research

Comment 34: Received from Leslie T. Raisanovsky, P.O. Box 3813, Costa Mesa, CA 92628 (I live in H.B. and my son attends Edison High School) 714-330-9048

__X__ Please add me to the Ascon Landfill site mailing list.

Comments: Thank you for your presentation at the April 23, 2013 scoping meeting at Edison High School. In addition to the matters discussed at the meeting, I would like the EIR to clarify the following matters: (1) What risks to human health are currently posed by the remaining soil contamination at the site? (2) How, if at all, will those risks increase during the implementation of the proposed forms of remedial action (e.g., removal, cap, et.)? (3) What risks to human health are currently posed by the contaminated groundwater at the site? (4) How, if at all, will those risks increase during the implementation of the proposed forms of remedial action? (5) It is my understanding that a large, unanticipated airborne release of toxic substances occurred during the installation of the cap at the Thomas Ranch site in Corona, California in the late 1990s. Is there a possibility of a similar release at the Ascon site? (6) What risks will be posed to students attending Edison High School during the implementation of the proposed forms of remedial action? (7) What measures will be taken to minimize any risks under the proposed forms of remedial action? Thanks very much.

Comment 35: Received from Richard Morris and Carol Keane, 9432 Leilani Dr., Huntington Beach, CA 92646

April 22, 2013

Safouh Sayed, DTSC Project Manager
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, CA 90630-4732

Dear Mr. Sayed:

We have lived in the neighborhood adjacent to the Ascon Landfill Site in Huntington Beach for almost 20 years. After many failed promises to deal with the site, it is time to clean up the toxic waste and make it a safe place to live near. We have reviewed the alternatives that are being considered for the cleanup of the Ascon Landfill Site and we recommend Alternative 6.

The health of the residents of Southeast Huntington Beach and future residents should be considered as the most important thing when considering the clean up efforts. Alternative 6 is the best alternative to do that.

Respectfully,

Richard Morris and Carol Keane
9432 Leilani Dr.
Huntington Beach, CA 92646

Comment 36: Received from Norma Vander, via e-mail: miltnormavm@yahoo.com

May 1, 2013

Dear Mr. Sayed,

I am writing to you again regarding the Ascon Dump. The hazardous material must be removed and the site restored to its original condition.

Health risks exceed acceptable levels for both adults and children. These levels that have been exceeded are established by California regulatory agencies.

Health standards appear to have changed regarding the polluted dump area over the years, lessening as time goes on. The apparent reason is the cost of doing a total cleanup of the site. Hazardous material is always exactly that, a hazard and detrimental to the community and it must be totally removed.

If the site does not pose any health hazardx to people, pets and residents, there would be no reason to cap the area and restrict access to it. Capping the hazardous material instead of removing it does nothing but preserve the toxicity of the site and increase pollution of the groundwater now and for future generations.

Pleaser remove the hazardous material and restore the Ascon Dump Site to it's original status, one of usability and a non-toxic environment. It then will remove the health hazard and become usable to the City of Huntington Beach and the community.

How many more people have to incur cancer treatment, lung disease and other ailments befor the dangerous material is removed from this site?

Yours truly

Norma Vander Molen
9472 Mokihana Drive
Huntington Beach, CA 92646

Comment 37: Received from Richard Smyser, via e-mail: smyser1@verizon.net

Safouh Sayed,

My family and I have lived on Rhodesia Drive since 1974 and are familiar with the sordid history of the ASCON Land Fill. The facts have been presented to you and your team and now is the time to do something to eliminate the hazardous condition at the site. You have a moral obligation to correct the problem before we lose any more neighbors and pets to cancer due to the proximity of the site

You have an obligation to do the right thing now stand up and do it.

Sincerely,

Richard Smyser

Comment 38: Received from Michelle Africano, via e-mail: mafricano@socal.rr.com

To: Sayed, Safouh @ DTSC
Subject: Ascon Landfill

Good morning. I am a resident of Southeast Huntington Beach and writing today to beg for your assistance regarding the current study and plan for what is left of the clean up of the landfill site. Placing a cap on the site and forever needing constant water quality testing does not sound like an acceptable level of clean up for a site that was just a short time ago deemed dangerous and toxic. Please consider an alternative to this plan as the residents here are so passionate about this area.

Yes, we could move elsewhere, but we love this area. We have lived here for 17 years…this is where I raised my children. We have many friends, we use the beach regularly, we take care of our neighbors, we feel so lucky to be living in a community like this that seems to be so rare these days. Please help use nurture it back to health where we won't have to live in fear due to potential water contamination. THAT would hurt, not just us, but all of us.

What would you do if your family lived here? Cypress isn't that far away…our water is your water.

Thank you for your time and consideration. I appreciate the hard work it must be to get responsible parties to clean up after themselves.

Michelle:)

Sent from my iPhone

Comment 39: Received from Donna Ryburn, via e-mail: rydon2@socal.rr.com

Dear Mr. Sayed,

I'm writing today concerning the Ascon clean up. I really don't understand why this has been going on for over 25 years. My children went to Edison High School across from the dump in the 80's I still worry about their health.

As far as the Poseidon Plant….PLEASE! this has been a complete waste of time, money and aggravation for the past several years. This company has shown nothing but failure whenever they have gone. I would hope this topic is terminated immediately! We do not want this in Huntington Beach.

The power plant needs updating I'm sure but what a mess has been created with all this. Please do what you can to make Huntington Beach a better place….NO Poseidon, get the dump cleaned up and watch over the AES plant construction for environmental impact.

Sincerely,

Donna Ryburn
9842 La Cresta Cr.
Huntington Beach Ca 92646

Comment 40: Received from Guy Adams, via e-mail: bermudafam@verizon.net

To: Sayed, Safouh@DTS
Subject: ASCON Clean up; it is a simple matter of doing the right thing.

You have been bombarded with the history of this waste dump. Recently there has been a shift in description of this hazard. The law demands that the dump be cleaned up not just capped. The courts have explored the facts and have supported a full clean up. Obviously the time table has been set back and back. This matter has been dragging on since I moved into my home.

You are now the one that can change this trend. If we get to cases it is money that ultimately enters into what is done when and how it is done. The oil industry is hardly poor. The money has been made and now as a matter of public interest you need to take appropriate action.

Somehow huge projects all seem to happen at once. The mere process of cleaning up ASCON, removing the dangerous materials at the AES demolition and then there is the proposed construction of a desalinization plant will clearly impact my neighborhood and the city as a whole. This is shaping up to be another set of reasons to further delay the cleanup at ASCON.

I am encouraging you to use your good judgement and sense of right to proceed without compromise and CLEAN IT UP FULLY AND CLEAN IT UP NOW.

Sincerely,

Guy Adams
9021 Bermuda Dr.
Huntington Beach, CA 92646
(714) 964-7079

Comment 41: Received from Merle Mosheri, via e-mail: PARS11@aol.com, to bermudafam@verizon.net; Sayed, Safouh@DTSC

Subject: Re: ASCON Clean up; It is a simple matter of doing the right thing.

I totally concur. And thank you for writing this.

Merle Moshiri

Comment 42: Received from Tim Geddes, via e-mail: timgeddes3@gmail.com

Subject: ASCON Site Clean-up

I have lived in Southeast Huntington Beach for almost 30 years. My two children graduated from Edison High School at Magnolia and Hamilton. They attended Eader Elementary School and we regularly frequent the next door Banning Branch Library. We shop at the shopping centers at Magnolia and Atlanta. I completely understand the inconvenience of extending operations at the ASCON site to achieve full clean-up. I understand there will be many more truck trips and prolonged periods of noise, odor, and other negative impacts necessary to achieve this goal. I fully support the full clean-up of the site regardless of the temporary hit to our neighborhood quality of life because we have this one chance to make things right for the generations of residents after us. Please register my preference along with my wife and two adult (and voting) children. I have been active in the neighborhood group Southeast Huntington Beach Neighborhood Association (SEBHNA) for years (serving on the board), and was one of our key issues over the past decade. I also served for eight years on the City's Finance Board. I am very active in local civic affairs and have attended numerous meetings (my work schedule allowing) on the ASCON site. Although I live "the other side" of Bushard, I feel that anyone living a mile or two from the site should register their opinions. We should clean up this site completely and hold those Responsible Parties accountable for decades of negligence.

Tim GEDDES

Windsong Circle, HB

Comment 43: Received from Mary Ann Gordon, via e-mail: mgordon@socal.rr.com

Dear Mr. Sayed,

I am in favor of a complete cleanup of the Ascon Dump. The citizens of Huntington Beach have been exposed to these toxins for too long.

Respectfully,

Mary Ann Gordon (resident for 33 years)
22022 Catalina Circle
Huntington Beach 92646

Comment 44: Received from Steve & Marie Reed, via e-mail: svreed@verizon.net

Mr. Sayed:

I live in south Huntington Beach near the Ascon site. This area has been a major concern for years. My kids, grandkids and I have been effected by the lack of attention, lies and shifting of blame and responsibility for this area. My son-in-law has already had one brain tumor removed. How much more? When will the complete cleanup and remainder of toxins be capped off? How can the Ascon cleanup, the new AES plant construction and the Poseidon plant construction all be scheduled at the same time? What impact will this have on the area? When will the groundwater contamination start being tested? ALL MAJOR CONCERS. ALL QUESTIONS THAT HAVE NOT BEEN ANSWERED.

Please take some time to address these questions and concerns. I am sure that if you or your family lived in or near the Ascon site, that you would be as outraged as I am. Thank you for your attention to these important matters.

Marie Reed

Comment 45: Received from John Scott, via e-mail: rjohnscott@gmail.com

May 2, 2013

Safouh Sayed, DTSC Project Manager
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, CA 90630-4732

Dear Mr. Sayed:

DTSC's mission statement: "To restore, protect and enhance the environment, to ensure public health, environmental quality and economic vitality, by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention".

A refrain frequently heard when cleanup of the Ascon Landfill Site is considered, a refrain from City Hall and from the Department of Toxic Substance, is that it would be too expensive for "responsible parties" to clean up the mess they have made in Southeast Huntington Beach.

2.4.11 of the Ascon Consent Order of the State of California, California Environmental Protection Agency, Department of Toxic Subsance Control brought against the Ascon Responsible Parties summarizes the health risk of the Ascon Landfill Site: "The Baseline Health Risk Assessment (BHRA) quantitatively evaluated the potential health impacts at the Site. The BHRA concluded that the **estimated health risk for adult and children living in the immediate vicinity of the site, on site workers, and trespassers exceeds levels considered acceptable by California regulatory agencies.** These potential risks were found to be associated with the volatilization and subsequent inhalation of volatile organic compounds and oral and dermal contact with contaminants in the soil."

Environmental Science and Engineering's study from the 80's and the 90's Baseline Health Risk Assessment (BHRA) were major documents used in the legal action pursued in 2003 to determine who was responsible for cleaning up this historic disposal area known as Ascon Landfill Site, that poses the health risk mentioned above. Based upon what was presented to them, the Court determined the parties responsible for cleaning up this site.

Once cleanup responsibilities were determined, the characterization of the task and the concern for resident's health changed. After having existed for almost 90 years, it was determined that the 25 feet earthen barrier containing the toxic medley was in danger of collapsing and so thousands of yards of hazardous waste were hauled away under the umbrella authority of a Negative Declaration. The explanation given to the residents was that the dangers were so imminent that there was no time for an Environmental Impact Report (EIR). After materials in lagoons 4 & 5 were removed, it was decided to see what lurked in the darkness beneath lagoons 1, 2, & 3 and, material determined by the 80's studies to be hazardous, was also removed and hauled away from those lagoons. Much has already been done at the site without protection for the public that an EIR might give them and much which protected the bank accounts of the perpetrators.

These actions were made possible when DTSC produced a new Baseline Health Risk Assessment to remove **"hazardous materials".** The 90's BHRA used in the 2003 Court Action was discarded as too stringent, and so a new BHRA was

introduced. It diminished the risks and dangers argued in the court action. As if a magic wand had been waved over the site, the risks and dangers presented to the court as “hazardous material” disappeared, and a second BHRA was introduced dealing with “tarry material”.

Although we are now going to have the benefit of an Environmental Impact Report (EIR) it is obvious, even to the casual observer that the dye is cast. Since “hazardous material” is now referred to as “tarry material” and Alternative 4, (Partial Source Removal with Protective Cap – Alternative 4 would be similar to Alternative 3 except that additional materials would be removed and disposed off-site and the protective cap built over the remaining materials would be tiered with a lower profile near the streets. Long-term groundwater monitoring would be performed.), will be forever the fate of this site in our neighborhood. It is no longer hazardous material. It is only tarry material **but it needs to be capped and use of the site must be restricted.** Continued monitoring of the ground water for contaminants will need to be performed for a “long-term. The difference between what is now, and what will be in the future, will be that less “tarry” material” will be piled up there, continued ground water testing will need to be done, and an earthen cap on the site will be added. The remaining “tarry material” will be entombed at the site in tiers with the lowest profile near Hamilton Avenue and Magnolia Street.

DTSC’s mission statements… are these just nice words, words that have no meaning for the residents of SEHB?

Respectfully,

John F. Scott
22032 Capistrano Lane
Huntington Beach, CA 92646-8309

Comment 46: Received from Marinka Horack via e-mail: horackm@hotmail.com

Subject: Ascon Cleanup Comments: Do a COMPLETE Cleanup

Dear Mr. Sayed,

Thank you to the DTSC for this Ascon cleanup project. Our southeast Huntington Beach community has been waiting a very long time for this to happen. In the meantime, we have lost many neighbors to an inordinately high number of cancers, especially brain cancers.

The cleanup must be complete. Please cleanup the Ascon Dump to the **“last molecule”** of toxins. As DTSC official John Scandura said at the Edison high School scoping meeting on April 23, in the long run a complete cleanup of Ascon may be no more costly than a partial cleanup, because a partial cleanup would

require continuous maintenance and monitoring costs afterwards. So bring on those 30,000 truck loads and please rid our community of the poisons we have been forced to live with.

As parents, we train our children to clean up their own messes. As a civilized society, we must expect the same from adults. Oil companies are among the wealthiest businesses in the world. They must be held accountable for the poisons they leave behind.

The DTSC is responsible for protecting the public health. Please do so.

Sincerely,
Marinka Horack
21742 Fairlane Circle
Huntington Beach

Comment 47: Received from Milt Dardis, via e-mail: mdardis@verizon.net

Gentlemen:
Have been a resident for 40 years living 3 blocks from this nefarious site. The OC Grand Jury had ruled, the HB City Council has ruled; and it's still standing after 40 years and will be still standing for another 40 years when I am pushing up daisies.

It appears that more money can be made by searching for cleanup cure; than finding a cleanup cure. Yes, we had trucks exiting out of the dump site, but they still have not found the Caterpillar tractor in one of the ponds. So the mystery carries on.
Toxins continue to fill the area
Rain water runoff continues to fill our streets and still nothing has happened.
All that happens is to file another EIR report that will promise and only promise that something will be done.

My suggest to the HB Fire Dept was to have a controlled burn and practice their hazmat firefighting techniques.

So good luck as we know that nothing will be done.
Milt Dardis
Huntington beach Ca

Comment 48: Received from Marinka Horack, via e-mail: horackm@hotmail.com

Subject: Ascon, AES, & Poseidon Projects: What's the Impact?

Dear Mr. Sayed,

Thank you to the DTSC for taking on the important Ascon cleanup project.

Among my many concerns is that there are three major projects planned for the same time and the same area between Magnolia St. and Newland St., and south of Hamilton Avenue.
1.**Ascon** Dump cleanup.
2.**AES** plant demolition, and construction of a new AES plant.
3a.**Poseidon plant** construction, as well as water pipeline installation
3b.**Poseidon water pipeline** installation along Newland St. and Hamilton Avenue from the desal plant.
All three of these projects are major undertakings which will require the bringing in of construction materials, and will create a tremendous amount of traffic, noise, dust and pollution.

The EIR should include a consideration of this.
It is essential that a study be submitted of the cumulative impact of all these multiple overlapping construction projects before they happen.
Questions: Is it even feasible that all of these projects can be done at the same time frame for which they are planned?
Where will the staging areas be?
How will the cross traffic of many heavy trucks be managed?
What will the health impact be on the more than 2000 households that surround all this activity?

Sincerely,
Marinka Horack
21742 Fairlane Circle
Huntington Beach, CA 92646
horackm@hotmail.com

Comment 49: Received from Marilyn Fluharty, Acting Senior Environmental Program Manager, South Coast Region, State of California, DEPARTMENT OF FISH AND WILDLIFE, South Coast Region, 2883 Ruffin Road, San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

May 3, 2013

Mr. Safouh Sayed
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, CA 90630

Subject: Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Remedial Action Plan for Ascon Landfill Site, Huntington Beach, CA (SCH#2013041010)

Dear Mr. Sayed:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Notice of Preparation (NOP) for the Remedial Action Plan for Ascon Landfill Site draft Environmental Impact Report (DEIR). The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act, [CEQA] Guidelines § 15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code §2050 et seq.) and Fish and Game Code section 1600 et seq.

The 38-acre project site is located at the southwest corner of Hamilton Avenue and Magnolia Street in the southeast portion of the City of Huntington Beach in the County of Orange. The Ascon Landfill Site (site) operated as a hazardous waste disposal facility from approximately 1938 through 1984. Since 1984, waste materials have not been accepted and the site has remained a closed landfill facility. A Revised Feasibility Study (RFS) identified and evaluated six potential remedial action alternatives to protect public health and environmental resources at the site. The RFS identified a "preferred alternative" to remedy the site that generally includes partial removal of waste materials within the site and a protective cap over the remaining waster materials. This preferred alternative is the subject of a Remedial Action Plan (RAP) currently under preparation by the Department of Toxic Substances Control (DTSC). The RAP will identify the detailed components of the preferred alternative.

The Department offers the following comments and recommendations to assist the DTSC in avoiding or minimizing potential project impacts on biological resources.

Specific Comments

1. The Initial Study, section 4: Biological Resources, states that the project site contains southern tarplant *(Centromadia parryi ssp. australis;* page 25). The DTSC has been in contact with Department botanist Meredith Osborne in previous years regarding the translocation of this species from the project area to another location. The Department's request for an update regarding this process remains incomplete, and to this end we request that the DEIR identify potentially feasible mitigation measures that avoid or reduce significant impact of southern tarplant to the extent feasible.

A. Preconstruction surveys for southern tarplant as described in mitigation measure B-1 may not be sufficient to reduce direct impacts to this species. Southern tarplant blooms from July to September. During other times of the year, it is often difficult to distinguish from Russian thistle (*Salsola tragus*). As an annual, the population size of this species is a function of annual rainfall. This reinforces the need for proper quality and timing of the proposed surveys, and we strongly recommend pre-construction surveys for southern tarplant be done while it is in bloom to avoid unintentional impacts.

B. Should translocation of southern tarplant be considered a viable method for minimization of impacts to that species, the DEIR would need to provide a commitment as to whom will be implementing restoration, when the measures would be implemented, and how the restoration would be approved and conducted. In order to minimize impact, such mitigation measures should include the following elements:

   i. A specific commitment to whom will be implementing restoration/-seed collection would be approved and conducted.
   ii. A timeframe for transplantation is strongly recommended. It is proposed that salvage material would be used in transplantation. The removal of soil containing a significant population of California rare plants is likely to result in significant temporal and permanent habitat loss if conducted in the manner proposed. The restoration of native habitats is not always successful through passive restoration, and has to be implemented seasonally for best results.
   iii. A designated representative at the DTSC or their designee to oversee restoration, commitment to a timeframe to when restoration would occur, and a proposed draft restoration plan for mitigating impacts to California rare plants.
   iv. Monitoring and reporting on the effectiveness of the measure at compensating for disturbance that may result in permanent habitat conversion to non-native plant habitat.

General Comments

1. The Department has responsibility for wetland and riparian habitats. It is the policy of the Department to strongly discourage development in wetlands or conversion of wetlands to uplands. We oppose any development or conversion which would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, project mitigation assures there will be “no net loss” of either wetland habitat values or acreage. Development and conversion include but are not

limited to conversion to subsurface drains, placement or fill or building of structures within the wetland and channelization or removal of materials from the streambed. All wetlands and watercourses, whether intermittent or perennial, should be retained and provided with substantial setbacks which preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations. Mitigation measures to compensate for impacts to mature riparian corridors must be included in the DEIR and must compensate for the loss of function and value of a wildlife corridor.

a. If the project area is shown to support aquatic riparian, and wetland habitats; therefore, a jurisdictional delineation of the creeks and their associated riparian habitats should be included in the DIER. The delineation should be conducted pursuant to the U.S. Fish and Wildlife Service wetland definition adopted by the Department.[1] Please note that some wetland and riparian habitats subject to the Department's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers.

b. The Department also has regulatory authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed. For any such activities, the project applicant (or "entity") must provide written notification to the Department pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, the Department determines whether a Lake and Streambed Alteration Agreement (LSA) with the applicant is required prior to conducting the proposed activities. The Department's issuance of a LSA for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. The Department as a Responsible Agency under CEQA may consider DTSC's Environmental Impact Report for the project. To minimize additional requirements by the Department pursuant to section 1600 et seq. and/or under CEQA, the document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA.[2]

2. The Department considers adverse impacts to a species protected by the California Endangered Species Act (CESA), for the purposes of CEQA, to be significant without mitigation. As to CESA, take of any endangered, threatened, or candidate species that results from the project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085.) Consequently, if the Project, Project construction, or any Project-related activity during the life of the Project will result in take of a species

designated s endangered or threatened, or a candidate for listing under CESA, the Department recommends that the project proponent seek appropriate take authorization under CESA prior to implementing the project. Appropriate authorization from the Department may include an incidental take permit (ITP) or a consistency determination in certain circumstances, among other options (Fish and Game Code §§ 2080.1, 2081, subds. (b),(c)). Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that the Department issue a separate CEQA document for the issuance of an ITP unless the project CEQA document addresses all project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

3. To enable the Department to adequately review and comment on the proposed project from the standpoint of the protection of plants, fish and wildlife, we recommend the following information be included in the DEIR.

    a. A complete discussion of the purpose and need for, and description of, the proposed project, including all staging areas and access routes to the construction and staging areas.

    b. A range of feasible alternatives to ensure that alternatives to the proposed project are fully considered and evaluated; the alternatives should avoid or otherwise minimize impacts to sensitive biological resources particularly wetlands. Specific alternative locations should be evaluated in areas with lower resource sensitivity where appropriate.

Biological Resources within the Project's Area of Potential Effect

4. To provide a complete assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, sensitive, and locally unique species and sensitive habitats, the DEIR should include the following information.

    a. Per CEQA Guidelines, section 15125(c) information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis should be placed on resources that are rare or unique to the region.

    b. A thorough assessment of rare plants and rare natural communities, following the Department's *Protocols for Surveying and Evaluating*

Impacts to Special Status Native Plant Populations and Natural Communities (see: http://www.wildlife.ca.gov/habcon/plant/) (hard copy available on request).

c. A current inventory of the biological resources associated with each habitat type on site and within the area of potential effect. The Department's California Natural Diversity Data Base in Sacramento should be contacted at (916) 322-2493 or www.wildlife.ca.gov/-biogeodata/ to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas Identified under Chapter 12 of the Fish and Game Code.

d. An inventory of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect. Species to be addressed should include those which meet the CEQA definition (see CEQA Guidelines, §15380). This should include sensitive fish, wildlife, reptile, and amphibian species. Seasonal variations in use of the project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species of active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with the Department and the U.S. Fish and Wildlife Service.

Analysis of the Potential Project-Related Impacts on the Biological Resources

5. To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the DEIR.

   a. A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage should also be included. The latter subject should address: project-related changes on drainage patterns on and downstream of the project site; the volume, velocity, and frequency of existing and post-project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-project fate and runoff from the project site. The discussions should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary, and the potential resulting impacts on the habitat, if any, supported by the groundwater. Mitigation measures proposed to alleviate such impacts should be included.

b. Discussions regarding indirect project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a NCCP). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR.

c. The zoning of areas for development projects or other uses that are nearby or adjacent to natural areas may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the environmental document.

d. A cumulative effects analysis should be developed as described under CEQA Guidelines, section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

Mitigation for the Project-related Biological Impacts

6. The DEIR should include measures to fully avoid and otherwise protect Rare Natural Communities (Attachment) from project-related impacts. The Department considers these communities as threatened habitats having both regional and local significance.

7. The DEIR should include mitigation measures for adverse project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.

8. For proposed preservation and/or restoration, the DEIR should include measures to perpetually protect the targeted habitat values from direct and indirect negative impacts. The objective should be to offset the project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.

9. In order to avoid impacts to nesting birds, the DEIR should require that clearing of vegetation, and when biologically warranted construction, occur

of the peak avian breeding season which generally runs from February 1 through September 1 (as early as January for some raptors). If project construction is necessary during the bird breeding season a qualified biologist with experience in conducting bird breeding surveys should conduct weekly bird surveys for nesting birds, within three days prior to the work in the area, and ensure no nesting birds in the project area would be impacted by the project. If an active nest is identified, a buffer shall be established between the construction activities and the nest so that nesting activities are not interrupted. The buffer shall be a minimum width of 300 feet (500 feet for raptors), shall be delineated by temporary fencing, and shall remain in effect as long as construction is occurring or until the nest is no longer active. No project construction shall occur within the fenced next zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the project. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

10. The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Studies have shown that these efforts are experimental in nature and largely unsuccessful.

11. Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. Each plan should include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity.

We appreciate the opportunity to comment on the referenced NOP. Questions regarding this letter and further coordination on these issues should be directed to Jennifer Edwards at (858) 467-2717 or via email at Jennifer.Edwards@wildlife.ca.gov.

Sincerely,

Marilyn Fluharty
Acting Environmental Program Manager
South Coast Region

Enclosure: Sensitivity of Top Priority Rare Natural Communities in Southern California

ec: Scott Morgan, State Clearinghouse, Sacramento

[1]Cowardin, Lewis M., et al. 1979. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service.

[2]A notification package for a LSA may be obtained by accessing the Department's web site at www.wildlife.ca.gov/habcon/1600.

Sensitivity of Top Priority Rare Natural Communities in Southern California

Sensitivity rankings are determined by the Department of Fish and Game, California Natural Diversity Data Base and based on either number of known occurrences (locations) and/or amount of habitat remaining (acreage). The three rankings used for these top priority rare natural communities are as follows:

S1.# Fewer than 6 known locations and/or on fewer than 2.000 acres of habitat remaining.

S2.# Occurs in 6-20 known locations and/or 2,000-10,000 acres of habitat remaining.

S3.# Occurs in 21- 100-known locations and/or 10,000-50,000 acres of habitat remaining.

The number to the right of the decimal point after the ranking refers to the degree of threat posed to that natural community regardless of the ranking. For example:

S1.1 = very threatened
S2.2 = threatened
S3.3 = no current threats known

Sensitivity Rankings (February 1992)

Rank	Community Name
S1.1	Mojave Riparian Forest
	Sonoran Cottonwood Willow Riparian
	Mesquite Bosque
	Elephant Tree Woodland
	Crucifixion Thorn Woodland

	Allthorn Woodland
	Arizonan Woodland
	Southern California Walnut Forest
	Mainland Cherry Forest
	Southern Bishop Pine Forest
	Torrey Pine Forest
	Desert Mountain White Fir Forest
	Southern Dune Scrub
	Southern Coastal Bluff Scrub
	Maritime Succulent Scrub
	Riversidean Alluvial Fan Sage Scrub
	Southern Maritime Chaparral
	Valley Needlegrass Grassland
	Great Basin Grassland
	Mojave Desert Grassland
	Pebble Plains
	Southern Sedge Bog
	Cismontane Alkali Marsh
S1.2	Southern Foredunes
	Mono Pumice Flat
	Southern Internir Basalt Flow Vernal Pool
S2.1	Veneturan Coastal Sage Scrub
	Diegan Coastal Sage Scrub
	Riversidean Upland Coastal Sage Scrub
	Riversidean Desert Sage Scrub
	Sagebrush Steppe
	Desert Sink Scrub
	Mafic Southern Mixed Chaparral
	San Diego Mesa Hardpan Vernal Pool
	San Diego Mesa Claypan Vernal Pool
	Alkali Meadow
	Southern Coastal Salt Marsh
	Coastal Brackish Marsh
	Transmontane Alkali Marsh
	Coastal and Valley Freshwater Marsh
	Southern Arroyo Willow Riparian Forest
	Southern Willow Scrub
	Modoc-Great Basin Cottonwood Willow Riparian
	Modoc-Great Basin Riparian Scrub
	Mojave Desert Wash Scrub
	Englemann Oak Woodland
	Open Englemann Oak Woodland
	Closed Englemann Oak Woodland
	Island Oak Woodland

	California Walnut Woodland Island Ironwood Forest Island Cherry forest Southern Interior Cypress forest Bigcone Spruce-Canyon Oak Forest
S2.2	Active Coastal Dunes Active Desert Dunes Stabilized and Partially Stabilized Desert Dunes Stabilized and Partially Stabilized Desert Sandfield Mojave Mixed Steppe Transmontane Freshwater Marsh Coulter Pine Forest Southern California Fellfield White Mountains Fellfield
S2.3	Bristlecone Pine Forest Limber Pine Forest

Comment 50: Received from Monica Horack, via e-mail: horackm@hotmail.com

Subject: Ascon Cleanup: What about the Poseidon Pipeline next to Ascon?

Dear Mr. Sayed,

Thank you for the DTSC undertaking to cleanup up the Ascon Toxic Dump.

Of great concern to me is, that as the toxins are removed from Ascon, Poseidon Resources plans to install a desalinated water pipeline that will go from their plant and then down under Hamilton Avenue, only a few feet away from the north border of the Ascon dump. The DTSC needs to assure the public that this water pipeline which will be joined to the general public Orange County water supply will be safe, and not contaminated by any toxins.

Questions: Have there been ground soil and groundwater studies done of what lies under Hamilton Avenue where the pipeline will be dug?
Have earthquake scientists been consulted about the safety of having a public water pipeline in proximity to the Ascon dump?
Could the public water supply become contaminated if there is a break in the pipe?

Please include these inquiries in the Ascon EIR, as protection of the public health is your most important goal.

Sincerely,

Marinka Horack

21742 Fairlane Circle
Huntington Beach, CA 92626

Comment 51: Received from Rexford Parker, via e-mail: parker.fam1@verizon.net

Subject: ASCON, AES AND POSEIDON IN HUNTINGTON BEACH

I support comprehensive Ascon cleanup, complete removal of the existing AES facility, no new AES facility, no Poseidon construction, and as much restoration of natural habitat and coastline as possible.

Viewed from offshore, Huntington Beach looks less like a resort attraction eager for tourism that a post-apocalyptic dump. The ancient AES powerplant belches smoke and fumes into the sky. The beach itself is dirty and characterless. Ocean water is polluted. Zoning regulations are blatantly disregarded. The place looks like a mess. How is it Laguna, Newport and Seal Beaches receive all the cosmetic attention, while Huntington remains the Pahrump of the coast? Is this strictly money talking?

Please do the right thing for the long-term benefit of Huntington Beach, its residents, its wildlife, its nascent tourism industry and the overall environment of our state, our country, and our world. If this implies foregoing the quick buck, then do the right thing and forego it. Much deeper dividends will be realized in the end.

Thank you.

Rexford Parker
18171 Riverside Circle
Huntington Beach, CA 92648-1077

Comment 52: Received from Patricia Goodman, via e-mail: patgoodman12@gmail.com, to Marinka Horack, via e-mail: horackm@hotmail.com

R4RD Group,
Here is your opportunity to make official comments on the Ascon Toxic Dump cleanup project, or ask questions.

Ascon Cleanup Comments Due Friday, May 3

Please send your comments and questions TODAY to:
Safoud Sayed, DTSC Project Manager
Dept. of Toxic Substances Control
5796 Corporate Avenue

Cypress, CA 90630-4732

OR **email your comments** by tomorrow to:
Safoud.sayed@dtsc.ca.gov

Some of the issues:

- Complete cleanup or partial cleanup, with remainder of toxins capped off/
- Cancer risks associated with toxins in the dump.
- **3 major projects are planned for the same time in the same area: 1. Ascon Cleanup, 2. New AES Plant construction, 3. Poseidon Plant construction.**
- **How will this be possible when staging areas are limited, and triple the amount of noise and dust pollution will be of major concern to the residents.**
- **The planned Poseidon pipeline is projected to be dug along Hamilton Avenue, just a few feet away from the northern border of the Ascon Dump.**
  Soil and groundwater contamination should be tested. Has the DTSC studied these concerns?
  The EIR – Environmental Impact Report – on the Ascon Cleanup project will be out in August of 2013.

Pat Goodman

Comment 53: Received from Patricia Goodman, via e-mail: patgoodman12@gmail.com

Dear Mr. Safoud,

Thank you for your effort to clean-up the ASCON dump site in Huntington Beach over the years. It is time to use your expertise to complete the clean-up effort. This is a project that I thought was on its way to completion but I guess I am wrong.

This area needs to be completely cleaned-up because of its proximity to residential, commercial and educational sites. It is also near the our ocean. There are two other major developments on the horizon in this area: the demolition and rebuild of the AES plant and possibly the Poseidon Desalination Project. It would be good to get the ASCON clean-up completed before these other projects begin.

Sincerely,
Patricia Goodman
1853 Bentley Ln.
Huntington Beach, CA 92648

Comment 54: Received from Bob Smith, via e-mail: bobsmithttl@gmail.com

Hello Safouh Sayed, Project Manager, Brownfields and Environmental Restoration.

This email summarizes our concerns with the Ascon Landfill project.

We have lived for 44 years in the Seabury Homes, less than a block from the Ascon Landfill. We have watched over these years the various attempts to clean the site. We are disappointed that so little progress has been achieved.

Thus we are very much behind the efforts of your new Director, Debbie Raphael's major shakeup to change the "Culture of kicking hard decisions down the road" and significantly increasing public involvement, combining Permitting with Enforcement, and aligning software/mapping services such as CalEnviroScreen, and taking an active role in Gov. Brown's several related Working Groups. http://www.dtsc.ca.gov/RestoringPublicConfidence.cfm

Specifically, her directives to "Improving the Foundations of DTSC" encourage you and your supervisors to pay close attention to community concerns and comments, and to fully commit to the latest OPR thinking on EIR study compliance and OPR tools when selecting appropriate EIR advisors.

Our concerns include:

1) The overlap in construction planned by these known projects in the same staging areas, employee parking, logistics coordination problems, and environmental problems:

   Ascon Landfill 2014--------1015----?
   Poseidon Desal Construction (IF CCC Allows) 2014 ----2017
   AES HB Generation Construction 2015----------2022

2) How will responsibility for full and accurate toxic chemical reporting from DTSC sources to City of HB agents be verified?? Since City of HB owns the narrow margin of land on the North adjacent to Hamilton – where Poseidon Desal plans to run drinking water pipes that:

   -are on known earthquake faults; on possibly toxic soil; with unknown control valve capability to prevent contaminating OC water and Ascon toxic water in worse case scenarios;

   This seems to be a prime area for key knowledge to "Fall between the cracks", as Director Raphael notes in her directive, above.

3) The list of ten EIR issues (Aesthetics, Air Quality, Bio Resources, Geo-Soil, Hazards & HazMat, Hydrology, Land Use Planning, Noise, Transportation/Traffic) cover many subtopics. The Gov.'s Strategic Growth Council and related Working Groups with legislative support, are seeking to both streamline EIR and link EIR to Adaptive planning. This includes Sea Level Rise and related public construction projects along the California coastline and wetlands. These are complex issues, and the OPR and CEC has spent many millions of tax dollars on tools to simplify modeling and to align state data sources with these modeling capabilities. We strongly encourage you to support your Director's initiatives in exploiting smart geo-spatial 3D modeling and planning rather than narrow thinking in framing the EIR study.

We support full cleanup – Option #6 over Option #4.

Thank you for reading our comments.

Rpbert J. Smith, Ph.D.
Professor Emeritus, CSU
Vice Chair, National Institute of Building Standards, Standards Terminology Work Group Director, R4RD
Previously – Dir. Of Research, HazTech Corporation
21352 Yarmouth Lane
Huntington Beach, CA 92646

Comment 55: Received from Suzie Smith, R4RD, 21352 Yarmouth Lane, Huntington Beach, CA 92646, via e-mail to Bob Smith, via e-mail: bobsmithttl@gmail.com

Hello Safouh Sayed, Project Manager, Brownfields and Environmental Restoration.

This email summarizes our concerns with the Ascon Landfill project.

We have lived for 44 years in the Seabury Homes, less than a block from the Ascon Landfill. We have watched over these years the various attempts to clean the site. We are disappointed that so little progress has been achieved.

Our concerns include:

1) The overlap in construction planned by these known projects in same staging areas, employee parking, logistics coordination problems, and environmental problems:

   Ascon landfill 2014-------1015----?
   Poseidon Desal Construction (IF CCC Allows) 2014----2017

AES HB Generation Construction 2015----------2022

2) How will responsibility for full and accurate toxic chemical reporting from DTSC sources to City ofHB agents be verified?? Since City of HB owns the narrow margin of land on the North adjacent to Hamilton – where Poseidon Desal plans to run drinking water pipes that:

   - Are on known earthquake faults; on possibly toxic soil; with unknown control valve capability to prevent contaminating OV water with Ascon toxic water in worse case scenarios;

This seems to be a prime area for key knowledge to "Fall between the cracks", as Director Raphael notes in her directive, above.

3) We support full cleanup – Option #6 over Option #4.

Thank you for reading our comments.

Suzie Smith
R4RD
21352 Yarmouth Lane
Huntington Beach, CA 92646

Comment 56: Received from Carole Hennessy, 35 Harcourt, Newport Coast, CA 92657

To: Ascon Regional Records Coordinator

1. Is Ascon Landfill in Huntington Beach an active dump site?
2. Does it still or ever emitted toxic particles airbourn?
3. In the future will it be closed up & used for other purposes?

I have clients who want to move into the neighborhood and these questions are important to them.

Thank You
Carole Hennessy

Comment 57: Received from Vicki McDonald, via e-mail: CalifCoastRe@earthlink.net, cc:califcoastre@earthlink.net

Good Day Safoud

We are residents in the neighborhood of Ascon; could you please answer the following questions below:

- Will there be a Complete cleanup or partial cleanup, with remainder of toxins capped off?
- Are there Cancer risks associated with toxins in the dump?
- 3 major projects are planned for the same time in the same area: 1. Ascon Cleanup, 2. New AES Plant construction, 3. Poseidon Plant construction. How will this be possible when staging areas are limited, and triple the amount of noise and dust pollution will be of major concern to the residents?
- The Planned Poseidon pipeline is projected to be dug along Hamilton Avenue, just a few feet away from the northern border of the Ascon Dump. Soil and groundwater contamination should be tested. *Has the DTSC studied these concerns?*

Thank You

Dennis and Vicki McDonald
CalifCoastRe@earthlink.net

Comment 58: Received from Guy Adams, via e-mail: bermudafam@verizon.net

Subject: BELATED MESSAGE RELATING TO THE ASCON DUMP

ASCON Clean up; It is a simple matter of doing the right thing

You have been bomarded with the history of this waste dump. Recently there has been a shift in description of this hazard. The law demands that the dump be cleaned up not just capped. The courts have explored the facts and have supported a full clean up. Obviously the time table has been set back and back. This matter has been dragging on since I moved into my home.

You now are the one that can change this trend. If we get to cases it is money that ultimately enters into what is done when and how it is done. The oil industry is hardly poor. The money has been made and now as a matter of public interest you need to take appropriate action.

Somehow huge projects all seem to happen at once. The mere process of cleaning up ASCON, removing the dangerous materials at the AES demolition and then there is the proposed construction of a desalinization plant will clearly impact my neighborhood and the city as a whole. This is shaping up to be another set of reasons to further delay the clean up of ASCON.

I am encouraging you to use your good judgement and sense of right to proceed without compromise and CLEAN IT UP. Moreover I urge that no further disgraceful delays and talk of half measures be tolerated. I urge you to CLEAN IT UP FULLY AND CLEAN IT UP NOW.

Sincerely,

Guy Adams
9021 Bermuda Dr.
Huntington Beach, CA 92646
Resident since 1980.

Comment 59: Received from Marinka Horack, 21742 Fairlane Circle, Huntington Beach, CA 92646

__X__ Please add me to the Ascon Landfill site mailing list.

1. Please require that the responsible parties do a COMPLETE CLEANUP of Ascon. We insist our children clean their messes. So should business people.
2. Three major projects, AES, Poseidon and Ascon, are planned for the same area at the same time. Please submit study of cumulative impact of construction of these 3 multiple overlapping projects.
3. The Planned Poseidon pipeline is projected to be dug along Hamilton Avenue, just a few feet away from the northern order of the Ascon Dump. Soil and groundwater contamination should be carefully tested before a public water pipe be allowed through the area.
4. The cancer rates in southeast H.B. are too high. The toxic dump is surely to blame

Marinka Horack

Please include the enclosed news articles as part of the public record.

News Article *[first page only]* – Los Angeles Times, Wednesday, August 17, 2005

DISASSEMBLY LINE: *Up to 90 truckloads of toxic sludge are removed daily from the Ascon Landfill, along Magnolia Street near Pacific Coast Highway. The waste – including arsenic and lead – must be removed so cracks in containment berms can be fixed.*

Dump's Cleanup an Urgent Task
Winter rain turned a Huntington Beach toxic site soupy. Neighbors are nervous, and immediate action precedes a more thorough scouring later.
By Lara Lin
Times Staff Writer

Six months after heavy winter storms turned a long-closed Huntington Beach landfill into a soupy, toxic mess, an emergency cleanup is underway amid neighbors' health concerns.

In February, workers pumped nearly 4 million gallons of rainwater from the site. But the damage had already been done to the 38-acre Ascon Landfill, near Magnolia Street and Pacific Coast Highway, half a mile from the beach.

Nineteen cracks were discovered in an 18-foot-high earthen berm along Hamilton Avenue, which lines the two northern-most waste pits. The repairs are needed to prevent the berm from giving way during another storm and allowing hazardous sludge to spill onto streets.

"Those berms are 60 years old and were not engineered. They basically moved dirt forward into piles to create them," said Mary Urashima, spokeswoman for Cannery Hamilton Properties, owner of the landfill, which closed in 1984.

The risk has prompted the owner to begin removing as many as 90 truckloads of toxic waste per day from the site so workers can repair the cracks.

Nearby residents welcome the emergency cleanup, which will be followed by a full cleanup of all waste pits guided by a state-mandated environmental review. But some are concerned that the expedited repairs, which received an abbreviated review by the state, could pose some dangers.

"People want the thing cleaned up, but gosh, we've been through this so much, everybody tends to be a little skeptical about what's going on," said John Scott, 74, who lives half a mile from the dump. "It may well be that there's a danger, [and] I'd feel a lot better myself if they had gone through with the environmental review … and have the public hearings that would protect the health and well-being of the people that live in the area."

From 1938 to 1984, the site was used for hazardous oil waste, petroleum sludge and construction materials. Its waste lagoons contain volatile and semi-volatile organic compounds, and pol-

[See Dump, Page B7]

News Article – Huntington Beach Independent A6 January 22-28, 2009

SOUNDING OFF
Toxic Waste Site is a threat

The 1999-00 Grand Jury investigated the Ascon Toxic Waste Site in Huntington Beach. They produced a report that brought back the memories of the horrible stench that permeated the neighborhood in the 190s and again in the 1990s which emanated from the styrene pit.

Each time, the pit was covered with plastic to remedy the odor problem. That experience has given us a preview of what cleanup could mean for our neighborhood. The report told a frightening story of indifference and neglect by public agencies charged with protecting the health and safety of the public.

For many years there was no control over what was dumped there. The gate was pen and inert solid waste, toxic waste and no one knows what else was dumped there. The only control was a sign-in sheet requesting a name and what was dumped, which was frequently ignored.

In addition to this unregulated dumping and the dangers posed by its contents, the site for most of those years had no security.

Gaping holes were created for easy access by homeless people. Homeless camps complete with cooking, trash and toilet areas were found there. When the homeless set the place on fire one night and the fire department had to enter the scent, the extent of the problem that residents had to live with for so many years suddenly became apparent to city officials.

There were no maps of the area that would tell firemen if they were on a safe road or driving into a styrene pit. They did not know if the fire was unleashing toxins, and they did not know if the conditions that night caused a danger to the people living in the area. Suddenly, after many years, city officials became aware of the dangers this site posed to the people of southeast Huntington Beach.

Without knowing the contents of this site, the city allowed a high school, a park and several hundred homes to be built on its perimeter.

Events have happened over the years that pointed out to residents the dangers that lurked beyond that fence. At a City Council meeting some years ago a neighbor of the site told a heart-wrenching story.

For an hour he and his neighbors heard a dog's desperate cries. When they could not stand the agonizing cries any longer, they went to the site and found a dog trapped in one of the tar pits.

They quickly understood the reason for the horrible cries of that dog. He slowly had sunk into that toxic muck and was ingesting it. He could not be saved. It was a frightening lesson to families raising children in the area.

On Adelia Circle, which is directly across Magnolia from ASCON, there are 16 homes. In those 16 homes there are eight people who have had to face Parkinson's disease, respiratory problems, cancer or auto immune disease. One of them has both cancer and Parkinson's disease. Several died from these causes.

The Department of Toxic Substances Control found that there were potential risks "associated with the volatilization and subsequent inhalation of volatile organic compounds and oral and dermal contact with contaminants in the soil."

They listed 64 toxic substances present on this site that could cause "potential health effects including cancer, circulatory, kidney and nervous system damage. Inhalation of some metals can also produce immune reactions including asthma."

A history of neglect and indifference has surrounded the site. Given the fact that a school, a park and many homes exist on its perimeter, along with the threat to the health and safety of those people living there, it is important that we ensure that the primary objective of this cleanup is the health and safety of the residents and not the financial interest of the perpetrators.

JOHN F. SCOTT is a Huntington Beach resident.

News Article *[first page only]* – Thursday, JAN. 22, H.B. Wave (O.C. Register local)

Neighbors of toxic landfull uncertain of future

BY CINDY CARCAMO
OCREGISTER.COM

Seduced by Orange County's termperate climate, Nebraska native John Scott bought into the Huntington Beach dream in the 1970s, moving into a home on the southeast side.

Scott's image of kids playing on manicured lawns under blue skies quickly shattered, though, after he heard a story of a dog wailing into the night.

At a neighborhood meeting, a man stood up to tell the story of a stray that had been caught in a "tar pit" at the landfill on the southwest corner of Hamilton Avenue and Magnolia Street.

"Neighbors described that they could hear the horrible tones of the dog trying to extract itself from it," Scott recalled, shaking his head. "They found this poor dog almost up to his mouth in the tar pit. They pulled him out and rushed him to a vet but he had ingested the stuff and subsequently died."

This tale would mark the beginning of a decades-long struggle for Scott and other neighbors who have lived near the heavily polluted landfill known as the Ascon/NESI site.

This is a story of a community hoping to recapture its California dream, despite living next to a sit that for 70 years was a dumping ground for oil drilling byproducts, construction and plastic materials, such as sulfuric acid and styrene. All this activity left the 39-acre plot heavily polluted and with several oil sludge lagoons, according to state documents.

Arsenic, mercury, chromium and lead may have been some of the chemicals the neighborhood dog swallowed on that night, according to a state report about the metals detected at the site.

According to the same documents, the metals detected at the landfill were greater then typical background concentrations.

"Significant risks from many of these chemicals may occur primarily by direct contact with soils, ingestion and dermal exposure," the report states. "Potential health effects include cancer, circulatory, kidney and nervous system damage. Inhalation of some metals can also produce immune reactions, including asthma."

Some who moved into the area said they didn't know about the landfill, while others said they knew about it, but not the extent of its pollution. "I love this area but I really have considered moving. You know what you hear and what's happened to neighbors around me and people who have died of cancer on this street, it makes you wonder what you should do," Scott said.

See the documents
The public can review the "Revised Feasibility Study" posted under "Site Documents" at www.ascon-hb.com. This document provides information on the site's history, the waste materials on site, site investigations, and the health risk assessment.

Current property owners chevron and Conoco Phillips are expected to pay an estimated $46 million to $81 million for the state-mandated cleanup, which proposes capping the site and removing an estimated 15 percent of the waste.

While the site cleanup may not start for another couple years, residents will soon have a chance to weigh in on the project, expected to start as soon as mid-February or March.

Those who live near the site say their lives are at times interrupted by reminders of the landfill.

For some, those reminders come with the whiff of a nasty odor, nausea, headaches and respiratory problems, according to state documents and neighbors' accounts.

Neighbor Carolyn Crockett believes the signs are more pronounced.

Crockett, who lives directly across the street from the site, said she believes the cancer deaths and illnesses on her street may be a result of the landfill and some substances at the site, such as benzene.

The federal Centers for Disease Control and Prevention has determined that benzene causes cancer in humans. Long-term exposure to high levels of benzene in the air can cause leukemia, a cancer of the blood-forming organs, according to the agency.

"There's an inordinate amount of diseases and cancer on my street. The guy across the street died of brain cancer. I was diagnosed with cancer and a lady across the street had cancer. The lady next door died of respiratory disease and my 63-year old roommate died of autoimmune disease," Crockett said. "Who knows what happened to the neighbors who moved out?"

Comment 60: Received from Ian MacMillan, Program Supervisor, CEQA Inter-Governmental Review Planning, Rule Development & Area Sources, South Coast Air Quality Management District, 21865 Copley Drive, Diamond Bar, CA 91765-4178 - (909) 396-4732 – www.aqmd.gov

May 3, 2013

Safouh Sayed, Project Manager
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, CA 90630-4732

Notice of Preparation of a CEQA Document for the
Ascon Landfill Site Project

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The SCAQMD's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the draft CEQA

document. Please send the SCAQMD a copy of the Draft EIR upon its completion. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to the SCAQMD. Please forward a copy of the Draft EIR directly to SCAQMD at the address in our letterhead. **In addition, please send with the draft EIR all appendices or technical documents related to the air quality and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files. These include original emission calculation spreadsheets and modeling files (not Adope PDF files). Without all files and supporting air quality documentation, the SCAQMD will be unable to complete its review of the air quality analysis in a timely manner. Any delays in providing all supporting air quality documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. The lead agency may wish to consider using land use emissions estimating software such as the recently released CalEEMod. This model is available on the SCAQMD Website at: http://www.aqmd.gov/ceqa/models.html.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, that is, sources that generate or attract vehicular trips should be included in the analysis.

The SCAQMD has developed a methodology for calculating PM2.5 emissions from construction and operational activities and processes. In connection with developing PM2.5 calculation methodologies, the SCAQMD has also developed both regional and localized significance thresholds. The SCAQMD requests that the lead agency quantify PM2.5 emissions and compare the results to the recommended PM2.5 significance thresholds. Guidance for calculating PM2.5

emissions and PM2.5 significance thresholds can be found at the following internet address: http://www.aqmd.gov/ceqa/handbook/PM2_5/PM2_5.html.

In addition to analyzing regional air quality impacts the SCAQMD recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LST's can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the proposed project, it is recommended that the lead agency perform a localized significance analysis by either using the LSTs developed by the SCAQMD or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at http://www.aqmd.gov/ceqa/handbook/LST/LST.html.

In the event that the proposed project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the lead agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis") can be found on the SCAQMD's CEQA web pages at the following internet address: http://www.aqmd.gov/ceqa/handbook/mobile_toxic/mobile_toxic.html. An analysis of all toxic air contaminant impacts due to the decommissioning or use of equipment potentially generating such air pollutants should also be included.

Mitigation Measures

In the event that the project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate significant adverse air quality impacts. To assist the Lead Agency with identifying possible mitigation measures for the project, please refer to Chapter 11 of the SCAQMD CEQA Air Quality Handbook for sample air quality mitigation measures. Additional mitigation measures can be found on the SCAQMD's CEQA web pages at the following internet address: www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html Additionally, SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook contains numerous measures for controlling construction-related emissions that should be considered for use as CEQA mitigation if not otherwise required. Other measures to reduce air quality impacts from land use projects can be found in the SCAQMD's Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. This document can be found at the following internet address: http://www.aqmd.gov/prdas/aqguide/aqguide.html. In addition, guidance on sitting incompatible land uses can be fund in the California Air Resources Board's Air Quality and Land Use Handbook: A Community Perspective, which can be found at the following internet address: http://www.arb.ca.gov/ch/handbook.pdf. CARB's Land Use Handbook is a

general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process. Pursuant to state CEQA Guidelines §15126.4(a)(1)(D), any impacts resulting from mitigation measures must also be discussed.

Data Sources
SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD's Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the SCAQMD's World Wide Web Homepage (http://www.awmd.gov).

The SCAQMD staff is available to work with the Lead Agency to ensure that project-related emissions are accurately identified, categorized, and evaluated. If you have any questions regarding this letter, please call Ian MacMillan, Program Supervisor, CEQA Section, at (909) 396-3244.

Sincerely,

Ian MacMillan
Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

IM
LAC130402-01
Control Number

Comment 61: Received from Jeanine Hinde, Planner II, California Energy Commission, Siting, Transmission, and Environmental Protection Division, 1516 9th Street, MS 40, Sacramento, CA 95812 Tele Dir: (916) 651-3755, via e-mail: Jeanine.hinde@energy.ca.gov

Good Morning Safouh

I'm part of the Energy Commission team working on the environmental analysis for the proposed Huntington Beach Energy Project (HBEP) licensing case. My part is to analyze the visual resources impacts of the HPEP. I have a couple of questions about the Ascon Landfill cleanup project:

1) Have you received NOP comments concerning potential visual resources impacts of the RAP? If so, could I please obtain copies of those comments?
2) I just reviewed the April 2013 fact sheet for the landfill project and see that the NOP is available at a couple of local HB libraries. Is the NOP available as an electronic file, and if so, could I please obtain a copy?

Thank you,

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3.0 Public Comments Received At Public Scoping Meetings Held April 23, 2013, at Edison High School and May 1st, 2013, at City of Huntington Beach, City Council Chambers

(Note: Comments noted below reflect all comments provided by the public during the scoping meetings).

Comment 62: Received from Jack Kirkorn, 9122 Kahului Drive, Huntington Beach, CA 92646

My name is Jack Kirkorn, neighbor of the site for 47 years. I'm disappointed as you. I thought maybe there would be a couple hundred people here, but I understand why there is not. The community is just growing tired of this situation. I just cannot believe how long it's taking your department to get this cleanup going. I know the red tape that's involved, both from the federal level and the state level. But maybe that's sort of part of the problem we have with an expedited cleanup. Believe me, the community has known for over 20 years the problem there, and we're just going through the environmental review of it. It's just taking too long. I know you folks probably have other sites you're working on, and maybe you have thousands of sites, I don't know. But if I could offer a suggestion that the responsible parties, part of the cost of cleaning the site up is paying for you folks to do an expedited quicker job than you have been doing. It's taking too long. I'm running out of time. I probably will not see the site cleaned up. I'm getting too old. And maybe that's happened with a lot of the people who would have attended here if this had been going on 10 years ago or 5 years ago. Maybe they would still be living.

At first when all this started, I was going to be satisfied with a cleanup to the level that would not impact the neighborhood as much as the perfect solution, which is level 6. We've waited so long now, what's another couple of years to clean it up properly and complete. There's this green poster over on the -- in the room here that shows the elevations of how the site is going to look after your proposed level 4 cleanup, which is not cleaning it up completely but just to a certain, I guess, adequate level.

I would like to see the site look like it did before the pollution started. Level it with the surrounding community, not with 40-foot mounds on

portions of the site. I'm for a level 6 cleanup completely. Hopefully I'll even see it before I croak. Thank you very much.

Comment 63: Received from George Mason, Resident, 21641 Bahama Lane, Huntington Beach, CA 92646

My question -- I've got mostly questions rather than comments. The Remedial Action Plan would seem to me would have sort of a vision where this thing is going. Is it with respect to the scientific aspects of it, but not with respect to what's going to be left when the job is finished? For example, what's the nature of the final vegetation? Is this vegetation that requires irrigation? Is the vegetation going to continue to grow and cause a fire hazard? Is it vegetation that can be used by the public? And can the site be used by the public after the completion of the cleanup? None of this is in the RAP. And you would think when you're talking in terms of remediation, that these types of things reflect what a vision of this place is going to look like and be used for when it's completed would be useful.

Will the site be fenced or open following completion?

Will curbs, gutters, and sidewalks be constructed like there is every place else around this neighborhood? The way it is right now, it ends with a fence and people -- pedestrians walking along the side and have no place to walk.

It would just seem that a better vision for the public is just exactly where we're going with this thing would be useful in addition to protecting everything.

Comment 64: Received from Joe Shaw, City of Huntington Beach, 8401 Sweetwater Circle, Huntington Beach, CA 92646

Hi. I wanted to thank you for coming out and presenting this to the community. It's very important that we're all informed about what's going on at the site. It's taken a long time. I'm concerned, like the previous two speakers, it's taken a long time to get here. So how confident are we that we are going to be able to implement anything in 2015? That's a comment on what we've experienced so far on this project. It's taken way too long.

I'm concerned about -- I'm concerned about what's keeping the dust from flying into the neighborhoods right now. We've had too long -- we've been here too long with an open wound, so to speak, in our neighborhood. And what's really disturbing me tonight is that I have responded to two citizens' requests that we have chemical analysis and information about what was removed during the interim removal and what is still there at the bottom of the pit. And I have asked our fire department to help me get those answers. And to date -- I've done this ever since you came and presented it to the city council -- I've asked our staff to get these answers for me. So far they haven't been able to get those answers from you. We need to know what chemicals were removed and what chemicals are still there at the bottom of that pit, and as soon as possible

please. Thank you.

Comment 65: Received from Joe Shaw, City of Huntington Beach, 8401 Sweetwater Circle, Huntington Beach, CA 92646

Do we not have a chemical analysis of the things that were removed? That's what we would like.

Comment 66: Received from Joe Shaw, City of Huntington Beach, 8401 Sweetwater Circle, Huntington Beach, CA 92646

Someone was just asking me, can you tell us what they're doing to get the dust from flying into the air with all the metals?

Comment 67: Received from Victor Pang, Homeowner, 9351 Tidewater Circle, Huntington Beach, CA 92646

My name is Victor Pang. I live at 9351 Tidewater Circle. I'm a homeowner there for 46 years, and I have two concerns.

I guess the trucks that are -- will be hauling the dirt to and from the site, will they be properly covered to prevent dust from flying off the trucks and tires since they will be on the site? And that's for air quality.

And another one, I'm concerned about water quality. Now, I think you said that it won't get into our water table, and so have they done sufficient testing to ensure that?

And finally, back to air quality. The site air quality, I would really like to see some kind of monitors at the high school and at the elementary schools to ensure that the air quality is good, you know. Someone can keep doing the analysis. And I think -- what is it? Oh, yes. Finally, do we have a community member from this community that will be sitting on an advisory committee during the time when decisions are being made?

That's all. Thank you.

Comment 68: Received from Shawn Thompson, Resident, 9121 Bermuda Drive, Huntington Beach, CA 92646

My name is Shawn Thompson. I live at 912 Bermuda Drive, which is just across from Ascon. I have questions. First of all, I want to say thank you to DTSC because I was very pleased to see the emergency action in 2005. If you had waited for public comment, that stuff would have been slurring all over the street. So thank you for taking action.

I have a few questions. I do not expect them to be answered tonight. I'll probably make comments so you can have them in writing and answered in the draft EIR.

How deep is the contamination? How deep is the water table? Are there wells there or have they been mechanically capped? I'm concerned we would just be looking at a structural cap and not a mechanical cap. We did have that release several years ago, not something we would like to have happen again. I'm not sure why -- if someone could explain to me actually why there is a 30-foot difference between the street level and the highest point on the site. I'm not quite sure why that's happening. Are we burning something over there, because I'm not sure it's that high at the moment. It's also graded to drain to go to the streets. Do we have some sort of a capture around the edge? Where is the detention basin? Will this plan include improvements to the streets? Currently there are safety concerns for bike riders, pedestrians, and actually traveling motor traffic because we cannot see around the corner. It's not consistent with the streets running in both directions. We've waited for many years for somebody to develop the site and improve both sides of the street, which I think would be appropriate. Now, seeing that we don't know what it's going to be zoned for, how long until we see the streets improved? Because it is currently a safety issue as far as I can tell. And that's all I have. Thank you very much.

Comment 69: Received from Dr. Rita Boggs, Chemist, 21328 Island Avenue, Carson, CA 90745

I'm a chemist, so that's the reason for my presence. I'm concerned about it. I live in the city of Carson, I don't live here. But I have been involved in some of these over the years and just wanted to come over and help ask the right questions.

When the -- and excuse me if you've already answered these things at a previous meeting. When you first established this thing as a hazardous site, what chemicals were there to require that? In other words, hazardous, what did you find?

Can we answer as I go or --

Comment 70: Received from Dr. Rita Boggs, Chemist, 21328 Island Avenue, Carson, CA 90745

Is it true that you've already covered this site with something?

Comment 71: Received from Dr. Rita Boggs, Chemist, 21328 Island Avenue, Carson, CA 90745

You already know that you have some petroleum benzene, so when you select a membrane to protect it, it's got -- you have to choose something that won't allow the penetration through the membrane; right?

Comment 72: Received from Dr. Rita Boggs, Chemist, 21328 Island Avenue, Carson, CA 90745

So has there been any work done so far on that particular issue (*re: petroleum benzene)*?

Comment 73: Received from Dr. Rita Boggs, Chemist, 21328 Island Avenue, Carson, CA 90745

60 mils of what (*re: cap)*?

Comment 74: Received from Dr. Rita Boggs, Chemist, 21328 Island Avenue, Carson, CA 90745

I understand the thickness, but what's the stuff it's made of (*re: cap)*?

Comment 75: Received from Dr. Rita Boggs, Chemist, 21328 Island Avenue, Carson, CA 90745

Polyethylene takes a while for penetration, but it does. There have been studies published on it.

Comment 76: Received from Dr. Rita Boggs, Chemist, 21328 Island Avenue, Carson, CA 90745

It's rather important that the benzene and other things not get through. In particular that woman who was just speaking before me who lived across the street or something, you know, it can't be almost good, it's got to be extremely good to not allow the penetration through that membrane. Six millimeters is -- 60 -- but the question I have on that is we have earthquakes and you start having something thick as a membrane you're apt to break the membrane because of the pull and so forth of the earthquakes. So you need to be careful about how thick that membrane is and what it's made of and so forth.

Comment 77: Received from Dr. Rita Boggs, Chemist, 21328 Island Avenue, Carson, CA 90745

And certainly the questions that someone along here asked about the identification of the chemicals, that is important. Not only because I like chemistry, but it could mean a difference in somebody's life or, you know, loss of life.

Comment 78: Received from Dr. Rita Boggs, Chemist, 21328 Island Avenue, Carson, CA 90745

I think you meant 60 millimeter and not milliliters. Milliliter is a volume unit.

Comment 79: Received from John Scott, 2203 Capistrano Lane, Huntington Beach, CA

My name is John Scott and I live at the 2203 Capistrano Lane. Sometime ago a cancer study was done throughout this area. And at your last meeting you said that although the cancer rate in this part of Huntington Beach was higher than other parts of Huntington Beach, there was not a causal link between the higher incidence of cancer here. I asked the person I talked to if they were aware of the circle that's right across from this styrene pit in which eight people have had cancer, neurological disorders. I think two of those have died. There's 16 homes on that circle and eight people have been seriously affected. And the answer I got was no. I would think that since it's probably not more than 100 feet from that styrene pit, I would think that that would be an essential part of this study.

Over the years, in response to this lady's question about covering the pit, those of us that have lived here for many, many years, I can think of at least two occasions when the odor from that pit permeated the entire neighborhood. I live probably a block away from this site. And so and I think it was since I moved there, it was in the 1970s, and this site goes back to the early part of the century, probably in the 1930s is what your literature indicates.

So I think a lot has escaped over the years, and I would hope that somebody would look into styrene. You're a hundred feet away, you put up your monitors, you put them across the street and you say you haven't detected levels that would be a danger to our health. But the answer to this lady's question, I think there's a list of substances that are contained in there. I think there's 68 substances, styrene, benzene are all mentioned in that. And so, you know, those things I hope are taken seriously.

The second problem I have is when you went to court to hold parties responsible for this site and what was dumped there, you used one set of data. I think basic health risk assessment. And then -- that was probably in 2003 when you were pursuing the court action. And then back in the early '90s that basic health risk assessment was done. And before that, you had a study of the site and it had -- there was some pretty dangerous stuff there.

Subsequently, after the parties were held responsible, then you changed courses. You came up with a new basic health risk assessment. And you said, well, this stuff is not so dangerous. You hauled out truckload after truckload for months out of the site for what previously had been said is dangerous. And that's the study that's being used as the basis for the cleanup.

Even now when you talk about cleanup, I heard someone say you were going to cover it and put a cap on it, which eliminates the possibility of cleaning it up to the level that was a five or six. So in some ways it doesn't build a great deal of confidence for someone like myself, and I'm sure many others here that you haven't already made up your mind what you're going to do there.

For example, I've seen in the literature that you put out that they're going to cap it, but there won't be any grass on it. It can be used for some things, but you can't get any homes built on it. There will be no grass, no schools.

Maybe ball fields. It's all confusing to me.

And I maybe mentioned it, but there is a list of substances that are there. It's about 70 different substances. And when they deal with substance, they deal with them as individuals. But you know if you got 70 different chemicals there, it would seem to me that you have to take them together. That's what they're there together and God knows what the total effect of those chemicals on the surrounding neighborhoods. So I would hope when you do this EIR that those issues have to be addressed. And especially why did you change horses in the middle of the stream? Why do you use one to get the court action to hold people responsible, then when you go to clean up, you all of a sudden change and use far lesser basic health risk assessments to move forward with the cleanup? And then talk about what the cleanup is going to be. Although you say one possibility is the number 6, which, you know -- it's just -- it doesn't -- it certainly doesn't do much to build my confidence in what you're moving forward with. Thank you.

Comment 80: Received from John Scott, 2203 Capistrano Lane, Huntington Beach, CA

What phase is that? Not phase, what level? Are they all the same? There's two main ones. That's the problem. They're paying for it. They are not balking at the cost as far as I know.

Comment 81: Received from Mark Dixon 21612 Bahama Lane, Huntington Beach, CA 92646

Thank you. Good evening. My name is Mark Dixon, D-i-x-o-n. I have been concerned about this dump for the 20 years I've lived about a block from it, but I have to confess only recently have I come to a meeting like this. So I'm a little slow on the learning curve right now. And I'll ask an ignorant question and I hope I can be excused for that.

I was going to ask the question until you said it may not be possible. My question is why can't they dig deep enough to get every bit of toxicity out of that hole and make it habitable for residential use? Why can't that be done? I'm interested in my site. I want to hear about my site. Because the question is, if it was habitable before they started dumping stuff there, why can it not be made habitable now? So my simple question -- my ignorant question is why?

Comment 82: Received from Dr. Rita Boggs, 21328 Island Avenue, Carson, CA 90745

My question is sensitive receptors, places like at Edison School and so forth, things like that. What are you going to do about that?

Comment 83: Received from Diane Miller, 9282 Mokihana Drive, Huntington

Beach, CA

Hi. I'm Diane Miller. I live about two blocks or three blocks from the excavation site Ascon. I think it was about a year ago or so they started -- I don't know if it's the same company. But they started excavating, there were trucks going from that site, they were removing. And I'm at home most of the time, and I started getting real dizzy, and I had to lay down the rest of the day. And there was a number to call, so I called and somebody came out. And then a wind came and it sort of went away, but I didn't do very well. I was hoping you're going to have a much better cleanup so we don't get physically sick. It lasted like eight hours. So just so they can -- you know, it was the air. It was really I'd say -- it's right by the river channel there, it's right behind that. Thank you.

Comment 84: Received from Noli Valera, Student, Loyola Marymount University, Los Angeles, CA 90045

Hi. My question is regarding any sort of long-term monitoring, if you could briefly discuss what the plans are, assuming there is residential and commercial development. What plans are in place or what you intend to do as far as doing any air or groundwater monitoring?

Comment 85: Received from Joni Hendershot, 7850 Slater Avenue, Huntington Beach, CA 92647

Thank you for letting us ask you questions. My mother died of brain cancer in 1998. And I wasn't living here at the time, although I did come back to take care of her. My question is, as I know that there have been people who have stated there have been -- there was an uptick of severe cancer illnesses and things like that. I also did read that allegedly that there was no connection. However, as you just heard, it's making people sick. So there has to be a connection between the uptick and brain stem cancers with children. So there are some health issues.

I hadn't read where that had been readdressed or reintroduced for speculation or if there has been any kind of, you know, updated information, statistics, or anything else. Because I think that kind of is a serious issue, especially if you're going to be disturbing the soil again and, you know, all of that, with all of the school and the park and the residents. And I think that -- I think that what you're doing and what your goal is is fantastic. I don't see any other avenue to approach it.

And after, what, 35 years, we're finally getting somewhere with this. But at what cost have we -- or I'm not going to blame it on you guys. Let me blame it on the city, because they didn't push anybody to continue to keep working on this issue. So I think that collectively everything just kind of fell on everybody else's shoulders. So I'm wondering have there been any current health studies or risks.

Okay. So if people have any concerns or health issues then they should be able to, what, contact you?

One more question: When do you think the health study will be done?

Comment 86: Received from Dr. Rita Boggs, 21328 Island Avenue, Carson, CA 90745

When the lady who spoke first about the odor and her illness and so forth. Then the whole discussion seemed to go regarding odor. And, you know, I think everyone sitting here realizes that there can be a lot of dangers with contact without -- with things that do not have an odor, and they're still having an effect on one's health. So if you don't smell anything it doesn't mean that there's nothing wrong.

And I think people need to know that, that, you know, it's not enough to say there's no odor and, therefore, it's okay. In addition, the expert at USC, I would suggest that you have the results of that also reanalyzed. I think more than one person should decide whether or not there's a health issue in an area. Thank you.

Comment 87: Received from Ms. Joetta Thompson, 21731 Impala Lane, Huntington Beach, CA 92646

My name is Joetta Thompson and I live about one mile from Ascon, off of Hamilton. My question is what are the ongoing preventive measures for containing the contaminated water seeping into the water system; what is being done now and what will be done in the future?

Very careful monitoring? I mean, I believe if my memory is serving me correctly, and correct me if I'm wrong, they're saying the contamination that occurred at the elementary school that was subsequently closed because the groundwater -- because the ground was contaminated in parts of that neighborhood around next to Edison Park Community Center.

I didn't say it was *(In response to John Scandura).* I'm saying the ground was contaminated as part of that neighborhood is also contaminated.

So Ascon had nothing to do with it or has not had anything to do with it*? (In response to John Scandura).*