ADDENDUM NO. 2 TO THE FINAL MITIGATED NEGATIVE DECLARATION FOR THE INTERIM REMOVAL MEASURE (IRM) WORKPLAN PROJECT AT THE ASCON LANDFILL SITE TO ADDRESS THE LAGOON 3 PROPOSAL

DECEMBER 7, 2010

I. INTRODUCTION

Pursuant to the provisions of the California Environmental Quality Act (CEQA), the Department of Toxic Substances Control (DTSC) distributed a Draft Initial Study/Mitigated Negative Declaration (MND) (State Clearinghouse No.: 2009101077) for the proposed Interim Removal Measure (IRM) Project at the Ascon Landfill site for public review and comment from October 22, 2009 to November 23, 2009. The Final MND was adopted by DTSC on May 10, 2010. Since approval of the Final MND by DTSC, the Project Applicant, referred to as the "Ascon Responsible Parties" or RPs, have modified the internal construction components anticipated to occur as part of the IRM project.

Addendum No. 1 was prepared by DTSC in July 2010 to analyze the "Modified IRM Proposal" which included modifications to the internal haul routes and excavation activity location internal to the Project site particularly around Lagoons 1 and 2. The Addendum concluded that the Modified IRM Proposal will not alter the impact findings and mitigation measures presented in the Final MND and that an Addendum is the appropriate CEQA document for the Modified IRM Proposal pursuant to CEQA Guidelines §15164(b) because none of the conditions described in §15162 calling for the preparation of a subsequent EIR or negative declaration occurred.

After on-going construction IRM activities within Lagoons 1 and 2, it has been determined by the RPs that removal of materials from Lagoon 3 will be necessary to ensure the stability of the existing berm between Lagoons 2 and 3. In November 2010, DTSC filed a Notice of Exemption (NOE), to place and mix Lime Kiln Material (LKM) into Lagoon 3 to reduce the moisture from the southern portion of Lagoon 3 and help stabilize the berm. If the berm were to fail, unknown amounts of hazardous material from Lagoon 3 could flow into Lagoon 2. Therefore, unless the NOE was filed promptly, before the next significant rain event, the berm could fail catastrophically and threaten the physical integrity of the approved removal action in Lagoon 2, potentially endangering workers at the site and ultimately compromising the existing remediation effort. The placement of LKM into Lagoon 3 will allow a storm water sump within Lagoon 3. As a result, the ponded water could be removed and not allowed to remain in the southern portion of Lagoon 3 where it is causing instability of the berm. Additionally, the LKM minimizes the seepage forces in the berm.

While the LKM materials added into Lagoon 3 have helped to reduce the potential for failure of the berm between Lagoons 2 and 3, additional work efforts with Lagoon 3 (herein referred to as the "Lagoon 3 Proposal"), described below, will be necessary to further ensure stability of the berm throughout the duration of future remediation efforts.

To address the "Lagoon 3 Proposal", this Addendum to the Final MND has been prepared. The DTSC has determined that an Addendum is the appropriate subsequent CEQA document to address the Lagoon 3 Proposal pursuant to CEQA Guidelines §15162, as explained in more detail in Section II, *Purpose Of Addendum and CEQA Requirements*, below. Pursuant to CEQA Guidelines §15164(c), this Addendum is not

being circulated for public review, but will be attached to the Final MND. In addition, a Notice of Determination will be filed with the California State Clearinghouse within the State of California Office of Planning and Research.

II. PURPOSE OF ADDENDUM AND CEQA REQUIREMENTS

The purpose of this Addendum is to address the implications of the Lagoon 3 Proposal in order to determine whether any significant environmental impacts which were not identified in the Final MND would result, or, whether previously identified significant impacts would be substantially more severe. This document has been prepared in accordance with CEQA Guidelines (Title 14, Cal. Code Regs., 15000 et seq.) §15164 and §15162.

Section 15162(a) of the CEQA Guidelines provides that, for a project covered by a certified EIR or adopted negative declaration, preparation of a subsequent EIR or negative declaration rather than an Addendum is required only if one or more of the following conditions occur:

1. *Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*

2. *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; or*

3. *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time of the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:*

    a) *The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*

    b) *Significant effects previously examined will be substantially more severe than shown in the previous EIR or negative declaration;*

    c) *Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*

    d) *Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR or negative declaration would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternative.*

Section 15164(b) of the CEQA Guidelines states:

> *An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.*

Based on the analysis presented herein, it has been determined that an Addendum to the Final MND is the appropriate CEQA document to address the Lagoon 3 Proposal given that none of the conditions described in §15162 calling for the preparation of a subsequent EIR or negative declaration have occurred. The environmental analysis relies in part on the analyses completed in the previous Final MND and directly references the Final MND where appropriate.

III. APPLICATION OF PREVIOUSLY CERTIFIED ENVIRONMENTAL DOCUMENTATION TO LAGOON 3 PROPOSAL

Description of Lagoon 3 Proposal

The Project Description in the Final MND for the IRM Project indicated that the project would include removal and disposal, or, if feasible, recycling of the tarry materials from two interior lagoons (Lagoon 1 and 2) in the southwest zone of the Ascon site that received oil production waste during the landfill's operation. The maximum volume of material to be removed is 70,000 cubic yards, inclusive of any additives needed to dry the tarry materials for transport.

Overview of IRM Progress to Date and Anticipated Results of the IRM. As of November 22, 2010, approximately 48,000 tons (37,000 cubic yards[1]) of material from Lagoons 1 and 2 have been removed as a part of the IRM Project. Figure 1, *Existing Roads and Site Conditions*, in Attachment A illustrates the existing site conditions. Up to approximately 17,000 tons (13,000 cubic yards) of additional material are expected to be removed from these lagoons in order to meet the IRM objective with an anticipated total removal from these two lagoons of approximately 50,000 cubic yards of tarry materials, combined with lime kiln material. Upon removal of waste from the northern portion of Lagoon 2, field conditions that are different than those anticipated during the planning stages of the project were observed. Of particular concern are the height and steepness of the south facing slope of the berm separating Lagoons 2 and 3 (Berm). The south facing slope is higher than expected, and the inclination of the exposed slope is steeper.

Need to Stabilize Berm. The south facing slope of the Berm is exposed, (i.e., it is not supported by lagoon material). The original mitigation measure in the IRM Workplan of a broken concrete buttress is no longer appropriate given the newly exposed site conditions. Because of the IRM activities conducted to date, the project's Geotechnical Engineer is concerned about not only the stability of the south facing slope, but also that of the berm in general. Moreover, these observed conditions may persist for an extended period of time (i.e., the time between the conclusion of the IRM and the final remedy). The potential impact to the berm stability of the impeding rainy season is also a factor to consider. Thus, this Lagoon 3 Proposal recommends implementation of engineering controls prior to completion of the IRM in order to ensure that the site is as safe as possible during preparation for the remedial action, which could be ongoing into 2014.

The most effective and feasible method to avoid potential failure of the berm and to better ensure the containment of Lagoon 3 materials during the period between completion of the IRM and implementation of the final remedy is to remove some waste materials from the southern portion of Lagoon 3. This approach will reduce the load on the berm and thereby result in greater berm stability and safety. The attached memorandum from Dr. Neven Matasovic, the project's Geotechnical Engineer, explains the rationale behind this approach.

[1] *Trucking data indicate that the lagoon materials, after mixing with lime kiln materials have a density of approximately 1.3 tons per cubic yard. The end dump haul trucks carry approximately 18 cubic yards of material per truck with a waste load of approximately 23 tons on average.*

Transportation and Disposal of Lagoon 3 Materials. Lagoon 3 materials are similar to those of Lagoons 1 and 2 and are believed to be of similar consistency in the southern portions of Lagoon 3. These materials would therefore be transported and disposed at Clean Harbors Environmental Services' Buttonwillow Landfill under the same waste profile as the Lagoons 1 and 2 material.

Weather permitting, removal of waste from Lagoons 1 and 2 as part of the IRM should be complete by January 2011. The volume of Lagoon 3 tarry materials to be removed is anticipated to be approximately 8,500 cubic yards. This volume is the approximate result of an excavation with an east-west width of approximately 200 feet, which will span Lagoon 3, a north-south width of 95 feet, and a depth of 12 feet.[2] The 8,500 cubic yards volume, combined with the anticipated volume to be removed from Lagoons 1 and 2 would bring the IRM total removal volume to approximately 58,500 cubic yards. This volume is less than the 70,000 cubic yards evaluated in the Final MND.

Although not expected to be encountered in significant quantities, if at all, during excavation activities within Lagoon 3 and/or soil borrow sites, VOC contaminated soils per South Coast Air Quality Management District (SCAQMD) Rule 1166, if found, would be removed and transported off the site in accordance with applicable SCAQMD regulations. If VOC contaminated soils are removed from the site, the total volume of VOC contaminated soils plus the volume of tarry materials removed from Lagoon 3 would not exceed a total of 70,000 cubic yards. Removal of Lagoon 3 materials and VOC contaminated soils, if found, is anticipated to be accomplished within the announced time period of IRM operations per the IRM Workplan and Final MND.

Proposed Work. The Lagoon 3 Proposal would remove materials from Lagoon 3 in order to protect the berm between Lagoons 2 and 3 from potential failure. The excavation of Lagoon 3 materials would be performed in conformance with the procedures as outlined in the IRM Workplan. Implementation of the Lagoon 3 excavation portion of the IRM would include the construction of an approximate 15-foot wide access road for construction equipment, using site soils, that would extend from the east bank of Lagoon 3, at approximately 40 feet north of the berm, to the west bank. This access road would be constructed from the east or west banks of Lagoon 3 by removing tarry materials within its footprint and filling the resulting void with soil. Lime kiln materials (LKM) could be used to condition the tarry materials to enable the access road construction, if necessary. From this access road, long-reach excavators could access tarry materials north and south of the access road, as well as from the berm. Tarry materials at approximately 40 feet north of the access road would be accessible for excavation. The northern side of the access road would be located approximately 95 feet from the Lagoon 3 tarplant population that was determined to not be impacted in the Final MND, providing a sufficient buffer to protect this population. If additional protective measures are needed, then a berm of LKM-solidified materials, and concrete debris, if necessary, could be installed 40 feet north of the access road. Figure 2, *IRM Lagoon 3 Waste Removal Approach,* in Attachment A illustrates the Lagoon 3 Proposal approach.

After removal of sufficient tarry materials from Lagoon 3 to better ensure the stability of the berm, any residual tarry materials at the bottom of the excavation would be covered with soils, as with Lagoon 1 and 2. If field conditions so dictate, the berm could be reduced in height to further enhance its stability. If it is determined by geotechnical assessment that buttressing of the north side of the berm is necessary (the attached memorandum determined that is likely not necessary), such buttressing would be accomplished using site soils or concrete debris currently found on site. Vehicle access to the berm and the new access road would be limited to off-road vehicles during and after construction.

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[2] *The 12-feet depth would be the anticipated maximum depth and would result in a floor at an approximate elevation of 9 feet, six-feet above the maximum allowable elevation for Lagoon 1 and 2 because of proximity of groundwater and 0 feet elevation.*

Tarry materials would be prepared for loading and transportation by mixing in LKM using the same process as presently occurs for materials from Lagoon 1 and 2. Loading into haul trucks would also occur using the east side of Lagoon 3 (see Figure 2 in Attachment A), using the same process and equipment.

Any borrow soils used from the site as part of the Lagoon 3 Proposal activities would be taken from on site areas that do not contain southern tarplant populations. Such borrow areas may include, but are not limited to, the west bank of Lagoon 3.

New Hauler Access Road. A new waste hauler access road connecting High Road just north of Lagoon 3 to the proposed loading areas along the east side of Lagoon 3 would be constructed as part of the Lagoon 3 removal work. (Refer to Figure 1 in Attachment A for a site map with access roads identified, and the locations of the southern tarplant onsite.) This new access road would follow the eastern perimeter of Lagoon 3, west of Central Road, and would be used primarily by south bound, empty waste haul trucks, as well as import haul trucks (e.g., for LKM deliveries), on approach to the loading area. The loading area would be in the southeast corner of Lagoon 3, including along the eastern side of Lagoon 3 (southern portion of Lagoon 3). After loading, the haul trucks would proceed to the onsite scale via Crossover Road, and then head south on Central Road to the scale, then head east to the decon pad after weighing, and then drive east to the manifesting/tarping station at the Magnolia exit prior to leaving the Site. Refer to Figure 2 in Attachment B for a map of the proposed new access road, loading areas, and general areas of southern tarplant identified in the Final MND and Addendum No. 1 that may be impacted during this Lagoon 3 limited waste removal.

Summary. The proposed alternative includes use of the onsite haul route identified above, and as shown on Figure 2 in Attachment A. In comparison to the IRM activities described in the Final MND and Modified IRM Proposal (analyzed in Addendum No. 1), the new proposed loading area would not be located closer to the site perimeter than existing onsite roads used as part of ongoing IRM activities, the traffic count of haul trucks will not change, off-site haul routes will not change, the construction schedule will not change, and the maximum volume of removable materials during the IRM (70,000 cubic yards) will not be exceeded as stated in the Final MND. Further, the Lagoon 3 Proposal will comply with the same regulatory requirements and implement the same components in the IRM Workplan that serve to minimize impacts on the environment.

Alternatives Considered and Rejected. Alternatives to the loading areas and location of a new access road were considered to evaluate the least potential environmental impacts, while still allowing for the project execution and IRM objective to be met. The following alternatives were evaluated and subsequently eliminated from consideration due to infeasibility and/or implementation or safety concerns. These eliminated alternatives and corresponding reasons for elimination are as follows:

- Northbound Loading: In this option, haul trucks would use the existing access road, Lagoon Perimeter Road (refer to Figure 1 in Attachment A), and after driving around Lagoons 1 and 2, continue north to the eastern side of Lagoon 3 to be loaded with Lagoon 3 materials. The loaded truck would then either have to perform a U-turn to the east and south to rejoin Crossover Road and head back to the onsite scale located at the Crossover Road/Central Road intersection, or the haul trucks would be required to back up along Lagoon Perimeter Road after being loaded in the southeast corner of Lagoon 3, to enable turning onto Crossover Road and again heading back to the onsite scale.

  Analysis of the potential path geometry shows that the end dump haul trucks with their long trailers do not have sufficient space to perform a U-turn without incurring significant intrusion into the designated tarplant protection areas located to the east of Lagoons 2 and 3 and west of the drum storage area and Central Road. These options would typically limit the loading area to one haul truck

at a time due to the tight area and the need to provide a spotter for the haul trucks if backing up or making tight turns, and would also not typically allow for the placement and mixing of LKM into the lagoon until after all of the waste haul trucks are gone for the day, which would only leave a couple/few hours left in the day for the addition of the LKM and preparation of enough materials for the next day's hauling. All of the above issues would lead to a much lower productivity, and therefore it is unlikely that the project could be completed in the allotted time allowed per the Final MND. Also, the backing up of haul trucks presents a safety hazard that is acceptable only with a full-time spotter, and when no other options are available. Due to these reasons, this option was not considered further.

- New Lagoon 2 Road: In this option, a new road would be constructed through Lagoon 2 after removal of the tarry materials from Lagoon 2, from the west side of the lagoon, down the existing access ramp into the lagoon, across the newly exposed lagoon floor heading east, and up the existing access ramp to the east bank of Lagoon 2, putting the haul trucks into a loading position where the haul trucks would likely be facing to the northeast, requiring either a big turn, or possibly still requiring a smaller U-turn than the previous option, after driving out of the lagoon. This option would also significantly encroach on the large number of protected tarplants located to the east of Lagoons 2 and 3 and west of the drum storage area and Central Road.

  Other difficulties with this option include design of the new road in and across Lagoon 2 to withstand the haul truck traffic, modifying the east portion of Lagoon Perimeter Road to better align the haul trucks on approach to a suitable loading area, limitation of the loading area to the Lagoon 3 southeastern corner only, preparing the in-going and outgoing ramps into/out of the lagoon for proper truck traction, and air quality concerns for personnel working in the excavation bottom of Lagoon 2. For these reasons, this option is deemed infeasible.

- Backing Up Prior to Loading: This option would use existing access roads and new road segments already within tarplant-free areas, with the haul trucks driving around Lagoons 1 and 2 on the Lagoon Perimeter Road, then turning east along Crossover Road, then the haul trucks would back up to the north/northwest towards the southeastern corner of Lagoon 3 where they would be loaded. This option would require extensive backing up of haul trucks to properly position them for loading, and would require a full-time spotter to ensure the safety of the drivers and trucks. This option would add a significant amount of time for the loading operations due to the extensive and careful backing up of trucks that would be required. Similar to the above northbound loading option, this option would also limit the loading area to one haul truck at a time due to the tight area and the need to provide a spotter for the haul trucks. This option would not typically allow for the placement and mixing of LKM into the lagoon until after all of the waste haul trucks are gone for the day due to the limited work space that would be available along the lagoon banks, and therefore it would be very difficult to prepare enough materials for the next day's hauling. As a result, it is unlikely that the project could be completed in the allotted time allowed per the Final MND.

  As discussed above, the backing up of haul trucks presents a safety hazard that is acceptable only with a full-time spotter, and when no other options are available. Due to the above reasons, this option was eliminated.

Environmental Impact Analysis

As described in the Project Description above, the Lagoon 3 Proposal modifies the internal construction components anticipated to occur as part of the IRM project. The IRM activities will still be confined to the

Project site and there would be no effect on the proposed off-site haul routes, volume of tarry materials to be excavated, or construction schedule described in the Final MND. Further, the Lagoon 3 Proposal will comply with the same regulatory requirements and implement the same components in the IRM Workplan that serve to minimize impacts on the environment. Based on these considerations, for the following 12 impact issue areas there will be no meaningful change to the analyses and findings presented in the Final MND: aesthetics, agricultural resources, cultural resources, geology and soils, hydrology and water quality, land use and planning, mineral resources, population and housing, public services, recreation, transportation and traffic, utilities and service systems. For each of these 12 issue areas, the Lagoon 3 Proposal will not result in new significant impacts and there will be no substantial increase in the severity of impacts compared to those identified in the Final MND. No new mitigation measures for these 12 issue areas will be required for the Lagoon 3 Proposal. Therefore, the impacts associated with for the Lagoon 3 Proposal for these 12 issue areas will be within the scope of impacts identified in the Final MND.

However, minor shifts in the location of construction activities under the Lagoon 3 Proposal will alter certain aspects of previously identified impacts associated with: air quality, biological resources, hazards and hazardous materials, and noise. Thus, the following sections identify the changes in impacts resulting from the Lagoon 3 Proposal for these four issue areas compared to the impacts identified in the Final MND.

A. Air Quality

Final MND. The Final MND concluded that implementation of the Project features and mitigation measures would reduce potentially significant regional or localized air quality impacts resulting from the proposed IRM activities to less than significant impacts. Construction emissions analyses performed using URBEMIS2007 demonstrated that regional air quality impacts would be less than significant with mitigation measures such as requiring the use of EPA Tier 3 construction equipment and the purchase of credits for haul truck emissions of oxides of nitrogen (NOx). Localized air quality impacts were also shown to be less than significant through ISCST3 dispersion modeling with inclusion of mitigation measures and project features such as enhanced dust control measures.

The Final MND concluded that the project is consistent with the SCAQMD's Air Quality Management Plan (AQMP). With regard to odors, the Final MND concluded that objectionable odors would be less than significant with mitigation measures such as emission suppressants and active monitoring. In addition, no naturally occurring asbestos have been identified at the site which would result in no impact with regard to naturally occurring asbestos.

The Final MND concluded that Greenhouse Gas (GHG) emissions generated from Project activities would be less than significant. In addition, the Project would not conflict with any applicable greenhouse gas plan or policy and would therefore not result in significant impacts with regard to GHG emissions.

*Lagoon 3 Proposal***.** Regional impacts associated with the Project, calculated on the basis of the worst-case day, are dominated by the on-road emissions from haul trucks. As mentioned previously, the Lagoon 3 Proposal involves excavation of 8,500 cubic yards, however the total amount of excavated material and truck trips would remain below the 70,000 cubic yards and 140 daily one way (70 roundtrip) truck trips analyzed in the Final MND. In addition, the equipment mixed assumed in the Final MND is sufficient to perform this additional excavation. The miles needed to transport the excavated material to the disposal site are the same or less than that analyzed in the MND. Equipment used in the Current Proposed IRM will adhere to the requirements of Mitigation Measures AQ-1 and AQ-2. Mitigation measure AQ-3 requires NOx emissions to be calculated on a weekly basis and credits would be purchased to offset NOx emissions to less than significant

levels which would also apply to the Lagoon 3 Proposal. Thus, regional emissions from the Lagoon 3 Proposal would remain the same or less than those analyzed in the Final MND.

Local impacts are dominated by on-site activity and are dependent on the source-receptor distance. As shown in Figure 2 in Attachment A, the proposed partial excavation of Lagoon 3 will be located northeast of Lagoons 1 and 2, bringing emission generating activities closer to sensitive receptors to the north and east. The purpose of the excavation would be to shore up the berm that is separating Lagoon 2 and 3, and will be limited to approximately 95 feet north of the berm. Since excavation would occur in the same general area as that analyzed in the Final MND, pollutant concentrations at sensitive receptors to the north and east are expected to be similar to those previously analyzed, below applicable ambient air quality standards. Regional and local impacts are expected to be less than significant with mitigation.

With respect to GHG emissions which are calculated on an annual basis, the total amount of material being removed and the overall schedule remain unchanged under the Lagoon 3 Proposal as compared to the Final MND. Therefore, the lagoon 3 Proposal will result in less than significant impacts with regard to GHG emissions similar to the conclusion in the Final MND.

B. Biological Resources

Final MND. Regarding sensitive species (flora and fauna), the Final MND indicated that approximately 67,000 individuals of southern tarplant occur on the project site. The populations of southern tarplant were mapped during surveys conducted by PCR in 2009. According to the Final MND, it was estimated that the IRM Project would permanently impact approximately 19,000 individuals, or 29 percent, of the southern tarplant population on the Project site. Also, the Final MND estimated that up to approximately 300,000 southern tarplant exist within the region, including the Project site population. The IRM Project and other reasonably foreseeable projects could impact 207,000 tarplants or 69 percent of the regional population. The Final MND prescribed Mitigation Measures BIO-1 to BIO-3 to mitigate impacts to the southern tarplant. Mitigation Measure BIO-1 states that, "A qualified biologist shall flag all populations of southern tarplant prior to construction activities, at a minimum, in accordance with PCR's 2009 mapped locations of the southern tarplant. The locations of southern tarplant shall be flagged with stakes and orange flagging (or similar materials) as to clearly identify all "no equipment zones" by construction personnel. If additional areas of southern tarplant are identified during the flagging, these populations shall be flagged also." Thus, the prescribed mitigation indicates that the true extent of impacts to southern tarplant mitigation would be determined with subsequent field surveys. With implementation of the prescribed mitigation measures, potentially significant impacts to southern tarplant on a project and cumulative level were reduced to a less than significant level.

Regarding sensitive habitats and wetlands, the Final MND indicated that approximately 0.2 acre of disturbed coastal salt marsh is located within the southwestern corner of the Project site (refer to Figure 6, *Plant Communities*, in Final MND). The disturbed coastal salt marsh is not expected to be directly impacted by the proposed IRM Project. However, indirect impacts to this community may occur during construction activities (e.g., dust) which may potentially contribute to the further degradation of the area. Therefore, indirect impacts were concluded to be potentially significant absent mitigation. With implementation of Mitigation Measure BIO-4, potentially significant impacts to disturbed coastal salt marsh would be reduced to a less than significant level.

The Final MND concluded that the Project site has the potential to support both raptor and songbird nests due to the presence of trees, shrubs, and ground cover. Disturbing or destroying active nests is a violation of the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 et seq.) and the California Department of Fish and Game

Code Sections 3503, 3503.5 and 3513. Nesting activity typically occurs from February 15 to August 31. In addition, nests and eggs are protected under Fish and Game Code Section 3503. The removal of vegetation during the breeding season was considered a potentially significant impact. With implementation of Mitigation Measure BIO-5, potentially significant impacts to migratory raptor and songbird species would be reduced to a less than significant level.

Lagoon 3 Proposal. The analysis of impacts to southern tarplant is based upon PCR's Memorandum RE: *Addendum to the Biological Resources Assessment for the Proposed Interim Removal Measure – Lagoon 3, Ascon Landfill Project Site, City Of Huntington Beach, Orange County, California*, dated November 12, 2010. This Memorandum is included as an attachment to this addendum.

Implementation of the Lagoon 3 Proposal would result in additional impacts to the southern tarplant not previously analyzed as part of the Final IRM or Addendum No. 1. As such, an analysis of additional project-related impacts to southern tarplant is warranted per CEQA. As part of the Addendum No. 1 (July 2010) analysis of impacts to southern tarplant, it was determined that the project site included approximately 660,000 tarplant and that the Modified IRM Proposal would result in impacts to approximately 154,414 southern tarplant within 1.8 acres or 23 percent of the site's population. It should be noted however, that after work under the Modified IRM Proposal began, 9,499 southern tarplant that were originally slated to be impacted were actually avoided and an additional 11 individuals that were stated as potentially being impacted, were impacted. Therefore, actual impacts to southern tarplant under the Modified IRM Proposal were only 144,926 individuals within 1.75 acres or 22 percent of the site's population.

On November 11, 2010, PCR biologist Crysta Dickson conducted a site visit to map the limits of work associated with the Lagoon 3 Proposal. Following the completion of the site assessment, the limits of work associated with the Lagoon 3 Proposal were analyzed against PCR's June 2010 tarplant mapping. It was determined that an additional 8,254 southern tarplant within 0.06 acre would be impacted as a result of the Lagoon 3 Proposal (refer to Figure 1**,** *November 2010 Impacted Southern Tarplant*, in PCR's November *12*, 2010 Memorandum included as Attachment C to this document)

The Lagoon 3 Proposal project activities will primarily occur within Area D with transport of materials occurring in Areas A and C along existing haul routes (refer to Figure 1 in Attachment C). Impacts associated with the Lagoon 3 Proposal will not represent an increase in impacts to southern tarplant when compared against the July 2010 analysis. Due to the decrease in actual impacts occurring under the July 2010 analysis (i.e., through avoidance actual impacts to southern tarplant totaled 144,926 individuals compared to the 154,414 projected in the Addendum), the addition of 8,254 southern tarplant represents an overall decrease of total impacts to southern tarplant by 1,234 individuals. Although this represents an overall decrease in impacts, the loss of these individuals still represents a potentially significant impact absent mitigation. Similarly, cumulative impacts remain potentially significant absent mitigation. These findings regarding southern tarplant are consistent with the impact analysis conclusions in the Final MND and Addendum No. 1. Mitigation for impacts to the additional 8,254 southern tarplant will be accomplished in the same manner as proposed in the Final MND and Addendum No. 1, which includes:

- Avoidance and flagging of non-impacted southern tarplant during construction activities,
- Contractor training,
- Construction monitoring, and

- *Off-site conservation*. A qualified biologist will assist in the selection of an appropriate off-site conservation area, within the local watershed, that will accept the seed for broadcasting within a suitable and comparable-sized receptor site until a 1:1 ratio is met to the number of individuals and habitat impacted.

Also, any borrow soils used from the site as part of the Lagoon 3 Proposal activities would be taken from on-site areas that do not contain southern tarplant populations. Consistent with Mitigation Measures BIO-1 and BIO-2 in the Final MND, where southern tarplant populations are located within close proximity to borrow soils areas, fencing would be placed around the tarplant populations to avoid impacts to the tarplants.

Overall, similar to the conclusions in the Final MND, project-specific and regional impacts to the southern tarplant are considered to be potentially significant under the Lagoon 3 Proposal. However, with implementation of Mitigation Measures BIO-1 to BIO-3 in the Final MND, project-specific and regional impacts to southern tarplant will be reduced to a less than significant level similar to the conclusion in the Final MND.

Based upon the analysis above, the impacted tarplants will not create a new significant effect not discussed in the previous Final MND, since this impact was previously disclosed in the Final MND and/or Addendum No. 1. Mitigation Measure BIO-3 requires the Project to ensure that impacted southern tarplant is restored at an appropriate off-site location at a 1:1 ratio. Thus, regardless of the increase in the number of impacted southern tarplant, implementation of Mitigation Measure BIO-3 ensures that impacts to southern tarplant on a project-specific and regional basis will not be substantially increased when compared to the Final MND.

It is also acknowledged that the Lagoon 3 Proposal was developed in recognition of Mitigation Measures BIO-1 to BIO-3, which require the project proponent to first ensure that IRM activities avoid southern tarplants, then minimize impacts to southern tarplants, and then, finally, restore any southern tarplant that would be potentially impacted by the Project. For example, avoidance of southern tarplant in the crust of Lagoon 3 was considered as part of the Lagoon 3 Proposal. Additionally, considerations were made to ensure the least amount of southern tarplant was impacted along the proposed haul route as trucks enter Lagoon 3 from High Road. For example, PCR's biologist walked the proposed Lagoon 3 work area with Project Navigator, Ltd. in an effort to concurrently identify and flag a suitable entrance route for the trucks while ensuring the least amount of impacts to southern tarplant occurred. Further, project designs were modified so Lagoon 3 activities utilized portions of existing haul routes (e.g., Crossover Road) when trucks exited the work area.

It is also acknowledged that during the autumn of 2009, southern tarplant seeds were collected on the Project site in an effort to ensure that Mitigation Measure BIO-3 would be appropriately implemented. Approximately 300,000 seeds were collected and stored at the Rancho Santa Ana Botanic Garden. As the Final MND indicated that the IRM activities would impact approximately 19,000 individuals of southern tarplant, it was assumed that the seed collection efforts in 2009 would be more than sufficient to ensure that impacted southern tarplant would be restored at an appropriate off-site location at a 1:1 ratio per Mitigation Measure BIO-3.

However, given that the Modified IRM Proposal would impact approximately 154,000 individuals of southern tarplant, a PCR biologists collected more seed in the autumn of 2010 to increase the likelihood that the number of impacted plants will germinate and survive to meet the 1:1 ratio per Mitigation Measure BIO-3. These additional seeds collected as part of the Modified IRM Proposal would cover the southern tarplant impacts as part of the Lagoon 3 Proposal since there would be an overall decrease in southern tarplant impacts as evaluated in Addendum No. 1.

Regarding sensitive habitats and wetlands, the Lagoon 3 Proposal would not directly impact the disturbed coastal salt marsh. Similar to the conclusion in the Final MND, the Lagoon 3 Proposal could, however, result in indirect impacts to this community during construction activities (e.g., dust) which may potentially contribute to the further degradation of the area. Therefore, indirect impacts under the Lagoon 3 Proposal are concluded to be potentially significant absent mitigation. With implementation of Mitigation Measure BIO-4, potentially significant impacts to disturbed coastal salt marsh will be reduced to a less than significant level similar to the conclusion in the Final MND.

Finally, the Lagoon 3 Proposal will implement Mitigation Measure BIO-5 in a similar manner as stated in the Final MND to ensure that potentially significant impacts to raptor and songbird nests in trees, shrubs, and ground cover are reduced to a less than significant level. During implementation of the Lagoon 3 Proposal, vegetation removal may occur as a result of constructing the access road to the lagoon and removal of soils from the proposed borrow sites. Vegetation within these areas has the potential to support songbird nests and potentially raptor nests due to the presence of trees, shrubs, and ground cover. Disturbing or destroying active nests is a violation of the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 et seq.) and the California Department of Fish and Game Code Sections 3503, 3503.5 and 3513. The statutes make it unlawful to pursue, hunt, take, capture, kill or sell birds listed therein ("migratory birds"). The statutes do not discriminate between live or dead birds and also grants full protection to any bird parts including feathers, eggs and nests. With implementation of Mitigation Measure BIO-5, potentially significant impacts to migratory raptor and songbird species under the Lagoon 3 Proposal will be reduced to a less than significant level similar to the conclusion in the Final MND.

From a biological resources perspective, the Lagoon 3 Proposal will not alter the impact findings and mitigation measures for biological resources presented in the Final MND. With implementation of the mitigation measures in the Final MND, no new significant impacts and no substantial increase in the severity of impacts regarding biological resources will result from the Lagoon 3 Proposal compared to those impacts previously identified in the Final MND. No new mitigation measures are required for the Lagoon 3 Proposal. Therefore, the impacts for Lagoon 3 Proposal are within the scope of impacts identified in the Final MND.

C. Hazards and Hazardous Materials

Final MND. The Final MND found that adherence to control measures in the IRM Workplan and the project features designed to minimize public or environment exposure to hazards associated with the routine transport and disposal of hazardous materials would keep the potential exposure risk at a less than significant level. A detailed health risk assessment (HRA) was performed to address potential impacts to off-site residential and school receptors and the public or environment from IRM activities, and based on upper confidence limit potency values, the maximally exposed residential receptor would experience less than significant increases in the cancer incidence risk, chronic health hazard indices, and acute hazard indices. Implementation of the Project features would ensure that any public or environmental hazard from upset or accident would be avoided or kept to a level that is less than significant. On-site workers would not be exposed to toxic air contaminants (TACs) in excess of daily standards established by OSHA. With regard to on-site risks, the IRM Workplan includes a site-specific Health and Safety Plan (HASP), addressing health risks and hazards for each Project task. Implementation of the HASP would ensure that all Project personnel would be responsible for operating in accordance with the most current Occupational Safety and Health Administration (OSHA) regulations, as well as other applicable federal, state, and local laws and regulations. In addition, Project implementation would not require the closure of streets or significantly impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

Lagoon 3 Proposal. As mentioned previously, the Lagoon 3 Proposal would require excavation of material in and around Lagoon 3, bringing activities closer to receptors to the north and east. The total amount of excavation, daily intensity, and overall duration are not changing from what was quantitatively assessed in the Final MND.

As shown in Figure 2 in Attachment A, excavation activities for Lagoon 3 would occur along the southern portion, adjacent to Lagoon 2 and would be limited to 95 feet of the berm. Since excavation would occur in the same general area as that analyzed in the Final MND, TAC concentrations at sensitive receptors to the north and east are expected to be similar to those previously analyzed.

Long term impacts described in the Final MND, including chronic non-cancer health risks and life-time carcinogenic health risks, were dominated by exposure to diesel particulate matter (DPM), accounting for 99% of the total cancer risk at the maximally exposed individual resident (MEIR) location, to the east of the Project site. Although excavation and truck loading activities for the Lagoon 3 Proposal would occur closer to sensitive receptors located to the north and east, the dominant TAC generating activities such as diesel exhaust from heavy equipment and trucks as well as fugitive dust generation would continue to take place along the southern and eastern portions of the project site. On-site truck haul routes would not change compared to the Final MND. Although excavation and loading activities have moved slightly to the north, these activities occur in the same general area as that analyzed in the HRA for the Final MND. Therefore, cancer, acute and chronic health risk at the northern and eastern receptors would increase slightly due to the Lagoon 3 Proposal, but would remain less than the maximum impacts presented in the Final MND.

The Lagoon 3 Proposal will incorporate all of the Project features outlined in the Final MND, which will ensure that any public or environmental hazard from upset or accident are avoided or kept to a level that is less than significant. The HASP (see Section 5.1.2) directs that the movement and use of vehicles and heavy equipment will be planned and performed with consideration for the location, height, and position of, amongst other things, natural features. Currently, the Berm supporting Lagoon 3 materials has the potential to fail without any reinforcement. In order to ensure safe removal of Lagoon 3 materials, work must be performed to protect the Berm. With the Lagoon 3 Proposal, the existing topography and surface hazards surrounding Lagoons 2 and 3 will be addressed and minimized so as to ensure safe operation of the heavy duty equipment (such as the long-reach, crane, and haul trucks) needed for the IRM activities. The Lagoon 3 Proposal will not require the closure of streets or significantly impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

The Lagoon 3 Proposal will not alter the impact findings and mitigation measures for hazards/hazardous materials presented in the Final MND. There will be no new significant impacts and no substantial increase in the severity of impacts regarding hazards/hazardous materials resulting from implementation of the Lagoon 3 Proposal compared to those impacts previously identified in the Final MND. No new mitigation measures are required for the Lagoon 3 Proposal. Therefore, the impacts for the Lagoon 3 Proposal are within the scope of impacts identified in the Final MND.

D. Noise

Final MND. The Final MND concluded that the IRM activities and Modified IRM Proposal would result in less than significant impacts with regard to noise impacts. The noise analysis contained in the Final MND addressed nearby sensitive receptors and their exposure to noise and vibration from remediation activities, heavy equipment and off-site haul trucks. Within the analysis, all construction equipment was assumed to operate simultaneously and all construction equipment was assumed to be located at the construction area nearest to the affected receptors. These assumptions represent the worst-case noise scenario as

construction activities would spread out throughout the entire site further away from the affected receptors. On-site construction noise analysis concluded that noise and vibration impacts from on-site remediation activities will be less than significant. In addition, noise from haul trucks traveling through residential neighborhoods was also analyzed. The analysis was performed in a conservative manner and based on the maximum number of trucks allowed on a daily basis. Noise and vibration impacts resulting from haul truck travel was shown to be less than significant. As a result, activities from on-site (heavy equipment) and off-site (haul truck) activities would result in a less than significant impact with regard to noise.

*Lagoon 3 Proposal***.** In comparison to the IRM activities and Modified IRM Proposal (analyzed in Addendum No. 1), the new proposed loading area would not be located substantially closer to the site perimeter than existing onsite roads used as part of ongoing IRM activities, the traffic count of haul trucks will not change, off-site haul routes will not change, the construction schedule will not change, and the maximum volume of removable materials during the IRM (70,000 cubic yards) will not be exceeded. Further, the Lagoon 3 Proposal will comply with the same regulatory requirements and implement the same components in the IRM Workplan that serve to minimize impacts on the environment. Thus, noise impacts from on-site activities with implementation of the Lagoon 3 Proposal will likely be similar or less than those noise impacts presented in the Final MND. Noise and vibration impacts from off-site (haul truck) activities will remain the same for the Lagoon 3 Proposal as compared to the impacts presented in the IRM activities and Modified IRM Proposal.

The noise analysis contained in the IRM activities and Modified IRM Proposal was performed using a conservative set of assumptions such as extra or redundant equipment. The modifications in the Lagoon 3 Proposal will not alter the impact findings and mitigation measures regarding noise presented in the IRM activities and Modified IRM Proposal. There will be no new significant impacts and no substantial increase in the severity of noise impacts generated by the Lagoon 3 Proposal compared to those impacts previously identified in the IRM activities and Modified IRM Proposal. No new mitigation measures are required for the Lagoon 3 Proposal. Therefore, the impacts for the Lagoon 3 Proposal are within the scope of impacts identified in the IRM activities and Modified IRM Proposal.

IV. CONCLUSION

The Lagoon 3 Proposal will not alter the impact findings and mitigation measures for air quality, biological resources, hazards and hazardous materials and noise presented in the Final MND. With implementation of the prescribed mitigation measures in the Final MND, where applicable (i.e., air quality and biological resources), there will be no new significant impacts and no substantial increase in the severity of impacts regarding these four issues areas resulting from the Lagoon 3 Proposal compared to those impacts previously identified in the Final MND. No new mitigation measures are required for the Lagoon 3 Proposal. Therefore, the impacts for the Lagoon 3 Proposal are within the scope of impacts identified in the Final MND.

Based on the above, an Addendum is the appropriate CEQA document for the Lagoon 3 Proposal pursuant to CEQA Guidelines §15164(b) because none of the conditions described in §15162 calling for the preparation of a subsequent EIR or negative declaration have occurred. This addendum has appropriately disclosed the potential impacts from the Lagoon 3 Proposal and will be included as part of the CEQA record for the IRM Project. A Notice of Determination for this Addendum to the Final MND will be filed with the California State Clearinghouse within the State of California Office of Planning and Research.

CERTIFICATION

I hereby certify that the statements furnished above and in the exhibits, attached or incorporated by reference, present the data and information required for this 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.

Project Manager Signature	12/7/2010 Date

Name	Title	Telephone
Greg Holmes	Supervising Hazardous Substances Scientist	(714) 484-5461

ATTACHMENTS

- Attachment A – Figure 1, *Existing Roads and Site Conditions*, and Figure 2, *IRM Lagoon 3 Waste Removal Approach)*

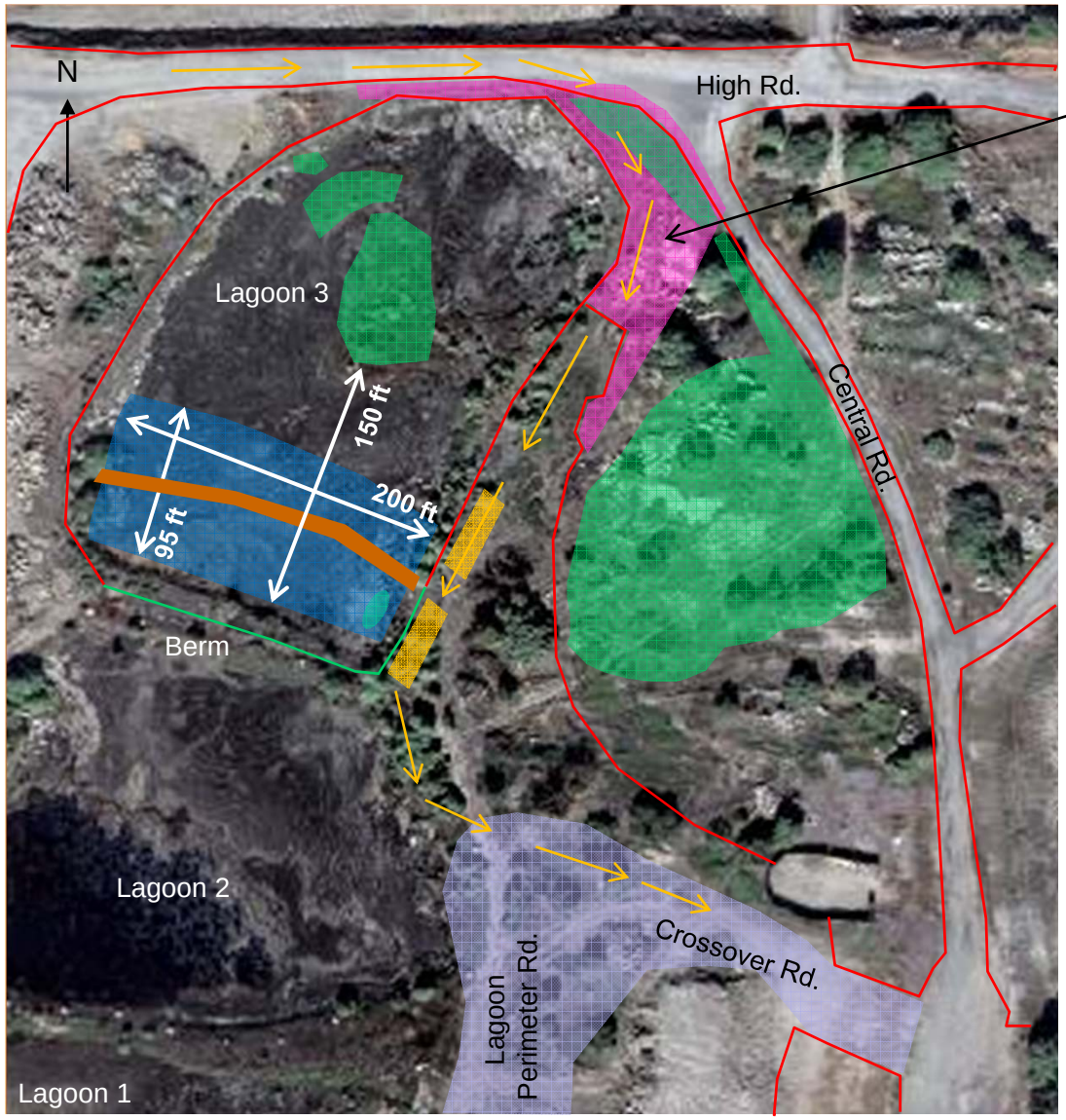
- Attachment B - Geosyntec Memorandum RE: *Stability Evaluation Berm Between Lagoons 2 and 3, Ascon Landfill, Huntington Beach, California*, dated November 21, 2010.

- Attachment C - PCR Memorandum RE: *Addendum to the Biological Resources Assessment for the Proposed Interim Removal Measure – Lagoon 3, Ascon Landfill Project Site, City Of Huntington Beach, Orange County, California*, dated November 12, 2010.

Attachment A – Figures

Figure taken from Mitigated Negative Declaration Addendum, PCR, July 15, 2010

Existing Roads and Site Conditions		Figure 1
Interim Removal Measure Ascon Landfill Site, Huntington Beach, California	November 2010	PROJECT NAVIGATOR, LTD.®



IRM Lagoon 3 Waste Removal Approach		Figure 2
Interim Removal Measure Ascon Landfill Site, Huntington Beach, California	November 2010	PROJECT NAVIGATOR, LTD.®

Attachment B - Geosyntec Memorandum

Geosyntec consultants

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Memorandum

Date: 21 November 2010

To: Tamara Zeier, P.E., Project Navigator

Copies to: Ken Fredianelli, Geosyntec Consultants

From: Neven Matasovic, Ph.D., P.E., G.E., Geosyntec Consultants
Alan Witthoeft, E.I.T., Geosyntec Consultants

Subject: Stability Evaluation
Berm Between Lagoons 2 and 3
Ascon Landfill, Huntington Beach, California

GENERAL

The excavation and disposal of material from Lagoons 1 and 2 of the Ascon Landfill (Site) is ongoing. The material is removed in accordance with the Interim Removal Measure (IRM) Workplan and is hauled off-site. The IRM Workplan does not provide for excavation and removal of material from Lagoon 3.

Lagoons 2 and 3 are separated by an approximately 18-ft high x 18-ft wide (measured at the crest) x approximately 200-ft long berm (Berm). This Berm was constructed as an embankment by dumping random soils and without compaction or fill placement control measures. Upon removal of material from Lagoon 2, the South Face of this Berm was left exposed, creating a potentially unstable condition.

Geosyntec Consultants (Geosyntec) performed engineering evaluations in order to: (i) assess the impact of the ongoing excavation on the global stability of the Berm; and (ii) evaluate measures for enhancement of the global stability of the Berm upon completion of material removal.

This Memorandum documents the results of Geosyntec's engineering analyses of the global stability of the Berm (not sloughing, that may locally occur) and provides recommendations for remedial measures required to improve global stability of the Berm.

ENGINEERING APPROACH

One representative cross-section, Cross-Section A-A', was analyzed using the slope stability software SLOPE/W [GSI, 2006; www.geoslope.com]. Figure 1 shows the location of the cross-section in plan view (i.e., passing through the approximate center of the Berm and approximately perpendicular to the Berm's long axis).

The Berm geometry (based on field observation before and during IRM activities) is illustrated in Figure 1 (plan view) and in Figures 2 through 4 (profile view). Figure 2 shows that the South Face of the Berm was initially inclined at approximately 1.0 H : 1.0 V (Horizontal : Vertical) before lagoon material removal and was subsequently graded to approximately 1.5 H : 1.0 V. The inclination of the North Face has not yet been established. To provide a conservative basis for evaluation , we assumed that this face is inclined at approximately 1.0 H : 1.0 V. Figure 2 also shows that before IRM activities, lagoon material existed along both faces of the Berm from the base of the Berm to approximately 2 ft below the crest of the Berm. During the ongoing work, lagoon material was removed from Lagoon 2, exposing the South Face of the Berm.

Approximate locations of soil strata (based on previous geotechnical investigations at the Site by Geosyntec [2006]) are shown in Figures 2 through 4. In particular, the figures show the lagoon bottoms and the Berm consisting of undocumented fill as well as an approximately 3-ft thick layer of soft clay extending below both lagoons.

It is also noted that stormwater from the vicinity of the lagoons drains into the lagoons, as discussed in the Ascon Interim Removal Measure General Permit Storm Water Pollution Prevention Plan (Construction SWPPP). Therefore, in order to provide a conservative basis for evaluation, Lagoons 1 and 2 were assumed to be saturated with water and to contain ponded water to a depth of approximately 1-ft.

RESULTS OF STABILITY ANALYSES

The stability evaluations were conducted in stages that roughly mimic completed and proposed construction sequencing. The first stage, schematically shown in the top part of Figure 2, represents the condition of the Berm prior to lagoon material removal. As the Berm is buttressed by lagoon material from both sides, there are no stability concerns. The results of the formal stability analysis, also shown in top part of Figure

2, indicate failure in a so-called bearing capacity mode, with calculated Factor of Safety, FS, of 5.7.

The second stage represents the Berm's condition upon removal of material from Lagoon 2. As shown in the bottom part of Figure 2, for this condition, calculated FS is 1.1. As FS greater than or equal to 1.3 is typically considered acceptable for temporary slopes, remedial measures against slope failure are required.

The third stage consists of two alternatives to increase stability the Berm. The first alternative is to remove material from Lagoon 3. Up to approximately 10 ft of material needs to be removed from Lagoon 3 to achieve FS greater than 1.3. The second alternative is to construct a buttress along the South Face. The results of this evaluation indicate that an approximately 20-ft wide, 5-ft tall soil buttress is required to achieve the same effect as removal of 10 ft of Lagoon 3 material.

Figure 4 presents a supplemental analysis performed in order to assess the impact of excavation from Lagoon 3 on the stability of the North Face. As indicated in the figure, calculations show a FS of 1.3 after excavation of material from Lagoon 3. This suggests that the North Face of the berm will not be adversely affected by the proposed excavation.

DISCUSSION AND RECOMMENDATIONS

Removal of material from Lagoon 2 resulted in a potentially unstable slope condition. The calculated Factor of Safety (FS) of Southern Face of the berm between Lagoons 2 and 3 (Berm) is on the order of 1.1, approximately 15 percent lower than a typically accepted value of 1.3 for this type of slope.

The results of our evaluations indicate that the stability of Berm can be increased by either removal of material from Lagoon 3 or by construction of a buttress at the toe of South Face. However, given the difficulties associated with construction of such a buttress at a toe of potentially unstable slope (health and safety concerns associated with construction/vibration at the toe of potentially unstable slope, difficulty to achieve required soil compaction when compacting over a soft Lagoon 2 floor subgrade, and long-term settlement of the buttress), we recommend removal of material from Lagoon 3 as the most viable option.

CLOSURE

Should you require additional information and/or explanation of material discussed in this memorandum, do not hesitate to contact Neven Matasovic at 714-465-1244 (nmatasovic@geosyntec.com)
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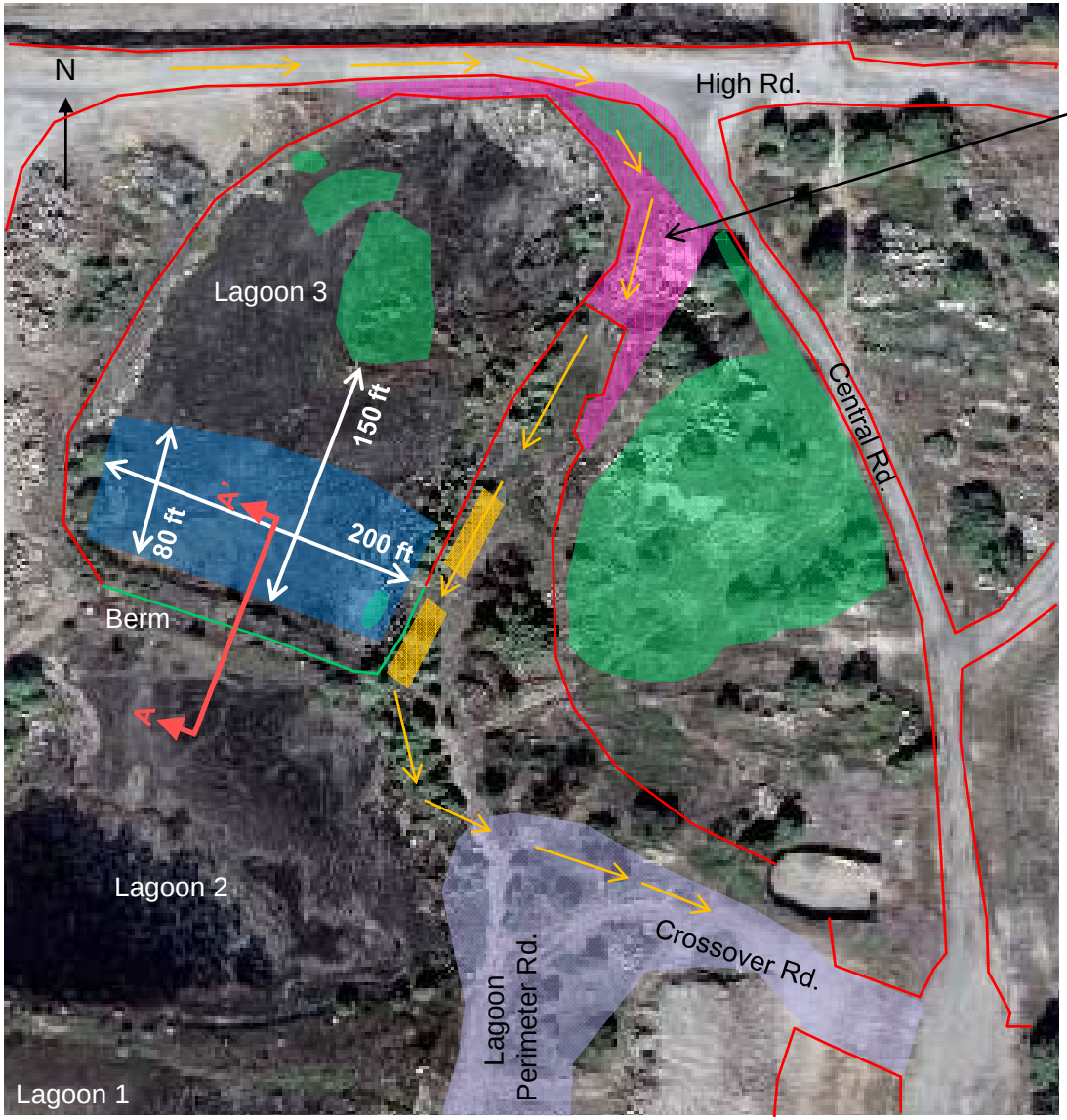
* * * * *

Attachment 1

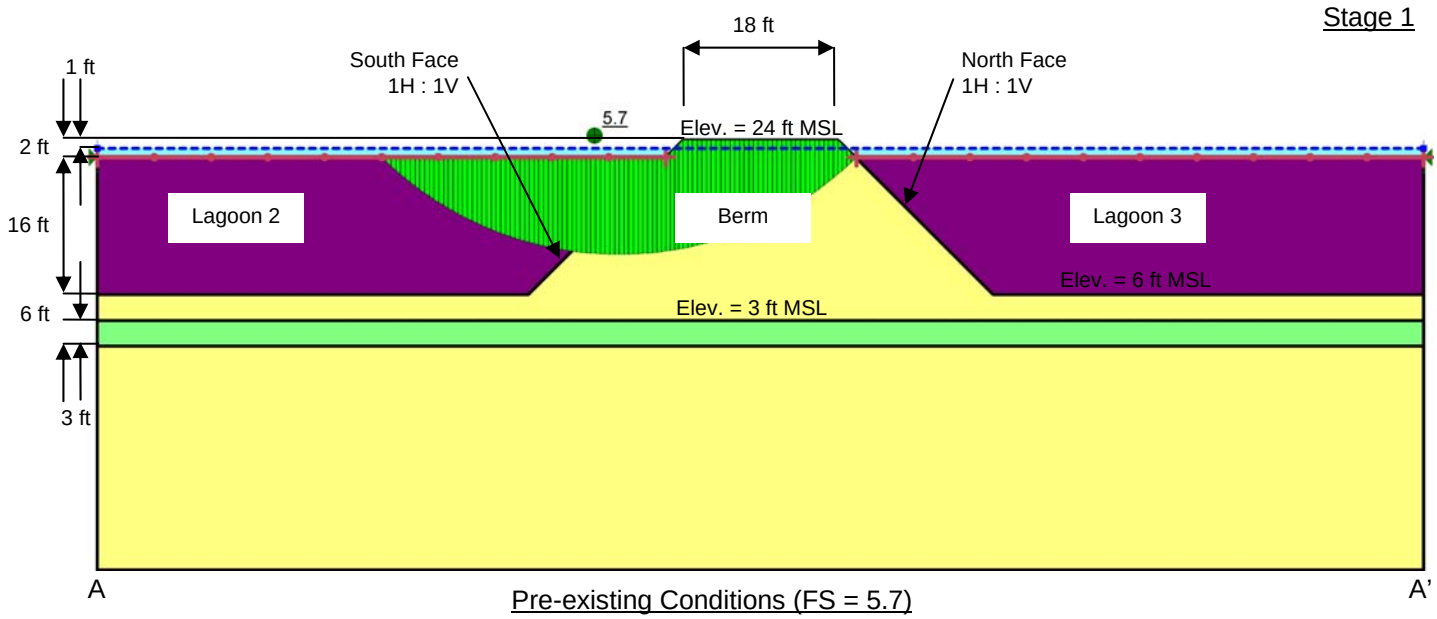


New hauler truck access road constructed along east side of Lagoon 3

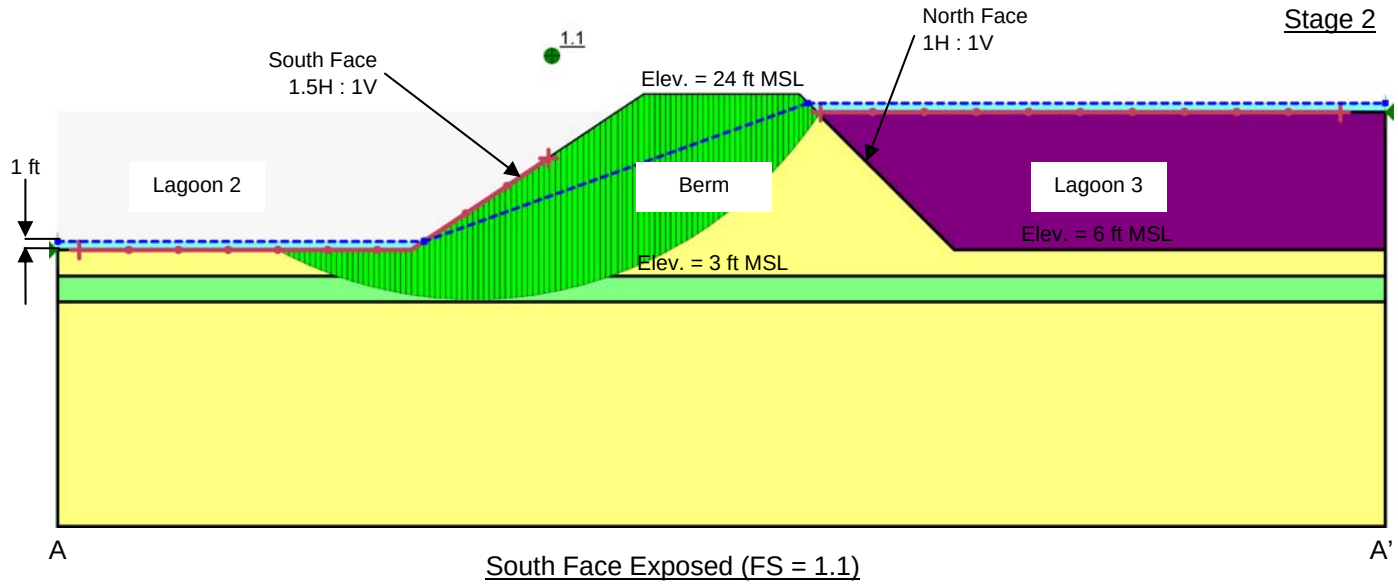
Key:

- New or widened roadway with potential tarplant impacts
- Loading Area
- Trucking forward path
- Chain-link Fence or "Snow" Fence
- Chain-link Fence Removed
- General Area of Lagoon 3 Excavation
- General Area of Potentially Impacted Tarplant (other tarplant areas are not shown)
- A A' Cross-Section Analyzed

IRM Lagoon 3 Waste Removal Approach		Figure 1
Interim Removal Measure Ascon Landfill Site, Huntington Beach, California	November 2010	PROJECT NAVIGATOR, LTD.®



Pre-existing Conditions (FS = 5.7)



South Face Exposed (FS = 1.1)

Legend

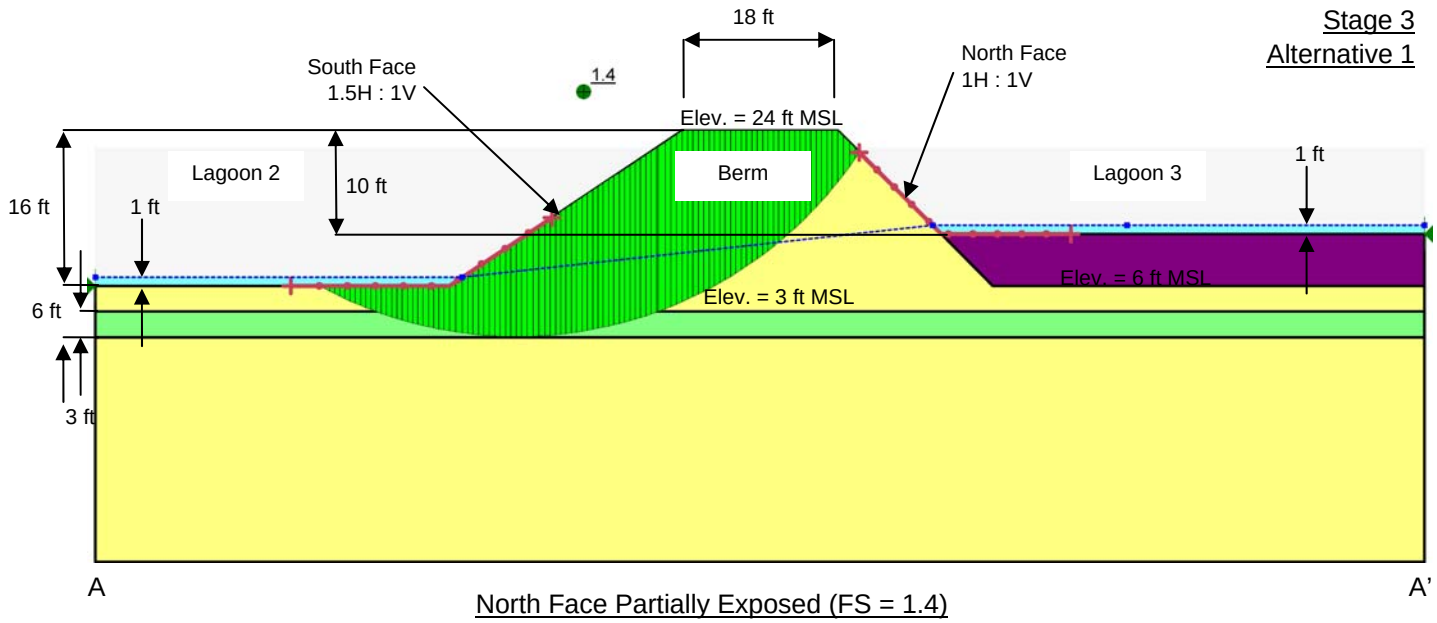
- = Berm Material (Clayey Sand)
- = Lagoon Material
- = Soft Clay
- = Calculated Failure Wedge
- = Assumed Seepage Surface

MSL = Feet above Mean Sea Level

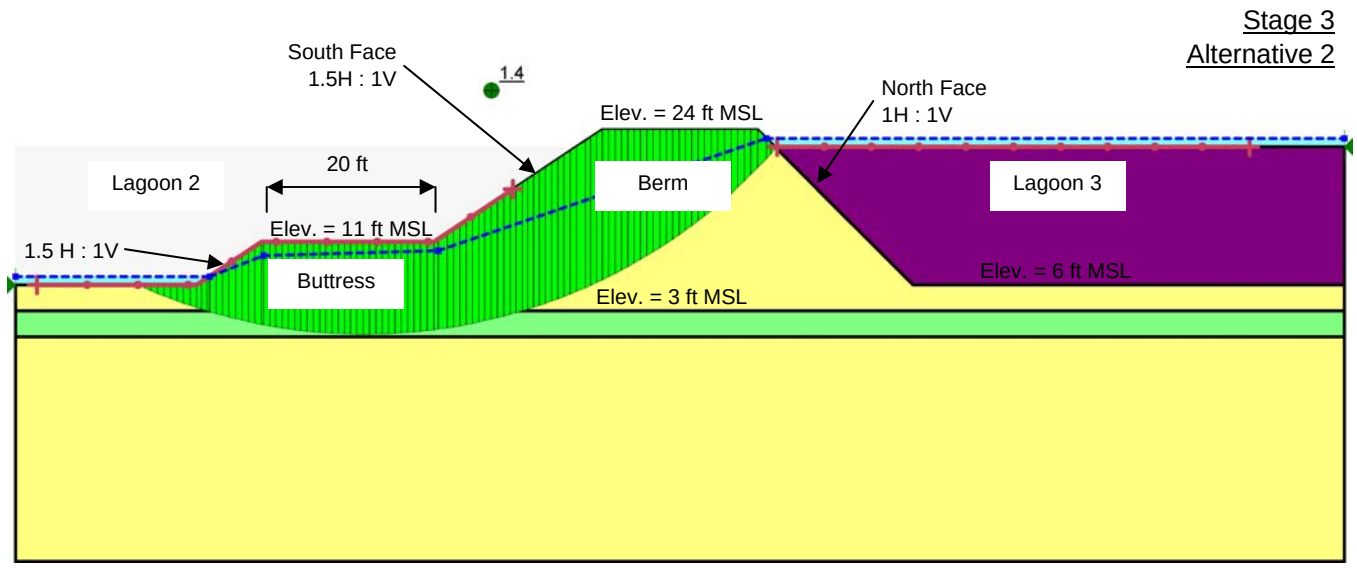
Geosyntec consultants

LAGOON 2 – LAGOON 3 BERM STABILITY ANALYSIS
INTERIM REMOVAL MEASURE
ASCON LANDFILL SITE, HUNTINGTON BEACH, CALIFORNIA

DATE: NOVEMBER 2010	**FILE NO.**
PROJECT NO. HG1131-01J	**FIGURE NO. 2**



North Face Partially Exposed (FS = 1.4)



North Face Partially Exposed and South Face Buttressed (FS = 1.4)

Legend

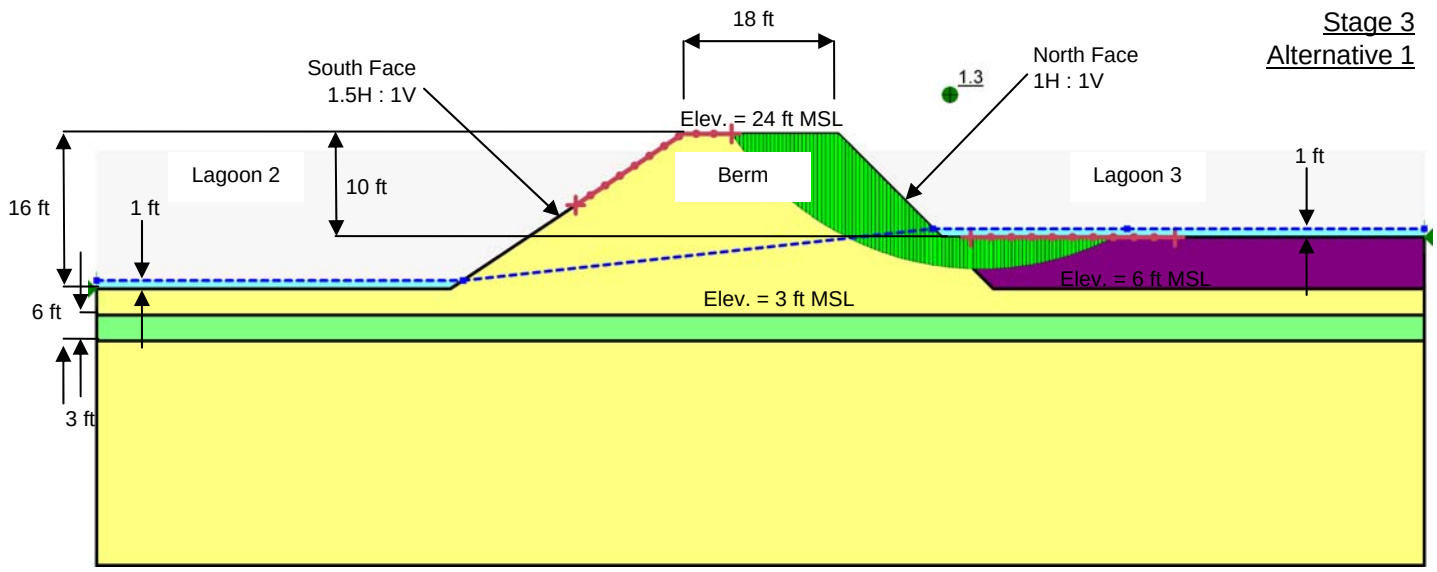
- = Berm Material (Clayey Sand)
- = Lagoon Material
- = Soft Clay
- = Calculated Failure Wedge
- = Assumed Seepage Surface

MSL = Feet above Mean Sea Level

Geosyntec consultants

LAGOON 2 – LAGOON 3 BERM STABILITY ANALYSIS
INTERIM REMOVAL MEASURE
ASCON LANDFILL SITE, HUNTINGTON BEACH, CALIFORNIA

DATE: NOVEMBER 2010	**FILE NO.**
PROJECT NO. HG1131-01J	**FIGURE NO. 3**



North Face Partially Exposed (FS = 1.3)

Legend

= Berm Material (Clayey Sand)

= Lagoon Material

= Soft Clay

= Calculated Failure Wedge

= Assumed Seepage Surface

MSL = Feet above Mean Sea Level

Geosyntec consultants

LAGOON 2 – LAGOON 3 BERM STABILITY ANALYSIS
INTERIM REMOVAL MEASURE
ASCON LANDFILL SITE, HUNTINGTON BEACH, CALIFORNIA

DATE: NOVEMBER 2010	**FILE NO.**
PROJECT NO. HG1131-01J	**FIGURE NO. 4**

Attachment C - PCR Memorandum

Memorandum

TO: Department of Toxic Substances Control **DATE:** November 12, 2010
CC:
FROM: Crysta Dickson, Senior Biologist II
RE: **ADDENDUM TO THE BIOLOGICAL RESOURCES ASSESSMENT FOR THE PROPOSED INTERIM REMOVAL MEASURE - LAGOON 3, ASCON LANDFILL PROJECT SITE , CITY OF HUNTINGTON BEACH, ORANGE COUNTY, CALIFORNIA.**

BACKGROUND

In 2009, as part of the California Environmental Quality Act (CEQA)-level Initial Study/Mitigated Negative Declaration (IS/MND), **PCR Services Corporation (PCR)** conducted a Biological Resources Assessment in support of the proposed Interim Removal Measure Workplan (IRM) for the Ascon Project Site ("Site") located in the City of Huntington Beach, Orange County, California.[1]

Due to a significant increase in southern tarplant (*Centromadia parryi* ssp. *australis*)[2] on the Site during the 2010 blooming season and changes in the proposed limits of disturbance as a result of revised IRM activities, a re-analysis of impacts to this species was conducted in July 2010 as part of a subsequent CEQA addendum to the existing and approved MND. Details regarding the re-analysis of impacts in support of the July 2010 CEQA addendum can be found under separate cover in PCR's *Addendum to the Biological Resources Assessment for the Proposed Interim Removal Measure Workplan, Ascon Landfill Project Site, City of Huntington Beach, Orange County, California* (July 8, 2010).

On November 12, 2010, Project Navigator, Ltd. issued a memorandum proposing implementation of the "Interim Removal Measure – Lagoon 3" workplan. As proposed under the "Interim Removal Measure – Lagoon 3" workplan, a limited amount of waste needs to be removed from Lagoon 3 due to the potential for the common berm between Lagoons 2 and 3 to fail because the south facing slope of the berm is currently exposed, (i.e., is no longer supported by Lagoon 2 materials). As proposed by Project Navigator, Ltd., the most effective and most feasible method to avoid potential failure of the berm and to better ensure the containment of Lagoon 3 materials during the long term would be to remove waste materials from the southern portion of Lagoon 3, thereby reducing the load on the berm.[3]

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[1] PCR. 2009. Initial Study/Mitigated Negative Declaration. Interim Removal Measure Workplan for Ascon Landfill Site, Huntington Beach, California. October.
[2] [CNPS List 1B.1 species which is considered "seriously endangered in California (over 80 percent of occurrences threatened/high degree and immediacy of threat)]
[3] Project navigator, Ltd. 2010. Ascon landfill Site, Interim Removal Plan – Lagoon 3. November 12.

Implementation of the "Interim Removal Measure – Lagoon 3" workplan would result in additional impacts to the southern tarplant not previously analyzed. As such, an analysis of additional project-related impacts to southern tarplant is warranted per CEQA.

RE-ANALYSIS OF PROJECT RELATED IMPACTS

Under the July 2010 analysis of impacts to southern tarplant, it was determined that the revised IRM Workplan would result in impacts to approximately 154,414 southern tarplant within 1.8 acres or 23 percent of the Site's population. It should be noted however, that after work under the revised July IRM Workplan began, 9,499 southern tarplant that were originally slated to be impacted were actually avoided and an additional 11 individuals that were stated as potentially being impacted, were impacted. Therefore, actual impacts to southern tarplant under the revised July 2010 IRM Workplan were only 144,926 individuals within 1.75 acres or 22 percent of the Site's population (Figure 1, *2010 Impacted and Un-Impacted Southern Tarplant*, attached).

On November 11, 2010, PCR biologist Crysta Dickson conducted a Site visit to map the limits of work associated with the "Interim Removal Measure – Lagoon 3" workplan. Following the completion of the Site assessment, the limits of work associated with the "Interim Removal Measure – Lagoon 3" workplan were analyzed against PCR's June 2010 tarplant mapping. It was determined that an additional 8,254 southern tarplant within 0.06 acre[4] would be impacted as a result of the "Interim Removal Measure – Lagoon 3" workplan, as shown in Figure 1, *2010 Impacted and Un-Impacted Southern Tarplant*.

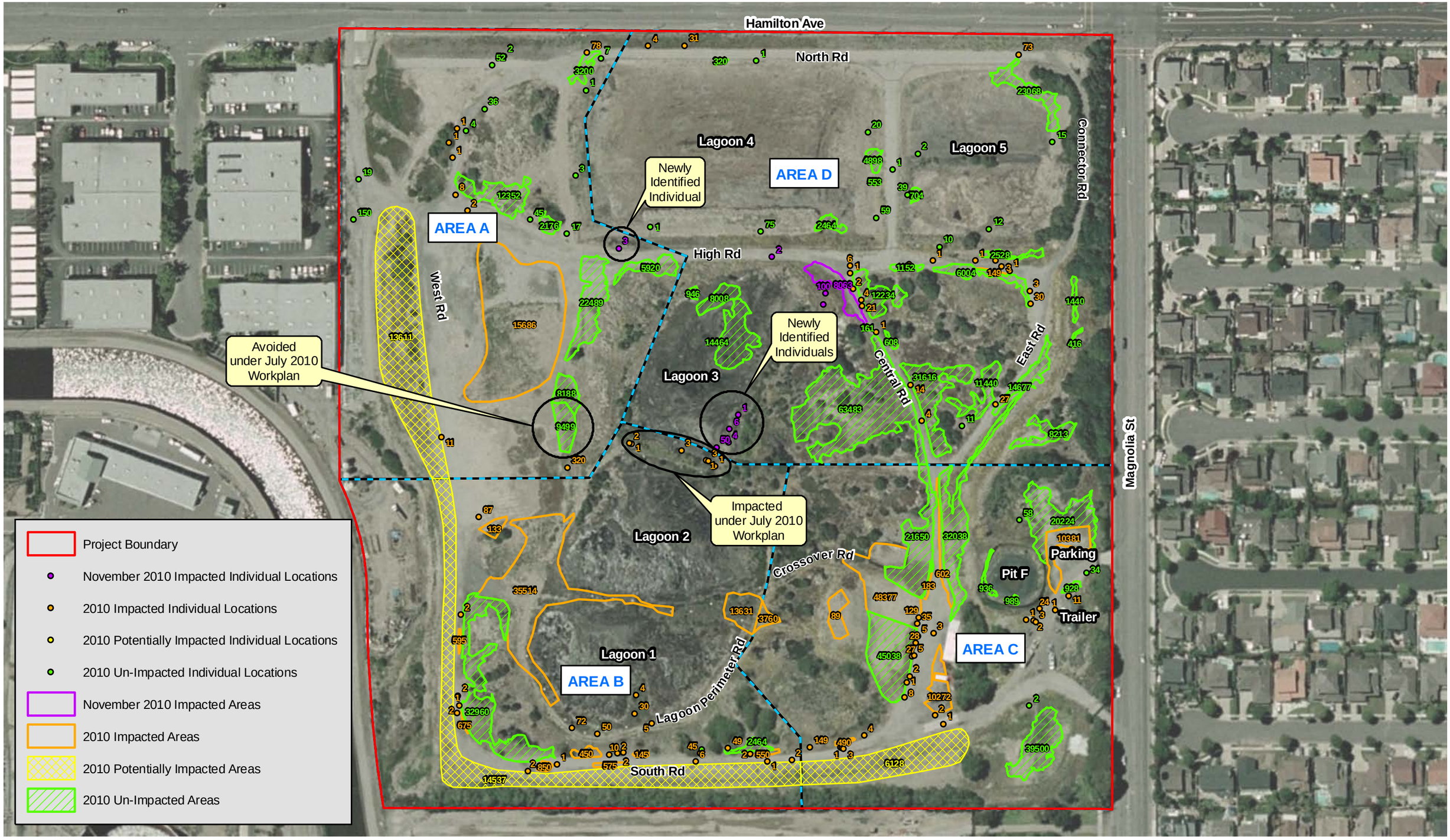
"Interim Removal Measure – Lagoon 3" project activities will primarily occur within Area D with transport of materials occurring in Areas A and C along existing haul routes. Impacts associated with the "Interim Removal Measure – Lagoon 3" workplan will not represent an increase in impacts to southern tarplant when compared against the July 2010 analysis. Due to the decrease in actual impacts occurring under the July 2010 analysis (i.e., impacts were decreased from 154,414 to 144,926 southern tarplant), the addition of 8,254 southern tarplant represents and overall decrease of total impacts to southern tarplant by 1,234 individuals. Although this represents an overall decrease in impacts, the loss of these individuals still represents a potentially significant impact absent mitigation. Similarly, cumulative impacts remain potentially significant absent mitigation.

[4] This total includes 64 new individuals within Lagoon 3 and along High Road that were not previously mapped during PCR's June 2010 mapping effort. It is believed that these individuals were too small to identify during PCR's previous mapping effort and were therefore missed. Nonetheless, these individuals have been added to the total number of southern tarplant on the Site.

MITIGATION MEASURES

Mitigation for impacts to an additional 8,254 southern tarplant will be accomplished in the same manner as proposed in the 2009 IS/MND and subsequent July 2010 addendum, which includes:

- Avoidance and flagging of non-impacted southern tarplant during construction activities,
- Contractor training,
- Construction monitoring, and
- Off-site conservation. A qualified biologist will assist in the selection of an appropriate off-site conservation area, within the local watershed, that will accept the seed for broadcasting within a suitable and comparable-sized receptor site until a 1:1 ratio is met to the number of individuals and habitat impacted.



P C R

N

0 150 300 Feet

2010 Impacted and Un-Impacted Southern Tarplant

Ascon

Source: Aerial Express, 2009; PCR Services Corporation, 2010.

FIGURE

1