

FINAL
ENVIRONMENTAL IMPACT REPORT

REMEDIAL ACTION PLAN
FOR ASCON LANDFILL SITE

HUNTINGTON BEACH, CALIFORNIA

MAY 2015

FINAL ENVIRONMENTAL IMPACT REPORT

REMEDIAL ACTION PLAN FOR ASCON LANDFILL SITE

HUNTINGTON BEACH, CALIFORNIA

STATE CLEARINGHOUSE #2013041010

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Table of Contents

	Page
1.0 INTRODUCTION	1-1
2.0 COMMENTS AND RESPONSES ON THE DRAFT EIR AND REIR.....	2-1
3.0 CORRECTIONS AND ADDITIONS TO THE DRAFT EIR AND REIR.....	3-1
4.0 MITIGATION MONITORING AND REPORTING PROGRAM	4-1

APPENDICES

APPENDIX A – PUBLIC MEETING TRANSCRIPTS - SEPTEMBER 12TH, 2013, AND NOVEMBER 6TH, 2014,
PUBLIC MEETINGS

APPENDIX B – MEMO RE: POTENTIAL USE OF RODENTICIDES AND ERADICATION OF COYOTES

List of Figures

	Page
4.6-3 Conceptual Exposure Model – Remediation Activities	3-13

List of Tables

	Page
2-1 Summary of Comments on the Draft EIR and REIR	2-3
4.6-7 Chronic Risk – Receptor 1.....	3-11

1.0 INTRODUCTION

1.0 INTRODUCTION

1. PURPOSE AND CONTENT OF THE FINAL EIR

The Department of Toxic Substances Control (DTSC), as the Lead Agency under the California Environmental Quality Act ("CEQA"), has prepared this Final Environmental Impact Report ("Final EIR") for the Remedial Action Plan (RAP) (also referred to as the "Project") for the Ascon Landfill Site (Site). This document, in conjunction with the Draft EIR and Recirculated Draft EIR (REIR), collectively comprise the Final EIR.

As described in Sections 15089, 15090 and 15132 of the CEQA Guidelines, the Lead Agency must prepare and consider the information contained in a Final EIR before approving a project. Pursuant to CEQA Guidelines Section 15132, a Final EIR consists of: a) the Draft EIR or a revision of the Draft; b) comments and recommendations received on the Draft EIR either verbatim or in summary; c) a list of persons, organizations, and public agencies commenting on the Draft EIR; d) the responses of the Lead Agency to significant environmental points raised in the review and consultation process; and e) any other information added by the Lead Agency. In addition, this Final EIR includes: an overview of the purpose and focus of the EIR being prepared for the proposed RAP; a summary of the RAP being proposed; a description of the EIR and REIR process conducted for the Project; and a description of the contents and organization of the Draft EIR, REIR and Final EIR.

Accordingly, this Final EIR is comprised of three components as follows:

Component 1: Draft EIR and Technical Appendices (August 2013)

Volume I: Draft Environmental Impact Report - EIR Chapters 1.0 to 8.0 and Appendix A

Volume II: Draft Environmental Impact Report – Appendices B through D

Volume III: Draft Environmental Impact Report – Appendices E through F

Volume IV: Draft Environmental Impact Report – Appendices G through I

Component 2: Recirculated Draft EIR (October 2014)

Component 3: Final EIR and Technical Appendices (described in more detail below)

As permitted in Section 15150 of the CEQA Guidelines, both the Draft EIR and REIR have referenced technical studies, analyses, and reports. Information from the referenced documents has been briefly summarized in the appropriate section(s) of both the Draft EIR and REIR. All documents referenced in both the Draft EIR and REIR are hereby incorporated by reference and are available for public inspection and review upon request to DTSC. A summary list of the contents of the Draft EIR and REIR is provided at the end of this chapter.

This Final EIR comprises the final component of the CEQA environmental review process for the proposed RAP at the Ascon Landfill Site. The Final EIR, together with the Draft EIR published in August 2013 and REIR published in October 2014, address the potential environmental impacts of the Project pursuant to CEQA,

Public Resources Code Section 21000 et seq., and the CEQA Guidelines, Title 14 of the Code of California Regulation (CCR), Section 15000 et seq.

The purpose of the EIR is to inform decision-makers and the general public of the potential environmental impacts resulting from the Project. The EIR is a Project EIR as defined by Sections 15161 and 15362 of the State CEQA Guidelines. DTSC has the principal responsibility for approving the Project and, as the Lead Agency, is responsible for the preparation and distribution of this Final EIR pursuant to CEQA Statute Section 21067. The EIR will be used in connection with all other permits and all other approvals necessary for the implementation of the Project. The EIR will be used by DTSC and other responsible public agencies that must approve activities undertaken with respect to the Project.

2. PROJECT SUMMARY

Background and Purpose of the RAP

The RAP describes the proposed remediation plan for the Site located at 21641 Magnolia Street in Huntington Beach, California. The Site operated as a waste disposal facility from approximately 1938 through 1984, receiving at times what is now considered hazardous waste. Since 1984, waste materials have not been accepted, and the Site has remained a closed landfill facility. In 2003, DTSC entered into an Imminent and Substantial Endangerment Determination and 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).¹ As a result of these agreements, the RPs are required to finance the implementation of the remediation activities at the Site.

Over the past approximately 30 years, there have been numerous and extensive investigations (e.g., waste and soil characterizations, hydrogeological assessments, biological assessments, health risk assessments, groundwater contamination assessments, air quality sampling, etc.) conducted at the Site, which have led up to preparation of the RAP. Of particular relevance, these investigations have included several Remedial Investigations (RI) to define the nature and extent of waste materials and Site conditions; two Baseline Health Risk Assessments (BHRA)² to evaluate potential human health risks associated with the Site; and a (Year 2000) Feasibility Study (FS)³ and (Year 2007) Revised Feasibility Study (RFS)⁴ to evaluate several remedial action alternatives for the Site and present the rationale for selecting a preferred alternative. 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. All of the above references studies are described in further detail in the Draft EIR.

¹ The ten RPs are Chevron U.S.A. Inc., Texaco Inc. (Chevron U.S.A Inc. and Texaco Inc. are now considered a single party as they are wholly-owned subsidiaries of Chevron Corp.), Conoco Inc., Phillips Petroleum Company (Conoco Inc. and Phillips Petroleum Company are now combined as ConocoPhillips Company), ExxonMobil Corp., Shell Oil Company, Atlantic Richfield Company (ARC), The Dow Chemical Company, TRW (now Northrop Grumman Systems Corporation), and Southern California Edison Company. Two of the RPs, Chevron and ConocoPhillips, created a limited liability corporation called Cannery Hamilton Properties, LLC ("CHP") to purchase the Site, and CHP is the current Site owner.

² BHRA, 1997; Geosyntec, Groundwater Remedial Investigation Report (Revision 1.0)–June 14, 2007. Accepted by DTSC July 2007

³ ENVIRON International Corporation (Environ), 2000, Feasibility Study Report, prepared for California/Nevada Developments, LLC., November 2000. Approved by DTSC July 2001.

⁴ Project Navigator, Ltd., 2007, Revised Feasibility Study, September 21, 2007. Approved by DTSC September 2007.

Since 2001, the RPs have worked with DTSC to collect additional data, conduct evaluation activities, and to complete the soil/waste RAP for the Site based on the then-existing preferred alternative from the initial FS of 2001. The 2007 RFS reflects additional information and data obtained during the implementation of the environmental evaluations and activities after approval of the initial FS in 2000. The RFS reevaluated previously considered remedial action alternatives based on the new data and current practices in hazardous waste remediation, and evaluated additional remedial alternatives that had not been considered previously.

The RFS identified and evaluated six remedial action alternatives to protect public health and the environment at the Site. The range of alternatives considered a “no action” alternative to “full removal” of all on-site contaminated materials. Throughout this Final and the Draft EIR, on-site wastes are referred to collectively as “contaminated material,” which is meant solely to denote material which may be or have had contact with a contaminant (“contaminant” as used in this EIR to means “a non-native substance or chemical” but does not necessarily indicate the presence of such substance or chemical at a level that could threaten human health and safety or the environment. Similarly, the term “contaminated material” is not meant to indicate or imply that the material meets any specific definition of hazardous waste, hazardous material, or similar characterization). 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. Chapter 2.0, *Project Description*, in the Draft EIR, and as revised per the REIR, provides a detailed description of each of the alternatives considered in the RFS (and RAP), as well DTSC’s methodology for selection of the preferred alternative. The alternatives were evaluated in consideration of nine criteria set forth in the National Contingency Plan (“NCP”). 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. RAPs prepared by or approved by DTSC must be based upon the NCP as well as other requirements specified in Chapter 6.8 (commencing with Section 25300), Division 20 of the Health and Safety Code.

Additional studies, knowledge, and experience gained since DTSC approval of the RFS have led to modifications and updates to the RFS-selected preferred alternative in addition to taking into account the significant changes to Site conditions as a result of waste removal from the Site during the Interim Removal Measure (IRM) (discussed below). Alternative 4 as defined in the RAP, which includes the modifications and updates, is the Project evaluated under CEQA in this EIR. Furthermore, the other remedial alternatives considered in the RFS have been modified in the RAP using the same studies, knowledge, and experience gained since the 2007 RFS and with post-IRM conditions. Therefore, the feasibility study has also been revisited in the RAP using the modified alternatives to ensure that Alternative 4 continues to be the preferred alternative. The significant elements of the Project (Alternative 4 in the RAP) are described in the sub-section, *Project Components*, below.

The draft RAP was also available for public review and comment and will be revised, as necessary, based on receipt of the public comments. The RAP is required by the California Health and Safety Code, Section 25356.1 and is based on Section 25350 and Subpart E of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP; 40 CFR §300.400).

Site Description

The 38-acre Site is located at the southwest corner of Hamilton Avenue and Magnolia Street in Huntington Beach, California. Nearby land uses include a community park, high school, residential areas, light industrial operations, oil storage, a flood control channel, and a power generating plant.

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. Control of the City Parcel has been temporarily transferred to CHP by license agreement with the City of Huntington Beach.

In the early years of operations at the Site, much of the waste came from oil drilling operations and included drilling muds, wastewater brines, and other drilling wastes. Records indicate that, from 1957 to 1971, other wastes were also received by Site operators and deposited onsite. From 1971 to 1984, material deposited onsite included presumably non-hazardous solid wastes such as asphalt, concrete, metal, soil, and wood.

Most recently, the RPs under DTSC oversight conducted the IRM 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. Specifically, the removal of the tarry materials allowed for collection from the lagoon areas of geotechnical data that have been utilized to refine the RAP and assist in remedial design planning.

Currently, the Site contains four visible impoundments (referred to as Lagoon 1-2, 3, 4 and 5) and one liner-covered pit (Pit F- styrene tar and synthetic rubber wastes were disposed in Pit F). Several former pits and lagoons were, over the course of 30 years, filled in or covered by imported soil and construction debris. These areas currently appear as solid ground with scattered vegetative or gravel covering. All of the wastes received at the Site were placed on top of the original ground surface and were contained by berms. As the wastes accumulated, the berms were raised such that much of the Site is now 10 to 20 feet above surrounding street level.

Based on investigations over the years, the data indicate that the Site contained nearly 1.4 million cubic yards of contaminated and fill materials prior to the IRM.⁵

Project Components

As discussed above, Alternative 4 in the RAP is the Project being evaluated in this EIR. The remediation activities proposed as part of the Project include development of a protective cap to cover the contaminated materials after select waste deposits are removed. To enable the construction of the cap, the contaminated materials at the Site would need to be graded to reconsolidate waste from the Site perimeter to the Site interior and to create appropriate slopes for storm water runoff and collection from the cap. The remediation activities include excavation and off-site disposal of up to 30,000 cubic yards of Site contaminated materials, in addition to the removal of the Pit F waste (approximately 2,250 cubic yards), to

⁵ *Ibid.*

allow for cap installation. The waste surfaces of Lagoons 3, 4 and 5 would be reinforced, as needed, to support the cap, and the lagoon material in Lagoons 4 and 5 would be held in place using cement, mixed with waste, that would be left in place under the cap (i.e., an internal geotechnical buttress). Contaminated materials on the City parcel and in the areas of the perimeter maintenance road and storm water detention basins would be excavated to at least street level and then, if necessary, to a depth achieving the Risk Based Concentrations (RBCs) (refer to Table 4-1 in the RAP), background concentrations, or until groundwater is reached.⁶ Pit wastes (Pits A - E, G, and H) would be excavated as needed to at least adjacent street elevation and deeper, if necessary, to make room for the storm water detention basins.

The capped areas could vary in elevation and size depending on the area and vertical extent of source reconsolidation or removal along the east and north sides of the Site. To blend the topography of the capped Site with the surrounding vicinity and reduce its visual massing from vantage points north and east of the Site, the Site would slope gradually upward from approximately 35 feet inside the Magnolia Street fence line and approximately 45 feet within the Hamilton Avenue fence line, with a peak height of approximately 44 feet above mean sea level (MSL)⁷, near the southwest corner of the Site. Final elevations will be specified in the remedial design to be reviewed and approved by DTSC.

A restrictive covenant would be implemented to protect the integrity of the cap and prevent any inconsistent land use. Any proposals for future alterations to the cap, including but not limited to beneficial uses of the Site (e.g. industrial, recreational, etc.) would need to be reviewed by DTSC, and undergo separate environmental review, likely with the City of Huntington Beach as the Lead Agency. Under this Alternative, completion of the remediation activities as contemplated in this EIR and in accordance with the RAP would include a vegetated cover placed over the engineered cap, surrounded by an internal access road on all sides, and chain link security fencing. A long-term groundwater-monitoring program would be maintained. Alternative 4 would remove up to 32,250 cubic yards of contaminated materials from the Site. A total of approximately 206,000 cubic yards of suitable soils would need to be imported to construct the cap and backfill the non-capped areas.

A detailed description of the proposed remediation plan in the RAP is included in Chapter 2.0, *Project Description*, of the Draft EIR, and as revised per the REIR. As stated therein, the construction schedule for the preferred alternative is estimated at approximately 11 months. The Project fieldwork can only be implemented after the EIR process is completed, which is anticipated to conclude in 2015, 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 2016.

3. ENVIRONMENTAL REVIEW PROCESS

This Final EIR has been prepared to meet all of the substantive and procedural requirements of CEQA (California Public Resources Code [PRC] Sections 21000 et seq.), as amended; California CEQA Guidelines

⁶ Site-specific Risk-Based Concentrations ("RBCs") for COPCs in soil were developed for the Site for use as Soil Cleanup Levels (SCLs) in the remedial planning process. RBCs are media-specific concentrations that are protective of human health under the designated land use.

⁷ The elevation of the street surrounding the Ascon Site ranges from approximately 5 – 7 ft MSL. All elevations in the RAP and EIR are presented relative to MSL per the NAVD88 vertical control datum. Final elevations will be specified in the remedial design to be reviewed and approved by DTSC.

(California Code Regulations Title 14, Sections 15000 et seq.); and the rules, regulations and procedures for the implementation of CEQA as executed by DTSC. Accordingly, DTSC has been identified as the Lead Agency for this Project, taking primary responsibility for conducting the environmental review process and approving or denying the Project.

In compliance with the *CEQA Guidelines*, DTSC has provided opportunities for the public to participate in the environmental review process. During the preparation of the Draft EIR, an effort was made to contact various Federal, State, regional, and local government agencies and other interested parties to solicit comments and inform the public of the Project. This included, as further described below, the distribution of a Community Notice and Notice of Preparation (NOP), as well as two public scoping meetings.

Initial Study/Notice of Preparation

Pursuant to the provision of Section 15082 of the *CEQA Guidelines*, DTSC published the NOP on April 4, 2013, in two local newspapers of general circulation within the project vicinity, the Huntington Beach Wave (OC register) and the Huntington Beach Independent. In addition, DTSC mailed a "Community Notice" to public agencies, special districts, homeowners, and residents within a ½-mile radius of the Site, and other interested individuals indicating that the NOP/Initial Study is available for a 30-day review and comment period commencing April 4, 2013, and ending May 3, 2013. The Notice was mailed to approximately 1,900 property owners, as well as the occupants of the residences, within the mailing radius. In addition, copies of the Notice were made available to students at Edison High School. The purpose of the NOP was to formally convey that DTSC is preparing an EIR for the Project, and to solicit input regarding the scope and content of the environmental information to be included in the EIR. A description of the Project was circulated with the Community Notice.

In addition, in accordance with Public Resources Code Section 21083.9, the first of two public scoping meetings was held for the Project on April 23, 2013, in the Edison High School Cafeteria, 21400 Magnolia Street, Huntington Beach, 92646. This first Public Scoping Meeting was held in the local neighborhood and was targeted for the local community. A second scoping meeting was held on Wednesday, May 1, 2013, in the City of Huntington Beach, City Council Chambers, 2000 Main Street, Huntington Beach, 92648, and was targeted for public agencies, including City officials. This second scoping meeting was also open to the general public. The scoping meetings were held to provide interested individuals/groups and public agencies the opportunity to provide input as to the scope and content of the environmental information that should be included in the EIR. In an effort to ensure comments were accurately recorded, a court reporter transcribed the proceedings at the scoping meetings. In addition, DTSC provided comment forms at the scoping meetings so that written comments could be mailed to DTSC prior to close of the 30-day review period. Comments on the NOP/Initial Study could be submitted in writing by either completing a comment form available at the scoping meetings (a comment form was also included in the Community Notice) or providing written comments by mail or via e-mail. Comments on the scope and content of the EIR were received from various public agencies and individuals from the public. The NOP/Initial Study comments are contained in Appendix A of the Draft EIR and summarized in the Draft EIR's Executive Summary under the "Issues Raised During the NOP Process" subheading.

Draft EIR

Based on the Initial Study prepared in association with the NOP and comments received during the public review period, the Draft EIR addressed the following environmental topics where the potential for significant impacts was identified: Aesthetics, Air Quality, Biological Resources, Geology/Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology/Water Quality, Land Use and Planning, Noise, and Transportation/Traffic. For each of the environmental issues described above, the Project's potential to result in direct, indirect and cumulative impacts were addressed, and feasible mitigation measures were provided where necessary to address significant impacts. Chapter 6.0, *Other Mandatory CEQA Considerations*, in the Draft EIR includes a discussion of those environmental issues (e.g., Mineral Resources, Public Services, Population and Housing, etc.) where the characteristics of the Project made it clear that impacts would not be significant and further evaluation of such issues in the EIR was not necessary.

The Draft EIR was subject to a 45-day public review period by responsible and trustee agencies, members of the public, and other interested parties. The review period commenced August 29, 2013, and ended October 14, 2013. In accordance with the provision of Sections 15085(a) and 15087(a)(1) of the *CEQA Guidelines*, DTSC, serving as the Lead Agency, circulated a Notice of Availability (NOA) of a Draft EIR to all residents within a ½-mile radius of the Site, in addition to public agencies, organizations, and individuals that commented on the NOP. The NOA indicated that an informational public meeting on the EIR environmental review process will be held on September 12th 2013, at Edison High School. The NOA also indicated the Draft EIR would be available for review at the following locations:

- Huntington Beach Central Library - 7111 Talbert Avenue, Huntington Beach, CA 92648, phone # (714) 842-4481
- Banning Branch Library - 9281 Banning Avenue, Huntington Beach, CA 92646, phone # (714) 375-5005
- Department of Toxic Substances Control - 5796 Corporate Avenue, Cypress, CA 90630, phone # (714) 484-5337
- DTSC's EnviroStor website at www.EnviroStor.dtsc.ca.gov. Enter "Huntington Beach" as the City and select "Ascon Landfill Site" in the list of projects within the scroll-down menu.

DTSC also prepared and transmitted a Notice of Completion (NOC) to the State Clearinghouse. Proof of publication is available at DTSC.

During the public meeting held on September 12, 2013, DTSC provided the public with an opportunity to provide comments on the Draft EIR. All public comments received at the meeting on the Draft EIR have been responded to in Chapter 2.0, *Comments and Responses on the Draft EIR and REIR*, of this Final EIR. A copy of the transcript from the September 12, 2013, public hearing is included in Appendix A of this Final EIR.

As indicated above, the public comment period for the Draft EIR ended on October 14, 2013. A list of those providing public comment on the Draft EIR, along with a breakdown of individual comments and responses to those comments by the City, is provided in Chapter 2.0 in this Final EIR.

Recirculated Draft EIR

DTSC published the REIR, which is considered a recirculated partial EIR because significant new short-term traffic and related off-site mobile-source noise information was incorporated into some of the impact analyses presented in the Draft EIR. In consideration of public comments received on the Draft EIR and Draft RAP during the public review period, DTSC commissioned further studies related to potential traffic impacts identified in the Draft EIR. Specifically, the feasibility of implementing the Draft EIR's prescribed traffic mitigation measures along the Project's proposed haul route, including Beach Boulevard (State Route 39) and Pacific Coast Highway (PCH), was further explored due to the existing and forecasted operating deficiencies on Beach Boulevard. The Draft EIR identified a single haul route that would have all haul trucks exit and access the I-405 Freeway at Beach Boulevard. As a designated "State Route," Beach Boulevard is under the jurisdiction of California Department of Transportation (Caltrans). DTSC conducted a series of meetings with Caltrans, the City of Huntington Beach, and the City of Fountain Valley to explore truck haul route alternatives to Beach Boulevard. Based on these meetings, DTSC undertook additional traffic studies to determine if, while minimizing traffic impacts to Beach Boulevard, there is an alternative haul route(s) that would result in no new significant traffic impacts along such a route. The results of detailed impact analyses verified that Brookhurst Street, a designated truck route by the City of Huntington Beach from Pacific Coast Highway to Garfield Avenue, and by the City of Fountain Valley north of Garfield Avenue, is a viable haul route in addition to Beach Boulevard that could accommodate a portion of the Project's truck trips. All trucks contracted for export trips, regardless of point of origin or destination, would use Beach Boulevard. Import and supply trucks could use either Beach Boulevard or Brookhurst Street. Up to a maximum of 100 trucks per day traveling to and from the Site would utilize Beach Boulevard, with the remaining trucks utilizing Brookhurst Street. DTSC therefore updated the traffic analysis in the Draft EIR to include this additional haul route that was not studied previously.

Per CEQA, the Project's proposed revised truck haul routes and truck distribution, and the resulting changes to traffic and mobile-source noise impacts (from haul truck traffic) analyzed in the Draft EIR, are presented in the REIR, which focuses on these two environmental issues (traffic and noise). The changes to the Draft EIR traffic analysis included the addition of new mitigation measures and newly identified significant and unavoidable traffic impacts. Because of the significant new information, DTSC recirculated the following Draft EIR chapters/sections: Executive Summary; Chapter 2.0, *Project Description*; Section 4.9, *Noise*; Section 4.10, *Traffic and Circulation*; Chapter 5.0, *Alternatives* (portions therein); and Chapter 6.0, *Other Mandatory CEQA Considerations*.

CEQA Guidelines Section 15088.5 describes the procedures for recirculation of a portion of an EIR. Consistent with CEQA requirements, the REIR was subject to public review and comment for a period of 45 days. The review period commenced on October 6, 2014, and ended on November 21, 2014. DTSC submitted a public NOA of the REIR and a NOC to the State Clearinghouse. The NOA for the REIR was also mailed to residences within a ½-mile radius of the Site, in addition to those public agencies, organizations, and individuals that commented on the Draft EIR or who have otherwise requested to be on the mailing list. The NOA was also published in the Huntington Beach Independent and Huntington Beach Wave (OC Register) newspapers. Proof of the mailings and publication is available at DTSC. The REIR document was made available at the same locations as the Draft EIR, described above.

DTSC also held an informational public meeting November 6, 2014, with DTSC providing the public with an opportunity to provide comments on the REIR. All public comments received at the meeting on the REIR

have been responded to in Section 2.0 of this Final EIR. A copy of the transcript from the November 6th, 2014, public hearing is included in Appendix A of this Final EIR.

Final EIR

The contents of this Final EIR are summarized in sub-section 1, *Purpose and Content of the Final EIR*, above, and described in more detail in sub-section 5, *Contents of the Final EIR/EIR Organization*, below.

After this Final EIR is completed, and at least 10 days prior to its certification, a copy of the response to comments on the Draft EIR will be provided or made available to all commenting parties.

According to PRC Section 21081, the Lead Agency must make specific Findings of Fact (Findings) before approving the Final EIR, when the EIR identifies significant environmental impacts that may result from a project. The purpose of the Findings is to establish the link between the contents of the Final EIR and the action of the Lead Agency with regard to approval or rejection of the Project. Prior to approval of a project, one of three findings must be made, as follows:

- Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Environmental impacts may not always be mitigated to a less than significant level. When this occurs, impacts are considered significant and unavoidable. Since DTSC has concluded that the Project would result in significant and unavoidable effects, which are identified in the Draft EIR and REIR, and re-stated below, DTSC must adopt a “Statement of Overriding Considerations” prior to approval of the Project in compliance with PRC Section 21081. Such statements are intended under CEQA to provide a written means by which DTSC balances the benefits of the Project and the significant and unavoidable environmental impacts. Where DTSC concludes that the economic, legal, social, technological, or other benefits outweigh the unavoidable environmental impacts, DTSC may find such impacts “acceptable” and approve the Project. The Facts and Findings document will be prepared under separate cover from this Final EIR.

4. SUMMARY OF SIGNIFICANT AND UNAVOIDABLE ENVIRONMENTAL IMPACTS EVALUATED IN THE DRAFT EIR AND REIR

Tables ES-1 and RES-1, *Summary of Project Impacts and Mitigation Measures*, in the Executive Summary of the Draft EIR and REIR, respectively, provide a summary of impacts, mitigation measures, and impacts after implementation of the mitigation measures associated with implementation of the RAP. Also, Chapter 2.0, *Project Description*, in the Draft EIR and REIR provides a list of the Project Design Features (PDFs) that would be implemented by the Project relative to each environmental issue area. The PDFs, in many cases, would serve to reduce the extent of the Project’s potential for environmental impacts. The PDFs are included in the

Mitigation Monitoring and Reporting Program (MMRP), described below, to ensure that such features are implemented during the Project.

Section 15126.2(b) of the CEQA Guidelines requires that an EIR describe significant environmental impacts that cannot be avoided, including those effects that can be mitigated but not reduced to a less than significant level. As shown in Table ES-1 and as analyzed in Section 4.2, *Air Quality*, of the Draft EIR, even with the incorporation of all project design features and a mitigation measure to implement best available control technology, to the extent feasible, during construction, the Project would remain in exceedance of the SCAQMD regional threshold for NO_x from intensive use of diesel powered heavy-duty construction equipment for most days throughout implementation of the RAP construction remediation activities. Regional PM₁₀ emissions would also exceed SCAQMD regional thresholds due to equipment exhaust and fugitive dust generated from the project. Worst-case hourly emissions of NO_x are predicted to result in localized concentrations of NO₂ in excess of the applicable local significance criterion (the state ambient air quality standard). In addition, 24-hour and annual emissions of PM₁₀, from dust and diesel exhaust, are predicted to result in localized concentrations in excess of the applicable significance criteria (the SCAQMD's allowable incremental increase concentrations). As such, implementation of the RAP would result in significant and unavoidable impacts with regards to regional NO_x emissions and its contribution to the formation of the non-attainment pollutant ozone, localized maximum 1-hour NO₂ concentrations, and 24-hour and annual PM₁₀ concentrations. Please refer to Section 4.2, *Air Quality*, of the Draft EIR for further discussion of this topic.

In addition, as analyzed in Section R4.10, *Traffic and Circulation*, of the REIR, even with the incorporation of mitigation to decrease the maximum hourly one-way haul truck trips during each of the P.M. peak hours (4:00 to 5:00 P.M. and 5:00 to 6:00 P.M.) from 20 to 10 utilizing Beach Boulevard (10 in-bound trips per hour and 10 out-bound trips per hour) and from 25 to 15 utilizing Brookhurst Street (15 in-bound trips per hour and 15 out-bound trips per hour), the Project would exceed Caltrans threshold criteria at five intersections on Beach Boulevard during the A.M. and/or P.M. peak hours under Operating Year (2017) Plus Project conditions in the City of Huntington Beach. Under the worst-case scenario, these intersections, listed below, would have significant and unavoidable short-term impacts under Operating Year (2017) Plus Project conditions.

- Beach Boulevard at Edinger Avenue – A.M. and P.M. peak hours
- Beach Boulevard at Heil Avenue - P.M. peak hour
- Beach Boulevard at Warner Avenue - P.M. peak hour
- Beach Boulevard at Slater Avenue - P.M. peak hour
 - Beach Boulevard at Talbert Avenue – mid-day and P.M. peak hours

Please refer to Section R4.10, *Traffic and Circulation*, of the REIR for further discussion of these impacts.

5. CONTENTS OF THE FINAL EIR/EIR ORGANIZATION

Final EIR

This Final EIR is organized into the following chapters:

- 1.0 Introduction.** This chapter of the Final EIR provides overview information regarding the purpose and structure of the Draft EIR, REIR and Final EIR (collectively, the EIR), as well as a summary of the project characteristics, its impacts and mitigation measures.
- 2.0 Comments and Responses on the Draft EIR and REIR.** This chapter includes a list of those providing comments on the Draft EIR and REIR; a matrix that indicates the environmental issues that were addressed in each of the written comments that were presented to DTSC during the public review periods; topical responses that discuss the long-term use of the site and DTSC's selection of the proposed remediation activities at the Site; copies of all comment letters received by DTSC; and DTSC responses to each of the public comments, including those presented orally during the on September 12th, 2013, and November 6th, 2014, public meetings.
- 3.0 Corrections and Additions to the Draft EIR and REIR.** This chapter presents a list of revisions that have been made to the Draft EIR and REIR, based on comments received from the public and agencies, and other items requiring updating and/or corrections.
- 4.0 Mitigation Monitoring and Reporting Program (MMRP).** This chapter provides the Project's MMRP, which is the document used by the enforcement and monitoring agencies responsible for the implementation of the proposed Project's mitigation measures. Mitigation measures are listed by environmental topic, and for each mitigation measure, the following is defined: phase of implementation, frequency and/or duration of required monitoring, and the enforcement/reporting agency.

Appendix A: Public Meeting Transcripts - September 12th, 2013, and November 6th, 2014, Public Meetings

Appendix B: Memo RE: Potential Use of Rodenticides and Eradication of Coyotes

In addition, the Final EIR incorporates by reference the Draft EIR, REIR and associated appendices. These documents are summarized below.

Draft EIR

The Draft EIR includes an Executive Summary and eight chapters as well as appendices, which are organized as follows:

Executive Summary. This section presents a summary of the Project and alternatives, potential impacts and mitigation measures, and impact conclusions regarding significant unavoidable adverse impacts and effects not found to be significant. This section also summarizes the issues raised in the NOP comment letters regarding the scope and content of the EIR under the "Issues Raised During NOP Process" subheading.

1. **Introduction.** This chapter provides a description of the purpose of the EIR, CEQA compliance information relative to the Project and the EIR, a brief overview of the environmental review process, and an outline of the organization of the EIR.
2. **Project Description.** This chapter describes the location, details and objectives for the Project.
3. **Basis for Cumulative Analysis.** This chapter contains a list of related projects anticipated to be built within the project vicinity.
4. **Environmental Impact Analysis.** This chapter contains the environmental setting, Project and cumulative impact analyses, mitigation measures, and conclusions regarding the level of significance after mitigation for each of the following environmental issues: Aesthetics, Air Quality, Biological Resources, Geology/Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Water Quality, Land Use, Noise, and Traffic/Circulation.
5. **Alternatives.** This chapter evaluates the environmental effects of the Project alternatives, including the No Project Alternative. It also identifies the environmentally superior project.
6. **Other Mandatory CEQA Considerations.** This chapter includes a discussion of issues required by CEQA that are not covered in other sections. This includes discussions of unavoidable adverse impacts, impacts found not to be significant, irreversible environmental changes, potential secondary effects caused by the implementation of the mitigation measures for the Project, and growth inducing impacts.
7. **List of Preparers.** This chapter lists all of the persons that contributed to the preparation of this EIR, the Lead Agency, and the Responsible Parties (RPs).
8. **References.** This chapter lists all the references utilized in preparation of the EIR.

The Draft EIR includes the environmental analysis prepared for the Project and appendices as follows:

- Appendix A – Notice of Preparation/Initial Study/NOP Comment Letters
- Appendix B – Air Quality Worksheets
- Appendix C – Biological Resources Data
- Appendix D – Greenhouse Gas Worksheets
- Appendix E – Health Risk Assessment
- Appendix F – Noise Worksheets
- Appendix G - Traffic Study
- Appendix H – Alternatives Analyses Worksheets
- Appendix I – Cultural Resources Data

REIR

The REIR is comprised of the following new information:

1. **Introduction.** This chapter provides a description of the purpose of the REIR, CEQA compliance information relative to the Project and the REIR, a brief overview of the environmental review process, and an outline of the organization of the REIR.
2. **Revised Draft EIR Sections.** This chapter presents the revised Draft EIR sections.
 - Chapter 1.0, Introduction
 - Chapter 2.0, Revised Draft EIR Sections
 - Executive Summary (revises portions of the Executive Summary chapter in the Draft EIR);
 - Chapter R2.0, Project Description;
 - Section R4.9, Noise;
 - Section R4.10, Traffic and Circulation;
 - Chapter R5.0, Alternatives (revises portions of Chapter 5.0, *Alternatives*, in the Draft EIR); and
 - Chapter R6.0, Other Mandatory CEQA Considerations (revises portions of Chapter 5.0, *Other Mandatory CEQA Considerations*, in the Draft EIR).

Within Chapter 2.0 of the REIR, the following chapters/sections are presented in their entirety: Chapter R2.0, *Project Description*; Section R4.9, *Noise*; and Section R4.10, *Traffic and Circulation*. The Project's proposed additional haul route and distribution of truck trips resulted in changes to only portions of the Executive Summary, Chapter 5.0, *Alternatives*, and Chapter 6.0, *Other Mandatory CEQA Considerations*, in the Draft EIR pertaining to short-term traffic and noise impacts. Thus, consistent with CEQA Guidelines Section 15088.5(b) of the CEQA Guidelines, only those portions of the Draft EIR's Executive Summary, Chapter 5.0, and Chapter 6.0 that have changed are presented in Chapter 2.0 of the REIR. Please refer to the introductory language in each of the REIR chapters for a description of the revised sub-sections included within the respective chapter.

The REIR also contains revised technical analyses that are included as appendices. The revised appendices are as follows:

- Revised Appendix F - Noise Worksheets (Off-Site Haul Truck Noise Calculations Only)
- Revised Appendix G – Revised Traffic Study

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2.0 COMMENTS AND RESPONSES ON THE DRAFT EIR AND REIR

2.0 COMMENTS AND RESPONSES ON THE DRAFT EIR AND REIR

1. INTRODUCTION

CEQA Guidelines Section 15088(a) states that “The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The lead agency shall respond to comments that were received during the noticed comment period and any extensions . . .” In accordance with these requirements, this Chapter of the Final EIR provides responses to written comments received during the Draft EIR and REIR public comment periods and oral comments at the public meetings held on September 12th, 2013, and November 6th, 2014, regarding the Draft EIR and REIR, respectively. **Table 2-1, *Summary of Comments on the Draft EIR and REIR***, provides a list of the comments received and indicates the primary environmental topics raised in response to the Draft EIR and REIR.

Section 2, *Topical Responses to Comments*, provides comprehensive responses to address multiple similar comments that have been raised on key topics during the public review period of the Draft EIR. Where appropriate, referrals to the topical responses are provided within the individual responses to comments prepared in Section 3, *Comments and Responses*, which is described below. The Topical Responses in this section include the following:

- Topical Response #1: Long-Term Use of the Site
- Topical Response #2: DTSC’s Selection of the Proposed Remediation Activities at the Site

The public hearing comments and the original comment letters as submitted are included below in subsection 3, *Comments and Responses*. The individual comment items from the public meetings and within each comment letter have been separated and assigned unique comment numbers. For the public meeting comments, each comment is provided with a response immediately following. For the comment letters, the numbered DTSC comment responses are presented on the following pages after the original comment letter. Where responses result in a change to the Draft EIR, it is noted, and the resulting change is identified in Chapter 3.0, *Corrections and Additions to the Draft EIR and REIR*, of this Final EIR.

As required by the CEQA Guidelines, Section 15088 (c), the focus of the responses to comments is on “the disposition of significant environmental issues raised.” Therefore, some comments taken at the public hearing and within the comment letters that are introductory or provide background information about the commenter are not included as comments since no response is necessary.

In addition, Chapter 1.0, *Introduction*, of the REIR beginning on page R1-4 included specific guidance on the focus of the public comments to be provided on the REIR as follows:

“Consistent with the provisions of CEQA Guidelines Section 15088.5, subd. (f)(2), because the Draft EIR is being revised only in part, and because DTSC is recirculating only revised sections or portions of the Draft EIR in this document, DTSC need only respond to: (i) comments received during the initial circulation period that relate to chapters or portions of the Draft EIR that were not revised or recirculated; and (ii) comments received during

the 45-day recirculation period that relate to the chapters or portions of the Draft EIR that were revised and recirculated in this Recirculated Draft EIR.

Thus, agencies, organizations, and individuals that wish to comment on this Recirculated Draft EIR, should limit their comments to only the revised sections presented in Chapter 2.0 of this Recirculated Draft EIR and the revised analyses contained therein. The revised analyses presented in Chapter 2.0 includes new text shown in double underline (i.e., underline) and deleted text shown in strikeout (i.e., ~~strikeout~~). Comment letters submitted on the previously circulated Draft EIR during the prior comment period will be addressed in the Final EIR and need not be resubmitted in conjunction with this Recirculated Draft EIR.”

Based on the direction included in the REIR and consistent with CEQA Guidelines Section 15088.5, subd. (f)(2), no responses are provided by DTSC for those comments that were submitted during the REIR public review period that relate to chapters or portions of the DEIR that were not revised and recirculated as part of the REIR.

Table 2-1

Summary of Comments on the Draft EIR and REIR

LETTER No.	SUMMARY OF WRITTEN COMMENTS	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4. GEOLOGY AND SOILS	4.5. GREENHOUSE GAS EMISSIONS	4.6. HAZARDS AND HAZARDOUS MATERIALS	4.7. WATER QUALITY	4.8. LAND USE	4.9. NOISE	4.10. TRAFFIC AND CIRCULATION	5.0. ALTERNATIVES	6.0 OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
Draft EIR																
Public Hearing																
1	September 12, 2013 Public Hearing Comments	x	x	x	x	x	x		x	x	x			x		Opposition to the Project and support for Alt. 2 in the Draft EIR
Public Agencies																
2	State of California California State Transportation Agency Department of Transportation District 12 3347 Michelson Drive, Suite 100 Irvine, CA 92612-8894 Maureen El Harake Branch Chief, Regional-Community-Transit Planning (September 19, 2013)				x				x				x			

Table 2-1 (Continued)

Summary of Comments on the Draft EIR and REIR

LETTER No.	SUMMARY OF WRITTEN COMMENTS	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4. GEOLOGY AND SOILS	4.5. GREENHOUSE GAS EMISSIONS	4.6. HAZARDS AND HAZARDOUS MATERIALS	4.7. WATER QUALITY	4.8. LAND USE	4.9. NOISE	4.10. TRAFFIC AND CIRCULATION	5.0. ALTERNATIVES	6.0 OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
3	State of California - Natural Resources Agency Department of Fish and Wildlife South Coast Region 3883 Ruffin Road San Diego, CA 92123 Betty Courtney, Environmental Program Manager I (October 11, 2013)					x										
4	South Coast Air Quality Management District 21865 Copley Drive Diamond Bar, CA 91765-4178 Ian MacMillan, Program Supervisor, Inter-Governmental Review, Planning, Rule Development & Area Sources (October 11, 2013)				x											
5	Huntington Beach Wetlands Conservancy Post Office Box 5903 21900 Pacific Coast Highway Huntington Beach, CA 92615 Jack Kirkorn, Director (October 12, 2013)					x										

Table 2-1 (Continued)

Summary of Comments on the Draft EIR and REIR

LETTER No.	SUMMARY OF WRITTEN COMMENTS	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4. GEOLOGY AND SOILS	4.5. GREENHOUSE GAS EMISSIONS	4.6. HAZARDS AND HAZARDOUS MATERIALS	4.7. WATER QUALITY	4.8. LAND USE	4.9. NOISE	4.10. TRAFFIC AND CIRCULATION	5.0. ALTERNATIVES	6.0 OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
6	City of Huntington Beach Department of Planning and Building 2000 Main Street Huntington Beach, CA 92648 Jennifer Villasenor, Senior Planner (October 14, 2013)	x	x	x		x	x		x	x	x	x	x			
Public Commenters																
7	Berney Wiesel 21392 Fleet Lane Huntington Beach, CA 92646 (August 31, 2013)															General concern for environmental impacts
8	Tiep Bui															Comment on Poseidon Desalination Project
9	Marty Trifonoff 20842 Beachwood Lane Huntington Beach, CA 92646								x							
10	Donna Willoughby Villa Pacific Community Association 9933 Villa Pacific Drive Huntington Beach, Ca 92646															Mailing List

Table 2-1 (Continued)

Summary of Comments on the Draft EIR and REIR

LETTER No.	SUMMARY OF WRITTEN COMMENTS	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4. GEOLOGY AND SOILS	4.5. GREENHOUSE GAS EMISSIONS	4.6. HAZARDS AND HAZARDOUS MATERIALS	4.7. WATER QUALITY	4.8. LAND USE	4.9. NOISE	4.10. TRAFFIC AND CIRCULATION	5.0. ALTERNATIVES	6.0 OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
11	Name Unknown															Meeting Presentation Comment
12	Craig Von Freymann 7342 Garfield Avenue, #D Huntington Beach, CA 92648 (September 19, 2013)															General Opposition to the Project.
13	Elizabeth McKirachan 22032 Malibu Lane (October 1, 2013)															Request for future schedule of remediation activities
14	Jordan Cooper 20242 Eastwood Circle Huntington Beach, CA 92646 (October 1, 2013)					x										Opposition to the Project and support for Alt. 1 (No Project Alternative) in the Draft EIR
15	Geri Von Freymann (October 8, 2013)					x	x		x							Request for extended public review period of Draft EIR
16	Stacey Murray (October 8, 2013)					x										Opposition to the Project and support for Alt. 1 in the Draft EIR

Table 2-1 (Continued)

Summary of Comments on the Draft EIR and REIR

LETTER No.	SUMMARY OF WRITTEN COMMENTS	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4. GEOLOGY AND SOILS	4.5. GREENHOUSE GAS EMISSIONS	4.6. HAZARDS AND HAZARDOUS MATERIALS	4.7. WATER QUALITY	4.8. LAND USE	4.9. NOISE	4.10. TRAFFIC AND CIRCULATION	5.0. ALTERNATIVES	6.0 OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
17	George E. Mason and Charlotte A. Mason 21641 Bahama Lane Huntington Beach, CA 92646 (October 10, 2013)	x	x			x				x						
18	Amy Von Freymann (October 13, 2013)					x	x				x			x		Opposition to the Project and support for Alt. 2 in the Draft EIR
19	Phillip B. Chandler 4501 W. Channel Islands Blvd., #86 Oxnard, CA 93035 (October 14, 2013)	x			x				x	x	x					Consistency with NCP.
20	Dan Kalmick 16772 Glenhaven Lane Huntington Beach, CA 92647		x								x					Opposition to the Project and support for Alt. 2 in the Draft EIR
21	John and Lenore Kirkorn 9122 Kahului Drive Huntington Beach, CA 92646 (October 14, 2013)	x			x				x	x	x					Opposition to the Project and support for Alt. 2 in the Draft EIR

Table 2-1 (Continued)

Summary of Comments on the Draft EIR and REIR

LETTER No.	SUMMARY OF WRITTEN COMMENTS	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4. GEOLOGY AND SOILS	4.5. GREENHOUSE GAS EMISSIONS	4.6. HAZARDS AND HAZARDOUS MATERIALS	4.7. WATER QUALITY	4.8. LAND USE	4.9. NOISE	4.10. TRAFFIC AND CIRCULATION	5.0. ALTERNATIVES	6.0 OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
22	Eric M. Maher Environmental Consultant and Emeritus Senior Hazardous Substances Scientist 1740 Teralba Way Sacramento, CA 95833 (October 14, 2013)	x			x					x				x		Post remediation monitoring. Cultural Resources mitigation measures. Overriding Findings.
23	Steve John Koch 8372 Doncaster Drive Huntington Beach, CA															No relevant comments.
24	John Scott (August 30, 2013)	x														
25	John Scott (September 6, 2013)										x					
26	Joanne Rasmussen (September 6, 2013)										x					
27	Scott Smith (September 12, 2013)	x		x							x					

Table 2-1 (Continued)

Summary of Comments on the Draft EIR and REIR

LETTER No.	SUMMARY OF WRITTEN COMMENTS	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4. GEOLOGY AND SOILS	4.5. GREENHOUSE GAS EMISSIONS	4.6. HAZARDS AND HAZARDOUS MATERIALS	4.7. WATER QUALITY	4.8. LAND USE	4.9. NOISE	4.10. TRAFFIC AND CIRCULATION	5.0. ALTERNATIVES	6.0 OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
Recirculated Draft EIR																
Public Hearing (Nov. 6, 2014)																
28	November 6, 2014 Public Hearing Comments	x	x										x	x		EIR Process
Public Agencies																
29	State of California California State Transportation Agency Department of Transportation District 12 3347 Michelson Drive, Suite 100 Irvine, CA 92612-8894 Maureen El Harake Branch Chief, Regiona-Community-Transit Planning (October 9, 2014)	x											x			

Table 2-1 (Continued)

Summary of Comments on the Draft EIR and REIR

LETTER No.	SUMMARY OF WRITTEN COMMENTS	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4. GEOLOGY AND SOILS	4.5. GREENHOUSE GAS EMISSIONS	4.6. HAZARDS AND HAZARDOUS MATERIALS	4.7. WATER QUALITY	4.8. LAND USE	4.9. NOISE	4.10. TRAFFIC AND CIRCULATION	5.0. ALTERNATIVES	6.0 OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
30	City of Fountain Valley Department of Planning and Building 10200 Slater Avenue Fountain Valley, CA 92708-4736 Andrew Perea, Planning and Building Director (November 20, 2014)	x										x	x			
31	City of Huntington Beach Department of Planning and Building 2000 Main Street Huntington Beach, CA 92648 Rosemary Medel, Associate Planner (November 21, 2014)															No comments on REIR
Public Commenters																
32	Ellen Allard															Mailing List Request
33	James Zisch 9021 Niguel Circle Huntington Beach, CA 92646 (October 15, 2014)					x										

Table 2-1 (Continued)

Summary of Comments on the Draft EIR and REIR

LETTER No.	SUMMARY OF WRITTEN COMMENTS	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4. GEOLOGY AND SOILS	4.5. GREENHOUSE GAS EMISSIONS	4.6. HAZARDS AND HAZARDOUS MATERIALS	4.7. WATER QUALITY	4.8. LAND USE	4.9. NOISE	4.10. TRAFFIC AND CIRCULATION	5.0. ALTERNATIVES	6.0 OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
34	Sheila Callan 8877 Lauderdale Ct. #213-F Huntington Beach, CA 92646	x							x				x			
35	James Zisch 9021 Niguel Circle Huntington Beach, CA 92646 (October 15, 2014)						x		x							
36	Elana Greville (October 20, 2014)	x			x				x							
37	Philip Wilder (November 14, 2014)															General Comments
38	Mark Dixon (November 14, 2014)	x				x					x					General Opposition to the Project.
39	Nora Pederson 22122 Wood Island Lane Huntington Beach, CA 92646					x						x	x			
40	Geri Von Freymann (November 16, 2014)					x						x	x			

Table 2-1 (Continued)

Summary of Comments on the Draft EIR and REIR

LETTER No.	SUMMARY OF WRITTEN COMMENTS	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4. GEOLOGY AND SOILS	4.5. GREENHOUSE GAS EMISSIONS	4.6. HAZARDS AND HAZARDOUS MATERIALS	4.7. WATER QUALITY	4.8. LAND USE	4.9. NOISE	4.10. TRAFFIC AND CIRCULATION	5.0. ALTERNATIVES	6.0 OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
41	John Scott 22032 Capistrano Lane Huntington Beach, CA 92646 (November 16, 2014)											x	x			
42	Bobbie Miller (November 17, 2014)					x							x			
43	Stacey Murray (November 17, 2014)					x			x			x	x			
44	Glen Howland (November 14, 2014)	x									x					
45	John McEachin 8841 Arcel Circle Huntington Beach, CA (November 17, 2014)															Support for Project.
46	Larry Kirkenslager (November 17, 2014)															General comment
47	John Theriault (November 18, 2014)															General comment

Table 2-1 (Continued)

Summary of Comments on the Draft EIR and REIR

LETTER No.	SUMMARY OF WRITTEN COMMENTS	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4. GEOLOGY AND SOILS	4.5. GREENHOUSE GAS EMISSIONS	4.6. HAZARDS AND HAZARDOUS MATERIALS	4.7. WATER QUALITY	4.8. LAND USE	4.9. NOISE	4.10. TRAFFIC AND CIRCULATION	5.0. ALTERNATIVES	6.0 OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
48	Jordan Cooper 20242 Eastwood Circle Huntington Beach, CA 92646 (November 19, 2014)					x			x			x	x			
49	Gus Hamborg (November 19, 2014)			x							x		x			
50	Glen Howland (November 15, 2014)	x														
51	Glen Howland (November 18, 2014)	x														
52	M. Powers (November 17, 2014)				x											
53	Ding-Jo and Mark Currie (November 19, 2014)					x			x							
54	Ronald Von Freymann Kroll Lane (November 20, 2014)					x					x					

Table 2-1 (Continued)

Summary of Comments on the Draft EIR and REIR

LETTER No.	SUMMARY OF WRITTEN COMMENTS	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4. GEOLOGY AND SOILS	4.5. GREENHOUSE GAS EMISSIONS	4.6. HAZARDS AND HAZARDOUS MATERIALS	4.7. WATER QUALITY	4.8. LAND USE	4.9. NOISE	4.10. TRAFFIC AND CIRCULATION	5.0. ALTERNATIVES	6.0 OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
55	Merle Moshiri 19412 Pompano Lane #107 Huntington Beach, CA 92648 (November 20, 2014)		x						x							
56	Dr. Mikel Hogan (November 20, 2014)				x	x					x	x				
57	Amy Von Freymann (November 21, 2014)	x			x	x			x			x	x			
58	Lori Ann Robeson (November 21, 2014)					x			x			x	x			
59	William L Robeson (November 21, 2014)												x			
60	Eric M. Maher 1740 TTerlba Way Sacramento, CA 95833 (November 21, 2014)													x	x	
61	Mark Sheldon 6282 Priscilla Drive Huntington Beach, CA 92647 (November 22, 2014)											x	x			

2. TOPICAL RESPONSES TO COMMENTS

As discussed above, this section provides a comprehensive response for two issues: 1) Long-Term Use of the Site; and 2) DTSC's Evaluation of Alternatives and Selection of the Preferred Alternative at the Site. These responses are provided to address multiple comments that have been raised for these topics. Where appropriate, responses provided in subsection 3, below, refer to these topical responses.

Topical Response #1: Long-Term Use of the Site

The Draft Remedial Action Plan (RAP) and Draft EIR discuss and analyze the proposed remedial activities at the existing Ascon Landfill Site and the long-term Operation and Maintenance (O&M) of a closed, capped landfill site. Details of the RAP and long-term O&M Plan are discussed in Chapter 2.0, *Project Description*, of the Draft EIR. Section 4.8, *Land Use*, of the Draft EIR provides an assessment of potential land use impacts related to the Site as a closed, capped landfill site. Section 4.6, *Hazards and Hazardous Materials*, discusses existing and long-term hazardous conditions/risks at the Site and how such conditions/risks affect existing and future on- and off-site land uses as a capped landfill. As discussed below, the remediation of the Site and installation of a cap may allow an alternative land use to be developed on-site at a future time. However, at this time, the Responsible Parties are not contemplating any plan for a future land use on-site beyond a closed, capped landfill site. Any discussion of specific future land use proposals is highly speculative, and as such, CEQA does not require evaluation of associated speculative potential impacts at this time.¹

While the Site is identified for development with residential land uses per the City of Huntington Beach's General Plan and zoning designations, as well as the Magnolia Pacific Specific Plan ("Specific Plan"), the Site operated as a waste disposal facility from 1938 to 1984, and since 1984 has remained a closed landfill facility. The landfill is an existing non-conforming land use with respect to current zoning. Given its historic use as a waste disposal site, the property has not been viable for development with residential or other beneficial land uses (e.g., industrial, recreational, etc.), other than waste disposal, since 1938.

In 2003, 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).² As a result of these agreements, the RPs are required to implement the remediation activities (clean-up plan) at the Site.

As discussed in Chapter 2.0 of the Draft EIR, the proposed RAP for the Site would include the partial removal of existing on-site contaminated materials and installation of a vegetated (e.g., grasses and/or other vegetation), protective cap over the majority of the Site, along with two storm water detention basins, surrounded by a perimeter road and fencing. The perimeter "City Parcel" along Hamilton Avenue and Magnolia Street would be excavated and returned to existing street grade. A chain link-fence would be placed around the Site to restrict public access. A restrictive covenant would be implemented to protect the

¹ CEQA Guidelines Section 15145, *Speculation*.

² The ten RPs are Chevron U.S.A. Inc., Texaco Inc. (Chevron U.S.A Inc. and Texaco Inc. are now considered a single party as they are wholly-owned subsidiaries of Chevron Corp.), Conoco Inc., Phillips Petroleum Company (Conoco Inc. and Phillips Petroleum Company are now combined as ConocoPhillips Company), ExxonMobil Corp., Shell Oil Company, Atlantic Richfield Company (ARC), The Dow Chemical Company, TRW (now Northrop Grumman Systems Corporation), and Southern California Edison Company.

integrity of the cap. At this time, it is not possible to know how long the remediated capped Site (also referred to as the “end state” in the Draft EIR) would remain in place. Any proposals for future uses on the Site and/or alterations to the cap, including but not limited to, a to-be-determined mix of restricted commercial, light industrial, and/or recreational uses, would be subject to future review and approval by DTSC, the City of Huntington Beach, and/or other agencies, as applicable. Such development would require a subsequent entitlement process, which likely would include environmental review as appropriate pursuant to CEQA for which DTSC may or may not be the lead agency. As part of the review and approval process, such uses would be permitted only if they were designed and constructed in a manner that did not jeopardize the integrity of the cap (e.g., not exceed allowed loads on-site, not disrupt the function of the vapor control system, etc.), resulted in acceptable health risk exposure levels, and were compatible with surrounding land uses. However, again, subsequent development on the capped Site following completion of the RAP is not part of this Project and is not the focus of DTSC’s mission or objectives for the Project. Whether or not the capped Site would be altered or changed in any manner related to future remediation and/or development activities that may occur on the Site is speculative and was not evaluated in the Draft EIR.

As stated in Section 4.8, *Land Use*, of the Draft EIR, it is acknowledged that, by restricting future residential development on the Site, the Project would be inconsistent with the land use objectives of the City of Huntington Beach General Plan, would impede the intent of the Huntington Beach Zoning and Subdivision Ordinance, and would not be consistent with the intent of the Magnolia Pacific Specific Plan to develop the Site with residential uses. As stated in Section 4.8 of the Draft EIR within the “Methodology” subsection on pages 4.8-8 and 4.8-9, “CEQA Guidelines Section 15125(d) requires that an EIR discuss inconsistencies with applicable plans that the decision-makers should address. Evaluations are made as to whether a project is inconsistent with such plans. Projects are considered consistent with regulatory plans if they are compatible with the general intent of the plans and would not preclude the attainment of their primary goals. The intention of the evaluation of consistency with regulatory plans is to determine if non-compliance would result in a significant physical impact.” To further clarify, although CEQA requires that an EIR discuss inconsistencies with applicable plans, in and of itself an inconsistency between a project and a land use plan may not represent a physical impact on the environment.

As applied to the Project, the inconsistencies due to restrictions on residential and other future development on the Site identified in the Draft EIR with the City of Huntington Beach General Plan, Zoning and Subdivision Ordinance, and the Magnolia Pacific Specific Plan, do not trigger significant physical impacts on the environment. In fact, as analyzed in Draft EIR Sections 4.2, *Air Quality*, 4.4, *Geology and Soils*, 4.6, *Hazards and Hazardous Materials*, 4.7, *Water Quality*, and Chapter 5.0, *Alternatives* (under the evaluation of Alternative 1, the No Project Alternative), the Project’s changes in the physical environment with respect to existing land uses on the Site and in the surrounding area would be beneficial by reducing the potential for long-term risks to life, property, and the environment (inclusive of nearby residences, schools, parks, and businesses) from contaminated materials and waste. Furthermore, although residential uses would be restricted, when compared to existing conditions where no productive uses occur on the Site, the Project supports the potential for new land uses on the Site subject to future approval by DTSC and/or other agencies. And, compared to existing conditions, the City Parcel would be remediated such that it would support streetscape improvements (e.g., sidewalks, landscaping including street trees, etc.), including those envisioned along Magnolia Street as a “Landscape Corridor” per the City’s Circulation Element. Therefore, based on the considerations above, land use impacts were appropriately concluded to be less than significant in the Draft EIR. In addition, it is acknowledged that, at the discretion of the City of Huntington Beach, the

City may independently pursue a change in the land use/zoning designation as part of a separate discretionary approval process.

Topical Response #2: DTSC's Evaluation of Alternatives and Selection of the "Preferred Alternative" at the Site

In 2000, a Feasibility Study (FS) was performed for the Project to identify and evaluate alternatives for the Site. A Revised Feasibility Study (RFS) was conducted in 2007 to further screen alternatives for the Site. The RFS also identified remedial action objectives and requirements for the Site. Six RAP alternatives were eventually considered and analyzed in the RFS.

As explained in the RAP and Chapter 2.0, *Project Description*, of the Draft EIR, each alternative was analyzed based on seven of nine National Contingency Plan (NCP) criteria. The RAP Alternative 4 was selected as the preferred alternative because it best met the objectives of these seven 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 and volume through treatment;
5. Short-term effectiveness;
6. Implementability; and
7. Cost.

An alternative must meet NCP Criteria 1 and 2, the "threshold criteria," to be recommended. NCP Criteria 3 through 7, the "balancing criteria," were evaluated to determine the best overall solution. After public comment, DTSC may alter its preference on the basis of the "modifying criteria," Criteria 8 and 9 (State and community acceptance, respectively).

In consideration of the 7-criteria analysis described above, DTSC determined through approval of the RFS that RAP Alternative 4 would be the RFS "preferred alternative" and the Project to be analyzed in the EIR, after performing updates because of changes at the Site since the RFS was approved.

Selection of Alternatives to the Project is discussed in Chapter 5.0, *Alternatives*, of the Draft EIR and include the "No Project Alternative" (EIR Alternative 1), the "Source Removal with Off-Site Disposal Alternative" (EIR Alternative 2, essentially complete waste removal and equivalent to the RAP Alternative 6), and the "Lower Intensity - Extended Schedule Alternative" (EIR Alternative 3). Each EIR alternative was evaluated in part based on project objectives (refer to Chapter 5.0, pages 5-100 to 5-101) which include: reducing potential for short-term and long-term health risks; ensure contaminated materials are transported in a safe and efficient manner; reduce potential for ground water impacts; and remediate the site in a timely, expedient and cost effective manner.

As demonstrated in Section 4.6, *Hazards and Hazardous Materials*, and Chapter 5.0, *Alternatives*, of the Draft EIR, the Project would result in a lower health risk impact to off-site sensitive land uses (residents, students, etc.) in comparison to EIR Alternative 2. Health risk impacts resulting from the Project were evaluated based on a life-time exposure (70-years) from contaminants generated by both active remediation activities (short-term) and post-remediation operation (long-term).

During the proposed remediation activities, contaminants would be released during soil handling and off-gassing and by way of diesel exhaust from equipment and trucks. As documented in Section 4.6 and Chapter 5.0, the largest contributing factor to total Project-related cancer risk impacts for the analyzed alternatives would be diesel particulate exhaust from equipment and trucks. As a result, the active remediation phase would contribute to a larger portion of the total health risk impact compared to post-remediation activities (long-term operation of a closed gas collection system and off-site contaminant destruction).

As the Project would require less excavation, the active remediation phase would be shorter in duration compared to EIR Alternative 2. The Project would include up to approximately 32,000 cubic yards (CY) of excavation while EIR Alternative 2 would require over 1,000,000 CY to be excavated. With regard to truck trips to export contaminated soil/materials, EIR Alternative 2 would require approximately 65,000 export truck trips compared to up to approximately 2,000 export trips for the Project. The Project would require approximately 205,000 CY of soil import while EIR Alternative 2 would require approximately 521,000 CY of import. Thus, the amount of truck trips required for soil import under EIR Alternative 2 would also be much greater than the Project. In addition to more intensive construction and truck activities, the duration of EIR Alternative 2 would also be much longer compared to the Project (3.5 years vs. 1 year). Because of the Project's shorter remediation duration and less intensive construction equipment and truck activity, the Project would result in less diesel particulate exhaust emitted compared to EIR Alternative 2. In addition to diesel exhaust, other pollutants bound to the soil may also contribute to health impacts at nearby receptors. As less soil would be excavated under the Project, the amount of dust generated and soil-bound pollutant emissions would also be less than EIR Alternative 2. Therefore, the lower intensity of the Project would result in reduced life-time cancer risk in comparison to EIR Alternative 2.

Since the amount and intensity of equipment operating on a daily and hourly basis would be lower under the Project compared to EIR Alternative 2, the extent of short-term acute impacts would be comparatively less under the Project.³

With regard to long-term exposure, the engineered cap under the Project would be designed to capture pollutants emitted during off-gassing, which would limit exposure to off-site residential receptors. As described in Section 4.6 of the Draft EIR, the engineered cap would consist of layers of clean fill, geomembrane, collection tubes and vegetation. The cap and gas collection system would reduce VOC emissions to negligible amounts during the post-remediation phase. Any wind-blown dust from the remediated Site would be composed of clean import soils. Storm water controls would also be designed and incorporated to divert water away from the Site during storm events and prevent run-off from reaching nearby residential receptors. The Draft EIR has demonstrated that groundwater impacts would not likely migrate off-site. As a result, long-term post-remediation pollutant exposure to nearby sensitive uses, such as

³ *Acute exposure is based on hourly or daily pollutant exposure.*

residences and Edison High School, would be minimal under the Project, with impacts being less than significant.

The combination of a shorter active remediation phase and the engineered cap under the Project would result in a lower cancer risk impact in comparison to EIR Alternative 2. As discussed in Section 4.6 of the Draft EIR, incremental cancer risk impacts under the Project with mitigation measures implemented would be less than the State's acceptability threshold of 1 in one million. As such, cancer health risk impacts would be less than significant with mitigation under the Project. On the other hand, as discussed in Chapter 5.0 of the Draft EIR (see page 5-50), the incremental cancer risk as a result of implementing EIR Alternative 2 (without mitigation) would be 8 in one million. With mitigation measures implemented, incremental cancer risk under EIR Alternative 2 would be approximately 2 in one million, which would be greater than the State's acceptability threshold of one in a million.

In summary, as stated above, the largest contributing factor to total Project-related cancer risk impacts for the analyzed alternatives would be diesel particulate exhaust from equipment and trucks. As a result, the active remediation phase would contribute to a larger portion of the total health risk impact compared to post-remediation activities (long-term operation of a closed gas collection system and off-site contaminant destruction). The EIR health risk analysis conducted for the Project and EIR Alternative 2 has concluded that the Project would result in less health risk impacts to nearby sensitive receptors, including residential uses, when compared to EIR Alternative 2. This EIR conclusion supports the RFS recommendation that RAP Alternative 4 become the RFS "preferred alternative" and the Project to be analyzed in the EIR, while in consideration of the 7-criteria analysis described above.

As stated above, in consideration of the public comments during the CEQA environmental review process, DTSC may alter its "preferred alternative" on the basis of the "modifying criteria," Criteria 8 and 9 (State and community acceptance, respectively). DTSC's selection of the final remedial alternative will be made in consideration of the information contained in this Final EIR and documented in Findings of Fact (Findings), as discussed in Chapter 1.0 of this Final EIR.

3. COMMENTS AND RESPONSES

PUBLIC MEETING - Thursday, September 12, 2013 - Edison High School, Huntington Beach, CA

DTSC and PCR Speakers:

JOHN SCANDURA - DTSC, Branch Chief

ROBERT SENGU - DTSC, Unit Chief

SAFOUH SAYED - DTSC, Project Manager

DONALD GREENLEE - DTSC, Project Toxicologist

KIMBERLY HUDSON - DTSC, Senior Environmental Planner

STACEY LEAR - DTSC, Participation Specialist

HEIDI ROUS – PCR Services Corporation, Project Manager (PCR is the Environmental Consultant retained by DTSC to prepare the EIR for the Project.)

NOTE TO READER: The full transcript of this meeting is included in Appendix A of this Final EIR. The full transcript includes all responses and dialogue provided by DTSC and PCR to the public comments made at the meeting. In some instances, where dialogue from the public at the meeting did not pertain to comments on the Draft EIR and does not provide context for either a particular comment or response, such text has been excluded from the below responses to comments. Also, where context of a particular DTSC or PCR response is necessary to comprehend the dialogue between DTSC (or PCR) and a speaker at the meeting, the DTSC (or PCR) response is provided in *italics* following the public comment.

In other instances and where appropriate, the responses provided below may generally restate or refer to the previous responses provided by DTSC (or PCR) at the meeting, if such responses adequately responded to a particular comment. The responses below have been provided to give a complete and formal response to all comments received at the meeting.

Public Comments Received at Meeting

BILL YARKIN

COMMENT 1-1

My name is Bill Yarkin. I live at 9291 Hudson Drive in Huntington Beach. I'm very grateful for this evening. I've learned quite a lot from the presentations and from the charts. I learned that from 1938 until 1984, that

Site functioned as a hazardous substance waste dump site. And I realized that from about 1960, development began seriously in this immediate area.

RESPONSE 1-1

The comment introduces the commenter and provides background information on the Site and its local vicinity. No further response is required given that the comment does not address the content of the Draft EIR.

COMMENT 1-2

My question is this. From the perspective of your department, what would be the thinking such that of all places directly contiguous and proximate to a hazardous waste site dump, we would put residences and a high school? Can anybody illuminate that for me? Because that actually helps me weigh these alternatives.

RESPONSE 1-2

This comment was addressed during the Public Meeting by Mr. Scandura. Please refer to page 46 (Lines 7-25) and page 47 (Lines 1-17) of the transcript of the meeting proceedings. A copy of the transcript of the meeting proceedings is included in Appendix A of this Final EIR. As summarized therein, the Ascon Landfill Site was operating at a waste facility during the late 1930s through the mid-1980s. The adjacent residential uses were built in the 1960s and Edison High School was built in the late 1960s. Thus, the Ascon Site was in operation prior to development of both the High School and the adjacent residential uses. When the residential uses were built during the 1960s, little was known about landfills, and their location in proximity to residential uses was not a major consideration in development decisions during that time.

TIM GEDDES

COMMENT 1-3

Three or four questions. I'm a 30-year resident of southeast Huntington Beach near Hamilton and Bushard. I had several questions that I wanted to ask. First of all, I appreciate John saying what kind of development would not be allowed for the site under Alternative 4. I'd like to first of all know what development or use options would be allowed for the Site under Alternative 4, and who would make the decisions regarding anything but open space use of the Site once the cleanup is completed?

RESPONSE 1-3

This comment was addressed during the Public Meeting by Mr. Scandura. Please refer to page 48 (Lines 10-25) and page 49 (Lines 1-8) of the transcript of the meeting proceedings. A copy of the transcript of the meeting proceedings is included in Appendix A of this Final EIR. In addition, the commenter is referred to Topical Response #1 in subsection 2, above, for a discussion of future land uses on the Site following completion of the construction remediation activities.

COMMENT 1-4

Okay. And just to follow you up on that. What underground infrastructure pipes, irrigation, electrical, etcetera, would be allowed throughout the Site and what mitigations would be employed if trenching and installation is allowed? In other words, if you have above-ground development, you have also all the

infrastructure that would be supporting it. And that would go down into the ground. It would go down into the -- hopefully, you know, not anywhere near the cap. But, you know, that is -- that's a concern.

RESPONSE 1-4

The extent and type of infrastructure improvements that would be allowed on the Site and necessary to support future land uses on the Site is not known at this time. Such improvements would be subject to future study and evaluation by DTSC and the City of Huntington Beach. The commenter is referred to Topical Response #1 in subsection 2, above, for a discussion of future land uses on the Site following completion of the construction remediation activities.

COMMENT 1-5

Even if there was a park, there would be restrooms. There would be, you know, other, you know, electrical, irrigation, all kinds of things. That would be okay?

RESPONSE 1-5

The extent and type of infrastructure improvements that would be allowed on the Site and necessary to support future land uses, including park and associated restroom facilities, on the Site is not known at this time. Such improvements would be subject to future study and evaluation by DTSC and the City of Huntington Beach. The commenter is referred to Topical Response #1 in subsection 2, above, for a discussion of future land uses on the Site following completion of the construction remediation activities.

COMMENT 1-6

Okay. And my final question is, are the responsible parties footing the bill for all aspects of this cleanup, or are the tax payers on the hook for any of it?

RESPONSE 1-6

No public funds are being expended to remediate the Site. The cost for the remediation activities, as well as long-term maintenance and monitoring activities, would be entirely funded by the Responsible Parties (RPs). The RPs are also paying DTSC costs associated with overseeing and implementing the remediation activities at the Site.

UNIDENTIFIED SPEAKER**COMMENT 1-7**

Could we speak in English? Are we talking about oil companies paying for it, or do they have to pay for it -- for how long -- (inaudible.) I mean, all this glibly goo. I'm sorry. I am not that technical.

RESPONSE 1-7

No public funds are being expended to remediate the Site. The cost for the remediation activities, as well as long-term maintenance and monitoring activities, would be entirely funded by the RPs. The RPs are also paying DTSC costs associated with overseeing and implementing the remediation activities at the Site.

JAMES POWERS**COMMENT 1-8**

I'm a local resident just a few blocks from here. And I am first of all impressed with the presentations given, especially the health assessment presentation. I like the numbers that you came up with. And I'm willing to assume that your analysis is very reasonably accurate.

In spite of that, I'm concerned about the responsible parties actually coming through, carrying out their responsibilities, and I'm concerned about those kind of issues, including, does your agency actually and will your agency actually have the power to be sure that everybody lives up to the responsibilities, including yourselves.

So my question is, you know, regarding health assessment, what assurance can residents have that the health impacts risk assessments will not be significantly exceeded in the actual removal of toxic substances, that process?

RESPONSE 1-8

This comment was addressed during the Public Meeting by Dr Greenlee and Mr. Scandura. Please refer to page 53 (Line 2) through page 56 (Line 11) of the transcript of the meeting proceedings. A copy of the transcript of the meeting proceedings is included in Appendix A of this Final EIR. As discussed therein, the RPs and DTSC would be responsible for implementing remediation of the Site and continued maintenance activities. A Mitigation Monitoring and Reporting Program (MMRP) included as Chapter 4.0 in this Final EIR also identifies specific mitigation measures to reduce impacts to the surrounding environment. The MMRP also identifies parties which are responsible for implementing and monitoring the mitigation measures.

The health risk assessment (HRA) was prepared using modeling methodology recommended by the EPA, SCAQMD and other government agencies. This methodology reflects the latest scientific developments in assessing health risk impacts to nearby sensitive receptors. The analysis also takes into account over 80,000 chemical sampling data points which were collected throughout the entire Site.

The assumptions used in the HRA are also conservative to account for the worst-case health risk scenario(s). As an example, the HRA assumed that all equipment would be operating at all times without breaks and the maximum amount of excavation would occur on a daily basis. Although this scenario would not likely occur on a regular basis, it was analyzed to account for a worst-case analysis. Therefore, results presented in the HRA are expected to be greater than "real world" conditions for health protective reasons.

COMMENT 1-9

So first of all -- is that it? Excuse me. I didn't mean to interrupt you. So I am impressed with your answer that basically said that -- what I think I heard was that the analysis stage, the planning stage, is being done very thoroughly. And I'm impressed that it looks like it is. But the actual actions that you have at your disposal to correct -- in other words, in addition to planning, you have a very -- sounds like a very sophisticated and effective monitoring plan. So you can measure when things aren't going right. That sounds pretty good.

But, now, the third stage is if you detect that things aren't going right and are potentially dangerous. The actions that you have is to stop everything and then go to the courts.

RESPONSE 1-9

The comment references the planning and monitoring stages to occur as part of the Project. During the implementation of the remediation activities, if “things are not going right,” DTSC would stop the activities, until corrective actions are implemented. No courts/legal actions would be necessary. An example of a corrective action would be if DTSC upon perimeter air monitoring sees VOC emissions are higher than allowed standards, DTSC remediation manager would stop the remediation activities to determine the source of the emissions and implement appropriate actions to eliminate or lower the VOC emissions to acceptable regulatory standards. The Project’s Air Monitoring Plan would provide more detail with appropriate action levels for real-time air monitoring, along with response actions. Further, mitigation measures and project design features (PDFs) identified in the Draft EIR to minimize or avoid potential environmental impacts would be monitored and implemented throughout the remediation activities. Chapter 4.0, *Mitigation Monitoring and Reporting Program*, of this Final EIR includes the Mitigation Monitoring and Reporting Program (MMRP) for the Project.

SCOTT TRACY

COMMENT 1-10

I just had a couple questions here. During the initial discussion about nearby groundwater wells are not for drinking. This is kind of important to me. I wanted to know what the purpose of these wells is if it's not for drinking?

RESPONSE 1-10

As stated in Section 4.7, *Water Quality*, of the Draft EIR, there are 44 groundwater monitoring wells throughout the Site that have been used to gauge groundwater levels and water quality. As stated on pages 4.7-9 and 4.7-10, due to the Site’s location on the seaward side of the injection barrier, the underlying aquifers are generally not considered a useable water resource. Saltwater intrusion from the Pacific Ocean occurs beneath the Site and extends three miles inland from the Site. As a result, none of the groundwater under or within three miles of the Site is used for drinking water, agricultural use, or for industrial purposes.

COMMENT 1-11

And I'm wondering what these groundwater wells are used for.

RESPONSE 1-11

Please refer to Response 1-10 above.

COMMENT 1-12

So we separate wells, groundwater wells, for irrigation and industrial?

RESPONSE 1-12

Please refer to Response 1-10 above. The Site does not have any wells used for irrigation or industrial purposes.

COMMENT 1-13

Okay. You just talked about air quality monitoring. And I appreciate your explaining some of that. I've been a resident since the previous, what was it, emergency action removal. And there was air quality monitoring then. I remember talking to a number of residents who lived to the north of me, which would be to the east of the -- just east of the landfill on the other side of Magnolia, and a few had mentioned acute allergic reactions, some being ill. I remember going through that neighborhood, and I remember smelling things. Now, I've been around construction sites. I know diesel smells. I know dust smells. And these were -- I'm trying to identify these smells. But they were kind of metallic, burnt, acrid. I mean, those are just some of the terms I come up with. And I remember thinking, "I'm glad my kids don't go to Edison," because they were going to Eader at the time. And I know about the prevailing winds, and they actually go east some of the time, and then most of the time this way. I know because, you know, I'm paying attention to that because of where the Landfill is.

The other thing is, I was also thinking, while my kids are at school and I'm going to work, and I'm very glad during that cleanup that we were not at home. And when we were at home, pretty much everyone was done for the day, and the smell seemed to go away a little bit. And we would keep the windows shut. So, you know, someone could consider that just odor. I think it's more than odor, especially with what some of the neighbors to the east were commenting on to me when I would talk to them.

So how is the monitoring going to be different? You said it was going to be similar, but is there going to be additional monitoring, and can this be taken into account for the people who aren't speaking up and mentioning that they had issues with previous removal?

RESPONSE 1-13

Air quality monitoring would be performed similar to the Interim Removal Measure (IRM) which would include perimeter monitors and VOC monitoring at the Site excavations. Additional measures would be taken to address specific causes of odors experienced, similar to the IRM. These measures include additional odor suppressants such as foam or watering as well as additional odor monitoring along the perimeter.

COMMENT 1-14

I'll make a room available for you. You can come stay with me if you're so confident in it. But, I mean, my point is, you know, I understand, you know, what you're talking about, acute and so forth.

But the point of it is, you're talking about the last time was okay. I mean, there was no -- no monitors went off as far as I know. Maybe once. Do you know if monitors went off at all?

RESPONSE 1-14

The Interim Removal Measure (IRM) included two action level concentrations as part of the conditions for approval. If VOC concentrations reached action levels during remediation activities, additional emissions

controls would be required. During the IRM in 2010-2011, real-time perimeter air measurements did not exceed the 5 part per million (ppm) action level requiring work stoppage. Measurements also indicated that the action level of 0.5 ppm total VOC requiring increased vapor suppression was not exceeded during IRM activities.

SCAQMD Rule 1166 monitoring that requires measurements at the point of excavation was also performed during the IRM. Over the entire course of the IRM, VOC-contaminated material⁴ exceeded trigger levels on only one day (August 4, 2010) while loading trucks.

J.E. BENDER

COMMENT 1-15

J.E. Bender. Live here in Huntington Beach. Between '84 to '05, were there any detectable leaks of any kind whatsoever from the Landfill? Any of them. '84 to 2005, were there any detectable leaks of any kind there?

RESPONSE 1-15

As described in Chapter 2.0, *Project Description*, in 2005, storm water had collected on-site but was treated and discharged under permit to the Orange County Sanitation District as part of the Emergency Action (see page 2-14 of the Draft EIR). Also, in 2004, crude oil was released from a well in the east central portion of the site, with some oil spewed off-site. Otherwise, during the period between 1984 and 2005, no accidental release or detectable leaks occurred on the project site.

COMMENT 1-16

Okay. I guess without that information, this is all just so much alphabet soup, hey?

RESPONSE 1-16

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Draft EIR. No further response is necessary.

COMMENT 1-17

So I guess no touchy, no leaky, aye? Well? Okay.

RESPONSE 1-17

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Draft EIR. No further response is necessary.

⁴ VOC-contaminated soil is defined by SCAQMD Rule 1166 as material with a concentration of 50 parts per million (ppm) or more VOCs using an organic vapor analyzer (i.e., PID) calibrated using hexane and measured no more than three inches from the soil surface, within 3 minutes of excavation

CHRIS THURSTON**COMMENT 1-18**

What seismic limits will the proposed protective cap withstand? What gases would escape if the cap were breached, and how would the public be notified?

MR. SENG: Based on the -- I mean, we have the membrane, and based on the design of the cap, there would not be emissions. There's also -- we also are going to have a collection -- there's also a collection system for gases that will be installed as part of the cap. So any gases coming from up will be collected. So we don't -- there's really no indication of any gases coming up through the cap. That's one, you know.

RESPONSE 1-18

Potential seismic hazards at the Site and impacts to the cap system are addressed in Section 4.4, *Geology and Soils*, in the Draft EIR. As concluded therein, seismic-related impacts would be less than significant with compliance to applicable regulatory standards and implementation of the Project's design features (PDFs). As stated in Section 4.7, per current applicable regulatory seismic standards, the proposed cap would be designed to withstand the highest maximum credible earthquake that could occur at the Site based on known geologic data. Per PDF 4-1, prior to the start of construction, a geotechnical evaluation prepared by a registered professional civil engineer would be prepared and submitted to DTSC, as part of the remedial design, for review and approval. As part of the evaluation, site-specific design measures to address seismic hazards would be identified for the final cap design.

Per PDF 4-6, during the long-term operation of the remediated capped Site, the RPs, in coordination with DTSC, would provide monitoring and inspection of the cap to ensure the structural integrity of the cap and permanent fill slopes. Monitoring would occur during operations and maintenance (O&M), per the DTSC-approved O&M Plan for the Site. Any cracks, subsidence, settling, or other physical changes to the cap would be noted, and damage would be repaired in accordance with DTSC (Title 22) and other applicable regulatory standards. Also, the operation and maintenance of the gas collection and treatment system would include contingency plans in the event of a significant seismic event or power outage. Preliminarily, following each seismic event of magnitude 5 or greater in the immediate vicinity of the Site, inspection and routine monitoring of the system would be performed in accordance with a DTSC-approved O&M Plan.

While the cap would be designed to withstand a maximum credible earthquake, like any structure, there is the potential for failures, cracks, etc. following a large earthquake. As stated above, per the DTSC-approved O&M Plan for the Site, measures would be in place to remedy damage to the cap caused by a seismic event. In the unlikely event of where any potential Site-related hazards from seismic events or other natural disasters could expose the public to health risks, DTSC would coordinate with the City of Huntington Beach, including the Fire Department, to immediately notify the public pursuant to applicable City and/or DTSC notification procedures. The type of notification (e.g., direct contact, mail, etc.) would be dependent on the extent and type of the potential hazard.

COMMENT 1-19

All right. Let me modify that. In the event of an earthquake, other than gases that would be captured, hopefully, what other substances might escape, and what is the plan to capture those?

MR. SCANDURA: That's a good question, and it's a tough question. First of all, the cap is going to have to be designed to meet all the earthquake standards in California. And California, I think we all know, has some of the strictest standards with respect to earthquakes. Now, we have had some earthquake -- I've had some experience working where we've had earthquakes, like, for instance, the 1994 earthquake. And one of the first things we do is, we go out and we inspect the site to make sure that there hasn't been any kind of breaches or cracks or breaks or any of those other kinds of things. If we do detect any of that, we require that those be repaired immediately.

RESPONSE 1-19

Please refer to Response 1-18 above.

COMMENT 1-20

But that's quality after the fact. I'm talking about building the assurances in. Has that type of work been done? Are you looking at different earthquake scenarios and how your protective cap will withstand different levels of seismic activity?

RESPONSE 1-20

The comment raises concerns about seismic impacts to the protective cap. The commenter is referred to Section 4.4, *Geology and Soils*, in the Draft EIR for a discussion of potential seismic impacts. As discussed therein, with compliance to applicable regulatory requirements and implementation of the project design features (PDFs), seismic impacts, including impacts to the protective cap, would be less than significant. Please also refer to Response 1-18 above for further discussion of potential seismic hazards and associated impact to the protective cap. As discussed therein, per PDF 4-1, prior to the start of construction, a geotechnical evaluation prepared by a registered professional civil engineer would be prepared and submitted to DTSC, as part of the remedial design, for review and approval. As part of the evaluation, site-specific design measures to address seismic hazards would be identified for the final cap design. Accordingly, appropriate seismic concerns will be taken into consideration before approval and implementation of the Project's cap design.

COMMENT 1-21

So will your reporter please put an emphasis on this question that it has not yet been addressed and that it will -- you're assuring me that it will in the future?

RESPONSE 1-21

Please refer to Response 1-20, above.

COMMENT 1-22

All right. Rats were a problem the last time the Landfill was worked on. What measures will be taken to control the migration of the rat population?

MS. ROUS: Hi. I'm Heidi Rous. I'm the project manager for the consultant who performed the EIR and the HRA. We did tackle that problem, because we knew that had been an issue. So I spoke with my biologist, and it's

covered in the EIR. But wildlife disturbances, you know, there's that chance that as the tractors roll in. So the RPs can actually do a voluntary euthanization program to, you know, poison them basically.

MS. THURSTON: The rats volunteer to be euthanized?

MS. ROUS: Well, no. I'm sorry. That's not what I meant to imply at all. But because you're absolutely right. When a large-scale construction project starts, we know they're there, and wildlife can be, you know, displaced.)

MS. THURSTON: Is that part of the plan?

MS. ROUS: That is a possibility, yes.

MS. THURSTON: But not yet?

UNIDENTIFIED MAN: Wait a minute. A possibility?

MS. ROUS: Well, I'm just saying, it's not currently mandated.

UNIDENTIFIED WOMAN: How are you going to poison the rats? What about the shorebirds and everything else over there?

MS. ROUS: That's why it has to be done very carefully. But I have been assured by my biologists that it is possible and that they do actually engage in this kind of mitigation, clearing the site.

MS. THURSTON: Will the reporter please make a special note of this that this has not yet been made part of the plan.

RESPONSE 1-22

The Project's impacts to biological resources protected under CEQA were evaluated in Section 4.3, *Biological Resources*, of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

Common rodents, such as rats, mice and squirrels, as well as coyotes, that may occur at the Ascon Site, are not sensitive wildlife species protected under any local or regional plan, or other regulatory agency such as the California Department of Fish and Wildlife Service. As such, impacts to these common wildlife species are not required to be analyzed under CEQA.

The Orange County Vector Control District (OCVCD) performed an inspection of the Site in 2010 following a public complaint of rats allegedly coming from the Site. The OCVCD determined that the availability of food at the Ascon Site for rats was not suitable to sustain sizeable rat populations, and their testing revealed that the activity of rats in the adjacent community was normal (i.e., similar to rat activity seen in similar communities, with water sources, fruit trees, etc.). A more recent inspection (2015) of the Ascon Landfill Site

by OCVCD has confirmed these results. Overall, given the lack of food sources on the Site, rodent activity on the Site is minimal.

The end state goal for the Site is a closed, capped landfill. As discussed in Chapter 2.0, *Project Description*, of the Draft EIR, it is imperative the integrity of the cap be maintained. Hence, a bionet layer is included in the cap design, and PDF 4-6 requires routine inspections be performed to keep the Site free of burrowing wildlife, such as coyotes. Wildlife currently present at the Site are considered mobile and typically will retreat once the remediation and construction activity commences. Techniques such as removal of potential onsite habitat prior to work (clearing and grubbing), utilization of predator decoys and scents, and hazing techniques, may be utilized to encourage relocation. However, DTSC is concerned about possible human-animal interactions exacerbated by the forced relocation from the Site, including unwanted migration to nearby residential properties, increased coyote predation of domesticated pets, unsafe conditions created by drivers attempting to avoid animals in the adjacent streets, etc. The habitat that exists today will not be returned to the Site, and current animal populations which leave the Site will have to compete for survival in nearby habitats which likely already support similar established communities. Unlike previous work at the Site, implementation of the RAP will involve disturbing the entire surface of the Site, and those animals which do not leave the Site may perish from direct construction activities.

DTSC is not requiring the RPs to develop an animal eradication plan at this time. If at any point during the RAP implementation activities, eradication of rodents becomes necessary, the RPs would work with qualified biologists to implement a plan that would avoid harming non-target animals. Such plans typically include the use of first generation rodenticides that target ground squirrels, rats and mice and/or multiple feeding rodents, and which do not significantly harm non-target animals such as raccoons and birds, such as the Blue Heron. First-generation rodenticides minimize the risk of concentrating toxins in non-target predators or scavengers. Thus, if an eradication plan is implemented, it can be expected that larger, non-target animals would not be significantly harmed during implementation of the proposed remediation activities. Coyote eradication can involve a trap and euthanization program. Again, the non-target animals, as well coyotes, are not sensitive wildlife species required to be analyzed under CEQA. DTSC's retained biologists for the EIR have provided an informational report on the use of rodenticides and coyote eradication in Appendix B of this Final EIR.

COMMENT 1-23

All right. My next question. What is the backup plan for containment if the storm water detention basins fill to capacity?

MR. SCANDURA: Basically the final cap is going to have to meet all the storm water management practices of the regional Water Quality Control Board, not only in ordinary rainwater runoff but also in the event of high rainfall events, floods, those kinds of things. A lot of the questions you're asking, as I mentioned before, there's a lot -- the plan we have is detailed, is conceptual. And what you notice is in the schedule, assuming we were to approve this Remedial Action Plan, it would be at least another year until it's finally implemented. And I say at least a year, and that's because there is a huge amount of details that have to be flushed out. And I don't want to say to downplay them. I mean, they're very important, things that all have to be considered. But certainly things like how do we control the animals, rats, those kinds of things, making sure that the Landfill meets all the applicable storm water runoff and storm water prevention and earthquakes, all of those other things.

MS. THURSTON: All right. So I hear you answer the question, and you say the protective cap will solve all, which means you don't have a backup plan if the storm water detention basins fill to capacity. There is no other plan?

RESPONSE 1-23

Stormwater runoff and associated water quality impacts from the Site are addressed in Section 4.7, *Water Quality*, of the Draft EIR. If the stormwater basins fill to capacity, excess runoff would be allowed to flow into the City's drainage system per the Site's Industrial Storm Water Pollution Prevention Plan (SWPPP). The excess runoff would be from the capped Site. As such, the runoff would not be in contact with contaminated materials beneath the cap. The detentions basins would be sized in accordance with applicable regulatory requirements, with the overall stormwater collection plan being reviewed and approved by the DTSC and the City of Huntington Beach Department of Public Works prior to construction of the stormwater detention basins.

COMMENT 1-24

My next question. What is the potential of liquefaction impacting the integrity of the cap?

RESPONSE 1-24

The comment raises concerns about liquefaction impacts to the protective cap. The commenter is referred to Section 4.4, *Geology and Soils*, in the Draft EIR for a discussion of liquefaction impacts. As discussed therein, with compliance to applicable regulatory requirements and implementation of the Project's design features, liquefaction impacts would be less than significant.

COMMENT 1-25

Next question. Now, we heard about how the contractors will enforce the use of the diesel particulate filters. And we heard where you will have monitoring stations if there is an indication that the levels are too high, which is, again, after the fact. I want to know if there will be periodic monitoring of compliance prior to any chance of this getting too high?

RESPONSE 1-25

As discussed in Section 4.6, Hazards and Hazardous Materials, Mitigation Measure HAZ-1 would require logging of engine hours and horsepower rating for equipment to be used on-site. These logs will be made available for DTSC or SCAQMD inspection upon request. DTSC will also review engine hours logs on a monthly basis to ensure that the project will comply with the mitigation measure. In addition to mitigation measure HAZ-1, PDF 2-1, 2-2, and 2-3 discussed in Section 4.2, Air Quality, would also serve to reduce diesel emissions from equipment and haul trucks.

Also, in regards to the monitoring to be conducted, real-time air monitoring will be performed during excavation, with action levels designed to trigger appropriate and timely mitigation responses in the field.

COMMENT 1-26

Now, I know you say there will be continuing monitoring of the Site. Will this happen in the event of budget cuts?

MR. SCANDURA: *Yes.*

MR. SENG: *Yes. And remember what we said earlier is that the cost for doing this work is being met by the RP.*

MS. THURSTON: Okay. Very good. Thank you very much.

MR. GREENLEE: *You know, I'd like to comment on what I thought I heard you say. You mentioned after-the-fact monitoring, which is not the case. I don't want anybody to get the wrong impression that we're going to be monitoring after the fact.*

MS. THURSTON: I'm talking about real-time monitoring. But if the limits got too high in the real time, it means that something wasn't done to prevent it. That's what I'm talking about.

MR. GREENLEE: *Okay.*

MS. THURSTON: Thank you.

RESPONSE 1-26

First, State budget cuts that may affect DTSC would not impact long-term monitoring at the Site. Real-time air monitoring and long-term monitoring of the Site would be funded by the RPs. The comment also references real-time monitoring. This reference does not introduce new environmental information or provide specific comments regarding information presented in the Draft EIR. However, the commenter is referred to Response 1-9, above, for a discussion of corrective actions should real time monitoring reveal higher than expected air pollutant levels.

JIM BERES

COMMENT 1-27

Before I continue, we should hire her to play on the Board. She seems to have all the answers. You know, it's embarrassing to have somebody -- my question is, we're in another project going on here. How does this site impact the construction and implementation of the Poseidon Desalination Facility?

RESPONSE 1-27

This comment was addressed during the Public Meeting by Mr. Scandura. Please refer to page 74 (Lines 7-25) and page 75 (Lines 1-19) of the transcript of the meeting proceedings. A copy of the transcript of the meeting proceedings is included in Appendix A of this Final EIR. As discussed therein, the Draft EIR in each subsection of Chapter 4.0, *Environmental Impact Analysis*, evaluates cumulative impacts associated with the Project, including those in relation to the Poseidon Project. With respect to the Poseidon Project, DTSC has no direct authority to approve or disapprove that project. However, DTSC is a key interested party and reserves the right to review and comment on excavation, trenching, etc. that may occur adjacent to the Site for any proposed project, including water lines along Hamilton Avenue associated with the Poseidon Project. Poseidon (or other projects) would conduct their own field investigations for review prior to work adjacent to the Ascon Site and it is not the purview of the RPs to conduct field investigation for other projects. If there

is a possibility that contaminated materials could be contacted from activities associated with another project, protective actions would be implemented to protect workers and the public, as well any future pipelines, as necessary, per the recommendations required by that project's environmental review process. It is noted that the City Parcel would be excavated and filled as part of the RAP's proposed remediation activities. Thus, potentially, if excavation occurred in the City Parcel, contaminated materials may not be contacted.

COMMENT 1-28

Next question. Could you go back please to the conceptual design of the cap, please? My question is going to be relevant to the conceptual design of the cap. Considering the high water table that we have here on excavation, based on your design, six feet is not deep enough to support the platform that's going to put on top, whatever soil it is. Okay. Once you have the high water table -- and we typically hit it between six and eight feet. So your conceptual design is not large enough to support and to sustain the water level below ground.... (Inaudible.)

Yeah, but we're below sea level right now. When you have six feet and you're seven feet below, the math will tell you that you're going to have water seeping up.

UNIDENTIFIED MAN: When you did a swimming pool, you hit water in our area. When you first put pools in, all the pools popped out. I've been here for 40 years.

I guess the cap design has to be coincided to the water table in the existing area.

MR. SCANDURA: Yeah, and certainly we're going to be giving you a more thorough answer in our response to comments. However, I do want to say that I'm sure the homes around here, this school, what have you, they are certainly at or just a little bit below sea level. However, the Ascon Landfill site itself is quite a number of feet above sea level. This is because of all the operational activities where they would continually bring in build materials so they could build the lagoons. So I think that when you get up onto the site, it's actually quite a ways down below the water -- quite a ways above the water table.

MR. BERES: No. Listen, you built a landfill over here. It's over water. You've put contaminant. It raises the water table up. It doesn't go down. That's all I have.

RESPONSE 1-28

As discussed in Section 4.7, *Water Quality*, of the Draft EIR, since 1966, over 20 investigations/studies of groundwater have been conducted at the Site. These studies include five groundwater monitoring events for the Groundwater Remedial Investigation⁵ and semi-annual monitoring since 2007 as part of the DTSC-approved Interim Groundwater Monitoring Program. Thus, extensive analysis has been undertaken over the years to study groundwater and the water table below the Site. As stated in Section 4.7, per PDF 7-3, silty-clay layers that underlie the Site and provide protection for the existing groundwater table would be kept in an undisturbed condition to the maximum extent feasible. Visual soil inspections would occur as necessary

⁵ Geosyntec, 2007, Groundwater Remedial Investigation, Revision 1.0, Ascon Landfill Site, Huntington Beach, California, June 14, 2007.

by a qualified civil engineer or geologist during excavation activities that are anticipated to occur close to the silty clay layer to ensure silty clay layers are preserved. Also, per PDF 7-4, if groundwater of the Semipерched Aquifer (SPA) were encountered during excavation activities (besides Pit F), the removal of materials at that location would be terminated. The excavation site (except at Pit F) would be backfilled with soils to prevent waste materials from entering groundwater. Implementation of these PDFs would help ensure that the groundwater is not impacted during the remediation activities.

Also, as discussed in Section 4.4, *Geology and Soils*, in the Draft EIR, per PDF 4-1, a site-specific evaluation would be conducted prior to development of the protective cap. As part of that evaluation, the potential for geotechnical hazards to impact the cap would be determined with appropriate design measures recommended to ensure such impacts are less than significant. As part of the site-specific analysis, the maximum high groundwater level would be accounted for so as to address potential liquefaction and other geologic stability hazards. The cap would be developed above the highest potential groundwater level so as to avoid/and or minimize the potential for geologic hazards.

SCOTT SMITH

COMMENT 1-29

I should have some similar questions associated with the conceptual drawing associated with that. If you can go a couple more back to the main specific one there. So one of the questions is, I was looking through there.

How deep is the water basin going to be? It looks like it says it's going to be down to sea level is what it looked like based on the readings that I read. So you're looking about 8 to 12 feet deep for the basins; is that correct?

RESPONSE 1-29

The exact depth of the basins has yet to be determined. The geometry and depth of the basins will be included in the remedial design. Contaminated materials in the areas of the storm water detention basins would be excavated to at least street level and then, if necessary, to a depth achieving the applicable Risk-Based Concentrations (RBCs) (refer to Table 4-1 in the RAP), background concentrations, or until groundwater is reached.

COMMENT 1-30

I understand this is conceptual. And so I understand this is just -- you know, basically this is a prototype what you guys plan on doing. And I understand a hundred percent. I'm just trying to visualize this. And how I see this is it looks a little scary depending on the angle that you look at it, right. The picture that you conceptualized in here -- which is nice, because it's coming in from basically where we're standing looking that way, and you're going up a nice grassy knoll, right. But if you're looking on it coming down from Hamilton from Edison Park, basically right there, how it looks like associated with that is there's probably going to be a 12-foot, you know, basin, right, that goes down below sea -- or goes down the standard elevation. And then there would be a road, right, and then you're going to go up looks like 18 feet within maybe 5 feet. Am I reading that right? So it looks like going from the bottom all the way up to the top with just a road in between probably about, you know, a fairly significant change in elevation. So, yeah, I'm talking about this area, mainly up actually over here.

So going from here, going all the way up to up here is going to be a fairly, basically, ugly-looking, you know, thing. It's just going to be very steep going up associated with that. So that was one -- so that's one of the things I wanted to confirm. Am I reading that correctly associated with that?

MR. SENG: So you're talking about the slope?

MR. SMITH: I'm talking about basically from the slope of where the basin is, from the basin up. So it looks like the basin's going to be pretty much a straight drop down, right. Maybe the basin's going to go probably maybe within three, two feet. It's going to drop 12 feet probably is how it looks like, right.

MR. SENG: Okay.

MR. SMITH: And then it's going to have a road, right. Looks like maybe a 10-foot, 20-foot road associated with that. And then you're going to go up another 18 feet, right. And so conceptually, that looks pretty bad.

MR. SENG: Okay. Again, this is good. This is a good -- this is a good input. This is a good input, and we want it. So we want to capture that.

MR. SMITH: Okay. Great. And then part of it was, am I reading that correctly?

MR. SENG: Yes.

MR. SMITH: So based on what I said, that sounds like what that looks like?

MR. SENG: Yes.

MR. SMITH: Okay. Cool. Okay.

RESPONSE 1-30

This comment raises concerns about the aesthetic character of the proposed cap design. The commenter is referred to Section 4.1, *Aesthetics*, in the Draft EIR for a discussion of aesthetic impacts resulting from the Project. As concluded therein, implementation of the project design features would ensure that impacts regarding aesthetics are less than significant. Nonetheless, the opinion of the commenter will be part of the record and made available to the decision-makers prior to a final decision on the Project.

COMMENT 1-31

Now, what will the basin be made of? I assume it's concrete, right. This basin here, the walls are going to be concrete, and it's going to be concrete on the bottom?

Is that what the basin looks like?

So let's just -- I'm going to assume, because all the things -- I always think it's concrete. And then the question associated who's responsible for it, this will be the party managing it. I think we've beaten that one to death. There's going to be no drainage also, right? The water's going to go in there. It's going to hold until it evaporates; is that correct?

Okay. So someone else had a question. So pretty much what these drains are for is, this is a fairly large area, and it's to hold kind of a worst-case contingency of water drain off into these -- so they can drain through the regular sewer system.

RESPONSE 1-31

The Site's drainage system is described in Chapter 2.0, *Project Description*, and Section 4.7, *Water Quality*, of the Draft EIR. As summarized therein, rainfall would be collected via an on-site stormwater collection system. The remediated Site, including the stormwater facilities, would be maintained by the RPs, with DTSC oversight. Per PDF 7-2, plans for the stormwater collection system would be submitted for review and approval to DTSC and the City of Huntington Beach Department of Public Works, per applicable City standards and requirements. The stormwater collection system would be designed to divert rainfall from the Site surface to two on-site, unlined earthen detention basins (not concrete lined) in uncapped areas of native or imported soils to allow percolation. A diversion system consisting of V-ditches and/or swales would be installed along the perimeter of the final cover to collect and redirect runoff from the cap to the detention basins. The system would be in compliance with the General Industrial National Pollutant Discharge Elimination System (NPDES) Permit with the California State Water Resources Control Board (SWRCB) and the Site's Industrial SWPPP.

It is anticipated that excess stormwater would be discharged from the on-site detention basins to the City's storm drain system in a manner similar to existing practices. However, unlike existing conditions, the discharged runoff would not have the potential to come into contact with the Site's fill and contaminated materials.

COMMENT 1-32

One thing is, on this diagram here, it says Figure 2 is referenced. Kind of over to the right where the colors are, it says -- actually it looks like on that one it's gone. On the one in the actual PDF, it says, like, capped for top deck area and capped for side slopes. It says, "See Figure 2." And I'm assuming that is actually supposed to be Figure 5-4, which has -- if you can go forward two slides probably. That one right there. I assume it's referring to that, but I'm guessing. Yeah. Okay. Cool. We talked on the slope.

RESPONSE 1-32

This comment refers to a figure presented at the public meeting. The referenced figure was created from Figure 2-7 in the Draft EIR. This figure was updated in the REIR. Please see Figure R2-7 in the REIR, which correctly illustrates the cap configuration and corrects the figure reference indicated in this comment.

COMMENT 1-33

So one thing -- so I'm thinking of -- again, I'm conceptually looking at this layout, and so I see this -- basically this grassy knoll going up at a 3-percent grade pretty much going up, right. And so I ask myself, "What possible use could we have long-term with a hill going up besides maybe rolling down?" I mean -- so one

question that I have is, should we really -- maybe we need to take a look at what's the long-term goal of this site to make sure that our solution that we're going to put in place will make sense. And so if it's going to be an open space and we're happy with the grassy thing, then that's fine.

But I think it should be clear to everyone that at the current design based on this prototype, it's probably not going to be used for anything but a grassy knoll. Which is -- you know, Edison Park's right there. It would be a shame to have that fenced off. But if that's what it is, that's what it is.

RESPONSE 1-33

This comment pertains to the potential for future uses on the Site. The commenter is referred to Topical Response #1 in subsection 2, above, for a discussion of future land uses on the Site following completion of the construction remediation activities. Also, the commenter provides an opinion regarding the fencing proposed at the Site. The fencing is proposed so as to ensure protection of the integrity of the cap and prevent trespassers from entering the Site. Nonetheless, the opinion of the commenter will be part of the record and made available to the decision-makers prior to a final decision on the Project.

COMMENT 1-34

Earthquakes already been taken care of. So one of the question -- going back. If you can go back one. So the height -- I was trying to figure out the height from Hamilton. So if I'm standing on Hamilton -- and based on the foot notes there, it looks like Hamilton is probably about 6 -- is it 6 feet or 5 feet? It's about 5 feet high, and I assume that's from sea level, right? So bottom of Hamilton's at 5 feet and then going up.

And so the tip top of the hill will be 45 feet. So it's basically 40 feet from the bottom of Hamilton all the way up to the top, right? So 40 feet. So this is, what, 12 feet maybe? So it's probably four times the height of this is how high that's going to be. So what came to the question is, what decision -- and maybe it's in there. And I'm sorry I didn't get through all the EIR -- is on that 40-foot or 45-foot-high level, what cost benefit analysis was done to say could we make it 30 feet high, right? So that little marginal incremental improvement may probably make -- again, it's square footage, and I understand the cost keeps on going up the more you remove, and the more pollution is -- you know, because, again, the highest pollution content you're telling us is diesel. And so I understand that's moving all the dirt away. And so, however, from a long-term benefit of the Site, having it maybe 10 feet lower would probably maybe give us a better use of that and a slower grade and maybe have additional uses associated with it.

RESPONSE 1-34

The final remedial design will include the elevations and slopes of the cap, and will be reviewed and approved by DTSC prior to construction. The slope and height of the capped Site in the conceptual design was selected based on two primary considerations. First, the upper deck of the cap was designed to include a three percent (3%) gradient in consideration of the function of the drainage system necessary to maintain the integrity and function of the cap. Second of all, the peak of the cap was purposefully located in the southwest corner of the Site to minimize the potential for aesthetic impacts. The aesthetic considerations are discussed in Section 4.1, *Aesthetics*, of the Draft EIR. As summarized therein, by placing the peak of the remediated Site in the southwest corner, the visual massing for motorists and pedestrians along Magnolia Street and Hamilton Avenue would be minimized, as well providing consistent topography on the north and eastern Site perimeters with adjacent land uses to the extent feasible, while providing the necessary slope to

maintain the function of the drainage system. The additional trucking and emissions associated with additional removal for the purpose of height reduction would not be warranted. Nonetheless, the opinion of the commenter will be part of the record and made available to the decision-makers prior to a final decision on the Project.

COMMENT 1-35

Let's see. I think I was near the end there. Something else. I was actually on the airplane a while ago, and the person sitting next to me works for a company that has real-time monitoring that posts to a Website. So there are real-time monitors out there that are available, FYI. So I'm done. Thank you.

RESPONSE 1-35

Comment noted. Real-time monitoring would be utilized during implementation of the construction remediation activities. This monitoring may not be connected to a website, but will be an effective means to inform workers on-site of excessive dust levels.

MILT DARDIS**COMMENT 1-36**

I've been a resident of Huntington Beach for 40 years on Capistrano Lane, which is directly east of the power plant. I witnessed the Ascon dump for the past 40 years when the fence was open and everybody drove in and did their dumps.

Back in 2002, the United States Environmental Protection Agency swore that there's no problem with the dump site proximity to the local homes and schools. One official said the feds are staying clear of this site because there's no evidence it has polluted drinking water. But, now, here's the key. The California Environmental Protection Agency confirms that the groundwater is already contaminated. Now, what's the truth? Is the California EPA wrong, or are you people right? Does the right hand know what the left hand's doing?

RESPONSE 1-36

This comment was addressed during the Public Meeting by Mr. Scandura. Please refer to page 85 (Lines 10-25) and page 86 (Lines 1-18) of the transcript of the meeting proceedings. A copy of the transcript of the meeting proceedings is included in Appendix A of this Final EIR. As stated therein, the United States Environmental Protection Agency (US EPA) and the State of California DTSC have different criteria for oversight and clean-up actions. While the Site does not meet the criteria for being placed on the National Priorities List overseen by the US EPA, the Site is listed as a State Response site on the DTSC Envirostor database and is required to be cleaned up pursuant to DTSC's 2003 Imminent and Substantial Endangerment Determination and 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 the RPs. As a result of these agreements, the RPs are required to finance the implementation of the remediation activities at the Site. Please refer to Chapter 2.0, *Project Description*, in the Draft EIR, for further discussion of this agreement.

In addition, as stated in Section 4.7, *Water Quality*, of the Draft EIR, based on field measurements and analytical results for groundwater sampling events, the groundwater impacts associated with the Site are limited. Given the length of time waste has been present at the Site and the minimal groundwater contaminants, it appears that very little, if any, migration of on-site materials into the underlying shallow groundwater (SPA) occurs. Due to the Site's location on the seaward side of the injection barrier, the underlying aquifers are generally not considered a useable water resource. Saltwater intrusion from the Pacific Ocean occurs beneath the Site and extends three miles inland from the Site. As a result, none of the groundwater under or within three miles of the Site is used for drinking water, agricultural use, or for industrial purposes.

COMMENT 1-37

Okay. Typical bureaucracy. John, I do appreciate you coming in and trying to explain things to us average citizens without all the bureaucratic nomenclature.

RESPONSE 1-37

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Draft EIR. No further response is necessary.

COMMENT 1-38

Second question. Has there been any governmental agency studies of the death factor near and around the Landfill? I know we saw all kinds of projections. But was the geographic, the spirit of influence in this area, ever taken into consideration as to the number of deaths, either from cancer, the high degree of autism, or any other problems, or are these just figures that were just picked from the air and just average numbers?

MR. GREENLEE: There's a 2011, August 2011 letter from Dr. Thomas Mack.

MR. DARDIS: Of USC?

MR. GREENLEE: Yes.

MR. DARDIS: All right. We already know about that letter. Okay. That's your answer. Okay. No need to go any further. Okay.

RESPONSE 1-38

This comment was addressed during the Public Meeting by Dr. Greenlee. Please refer to page 87 (Line 15) through page 90 (Line 8) of the transcript of the meeting proceedings. A copy of the transcript of the meeting proceedings is included in Appendix A of this Final EIR. As discussed therein, a study was performed regarding cancer cases in the project area. The conclusions of the study did not identify a connection to the project site with reported cancer cases in the area.

COMMENT 1-39

Go ahead and explain to the people.

RESPONSE 1-39

Please refer to Response 1-38.

COMMENT 1-40

Well, I'll just leave it at that, because there's questions on the statistical survey. But that's beyond me. The other third thing is on Poseidon. Does the Department of Toxic Substances Control -- can you literally stop Poseidon from actually putting in their 5 or close to five-and-a-half-foot pipes and then let it -- and then as the toxic substance eroded the pipe? Or just what can you or can't you do?

RESPONSE 1-40

With respect to the Poseidon Project, DTSC has no direct authority to approve or disapprove that project. However, DTSC is a key interested party and reserves the right to review and comment on excavation, trenching, etc. that may occur adjacent to the Site for any proposed project, including water lines along Hamilton Avenue associated with the Poseidon Project. Poseidon (or other projects) would conduct their own field investigations for review prior to work adjacent to the Ascon Site, and it is not the purview of the RPs to conduct field investigation for other projects. If there is a possibility that contaminated materials could be contacted from activities associated with another project, protective actions would be implemented to protect workers and the public, as well any future pipelines, as necessary, per the recommendations required by that project's environmental review process. It is noted that the City Parcel would be excavated and filled, as needed, as part of the RAP's proposed remediation activities. Thus, potentially, if excavation occurred in the City Parcel, contaminated materials may not be contacted.

COMMENT 1-41

All right. Well, thank you for coming folks. I do appreciate what you've done. And we'll just have to bear with it. But, please, help this lady and provide her with the answers. Because there's a lot of people that want answers, and we have a lot of questions. Thank you.

RESPONSE 1-41

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Draft EIR. No further response is necessary.

GREG PENA

COMMENT 1-42

I live at 21422 Dockside Circle. Thank you for your presentation tonight. I was a little late, so I apologize for not catching all your presentation. But I think my question is, pertinent to the issue of the existing water wells, whether it's drinking quality or not, I think we're all aware we've had tremendous pollution problems along our coast, and particularly in recent years along Huntington Beach where the water has consistently been quite toxic to anybody getting in the water. They've had to shut it down a number of times.

So if Ascon Dump has had any deleterious effect through its chemical leaching in those wells, have they migrated onto the beach? Because I think there's been some speculation in the past that the Talbert Marsh -- and I don't know how far it extends close to Talbert to the Ascon Dump or not -- has had some potential

causal effect to the pollution along our beach. I remember I think with some of the ground breaking that was happening at the hotel, that was halted for some period of time. And at that particular time, we had a tremendous amount of pollution. So I think the issue of the drinking water certainly is quite serious. But, nonetheless, if we have toxic wells to any extent, I think there is additional concerns we've got to be watchful for. I'd appreciate some comment on that and maybe expanding that question even further along. Not just Ascon but along our coast.

MR. SCANDURA: Sure. Unfortunately we're, you know, pretty well-focused on the Ascon land on the Ascon Site. As far as impacts to the Marsh. As far as we know, all the data that we've seen from the groundwater monitoring is the contamination is remaining on site and actually has not moved off the site. One of the key areas of course we would be concerned with is the Talbert Marsh. And I mentioned a little bit earlier about what would also put us on the National Priorities List. One of it is releases into a drinking water well. Well, another thing that would put a site onto the list is releases into a sensitive habitat like the Talbert Marsh. And there hasn't been any evidence to show that it's gone in there. And I believe the reason for that is because the Talbert can be channeled. I think it's the Talbert Channel, right, that goes past there.

There's essentially a barrier to that movement. So we have that.

And then just something. Why do we even have wells on the site? The whole purpose of this is to monitor the groundwater to see what kinds of concentrations we're seeing, number one, and seeing if they're going up or down. But the other thing is to see if they're moving off site or not. So we're always going to have a groundwater monitoring system in place there.

MR. GREENLEE: I can add just a little bit to the groundwater monitoring wells. Those wells are monitoring perched or semi-perched aquifer. It's a shallow one. And the groundwater quality there is impacted by the sea water, and so it's not a beneficial. It doesn't have a beneficial use as far as the drinking water is concerned.

MR. PENA: But if the drinking water -- excuse me. If that water is affected by the ocean, then the ocean's also affected by the water. I guess that's my point. That's not the case?

MR. SCANDURA: I believe all the groundwater in this area is already salt water intruded, and there is a barrier. There's the salt water -- there is the -- it's getting late, folks. There's a groundwater barrier --

I think it's along Ellis -- which actually prevents further salt water intrusion of aquifers inland. And there is quite a bit of salt water intrusion, sea water intrusion, all over this area.

MR. PENA: So I guess what I'm trying to understand, does that go only one direction? Does the intrusion only come inland to affect the water here, but it doesn't go the other way?

MR. SCANDURA: It could. The biggest problem with the salt water intrusion is when we had historic farming. What happened was it pumped down the aquifers. The aquifers used to be above sea level. But it pumped down the aquifers so much, the aquifers were now below sea level. And of course what happens is the sea water from the ocean, what is it going to do? It's going to flow downhill, in other words, from sea level to below sea level. And that was the problem that was created here. And so that's why the aquifers in these areas are so degraded,

and they're just not useable for drinking water in the first place. I'm not aware if the groundwater though has the ability to go towards the beach.

RESPONSE 1-42

The commenter's comments and questions pertain to groundwater and associated potential impacts to the Salt Marsh and drinking water sources. The comments were addressed during the Public Meeting by Mr. Scandura, as cited above. The commenter is also referred to Section 4.7, *Water Quality*, in the Draft EIR for a discussion of existing groundwater conditions as they relate to contamination from the Site. As stated therein, based on field measurements and analytical results for groundwater sampling events, groundwater impacts associated with the Site are limited. Given the length of time waste has been present at the Site and the minimal groundwater contaminants, it appears that very little, if any, migration of on-site materials into the underlying shallow groundwater (SPA) occurs. Due to the Site's location on the seaward side of the injection barrier, the underlying aquifers are generally not considered a useable water resource. Saltwater intrusion from the Pacific Ocean occurs beneath the Site and extends three miles inland from the Site. As a result, none of the groundwater under or within three miles of the Site is used for drinking water, agricultural use, or for industrial purposes. In addition, groundwater generally flows to the north, and away from the ocean, as well as away from the flood control channel that is adjacent to the Site. Groundwater flows have not been observed toward the ocean.

COMMENT 1-43

I would think maybe just as precautionary measure, that I think for some of the points raised earlier, if those basins do become flooded and we have flood potential here, that maybe some emergency water pumps could be used to extract that water to keep it, you know, contained in a safe environment and not let it leach into other existing areas.

RESPONSE 1-43

Stormwater runoff and associated water quality impacts from the Site are addressed in Section 4.7, *Water Quality*, of the Draft EIR. As discussed therein, if the stormwater basins fill to capacity, excess runoff would be allowed to flow into the City's drainage system per the Site's Industrial SWPPP. The excess runoff would be from the capped Site. As such, the runoff would not be in contact with contaminated materials beneath the cap. The detentions basins would be sized in accordance with applicable regulatory requirements, with the overall stormwater collection plan being reviewed and approved by DTSC and the City of Huntington Beach Department of Public Works, per applicable City standards and requirements, as part of the Site's remedial design, prior to construction of the stormwater detention basins.

JOHN SCOTT**COMMENT 1-44**

I have two brief questions. There's a circle that's about a hundred yards away from Pit F, the styrene pit. And on that circle, there are 14 homes.

And in those 14 homes, seven of them have either had cancer or some neurological disorder. And three of them are dead. And I wondered if you see any connection with that in Pit F.

RESPONSE 1-44

This comment was addressed during the Public Meeting by Dr. Greenlee. Please refer to page 97 (Line 18) through page 98 (Line 24) of the transcript of the meeting proceedings. A copy of the transcript of the meeting proceedings is included in Appendix A of this Final EIR. As discussed therein, studies performed for the area do not show a connection between cancer clusters and the project site. Please refer to Response 1-38 for a discussion of cancer studies in the area.

COMMENT 1-45

And the other thing that puzzles me is the basic health risk assessment. When you held the oil companies responsible, you used one basic health risk assessment. When they had been held responsible by the courts, then you dropped that and used a lesser one, in my opinion, to guide the cleanup. And it leaves me with the impression that you have a risk assessment almost for every occasion. Unless this goes on too much longer, I'm just going to sit down and let's not get involved into the conversation.

MR. GREENLEE: Well, I'm not aware of any kind of connection of emissions from the Ascon Site being responsible for any kind of established cluster of cancers or other adverse health effects associated with the Site, any kind of link that's been made there. And I guess I might add that it's -- from a practical standpoint, it's really difficult to show that, especially in a small area like that, because you're talking about so few people, so few cases.

My understanding is that when people are looking for cancer clusters associated with some cause, they're doing a statistical analysis on it. That means they need power of statistics, and that means they need a lot of cases that show clearly that there is a difference between that area and a control area. And I think that is one of the major criticisms of a lot of the analysis that is being done to determine whether or not a chemical exposure is associated with a cluster of disease states. And that's been highlighted recently in a review in one of the toxicological sciences journals. And it was authored by people from Centers for Disease Control and some other, you know, federal agencies that typically look at this kind of thing. But the bottom line is it's difficult to show that kind of association, unless you have some out-of-the-ordinary, very esoteric type of cancer like this brain stem cancer that we talked about. Something of that sort. If there are a few cases of a very rare type of disease associated with this Site, then that can be a different story. But to answer your question, I don't know of any association that's been shown between any kind of disease dates in the Ascon Site.

MR. SCANDURA: One thing I'll add is we could actually refer this matter to the Orange County Health Officer. They do have epidemiologists and other health experts on staff to be able to determine whether or not the instance in this case is due to a cancer cluster or if it's just pure chance. Certainly we're going to need the information from you, John, and from anybody else who can help us out as far as the details, name of the street, the exact houses where there were cancers. If you have the names, that would be fine. That would all have to be treated as a very confidential matter. We can have the Orange County Health Officer look into that. We do not -- the Department of Toxic Substances Control do not have epidemiologists on staff to look at that, so we'd have to definitely bring them in.

MR. GREENLEE: And the second question you asked about were the two risk assessments that have been done for the status of this Site. And I think you're referring to one of those was created in 1997, was a baseline health risk assessment. Meaning, what kind of health risk does the Ascon Site present in its current undisturbed state? And that looked at health risks to both a theoretical resident occupying the Site as well as off-site residents. And

it concluded that the cancer risks were quite high. So as a consequence, I think there was an air emissions reevaluation risk assessment in 2002 to look at what exactly are the cancer risks through the air inhalation pathway to off-site residents. And that risk assessment used some improvements in a modelling system, but it considered the highest concentrations found in each of the five lagoons and used a dispersion model which is different from the one I mentioned, but nevertheless is current at the time for asking the question what is going to be the concentration in nearby residential areas and subsequently what's going to be the cancer risk. And those cancer risks were above the one in a million cancer risks that we discussed tonight associated with just the remediation phase of the project. So both of those risk assessments found greater than one in a million cancer risks based on their assessments of the status of the Site. And as far as which one the State chose to pursue, I'm not aware of that history. So I can't address that in detail to that question.

MR. SCOTT: I believe they actually used both of them. They used one in the court action against the oil companies, the -- (Inaudible.) Then when it came to cleanup, they used the one in 2002 I think you mentioned. That's what made me make the comment, do we have a risk assessment for every situation done? That's what it looks like to me.

MR. GREENLEE: *Keep in mind that, you know, as time passes, I mean, every science -- as you and I have talked before, every science changes with new developments in the field. And that's true of risk assessment. So in 1997, the risk assessor was using the current methods that were invoked to estimate what the off-site concentrations would be and resulting cancer risk. In 2002, there were new developments, this air dispersion modelling program, that that was called industrial source complex. It was used by EPA and recommended by EPA at that time. So, you know, you're going to find that there are different conclusions drawn, different numbers that you see as we go through time and assess health risks for one particular site.*

And that's part of the reason. You and I have talked before about a good example being indoor air health risk. A few years ago, nobody even thought about that. But now it's one of the big risk drivers for a lot of sites. Why is that? It's because we found that volatile chemicals, especially like Trichloroethylene and Perchloroethylene. Perchloroethylene being used at many dry cleaners years ago. Trichloroethylene being used in the aerospace industry, especially as a degreasing agent. A lot of these solvents found their way into the soil. And there are now buildings over the soil. We have a number of cases which we're evaluating currently in both Cypress and Chatsworth offices.

So the point is that these volatiles can be essentially sucked into a residence or a building because of the pressure differential in the building. There's wind blowing across the building. There's a little bit of negative pressure when the windows are all closed and the air conditioner's going or the heater's going. It's recirculating the air within that structure that help to draw these vapors, which may be close to the foundation, up through cracks in the floor. And if the concentration's high enough, that can present a significant cancer risk to the inhabitants of the building, whether it's a working place or a residence.

So that's one of the more recent advances in the field of exposure and risk assessment. But you're going to find that the numbers and the risk assessments do vary for any particular site as you go through time. And that's basically because of field advances in our knowledge of how to assess risk and what conditions are new to consider.

RESPONSE 1-45

This comment was addressed during the Public Meeting by Dr. Greenlee and Mr. Scandura. Please refer to page 99 (Line 15) through page 102 (Line 23) of the transcript of the meeting proceedings. A copy of the transcript of the meeting proceedings is included in Appendix A of this Final EIR. As discussed therein, a discussion of multiple health risk assessments performed for the project site is provided.

AMY VON FREYMANN

COMMENT 1-46

I just have a quick question. That rat poisoning really got me. I'm Amy Von Freymann, and I live at 21172 Coral Lane. I wanted to know how much you're working with the Wetlands Conservancy and how much you've reached out to them and the Coastal Commission. Because, for instance, Great Blue Herons eat rodents. If you just poison all the rodents, you are effectively killing the birds.

RESPONSE 1-46

Please refer to Response 1-22 for a discussion of impacts to common wildlife species, including rodents.

In addition, the Wetlands Conservancy and California Coastal Commission have received notices of all the CEQA-related environmental documentation prepared for the Project. The notices have invited comments on the environmental documentation (including impacts to biological resources) and proposed remedial activities. To date, the Coastal Commission has not provided a comment letter on the Project. The Wetlands Conservancy provided a comment letter citing their interest in the Project (see Responses 5-2 and 5-3, below.) Again, impacts to biological resources are addressed in Section 4.3, *Biological Resources*, in the Draft EIR. Section 4.3 prescribed mitigation measures that would adequately address CEQA impacts to biological resources impacted by the Project including impacts to the southern tarplant and the disturbed coastal salt marsh. During implementation of the prescribed mitigation measures and as part of the permitting process for the Project, DTSC will be in contact with the Coastal Commission, through the City of Huntington Beach, to obtain a Coastal Development Permit for the Project. The Wetlands Conservancy may be contacted, as appropriate, during the planning phase for implementation of the prescribed mitigation measures regarding mitigation of impacts to biological resources.

COMMENT 1-47

And how much are you working with the Wetlands and the Coastal Commission, or at all?

MS. ROUS: We have reached out and worked with the Wetlands Conservancy and the -- I'm sorry. What?

MS. VON FREYMANN: When I've discussed it with them, they did not seem to feel that there had been a great deal of collaboration.

MS. ROUS: We had discussed with them in earlier -- the mitigation measure about the Southern Tar Plant in particular is what we discussed with them. We had not addressed the on-site small mammal issue with them.

MS. VON FREYMANN: Is that in the works, that you plan on working with the Coastal Commission and the Wetlands Conservancy?

MS. ROUS: The Coastal Commission is another permit that the project will need to seek, and so that will be addressed in the future.

MS. VON FREYMANN: And what about the Wetlands Conservancy?

MS. ROUS: We can certainly reach out to them, because, again, this is the sort of concern that we're hearing, and so we'll definitely reach out to them again on this topic in particular.

MS. VON FREYMANN: Because I understand that you've had that in other communities, but other communities don't have wetlands. This is a unique feature of this community.

MS. ROUS: Absolutely. We'll address all of those concerns and reach out to the resources that are there.

MS. VON FREYMANN: Okay. Thanks.

RESPONSE 1-47

Please refer to Response 1-46, above.

RICH LOY

COMMENT 1-48

Good evening. I want to thank you for coming here tonight and having this meeting. And I noticed earlier when you were discussing the responsible parties, you said that they are on the hook basically to pay. I keep reading and hearing in the past and in the newspaper from this article I've read that there seems to be a big concern on cost effectiveness. You know what, as a resident, as a homeowner, the cost effectiveness is not real high on my priority list, and I don't know that it's high on the other homeowners or residents of the area. We want this thing done and done right. And the thing is, a concern that I have is, say they do the quick-and-cheap method, which it looks like if they do the complete, it's going to be over \$300 million. Well, they're the responsible parties. They do have the wherewithal, and they do have the funds and resources to, in fact, pay for this.

RESPONSE 1-48

Please refer to Topical Response #2 regarding DTSC's selection of the proposed remediation activities at the Site. The opinion of the commenter will be part of the record and made available to the decision-makers prior to a final decision on the Project.

COMMENT 1-49

But I guess one of my questions is, if you go with the cheap-and-quick, you know, supposedly low impact to doing the residents a favor plan, if they decide down the road that they want to sell this property -- because you did mention about commercial development being a possibility after they cap it -- does their

responsibility for any kind of future issues with this property, does it end when they, say -- say they sell it to an investor group. There are a number of developers that go around and buy these Brownfields areas and then -- like Olson Company's one of them. That's just one that I know about. But, I mean, as far as monitoring this Site, you know, I'm pleading with you folks, please please, for all the future generations that are going to live down here, please get this right. I mean, there's been a lot of unanswered questions that have been asked tonight, and, you know, it's the old thing about Murphy's Law raising its head when you think you've got all your bases covered. I mean, we continually see that in the news what happens. So, you know, I just -- you know, I just feel like this has been a long process. But please do due diligence. And this one particular lady asked a lot of questions that nobody had any answers for. And, you know what, I think there's a lot of other people that have other questions that probably haven't even been raised yet. But maybe you can answer that. If they decide to -- if the responsible parties decide to sell this property off, where does the liability go? Does it stay with the responsible parties? Does it go with the new owners? That's sort of an important question.

RESPONSE 1-49

This comment was addressed during the Public Meeting by Mr. Scandura. Please refer to page 109 (Lines 8-25) and page 110 (Lines 1-16) of the transcript of the meeting proceedings. A copy of the transcript of the meeting proceedings is included in Appendix A of this Final EIR. The RPs will prepare and submit an Operations and Maintenance (O&M) Plan to DTSC for DTSC's review and approval that will outline the long-term monitoring and maintenance activities that will be conducted at the Site following the remediation activities. State law does require the RPs to put up financial assurance, whether it's in the form of a corporate bond or some other kind of assurance, that demonstrates that they have the resources to be able to not only clean up the Site, but also to do the operations and maintenance. The RPs plan to provide and maintain financial assurance for the O&M activities at the Site and will demonstrate this financial assurance prior to the start of O&M activities.

If the RPs sold the property, the land use restrictions that DTSC would have on the Site would "run with the land." That is, any new property owner would be subject to the same land use restrictions. Also, should the property be sold, there may be circumstances where the RPs could transfer all their liabilities to another party. However, that new party would have to take over and assume all the same liabilities as the RPs did.

COMMENT 1-50

We've had a monitoring system over here at Edison Park in the past for methane gas. Well, guess what, the people that were doing the monitoring, they weren't doing the monitoring. They found out that they were supposed to do it. They didn't do it. So there's not a lot of trust in a lot of these things that are being said or in the community, and I just hope -- like I said, I'm pleading with you folks to please. Because this is going to be not only your legacy that you're going to leave to future generations, but it's going to be a present time too whenever they get into this remediation finally after all this time.

RESPONSE 1-50

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Draft EIR. Nonetheless, the comment is noted and the comment will be part of the record and made available to the decision-makers prior to a final decision on the Project.

COMMENT 1-51

But, you know, this fact that, hey, if it's going to take a little bit longer and if it's going to cost the responsible parties 300 million, well, I'm sorry, but they're on the hook. And you said that yourself. They're supposedly on the hook for the cleanup. So, anyway, that's my, basically, comment and question.

RESPONSE 1-51

The commenter is referred to Topical Response #2 in subsection 2, above, for a discussion regarding DTSC's selection of the proposed remediation activities at the Site. The opinion of the commenter will be part of the record and made available to the decision-makers prior to a final decision on the Project.

COMMENT 1-52

You know, John, I'm under the assumption that particular piece of property is still zoned for 530-some residential units. Many years ago, I know when NESI was involved, the City, because they felt NESI didn't have the financial wherewithal to be able to clean it up, they went ahead and changed the zoning in favor of NESI. And now that it's no longer that situation, I'd like to know if anybody has talked to the City about, "Hey, I think the zoning probably is going to need to be changed here back to whatever it was before or some other type of designation," because we keep hearing they don't want to build any residential on that. But now tonight, I didn't know they were even going to consider commercial on top of this, basically cap, you know. I mean, there's just a lot of unanswered questions I believe that really need to be looked at a little more intensely and answered. But I thank you for the amount of time and effort you've put in so far on this project. Just please keep it up, and don't let us down.

RESPONSE 1-52

The commenter is referred to Topical Response #1 in subsection 2, above, for a discussion of future land uses and designations of the Site following completion of the construction remediation activities. Also, the opinion of the commenter will be part of the record and made available to the decision-makers prior to a final decision on the Project.



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DEPARTMENT OF TRANSPORTATION

DISTRICT 12

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September 19, 2013

Mr. Safouh Sayed
DTSC Project Manager
5796 Corporate Avenue
Cypress, CA. 90630-4732

File: IGR/CEQA
SCH#: 2013041010
Log #: 2380F
SR-1 SR-39 & I-405

Dear Mr. Sayed:

Thank you for the opportunity to review and comment on the **Initial Study for the Remedial Action Plan for Ascon Landfill Site**. 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.

A Revised Feasibility Study (RFS) prepared by the Responsible Parties (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 Department of Transportation (Department) is a commenting agency on this project and has the following comments for your consideration.

If the State's Right-of Way is used during the transportation of potentially impacted soil that may be generated as a result of the remediation at the above referenced facility we suggest the following :

Excavation

Excavation, reuse, and disposal of material with ADL must comply with rules and regulations of the following agencies:

1. US DOT
2. US EPA
3. California Environmental Protection Agency
4. CDPH
5. DTSC
6. Cal/OSHA
7. California Department of Resources Recycling and Recovery

8. RWQCB, Region
9. California Air Resources Board
10. South Coast Air Quality Management District

2-2
(cont.)

Transport

Transport and dispose of material containing hazardous levels of lead under federal and state laws and regulations and county and municipal ordinances and regulations. Laws and regulations that govern this work include:

2-3

1. Health & Safety Code, Division 20, CHP 6.5 (California Hazardous Waste Control Act)
2. 22 CA Code of Regulations, Div 4.5 (Environmental Health Standards for the Management of Hazardous Waste)
3. 8 CA Code of Regulations

Transport excavated hazardous material using:

1. Hazardous waste manifest
2. Hazardous waste transporter with a current DTSC registration certificate and CA Highway Patrol (CHP) Biennial Inspection of Terminals (BIT) Program compliance documentation.

2-4

Dust Control

Excavation, transportation, placement, and handling of material containing ADL must result in no visible dust migration. A water truck must be on the job site at all times while clearing and grubbing or performing earthwork operations in work areas containing ADL. Apply water to prevent visible dust.

2-5

Material Transportation

Before traveling on public roads, remove loose and extraneous material from surfaces outside the cargo areas of the transporting vehicles and cover the cargo with tarpaulins or other cover. As outline in the approved excavation and transportation plan. You are responsible for costs due to spillage of material containing lead during transport.

2-6

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 Aileen Kennedy at (949) 724-2239.

2-7

Sincerely,



MAUREEN EL HARAQUE
Branch Chief, Regional-Community-Transit Planning
District 12

c: Scott Morgan, Office of Planning and Research

LETTER NO. 2

State of California
California State Transportation Agency
Department of Transportation, District 12
3347 Michelson Drive, Suite 100
Irvine, CA 92612-8894
Maureen El Harake
Branch Chief, Regional-Community-Transit Planning
(September 19, 2013)

RESPONSE 2-1

This comment provides an overview of the proposed Project. No further response is required given that the comment does not address the content of the Draft EIR.

RESPONSE 2-2

This comment provides a list of agencies with rules and regulations that pertain to excavation, reuse and disposal of impacted material. Project implementation will comply with all applicable rules and regulations of the listed agencies cited in this comment.

RESPONSE 2-3

This comment cites applicable laws and regulations that pertain to the transport and disposal of materials containing hazardous levels of lead. Project implementation will comply with all applicable provisions of the laws and regulations cited in this comment.

RESPONSE 2-4

Consistent with this comment, all transported hazardous waste materials would have a hazardous materials manifest, and transporters hauling hazardous waste would have all required applicable DTSC registration and CA Highway Patrol certification documentation.

RESPONSE 2-5

Section 4.2, *Air Quality*, of the Draft EIR states that the Project would comply with South Coast Air Quality Management District (SCAQMD) Rule 403 during excavation activities. SCAQMD Rule 403 requires the implementation of dust control measures and does not allow visible dust off-site during excavation. Water would be applied as necessary to prevent dust migration off-site.

RESPONSE 2-6

As mentioned in Response 2-5, the Project would comply with SCAQMD Rule 403 which requires tarps or suitable enclosures on haul trucks, installation of track-out prevention devices (rumble strips, shaker plates) and track-out removal. If track-out were to occur, it would be removed at the end of each workday. Haul trucks would also be required to maintain at least six inches of freeboard during transport.

RESPONSE 2-7

Comment noted.



Letter No. 3

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



October 11, 2013

Mr. Safouh Sayed
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, CA 90630
safouh.sayed@dtsc.ca.gov

Subject: Comments on the Draft Environmental Impact Report (DEIR) for the Remedial Action Plan for Ascon Landfill Site Project, Huntington Beach, Orange County, CA (SCH#2013041010)

Dear Mr. Sayed:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Draft Environmental Impact Report (DEIR) dated August 2013 (received by the Department on September 4, 2013). The comments provided herein are based on information provided in the DEIR and associated documents (including Appendix C: Biological Resources Data), our knowledge of sensitive wildlife resources and declining vegetation communities in the County of Orange (County), and regional conservation planning efforts.

The Department is a Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act [CEQA] Guidelines §15386) and 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 ([CESA] Fish and Game Code §2050 et seq.), Fish and Game Code section 1600 et seq., and other sections of the Fish and Game Code.

The 38-acre project site within Ascon Landfill is located at the southwest corner of Hamilton Avenue and Magnolia Street in Huntington Beach, California. Nearby land uses include a community park, high school, residential, light industrial operation, oil storage, a flood control channel, and a power generating plant.

The Ascon Landfill was in operation for 30 years. Currently, the site contains four visible impoundments and one liner-covered pit. Several former pits and lagoons were, over the course of 30 years, filled in or covered by imported soil and construction debris. These areas currently appear as solid ground with scattered vegetative or gravel covering. All of the wastes received at the site were placed on top of the original ground surface and were contained by berms. As the wastes accumulated, the berms were raised such that much of the site is now 10 to 20 feet above surrounding street level. Based on years of data collection, it is estimated that the site contains nearly 1.4 million cubic yards of contaminated materials.

The remediation activities proposed for Ascon Landfill as part of this project include development of a protective cap to cover the contaminated materials after select waste deposits are removed. To enable the construction of the cap, the contaminated materials at the site would require grading to reconsolidate waste from the perimeter to the interior, and to create

appropriate slopes for storm water runoff and collection from the cap. Activities also include excavation and off-site disposal of up to 30,000 cubic yards of the site contaminated materials to allow for cap installation.

3-2
(cont.)

Mitigation measures provided to reduce the level of significance of project-related impacts include transplantation of the special status plant southern tarplant (*Centromadia parryi* ssp. *australis*; California Natural Plant Society, List 1.B.1), restoration and/ or enhancement of impacted coastal salt marsh (an Environmentally Sensitive Habitat Area under the California Coastal Act), and nesting bird avoidance/minimization through general avian surveys prior to grading activities.

3-3

There are biological resource issues that are of concern to the Department. Specifically, mitigation measures BIO-1 and BIO-2 may not adequately bring impacts within the project footprint below a threshold of significance for special status plant species and sensitive habitats. In order to ensure the project is consistent with ongoing regional habitat conservation planning efforts, and to assist the Department of Toxic Substances Control (DTSC) in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, we offer the following comments and recommendations.

1. Mitigation measure BIO-1 proposes to implement an as-yet unwritten southern tarplant mitigation plan (Biological Resources, 4.3-16). This mitigation measure is not meaningful in avoiding or reducing the significant impact to rare plants within the project area because it does not furnish a commitment 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 impacts, mitigation measure BIO-1 in the final EIR (FEIR) should include the following elements:

3-4

- a. A specific commitment to whom will be implementing seed collection and how the seed collection would be approved and conducted.
- b. A timeframe for transplantation is strongly recommended. It is proposed that salvage material would be used in transplantation. The restoration of native habitats is not always successful through passive restoration, and has to be implemented seasonally for best results.
- c. 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.
- d. Monitoring and reporting on the effectiveness of the measure at compensating for disturbance.

2. Mitigation measure BIO-2 seeks to minimize impacts to coastal salt marsh by implementing an as-yet unwritten coastal salt marsh mitigation plan. Similar to our concerns regarding impacts to southern tarplant (Comment 1), we also have concerns regarding impacts to coastal salt marsh habitat. This mitigation measure is not meaningful in avoiding or reducing the significant impact to this habitat type because it does not furnish a commitment to whom will be implementing restoration, when the measures would be implemented, and how the

3-5

restoration would be approved and conducted. In order to minimize impacts, mitigation measure BIO-2 in the FEIR should include the following elements:

- a. A specific commitment to whom will be implementing restoration and how the habitat mitigation plan would be approved and conducted.
- b. A timeframe for transplantation is strongly recommended. It is proposed that salvage material would be used in transplantation. The restoration of native habitats is not always successful through passive restoration, and has to be implemented seasonally for best results.
- c. 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.
- d. 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.

3-5
(cont.)

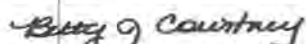
3. If draft restoration plans for southern tarplant and coastal salt marsh cannot be provided at the time of public review of the FEIR, the Department requests copies be sent to us for review before they are finalized.

3-6

We appreciate the opportunity to comment on the DEIR for this project and to assist the DTSC in further minimizing and mitigating project impacts to biological resources. If you have any questions or comments regarding this letter please contact Jennifer Edwards at (858) 467-2717 or via email at Jennifer.Edwards@wildlife.ca.gov.

3-7

Sincerely,



Betty Courtney
Environmental Program Manager I

cc: Scott Morgan (State Clearinghouse, Sacramento)

LETTER NO. 3

State of California - Natural Resources Agency
Department of Fish and Wildlife
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
Betty Courtney, Environmental Program Manager I
(October 11, 2013)

RESPONSE 3-1

This comment introduces the Department of Fish and Wildlife (DF&W) and its authority over natural resources potentially affected by the Project. No further response is required given that the comment does not address the content of the Draft EIR.

RESPONSE 3-2

This comment summarizes the Project evaluated in the Draft EIR. No further response is required given that the comment does not address the content of the Draft EIR.

RESPONSE 3-3

This comment indicates the Draft EIR includes mitigation measures for impacts to the southern tarplant, disturbed coastal salt marsh, and nesting birds. The comment accurately reflects the mitigation measures prescribed in the Draft EIR pertaining to biological resources.

RESPONSE 3-4

Mitigation for impacts to southern tarplant, as described in the Draft EIR, is to be a condition of the Project's approval and the Final EIR's adoption and certification. This mitigation is documented in the Mitigation Monitoring and Reporting Program, which is included as Chapter 4.0 of this Final EIR. At this time, the details of implementing the southern tarplant mitigation plan and the DTSC representative or their designee cannot be known because the receiver site(s) and implementing restoration specialist have not been finalized. However, as stated in the Draft EIR under Mitigation Measure BIO-1 in Section 4.3, *Biological Resources*, collected seeds shall be processed and stored at Rancho Santa Ana Botanic Garden (or similar native plant/seed nursery) until the seeds are ready to be planted. The RPs shall work with a qualified biologist/restoration specialist to prepare and implement the mitigation, and the seeds shall be planted within two years of being collected or as otherwise recommended by a qualified biologist/restoration specialist.

RESPONSE 3-5

Similar to Response 3-4, the details of the coastal salt marsh habitat mitigation plan and DTSC or their designee cannot be known because the receiver site(s) and/or mitigation bank and implementing restoration biologist have not been finalized. However, as stated in the Draft EIR under Mitigation Measure BIO-2, the mitigation shall address such matters as the implementation, maintenance, future monitoring, and success criteria.

RESPONSE 3-6

The request that the restoration plans for the southern tarplant and coastal salt marsh be sent to CDFW for review before they are finalized is acknowledged and will be considered by DTSC.

RESPONSE 3-7

Comment noted.



South Coast Air Quality Management District

Letter No.4

21865 Copley Drive, Diamond Bar, CA 91765-4178

(909) 396-2000 • www.aqmd.gov

SENT VIA USPS AND E-MAIL:

Safouh.Sayed@dtsc.ca.gov

October 11, 2013

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

**Proposed Cleanup Plan (Remedial Action Plan - RAP) and Draft Environmental
Impact Report (Draft EIR) for the Proposed at the Ascon Landfill Site in
Huntington Beach**

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final CEQA document. This letter is written in our role as both a commenting agency and as a responsible agency with jurisdiction over portions of the project that require permitting with SCAQMD.

4-1

The preferred cleanup plan (Alternative 4) includes partial removal of landfill material and the construction of a protective cap. Those activities involve excavation of approximately 32,250 bank cubic yards (BCY) of contaminated materials, transportation of this landfill material to disposal sites outside of the basin, and installation of a protective cap requiring approximately 206,000 cubic yards of clean fill. 100 daily truck trips are estimated for the export of contaminated material and approximately 200 daily truck trips would be needed for importing clean soil to build the cap and for non-capped areas in order to achieve the final grade configuration. The project will occur in ten phases, of which some phases will overlap. The cleanup plan would begin in 2015 and take approximately 11 months to complete.

4-2

The SCAQMD staff appreciates that the lead agency will use a closed system in treating potential odors and volatile organic emissions during the soil excavation handling process and subsequent export to off-site disposal facilities. The lead agency will need pre-construction permit/plan approval from the SCAQMD for certain equipment/activities associated with the project. In addition to this permitted activity, emissions from activities that don't require SCAQMD permits have the potential to significantly affect sensitive receptors near the project site and along truck routes during construction. Projected construction impacts substantially exceed SCAQMD recommended regional and localized significance thresholds. Details regarding these comments are included in the attachment.

4-3

Mr. Safouh Sayed,
Project Manager

2

October 11, 2013

Pursuant to Public Resources Code Section 21092.5, please provide the SCAQMD staff with written responses to all comments contained herein prior to the adoption of the Final Environmental Impact Report. The SCAQMD staff is available to work with the Lead Agency to address these issues and any other air quality questions that may arise. Please contact Gordon Mize, Air Quality Specialist – CEQA Section, at (909) 396-3302, if you have any questions regarding these comments.

4-4

Sincerely,

A handwritten signature in black ink, appearing to read "Ian V. MacMillan". The signature is fluid and cursive, with the first name "Ian" being more distinct than the last name "MacMillan".

Ian MacMillan
Program Supervisor, Inter-Governmental Review
Planning, Rule Development & Area Sources

Attachment

IM:CT:GM

ORC130903-07
Control Number

Permit Requirements

1. Based on the project description in the Draft EIR and proposed Project Design Features (PDFs) starting on page 4.2-6, the following equipment/activities would require SCAQMD permit applications and pre-construction approval associated with the proposed project. Questions concerning SCAQMD permit/site plan requirements should be directed to Engineering and Compliance staff at (909) 396-2684.

Gas Collection and Treatment System:

PDF 2-5 A protective cap, inclusive of a gas collection and treatment system, would be installed to collect and treat landfill gas and other emissions generated by the Site.

Rule 1150/1166 Excavation Management (Site Specific) Plan:

PDF 2-6 The Project would comply with applicable SCAQMD rules that govern the control of air pollutant emissions from the Site, including: SCAQMD Rule 1150 – Excavation of Landfill Site, and SCAQMD Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil.

Air Pollution Control System:

PDF 2-7 During excavation of Pit F, a temporary structure (e.g., Sprung or similar) would be installed to capture potential odors and volatile emissions resulting from soil handling. Exhaust from Pit F will be treated using granular activated carbon (GAC) units which will be maintained according to manufacturer specifications. Off-road equipment operating under the Pit F temporary structure will be snorkeled (exhausted) directly outside of the structure for worker safety reasons. The temporary structure and GAC would capture and control at least 95 percent of VOC emissions. Materials excavated from Pit F would be placed in sealed or covered bins that would be loaded onto trucks for transport offsite, resulting in lower volatile emissions. Maintenance logs for the GAC system, including dates activated carbon is changed, will be maintained on-site.

Mitigation Measures – Construction

2. Since the lead agency has determined in the DSEIR air quality analysis that construction air quality impacts exceed the recognized air quality significance levels for NOx, PM10 and PM2.5, the SCAQMD staff recommends the following changes and additional mitigation measures in the Draft EIR pursuant to CEQA Guidelines Section 15126.4 to reduce the project's significant air quality impacts in addition to the Project Design Features and measures included starting on page 4.2-26. The

4-5

4-6

following measures have been determined to be feasible and applicable to past projects within other jurisdictions.¹

Recommended Changes:

PDF 2-1 ~~Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. All off road diesel construction equipment remaining on-site for more than 15 work days shall meet USEPA Tier 3 off road emission standards, if commercially available locally. Use of Tier 3 engines results in a substantial reduction of NOx emissions compared to similar Tier 2 or lower engines, and has been shown to increase fuel economy over similar Tier 2 engines. Documentation of all off road diesel construction equipment on-site including Tier 3 certification shall be maintained and made available by DTSC for inspection up~~on request.

4-6
(cont.)

Post-January 1, 2015: All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

PDF 2-2 ~~All on-road waste haul trucks exporting soil to the appropriate receiver facility shall be model year 2007 or newer or retrofitted to comply with USEPA Year 2007 on road emission standards. Documentation of all on-road trucks exporting soil shall be maintained and made available to DTSC for inspection upon request.~~

4-7

Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export), and if the lead agency determines that 2010 model year or newer diesel trucks cannot be obtained, the lead agency shall use trucks that meet EPA 2007 model year NOx and PM emissions requirements.

A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

¹ For example see the Metro Green Construction Policy at:
http://www.metro.net/projects_studies/sustainability/images/Green_Construction_Policy.pdf

Recommended Additions:

NO_x

- Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.
- Provide dedicated turn lanes for movement of construction trucks and equipment on-and off-site.
- Reroute construction trucks away from congested streets or sensitive receptor areas.
- Require the use of electricity from power poles rather than temporary diesel or gasoline power generators.
- Encourage construction contractors to apply for SCAQMD “SOON” funds. Incentives could be provided for those construction contractors who apply for SCAQMD “SOON” funds. The “SOON” program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at the following website:
<http://www.aqmd.gov/tao/Implementation/SOONProgram.htm>.

4-8

Fugitive Dust

- Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM₁₀ generation.
- Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour
- Require frequent street sweeping surrounding the project site to minimize fugitive dust emissions from track-out. All street sweeping shall use alternatively fueled sweepers that are equivalent to those specified in SCAQMD Rules 1186 and 1186.1.

4-9

For additional measures to reduce off-road construction equipment emissions, refer to the mitigation measure tables located at the following website:

www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html.

Air Quality Analysis

3. Table 4.2-5 (Unmitigated Regional Maximum Short-Term Emissions) on page 4.2-37 in the Air Quality Section of the Draft EIR shows a maximum regional emissions figure from the Sixth Month of project activities. Upon review of portions in the Air Quality Assessment Files, it is unclear from this table if emissions from overlapping phases (for example, Phases 3,5, and 6 mentioned in the project description on page 2-35) are accounted for in the table.

4-10

4. From the Scheduled and Truck Trips Summary (Detailed Schedule, Equipment and Truck List), the Source Summary Description pages, and other portions in the Air

4-11

Quality Assessment Files, it is not clear how Table 4.2-5 accounts for the total project emissions sources (on- and off-site equipment). It is unclear if the tables show the total daily emissions reported for each month or whether the daily totals reported for each month include all of the potential on- and off-site emission impacts, especially during the periods of overlap mentioned in the project description on page 2-35.

During the overlapping phases 3, 5 and 6, for example, the daily on- and off-site emissions sources include trucks exporting landfill material, trucks importing soil and supplies, and soil disturbance and related equipment used to re-establish the site. This would include up to 225 off-site daily truck trips to export of landfill materials and to haul concrete debris and rubble. Up to 174 on-site daily truck trips would also take place for watering, hauling odor-retardant and foam, concrete, and moving imported soil for final placement to complete the grade. Finally, grading equipment is used during soil disturbance, soil loading, etc. Because Table 4.2-5 shows emissions by individual months, it is not clear how all of the on- and off-site emission sources including the periods of overlapping phases are included in the presumed worst-case daily estimates for each month shown in the table. In the Final EIR, the lead agency should demonstrate or otherwise clarify the maximum daily emissions estimated in Table 4.2-5 by emission source in order to demonstrate that all construction emissions are accounted for.

4-11
(cont.)

LETTER NO. 4

South Coast Air Quality Management District

21865 Copley Drive

Diamond Bar, CA 91765-4178

Ian MacMillan, Program Supervisor, Inter-Governmental Review, Planning, Rule Development & Area Sources

(October 11, 2013)

RESPONSE 4-1

This comment introduces the South Coast Air Quality Management District (SCAQMD) and its authority over portions of the Project that require permitting with SCAQMD. No further response is required.

RESPONSE 4-2

This comment summarizes SCAQMD's understanding of the Project evaluated in the Draft EIR. No further response is required.

RESPONSE 4-3

This comment summarizes SCAQMD's understanding of the Project evaluated in the Draft EIR. No further response is required.

RESPONSE 4-4

This comment describes the methods and procedure for responses. No further response is required.

RESPONSE 4-5

Comment noted. The Responsible Parties, who are responsible for implementing the remediation activities under DTSC oversight, are aware of the SCAQMD permitting requirements and are expected to contact SCAQMD staff, as appropriate, to obtain the required permits. PDF 2-6 states "If required, obtain a SCAQMD Permit for Project activities, and provide a copy of said Permit to the DTSC." This statement has been added to PDF 2-5 and PDF 2-7, as shown in Chapter 3.0, *Corrections and Additions to the Draft EIR*, of this Final EIR.

RESPONSE 4-6

DTSC is aware of an exceedance of regional NO_x emissions thresholds resulting from the Project's remediation activities. DTSC has considered the use of Tier 4 equipment but has determined that this is not feasible due to limited availability. Based on inquiries to equipment rental companies in the region, Tier 4 equipment does not appear to be currently available to meet the needs of the Project and may not be widely available at the start of the Project. Requiring use of Tier 4 equipment may unnecessarily delay the start of the Project and/or increase the amount of time required to complete the remediation activities. In addition, even with the use of Tier 4 equipment, regional NO_x emissions would continue to exceed significance thresholds. PDF 2-1, which would be monitored and enforced by DTSC, represents the feasible mitigation available to minimize potentially significant adverse air quality impacts. Chapter 4.0, *Mitigation Monitoring and Reporting Program*, of this Final EIR includes the Mitigation Monitoring and Reporting Program (MMRP) for the Project.

RESPONSE 4-7

In 2010-2011, the Responsible Parties, under DTSC supervision, performed the Interim Removal Measure (IRM) which required export of waste materials by truck. A mitigation measure for the IRM required use of 2007 and newer trucks. It should be noted that there are a limited number of waste haulers licensed to carry hazardous materials, and the RP's contractor experienced difficulty in finding trucks meeting these requirements for the IRM. Based on this experience, DTSC has developed the mitigation strategy as presented in the Draft EIR to reduce haul truck emissions to the extent feasible. With this mitigation measure, health risk impacts to nearby sensitive uses would be below applicable significance thresholds.

The source(s) of clean fill to be used are yet to be identified. Trucks importing clean soil and other materials to the Site would likely be owned by various independent owner/operators which are not under the control of the Responsible Parties. Therefore, enforcement of mitigation strategies for import trucks was determined to be infeasible.

RESPONSE 4-8

The Draft EIR includes several project design features (PDFs) and mitigation measures which account for some of the recommended additions. PDF 2-12 in the Draft EIR would provide for a haul route which would avoid residential and school areas to the maximum extent feasible. In addition, PDF 2-12 requires safety measures including use of flag men to improve traffic flow during hauling activities. Remediation activities performed at the Site would typically not require use of power tools or equipment powered by electricity. If electric powered equipment is to be used during the remediation activities, electricity from power poles would be used where feasible.

Dedicated turn lanes on and off-site are not possible due to size constraints of the Site and road width. However, as mentioned in PDF 2-12, construction traffic control measures would be implemented to provide pedestrian and bicycle safety as well as improve traffic flow. The City of Huntington Beach has established haul truck routes which would minimize trucks passing by sensitive receptors. The Responsible Parties would comply with the City approved haul route. The Mitigation Monitoring and Reporting Program (MMRP), included as Chapter 4.0 of this Final EIR, includes a project design feature to encourage contractors to apply for SOON funding consistent with this comment.

RESPONSE 4-9

Mitigation Measure AIR-1 contains most of the recommended measures in this comment. In addition, the recommended measures generally require compliance with current SCAQMD Rules 403 and 1186.

A point of contact would be assigned under implementation of Mitigation Measure AIR-1 to act as a community liaison for responding to odor or remediation activity related complaints. Under Mitigation Measure AIR-1, signs would be posted at the Site, including phone numbers for the SCAQMD, to lodge complaints regarding odor or other remedial activity related issues. Surrounding properties would also be notified through mail regarding procedures to follow to lodge a complaint.

With regard to street sweeping, as listed on page 4.2-27 of the Draft EIR, track-out prevention devices (shaker plates) would be installed to prevent track-out. If dirt track-out were to occur, it would be removed

from the street at the end of each workday, consistent with Rule 403 requirements. Therefore, frequent street sweeping would not be required.

In the event of wind, measures such as additional water, foam application or soil stabilizers would be implemented to prevent a fugitive dust plume from travelling off-site. Wind gusts greater than 25 mph will cause a suspension of all dust-generating activities until the wind decreases.

RESPONSE 4-10

Calculations are provided in Appendix B of the Draft EIR. Page 52 and 53 of the Appendix B shows that emissions for Month 6 include overlapping phases 3.2, 3.3, 4.1, 5.1 and 6.1 as discussed in Section 4.2, *Air Quality*, of the Draft EIR.

RESPONSE 4-11

Emissions summaries are presented in Appendix B of the Draft EIR for both regional and localized emissions. In order to reduce the overall size of the appendix, inclusion of additional details identifying all sources in the emissions summary was determined to be too cumbersome. Instead, detailed emissions calculations are provided in Pages 1 to 48 in Appendix B of the Draft EIR. The overall construction schedule is presented on Page 2 of Appendix B. In Pages 1-48 of Appendix B, emissions were calculated for each individual phase. Starting on Page 49 of Appendix B, daily emissions from within each individual phase were tabulated and presented through time for each emission constituent. The table presents daily emissions from each phase with details regarding overlapping phases. These emissions were then summed by month and summarized in Table 4.2-5 by emission constituent. Detailed emissions calculations show emissions calculations for each individual phase and activity, including on- and off-site emissions.



Huntington Beach Wetlands Conservancy

*Post Office Box 5903
21900 Pacific Coast Highway
Huntington Beach, California 92615
Phone: 714-536-0141
Email: hbwetlands@verizon.net
Website: www.hbwetlands.org*

October 12, 2013

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

Initial submittal sent via email to Safouh.Sayed@dtsc.ca.gov (printed copy sent via U. S. Mail)

Re: Response to Ascon Landfill RAP

Dear Mr. Sayed:

The Huntington Beach Wetlands Conservancy is a non-profit landholder adjacent to the southwest corner of the Ascon Landfill. Our holdings encompass about 170 acres of coastal wetlands that have been restored over the past several years at a cost in excess of \$12,000,000. The wetlands are recovering nicely, and there are many examples of significant increases in salt marsh habitat and sea life.

5-1

We have reviewed the EIR and would recommend the following observations.

EIR Page 97, Figure 2-7, Conceptual Cap Configuration

At the southwest corner of the Ascon Landfill site there will be about a 42 foot high mound that tapers off at a 1:3 slope to the perimeter access road and then directly to the channel. The Huntington Beach Wetlands are directly across the channel from this location. It is recommended that a low retaining wall be erected on the channel side of the perimeter access road to avoid the possibility of any soil being washed into the channel in the event of a heavy rain storm. The channel feeds directly into the wetlands and erosion would likely cause damage to the sea life (including mollusks, worms, and soon-to-be-hatched fish) in the salt marsh habitat. It is also recommended that this retaining wall extend east a reasonable distance along the southern perimeter (including along the Plains Oil tank farm property) as well as north and northeast along the channel and the southeast perimeter of the Oil Lease Property.

5-2

EIR Page 233, Impact Statement 4.3-2, Riparian Habitat and Sensitive Communities

The Huntington Beach Wetlands Conservancy would like to be considered for and have discussions with the Department of Toxic Substances Control regarding the payment in lieu of mitigation fee that will be paid by the property owner for the removal of the limited disturbed coastal salt marsh habitat on the Ascon Landfill site. We have many salt marsh related projects that would benefit from additional funding.

5-3

Sincerely,



Jack Kirkorn
Director
Huntington Beach Wetlands Conservancy

Enclosed: The Pickleweed, Spring-Summer 2013 Newsletter of the Huntington Beach Wetlands Conservancy

LETTER NO. 5

Huntington Beach Wetlands Conservancy
Post Office Box 5903
21900 Pacific Coast Highway
Huntington Beach, CA 92615
Jack Kirkorn, Director
(October 12, 2013)

RESPONSE 5-1

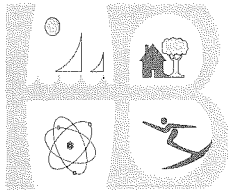
The comment introduces the Huntington Beach Wetlands Conservancy and its holdings. No further response is required given that the comment does not address the content of the Draft EIR.

RESPONSE 5-2

The sensitivity of sea life supported by the Huntington Beach Wetlands is acknowledged. However, based on the Site's cap design, compliance requirements under the General Construction NPDES permit from SWRCB and the Site's Construction SWPPP, and the presence of the channel berm already in place, a retaining wall of the type suggested by the comment is not warranted. As described in Chapter 2.0, *Project Description*, of the Draft EIR, it is anticipated that detention basins and storm water swales, or V-ditches, would be installed along the perimeter of the capped Site. These features would be designed so as to capture any sediment laden runoff from the finished capped Site and prevent them from reaching the channel or the wetlands.

RESPONSE 5-3

The Huntington Beach Wetlands Conservancy will be considered as a potential recipient of the in lieu mitigation fee.



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING AND BUILDING

www.huntingtonbeachca.gov

Planning Division

714.536.5271

Building Division

714.536.5241

October 14, 2013

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

Subject: EIR and Remedial Action Plan for the Ascon Landfill Site

Dear Mr. Sayed:

The City of Huntington Beach has reviewed the Draft EIR/RAP for the subject project and has the following comments for consideration in the Final EIR.

6-1

Draft EIR Comments

- 1.2 Project Study Area: City of Huntington Beach Public Works – Transportation Division staff should be consulted regarding the project study area. If intersections on Beach Boulevard (north of the project site) are included in the study area, those intersections that are closer to the project area, such as Magnolia Street and Atlanta Avenue, should also be included in the study area.

6-2

- 2.0 Project Description:

1. Page 2-41, Construction Equipment and Truck Activities – The proposed hour of haul trucks to the site is 6:00 am. This is not permitted pursuant to the Huntington Beach Municipal Code (HBMC). Construction activity cannot occur before 7:00 am. The statement, “Haul trucks are proposed to access the Site no earlier than 6:00 a.m. ...” should be revised accordingly to comply with the HBMC.

6-3

2. Page 2-39, 6th paragraph – please revise language from “...and the Site’s Industrial SWPPP...” to instead state “...and the Site’s *approved WQMP*...”

6-4

3. Pages 2-42 & 2-43, Long Term Operations – as a bullet item after the sentence, “The following long-term activities are anticipated after the remediation activities are complete:” please add, “Maintenance of stormwater BMPs pursuant to the project’s approved WQMP.”

6-5

4. Page 2-53, Table 2-5 – add to the approvals by City of Huntington Beach section: the *Water Quality Management Plan*.

6-6

- 3.0 Basis for Cumulative Analysis: Table 3-1, page 3-3 – For project numbers 9, 12 and 19, under the column heading, *Could project be completed and in operation by 2015?* This should be changed to Yes. 6-7
- 4.1 Aesthetics: Page 4.1-2 Last sentence – Figure CE-12 of the Circulation Element identifies Magnolia Street from Hamilton Avenue to PCH as a minor Urban Scenic ~~City-designed Landscape~~ Corridor. Please refer to the updated General Plan Circulation Element, which was adopted in February 2013 and available on the City website. Goal CE 7 should be revised to Goal 8. 6-8
- 4.3 Biological Resources
 - 1. Page 4.3-16 – appropriateness of the use of “grass” as ground cover given other sensitive habitats/plants on the site should be discussed. 6-9
 - 2. Page 4.3-16, Mitigation Measure BIO-1, second bullet item – the RP’s shall work with a qualified biologist to identify an appropriate off-site conservation area. Where might these be? Perhaps discuss feasibility of implementation. 6-10
 - 3. Page 4.3-17, Mitigation Measure BIO-2 – a 1:1 ratio for mitigation seems low. It should be a minimum of 3:1 or 4:1. 6-11
 - 4. Page 4.3-20, Table 4.3-1 – The General Plan Consistency Analysis should include identification and analysis of City of Huntington Beach Coastal Element goals and policies. 6-12
- 4.4 Geology and Soils:
 - 1. Page 4.4-3, City of Huntington Beach Seismic Design Guidelines – revise the statement, “The Seismic Design Guidelines are administered by the Director of the City of Huntington Beach Department of Public Works.” to instead state, “The Seismic Design Guidelines are administered by the Director of the City of Huntington Beach *Department of Planning and Building*.” 6-13
 - 2. Page 4.4-9, PDF 4-1 – the geotechnical report would also be subject to review by the City of Huntington Beach Departments of Public Works and Planning and Building. Please revise accordingly. 6-14
 - 3. Page 4.4-16, Long Term Impacts, last sentence should be revised to read: “With *implementation of the WQMP*, use of vegetated cover and compliance with applicable regulations....” 6-15
 - 4. Page 4.4-16 Conclusion, second sentence should be revised to read, “However, compliance *with the project SWPPP* and applicable BMPs....” 6-16
 - 5. Page 4.4-16, Long-Term Impacts – revise the statement, “Permanent erosion control and drainage systems are also required under Section 17.05 (Grading and Excavation)..” to read as follows, “Permanent erosion control and drainage 6-17

systems are also required under Section 17.05 (Grading and Excavation) of the Municipal Code, the City's Grading Manual, *and the project's approved WQMP.*"

6-17
(cont.)

6. Page 4.6-10 – Add the following statement under the "Local" Section, "Any future development of the site will be subject to the requirements of City Specification 429 Methane District Building Permit Requirements, City Specification 431-92 Soil Clean-Up Standards, City Specification 422 Oil Well Abandonment Permit Process, other applicable City Specifications, and the Huntington Beach Fire Code."

6-18

7. Page 4.6-11, under the section titled "City Specification No. 431-92: Soil Clean-Up Standard," paragraph two, last sentence should read as follows, "This extent shall be reported to the City and disclosed to subsequent property owners in a format approved by the DTSC as the lead oversight agency for the project. Also, on Page 4.6-11, under the section titled "City Specification No. 431-92: Soil Clean-Up Standard," paragraph four (last sentence), revise the sentence to read as follows, "A remediation plan shall be approved by the DTSC as the lead oversight agency for the project." These revisions are recommended in order to ensure that City requirements are met as stated in the Local section on page 4.6-10.

6-19

- 4.6 Hazards and Hazardous Materials:

1. Page 4.6-54, Mitigation Measures, HAZ-1 CARB states that diesel particulate filters (DPF) shall be installed on some of the on-site off-road equipment as needed so that a minimum of 85 percent of the annual horsepower-hours assumed in the performance of the HRA are controlled. This is too vague. Additionally, the next sentence states that diesel particulate filters (DPF) shall reduce (DPM) emissions from each piece of off-road equipment by at least 85 percent. These statements are inconsistent and should be clarified. Also, please incorporate how this would be monitored.

6-20

2. Page 4.6-10 – Add the following statement under the "Local" Section, "Any future development of the site will be subject to the requirements of City Specification 429 Methane District Building Permit Requirements, City Specification 431-92 Soil Clean-Up Standards, City Specification 422 Oil Well Abandonment Permit Process, other applicable City Specifications, and the Huntington Beach Fire Code."

6-21

3. Page 4.6-11, under the section titled "City Specification No. 431-92: Soil Clean-Up Standard," paragraph two, last sentence should read as follows, "This extent shall be reported to the City and disclosed to subsequent property owners in a format approved by the DTSC as the lead oversight agency for the project. Also, on Page 4.6-11, under the section titled "City Specification No. 431-92: Soil Clean-Up Standard," paragraph four (last sentence), revise the sentence to read as follows, "A remediation plan shall be approved by the DTSC as the lead oversight agency for the project." These revisions are recommended in order to ensure that City requirements are met as stated in the Local section on page 4.6-10.

6-22

- 4.7 Water Quality:
 1. Page 4.7-7, Water Quality Management Plan – after the sentence, “The WQMP describes how a project would meet the following requirements:” a bullet item should be added stating, “*Incorporate LID BMPs.*” 6-23
 2. Page 4.7-14, PDF 7-2 – comment on the following statement: “The uncapped detention basins, perimeter access road and City parcel would be unlined to allow percolation.” Please note that all proposed percolation/infiltration shall comply with the requirements of the current Orange County Model WQMP and Technical Guidance Document with regards to (infiltration rates, existing groundwater protection and separation requirements of the proposed infiltration BMPs to the existing groundwater depth). 6-24
- 4.8 Land Use:
 1. City of Huntington Beach General Plan should be revised to read, “City of Huntington Beach General Plan/*Local Coastal Program.*” 6-25
 2. Page 4.8-11, Table 4.8-1, Land Use Element, LU 7.1 and LU 7.1.2 – no analysis for allowing future commercial uses is included. It appears premature to list as a future use unless feasibility (i.e. – safety, allowed loads on-site, etc.) and compatibility with the surrounding area are addressed. 6-26
 3. Page 4.8-15, Huntington Beach Zoning and Subdivision Ordinance heading – The correct zoning designation is SP-10-CZ to recognize the Coastal Zone overlay designation. The second sentence should be revised to include compliance with the City’s Coastal Zone Overlay requirements. 6-27
 4. Page 4.8-15 Level of Significance After Mitigation – Because the project would force a change in the land use, it raises the question of whether land use impacts are insignificant, especially since it is uncertain if the site will be developable (i.e. – if a General Plan Amendment would be approved). Please address this issue further and, if necessary, revise the impact conclusions. Would the impact be considered significant and unavoidable? 6-28
 5. The land use section should also consider future use of site with respect to ADA access. This could be addressed under the Huntington Beach Zoning and Subdivision Ordinance heading or a new Municipal Code heading. This topical section should also address treatment of the perimeter road. 6-29
- 4.10 Traffic:
 1. Traffic Mitigation Measures and Table ES-1 – Signal timing modifications are not feasible mitigation measures. 6-30
 2. Local Access Roads – Update street classifications: Edinger Avenue classification (primary from Bolsa Chica to Springdale, augmented primary from Springdale to Newland), Talbert Avenue (primary from Gothard to Newland), Garfield Avenue (primary from Edwards to Ward). 6-31

- | | |
|---|------|
| 3. Existing Intersection Operations – The ICU worksheets in the Traffic Study should use a capacity 1700 rather than 1600. | 6-32 |
| 4. Existing Intersection Operations, Intersection Impact Threshold – All intersections analyzed in the study are classified as “principal” intersections with LOS D criteria, except for Newland St/Hamilton Av and Newland St/Atlanta Av which are “secondary” intersections with LOS C criteria (information can be found in Circulation Element Update). | 6-33 |
| 5. Table 4.10-14 – Utilize the updated Circulation Element policies in this Table. | 6-34 |

Remediation Action Plan Comments

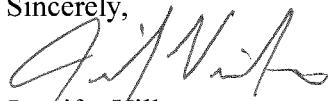
- | | |
|--|------|
| 1. The traffic study should comply with criteria established in the General Plan Circulation Element, approved by City Council February 4, 2013. | 6-35 |
| 2. Section 1.2 Traffic Study Area – City of Huntington Beach Public Works – Transportation Division staff should be consulted regarding the project study area. If intersections on Beach Boulevard (north of the project site) are included in the study area, those intersections that are closer to the project area, such as Magnolia Street and Atlanta Avenue, should also be included in the study area. | 6-36 |
| 3. Section 2.2 Significant Impact Criteria – All intersections analyzed in the study are classified as “principal” intersections with LOS D criteria, except for Newland St/Hamilton Av and Newland St/Atlanta Av which are “secondary” intersections with LOS C criteria (information can be found in Circulation Element Update). | 6-37 |
| 4. Section 3.0 Existing Roadway Facilities – Update street classifications: Edinger Avenue classification (primary from Bolsa Chica to Springdale, augmented primary from Springdale to Newland), Talbert Avenue (primary from Gothard to Newland), Garfield Avenue (primary from Edwards to Ward). | 6-38 |
| 5. Section 4.0 Project Traffic Generation – Using PCE factors may not be the appropriate adjustment to use for the LOS calculations. Rather, if the number of truck trips and existing traffic volumes are known, then the heavy vehicle factor can be determined and input to adjust the flow rate calculations. Using this adjustment would better represent influences of the project truck trips on flow, capacity, and delay (delays could be lower than by using PCE). Indicate if project truck trips during the peak hours would be decreased to an extent not to cause project impacts under the revised methodology? | 6-39 |
| 6. Section 11.2 Recommended Mitigation Measures for Intersections – The proposed mitigation measures recommend changing the signal timing at the indicated locations. This is not a viable mitigation measure. Beach Boulevard consists of signal coordinated networks where optimization is already provided. Changing the signal timing at individual locations would result in impacts throughout the entire associated network. | 6-40 |
| 7. The locations of the existing onsite oil wells must be included on any grading plans. In addition to notifying the Huntington Beach Fire Department of any proposed actions with the onsite oil wells, notification to, and compliance with, any Division of Oil Gas and Geothermal Resources (DOGGR) requirements is required. | 6-41 |

8. Discovery of soil contamination or underground pipelines, etc., during construction must be immediately reported to the City of Huntington Beach Fire Department (HBFD). | 6-42

9. For your information, HBFD Specifications can be found on the City's website at: http://www.huntingtonbeachca.gov/government/departments/Fire/fire_prevention_code_enforcement/fire_dept_city_specifications.cfm or by contacting the Fire Prevention Division at (714) 536-5411. | 6-43

Thank you for the opportunity to comment on the Draft EIR/RAP for the proposed project. | 6-44

Sincerely,



Jennifer Villaseñor
Senior Planner

Cc: Mary Beth Broeren, Planning Manager

LETTER NO. 6

City of Huntington Beach
Department of Planning and Building
2000 Main Street
Huntington Beach, CA 92648
Jennifer Villasenor, Senior Planner
(October 14, 2013)

RESPONSE 6-1

The comment introduces the City's comments on the Draft EIR. No further response is required given that the comment does not address the content of the Draft EIR.

RESPONSE 6-2

The study area intersections included in the initial (2013) traffic analysis for the Project included intersections along Beach Boulevard from PCH to the I-405 Freeway, as well as intersections around the Site and along the entire haul route that would be utilized by construction vehicles. Further, DTSC met with the City's Transportation Division prior to release of the Draft EIR on April 4, 2013. At that time, DTSC's traffic consultant, Fehr & Peers, described the haul route and, thus, the potential impacted intersections during Project implementation. Neither at this meeting nor subsequent to it did the City's Traffic Division provide comment on the need to expand the project study area beyond the proposed haul route.

In addition to the 2013 traffic study, and beyond the scope of this 2013 comment, the 2014 traffic study included all intersections within the expanded study area, including intersections along Brookhurst Street from PCH to the I-405 Freeway.

RESPONSE 6-3

This comment indicates that construction activity cannot occur before 7:00 A.M. This comment is consistent with the City's Municipal Code Section 17.05.180, *Time of Grading Operations*, which states that, "Grading operations shall not be conducted between the hours of 8:00 p.m. and 7:00 a.m. nor on Sundays and federal holidays." In addition, per Chapter 8.40, *Noise Control*, subsection 8.40.090, *Special Provisions*, activities that are exempt from the provisions of the City's Noise regulations include..."Noise sources associated with construction, repair, remodeling, or grading of any real property; provided a permit has been obtained from the City as provided herein; and provided said activities do not take place between the hours of 8:00 p.m. and 7:00 a.m. on weekdays, including Saturday, or at any time on Sunday or a federal holiday."

Consistent with this comment and the City's Municipal Code, construction activities as part of the Project, including grading activities and unloading and loading of haul trucks, would not occur until after 7:00 a.m. While haul trucks, delivery trucks, and worker trucks would enter the Site after 6:00 a.m., upon doing so, any such trucks would not sit idling and would be required to have their engines turned off. By entering the Site at 6:00 a.m., there would be no idling trucks on City Streets prior to 7:00 a.m. On-site activities that do not generate significant noise, such as daily construction planning/safety meetings, could occur before 7:00 a.m. Such activities would not constitute noise-generating construction activities. Also, it is acknowledged and

common throughout the City for large trucks, such as semi-trucks, to deliver products to local businesses (e.g., grocery stores) between the hours of 8:00 p.m. and 7:00 a.m.

In the event grading or construction activities needed to occur before 7:00 a.m., DTSC and/or RPs would contact the City to request an exemption to the City's limits on grading activities per Section 17.05.180 which states that... "The director may, however, permit grading or equipment operations during specific hours after 8:00 p.m. or before 7:00 a.m. and on Sundays and federal holidays if it is determined that such operations are not detrimental to the health, safety, or welfare of the area residents."

RESPONSE 6-4

This comment requests a change in language from the "Site's Industrial SWPPP" to the "Site's approved WQMP." The Site currently operates under the General Industrial NPDES permit from the SWRCB and will continue to do so after the remedy is completed. Therefore, the Site will continue to be managed under the General Industrial NPDES permit and Site's Industrial SWPPP. Thus, no change to the text is necessary per this comment.

RESPONSE 6-5

As discussed under Response No. 6-4, 6, the Site will continue to be managed under the General Industrial NPDES permit and Site's Industrial SWPPP. To address this comment, a new bullet item reading "Maintenance of stormwater BMPs pursuant to the Project's General Industrial SWPPP" will be added to Page 2-43 of the Draft EIR, under Long Term Operations, after the sentence "The following long-term activities are anticipated after the remediation activities are complete:" Please refer to Chapter 3.0, *Corrections and Additions to the Draft EIR*, for the revision.

RESPONSE 6-6

As discussed under Response No. 6-4, the Site will continue to be managed under the General Industrial NPDES permit and Site's Industrial SWPPP. With an Industrial SWPPP in place, a WQMP is not anticipated to be required for the Project. Thus, no change to the text is necessary per this comment.

RESPONSE 6-7

Consistent with this comment, Project Nos. 9, 12 and 19 in Table 3-1 of the Draft EIR will be identified as projects that could be completed and in operation by 2015. Please refer to Chapter 3.0, *Corrections and Additions to the Draft EIR*, for these revisions.

RESPONSE 6-8

Consistent with this comment, Hamilton Avenue will be identified as a "Minor Urban Scenic Corridor" per the City's Circulation Element on page 4.1-3 of the Draft EIR. Also, Goal CE 7 will be revised to Goal 8. Please refer to Chapter 3.0, *Corrections and Additions to the Draft EIR*, for these revisions.

RESPONSE 6-9

Various vegetation covers were considered for the cap. Low-lying grasses and/or other shallow-rooted vegetation would be utilized on the cap surface and have the following traits: a rapid growth and cover rate, low maintenance, shallow roots (to not intrude into the cap), and ability to readily reseed itself. Due to the

entire Site being affected by the remediation plan, no sensitive habitats would remain on-site after Project completion.

RESPONSE 6-10

Mitigation for impacts to southern tarplant, as described in the Draft EIR is to be a condition of the Project's approval and the Final EIR's adoption and certification. This mitigation is documented in the Mitigation Monitoring and Reporting Program, which is included as Chapter 4.0 of this Final EIR. At this time, the details of implementing the southern tarplant mitigation plan and DTSC representative or their designee cannot be known because selection of the receiver site(s) and implementing restoration specialist have not been finalized. However, as stated in the Draft EIR under Mitigation Measure BIO-1: collected seeds shall be processed and stored at Rancho Santa Ana Botanic Garden (or similar native plant/seed nursery) until the seeds are ready to be planted. The RPs shall work with a qualified biologist/restoration specialist to prepare and implement the mitigation, and the seeds shall be planted within two years of being collected or as otherwise recommended by a qualified biologist/restoration specialist.

RESPONSE 6-11

The 1:1 ratio provided for in the Draft EIR is intended to scale mitigation according to the biological functions and values to be impacted. As described on page 4.3-5 of the Draft EIR, the disturbed coastal salt marsh vegetation on the property covers a very small area (approximately 0.2 acre), is completely isolated from the wetland complexes in the vicinity, and offers limited habitat functions and values as a coastal salt marsh community. For these reasons a 1:1 impact to mitigation ratio was determined to be appropriate.

RESPONSE 6-12

Consistent with this comment, Table 4.3-1 of the Draft EIR has been expanded upon to include the Project's consistency with the Coastal Element's goal pertaining to environmentally sensitive habitat areas. Please refer to Chapter 3.0, *Corrections and Additions to the Draft EIR*, for this revision.

RESPONSE 6-13

Consistent with this comment, page 4.4-3 of the Draft EIR, under City of Huntington Beach Seismic Design Guidelines, the statement "The Seismic Design Guidelines are administered by the Director of the City of Huntington Beach Department of Public Works" will be changed to read "The Seismic Design Guidelines are administered by the Director of the City of Huntington Beach Department of Planning and Building." Please refer to Chapter 3.0, *Corrections and Additions to the Draft EIR*, for this revision.

RESPONSE 6-14

Consistent with this comment, PDF 4-1 on page 4.4-9 of the Draft EIR will be changed to indicate that prior to the start of construction, a geotechnical evaluation prepared by a registered civil engineer, as part of the remedial design, would be prepared and submitted for review and approval to DTSC and City of Huntington Beach Departments of Public Works and Planning and Building, per applicable City requirements. The geotechnical report will also be part of the remedial design that will be reviewed and approved by DTSC. Please refer to Chapter 3.0, *Corrections and Additions to the Draft EIR*, for this revision.

Prior to the start of construction, a geotechnical evaluation prepared by a registered civil engineer, as part of the remedial design, would be prepared and submitted for review and approval to DTSC and City of Huntington Beach Departments of Public Works and Planning and Building, per applicable City requirements

RESPONSE 6-15

As discussed under Response No. 6-4, 6, the Site will continue to be managed under the General Industrial NPDES permit and Site's Industrial SWPPP. To address this comment, page 4.4-16 of the Draft EIR under, Long Term Impacts, the last sentence will be revised to read: "With implementation of the Project's General Industrial SWPPP, use of vegetated cover and compliance with applicable regulations, impacts with respect to erosion of soils would be less than significant." Please refer to Chapter 3.0, *Corrections and Additions to the Draft EIR*, for this revision.

RESPONSE 6-16

In response to this comment, page 4.4-16 of the Draft EIR as part of the "Conclusion," the 2nd sentence will be revised to read: "However, compliance with the Project SWPPP and applicable BMPs during construction and planting, compliance with erosion control measures of the Municipal Code and Grading Manual, and maintenance of a permanent vegetated layer on the remediated capped Site would ensure that impacts related to erosion would be less than significant." Please refer to Chapter 3.0, *Corrections and Additions to the Draft EIR*, for this revision.

RESPONSE 6-17

As discussed under Response No. 6-4, the Site will continue to be managed under the General Industrial NPDES permit and Site's Industrial SWPPP. In response to this comment, page 4.4-16 of the Draft EIR under, Long Term Impacts, will be changed to indicate that in addition to the City's Municipal Code and Grading Manual, the Project's General Industrial SWPPP will also require permanent erosion control and drainage systems. Please refer to Chapter 3.0, *Corrections and Additions to the Draft EIR*, for this revision.

RESPONSE 6-18

In response to this comment, on page 4.6-10 of the Draft EIR, the following statement will be added under the "Local" section: "Any future development of the site will be subject to the requirements of City Specification 429 Methane District Building Permit Requirements, City Specification 431-92 Soil Clean-Up Standards, City Specifications 422 Oil Well Abandonment Permit Process, other applicable City Specifications and the Huntington Beach Fire Code." Please refer to Chapter 3.0, *Corrections and Additions to the Draft EIR*, for this revision. In addition, it is acknowledged that future development is not part of this EIR and that future development on the Site would be the subject of a separate CEQA environmental review process.

RESPONSE 6-19

In response to this comment, on page 4.6-11 of the Draft EIR, under the section titled "City Specification No. 431-92: Soil Clean-Up Standard," paragraph two, the last sentence will be changed to read as follows: "This extent shall be reported in the Completion Report and submitted to DTSC as the lead oversight agency for the project, for DTSC's review and approval, with a copy to the City. Disclosures to subsequent property owners will be made, as appropriate, in a format approved by DTSC." Also, in the same section, paragraph four (last sentence) will be revised to read as follows, "A remediation plan shall be approved by DTSC as the lead

oversight agency for the project.” Please refer to Chapter 3.0, *Corrections and Additions to the Draft EIR*, for this revision.

RESPONSE 6-20

The Mitigation Monitoring and Reporting program (MMRP) included as Chapter 4.0 in this Final EIR includes additional details regarding diesel particulate filter mitigation. CARB Level 3 diesel particulate filters would reduce DPM emissions by at least 85 percent. Out of the entire remediation equipment fleet used for the Project, 85 percent of this total (based on horsepower-hours) would be equipped with DPFs. The MMRP also identifies the parties responsible for monitoring and verification of PDF implementation.

RESPONSE 6-21

Please refer to Response 6-18. This is the same comment as 6-18.

RESPONSE 6-22

Please refer to Response 6-19. This is the same comment as 6-19.

RESPONSE 6-23

Consistent with this comment, on page 4.7-7 of the Draft EIR, under the section titled “Water Quality Management Plan,” the following bullet point will be added: “Incorporate LID BMPS.” Please refer to Chapter 3.0, *Corrections and Additions to the Draft EIR*, for this revision.

RESPONSE 6-24

The comment is noted. The basins would be designed to comply with applicable percolation/infiltration rate requirements.

RESPONSE 6-25

Consistent with this comment, the introduction to the City’s General Plan on page 4.8-2 and 4.8-3 of the Draft EIR will be modified to indicate the “City’s General Plan/Local Coastal Program.” Please refer to Chapter 3.0, *Corrections and Additions to the Draft EIR*, for this revision.

RESPONSE 6-26

To clarify the potential for commercial uses on the capped Site, Table 4.8-1 of the Draft EIR will be revised. The commenter is correct that commercial uses would not be allowed on the capped Site unless feasibility and compatibility with surrounding uses was determined acceptable through future study and evaluation of any such uses by DTSC, the City of Huntington Beach and/or other agencies, as applicable. The commenter is referred to Topical Response #1 in subsection 2, above, for a discussion of future land uses on the Site following completion of the construction remediation activities. Also, please refer to Chapter 3.0, *Corrections and Additions to the Draft EIR*, for the revisions to Table 4.8-1.

RESPONSE 6-27

Consistent with this comment, the paragraph under the “Huntington Beach Zoning and Subdivision Ordinance” section will be revised to correctly cite the zoning designation as “SP-10-CZ” and indicate that the

future development must also comply with the City's Coastal Zone Overlay requirements. Please refer to Chapter 3.0, *Corrections and Additions to the Draft EIR*, for these revisions.

RESPONSE 6-28

As discussed under the Methodology section in Section 4.8, *Land Use*, of the Draft EIR, the intention of the evaluation of the Project's consistency with regulatory plans is to determine if non-compliance would result in a significant physical impact. Inconsistency, in the absence of a physical impact, is not a significant impact. As concluded in the Land Use section of the Draft EIR, while the implementation of the RAP would not be entirely consistent with all the City's applicable plans and policies relevant to the Site, such inconsistencies were not determined to result in significant adverse physical impacts. Therefore, the less than significant land use impact conclusions do not need to be changed to significant and unavoidable. The commenter is also referred to Topical Response #1 in subsection 2, above, for a discussion of future land uses on the Site following completion of the construction remediation activities.

RESPONSE 6-29

Any future use of the Site would be subject to review and approval by DTSC and the City of Huntington Beach. At that time, the proposed use's compliance with applicable ADA requirements would be reviewed. At this time, since no future uses are being proposed, it would be speculative to comment on ADA requirements of future uses. The proposed cap and associated perimeter access road would be developed in accordance with applicable ADA requirements.

RESPONSE 6-30

At the time the DEIR was drafted, there was no information indicating that signal timing would be infeasible. Since the comment from the City constitutes new information which results in a new impact, a Recirculated Draft EIR was circulated for public review from October 6, 2014, to November 21, 2014. The REIR recirculated Section 4.10, *Traffic and Circulation*, of the 2013 Draft EIR. The revised Section R4.10 includes a revised traffic impact analysis based on a revised traffic study. The revised traffic study eliminated the signal timing modification mitigation measures included in the 2013 Draft EIR.

RESPONSE 6-31

The revised Section R4.10 included in the REIR updated the street classifications identified in this comment based on the City's 2013 Circulation Element.

RESPONSE 6-32

The revised traffic study prepared for the REIR utilizes a capacity of 1,700 for the ICU worksheets.

RESPONSE 6-33

As discussed on page R4.10-18 of the REIR, the revised traffic study prepared for the REIR utilizes the City's 2013 Circulation Element intersection impact criteria for different types of intersections to determine acceptable operations at the study area intersections.

RESPONSE 6-34

Consistent with this comment, the applicable goals and policies from the 2013 Circulation Element are cited in Table R4.10-15 in the REIR (see pages R4.10-63 to R4.10-65 of the REIR).

RESPONSE 6-35

The revised traffic analysis included in Section R4.10 of the REIR is based on the criteria established in the City's 2013 General Plan Circulation Element.

RESPONSE 6-36

Please refer to Response 6-2.

RESPONSE 6-37

Please refer to Response 6-33.

RESPONSE 6-38

Please refer to Response 6-31.

RESPONSE 6-39

The REIR Traffic Study ran sensitivity analysis on the Project intersections by using heavier vehicle truck percentages instead of PCE conversions. The results showed very similar results, and typically the heavier vehicle percentage analysis yielded higher delay. Since both methods are acceptable practice and yield similar results, the project traffic consultant, Fehr & Peers, recommends no further action to be taken.

RESPONSE 6-40

Please refer to Response 6-30.

RESPONSE 6-41

There is an oil production facility consisting of two oil wells on leased property situated on-site along the western perimeter of the project Site, separated from the majority of the Site by chain link fencing. This facility is operated by third parties (South Coast Oil Corporation [SCOC], or its successor) and is not owned, operated, or leased by the RPs. The SCOC site is an active oil producing site. The Project's cap system would not be constructed over SCOC area, although contaminated materials from this area may be remediated as part of, or subsequent to, RAP implementation. Thus, the SCOC wells would not be impacted by the Project.

Also, it is noted that destruction (abandonment) of Well No. 80 near Magnolia Street occurred following a blow-out in 2004. The oil well was properly destroyed (abandoned), and contaminated soils and vegetation were removed and disposed off-site.

There are no existing active oil wells on the Site within the area to be capped by the proposed remediation activities.

RESPONSE 6-42

The Project is the remediation of the Ascon Landfill Site, which by its nature contains contaminated materials. Should any unknown underground pipelines be discovered, they would be reported to the City of Huntington Beach Fire Department.

RESPONSE 6-43

Comment noted.

RESPONSE 6-44

Comment noted.

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Letter No. 7

From: Berney Wiesel [<mailto:bwiesel@socal.rr.com>]

Sent: Saturday, August 31, 2013 10:56 AM

To: Sayed, Safouh@DTSC

Subject: Cleanup Plan for Ascon Landfill

Mr. Sayed:

I would like to add my name to others who feel concerned about the potential impacts of the site at Hamilton/Magnolia.

We have lived on Fleet Lane [just east of Edison High School] since 1976; neighbors here like this area very much, and agree that all efforts should be made to protect the environment.

Thank you for the bulletin. We plan to attend the September 12th meeting.

Sincerely,

Bernard Wiesel

21392 Fleet Lane

Huntington Beach, CA 92646

LETTER NO. 7

Berney Wiesel
21392 Fleet Lane
Huntington Beach, CA 92646
(August 31, 2013)

RESPONSE 7-1

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Draft EIR. Nonetheless, the opinion of the commenter will be part of the record and made available to the decision-makers prior to a final decision on the Project.

Letter No. 8



CALIFORNIA DEPARTMENT OF TOXICS SUBSTANCES CONTROL
EVALUATION SURVEY

Completing this short survey will help the Department of Toxics Substances Control (DTSC) measure and report the level and quality of service provided to you, and to continually improve our performance. Please take a few minutes to rate and comment on the support/service you received by circling the appropriate responses to the following questions:

1) Please share with us information about your most recent contact the Department of Toxic Substances Control (DTSC). Was your contact with DTSC:

- a. Over the phone,
- b. At a meeting,
- c. In writing (You received information from DTSC, or sent correspondence to DTSC),
- ☒ d. Other: Edison HS Public Meeting Sept 12th 2013

2) Please tell us if the information was:

- ☒ a. Presented and shared with consideration and respect
(4) Completely (3) Quite a bit (2) Somewhat (1) Not at all
- ☒ b. Clear and easily understood
(4) Completely (3) Quite a bit (2) Somewhat (1) Not at all

3) Do you feel that:

- a. Your opinions and comments were heard by DTSC
(4) Completely (3) Quite a bit (2) Somewhat (1) Not at all
- b. Your opinions and comments were respectfully considered by DTSC
(4) Completely (3) Quite a bit (2) Somewhat (1) Not at all
- c. If your comments were not used in DTSC's decision-making process, you received a reasonable explanation why not
(4) Completely (3) Quite a bit (2) Somewhat (1) Not at all

4) Do you feel that DTSC:

- a. Provided full and sufficient opportunity for your input and ideas
(4) Completely (3) Quite a bit (2) Somewhat (1) Not at all
- ☒ b. Provided enough information and time about activities to allow you to offer input to DTSC
(4) Completely (3) Quite a bit (2) Somewhat (1) Not at all
- c. Provided a clear explanation for decisions that are made
(4) Completely (3) Quite a bit (2) Somewhat (1) Not at all

If you have suggestions for DTSC, what would they be?

Could DTSC tell the CALIFORNIA COASTAL COMMISSION & City of Huntington Beach NOT to build POSEIDON water pipeline along HAMILTON Avenue (too close to ASCON landfill). Enclosed please find 1 copy of 'Residents for Responsible Desalination' against

Thank you for your feedback. This is an important part of continually improving our service to you!

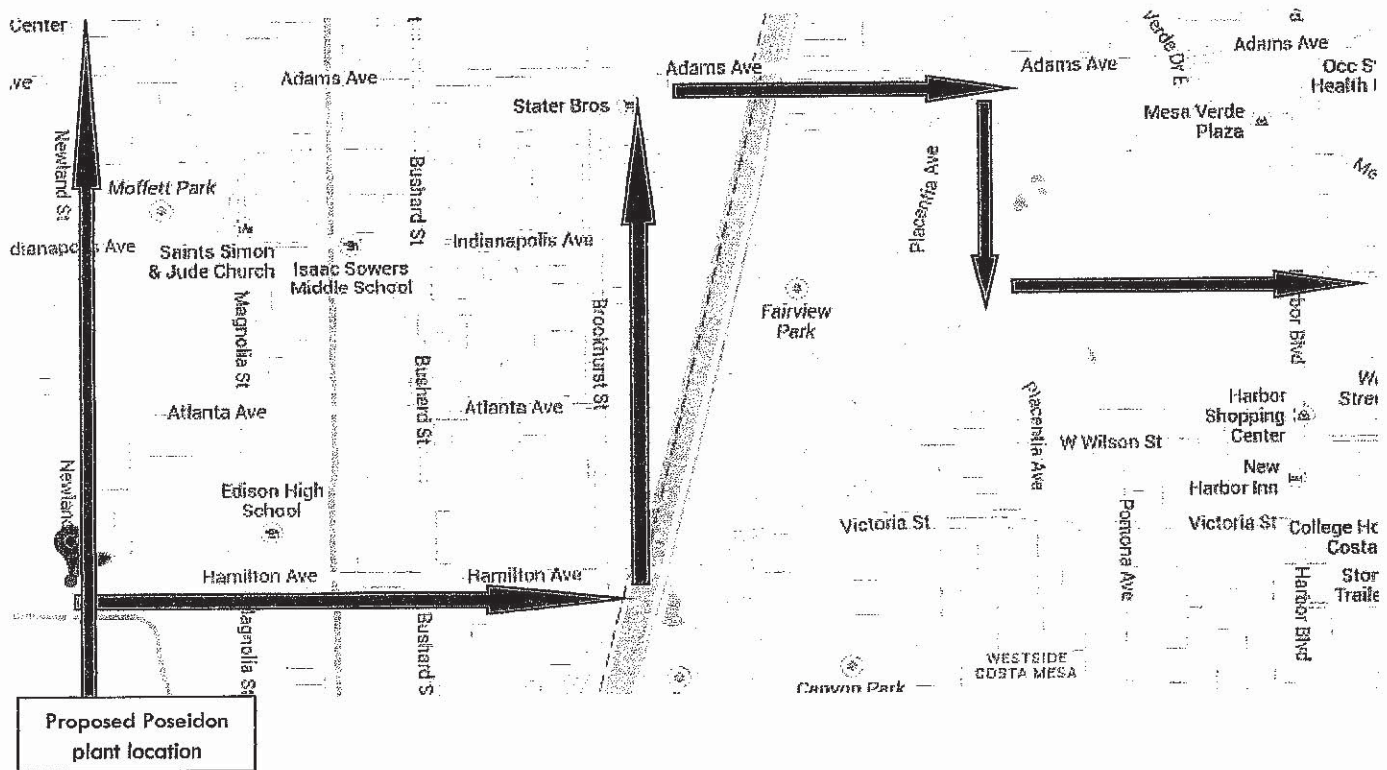
POSEIDON's desalination project.

THANK YOU!

TIEP W. BUI
H. Beach
Resident.

DO YOU SUPPORT YEARS OF UNNECESSARY CONSTRUCTION IN SOUTHEAST HUNTINGTON BEACH?

Did you know that constructing the Poseidon desalination project (estimated to take 2 years) involves building up to 10 miles of transmission pipeline through Southeast Huntington Beach? The arrows show the proposed construction route.



Poseidon's desalination project will:

- Possibly subject homes along the pipeline route to thousands of dollars in damages from construction, deep trenching and dewatering
- Tear up Newland, Hamilton, Brookhurst & Adams for the pipeline to South Orange County
- Add more noise, light and air pollution to our neighborhood from pipeline construction
- Increase everyone's water rates whether we use desalinated water or not
- Provide no guarantee that Huntington Beach will benefit from the project while local residents will bear all the negative effects

What can you do?

- Attend an upcoming neighborhood gathering to learn more about this bad project. To find out when the next meeting is and reserve a spot, call 714-850-1965.
- Sign the online petition to the California Coastal Commission telling them you oppose the desalination plant in Huntington Beach: <http://bit.ly/16eWpki>
- Tell the Orange County Water District NO DEAL at exploreoceandesal@ocwd.com
- Keep track of updates on nowaterdeal.com and [Facebook.com/NoDealWithPoseidon](https://www.facebook.com/NoDealWithPoseidon)

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LETTER NO. 8

Tiep Bui
Address Unknown

RESPONSE 8-1

The commenter provides an opinion against constructing a water pipeline associated with the Poseidon Project along Hamilton Avenue adjacent to the Ascon Site. This comment does not introduce new environmental information or provide specific comments regarding information presented in the Draft EIR. Nonetheless, it is acknowledged that cumulative impacts associated with proposed RAP Project and the Poseidon Desalination Project, including the potential for a water pipeline along Hamilton Avenue, are addressed for each environmental issue area in Chapter 4.0 of the Draft EIR. The commenter is also referred to Response 1-27, above, for a discussion on the potential for impacts associated with constructing a water pipeline along Hamilton Avenue. The opinion of the commenter will be part of the record and made available to the decision-makers prior to a final decision on the Project.



Speaker #
(DTSC Use Only)



**Department of Toxic Substances Control
Ascon Landfill Site Draft RAP & Draft EIR Public Meeting**

- Speaker Request Card -

To speak and ask a public question or comment, please provide your contact information indicated below. When asked, please proceed to the microphone and state and spell your name for the record. Your participation and comments are appreciated.

PLEASE PRINT

Name:

Marty Trifonoff

Address:

20842 Beachwood Lane, Huntington Beach, CA 92646 (714) 961-1106
Provide your questions and comments below:

<input checked="" type="checkbox"/> Question/Comment for Draft RAP	Question/Comment for Draft EIR
I play tennis on the courts at Edison Park - 2hrs. of singles twice a week.	
I also have COPD - I am concerned about breathing these toxins into my lungs.	
How much do I have to worry about?	

LETTER NO. 9

Marty Trifonoff
20842 Beachwood Lane
Huntington Beach, CA 92646

RESPONSE 9-1

Section 4.2, *Air Quality*, and Section 4.6, *Hazards and Hazardous Materials*, of the Draft EIR analyzed acute (1-hour) impacts resulting from excavation activities. Based on the worst-case scenario, 1-hour NO₂ concentrations would exceed significance thresholds at the closest residential and worker receptors adjacent to the Site. However, project-related 1-hour NO₂ concentrations would remain below significance thresholds at Edison High School. With regard to toxic emissions, remediation activities would not result in a significant impact with regard to acute toxic air contaminant (TAC) emissions. 1-hour NO₂ concentrations and acute TAC impacts at the tennis court is unlikely to exceed significance thresholds.

COPD flare-ups may be attributed to other factors not related to the Project. Such flare-up triggers could include cold dry air, hot humid air, tobacco smoke and allergens.⁶ Although remediation activities would result in increased pollutant concentrations in the vicinity, it is uncertain whether these concentrations would cause COPD flare-ups.

⁶ University of Pittsburg Medical Center, *Managing Your COPD: Chronic Obstructive Pulmonary Disease*, (2005) pg. 4.

PUBLIC COMMENT FORM AND MAILING COUPON

**DRAFT REMEDIAL ACTION PLAN AND DRAFT ENVIRONMENTAL IMPACT REPORT
AND 45-DAY PUBLIC COMMENT PERIOD
ASCON LANDFILL SITE, HUNTINGTON BEACH, CA**

You can use this form to send in your written public comments on the draft Remedial Action Plan (RAP) and/or draft Environmental Impact Report (EIR). You may also ask to be added or deleted from the Ascon Landfill site mailing list. If you know of anyone or any organizations that would like to be on the project mailing list, please use this form to notify us. Please address all mailings to: Safouh Sayed, DTSC Project Manager, Department of Toxic Substances Control, 5796 Corporate Avenue, Cypress, CA 90630-4732. You may also e-mail this same information to: Safouh.Sayed@dtsc.ca.gov.

Reminder: All public comments on the draft RAP and/or draft EIR must be postmarked or e-mailed by October 14th, 2013.

NAME: Board of Directors
 AGENCY OR ORGANIZATION (if applicable): Villa Pacific Community Association
 ADDRESS: 9933 Villa Pacific Drive, Huntington Beach CA 92646
 Telephone #: 714) 963-9901

☒ Please add ^{them} me to the Ascon Landfill site mailing list.

☐ Please delete from the Ascon Landfill site mailing list.

Comments:

This is an association of about 290 homes on the
corner of Brookhurst and Hamilton. Theas
board needs to be involved in your discussions.

Thank you,
Dorina Willoughby

DTSC mailings are solely for the purpose of keeping persons informed of DTSC activities. Mailing lists are not routinely released to outside parties. However, they are considered public records and, if requested, may be subject to release.

LETTER NO. 10

Donna Willoughby
Villa Pacific Community Association
9933 Villa Pacific Drive
Huntington Beach, Ca 92646

RESPONSE 10-1

Comment noted. The Villa Park Community Association will be added to the mailing list for the Project.



CALIFORNIA DEPARTMENT OF TOXICS SUBSTANCES CONTROL
EVALUATION SURVEY

Completing this short survey will help the Department of Toxics Substances Control (DTSC) measure and report the level and quality of service provided to you, and to continually improve our performance. Please take a few minutes to rate and comment on the support/service you received by circling the appropriate responses to the following questions:

1) Please share with us information about your most recent contact the Department of Toxic Substances Control (DTSC). Was your contact with DTSC:

- a. Over the phone,
- ☒ b. At a meeting,
- c. In writing (You received information from DTSC, or sent correspondence to DTSC),
- d. Other: _____

2) Please tell us if the information was:

- a. Presented and shared with consideration and respect
(4) Completely (3) Quite a bit (2) Somewhat (1) Not at all
- b. Clear and easily understood
(4) Completely (3) Quite a bit (2) Somewhat (1) Not at all

3) Do you feel that:

- a. Your opinions and comments were heard by DTSC
(4) Completely (3) Quite a bit (2) Somewhat (1) Not at all
- b. Your opinions and comments were respectfully considered by DTSC
(4) Completely (3) Quite a bit (2) Somewhat (1) Not at all
- c. If your comments were not used in DTSC's decision-making process, you received a reasonable explanation why not
(4) Completely (3) Quite a bit (2) Somewhat (1) Not at all

4) Do you feel that DTSC:

- a. Provided full and sufficient opportunity for your input and ideas
(4) Completely (3) Quite a bit (2) Somewhat (1) Not at all
- b. Provided enough information and time about activities to allow you to offer input to DTSC
(4) Completely (3) Quite a bit (2) Somewhat (1) Not at all
- c. Provided a clear explanation for decisions that are made
(4) Completely (3) Quite a bit (2) Somewhat (1) Not at all

If you have suggestions for DTSC, what would they be?

Don't spend hours
lecturing community. Start w community concerns &
questions. We need a community liaison or Attorney. No
one is representing our interests. Work on Public
relations skills & communication.

Thank you for your feedback. This is an important part of continually improving our service to you!

LETTER NO. 11

Name Unknown

RESPONSE 11-1

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Draft EIR. No further response is necessary.

Letter No. 12

From: Craig von Freymann [<mailto:bcd.craig@yahoo.com>]

Sent: Thursday, September 19, 2013 12:17 PM

To: Sayed, Safouh@DTSC

Subject: Ascon Landfill

I am a resident of Huntington Beach and have lived in HB since 1973. I grew up in the Ketler housing development next to Edison Community Center. I have lived with the eysore that is the Ascon Landfill my whole life. While I want it cleaned up ASAP, I strongly oppose the plan put forth at the public meeting held on September 12, 2013. Please do not go forward with the plan as proposed in the meeting, it is totally unacceptable. A much better alternative can and should be found.

12-1

Craig von Freymann

7342 Garfield Ave #D

Huntington Beach, CA 92648

LETTER NO. 12

Craig Von Freymann
7342 Garfield Avenue, #D
Huntington Beach, CA 92648
(September 19, 2013)

RESPONSE 12-1

This comment provides general opposition to the Project as proposed. The commenter suggests that alternatives to the Project should be evaluated. The commenter is referred to Chapter 5.0, *Alternatives*, in the Draft EIR for an evaluation of the alternatives to the Project considered as part of the Draft EIR, which include a “full” clean-up alternative (see Alternative 2 in the Draft EIR). The commenter is also referred to Topical Response #2, above, for a discussion of DTSC’s rationale for the proposed remediation activities. The opinion of the commenter will be part of the record and made available to the decision-makers prior to a final decision on the Project.

Letter No. 13

From: Elizabeth McKirachan
mckirachan@juno.com [<mailto:mckirachan@juno.com>]
Sent: Tuesday, October 01, 2013 12:10 PM
To: Sayed, Safouh@DTSC
Cc: Lear, Stacey@DTSC; mckirachan@juno.com
Subject: ASCON Comment & mailing list

PUBLIC COMMENT FORM AND MAILING COUPON DRAFT REMEDIAL ACTION PLAN AND DRAFT ENVIRONMENTAL IMPACT REPORT AND 45-DAY PUBLIC COMMENT PERIOD ASCON LANDFILL SITE, HUNTINGTON BEACH, CA

You can use this form to send in your written public comments on the draft Remedial Action Plan (RAP) and/or draft Environmental Impact Report (EIR). You may also ask to be added or deleted from the Ascon Landfill site mailing list. If you know of anyone or any organizations that would like to be on the project mailing list, please use this form to notify us. Please address all mailings to: Safouh Sayed, DTSC Project Manager, Department of Toxic Substances Control, 5796 Corporate Avenue, Cypress, CA 90630-4732. You may also e-mail this same information to: Safouh.Sayed@dtsc.ca.gov

Reminder: All public comments on the draft RAP and/or draft EIR must be postmarked or e-mailed by October 14th, 2013.

NAME: Elizabeth McKirachan
AGENCY OR ORGANIZATION (if applicable): NA
ADDRESS: 22032 Malibu Lane

☒ Please add me to the Ascon Landfill site mailing list.
☐ Please delete from the Ascon Landfill site mailing list.

Comments: I would like to know the "planned" schedule of clean up at least 60 days prior to clean up operations. I would also like the planned schedule "window" of clean up operations, where sludge or other materials are being removed from the site. If there are any minutes from the last meeting 9/12/13 at Edison High school, please see the link.

13-1

DTSC mailings are solely for the purpose of keeping persons informed of DTSC activities. Mailing lists are not routinely released to outside parties. However, they are considered public records and, if requested, may be subject to release.

LETTER NO. 13

Elizabeth McKirachan
22032 Malibu Lane
(October 1, 2013)

RESPONSE 13-1

This comment requests that the planned schedule for clean-up activities be provided at least 60 days prior to Project implementation. DTSC will provide notice of the clean-up activities to residents within a ½ -mile radius from the Site at least 60 days prior to the start of remediation activities. In addition, those who are on the mailing list for the Project will receive the notice.

Letter No. 14

From: Jordan Cooper [<mailto:lidoshuffle@speakeasy.net>]
Sent: Tuesday, October 08, 2013 4:44 PM
To: Sayed, Safouh@DTSC
Subject: Ascon Landfill - prefer Alternative 1

Dear Mr. Sayed,

I have lived in Huntington Beach for over 20 years, in the vicinity of the ASCON Landfill Site (which we used to call the NESI site). I am writing to express my disapproval of the current Remedial Action Plan (RAP) for cleanup of the site.

The myriad environmental and quality of life reasons previously expressed by other residents and interested parties, I ask the DTSC to adopt Alternative 1 (Alt 1) - No Action (leaving the Site in its current condition) until a better and more comprehensive cleanup plan is drafted and approved. In addition to the waste hazard that will remain if the current RAP is implemented, the welfare of the wildlife in the area has not been adequately considered, and the potentially devastating effects on the wetlands, nesting birds and other animals are not acceptable.

I will only support cleanup action that includes a more thoughtful, thorough, and humane plan for the wetlands and the wildlife in the area.

Sincerely;

Jordan Cooper
20242 Eastwood Cir
Huntington Beach, CA 92646

14-1

LETTER NO. 14

Jordan Cooper
20242 Eastwood Circle
Huntington Beach, CA 92646
(October 1, 2013)

RESPONSE 14-1

This comment provides general opposition to the Project and supports the No Action Alternative until a revised Project is drafted and approved. The opinion of the commenter will be part of the record and made available to the decision-makers prior to a final decision on the Project.

The comment also indicates that impacts to biological resources have not been adequately considered. The commenter is referred to Section 4.3, *Biological Resources*, in the Draft EIR for a comprehensive evaluation of impacts to biological resources, including impacts to wildlife, wetlands and nesting birds. As concluded therein, with implementation of the prescribed mitigation measures, impacts to biological resources would be less than significant.

Letter No. 15

From: Geri von Freymann gvf2012@gmail.com

Date sent: 10/08/2013 11:14 am

Subject: Re: Request for Assistance

I have been a homeowner in this community since 1973. The area at the southwest corner of Magnolia/Hamilton (38 acres) known as Ascon Landfill had been used from 1938-1984 by various oil companies as a dump for sludge and other waste including old equipment. The land was sold, in 1994 a clean-up started. That revealed toxic materials. The State Department of Toxic Substances got involved. A new clean-up has begun and on 9/12/13, a public meeting was held by DTSC. After 2 1/2 hours, it was clear that many issues were not yet fully developed: consequences of earthquake, el nino rains, long term health impact, effect on coastal habit abutting landfill, impact on native wildlife, liquefaction. The answers to these questions were. "we do not have that information at this time." Therefore, the concerned local citizens request help to have the public comment period extended beyond 10/4/13 so we may be fully informed about the ultimate impact on our community. Thank you for your concern for the citizens of California

15-1

LETTER NO. 15

Geri Von Freymann
(October 8, 2013)

RESPONSE 15-1

This comment references to issues that were raised and not answered during the public meeting held on September 12, 2013, at Edison High School and called for an extension for the public comment period. This Chapter of the Final EIR provides formal responses that have been provided by DTSC to address all comments raised at the public hearing. Formal responses to all public hearing comments are addressed in Responses 1-1 to 1-51, above. As discussed therein, all environmental comments pertaining to the potential for geologic, long-term health risk exposure and biological resources were provided a formal response. Each of these issues was also comprehensively evaluated in the Draft EIR. The commenter is referred to the following sections in the Draft EIR: Section 4.3, *Biological Resources*, for an analysis of impacts to biological resources; Section 4.4, *Geology and Soils*, for an analysis of geologic impacts, including liquefaction impacts; and Section 4.6, *Hazards and Hazardous Materials*, for an analysis of long-term health risk impacts. As concluded in each of these sections, impacts for each of these environmental issue areas would be less than significant after implementation of the proposed project design features (PDFs) and the mitigation measures prescribed in the Draft EIR, where applicable.

Letter No. 16

From: Stacey Murray [<mailto:staceymurray@yahoo.com>]

Sent: Tuesday, October 08, 2013 9:29 AM

To: Sayed, Safouh@DTSC

Subject: Ascon Landfill - support for Alternative 1

Dear Mr. Sayed,

Huntington Beach is my hometown, and on behalf of my family and friends here I am writing to express my disapproval of the current Remedial Action Plan (RAP) for cleanup of the ASCON Landfill Site.

For multiple environmental and quality of life reasons previously expressed by other residents and interested parties, I urge DTSC to adopt Alternative 1 (Alt 1) - No Action (leaving the Site in its current condition) until a better and more comprehensive cleanup plan is drafted and approved. In addition to the waste hazard that will remain if the current RAP is implemented, the welfare of the wildlife in the area has not been adequately considered, and the potentially devastating effects on the wetlands, nesting birds, coyotes, and other animals are not acceptable.

Similarly, I will not support any future cleanup action that does not include a more thoughtful, thorough, and humane plan for the wetlands and the wildlife in the area.

Thank you for your time and consideration.

Stacey Murray
949-929-2896

LETTER NO. 16

Stacey Murray
(October 8, 2013)

RESPONSE 16-1

This comment provides general opposition to the Project and supports the No Action Alternative until a revised Project is drafted and approved. The opinion of the commenter will be part of the record and made available to the decision-makers prior to a final decision on the Project.

The comment also indicates that impacts to biological resources have not been adequately considered. The commenter is referred to Section 4.3, *Biological Resources*, in the Draft EIR for a comprehensive evaluation of impacts to biological resources, including impacts to wildlife, wetlands and nesting birds. As concluded therein, with implementation of the prescribed mitigation measures, impacts to biological resources would be less than significant.

GEORGE E. AND CHARLOTTE A. MASON
21641 Bahama Lane
Huntington Beach, CA 92646
714-964-1457
gem325@socal.rr.com

October 10, 2013

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

Re: Ascon Landfill RAP

Dear Sir:

We have reviewed the Ascon Landfill Draft EIR dated 1 August 2013 and the Draft RAP dated 20 August 2013, and we offer the following comments.

1. EIR Page 2-39: The active vapor treatment system would be discontinued after a two week startup period, but no requirements for active automated monitoring and restart of the system are mentioned. It would seem that the most reasonable procedure for protection of the surrounding residential areas and school sites would be to have the vapor treatment system activate automatically as soon as soil gas is detected rather than waiting for a local citizen complaint or relying on a periodic site inspection. It is not stated whether the vapor treatment system will include a powered vacuum system or an unpowered natural ventilation system. 17-1
2. EIR Page 2-39: The storm water retention basins should be designed in such a way that standing water does not remain in the basins to prevent mosquito infestations. To insure complete drainage, the bottom of the retention basins should be above the level of the City's storm water system or an automated mechanical means (such as pump and controller) of emptying the basins should be provided. 17-2
3. Page 2-49, PDF 7-2: Leaving the retention basins unlined likely will not enable percolation since the site is sitting over a clay base, hence no previous percolation into the groundwater of toxic liquids. It would seem more reasonable to line the retention basins to prevent exposure of the vapor collection layer and the biotic layer of the cap where they intersect the sides of the basins. 17-3

4. Page 3-2, Table 3-1, Related Projects List: It is noted that the planned demolition and reconstruction of the AES Generating Station at Pacific Coast Highway and Newland Street is not listed as a Related Project. This should be reexamined since there have been a number of meetings between the City and AES concerning scheduling for several major demolition and reconstruction projects as the generating station undergoes modernization (including removal of all existing steam and power generators and smoke stacks, replacement with more efficient and cleaner natural gas generators, and conversion from seawater cooling to air cooling) over the next several years. If this project starts before completion of the Ascon Landfill remediation, the additional traffic and noise impacts could be very disruptive since the generating station is located immediately adjacent to both the incoming and outgoing truck routes and is within 0.25 miles of the Ascon site perimeter.

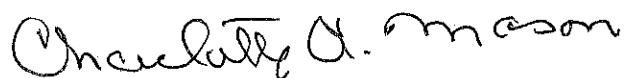
17-4

5. Page 4.3-17, Impact 4.3-2: The logical conservancy group with nearby interests in the City's Coastal Zone is the non-profit Huntington Beach Wetlands Conservancy, 21900 Pacific Coast Highway, Huntington Beach. This privately owned, public serving ecological site is immediately adjacent to and directly across the Huntington Beach Channel from the Ascon site. Were this conservancy group to be provided the in-lieu mitigation fee funds DTSC will receive to allow removal of all on-site disturbed coastal salt marsh, the funds would undoubtedly be used by the Wetlands Conservancy for the purpose intended to reduce this potentially significant impact.

17-5

Sincerely,


George E. Mason


Charlotte A. Mason

LETTER NO. 17

George E. Mason and Charlotte A. Mason
21641 Bahama Lane
Huntington Beach, CA 92646
(October 10, 2013)

RESPONSE 17-1

The vapor treatment system will be constructed and operated per the SCAQMD's PTC/PTO that will be obtained for the system. The efficiency and need for the active vapor treatment system, which uses a blower to actively pull landfill gases, if any, to the treatment system, will be reviewed prior to switching to a passive system, a system that allows the contained landfill gases to migrate to the treatment system using diurnal pressure gradients, or eliminating the vapor extraction and treatment system altogether if not necessary. If it is determined that a passive system would be effective in controlling emissions, the active vapor system will be switched off. The passive vapor treatment system will not be powered, but treatment of landfill gases collecting within the vapor collection system migrating to the vapor treatment system would continue prior to discharge.

RESPONSE 17-2

The Site's drainage system is described in Chapter 2.0, *Project Description*, and Section 4.7, *Water Quality*, of the Draft EIR. As summarized therein, rainfall would be collected via an on-site stormwater collection system. The remediated Site, including the stormwater facilities, would be maintained by the RPs, with DTSC oversight. Per PDF 7-2, plans for the stormwater collection system would be submitted with the remedial design to DTSC, the lead oversight agency for the Project, for DTSC's review and approval. The plans for the stormwater collection system would also be submitted to the City of Huntington Beach Department of Public Works for their review and approval, as required. The stormwater collection system would be designed to divert rainfall from the Site surface to two on-site, unlined earthen detention basins (not concrete lined) in uncapped areas of native or imported soils to allow percolation. As such, standing water should not remain for extended periods of time. The system would be in compliance with the General Industrial National Pollutant Discharge Elimination System (NPDES) Permit with the California State Water Resources Control Board (SWRCB) and the Site's Industrial SWPPP. It is anticipated that excess stormwater would be discharged from the on-site detention basins to the City's storm drain system in a manner similar to existing practices. However, unlike existing conditions, the discharged runoff would not have the potential to come into contact with the Site's contaminated materials.

The opinion of the commenter to provide a mechanical means of pumping water out of the basins, if needed, will be part of the record and made available to the decision-makers prior to a final decision on the Project. For the commenter's information, the Site has been and is presently inspected by Orange County Vector Control District inspectors, upon their request, and they have confirmed that the Site, including standing water onsite, does not harbor mosquitoes.

RESPONSE 17-3

As discussed Chapter 2.0, *Project Description*, and Section 4.7, *Water Quality*, of the Draft EIR, runoff from the capped areas of the Site would be collected in the system of v-ditches and/or swales and directed to the on-

site detention basins, in which contaminated materials would be excavated to at least street level and, if necessary, to a depth achieving the applicable Risk-based Concentrations (RBCs) (see Table 4-1 in the Draft RAP), background concentrations, or until groundwater is reached. During storm events, some runoff would percolate into the soils beneath the basins, with excess runoff, if any, allowed to flow into the City's drainage system per the Site's Industrial SWPPP. It is anticipated that storm water would be discharged from the on-site detention basins to the City's storm drain system in a manner similar to existing practices. The detention basins will be located outside of the cap, and therefore, stormwater runoff would not adversely impact the function of the vapor collection layer and the biotic layer of the cap.

RESPONSE 17-4

The Huntington Beach Energy Project (AES) (or the "Power Plant") was included in the list of related projects analyzed as part of the REIR traffic analysis. The project is listed as Item 18 in Appendix D of the REIR Traffic Study (Revised Appendix G in the REIR). Thus, the REIR revised Sections R4.9, *Noise*, and R4.10, *Traffic and Circulation*, include impacts associated with the AES Project.

RESPONSE 17-5

The Huntington Beach Wetlands Conservancy Group will be considered for the in-lieu payment fees regarding impacts to the disturbed coastal salt marsh. Also, the Wetlands Conservancy has provided a comment letter citing their interest in the Project (see Responses 5-2 and 5-3, above). The opinion of the commenter will be part of the record and made available to the decision-makers prior to a final decision on the Project.

Letter No. 18

From: Amy Von Freymann

AmyBrooke47@aol.com [<mailto:AmyBrooke47@aol.com>]

Sent: Sunday, October 13, 2013 9:31 PM

To: Sayed, Safouh@DTSC

Cc: Lear, Stacey@DTSC

Subject: Public comment on draft RAP and draft EIR for Ascon Landfill Site

Mr. Sayed,

I have been disheartened by everything I have heard and read regarding the Proposed Cleanup Plan and Draft Environmental Impact Report for the Ascon Landfill site. California should lead the way in environmental practice and standards. This partial cleanup falls way short of that. And asks only that the community compromise.

18-1

We have been told many times that the site poses no immediate health risk. Why then should we have to settle for a partial cleanup? And why now? What is the sudden rush after decades of inaction? Why not leave the site alone until a full cleanup can be achieved? We have waited so long and this is our one shot. I feel we are being cheated.

None of the most important questions were answered at the meeting. How can you ask any rational person to support a decision while denying them the most vital information? Especially when the health and well being of themselves and their loved ones are at stake.

18-2

This is our neighborhood. In our city. And all of our Earth. In my recording of the evening (September 12th) you often seem to be saying; Don't worry about the future.

A very big concern of many residents is the wisdom of building on top of this questionable structure. You used your place on the dais to state "...They (RP) are not even thinking of building...They are only focussed on the cleanup..." And variations of this sentiment. I feel that was irresponsible. It is not your place to speculate on future uses of the land. It is not for you to imply, infer or in anyway mislead the community. It is only appropriate for you to convey clearly and concisely the facts. You should inform the public of the minuscule "sensitive use" restrictions. But you should not abuse your position and guide people into other unsupported conclusions.

18-3

In fact there is no contractual or other agreement from the RP deeming the land a dedicated open space. Or anything remotely close to that. And yet some community members left the meeting feeling reassured that there will be no future construction on the cap. In reviewing my recording I can see why they became confused. And they will feel lied to.

The truth is that barring minor restrictions the land owners can (and certainly will) build there themselves. Or they will sell/lease to currently unknown other parties. How could you possibly know the outcome then? The bottom line is that there is no legal agreement of any kind prohibiting further development on the "cleaned up" site. To provide reassurance to the contrary is patently false.

18-3
(cont.)

And what about digging enormous trenches along Hamilton and the other massive construction needed for Poseidon? How safe and secure is the cap then? November marks another meeting that could determine moving the Poseidon project forward. But that is next month. The future. And you do not want us to think about that.

18-4

That exact lack of foresight and critical thinking is how a toxic dump site came to be situated right by a high school, two elementary schools and a park. Steps away from a fire station and so many homes. By not thinking about the future. With poor planning and bad decisions capping it off. Let us not repeat the same mistakes twice. It is 2013!

18-5

There is serious concern about the long term security of the cap. Also it's degradation in both routine and extreme weather. And the potential compromising of the cap's integrity by building on top, around or into it.

18-6

I do not feel you have properly addressed the environmental impact on the fragile wetlands and our beautiful beach. Speaking of the beach...It is so important to this town's identity that we have included it in our name. And our nickname (Surf City). We cannot afford to risk our greatest asset. It is a source of joy and pride to all who live here and the many, many who visit daily.

18-7

This toxic rug sweep gives renewed vigor and a literal representation to the horrible notion that while Orange County is a beautiful place on the surface it is in fact poisoned underneath.

18-8

Please do not proceed as planned. I request a full cleanup. We deserve that. And we can wait a little longer to achieve that goal if necessary.

Thank you for your time,
Amy Von Freymann
(323) 528-3787

LETTER NO. 18

Amy Von Freymann
(October 13, 2013)

RESPONSE 18-1

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Draft EIR. This comment provides general opposition to the Project and supports the No Action Alternative until a revised Project is drafted and approved. The commenter suggests that alternatives to the Project should be evaluated. The commenter is referred to Chapter 5.0, *Alternatives*, in the Draft EIR for an evaluation of the alternatives to the Project considered as part of the Draft EIR, which include a “full” clean-up alternative (see Alternative 2 in the Draft EIR). The commenter is also referred to Topical Response #2, above, for a discussion of DTSC’s rationale for the proposed remediation activities. The opinion of the commenter will be part of the record and made available to the decision-makers prior to a final decision on the Project.

RESPONSE 18-2

This comment references to issues that were raised and not answered during the public meeting held on September 12, 2013, at Edison High School. As part of section of the Draft EIR, formal responses have been provided by DTSC to address all comments raised at the public hearing. Formal responses to all public hearing comments are addressed in Responses 1-1 to 1-51, above.

RESPONSE 18-3

This comment raises concerns about the uncertainty of future uses of the Site, whether such uses are for open space purposes or other developed uses. The commenter is referred to Topical Response #1 in subsection 2, above, for a discussion of future land uses on the Site following completion of the construction remediation activities. Also, the commenter is referred to Response 1-49 for a discussion of liability for future owners of the Site.

RESPONSE 18-4

Cumulative impacts associated with proposed RAP Project and the Poseidon Desalination Project, including the potential for a water pipeline along Hamilton Avenue, are addressed for each environmental issue area in Chapter 4.0 of the Draft EIR. The commenter is also referred to Response No. 1-27 above, for a discussion on the potential for impacts associated with constructing a water pipeline along Hamilton Avenue as part of the Poseidon Desalination Project. The stability of the cap would be established as part of the geotechnical evaluation for the cap system that will be part of the remedial design for the Project that DTSC will review and approve, as referenced in PDF 4-1 (refer to Section 4.4, *Geology and Soils*, in the Draft EIR). The cap would further be separated from the right-of-way where any future pipelines could be constructed by the Site’s perimeter access road which would not be capped. For these reasons, the cap would be stable. Regardless, should a future pipeline be constructed along Hamilton Avenue, the environmental evaluation conducted for the pipeline project would require future study and analysis to ensure that no impacts to the cap system occur.

RESPONSE 18-5

The Ascon Landfill Site was operating as a waste facility during the late 1930s through the mid-1980s. The adjacent residential uses were built in the 1960s, and Edison High School was built in the late 1960s. Thus, the Ascon Site was in operation prior to both to development of the High School and the adjacent residential uses, as well as the nearby fire station.

RESPONSE 18-6

The comment raises concerns about security and overall stability of the protective cap. The commenter is referred to Section 4.4, *Geology and Soils*, in the Draft EIR for a discussion of geologic-related and stability impacts. Per PDF 4-1, a site specific evaluation as part of the Project's remedial design would be conducted prior to construction of the protective cap. As part of that evaluation, the potential for geotechnical hazards to impact the cap would be determined with appropriate design measures recommended to ensure such impacts are less than significant. Please also refer to Response 1-18 above for further discussion of potential seismic hazards and associated impacts to the protective cap. In addition, the RPs will prepare and submit an Operations and Maintenance (O&M) Plan to DTSC for DTSC's review and approval that will outline the long-term monitoring and maintenance activities that will be conducted at the Site following the remediation activities. Should weather impacts be identified during long-term monitoring, appropriate maintenance activities would be identified with the RPs paying all necessary costs to rectify such impacts.

This comment also references effects of the cap from future land uses, buildings, etc. on the cap. The commenter is referred to Topical Response #1 in subsection 2, above, for a discussion of future land uses on the Site following completion of the construction remediation activities.

RESPONSE 18-7

The commenter is referred to Section 4.3, *Biological Resources*, in the Draft EIR for an analysis of impacts to wetlands. As concluded therein, impacts to wetlands would be less than significant. Also, the Project would have no direct impacts to Huntington State Beach. Further, impacts regarding groundwater are addressed in Section 4.7, *Water Quality*, of the Draft EIR. As evaluated therein, no significant indirect impacts to the beach have been identified in the Draft EIR.

RESPONSE 18-8

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Draft EIR. This comment provides general opposition to the Project as proposed and support for the full clean-up of the Site (Alternative 2 in the Draft EIR). The opinion of the commenter will be part of the record and made available to the decision-makers prior to a final decision on the Project. The commenter is also referred to Topical Response #2, above, for a discussion of DTSC's rationale for the proposed remediation activities.

Letter No. 19

October 14, 2013

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

COMMENTS ON PROPOSED CLEANUP PLAN AND DRAFT ENVIRONMENTAL IMPACT REPORT FOR ASCON LANDFILL SITE

Dear Mr. Safouh:

In the interests of disclosure, since the Department of Toxic Substances Control's (DTSC) Office of Legal Counsel (OLC) has indicated to me that it does not wholly subscribe to allowing me unabridged First Amendment rights, I hereby disclose that I work in the Brownfields and Environmental Restoration Program (BERP) at Chatsworth. However, this letter to you is written as a member of the concerned public not as a State of California employee.

19-1

CITY OF HUNTINGTON BEACH

- Did Ascon ever hold any permits of any kind from the City of Huntington Beach (City)?
- Did Ascon get annexed by the City after it has ceased taking waste? If so, why is anyone but the City paying to fix the problem? Is the City just sitting back and waiting for USEPA and DTSC to do all the work? have they even spent money for the CEQA work?
- Did waste from the City ever get directed to this former landfill?
- If so, is the City being treated as a Responsible Party? If not, why not?
- How much property tax or fees has the City garnered in aggregate from Ascon?

19-2

AREA OF CONSOLIDATION (AOC)

- The 2003 Imminent and Substantial Endangerment Determination and Consent Order ("I&E Order") states in 2.4.10 that the RI Report "...estimated the total post-excavation volume of waste material and contaminated soil to be approximately 750,000 to 840,000 cubic yards." An EIR Fact Sheet states that about 100,000 tons of material "...was successfully removed during the IRM activity." How many cubic yards was this? The August 2013 Community Notice states that "The draft RAP,

19-3

as recommended by DTSC in the draft EIR, proposes excavation and off-site disposal of up to about 32,000 cubic yards....of landfill materials..." It further states that the rest is to be handled by "... consolidation of the remaining materials, and installation of a protective cap to cover landfill materials considered safe to remain encapsulated on-site." So, perhaps some 800, 000 cubic yards of waste is to be "encapsulated" on-site as an AOC and this will meet DTSC's remediation goals? Ridiculous.

19-3
(cont.)

- The "I&E Order" specified in *Remedial Action Objectives* 5.1.2(b) that "Remedial objectives for contaminated media shall be developed consistent with the intended future land uses at the Site. Pursuant to the City of Huntington Beach's Magnolia Pacific Specific Plan, the Site is zoned for residential use. Therefore, remedial action objectives for contaminated media shall be developed to meet an unrestricted land use." Use of this AOC in the RAP does not meet this element of the order.

19-4

- The "I&E Order" specified in *Remedial Action Objectives* 5.1.2(a) that "Existing and potential beneficial uses of groundwater shall be protected." and that these are identified as "...Municipal and Domestic Supply." Despite issues with "...regional groundwater in the vicinity." The remedial action objectives for this Site were to be "...developed with groundwater remediation standards which are protective of public health and safety, the environment, and the designated beneficial uses." An alternative cover design does not meet these objectives. It allows continuing threat of discharge to ground water.

19-5

CONSISTENCY WITH NCP

- Paragraph 5.1, requires consistency with the NCP and State Law. It is believed that this RAP is inconsistent with the NCP. An overall Site investigation and remediation strategy shall be developed by Respondents in conjunction with DTSC which reflects overall program goals, objectives, and requirements, and is consistent with 40 CFR Section 300.400 *et seq.*, as amended, and applicable state law and regulations. Knowledge of the Site contamination sources, exposure pathways, and receptors shall be used in developing this strategy. The application of the criteria has been skewed to give the outcome of an AOC being the most effective longterm and permanent remedy. The only legitimate criterion is cost---excatly what drives this selected remedy.
- H&SC 25356.1.5(a) states that "Any response action taken or approved pursuant to this chapter shall be based upon, and no less stringent than, all of the following requirements:" First among those are the requirements established under federal regulations pursuant to the NCP. Funny that DTSC's action is less stringent, e.g. where is the assurance of financial responsibility (AFR) for this unpermitted toxic waste landfill?

19-6

19-7

- Let's take for instance H&SC 25355.2(a) which states that "...the department or the regional board shall require any responsible party who is required to comply with operation and maintenance requirements as part of a responses action, to demonstrate and to maintain financial assurance in accordance with this section." There isn't any mention of AFR in the CEQA documents or the RAP. It is somehow missing from the balancing criteria evaluation and from the costs. H&SC 25355.2(a) goes on to say that "The responsible party shall demonstrate financial assurance prior to the time that operation and maintenance activities are initiated..." Shouldn't the DTSC be making it clear to the public now that it will ask for this money as soon as the unpermitted toxic landfill is constructed-----before the finish grading of the project as a whole. There are also costs to maintaining the institutional controls etc., that need to be calculated and paid for by the RP Group---not the taxpayer.

19-8

- In addition to the foregoing, H&SC 25355.2(a) goes on to say that "...and shall maintain it throughout the period of time necessary to complete all required operation and maintenance activities." Well, this brings us to the 24 million dollar question, just when does the DTSC believe that no more O&M will be necessary? When will the buried toxic materials cease to be toxic and a threat to human health and the environment such that no O&M is necessary? Does lead, for example, cease to be toxic after 30-years? Does it miraculously transform or vanish? Clearly the DTSC has weighted the scales on the evaluation criteria to favor the selected alternative by limiting the costs to 30-years. It in fact is kicking the can down the road in defiance of the NCP. The RP Groups O&M responsibilities must be designed to ensure that the remedy remains protective of human health and the environment for as long as the buried lead remains toxic----a long time. U.S. EPA recognizes that this may be a long, long, long, time. U.S. EPA's May 2001, "Operation and Maintenance in the Superfund Program" (OSWER 9200.1-37FS or EPA 540-F-01-004 states, in response to the question "When is O&M complete", that "In some cases, the State or PRP may have to perform O&M indefinitely for remedies that contain wastes on-site, or include institutional controls." Note per U.S. EPA's checklist of O&M considerations, the O&M activities must be specified for each screened alternative requiring O&M and the costs estimated for **ALL** O&M activities. The DTSC cannot preferentially shorten the O&M from "indefinite" to 30 years unless it can show that the threat has somehow dissipated. If the County is covertly relying on a "balloon payment" after 30 years-----such as another remedy is to be applied ----maybe removal at the end of 30 years to be paid by the taxpayers --- that must be disclosed now and the "balloon costs" included or that 30-year time must be extended and the balancing criteria adjusted. With an indefinite O&M cost, the selected alternative will not look so good. Both capital costs and O&M costs in combination are used in the balancing criteria. In reiteration, U.S.EPA states in OSWER 9200.1-37FS, its guide "encourages the use of realistic time frames rather than

19-9

assuming O&M continues for 30 years.” It further states that “For O&M time frames longer than 30 years, a “no ‘discounting scenario’ should be included”. I think the buried toxic waste at this place is going to be around for longer than 30 years----don’t you? U.S. EPA also recognizes that “...the O&M for a certain type of waste containment cell may be more costly than a treatment alternative in the long run....” Let’s try the long run being many years past the 30 that the DTSC uses here-----unless it has a rabbit up its sleeve???

19-9
(cont.)

- H&SC 25356.1.5(a)(2) states that another requirement are the “..regulations established pursuant to Division 7 (commencing with Section 13000) of the Water Code, all applicable water quality control plans...” It would appear that in the selection of a groundwater monitoring program to deal with the threat of waste discharge to the waters of the State, that the DTSC has tacitly said that discharge is OK until it is detected in the water. The DTSC is supposed to PREVENT discharge not discover it after the fact. Vadose monitoring, required at permitted toxic waste landfills, must be included in the mitigations and the monitoring plan as well as the cost analysis. As the RAP and CEQA documents now read, the DTSC apparently is de facto granting a waste discharge permit-----the sole province of the RWQCB--- to the RP----until waste is detected in the water-----probably well past that given past performance at DTSC.

19-10

- The total costs for the on-site disposal of toxic hazardous waste in the preferred alternative is a a bargain! The O&M costs are likely to be more if all the appropriate cost elements are included and the “landfill” designed and build adequate to meet the appropriate standards. The off-site disposal seems to be much greater. I spent a great deal of time with BKK on their post-closure AFR and found that we allowed them to underestimate by a factor of three for 30 years-----the State now having taken over the post-closure care of that landfill. I think the costs have been underestimated. Let’s say we take 300 years of care----Stringfellow looks to be 450 years or more for other reasons---but for grins let’s do it. Even with insufficient O&M being proposed as a starting place and without the inflation adjustment, this would be many millions. Although, the total is still less than the calcs on the removal/proper disposal, a larger number should be used to start and inflation applied as required. Note, also that this whole AFR business that you must consider is subject to a regulatory annual inflation factor that doesn’t seem to have been included-----even for 30 years this could be significant. Get all of the O&M costs into the estimate and extend the time out beyond 30 years. Redo the estimate and re-notice.

19-11

AIRBORNE EMISSIONS AND DEPOSITION/ACCUMULATION

- Ambient air monitoring alone is an inadequate monitoring response with respect to emissions from the Ascon cleanup. Specifically, deposition and accumulation of airborne emissions is a major pathway to public exposure that DTSC is aware of but neglects, even at its most dangerous emitting sites such the Exide or Quemetco secondary lead smelters in Los Angeles. Ascon Settling Parties need to be required to provide a program of deposition monitoring in outside the facility boundaries. Please note that deposition and accumulation of airborne lead emissions has been found 360° around the above-cited lead smelters so that even ambient air monitoring may not produce adequate representation.

19-12

Thank you for your consideration.

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LETTER NO. 19

Phillip B. Chandler
4501 W. Channel Islands Blvd., #86
Oxnard, CA 93035
(October 14, 2013)

RESPONSE 19-1

Comment noted.

RESPONSE 19-2

This comment includes five bullet points, to which the following responses are provided. First, with regards to bullet point No. 1, dating back to Site's early operating years, the Ascon Landfill owners obtained a business license from the City to operate the landfill facility. More recently, the Site owners and/or its representatives have also obtained Coastal Development Permits, grading permits and encroachment permits from the City to cover work under the Emergency Action (2005-2006), Interim Removal Measure (IRM) (2010-2011), and the Site's groundwater monitoring and sampling program (as part of the Groundwater Remedial Investigation and subsequent interim groundwater monitoring program). Regarding the 2nd bullet point, the landfill Site was within the City's boundaries upon the Site first accepting waste materials in the late 1930s. Thus, the Site did not get annexed after it initially accepted waste materials. The Responsible Parties are paying the full costs for the proposed remediation activities at the Site, including paying for DTSC's oversight costs. Thus, DTSC and City of Huntington Beach will not be paying for the remediation costs. Regarding the 3rd and 4th bullet points, the City has not been identified as an entity that directed waste to the landfill. Thus, the City has not been identified as a Responsible Party. Finally, with regards to the 5th bullet point, the City has not garnered aggregate fees for past operations at the Site. While property tax money may have been collected by the City, there is no readily available information on the history of such fees. Regardless, any such figure is not applicable to the scope and content of the Draft EIR.

RESPONSE 19-3

After the IRM removal of approximately 70,000 cubic yards and the Project's removal, approximately one million cubic yards of remaining impacted soils and waste materials will be capped over.

The RAP developed for the Site includes numerous goals for the remediation activities. These goals include, but are not limited to, exposure prevention, protection of groundwater, and soil clean up levels. In addition to these remediation goals, numerous alternatives to remediate the Site were evaluated in a Revised Feasibility Study (September 2007) consistent with the National Contingency Plan (NCP) criteria. The alternatives included full clean-up of the Site, which is also evaluated as Alternative No. 2 in the Draft EIR (refer to Chapter 5.0, *Alternatives*, in the Draft EIR). All alternatives considered in the RFS were evaluated consistent with NCP criteria and the RAP goals. Based on this evaluation, the preferred alternative was selected based on consistency with these criteria.

Per the RAP, the landfill materials would be capped using a design to prevent migration or release of contaminants to the environment. The cap would be engineered to be health-protective of sensitive uses (residences, schools, park) near the Site. The commenter is referred to Topical Response #1 in subsection

2, above, for a discussion of future land uses on the Site following completion of the construction remediation activities.

RESPONSE 19-4

This comment references Remedial Action Objective 5.1.2(b) in the I&E Order, which in summary indicates the Site is zoned for residential use pursuant to the City of Huntington Beach's Magnolia Pacific Specific Plan, and as such, the remedial action objectives for contaminated media shall be developed to meet an unrestricted land use.

While this objective was identified as part of the I&E Order, it was identified as a "preliminary" remedial action objective prior to the development of the 2007 Revised Feasibility Study (RFS)⁷ that evaluated several remedial action alternatives for the Site. 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. Chapter 2.0, *Project Description*, in the Draft EIR provides a description of each of the alternatives considered in the RFS (and Draft RAP), as well as DTSC's methodology for selection of the preferred alternative. The alternatives were evaluated in consideration of nine criteria set forth in the National Contingency Plan ("NCP"). 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. RAPs prepared by or approved by DTSC must be based upon the NCP as well as other requirements specified in Chapter 6.8 (commencing with Section 25300), Division 20 of the Health and Safety Code. The commenter is also referred to Topical Response #2, above, for further discussion of DTSC's rationale for the proposed remediation activities.

Ultimately, DTSC may choose to implement the "full clean-up" alternative following completion of the EIR process and in consideration of all NCP criteria, including the final two NCP criteria: State or Regulatory acceptance; and Community acceptance. DTSC's selected alternative, along with its final rationale for the remediation activities, will be presented as part of the Fact and Findings documentation prepared for the Project.

RESPONSE 19-5

This comment references Remedial Action Objective 5.1.2(a) in the I&E Order, which in summary indicates that existing and potential beneficial uses of groundwater shall be protected. The commenter is referred to Section 4.7, *Water Quality*, in the Draft EIR for a discussion of existing groundwater conditions as they relate to contamination from the Site. As stated therein, based on field measurements and analytical results for groundwater sampling events, groundwater impacts associated with the Site are limited. Given the length of time waste has been present at the Site and the minimal groundwater contaminants, it appears that very little, if any, migration of on-site materials into the underlying shallow groundwater (SPA) occurs. Furthermore, the cap design will prevent percolation of storm water through the underlying waste, thereby eliminating this contaminant pathway. Due to the Site's location on the seaward side of the injection barrier, the underlying aquifers are generally not considered a useable water resource. Saltwater intrusion from the Pacific Ocean occurs beneath the Site and extends three miles inland from the Site. As a result, none of the

⁷ *Project Navigator, Ltd., 2007, Revised Feasibility Study, September 21, 2007. Approved by DTSC September 2007.*

groundwater under or within three miles of the Site is used for drinking water, agricultural use, or for industrial purposes. Thus, the use of a protective cover over the Site would not be in conflict with remediation standards which are protective of public health and safety, the environment, and the designated beneficial uses.

RESPONSE 19-6

DTSC respectfully disagrees with the commenter that indicates the RAP is inconsistent with the NCP. Cost is not a primary criterion in selection of the preferred remediation alternative. To the contrary, DTSC's selection for the proposed RAP has been made in consideration of all applicable NCP criteria, cost being one consideration. Ultimately, DTSC's selection of the Site's remediation activities will be made following completion of the EIR process and in consideration of all NCP criteria, including the final two NCP criteria: State or Regulatory acceptance; and Community acceptance. DTSC's selected alternative, along with its final rationale for the remediation activities, will be presented as part of the Fact and Findings documentation prepared for the Project. The commenter is also referred to Topical Response #2, above, for further discussion of DTSC's rationale for the proposed remediation activities. The opinions of the commenter provided in this comment will be part of the record and made available to the decision-makers prior to a final decision on the Project.

RESPONSE 19-7

This comment states that the proposed RAP is less stringent than that required by H&SC 2356.1.5(a). No support is provided for this assertion. The commenter is referred to Chapter 2.0, *Project Description*, in the Draft EIR for discussion of the NCP criteria and how various alternatives, including the preferred alternative, were considered based on the NCP criteria. DTSC determined that an AFR is not required for this Site at this time and refers the commenter to Response 19-8 below. The commenter is also referred to Response 1-49 for a discussion of financial responsibility to clean-up and maintain the remediated Site.

RESPONSE 19-8

DTSC is aware of the requirement under the H&SC and expects the RPs to demonstrate financial assurance prior to commencement of the operation and maintenance activities, and prior to the implementation of institutional controls.

RESPONSE 19-9

DTSC's Operation and Maintenance (O&M) responsibility of 30-years is consistent with regulatory guidelines, and the duration of O&M will continue to roll forward for as long as there is waste on the site and DTSC deems the Site as requiring O&M. In addition, DTSC is required to conduct five-year reviews of the remedy for as long as waste remains on the site. Pursuant to applicable regulations, DTSC may require annual updates on O&M requirements and estimates.

RESPONSE 19-10

A primary purpose of the RAP is to develop a cap that would prevent precipitation from infiltrating into underlying waste materials and groundwater, as well as preventing the exposure of surface water runoff to waste materials. The project would include several design features to minimize waste discharge to surface and groundwater.

Unlike current conditions, after implementation of the RAP, surface water (rainwater) would not come into contact with contaminated materials. As described under PDF 7-2, rainfall would be collected via an on-site stormwater collection system, including v-ditches and/or swales, and directed to detention basins on the Site. These basins would be excavated to at least street level and, if necessary, to a depth achieving below Risk Based Concentrations (RBCs), normal background levels, or to groundwater.

The function of the cap in preventing exposure of groundwater or runoff to contaminated waste is described in PDF 7-9. The geomembrane layer of the main cap (top deck) and a four-foot thick vegetated evapotranspirative cover soil layer on the cap's side slopes would minimize surface water infiltration. As indicated above, runoff from these capped areas would be collected in the system of v-ditches and/or swales and directed to detention basins. As such, water permeating through these basins would not adversely impact groundwater quality.

RESPONSE 19-11

The commenter provides his opinion with respect to possible underestimation of costs, but does not provide any evidentiary support for his assertions. In accordance with CEQA Guidelines § 15384, a comment that consists exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence. Therefore, analysis of costs contained in the RAP does not need to be revised, and no further response is warranted.

RESPONSE 19-12

The commenter makes an inappropriate comparison of the Project to lead smelting facilities. Based on over 80,000 chemical soil sampling data points for the Project, the Site does not contain amounts of lead on the same level as a lead smelting facility. Please refer to Section, 4.6, *Hazards and Hazardous Materials*, in the Draft EIR, and associated appendices referenced therein for a detailed analysis on lead deposition.

The commenter is incorrect that DTSC neglected the potential lead exposure pathway from the Ascon site clean-up. Detailed analysis of lead deposition and blood lead for children and adult receptors are provided in Section 4.6, *Hazards and Hazardous Materials* (refer to pages 4.6-40 and 4.6-49 in the Draft EIR). As stated therein, the analysis is based on the USEPA AERMOD dispersion model and DTSC's blood lead calculation methodology. This analysis takes into account actual meteorological data (360°) around the Site. Results of this analysis demonstrate that lead deposition would result in a blood lead concentration well below significance thresholds. Additionally, as stated on page 4.6-40 and detailed in the HRA Appendix H, deposition and subsequent ingestion of particulate emissions was included as a potential pathway in the HRA.

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DAN KALMICK

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

RE: Ascon Landfill RAP and EIR

Transmitted Via Email to safouh.sayed@dtsc.ca.gov

Mr Sayed,

My name is Dan Kalmick, I am an 8 year resident of Huntington Beach and am currently a sitting Planning Commissioner for the City of Huntington Beach. I am writing today however as a concerned citizen only.

20-1

I have two main comments for the RAP and EIR.

- 1) The EIR does not consider all of the concurrent cumulative projects (and their related impacts) that are slated to occur on the same timeline as the possible cleanup of this site. Namely, the demolition and building of the AES Power Station and the possible construction of the Poseidon Desalination Facility and its adjacent pipeline running along the north side of the project site. Additionally, the city has planned major road construction at Brookhurst and Adams causing possible impacts to the truck routes for hauling.
- 2) I would support the RAP option 6, EIR alternative 2. With monies available for full remediation of the property and taking a longer view of the site, it would only make sense to restore the land to viable, developable and usable space. The EIR seems to indicate that the option for full cleanup is at the will of the residents, and while I do not live in the affected neighborhoods (only adjacent due to truck routes to I-405) I plan on living in the City for the long term. Capping and limited the use of the land seems very short sighted. With the construction of Pacific City, the reconstruction of the Power Plant, the possible construction of the Poseidon Plant with its pipeline route running along the north side of the project site, there will be massive construction going on through 2020. If we are going to have some construction, we might as well have ALL of the construction happen at the same time; get everything done, cleaned up and updated in one attempt.

20-2

20-3

Thank you for your time and consideration,



Dan Kalmick

LETTER NO. 20

Dan Kalmick
16772 Glenhaven Lane
Huntington Beach, CA 92647

RESPONSE 20-1

The comment introduces the commenter. No further response is required given that the comment does not address the content of the Draft EIR.

RESPONSE 20-2

Cumulative impacts associated with proposed RAP Project and the Poseidon Desalination Project, including the potential for a water pipeline along Hamilton Avenue, are addressed for each environmental issue area in Chapter 4.0 of the Draft EIR. In addition, the Huntington Beach Energy Project (AES) (or the “Power Plant”) was included in the list of related projects analyzed as part of the REIR traffic analysis. The project is listed as Item 18 in Appendix D of the REIR Traffic Study (Revised Appendix G in the REIR). Thus, the REIR revised Sections R4.9, *Noise*, and R4.10, *Traffic and Circulation*, include impacts associated with the AES Project. The commenter is also referred to Response No. 1-27 above, for a discussion on the potential for impacts associated with constructing a water pipeline along Hamilton Avenue as part of the Poseidon Desalination Project. The comment also references roadwork at Brookhurst and Adams. The REIR addressed all CEQA-related traffic impacts along the Brookhurst Street haul route. All CEQA-related traffic impacts along Brookhurst Street were concluded to be less than significant, including traffic impacts at the Brookhurst and Adams intersection. Any potential roadway improvements/construction at that intersection or elsewhere would implement traffic management controls (i.e., lane closures, signage, flagmen, etc.), as necessary per City requirements, on a project-by-project basis to minimize traffic impacts.

RESPONSE 20-3

The commenter is referred to Response 20-2 for a discussion of cumulative impacts. The comment also provides general support for the full clean-up of the Site (Alternative 2 in the Draft EIR). The opinion of the commenter will be part of the record and made available to the decision-makers prior to a final decision on the Project. The commenter is also referred to Topical Response #1 in subsection 2, above, for a discussion of future land uses on the Site following completion of the construction remediation activities and Topical Response #2 in subsection 2, above, for a discussion regarding DTSC’s selection of the proposed remediation activities at the Site.

Letter No. 21

From: John and Lenore Kirkorn [<mailto:jfk0480@aol.com>]
Sent: Monday, October 14, 2013 11:13 AM
To: Sayed, Safouh@DTSC
Subject: Ascon EIR

Mr. Sayed. First let me say my wife and I feel that a TOTAL clean-up of the site is the appropriate remedy for the site. We are also disappointed in the length of time it has taken to reach this point in the process. Regarding the EIR and the RAP, the following points are made: 21-1

1. During the clean up phase, better control and clean-up is needed for any soil droppings on City streets from transporting trucks leaving the site. During the previous two emergency clean ups, I witnessed numerous time muddy truck tracks were left on Magnolia St., more so when there had been a rain event the previous day. 21-2

2. The catch basins planned for the site should be lined so as to prevent any potentially contaminated fluid leaching into the ground. 21-3

3. Where the sloop will be located in the SE section of the site close to the flood control channel, some type or barrier should be constructed so during any large rain event, NO contaminated runoff can enter the channel and then flow into the wetlands. 21-4

4. As part of the site enhancement plan, curbs, gutters, sidewalks, and street lights should be constructed, as well as under grounding of the utilities. This would be mitigation to the City and community, and adjoining neighborhood for all the problems this site has and will cause. 21-5

Sincerely,

John and Lenore Kirkorn
9122 Kahului Dr.
Huntington Beach, CA 92646

LETTER NO. 21

John and Lenore Kirkorn
9122 Kahului Drive
Huntington Beach, CA 92646
(October 14, 2013)

RESPONSE 21-1

This comment provides general support for the full clean-up of the Site (Alternative 2 in the Draft EIR). The opinion of the commenter will be part of the record and made available to the decision-makers prior to a final decision on the Project.

RESPONSE 21-2

This comment is noted. As indicated in Chapter 2.0, *Project Description*, and in 4.2, *Air Quality*, of the Draft EIR, per project design feature 2-11 (PDF 2-11), "Prior to leaving the Site, each haul truck, and other delivery trucks that come in contact with Site waste, would be inspected and put through procedures as necessary to remove loose debris from tire wells and on the truck exterior." This PDF would be monitored as part of the Site's Mitigation Monitoring and Reporting Program (MMRP), which is included as Chapter 4.0 of this Final EIR.

RESPONSE 21-3

Contaminated materials in the areas of the storm water detention basins would be excavated to at least street level and then, if necessary, to a depth achieving the applicable Risk-Based Concentrations (RBCs) (refer to Table 4-1 in the RAP), background concentrations, or until groundwater is reached. By excavating to such depths, stormwater would not come into contact with waste or contaminated materials and as such, fluid leaching of contaminated materials within the basins would not occur.

RESPONSE 21-4

With the protective cap over the Site, the contaminated materials beneath the Site would be covered such that there would be no potential for exposure of these materials to stormwater runoff. Accordingly, there would be no potential for contaminated runoff from the Site to enter into the channel during rain events. It is also noted that contaminated materials in the uncapped areas within the City parcel and in the areas of the perimeter maintenance road and storm water detention basins would be excavated to at least street level and then, if necessary, to a depth achieving the applicable Risk-Based Concentrations (RBCs) (see Table 4-1 in the RAP), background concentrations, or until groundwater is reached. Furthermore, existing berms along the channel protect it from overland storm-water runoff in the Ascon area.

RESPONSE 21-5

This comment recommends that curbs, gutters, sidewalks and street lights should be constructed as part of the Project. The opinion of the commenter will be part of the record and made available to the decision-makers prior to a final decision on the Project.

Letter No. 22

Eric M. Maher
1740 Teralba Way
Sacramento, CA 95833
emmaher@winfirst.com

October 14, 2013

Safouh Sayed
Hazardous Substances Engineer
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, CA 90630-4732

**RE: Ascon Landfill Draft Environmental Impact Report (DEIR) and
Remedial Action Plan (RAP) SCH# 20130411010**

Dear Mr. Sayed:

Before commenting on the above documents let me bring to your attention that this comment is being provided via email only as the last day of the comment period occurs on a post office holiday when a postmark is not possible. I would hope this State oversight would be compensated by honoring all email comments carrying today's electronic date and late comments via mail from other affected members of the public.

22-1

Regarding the project documents, the analysis of impacts and alternatives in the CEQA document lacks rigor and requires additional scrutiny. The conclusions drawn are internally inconsistent with respect to the water quality impacts of the existing condition and the project as constructed. The air quality impacts of the project, defined as unavoidable in the document, are inconsistent with the potential mitigation and changes to the project operations defined in the environmentally superior alternative and those measures that were conducted during the prior interim measure. If the environmentally superior alternative is not adopted, additional findings are needed to justify why it is not technically feasible and more appropriate. These matters are further discussed below.

22-2

Project Objectives

The use of a project objective based on cost and convenience to responsible party proponents, as a prevailing criterion to overcome the need for mitigation of significant effects, is not appropriate or consistent with CEQA. Nothing about a longer duration construction schedule has been documented as interfering with the Department's short-term health and safety goals or long-term remediation results. There was been no urgency by the five major oil companies to take responsibility for the site for several years or to begin the CEQA process for its cleanup thereafter. This objective's use brings into question the independence of the Department's

22-3

decision at a time where the Department has been subject to public scrutiny for limited enforcement and Department staff conflicts of interest with some of these same oil companies.

22-3
(cont.)

Water Quality

The Water Quality section of the EIR document does not indicate any significant impacts. The RAP states in section 2.4 describes the current site condition as “there has been no sign of changes in groundwater overall.” It states that only occasional hits of two contaminants have been found within the site boundaries. Further it describes that groundwater is not is resource due to salt-water intrusion. It notes that no drinking water wells are within three miles of the site. There has been limited water quality impact from the site over its unmitigated landfill operation over fifty years, during abandonment of the site, during the emergency response measures, or during the interim measure in spite of it the later two operations being conducted during wet weather seasonal conditions.

22-4

To state in the overriding findings that there is a benefit to water quality from the burden of faster excavation and greater air quality impacts is inconsistent and disingenuous. Indeed, the design of the final consolidation area on-site does not require a full RCRA Class C liner or cap based on the limited potential for water quality impacts of the site. The Regional Water Quality Control Board corroborates this in the project record. A native clay lens based on sampling largely underlies the site. The base layers of fill are low permeability clay drilling mud. No substantial groundwater quality violations off site have occurred since the site was closed. The site contains water so well the primary issues with the site have been ponding and surface drainage rather than contamination of groundwater. The previous emergency measure was largely required because the site contained water so well that it threatened the physical matrix and structural stability of the site fill prior to the construction of the surface drainage. Even under these conditions there were not detected groundwater violations.

22-5

Given the above fact set, as documented in the project record, it is inconsistent to state that there is a benefit to water quality from a more rapid construction schedule or avoidance of winter construction conditions in this arid area.

22-6

Air Quality

The project seeks to excavate and haul offsite import cover fill at volumes and truck trip levels violating Air Quality Standards of the South Coast AQMD standards for NO_x and PM₁₀. These levels exceed those in the Interim Measure and the project does not provide mitigation to the same level provided in the Interim Measure. Such impacts are instead defined as unavoidable even though they have previously been mitigated at the site and a viable alternative is defined in the EIR. The conclusions of the document ignore the project design alternative in the environmentally superior alternative and the mitigation measures included during

22-7

the interim measure. They also do not consider new mitigation based upon the site activities.

22-7
(cont.)

To suggest that the project needs to happen more rapidly in violation of daily emissions standards after decades of closure project delay is incredulous. This appears to be a matter of cost or convenience to the proponent at the expense of air quality standards and health effects to thousands of citizens in the South Coast Air Basin with compromised pulmonary conditions. Further scrutiny of air quality mitigation is necessary and appropriate.

22-8

Suggesting that fewer days of workers arriving at the site would compensate for this impact is not documented or enumerated and defies logic. Are they not working when they get to the site? Would not eight or more hours of heavy equipment operation exceed an hour of passenger car use emissions? This also needs to be further analyzed.

22-9

Recommendations and Overriding Findings

These conclusions need to be fact based and documented, rather than qualitative and speculative in nature. These conclusions are not supported by the analyses in the CEQA document. Further efforts to mitigate air quality are needed prior to defining them as unavoidable or making overriding findings. Further analysis is necessary as to why the environmentally superior alternative is not feasible and more beneficial. Cost and convenience to the proponent are not a basis for this determination under CEQA.

22-10

Be aware that the decision on CEQA project approval and mitigation must be that of DTSC as the Lead Agency, not that of cleanup project proponent or responsible party. The Lead Agency is correspondingly legally liable for these conclusions, responsible for their protection of the environment and their basis in sound scientific fact.

22-11

Others Areas Requiring Clarification

Post Closure Monitoring

The statement that the site will be monitored for 30 years in the CEQA document needs to be clarified and tied to a regulatory standard. RCRA post closure rules state that it is *a minimum of 30 years*. However, this 30-year period can be extended on a rolling basis at any time based upon site inspections and periodic reviews. The intent of the 30-year rule should not be construed as a maximum. It is instead intended to be the basis for liability insurance *at any given time*. If a CERCLA standard is being applied, a similar premise applies under the five-year site review process. Please define and describe the standard further and state that that

22-12

monitoring will occur for thirty years *or more* for the purpose of clarity and public transparency.

22-12
(cont.)

Cultural Resources

The EIR references six mitigation measures in the EIR for cultural resources in the executive summary and Section 6 Other Considerations. The full text of these mitigation measures do not appear to be included in the EIR text or the listed appendices that were not included in the electronic version of this document or posted to Envirostor. If they were in fact omitted, please include in the final EIR verbatim. Please verify that fill area excavation, consolidated replacement, and capping activities will not require cultural monitoring. This is inferred by summary tables but not stated in the impact analysis. Monitoring of fill excavation should not be unnecessary.

22-13

Sincerely,

Eric M. Maher
Environmental Consultant and
Emeritus Senior Hazardous Substances Scientist

c.c. Ian MacMillan SCAQMD

LETTER NO. 22

Eric M. Maher
Environmental Consultant and Emeritus Senior Hazardous Substances Scientist
1740 Teralba Way
Sacramento, CA 95833
(October 14, 2013)

RESPONSE 22-1

Comment noted. All comment letters dated October 15 or earlier have been accepted by DTSC.

RESPONSE 22-2

This comment provides general opposition to the quality of the CEQA document and introduces specific proceeding comments on the Draft EIR. The opinion of the commenter will be part of the record and made available to the decision-makers prior to a final decision on the Project. Also, consistent with this comment, should the Environmentally Superior Alternative not be selected, DTSC will provide its rationale for such a finding in the *Facts and Findings* documentation to be prepared for the Project.

RESPONSE 22-3

Of the six objectives identified for the Project in Chapter 2.0, *Project Description*, of the Draft EIR, Objective No. 6 states, "To remediate the Site in a timely, expedient and cost effective manner." "Cost" is not identified as a "prevailing" criterion to overcome the need for mitigation of significant effects as suggested by the commenter. Further, the comment does not provide any specific examples where mitigation is not prescribed due to cost considerations. All mitigation measures prescribed in the Draft EIR have been identified based on the need for mitigating potentially significant impacts and the feasibility of implementing such mitigation, regardless of cost. Further, numerous project design features (PDFs) have been identified throughout the Draft EIR that would minimize and/or avoid significant environmental impacts.

In addition, the commenter is referred to Chapter 5.0, *Alternatives*, in Draft EIR, for a discussion of Alternatives considered by DTSC for the Project. Specifically, Alternative No. 3, which essentially would result in the same capped Site as the Project, but with remediation activities that would occur for a longer duration than the Project, has been evaluated in the Draft EIR. The ability of Alternative 3 to meet all six Project Objectives, including consideration of long-term (Objective No. 1) and short-term (Objective No. 2) risks, is evaluated in Chapter 5.0. This alternative would cost more than the Project, but will nonetheless be considered by DTSC for the Site's remediation activities. Should the Environmentally Superior Alternative be selected, DTSC will provide its rationale for such a finding in the *Facts and Findings* documentation to be prepared for the Project.

In recognition of the response provided above, the opinions of the commenter will be part of the record and made available to the decision-makers prior to a final decision on the Project.

RESPONSE 22-4

The comment is noted. Limited water quality impacts have resulted from the Site's historical landfill operations.

RESPONSE 22-5

This comment refers to "overriding findings" and the indication therein of water quality benefits. First, "overriding findings" have not been prepared for the Project in the Draft EIR. No such findings would be prepared until a remedy is selected by DTSC following completion of the EIR process. The comment does not specify the reference to "beneficial" water quality impacts in the Draft EIR. Section 4.7, *Water Quality*, of the Draft EIR, concludes that water quality impacts would be less than significant, not beneficial. Also, the comparison of water quality impacts between the Project and Alternatives 2 and 3 in Chapter 5.0, *Alternatives*, in the Draft EIR, appropriately indicates short-term water quality impacts would be greater under either of these alternatives than the Project given the increased length of construction and exposure to the "elements" (e.g., rain) of the uncapped Site. Again, no reference to "beneficial" water quality impacts is provided in the Alternatives section.

RESPONSE 22-6

Please refer to Response 22-5 above.

RESPONSE 22-7

The commenter is incorrect regarding project design features and mitigation measures being more lenient than the Interim Removal Measure (IRM). The IRM required use of EPA Tier 3 emissions complaint equipment and Year 2004 or newer trucks. The Project would implement EPA Tier 3 equipment plus CARB Level 3 diesel particulate filters. Trucks exporting contaminated soil would be required to meet EPA Year 2007 emissions standards. These mitigation measures would be more rigorous than those of the IRM.

As discussed in Section 4.2, *Air Quality*, and Section 4.6, *Hazards and Hazardous Materials*, of the Draft EIR, new mitigation measures and project design features not considered in the IRM would be implemented to further reduce impacts. Such measures include a negative pressure temporary structure used during Pit F excavation.

The commenter is correct in recalling that the RPs purchased NO_x reduction credits to offset the project-specific contribution impacts to regional NO_x emissions to a less than significant level during implementation of the IRM. DTSC has determined that the purchase of similar credits in the future may not be feasible, due to the constriction of the RECLAIM Trading Credit (RTC) market needed by the SCAQMD to demonstrate Basin-wide attainment of applicable PM₁₀ and PM_{2.5} National Ambient Air Quality Standards (NAAQS). It should be noted that on- and off-road sources are not subject to the requirements of SCAQMD's Regulation XX, which, in part, controls NO_x emissions from large stationary sources (refineries, etc.) by mandating facility-specific RECLAIM allocations which decrease over time. Thus, unlike RECLAIM sources which produce highly accurate emission reports, the SCAQMD relies on accepted methodologies to account for Basin-wide emissions estimates from mobile sources in its attainment demonstration. Likely the emissions from the trucks and heavy duty equipment needed to complete the Project are already accounted for in the Basin-wide inventory and do not represent net new emissions.

The Environmentally Superior Alternative (Alternative 3) was designed to reduce daily (24-hour) regional emissions, but results in an extension of the overall duration of activities. The total amount of pollutants to be emitted during implementation of the RAP remains the same under Alternative 3, but will be lower on a daily basis. The maximum one-hour emission rate could remain the same under this Alternative. Therefore, the DEIR correctly states that impacts under this alternative would be less than under the Project, but would remain significant and unavoidable.

RESPONSE 22-8

As stated in the Project Description of the EIR (Chapter 2.0), the evaluation of the Alternatives is consistent with the nine (9) NCP criteria which include cost, implementability and short-term effectiveness.

With regard to air quality impacts from Alternative 3, Lower Intensity – Extended Schedule Alternative, significant impacts would remain but the exposure duration and nuisance caused by increased pollutant concentrations would be extended. As discussed in Response 22-7, air quality and health impacts are evaluated not only on a daily (24-hour) averaging period in the Draft EIR, but also 1-hour and annual averaging time. Extending the duration of the Project would not reduce the maximum 1-hour impacts. Annual PM₁₀ concentrations would be reduced as compared to the Project, but nearby sensitive receptors would be exposed to PM₁₀ concentrations in excess of current conditions for a longer duration. Therefore, the proposed project would result in significant and unavoidable impacts similar to Alternative 3, Lower Intensity – Extended Schedule Alternative.

Health risk impacts, namely cancer risk, are evaluated based on life time exposure. The Extended Schedule Alternative would result in the same life time exposure as daily and annual pollutant concentrations would decrease, but the duration would be extended. Thus the impacts with regard to risk from exposure to hazardous materials would be the same for the Alternative as the Project's.

RESPONSE 22-9

The commenter is incorrect in the assumption that fewer worker daily trips for the Project would offset emissions from an extended schedule. As discussed in Response 22-8, 1-hour and annual concentrations of pollutants for Alternative 3, Lower Intensity – Extended Schedule Alternative would be similar to the Project.

Detailed analysis of the Project including hours of equipment operation and worker trips are provided in Appendix B (Air Quality) and Appendix H (Hazards) of the Draft EIR. As analyzed in the Draft EIR, the total number of work days directly affects annual pollutant concentrations at nearby sensitive receptors. Based on the calculations provided, Alternative 3 would continue to result in a significant impact with regard to localized pollutant concentrations. Therefore, no additional analysis is required.

RESPONSE 22-10

As indicated in Response 22-5 above, “overriding findings” have not been prepared for the Project in the Draft EIR. No such findings would be prepared until a remedy is selected by DTSC following completion of the EIR process. DTSC selection of remediation activities for the Site, along with Overriding Findings, as appropriate, will be presented in its Facts and Findings documentation for the Project following completion of the EIR process. Please refer to Response Nos. 22-3 for a discussion of the Environmentally Superior Alternative and “cost” as it relates to the Project Objectives.

While in recognition of the response provided above, the opinions of the commenter will be part of the record and made available to the decision-makers prior to a final decision on the Project.

RESPONSE 22-11

Comment noted.

RESPONSE 22-12

Comment noted. DTSC and the RPs are aware of the monitoring requirements. The Operation and Maintenance (O&M) responsibility of 30 years is consistent with regulatory guidelines, and the duration of O&M will continue to roll forward for as long as there is waste on the site and DTSC deems the Site as requiring O&M. In addition, the RPs are required to conduct five-year reviews of the remedy for as long as waste remains on the site. Pursuant to applicable regulations, DTSC may require annual updates on O&M requirements and estimates.

RESPONSE 22-13

The cultural mitigation measures were listed in the Initial Study prepared for the Project, which was included in Appendix A of the Draft EIR. The final cultural resources mitigation measures are presented in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Chapter 4.0 of this Final EIR. Cultural monitoring would not be required in areas of fill excavation.

PUBLIC COMMENT FORM AND MAILING COUPON

DRAFT REMEDIAL ACTION PLAN AND DRAFT ENVIRONMENTAL IMPACT REPORT
AND 45-DAY PUBLIC COMMENT PERIOD
ASCON LANDFILL SITE, HUNTINGTON BEACH, CA

You can use this form to send in your written public comments on the draft Remedial Action Plan (RAP) and/or draft Environmental Impact Report (EIR). You may also ask to be added or deleted from the Ascon Landfill site mailing list. If you know of anyone or any organizations that would like to be on the project mailing list, please use this form to notify us. Please address all mailings to: Safouh Sayed, DTSC Project Manager, Department of Toxic Substances Control, 5796 Corporate Avenue, Cypress, CA 90630-4732. You may also e-mail this same information to: Safouh.Sayed@dtsc.ca.gov.

Reminder: All public comments on the draft RAP and/or draft EIR must be postmarked or e-mailed by October 14th, 2013.

NAME: STEVE JOHN KOCH
AGENCY OR ORGANIZATION (if applicable): HUNTINGTON B.H.
ADDRESS: 8372 DONCASTER DR.
Telephone #: 714 906-5639

☒ Please add me to the Ascon Landfill site mailing list.

☒ Please delete from the Ascon Landfill site mailing list.

Comments: WOULD LIKE HAVE JOB. AT
BEACH. PICKING UP TRASH!
THANK YOU!

23-1

DTSC mailings are solely for the purpose of keeping persons informed of DTSC activities. Mailing lists are not routinely released to outside parties. However, they are considered public records and, if requested, may be subject to release.

LETTER NO. 23

Steve John Koch
8372 Doncaster Lane
Huntington Beach, CA 92646

RESPONSE 23-1

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Draft EIR. No further response is necessary.

Letter No. 24

From: John Scott [<mailto:4johnscott@gmail.com>]

Sent: Friday, August 30, 2013 7:00 PM

To: Lear, Stacey@DTSC

Subject: Ascon Landfill Site

Would you be so kind as to help me with a couple of questions?

How much material has been removed from the Ascon Landfill Site?

Was it all hauled away to the same site?

If so, what site was it hauled to, and if not, which sites?

What is the classification of the site/sites where the material was hauled?

Thanks,

John Scott

24-1

LETTER NO. 24

John Scott
(August 30, 2013)

RESPONSE 24-1

This comment includes several questions regarding waste material removal activities at the Site and no comments on the DEIR or Draft RAP. During the Emergency Action that was implemented from July 2005 to Jan. 2006, approximately 62,000 tons of material was removed from the Site and hauled to Waste Management's Kettleman Hills facility. During the Interim Removal measure (IRM) from July 2010 through March 2011, a total of approximately 100,000 tons of conditioned lagoon material from Lagoons 1, 2, and 3 was excavated and hauled offsite. All impacted material hauled offsite during the IRM was disposed at Clean Harbors Environmental Services' Buttonwillow Landfill facility. The receiving facilities are RCRA-permitted treatment, storage, and disposal facilities. The facilities accept solid and hazardous wastes from generators for onsite landfill disposal. RCRA and California hazardous wastes are treated (through stabilization) prior to disposal or are shipped to an offsite treatment, storage, disposal facility if wastes cannot be treated by stabilization.

Letter No. 25

From: John Scott [<mailto:4johnscott@gmail.com>]

Sent: Friday, September 06, 2013 1:15 PM

To: 'Joanne Rasmussen'; hb-talk@googlegroups.com; sehbna@yahoogroups.com; Connie Boardman; Sayed, Safouh@DTSC

Subject: RE: ASCON Landfill Site Meeting

It is my understanding that the 38 acre site will be capped to entomb the hazardous waste that will remain and that it will be covered with plants. Nothing that I have seen indicates that it would be suitable for business uses. If the cap allows for limited use by the public then it is easy to understand that the owners would like to make a profit and what better way to do that than add another shopping center, etc. to the neighborhood. Then the neighborhood would have entombed hazardous waste and ...

Those who live across the street from ASCON certainly will want to raise the issue at the ASCON Landfill Site Meeting on the 12th. John

LETTER NO. 25

John Scott
(September 6, 2013)

RESPONSE 25-1

This comment speculates on potential uses of the Site upon completion of remediation activities. This comment does not introduce new environmental information or provide specific comments regarding information presented in the Draft EIR. The commenter is referred to Topical Response #1 in subsection 2, above, for a discussion of future land uses on the Site following completion of the construction remediation activities.

Letter No. 26

From: Joanne Rasmussen [<mailto:jreal1126@msn.com>]

Sent: Friday, September 06, 2013 11:57 AM

To: R4RD

Subject: Re: ASCON Landfill Site Meeting

Hello and thank you for this information. I know that when the site is cleaned up they planned to put something there according to Assad Sayed (I think that's his name.) I spoke to him and he said the city was thinking of putting a Walmart or something like a shopping center in there. They can't put homes as the site will never be completely cleaned up. That's all I know.

26-1

Thank you,

Joanne Rasmussen

----- Original Message -----

From: [R4RD](#)

To: jreal1126@msn.com

Sent: Thursday, September 05, 2013 12:37 PM

Subject: ASCON Landfill Site Meeting

The ASCON Landfill Site



On a fence in our neighborhood you will see these ominous signs warning people of the dangers to life and health that lurk within that fenced and screened area. The ASCON Landfill Site is a remnant of Huntington Beach's oil boom days.

Oil was discovered in Huntington Beach in 1920.

For many years waste from the oil fields was dumped in what currently is called the ASCON Landfill Site. Signs posted on the fence surrounding the site clearly state that it is a hazardous waste area. The city seemingly was unaware of the hazardous waste deposited there and zoned it for development of approximately 500 units. A company that specialized in developing contaminated sites did testing but eventually lost interest.

Over the years the fence was compromised by homeless people seeking a place to camp. One night their camp fire got out of control and a resulting fire enlightened the entire neighborhood in more ways than one. It was that incident and the Huntington Beach Fire Department's realization of the dangers they faced trying to contain a major fire at that site that has led to this cleanup effort. They entered the site that night without roads, no maps, only knowing there were styrene pits, hazardous materials and fumes coming from the fire that might well be toxic. That fateful night resulted in the court action against oil companies by the Department of Toxic Substance Control (DTSC) and the plans presently being considered for its cleanup.



There have been two Basic Health Risk Assessments depicting the dangers to life from what lurks there. The first was used to hold those who dumped their waste at the site responsible for some level of cleanup. That study stated that exposure to the toxic substances found there could cause "potential health effects including cancer, circulatory, kidney and nervous system damage. Inhalation of some metals can also produce immune reactions including asthma." This was the study used in the court action that held the perpetrators responsible for cleanup.

ASCON Landfill Site Meeting
Edison High School - 21400 Magnolia Street
Huntington Beach, CA 92646-1232
September 12, 2013 at 6:00

The second Basic Health Risk Assessment is being used to determine the level of cleanup and the final state of the site. For some reason this assessment found that the dangers of exposure to these toxic substances was less

threatening to life and health.

The Revised Feasibility Study proposes 6 alternatives for cleanup ranging from doing nothing to cleaning it up. It appears that Alternative 4 is the choice of DTSC. It would remove the toxic substances down to street level, cap what remains, capture emissions from under the cap and filter them before release, and top the cap with plants.



LETTER NO. 26

Joanne Rasmussen
(September 6, 2013)

RESPONSE 26-1

This comment speculates on potential uses of the Site upon completion of remediation activities. This comment does not introduce new environmental information or provide specific comments regarding information presented in the Draft EIR. The commenter is referred to Topical Response #1 in subsection 2, above, for a discussion of future land uses on the Site following completion of the construction remediation activities.

Letter No. 27

From: Scott Smith [<mailto:scottrobertsmith@gmail.com>]

Sent: Thursday, September 12, 2013 8:43 PM

To: Sayed, Safouh@DTSC

Cc: Scott Smith

Subject: Comments on draft RAP at Ascon

- How deep is the storm water detention (swdb) basin from the new road ?
- what will swbd be made of?
- What is figure 2 referenced on 5-2 (is it 5-4?) Yes
- Hamilton/swdb incline seems steep and not visually appealing.
- I feel final design should be taken into account while designing this phase. The current concept significantly limits the future use?

27-1

Thanks for your time,
Scott

LETTER NO. 27

Scott Smith
(September 12, 2013)

RESPONSE 27-1

The exact depth of the basins has not been determined yet, but will be part of the remedial design that will be submitted to DTSC for review and approval. Contaminated materials in the areas of the storm water detention basins would be excavated to at least street level and then, if necessary, to a depth achieving the applicable Risk-Based Concentrations (RBCs) (refer to Table 4-1 in the RAP), background concentrations, or until groundwater is reached. The uncapped, earthen detention basins would be unlined to allow percolation. The reference to Figure 2 in the legend of Figure 5-2 of the RAP has been corrected to reference Figure 5-4 of the RAP. The commenter is referred to Topical Response #1 in subsection 2, above, for a discussion of future land uses on the Site following completion of the construction remediation activities. Also, the opinions of the commenter regarding the final design of the basins (e.g., slopes/incline) will be part of the record and made available to the decision-makers prior to a final decision on the Project.

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Recirculated Draft EIR Comments

Below are public comments received during the REIR public comment period (Comments/Letters 28 to 61).

As stated above, Chapter 1.0, *Introduction*, of the REIR beginning on page R1-4 included specific guidance on the focus of the public comments to be provided on the REIR as follows:

“Consistent with the provisions of CEQA Guidelines Section 15088.5, subd. (f)(2), because the Draft EIR is being revised only in part, and because DTSC is recirculating only revised sections or portions of the Draft EIR in this document, DTSC need only respond to: (i) comments received during the initial circulation period that relate to chapters or portions of the Draft EIR that were not revised or recirculated; and (ii) comments received during the 45-day recirculation period that relate to the chapters or portions of the Draft EIR that were revised and recirculated in this Recirculated Draft EIR.

Thus, agencies, organizations, and individuals that wish to comment on this Recirculated Draft EIR, should limit their comments to only the revised sections presented in Chapter 2.0 of this Recirculated Draft EIR and the revised analyses contained therein. The revised analyses presented in Chapter 2.0 includes new text shown in double underline (i.e., underline) and deleted text shown in strikeout (i.e., ~~strikeout~~). Comment letters submitted on the previously circulated Draft EIR during the prior comment period will be addressed in the Final EIR and need not be resubmitted in conjunction with this Recirculated Draft EIR.”

Based on the direction included in the REIR and consistent with CEQA Guidelines Section 15088.5, subd. (f)(2), no responses are provided by DTSC for those comments that were submitted during the REIR public review period that relate to chapters or portions of the DEIR that were not revised and recirculated as part of the REIR.

PUBLIC MEETING – November 6, 2014 – Huntington Beach City Council Chambers, Huntington Beach, CA

DTSC and PCR Speakers:

JOHN SCANDURA - DTSC, Branch Chief

ROBERT SENGU - DTSC, Unit Chief

SAFOUH SAYED - DTSC, Project Manager

KIMBERLY HUDSON - DTSC, Senior Environmental Planner

STACEY LEAR - DTSC, Participation Specialist

HEIDI ROUS – PCR Services Corporation, Project Manager (PCR is the Environmental Consultant retained by DTSC to prepare the EIR for the Project.)

CHRIS GRAY Fehr & Peers, Traffic Consultant

NOTE TO READER: The full transcript of this meeting is included in Appendix A of this Final EIR. The full transcript includes all responses and dialogue provided by DTSC and PCR to the public comments made at the meeting. In some instances, where dialogue from the public at the meeting did not pertain to comments on the REIR and does not provide context for either a particular comment or response, such text has been excluded from the below responses to comments. Also, where context of a particular DTSC or PCR response is necessary to comprehend the dialogue between DTSC (or PCR) and a speaker at the meeting, the DTSC (or PCR) response is provided in *italics* following the public comment.

In other instances and where appropriate, the responses provided below may generally restate or refer to the previous responses provided by DTSC (or PCR) at the meeting, if such responses adequately responded to a particular comment. The responses below have been provided to give a complete and formal response to all comments received at the meeting.

Public Comments on REIR Received at Meeting

SCOTT SMITH

COMMENT 28-1

So three questions. One of them was, was Pacific City included in the traffic analysis? That's the new construction that's going on PCH.

HEIDI ROUS: I'm sorry. Can you restate that?

Okay. So Pacific City is a multiuse, fairly large building, residential mixed residential use. Was that included in the traffic analysis associated with the plan?

RESPONSE 28-1

Pacific City was included in the list of related projects analyzed as part of the REIR traffic analysis. The project is listed as Item 11 in Appendix D of the REIR traffic Study (Revised Appendix G in the REIR).

COMMENT 28-2

So while you're looking, also, would be around -- again, the power plant was mentioned. This would be traffic, the actual traffic, and not necessarily the carbon dioxide that would come off that?

RESPONSE 28-1

The Huntington Beach Energy Project (AES) (or the "Power Plant") was included in the list of related projects analyzed as part of the REIR traffic analysis. The project is listed as Item 18 in Appendix D of the REIR Traffic Study (Revised Appendix G in the REIR).

COMMENT 28-3

And then the last one was, since it seemed like there is going to be some decrease in the restrictions on the p.m. time on that, how is that affecting the overall length of the project associated with that?

RESPONSE 28-3

The trip restrictions on the peak hour traffic periods imposed by the mitigation prescribed in the REIR will not affect the maximum daily trips analyzed in the REIR. Therefore, the overall project schedule of approximately 11 months as stated in the Draft EIR and REIR would not be substantively changed.

COMMENT 28-4

One thing that may then trickle down is you may need to redo -- may need to reopen the overall project, because that had specific -- between the option A, B, C, D, and E, it specifically had timeframes and assumptions within the model associated with durations and such. So the amount of the material being able to move may change. Because I think option D was it prolonged a longer period of time associated with that, so that may result in a refactoring of the overall models that you guys put together.

RESPONSE 28-4

This comment was addressed during the Public Meeting by Ms. Rous. Please refer to page 18 (Lines 18-22) of the transcript of the meeting proceedings. A copy of the transcript of the meeting proceedings is included in Appendix A of this Final EIR. As discussed therein, most impact areas in the Draft EIR were done on a worst-case day, the Draft EIR still remains on a worst-case-day assumption, and PCR took that into consideration when deciding what parts of the project description need to be recirculated.

BOBBI ASHURST**COMMENT 28-5**

I have a couple of questions. First of all, why is it taking so long? I mean, you started in 2013, that was the last meeting. It's now 2014. Now you're talking about 2017. It seems to me, every time it goes for another year, our traffic gets worse. So you could be doing traffic studies every single year and it would be -- it would be a different impact. So I guess my question is, at what point are you really going to start?

RESPONSE 28-5

The REIR traffic analysis took nearly one year to complete. The analysis required extensive coordination efforts with the City of Huntington Beach, City of Fountain Valley and Caltrans to fully vet the traffic haul route options and prepare the necessary CEQA traffic analysis. Because of the CEQA REIR analysis, the Draft EIR schedule to begin the construction remediation activities was revised from potentially commencing in 2015 to 2016.

COMMENT 28-6

Okay. Because we have had a lot of growth all of a sudden. So, you know, hopefully it will be slowed to some extent.

RESPONSE 28-6

The recent growth patterns observed by the commenter have been accounted for in the REIR traffic analysis. New traffic counts were conducted and an updated list of related projects obtained by the City of Huntington Beach were included in the REIR traffic analysis.

COMMENT 28-7

My other question is, the five intersections that will be impacted, where are they?

RESPONSE 28-7

Under the worst-case scenario, the intersections listed below would have significant and unavoidable short-term impacts under Operating Year (2017) Plus Project conditions.

- Beach Boulevard at Edinger Avenue – A.M. and P.M. peak hours
- Beach Boulevard at Heil Avenue - P.M. peak hour
- Beach Boulevard at Warner Avenue - P.M. peak hour
- Beach Boulevard at Slater Avenue - P.M. peak hour
- Beach Boulevard at Talbert Avenue – mid-day and P.M. peak hours

Please refer to Section R4.10, *Traffic and Circulation*, of this Recirculated Draft EIR for further discussion of these impacts.

COMMENT 28-8

Where is the dump site? Where are you taking our precious garbage?

RESPONSE 28-8

As stated on page R2-42 of the REIR in Chapter 2.0, *Project Description*, the receiver facility where material would be transported depends on the types of wastes to be removed from the Site. Proposed potential receiver destinations for contaminated 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), 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, when disposed off-site.

Proposed potential receiver 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.

DEPARTMENT OF TRANSPORTATION

DISTRICT 12

3347 MICHELSON DRIVE, SUITE 100

IRVINE, CA 92612-8894

PHONE (949) 724-2086

FAX (949) 724-2592

TTY 711

www.dot.ca.gov**Letter No. 29**

Serious drought.
Help save water!

October 9, 2014

Mr. Safouh Sayed
DTSC Project Manager
5796 Corporate Avenue
Cypress, CA. 90630-4732

File: IGR/CEQA
SCH#: 2013041010
Log #: 2380G
SR-1 SR-39 & I-405

Dear Mr. Sayed:

The California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on the **Draft Environmental Impact Report (DEIR) for the Remedial Action Plan for Ascon Landfill Site**. The 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 contains various types of liquid and solid waste in buried pits surface piles of concrete, rebar and other construction debris. In 2003, DTSC and some of the Ascon Landfill Site Responsible Parties entered into a Consent Order with the State of California for the Site's cleanup. Since 2003 significant work has been conducted at the site, both to improve current site conditions and prepare for the final cleanup. As recommended by the Department of Toxic Substances Control in the DEIR, the Remedial Action Plan proposes excavation and off-site disposal of up to about 32,000 cubic yards of landfill materials, and considered safe to remain encapsulated on-site.

29-1

The Department of Transportation (Department) is a commenting agency on this project and has the following comments for your consideration in addition to the comments dated on September 19, 2013 (attached).

1. Any work performed within Caltrans right-of-way (R/W) will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans R/W prior to construction.
<http://www.dot.ca.gov/hq/traffops/developserv/permits/>
2. A Traffic Control Plan is required prior to project implementation. The plans shall be prepared in accordance with Caltrans's *Manual of Traffic Controls for Construction and Maintenance Work Zones*. Traffic restrictions and pedestrian / bicycle detours may also need to be addressed. All work proposed within the State R/W requires lane and shoulder closure charts. All roadway features (e.g., signs, pavement delineation, roadway surface, etc.) within the State R/W must be protected, maintained in a temporary condition, and/or restored.

29-2

Mr. Sayed
October 9, 2014
Page 2

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 Miya Edmonson at (949) 724-2228.

29-3

Sincerely,

A handwritten signature in black ink, appearing to read "Maureen El Haraque". The signature is fluid and cursive, with the first name "Maureen" written in a more stylized, connected script, and the last name "El Haraque" written in a more standard cursive.

MAUREEN EL HARAQUE
Branch Chief, Regional-Community-Transit Planning
District 12

c: Scott Morgan, Office of Planning and Research

DEPARTMENT OF TRANSPORTATION**DISTRICT 12**

3347 MICHELSON DRIVE, SUITE 100

IRVINE, CA 92612-8894

PHONE (949) 724-2000

FAX (949) 724-2019

TTY 711

www.dot.ca.gov

*Flex your power!
Be energy efficient!*

September 19, 2013

Mr. Safouh Sayed
DTSC Project Manager
5796 Corporate Avenue
Cypress, CA. 90630-4732

File: IGR/CEQA
SCH#: 2013041010
Log #: 2380F
SR-1 SR-39 & I-405

Dear Mr. Sayed:

Thank you for the opportunity to review and comment on the **Initial Study for the Remedial Action Plan for Ascon Landfill Site**. 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.

A Revised Feasibility Study (RFS) prepared by the Responsible Parties (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 Department of Transportation (Department) is a commenting agency on this project and has the following comments for your consideration.

If the State's Right-of Way is used during the transportation of potentially impacted soil that may be generated as a result of the remediation at the above referenced facility we suggest the following :

Excavation

Excavation, reuse, and disposal of material with ADL must comply with rules and regulations of the following agencies:

1. US DOT
2. US EPA
3. California Environmental Protection Agency
4. CDPH
5. DTSC
6. Cal/OSHA
7. California Department of Resources Recycling and Recovery

Mr.Sayed
September 19,2013
Page 2

8. RWQCB, Region
9. California Air Resources Board
10. South Coast Air Quality Management District

Transport

Transport and dispose of material containing hazardous levels of lead under federal and state laws and regulations and county and municipal ordinances and regulations. Laws and regulations that govern this work include:

1. Health & Safety Code, Division 20, CHP 6.5 (California Hazardous Waste Control Act)
2. 22 CA Code of Regulations, Div 4.5 (Environmental Health Standards for the Management of Hazardous Waste)
3. 8 CA Code of Regulations

Transport excavated hazardous material using:

1. Hazardous waste manifest
2. Hazardous waste transporter with a current DTSC registration certificate and CA Highway Patrol (CHP) Biennial Inspection of Terminals (BIT) Program compliance documentation.

Dust Control

Excavation, transportation, placement, and handling of material containing ADL must result in no visible dust migration. A water truck must be on the job site at all times while clearing and grubbing or performing earthwork operations in work areas containing ADL. Apply water to prevent visible dust.

Material Transportation

Before traveling on public roads, remove loose and extraneous material from surfaces outside the cargo areas of the transporting vehicles and cover the cargo with tarpaulins or other cover. As outline in the approved excavation and transportation plan. You are responsible for costs due to spillage of material containing lead during transport.

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 Aileen Kennedy at (949) 724-2239.

Sincerely,

MAUREEN EL HARAKE
Branch Chief, Regional-Community-Transit Planning
District 12

c: Scott Morgan, Office of Planning and Research

LETTER NO. 29

State of California
California State Transportation Agency
Department of Transportation, District 12
3347 Michelson Drive, Suite 100
Irvine, CA 92612-8894
Maureen El Harake
Branch Chief, Regional-Community-Transit Planning
(October 29, 2014)

RESPONSE 29-1

This comment provides an overview of the proposed Project. Please refer to Responses 2-1 to 2-7 for responses to Caltrans' September 19, 2013, comment letter. No further response is required given that the comment does not address the content of the REIR.

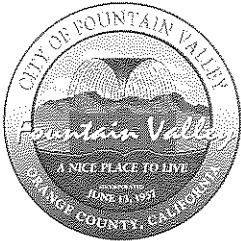
RESPONSE 29-2

No remediation activities are proposed within Caltrans right-of-way. Thus, no discretionary permits or approvals will be required from Caltrans.

A Recirculated Draft EIR was circulated for public review from October 6, 2014, to November 21, 2014. The REIR recirculated Section 4.10, *Traffic and Circulation*, of the 2013 Draft EIR. The revised Section R4.10 includes a revised traffic impact analysis based on a revised traffic study. The revised Section R4.10 includes project design features (PDFs) related to traffic that would be implemented by the Project. As shown on page R4.10-20, PDF 10-1 includes preparation of Construction Traffic Management/Haul Route Plan that would be prepared in coordination with DTSC, Caltrans, the City of Huntington Beach and the City of Fountain Valley, as appropriate. The Plan would be prepared in accordance with any applicable provisions of Caltrans' *Manual for Construction and Maintenance Work Zones*, as necessary.

RESPONSE 29-3

Comment noted.



Letter No. 30

CITY OF FOUNTAIN VALLEY

www.fountainvalley.org

10200 SLATER AVENUE • FOUNTAIN VALLEY, CA 92708-4736 • (714) 593-4400, FAX: (714) 593-4498

November 20, 2014

Via email: Safouh.Sayed@dtsc.ca.gov

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

RE: Recirculated Draft Environmental Impact Report – Ascon Landfill

Dear Mr. Sayed:

Thank you for the opportunity to comment on the Recirculated Draft Environmental Impact Report prepared for the cleanup of the Ascon Landfill site in Huntington Beach. The following are comments from the City of Fountain Valley pertaining to the document:

30-1

1. The project shall maintain its commitment to use Brookhurst Street within the City of Fountain Valley limits as a truck route for the transport of clean import material exclusively; and,

30-2

2. The project shall provide for the pavement restoration of northbound and southbound Brookhurst Street from the I-405 to Garfield Avenue curb to curb to the satisfaction of the City Engineer with the financial burden to be borne by the project.

30-3

3. Noise for truck traffic shall comply with Fountain Valley Municipal Code Section 6.28. As such we request that truck traffic related to the proposed project be limited to the hours of 7am to 10pm.

30-4

Once again, thank you for the opportunity to comment on the Recirculated Draft EIR. Please continue to include us throughout the California Environmental Quality Review process for the Ascon Landfill cleanup project.

30-5

Sincerely,


Andrew Perea
Planning and Building Director

C: Public Works Director
Deputy City Engineer
Assistant to the City Manager

LETTER NO. 30

City of Fountain Valley
Department of Planning and Building
10200 Slater Avenue
Fountain Valley, CA 92708-4736
Andrew Perea, Planning and Building Director
(November 20, 2014)

RESPONSE 30-1

The comment introduces the City's comments on the REIR. No further response is required given that the comment does not address the content of the REIR

RESPONSE 30-2

Consistent with this comment, DTSC will utilize Brookhurst Street only for the transport of clean import materials during implementation of the Project.

RESPONSE 30-3

Financial responsibility, if any, for pavement restoration along the section of Brookhurst Street used for the Project that is within the jurisdiction of the City of Fountain Valley would fall upon the RPs, not DTSC. DTSC shall not allow the project (implementation of the RAP) to proceed until such time that the RPs obtain the required permit(s) from the City of Fountain Valley which may include, but may not be limited to, a Transportation Permit, in accordance with applicable City of Fountain Valley codes, policies, and/or statutory requirements. DTSC assumes that pavement restoration costs, if any, would be assessed based upon published fee schedules, and/or other applicable regulatory requirements that authorize the City to collect such fees.

RESPONSE 30-4

The Project will comply with the City's Municipal Code Section 6.28 noise requirements. Trucks utilizing Brookhurst Street would be expected between 7 AM and 10 PM.

RESPONSE 30-5

Comment noted.

Letter No. 31

From: Medel, Rosemary [<mailto:rmedel@surfcity-hb.org>]

Sent: Friday, November 21, 2014 11:57 AM

To: Sayed, Safouh@DTSC

Cc: Villasenor, Jennifer; Hess, Scott; James, Jane

Subject: Recirculated Draft EIR

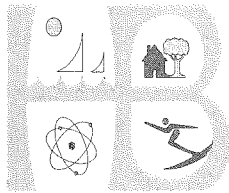
Sayfouh, the City of Huntington Beach has no further comments regarding the Recirculated Draft EIR. However, we wish to reiterate our comments stated in our letter dated April 30, 2013 (attached). We look forward to reviewing the Final EIR once it becomes available.

31-1

Thank you,
Rosemary Medel

Rosemary Medel,
Associate Planner
City of Huntington Beach
(714) 536-5271





City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING AND BUILDING

www.huntingtonbeachca.gov

Planning Division

714.536.5271

Building Division

714.536.5241

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. 31-2
- 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. 31-3
- 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 31-4

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.

31-4
(cont.)

- 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*.

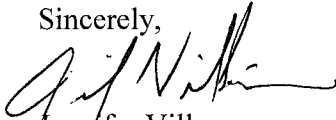
31-5

HBFD Specifications can be found on the City's website at: http://www.huntingtonbeachca.gov/government/departments/Fire/fire_prevention_code_enforcement/fire_dept_city_specifications.cfm or by contacting the Fire Prevention Division at (714) 536-5411.

31-6

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

LETTER NO. 31

City of Huntington Beach
Department of Planning and Building
2000 Main Street
Huntington Beach, CA 92648
Rosemary Medel, Associate Planner
(November 21, 2014)

RESPONSE 31-1

Comment noted. The City has no comments specific to the REIR.

RESPONSE 31-2

This comment relates to chapters or portions of the DEIR that were not revised and recirculated. Therefore, consistent with the CEQA Guidelines, no response by DTSC is warranted.

RESPONSE 31-3

This comment relates to chapters or portions of the DEIR that were not revised and recirculated. Therefore, consistent with the CEQA Guidelines, no response by DTSC is warranted.

RESPONSE 31-4

This comment relates to chapters or portions of the DEIR that were not revised and recirculated. Therefore, consistent with the CEQA Guidelines, no response by DTSC is warranted.

RESPONSE 31-5

This comment relates to chapters or portions of the DEIR that were not revised and recirculated. Therefore, consistent with the CEQA Guidelines, no response by DTSC is warranted.

RESPONSE 31-6

Comment noted.

PUBLIC COMMENT FORM AND MAILING COUPON
RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT
AND 45-DAY PUBLIC COMMENT PERIOD
ASCON LANDFILL SITE, HUNTINGTON BEACH, CA

You can use this form to send in your written public comments on the Recirculated Draft Environmental Impact Report (EIR). You may also ask to be added or deleted from the Ascon Landfill site mailing list. If you know of anyone or any organizations that would like to be on the Project mailing list, please use this form to notify us. Please address all mailings to: Safouh Sayed, DTSC Project Manager, Department of Toxic Substances Control, 5796 Corporate Avenue, Cypress, CA 90630-4732. You may also e-mail this same information to: Safouh.Sayed@dtsc.ca.gov.

Reminder: All public comments on the Recirculated Draft EIR must be postmarked or e-mailed by November 21st, 2014.

NAME: Ellen Oswald

AGENCY OR ORGANIZATION (if applicable):

ADDRESS: 8644 Kantola Ct #12C, HB, CA 92646

Telephone # (714) 336-4225

☒ Please add me to the Ascon Landfill site mailing list.

 Please delete me from the Ascon Landfill site mailing list.

Comments: _____

100

DTSC mailings are solely for the purpose of keeping persons informed of DTSC activities. Mailing lists are not routinely released to outside parties. However, they are considered public records and, if requested, may be subject to release.



LETTER NO. 32

Ellen Allard

RESPONSE 32-1

This comment includes a request to the Ascon Landfill site mailing list. This comment does not introduce new environmental information or provide specific comments regarding information presented in the Recirculated Draft EIR. No further response is necessary.

Letter No. 33

From: Jim Zisch [<mailto:jzisch@jhz-cs.com>]
Sent: Wednesday, October 15, 2014 12:18 PM
To: Sayed, Safouh@DTSC
Cc: Lear, Stacey@DTSC
Subject: Ascon Recirculated EIR October 2014 comment

From: James H. Zisch, III

Date: October 15, 2014

To: DTSC Project Manager - Ascon Project

Re: Ascon Recirculated EIR October 2014; externally referenced documents.

Hello DTSC,

Regardless to delays in implementation of a project plan, are the seeds of endangered plant species being collected as planned this season, or is this not being affected until after finalization of the EIR? If not, they should be. 33-1

Respectfully,
James H. Zisch, III

City of Huntington Beach Residence

LETTER NO. 33

James Zisch
9021 Niguel Circle
Huntington Beach, CA 92646
(October 15, 2014)

RESPONSE 33-1

The seeds of the southern tarplant on the Site will be collected prior to Project implementation in accordance with Mitigation Measure BIO-1 prescribed in the EIR's MMRP. Based on the current schedule, the proposed remediation activities could commence as early as late 2016. Thus, per the current schedule, the seeds may be collected during fall of 2015 following the peak blooming period and after the plants die back. Further detail on the tarplant mitigation is provided in Chapter 4.0, *Mitigation Monitoring and Reporting Program*, of this Final EIR.



LETTER NO. 34

Sheila Callan
8877 Lauderdale Ct. #213-F
Huntington Beach, CA 92646

RESPONSE 34-1

This comment provides general opposition to the Project as proposed and support for the full clean-up of the Site (Alternative 2 in the Draft EIR). The opinion of the commenter will be part of the record and made available to the decision-makers prior to a final decision on the Project.

RESPONSE 34-2

This comment relates to chapters or portions of the DEIR that were not revised and recirculated. Therefore, consistent with the CEQA Guidelines, no response by DTSC is warranted.

RESPONSE 34-3

The cleanup of the Site is being fully funded by the “Responsible Parties” or RPs. Chapter 2.0, *Project Description*, in the Draft EIR provides a background discussion of the RPs’ responsibility to remediate the Site. As discussed therein, the ten RPs are Chevron U.S.A. Inc., Texaco Inc. (Chevron U.S.A Inc. and Texaco Inc. are now considered a single party as they are wholly-owned subsidiaries of Chevron Corp.), Conoco Inc., Phillips Petroleum Company (Conoco Inc. and Phillips Petroleum Company are now combined as ConocoPhillips Company), ExxonMobil Corp., Shell Oil Company, Atlantic Richfield Company (ARC), The Dow Chemical Company, TRW (now Northrop Grumman Systems Corporation), and Southern California Edison Company. Two of the RPs, Chevron and ConocoPhillips, created a limited liability corporation called Cannery Hamilton Properties, LLC (“CHP”) to purchase the Site, and CHP is the current Site owner.

Letter No. 35

James H. Zisch, III
9021 Niguel Circle
Huntington Beach, CA 92646-7842
714-968-8288

Date: October 15, 2014

DTSC Project Manager - Ascon Project

Re: Ascon Recirculated EIR October 2014; referenced documents.

Hello DTSC,

It has been brought to my attention the current draft EIR is significantly deficient requiring attention in the following areas:

1. (re: Draft EIR August 2013 - 9.i) - The responsible parties should be required to fund California Geological Survey (CGS) to conduct "tsunami inundation mapping" resultant in the proposed elevated cap (current references used are inadequate and under qualified; the status should remain "Potentially Significant Impact" until CSG has registered their input)

2 (re: Draft EIR August 2013 - EIR 9.i) - The responsible parties should be required to fund a California Geological Survey (CGS) study evaluating the proposed cap constitutional integrity in the event of tsunami (current references and conclusions are inadequate; references used are unqualified to make assumptions under the authority of CGS).

It has been anticipated this issue would have been addressed during previous review iterations; however, since it has not this issue is now raised during the recirculated EIR review by reference. Note, the CSG has not been funded to perform tsunami inundation mapping; however, it already legislatively approved. It is the duty of the responsible parties to fund establishment of this State Authority to affect the above referenced activity at CGS as only this authority is acceptably qualified to certify this issue is not a "Potentially Significant Impact."

Thank you in advance for agency's continuing cooperation and support.

Respectfully,

James Henry Zisch, III

P. S. Had DTSC not permitted misrepresentation of previous review comments by erroneously transcribing comment text into the record, the above review comment would have been submitted in a less formal manner; however, given DTSC's track record of misleading the public regarding "real-time" monitoring during previous actions, failure to respond as promised, and other offenses it is necessary to address this issue officially.

Cc: Office of the Governor
State Capitol
Sacramento, California 95814

Headquarters/Office
of the State Geologist
801 K Street, MS 12-30
Sacramento, CA 95814

35-1

LETTER NO. 35

James Zisch
9021 Niguel Circle
Huntington Beach, CA 92646
(October 15, 2014)

RESPONSE 35-1

This comment relates to chapters or portions of the DEIR that were not revised and recirculated. Therefore, consistent with the CEQA Guidelines, no response by DTSC is warranted.

Letter No. 36

-----Original Message-----

From: Elana Greville [<mailto:egreville@gmail.com>]

Sent: Monday, October 20, 2014 12:28 PM

To: Sayed, Safouh@DTSC

Subject:

Hello,

I noticed that there is a city meeting coming up regarding the remediation of the Ascon Landfill. Is there a scheduled date for the remediation to begin? What were the results of environmental testings during & after the last remediation of the air, soil, etc? What are the short (during remediation) & long term (after remediation) environmental concerns? What was the deciding factor in remediating & kicking up toxins vs. leaving it or sealing it? What percentage of the project is complete already? Also, what will this land be used for in the future if at all? I have read up & haven't been successful in finding answers to my questions. I do not work for the press. I am a concerned citizen. Thank you!

36-1

Sincerely,

Elana Greville

Sent from my iPhone

LETTER NO. 36

Elana Greville
(October 20, 2014)

RESPONSE 36-1

The Project's proposed remediation activities described in the Draft EIR would not commence until after the Final EIR is certified by DTSC and the RAP is approved by DTSC, the remedial design is approved by DTSC, and the needed permits have been obtained. Based on the current schedule, the proposed remediation activities could commence as early as 2016. The commenter is referred to Section 4.2, *Air Quality*, and Section 4.6, *Hazards and Hazardous Materials*, for discussion of the Project's air quality and hazardous materials impacts, respectively.

The extent and type of future land uses on the Site is not known at this time. Such improvements would be subject to future study and evaluation by DTSC and the City of Huntington Beach. The commenter is referred to Topical Response #1 in subsection 2, above, for a discussion of future land uses on the Site following completion of the construction remediation activities.

Please refer to Topical Response #2 regarding DTSC's selection of the proposed remediation activities at the Site.

Letter No. 37

-----Original Message-----

From: Phil Wilder [<mailto:wooddude41@gmail.com>] On Behalf Of phillip wilder

Sent: Friday, November 14, 2014 10:31 AM

To: Sayed, Safouh@DTSC

Subject: RE clean up of the ascon very toxic dump site--35 +years to late

Mister Safouh

You must be on the very bottom of the promotion list to get this job--- When I moved here in 1963 the site was on the federal super fund toxic dump site list, along with the one in Fullerton--- to be cleaned up--- down to ground level-and capped with a park-- the Fullerton site has been a golf course, for more than 40 years now Rep. Dana Snotlocker had ours removed from the clean up when he took office--- So do not vote for him--- there has been numerous cancer deaths,--many brain cancer deaths, the last being a very young girl, whom lived right across Magnolia from the site---thank you sir for stepping up to clean the blight in our neighborhood---

37-1

What will become of the very toxic empty tank farm site, abutting the Ascon dump site-- ??????

37-2

-- thank you phillip wilder ---81 year Cali native

LETTER NO. 37

Philip Wilder
(November 14, 2014)

RESPONSE 37-1

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Draft EIR. Nonetheless, the opinion of the commenter will be part of the record and made available to the decision-makers prior to a final decision on the Project.

RESPONSE 37-2

This comment relates to chapters or portions of the DEIR that were not revised and recirculated. Therefore, consistent with the CEQA Guidelines, no response by DTSC is warranted.

Letter No. 38

From: Mark Dixon [<mailto:ncsmt2014@gmail.com>]

Sent: Friday, November 14, 2014 11:39 AM

To: Sayed, Safouh@DTSC

Cc: John Scott; Sandra Fazio; Richard Schnur; Meg Watson; Connie Boardman; Mark Bixby; Joe Shaw; Debbie Cook

Subject: ASCON Dump Clean-up at Magnolia and Hamilton in Huntington Beach

Good Morning -

This is to register my disappointment and objection regarding planning - or actually, lack of planning - with this project immediately and into the future. | 38-1

In particular:

The animals living there were there before we arrived, and those not driven into our neighborhood face extermination that will inevitably affect the surrounding area. This effect will impact the remaining ecosystem that depends upon established balances for sustained life, as well as introduce toxic poison into the food chain. This is a matter of concern insofar as the purpose of the clean-up is to reduce toxicity, not increase it. | 38-2

There appears to be no plan for ongoing maintenance or use of the property, and it is a matter of extreme concern to see such a large project going ahead without evidence of long-term planning. | 38-3

Please address these concerns and reply.

Thank you -

Mark W. Dixon
Southeast Huntington Beach Resident

LETTER NO. 38

Mark Dixon
(November 14, 2014)

RESPONSE 38-1

This comment provides general opposition to the Project. The opinion of the commenter will be part of the record and made available to the decision-makers prior to a final decision on the Project.

RESPONSE 38-2

This comment relates to chapters or portions of the DEIR that were not revised and recirculated. Therefore, consistent with the CEQA Guidelines, no further response to this comment by DTSC is warranted.

RESPONSE 38-3

Chapter 2.0, *Project Description*, in the Draft EIR includes a discussion of the Project' long-term operational activities to be implemented following the proposed construction-related remediation activities (refer to pages 2-42 to 2-43). Implementation of a long-term Operations and Maintenance (O&M) Plan would ensure the Project's long-term maintenance activities are properly implemented. In addition, five (5) year reviews of the remedy and O&M activities would be conducted by DTSC.

The extent and type of future land uses on the Site is not known at this time. Such improvements would be subject to future study and evaluation by DTSC and the City of Huntington Beach. The commenter is referred to Topical Response #1 in subsection 2, above, for a discussion of future land uses on the Site following completion of the construction remediation activities.

Letter No. 39

From: Nora Pedersen [<mailto:rmccord@socal.rr.com>]
Sent: Friday, November 14, 2014 5:57 PM
To: Sayed, Safouh@DTSC
Subject: ascon site

Dear Mr. Sayed,

My family and I are very worried about the noise and traffic coming from the Ascon site clean up operation. As inconvenienced as we will be, it will be terrible for wildlife. Please consider those with feathers and fur and especially the food chain disruption that your proposal will cause. Your destruction of the wild life corridor is ill-conceived.

39-1

I'm sure there are better solutions. Please rethink this!

39-2

Sincerely,
Nora Pedersen
22122 Wood Island Lane (3/4 mile to site)
Huntington Beach 92646

LETTER NO. 39

Nora Pederson
22122 Wood Island Lane
Huntington Beach, CA 92646

RESPONSE 39-1

Noise and traffic impacts were addressed in the Draft EIR and Recirculated Draft EIR in Sections 4.9, *Noise*, and Section 4.10, *Traffic and Circulation*, respectively. Noise impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Short-term traffic impacts would be significant and unavoidable at five (5) intersections even with the prescribed mitigation measures.

Impacts regarding wildlife were addressed in chapters or portions of the DEIR that were not revised and recirculated. Therefore, consistent with the CEQA Guidelines, no further response to this comment by DTSC is warranted.

RESPONSE 39-2

Please refer to Topical Response #2 regarding DTSC's selection of the proposed remediation activities at the Site.

Letter No. 40

From: Geri von Freymann [<mailto:gvf2012@gmail.com>]
Sent: Sunday, November 16, 2014 4:09 PM
To: Sayed, Safouh@DTSC
Subject: Ascon Project

As of the 1/6/14 meeting many facets of the proposed clean-up project remain unsatisfactorily answered or remain unexplored. The mass extermination of native species, part of the wetlands food chain is appalling. The impact of the enormous number of removal trucks involved weighed against the traffic, noise and pollution impact on the community is unwarranted for the "partial" clean-up results.

40-1

Please do not allow this project to go forward until more information is available.

Geri von Freymann

LETTER NO. 40

Geri Von Freymann
(November 16, 2014)

RESPONSE 40-1

Impacts regarding wildlife and air quality were addressed in chapters or portions of the DEIR that were not revised and recirculated. Therefore, consistent with the CEQA Guidelines, no further response to these comments by DTSC is warranted.

Noise and traffic impacts were addressed in the Draft EIR and Recirculated Draft EIR in Sections 4.9, *Noise*, and Section 4.10, *Traffic and Circulation*, respectively. Noise impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Short-term traffic impacts would be significant and unavoidable at five (5) intersections even with the prescribed mitigation measures.

The opinion of the commenter will be part of the record and made available to the decision-makers prior to a final decision on the Project.

From: John [mailto:4johnscott@gmail.com]
Sent: Sunday, November 16, 2014 5:42 PM
To: Sayed, Safouh@DTSC
Subject: Ascon Landfill DEIR Response
Importance: High

Ascon Draft Environmental Impact Report Response

Noise: No significant impact



The DEIR tells us that "noise monitoring and modeling were conducted to evaluate increases in noise levels along new route due to projected related traffic". The dictionary defines significant as "large enough to be noticed or have an effect". DTSC concludes that this project will have "no significant impacts to noise-sensitive uses, including residences, hospitals, etc., along the truck routes". There will be 310 trucks entering the Ascon Landfill Site and 310 loaded trucks leaving the site each day. In addition there will be vehicles for 55

41-1

employees and 15 vehicles used by DTSC employees and visitors. Not mentioned is the noise of the construction equipment needed to load the material into these 310 trucks. This will continue for many hours each day for a year. The trucks will rumble past wetlands which is one of the few remaining refuges for birds and animals sensitive to such conditions.

A few years ago when Pacific Coast Highway was being refurbished, buses that normally used Pacific Coast Highway were rerouted through streets in this neighborhood. People complained about houses shaking, granite countertops cracking, noise, etc. **Undoubtedly, regardless of what the definition of "significant" is that DTSC uses, people here will suffer significant noise impacts when 310 trucks start rolling by each day.**

Traffic: Seven significant impacts

Although the scene pictured here is not of PCH in Huntington Beach, Coast Highway traffic often looks very similar to this during the summer months when people flock to the beach. Residents live a very short distance from PCH but we avoid it as much as possible as we drive. During the summer months we attend a concert series in Long Beach. Because it takes over a half an hour to navigate PCH traffic just to get through Huntington Beach, we cross on Garfield to Seapoint. The addition of 310 plus trucks and vehicles coming and going to existing traffic here will most certainly be significant.



41-2

In beach cities the traffic varies seasonally. A DEIR basing its study on traffic in March does not address the reality of traffic on a hot day in July. There is not just peak hour traffic that must be accommodated but peak seasonal traffic must be addressed as well since this project goes on for a year.

The Ascon mess has been an eyesore and a health threat to this neighborhood for almost 85 years. What Ascon is proposing for our neighborhood is very much like a child being told to cleanup his room which he does by stuffing everything under his bed. In this case it is not the child but DTSC that is hiding the mess under the bed. When all is said and done, after a year of suffering significant increases in noise and traffic, those who are charged with the responsibility of controlling toxic substances and protecting the people of California, will have betrayed that charge and pushed much of the Ascon mess under a proverbial bed.

41-3

Perhaps if DTSC had used the same EIR report when they addressed clean-up of the site, as they did when they pursued court action to hold the perpetrators of Ascon mess responsible, there would truly be a clean-up and residents would be willing to suffer the noise and traffic. But since the mess at Ascon will still be piled up to 5 feet at the perimeter and 20 feet at the center of the site, people feel that DTSC is not concerned about residents here.

LETTER NO. 41

John Scott
22032 Capistrano Lane
Huntington Beach, CA 92646
(November 16, 2014)

RESPONSE 41-1

As discussed in Chapter R2.0, *Project Description*, in the REIR, import and supply trucks could use either Beach Boulevard or Brookhurst Street. Up to a maximum of 100 trucks per day traveling to and from the Site are expected to utilize Beach Boulevard, with the remaining trucks, including only trucks hauling clean import material, utilizing Brookhurst Street. Also, this would be the maximum number of trucks per day, and would not occur daily throughout the RAP implementation.

Noise impacts were addressed in the Draft EIR and Recirculated Draft EIR in Section 4.9, *Noise*. Noise impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. The methodology to assess noise impacts is provided on pages R4.9-13 and R4.9-14 in the Recirculated Draft EIR. The assessment of noise impacts was based on established regulatory standards and CEQA practices implemented by Caltrans, the City of Huntington Beach and the City of Fountain Valley. Specifically, noise levels were assessed against both cities Municipal Code allowable noise levels to determine the extent and type of noise impacts. Based on the City's allowable noise standards, impacts were concluded to be less than significant. Accordingly, the noise assessment and impact conclusions provided in the EIR are correct based on the applicable regulatory and CEQA standards.

RESPONSE 41-2

Traffic counts were conducted during the month of May to capture school related traffic during the peak traffic periods. Schools in the project study area are typically not in session during the summer months and collecting counts during this time could result in lower traffic counts, especially during the A.M. peak period.

RESPONSE 41-3

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Recirculated Draft EIR. This comment provides general opposition to the Project as proposed. The opinion of the commenter will be part of the record and made available to the decision-makers prior to a final decision on the Project. The commenter is also referred to Topical Response #2, above, for a discussion of DTSC's rationale for the proposed remediation activities.

Letter No. 42

From: Bobbie Miller [<mailto:bmiller17@socal.rr.com>]
Sent: Monday, November 17, 2014 8:33 AM
To: Sayed, Safouh@DTSC
Subject: Ascon cleanup

I am surprised that any project this day and age could be so poorly conceived. The damage to the environment and the people who live there is inexcusable. I urge you to rethink the traffic problems and especially the use of poison to kill rodents. This is a threat to the birds who eat the poisoned rodents. During this drought many raptors have been unable to find enough good food for their young and have not nested and laid eggs. For the remaining rodents to be poisoned would be a further threat to them. Please reconsider this cleanup project.

42-1

Bobbie Miller
Volunteer Sea and Sage Audubon
Huntington Beach Resident

LETTER NO. 42

Bobbie Miller
(November 17, 2014)

RESPONSE 42-1

Impacts regarding wildlife were addressed in chapters or portions of the DEIR that were not revised and recirculated. Therefore, consistent with the CEQA Guidelines, no further response to this comment by DTSC is warranted.

Traffic impacts were addressed in the Draft EIR and Recirculated Draft EIR in Section 4.10, *Traffic and Circulation*. Short-term traffic impacts would be significant and unavoidable at five (5) intersections even with the prescribed mitigation measures.

The extent of the Project impacts, including those significant and unavoidable impacts, will be considered by DTSC before approving the proposed Project. Environmental impacts may not always be mitigated to a less than significant level. If DTSC concludes to move forward with the Project, DTSC must adopt a “statement of overriding considerations” prior to approval of the Project in compliance with PRC Section 21081. Such statements are intended under CEQA to provide a written means by which DTSC balances the benefits of the Project and the significant and unavoidable environmental impacts. Where DTSC concludes that the economic, legal, social, technological, or other benefits outweigh the unavoidable environmental impacts, DTSC may find such impacts “acceptable” and approve the Project.

The opinion of the commenter will be part of the record and made available to the decision-makers prior to a final decision on the Project.

Letter No. 43

From: Stacey Murray [<mailto:staceymurray@yahoo.com>]
Sent: Monday, November 17, 2014 9:14 AM
To: Sayed, Safouh@DTSC
Subject: Ascon site - DTSC Draft EIR public comments

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

Dear Mr. Sayed,

I am writing on behalf of my family, friends, and neighbors in Huntington Beach to express our disagreement with the Department of Toxic Substance Control (DTSC) assessment of noise and traffic impacts related to the cleanup of the Ascon Landfill Site, and to voice our strong objections to the current plan for “cleanup” of the site.

43-1

The DTSC estimates that nearly 400 more vehicles will be added to southeast Huntington Beach (SEHB) streets every day during the cleanup—310 of which are large trucks hauling equipment and/or hazardous waste. The DTSC’s finding that there will be no significant traffic or noise impacts to residents along Magnolia or Newland streets defies logic and common sense. The project will dramatically increase traffic and noise, greatly reducing quality of life for those near the site, as well as for all residents of SEHB.

43-2

Furthermore, we are concerned about adequate training and staffing of emergency response personnel to deal with the hazards inherent to hauling toxic waste through populated neighborhoods. A minor traffic collision can quickly become a major public safety crisis when one of the involved vehicles is carrying hazardous waste.

43-3

Finally, and most important, we are appalled by the mass extermination plan for the wildlife inhabiting the Ascon site. The community has worked for decades to preserve the remaining wetlands near the site, and the current plan will devastate the bird population there. We will not support any cleanup action that does not include a more thoughtful, thorough, and humane plan for the wetlands and the other wildlife that inhabit the area.

43-4

Thank you for your time and consideration.

Stacey Murray

LETTER NO. 43

Stacey Murray
(November 17, 2014)

RESPONSE 43-1

Noise impacts were addressed in the Draft EIR and Recirculated Draft EIR in Section 4.9, *Noise*. Noise impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. The methodology to assess noise impacts is provided on pages R4.9-13 and R4.9-14 in the Recirculated Draft EIR. The assessment of noise impacts was based on established regulatory standards and CEQA practices implemented by Caltrans, the City of Huntington Beach and the City of Fountain Valley. Specifically, noise levels were assessed against both Cities' allowable noise levels to determine the extent and type of noise impacts. Based on the City's allowable noise standards, impacts were concluded to be less than significant. Accordingly, the noise assessment and impact conclusions provided in the EIR are correct based on the applicable regulatory and CEQA standards.

Traffic impacts were addressed in the Draft EIR and Recirculated Draft EIR in Section 4.10, *Traffic and Circulation*. Short-term traffic impacts would be significant and unavoidable at five (5) intersections even with the prescribed mitigation measures.

The extent of the Project impacts, including those significant and unavoidable impacts, will be considered by DTSC before approving the proposed Project. Environmental impacts may not always be mitigated to a less than significant level. If DTSC concludes to move forward with the Project, DTSC must adopt a "statement of overriding considerations" prior to approval of the Project in compliance with PRC Section 21081. Such statements are intended under CEQA to provide a written means by which DTSC balances the benefits of the Project and the significant and unavoidable environmental impacts. Where DTSC concludes that the economic, legal, social, technological, or other benefits outweigh the unavoidable environmental impacts, DTSC may find such impacts "acceptable" and approve the Project.

The opinion of the commenter will be part of the record and made available to the decision-makers prior to a final decision on the Project.

RESPONSE 43-2

Please refer to Response 43-1.

RESPONSE 43-3

This comment relates to chapters or portions of the DEIR that were not revised and recirculated. Therefore, consistent with the CEQA Guidelines, no response by DTSC is warranted.

RESPONSE 43-4

Impacts regarding wildlife were addressed in chapters or portions of the DEIR that were not revised and recirculated. Therefore, consistent with the CEQA Guidelines, no further response to this comment by DTSC is warranted.

Letter No. 44

From: Glenn Howland [<mailto:glennhowland4@gmail.com>]

Sent: Friday, November 14, 2014 9:15 PM

To: Lear, Stacey@DTSC

Subject: Ascon Remediation and Truck route date?

Mrs. Lear,

Can you forward this message to Safouh Sayed as soon as possible.

"Is the Date set for pond removal and a Truck route? Also, Please recommend to appropriate agencies(DHS, Cal EPA) that this Site poses a safety risk if zoned for housing or specific commercial purposes." I realize you are not a City Planner or Member a of the council but Prop. 65 is important here.

44-1

I believe you mentioned this site is a level 6 safety risk? contact me after you receive this email and my 11/11/14 phone call.

Thank you,

Glenn Howland, Env. St., Geoscience Cred.

LETTER NO. 44

Glen Howland
(November 14, 2014)

RESPONSE 44-1

Based on the current schedule, the proposed remediation activities could commence as early as 2016. The commenter is referred to Topical Response #1 in subsection 2, above, for a discussion of future land uses on the Site following completion of the construction remediation activities.

Impacts regarding hazardous materials were addressed in chapters or portions of the DEIR that were not revised and recirculated. Therefore, consistent with the CEQA Guidelines, no further response to this comment by DTSC is warranted.

Letter No. 45

From: Johnmceachin@aol.com [<mailto:Johnmceachin@aol.com>]
Sent: Monday, November 17, 2014 11:10 AM
To: Sayed, Safouh@DTSC
Subject: Ascon cleanup

To Whom It May Concern:

I would like to voice my approval for the proposed cleanup of the Ascon Landfill. I live in the neighborhood just north of the site. I imagine it will be mostly opponents of the plan who will be speaking up and I felt it important to make it clear that there are many of us who understand there will be inconvenience but it is worth it to be able to rectify the environmental hazards that exist there. I also understand there will be certain adverse effects to wildlife, but again in the long run I believe much more good than harm will come of this project.

45-1

Respectfully,

John McEachin
8841 Arcel Cir.
Huntington Beach

LETTER NO. 45

John McEachin
8841 Arcel Circle
Huntington Beach, CA
(November 17, 2014)

RESPONSE 45-1

This comment provides general support for the Project. The opinion of the commenter will be part of the record and made available to the decision-makers prior to a final decision on the Project.

Letter No. 46

From: Larry Kirkenlager [<mailto:LKirkenlager@Sasco.com>]
Sent: Monday, November 17, 2014 12:20 PM
To: Sayed, Safouh@DTSC
Subject: Huntington Beach Ascon Site

Thanks for aborting the Ascon site clean-up!!
Best Regards
Larry

| 46-1

Larry Kirkenlager

LETTER NO. 46

Larry Kirkenslager
(November 17, 2014)

RESPONSE 46-1

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Recirculated Draft EIR. No further response is necessary.

Letter No. 47

From: John Theriault [<mailto:jterrio@socal.rr.com>]

Sent: Tuesday, November 18, 2014 10:17 AM

To: Sayed, Safouh@DTSC

Subject: My home' back yard is on Magnolia

The State Official needs to wear a different hat, one that shows that we need help, not platitude.

I had "mini strokes and my spelling is not good but my passion is RIGHT _ON.

47-1

LETTER NO. 47

John Theriault
(November 18, 2014)

RESPONSE 47-1

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Recirculated Draft EIR. No further response is necessary.

Letter No. 48

From: J. [<mailto:sweepingoar@yahoo.com>]
Sent: Wednesday, November 19, 2014 9:06 AM
To: Sayed, Safouh@DTSC
Subject: Ascon Landfill Site

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

Dear Mr. Sayed,

I live and work in Huntington Beach and hereby submit my notice of disagreement with the Department of Toxic Substance Control's assessment of noise and traffic impacts related to the cleanup of the Ascon Landfill Site. I also object to the current cleanup plan for the site. | 48-1

First of all, the extermination plan for the wildlife inhabiting the Ascon site is cruel and a terrible waste. While there may be some pest animals there, there are birds and other native species that should not be displaced let alone killed. | 48-2

The estimate states that 400 more vehicles will be added to southeast Huntington Beach (SEHB) streets every day during the cleanup—310 of which are large trucks hauling equipment and/or hazardous waste. The DTSC's finding that there will be no significant traffic or noise impacts to residents along Magnolia or Newland streets is laughable. The added traffic and noise will reduce quality of life for those near the site, as well as for all residents of Huntington Beach who are in that general area. Blight in motion. | 48-3

Lastly, there should be a plan to deal with the likely/inevitable spills, accidents etc that will occur when the waste is hauled through the streets of Huntington Beach and beyond. | 48-4

Jordan Cooper
20242 Eastwood Cir
Huntington Beach, CA 92646

LETTER NO. 48

Jordan Cooper
20242 Eastwood Circle
Huntington Beach, CA 92646
(November 19, 2014)

RESPONSE 48-1

Noise impacts were addressed in the Draft EIR and Recirculated Draft EIR in Section 4.9, *Noise*. Noise impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. The methodology to assess noise impacts is provided on pages R4.9-13 and R4.9-14 in the Recirculated Draft EIR. The assessment of noise impacts was based on established regulatory standards and CEQA practices implemented by Caltrans, the City of Huntington Beach and the City of Fountain Valley. Specifically, noise levels were assessed against both Cities' allowable noise levels to determine the extent and type of noise impacts. Based on the City's allowable noise standards, impacts were concluded to be less than significant. Accordingly, the noise assessment and impact conclusions provided in the EIR are correct based on the applicable regulatory and CEQA standards.

Traffic impacts were addressed in the Draft EIR and Recirculated Draft EIR in Section 4.10, *Traffic and Circulation*. Short-term traffic impacts would be significant and unavoidable at five (5) intersections even with the prescribed mitigation measures.

The extent of the Project impacts, including those significant and unavoidable impacts, will be considered by DTSC before approving the proposed Project. Environmental impacts may not always be mitigated to a less than significant level. If DTSC concludes to move forward with the Project, DTSC must adopt a "statement of overriding considerations" prior to approval of the Project in compliance with PRC Section 21081. Such statements are intended under CEQA to provide a written means by which DTSC balances the benefits of the Project and the significant and unavoidable environmental impacts. Where DTSC concludes that the economic, legal, social, technological, or other benefits outweigh the unavoidable environmental impacts, DTSC may find such impacts "acceptable" and approve the Project.

This comment also provides general opposition to the Project as currently proposed. The opinion of the commenter will be part of the record and made available to the decision-makers prior to a final decision on the Project.

RESPONSE 48-2

Impacts regarding wildlife were addressed in chapters or portions of the DEIR that were not revised and recirculated. Therefore, consistent with the CEQA Guidelines, no further response to this comment by DTSC is warranted.

RESPONSE 48-3

Please refer to Response 48-1.

RESPONSE 48-4

Impacts regarding hazardous materials were addressed in chapters or portions of the DEIR that were not revised and recirculated. Therefore, consistent with the CEQA Guidelines, no further response to this comment by DTSC is warranted.

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Letter No. 49

-----Original Message-----

From: Gus Hamborg [<mailto:gus@hamboards.com>]

Sent: Wednesday, November 19, 2014 2:36 PM

To: Sayed, Safouh@DTSC

Subject: Ascon Landfill Cleanup

I am a local resident living on Beach and Atlanta, and I work for our family business, Hamboards located at 8606 Hamilton Ave. about 100 yards from the Ascon Landfill. I am emailing to request that the Ascon Landfill be left AS IS!

The impact of clean up and development will directly effect me and my families' lives. My Parents live even closer to the Landfill than I do and none of us want it to be developed. PLEASE DO NOT DEVELOP THE ASCON LANDFILL!

49-1

It will have negative effects on the environment, create traffic, and be an eyesore for our community.

Thank you very much for considering my request,

-Gus Hamborg
creative director
Hamboards LLC

LETTER NO. 49

Gus Hamborg
(November 19, 2014)

RESPONSE 49-1

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Recirculated Draft EIR. This comment provides general opposition to the Project and support for the No Action Alternative. The opinion of the commenter will be part of the record and made available to the decision-makers prior to a final decision on the Project.

The commenter is referred to Topical Response #1 in subsection 2, above, for a discussion of future land uses on the Site following completion of the construction remediation activities.

Impacts regarding aesthetics were addressed in chapters or portions of the DEIR that were not revised and recirculated. Therefore, consistent with the CEQA Guidelines, no further response to aesthetic comments by DTSC is warranted.

Traffic impacts were addressed in the Draft EIR and Recirculated Draft EIR in Section 4.10, *Traffic and Circulation*. Short-term traffic impacts would be significant and unavoidable at five (5) intersections even with the prescribed mitigation measures.

The extent of the Project impacts, including those significant and unavoidable impacts, will be considered by DTSC before approving the proposed Project. Environmental impacts may not always be mitigated to a less than significant level. If DTSC concludes to move forward with the Project, DTSC must adopt a “statement of overriding considerations” prior to approval of the Project in compliance with PRC Section 21081. Such statements are intended under CEQA to provide a written means by which DTSC balances the benefits of the Project and the significant and unavoidable environmental impacts. Where DTSC concludes that the economic, legal, social, technological, or other benefits outweigh the unavoidable environmental impacts, DTSC may find such impacts “acceptable” and approve the Project.

Letter No. 50

From: Glenn Howland [<mailto:glennhowland4@gmail.com>]
Sent: Saturday, November 15, 2014 5:24 PM
To: Sayed, Safouh@DTSC
Subject: Current Owner, Name and Company?

Thanks Safouh:

I have had an interest in this Site (Ascon) for many years.

Can you first send me a few dates? 1. When the **RAP Implementation** begins and where it will be located?

50-1

2. Does Cannery Still own this Property?

3. Do you still know the owner(s) names?

4. And of course, when will the Remediation begin this Year?

I really appreciate your effort and determination on this Property over the years. Based on my limited planning experience as an E.S. Major, the Property will likely be Parceled off and sold, thus avoiding Hi Hazard Level areas. Please keep in contact.

50-2

Glenn

LETTER NO. 50

Glen Howland
(November 15, 2014)

RESPONSE 50-1

Based on the current schedule, the proposed remediation activities as part of the RAP could commence as early as 2016.

A discussion of the Site's ownership is provided on page 2-2 in Chapter 2.0, *Project Description*, of the Draft EIR. As stated therein, the Site is comprised of two primary parcels: the Cannery Hamilton Properties, LLC (CHP)⁸ 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.

In addition, it is acknowledged that ownership of the Site is divided into separate surface and subsurface mineral estates. CHP owns the surface estate, but others own the subsurface mineral estate (mineral estate owners, or the "MEOs"). The MEOs hold title to the oil and gas resources underlying the Site. By law, surface estate ownership is subordinate to the rights of subsurface owners.

RESPONSE 50-2

Comment noted. This comment does not introduce new environmental information or provide specific comments regarding information presented in the Recirculated Draft EIR. No further response is necessary.

⁸ Two of the RPs, Chevron and ConocoPhillips, created a limited liability corporation called Cannery Hamilton Properties, LLC to purchase the Site, and CHP is the current Site owner.

Letter No. 51

-----Original Message-----

From: Glenn Howland [<mailto:glennhowland4@gmail.com>]

Sent: Tuesday, November 18, 2014 7:31 PM

To: Sayed, Safouh@DTSC

Subject: Project Cost

Safouh,

Thanks for your response.

Am sure you and your Staff can't wait to get closure on this Site (Ascon).

Are the LLC Oil companies paying the entire amount for Remediation? What about the original owner or Cannery?

51-1

Have a nice upcoming Holiday.

Glenn H.

Sent from my iPhone

LETTER NO. 51

Glen Howland
(November 18, 2014)

RESPONSE 51-1

The cleanup of the Site is being fully funded by the “Responsible Parties” or RPs. Chapter 2.0, *Project Description*, in the Draft EIR provides a background discussion of the RPs’ responsibility to remediate the Site. As discussed therein, the ten RPs are Chevron U.S.A. Inc., Texaco Inc. (Chevron U.S.A Inc. and Texaco Inc. are now considered a single party as they are wholly-owned subsidiaries of Chevron Corp.), Conoco Inc., Phillips Petroleum Company (Conoco Inc. and Phillips Petroleum Company are now combined as ConocoPhillips Company), ExxonMobil Corp., Shell Oil Company, Atlantic Richfield Company (ARC), The Dow Chemical Company, TRW (now Northrop Grumman Systems Corporation), and Southern California Edison Company. Two of the RPs, Chevron and ConocoPhillips, created a limited liability corporation called Cannery Hamilton Properties, LLC (“CHP”) to purchase the Site, and CHP is the current Site owner.

Letter No. 52

From: Powers [<mailto:jimcp1@aol.com>]

Sent: Monday, November 17, 2014 10:07 PM

To: Sayed, Safouh@DTSC

Subject: from M Powers

Will there be some sort of cover on the truck beds, which will keep the debris from blowing out into the air, and causing much air pollution? Certainly, the people who live in this area will be affected.

52-1

I would like assurance that these trucks will protect the air quality by covering the truck beds.

M. Powers

LETTER NO. 52

M. Powers
(November 17, 2014)

RESPONSE 52-1

This comment relates to chapters or portions of the DEIR that were not revised and recirculated. Therefore, consistent with the CEQA Guidelines, no response by DTSC is warranted.

Letter No. 53

From: Mark Currie [<mailto:m.currie@earthlink.net>]
Sent: Wednesday, November 19, 2014 9:50 PM
To: Sayed, Safouh@DTSC
Subject: Ascon Landfill clean up

Dear Mr. Sayed,

We are residents nearby the Ascon landfill site. We have serious concerns about the project. Your action requires further study and there is no clear indication that it does not have long-term impact to human and animal life. Neither is there safeguards against other environmental impact to nearby air, land, and vegetation poisoning. We are against this measure and would urge you to further study this project's planned action.

Warm regards,

Ding-Jo & Mark Currie

LETTER NO. 53

Ding-Jo and Mark Currie
(November 19, 2014)

RESPONSE 53-1

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Recirculated Draft EIR. This comment provides general opposition to the Project.

Impacts regarding air quality, hazardous materials and wildlife were addressed in chapters or portions of the DEIR that were not revised and recirculated. Therefore, consistent with the CEQA Guidelines, no further response to these comments by DTSC is warranted.

Letter No. 54

From: Ron von Freymann [<mailto:ron.jewelryhunter@gmail.com>]
Sent: Thursday, November 20, 2014 10:47 AM
To: Sayed, Safouh@DTSC
Subject: Ascon Landfill aka poisoning animals

First off, get a life--ground squirrels aren't pests except to insensitive, self-centered, ignorant, profit driven morons.

As a resident and property owner of several properties within walking distance of the Ascon landfill, I am horrified by your proposal. I opposed the Ascon landfill when you proposed it decades ago. I said it would disrupt wildlife, and it did, but your current proposal to use poison to murder so called pests that you missed the first time around is over the top--**way over the top**. Many home owners that live within walking distance from the landfill own pets. It seems your definition of pests considers pets as pests. Your poison will be spread by the very wildlife you intend to slaughter to household pets. Many household pets may die due to your insensitive, random, uncontrolled use of poison...and it isn't a stretch that humans may die also!

54-1

What's the purpose of you proposed program? To create a more profitable use for Ascon??? The landfill area was a positive for our community before you made it into a landfill...and now you are adding injury to insult. You want to murder the innocent animals that have peacefully coexisted within our community for decades. You are willfully destroying a vital part of the wildlife community that extends from the Santa Ana River to Bolsa Chica and beyond to the vital wetlands we fought so hard to keep in their original state.

Improperly labeling the animal residents of Ascon as pests doesn't change the outcome--you are killing harmless animals. Animals that are part of the food chain that includes raccoons, coyotes, herons, terns, and other mammals and raptors. These animals will likely die or abandon the wetlands forever thus destroying a major contribution to the charm of our community...and by inference decreasing our property values.

What is your intended use of an animal-free Ascon? Will that further impact our property values? Are you ashamed to tell us???

54-2

How would you feel if your pet was poisoned? That is if you are a pet owner, which I doubt.

54-3

Leave good enough alone.

Ronald von Freymann
Kroll Lane

LETTER NO. 54

Ronald Von Freymann
Kroll Lane
(November 20, 2014)

RESPONSE 54-1

Impacts regarding wildlife were addressed in chapters or portions of the DEIR that were not revised and recirculated. Therefore, consistent with the CEQA Guidelines, no further response to this comment by DTSC is warranted.

RESPONSE 54-2

This comment relates to chapters or portions of the DEIR that were not revised and recirculated. Nonetheless, the commenter is referred to Topical Response #1 in subsection 2, above, for a discussion of future land uses on the Site following completion of the construction remediation activities.

RESPONSE 54-3

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Recirculated Draft EIR. No further response is necessary.

Letter No. 55

From: PARS11@aol.com [<mailto:PARS11@aol.com>]
Sent: Thursday, November 20, 2014 11:53 AM
To: Sayed, Safouh@DTSC
Subject: ASCON Responses

I am still concerned regarding the issue of Poseidon trenching a 54 in. pipeline down Hamilton Ave. directly beside the ASCON lagoons. I see nothing about who would be responsible for the pipeline running into toxic material or what would be done in the event of this happening. How would the surrounding community be alerted? What precautions are being taken?

55-1

Which job comes first.....the ASCON clean up or the desalination plant.....or the AES reconfiguration? Would they be overlapping at the same time?

I find the vagueness associated with most of the answers to our questions regarding your agency and Poseidon Resources untenable. As you know, Mr. Scandura was a Planning Commissioner in Huntington Beach for 7 years. He lives here, his children went to school here. He knows the score or at least he ought to. The foot dragging by DTSC on this issue is irresponsible.

55-2

I am also concerned about a possible conflict of interest where Mr. Scandura on the Poseidon issue is concerned. Many years ago he voiced his support for the desalination plant. How can citizens be assured of a non-biased opinion on issues that bring the ASCON into play with the desalination plant and safety of our community? Mr. Scandura's mind was made up a long time ago. No corners can be cut just to satisfy a pet project.

My last issue is that the public meetings need to be held directly in the surrounding community most effected by the clean up., i.e. S. E. Huntington Beach. In the past, these meetings were well attended when they WERE actually at Edison H.S. Downtown folks or North HB people don't really care. Put the meetings back where they belong in the midst of those most affected.

55-3

Merle Moshiri
19412 Pompano Lane, #107
Huntington Beach, CA 92648

LETTER NO. 55

Merle Moshiri
19412 Pompano Lane #107
Huntington Beach, CA 92648
(November 20, 2014)

RESPONSE 55-1

This comment relates to chapters or portions of the DEIR that were not revised and recirculated. Therefore, consistent with the CEQA Guidelines, no response by DTSC is warranted.

RESPONSE 55-2

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Recirculated Draft EIR. Also, it is noted that the proposed RAP is subject to approval by DTSC. DTSC has no discretionary approval over the Poseidon Project. The two projects are being processed through different agencies, the approvals of which are not tied in any way to each other.

RESPONSE 55-3

Comment noted. This comment does not introduce new environmental information or provide specific comments regarding information presented in the Recirculated Draft EIR. No further response is necessary.

Letter No. 56

From: OHOGAN7@aol.com [<mailto:OHOGAN7@aol.com>]

Sent: Thursday, November 20, 2014 7:34 PM

To: Sayed, Safouh@DTSC

Subject: Ascon Landfill Site--Disagreement with the DTSC Assessment

Dear Mr. Sayed, I am writing to say I am appalled by the assessment and totally disagree. Broadly speaking, it is multidimensionally destructive: the decimation of the wildlife there, the noise and toxins in the air, the destruction of the daily flow of life -- children being dropped of at Edison high school, for example. No, that cost is too great. The Ascon Landfill needs to have open-space remediation in preparation for becoming a nature preserve and park. State of the art environmental science, pragmatic planning, and nature itself will remediate the Ascon Landfill over time.

56-1

Thank you, Dr. Mikel Hogan

LETTER NO. 56

Dr. Mikel Hogan
(November 20, 2014)

RESPONSE 56-1

Impacts regarding wildlife and air quality were addressed in chapters or portions of the DEIR that were not revised and recirculated. Therefore, consistent with the CEQA Guidelines, no further response related to these comments by DTSC is warranted.

Noise impacts were addressed in the Draft EIR and Recirculated Draft EIR in Section 4.9, *Noise*. Noise impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

The extent of the Project impacts, including those significant and unavoidable impacts, will be considered by DTSC before approving the proposed Project. Environmental impacts may not always be mitigated to a less than significant level. If DTSC concludes to move forward with the Project, DTSC must adopt a “statement of overriding considerations” prior to approval of the Project in compliance with PRC Section 21081. Such statements are intended under CEQA to provide a written means by which DTSC balances the benefits of the Project and the significant and unavoidable environmental impacts. Where DTSC concludes that the economic, legal, social, technological, or other benefits outweigh the unavoidable environmental impacts, DTSC may find such impacts “acceptable” and approve the Project.

The commenter is also referred to Topical Response #1 in subsection 2, above, for a discussion of future land uses on the Site following completion of the construction remediation activities.

Letter No. 57

From: AmyBrooke47@aol.com [<mailto:AmyBrooke47@aol.com>]

Sent: Friday, November 21, 2014 4:01 PM

To: Sayed, Safouh@DTSC

Cc: Lear, Stacey@DTSC

Subject: DTSC Draft EIR public comments

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

Dear Mr. Sayed,

I strongly disagree with the analysis of the DTSC regarding the traffic and noise impact of the Ascon partial clean up plan. Our neighborhoods will be negatively affected and our quality of life greatly diminished during the project. Our health and well being will suffer with all the added noise and air pollution. Already congested streets will become even more backed up further adding to the stress and inconvenience we will experience for the duration. And who will pay for the added wear and tear of all those heavy trucks on our streets? The RP?

57-1

And for what? To move *some* of the toxic waste to another part of our beautiful state of California. That is always the first question any citizen who learns of your partial clean up plan asks, "Where is the waste going?" The DTSC answer, "We don't know." That was your DTSC panelists' answer to almost every important question raised at the last two public meetings. It cannot be called an adequate opportunity for the public to comment when the public is denied the pertinent information.

57-2

The DTSC has failed to meet their obligation in supplying information. I have been waiting over a year for answers to questions submitted at the previous public meeting and during the following public comment period. Many in the community are equally frustrated. The DTSC must hold another public meeting and actually supply answers. *Then* allow the public to comment.

57-3

Over all the partial clean up plan lacks common sense. Trucking dangerous waste across the state serves to now pollute at least two locations. That is if it arrives safely. Just the other day a truck carrying hazardous waste exploded. A variation of this tragedy could be avoided by leaving the toxic waste where it lies. Apparently that has been considered a safe enough risk for us for the past decades. This partial clean up stands to benefit no one in California. It is only advantageous to the RP. The cement cap is not a good fit for a site on an earthquake fault and in an area subject to liquefaction.

57-4

The plans the DTSC laid out for animal extermination in the last two meetings were barbaric and irresponsible. Not one person with whom I have shared my recordings from the meetings finds the DTSC panelists' statements about poison credible. I find it

57-5

alarming that the DTSC is advising that this outdated and cruel practice be employed anywhere. It is not in line with modern scientific thinking or prevailing California environmental ethics and practices. And it is a totally wrong for our area.

57-5
(cont.)

The Proximity of the Ascon Landfill site to the Santa Ana River Trail which acts as a wildlife corridor and The Magnolia Marsh call for even greater caution, care and protection measures. We have worked hard for many years to rehabilitate and restore the Magnolia Marsh Wetlands. They are now a source of beauty and pride that add value to our community. Naturally, we are going to be protective of them and their denizens. The DTSC must come up with an acceptable, safe and humane plan for the wildlife. It should be free of risk to our native birds and animals. Nor should it put domestic animals in danger. Anything else is unacceptable.

57-6

Thank you for your time,
Amy Von Freymann

LETTER NO. 57

Amy Von Freymann
(November 21, 2014)

RESPONSE 57-1

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Recirculated Draft EIR. This comment provides general opposition to the Project.

Impacts regarding hazardous materials and air quality were addressed in chapters or portions of the DEIR that were not revised and recirculated. Therefore, consistent with the CEQA Guidelines, no further response related to these comments by DTSC is warranted.

Noise impacts were addressed in the Draft EIR and Recirculated Draft EIR in Section 4.9, *Noise*. Noise impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

Traffic impacts were addressed in the Draft EIR and Recirculated Draft EIR in Section 4.10, *Traffic and Circulation*. Short-term traffic impacts would be significant and unavoidable at five (5) intersections even with the prescribed mitigation measures.

The extent of the Project impacts, including those significant and unavoidable impacts, will be considered by DTSC before approving the proposed Project. Environmental impacts may not always be mitigated to a less than significant level. If DTSC concludes to move forward with the Project, DTSC must adopt a “statement of overriding considerations” prior to approval of the Project in compliance with PRC Section 21081. Such statements are intended under CEQA to provide a written means by which DTSC balances the benefits of the Project and the significant and unavoidable environmental impacts. Where DTSC concludes that the economic, legal, social, technological, or other benefits outweigh the unavoidable environmental impacts, DTSC may find such impacts “acceptable” and approve the Project.

With regards to “wear and tear” on the streets, the Cities of Huntington Beach and Fountain Valley have indicated that they will seek funds from the RPs to restore the streets in accordance with their applicable Municipal Codes and policies.

RESPONSE 57-2

As stated on page R2-42 in Chapter 2.0, *Project Description*, of the Recirculated Draft EIR, the receiver facility where material would be transported depends on the types of wastes to be removed from the Site. Proposed potential receiver destinations for contaminated 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), 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, when disposed off-site.

Proposed potential receiver 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.

RESPONSE 57-3

DTSC has fulfilled the obligation to provide information in accordance with CEQA (through a Draft EIR, Recirculated EIR and three public meetings), and the policy to consider public acceptance of a proposed remedy in accordance with the NCP criterion. All comments received during the public comment periods for both the Draft EIR and Recirculated Draft EIR, including those received at the public meetings, are being responded to in this Final EIR. This is consistent with State’s *CEQA Guidelines* (Section 15088) which require *written* responses to comments, which may take the form of a revision to the Draft EIR or may be a separate section in the Final EIR.

RESPONSE 57-4

This comment relates to environmental issues which were addressed in chapters or portions of the DEIR that were not revised and recirculated. Therefore, consistent with the CEQA Guidelines, no response by DTSC is warranted.

RESPONSE 57-5

Impacts regarding wildlife were addressed in chapters or portions of the DEIR that were not revised and recirculated. Therefore, consistent with the CEQA Guidelines, no further response to this comment by DTSC is warranted.

RESPONSE 57-6

Please refer to Response 57-5, above.

Letter No. 58

-----Original Message-----

From: loriannrobesson [<mailto:loriannrobesson@yahoo.com>]

Sent: Friday, November 21, 2014 6:24 PM

To: Sayed, Safouh@DTSC

Subject: Re: Ascon site-Dtsc Draft Sir public comments

Safouh Stayed, Project Manager
Department of Toxic Substance Control
5796 Corporate Avenue
Cypress, CA 90630-4732

Dear Mr Sayed,

I am writing to express my concerns after attending the DTSC hearing on November 5th, 2014 at Huntington Beach city hall regarding the cleanup of the Ascon toxic landfill site. I am a 44 year resident of Huntington Beach and I am speaking on behalf of myself, and my family and friends, many of whom live very near the Ascon site, to voice objections to the proposed plan.

58-1

The traffic impact report discussed at the hearing stated there will be over 300 trucks traveling daily up Beach Blvd and Brookhurst Street, most of which will be carrying toxic or hazardous material. We were told there would be minimal traffic or noise impact on the surrounding area and streets. We find this to be ludicrous. The sheer volume of trucks, and the actual noise from the clean-up itself, will drastically decrease the quality of life for all residents in the area.

58-2

We are very worried about the potential threat of a toxic or hazardous material accident if any of the hundreds of trucks carrying toxic waste debris were to have a traffic collision. If this were to occur, it could be potentially devastating to the population, the environment, and the wildlife of Huntington Beach.

58-3

Equally upsetting is the fate of the wildlife and wetlands that was discussed at the hearing. The proposed plan of exterminating the animals living on the site is abhorrent and would have a long-term negative effect on the surrounding bird population, marshes and wetlands. Until a more humane and sensible plan is put in place, we cannot support the proposed course of action for the clean-up of the Ascon toxic landfill site. We are sincerely hoping these concerns will be given the thoughtfulness and consideration the beloved wetlands and wildlife of Huntington Beach deserve.

58-4

Thank you for your time and cooperation.

Lori Ann Robeson

LETTER NO. 58

Lori Ann Robeson
(November 21, 2014)

RESPONSE 58-1

This comment provides general opposition to the Project. The opinion of the commenter will be part of the record and made available to the decision-makers prior to a final decision on the Project.

RESPONSE 58-2

Contrary to the Comment, as discussed in Chapter R2.0, *Project Description*, in the REIR, import and supply trucks could use either Beach Boulevard or Brookhurst Street. Up to a maximum of 100 trucks per day traveling to and from the Site are expected to utilize Beach Boulevard, with the remaining trucks, including only trucks hauling clean import material, utilizing Brookhurst Street. Also, this would be the maximum number of trucks per day, and would not occur daily throughout the RAP implementation.

Noise impacts were addressed in the Draft EIR and Recirculated Draft EIR in Section 4.9, *Noise*. Noise impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. The methodology to assess noise impacts is provided on pages R4.9-13 and R4.9-14 in the Recirculated Draft EIR. The assessment of noise impacts was based on established regulatory standards and CEQA practices implemented by Caltrans, the City of Huntington Beach and the City of Fountain Valley. Specifically, noise levels were assessed against both Cities' Municipal Code allowable noise levels to determine the extent and type of noise impacts. Based on the City's allowable noise standards, impacts were concluded to be less than significant. Accordingly, the noise assessment and impact conclusions provided in the REIR are correct based on the applicable regulatory and CEQA standards.

Traffic impacts were addressed in the Draft EIR and Recirculated Draft EIR in Section 4.10, *Traffic and Circulation*. Short-term traffic impacts would be significant and unavoidable at five (5) intersections even with the prescribed mitigation measures.

The extent of the Project impacts, including those significant and unavoidable impacts, will be considered by DTSC before approving the proposed Project. Environmental impacts may not always be mitigated to a less than significant level. If DTSC concludes to move forward with the Project, DTSC must adopt a "statement of overriding considerations" prior to approval of the Project in compliance with PRC Section 21081. Such statements are intended under CEQA to provide a written means by which DTSC balances the benefits of the Project and the significant and unavoidable environmental impacts. Where DTSC concludes that the economic, legal, social, technological, or other benefits outweigh the unavoidable environmental impacts, DTSC may find such impacts "acceptable" and approve the Project.

RESPONSE 58-3

This comment relates to environmental issues which were addressed in chapters or portions of the DEIR that were not revised and recirculated. Therefore, consistent with the CEQA Guidelines, no response by DTSC is warranted.

RESPONSE 58-4

Impacts regarding wildlife were addressed in chapters or portions of the DEIR that were not revised and recirculated. Therefore, consistent with the CEQA Guidelines, no further response to this comment by DTSC is warranted.

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Letter No. 59

From: Bill Robeson [<mailto:robesonrealty@yahoo.com>]

Sent: Friday, November 21, 2014 7:58 PM

To: Sayed, Safouh@DTSC

Subject: ASCON Cleanup - Traffic problems

My name is Bill Robeson and I have lived in Huntington Beach since 1972. I currently live near Newland and Atlanta and it seems to me the traffic "mess" has not been thoroughly addressed and the problems created with 300 trucks running by my home hauling unknown substances has not been thought through.

Besides who wants that many trucks rumbling by every day for years, even if they were empty! 59-1

I wonder if this solution has anything to do with the proposed widening of Newland below Hamilton?

I think more information needs to be presented before this project moves forward.

William L. Robeson

LETTER NO. 59

William L Robeson
(November 21, 2014)

RESPONSE 59-1

As discussed in Chapter R2.0, *Project Description*, in the REIR, import and supply trucks could use either Beach Boulevard or Brookhurst Street. Up to a maximum of 100 trucks per day traveling to and from the Site are expected to utilize Beach Boulevard, with the remaining trucks, including only trucks hauling clean import material, utilizing Brookhurst Street. Also, this would be the maximum number of trucks per day, and would not occur daily throughout the RAP implementation.

Traffic impacts were addressed in the Draft EIR and Recirculated Draft EIR in Section 4.10, *Traffic and Circulation*. Short-term traffic impacts would be significant and unavoidable at five (5) intersections even with the prescribed mitigation measures.

The extent of the Project impacts, including those significant and unavoidable impacts, will be considered by DTSC before approving the proposed Project. Environmental impacts may not always be mitigated to a less than significant level. If DTSC concludes to move forward with the Project, DTSC must adopt a “statement of overriding considerations” prior to approval of the Project in compliance with PRC Section 21081. Such statements are intended under CEQA to provide a written means by which DTSC balances the benefits of the Project and the significant and unavoidable environmental impacts. Where DTSC concludes that the economic, legal, social, technological, or other benefits outweigh the unavoidable environmental impacts, DTSC may find such impacts “acceptable” and approve the Project.

Letter No. 60

Eric M. Maher
1740 Teralba Way
Sacramento, CA 95833
emmaher@winfirst.com

November 21, 2014

Safouh Sayed
Hazardous Substances Engineer
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, CA 90630-4732

**RE: Ascon Landfill Recirculated Environmental Impact Report (RDEIR)
and Remedial Action Plan (RAP) SCH# 20130411010**

Dear Mr. Sayed:

While the RDEIR provided what appear to be accurate additional data and analysis on the impact of traffic and noise, its consideration of alternatives is found to be wanting. Specifically, the evaluation of the Environmentally Superior Alternative as not meeting the project objective is not adequately supported by evidence and disregards the reductions of significant impacts to the benefit of alleged responsible cost savings.

60-1

As the former CEQA project manager for DTSC on this site, it appears to me that DTSC is no longer controlling the EIR preparation consultant in a manner consistent with its contractual Memorandum of Understanding process. The responsible party and its construction consultant have seized control of the decision making process in a manner that is neither legally supportable nor consistent with State law, which requires DTSC to exercise independent judgment. Their goal is to limit control measures with which they must comply, regardless of their environmental benefit or feasibility, particularly for air quality and truck traffic.

60-2

Specifically:

- No evidence is provided of why costs or time frames for the environmentally superior alternative that would affect feasibility.
- No evidence is provided that a more rapidly completed remedy would be more environmentally protective given the site stabilized condition, the over 11 years of project implementation delay, and limited impacts of the site's current condition.

60-3

60-4

Department of Toxic Substances Control RAP Recirculated EIR – Ascon Landfill Site

- | | |
|---|------|
| - Objections to environmentally superior alternative are subjective in nature and not supported by evidence or tied to any justifiable environmental project objective. | 60-5 |
| - The alleged Project description project schedule is not substantiated by past Interim measure work pace. Only occasionally was this work able to achieve the 75 truck per day limit. The project claims to be able to achieve more than twice this pace. If overriding findings are made to approve the Project predicated on this schedule, there should in turn be substantial financial contractor penalties in the project approval for project delays (beyond 11 months) with those funds being directed to air quality enhancement projects within the air basin to offset the air quality impacts of prior overly ambitious expedited project schedule activities that violated daily emissions standards. | 60-6 |
| - There is no evidence to support the claim that any additional groundwater or contaminated storm water release from longer superior alternative project schedule. The responsible party claim to have no such releases. Further, the project was found to have no significant ground or surface water/ storm water impacts in the Draft EIR. To make such claims under drought conditions is further hyperbole. | 60-7 |
| - Any overriding findings to approve the Project should be substantiated by the Department’s jurisdiction and authority – to provide environmental protection – not to enhance the convenience or reduce the cost to environmental violators under an enforcement order. While cost is always a criterion in determining the feasibility of a project alternative it cannot be the primary determining criteria under CEQA for selection of feasible remedies or avoiding project controls. No evidence is provided that the environmentally superior alternative is either more costly or less feasible. | 60-8 |
| - Additional alternatives should have been developed and evaluated based on the new data included in the Recirculated EIR. I believe that numerous project modifications could have reduced the volume of soil and waste moved and shipped and both the truck counts, costs and time of the project. No such evaluation was made consistent with my Draft EIR comments as a means to reduce impacts. An evaluation should be conducted of the current conditions of the site as to whether some as areas of the site no longer warrant remediation or warrant less remediation or a lesser cap. CEQA fully anticipates that changes to the project design should be considered as a means of mitigation. | 60-9 |

Department of Toxic Substances Control RAP Recirculated EIR – Ascon Landfill Site

- The RDEIR needs to clarify in the project description on page R 2-46 that “no biological PDFs” does not mean that the biological mitigation measures in the Draft EIR are not being implemented. 60-10

On Page R 1-5, the text below is stated. The final paragraph is deceptive. It includes the final phrase *DTSC may find such impacts “acceptable”* and approve the Project. The word acceptable is never included in the PRC in section 21081 or elsewhere in this regard as is inferred. There is a strong duty throughout CEQA to mitigate impacts to the degree feasible that this phrase ignores. No overriding finding supersedes this. Both the quotation marks and the entire phrase should be deleted as deceptive and inaccurate. 60-11

According to PRC Section 21081, the Lead Agency must make specific Findings of Fact (Findings) before approving the Final EIR, when the EIR identifies significant environmental impacts that may result from a project. The purpose of the Findings is to establish the link between the contents of the Final EIR and the action of the Lead Agency with regard to approval or rejection of the proposed project. Prior to approval of a project, one of three findings must be made, as follows:

- *Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.*
- *Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*
- *Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.*

60-12

*Environmental impacts may not always be mitigated to a less than significant level. When this occurs, impacts are considered significant and unavoidable. If DTSC concludes that the Project would result in significant and unavoidable effects, which are identified in the Draft EIR and this Recirculated Draft EIR, DTSC must adopt a “statement of overriding considerations” prior to approval of the Project in compliance with PRC Section 21081. Such statements are intended under CEQA to provide a written means by which DTSC balances the benefits of the Project and the significant and unavoidable environmental impacts. Where DTSC concludes that the economic, legal, social, technological, or other benefits outweigh the unavoidable environmental impacts, DTSC may **find such impacts “acceptable” and approve the Project.***

Page R6-2 states:

It is acknowledged that Section 5.0, Alternatives, of the Draft EIR includes analysis of “Alternative 3” to the Project, which would reduce the Project’s potentially significant short-term regional air quality NOx impact October 2014 R6.0 Other Mandatory CEQA Considerations and the annual localized PM10 impact to less than significant levels. However, worst-case hourly emissions under Alternative 3 would be similar to those under the Project, and are predicted to result in a significant and unavoidable localized NO2 impact, even with incorporation of feasible mitigation measures and reduction strategies. Also, Alternative 3, due to the 2020 background conditions resulting from the longer duration in implementing Alternative 3, would produce eight (8) significant and unavoidable impacted traffic intersections, compared to five (5) under the Project.

Rather than approximately 12 months of construction activities that would occur under the Project, Alternative 3 would result in approximately 36 months of construction activities. It is acknowledged that this Alternative would include less intensive daily construction activities during implementation. However, the length of construction activities would obviously be more apparent and perceivable by the surrounding community compared to the Project, and the end result of the remediation activities would be the same-capped Site as the Project. For these reasons, this Alternative would not meet a key objective for the Project (Objective No. 5) which is, “ “To remediate the site in a timely, expedient, and cost effective manner.” For this reason also, the Project is being considered by DTSC, notwithstanding the significant unavoidable impacts associated with the Project.

To state that “the project alternative is obviously more apparent and perceivable by the surrounding community” is not a basis for an overriding finding and has no stated relationship to any significant impact or the finding in PRC 21081. The same could be said of every billboard in Huntington Beach. Such subjective dogma is not objective, fact based substantial evidence to support an impact based finding as required by CEQA. It is DTSC’s duty to provide evidence, not to state that things are “obvious”.

Further, the perception of the local community is not a basis for a State agency charged with environmental protection to do anything. DTSC’s authority is State-wide law that does not allow discrimination based upon the local community or

60-12
(cont.)

60-13

Department of Toxic Substances Control RAP Recirculated EIR – Ascon Landfill Site

EPA's environmental justice policies.

Neither does DTSC have the authority to supersede the representation of the community by their elected officials. Any Overriding findings must be made based upon DTSC's jurisdiction and authority.

60-13
(cont.)

Thank you for the opportunity to comment. I sincerely hope DTSC will take the time to take the time to after so many years to mitigate the impacts of this project to the degree feasible and provide substantial evidence to support it's the EIR's alternatives and conclusions. There is little benefit in moving forward from project delays to legal delays in project implementation and supplemental EIR's.

60-14

Sincerely,

Eric M. Maher
Environmental Consultant and
Emeritus Senior Hazardous Substances Scientist

LETTER NO. 60

Eric M. Maher
1740 TTerlba Way
Sacramento, CA 95833
(November 21, 2014)

RESPONSE 60-1

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Recirculated Draft EIR. No further response is necessary.

RESPONSE 60-2

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Recirculated Draft EIR. No further response is necessary.

RESPONSE 60-3

This comment relates to environmental issues which were addressed in chapters or portions of the DEIR that were not revised and recirculated. Therefore, consistent with the CEQA Guidelines, no response by DTSC is warranted.

RESPONSE 60-4

This comment relates to environmental issues which were addressed in chapters or portions of the DEIR that were not revised and recirculated. Therefore, consistent with the CEQA Guidelines, no response by DTSC is warranted.

RESPONSE 60-5

This comment relates to environmental issues which were addressed in chapters or portions of the DEIR that were not revised and recirculated. Therefore, consistent with the CEQA Guidelines, no response by DTSC is warranted.

RESPONSE 60-6

This comment relates to environmental issues which were addressed in chapters or portions of the DEIR that were not revised and recirculated. Therefore, consistent with the CEQA Guidelines, no response by DTSC is warranted.

RESPONSE 60-7

This comment relates to environmental issues which were addressed in chapters or portions of the DEIR that were not revised and recirculated. Therefore, consistent with the CEQA Guidelines, no response by DTSC is warranted.

RESPONSE 60-8

This comment relates to environmental issues which were addressed in chapters or portions of the DEIR that were not revised and recirculated. Therefore, consistent with the CEQA Guidelines, no response by DTSC is warranted.

RESPONSE 60-9

While this comment suggests new alternatives should be developed based on the REIR data, no specific alternatives are recommended by the comment. Further, the EIR analyzed a “reasonable” range of alternatives to the proposed Project, which considered six alternatives in the Revised Feasibility Study (RFS), and evaluated three alternatives to the Project. While the REIR did identify new significant and unavoidable traffic impacts, modifications and mitigation measures to be implemented by the Project were identified in the REIR. Specifically, PDF 10-1 on page R2-51 was revised to limit the number of trucks on Beach Boulevard, and Mitigation Measure RTRAF-1 was prescribed to limit the number of trucks during the PM peak hours (see page R4.10-55 of the REIR). The implementation of the prescribed mitigation would minimize traffic impacts to the extent feasible while still meeting the Project Objectives established for the Project (see page R2-26 of the REIR). Further reducing the number of trucks would compromise the ability of the Project to meet the Project Objectives. Therefore, an alternative to address the Project’s significant and unavoidable traffic impacts as identified in the REIR by further reducing the number of truck trips at the significantly impacted intersections would not be consistent with the purpose of the alternatives analysis which is to provide alternatives that reduce significant impacts while feasibly attaining most of the basic objectives of the project.

RESPONSE 60-10

The REIR on page R2-43 provides an introduction to the project design features (PDFs), which indicates PDFs are not mitigation measures. The list of PDFs in Chapter 2 does not include mitigation measures, as they are presented in Chapter 4.0 of the EIR as part of the environmental impact analysis for the Project. Thus, no revision to Chapter R2.0 in the REIR is necessary.

RESPONSE 60-11

DTSC concurs with this comment that impacts should be mitigated to the degree feasible in accordance with the CEQA Guidelines. The Draft EIR and REIR for the Project provided mitigation measures, to the degree feasible, to address potentially significant impacts resulting from Project implementation. The statement that, “... DTSC may find such impacts “acceptable” and approve the Project” was not intended to specifically reference any section in the PRC. It was simply a statement to convey that the Project could potentially be approved by DTSC despite its significant and unavoidable impacts if there are overriding considerations adopted by DTSC.

RESPONSE 60-12

The statements referenced on page R6-3 in this comment are not part of any “statement of overriding considerations” documentation prepared for the Project. If it were to be prepared, a “statement of overriding considerations” would be prepared under a separate cover from the Draft EIR and REIR.

RESPONSE 60-13

This comment is noted.

RESPONSE 60-14

This comment provides a general conclusion regarding the comments raised in this letter. Responses to the comments contained in this letter are provided above in Responses 60-1 to 60-13.

Letter No. 61

From: Mark Sheldon [<mailto:surfcitysheldon@gmail.com>]
Sent: Saturday, November 22, 2014 12:13 AM
To: Sayed, Safouh@DTSC
Subject: Comments on Draft Recirculated EIR for Ascon

Mr. Sayed:

I have looked at the Draft Recirculated EIR. I appreciate the thought and analysis that has gone into this work, and the plan to mitigate traffic and noise on Beach Blvd. by adding an additional truck route on Brookhurst.

61-1

I would encourage further monitoring of the impacts on Brookhurst street resulting from the proposed trucking activity. Noise impacts should be monitored during the project with noise sensors, particularly in sections of Brookhurst immediately surrounded by residential zoning. The protocols ideally should include the impact of short-duration noise from passing trucks as well as long-term averages.

61-2

I would also suggest that roadway wear is a possible impact of increased truck traffic and that this should be considered as a possible additional metric, particularly on Brookhurst where street curves and increased wear per lane (compared to Beach Blvd.) may be more of an issue.

61-3

I suggest these additions to the analysis and monitoring of traffic and noise impacts for the sake of the environmental health of people whose daily lives will keep them close to the trucking routes.

61-4

Thank you for your consideration of these comments, and my apologies if I have missed any analysis in the report which directly addresses my concerns. If you have any questions you may contact me as indicated below.

61-5

Mark Sheldon

6282 Priscilla Drive
Huntington Beach, CA 92647

LETTER NO. 61

Mark Sheldon
6282 Priscilla Drive
Huntington Beach, CA 92647
(November 22, 2014)

RESPONSE 61-1

Comment noted.

RESPONSE 61-2

Noise impacts along the haul routes were evaluated as part of the Recirculated Draft EIR in Section R4.9, *Noise*. The analysis included computer modeling to calculate the increases in noise along the haul routes attributable to the Project's haul trucks. The modeling efforts show that noise levels would not increase by more than approximately 1 dBA. As the noise increases would fall well below the more conservative 3-dBA CNEL significance threshold, roadway noise level increases would be less than significant, and no mitigation measures are required. Thus, future noise monitoring is not necessary.

RESPONSE 61-3

With regards to "wear and tear" on the streets, the Cities of Huntington Beach and Fountain Valley have indicated that they will seek funds from the RPs to restore the streets in accordance with their applicable Municipal Codes and policies.

RESPONSE 61-4

Please refer to Response 61-2.

RESPONSE 61-5

Comment noted.

3.0 CORRECTIONS AND ADDITIONS TO THE DRAFT EIR AND REIR

3.0 CORRECTIONS AND ADDITIONS TO THE DRAFT EIR AND REIR

This section of the Final EIR provides changes and additions to the Draft EIR and REIR that have been made to clarify, correct, or add to the information provided in those documents. Such changes and additions are a result of public and agency comments received in response to the Draft EIR, REIR and/or new information that has become available since publication of the Draft EIR and/or REIR. The changes described in this section do not result in any new or changed conclusions to the Draft EIR or REIR analyses or increased significant environmental impacts that would result from the proposed Project.

1. CORRECTIONS AND ADDITIONS

The corrections and additions to the Draft EIR and REIR are presented below. A line through text indicates it has been deleted, while double underlined text is text that has been added.

Executive Summary

1. Page ES-3. Revise the 6th paragraph as follows:

Based on investigations over the years, the data indicates that the Site contained~~s~~ nearly 1.4 million cubic yards of contaminated and fill materials prior to the IRM.

2. Page ES-12. Revise the last sentence in the 3rd row, column 1 in Table ES-1 as follows:

Mitigation Measure HAZ-1 would reduce PM10 emissions~~s~~. However, regional PM10 emissions would continue to exceed significance thresholds.

3. Page ES-15. Revise the 2nd sentence in the 3rd row, column 1 in Table ES-1 as follows:

However, as prescribed in Mitigation Measure ~~4-3-2~~ BIO-2, payment of an in lieu mitigation fee to a conservancy group with interests in the City's Coastal Zone and/or off-site creation, restoration and/or enhancement would reduce this potentially significant impact to a less than significant level.

Chapter 1.0 - Introduction

1. Page 1-2. Revise 4th paragraph as follows:

Pursuant to the provision of Section 15082 of the CEQA Guidelines, DTSC published the NOP on April 4, 2013 in two local newspapers of general circulation within the project vicinity, the Huntington Beach Wave (OC register) and the Huntington Beach Independent. In addition, DTSC mailed a "Community Notice" to public agencies, special districts, homeowners and residents within a ~~¼~~ 0.5-mile radius of the Site, and other interested individuals indicating that the NOP/Initial Study is available for a 30-day review and comment period commencing April 4, 2013, and ending May 3, 2013. The Notice was mailed to approximately 1,900 property owners, as well as the occupants of the residences, within the mailing radius. In addition, copies of the Notice were made available to students at Edison High School. The purpose of the NOP was to formally convey that DTSC is preparing an EIR for the Project, and to

solicit input regarding the scope and content of the environmental information to be included in the EIR. A description of the Project was circulated with the Community Notice.

2. Page 1-3. Revise 3rd paragraph as follows:

This Draft EIR is subject to a 45-day public review period by responsible and trustee agencies, members of the public and other interested parties. The review period commences August 29, 2013, and ends October 14, 2013. In accordance with the provision of Sections 15085(a) and 15087(a)(1) of the CEQA Guidelines, DTSC, serving as the Lead Agency, has circulated a Notice of Availability (NOA) of a Draft EIR to all residents within a ~~4~~ 0.5-mile radius of the Site, in addition to public agencies, organizations, and individuals that commented on the NOP. The NOA indicates that an informational public meeting on the EIR environmental review process will be held on September 12, at Edison High School. The NOA also indicates the Draft EIR will be available for review at the following locations:

Chapter R2.0 – Project Description

1. Page R2-43. Add the following bullet point beneath the 4th bullet point:

- Maintenance of stormwater BMPs pursuant to the Project's General Industrial SWPPP.

2. Page R2-44. Revise PDF 2-2 as follows:

PDF 2-2 All on-road waste haul trucks exporting ~~soil~~ waste materials to the appropriate receiver facility shall be model year 2007 or newer or retrofitted to comply with USEPA Year 2007 on-road emissions standards. Documentation of all on-road trucks exporting ~~soil~~ waste materials shall be maintained and made available to DTSC for inspection upon request.

3. Page R2-45. Revise PDF 2-5 as follows:

PDF 2-5 A protective cap, inclusive of a gas collection and treatment system, would be installed to collect and treat landfill gas and other emissions generated by the Site. A vegetated cover would be planted and maintained on the completed protective cap. If required, obtain a SCAQMD Permit for Project activities, and provide a copy of said Permit to DTSC.

4. Page R2-45. Revise PDF 2-7 as follows:

PDF 2-7 During excavation of Pit F, a temporary structure (e.g., Sprung or similar) would be installed to capture potential odors and volatile emissions resulting from soil handling. Exhaust from Pit F will be treated using granular activated carbon (GAC) units which will be maintained according to manufacturer specifications. Off-road equipment operating under the Pit F temporary structure will be snorkeled (exhausted) directly outside of the structure for worker safety reasons. The temporary structure and GAC would capture and control at least 95 percent of VOC emissions. Materials excavated from Pit F would be placed in sealed or covered bins that would be loaded onto trucks for transport off-site, resulting in lower volatile emissions. Maintenance logs for the GAC system, including dates activated carbon is changed, will be maintained on-site. If required, obtain a SCAQMD Permit for Project activities, and provide a copy of said Permit to DTSC.

5. Page R2-47. Revise PDF 4-1 as follows:

PDF 4-1 Prior to the start of construction, a geotechnical evaluation prepared by a registered ~~geotechnical civil~~ engineer, as part of the remedial design, would be prepared and submitted for review and approval to DTSC and City of Huntington Beach Departments of Public Works and Planning and Building, per applicable City requirements, ~~for review and approval~~. The evaluation would comply with all applicable state and local code requirements and would include, but not be limited to:

- Analysis of the expected seismic ground shaking at the Site from known active faults using applicable methods;
- Analysis of the liquefaction potential using applicable methods;
- Analysis of the potential for earthquake-induced settlements using applicable methods;
- Analysis of the earthquake-induced lateral spreading using applicable methods;
- Analysis of the fault rupture potential and its impacts. The analysis should be performed using applicable methods;
- Slope stability analysis to ensure the slopes for the cap will be stable from the expected ground shaking and potential liquefaction hazards;
- Analysis of geotechnical recommendations for grading, including suitability of imported soil, excavation characteristics, and placement and compaction of fill material;
- Development of site-specific design measures to address seismic, liquefaction, settlement, slope-stability, grading and other geologic hazards in accordance with the geotechnical analyses; and
- Deterministic analysis of potential seismic ground shaking and recommended structural features needed to minimize seismic damage to the landfill cap.

6. Page R2-47. Revise PDF 4-3 as follows:

PDF 4-3 To control soil erosion during construction, Best Management Practices (BMPs) for the control of erosion during construction would be incorporated into the Project's Construction Storm Water Pollution Prevention Plan (SWPPP) and made available to the City of Huntington Beach for review prior to the initiation of construction. Long-term erosion control would include the planting and maintenance of grass and/or other shallow-rooted vegetation within the 2-foot soil cover overlying the Site's engineered cap.

7. Page R2-47. Revise PDF 4-4 as follows:

PDF 4-4 During construction, the Project ~~geotechnical~~ Civil engineer would regularly monitor construction activities and test soils to ensure that materials used in construction and grading of slopes are consistent with the recommendations presented in the remedial design, including the site-specific geotechnical evaluation and the plans and specifications approved by the ~~regulatory agency~~ DTSC.

8. Page R2-48. Revise PDF 4-5 as follows:

PDF 4-5 During construction, the Project ~~geotechnical~~ civil engineer would regularly monitor stability of slopes and excavations to ensure safe working conditions for personnel and equipment.

9. Page R2-48. Revise PDF 5-2 as follows:

PDF 5-2 All on-road export waste haul trucks shall at a minimum comply with USEPA 2007 on-road emissions standards.

10. Page R2-49. Revise PDF 7-1 as follows:

PDF 7-1 Prior to the start of RAP implementation, an application for a Coastal Development Permit would be submitted by the RPs to the City of Huntington Beach and a Notice of Intent would be submitted to the SWRCB to comply with the General Construction NPDES Permit. To comply with NPDES Permit conditions, a ~~Water Quality Management Plan (WQMP) and Construction Storm Water Pollution Prevention Plan (SWPPP)~~ would include descriptions of best management practices (BMPs) that would reduce the potential for discharge of pollutants in runoff into the storm drain system during grading and construction. Typical BMPs include silt fences, fiber rolls, stockpile management, spill prevention and control, and the use of protective sheeting or tarps prior to any rain event on steep slopes. BMPs would minimize erosion from, and stabilization of, disturbed surfaces. Site specific BMPs would be available to the City of Huntington Beach for review. The SWPPP would require that all structural and non-structural BMPs ~~described in the WQMP~~ be installed and implemented in accordance with approved plans and specifications prior to the beginning of construction activities.

11. Page R2-49. Revise PDF 7-2 as follows:

PDF 7-2 Plans for the remedy stormwater collection system would be submitted for review and approval to DTSC and the City of Huntington Beach Department of Public Works, per applicable City standards and requirements. The stormwater collection system would be designed to divert rainfall from the Site surface to two unlined detention basins. The conceptual cap design includes two detention basins to be located on-site in uncapped areas of native or imported soils. The uncapped detention basins, perimeter access road and City parcel would be unlined to allow percolation. A diversion system consisting of V-ditches and/or swales would be installed along the perimeter of the final cover to collect and redirect runoff from the cap to the detention basins prior to runoff entering the perimeter road and City parcel. The system would be in compliance with the General Industrial NPDES Permit with the California SWRCB and the Site's Industrial SWPPP. The stormwater collection plan would be reviewed and approved ~~by the City of Huntington Beach Department of Public Works~~ prior to construction of the stormwater detention basins.

12. Page R2-49. Revise PDF 7-3 as follows:

PDF 7-3 Silty-clay layers which underlie the Site and provide protection for the existing groundwater table would be kept in an undisturbed condition to the maximum extent feasible. Visual soil inspections would occur as necessary by a qualified geologist or civil engineer during excavation activities that are anticipated to occur close to the silty clay layer to ensure unimpacted silty clay layers are preserved.

13. Page R2-50. Revise PDF 7-4 as follows:

PDF 7-4 If groundwater of the Semi-Perched Aquifer (SPA) were encountered during excavation activities (besides Pit F), the removal of materials at that location would be terminated, with the exception of at Pit F. The excavation site (except at Pit F) would be backfilled with soils to prevent waste materials from entering groundwater.

14. Page R2-50. Revise PDF 7-8 as follows:

PDF 7-8 During implementation of the RAP, site inspections would be conducted prior to and during rain events ~~and once per month during the wet season~~ as required per the Site-specific Construction SWPPP to verify that on-site stormwater handling improvements (BMPs) are operating correctly and so that repairs can be made, as needed. During construction and operation, stormwater runoff from the Site would be sampled and tested per applicable SARWCQB requirements, and results would be reported to the SARWCQB.

Chapter 3.0 – Basis for Cumulative Analysis

1. Pages 3-3 and 3-4. Table 3-1, for Project's identified as Map Nos. 9, 12 and 19, under the Project Heading, "Could the Project be completed and in operation by 2015?", the responses have been changed from "No" to "Yes."

Map No.	Name	Location	Description	Could Project be Complete and in Operation by 2015?	Could Project be Complete and in Operation by 2020?
9	Hoag Medical Building	19582 Beach Boulevard (east side of Beach Boulevard, south of Yorktown Avenue)	The project involves the construction of an approximately 52,775-square-foot, three-story addition to an existing 52,177-square-foot medical office building and a 486-space parking structure.	No <u>Yes</u>	Yes
12	Oceana Apartments	18151 Beach Boulevard (west side of Beach Boulevard)	The project consists of 91 affordable housing units.	No <u>Yes</u>	Yes
19	Edinger Hotel	Southeast corner of Edinger Avenue and Parkside Lane	The proposed Edinger Hotel project consists of a 200-room, 115,000-square-foot, six-story hotel on a 84,829-square-foot lot in the Town Center Boulevard area of the Beach and Edinger Corridors Specific Plan (BECSP).	No <u>Yes</u>	Yes

[Note: The information provided in the Table 3-1 in the Draft EIR was based on information provided by the City of Huntington Beach Planning Department and represented the best available information at the time.]

Section 4.1 – Aesthetics

1. Pages 4.1-2 and 4.1-3. Revise the last sentence on page 4.1-2 as follows:

Further, Figure CE-12 of the Circulation Element identifies Magnolia Street from Hamilton Avenue to PCH as a ~~City-designated Landscape~~ Minor Urban Scenic Corridor.

2. Page 4.1-3. Revise the references pertaining to Goal CE 7 as follows:

Goal CE ~~7~~ 8: Maintain and enhance the visual quality and scenic views along designated corridors.

- ~~Objective CE 7.1: Enhance existing view corridors along scenic corridors and identify opportunities for the designation of new view corridors.~~ Policy CE 8.1: Protect and enhance viewsheds along designated scenic corridors.
- ~~Policy CE 7.1.4~~ 8.2: Establish landscape and urban streetscape design themes for landscape corridors, minor scenic urban corridors, and major urban scenic corridors which create a different character enhancing the corridor's surrounding land uses. For example, the design theme for corridors adjacent to residential neighborhoods should be different than the design theme for industrial or commercial uses.
- ~~Policy CE 7.1.6~~ 8.4: Require ~~any~~ that side slopes and earthen berms ~~adjacent to roadways along scenic corridors~~ be landscaped ~~appropriately to minimize visual impacts along scenic highways consistent with design objectives and standards.~~
- ~~Objective CE 7.3~~ Policy CE 8.8: Protect scenic corridors and open space/landscape areas by blending ~~man-made~~ features with both the natural and built environment.
- Policy CE 7.3.1: Require that new development include landscaping that is compatible with the visual character of the designated scenic highways and corridors.

3. Pages 4.1-33 and 4.1-34. Revise the references pertaining to Goal CE 7 in Table 4.1-1 as follows:

Page 4.1-33

- | | |
|------------------|---|
| Column 1, Row 2: | Goal CE 7 <u>8</u> : Maintain and enhance the visual quality and scenic views along designated corridors. |
| Column 1, Row 3: | Objective CE 7.1: Enhance existing view corridors along scenic corridors and identify opportunities for the designation of new view corridors. <u>Policy CE 8.1: Protect and enhance viewsheds along designated scenic corridors.</u> |
| Column 1, Row 4: | Policy CE 7.1.4 <u>8.2</u> : Establish landscape and urban streetscape design themes for landscape corridors, minor scenic urban corridors, and major urban scenic corridors which create a different character enhancing the corridor's surrounding land uses. For example, the design theme for corridors adjacent to residential neighborhoods should be different than the design theme for industrial or commercial uses. |

Column 1, Row 5: Policy CE ~~7.1.6~~ 8.4: Require ~~any that~~ side slopes and earthen berms ~~adjacent to roadways along scenic corridors~~ be landscaped ~~appropriately to minimize visual impacts along scenic highways~~ consistent with design objectives and standards.

Page 4.1-34

Column 1, Row 2: ~~Objective CE 7.3~~ Policy CE 8.8: Protect scenic corridors and open space/landscape areas by blending ~~man-made~~ features with both the natural and built environment.

Section 4.2 – Air Quality

1. Pages 4.2-26. Revise PDF 2-2 as follows:

PDF 2-2 All on-road waste haul trucks exporting ~~soil~~ waste materials to the appropriate receiver facility shall be model year 2007 or newer or retrofitted to comply with USEPA Year 2007 on-road emissions standards. Documentation of all on-road trucks exporting ~~soil~~ waste materials shall be maintained and made available to DTSC for inspection upon request.

2. Pages 4.2-26. Revise PDF 2-5 as follows:

PDF 2-5 A protective cap, inclusive of a gas collection and treatment system, would be installed to collect and treat landfill gas and other emissions generated by the Site. A vegetated cover would be planted and maintained on the completed protective cap. If required, obtain a SCAQMD Permit for Project activities, and provide a copy of said Permit to DTSC.

3. Pages 4.2-27. Revise PDF 2-5 as follows:

PDF 2-7 During excavation of Pit F, a temporary structure (e.g., Sprung or similar) would be installed to capture potential odors and volatile emissions resulting from soil handling. Exhaust from Pit F will be treated using granular activated carbon (GAC) units which will be maintained according to manufacturer specifications. Off-road equipment operating under the Pit F temporary structure will be snorkeled (exhausted) directly outside of the structure for worker safety reasons. The temporary structure and GAC would capture and control at least 95 percent of VOC emissions. Materials excavated from Pit F would be placed in sealed or covered bins that would be loaded onto trucks for transport off-site, resulting in lower volatile emissions. Maintenance logs for the GAC system, including dates activated carbon is changed, will be maintained on-site. If required, obtain a SCAQMD Permit for Project activities, and provide a copy of said Permit to DTSC.

Section 4.3 – Biological Resources

1. Pages 4.3-20 to 4.3-22. Revise name of Table 4.3-1 as follows:

Table 4.3-1 Comparison of the Project to the Applicable Policies of the Huntington Beach General Plan Natural Resources and Coastal Elements.

2. Page 4.3-22. Add the following rows to Table 4.3-1:

Goal/Policy	Project Consistency Analysis
<u>Coastal Element</u>	
<p><u>Goal C7:</u> Preserve, enhance and restore, where feasible, environmentally sensitive habitat areas (ESHAs) in the City's Coastal Zone, including the Bolsa Chica which is within the City's Sphere of Influence.</p>	<p><u>Consistent:</u> Under the City's Coastal Element definition of an ESHA (which is consistent with the Coastal Act §30107.5), disturbed coastal salt marsh and the southern tarplant meet the definition of an ESHA. Despite the Site meeting the City's definition of an ESHA, it is also acknowledged that the Site has been identified as a California hazardous substance release site and DTSC has ordered it to be remediated under the Imminent and Substantial Endangerment Determination and Order and Remedial Action Order (Order) under Health and Safety Code sections 25358.3(a), 25355.5(a)(1)(B), 58009 and 58010 (Docket No. I & SE-RAO 02/03-018). Also, it should be noted that, although the Coastal Element identifies three ESHAs within the City (the Huntington Beach wetland areas, the California least tern nesting sanctuary, and the wetlands and eucalyptus ESHA on the Parkside site) and includes policies to protect and enhance these areas, none of these ESHAs are located within or abutting the Site.</p> <p>As the Site is a landfill that is under an order to be remediated by DTSC, it is not feasible to preserve the disturbed coastal salt marsh or the southern tarplant on-site. Thus, mitigation measures are prescribed to ensure that impacted southern tarplant individuals are mitigated at a 1:1 impact-to-mitigation ratio (i.e., based on tarplant count) at an appropriate off-site location (Mitigation Measure BIO-1); and, for the disturbed coastal salt marsh, provide either payment of an in lieu fee to achieve a 1:1 impact-to-mitigation ratio, or identify an appropriate off-site conservation area for the creation, restoration, and/or enhancement at a 1:1 impact-to-mitigation ratio. By implementing these mitigation measures, impacts to the on-site ESHA resources would be appropriately preserved, enhanced and/or restored at an off-site location, while allowing the Site to be remediated consistent with the DTSC order.</p>

Section 4.4 – Geology and Soils

1. Page 4.4-3. Revise the 3rd full paragraph as follows:

The City of Huntington Beach Seismic Design Guidelines is based primarily on the Seismic Structural Provisions of the CBC. The Seismic Design Guidelines are administered by the Director of the City of Huntington Beach Department of ~~Public Works~~ **Planning and Building**. All required seismic reports for new structures must comply with the design guidelines set forth in the Design Guidelines or referenced to the CBC.

2. Page 4.4-9. Revise PDF 4-1 as follows:

PDF 4-1 Prior to the start of construction, a geotechnical evaluation prepared by a registered ~~geotechnical civil~~ engineer, as part of the remedial design, would be prepared and submitted for review and approval to DTSC and City of Huntington Beach Departments of Public Works and Planning and Building, per applicable City requirements, for review and approval. The evaluation would comply with all applicable state and local code requirements and would include, but not be limited to:

- Analysis of the expected seismic ground shaking at the Site from known active faults using applicable methods;
- Analysis of the liquefaction potential using applicable methods;
- Analysis of the potential for earthquake-induced settlements using applicable methods;
- Analysis of the earthquake-induced lateral spreading using applicable methods;
- Analysis of the fault rupture potential and its impacts. The analysis should be performed using applicable methods;
- Slope stability analysis to ensure the slopes for the cap will be stable from the expected ground shaking and potential liquefaction hazards;
- Analysis of geotechnical recommendations for grading, including suitability of imported soil, excavation characteristics, and placement and compaction of fill material;
- Development of site-specific design measures to address seismic, liquefaction, settlement, slope-stability, grading and other geologic hazards in accordance with the geotechnical analyses; and
- Deterministic analysis of potential seismic ground shaking and recommended structural features needed to minimize seismic damage to the landfill cap.

3. Page 4.4-10. Revise PDF 4-3 as follows:

PDF 4-3 To control soil erosion during construction, Best Management Practices (BMPs) for the control of erosion during construction would be incorporated into the Project's Construction Storm Water Pollution Prevention Plan (SWPPP) and made available to the City of Huntington Beach for review prior to the initiation of construction. Long-term erosion control would include the planting and maintenance of grass and/or other shallow-rooted vegetation within the 2-foot soil cover overlying the Site's engineered cap.

4. Page 4.4-10. Revise PDF 4-4 as follows:

PDF 4-4 During construction, the Project ~~geotechnical civil~~ engineer would regularly monitor construction activities and test soils to ensure that materials used in construction and grading of slopes are consistent with the recommendations presented in the remedial design, including the site-specific geotechnical evaluation and the plans and specifications approved by the ~~regulatory agency~~ DTSC.

5. Page 4.4-10. Revise PDF 4-5 as follows:

PDF 4-5 During construction, the Project ~~geotechnical~~ civil engineer would regularly monitor stability of slopes and excavations to ensure safe working conditions for personnel and equipment.

6. Page 4.4-16. Revise the 1st full paragraph as follows:

The Project's engineered cap would include a 2-foot-deep soil layer on the cap surface that would be vegetated with grasses and other shallow-rooted vegetation. During long-term operation of the Project, the vegetated cover would minimize exposure of fill soils to precipitation and wind and substantially reduce erosion potential on the Site. Permanent erosion control and drainage systems are also required under Section 17.05 (Grading and Excavation) of the Municipal Code, ~~and~~ City's Grading Manual, and the Project's General Industrial SWPPP. With implementation of the Project's General Industrial SWPPP, the use of the vegetated cover and compliance with applicable regulations, impacts with respect to erosion of soils would be less than significant.

7. Page 4.4-16. Revise the 2nd full paragraph as follows:

Conclusion: Implementation of the RAP could result in soil erosion or the loss of topsoil during construction activities and long-term operation of the capped Site. However, compliance with the Project SWPPP and applicable BMPs during construction and planting, compliance with erosion control measures of the Municipal Code and Grading Manual, and maintenance of a permanent vegetated layer on the remediated capped Site would ensure that impacts related to erosion would be less than significant.

Section 4.5 – Greenhouse Gas Emissions**1. Page 4.5-16. Revise PDF 5-2 as follows:**

PDF 5-2 All on-road export waste haul trucks shall at a minimum comply with USEPA 2007 on-road emissions standards.

Section 4.6 – Hazards and Hazardous Materials**1. Page 4.6-10. Add in the following statement below the last paragraph:**

Any future development of the Site will be subject to the requirements of City Specification 429 Methane District Building Permit Requirements, City Specification 431-92 Soil Clean-Up Standards, City Specification 422 Oil Well Abandonment Permit Process, other applicable City Specifications, and the Huntington Beach Fire Code.

2. Page 4.6-11. Revise the last sentence in the 2nd full paragraph as follows:

This extent shall be reported in the Completion Report and submitted to the City DTSC as the lead oversight agency for the project, for DTSC's review and approval, with a copy to the City. ~~and disclosed~~ Disclosures to subsequent property owners in a format approved by the Fire Department or

~~DTSC as the lead oversight agency for the Project. Disclosures to subsequent property owners will be made, as appropriate, in a format approved by DTSC.~~

3. Page 4.6-11. Revise the last sentence in the 4th full paragraph as follows:

A remediation plan shall be approved by the ~~Fire Department or~~ DTSC as the lead oversight agency for the Project.

4. Page 4.6-32. Replace Figure 4.6-3 to match Figure 12 in the HRA. Please see revised Figure 4.6-3 on page 3-13.

5. Page 4.6-49. Revise the 4th sentence in the 2nd paragraph as follows:

Results of this model show that the incremental increase in child and pregnant adult blood lead concentrations would be 0.000035 µg/dL and 0.0000019 µg/dL, respectively, which are below the threshold of 1.0 µg/dL.

6. Page 4.6-51. Revise the “Chronic Risk-Receptor 1” section values stated in Table 4.6-7 as follows:

Table 4.6-7

Chronic Risk – Receptor 1

Chemical	Chronic Risk Contribution (per million)	Percent of Total
Total	0.047	
Diesel Engine Exhaust	0.030	64%
Arsenic	0.013	27%
Crystalline Silica	0.0022	4.7%
Source		
Phase 3.2 – Cut/Fill to top of waste	0.028	61%
Phase 3.1 – Install slurry wall at Lagoon 4 and 5	0.0044	9.3%
Phase 1 – Maintain Haul Roads	0.0028 0.0038	5.9% 8.1%

Section 4.7 – Water Quality

1. Page 4.7-7. Add in the following bullet point following the 1st full paragraph:

- Incorporate LID BMPS

2. Page 4.7-13. Revise PDF 7-1 as follows:

PDF 7-1 Prior to the start of RAP implementation, an application for a Coastal Development Permit would be submitted by the RPs to the City of Huntington Beach and a Notice of Intent would be submitted to the SWRCB to comply with the General Construction NPDES Permit. To comply with NPDES Permit conditions, a ~~Water Quality Management Plan (WQMP) and~~ Construction Storm Water Pollution Prevention Plan (SWPPP) would include descriptions

of best management practices (BMPs) that would reduce the potential for discharge of pollutants in runoff into the storm drain system during grading and construction. Typical BMPs include silt fences, fiber rolls, stockpile management, spill prevention and control, and the use of protective sheeting or tarps prior to any rain event on steep slopes. BMPs would minimize erosion from, and stabilization of, disturbed surfaces. Site specific BMPs would be available to the City of Huntington Beach for review. The SWPPP would require that all structural and non-structural BMPs ~~described in the WQMP~~ be installed and implemented in accordance with approved plans and specifications prior to the beginning of construction activities.

3. Page 4.7-14. Revise PDF 7-2 as follows:

PDF 7-2 Plans for the remedy stormwater collection system would be submitted for review and approval to DTSC and the City of Huntington Beach Department of Public Works, per applicable City standards and requirements. The stormwater collection system would be designed to divert rainfall from the Site surface to two unlined detention basins. The conceptual cap design includes two detention basins to be located on-site in uncapped areas of native or imported soils. The uncapped detention basins, perimeter access road and City parcel would be unlined to allow percolation. A diversion system consisting of V-ditches and/or swales would be installed along the perimeter of the final cover to collect and redirect runoff from the cap to the detention basins prior to runoff entering the perimeter road and City parcel. The system would be in compliance with the General Industrial NPDES Permit with the California SWRCB and the Site's Industrial SWPPP. The stormwater collection plan would be reviewed and approved ~~by the City of Huntington Beach Department of Public Works~~ prior to construction of the stormwater detention basins.

4. Page 4.7-14. Revise PDF 7-3 as follows:

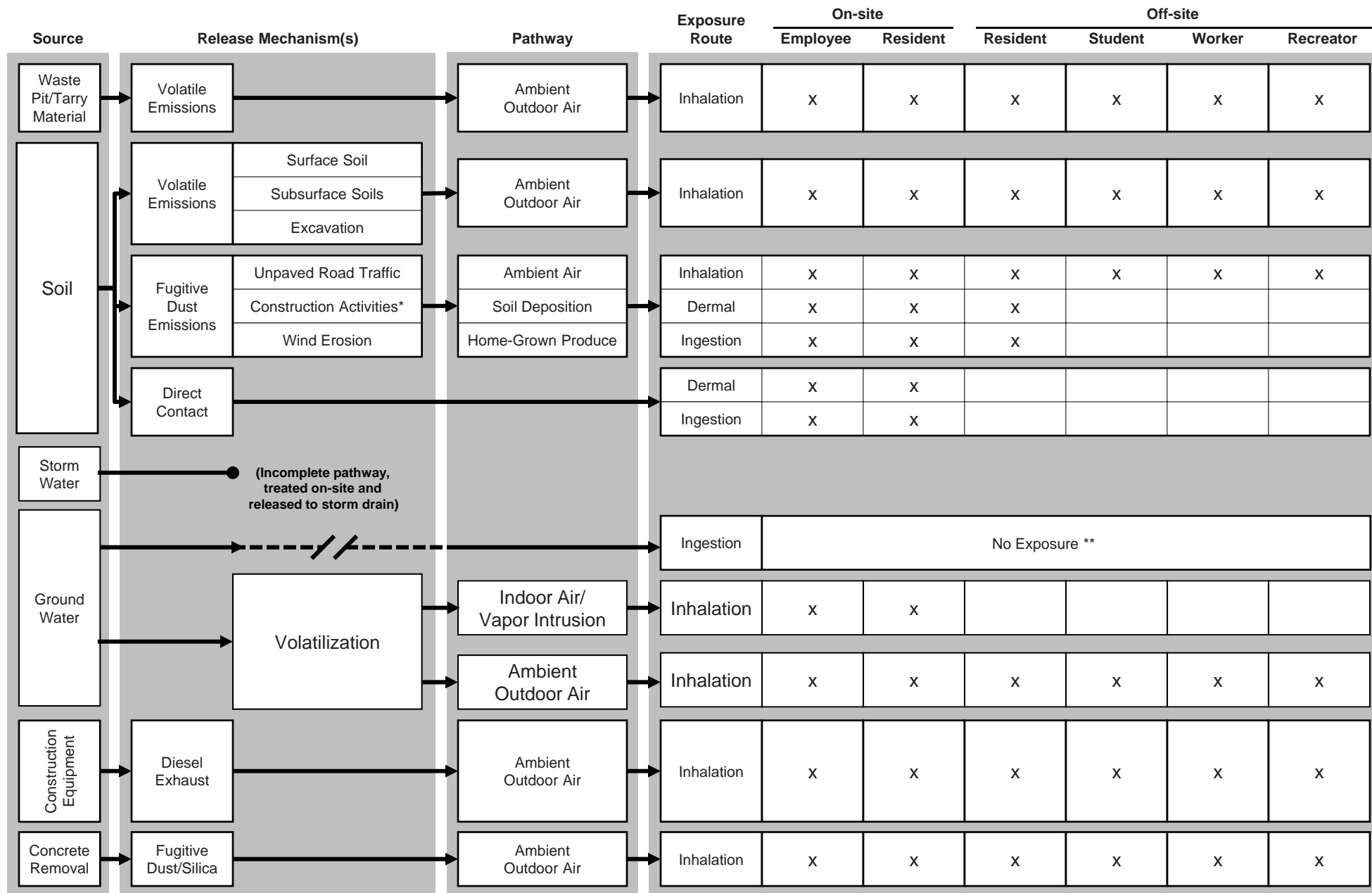
PDF 7-3 Silty-clay layers which underlie the Site and provide protection for the existing groundwater table would be kept in an undisturbed condition to the maximum extent feasible. Visual soil inspections would occur as necessary by a qualified geologist or civil engineer during excavation activities that are anticipated to occur close to the silty clay layer to ensure unimpacted silty clay layers are preserved.

5. Page 4.7-14. Revise PDF 7-4 as follows:

PDF 7-4 If groundwater of the Semi-Perched Aquifer (SPA) were encountered during excavation activities (besides Pit F), the removal of materials at that location would be terminated, with the exception of at Pit F. The excavation site (except at Pit F) would be backfilled with soils to prevent waste materials from entering groundwater.

6. Page 4.7-15. Revise PDF 7-8 as follows:

PDF 7-8 During implementation of the RAP, site inspections would be conducted prior to and during rain events ~~and once per month during the wet season as required per the Site-specific Construction SWPPP~~ to verify that on-site stormwater handling improvements (BMPs) are operating correctly and so that repairs can be made, as needed. During



* Other construction activities include dumping of excavated soil, dozing, and grading.

** No exposure due to incomplete pathway (Aquifer near site is not used for drinking water supply)

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construction and operation, stormwater runoff from the Site would be sampled and tested per applicable SARWCQB requirements, and results would be reported to the SARWQCB.

Chapter 4.8 – Land Use

1. Pages 4.8-2 and 4.8-3. Revise the final paragraph beginning on page 4.8-2 as follows:

General Plan/Local Coastal Program of the City of Huntington Beach

California State law (Government Code Section 65300) requires that each city prepare and adopt a comprehensive, long-term General Plan for its future development. The General Plan/Local Coastal Program (1996), also referred to as the “General Plan” herein, acts to clarify and articulate the city’s intentions with respect to the rights and expectations of the public, property owners, and prospective investors and business interests.

2. Page 4.8-11. Revise the 2nd column in the last row of Table 4.8-1 as follows:

Not Consistent. The Site is designated as RM-15-SP. The designation corresponds to medium density residential use in the Magnolia Pacific Specific Plan Overlay. The land use designation and specific plan would allow up to 502 residential units on the Site. The RAP would incorporate land use controls over the Site that would prohibit the use of the site for residential uses over the cap structure. Because the cap system proposed by the RAP would restrict future residential development of the Site, it would not be consistent with the intent of the Specific Plan to allow for residential future use of the Site according to the General Plan’s “overlay” schedule or intended balance of land uses. However, while not consistent, implementation of the RAP ~~would~~ could potentially allow for the Site to be developed with a to-be-determined mix of restricted commercial, light industrial, and/or recreational commercial or recreational uses that would protect the cap (e.g., allowed loads on-site, maintain the function of the vapor control system, etc.), be within acceptable health risk exposure levels, and be compatible with surrounding land uses subject to future review and approval by DTSC, the City of Huntington Beach and/or other agencies, applicable, and that Such uses would otherwise be impermissible in the absence of RAP implementation.

3. Page 4.8-14. Revise the 1st full paragraph as follows:

Huntington Beach Zoning and Subdivision Ordinance

The HBZBO designates the Site as SP-10-CZ, which corresponds to the Magnolia Pacific Specific Plan with a Coastal Zone Overlay designation. Under this zoning designation, any future development of the Site must correspond to the requirements of the Magnolia Pacific Specific Plan, which would allow 502 mixed single-family and multi-family residences within a design community, as well as the City’s Coastal Zone Overlay requirements. As previously described, the RAP would prohibit development of the Site with residential uses and would leave the site in a condition that would not be developable under the existing zoning designation. Therefore, the RAP would impede the intent of the HBZBO regarding the land use of the Site. However, the non-implementation of the designated zoning and land use would not result in an adverse environmental impact. Therefore, the inconsistency of the RAP with the HBZBO would be a less than significant impact.

Section R4.10 – Traffic and Circulation

1. Page R4.10-55. Revise Mitigation Measure RTRAF-1 as follows:

PDF 5-2 The Project shall limit the maximum hourly one-way haul truck trips during each of the P.M. peak hours (4:00 to 5:00 P.M. and 5:00 to 6:00 P.M.) to 10 trucks utilizing Beach Boulevard (10 in-bound trips per hour and 10 out-bound trips per hour) and 15 trucks utilizing Brookhurst Street (15 in-bound trips per hour and 15 out-bound trips per hour). This mitigation measure to be verified through monthly compliance reports submitted by the RPs to DTSC Unit Chief, Brownfields & Environmental Restoration..

Chapter 5.0 – Alternatives

1. Page 5-49. Revise footnote “a” in Table 5-9 as follows:

^a The “unmitigated” scenario includes emissions reductions from implementation of the voluntary project design features (PDFs) described throughout this EIR. PDFs will be enforceable by DTSC. Mitigation measures are discussed separately. Cancer risk values based on a 36-month exposure duration. Analysis includes inhalation, soil ingestion, dermal, mother’s milk, and home grown produce.

2. Page 5-50. Revise the 3rd paragraph starting with the 2nd sentence as follows:

Diesel particulate matter would be the main contributor to the maximum cancer risk. Even if all diesel-fueled equipment were outfitted with diesel particulate filters (similar to Mitigation Measure HAZ-1 but applicable to all equipment, which may not be feasible), reducing DPM emissions by at least 85 percent, the incremental cancer risk would be approximately 2 in one million, which would still exceed the threshold of significance. There are no feasible mitigation measures that would reduce the incremental cancer risk to nearby residential receptors resulting from DMP emissions under Alternative 2 to a less than significant level.

3. Page 5-51. Revise footnote “a” in Table 5-10 as follows:

^a The “unmitigated” scenario includes emissions reductions from implementation of the voluntary project design features (PDFs) described throughout this EIR. PDFs will be enforceable by DTSC. Mitigation measures are discussed separately. Cancer risk values based on a 36-month exposure duration. Analysis includes inhalation, soil ingestion, and dermal, ~~and home grown produce.~~

4. Page 5-53. Revise footnote “a” in Table 5-11 as follows:

^a The “unmitigated” scenario includes emissions reductions from implementation of the voluntary project design features (PDFs) described throughout this EIR. PDFs will be enforceable by DTSC. Mitigation measures are discussed separately. Cancer risk values based on a 36-month exposure duration. Analysis includes inhalation, soil ingestion, and dermal, ~~and home grown produce.~~

5. Page 5-92. Revise the 8th sentence in the 2nd full paragraph as follows:

The perimeter access road and City Parcel would also be comprised of permeable soil surfaces that would ~~slow~~ allow slow infiltration of surface runoff to the groundwater basin.

Chapter 8.0 – References

1. Page 8-7. Revise the 9th listed reference as follows:

Project Navigator, Ltd., Draft Remedial Action Plan, ~~April 3, 2013, June 6, 2014, August 1, 2013, August 23, 2013~~ August 20, 2013.

Appendix A – Notice of Preparation/Initial Study/NOP Comment Letters

1. Initial Study. Page 32 of 86. Revise Mitigation Measure CULT-1 as follows:

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

Appendix E – Health Risk Assessment

1. Page 44. Revise footnote #58 as follows:

⁵⁸ Draft Remedial Action Plan. Ascon Landfill Site, Huntington Beach, California. Project Navigator. August ~~1~~ 20, 2013.

2. Page 58. Revise the 2nd sentence in the 4th paragraph as follows:

As a ~~conservative~~ (i.e., health-protective) modeling assumption, the discharge point was located on the western side of Pit F closer to off-site sensitive receptors. The design of the negative-pressure air enclosure has not yet been finalized.

3. Page 59. Revise the 1st sentence in the 3rd paragraph as follows:

Other control strategies which will be implemented include sealed roll-off boxes during Pit F excavation and; use of a negative pressure structure. (Delete Semicolon)

4. Page 71. Revise the “Summary Table” as follows:

See revised table on following page.

Summary Table

Ascon Maximum Health Risk Impact Summary -- Unmitigated^a

	Alternative 4	Alternative 6
MEI Receptor No. ^b	223	223
Cancer Risk (per million risk)	3.2	8.8
Threshold	1.0	1.0
Exceed Threshold ^c ?	Yes	Yes
MEI Receptor No. ^b	223	222
Chronic Risk (HI)	0.18	0.67
Threshold	1	1
Exceed Threshold ^c ?	No	No
MEI Receptor No. ^b	221 196	221
Acute Risk (HI)	0.30 0.39	2.9
Threshold	1	1
Exceed Threshold ^c ?	No	Yes

^a Unmitigated values assume that emission control strategies would be implemented during remedial activities. It should be noted that emission control strategies are not considered mitigation; these measures are voluntary but enforceable.

^b Receptor numbers and corresponding locations are shown in Figures 14 and 15.

^c DTSC Threshold, See Section 2.2 of this HRA.

Source: PCR Services Corporation, 2013.

5. Page 73. Revise the 4th sentence in the 5th paragraph as follows:

Results of this model show that the incremental increase in child and pregnant adult blood lead concentrations would be 0.000035 µg/dL and 0.0000019 µg/dL, respectively, which are below the threshold of 1.0 µg/dL.

6. Page 81. Revise the 3rd sentence in the 5th paragraph as follows:

The maximum incremental cancer risk at the worker receptor would exceed the threshold of one in one million even with incorporation of these control strategies.

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

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

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

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

The Draft EIR and Recirculated Draft EIR prepared for the Draft Remedial Action Plan (RAP) for the Ascon Landfill Site provided an analysis of the environmental effects resulting from implementation of the RAP. A thorough evaluation of the Project was undertaken in compliance with CEQA, including the identification mitigation measures designed to avoid or substantially reduce the potential adverse environmental impacts of the project.

In addition, project design features, also referred to as “PDFs,” were identified in the Draft EIR which are specific design elements proposed by the RPs that would be incorporated into the Project to prevent the occurrence of or to minimize the significance of potential environmental effects. Because PDFs have been incorporated into the Project, they do not constitute mitigation measures, as defined by Section 15126.4 of the State CEQA Guidelines (Title 14 of the California Code of Regulations). However, the PDFs are being included in the MMRP to ensure their implementation as a part of the Project. Note that some of the PDFs may be similar to other PDFs as each PDF was developed in response to individual environmental issue areas. To sufficiently track and document the status of the PDFs and mitigation measures, the following components are included in this MMRP:

- PDF/mitigation measure number
- PDF/mitigation measure (text)
- Monitoring/Reporting Actions
- Responsible Monitoring Party
- Monitoring Phase
- Verification/Approval Party
- PDF/mitigation measure implemented? (Y/N, and date)
- Remarks

Below are the PDFs and mitigation measures and the associated monitoring components. As discussed therein, the terms “Responsible Parties” and “RPs” are used interchangeably.

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
Aesthetics						
No mitigation measures are applicable to Aesthetics. However, the following PDFs would be implemented by the Project.						
PDF 1-1: The upper deck of the cap would include a three percent (3%) gradient surrounded by side slopes along the cap perimeter with a horizontal-to-vertical gradient of three to one (3H:1V), excluding the Site perimeter access road, City parcel, SCOC area, and storm water detention basins.	<ol style="list-style-type: none"> 1. Prior to commencement of Site remediation activities, DTSC shall verify that the Final Cap Design Plan includes the components identified in this PDF. 2. Upon completion of the remedy per the approved Final Cap Design Plan, DTSC shall verify the gradients prescribed by this PDF have been implemented through a final Site inspection or review of As-Built documentation. 	RPs and DTSC	<ol style="list-style-type: none"> 1. Prior to approval of the Final Cap Design Plan and 2. Upon completion of the remedy. 	DTSC, Ascon Project Manager		
PDF 1-2: The cap would be vegetated with self-sustaining vegetation (such as grasses and/or other vegetation) on the surface.	<ol style="list-style-type: none"> 1. Prior to commencement of Site remediation activities, DTSC shall verify that the Final Cap Design Plan identifies vegetation on the cap surface consistent with this PDF. 2. Following completion of the remedy and after time for vegetation to take hold, DTSC shall verify 	RPs and DTSC	<ol style="list-style-type: none"> 1. Prior to approval of the Final Cap Design Plan and 2. Upon completion of the remedy and after time for vegetation to take hold. 	DTSC, Ascon Project Manager		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
	that the cap has been vegetated on the surface consistent with this PDF through a final Site inspection.					
PDF 1-3: The RPs would conduct weed abatement and litter control on the vegetated cap cover on a periodic basis to maintain the appearance and low-lying vegetation of the cap and minimize the potential for fire hazard.	1. Post-remedy operations and maintenance (O&M) activities and requirements, including frequency of periodic reporting, will be detailed in the O&M Plan to be developed after DTSC approval of the remedial design. The O&M Plan will identify the frequency of reporting of the O&M activities completed onsite (including mowing/weed abatement and litter control).	RPs and DTSC	Following completion of the remedy.	DTSC, Ascon Project Manager		
PDF 1-4: The position of the new fence lines along Magnolia Street and Hamilton Avenue would be located along the property line approximately 20 and 30 feet further from each street, respectively, than presently positioned. Also, with the 15-foot wide perimeter road along Magnolia Street and Hamilton Avenue, the cap would not begin to rise until approximately 35 to 45 feet inside the present fence	1. Prior to commencement of Site remediation activities, DTSC shall verify that the Final Cap Design Plan includes fence lines prescribed by this PDF. 2. Following completion of the remedy per the approved Final Cap Design Plan, DTSC shall verify the fence lines prescribed by this PDF	RPs and DTSC	1. Prior to approval of the Final Cap Design Plan and 2. Upon completion of the remedy.	DTSC, Ascon Project Manager		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
line.	have been implemented through a final Site inspection or review of As-Built documentation.					
Air Quality						
PDF 2-1: All off-road diesel construction equipment remaining on-site for more than 15 work days shall meet USEPA Tier 3 off-road emission standards, if commercially available locally. Use of Tier 3 engines results in a substantial reduction in NOX emissions compared to similar Tier 2 or lower engines, and has been shown to increase fuel economy over similar Tier 2 engines. Documentation of all off-road diesel construction equipment on-site including Tier 3 certification shall be maintained and made available to DTSC for inspection upon request.	1. Prior to commencement of remediation construction activities, the remediation contractor will verify that all diesel powered off-road construction equipment to be used on-site for 15 or more work days over the course of the project duration meet USEPA Tier 3 emissions standards. Tier 3 verification will be supported with documentation from the equipment manufacturer or retrofit contractor/installer. The RPs will keep copies of verification from the contractor(s) and maintain logs demonstrating compliance with Tier 3 emission standards. The logs will be available for inspection upon request by DTSC. Logs will be inspected at least once	RPs and DTSC	Compliance will be monitored continuously by the RPs (or their remedial contractor or designee). Inspections will be conducted no less than once every three calendar months by DTSC as long as off-road diesel construction equipment remains on-site.	DTSC, Ascon Project Manager		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
	<p>every three calendar months by DTSC as long as off-road diesel construction equipment remain on-site.</p> <p>2. Model, serial number, date of equipment arriving on-site, equipment engine hours (if available), equipment owner/operator, and any unique visible identifier of all equipment used on-site will be recorded in the log. Logs will be inspected at least once per quarter by DTSC during active implementation of the remedy.</p>					
<p>PDF 2-2: All on-road waste haul trucks exporting waste materials to the appropriate receiver facility shall be model year 2007 or newer or retrofitted to comply with USEPA Year 2007 on-road emissions standards. Documentation of all on-road trucks exporting waste materials shall be maintained and made available to DTSC for inspection upon request.</p>	<p>1. Prior to commencement of activities, the export hauling contractor will provide verification that all on-road vehicles used for hauling export materials be equipped with engine model year 2007 or newer. Engines manufactured prior to 2007 will be allowed if retrofitted to 2007 emission standards or better. Prior to the start of hauling activities, the</p>	RPs and DTSC	<p>Compliance will be monitored continuously by the RPs (or their remedial contractor or designee) whenever exporting of materials occurs. Inspections will be conducted no less than once every calendar month by DTSC</p>	DTSC, Ascon Project Manager		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
	<p>hauling contractor(s) will provide written record demonstrating availability or absence of 2007 or newer model year trucks in its fleet. The RPs will maintain a log of trucks which meet this specification. The log will contain the truck engine model year or retrofit certification, Vehicle Identification Number (VIN), and license plate number. The RPs will update the log as needed (prior to new/additional trucks arriving at the site) and make it available for inspection upon request at least once every month by DTSC during the excavation phases.</p> <p>2. The log of export haul trucks that meet emissions specifications (2007 or newer) will be used by the remediation contractor to verify that each truck meets specifications prior to loading of materials for export to the appropriate receiver facility. This requirement does not</p>		during the excavation phases.			

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
	apply to trucks hauling municipal, universal, or "green" waste from the site.					
PDF 2-3: The Project would prohibit the idling of on- and off-road heavy duty diesel vehicles for more than five minutes at a time. This project design feature is consistent with California regulations and laws as well as CARB Air Toxics Control Measure (ATCM) requirements.	<ol style="list-style-type: none"> 1. The hauling and remediation contractors will inform all operators of on- and off-road heavy duty diesel equipment of ATCM requirements and monitor on-site compliance. 2. Signs shall be posted at the site entry point to remind haul truck operators of idling limits. 3. Each truck operator shall be reminded of idling limits at check-in. 	RPs and DTSC	During construction Site remediation activities.	DTSC, Ascon Project Manager		
PDF 2-4: The Project, during the remediation activities, would implement a perimeter air monitoring plan (AMP). The AMP include real-time perimeter air monitoring for odors, dust, and volatile chemicals, as well as more limited time-integrated sampling for volatile chemicals and dust at the locations and frequencies outlined in the AMP, which will be approved by DTSC. During the excavation activities, water and/or Rusmar® foam, or similar suppressant (e.g. Soil Seal), would be applied to the	<ol style="list-style-type: none"> 1. The RPs will prepare an air monitoring plan (AMP) for DTSC review and approval. The AMP will contain action levels and corresponding actions if levels are exceeded. Per the DTSC-approved AMP, the RPs will conduct perimeter monitoring for the duration of active earth moving (i.e., excavation, remediation, backfill, grading, etc.). Logs containing dates 	RPs and DTSC	During construction Site remediation activities and upon completion of the remedy. Inspections of air monitoring logs will be conducted no less than quarterly by DTSC during project activities. Upon completion of remediation activities, a	DTSC, Ascon Project Manager		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
waste materials as necessary to suppress potential dust, odors, and emissions, including volatiles. The AMP would include action levels with corresponding actions if/when action levels are exceeded. Air monitoring logs will be maintained on-site at all times per the AMP. A log containing dates on which action levels are triggered and response will be maintained on-site. These logs will be made available to DTSC and SCAQMD for inspection upon request.	<p>exceeding action levels, any responses, and maintenance activities will be kept on-site and made available to DTSC and SCAQMD for inspection. Inspections of air monitoring logs will be conducted no less than quarterly by DTSC during project activities. Upon completion of remediation activities, a completion report shall be prepared and submitted to DTSC for review.</p> <p>2. Water, dust suppressant or foam will be applied during excavation of soil to limit dust, volatile and odor emissions as necessary. Records of water, dust suppressant or foam application will be maintained on-site. Records will be inspected by DTSC on a quarterly basis.</p>		completion report shall be prepared and submitted to DTSC for review.			
PDF 2-5: A protective cap, inclusive of a gas collection and treatment system, would be installed to collect and treat landfill gas and other emissions generated by the Site. A	<p>1. The RPs will install the protective cap consistent with DTSC approved remedial design.</p> <p>2. The gas collection and treatment system will be</p>	RPs and DTSC	Prior to approval of the Final Cap Design Plan and following completion of the remedy.	DTSC, Ascon Project Manager		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
vegetated cover would be planted and maintained on the completed protective cap. If required, obtain a SCAQMD Permit for Project activities, and provide a copy of said Permit to DTSC.	<p>inspected and maintained periodically in accordance with the SCAQMD permit and the O&M Plan.</p> <p>3. The cap will be inspected periodically for any accidental breach.</p>					
<p>PDF 2-6: The Project would comply with applicable SCAQMD rules that govern the control of air pollutant emissions from the Site, including: SCAQMD Rule 1150 – Excavation of Landfill Site, and SCAQMD Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil.</p> <ul style="list-style-type: none"> • Submit a Mitigation Plan in accordance with Attachment A of SCAQMD Rule 1166, and obtain approval from the SCAQMD. A copy of the approved plan must be on-site during the entire excavation period. • Monitor for the presence of VOC, and implement the approved mitigation plan when VOC-contaminated soil, as defined in Rule 1166, is detected. • If required, obtain a SCAQMD Permit for Project activities, and provide a copy of said Permit to DTSC. 	<p>1. The RPs will submit a Mitigation Plan to the SCAQMD regarding volatile organic compound emissions during excavation.</p> <p>2. Monitoring will be performed consistent with SCAQMD Rule 1150 for Landfill Sites and Rule 1166 for VOC-contaminated soil. Monitoring logs will be inspected at least quarterly by DTSC.</p> <p>3. The RPs will consult with SCAQMD permitting staff and submit permit applications required for remediation activities.</p>	RPs and DTSC for periodic inspections. SCAQMD for permitting.	Before and during construction Site remediation activities.	DTSC, Ascon Project Manager		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
<p>PDF 2-7: During excavation of Pit F, a temporary structure (e.g., Sprung or similar) would be installed to capture potential odors and volatile emissions resulting from soil handling. Exhaust from Pit F will be treated using granular activated carbon (GAC) units which will be maintained according to manufacturer specifications. Off-road equipment operating under the Pit F temporary structure will be snorkeled (exhausted) directly outside of the structure for worker safety reasons. The temporary structure and GAC would capture and control at least 95 percent of VOC emissions. Materials excavated from Pit F would be placed in sealed or covered bins that would be loaded onto trucks for transport off-site, resulting in lower volatile emissions. Maintenance logs for the GAC system, including dates activated carbon is changed, will be maintained on-site. If required, obtain a SCAQMD Permit for Project activities, and provide a copy of said Permit to DTSC.</p>	<ol style="list-style-type: none"> During excavation of Pit F, the RPs will install a negative pressure temporary structure over the Pit F excavation area with a granular activated carbon (GAC) treatment system. The structure and treatment system will be installed and operated per manufacturer specifications. The GAC system capture efficiency will be guaranteed by the manufacturer to capture at least 95 percent of VOC emissions. Maintenance logs will be maintained on-site for the GAC system including carbon change schedule, blower fan maintenance, or other mechanical issues. Maintenance logs will be inspected at least quarterly by DTSC and per the applicable SCAQMD permit(s). The RPs will complete SCAQMD permit application(s) required for the GAC treatment system. 	RPs, DTSC and SCAQMD	Before and during construction Site remediation activities. Inspection of GAC maintenance logs will be conducted no less than quarterly by DTSC during project activities.	DTSC, Ascon Project Manager		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
	4. Sealed bins will be inspected periodically for air tightness.					
PDF 2-8: The Project would implement fugitive dust control measures consistent with SCAQMD rules and regulations. The dust control measures would consist of various elements including: proper maintenance and watering of internal haul roads; water spraying of soil excavated and placed for cover or soil reconsolidation; applying water on intermediate soil cover areas; and seeding/planting vegetation on the completed protective cap. This project design feature is consistent with SCAQMD Rule 403 requirements.	1. The RPs will comply with SCAQMD Rule 403 which requires fugitive dust control measures including track-out prevention, street sweeping and watering of exposed surfaces. 2. A dust control supervisor will be appointed and be available on-site within 30 minutes during working hours.	RPs and DTSC	During construction Site remediation activities.	DTSC, Ascon Project Manager		
PDF 2-9: Traffic speeds of no more than 5 miles per hour (mph) would be maintained for haul trucks when on-site, and no more than 15 mph for non-haul truck vehicles on all on-site, unpaved road surfaces. Signs will be posted throughout the Site to remind equipment operators and truck drivers of the speed limits.	1. The RPs will post speed limit signs for on-road haul trucks travelling on-site. Non-haul truck equipment operators will be informed of the 15 mph speed limit.	RPs and DTSC	During construction Site remediation activities.	DTSC, Ascon Project Manager		
PDF 2-10: Exposed surfaces and active excavation sites would be controlled with water and/or suppressants certified by CARB, the SCAQMD, or other air	1. The RPs will apply dust suppressants to unpaved roads per manufacturer specifications. Dust suppressants to be used	RPs and DTSC	During construction Site remediation activities.	DTSC, Ascon Project Manager		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
pollution control agency, to control fugitive dust. Such suppressants include foams, nontoxic binders, or other suppressants to reduce fugitive dust emissions. Logs of water purchase or usage and suppressant application (including brand/manufacturer, date of application, area treated and amount applied) will be maintained on-site and made available to DTSC and SCAQMD for inspection upon request.	<p>are those certified by CARB to achieve a minimum of 80% reduction in fugitive dust emissions. Watering or soil stabilizers will be applied to non-active areas of the site to control dust as necessary. Foam will be applied to control odors and VOC emissions during excavation activities.</p> <p>2. Water will be applied to at least 80 percent of the surface area of all open storage piles on a daily basis, unless covered.</p> <p>3. Logs of water, dust suppressant, and foam application will be maintained on-site. Data will include brand/manufacturer, date of application, area treated and amount applied. Logs will be inspected by DTSC on a quarterly basis.</p>					
PDF 2-11: Prior to leaving the Site, each haul truck, and other delivery trucks that come in contact with Site waste, would be inspected and put through procedures as necessary to	1. The RPs will install at least one track out prevention device consistent with SCAQMD Rule 403 requirements. Track out of dirt off-site	RPs and DTSC	During construction Site remediation.	DTSC, Ascon Project Manager		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
remove loose debris from tire wells and on the truck exterior. Haul truck operators (drivers) would be required to have the proper training and registration by the State and as applicable to the material they would be hauling. Trucks transporting hazardous waste are required to maintain a hazardous waste manifest that describes the content of the materials. These manifests would be supplied by the waste receiver facility and prepared by the contractor or trucking company and the Ascon Landfill Site RP representative(s) prior to export off-site. The contracted trucking company would be a certified hazardous waste transportation contractor, if the material is profiled as hazardous. A log of manifest data will be maintained on-site and made available to DTSC for inspection upon request.	<p>will be cleaned up at the conclusion of each workday.</p> <p>2. Trucks exporting soil will be covered (tarped) and maintain freeboard consistent with Rule 403 requirements.</p> <p>3. Site documentation will verify that hazardous waste haul truck operators (drivers) will be licensed to transport hazardous waste and provide appropriate manifests.</p> <p>4. Logs will be maintained on-site for hazardous waste hauler export trucks including vehicle license plates, manifest data and arrival and departure date. Logs will be inspected by DTSC on a quarterly basis.</p>					
PDF 2-12: Waste haul trucks and soil delivery trucks entering and exiting the Site would be required to follow a City-approved traffic plan that establishes the trucking route, days and hours of truck operation, the maximum number of trucks per day, and various requirements to provide traffic,	1. The RPs will receive approval of a haul route plan by the City of Huntington Beach and City of Fountain Valley, if required. The RPs will also utilize street sweepers and any other track out prevention devices if required by the	RPs, DTSC, City of Huntington Beach, City of Fountain Valley	During construction Site remediation activities.	DTSC, Ascon Project Manager		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
pedestrian and bicycle safety. Truck operators will be provided with a trucking route map and hours of operation allowed.	<p>City of Huntington Beach.</p> <ol style="list-style-type: none"> The RPs will provide a flag man for trucks leaving the site. The RPs will provide a trucking route map for all trucks transporting material to and from the site. 					
PDF 2-13: To the maximum practical extent, recyclable materials, including non-hazardous construction and demolition debris, would be reused or recycled.	<ol style="list-style-type: none"> The RPs will recycle or reuse on-site at least 50 percent of concrete debris encountered on-site. The RPs shall submit quarterly compliance reports to DTSC to verify the percentage of the unearthed recyclable materials on-site that were recycled on-site or through off-site recycling. The 50% target will be documented in the Completion Report. 	RP and DTSC	During construction Site remediation activities.	DTSC, Ascon Project Manager		
Mitigation Measure AIR-1: Implement a protocol to address odor complaints that shall include: <ul style="list-style-type: none"> Post an odor complaint telephone number at the Site, including phone numbers for the SCAQMD where odor complaints can be lodged via 	<ol style="list-style-type: none"> The RPs will post odor complaint phone numbers, including numbers used to reach the SCAQMD (1-800-CUT-SMOG) and RPs (or third party hotline operator retained by the RPs), at the entrance of the 	RP and DTSC	Before and during construction Site remediation activities.	DTSC, Ascon Project Manager		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
<p>telephone.</p> <ul style="list-style-type: none"> Prior to the commencement of RAP activities, mail information to surrounding property owners regarding procedures to follow the lodge an odor complaint. 	<p>project site. Instructions for registering odor complaints will include the option of calling either number. Further, the RPs will provide a mailing to all surrounding property owners within a 0.25-mile radius regarding procedures to follow to lodge an odor complaint. A mailing list and receipts for the mailings will be provided by the RPs to DTSC.</p> <p>2. A point of contact will be established by the RPs, to be approved by DTSC, who will act as a community liaison and have the responsibility to investigate odor complaints.</p> <p>3. Odor complaints received by the RPs (directly or through the SCAQMD, DTSC, or other agency) will be recorded in a log maintained and stored by the RPs or remediation contractor. The log is to include a record of steps taken to address, minimize or curtail each odor complaint. The log</p>					

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
	will be inspected by DTSC on a quarterly basis and made available for inspection upon request by the SCAQMD.					
Biological Resources						
No PDFs are applicable to Biological Resources. However, the following mitigation measures would be implemented by the Project.						
Mitigation Measure BIO-1: Due to natural fluctuations in the on-site southern tarplant population, a count of southern tarplant individuals shall be conducted during the peak blooming period within the year prior to Project implementation. Based on that count, the RPs shall ensure that impacted southern tarplant individuals are mitigated at a 1:1 impact-to-mitigation ratio (i.e., based on tarplant count) at an appropriate off-site location. Mitigation of the southern tarplant shall be implemented by the following measures, which are to be documented by a qualified biologist approved by DTSC in a written compliance report(s) to DTSC to ensure the measures have been successfully	1. A qualified biologist approved by DTSC will conduct a count of southern tarplant individuals during the peak blooming period prior to seed collection, which shall be performed within the calendar year prior to the year of commencement of active remediation on-site, or sooner if practicable. For example, if the active ground disturbance resulting from implementation of the RAP commences anytime in 2016, the intent of the mitigation measure would be fulfilled with a count and seed collection in the appropriate season(s) of	RPs, Qualified Biologist/ Restoration Specialist, and DTSC	Before and after construction Site remediation activities.	DTSC, Ascon Project Manager		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
<p>implemented:</p> <ul style="list-style-type: none"> Prior to ground disturbance, all southern tarplants shall be counted and retained in place until they die back and the seed can be collected. As many plant seeds as is reasonably feasible shall be collected from the on-site southern tarplant population and stored in brown paper bags in a cool location until they have fully dried out and the seed heads dehisced. The seeds shall be processed and stored at Rancho Santa Ana Botanic Garden (or similar native plant/seed nursery) until the seeds are ready to be planted at an appropriate off-site location during the appropriate fall season. The seeds shall be planted within two years of being collected, or as otherwise recommended by a qualified biologist/restoration specialist. The RPs shall work with a qualified biologist to identify an appropriate off-site conservation area (e.g., within the historic range of the species) that will accept the seed for broadcasting until a 	<p>2015; if the ground disturbing activities commence in 2017, count and seed collection performed in 2016 is required (however seeds from earlier collection efforts should be retained, stored properly, and used to the extent feasible), and so on.</p> <p>2. A southern tarplant mitigation plan shall be prepared by a qualified biologist/restoration specialist selected by the RPs and/or the off-site conservation area managers. The Plan shall be reviewed and approved by DTSC prior to commencement of offsite southern tarplant mitigation activities. The mitigation plan shall recommend and provide details for the following components at a minimum:</p> <p>A. The RPs will provide a written report to DTSC confirming seed collection and storage has been completed consistent with this mitigation measure.</p>					

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
1:1 impact-to-mitigation ratio for number of southern tarplant individuals is met. A southern tarplant mitigation plan shall be prepared, and planting activities shall be implemented by a qualified biologist/restoration specialist selected by the RPs and/or the off-site conservation area managers. The RPs, in consultation with a qualified biologist, shall be responsible for locating the off-site conservation area, ensuring the restoration of the impacted southern tarplant at the off-site conservation area, and ensuring maintenance within the off-site conservation area through payment of a one-time long-term management endowment to the management entity, or other approved payment mechanism, once the 1:1 ratio is met (which will be detailed in the southern tarplant mitigation plan and subject to the approval of DTSC).	<p>This report will be prepared under the direction of a qualified biologist approved by DTSC.</p> <p>B. A receptor site, with a conservation easement or similar legal instrument shall be identified by a qualified biologist approved by DTSC, together with the long term management entity approved and/or recommended by the appropriate reviewing agency (i.e., California Department of Fish and Wildlife Service). In addition, the receptor site is to be managed long-term by a management entity approved by DTSC. The receptor site shall be able to accommodate an area large enough that the southern tarplant seeds can be planted to meet at least a 1:1 impact-to-mitigation ratio for the number of southern tarplant individuals impacted by the Project.</p> <p>C. The seeds shall be broadcasted by hand by a</p>					

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
	<p>qualified biologist approved by DTSC and/or the on-site conservation area managers within the receptor site prior to the appropriate growing season within two years of being collected, or as otherwise recommended by a qualified biologist/restoration specialist. Seeding is to occur prior to the rainy season to the greatest extent feasible to avoid dispersal of seed or loss of seed due to erosion. Temporary irrigation is to be installed during the first year of mitigation, if needed, or as otherwise determined appropriate by a qualified biologist.</p> <p>D. A qualified biologist approved by DTSC will work with the conservation area managers to ensure the receptor site is monitored annually for success.</p> <p>E. Southern tarplant growth is to be monitored during the blooming season by a qualified biologist approved by DTSC and/or</p>					

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
	<p>the on-site conservation area managers on a yearly basis for three years to determine when the tarplants have established a minimum 1:1 ratio to the individuals and habitat impacted.</p> <p>F. Annual reports funded by the RPs will be prepared by a qualified biologist or conservation area manager and submitted to DTSC by November 30 of each year.</p> <p>G. If it is determined at the end of three years that the southern tarplant population does not meet the success criteria, then southern tarplants shall be grown from the local seed stock and transplanted as container plants to meet the 1:1 ratio or adaptive management activities shall be implemented, as recommended by a qualified biologist or conservation area managers. Once identified, any adaptive management activities and recommendations will be summarized in a letter</p>					

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
	<p>report to be provided to DTSC.</p> <p>H. Once survivability of a southern tarplant population can be confirmed and the 1:1 ratio has been met, mitigation for the Project will be considered complete. Such confirmation will be summarized in the annual report.</p> <p>I. Funding for the entire off-site mitigation program is to be provided by the RPs.</p>					
<p>Mitigation Measure BIO-2: The RPs shall ensure that impacted disturbed coastal salt marsh habitat (approximately 0.2 acre) is mitigated by one of the following actions:</p> <ul style="list-style-type: none"> The RPs in consultation with a qualified biologist shall identify a conservation entity involved in the restoration, preservation and/or stewardship of like resources within the City's Coastal Zone and make payment of an in lieu fee to such an entity to achieve a 1:1 impact-to-mitigation ratio for acreage of disturbed coastal salt marsh habitat (approximately 0.2 	<p>1. A qualified biologist approved by DTSC will provide a written compliance report to DTSC confirming that a conservation entity has been selected and associated fees have been paid to such entity to mitigate impacts to the disturbed coastal salt marsh habitat pursuant to this mitigation measure;</p> <p>or</p> <p>A qualified biologist approved by DTSC will provide a written compliance report to DTSC confirming that a</p>	RPs, Qualified Biologist/ Restoration Specialist, and DTSC	Before, during and potentially after construction Site remediation activities.	DTSC, Ascon Project Manager		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
<p>acre); and/or</p> <ul style="list-style-type: none"> The RPs shall work with a qualified biologist to identify an appropriate off-site conservation area for the creation, restoration, and/or enhancement at a 1:1 impact-to-mitigation ratio for acreage of disturbed coastal salt marsh habitat (approximately 0.2 acre). A habitat mitigation plan shall be prepared by a qualified biologist/restoration specialist. Details shall be included as to the implementation of the plan (e.g., transplantation, seeding), maintenance, future monitoring, and success criteria. Planting activities shall be implemented by a qualified biologist/restoration specialist selected by the RPs and/or the off-site conservation area managers. The RPs shall be responsible for locating the off-site conservation area, ensuring the restoration of the coastal salt marsh at the off-site conservation area, and ensuring maintenance within the off-site conservation area through payment of a one-time long-term management endowment to the 	<p>conservation area has been identified to allow for the mitigation of impacts to the disturbed coastal salt marsh pursuant to this mitigation measure.</p> <p>2. Should the second option be chosen, the creation, restoration, or enhancement of a conservation area, a coastal salt marsh habitat mitigation plan shall be prepared by a qualified biologist/restoration specialist selected by the RPs and/or the off-site conservation area managers. The Plan shall be reviewed and approved by DTSC prior to commencement of Site remediation activities. The mitigation plan shall recommend and provide details for the following components at a minimum:</p> <p>A. The plan shall identify the conservation area and its conservation easement or similar legal instrument, together with the long term management</p>					

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
management entity, or other approved payment mechanism. The offsite mitigation is to be documented by a qualified biologist approved by DTSC in a written compliance report(s) to DTSC to ensure the measure has been successfully implemented.	<p>entity approved and/or recommended by the appropriate reviewing agency (i.e., California Department of Fish and Wildlife Service). In addition, the conservation area is to be managed long-term by a management entity approved by DTSC. The conservation area shall be a sufficient area to meet at least a 1:1 impact-to-mitigation ratio for the area of disturbed coastal salt marsh impacted by the Project.</p> <p>B. The RPs shall be responsible to pay a one-time long-term management endowment to the management entity, or other approved payment mechanism, to maintain the off-site conservation area. The RPs shall provide DTSC with proof of payment to the satisfaction of the management entity.</p>					

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
<p>Mitigation Measure BIO-3: The RPs shall be responsible for implementing mitigation to reduce potential impacts to migratory raptor and songbird species to below a level of significance in the following manner:</p> <p>(1) Vegetation removal activities shall be scheduled outside the nesting season for raptor and songbird species (typically September 1 to February 14) to avoid potential impacts to nesting species (this will ensure that no active nests will be disturbed and that habitat removal could proceed rapidly); and/or</p> <p>(2) Any construction activities that occur during the raptor and songbird nesting season (typically February 15 to August 31) shall require that all suitable habitat be thoroughly surveyed for the presence of nesting raptor and songbird species by a qualified biologist before commencement of clearing. If any active nests are detected, a buffer of approximately 300 feet (500 feet for raptors) shall be</p>	<p>1. If mobilization/construction/clearing activities are scheduled to begin during the February 15 to August 31 nesting season, a qualified biologist approved by DTSC will conduct a survey of potential nesting habitat no more than 14 days prior to commencement of said activities. The qualified biologist will provide DTSC with a written compliance report of the survey.</p> <p>2. Should monitoring of active nests be determined necessary by the qualified biologist, weekly written compliance reports will be prepared by the qualified biologist and submitted to DTSC and the RPs indicating the status of the active nests.</p>	RPs, Qualified Biologist/Restoration Specialist, and DTSC	Before and during construction Site remediation activities.	DTSC, Ascon Project Manager		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
delineated, flagged, and avoided until the nesting cycle is complete, or otherwise protected, as determined by the qualified biologist to minimize impacts.						
Cultural Resources						
No PDFs are applicable to Cultural Resources. However, the following mitigation measures would be implemented by the Project.						
Mitigation Measure CULT-1: The Responsible Parties (RPs) shall retain a qualified archaeologist approved by DTSC prior to Site remediation activities to monitor all ground-disturbing activities that require excavation into native soils. These areas would most likely be limited to the areas near the perimeter of the Site.	1. The qualified archaeologist will provide DTSC with monthly written compliance reports of the monitoring activities.	RPs, Qualified Archaeologist, and DTSC	During Site remediation activities with the potential for ground-disturbing activities and excavation into native soils.	DTSC, Ascon Project Manager		
Mitigation Measure 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	1. Should archaeological resources be encountered, the qualified archaeologist shall implement a treatment and recovery plan consistent with this migration measure. DTSC will be provided with a copy of the plan.	RPs, Qualified Archaeologist, and DTSC	During Site remediation activities with the potential for ground-disturbing activities and excavation into native soils.	DTSC, Ascon Project Manager		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
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.						
Mitigation Measure CULT-3: At the conclusion of the excavation activities that extended into native soils, the archaeologist shall prepare a final report about any 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 any resources recovered. Interpretation shall include full evaluation of the eligibility with respect to the California Register of Historical	1. The qualified archaeologist shall prepare a final report consistent with the mitigation measure requirements. DTSC will be provided with a copy of the final report.	RPs, Qualified Archaeologist, and DTSC	Following Site remediation activities with the potential for ground-disturbing activities and excavation into native soils.	DTSC, Ascon Project Manager		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
Resources and the National Register of Historic Places.						
Geology and Soils						
No mitigation measures are applicable to Geology and Soils. However, the following PDFs would be implemented by the Project.						
PDF 4-1: Prior to the start of construction, a geotechnical evaluation prepared by a registered civil engineer, as part of the remedial design, would be prepared and submitted for review and approval to DTSC and City of Huntington Beach Departments of Public Works and Planning and Building, per applicable City requirements. The evaluation would comply with all applicable state and local code requirements and would include, but not be limited to: <ul style="list-style-type: none"> • Analysis of the expected seismic ground shaking at the Site from known active faults using applicable methods; • Analysis of the liquefaction potential using applicable methods; • Analysis of the potential for earthquake-induced settlements using applicable methods; 	1. Prior to commencement of Site remediation activities, DTSC shall verify that the Final Cap Design Plan includes site specific design features to address geologic hazards as prescribed by this PDF. 2. Upon completion of the remedy per the approved Final Cap Design Plan, DTSC shall verify the site-specific design features prescribed in the geotechnical evaluation have been implemented through a final Site inspection or review of As-Built documentation.	RPs, Professional Civil Engineer, and DTSC	Prior to approval of the Final Cap Design Plan and upon completion of the remedy.	DTSC, Ascon Project Manager		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
<ul style="list-style-type: none"> Analysis of the earthquake-induced lateral spreading using applicable methods; Analysis of the fault rupture potential and its impacts. The analysis should be performed using applicable methods; Slope stability analysis to ensure the slopes for the cap will be stable from the expected ground shaking and potential liquefaction hazards; Analysis of geotechnical recommendations for grading, including suitability of imported soil, excavation characteristics, and placement and compaction of fill material; Development of site-specific design measures to address seismic, liquefaction, settlement, slope-stability, grading and other geologic hazards in accordance with the geotechnical analyses; and Deterministic analysis of potential seismic ground shaking and recommended structural features needed to minimize seismic damage to the landfill cap. 						

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
PDF 4-2: Prior to construction, a site-specific Health and Safety Plan would be developed and submitted to DTSC for review in accordance with applicable regulations. Specific measures to reduce the potential physical hazards associated with strong seismic ground shaking, liquefaction, subsidence, unstable soil conditions, temporary slopes and excavations, permanent slopes, and other earthwork-related conditions during construction would be addressed in accordance with the applicable regulations.	1. Prior to commencement of Site remediation activities, DTSC shall review and approve the site-specific Health and Safety Plan.	RPs and DTSC	Prior to construction Site remediation activities.	DTSC, Ascon Project Manager		
PDF 4-3: To control soil erosion during construction, Best Management Practices (BMPs) for the control of erosion during construction would be incorporated into the Project's Construction Storm Water Pollution Prevention Plan (SWPPP) and made available to the City of Huntington Beach for review prior to the initiation of construction. Long-term erosion control would include the planting and maintenance of grass and/or other shallow-rooted vegetation within the 2-foot soil cover overlying the Site's engineered cap.	1. Prior to commencement of Site remediation activities, the Construction SWPPP will be prepared and submitted to the RWQCB and DTSC for their review and to confirm appropriate short- and long-term BMPs will be implemented as part of the Project. The SWPPP will be available for review by the City of Huntington Beach Departments of Public Works and/or Planning and Building.	RPs and DTSC	Prior to construction Site remediation activities.	DTSC, Ascon Project Manager		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
PDF 4-4: During construction, the Project civil engineer would regularly monitor construction activities and test soils to ensure that materials used in construction and grading of slopes are consistent with the recommendations presented in the remedial design, including the site-specific geotechnical evaluation and the plans and specifications approved by the DTSC.	1. The RPs shall submit monthly compliance results/reports to DTSC to verify monitoring and testing activities have occurred that confirm the construction remediation activities are consistent with the recommendations presented in the remedial design. The results/reports will also be included in the Project's Completion Report submitted to DTSC.	RPs, Professional Civil Engineer, and DTSC	During construction Site remediation activities.	DTSC, Ascon Project Manager		
PDF 4-5: During construction, the Project civil engineer would regularly monitor stability of slopes and excavations to ensure safe working conditions for personnel and equipment.	1. The RPs Project civil engineer, or his/her staff working under the Engineer's direction, will visually inspect the Site during excavation activities and will assess the stability of slopes and excavations to ensure safe working conditions for personnel and equipment. If any unsafe working conditions are observed, changes made or directed by the Project civil engineer to remedy the unsafe conditions will be documented in QA/QC reports that will be maintained onsite and made available to DTSC on	RPs, Professional Civil Engineer, and DTSC	During construction Site remediation activities.	DTSC, Ascon Project Manager		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
	a monthly basis. These QA/QC reports will also be included in the Project's Completion Report submitted to DTSC.					
PDF 4-6: During the long term operation of the remediated capped Site, the Responsible Parties, in coordination with DTSC, would provide monitoring and inspection of the cap to ensure the structural integrity of the cap and permanent fill slopes. Geotechnical monitoring would occur during operations and maintenance (O&M), per the O&M Plan for the Site. Any cracks, subsidence, settling, or other physical changes (including, but not limited to, evidence of burrowing activity by coyotes or other medium- to large-sized mammals capable of breaching the geonet biotic layer) to the cap would be noted, and damage would be repaired in accordance with DTSC standards and/or other applicable regulatory requirements.	<ol style="list-style-type: none"> 1. Post-remedy O&M activities and requirements, including frequency of periodic reporting, will be detailed in the O&M Plan to be developed after DTSC approval of the remedial design. 2. Any cracks, subsidence, settling, or other physical changes (including, but not limited to, evidence of burrowing activity by coyotes or other medium- to large-sized mammals capable of breaching the geonet biotic layer) to the cap would be repaired in accordance with DTSC standards and/or other applicable regulatory requirements. 	RPs and DTSC	Upon completion of the remedy.	DTSC, Ascon Project Manager		
PDF 4-7: The operation and maintenance of the gas collection and treatment system would include contingency plans in the event of a significant seismic event or power outage.	<ol style="list-style-type: none"> 1. Prior to DTSC approval of the O&M Plan, contingency plans for the operation of the gas collection and treatment system in the event of a significant 	RPs and DTSC	Prior to approval of the O&M Plan and upon completion of the remedy.	DTSC, Ascon Project Manager		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
Preliminarily, following each seismic event of magnitude 5 or greater in the immediate vicinity of the Site, inspection and routine monitoring of the system would be performed in accordance with a DTSC-approved Operations and Maintenance (O&M) Plan.	<p>seismic event or power outage shall be submitted to DTSC in the O&M Plan for review and approval.</p> <p>2. Following each seismic event of magnitude 5 or greater in the immediate vicinity of the Site, inspection and monitoring of the system would be performed by the RPs and/or DTSC in accordance with a DTSC-approved O&M Plan. A compliance report indicating the findings of the inspection and monitoring activities would be provided to DTSC.</p>					
Greenhouse Gas Emissions						
No mitigation measures are applicable to Greenhouse Gas Emissions. However, the following PDFs would be implemented by the Project.						
PDF 5-1: All off-road diesel construction equipment remaining on-site for more than 15 work days shall meet USEPA Tier 3 off-road emission standards, if commercially available locally. Use of Tier 3 engines has been shown to	1. See PDF 2-1	RPs and DTSC.	Before and during construction Site remediation activities.	DTSC, Ascon Project Manager.		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
increase fuel economy over similar Tier 2 engines.						
PDF 5-2: All on-road export waste haul trucks shall at a minimum comply with USEPA 2007 on-road emissions standards.	1. See PDF 2-2	RPs and DTSC	Before and during construction Site remediation activities.	DTSC, Ascon Project Manager		
PDF 5-3: The Project would comply with the use of low carbon vehicle fuels as required under State law.	1. The RPs will purchase fuel for equipment and trucks meeting California fuel standards.	RPs and DTSC	During construction Site remediation activities.	DTSC, Ascon Project Manager		
PDF 5-4: To the maximum practical extent, recyclable materials, including non-hazardous construction and demolition materials, would be reused or recycled.	1. See PDF 2-13	RPs and DTSC	Upon completion of the remedy.	DTSC, Ascon Project Manager		
PDF 5-5: A protective cap, inclusive of a landfill gas collection and treatment system, would be installed to treat landfill gas and minimize odors generated by the Site.	1. See PDF 2-5	RPs and DTSC	Prior to approval of the Final Cap Design Plan and upon completion of the remedy.	DTSC, Ascon Project Manager		
Hazards and Hazardous Materials						
Project design features listed in other sections are applicable to reducing potential hazards and hazardous materials impacts. These PDFs include the following:						
<ul style="list-style-type: none"> PDF 2-2 to PDF 2-11 (Air Quality) PDF 4-1 (Geology and Soils) 						

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
<ul style="list-style-type: none"> PDF 7-1 and 7-9 (Water Quality) <p>No other PDFs are applicable to hazards and hazardous materials. The following mitigation measures would be implemented by the Project.</p>						
<p>Mitigation Measure HAZ-1: CARB certified Level 3 diesel particulate filter (DPF) shall be installed on some of the on-site off-road equipment as needed so that a minimum of 85 percent of the annual horsepower-hours assumed in the performance of the HRA are controlled. Horsepower-hours are calculated based on equipment engine horsepower, average load factor under typical conditions and anticipated hours of operation on an annual basis. Diesel particulate filters shall reduce off-road diesel particulate matter (DPM) emissions from each piece of off-road equipment by at least 85 percent. Equipment which needs servicing (breaks down) may be replaced with Tier 3 on a temporary basis if equipment with a DPF is not commercially available. If replacement equipment is not equipped with a DPF, documentation must be provided to demonstrate that no</p>	<p>1. The RPs will install CARB Level 3 certified diesel particulate filters on on-site off-road equipment so that a minimum of 85 percent of total horsepower hours assumed in the EIR are controlled. The EIR assumed approximately 3.3M horsepower hours (hp-hrs) for the Project. Of this total, approximately 2.8M hp-hrs were assumed to be mitigated with PDFs. A reduction in total DPM emissions can also be counted towards this MM if the Remedy can be implemented using fewer equipment hp-hrs. The emissions would need to be calculated and compared to the basis of the HRA in the EIR. For example, if only 3.0M hp-hrs were needed to complete the Remedy, the</p>	<p>RPs and DTSC</p>	<p>During construction Site remediation activities and upon completion of the remedy.</p>	<p>DTSC, Ascon Project Manager</p>		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
commercially available equipment with a DPF is available.	<p>mitigated level of DPM emission could be achieved if 2.45M hp-hrs (approximately 82%) were from equipment with DPFs.</p> <p>2. Off-road engine hours will be logged for each piece of diesel powered equipment when introduced at the site and when leaving the site or when the project is completed. The logs will also contain equipment identifiers such as model number, serial number and manufacturer. Logs will be available for inspection upon request by DTSC or SCAQMD.</p> <p>3. Equipment which breaks down or malfunctions may be replaced with non-DPF equipped Tier 3 equipment. Documentation must be provided that no commercially available DPF equipped replacement equipment is available. Documentation will also include estimated repair time of equipment and search for feasible replacement.</p>					

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
	<p>Documentation will be submitted to DTSC.</p> <p>4. The logs will be reviewed on a quarterly basis by DTSC to ensure that the Project will comply with the mitigation measure by the end of the Project. Documentation will also be included Project's Completion Report submitted to DTSC.</p>					
Water Quality						
No mitigation measures are applicable to Water Quality. However, the following PDFs would be implemented by the Project.						
PDF 7-1: Prior to the start of RAP implementation, an application for a Coastal Development Permit would be submitted by the RPs to the City of Huntington Beach and a Notice of Intent would be submitted to the SWRCB to comply with the General Construction NPDES Permit. To comply with NPDES Permit conditions, a Construction Storm Water Pollution Prevention Plan (SWPPP) would include descriptions of best management practices (BMPs) that would reduce the potential	<p>1. Prior to commencement of Site remediation activities, the RPs will submit a Coastal Development Permit application to the City of Huntington Beach. DTSC shall ensure the Coastal Development Permit is approved/issued by the City prior to the start of construction Site remediation activities.</p> <p>2. Prior to commencement of Site remediation activities, DTSC, the RWQCB, and/or City of Huntington Beach</p>	RPs and DTSC	Prior to remediation activities, during remediation activities, and upon completion of the remedy.	DTSC, Ascon Project Manager		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
for discharge of pollutants in runoff into the storm drain system during grading and construction. Typical BMPs include silt fences, fiber rolls, stockpile management, spill prevention and control, and the use of protective sheeting or tarps prior to any rain event on steep slopes. BMPs would minimize erosion from, and stabilization of, disturbed surfaces. Site specific BMPs would be available to the City of Huntington Beach for review. The SWPPP would require that all structural and non-structural BMPs be installed and implemented in accordance with approved plans and specifications prior to the beginning of construction activities.	<p>Department of Public Works shall review the SWPPP to confirm appropriate short- and long term BMPs will be implemented as part of the Project.</p> <p>3. The RPs shall submit annual reports to DTSC and the RWQCB, as required, to verify that the BMPs in the SWPPP have been implemented during the construction Site remediation activities.</p> <p>4. Following completion of the remedy and after establishing sufficient vegetation coverage, the RPs shall submit annual reports to DTSC, the RWQCB and/or the City of Huntington Beach, as required, to verify that the BMPs in the SWPPP (Construction SWPPP during construction activities, and Industrial SWPPP after the construction has completed) have been implemented following completion of the Site construction remediation activities.</p>					

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
<p>PDF 7-2: Plans for the remedy stormwater collection system would be submitted for review and approval to DTSC and the City of Huntington Beach Department of Public Works, per applicable City standards and requirements. The stormwater collection system would be designed to divert rainfall from the Site surface to two unlined detention basins. The conceptual cap design includes two detention basins to be located on-site in uncapped areas of native or imported soils. The uncapped detention basins, perimeter access road and City parcel would be unlined to allow percolation. A diversion system consisting of V-ditches and/or swales would be installed along the perimeter of the final cover to collect and redirect runoff from the cap to the detention basins prior to runoff entering the perimeter road and City parcel. The system would be in compliance with the General Industrial NPDES Permit with the California SWRCB and the Site's Industrial SWPPP. The stormwater collection plan would be reviewed and approved prior to construction of the stormwater detention basins.</p>	<ol style="list-style-type: none"> 1. Prior to commencement of Site remediation activities, plans for the remedy stormwater collection system would be submitted for review and approval to DTSC and the City of Huntington Beach Department of Public Works, per applicable City standards and requirements. 2. Upon completion of the remedy per the approved Final Cap Design Plan, DTSC and/or the City of Huntington Beach Department of Public Works shall verify that the stormwater system has been constructed in accordance with the approved plans through a final Site inspection or review of As-Built documentation. 	RPs and DTSC	Prior to construction Site remediation activities and upon completion of the remedy.	DTSC, Ascon Project Manager		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
PDF 7-3: Silty-clay layers which underlie the Site and provide protection for the existing groundwater table would be kept in an undisturbed condition to the maximum extent feasible. Visual soil inspections would occur as necessary by a qualified geologist or civil engineer during excavation activities that are anticipated to occur close to the silty clay layer to ensure unimpacted silty clay layers are preserved.	1. A qualified civil engineer or geologist approved by DTSC will monitor ground-disturbing activities and excavation activities to minimize the potential for disturbance into the silty clay layer to the maximum extent feasible. The qualified engineer or geologist will provide DTSC with monthly written compliance reports of the monitoring activities.	RPs, Qualified Geologist or Professional Civil Engineer and DTSC	During Site remediation activities with the potential for ground-disturbing activities that could excavate into the silty clay layer.	DTSC, Ascon Project Manager		
PDF 7-4: If groundwater of the Semi-Perched Aquifer (SPA) were encountered during excavation activities (besides Pit F), the removal of materials at that location would be terminated, with the exception of at Pit F. The excavation site (except at Pit F) would be backfilled with soils to prevent waste materials from entering groundwater.	1. The RPs shall submit quarterly compliance reports prepared by the Project Contractor to DTSC to verify that if groundwater of the SPA was encountered, that construction activities were halted or backfill measures consistent with this PDF were implemented. Documentation will also be included Project's Completion Report submitted to DTSC.	RPs and DTSC	During construction Site remediation activities.	DTSC, Ascon Project Manager		
PDF 7-5: For contingency planning, construction dewatering may be required during removal of Pit F materials.	1. The RPs shall submit monthly compliance reports prepared by the Project Contractor to DTSC	RPs and DTSC	During construction Site remediation activities.	DTSC, Ascon Project Manager		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
If dewatering is necessary, contact water would be disposed off-site or treated prior to discharge in accordance with applicable NPDES and dewatering permit requirements implemented by the SARWQCB.	to verify that, if dewatering activities were necessary for removal of Pit F materials, construction activities were halted or backfill measures consistent with this PDF were implemented. Documentation will also be included Project's Completion Report submitted to DTSC.					
PDF 7-6: After completion of the cap, a 30-year Operations and Maintenance (O&M) Plan would outline long-term groundwater monitoring requirements under a Groundwater Contingency Program. The long-term groundwater-monitoring program would be similar to the interim groundwater monitoring program now in place. Groundwater monitoring and sampling would be performed at regular intervals from wells located generally near the Site perimeter. During the proposed long-term program, if any chemical concentrations in a perimeter, downgradient well are detected above threshold limits (i.e., Maximum Contaminant Levels or vapor-risk values), and are not within background levels	<ol style="list-style-type: none"> 1. Prior to completion of Site remediation activities, DTSC shall review and approve the site-specific 30-year O&M Plan that outlines the long-term groundwater monitoring requirements under a Groundwater Contingency Program. 2. The RPs shall submit groundwater monitoring reports to DTSC consistent with this PDF, at a frequency outlined in the DTSC-approved O&M Plan. 3. The RPs shall follow the Groundwater Contingency Plan contained in the DTSC-approved RAP and O&M Plan. 	RPs and DTSC	Upon completion of the remedy.	DTSC, Ascon Project Manager		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
(i.e., above levels already present due to natural occurrence), steps would be taken to further assess and remedy the condition as appropriate.						
PDF 7-7: Installation of new monitoring wells would be performed in accordance with the Cal EPA guidelines, Monitoring Well Design and Construction for Hydrogeologic Characterization (1995) and California Well Standards (1991). Well replacement activities would comply with the Cal EPA's and State of California guideline standards for borehole construction; stratigraphic control; installation procedures; well casing and screen materials; well casing diameters; casing cleaning requirements; well intake design; documentation of well design, construction, and development; and processes for the decommissioning of groundwater monitoring wells and boreholes. All work would be conducted by qualified contractors.	1. The RPs shall submit groundwater-monitoring well installation/abandonment reports to DTSC to verify that all new, replaced or decommissioned groundwater monitoring wells are installed or removed per applicable regulatory requirements consistent with this PDF.	RPs, Qualified Contractors, and DTSC	During construction Site remediation activities and upon completion of the remedy.	DTSC, Ascon Project Manager		
PDF 7-8: During implementation of the RAP, site inspections would be conducted prior to and during rain events as required per the Site-specific Construction SWPPP	1. The RPs shall conduct site inspections prior to and during rain events as required per the Site-specific Construction	RPs and DTSC	During construction Site remediation activities and upon completion	DTSC, Ascon Project Manager		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
to verify that on-site stormwater handling improvements (BMPs) are operating correctly and so that repairs can be made, as needed. During construction and operation, stormwater runoff from the Site would be sampled and tested per applicable SARWCQB requirements, and results would be reported to the SARWCQB.	<p>SWPPP consistent with the requirements of this PDF.</p> <p>2. The RPs shall conduct stormwater runoff sampling and testing consistent with the requirements of this PDF.</p> <p>3. The RPs shall submit Annual Report(s) for Stormwater Discharges Associated with Construction Activities for the Site to DTSC and the RWQCB to verify that the BMPs in the SWPPP and the stormwater runoff sampling and testing have been implemented during the construction Site remediation activities. Annual reports will be made available to the City of Huntington Beach Upon request.</p>		of the remedy.			
PDF 7-9: The proposed cap system would include a geomembrane layer on the top deck to minimize surface water infiltration into the underlying waste materials to a degree equivalent to cover systems installed at transfer, storage and disposal facilities, the design requirements for which are set forth in California's Title 22,	<p>1. Prior to commencement of Site remediation activities, DTSC shall verify that the Final Cap Design Plan includes layers as prescribed by this PDF.</p> <p>2. Upon completion of the remedy per the approved Final Cap Design Plan, DTSC shall verify the layers prescribed by this</p>	RPs and DTSC	Prior to approval of the Final Cap Design Plan and upon completion of the remedy.	DTSC, Ascon Project Manager		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
section 66265.310(a). The side slopes would include a four-foot thick vegetated evapotranspirative soil layer, geonet biotic layer, and two-foot thick foundation layer to minimize precipitation infiltrating the waste materials and, thus, potentially entering the groundwater supply. The cap would also prevent the exposure of the waste materials to collected or sheet-flow precipitation.	PDF have been implemented through a final Site inspection or review of As-Built documentation.					
PDF 7-10: A cover of grass and/or other shallow-rooted vegetation would be provided on the top deck and side slopes of the cap to control erosion and minimize potential movement of materials from under the cap into surface runoff. In addition, the perimeter road would be surfaced with gravel to minimize soil erosion during rain events.	<ol style="list-style-type: none"> 1. Prior to commencement of Site remediation activities, DTSC shall verify that the Final Cap Design Plan identifies vegetation on the cap surface and gravel (or other appropriate material) on the perimeter road consistent with this PDF. 2. Upon completion of the remedy per the approved Final Cap Design Plan, DTSC shall verify that the cap surface has been vegetated and gravel exists on the perimeter road consistent with this PDF through a final Site inspection or review of As-Built documentation. 	RPs and DTSC	Prior to approval of the Final Cap Design Plan and upon completion of the remedy.	DTSC, Ascon Project Manager		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
Land Use						
No mitigation measures or PDFs are applicable to Land Use.						
Noise						
PDF 9-1: The Project contractor(s) shall equip all construction machinery and equipment, fixed or mobile, with properly operating and maintained noise mufflers, consistent with manufacturers' standards.	1. The RPs shall submit monthly compliance reports prepared by the Project Contractor to DTSC to verify that all construction machinery and equipment is properly operating and maintained consistent with this PDF. Documentation will also be included Project's Completion Report submitted to DTSC.	RPs, Project Contractor, and DTSC	Prior to and during construction Site remediation activities.	DTSC, Ascon Project Manager		
PDF 9-2: Engine idling from construction equipment such as bulldozers and haul trucks shall be limited, to the extent feasible.	1. The RPs shall regularly communicate during safety briefings that engine idling shall be limited to the extent feasible consistent with this PDF. Documentation will be included Project's Completion Report submitted to DTSC.	RPs, Project Contractor, and DTSC	During construction Site remediation activities.	DTSC, Ascon Project Manager		
PDF 9-3: To the extent feasible, construction activities shall be scheduled so as to avoid operating several pieces of heavy equipment simultaneously, which	1. The RPs shall schedule construction activities so as to avoid operating several pieces of heavy equipment simultaneously	RPs, Project Contractor, and DTSC	During construction Site remediation activities.	DTSC, Ascon Project Manager		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
causes high noise and vibration levels.	to the extent feasible consistent with this PDF.					
Mitigation Measure NOISE-1: Should a blower with the potential to increase ambient noise levels to greater than 50 dBA at the exterior of nearby residences be utilized during nighttime hours during Pit F excavation activities, the RPs shall take reasonable care to locate and orient the blower in a manner that minimizes sound transmission towards the nearby residences. If, based on the noise generation level of the blower selected and the distance to the residences, the potential remains that the blower noise would exceed 50 dBA, the RPs shall provide a temporary noise barrier to reduce noise levels to ambient levels or acceptable nighttime levels pursuant to the City of Huntington Beach's Noise Ordinance and/or obtain an exemption to the Noise Ordinance for such temporary noise per Municipal Code Section 8.40.90 (j and/or k, or as otherwise applicable). If an exemption is not granted by the City, the RPs shall retain the services of a qualified acoustical engineer with expertise in design of sound	1. If the RPs need to retain a qualified acoustical engineer, the RPs shall provide a compliance letter prepared by the engineer to DTSC and the City of Huntington Beach Departments of Public Works and/or Planning and Building indicating that the noise created by the blower (with screening, if necessary) is within acceptable noise levels pursuant to the City of Huntington Beach Noise Ordinance.	RPs, Qualified Acoustical Engineer, and DTSC	Prior to operation of the blower during nighttime hours.	City of Huntington Beach Departments of Public Works and/or Planning and Building as necessary, and DTSC, Ascon Project Manager		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
isolations to ensure the Pit F blower is screened so as to meet the City's exterior noise limits (50 dBA) during nighttime hours at the property line of the nearest noise sensitive receptor locations (R1 [residential], R2 [fire station], and R3 [residential]).						
Mitigation Measure NOISE-2: The RPs shall retain the services of a qualified acoustical engineer with expertise in design of sound isolations to ensure the mechanical fans and/or other related mechanical components to the cap system installed for long-term use is designed (i.e., installation of building enclosure) so as to meet the City's exterior noise limits (50 dBA) at the property line of the nearest noise sensitive receptor locations (R1 [residential], R2 [school and fire station], and R3 [residential]).	1. The RPs shall provide a compliance letter prepared by a qualified acoustical engineer to DTSC and the City of Huntington Beach Departments of Public Works and/or Planning and Building indicating that the noise created by the mechanical components associated with the cap system is within acceptable noise levels pursuant to the City of Huntington Beach Noise Ordinance.	RPs, Qualified Acoustical Engineer, and DTSC	Prior to operation of mechanical equipment associated with the cap system.	City of Huntington Beach Departments of Public Works and/or Planning and Building as necessary, and DTSC, Ascon Project Manager		
Transportation/Traffic						
PDF 10-1: Prior to the start of hauling activities, the project contractor, in coordination with DTSC, Caltrans, City of Huntington Beach, and City of Fountain Valley, as necessary, would prepare a Construction Traffic Management/Haul Route Plan to be implemented during	1. The RPs shall submit the Construction Traffic Management/Haul Route Plan to the City of Huntington Beach Department of Public Works, Caltrans, the City of Fountain Valley Department of Public	RPs, Project Contractor, and DTSC	Prior to commencement of construction Site remediation activities.	City of Huntington Beach Department of Public Works, City of Fountain Valley Department		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
implementation of the RAP. The Plan would stipulate that all haul trucks contracted for export trips, regardless of point of origin or destination, use Beach Boulevard for access to/from the I-405 Freeway. Import and supply trucks could use either Beach Boulevard or Brookhurst Street for access to/from the I-405 Freeway. Up to a maximum of 100 trucks per day traveling to and from the Site could utilize Beach Boulevard, with the remaining trucks utilizing Brookhurst Street. The Plan would identify all traffic control measures, signs, and delineators to be implemented by the construction contractor through the duration of hauling activities associated with the RAP. The Construction Traffic Management Plan would require coordination with emergency providers regarding any lane closures or other construction effects that would impact emergency access. The Plan shall also consider construction traffic from nearby simultaneous construction activities and pedestrian safety related to school and bike routes. The Plan would be subject to final approval by the City of Huntington Beach Public Works	Works and DTSC for review and approval, as necessary, prior to the commencement of construction Site remediation hauling activities.			of Public Works as necessary, and DTSC, Ascon Project Manager		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
Department and City of Fountain Valley Public Works Department, as necessary.						
PDF 10-2: During RAP construction activities that encroach upon Magnolia Street or Hamilton Avenue, temporary barricades (e.g., "K rails") would be placed on the southbound side of Magnolia Street and/or the eastbound side of Hamilton Avenue to provide a buffer between construction activities and the public street. If a temporary lane closure is required along Hamilton Avenue, the Responsible Parties would coordinate with the City of Huntington Beach Public Works Department to identify appropriate traffic measures such as lane restriping or re-painting the directional lane arrows, if determined necessary in consultation with City Staff.	<ol style="list-style-type: none"> 1. This PDF to be verified prior to the commencement of Site remediation activities along Hamilton Avenue and Magnolia Street as part of the Construction Traffic Management/Haul Route Plan subject to review and approval by the City of Huntington Beach Public Works Department. 2. This PDF to be verified by DTSC in quarterly compliance reports submitted by the RPs. 	RPs, Project Contractor, and DTSC	Prior to and during construction Site remediation activities.	City of Huntington Beach Department of Public Works as necessary, and DTSC, Ascon Project Manager		
PDF 10-3: During RAP construction activities, left turns by trucks entering or exiting the Site shall be limited to four or fewer axle, single-trailer trucks unless assisted by safety flagmen to direct vehicular traffic, pedestrians and bicyclists.	1. This PDF to be verified prior to the commencement of Site remediation hauling activities as part of the Construction Traffic Management/Haul Route Plan subject to review and approval by the City of Huntington Beach Public	RPs, Project Contractor, and DTSC	Prior to and during construction Site remediation activities.	DTSC, Ascon Project Manager		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
	Works Department. 2. This PDF to be verified by DTSC in quarterly compliance reports submitted by the RPs.					
PDF 10-4: During RAP construction activities, on-going communication would be maintained with school administration at Edison High School, providing sufficient notice to forewarn students and parents/guardians when existing pedestrian, bicycle and vehicle routes to the school may be affected to maintain school traffic, bicycle and pedestrian safety.	1. This PDF to be verified by DTSC in quarterly compliance reports submitted by the RPs.	RPs and DTSC	Before and during construction Site remediation activities.	DTSC, Ascon Project Manager		
PDF 10-5: During RAP construction activities, to maintain school traffic, bicycle and pedestrian safety, haul trucks or trucks larger than four-axle, single trailer trucks would not be permitted to travel on Magnolia Street or Hamilton Avenue past Edison High School.	1. This PDF to be verified prior to the commencement of Site remediation hauling activities as part of the Construction Traffic Management/Haul Route Plan subject to review and approval by the City of Huntington Beach Public Works Department. 2. This PDF to be verified by DTSC in quarterly compliance reports submitted by the RPs.	RPs, Project Contractor, and DTSC	Prior to and during construction Site remediation activities.	DTSC, Ascon Project Manager		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
PDF 10-6: During RAP construction activities, temporary traffic control signage and flagmen would be present during import/export on Magnolia Street and Hamilton Avenue at the ingress/egress driveways to direct vehicular traffic, pedestrians and bicyclists around the construction site in order to maintain school traffic and pedestrian safety.	1. This PDF to be verified by DTSC in quarterly compliance reports submitted by the RPs.	RPs, Project Contractor and DTSC	During construction Site remediation activities.	DTSC, Ascon Project Manager		
PDF 10-7: During RAP construction activities that encroach upon Magnolia Street or Hamilton Avenue, signage would be posted along the Site perimeter to notify pedestrians to use the sidewalks along the north side of Hamilton Avenue and the east side of Magnolia Street in place of the barricaded areas on the south side of Hamilton Avenue and the west side of Magnolia Street.	1. This PDF to be verified by DTSC in quarterly compliance reports submitted by the RPs.	RPs, Project Contractor and DTSC	During construction Site remediation activities.	DTSC, Ascon Project Manager		
PDF 10-8: During RAP construction activities that encroach upon Magnolia Street or Hamilton Avenue, signage would be posted along the Site perimeter to notify cyclists of alternative routes that can be used in lieu of the eastbound Hamilton Avenue and the southbound Magnolia Street bike	1. This PDF to be verified by DTSC in quarterly compliance reports submitted by the RPs.	RPs, Project Contractor and DTSC	During construction Site remediation activities.	DTSC, Ascon Project Manager		

Project Design Feature (PDF)/ Mitigation Measure	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Mitigation Measure Implemented? (Y/N) Name & Date	Remarks
lanes. An alternative east-west bicycle route near the Site would be Banning Avenue. Alternative north-south bicycle routes include Newland Street, Bushard Street, and Brookhurst Street. These alternative routes provide connection to many of the same destinations as Hamilton Avenue and Magnolia Street, particularly to the Pacific Ocean.						
Mitigation Measure RTRAF-1: The Project shall limit the maximum hourly one-way haul truck trips during each of the P.M. peak hours (4:00 to 5:00 P.M. and 5:00 to 6:00 P.M.) to 10 trucks utilizing Beach Boulevard (10 in-bound trips per hour and 10 out-bound trips per hour) and 15 trucks utilizing Brookhurst Street (15 in-bound trips per hour and 15 out-bound trips per hour). This mitigation measure to be verified through monthly compliance reports submitted by the RPs to DTSC Unit Chief, Brownfields & Environmental Restoration.	1. This mitigation measure to be verified by DTSC in monthly compliance reports submitted by the RPs.	RPs, Project Contractor and DTSC	During construction Site remediation activities.	DTSC, Ascon Project Manager		

APPENDIX A

PUBLIC MEETING TRANSCRIPTS - SEPTEMBER 12TH, 2013, AND NOVEMBER 6TH, 2014, PUBLIC MEETINGS



CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL
PUBLIC HEARING

In the Matter of:)	
)	
Notice of Preparation for)	
the Draft Remedial Action)	
Plan and Draft Environment)	
Impact Report)	2nd Hearing
)	6:11 p.m. - 9:15 p.m.
)	
)	

TRANSCRIPT OF PROCEEDINGS

Department of Toxic Substances Control

Huntington Beach, California

Thursday, September 12, 2013

Reported by: Adriana De Los Santos, CSR No. 13267

1 Public hearing of the California Department of
2 Toxic Substances Control, regarding the Notice of
3 Preparation for the draft Remedial Action Plan and draft
4 Environmental Impact Report, taken before Adriana
5 De Los Santos, commencing at 6:11 p.m., Thursday,
6 September 12, 2013, at Edison High School, in Huntington
7 Beach, California.

8
9 APPEARANCES:

10 JOHN SCANDURA - DTSC, Branch Chief
11 ROBERT SENGU - DTSC, Unit Chief
12 SAFOUH SAYED - DTSC, Project Manager
13 DONALD GREENLEE - DTSC, Project Toxicologist
14 KIMBERLY HUDSON - DTSC, Senior Environmental Planner
15 STACEY LEAR - DTSC, Participation Specialist
16 HEIDI ROUS - PCR, Project Manager
17 MICHAEL HARDEN - PCR, Principal Manager

1 DEPARTMENT OF TOXIC SUBSTANCES CONTROL

2 THURSDAY, SEPTEMBER 12, 2013 at 6:11 P.M.

3
4
5 MS. LEAR: We'd like to go ahead and get started,
6 so if you could find your seats, that would be great.
7 My name is Stacey Lear. I'm a Public Participation
8 Specialist with the State of California Department of
9 Toxic Substances Control. I'd like to welcome you here
10 to tonight's Ascon Landfill site meeting. I'd like to
11 begin with a couple of housekeeping items for you.
12 First of all, we appreciate all of you spending your
13 valuable time in coming to listen to us tonight. We'd
14 like to thank you for signing in at the sign-in sheet.
15 We want to be sure that we have everybody's contact
16 information accurate and correct.

17 If you are going to be making public comments on
18 our proposal tonight, we do have the blue speaker request
19 cards, and we will ask you to go ahead and fill those
20 out, and we will gather them when we open up the floor to
21 accept public comments. The restrooms are actually
22 located, for some of you, most of you, to your right just
23 through the cafeteria doors.

24 I'd like to also thank Edison High School for use
25 of the school premises for tonight's meeting. And I

1 would like to introduce the DTSC project team. First off
2 is John Scandura. He's the branch chief for our
3 Brownfields and Environmental Restoration program. Next
4 to him is Donald Greenlee. He is our project
5 toxicologist. Donald is out of our Chatsworth office.
6 Mr. Scandura is out of our Cypress office, as is Safouh
7 Sayed. And next we have Kimberly Hudson and Heidi Rous
8 and Mike Harden to my left.

9 So I just want to say, this is an important
10 milestone for the Department and the community. The
11 purpose of tonight's meeting is to accept public comments
12 on the proposed final cleanup plan known as the Draft
13 Remedial Action Plan and Draft Environmental Impact
14 Report. You might recall or remember the DTSC was last
15 here in April 2013 when we hosted a public scoping
16 meeting to accept public comments on the scope and
17 content of the EIR. DTSC did receive and considered
18 those public comments in our analysis and preparation of
19 the draft EIR. So tonight's public meeting is the next
20 step in our process to move forward toward the goal of a
21 final remedy for the site.

22 We do have an agenda for you to follow along, and
23 we also have a formal presentation. And we'd like to
24 present that to you and ask that you hold your questions
25 and comments until we get to the end of the presentation.

1 We also have handouts for you to follow along and take
2 notes if you need to. One thing that's really important
3 for you to note is that we've had a 45-day public comment
4 period that's already begun, and the public comment
5 period is still open. So if you leave here tonight and
6 you go home and you think of something that you hadn't
7 thought of before, just keep in mind that the public
8 comment period is still open.

9 We also have a certified shorthand reporter to
10 capture tonight's dialogue and accurately capture all of
11 tonight's public comments. I'd like to ask that for the
12 speaker request cards, these little blue cards that we
13 have at the sign-in table, we ask that you print those
14 out so that in case we do not have a response for you
15 tonight, that we can get back to you in writing and that
16 your contact information is on that card.

17 So I'd like to introduce John Scandura again of
18 the Brownfields Restoration program to share some opening
19 project remarks

20 MR. SCANDURA: All right. Thank you, Stacey.
21 And, first of all, on behalf of the director of the
22 Department of Toxic Substances Control, director Debbie
23 Raphael, we'd like to thank all of you for taking time
24 out tonight to come here and hear about the proposed
25 cleanup plan for the Ascon Landfill, which as you all

1 know is just caddy-corner from this school site. I also
2 want to especially acknowledge those of you who came to
3 the EIR scoping meeting earlier this year. It was at
4 that meeting that we first talked about what our plans
5 were or what kind of plans we were considering for the
6 cleanup of that site and also hearing your input as to
7 the kinds of environmental impacts that we should be
8 considering.

9 Well, tonight we are presenting to you the
10 proposed Remedial Action Plan, the final Remedial Action
11 Plan for the Ascon Landfill site. We will also be
12 presenting to you the draft Environmental Impact Report.
13 And for both documents, we are seeking your input, your
14 comments, your concerns, because all this is the final
15 cleanup that we're looking at for this site.

16 Without going into too much detail and stealing
17 the thunder of our later speakers, I will say that the
18 proposal, as most of you I'm sure have read in the press,
19 is a cap. We do plan on removing waste, particularly the
20 more toxic waste such as that over in Pit F, the styrene
21 pit, as well as some other waste on the site. But,
22 otherwise, the plan is to consolidate the waste and then
23 construct a protective cap over it.

24 We'll explain to you why we're choosing this
25 alternative as opposed to other alternatives. We'll talk

1 a little bit about the design of the company, as well as
2 how it will be maintained in the long-term.

3 As Stacey mentioned, about a couple weeks ago, we
4 did open up the public comment period. We also made
5 available all other relevant documents on our Website, as
6 well as an information repositories. If you don't have
7 that information, do come to us at the end of this
8 meeting. We will make sure that you get that.

9 One thing I do advise on is that these documents
10 are very extensive documents, and we're looking at
11 closing the public comment period October 14th. So by
12 all means, do start taking a look at those documents and
13 going through and especially identifying those areas that
14 you're concerned with so that we can hear those comments
15 and be able to respond to them in a timely fashion.

16 Before moving on to our next speaker, I would like
17 to acknowledge some of our City officials that are here
18 tonight. And, first of all, beginning with from the Fire
19 Department, Division Chief Bill Reardon. He's in the
20 back. Also from the Planning Department, Rosemary Medel.
21 The City of Huntington Beach, I will add, does work with
22 us very closely. They're especially going to be involved
23 in the permitting of various aspects of the design and
24 implementation of the remedy.

25 And then we also have two planning commissioners

1 with us tonight, Don Helmick and Ed Pinchiff. And I
2 don't know if I missed any other officials. I don't --
3 pardon? I don't think there's any other officials here.
4 Also, I don't believe there are representatives tonight
5 from the assemblymen or State senator's office. And
6 probably the big reason there is, because right now both
7 our assemblymen and State senator are in their last day
8 of the legislative session this year, and they're going
9 through lots of different bills. But I do know that both
10 of them are very concerned about the clean, very
11 interested in this cleanup and what their constituents
12 have to say.

13 So without further ado, I would like to introduce
14 to you our next speaker, our Project Manager Safouh
15 Sayed.

16 MR. SAYED: Okay. Good evening. My name is
17 Safouh Sayed. I am the Project Manager for the Ascon
18 Landfill site. And I would like to start by providing a
19 site description. The Ascon Landfill site is about 38
20 acres, located at the corner of Magnolia Street and
21 Hamilton Avenue. The site extends into the City of
22 Huntington Beach's Right of Way.

23 This slide shows the site location. You can see
24 the Edison High School, which is where we are here right
25 now, and the Edison Park and the residence areas, as well

1 as some industrial facilities.

2 Now, here's some of the history of the site. The
3 Landfill operated as a hazardous waste disposal from
4 about 1938 through 1984. The majority of waste came from
5 oil drilling operations and from construction debris
6 which was disposed of at the site. And from 1984 to
7 2005, the site remained relatively unchanged.

8 However, two significant events occurred since the year
9 of 2005. First, an emergency action removal conducted in
10 the year of 2005, and we have the Interim Removal
11 Measure, which we call IRM, which was conducted July 2010
12 through March 2011.

13 Okay. So some of the site features. The berms
14 were constructed on site to form lagoons and pits. The
15 lagoons and pits were utilized to dispose of waste. So
16 you can see the slide here. The slides show the lagoon
17 and pits, as I mentioned before. After the IRM, the
18 Interim Removal Measure, Lagoon 1 and 2 were consolidated
19 into one lagoon, which we name it right now Lagoon 1-2,
20 and also you can see Lagoon #3, the #4, and 5 as well,
21 the pits, Pit F. And you see also the property called
22 the South Coast Oil Operation at the left bottom of the
23 slide. Currently the site is fenced. The access gate on
24 Hamilton Street and Magnolia Street are locked. So
25 there's no access to the public.

1 So what we're doing right now? What are the
2 current activities? The current activity includes
3 periodic maintenance, including weed abatement. As well
4 we have the semi-annual groundwater monitoring. So the
5 nearby ground water wells are not a source of drinking
6 water. This is very important information.

7 So the question now, why we are remediate? 2003,
8 DTSC, the Department of Toxic Substances Control, signed
9 an enforcement agreement with ten responsible parties
10 that requires the -- requires them to investigate and
11 clean up the site. The RP, which is the responsible
12 party, are responsible to finance the remediation
13 activity. That means the State tax, the State is not
14 paying for the remediation. So this is funded by the
15 responsible party.

16 So what's the feasibility study? In the year
17 2007, our department approved the document that's called
18 the Feasibility Study, FS. The FS evaluated numerous
19 alternatives to remedy the site. That document concluded
20 that preferred remediation plan, or the cleanup plan, is
21 a partial source of removal with reconsolidation of
22 materials under a protective cap.

23 So in the document that is being circulated right
24 now for your review, the remedial action alternatives
25 considered are as follow. We have six different

1 alternatives. The first one is no action. Alternative
2 No. 2 is called the limited waste removal. And this
3 alternative consists of removal and off-site disposal of
4 Pit F, then covering the site with imported soils.

5 The third alternative is called the protective
6 cap. This alternative consists of removal and off-site
7 disposal of Pit F, then construction of a protective cap.
8 The fourth one is called the partial source removal with
9 protective cap, and this will consist of excavation and
10 removal of Pit F material and to cut and fill activities
11 to reconsolidate waste materials on site. Then the cap
12 will be installed over the majority of the site except
13 the oil lease area and the perimeter road, detention
14 basins, and the city right of way parcel.

15 The fifth one, the source removal with off-site
16 disposal and slurry injection technology. And the last
17 one, Alternative No. 6, source removal with off-site
18 disposal.

19 So in the draft remedial action plan that you
20 have, we use the evaluation criteria to provide an
21 evaluation of the different alternative. So this slide
22 lists the evaluation criteria which we'll use to evaluate
23 the different alternative. There are protection
24 compliance, effectiveness, performance, cost, State
25 acceptance, and community acceptance. The results are

1 summarized in detail in the draft.

2 So based on the evaluation and comparison of the
3 alternatives, Alternative No. 4 was recommended as the
4 preferred remedial alternative for the site. Also,
5 Alternative No. 6 was evaluated quantitatively in the
6 EIR.

7 Now, the next one, we'll show you the conceptual
8 cap configuration. So you can see -- I know it is hard
9 to see the different colors, but the outside boundary of
10 the site represents the City of Huntington Beach parcel
11 which runs along Hamilton with a width of about 40 feet
12 and run along Magnolia Street with a width of about 30
13 feet.

14 So then you can see the inner one. We have the
15 access road, and then we have the -- from the outside.
16 It is the cap for side slopes. And you can see the whole
17 area. It is the cap for the deck area. So these are the
18 different elements of the cap. Okay. So just one
19 important note I would like to mention here, that the
20 City parcel will not be capped, the ones that I mentioned
21 before.

22 Okay. Now, the conceptual cap profiles. This is
23 very important to understand what we are putting on the
24 top of the Landfill. So I would like to briefly explain
25 our different layers so we can see about the waste. We

1 have the in-situ foundation layer. And this is to
2 maintain the stability of the cap. Above that we have
3 the Geotextile gas collection layer, and this to control
4 the migration of gases. Then we have the 60 mil
5 geomembrane. This to prevent water infiltration into the
6 waste. Above that we have the geosynthetic drainage
7 layer. This is to infiltrate water to the drainage
8 system. Above that we have the Geonet biotic layer.
9 And this to enhance the drainer layer. And the top two,
10 especially the imported cover soil, this will be to put a
11 cover as a standard requirement for the State. And the
12 top layer, which is vegetation. The vegetation helps to
13 absorb the water.

14 Again, the objective of the cap is to provide
15 long-term environmental protection of the human health
16 and the environment by eliminating potential risk of
17 contaminant release. Also to prevent water infiltration
18 into the waste and to control the gas migration.

19 So some information about the proposed remedial
20 activities. Remediation and construction will take from
21 one to three and a half years after approval, depending
22 on alternative chosen. During the remediation,
23 excavation and removal activities dispersed throughout
24 the site, up to a dozen of high duty diesel vehicle on
25 site at once.

1 So our department will maintain oversight
2 throughout implementation, and also the Department will
3 conduct periodic inspection to enforce mitigation
4 measures and project features designed to minimize
5 impacts, such as perimeter air monitoring as well as use
6 of enhanced watering and/or foam.

7 So truck activities. So some information about
8 trucks, so it's very important for you to know what's
9 going to happen in your neighborhood. Approximately
10 we're going to have 2,400 export trips and 12,500 imports
11 if we select the partial source removal alternative. And
12 then we have approximately 65,000 trucks export and
13 31,000 imports if we chose the full source removal.

14 Again, the truck haul route during the
15 construction would be similar to what we had before
16 during the previous activities which happened 2010, the
17 IRM. During construction, the truck will minimize the
18 left turn to avoid any traffic problems. As well, we're
19 going to have a flag man who will be available to control
20 the traffic at the entrance/exit of the site.

21 This is just a general look from Magnolia Street.
22 This is how the cap is going to look like. And there's
23 another one. So just after completion of the project,
24 this is how the site will look like.

25 Okay. Long-term plan for the site. The project

1 does not propose specific development on the site after
2 the remedial implementation. Future use, if any, would
3 be determined after the RAP implementation. The capped
4 closed Landfill site will include a restrictive deed
5 covenant to protect the integrity of the cap.

6 If future development is sought, it would be
7 subject to a subsequent entitlement process, including
8 environmental review pursuant to CEQA, likely with the
9 City of Huntington Beach as lead agency.

10 And, finally, DTSC will review any future
11 development proposals to ensure cap and remedy remain
12 protective.

13 Now I would like to -- this will end of my part of
14 the presentation. I would like to introduce our
15 toxicologist, Mr. Don Greenlee.

16 MR. GREENLEE: I'm going to need to point to this
17 screen and hold a lot of other things to it at the same
18 time. I don't know if this is going to work.

19 Okay. My name is Don Greenlee. I'm a staff
20 toxicologist on the DTSC Ascon team. My goal is to
21 summarize the results of the health risk assessment which
22 is one component of the Environmental Impact Report.
23 Please note that this risk assessment was tailored to
24 evaluate health risks only for the cleanup project and
25 not for the final status of the site. So what I'd like

1 to do is begin with a brief introduction about the
2 concepts of the risk assessment so you can understand
3 what I'm talking about later.

4 The main goal of risk assessment is shown on the
5 top here. It's to estimate the potential health impacts
6 to a population exposed to site chemicals. I want to
7 stress the words "potential," meaning that the health
8 risks derived for this risk assessment are one possible
9 outcome and not necessarily the expected outcome. This
10 is because we made conservative assumptions throughout
11 this evaluation in order to error on the side of
12 overpredicting health risks so that we were health
13 protective.

14 It's also important to note that health risks are
15 estimated values. Although we begin by using measured
16 chemical concentrations, these data are used in
17 mathematical models in which a variety of assumptions are
18 made to derive the final health risk number. Next slide,
19 please.

20 The conceptual site model illustrates sources of
21 site contaminants, shown in this column here, and how
22 nearby receptors -- how they can be released, released
23 mechanisms in this column, and how they can be exposed to
24 off-site receptors. And the off-site receptors are shown
25 on the upper right top here. For example, in soil,

1 volatile chemicals can volatilize from the site, and
2 these can be carried by the wind and ambient air off site
3 to the breathing zone of the different off-site
4 receptors.

5 Now, the receptors that we considered are
6 residents, Edison High School students, as well as school
7 staff, which I don't have shown here, industrial worker,
8 firemen, which is also not shown, and a potential park
9 recreator. Non-volatile chemicals, bound dust particles,
10 can also be generated during excavation and soil loading
11 and unloading at the site. Those can be carried by
12 ambient air and also reach the breathing zone of all
13 these receptors.

14 In addition for the residents, we considered
15 incidental soil ingestion as well as dermal absorption
16 due to deposition of dust on those receptors and also on
17 vegetables, that they could potentially be ingesting from
18 their backyard gardens. The only complete exposure
19 pathway to chemicals and groundwater is through
20 volatilization reaching ambient air and then of course
21 reaching the breathing zone of off-site receptors.

22 Shallow groundwater at the site serves no
23 beneficial purpose, so injection and dermal absorption
24 exposure pathways are considered incomplete, and that's
25 what this is supposed to be denoting here.

1 Finally, diesel particulate emissions generated
2 from equipment which is going to be used to excavate,
3 load, and generally clean up the site, can also reach
4 ambient air, be carried across through the breathing zone
5 of different receptors off site. Go back please one.
6 Yeah, there you go.

7 Now, I want to briefly discuss how health risks
8 are quantified. Health risks are expressed either as
9 cancer risks or as non-cancer hazard indices. For
10 regulatory purposes, the target cancer risk for
11 unrestricted land use is set at one and one million.
12 That's also expressed mathematically as one times ten to
13 the minus six. They mean the same thing.

14 Conceptually, a one-and-one-million cancer risk
15 means that for one million people who are all exposed to
16 a given concentration of a chemical under the same
17 conditions, that one person's likely to contract cancer
18 over and above the existing background cancer rate in the
19 general U.S. population. So to put this in perspective,
20 consider that the background cancer rate in the U.S.
21 population is about one person in every four or .25.
22 DTSC's goal, to achieve a residential cancer risk of less
23 than or equal to one in one million as expressed here in
24 decimal four. We refer to a one-and-one-million cancer
25 risk as being an insignificant cancer risk in part

1 because it would be unlikely that one could detect a
2 one-in-one-million cancer occurrence above such a high
3 background level of cancer.

4 Chemicals including carcinogens can also cause
5 noncancerous adverse health effects. For a single
6 chemical, the hazard quotient is the ratio of the
7 predicted exposure dose to a safe dose. Shown here as a
8 reference exposure level. So a hazard quotient that is
9 less than one means that you're below the safe dose, and,
10 therefore, a person doesn't need to take any action to
11 avoid adverse noncancerous health effects.

12 On the other side of the coin, if the hazard
13 quotient exceeds one, it means that the dose exceeds the
14 safe dose, and, therefore, he does need to take some sort
15 of actions to minimize his exposure.

16 When one hazard quotients for several different
17 chemicals, the result is termed a hazard index. The
18 regulatory target hazard index for unrestricted site use
19 is one. And this is the target hazard index that we use
20 for cleanup of this site. The basic equations for
21 calculation of cancer risk and hazard index are similar.
22 To calculate cancer risk, you're multiplying an estimated
23 dose of exposure to a chemical times a cancer slope
24 factor. The cancer slope factor and the reference
25 exposure levels are provided in government databases.

1 Both terms are set to ensure that they are conservative
2 and protective of health. A calculation of the dosage
3 terms are also protective of health, because conservative
4 exposure assumptions are used in them.

5 Next slide, please.

6 This slide shows the major questions that the
7 health risk assessment addresses, and on the right side
8 of this slide, these corresponding sections of the health
9 risk assessment. From this point on, I want to use this
10 slide to help orient you to the discussion.

11 Next slide, please.

12 Between 1979 and 2011, numerous site
13 investigations were performed at the Ascon site. Now,
14 one I'm going to be talking here is, how did we determine
15 what are going to be the chemicals concerned at this
16 site? So there was a lot of sampling data which was
17 collected between these dates. Most of these involved
18 chemical concentrations in soil, soil gas, and there were
19 also some groundwater samples which were tested. And
20 that was through an interim groundwater monitoring
21 program that's been in place since July 2007. This
22 includes monitoring of groundwater from ten wells lining
23 the site's perimeter and two wells on the interior of the
24 site. To date, only a handful of volatile organic
25 chemicals have been detected in groundwater, and all

1 these were on on-site wells. There were no wells that
2 were impacted off-site.

3 Soil tests comprised over 62,000 individual test
4 results, and soil gas results constituted more than 1,500
5 individual test results. Evaluation of which of these
6 test results were useful for risk assessment and which
7 ones were not was a major task. So we had to go through
8 a screening process. We had to remove data which we
9 didn't think would be useful. For example, we removed
10 test results which corresponded to soils which had been
11 removed during earlier cleanup activities. Clearly not
12 applicable to our current situation.

13 In addition, for Alternative 4, we removed from
14 this database test results for soils which were below an
15 excavation depth such that they would not be disturbed
16 during the cleanup. There's no reason to have those in
17 our evaluation, since those soils, there's no way that
18 the chemicals would be mobilized during that cleanup.
19 Okay. Back one slide, please. I guess we need to go
20 forward a slide, a couple of slides. Okay.

21 So our next question to be answered was, using
22 that refined data set, what are representative
23 concentrations of each of those chemicals of concern at
24 the site? And for this, we did a statistical evaluation
25 of that data, that refined data that I just talked about.

1 So we used EPA's ProUCL's statistical program to derive a
2 95 percent upper confidence limit from the mean for
3 chemicals with more than five detections. And for
4 chemicals with fewer -- with five or fewer detections, we
5 used the maximum detector concentration for our risk
6 assessment. Next slide, please. Let's see. I think we
7 skipped one. There should be one before this. There we
8 go.

9 So here we're looking at an idealized plot, a
10 sample of results with the mean in the center of this
11 normal distribution. The 95 percent upper confidence
12 limit from the mean is shown over here on the right.
13 Conceptually, the 95 percent upper confidence limit on
14 the mean means that if one was to comprehensively sample
15 the site each day for a particular chemical and then
16 repeat this for a hundred days and then calculate the
17 mean for each of those hundred data sets, 95 of those
18 mean values would lie at or below the 95 percent UCL.
19 And 5 percent would lie above that 95 percent upper
20 confidence limit. So this 95 percent UCL is a common
21 method for deriving a reasonable upper estimate on the
22 mean concentration, and it's recommended by EPA, and it's
23 commonly employed in risk assessments. It's meant to
24 provide a margin of assurance that one is unlikely to
25 underestimate the mean, and, therefore, it's a

1 conservative measure. Okay. Next slide.

2 The next question we want to address is, now that
3 we know what representative concentrations are on the
4 site, how much of these are going to be emitted into the
5 air? And for that, we did an emissions inventory. Next
6 slide.

7 As we discussed before, three basic ways that
8 chemicals can get carried to off-site receptors are
9 through dust, volatile emissions of vapors drifting off
10 site, and diesel particulates from the cleanup equipment.
11 For dust, in order to generate our emissions inventory,
12 we used the EPA guidance document AP-42.

13 This document lists many different equations applicable
14 to dust generation, whether you're talking about
15 excavation soil, dropping soil in a pile, or truck
16 transport. They're all different equations.

17 The site was divided into approximately 35
18 emissions source locations from which dust emissions were
19 expected, and the emissions were calculated for each work
20 phase. So it was quite an extensive task.

21 For volatile emissions, we used the EPA EMSOFT program to
22 model ambient air concentrations of volatilized
23 chemicals. This program uses physical properties of
24 chemicals as well as physical properties of groundwater
25 and overlying soil to estimate the mass of each chemical

1 that can be fused in the air from the soil groundwater.

2 To estimate diesel particulate emissions, we used
3 California Air Resources Board's emissions factor
4 database. This database provides emission factors for
5 diesel engines based on their production year and engine
6 size. Multiplication of the assumed operational hours
7 for a particular engine type times its emission factor
8 yields a predicted mass of diesel particulates emitted.
9 Calculated diesel particulate emissions within each
10 source area within some to get total diesel particulate
11 emitted at that location. Next slide, please.

12 So once we had the emissions inventory for what's
13 generated on the site and what the concentrations are
14 going to be in the site air, we had to ask the question,
15 where is it going to wind up? And for that we did
16 dispersion modelling. When I say "we," I should include
17 our contractor. Our contractor did all the work of this,
18 and we really owe them a lot of gratitude. PCR Services,
19 especially Everest sitting in the front row.
20 So next slide, please.

21 So EPA's air dispersion modeling program was used
22 to estimate concentrations of these contaminants that
23 would drift off site and affect our selected receptors at
24 off-site locations. The AERMOD program is a distribution
25 model which is used to calculate contaminate

1 concentrations in ambient air in specific locations. We
2 used averaged meteorological data supplied by South Coast
3 Air Quality Management District from their Costa Mesa air
4 monitoring station. And the data that was averaged was
5 data from 2005 to 2007. Next slide, please.

6 Meteorological data included the wind rose data.
7 Wind rose data typically tells you what direction the
8 wind is blowing most of the time. And for the site, you
9 can see that for the majority of the time, shown by these
10 green kind of pie sections here, the wind is blowing from
11 the southwest towards the northeast. And that would put
12 those contaminants up here at Edison High School or over
13 here at the residential areas.

14 So this emphasized to us the need for this risk
15 assessment to be conservative, and during project
16 implementation, the importance of using dust and VOC
17 emission controls, fence line monitoring for dust and
18 volatiles, and safety measures to implement should
19 exceedences occur. Next slide, please.

20 The AERMOD program was used to calculate a
21 dilution factor at each receptor grid point, shown here
22 as these yellow crosshatches. The dilution factor was
23 then multiplied by each source emission rate to calculate
24 an exposure concentration for each contaminant at each
25 grid point. The exposure point concentration of each

1 contaminant was then entered into the Air Resources
2 Board's Hotspots Analysis Reporting Program, also
3 abbreviated HARP, which calculates the final cancer risk
4 and hazard quotient for a chemical at that grid point.

5 Once the cancer risk and hazard quotient is
6 calculated, the cancer risks are summed for that grid
7 point. All the hazard quotients are summed for that grid
8 point. That gives you the total cancer risks and the
9 total hazard index or indices at that particular grid
10 point. The HARP program also provided grid point
11 locations for the highest cancer risk and highest
12 noncancer hazard index for each receptor type that we
13 talked about in the conceptual site model. These
14 receptors are referred to as the maximally-exposed
15 individuals. And their locations for Alternative 4 are
16 shown in this slide by these dots. So over here, this is
17 a -- corresponds maximally-exposed residential receptor,
18 maximally-exposed student and school worker,
19 maximally-exposed fireman, park recreator, and industrial
20 worker.

21 Now, there's a very important concept here, and
22 that is, that if the target health risks are met for
23 these maximally-exposed receptors, they'll also be met
24 for all other receptors at all other grid points. So
25 really what we have to look at are just these

1 maximally-exposed receptors to determine whether or not
2 our process is going to be acceptable in terms of health
3 risks.

4 So you may be asking yourself, why do we have
5 three locations here for an industrial receptors health
6 risks and two for resident and only one for these others?
7 Over here in the case of the maximally-exposed industrial
8 receptor, each one of these corresponds to the cancer
9 risk, the chronic hazard index, and an acute hazard index
10 calculated on an hourly basis. Why do they vary? Why
11 aren't those locations right on top of each other? They
12 vary because of their proximity to the source for which
13 -- the major contributing source to, for instance, the
14 cancer risk. We may have had a group of carcinogens
15 located here that contribute to most of the cancer risk
16 here. Whereas, over at this area, we may have had a lot
17 of noncarcinogens in the soil contributing mainly to the
18 hazard indices at these two points. Next slide, please.

19 Okay. Finally, we're ready to address what is
20 going to be the effect on my health due to this drifting
21 of all this dust and vapors and things across the street.
22 Next slide, please.

23 This slide compares the cancer risks and the
24 hazard indices for each of the maximally-exposed
25 receptors that we discussed shown here for Alternative 4

1 and Alternative 6. Note that the cancer risks are
2 expressed in increased cancer cases above background per
3 million people exposed.

4 So under Alternative 4, this first value
5 represents 3.2 additional cancer risks in a million.
6 And practically all the cancer risk calculations diesel
7 particulate matter emitted by the cleanup equipment
8 represented between 95 to 99 percent of the cancer risk.
9 This cancer risk of 3.2 in a million exceeds our target
10 cancer risk of one in a million. But it is within a
11 range that we call a risk management range. That is,
12 between one and one hundred in a million.

13 The risk management range provides opportunity to
14 decrease exposures in order to meet the target cancer
15 risk of one in a million. So based on this calculation,
16 specific pieces of diesel-powered equipment will be
17 required to use diesel particulate filters. And this
18 will reduce the particulate emissions by at least 85
19 percent. So assuming this control efficiency, the
20 mitigated cancer risk for the maximally-exposed resident
21 is reduced to .84 in a million.

22 Note that all the chronic hazard indices, whether
23 we're talking about Alternative 4 or Alternative 6, are
24 below our target hazard index of one. And I know I'm in
25 the way. A lot of you can't see this.

1 A second observation to note is that all sets of
2 cancer risk and hazard indices for Alternative 4 are
3 lower than they are for Alternative 6. And that's
4 because of the additional soil handling involved in
5 Alternative 6.

6 For Alternative 6, diesel particulate matter
7 contributed about 95 percent of the total maximal
8 individual residential cancer risk of 8.8 in a million.
9 If diesel particulate filters could be mounted to all the
10 equipment used for cleanup -- and there's some question
11 about whether that would be practical -- this would
12 produce a mitigated cancer risk of 2.1 in a million,
13 still overexceeding our one in a million target cancer
14 risk. Therefore, cancer risks associated with
15 Alternative 6 cannot be completely mitigated using this
16 strategy.

17 Finally, acute hazard indices exceeding the
18 regulatory target of one occur only in the case of
19 Alternative 6. These elevated hazard indices were a
20 consequence of modeled chloroform and arsenic emissions.
21 Because an acute relative reference exposure level for
22 diesel particulates was not available, we could not
23 calculate the hazard index for -- the acute hazard index
24 for diesel particulates. There's no clear method for
25 mitigating the potential adverse health effects from

1 emissions of chloroform or arsenic during Alternative 6.
2 And because of these elevated hazard indices and cancer
3 risks, this health risk assessment supports the use of
4 Alternative 4 instead of Alternative 6.

5 MS. HUDSON: Okay. Good evening, folks. My name
6 is Kim Hudson. I'm a senior environmental planner with
7 DTSC, and I'm going to sort of switch gears here, and I'm
8 going to talk about the draft EIR that is currently out
9 for public comment. And I know a lot of you have been
10 involved in this process for a while or probably familiar
11 with our steps, but I am going to go over them really
12 quickly tonight so that if there's anybody new in the
13 audience or who is not aware of EIR process, you can get
14 a sense of where we're at and where we're going to go
15 with it.

16 We started the CEQA process in the beginning of
17 April with the issuance of the Notice of Preparation.
18 We refer to that as the NOP. And then we -- and that
19 began a 30-day review period for the Notice of
20 Preparation where we wanted to solicit comments on the
21 content of the Environmental Impact Report. We held two
22 scoping meetings to solicit comments from folks on what
23 people thought we should cover in the Draft Environmental
24 Document.

25 The next step in the process was to complete a

1 draft EIR that would go out for a 45-day public review
2 period. And in that included within that draft EIR is an
3 appendix, Appendix A, where we have the comments we
4 received on the notice of preparation, and then we
5 basically have outlined how those comments were dealt
6 with or where you might be able to find those comments
7 addressed in the draft EIR.

8 So we are about two weeks into the public comment
9 period with another month to go. And it's good we have
10 another month, because there is a lot of information to
11 digest. After the close of the comment period, public
12 comment period on October 14th, we will be working on
13 preparing a formal response to comments, which will be
14 what we call the final EIR document.

15 Once we have a final EIR document, the process
16 would be to certify that EIR document and then approve
17 the RAP. Let's see. So I mentioned that right now we're
18 in the public review stage in the middle of the 45-day
19 review period, and I think this kind of just puts it in a
20 more graphic form, steps that we're going to be taking.
21 We, again, after the close of the comment review period,
22 will be preparing a very detailed response to each and
23 every comment that we receive on the draft EIR.

24 In terms of timing, we expect to complete the
25 final EIR in late 2013, which would mean that we would be

1 certifying the document in early 2014 and approving the
2 draft RAP. Following that, detailed design plans would
3 need to be -- would need to be completed. And that will
4 take some time. So we would expect that the project
5 activities would commence in 2015.

6 Okay. So now that I've gone over sort of the
7 process, I would like to talk about some of the major
8 issues in the draft EIR. I'm not going to go over
9 everything in detail, because we would run out of time
10 quite quickly. But I will cover some of the major
11 issues. I'm going to highlight two types of impacts.
12 The impacts that were significant and unavoidable and
13 then impacts that require mitigation to reduce less than
14 significant level. I'm not going to discuss in my
15 presentation the impacts that we determined to be less
16 than significant.

17 So I want to point out that we prepared these
18 slides to give you a summary of sort of the issues and
19 strategies to address the issues to reduce impacts where
20 we could. I really would ask people to look at the draft
21 EIR document for the exact language of that impact and
22 the exact language of that mitigation measure, because to
23 fit this into a presentation and onto the slides, I had
24 to cut a lot out. And I really encourage everybody to go
25 to the draft EIR so they can see the exact language. But

1 they're pretty good for summary points.

2 The significant and unavoidable impact associated
3 with the remedial activities are related to air quality.
4 And those -- there are two impacts. Daily emissions
5 would exceed regional significant thresholds with regard
6 to NOx emissions in the short term. The second issue
7 area is daily emissions of NOx. And particulate matter
8 are predicted to exceed localized thresholds at the
9 nearest residence in the short term. So these are the
10 two significant unavoidable impacts that we have found in
11 the draft document, and I want to point out, these
12 impacts are both considered short term, meaning that they
13 occur during the remedial activities.

14 Then for odors. It's not anticipated that the
15 remedial activities will generate objectionable odors.
16 However, we did feel that it was prudent to include
17 mitigation measures in the document to ensure that those
18 impacts, if they were to occur, would be less than
19 significant, and they would -- we would have a process in
20 place to react if the odor complaints are received. Next
21 slide.

22 So now I'm going to move on to the significant --
23 the potentially significant impacts that we identified
24 that we required mitigation to reduce to a less than
25 significant impact. The first issue area is going to be

1 biology.

2 There are three potentially significant biological
3 impacts that can all be mitigated to a less than
4 significant level. And these include impacts to the
5 southern tar plant, removal of a small area of disturbed
6 coastal salt marsh, and disturbing raptor or songbird
7 nests. For the tar plant, there's off-site replacement
8 at a one-to-one ratio as mitigation. And that will be
9 required.

10 An in lieu fee or off-site conservation area will
11 be required for the loss of the disturbed coastal marsh
12 which is approximately .2 of an acre. It's a very small
13 area. And, finally, construction would occur outside of
14 the breeding season, generally February, August, or
15 buffer areas would be established in order to protect the
16 raptor and songbird nesting areas.

17 Hazards and hazardous materials is predicted to
18 resolve in an incremental increase in cancer risk at the
19 maximum impacted residential receptor. During the RAP
20 activities -- again, this is an impact that would happen
21 during the remedial activities -- a mitigation measure
22 would require CARB certified Level 3 diesel particulate
23 filters. This would reduce these impacts to less than
24 significant.

25 Noise. We found that the blower at Pit F might

1 exceed thresholds. So the blower will be located to
2 minimize sound transmission to nearby residents. A noise
3 barrier may also be needed. Other types of mechanical
4 equipment may result in impacts related to noise and be
5 -- they will be required to meet the city's exterior
6 noise limits of 50 dba, the property line of the noise
7 sensitive receptors.

8 And, finally, we do have some transportation
9 impacts from truck hauling on five study interactions in
10 the short term. And the mitigation for the impact that
11 those five study interactions is to update the timing of
12 the traffic signals. And this is anticipated to reduce
13 this impact to less than significant.

14 The other component of the draft EIR is the
15 alternative analysis. And CEQA requires that we analyze
16 a no project alternative as well as a reasonable range of
17 alternatives. So in this document, we have the no
18 project alternative, which would mean the project -- the
19 site would remain as it is, including all the operation,
20 maintenance, and monitoring that's going on right now.
21 But, otherwise, so there would be no changes from current
22 practices.

23 The two other alternatives analyzed in this EIR
24 were the source removal and unrestricted future use.
25 We've talked about this. This was Alternative 6 in the

1 draft RAP. And the other alternative that we looked at
2 was a lower-intensity extended schedule alternative. I
3 want to note that when selecting an alternative for
4 examination and an EIR, we have to look at alternatives
5 that have the potential of reducing impacts. So that's
6 how we chose the alternatives that we did.

7 So, again, I want to say that the EIR contains a
8 very extensive alternatives discussion. And so I would
9 suggest that you take a look at the draft EIR and that
10 alternatives discussion, because I'm just giving a very
11 very brief synopsis of what's there, and hopefully it
12 will encourage you to take a look at that document.

13 So the other thing that CEQA requires is that we
14 identify an environmentally superior alternative. That
15 identification is based solely on environmental impacts.
16 In this case, in the draft EIR, all three, the
17 lower-intensity extended schedule alternative was
18 selected as the environmentally superior alternative
19 since short-term impacts are mostly similar to or less
20 than the project, including traffic and air quality
21 impacts. So that was the reason behind selecting that as
22 the environmentally superior alternative. This, however,
23 does not necessarily mean that it is a preferred project.
24 The selection of the preferred project is based upon
25 additional factors, such as the public's input, the

1 analysis in the EIR, and the project objectives.

2 So, again, I encourage you to read the draft EIR,
3 because I did just give a very brief synopsis, and I
4 wanted to make sure that we had plenty of time for public
5 comment. And that concludes my part of the presentation.

6 MR. SCANDURA: Okay. Well, thank you, Kim and Don
7 and Safouh.

8 Well, we certainly presented to all of you a lot
9 of information tonight. A lot of it I do have to admit
10 is very technical information. I do want to say that
11 unfortunately it's only just part of all the information
12 that's out there. The documents that we have, the
13 Remedial Action Plan and the Environmental Impact Report,
14 are very extensive documents. We could literally turn
15 this into a college seminar, ongoing college seminar just
16 to talk about the entire project.
17 We do have these documents available on our Website and
18 also in the information repositories.

19 Just in closing, among all the information that we
20 presented to you tonight, there's a few things that I,
21 you know, at least hope that you can take away from this.
22 And so just talking about some of the key elements that
23 we discussed tonight. First of all, the whole issue of
24 removal versus capping. At the Ascon Landfill, there's
25 been a lot of waste removed out of there. There still is

1 1.4 million cubic yards of waste out there. To remove
2 every single cubic inch of that is going to require an
3 additional 80,000 truckloads above what we're looking at
4 in the preferred alternative. That's about 95,000
5 truckloads total. So not only do we have to look at the
6 fact that pollutants, diesel pollutants, they emit noise.
7 They cause wait factors in the street. This site is also
8 located across the street from a very fine residential
9 neighborhood, caddy-corner from a high school, across the
10 street from a park. So there's a lot of safety
11 considerations that go into place when you have that many
12 trucks that suddenly go out onto the road. And so that
13 was among many reasons why we're proposing the cap
14 design.

15 One of the things about the cap design -- and we
16 did walk through what the layers look like, and each of
17 those layers have a purpose preventing rodents from
18 getting in, tree roots breaking through the cap, water
19 infiltrating down into the cap and reaching into the
20 groundwater. Couple things about it. First of all, when
21 that cap is completed, it will essentially entomb that
22 waste. It will not be able to go anywhere. It will not
23 be able to escape into the air. It will not be able to
24 go into the groundwater or move laterally or vertically.
25 It's going to entomb that waste.

1 I've seen other caps at other sites throughout the
2 state and even across the country where they basically
3 put a concrete or asphalt parking lot on it. This will
4 not be that. It's going to be a vegetative cap. The
5 exact details of how this is going to look like, we
6 presented some drawings up there. But that all has to be
7 worked out in the design.

8 It's going to have drainage control so that to
9 ensure that any runoff does not go down into the Landfill
10 or off into the streets but into storm water sewers.
11 It's also going to have a landfill gas collection system.
12 And one of the other elements -- and I don't know if this
13 might have been picked up -- is that we're actually going
14 to be adding cement to the waste material to harden it up
15 so that it can support the cap itself. And that's going
16 to be very important in terms of the long-term aspects.

17 Speaking of what happens after we're completed
18 with the installation of the cap, we can't walk away from
19 it. It's going to always have to be maintained.
20 The responsible party group is going to be on the hook
21 for maintaining that cap, making sure that it's prepared,
22 any cracks repaired. They're also going to have to
23 monitor the groundwater, the landfill gases.
24 And right now they're budgeting about three-quarters of a
25 million dollars for at least 30 years. And I say at

1 least 30 years.

2 DTSC is not going to walk away from this site
3 either. They're going to have to continue to make sure
4 that this site is maintained according to all the
5 requirements of the Remedial Action Plan, all the
6 different laws and regulations that are out there.

7 Now, one question might be, can you build on the
8 cap? Can you put some buildings on there? And I do know
9 there's been some rumors going around in the community
10 about various types of development on there, including
11 the fact that the site is currently zoned for
12 residential. When that cap is completed, there will be
13 no residential use whatsoever allowed on that site.
14 There will not be schools allowed on that site.
15 Hospitals, any other kind of hospital-associated
16 practices as well as daycare centers, those are sensitive
17 land uses that will be off limits to this site. It is
18 possible to do maybe perhaps commercial and industrial
19 land uses. But one of the things you have to remember is
20 that, as I mentioned a little bit earlier, we have to
21 make sure that the waste are solidified so they can
22 support the cap. If you all of a sudden put buildings on
23 top of that cap, that adds weight, and that could
24 compromise the cap. So if there are any kind of
25 proposals and we can't rule out completely development on

1 that site, DTSC is going to be there to make sure that it
2 does not compromise the integrity of the cap or the
3 protectiveness that it was all designed for.

4 And we'll get into questions in a minute. I want
5 to thank Dr. Don Greenlee for talking about human health
6 risk assessment. There are fewer things that are as
7 difficult to talk about as human health risk assessment.
8 It is a very complexed area. Actually determining site
9 risks, whether the current risks or predicted risks,
10 involves the use of sophisticated models and formulas and
11 all the kinds of inputs. And I think Don did a great
12 job, you know, boiling down what we do on risk
13 assessment.

14 Some of the things to take away home. The
15 biggest concern of course is cancer. And nationally,
16 there is a one in four chance that any person will get
17 cancer. One in four persons in this room is going to get
18 cancer statistically. One in four of the presenters up
19 here could get cancer. I'm likely to get it because I
20 have a history of cancer in my family. That's just the
21 fact of life. However, what Congress said was, that when
22 setting a final risk for this site, one in four is not
23 appropriate. We feel one in one million is the
24 appropriate cancer risk. And so that's the kind of risk
25 that we're targeting for. Congress did recognize that

1 sometimes it's not always possible to get to one in a
2 million, so they've said, "Well, you know, you can get as
3 high as one in 10,000," which is quite a bit below what
4 the national average is. But it's very stringent what
5 we're aiming for. And in addition to cancer risks, we
6 also look at noncancer risks, all the other kinds of
7 diseases that are out there.

8 Those of you who took statistics in high school or
9 college -- I did -- sometimes I hated it. Sometimes I
10 didn't. You remember the bell curve. You remember the
11 upper 95 percent confidence level. What that is is the
12 highest potential of concentration you can see. And we
13 use that in risk assessments instead of the average,
14 because we want to use what amounts to the worst case.
15 It overestimates risk, number one. But, number two, it
16 forces us to then do things that are more than what is
17 probably necessary to get to that safe one-in-a-million
18 target level. So it's a safety factor. It is a
19 conservative method of being able to set risks. Part of
20 the problem with risk assessment is it takes a lot of
21 data points. We had 65,000 data points from 200
22 different sampling locations. We couldn't use them all
23 in the end, but we used what we felt was the most
24 relevant to that to determine the risk assessment.

25 And some of the things, for instance, when Don

1 talked about this, he talked to diesel emissions. Even
2 though with the preferred alternative it's going to be
3 slightly over one in a million, with diesel particulate
4 filters, we can get it down to below that
5 one-in-a-million target.

6 And then you all remember the wind rose.
7 Sometimes it's a little strange to understand what those
8 wind roses are in the first place. But what it says is,
9 prevailing wind comes out of the southwest. Which means
10 it's blowing most of the time right here towards the high
11 school. So what that's going to force us to do during
12 the cleanup itself, during the actual remedial
13 activities, is a much more aggressive air monitoring
14 program and also a more aggressive shutdown criteria,
15 because we have very sensitive receptors here in the high
16 school. And we also have sensitive receptors across the
17 street in the residential neighborhood and in the park
18 there. And it's not to say we're not worried about the
19 industrial area. We're also going to be monitoring for
20 that as well. So we're going to be watching that very
21 closely.

22 Last of all with the EIR, you know, there is going
23 to be a significant unavoidable impact, and that's the
24 air quality, in the short-term, during the construction
25 of the project. And that's going to be very unfortunate.

1 We're going to try to do everything we can possibly do to
2 get those emissions down to where they're acceptable.
3 They're one hand in making our final decisions on whether
4 to adopt the EIR. What we must do is consider the
5 significant and unavoidable impact with on the other hand
6 not doing anything at the site. That's what we're
7 concerned with. And certainly, we all know that that's
8 just not acceptable. The site does need to be addressed.

9 There are other significant impacts that Kim
10 talked about. We believe those can be mitigated, and
11 there will be an aggressive program in place to make sure
12 those mitigation measures are in place. So hopefully
13 that gives you a few things to sort of walk away from
14 your consideration of the Remedial Action Plan that we're
15 presenting to you tonight, the Environmental Impact
16 Report that we're presenting to you tonight. We thank
17 you for sitting through all the presentations.
18 And I think before we go on to questions and answers,
19 Stacey had a couple things to say.

20 MS. LEAR: Hi. For those of you that walked in a
21 little late, I'm Stacey Lear. I'm the public
22 participations specialist for our agency in Cypress.
23 And this does conclude the presentation portion of
24 tonight's meeting. And we are now ready to accept public
25 comments.

1 Does anyone need a speaker request card, the blue
2 cards that were here at the sign-in table? Because I
3 will collect those and then ask you -- we'll call your
4 name and ask you to proceed to the microphone, and you
5 can read your question from the card.

6 Is there anybody else that needs a public comment
7 form tonight? And, remember, tonight is not the only way
8 to submit public comments. Again, you can send them in
9 any time during the public comment period if you get home
10 and you happen to think of something else that you didn't
11 think of tonight. Okay. All right.

12 Okay. The first public commenter is Bill Yarkin.
13 Did I say that correctly? Please state and spell your
14 name for the record, and I'll have you read your card.

15 MR. YARKIN: It's good enough.

16 MS. LEAR: Please state and spell your name for
17 the record, and I'll have you read your card.

18 MR. YARKIN: My name is Bill Yarkin. I live at
19 9291 Hudson Drive in Huntington Beach. I'm very grateful
20 for this evening. I've learned quite a lot from the
21 presentations and from the charts. I learned that from
22 1938 until 1984, that site functioned as a hazardous
23 substance waste dump site. And I realized that from
24 about 1960, development began seriously in this immediate
25 area.

1 My question is this. From the perspective of your
2 department, what would be the thinking such that of all
3 places directly contiguous and proximate to a hazardous
4 waste site dump, we would put residences and a high
5 school? Can anybody illuminate that for me?
6 Because that actually helps me weigh these alternatives.

7 MR. SCANDURA: Needless to say, it's a hard
8 question to answer. First of all, when the Ascon
9 Landfill was first opened back in 1938 -- and anybody
10 who's seen aerial photographs -- and there are even some
11 people that may have even, you know, remembered those
12 days, there's really nothing out there. And it was
13 common practice when you had a disposal site, you would
14 take anything and everything, and basically you'd dig a
15 hole in the ground and just dump your waste in there.
16 And that was really common practice up until about the
17 1950s and '60s. You know, they started getting into
18 things like landfill liners and what have you, but for
19 the most part, it was almost an anything-goes concept.

20 You contrast that today where you have very
21 strict rules and regulations and procedures on the types
22 of waste that may go into a landfill. There's only, I
23 believe, about three facilities in all of California that
24 can even accept hazardous waste, and even then that's
25 very limited.

1 Now, if I remember right, much of the development
2 here took place back in the 1960s. It really wasn't
3 until about the 1970s when the public -- especially in
4 the mid- to late-1970s when's the public really started
5 to become aware of hazardous waste sites. And you
6 probably remember -- for those of you, like myself, who
7 remember back in 1977 and '78 the love canal situation,
8 that's what all brought it to the forefront. Back in the
9 1950s, 1960s, typically people didn't think anything of
10 hazardous waste sites like the Ascon Landfill, and so
11 those didn't go into their development decisions. And
12 you had the unfortunate result, once we had, as I said
13 earlier, a very fine residential development. All of
14 this outstanding residential development across the
15 street from a hazardous waste landfill.

16 So what we're trying to do here is try to right
17 that wrong and make it safe for the community.

18 MS. LEAR: Thank you. The next commenter is Tim
19 Geddes. Go ahead and state and spell your name for the
20 record, and you can read your questions. I believe you
21 have at least three?

22 MR. GEDDES: Three or four.

23 MS. LEAR: Okay.

24 MR. GEDDES: Three or four questions. Yeah, my
25 name is Tim Geddes, G-e-d-d-e-s. I'm a 30-year resident

1 of southeast Huntington Beach near Hamilton and Bushard.
2 I had several questions that I wanted to ask. First of
3 all, I appreciate John saying what kind of development
4 would not be allowed for the site under Alternative 4.
5 I'd like to first of all know what development our use
6 options would be allowed for the site under Alternative
7 4, and who would make the decisions regarding anything
8 but open space use of the site once the cleanup is
9 completed?

10 MR. SCANDURA: As I mentioned earlier, residential
11 and other sensitive uses would be off limits. However,
12 there could be commercial industrial uses on that
13 property. How intense the uses are going to be, again,
14 it's going to depend on how compatible they would be with
15 the cap. I mean, my strong guess is probably not going
16 to likely be able to have very intensive land uses if you
17 used it for commercial uses or commercial industrial
18 uses. It is possible it could be used for recreation,
19 and there has been some talk about that.

20 Again, we would have to look very carefully at how
21 this would all be constructed and whether or not it's
22 going to compromise the integrity of the cap. And last
23 of all, of course it could be used for open space, open
24 space types of uses. I might add the US EPA currently
25 has an initiative to try to use old landfills, try to get

1 solar cells built on old landfills. At this point -- and
2 I did talk to the Ascon PRP group who actually owns the
3 property -- they don't have any development plans on this
4 site yet. They're very focussed on the final remedy for
5 this site. We're certainly focussed as well in getting
6 them to stay very focussed on this. I don't think there
7 can be any discussion of development options, if any,
8 until after the remediation is completed.

9 MR. GEDDES: Okay. And just to follow you up on
10 that. What underground infrastructure pipes, irrigation,
11 electrical, etcetera, would be allowed throughout the
12 site and what mitigations would be employed if trenching
13 and installation is allowed? In other words, if you have
14 above-ground development, you have also all the
15 infrastructure that would be supporting it. And that
16 would go down into the ground. It would go down into the
17 -- hopefully, you know, not anywhere near the cap. But,
18 you know, that is -- that's a concern.

19 MR. SAYED: Well, as John mentioned, it will
20 depend about what kind of commercial building it will be.
21 So it might not be any kind of commercial building that
22 can be supported by the cap.

23 MR. GEDDES: Even if there was a park, there would
24 be restrooms. There would be, you know, other, you know,
25 electrical, irrigation, all kinds of things. That would

1 be okay?

2 MR. SAYED: I believe it's what --

3 MR. SENG: Yes. Well, again, as John said
4 earlier, again, whatever ends up as a development on this
5 here, the first list of priorities will be for us to make
6 sure that the cap is designed and is constructed, it's
7 not going to be impacted. That's basically what will be
8 the determiner under what comes on there. So, you know,
9 if there's an industrial building, you know, we have to
10 look at the trenching. When you look at the construction,
11 yes, you do have your piping. You do have your
12 electrical and others. But obviously they would now have
13 to look at bringing in material that will make sure that,
14 okay, that cap itself isn't impacted. So the
15 construction would definitely decide that a cap cannot be
16 intruding. So in the case of your restroom and those,
17 yeah, they would not impact the cap.

18 MR. GEDDES: Okay. And my final question is, are
19 the responsible parties footing the bill for all aspects
20 of this cleanup, or are the tax payers on the hook for
21 any of it?

22 MR. SENG: Well, it was said that when the
23 Department of Toxic Substances Control entered into the
24 cleanup agreement with the Ascon responsible parties, the
25 order basically required them not only to investigate but

1 also to pay for the cost of the cleanup. So the answer
2 is, there's no public funds being expended here. The
3 cost is being met by the RPs.

4 MR. GEDDES: Thank you very much.

5 MR. SAYED: Also, I would like to add, as a State
6 employee, we're paying also -- my time, our time is being
7 billed to the RP. So our hours that we charge or we
8 spent on reviewing any document is being paid by the
9 group.

10 MR. GEDDES: Thank you.

11 MS. LEAR: All right. James Powers.

12 UNIDENTIFIED WOMAN: Could we speak in English?
13 Are we talking about oil companies paying for it, or do
14 they have to pay for it -- for how long -- (inaudible.)
15 I mean, all this glibly goo. I'm sorry. I am not that
16 technical.

17 MR. SCANDURA: Sure. No problem. We signed an
18 agreement with what we call the responsible parties.
19 The responsible parties are a number of oil companies and
20 utilities. They are on the hook to pay for one-hundred
21 percent of not only all the investigation that's been
22 done but also the cleanup that they'll have to do, as
23 well as the long-term maintenance of that cap into, you
24 know, forever as long as it could take, which could be
25 for decades. Not only do they have to pay all of that,

1 but they also have to pay State agency costs as well,
2 State government costs. So I think the answer to Tim's
3 question is that no, the tax payers would not be footing
4 that bill. It would be the parties responsible for the
5 waste being there.

6 UNIDENTIFIED WOMAN: Thank you.

7 MS. LEAR: Okay. Go ahead and state and spell
8 your name for the record, please.

9 MR. POWERS: Yes, my name is James Powers. I'm a
10 local resident just a few blocks from here. And I am
11 first of all impressed with the presentations given,
12 especially the health assessment presentation. I like
13 the numbers that you came up with. And I'm willing to
14 assume that your analysis is very reasonably accurate.
15 In spite of that, I'm concerned about the responsible
16 parties actually coming through, carrying out their
17 responsibilities, and I'm concerned about those kind of
18 issues, including, does your agency actually and will
19 your agency actually have the power to be sure that
20 everybody lives up to the responsibilities, including
21 yourselves.

22 So my question is, you know, regarding health
23 assessment, what assurance can residents have that the
24 health impacts risk assessments will not be significantly
25 exceeded in the actual removal of toxic substances, that

1 process?

2 MR. GREENLEE: Well, we talked about the diesel
3 particulate filters, right. If Alternative 4 is the
4 alternative that's selected, there are some pieces of
5 equipment, the ones that are used most often, will be
6 required to be fitted with these diesel particulate
7 filters before they can operate on the site. And that's
8 crucial, as you saw, to reduction of the cancer risk,
9 because a diesel particulate is considered to be
10 carcinogenic.

11 In addition to that, as spelled out in the
12 Remedial Action Plan, there will be on-site monitoring.
13 And this on-site monitoring will be typical of what's
14 been done in the past. There will be hourly monitoring
15 for total VOC emissions at the site perimeter, four
16 locations. Also for dust emissions, there will be site
17 monitoring for odors. In addition to that, there will be
18 analytical data that is collected and analyzed, and I
19 think the turnaround time is going to be something like a
20 week to two weeks for that data. That will be collected
21 on a longer time interval just to back up the hourly
22 ratings for total VOC emissions and total dust, etcetera.
23 So Summa canisters will be used to collect gas samples,
24 ambient air samples at the perimeter, and that will be
25 analyzed for VOCs. Dust particulate filters will be used

1 to collect dust emissions, and those will be analyzed
2 sporadically for polynuclear aromatic hydrocarbons
3 emitted. They're a product of combustion, especially
4 diesel combustion. And also for metals. I should say
5 that PHs are also in the soil on that site, as are
6 metals. So both are expected to be emitted in dust
7 emissions. So those will be monitored analytically.

8 Now, what we found in the past regarding dust
9 emissions, dust emissions were extremely low. And we
10 don't expect that to be much of an issue, because dust
11 suppression steps will be used at the excavation areas.
12 And that consists basically of applying either water or
13 foam dust suppressant.

14 So those are some of the steps that will be used
15 to monitor and ensure that, you know, we don't have an
16 exceedence of VOCs or particulate matter or odors. In
17 addition to that, if there are exceedences, then the
18 construction or the remediation manager has the power to
19 stop all work until they can get the situation under
20 control. And that's their responsibility to do.

21 So we've got planning checks in terms of this
22 health risk assessment before anybody goes on site.
23 We're doing monitoring once the construction equipment is
24 there. And we've got a procedure in place in case
25 there's an exceedence. So we've got several tiers of

1 planning to protect the safety of off-site residents as
2 well as workers that are going to be working on the site.

3 MR. SCANDURA: And I think you also had a
4 question or comment about the commitment of the
5 responsible parties to clean up the site. They are under
6 an enforceable agreement with the Department of Toxic
7 Substances Control and then consequently the State of
8 California. If they were to violate that agreement or
9 walk away from that agreement, the State of California
10 has very considerable enforcement options available to,
11 first of all, going to the California Attorney General
12 office. We have numerous laws and statutes available to
13 force them to comply with the order. Also, we have the
14 ability to take emergency actions if they don't perform
15 those kinds of actions.

16 So there is quite a bit of leverage to require the
17 responsible parties to fulfill their obligations,
18 including cleaning up the site, maintaining it in the
19 long-term.

20 Now, having said that, I will say this, that the
21 responsible parties -- we're working with ten
22 companies -- have been cooperative. When they signed the
23 agreement with us I think about 11 or 12 years ago, they
24 immediately secured the site. They fenced the site.
25 They maintained that fence, maintained the security out

1 there. Many of you remember when the well blew out out
2 there, they responded to that well blowout.

3 And then back in 2005 when there were problems
4 with that north berm and there was concerns about it
5 collapsing, they agreed to step in and actually stabilize
6 that berm so it wouldn't collapse in the event of the
7 rain fall. So I will say, they have been cooperative.
8 But I want to say that, you know, we've sometimes had to
9 have difficult discussions with them. But in the end,
10 we've been able to get the kinds of things that we think
11 are necessary from them to clean up the site.

12 MR. POWERS: So first of all -- is that it?
13 Excuse me. I didn't mean to interrupt you. So I am
14 impressed with your answer that basically said that --
15 what I think I heard was that the analysis stage, the
16 planning stage, is being done very thoroughly. And I'm
17 impressed that it looks like it is. But the actual
18 actions that you have at your disposal to correct -- in
19 other words, in addition to planning, you have a very --
20 sounds like a very sophisticated and effective monitoring
21 plan. So you can measure when things aren't going right.
22 That sounds pretty good.

23 But, now, the third stage is if you detect that
24 things aren't going right and are potentially dangerous.
25 The actions that you have is to stop everything and then

1 go to the courts.

2 MR. GREENLEE: No, not to stop and go to the
3 courts. Stop and get the situation under control.

4 MR. POWERS: Yes.

5 MR. GREENLEE: And, for instance, if we start
6 getting VOC emission readings at the perimeter, then we
7 know that something is awry, and it's up to the
8 remediation manager to find out where those emissions are
9 coming from. Does he have somebody over in the corner --
10 he's monitoring over here, but does he have somebody in
11 the corner working at the same time digging up an area
12 that has a lot of VOCs in the soil and they're not
13 putting dust suppressant on it? So, you know, he's got
14 to check for that and get it under control.

15 MR. POWERS: Thank you very much.

16 MS. HUDSON: Okay. This is Kim Hudson again, the
17 senior environmental planner. I just have a little bit
18 I'd like to add to that. As part of the CEQA process,
19 which I didn't mention in my presentation, we prepare a
20 mitigation monitoring program which outlines not only the
21 mitigation measures in the EIR, but we're also going to
22 be including the project design features. So each and
23 every action, that protective action that we are taking,
24 is going to be in this mitigation monitoring plan, and
25 that will have a time line, and the responsible person

1 for implementing that and making sure that it's
2 adequately implemented. And so that's actually a step
3 that is an ongoing act during the remedial activities.

4 MS. LEAR: Okay. Scott Tracy. Go ahead and state
5 and spell your name for the record.

6 MR. TRACY: Hello. My name is Scott Tracy,
7 T-r-a-c-y. I just had a couple questions here. During
8 the initial discussion about nearby groundwater wells are
9 not for drinking. This is kind of important to me.
10 I wanted to know what the purpose of these wells is if
11 it's not for drinking?

12 MR. GREENLEE: If you're talking about my talk, I
13 was referring to groundwater monitoring wells and their
14 monitoring.

15 MR. TRACY: I think it was his.

16 MR. GREENLEE: Oh, okay.

17 MR. SAYED: Yeah, I mentioned that there's no
18 nearby groundwater -- I mean, wells used for drinking.
19 This was what my statement.

20 MR. TRACY: Right. And I'm wondering what these
21 groundwater wells are used for.

22 MR. SAYED: Well, the other one would be used for
23 irrigation most likely, for any industrial use. But we
24 don't have any records for any drinking water around the
25 site.

1 MR. TRACY: So we separate wells, groundwater
2 wells, for irrigation and industrial?

3 MR. SAYED: Yeah. I mean, yeah. We don't have
4 any record for -- I mean, what I have to say, we don't
5 have any drinking water around that area for sure.

6 MR. SENG: Well, let me just -- okay. Yeah,
7 remember we're looking at -- when we're looking at the
8 exposure, again, we have to look at your drinking.
9 Okay. So if they are drinking water wells, that's the
10 first thing the industrial -- you can have an industrial
11 well. But right now, what we know of is that there are
12 no drinking water wells nearby. I can't say about the
13 other wells. Obviously that's something that what'd we
14 like to do for something like that is be able to go back
15 again and do research on that, and then we can answer
16 that question. But what we said is that there are no
17 drinking water wells around there. That's what -- you
18 know.

19 MR. TRACY: Okay. You just talked about air
20 quality monitoring. And I appreciate your explaining
21 some of that. I've been a resident since the previous,
22 what was it, emergency action removal. And there was air
23 quality monitoring then. I remember talking to a number
24 of residents who lived to the north of me, which would be
25 to the east of the -- just east of the landfill on the

1 other side of Magnolia, and a few had mentioned acute
2 allergic reactions, some being ill. I remember going
3 through that neighborhood, and I remember smelling
4 things. Now, I've been around construction sites. I
5 know diesel smells. I know dust smells. And these
6 were -- I'm trying to identify these smells. But they
7 were kind of metallic, burnt, acrid. I mean, those are
8 just some of the terms I come up with. And I remember
9 thinking, "I'm glad my kids don't go to Edison," because
10 they were going to Eader at the time. And I know about
11 the prevailing winds, and they actually go east some of
12 the time, and then most of the time this way. I know
13 because, you know, I'm paying attention to that because
14 of where the Landfill is.

15 The other thing is, I was also thinking, while my
16 kids are at school and I'm going to work, and I'm very
17 glad during that cleanup that we were not at home. And
18 when we were at home, pretty much everyone was done for
19 the day, and the smell seemed to go away a little bit.
20 And we would keep the windows shut. So, you know,
21 someone could consider that just odor. I think it's more
22 than odor, especially with what some of the neighbors to
23 the east were commenting on to me when I would talk to
24 them.

25 So how is the monitoring going to be different?

1 You said it was going to be similar, but is there going
2 to be additional monitoring, and can this be taken into
3 account for the people who aren't speaking up and
4 mentioning that they had issues with previous removal?

5 MR. GREENLEE: No, I think I've described the
6 monitoring that's going to be done. You do bring to mind
7 though something that I want to caution you about. And
8 that is, when we're talking about chemical exposures, we
9 discussed up here acute exposures that occur within an
10 hour. That was the acute hazard index. Chronic
11 exposures, that was the chronic hazard index.

12 And then we discussed cancer risks. Both the cancer
13 risks and the chronic hazard index -- chronic refers to a
14 long-term, meaning for this particular risk assessment,
15 for the duration of the project, whichever remedy is
16 selected. So it's going to be between one and two years.

17 When we're talking about acute effects, chemicals
18 can affect a person acutely, sure. You can get an acid
19 burn on your arm, and that hurts. When we're talking
20 about a lot of these chronic risks though, we're talking
21 about such a long-term. I mean, just during the course
22 of a day or a few days that might have been used for this
23 emergency cleanup, I think my major concern there would
24 be the acute effects. So, you know, if a person was not
25 suffering from some, from asthma which was exacerbated

1 from it or something of that sort, it's occurring over
2 such a short-term interval as opposed to these chronic
3 chemical exposures we talk about when we're talking about
4 chronic risks or chronic hazard indices. Unless
5 something like that was obvious, I myself would not be
6 too concerned for the health, for the long-term health.
7 I mean, I wouldn't like it. I wouldn't like --

8 MR. TRACY: I'll make a room available for you.
9 You can come stay with me if you're so confident in it.
10 But, I mean, my point is, you know, I understand, you
11 know, what you're talking about, acute and so forth.
12 But the point of it is, you're talking about the last
13 time was okay. I mean, there was no -- no monitors went
14 off as far as I know. Maybe once. Do you know if
15 monitors went off at all?

16 MR. GREENLEE: I think we did have a few
17 exceedences of VOC, selected VOCs. I know that we got
18 some calls about odor emissions, I believe. So, yeah, we
19 did have. But those occurred on days, not for weeks at a
20 time, as far as I recall. So, again, these are very
21 short-term type of sensory impacts. So it's hard to say
22 that, you know, that's not going to be totally without
23 some sort of adverse health risk. But my bet, based on
24 my background, is that, again, unless it's causing some
25 clear acute effect, that it's not going to be occurring

1 for such a long time that a person needs to be concerned
2 about a chronic cancer or a long-lasting noncancerous
3 adverse health effect resulting from a chronic exposure.

4 MR. TRACY: Okay.

5 MR. SAYED: I know that you are referring to the
6 2010/2011 IRM, the Interim Removal Measure basically.
7 That's what happened three years ago, or are you talking
8 about the 2005?

9 MR. TRACY: Previously, yeah.

10 MR. SAYED: Okay. I was not involved then. But
11 for the 2010/2011, I know AQMD, the Air Quality
12 Management District of Southern California was contacted
13 on a daily basis. I'm the one that contacted them. And
14 I asked the inspector to come on a daily basis. I used
15 to come with him around noon time especially, and we can
16 smell the odor. The odor was very strong at certain
17 places. But using their equipment, they did not detect
18 anything above the level. But about 2005, I was not
19 involved myself.

20 MR. SENG: Well, maybe one thing I can add is
21 that, okay, if the question is about 2005 and that would
22 take -- that's something that would require research
23 before we can respond to that question.

24 MR. TRACY: One more time.

25 MR. SENG: What I'm saying is that if your

1 question is relating to what happened 2005, obviously we
2 don't have that information. What we'll do is we'll take
3 that question, and then that will be one that would be
4 researched and then would be responded as part of the
5 response to the question for this meeting.

6 MR. TRACY: Okay. That's it.

7 MS. LEAR: J.E. Bender. Go ahead and state and
8 spell your name for the record.

9 MR. BENDER: J.E. Bender, B-e-n-d-e-r. Live here
10 in Huntington Beach. Between '84 to '05, were there any
11 detectable leaks of any kind whatsoever from the
12 Landfill? Any of them. '84 to 2005, were there any
13 detectable leaks of any kind there?

14 MR. SENG: Yeah, that is a question that we
15 cannot -- we don't have that information right now.
16 This is information that we obviously would have to go
17 out and research, and then we can respond to that
18 question. But right now, I don't think we have that
19 information here.

20 MR. BENDER: Okay. I guess without that
21 information, this is all just so much alphabet soup, hey?

22 MR. SCANDURA: Actually, let me try to take a
23 crack at that. Because this is my second time around
24 being involved in the Ascon Landfill. I was actually
25 involved in it from 1988 to about 1995. I don't recall

1 any actual leaks into the groundwater. And this is one
2 of the things we have not detected any contaminants from
3 the Landfill and groundwater off the site, whether in the
4 storm water channel or in the wetland or any of the other
5 areas. We're not aware of leaks that have actually gone
6 off the site. There was one
7 significant -- there was some significant problems back
8 in, I believe, '93, '94 when the previous developer --
9 and this is the developer that wanted to build I forget
10 how many hundred homes on the site. And what happened
11 was, when they started digging into the waste, they had
12 all kinds of emissions. And what happened in that
13 instance, is the Air Quality Management District had to
14 shut down the site, and they never were able to develop a
15 system to control those emissions. And then
16 consequently, that company went bankrupt. It was part of
17 the frustrations we had over the years in working with
18 other parties to get this site cleaned up. So if you
19 want to call that a leak, an actual emission, that did
20 happen.

21 MR. BENDER: So I guess no touchy, no leaky, aye?
22 Well? Okay.

23 MS. LEAR: Christine Thurston. Go ahead and state
24 and spell your name for the record.

25 MS. THURSTON: Sure. Chris, C-h-r-i-s, Thurston,

1 T-h-u-r-s-t-o-n. I have my questions. Thank you.
2 What seismic limits will the proposed protective cap
3 withstand? What gases would escape if the cap were
4 breached, and how would the public be notified?

5 MR. SENGA: Based on the -- I mean, we have the
6 membrane, and based on the design of the cap, there would
7 not be emissions. There's also -- we also
8 are going to have a collection -- there's also a
9 collection system for gases that will be installed as
10 part of the cap. So any gases coming from up will be
11 collected. So we don't -- there's really no indication
12 of any gases coming up through the cap. That's one, you
13 know.

14 MS. THURSTON: All right. Let me modify that.
15 In the event of an earthquake, other than gases that
16 would be captured, hopefully, what other substances might
17 escape, and what is the plan to capture those?

18 MR. SCANDURA: That's a good question, and it's a
19 tough question. First of all, the cap is going to have
20 to be designed to meet all the earthquake standards in
21 California. And California, I think we all know, has
22 some of the strictest standards with respect to
23 earthquakes. Now, we have had some earthquake -- I've
24 had some experience working where we've had earthquakes,
25 like, for instance, the 1994 earthquake. And one of the

1 first things we do is, we go out and we inspect the site
2 to make sure that there hasn't been any kind of breaches
3 or cracks or breaks or any of those other kinds of
4 things. If we do detect any of that, we require that
5 those be repaired immediately.

6 MS. THURSTON: But that's quality after the fact.
7 I'm talking about building the assurances in. Has that
8 type of work been done? Are you looking at different
9 earthquake scenarios and how your protective cap will
10 withstand different levels of seismic activity?

11 MR. SCANDURA: And the current plan that we have
12 in place right now is a conceptual plan. So it probably
13 has not gotten down into that level of detail. However,
14 once the plan is approved, what we then do is we go
15 through a design phase, and those sorts of things are
16 going to have to be flushed out. So especially how it's
17 going to be built and constructed to withstand
18 earthquakes and then, of course, you know, what happens
19 in the event of an earthquake? What's the worst case
20 scenario? How are we going to respond to that? What are
21 we going to do with that?

22 MS. THURSTON: So will your reporter please put an
23 emphasis on this question that it has not yet been
24 addressed and that it will -- you're assuring me that it
25 will in the future?

1 All right. Rats were a problem the last time the
2 Landfill was worked on. What measures will be taken to
3 control the migration of the rat population?

4 MS. ROUS: Hi. I'm Heidi Rous. I'm the project
5 manager for the consultant who performed the EIR and the
6 HRA. We did tackle that problem, because we knew that
7 had been an issue. So I spoke with my biologist, and
8 it's covered in the EIR. But wildlife disturbances, you
9 know, there's that chance that as the tractors roll in.
10 So the RPs can actually do a voluntary euthanization
11 program to, you know, poison them basically.

12 MS. THURSTON: The rats volunteer to be
13 euthanized?

14 MS. ROUS: Well, no. I'm sorry. That's not what
15 I meant to imply at all. But because you're absolutely
16 right. When a large-scale construction project starts,
17 we know they're there, and wildlife can be, you know,
18 displaced.

19 MS. THURSTON: Is that part of the plan?

20 MS. ROUS: That is a possibility, yes.

21 MS. THURSTON: But not yet?

22 UNIDENTIFIED MAN: Wait a minute. A possibility?

23 MS. ROUS: Well, I'm just saying, it's not
24 currently mandated.

25 UNIDENTIFIED WOMAN: How are you going to poison

1 the rats? What about the shorebirds and everything else
2 over there?

3 MS. ROUS: That's why it has to be done very
4 carefully. But I have been assured by my biologists that
5 it is possible and that they do actually engage in this
6 kind of mitigation, clearing the site.

7 MS. THURSTON: Will the reporter please make a
8 special note of this that this has not yet been made part
9 of the plan.

10 All right. My next question. What is the backup
11 plan for containment if the storm water detention basins
12 fill to capacity?

13 MR. SCANDURA: Basically the final cap is going to
14 have to meet all the storm water management practices of
15 the regional Water Quality Control Board, not only in
16 ordinary rainwater runoff but also in the event of high
17 rainfall events, floods, those kinds of things. A lot of
18 the questions you're asking, as I mentioned before,
19 there's a lot -- the plan we have is detailed, is
20 conceptual. And what you notice is in the schedule,
21 assuming we were to approve this Remedial Action Plan, it
22 would be at least another year until it's finally
23 implemented. And I say at least a year, and that's
24 because there is a huge amount of details that have to be
25 flushed out. And I don't want to say to downplay them.

1 I mean, they're very important, things that all have to
2 be considered. But certainly things like how do we
3 control the animals, rats, those kinds of things, making
4 sure that the Landfill meets all the applicable storm
5 water runoff and storm water prevention and earthquakes,
6 all of those other things.

7 MS. THURSTON: All right. So I hear you answer
8 the question, and you say the protective cap will solve
9 all, which means you don't have a backup plan if the
10 storm water detention basins fill to capacity. There is
11 no other plan?

12 MR. SCANDURA: Yeah, I mean --

13 MS. THURSTON: Will you please make a note of
14 that? Will the reporter make a note of that? All right.

15 MR. SENG: Again, this is obviously the reason
16 why we are here. That's a very good question. And one
17 of the things that we are doing here is to take these
18 questions and these concerns, this way we can make sure
19 that as part of the approval process, we can address
20 those questions. So that's a question that we want to be
21 able to go back again and want to make sure that it is
22 done.

23 MS. THURSTON: My next question. What is the
24 potential of liquefaction impacting the integrity of the
25 cap?

1 MR. SCANDURA: I mean, this is something that was
2 analyzed in the EIR. And, to be honest with you, we're
3 not prepared to give a full answer to that. But
4 certainly this is a public comment, a public question,
5 and so we will be responding to that when we prepare our
6 response to comment. So we will get a full response on
7 that one.

8 MS. THURSTON: Recorder, please make a note of
9 that. There is no answer at this time.

10 MR. SCANDURA: There is.

11 MS. THURSTON: There is? All right. Okay. Next
12 question. Now, we heard about how the contractors will
13 enforce the use of the diesel particulate filters. And
14 we heard where you will have monitoring stations if there
15 is an indication that the levels are too high, which is,
16 again, after the fact. I want to know if there will be
17 periodic monitoring of compliance prior to any chance of
18 this getting too high?

19 MR. SENG: Before we answer that question, the
20 previous question about liquefaction. Actually, in the
21 EIR, there is a liquefaction analysis, and the answer is
22 in there. So in the EIR, that has already --

23 MS. THURSTON: What is the answer?

24 MR. SENG: Basically there is going to be an
25 analysis, which is going to be performed by a

1 geotechnical engineer to evaluate the potential for
2 liquefaction.

3 MS. THURSTON: Okay. So that's something in the
4 future then. It has not been addressed yet.

5 MR. SENG: It's part of the analysis as part of
6 the design, yes.

7 MS. THURSTON: All right. Can you answer my
8 question about the periodic monitoring of the
9 contractors' use of the diesel particulate filters?

10 MS. ROUS: Hi, it's Heidi Rous again. Yeah, the
11 Mitigation Monitoring and Reporting Plan, the MMRP that
12 Kim spoke about, which will be part of the final EIR,
13 will have a comprehensive list of who, when, and how all
14 of that is verified, similar the RIM where we had put
15 mitigation measures on the RPs to have certain newer
16 model year equipment. All of that paperwork is
17 processed, collected, and made available prior to any
18 truck or piece of equipment that would be applicable to
19 coming on site. All of that is checked periodically,
20 unannounced. DTSC has an ongoing oversight rule. They
21 can just show up and say, "Show me the records. Pop that
22 truck open. Let's see that that paperwork matches that
23 actual truck." And that is something very active that
24 they do throughout the construction.

25 MS. THURSTON: Okay. Thank you. Now, I know you

1 say there will be continuing monitoring of the site.

2 Will this happen in the event of budget cuts?

3 MR. SCANDURA: Yes.

4 MR. SENG: Yes. And remember what we said
5 earlier is that the cost for doing this work is being met
6 by the RP.

7 MS. THURSTON: Okay. Very good. Thank you very
8 much.

9 MS. GREENLEE: You know, I'd like to comment on
10 what I thought I heard you say. You mentioned
11 after-the-fact monitoring, which is not the case. I
12 don't want anybody to get the wrong impression that we're
13 going to be monitoring after the fact.

14 MS. THURSTON: I'm talking about real-time
15 monitoring. But if the limits got too high in the real
16 time, it means that something wasn't done to prevent it.
17 That's what I'm talking about.

18 MR. GREENLEE: Okay.

19 MS. THURSTON: Thank you.

20 MS. LEAR: All right. The next public commenter
21 is Jim Beres. Please state your name and spell it for
22 the record, please.

23 MR. BERES: B-e-r-e-s. Before I continue, we
24 should hire her to play on the Board. She seems to have
25 all the answers. You know, it's embarrassing to have

1 somebody -- my question is, we're in another project
2 going on here. How does this site impact the
3 construction and implementation of the Poseidon
4 Desalination Facility?

5 MR. SCANDURA: And, first of all, I want to
6 apologize. I'm getting over a cold, so I have a cough
7 drop in my mouth. Poseidon Desalination Plant, as you
8 know, has not been finally approved. I mean, it still
9 requires some agency approvals, and we're still years
10 away, years away from that project being constructed.

11 One of the things that you will note when you look
12 at the EIR, particularly the cumulative impacts. What
13 cumulative impacts look at are all the other projects
14 that are out there besides this one. And what we looked
15 at were projects that are expected to be implemented
16 around 2015, which is about the time when we would expect
17 to start the constructing of the cap and then projects
18 that are going to be implemented around 2020. One of the
19 things is we do not expect Poseidon Project, even under
20 the most optimistic scenarios, to be implemented around
21 the time this cap is going to be constructed. So as far
22 as how this will impact Poseidon, Poseidon's
23 construction, I don't think there's going to be those
24 impacts.

25 Now, one concern there is is that one of the water

1 -- if indeed this plan is approved, one of the water
2 lines, I think the main water line, is going to actually
3 go from the Poseidon Plant and then go down Hamilton
4 Avenue and then to wherever else it's supposed to go.
5 That's something that DTSC is going to be very interested
6 in. Because once you start trenching on Hamilton, first
7 of all, we're going to be worried about the possibility
8 of encountering any waste materials or substances from
9 the Ascon Landfill. But then in addition, on the other
10 side of Hamilton where Edison Park is is the old Cannery
11 Landfill, a completely different site, something that
12 operated separately from Ascon. And that may actually be
13 -- that could possibly emit gases. So we believe they're
14 going to have to do sampling in that street before they
15 even consider any kind of installation of any lines. And
16 if things are found, and assuming they want to continue
17 forward with that pipeline, protective measures are going
18 to have to be put in place to control emissions and
19 protect workers.

20 MR. BERES: Next question. Could you go back
21 please to the conceptual design of the cap, please? My
22 question is going to be relevant to the conceptual design
23 of the cap. Considering the high water table that we
24 have here on excavation, based on your design, six feet
25 is not deep enough to support the platform that's going

1 to put on top, whatever soil it is. Okay. Once you have
2 the high water table -- and we typically hit it between
3 six and eight feet. So your conceptual design is not
4 large enough to support and to sustain the water level
5 below ground.

6 (Inaudible.)

7 MR. BERES: Yeah, but we're below sea level right
8 now. When you have six feet and you're seven feet below,
9 the math will tell you that you're going to have water
10 seeping up.

11 UNIDENTIFIED MAN: When you did a swimming pool,
12 you hit water in our area. When you first put pools in,
13 all the pools popped out. I've been here for 40 years.

14 MR. SENG: Again, this is actually a good
15 question, and this is one that -- again, these are the
16 kind of -- this is the kind of input that we want to hear
17 from the community to make sure that it's part of the
18 design. These things, they are considered and addressed
19 before it is approved. This is only a -- right now this
20 is a proposal, but this kind of input from you, from the
21 community, we want to make sure that it's addressed. So
22 that comment that you just made, we want to make sure
23 that it's addressed. So it
24 is captured here, and it will be addressed.

25 MR. BERES: I guess the cap design has to be

1 coincided to the water table in the existing area.

2 MR. SCANDURA: Yeah, and certainly we're going to
3 be giving you a more thorough answer in our response to
4 comments. However, I do want to say that I'm sure the
5 homes around here, this school, what have you, they are
6 certainly at or just a little bit below sea level.
7 However, the Ascon Landfill site itself is quite a number
8 of feet above sea level. This is because of all the
9 operational activities where they would continually bring
10 in build materials so they could build the lagoons.

11 So I think that when you get up onto the site,
12 it's actually quite a ways down below the water -- quite
13 a ways above the water table.

14 MR. BERES: No. Listen, you built a landfill over
15 here. It's over water. You've put contaminant.
16 It raises the water table up. It doesn't go down.
17 That's all I have.

18 MS. LEAR: The next commenter is Scott Smith.
19 State and spell your name for the record, please.

20 MR. SMITH: Scott Smith, S-c-o-t-t S-m-i-t-h.
21 I should have some similar questions associated with the
22 conceptual drawing associated with that. If you can go a
23 couple more back to the main specific one there. So one
24 of the questions is, I was looking through there.
25 How deep is the water basin going to be? It looks like

1 it says it's going to be down to sea level is what it
2 looked like based on the readings that I read. So you're
3 looking about 8 to 12 feet deep for the basins; is that
4 correct?

5 MR. SENGU: Okay. I think what we are talking
6 about, again -- since we are -- I mean, from where we
7 are, I mean

8 MR. SMITH: I understand this is conceptual. And
9 so I understand this is just -- you know, basically this
10 is a prototype what you guys plan on doing. And I
11 understand a hundred percent. I'm just trying to
12 visualize this. And how I see this is it looks a little
13 scary depending on the angle that you look at it, right.
14 The picture that you conceptualized in here -- which is
15 nice, because it's coming in from basically where we're
16 standing looking that way, and you're going up a nice
17 grassy knoll, right. But if you're looking on it coming
18 down from Hamilton from Edison Park, basically right
19 there, how it looks like associated with that is there's
20 probably going to be a 12-foot, you know, basin, right,
21 that goes down below sea -- or goes down the standard
22 elevation. And then there would be a road, right, and
23 then you're going to go up looks like 18 feet within
24 maybe 5 feet. Am I reading that right? So it looks like
25 going from the bottom all the way up to the top with just

1 a road in between probably about, you know, a fairly
2 significant change in elevation. So, yeah, I'm talking
3 about this area, mainly up actually over here.
4 So going from here, going all the way up to up here is
5 going to be a fairly, basically, ugly-looking, you know,
6 thing. It's just going to be very steep going up
7 associated with that. So that was one -- so that's one
8 of the things I wanted to confirm. Am I reading that
9 correctly associated with that?

10 MR. SENG: So you're talking about the slope?

11 MR. SMITH: I'm talking about basically from the
12 slope of where the basin is, from the basin up. So it
13 looks like the basin's going to be pretty much a straight
14 drop down, right. Maybe the basin's going to go probably
15 maybe within three, two feet. It's going to drop 12 feet
16 probably is how it looks like, right.

17 MR. SENG: Okay.

18 MR. SMITH: And then it's going to have a road,
19 right. Looks like maybe a 10-foot, 20-foot road
20 associated with that. And then you're going to go up
21 another 18 feet, right. And so conceptually, that looks
22 pretty bad.

23 MR. SENG: Okay. Again, this is good. This is a
24 good -- this is a good input. This is a good input, and
25 we want it. So we want to capture that.

1 MR. SMITH: Okay. Great. And then part of it
2 was, am I reading that correctly?

3 MR. SENG: Yes.

4 MR. SMITH: So based on what I said, that sounds
5 like what that looks like?

6 MR. SENG: Yes.

7 MR. SMITH: Okay. Cool. Okay.

8 The next one is, what will the --

9 MR. SENG: Yeah, the slope for this is a three to
10 one. So, you know.

11 MR. SMITH: On the --

12 MR. SENG: Yeah, on the -- yeah.

13 MR. SMITH: Yeah, which is fairly steep. Now,
14 what will the basin be made of? I assume it's concrete,
15 right. This basin here, the walls are going to be
16 concrete, and it's going to be concrete on the bottom?
17 Is that what the basin looks like?

18 MR. SENG: You're talking about --

19 MR. SMITH: So let's just -- I'm going to assume,
20 because all the things -- I always think it's concrete.
21 And then the question associated who's responsible for
22 it, this will be the party managing it. I think we've
23 beaten that one to death. There's going to be no
24 drainage also, right? The water's going to go in there.
25 It's going to hold until it evaporates; is that correct?

1 MR. SENG: No, no. There is a drainage. Yeah,
2 part of the design includes drainage. And, again, that's
3 all part of the design. What we are giving you is a
4 conceptual. So it's part of design. All that is going
5 to be -- you know, the drainage, all that, that's going
6 to be part of the design, yes.

7 MR. SMITH: Okay. So someone else had a question.
8 So pretty much what these drains are for is, this is a
9 fairly large area, and it's to hold kind of a worst-case
10 contingency of water drain off into these -- so they can
11 drain through the regular sewer system.
12 Okay. Got it. Okay.

13 One thing is, on this diagram here, it says
14 Figure 2 is referenced. Kind of over to the right where
15 the colors are, it says -- actually it looks like on that
16 one it's gone. On the one in the actual PDF, it says,
17 like, capped for top deck area and capped for side
18 slopes. It says, "See Figure 2." And I'm assuming that
19 is actually supposed to be Figure 5-4, which has -- if
20 you can go forward two slides probably. That one right
21 there. I assume it's referring to that, but I'm
22 guessing. Yeah. Okay. Cool. We talked on the slope.

23 So one thing -- so I'm thinking of -- again, I'm
24 conceptually looking at this layout, and so I see
25 this -- basically this grassy knoll going up at a

1 3-percent grade pretty much going up, right. And so I
2 ask myself, "What possible use could we have long-term
3 with a hill going up besides maybe rolling down?" I mean
4 -- so one question that I have is, should we
5 really -- maybe we need to take a look at what's the
6 long-term goal of this site to make sure that our
7 solution that we're going to put in place will make
8 sense. And so if it's going to be an open space and
9 we're happy with the grassy thing, then that's fine.
10 But I think it should be clear to everyone that at the
11 current design based on this prototype, it's probably not
12 going to be used for anything but a grassy knoll. Which
13 is -- you know, Edison Park's right there. It would be a
14 shame to have that fenced off. But if that's what it is,
15 that's what it is.

16 Earthquakes already been taken care of. So one of
17 the question -- going back. If you can go back one. So
18 the height -- I was trying to figure out the height from
19 Hamilton. So if I'm standing on Hamilton -- and based on
20 the foot notes there, it looks like Hamilton is probably
21 about 6 -- is it 6 feet or 5 feet? It's about 5 feet
22 high, and I assume that's from sea level, right? So
23 bottom of Hamilton's at 5 feet and then going up.
24 And so the tip top of the hill will be 45 feet. So it's
25 basically 40 feet from the bottom of Hamilton all the way

1 up to the top, right? So 40 feet. So this is, what, 12
2 feet maybe? So it's probably four times the height of
3 this is how high that's going to be. So what came to the
4 question is, what decision -- and maybe it's in there.
5 And I'm sorry I didn't get through all the EIR -- is on
6 that 40-foot or 45-foot-high level, what cost benefit
7 analysis was done to say could we make it 30 feet high,
8 right? So that little marginal incremental improvement
9 may probably make -- again, it's square footage, and I
10 understand the cost keeps on going up the more you
11 remove, and the more pollution is -- you know, because,
12 again, the highest pollution content you're telling us is
13 diesel. And so I understand that's moving all the dirt
14 away. And so, however, from a long-term benefit of the
15 site, having it maybe 10 feet lower would probably maybe
16 give us a better use of that and a slower grade and maybe
17 have additional uses associated with it.

18 Let's see. I think I was near the end there.
19 Something else. I was actually on the airplane a while
20 ago, and the person sitting next to me works for a
21 company that has real-time monitoring that posts to a
22 Website. To there are real-time monitors out there that
23 are available, FYI. So I'm done. Thank you.

24 MS. LEAR: Thank you.

25 MR. SCANDURA: If I can just make a comment on

1 that. I think the comments that you entered were
2 excellent comments and certainly an example of the
3 comments -- the kinds of things that we want to hear are
4 things like the design of the Landfill and the fact that
5 you noted that right around the corner of Magnolia and
6 Hamilton, we're about 10 feet above mean sea level. But
7 when you go all the way back to the corner, it's about 40
8 feet above mean sea level. And what you pointed out is
9 what kind of a visual impact is this going to have? And
10 it's certainly something that we're going to have to
11 consider very carefully when we make a decision about
12 approving the plan, and also what changes can be done to
13 mitigate those kinds of impacts that I think you may have
14 pointed out.

15 MS. LEAR: Okay. The next commenter is Milt
16 Dardis. State and spell your name for the record,
17 please.

18 MR. DARDIS: Yes. Good evening. My name is Milt
19 Dardis, D, as in dog, a-r-d-i-s. I've been a resident of
20 Huntington Beach for 40 years on Capistrano Lane, which
21 is directly east of the power plant. I witnessed the
22 Ascon dump for the past 40 years when the fence was open
23 and everybody drove in and did their dumps.

24 Back in 2002, the United States Environmental
25 Protection Agency swore that there's no problem with the

1 dump site proximity to the local homes and schools. One
2 official said the feds are staying clear of this site
3 because there's no evidence it has polluted drinking
4 water. But, now, here's the key. The California
5 Environmental Protection Agency confirms that the
6 groundwater is already contaminated. Now, what's the
7 truth? Is the California EPA wrong, or are you people
8 right? Does the right hand know what the left hand's
9 doing?

10 MR. SCANDURA: We like to say the State of
11 California's right. What you're talking about is whether
12 or not a site like this would qualify for what is called
13 the National Priorities List. The National Priorities
14 List is what's considered to be the worst ten percent of
15 all hazardous waste sites in the United States of
16 America. So those are sites that are actually overseen
17 by US EPA. There's a number of sites up and down
18 California. In fact, we're involved in a number of
19 those.

20 But what makes a site qualify for the National
21 Priorities List is if it's shown that that site is
22 directly threatening or impacting drinking water wells,
23 drinking water supplies. That's the key thing that
24 really will cause that site to get onto the National
25 Priorities List. The problem we have here is, yes, the

1 groundwater beneath the site is contaminated, but off
2 site, it's not contaminated. It hasn't moved off the
3 site. That's number one.

4 Number two, all of the drinking water from around
5 here is basically -- it's either water that comes from
6 the State water project or it's well water that comes
7 from other parts of Orange County. That's supplied by
8 the Orange County Water District. So there's no way that
9 any of the chemicals that are in the Ascon Landfill can
10 get into people's taps, faucets, or pipes.

11 Now, so from the Federal perspective, they don't
12 think this is a site that's high enough to warrant
13 federal action, federal oversight. Nonetheless, the
14 State of California maintains that a site like this, you
15 know, just sitting out there doing nothing, is not an
16 acceptable situation. So that's why we believe that this
17 site needs to be mitigated. So EPA's right in their way,
18 but we also feel we're right in our way.

19 MR. DARDIS: Okay. Typical bureaucracy. John, I
20 do appreciate you coming in and trying to explain things
21 to us average citizens without all the bureaucratic
22 nomenclature.

23 Second question. Has there been any governmental
24 agency studies of the death factor near and around the
25 Landfill? I know we saw all kinds of projections. But

1 was the geographic, the spirit of influence in this area,
2 ever taken into consideration as to the number of deaths,
3 either from cancer, the high degree of autism, or any
4 other problems, or are these just figures that were just
5 picked from the air and just average numbers?

6 MR. GREENLEE: There's a 2011, August 2011 letter
7 from Dr. Thomas Mack.

8 MR. DARDIS: Of USC?

9 MR. GREENLEE: Yes.

10 MR. DARDIS: All right. We already know about
11 that letter. Okay. That's your answer. Okay. No need
12 to go any further. Okay.

13 (Inaudible.)

14 MR. DARDIS: Go ahead and explain to the people.

15 MR. GREENLEE: Well, he was asked by a resident,
16 in particular, is there an increased incidence of brain
17 stem cancers in children near the Ascon site? And
18 basically he concluded that -- well, maybe -- in order to
19 explain this, I'd like to give a little bit more detail
20 of what he found. What he was using was called the
21 California Cancer Registry. That is a legally-mandated
22 registry in the State of California where all diagnosed
23 cancer cases are to be recorded.
24 And it's for use of researchers and for answering
25 questions like this. So he consulted that California

1 Cancer Registry at that time, which had about 20 years
2 worth of data in it. And to me, I think the bottom line
3 was summarized probably at about the last page and a half
4 of his letter, which was about a four- or five-page
5 letter. But he was looking at -- he divided Huntington
6 Beach into north and south sections along Garfield
7 Avenue. And he concluded from a 2000-year census that
8 north Huntington Beach, what he's defining as north
9 Huntington Beach in that instance, contains 62 percent of
10 the residents, and southern Huntington Beach contained 38
11 percent of the residents. Then he asked the question,
12 what is the distribution of brain cancers in both adults
13 and children in northern Huntington Beach versus in
14 southern and that exactly parallel to population
15 distribution? There were 64 percent of the brain cancers
16 occurred in northern Huntington Beach. Remember that
17 there's 62 percent of the population there. 36 percent
18 of the brain cancers were in southern Huntington Beach.
19 38 percent of the population was there.

20 So then he moved further to address child brain
21 stem and actually child brain cancers. And during this
22 20-year period, there were 25 cases in Huntington Beach.
23 And so he asked, okay, what was the distribution? And
24 the distribution actually in proportion to the population
25 flipped from what was expected. Because in northern

1 Huntington Beach, out of 25 recorded cases of childhood
2 brain cancer, there were 8 recorded cases in northern
3 Huntington Beach, 17 in southern Huntington Beach. And
4 the 17 in southern Huntington Beach contained all 8
5 recorded cases of brain stem cancer in children. There
6 were zero cases in northern Huntington Beach. So it
7 began to be kind of interesting. So he asked, all right,
8 where were these 8 brain stem child cancer cases located
9 in southern Huntington Beach? And what he found was,
10 they were pretty evenly distributed throughout southern
11 Huntington Beach. At the time that these were recorded
12 into the Cancer Registry, not one of those cancer cases
13 was located within a half a mile of the Ascon site.

14 So he said, "Well, how do you explain this?" And
15 the conclusion that he came to was that this is a
16 statistical chance phenomenon. In other words, he
17 said -- he asked the question, "All right. Let's say
18 that you expect four cancer cases in an area. What are
19 the chances that you're going to get eight, double that?"
20 He concluded that that probability or that likelihood is
21 one chance out of a hundred. So he closed his letter by
22 posing this kind of situation in order to help us
23 understand what this idea of statistical chance meant.
24 He says, "Consider that you've got 500 California
25 communities. The probability of one out of a hundred,

1 you're going to have five of those communities that just
2 by statistical chance are going to have those eight cases
3 instead of the four expected."

4 So that was the explanation for childhood brain
5 stem cancer cases. And the basic conclusion is that he
6 could find nothing related to the Ascon site as a cluster
7 or anything implying that these were associated with that
8 site. Right?

9 MR. DARDIS: Well, I'll just leave it at that,
10 because there's questions on the statistical survey.
11 But that's beyond me. The other third thing is on
12 Poseidon. Does the Department of Toxic Substances
13 Control -- can you literally stop Poseidon from actually
14 putting in their 54 or close to five-and-a-half-foot
15 pipes and then let it -- and then as the toxic substance
16 eroded the pipe? Or just what can you or can't you do?

17 MR. SCANDURA: DTSC -- first of all, with respect
18 to the approval of the project, DTSC has no authority
19 whatsoever over the approval of the actual project
20 itself. I mean, they might have some authority. For
21 instance, if they had a hazardous waste storage area, we
22 would have authority over that certainly. But as far as
23 the overall project is concerned, we would have no
24 ability, no authority to stop the project at all.

25 Now, with respect to the water line, if it turned

1 out that -- what we can do is we can require sampling
2 along Hamilton Avenue, as I mentioned earlier, to see
3 what kind of substances there are and what kind of
4 exposures there might be either to the general public or
5 the workers, and then impose measures to protect workers.
6 And then, you know, we could also look at -- if they're
7 not willing to do that, we could look at enforcement
8 options to make sure that those workers are protected or
9 bring another agency in to make sure those workers are
10 protected.

11 Now, if it turns out that Poseidon finds that it's
12 just unacceptable what DTSC feels is needed along
13 Hamilton, DTS would have the ability to find -- they'd
14 have to find another route for that pipeline.

15 MR. DARDIS: And that information will be
16 available?

17 MR. SCANDURA: Pardon?

18 MR. DARDIS: And that information will be
19 available? It will be publicized? It won't be buried is
20 what I'm asking?

21 MR. SCANDURA: Yeah, it's --

22 MR. DARDIS: Because, I mean, we're fighting a
23 political --

24 MR. SCANDURA: Right.

25 MR. DARDIS: We've got politics involved here.

1 MR. SCANDURA: Sure.

2 MR. DARDIS: All right. Well, thank you for
3 coming folks. I do appreciate what you've done. And
4 we'll just have to bear with it. But, please, help this
5 lady and provide her with the answers. Because there's a
6 lot of people that want answers, and we have a lot of
7 questions. Thank you.

8 MS. LEAR: Thank you. Are there any additional
9 speakers with comment cards? Just a few more. Greg
10 Pena. Can you state and spell your name for the record,
11 please?

12 MR. PENA: Thank you for saying it right. Greg
13 Pena, P-e-n-a. Live at 21422 Dockside Circle. Thank you
14 for your presentation tonight. I was a little late, so I
15 apologize for not catching all your presentation. But I
16 think my question is, pertinent to the issue of the
17 existing water wells, whether it's drinking quality or
18 not, I think we're all aware we've had tremendous
19 pollution problems along our coast, and particularly in
20 recent years along Huntington Beach where the water has
21 consistently been quite toxic to anybody getting in the
22 water. They've had to shut it down a number of times.
23 So if Ascon Dump has had any deleterious effect through
24 its chemical leaching in those wells, have they migrated
25 onto the beach? Because I think there's been some

1 speculation in the past that the Talbert Marsh -- and I
2 don't know how far it extends close to Talbert to the
3 Ascon Dump or not -- has had some potential causal effect
4 to the pollution along our beach. I remember I think
5 with some of the ground breaking that was happening at
6 the hotel, that was halted for some period of time. And
7 at that particular time, we had a tremendous amount of
8 pollution. So I think the issue of the drinking water
9 certainly is quite serious. But, nonetheless, if we have
10 toxic wells to any extent, I think there is additional
11 concerns we've got to be watchful for. I'd appreciate
12 some comment on that and maybe expanding that question
13 even further along. Not just Ascon but along our coast.

14 MR. SCANDURA: Sure. Unfortunately we're, you
15 know, pretty well-focussed on the Ascon land on the Ascon
16 site. As far as impacts to the Marsh. As far as we
17 know, all the data that we've seen from the groundwater
18 monitoring is the contamination is remaining on site and
19 actually has not moved off the site. One of the key
20 areas of course we would be concerned with is the Talbert
21 Marsh. And I mentioned a little bit earlier about what
22 would also put us on the National Priorities List. One
23 of it is releases into a drinking water well. Well,
24 another thing that would put a site onto the list is
25 releases into a sensitive habit like the Talbert Marsch.

1 And there hasn't been any evidence to show that it's gone
2 in there. And I believe the reason for that is because
3 the Talbert can be channeled. I think it's the Talbert
4 Channel, right, that goes past there.
5 There's essentially a barrier to that movement. So we
6 have that.

7 And then just something. Why do we even have
8 wells on the site? The whole purpose of this is to
9 monitor the groundwater to see what kinds of
10 concentrations we're seeing, number one, and seeing if
11 they're going up or down. But the other thing is to see
12 if they're moving off site or not. So we're always going
13 to have a groundwater monitoring system in place there.

14 MR. GREENLEE: I can add just a little bit to the
15 groundwater monitoring wells. Those wells are monitoring
16 perched or semi-perched aquifer. It's a shallow one.
17 And the groundwater quality there is impacted by the sea
18 water, and so it's not a beneficial. It doesn't have a
19 beneficial use as far as the drinking water is concerned.

20 MR. PENA: But if the drinking water -- excuse me.
21 If that water is affected by the ocean, then the ocean's
22 also affected by the water. I guess that's my point.
23 That's not the case?

24 MR. SCANDURA: I believe all the groundwater in
25 this area is already salt water intruded, and there is a

1 barrier. There's the salt water -- there is the -- it's
2 getting late, folks. There's a groundwater barrier --
3 I think it's along Ellis -- which actually prevents
4 further salt water intrusion of aquifers inland. And
5 there is quite a bit of salt water intrusion, sea water
6 intrusion, all over this area.

7 MR. PENA: So I guess what I'm trying to
8 understand, does that go only one direction? Does the
9 intrusion only come inland to affect the water here, but
10 it doesn't go the other way?

11 MR. SCANDURA: It could. The biggest problem with
12 the salt water intrusion is when we had historic farming.
13 What happened was it pumped down the aquifers. The
14 aquifers used to be above sea level. But it pumped down
15 the aquifers so much, the aquifers were now below sea
16 level. And of course what happens is the sea water from
17 the ocean, what is it going to do? It's going to flow
18 downhill, in other words, from sea level to below sea
19 level. And that was the problem that was created here.
20 And so that's why the aquifers in these areas are so
21 degraded, and they're just not useable for drinking water
22 in the first place. I'm not aware if the groundwater
23 though has the ability to go towards the beach.

24 MR. PENA: I would think maybe just as
25 precautionary measure, that I think for some of the

1 points raised earlier, if those basins do become flooded
2 and we have flood potential here, that maybe some
3 emergency water pumps could be used to extract that water
4 to keep it, you know, contained in a safe environment and
5 not let it leach into other existing areas.

6 MR. SCANDURA: Right. And that's all part of the
7 storm water management and prevention plan that would
8 have to be developed if this project is approved. And,
9 again, those kinds of plans are actually submitted after
10 a project is approved. And all the details such as how
11 you're going to manage the storm water, where it's going
12 to be contained, where it's going to be discharged, all
13 of those details are going to be worked out.

14 MR. PENA: Okay. Thank you.

15 MS. LEAR: John Scott? State and spell your name
16 for the record, please.

17 MR. SCOTT: My name is John Scott, and it's
18 S-c-o-t-t. I have two brief questions. There's a circle
19 that's about a hundred yards away from Pit F, the styrene
20 pit. And on that circle, there are 14 homes.
21 And in those 14 homes, seven of them have either had
22 cancer or some neurological disorder. And three of them
23 are dead. And I wondered if you see any connection with
24 that in Pit F.

25 And the other thing that puzzles me is the basic

1 health risk assessment. When you held the oil companies
2 responsible, you used one basic health risk assessment.
3 When they had been held responsible by the courts, then
4 you dropped that and used a lesser one, in my opinion, to
5 guide the cleanup. And it leaves me with the impression
6 that you have a risk assessment almost for every
7 occasion. Unless this goes on too much longer, I'm just
8 going to sit down and let's not get involved into the
9 conversation.

10 MS. LEAR: So is that a question or a comment?

11 MR. SCOTT: Two questions.

12 MS. LEAR: Okay. So it had to do with regards to
13 the styrene pit, the 14 homes, the 7 of them with cancer,
14 neurological disorders. Is there any connection with
15 that with Pit F, and the baseline health risk assessment
16 used for holding the RPs responsible for the level of
17 cleanup regarding the two.

18 MR. GREENLEE: Well, I'm not aware of any kind of
19 connection of emissions from the Ascon site being
20 responsible for any kind of established cluster of
21 cancers or other adverse health effects associated with
22 the site, any kind of link that's been made there. And I
23 guess I might add that it's -- from a practical
24 standpoint, it's really difficult to show that,
25 especially in a small area like that, because you're

1 talking about so few people, so few cases.

2 My understanding is that when people are looking
3 for cancer clusters associated with some cause, they're
4 doing a statistical analysis on it. That means they need
5 power of statistics, and that means they need a lot of
6 cases that show clearly that there is a difference
7 between that area and a control area. And I think that
8 is one of the major criticisms of a lot of the analysis
9 that is being done to determine whether or not a chemical
10 exposure is associated with a cluster of disease states.
11 And that's been highlighted recently in a review in one
12 of the toxicological sciences journals. And it was
13 authored by people from Centers for Disease Control and
14 some other, you know, federal agencies that typically
15 look at this kind of thing. But the bottom line is it's
16 difficult to show that kind of association, unless you
17 have some out-of-the-ordinary, very esoteric type of
18 cancer like this brain stem cancer that we talked about.
19 Something of that sort. If there are a few cases of a
20 very rare type of disease associated with this site, then
21 that can be a different story. But to answer your
22 question, I don't know of any association that's been
23 shown between any kind of disease dates in the Ascon
24 site.

25 MR. SCANDURA: One thing I'll add is we could

1 actually refer this matter to the Orange County Health
2 Officer. They do have epidemiologists and other health
3 experts on staff to be able to determine whether or not
4 the instance in this case is due to a cancer cluster or
5 if it's just pure chance. Certainly we're going to need
6 the information from you, John, and from anybody else who
7 can help us out as far as the details, name of the
8 street, the exact houses where there were cancers. If
9 you have the names, that would be fine. That would all
10 have to be treated as a very confidential matter. We can
11 have the Orange County Health Officer look into that. We
12 do not -- the Department of Toxic Substances Control do
13 not have epidemiologists on staff to look at that, so
14 we'd have to definitely bring them in.

15 MR. GREENLEE: And the second question you asked
16 about were the two risk assessments that have been done
17 for the status of this site. And I think you're
18 referring to one of those was created in 1997, was a
19 baseline health risk assessment. Meaning, what kind of
20 health risk does the Ascon site present in its current
21 undisturbed state? And that looked at health risks to
22 both a theoretical resident occupying the site as well as
23 off-site residents. And it concluded that the cancer
24 risks were quite high. So as a consequence, I think
25 there was an air emissions reevaluation risk assessment

1 in 2002 to look at what exactly are the cancer risks
2 through the air inhalation pathway to off-site residents.
3 And that risk assessment used some improvements in a
4 modelling system, but it considered the highest
5 concentrations found in each of the five lagoons and used
6 a dispersion model which is different from the one I
7 mentioned, but nevertheless is current at the time for
8 asking the question what is going to be the concentration
9 in nearby residential areas and subsequently what's going
10 to be the cancer risk. And those cancer risks were above
11 the one in a million cancer risks that we discussed
12 tonight associated with just the remediation phase of the
13 project. So both of those risk assessments found greater
14 than one in a million cancer risks based on their
15 assessments of the status of the site. And as far as
16 which one the State chose to pursue, I'm not aware of
17 that history. So I can't address that in detail to that
18 question.

19 UNIDENTIFIED SPEAKER: (Inaudible.)

20 MR. GREENLEE: I can't quite hear you.

21 MR. SCOTT: I believe they actually used both of
22 them. They used one in the court action against the oil
23 companies, the -- (Inaudible.) Then when it came to
24 cleanup, they used the one in 2002 I think you mentioned.
25 That's what made me make the comment, do we have a risk

1 assessment for every situation done? That's what it
2 looks like to me.

3 MR. GREENLEE: Keep in mind that, you know, as
4 time passes, I mean, every science -- as you and I have
5 talked before, every science changes with new
6 developments in the field. And that's true of risk
7 assessment. So in 1997, the risk assessor was using the
8 current methods that were invoked to estimate what the
9 off-site concentrations would be and resulting cancer
10 risk. In 2002, there were new developments, this air
11 dispersion modelling program, that that was called
12 industrial source complex. It was used by EPA and
13 recommended by EPA at that time. So, you know, you're
14 going to find that there are different conclusions drawn,
15 different numbers that you see as we go through time and
16 assess health risks for one particular site.
17 And that's part of the reason. You and I have talked
18 before about a good example being indoor air health risk.
19 A few years ago, nobody even thought about that. But now
20 it's one of the big risk drivers for a lot of sites. Why
21 is that? It's because we found that volatile chemicals,
22 especially like Trichloroethylene and Perchloroethylene.
23 Perchloroethylene being used at many dry cleaners years
24 ago. Trichloroethylene being used in the aerospace
25 industry, especially as a degreasing agent. A lot of

1 these solvents found their way into the soil. And there
2 are now buildings over the soil. We have a number of
3 cases which we're evaluating currently in both Cypress
4 and Chatsworth offices.

5 So the point is that these volatiles can be
6 essentially sucked into a residence or a building because
7 of the pressure differential in the building. There's
8 wind blowing across the building. There's a little bit
9 of negative pressure when the windows are all closed and
10 the air conditioner's going or the heater's going. It's
11 recirculating the air within that structure that help to
12 draw these vapors, which may be close to the foundation,
13 up through cracks in the floor. And if the
14 concentration's high enough, that can present a
15 significant cancer risk to the inhabitants of the
16 building, whether it's a working place or a residence.
17 So that's one of the more recent advances in the field of
18 exposure and risk assessment. But you're going to find
19 that the numbers and the risk assessments do vary for any
20 particular site as you go through time. And that's
21 basically because of field advances in our knowledge of
22 how to assess risk and what conditions are new to
23 consider.

24 UNIDENTIFIED MAN: So you're basing your fact
25 based -- (Inaudible.)

1 MR. GREENLEE: We talked earlier about Thomas
2 Mack's letter.

3 UNIDENTIFIED MAN: Right. That's based on
4 your -- (Inaudible.)

5 MS. LEAR: What was your question?

6 UNIDENTIFIED MAN: The USC professor was
7 Dr. Thomas Mack. And that's -- I was asking if that's
8 based on his data between north and south Huntington
9 Beach.

10 MR. GREENLEE: When I spoke about his paper, I was
11 quoting, yes, what was in his paper.

12 UNIDENTIFIED MAN: (Inaudible.)

13 MS. LEAR: All right. I have one more comment.

14 MS. VON FREYMANN: I just have a quick question.
15 That rat poisoning really got me. I'm Amy Von Freymann,
16 and I live at 21172 Coral Lane. I wanted to know how
17 much you're working with the Wetlands Conservancy and how
18 much you've reached out to them and the Coastal
19 Commission. Because, for instance, Great Blue Herons eat
20 rodents. If you just poison all the rodents, you are
21 effectively killing the birds.

22 MS. ROUS: I'm not a biologist, and this is Heidi
23 Rous. I spoke to my biologist, and we will prepare a
24 written response to you. I hear your concern, and I
25 appreciate that. I have spoken to our staff biologist

1 about a program that could be implemented on site knowing
2 that small mammals movement was an issue during the IRM.
3 So we will address that very thoroughly. Believe me, this
4 is done elsewhere. And making sure it does not get into
5 the food source is of the utmost importance. So I
6 appreciate your concern. I'm not an expert to answer
7 that, but I did discuss that, and we will get you a
8 written response that addresses that concern.

9 MS. VON FREYMANN: And how much are you working
10 with the Wetlands and the Coastal Commission, or at all?

11 MS. ROUS: We have reached out and worked with the
12 Wetlands Conservancy and the -- I'm sorry. What?

13 MS. VON FREYMANN: When I've discussed it with
14 them, they did not seem to feel that there had been a
15 great deal of collaboration.

16 MS. ROUS: We had discussed with them in
17 earlier -- the mitigation measure about the Southern Tar
18 Plant in particular is what we discussed with them. We
19 had not addressed the on-site small mammal issue with
20 them.

21 MS. VON FREYMANN: Is that in the works, that you
22 plan on working with the Coastal Commission and the
23 Wetlands Conservancy?

24 MS. ROUS: The Coastal Commission is another
25 permit that the project will need to seek, and so that

1 will be addressed in the future.

2 MS. VON FREYMANN: And what about the Wetlands
3 Conservancy?

4 MS. ROUS: We can certainly reach out to them,
5 because, again, this is the sort of concern that we're
6 hearing, and so we'll definitely reach out to them again
7 on this topic in particular.

8 MS. VON FREYMANN: Because I understand that
9 you've had that in other communities, but other
10 communities don't have wetlands. This is a unique
11 feature of this community.

12 MS. ROUS: Absolutely. We'll address all of those
13 concerns and reach out to the resources that are there.

14 MS. VON FREYMANN: Okay. Thanks.

15 MS. ROUS: No problem.

16 MS. LEAR: Thank you. Are there any additional
17 speakers with comment cards? One more? Can you state
18 and spell your name for the record?

19 MR. LOY: My name is Rich Loy, L-o-y. That's all.
20 Just three letters. Good evening. I want to thank you
21 for coming here tonight and having this meeting. And I
22 noticed earlier when you were discussing the responsible
23 parties, you said that they are on the hook basically to
24 pay. I keep reading and hearing in the past and in the
25 newspaper from this article I've read that there seems to

1 be a big concern on cost effectiveness. You know what,
2 as a resident, as a homeowner, the cost effectiveness is
3 not real high on my priority list, and I don't know that
4 it's high on the other homeowners or residents of the
5 area. We want this thing done and done right. And the
6 thing is, a concern that I have is, say they do the
7 quick-and-cheap method, which it looks like if they do
8 the complete, it's going to be over \$300 million. Well,
9 they're the responsible parties. They do have the
10 wherewithal, and they do have the funds and resources to,
11 in fact, pay for this.

12 But I guess one of my questions is, if you go with
13 the cheap-and-quick, you know, supposedly low impact to
14 doing the residents a favor plan, if they decide down the
15 road that they want to sell this property -- because you
16 did mention about commercial development being a
17 possibility after they cap it -- does their
18 responsibility for any kind of future issues with this
19 property, does it end when they, say -- say they sell it
20 to an investor group. There are a number of developers
21 that go around and buy these Brownfields areas and then
22 -- like Olson Company's one of them. That's just one that
23 I know about. But, I mean, as far as monitoring this
24 site, you know, I'm pleading with you folks, please
25 please, for all the future generations that are going to

1 live down here, please get this right. I mean, there's
2 been a lot of unanswered questions that have been asked
3 tonight, and, you know, it's the old thing about Murray's
4 Law raising its head when you think you've got all your
5 bases covered. I mean, we continually see that in the
6 news what happens. So, you know, I just -- you know, I
7 just feel like this has been a long process. But please
8 do due diligence. And this one particular lady asked a
9 lot of questions that nobody had any answers for. And,
10 you know what, I think there's a lot of other people that
11 have other questions that probably haven't even been
12 raised yet. But maybe you can answer that. If they
13 decide to -- if the responsible parties decide to sell
14 this property off, where does the liability go? Does it
15 stay with the responsible parties? Does it go with the
16 new owners? That's sort of an important question. We've
17 had a monitoring system over here at Edison Park in the
18 past for methane gas. Well, guess what, the people that
19 were doing the monitoring, they weren't doing the
20 monitoring. They found out that they were supposed to do
21 it. They didn't do it. So there's not a lot of trust in
22 a lot of these things that are being said or in the
23 community, and I just hope -- like I said, I'm pleading
24 with you folks to please. Because this is going to be
25 not only your legacy that you're going to leave to future

1 generations, but it's going to be a present time too
2 whenever they get into this remediation finally after all
3 this time.

4 But, you know, this fact that, hey, if it's going
5 to take a little bit longer and if it's going to cost the
6 responsible parties 300 million, well, I'm sorry, but
7 they're on the hook. And you said that yourself. They're
8 supposedly on the hook for the cleanup. So, anyway,
9 that's my, basically, comment and question.

10 MR. SCANDURA: First of all, I wanted to say,
11 those are all great comments, and they're very important
12 comments and certainly something that's very significant,
13 not only to us, but certainly to the community as well.

14 First of all, you had three points. One about
15 cost, one about what happens if the property is sold or
16 transferred to somebody else, and then just the overall
17 concept of RP liabilities. Yes, removal is an extremely
18 expensive option. But is that the only consideration
19 here? And the answer is no. There's a whole host of
20 considerations. One of the things that I mentioned very
21 early on in the meeting is, if we do a total and complete
22 removal, we're looking at at least 95,000 truckloads
23 going in and out of that site. And actually, that number
24 may be on the low end. And that's something that we've
25 got to consider.

1 EIR also identified a number of impacts with the
2 complete removal that many of them are unacceptable.
3 And then there's some other implementation issues,
4 engineering issues, associated with the removal that, in
5 our view, is making it very tough to select that kind of
6 a remedy. So costs are not the only factors. It's just
7 one of many factors.

8 Now, as far as what would happen if all of a
9 sudden the PRP group simply sold the property, does that
10 mean all of a sudden their liabilities go away; they can
11 just walk away from the site? And the answer is no.
12 Once a responsible party, always a responsible party.
13 Now, if the property were to be sold, the land-used
14 restrictions that we have on that property will run with
15 the land. And what that means, just like anything else
16 in a deed, if you buy a piece of property that the
17 previous landowner had restrictions recorded into the
18 deed, that you would be expected to abide by those
19 restrictions. That's what it means to run by the land,
20 run with the land.

21 In addition, all the operations and maintenance
22 that we've been talking about, ultimately, that's going
23 to have to be covered into an operations and maintenance
24 agreement that we sign. Again, that's an enforceable
25 agreement. So if, for instance, the responsible parties

1 walk away, then all of a sudden that opens up a whole
2 number of enforcement options available to us.

3 One other thing I didn't mention is, State law
4 does require the responsible parties to put up financial
5 assurance, whether it's in the form of a corporate bond
6 or some other kind of assurance that demonstrates that
7 they do have the resources to be able to not only clean
8 up the site but also to do the operations and
9 maintenance. So that doesn't go away at all. So
10 it's -- again, they're on the hook for the long-term.
11 There have been situations I'm aware of where responsible
12 parties were able to sell the property and transfer all
13 their liabilities to another party. And that new party
14 now had to take over and assume all the liabilities just
15 as the RP did. So it's something that, you know, people
16 just can't walk away from.

17 MR. LOY: You know, John, I'm under the assumption
18 that that particular piece of property is still zoned for
19 530-some residential units. Many years ago, I know when
20 NESI was involved, the City, because they felt NESI
21 didn't have the financial wherewithal to be able to clean
22 it up, they went ahead and changed the zoning in favor of
23 NESI. And now that it's no longer that situation, I'd
24 like to know if anybody has talked to the City about,
25 "Hey, I think the zoning probably is going to need to be

1 changed here back to whatever it was before or some other
2 type of designation," because we keep hearing they don't
3 want to build any residential on that. But now tonight,
4 I didn't know they were even going to consider commercial
5 on top of this, basically cap, you know. I mean, there's
6 just a lot of unanswered questions I believe that really
7 need to be looked at a little more intensely and
8 answered. But I thank you for the amount of time and
9 effort you've put in so far on this project. Just please
10 keep it up, and don't let us down.

11 MR. SCANDURA: We won't.

12 MR. LOY: Thank you.

13 MR. SCANDURA: A couple things as far as the
14 existing zoning, which, yes, it is residential. We have
15 had some discussions with the City. And I believe the
16 PRP group is going to seek a zoning change so it's no
17 longer residential. One of the things that I want to
18 clear up is, some people say, "Well, you know, it's a
19 done deal. They can go ahead and build some sort of
20 commercial property on there." If the property gets
21 rezoned, the only thing that DTSC can control as far as
22 land use is -- the sensitive land use, is the hospitals,
23 daycare centers, schools, and residents. Beyond that, we
24 can't control any other kind of development. That all of
25 a sudden becomes something that's within the per view of

1 the City. So it is possible for the PRP group to, once
2 the remedy is complete and in place and operating
3 properly, they could look at other kinds of land uses.
4 They would have to go through a land use development
5 process with the City. The City would have the final
6 authority over the Landfill. But even before they got
7 there, we would want to take a look at all the
8 development plans and the proposals to see if any of that
9 is going to compromise the integrity of the cap, such as
10 structures that would have to go into the cap like
11 pilings or underground pipes or those kinds of things to
12 make sure they're not going to compromise the integrity
13 of the cap. And certainly the City -- we expect the City
14 to be looking to us for that, for answers to whether or
15 not any kind of development on this site is going to
16 compromise that cap.

17 I did ask one of the members of the working group
18 today if they have any development plans or development
19 proposals in mind, and they don't at this time.
20 Everybody is very focussed on getting the remedial action
21 on the Remedial Action Plan and getting the remedy
22 implemented on the site. So something like that is going
23 to be long after the remedy is completed.

24 MS. LEAR: All right. Are there any additional
25 comment cards or speaker requests?

1 All right. Well, this is going to conclude our
2 public meeting. We want to thank you for your comments.
3 DTSC will be preparing a response to comments document,
4 particularly for those questions that we did not have
5 responses for, those things that need and require us to
6 go back and get a response. So this is not a done deal.
7 Our public comment period is still open until October
8 14th, so you still have opportunities to send in
9 additional comments as you go home tonight.

10 So we thank you for your continued involvement,
11 and we'd like to say good night to you. Thank you for
12 coming.

13 (Meeting concluded at 9:15 p.m.)
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DEPARTMENT OF TOXIC SUBSTANCES CONTROL
Southern California Cleanup Operations Branch

In the Matter of:)	
)	
Public meeting to accept)	
comments on the)	PUBLIC MEETING
Recirculated Draft)	
Environmental Report)	6:00 P.M. - 8:00 P.M.
(REIR) Ascon Landfill Site)	
)	
)	

TRANSCRIPT OF PROCEEDINGS
Department of Toxic Substances Control
Huntington Beach, California
Thursday, November 6, 2014

Reported By: Sonja Hudson, CSR No. 13150

Public meeting of the California Department of Toxic Substances Control, to accept comments on the Recirculated Draft Environmental Impact Report, taken before Sonja Hudson, commencing at 6:00 p.m., Thursday, November 6, 2014, Huntington Beach City Hall, City Council Chambers, 2000 Main Street, in Huntington Beach, California.

APPEARANCES:

JOHN SCANDURA - DTSC, Branch Chief

SAFOUH SAYED - DTSC, Project Manager

ROBERT SENG - DTSC, Project Supervisor

KIM HUDSON - DTSC, Senior Environmental Planner

STACEY LEAR - DTSC, Public Participation Specialist

HEIDI ROUS - PCR, Project Manager

MICHAEL HARDEN - PCR, Principal Manager

CHRIS GRAY - Fehr & Peers, Traffic Consultant

1 DEPARTMENT OF TOXIC SUBSTANCES CONTROL

2 THURSDAY, NOVEMBER 6, 2014 at 6:00 P.M.

3 STACEY LEAR: Thank you for joining us tonight.

4 My name is Stacey Lear. I'm with State of California

5 Department of Toxic Substances Control. There is an

6 acronym that my agency uses, and we usually refer to that

7 as DTSC. Our office is located here in Cypress, although

8 I do have some staff here tonight that's located in our

9 Sacramento office.

10 I'd like to formally welcome you all here

11 tonight on the Ascon Landfill site. I'd like to begin

12 with just a few housekeeping items. First and foremost,

13 I would like to thank the City of Huntington Beach for

14 allowing DTSC the use of the city council chambers for

15 tonight's important meeting.

16 For the record, are there any elected city

17 council members or city elected staff here tonight?

18 All right. Just let the record show that no

19 elected officials are here.

20 There is a sign-in sheet at the table. We'd

21 like to ask all of you to sign in, that way DTSC can

22 assure we stay connected with you and continue to send

23 you information.

24 We do have a short presentation tonight. We

25 ask that you all follow along. There are handouts of

1 that presentation at the table. If you did not get one,
2 let me know and I'll be sure you get one so you can
3 follow along.

4 We're going to allow plenty of time for public
5 comments tonight. And for public comments, we will be
6 using what's called our speaker request cards. These
7 cards are here at the table. The main purpose for these
8 cards is for DTSC to get your public comments accurately.
9 We do have a certified shorthand reporter that will
10 capture all of your comments and they're also going to
11 capture tonight's meeting. So when we open up the
12 meeting, if you'd like to make a public comment, we'll
13 ask that you fill out the card.

14 With that, I would like to introduce the DTSC
15 project team. First and foremost, I have John Scandura
16 out of our DTSC Cypress office. I have Safouh Sayed. I
17 have Robert Senga. I have Kim Hudson and Heidi Rous.

18 And I'm going to open up this meeting now for
19 some opening remarks from John Scandura.

20 JOHN SCANDURA: Thank you very much, Stacey.

21 And, first of all, on behalf of the director of
22 DTSC, I'd like to thank you for coming here tonight. I
23 especially want to thank those of you who were at the
24 public meeting last year at Edison High School. I do
25 want to say that we tried to get the Edison venue again

1 this year, however, because of some requirements from the
2 school district, that no longer became possible. So I
3 too am appreciative for the City for lending us this
4 facility tonight for this very important meeting.

5 For those of you who attended the meeting last
6 year, you're going to find that this meeting is a little
7 bit different from what we had last year. First of all,
8 the meeting last year, the purpose of that was to talk
9 about the Remedial Action Plan and the Cleanup Plan,
10 accept public comment on the Cleanup Plan, and then to
11 discuss the Environmental Impact Report that's related to
12 that Cleanup Plan.

13 For tonight, what we're going to be doing is
14 talking about the Environmental Impact Report. Based on
15 the public comment period that we had last year, what we
16 learned was -- this is based on concerns that were
17 brought by the California Department of Transportation or
18 Caltrans concerns about the traffic impacts. We found it
19 was necessary to go back and reanalyze those traffic
20 impacts within the Environmental Impact Report. And
21 believe me, for anybody who's done traffic engineering
22 work, it's very sophisticated. It requires actual
23 analysis of impacts right down to the intersections along
24 Beach Boulevard and also the affect on synchronization
25 and timing. We also need to look at alternative routes,

1 such as up along Brookhurst and some other streets. It
2 required discussions with not only the City of Huntington
3 Beach, but also other cities like Fountain Valley where
4 trucks could be going through their cities. So it's
5 taken us some time. But the end result is we believe we
6 now have a document that better addresses the impacts to
7 traffic and certainly lessens those impacts.

8 One thing we are sensitive to is particularly
9 the southeast part of Huntington Beach. There's been a
10 lot of work over the last several years, construction
11 work that's impacted the community down there. And so we
12 want to make sure that whatever impacts caused by the
13 Ascon Landfill, construction-related activities and
14 transportation activities causes the least impact to the
15 residents.

16 One question is why aren't we presenting the
17 Remedial Action Plan, the Cleanup Plan? The reason for
18 that is the Cleanup Plan is essentially the same plan
19 that we presented last year, basic remedy remains in
20 place, which is the proposed removal of higher level
21 waste such as the old styrene pits and some other waste,
22 grading of the landfill, removal of other waste, as well
23 as bringing in fill and then structuring an engineered
24 cap on the property. That remains the preferred
25 alternative.

1 Had we decided to change the alternative,
2 something like doing nothing or the opposite, which is
3 completely removing everything from the site, or some
4 kind of onsite treatment, such as thermal treatment
5 technology, that would have required that we renotice the
6 public for the Remedial Action Plan.

7 We feel that, with the public comments
8 presented to us last year about the Remedial Action Plan,
9 as well as with the comments made about the EIR, we feel
10 confident that we will go forward with this Remedial
11 Action Plan. And in the end, we will be talking a little
12 bit about what our schedule is later on. So the meeting
13 format tonight, we're going to be -- even though we're
14 touching a little bit on the Remedial Action Plan, we're
15 going to be spending much of our time talking about the
16 Environmental Impact Report, and especially the
17 transportation impacts.

18 Our public comments, the official public
19 comments for the record are going to be strictly for the
20 Environmental Impact Report. Once that is done, we're
21 then going to open up the meeting to all other questions
22 that you may have about the cleanup of the Ascon Landfill
23 and any other kind of questions you have about that. As
24 Stacey mentioned, we have our project team here tonight.
25 So we'll do our very best to answer all of the questions

1 you have.

2 So once again, thank you for coming tonight.
3 And up next is Safouh; right? Safouh is our protect
4 manager. He'll talk about the plans EIR.

5 SAFOUH SAYED: Thank you, John. I want to talk
6 briefly about the project summary plan. The proposed
7 project is the Remedial Action Plan for the site. The
8 proposed remedy includes for partial source removal with
9 reconsolidation of materials under a protective cap. The
10 cap is to be installed over the majority of the site,
11 except the existing onsite oil lease, the perimeter road,
12 detention basins, and City right-of-way.

13 The remediation and construction of the cap is
14 anticipated to last approximately one year, with
15 activities beginning as early as the year of 2016.

16 The complete Source Removal Alternative was
17 also analyzed.

18 The remedy selection by the department DTSC
19 following the EIR process will consider public input.
20 And we have people here to talk about the EIR process.

21 KIMBERLY HUDSON: Hello. My name is Kim
22 Hudson. I'm a senior environmental planner for
23 Department of Toxic Substance Control, or DTSC. I'm
24 going to speak a little bit about the Recirculated Draft
25 EIR. Why are we recirculating the traffic impact

1 sections of the EIR? I'd like to talk about that for a
2 moment.

3 During the review of the Draft EIR in August,
4 September 2013, we received comments regarding the
5 feasibility of the traffic mitigation, as well as the
6 scope of the traffic study. As a result, DTSC has had a
7 new expanded traffic study done, as well as a new noise
8 analysis. These new studies identified additional
9 traffic impacts and proposed new mitigation measures,
10 which constituted significant new information. And CEQA
11 requires recirculation of the Draft EIR when significant
12 new information becomes available.

13 So you might also be wondering what happens to
14 all of the comments that were submitted on the 2013 Draft
15 EIR? We want to let you know that we've prepared
16 responses to all of those comments and that will be part
17 of the Final EIR, as well as the comments we received on
18 the Recirculated Draft EIR in response to those comments.

19 During this review process, I would like to
20 emphasize, as John mentioned earlier, that we are
21 accepting comments on the recirculated documents;
22 however, the comments we received previously on that 2013
23 document will also be responded to in the Final EIR.

24 The Recirculated Draft EIR specifically
25 addresses transportation and noise. Other sections, as

1 you can see from the slide, are also included because the
2 traffic issues and noise issues were interrelated to
3 those sections, so some revisions had to be made to those
4 sections as well. And for clarity purposes, the portions
5 of the 2013 Draft EIR that has been revised based on the
6 new information shows the new text in a double underline,
7 and then text that has been deleted is shown in a
8 strikeout.

9 So I'm going to just give a real quick overview
10 of the process. There was a Notice of Preparation and
11 Initial Study circulated April, May 2013. The Draft EIR
12 was circulated August through October of 2013 for a
13 45-day review period. And as we've mentioned already, as
14 a result of those comments, we really had to take a step
15 back and we prepared additional comprehensive traffic
16 studies that also resulted in a new noise analysis.

17 Our next step will be to prepare a Final EIR,
18 which will include responses to both the comments on the
19 2013 document and Recirculated EIR. And I would like to
20 also point out, that you do not need to resubmit comments
21 on that 2013 Draft EIR. In the event that we do receive
22 comments that are not related to the recirculated
23 document, those comments will be forwarded to the
24 decision-makers for their consideration.

25 So we have some key milestones as we move

1 forward. We anticipate certifying the Final EIR in
2 earlier 2015. And then after completion of the detailed
3 design plans and we obtain any necessary permits, we
4 expect implementation in 2016.

5 So I now would like to introduce Heidi from
6 PCR, who is going to describe in more detail the traffic
7 issues and resulting studies that led to DTSC to
8 recirculate portions of the Draft EIR.

9 HEIDI ROUS: Thank you, Kim. Hi. My name is
10 Heidi Rous. I'm a director at PCR Services Corporation,
11 and as Kim stated, I'm an EIR consultant and have been
12 for over the last five years or so that we've been on
13 this job.

14 So as Kim stated, discussions with Caltrans led
15 to the question of feasibility of the mitigation measures
16 being developed in the Draft EIR to reduce the
17 significant traffic impacts along Beach Boulevard to less
18 than significant levels. And based on these meetings,
19 DTSC took a more regional look at access to the 405, and
20 we undertook some additional studies to determine if
21 alternatives to the proposed haul routes could be
22 identified.

23 So the traffic consultant from Fehr & Peers,
24 Chris Gray, even though he isn't here with us, and
25 ourselves, along with DTSC, we actually drove a number of

1 alignments from the 405 to Magnolia, Goldenwest and
2 Brookhurst for a number of reasons, including turn radii
3 and the appropriateness with the roads, et cetera. It
4 was identified that Brookhurst was the most viable haul
5 route in addition to Beach Boulevard. In fact,
6 Brookhurst is a designated truck route by both Huntington
7 Beach and Fountain Valley.

8 So once we got to this step in our discussions
9 with Caltrans, an impact analysis was definitely needed
10 since we had a route that was not previously identified
11 in our Draft EIR. Next picture, you have haul route
12 there. I'm sure you're all very familiar with it. On a
13 more regional basis, access to the site locally will
14 remain the same in that we want a right-hand turn into
15 the site, right-hand turn out of the site southbound PCH,
16 we go right to Beach or left at that point on PCH to go
17 to Brookhurst. And there's also a poster of that if you
18 want to study that later.

19 So the project-generated traffic is to remind
20 everybody what we're talking about. We're talking about
21 a maximum 310 trucks per day, an additional 55 employees,
22 and 15 visitors which would be agency staff such as DTSC
23 and the City.

24 What was decided when we went into this study
25 is to help identify alternate routes for which trucks

1 were going where. So all trucks contracted for export of
2 impacted materials from the site would use Beach
3 Boulevard. This made the most sense to both Caltrans and
4 us since it is the most direct route to the 405, and to
5 ultimately where the disposal site that we believe will
6 be used is. Import and supply trucks could use either
7 Beach Boulevard or Brookhurst. And up to a maximum of
8 100 trucks per day traveling to and from the site would
9 utilize Beach Boulevard, and the remaining, up to 210,
10 would use Brookhurst. So those were both constraint
11 limits and consumptions that had to be developed and put
12 into the study.

13 So the traffic assessments that were performed
14 incorporated the latest plans and policies, including the
15 City of Huntington Beach's updated general plan and
16 Caltrans' updated policy. It was an opportunity to
17 refresh the traffic assessment. It was a much expanded
18 area now that we've included the different routes. So we
19 studied 40 intersections up to and slightly north of the
20 405.

21 Caltrans also requested a very atypical
22 analysis period and knowing future if there's another
23 peak during midday besides the a.m./p.m. commute hours.
24 But they actually asked us to look at the midday, that's
25 very atypical of a traffic impact assessment, but we went

1 ahead and did that.

2 The study also identified growth. With this
3 delay in the additional study, the implementation, the
4 delay, considering the ambient growth that could happen,
5 then things would likely kick off in 2017.

6 So the result of the traffic assessment
7 indicates, potentially, significant impacts would occur
8 at seven intersections during the peak traffic hours, six
9 intersections are along Beach, and one is in the
10 intersection at PCH and Brookhurst. The others will be
11 less than significant impact analysis.

12 So CEQA requires we must mitigate significant
13 impacts to the maximum extent feasible. So we looked at
14 all of these mitigations, which is going to include
15 permanent physical improvements like widening, one of the
16 least feasible, restriping, signal timing. These
17 alternatives lengthen the project and do not severely
18 negatively impact the public at large.

19 So the traffic mitigation measures presented in
20 the Recirculated EIR, there's a mandated mitigation
21 measure regarding reducing, restricting the number of
22 trucks in the p.m. peak hours, where the majority of the
23 impact occurred. So it will be a 50 percent reduction
24 for those using Beach, no more than ten in or out during
25 peak hours. Beach peak hours are from 4:00 to 6:00 p.m.

1 And 40 percent reduction along Brookhurst. And all of
2 those mitigation measures help and they're really
3 considered feasible reductions because while they reduce
4 the impact, they don't jeopardize the objective behind
5 the project. But even with the mitigation measures,
6 impact at five of the intersections could not be reduced
7 to less than significant levels.

8 The short-term impact, as again written up in
9 the Recirculated Draft EIR, would be significant and
10 unavoidable for the project.

11 Other impacts that were assessed both in
12 previous studies and this one, such as regarding
13 emergency access and alternative transportation facility,
14 remain less than significant.

15 So with the inclusion of the additional haul
16 route, we found it necessary to update the noise study.
17 So we sent out the noise monitor and modeling for
18 redistribution of traffic up Brookhurst and we evaluated
19 the noise level along those routes. Analysis
20 demonstrated that no significant impacts -- as was
21 predicted earlier with the Draft EIR, no significant
22 impacts due to the traffic would be demonstrated,
23 including residences and hospitals, along Brookhurst.

24 And with that, that wraps up my summary of the
25 impact on mitigation measures.

1 I'll turn it over to Stacey.

2 STACEY LEAR: Thank you, Heidi. This will
3 conclude our formal presentation. We tried to keep it
4 really short so that we can allot time for public comment
5 on the Recirculated EIR.

6 So does anyone need a speaker request card? I
7 already have two, so I know I have two public comments
8 already. Are there any more in the audience?

9 So I would just like to, again, remind the
10 audience that we are expecting comments on the
11 Recirculated EIR. If you have questions that are outside
12 the scope of the Recirculated EIR, DTSC will still be
13 around later on tonight to help respond to those
14 questions. So we do have a microphone. I'm going to
15 call you down. When I call your name, your microphone is
16 going to be right here. Okay.

17 All right. So my first public commenter is Bob
18 Crossley. Step up to the microphone and state and spell
19 your name for the record.

20 MR. CROSSLEY: Okay. I'm Bob Crossley,
21 C-r-o-s-s-l-e-y. I'm assuming that there are pets in
22 resident at the site, I'm thinking of rodents, reptiles,
23 and coyotes. And I'm wondering what's being done to
24 assure that they will not migrate into the neighborhood.
25 Don't all jump at once.

1 STACEY LEAR: Okay. As we indicated earlier,
2 so we're going to hold that question until later on
3 tonight because it is outside the scope of the
4 Recirculated EIR. That is an important question and
5 we're not going to ignore that question tonight. Okay.
6 So just hold tight and we will hang on to that and
7 address that a little bit later.

8 MR. CROSSLEY: Okay.

9 STACEY LEAR: My second commenter is Amy Von
10 Freymann.

11 MS. VON FREYMAN: Hi. V-o-n F-r-e-y-m-a-n-n.
12 I also misunderstood when we first came in and filled out
13 the card. So my most important question I'll save for
14 later.

15 But I'm really concerned about the pollution
16 from all those trucks. I live right near the site. And
17 we are also going to be having additional work at the
18 power plant and other projects. And the emission levels
19 seems really high. I know for the power plant alone it's
20 been said there would be unacceptable levels by their own
21 admission. So that's a lot of trucks.

22 HEIDI ROUS: We'll take care of that also
23 afterwards. Again, we did -- the Recirculated EIR is on
24 traffic and noise. It's a very good question about the
25 air pollution but it's out of the scope of our official

1 Recirculated EIR.

2 MR. VON FREYMANN: I apologize.

3 HEIDI ROUS: Recirculating the EIR is very
4 rare. So it's not -- it's a little cumbersome and we
5 understand that.

6 MS. VON FREYMANN: Okay. I'll have two
7 questions for later.

8 STACEY LEAR: Okay. My next public commenter
9 is Scott Smith. Please step down and state and spell
10 your name for the record.

11 MR. SMITH: Scott Smith, S-c-o-t-t- S-m-i-t-h.

12 So three questions. One of them was, was
13 Pacific City included in the traffic analysis? That's
14 the new construction that's going on on PCH.

15 HEIDI ROUS: I'm sorry. Can you restate that?

16 MR. SMITH: Okay. So Pacific City is a
17 multiuse, fairly large building, residential -- mixed
18 residential use. Was that included in the traffic
19 analysis associated with the plan?

20 HEIDI ROUS: Chris, I'm going to actually ask
21 Chris, if you remember if that was specifically included?
22 We did do a accumulative analysis, and either it was
23 known and overlaps with our project and we would consider
24 it as a related project. Or if not, it's called part of
25 the ambient road. We make sure we do a very conservative

1 analysis.

2 But, Chris, do you remember if that project was
3 included?

4 CHRIS GRAY: I believe that was. We obtained a
5 list of 24 or 25 projects for the City of Huntington
6 Beach, and it included everything that was construction
7 for proposed, pending, particularly those that are --
8 there's a number of projects on Beach Boulevard that are
9 pending or construction proposed for the next year.

10 MR. SMITH: So while you're looking, also,
11 would be around -- again, the power plant was mentioned.
12 This would be traffic, the actual traffic, and not
13 necessarily the carbon dioxide that would come off that?

14 HEIDI ROUS: In particular you're talking about
15 the power plant. Yes, absolutely. I know the traffic
16 associated with that was accounted for in our study
17 because we are very aware of that.

18 MR. SMITH: And then the last one was, since it
19 seemed like there is going to be some decrease in the
20 restrictions on the p.m. time on that, how is that
21 affecting the overall length of the project associated
22 with that?

23 HEIDI ROUS: Excellent question. I actually
24 meant to touch on that. Thank you.

25 Realizing just a couple of hours out of the

1 day, there's sort of a natural even flow, by limiting it
2 to 10 or 15 as we had stated, we think at most it might
3 be a month or so. So it's still in that 12- or 13-month
4 schedule. So it won't elongate it much. That's what I
5 had referred to where we didn't want to jeopardize the
6 objective to get this project done in about a year, and
7 so that was where the compromise was done.

8 MR. SMITH: One thing that may then trickle
9 down is you may need to redo -- may need to reopen the
10 overall project, because that had specific -- between the
11 option A, B, C, D, and E, it specifically had timeframes
12 and assumptions within the model associated with
13 durations and such. So the amount of the material being
14 able to move may change. Because I think option D was it
15 prolonged a longer period of time associated with that,
16 so that may result in a refactoring of the overall models
17 that you guys put together.

18 HEIDI ROUS: As far as most other impact areas
19 were done on a worst-case day, the Draft EIR still
20 remains on a worst-case-day assumption, and we took that
21 into consideration when deciding what parts of the
22 project description need to be recirculated.

23 MR. SMITH: Thank you. I appreciate it.

24 CHRIS GRAY: Heidi, just for the record, I
25 believe the Pacific City project was included. It's

1 listed in appendix D of the traffic study.

2 I'm sorry. The project the gentleman asked
3 about is listed in appendix D of the traffic study. It
4 is item 11 on the appendix D. It is listed as Pacific
5 City, as a mixed-used condominium commercial project.

6 STACEY LEAR: Okay. Our next public commenter
7 is Bobbi Ashurst.

8 State and spell your name for the record.

9 MS. ASHURST: Hi. I'm Bobbi Ashurst, B-o-b-b-i
10 A-s-h-u-r-s-t. Ashurst, like there's two H's.

11 I have a couple of questions. First of all,
12 why is it taking so long? I mean, you started in 2013,
13 that was the last meeting. It's now 2014. Now you're
14 talking about 2017. It seems to me, every time it goes
15 for another year, our traffic gets worse. So you could
16 be doing traffic studies every single year and it would
17 be -- it would be a different impact. So I guess my
18 question is, at what point are you really going to start?

19 HEIDI ROUS: Mike, do you want to put back the
20 projected schedule slide?

21 I think we've laid out a plan that is
22 implementable. Now, it still has to enter the design
23 stage. Last year we said it would happen in 2016. The
24 study has taken a long time, that's just what it does.
25 Traffic engineering, as Mr. Senga has said, is very

1 complicated. It took us this long to get the results.
2 So it is bumped a year out, one year from what we told
3 you last year. All of that and you're aware there's a
4 lot that has been accounted for.

5 MS. ASHURST: Okay. Because we have had a lot
6 of growth all of a sudden. So, you know, hopefully it
7 will be slowed to some extent.

8 My other question is, the five intersections
9 that will be impacted, where are they?

10 HEIDI ROUS: Chris, can you point to the table?

11 CHRIS GRAY: We'll have the answer for you in
12 just one minute.

13 MS. ASHURST: While you're doing that, you can
14 tell me, where is the dump site? Where are you taking
15 our precious garbage?

16 SAFOUH SAYED: Up to this point it wasn't --
17 it's not determined where we'll actually take it. We
18 take it to a hazardous dump.

19 MS. ASHURST: Is there one near us?

20 SAFOUH SAYED: It's Northern California.

21 MS. ASHURST: It's all the way up to Northern
22 California?

23 SAFOUH SAYED: It's mostly going to be the
24 Northern California area.

25 MS. ASHURST: I'm sure my friends will be happy

1 about that.

2 Additionally -- I think I have another one.
3 Might as well since I have you all here. That, I assume,
4 is a picture of the dump, of our lovely Ascon Landfill?

5 Now, from what I've seen on that --

6 ROBERT SENGA: It's an old picture.

7 MS. ASHURST: I'm sure it probably hasn't
8 changed much, except gotten bigger over the year.

9 JOHN SCANDURA: Actually, there was a regrading
10 done on the site. There was also some waste that was
11 removed about four years ago. So the site does look
12 quite a bit different today than it does now. That shows
13 the old as-is condition when we got started.

14 MS. ASHURST: And the whole thing you're going
15 to be working on, that whole section there?

16 JOHN SCANDURA: Yes.

17 MS. ASHURST: I guess I shouldn't ask what kind
18 of a cap? That's something else; right?

19 ROBERT SENGA: We can talk about that after.

20 MS. ASHURST: Okay.

21 CHRIS GRAY: So in response to your question,
22 even after mitigation, we will have impacts at Beach and
23 Edinger, Beach and Heil Avenue, Beach and Warner, Beach
24 and Slater, and Beach and Talbert.

25 MS. ASHURST: So all the biggies. And Talbert

1 and PCH?

2 CHRIS GRAY: We're able to -- reducing the
3 traffic by reducing the number of trips will eliminate --
4 reduce impact on Beach and PCH.

5 MS. ASHURST: Okay. Well, thank you.

6 JOHN SCANDURA: Thank you. Additional
7 questions for our consultants, when we looked at the
8 traffic impact, did we look at projected future traffic
9 along those routes?

10 CHRIS GRAY: Yes. We included both traffic
11 from the street projects, the City roughly informed us of
12 20 to 30 projects. We also included growth, additional 5
13 to 10 percent traffic growth, for any projects the City
14 might have missed or just for unaccounted ones.

15 JOHN SCANDURA: So we did actually look at the
16 traffic growth in our analysis, not just traffic as it
17 exists today, but also what it might be in the next few
18 years.

19 STACEY LEAR: Okay. Are there any additional
20 comments on the Recirculated EIR? Okay.

21 I'd like to remind everyone that we do have
22 copies of the Draft EIR here tonight if you'd like one.
23 Those documents are also available at the information
24 repository, Central Library, and our office. But the
25 easiest way for you to get ahold of them obviously is

1 electronically on our EnviroStor website.

2 So John, do you want to make a few closing
3 remarks before we reopen the meeting?

4 JOHN SCANDURA: First of all, I'd like to thank
5 you, all of you, for listening to our presentation.
6 Granted, there is a lot of information that we did
7 present to you. There's even more information in the
8 Remedial Action Plan or EIR. Those documents are
9 available in the information repository, at the
10 libraries, on DTSC's website also has all of those
11 documents, and they're there for you to examine.

12 And I also thank you all for bearing with us in
13 what amounts to a very formal, very highly procedural
14 meeting up to this point. Now what we're going to be
15 opening up the meeting for just your general questions
16 and comments you have about the Ascon Cleanup.

17 But before we do that, I just want to talk a
18 little bit about where we're going to be going from here
19 on this. We presented the EIR tonight. Once the public
20 comment period is closed and we've taken all the comments
21 that have been received here tonight, as well as comments
22 we've received in writing, whether mail or email, we'll
23 then analyze all of those comments, along with all of the
24 comments we receive last year with the Remedial Action
25 Plan. We are required to make responses to each and

1 every comment that's been submitted to us. We'll also
2 incorporate changes where we feel it's appropriate in
3 both the EIR and Remedial Action Plan. It's going to
4 take us a few months to do that because there's quite a
5 bit of material here.

6 Once we do that, and assuming that there's no
7 other -- no other game changing comments like we have
8 last year, then what we're going to do is certify the EIR
9 and then approve the Remedial Action Plan. Now, one
10 thing is that the Remedial Action Plan is a very
11 conceptual document. It does not get down to the level
12 of detail that's needed for construction contractors and
13 personnel -- onsite personnel to be able to implement the
14 plan. So what we're going to be going through is a very
15 rigorous process, what we call the Site Cleanup Process
16 and Implementation Phase. We're going to be developing
17 detailed designs and drawings. Many of the plans -- many
18 of the specific plans for this site are going to require
19 agency approvals, for instance, stormwater management.
20 It's going to require a stormwater management protection
21 plan. It'll need to be approved by the Regional Water
22 Quality Control Board. There's quite a number of
23 approvals that are required by the City of Huntington
24 Beach. And still needs to include things like scientific
25 studies, tsunami inundation, and then certain traffic

1 permits. So that phase is going to take at least a year
2 to get through it.

3 Once then we're done with that, then we'll be
4 ready for implementation. And we are aiming to start the
5 implementation in 2016. It might move back to 2017 if
6 there's some complications that are involved in it.
7 Certain processes take longer than that for us to do, but
8 we will go through the implementation process.

9 I think certainly from the presentation that
10 you had tonight, you can see why we're so concerned about
11 the traffic impacts. 300 trucks per day, that's a lot of
12 trucks. On some days that could mean 30 to 40 trucks per
13 hour coming in and out of that site. So that's why we're
14 very concerned about this. So we implemented mitigation
15 measures such as using lower emitting sulfur fuels to
16 reduce the pollution impacts.

17 And also our permits from the City are going to
18 require extensive coordination with the police department
19 and public rights department and other agencies, but also
20 service Huntington Beach. As we mentioned, what's going
21 to happen is the waste will be removed from the property,
22 particularly the waste from the styrene pit. That's
23 still the worst part of the site still remains out there.
24 That's going to be removed, along with some other waste.
25 The site will then be graded. And then an engineered cap

1 will be constructed. Our staff will talk a little about
2 what that cap entails.

3 Once that cap is completed, there will also be
4 monitoring systems that will be put in place, groundwater
5 monitoring wells, soil/gas wells, soil monitoring wells.
6 The responsible parties for the project, there's about
7 ten companies that are responsible, they will be required
8 to maintain this site and monitor this site in
9 perpetuity.

10 Now, one question that has often come up in our
11 meetings is what kind of land uses will be allowed on the
12 site once the cap is completed? DTSC's authority applies
13 to restricting properties, hazardous placed properties
14 for things such as houses, daycare centers, hospitals,
15 and schools. We believe that this site is not compatible
16 for those land uses. Responsible parties agree. So once
17 the cleanup is completed, we will then be signing a
18 land-use covenant with the owner of the property, who are
19 also the responsible parties implementing this project.
20 So they will not be allowed to construct any project that
21 requires those kinds of uses.

22 Now, they would still -- it's still possible to
23 allow some land uses, such a commercial and industrial
24 land uses. But the key thing is those land uses cannot
25 interfere with the cap, cannot complicate the remedy, or

1 any other kinds of monitoring or operating systems that
2 are out there. So any kind of projects is going to have
3 to be designed very carefully so it doesn't cause --
4 doesn't cause a failure in this cap that we have out
5 there.

6 The final land use permits, of course, for such
7 a project, would be issued by the City of Huntington
8 Beach. We expect to be coordinating very closely with
9 the City of Huntington Beach on any kind of project that
10 would come forward that would entail development on the
11 Ascon Landfill.

12 So that's a little bit about where we're going.
13 And I think at this point, I'll turn it back to Stacey
14 and we'll now be accepting your general questions.

15 STACEY LEAR: All right. So this basically
16 concludes the formal process of accepting formal comments
17 on the Recirculated EIR. So we'd like to thank you for
18 your important comments and we'll go ahead and close the
19 meeting.

APPENDIX B

MEMO RE: POTENTIAL USE OF RODENTICIDES AND ERADICATION OF COYOTES



Memorandum

TO: DTSC
FROM: Steve Nelson, Director of Biological Services, Senior Vice-President
RE: **POTENTIAL USE OF RODENTICIDES AND ERADICATION OF COYOTES**

DATE: April 8, 2015

It is my understanding that several members of the public expressed written and verbal concerns regarding the use of rodenticide and the eradication of coyotes from the project site prior to ground disturbance. Specifically, these concerns focused on: 1) the potential exposure of toxic and lethal substances to predators higher in the food chain and nearby natural ecosystems; and 2) the elimination of native wildlife from the area. The Department of Toxic Substances Control (DTSC) takes public concerns seriously and has asked PCR Services Corporation (PCR) to address these comments. The following are discussions of these two issue areas as they relate specifically to the ASCON project site.

Use of Rodenticides

There is no doubt that the rodenticides currently in use have deleterious and lethal consequences on higher members in natural food chains. In an assessment completed by the U.S. Environmental Protection Agency (EPA), based both on the lines of evidence of the available data and comparative analysis modeling, rodenticides do put birds, non-target mammals, avian predators and scavengers at primary and/or secondary risk of poisoning.¹ This is due to the non-selective nature of widely used rodenticides that contain the second-generation anticoagulants brodifacoum and difethialone or zinc phosphide. For example, a single phosphide or brodifacoum bait pellet provides more than a lethal dose for a small bird. In contrast a small bird would need to eat more than twice its body weight in bait pellets to ingest a comparable dose of a first-generation anticoagulant² in a single feeding. The EPA assessment goes on to state that more than 300 documented wildlife incidents attest to exposure of birds and non-target mammals to some rodenticides, especially brodifacoum (244 incidents). Further, birds in which rodenticides are most frequently detected include owls, hawks and crows. Mammals in which rodenticide detection is most frequent include wild canids, tree squirrels, raccoons and others.

As background, the first of these anticoagulant rodenticides (first-generation), synthesized in the 1940s, is warfarin – the same chemical sold in miniscule concentrations to people as Coumadin, a prescription blood thinner. Anticoagulants work to kill rodents by

¹ W. Erickson and D. Urban. July 2004. *Potential Risks of Nine Rodenticides to Birds and Nontarget Mammals: A comparative Approach*. U.S. Environmental Protection Agency, Office of Pesticides Programs. Washington D.C.

² First generation rodenticidal anticoagulants generally require higher concentrations and consecutive intake over days in order to accumulate the lethal dose than second generation agents.

Memorandum

RE: POTENTIAL USE OF RODENTICIDES AND ERADICATION OF COYOTES



causing them to internally bleed to death. However, a second-generation of rodenticides was developed in the 1970s because warfarin and similar chemicals required rodents to return to feed on tainted bait over the course of several days. With the new rodenticide versions, only a single dose is needed to be lethal, although five days or more may be required to actually kill the animal. During this time, an affected rodent becomes impaired in its ability to elude capture, making it easy prey for predatory birds and mammals.

The easy availability of these second-generation anticoagulants to the public for purchase and use should be of equal concern. Although EPA adopted rules in June 2011 that banned the sale of loose rodent baits in “big box” stores like Home Depot and Lowes, the public can purchase up to one pound of poisoned bait in bait “stations” that are designed to keep out children and dogs. Moreover, these rules do not address the adverse effects on predators that prey on rodents after the rodents leave the bait station.

Rodents relocated from any site may seek refuge in the adjacent neighborhoods where they are likely dealt with using snap-kill traps and second-generation rodenticides. Almost without exception nearby residents will not allow gophers to ruin their yards, mice and rats to decimate fruit trees, or rodents to run free in their homes creating sanitary problems. Eliminating rodents by causing them to bleed to death internally is unfortunate. However, the use of rodenticides is efficient, effective and may be the best means by which a Project can avoid and minimize potential human-rodent issues.

Yet, coming to this understanding is only part of the solution. There remains the issue of avoiding and minimizing exposure of rodenticides to birds, non-target mammals and predators. The use of rodenticides as part of an eradication plan are implemented by a qualified and licensed pesticide professional. As such, the placement and design of bait stations provide for maximum effectiveness for target rodent species and minimum exposure to non-target species. A bait station design that includes prescriptive features to avoid and minimize the primary poisoning of non-target birds and mammals is shown in Figure 1, *Example of Bait Station Design*, attached.³ These features are:

- PVC piping construction material for weather resistance;
- Re-bar stake to which the station is attached to prevent spillage and station movement;
- Three-foot riser with removable cap for filling and refilling the station with bait;

³ Vantassel, S.M., S.E. Hygnstrom and D.M. Ferraro. 2012. *Bait Stations for Controlling Rats and Mice*. University of Nebraska-Lincoln Extension, Institute of Agriculture and Natural Resources.

Memorandum

RE: POTENTIAL USE OF RODENTICIDES AND ERADICATION OF COYOTES



- Two-foot, five-inch across pipe “tee” to allow access by ground squirrels, rats and mice and/or multiple feeding rodents and to keep non-target animals from entering or reaching the bait, such as raccoons and birds; and,
- Signage warning “Poisoned Rodent Bait – Do Not Touch”.

Only first-generation rodenticides should be used at bait stations to minimize the risk of concentrating toxins in predators or scavengers. Additionally, on a daily basis while the bait stations are in operation, a site should be surveyed for dead and dying rodents. Such animals, if found, should be immediately collected and safely disposed of.

Eradication of Coyotes

While coyotes are a part of southern California’s ecosystems today, they were not always. According to the Ernest Seton⁴, Stanley Young⁵, Cook County Urban Coyote Research Project⁶, and Ronald Nowak⁷, prior to Europeans’ influence in North America, the coyote’s range was limited to the arid south-west and open plains regions of the U.S. and Canada, and northern and central Mexico. By the 19th century, the species expanded north and west, expanding further after 1900, coinciding with land conversion and the extirpation of wolves. By this time, its range encompassed all of the U.S. and Mexico, southward into Central America, and northward into most of Canada and Alaska. Further, the coyote is not restricted to rural and native environments. A significant coyote population occurs in urbanized Chicago and a coyote has been captured in New York City’s Central Park. In other words, the coyote is a highly adaptive animal, especially to the human environment, with a highly versatile diet.

In many areas in the region, the coyote adaptability has become a problem. Coyotes have been known to brazenly attack, kill and consume pet dogs and cats and even attack humans. Prior to a tragic fatal coyote attack in August 1981 on a three-year old girl, in Glendale, California, coyote control programs in the U.S. were primarily implemented to

⁴ E.T. Seton. 1929. *Lives of Game Animals*. Doubleday Doran & Company, Garden City, New Jersey Volume 1 (part 2): 339-640.

⁵ S.P. Young. 1951. *History, life habits, economic status, and control*. Part I in S.P. Young and H.H.T. Jackson. The clever coyote. Wildlife Management Institute. Washington, DC, pp 1-226.

⁶ Cook County Urban Coyote Research Project/Urban Coyote Research Program. 2015. *Urban Coyote Ecology and Management*. Cook County, Illinois – a collaborative effort by Cook County Department of Animal and Rabies Control, The Forest Preserve District of Cook County, the Max McGraw Wildlife Foundation, and the Ohio State University.

⁷ Nowak, R. M. 1979. [*North American Quaternary Canis*](#). Lawrence, Kansas: Museum of Natural History, University of Kansas.

Memorandum

RE: POTENTIAL USE OF RODENTICIDES AND ERADICATION OF COYOTES



protect livestock and poultry.⁸⁹ The social and political atmosphere in California at that time leaned heavily towards protecting all wildlife; and pleas to protect pets and humans from coyotes had been resisted by most governmental agencies despite seven reported human-injury attacks and numerous pet losses to coyotes in nearby communities. There had also been concern for over a decade regarding bold coyotes in yards, parks, streets, and other populated areas both day and night. Many residents even reported coyotes looking through sliding glass doors and windows at their pets, laying on patio chaise lounges, and chasing dogs through doggy doors.¹⁰

The tragic loss of a young child abruptly changed the balance of social and political attitudes, and a plan for coyote management was developed. The program evolved over several years by municipal and county agencies and has served as a model for development of other urban coyote management programs. Part of the template program involves public education as to coyote hazards, hazing techniques, how to protect children and pets, and to inform the public that traps were going to be set in specified areas (generally within a one-half mile radius of an attack site). Padded, off-set jaw leg hold traps were the primary method used; however, due to the extremely high coyote numbers and boldness of some local coyote populations, shooting was also implemented in safe areas. Within 80 days, 55 coyotes were either trapped or shot.¹¹ Following the program's implementation the reports of pet attacks drastically dropped and there were no reports of human injury in Glendale for over 20 years.¹²

According to Howell, in addition to the Glendale program, a long-range plan to help protect the public from coyotes was initiated by the Los Angeles County Board of Supervisors, and the Agriculture Commissioner was directed to assist municipal animal control agencies and unincorporated areas.¹³ Unfortunately, however, some communities wait until coyotes are too habituated to the urban habitats to easily change their behavior by hazing or the removal of one or two coyotes. Some communities, including Calabasas, Hidden Hills and Diamond Bar have continued to educate the public and monitor coyote behavior change. They

⁸ Howell, R.G. 1982. *The Urban Coyote Problem in Los Angeles County*. Proceedings of the Vertebrate Pest Conference 10: 20-23.

⁹ Baker, R.O and R.M Timm. 1998. *Management of Conflicts Between Urban Coyotes and Humans in Southern California*. Proceedings of the Vertebrate Pest Conference 18: 103-111.

¹⁰ *Ibid*

¹¹ *Ibid*

¹² Baker, R.O. April 2007. *A Review of Successful Urban Coyote Management Programs Implemented to Prevent or Reduce Attacks on Humans and Pets in Southern California*. Wildlife Damage Management Conferences—Proceedings. Paper 58.

¹³ Howell, R.G. 1982. *The Urban Coyote Problem in Los Angeles Count*. Proceedings of the Vertebrate Pest Conference 10: 20-23.

Memorandum

RE: POTENTIAL USE OF RODENTICIDES AND ERADICATION OF COYOTES



also contract with the Los Angeles County Agricultural Commissioner or private nuisance wildlife control operators to investigate, and when necessary, trap and euthanize coyotes in selected areas. Similar programs have also been used in areas of Orange County, including Laguna Niguel, San Clemente, and San Juan Capistrano.¹⁴ Huntington Beach has trapped and killed coyotes in the past; and most recently, the City of Seal Beach has initiated a trap and euthanize program.

During recent debates in Huntington Beach about solutions to the coyote-human conflict, individuals and the U.S. Humane Society spoke in opposition to the shooting of problem coyotes. Instead, the opposition urged a “haze, don’t shoot” approach. However, such an approach ignores the primal nature of the coyote. It is and always will be a predatory wild animal. It is one of the few mammals in the U.S. to have expanded its range as a consequence of the human environment; and while the species can persist in a largely man-made environment, it will remain wild and be a potential hazard to humans. As stated by Timm et. al.¹⁵ ...

“Once coyotes have begun acting boldly or aggressively around humans, it is unlikely that any attempts at hazing can be applied with sufficient consistency or intensity to reverse the coyote habituation. In these circumstances, removal of the offending animals is probably the only effective strategy.”

On sites where their dens are destroyed, coyotes will abandon their dens and try to relocate to nearby areas, potentially including residential neighborhoods, park and school sites. In these areas, the coyotes will seek water, food and shelter. Often, they will encounter moving vehicles, children, pets and pet food, fences and walls, and humans who do not want them there. Not only could this result in pet losses and human injury, it will result in stressed coyotes that will exhibit abnormal behavior focused solely on survival; and, like most nuisance or dangerous wildlife that enter urbanized areas, they will be euthanized by the authorities. As unfortunate as it is, this is the most likely scenario.

Several other factors should be kept in mind about a trap and euthanize program. First, the coyote is not a species of special concern to State or federal wildlife agencies. As mentioned above, its range has actually expanded amidst human environmental modification. Moreover, the International Union for Conservation of Nature (IUCN)¹⁶ lists the coyote as

¹⁴ *Ibid*

¹⁵ Timm, R.M., R.O. Baker, J.R. Bennett and C.C. Coolahan. 2004. *Coyote Attacks: An Increasing Suburban Problem*. Transactions of the North American Wildlife and Natural Resources Conference 69: 67-68.

¹⁶ The IUCN, established in 1948, is the world’s oldest and largest global environmental organization, with the preservation of biodiversity as its central mission.

Memorandum

RE: POTENTIAL USE OF RODENTICIDES AND ERADICATION OF COYOTES



category “least concern”.¹⁷ Therefore, as a species, the loss of individual coyotes will not jeopardize the persistence of the species. Second, the trap and euthanize program is not unprecedented. Its development began in Glendale in the early 1980s and has been used in a number of cities and unincorporated county areas throughout the region. Third, it is not illegal. The California Fish and Game Code permits the take of non-game mammals that are a hazard under a license, in most cases. Fourth and finally, with regards to the Ascon Site, the on-site coyotes are occupying an entirely disturbed area that is devoid of any features that characterize a natural ecosystem where they would otherwise represent an important part of the ecological balance. Although it is conceivable, even likely, that the coyotes may move along the channel to the wetlands to the south of the site, it is just as likely that those wetlands have a persistent coyote population that is already a functioning part of the wetlands ecosystem.

¹⁷ A taxon is Least Concern when it has been evaluated against the criteria and does not qualify for Critically Endangered, Endangered, Vulnerable or Near Threatened. Widespread and abundant taxa are included in this category.

