

**CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS  
AND  
STATEMENT OF OVERRIDING CONSIDERATIONS**

**Ascon Landfill Remedial Action Plan  
(RAP)**

**Lead Agency  
Department of Toxic Substance Control**

**State Clearinghouse No. 2013041010**

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**STATEMENT OF ENVIRONMENTAL EFFECTS, MITIGATION  
MEASURES, FINDINGS, STATEMENT OF OVERRIDING  
CONSIDERATIONS AND MITIGATING MONITORING PROGRAM  
FOR THE ASCON LANDFILL REMEDIAL ACTION PLAN AT  
21641 MAGNOLIA STREET, HUNTINGTON BEACH, CALIFORNIA 92646**

## **1.0 INTRODUCTION**

The California Environmental Quality Act (CEQA) requires that a Lead Agency issue a set of findings, also referred to as "The Statement of Facts and Findings," where the Lead Agency identifies the significant impacts, presents facts supporting the conclusions reached in the analysis, makes one or more of three findings for each impact (identified below), and explains the reasoning behind the agency's findings. For projects with that will generate at least one significant and unavoidable impact, the Lead Agency must issue a "Statement of Overriding Considerations." Where a project will cause unavoidable significant impacts, the Lead Agency may still approve the project where its benefits outweigh the adverse impacts. As discussed in Section 7.0, below, significant and unavoidable impacts would occur with implementation of the proposed Remedial Action Plan (RAP) for the Ascon Landfill Site (the "Project"), as reflected in the Final Environmental Impact Report (EIR) for the Project. Thus, a "Statement of Overriding Considerations" is required for the Project.

## **1.1 CERTIFICATION**

In accordance with CEQA Guidelines Section 15090, the Department of Toxic Substances Control (DTSC), as Lead Agency for the Project, certifies that:

- (a) The Final EIR for the Project has been completed and processed in compliance with the requirements of CEQA;
- (b) The Final EIR was presented to DTSC who, as the decision making body for the Project, reviewed and considered the information contained in the Final EIR prior to approving the Project; and
- (c) The Final EIR reflects DTSC's independent judgment and analysis.

DTSC has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c) in retaining its own environmental consultant directing the consultant in preparation of the EIR as well as reviewing, analyzing, and revising material prepared by the consultant.

These Findings have been prepared in accordance with CEQA and the CEQA Guidelines. The purpose of these Findings is to satisfy the requirements of Public Resources Code Section 21081 and Sections 15090, 15091, 15092, 15093, and 15097 of the CEQA Guidelines, in connection with the approval of the Project.

Before project approval, an EIR must be certified pursuant to Section 15090 of the CEQA Guidelines. Prior to approving a project for which an EIR has been certified, and for which the EIR identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale, pursuant to Public Resources Code Section 21081 Section 15091 of the CEQA Guidelines, for each identified significant impact:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- (2) 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.
- (3) 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.

DTSC has made one or more of the specific written findings above regarding each significant impact associated with the Project. Those findings are presented in Section 6.0, below, along with a presentation of facts in support of the findings.

Section 15092 of the CEQA Guidelines states that after consideration of an EIR, and in conjunction with the Section 15091 findings identified above, the lead agency may decide whether or how to approve or carry out the project. The lead agency may approve a project with unavoidable adverse environmental effects only when it finds that specific economic legal, social, technological, or other benefits of the proposed project outweigh those effects. Section 15093 requires the lead agency to document and substantiate any such determination in a "Statement of Overriding Considerations" as a part of the record. Since the Project would result in significant and unavoidable impacts, a "Statement of Overriding Considerations" is required for the Project and is presented in Chapter 11.0 of this document.

As required by CEQA, DTSC expressly finds and certifies that the EIR was reviewed and information contained in the EIR was considered prior to approving the proposed Project. Based upon its review of the EIR, the Lead Agency finds that the EIR is an adequate assessment of the potentially significant environmental impacts of the proposed Project, represents the independent judgment of the Lead Agency, and sets forth an adequate range of alternatives to this Project.

In accordance with the provisions of CEQA and the CEQA Guidelines, DTSC adopts these Findings as part of its certification of the Final EIR. A brief explanation of the rationale for each finding is provided in Sections 6.0 to 10.0, below.

DTSC is certifying an EIR for, and is approving and adopting findings for, the entirety of the project described in the EIR, which may be subject to several discretionary approvals by government agencies acting as responsible agencies under CEQA. It is contemplated that in addition to being utilized by the Lead Agency, other responsible agencies will use the Certified EIR for CEQA compliance purposes in connection with their consideration of discretionary approvals for the project.

## **2.0 DESCRIPTION OF PROPOSED PROJECT**

The RAP describes the proposed remediation plan for the Ascon Landfill Site (the "Site") located at 21641 Magnolia Street in Huntington Beach, California. 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. A group of Responsible Parties (RPs) would be required to finance the implementation of the remediation activities at the Site.<sup>1</sup> 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 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 acceptable Risk Based Concentrations

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<sup>1</sup> 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.

(RBCs), background concentrations, or until groundwater is reached.<sup>2</sup> 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)<sup>3</sup>, near the southwest corner of the Site.

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. Upon completion of the remediation activities, 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. The RAP 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.

The construction schedule is estimated at approximately 11 months, with construction activities potentially commencing as early as 2016.

### 3.0 ENVIRONMENTAL DOCUMENTATION BACKGROUND

The Project was reviewed by DTSC (serving as Lead Agency) in accordance with the requirements of CEQA (Pub Resources Code Section 21000 et seq.; 14 Cal. Code Regs. Section 15000 et seq.). 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. Below is a description of the environmental review process conducted for the Project.

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<sup>2</sup> *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.*

<sup>3</sup> *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.*

## **Initial Study/Notice of Preparation (NOP)**

Pursuant to the provision of Section 15082 of the *CEQA Guidelines*, DTSC published an 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, DTSC prepared a Draft EIR (State Clearinghouse No. 2013041010), incorporated herein by reference in full, which 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. Section 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 12<sup>th</sup> 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](http://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 Section 2.0 of this Final EIR. A copy of the transcript from the September 12 public hearing is included in Appendix A of the 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 Section 2.0, *Comments and Responses on the Draft EIR*, in the Final EIR.



## **Recirculated Draft EIR**

DTSC published a Recirculated Draft EIR (REIR), incorporated herein by reference in full, which was 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 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. A copy of the transcript from the November 6<sup>th</sup>, 2014 public hearing is included in Appendix A of the Final EIR.

### **Final EIR**

DTSC prepared a Final EIR for the Project, which is hereby incorporated by reference in full. This Final EIR was 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 (California Code Regulations Title 14, Sections 15000 et seq.); and the rules, regulations and procedures for the implementation of CEQA as executed by DTSC.

Pursuant to Section 15088 of the CEQA Guidelines, DTSC reviewed all comments received during the review periods for the Draft EIR and REIR and responded to each comment in Section 2.0 of the Final EIR. Responses were sent to all public agencies that made comments on the Draft EIR and REIR at least 10 days prior to certification of the Final EIR pursuant to CEQA Guidelines Section 15088(b). In addition, all individuals that commented on the Draft EIR and REIR were notified of preparation of the Final EIR. The Final EIR was also made available for review on the DTSC's website for the Project. Copies of the Final EIR were also made available at libraries and DTSC's office in Cypress.

## **4.0 ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT IN THE INITIAL STUDY/NOTICE OF PREPARATION**

Section 15128 of the CEQA Guidelines states that an EIR shall contain a brief statement indicating reasons that various possible significant effects of a project were determined not to be significant and not discussed in detail in the Draft EIR. An Initial Study was prepared for the project and is included in Appendix A of the Draft EIR, and is hereby incorporated by reference. The Initial Study provides a detailed discussion of the potential environmental impact areas and the reasons that each topical area is or is not analyzed further in the Draft EIR. Chapter 6.0, *Other Mandatory CEQA Considerations*, in the Draft EIR also lists the environmental impacts found not to be significant. The Initial Study determined that the Project would not result in potentially significant impacts to the environmental issues areas listed below. Included are

impacts regarding cultural resources, which the Initial Study conservatively prescribed mitigation measures to ensure impacts would be less than significant.

### **Aesthetics**

- Impacts regarding light and glare generated by the Project.

### **Agricultural and Forestry Resources**

- Impacts resulting from the Project on farmland, agricultural resources, and forest land.

### **Air Quality**

- Impacts from naturally occurring asbestos.

### **Biological Resources**

- Impacts resulting from the Project conflicting with local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance (e.g., oak trees or California walnut woodlands).

### **Cultural Resources**

- The potential for cultural resources impacts associated with implementation of the RAP was fully evaluated in the Initial Study prepared for the Project. No impacts would occur to historic resources. Conservative mitigation measures included in the Initial Study for impacts regarding archaeological and paleontological resources, as well as human remains. These impacts and mitigation measures have been included in sub-section 6.0, below.

### **Geology and Soils**

- Impacts on the Project from expansive soils.
- Impacts regarding the ability of soils capable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.
- Impacts from naturally occurring asbestos.

## **Hazards and Hazardous Materials**

- Impacts resulting from the Project impairing implementation of or physically interfering with an adopted emergency response plan or emergency evacuation plan.

## **Hydrology and Water Quality**

- Impacts resulting from the Project altering the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.
- Impacts resulting from the Project altering the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.
- Impacts resulting from the Project placing within a 100-year flood plain structures which would impede or redirect flood flows.
- Impacts resulting from the Project exposing people or structures to a significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.
- Impacts regarding inundation by seiche, tsunami, or mudflow.

## **Land Use and Planning**

- Impacts resulting from the Project physically divide an established community.
- Impacts resulting from the Project conflicting with an applicable habitat conservation plan or natural community conservation plan.

## **Mineral Resources**

- Impacts regarding the potential loss or availability of mineral resources.

## **Population and Housing**

- Impacts from the Project resulting in substantial population growth in an area either directly or indirectly.

- Impacts from the Project displacing substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere.

### **Public Services**

- Impacts from the Project resulting in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services including:
  - Fire protection
  - Police protection
  - Schools
  - Parks
  - Other governmental services (including roads)

### **Recreation**

- Impacts from the Project increasing the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
- Impacts from the Project including recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

### **Traffic/Circulation**

- Impacts from the Project changing air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.
- Impacts from the Project substantially increasing hazards due to a design feature (e.g., sharp curves or dangerous intersections or incompatible uses (e.g., farm equipment)).

### **Utilities**

- Impacts regarding the Project's ability to meet wastewater treatment requirements of the applicable Regional Water Quality Control Board.

## **5.0 IMPACTS FOUND NOT TO BE SIGNIFICANT PRIOR TO MITIGATION IN THE ENVIRONMENTAL IMPACT REPORT**

DTSC found that the Project would have no impact or a less than significant impact, either directly or cumulatively, with respect to a number of environmental topics discussed in the EIR, without the need for mitigation. For some issues, project design features or “PDFs” and/or mitigation measures would be implemented during the RAP, which effectively ensure impacts would be less than significant. The PDFs and mitigation measures are included in the Mitigation Monitoring and Reporting Program (MMRP) to ensure their implementation as a part of the Project. A no impact or less than significant environmental impact determination was made for each topic area listed below. Applicable PDFs and mitigation measures are also listed below, where applicable.

### **A. Aesthetics**

#### **(1) Scenic Vista/Visual Character and Visual Quality**

##### **Short-Term – Scenic Vistas**

Due to the Site’s existing topography and intervening development, there are no views of valued visual resources (e.g., Pacific Ocean, beach, Magnolia Marsh) that extend across the Site. Mass grading of on-site materials during the RAP implementation process would not create views of visual resources across the Site. In addition, a chain-link fence, or similar structure, would remain throughout most of the implementation process (e.g., partial removal of existing on-site material, grading, installation of a protective cap). As a result, short-term impacts with respect to views of identified visual resources would be less than significant.

##### **Short-Term – Visual Character and Visual Quality**

Because of the short-term, temporary nature of the RAP construction activities, maintenance of the existing perimeter fence, and in consideration of the existing low level of visual quality evident along the perimeters of the Site where the Site is visible enough to effect visual character (i.e., from vantage points north and east of the Site), construction activities would not substantially alter, degrade, eliminate or generate long-term contrast with the visual character of the surrounding area or the existing Site. Short-term impacts with respect to visual character would be less than significant.

##### **Long-Term – Scenic Vistas/Visual Character and Visual Quality**

The reconsolidation of on-site materials would not obstruct or alter views of identified visual resources (e.g., Pacific Ocean, beach, Magnolia Marsh). The existing vegetation along Site’s eastern perimeter only marginally contributes to the visual character of the Site vicinity. Implementation of the RAP would remove this unmaintained vegetation and, along with the

removal of other perimeter features, would open up views into the interior of the Site. These interior views, where available, would be of a vegetated cap that would be maintained periodically and would reduce the number of visually inconsistent elements in viewsheds of the Site. As a result, the capped Site would not substantially degrade the existing visual character or quality of the Site and its surroundings. Thus, implementation of the RAP would result in a less than significant impact with respect to scenic vistas and visual character and quality of the Site and surrounding vicinity. The following PDFs would prevent the occurrence and/or minimize the significance of potential impacts.

### Project Design Features

- 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.
- PDF 1-2      The cap would be vegetated with self-sustaining vegetation (such as grasses and/or other vegetation) on the surface.
- 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.
- 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 line.

## **(2) Scenic Resources Within a Scenic Highway**

### **Short-Term**

Short-term construction activities associated with RAP implementation would not be visible from PCH, which, is a roadway identified by the State of California as an Eligible State Scenic Highway but is not formally designated as a State Scenic Highway. PCH is also designated as a Landscape Corridor and Major Urban Scenic Corridor by the City's General Plan Circulation Element. Views from Magnolia Street (a designated Landscape Corridor) during RAP implementation (e.g., partial removal of existing on-site material, grading, installation of a protective cap) could include grading and waste removal activities and associated heavy equipment (e.g., graders, bulldozers, tractor trailers, semi-tractor-trailer); stockpiles of materials;

vehicle staging and parking areas; and exposed underlying soils. However, implementation of the RAP would be only temporarily disruptive with construction occurring over an approximately one-year period. The Site's perimeter trees only marginally positively contribute to the visual character of the Site. Thus, removal of this vegetation would not substantially damage scenic resources, including trees within a state scenic highway, and a less than significant impact would result.

### **Long-Term**

Changes to the visual character of the Site vicinity would be largely unnoticeable from PCH. Vegetation along Magnolia Street (a City-designated Landscape Corridor and Secondary Path/Image Corridor) only marginally contributes to the visual quality of the roadway corridor, and its removal would not substantially damage scenic resources within a state scenic highway. Hence, a less than significant impact would result. PDFs 1-1 to 1-4 (listed above) would also prevent the occurrence and/or minimize the significance of potential impacts.

### **(3) Cumulative Aesthetic Impacts**

Development of the Poseidon facility and removal of the tanks as part of Fuel Storage Tank Removal Project (to the south of the Site) when combined with the capped Site would not substantially degrade the visual character of the Site vicinity. Further, no views of scenic resources are currently visible across the Site from nearby vantages, and the development of the related projects would not change this condition. Also, no existing viewsheds of scenic resources would be obstructed with the related projects. Thus, cumulative aesthetic resources impacts would be less than significant.

## **B. Air Quality**

### **(1) Air Quality Plan Conflicts**

Implementation of the RAP would utilize equipment meeting stringent emission standards and would be consistent with the applicable growth projections and control strategies in the AQMP. Projects that are consistent with the applicable growth projections and control strategies used in the development of the AQMP would not jeopardize attainment of the air quality levels identified in the AQMP, even if they exceed the SCAQMD's project-level recommended thresholds. Therefore, short-term and long-term impacts associated with implementation of the RAP would not conflict with or obstruct implementation of the applicable air quality plan and impacts would be less than significant. PDFs 2-1 to 2-12 would prevent the occurrence and/or minimize the significance of potential impacts.



### Project Design Features

- 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 NO<sub>x</sub> emissions compared to similar Tier 2 or lower engines, and has been shown to increase fuel economy over similar Tier 2 engines.<sup>4</sup> 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.
- 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.
- 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.
- 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 the DTSC. During the excavation activities, water and/or Rusmar® foam, or similar suppressant (e.g. Soil Seal), would be applied to the 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.
- 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.

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<sup>4</sup> *Komatsu Technical Report, Development of Tier 3 Engine ecot3, Vol. 52, No. 157, [http://www.komatsu.com/CompanyInfo/profile/report/pdf/157-03\\_E.pdf](http://www.komatsu.com/CompanyInfo/profile/report/pdf/157-03_E.pdf). 2006. Accessed June 2013.*

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.

- 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 the DTSC.

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.

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.

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.

- 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 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.
- 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. 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.
- 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, pedestrian and bicycle safety. Truck operators will be provided with a trucking route map and hours of operation allowed.
- PDF 2-13 To the maximum practical extent, recyclable materials, including non-hazardous construction and demolition debris, would be reused or recycled.

## **(2) Violation of Air Quality Standards**

### **Long-Term – Regional Impacts**

Air pollutant emissions associated with long-term operations of the capped site would be generated by the long-term activities, including maintenance of a landfill gas collection and treatment system, groundwater monitoring, maintenance of a groundwater monitoring system, landscaping as needed, and worker commute trips to support these activities. These emissions would not result in long-term emissions that exceed the applicable daily South Coast Air Quality Management District (SCAQMD) significance threshold and would not violate air quality standards or contribute substantially to an existing or projected air quality violation. Thus,

impacts in this regard would be less than significant. In addition, long-term emissions would not result in a cumulatively considerable net increase of a criteria pollutant for which the region is nonattainment. Thus, long-term cumulative impacts in this regard would be less than significant.

### **(3) Exposure to Substantial Pollutant Concentrations**

#### **Long-Term – Localized Impacts**

The Site is not expected to generate large number of vehicle trips aside from the occasional maintenance worker or official visitor/regulator. In addition, the Project would implement a gas collection and treatment system to minimize landfill off-gassing of VOC emissions. Therefore, localized concentrations resulting from on-site criteria pollutant emissions would not result in a noticeable increase in ambient air quality pollutant levels. As a result, the project would result in a less than significant impact with regard to localized long-term emissions. In addition, the Project would not result in a large number of vehicle trips, and long-term operation of the project will not result in a carbon monoxide (CO) hotspot. As a result, the Project would result in a less than significant impact with regard to CO hotspots.

### **(4) Odors**

#### **Short-Term Construction**

Implementation of the RAP could result in odor generating activities. The excavation and removal of the Pit F materials would have the most potential for creating odors. However, as part of the PDFs, a temporary structure (e.g., Sprung or similar) would be installed over Pit F to capture volatile emissions and odors resulting from soil handling during the Pit F excavation (PDF 2-7). Materials excavated from Pit F would be placed in sealed or covered bins which would be loaded onto trucks for transport off-site. During the remediation of areas other than Pit F, water or Rusmar® foam), or similar suppressant, would be applied to the waste materials to suppress potential emissions and odors (PDF 2-4) via mandatory compliance with SCAQMD Rules. The RAP would also include the preparation and implementation of an Air Monitoring Plan, which monitor and respond to odor issues. Implementation of the measures identified in the Air Monitoring Plan is anticipated to effectively minimize odor impacts. Emissions and odors would be controlled to the maximum extent possible and odor-related impacts would be less than significant, as well as cumulatively in conjunction with the proposed RAP.

Although odor impacts were found to be less than significant, Mitigation Measure AIR-1 has been prescribed to further reduce impacts and ensure odor complaints are addressed, if they arise. Mitigation Measure AIR-1 requires the RPs to establish and maintain signage specifying the manner in which the public can register odor complaints. If odor complaints are received, staff located on-site would seek to verify the odor complaint and identify the source. If odors are verified, additional suppressants and watering would be applied or work would be suspended temporarily until nuisance odors are no longer detected.

## Mitigation Measures

**Mitigation Measure AIR-1** Implement a protocol to address odor complaints that shall include:

- Post an odor complaint telephone number at the Site, including phone numbers for the SCAQMD where odor complaints can be lodged via telephone.
- Prior to the commencement of RAP activities, mail information to surrounding property owners regarding procedures to follow to lodge an odor complaint.

### **Long-Term**

The Project results in a closed landfill with a vegetated cap (e.g., grasses and low shrubbery) over the majority of the Site. A protective cover with a gas collection and treatment system routed to GAC would be installed as part of the RAP to collect and treat gases before discharge to the atmosphere. Therefore, the long-term activities of the proposed RAP would not be a source of odors, and potential odor impacts would be less than significant.

In addition, neither the Project nor any of the related projects (which are primarily institutional, general office, residential, retail, and restaurant uses) have a high potential to generate odor impacts.<sup>5</sup> Furthermore, any related project that may have a potential to generate objectionable odors would be required by SCAQMD Rule 402 (Nuisance) to implement best available control technology (BACT) to limit potential objectionable odor impacts to a less than significant level. Thus, potential odor impacts from the Project and related projects are anticipated to be less than significant individually and cumulatively.

## **C. Biological Resources**

### **(1) Wetlands**

A jurisdictional delineation was conducted by PCR on January 23, 2009. The Site does not support “waters of the U.S./State” or wetlands as regulated under the jurisdiction of the United States Army Corps of Engineers (USACE), California Department of Fish and Wildlife (CDFW), and/or the Regional Water Quality Control Board (RWQCB).<sup>6</sup> Therefore, the Site does not support federally protected wetlands as defined by Section 404 of the Clean Water Act. In

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<sup>5</sup> According to the SCAQMD CEQA Air Quality Handbook, land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding.

<sup>6</sup> Although hydrophytic plant species and wetland hydrology occur on-site, the three-parameter definition of a wetland is not met as hydric soils are not present on-site. The lack of hydric soils on the Site are documented in Wetlands Data Sheets contained in Appendix C of this EIR.

addition, because the nearest wetlands are approximately 0.2 mile to the south of the Site, no indirect impacts from construction-related activities (e.g., lighting, noise, dust) would occur. Thus, no project-level or cumulative impacts would occur in this regard.

## **D. Geology and Soils**

### **(1) Seismic and Geologic Stability Hazards**

#### **Short-Term**

Construction of the Project would involve grading in relatively open areas and would not require excavation near or under any occupied structures or structures where any activities are conducted. Nonetheless, during construction activities as part of the RAP, construction workers could be exposed seismic and geologic stability hazards. As part of the Project's design features, a site-specific geotechnical analysis would be performed by the civil engineer to evaluate the potential for seismic and geologic stability hazards to occur at the Site (PDF 4-1). Site-specific measures would be developed, if necessary, to address potential seismic and geologic stability hazards. The Project would also implement a site-specific Health and Safety Plan (HASP) that would include measures to reduce the potential for physical effects related to geologic hazards (PDF 4-2). Monitoring of the Site would also occur on a regular basis throughout the construction activities to ensure soils are stable within the Site (PDF 4-4 and 4-5).

In addition to the site-specific HASP and monitoring activities, Project construction activities would be subject to regulations of the Huntington Beach Municipal Code (Section 17.05 – Grading and Excavation), which govern grading, fill, and excavation, as well as safety requirements including the Huntington Beach Building Code (Section 17.04 – Building Code).

Overall, while the Project would be required to comply with applicable seismic-related regulatory requirements, implementation of the Project's design features would further ensure that seismic and geologic stability hazards would be less than significant.

#### *Project Design Features*

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:

- 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.

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.

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.

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.

### **Long-Term**

Because of potential strong seismic ground shaking, strong seismic-related ground failure, liquefaction, landslides and other ground failure hazards that could occur at the Site, a seismic and soils and geology report would be required to evaluate the stability of the permanent

cap and fill slope during the maximum considered earthquake and in consideration of existing potential geologic hazards (PDF 4-1). Based on the analysis in the report, design conditions would be recommended and implemented to ensure that seismic and geologic hazards would not adversely affect the cap and fill slopes. The Project would comply with all applicable regulatory requirements and site-specific structural design of the cap and fill slopes would occur in accordance with the geotechnical recommendations. Furthermore, long-term monitoring of the remediated capped Site would ensure that potentially significant ground shaking or other geology-related conditions would not result in a significant impact on the integrity of the cap and fill slopes (PDF 4-6). Monitoring would occur on a regular basis as identified in the Operations and Maintenance (O&M) Plan. In addition, after any significant seismic event (magnitude 5 or greater), the gas collection and treatment system would be inspected and monitored to ensure its continued performance (PDF 4-7). Further, per PDF 4-7, electrical outages as a result of a seismic event would be addressed by a backup power system that would supply power to the gas collection and treatment system. Therefore, with compliance with applicable regulatory requirements and implementation of the Project's design features, long-term impacts with respect to seismic and geologic would be less than significant.

#### Project Design Features

See PDF 4-1 above. The following PDFs would also be implemented by the Project.

- 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.
- 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. 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.



## **(2) Soil Erosion**

### **Short-Term**

During construction activities associated with implementation of the RAP, soils and fill soils imported to the Site could be exposed to rain and wind, thus allowing for possible erosion. Potential soil erosion would be minimized through implementation of standard erosion control measures, including best management practices (BMPs) incorporated into the Construction Storm Water Pollution Prevention Plan (SWPPP), implemented during excavation and placement of fill (PDF 4-3). Section 17.05.310 of the Municipal Code and the City of Huntington Beach Grading Manual also address erosion control during grading and other construction activities. Implementation of erosion and sediment control BMPs, and compliance to regulatory requirements of the Municipal Code and Grading Manual, would ensure that impacts pertaining to soil erosion from construction activities would be less than significant.

### *Project Design Features*

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. This PDF to be verified prior to the completion of construction activities by DTSC, Unit Chief, Brownfields & Environmental Restoration.

### **Long-Term**

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 (PDF 4-3). 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. With the use of the vegetated cover and compliance with applicable regulations, impacts with respect to erosion of soils would be less than significant.

## **(3) Cumulative Impacts**

Geology and soils impacts are generally site-specific and there is typically little, if any, cumulative relationship between the development of a project and development within a larger cumulative area, such as the citywide development. Although there are several foreseeable

projects planned within the local vicinity, most notably the Poseidon Desalination facility, these projects would be required to comply with the applicable state and local requirements, such as the California Building Code (CBC) and Huntington Beach Building Code. Related projects in the vicinity are expected to comply with existing regulations in accordance with current engineering practices. Seismic impacts are also a regional issue addressed through regional compliance with applicable codes and design standards, including common standards set forth in the CBC. Because regulations applicable to seismic hazards are consistent throughout the region and similarly imposed, cumulative geotechnical and soils impacts would be less than significant.

## **E. Greenhouse Gas Emissions**

### **(1) Greenhouse Gas Emissions**

#### **Short-Term**

Implementation of the RAP has the potential to generate short-term greenhouse gas (GHG) emissions through the use of heavy-duty construction equipment and through vehicle trips generated from export and import of materials, visitors and workers traveling to and from the project site. Project design features implemented during the construction activities that would limit, minimize, and reduce short-term GHG emissions include: utilizing construction equipment meeting the USEPA Tier 3 off-road emission standards (PDF 5-1); utilizing on-road export waste haul trucks that at a minimum comply with the USEPA 2007 on-road emissions standards (PDF 5-2); utilizing low carbon fuels as required by state law (PDF 5-3); and, to the maximum practical extent, recyclable materials, including non-hazardous construction and demolition debris, would be reused or recycled (PDF 5-4).

Implementation of the RAP would result in the net increase of short-term GHG emissions during construction activities. However, the net increase in short-term GHG emissions would not exceed SCAQMD's applicable threshold of significance for annual GHG emissions. Further, the activities that would generate short-term GHG emissions are temporary in nature and necessary to implement the RAP. Based on the above, short-term GHG emissions associated with implementation of the RAP would result in a less than significant impact.

#### *Project Design Features*

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 increase fuel economy over similar Tier 2 engines.<sup>7</sup>

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<sup>7</sup> *Komatsu Technical Report, Development of Tier 3 Engine ecot3, Vol. 52, No. 157, [http://www.komatsu.com/CompanyInfo/profile/report/pdf/157-03\\_E.pdf](http://www.komatsu.com/CompanyInfo/profile/report/pdf/157-03_E.pdf). 2006. Accessed June 2013.*

- PDF 5-2 All on-road export waste haul trucks shall at a minimum comply with USEPA 2007 on-road emissions standards.
- PDF 5-3 The Project would comply with the use of low carbon vehicle fuels as required under State law.
- PDF 5-4 To the maximum practical extent, recyclable materials, including non-hazardous construction and demolition materials, would be reused or recycled.

### **Long-Term**

Long-term implementation of the RAP would entail periodic visits by employees/contractors to perform groundwater monitoring, landscaping, and other maintenance as needed. Because waste materials will remain on-site, the Site could generate landfill gas. The treatment system (e.g., granular activated carbon [GAC] filtration) is not expected to destroy or capture GHGs, and any GHGs generated on-site are expected to be emitted to the atmosphere.

Implementation of the RAP would require a permit from the SCAQMD. Specifically, as previously discussed, SCAQMD Rules 1150 and 1166 would govern the control of emissions from the Site. A gas collection system (PDF 5-5) would be installed that would be subject to SCAQMD's permit to operate rules and regulations.

Long-term GHG emissions would be reduced compared to existing conditions and would not exceed the applicable SCAQMD threshold of significance for annual GHG emissions. Thus, long-term GHG emissions associated with implementation of the RAP would result in a less than significant impact.

### **Project Design Features**

- 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.

## **(2) Conflicts with Greenhouse Gas Reduction Plans**

The State has promulgated regulations and programs for the purpose of reducing GHG emissions. The GHG emissions analysis in the EIR was performed in accordance with SCAQMD and CARB guidance developed in compliance with, and as a result of, those regulations and programs. The result of the analysis of the Project's potential impacts in terms of GHG and global climate change indicates that the short-term and long-term GHG emissions from the Project alone would not be expected to cause a direct physical change in the

environment. Therefore, the Project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHG.

### **(3) Cumulative Impacts**

The Project would cause an increase in the GHG emissions in the short-term, but is not expected to exceed the applicable significance threshold. Further, the intent of the Project is consistent with the State's plans for reducing GHG emissions. The Project would minimize short-term GHG emissions by using the newest, cleanest, most energy efficient equipment when available. Also, long-term GHG emissions would be reduced compared to existing conditions. Therefore, implementation of the RAP would have a less than significant impact on the environment based on the applicable GHG thresholds. Accordingly, the Project would not cause a cumulatively considerable impact and mitigation measures would not be required.

## **F. Hazards and Hazardous Materials**

### **(1) Routine Transport, Use, or Disposal of Hazardous Materials**

#### **Long-Term**

Long-term operation of the Site would generate minimal toxic air contaminants (TACs) through occasional worker trips for maintenance and landscaping. The cap, landfill gas collection and clean fill would minimize chemicals of potential concern (COPC) exposure (PDF 2-5, 7-1 and 7-9). Therefore, the Project would result in a less than significant impact with regard to long-term operational COPC and TAC emissions.

#### *Project Design Features*

See PDF 2-5, above. The following PDFs would also 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 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.

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, 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.

## **(2) Upset and Accidental Release Conditions**

### **Short-Term**

Using the *Center for Chemical Process Safety (CCPS) Guidelines risk assessment matrix*<sup>8</sup>, the two hypothetical scenarios considered possible: (1) the transport of 32,250 bank cubic yards (BCY) of materials potentially impacted by acutely hazardous materials (AHM) and (2) the potential for upset conditions to cause a berm or other barrier to fail on-site, are so improbable that they result in risk characterization within the "Acceptable (as is)" or "Acceptable (with controls)" ranges. Appropriate controls have been identified and would be implemented by the Project. Therefore, the risks posed by the potential hypothetical release of contaminated materials or other materials to the environment through upset conditions or accidental release during the transport of materials off-site and on-site implementation of the RAP are acceptable, and the Project results in less than significant impacts.

### **Long-Term**

Once implementation of the RAP is complete, the engineered cap would serve to prevent accidental release of contaminated material remaining on-site to the environment through an upset condition (such as a breach of the cap during a major rain or seismic event) (PDFs 4-1 and 7-9). The gas collection system would serve to remove landfill gases produced from the Site (PDF 2-5). Therefore, the Project would result in a less than significant impact with regard to accidental release of hazardous materials in the long term.

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<sup>8</sup> *Guidelines for Hazard Evaluation Procedure. Center for Chemical Process Safety (CCPS). 1992*

### **(3) Hazardous Emissions or Handling of Hazardous Materials Near a School**

#### **Short-Term**

Short-term cancer risks at Edison High School would not exceed significance thresholds. In addition, the acute and chronic hazard indexes (HI) for the school receptor would remain below the applicable significance threshold. Furthermore, implementation of PDFs 2-1 to 2-12 and the safety measures included in the RAP would ensure that impacts on school staff, attendees and visitors from emissions related to handling Site materials would remain at, or be reduced to, a less than significant level. Overall, the Project would result in a less than significant impact with regards to a release or handling of hazardous materials within one-quarter mile of a school.

#### **Long-Term**

Once implementation of the RAP is complete, the engineered cap and gas collection system would serve to prevent accidental release of contaminated materials remaining on-site (PDF 2-5 and 4-1). The likelihood of accidental release of spent activated carbon would be very low due to periodic maintenance trips to the Site that ensure proper functioning of the treatment system. Therefore, the Project would result in a less than significant impact with regard to release or handling of hazardous materials within one-quarter mile of a school.

### **(4) Located on a Hazardous Materials Site Pursuant to Government Code Section 65962.5**

#### **Long-Term**

Long-term operation of the Site would include a geomembrane/ET cap and gas collection system and would result in less than significant long-term impacts (PDF 2-5). Future development of the Site, if any, is not considered at this time; thus, it would be highly speculative to assess potential hazards from any future uses that are not known or contemplated and such assessment is beyond the appropriate scope of this EIR. Since the Project would implement design features to minimize hazards or hazardous materials impacts on the public or environment to a less than significant level, impacts would be less than significant.

### **(5) Cumulative Impacts**

#### **Short-Term**

The Site is located in an area with relatively low cancer risk due to regional airborne toxins. The estimated increase in the cancer risk calculated in the Health Risk Assessment (HRA) resulting from short-term implementation of the RAP would be an incremental increase in risk to the surrounding area that would not exceed the applicable significance thresholds. Thus, the Project's cumulative impact with regard to cancer risk would be less than significant.

Accidental release incidents are typically based on individual incidents and would not be affected by cumulative conditions. The chance of accidental release due to transport of hazardous waste is based on vehicle miles travelled by the individual operator. Accidental release of on-site materials would also be dependent upon site conditions and would not be influenced by cumulative conditions. Therefore, the Project would have no significant short-term cumulative impacts with regard to accidental release or upset conditions..

### **Long-Term**

Health risk impacts from long-term implementation of the Project would be minimal. Landfill gases would be collected and treated with a gas collection system, and a geomembrane cap with a geotextile gas collection layer would prevent additional release of gases. Occasionally, maintenance vehicles would drive to the Site for landscaping or servicing the gas collection system. However, the number of trips would be minimal and would not result in vehicle emissions that exceed SCAQMD thresholds. Therefore, the project would have a less than significant impact with regard to long-term cumulative impacts. Accidental release incidents would also be based on Site conditions and not cumulative conditions, as is the case with short-term impacts. Therefore, the Project would have no significant long-term cumulative impacts with regard to accidental release or upset conditions.

## **G. Water Quality**

### **(1) Water Quality**

#### **Short-Term**

The Project's design features (PDFs 7-1 to 7-5, 7-7 and 7-8) and compliance with existing regulations would prevent substantial migration of contaminants into groundwater and surface water. As such, construction activities would not result in the violation of water quality standards, substantial additional sources of polluted runoff, or a substantial degradation of water quality. Therefore, short-term construction-related impacts with respect to groundwater and surface water would be less than significant.

#### *Project Design Features*

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.

- 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.
- 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.
- 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.
- PDF 7-5: For contingency planning, construction dewatering may be required during removal of Pit F materials. 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.

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.

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 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 SARWQCB requirements, and results would be reported to the SARWQCB.

### **Long-Term**

The Project's design features (PDF 7-2, 7-6, 7-9 and 7-10) and compliance with existing regulations would prevent substantial migration of contaminants into groundwater and surface water. As such, operational activities would not result in the violation of water quality standards, substantial additional sources of polluted runoff, or a substantial degradation of water quality. Therefore, long-term impacts with respect to groundwater and surface water would be less than significant.

#### Project Design Features

Refer to PDF 7-2, above. The following PDFs are also prescribed for the Project.

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 (i.e., above levels already present due to natural occurrence), steps would be taken to further assess and remedy the condition as appropriate.

PDF 7-9      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, 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 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.

## **(2) Groundwater Supplies**

### **Short-Term**

Under PDF 7-3, excavation would be conducted to specifically avoid contact with groundwater. Any groundwater exposed in the bottom of excavations may be reused on-site or pumped into a water treatment system. However, because groundwater would not be intentionally used, the Project would not substantially deplete groundwater supplies. Although some water would not re-enter the aquifer, conditions during construction would not be substantially different from existing conditions or substantially deplete groundwater supplies or interfere with groundwater recharge. Therefore, impacts with respect to groundwater recharge would be less than significant.

### **Long-Term**

The cap design is intended to assure that surface water would not penetrate the top deck of the cap and minimal, if any, surface water would penetrate the side slopes through the evapotranspirative design (i.e., designed so that the vegetation transpires the moisture that the slope soils absorb during rain events). The purpose is to avoid surface water from reaching materials below the capped area and potentially carrying contaminants into the groundwater through groundwater recharge. Although the cap covering the majority of the Site would be

substantially impermeable, all precipitation that would have otherwise entered the ground in the area of the cap would be transpired or diverted and collected in two detention basins on the site (see PDF 7-2). The permeable detention basins, along with the perimeter access road surface and City parcel surfaces would allow recharge of the groundwater basin and would not interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. Therefore, with the implementation of PDF 7-2, the Project would have a less than significant impact with respect to groundwater supplies and groundwater recharge.

### **(3) Cumulative Impacts**

Water quality and groundwater resources are protected by existing state and local regulations in compliance with the Clean Water Act. Greater demand for water use, which can impact groundwater supplies, is related to intensification of existing or new urban development. Reduction in groundwater recharge can be caused by increased impermeability of the land from the development of parking lots, buildings, and roads in areas currently characterized by permeable materials (such as natural soils). These are regional issues that are addressed by the City of Huntington Beach Urban Runoff Management Plan (URMP). Compliance with the policies of the URMP, as with the Project, would reduce potential impacts to groundwater resources to a less than significant level. Cumulative effects on water quality would be greatest during the construction of the Project and related projects because of exposure of soils to rainfall. However, as with the Project, large related projects would be required to implement BMPs through mandated, site-specific SWPPPs. All large development projects are subject to existing regional and local policies and regulations related to the protection of water quality for surface water and groundwater. In addition, projects having hazardous materials components, as with the Project, are subject to DTSC regulations for the protection of the water quality. The enforcement of existing regulations would ensure that cumulative impacts on water quality would be less than significant.

## **H. Land Use**

### **(1) Consistency with Local Land Use Plans and Applicable Policies**

As with the Project, the related projects in the immediate project vicinity would be industrial in character. These related projects, in combination with the Project, would not cause a change in the land use character of the local area or region. Other related projects beyond the immediate include residential, commercial and hotel uses that would be generally consistent with existing zoning, land use designations, and use patterns in their respective areas. Because the Project would not result in a significant land use impact and related projects in themselves would not result in significant cumulative land use impacts, the Project in combination with related projects would not result in significant cumulative impacts with respect to land use.

## **(2) Cumulative Impacts**

Based on the information available regarding the related projects, it is reasonable to assume that the projects under consideration in the area surrounding the Project site would implement and support important local and regional planning goals and policies. It is anticipated that any new projects would be subject to the project permit approval process and would incorporate any mitigation measures necessary to reduce potential land use impacts. Therefore, no significant cumulative land use impacts are anticipated.

There are three related projects located within the immediate vicinity of the site. These related projects would include similar multi-family, high-density residential uses and complimentary retail uses to the proposed Project. The Project in combination with related projects would not alter the existing land use relationships in the community. In contrast, the related projects in combination with the Project would enhance the vitality of the Community and enhance the pedestrian environment of immediate locale through each of the streetscape improvements associated with each individual project. As such, the Project would not contribute to a cumulative impact with respect to land use compatibility.

## **G. Noise**

### **(1) Short-Term Ground-Borne Vibration**

Activities associated with implementation of the RAP that would create vibration would not have any effect on the existing vibration environment near the project area. Thus, implementation of the RAP would result in vibration impacts that are less than significant.

### **(2) Cumulative Impacts**

Although noise levels associated with implementation of the RAP would be temporary and result in less than significant impacts, mitigation measures would be implemented, as appropriate, to reduce the noise impacts to the maximum extent feasible. Other construction activities from related projects that may occur in the vicinity of the Site could contribute short-term noise levels similar to those generated for the Project. Where this development adjoins the proposed project, the combined short-term noise levels would have a cumulative effect on nearby sensitive uses. However, decibels are logarithmic values, noise is not additive, and a doubling of noise sources would not cause a doubling of noise levels; as such, cumulative construction noise levels are expected to be below the City's Municipal Code exterior standards at nearby sensitive receptors, unless the adjoining project alone exceeds the noise standards.

Under Section 8.40.090 (Special Provisions) of the City's Municipal Code, noise sources associated with construction associated with the RAP are exempt from the requirements of the Municipal Code, provided that implementation of RAP activities do not occur between the hours

of 8:00 P.M. to 7:00 A.M. on weekdays, including Saturday, or at any time on Sunday or a federal holiday. Because compliance with this construction time limit is required by the Huntington Beach Municipal Code, the proposed project and all other cumulative development would be exempt, and the cumulative impact associated with construction noise in the Huntington Beach area would be considered less than significant.

Long-term noise associated with RAP implementation would be minimal, as described above. Such long-term noise combined with cumulative projects would not significantly impact noise-sensitive uses in the vicinity of the project area.

## **H. Traffic and Circulation**

### **(1) Traffic: Long-Term**

Upon completion of the RAP construction activities at the Site, long-term periodic maintenance and monitoring activities would occur on the Site. These activities could generate between one and approximately 10 daily trips to the Site. These trips would not occur on a daily basis, would be commensurate with as needed maintenance and monitoring activities, and would likely not be performed during peak hours alone. As such, these trips would result in a negligible increase on long-term traffic conditions, and impacts would be less than significant.

### **(2) Regional Transportation System (Congestion Management Program Impacts)**

#### **Short-Term**

The Project's short-term traffic trips would not exceed the significance criterion to cause a significant traffic impact at any Congestion Management Program (CMP) intersection in the project vicinity. Therefore, impacts on the regional transportation system would be less than significant.

#### **Long-Term**

Upon completion of the RAP construction activities at the Site, long-term maintenance and monitoring activities would occur. These activities could generate between one and up to approximately 10 weekly trips to the Site. These trips would not occur on a daily basis, would be commensurate with as needed maintenance and monitoring activities, and would likely not be performed during peak hours alone. As such, these trips would result in a nominal increase CMP intersections and impacts would be less than significant.

### **(3) Emergency Access**

#### **Short-Term**

The Site's ingress and egress driveways would be designed to meet City of Huntington Beach standards. The site ingress/egress driveways may be adjusted or shift during the construction process to allow for construction of the cap. All site access and circulation would be reviewed by the City of Huntington Beach Department of Public Works and Fire Department to ensure that the Site provides adequate emergency access. It is acknowledged that the Project would result in significant unavoidable impacts at five (5) study intersections on Beach Boulevard and less than significant impacts along the Brookhurst Street haul route. In addition, during construction activities on the Site, it may be necessary to close the shared parking/bicycle lane on eastbound Hamilton Avenue along the Site frontage, near the intersection with Magnolia Street. However, these impacts would be temporary, occurring periodically during the 11-month construction phase. Also, because emergency vehicles have priority access, the ability to use warning sirens at all intersections, and alternative routing flexibility, the Project's impacts on intersection capacity would not substantially diminish emergency access along the project's haul routes. Specific to Orange Coast Memorial Hospital, the adjacent intersections would continue to operate at acceptable levels of service with the Project providing further assurance that no significant impediments to emergency access at the Hospital would occur as a result of the Project's haul truck traffic on Brookhurst Street. Overall, short-term impacts related to emergency access would be less than significant.

#### **Long-Term**

Upon completion of the RAP construction activities at the Site, long-term periodic maintenance and monitoring activities would occur. These trips would result in a negligible increase in traffic, and the function of the street system would remain with available capacity to accommodate the nominal increase in traffic, including emergency vehicles. Also, the Site's ingress and egress driveways would be designed per City of Huntington Beach standards to ensure adequate emergency access to and within the Site. Long-term emergency access impacts would be less than significant.

### **(4) Alternative Transportation Facilities**

#### **Short-Term**

The proposed Project could result in short-term impacts regarding alternative transportation facilities, including the potential for conflicts between construction vehicles/equipment with bicyclists and pedestrians near the Site. However, the Project would implement numerous project design features that would ensure that impacts regarding alternative transportation facilities and conflicts between construction vehicles/equipment with bicyclists and pedestrians near the Site are less than significant.

### Project Design Features

- 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 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 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.
- 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.
- 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.

- 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.
- 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.
- 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.
- 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 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.

### **Long-Term**

At the termination of short-term construction remediation activities, the use of existing bicycle paths along south side of Hamilton Avenue and west side of Magnolia Street would be restored. Also, access to the paved walkway along the south side of Hamilton Avenue would be restored. Thus, no long-term impacts to alternative transportation facilities would result from implementation of the RAP.

### **(5) Cumulative Impacts**

As discussed below, short-term cumulative traffic impacts would be significant and unavoidable.

With regard to construction-related traffic and pedestrian and bicycle safety, the Project would implement numerous PDFs during short-term construction activities at the Site (see PDFs



10-1 to 10-8). The Construction Traffic Management/Haul Plan (PDF 10-1) would be required to consider related project construction traffic, particularly those near the Site including the Poseidon Desalination Project, Huntington Beach Energy Project (AES) and the Plains All American Pipeline Tanks (Removal) Project.

With regard to emergency access, the Project would result in a less than significant impact as described above, particularly as it would meet the City's minimum number of required emergency access roads. All related projects would be responsible for providing the minimum number of required emergency access roads built to appropriate roadway standards, as required by the City of Huntington Beach. As such, a less than significant cumulative impact regarding emergency access would occur with Project implementation.

With regard to conflicts with alternative transportation facilities and programs, future related projects would be subject to appropriate City review on a project-by-project basis to ensure that no conflicts occur with alternative transportation facilities and programs. Therefore, cumulative impacts related to these issues would be less than significant.

## **6.0 ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT AFTER MITIGATION**

### **A. Biological Resources**

#### **(1) Candidate, Sensitive, and Special Status Species**

Implementation of the Project would result in the direct removal of all biological resources within the Site. No sensitive wildlife species would be significantly impacted by the Project. However, the Site does support the southern tarplant. Although the southern tarplant does not carry a federal or state listing as threatened or endangered, it is listed by the California Native Plant Society as a California Rare Plant Rank (CRPR) List 1B.1 species which is considered "seriously endangered in California (over 80 percent of occurrences threatened/high degree and immediacy of threat)." The southern tarplant individuals on the Site would be directly and permanently impacted with implementation of the Project. This is considered a potentially significant impact. In addition, the Project cumulatively combined with other reasonably foreseeable projects would result in potentially significant cumulative adverse effects related to southern tarplant.

#### ***Finding***

- *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.*

### ***Facts in Support of Finding***

The potentially significant project and cumulative impacts to southern tarplant have been reduced to a less than significant level by virtue of the following mitigation measure identified in the Draft EIR.

#### **Mitigation Measures**

**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 implemented:

- 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 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).

## (2) Riparian Habitat and Sensitive Natural Communities

Approximately 0.2 acre of disturbed coastal salt marsh is located within the southwestern corner of the Site. Albeit disturbed, localized and isolated with limited habitat functions and values, this vegetation meets the criteria to be considered as an “environmentally sensitive habitat areas” (ESHA) by the California Coastal Act and City’s Coastal Element. As the Project would remove all on-site disturbed coastal salt marsh, this is considered a potentially significant impact.

In addition, the Project cumulatively combined with other reasonably foreseeable projects could result in potentially significant cumulative adverse effects related to coastal salt marsh.

### *Finding*

- *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.*

### *Facts in Support of Finding*

The potentially significant project and cumulative impacts to the disturbed coastal salt marsh have been reduced to a less than significant level by virtue of the following mitigation measure identified in the Draft EIR.

### Mitigation Measures

**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:

- 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 acre); and/or
- 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 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.

### **(3) Wildlife Movement**

There are no fish or wildlife corridors extending through the Site. The nearest surface water body, the Orange County/Huntington Beach Flood Control Channel, is located adjacent to the Site at its southwestern perimeter. Although the Channel supports open water and could be utilized by migratory birds, it serves as marginal wildlife habitat as it is channelized and does not support native riparian plant communities in the area adjacent to the Site. Because there is nearby and available attractive habitat areas that could be utilized during Site remediation activities by migratory birds, indirect impacts to wildlife utilizing the Channel from construction-related activities (e.g., lighting, noise, dust) would be less than significant.

The Site has the potential to support both raptor and songbird nests due to the presence of localized areas of trees, shrubs, and ground cover. Disturbing or destroying active nests is a violation of the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 et seq.) and the California Department of Fish and Wildlife Code Sections 3503, 3503.5 and 3513. Nesting activity typically occurs from February 15 to August 31. The removal of vegetation during the breeding season is considered a potentially significant project impact.

With regards to cumulative impacts, related project would be required to implement mitigation measures similar to that listed below to comply with existing regulations, where applicable, thereby reducing cumulative impacts to migratory birds to a less than significant level. Furthermore, the loss of approximately 38.2 acres of low-to-marginal quality foraging habitat for non-sensitive raptor species is not expected to substantially affect these species to a point where their survival in the region is threatened. The Site is currently disturbed and therefore, does not serve as optimal foraging habitat for these species. Additionally, these species are mobile and are expected to locate additional foraging habitat elsewhere in the region. Thus, cumulative impacts would be less than significant.

### ***Finding***

- *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.*

### ***Facts in Support of Finding***

The potentially significant project and cumulative impacts to nesting birds during the breeding season have been reduced to a less than significant level by virtue of the following mitigation measure identified in the Draft EIR.

### **Mitigation Measures**

**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: (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 (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 delineated, flagged, and avoided until the nesting cycle is complete, or otherwise protected, as determined by the qualified biologist to minimize impacts.

### **(4) Conservations Plans**

The Site is not located within an adopted Habitat Conservation Plan or Natural Community Conservation Plan, but portions of the Site meet the California Coastal Act's definition of an ESHA. Impacts to the Site's ESHA are considered to be a potentially significant impact.

### ***Finding***

- *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.*

### ***Facts in Support of Finding***

The potentially significant project and cumulative impacts regarding consistency with applicable conservation plans have been reduced to a less than significant level by virtue of the following mitigation measures identified in the Draft EIR.

#### **Mitigation Measures**

Refer to Mitigation Measures BIO-1 and BIO-2. No additional mitigation measures are necessary.

### **B. Cultural Resources**

#### **(1) Archaeological Resources**

The Site is located within an urbanized area and has been subject to significant disturbance due to waste disposal operations over many years. Any surficial archaeological resources that may have existed within the Site are likely to have been displaced. Furthermore, the records search conducted for the Site did not reveal any findings that support the presence of archaeological resources on the Site. As a result, the overall sensitivity of the Site with respect to buried archaeological resources appears to be low.

Despite the low potential for archaeological resources to occur on site due to past landfill operations, should native soils be encountered during Project implementation there is still a possibility that previously unknown archaeological resources could be discovered, particularly as the favorable natural conditions (i.e., proximity to Pacific Ocean) would have attracted prehistoric and historic inhabitants to the project area. Thus, the analysis has conservatively concluded that impacts to cultural archaeological resources are potentially significant.

#### ***Finding***

- *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR (see also Initial Study).*

### ***Facts in Support of Finding***

The potentially significant impacts to previously unknown archaeological resources have been eliminated or substantially reduced to a less than significant level by virtue of the following mitigation measures identified in the Initial Study.

### Mitigation Measures

**Mitigation Measure CULT-1:** The Responsible Parties (RPs) shall retain a qualified archaeologist approved by the DTSC prior to the development of the site to monitor all ground-disturbing activities and that require excavation into native soils. These areas would most likely be limited to the areas near the perimeter of the Site.

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

### **(2) Paleontological Resources**

The site does not contain any known paleontological resources. Surface grading or very shallow excavations in the younger Quaternary Alluvium associated with the Project are unlikely to uncover significant vertebrate fossil remains. However, should deeper excavations extend down into the older Quaternary deposits there would be a very good chance of encountering significant vertebrate fossils specimens. This could result in a potentially significant impact.

### ***Finding***

- *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR (see also Initial Study).*

### *Facts in Support of Finding*

The potentially significant impacts to unknown paleontological resources that may be encountered during construction activities have been eliminated or substantially reduced to a less than significant level by virtue of the following mitigation measures identified in the Initial Study.

#### Mitigation Measures

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

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

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

### **(3) Human Remains**

The site has been heavily disturbed and it is unlikely that implementation of the Project would impact buried or previously unknown human burials. Any resources that may have existed prior to the disturbances are likely to have been displaced. As a result, the overall sensitivity of the site with respect to buried resources appears to be low. Furthermore, the



records search and field survey conducted for the site did not reveal any findings that would support the presence of human remains on the site.

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

### ***Finding***

- *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR (see also Initial Study).*

### ***Facts in Support of Finding***

The potentially significant impacts to human remains that may be encountered during construction activities have been eliminated or substantially reduced to a less than significant level by virtue of the following mitigation measures identified in the Initial Study.

### **Mitigation Measures**

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

## **C. Hazards and Hazardous Materials**

### **(1) Routine Transport, Use, or Disposal of Hazardous Materials**

#### **Short-Term**

An ecological risk assessment concluded that potential risks to wildlife populations do not appear to be significant. The ecological risk assessment determined that the Site provides little support of natural habitats that would serve as significant areas for the establishment of important species populations.

However, the incremental cancer risk at the maximum impacted residential receptor (also the closest sensitive receptor) would exceed significance thresholds even with the incorporation of PDFs (refer to PDFs 2-2 to 2-11) which would result in a potentially significant impact and

required mitigation measures. Most (99%) of the cancer risk is attributed to diesel particulate (DPM) emissions. A portion of DPM emissions would be controlled by PDF 2-2, which requires use of Model Year 2007 or newer export haul trucks that would emit less DPM than the fleet average, but impacts would remain significant prior to mitigation. Acute and chronic health risk HIs at nearby sensitive receptors would remain below the significance thresholds.

### ***Finding***

- *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.*

### ***Facts in Support of Finding***

The potentially significant impacts to nearby off-site residential receptors during construction remediation activities have been eliminated or substantially reduced to a less than significant level by virtue of the following mitigation measure identified in the Draft EIR.

### **Mitigation Measures**

**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 commercially available equipment with a DPF is available..

### **(2) Located on a Hazardous Materials Site Pursuant to Government Code Section 65962.5**

#### **Short-Term**

The Site is included on the "Cortese" list pursuant to Government Code Section 65962.5. The Project is designed to provide remediation and protect the public and the environment from hazards and hazardous materials. The Project would result in short-term transport and disposal of contaminated materials, short-term potential for upset or accidental release, and short-term emissions; however, the Project would implement PDFs 2-1 to 2-12 to minimize the potential for

hazardous materials impacts. Nonetheless, prior to mitigation, impacts would be potentially significant.

### ***Finding***

- *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.*

### ***Facts in Support of Finding***

The potentially significant impacts regarding the Site's location being a hazardous materials site have been eliminated or substantially reduced to a less than significant level by virtue of the following mitigation measure identified in the Draft EIR.

### **Mitigation Measures**

Refer to Mitigation Measure HAZ-1, above. No additional mitigation measures are necessary.

## **E. Noise**

### **(1) Short-Term Noise**

On-site, short-term construction activities associated with implementation of the RAP, aside from the use of the Pit F blower during nighttime, would be conducted during daytime hours specified in the City's Noise Ordinance. Given the temporary nature of the daytime construction activities associated with implementation of the RAP and the fact that daytime construction noise would not exceed the significance threshold of 80 dBA at nearby noise sensitive receptor locations, daytime short-term construction noise impacts would be less than significant. However, nighttime noise associated with the Pit F blower would be a potentially significant impact.

### ***Finding***

- *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.*

### ***Facts in Support of Finding***

The potentially significant impacts regarding exposure of residents to nighttime noise levels from the Pit F blower that exceed the City's standards have been eliminated or

substantially reduced to a less than significant level by virtue of the following mitigation measure identified in the Draft EIR.

### Mitigation Measures

**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 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]).

## **(2) Long-Term Noise**

If necessary, the long-term parking area of the Site would be along the western Site perimeter, remote from nearby single-family residential uses. Therefore, parking related noise impacts would be less than significant.

Mechanical equipment (e.g., mechanical fans) for long-term use would be designed to comply with the City's Noise Ordinance. The Project mechanical design documentation would be required to demonstrate that mechanical fan and/or other related mechanical components to the cap system noise levels would not exceed the measured ambient noise levels during daytime hours at each corresponding measurement location and 50 dBA during nighttime hours at each measurement location. Nonetheless, this impact is conservatively considered potentially significant.

## ***Finding***

- *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.*

### ***Facts in Support of Finding***

The potentially significant impacts regarding exposure of residents to noise levels that exceed the City's standards have been eliminated or substantially reduced to a less than significant level by virtue of the following mitigation measure identified in the Draft EIR.

### **Mitigation Measures**

**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]).

## **7.0 ENVIRONMENTAL IMPACTS FOUND TO BE SIGNIFICANT AND UNAVOIDABLE**

### **A. Air Quality**

#### **(1) Violation of Air Quality Standards**

##### **Construction – Regional Impacts**

Project-related pollutant concentrations are predicted to exceed applicable NO<sub>x</sub> and PM<sub>10</sub> SCAQMD regional air quality (mass emission) thresholds as a result of intensive use of diesel powered heavy-duty construction equipment for most days throughout implementation of the RAP construction remediation activities. Implementation of the RAP would result in significant and unavoidable impacts with regards to regional PM<sub>10</sub> emissions, regional NO<sub>x</sub> emissions, and, given the role of NO<sub>x</sub> to the formation of the non-attainment pollutant ozone (O<sub>3</sub>), attainment of regional ozone standards. In addition, the Project's contribution to regional air quality impacts during short-term construction would also be cumulatively significant and unavoidable, as the South Coast Air Basin is non-attainment for O<sub>3</sub> and PM<sub>10</sub>; and the Project would result in short-term regional construction-period NO<sub>x</sub> emissions (O<sub>3</sub> precursor) and PM<sub>10</sub> that exceed daily significance thresholds.

### ***Finding***

- *Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.*

### Mitigation Measures

Refer to Mitigation Measure HAZ-1, above.

### ***Facts in Support of Finding***

The Project would implement PDFs and a mitigation measure which commit to the best available technology, where feasible, with regards to minimizing impacts related to regional air quality pollutants, including NO<sub>x</sub> and PM<sub>10</sub> emissions. PDFs would be implemented to reduce emissions of NO<sub>x</sub> and PM<sub>10</sub> which includes USEPA Tier 3 complaint off-road equipment (PDF 2-1), dust suppressants (PDFs 2-8 and 2-10), speed reduction on-site (PDF 2-10), and enhanced track-out prevention devices (PDF 2-11). Under Mitigation Measure HAZ-1, the RPs are required to ensure that a majority of the diesel powered off-road equipment (based on annual horsepower hours) to be used on-site include diesel particulate filters, to the extent practical. There are no feasible mitigation measures that would further reduce project-related NO<sub>x</sub> emissions.

Although these PDFs have been taken into account in the analyses presented in the EIR, project-related pollutant concentrations are predicted to exceed applicable regional air quality thresholds as a result of intensive use of diesel powered heavy-duty construction and hauling equipment for most days throughout implementation of the RAP construction remediation activities. Mitigation measure HAZ-1 would further reduce particulate emissions from on-site equipment substantially. However, implementation of the RAP would result in significant and unavoidable impacts with regards to regional NO<sub>x</sub> emissions and its contribution to the formation of the non-attainment pollutant ozone, as well as regional PM<sub>10</sub> emissions. In addition, the Project's contribution to regional air quality impacts during short-term construction would also be cumulatively significant and unavoidable, as the Basin is non-attainment for O<sub>3</sub> and PM<sub>10</sub>; and the Project would result in short-term regional construction-period NO<sub>x</sub> emissions (O<sub>3</sub> precursor) and PM<sub>10</sub> that exceed daily significance thresholds.

The No Project/No Build Alternative, which would maintain existing conditions, has been found to be inconsistent with DTSC's Imminent and Substantial Endangerment Determination Consent Order (I&SE CO) to remediate the Site, as discussed below. As discussed in the EIR, Alternative 2 (Source Removal with Off-Site Disposal) would result in greater short-term, construction-related regional air quality impacts. Alternative 3 (Lower Intensity – Extended Construction Schedule) would potentially result in less than significant impacts related to short-term regional emissions, whereas the Project would result in significant and unavoidable impacts in this regard. However, Alternative 3 has been rejected by DTSC in favor of the proposed Project, as discussed below.

## **(2) Exposure to Substantial Pollutant Concentrations**

### **Construction – Localized Impacts**

Localized air quality pollutant concentrations during implementation of the RAP would exceed the applicable SCAQMD thresholds for 1-hour NO<sub>2</sub>, 24-hour PM<sub>10</sub>, and annual PM<sub>10</sub> emissions. Thus, Implementation of the RAP would result in significant and unavoidable impacts with regards to localized 1-hour NO<sub>2</sub>, 24-hour PM<sub>10</sub>, and annual PM<sub>10</sub> levels. In addition, the Project's contribution to localized air quality impacts during short-term construction would also be cumulatively significant and unavoidable, as the Basin is non-attainment for O<sub>3</sub> and PM<sub>10</sub>; and the Project would result in short-term localized construction-period NO<sub>x</sub> emissions (O<sub>3</sub> precursor) and PM<sub>10</sub> that exceed daily significance thresholds.

### ***Finding***

- *Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.*

### **Mitigation Measures**

Refer to Mitigation Measure HAZ-1, above.

### ***Facts in Support of Finding***

The NO<sub>x</sub> emissions generated during implementation of the RAP would occur from the combustion of diesel fuel in construction equipment. The particulate matter emissions resulting in the PM<sub>10</sub> and PM<sub>2.5</sub> impacts are a combination of dust created by the earthmoving and associated activities needed to remove or consolidate on-site materials and the exhaust of diesel particulate matter (DPM) from the combustion of fuel in the equipment on-site. PDFs would be implemented to reduce localized emissions of NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>, which includes USEPA Tier 3 complaint off-road equipment (PDF 2-1), dust suppressants (PDFs 2-8 and 2-10), speed reduction on-site (PDF 2-10), and enhanced track-out prevention devices (PDF 2-11). Although these PDFs have been taken into account in the EIR, project-related pollutant concentrations are predicted to exceed applicable SCAQMD localized air pollutant thresholds and would result in significant impacts.

There are no feasible mitigation measures that would reduce localized NO<sub>x</sub> emissions beyond those measures that would already be incorporated as PDFs. In addition to contributing to the exceedance of the 24-hour PM<sub>10</sub>, 24-hour PM<sub>2.5</sub> and annual PM<sub>10</sub> threshold, on-site DPM emissions were also shown to result in incremental increases in off-site cancer risks in excess of the applicable health risk threshold unless mitigated (as discussed Section 4.6, *Hazards and*

*Hazardous Materials*, of the Draft EIR). Thus, under Mitigation Measure HAZ-1, the RPs are required to ensure that a majority of the diesel powered off-road equipment (based on annual horsepower hours) to be used on-site include diesel particulate filters, to the extent practical. However, even with implementation of Mitigation Measure HAZ-1, the incremental increase in the localized annual PM<sub>10</sub> and 24-hour PM<sub>10</sub> concentrations (comprised of dust and DPM) at the nearest off-site receptor is predicted to exceed the applicable thresholds. There are no feasible mitigation measures that would reduce localized PM<sub>10</sub> emissions beyond those measures that would already be incorporated as PDFs.

With respect to localized PM<sub>2.5</sub>, Mitigation Measure HAZ-1 is predicted to reduce the incremental increase in 24-hour PM<sub>2.5</sub> concentrations at nearby off-site receptors to a less than significant level. Based on calculations in Section 4.6 of the Draft EIR, the DPM component of PM<sub>2.5</sub> is 58 percent of the total localized PM<sub>2.5</sub> emissions. The mitigation measure would reduce the DPM component of PM<sub>2.5</sub> by 70 percent. Taking into account this reduction, the incremental increase in 24-hour PM<sub>2.5</sub> concentrations would be reduced to approximately 6.5 µg/m<sup>3</sup>, which is less than the threshold of 10.4 µg/m<sup>3</sup>. Thus, the mitigated localized 24-hour PM<sub>2.5</sub> concentrations would be less than significant. However, implementation of the RAP would result in significant and unavoidable impacts with regards to localized 1-hour NO<sub>2</sub>, 24-hour PM<sub>10</sub>, and annual PM<sub>10</sub> levels. In addition, the Project's contribution to localized air quality impacts during short-term construction would also be cumulatively significant and unavoidable, as the Basin is non-attainment for O<sub>3</sub> and PM<sub>10</sub>; and the Project would result in short-term localized construction-period NO<sub>x</sub> emissions (O<sub>3</sub> precursor) and PM<sub>10</sub> that exceed daily significance thresholds.

The No Project/No Build Alternative, which would maintain existing conditions, has been found to be inconsistent with DTSC's I&SE CO to remediate the Site, as discussed below. As discussed in the EIR, Alternative 2 (Source Removal with Off-Site Disposal) would result in greater short-term, construction-related localized air quality impacts. Similar to the Project, Alternative 3 would result in significant and unavoidable impacts with regard to 1-hour NO<sub>2</sub>, 24-hour PM<sub>10</sub>, and annual PM<sub>10</sub> concentrations. Under Alternative 3 (Lower Intensity – Extended Construction Schedule), maximum 1-hour NO<sub>2</sub> impacts would be similar to the Project and PM emissions would be less than the project (still significant and unavoidable). As discussed below, Alternative 3 has been rejected by DTSC in favor of the proposed Project.

## **B. Traffic and Circulation**

### **(1) Traffic: Short-Term**

Short-term traffic generated during implementation of construction remediation activities during the RAP would exceed the applicable traffic impact significance thresholds at seven (7) study area intersections under 2017 operational conditions. Even with implementation of the prescribed mitigation measure, impacts five of the impacted intersections on Beach Boulevard



would not be reduced to a less than significant level. Thus, impacts along beach Boulevard to five intersections listed below would be significant and unavoidable during the A.M., Mid-Day and/or P.M. peak hours under Operating Year (2017) Plus Project conditions, even with the inclusion of Project mitigation.

- 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

### ***Finding***

- *Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.*

### **Mitigation Measures**

**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 utilizing Beach Boulevard (10 in-bound trips per hour and 10 out-bound trips per hour) and 15 utilizing Brookhurst Street (15 in-bound trips per hour and 15 out-bound trips per hour).

### ***Facts in Support of Finding***

During short-term construction activities as part of implementing the RAP, seven of the study area intersections evaluated in the Project's Traffic Study would be significantly impacted.

Because impacts to seven intersections would be potentially significant, Mitigation Measure RTRAF-1 is prescribed. The prescribed Mitigation Measure RTRAF-1 involves decreasing 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). Supply truck, visitor and employee trips would remain the same. The implementation of mitigation would minimize traffic impacts to the extent feasible while still meeting the Project Objectives established for the Project. The prescribed mitigation measure would reduce delay times at two of the seven impacted intersections, Beach Boulevard at Garfield Avenue, and PCH at Brookhurst Street, such that

intersection impact thresholds at these two intersections would not be exceeded under 2017 operational conditions. However, even with implementation of the mitigation measure, impacts at the remaining five intersections on Beach Boulevard would not be reduced to a less than significant level. There are no other feasible mitigation measures beyond Mitigation Measure RTRAF-1 that would reduce intersection delay times at the remaining five impacted intersections to a level below the applicable significance thresholds. Thus, impacts to five intersections would be significant and unavoidable during the A.M., Mid-Day and/or P.M. peak hours under Operating Year (2017) Plus Project conditions, even with the inclusion of Project mitigation.

The No Project/No Build Alternative, which would maintain existing conditions, has been found to be inconsistent with DTSC's I&SE CO to remediate the Site, as discussed below. As discussed in the REIR, Alternative 2 (Source Removal with Off-Site Disposal) and Alternative 3 (Lower Intensity – Extended Construction Schedule) would result in greater short-term, construction-related traffic impacts compared to the Project.

## **8.0 FINDINGS ON THE ALTERNATIVES TO THE PROJECT**

The Draft EIR and Recirculated Draft EIR, in Chapter 5.0, *Alternatives* (incorporated by reference), discusses the environmental effects of alternatives to the Project. A description of these alternatives, a comparison of their environmental impacts to the Project, and DTSC's findings are listed below. These alternatives are compared against the Project relative to the identified Project impacts, summarized in Sections 5.0 to 7.0 above, and to the Project Objectives, as stated in Chapter 2.0, *Project Description*, of the Draft EIR. In making the following alternatives findings, DTSC certifies that it has independently reviewed and considered the information on alternatives provided in the Draft EIR and Recirculated Draft EIR, including the information provided in the comments on the Draft EIR and Recirculated Draft EIR and the responses thereto.

Based upon the above recitals and the entire record, including the RAP Final EIR, oral and written testimony and other evidence received at the public hearings held on the RAP and the RAP EIR and otherwise, upon studies and investigations made by DTSC, DTSC further finds that the Final EIR analyzes a reasonable range of project alternatives that would feasibly attain most of the basic objectives of the RAP Project but would substantially lessen any of the significant impacts of the Project, and adequately evaluates the comparative merits of each alternative. DTSC further finds, as follows:

## **A. Project Objectives**

As set forth by the CEQA *Guidelines*, the list of objectives that DTSC seeks to achieve for the Project is provided below.

1. To reduce 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.
2. To reduce the potential for short-term risks (during implementation activities) to life, property and the environment (inclusive of nearby residences, schools, parks, businesses, and on-site workers) from contaminated materials and waste through proper handling, treatment and disposal.
3. To ensure that contaminated materials and waste are transported in a safe, efficient and coordinated manner to minimize risks to sensitive uses (such as nearby residences and schools).
4. To reduce the potential for on-site contaminated materials to impact groundwater or migrate off-site.
5. To remediate the Site to enhance public health, safety and welfare and ultimately allow potential new uses of the site that will not endanger human health and the environment.
6. To remediate the Site in a timely, expedient, and cost effective manner.

## **B. Alternative 1: No Project/No Development Alternative**

The No Project Alternative is the baseline alternative presented in the 2007 Revised Feasibility Study (RFS) (RAP Alternative 1) because it represents a continuation of existing conditions and no removal of soil, material or debris. Under this Alternative, no further action would be taken to contain, treat, or remove the impacted on-site soils and waste beyond current monitoring, including groundwater monitoring, and maintenance activities. All existing Site features, such as the perimeter berms, fencing, vegetation, lagoons, pits, and other physical features would remain as under existing conditions.

### ***Finding***

- *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.*

### ***Facts in Support of Finding***

Table 1 below provides a comparison of the impacts associated with the Alternatives and the impacts of the Project. As shown therein, the No Project Alternative would generally avoid all of the Project's potentially significant short-term impacts, including the Project's significant and unavoidable impacts regarding short-term regional and localized air quality impacts, and traffic impacts at five (5) intersections. However, this Alternative would generally result in greater long-term impacts such as: aesthetics (visual quality and character, and scenic resources impacts); air quality (regional and localized impacts, and odors); geology and soils (seismic and geologic stability hazards, and soil erosion); hazards and hazardous materials (health risks, and accidental release conditions); water quality; land use planning (consistency with adopted plans and policies); and traffic (alternative transportation facilities).

Table 2 illustrates the ability of the various alternatives to meet the Project Objectives. The following provides a description of the No Project Alternative's ability to meet the Project's objectives. Generally, as the objectives all provide for the remediation of the Site, the No Project Alternative would substantially fail to meet the objectives of the Project. Further, the No Project Alternative is in direct conflict with DTSC's 2003 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 that requires remediation of the Site.

Overall, because this Alternative would substantially fail to meet the Project Objectives, conflicts with the 2003 I&SE CO and provide no long-term remediation, and provides no long-term remediation at the Site that protects the public health, property or the environment, it has been rejected in favor of the proposed Project.

### **C. Alternative 2: Source Removal with Off-Site Disposal**

Alternative 2 calls for bringing the Site to an unrestricted use condition. Alternative 2 is evaluated as "Alternative 6, Source Removal with Off-site Disposal" in the RAP. Under this Alternative, nearly all waste materials would be removed, and the Site would be excavated as needed and backfilled with suitable import materials to street grade. The specific depth of excavation needed would be determined during excavation, based on the applicable remedial goals for unrestricted land uses (i.e., residential uses). If this alternative is implemented, risk-based concentrations (RBCs) for use as Soil Cleanup Levels (SCLs) for each of the Chemicals of Potential Concern (COPCs) consistent with residential land use would be developed. Waste materials, if any, found within the Site with concentrations of COPCs that exceed the RBCs for unrestricted uses would be removed and replaced with clean fill. The excavated materials would be disposed off-site at a regulated disposal/landfill facility, as appropriate. To ensure the RBCs have been met during fieldwork, COPC concentrations in soils would be measured at the

Table 1

**Comparison of Impacts Associated with the Alternatives  
and Impacts of the Project**

	Project Impact	Alternative 1 No Project	Alternative 2 Source Removal with Off-Site Disposal	Alternative 3 Lower Intensity - Extended Schedule
<b>A. Aesthetics</b>				
Short Term – Scenic Vista	Less Than Significant	Less (No Impact)	Similar (Less Than Significant)	Similar (Less Than Significant)
Short-Term - Visual Character and Visual Quality	Less Than Significant	Less (No Impact)	Greater (Less Than Significant)	Greater (Less Than Significant)
Long-Term – Scenic Vista	Less Than Significant	Less (No Impact)	Similar (Less Than Significant)	Similar (Less Than Significant)
Long-Term Visual Character & Quality	Less Than Significant	Greater (No Beneficial Impact)	Less (Less Than Significant)	Similar (Less Than Significant)
Short-Term - Scenic Resources Within a State Scenic Highway	Less Than Significant	Less (No Impact)	Greater (Less Than Significant)	Greater (Less Than Significant)
Long-Term - Scenic Resources Within a State Scenic Highway	Less Than Significant	Greater (No Beneficial Impact)	Similar (Less Than Significant)	Similar (Less Than Significant)
<b>B. Air Quality</b>				
Short-Term - AQMP Consistency	Less Than Significant	Less (No Impact)	Similar (Less Than Significant)	Similar (Less Than Significant)
Long-Term – AQMP Consistency	Less Than Significant	Less (No Impact)	Similar (Less Than Significant)	Similar (Less Than Significant)
Short Term – Violation of Air Quality Standards	Significant and Unavoidable	Less (No Impact)	Greater (Significant and Unavoidable)	Less (Less Than Significant)
Long-Term – Violation of Air Quality Standards	Less Than Significant	Greater (Less Than Significant)	Less (Less Than Significant)	Similar (Less Than Significant)
Short-Term – Cumulative Pollutant Increases	Significant and Unavoidable	Less (No Impact)	Greater (Significant and Unavoidable)	Less (Less Than Significant)
Long-Term – Cumulative Pollutant Increases	Less Than Significant	Greater (Less Than Significant)	Less (Less Than Significant)	Similar (Less Than Significant)

Table 1 (Continued)

Comparison of Impacts Associated with the Alternatives  
and Impacts of the Project

	Project Impact	Alternative 1 No Project	Alternative 2 Source Removal with Off-Site Disposal	Alternative 3 Lower Intensity - Extended Schedule
Short-Term - Sensitive Receptor Exposure to Substantial Pollutant Concentrations	Significant and Unavoidable	Less (No Impact)	Greater (Significant and Unavoidable)	Less (Significant and Unavoidable)
Long-Term - Sensitive Receptor Exposure to Substantial Pollutant Concentrations	Less Than Significant	Greater (Less Than Significant)	Less (Less Than Significant)	Similar (Less Than Significant)
Short-Term - Odors	Less Than Significant	Less (No Impact)	Greater (Less Than Significant)	Greater (Less Than Significant)
Long-Term - Odors	Less Than Significant	Greater (Less Than Significant)	Less (Less Than Significant)	Similar (Less Than Significant)
<b>C. Biological Resources</b>				
Sensitive Plant Species	Less Than Significant With Mitigation	Less (No Impact)	Similar (Less Than Significant With Mitigation)	Similar (Less Than Significant With Mitigation)
Sensitive Wildlife Species	Less Than Significant	Less (No Impact)	Similar (Less Than Significant)	Similar (Less Than Significant)
Riparian Habitat/Natural Communities	Less Than Significant With Mitigation	Less (No Impact)	Similar (Less Than Significant With Mitigation)	Similar (Less Than Significant With Mitigation)
Wetlands	No Impact	Similar (No Impact)	Similar (No Impact)	Similar (No Impact)
Wildlife Movement	Less Than Significant With Mitigation	Less (No Impact)	Similar (Less Than Significant With Mitigation)	Similar (Less Than Significant With Mitigation)
<b>D. Geology and Soils</b>				
Short-Term - Seismic and Geologic Stability Hazards	Less Than Significant	Less (No Impact)	Less (Less Than Significant)	Similar (Less Than Significant)
Long-Term - Seismic and Geologic Stability Hazards	Less Than Significant	Greater (Less than Significant)	Less (Less Than Significant)	Similar (Less Than Significant)
Short-Term - Soil Erosion	Less Than Significant	Less (Less than Significant)	Greater (Less Than Significant)	Greater (Less Than Significant)
Long-Term - Soil Erosion	Less Than Significant	Greater (Less than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)

Table 1 (Continued)

Comparison of Impacts Associated with the Alternatives  
and Impacts of the Project

	Project Impact	Alternative 1 No Project	Alternative 2 Source Removal with Off-Site Disposal	Alternative 3 Lower Intensity - Extended Schedule
<b>E. Greenhouse Gas Emissions</b>				
Short-Term - GHG Emissions	Less Than Significant	Less (No Impact)	Greater (Significant and Unavoidable)	Greater (Less Than Significant)
Long-Term - GHG Emissions	Less Than Significant	Less (No Impact)	Similar (Less Than Significant)	Similar (Less Than Significant)
Short-Term - Plan Consistency	Less Than Significant	Less (No Impact)	Greater (Less Than Significant)	Similar (Less Than Significant)
Long-Term - Plan Consistency	Less Than Significant	Less (No Impact)	Similar (Less Than Significant)	Similar (Less Than Significant)
<b>F. Hazards and Hazardous Materials</b>				
Short-Term - Routine Transport, Use, or Disposal of Hazardous Materials	Less Than Significant With Mitigation	Less (No Impact)	Greater (Significant and Unavoidable)	Similar (Less Than Significant with Mitigation)
Long-Term - Routine Transport, Use, or Disposal of Hazardous Materials	Less Than Significant	Greater (Less Than Significant)	Less (No Impact)	Similar (Less Than Significant)
Short-Term - Upset and Accidental Release Conditions	Less Than Significant	Less (No Impact)	Greater (Less Than Significant)	Similar (Less Than Significant)
Long-Term - Upset and Accidental Release Conditions	Less Than Significant	Greater (Significant and Unavoidable)	Less (No Impact)	Similar (Less Than Significant)
Short-Term - Hazardous Emissions or Handling of Hazardous Materials Near a School	Less Than Significant	Less (No Impact)	Greater (Less Than Significant With Mitigation)	Less (Less Than Significant)
Long-Term - Hazardous Emissions or Handling of Hazardous Materials Near a School	Less Than Significant	Greater (Less Than Significant)	Less (Less Than Significant)	Similar (Less Than Significant)

**Table 1 (Continued)**  
**Comparison of Impacts Associated with the Alternatives**  
**and Impacts of the Project**

	<b>Project Impact</b>	<b>Alternative 1 No Project</b>	<b>Alternative 2 Source Removal with Off-Site Disposal</b>	<b>Alternative 3 Lower Intensity - Extended Schedule</b>
Short-Term - Located on a Hazardous Materials Site Pursuant to Government Code Section 65962.5	Less Than Significant with Mitigation	Less (No Impact)	Greater (Significant and Unavoidable)	Similar (Less Than Significant with Mitigation)
Long-Term - Located on a Hazardous Materials Site Pursuant to Government Code Section 65962.5	Less Than Significant	Greater (Less Than Significant)	Less (Less Than Significant)	Similar (Less Than Significant)
<b>G. Water Quality</b>				
Short-Term - Water Quality	Less Than Significant	Less (Less Than Significant Impact)	Greater (Less Than Significant)	Greater (Less Than Significant)
Long-Term - Water Quality	Less Than Significant	Greater (Potentially Significant)	Less (Less Than Significant)	Similar (Less Than Significant)
Short-Term - Groundwater Supplies	Less Than Significant	Less (No Impact)	Similar (Less Than Significant)	Similar (Less Than Significant)
Long-Term - Groundwater Supplies	Less Than Significant	Similar (No Impact)	Similar (Less Than Significant)	Similar (Less Than Significant)
<b>H. Land Use and Planning</b>				
Impacts relative to Adopted Plans and Policies	Less Than Significant	Greater (Potentially Significant)	Less (Less Than Significant)	Similar (Less Than Significant)
<b>I. Noise</b>				
Short-Term - Noise Levels in Excess of Standards	Less Than Significant with Mitigation	Less (No Impact)	Greater (Less Than Significant)	Similar (Less Than Significant with Mitigation)
Long-Term - Noise Levels in Excess of Standards	Less Than Significant	Less (No Impact)	Less (Less Than Significant)	Similar (Less Than Significant)
Short-Term - Groundborne Vibration and Noise	Less Than Significant	Less (No Impact)	Similar (Less Than Significant)	Similar (Less Than Significant)
Long-Term - Groundborne Vibration and Noise	No Impact	Similar (No Impact)	Similar (No Impact)	Similar (No Impact)



Table 1 (Continued)

Comparison of Impacts Associated with the Alternatives  
and Impacts of the Project

	Project Impact	Alternative 1 No Project	Alternative 2 Source Removal with Off-Site Disposal	Alternative 3 Lower Intensity - Extended Schedule
Substantial Permanent Increase Above Existing Noise Levels	Less Than Significant with Mitigation	Less (No Impact)	Less (Less Than Significant)	Similar (Less Than Significant)
Substantial Temporary or Periodic Increase Above Existing Noise Levels	Less Than Significant with Mitigation	Less (No Impact)	Greater (Less Than Significant)	Similar (Less Than Significant with Mitigation)
<b>J. Traffic/Transportation</b>				
Short-Term - Traffic	Significant and Unavoidable	Less (No Impact)	Greater (Significant and Unavoidable)	Greater (Significant and Unavoidable)
Long-Term - Traffic	Less Than Significant	Less (No Impact)	Similar (Less Than Significant)	Similar (Less Than Significant)
Short-Term - CMP Intersections	Less Than Significant	Less (No Impact)	Greater (Less Than Significant)	Less (Less Than Significant)
Long-Term - CMP Intersections	Less Than Significant	Less (No Impact)	Similar (Less Than Significant)	Similar (Less Than Significant)
Short-Term - Emergency Access	Less Than Significant	Less (No Impact)	Similar (Less Than Significant)	Less (Less Than Significant)
Long-Term - Emergency Access	Less Than Significant	Less (No Impact)	Similar (Less Than Significant)	Similar (Less Than Significant)
Short-Term - Alternative Transportation Facilities	Less Than Significant	Less (No Impact)	Greater (Less Than Significant)	Greater (Less Than Significant)
Long-Term - Alternative Transportation Facilities	Less Than Significant	Greater (No Beneficial Impact)	Similar (Less Than Significant)	Similar (Less Than Significant)
Source: PCR Services Corporation, 2015.				

Table 2

## Alternatives' Ability to Meet Project Objectives

Project Objective	Ability to Meet Project Objective			
	Project	Alternative 1 No Project	Alternative 2 Source Removal with Off-Site Disposal	Alternative 3 Lower Intensity - Extended Schedule
1. To reduce 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.	Meets Objective	Does Not Meet Objective	Meets Objective (Better meets Objective than Project)	Meets Objective (Similar to Project)
2. To reduce the potential for short-term risks (during implementation activities) to life, property and the environment (inclusive of nearby residences, schools, parks, businesses, and on-site workers) from contaminated materials and waste through proper handling, treatment and disposal.	Meets Objective	Does Not Meet Objective	Meets Objective (Meets Objective to lesser extent than Project)	Meets Objective (Better meets Objective than Project)
3. To ensure that contaminated materials and waste are transported in a safe, efficient and coordinated manner to minimize risks to sensitive uses (such as nearby residences and schools).	Meets Objective	Does Not Meet Objective	Meets Objective (Similar to Project)	Meets Objective (Meets Objective to lesser extent than Project)
4. To reduce the potential for on-site contaminated materials to impact groundwater or migrate off-site.	Meets Objective	Does Not Meet Objective	Meets Objective (Better Meets Objective than Project)	Meets Objective (Meets Objective to lesser extent than Project)
5. To remediate the site to enhance public health, safety and welfare and ultimately allow potential new uses of the site that will not endanger human health and the environment.	Meets Objective	Does Not Meet Objective	Meets Objective (Better Meets Objective than Project)	Meets Objective (Similar to Project)
6. To remediate the Site in a timely, expedient, and cost effective manner.	Meets Objective	Does Not Meet Objective	Partially Meets Objective (Meets Objective to lesser extent than Project)	Does not Meet Objective

Source: PCR Services Corporation, 2015

excavation bottoms during implementation of this Alternative, provided the excavation does not proceed down to groundwater. One confirmation sample would be collected at 100-ft centers within the Site from the bottom of the excavation. Analytical results would be compared to the RBCs (or to background concentrations for those higher than the RBC) for each COPC to determine if additional action is warranted. Based on the above, while this Alternative would remove nearly all the waste from the Site, potentially small amounts of contaminated material<sup>9</sup> could remain so long as the materials in the soils and groundwater are not above naturally occurring levels and do not pose a threat to people or the environment. This Alternative would remove approximately 1,000,000 bank cubic yards (BCY) of material from the Site. Construction activities under this Alternative would occur for approximately 41 months, which is approximately 2.5 years longer than the Project. This Alternative would generally involve a similar daily intensity of activities using a similar profile of construction equipment and same number of daily construction-related vehicle trips when compared to the Project. However, no cap would be installed under this Alternative. Similar to the Project, the City Parcel would be rendered usable by the City of Huntington Beach for future landscaping and streetscape improvements. This Alternative would result in a near flat, vacant Site suitable for unrestricted use. This Alternative anticipates that no restrictive covenant would be imposed on the Site for future land uses, but as Table 5-1 of the RAP indicates, pending field or post-remedy conditions, a long-term restrictive covenant may be necessary. Likewise, long-term groundwater monitoring is not expected to be required with implementation of this Alternative, but field conditions may dictate that a monitoring plan be developed and maintained for a 30-year period following completion of the clean-up, as determined appropriate based on consultation with the Santa Ana Regional Water Quality Control Board (SARWQCB).

### ***Finding***

- *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.*

### ***Facts in Support of Finding***

Table 1 above provides a comparison of the impacts associated with the Alternatives and the impacts of the Project. As shown therein, this Alternative would result in a mix of “less,” “greater” and “similar” impacts when compared to the Project. This Alternative would not avoid any of the Project’s significant and unavoidable impacts regarding short-term regional and localized air quality impacts, and traffic impacts. In fact, each of the significant and unavoidable impacts would become “greater” under this Alternative. In addition, this Alternative would result in a new significant and unavoidable impact, as discussed below.

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<sup>9</sup> The term “contaminated material” is meant solely to denote material which may be or have had contact with a contaminant (i.e. non-native substance or chemical); it is not meant to indicate or imply that the material was found to meet any specific definition of hazardous waste, hazardous material, or similar characterization.

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 this Alternative. 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, off-gassing and 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 Project and this Alternative 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 this Alternative. The Project would require approximately 30,000 cubic yards (CY) of excavation while this Alternative would require over 1,000,000 CY. With regard to truck trips to export contaminated soil/materials, this Alternative would require approximately 65,000 export truck trips compared to approximately 2,000 trips required for the Project. The Project would require approximately 205,000 CY of soil import while this Alternative would require approximately 521,000 CY of import. Thus, the amount of truck trips required for soil import under this Alternative would also be much greater than the Project. In addition to more intensive construction and truck activities, the duration of this Alternative 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 due to less equipment and trucks needed compared to this Alternative. 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 this Alternative. Therefore, the lower intensity of the Project would result in reduced life-time cancer risk in comparison to this Alternative.

Since the amount and intensity of equipment operating on a daily and hourly basis would be lower under the Project compared to this Alternative, the extent of short-term acute impacts would be comparatively less under the Project.<sup>10</sup>

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

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<sup>10</sup> *Acute exposure is based on hourly or daily pollutant exposure.*

residential uses. 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 and wind-blown dust to negligible amounts during the post-remediation phase. 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 uses. The Draft EIR has demonstrated that groundwater would not likely migrate off-site. As a result, long-term post-remediation pollutant exposure to nearby sensitive uses, such as 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 this Alternative. As discussed in Section 4.6 of the Draft EIR, cancer risk impacts under the Project with mitigation measures implemented would be less than 1 in one million, which would be below the State's acceptability threshold of 1 in a 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 cancer risk as a result of implementing this Alternative (without mitigation) would be 8 in one million. With mitigation measures implemented, cancer risk under this Alternative would be approximately 2 in one million, which would be above the State's acceptability threshold of one in a million.

In consideration of the Project Objectives, this Alternative would better meet the objective to minimize long-term risks (Objective #1) compared to the Project, while meeting the objective to minimize short-term risks (Objective #2) to a lesser extent than the Project. This Alternative and the project would similarly meet Objective #3 regarding the safe and efficient transport of contaminated materials. With regards to Objective #4, despite the fact that this Alternative could result in greater (less than significant) impacts than the Project in the short-term, the fact that this Alternative would essentially preclude the potential for long-term groundwater impacts from contaminated materials on the Site results in this Alternative better meeting this objective than the Project. However, under the project and this Alternative, surface and ground water quality impacts would both be less than significant. Because the capped Site under the Project could only support a limited type of new uses such as some commercial or recreational uses, whereas this Alternative would allow for unrestricted use, this Alternative allows for a more varied extent of potential new uses than under the Project. As such, this Alternative better meets Objective #5 than the Project. Finally, the shorter remediation phase of the Project compared to this Alternative would ensure that the Site is remediated in a more efficient and timely manner, thus better meeting Objective #6.

In addition, there are only two permitted receiver sites in California currently capable of long-term treatment of the contaminated material from Ascon: Clean Harbors Facility, US EPA ID No. CAD980675276, located in Buttonwillow; and Waste Management Kettleman Hills Facility, US EPA ID No. CAT000646117, located in Kettleman City. DTSC's Community

Protection and Hazardous Waste Reduction Initiative (January 2013) seeks to reduce the amount of hazardous waste disposed in California by 50 percent by the year 2025.<sup>11</sup> The long-term treatment of approximately 1,000,000 bank cubic yards (BCY) of material from the Site under this Alternative would not further DTSC's Community Protection and Hazardous Waste Reduction Initiative. The large volume of exported materials could have a negative impact on the ability of these receiver sites to serve the State-wide needs in hazardous waste landfilling. Furthermore, DTSC recognizes that the California communities where the hazardous waste disposal facilities are sited can bear a disproportionate burden of the safe and legal disposal of such wastes.<sup>12</sup>

Overall, while this Alternative and the Project would have varying degrees of consistency with the Project Objectives, the fact that this Alternative would increase the Project's significant and unavoidable impacts, and adds a new significant and unavoidable health risk for nearby residential uses, while being less consistent with DTSC's Community Protection and Hazardous Waste Reduction Initiative, has caused DTSC to reject this Alternative in favor of the proposed Project.

#### **D. Alternative 3: Lower Intensity - Extended Schedule Alternative**

This Alternative would remove the same amount of waste from the Site and provide the same cap system and long-term design as the Project, except that construction activities would be less intense compared to the Project, which would result in an extended construction schedule. This Alternative is not contemplated in the Draft RAP. The primary purpose of this Alternative is to address the Project's significant and unavoidable air quality impacts, while also reducing the extent of daily traffic impacts. Regional air quality impacts would be determined based on daily emission threshold levels established by the South Coast Air Quality Management District (SCAQMD). By decreasing the intensity of daily construction activities such that daily emission levels from construction activities would fall below applicable SCAQMD thresholds (after mitigation), the length of construction activities would be extended by approximately 25 months compared to the Project. Thus, rather than approximately 11 months of construction activities that would occur under the Project, this Alternative would result in approximately 36 months of construction activities.

Under this Alternative, the daily one-way construction traffic would be approximately 41 percent of the Project's construction traffic. The Project would generate approximately 380 one-

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<sup>11</sup> *The Community Protection and Hazardous Waste Reduction Initiative is applicable to DTSC's 2014-2018 Strategic Plan, Objective 5.7, which states, "Develop and implement strategies to engage in a statewide dialogue to obtain ideas and input from DTSC's network of partners (including communities, the public, other government agencies, and other stakeholders) concerning DTSC's initiative to maximize the reduction in the state's hazardous waste by 2025 so as to reduce California's dependence on hazardous waste landfills and protect all impacted communities."*

<sup>12</sup> *DTSC, Budget Change Proposal 3960-006-BCP-BR-2015-GB Hazardous Waste Reduction, January 6, 2015.*

way daily truck trips, while this Alternative would generate approximately 155 daily truck trips. The maximum daily amount of haul trucks (import and export) would be approximately one-quarter (25%) of the Project or approximately 75 haul trips per day compared to 300 per day under the Project. For purposes of this analysis, although overall construction activities under this Alternative would be less intense than the Project, there could potentially be some construction days where peak hour traffic would be similar to that of the Project. Under these circumstances, construction activities would be at a similar intensity during the A.M. and P.M. peak hours, while construction activities in the afternoon (mid-day) would be less intense compared to the Project. Haul routes would be the same as for this Alternative and the Project.

### ***Finding***

- *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.*

### ***Facts in Support of Finding***

Table 1 above provides a comparison of the impacts associated with the Alternatives and the impacts of the Project. As shown therein, this Alternative would result in a mostly similar impacts compared to the Project, with also a mix of "less" and "greater" impacts when compared to the Project. Notably, with regards to short-term traffic impacts, while this Alternative would have a limited number of worst-case construction days where peak hour traffic would be similar to the Project, on most days, traffic during the peak hours would be less, and the daily overall amount of traffic would be less throughout this Alternative. However, it is acknowledged that traffic generated by this Alternative would occur for three years, as compared to one year under the Project; and that three (3) more intersections would be significantly impacted (significant and unavoidable) compared to the Project given the later 2020 year operational analysis. Therefore, the traffic impact under this Alternative is concluded to be more than the Project, even though this Alternative would result in less overall daily traffic than the Project.

It is acknowledged that Alternative 3 would reduce the Project's significant and unavoidable short-term regional air quality  $\text{NO}_x$  and  $\text{PM}_{10}$  impacts 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  $\text{NO}_2$  impact, even with incorporation of feasible mitigation measures and reduction strategies. Alternative 3 would also reduce 24-hour (daily) and annual localized  $\text{PM}_{10}$  concentrations by approximately two-thirds compared to the Project. However, the daily and annual localized  $\text{PM}_{10}$  concentrations would still exceed the applicable SCAQMD thresholds, resulting in significant and unavoidable impacts. While daily emissions would be less under Alternative 3, the overall amount of pollution generated under this Alternative and the Project would be similar, with emissions being spread out over 3 years as opposed to 1 year under the Project.

The ability of the Lower Intensity - Extended Schedule Alternative (Alternative 3) to meet the stated objectives of the Project is summarized in Table 2, above. Because the Project and this Alternative would ultimately result in the same capped Site, the Project and this Alternative would meet Objectives #1 and #5 to a similar extent. With regards to Objective #2, this Alternative is considered to better meet this objective as it would reduce the extent of short-term air quality impacts compared to the Project due to less intense construction activities. Although, it is acknowledged that while Alternative 3 would take approximately 36 months, a similar total amount of construction activity (including hours of equipment operation, truck miles traveled, etc.) would occur under Alternative 3 as under the Project. Regarding Objective #3, transport efficiency and ability to coordinate would suffer with an artificially extended schedule as would occur under Alternative 3, preventing transport coordinators from securing the optimal number of transport haulers dedicated to the Project and thereby significantly reducing transport efficiency. Thus, Alternative 3 would meet Objective #3 to a lesser extent than the Project. Regarding Objective #4, as Alternative 3 and the Project would include the same cap system, both would meet this objective to ensure that on-site waste materials do not contaminate groundwater or migrate off-site in the long term. However, the longer Alternative 3 schedule would expose the Site under construction conditions for an additional two years and rain/wet seasons, increasing the chance of off-site migration of stormwater-related impacts from the Site. Therefore, Alternative 3 would meet this objective to a lesser extent than the Project.

Finally, consistent with Objective #6, DTSC seeks to remediate the site in a timely and consistent manner, while also minimize health risks to the public and the environment. Under the Project, the construction remediation activities would occur for approximately one year. Under Alternative 3, construction remediation activities would occur for approximately 36 months (~3 years), because Alternative 3 includes less intensive daily construction activities during its implementation. This greater duration of construction activities would be more apparent and perceivable by the surrounding community compared to the Project, even though the end result of the remediation activities (a capped Site) would be the same under Alternative 3 and the Project. However, because Alternative 3 is neither timely, expedient, nor cost-effective, this Alternative does not meet this objective.

Overall, Alternative 3 only meets Objective #2 to a better extent than the Project, with the Project meeting the remaining objectives to a similar or better extent (for 3 objectives). In consideration of the project's significant and unavoidable impacts, first regarding short-term traffic impacts, a greater number of intersections would have significant and unavoidable impacts under this Alternative (8 intersections), as compared to the Project (5 intersections). Second, while this Alternative would result in one of the short-term air quality impacts (regional  $\text{NO}_x$  and  $\text{PM}_{10}$ ) being reduced to a less than significant level, the Project's remaining localized Daily and Annual  $\text{PM}_{10}$  emissions impacts while reduced under this Alternative, would remain significant and unavoidable. Despite the proportionate decrease in daily emissions under this Alternative, health risk impacts to the public would be less than significant under this Alternative and the Project. Because the significant and unavoidable impacts of this Alternative and the



Project would both be short-term in nature without resulting in long- or short-term health risks to the public; the overall amount of air pollution generated under this Alternative and the Project would be similar, with emissions being spread out over 3 years as opposed to 1 year under the Project; and, the Project resulting in the same capped Site in a more expedient and efficient manner, while better meeting the majority of the Project Objectives, DTSC has rejected this Alternative in favor of the proposed Project.

## **9.0 FINDINGS ON THE MITIGATION MONITORING AND REPORTING PROGRAM**

Pursuant to Section 21081.6 of the Public Resources Code, DTSC, in adopting these Findings, also adopts the Mitigation Monitoring and Reporting Program (MMRP) for the RAP for the Ascon Landfill Site. The MMRP is designed to ensure that, during Project implementation, DTSC and other responsible parties will comply with the mitigation measures adopted in these Findings. DTSC hereby finds that the MMRP, which is incorporated into the Final EIR document dated May 2015 (incorporated by reference), meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation and monitoring of Project conditions intended to mitigate potential environmental effects of the Project.

## **10.0 FINDINGS REGARDING FINAL EIR**

Pursuant to CEQA, on the basis of the review and consideration of the Final EIR, DTSC finds that all information included in the Final EIR in “response to comments” and “corrections and additions” to the Draft EIR merely clarifies, amplifies or makes insignificant modifications to an already adequate EIR pursuant to CEQA Guidelines Section 15088.5(b) and that no significant new information has been received that would require recirculation.

## **11.0 STATEMENT OF OVERRIDING CONSIDERATIONS**

DTSC has (i) adopted all feasible mitigation measures and approved the project design features included in the Final EIR, and (ii) rejected alternatives to the Project as discussed above. DTSC recognizes that the following impacts identified in the EIR resulting from Project implantation are not mitigated to a less than significant level:

Air Quality: Construction – Regional Construction Impacts. The Project would, on a temporary basis, exceed the SCAQMD daily significance thresholds for NO<sub>x</sub> and PM<sub>10</sub> emissions during construction remediation activities.

Air Quality: Construction – Localized Impacts. The Project would result in significant and unavoidable short-term impacts with regards to localized 1-hour NO<sub>2</sub>, 24-hour PM<sub>10</sub>, and annual PM<sub>10</sub> levels.

Traffic and Circulation: Short-Term Traffic. Short-term traffic generated during implementation of construction remediation activities during the RAP would significantly impact five (5) intersections along Beach Boulevard during the A.M., Mid-Day and/or P.M. peak hours under Operating Year (2017) Plus Project conditions at:

- 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

In accordance with Section 21081(b) of the California Public Resources Code and Section 15093(b) of the CEQA Guidelines, and having balanced the benefits of the Project against the Project's significant and unavoidable impacts, DTSC hereby finds that the following specific overriding economic, legal, social, technological or other benefits of the Project are individually, as well as collectively, sufficient to outweigh the Project's significant effects on the environment, and the adverse environmental effects of the Project are considered "acceptable."

1. The proposed RAP is consistent with DTSC's 2003 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 that requires remediation of the Site.

2. The Site in its current state (i.e. uncapped) poses a risk to water quality, by allowing rainwater to infiltrate and come into contact with the Site's waste materials and potentially transporting contaminants into the underlying groundwater or surface water. The cap would provide long-term groundwater protection by preventing precipitation from infiltrating into underlying materials. Also, runoff (over the cap system) would not be exposed to contact with waste materials. Thus, surface water quality impacts associated with the Site's current waste materials would be eliminated.

3. The Proposed RAP would result in reshaped and stabilized perimeter berms, minimizing risks pertaining to emergency circumstances, such as those pertaining to a berm failure resulting from the current non-engineered Site characteristics, that could subject the public (inclusive of surrounding residential uses) to exposure or contact with contaminated materials.

4. The proposed RAP meets the need of minimizing safety risks associated with the potential for seismic instability and bringing the Site up to current seismic requirements.

5. The Project will assist the State of California in addressing capacity limitations stated in California Health and Safety Code Section 25146, which declares that:

“The Legislature finds and declares that the number of hazardous waste disposal facilities is decreasing in the face of increasing demand, and that under present circumstances and law, imbalance between supply and demand is likely to further increase in the foreseeable future. This problem is general in nature, and does and will continue to exist in urban, suburban, and rural areas.”

The proposed RAP would effectively contain and manage the vast majority of the existing on-site contaminated waste materials beneath the cap system while minimizing the extent of exported waste materials to hazardous waste disposal facilities. By providing safe and responsible management of the waste materials at the Site during both the short-and long-term remediation activities, the RAP will limit its contribution of waste materials to capacity limitations at receiving waste facilities (i.e., Clean Harbors Facility in Buttonwillow and Waste Management Kettleman Hills Facility in Kettleman City).

Accordingly, the RAP would also be substantially consistent with DTSC’s Community Protection and Hazardous Waste Reduction Initiative (January 2013) which seeks to reduce the amount of hazardous waste disposed in California by 50 percent by the year 2025.<sup>13</sup>

6. DTSC’s mission is “To protect California’s people and environment from harmful effects of toxic substances by restoring contaminated resources, enforcing hazardous waste laws, reducing hazardous waste generation, and encouraging the manufacture of chemically safer products.” Accordingly, DTSC is responsible for ensuring that hazardous wastes generated and handled in California are managed safely and legally to prevent harm to public health and the environment. While acknowledging the potential for short-term environmental impacts as described in the Final EIR, the RAP will nonetheless further DTSC’s mission statement by providing for the long-term protection of public health and the environment in and around the Ascon Landfill Site.

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<sup>13</sup> *The Community Protection and Hazardous Waste Reduction Initiative is applicable to DTSC’s 2014-2018 Strategic Plan, Objective 5.7, which states, “Develop and implement strategies to engage in a statewide dialogue to obtain ideas and input from DTSC’s network of partners (including communities, the public, other government agencies, and other stakeholders) concerning DTSC’s initiative to maximize the reduction in the state’s hazardous waste by 2025 so as to reduce California’s dependence on hazardous waste landfills and protect all impacted communities.”*

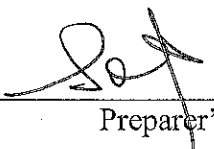
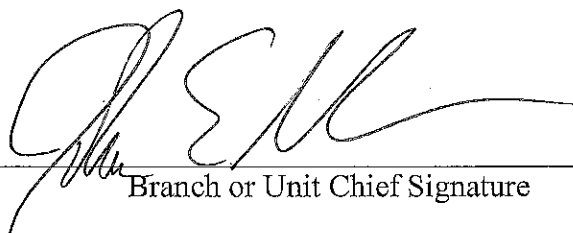
## 12.0 CUSTODIAN OF RECORDS

The custodian of the documents or other material which constitute the record of proceedings upon which the DTSC's decision is based is the:

Department of Toxic Substances Control  
5796 Corporate Avenue  
Cypress, CA 90630-4732

## 13.0 CERTIFICATION

DTSC has reviewed and considered the environmental information contained in the Final EIR SCH No. 2013041010 and hereby determines that it is adequate and in compliance with the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.). In compliance with Public Resources Code Section 21081 and CEQA Guidelines Section 15093, DTSC has considered the Project benefits as balanced against its unavoidable adverse environmental effects and hereby determines that the benefits outweigh the unavoidable adverse environmental effects; therefore, DTSC determines that the unavoidable adverse environmental effects are considered acceptable. DTSC hereby certifies the Final EIR and associated documents, and adopts the Project Mitigation Monitoring and Reporting Program and the Statement of Overriding Considerations.

		6/18/2015
Preparer's Signature		Date
Safouh Sayed	Hazardous Substances Engineer	(714) 484-5478
Preparer's Name	Preparer's Title	Phone #
		6/18/2015
Branch or Unit Chief Signature		Date
John Scandura	Branch Chief	(714) 484-5440
Branch or Unit Chief Name	Branch or Unit Chief Title	Phone #