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M E M O R A N D U M

To: Ascon Site File, Huntington Beach, California (DTSC Site Code 400007)

From: Clayton Larkins, PG
Project Manager

Date: May 14, 2024

Subject: TECHNICAL MEMORANDUM IN RESPONSE TO QUESTIONS
SUBMITTED BY THE CALIFORNIA COASTAL COMMISSION REGARDING THE
ASCONE SITE, HUNTINGTON BEACH, CALIFORNIA (DTSC SITE CODE 400007)

On March 15, 2024, the Department of Toxic Substances Control (DTSC) met with California Coastal Commission (CCC) staff to answer questions related to the protectiveness of the DTSC-approved Remedial Action Plan (RAP) for clean-up of the Ascon Site, future sea level rise (SLR) considerations, and potential risk to current and future off-Site receptors. During the March 15, 2024 meeting, DTSC provided a presentation that is publicly available on DTSC's EnviroStor database, at the following web address:

https://www.envirostor.dtsc.ca.gov/getfile?filename=/public%2Fcommunity_involvement%2F3456196427%2F20240315_Asccon%20Landfill%20Slides.pdf.

As a follow-up to the March 2024 meeting, DTSC provided CCC staff with links to key Ascon Site decision documents for additional information on the Ascon Site remedy (correspondence enclosed). The CCC requested a second meeting to further discuss the Ascon Site and provided a list of questions for discussion, dated April 15, 2024. DTSC and CCC staff held a second meeting to address CCC's written questions on April 26, 2024. This document memorializes DTSC's responses to CCC staff's April 15, 2024 questions below.

DTSC Responses Cal. Coastal Commission's April 15, 2024 Questions

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A. CCC General Questions for DTSC	
CCC Questions	DTSC Responses
<p>1. Were the pits and lagoons at ASCON created through the construction of containment berms or were they excavated into the natural grade?</p>	<p>Based on review of historical aerial photographs, except for Pit F, the waste containing features appear to have been deposited on native soil/sediment at natural grade with pits and lagoons constructed up from natural grade with soil containment berms. Pit F was over-excavated to below natural grade.</p>
<p>2. 3/15/2024 DTSC slides, slide 4 - Soil gas "not likely to exacerbate with the sea level rise due to decreasing vadose zone." Please clarify how a decreased vadose zone would reduce the potential for soil gas (this was discussed at the 3/15/24 meeting (slide 4), but it would be helpful to hear this again to better understand). Is there a concern that the increased zone of saturation would lead to increased contaminants in the aqueous phase?</p>	<p>The referenced slide is not intended to state that decreased vadose zone inherently decreases vapor intrusion (VI) risk, but that sea level rise is not anticipated to increase VI risk at the neighboring Huntington Beach Generation Station property (also known as the Shopoff Site) resulting from contamination at Ascon. This is because soil impacts at Ascon are within the property boundaries of the Ascon Site, primarily above the water table, and the Ascon Site is in the downgradient direction of groundwater flow from the Shopoff Site. In contrast to vapor phase contaminants in the vadose zone, which migrate by diffusion/dispersion, as contaminants are submerged, advection (in the direction of groundwater flow away from Shopoff) becomes the dominant transport mechanism in groundwater. Therefore, sea level rise, and subsequent decreasing vadose zone volume would not be expected to increase risk of exposure to off-Site, upgradient receptors (e.g., at Shopoff).</p>
<p>3. Will the Remedy Operations, Monitoring and Maintenance Plan (OMMP) be developed prior to completion of the RAP activities? Is there an anticipated date for</p>	<p>The OMMP is completed after or near completion of the RAP field work. This is because the final OMMP will be tailored to the final Site configuration and conditions, as needed. Field work is tentatively scheduled to resume in September 2024 and take approximately 22</p>

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development of the final version of the OMMP?	months to complete, so Ascon is anticipated to begin preparing the OMMP in 2026.
4. The RAP includes limited waste removal for off-site disposal. Has that occurred yet? If so, when was it completed? Is this limited waste removal related to the removal of materials from Pit F or is it other than or in addition to Pit F removals?	<p>Ascon completed removal of tarry styrene waste from Pit F in August 2021. Approximately 2,600 cubic yards (cy) of this waste was disposed of off-Site at the Clean Harbors Hazardous Waste Landfill in Buttonwillow, California. Previous removals from the lagoons, which occurred as part of the 2005 emergency action (40,000 cy from lagoons 4 and 5) and 2010 interim action (97,187 tons from lagoons 1, 2 and 3), included off-Site disposal, as well.</p> <p>Some soils will be removed at the completion of grading activities, but the volume is anticipated to be minimal and incidental to the overall project. Additionally, the RAP and Environmental Impact Report (EIR) account for potential future removal (presumably, after completion of the cap) from the adjacent oil-lease property, located west of the Site, pending termination of the lease.</p>
5. Have the removal and disposal off-site of the materials from Pit F already occurred (per RAP, pdf p. 40, Step 3)? Was it Pit F removal activities that caused the odors that shut down the RAP activities in June 2019? Have RAP activities occurred through Step 3, Pit F removal? If so, was that removal completed? Or is work on Pit F removal still needed? Is Pit F removal the most problematic part of the RAP?	<p>Pit F removal was completed in August 2021 and was not the work that prompted the shutdown. Pit F removal was allowed to proceed during the shutdown because the RAP called for it to be completed under a negative pressure enclosure, which is considered to be the most protective option for managing odor emissions.</p>

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<p>6. Pit F extends below the groundwater table. This seems inconsistent with the discussion regarding the clay layer isolating groundwater from contaminants. Please clarify how groundwater is thought to be isolated on site if at all.</p>	<p>Pit F did extend below the groundwater table. Pit F is an exception to the near-contiguous native silt/clay soil believed to act as an aquitard at the Site by limiting movement of surface water to groundwater. This silt/clay layer is identified as one of the Site conditions contributing to the relatively low impacts to groundwater observed beneath the Site.</p>
<p>7. What is the CHP parcel? What are the boundaries of the CHP parcel?</p>	<p>CHP, as described in the RAP, stands for Cannery Hamilton Properties, LLC, who is the Site Owner. The CHP parcel is the entire Site, excluding a 30-foot-wide strip along the northern edge and 20-foot-wide strip along the eastern edge of the Site, which are owned by the City of Huntington Beach and referred to as the City Parcel (see Figure 1.2-2a from 2007 Revised Feasibility Study for a map depiction these "parcels").</p>
<p>8. The 2002 Consent Order linked in C. Larkins 3/15/2024 email does not appear to be signed by DTSC, but the effective date of the Consent Order is the date on which the order is signed by DTSC (Section VII Effective Date, of the 2002 Consent Order). Is there a copy of the signed Consent Order available for review?</p>	<p>See PDF page 49 for Thomas Cota's signature on behalf of DTSC, dated 1/8/2003, which is available on EnviroStor, here: https://www.envirostor.dtsc.ca.gov/getfile?filename=/public%2Fdeliverable_documents%2F9639162957%2FAscon%20Landfill%20order%2030490018_02-2-06.pdf</p>
<p>8. Is re-commencement of RAP activities still expected in mid-2024? If so, what is the expected date of re-</p>	<p>The Restart date has not been finalized but is currently planned for September 2024. DTSC recently approved the first of two odor mitigation pilot test reports, which evaluated methods to</p>

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CCC Questions	DTSC Responses
<p>commencement? If not, is there a new target date for re-commencement?</p>	<p>control odor during field work. DTSC is waiting for Ascon to submit the Restart work plan, and work will not resume before Ascon receives DTSC's approval for that work plan. Once approved, the Restart work plan will be made available on the Ascon EnviroStor page, at https://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=30490018</p>
<p>9. Is it possible that airborne health hazards could occur during RAP construction? If so, what strategies will be implemented to address that?</p>	<p>Potential hazards from remedy construction were analyzed in the EIR. Figure 4.3-6 of the Final EIR shows that airborne emissions of dust and vapors were considered as complete exposure pathways if not mitigated. Accordingly, emissions during construction will be controlled through various project design features to ensure compliance with regulatory requirements, including:</p> <ul style="list-style-type: none"> - Use of chemical and dust emission suppressants combined with optimized odor mitigation work practices. - Compliance with South Coast Air Quality Management District (SCAQMD) Rule 1150/1166 permit requirements for management of volatile organic compound (VOC) contaminated material. - Compliance with SCAQMD rule 1466 for dust emissions. - Equipment specification and operation protocols to minimize diesel exhaust. - Equipment decontamination protocols to minimize track-out. - Robust monitoring for dust and VOC emissions in accordance with a DTSC-approved air monitoring plan.

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CCC Questions	DTSC Responses
	<p>RAP implementation, including these project design features, was evaluated for impacts to off-Site receptors in EIR Appendix E, health risk assessment. Project risk to all potential off-Site receptors was determined insignificant, with the exception of cancer risk to off-Site residents, which was identified as potentially significant. The health risk assessment found that 99% of this cancer risk was driven by diesel particulate matter (DPM). This risk is addressed by Mitigation Measure HAZ-1 of the Final EIR Mitigation Monitoring and Reporting Program, which requires use of a California Air Resources Board (CARB)-certified level 3 diesel particulate filter (DPF) on off-road vehicles for at least 85% of annual horse-power hours.</p>
<p>10. Is it possible that airborne health hazards could occur after the RAP is complete? If so, what strategies are planned to address that? If not, what is that conclusion based on?</p>	<p>The approved engineered cap will include a landfill gas vapor collection and treatment system to mitigate landfill gas emissions. The cap will also eliminate dust from impacted soils and control water infiltration using a vegetative cover and drainage layer over low permeability layers and barriers, combined with a stormwater collection system. Long-term monitoring of soil vapor and groundwater will be conducted after the remedy is completed to ensure the cap performs as intended.</p>
<p>11. If the clay layer is protecting groundwater, how did the groundwater get polluted?</p>	<p>The confining or partially confining nature of the silt/clay layer is believed to impede, but not completely prevent, migration of contaminants to groundwater, limiting dissolved phase impacts in groundwater to localized areas on Site (i.e., wells AW-5, B-4/B-4A, and B-7). The 2007 Groundwater Remedial Investigation (RI) Report explains how the silt/clay layer is one of several</p>

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	<p>Site features believed to have limited Site contaminant impacts to groundwater, as follows:</p> <ul style="list-style-type: none"> - The semi-confining silt/clay layer impedes infiltration and transport to groundwater (e.g. only localized impacts in groundwater on Site), - An upward vertical groundwater gradient (associated with the confining unit) is present, limiting vertical impacts, - There is relatively low groundwater velocity across Site, limiting the rate of contaminant transport in groundwater toward the Site perimeter, - Contaminant concentrations appear to decrease in groundwater during transport, such that off-Site concentrations of Site contaminants do not exceed Maximum Contaminant Levels (MCLs).
<p>12. Slide 6 of the 3/15/2024 presentation shows that groundwater monitoring locations B4a and B7 contain detectable levels of VOCs, but the sampled depth is not provided. Table 2 in the 2003 Tidal Influence letter provides additional information about monitoring locations B4 (is this the same as B4a?) and B7.</p> <p>Are groundwater monitoring locations B4 and B4a the same? Please explain their relationship to each other.</p>	<p>Monitoring well screen intervals can be found in Table 4-1 of the 2007 Groundwater RI Report. Section 4.4.3 of the 2007 Groundwater RI Report explains the relationship of monitoring wells B-4 and B-4A. Monitoring well B-4A (screened from 3.56 to -11.44 ft NAVD88) was installed in 2004 to replace B-4 (screened from -6.70 to -16.70 ft NAVD88)., because well B-4's screen was significantly submerged.</p>

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13. What is the sampled depth for the data provided in Table 2?	<p>Table 2 of the 2003 Tidal Influence Letter (which can be found as Appendix E of the 2007 Groundwater RI Report, available on EnviroStor at https://www.envirostor.dtsc.ca.gov/getfile?filename=/regulators%2Fdeliverable_documents%2F6926482975%2FAcon%20Landfill_GW%20RI%20Report_Revision%201.0_Part%204_6-14-07.pdf) describes groundwater gauging data and does not include analytical sample results. The values presented are related to depth to groundwater, and the presence and thickness of product observed in select wells. Photo Ionization Detector (PID) measurements of total VOC concentrations reported in this table were collected at the top of well casings.</p>

B. CCC Questions on the Remedial Action Plan (RAP)	
CCC Questions	DTSC Answers
<p>1. Section 4.1 Baseline Health Risk Assessment Results, pdf. P. 29 states “perimeter air monitoring was conducted between August 2002 and December 2003 to evaluate the potential for offsite air impacts from the Site and to establish a baseline for comparison purposes for future remedial activities (Geosyntec, 2004). Both short-term (2-hour) and long-term 24-hour sampling were conducted in August 2002. In 2003, three rounds of 8-hour sampling were conducted. The results of the air monitoring indicated that measured concentrations would not pose a significant health risk or were generally within background levels for those chemicals commonly detected in air within the Los Angeles area.”</p> <p>Has more expansive air quality monitoring been conducted? If so, what do the results indicate about risk factor?</p>	<p>Yes. In addition to the 2002-2004 baseline monitoring, much more extensive ambient air monitoring has been conducted both on and off-Site. This extensive data set shows that the risk-based air quality screening levels are not exceeded at Site perimeters.</p> <p>The August 2018 Air Monitoring Plan (AMP) summarizes the results of the air monitoring during the following events:</p> <ul style="list-style-type: none"> - 2005-2006 emergency action (removal of tars from lagoons 4 and 5 due to berm stability concerns), - 2010 to 2011 Interim Removal Measure (removal of tars from lagoons 1 and 2), and - 2017 Lagoon 5 solidification activities. <p>The 2018 AMP includes the air monitoring plan that was implemented from the start of the remedy in January 2019 through June 2019.</p> <p>The August 2019 AMP Addendum describes additional air monitoring requirements, including off-Site monitoring, that were implemented during active and inactive phases of work from August 2019 until February 2024. In October 2023, DTSC approved a pause in off-Site air monitoring until active work resumes. In February 2024, DTSC approved a pause in collection of time-integrated analytical samples from the Site perimeter stations until active work resumes. DTSC approved the pause because air monitoring data collected continuously for over 4 years, during both active and inactive work phases, show that Site emissions were not above background, and there were no exceedances of SCAQMD 1150/1166 permit (for VOCs) or rule 1466 (dust) criteria.</p>

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	These air monitoring results can be found on the Ascon website, https://asconhb.com/air-monitoring/#air-results .
2. If more expansive air quality monitoring has not been conducted, can you explain why a single month of data collection can confidently be extrapolated to represent all conditions present across a year?	Not applicable, see above for details on the extent of, and results from multiple years of air quality monitoring.
3. [The RAP] States "The groundwater investigation and BHRA showed that the only potentially complete exposure pathway from groundwater is limited to inhalation of volatile chemicals from groundwater. The estimated risk from groundwater to a hypothetical resident living on the unremediated Site would be unacceptable, principally due to potential inhalation of benzene found in one well." What is the spatial extent of the Site considered for the above assessment? If it is the parcel boundary, was a similar assessment made for outside of the parcel boundary?	A definition of the Site boundary can be found in the most recent Remedial Action Order, available here: https://www.envirostor.dtsc.ca.gov/getfile?filename=/public%2Fdeliverable_documents%2F3919721305%2FAscon_ENF_RAO.pdf Risk assessment for on-Site receptors would have been conducted for the Site, as defined above (a total of 4 parcels). As stated in RAP Section 4.1, risk assessment due to groundwater impacts outside of Site boundaries was not required "Because there are no off-Site groundwater impacts [so] groundwater does not pose a health risk to offsite residents."

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<p>4. Has air quality monitoring been conducted more recently than 2002 and 2003? If so, when was that done? Are the results available for review?</p>	<p>Yes, air monitoring results were collected continuously from August 2019 to February 2024 and results are available on the Ascon website (https://asconhb.com/air-monitoring/#air-results) and are also posted on the EnviroStor website. See also, response to question B1.</p>
<p>5. Section 5.5.2 Components of Proposed Remedy, pdf page 39, states that a detailed Work Plan will be prepared for DTSC review and approval following approval of the RAP. Is the Work Plan available for review? Where?</p>	<p>Yes, the November 2018 Revised Remedy Implementation Plan is available on EnviroStor, here: https://www.envirostor.dtsc.ca.gov/getfile?filename=/regulators%2Fdeliverable_documents%2F8758178532%2FAscon_RTC-Remedy_Implementation_Plan_(12-07-18).pdf</p> <p>However, because of odor(s) emanating from the Site during work conducted from January to June 2019, a Restart work plan is being developed by Ascon to mitigate/control odor during the remainder of the cleanup work.</p>
<p>6. Section 5.5.2 Components of Proposed Remedy, Step 5, last paragraph, pdf p. 41, states: "During the waste reconsolidation step, the depth of excavation will be limited to no further than the depth to the groundwater table to minimize the potential for a pathway for waste to enter groundwater. Excavations that could potentially approach the groundwater table, aside from the deep Pit F excavation, are limited to areas outside the cap, specifically the City</p>	<p>The Pit F excavation did extend below the groundwater table, and Pit F was backfilled with cement-bentonite slurry to prevent future infiltration. Excavations in areas outside the cap, including the stormwater basins, may, but will not necessarily, reach the groundwater table. Some flexibility in the RAP is present due to uncertainty in depths of impacted materials. If groundwater is encountered, excavation would not proceed beyond that level.</p> <p>After completion of the remedy, soil left outside the cap would not be contaminated, and stormwater retained in the retention basins would not come into contact with contaminated soil. This water is designed to enter the City's stormwater system, but some may infiltrate to groundwater at locations where contaminated soil has been removed.</p>

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<p>Parcel, the perimeter road, and the storm water detention basins.”</p> <p>The above paragraph seems to say that reconsolidation excavation may/will extend to the groundwater table. How close to the groundwater table will excavation occur?</p> <p>It also seems to acknowledge that excavation will extend below the groundwater table at Pit F. It also seems to acknowledge that the storm water detention basins will extend to the groundwater table. What does “extend to the ground water table” mean? Will storm water in the detention basins interact with the GW table? How will groundwater be protected if excavation extends into it? It seems like, once pierced, the contaminants would spread laterally through the groundwater across the site?</p>	<p>Based on the long-term historical groundwater monitoring, contaminated groundwater does not appear to be present beyond the Site boundary. Due to the apparent role of the silty/clay layer in limiting impacts to groundwater, project design feature (PDF) 7-3 of the Mitigation Monitoring and Reporting Program, reported in the Final EIR, specifies that, to the extent feasible, the unimpacted silty/clay layer will not be disturbed during excavation. PDF 7-4 specifies that if groundwater were to be encountered during excavation, excavation would be terminated and backfilled with soils to prevent waste material from entering groundwater.</p>
<p>7. Section 5.5.2 Components of Proposed Remedy, Step 7, pdf p. 42 states:</p> <p>“The details of the soil gas monitoring system will be provided in a remedial design package to be prepared subsequent to the final RAP</p>	<p>The OM&M plan will be tailored to the Site’s post-construction conditions near the completion of the construction phase. The terms Operations and Maintenance Plan and Operations, Maintenance, and Monitoring Plan refer to the same document. The OM&M plan will be publicly available on EnviroStor upon DTSC-approval. See also, the response to question A3, above.</p>

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<p>approval. The system components will be maintained according to a written Operations and Maintenance (O&M) Plan. The O&M Plan for the proposed remedy will be developed after the remedial design plans are approved by DTSC.”</p> <p>Since the RAP was approved in 2015, has the Operations & Maintenance Plan been prepared? If so, is it possible to get a copy? Is the Operations & Maintenance Plan the same as the Operations, Maintenance, & Monitoring Plan referenced in the 3/15/2024 DTSC slides?</p>	
<p>8. Section 5.5.3 Proposed Groundwater Contingency Program, pdf p. 42, states:</p> <p>“As indicated in Section 2.4, known volatile chemical impacts to groundwater from Site wastes are limited to relatively few chemicals in shallow groundwater.”</p> <p>Does the impacted groundwater interact w/ deeper groundwater? Please clarify how one area of groundwater could be impacted by volatile</p>	<p>According to the 2007 Groundwater RI Report, characterization data indicate impacts are localized and shallow. Contaminated groundwater has been detected in some areas on-Site, but is not detected in other areas on-Site or downgradient from the Site. Some proposed reasons for this include:</p> <ul style="list-style-type: none"> - Silt/clay layer reduces the contact of contaminants to groundwater. - The upward GW gradient is believed to have prevented contaminants from migrating deeper into the aquifer. - The low lateral gradient, and resulting slow-flowing groundwater, means contaminants spread slowly.

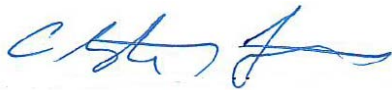
B. CCC Questions on the Remedial Action Plan (RAP)	
CCC Questions	DTSC Answers
chemicals, but not all groundwater at the site.	- If contaminants are degrading/attenuating as fast or faster than the rate of transport, the plume will be stable or shrinking.
9. Section. 5.5.5 Permit Requirements & Implementation Plans, pdf p. 47, says a Coastal Development Permit (CDP) is required for the RAP. A preliminary search of CCC records for a local CDP did not immediately reveal evidence of a local CDP. Was a CDP for the RAP approved? Can a copy of the CDP be provided?	DTSC has enclosed a copy of the CDP with this correspondence.
10. Summary and Limitations, pdf. page 152, states: "Furthermore, because of the unpredictable mixture of COPCs at the Site in any given area, a determination of the risk posed by chemicals remaining at the Site following remedial actions can only be accurately determined using soil confirmation data obtained following the remedial action (i.e., soil samples from the remedial excavation floor)." We understand this statement to indicate that the risk of the	This statement acknowledges the fact that the remedial design is based on a conceptual understanding of Site conditions derived from Site characterization data. Confirmation soil samples will be needed from the excavation floor and sidewalls of excavated areas outside of the final cap to confirm that the remedial objectives are achieved through design implementation.

B. CCC Questions on the Remedial Action Plan (RAP)	
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remediated Site cannot be assessed until the remedial actions are completed. Is that correct?	
<p>11. Table E-5, pdf page 161</p> <p>In general terms, please summarize the Risk or Hazard column of this table for us.</p>	<p>The Risk or Hazard column of Table E-5 shows the incremental excess lifetime cancer risk (ILCR) and non-cancer hazard quotient (HQ) values used to develop risk-based concentrations for soil remediation at the Site. The ILCR refers to the excess risk for an individual to develop cancer from a given exposure and an ILCR of 1×10^{-5} (a cancer risk of 10 in one million) is within CalEPA's risk management range. An HQ greater than 1 is used to identify chemical exposures that could elicit non-cancerous, adverse health effects, whereas an HQ of less than 1 defines exposures considered unlikely to yield adverse health effects.</p>
<p>12. DTSC LETTER SUSPENDING ASCON REMEDIATION ACTIVITIES (6/12/2023): Pdf p. 2, 2nd paragraph:</p> <p>"We note that monitoring has not found any chemicals in the air above a level that causes a public health concern. We also note that monitoring and dust and odor suppression activities has continued even after we suspended cleanup work. However, Project navigator must address community complaints over odors and dust."</p>	<p>Correct. Conservative, health-protective air-monitoring action levels (established in the 2018 AMP) have not been exceeded during remediation. Also, the odor causing compounds on Site have been characterized and mapped as reported in the Final Site Wide Odor Assessment Report dated January 2022 and available on EnviroStor:</p> <p>https://www.envirostor.dtsc.ca.gov/public/view_document?docurl=/public/deliverable_documents/8567158579/ASCON%20Final%20Sitewide%20Odor%20Assessment%20Report%5F2022%2E01%2E12%5Ffinal%2Dtext%2Dtables%2Dfigures%2Dappendices%20%281%29%2Epdf</p>

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So, despite complaints, no problem with the air or with the work has been identified, other than the odor? Has the source/cause of the odor been determined? If so, what was it?	
13. We have not yet found an official report of the neighbors' complaints or the subsequent investigation. Is there such a report and investigation? If so, where would we find them?	<p>In addition to the June 12, 2019 Suspension of Remedy Letter, community complaints and concerns are documented in the June 2022 Ascon Public Participation Plan, available on EnviroStor:</p> <p>https://www.envirostor.dtsc.ca.gov/getfile?filename=/public%2Fdeliverable_documents%2F9690550863%2FAscon%20Public%20Participation%20Plan%202022%20(FINAL).pdf</p> <p>Also, South Coast Air Quality Management District responded to odor complaints and may be a resource for such records, as well.</p> <p>A good place to start for an overview of investigations conducted after the shutdown is the March 21, 2023 Enclosure Feasibility Evaluation Report. Other investigation reports completed subsequent the remediation shutdown and available publicly on EnviroStor, include:</p> <ul style="list-style-type: none"> - July 2019 Asbestos Survey Report - August 2019 Daily Soil Cover Report - August 2019 AMP Addendum - June 2021 Noise Assessment report - January 2022 Site-wide Odor Assessment Report - February 2022 Pit F Construction Completion Report - February 2024 EMC Pilot Test Completion Report

B. CCC Questions on the Remedial Action Plan (RAP)	
CCC Questions	DTSC Answers
	The Soil Vapor Extraction Pilot Test Completion Report and Remediation Restart Workplan will be forthcoming.

Sincerely,



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Enclosures

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Enclosure 1. Department of Toxic Substances Control Correspondence to California Coastal Commission Dated March 15, 2024, Providing Ascon Site Information

From: [Larkins, Clayton@DTSC](mailto:Larkins.Clayton@DTSC)
To: [Vaughn, Meg@Coastal](mailto:Vaughn.Meg@Coastal)
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Subject: RE: Magnolia Tank Farm & ASCON -Ascon presentation and additional materials
Date: Friday, March 15, 2024 1:08:00 PM

Hi Meg,

Nice to meet you and your team on today's call. I've added today's presentation to EnviroStor, here:

https://www.envirostor.dtsc.ca.gov/getfile?filename=/public%2Fcommunity_involvement%2F3456196427%2F20240315_Ascon%20Landfill%20Slides.pdf

DTSC's Sea Level Rise planning information, including our draft Guidance (currently under revision) is here: <https://dtsc.ca.gov/climate-change/>

Regarding other Ascon Resources,

Regular project status updates, "explainers" and monitoring data are posted to the RP's AsconHB website: <https://asconhb.com/>

For Ascon background and clean-up requirements, I think the best document to start with is the 2002 Consent Order:

https://www.envirostor.dtsc.ca.gov/getfile?filename=/public%2Fdeliverable_documents%2F9639162957%2FAscon%20Landfill%20order%2030490018_02-2-06.pdf

The next would be the 2015 Remedial Action Plan (RAP), which summarizes Site characterization data up to that point, including risk assessment findings, and describes the state-approved clean-up plan.

[https://www.envirostor.dtsc.ca.gov/getfile?filename=/public%2Fdeliverable_documents%2F3456373453%2FAscon_Final_RAP_Complete_June-2015%20\(2\).pdf](https://www.envirostor.dtsc.ca.gov/getfile?filename=/public%2Fdeliverable_documents%2F3456373453%2FAscon_Final_RAP_Complete_June-2015%20(2).pdf)

The remediation work described in the RAP started in in January 2019, but DTSC and the South Coast Air Quality Management District shut down the cleanup effort in June due to public concerns about odors being generated during excavation. The formal letter explaining the shutdown and additional requirements is here:

https://www.envirostor.dtsc.ca.gov/getfile?filename=/public%2Fdeliverable_documents%2F6302793741%2FAscon%20Landfill_Suspension%20of%20Remedy%20Implementation%20and%20Additional%20Measures_061219.p

[df](#)

Since 2019, the responsible parties have been working to address these requirements, which largely focus on mitigating off-Site odors during excavation on Site. Work completed since the 2019 shutdown and leading up to the odor mitigation pilot testing is summarized here:

https://www.envirostor.dtsc.ca.gov/getfile?filename=/regulators%2Fdeliverable_documents%2F8860508561%2FAacon_Final%20REFE_2023-3-21.pdf

Pilot test completion reports will also be posted, once approved, to be followed by a restart workplan.

Feel free to reach out with any further questions.

Best,

Clayton Larkins, PG

Site Mitigation and Restoration Program/Cypress Office

657-777-9816

Clayton.Larkins@dtsc.ca.gov

Department of Toxic Substances Control

From: Vaughn, Meg@Coastal <Meg.Vaughn@coastal.ca.gov>

Sent: Wednesday, February 28, 2024 9:03 AM

To: Larkins, Clayton@DTSC <Clayton.Larkins@dtsc.ca.gov>

Cc: Schwing, Karl@Coastal <Karl.Schwing@coastal.ca.gov>; Vaughn, Shannon@Coastal <Shannon.Vaughn@coastal.ca.gov>; Spencer, Amrita@Coastal <Amrita.Spencer@coastal.ca.gov>; Ta, Nicholas@DTSC <Nicholas.Ta@dtsc.ca.gov>; Stanphill, Benjamin@DTSC <Benjamin.Stanphill@dtsc.ca.gov>; Anderson, Jessica@DTSC <Jessica.Anderson@dtsc.ca.gov>; Padilla, Javier@Coastal <javier.padilla@coastal.ca.gov>; Smith, Jeremy@Coastal <jeremy.smith@coastal.ca.gov>

Subject: Re: Magnolia Tank Farm & ASCON

This Message Is From an External Sender

This message came from outside your organization.

Good Morning,

Below is the zoom meeting invitation for Friday, 3/15 at 11 am.

The meeting is to discuss the interaction, if any, between the Magnolia Tank Farm site and the Ascon site in Huntington Beach.

Thank you,

Meg Vaughn

Coastal Program Analyst

California Coastal Commission

meg.vaughn@coastal.ca.gov

South Coast is inviting you to a scheduled Zoom meeting.

Topic: Ascon & Magnolia Tank Farm

Time: Mar 15, 2024 11:00 AM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/88420434546?pwd=lie8NS5NNsM4mIJO2TW5snKR7Sjg2V.1>

Meeting ID: 884 2043 4546

Passcode: 552564

One tap mobile

+16694449171,,88420434546#,,,,*552564# US

+17207072699,,88420434546#,,,,*552564# US (Denver)

Dial by your location

- +1 669 444 9171 US
- +1 720 707 2699 US (Denver)
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 719 359 4580 US
- +1 564 217 2000 US
- +1 646 558 8656 US (New York)
- +1 646 931 3860 US
- +1 689 278 1000 US
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US

- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US

Meeting ID: 884 2043 4546

Passcode: 552564

Find your local number: <https://us06web.zoom.us/j/kCns39JQv>

From: Larkins, Clayton@DTSC <Clayton.Larkins@dtsc.ca.gov>
Sent: Wednesday, February 28, 2024 8:31 AM
To: Vaughn, Meg@Coastal <Meg.Vaughn@coastal.ca.gov>
Cc: Schwing, Karl@Coastal <Karl.Schwing@coastal.ca.gov>; Vaughn, Shannon@Coastal <Shannon.Vaughn@coastal.ca.gov>; Spencer, Amrita@Coastal <Amrita.Spencer@coastal.ca.gov>; Ta, Nicholas@DTSC <Nicholas.Ta@dtsc.ca.gov>; Stanphill, Benjamin@DTSC <Benjamin.Stanphill@dtsc.ca.gov>; Anderson, Jessica@DTSC <Jessica.Anderson@dtsc.ca.gov>
Subject: RE: Magnolia Tank Farm & ASCON

Great, thank you, Meg.

Could you please send the invite and include those cc'd here? I'll forward to a few others on our team, who may attend, as well.

Best,

Clayton Larkins, PG

Site Mitigation and Restoration Program/Cypress Office

657-777-9816

Clayton.Larkins@dtsc.ca.gov

Department of Toxic Substances Control

From: Vaughn, Meg@Coastal <Meg.Vaughn@coastal.ca.gov>
Sent: Wednesday, February 28, 2024 8:29 AM
To: Larkins, Clayton@DTSC <Clayton.Larkins@dtsc.ca.gov>
Cc: Schwing, Karl@Coastal <Karl.Schwing@coastal.ca.gov>; Vaughn, Shannon@Coastal

<Shannon.Vaughn@coastal.ca.gov>; Spencer, Amrita@Coastal <Amrita.Spencer@coastal.ca.gov>;
Ta, Nicholas@DTSC <Nicholas.Ta@dtsc.ca.gov>; Stanphill, Benjamin@DTSC
<Benjamin.Stanphill@dtsc.ca.gov>; Anderson, Jessica@DTSC <Jessica.Anderson@dtsc.ca.gov>
Subject: Re: Magnolia Tank Farm & ASCON

Hello Mr. Larkins,

CCC staff can meet on Friday, 3/15 at 11 am.

Would you like to send a zoom invitation or shall I?

Thank you,

Meg Vaughn

Coastal Program Analyst

California Coastal Commission

meg.vaughn@coastal.ca.gov

From: Larkins, Clayton@DTSC <Clayton.Larkins@dtsc.ca.gov>

Sent: Tuesday, February 27, 2024 4:17 PM

To: Vaughn, Meg@Coastal <Meg.Vaughn@coastal.ca.gov>

Cc: Schwing, Karl@Coastal <Karl.Schwing@coastal.ca.gov>; Vaughn, Shannon@Coastal
<Shannon.Vaughn@coastal.ca.gov>; Spencer, Amrita@Coastal <Amrita.Spencer@coastal.ca.gov>;
Ta, Nicholas@DTSC <Nicholas.Ta@dtsc.ca.gov>; Stanphill, Benjamin@DTSC
<Benjamin.Stanphill@dtsc.ca.gov>; Anderson, Jessica@DTSC <Jessica.Anderson@dtsc.ca.gov>

Subject: RE: Magnolia Tank Farm & ASCON

Hello Ms. Vaughn,

Thank you for reaching out. Yes, I am DTSC's project manager for the Ascon Site. I would be happy to provide a briefing on Ascon with consideration for the topics you mentioned.

The earliest our team can be available is the week of March 11. Below are some windows for our availability that week. Is there a 60-minute slot in there that would work for you?

Monday, March 11, 10-11 a.m.,

Wed, March 13, 3:30-4:30 p.m.,

Thursday, March 14, 2-4:30 p.m., or

Friday, March 15, 11 a.m. -12 p.m.

Best,

Clayton Larkins, PG

Site Mitigation and Restoration Program/Cypress Office

657-777-9816

Clayton.Larkins@dtsc.ca.gov

Department of Toxic Substances Control

From: Vaughn, Meg@Coastal <Meg.Vaughn@coastal.ca.gov>

Sent: Tuesday, February 27, 2024 8:51 AM

To: Larkins, Clayton@DTSC <Clayton.Larkins@dtsc.ca.gov>

Cc: Schwing, Karl@Coastal <Karl.Schwing@coastal.ca.gov>; Vaughn, Shannon@Coastal <Shannon.Vaughn@coastal.ca.gov>; Spencer, Amrita@Coastal <Amrita.Spencer@coastal.ca.gov>

Subject: Magnolia Tank Farm & ASCON

Hello Mr. Larkins,

I am the planner assigned to the City of Huntington Beach's request for a Local Coastal Program Amendment (LCPA) to make changes to accommodate the proposed Magnolia Tank Farm (MTF) Specific Plan. The City's proposed LCPA would newly allow residential development and a hotel. MTF is immediately adjacent to the ASCON site's southern property line.

I got your contact information from the ASCON website: www.envirostor.dtsc.ca.gov

Coastal Commission staff is trying to understand whether there is any relationship between the ASCON site and the MTF site that could effect the type of development that may be appropriate at the MTF site. We are aware that DTSC has deemed the MTF site suitable for residential development based on post-remediation conditions, per the attached letter. But we are hoping to better understand whether future conditions may have an effect on the MTF site. Particularly, we are interested in understanding whether future sea level rise and/or future increased frequency/intensity storm events could impact groundwater exchange between the two sites. But any information you may have that would help Coastal Commission staff better understand the relationship between the two sites now and in the future would be very helpful.

Coastal Commission staff would like to arrange a zoom meeting with DTSC staff to discuss the status of the ASCON site, and to better understand whether impacts from ASCON could possibly effect the Magnolia Tank Farm site at some future point. If possible, would you please let me know some dates you and/or your staff would be available to meet in the next week or two?

Please let me know if you have any questions about this request.

If you are not the correct DTSC person to contact regarding ASCON, would you please let me know who the best contact at DTSC would be?

Thank you,

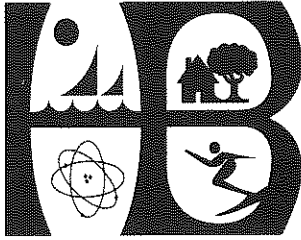
Meg Vaughn

Coastal Program Analyst

California Coastal Commission

meg.vaughn@coastal.ca.gov

Enclosure 2. Coastal Development Permit No. 16-016/Conditional Use Permit No. 16-034
(Ascon Final Remediation)



Huntington Beach Planning Commission

2000 MAIN STREET

CALIFORNIA 92648

NOTICE OF ACTION

September 26, 2018

Tamara Zeier
Project Navigator
One Pointe Drive, Suite 320
Brea, CA 92821

SUBJECT: COASTAL DEVELOPMENT PERMIT NO. 16-016/CONDITIONAL USE
PERMIT NO. 16-034 (ASCON FINAL REMEDIATION)

APPLICANT: Tamara Zeier, Project Navigator, One Pointe Drive, Suite 320, Brea, CA
92821

PROPERTY

OWNER: Ian Robb, Cannery Hamilton Properties LLC, 6001 Bollinger Canyon
Road, Room C2136, San Ramon, CA 94583

REQUEST: **CDP:** To implement the final remedial action plan for the site with grading
involving more than 25,000 cubic yards of import/export. **CUP:** To permit: 1)
a 6 ft. tall aluminum fence with 6.5 ft. tall pilasters at a 3 inch front setback
along Hamilton Ave. and Magnolia St. instead of a minimum 15 ft. setback;
and 2) gated access to the site.

LOCATION: 21641 Magnolia Street, 92646 (southwest corner at Hamilton Avenue)

**COASTAL
STATUS:** APPEALABLE

**DATE OF
ACTION:** September 25, 2018

On Tuesday, September 25, 2018, the Huntington Beach Planning Commission took action on
your application, and your application was **approved with findings and conditions of
approval**. Attached to this letter are the findings and conditions of approval.

Please be advised that the Planning Commission reviews the conceptual plan as a basic
request for entitlement of the use applied for and there may be additional requirements prior to
commencement of the project. It is recommended that you immediately pursue completion of
the conditions of approval and address all requirements of the Huntington Beach Zoning and
Subdivision Ordinance in order to expedite the processing/completion of your total application.
The conceptual plan should not be construed as a precise plan, reflecting conformance to all
Zoning and Subdivision Ordinance requirements.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Planning Commission becomes final at the expiration of the appeal period unless an appeal is filed to the City Council. The notice of appeal shall include the name and address of the appellant, the decision being appealed, and the grounds for the appeal. Said appeal must be accompanied by a filing fee of Two Thousand, Ninety-Eight Dollars (\$2,098.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and Three Thousand, Five Hundred Fifty-Two Dollars (\$3,552.00) if the appeal is filed by any other party. The appeal shall be submitted to the City Clerk within ten (10) working days of the date of the Planning Commission's action. There is no fee for the appeal of a Coastal Development Permit to the California Coastal Commission.

In your case, the last day for filing an appeal and paying the filing fee is **October 9, 2018, at 5:00 PM.**

This project is in the appealable portion of the coastal zone. Action taken by the Planning Commission may be appealed directly to the Coastal Commission only if Title 14, Section 13573 of the California Administrative Code is applicable. Section 13573(a)(3) states that an appeal may be filed directly with the Coastal Commission if the appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of this article. If the above condition exists, an aggrieved person may file an appeal within ten (10) working days, pursuant to Section 30603 of the Public Resources Code, in writing to:

South Coast Area Office
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302
Attn: Teresa Henry
(562) 590-5071

The Coastal Commission review period will commence after the City appeal period has ended and no appeals have been filed. Applicants will be notified by the Coastal Commission as to the date of the conclusion of the Coastal Commission review. Applicants are advised not to begin construction prior to that date.

Provisions of the Huntington Beach Zoning and Subdivision Ordinance are such that any application becomes null and void one (1) year after final approval, or at an alternative time specified as a condition of approval, unless actual construction has started.

Excepting those actions commenced pursuant to the California Environmental Quality Act, you are hereby notified that you have 90 days to protest the imposition of the fees described in this Notice of Action. If you fail to file a written protest regarding any of the fees contained in this Notice, you will be legally barred from later challenging such action pursuant to *Government Code* §66020.

If you have any questions regarding this Notice of Action letter or the processing of your application, please contact Ricky Ramos, the project planner, at (714) 536-5624 or via email at RRamos@surfcity-hb.org, or the Community Development Department at (714) 536-5271.

Sincerely,

Ursula Luna-Reynosa, Secretary
Planning Commission

By:



Jane James, Planning Manager

ULR:JJ:RR:kdc

Attachment: Findings and Conditions of Approval – CDP No. 16-016 and CUP No. 16-034

- c: Honorable Mayor and City Council
Chair and Planning Commission
Fred A. Wilson, City Manager
Ursula Luna-Reynosa, Director of Community Development
Bill Reardon, Division Chief/Fire Marshal
Mike Vigliotta, Assistant City Attorney
Debbie DeBow, Principal Civil Engineer
Mark Carnahan, Building Manager
Ricky Ramos, Senior Planner
Property Owner
Project File

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

**COASTAL DEVELOPMENT PERMIT NO. 16-016/
CONDITIONAL USE PERMIT NO. 16-034**

FINDINGS FOR CEQA:

The Planning Commission finds and determines that no additional environmental review is necessitated in that the project is covered under the Environmental Impact Report for the Ascon Landfill Remedial Action Plan (State Clearinghouse No. 2013041010) certified by the Department of Toxic Substances Control on June 18, 2015. Per Section 15162 of the CEQA Guidelines no further environmental review is required as no substantial changes are proposed with the project; therefore there are no new significant environmental effects nor a substantial increase in the severity of previously identified significant effects.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 16-034:

1. Conditional Use Permit No. 16-034 for the establishment, maintenance and operation of a 6 ft. tall aluminum fence with 6.5 ft. tall pilasters at a 3 inch front setback along Hamilton Avenue and Magnolia Street instead of a minimum 15 ft. setback and gated access to the site will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood because the proposed fence complies with the required visibility triangle at the corner of Magnolia Street and Hamilton Avenue. It is designed in substantial compliance with the Urban Design Guidelines by incorporating attractive materials, an open view design with pilasters, and ground cover which soften its appearance. The gated site access provides adequate vehicle stacking of over 40 feet and will comply with Fire and Police Department emergency access requirements.
2. The granting of the conditional use permit will not adversely affect the General Plan because it is consistent with the Land Use Element designation of Residential Medium Density – Specific Plan Overlay on the subject property. In addition, it is consistent with the following objectives and policies of the General Plan:
 - a. Objective C 4.7: Improve the appearance of visually degraded areas within the Coastal Zone.
 - b. Policy C 4.7.10: Encourage the remediation and cleanup of the NESI (Ascon) site. Work with other responsible agencies and property owner to facilitate site clean-up.

The project will result in the remediation of the Ascon Landfill which will improve the environmental quality of life in the area as well as the visual appearance of the landfill. Upon completion of the remediation the landfill will be enclosed with a decorative fence and a vegetated cap further enhancing the appearance of the landfill. The fence is designed in substantial compliance with the Urban Design Guidelines by incorporating attractive materials, an open view design with pilasters, and ground cover which soften its appearance and is compatible with surrounding uses. The reduced fence setback is also compatible

with the perimeter tract walls of the nearby residential areas which also do not have any setbacks along Magnolia Street and Hamilton Avenue.

3. The proposed 6 ft. tall aluminum fence with 6.5 ft. tall pilasters at a 3 inch front setback along Hamilton Avenue and Magnolia Street, instead of a minimum 15 ft. setback, and gated access to the site will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) and any specific condition required for the proposed use in the district in which it would be located, except for the reduced front setback which is permitted with approval of a conditional use permit because the proposed fence complies with the required visibility triangle at the corner of Magnolia Street and Hamilton Avenue and no other deviations from the zoning code are proposed. As required by the HBZSO, the gated site access provides adequate stacking of over 40 feet which exceeds the required minimum of 20 feet and will comply with Fire and Police Department emergency access requirements.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 16-016:

1. Coastal Development Permit No. 16-016 to implement the final remedial action plan for the Ascon landfill with grading involving more than 25,000 cubic yards of import/export as modified by conditions of approval, conforms with the General Plan, including the Local Coastal Program. The General Plan Land Use Map designation on the subject property is Residential Medium Density – Specific Plan Overlay. The proposed project is consistent with this designation because it only involves the final remediation of the property. It is also consistent with the goals, objectives, and policies of the City's General Plan as follows:

A. Coastal Element

Policy C 2.2.2: Maintain existing pedestrian facilities and require new development to provide pedestrian walkways and bicycle routes between developments.

Policy C 4.6.3: For new re-development, require the preservation of existing mature tree (as defined by the City's Landscape Ordinance). If preservation of existing mature trees is not feasible, require that removed trees be replaced at a minimum 2:1 ratio either on site, or elsewhere within the Coastal Zone, as prescribed by the City.

Objective C 4.7: Improve the appearance of visually degraded areas within the Coastal Zone.

Policy C 4.7.10: Encourage the remediation and cleanup of the NESI (Ascon) site. Work with other responsible agencies and property owner to facilitate site clean-up.

B. Natural and Environmental Hazards

Goal HAZ-5: Environmental cleanup and management of brownfield sites improves environmental quality of life, desirability of surrounding neighborhoods, economic development, and housing options in the community.

Policy HAZ-5(A): Continue to identify, map, and remediate existing hazardous waste sites and require remediation when a property is redeveloped.

The project will result in the remediation of the Ascon landfill which will improve the environmental quality of life in the area as well as the visual appearance of the landfill. Upon completion of the remediation the landfill will be enclosed with a decorative fence that is in substantial compliance with the Urban Design Guidelines further enhancing the appearance of the landfill. The remediation will result in the removal existing landscaping onsite including 14 mature trees. While 2:1 tree replacement onsite is not feasible due to the restrictions resulting from the remediation, a condition of approval is recommended to require the applicant to pay a fee to the City equivalent to the cost of planting 28 trees in the southeast area of the City. Coastal access through existing area roadways and sidewalks will remain throughout the remediation process.

2. Coastal Development Permit No. 16-016 to implement the final remedial action plan for the Ascon landfill with grading involving more than 25,000 cubic yards of import/export is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code, except for the reduced front yard setback for the fence along Magnolia Street and Hamilton Avenue which is allowed with the approval of a conditional use permit, and is being considered concurrently. The site is surrounded by previously developed properties. Public access and use signs are not required because the site is not adjacent to recreation areas, public access ways, public use areas, or the shoreline. The site does not have public views to and from the bluffs, to the shoreline/ocean, or to the wetlands
3. Coastal Development Permit No. 16-016 to implement the final remedial action plan for the Ascon landfill with grading involving more than 25,000 cubic yards of import/export can be implemented and maintained using infrastructure such as roadways and utilities already provided in the area.
4. Coastal Development Permit No. 16-016 to implement the final remedial action plan for the Ascon landfill with grading involving more than 25,000 cubic yards of import/export conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act because no public access to the landfill site is required or desirable. No public recreation facilities exist at the site and no opportunities for providing public recreation facilities are present. The project will not impede public access, recreation, or views to coastal resources.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 16-034/ COASTAL DEVELOPMENT NO. 16-016:

1. The site plan, elevations, concept imagery, grading plan, cross sections, and site staging plan received and dated June 18, 2018 shall be the conceptually approved design with a modification to increase the height of the perimeter fence to seven ft. if feasible. Otherwise, a six ft. tall fence as originally proposed is acceptable.
2. Prior to issuance of grading permits, the following shall be completed:
 - a. The applicant shall submit to the Public Works Department a check payable to the City of Huntington Beach equivalent to the cost of planting 28 trees (36 inch box) based on the average of estimates from two landscape services. The funds shall be deposited in an account by the Public Works Department to be retained until the funds are applied to plant trees at location(s) in southeast Huntington Beach to be selected by staff. The City shall complete the tree planting within one year of receipt of the check.

- b. At least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties within a half mile radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number for use by the public to report any undesirable noise conditions or any concerns associated with the project. If the telephone is not staffed 24 hours a day, the project owner shall include an automatic answering feature, with date and time stamp recording, to answer calls when the phone is unattended. This, or a similarly effective telephone number, shall be posted at the project site during construction where it is visible to passersby. This telephone number shall be maintained until the project has been completed. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Community Development Department.
3. The final building permit(s) cannot be approved until the following have been completed:
 - a. All improvements must be completed in accordance with the approved plans.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Community Development Department.
 - c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
 - d. The applicant shall submit a landscaping and property maintenance plan for review and approval by the Community Development Department a minimum of 30 days prior to final building permit approval.
4. The applicant shall obtain a Temporary No Parking Permit from the Public Works Department and install temporary no parking signs along Ascon's Hamilton Avenue and Magnolia Street frontages during the final remediation work.
5. The project shall comply with all Mitigation Measures and Project Design Features of the Ascon Landfill Environmental Impact Report certified by the Department of Toxic Substances Control on June 18, 2015.
6. Throughout the construction and operation of the project, the project owner shall document, investigate, evaluate, and attempt to resolve all legitimate project-related noise complaints, for noise generated by the project outside of the permitted hours, as defined by the City of Huntington Beach Municipal Code Chapter 8.40. The project owner or authorized agent shall:
 - Use a Noise Complaint Resolution Form, or a functionally equivalent procedure acceptable to the City, to document and respond to each project-related noise complaint that exceeds the City's exterior noise limits outside of the permitted hours;
 - Attempt to contact the person(s) making the noise complaint within 24 hours;
 - Conduct an investigation to determine the source of noise in the complaint; A legitimate complaint refers to a complaint about noise that is caused by the project as opposed to another source (as verified by the City). A legitimate complaint constitutes a violation by

the project of Municipal Code Chapter 8.40 (Noise Control) (as confirmed by the City), which is documented by an individual or entity affected by such noise.

- If the noise is project related, take all feasible measures to reduce the source of the noise; and
 - Submit a report documenting the complaint and actions taken. The report shall include a complaint summary, including the final results of noise reduction efforts.
7. Heavy equipment operation, noisy construction work, construction, and grading activities relating to any project features, including noisy construction work relating to construction staging and warm-up activities, shall be restricted to the times delineated below:
- Mondays through Saturdays: 7:00 a.m. to 6:00 p.m.
 - Sundays and Federal Holidays: Construction and grading not allowed

Employee arrival, safety meetings, and quiet work day preparations (e.g. equipment inspections) can begin as early as 6:00 a.m. in accordance with the certified Final EIR for the RAP for the Ascon Landfill. Haul trucks and other engine-powered equipment shall be equipped with adequate mufflers and other state-required noise attenuation devices. Haul trucks shall be operated in accordance with posted speed limits. Truck engine exhaust brake use (jake braking) shall be limited to emergencies.

8. All truck/vehicular stacking, staging, and parking shall be onsite only.
9. Only the project described in the project narrative dated August 2018 shall be permitted.
10. Based on mutual review (by the applicant and the City of Huntington Beach Public Works Department) of pavement conditions along the approved haul route before and after the completion of work, the applicant shall repair damaged pavement or reimburse the City for proportionate share of pavement deterioration caused by vehicles associated with the project, as determined by the City Engineer. Repairs or Reimbursement shall be received by City prior to final grading permit inspection. **(PW)**
11. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
12. The development services departments (Community Development, Fire, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for grading and building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.
13. Conditional Use Permit No. 16-034 in conjunction with Coastal Development Permit No. 16-016 shall become null and void unless exercised within two years of the date of final approval by the Planning Commission or City Council, or within one year of the date of final Coastal Development Permit approval by the Coastal Commission if the Coastal

Development Permit is appealed, or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.