

Council/Agency Meeting Held: _____	City Clerk's Signature
Deferred/Continued to: _____	
<input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied	
Council Meeting Date:            August 1, 2005	Department ID Number:    PL05-27

**CITY OF HUNTINGTON BEACH  
REQUEST FOR ACTION**

RECEIVED  
CITY CLERK  
CITY OF  
HUNTINGTON BEACH, CA  
2005 JUL 26 4:33

**SUBMITTED TO:** HONORABLE MAYOR AND CITY COUNCIL MEMBERS

**SUBMITTED BY:** *Penelope Gulbreth Graft*  
PENELOPE GULBRETH-GRAFT, City Administrator

**PREPARED BY:** HOWARD ZELEFSKY, Director of Planning *[Signature]*

**SUBJECT:** RECEIVE AND FILE REPORT ON EMERGENCY COASTAL DEVELOPMENT PERMIT-ADMINISTRATIVE PERMIT NO. 05-04 (ASCON EMERGENCY ACTION WORKPLAN)

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)

**Statement of Issue:**

Transmitted for your information is a copy of the Emergency Coastal Development Permit-Administrative Permit No. 05-04 (CDP-AP) conditionally approved by the Director of Planning on July 19, 2005 for the Ascon Landfill site, located at the southwest corner of Hamilton Avenue and Magnolia Street. The emergency action is needed to protect public safety and welfare from a potential berm failure at the Ascon site and is in response to an "Imminent or Substantial Endangerment (ISE) Determination" issued on May 13, 2005, by the California Department of Toxic Substances Control (DTSC). The emergency CDP-AP is valid for 60 days, during which time the applicant, Project Navigator, Ltd., will be required to apply for a regular CDP.

**Funding Source:** Not applicable.

**Recommended Action:**

Motion to:

"Receive and file report on Emergency Coastal Development Permit-Administrative Permit No. 05-04. (ATTACHMENT NO.1)."

**Alternative Action(s):**

The City Council may make the following alternative motion:

"Continue the item and direct staff accordingly."

*E-9*

# REQUEST FOR ACTION

MEETING DATE: August 1, 2005

DEPARTMENT ID NUMBER: PL05-27

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## Analysis:

### A. PROJECT PROPOSAL:

Applicant: Tamara Zeier, Project Navigator, Ltd., One Pointe Dr., Ste. 320, Brea, CA 92821

Location: Ascon Landfill (southwest corner of Hamilton Avenue and Magnolia Street.)

Project Navigator, Ltd., on behalf of the Ascon property owner, proposes to increase the stability of the berms at the Ascon Landfill by using various soil improvements and reinforcement techniques. The proposed scope of work is described in a DTSC Fact Sheet (Attachment No. 3). The work at the Ascon Landfill commenced on Monday, July 25, 2005 and is scheduled to be completed in late October/early November 2005.

### B. BACKGROUND:

The Huntington Beach Zoning and Subdivision Ordinance (ZSO) contains provisions for issuance of emergency coastal development permits, consistent with the California Coastal Act (Attachment No. 2). The Director of Planning may grant a permit for a period of up to 60 days with findings and reasonable terms and conditions. The ZSO requires that after issuing an emergency permit the Director report in writing and orally to the City Council at its next scheduled meeting. This report will also be forwarded to the Coastal Commission.

Staff determined that an emergency coastal development permit was warranted for the proposed project due to the nature and extent of the stabilization work needed in response to the May 13<sup>th</sup> DTSC Imminent or Substantial Endangerment Determination for the site. DTSC determined that the unusually heavy rains of the past winter season had weakened the earthen berms at the Ascon landfill, which are more than 30 years old, and that future rains may cause them to leak or give way. The amount of time needed to complete the stabilization project triggered the need for issuance of the emergency permit so that the berms would be repaired before the next rainy season.

### C. STAFF ANALYSIS:

The ISE Determination issued by DTSC required submittal of an Emergency Action (EA) Workplan and that actions be taken as soon as possible "to alleviate the potential threat of berm failure." The EA Workplan was prepared by Project Navigator, Ltd. and GeoSyntec Consultants. Both the City and DTSC reviewed the EA Workplan, dated June 13, 2005. The Workplan was revised to incorporate comments from DTSC and the City's Departments of Public Works, Fire and Planning and was approved by DTSC on July 13<sup>th</sup>. On July 19<sup>th</sup>, the Director of Planning approved the Emergency CDP for the Workplan with findings and conditions. The conditions were required to insure that all City comments were incorporated into the revised Workplan.

# REQUEST FOR ACTION

MEETING DATE: August 1, 2005

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There are three required findings for an emergency CDP. The first finding is that an emergency exists requiring action more quickly than permitted by standard procedures for a CDP. This finding was made based on the DTSC determination. The second finding relates to reviewing public comment on the proposed action if time allows. On June 20, 2005, a public study session was held with the City Council to discuss the potential scope of work associated with the EA Workplan. In addition, DTSC held a public meeting on July 6<sup>th</sup> to inform the residents and interested parties of the pending work. Staff attended both meetings and considered public comments in preparing its comments on the Workplan and developing the conditions of approval. The third finding is that the proposed work is consistent with the Local Coastal Program; staff's review of the proposed work indicates that this is the case.

The emergency CDP is effective immediately pursuant to the ZSO. As such, an emergency action cannot be appealed. City staff confirmed this with Coastal Commission staff. Consistent with the ZSO, the permit stipulates that a standard Coastal Development Permit must be filed with the City before the end of the 60-day period. If the standard CDP has not been acted on within the 60-day period, the applicant will be required to request an extension of time for the emergency CDP.

The approved Workplan is available for review at the Planning and Public Works Departments. In addition, the Planning Department has added a link to the City's website under "Major Projects" to the DTSC-Ascon web page for ease of finding information. Handouts of Fact Sheet #9 are also available at the Planning counter. Finally, the applicant has posted the site. The posting includes contact information for DTSC, Project Navigator and a website address for DTSC, which includes Ascon updates.

## Environmental Status:

Due to the unstable site conditions, DTSC determined that the proposed actions are necessary to prevent an emergency. As such, DTSC, acting as the lead agency, determined that the actions are exempt from the requirements of CEQA based on the statutory exemption (PRC section 21080 (b)(4)) for emergency projects.

## Attachment(s):

City Clerk's Page Number	No.	Description
4 9 12	1.	Emergency Coastal Development Permit-Administrative Permit No.05-04
	2.	Huntington Beach Zoning and Subdivision Ordinance provisions for emergency coastal development permits
	3.	Fact Sheet #9-Department of Toxic Substances Control-Ascon Landfill

RCA Author: MBB/RM

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# ATTACHMENT 1



# City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648



## DEPARTMENT OF PLANNING

Phone 536-5271  
Fax 374-1540  
374-1648

### NOTICE OF ACTION

July 19, 2005

Tamara Zeier, Project Coordinator, P.E.  
Project Navigator, Ltd.  
One Pointe Drive, Ste. 320  
Brea, CA 92821

**SUBJECT:** EMERGENCY COASTAL DEVELOPMENT PERMIT-  
ADMINISTRATIVE PERMIT NO. 05-04

**APPLICANT:** Tamera Zeier

**REQUEST:** Emergency Coastal Development Permit to strengthen berm  
around Ascon Landfill site.

**PROPERTY OWNER:** Cannary Hamilton Properties. LLC, 6001 Bollinger Canyon Rd.,  
K2098, San Ramon, CA 94583-2324

**LOCATION:** 21641 Magnolia (southwest corner of Hamilton Avenue and  
Magnolia Street)

**PROJECT PLANNER:** Rosemary Medel

**DATE OF ACTION:** July 19, 2005

On Monday, July 19, 2005, the Huntington Beach Director of Planning took action on your application, and your application was **conditionally approved**. The Emergency Coastal Development Permit has been approved pursuant to the State of California Department of Toxic Substances Control (DTSC) issuance of an "Imminent or Substantial Endangerment (ISE) Determination" for the Ascon Landfill site. Attached to this letter are the findings and conditions of approval.

Please be advised that the Director of Planning 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.

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If you have any questions regarding this Notice of Action letter or the processing of your application, please contact the project planner or the Planning Department Zoning Counter at (714) 536-5271.

Sincerely,



Howard Zelefsky  
Director of Planning

HZ:MBB:RM:rk

Attachment

- Cc: Thomas Cota, Chief Southern CA Cleanup Operations Branch, 5796 Corporate Ave., Cypress, CA 90630  
Christine Chiu, Project Manager, 5796 Corporate Ave., Cypress, CA 90630  
Meg Vaughn, California Coastal Commission, South Coast Area Office, 200 Oceangate, 10<sup>th</sup> Floor, Long Beach, CA 90802-4302  
Scott Hess, Planning Manager  
Mary Beth Broeren, Principal Planner  
Rosemary Medel, Associate Planner  
Steve Holtz, Real Estate Manager  
Michael Heineke, Real Property Agent  
Bob Stachelski, Transportation Manager  
Terri Elliott, Principal Civil Engineer  
Duane Olson, Fire Chief  
Eric Engberg, Division Chief/Fire Marshal

E-9.6

**ATTACHMENT NO. 1**

**FINDINGS AND CONDITIONS OF APPROVAL**

**COASTAL DEVELOPMENT PERMIT- ADMINISTRATIVE PERMIT NO. 05-04**

**FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT-ADMINISTRATIVE PERMIT NO. 05-04:**

1. An emergency exists that requires action more quickly than permitted by the procedures for a coastal development permit because without the issuance of the Emergency Coastal Development Permit and the implementation of the proposed Emergency Action Workplan there is the potential for release of hazardous substances potentially causing an endangerment to public health or welfare or the environment in the next rainy season.
2. Public comment was received from a meeting held by the Department of Toxic Substances Control (DTSC) on Wednesday, July 6, 2005 at the City of Huntington Beach Council Chambers.
3. The emergency action proposed would be consistent with the requirements of the certified Local Coastal Program because the State Department of Toxic Substances Control is coordinating with the City of Huntington Beach in its efforts to circumvent the exposure to the public and environment of hazardous materials as a result of berm failure.
4. On July 13, 2005, the Department of Toxic Substances Control conditionally approved the revised Emergency Action Workplan.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT ADMINISTRATIVE PERMIT NO. 05-04:**

1. The revised Emergency Action Workplan dated July 6, 2005, and approved on July 13, 2005 by Department of Toxic Substances Control shall be the conceptually approved workplan.
2. The permit will be for a period of sixty days from July 19 2005 to September 16, 2005. A regular Coastal Development Permit application must be filed and approved prior to the expiration of the Emergency Coastal Development Permit, which is September 16, 2005.
2. An encroachment permit will be necessary prior to commencing this work if the Magnolia Street driveway is widened, modified or relocated.
3. An encroachment permit will be necessary for any work within the Hamilton Avenue right-of-way.
4. Should perimeter fencing be replaced, applicant shall submit a plan identifying location, height and method of screening.

E-9.7

5. Should hydroseeding of disturbed areas be required, installation of a temporary or permanent irrigation service and meter will be required.
6. City must review the impacts of imported fill and approve the work within the City right-of-way prior to commencing work on the slope stabilization.
7. Amend Section 4.3.2, Construction Drawings, to discuss the re-graded berms and whether or not they will be hydroseeded, treated for erosion control, etc.
8. Based on mutual review by the applicant and the City of Huntington Beach of pavement conditions before and after the completion of work, the applicant will reimburse the City for proportionate share of pavement deterioration caused by truck hauling.
9. Permits Required for Emergency Action Workplan, Traffic Control shall be as follows:

Permit	Agency	Purpose	Notes
Traffic Control	City of Huntington Beach	Lane Closures	Permit to be secured prior to any lane closures
Special Purpose and Discharge Permit	City of Huntington Beach	Encroachment permit for drainage line to Sewer manhole in Hamilton Avenue	

10. Appendix H – Health and Safety Plan: Submit a formal Health and Safety Plan for City review prior to commencement of work.

**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.

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# ATTACHMENT 2

- ~~B. Coastal Permits Issued by the City. All development requires a coastal development permit unless specifically exempted or excluded. After certification of the LCP, the City shall issue all coastal development permits for development not located within the Coastal Commission's original permit jurisdiction.~~

#### 245.07 Emergency Coastal Development Permit

In the event of a verified emergency, temporary emergency authorization to proceed with remedial measures may be given by the Director of Community Development or his/her designee until such time as a full coastal development permit application shall be filed.

- A. Application. Application shall be made to the Director of Community Development by letter if time allows, or in person or by telephone, if time does not allow. The information, to be reported at the time of the emergency or within three days after the emergency, shall include the following:
1. Nature of the emergency;
  2. Cause of the emergency insofar as this can be established;
  3. Location of the emergency;
  4. The remedial, protective, or preventive work required to deal with the emergency;
  5. The circumstances during the emergency that appeared to justify the cause(s) of action taken, including the probable consequences of failing to take action.
- B. Limitations. The Director of Community Development shall not grant an emergency coastal development permit for any development that falls within an area in which the Coastal Commission retains direct permit review authority, or for any development that is appealable to the Coastal Commission. In such areas and for such developments, a request for an emergency authorization must be made to the Coastal Commission.
1. In addition, a waiver for a coastal development emergency permit may be obtained from the Coastal Commission executive director for development that is required to protect life or public property in accordance with Section 30611 of the Coastal Act.
- C. Noticing. The Director of Community Development shall provide notice of the proposed emergency action. The extent and type of the notice shall be determined on the basis of the nature of the emergency. If the nature of the emergency does not allow sufficient time for public notice to be given before the emergency work begins, the Director of Community Development shall provide public notice of the action taken, or being taken, as soon as is practical. Public notice of the nature of the emergency and the remedial actions to be taken shall be posted on the site in a conspicuous place and mailed to all persons the Director of Community Development has reason to know would be interested in such action and to the Coastal Commission.

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D. Findings and Conditions. The Director of Community Development may grant an emergency coastal development permit upon reasonable terms and conditions, which shall include an expiration date and the necessity for a regular permit application later, if the Director of Community Development finds that:

1. An emergency exists that requires action more quickly than permitted by the procedures for a coastal development permit and the work can and will be completed within thirty days unless otherwise specified by the terms of the permit;
2. Public comment on the proposed emergency action has been reviewed, if time allows;
3. The work proposed would be consistent with the requirements of the certified Local Coastal Program.

E. Expiration of Emergency Permit. An emergency permit shall be valid for sixty days from the date of issuance by the Director of Community Development. Prior to expiration of the emergency permit, the permittee must submit a regular coastal development permit application for the development even if only to remove the development undertaken pursuant to the emergency permit and restore the site to its previous condition.

F. Report to City Council and Coastal Commission. The Director of Community Development shall report in writing and orally, the granting of an emergency permit to the City Council at its next scheduled meeting, and to the Coastal Commission. The report shall include a description of the nature of the emergency, the development involved, and the person or entity undertaking the development. Copies of the report shall be available at the meeting and shall be mailed to the Coastal Commission and to all persons requesting such notification of local coastal development decisions. (3334-7/96)

## 245.08 Exemptions

The following categories of development are exempt from the requirements of this chapter.

A. Existing Structures. Maintenance and alteration of, or addition to, existing structures provided the project does not involve any of the following:

1. Location in an appealable area with an increase of 10% or more of the internal floor area or an increase in height of 10% or more.
2. Location on a beach, wetland, sand dune, stream or lake, or seaward of the mean high tide line, or where the development would encroach within 50 feet of the edge of a coastal bluff.
3. Change in the intensity of the use of the structure.
4. Conversion of multi-family residential or visitor serving commercial use to condominium or stock cooperative.

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# ATTACHMENT 3

Fact Sheet #9  
June 2005

Ascon Landfill Site  
HUNTINGTON BEACH, CALIFORNIA



## *Emergency Action at Ascon Landfill Site to Start Late June / Early July*

DTSC is one of six Boards and Departments within the California Environmental Protection Agency. The Department's mission is to restore, protect, and enhance the environment, to ensure public health, environmental quality and economic vitality, by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention.

State of California



California  
Environmental  
Protection Agency



In late June or early July 2005, workers will begin a project to remove some waste and strengthen the berms around two hazardous waste lagoons (ponds) near Hamilton Avenue on the Ascon Landfill site. The unusually heavy rains this past winter and spring may have weakened the earthen berms, which are more than 30 years old. Future rains may cause them to leak or give way. This could pose the danger of hazardous waste spilling into the street.

This work will include removing some of the sludgy (semi-solid) waste from the two lagoons, taking it offsite for disposal, and reinforcing and reshaping the berms. It is expected to take four to six months. More details are in this fact sheet and will be discussed at the public meeting on July 6.

The Ascon Landfill site is a vacant, 38-acre parcel at the southwest corner of Hamilton Avenue and Magnolia Street in Huntington Beach. It contains various types of industrial and oil field drilling waste in buried pits and lagoons.

Our agency is the Department of Toxic Substances Control (DTSC). Our role is to protect human health and the environment by overseeing the site investigation and cleanup, which includes this current action.

A group of private companies (Responsible Parties) that formerly used the site are paying for this current action as well as all other work done at the site.

We are moving very quickly on this project due to the urgency of the situation. The goal is to complete the work before the next rainy season begins.

On most cleanup actions we ask for public review and comment before making a decision and starting the work. In this case, however, we have determined that immediate

### **Public Meeting July 6, 2005**

Huntington Beach City Council  
Chambers  
2000 Main St., Huntington Beach

6-7 p.m. — Open House  
7 p.m. — Presentation

*The open house will include poster displays and handouts. It is an opportunity for you to talk informally with staff from our agency and the contractors who will be doing the work. The formal presentation will give more details on the project, followed by a question-and-answer session.*

E-9.13

action is needed to protect the public. Therefore we are moving ahead without public comment, as allowed by law in such cases. We will keep the community informed through fact sheets, meetings, and flyers as the project progresses.

## What is planned

A map at the end of this fact sheet shows the site layout, and the locations of the lagoons and berms. All work will be done by licensed contractors hired by the Responsible Parties. Workers will:

1. Prepare the site by setting up trailers, improving site access roads, and creating a staging area for trucks.
2. Remove some of the waste from Lagoons 4 and 5 (next to Hamilton Avenue). About 28,000 cubic yards of waste will be removed, lowering the level in the lagoons by about three feet.
3. Haul the waste offsite to an appropriate waste disposal facility.
4. Lower the berm along Hamilton Avenue from about 18 feet to about 15 feet, and haul the excess dirt off site.
5. Put in a drainage system at the base of the berm along Hamilton Avenue.
6. Reinforce the berm between Lagoons 3 and 4 with crushed concrete.

The lagoon waste and berm dirt together will total up to 100,000 cubic yards to be hauled off site. Lagoon waste will be mixed with dirt on site to solidify it and make it safer to transport. The main contaminants in the waste are petroleum hydrocarbons; metals such as lead, barium, arsenic, and chromium; benzene, toluene, and other volatile organic compounds; and chemicals

called PAHs (polycyclic aromatic hydrocarbons).

## Protecting public safety

To protect the surrounding community during the project, the work will include the following safeguards:

- Coordinate all traffic plans with the City of Huntington Beach.
- Control dust, odors, and vapors by applying water and/or foam to the excavation area and waste piles. Constantly monitor the air within and around the site to meet South Coast Air Quality Management requirements.
- Comply with federal, state, and local regulations for handling hazardous waste and for construction activities. Cover the lined trucks carrying lagoon waste with tarps. Clean off trucks and tires before leaving the site.
- Follow a spill contingency plan for dealing with any potential spill from the trucks during excavation and hauling. Contract with a licensed chemical cleanup company to respond rapidly.

## Work hours, truck routes

- The work is expected to take four to six months.
- There will be up to a maximum of 90 truck trips per day to and from the site. Filled trucks will leave the site one at a time as they are loaded, weighed, covered with tarps, and cleaned.
- Truck trips will be limited to 7 a.m. to 5 p.m. Monday-Friday.

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Work hours on site will be from 7 a.m. to 8 p.m. Monday-Saturday.

- Empty trucks will travel to the site from the 405 freeway by going south on Beach Boulevard, south on PCH, north on Newland, then east on Hamilton Avenue to the site entrance. Filled trucks will exit the site going south on Magnolia Street, north on PCH, and north on Beach Boulevard to the 405 freeway.
- One southbound lane on Magnolia Street and one lane on Hamilton Avenue may be closed temporarily during work hours.

### Environmental review

Due to the unstable site conditions, we have determined that the proposed actions are necessary to prevent an emergency. As such, these actions are exempt from the requirements of the California Environmental Quality Act. We will file a Notice of Exemption based on the statutory exemption (PRC section 21080(b)(4)) for emergency projects.

### Future plans for the site

This emergency action will not affect the final cleanup plans for the site. The site has gone through several environmental investigations and cleanup plans through its many changes of ownership. Previous investigations of the site determined that the waste should be excavated and removed.

Before a final decision is made, we will conduct an extensive environmental review of whatever cleanup plan is proposed. Then we will give the public the opportunity to review and comment on both the cleanup plan and the environmental review.

### Where to get more information

Documents about the Ascon Landfill site are at the Banning Branch Library, 9281 Banning Avenue, Huntington Beach; the Huntington Beach Library, 7111 Talbert Avenue, Huntington Beach; and the Department of Toxic Substances Control, 5796 Corporate Avenue, Cypress, California (call 714-484-5337 for an appointment).

We also have some Ascon Landfill site documents posted on our website at:

[www.dtsc.ca.gov](http://www.dtsc.ca.gov)

Click on the link to "Site Cleanup" then "Site Cleanup Project Documents" to the alphabetical listing for "Ascon Landfill Site."

### Who to contact at our agency

Kim Foreman  
Public Participation Specialist  
(714) 484-5324  
[kforeman@dtsc.ca.gov](mailto:kforeman@dtsc.ca.gov)

Christine Chiu  
Project Manager  
(714) 484-5470  
[cchiu@dtsc.ca.gov](mailto:cchiu@dtsc.ca.gov)

### For media inquiries

Jeanne Garcia  
DTSC Public Information Officer  
(818) 551-2176  
[jgarcia1@dtsc.ca.gov](mailto:jgarcia1@dtsc.ca.gov)

**Notice to the Hearing Impaired:** For more information, you may use the California State Relay Service at 1(888) 877-5378 (TDD). Ask them to contact Kim Foreman at (714) 484-5324.

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**Legend**

- Ascon Landfill Site Boundary
- Pits and Lagoons Boundaries
- Concrete Decontamination Pad
- Asphalt-Paved Road
- Dirt/Gravel Access Road
- Site Entry Gate
- Site Office Trailer
- Proposed Toe Drain



Pacific Ocean: ~1/4 mile south of Site

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