

**NOTICE OF DETERMINATION**

To: Office of Planning and Research  
State Clearinghouse  
P.O. Box 3044, 1400 Tenth Street, Room 212  
Sacramento, CA 95812-3044

From: Department of Toxic Substances Control  
Hazardous Waste Management Program  
8800 Cal Center Drive  
Sacramento, CA 95826

Subject: FILING OF NOTICE OF DETERMINATION IN COMPLIANCE WITH SECTION 21108 OR 21152 OF THE PUBLIC RESOURCES CODE

Project Title: CLOSURE OF ECOLOGY CONTROL INDUSTRIES FONTANA

State Clearinghouse No.: 2006121038

Project Location:

The 1.5-acre site is located at 13738 Slover Avenue, in an incorporated area of the City of Fontana in the County of San Bernardino, California. The site is located in a mixed industrial and commercial area. The property fronts Slover Avenue to the south and is surrounded by Mulberry Street to the West, Calabash Avenue to the east, and Southern Pacific Railroad and Interstate 10 to the North. The project site occupies a 1.24-acre portion of lot 1033, which includes portions of Parcel # 0236-011-08-P001 and Parcel #236-01-1009-P001. The geographical coordinates for the facility are: latitude 34.063211 degrees and longitude 117.506009 degrees.

Project Description:

The Department of Toxic Substances Control (DTSC) is approving a Closure Plan (CP) for the Storage Tank Recycler with Environmental Protection Agency (EPA) identification (ID) Number CAD 982484933; Ecology Control Industries Fontana, hereafter ECI Fontana. The CP includes procedures to be used to decontaminate and close the ECI Fontana facility. This CP was prepared and submitted following guidelines contained in California Code of Regulations, title 22, Section 66264.112. This Initial Study examines the potential environmental impacts associated with the closure activities. The CP and Soil Sampling Plan to Evaluate Site Conditions for Closure are incorporated by reference.

Site History:

Superior Trailer, a trailer manufacturing company, which is located on the west border of the site, leases the site property to Ecology Control Industries. The ECI Fontana property was previously leased by Erickson Tank Services (Erickson). Property development included the construction and operation of the tank processing area in the northern portion of the site. Erickson operated the facility as an environmental services and maintenance yard from 1988 through 1998 when the business was sold to ECI Fontana. ECI then assumed the property lease. ECI Fontana operations at the facility have been similar to those conducted by Erickson.

The Facility recycled drained storage tanks previously used to store fuel. Tanks and containers that were designated as non-Resource Conservation and Recovery Act (RCRA) hazardous waste were shipped on a Uniform Hazardous Waste Manifest. The facility accepted empty tanks, and tank appurtenances as non-RCRA Solid Hazardous Waste (empty storage tanks). Wastes that were designated as RCRA hazardous wastes were not accepted at the facility. In order to confirm that all information is correct, a "Tank Receiving/Discrepancy Form" was completed before the tank was accepted at the facility. When waste conformance was confirmed, the tank, piping, hoists, and related equipment, were assigned a tank receiving number by the Facility. Empty petroleum fuel tanks, hydraulic hoists and piping were profiled on a "Tank Certification" and "Tank Processing Facility Land Disposal Restriction Form". The Lower explosive level (LEL) readings were taken prior to tank shipment. Samples were taken from the wastes that were removed from the tanks.

Project Activities:

If approved, the CP would authorize ECI Fontana to conduct the following activities. The activities will be split due to timing constraints and thus have been characterized as distinct phases. Phase One activities will occur. Phase Two activities may occur subject to the findings of soil testing conducted in Phase One.

Phase One:

- ❖ All structures and equipment will be decontaminated by pressure washing as described in Section D of the CP. Rinsate water will be collected and transported to an approved recycling facility.

- ❖ To demonstrate the ability of the facility to meet clean-up standards, confirmation samples (chip, wipe and cleaning solution) will be obtained from equipment and structures. Concrete core samples will be collected in select locations during soil sampling activities. Concrete cores will be collated with soil samples. Shallow soil samples will be collected beneath the asphalt to determine if contaminants were released in the area and have penetrated through the asphalt. Samples will be collected at depths of six (6) inches and two (2) feet at the following locations: above ground storage tank areas, former tank unloading area, on and around the tank rinse pad, adjacent to the containment areas, and areas suitable for background samples. Forty-six (46) soil samples will be collected and ten (10) background samples will be collected. The samples will be tested for petroleum hydrocarbons and metals. The closure cleanup standard for metals will be to background levels. The closure cleanup standard for organics will be non-detect. If either of the cleanup standards cannot be met then the facility may opt to demonstrate through health based analysis that an alternative cleanup standard is appropriate.
- ❖ Surface and subsurface soil confirmation samples will be collected and analyzed according to the sampling protocol provided in Section H and I of the CP, as well as the Soil Sampling Plan prepared for the facility in March 2006.

#### Phase Two:

- ❖ If the testing conducted in Phase One indicates there is no contamination, then no further action will be taken. If contamination is found, the CP allows for the excavation and removal of up to 50 cubic yards of material at a depth of up to two feet.
- ❖ The figure of 50 cubic yards and a depth of two feet is based on an estimate provided by ECI concerning contamination that may potentially exist. This allowance includes the presumption that any contamination that is found is incidental and discrete and is not part of a larger area of contamination comprising the majority of the site. If major contamination above this volume and depth or depth is found a revised closure plan and a new CEQA evaluation may be required.
- ❖ Prior to conducting any excavation of contaminated soil, ECI will submit to DTSC an excavation proposal along with their sampling report (to be prepared after Phase One is complete). This proposal will confirm details such as the excavation limits, the details of the facility receiving the contaminated material and the proposed backfill.

The project is expected to commence in April 2007 and is expected to take no longer than the statutory 180 days to complete the closure plan activities.

#### Finding Of Significant Effect On Environment: *(An Initial Study supporting this finding is attached.)*

On the basis of the information presented in the attached Initial Study, I find that the proposed project could not have a significant effect on the environment.

#### Mitigation Measures:

DTSC has determined that the project does not require any mitigation measures beyond those incorporated as part of the project description.

As  Lead Agency  a Responsible Agency under the California Environmental Quality Act (CEQA), DTSC approved the above-described project on [date] and has made the following determinations:

1. The project  will  will not have a significant effect on the environment.
2. A  Negative Declaration  Mitigated Negative Declaration  Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures  were  were not made a condition of project approval.
4. A mitigation reporting or monitoring plan  was  was not adopted for this project.
5. A Statement of Overriding Considerations  was  was not adopted for this project.
6. Findings  were  were not made pursuant to the provisions of CEQA.

This is to certify that the final environmental document, comments and responses, and the record of project approval are available to the public at the following locations:

DTSC Cal Center Office  
8800 Cal Center Drive  
Sacramento, CA 95826  
Call (916) 255-3758 for an appointment.

DTSC Glendale Office  
1011 Grandview Avenue  
Glendale, CA 91201  
Call (818) 551-2952 for an appointment.

Fontana Public Library  
16860 Valencia Avenue  
Fontana, CA 92335  
Call (909) 822-2321 for hours of operation.

<u>Ryan W. Batty</u> Contact Person Name	<u>Hazardous Substances Engineer</u> Contact Person Title	<u>(916) 255-6699</u> Phone #
<u>-- Signed By --</u> Branch Chief Signature		<u>04/16/2007</u> Date
<u>Mohinder S. Sandhu, P.E.</u> Branch Chief Name	<u>Standardized Permitting and Corrective Action Branch Chief</u> Branch Chief Title	<u>(916) 255-3716</u> Phone #

<p>TO BE COMPLETED BY OPR ONLY</p> <p>Date Received For Filing and Posting at OPR:</p>
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