

NOTICE OF EXEMPTION

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
Coastal Cleanup Operations Branch

700 Heinz Avenue

Berkeley, California 94710

Project Title: Approval of Removal Action Workplan for Fieldstone Property

Project Location – Specific: End of Graham Street, Unincorporated area of Orange County

Project Location – City: near Huntington Beach

Project Location – County: Orange County

Description of Project:

The project is approval of a Removal Action Workplan (RAW) for the Fieldstone Property ("the Site"). The project involves the excavation and offsite disposal of approximately 5,000 cubic yards of soil contaminated with polychlorinated biphenyls (PCB). The elevated soil concentrations that will be addressed include up to 3,220 milligrams per kilogram (mg/kg) of PCBs. However, subsequent soil sampling activities detected a maximum concentration of 590 mg/kg out of 733 samples at other locations. This removal action will eliminate a contaminated source that poses a threat to human health and the environment.

The 42-acre Site is located in an unincorporated area of Orange County, at the end of Graham Street near Huntington Beach, California. It is adjacent to the 1,200-acre Bolsa Chica Ecological Preserve which has been the subject of investigations and restoration by the Bolsa Chica Wetlands Steering Committee consisting of eight state and federal regulatory agencies headed by the U.S. Fish and Wildlife Service (USFWS). Other agencies include the U.S. Environmental Protection Agency, National Marine Fisheries Service, U.S. Army Corps of Engineers, California Department of Fish and Game (DFG), California Coastal Conservancy, California State Lands Commission (SLC), and California Resource Agency. The Bolsa Chica Ecological Preserve and surrounding area have been used for oil and gas exploration, production and processing since the 1920s.

The Site has never been developed except for man-made soil berms and limited use in agriculture and oil field operations. In October 1988, soil samples were taken from the Site as part of the Bolsa Chica Restoration Project. PCB was detected in a soil sample near a debris pile at the Site. The current site owner, Hearthside Residential Corporation, conducted subsequent investigations to delineate the extent of the PCB contamination. The investigations found no sources of PCB contamination from site uses. The likely PCB sources are the debris piles which were illegally dumped at the Site.

USFWS and SLC are currently negotiating with Hearthside to acquire and include the Site into the Bolsa Chica Ecological Preserve and its Restoration Plan. To expedite the Site cleanup and meet the Bolsa Chica restoration schedule, the USFWS prepared the RAW with assistance from the Department of Toxic Substances Control (DTSC), SLC, and Hearthside. Using the Bolsa Chica Ecological Assessment, DTSC performed a risk evaluation to establish a PCB soil cleanup level that is protective of ecological habitat at the Site. A PCB cleanup level of 0.25 mg/kg was established for this removal action. This level is also protective of human health. Based on this cleanup level, approximately 5,000 cubic yards of contaminated soil requires excavation and disposal to permitted disposal facilities. Fieldwork is expected to last approximately one to two months from mobilization to the completion of excavation.

A designated area at the Site will be used as the staging area for the earth moving equipment. The Site is currently fenced and locked. Excavation and any stockpiling will be conducted within the fenced area. Before digging, a utility survey will be conducted to identify and protect utility lines within the excavation footprint.

Excavated soil will be stockpiled onsite or placed directly in roll-off bins or dump trucks to be transported to the appropriate disposal facility. The stockpile and/or bins will be placed in designated areas onsite and will be kept covered to prevent dust generation. Haul trucks will be kept out of the contaminated areas to prevent contamination. Registered hazardous waste haulers will be used to transport any hazardous waste offsite under a manifest. Transportation of hazardous waste offsite is required to occur during non-commute hours. Truck routes will follow existing onsite roads used in the oil extraction operations at the Bolsa Chica Ecological Preserve to the major highways. Truck routes will avoid residential areas, schools and day care centers to the extent possible. A temporary traffic signal at the entrance/exit gate to the

project site on Seapoint Avenue will be installed and the road intersections from Seapoint Avenue to the main highways are signalized, therefore flagmen will not be used unless necessary.

Air or dust monitoring will be conducted to protect workers and nearby residents. Dust control measures during excavation, backfilling, grading and handling of contaminated soil will consist of spraying water onto the soil and work area. A direct-reading instrument will be used to measure total particulate levels in the work area and downwind at the property boundary. Particulate levels in excess of the action level will trigger implementation of additional engineering controls in an effort to minimize off-site migration of dusts.

A California-state licensed construction contractor will conduct the excavation activities. Fieldwork will be conducted following the safety guidelines provided in the Health and Safety Plan prepared specifically for the project. DTSC will conduct oversight activities to ensure that the removal activities are implemented in accordance with the approved workplan.

The cleanup area within the Site contains debris piles surrounded by bare ground and ruderal assemblages of native and introduced weedy species which have become established as a result of ongoing disturbance including trespass, dirt-bike trails and other neighborhood activity. The ruderal species assemblage found throughout the Bolsa Chica lowlands includes species such as mustard, iceplant, various grasses and the native telegraph weed. Common bird species that may use the ruderal habitats include mourning dove, rock dove, american crow, northern mockingbird, European starling, house finch and house sparrow. There is limited habitat values associated with the cleanup area.

The removal activity will result in the excavation of the contaminated soil and a removal of the ruderal vegetation on the Site. The restoration of the disturbed areas will be incorporated into the Bolsa Chica Lowlands Restoration Project which includes habitat modification and enhancement to restore wetland and aquatic functions to the historic estuary. The complete description of the restoration project is included in the Final Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Bolsa Chica Lowlands Project (Chamber's Group, April 2001). The broader Bolsa Chica Lowlands Restoration Project has four general components:

- 1) ocean inlet and bridges;
- 2) 370-acre tidal basin;
- 3) 240-acre muted tidal salt marsh areas;
- 4) approximately 550 acres retained in its current condition (120 acres of seasonal ponds and remainder ongoing oil field operations).

The Site is included within the 240-acre muted tidal salt marsh areas. The cleanup area contains upland areas and portions of a seasonal pond. Approximately two acres of land, including portions of two seasonal ponds, will be excavated to remove the PCBs. The loss of these seasonal ponds is offset by permanent maintenance of the seasonal ponds on the southern portion of the Bolsa Chica site and the creation of new wetlands adjacent to the tidal basin. Within the muted tidal area, some of the existing roads, levees and high ground will be removed, while some areas will be retained to provide site access and site facilities, as appropriate.

The following conservation measures have been incorporated into the proposed Bolsa Chica Lowlands Restoration Project and the Site cleanup to avoid and /or minimize adverse impacts to state and federally listed species. These actions will occur during the removal action as well as during the broader grading/ restoration construction activities, or will follow the construction activities as restoration following it.

- The construction would be phased over several years due to seasonal shutdown of certain activities so as to avoid habitat disruptions to federally listed threatened or endangered species.
- Several additional nesting areas suitable for western snowy plover and California least tern will be constructed.
- About 40 acres of intertidal area will be constructed and revegetated with cordgrass to encourage nesting by the light-footed clapper rail.
- Biological monitoring will be conducted during and after construction, and some management actions beneficial to listed species such as water level management and predator control, are underway and will continue. A comprehensive program of inspection and maintenance of sensitive species breeding and nesting areas will be included as part of the Biological Monitoring Program.
- Construction equipment would not be allowed to operate next to active snowy plover or California least tern nest sites.

- The completed restoration project will be managed and maintained for the benefit of fish and wildlife, using an established maintenance endowment.
- Construction equipment would not be allowed to operate next to active snowy plover or California least tern nest sites.
- Prior to commencing construction activities, the areas that should not be disturbed will be clearly marked. Monuments and markers will be protected during the removal activities. Stockpiles and/or roll-off bins will be placed in unmarked areas onsite.
- Shrubs, vines, grasses, land forms and other landscape features defined to be preserved will be clearly identified by marking, fencing or wrapping with boards, or any other approved techniques. Landscape features damaged or destroyed during construction operations outside the limits of the work area will be restored.
- Erosion and sediment control measures will be implemented in accordance with permit requirements and Federal, State, and local laws and regulations. The erosion and sediment controls will selected such that water quality standards are not violated as a result of the construction activities.
- All previously used construction equipment will be cleaned prior to bringing it onto the project site. The contractor will ensure that the equipment is free from soil residuals, egg deposits from plant pests, noxious weeds, and plant seeds.
- All removal activities will comply with all project permit requirements and federal, State, and local laws and regulations.

A Biological Opinion was issued by USFWS on April 16, 2001 for the Bolsa Chica Lowlands Restoration Project. The Fieldstone property was included in this Biological review. Attached is an annotated Rarefind report table that lists the results of the September 8, 2004 search of DFG's Natural Diversity database. This table was reviewed and approved by Biologists from the USFWS and DFG. Based on the comments in the table, the proposed project will have no significant impact on species listed in the table.

Name of Public Agency Approving Project: CAL/EPA, Department of Toxic Substances Control

Name of Person or Agency Carrying Out Project: Hearthside Residential Corporation and U.S. Fish and Wildlife Service

Exempt Status: *(check one)*

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(A));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: _____
- Statutory Exemptions. State code number: _____
- General Rule (Sec. 15061(b)(3))

Exemption Title: Title 14, California Code of Regulations (CCR), Section 15061(b)(3)
With Certainty, No Possibility of Significant Effect on the Environment

Reasons Why Project is Exempt:

1. The removal will be limited to approximately 5,000 cubic yards of soil. The Site consists of 42 acres and the affected area is about two acres. The average excavation depth is 1.5 feet below ground surface (bgs) and the maximum depth is about five feet bgs in less than a 0.2 acre area. The soil cleanup level is based on protection of ecological receptors at the Site which is more conservative than the soil cleanup level for human health protection.
2. Actual excavation activities will be of short duration, lasting only about one to two months. Air monitoring will be conducted at the work area and at the property boundary. Dust control measures will be in place. Work will be stopped in windy days when dust control measures are not effective in meeting the particulate action level.

4. Excavation will be conducted in a fenced area and no unauthorized pedestrians or vehicles can enter the Site. The fence and entry gates will be kept secured and locked during non-working hours.
5. All fieldwork will be conducted according to the site-specific Health and Safety Plan and only properly trained personnel will be employed. Licensed contractors and transporters will also be used.
6. All trucks transporting hazardous material will be covered and be driven by registered hazardous waste haulers. All vehicles will follow existing roads and designated route to the interstate freeway and will travel during non-commute hours. The truck routes will avoid residences, schools and day care centers to the extent possible.
7. No areas of cultural significance have been identified in the project area. Excavation will extend into seasonal ponds to completely remove the contamination above the cleanup level. These seasonal ponds are usually dry in the summer months. Cleanup of the seasonal ponds falls within the Nationwide permit under Section 404 of Clean Water for cleanup of hazardous and toxic waste. The restoration of the seasonal ponds will be included in the Bolsa Chica Restoration Plan. All necessary permits will be obtained before the start of field work.
8. Biologists from the USFWS and DFG have reviewed the Rarefind report and concurred that the portion of the site subject to clean-up activities is void of natural habitats and thus no impacts to any listed species or sensitive habitats should occur as a result of the clean-up. While the Rarefind report did identify species present more than 240 feet from the cleanup area, the fence around the Site and the presence of field crew and moving equipment will preclude these species from entering the cleanup area. Measures cited above will ensure the protection of the listed species.
9. Based on the short duration of the project, controls to be implemented to protect workers, affected listed species and nearby residents, and the proper management of the wastes generated, there is no possibility that a significant effect on the environment will occur.
10. While the site is on the Hazardous Waste and Substances Sites List pursuant to Government Code 65962.5, the actions taken are designed to remediate the contamination and will not exacerbate the effects of this contamination on the public health and safety or the environment.

Remedios V. Sunga
Lead Agency Contact Person

(510) 540-3840
Phone #

DTSC Branch Chief Signature

Date

Thomas Cota
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Southern California Cleanup Operations
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RAREFIND 3 RESULTS – CALIFORNIA NATURAL DIVERSITY DATABASE
Fieldstone Property, September 2004

Rarefind 3 Results (California Natural Diversity Database)		Occurrence		Closest Proximity to Cleanup Area	Comments and Discussion
Scientific Name	Common Name	Fieldstone	Bolsa Chica		
<i>Astragalus pycnostachyus</i> var. <i>lanosissimus</i>	Ventura Marsh milk-veitch	x	x	Listed as a group, bounds include cleanup area according to Rarefind3	Historically, found in coastal salt marsh habitat in Ventura, Los Angeles and Orange counties. Historical collection at “La Bolsa.” Believed extirpated due to loss of habitat. Not observed in project area in 1991 or 1997 surveys. No suitable habitat is found in or immediately adjacent to the cleanup area.
<i>Calystegia sepium</i> ssp. <i>binghamiae</i>	Santa Barbara morning-glory	x	x		Last observed in 1932 in an unknown location within the Bolsa Chica lowlands. It is probably that extensive alteration of the area has caused its extirpation at Bolsa Chica.
<i>Cordylanthus maritimus</i> ssp. <i>maritimus</i>	salt marsh bird's-beak	x	x		<i>C. maritimus</i> ssp. <i>maritimus</i> has a historical record of collection in the Bolsa Chica area. However, surveys during the past 20 years and the most recent focused surveys for the species by Chambers Group (1991) and Roberts (1997) did not find the species. It is probably that extensive alteration of the area has caused its extirpation at Bolsa Chica.
<i>Lasthenia glabrata</i> ssp. <i>coulteri</i>	Coulter's goldfields	x	x		It was last observed in 1932. It was believed to have been found in the Ecological Reserve area approximately 1.2 km from cleanup area. No suitable habitat is found in or immediately adjacent to the cleanup area.
<i>Centromadia parryi</i> ssp. <i>australis</i>	southern tarplant	x	x	400 meters	Southern tarplant was reported as occurring in disturbed bare areas such as near the tidal gates. This species has not been reported since that time, and no individuals were observed in 1991 or 1997 surveys. Southern tarplant was reported to be found on Bolsa Chica Mesa (north of the cleanup area and outside of the Bolsa Chica Restoration project area). Southern tarplant has not been found in the cleanup area or the Bolsa Chica lowlands.
<i>Passerculus sandwichensis</i> <i>beldingi</i>	Belding's savannah sparrow	x	x	80 meters	Belding's savannah sparrow occupy coastal saltmarshes and estuaries where pickleweed, seablite, saltbush and saltgrass are common. Nesting habitat is especially good in tidal saltmarsh areas, such as Inner Bolsa Bay which is approximately 1.2 km from the cleanup area. Temporary habitat losses as a result of the overall restoration project will be offset by the replacement with permanent higher quality habitat resulting from the restoration. No habitat losses will occur in the cleanup area.

RAREFIND 3 RESULTS – CALIFORNIA NATURAL DIVERSITY DATABASE
Fieldstone Property, September 2004

Rarefind 3 Results (California Natural Diversity Database)		Occurrence		Closest Proximity to Cleanup Area	Comments and Discussion
Scientific Name	Common Name	Fieldstone	Bolsa Chica		
<i>Rallus longirostris levipes</i>	light-footed clapper rail	x	x	Bounds include cleanup area according to Rarefind3	Light footed clapper rails occupy tidal habitats dominated by cordgrass and pickleweed. Habitat suitable for clapper rails is currently limited at Bolsa Chica, and no nesting for this species has been detected during annual censuses conducted statewide from 1980 through 1998. Suitable habitat is available in the Bolsa Chica lowlands, but not in the cleanup area or adjacent to the cleanup area. Temporary habitat losses as a result of the overall restoration project will be offset by the replacement with permanent higher quality habitat resulting from the restoration. No habitat losses will occur in the cleanup area.
<i>Southern Coastal Salt Marsh</i>	Southern Coastal Salt Marsh	x	x	80 meters	Saltmarsh is a dominant habitat in the Bolsa Chica lowlands with approximately 350 acres. No saltmarsh occurs in the cleanup area. Temporary habitat losses as a result of the overall restoration project will be offset by the replacement with permanent higher quality southern coastal salt marsh habitat resulting from the restoration. No habitat losses will occur in the cleanup area.
<i>Suaeda esteroa</i>	estuary seablite	x	x	80 meters	Last observed in 1973 at Bolsa Chica State Beach Park and Bolsa Bay, approximately 1.5 km from the cleanup area. It typically grows on the periphery of salt marshes although no specific location was identified. Suitable habitat is available in the Bolsa Chica lowlands, but not in the cleanup area or adjacent to the cleanup area.
<i>Tryonia imitator</i>	mimic tryonia (California brackishwater snail)	x	x	80 meters	Last observed at this site in 1968 and it occurs in brackish water and sloughs. Closely associated with a habitat that is rapidly declining in southern California. Closest known extant population is Upper Newport Bay.
<i>Athene cunicularia</i>	burrowing owl		x	2050 meters	A burrowing owl was observed in the general location of the Ecological Reserve over 2 km from the cleanup area. The last recorded observation is 1993.
<i>Cicindela gabbii</i>	tiger beetle		x	700 meters	The saltflat area adjacent to the Ecological Reserve (approximately 1.2 km from the cleanup area) revealed three other species of tiger beetle but not the <i>C. gabbii</i> .

RAREFIND 3 RESULTS – CALIFORNIA NATURAL DIVERSITY DATABASE

Fieldstone Property, September 2004

Rarefind 3 Results (California Natural Diversity Database)		Occurrence		Closest Proximity to Cleanup Area	Comments and Discussion
Scientific Name	Common Name	Fieldstone	Bolsa Chica		
<i>Nemacaulis denudata</i> var. <i>denudata</i>	coast woolly-heads		x	1380 meters	Coastal woolly-head was found at Bolsa Chica lowlands during the survey by Roberts (1997). About 2,500 individuals, one of the largest populations in Orange County, were found on Rabbit Island in 1997 which is over 1 km from the cleanup area. Some plants towards the edges of the dunes may be lost due to changes in water regime. Mitigation is part of the proposed restoration project which includes propagation and relocation. No suitable sandy/dune habitat occur elsewhere in the project area, therefore, this species would not disperse elsewhere in the Bolsa Chica lowlands. No plant species or suitable habitat for this species occurs in or adjacent to the cleanup area
<i>Rynchops niger</i>	black skimmer		x	1033 meters	Black Skimmers nest at the North Island in Inner Bolsa Bay and forage throughout the shallow water habitats of Bolsa Chica. Temporary habitat losses to foraging habitat as a result of the overall restoration project will be offset by the replacement with permanent higher quality foraging habitat resulting from the restoration. No habitat losses will occur in the cleanup area.
<i>Southern Dune Scrub</i>	Southern Dune Scrub		x	1028 meters	Approximately 13.6 acres of coastal dunes including southern dune scrub and southern foredunes occur along the Pacific Coast Highway, approximately 1.0 to 1.5 km from the cleanup area. They occur within a narrow band within the Ecological Reserve between Bolsa Bay and PCH.
<i>Southern Foredunes</i>	Southern Foredunes		x	1450 meters	
<i>Sterna antillarum browni</i>	California least tern		x	1033 meters	Construction activities that may affect the least tern nesting in the Bolsa Chica lowlands adjacent to the cleanup area are to occur outside the least tern breeding season. Therefore, least tern are not likely to be adversely affected by the proposed project.
<i>Panoquina errans</i>	Wandering (salt marsh skipper)		x	1028 meters	This species was captured at the dune system between the PCH and Inner Bolsa Bay over 1 km from the cleanup area.
<i>Trigonoscuta dorothea dorothea</i>	Dorothy's El Segundo Dune weevil		x	1028 meters	This species was captured at the dune system between the PCH and Inner Bolsa Bay (over 1 km from the cleanup area) as well as Rabbit Island (approximately 1.2 km from the cleanup area).