

REQUEST FOR ACTION

To: Mark De Bie, Deputy Director
Waste Permitting, Compliance and Mitigation Division

From: Steve Santa Croce
Senior Waste Management Engineer
Solid Waste and Waste Tire Cleanup Programs Unit
Engineering Support Branch

Reviewed By: Steve Levine, Legal Office

Request Date: June 15, 2015

Decision Subject: **APPROVAL OF THE POINT MUGU STATE PARK RANCH CENTER DISPOSAL SITE CLEANUP, SOLID WASTE DISPOSAL AND CODISPOSAL SITE CLEANUP PROGRAM (SOLID WASTE DISPOSAL TRUST FUND, FY 2014/2015)**

Action By: June 29, 2015

Summary of Request:

Department of Resources Recycling and Recovery (CalRecycle) staff have completed an evaluation and recommend approval of the CalRecycle-managed cleanup of the Point Mugu State Park Ranch Center Disposal Site (site) pursuant to the requirements of the Solid Waste Disposal and Codisposal Site Cleanup Program (Program).

Recommendation:

Staff recommend the approval of the CalRecycle-managed remediation of the site.

Deputy Director Action:

On the basis of the information and analysis in this Request for Action, CalRecycle hereby approves this project under the Solid Waste Disposal and Codisposal Site Cleanup Program.



Mark De Bie, Deputy Director
Waste Permitting, Compliance and Mitigation Division

Dated: 6/29/15

Background Information, Analysis, and Findings:

Program Eligibility: The Program addresses cleanup of solid waste disposal and codisposal sites where the responsible party either cannot be identified or is unable or unwilling to pay for a timely remediation and where cleanup is needed to protect public health and safety or the environment. Cleanup projects are implemented through CalRecycle-managed contracts, grants, and loans. Staff uses adopted regulations and policies in determining site eligibility. Unless otherwise noted, actions proposed for this project are specifically eligible pursuant to the regulations.

Project Scope:

Site Location/Description: Point Mugu State Park (Park) is located in the Santa Monica Mountains in Los Angeles County and is owned by the California Department of Parks and Recreation (CDPR). In May 2013, a massive wind driven brush fire burned 12,000 acres of the Park's almost 14,000 acres and destroyed five structures at a former ranch facility called the Ranch Center Residence and Storage Barns. The debris found at the site includes concrete, metal, concrete storm drain pipe and other solid waste. The CDPR District Superintendent initially contacted CalRecycle staff in August 2014 regarding assistance through the Program.

The CDPR staff concur with Program staff that this debris material constitutes solid waste that needs to be removed and disposed of in accordance with State solid waste laws. However, the CDPR lacks resources to remove any of the waste and over two years have now gone by with no current or anticipated future prospect of obtaining budget funds to complete the project. Thus, CDPR and Program staff concur that the CDPR is essentially treating the waste as if it is in its "final resting place" and at the stage of "final disposition" under Public Resources Code Section 40192(a), making this site a disposal site. Moreover, the long-standing and continued presence of this exposed waste is located within an area of the park that is accessible and dangerous to the public with no effective means of cordoning off the area, and thus staff deems that the site poses a significant threat to public health, safety and the environment.

Site Prioritization: The site is rated as an environment priority of A2. Priority A2 is a known condition of pollution or nuisance from solid waste based on comparison with state minimum standards with significant residential, industrial, park, recreation, or environmentally sensitive areas within one mile of the site.

Proposed Remediation Project: The Program's contractor will remove the aforementioned surface debris and dispose it at the nearest landfill. Concrete foundations will be preserved in place. Once the debris is removed, measures will be installed at disturbed areas in order to protect the site from erosion.

California Environmental Quality Act (CEQA):

Program staff has reviewed the proposed project and determined that it is categorically exempt per the Class 8 exemption (Title 14, California Code of Regulations (14 CCR) Section 15308: Actions by Regulatory Agencies for Protection of the Environment). Compliance with CEQA requirements will be made with a Notice of Exemption filed by Program staff.

Fiscal Impacts:

Cost Estimate: The CalRecycle-managed project will be performed on a time-and-materials basis utilizing the Program's Southern California remediation contract number DRR12033. The contractor has conducted a site visit with Program staff and developed a work plan with a preliminary cost estimate of \$101,000, which includes a 20 percent contingency.

Funding: Funding for the project will be derived from previously encumbered funds from the Solid Waste Disposal Trust Fund in the Program's Southern California remediation contract number DRR12033. The contract currently has approximately \$2,700,000 in available funds and is adequately funded to complete this project.

Cost Recovery: Public Resources Code Section 48023 directs CalRecycle to seek reimbursement for monies expended under the Program to the extent feasible. The property owner, the CDPR, is a public agency charged with the responsibility of maintaining and improving nearly 300 parks and recreation areas in California for the enjoyment of the public. Pursuant to 14 CCR Section 18929(b), in considering the extent of cost recovery CalRecycle may take into consideration factors present here, such as publicly owned sites maintained in public benefit and use, where the owner did not cause the disposal of waste and will not gain a benefit due to the condition of the property. As the CDPR owns and maintains the property as open space land for recreational purposes for the public benefit, and did not cause the disposal of the waste, cost recovery need not be pursued against the CDPR. For these reasons, CalRecycle will not seek cost recovery from the CDPR; however, the CDPR will provide "in-kind" biological and archeological monitoring support during the remediation.

Support:

Staff has not received any written support at the time this document was submitted for approval.

Opposition:

Staff has not received any written opposition at the time this document was submitted for approval.

