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January 9, 2014

Chad Ortlieb, Senior Planner
City of Orange
Planning Division
300 East Chapman Avenue
Orange, CA 92866

Sent via email to cortlieb@cityoforange.org on January 9, 2014

Subject: Final Environmental Impact Report 1818-09 Response to Comments, Errata to Draft EIR and Mitigation Monitoring Program for the Proposed Rio Santiago Project

Dear Mr. Ortlieb:

The Orange County Local Enforcement Agency (LEA) regulates solid waste facilities and operations for all cities and unincorporated areas of Orange County and is a responsible agency reviewing the Final Environmental Impact Report (EIR) for the Proposed Rio Santiago Project. The LEA wishes to make the following corrections and clarifications to the subject document:

1. In the Section 2.3 Hazards and Hazardous Materials, Additional Project Design Features (PDFs), PDF-HAZ-12, "*Prior to the issuance of any residential building permit, the project applicant shall demonstrate to the satisfaction of the Director of Public Works and Community Development that methane monitors will be installed.*"

   LEA Response: The LEA has no objection to this project design feature (PDF), however, we have the following concerns. Methane monitors, once installed, must be calibrated regularly, replaced periodically and monitored to ensure they are functioning properly. Residents and businesses which have methane monitors installed must be informed on how these monitors operate and what to do if a methane alarm is activated. Methane monitors are a protection safeguard for structures near landfills, however planning and implementation of standard operating procedures are required to ensure the maintenance, monitoring, calibration and replacement of the methane monitors to protect public health; otherwise the installation of methane monitors may provide only a false sense of security. The EIR does not address long term maintenance, monitoring, calibration and replacement of the methane monitors.

2. In the Section 2.3 Hazards and Hazardous Materials, Subsection Buffer Zone, Page 2.3-5, "*PDF-10 allows for the probes under the ownership of OCW&R to remain on-site.*"

LEA Response: The probes are the first line of defense for detecting methane migrating to adjacent properties. These probes must be protected and if destroyed during development construction activities must be replaced. It is important to note that these probes are on the adjacent property due to the fact that buried waste material was encountered at the landfill property boundary (abutting the Rio Santiago property) and had to be placed in native soil to be considered a compliance probe capable of detecting methane migration; the exact boundary of the waste between the former landfill and the Rio Santiago property is unclear. Therefore, these probes must be protected.

3. In the Section 2.3 Hazards and Hazardous Materials, Subsection Buffer Zone, Page 2.3-5, *"Additionally, should any landfill material be found on the project site, it would be the responsibility of the LEA to remove such material. 27 CCR 20005(c); 27 CCR 20180."*

LEA Response: The above statement is incorrect.
27 CCR 20005(c) states, "The standards promulgated by the CIWMB in Chapters 1, 2, 3, and applicable portions of Chapter 4 shall apply to all disposal sites meaning active, inactive closed or abandoned, as defined in section 40122 of the Public Resources Code including facilities or equipment used at the disposal sites. Responsibility for enforcing state minimum standards as defined by the CIWMB shall be administered by the EA in consultation as deemed appropriate with the Regional Water Quality Control Board or other oversight agency."

27 CCR 20180 states, "*Responsibility for compliance with the standards in this chapter shall rest with both the owner and the operator. If specifically designated, the operator is considered to have prime responsibility for compliance; however, this does not relieve the owner of the duty to take all reasonable steps to assure compliance with these standards and any assigned conditions."*

If landfill material is found on the project site, the landowner becomes the responsible party as well as the operator; the LEA is the Enforcement Agency (EA) with regulatory authority. Additionally, the project site would be considered part of the landfill and all applicable laws and regulations would apply. If there is a request for removal of buried waste, the property would be subject to clean closure solid waste regulations.

Please ensure that any incorrect statements are corrected before finalizing the EIR. If you have any questions, please feel free to call us.

Sincerely,

Kathryn Cross

Kathryn Cross, PG, REHS
Supervising Hazardous Waste Specialist
Solid Waste Local Enforcement Agency
Orange County Environmental Health

Cc: Dianne Ohiosumua, CalRecycle (Riverside)
Virginia Rosales, CalRecycle (Sacramento)
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June 3, 2013

Chad Ortlieb, Senior Planner
City of Orange
Planning Division
300 East Chapman Avenue
Orange, CA 92866

Subject: Notice of Draft Environmental Impact Report for Proposed Rio Santiago Project (SCH No. 2009051072), Orange, CA

Dear Mr. Ortlieb,

The Orange County Health Care Agency Environmental Health Division is the Solid Waste Local Enforcement Agency (LEA) for all cities and unincorporated areas of Orange County. Pursuant to Public Resources Code (PRC) Sections 43020, 43021, and 44002, and the California Code of Regulations (CCR), Title 14 and Title 27. It is the intent of the LEA to protect public health, safety, and the environment through the enforcement of State regulations applicable to open and closed solid waste facilities.

The LEA has a concern that some of the proposed development structures and utilities (sewer lines, water lines, etc.) in Planning Area B will be situated in close proximity to the former Villa Park Disposal Station. This former disposal site encompasses approximately 17 acres and is located at the north east corner of Santiago Canyon Road and Cannon Street. Landfill gas (LFG) is currently extracted from extraction wells and discharged through a flaring system with approval from the South Coast Air Management District. LFG monitoring probes are installed around the perimeter of the former landfill, three of which, along the north and east perimeter, are located on the proposed Rio Santiago project property. The LEA's concern is that LFG migration offsite (of which methane may range from 45%-60%) is possible, due to the very high porosity of the soil in this area. State regulations permit some migration of LFG offsite, as long as the methane concentrations remain below the 5% regulatory limit by volume in air.

The draft EIR has essentially concluded that no methane protection measures are necessary for the proposed YMCA building and utilities due to the absence of detectable methane in soil vapor samples collected in Planning Area B. Conversely, the draft EIR recommends methane

protection measures in Planning Area C, due to low levels of methane found in soil vapor samples in this area. Planning Area C is located farther away from the former disposal site than Planning Area B. Generally, the potential risk of methane migration becomes lower the farther away you are from a disposal site. In addition, the lack of detectable methane in soil vapor samples collected from Planning Area B does not rule out the potential for changes to the current or future offsite methane migration due to the heterogeneity of subsurface soils or variations in migration pathways that may occur.

The LEA recommends that all appropriate methane protection safeguards be taken in Planning Area B to mitigate any potential risks associated with the project in regards to the adjacent former disposal site. Please refer to the attached California Code of Regulations, Title 27, Section 21190, Postclosure Land Use, which requires certain safeguards be taken if structures are built within a disposal site's boundary. The proposed Rio Santiago Project should consider the following precautions: a geomembrane between the concrete floor slab and subgrade; utility trench dams, periodic methane gas monitoring inside all buildings and underground utilities; subsurface venting systems beneath each building; and automatic methane sensors beneath and inside each building, etc.

The LEA also recommends protecting the three offsite LFG monitoring probes on the north and east perimeter of the former disposal site, and establishing a buffer zone to allow for the installation of additional probes or future remediation as necessary.

The LEA is available to participate in future meetings with the developer to discuss the landfill gas migration issue or to review and comment on any proposed plans which implement mitigation measures for the development project.

Finally, the LEA requests to be included on all future notices regarding this proposed development.

If you have any questions, or if we can be of assistance, please do not hesitate to contact me at (714) 433-6270, or James Strozier at (714) 433-6273.

Sincerely,

Kathryn Cross

Kathryn Cross, REHS
Supervising Hazardous Waste Specialist
Solid Waste Local Enforcement Agency
Environmental Health

cc: Dianne Ohiosumua, CalRecycle (Riverside)
Virginia Rosales, CalRecycle (Sacramento)
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