

CALIFORNIA ENVIRONMENTAL QUALITY ACT STATEMENT OF FINDINGS

The Department of Toxic Substances Control (DTSC) has issued Findings for this project pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, Division 13, Section 21081) and implementing Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15091 et seq.)

A. PROJECT SUBJECT TO DTSC APPROVAL

PROJECT TITLE: Hall Family Trust Site Groundwater Removal Action Workplan		SITE CODING: 401659
PROJECT ADDRESS: 13872 North Tustin Avenue	CITY: Santa Ana	COUNTY: Orange
PROJECT SPONSOR: Hall Family Trust	CONTACT: Rachelle E. Menaker	PHONE/ EMAIL: 714-619-7087 rmenaker@hartkinglaw.com
Approval Action Under Consideration by DTSC:		
<input checked="" type="checkbox"/> Removal Action Workplan <input type="checkbox"/> Interim Removal <input type="checkbox"/> Initial Permit Issuance <input type="checkbox"/> Permit Re-Issuance <input type="checkbox"/> Corrective Measure Study/Statement of Basis <input type="checkbox"/> Permit Modification <input type="checkbox"/> Closure Plan <input type="checkbox"/> Remedial Action Plan <input type="checkbox"/> Regulations <input type="checkbox"/> Other (specify):		
STATUTORY AUTHORITY:		
<input type="checkbox"/> California H&SC, Chap. 6.5 <input checked="" type="checkbox"/> California H&SC, Chap. 6.8 <input type="checkbox"/> Other (specify):		
<p>PROJECT DESCRIPTION: The proposed project activities involve the installation of an In-Situ Chemical Oxidation (ISCO) system consisting of ten new vertical injection wells and injecting a chemical oxidant such as sodium permanganate through a manifold to oxidize volatile organic compounds (VOCs), specifically tetrachloroethene (PCE) and trichloroethylene (TCE), in groundwater. Project activities would be accomplished through Department of Toxic Substances (DTSC) approval of the Hall Family Trust Site Groundwater Removal Action Workplan (RAW) for VOCs in groundwater at 13872, 13875 and 13972 North Tustin Avenue, Santa Ana, California (Site).</p> <p>BACKGROUND: The Site is approximately 4.1 acres and is located in a commercial area. Adjacent commercial businesses surround the Site along with a small adjacent residential area to the northeast. The Site has a commercial history from the 1960s until 1997. An ARCO gas station, a dry cleaner, and various other commercial businesses were previously located on the Site, and both the gas station and dry cleaner had documented releases which were investigated and closed under regulatory supervision by the Orange County Health Care Agency (OCHCA).</p> <p>In 1989, a gasoline release to soil was discovered at the former ARCO station. The impacted soil was excavated and hauled offsite. Because gasoline vapors were reportedly still emanating from the excavation, further work including a geotechnical boring and soil vapor survey were completed. Gasoline constituents were found in both soil matrix and soil vapor samples. The OCHCA issued closure for this property in 1991 without requiring groundwater testing.</p> <p>The dry cleaner was investigated in 1997 by a consultant retained by Rite-Aid. Both soil vapor and soil matrix samples were collected. Detectable concentrations of PCE, a common dry-cleaning solvent, were found in both soil vapor and soil matrix samples. The OCHCA issued closure for this property in 1998.</p> <p>SGL completed a Phase II Environmental Site Assessment in August 2013 and a Supplemental Site Investigation in August 2014. Both investigations found elevated PCE concentrations in soil gas and groundwater samples collected across the Site. Soil matrix samples also detected PCE, but in much lower concentrations and below action levels for commercial sites. No gasoline constituents were detected in any of the samples analyzed. DTSC and the Hall Family Trust entered into a Voluntary Cleanup Agreement HAS-VCA 13/14-048 on November 18, 2013 to investigate and remediate a release or threatened release of any hazardous substance.</p> <p>A soil vapor extraction (SVE) system operated on the Site from 2014 through 2017. The SVE system installed wells to extract contaminant vapors from soil above the water table by applying a vacuum to pull vapors out. During this process, the vacuum pulled air and contaminant vapors through the soil to the ground surface for treatment. Treatment of extracted air and contaminant vapors removed harmful levels of contaminants through activated carbon</p>		

filtration. The chemicals were then captured by the carbon while clean air exits to the atmosphere. The goal of SVE at the project Site was to minimize or eliminate potential human exposure to PCE and TCE in soil and soil gas.

At the end of the SVE system operation, the vast majority of PCE soil vapor concentration at the Site at a 5-foot depth met the cleanup goal. However, soil vapor data collected from three deep nested probes (at 55, 85, and 95 feet) indicated PCE concentrations had not been significantly reduced after SVE system operation. It was determined that continued operation of the SVE system would unlikely be able to remove residual PCE.

PROJECT ACTIVITIES: Cleanup activities involve installing an In-Situ Chemical Oxidation (ISCO) system consisting of ten new vertical injection wells and injecting a chemical oxidant such as sodium permanganate through a manifold to oxidize VOCs in groundwater. The new injection wells will be screened from approximately 110 to 150 feet below ground surface (bgs). An aboveground control system will be used to monitor and optimize the injection rate. Groundwater monitoring wells installed onsite will be augmented with additional offsite monitoring wells and used as sentry wells, to monitor the performance of ISCO at reducing VOC concentrations in groundwater. The ISCO system would operate between 3 and 10 years along with approximately 3 years of groundwater monitoring.

DTSC utilized information and analysis in the Chick-fil-A/In-N-Out - 17th and Tustin Initial Study/Mitigated Negative Declaration (ISMND) to support a final determination about the type of environmental document required to be prepared for the Groundwater Removal Action Workplan, Hall Family Trust Site as provided by Sections 15162, 15163, and 15164 of the CEQA Guidelines. Specifically, the IS/MND identified and analyzed potential impacts related to contaminated soils, including soil vapor and groundwater, in Section 4.9 (Hazards and Hazardous Materials) and Appendix C (Hazardous Materials Documentation) along with potential impacts related to grading and construction in Section 4.3 (Air Quality), Section 4.5 (Cultural Resources), and Section 4.18 (Tribal Cultural Resources). The IS/MND concluded that with implementation of mitigation measures 4.9-1 and 4.9-2 (refer to Attachment A) potential impacts would be reduced to a less-than-significant level.

B. LEAD AGENCY ENVIRONMENTAL DOCUMENT REVIEWED

Lead Agency: County of Orange
Lead Agency’s Environmental Document: Chick-fil-A/In-N-Out - 17th and Tustin Initial Study/Mitigated Negative Declaration
Date Certified: September 30, 2019
State Clearinghouse Number: 2019079044

C. STATEMENT OF FINDINGS AND FACTS FOR ADEQUACY OF LEAD AGENCY ENVIRONMENTAL DOCUMENT

Using its independent judgment, DTSC makes the following findings:

- The Lead Agency Final Environmental Document includes a description of the Project now before DTSC for decision
- The Lead Agency Final Environmental Document adequately analyzed impacts associated with the Project before DTSC for decision.
- DTSC concurs with the findings made by the Lead Agency Final Environmental Document relating to the Project before DTSC for decision.
- Mitigation measures are included in the Lead Agency Final Environmental Document for the following resources that would potentially be affected by the DTSC project.

<input type="checkbox"/> Aesthetics	Mitigation Measure: None
<input type="checkbox"/> Agricultural Resources	Mitigation Measure: None
<input type="checkbox"/> Air Quality	Mitigation Measure: None
<input type="checkbox"/> Agricultural Resources	Mitigation Measure: None
<input type="checkbox"/> Biological Resources	Mitigation Measures: None
<input checked="" type="checkbox"/> Cultural Resources	Mitigation Measure 4.5-1: refer to the Chick-fil-A/In-N-Out - 17th and Tustin Initial Study/Mitigated Negative Declaration (July 2019) Attachment A)
<input type="checkbox"/> Energy	Mitigation Measure: None
<input type="checkbox"/> Geology / Soils	Mitigation Measure: None
<input type="checkbox"/> Greenhouse Gas Emissions	Mitigation Measures: None
<input checked="" type="checkbox"/> Hazards / Hazardous Materials	Mitigation Measures 4.9-1 and 4.9-2: refer to the Chick-fil-A/In-N-Out - 17th and Tustin Initial Study/Mitigated Negative Declaration (July 2019) Attachment A)
<input type="checkbox"/> Hydrology / Water Quality	Mitigation Measure: None
<input type="checkbox"/> Land Use / Planning	Mitigation Measure: None
<input type="checkbox"/> Mineral Resources	Mitigation Measure: None
<input type="checkbox"/> Noise	Mitigation Measure: None
<input type="checkbox"/> Population / Housing	Mitigation Measure: None
<input type="checkbox"/> Public Services	Mitigation Measure: None
<input type="checkbox"/> Recreation	Mitigation Measure: None
<input checked="" type="checkbox"/> Transportation / Traffic	Mitigation Measures 4.71-1 through 4.17-4: refer to the Chick-fil-A/In-N-Out - 17th and Tustin Initial Study/Mitigated Negative Declaration (July 2019) Attachment A)
<input checked="" type="checkbox"/> Tribal Cultural Resources	Mitigation Measures 4.18-1: refer to the Chick-fil-A/In-N-Out - 17th and Tustin Initial Study/Mitigated Negative Declaration (July 2019) Attachment A)
<input type="checkbox"/> Utilities / Service Systems	Mitigation Measure: None
<input type="checkbox"/> Wildfire	Mitigation Measure: None

Mitigation measures identified in the Lead Agency Final Environmental Document have been adopted by DTSC for this Project and will be implemented to avoid, reduce, or substantially lessen the project impacts. No additional mitigation measures are necessary, and no additional mitigation monitoring plan is required pursuant to CEQA.

For each significant environmental effect identified for the Project:

- Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the Lead Agency Final Environmental Document.
- Such changes or alterations are within the responsibility and jurisdiction of the City of Daly City not DTSC.
- Such changes have been adopted by this public agency or can and should be adopted by this public agency.
- Mitigation measures included in the Lead Agency Final Environmental Document are infeasible, and therefore, will not be incorporated into the DTSC Project for the following reasons: N/A

BASED ON THE ABOVE FINDINGS, DTSC CONCLUDES:

The proposed Project will not result in significant and unavoidable effects to the environment.

The proposed Project will result in significant and unavoidable effects to the following environmental resources:

<input type="checkbox"/> Air Quality	<input type="checkbox"/> Mineral Resources
<input type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Noise
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing
<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Public Services
<input type="checkbox"/> Energy	<input type="checkbox"/> Recreation
<input type="checkbox"/> Geology/ Soils	<input type="checkbox"/> Transportation/Traffic
<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Tribal Cultural Resources
<input type="checkbox"/> Hazards/Hazardous Materials	<input type="checkbox"/> Utilities/ Service Systems
<input type="checkbox"/> Hydrology/ Water Quality	<input type="checkbox"/> Wildfire

Impacts to these resources would remain significant even after applying mitigation measures described in the Lead Agency Final Environmental Document, or there is no feasible mitigation available.

In accordance with Cal. Code of Regs., title 14, section 15093, a Statement of Overriding Considerations was adopted by the Lead Agency for these resources. DTSC adopts a Statement of Overriding Considerations for these resources having determined that the DTSC Project benefits outweigh the significant environmental effects for the following reasons: The DTSC remedial actions reduce the exposure of contaminated soil, soil gas, and groundwater in order to render it safe for Site occupants. The DTSC remedial project also serves to protect human health and the environment, which are DTSC’s responsibilities under the California Health and Safety Code.

None of the conditions requiring a subsequent EIR or Negative Declaration pursuant to Cal. Code Regs., tit. 14 Section 15162 exist.

In accordance with Cal. Code of Regs., title 14, section 15093, a Notice of Determination indicating the results of said Findings will be filed with the Governor’s Office of Planning and Research / State Clearinghouse.

D. CERTIFICATION

<i>Farah Itani</i>		<u>12/10/2021</u>
_____ Project Manager’s Signature		_____ Date
<u>Farah Itani</u>	<u>Hazardous Substances Engineer</u>	<u>714-484-5471</u>
Project Manager’s Name	Title	Phone #
 <i>Javier Sanchez</i>		 <u>12/10/2021</u>
_____ Branch Chief’s Signature		_____ Date

Javier Hinojosa
Branch Chief's Name

Branch Chief
Title

714-484-5484
Phone #

Attachment A

Cultural Resources 4.5-1

If human remains are found during earthwork activities, then grading and construction activities shall cease in the vicinity of the find pursuant to State Health and Safety Code Section 7050.5 until the County Coroner has made the necessary findings as to origin and disposition pursuant to Section 5097.98 of the California Public Resources Code. If the remains are determined to be of Native American descent, then the County Coroner shall notify the Native American Heritage Commission within 24 hours.

Hazards and Hazardous Materials 4.9-1

Prior to issuance of a grading permit, the Applicant shall retain a qualified Phase II/Site Characterization Specialist to conduct verification soil and soil gas sampling to ensure residual contamination is below the screening values for protection of construction workers published by the California Environmental Protection Agency. Should any samples determine that residual contamination in either soil or soil gas present a risk to construction workers during site disturbance activities, a Construction Contingency Plan shall be developed by an Applicant-retained Phase II/Site Characterization Specialist, submitted to the Manager, OC Development Services, prior to issuance of a grading permit. At a minimum, the Construction Contingency Plan shall include guidance for handling, segregating, and characterizing potentially contaminated soil generated during grading activities in order to minimize impacts to worker safety and the environment. The Plan shall also identify that the Contractor must verify that all exported soils, if any, are not contaminated with hazardous materials above regulatory thresholds in consultation with the Specialist. If export soils are determined to be contaminated above regulatory thresholds, the Specialist shall recommend proper handling, use, and/or disposal of these soils.

Hazards and Hazardous Materials 4.9-2

At least 48 hours, excluding weekends and holidays, prior to any lane closure, the construction contractor shall notify OCSD, OCFA, OCTA, as well as the Orange County and Santa Ana Public Works Directors, of construction activities that would impede movement (such as road or lane closures) along Ponderosa Street, 17th Street, and Tustin Avenue, to allow for uninterrupted emergency access and maintenance of evacuation routes. Additionally, the project Applicant and the County of Orange shall coordinate with OCTA in advance of any construction-related activities that could affect bus operations in the study area.

Transportation/Traffic 4.17-1

Prior to issuance of a Certificate of Occupancy, the Applicant shall restripe the northbound travel lane of Tustin Avenue, north of 17th Street to the southerly project driveway, in order to accommodate a third northbound through lane. The specific design of the restriping shall be prepared by a licensed professional Traffic Engineer and shall be approved by the Manager, OC Development Services, or their designee.

Transportation/Traffic 4.17-2

Prior to issuance of a Certificate of Occupancy, the Applicant shall install appropriate treatments (e.g., a raised median, restriping, or signage) to ensure left turn movements are restricted from the Salon and Spa Driveway onto Tustin Avenue. The treatment design shall be prepared by a licensed professional Traffic Engineer and shall be approved by the City of Santa Ana Public Works Director, or their designee. However, should regulatory approvals not be granted by the City of Santa Ana by the date of Certificate of Occupancy, the Applicant shall provide full monetary funds in an amount calculated by the City of Santa Ana Engineer in a dedicated account with the City of Santa Ana that would specifically earmark this account for the future installation of these specific treatments.

Transportation/Traffic 4.17-3

Prior to issuance of a Certificate of Occupancy, the project Applicant shall install appropriate treatments (e.g., appropriate signage) to ensure eastbound and westbound left turn movement at Tustin Avenue at Catalina Avenue are restricted. The treatment design shall be prepared by a licensed professional Traffic Engineer and shall be approved by the Manager, OC Development Services, or their designee.

Transportation/Traffic 4.17-4

Prior to issuance of a Certificate of Occupancy, the Applicant shall provide fair-share contribution fees into a dedicated account with the City of Santa Ana for restriping of the intersection of Tustin Avenue at Santa Clara Avenue to accommodate a second northbound left turn lane onto westbound Santa Clara Avenue. Proof of funds to the City of Santa Ana shall be provided to the Manager, OC Development Services.

Tribal Cultural Resources 4.18-1

If evidence of subsurface tribal cultural resources is found during construction, excavation, and/or other construction activities in that area, construction activities shall cease and the construction contractor shall contact the Manager, OC Development Services/Planning. With direction from the Manager, an archaeologist certified by the County of Orange shall be retained to evaluate the discovery prior to resuming grading in the immediate vicinity of the find. If warranted (as determined by the Manager, OC Development Services/Planning in consultation with the archaeologist), the archaeologist shall contact the Native American Heritage Commission to determine the appropriate Native American monitor for the find. The archaeologist and Native American Monitor shall collect the resource and prepare a technical report describing the results of the investigation. The test-level report shall evaluate the site including discussion of significance (depth, nature, condition, and extent of the resources), final mitigation recommendations, and cost estimates.