

NOTICE OF EXEMPTION

2020090104

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
Site Mitigation and Restoration Program
8800 Cal Center Drive
Sacramento, CA 95826

Project Title: Richard Parks Property – Interim Removal Action Work Plan		
Project Address: 3400 Keefer Road	City: Chico	County: Butte County
Applicant: Richard Parks		
Approval Action Under Consideration by DTSC:		
<input type="checkbox"/> Removal Action Workplan	<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 checked="" type="checkbox"/> Interim Removal
<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):		

Project Description:

The purpose of the interim removal is to remediate soil in a residential property, to address uncontrolled releases and exposures to asbestos-containing materials that were dumped in an open pit within the Site. The removal is necessary to mitigate the threat of exposure and to protect human health and the environment. Project activities are detailed in the Interim Removal Action Workplan submitted on August 20, 2020, by GHD Services Inc., on behalf of the property owner, Mr. Richard Parks.

Background:

The Site is located at 3400 Keefer Road, Chico, Butte County, California 95973. The property consists of 7.2 acres and is identified by Assessor's Parcel number 047-390-005. The Site is a residential property, with a curved driveway that leads from Keefer Road to a main residence. The residence is a two-story, single family structure set approximately 400 feet from the street and to the west of the driveway there is a small building/shed. The Site has ravines that lead downhill to Rock Creek, a tributary to Big Chico Creek.

On February 29, 2020, DTSC's Office of Criminal Investigations (OCI) was contacted by California Fish and Wildlife (Fish and Wildlife) Warden Michael Beals regarding the dumping of suspected hazardous substances onto the Site. Mr. Beals drove to the Site and observed the property owner dumping bags marked "Danger Contains Asbestos" into a hole located on the Respondent's property. At an interview conducted by Mr. Beals, Respondent admitted to transporting and dumping the bags, using a dump truck from a remodeling project of the North Area Plaza, located at 2156 Pillsbury Rod, Chico, California 95926.

DTSC's OCI collected samples at the Site on March 1, 2020. OCI Investigators found dumped bags at the Site of what appeared to be building demolition waste. These bags contained material in a friable state. Six (6) samples were taken from three (3) sampling locations within the Site. Subsequent laboratory analysis confirmed that all six samples contained up to 3% of asbestos. Asbestos-containing material is considered hazardous waste if it is "friable" and contains one percent (1.0%) or more asbestos.

DTSC determined that there may be an immediate threat to the public health or welfare or to the environment and issued an Imminent and/or Substantial Endangerment (I&SE) Order to the property owner. Because of the release and/or the threatened release of asbestos at the Site, a response action to abate asbestos and to protect public health and the environment is necessary.

Project Activities:

The Interim Removal Action Work Plan details the removal and disposal of asbestos-containing materials (ACM). The scope of work includes the following:

- Site-specific Health and Safety Plan
A site-specific Health and Safety Plan (HASP) will be prepared for all proposed fieldwork. The HASP will include a Jobsite Safety and Environmental Analysis (JSEAs) for the various tasks to be performed at the Site. The HASP will be a living document that will have the ability to be amended and revised as field conditions change.

- **Work Area Delineation**

It was determined that the excavation extends horizontally to encompass an area of approximately 30 by 40 feet (1,200 square feet). To define the vertical extent of the bagged waste material at the Site, exploratory hand-auger borings will be completed at the Site. A total of four (4) investigative borings/test pits will be installed along the perimeter of the area of concern prior to the commencement of remediation work at the Site.

- **Permits and Notifications**

The Underground Services of America (USA) notification system will be contacted in order to locate potential underground utilities in the area where borings and ACM removal are to take place. Prior to the removal of ACM from the excavation, a National Emission Standards for Hazardous Air Pollutants (NESHAP) notification will be submitted to the California Air Resources Board (CARB) and the US EPA Region 9, at least 10 business days prior to planned start of field work.

- **ACM Removal and Disposal**

The Asbestos Abatement Plan (AAP) prepared by Adam Labs Inc., specifies the remediation procedures, means, and methods that are to be employed by US Ecology to complete the removal and disposal of the ACM. Asbestos regulatory requirements with respect to the signage, containment, visible emissions, adequate wetting, container labeling, transportation and disposal records, and document retention will be followed. US Ecology will follow the AAP in the completion of its removal activities. A field representative will observe and document the removal activities, inspect completed works, and conduct air monitoring activities required in the AAP.

- **Confirmation Sampling**

A Certified Asbestos Consultant will collect bulk samples of soil from select representative areas throughout the excavation. Resulting analytical data for the soil samples collected will be compared with the cleanup criteria and will be used to determine if additional soil removal (4 to 6 inches in vertical increments) is required.

- **Site Restoration**

Imported soil will be used to backfill the excavation and restore the work area to original grades (grades prior to placement of the waste materials).

Name of Public Agency Approving Project: Department of Toxic Substances Control

Name of Person or Agency Carrying Out Project: Richard Parks

Exempt Status: (check one)

- Ministerial [PRC, Sec. 21080(b)(1); CCR, Sec. 15268]
 Declared Emergency [PRC, Sec. 21080(b)(3); CCR, Sec.15269(a)]
 Emergency Project [PRC, Sec. 21080(b)(4); CCR, Sec.15269(b)(c)]
 Categorical Exemption: [CCR Title 14, Sec. 153##]
 Statutory Exemptions: [State Code Section Number]
 Common Sense Exemption [CCR, Sec. 15061(b)(3)]

Exemption Title: *Emergency Project* – A project which requires specific actions necessary to prevent or mitigate an emergency

Reasons Why Project is Exempt: DTSC has determined that the project constitutes an emergency, which is defined as “a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services.”

Evidence to support the above reasons is documented in the project file record, available for inspection at:

Department of Toxic Substances Control
 File Room
 Site Mitigation and Restoration Program
 8800 Cal Center Drive
 Sacramento, CA 95826

Envirostor website: https://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=60002991

<u>Mera Golo</u> Project Manager	<u>Hazardous Substances Engineer</u> Title	<u>(916) 255-3585</u> Phone No.
<u><i>Charlie Ridenour</i></u> Branch Chief's Signature		<u>9/3/2020</u> Date
<u>Charlie Ridenour</u> Branch Chief	<u>Supervising Hazardous Substances Engineer II</u> Title	<u>(916) 255-3696</u> Phone No.

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Governor's Office of Planning & Research

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