



Department of  
Resources Recycling and Recovery

Amelia Yana Garcia Gonzalez  
Secretary for Environmental Protection  
Rachel Machi Wagoner  
CalRecycle Director

December 19, 2022

Claudia Tenorio, Senior Environmental Scientist  
Santa Ana Regional Water Quality Control Board  
3737 Main St., Suite 500  
Riverside, CA 92501-3348



**Subject: SCH No. 2022120035** – Mitigated Negative Declaration for C.P. Reclamation Inert Waste Disposal Operation (OC Reclamation Mine Project) – Orange County

Dear Ms. Tenorio:

Thank you for allowing the Department of Resources Recycling and Recovery (CalRecycle) staff to provide comments on the proposed project and for your agency's consideration of these comments as part of the California Environmental Quality Act (CEQA) process.

### **PROJECT DESCRIPTION**

California Regional Water Quality Control Board, Santa Ana Region 8 (RWQCB), acting as Lead Agency, has prepared and circulated a Draft Mitigated Negative Declaration (MND) in order to comply with CEQA and to provide information to, and solicit consultation with, Responsible Agencies in the approval of the proposed project.

OC Reclamation, LLC, proposes to fill an abandoned open pit mine with inert material and grade the site to an elevation equal with the adjacent parcels (OC Reclamation Mine Project; Project). The Project site is approximately 14 acres and generally located northwest of the intersection of East Santiago Canyon Road and Cannon Street within the City of Orange. The proposed Project will occur in two phases and last approximately 4.5 years. During the first phase, the applicant would clear and re-contour the property. A steep, unvegetated slope currently descends to the toe of the Santiago Creek bank. This slope will be relocated from its current location, and an elevated bench with shallow ponds would be created to allow for a wider riparian and wetland habitat adjacent to Santiago Creek. The clearing and grading effort will last approximately two months. Habitat restoration and creation along Santiago Creek will begin following the grading of the Project site. The second phase of the Project will include depositing inert fill material into the pit over a 4.5-year period. No further land uses for the Project site are proposed at this time.

### **COMMENTS**

Based on the proposed Project description, the Project may meet the definition of an Inert Debris Engineered Fill Operation (IDEFO) per Title 14 California Code of Regulations (14 CCR) Section 17388(l) and will require an Enforcement Agency Notification (EAN) pursuant to 14 CCR Section 17388.3. Prior to implementation of this proposed project, the operator shall

1001 I Street, Sacramento, CA 95814 | P.O. Box 4025, Sacramento, CA 95812

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submit an EAN package pursuant to 14 CCR Section 18103.1, which shall include an Operation Plan per 14 CCR Section 17388.3(c) and be processed by the Local Enforcement Agency (LEA) pursuant to 14 CCR Section 18103.

On page 36 of the Draft MND it is stated that the facility will prepare a Waste Acceptance Plan which details the type of inert material allowed to be used in the fill, material sampling frequencies and acceptance criteria; keep in mind that an IDEFO per 14 CCR Section 17388(I) can only use the following inert material: fully cured asphalt, uncontaminated concrete (including steel reinforcing rods embedded in the concrete), crushed glass, brick, ceramics, clay and clay products, which may be mixed with rock and soil. Specify what is the source and type of inert material that will be used to fill the open pit.

### **Solid Waste Regulatory Oversight**

The Orange County Environmental Health Division is the LEA and is responsible for providing regulatory oversight of solid waste handling activities, including inspections and solid waste permits. Please contact the LEA, Shyamala Rajagopal, at [SRajagopal@ochca.com](mailto:SRajagopal@ochca.com) or 714.433.6270 to discuss the regulatory requirements for the proposed project.

### **CONCLUSION**

CalRecycle staff thanks the Lead Agency for the opportunity to review and comment on the environmental document and hopes that this comment letter will be useful to the Lead Agency in preparing the Final MND and in carrying out their responsibilities in the CEQA process.

CalRecycle staff requests copies of any subsequent environmental document, copies of public notices and any Notices of Determination for this proposed project.

If the environmental document is approved during a public hearing, CalRecycle staff requests 10 days advance notice of this hearing. If the document is approved without a public hearing, CalRecycle staff requests 10 days advance notification of the date of the adoption and proposed project approval by the decision-making body.

If you have any questions regarding these comments, please contact me at 916.341.6363 or by e-mail at [Megan.Emslander@calrecycle.ca.gov](mailto:Megan.Emslander@calrecycle.ca.gov).

Sincerely,



Megan Emslander, Environmental Scientist  
Permitting & Assistance Branch – South Unit  
Waste Permitting, Compliance & Mitigation Division  
CalRecycle

cc: Ben Escotto, Supervisor  
Permitting & Assistance Branch – South Unit

Shyamala Rajagopal, Supervisor  
Orange County LEA