



DEBRA BAETZ, MBA
INTERIM AGENCY DIRECTOR

REGINA CHINSIO-KWONG, DO
COUNTY HEALTH OFFICER/
CHIEF OF PUBLIC HEALTH SERVICES

DARWIN CHENG, JD, REHS
INTERIM DIRECTOR
ENVIRONMENTAL HEALTH

**PUBLIC HEALTH SERVICES
ENVIRONMENTAL HEALTH DIVISION**

MAIL: PO BOX 25400
SANTA ANA, CA 92799
OFFICE: 1241 E. DYER RD, STE 120
SANTA ANA, CA 92705
TELEPHONE: (714) 433-6000
E-MAIL: ehealth@ochca.com

March 15, 2024

Chris Nichelson
Bret B. Bernard
MILAN REI X, LLC
701 South Parker St., Suite 5200
Orange, CA 92868

Sent via email: chris@milanap.com
bret@milanap.com

Subject: Final Revised Subgrade Testing and Geotechnical Workplan for Soil Testing dated March 14, 2024, Milan REI X, LLC for Rio Santiago Disposal Site located at 6145 E. Santiago Canyon Road, Orange, CA (SWIS No. 30-AB-0472)

Dear Mr. Nichelson and Mr. Bernard:

The Orange County Health Care Agency, Environmental Health Division is the certified local enforcement agency (LEA) for Orange County, and authorized and obligated to enforce solid waste laws and regulations pursuant to California Public Resource Code (PRC) Sections 43209 and 45000 et seq., and Title 14 of the California Code of Regulations (14 CCR) § 18080 et seq. Pursuant to PRC Section 43200.5(b), in enforcing Part 4, 5 and 6 of Division 30 of the PRC and regulations that implement them, the LEA carries out a state function and thus its actions are independent from, and not subject to the authority of, the Orange County Board of Supervisors.

In accordance with Sections 3 and 4 of the Stipulated Notice and Order dated June 16, 2022 (SNO), between the Orange County LEA and Milan REI X, LLC (Milan), Leighton and Associates, Inc. (Leighton) submitted to the LEA a final revised workplan for subgrade testing of the soil and geotechnical testing to determine the boundaries of waste units at the property referenced in the above subject line (hereinafter "Site") on March 14, 2024 on behalf of Milan. Two distinct phases of subgrade and geotechnical drilling of exploratory borings (Phase 1 representing borings in open access areas peripheral to the stockpiled material and Phase 2 representing borings beneath and after the stockpiles have been moved) are proposed as part of this workplan. Based on the review of the subject final revised sampling workplan, the LEA approves the overall proposed scope of work for subgrade sampling and testing with the following conditions:

1. Milan shall conduct all field activities regarding the analytical investigation/testing in accordance with the final revised workplan dated March 14, 2024, as approved herein, and SNO.
2. Milan shall submit a project schedule of the proposed field activities to the LEA at least one week (seven working days) prior to mobilizing field work at the Site, and the LEA staff shall be notified a

minimum of 72 hours (three business days) prior to initiating sampling activities. Milan shall submit all subsequent changes to the initial project schedule to the LEA to ensure consistency with the approved workplan prior to weekly status update progress reports and/or meetings that are currently scheduled with Milan/Leighton to discuss on-going field activities at the Site.

3. Milan shall not move any existing stockpiles for subgrade sampling below the stockpiled material without prior authorization from the LEA. Milan shall give notice of any such removal to LEA at a minimum 48 hours (two business days) prior to such removal.
4. Milan is required to ensure that all field staff at the Site are familiar with the scope of work, sampling requirements, conditions, and any restrictions in the workplan approved herein. In addition, Milan shall ensure that all field staff have unimpeded access to the workplan and this approval letter during sampling activities at the Site.
5. Milan shall notify the LEA within 24 hours of confirmation (with boring numbers/depths identified) if groundwater is encountered during subsurface assessment. The workplan states that a grab groundwater sample will be collected if sufficient groundwater is present. If groundwater samples are collected as proposed, Milan shall analyze for Total Petroleum Hydrocarbons by EPA Method 8015, Polycyclic Aromatic Hydrocarbons by EPA Method 8310, Volatile Organic Compounds (VOCs) by EPA Method 8260 full scan, Semi-VOCs by EPA Method 8270 full scan, and Heavy Metals by EPA Method 6010B and 7471A.
6. The LEA shall be notified within 24 hours if any issues arise with field activities that may cause delay with the investigation work or with the final report submittal requirements/deadlines set forth in this letter. The LEA shall be notified in writing of any deviations that may arise during the subgrade soil assessment activities identified in the subject report, prior to the implementation of the fieldwork. The LEA will review and approve such changes within seven working days, depending on the nature and scope of the deviations.
7. Milan shall provide weekly status update reports and/or schedule meetings with the LEA regarding on-going field work at the Site.
8. Milan shall ensure all sampling and stockpile movement activities at the Site are conducted in compliance with Federal and State restrictions related to the least Bell's Vireo (*Vireo bellii pusillus*) habitat protection. Milan shall submit a clearance letter and/or any such correspondence from the U.S. Fish and Wildlife Service to the LEA prior to start of fieldwork and drilling at the Site to ensure compliance has been met to implement mitigation measures (if any) that cause no harm to the least Bell's Vireo breeding season during the year between March 15th and September 15th due to on-going site investigation activities.
9. This approval does not relieve Milan of the responsibility to obtain approvals/permits from other agencies as appropriate and necessary to commence sampling activities at the Site.
10. The LEA may modify and/or add sampling locations/depth/analysis based on field observations on-site and/or lab analytical results from the forthcoming subgrade soil sampling and testing regardless of the future land use.

Chris Nichelson
Bret B. Bernard
March 15, 2024
Page 3 of 3

11. Milan shall complete the subgrade investigation/testing no later than 60 days from the date the fieldwork for this scope of work is commenced at the Site. A final assessment report with summary and findings of the investigation along with conclusions and recommendations for further action must be submitted to the LEA within 45 calendar days of completing all (Phase 1 and Phase 2) subgrade field activities/testing. As the subgrade sampling is being completed in phases, the Phase 1 assessment data shall be submitted to the LEA within 45 days of completion of this part of soil testing. Results of the Phase 2 assessment data shall be submitted following completion of this phase of subgrade sampling and testing.
12. Milan has agreed to submit a stand-alone workplan for soil vapor sampling and methane gas assessment in accordance with Sections 3 and 4 of the SNO. The data from this assessment with a summary of the findings and recommendations will be submitted to the LEA as a separate report when fieldwork is completed.

If you have any questions, please contact Mr. Dan Weerasekera by phone at (714) 433-6255 or by email at dweerasekera@ochca.com and/or Mr. Soheil Afshari by phone at (714) 433-6271 or by email at safshari@ochca.com.

Sincerely,

Dan Weerasekera
Hazardous Materials Specialist
Solid Waste Local Enforcement Agency
Environmental Health Division

Soheil Afshari
Senior Civil Engineer
Solid Waste Local Enforcement Agency
Environmental Health Division

cc: Darwin Cheng, Interim Director, Orange County Environmental Health Division
Massoud Shamel, Senior Deputy County Counsel, Office of County Counsel
Lauren Robinson, Orange County Environmental Health Division
Shyamala Rajagopal, Orange County Solid Waste LEA
Tamara Escobedo, Orange County Environmental Health Division
Jeff Hackett, CalRecycle
Garrett Kakishita, South Coast Air Quality Management District
Cindy Li, Santa Ana Regional Water Quality Control Board
William Rice, Santa Ana Regional Water Quality Control Board
Chuck Griffin, Santa Ana Regional Water Quality Control Board
Carol A. Roberts, U.S. Fish & Wildlife Service
Robin J. Ferber, Leighton and Associates, Inc.
Michael J. Priestaf, Leighton and Associates, Inc.
Peter Duchesneau, Manatt, Phelps & Phillips, LLP
Robert Garcia, City of Orange
Russel Bunim, City of Orange
Chris Cash, City of Orange
CalRecycle/LEA SWIS Portal