



**PUBLIC HEALTH SERVICES  
ENVIRONMENTAL HEALTH DIVISION**

**VERONICA KELLEY, DSW, LCSW**  
AGENCY DIRECTOR

**JENNA SARIN, MSN, RN, PHN**  
DIRECTOR OF PUBLIC HEALTH AND NURSING

**LARISHA BAKER, MBA**  
ASSISTANT DEPUTY DIRECTOR  
ENVIRONMENTAL HEALTH  
HEALTH PROMOTION COMMUNITY PLANNING

**DARWIN CHENG, JD, REHS**  
DIRECTOR OF ENVIRONMENTAL HEALTH

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

July 9, 2024

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

Sent via email: [chris@milancap.com](mailto:chris@milancap.com)  
[bret@milancap.com](mailto:bret@milancap.com)

**Subject: Stockpile F and Stockpile G Sidewall Sampling Methodology – Addendum #3 to Final Revised Environmental Sampling Workplan for Stockpiled Material Testing dated June 21, 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 Section 5 of the Stipulated Notice and Order (SNO) dated June 16, 2022, 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 stockpiled material sampling for the property referenced in the above subject line (hereinafter referred to as "Site") on December 27, 2023, on behalf of Milan. Based on the review, the LEA had previously approved the scope of work included in the final revised workplan with conditions on December 28, 2023. Subsequently, Leighton submitted Addendum #1 to the approved workplan on January 19, 2024 to modify the sample drilling/collection method. The LEA approved Addendum #1 to the workplan on January 22, 2024. Later, Addendum # 2 to the workplan was submitted by Leighton to collect soil samples from two newly identified stockpiles (M and N) in Area K of the Site that was not included in the final revised workplan dated December 27, 2023. The LEA approved Addendum #2 to the workplan on April 23, 2024. The subject Addendum #3 to the workplan proposes to collect sidewall samples from Stockpiles F and G using a combination of a long-reach excavator and hand

tools or from angled borings advanced from the top of the stockpiles using a sonic drill rig. Milan proposes to collect a total of four (4) soil samples from Stockpile F and ninety-eight (98) soil samples from Stockpile G. Based on the review of the subject addendum to the stockpile sampling workplan dated June 21, 2024, the LEA accepts the overall proposed scope of work for Stockpiles F and G with the following conditions:

1. All field activities regarding the analytical investigation/testing for stockpiled material testing shall be conducted in accordance with the SNO dated June 16, 2022, final revised workplan dated December 27, 2023, Addendum #1 to the final revised workplan dated January 19, 2024, Addendum #2 to the final revised workplan dated April 22, 2024, and Addendum #3 to the final revised workplan dated June 21, 2024.
2. The subject workplan proposes to collect soil samples at the bottom of the Stockpile G along the northern and western portions of the stockpile. If Milan is unable to collect samples from the bottom of Stockpile G due to slope safety reason, alternate/replacement sample(s) must be collected from angled borings advanced from the top of the Stockpile G towards the original proposed location(s). This must be discussed and coordinated with the LEA prior to implementation of the angled borings.
3. Milan shall complete this analytical testing within 60 days from the approval date. The findings of the investigation sampling results from Stockpiles F and G must be included with the forthcoming report of the remaining stockpiled material submitted to the LEA within 45 calendar days of completing the field activities/testing. The forthcoming characterization report must be a stand-alone document for each respective stockpile with cumulative above grade soil sampling results.
4. The LEA should be notified in writing within 24 hours if there are any issues, deviations, or delay with the proposed sampling activities. Please note the LEA will require adequate time for review and approval of such changes depending on the scope of the issues or deviations.
5. The LEA staff must be notified a minimum of 72 hours prior to initiating the sampling activities.
6. The LEA may modify and/or add sampling locations/depth/analysis based on the field observations on-site and/or analytical results from the forthcoming stockpiled material sampling and testing regardless of the future land use.
7. Milan must 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. Prior to start of fieldwork and drilling at the Site, Milan must ensure compliance with U.S. Fish and Wildlife Service 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 15<sup>th</sup> and September 15<sup>th</sup> due to on-going investigation activities.
8. 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. All other conditions stated in the LEA workplan approval letters dated December 28, 2023, January 22, 2024, and April 23, 2024 must be complied with.

Chris Nichelson  
Bret B. Bernard  
July 9, 2024  
Page 3 of 3

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