

RESOLUTION NO. SA

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE COMMERCE COMMUNITY DEVELOPMENT COMMISSION APPROVING EXECUTION OF A FACILITY INITIATED CORRECTIVE ACTION (FICA) AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC) FOR THE FORMER SPECIFIC PLATING SITE ENVIRONMENTAL ASSESSMENT AND REMEDIATION LOCATED AT 1350 S. EASTERN AVENUE, COMMERCE, CALIFORNIA AND AUTHORIZE THE CITY ADMINISTRATOR OR HIS DESIGNEE AND LEGAL COUNSEL TO FINALIZE THE TERMS OF SAID AGREEMENT.

WHEREAS, in 2011, the DTSC conducted preliminary soil sampling at the Eastern-Triggs Site and discovered contamination and since that time, the Successor Agency has litigated issues with Mayans Development, Inc./Los Jardines, entered into an agreement with a consultant to develop a Workplan, which DTSC approved on June 3, 2016, secured an executed site access agreement with Mayans/Los Jardines, and began the environmental assessment in multiple phases, and

WHEREAS, work previously completed includes soil gas sampling, and

WHEREAS, based on the onsite sampling results, DTSC required sampling in public right-of-ways adjacent to the project site to determine any off-site migration, and

WHEREAS, this additional sampling was completed and confirmed the existence of off-site migration, which requires further investigation to complete the site characterization and determine the geographic limits of pollutants beyond regulatory limits, and

WHEREAS, Phase 2 work is ongoing, including vertical delineation of pollutants and groundwater impact determination, if any, geographic limits of the pollutants beyond regulatory limits, well installation, and a preliminary assessment of human health risks posed by chemicals at the site, and

WHEREAS, work to be completed includes:

- Task 1: Indoor air sampling of 12 homes per DTSC – currently underway with occupant approved access agreements.
- Task 2: Soil stockpile removal, disposal and reporting for future site work.
- Task 3: Soil Vapor Extraction (SVE) Pilot Study as an interim remedial action which includes installation of two additional SVE wells at various depths between 5 and 100 feet.
- Task 4: Annual SVE operations, maintenance and reporting to DTSC.
- Task 5: Site-specific South Coast Air Quality Management District (SCAQMD) permit.
- Task 6: Full-scale SVE well system network onsite if warranted, and

WHEREAS, the DTSC previously requested the Successor Agency to enter into a letter agreement for the environmental assessment and remediation of the subject site, and

WHEREAS, the Successor Agency adopted a resolution in good faith to conduct an initial study not to exceed an amount of \$115,000, and

WHEREAS, the DOF authorized \$1,038,741 to date for the assessment and remediation with future costs still needing to be determined in the event a full-scale Soil Vapor Extraction well system is warranted, and

WHEREAS, based on results of the on-site assessment to date, remediation will be necessary prompting the DTSC to request the Successor Agency to enter into a Facility Initiated Corrective Action (FICA) Agreement (template attached), and

WHEREAS, staff recommends the Successor Agency adopt a resolution approving a FICA Agreement with the DTSC and authorize the City Administrator or his designee and legal counsel to finalize the terms of said Agreement.

NOW, THEREFORE, THE SUCCESSOR AGENCY DOES HEREBY RESOLVE, DECLARE AND DETERMINE AS FOLLOWS:

Section 1. Adopt a resolution approving execution of a Facility Initiated Corrective Action (FICA) Agreement with the California Department of Toxic Substances Control (DTSC) for the former Specific Plating Site Environmental Assessment and Remediation located at 1350 S. Eastern Avenue, Commerce, California.

Section 2. Authorize the City Administrator or his designee and legal counsel to finalize the terms of said Agreement.

Section 3. Authorize the Chairperson to execute the Agreement on behalf of the Successor Agency.

PASSED, APPROVED AND ADOPTED this 18th September, 2018.

Hugo Argumedo, Chairperson

ATTEST:

Lena Shumway
Secretary