

# NESI/ASCON SITE STUDY

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## SUMMARY

The Nesi/Ascon site is an approximately 40-acre parcel of land located at the southwest corner of Magnolia Street and Hamilton Avenue in the City of Huntington Beach, California.

This site is named for two companies that tried, in vain, to clean up the site. Nesi acquired an option on the site and tried to pump it clean. That did not work and Nesi folded. An attempt was made by Ascon, an acronym for the asphalt and concrete that had been dumped on the site. Ascon was not successful, either. The property was operated as an oil well drilling waste dump from 1924 until 1984. These wastes included chromic acid, sulfuric acid, aluminum slag, mercaptans, drilling wastes, and styrene. The Environmental Protection Agency classifies these substances as toxic wastes.

From 1971 to 1984, inert solid wastes were also dumped at the site. These included soil, asphalt, concrete, wood, metal, abandoned vehicles, and miscellaneous other contaminants from local sources. The property is fenced and posted against trespassing. The perimeter fencing is in a state of disrepair. It has become so easily breachable that there are trails emanating from the holes in the fences. The concertina wire on the top of the chain-link fencing is broken and needs to be replaced in some areas. The cesspools of toxic waste within the site, including the styrene dump, have insufficient protection against juvenile and/or adult intrusions. Nesi/Ascon is a 40-acre site that is very dangerous, attractive and enticing to the young adventurers that may be lured to its unknown dangers. It poses potential dangers to the health and safety of the community in which it is located.

**It is a 40-acre toxic site with inadequate protection for the community.**

## INTRODUCTION AND PURPOSE

**The Nesi/Ascon site is a hazardous location surrounded by school, park, and residences.**

The sprawling Nesi/Ascon Hazardous Waste Site has been accumulating oil industry waste and building debris since 1924. There are also several abandoned homeless campsites with attendant blackened fire pits and accumulated human trash. The real danger lies in the three 25-foot-deep oil/tar lagoons and a now covered styrene pit. Styrene is an odorous, unsaturated hydrocarbon used in making synthetic rubber, resins, and plastics. We are all too familiar

with the ubiquitous Styrofoam cup. The Styrene pit alone has been responsible for numerous complaints and costly Air Quality Management District citations in the 1980s and 1990s. Only *after* these citations and complaints were filed was the styrene pit covered with a flimsy plastic tarp in order to contain the noxious aroma of decomposing hydrocarbons.

This hazardous location is across the street from Edison High School in Huntington Beach, scholastic home to some 2,300 students, staff, and faculty. The California Department of Toxic Substances Control is responsible for the environmental safety for approximately 8,400 public schools in the state. These school safety officials admit that they have little idea exactly how many carcinogens and other lethal compounds exist in Nesi/Ascon. However, this much is certain: Nesi/Ascon is so hazardous that the California Department of Toxic Substances Control asserts that there is “no safe way to remove the contents of those lagoons without jeopardizing the safety of the surrounding community—including Edison High School.”

Previous clean-up plans have resulted in failures and bankruptcies due to lack of technology and money. The 1999–2000 Orange County Grand Jury is very aware of the condition and attendant dangers of the Nesi/Ascon site. The Grand Jury believes that protection against access is absolutely necessary. The Grand Jury also wants to see stronger efforts to reduce the hazardous potential of this site. Meetings with city officials in Huntington Beach have left the Grand Jury with feelings of frustration summed up by the reaction: “we’re being stonewalled.” The Grand Jury has studied, visited, and overtly examined the site and its potentially hazardous dangers. The Grand Jury believes that not enough attention is being paid to the unsafe nature of the Nesi/Ascon waste site.

Several attempts have been made to clean up the site. The *Toxic Pits Cleanup Act of 1984*, *Health and Safety Code* Section 25208, et seq., was enacted to attack and resolve problems posed by sites like Nesi/Ascon. The Santa Ana Regional Water Quality Control Board and the California Environmental Protection Agency have ordered that the site be remediated to the degree that it can be made habitable.

In 1989 the City of Huntington Beach consented to permitting the California Department of Toxic Substances Control to act as “lead agency” for the cleanup. In 1990 the California Environmental Quality Act provided for the coordination of *all* government agencies for the cleanup of subject property. In 1991 Huntington Beach approved conditional use permit

**A law was enacted by the State in 1990 to clean up the property. Clean up is still incomplete.**

No. 91-33 and Coastal Development Permit No. 91-25 to remove hazardous wastes and surface impoundments from the site. This clean-up attempt resulted in corporate failures.

In August of 1992, the Southern California Air Quality Management District issued permits for the clean-up operation. As of the date of this study, these clean-up operations have not even been started. Several attempts have been mired by local and state bureaucratic red

tape. Two attempts were halted by bankruptcy collapses. The private corporate community has been unable to accomplish what the state and civic communities have mandated.

The Grand Jury has found that the perimeter fencing should be improved. The community and County should mount a more rigorous push to resolve and eliminate the dirty dangerous dump that is Nesi/Ascon. One would think that local pride and community service would have provided better results. But instead, the prevailing reaction received by the Grand Jury has been the old “if it ain’t broke, don’t fix it.” The Grand Jury feels that it is broke and wants it fenced and fixed.

**A beautiful coastal location is marred by an oil field dump.**

## **METHOD OF STUDY**

In order to get an objective grasp of this problem of environmental degradation, the Grand Jury interviewed employees of the affected city, private companies, and representatives of the current owner, Signal Landmark Mortgage Co., Inc. Guided tours were taken of the polluted lagoons and surrounding locale. Federal, State, and County laws and ordinances were researched. Aerial overviews and photographs of the area were taken by members of the Grand Jury. Printed matter from private and public sources was reviewed and evaluated.

## **BACKGROUND**

### **CURRENT EFFORTS AND ORANGE COUNTY PERSPECTIVE**

The current owner of Nesi/Ascon is Signal Mortgage Co., Inc., a distantly related cousin of Signal Oil, one of the original users of the site. Signal Oil acquired its name as a result of the oil well drilling and refining activity done on Signal Hill in Long Beach. A private company wants to acquire the site for development. However, there are a few large caveats to be observed. The buyer wants to buy the site only if it can be cleaned up so that the 40 acres—a half-mile from blue water and white sandy beaches—can be made attractive, usable, and profitable.

Prior attempts to remediate the site have failed. The prospective buyer has hired a consultant to test remedial methods, estimate costs, and suggest an appropriate technology. The field tests are nearing completion. Their purpose is two-fold. First, they want to satisfy the California Department of Toxic Substances Control concern that when stabilizing agents are added to the lagoon sludges, a chemical reaction may generate volatile organic compounds (VOCs) to an extent greater than excavating the sludges. These emissions must be adequately mitigated to satisfy the California Department of Toxic Substances Control and other appropriate agencies. Safeguarding the community is a prime requisite.

A second purpose of the field test is to be directed at creating a stabilized viable soil using various sludge-soil mixes. The resulting soil products will then be evaluated for use as fill. A shopping center is currently under construction adjacent to the Interstate 10 Freeway in

Pomona using a type of sludge-soil fill. So, it is feasible to mix and remove the tar-pit-like substances from the site.

**The Board of Supervisors expresses support for Superfund programs to rid County of toxic properties!**

An official of the City of Huntington Beach has been made aware of this testing/evaluation. In fact, the Huntington Beach Planning Commission has approved the site for residential use once it is mitigated.

However, in spite of all this, the community remains inadequately protected from the dangers of the site. Recent visits by the Grand Jury indicate that inadequate efforts have been made to secure the site to satisfy the prudent investigator—or nervous parent, for that matter.

In February of this year, the Orange County Board of Supervisors issued “County of Orange Legislative Platform for 2000.” Paragraph F of that report states:

***Federal Environmental Clean-up (Superfund)***

1. *Strengthen protections within the Federal Superfund enabling statute for parties such as the County of Orange with a prospective interest in buying or leasing property that is either contaminated with toxic or hazardous materials, or adjacent to a site so contaminated, from being responsible under Federal law for the clean-up of such property when such parties were not responsible for any past or current discharges. Amend companion provisions regarding joint and several liability to limit and reduce current patterns in litigation whereby parties who had limited or no responsibility for discharging toxic and/or hazardous materials on a property may be held liable for either a substantial portion or the total amount of site clean-up costs.*
2. *Ensure a greater and more secure connection between funding sources and the actual clean up of contaminated sites.*
3. *Clarify responsibilities under Federal law for expeditious site clean up in order to facilitate the transition to alternative and future public uses by prospective parties, such as the County of Orange. Such provisions should also minimize impacts on the planning by such prospective parties for the future use and operation of contaminated sites, as well as impacts on the current use of property that is adjacent to such sites.*
4. *Support Federal funding for programs which encourage clean-up and appropriate development or redevelopment of contaminated sites within limited liability to the owners and/or purchasers and/or operators of these sites.*

**The Grand Jury wants a higher priority from the city and county to fence and clean-up Nesi/Ascon.**

The Grand Jury agrees totally with these good intentions.

## CONCLUSION

The Grand Jury believes separate fencing should be required by the City of Huntington Beach for each lagoon, the barrel corral, and especially the Styrene pit. More attention should be paid to the site to protect the interlopers and to keep out the homeless and trespassers. The signage now in place, and broken, rusty fencing does not get the job done and does not pose a sufficient deterrent to passers-by. If this additional and appropriate attention results in added city costs, then maybe the City *will* do a better job in bringing pressure on the owner and the State of California to succeed in remediating the problem. The students and citizens impacted by the Nesi/Ascon site deserve more resolute attention to this problem. Recent Grand Jury visits have found some fencing improvements. However, more attention is required.

## FINDINGS

In accordance with *California Penal Code* Sections 933 and 933.05, responses are required to all findings. The 1999–2000 Orange County Grand Jury has arrived at the following findings:

1. Although the Board of Supervisors expresses a desire to bring pressure on the appropriate entity to deal with toxic clean up and remediating this hazardous site, the Nesi/Ascon Hazardous Waste Site remains essentially untouched since 1984.

A response to Finding 1 is required from the **Board of Supervisors**.

2. The City of Huntington Beach does not assume the degree of responsibility for monitoring the Nesi/Ascon site that seems prudent to the Grand Jury. In the face of what could be a disaster, or even death, more and better monitoring must be in place at the site. Trespass enforcement and fence checks need to be made more often and be more thorough.

A response to Finding 2 is requested from the **City Council of Huntington Beach** and from the **Huntington Beach Fire and Police Departments**.

## RECOMMENDATIONS

In accordance with *California Penal Code* Sections 933 and 933.05, each recommendation must be responded to by the government entity to which it is addressed. These responses are submitted to the Presiding Judge of the Superior Court. Based on the findings, the 1999–2000 Orange County Grand Jury recommends that:

1. The Board of Supervisors should give the Nesi/Ascon site a high priority and use their positions to bring pressure on the appropriate entities to see that the mediation and security receive the attention they deserve.

A response to Recommendation 1 is required from the **Board of Supervisors**.

2. The police and fire departments of Huntington Beach should do a more thorough job of monitoring the site. The Grand Jury urges the City of Huntington Beach to pursue a more stringent policy of safety enforcement of the appropriate regulations and rules pertinent to the toxic dangers facing the City.

A response to Recommendation 2 is requested from the **City Council of Huntington Beach**, and from the **Huntington Beach Fire and Police Departments**.

## **COMMENDATIONS**

Marina Robertson, GreenPark Holdings, LLC.

Oussana I. Issa, State of California, California EPA

Nick Schou, OC Weekly

Gerald G. Thibeault, Executive Officer, State of California, Regional Water Quality Board



Posted main entrance.



Aerial view of NESI / ASCON site – southwest of Edison High School



Toxic waste lagoon #3 (of five) with abandoned equipment.



Tarped styrene pit across Magnolia from housing tract.