

Olufisayo Osibodu - Comments on Tentative Resolution No. R9-2011-0018

From: <BHitchens@Geosyntec.com>
To: <TAlo@waterboards.ca.gov>
Date: 1/14/2011 3:04 PM
Subject: Comments on Tentative Resolution No. R9-2011-0018
CC: <Edgard.Bertaut@ATImetals.com>, <pmanasja@san.org>, <bhays@portofsandieg...>

Hi Tom,

I am submitting the following comments on the initial study related to Tentative Resolution No. R9-2011-0018 on behalf of TDY.

- Page 1, Item 4 references the project site being covered by 50 buildings. There is only one building currently standing.
- Page 2, Item 8 references Addendum 4 to the CAO requiring TDY to terminate illicit discharges to the SWCS. We've submitted comments asking this to be removed from this addendum as it is covered in Addendum 3.
- Page 3, Item 8 references to Airport redevelopment plans and demolition schedule, we suggest that the references to demolition schedule be changed to "are scheduled to commence" as opposed to "will commence"
- Page 20 (a) under Hydrology and Water Quality, the document states that "no waste discharge requirements are proposed for the project" this seems to be at odds with our general WDR for EISB injections
- Page 21 (g) States that the lower southeastern portion of the project Site is outside the 500 year floodplain, when this portion of the site is the only portion that is IN the 500 year floodplain. This misinterpretation of the FEMA map was contained in the Port's draft EIR.

We hope these comments are helpful in your preparation of this Negative Declaration.

Best regards,
Brian

Brian Hitchens, PG 7593, CHG 839
Associate Hydrogeologist

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THE CITY OF SAN DIEGO

February 2, 2011

Electronic Delivery to: TAlo@waterboards.ca.gov

Tom C. Alo, Water Resource Control Engineer
Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123

Subject: Comments on Tentative Resolution No. R9-2011-0018 and Negative Declaration - Environmental Checklist Onsite Waste Treatment Systems/ Advanced Treatment Units for the TDY Industries, Inc., 2701 North Harbor Drive, San Diego,

Dear Mr. Alo,

The City of San Diego (City) conducted a review of Tentative Resolution No. R9-2011-0018 dated February 9, 2011 and Negative Declaration (ND) - Environmental Checklist Onsite Waste Treatment Systems/ Advanced Treatment Units dated December 23, 2010. The Regional Water Quality Control Board San Diego Region (Regional Board) issued these two documents for public review and comment on January 4, 2011. Tentative Resolution No. R9-2011-0018 discusses the adoption of a Negative Declaration for the proposed cleanup of the TDY site. The associated Environmental Checklist evaluates the impacts for numerous environmental, planning, and regulatory issues associated with the TDY site cleanup project in support of the Negative Declaration.

Tentative Resolution No. R9-2011-0018

Currently, Draft Addendum No. 4 contains language on alternative cleanup levels (ACLs), remediation methods, exposure pathways, and contaminant migration pathways that appear to be based more on economics and the reduction of risk to TDY than future risks. The City is concerned the current language in Draft Addendum No. 4 potentially increases future City liabilities associated with the discharge of impacted storm water from the TDY site to the City owned and operated 60" Storm Water Conveyance System (SWCS), and the migration of contaminated groundwater to Convair Lagoon and San Diego Bay (Bay).



The City recommends the Regional Board extend the comment period and postpone adoption of the Negative Declaration for this project until numerous technical issues submitted during the recent public comment period have been evaluated and addressed.

Environmental Checklist - Description of Project

The ND appears to include only one SWCS, presumably the 60" SWCS, in the discussion of illicit waste discharges. In fact, there are six SWCS (54", 60", 30" West, 30" East, 15" San Diego Bay, and 30" San Diego Bay) that originate from the TDY site. Each of these six SWCS have transported and discharged contaminated sediments and storm water and industrial wastewater to Convair Lagoon and Bay.

The City recommends the Regional Board include all active and inactive SWCS in their evaluation of this project as the SWCS will potentially present on-going chronic sources of contamination to the Bay and Convair Lagoon unless they are fully remediated.

In the fourth sentence of the second paragraph of this section, the Regional Board confirms the potential for waste constituents present on the TDY site to eventually migrate to the Bay via various preferential pathways. The City recommends the statement include the potential for waste constituents to migrate to Convair Lagoon and adjacent land areas via surface water runoff and fugitive dust emissions. The City also recommends the third paragraph include the abatement of waste discharges to all SWCS, not just waste discharges to land.

Environmental Checklist - Environmental Factors Potentially Affected

As currently written, Draft Addendum No. 4 contains language that will allow concentrations of metals to remain in shallow site soils at levels exceeding California Code of Regulations Title 22 Total Threshold Limit Concentration (TTLC) criteria. Such an allowance means in the event site soils containing metals at concentrations greater than TTLC criteria are excavated or otherwise disturbed, the developer of this site (e.g. Airport) will be managing a hazardous waste. The language also means that if high concentrations of metals and other contaminants such as Volatile Organic Compounds (VOCs) and Total Petroleum Hydrocarbons (TPH) are allowed to remain in site soils, this residual contamination will present a chronic source of contamination to shallow groundwater, adjacent land areas, and the nearby Convair Lagoon.

The Airport indicated they currently have no firm timeline for site development or plans to cover the entire site with an impermeable barrier. Thus, the potential exists for adverse impacts to adjacent human and biological receptors via fugitive dust emissions and surface water runoff.

Therefore, the residual risks present on the TDY site after site cleanup and prior to site development may present adverse impacts to sensitive biological and human resources, leave hazards and hazardous materials (e.g. wastes) in shallow onsite soils, impact air quality due to fugitive dust emissions, and continue to degrade local water quality.

The City suggests the Regional Board postpone determinations of impact on adjacent resources until the numerous technical comments submitted during the public comment period have been evaluated and addressed.

Environmental Checklist - Evaluation of Environmental Impacts

According to Item 1 in this section, "No Impact" answers are to be adequately supported by the information sources the lead agency cites *in parentheses following each question*. This requirement is not followed in this document. The City recommends the Regional Board provide the specific reference(s) used to make the determination of "No Impact" for the various environmental, planning, and regulatory issues evaluated in this checklist.

The City notes only two references are cited on the last page of the document, Draft Addendum No. 4 with a future date of February 9, 2011, and the April 2009 Draft Environmental Impact Report prepared by URS for the Port. Neither of these draft documents are listed as support documentation for the various issues/questions evaluated.

The City also notes a significant number of technical comments were submitted on Draft Addendum No. 4 during the recent public comment period that question the determination of "No Impact" for numerous questions answered in this document. The City recommends the Regional Board postpone determinations of "No Impact" until the submitted technical comments have been evaluated and addressed.

Environmental Checklist - III. Air Quality and IV. Biological Resource

Until technical comments on the Alternative Cleanup Levels, extent of site cleanup, and site development are evaluated and addressed in Draft Addendum No. 4, the City suggests the Regional Board postpone its determination of potential impacts to air quality and biological resources.

If the levels of contamination currently proposed in Draft Addendum No. 4 are allowed to remain in shallow site soils with uncertainty in the timing and extent of site redevelopment, biological resources present onsite before redevelopment and in adjacent land areas and Convair Lagoon are potentially susceptible to adverse impacts from contaminated fugitive dust emissions and surface water runoff.

The City believes a determination of "Less Than Significant with Mitigation Incorporation" or "Potentially Significant Impact" is a more appropriate determination for this issue until the revised Draft Addendum No. 4 is available for review.

Environmental Checklist - VI. Geology and Soils

The site may be left in a condition that encourages the erosion of contaminated soil from the site to adjacent areas via fugitive dust emissions and surface water runoff.

The City believes a determination of "Less Than Significant with Mitigation Incorporation" or "Potentially Significant Impact" is a more appropriate determination until the revised Draft Addendum No. 4 is available to describe how contaminated site soils will be mitigated to prevent soil erosion prior to future site development.

Environmental Checklist - VII. Hazards and Hazardous Materials

The site may be left in a condition that presents exposure of humans to residual wastes potentially classified as hazardous waste under Title 22 TTLIC criteria.

The City believes a determination of "Less Than Significant with Mitigation Incorporation" or "Potentially Significant Impact" is a more appropriate determination for this issue until the revised Draft Addendum No. 4 is available to describe how residual contamination in site soils and shallow groundwater will be mitigated to prevent exposure to human receptors prior to and during future site development.

Environmental Checklist - VIII. Hydrology and Water Quality

Currently all storm drain inlets to the six onsite SWCS have been sealed and as a result, site drainage has been significantly altered over the past year. Because there is no connection to onsite SWCS, there is an increased potential for the runoff of contaminated surface water during heavy precipitation events. This is particularly true if the current proposed soil ACLs are allowed and redevelopment of the site is delayed.

The City believes a determination of "Less Than Significant with Mitigation Incorporation" or "Potentially Significant Impact" is a more appropriate determination for this issue until the revised Draft Addendum No. 4 is available for review.

Environmental Checklist - IX. Land Use and Planning

The proposed ACLs for the TDY site may hinder redevelopment of the site after cleanup and present potential impacts to Convair Lagoon and the two active SWCS (54" and 60"). Such concerns if not addressed adequately in Draft Addendum No. 4 will impact future land use and potentially present adverse regulatory issues for the City regarding contaminated storm water discharges to Convair Lagoon and the Bay.

The City believes a determination of "Less Than Significant with Mitigation Incorporation" or "Potentially Significant Impact" is a more appropriate determination for this issue until the revised Draft Addendum No. 4 is available for review.

Environmental Checklist - XVI. Utilities and Service Systems

Construction of new onsite storm water drainage facilities and modification of existing facilities will likely be required as site remediation progresses. If the storm water drainage/discharge facilities are not constructed or maintained adequately to manage heavy precipitation events, there is an increased potential for runoff of contaminated storm water from the site.

Without finalization of ACLs and the extent of site cleanup required in the Draft Addendum No. 4, the quantity and types (TSCA, RCRA, Title 22, non-Hazardous Solid Waste, etc.) of wastes requiring disposal in permitted facilities is unknown. The ability to determine there is no impact from this project on limited regional permitted disposal facilities is probably premature.

The City believes a determination of "Less Than Significant with Mitigation Incorporation" is a more appropriate determination for this issue until the revised Draft Addendum No. 4 is available for review.

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Tom Alo
February 2, 2011

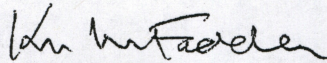
Environmental Checklist - XVII. Mandatory Findings of Significance

This environmental checklist does not provide references for the documentation used to support the determinations (e.g. No Impact) listed under the various environmental, planning, and regulatory issues evaluated in this document. The document appears to rely primarily on statements and Findings listed in Draft Addendum No. 4, a document currently under review by the San Diego Water Board due to a large number of technical comments submitted during the recent public review comment period.

Until the technical comments submitted to the Regional Board on Draft Addendum No. 4 have been evaluated and addressed, the City believes it is premature to issue a determination of *No Impact* for this project. The City suggests a determination of "Less Than Significant with Mitigation Incorporation" or "Potentially Significant Impact" is a more appropriate determination for this project until the revised Draft Addendum No. 4 is available for review.

If you have additional questions, please contact Ruth Kolb, Program Manager, at (858) 541-4328 or Edith Gutierrez at (858) 541-4361.

Sincerely,



Kris McFadden
Deputy Director

KM/rk

CC: Ruth Kolb
Edith Gutierrez
Fritz Ortlieb



Linda S. Adams
Acting Secretary for
Environmental Protection



Department of Toxic Substances Control

SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD



Leonard E. Robinson
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5796 Corporate Avenue
Cypress, California 90630

2011 FEB 14 A 8:31 Edmund G. Brown Jr.
Governor

February 9, 2011

Mr. Fisayo Osibodu
California Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, California 92123

DRAFT MITIGATED NEGATIVE DECLARATION (ND) FOR ADOPTION OF
ADDENDUM NO. 4 TO CLEANUP AND ABATEMENT ORDER NO. R9-2004-0258
(SCH# 2011011008)

Dear Mr. Osibodu:

The Department of Toxic Substances Control (DTSC) has received your submitted document for the above-mentioned project. As stated in your document: "The project consists of adoption of Addendum No.4 to Cleanup and Abatement Order No. R9-2004-0258 which addresses the cleanup and abatement of wastes discharged to land at the former Teledyne Ryan Aeronautical site located at 2701 North Harbor Drive, San Diego, California. Addendum No.4 requires TDY Industries to remediate contaminated soil and groundwater at the former TDY site, terminate any illicit discharges to the storm water conveyance system at the site, prepare a remedial Action Plan capable of achieving specified cleanup levels; and verify cleanup and abatement completion".

Based on the review of the submitted document DTSC has the following comments:

- 1) The document states that the ND would identify any known or potentially contaminated sites within the proposed project area.
- 2) The ND should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If hazardous materials or wastes were stored at the site, an environmental assessment should be conducted to determine if a release has occurred. If so, further studies should be carried out to delineate the nature and extent of the contamination, and the

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potential threat to public health and/or the environment should be evaluated. It may be necessary to determine if an expedited response action is required to reduce existing or potential threats to public health or the environment. If no immediate threat exists, the final remedy should be implemented in compliance with state laws, regulations and policies.

- 3) The project construction may require soil excavation and soil filling in certain areas. Appropriate sampling is required prior to disposal of the excavated soil. If the soil is contaminated, properly dispose of it rather than placing it in another location. Land Disposal Restrictions (LDRs) may be applicable to these soils.

Also, if the project proposes to import soil to backfill the areas excavated, proper sampling should be conducted to make sure that the imported soil is free of contamination.

- 4) Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. A study of the site overseen by the appropriate government agency might have to be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.
- 5) If during construction/demolition of the project, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the ND should identify how any required investigation and/or remediation will be conducted, and the appropriate government agency to provide regulatory oversight.
- 6) If weed abatement occurred, onsite soils may contain herbicide residue. If so, proper investigation and remedial actions, if necessary, should be conducted at the site prior to construction of the project.
- 7) DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

Mr. Fisayo Osibodu
February 9, 2011
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If you have any questions regarding this letter, please contact me at ashami@dtsc.ca.gov, or by phone at (714) 484-5472.

Sincerely,



Al Shami
Project Manager
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
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CEQA # 3123