

RESOLUTION 2017-106

RESOLUTION ADOPTING THE FINAL MITIGATED NEGATIVE DECLARATION FOR THE "CLEANUP AND ABATEMENT ORDER NO. R9-2015-0018, LAUREL HAWTHORN EMBAYMENT: EXCAVATION/ENHANCED MONITORED NATURAL RECOVERY REMEDIAL ACTION FOR THE 30-INCH STORM WATER CONVEYANCE SYSTEM OUTFALL, 2701 NORTH HARBOR DRIVE, SAN DIEGO, CALIFORNIA," PREPARED BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION, ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM, AND AUTHORIZING STAFF TO FILE THE NOTICE OF DETERMINATION

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I (Port Act); and

WHEREAS, between the 1939 and 1999, TDY used polychlorinated biphenyls (PCBs), chlorinated solvents, and chromium in its manufacturing operations at its facility located at 2701 North Harbor Drive in San Diego and the PCBs used at the facility were deposited in catch basins and collection sumps and subsequently discharged into San Diego Bay from a 30-inch stormwater conveyance system (SWCS) that conveyed storm water and contamination from TDY's former facility to the proposed project area; and

WHEREAS, the Laurel Hawthorn Embayment Project (proposed project) is required pursuant to Cleanup and Abatement Order R9-2015-0018, issued by the San Diego Regional Water Quality Control Board (RWQCB) to TDY Industries, LLC, TDY Holdings, LLC, and Teledyne Ryan Aeronautical Company, (collectively, TDY) to cleanup and abate the effects of waste discharged from the former TDY facility at 2701 North Harbor Drive to the Laurel Hawthorn Embayment; and

WHEREAS, as the project proponent, TDY proposes the remediation of polluted sediment in the Laurel Hawthorn Embayment of the San Diego Bay in the City of San Diego by the dredging of contaminated sediment, placement of a carbon-amended sand layer, extension of the SWCS, riprap stabilization, and sediment and benthic invertebrate sampling for a period of one year following completion of the remedial activities within San Diego Bay adjacent to and just east of the U.S. Coast Guard Station located at 2710 North Harbor Drive in San Diego; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA),

the RWQCB, as the CEQA Lead Agency, prepared a Mitigated Negative Declaration (MND) to evaluate the proposed project;

WHEREAS, on February 3, 2015, the RWQCB filed a Notice of Intent to adopt a Draft Mitigated Negative Declaration for "*Cleanup and Abatement Order Number R9-2015-0018 Laurel Hawthorn Embayment: Excavation/Enhanced Monitored Natural Recovery Remedial Action for the 30-Inch Storm Water Conveyance System Outfall, 2701 North Harbor Drive, San Diego, California*" and circulated the MND for a 30-day public and responsible agency review period that started on February 6, 2015, and ended on March 5, 2015; and

WHEREAS, in conformance with CEQA, the RWQCB prepared a Mitigation Monitoring and Reporting Program (MMRP) for the proposed project that was circulated with the MND and both were approved by the RWQCB on October 31, 2015; and

WHEREAS, the District is considered a CEQA Responsible Agency for this proposed project; and

WHEREAS, a complete copy of the MND and MMRP was distributed to the BPC for consideration and are available for review in the Office of the District Clerk; and

WHEREAS, based on the MND and the RWQCB's findings, staff finds, and recommends the BPC find, that the proposed project, with the incorporation of mitigation measures, would not result in any substantial adverse effects to the environment; and

WHEREAS, having reviewed and considered all the materials made available to the BPC, including, but not limited to, the MND and MMRP, the staff reports and all the evidence in the record of the proceedings with respect to the proposed project, the BPC took the actions hereinafter set forth below; and

WHEREAS, the MND and the MMRP are, by this reference, incorporated into this Resolution as if fully set forth herein; and

WHEREAS, a duly noticed public hearing was held on July 11, 2017, before the BPC, at which the BPC received public testimony, reviewed and considered all testimony and materials made available to the BPC regarding the proposed project.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District (BPC), as follows:

1. The BPC finds the facts recited above are true and further finds that this BPC has jurisdiction to consider, approve and adopt the subject of this Resolution.

2. The BPC finds and determines that the applicable provisions of the

CEQA, CEQA Guidelines, and District Guidelines have been duly observed in conjunction with said hearing and the considerations of this matter.

3. The BPC has independently reviewed, analyzed and considered the MND and MMRP and the whole record before it, and finds and determines, that the proposed project, with the incorporation of mitigation measures, would not result in any substantial adverse effects to the environment.

4. The BPC hereby adopts the MND and MMRP for the proposed project.

5. Pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075, the Clerk of the BPC shall cause a Notice of Determination to be filed with the Clerk of the County of San Diego and the State Office of Planning and Research.

6. Pursuant to Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15074(c), the location and custodian of the documents and other materials which constitute the record of proceedings on which this Resolution is based is the District Clerk, San Diego Unified Port District, 3165 Pacific Highway, San Diego, California 92101.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL


By: ~~Assistant~~/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 11th day of July, 2017, by the following vote:

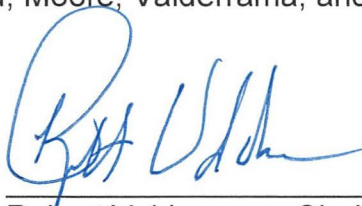
AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

NAYS: None.

EXCUSED: None.

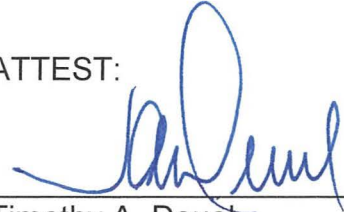
ABSENT: None.

ABSTAIN: None.



Robert Valderrama, Chair
Board of Port Commissioners

ATTEST:


Timothy A. Deuel
District Clerk

(Seal)