

San Diego Unified Port District

CEQA and COASTAL DETERMINATIONS and NOTICE OF APPROVAL

Project: Right of Entry Permit and Underground Fuel Tank Removal
Location(s): 3125 Pacific Highway, San Diego, CA 92101
Parcel No.(s): 016-001
Project No.: 2017-165
Applicant: San Diego Unified Port District, Engineering-Construction Department, 3165 Pacific Highway, San Diego, CA 92101
Approval Date: October 31, 2017

Project Description:

The proposed Project is a Right of Entry (ROE) Permit and complete removal and disposal of the 12,000 gallon double-wall fiberglass Underground Fuel Tank (UFT) located at 3125 Pacific Highway in San Diego. The ROE would allow for contractors to access the property and conduct work.

On October 31, 2016, Budget Rent A Car's (Budget's) Leasehold parcel at 3125 Pacific Highway was relinquished back to the District. Per Budget's Temporary Use and Occupancy Permit (TUOP), the District retains all existing improvements including a 12,000 gallon UFT. Operation and maintenance of the UFT's monitoring and alarm system would cost approximately \$8,000/year if retained. The new District tenant (Park & Fly) indicated no interest in operating the UFT. Under California Code of Regulations, Title 23, Division 3, Chapter 16, the UFT must be removed under a state issued permit if not actively used and monitored. The District must comply with this regulation by removing the UFT within one year after the Temporary Closure Permit of the UFT was issued by the state. This permit was issued on December 29, 2016; therefore, the tank is to be removed by December 29, 2017. In October 2016, the UFT and associated fuel lines were pumped and tripled rinsed. All 300 gallons of waste gasoline/mixture resulting from the line flushing and the cleaning of the UFT interior was hauled off in a certified vacuum truck to DeMenno Kerdoon Inc. (a treatment/disposal facility for hazardous waste treatment) for disposal. After the removal of the UFT contents, the electrical power and monitoring system for the UFT were disconnected, the fill port and dispensers were locked, and the access ports were sealed.

The Project includes complete removal and disposal of the 12,000 gallon double-wall fiberglass UFT. The work will include removal and disposal of all fuel lines and all associated piping and equipment; removal of all related appurtenances such as deadmen/hold down strapping, fuel lines, valves, controls, electrical connections, two fuel pump stations; stockpiling and containment and removal of excavated soil; testing and classifying excavated soil for proper disposal; disposal of dewatered/pumped groundwater; removal and disposal of two (2) electrical lights and posts, and a chain link fence; obtainment and compliance with all environmental permit requirements; excavation and trenching; dewatering; asphalt resurfacing and other works necessary (e.g. right of entry permit) for complete removal of the storage tank, fuel lines and all related equipment.

While the UFT contents has been previously removed, the tank closed, the access ports sealed, there may be the possibility of residual tank product (liquid/sludge) present within the UFT. Prior to the removal of the UFT, the removal of up to 25 gallons of residual tank product may occur. Removal of any residual tank product would be required to follow County of San Diego requirements as identified in applicable provisions of Chapters 6.5 and 6.7 of Division 20 of the Health and Safety Code and California Code Regulations (CCR), Title 23, Division 3, Chapter 16, Article 7 Section 2671. Temporary Closure Requirements. If residual tank product is found within the UFT, the residual tank product would be temporarily stored onsite until testing of the residual tank product occurs. If testing of the residual tank product indicates the tank product as

hazardous waste, disposal and disposal transportation by a registered hazardous waste transporter to a treatment/storage disposal facility for hazardous waste disposal/treatment (similar to that previously arranged for the tank pumping) would be arranged.

Groundwater is also expected at a depth of 10-12 feet below ground surface. If it is necessary to dewater or pump groundwater to remove the UFT, the dewatered/pumped groundwater would also be temporarily stored onsite in a portable tank until the dewatered/pumped groundwater is characterized for disposal purposes and disposal transportation is arranged to the Otay Landfill.

During UFT excavation, excavated soil would be segregated into clean and petroleum impacted stockpiles on site. All excavated soil would be placed on an impervious barrier and covered with polyethylene sheeting. Straw bale berms would also be placed around the outer limits of the containment area and covered with polyethylene sheeting. Soil sampling and testing of excavated soil for proper disposal would occur. Excavated soil determined suitable for backfill will be used to backfill the UFT pit while soil deemed unsuitable for backfill (e.g. petroleum impacted soils) are anticipated to be transported to the Otay Landfill.

Implementation of the proposed Project is anticipated to commence in November 2017 and take approximately one month to complete. Vehicle and truck trips are associated with deliveries, transport of construction workers, and hauling of demolition debris and soil. It is anticipated that approximately 5 haul trucks would be required to haul up to 50 cubic yards of excavated soil to the Otay Landfill for disposal. Once at the disposal facility, each haul truck would be weighed before offloading its payload. Copies of the waste manifests and weight tickets would be provided to the construction contractor after the soil has been removed from the site and delivered to the appropriate disposal facility.

A Site Safety and Health Plan (SSHP), a Construction Best Management Practice (BMP), a Temporary Storm Water Pollution Prevention Plan (SWPPP), and an Exposure Monitoring and Air Sampling Program will be prepared to cover construction activities identified for the Project along with identification of any specific hazard and environmental requirements during construction activities.

Due to its nature and limited scope, implementation of the proposed Project would generate a minor amount of vehicle and truck trips and would require limited use of construction equipment, and would not result in impacts, including air quality or greenhouse gas impacts.

The following categorical determinations are based on the Project submittal and all Project information known to the District as of the date of this determination. Furthermore, the Project is responsible for complying with all applicable federal, state, and local laws regulating construction demolition debris, hazards and hazardous materials, noise, and stormwater.

CEQA DETERMINATION

Based upon the above description, the Project is determined to be Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15304 (Minor Alterations to Land) and/or 15330 (Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances) and Sections 3.d. (1) and 3.d. (7), of the District's *Guidelines for Compliance with CEQA*. CEQA Guidelines Section 15330 and Sections 3.d. (1) and 3.d. (7) of the District's CEQA Guidelines are as follows:

CEQA Guidelines Section 15330. Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances: Class 30 consists of any minor cleanup actions taken to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of a hazardous waste or substance which are small or medium removal actions costing \$1 million or less.

AND/OR

District Guidelines Section 3.d. Minor Alterations to Land (SG § 15304) (Class 4): Includes minor alterations in the condition of land, water and/or vegetation not involving removal of mature, scenic trees, including, but not limited to:

- (1) Filling of earth on previously disturbed land with material compatible with the natural features of the site.
- (7) Minor trenching and backfilling where the surface is restored.

The Categorical Exemptions listed above are appropriate because the Project proposes to remove an existing 12,000 UFT per California Code of Regulations, Title 23, Division 3, Chapter 16. The removal of the UFT would require minor trenching and backfilling where the surface is restored that would have no permanent effects on the environment, and would not involve the removal of mature, scenic trees. In addition, all surface areas disturbed by the proposed Project would be restored. CEQA Guidelines Section 15330 also provides for the excavation and/or offsite disposal or contaminated soils or sludges in regulated units or the onsite treatment of contaminated soils or sludges provided that the treatment system meets Title 22 requirements and local air district requirements.

Pursuant to CEQA Guidelines Section 15062, a 35-day statute of limitations for this CEQA exemption shall apply from the date a Notice of Exemption is posted with the San Diego County Clerk, or a 180-day statute of limitations for this CEQA exemption shall apply if no Notice of Exemption is filed. The District has further determined none of the six exceptions to the use of a categorical exemption apply to this Project (CEQA Guidelines Section 15300.2).

The proposed Project complies with Section 87 of the Port Act, which allows for the construction, reconstruction, repair, and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary, or convenient for the promotion and accommodation of any of the uses set forth in the section. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed project is consistent with the Public Trust Doctrine.

CALIFORNIA COASTAL ACT

PORT MASTER PLAN

The site is located in Planning District 2, Harbor Island/Lindbergh Field, which is delineated on Precise Plan Map Figure 9 of the certified Port Master Plan. The Port Master Plan land use designation within the limits of the proposed Project is Harbor Services. The Project conforms to the certified Port Master Plan as implementation of the Project would not change the use of the site nor would it expand the existing conforming use of the site.

CATEGORICAL DETERMINATION

The above Project involves the removal of an existing UFT and the corresponding backfill of soils where the surface is restored. The Project would not involve expansion of use beyond that previously existing. There are no structures of historical, archaeological, or architectural significance located on the Project site. This Project is consistent with the existing certified use designation and is Categorically Excluded under Sections 8.a(9), 8.d(3), 8.d(6) of the District's *Coastal Development Permit* Regulations, as follows:

- 8.a. Existing Facilities: The operation, repair, maintenance, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, including but not limited to:

(9) Demolition and removal of individual small structures, except where structures are of historical, archaeological, or architectural significance.

8.d. Minor Alterations to Land: Minor public or private alterations in the condition of land, water, and/or vegetation which do not involve the removal of mature, scenic trees, including but not limited to:

(3) Filling of earth into previously excavated land with material compatible with the natural features of the site.

(6) Minor trenching or backfilling where the surface is restored.

Pursuant to California Coastal Act Section 30717, there is a 10 working day period to appeal this "Coastal Act Categorical Determination of Exclusion" to the California Coastal Commission.

RANDA CONIGLIO
President/CEO

Determination by:
Kelly Czechowski
Senior Planner
Development Services

Deputy General Counsel

Signature: K. Czechowski
Date: 10/31/2017

Signature: Randa Coniglio
Date: 10/20/2017