

**CEQA and COASTAL DETERMINATIONS
and
NOTICE OF APPROVAL**



Project: Right of Entry License Agreement to Rohr for Soil Testing at Chula Vista Bayfront
Location: Chula Vista Bayfront, Chula Vista, CA 91910
Parcel No.: Various
Project No.: 2018-223
Applicant: Rick Siordia, ROHR, 850 Lagoon Dr., MZ IT, Chula Vista , CA 92101
Date Approved: December 4, 2018

PROJECT DESCRIPTION

The proposed project is a Right of Entry License Agreement (ROELA) to ROHR, INC. (Licensee), its authorized agent(s), and contractor(s) to enter upon that certain property located at Chula Vista Bayfront, Chula Vista, California. The area proposed for use under this ROELA would be used by the Licensee, its authorized agent(s), and contractor(s) for the purpose of installing temporary equipment for conducting an investigation of volatile organic compounds (VOCs) in groundwater. After such wells are no longer necessary for future monitoring, Licensee shall, at Licensee's expense, cause wells to be properly abandoned and the surface pavement shall be restored to its original condition (Work). In addition, the ROELA would provide ingress and egress of the Licensee. Furthermore, the Licensee would be responsible for abiding by and conforming to all laws and regulations associated with the activities on or in connection with the above-described premises, including hazards and hazardous materials and stormwater.

The phased investigation plan includes:

1. Cone Penetrometer/Membrane Interface Probe (CPT/MIP) borings will be advanced to depths of 65 to 85 feet below ground surface to characterize the lithology and the relative VOC concentrations in groundwater at the CPT/MIP locations.
2. Discrete-depth groundwater samples will be collected where the CPT/MIP data suggest VOC concentrations are elevated and aquifer materials are permeable.
3. All of the groundwater samples will be analyzed for VOCs; select samples will also be analyzed for major anions, dissolved organic carbon, and/or 1,4-dioxane.
4. Based on the results obtained from of the initial CPT/MIP borings, additional CPT/MIP or soil borings may be advanced to address data gaps. Licensee is required to obtain a County of San Diego Property Owner Consent form for additional CPT/MIP or soil borings.

Work to complete the investigation plan includes:

- Acquiring boring permits from the Department of Environmental Health (DEH);
- Acquiring Right of Entry from the San Diego Port Authority and tenants, as applicable;
- Conducting a subsurface utility clearance at each CPT/MIP location;
- Advancing CPT/MIP borings and collecting discrete-depth groundwater samples;
- Abandoning the borings by pressure grouting in accordance with DEH requirements;
- Submitting groundwater samples for laboratory analysis;
- Surveying the coordinates of the completed CPT/MIP locations; and
- Properly managing investigation derived waste for offsite disposal.

The ROELA is anticipated to commence in December 2018, and terminate on December 2019, for a total duration of one (1) year, or upon completion of the Work, whichever occurs earlier, provided, however, the ROELA will not be effective until the end of the California Coastal Commission 10-working-day appeal period. The ROELA may be terminated by the District as a matter of right or without cause at any time upon providing twenty-four (24) hours' written notice to Licensee of such termination.

The following categorical determinations are based on the ROELA and all project information known to the District as of the date of this determination.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

CATEGORICAL DETERMINATION

Categorical Exemption: SG §15306, Class 6/Section 3.f: Information Collection.

- 3.f. **Information Collection (SG § 15306) (Class 6)**: Includes basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be for information gathering purposes, or as part of a study leading to an action which has not yet been approved, adopted or funded.

The proposed project is determined to be Categorically Exempt pursuant to the CEQA Guidelines and the Section of the District's *Guidelines for Compliance with CEQA* as identified above. This is appropriate for the proposed project because it involves installing temporary equipment for conducting an investigation of volatile organic compounds (VOCs) in groundwater. The District has determined none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

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.

CALIFORNIA COASTAL ACT

PORT MASTER PLAN CONSISTENCY

Planning District: 7 - Chula Vista Bayfront (Precise Plan Figure 19).

Land Use Designations: Commercial Recreation; Park/Plaza; and Streets

The proposed project conforms to the certified Port Master Plan because it would involve installing temporary equipment for conducting an investigation of volatile organic compounds (VOCs) in groundwater consistent with the existing certified Land use designations.

CATEGORICAL DETERMINATION

Categorical Exclusion: Section 8.e: Information Collection.

- 8.e. **Information Collection**: Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major significant disturbance to an environmental resource.

The proposed project is determined to be Categorically Excluded pursuant to the Section of the District's *Coastal Development Permit Regulations* as identified above. This is appropriate for the proposed project because it involves installing temporary equipment for conducting an investigation of volatile organic compounds (VOCs) in groundwater.

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.

For the portion of the proposed project located outside of the District's CDP jurisdiction, additional approvals may be required from other agencies.

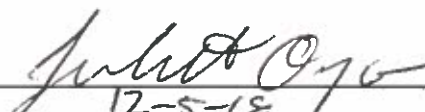
CALIFORNIA PUBLIC TRUST DOCTRINE

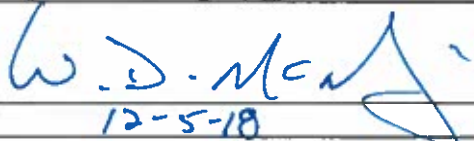
The proposed project complies with Section 87.(a)(4) of the Port Act, which allows for construction, reconstruction, repair, and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, 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 this 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.

RANDA CONIGLIO
President/CEO

Determination by:
Juliette Orozco
Associate Planner
Development Services

Deputy General Counsel

Signature: 
Date: 12-5-18

Signature: 
Date: 12-5-18