



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

Project: Agreements with NRC Environmental Services, Inc., Ocean Blue Environmental Services, Inc., Clean Harbors Environmental Services, Inc., and Ancon Services for As-Need Hazardous Waste Management and Emergency Response Services  
Location: San Diego, National City, Coronado, Chula Vista, and Imperial Beach, California  
Parcel No.: Various  
Project No.: 2023-122  
Applicant: George Liddle, Senior Environmental Specialist, Environmental Protection, San Diego Unified Port District, 3165 Pacific Highway, San Diego, CA 92101  
Date Approved: September 12, 2023

**PROJECT DESCRIPTION**

The proposed project involves four agreements between San Diego Unified Port District (District) and NRC Environmental Services, Inc., Ocean Blue Environmental Services, Inc., Clean Harbors Environmental Services, Inc., and Ancon Services, respectively, to provide as-needed hazardous waste management and emergency response services at various District locations. The amount of the agreement is not to exceed an aggregate amount of \$1,500,000 for a period of five years, through 2028. These services could include hazardous materials spill response, biohazardous materials clean-up, routine or planned management and disposal of regulated wastes, disaster response and support, and emergency abatement of contaminants potentially exposed to District employees or the public. More specifically, services may include, but not be limited to, the following:

- Hazardous materials spill response, including oil spills, storm drain cleanings, and wastes abandoned on Tidelands.
- Biohazardous materials clean-up, including sewage spills, lift station pump-outs, crime scenes, public areas (e.g., parks, restrooms, parking lots, benches), and decontamination of District vehicles, equipment, and facilities.
- Routine or planned management and disposal of regulated wastes generated by District activities, including handling of sharps, waste paints, waste oil, oily rags, and empty aerosol cans, as well as decontamination of derelict vessels and events like Operation Clean Sweep.
- Disaster response and support, including support for firefighting, support for emergency repairs of District infrastructure, and protection and defense of wildlife and natural areas.
- Emergency abatement of contaminants potentially exposed to District employees or the public, including encampments, testing for airborne mold in water-damaged District office spaces, and discovery of unforeseen hazardous materials during Engineering or General Services projects.

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.

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**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

***CATEGORICAL DETERMINATION***

Categorical Exemptions: CEQA Guidelines Section 15301 (Class 1)/District Guidelines for Compliance with the CEQA Section 3.a: Existing Facilities; CEQA Guidelines Section 15304 (Class 4)/District Guidelines for Compliance with the CEQA Section 3.d: Minor Alterations to Land; and CEQA Guidelines Section 15308 (Class 8)/District Guidelines for Compliance with the CEQA Section 3.h: Actions by Regulatory Agency for Protection of the Environment

3.a. Existing Facilities: Includes 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) Restoration or rehabilitation of deteriorated or damaged structures, facilities or mechanical equipment to meet current standards of public health and safety or permit requirements, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood.

AND/OR

- 3.d. Minor Alterations to Land: Includes minor alterations in the condition of land, water and/or vegetation not involving removal of mature, scenic trees.

AND/OR

- 3.h. Actions by Regulatory Agency for Protection of the Environment: Includes actions taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.

The proposed project is determined to be Categorically Exempt pursuant to the CEQA Guidelines and the Sections of the District's *Guidelines for Compliance with CEQA* as identified above. These are appropriate for the proposed project because it would involve agreements for as needed hazardous waste management and emergency response services that would involve no expansion of use beyond that previously existing, would result in no permanent effects on the environment, and would consist of routine management and emergency response services needed to protect the environment. 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***

Applies to all Planning Districts.

The proposed project applies to all District's planning districts. The Port Master Plan land and water use designations within the limits of the proposed project may include, but are not limited to, Open Space, Park/Plaza, Harbor Services, Marine Terminal, Commercial Recreation, and/or Promenade. The proposed project conforms to the certified Port Master Plan because it involves agreements for as needed hazardous waste management and emergency response services consistent with the existing certified land and water use designations. The proposed project would not change the uses of the sites nor would it interrupt or expand the existing conforming uses of the sites.

### ***CATEGORICAL DETERMINATION***

Categorical Exclusions: Section 8.a: Existing Facilities and Section 8.d: Minor Alterations to Land

- 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:
  - (4) Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health, safety, District policy, or as required by contractual conditions

AND/OR

- 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.

The proposed project is determined to be Categorically Excluded pursuant to the Sections of the District's *Coastal Development Permit Regulations* as identified above. These are appropriate for the

proposed project because it would consist of agreements for as needed hazardous waste management and emergency response services that would involve a negligible expansion of use beyond that previously existing and would not involve the removal of mature, scenic trees.

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.

**CALIFORNIA PUBLIC TRUST DOCTRINE**

The proposed project complies with Section 87.(a)(5) of the Port Act, which allows for the construction, reconstruction, repair, maintenance, and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including, but not limited to, public golf courses, and for all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses. 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  
Acting President/CEO

Determination by:  
Lillian Mattes  
Assistant Planner  
Development Services

Signature: Lillian Mattes  
Date: 09/13/2023

Deputy/Assistant General Counsel

Signature: Shiraz D. Tanjri  
Date: 09/13/2023