



**County of San Diego, Planning & Development Services**  
***Project Planning Division***

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**TO:** Lauren Yzaguirre, PROJECT MANAGER

**FROM:** Nicolas Gustafson, HAZARDS SPECIALIST

**RE:** PDS2019-ZAP-19-003  
Phase I Environmental Site Assessment Report

**DATE:** January 4, 2021

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**Project Description**

The project proposes to develop a vacant lot with an eight (8) pump gas station, car wash and 3,555 square foot minimart.

**Review**

County staff has reviewed and accepted the Phase I and Phase II Environmental Site Assessment's prepared by Rincon Consultants Inc., dated June 27, 2019 and June 4, 2020.

The Phase I ESA determined that the site was previously used as a storage yard and has been listed on the Historical Underground Storage Tank (HISTUST) and San Diego County Hazardous Materials Management Division Database (HMMDD). Three underground storage tanks (USTs) are known to have been placed on the site and there is no record of their removal. Additionally, properties adjacent to the site have been associated with the release of petroleum hydrocarbons. Rincon has determined that the following recognized environmental conditions apply to the property:

1. Former onsite storage yard with USTs;
2. Former adjacent gasoline service station with USTs and a known release; and
3. Former adjacent, upgradient facility with USTs and a known release.

The Phase II was performed and determined:

1. Evidence of the presence of USTs was not identified, however, evidence of their removal was also not identified.
2. Soil surveys detected concentrations of TPH-d in exceedance of established ESLs and that additional hydrocarbon-impacted soils may be encountered.

## **DRAFT HAZARD CONDITIONS**

**GRADING PERMIT:** (Prior to approval of any grading and/or improvement plans and issuance of any Grading or Construction Permits).

### **HAZ #2–SOIL TESTING AND REMEDIATION [PDS, FEE X 2]**

**INTENT:** In order to remediate impacts associate with petroleum hydrocarbons in the soil, as identified in Phase I and Phase II Environmental Site Assessments (ESAs) prepared by Rincon and Associates, dated June 27, 2019 and June 4, 2020, or other contaminated soils discovered during grading or construction, remediation under the supervision of the Department of Environmental Health (DEH), [Site Assessment and Mitigation Program \(SAM\)](#) is required. The excavated soil should be stockpiled, tested, characterized for disposal and transported off-site to an appropriate disposal facility. **DESCRIPTION OF REQUIREMENT:** For soil testing, a signed, stamped addendum to the Phase II ESA shall be prepared by a Registered Engineer or Professional Geologist. The addendum shall include the following information or as modified by DEH:

- a. Documentation that the soil sampling occurred between six inches to 2-3 feet in depth.
- b. Findings which identify whether onsite soils in this location exceed regulatory screening levels for soil vapors, petroleum, heavy metals, or other contaminants (including PCEs and TCEs).
- c. If contaminated soils are detected, provide a copy of the contract and a signed sealed statement from the Registered Engineer or Professional Geologist, which states that they will implement the work plan approved by SAM. Grading required to implement the site remediation activities is permitted.

For remediation, a California Licensed Environmental Consultant company shall prepare a Soil Management Plan (SMP), for the remediation of hazardous materials as identified above. The plan shall be prepared and implemented pursuant to the [DEH SAM Manual](#) under direction from the DEH [SAM](#):

- d. Enrollment in the DEH, Voluntary Assistance Program (VAP) is required. If contamination is found to be from an underground storage tank (UST) then enrollment in the Regional Water Quality Control Board (RWQCB), Underground Storage Tank (UST) Cleanup Program is required in lieu of enrollment in the VAP. All soil remediation shall be completed under supervision of the SAM/VAP or the RWQCB as required.
- e. All required grading work shall comply with the County of San Diego Grading Ordinance 87.101 et. al. If a grading permit is required for the remediation work, it shall be issued for the remediation work only.
- f. The presence, locations and quantities of septic system(s) shall be evaluated. If present, the septic tanks shall be removed under approval from the [DEH, LWQ].
- g. If the Director of PDS determines the remediation work will take an enormous amount of time that would be detrimental to ultimate project implementation, approval of other engineering plans and/or issuance of other project permits may be permitted as long as there is no risk of effects to public health and

safety. Concurrence from the [DEH, SAM] or RWQCB is required, and the applicant shall enter into a secured agreement for the completion of the remediation work.

**DOCUMENTATION:** The applicant shall contract with a California Licensed Environmental Consultant to prepare the SMP and implement any required work plan for soil remediation. The applicant shall also enroll in the VAP or UST Cleanup Program and pay all applicable fees for review and completion of this requirement. Upon completion of the VAP or UST Cleanup Program, a "Closure Letter" from [DEH, SAM or the RWQCB] shall be submitted to the [PDS, PPD] for approval.

**TIMING:** Prior to approval of any grading and/or improvement plans, the applicant shall comply with this condition. **MONITORING:** The [DEH, SAM or RWQCB] shall oversee the progress of the remediation project. Upon Completion of the remediation project the [DEH, SAM or the RWQCB] shall issue a "Closure Letter" to the applicant. The [PDS, PPD] shall review the closure letter for compliance with this condition.

### **PRIOR TO OCCUPANCY**

#### **HAZ#3-HAZARDOUS MATERIALS BUSINESS PLAN (HMBP)**

**INTENT:** To protect human health and the environment, a Hazardous Materials Business Plan (HMBP) serves the purpose of providing emergency response personnel and the public information about potential hazardous chemicals being stored at a business, while also ensuring that the business has a plan for emergencies and that their staff has proper training.

**DESCRIPTION OF REQUIREMENT:** A HMBP consists of: Facility Information (contacts), Hazardous Materials Inventory & Site Map, and Emergency Response and Training Plan. The HMBP must be submitted online in the California Environmental Reporting System, and reviewed and approved by the Hazardous Materials Division (HMD) of the Department of Environmental Health (DEH) and a Unified Program Facility Permit (UPFP) will be issued to comply with California Health & Safety Code Ch 6.95, California Code of Regulations Title 19, and the San Diego County Code.

**DOCUMENTATION:** The applicant shall begin by filling out a hazardous materials questionnaire in the local online portal. Once reviewed, HMD will provide the applicant with a stamped form that will let them know if the HMBP is required, or if they're exempt from that requirement. The stamped questionnaire serves as evidence from the county of San Diego, Department of Environmental Health, Hazardous Materials Division (DEH, HMD) to state that the appropriate DEH, State and/or Federal permits are being pursued or that a Unified Program Facility Permit is not required. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the HMBP shall be prepared, submitted in CERS, and implemented. **MONITORING:** [DEH, HMD] shall verify and approve the HMBP for compliance with this condition and the business will need to annually certify this plan as well as comply with any other requirements that are part of the Unified Program. **CONTACT:** Email [HazmatPlanCheck@sdcounty.ca.gov](mailto:HazmatPlanCheck@sdcounty.ca.gov) for more information or to inquire about the plan check process.

### **GRADING PLAN NOTES**

In addition to the conditions set forth above, the following Grading and or Improvement Plan Notes shall be placed on the Preliminary Grading Plan and made conditions of the issuance of said permits.

**PRIOR TO PRECONSTRUCTION MEETING**

**NOTICE:** IN THE EVENT THAT ANY ACTIVITY, INCLUDING EARTHMOVING OR CONSTRUCTION, DISCOVERS THE PRESENCE OF UNDERGROUND STORAGE TANKS, SEPTIC TANKS, WELLS, SITE DEBRIS, AND/OR CONTAMINATED SOILS ON-SITE, THE CONTRACTOR AND/OR PROPERTY OWNER SHALL NOTIFY THE COUNTY OF SAN DIEGO PLANNING & DEVELOPMENT SERVICES DEPARTMENT AND THE DEPARTMENT OF ENVIRONMENTAL HEALTH. THE PRESENCE OF CONTAMINATED SOILS WILL REQUIRE SOIL TESTING AND REMEDIATION IN ACCORDANCE WITH STANDARD COUNTY PROCEDURES. THIS PROCESS WILL BE DETERMINED ONCE THE COUNTY IS NOTIFIED OF THE PRESENCE OF CONTAMINATED SOILS.

If you have any questions regarding these comments, please contact Nicolas Gustafson at (858) 495-5351.