



County of San Diego

AMY HARBERT
DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY
LAND AND WATER QUALITY DIVISION
P.O. BOX 129261, SAN DIEGO, CA 92112-9261
Phone: (858) 505-6700 or (800) 253-9933 Fax: (858) 514-6583
www.sdceh.org

HEATHER BUONOMO, REHS
DIRECTOR OF ENVIRONMENTAL HEALTH

January 20, 2023

Mr. Chris Livoni
Viewpoint Development, LLC
2011 Palomar Airport Road, Suite 101-182
Carlsbad, CA 92011

Dear Mr. Livoni:

VOLUNTARY ASSISTANCE PROGRAM CASE - DEH2022-LSAM-000712
VIEWPOINT OLD TOWN
4610 PACIFIC HIGHWAY, SAN DIEGO, CA 92110
CONCURRENCE LETTER

Staff of the Department of Environmental Health and Quality, Site Assessment and Mitigation Program (SAM) have reviewed the December 2022 *Soil Management Plan* (SMP), and *Community Health and Safety Plan* (CHSP), both prepared by Farallon Consulting (Farallon). The Site consists of three parcels (San Diego County Assessor's Parcel Numbers 442-740-07, 442-740-06, and 442-740-03) and is developed with a single-story structure surrounded by an asphalt-paved parking lot. A petroleum release was discovered in 1988 following the removal of underground storage tanks (USTs) at the gas station on the southern portion of the property. As a result, Local Oversight Program (LOP) case H12810-001 was opened in July 1988. Approximately 100 yd³ of soil was excavated and reused on site based on stockpile sample results indicating total petroleum hydrocarbons (TPH) levels of less 100 mg/kg. The LOP case was closed in 1990 with a groundwater TPHg concentration of 32 mg/l (32,000 ug/l).

On May 2022, Apex collected 37 soil samples, collected from 15 soil borings at 1- and 3-feet below grade surface (bgs), that were analyzed for volatile organic compounds (VOCs), TPH, and Title 22 metals. In addition, ten samples collected at 1-foot bgs were also analyzed for organochlorine pesticides (OCPs), PCBs, and semi-volatile organic compounds (SVOCs). TPH as gasoline-range organics (GRO) was not detected in any of the samples. TPH as diesel-range organics (DRO) was detected at a concentration of 390 mg/kg in soil sample B2-3 with subsequent SPLP analysis yielding a concentration of 0.28 mg/l. TPH as oil-range organics (ORO) was detected in eight soil samples with one sample reporting an ORO concentration 1,300 mg/kg and the others ranging from 13 mg/kg to 130 mg/kg. VOCs, SVOCs and OCPs were below screening levels in all samples. PCBs were non-detect (ND) with the exception of Aroclor 1260 at

a concentration of 17 µg/kg from sample B3-1 with subsequent SPLP analysis yielding a concentration of less than 0.74 mg/l. A groundwater sample was collected from B10 which was ND for GRO but had detections of DRO and ORO at 0.29 mg/l and 0.26 mg/l, respectively. All VOCs and SVOCs were ND, and lead had a concentration of 0.0085 mg/l which was less than its maximum concentration level of 0.015 mg/l.

On September 8, 2022, SCS collected an additional 24 soil samples from 14 soil borings. In addition, seven soil vapor (SV) probes were installed with one SV sample collected from probes SV1-5 through SV6-5, and two samples collected from SV7-5. The samples were analyzed for VOCs in general accordance with EPA Method TO-15 yielding trace exceedances of petroleum (BTEX) compounds, and a PCE concentration of 230 ug/l from SV-6.

The SMP describes the scope of work for the segregation, reuse, and disposal of soils to be excavated at the Site during grading for the construction of seven stories of multifamily housing, retail, and work lofts at grade. In addition, there will be one partial subterranean level for parking, a lobby, and other amenities underlying the central-northern portion of the Site. The Site will be a net export site with no soil planned for import. To determine if the soil-for-export can be reused off site, it will be categorized by the following three main criteria of SDRWQCB Conditional Waiver for Waste Discharge Requirements for Low-Threat Discharges in the San Diego Region Order R9-2019-0005, Waiver No. 9 (the "Waiver"). The three categories are:

1. Soil that is not contaminated as demonstrated by laboratory testing and determined by the discharger not to be subject to the Waiver. This soil may be reused off-Site.
2. Soil that meets the criteria set forth in Tier 2 of the Waiver and is suitable for reuse off-Site at a commercial or industrial site. This can include soils with reportable concentrations of contaminants other than metals present in leachate after SPLP analysis determines that it is an inert waste and will not affect water quality objectives. This would require prior approval from the SDRWQCB, otherwise it will be considered a nonhazardous waste to be disposed at a Class III landfill.
3. Soil that is contaminated and not suitable for reuse off-Site under the Waiver. This soil must be disposed of at a Class III landfill (nonhazardous) or at a landfill outside of California that can accept non-Resource Conservation and Recovery Act (RCRA) California hazardous waste. Additional profiling may be necessary to distinguish designated waste soil from soil classified as a hazardous waste in California.

Prior to beginning earthwork, a Notice of Intent (NOI) will be filed with SD-RWQCB if any soil is to be exported via Category 2 above under Tier 2 of the Waiver. Otherwise, the soil will be considered contaminated and disposed as noted in the 3rd category.

The SMP is *approved* on the condition that a minimum of one additional soil vapor sampling event be conducted for the following probes / locations:

- SV3, next to the restaurant, for duplication of data.
- SV4 and SV5, next to the proposed new building, for duplication of data.
- SV6, next to the proposed new building, to determine whether the prior PCE exceedance of 230 ug/m³ was an anomalous reading or indicative of an ongoing PCE release.
- Any additional areas with the floors or walls deemed to be potentially exposed to the subsurface. This could include basement custodial rooms, slab on grade residential units, parking area lobby, elevator shafts, etc.

The SV sampling event can be conducted either prior to grading, or at least two weeks or more following grading. Prior to conducting the SV sampling event, a brief workplan should be submitted and should include any additional proposed soil vapor sampling locations and the rationale for such. The need for additional SV events, engineering controls, etc. will be determined upon the submittal of a report detailing the sample results of the SV survey.

The CHSP addresses proposed safeguards for the community during the excavation, stockpiling, and loading of soils generated during grading. Potential hydrocarbons will be measured with a Photo Ionization Detector (PID). The grading contractor will conduct the excavation and grading activities in accordance with APCD Rule 55, which limits fugitive dust emissions beyond the property to less than 3 minutes within any 60-minute period. The CHSP further describes the proposed methods for the application of water, mist, and physical barriers to control dust, and the similar protocols to be followed for hydrocarbon vapors if PID readings over 25 ppm are noted for a sustained period of over 30 seconds. The report further discusses methods of noise control, BMP's, emergency planning, and public notification. A sample public notification letter, and means of distribution, is also provided in the report.

The CHSP is also *approved*. If you have any questions, please call me at (858) 505-6856.

Sincerely,

Ewan Moffat, Hydrogeologist
Site Assessment and Mitigation Program

cc: Mr. Ronald J. Kofron, Farallon Consulting, LLC