

REQUEST FOR ACTION

To: Mark De Bie, Deputy Director
Waste Permitting, Compliance and Mitigation Division

From: Steve Santa Croce
Senior Waste Management Engineer
Engineering Support Branch

Reviewed By: Steve Levine, Legal Office

Request Date: August 10, 2015

Decision Subject: **APPROVAL OF THE POTTERY CANYON PARK DISPOSAL SITE (FACILITY NO. 37-CR-0123) REMEDIATION UNDER THE SOLID WASTE DISPOSAL AND CODISPOSAL SITE CLEANUP PROGRAM (SOLID WASTE DISPOSAL TRUST FUND)**

Action By: August 21, 2015

Summary of Request:

The Solid Waste Disposal and Codisposal Site Cleanup Program (Program) requests approval to implement a Department-managed remediation project at the Pottery Canyon Park Disposal Site also known as Pottery Canyon Burn Ash Site (Site), pursuant to the Program requirements at an estimated cost of \$280,000.

Recommendation:

Program staff recommends approval the remediation of the Pottery Canyon Park Disposal site.

Deputy Director Action:

On the basis of the information and analysis in this Request for Action and the findings set out herein, I hereby approve this project under the Solid Waste Disposal and Codisposal Site Cleanup Program.



Mark De Bie, Deputy Director
Waste Permitting, Compliance and Mitigation Division

Dated: 8/21/15

Background Information, Analysis, and Findings

Program Eligibility: The Program addresses cleanup of solid waste disposal and co-disposal sites where the responsible party either cannot be identified or is unable or unwilling to pay for a timely remediation and where cleanup is needed to protect public health and safety or the environment. Cleanup projects are implemented through Department-managed contracts, grants, and loans. Program staff uses adopted regulations and policies in determining site eligibility. Unless otherwise noted, actions proposed for this project are specifically eligible pursuant to the regulations.

Site Location/Description: The site is located approximately 1,500 feet northeast of the intersection of La Jolla Parkway and Torrey Pines Road at 2725 Torrey Pines Road in the City of San Diego on property that is owned and managed by City of San Diego Parks and Recreation Department as the Pottery Canyon Natural Park. A portion of the 18-acre property is the former location of a clay pottery manufacturing operation that began in the late 1920s and continued into the early 1950s, at which time the manufacturing operation downsized when it was discovered that part of the manufacturing plant was not on the owner's property. The primary products produced included handmade roof tiles, unglazed floor tiles, and adobe brick. When the operation downsized in the early 1950s, the facility continued to operate and produced pots. It is believed that waste from the clay product manufacturing facility was disposed on land adjacent to the operation and that waste disposal continued from the beginning of the manufacturing operation until operations ceased. When Torrey Pines Road was widened in 1969, most of the structures associated with the pottery manufacturing operation were dismantled and in 1973 the City established the Pottery Canyon Natural Park.

In March 2008, a Park Ranger contacted the City of San Diego Development Services Department [Local Enforcement Agency (LEA)] regarding suspected digging at the site. In April 2008, LEA and CalRecycle's Closed, Illegal and Abandoned Sites (CIA) Unit staff conducted an initial site visit of this portion of the park to evaluate the presence of exposed surficial wastes. Inspection of the site revealed the presence of waste debris primarily consisting of fragments of fused glass, porcelain and ceramic pieces and some metal debris.

In April 2009, the CIA Unit conducted surface and subsurface sampling at the site. The Subsurface Site Investigation Report dated November 23, 2009, concluded, in part, that the site did not appear to have a final cover placed over the wastes and recommended the development of a corrective action plan to remove the wastes or consolidating and covering the wastes in place. Also, the most recent LEA inspections show evidence of exposed solid waste at the site.

In addition, Brian F. Smith and Associates conducted an archaeological site evaluation in November 2010, for the City that included excavating five trenches. The archaeological evaluation determined that the site is a significant historic resource based upon the research potential represented by the materials within the dump. Two mitigation options were proposed in the evaluation: (a) clean closure of the site, which would require an archaeological data recovery phase prior to the removal of the waste material; or (b) capping of the site, which would bring the site into compliance with SMS and would preserve the historic resources in-place. The City decided to proceed with the second option of capping the site.

Site Prioritization: The Pottery Canyon Park Disposal (site) is rated Priority A2 where a known condition of pollution or nuisance from solid waste based on comparison with state minimum standards occurs with significant residential, industrial, park, recreation, or environmentally sensitive areas are within one mile of the site.

Project Scope

Proposed Remediation: The proposed project will involve capping the exposed waste footprint with two feet of clean soil derived from an acceptable off-site source. Waste present beneath the roadway is essentially capped and will remain as is. In order to maintain the existing grade along the roadway, a minimal amount of waste will be excavated and relocated elsewhere within the footprint in thin lifts prior to capping. The cap will be constructed to direct water laterally so that there is no potential for surface water ponding. Following the placement of the soil cover, it will be hydroseeded with a native seed mix.

California Environmental Quality Act (CEQA)

The City of San Diego, acting as the project Lead Agency for the purposes of CEQA, caused to be prepared an Initial Study/Mitigated Negative Declaration (IS/MND). All environmental effects identified and analyzed were deemed “Less than Significant or No Impact” or “Less Than Significant with Mitigation.” “Less Than Significant with Mitigation” applies in specific cases where the incorporation of mitigation measures reduces an effect from a potentially significant impact to a less than significant impact.

The IS/MND for the project was filed with the State Clearinghouse on January 15, 2014 (State Clearinghouse No. 2014011034). The IS/MND was circulated for a 30-day comment period and, together with the Mitigation Monitoring Program, was approved by the Lead Agency on July 23, 2014.

The Department has considered the environmental effects of the project as identified in the IS/MND, has reviewed and considered the information in the IS/MND and the Mitigation Monitoring Program, and finds that the proposed project is consistent with and supported by the existing CEQA documentation. A Notice of Determination will be filed with the State Clearinghouse Office of Planning and Research upon project approval.

Fiscal Impacts

Cost Estimate: The CalRecycle-managed project will be performed on a time-and-materials basis utilizing the Program’s Southern California remediation contractor (contract number DRR12033). The Program’s contractor has conducted a site visit with Program and City staff and has developed a work plan with a preliminary cost estimate of \$280,000, which includes a 35 percent contingency. The Southern California contract currently has approximately \$2,600,000 and is adequately funded to complete this project.

Cost Recovery: Public Resources Code (PRC) Section 48023(a) directs the Department to seek reimbursement for monies expended under the Program to the extent feasible from responsible parties. The City Parks and Recreation Department is a public agency charged with the responsibility of maintaining and improving city parks for the enjoyment of City residents. As the City owns and maintains the property as open space land for recreational purposes for the

public benefit and did not own or operate the site during the period of deposition of waste, the City would have been eligible for a grant from the Department to abate the conditions at this site pursuant to PRC Section 48021(c). As a grant is a bestowal of funds, cost recovery would have been inapplicable as to the City. However, the City has requested a Department-managed cleanup in lieu of a grant on the grounds that the City does not have sufficient financial and staff resources to implement this project in a timely manner. The Department may grant such a request in accordance with PRC Section 48021(b)(1), which authorizes the Department to expend funds directly for the cleanup of a publicly owned site based upon a Department determination that the public entity lacks resources or expertise to timely manage the cleanup itself. For these reasons, waiver of cost recovery is recommended for this project.

Support

Program staff has not received any written support at the time this document was submitted for approval.

Opposition

Program staff has not received any written opposition at the time this document was submitted for approval.