CALIFORNIA COASTAL COMMISSION
SAN DIEGO AREA
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Th17b

Addendum

August 4, 2016

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item Th17b**, Coastal Commission Permit Application No. **6-16-0390 (TDY Industries, LLC)**, for the Commission Meeting of August 11, 2016

The purpose of this addendum is to make minor corrections to the above-referenced staff report dated July 21, 2016. Deletions shall be marked by a ~~strikethrough~~ and additions shall be underlined, as shown below:

1. On Page 1 of the staff report, the "Applicant" listing shall be corrected as follows:

   Applicant: ~~TYD Industries~~ TDY Industries, LLC

2. On Page 1 of the staff report, the last paragraph shall be modified as follows:

   The applicant proposes to conduct the remediation of polluted sediment in the north-eastern portion of San Diego Bay in response to Cleanup and Abatement Order No. ~~RS-2015-0018~~ R9-2015-0018 from the San Diego Regional Water Quality Control Board (RWQCB). The project area has been historically impacted by the discharge of polychlorinated biphenyls (PCBs). PCBs are manufactured chemicals that can negatively impact human and environmental health. The project area will be remediated to the ~~average~~ reference bioavailable PCB level of the San Diego Bay. This project will provide benefits to coastal marine resources including water quality and biological resources.

3. On Page 5 of the staff report, the last paragraph shall be modified as follows:

   In 2012, following the termination of the SWCS outfall connection to the former ~~TYD~~ TDY site, the SWCS was cleaned out and the extent of PCB impacted sediments was delineated. At that time, the San Diego Regional Water Quality Control Board (RWQCB) determined that is was economically feasible to remediate the impacted area to an average bioavailable PCB concentration equivalent to that of the Bay reference concentration. This project is a result of that

determination and is required for compliance with Cleanup and Abatement Order R9-2015-0018, subsequently issued to ~~TYD~~ TDY by the RWQCB in 2015. A Mitigated Negative Declaration (MND) and Remedial Action Plan (RAP) have been prepared to evaluate the potential environmental effects of ~~TYD's~~ TDY's proposed remediation project and conclude that the environmentally superior method of remediation is to combine direct targeted removal of sediments, Enhanced Monitored Natural Recovery (EMNR) with carbon addition, and riprap stabilization. Specifically, the proposed project (Exhibit 3) would consist of the following components:

4. On Page 6 of the staff report, the 3rd paragraph shall be modified as follows:

2. **Enhanced Monitored Natural Recovery (EMNR).** The top 4 inches of sediment which comprises the bulk of the bioactive zone, or the area of polluted sediment impacting living organisms, is targeted for treatment by the EMNR carbon-amended sand placement. Six inches of sand will be placed over the target area, encompassing an area of approximately 1 acre. The sand will incorporate into the existing sediment through settlement and bioturbation and will provide a cleaner habitat for benthic invertebrates to inhabit. Additional reduction in bioavailability of residual PCBs will be achieved through the incorporation of 1.5% by weight of an activated carbon amendment into the EMNR material~~.~~ in the form of Sedimite. The Sedimite product is 50% carbon/50% clay, so it will be mixed into the sand at a 3% rate to achieve the 1.5% carbon mixture.

5. On Page 8 of the staff report, the last paragraph shall be modified as follows:

Wetlands
The entire water area of the San Diego Bay is mapped as a wetland and, as such, dredging and filling is permitted only if in conformance with Section 30233. In this case, the proposed project is being conducted for restoration purposes, and the purpose of the dredging and filling is to remediate and restore a portion of San Diego Bay ~~back~~ to ~~average~~ reference bioavailable PCB levels. The proposed project will provide for the removal of the most impacted sediment and for "clean material" to ~~cap~~ cover the remaining PCB contaminated sediments currently located on the Bay floor and in nearby riprap, thus ~~preventing~~ mitigating the exposure of the marine biota to the contaminated sediment. The MND and RAP conducted for the project concluded that successful implementation of this project will result in restoration and improvement of the sediment and water quality in this area of the Bay. Specifically, the ~~capping and containment~~ reduction and sequestration of contaminants will reduce the potential for resuspension, or remobilization of contaminants and redistribution of these contaminants to other areas. The project will also reduce the potential for bioaccumulation of contaminants to resident biota (benthic invertebrates) and the potential transfer of contaminants to higher levels in the food chain, including humans. Dredge materials contain pollutants not suitable for beach replenishment and will instead be disposed of in an upland landfill outside of the coastal zone. The proposed project will enhance the functional capacity of the wetland, as it is proposed in an

already developed portion of San Diego Bay and has mitigation measures in place to minimize disruption to the marine habitat. Silt curtains, secondary containment measures and Best Management Practices will be utilized during implementation of the project to prevent the discharge of pollutants into the Bay from excavated sediments. Finally, the proposed monitoring program will ensure that the ~~cap~~ remediation area achieves the required restoration of San Diego Bay. Thus, in this particular case, the proposed dredging and filling are a permitted use under Section 30233(a)(6) of the Coastal Act. Furthermore, the area to be filled is the minimum necessary to ~~cap~~ cover the contaminated sediments. Therefore, the proposed project would have a positive impact on coastal marine resources including water quality and biological resources, and can be found consistent with Sections 30230, 30231, and 30233 of the Coastal Act.

6. Replace all references to TYD with TDY.

7. Replace all references to Cleanup and Abatement Order No. RS-2015-0018 with Cleanup and Abatement Order No. R9-2015-0018.

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Th17b

Filed:	6/17/16
180th Day:	12/14/16
Staff:	M. Lasiter-SD
Staff Report:	7/21/16
Hearing Date:	8/11/16

STAFF REPORT: REGULAR CALENDAR

Application No.:	**6-16-0390**
Applicant:	**TYD Industries**
Agent:	Brian Hitchens, GeoSyntec
Location:	San Diego Bay east of Coast Guard Station at 2710 North Harbor Drive, San Diego, San Diego County
Project Description:	Remove polluted sediment in San Diego Bay and replace with clean sand, place layer of carbon-amended sand, and install heavyweight non-woven geotextile and approximately 32 cubic yards of riprap within footprint of existing revetment
Staff Recommendation:	Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The applicant proposes to conduct the remediation of polluted sediment in the north-eastern portion of San Diego Bay in response to Cleanup and Abatement Order No. RS-2015-0018 from the San Diego Regional Water Quality Control Board (RWQCB). The project area has been historically impacted by the discharge of polychlorinated biphenyls (PCBs). PCBs are manufactured chemicals that can negatively impact human and environmental health. The project area will be remediated to the average PCB level of the San Diego Bay. This project will provide benefits to coastal marine resources including water quality and biological resources.

The applicant has addressed potential issues in its proposal and will be required to comply with permits from other resource agencies. Thus, Commission staff is recommending **Special Condition 1** that would require the applicant to submit copies of other required permits to the Commission prior to construction and notify the Commission should any changes to the project be made in those permits.

Commission staff recommends **approval** of coastal development permit application 6-16-0390 as conditioned.

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APPENDICES

EXHIBITS

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 6-16-0390 subject to the conditions set forth in the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in conditional approval of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves coastal development permit 6-16-0390 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment**. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.

4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITION

This permit is granted subject to the following special condition:

1. **Other Permits.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittee shall provide to the Executive Director copies of all other required state or federal discretionary permits issued by U.S. Army Corps of Engineers, San Diego Regional Water Quality Control Board, and San Diego Unified Port District for the proposed project.

   The applicant shall inform the Executive Director of any changes to the project required by other state or federal agencies. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The proposed project is the remediation of polluted sediment in the north-eastern portion of San Diego Bay in the City of San Diego (Exhibit 1). Between the 1940's and 1990's, Ryan Aeronautical Company and its successors, collectively referred to now as TYD Industries, LLC (TYD), used polychlorinated biphenyls (PCBs) in its manufacturing operations at 2701 North Harbor Drive in San Diego. PCB is a manufactured chemical that can cause cancer and other health effects. The PCBs used at the facility were deposited in catch basins and collection sumps and subsequently discharged from a storm water conveyance system (SWCS) outfall adjacent to the Coast Guard Facility at 2710 North Harbor Drive into San Diego Bay.

In 2012, following the termination of the SWCS outfall connection to the former TYD site, the SWCS was cleaned out and the extent of PCB impacted sediments was delineated. At that time, the San Diego Regional Water Quality Control Board (RWQCB) determined that is was economically feasible to remediate the impacted area to an average PCB concentration equivalent to that of the Bay. This project is a result of that determination and is required for compliance with Cleanup and Abatement Order

R9-2015-0018, subsequently issued to TYD by the RWQCB in 2015. A Mitigated Negative Declaration (MND) and Remedial Action Plan (RAP) have been prepared to evaluate the potential environmental effects of TYD's proposed remediation project and conclude that the environmentally superior method of remediation is to combine direct targeted removal of sediments, Enhanced Monitored Natural Recovery (EMNR) with carbon addition, and riprap stabilization. Specifically, the proposed project (Exhibit 3) would consist of the following components:

1. **Targeted Sediment Removal**. Sediment in the immediate vicinity of the storm drain outfall will be removed to a target depth of 3-feet below the current sediment surface. The landward extent of the excavation area will be at the intersection of the shoreline rip-rap with the Bay floor. Based on the mapped bathymetric contact of the rip-rap with the bay floor and 3:1 side slopes from the base of the excavation area, a total volume of approximately 125 cubic yards of sediment is anticipated to be removed. This removal area will be backfilled to the pre-existing bathymetric surface with clean sand. The sand for the dredging backfill will be sourced from a local quarry and analyzed per Clean Water Act (Sections 401 and 404 certification) permit requirements to ensure it is suitable for project use. The dredged sediment will be disposed of at an upland landfill outside the Coastal Zone.

2. **Enhanced Monitored Natural Recovery (EMNR).** The top 4 inches of sediment which comprises the bulk of the bioactive zone, or the area of polluted sediment impacting living organisms, is targeted for treatment by the EMNR carbon-amended sand placement. Six inches of sand will be placed over the target area, encompassing an area of approximately 1 acre. The sand will incorporate into the existing sediment through settlement and bioturbation and will provide a cleaner habitat for benthic invertebrates to inhabit. Additional reduction in bioavailability of residual PCBs will be achieved through the incorporation of 1.5% by weight of an activated carbon amendment into the EMNR material.

3. **Outfall Pipe Extension and Riprap Stabilization**. The SWCS outfall pipe is currently located below riprap and will be extended approximately 8feet to the surface of the surrounding rip-rap. Approximately 3 cubic yards of riprap may need to be removed in front of the existing outfall to perform the pipe extension, and will be tested for pollutants and disposed at an appropriate off-site disposal facility based on the result of that test.

   The existing riprap in the immediate vicinity of the storm drain outfall will be stabilized with a geotextile system to protect the area from potential erosion of impacted sediment trapped within the riprap (Exhibit 4). Two 15-foot wide panels of heavyweight 16-oz non-woven geotextile will be placed with six-feet of overlap to stabilize potential residual sediment within the riprap, covering approximately 24 linear feet of shoreline. Prior to installing the geotextile, a layer of ¾-inch washed gravel will be placed to fill the larger voids and uneven surface of the existing rip-rap. The geotextile will then be staked in place at the mean higher high water (MHHW) line, the upper limit of coverage, and at the foot of the riprap by divers. Approximately 25-32 cubic yards of riprap with a 0.25-meter median diameter will be

placed on top of the geotextile to a height of approximately one foot above the geotextile to hold it in place and protect the geotextile from ultraviolet damage. The riprap will be of a comparable size and structure to the existing riprap. In addition, the footprint of the existing riprap will not increase. The area above the mean lower low water (MLLW) line will be covered with approximately 6.5 cubic yards of gravel to provide additional UV protection to any portions of the geotextile exposed between riprap blocks; a transition back to the surrounding riprap grade; and to minimize potential under-scouring of the geotextile.

Permit jurisdiction for the project as a whole is split between appealable Port jurisdiction and original jurisdiction retained by the Commission (Exhibit 5). Although the entire site is not within the Commission's original jurisdiction, the project elements function as a whole across and without regard to the jurisdictional boundaries, and there is no logical way that these project elements could be reviewed in part. Thus, the Commission is evaluating these project components as a whole. This permit, however, will authorize development only in those areas that fall within the Commission's original permit jurisdiction.

B. RESOURCE PROTECTION AND WATER QUALITY

Section 30230 of the Coastal Act states:

> *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231 of the Coastal Act states:

> *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Section 30233 of the Coastal Act states:

> *(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging*

alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:[…]

(6) Restoration purposes.[…]

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.[…]

Section 30240(b) of the Coastal Act states:

Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The proposed project is in response to a Cleanup and Abatement Order and has been developed in conjunction with the RWQCB. In addition, the applicant must obtain permits from several other agencies including the U.S. Army Corps of Engineers, and the San Diego Unified Port District. Thus, **Special Condition 1** requires the applicant provide the Executive Director copies of all other required permits, and to provide notification should the project change.

Wetlands

The entire water area of the San Diego Bay is mapped as a wetland and, as such, dredging and filling is permitted only if in conformance with Section 30233. In this case, the proposed project is being conducted for restoration purposes, and the purpose of the dredging and filling is to remediate and restore a portion of San Diego Bay back to average PCB levels. The proposed project will provide for the removal of the most impacted sediment and for “clean material” to cap the remaining PCB contaminated sediments currently located on the Bay floor and in nearby riprap, thus preventing the exposure of the marine biota to the contaminated sediment. The MND and RAP conducted for the project concluded that successful implementation of this project will result in restoration and improvement of the sediment and water quality in this area of the Bay. Specifically, the capping and containment of contaminants will reduce the potential

for resuspension, or remobilization of contaminants and redistribution of these contaminants to other areas. The project will also reduce the potential for bioaccumulation of contaminants to resident biota (benthic invertebrates) and the potential transfer of contaminants to higher levels in the food chain, including humans. Dredge materials contain pollutants not suitable for beach replenishment and will instead be disposed of in an upland landfill outside of the coastal zone. The proposed project will enhance the functional capacity of the wetland ,as it is proposed in an already developed portion of San Diego Bay and has mitigation measures in place to minimize disruption to the marine habitat. Silt curtains, secondary containment measures and Best Management Practices will be utilized during implementation of the project to prevent the discharge of pollutants into the Bay from excavated sediments. Finally, the proposed monitoring program will ensure that the cap achieves the required restoration of San Diego Bay. Thus, in this particular case, the proposed dredging and filling are a permitted use under Section 30233(a)(6) of the Coastal Act. Furthermore, the area to be filled is the minimum necessary to cap the contaminated sediments. Therefore, the proposed project would have a positive impact on coastal marine resources including water quality and biological resources, and can be found consistent with Sections 30230, 30231, and 30233 of the Coastal Act.

Least Tern Nesting

A nesting area for the federally listed endangered California least tern is located approximately 430 feet north of the proposed project area. The project construction activities could have a negative impact on the least terns should the birds be foraging in the area during construction activities. However, the applicant has proposed to conduct the project outside of least tern nesting season, when the birds are known to migrate outside of the project vicinity. Thus, no impacts to least tern foraging are expected to occur. Therefore, the proposed project can be found consistent with Section 30240(b) of the Coastal Act.

F. LOCAL COASTAL PLANNING

Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The project area spans the jurisdiction of the San Diego Unified Port District and the Commission's original coastal permit jurisdiction. As conditioned, the project can be found consistent with Chapter 3 policies of the Coastal Act that pertain to water quality and the protection of biological resources. The project is also consistent with the goals and standards contained in the Port Master Plan (PMP). Therefore, approval of the proposed development, as conditioned, will not prejudice the ability of the San Diego Unified Port District to continue to implement its certified PMP.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The MND conducted for the project found that the project would have less than significant impacts with mitigation in place, including conducting construction outside of the California least tern nesting season, conducting an eelgrass survey under an Army Corps section 404 permit, and installation of silt curtains and use of secondary containment and Best Management Practices during project implementation to protect water quality.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, required by the MND, RAP, and included in the required RWQCB and Army Corps permits which address sensitive species and water quality will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- Cleanup and Abatement Order No. RS-2015-0018, Laurel Hawthorn Embayment: Excavation/Enhanced Monitored Natural Recovery (EMNR) Remedial Action for the 30-lnch Storm Water Conveyance System (SWCS) Outfall, 2701 North Harbor Drive, San Diego, California

- Mitigated Negative Declaration for Cleanup and Abatement Order No. RS-2015-0018, Laurel Hawthorn Embayment: Excavation/Enhanced Monitored Natural Recovery Remedial Action for the 30-lnch Storm Water Conveyance System Outfall Project

- Remedial Action Plan for the 30-Inch SWCS Outfall to the Laurel-Hawthorn Embayment

EXHIBIT NO. 1

APPLICATION NO.
6-16-0390

Vicinity Map

California Coastal Commission

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EXHIBIT NO. 2

APPLICATION NO.
6-16-0390

Aerial Photo

California Coastal Commission

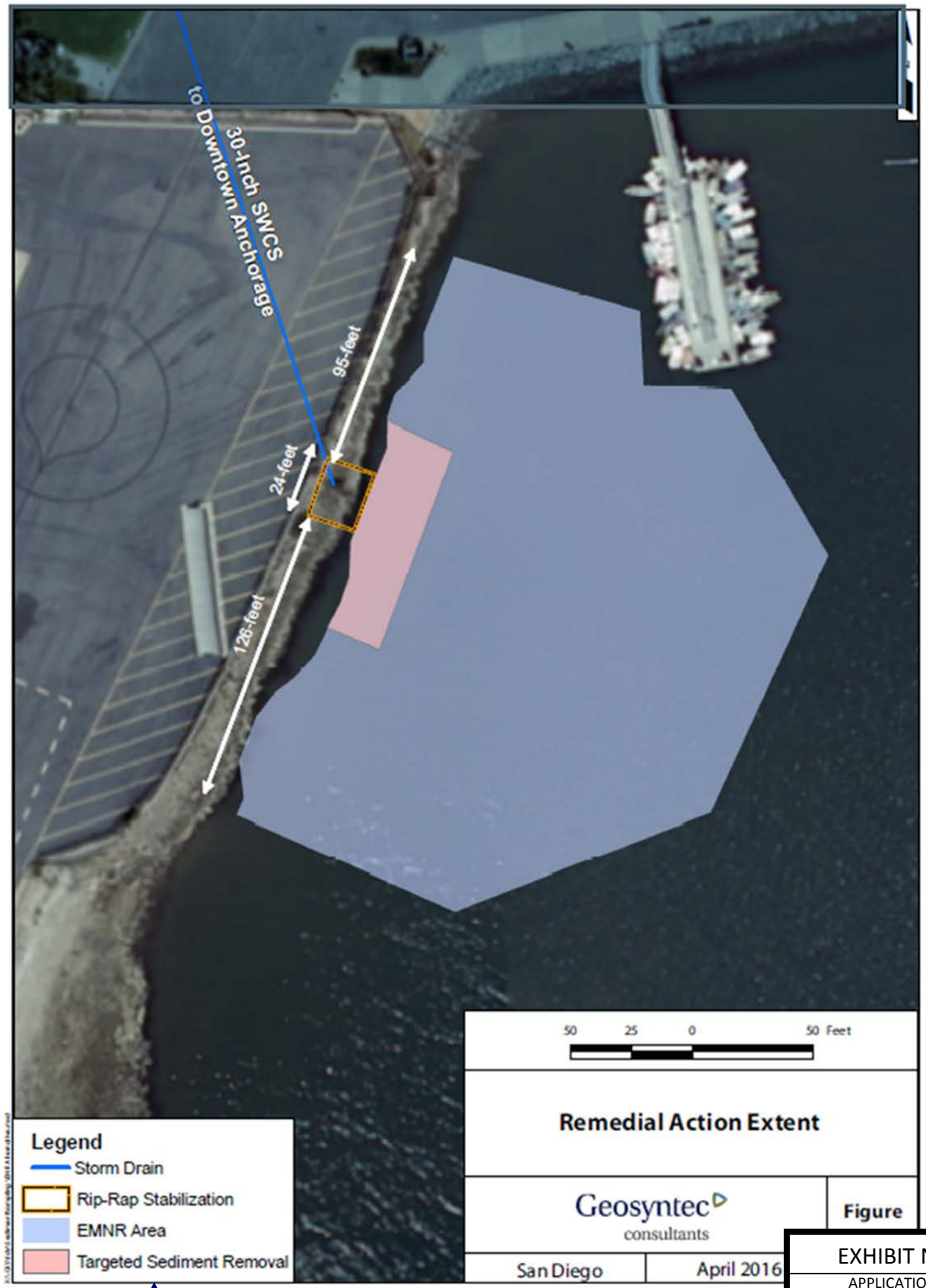


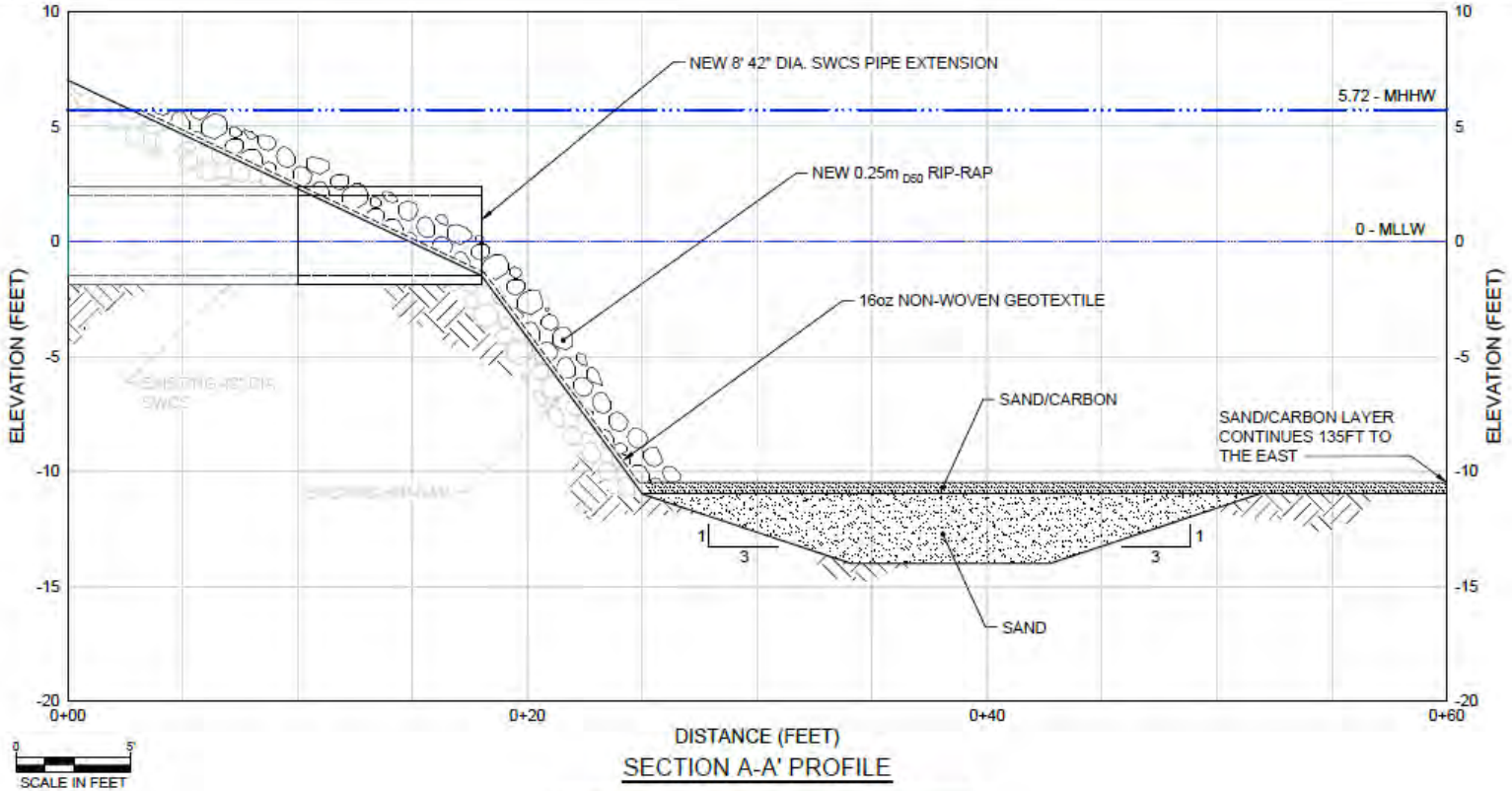
EXHIBIT NO. 3

APPLICATION NO.

6-16-0390

Remedial Action Extent

California Coastal Commission



SECTION A-A' PROFILE

RIP-RAP STABILIZATION CROSS-SECTION
LAUREL-HAWTHORN EMBAYMENT

Geosyntec consultants

PROJECT NO: SC0602 | APRIL 2016 | FIGURE 6

EXHIBIT NO. 4
APPLICATION NO.
6-16-0390
Riprap Stabilization Cross-Section
California Coastal Commission

CCC Permitting Jurisdiction

EXHIBIT NO. 5

APPLICATION NO.
6-16-0390

Jurisdictional Boundary

California Coastal Commission