

**CALIFORNIA COASTAL COMMISSION**

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# Th24d

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Staff: D. Lilly-SD  
Staff Report: December 20, 2007  
Hearing Date: January 9-11, 2008

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-07-108

Applicant: San Diego Regional Airport Authority      Agent: Theodore Anasis

Description: Remediation of abandoned landfill on former Naval Training Center including removal and off-site disposal of buried waste consisting of municipal solid waste and burned refuse and ash, and backfilling the excavation with a combination of on-site soils and imported clean soils. No other development is proposed.

Site: Northeast corner of McCain Road and Spruance Road (former Naval Training Center), San Diego International Airport, San Diego, San Diego County. APN 760-062-01, 760-039-61, 760-039-58, 760-039-67, 450-Index.

Substantive File Documents: Certified Port Master Plan; City of San Diego Certified LCP

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STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed landfill remediation, with Special Conditions that require the 0.1 acre man-made seasonal freshwater pond on the southern border of the site to be protected in place, plus a 100-foot buffer surrounding the wetland, in order to maintain the biological quality and integrity of the resource.

As proposed, most or all of the wetland would be removed to accommodate the remediation activities, and no buffer would be provided for any remaining revegetation. The Commission's ecologist has reviewed the project and determined this habitat constitutes a wetland, and as such, is subject to the restrictions on permitted uses contained in Section 30233 of the Coastal Act.

The site is not currently under any regulatory requirement to clean-up or abate the landfill. The remediation is intended to remove potential constraints to the future development of the site for airport uses, and to avoid the potential that environmental or public health effects associated with buried waste at the landfill could occur in the future.

While the proposed landfill remediation is expected to have a positive impact on the environment by removing waste products next to and near a water body (the NTC boat channel and San Diego Bay), it is not one of the permitted uses in wetlands, nor has the applicant offered any mitigation for the loss of the habitat.

The wetlands are located on the southern boundary of the site, and the vast majority of the remediation can still be accomplished with the wetland and a 100-foot buffer around the wetland left undisturbed.

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I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

**MOTION:**     *I move that the Commission approve Coastal Development Permit No. 6-07-108 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

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

**RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development 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.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Revised Final Plans. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for review and written approval by the Executive Director, final site and construction plans for the remediation. Said plans shall be in substantial conformance with the plans in the Final EIR for the Former Naval Training Center Landfill Remediation dated November 2007, except they shall be revised to reflect the following:

- a. No structures, fencing, grading, clearing of vegetation, equipment staging or other improvements or remediation activities shall occur within the mapped wetlands and a 100-foot buffer established around the wetlands depicted on the vegetation map attached to the Biological Resources Existing Conditions for the San Diego International Airport Project dated 12/07/03 by Helix Environmental Planning, Inc. plans (see Exhibit #4).

The permittee shall undertake development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Water Quality Plan. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit for the review and approval of the Executive Director:

1. A description of the plan for collecting, storing, treating and discharging water from project activities, including dewatering, and stormwater runoff to the City of San Diego Metropolitan Wastewater Department (MWWD). The plan shall include the amount of water that will be discharged, the timing and frequency of the discharge, the size of the collection tanks, and the type of treatment prior to discharge.
2. An approved wastewater discharge permit from the MWWD that allows for water from dewatering activities, equipment and personnel decontamination, and stormwater runoff to be discharged to a designated sewer discharge point. The permit shall indicate the amount of water the MWWD is willing to accept, and any compliance testing and treatment that is necessary prior to discharge.
3. A contingency plan for handling excess water from dewatering and stormwater runoff if this amount of water exceeds that which will be accepted by the MWWD. Any water that will be discharged to surface waters will require approval from the Regional Water Quality Control Board (RWQCB) and an amendment to this permit.
4. A Storm Water Pollution Prevention Plan (SWPPP) that has been approved by the SWRCB and/or RWQCB and that includes, at a minimum, the following measures:

- a. No excavation or construction materials, debris, or waste shall be placed or stored in a manner that would allow it to enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- b. No excavation or construction equipment, or activity shall be placed in or occur in any location that would result in adverse impacts to receiving waters, ESHA, wetlands or their buffers.
- c. All stock piles and excavation/construction materials shall be covered, shall be isolated and located at least 50 feet from drain inlets and any waterway, shall not be stored in contact with the soil, and shall be bermed during the rainy season or prior to the onset of precipitation during the non-rainy season.
- d. Machinery and equipment shall be maintained and washed in confined areas specifically designed to prevent wash water from entering storm drains or waterways. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- e. The discharge of any hazardous materials into any receiving waters shall be prohibited.
- f. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of excavation or construction-related materials, and to contain sediment or contaminants associated with excavation or construction activity, shall be implemented prior to the on-set of such activity.
- g. All BMPs shall be maintained in a functional condition throughout the duration of the project and until a Notice of Termination is approved by the RWQCB.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Other Permits/Approvals. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION**, the permittee shall provide to the Executive Director copies of all other required state or federal discretionary permits or other agencies or property owner approvals, such as permits from the Regional Water Quality Control Board. Any mitigation measures or other changes to the project required through said permits shall be reported to the Executive Director and shall become part of the project. Such modifications, if any, may require an amendment to this permit or a separate coastal development permit.

4. Future Development Restriction. This permit is only for the development described in coastal development permit No. 6-7-108. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106, including, but not limited to, paving of the project site, shall require an amendment to Permit No. 6-07-108 from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission or from the applicable certified local government.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The proposed project is remediation of a former landfill. The project is located on an approximately 30-acre site that was previously a U.S. Naval Training Center (NTC) under the jurisdiction of the federal government. The majority of the site has now been transferred to the City of San Diego. The landfill site is located on airport property, immediately west of Terminal 2, north of Spruance Road, east of McCain Road and the boat channel, and south of the Marine Corps Recruit Depot (MCRD) (see Exhibit #2).

The applicant has stated that the purpose of the remediation is to remove potential constraints to the future development of the site for airport uses, avoid the potential for future environmental or public health effects associated with buried waste at the landfill, and reduce or eliminate the long-term monitoring requirements associated with the inactive landfill.

The project site was formerly owned and used by the U.S. Navy and Marine Corps between 1923 and 1989, which operated a landfill on the site between 1950 and 1971. Burned waste and municipal solid waste were deposited on the site. The landfill was covered with soil after it ceased receiving waste in 1971. The site itself consists of flat dirt with sparse vegetation, internal roads, chain link fencing, and occasional ornamental trees along the perimeter.

The landfill site was transferred from the MCRD to the Naval Training Center in 1975. In 1997, NTC closed in accordance with a U.S. Navy Base Realignment and Closure Plan. The Base Realignment and Closure Plan consisted of two main elements: (1) the NTC Reuse Plan and (2) an associated Environmental Impact Statement/Environmental Impact Report (EIS/EIR). The NTC Reuse Plan designated the landfill site for airport uses. The NTC Reuse Plan and EIS/EIR were approved by the City of San Diego (the local Reuse Authority) in 1998, and the 52-acre parcel including the former landfill site was transferred to the Port District (which at the time owned and operated the San Diego International Airport (SDIA)) in 1999. In 2003, responsibility for the property was transferred from the Port District to the Airport Authority in accordance with the San Diego County Regional Airport Authority Act.

The project will remove and dispose of, off-site, an estimated 137,000 to 145,000 bank cubic yards (bcy)<sup>1</sup> of buried waste consisting of approximately 25,000 bcy of burned waste (burned refuse and ash) and approximately 112,000 to 120,000 bcy of municipal solid waste (everyday trash and debris). The goal of the project is to remove the waste and up to one foot of soil directly underlying and adjacent to the wastes, and return the site to slightly lower than existing grade.

Specifically, the project includes the following elements:

- Remove and stockpile approximately 163,000 cubic yards (cy) of surface/overburden soil to reach the depths below surface grade at which municipal solid waste (MSW) and burn ash (BA) are encountered;
- Remove approximately 112,000 bcy of MSW for disposal at landfill facilities located in San Diego County, including the Miramar, Otay, and Sycamore Canyon landfills;
- Remove approximately 25,000 bcy of BA material (consisting of existing burned refuse and trash). BA material would be excavated from the site and transported to appropriate regulated landfills in California, Arizona and Nevada in accordance with regulatory requirements;
- Remove approximately 38,000 cy of additional soil to a depth of one foot below the limits of the MSW and BA materials; excavated soils would be disposed of as described for MSW and BA materials described above, as appropriate;
- Import of a maximum of 100,000 cy of fill to backfill the excavated area;
- Replace stockpiled surface/overburden material in the excavated area to prepare the site for future airport uses;
- Implement a community health and safety plan including construction monitoring to address any potential nuisances, including the spread of dust and odor.

The EIR prepared for the project notes that the amount of waste being removed exceeds the amount of fill projected to be imported by approximately 75,000 cy. This discrepancy reflects that (A) there are piles of soil on the existing site that would be stockpiled and used for backfill and (B) the post-remediation ground surface would be somewhat lower than surrounding terrain to help accommodate future airport uses of the site, because it is probable that any future site development would entail some import of material, such as concrete for aircraft aprons or building foundations or asphalt for parking lots. Special Condition #4 notifies that applicant that only the remediation is approved herein; future development of the site is subject to additional permit requirements.

Construction would occur in phases over a period of nine months, with each phase consisting of the removal and stockpiling of soil from the landfill, the excavation and removal of MSW, BA, and additional soil; the importing of fill to backfill the excavated areas, and the replacement of material from the stockpiles into the excavated areas.

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<sup>1</sup> “Bank Cubic Yards” refers to the in-ground volume of material, which is more compact than excavated material. The same mass of soil occupies more volume in a truck (loose cubic yards) than it does in the ground (bank cubic yards).

In addition, two City of San Diego Metropolitan Wastewater Department (MWW) sewer lines are located below the former NTC landfill site: North Metro Interceptors 1 and 2. The Authority proposes to provide structural improvement of the two sewer pipelines to increase the static and dynamic loads of the pipelines so they can support greater weight and enable a broader range of potential future uses for the project site following completion of the proposed project. This remediation project is expected to have a duration of approximately nine months.

The proposed project is a voluntary effort on the part of the Airport Authority; there is no current regulatory requirement to remove the waste from the project site. However, the EIR notes that with continued development of office and visitor-serving commercial development on the Liberty Station (NTC) site west of the project site (across the Navy boat channel), more people are likely to be impacted by landfill remediation activities (such as traffic and noise) in the future than were the remediation to occur in 2008, as is currently planned.

The San Diego International Airport was previously under the coastal permit jurisdiction of the Port of San Diego. However, legislation transferred authority over airport property to the newly created Airport Authority in January 2003. Thus, the airport is now within the Commission's permit jurisdiction, and Chapter 3 is the standard of review.

2. Environmentally Sensitive Habitat Area/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 water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233 states, in part:

(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:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(6) Restoration purposes.

(7) Nature study, aquaculture, or similar resource dependent activities.

[...]

## **Biological Resources**

### **Vegetation**

The site is mostly bare dirt, but there is some existing vegetation. The EIR determined there are five vegetation types on the ground, as shown below in Table 4.8-1 from the EIR.



**Table 4.8-1**  
**Project Site Vegetation Communities**

<b>Vegetation Community</b>	<b>Acres(s)</b>
Disturbed wetland	0.1
Baccharis scrub (including disturbed)	0.5
Non-native grassland	1.1
Non-native vegetation	0.8
Disturbed habitat	31.7
<b>TOTAL</b>	<b>34.2</b>

The disturbed wetland within the project site occurs where water ponds due to human-induced changes in the landscape. The 0.1 acre area of vegetation is dominated by non-native wetland species such as rabbitfoot grass, grass poly, white sweet clover, prickly lettuce and English plantain. The Commission's ecologist John Dixon has reviewed the wetlands delineation and biological survey and determined that the habitat, while man-made, is a seasonal freshwater pond and is subject to the restrictions and requirement of Section 30233 of the Coastal Act. As proposed, the project would directly impact (remove) the existing wetland.

Section 30233 of the Act prohibits diking, filling or dredging of open coastal waters, wetland or estuaries unless it is one of seven permitted uses. In addition, if it is one of the seven permitted uses and cannot be avoided, it must also be the least environmentally damaging alternative and must minimize any adverse environmental impacts. While the proposed landfill remediation is expected to have a positive impact on the environment by removing waste products next to and near a water body (the NTC boat channel and San Diego Bay), it is not one of the permitted uses in wetlands, nor has the applicant offered any mitigation for the loss of the habitat.

In addition to avoiding direct impacts to the wetlands, in order to maintain the biological quality and integrity of the resource, there must be a buffer of undeveloped area to provide physical space between development and the environmentally sensitive area. The intervening space acts as a distance barrier between human activity and the resource, and reduces the potential for adverse impacts associated with future development of this site (i.e., runoff and siltation associated with grading and site preparation, construction debris, debris generated airport use, etc.). As noted above, in this case, the project proposes to completely remove the wetlands, thus no buffer is provided.

Therefore, because the proposed development will eliminate the existing wetland and is not one of the seven permitted uses, Special Condition #1 requires the submittal of revised plans indicating that the wetlands and a 100-foot buffer around the wetland will be avoided. Exhibit #4 shows the approximate limits of the landfill boundaries. The wetlands are located at the southeast border of the subject site. The vast majority of the remediation can still be accomplished with the wetland and a 100-foot buffer around the

wetland left undisturbed. Only as revised can the project be found consistent with Section 30233 of the Coastal Act.

The Baccharis scrub found on the site is an upland community subtype of coastal sage scrub, and is dominated by broom baccharis. The Commission's staff ecologist, John Dixon, has determined that this isolated patch of vegetation is not ESHA, and no significant impacts to the biological productivity of the area will result from its removal.

### Sensitive Species

The subject site is as close as 300 feet from the NTC boat channel, which provides foraging area for numerous waterbirds, including at times, California least terns, a federally listed endangered species. California least terns have nested at multiple locations at the airport, including the subject site, for several decades. Areas used for nesting have been monitored annually by the California Department of Fish and Game since 1976. According to the EIR, for the last several years, least tern nesting has been limited to "ovals" in the airfield between the runway and taxiways at the southeast end of the airport. These ovals are separated from the former NTC landfill site by approximately 1.5 miles and Terminals 1 and 2 as well as the Commuter Terminal building and portions of the former Teledyne Ryan leasehold.

The least tern colony previously located on the subject site consisted of an approximately 10-acre nesting colony site and an approximately 15 acre buffer area. Prior to the NTC base closure, the Navy managed the site for least tern nesting pursuant to a Memorandum of Understanding with the USFWS.

The first documented use of the subject site by least terns was in 1977. The site was used by least terns in eight of the subsequent 22 nesting seasons. According to a Record of Decision filed by the USFWS on January 6, 2000, the last known use of the site by terns was by five pairs in 1995. The colony supported 13 pairs of California least terns in 1994, 5 pairs in 1995, and 0 pairs in 1996. A total of only 51 young were fledged in the entire history of the colony. Maximum use was by 35 nesting pairs, producing 25 fledglings in 1977.

Because of the Port District's interest in acquiring the site for airport uses, the USFWS began negotiations with the Navy and the Port District in 1995 to determine an appropriate means to protect the functions of values of the least tern nesting site. In October 1998, the USFWS and the Port District signed an agreement where the Port District agreed to purchase an extensive acreage of privately owned California least tern habitat in south San Diego Bay, and convey the habitat through the State Lands Commission, to the USFWS for inclusion in the South San Diego Bay National Wildlife Refuge. The Port District also agreed to provide \$900,000 for the enhancement of least tern habitat and perpetual management of the least tern in the refuge.

The agreement was subject to formal consultation under section 7 of the Endangered Species Act, and a Biological Opinion was issued in October 1998 concluding that the

anticipated take of California least terns proposed, that is, the permanent loss of the NTC site, would not jeopardize the continued existence of the species. The USFWS agreed that the acquisition and permanent protection of habitat in the South San Diego Bay National Wildlife Refuge and provision of funds for least terns habitat enhancement and perpetual management adequately replaced the ecological functions and values of the NTC site.

Through coordination with the State Lands Commission, the Port and the USFWS, an agreement was reached to provide a better location and better habitat for terns through the acquisition and enhancement of privately owned or controlled habitat areas in South San Diego Bay. The Port funded the purchase of approximately 836 acres of private fee owned lands (owned and operated by Western Salt) and purchased the final years of a 612 acre lease of state owned lands leased by the Western Salt company. The USFWS, the Port and Western Salt entered into a purchase agreement on September 30, 1998, providing for the purchase of the Western Salt property for a purchase price of \$20,000,000. About 722 acres of the 836 acre purchase was vested to the State Lands Commission subject to the Public Trust for purposes of providing habitat for the California least tern and other wildlife and fish, ecological preservation, habitat restoration and enhancement, open space, and, when compatible with the wildlife purposes of the area, for scientific study, public education and wildlife-dependent recreation. The remaining 114 acres of the purchase from Western Salt was vested in the Port subject to the Public Trust. These lands were combined with other lands to form the South Bay Unit of the San Diego National Wildlife Refuge.

On January 6, 2000, the U.S. Fish and Wildlife Service filed a Record of Decision stating that relocation of the least tern site to South San Diego Bay was the preferred alternative for disposal and reuse of NTC. The Decision was based on several environmental and social factors, including the fact that the NTC site had an intermittent history of low intensity use by nesting least terns and produced less than 1% of the total least tern recruitment in San Diego Bay during 1977-1998, and that the potential to conserve and recover least terns is greater at the south San Diego Bay site than at NTC. Therefore, the "least tern designation" was removed from the property.

In summary, there have not been any sensitive bird species on the site since prior to the removal of the critical habitat designation. However, the Department of Fish and Game has reviewed the project and requested that the applicant either avoid the bird breeding season (February 15-September 15) or conduct surveys to locate and avoid any nesting birds. The applicant has agreed to make this part of the project. Therefore, no impacts to sensitive bird species are anticipated.

### **Water Quality/Hazardous Materials**

The State Water Resources Control Board (SWRCB) and San Diego Regional Water Quality Control Board (RWQCB) have regulatory authority over the proposed landfill remediation. The project must comply with the State General Construction Storm Water Permit, which requires development and implementation of a Storm Water Pollution

Prevention Plan (SWPPP). In addition, the proposed project is subject to the requirements of the San Diego RWQCB Municipal Permit regarding discharges to the storm water conveyance system. The RWQCB also has regulations for stockpiling non-hazardous soils under Resolution No. 95-96, which must be followed by this project. Finally, the RWQCB is the only agency that can make the finding that the Authority has successfully completed clean closure.

Because the site is not under any type of remediation order, the RWQCB itself does not have to approve the project. The project is expected to receive approval from the RWQCB Executive Director in January 2008. Staff at the RWQCB have indicated preliminary support for the landfill remediation concept. Special Condition #3 requires submittal of all required approvals prior to the issuance of the CDP. Any mitigation measures or other changes to the project required through said permits could trigger the need for an amendment to this permit or a separate coastal development permit.

The proposed project will include excavation of some materials that will be classified as hazardous wastes and therefore must be conducted in accordance with all federal, state, and local laws and regulations pertaining to the use, storage, transportation, and disposal of hazardous wastes. Although less than three percent of the total waste removed from the project site is anticipated to be hazardous waste, construction best management practices (BMPs) would be implemented in order to minimize dust, soil, and stormwater migration off-site during project activities. In addition, project controls identified in the Community Health and Safety Plan (CHSP) and Waste Management Plan (WMP) will be required. Project controls consist of implementing BMPs and protocols contained in the project-specific WMP; development and adherence to a Site Health and Safety Plan; personnel training; establishment of a Site Health and Safety Officer; and environmental monitoring.

Although the proposed project would temporarily increase potential hazards to the public or environment through the routine transport and disposal of hazardous wastes, these hazards would be minimized by the implementation of project controls. In addition, as noted, less than three percent of the total waste removed from the project site is anticipated to be hazardous waste. The removal of wastes from the project site would have long-term benefits because it would reduce the potential for future contamination of the site or surrounding area or groundwater as a result of those wastes.

Temporary stockpiling of non-hazardous contaminated materials under the proposed project is considered a temporary discharge by the RWQCB. Best Management Practices and protocols in the WMP include adherence to RWQCB regulations for stockpiling non-hazardous soils under Resolution No. 95-96, which require the establishment of berms to prevent stormwater runoff and the placement of stockpiles at least five feet from the highest anticipated groundwater level to protect groundwater.

Additional sources of potential surface and groundwater contamination associated with the proposed project would consist of groundwater removed during excavation (dewatering), water from equipment and personnel decontamination, and storm water

run-off. Water from all of these sources would be collected, stored, treated, and discharged to a designated sewer discharge point under a City of San Diego Industrial Wastewater Control Program (WCP) Industrial Users Wastewater Discharge Permit in accordance with Metropolitan Wastewater Department (MWWD) requirements. Discharges to San Diego Bay or other surface waters would not be permitted without RWQCB approval and an amendment to this permit. A wastewater storage and treatment area would be established at the project site for personnel and vehicle washdown as indicated in the Closure Plan and described in the WMP. The area around the collection tanks would be bermed and lined and any rainwater entering the bermed areas would be pumped into the collection tanks for discharge to the sanitary sewer. Dewatering would be performed so that excavated materials are below residual saturation and do not contain free liquids.

Prior to discharge into the City of San Diego MWWD sewer system, groundwater would be tested in compliance with Industrial WCP requirements. Pre-treatment would be provided as necessary to ensure compliance with Industrial WCP requirements. Groundwater below the project site is tidally influenced, and considered of poor quality for municipal use. No beneficial groundwater uses are designated in the RWQCB Basin Plan. Any extracted groundwater would be relatively quickly replaced by natural processes (e.g., inflow from the San Diego Bay-influenced water table), and no adverse effect to groundwater resources would result from the extraction and in-sewer disposal of groundwater during construction.

Because extracted groundwater would be disposed of via the sewer system in compliance with all applicable discharge requirements, the groundwater would not contribute effects off-site. Specifically, extracted groundwater would not cause or allow the off-site migration of contaminants associated with the buried or extracted MSW or BA.

Commission water quality staff have reviewed the proposed project and the water quality controls, and determined that they are appropriate and adequate. To ensure that the MWWD will accept the amount of water proposed to be discharged to the sanitary sewer, and that there is a contingency plan if the amount of water exceeds that which will be accepted, Condition #2 requires the submittal of the MWWD permit and a contingency plan prior to issuance of the CDP. Also, to ensure that SWRCB and RWQCB requirements are followed, Condition #2 requires the submittal of an approved SWPPP, including specific construction-related BMPs, prior to issuance of the CDP. Therefore, as conditioned, this project will include measures to protect water quality and is consistent with the Coastal Act.

In summary, as proposed, the project would impact 0.1 acres of wetland habitat. Only as revised to avoid any direct impact to the wetland, and to provide an adequate buffer around the habitat, can the project be found consistent with the sensitive resource policies of the Coastal Act. The remediation and removal of waste and toxins is expected to have a positive impact on water quality. Therefore, as conditioned, this project is consistent with the Coastal Act.

3. Public Access. Many policies of the Coastal Act address the provision, protection and enhancement of public access to and along the shoreline, in particular, Sections 30210, 20211, 30212.5, 30221, 30223 and 30252. These policies address maintaining the public's ability to reach and enjoy the water, preventing overcrowding by providing adequate recreational area, protecting suitable upland recreational sites, and providing adequate parking facilities for public use. In addition, Section 30604(c) requires that a specific access finding be made for all development located between the sea and first coastal roadway. In this case, such a finding can be made.

There is currently no public access to the subject site itself. The EIR estimates that during landfill remediation, approximately 71 trucks would access the project site each day (for a total of 142 one-way truck trips to or from the site). In addition, it is estimated that there would be 70 workers driving to/from the site each day. Vehicle traffic associated with the proposed project would occur primarily on weekdays and also on Saturdays. Trucks hauling materials would primarily use North Harbor Drive and Nimitz Boulevard to access Interstate 5 and/or Interstate 8. The proposed truck routing plan prohibits the use of Rosecrans Street by landfill trucks, so the project will not impact this coastal access route.

The traffic analysis determined that the proposed project would not have any significant traffic impacts on any of the study area roadway segments or intersections on weekdays or Saturdays. Although not anticipated, should remediation activities occur on Sunday, they would be expected to have a similar traffic impact as remediation activities occurring on Saturdays—that is, traffic impacts would be expected to be less than significant. In addition, the project impacts will only last for the duration of the project, anticipated to be approximately 9 months. Therefore, no substantial impacts to public access will result, consistent with the relevant Coastal Act policies.

4. Visual Resources. Section 30251 of the Coastal Act addresses visual resources, and states, in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas....

The site is not visible from North Harbor Drive or any other major coastal access route. There are buildings blocking views of the site from the public access path on the east side of the NTC boat channel, but a portion of the site would be distantly visible across the channel from the public access path at Liberty Station (NTC). There are no scenic resources on the site. Construction activities consisting of digging holes and stockpiling materials would not have a significant adverse impact on any views and in any case, will only be temporary. Construction lighting would be shielded and directed downward. As

proposed, no significant impacts to views or scenic coastal areas will occur. Therefore, the Commission finds the project consistent with Section 30251 of the Act.

5. 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 San Diego International Airport was previously under the coastal permit jurisdiction of the Port of San Diego and the standard of review for coastal development permits was the certified Port Master Plan. However, legislation which took effect in January 2003 transferred authority over airport property to the newly created Airport Authority. Thus, the airport is now within the Commission's permit jurisdiction. Although the Airport is not anticipated to be subject to a LCP, approval of this project would not prejudice the preparation of a LCP consistent with the requirements of Chapter 3. As discussed above, the proposed project is consistent with Chapter 3, including the sensitive resource, public access, and visual protection policies of the Coastal Act.

6. Consistency with the California Environmental Quality Act (CEQA). 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.

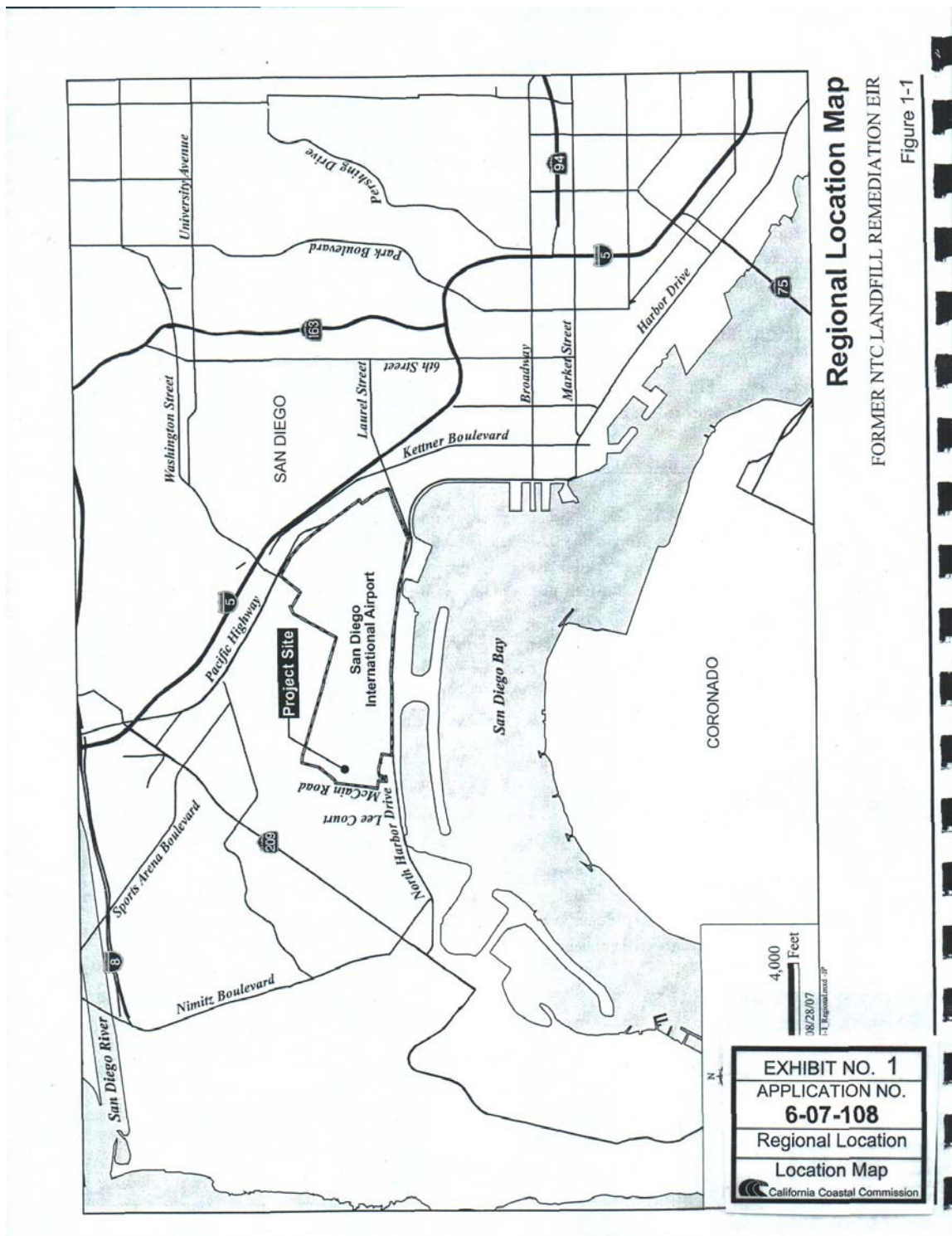
As discussed herein, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project has been found consistent with the visual resource policies of the Coastal Act. There are no feasible alternatives or feasible mitigation measures available which available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

#### 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 or 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.





## Regional Location Map

FORMER NTC LANDFILL REMEDIATION EIR

Figure 1-1

