

California Regional Water Quality Control Board, San Diego Region

TO: David Gibson
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/s/
FROM: David Barker
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SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

DATE: June 27, 2013

SUBJECT: SAN DIEGO SHIPYARD SEDIMENT REMEDIATION PROJECT, ADDENDUM TO THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT RELATED TO PROJECT CHANGES IDENTIFIED IN TENTATIVE ORDER No. R9-2013-0093

The San Diego Water Board prepared and certified the Final Program Environmental Impact Report (PEIR) for the remediation of accumulated waste pollutants in marine sediments adjacent to two existing shipyard facilities in the San Diego Bay (the Project). This Addendum addresses potential environmental impacts of changes to the Project and completes the necessary environmental analysis required pursuant to provisions of the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., and the CEQA Guidelines. The Final PEIR and the Statement of Overriding Considerations adopted by the San Diego Water Board in Resolution No. R9-2012-0025, and this Addendum, together with the other environmental documents, incorporated by reference herein, serve as a complete and final environmental review of the Project, including the Project changes identified in Tentative Order No. R9-2013-0093 (Tentative Order). The Tentative Order will, if adopted, establish Waste Discharge Requirements (WDRs), pursuant to California Water Code section 13260 et seq., for the implementation of the Project. The Tentative Order will also serve as a Water Quality Certification for the Project pursuant to Clean Water Act section 401.

Since the adoption of the Final PEIR, new Project changes that were not known and could not have been known at the time of the Final PEIR was certified have been proposed by National Steel and Shipbuilding Company (NASSCO) and BAE San Diego Ship Repair, Inc. Systems (BAE Systems), two of the parties named as Dischargers in Cleanup and Abatement Order No. R9-2012-0024 (CAO) for the Shipyard Sediment Site (Site). The Project changes are described in the Report of Waste Discharge submitted to the San Diego Water Board on February 18, 2013 by the San Diego Bay Environmental Restoration Fund – South and a June 18, 2013 Shipyard Sediment Site Dredge Volume Analysis submitted by LSA Associates on behalf of BAE Systems and NASSCO. The San Diego Water Board reviewed the Project changes and integrated the changes for the Project in the Tentative Order. The Project changes identified pertain to an increase in dredge volume and the identification of a different sediment management area for dewatering and stockpiling of dredged sediment. A comparison of the Project changes with the impacts, analysis and mitigation evaluated in the Final PEIR is provided below. This Addendum addresses the environmental effects associated with these Project changes.

The conclusions of the analysis in this Addendum are not substantially different from those determined in the Final PEIR. As described below, no change to the Final PEIR conclusions are warranted by the changes to the Project provided for in the Tentative Order and no subsequent CEQA action is required. The San Diego Water Board has determined that the Project changes do not trigger the requirement of preparing a subsequent EIR. Accordingly, the San Diego Water Board may rely on this Addendum in conjunction with the existing Final PEIR to provide CEQA compliance in adopting the Tentative Order. (See CEQA Guidelines § 15168(c)(2))

I. BACKGROUND

The CAO requires the remediation of accumulated waste pollutants in marine sediments adjacent to existing shipyard facilities in San Diego Bay. The purpose of the Project is to implement the CAO to attain sediment cleanup levels required by the CAO that are the lowest technologically and economically achievable levels as required under California Code of Regulations (CCR) Title 23 section 2550.4(e) and State Water Resources Control Board Resolution No. 92-49. The CAO determined that dredging and disposal of sediments is the proposed remedy for approximately 15.2 acres of the Site (referred to as the Sediment Remediation Area) and that the dredging was expected to generate approximately 143,400 cubic yards (cy) of contaminated marine sediment to be removed from the Site, dewatered and disposed of at an appropriate landfill.

As the lead agency for the Project, on March 14, 2012, the San Diego Water Board certified a Final PEIR pursuant to the CEQA. Pursuant to provisions of CEQA and the CEQA Guidelines, the San Diego Water Board is the lead agency charged with the responsibility of deciding whether to approve Project changes proposed in the Tentative Order for incorporation into the Project. As part of its decision-making process, the San Diego Water Board is required to review and consider the potentially significant adverse environmental effects that could result from construction and implementation of the Tentative Order that were not already identified, analyzed and mitigated, where feasible, in the Final PEIR. The Final PEIR evaluated Project details and activities required for implementation of the CAO including the dredging of sediment within the identified dredge areas, the dewatering and solidification of dredged material; the potential treatment of decanted water and the transport of the removed sediment to an appropriate landfill for disposal. The Final PEIR found air quality effects to have significant and unavoidable impacts while the following effects of Project development could be mitigated to less than a significant impact: transportation and circulation, water quality, hazards and hazardous material, noise, biological resources, and climate change.

An additional action required for implementation of the CAO is the issuance of waste discharge requirements. The Tentative Order regulating dredging, dewatering and disposal of sediment for the Project is necessary for compliance with the sediment remediation requirements of the CAO. Reports of Waste Discharge (ROWD) were filed with the San Diego Water Board on February 18, 2013. The San Diego Water Board will be considering the adoption of the Tentative Order at the July 10, 2013 Board Meeting.

II. CHANGES TO THE PROJECT ADDRESSED IN THIS ADDENDUM

A. IDENTIFICATION OF A NEW STAGING AREA: S-LANE PARCEL

The sediment management areas as evaluated in the Final PEIR included the evaluation of five upland areas identified and discussed as potential staging areas or Sediment Management Areas (SMA). The five potential staging areas consist primarily of leasehold lands and associated parking areas in the

immediate vicinity of the Site. Staging Areas 1 through 4 are located within the City of San Diego and Staging Area 5 is located approximately 3.5 miles from the shipyards and within the City of National City. These staging areas are further described below.

- Staging Area 1: 10th Avenue Marine Terminal and Adjacent Parking (approximately 49.66 potentially usable acres)
- Staging Area 2: Commercial Berthing Pier and Parking Lots Adjacent to Coronado Bridge (approximately 11.66 potentially usable acres)
- Staging Area 3: SDG&E Leasehold/BAE Systems Leasehold/BAE Systems and NASSCO Parking Lots (approximately 7.27 potentially usable acres)
- Staging Area 4: NASSCO/NASSCO Parking and Parking Lot North of Harbor Drive (approximately 3.85 potentially usable acres). Staging Area 4 is not located adjacent to the waterfront; therefore, sediment transport from the barge to the staging area would be required.
- Staging Area 5: 24th Street Marine Terminal and Adjacent Parking Lots (approximately 145.31 potentially usable acres)

At the time the Final PEIR was prepared, circumstances regarding lease agreements and land availability were difficult to predict and a range of possible staging areas were identified (Staging Areas 1 through 5). It was known that final approval of the Project would require the preparation and adoption of WDRs. The appropriateness of the staging areas required contemplating a variety of factors due to the land use intensity of the dewatering activities. In its application for WDRs, NASSCO proposed a new staging area for the one year of dredging activities planned for the South Sediment Remediation Area. This new staging area is located on a parcel within the NASSCO shipyard leasehold area, referred to as the S-Lane parcel.

The S-Lane parcel is located on the north side of Chollas Creek, bordering Harbor Drive, at the southeastern portion of NASSCO's leasehold, and is approximately 2.5 acres, measuring 700 feet by 150 feet. (See Attachment) The S-Lane parcel is close to the Sediment Remediation Area, has more than 200 feet of waterfront with adequate water depths (current water depths in Chollas Creek adjacent to the 500' temporary access to S-Lane are between -12 and -20 feet mean low water), and has access to surface streets. The parcel abuts the mouth of Chollas Creek, which, like the Shipyard Sediment Site, is a 303(d) listed impaired water body for sediment toxicity and benthic community degradation.

The S-Lane parcel is currently used as part of NASSCO's ship building process. When ship building blocks (units) are completed at the blast/paint cells, the units are moved by transporter to the S-Lane parcel, where the units are stored until they are ready to be erected on a ship that is being constructed. When a unit is ready to be added onto a ship, the unit is transported from the S-Lane parcel to a staging station, where the unit is picked up by a crane and erected onto the ship. During the period the S-Lane parcel is being used for the dewatering and solidification of sediment, the ship building units will be relocated and stored in another location on the NASSCO shipyard leasehold. The existing units will be picked up by crane and then transported to one of the building ways within NASSCO's shipyard.

B. INCREASE IN DREDGE VOLUME

The Final PEIR proposes a dredge volume of approximately 143,400 cy from the remediation site. Based on the most recent design work proposed in the ROWD applications, an additional 15,000 cy of dredge material is required to complete sediment remediation. At the time that the Final PEIR was prepared, the assumptions made for the volume of dredged sediments were based on dredging at an estimated depth of 5-7 feet throughout the dredge area. Since the certification of the Final PEIR,

additional engineering work indicates that the removal of an additional 15,000 cy of sediment is required in the North Sediment Remediation Area (an approximately 16.6-acre offshore site) as defined in Tentative Order R9-2013-0093, to support barge unloading close enough to shore due to an existing shallow mudline elevation. The removal of an additional 15,000 cy of sediment is within the overall dredge footprint. The anticipated additional 15,000 cy of dredge material may be reduced as the dredge design is finalized and the samples at depth are analyzed. This Project change will require approximately 36 additional work days (13 days for dredging activities and 23 days for hauling activities) and will modify the dredge schedule for the North Sediment Remediation Area. The dredging for the North Sediment Remediation Area is scheduled to start mid-September 2013 with sand cover placement and final monitoring being complete by March 2016.

No additional volume of dredged material for the South Sediment Remediation Area, a 46-acre offshore site defined further in Tentative Order R9-2013-0093, is required. The dredging for the South Sediment Remediation Area is scheduled to start mid-September 2013 and to be completed by April 2014.

III. CEQA REQUIREMENTS

For Programmatic EIRs, whether a later activity requires the preparation of an additional environmental document is set forth in CEQA Guidelines Section 15168. Section 15168(c) provides that:

- (1) If a later activity would have effects that were not examined in the program EIR, a new initial study would need to be prepared leading to either an EIR or a negative declaration.
- (2) If the agency finds that pursuant to Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required.

CEQA Guidelines Section 15162 implements the requirements of Section 21166 of CEQA, which sets forth the situations warranting the preparation of a subsequent EIR. The CEQA Guidelines in Section 15162 specifically provides a subsequent EIR is not required for the Project unless the San Diego Water Board determines on the basis of substantial evidence that one or more of the following conditions are met:

- (1) Substantial changes are proposed in the Project that require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects.
- (2) Substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous EIR due to involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR.
 - b. Significant effects previously examined will be substantially more severe.
 - c. Mitigation measures or alternatives previously found not to be feasible would be feasible and would substantially reduce one or more significant effects of the project, but those mitigation measures or alternatives are not adopted.
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR and would substantially reduce one or more significant effects on the environment but those mitigation measures or alternatives are not adopted.

According to CEQA Guidelines, Section 15163, if any of the conditions noted above are present but only minor additions or changes would be necessary to make the previous Final PEIR adequate to apply to the project in the changed situation, a Supplemental EIR may be prepared.

Section 15164 of the CEQA Guidelines states that an Addendum to an EIR shall be prepared “if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” Thus, if none of the conditions are met, the San Diego Water Board may not be required to prepare a Subsequent or Supplemental EIR. Rather, the San Diego Water Board can decide that no further environmental document is necessary, pursuant to CEQA Guidelines Section 15168(c)(2), or can decide to prepare an Addendum.

Section 15164(e) of the CEQA Guidelines provides that the lead agency shall prepare a brief explanation of the decision not to prepare a subsequent EIR to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR have occurred.

IV. NO CHANGE TO THE FINAL PEIR CONCLUSIONS IS WARRANTED BY THE PROJECT CHANGES IN TENTATIVE ORDER NO. R9-2013-0093 AND NO SUBSEQUENT CEQA ACTION IS REQUIRED.

A. ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

There are no substantial changes to the Project or to the circumstances under which the Project is undertaken that would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects that will require major revisions of the previous Final PEIR. All approved mitigation measures will continue to be required and no new measures are warranted as a result of the Project changes described in the Tentative Order. The Project changes identified in the Tentative Order do not trigger the need for subsequent CEQA review.

1. STAGING AREA: S-LANE PARCEL

Conclusions:

- No major revisions of the previous Final PEIR are required, no new significant environmental effects would result, and there would be no substantial increase in the severity of previously identified significant effects as a result of the use of the S-Lane parcel for dewatering activities.
- There have been no substantial changes with respect to the circumstances under which the Project is undertaken since the Final PEIR was certified.
- The increased quantity and duration of dredging and the use of the S-Lane parcel for dewatering activities are the only new information relevant to the environmental analysis of the Project at this time. As described for each of the Final PEIR topics addressed below, the use of the S-Lane parcel as a Sediment Management Area would not result in one or more significant effects not discussed in the previous Final PEIR.
- The use of the S-Lane parcel would not result in changes to the existing mitigation measures or the need for new mitigation measures.

The Final PEIR evaluated five potential staging areas as described above in Section II of this Addendum. The Project change in the Tentative Order pertains to the location of the staging area for the dewatering and treatment of the dredged material and involves minimal changes to Project

operations. The following discussion focuses on topics and impacts addressed in the Final PEIR that are relevant to onshore dewatering and treatment.

As noted below, use of the S-Lane parcel will be in the same manner and same general location as the dewatering areas identified and evaluated in the Final PEIR. The size and location of the S-Lane parcel is not significantly different from Staging Areas 1 through 4. In fact, the S-Lane parcel is slightly closer to the dredging site than Staging Area 3. The haul truck volume capacity and the frequency of haul truck trips would be identical to those evaluated in the Final PEIR. The S-Lane parcel would utilize the same haul route as that identified for Staging Areas 1 through 4 and has direct access to Harbor Drive. It is further noted that all mitigation measures as included in the Final PEIR will remain in effect and would be applicable to any dewatering or treatment process that would occur on the S-Lane parcel. Use of the S-Lane parcel for dewatering and treatment activities will not have one or more significant effects not previously discussed in the Final PEIR and the significant effects examined in the Final PEIR will not be substantially more severe. The addition of the S-Lane parcel as a SMA does not require new or different mitigation measures that would lessen the significant impacts of the Project. As analyzed below, the use of the S-Lane parcel for dewatering and treatment activities is within the scope of the programmatic environmental analysis related to sediment staging areas. Therefore, the San Diego Water Board may rely on the Final PEIR for compliance with CEQA for the Project changes outlined in the Tentative Order.

The potential use of the S-Lane parcel as a Sediment Management Area was not known and could not have been known at the time the Final PEIR was certified. NASSCO identified the S-Lane parcel as its dewatering location in its ROWD applications and was compelled to modify its ship construction activities, requiring a significant relocation of shipyard operations, to make space available for sediment management. Without the S-Lane parcel, it is unlikely that sediment dredging activities will begin in accordance with the CAO by September 15, 2013. Considering the circumstances, use of the S-Lane parcel for dewatering and treatment activities could not have been known at the time the Final PEIR was certified and its selection as a potential staging area does not invalidate the programmatic level analysis in the Final PEIR of potentially significant impacts pertaining to staging areas.

The potential environment impacts from the movement and relocation of shipyard operation activities that currently take place on the S-Lane parcel, as described in Section II of this Addendum, must also be considered. Relocating and storing the ship building block units within an alternative location within the Shipyard will add costs related to additional crane lifts and travel time. However, the operations associated with the physical shipbuilding process, including blasting, painting and welding, will not change. Since these logistical considerations will not change overall shipyard operations (e.g. no increases in ship repair volumes or processes) the movement and relocation of shipyard activities that currently occur on the S-Lane parcel does not have the potential to cause significant environmental impacts or change the conclusions in the Final PEIR.

Transportation and Circulation

As noted in the Final PEIR, the Project would generate approximately 348 passenger car equivalent (PCE) trips per day and 59 PCE peak-hour trips for the duration of dredging and haul activity. The Project trip generation is below the Congestion Management Plan trip generation thresholds. In addition, the Project's purpose is to dredge, treat and remove sediment within the CAO footprint. Therefore, the Project will not result in any long-term changes to shipyard operations or operational traffic impacts. As stated in the Final PEIR, the Project traffic will use existing streets and no temporary or permanent street closures are required. Because the Project would result in a limited number of barge trips for the duration of the dredging, implementation of the Project would not significantly increase vessel congestion in San Diego Bay.

The Final PEIR identified potentially significant traffic/circulation impacts for the street segment along Boston Avenue between 28th Street and the I-5 southbound ramp for trucks departing from potential Staging Areas 1 through 4. The Final PEIR concluded that this impact would be caused by haul trucks departing these staging areas by using the most convenient and common route to the freeway. To reduce this impact, the Final PEIR incorporated Mitigation Measure 4.1.1 which requires use of an alternative truck route to the freeway by requiring the contractor to route Project-related truck traffic on Harbor Drive to the Civic Center Drive access to I-5 for the duration of the dredge-and-haul and sand import activities. This mitigation measure also requires the contractor to discourage haul, delivery and employee traffic at the I-5 southbound ramp/Boston Avenue intersection and on the roadway segment of Boston Avenue between 28th and the I-5 southbound ramp. The Final PEIR also identified a potential short-term parking loss impact during dredge activity. To reduce this impact, the Final PEIR also incorporated Mitigation Measure 4.1.2 which requires a Parking Management Plan to identify appropriate substitute parking areas, shuttles, and commuter routes to meet the need created by the short-term loss of employee parking spaces should one or more of Staging Areas 1 through 4 be selected. Implementation of this mitigation measure will ensure that potential short-term parking loss impact during the dredge activity is reduced to less than significant.

The Project change of the use of the S-Lane for dewatering and treatment activities would result in the same impacts as analyzed in the Final PEIR. Staging Area 3 and the S-Lane parcel are located approximately the same distance from the dredge areas so that barges would not be required to travel additional distances to get to the S-Lane parcel. The haul truck volume capacity and the hauling frequency would be identical to those evaluated in the Final PEIR. The S-Lane parcel would have the same haul route and conveys direct access to Harbor Drive, the route outlined in Mitigation Measure 4.1.1. As previously noted, Mitigation Measure 4.1.2 pertains to the preparation of a Parking Management Plan to address any short-term loss of parking due to the use of land for staging purposes. The S-lane parcel is not currently used for employee parking, and the relocation of activities normally conducted on the S-Lane parcel to other areas on the NASSCO leasehold will not displace employee parking and application of Mitigation Measure 4.1.2 is not warranted. Therefore, with exception to Mitigation Measure 4.1.2, use of the S-Lane parcel will be subject to the same mitigation measures. Implementation of these mitigation measures will mitigate to a level of insignificance any potentially significant traffic/circulation impacts. The addition of the S-Lane parcel does not have the potential to cause new traffic/circulation impacts not already discussed in the Final PEIR, the significant effects previously examined will not be substantially more severe, and no new or different mitigation measures are required.

Hydrology/Water Quality

The Final PEIR concluded that Project activities have the potential to result in adverse water quality impacts from the unloading of dredged material to the onshore dewatering area and the dewatering and treatment of the dredge sediment. The Final PEIR analyzed five potential staging areas and the associated impacts to San Diego Bay, specifically, the shoreline between Sampson Street and 28th Street. This stretch of the San Diego Bay is 303(d) listed as impaired for copper, mercury, PAHs, PCBs, and zinc. As noted in the Final PEIR, onshore dewatering activities have the potential to impact water quality in the unlikely event that decanted water flows back into San Diego Bay, which could cause turbid conditions, decrease dissolved oxygen, decrease water clarity, and increase existing concentrations of suspended solids. These impacts can impair and degrade beneficial uses in San Diego Bay. The Final PEIR also identified water quality measures or mitigation measures incorporating Best Management Practices (BMPs) to adhere to water quality objectives in the *Water Quality Control Plan for the San Diego Basin* including Mitigation Measures 4.2.1 through 4.2.14. Mitigation Measure 4.2.10, calls for the construction of containment cells in the dewatering area including the use of beams to prevent any decanted water from flowing back into San Diego Bay, and a liner if the area is unpaved. Mitigation Measure 4.2.11 prevents the overflow of the containment cell and requires measures to

prevent the breaching of the dewatering pad. These mitigation measures will reduce potential Project and cumulative hydrology and water quality impacts to less than significant levels. Therefore, there are no significant unavoidable adverse impacts resulting from the Project change to use the S-Lane parcel.

The Project change of the use of the S-Lane parcel for dewatering and treatment activities would result in nearly identical impacts as analyzed in the Final PEIR. The S-Lane parcel is proximately located to four of the potential staging areas studied in the Final PEIR. Staging Area 3 and the S-Lane parcel staging area are located approximately the same distance from the dredge areas (S-Lane is slightly closer). The S-Lane parcel abuts the mouth of Chollas Creek, a waterbody within the San Diego Bay, which is 303(d) listed for sediment toxicity and benthic community degradation. The accumulation of pollutants to deleterious levels in the sediment is the principal cause of water quality impairments at the Shipyard Sediment Site and the mouth of Chollas Creek.

Because the waterbodies of San Diego Bay and the mouth of Chollas Creek are interconnected and not substantially different in regards to the listed impairments, use of the S-Lane parcel as a SMA adjacent to Chollas Creek will not have a significant effect not previously discussed and the significant effects will not be substantially more severe. The same mitigation measures that applied to the analysis of Staging Area 1 through 5 would apply here as well. Therefore, the additional use of the S-Lane parcel for dewatering and treatment activities does not have the potential to cause water quality impacts not already discussed in the Final PEIR, the significant effects previously examined will not be substantially more severe, no new or different mitigation measures are required, and essentially there would be no changes to the conclusions of this section of the Final PEIR.

Hazards and Hazardous Materials

The Final PEIR concluded that Project dewatering activities have the potential to release hazardous materials which may result in a significant hazard to the public or the environment. The potential to release hazardous materials is attributed to the dredge sediment transport from barge to unloading area, sediment unloading/transport to the staging area, dewatering and treatment activities within the staging area, and the process of loading, transporting and disposal once the sediment has been dried and treated.

Sediment Transport to Unloading Staging Area. Sediment unloading may occur through one of two unloading processes. The first process would result in dredged material being transferred from a moored barge with track mounted excavators or cranes loading dredged material from the barge to the trucks. Once the trucks are loaded, the dredged material is transported to either a staging area to be stockpiled or a treatment area to be mixed with pozzolanic agents that facilitate drying. During the unloading operations there is the potential to overfill the bucket, causing spillage or overfilling the transport vehicle causing an overflow of sediment from the vehicle. The second process would result in dredged material being transferred directly from the barge to the SMA for dewatering and treatment. Both sediment unloading processes would require adherence to Mitigation Measures 4.3.2 (creation of a Dredging Management Plan) and 4.3.6 (creation of a Sediment Management Plan). These mitigation measures would minimize these potential safety or hazard impacts including, limiting the swing radius of the unloading equipment, using a spillage plate directly from the barge, and establishing load limits for each vehicle.

Sediment Unloading/Transport to Staging Area. While the material barge is moored, track mounted excavators or cranes will grab a volume of dredged material and swing from the barge to the trucks. Once the trucks are loaded, they move the dredged material to either staging area to be stockpiled or a treatment area to be mixed with pozzolanic agents that facilitate drying. During the unloading operations there is the potential to overfill the bucket, causing spillage or overfilling the transport vehicle causing an overflow of sediment from the vehicle. Mitigation Measures 4.3.2 (creation

of a Dredging Management Plan) and 4.3.6 (creation of a Sediment Management Plan) minimize these potential safety or hazard impacts including, limiting the swing radius of the unloading equipment, using a spillage plate directly from the barge, and establishing load limits for each vehicle.

Sediment Drying/Dewatering. Sediment drying usually involves the introduction of drying agents. A single day's production may typically require a 5-day holding time prior to load out, transport and disposal. During this time, the sediment has the potential to release hazardous materials to the public or the environment through the airborne release of the drying agent, the airborne release of sediment contaminants through volatilization or particulate transport, a breach in the dewatering pad containment, or decanted water and storm water containment failure. The dewatering containment area must be designed as a "no discharge" facility, preventing the runoff of water from entering the bay or adjacent areas. Mitigation Measure 4.3.6 provides for the creation of a Sediment Management Plan and implementation of Best Management Practices during sediment unloading, transport, dewatering, and disposal operations. Liquid drying agents will be used instead of a dry powder to avoid airborne release of sediment related contaminants and monitoring stations will be used to evaluate whether additional dust control methods or work stoppage during windy conditions are needed to prevent an airborne release of sediment. Breaches in the dewatering pad will be avoided by either placing a layer of sand beneath the sediment to provide a visual indicator to the excavator operator of the proximity of the containment liner, or through the use of closely spaced railroad rails/K-rails to shield the containment liner.

Load Out, Transport, and Disposal Operations. Sediment load out and transport are other activities to be performed in the sediment dewatering containment area. Load-out operations will be contained in a structure to be determined during the final engineering design. Mitigation Measure 4.3.6 provides for the loading of trucks in a contained area to confine sediment spilled during the loading process, the limiting of truck volumes in accordance with the rated load of the vehicle, and covering and securing of trucks per Caltrans regulations during transport to the disposal facility.

All of the activities in the S-Lane SMA related to sediment unloading, transport, dewatering and load out are substantially the same as what was evaluated in the Final PEIR. Additionally, the size and location of the S-Lane SMA is not substantially different from Staging Areas 1 through 4. All of the mitigation measures developed in the Final PEIR for unloading, transport, dewatering and load out, would be implemented and would also be required for the S-Lane SMA. Therefore, the use of the S-Lane parcel for dewatering and treatment activities does not have the potential to cause the release of hazardous materials impacts not already discussed in the Final PEIR, the significant effects previously examined will not be substantially more severe, and no new or different mitigation measures are required. The addition of the S-Lane parcel for dewatering and treatment activities would not result in a change to the Final PEIR conclusion that all impacts related to hazards and hazardous materials would be less than significant with mitigation incorporated.

Air Quality

The Final PEIR concluded the air quality impacts would result in significant unavoidable construction-related adverse air quality impacts of oxides of nitrogen. Construction activities for the Project would also contribute to adverse cumulative air quality impacts because the San Diego Air Basin is presently in nonattainment for O₃, and the Project would contribute to the existing nonattainment status for O₃. Additionally, while adherence to San Diego Air Pollution Control District rules and regulations would reduce this impact, impacts associated with this issue would remain significant and adverse because the City-established daily threshold for NO_x would be exceeded. Therefore, the cumulative construction air quality impacts of the Project would remain significant. Mitigation Measures 4.6.8 through 4.6.14 would reduce the generation of NO_x emissions through the use of retrofitted diesel-powered equipment, low- NO_x diesel fuel, and alternative fuel sources. However, as noted in the Final PEIR, there is no

reasonable way to ensure that these alternatives would be available during the construction period, and therefore it is not possible to quantify reductions in NO_x emissions that would result from implementation of these Mitigation Measures. Exhibit A of the Statement of Overriding Considerations finds that there are no feasible mitigation measures available to offset the significant impact. This potential unavoidable significant impact is overridden as set forth in the Statement of Overriding Considerations. Heavy-duty construction equipment used in the Project area during construction would result in odor emissions. However, these odors would be limited to the time that construction equipment is operating. Adherence to the mitigation measures for equipment would reduce impacts associated with objectionable odors from the operation of diesel powered construction equipment. While the dredge material is drying, the decomposition of organic matter as it is exposed to air may generate unpleasant odors. Adherence to Mitigation Measure 4.6.15 requires the application of a mixture of Simple Green and water to the dredged material.

The Project change does not result in additional vehicles or barge traffic from sediment unloading and loading. The construction air quality thresholds are based on daily emissions during short-term construction activities. The Project change will not result in additional days of dredging activity or additional days of sediment transport including associated truck and barge traffic. Therefore, no new significant impacts would occur as a result of the Project change and there would be no changes to the conclusions of this section of the Final PEIR.

The addition of the S-Lane parcel for dewatering and treatment activities does not result in additional vehicles or barge traffic from sediment unloading and loading. The construction air quality thresholds are based on daily emissions during short-term construction activities. The Project change will not result in additional days of dredging activity or additional days of sediment transport including associated truck and barge traffic. Therefore, no new significant impacts would occur as a result of the Project change and there would be no changes to the conclusions of this section of the Final PEIR.

Climate Change

The Final PEIR concluded that the Project will result in short-term emissions of greenhouse gases (GHG) associated with the use of construction equipment for dredging treatment and haul activities. There will be no ongoing increase in contribution to global warming because there are no permanent on-site stationary sources and there is no ongoing increase in the number of vehicular trips coming to and from the project site. The Project's contribution to global climate change in the form of GHG emissions is less than cumulatively significant.

The addition of the S-Lane parcel for dewatering and treatment activities does not result in additional days of dredging activity, or in additional vehicles or barge traffic from sediment unloading and loading. Therefore, no new significant impacts would occur as a result of the Project change and there would be no changes to the conclusions of this section of the Final PEIR.

Noise

The Final PEIR concluded that short-term, construction-related noise impacts from Project activities have the potential to cause impacts. Two types of short-term, construction related impacts are anticipated to occur. The first is the increase in traffic flow on local streets, which is associated with the transport of workers, equipment, and materials to and from the Project site. Traffic on streets adjacent to the Project site is the dominant source contributing to ambient noise levels in the Project vicinity. Noise from motor vehicles is generated by engine vibrations, the interaction between the tires and the road, and the exhaust system. The second type of short-term noise impact is related to the noise generated by heavy equipment operating within the Project area. As analyzed in the Final PEIR, the Project would result in a temporary increase in noise above existing ambient levels; however, this impact is less than significant because the increased noise levels would not exceed local standards.

The Final PEIR established Mitigation Measures 4.4.1 through 4.4.3 as precautionary measures to reduce noise impacts and help to ensure that the proposed remediation project construction noise impacts remain at a less than significant level. Mitigation Measures 4.4.1 and 4.1.2 prohibit treatment and haul activity that would create disturbing, excessive, or offensive noise, (except that performed within the active shipyards' work areas), to be conducted between the hours of 7:00 p.m. of any day and 7:00 a.m. of the following day or on Sundays and legal holidays. Mitigation Measure 4.4.3 requires that construction equipment must be equipped with properly operating and maintained mufflers; directed away from noise -sensitive receptors' and be positioned to create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the Project site. These mitigation measures will ensure that potential Project and cumulative impacts remain at less than significant levels. Therefore, there are no significant unavoidable adverse noise impacts resulting from the Project change on the use the S-Lane parcel for dewatering and treatment activities.

The Project change of the use of the S-Lane parcel for dewatering and treatment activities would result in nearly identical potential noise impacts as analyzed in the Final PEIR. The S-Lane parcel is proximately located to four of the potential staging areas studied in the Final PEIR. Staging Area 3 and the S-Lane parcel are located approximately the same distance from the dredge areas (the S-Lane parcel is slightly closer). The primary source of audible noise from dredging activity is from the haul trucks needed to transport sediment. Use of the S-Lane parcel as a Sediment Management Area will not result in an increase in traffic flow on the surrounding roads due to construction traffic.

The Final PEIR found that the increased noise from truck trips would not exceed the City's 75 dBA Leq construction noise threshold nor would it exceed the construction noise threshold at sensitive receptors along the haul routes. The Project change will not result in additional days of dredging activity or additional days of sediment transport including associated truck traffic. Therefore, no new impacts would occur as a result of the Project change and there would be no changes to the conclusions of this section of the Final PEIR.

Biological Resources

The Final PEIR considered five potential sediment staging areas for the Project located in paved, developed areas within industrial areas. The developed condition and the level of disturbance associated with human activities within the staging areas limit the value of the sites for wildlife use, although urban-adapted avian species may forage, roost, or nest within vegetated areas. Varying portions of four of the staging areas considered abut San Diego Bay and may provide perching areas for foraging birds. The Final PEIR also noted that other urban-adapted wildlife may also utilize the staging areas, particularly those adapted to foraging in or above the bay. Structures and rooftops at the staging areas may also provide nesting, perching, or roosting areas for avian species and bats. Noise attributed to offloading a material barge or spreading dredged sediment at the staging areas is not expected to significantly affect aquatic marine life. The Final PEIR anticipated that noise produced from the offloading and dewatering activities will not significantly affect foraging seabirds and waterfowl (e.g., California least tern) as these species will not be foraging in the upland staging areas.

One of the staging areas (Staging Area 5, 24th Street Marine Terminal and Adjacent Parking Lots) was located adjacent to Sweetwater Marsh Unit of the San Diego Bay National Wildlife Refuge. This area is known to support a wide variety of plants and wildlife, including federally- and/or state-listed as threatened or endangered wildlife species such as California least tern, light-footed clapper rail, western snowy plover and others. Potential increases in noise and human activity at potential Staging Area 5 might significantly affect the variety of special-status species in the off-site Sweetwater Marsh Unit habitat. The Final PEIR established Mitigation Measures 4.5.10 and 4.5.11 for Staging Area 5 to avoid and minimize impacts from increased noise and human activity to special-status species occurring with the Sweetwater Marsh Unit.

No new biological resources would be impacted by the Project change of the use of the S-Lane parcel for dewatering or treatment activities. As with the other staging areas, the developed condition and the level of disturbance associated with human activities within the S-Lane parcel limit the value of the site for wildlife use, although urban-adapted avian species may forage, roost, or nest within vegetated areas. A portion of the site abuts Chollas Creek near the mouth of the Creek and may provide perching areas for foraging birds. Other urban-adapted wildlife may also utilize the site, particularly those adapted to foraging in or above nearby San Diego Bay. All applicable biological resource mitigation measures will continue to apply to any dewatering or treatment activities that would occur on the S-Lane SMA and will not result in any change to the conclusions of this section of the Final PEIR.

2. DREDGE VOLUME

Conclusions:

- No major revisions of the Final PEIR are required, no new significant environmental effects would result, and there would be no substantial increase in the severity of previously identified significant effects as a result of the increases in quantity and duration of dredging.
- There have been no substantial changes with respect to the circumstances under which the Project is undertaken (such as changes to uses or activities in the project setting or project vicinity) since the Final PEIR was certified.
- The increased quantity and duration of dredging and the inclusion of the S-Lane parcel for dewatering and treatment activities are the only new information relevant to the environmental analysis of the Project at this time. As described for each of the Final PEIR topics addressed below, the increase in duration and quantity of dredging would not result in one or more significant effects not discussed in the previous Final PEIR.
- The increased quantity and duration of dredging would not result in changes to the existing mitigation measures or the need for new mitigation measures.

The Project change in the Tentative Order related to the amount of dredge volume and duration of dredging activities does not involve changes to Project operations. The comparison below is limited to construction impacts and the following discussion focuses on topics and impacts addressed in the Final PEIR that are relevant to dredging. It is further noted that all mitigation measures as included in the Final PEIR will remain in effect, and all measures applicable to dredging will be applied to the increase in dredge activity under the Tentative Order.

Transportation and Circulation

The Final PEIR concluded that impacts related to traffic would be less than significant. As noted in the Final PEIR, the Project would generate approximately 348 passenger car equivalent (PCE) trips per day and 59 PCE peak-hour trips for the duration of the dredging and haul activity. The Project trip generation is below the CMP trip generation thresholds. The Final PEIR identified sensitive land uses within the vicinity of the Project including Cesar Chavez Park (located adjacent to Staging Areas 1 and 2) and the residential land uses adjacent to the haul rout along 28th Street. In addition, the Final PEIR found that the Project would not result in any long-term changes to shipyard operations or operational traffic impacts where Project activities of dredging, treatment, and removal of sediment, are temporary.

The environmental analysis of traffic impact thresholds in the Final PEIR are based on daily and peak hour traffic volumes, as described above. The 348 PCE trips per day and 59 PCE peak-hour trips per day as analyzed in the Final PEIR for the proposed Project would remain the same for the duration of the dredging and hauling activities despite the need to dredge additional cubic yards of contaminated sediment because the intensity of dredge activity on any given work day would not change. The

additional 15,000 cy of dredged material does not add to the per day volume to be removed, treated, and hauled. Essentially, the per day volume of material to be removed, treated, and hauled will remain consistent with what was analyzed in the Final PEIR resulting in 348 PCE trips per day and 59 PCE peak-hour trips per day for the duration of dredge and haul activities. The increase of 15,000 cy of dredged material would extend the duration of dredge and haul activities by 36 additional work days (13 days for dredging activities and 23 days for hauling activities). Meanwhile, because the intensity of removal, treatment, and hauling remains unchanged during the 36 additional work days, the traffic analysis for the increase volume of dredged material would not result in changes to the daily or peak hour traffic levels. Therefore, because there would be no change to the daily or peak hour traffic levels, no new significant impacts would result from the increase in volume and duration of dredging.

The Final PEIR concluded that with the addition of Project traffic for Staging Areas 1 through 4, significant impacts could occur at the I-5 southbound ramp/Boston Avenue intersection and the roadway segment of Boston Avenue between 28th Street and the I-5 southbound ramp. The Final PEIR identified that the re-routing project haul traffic from Staging Areas 1 through 4 along Harbor Drive to the I-5 northbound and southbound ramps at Civic Center Drive would reduce traffic related impacts (Alternative Route). The anticipated haul, delivery, and employee traffic to and from the Site can be accommodated without causing a significant impact for the mitigation route, based on the existing traffic conditions in the study area. Evaluation of the intersection and roadway level of service (LOS) showed that the addition of the Project's traffic to the existing traffic volumes will not cause a significant increase in delay at the study area intersections or an increase in volume to capacity (v/c) ratio on the roadway segments, according to the City of San Diego's performance criteria. This Alternative Route would avoid the significant impacts at the I-5 southbound ramp/Boston Avenue intersection and the roadway segment of Boston Avenue between 28th Street and the I-5 southbound ramp. Additionally, there are no residences immediately adjacent to the mitigation haul route. Mitigation Measure 4.1.1 requires the use of this alternative route in the event that Staging Areas 1 through 4 are utilized for the duration of the dredge-and-haul activity. The same mitigation measures would apply where the Project is modified to account for an additional volume of 15,000 cy of dredge material. Haul activities associated with the additional 15,000 cy of dredged material would utilize this Alternative Route. Similar to what was analyzed for the proposed Project in the Final PEIR, the additional 36 days of haul activities would apply the same mitigation measure and therefore would not adversely affect residential land uses. Therefore, the significant impacts at the I-5 southbound ramp/Boston Avenue intersection and the roadway segment of Boston Avenue between 28th Street and the I-5 southbound ramp would be avoided, similar to what was disclosed and analyzed in the Final PEIR.

As previously stated, this Project change would result in additional days of dredging activity and, therefore, additional days of sediment transport including associated truck traffic and worker commutes. However, the intensity of dredge activity, number of trips per day, and utilization of the same haul route would be the same as is occurring currently and as was evaluated in the Final PEIR. Therefore, no new impacts would occur as a result of the Project change in the Tentative Order and there would be no changes to the conclusions of this section of the Final PEIR.

Hydrology/Water Quality

The Final PEIR concluded that impacts related to hydrology and water quality would be less than significant with mitigation incorporated. The Final PEIR noted that the CAO requires water quality monitoring, sediment monitoring, and disposal monitoring to ensure that remedial actions have not caused water quality standards to be violated outside of the remedial footprint, that the target cleanup levels have been reached within the remedial footprint, and to assess sediment for appropriate disposal. Since the additional dredging of the 15,000 cy of bay sediment would occur within the remedial footprint included in the CAO, and such dredging will be accomplished in accordance with the

requirements of the adopted CAO, subject to the approval of the San Diego Water Board, water quality impacts associated with this issue were found to be less than significant.

In addition, fourteen mitigation measures were included in the Final PEIR for this topic. There are a number of mitigation measures that are applicable to dredging. For example, Mitigation Measure 4.2.1 requires the use of automatic monitoring of the dredging operations while Mitigation Measure 4.2.2 requires implementation of standard BMPs for minimizing re-suspension and spillage. Mitigation Measures 4.2.3 through 4.2.8 requires the use of silt curtains during dredging activities, procedures for loading of the sediment and specification for the application of clean sand covers. Mitigation Measure 4.2.9 requires implementation of a Dredging Management Plan containing standard operating procedures to prevent accidental spills and providing the necessary guidelines to follow in case of an oil or fuel spill. Other measures identify procedures for dewatering of the dredge sediment and specification for trucks to avoid spillage. All of these measures would be implemented and are also required for any increased volume or duration of dredging under the Tentative Order. The increased number of days of dredging and increased dredge amount would not result in a change to the Final PEIR conclusion that all impacts related to hydrology and water quality would be less than significant with mitigation incorporated.

Hazards and Hazardous Materials

The Final PEIR concluded that impacts related to hazards and hazardous materials would be less than significant with mitigation incorporated. Similar to the water quality Final PEIR section, there are a number of mitigation measures that are applicable to dredging that were identified for hazards and hazardous materials. For example, Mitigation Measure 4.3.1 requires a secondary containment structure for the storage of all fuel, oil and other petroleum products and Mitigation Measure 4.3.2 requires implementation of a Dredging Management Plan containing standard operating procedures to prevent accidental spills and providing the necessary guidelines to follow in case of an oil or fuel spill. Mitigation Measure 4.3.3 requires a Contingency Plan to address equipment and operational failures that could occur during dredging operations. Mitigation Measure 4.3.4 requires a Health and Safety Plan while Mitigation Measure 4.3.5 requires a Communication Plan to ensure the safe movement of project vessels from the dredge to the unloading area. Measure 4.3.6 requires implementation of standard BMPs and standard operating procedures for minimizing re-suspension and spillage. Other measures require the use of binding agents for dredged materials, procedures for dewatering, and specification for trucks to avoid spillage.

All of these mitigation measures would be implemented and are also required for any increased duration or volume of dredging under the Tentative Order. Increasing the number of days of dredging and increasing the dredge amount would not result in a change to the Final PEIR conclusion that all impacts related to hazards and hazardous materials would be less than significant with mitigation incorporated.

Climate Change

The Final PEIR concluded that the Project will result in short-term emissions of greenhouse gases (GHG) associated with the use of construction equipment for dredging treatment and haul activities. As previously stated, the additional 15,000 cy of dredged materials would extend the duration of dredge and hauling activities by 36 additional work days (13 days for dredging activities and 23 days for hauling activities). Since the same type of dredging and treatment activities would occur with the additional 15,000 cy of dredged materials as identified and analyzed in the Final PEIR, the daily emissions levels would be the same as evaluated in the Final PEIR.

As noted in the Final PEIR, the modeling conducted for the dredging and dewatering activities indicated that emissions of CO₂ would be as high as 34 tons per day (31 metric tons) during Project construction. Assuming 250 construction days per year, the Project would generate up to 7,750 metric tons of CO₂ per year. As the additional 15,000 cy of dredging material would use the same equipment and would generate the same peak daily emissions of 34 tons per day (31 metric tons), the peak GHG emissions would remain at 7,750 metric tons of CO₂ per year.

The CO₂ emissions are essentially the same for all the potential staging areas and both schedule scenarios described in Chapter 3.0 because the amount of sediment is the same in each. As described in the Final PEIR, the ARB-proposed draft guidance¹ provides that some small projects emitting 1,600 metric tons of CO₂ per year or less would clearly not interfere with achieving the state's emission reduction objectives in AB 32. Second, for industrial projects, the proposed draft guidance proposes that projects that emit less than 7,000 metric tons of CO₂ per year may be considered less than significant, recognizing that AB 32 will continue to reduce or mitigate emissions from these sorts of projects over time. Furthermore, it is noted that the Project's construction GHG emissions are a single-event contribution limited to a short period of time and therefore, are not considered to impede or interfere with achieving the state's emission reduction objectives in AB 32. There will be no ongoing increase in contribution to global warming because there are no permanent on-site stationary sources and there is no ongoing increase in the number of vehicular trips coming to and from the project site. The Project's contribution to global climate change in the form of GHG emissions is less than cumulatively significant.

In sum, the change to the Project will result in an incremental increase in one-time construction related emissions of GHGs and for the above-mentioned reasons, the incremental increase is considered less than significant. Therefore, no new significant impacts would occur as a result of the Project change and there would be no changes to the conclusions of this section of the Final PEIR.

Noise

The Final PEIR concluded that impacts related to noise would be less than significant. The primary source of audible noise from dredging activity is from the haul trucks needed to transport sediment. The increase in traffic flow on the surrounding roads due to construction traffic is expected to be minimal. The Final PEIR found that the increased noise from truck trips would not exceed the City's 75 dBA Leq construction noise threshold nor would it exceed the construction noise threshold at sensitive receptors along the haul routes.

The Project change in the Tentative Order would result in additional days of dredging activity and, therefore, additional days of sediment transport including associated truck traffic. However, the intensity of dredge activity and number of trips per day would be the same as is occurring currently and as was evaluated in the Final PEIR. Therefore, no new impacts would occur as a result of the Project change and there would be no changes to the conclusions of this section of the Final PEIR.

Biological Resources

The Final PEIR concluded that biological resource impacts would be less than significant with mitigation incorporated. Since the additional dredging of the 15,000 cy of bay sediment would occur within the

¹ The Final PEIR clarifies that the ARB numerical standards is guidance and that "state agencies and local air pollution control districts are currently working to develop CEQA quantitative thresholds of significance that would guide classification of impacts associated with GCC in CEQA documents, to date there is insufficient information to establish formal, permanent thresholds by which to classify projects with relatively small, incremental contributions to the State's total GHG emissions as cumulatively considerable or not."

remedial footprint included in the CAO previously identified in the Final PEIR, no new areas outside the remedial footprint would be disturbed and no new biological resources would be impacted. All applicable biological resource mitigation measures will continue to apply to the Project. Mitigation Measure 4.5.1 requires a pre-construction eelgrass habitat mapping survey prior to dredging activities. Mitigation Measures 4.5.2 through 4.5.4 require the marking of eelgrass beds with buoys to prevent potential impacts to sea turtles and procedures for dredging activities when adjacent to the eelgrass beds. Mitigation Measures 4.5.5 through 4.5.9 provide measures on speed restrictions, the use of shallow draft vessels, the establishment of off-limit areas, and procedures if a sea turtle or marine mammal is sighted near dredging activities. Since the identified mitigation measures in the Final PEIR would remain in effect during the entire dredging duration, the increase in dredging will not result in any change to the conclusions of this section of the Final PEIR.

Air Quality

The Final PEIR concluded that the Shipyard Sediment Remediation Project would result in significant unavoidable construction-related adverse air quality impacts of NO_x (which is a precursor to O₃) emissions, even after the implementation of feasible standard conditions and mitigation measures. While the adherence to San Diego APCD rules and regulations and identified mitigation measures would reduce this impact, it would remain significant and adverse because the City daily threshold for NO_x would be exceeded. There are no other feasible mitigation measures that are available to offset this significant impact. Construction activities for the Shipyard Sediment Remediation Project would also contribute to construction-related adverse cumulative air quality impacts because the San Diego Air Basin is presently in nonattainment for O₃, and the project, in conjunction with other planned projects, would contribute to the existing nonattainment status for O₃. Therefore, the cumulative construction impacts of the project would remain significant.

The Project change would result in additional days of dredging activity and, therefore, additional days of emissions from of worker commutes, use of equipment and sediment transport (including associated truck traffic). However, the construction air quality thresholds are based on daily emissions during short-term construction activities. As previously stated, the Project change would result in additional days of dredging activity and, therefore, additional days of sediment transport including associated truck traffic and worker commutes. However, the intensity of dredge activity and number of trips per day would be the same as is occurring currently and as was evaluated in the Final PEIR. Therefore, no new significant impacts would occur as a result of the Project change and there would be no changes to the conclusions of this section of the Final PEIR.

B. ENVIRONMENTAL IMPACTS AND PROJECT ALTERNATIVES

Conclusion: The analysis provided below considers Project alternatives for the Project changes, the increase in dredge volume and duration and the addition of the S-Lane parcel as a sediment management area, in accordance with CEQA Guidelines Sections 15162(3)(c) and (3)(d). The Project changes in the Tentative Order would not alter the conclusions made for each of the alternatives previously analyzed in the Final PEIR and there are no alternatives which are considerably different from those previously analyzed that would substantially reduce the significant effects on the environment and still achieve the Project objectives.

1. SUMMARY OF ALTERNATIVES ANALYZED IN THE FINAL PEIR

The Final PEIR considered and rejected four alternatives for the Shipyard Sediment Remediation Project (e.g. Ocean Disposal Alternative, Confined Disposal Facility (CDF) With New Pier Use Alternative, CDF with New Non-Load-Bearing Pier Alternative, and the Alternative Locations

Alternative). The Ocean Disposal Alternative was rejected as the sediment that was identified for remedial action within the remedial footprint exceeded sediment cleanup levels and/or failed toxicity testing guidance, and/or did not meet benthic community composition for ocean disposal. The CDF with New Pier Use Alternative and CDF with New Non-Load Bearing Pier Alternative were rejected due to the lack of San Diego Water Board ownership or access to an adequate land site required for implementation. The Alternative Locations Alternative was rejected as the Project (e.g. the removal of contaminated sediment) is location-specific.

The Final PEIR also considered and analyzed an additional four alternatives (e.g. No Project/No Development Alternative, Confined Aquatic Disposal (CAD) Site Alternative, Convair Lagoon Confined Disposal Facility Alternative, and the CDF with Beneficial Use of Sediments Alternative). Based on the analysis provided in the Final PEIR, it was concluded that none of the identified alternatives would be able to avoid the significant and unavoidable impacts related to construction emission air quality. The Final PEIR concluded that there is no clear Environmentally Superior Alternative to the Project and no one alternative would eliminate the significant and adverse impacts of the Project. As identified in Exhibit A of the Statement of Overriding Considerations, no one alternative would eliminate the significant and adverse impacts of the Project. Additionally, the four CEQA alternatives proposed and evaluated in the Final PEIR were rejected as being infeasible and/or incapable of accomplishing the Project objective, which is to remediate the harmful condition of marine sediments at the Shipyard Sediment Site.

2. THE ALTERNATIVES PREVIOUSLY FOUND INFEASIBLE REMAIN INFEASIBLE.

The alternatives previously found not to be feasible would not now be feasible. Moreover, those alternatives would not substantially reduce significant effects of the Project. As applied to this case, the addition of the S-Lane parcel for dewatering and treatment activities and the increase in dredge volume do not require the San Diego Water Board to alter its finding that the four potentially feasible alternatives are rejected as infeasible. For instance, the addition of the S-Lane parcel as a dewatering and treatment site would not change the finding that the No project/No development Alternative is infeasible or that it now substantially reduces a significant effect of the Project. The No project/No development alternative fails to attain cleanup levels and does not reduce or minimize adverse effects to beneficial uses. The addition of the S-Lane parcel as a dewatering site or the increase in dredge volume does not change this analysis. Setting forward another example, the addition of the S-Lane parcel would not cause alternatives (2) through (4), providing alternative options for depositing and placing/storing the dredged sediment, to now be feasible.

The San Diego Water Board finds that the addition of the S-Lane parcel for dewatering and treatment activities does not amount to a significant departure from the Project as previously evaluated. The addition of this dewatering site does not change the scope of the Project, to dredge, dewater and haul away the contaminated sediment. The intensity of barge traffic and the number of trips per day of truck traffic would be the same as is occurring currently as evaluated in the Final PEIR. Additionally, the S-Lane parcel is close in proximity to Sediment Management Areas 1 through 4 which have already been evaluated in the Final PEIR. The increase in volume would result in additional days of dredging activity and, therefore, additional days of emissions from worker commutes, use of equipment and sediment transport (including associated truck traffic). However, the intensity of dredge activity and number of trips per day would be the same as is occurring currently and as evaluated in the Final PEIR. Therefore, the conclusions for this section of the Final PEIR remain unchanged.

3. NO ALTERNATIVES CONSIDERABLY DIFFERENT FROM THOSE PREVIOUSLY ANALYZED IN THE FINAL PEIR WOULD SUBSTANTIALLY REDUCE THE SIGNIFICANT EFFECT ON THE ENVIRONMENT.

The Project changes identified in Tentative Order No. R9-2013-0093 are needed to feasibly implement the barge unloading of sediment in the northern Sediment Management Area, a necessary component of the dredge activity for the clean-up project. It is necessary to offload the barge at an on-shore location in order for the sediment to be dewatered and treated prior to disposal at an appropriate land fill. There are no other feasible locations for barge unloading in the northern Sediment Management Area given current contractual obligations, limited shoreline, and active land uses on the land-side at BAE Systems. There are also no other locations within the NASSCO leasehold that could be used to unload dredged materials without interfering with Shipyard operations. Furthermore, even if there were another location for barge off-loading or sediment dewatering, the emissions associated with the barge activity would not be eliminated or reduced, and the significant air quality impacts would not be avoided or minimized. Therefore, there are no alternatives which are considerably different from those analyzed in the previous Final PEIR that would substantially reduce the significant effect on the environment.

C. CONCLUSION: THE PROJECT CHANGES IN TENTATIVE ORDER NO. R9-2013-0093 DO NOT GIVE RISE TO ANY OF THE CONDITIONS SET FORTH IN CEQA GUIDELINES SECTION 15164 THAT WOULD REQUIRE A SUBSEQUENT ENVIRONMENTAL IMPACT REPORT AND THAT PREPARATION OF THIS ADDENDUM IS APPROPRIATE.

For the reasons detailed above in this Addendum, the San Diego Water Board concludes that there are no substantial changes to the Project or to the circumstances under which the Project is undertaken that would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects that will require major revisions of the Final PEIR. All approved mitigation measures will continue to be required and no new measures are warranted as a result of the Project changes. The Project changes identified in the Tentative Order would not alter the conclusions made for each of the alternatives previously analyzed in the Final PEIR and there are no alternatives which are considerably different from those previously analyzed that would substantially reduce the significant effects on the environment. The Project changes of an increase in the dredging volume and duration of dredging and the addition of the S-Lane parcel, a new sediment management area, do not trigger the need for a subsequent environmental impact report. Therefore, the San Diego Water Board may rely on the Final PEIR and this Addendum to provide CEQA compliance and no further CEQA review is required.

S-Lane Parcel Location Photo



Source: Report of Waste Discharge, South Shipyard Remediation, February 2013