



February 9, 2016

City of Carlsbad
Community & Economic Development
1635 Faraday Avenue
Carlsbad, California 92008-7314

Attention: Mr. Gary Barberio
Assistant City Manager

Subject: Amendment to the Third Party Peer Review of Phase I Site Assessment and Soil Sampling Summary Report for the Agua Hedionda South Shore Specific Plan for 85% Open Space and 15% Retail (dated August 6, 2015)

Dear Mr. Barberio:

It has come to our attention that there was a typographical error in the Third Party Peer Review Phase I Site Assessment and Soil Sampling Summary Report for the Agua Hedionda South Shore Specific Plan for 85% Open Space and 15% Retail (dated August 6, 2015). Specifically, text was inadvertently omitted from the last sentence of the fourth paragraph on page two of the memo.

Please find attached the corrected memo (amended February 9, 2016). The amended text is underlined.

This amended text does not change the content or the conclusions of the Final 9212 Summary Report related to this issue as provided in Section 6.8 Hazards of the 9212 Report.

Please call me at (760) 845-9258 if you have any questions regarding the attached amended letter.

Sincerely,

HDR, Inc.

Tim Gribus

Environmental Sciences Business Class Lead



August 6, 2015 (Amended February 9, 2016)

City of Carlsbad
Community & Economic Development
1635 Faraday Avenue
Carlsbad, California 92008-7314

Attention: Mr. Van Lynch
Senior Planner

**Subject: Third Party Peer Review of Phase I Site Assessment and Soil Sampling
Summary Report for the Agua Hedionda South Shore Specific Plan for
85% Open Space and 15% Retail**

Dear Mr. Lynch:

In accordance with executed Task Order No. 1 for the Agua Hedionda 85/15 Specific Plan Initiative for the City of Carlsbad, HDR, Inc., has performed a third party review of the Phase I Environmental Site Assessment, Parcel 8, Cannon Road & Interstate 5 Freeway, Carlsbad, California 92008, Project No. 197-2012-0162/100 (Appendix O of the Environmental Assessment) of the above cited Specific Plan.

Background

The City of Carlsbad has initiated a review process for the voter-initiated *Agua Hedionda South Shore Specific Plan for 85% Open Space and 15% Retail*. The Agua Hedionda Specific Plan Area (AH-SP) is in Carlsbad, California, and includes a 203.4-acre area south of Aqua Hedionda Lagoon, east of I-5, and north of Cannon Road. The purpose of this third party review is to provide an impartial assessment of the methodology, identified environmental impacts, and the recommendations provided for management of potential hazardous materials sites associated with the AH-SP.

Report Review

The overall structure of the report is in conformance with the American Society of Testing and Materials (ASTM) Standard Practice E 1527-05 document entitled, *Standard Practice for Environmental Assessments: Phase I Environmental Site Assessment Process*, including “all appropriate inquiry”; however, the report follows an outdated ASTM standard (2005). Specifically, the ASTM standards were updated in December 2013, between the timeframe of the report completion and this 3rd party review. The report is not in compliance with the current ASTM E 1527-13 standards.

The report is well past the six month “shelf life” for Comprehensive Environmental Response, Liability, and Compensation Act (CERCLA) liability protections as codified in ASTM E 1527-13. To maintain the CERCLA liability protections, the report would need to be redone (as it is also past the 180 to 365-day period that ASTM allows for completion of a reduced-scope “update”).

The term “potential environmental concern (PEC)” is not one of the recognized ASTM categories of a recognized environmental concern (REC). This language is left up to the author’s interpretation and is not consistent with how a REC is defined.

Environmental Protection Agency (EPA) Region 9 has changed terminology from Preliminary Remediation Goals (PRGs) to Regional Screening Levels (RSLs). In addition, the EPA updated the screening levels in January 2015. It is possible that an update to the EPA terminology and screening levels would trigger a re-evaluation of the results and conclusions.

The report states that the organo-chlorine pesticides, lead, copper concentrations do not exceed RSLs or California Human Health Screening Levels for commercial/industrial use. The report states that the area identified as Exclusive Agricultural Open Space (EAG-OS) would not be developed into commercial/industrial uses; therefore, it would not release hazardous materials into the environment. The ESA concludes that the soils are suitable for commercial/industrial uses, however, additional land uses are proposed in the AH-SP including Agricultural Support Open Space (AGS-OS), Passive Open Space (P-OS) and Habitat Management Plan Open Space (HMP-OS). Based on the historic aerial photographs included as part of the report, it appears that agricultural uses extended into areas currently proposed for P-OS and HMP-OS uses. Measures to reduce exposure to toxaphene¹ in soils in regard to the differing proposed land uses in the P-OS and HMP-OS areas of the AH-SP, and where soil disturbance would occur, would be required.

The report does not state where these P-OS and HMP-OS areas fall within the EPA land use classifications, as being more residential (VSC) area and agricultural uses proposed in the AGS-OS and EAG-OS areas of the AH-SP. It is unknown if P-OS and HMP-OS areas would require removal of contaminated soil volumes – especially with respect to the passive open space uses proposed under the P-OS area. In this respect, the reports lack the detail necessary to support the recommendations and conclusions presented, and do not provide sufficient detail for development of an actionable Phase II plan for portions of the AH-SP.

¹ Toxaphene, also known as camphechlor, chlorocamphene, polychlorocamphene, and chlorinated camphene, is a highly toxic and bioaccumulative organic insecticide. It is one of the so-called Dirty Dozen, a group of 12 chemicals that are considered highly toxic and associated with numerous diseases and birth defects in livestock and humans. The EPA has canceled all uses of toxaphene and outlawed general use as of March 1, 1990. Toxaphene is bioaccumulative and is readily stored in fats. There have yet to be human studies to examine the effects of long-term, low-level toxaphene exposure, but animal studies have been conducted. In rats, it is seen to be a developmental toxicant, a nervous system toxicant, and a possible carcinogen.

Please call me at (858) 712-8258 if you have any questions about the findings of this peer review of the Phase I Environmental Site Assessment.

Sincerely,

HDR, Inc.

A handwritten signature in black ink that reads "Lori A. Arena". The signature is written in a cursive style with a large initial "L".

Lori Arena

Environmental Planner