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Department of Toxic Substances Control

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SENT VIA ELECTRONIC MAIL

December 11, 2023

Governor's Office of Planning & Research

Robert Dmohowski
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December 11 2023

STATE CLEARINGHOUSE

rdmohowski@oceansideca.org

RE: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE EDDIE JONES WAREHOUSE MANUFACTURING AND DISTRIBUTION FACILITY PROJECT, DATED OCTOBER 26, 2023 STATE CLEARINGHOUSE # [2022070365](#)

Dear Robert Dmohowski,

The Department of Toxic Substances Control (DTSC) received a DEIR for the Eddie Jones Warehouse, Manufacturing, and Distribution Facility Project. The DEIR evaluates the proposed development of an approximately 566,905 square-foot warehouse, manufacturing, and distribution facility at the project area which is currently vacant and was previously developed with a 172,300 square-foot industrial manufacturing facility.

DTSC is responsible for overseeing the evaluation and cleanup of contaminated properties throughout the state of California. DTSC and the Proponent, RPG Oceanside Eddy Jones Way Owner, LLC, entered into a California Land Reuse and Revitalization Act (CLRRA) Agreement on December 6, 2021, to oversee the investigation and cleanup of the project area. The project area encompasses

approximately 31.7 acres on San Diego County Assessor's Parcel Numbers 145-021-29, 145-021-30, and 145-021-32, addressed at 3390 Alex Road (also known as 250 Eddie Jones Way), Oceanside, California 92058. The proposed project area is listed in the DTSC EnviroStor database under the name "[3390 Alex Road](#)" and can be viewed by visiting the EnviroStor website.

As part of the CLRRA Agreement, DTSC reviewed previous site investigation reports and DTSC determined a supplemental site investigation (SSI) was necessary. While review of the SSI Report is still in progress, DTSC has concluded the findings of the SSI warrant a remedial response. A Response Plan is being prepared by the Proponent for the project area for DTSC review and approval. A Response Plan is a type of cleanup selection document intended to address contamination at levels that pose a health risk to existing and/or future property users or that may be an ongoing source of contamination to the environment. The Response Plan includes remediation activities which would be completed as part of the development and operation of the proposed warehouse project.

Per DTSC discussions with SCS Engineers (the Proponent's consultant), the anticipated remediation activities will include excavation and offsite disposal of soil impacted by contaminants of concern ("COC") and of other soil near COC-impacted groundwater and soil vapor on the project area. Additional activities include groundwater monitoring and adoption of a Land Use Covenant (LUC) restricting site use and limiting project area activities. The LUC is being drafted and will be implemented upon completion. The total amount of soil to be excavated and disposed of offsite is estimated to be approximately 3,900 cubic yards (6,240 tons). The maximum depth of excavation at the proposed project area for the remediation activities is currently estimated to be 12 feet below existing grade.

The Response Plan is subject to review and approval by DTSC, and it is considered a decision document that must comply with CEQA. As a Responsible Agency, DTSC anticipates utilizing the subject EIR to comply with CEQA since the remediation activities presented in the Response Plan would be incorporated as part of the

construction phase of the proposed warehouse project.

DTSC provides the following comments on the DEIR:

- 1) DTSC requests that the Project Description (Section 3 of DEIR) be updated to include the project's remediation activities set forth in the Response Plan alongside other project-related activities. The DEIR's Project Description currently includes relatively detailed information about other project-related components (e.g., architectural design, landscaping, circulation, way-finding signage, and public utilities), construction phasing, and discretionary actions and other approvals. The project's remediation activities presented in the Response Plan are linked to the proposed warehouse project and would occur during the construction phases of the project, so it is appropriate for the activities to be included as part of the Project Description.
- 2) DTSC requests revisions to the content in Section 4.8 in order to clarify DTSC's oversight role for this project and to better distinguish between investigation activities that have already been completed (i.e., those associated with the Preliminary Endangerment Assessment and SSI Report), and remediation activities set forth in the Response Plan which need to be completed.

Section 4.8 of the DEIR includes discussion related to the remediation process and DTSC's involvement as follows (see pages 4.8-1, 4.8-2, and 4.8-15):

Demolition of the previous building in 2022 occurred in accordance with the Department of Toxic Substances Control (DTSC), California Land Reuse and Revitalization Act (CLRRRA), and County requirements. Soil remediation has been conducted for the site per the supplemental site investigation workplan, demolition soil monitoring plan, and site-specific health and safety plan prepared for the site. All site remediation would be completed prior to the start of project construction.

For clarification, the activities mentioned in the DEIR which have been conducted at the

site thus far are considered investigative activities rather than remedial activities. The plans referenced in Section 4.8 describe the proposed investigation and sampling procedures for the SSI; provide the methodology for the observation, monitoring, sampling, and proper management of potentially impacted soil that may be encountered during demolition of the project's surface and subsurface improvements. Additionally, the activities outline the procedures being followed during demolition of the site improvements to ensure the health and safety of workers and the public. Please also note that demolition of surface and subsurface improvements is not a remedial action. In this instance, since the project has known environmental impacts and demolition was likely to encounter or expose impacted soil, DTSC reviewed and approved of the Demolition Soil Monitoring Plan and Site-Specific Health and Safety Plan.

Soil remediation activities under DTSC oversight have yet to occur at the site. The proposed remedial actions will be described in a Response Plan to be prepared by the Proponent and submitted to DTSC for review and approval. Therefore, the EIR content referencing site remediation activities should be revised to reference the Response Plan.

- 3) Since remediation activities presented in the Response Plan would be incorporated as part of the construction of the proposed warehouse project, these activities should be considered as part of this EIR's analysis. From review of the DEIR, it is unclear to what extent the Response Plan's proposed site remediation activities have been accounted for as part of the analysis of environmental impacts. For instance, Section 3.2.6 mentions 60,000 cubic yards of raw cut and 40,000 cubic yards of raw fill will be required for the proposed project area, but it is unclear whether these numbers account for the soils requiring excavation and offsite disposal.
- 4) It is unclear whether the vehicle trips and equipment usage associated with remediation activities were included as part of the Construction Scenario Assumptions that were utilized in evaluating effects involving air quality,

energy, and GHG emissions.

If the Response Plan activities have been considered as part of the analysis, DTSC requests adding language where appropriate in the EIR to help clarify that these activities have been analyzed. If the Response Plan activities were not considered as part of the analysis, the EIR content should be revisited, and the potential effects associated with these activities (including any new effects or contributions to previously identified environmental effects) should be addressed.

DTSC believes the City of Oceanside must address these comments to determine if any significant impacts under the California Environmental Quality Act (CEQA) will occur and, if necessary, avoid significant impacts under CEQA.

DTSC appreciates the opportunity to comment on the Eddie Jones Warehouse Manufacturing and Distribution Facility Project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like any clarification on DTSC's comments, please respond to this letter or via [email](#) for additional guidance.

Sincerely,



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cc: (via email)

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