

May 7, 2024

Ms. Sarah Mearon
Site Restoration Unit
San Diego Regional Water Quality Control Board
Via email



RE: Annual Estimation for Site Cleanup letter (SL209094184:SSmirensky)

Dear Ms. Mearon,

Escondido Neighbors United (ENU) is writing to express our concerns regarding the minimal involvement of the California Regional Water Quality Control Board, San Diego Region (Water Board) with the regulatory oversight of the Chatham Barrel Yard remediation site. The Water Board's extensive knowledge of local water quality issues, geology, and hydrogeology, as well as the ability to have a strong local presence, is critical to ensuring that water quality objectives will be met and that environmental and human health is protected.

We understand that the Department of Toxic Substances Control (DTSC) is the appropriate lead agency since Chatham is a State Superfund Site which puts it under the primary regulatory oversight of the DTSC. But, the Water Board has the important and necessary role to advise and provide additional expertise and comments regarding the efforts to restore water quality from the discharges at the former Chatham Barrel Yard.

Although the Water Board has a secondary role, it is still critically important that the Water Board provide robust and adequate oversight. This is a complicated and dynamic site and needs the benefit of local knowledge of surface water issues, hydrogeology, and Basin Plan water quality objectives. Further, it is the Water Board which is actively involved with storm water and surface water issues, both additional issues with this site.

We raise this issue because we recently read the June 23, 2023 *Annual Estimation for Site Cleanup and Recovery Costs* letter from the Water Board to the Chatham PRP group stating that the annual estimate of work for oversight this fiscal year was only 40 hours. This estimate seems low considering the tasks which the Water Board anticipates to perform, as further discussed in a following paragraph.

Of greater concern, the letter states that in the previous fiscal year, the Water Board only provided **two hours** of oversight for the entire year! The letter indicates, that during the previous fiscal year, the Water Board spent only two hours in providing

needed regulatory oversight of the remediation activities. (*Smirensky to Modiano, June 23, 2023, page 2*).

We appreciate the list of potential activities involved with regulatory oversight of the Chatham Site as evidenced in the tasks the Board proposed detailed in the Annual Estimation Letters for FYs 2021/2022, 2022/2023, and 2023/2024.

Those tasks are:

1. Review of Semi-annual and Annual Groundwater Monitoring Reports, Work Plans, Technical Memorandums, and the Department of Toxic Substances Control (DTSC) response letters.
2. Provide written comments to DTSC and the responsible party for each of the deliverables.
3. Provide technical consultation; participate in meetings and/or telephone or video conferences to discuss issues pertaining to the site.
4. Conduct site inspections or site visits to evaluate current conditions.
5. Perform site-related evaluations or activities at the request of the responsible party.
6. Prepare enforcement actions as needed.

Although the Water Board appears to understand the scope and need to do the tasks, unfortunately, per the Annual Estimation Letters during the past three fiscal years, only a total of 22 hours were spent conducting regulatory oversight. ¹ This is down from 20 hours in 2018/2019 alone. Further, nothing but annual estimation letters has been posted to Geotracker since 2019.

The lack of involvement of the Water Board during FY 2022/2023 is not reflective of the work that was done at the Chatham site. As shown on Envirositor, DTSC reviewed and provided regulatory oversight on the following documents:

- New Well Permit
- October 2022 Downgradient Soil Vapor Sampling
- Semiannual Groundwater Monitoring Report October 2022
- July 2022 Soil Vapor Probe & Indoor Air Sampling-1261 Gamble Lane Monitoring Report
- Soil Vapor Probe Sampling, Felicita Road Monitoring Report
- Annual Groundwater Monitoring Report April 2022 Monitoring Report

¹ FY 22/23 2 hrs

FY 21/22 10 hrs

FY 20/21 10 hrs

- January 2022 Soil Vapor Probe & Indoor Air Sampling Monitoring Report

By comparison, DTSC provided an estimate of 131 hours to review the two annual monitoring reports alone (and estimated 200 hours for 2021/2022). Again, we understand that DTSC is the lead, but the input, comment, and analysis of the Water Board is critically important as well.

Distance is also an issue. The distance from the Chatham site to the Water Board office is 25 miles (instead of 80 miles for DTSC). In addition, to reviewing all relevant reports, we ask that the Water Board be present to observe site conditions and oversee the actions that the consultants are doing as needed as well as responding to community concerns.

We greatly appreciate the recent involvement of the Board's Storm Water Unit, but it mainly focused on stormwater issues largely unrelated to Chatham.

Two hours a year is simply not sufficient to provide oversight of this site. We need to ensure that the Site Restoration and Groundwater Protection Branch - Site Restoration Unit is fully involved.

We have recently learned of the difficult turnover in the Site Mitigation Unit, but we request that necessary steps be taken to ensure that this site is covered. Please let us know how and when the Water Board will re-engage and increase its important oversight role of the Chatham Barrel Yard.

Thank you for your attention to this issue,

Escondido Neighbors United

Laura Hunter and Ron Forster

Doreen Reagle

Frank and Tracey Chiricosta

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Brenda and Dan Townsend

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cc.

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