



May 14, 2026  
Mayor and City Council  
City of Escondido  
**Via Email**

**RE: Escondido Neighbors United SUPPORT OF APPEAL filed against Planning Commission approval of PL24-0067 Hamilton Land Residential Subdivision Project**

Dear Mayor and City Council,

Escondido Neighbors United (ENU) was founded in response to the contamination in our local neighborhoods from the Chatham Barrel Yard Hazardous Waste Site. We strongly opposed the decision of the Planning Commission in April and we support the appeal filed recently. This site needs, what it has never had, a full, up-to-date, current environmental impact report and site soil, water, and vapor testing prior to any disturbance or changes at the site.

**1. Reliance on environmental data and review almost 20 years old is completely unacceptable.**

In 2007 when the original analysis was adopted, obviously, mistakes were made. The review was cursory at best and certainly failed to understand the significant threat and risks posed by a massive amount of contaminants flowing in ground water and daylighting in surface waters in the local area. When the map expired at the end of 2021 (per staff report), the whole project should have been restarted with the risks and hazards of the, now very well-known, Chatham Barrel Yard waste site at the top of the list and a full environmental review conducted.

This site has been under active remediation for over 20 years. In spite of that, the plumes continue to migrate around, surface in Felicita Creek, and constant monitoring of a large number of monitoring wells has been required.

That the presence and contributions of Chatham wastes were not a key topic of analysis previously is a major failing of the previous analysis and those findings should not be repeated or relied on here.

**2. Contamination from the Chatham Waste site is a major concern for this project and must be analyzed fully in an environmental review analysis.**

Most recent monitoring report [April 2025 monitoring report](#) shows results that impact the site or are adjacent or close by can be found on pages 48-51.

[Soil Vapor Monitoring](#) shows results of contamination (pp 10-12) from the plume at the outside edge along Felicita Road but have not been monitored near the site. The site in question is in or at the northern edge of the plumes and could be a source of soil gas vapor. Monitoring for this is something that must be done prior to building housing in this area.

The contaminants from the Chatham Barrel Yard waste site are known to be significant health hazards, volatile, and highly mobile. Unlike the recent permitted site to the west of the site, this site is directly downgradient and impacted by the site and must be fully analyzed for safety. Any contaminants which volatilize in or near residential areas are a potential impact that must be prevented and mitigated.

**3. The potential for dust and volatilization of contamination during construction is inadequately analyzed, prevented, or mitigated.**

The presence of large boulders and the fact that the site is not well analyzed at various depths require much more testing to be done. Looking at maps of years ago the expected presence of the plumes on site mean that any disturbance of the ground, geology, or groundwater there could release contamination through a variety of paths. This is critically important and must be fully analyzed for the protection of human health and the environment. The site needs a full suite of monitoring and testing.

**4. The removal of mitigations by staff have weakened the conditions for the project.**

Page 51-Addendum to Initial Study. The most recent addendum removed the mitigation requiring a prohibition well-drilling. While the homes will be serviced by municipal water, many homeowners in the area have irrigation wells all of which have had to be fitted with water treatment systems due to contamination in the ground water. Further, it is known that the wells draw pollution toward them, further moving the plume. There must be an enforceable prohibition of irrigation wells as well for the site.

**5. Mitigations that should be included are not, especially around soils management.**

ENU fully supports the extensive on-site and incremental monitoring for cultural and Native American artifacts during construction. This is entirely appropriate. The same is needed for excavation and soil disturbance for contaminants. The test-as-you-go for both air, soil, and water must be included as mitigation for any site disturbance here. The soils management plan requested by Commissioner Steeve, who opposed certification, should have been added. This is a common and straightforward action that should have been included.

Further, there are no mitigation measures to address worker or neighbor health from the undergrounding of utilities which will dig into the site and environs and will remove potentially contaminated, soils.

**6. The addition of the detention basin has unknown and as yet unanalyzed impacts on the ground water contamination.**

Storm water regulations have evolved considerably since 2007, Detention and infiltration basins located on and around contaminated ground water must be analyzed. These basins can impact, sometimes significantly, the movement of contaminants in ground water. It is for this reason that many water boards have special requirements for analysis. This issue is appropriately raised in the appeal and was not addressed by the planning commission and requires environmental analysis and is currently unresolved.

Consider the following potentially relevant regulatory guidance that maybe directly applicable or provide thoughtful consideration for this site.

**Caltrans Best Management Practices** state that the Regional Water Board may impose additional water protection requirements and that projects should coordinate with hazardous waste/NPDES staff when bioretention is proposed where there are contaminated soils or contaminated groundwater plumes and it specifically says a liner may be required. ([Caltrans](#)). The **Caltrans Project Planning and Design Guide** is even clearer. If a site is over a previously identified contaminated groundwater plume it states infiltration devices are not feasible and other treatment BMPs should be considered. ([CCCleanWater](#))

**Ventura County / Los Angeles Regional Board stormwater guidance**

Ventura's current stormwater technical guidance says infiltration BMPs are not allowed where contaminated soils or groundwater plumes could be mobilized or worsened by infiltration, unless a site-specific analysis shows infiltration would be beneficial. While

this is not directly applicable, it demonstrates that this issue has a potential impact that needs better analysis. ([VCStormwater](#))

### **San Diego-region WQMP example language**

A project-specific WQMP template/example asks whether any drainage management areas have a contaminated groundwater plume nearby. It states that if yes, infiltration BMPs should not be used for those areas and the project should proceed to other BMP options like harvest/use. ([Cequanet](#))

### **Palo Alto Green Stormwater Infrastructure Plan**

Palo Alto's GSI plan gives lower priority to projects located within or near groundwater plumes because those projects require additional design considerations to avoid plume impacts. It also favors recharge projects only where they are at least 500 feet outside a contaminated plume. ([City of Palo Alto](#))

### **State Water Board's developing statewide infiltration policy**

The State Water Board is developing a statewide urban stormwater infiltration policy specifically using a risk-based framework that considers existing site conditions, geology, land use, pollutants, and groundwater beneficial uses. It also says infiltration should be prohibited under inappropriate conditions where groundwater beneficial uses may be impacted. ([waterboards.ca.gov](#))

**San Diego Regional Water Board regulations including the MS4 permit and follow-on relevant BMP manuals.** Finally, the city should hear from the Regional Board about applicable standards and prohibitions in the MS4 permit and linked BMP manuals which may not allow use an infiltration basin at all if it drains into contaminated groundwater. Compliance with the MS4 permit should be determined relative to contaminated areas prior to this design being approved. ([Order No. R9-2013-0001](#))

The bottom-line is that California stormwater guidance consistently treats infiltration near contaminated groundwater or plume areas as requiring heightened scrutiny, site specific analysis, and sometimes avoidance or lining. The Hamilton Lane record is deficient because it proposes infiltration near the Chatham plume without clearly documenting the site-specific analysis that these guidance documents repeatedly call for.

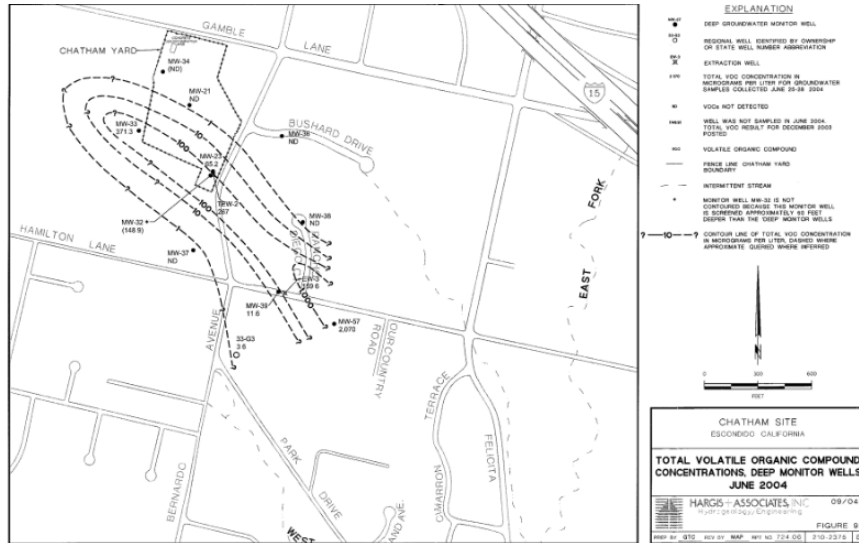
This is just one example of why the city should wait for guidance from the regulatory agencies on this and other topics.

**There are many concerns and flaws in the 'environmental' review which has led to unsubstantiated findings.**

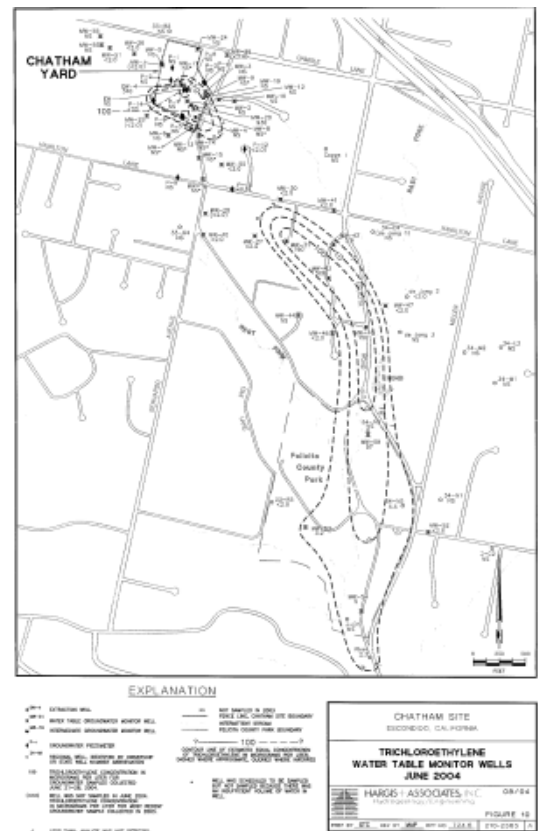
Here are just a few problems with the analyses the Planning Commission relied on.

**The 2005 Checklist, 2007 Initial Study and MND were inadequate and have many significant gaps and should not be relied on for development of this site in 2026.**

Here, in the data that should have been evaluated in the 2005/7 Initial Study shows total VOCs are estimated to be flowing downgradient in deep monitoring wells into areas under the site.



This next map shows the pollution rising into the shallow wells. Yet, the 2005-2007 evaluation did not evaluate or explain how the contamination





We raise this issue understanding that, in the intervening decades, contaminants move, things have changed—which is the point. We are pointing out that the site was not then nor has it been since evaluated to assess how contamination may be acting on site. Have the VOCs moved into soil vapor? Sediment particles? Sequestered around boulders? Will excavation result in releases to the air of contaminants? None of these issues were considered and, still, no answers are forthcoming due to lack of analysis.

And now the city proposes to allow massive disturbance of the site (excavation to 6 feet, potential for blasting if needed). It is unacceptable.

**The 2005 Initial Study and 2007 MND are grossly inadequate and unsubstantiated in their findings.**

- The environmental setting makes no mention of Chatham.
- Air quality section refers only to vehicle emissions, not potential for releases of contamination.
- States no granitic outcroppings on site, and yet they are visible on the site.
- Fails to mention potential for contaminants in runoff from construction watering.

**The 2026 Initial Study Addendum makes unsubstantiated findings and assumptions.**

- Page 3- there is new information about the site since 2007 and since 2020 related to contamination and soil vapors discussed elsewhere in this letter.
- Page 11 cannot make the finding that there will be less than a significant impact to sensitive receptors from pollutant contributions because no testing of the site was done.

**7. Time for public review of the 563 pages of this technical file was inadequate.**

ENU notes that the Addendum to the Initial Study was finalized by staff on April 21, 2026. The Planning Commission (and only hearing without an appeal) was held one week later. As such the complete file only offered a week for the public to secure, review, and comment. This is not enough time especially given the technical nature of the site. The right answer here is a full Environmental Impact Report with built in opportunities of reasonable length for the public to understand and comment on the documents.

**8. The city must start communicating with the regulatory agencies when it comes to Chatham proximate projects.**

Hazardous waste fate-and-transport, remediation, and consideration of effectiveness are not topics that staff is currently competent to analyze. This is such a serious site we repeat our request that, in cases like these, the city hire its own consultant in to review projects that come forward near and down-gradient from Chatham. Further, it is telling that it took a neighbor reaching out to inform key agencies about the project. The city should **always** reach out and seek guidance from the Water Board, DTSC, and the County of San Diego whenever Chatham is within proximity. It is hard to understand why this is not common practice given how the city continues to voluntarily annex these problematic lands into its jurisdiction.

This project needs a full, complete, up-to-date environmental impact report with appropriate mitigations to determine if or how it could move forward.

**Conclusion**

With a site as serious as the Chatham Barrel Yard, the precautionary principle should guide your decision-making. The Planning Commission was wrong to certify this project and the Council should reject their decision and require a full Environmental Impact Report to be conducted and impacts mitigated.

Respectfully submitted,

**Escondido Neighbors United**

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