SECOND SUPPLEMENTAL SUBMISSION TO CITY COUNCIL APPEAL

PL24-0067 – Hamilton Lane Residential Subdivision Project

To the Honorable Mayor and Members of the Escondido City Council,

I am submitting this Second Supplemental Submission in support of my previously filed appeal and prior supplemental submission regarding the Hamilton Lane residential subdivision project (PL24-0067). This supplemental information provides additional regulatory context including correspondence with the DTSC, updated stormwater and MS4 permit details, and further technical information regarding infiltration feasibility requirements and groundwater protection standards applicable to the proposed project.

This supplemental submission is intended to further support and expand upon the concerns previously raised regarding the adequacy of the environmental review relied upon for approval of this project, particularly given the project's location within or adjacent to the known Chatham contamination plume area and the projects inclusion of infiltration-oriented stormwater infrastructure.

I have also been in direct communication with Ahmad Aboughaida, Project Manager/Hazardous Substances Engineer with the Site Mitigation and Restoration Program, who manages the Chatham cleanup case. Based on these communications, I understand that he is actively reviewing the project as it pertains to the ongoing site cleanup efforts and the groundwater plume conditions associated with the Chatham contamination area. The involvement of the agency responsible for oversight of the cleanup effort in conjunction with the San Diego Regional Water Board further underscores that there remain active environmental and groundwater related considerations relevant to the proposed project and its stormwater infiltration design.

The current project proposes the addition of a "bioretention basin" and infiltration-oriented stormwater infrastructure as part of the subdivision design. The City staff report specifically states that the applicant submitted a request for a five-lot subdivision "with the addition of a bioretention basin to address stormwater drainage on-site." The environmental analysis section similarly states that "[t]he Project entails a 5-lot tentative subdivision map with a bioretention basin." The project landscape plans further identify the feature as a "BIOBASIN" and "RAIN GARDEN."

At the same time, the City continues to rely upon a Mitigated Negative Declaration originally prepared in 2007, concluding that the prior environmental document "remains valid per CEQA." The staff report further concludes that "no subsequent EIR or mitigated negative declaration is required."

The City's current environmental analysis repeatedly emphasizes that the prior environmental review remains sufficient, despite the substantial evolution of stormwater and groundwater protection standards since 2007. The staff report states that "the adoption of an addendum to the previously adopted Initial Study/Mitigated Negative Declaration (IS/MND) for the site… as the original environmental document prepared for the site remains valid per CEQA." The Environmental Analysis section further concludes that "City staff concluded that the Mitigated Negative Declaration ("MND") prepared for the prior Approved Project fully analyzed and mitigated all potentially significant environmental impacts… and therefore, no subsequent EIR or mitigated negative declaration is required." The report additionally states that "The proposed First Addendum is appropriate pursuant to CEQA Guidelines section 15164 because only minor changes and additions to the Mitigated Negative Declaration are necessary…"

These conclusions are central to the City's reliance on the 2007 environmental framework despite the addition of infiltration-oriented stormwater infrastructure and the materially updated MS4 permit, and groundwater protection standards that now govern stormwater infiltration analysis in sensitive environmental settings.

The Fifth Term Permit, or Regional MS4 Permit, shifts the focus of the permit requirements from a minimum level of actions to be implemented by the Copermittees to identifying outcomes to be achieved by those actions.

Regulatory requirements moved from checklist/minimum-action stormwater compliance toward outcome-based water quality regulation.

This issue is particularly important because the current project proposes infiltration-oriented stormwater infrastructure in an environmentally sensitive setting involving known groundwater contamination concerns. Since approval of the original 2007 project, the Regional MS4 Permit framework has materially changed. The San Diego Regional Water Quality Control Board itself has described the 2013 MS4 Permit as a major "paradigm shift" from prior permit structures, noting that modern stormwater permits are substantially more detailed and outcome-focused than earlier generations of regulation. Likewise, the Regional Model BMP Design Manual was specifically developed to replace earlier SUSMP-era requirements associated with the prior 2007 permit framework. These updated standards reflect a substantially more advanced regulatory understanding of infiltration feasibility, groundwater protection, and contaminant migration risks than existed when the original MND was prepared.

The County of San Diego BMP Design Manual (September 2020), prepared pursuant to updated Regional Municipal Separate Storm Sewer System (MS4) Permit requirements, specifically states that the Regional MS4 Permit requires local jurisdictions to implement LID standards through BMP design requirements. The San Diego Regional Water

Quality Control Board further issued guidance regarding the technical documentation required to support infiltration feasibility determinations during the entitlement and environmental review process.

These updated regulatory expectations and documentation standards did not exist in their current form when the original 2007 environmental document relied upon by the City was prepared.

Importantly, the original environmental record already acknowledged contamination related conditions associated with the Chatham plume area. The 2007 Mitigated Negative Declaration specifically references groundwater monitoring wells MW57 and MW28 and states that monitoring access must remain available to the "Chatham Brothers RP Group." The adopted mitigation measures further required that "[n]o wells for drinking water or irrigation are to be drilled on site."

Despite the acknowledged presence of contamination related conditions and groundwater monitoring infrastructure, the current public project record does not appear to include a plume specific infiltration analysis evaluating whether the proposed stormwater infiltration system could alter contaminant migration pathways, groundwater flow characteristics, soil vapor conditions, or long-term groundwater quality impacts.

I have not identified within the project record any site specific hydrogeologic evaluation, infiltration compatibility analysis, contaminant transport modeling, or soil vapor intrusion analysis addressing the interaction between the proposed infiltration basin and the known Chatham contamination plume area.

This omission is particularly significant because the updated MS4/LID regulatory framework reflects a substantially more advanced understanding of groundwater risk pathways and infiltration related impacts than existed in 2007.

Notably, the original 2007 MND stated that the project would comply with the "latest National Pollution Discharge Elimination System (NPDES) standards." However, the "latest" standards applicable in 2007 are not the same as those governing stormwater infiltration today. Since that time, Regional MS4 Permit requirements, LID mandates, infiltration feasibility standards, and groundwater protection guidance have substantially evolved, particularly regarding infiltration BMPs near sensitive environmental conditions and contamination concerns.

In addition, DTSC personnel responsible for oversight of the Chatham cleanup effort, including Ahmad Aboughaida, Project Manager/Hazardous Substances Engineer with the Site Mitigation and Restoration Program, are actively reviewing the project as it relates to the groundwater plume and ongoing remediation efforts. The fact that the agency

overseeing the cleanup effort is currently evaluating the project further supports the need for updated environmental review and agency coordination before any approvals move forward.

Under CEQA, additional environmental review is required where changed circumstances or new information of substantial importance demonstrates that prior environmental analysis may no longer adequately evaluate current environmental conditions or project impacts.

The combination of updated MS4 regulatory requirements, the project's proposed infiltration-oriented bioretention basin, the acknowledged presence of contamination-related conditions and groundwater monitoring wells, and the apparent absence of a plume specific infiltration analysis collectively raises serious questions regarding whether reliance on a nearly 20-year-old environmental framework remains adequate for this project. As a copermittee under the Regional MS4 Permit, the City is required to implement applicable stormwater, Low Impact Development (LID), and infiltration requirements through its land use and project approval processes.

For these reasons, I respectfully request that the City Council require preparation of a full Environmental Impact Report, or at minimum require comprehensive updated technical review addressing infiltration feasibility, groundwater quality, contaminant migration pathways, hydrogeologic impacts, soil vapor and vapor intrusion potential, and the interaction between the proposed bioretention basin and the known Chatham plume area.

This issue is not a minor technical deficiency but rather a fundamental question regarding the adequacy of environmental review and whether current groundwater protection standards have been meaningfully applied to a project proposing stormwater infiltration within or adjacent to a known contamination plume area.

Thank you for your time and consideration.

Sincerely,

Heidi Whitman

References / Citations

Hamilton Lane Project Application and Staff Report, PL24-0067 (April 28, 2026)

County of San Diego BMP Design Manual (September 2020) https://www.sandiegocounty.gov/content/sdc/dpw/watersheds/DevelopmentandConstruction/BMP_Design_Manual.html

Gmail **Heidi Whitman <heidiw07@gmail.com>**

Time Sensitive: Hamilton Lane Project - Chatham Plume / Infiltration Concerns

Heidi Whitman <heidiw07@gmail.com> Fri, May 15, 2026 at 10:52 AM
To: "Aboughaida, Ahmad@DTSC" <Ahmad.Aboughaida@dtsc.ca.gov>

Hi Ahmed,

Here is the link to the Planning Commission agenda packet for the project, the project materials begin on page 13.
https://mccmeetings.blob.core.usgovcloudapi.net/escondidca-pubu/MEET-Packet-68a9f7e5df1b4686a3d86cf849508c8b.pdf

Thanks for taking the time to review this. Really appreciate your willingness to take a look given the ongoing DTSC oversight of the Chatham site and the potential concerns associated with the proposed project given its location within the plume.

From my understanding of regional and state guidelines, California stormwater guidance consistently treats proposed stormwater infiltration basins near contaminated groundwater plumes as requiring heightened scrutiny and a site specific feasibility analysis which I do not see in the public project file. I attended the planning commission hearing as well and there was no discussion of this proposed infiltration bio basin as it pertains to the plume and to long term remediation clean up efforts. In addition to the infiltration and plume compatibility concerns, my appeal also raises broader issues regarding the project's reliance on a 2007 environmental document despite substantially updated environmental conditions. Stormwater and infiltration guidance in California and at the regional level has evolved significantly since the 2007 environmental review, especially regarding groundwater protection, infiltration feasibility, and evaluation of contamination risks associated with infiltration BMPs, including current plume oversight, soil vapor considerations. Additionally, multiple large scale embedded boulders are proposed to be removed and relocated. In this area, large granite boulder formations often extend well below grade and require significant excavation and disturbance. A neighbor in the surrounding community could not proceed with excavating a pool for this reason. Removal of these boulders could alter the contamination plume flow and affect nearby properties. No hydrogeologic analysis or groundwater flow evaluation is referenced in the project application as it pertains to the plume. As an impacted resident directly across from this proposed project, myself and neighbors surrounding the site have serious concerns about the lack of record and analysis.

Thanks again and please let me know if there is any additional information or documents that would be helpful as you review. :)

Best,
Heidi Whitman
(781) 572-1550

On Thu, May 14, 2026 at 10:24 AM Aboughaida, Ahmad@DTSC <Ahmad.Aboughaida@dtsc.ca.gov> wrote:

> Hi Heidi,
>
> Thank you for your email. Do you happen to have a link to the project workplans for this new development so that I can discuss it with my team? To my knowledge, DTSC was not notified of this development. Thanks,
>
> **Ahmad Aboughaida**
>
> Project Manager/Hazardous Substances Engineer
>
> Site Mitigation & Restoration Program
>
> Ahmad.Aboughaida@dtsc.ca.gov

Department of Toxic Substances Control

California Environmental Protection Agency

From: Heidi Whitman <heidiw07@gmail.com>
Sent: Tuesday, May 12, 2026 1:33 PM
To: Aboughaida, Ahmad@DTSC <Ahmad.Aboughaida@dtsc.ca.gov>
Subject: Time Sensitive: Hamilton Lane Project - Chatham Plume / Infiltration Concerns

Hi Mr. Aboughaida,

Sarah Mearon with the Regional Water Quality Control Board suggested I reach out to you regarding the proposed Hamilton Lane residential project in Escondido, given your role managing the Chatham cleanup case and the time sensitivity of the project approval.

I recently filed an appeal of the project with the City of Escondido and wanted to provide the materials for your reference. My concerns primarily relate to the project's proposed grading, large embedded boulder formation removal and proposed bioretention basin designed for on site stormwater infiltration in proximity to the Chatham groundwater plume area and ongoing cleanup site. Based on my review of the public project record, I was unable to identify site specific groundwater, soil vapor, contaminant migration, or infiltration compatibility analysis evaluating whether the proposed development and infiltration infrastructure are appropriate under current site conditions or compatible with longterm remediation considerations. In speaking with nearby residents, I also know there are broader community concerns regarding potential impacts associated with development, runoff and infiltration activities in and around the plume area and potential risk to nearby residents and properties.

I also wanted to ask whether DTSC has been consulted or provided input regarding the project's proposed infiltration infrastructure and residential use in relation to the active cleanup area. I've attached my appeal and supplemental materials for your reference in case they are helpful as part of DTSC's ongoing oversight of the cleanup case.

Thank you for your time and consideration, and please let me know if there is any additional information I can provide.
Best regards,

Heidi Whitman
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781-572-1550