

APPEAL TO THE ESCONDIDO CITY COUNCIL

Project PL24-0067: Five-Lot Subdivision at Bernardo Avenue & Hamilton Lane

The proposed development sits within the groundwater contamination plume that has spread roughly a mile downgradient from the Chatham Brothers Barrel Yard State Superfund Site — under active cleanup since 1982. The parcel lies roughly 700 feet downgradient of the Yard.

Heidi Whitman · Appellant

City Council Hearing · August 5, 2026

What This Appeal Is — and Is Not



WE ARE ASKING FOR

A Phase II environmental investigation implementing the recommendations of the Snyder Geologic letter (July 24, 2026):

- A geotechnical investigation — “a minimum requirement of City Council”
- Deeper soil & soil-vapor sampling beneath each home, and to maximum excavation depth, plus perched-groundwater evaluation
- Monitoring well on the parcel; formal DTSC & Regional Board technical input on blasting bedrock and the basin
- A soil management plan — and no water supply wells on the site

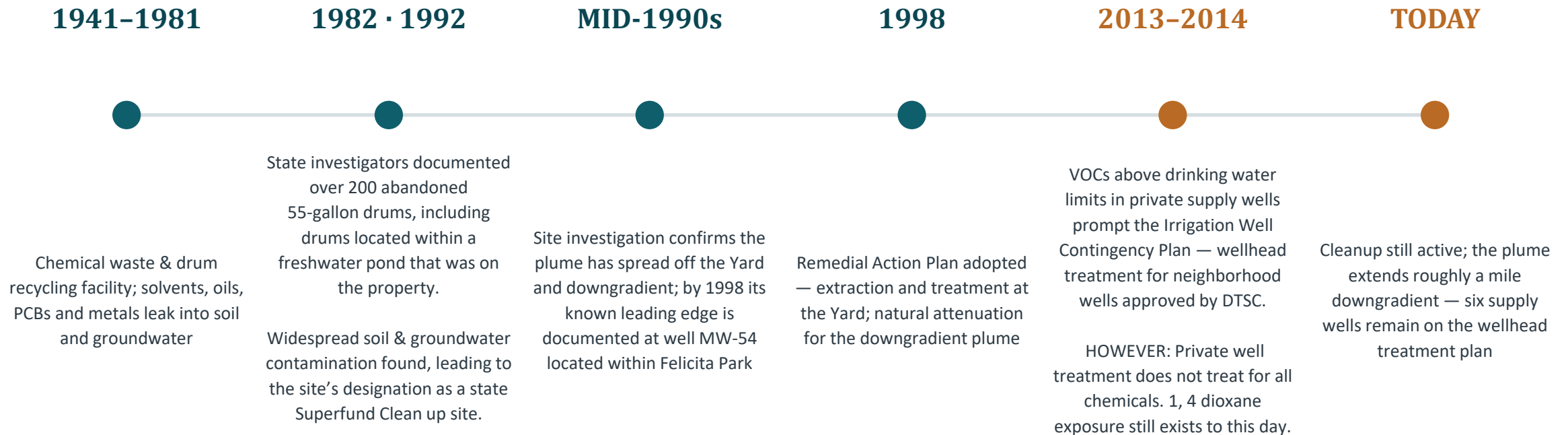


WE ARE NOT ARGUING

- That housing should not be built here — this is not an anti-housing appeal
- That the plume has not declined — the cleanup has made real progress
- That the project must be denied outright

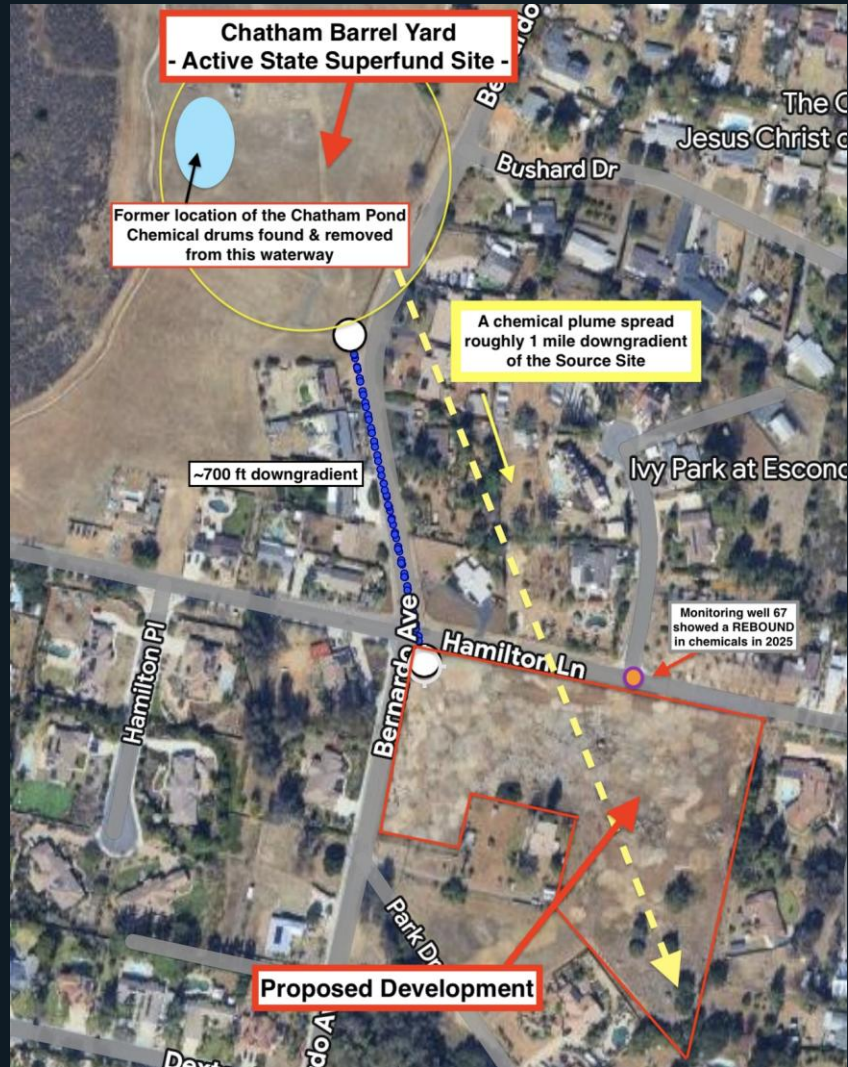
We are asking that the environmental review match the complexity of the site.

The Chatham Brothers Barrel Yard: 85 Years in This Neighborhood



“Achievement of the remedial goal ... would require a significant amount of time, decades or more, particularly in fractured bedrock media.” — The Chatham Annual Monitoring Reports, repeated verbatim 2020-2025

The Plume and the Project Site



Project site

SE corner of Bernardo Ave & Hamilton Lane — roughly 700 ft downgradient of the Chatham Yard, within the plume



Active plume

VOC & 1, 4 Dioxane contamination spread roughly a mile downgradient of the Yard, moving through fractured granitic bedrock



Private agricultural wells

Six regional supply wells still require carbon wellhead treatment to stay in service.

NOTE: Private well treatment does not treat for all chemicals. 1, 4 dioxane exposure still exists to this day

The Cleanup Is Making Progress — but Far From Finished

191M

gallons of groundwater extracted and treated since 1994

2,408

pounds of VOCs removed from groundwater to date

6

regional supply wells still requiring wellhead treatment. DTSC has acknowledged an active 1,4-dioxane exposure gap — current carbon filters were not designed to treat this chemical

17

wells with rising VOC or 1,4-dioxane levels in April 2024 to April 2025, rebounding from 2023 lows (Table 3)

1

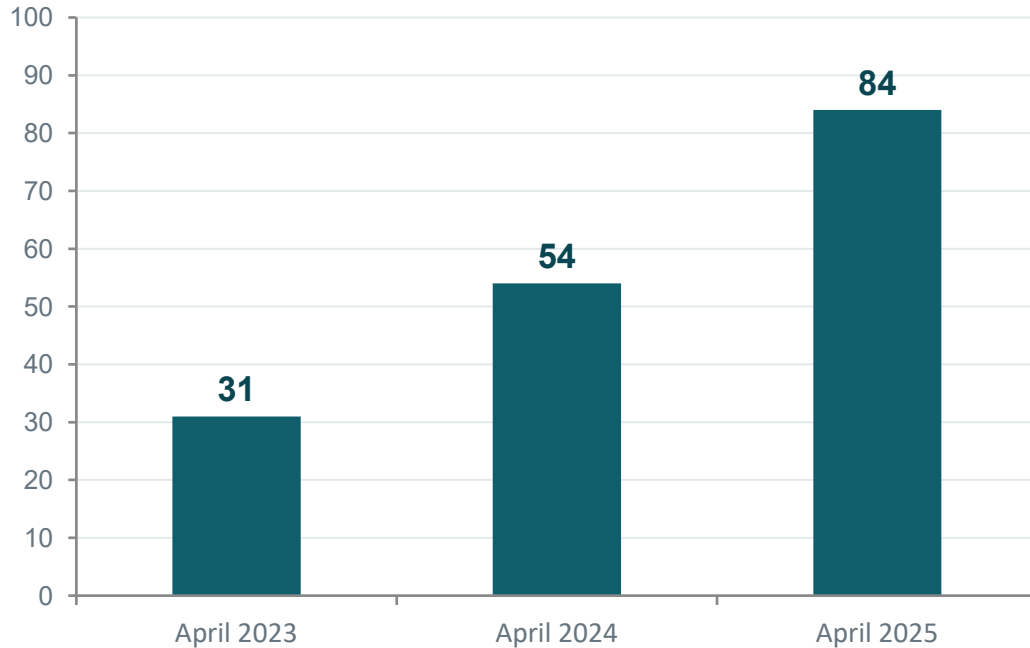
groundwater extraction well currently operating at the Chatham site

Real progress — and real work remaining:

- Contamination persists in fractured granitic bedrock, where flow paths are unpredictable
- The downgradient plume remedy relies solely on natural attenuation — a clean up process measured in decades
- This is precisely why the plume's decline and the need for careful review are both true at once

The Plume Is Not Static — Rebounds Surround This Parcel

Deep Monitor Well MW-72 — TCE



TCE nearly tripled in two years — in the cleanup’s own Table 3 data.

The same upturn — along the plume’s full mile, April 2024 → April 2025:

AT THE SOURCE — THE CHATHAM YARD



P-11 · shallow well, SW corner of the Yard 1,1-DCE 30 → 220; PCE 7.9 → 59; TCE 1.5 → 10 µg/L — every prevalent VOC up ~7-fold or more



EW-4 · extraction well TCE 71 → 87 µg/L — rising at the remedy’s own well

MID-PLUME — AROUND THE PROJECT PARCEL



MW-67 · deep well immediately upgradient of the proposed project parcel
TCE non-detect → 4.4 µg/L — a rebound from nothing



Schnoebelen 1 & Schulte 1 · private wells 1,4-dioxane 11 → 21 µg/L; TCE 4.9 → 8.0 — above the drinking-water MCL

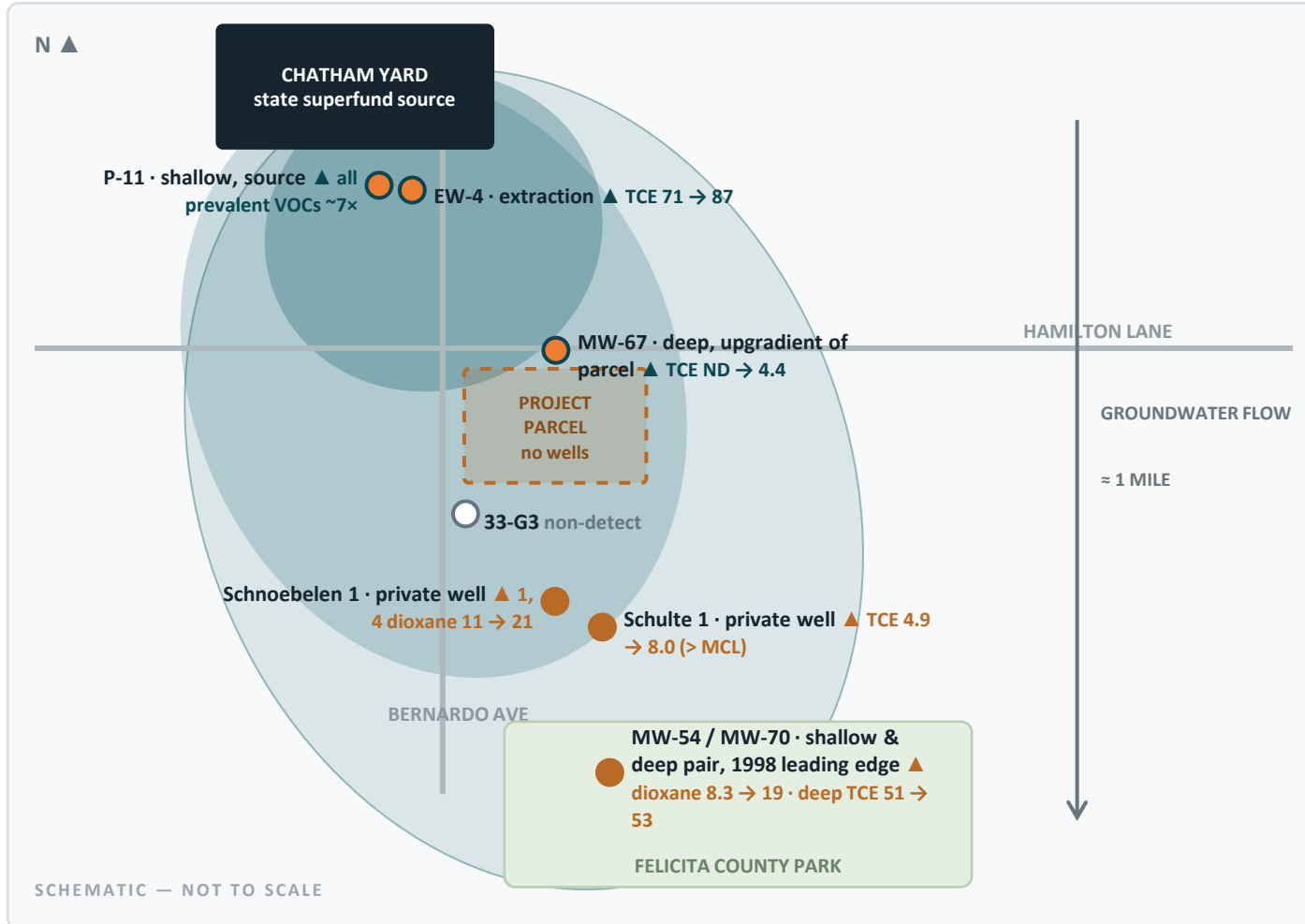
AT THE TOE — FELICITA PARK, ~1 MILE DOWNGRADIENT



MW-54 & MW-70 · shallow & deep pair at the plume’s 1998 leading edge 1,4-dioxane 9.3 → 19 — almost doubled; deep TCE 51 → 53; shallow TCE spiked above the MCL (6.7) in Oct 2024

Correlated rebounds from the source to the toe — and the project parcel sits in between, with no monitoring wells of its own and only one extraction well left running.

The Correlated Rebound, Mapped



One year. One direction. The plume's whole length.

At the source, shallow well P-11 jumped roughly seven-fold in every prevalent VOC — and the extraction well itself is rising.

Around the parcel, the deep well immediately upgradient rebounded from non-detect, and two private wells climbed — one above the drinking-water MCL.

At the toe, a mile out, the 1998 leading-edge pair is rebounding in both the shallow and deep zones.

And at the center of the map: the one parcel with no wells at all — the parcel this project would grade and blast.

▲ = concentration increase, April 2024 → April 2025 (Annual Report, Table 3). Well positions per Annual Report figures ; schematic, not to scale.

A Five-Lot Subdivision — With Heavy Ground Disturbance



Five residential lots

New home construction on a six-acre parcel within the plume, ~700 ft downgradient of the Chatham Yard



Grading in fractured bedrock

Site preparation over fractured bedrock with large rock outcroppings, with the potential for blasting — identified by our hydrogeologist as the single greatest risk to neighboring properties & the ongoing cleanup.



Cut-and-fill earthwork

Redistribution of 8,700 cubic yard of soil across the parcel with no soil management plan in place (Roughly ~870 loads of a typical dump truck)

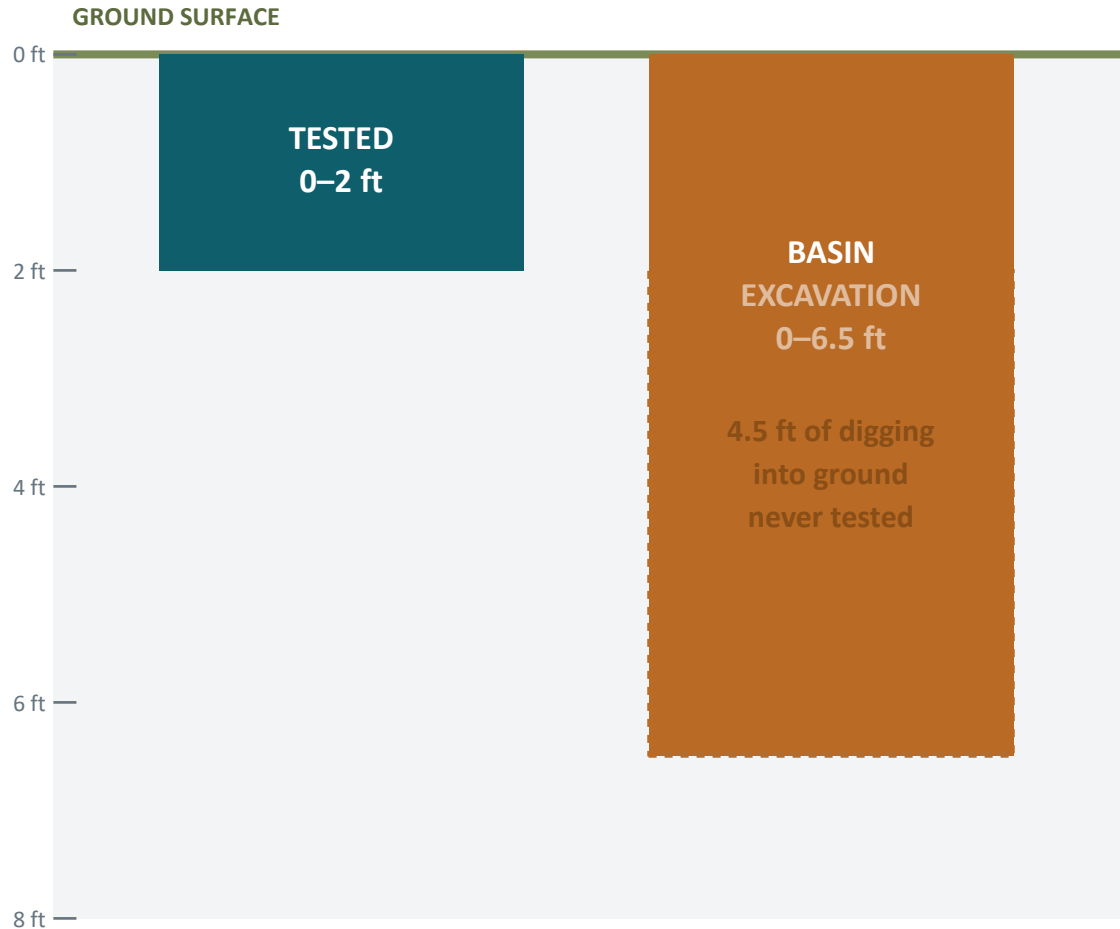


Bioretention basin to 6.5 feet

Stormwater basin excavated well below the depth to which the site was tested

Approved 4–1 by the Planning Commission. The dissenting Commissioner cited the absence of a soil management plan.

Testing Stopped at 2 Feet. Excavation Goes to 6.5 Feet.



And the gap goes deeper than soil testing:

Zero groundwater monitoring wells remain anywhere on the six-acre parcel — the one well that existed was removed at the property owner's request

The environmental review is an addendum tiered from a 2007 study — nineteen years old

DTSC tightened its own vapor-intrusion screening standard in November 2025 — a changed condition the 2007-era review never considered

The Only Groundwater Ever Sampled Here Was Sampled in 2008

Contaminant	March 4, 2008 (µg/L)	MCL (µg/L)	× MCL
Trichloroethylene (TCE)	460	5	92×
Tetrachloroethylene (PCE)	370	5	74×
1,2-Dichloroethane	79	0.5	158×
cis-1,2-Dichloroethylene	110	6	18×
1,1-Dichloroethylene	77	6	13×
Total VOCs	1,096	—	—

Monitoring well MW-57, on this parcel. Duplicate sample the same day returned 470 µg/L TCE and 380 µg/L PCE.

Annual Monitoring Submittal, March 2008, Chatham Site (Hargis + Associates, May 28, 2008), Tables 2–3.

Had MW-57 remained, the nearest monitoring well to this project would not be off-site at all.

It would be the well on this property — the one that recorded ninety-two times the drinking water standard for TCE.

Highest of 19 deep wells

In March 2008, MW-57 recorded the highest concentration of every principal contaminant among the nineteen deep wells sampled across the entire Chatham monitoring network.

“The monitoring well nearest the Project site (33-G3) has no detectible Volatile Organic Compounds.” — Staff Report, p. 110

33-G3 is not a monitoring well. It is a private regional supply well with a pump and a flow totalizer and it is not the nearest monitoring point. The nearest monitoring well is MW-67 — and it contains TCE and PCE, rising again in 2025.

To be plain about the limits of this:

These numbers are from 2008 and the plume has declined substantially since. I am not telling you that 460 µg/L of TCE sits beneath those lots today. I do not know what is there — and neither does anyone else. That is the appeal.

The Most Contaminated Deep Well in the Network

Was Removed 10 Months Later

- NOV 16, 2006** ● **DTSC's own Geological Services Unit objects in writing:** "MW-57 is a critical deep well and should not be decommissioned to accommodate new residential housing."
- MAR 14, 2007** ● **Site Access License Agreement executed.** Paragraph 4 lets the landowner revoke it "in their sole and absolute discretion" on 60 days' notice — whereupon the well must be destroyed.
- MAR 4, 2008** ● **MW-57 sampled.** Highest deep-well concentrations in the entire Chatham monitoring network at the time.
- JUN 16, 2008** ● **Responsible parties decline DTSC's request** for a workplan delineating the deep zone — calling it "over-broad and unwarranted."
- NOV 12, 2008** ● **DTSC concurs in removal.** In the same letter it refuses to remove MW-55, because a sole well "should be kept for sampling to assure that no contaminants are in the groundwater at that location."
- JAN 16, 2009** ● **Destruction completed.** No equivalent replacement well was ever installed on this property.

The 2007 environmental document required this well to stay.

Removal was allowed only on official release, or on a replacement within the project's own private street providing "equivalent deep aquifer information" (Packet, p. 240). The replacement was installed off the parcel. Staff's Addendum says the measure "has been satisfied" (p. 214); the monitoring program before you tonight says it "is not applicable" (p. 685). It cannot be both.

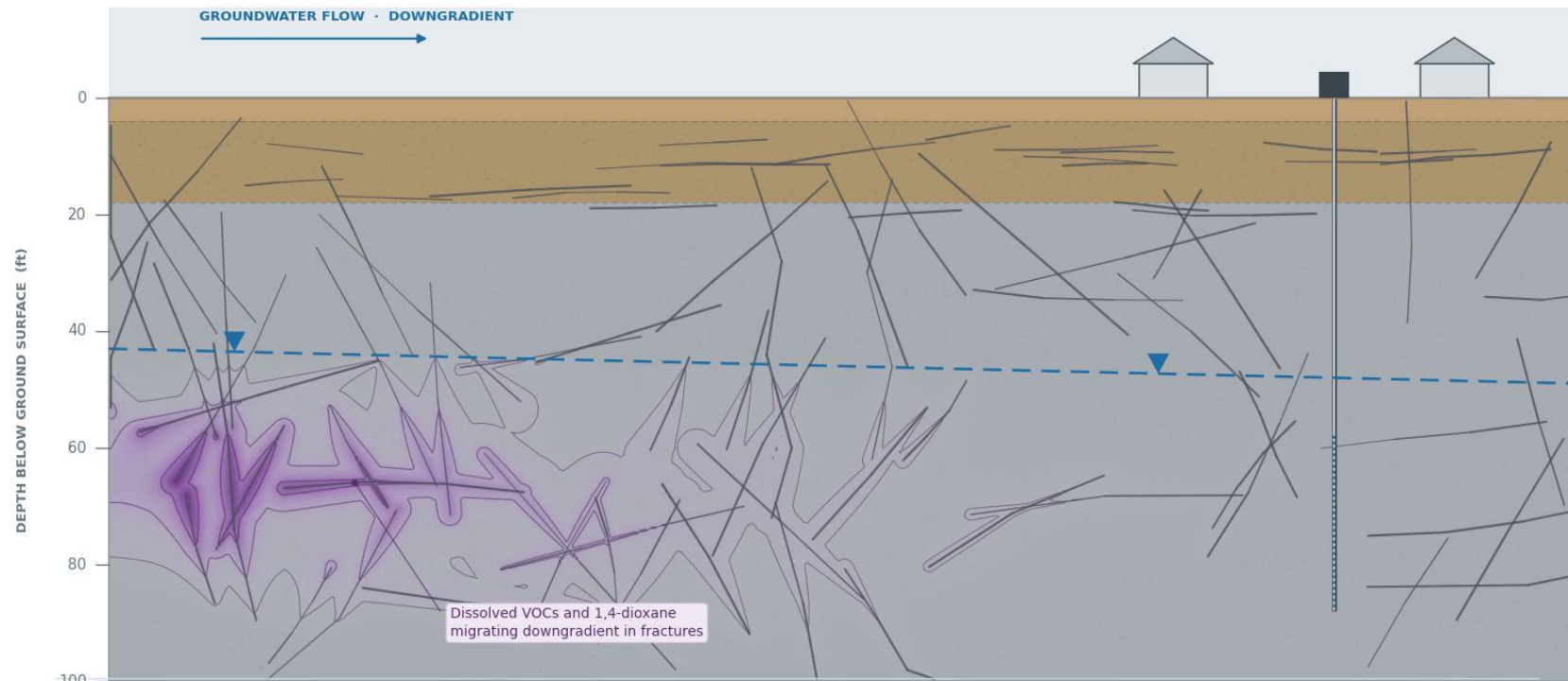
How Blasting Can Alter Contaminant Pathways in Fractured Bedrock

CONCEPTUAL HYDROGEOLOGIC MODEL

CONTAMINANT TRANSPORT

Blasting in Fractured Granitic Bedrock Above a Contaminant Plume step 3 of 6

Illustrative conceptual model — not a site-specific simulation. Vertical exaggeration applied.



Dissolved solvents and 1,4-dioxane migrate downgradient along those fracture pathways.
Volatile compounds also partition into soil vapor above the water table.

Conceptual hydrogeologic model — illustrative, not a site-specific simulation · 50 seconds

No Environmental Agency Formally Reviewed This Development



DTSC — the Superfund lead

Confirmed in writing (May 14, 2026) that it was never notified of this project by the city or the applicant and confirmed on July 10th that they have no review or decision-making role over development built within the groundwater plume.



Regional Water Board

The June 10 remarks staff relies on were five minutes of public comment, not a formal review. 15 days later, on a recorded call, the same geologist narrowed his statement to the shallow plume and acknowledged blasting had not been reviewed.



That leaves one responsible land-use authority: the City of Escondido.

Whatever environmental scrutiny this project receives, it receives here — in this Council's decision. No state agency is standing behind you on this one.

A Licensed Hydrogeologist Has Reviewed This Site



Scott Snyder, PG, CHG

CA Professional Geologist No. 7356

Certified Hydrogeologist No. 748

30 years' experience · 25 in San Diego Co.

Personal site visit: June 25, 2026

*Stamped letter: July 24, 2026 —
in the administrative record*

Key professional findings:



Blasting in fractured bedrock is the single greatest risk — it can open new pathways through the very rock that carries the contamination



The site is uncharacterized at the depths the project will disturb — testing to 2 feet cannot support a 6.5-foot excavation



The lined bioretention basin has no liner-integrity monitoring and no downgradient groundwater sampling plan



With no monitoring wells on the parcel, no one can measure what construction does to groundwater beneath it

These are engineering findings from a licensed expert — the only site-specific professional analysis in the record.

What We Are Asking the Council to Require

1

Evaluate the project for health risks and threats to the cleanup

Condition any further consideration on review of project design and investigation documents, with formal DTSC and Regional Board technical input

2

Require a geotechnical investigation

Blasting for grading, utilities, and the basin is unresolved — the letter calls this “a minimum requirement of City Council”

3

Require monitoring wells on the development site

To determine whether the plume is beneath the site, sampled on the Chatham schedule, plus a perched-groundwater evaluation

4

Require a robust soil-vapor program

More sampling locations at variable depths — at minimum, beneath each proposed residence

5

Require soil testing to maximum excavation depth + a soil management plan

Before and during all soil disturbance, protective of neighboring properties

6

Require basin safeguards — and prohibit on-site water wells

Redundant second liner, monitoring points beneath the basin, and a failure response plan; no irrigation or supply wells on the parcel

These are the stamped recommendations of Snyder Geologic's July 24 letter, already in your record. Condition the project on them — before any ground disturbance.

If the City Approves Without the Studies, the City Owns the Risk



The law puts this on the Council

The Subdivision Map Act (Gov. Code §66474) requires denial of a map where the site's conditions or design are likely to cause serious public health problems. The Council cannot make that finding — either way — without additional site data.



DTSC has warned about plume migration liability

The Snyder letter records DTSC's advisory that a party who causes the groundwater plume to migrate to a new area may be named a responsible party. Blasting a fractured rock aquifer could produce exactly that result — and the record will show the City was warned, in writing, by a licensed expert.



The studies are cheap; the alternative is not

A Phase II investigation is a routine, bounded cost measured in weeks. Disturbing an active plume without data risks the cleanup itself, neighboring wells, and years of litigation.

Requiring the studies protects the project, the neighborhood, the cleanup — and the City.

OUR REQUEST TONIGHT

Match the review to the site.

Grant the appeal and condition Project PL24-0067 on a Phase II environmental investigation and the site-specific studies recommended by the licensed hydrogeologist in your record — before any ground disturbance begins.

This is not a request to stop housing. *It is a request that a six-acre parcel within an active State Superfund plume — 700 feet downgradient of the source — receive the environmental review its complexity demands.*

Thank you. · Heidi Whitman, Appellant