Closed Disposal Site Inspection Report (188)

Enforcement Agency:	County of San Diego

SWIS Facility File Number (99-xx-9999)	Inspection Date	Program Code
37-CR-0028	8/24/2016	LEA Periodic

Time In	09:55	Time Out	11:55	Inspection Time	2.5

Facility Name	Received By
Gunpowder Point (Paradise Marsh)	
Facility Location	**Owner Name**
Tb 69-B3 Tidelands Ave, Chula Vista 91910	
Inspector	**Also Present (Name)**
Anthony Torres	Naomi Walski

THE ABOVE FACILITY WAS INSPECTED FOR COMPLIANCE WITH APPLICABLE SECTIONS OF DIVISION 30 OF PUBLIC RESOURCES CODE (PRC) AND TITLE 14 AND TITLE 27 CALIFORNIA CODE OF REGULATIONS (CCR)

	No Violations or Areas of Concern

V	A	Regulations
X		21140 - Final Cover
		Comments: Burnash continues to remain exposed at the surface in Ash Deposit 1 from the unauthorized digging that occurred in 2008 on US Fish & Wildlife Service (USFWS) property and at other locations throughout the site with no final cover. Animal digging continues along the southern section of the site impacting final cover. Corrective Actions: Until such time remediation actions are implemented under Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) process, the final cover shall function with minimum maintenance and provide waste containment to protect public health and safety by controlling at a minimum vectors, litter and waste migration into California State waters for public health, safety and the environment. The property owners shall continue to work with the LEA on a response plan with implementation timelines to bring the site into compliance with state regulations for a closed solid waste disposal site.
X		20820 - Drainage and Erosion Control
		Comments: A section of the side back with concentration burnash along the shoreline in the connector marsh was observed to have experienced additional cracking and separation from the side bank due to tidal flooding (Photo #3). One of the southern cracks that had separated from the side back continues to erode into the sea water due to tidal flushing (Photo #4). On January 13, 2016, the LEA meet with United State Fish and Wildlife Service (USFWS), Andy Yuen and their Consultants, Geosyntec, and Star Resources Corp to discuss a proposed interim measures to minimize future soil erosion along the west embankment. The bird nesting season (Feb through August) resulted in delays for implementing corrective action. On August 1, 2016, USFWS provided the LEA with a Draft Memorandum dated June 8, 2016 from their consultants Star Resources and Geosyntec Consultants that documents approximately 325 linear feet of shoreline requires reinforcement. The memorandum outlined 5,500 square feet will need to be stabilized, a 2 to 3 year life expectancy for the five erosion control alternatives was based on USFWS plan to complete a Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) removal action plan in the next several years and the cost estimate for each erosion control alternative. The memorandum and/or other documentation provided to the LEA does not identify the approximate time-line to implement the interim measures to stabilize the connector marsh shoreline to minimize drainage and erosion of burn ash into the water. Corrective Actions: By November 1, 2016, the USFWS shall provide the LEA with a proposed work-plan and estimated time-line to implement erosion control measures before the next bird nesting season to minimize the continuous erosion of burn ash in the water as a result of high tides and tidal flushing effecting the shore line of the connector marsh. The drainage system shall be designed and maintained to prevent safety hazards and prevent exposure of waste.

X		20530 - Site Security
		Comments: An area just west of the northern railroad bridge on the connector marsh was observed to have had some recent digging activity within a 30 foot diameter area (Photo #2). Corrective Actions: The property owners shall continue with the quarterly site patrols to discourage unauthorized entry onto the burnsite. The result of the site inspection shall be summarized and provided to the LEA on the following frequency: Site patrols for January, February, and March are due May 1, records for April, May and June are due August 1, records for July, August and September are due November 1, and records for October, November and December are due February 1.

Inspection Report Comments:

General Comments: Naomi Walski with the Department of Environmental Health also accompanied the LEA during the site inspection.

A new United States Fish and Wildlife Service (USFWS) "Danger Keep Out" sign was posted along the open north area of the connector marsh (Photo #1).

On August 1, 2016, USFWS provided the LEA with draft reports titled Supplemental Site Investigation Sweetwater Marsh Unit San Diego Bay National Wildlife Refuge Chula Vista, California, dated September 2015 which is now described as (Operable Unit 1), Preliminary Assessment/Site Inspection Report Gunpowder Point Project Chula Vista, California, dated October 2011 (Operable Unit 2), and a Preliminary Assessment/Site Investigation F & G Street San Diego Bay National Wildlife Refuge, Sweetwater Marsh Unit Chula Vista, California, dated July 6, 2015 (Operable Unit 3). The information is pending review by the LEA.

The grate above a drain pipe along the bike path under the southbound on-ramp to Interstate Highway 5 was still missing exposing the drain pipe and a three foot open hole. The property owner shall provide a drain cover to the exposed three foot hole for public safety as part of site maintenance.

Metropolitan Transit System has not submitted the results of their 2015, or the 2016 quarterly site inspection results to the LEA. By November 1, 2016 provide the LEA with a summary of the 2015 and 2016 quarterly site inspections.

California Department of Transportation has not submitted the results of their 2016 quarterly site inspection results to the LEA. By November 1, 2016 provide the LEA with a summary of the 2016 quarterly site inspections.

On August 1, 2016, San Diego Gas and Electric (SDG&E) provided the LEA with a written summary of their 2016 second quarterly site inspection. During the June 9, 2016 site inspections, the signs along the south entrance were observed posted and the gates were locked. No illegal encampments were observed on SDG&E property.

On August 1, 2016, USFWS submitted the missing 2014, 2015 and the 2016 quarterly site inspection results to the LEA. The quarterly reports include corrective actions taken or to be taken within the next three, six and 12 month periods. The results of refuge law enforcement patrols documented no unauthorized activities from 2014 through 2016 other than trespass activity. Patrols included Paradise Marsh, Connector Marsh, Marisma de Nacion and North of the Living Cost Discovery Center. Corrective actions during that time included maintaining posted signage, erosion control measures at Ash Deposit 1 and continued site patrols.

Most of the vegetation hanging over the east perimeter fence onto the bike path had been cut back for bike trail safety. A hole was observed in the southeast corner of the perimeter fence that was partially repaired (Photo #5).

A commercial real estate sign was posted on the adjacent parcel for available commercial use (Photo #6).

Ec: Andy Yuen, U.S. Fish and Wildlife Service
Jeffery Johnson, DOI
Sean Joyner, DOI
Barbara Montgomery, SDG&E
Diane Vermeulen, Caltrans
Tim Allison, MTS
Poonam Acharya, DTSC
John Odermatt, RWQCB
Terry Kloepfer, Caltrans
Brian Collins, USFWS
MaryAnn Amann, USFWS

A new US Fish and Wildlife Refuge Closed Area "Danger Keep Out" sign was posted along the open north area of the connector marsh. Photo #1 looking southeast.

An area just west of the northern railroad bridge in the connector marsh was observed with some recent digging within a 30 foot area. Photo #4 looking east.

A section of the side back with concentration burnash along the shoreline in the connector marsh was observed to have experienced additional cracking and separation from the side bank due to tidal flooding. Photo #3 looking south.

One of the southern cracks that had separated from the side bank in the connector marsh continues to erode into the sea water due to tidal flushing. Photo #4 looking north.

Most of the vegetation hanging over the east perimeter fence onto the bike path had been cut back for bike trail safety. A hole was observed in the southeast corner of the perimeter fence that was partially repaired. Photo #5 looking north.

A commercial real estate sign was posted on the adjacent parcel for available commercial use. Photo #6 looking north.