Appendix D3

Phase I ESA Peer Review

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MEMORANDUM

To:	Matt Valerio, Dudek
From:	Jennifer Kerschbaum; Audrey Herschberger
Subject:	Peer Review of Phase I Environmental Site Assessment and Environmental Soil Screening Evaluation, EV Truck Stop, 1640 Tidelands Avenue, National City, California
Date:	August 15, 2025, Updated October 6, 2025
cc:	none

This memorandum transmits the findings of a peer review of the Phase I Environmental Site Assessment (ESA) conducted on 1640 Tidelands Avenue, National City, California (subject property), prepared for Skychargers LLC by NV5 on December 9, 2024 (Phase I ESA). This peer review also includes a review of an Environmental Soil Screening Evaluation completed on the subject property, prepared for Skychargers, LLC by Geocon Incorporated on April 1, 2025 (Soil Analysis). This peer review was completed by an Environmental Professional as defined in Appendix X2 of the American Society for Testing and Materials (ASTM) E 1527-21 Standard (ASTM Standard).

This peer review focuses on the adequacy of the Phase I ESA both with respect to a complete analysis in accordance with the ASTM Standard and to support the analysis of the project under the California Environmental Quality Act (CEQA), and the adequacy of the Environmental Soil Screening Evaluation with respect to standard practice of environmental investigations, investigation of recognized environmental conditions (RECs) identified in the Phase I ESA, and to support the analysis of the project under CEQA. This peer review also includes a professional opinion of the reports, including findings, conclusions, and general viability. Where changes to the Phase I ESA are recommended, a recommendation is also provided with respect to the CEQA analysis. Dudek notes the subject property boundary assessed in the Phase I ESA is larger than the proposed project boundary which will be evaluated under CEQA; the proposed project boundary consists of the northern portion of the subject property evaluated in the Phase I ESA.

1 Peer Review of Phase I Environmental Site Assessment

Table 1. Peer Review of Phase I Environmental Site Assessment

Topic and ASTM/Regulatory Section	Report Section(s)	Comments	Recommended Action
ASTM E 1527-21 Standard			
Purpose and Scope ASTM Section 12.4	2.0, 7.0	The Phase I ESA identifies the subject property (acreage, parcel number, and brief description) purpose of the Phase I ESA (Section 7.0, Scope of Services), and scope of the report under ASTM E 1527-21. REC, CREC, and HREC acronyms are defined, but definitions per the ASTM Standard are not provided. De minimis is defined as "not a recognized environmental condition." Vapor encroachment conditions (VECs) are not evaluated. Figures are provided in Appendix 2.	No recommended changes to the Phase I ESA.

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Topic and ASTM/Regulatory Section	Report Section(s)	Comments	Recommended Action
Viability of Report ASTM Section 4.6	General	The Phase I ESA was conducted in November 2024; the earliest data acquisition was the interviews, completed on November 14, 2024 (Appendix 6). ASTM Standard Section 4.6 states the validity of the Phase I ESA is 180 days from the earliest date of data acquisition. As of the date of this review (August 2025), the report is no longer viable. Dates of data acquisition, including interviews, government record requests, site reconnaissance, and environmental professional declaration are all provided in appendices and in Section 9.0.	The Phase I ESA is no longer viable for the purposes of property transaction, unless updated in accordance with Section 4.6 of the ASTM Standard. With respect to the CEQA analysis: records are added and deleted in regulatory databases on a rolling basis. Therefore, a revised regulatory database search should be conducted as part of the analysis.
Activity and Use Limitations ASTM Sections 5, 6	3.2	An environmental lien and activity use limitation search was not conducted.	In order to qualify for Landowner Liability Protections for CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) liability, a search for environmental liens and AULs between 1980 and the present must be completed, as described in Section 6.2 of the ASTM standard. With respect to the CEQA analysis: CERCLA liabilities are not a consideration, and therefore an environmental lien and AUL search is not required.

Table 1. Peer Review of Phase I Environmental Site Assessment

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User Questionnaire ASTM Section 6; Appendix X3	3.2	The user provided responses to the questions outlined in ASTM sections 6.2.4 to 6.8. Date of interview was included on the interview form in Appendix 6.	No recommended changes to the Phase I ESA.
Records Review ASTM Sections 8, 4.6.1	5.0, 7.6, 1.2	List of public records requested is thorough and includes state and local records, including those prescribed in Section 8.2.1 of the ASTM Standard. Some, but not all, of the records are defined in Section 7.6 of the report; the remaining records databases are defined in the database report, Appendix 5. Listings for the subject property, adjoining properties, and surrounding properties were reviewed as required by Section 8.2.3.1. Significance of each of the findings, including REC determinations, was discussed in Section 5.1.3.	No recommended changes to the Phase I ESA.
Site Reconnaissance ASTM Section 9	6.0	A site visit was conducted in general accordance with Section 9 of the ASTM Standard. Interior and exterior observations of the subject property were included. Photographs were provided as Appendix 1. The site reconnaissance discussion did not include the current and past uses and conditions of the subject property and adjoining properties, per ASTM Standard Section 9.4. It also did not include a discussion of current or past uses in the surrounding area.	The Phase I ESA report should be updated to include a discussion of site observations in accordance with Section 9.4 of the ASTM Standard, including current use and condition of the subject property and adjoining properties, and obvious past uses of the subject property and adjoining properties. With respect to the CEQA analysis: current use and condition of the subject property should be evaluated for obvious past uses of the subject property and adjoining properties as it relates to the use of hazardous materials.
Interviews ASTM Section 10	1.1, 4.0	Interviews with site owners, managers, and occupants were not conducted as required by Section 10.5 of the ASTM Standard. The report evaluates the data gap as minimally significant.	No recommended changes to the Phase I ESA.

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Historical Use ASTM Section 8.3	5.3	Historical use information was obtained from multiple standard historical sources as required by Section 8.3.4 of the ASTM Standard. Use of the subject property, adjoining properties, and surrounding properties was defined back to 1904, before first use of the subject property.	No recommended changes to the Phase I ESA.
Evaluation of Subject Property ASTM Sections 12.5, 12.6, 12.7	1.2, 1.3	The Findings and Opinions and Conclusions (Section 1.2, 1.3) outline the findings of the Phase I ESA and provides a professional evaluation and opinion with respect to RECs, CRECs, and HRECs. Two RECs were identified for the subject property. The first REC, due to a 1987 Site Cleanup, was based on limited information available. Based on the lack of documentation, this REC could also be defined as a significant data gap. The second REC was due to a 2006 Corrective Action at Naval Station San Diego, adjoining the subject property. While the REC notes groundwater contamination, it is unclear where this information was obtained, as the source is not discussed or cited.	The Phase I ESA should be updated to include reference to the adjoining property data to justify the REC finding. With respect to the CEQA analysis: these RECs identified in the Phase I ESA should be independently evaluated to determine if hazardous material releases may have occurred which could impact the project site. This evaluation may include additional review of available regulatory documents.
Data Failures and Data Gaps ASTM Sections 8.3.6, 12.5.1	1.1, 1.2	Data gaps were identified, and the significance was evaluated. As noted above, one REC, due to a 1987 Site Cleanup, was based on limited information available. Based on the lack of documentation, this REC could also be defined as a significant data gap	No recommended changes to the Phase I ESA.

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Topic and ASTM/Regulatory Section	Report Section(s)	Comments	Recommended Action
User Reliance ASTM Section 3.2.94	Cover page	The report identifies Skychargers LLC as the user of the report.	No recommended changes to the Phase I ESA. Should additional parties rely on the report for due diligence or financial purposes, the Phase I ESA cover page should be updated to include this reliance. With respect to the CEQA analysis: the analysis is not typically completed for due diligence or financial purposes, and therefore the user reliance is not necessarily required.
Signature and EP Statement ASTM Section 12.7	9.0	Signatures and statements of EPs	No recommended changes to the Phase I ESA.
CEQA Hazards and Hazardous Materials Assessment			
Regulatory Setting	5.0	While the Phase I ESA does not directly discuss regulatory setting of the project, the regulatory file review includes applicable state and regional environmental regulatory agencies that may regulate the subject property (Section 5.2). The Phase I ESA includes a database search of all regulatory agencies that manage hazardous material permitting on the subject property, but does not clearly specify which agencies hold permitting responsibility. The Phase I ESA does not include evaluation of regulatory oversight by fire protection or emergency services, or general plans for the overlying jurisdictions. This would be evaluated during the CEQA analysis.	No recommended changes to the Phase I ESA. With respect to CEQA analysis: as the Phase I ESA does not clearly define permitting agencies for hazardous materials and wastes on the subject property, additional information will have to be included.

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Environmental Setting	2.3	This section generally describes the location, use, soils, and predicted groundwater characteristics. The information provided is adequate for CEQA analysis.	No recommended changes to the Phase I ESA.
CEQA Impact Analysis and Mitigation *Thresholds a) through d) – potential for significant hazards to the public, environment, or nearby schools due to the presence of hazardous materials.*	6.2	The Phase I ESA includes a visual inspection of the subject property, including observations on the absence of hazardous materials. All necessary components of the ASTM Standard were completed, except for those items noted below. This Phase I ESA can be used to conduct a hazards analysis of the subject property, but should be supplemented with updated regulatory records reviews. Two RECs were identified on the subject property. No CRECs, HRECs, or other indications of release of hazardous substances or petroleum products were identified.	No changes are recommended to the Phase I ESA.
Impact Analysis and Mitigation *Thresholds e) through g) – hazards associated with airports, emergency evacuation, and wildfires*	2.0	This information is reviewed and analyzed during the CEQA process and is not generally included in the Phase I ESA. The location of the subject property can be more clearly defined in the Phase I ESA to provide proper evaluation of these items.	No recommended changes to the Phase I ESA.

2 Peer Review of Soil Screening Evaluation

The Environmental Soil Screening Evaluation (Soil Evaluation) was completed to provide a limited evaluation of general soil conditions on the project site, including sampling and analysis for contaminants of concern. It notes that "a Phase I ESA was not provided," and was therefore completed independently of the Phase I ESA included in this peer review. As such, it does not investigate the two RECs identified in the Phase I ESA. The subject property evaluated in the Soil Evaluation is the same as the proposed project boundary that will be evaluated under CEQA.

Ten soil samples were collected from five geotechnical borings completed in various locations on the subject property. Samples were collected at 3 and 8 feet below ground surface, and were analyzed for total petroleum hydrocarbons (TPH) as gasoline-range (TPHg), diesel-range (TPHd), and oil-range (TPHo) organics; volatile organic

compounds (VOCs); semi-volatile organic compounds (SVOCs), including polynuclear aromatic hydrocarbons (PAHs); polychlorinated biphenyls (PCBs); and Title 22 metals.

TPHd was detected in three of ten samples, TPHo in one sample, metals in each of the soil samples, and PAHs in one sample. VOCs, SVOCs, and PCBs were not detected in any of the samples. Detected concentrations were compared to Environmental Screening Levels (ESLs) for commercial and industrial use (SWRCB 2025). TPHd, TPHo, metals (except arsenic), and PAHs[1] were all detected at concentrations below commercial/industrial ESLs. Arsenic was detected in all samples, ranging in concentration from 1.0 part per million (ppm) to 1.8 ppm. While these concentrations are above commercial/industrial ESLs, they are below the established background concentration of 12 ppm in southern California, including San Diego County (DTSC 2020), and therefore do not indicate a release of hazardous materials to the environment.

The Soil Evaluation provides adequate data to support the conclusion that soil impacts were not identified at the subject property. However, as the analysis was conducted independently of the Phase I ESA, this conclusion does not determine impacts of identified RECs on the subject property.

3 Conclusions

The Phase I ESA was completed in accordance with the ASTM E 1527-21 Standard, except for those deficiencies noted in Table 1. The Phase I ESA and Soil Evaluation are partially adequate to support the analysis hazards and hazardous materials of the project under CEQA. The following items are noted, and should be evaluated independently during the CEQA analysis:

- Records are added and deleted in regulatory databases on a rolling basis. Therefore, a revised regulatory database search should be completed.
- It is assumed the Phase I ESA is not being used for financial or due diligence purposes and is only being used as a technical document for CEQA. Should the user of the Phase I ESA want to qualify for Landowner Liability Protections for CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) liability, a new Phase I ESA must be completed within 6 months of property transaction, should include a search for environmental liens and AULs between 1980 and the present, and should identify the prospective purchaser and any other lienholders or invested individuals as user(s) of the report, or include a letter of reliance naming the user(s) as additional party(ies).
- A thorough review of current operations on the subject property and adjoining properties should be completed.
- The two RECs identified on the subject property should be further evaluated to justify the findings and determine potential impacts to the proposed project site.

4 References

DTSC (Department of Toxic Substances Control) 2020. Human Health Risk Assessment Note Number 11, Southern California Ambient Arsenic Screening Level, December 28, 2020.

SWRCB (California State Water Resources Control Board) 2025. 2025 Environmental Screening Level Summary Tables, Revision 3. July 2025.

[1] Phenanthrene and benzo(g,h,i)perylene do not have ESLs.