

## CALIFORNIA ENVIRONMENTAL QUALITY ACT STATEMENT OF FINDINGS

The Department of Toxic Substances Control (DTSC) has issued Findings for this project pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, Division 13, Section 21081) and implementing Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15091 et seq.)

### A. PROJECT SUBJECT TO DTSC APPROVAL

PROJECT TITLE: Removal Action Workplan, Proposed Salinas Regional Sports Authority (SRSA) Soccer Complex, Operable Unit 2		SITE CODING: 202315
PROJECT ADDRESS: Constitution Boulevard and East Laurel Drive	CITY: Salinas	COUNTY: Monterey
PROJECT SPONSOR: Salinas Regional Sports Authority	CONTACT: Kurt Gollnick	PHONE/ EMAIL: gollnickkurt@gmail.com (831) 637-2133
Approval Action Under Consideration by DTSC: Removal Action Workplan		
STATUTORY AUTHORITY: California H&SC, Chapter 6.8		
<p>PROJECT DESCRIPTION: The Department of Toxic Substances Control (DTSC) has approved the <i>Removal Action Workplan, Proposed Salinas Regional Sports Authority (SRSA) Soccer Complex, Operable Unit 2</i> (RAW) for the proposed Salinas Regional Sports Authority's expansion of the Soccer Complex. The RAW summarized and reported on previous environmental investigations and proposes a remedy for arsenic-impacted soil that was identified as chemical of concern (COC) in the Operable Unit 2 (OU-2) area. The proposed remedial activities are detailed in the RAW and involve shallow excavation, burial, and capping-in-place of arsenic-impacted soils at the proposed soccer complex.</p> <p><u>Background:</u> The site is vacant and is located within an agricultural area surrounded by parcels developed with existing recreational facilities to the west, residential subdivision to the north, government facilities to the south, commercial properties to the east, and a hospital to the northwest. SRSA proposes to expand the Soccer Complex that comprises of approximately 34 acres located approximately 1200 feet east of the intersection of Constitution Boulevard and East Laurel Drive in Salinas, California. The proposed expansion is divided into Operating Unit 1 (OU-1; approximately 15.4 acres) and Operating Unit 2 (OU-2; approximately 19 acres).</p> <p>As identified in a Phase I Environmental Site Assessment (ESA) prepared in 2011, a potential recognized environmental condition (REC) exists for the entire 34-acre soccer complex expansion site related to its prior use for agricultural purposes. Specifically, organochlorine pesticides (OCPs) and/or arsenic in the form of arsenical herbicides may have been applied during its agricultural uses. The ESA recommended that a Phase II ESA be conducted to test site soils for these materials and to determine if the REC exists.</p> <p>A Phase II ESA was prepared in 2019 in which site soils were evaluated for OCPs and arsenic. A site-specific arsenic background concentration of 9.8 mg/kg was developed using the data collected during the Phase II ESA. Concentrations of OCPs were found to be below their applicable environmental screening levels (ESLs) and are not a COC for the site.</p> <p>Using the background screening level of 9.8 mg/kg for arsenic, the site was partitioned into two operating units (OU-1 and OU-2) to facilitate separate evaluation. The northwest portion of the site having soils with arsenic detected below the background concentrations or of lesser concern was identified as OU-1. The soils in the southwestern, south-central, and southeastern portions of the site were detected with arsenic above the background screening level and were identified as OU-2. The site was partitioned into two OUs to facilitate no further action (NFA) evaluation and approval from DTSC and to allow development of the OU-1 for proposed two soccer fields and paved parking areas, while continuing to mitigate the arsenic-impacted areas separately in the remainder of the site (OU-2).</p> <p>The RAW was prepared to propose a remedy for arsenic-impacted soils in OU-2. Based on the recreational land use, a risk-based cleanup goal of 7.27 milligrams per kilogram (mg/kg) was selected for arsenic at OU-2. The cleanup goal will be compared to an upper-bound estimate of the mean concentration in soil. In addition, residual concentrations are not to exceed 13 mg/kg without exposure controls.</p> <p><u>Project Activities:</u> Project activities will involve excavation of approximately 378,000 cubic feet of arsenic-impacted soils in the western, central, and eastern portions of OU-2 to a depth of 1 foot below ground surface. The excavated soil will</p>		

then be buried beneath a clean soil cap at a consolidation area located in the northeast corner of OU-2 which covers approximately 189,000 square feet. A minimum 1-foot thick, clean-soil cap, underlain by an orange marker barrier, will be placed over the buried arsenic soils in the consolidation area. Soils at depths below one foot where arsenic concentrations greater than 13 mg/kg occur will be left in place, and the overlying clean soils will be undisturbed and considered a clean cap.

Institutional controls will be incorporated to further reduce or eliminate potential exposure to elevated levels of arsenic in soil at the site. A land use covenant (LUC) will be executed between DTSC and the property owner and recorded to restrict the land use to recreational use and to ensure that the cap is operated and maintained, and that future uses of the property are consistent with the operation and maintenance of the cap.

An operation and maintenance plan (O&M plan) will be submitted and approved by DTSC. The O&M plan will include a soil management plan detailing proper soils management during arsenic intrusive work. The O&M agreement will also specify the requirements for future operation and maintenance of the cap.

DTSC utilized information and analysis in the *Salinas Regional Soccer Complex, Mitigated Negative Declaration and Initial Study* (MND), to support a final determination about the type of environmental document required to be prepared for the *Removal Action Workplan, Proposed Salinas Regional Sports Authority (SRSA) Soccer Complex, Operable Unit 2*, as provided by Sections 15162, 15163, and 15164 of the CEQA Guidelines. Specifically, the MND analyzed potential impacts related to onsite earth moving activities in Section 2 under Air Quality, Biological Resources, Cultural Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise.

**B. LEAD AGENCY ENVIRONMENTAL DOCUMENT REVIEWED**

Lead Agency: City of Salinas
Lead Agency’s Environmental Document: Salinas Regional Soccer Complex, Mitigated Negative Declaration and Initial Study
Date Certified: November 24, 2014
State Clearinghouse Number: 2014081020

**C. STATEMENT OF FINDINGS AND FACTS FOR ADEQUACY OF LEAD AGENCY ENVIRONMENTAL DOCUMENT**

Using its independent judgment, DTSC makes the following findings:

- The Lead Agency Final Environmental Document includes a description of the Project now before DTSC for decision
- The Lead Agency Final Environmental Document adequately analyzed impacts associated with the Project before DTSC for decision.
- DTSC concurs with the findings made by the Lead Agency Final Environmental Document relating to the Project before DTSC for decision.
- Mitigation measures are included in the Lead Agency Final Environmental Document for the following resources that would potentially be affected by the DTSC project.

<input type="checkbox"/> Aesthetics	Mitigation Measure: None
<input type="checkbox"/> Agricultural Resources	Mitigation Measure: None
<input type="checkbox"/> Air Quality	Mitigation Measure: None

<input type="checkbox"/> Agricultural Resources	Mitigation Measure: None
<input checked="" type="checkbox"/> Biological Resources	Mitigation Measure: BIO-1 (refer to Mitigated Negative Declaration and Initial Study (November 2014), see Attachment A)
<input checked="" type="checkbox"/> Cultural Resources	Mitigation Measure: CR-1 and CR-2 (refer to Mitigated Negative Declaration and Initial Study (November 2014), see Attachment A)
<input type="checkbox"/> Energy	Mitigation Measure: None
<input type="checkbox"/> Geology / Soils	Mitigation Measure: None
<input type="checkbox"/> Greenhouse Gas Emissions	Mitigation Measure: None
<input checked="" type="checkbox"/> Hazards / Hazardous Materials	Mitigation Measure: HAZ-1 (refer to Mitigated Negative Declaration and Initial Study (November 2014), see Attachment A)
<input type="checkbox"/> Hydrology / Water Quality	Mitigation Measure: None
<input type="checkbox"/> Land Use / Planning	Mitigation Measure: None
<input type="checkbox"/> Mineral Resources	Mitigation Measure: None
<input type="checkbox"/> Noise	Mitigation Measure: None
<input type="checkbox"/> Population / Housing	Mitigation Measure: None
<input type="checkbox"/> Public Services	Mitigation Measure: None
<input type="checkbox"/> Recreation	Mitigation Measure: None
<input type="checkbox"/> Transportation / Traffic	Mitigation Measure: None
<input type="checkbox"/> Tribal Cultural Resources	Mitigation Measure: None
<input type="checkbox"/> Utilities / Service Systems	Mitigation Measure: None
<input type="checkbox"/> Wildfire	Mitigation Measure: None

Mitigation measures identified in the Lead Agency Final Environmental Document have been adopted by DTSC for this Project and will be implemented to avoid, reduce, or substantially lessen the project impacts. No additional mitigation measures are necessary, and no additional mitigation monitoring plan is required pursuant to CEQA.

For each significant environmental effect identified for the Project:

- Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the Lead Agency Final Environmental Document.
- Such changes or alterations are within the responsibility and jurisdiction of the City of Salinas not DTSC.
- Such changes have been adopted by this public agency or can and should be adopted by this public agency.
- Mitigation measures included in the Lead Agency Final Environmental Document are infeasible, and therefore, will not be incorporated into the DTSC Project for the following reasons: N/A

**BASED ON THE ABOVE FINDINGS, DTSC CONCLUDES:**

The proposed Project will not result in significant and unavoidable effects to the environment.

The proposed Project will result in significant and unavoidable effects to the following environmental resources:

<input type="checkbox"/> Air Quality	<input type="checkbox"/> Mineral Resources
<input type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Noise
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing
<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Public Services
<input type="checkbox"/> Energy	<input type="checkbox"/> Recreation
<input type="checkbox"/> Geology/ Soils	<input type="checkbox"/> Transportation/Traffic
<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Tribal Cultural Resources
<input type="checkbox"/> Hazards/Hazardous Materials	<input type="checkbox"/> Utilities/ Service Systems
<input type="checkbox"/> Hydrology/ Water Quality	<input type="checkbox"/> Wildfire

Impacts to these resources would remain significant even after applying mitigation measures described in the Lead Agency Final Environmental Document, or there is no feasible mitigation available.

In accordance with Cal. Code of Regs., title 14, section 15093, a Statement of Overriding Considerations was adopted by the Lead Agency for these resources. DTSC adopts a Statement of Overriding Considerations for these resources having determined that the DTSC Project benefits outweigh the significant environmental effects for the following reasons: The DTSC remedial actions reduce the exposure of contaminated soil, soil gas, and groundwater in order to render it safe for Site occupants. The DTSC remedial project also serves to protect human health and the environment, which are DTSC’s responsibilities under the California Health and Safety Code.

None of the conditions requiring a subsequent EIR or Negative Declaration pursuant to Cal. Code Regs., tit. 14 Section 15162 exist.

In accordance with Cal. Code of Regs., title 14, section 15093, a Notice of Determination indicating the results of said Findings will be filed with the Governor’s Office of Planning and Research / State Clearinghouse.

**D. CERTIFICATION**

*Shilpa Patel*

Project Manager's Signature

7/5/2023

Date

Shilpa Patel  
Project Manager's Name

Environmental Scientist  
Title

(510) 540-3841  
Phone #

*e. Hughes*

Branch Chief's Signature

6/29/2023

Date

Marikka Hughes, PG  
Branch Chief's Name

Acting Branch Chief  
Branch Chief

(510) 540-3926  
Phone #

## Attachment A

The following mitigation measures are included in the Lead Agency Final Environmental Document would be implemented as applicable for activities described in the Removal Action Workplan, Proposed Willow Village Residential District.

**BIO-1.** To avoid the possibility of significant impacts to nesting birds protected by the California Fish and Game Code and/or the federal Migratory Bird Treaty Act, if feasible, project noise generation, ground disturbance, vegetation removal, and other construction activities should be scheduled to begin during the period from September 16 to January 31, which is outside of the nesting bird season. The nesting bird season extends from February 1 to September 15.

If construction begins during the nesting bird season, or if construction activities are suspended for at least two weeks during the nesting bird season and would recommence during the nesting bird season, then a qualified biologist will conduct a pre-construction survey for nesting birds within suitable nesting habitat areas on and adjacent to the site to ensure that no active nests would be disturbed during project implementation. This survey will be conducted no more than two weeks prior to the initiation of disturbance/construction activities. A report documenting the results of the surveys and plan for avoidance (if needed) will be completed prior to disturbance/construction activities.

If no active bird nests are detected during the survey, then project activities can proceed as scheduled. However, if an active bird nest of a native species is detected during the survey, then a qualified biologist will determine and clearly delineate an appropriately sized, temporary protective buffer area around the active nest, depending on the nesting bird species, existing site conditions, and proposed disturbance/construction activities. The protective buffer area around an active bird nest is typically 75-250 feet, determined at the discretion of the qualified biologist and in compliance with applicable project permits. To ensure that no inadvertent impacts to active bird nests will occur, no disturbance/construction activities will occur within the protective buffer area until the juvenile birds have fledged (left the nest), and there is no evidence of a second attempt at nesting.

**HAZ-1.** Prior to the issuance of a grading permit, the applicant shall complete a Phase II Environmental Site Assessment to sample for the potential presence of pesticide or herbicide residues in site soils consistent with appropriate testing protocols (i.e. California Department of Toxic Substances Control). If any sample results exceed commonly used regulatory thresholds which are applicable to a project of the type proposed, further testing as needed and/or remediation of site soils may be required. The sampling results shall be submitted to the Community and Economic Development Department for review. If remediation is required, a remediation plan shall be prepared by the applicant, approved by the Community and Economic Development Department, and implemented prior to issuance of a grading permit.

Implementation of mitigation measure HAZ-1 will ensure that the proposed project does not create a significant hazard to the public or to the environment by requiring that site soils are sampled for the presence of pesticide or herbicide residues and if results exceed applicable thresholds, a soil remediation plan is prepared, approved and implemented prior to issuance of a grading permit.

**CR-1.** The following language shall be included in any permit associated with earth moving activities for development of the proposed project: In the event that any prehistoric or historic-era subsurface archaeological features or deposits that could conceal cultural deposits are discovered during ground disturbance activities, all ground-disturbing activity within 50 meters (165 feet) of the resources shall be halted and the City of Salinas Community and Economic Development Department shall be notified. The city shall consult with a qualified professional archeologist retained at the applicant's expense to assess the significance of the find. If the find is determined to be significant, the qualified representatives of the city and the qualified archeologist shall meet to determine the appropriate course of action, with the city making the final decision. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report shall be prepared by the qualified archeologist according to current professional standards.

**CR-2.** The following language shall be included in any permit associated with earth moving activities for development of the proposed project: If human remains are found during construction within the project site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until an archeological monitor and the coroner of Monterey County are contacted. If it is determined that the remains are Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent (MLD) from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code section 5097.98. The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

