



**Jared Blumenfeld**  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

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**Gavin Newsom**  
Governor

January 21, 2020

Governor's Office of Planning & Research

Mr. Aaron Delworth  
Director of Business Services  
Atwater Elementary School District  
1401 Broadway Avenue  
Atwater, California 95301

**JAN 21 2020**

**STATE CLEARINGHOUSE**

REQUEST FOR EARLY CONSULTATION FOR THE JUNIPER ELEMENTARY SCHOOL PROJECT, JUNIPER AVENUE AND BRIDGEWATER STREET, ATWATER, MERCED COUNTY (SCH #2019120473)

Dear Mr. Delworth:

The Northern California Schools Unit of the Department of Toxic Substances Control (DTSC) has received the Request for Early Consultation (REC) for the Juniper Elementary School Project proposed by the Atwater Elementary School District (District).

The project would involve the construction of a new elementary school on approximately 10 acres located at the northwest corner of Juniper Avenue and Bridgewater Street in the City of Atwater, Merced County, California (Site). The elementary school would serve up to approximately 600 students in Transitional Kindergarten through 6th grade. The campus would be comprised of 27 classrooms, administrative offices, a multi-purpose building, hardcourt areas and athletic fields, which may include lighting.

Based on a review of the REC, DTSC would like to provide the following comments:

1. If the District plans to use State funds for the project, then the District shall comply with the requirements of California Education Code (CDE), sections 17210, 17213.1 and 17213.2, unless otherwise specifically exempted under section 17268. If the District is not using State funds for the project, or is otherwise specifically exempted under section 17268, DTSC recommends the District continue to investigate and clean up the Site, if necessary, under the oversight of Merced County and in concurrence with all applicable DTSC guidance documents.

A local education agency may also voluntarily request the CDE site/plan approval for locally funded site acquisitions and new construction projects. In these cases, CDE

will require DTSC review and approval prior to its final approval, except when exempt under section 17268.

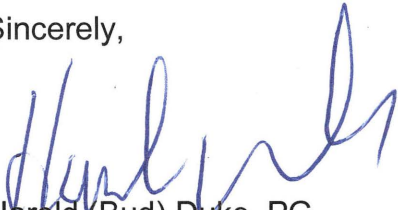
2. Because the project is school site related, DTSC recommends that an environmental review, such as a Phase I Environmental Site Assessment and/or Preliminary Environmental Assessment, be conducted to determine whether there has been or may have been a release or threatened release of a hazardous material, or whether a naturally occurring hazardous material is present based on reasonably available information about the property and the areas in its vicinity. Such an environmental review should generally be conducted as part of the California Environmental Quality Act process. If the District elects to proceed and conduct an environmental assessment at the Site under DTSC oversight, it should enter into a Voluntary Cleanup Agreement with DTSC to oversee the preparation of the environmental assessment.
3. The presence of existing, older or former structures at the Site may result in potential environmental concerns due to lead from lead-based paint and/or organochlorine pesticides from termiticide applications and polychlorinated biphenyls from electrical transformers, light ballast or window caulking or glazing. DTSC recommends that these environmental concerns be investigated and possibly mitigated, in accordance with DTSC's *Interim Guidance, Evaluation of School Sites with Potential Soil Contamination as a Result of Lead from Lead-Based Paint, Organochlorine Pesticides from Termiticides, and Polychlorinated Biphenyls from Electrical Transformers*, dated June 9, 2006, and in accordance with the recommendations provided in the United States Environmental Protection Agency's website "Polychlorinated Biphenyls (PCBs) in Building Materials" (<https://www.epa.gov/pcbs/polychlorinated-biphenyls-pcbs-building-materials>).
4. If the Site is, or was previously, used for agricultural purposes, pesticides (such as DDT, DDE, and toxaphene) and fertilizers (usually containing heavy metals) commonly used as part of agricultural operations are likely to be present. These agricultural chemicals are persistent and bio-accumulative toxic substances. DTSC recommends that these environmental concerns be investigated and possibly mitigated, in accordance with the *Interim Guidance for Sampling Agricultural Soils (Third Revision)*, dated August 2008. This guidance should be followed to sample agricultural properties where development is anticipated.
5. If fill material exists on the Site, DTSC recommends these areas be investigated and possibly mitigated in accordance with DTSC's *Information Advisory, Clean Imported Fill*, dated October 2001.
6. If a response action is required based on the results of the above investigations, and/or other information, the EIR will require an analysis of the potential public health and environmental impacts associated with any proposed response action, pursuant to requirements of the California Environmental Quality Act (CEQA - Pub.

Resources Code, Division 13, section 21000 et seq.), and its implementing Guidelines (California Code of Regulations, Title 14, section 15000 et seq.), prior to approval or adoption of the EIR for the Project. A discussion of the mitigation and/or removal actions, if necessary, and associated cumulative impacts to the Project properties and the surrounding environment, should be included in the EIR. If sufficient information to discuss the proposed mitigation and/or removal actions, and their associated impacts to the Project properties and the surrounding environment, are not available for inclusion in the EIR, then an Addendum or Supplement to the final EIR may be required.

DTSC is also administering the Revolving Loan Fund (RLF) Program which provides revolving loans to investigate and clean up hazardous materials at properties where redevelopment is likely to have a beneficial impact to a community. These loans are available to developers, businesses, schools, and local governments.

For additional information on DTSC's Schools process or RLF Program, please visit DTSC's web site at [www.dtsc.ca.gov](http://www.dtsc.ca.gov). If you would like to discuss this matter further, please contact me at (916) 255-3695, or via email at [Bud.Duke@dtsc.ca.gov](mailto:Bud.Duke@dtsc.ca.gov).

Sincerely,



Harold (Bud) Duke, PG  
Northern California Schools Unit  
Site Mitigation and Restoration Program

cc: (via email)

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