



Jared Blumenfeld
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D., Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

May 26, 2020

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Governor's Office of Planning & Research

Ms. Kim Hunter
Trinity County Planning Department
P.O. Box 2819
Weaverville, California 96093
khunter@trinitycounty.org

MAY 27 2020

STATE CLEARINGHOUSE

MITIGATED NEGATIVE DECLARATION FOR TULE CREEK COMMERCIAL
CANNABIS CONDITIONAL USE PERMIT – DATED MAY 2020
(STATE CLEARINGHOUSE NUMBER: 2020059002)

Dear Ms. Hunter:

The Department of Toxic Substances Control (DTSC) received a Mitigated Negative Declaration for Tule Creek Commercial Cannabis Conditional Use Permit. The proposed project is a Conditional Use Permit to operate a Commercial Cannabis company, including Commercial Cannabis Cultivation, Distribution, Commercial Nursery and a Type 6 Non-Volatile Manufacturing operation in Trinity County, California. In addition to a Conditional Use Permit, the project requires licensing to operate in Trinity County as well as State licensing, for each of these activities. The proposed project is located on a historical mill and gold dredging site where all of the 53.9 acres has been previously disturbed. Project analysis includes: 5,000 square foot (sf) new building dedicated to a commercial nursery, up to one-acre of commercial cannabis cultivation, 200 sf petroleum storage, 200 sf chemical storage, up to 10,000 sf for post-harvest activities, 15,000 sf for manufacturing, processing, and packaging, 7,500 sf for distribution, and 3,500 sf of employee space.

In 2018, Geocon Consultants, Inc. (Geocon) submitted "Final Targeted Site Investigation Report, Sierra Pacific-Hayfork, 690 Tule Road, Hayfork, Trinity County California." The purpose of the Targeted Site Investigation (TSI) was to further assess the nature and extent of hazardous substance and petroleum product impacts that were identified during previous investigations at the Site related to the historical use of the Site as a lumber mill. The TSI employed project action levels (PALs) for chemicals of potential concern that were adopted from the USEPA Regional Screening Levels, the DTSC Human and Ecological Risk Office Note 3 screening levels, and the San Francisco Bay Regional Water Quality Control Board Environmental Screening Levels for a commercial/industrial setting. The TSI and other information for the site can be

accessed for review on DTSC's Envirostor Database at <https://www.envirostor.dtsc.ca.gov/public/> (search for "Sierra Pacific" or site code 102340).

Per the TSI, DTSC recommends that the following issues be evaluated prior to moving forward with the Tule Creek Commercial Cannabis Conditional Use Permit.

1. Shallow soil samples in the area of the former boiler room and former refuse burner were evaluated for potential dioxin impacts to soil. Analytical results indicated that dioxin toxic equivalency (TEQ) values were less than the PAL of 220 picograms per gram (pg/g). However, since land use will change under the proposed permit, a DTSC toxicologist must determine if 220 pg/g is still adequately protective. If it is not protective, then the extent of dioxins/furans in boiler area soil may need to be further evaluated.
2. In the former underground storage tank (UST) of the site, diesel range organics (DRO), oil range organics (ORO), and benzene, toluene, ethylbenzene, and xylene (BTEX) compounds were detected in soil at concentrations lower than the respective PALs for each contaminant. DRO and ORO were detected in groundwater at concentrations in excess of PALs. DTSC recommends further assessment to determine the lateral extent of DRO, ORO, and BTEX in soil and groundwater near the former UST area.
3. DRO, ORO, and chloromethane were detected in soil and groundwater samples in the septic leachfield area. Further assessment of soil and groundwater contaminants are recommended for this area.

DTSC has not determined if the site is safe for proposed activities in the Conditional Use Permit. Furthermore, if the site is not safe for unrestricted (residential) use, then a land use covenant should be placed on the site to prevent sensitive uses or uses that may disturb contaminants that remain in-place. As a first step, the project proponent should submit a request for Lead Agency Oversight Application, which can be found at: https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/VCP_App-1460.doc. This will enable regulatory oversight of any additional evaluation, investigation, or remediation conducted by the project proponent. Additional information regarding voluntary agreements with DTSC can be found at: <https://dtsc.ca.gov/brownfields/>.

Ms. Kim Hunter
May 26, 2020
Page 3

DTSC is prepared to assist the project proponent to ensure the site will be safe for its future use. If you have any questions, please contact me at (916) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,



Gavin McCreary
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Ms. Lora Jameson, Chief
Site Evaluation and Remediation Unit
Department of Toxic Substances Control
Lora.Jameson@dtsc.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

California Department of Fish and Wildlife
R1LSARedding@wildlife.ca.gov

California Department of Food and Agriculture
CalCannabis Cultivation Licensing Division
CalCannabis@cdfa.ca.gov

State of California North Coast
Regional Water Quality Control Board
NorthCoast@waterboards.ca.gov