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Secretary for
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Department of Toxic Substances Control

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Governor's Office of Planning & Research

Ms. Cassidy McSurdy
County of San Luis Obispo
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Jun 30 2020

STATE CLEARINGHOUSE

MITIGATED NEGATIVE DECLARATION FOR AG HARVEST, INC. MINOR USE PERMIT ED19-225 (DRC2018-00156) – DATED JUNE 1, 2020 (STATE CLEARINGHOUSE NUMBER: 2020060022)

Dear Ms. McSurdy:

The Department of Toxic Substances Control (DTSC) received a Mitigated Negative Declaration (MND) for AG Harvest, Inc. Minor Use Permit ED19-225 (DRC2018-00156). The proposed project is a request from AG Harvest, Inc. for a Minor Use Permit (MUP) (DRC2018-00156) to authorize the cultivation of cannabis consisting of up to 29,232 square feet of outdoor canopy. Uses ancillary to cultivation proposed under this MUP include 640 square feet of processing activities. Project development would include partial relocation of an existing outdoor cultivation area to allow for a 100-foot setback and the installation of two 320-square foot trailers for ancillary processing activities. The two processing trailers would be placed on new concrete pads. Within the cultivation area are one 2,500-gallon and one 500-gallon fertigation tank. Existing development on site includes two single family residences, a barn, several sheds, and an existing 29,232-square foot outdoor cannabis cultivation operation. The Plan proposes to minimize outdoor cultivation odors by planting perennial trees and shrubs along the southern property line. Seven spaces are proposed and would be surfaced with either gravel or material compliant with County and California Building Code standards. The project is located at 6135 Huasna Townsite Road, Arroyo Grande (Assessor Parcel Number 085-012-019) in the Huasna-Lopez Sub-Area, South County Planning Area.

DTSC recommends that the following issues be evaluated in the MND Hazards and Hazardous Materials section:

1. The MND should acknowledge the potential for historic or future activities on or near the project site to result in the release of hazardous wastes/substances on

the project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The MND should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.

2. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil DTSC, recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the MND.
3. If any sites within the project area or sites located within the vicinity of the project have been used or are suspected of having been used for mining activities, proper investigation for mine waste should be discussed in the MND. DTSC recommends that any project sites with current and/or former mining operations onsite or in the project site area should be evaluated for mine waste according to DTSC's 1998 Abandoned Mine Land Mines Preliminary Assessment Handbook (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/11/aml_handbook.pdf).
4. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers* (https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance_Lead Contamination_050118.pdf).
5. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to DTSC's 2001 *Information Advisory Clean Imported Fill Material* (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf).

6. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the MND. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 *Interim Guidance for Sampling Agricultural Properties (Third Revision)* (<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf>).

DTSC appreciates the opportunity to comment on the MND. Should you need any assistance with an environmental investigation, please 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. Additional information regarding voluntary agreements with DTSC can be found at: <https://dtsc.ca.gov/brownfields/>.

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)

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