

# 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: Winters High School Modernization Project Removal Action Workplan		SITE CODING: 104819
PROJECT ADDRESS: 101 Grant Avenue	CITY: Winters	COUNTY: Yolo
PROJECT SPONSOR: Winters Joint Unified School District	CONTACT: Mary Fitzpatrick	PHONE/ EMAIL: mary@vpcsonline.com 707-249-1127
Approval Action Under Consideration by DTSC:		
<input checked="" type="checkbox"/> Removal Action Workplan <input type="checkbox"/> Interim Removal <input type="checkbox"/> Initial Permit Issuance <input type="checkbox"/> Permit Re-Issuance <input type="checkbox"/> Corrective Measure Study/Statement of Basis <input type="checkbox"/> Permit Modification <input type="checkbox"/> Closure Plan <input type="checkbox"/> Remedial Action Plan <input type="checkbox"/> Regulations <input type="checkbox"/> Other (specify):		
STATUTORY AUTHORITY:		
<input type="checkbox"/> California H&SC, Chap. 6.5 <input checked="" type="checkbox"/> California H&SC, Chap. 6.8 <input type="checkbox"/> Other (specify):		
<p>PROJECT DESCRIPTION: The proposed project activities involve excavation of approximately 190 cubic yards of contaminated soils along with off-site disposal and backfilling the excavation areas up to level with the surrounding grade. Project activities are detailed in the Removal Action Workplan (RAW) for impacted soils in the areas of Classroom Buildings B, D and E within the third modernization phase area, 3.8 acres of the 15 acres of the Winters High School. The RAW includes a detailed engineering plan for conducting the removal action, a description of the on-site contamination, and the goals to be achieved by the removal action.</p> <p><u>Background:</u> The Site is part of the Winters High School Modernization Project which involves replacing outdated facilities at Winters High School. Specifically, in this phase of modernization activities, existing building structures will be removed, and a new, one-story 12-classroom building will be constructed. An administration and counseling building, playfields, and playfield support facilities will also be constructed as part of the modernization project. When completed, the high school will have a total of 35 classrooms and a capacity for 676 students.</p> <p>A Preliminary Environmental Assessment equivalent (PEA-e) and Supplemental Site Investigation (SSI) prepared in 2020 identified and defined the extent of organochlorine pesticides (OCPs) and lead in shallow surface soil at concentrations exceeding the California Department of Toxic Substances Control (DTSC) recommended screening levels for residential soil at the Winters High School.</p> <p><u>Project Activities:</u> The recommended removal action remedy combines excavation with off-site disposal of the impacted soil. The activities that would be conducted to implement the removal action include:</p> <ul style="list-style-type: none"> <li>• Excavating approximately 190 bank cubic yards of impacted soil from identified locations;</li> <li>• Stockpiling excavated soils on-site and performing waste-profile testing of the stockpiled soil;</li> <li>• Conducting confirmation sampling, comparing confirmation data to the cleanup goals (CGs), and if necessary, over-excavating additional volume until the CGs are met;</li> <li>• Loading and transporting impacted soil to an appropriate disposal facility;</li> <li>• Conducting air monitoring;</li> <li>• Implementing dust suppressant measures; and</li> <li>• Backfilling the excavation areas up to level with the surrounding grade using soil derived from non-impacted portions of the Site.</li> </ul> <p>It is estimated that the removal of 190 bank cubic yards of impacted soil would require approximately 16 truck trips to remove. After the waste-profile laboratory testing is complete, an appropriate permitted landfill will be selected based</p>		

on the results of the testing. If the soil is determined to be non-hazardous waste, it will likely be disposed of at the Recology’s Hay Road Landfill facility, 6427 Hay Road, Vacaville, California. If the soil is determined to be non-RCRA hazardous waste or hazardous waste, it will likely be disposed of at the Chemical Waste Management Disposal Site, 35251 Old Skyline Road, Kettleman City, California. After the disposal facility is determined, the soil will be loaded into end-dump trailers/trucks that will be covered with tarps prior to leaving the site for the disposal facility.

DTSC utilized information and analysis in the Initial Study/Mitigated Negative Declaration (IS/MND) for the Winters High School Soil Removal Project to support a final determination about the type of environmental document required to be prepared for the proposed Removal Action Workplan, Winters High School Modernization Project as provided by Sections 15162, 15163, and 15164 of the CEQA Guidelines. Specifically, the IS/MND analyzed potential impacts related to contaminated soils in Section 2.9 (Hazards and Hazardous Materials) and potential impacts related to grading and construction in Section 2.3 (Air Quality), Section 2.5 (Cultural Resources), Section 2.10 (Hydrology and Water Quality), Section 2.13 (Noise), and Section 2.17 (Transportation).

**B. LEAD AGENCY ENVIRONMENTAL DOCUMENT REVIEWED**

Lead Agency: Winters Joint Unified School District
Lead Agency’s Environmental Document: Initial Study/Mitigated Negative Declaration, Winters High School Measure R and Measure D Improvements
Date Certified: February 24, 2021
State Clearinghouse Number: 2021010015

**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 type="checkbox"/> Biological Resources	Mitigation Measure: None
<input checked="" type="checkbox"/> Cultural Resources	Mitigation Measure: CULTURAL-1a, CULTURAL-1b, and CULTURAL-2 (refer to Initial Study/Mitigated Negative Declaration (January 2021), 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 type="checkbox"/> Hazards / Hazardous Materials	Mitigation Measure: None
<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 Fountain Valley 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"/> Hydrology/ Water Quality	<input type="checkbox"/> Utilities/ Service Systems <input type="checkbox"/> Wildfire
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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**

 <small>by Salcedo on 3/17, 2021 08:26 PDT</small>	<u>3/17/2021</u> Date	
_____ Project Manager’s Signature		
<u>Jose Luevano</u> Project Manager’s Name	<u>Hazardous Substances Engineer</u> Title	<u>916-255-3577</u> Phone #
 _____ Branch Chief’s Signature	Acting Branch Chief	<u>March 17, 2021</u> Date
<u>Sam V. Martinez, Jr., PE</u> Acting Branch Chief’s Name	<u>Supervising Hazardous Substances Engineer I</u> Branch Chief	<u>916-255-6548</u> 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 RAW.

**CULTURAL-1a:** An archaeologist shall monitor project ground disturbance associated with the soil removal project. Monitoring shall continue at this location for up to ten 8- hour construction days during which project ground disturbance is occurring. After this period of monitoring, archaeological monitoring shall occur on an as-needed basis and Mitigation Measure CULTURAL-1b shall apply. The archaeological monitoring shall be overseen by an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology.

Should an archaeological deposit be encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be redirected and the on-site archaeologist shall assess the deposit, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. The Winters Joint Unified School District shall be notified by the construction contractor within 24 hours of the encounter. If the deposit is found to be significant by the on-site archaeologist (i.e., eligible for listing in the California Register of Historical Resources), the District shall be responsible for funding and overseeing implementation of appropriate mitigation measures. Mitigation measures may include, but would not be limited to, recordation of the archaeological deposit, data recovery and analysis, and public outreach regarding the scientific and cultural importance of the discovery. Upon completion of the selected mitigations, a report documenting methods, findings, and recommendations shall be prepared and submitted to the District for review, and the final report shall be submitted to the Northwest Information Center at Sonoma State University. Significant archaeological materials shall be submitted to an appropriate local curation facility and used for future research and public interpretive displays, as appropriate.

**CULTURAL-1b:** Should an archaeological deposit be encountered during project subsurface construction activities when an archaeological monitor is not on-site, all ground-disturbing activities within 25 feet shall be redirected and a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology contacted to assess the situation, determine if the deposit qualifies as a historical resource, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. If the deposit is found to be significant (i.e., eligible for listing in the California Register of Historical Resources), the District shall be responsible for funding and implementing appropriate mitigation measures. Mitigation measures may include recordation of the archaeological deposit, data recovery and analysis, and public outreach regarding the scientific and cultural importance of the discovery. Upon completion of the selected mitigations, a report documenting methods, findings, and recommendations shall be prepared and submitted to the District for review, and the final report shall be submitted to the Northwest Information Center at Sonoma State University. Significant archaeological materials shall be submitted to an appropriate local curation facility and used for future research and public interpretive displays, as appropriate.

**CULTURAL-2:** A qualified paleontologist shall be retained to monitor project ground-disturbing activities associated with the soil removal project. Paleontological monitoring shall be done for up to ten 8-hour construction days during which project ground disturbance is occurring. After this period, paleontological monitoring shall occur on an as-needed basis. Paleontological monitors shall be empowered to halt construction activities at the location of the discovery to review possible paleontological materials and to protect the resource while the finds are being evaluated. Samples of matrix may be collected, as appropriate, for processing, sorting, and microscopic examination to determine if fossils are present. Monitoring shall continue until, in the paleontologist's judgment, fossils are not likely to be encountered. If paleontological resources are discovered during project activities, all work within 25 feet of the discovery shall be redirected. The Winters Joint Unified School District shall contact a qualified paleontologist—if a paleontological monitor is not on-site—to assess the situation, determine whether the paleontological resources are considered significant, and, if so, make recommendations regarding their treatment. Adverse effects on paleontological resources shall be avoided by project activities to the extent feasible. If avoidance is not feasible, the paleontological resources shall be evaluated for their significance. Paleontological resources are considered significant if they possess the possibility of providing new information regarding past life forms, paleoecology, stratigraphy, and geological formation processes. If the resources are not significant, mitigation is not necessary. If the resources are significant, adverse effects on the resource shall be mitigated. Mitigation may include recordation of the fossil locality, data recovery and analysis, a technical data recovery report, and accessioning of the fossil material and technical report to a paleontological repository. Public educational outreach may also be appropriate. Upon completion of the paleontological monitoring, a report of findings with an appended, itemized inventory of specimens, as appropriate, shall be prepared and submitted to an appropriate repository, such as the University of California Museum of Paleontology.