



**Yana Garcia**  
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

### SENT VIA ELECTRONIC MAIL

October 31, 2022

Ms. Claire Raybould  
City of Palo Alto  
250 Hamilton Avenue  
Palo Alto, CA 94301

[Claire.Raybould@CityofPaloAlto.org](mailto:Claire.Raybould@CityofPaloAlto.org)

**Governor's Office of Planning & Research**

**OCT 31 2022**

**STATE CLEARINGHOUSE**

DRAFT ENVIRONMENTAL IMPACT REPORT FOR 200 PORTAGE AVENUE  
TOWNHOME PROJECT – DATED SEPTEMBER 2022 (STATE CLEARINGHOUSE  
NUMBER: 2021120444)

Dear Ms. Raybould:

The Department of Toxic Substances Control (DTSC) received a Draft Environmental Impact Report (EIR) for the 200 Portage Avenue Townhome Project (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, presence of site buildings that may require demolition or modifications, and/or importation of backfill soil.

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

1. A State of California environmental regulatory agency such as DTSC, a Regional Water Quality Control Board (RWQCB), or a local agency that meets the requirements of [Health and Safety Code section 101480](#) should provide regulatory concurrence that the Project site is safe for construction and the proposed use.
2. The EIR acknowledges the potential for historic activities on or near the project site to result in the release of hazardous wastes/substances on the project site. Information presented in the EIR was primarily based on a Phase I Environmental Site Assessment (ESA) report and a Soil Vapor Investigation

Report. Impacts related to the Project include demolition of buildings with potential hazardous materials, and hazardous materials sites on and around the Project site associated with VOCs detected below ground surface at the site that may contribute to vapor intrusion impacts during operation of the proposed project. Further studies should be carried out to delineate the nature and extent of contamination, and any potential threat to public health and/or the environment should be evaluated. The EIR 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.

3. 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 EIR.
4. The EIR states that buildings are to be demolished on the project site. 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](#).
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](#).

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DTSC appreciates the opportunity to comment on the EIR. Should you choose DTSC to provide oversight for any environmental investigations, please visit DTSC's [Site Mitigation and Restoration Program](#) page to apply for lead agency oversight. Additional information regarding voluntary agreements with DTSC can be found at [DTSC's Brownfield website](#).

If you have any questions, please contact me at (916) 255-3710 or via email at [Gavin.McCreary@dtsc.ca.gov](mailto: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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