



**Jared Blumenfeld**  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

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Director  
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**Gavin Newsom**  
Governor

March 16, 2022

Mr. Eric Porter  
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MITIGATED NEGATIVE DECLARATION FOR LUVBUG FARMS COMMERCIAL CANNABIS USE PERMIT, FILE NO. MUP 21-40 – DATED FEBRUARY 14, 2022 (STATE CLEARINGHOUSE NUMBER: 2022020291)

Dear Mr. Porter:

The Department of Toxic Substances Control (DTSC) received a Mitigated Negative Declaration (MND) for the LuvBug Farms Commercial Cannabis Use Permit (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 mining or suspected mining or former mining activities, and importation of backfill soil.

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

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. Sites located within the vicinity of the project have been used or are suspected of having been used for mining activities. These sites include, but are not limited to [Mirabel Mine at 24374 California 29](#), [Bullion Mine at 24073 California 29](#), and [Plymouth Mine at 24630 California 29](#). 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](#).

3. 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](#).

DTSC appreciates the opportunity to comment on the MND. Should you need any assistance with an environmental investigation, 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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