



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

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Director
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Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

May 9, 2023

Kelsey Gunter

Associate Planner – City of Pittsburg Planning Department

65 Civic Avenue

Pittsburg, CA 94565

KGunter@pittsburgca.gov



RE: Draft Environmental Impact Report (DEIR) for the Harbor View Project, dated March 2023 SCH# [2022080303](#)

Dear Kelsey Gunter:

The Harbor View Project (Project), located at East 3rd Street and Harbor Street in Contra Costa County, addresses the intent to develop 227 residential units. The 20 northernmost units would be live/work duplexes with 420 square feet of ground floor commercial space and/or private workspace. Primary site access would be provided by one new driveway off of Harbor Street and one new driveway off of East 3rd Street. Landscaping and trees would be provided throughout the site. A bioretention area and landscape features are proposed on the western edge of the berm. In addition, existing overhead utility lines along the project frontage on East 3rd Street would be removed and replaced underground.

Based on DTSC's review of applicable sections of the DEIR, DTSC notes that the Project is located on a Land Use Covenant (LUC) site [Johns Manville \(07390022\)](#). Per the LUC, the following provisions are listed:

- Activities prohibited which disturb the remedy and monitoring systems without approval.
- Hospital use prohibited.

- Land use covenant.
- No excavation of contaminated soils without agency review and approval.
- No excavation or activities which disturb the soil below a specified depth (see covenant for depth) without agency review and approval of a soil management plan.
- No groundwater extraction at any depth without approval.
- No oil or gas extraction at any depth.
- Notify after change of property owner.
- Notify damages to remedy and monitoring systems upon discovery.
- Public or private school for persons under 21 prohibited.
- Raising of food prohibited.
- Residence use prohibited.

A comment email on behalf of DTSC was sent to your attention on May 2nd, 2023, stating the following:

“The Hazards and Hazardous Materials section states the following:

“Ongoing maintenance and monitoring are still required, and the remediation system is required to be operated and maintained as described in the Site Operation and Maintenance Plan until the DTSC authorizes its modification or discontinuation.” The property is also subject to a land use covenant (LUC). The DEIR should state that the project will adhere to LUC restrictions and should describe relevant LUC restrictions (i.e., no residences on the bermed property, no disturbance of the berms, requirement for soil management plan when working in the soil management area). DTSC has requested the development plans from the developer for our review to ensure that the development activities will adhere to LUC restrictions. DTSC requests that the City of Pittsburg (City) verify that DTSC has reviewed the development plans, prior to issuing permit approvals. We appreciate coordination from the City to date. Please feel free to reach out if you have any questions or concerns.”

DTSC appreciates the opportunity to review and comment on the Draft EIR. If you have any

Kelsey Gunter

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questions, please contact me at (916) 255-3857 or via email at Tamara.Purvis@dtsc.ca.gov.

Sincerely,



Tamara Purvis,

Associate Environmental Planner

CEQA Unit -Permitting / HWMP

Department of Toxic Substances Control

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May 9, 2023

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cc: (via email)

Governor's Office of Planning and Research

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