



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D., Director
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Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

October 13, 2023

Melissa Miller
Facilities Planning Manager
Merced Union High School District
1230 Spacecraft Drive
Atwater, CA 95301

Governor's Office of Planning & Research

Oct 13 2023

STATE CLEARINGHOUSE

RE: MITIGATED NEGATIVE DECLARATION (MND) FOR THE EL CAPITAN HIGH SCHOOL STADIUM PROJECT DATED SEPTEMBER 22, 2023 STATE CLEARINGHOUSE # [2022120060](#)

Dear Melissa Miller:

The Department of Toxic Substances Control (DTSC) received a MND for the El Capitan High School Stadium Project. The proposed Project includes construction and operation of a 3,000-seat athletic stadium which would serve El Capitan High School's athletic programs. Based on our Project review, DTSC requests consideration of the following comments.

1. If the district plans to use State funds for the project, then the district shall comply with the requirements of California Education Code (CDE), sections 17210, 17213.1 and 17213.2, unless otherwise specifically exempted under section 17268. If the district is not using State funds for the project, or is otherwise specifically exempted under section 17268, DTSC recommends the district continue to investigate and clean up the Site, if

necessary, under the oversight of Merced County and in concurrence with all applicable DTSC guidance documents.

A local education agency may also voluntarily request the CDE site/plan approval for locally funded site acquisitions and new construction projects. In these cases, CDE will require DTSC to review and approve prior to its final approval, except when exempt under section 17268.

2. Because the project is school site related, DTSC recommends that an environmental review, such as a Phase I Environmental Site Assessment and/or Preliminary Environmental Assessment, be conducted to determine whether there has been or may have been a release or threatened release of a hazardous material, or whether a naturally occurring hazardous material is present based on reasonably available information about the property and the areas in its vicinity. Such an environmental review should generally be conducted as part of the California Environmental Quality Act (CEQA) process. If the District elects to proceed and conduct an environmental assessment at the Site under DTSC oversight, it should enter into an Environmental Oversight Agreement with DTSC to oversee the preparation of the environmental assessment.
3. 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*](#)

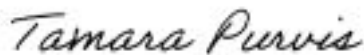
[Transformers](#)

4. 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](#) webpage.

DTSC appreciates the opportunity to comment on the El Capitan High School Stadium Project's MND. If you would like to proceed with DTSC's school environmental review process, please visit [DTSC's Evaluating & Clean-up School 3-Step Process](#) to begin a Phase I Environmental Site Assessment.

Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like any clarification on DTSC's comments, please respond to this letter or via [email](#) for additional guidance.

Sincerely,



Tamara Purvis
Associate Environmental Planner
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control

cc: (via email)

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