



**Jared Blumenfeld**  
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

May 30, 2023

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

**MAY 30 2023**

**STATE CLEARINGHOUSE**

Itoco Garcia  
Superintendent  
Sausalito-Marin City School District  
200 Phillips Drive  
Sausalito, CA 94965  
[igarcia@smscd.org](mailto:igarcia@smscd.org)

MITIGATED NEGATIVE DECLARATION (MND) FOR THE MLK ACADEMY, NEVADA  
CAMPUS RECONSTRUCTION – DATED MAY 2023 (STATE CLEARING HOUSE  
NUMBER: [2023050506](#))

Dear Itoco Garcia:

The Department of Toxic Substances Control (DTSC) received a Mitigated Negative Declaration for the MLK Academy, Nevada Campus Reconstruction Project. After reviewing the document, DTSC would like to provide the following comments:

1. The EIR 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 conducted to delineate the nature and extent of the contamination, and the 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.

2. 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 in California as a fuel additive.

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.

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.

5. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 [Interim Guidance for Sampling Agricultural Properties \(Third Revision\)](#).

DTSC appreciates the opportunity to comment on the EIR. Should you need any assistance with an environmental investigation, please submit a request for [Lead Agency Oversight Application](#). Additional information regarding voluntary agreements with DTSC can be found at the [Brownfields webpage](#).

If you have any questions, please connect with the School's Unit at DTSC or respond to this letter for additional guidance.

Sincerely,



Dave Kereazis  
Associate Environmental Planner  
Hazardous Waste Management Program  
Permitting Division – CEQA Unit  
Department of Toxic Substances Control

cc: (via email)

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