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Secretary for
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Department of Toxic Substances Control

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SENT VIA ELECTRONIC MAIL

January 19, 2024

John Jay

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Governor's Office of Planning & Research

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STATE CLEARINGHOUSE

RE: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE CANOPY RESIDENTIAL PROJECT – 1009 – 1011 GRAVENSTEIN HIGHWAY NORTH, DATED DECEMBER 07, 2023 (STATE CLEARINGHOUSE NUMBER: [2023070072](#))

Dear John Jay,

The Department of Toxic Substances Control (DTSC) has reviewed the Draft Environmental Impact Report (DEIR) for The Canopy Residential Project - 1009-1011 Gravenstein Highway North, which evaluates the proposed development of 80 townhome-style condominiums and up to 16 accessible accessory dwelling units on a vacant lot located at 1009-1011 Gravenstein Highway North in the City of Sebastopol, California.

As mentioned in the DEIR, DTSC and City Ventures Homebuilding, LLC, entered into a [Standard Voluntary Agreement \(SVA\)](#) on April 26, 2023 (Docket No. HSA-FY22/23-022), to oversee the investigation and cleanup of approximately 6.1 acres on Sonoma County Assessor's Parcel Numbers 060-261-026 and 060-261-028 (Site). As part of the SVA, a Removal Action Workplan (RAW) has been prepared to address arsenic and

lead-impacted soils at the Site. Implementation of the RAW would include the excavation of the impacted soil outside of the protected tree line, on-Site burial and capping of impacted soil, and adoption of a deed restriction. Information about the Site and the proposed cleanup activities can be viewed by visiting [DTSC's EnviroStor website for 1009 - 1011 Gravenstein Highway](#).

The RAW is subject to review and approval by DTSC and is considered a decision document that must comply with the California Environmental Quality Act (CEQA). As a Responsible Agency under CEQA and the lead agency for site remediation, DTSC anticipates utilizing the Environmental Impact Report (EIR) to comply with CEQA since remedial activities presented in the RAW would be fundamentally incorporated as part of the site preparation and construction activities for the residential development project. DTSC generally concurs with the analysis provided in the DEIR but wishes to provide the following comments in order to clarify some details regarding the Site's disposition and DTSC's cleanup oversight process for this project:

- 1) Section 4.7.3 and Table ES-2 of the DEIR state the Site is included on a list of hazardous materials sites compiled pursuant to Section 65962.5 (also known as the "Cortese List"). As of the date of this letter, the Site is not included among any of the lists identified subsection 65962.5(a) which make up DTSC's portion of the Cortese List. A list of DTSC sites included on the Cortese List is available to view on DTSC's [EnviroStor Hazardous Waste and Substances Site List \(Cortese\)](#) page.

For clarification, the Site appears on DTSC's EnviroStor website so information regarding the cleanup process for the subject Site is available for public review. EnviroStor is utilized to provide information about numerous sites, not all of which are Cortese List sites. While it is correct that DTSC and the project proponent have entered into a Standard Voluntary Agreement, this is not a condition described in Health and Safety Code section 65962.5(a). DTSC recommends correcting text in the DEIR to clarify that the Site is not on the Cortese List. For more information on the Cortese List, please visit CalEPA's [Cortese List Data Resources webpage](#).

- 2) Sections 1.4 and 2.7 of the DEIR state that DTSC is responsible for approving the Soil Management Plan (SMP) associated with cleanup activities at the Site. While it is correct that DTSC will review and approve the SMP as part of the cleanup oversight process, DTSC wishes to clarify that the Removal Action Workplan (RAW) is the primary decision document for which DTSC is responsible for reviewing and approving for the Site. DTSC recommends revising text in the DEIR as needed and/or making note of this distinction in a Response to Comments to clarify this point.
- 3) Section 4.7.1.e summarizes information from the RAW, including the RAW's recommended removal action alternative. In addition to the information presented there, DTSC would like to note that the RAW is still under review. As part of this process, the RAW will be made available for public review and comment. Notice of this public review period will be provided via a Community Update mailed to surrounding property owners and residents as well as a Public Notice published in a local newspaper. The notice will announce the proposed remedy, how to review the draft RAW, and the start of the public comment period.

DTSC appreciates the opportunity to review and comment on the DEIR for The Canopy Residential Project - 1009-1011 Gravenstein Highway North and the City of Sebastopol's consideration of these comments. If you have any questions or concerns, please contact me or a member of our [CEQA Unit Team](#).

Sincerely,



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cc: (via email)

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