



**Yana Garcia**  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Meredith Williams, Ph.D., Director  
700 Heinz Avenue  
Berkeley, California 94710-2721



**Gavin Newsom**  
Governor

### SENT VIA ELECTRONIC MAIL

August 11, 2023

Governor's Office of Planning & Research

**Aug 11 2023**

**STATE CLEARINGHOUSE**

William He

Senior Planner

City of American Canyon Community Development Department

4381 Broadway Street, Suite 201

American Canyon, CA 94503

[whe@cityofamericancanyon.org](mailto:whe@cityofamericancanyon.org)

DTSC COMMENTS ON THE NOTICE OF PREPARATION OF SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR RESIDENCES AT NAPA JUNCTION PROJECT, STATE CLEARINGHOUSE NUMBER # [2023070109](#)

Dear Mr. He:

The Department of Toxic Substances Control (DTSC) has reviewed the Initial Study (IS) and Notice of Preparation (NOP) Supplemental Environmental Impact Report (SEIR) for the Residences at Napa Junction Project, located at the east end of Napa Junction Road, American Canyon, California (Site). The SEIR is proposed by American Canyon Ventures, LLC, a Delaware limited liability company.

The proposed Project consists of the construction of a 453-rental-unit residential housing development on 13.44 acres of the 15.051-acre Site and remediation of the Site. The Project would consist of 453 residential rental units, a resident community center and commercial childcare center, indoor and outdoor amenities, and circulation and parking infrastructure. The remaining 1.61 acres of the property would be retained

Mr. William He

August 11, 2023

Page 2 of 5

as open space to preserve existing seasonal wetlands, create additional seasonal wetlands to partially mitigate Project wetland impacts, and provide nature-based recreation amenities for residents.

The proposed remediation of the Site will be implemented in coordination with DTSC. As stated in Section IX Hazards and Hazardous Materials of the IS “As part of the California Land Reuse and Revitalization Act (CLRRA), DTSC staff has requested a Response Plan that describes proposed actions to mitigate the hazardous chemicals present in the soil on the Project site (AllWest, 2023). The Response Plan identifies activities that will be implemented to control risks to human health and safety or the environment at the site, describes any land use control that is part of the response action, and outlines a standard public engagement and participation process.”

DTSC and American Canyon Ventures, LLC, entered into a CLRRA Agreement (Docket No. HSA FY-21/22-042) on November 23, 2021, for the assessment and remediation of the Site, so that American Canyon Ventures, LLC, may qualify for immunities afforded under the CLRRA.

The Department of Toxic Substances Control provides the following comments:

1. The Response Plan remediation activities will be a component for the proposed residential housing development Project and should be identified and analyzed within the SEIR. DTSC, as a Responsible Agency, will rely on the City’s Final SEIR to comply with CEQA requirements for the implementation of the Final Response Plan. To date, the tentative proposed remediation consists of excavation and removal or consolidation of contaminated soils and capping of impacted soils at the Site.
2. The Response Plan is described and referenced in the IS. DTSC notes that the Draft Response Plan has not been approved by DTSC and the proposed remediation is subject to change in response to DTSC’s technical review and public comments received during the public comment period. This should be clarified in the text of the SEIR where the Draft Response Plan is discussed.

3. Section IX Hazards and Hazardous Materials of the IS refers to the Subsurface Investigation Report as a Phase II. The forthcoming SEIR should clarify that the Subsurface Investigation Report was submitted to DTSC as an equivalent to a CLRRRA Report of Findings.
4. Section IX Hazards and Hazardous Materials of the IS presents incorrect information about the history of the Site's participation in the Voluntary Cleanup Program (VCP). The SEIR should clarify that initially the Project Site was enrolled in the VCP in 2018 under a Voluntary Cleanup Agreement (VCA) with MMA Railroad, LLC (Envirostor ID: 60002585, Site Code: 202168). In 2020, MMA Railroad, LLC requested termination of the VCA. In November 2021, DTSC entered into a CLRRRA Agreement with the Project applicant, American Canyon Ventures, LLC (Envirostor ID: 60002585, Site Code: 202382).
5. Section IX Hazards and Hazardous Materials of the IS discusses some of the conclusions of the 2022 Human Health Risk Assessment but does not discuss the conclusions related to arsenic concentrations in soil. When discussing the results of the 2022 Human Health Risk Assessment, the SEIR should also state that the detected arsenic concentrations in soil are greater than previous established background concentrations for arsenic in Bay Area soils. Refer to *Establishing Background Arsenic in Soil of the Urbanized San Francisco Bay Region*. San Francisco State University. December 2011. (Duvergé, 2011).
6. Section IX Hazards and Hazardous Materials of the IS states that a Fact Sheet was prepared by AllWest in March 2023, and subsequently released to the owners and occupants of the properties located near the Project site. The upcoming SEIR should clarify that although a Draft Fact Sheet presenting information about the Response Plan was developed by AllWest in March 2023, the Draft Fact Sheet was not released or mailed to the owners and occupants of the properties located near the Project site. The SEIR should state that the Response Plan for the remediation will follow all requirements of DTSC's Public Participation process, which will include the following:

- a. A Community Survey was sent to owners and occupants of the properties located near the Project site on February 9, 2023. The purpose of the Survey was to gather feedback to determine the level of community interest, conduct appropriate community outreach activities, and inform the community about the Project's status.
- b. A Community Profile will be prepared to document the fulfillment of the Community Survey, describe the community surrounding the Site, express the current level of public understanding and interest, and list the required and recommended public participation activities.
- c. Once the Draft Response Plan is developed and approved for Public Comment, a Fact Sheet/Community Update will be prepared and sent to the owners and occupants of properties located near the Project Site to announce the beginning of the Public Comment period for the Response Plan and provide information about the Response Plan. A Public Notice will also be published in a local newspaper at this time, which will announce the beginning of the Public Comment period.
- d. The Response Plan will be made available for Public Comment for at least thirty (30) days, both online via Envirostor, and in hard copy form available for review in a local information repository previously designated in the Community Profile.
- e. Following the completion of the Public Comment period, all public comments received will be reviewed and addressed via a Responsiveness Summary that will be added to the final version of the Response Plan.
- f. Finally, a Work Notice will be sent to the properties located near the Project site prior to the start of Response Plan implementation to notify the community about the start of Response Plan fieldwork.

Mr. William He

August 11, 2023

Page 5 of 5

If you have any questions regarding this letter, please contact me at (510) 540-3760 or via email at [Nathan.Unangst@dtsc.ca.gov](mailto:Nathan.Unangst@dtsc.ca.gov).

Sincerely,



Nathan Unangst, P.G.

Engineering Geologist

Site Mitigation and Restoration Program – Berkeley Office

Department of Toxic Substances Control

[Nathan.Unangst@dtsc.ca.gov](mailto:Nathan.Unangst@dtsc.ca.gov)

cc: (via email)

Governor's Office of Planning and

Research State Clearinghouse

[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

Ms. Tamara Purvis

Associate Environmental Planner

CEQA Unit - Permitting/HWMP

Department of Toxic Substances Control

[Tamara.Purvis@dtsc.ca.gov](mailto:Tamara.Purvis@dtsc.ca.gov)

Mr. Dave Kereazis

Associate Environmental Planner

CEQA Unit - Permitting/HWMP

Department of Toxic Substances Control

[Dave.Kereazis@dtsc.ca.gov](mailto:Dave.Kereazis@dtsc.ca.gov)

Ms. Candace M. Hill

Senior Environmental Planner

CEQA Unit – Site Mitigation and Restoration Program

Department of Toxic Substances Control

[Candace.Hill@dtsc.ca.gov](mailto:Candace.Hill@dtsc.ca.gov)