



Yana Garcia
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

SENT VIA ELECTRONIC MAIL

May 7, 2024

Madison Driscoll
Associate Planner
City of Chico
411 Main Street
Chico, CA 95927
madison.driscoll@chicoca.gov

Governor's Office of Planning & Research

May 08 2024

STATE CLEARINGHOUSE

RE: MITIGATED NEGATIVE DECLARATION (MND) FOR 2240 NORD AVENUE APARTMENTS PROJECT DATED APRIL 2, 2024, STATE CLEARINGHOUSE NUMBER [2024040087](#)

Dear Madison Driscoll,

The Department of Toxic Substances Control (DTSC) received a MND for the 2240 Nord Avenue Apartments project (project). After discussion with the City of Chico on Friday, May 3, 2024, DTSC was granted approval to provide written comments for the Project by close of business on May 7, 2024. DTSC acknowledges and recognizes the City of Chico for their consideration. The proposed project involves constructing a multi-family apartment complex in conformance with the city's land use and development regulations. The applicant expresses intent to construct 208 apartments, which would result in a residential density of 17.8 units per acre. Access to the site would exclusively be provided from West Lindo Avenue and an emergency vehicle only access from Ruskin Street. Future development will be subject to a public hearing by the Planning Commission. After reviewing the project, DTSC recommends and requests consideration of the following comments:

1. According to the MND, the Phase I Environmental Site Assessment was referenced and stated, “five (5) soil samples were collected for chemical analysis and all constituent concentrations were reported below laboratory reporting limits with the exception of DDT and DDE. However, the results are considered somewhat common in agricultural settings, and the detected concentrations are well below the EPA Regional Screening Levels (RSL’s) for residential shallow soil exposure levels.” The Phase I Environmental Site Assessment was not included in the submission to the State Clearinghouse and was not immediately available for review. DTSC recommends that all constituent concentrations meet screening levels in accordance with [DTSC's Preliminary Endangerment Assessment \(PEA\) Guidance Manual](#). If the constituent concentrations do not meet screening levels in accordance with DTSC guidance, the following comments are also recommended:
2. A Phase II Environmental Site Assessment be conducted to determine the severity of the contaminants on the proposed site.
3. Butte County does not have a local department or agency listed as a [Certified Local Agency](#) to provide oversight, therefore, we recommend the City of Chico enter into DTSC’s Standard Voluntary Agreement (SVA) program, so a proper oversight of the Project is completed. If entering into an SVA with DTSC, the [FLUXX portal link](#) is provided and the page also has a link to the [Fluxx User Guide](#) that can help you navigate the system. You will need to create a new profile and once in the system, click “Start a Request for Lead Agency Oversight Application. If you have any questions about the application portal, please contact the DTSC Brownfield Coordinator [Gregory Shaffer](#) or contact the [Application Portal Inbox](#).
4. DTSC recommends that all imported soil and fill material should be tested to ensure any contaminants of concern are within approved screening levels for the intended land use. To minimize the possibility of introducing

contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if applicable, sampling be conducted to ensure that the imported soil and fill material meets screening levels for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of the prior land use.

DTSC appreciates the opportunity to comment on the MND for the 2240 Nord Avenue Apartments project. 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,

A handwritten signature in cursive script that reads "Dave Kereazis".

Dave Kereazis
Associate Environmental Planner
HWMP-Permitting Division – CEQA Unit
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

Madison Driscoll

April 7, 2024

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cc: (via email)

Governor's Office of Planning and
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