



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 13, 2024

Steven Sopp

Principal Planner

City of Tulare

411 E. Kern Avenue

Tulare, CA 93274

ssopp@tulare.ca.gov

Governor's Office of Planning & Research

May 13 2024

STATE CLEARINGHOUSE

RE: MITIGATED NEGATIVE DECLARATION (MND) FOR THE MISSION CREEK
SUBDIVISION PROJECT, DATED APRIL 19, 2024, STATE CLEARINGHOUSE
NUMBER [2024040842](#)

Dear Steven Sopp,

The Department of Toxic Substances Control (DTSC) received a MND for the Mission Creek Subdivision Project (Project). The proposed project is the development of 255 single family residential units and a public park. The Project provides access to Bardley Avenue and a future street (Oakmore Street). The proposed Project includes on-site infrastructure, including new interior streets, widening of existing pavement along Bardsley Avenue, and installation of curb, gutter and a sidewalk along Bardsley Avenue and Oakmore Streets, and within the proposed subdivision. After reviewing the Project, DTSC recommends and requests consideration of the following comments:

1. DTSC recommends that all imported soil and fill material should be tested to ensure any contaminants of concern are within DTSC's and U.S.

Environmental Protection Agency (USEPA) Regional Screen Levels (RSLs)

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 outlined in the [PEA](#) 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. Additional information can be found by visiting [DTSC's Human and Ecological Risk Office \(HERO\)](#) webpage.

2. When agricultural crops and/or land uses are rezoned for residential use, a number of contaminants of concern can be present. The Lead Agency shall identify the amounts of Pesticides and Organochlorine Pesticides (OCPs) historically used on the property. If present, OCPs requiring further analysis are Dichlorodiphenyltrichloroethane (DDT), toxaphene, and dieldrin. Additionally, any level of arsenic present would require further analysis and sampling and must meet [Human Health Risk Assessment Note Number 3](#) approved thresholds outlined in the [PEA Guidance Manual](#). If they do not, remedial action must take place to mitigate them below those thresholds. For boring and analyses recommendations under 50 acres, refer to [DTSC Interim Guidance for Sampling Agricultural Properties](#); otherwise contact DTSC for approval over 50 acres.
3. Additional chemicals of concern may be found in mixing/loading/storage area, drainage ditches, farmhouses, or any other outbuildings and should be sampled and analyzed. If smudge pots had been routinely utilized, additional sampling for Polycyclic Aromatic Hydrocarbons (PAHs) and/or Total Petroleum Hydrocarbons (TPHs) may be required.
4. Due to the Zone reclassification change of AE-20 to R-1-4, a site and/or soil assessment should be completed to determine if any Recognized Environmental Conditions (REC's) are present. This may require a Phase I Environmental Site Assessment and oversight from DTSC or a certified [local agency resource](#). If opting for DTSC oversight, enter into DTSC's Standard

Steven Sopp
May 13, 2024
Page 3

Voluntary Agreement (SVA) program so a proper evaluation of the Project is completed. 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](#).

DTSC appreciates the opportunity to comment on the MND for the Mission Creek Subdivision 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,

Tamara Purvis

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

Steven Sopp
May 13, 2024
Page 4

cc: (via email)

Governor's Office of Planning and
Research State Clearinghouse
State.Clearinghouse@opr.ca.gov

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

Scott Wiley
Associate Governmental Program Analyst
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Scott.Wiley@dtsc.ca.gov