



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

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Director
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Gavin Newsom
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SENT VIA ELECTRONIC MAIL

August 6, 2024

Michael Holland
City Manager
City of Newman
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RE: MITIGATED NEGATIVE DECLARATION FOR THE CITY OF NEWMAN 6TH CYCLE HOUSING ELEMENT UPDATE (2023-2031) AND SAFETY ELEMENT UPDATE DATED JULY 22, 2024, STATE CLEARINGHOUSE NUMBER [2024070807](#)

Dear Michael Holland,

The Department of Toxic Substances Control (DTSC) received a Mitigated Negative Declaration (MND) for the City of Newman 6th Cycle Housing Element Update (2023-2031) and Safety Element Update (project). The project includes the update to the City of Newman 6th Cycle Housing Element Update Housing and Community Development (HCD) Revised Draft (dated May 28, 2024). The Housing Element Update plans for 1,832 housing units over the next eight years, which is 784 units more than the City's Regional Housing Needs Allocation (RHNA). A total of 23 housing opportunity sites have been identified to meet the RHNA; however, one site is a pipeline project and is therefore not evaluated in this initial study. It is not expected that the updates to the City's Safety Element would result in any reasonably foreseeable physical changes. Therefore, this initial study will focus primarily on the physical changes of the Housing Element Update and include analysis of the Safety Element update as appropriate. After

reviewing the project, DTSC recommends and requests consideration of the following comments:

1. The proposed project encompasses multiple active and nonactive mitigation and clean-up sites where DTSC has conducted oversight that may be impacted as a result of this project. This may restrict what construction activities are permissible in the proposed project areas in order to avoid any impacts to human health and the environment.
2. Due to the broad scope of the project, DTSC is unable to determine the locations of the proposed sites, whether they are listed as having documented contamination, land use restrictions, or whether there is the potential for the sites to be included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, DTSC recommends providing further information on the proposed project and areas that may fall under DTSC's oversight within future environmental documents. Once received, DTSC may provide additional comments on future environmental documents as further information becomes available. Please review the project area in [EnviroStor](#), DTSC's public-facing database.
3. DTSC recommends that all imported soil and fill material should be tested to assess any contaminants of concern meet screening levels as outlined in [DTSC's Preliminary Endangerment Assessment \(PEA\) Guidance Manual](#). Additionally, DTSC advises referencing the [DTSC Information Advisory Clean Imported Fill Material Fact Sheet](#) if importing fill is necessary. 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 are suitable 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](#).

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4. 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 PEA Guidance Manual](#).

DTSC believes the City of Newman must address these comments to determine if any significant impacts under the California Environmental Quality Act (CEQA) will occur and, if necessary, avoid significant impacts under CEQA. DTSC recommends the department connect with our unit if any hazardous waste projects managed or overseen by DTSC are discovered. Please refer to the [City of Newman EnviroStor Map](#) for additional information about the areas of potential contamination. If further concerns or impacts surface in light of the any forthcoming environmental documents, DTSC reserves the right to provide applicable comments at that time.

DTSC appreciates the opportunity to comment on the MND for the City of Newman 6th Cycle Housing Element Update (2023-2031) and Safety Element Update 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 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

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cc: (via email)

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