



**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**

August 29, 2024

Thomas Gorham

Contract Planner

City of Anaheim

200 South Anaheim Boulevard, Suite 162

Anaheim, CA 92805

[tgorham@anaheim.net](mailto:tgorham@anaheim.net)

RE: MITIGATED NEGATIVE DECLARATION FOR THE MILL RESIDENTIAL TOWNHOME PROJECT (DEV2023-00042), DATED AUGUST 19 2024 STATE CLEARINGHOUSE NUMBER [2024080719](#)

Dear Thomas Gorham,

The Department of Toxic Substances Control (DTSC) received a Mitigated Negative Declaration (MND) for the Mill Residential Townhome Project (DEV2023-00042) (Project). The proposed Project site is located at 275 and 301 East Santa Ana Street in the City of Anaheim, California. The proposed Project would develop a new residential infill community consisting of 56 for-sale 3-story condominium townhomes ranging in size from approximately 1,200 to 1,800 square feet with 24 two-bedroom and 32 three-bedroom units. After review of the MND, DTSC has the following comments for consideration:

1. The Limited Phase II Subsurface Investigation Report Section 3.1 Laboratory Results states: "Concentrations of diesel and oil range hydrocarbons below

1,000 mg/Kg are typically considered insignificant in commercial cases” and Section 5.0 Limitations states “This Subsurface Investigation was performed in accordance with generally and currently accepted engineering practices and principles; however, the procedures and methodologies used in this investigation are not intended to meet all specific regulatory guidelines as this work was completed as a self-directed effort.”. Since the proposed Project will be developed into a residential community, DTSC recommends the City of Anaheim enter into DTSC’s Standard Voluntary Agreement (SVA) program so a proper evaluation 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.” DTSC recommends that once the SVA is signed, a Preliminary Endangerment Assessment Report (PEA Report) be submitted for DTSC review. The PEA Report shall summarize all existing data and provide an evaluation of the possible risk to current and future users of the site. If you have any questions about the application portal, please contact the DTSC Brownfield Coordinator [Gregory Shaffer](#) or contact the [Application Portal Inbox](#)

2. 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](#). DTSC believes the City of Anaheim 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 may provide additional comments on future environmental documents as further information becomes available.

3. 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 Preliminary Endangerment Assessment \(PEA\) Guidance Manual](#)

DTSC appreciates the opportunity to comment on the Mill Residential Townhome Project (DEV2023-00042). 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*

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