



**Yana Garcia**  
Secretary for  
Environmental Protection



**Department of Toxic Substances Control**

Katherine M. Butler, MPH, Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200  
[dtsc.ca.gov](http://dtsc.ca.gov)



**Gavin Newsom**  
Governor

**SENT VIA ELECTRONIC MAIL**

December 27, 2024

Julian Reynaga  
Assistant Planner  
City of Tulare  
411 Kern Avenue Apt. 114  
Tulare, CA 93274  
[jreynaga@tulare.ca.gov](mailto:jreynaga@tulare.ca.gov)

RE: MITIGATED NEGATIVE DECLARATION FOR THE LEKKEKERKER SUBDIVISION  
DATED DECEMBER 5, 2024, STATE CLEARINGHOUSE NUMBER [2024120213](#)

Dear Julian Reynaga,

The Department of Toxic Substances Control (DTSC) reviewed the Mitigated Negative Declaration (MND) for the Lekkekerker Subdivision (project). The Lekkekerker Subdivision Project proposes the construction of 228 single-family residential units on the north side of Paige Avenue and east of South Pratt Street. The project plans to subdivide 57.31 acres of vacant land into 84 lots that are a minimum of 5,000 square feet each and 144 lots that are a minimum of 6,000 square feet each. The proposed project would result in on-site infrastructure improvements, including improvement of new city streets within the subdivision. Construction is proposed over three phases. The first phase will construct 113 homes, the second phase will construct 73 homes, and the final phase will construct 42 homes. Construction is to begin in 2025 and continue as market conditions permit. DTSC recommends and requests consideration of the following comments:

1. When agricultural crops and/or land uses are proposed or rezoned for residential use, a number of contaminants of concern (COCs) 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 dichloro-diphenyl-trichloroethane, toxaphene, and dieldrin. Additionally, any level of arsenic present would require further analysis and sampling and must meet [HHRA NOTE NUMBER 3, DTSC-SLs](#) approved thresholds. If they are not, remedial action must take place to mitigate them below those thresholds.


Additional COCs may be found in mixing/loading/storage areas, 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 and/or Total Petroleum Hydrocarbons may be required.

2. In the Phase II Limited Site Assessment, Conclusions and Recommendations Section states: “Based on the findings in the field and the laboratory analytical reports for the soil samples collected and analyzed from the subject site during this investigation, no evidence of a known significant impact (based on a comparison with established regulatory screening levels) was identified with respect to OCPs and arsenic.” DTSC recommends the City of Tulare enter into a voluntary agreement to address contamination at brownfields and other types of properties or receive oversight from a [self-certified local agency](#), DTSC or Regional Water Quality Control Board. If entering into one of DTSC’s voluntary agreements, please note that DTSC uses a single standard Request for Lead Agency Oversight Application for all agreement types. Please apply for DTSC oversight using this link: [Request for Agency Oversight Application](#). Submittal of the online application includes an agreement to pay costs incurred during agreement preparation. If you have any questions about the application portal, please contact your [Regional Brownfield Coordinator](#).
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 prior land use. Additional information can be found by visiting [DTSC's Human and Ecological Risk Office \(HERO\) webpage](#).

DTSC appreciates the opportunity to comment on the MND for the Lekkekerker 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 clarification on DTSC's comments, please respond to this letter or via [email](#) for additional guidance.

Sincerely,



Tamara Purvis  
Associate Environmental Planner  
HWMP - Permitting Division – CEQA Unit  
Department of Toxic Substances Control  
[Tamara.Purvis@dtsc.ca.gov](mailto:Tamara.Purvis@dtsc.ca.gov)

Julian Reynaga  
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cc: (via email)

Governor's Office of Land Use and Climate Innovation  
State Clearinghouse  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

Matt Ainley  
Principal Civil Engineer / Project Applicant  
Artemis Partners LLC  
[matta@4-creeks.com](mailto:matta@4-creeks.com)

Molly Baumierster  
Project Manager / Consulting Firm  
4-Creeks  
[mollyb@4-creeks.com](mailto:mollyb@4-creeks.com)

Dave Kereazis  
Associate Environmental Planner  
HWMP-Permitting Division – CEQA Unit  
Department of Toxic Substances Control  
[Dave.Kereazis@dtsc.ca.gov](mailto: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](mailto:Scott.Wiley@dtsc.ca.gov)