



Department of Toxic Substances Control

Jared Blumenfeld
Secretary for
Environmental Protection

Meredith Williams, Ph.D.
Acting Director
8800 Cal Center Drive
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Gavin Newsom
Governor

Governor's Office of Planning & Research

November 7, 2019

NOV 08 2019

STATE CLEARINGHOUSE

Mr. Mark Tolentino
Kern County Planning and Community Development Department
2700 "M" Street, Suite 100
Bakersfield, California 93301-2323

PROPOSED NEGATIVE DECLARATION FOR CONDITIONAL USE PERMIT NO. 10,
MAP NO. 165-26; KEN MALER BY SWANSON ENGINEERING, INC. (PP17196) –
DATED OCTOBER 23, 2019 (STATE CLEARINGHOUSE NUMBER: NA)

Dear Mr. Tolentino:

The Department of Toxic Substances Control (DTSC) received a Proposed Mitigated Negative Declaration (MND) for Conditional Use Permit No. 10, Map No. 165-26; Ken Maler by Swanson Engineering, Inc. (PP17196).

The proposed project includes a request for a Conditional Use Permit to allow an assisted living facility/retirement home that will house a maximum of 32 elderly residents. The proposed project is on a 2.71-acre lot at 21037 Schout Road, Tehachapi, California, 93561.

DTSC recommends that the following issues be evaluated in the MND, Hazards and Hazardous Materials section:

1. The forthcoming MND should acknowledge the potential for project site activities to have resulted in the release of hazardous wastes/substances. In instances in which releases have occurred, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The MND should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.

2. 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 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers* (https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance_Lead_Contamination_050118.pdf).
3. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to DTSC's 2001 *Information Advisory Clean Imported Fill Material* (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf).
4. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the MND. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 *Interim Guidance for Sampling Agricultural Properties (Third Revision)* (<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf>).

DTSC appreciates the opportunity to review the MND. Should you need any assistance with an environmental investigation, please submit a request for Lead Agency Oversight Application, which can be found at: https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/VCP_App-1460.doc. Additional information regarding voluntary agreements with DTSC can be found at: <https://dtsc.ca.gov/brownfields/>.

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If you have any questions, please contact me at (916) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,



Gavin McCreary
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

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