

Exhibit B

September 2023 | Response to Comments Received on the Public Draft Initial
Study/MND

PATRICK HENRY ELEMENTARY SCHOOL RECONSTRUCTION PROJECT

Anaheim Elementary School District

Prepared for:

Anaheim Elementary School District

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1. Response to Comments

The following is a list of agencies that submitted comments on the public draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Patrick Henry Elementary School Reconstruction Project during the public review period, which extended from July 17 to August 15, 2023. Comment letters and specific comments are given letters and numbers for reference purposes.

Number Reference	Commenting Agency/Person	Date of Comment	Page No.
Agencies			
A1	Department of Toxic Substances Control	August 8, 2022	3

Response to Comments

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Response to Comments

LETTER A1 – Department of Toxic Substances Control (4 pages)

 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
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A1
SENT VIA ELECTRONIC MAIL

August 8, 2023

Isela Vazquez
Senior Director
Anaheim Elementary School District
1411 S Anaheim Boulevard – Second Floor
Anaheim, CA 92805
ivazquez@aesd.org

RE: MITIGATED NEGATIVE DECLARATION (MND) FOR THE PATRICK HENRY
ELEMENTARY SCHOOL RECONSTRUCTION PROJECT, DATED APRIL 2023
SCH# [2023070290](#)

Dear Isela Vazquez:

The Department of Toxic Substances Control (DTSC) received an MND for the
Patrick Henry Elementary School Project. Based on our project review, DTSC
requests consideration of the following comments.

1. If the district plans to use State funds for the project, then the district shall comply with the requirements of California Education Code (CDE), sections 17210, 17213.1 and 17213.2, unless otherwise specifically exempted under section 17268. If the district is not using State funds for the project, or is otherwise specifically exempted under section 17268, DTSC recommends the district continue to investigate	A1-1
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and clean up the Site, if necessary, under the oversight of (County) and in concurrence with all applicable DTSC guidance documents.

A1-1
cont'd

A local education agency may also voluntarily request the CDE site/plan approval for locally funded site acquisitions and new construction projects. In these cases, CDE will require DTSC to review and approve prior to its final approval, except when exempt under section 17268.

2. Because the project is school site related, DTSC recommends that an environmental review, such as a Phase I Environmental Site Assessment and/or Preliminary Environmental Assessment, be conducted to determine whether there has been or may have been a release or threatened release of a hazardous material, or whether a naturally occurring hazardous material is present based on reasonably available information about the property and the areas in its vicinity. Such an environmental review should generally be conducted as part of the California Environmental Quality Act (CEQA) process. If the District elects to proceed and conduct an environmental assessment at the Site under DTSC oversight, it should enter into an Environmental Oversight Agreement with DTSC to oversee the preparation of the environmental assessment.

A1-2

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 2006 [Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and](#)

A1-3

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Electrical Transformers

4. 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](#) webpage.

A1-4

DTSC appreciates the opportunity to comment on the Patrick Henry Elementary School Reconstruction Project's MND. If you would like to proceed with DTSC's school environmental review process, please visit [DTSC's Evaluating & Clean-up School 3-Step Process](#) to begin a Phase I Environmental Site Assessment.

If you have any questions, please respond to this letter for additional guidance.

Sincerely,



Dave Kereazis
Associate Environmental Planner
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control

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cc: (via email)

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Response to Comments

A1. Response to Comments from Department of Toxic Substances Control, Dave Kereazis, Associate Environmental Planner, dated August 8, 2023.

A1-1 Comment noted. The Anaheim Elementary School District (District) is planning to use state funds for the project and will comply with the requirements of California Education Code (CDE), sections 17210, 17213.1 and 17213.2.

A1-2 Comment noted. Based on the conclusions of the 2022 Phase I Environmental Site Assessment prepared by Leighton Consultants, Inc. which was included as Appendix C of the IS/MND, the project site was formerly utilized for agricultural purposes from at least 1938 to the early 1960s, followed by the Patrick Henry Elementary School since 1962. Based on the former agricultural use and in accordance with Mitigation Measure HAZ-1 of the IS/MND, a Limited Phase II Environmental Site Assessment was completed by the District and is available if requested by DTSC. Based on the findings and conclusions of the Phase II, the concentrations of arsenic, OCPs, and PCBs detected in the soil samples analyzed during the investigation did not exceed the regulatory screening limits. One concentration (732 mg/kg) of lead detected in soil sample LB12-2.5 did exceed the regulatory screening level of 80 mg/kg and will have to be removed from the site. The estimated removal volume is approximately 15 cubic yards. Due to the low quantity of material to be removed, the removals can be completed as general housekeeping activity without the preparation and implementation of the Remedial Action Workplan. The removals will occur under the oversight of a properly licensed environmental consultant. Upon removal and offsite disposal, a letter documenting the activities, including proper waste manifests, will be prepared and submitted to the District.

A1-3 Comment noted. See response to Comment A1-2.

Also, SCAQMD Rule 1403 governs the demolition of buildings containing asbestos materials. Rule 1403 specifies work practices with the goal of minimizing asbestos emissions during building demolition and renovation activities, including the removal and associated disturbance of asbestos-containing material (ACM). The requirements for demolition and renovation activities include asbestos surveying, notification, ACM removal procedures and time schedules, ACM handling and cleanup procedures, and storage and disposal requirements for asbestos-containing waste materials. Title 8 California Code of Regulations section 1532.1 establishes lead testing of any structures slated for demolition or modification. Surveys of building materials for hazardous substances are required by these regulations and will be followed for this project by the District.

Soil sampling around older structures and transformers will be conducted under DTSC oversight following *Interim Guidance – Evaluation of School Sites with Potential Soil Contamination as a Result of Lead from Lead-Based Paint, Organochlorine Pesticides from*

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Termiticides, and Polychlorinated Biphenyls (PCBs) from Electrical Transformers and former agricultural use will be conducted under DTSC oversight following *Interim Guidance for Sampling Agricultural Properties (Third Revision)*. In addition, samples should be collected in open soil in close proximity to windows of former structures to assess for potential residual polychlorinated biphenyls in soil from the weathering of window sealants.

- A1-4 Comment noted. Any fill material proposed for import onto the project site will be assessed in accordance with DTSC's *Information Advisory Clean Imported Fill Material Fact Sheet* prior to import. Fill material with analytes that exceed the latest DTSC-modified screening levels listed in DTSC's Note 3, or if not listed in Note 3, USEPA's Regional Screening Levels assuming a residential land use, shall not be imported onto the project site.