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Mr. Julio Arroyo
Director of Maintenance, Operations and Safety
Mill Valley School District
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DTSC COMMENTS ON MILL VALLEY SCHOOL DISTRICT'S DRAFT ENVIRONMENTAL IMPACT REPORT, MILL VALLEY MIDDLE SCHOOL RECONSTRUCTION PROJECT, MILL VALLEY SCHOOL DISTRICT, CALIFORNIA (STATE CLEARING HOUSE #2024060669)

Dear Mr. Arroyo:

The Department of Toxic Substances Control (DTSC) has reviewed the Draft Environmental Impact Report (DEIR), dated September 2025. The DEIR was prepared on behalf of the Mill Valley School District (MVSD or District herein) by Grasseti Environmental Consulting.

GENERAL BACKGROUND

The DEIR states that the MVSD is proposing to redevelop an existing 10.2-acre portion of Mill Valley Middle School (MVMS), located at 425 Sycamore Avenue in Mill Valley, California (Site), by demolishing the existing middle school and constructing a new middle school. The Site is developed with the District offices and MVMS. The Site surface consists of hardscape (asphalt, concrete, and buildings) and landscape areas. A drainage channel (known as Ryan Creek) cuts across the northern portion of the Site oriented west to east and discharges into the Pickleweed Inlet (known as the Sausalito Canal) to the east of the Site.

The Site once operated as the Mill Valley Dump, a household waste landfill and burn dump from the early 1900s until closing in the 1950s. The dump operated for

approximately 50 years, burning waste if possible and spreading the remaining waste across the dump. The historical extent of the dump extends beneath properties located to the north and south of the Site. Prior to landfill operations, the Site was undeveloped tidal marsh. MVMS was built at the Site in 1969.

On April 15, 2024, DTSC and the District entered into an Environmental Oversight Agreement (EOA) regarding a Preliminary Endangerment Assessment (PEA) of the Site. The definition and requirements of a PEA are set forth in Education Code sections 17210, 17210.1 and 17213.1. The EOA only addresses the processes of performing site investigation activities and reporting the results of the investigation in a PEA Report. Should the results of PEA indicate response actions are necessary to address potential exposure risks to human health and/or impacts to the environment from contamination found at a site, the District may choose to enter into a Standard Voluntary Agreement with DTSC to oversee any supplemental site investigation and cleanup activities.

On October 16, 2024, DTSC approved of the District's workplan for the PEA, which included proposed sampling and testing of soil, soil vapor, groundwater, and surface water at the Site. Sampling and testing were completed in late 2024, and subsequently a Draft PEA Report, dated April 8, 2025, was submitted to DTSC for review and comment. Based on DTSC's review, and cited in our July 3, 2025 comment letter, DTSC concluded that Draft PEA Report was deemed insufficient for multiple reasons including, but not limited to, improper soil gas sampling procedures resulting in questionable data (i.e., the sampling of soil vapor happened during a rain event), and the use of bioattenuation for assessing potential risk to human health from breathing potentially contaminated indoor air. Using bioattenuation should not be used according to established DTSC vapor intrusion guidance.

Since our July 3, 2025, comment letter, the District's environmental consultant, Ninyo & Moore, had reportedly collected and analyzed additional soil vapor samples, although DTSC understands some of soil vapor sample points were not viable for sample collection due to shallow groundwater and/or moisture concerns which renders the data from laboratory analysis unreliable. In addition, and before DTSC was provided sufficient opportunity for its regulatory oversight and comment, the District's consultant collected additional surface soil samples in landscaped areas, and sub-slab soil vapor samples within the main campus building and the gymnasium. It should be noted that the District's consultant collected sub-slab soil vapor samples within the main campus and gymnasium, before DTSC could comment on the proposed sampling procedures and locations. DTSC understands that a revised human health risk assessment incorporating the additional soil and sub-slab soil vapor sampling results will be included in the revised PEA Report, which DTSC only recently received on October 17, 2025.

COMMENTS ON THE DEIR

1. The DEIR states that the MVSD proposes to replace (reconstruct) the Mill Valley Middle School (MVMS) on its existing campus site; this reconstruction work at MVMS is referred to as “the Project”. The DEIR states that it has been prepared for the District to evaluate the environmental effects of construction and operation of the Project, as required under the California Environmental Quality Act (CEQA). The DEIR states that the proposed Project consists of five phases: 1) construction of an interim campus for students to attend during the construction period, 2) demolition of the existing school buildings, 3) construction of the new school buildings and grounds, 4) operation of the new school, and 5), removal of the interim campus and restoration of recreation areas and parking on that part of the site.

DTSC was recently informed that the District has now changed the current plan to reconstruct the existing campus site and instead focus on a renovation alternative for the existing MVMS. This alternative, identified as “Alternative 5: Renovation of Existing MVMS Main Building and Gym”, would focus on renovating the interior and exterior of existing main campus building and the gymnasium, improving the heating, ventilation and air conditioning (HVAC) system and upgrading the fire sprinklers and electrical systems, and improving accessibility issues. A small building for science, technology, engineering and mathematics (STEM) education is proposed to be constructed. This alternative would also require 6th grade students to be relocated to an interim campus (presumed to be located on the existing MVMS campus) or relocated to the existing Edna Maguire Elementary School. The District Offices would be relocated to the Edna Maguire Elementary School or another existing District building. The DEIR states that this alternative would have similar impacts to the proposed Project, but with reduced grading noise, construction air quality/health risks, and dust impacts. The DEIR indicates that Alternative 5 would be the “Environmentally Superior Alternative”.

DTSC notes that the DEIR, specifically Chapter 3 – Environmental Setting, Impacts and Mitigation Measures, is focused mainly on evaluating the impacts to the environment based on the activities associated with the “Project” (i.e., full tear down and reconstruction of MVMS). Considering the District’s plans now are to move forward, as DTSC understands, with renovating the existing campus, the DEIR lacks the necessary information - such as those presented in Chapter 3 for the Project - to fully evaluate the impacts and what mitigation measures are necessary to address the specific activities involved with Alternative 5.

2. DTSC and District representatives met on August 14, 2025, and August 15, 2025. During these meetings, DTSC understood that the District's plans changed to renovating the existing MVMS, instead of demolition and reconstruction due to costs of soil removal work associated with the Project. The DEIR is dated September 2025, so it is not clear why the District would rush to present an environmental impact report for public review and comment that did not present a comprehensive evaluation of environmental impacts reflecting the revised plan for the school. Presenting a CEQA document for review and comment, a majority of which is based on a project that the District considers no longer viable, is unproductive and does not serve the public interest.
3. Section 5.6, Table 5.2 shows a comparison of alternatives to meet the Project objectives. The Table shows that for the column "Alternative 5. Existing MVMS Renovation", that three (3) out of the six (6) objectives (Objectives 2, 5 and 6 listed below) are only partially achieved.

Objective 2 – Upgrade MVMS facilities to current educational, safety, security, and accessibility standards.

Objective 5 – Address concerns related to projected future sea-level rise, odors, and site conditions.

Objective 6 – Construct climate resilient and sustainable facilities and implement "green building" practices).

Apart from Alternative 1 (No Project), the Alternatives 2-4 are presented as alternatives that "substantially" achieve the objectives, so it is not clear why the District has chosen to pursue Alternative 5; DTSC notes some rationale are presented in Section 5.7.

4. Section 5.7 of the DEIR is meant to present the "Environmentally Superior Alternative" to the proposed Project. In this section the DEIR states that the "Modernization Alternative (Alternative 5)" would have increased exposure to sea-level-rise and other flooding compared to the proposed Project and would not assure reduction of long-term health risks compared to the Project. In addition, the last paragraph in this section states that the "Rehabilitation Alternative" would be considered the most "Environmentally Superior Alternative" but that this alternative would only partially meet the Project's objectives. It's not clear what are the "Modernization Alternative" or the "Rehabilitation Alternative", as the main text of the DEIR identifies Alternative 5 as "renovation" of the MVMS.

Also, the DEIR states that the Dual Schools at Edna Maguire option also would substantially reduce impacts compared with the Project but would achieve more

of the Project goals. This paragraph should explain the “goals” and why the District is now moving forward with Alternative 5 rather than Alternative 4.

5. Mitigation Measure 3.7-1 (see Table ES-1, and Mitigation Measures, Page 3.7-17) states that the Project Site shall be subject to mitigation as required by DTSC and the LEA (Lead Enforcement Agency) in “the Response Plan”. As explained above, DTSC and the District entered an EOA in April 2024, which only includes our oversight during the PEA process. While a PEA can include recommendations for response actions, DTSC is not aware of any proposed or approved “Response Plan” in the public record. Additionally, given the Project is now a renovation project rather than a reconstruction one, evaluation of the impacts of a “Response Plan” associated with Alternative 5 should reflect the specific actions needed for the renovation alternative.
6. Mitigation Measure 3.7-2 (See Table ES-12, and Mitigation Measures-Page 3.7.19) states that the District shall prepare and implement a Mitigation Plan. It is not clear if the term “Mitigation Plan” is the same as the “Response Plan”. Also, this section, in part, states that the District shall undertake additional sampling of soil in landscape areas and conduct sub-slab vapor sampling; and, if warranted based on the results, additional indoor air sampling. It should be noted that the District has already imposed this mitigation measure in August 2025, before the September 2025 date of the DEIR. DTSC has not been provided with a reasonable opportunity to review and comment on the additional sampling, as the revised PEA was only recently received on October 17, 2025.
7. The Table of Contents in the main text of the DEIR and in Volume 2, Appendices, identifies Appendix E as “Preliminary Endangerment Assessment and Post-Closure Land Use Plan Outline” (PEA and PCLUPO). However, the actual contents of Appendix E is a report titled “Human Health Risk Assessment” (HHRA), dated August 28, 2025, which is discussed in Section 3.7.1- Existing Conditions within the DEIR. It is not clear then whether the District intended on providing the PEA and the PCLUPO in the appendix, just the HHRA, or all these documents. Also, the HHRA appears to be based on preliminary data collected in 2024 and presented in the April 2025 draft version of the PEA Report. DTSC provided comments on the health risk assessment presented in the Draft PEA in a letter dated July 3, 2025 and concluded (as stated above), that the Draft PEA Report was deemed insufficient for multiple reasons including, but not limited to, improper soil gas sampling procedures resulting in questionable data (i.e., the sampling of soil vapor happened during a rain event), and the use of a bioattenuation factor for assessing potential risk to human health from indoor air, which according to DTSC vapor intrusion guidance, should not be used for assessing potential risk. DTSC is aware that additional data has been collected

regarding soil and soil vapor, which may change or corroborate the level risk from hazardous chemicals currently presented in the DIER.

8. In Section 3.7.1 (Page 3.7.13) under the heading “Hazardous Materials in School Buildings, the DEIR states that pre-demolition hazardous building materials surveys were conducted at the MVMS in July 2024 and January 2025, and that these survey reports are included in Appendix E. As stated above, Appendix E includes a Human Health Risk Assessment dated August 28, 2025, which does not include these surveys mentioned.
9. In Section 3.9.2 - Impact and Mitigation Measures (specifically Impact 3.9.4 - second paragraph), reference is made to Appendix E for traffic noise level estimates. Again, Appendix E includes a Human Health Risk Assessment dated August 28, 2025, which does not include traffic noise level estimates.
10. In Section 4.5.1 - Energy (third paragraph), reference is made to “Appendix AQ”. The DEIR does not contain an Appendix AQ.

DTSC appreciates this opportunity to comment on the Mill Valley Middle School Reconstruction Project Draft Environmental Impact Report.

Sincerely,



Pete Ruttan, PG
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Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

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