



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Katherine M. Butler, MPH, Director
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Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

June 13, 2025

Steven Sopp
Principal Planner
City of Tulare
411 E. Kern Avenue
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ssopp@tulare.ca.gov

RE: MITIGATED NEGATIVE DECLARATION FOR FERNANDES PROPERTY
SUBDIVISION DATED JUNE 11, 2025, STATE CLEARINGHOUSE NUMBER
[2025060502](#)

Dear Steven Sopp,

The Department of Toxic Substances Control (DTSC) reviewed the Mitigated Negative Declaration (MND) for Fernandes Property Subdivision (Project). The Project proposes to subdivide the 19.58-acre site into a 120-lot single-family residential subdivision including a stormwater retention park/pond. Proposed infrastructure improvements also include extension of public streets and utilities for the proposed homes. The proposed residential development would complement and provide street interconnectivity with the planned residential development to the west.

A Phase II Limited Site Assessment was conducted by Krazan and Associates, Inc. for the Project area and stated the following conclusion:

- “The arsenic concentration of 45 mg/kg reported for sample SB3.
- Although the TPH-co concentration in samples SP1 did not exceed the Commercial/Industrial ESL for TPH-mo, the TPH-mo concentration is increasing with depth.
- The lead concentration in sample SB5 was at the Residential ESL and thus, needs further investigation.

Based on the conclusions discussed above, additional subsurface investigation is recommended for the areas of samples SB3, SP1 and SB5.”

Based on these findings, DTSC recommends and requests consideration of the following comments:

1. The City of Tulare address contamination found to be present within the Project area through 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 the relevant [Regional Brownfield Coordinator](#) for your Project.
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 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 would like to thank you for the opportunity to comment on the MND for Fernandes Property Subdivision. Thank you for your assistance in protecting California’s people and environment from the harmful effects of toxic substances. If you

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have any questions or would like clarification on DTSC's comments, please respond to this letter or via our [CEQA Review email](#) for additional guidance.

Sincerely,

Tamara Purvis

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cc: (via email)

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