

CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF DETERMINATION

To: Office of Land Use and Climate Innovation
State Clearinghouse
1400 Tenth Street, Room 212
Sacramento, CA 95812-3044

From: Department of Toxic Substances Control
Site Mitigation and Restoration Program
700 Heinz Avenue, Suite 200
Berkeley, CA 94710

Subject: FILING OF NOTICE OF DETERMINATION IN COMPLIANCE WITH SECTION 21108 OF THE PUBLIC RESOURCES CODE

Project Title: Ohlone College Newark Center Student Housing Development Project Remedial Action Plan

State Clearinghouse Number: 2025121116

Project Location: 39399 Cherry Street, Newark, California, 94560

County: Alameda

Project Applicant: Ohlone Community College District

Project Description: The Department of Toxic Substances Control (DTSC) has approved a Remedial Action Plan (RAP) for Ohlone College Newark Center (OCNC) Student Housing Development Project (SHDP). The student housing would be in the southwest corner of the OCNC property, which is part of the Ohlone Community College District (OCCD) Site at Cherry Street near Mowry Avenue in Newark, CA (Site). OCCD is the CEQA lead agency for the SHDP.

The student housing project area is 5.5 acres in size and part of the larger OCCD Site, which is approximately 81 acres in size. The RAP is associated with a student housing project being developed by the Site owner, OCCD, which entails construction of a 534-bed community for OCNC staff, students, and their families.

The RAP presents and evaluates the existing Site conditions and provides proposed measures to address the effects of chemicals of concern (COCs) within the SHDP area prior to the development project to protect human health and the environment. The Site remediation activities included in the RAP consist of the following:

- **Soil Excavation and Relocation to Containment Area:** Approximately 26,000 cubic yards (cy) of COC-impacted soil will be excavated from the future student housing area to a depth of 2.5 to 4.0 feet below ground surface (bgs). Excavated soil will be relocated to a designated containment area, located on 335,258 square feet (approximately 7.7 acres) within the southern-central section of the Site boundaries that is not associated with future developments. The trip length for trucks relocating soil will be one mile. To ensure protection of the containment area, a six-inch layer of imported clean fill soil (approximately 6,300 cy) will be placed as a cap, and fencing will be placed around the perimeter of the containment area.
- **Confirmation Sampling:** Following the excavation work, confirmation soil samples will be taken to assess whether the COC levels in the soil are below the RGs identified in the RAP. If concentrations of COCs in confirmation samples exceed the RGs, additional targeted excavation will be performed to remove the impacted soils.
- **Grading:** Approximately 35,000 cy clean soil will be imported to the Site to raise the overall grade of the SHDP area by approximately 2 to 6 feet. The trip length for trucks importing soil will be 10 miles.
- **Installation of an Under-Slab Vapor Barrier:** Subsequent grading activities, a waterproofing and soil vapor under-slab barrier will be installed to prevent moisture infiltration and soil gas (e.g., radon, methane and sulfates) intrusion.
- **Institutional Controls:** To monitor whether toxaphene in soil poses an ecological risk to the environment, at minimum, restrictions on groundwater use, annual groundwater monitoring, annual inspections, and five-year review reporting will be required for the containment area. Should toxaphene levels in

groundwater exceed residential screening levels, the soil will undergo in-situ soil treatment for reuse or be disposed of off-Site to address potential risk. Additionally, the 2007 Land Use Covenant (LUC), the 2007 Operations & Maintenance (O&M) Plan, and the 2007 O&M Agreement will be revised to include modified land use conditions and updated operation and maintenance requirements following the completion of RAP remediation activities.

On October 18, 2023, OCCD adopted the Final Initial Study/Mitigated Negative Declaration (IS/MND) for the Ohlone College Newark Center Student Housing Project. Since adopting the IS/MND, OCCD has prepared and adopted four Addendums to the IS/MND. The Fourth Addendum to the IS/MND (approved by OCCD on March 11, 2026) addressed additional revisions to the cleanup methods and amount of soil import/export proposed as part of the subject RAP.

Based on review of OCCD’s Fourth Addendum and the CEQA documents which preceded it, DTSC has determined the analysis of environmental impacts and mitigation measures adequately address the potential environmental impacts associated with the activities identified in the RAP. DTSC has prepared a Statement of Findings concluding the prior environmental review adequately analyzed impacts associated with the RAP. The RAP is subject to compliance with applicable mitigation measures identified in the Statement of Findings as well as conditions of approval identified in DTSC’s letter dated May 12, 2026.

As Responsible Agency under the California Environmental Quality Act (CEQA), DTSC approved the above-described project on May 12, 2026 and has made the following determinations:

1. The project will not have a significant effect on the environment.
2. An Addendum to a Mitigated Negative Declaration was prepared pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of project approval.
4. A mitigation reporting or monitoring plan was adopted.
5. A Statement of Overriding Considerations was not adopted for this project.
6. Findings were made pursuant to the provisions of CEQA.

The administrative record for this project is available to the public by appointment at the following location:

Department of Toxic Substances Control
 Site Mitigation and Restoration Program
 700 Heinz Avenue, Suite 200
 Berkeley, California 94710

Additional project information is available on EnviroStor: www.envirostor.dtsc.ca.gov/public/ or https://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=01010013.

Contact Person Ayse Bozlaker	Contact Title Project Manager	Phone Number (510) 540-3797
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Approver’s Signature:

Dana Barton

Date:

May 12, 2026

Approver’s Name Dana Barton	Approver’s Title Branch Manager	Approver’s Phone Number (510) 540-2955
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