



**Jared Blumenfeld**  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Meredith Williams, Ph.D.  
Acting Director  
5796 Corporate Avenue  
Cypress, California 90630



**Gavin Newsom**  
Governor

August 13, 2019

Governor's Office of Planning & Research

**AUG 13 2019**

Mr. Kevin Canning  
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**STATE CLEARINGHOUSE**

2019079044

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR CHICK-FIL-A/IN-N-OUT  
17<sup>TH</sup> AND TUSTIN, SANTA ANA (FILE NUMBER PA 160055)

Dear Mr. Canning:

The Department of Toxic Substances Control (DTSC) reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) (Michael Baker International, July 2019) for the Chick-Fil-A/In-N-Out properties located in an unincorporated area of Orange County, adjacent to the City of Santa Ana and Tustin (Project Site).

The project involves the construction of Chick-fil-A and In-N-Out Burger restaurant buildings, associated drive-through facilities, surface parking spaces, landscaping and required utilities. The Project Site is conducting cleanup activities under the DTSC's oversight.

Based on the review of the IS/MND, DTSC has the following comments:

1. Section 4.9.b., Page 4.9.3 – Third paragraph states that the project would require vapor barriers and a passive venting system, as well as continued groundwater and soil vapor monitoring. DTSC also requires a land use covenant and groundwater remediation for the Site. Please specify that additional remediations are required for the Project Site including a Removal Action Workplan or Remedial Action Plan proposing (a) soil vapor mitigation system (e.g., vapor barriers and a passive venting system), (b) groundwater remediation, (c) groundwater and soil vapor monitoring and (d) a land use covenant (LUC). The RAW or RAP shall be submitted for DTSC's review and approval prior to installation soil vapor mitigation measures and building occupancy.

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2. DTSC filed a Notice of Exemption (NOE) in 2016 for the soil vapor extraction (SVE) remedy implemented at the Project Site. The NOE states “ If operation of the SVE system does not achieve the prescribed cleanup goals, DTSC will require a land use covenant and other engineering controls in conjunction with the appropriate CEQA analysis.” The IS/MND should include environmental impact analysis of the proposed remedies mentioned in Comment 1. A copy of the NOE filed by DTSC can be found at:  
[https://www.envirostor.dtsc.ca.gov/public/deliverable\\_documents/7351988077/Signed%20NOE.pdf](https://www.envirostor.dtsc.ca.gov/public/deliverable_documents/7351988077/Signed%20NOE.pdf)

DTSC appreciates the opportunity to review the IS/MND. Should you need any assistance in environmental investigation and/or remediation, please submit a request for Lead Agency Oversight Application which can be found at:  
<https://dtsc.ca.gov/brownfields/voluntary-agreements-quick-reference-guide/>.

Should you have any questions regarding this letter, please contact me at 714-484-5392 or [ChiaRin.Yen@dtsc.ca.gov](mailto:ChiaRin.Yen@dtsc.ca.gov).

Sincerely,



Chia Rin Yen  
Environmental Scientist  
Brownfields Restoration and School Evaluation Branch  
Site Mitigation and Restoration Program

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mv/cy/yg

cc: (via e-mail)

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