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Secretary for
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Department of Toxic Substances Control

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SENT VIA ELECTRONIC MAIL

June 27, 2024

Francisco Mendoza

Senior Planner

City of Merced

678 West 18th Street

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RE: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE YOSEMITE AVENUE-GARDNER AVENUE TO HATCH ROAD ANNEXATION AND MIXED-USE PROJECT DATED JUNE 14, 2024, STATE CLEARINGHOUSE NUMBER [2016121029](#)

Dear Francisco Mendoza,

The Department of Toxic Substances Control (DTSC) received a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Yosemite Avenue-Gardner Avenue to Hatch Road Annexation and Mixed-Use Project (Project). The Project proposes annexation of approximately 70 acres into the City of Merced (City). Approximately 30 acres is proposed for development of a Mixed-Use Housing and Commercial development; no development is proposed on the remaining 40 acres. The residential village would be 18.25 acres and consist of 11 three-story buildings with a total of 426 residential units, a 6,000 square foot clubhouse, and 75,000 square feet of outdoor recreation space, including a 9,378 square foot dog park. The commercial portion would include 8 single-story buildings consisting of 88,298 square feet of

commercial space on 10.25 acres of the site. The residential component includes 657 parking spaces, and the commercial component consists of 350 parking spaces. The City is preparing a Partially Recirculated Draft EIR for the proposed Project to evaluate changes since the prior Draft EIR was circulated for public review in September and October 2021.

After reviewing the Project, DTSC recommends and requests consideration of the following comments:

1. When agricultural crops and/or land uses are proposed or rezoned for residential use, a number of contaminants of concern (COCs) can be present. The Lead Agency shall identify the amounts of Pesticides and Organochlorine Pesticides (OCPs) historically used on the property. If present, OCPs requiring further analysis are Dichlorodiphenyltrichloroethane, toxaphene, and dieldrin. Additionally, any level of arsenic present would require further analysis and sampling and must meet [HHRA NOTE NUMBER 3, DTSC-SLs](#) approved thresholds. If they are not, remedial action must take place to mitigate them below those thresholds.
2. Additional COCs may be found in mixing/loading/storage areas, drainage ditches, farmhouses, or any other outbuildings and should be sampled and analyzed. If smudge pots had been routinely utilized, additional sampling for Polycyclic Aromatic Hydrocarbons and/or Total Petroleum Hydrocarbons may be required.
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 Preliminary Endangerment Assessment \(PEA\) Guidance Manual](#).

4. DTSC recommends that all imported soil and fill material should be tested to assess any COC's meet screening levels as outlined in the [PEA 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 the prior land use. Additional information can be found by visiting [DTSC's Human and Ecological Risk Office \(HERO\) webpage](#).

DTSC appreciates the opportunity to comment on the NOP of a DEIR for the Yosemite Avenue-Gardner Avenue to Hatch Road Annexation and Mixed-Use Project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like any clarification on DTSC's comments, please respond to this letter or via [email](#) for additional guidance.

Sincerely,

Tamara Purvis

Tamara Purvis

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HWMP - Permitting Division – CEQA Unit

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Francisco Mendoza

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cc: (via email)

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