



**Jared Blumenfeld**  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Meredith Williams, Ph.D.  
Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200



**Gavin Newsom**  
Governor

### Sent Via Electronic Mail

April 18, 2022

Ms. Fanny Yu  
Associate Civil Engineer  
City of Milpitas Engineering Department  
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Milpitas, CA 95035  
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Governor's Office of Planning & Research

**Apr 18 2022**

**STATE CLEARINGHOUSE**

CITY OF MILPITAS NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION FOR THE PROPOSED CITY OF MILPITAS TRAIL, PEDESTRIAN, AND BICYCLE MASTER PLAN – DATED MARCH 2022 (STATE CLEARINGHOUSE NUMBER: 2022030515)

Dear Ms. Fanny Yu:

The Department of Toxic Substances Control (DTSC) received a Notice of Intent to Adopt an Initial Study Mitigated Negative Declaration (IS-MND) for the Proposed City of Milpitas Trail, Pedestrian, and Bicycle Master Plan (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, work in close proximity to mining or suspected mining or former mining activities, presence of site buildings that may require demolition or modifications, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

DTSC has review comments on the Hazards and Hazardous Materials section of the document, *Trail, Pedestrian, and Bicycle Master Plan, Initial Study – Mitigated Negative Declaration*, dated March 2022 and prepared by the City of Milpitas with the assistance of Rincon Consultants, Inc. DTSC recommends that the discussion of Mitigation Measure HAZ-1 - *Hazardous Material Sites Investigation and Remediation* be clarified to require advance notification and approval of the lead regulatory agency Project Manager prior to any ground disturbance at any sites for which the lead regulatory agency provides regulatory oversight. Also, in the event that any previously unknown

sites are potentially discovered during project construction activities, the IS-MND should identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.

In addition, DTSC recommends that the following issues be evaluated in the Hazards and Hazardous Materials section of the IS-MND:

1. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil DTSC, recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the IS-MND.
2. If any sites within the project area or sites located within the vicinity of the project have been used or are suspected of having been used for mining activities, proper investigation for mine waste should be discussed in the IS-MND. DTSC recommends that any project sites with current and/or former mining operations onsite or in the project site area should be evaluated for mine waste according to DTSC's 1998 [Abandoned Mine Land Mines Preliminary Assessment Handbook](#).
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 2006 [Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers](#).
4. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to [DTSC's 2001 Information Advisory Clean Imported Fill Material](#).

5. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the IS-MND. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 [Interim Guidance for Sampling Agricultural Properties \(Third Revision\)](#).

DTSC appreciates the opportunity to comment on the IS-MND. Should you need any assistance with an environmental investigation, please visit DTSC's [Site Mitigation and Restoration Program](#) page to apply for lead agency oversight. Additional information regarding voluntary agreements with DTSC can be found at [DTSC's Brownfield website](#).

If you have any questions, please contact me at (916) 255-3582 or via email at [Brian.McAloon@dtsc.ca.gov](mailto:Brian.McAloon@dtsc.ca.gov).

Sincerely,



Brian McAloon  
Project Manager  
Site Evaluation and Remediation Unit  
Site Mitigation and Restoration Program  
Department of Toxic Substances Control

cc: (via email)

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