



**Yana Garcia**  
Secretary for  
Environmental Protection



Department of Toxic Substances Control

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Katherine M. Butler, MPH, Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200  
[dtsc.ca.gov](http://dtsc.ca.gov)



**Gavin Newsom**  
Governor

**SENT VIA ELECTRONIC MAIL**

October 30, 2024

Teresa McDonald  
Senior Planner  
Stanislaus County  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354  
[Planning@stancounty.com](mailto:Planning@stancounty.com)

RE: NEGATIVE DECLARATION FOR THE REZONE APPLICATION NO. PLN2021-0113 – GOLDEN STATE TRUCK PARKING PROJECT DATED SEPTEMBER 30, 2024, STATE CLEARINGHOUSE NUMBER [2022040353](#)

Dear Teresa McDonald,

The Department of Toxic Substances Control (DTSC) received and reviewed a Negative Declaration (Neg Dec) for the Rezone Application No. PLN2021-0113 – Golden State Truck Parking project (Application). This is a request to rezone two parcels, totaling 13.1 acres, from Planned Development (P-D) (298) to a new P-D to allow for a truck facility for parking of up to 58 semi-trucks. The project is located at 2119 and 2237 Golden State Boulevard, Turlock, CA. Our records show that the property on the Application is the [Valley Wood Preserving Superfund Site](#) (Site).

**Regulatory Background of the Valley Wood Preserving Superfund Site**

Prior to 1973, the property was primarily used for agriculture. Between 1973 and 1979, the property was a wood preserving company that processed lumber using a 1-2 percent chromate-copper-arsenate solution. The solution used in wood preserving operations was mixed in an above ground tank near the Site boundary and stored in above ground tanks. Treated lumber was removed from cylindrical pressure vessels and left to drip-dry. During the first few years of operations, the area around the treatment cylinders and storage tanks remained unpaved. Asphalt paving now covers areas once used for the drying of treated wood on the ground. The Central Valley Regional Water Quality Control Board (CVRWQCB) identified the presence of wood

preserving chemicals in the soil and groundwater in 1979, including chromium and arsenic (As). Prior to remedial action, the highest groundwater concentration of total chromium and As detected were above 28,000 micrograms per liter ( $\mu\text{g/L}$ ) and 2,350  $\mu\text{g/L}$ , respectively. The current California Maximum Contaminant Level (MCL) for both hexavalent chromium (Cr(VI)) and As is 10  $\mu\text{g/L}$ . In 1989, the United States Environmental Protection Agency (USEPA) placed the Site on the National Priorities List.

In 1991, the USEPA issued a Record of Decision (ROD) document for the remediation of the Site that included both groundwater and soil remedy components. The groundwater component of the remedy included extraction of contaminated groundwater, treating it to remove dissolved Cr(VI), dissolved As, and then discharge the treated water from the Site. The soil component of the remedy entailed excavation of contaminated soil, reducing, and stabilizing the hazardous substances in the soil with a stabilizing agent, backfilling the fixed soils into the excavated areas, and maintaining the mixture on-site to prevent future exposure or movement.

In 1994, USEPA issued an Explanation of Significant Differences for an amendment to the groundwater component of the remedy. Amendments included the potential to add a pilot testing of in-situ groundwater treatment, and the identification of additional Applicable or Relevant and Appropriate Requirements due to reinjection of treated groundwater into the aquifer.

In 2003, USEPA issued an amendment to the 1991 ROD for the Site that revised the As cleanup goals for soil and added a requirement for institutional controls. The As cleanup goal was revised after new data showed that natural background As levels in the Central Valley were higher than the original 1991 goal of 2 milligram per kilogram (mg/kg). Additionally, since the Site was no longer intended for residential use, the USEPA adjusted the goal to 25 mg/kg, reflecting a risk evaluation for industrial use. The ROD amendment also required implementation of institutional controls in the form of a recorded Land Use Covenant (LUC) that would run with the land to prohibit residential use of the Site because hazardous substances were left in place.

In 2007, USEPA issued a second amendment to the 1991 ROD for the Site. The amendment revised the As cleanup goal for groundwater from 16  $\mu\text{g/L}$  to 10  $\mu\text{g/L}$  to be consistent with the Federal and State MCL for drinking water. The amendment also revised for the implementation of an in-situ treatment followed by monitored natural attenuation to address the residual As concentrations in the groundwater that remained on-site above the revised cleanup goal.

Also in 2007, DTSC and the property owner executed and recorded a LUC in Stanislaus County ([DOC-2007-0082718-00](#)) that prohibited and restricted certain activities and uses. The restrictions include groundwater use for drinking and soil management.

Approval from USEPA is required whenever activities of soil disturbance are below six feet.

Since 2009, 4 Five-Year Reviews (FYRs) have been conducted on the Site. These reviews are mandated by federal regulations whenever contamination remains after a remedy has been implemented. Each review assesses remedy effectiveness in ensuring ongoing protection of human health and the environment. Two significant events took place between the last two FYRs: ownership in the Valley Wood Preserving, Inc. changed hands, the Site was sold, and the determination of the remedy remaining protective of human health and the environment changed. Currently human health and the environment is being protected by the remedial measures in place only in the short term, but not the long term. The remedy is protective in the short term because surface soils with concentration levels of As and Cr(VI) levels above the cleanup goal were excavated and transported off-site, there are no direct exposure pathways to contaminated groundwater, and a LUC is in place that restricts use of the Site to commercial/industrial only. Residential and other sensitive land uses of the Site are prohibited. However, if long-term protection is to be achieved, the following should be carried out:

- Expand the existing groundwater monitoring well network to fully delineate the plume.
- Increase groundwater monitoring and sampling frequency.
- Conduct additional source investigation for the potential migration of contamination onto adjacent properties.
- Conduct more frequent inspections related to the LUC to ensure compliance.

In 2018, the Valley Wood Preserving, Inc. stock shares were sold to Environmental Liability Transfer, Inc. (ELT), a company specializing in the full assumption and transfer of environmental liabilities. From 2019 to 2021, ELT worked with its subsidiary, EnviroAnalytics Group, to create an investigation plan aimed at assessing the presence of Cr(VI) and As in groundwater across the Site. Their findings indicated a potential larger plume, possibly originating from the southwest corner of the Site. Cr(VI) concentrations in groundwater samples ranged from 24 µg/L to as high as 6,000 µg/L. These results contradict the previous understanding that most remediation efforts had been completed and any remaining Cr(VI) contamination was minimal and virtually insignificant. As a result, more investigation and remediation need to take place to clean up the Site. In 2022, the two parcels (APNs 044-031-004 and 044-031-005) of the Site were sold to the applicant of this Rezone Application.

Currently, the Site is a mixture of paved and unpaved areas. It is secured with a 6-foot-high chain-link fence to control public access and prevent human contact with the contaminated soil. After reviewing the project, DTSC recommends and requests consideration of the following comments:

### 1. **Misstatement of the Site's Regulatory Status**

The Application failed to mention that this Site is a Federal Superfund site. Superfund sites are among the most contaminated sites in the nation. In addition to being listed on DTSC's EnviroStor database: [Valley Wood Preserving, Inc.](#), the Site is also listed on EPA's public website: [Valley Wood Preserving, Inc. Turlock, CA](#), as well as the CVRWQCB's GeoTracker database: [Valley Wood Preserving, Inc.](#) Active remediation is ongoing at the Site.

### 2. **Misstatements of the Site's Level of Contamination and Remediation Status**

The Application mentioned that the Site "is considered remediated with possible exception of a hotspot of hexavalent chromium" and that "The only on-going activity is groundwater monitoring which occurs once per year". These are inaccurate statements of the current conditions at the Site. Data collected from recent investigations suggest there are multiple source areas located between the parcels, which sit above the plume. As discussed earlier in this letter, groundwater sample results show Cr(VI) concentrations ranged from 24 µg/L to 6,000 µg/L (taken from the [January 2023 Groundwater Investigation Report](#) prepared by Geosyntec Consultants for Valley Wood Preserving Inc./EnviroAnalytics Group) as compared to State MCL of 10 µg/L for Cr(VI) in drinking water. The data from the two investigations combined with ongoing groundwater monitoring suggest the following with the dissolved Cr(VI) plume:

- The plume extends west and south of the southwest corner of the Site onto adjacent properties.
- The plume has not been fully delineated, with the extent of the plume that exceeds the Site cleanup criteria for Cr(VI) largely unknown.
- The high concentration lobes of the plume appear to originate just south of the Site's boundary.

The investigations between 2019 and 2021 uncovered several Cr(VI) source areas that require additional remediation to address the Cr(VI) plume. As part of the remediation, the previous owner carried out an in-situ pilot test to gather the necessary data to design a full-scale groundwater remedy.

### 3. **Land Use Restrictions on the Two Parcels in the Application**

As mentioned above, DTSC recorded a LUC for two parcels on the Site in 2007. The LUC restricts use of the Site for industrial and commercial use only, with no residential or other sensitive land use permitted. The LUC also includes environmental restrictions related to the extraction of groundwater and disturbance of soil at or below 6 feet below ground surface without written approval. The proposed project shall not interfere with the remedial system on the Site, including the groundwater monitoring wells on the property, or in any way introduce new contamination or spread or exacerbate existing contamination in soil and groundwater at the Site.

The Application does not mention this LUC nor its restrictions and requirements.

The proposed plan must not violate any restrictions or requirements as described in the LUC. Please use the [2007 LUC](#) for more information and details.

#### **4. Inconsistency Between the Current Rezone Application and the Previous Application**

Records show that the General Plan Amendment No. 2000-09 and Rezone No. 2000-12 proposed a paved parking lot on the property. The April 2005 approval of P-D (298) adopted a Mitigated Negative Declaration; however, the current owner changed the proposal from a paved parking area to a gravel parking area in this Rezone Application No. PLN2021-0113. It is unclear to DTSC why the County anticipates adopting a Neg Dec for this project with less protective cover in the parking area. The difference between a gravel parking area and a paved parking area is further explained below.

#### **5. Proposed Gravel Parking Area to Replace Current Asphalt Cap**

The Application discusses a proposed plan to replace the current asphalt cap on the northwestern portion of the Site with gravel. The current asphalt cap provides overall protection to human health and the environment by preventing surface water infiltration to the aquifers and exposure to contaminated soil. A gravel cap, as proposed by the Application, will not provide the same level of protection.

A portion of the Cr(VI) groundwater plume lies beneath a portion of the asphalt cap that is proposed for replacement with gravel. Current modeling shows that both the shallow and deep zone aquifers are contaminated with Cr(VI). This contamination is likely from two potential sources located in the northeast area of the Site.

Replacement of the asphalt cap with gravel would cause surface water infiltration in the soil and aquifers beneath it and could potentially cause further migration or expansion of the plume.

#### **6. Site Served by Private Well and Septic System**

The Rezone Application mentioned that the Site “is served by private well and septic system.” To DTSC’s knowledge, well VWP-4 was the only production well on-site, and it is no longer in use. Although the Application did not specifically mention that well VWP-4 would be reinstated into production, DTSC is concerned about any potential reinstatement of well VWP-4 and extraction of groundwater from beneath the Site for use or consumption. Prior to 1991, well VWP-4 serviced the Site. Between 1998 and 2014, well VWP-4 was sampled as part of Comprehensive Environmental Response, Compensation, and Liability Act groundwater monitoring requirements. Sampling of the well was recommended to be ceased when sampling data consistently showed it was no longer being impacted by the Cr(VI) contamination. In 2014, groundwater sampling results showed 2.25 µg/L of Cr(VI) when the California MCL to Cr(VI) was 50 µg/L. Nevertheless, Section 4.02(a), Regulated Activities, of the [2007 LUC](#) states that extraction of groundwater from beneath the Site for consumption is strictly

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prohibited without approval from USEPA. In addition, the existing domestic well may be put into production only if it can be demonstrated that the water extracted from it meets federal and state drinking water standards. And this can only be done through routine sampling.

In addition, if the applicant intends to install a new septic system or expand an existing septic system, they need to comply with the requirements in the [2007 LUC](#).

## Final Comments

The Site of the proposed Golden State Truck Parking project is also the [Valley Wood Preserving Superfund Site](#). There is a LUC on this Site recorded in 2007 that prohibits and restricts certain uses and activities. DTSC encourages beneficial use of the property, however, the proposed development must not violate any restrictions or requirements included in the [2007 LUC](#).

The proposed project must not in any way introduce new contamination or spread or exacerbate existing contamination in soil and groundwater. Any disturbance of the soil requires submission and approval from USEPA. Any party that causes or exacerbates the contamination could potentially be held liable for the contamination. In addition, the proposed project must not impede, delay nor prevent the ongoing remediation activities at the Site.

DTSC believes the Stanislaus County Department of Planning and Community Development must address these comments to determine if any significant impacts under the CEQA will occur and, if necessary, avoid significant impacts under CEQA.

DTSC appreciates the opportunity to comment on the Neg Dec for the Rezone Application No. PLN2021-0113, Golden State Truck Parking project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. Should you have any questions or comments regarding this matter, please contact McKinley Lewis at (916) 255-3625 or [McKinley.Lewis@dtsc.ca.gov](mailto:McKinley.Lewis@dtsc.ca.gov).

Sincerely,

**McKinley Lewis, Jr.**

Digitally signed by McKinley

Lewis, Jr.

Date: 2024.10.30 13:46:55 -07'00'

McKinley Lewis, Jr.

Hazardous Substances Engineer

National Priorities List Unit

Site Mitigation and Restoration Program

[McKinley.Lewis@dtsc.ca.gov](mailto:McKinley.Lewis@dtsc.ca.gov)

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cc: (via email)

Governor's Office of Land Use and Climate Innovation

State Clearinghouse

[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

Jitendar Singh

Project Applicant

Golden State Truck Parking

[jitendarturna@gmail.com](mailto:jitendarturna@gmail.com)

Haren Sanghera

Engineer

GDR Engineering, Inc.

[turna\\_83238@yahoo.com](mailto:turna_83238@yahoo.com)

Tu Nguyen

Remedial Project Manager

USEPA

[Nguyen.Anhtu@epa.gov](mailto:Nguyen.Anhtu@epa.gov)

Madeline Gallo

Attorney

USEPA

[Gallo.Madeline@epa.gov](mailto:Gallo.Madeline@epa.gov)

Johnathon "Hank" Crook

Attorney

Department of Toxic Substances Control

[Johnathon.Crook@dtsc.ca.gov](mailto:Johnathon.Crook@dtsc.ca.gov)

Juan Peng

Supervising Hazardous Substances Engineer I

SMRP

Department of Toxic Substances Control

[Juan.Peng@dtsc.ca.gov](mailto:Juan.Peng@dtsc.ca.gov)

Teresa McDonald

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Dave Kereazis

Associate Environmental Planner

HWMP-Permitting Division – CEQA Unit

Department of Toxic Substances Control

[Dave.Kereazis@dtsc.ca.gov](mailto:Dave.Kereazis@dtsc.ca.gov)

Tamara Purvis

Associate Environmental Planner

HWMP - Permitting Division – CEQA Unit

Department of Toxic Substances Control

[Tamara.Purvis@dtsc.ca.gov](mailto:Tamara.Purvis@dtsc.ca.gov)

Scott Wiley

Associate Governmental Program Analyst

HWMP - Permitting Division – CEQA Unit

Department of Toxic Substances Control

[Scott.Wiley@dtsc.ca.gov](mailto:Scott.Wiley@dtsc.ca.gov)