



Yana Garcia
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

September 19, 2022

Ms. Sophia Pagoulatos
City of Fresno
2600 Fresno Street
Fresno, CA 93721

Sophia.Pagoulatos@fresno.gov



MITIGATED NEGATIVE DECLARATION FOR GENERAL PLAN
AMENDMENT/DEVELOPMENT CODE TEXT AMENDMENT APPLICATION
NUMBER P22-012413 – DATED JUNE 2022 AND RECIRCULATED AUGUST 2022
(STATE CLEARINGHOUSE NUMBER: 2022070081)

Dear Ms. Pagoulatos:

The Department of Toxic Substances Control (DTSC) received a Mitigated Negative Declaration (MND) for the General Plan Amendment/Development Code Text Amendment Application Number P22-02413 (Project) dated June 2022 on July 6, 2022. DTSC provided comments on the MND in a letter dated July 26, 2022. DTSC's comment #4 recommended proper sampling of imported soil that follows [DTSC's 2001 Information Advisory Clean Imported Fill Material](#) (Advisory) for any projects requiring imported fill.

A meeting to discuss DTSC's comments was held by request of the City of Fresno on August 10, 2022. Following the meeting, DTSC provided additional clarification on comments via emails sent to the City of Fresno on August 10 and August 11, 2022. In the August 11th email, DTSC clarified that the *Advisory* should be followed for all backfill soil sources to confirm that soil is free of contaminants. Confirmation of receipt of this email was received in a response email on August 11, 2022.

DTSC subsequently received an MND with revised text and Responses to Comments (RTCs) that was recirculated on August 19, 2022. The response to DTSC's comment #4 stated, "a mitigation measure has been added requiring testing of fill if received from a site containing or formerly containing one of the "undesirable" use types identified in

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above noted Advisory document.” DTSC reasserts its recommendation that the *Advisory* is followed for projects requiring imported fill.

DTSC appreciates the opportunity to comment on the 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) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Gavin McCreary". The signature is written in a cursive style with a long, sweeping underline.

Gavin McCreary, M.S.
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

Governor’s Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov