



**Yana Garcia**  
Secretary for  
Environmental Protection



## Department of Toxic Substances **Dec 20 2023**

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



**Gavin Newsom**  
Governor

### **SENT VIA ELECTRONIC MAIL**

December 20, 2023

Robert Cain

Senior Planner

Santa Clara County Department of Planning and Development

70 W. Hedding Street 7<sup>th</sup> Floor, East Wing

San Jose, CA 95110

[robert.cain@pln.sccgov.org](mailto:robert.cain@pln.sccgov.org)

RE: MITIGATED NEGATIVE DECLARATION (MND) FOR THE BLIVEN GRADING  
ABATEMENT DATED NOVEMBER 28, 2023 STATE CLEARINGHOUSE #  
[2023110671](#)

Dear Robert Cain,

The Department of Toxic Substances Control (DTSC) received a MND for the Bliven Grading Abatement project. The project is a Grading Abatement application to remove approximately 990 cubic yards of unpermitted fill and conduct additional grading work which altogether totals approximately 1,620 cubic yards of soil. The unpermitted fill contains the toxin dieldrin, which will be remediated in this project. Based on our Project review, DTSC requests consideration of the following comment.

1. 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](#).

2. DTSC recommends that all imported soil and fill material should be tested to ensure any contaminants of concern are within approved screening levels for the intended land use. 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 meets screening levels 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.

DTSC appreciates the opportunity to comment on the MND for the Bliven Grading Abatement 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  
Associate Environmental Planner  
HWMP - Permitting Division – CEQA Unit  
Department of Toxic Substances Control

Robert Cain  
December 20, 2023  
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cc: (via email)

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