



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

June 19, 2024

Greg Thompson
Interim City Manager
City of Atwater
750 Bellvue Road
Atwater, CA 95301
gthompson@atwater.org

RE: MITIGATED NEGATIVE DECLARATION FOR THE SILVER CREEK VESTING TENTATIVE SUBDIVISION MAP PROJECT DATED JUNE 3, 2024 STATE CLEARINGHOUSE NUMBER [2024060021](#)

Dear Greg Thompson,

The Department of Toxic Substances Control (DTSC) received a Mitigated Negative Declaration (MND) for the Silver Creek Vesting Tentative Subdivision Map (project). Silver Creek Crossing, LLC (Applicant) requests a Vesting Tentative Subdivision Map (VTSM 22-23-0100) pertaining to a 15.13-acre parcel that is located on north side of Nebela Drive, approximately 0.25 Miles east of Buhach Road Atwater, CA 95301 (APN: 005-070-052-000). VTSM 22-23-0100 would divide the 15.13-acre parcel into 73 single-family residential lots. After reviewing the project's MND, DTSC recommends and requests consideration of the following comments:

1. When agricultural crops and/or land uses are rezoned for residential use, a number of contaminants of concern 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 (DDT), 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 chemicals of concern may be found in mixing/loading/storage area, 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 (PAHs) and/or Total Petroleum Hydrocarbons (TPHs) may be required.
3. Due to the Zone reclassification change of Agriculture (Farmland of Local Importance) to Low Density Residential, a site and/or soil assessment should be completed to determine if any Recognized Environmental Conditions (REC's) are present. This may require a Phase I Environmental Site Assessment and oversight from DTSC or a [certified local agency](#). For boring and analyses recommendations under 50 acres, refer to [DTSC Interim Guidance for Sampling Agricultural Properties](#).
4. All imported soil and fill material should be tested to ensure any contaminants of concern are within DTSC's and U.S. Environmental Protection Agency (USEPA) Regional Screen Levels (RSLs) 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 outlined in DTSC's [Preliminary Endangerment Assessment \(PEA\) Guidance Manual](#) 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 MND for the Silver Creek Vesting

Greg Thompson

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Tentative Subdivision Map 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

Associate Environmental Planner

HWMP-Permitting Division – CEQA Unit

Department of Toxic Substances Control

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Greg Thompson

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cc: (via email)

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