



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D.
Director
8800 Cal Center Drive
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Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

July 15, 2024

Dennis R. Keller
District Consulting Engineer
Dennis R. Keller Consulting Civil Engineer Inc.
209 S. Locust Street
Visalia, CA 93291
kelweg1@aol.com

RE: MITIGATED NEGATIVE DECLARATION FOR THE MODOC DITCH HEADGATE
STRUCTURE REPLACEMENT DATED JUNE 26, 2024, STATE CLEARINGHOUSE
NUMBER [2024061104](#)

Dear Dennis R. Keller,

The Department of Toxic Substances Control (DTSC) received a Mitigated Negative Declaration (MND) for the Modoc Ditch Headgate Structure Replacement project (project). The proposed project consists of replacing the existing Modoc Ditch Headgate Structure with a new structure. The existing structure is aged and has insufficient diversion capacity from the St. Johns River. The project consists of the removal and replacement of the existing concrete inlet structure and gate and concrete headwalls to support a new water control gate and a new concrete culvert through the South Bank of the St. Johns River. Project features will be located above-grade and maintain the current channel invert elevation. Construction activities will include demolition and removal of the existing structure, levee excavation to allow for culvert installation, concrete placement, control gate installation and backfill, compaction and surface

restoration efforts to complete the new structure. After reviewing the project, DTSC recommends and requests consideration of the following comments:

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 Preliminary Endangerment Assessment \(PEA\) Guidance Manual](#).
2. DTSC recommends that all imported soil and fill material should be tested to assess any contaminants of concern meet screening levels as outlined in the [PEA Guidance Manual](#). Additionally, DTSC advises referencing the [DTSC Information Advisory Clean Imported Fill Material Fact Sheet](#) if importing fill is necessary. 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 are suitable 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 Modoc Ditch Headgate Structure Replacement 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.

Dennis R. Keller
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Sincerely,

Tamara Purvis

Tamara Purvis
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HWMP - Permitting Division – CEQA Unit
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cc: (via email)

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