



**Yana Garcia**  
Secretary for  
Environmental Protection



**Department of Toxic Substances Control**

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**Gavin Newsom**  
Governor

**SENT VIA ELECTRONIC MAIL**

December 27, 2024

Emily DeAnda  
Associate Planner  
Stanislaus County  
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Modesto, CA 95354  
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RE: REQUEST FOR EARLY CONSULTATION FOR THE REZONE APPLICATION NO.  
PLN2024-0074 – CHASE, INC. DATED DECEMBER 17, 2024, STATE  
CLEARINGHOUSE NUMBER [2024120691](#)

Dear Emily DeAnda,

The Department of Toxic Substances Control (DTSC) reviewed the Request for an Early Consultation (CON) for the Rezone Application No. PLN2024-0074 – Chase, Inc. (project). The project is a request to amend the zoning designation of a 6.6-acre parcel from General Agriculture to Planned Development to allow for development of 2.96-acre area for a diesel and passenger vehicle fueling station and convenience store with a drive-thru restaurant. DTSC recommends and requests consideration of the following comments:

1. This project is within the boundaries of the Gustine Bombing Range Munitions Response Site (MRS). There is currently a Remedial Investigation (RI) underway by the US Army Corps of Engineers (USACE) in the Right of Entry (ROE) parcels; the owner of the property for proposed development did not provide ROE to USACE for the RI. Results from the RI for the adjacent parcels will be available in 2025. Based on previous investigations of the MRS, munitions on-site potentially include AN-Mk 5, AN-Mk 23, and AN Mk 43

practice bombs and their associated spotting charges, though it is possible other munitions may be found during the RI. As reported by the Gustine Standard Newspaper in 1945, prior to site closure two boys were seriously injured when they hammered on a practice bomb and the bomb exploded.

2. There are risks of munitions encounter at the project site. DTSC understands that with a rezone to allow a diesel and passenger vehicle fueling station and convenience store with a drive-thru restaurant, significant intrusive subsurface work for underground storage tanks, utilities, septic, etc. will be required for construction. DTSC recommends construction permitting, soil management plans, and unexploded ordnance construction support. The Construction Support Plan (CSP) should be submitted to DTSC for review and approval. DTSC will need to enter into an agreement with the project applicant before DTSC reviews the CSP. DTSC recommends that Stanislaus County develop a Memorandum of Understanding (MOU) with any future developer within the within the radius shown below to ensure that a CSP is prepared and implemented if a new development or construction project is being planned and a CSP is not otherwise being required by Stanislaus County.
3. Proper health and safety measures are recommended prior to intrusive activities. If Unexploded Ordinance (UXO), Munitions and Explosives of Concern (MEC) or Munitions Debris (MD) is/are encountered, follow the 3 R's of Explosives Safety: Recognize, Retreat and Report:
  - Recognize when you have encountered munitions;
  - Retreat - note your location as you are backing away. Do not approach, touch, or disturb a suspect munitions, safely leave the area, and;
  - Report, immediately what was found to state and or local law enforcement – call 911.

DTSC appreciates the opportunity to comment on the CON for the Rezone Application No. PLN2024-0074 – Chase, Inc. 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 clarification on DTSC's comments, please respond to this letter or via [email](#) for additional guidance.

Emily DeAnda  
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Sincerely,

*Tamara Purvis*

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