



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

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Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

February 6, 2025

Michael Hren, AICP
Principal Planner
City of Modesto
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RE: MITIGATED NEGATIVE DECLARATION FOR THE MARTIN TIVOLI SUBDIVISION
DATED FEBRUARY 5, 2025, STATE CLEARINGHOUSE NUMBER [2025020146](#)

Dear Michael Hren,

The Department of Toxic Substances Control (DTSC) reviewed the Mitigated Negative Declaration (MND) for the Martin Tivoli Subdivision (Project). The Project proposes a Vesting Tentative Subdivision Map to subdivide 19.95 acres into 185 medium density residential lots and 11 common area lots for streets, open space, parking, emergency vehicle access, and utility easements. The Project requires a General Plan Amendment, Specific Plan Amendment, and Vesting Tentative Map. The General Plan designates the Project site for Residential and Regional Commercial land uses. The Specific Plan Amendment would change the Medium High Density Residential and the Regional Serving Commercial areas to Medium Density Residential (MDR) making the entire Project site designated for MDR. DTSC recommends and requests consideration of the following comments:

1. When agricultural crops and/or land uses are proposed or rezoned for residential use, a number of contaminants of concern (COCs) 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 dichloro-diphenyl-trichloroethane, 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.

Additional COCs may be found in mixing/loading/storage areas, 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 and/or Total Petroleum Hydrocarbons may be required.

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 [DTSC's Preliminary Endangerment Assessment 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 prior land use. Additional information can be found by visiting [DTSC's Human and Ecological Risk Office \(HERO\) webpage](#).

DTSC would like to thank you for the opportunity to comment on the MND for the Martin Tivoli Subdivision. 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 our [CEQA Review email](#) for additional guidance.

Michael Hren
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Sincerely,

Dave Kereazis

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cc: (via email)

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