



**Yana Garcia**  
Secretary for  
Environmental Protection



**Department of Toxic Substances Control**

Katherine M. Butler, MPH, Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200  
[dtsc.ca.gov](http://dtsc.ca.gov)



**Gavin Newsom**  
Governor

**SENT VIA ELECTRONIC MAIL**

May 28, 2025

Katharine Martin  
Senior Planner  
City of Modesto  
1010 Tenth Street  
Modesto, CA 95354  
[Kamartin@modestogov.com](mailto:Kamartin@modestogov.com)

RE: MITIGATED NEGATIVE DECLARATION FOR FOUNDER'S POINT EAST DATED  
MAY 23, 2025, STATE CLEARINGHOUSE NUMBER [2025051142](#)

Dear Katharine Martin,

The Department of Toxic Substances Control (DTSC) reviewed the Mitigated Negative Declaration (MND) for Founder's Point East (Project). The proposed Project includes an amendment of the City of Modesto Urban Area General Plan Land Use Diagram to amend the land use of a 70-acre portion of the 220-acre Project site from Business Park (BP) to Residential (R). The 70-acre area is located north of Pelandale Avenue, south of Bangs Avenue, between Tully Road and Virginia Corridor Trail. The balance of the Project site includes 150 acres that are already designed for BP uses in the Kiernan/McHenry CPD for BP uses. This area is partially developed and involves no change from the existing land use. The residential component of the proposed Project is projected to develop about 420 single-family units on lots ranging from 3,000 to 6,000 square feet. The plan will also include approximately 150 acres within the Kiernan/McHenry CPD for BP uses. BP use is an existing use and no change is proposed and no physical development is proposed. 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 local area baselines or thresholds. If they do 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 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 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 Founder's Point East. 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.

Katharine Martin

May 28, 2025

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Sincerely,

*Tamara Purvis*

Tamara Purvis

Associate Environmental Planner

HWMP - Permitting Division – CEQA Unit

Department of Toxic Substances Control

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cc: (via email)

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