



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



Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

March 18, 2026

LuisEnrique Hernandez
Assistant Planner
Sutter County Planning Commission
1130 Civic Center Boulevard
Yuba City, CA 95993
lhernandez@co.sutter.ca.us

RE: MITIGATED NEGATIVE DECLARATION FOR U24-0023 (HERYFORD) DATED MARCH 16, 2026, STATE CLEARINGHOUSE NUMBER [2026030616](#)

Dear LuisEnrique Hernandez,

The Department of Toxic Substances Control (DTSC) reviewed the Mitigated Negative Declaration (MND) for the U24-0023 - Heryford (Project). This Project is a request to rescind a Development Rights and Open Space Easement Agreement in order to allow for the future construction of a single-family residence on the approximate 115-acre agricultural parcel (APN: 13-200-108). On September 9, 2003, Tentative Parcel Map #03-06 was approved to allow the division of an approximate 117-acre parcel into an approximate 2-acre homesite parcel for an existing residence built in 2000 and the remaining parcel maintain agriculture. The tentative map was recorded as Parcel Map #1032 on December 31, 2003, along with a Development Rights and Open Space Easement Agreement. The recordation of the Development Rights and Open Space Easement Agreement was a condition of approval of the tentative map in order to maintain consistency with the General Plan density by prohibiting residential development on the agricultural remainder parcel. The AG-80 General Plan designation allows one residence on Agricultural land per 80 gross acres. One residence was allowed on the original 117-acre parcel. The one existing residence was allocated to the

2-acre homesite parcel and the agricultural remainder parcel was required to be at least 80 acres in size. No formal development proposal has been submitted at this time for any changes of use to the property outside of the project proposal. With approval of this Project, the subject parcel could be developed in the future with a single-family residence and residential accessory structures.

DTSC recommends and requests consideration of the following comments:

1. When agricultural crops and/or land uses are proposed or rezoned for residential use, several 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 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. These recommendations should be adhered to and become part of the environmental document. Please refer to the [DTSC's Human and Ecological Risk Office \(HERO\) webpage](#) for the most recent guidance and screening levels.
2. DTSC recommends all imported soil/fill material be tested to ensure all COCs meet screening levels as outlined in [DTSC's Preliminary Endangerment Assessment Guidance Manual](#). Furthermore, DTSC advises referencing the [DTSC Information Advisory Clean Imported Fill Material Fact Sheet](#) if importing soil/fill is necessary. To minimize the possibility of introducing contaminated soil/fill material, there should be documentation of the origins of the soil/fill material and, if applicable, sampling be conducted to ensure that the imported

soil/fill material is suitable for the intended land use. The sampling should include analysis based on the source of the soil/fill and knowledge of prior land use.

3. The Sutter County Planning Commission should consider soil testing as mentioned in comment #1. If, in the event any COC results are above DTSC residential screening levels, DTSC recommends the Sutter County Planning Commission address the contaminations within the Project area through an Environmental Site Assessment and/or receive oversight from a [self-certified local agency](#), DTSC or Regional Water Quality Control Board. If entering into one of DTSC's voluntary agreements, please note that DTSC uses a single standard Request for Lead Agency Oversight Application for all agreement types. Please apply for DTSC oversight using this link: [Request for Agency Oversight Application](#). Submittal of the online application includes an agreement to pay costs incurred during agreement preparation. If you have any questions about the application portal, please contact the relevant [Regional Brownfield Coordinator](#) for your Project.

DTSC appreciates the opportunity to comment on the MND for the U24-0023 -Heryford 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 clarification on DTSC's comments, please respond to this letter or via [CEQA Review email](#) for additional guidance.

Sincerely,



Dave Kereazis
Associate Environmental Planner
HWMP-Permitting Division – CEQA Unit
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

LuisEnrique Hernandez

March 18, 2026

Page 4

cc: (via email)

Governor's Office of Land Use and Climate Innovation

State Clearinghouse

state.clearinghouse@lci.ca.gov

Richard & Tiffani Heryford

Project Applicant / Owner

rheryford2@gmail.com

Tamara Purvis

Associate Environmental Planner

HWMP - Permitting Division – CEQA Unit

Department of Toxic Substances Control

Tamara.Purvis@dtsc.ca.gov

Scott Wiley

Analyst II

HWMP - Permitting Division – CEQA Unit

Department of Toxic Substances Control

Scott.Wiley@dtsc.ca.gov