



**Yana Garcia**  
Secretary for  
Environmental Protection



**Department of Toxic Substances Control**

Katherine M. Butler, MPH, Director  
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**Gavin Newsom**  
Governor

**SENT VIA ELECTRONIC MAIL**

June 4, 2026

Jessica Hill  
Director  
City of Modesto  
1010 10<sup>th</sup> Street  
Modesto CA, 95354  
[planning@modestogov.com](mailto:planning@modestogov.com)

RE: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT  
FOR TIVOLI NORTH SPECIFIC PLAN DATED JUNE 1, 2026, STATE  
CLEARINGHOUSE NUMBER [2026050226](#)

Dear Jessica Hill,

The Department of Toxic Substances Control (DTSC) reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Tivoli North Specific Plan (TNSP). The TNSP establishes a regulatory framework governing land use, development standards, design guidelines, infrastructure, circulation, parks and recreation, and community services for the approximately 663-acre Plan Area. The TNSP is intended to guide the orderly, phased conversion of predominantly agricultural land to a mixed-use urban community consistent with the goals and policies of the City of Modesto Urban Area General Plan. At full buildout, the TNSP is projected to support between 4,911 and 6,998 residential units. The previous NOP for the TNSP was withdrawn after DTSC submitted comments. DTSC is resubmitting these comments for the current NOP. 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, and 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 City of Modesto 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 City of Modesto 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 NOP of a DEIR for the Tivoli North Specific Plan. 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  
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Jessica Hill  
June 4, 2026  
Page 4

cc: (via email)

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