

Comments and Response on the Draft Mitigated Negative Declaration and Initial Study Wescott Subdivision

This attachment contains all of the written comments received by the City of Colusa (Lead Agency) on the completed Draft Initial Study/Mitigated Negative Declaration (“IS/MND”) for the Wescott Subdivision, General Plan Amendment, Rezone and Development Agreement (“proposed project”).

Written comments were received during a 30-day comment period for the Draft IS/MND, which extended from May 23, 2024 and ended on June 26, 2024. Pursuant to the California Environmental Quality Act (CEQA), prior to approving a project, the decision-making body of the lead agency must consider the proposed IS/MND, together with all comments received during the public review process (CEQA Guideline Section 15074).

Although written response to comments on an IS/MND are not required by CEQA (Guidelines Section 15088), the lead agency has determined to exceed the minimum requirements and prepare written responses to the comments received that pertain to the IS/MND with the intent of providing a comprehensive and meaningful evaluation of the proposed Project. The number designations in the responses correlated to the bracketed and identified portions in each comment letter.

The public comments and responses to comments are included in the public record and are available to the Lead Agency decision-makers for their review and consideration prior to making their decision whether to approve the proposed Project. Pursuant to State CEQA Guidelines Section 15074(b) Consideration and Adoption of a Negative Declaration or Mitigated Negative Declaration, none of the comments provide substantial evidence that the Project will have significant environmental effects which would require preparation of an Environmental Impact Report.

Further, none of the information in the letters or responses constitute the type of significant new information that requires recirculation of the Wescott Subdivision Project MND for further public review under State CEQA Guidelines Section 15073.5 Recirculation of a Negative Declaration Prior to Adoption. Additionally, none of this information indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in State CEQA Guidelines Section 15073.5.

Six comment letters were received on the Draft IS/MND. These comment letters, and responses to the comments contained therein, are provided in this section.



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Director
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SENT VIA ELECTRONIC MAIL

June 6, 2024

Mark Tomey
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RE: MITIGATED NEGATIVE DECLARATION FOR THE WESCOTT SUBDIVISION -
TENTATIVE MAP, DEVELOPMENT AGREEMENT, GENERAL PLAN AMENDMENT
AND REZONE PROJECT, DATED MAY 23, 2024, STATE CLEARINGHOUSE NUMBER
[2024051104](#)

Dear Mark Tomey,

The Department of Toxic Substances Control (DTSC) received a Mitigated Negative Declaration (MND) for the Wescott Subdivision - Tentative Map, Development Agreement, General Plan Amendment and Rezone project (project). The Applicant is proposing to subdivide the property into 170 single-family residential lots, 52 two-family residential lots, one 7.45-acre neighborhood apartment parcel lot, one 14.03-acre Open Space parcel, one 3.51-acre Park parcel, and one 1.17-acre Commercial parcel.

DTSC recommends and requests consideration of the following comments:

1. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the

1.1

presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with [DTSC's Preliminary Endangerment Assessment \(PEA\) Guidance Manual](#).

2. DTSC recommends that all imported soil and fill material should be tested to ensure any contaminants of concern are within DTSC's and U.S. Environmental Protection Agency (USEPA) Regional Screen Levels (RSLs) for the intended land use. 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 meets screening levels outlined in the [PEA](#) for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of the prior land use. Additional information can be found by visiting [DTSC's Human and Ecological Risk Office \(HERO\) webpage](#).
3. When agricultural crops and/or land uses are rezoned for residential use, a number of contaminants of concern 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 Dichlorodiphenyltrichloroethane (DDT), toxaphene, and dieldrin. Additionally, any level of arsenic present would require further analysis and sampling and must meet [Human Health Risk Assessment Note Number 3](#) approved thresholds outlined in the [PEA Guidance Manual](#). If they do not, remedial action must take place to mitigate them below those thresholds. For boring and analyses recommendations under 50 acres, refer to [DTSC Interim Guidance for Sampling Agricultural Properties](#); otherwise contact DTSC for approval over 50 acres.

1.2

1.3

4. Additional chemicals of concern may be found in mixing/loading/storage area, 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 (PAHs) and/or Total Petroleum Hydrocarbons (TPHs) may be required.

1.4

DTSC appreciates the opportunity to comment on the MND for the Wescott Subdivision - Tentative Map, Development Agreement, General Plan Amendment and Rezone 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 any clarification on DTSC's comments, please respond to this letter or via [email](#) for additional guidance.

Sincerely,



Dave Kereazis
Associate Environmental Planner
HWMP-Permitting Division – CEQA Unit
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Response 1.1 – This comment discusses if the site contains structures that are to be demolished then those structures should be studied for presence of materials such as lead-based paint, mercury or asbestos. As illustrated in the aerial photograph in the IS/MDN and as discussed in the existing site conditions, the site is void of any structures.

Response 1.2 – This comment discusses that if soil or fill are to be brought into the site that those soils should be tested to ensure they are not contaminated. The project has an approximately 14-acre site that is designed as open space, and as noted on the tentative map, will be used for storm water drainage. Source material for soils and fill will come from within the boundaries of the site and create the storm water drainage basin. Nevertheless, should imported soil or fill be required, the location selling fill utilized for the proposed project would be required to comply with all applicable State regulations, thus ensuring that the imported soil is free of contamination. The project site is not subject to site remediation, corrective action, or closure activities that would require the substantial import of soil or fill.

Response 1.3 – This comment notes that based on the site being agricultural in nature there could be contaminants of concern present based upon agricultural utilized herbicides and pesticides. Although the comment does not directly address the adequacy of the IS/MND, the comment raises the question that the transition from one land use to another should have assurances that there are not lingering exposures to future residence. Therefore, to acknowledge the comment and out of abundance of caution a portion of the IS/MND was modified to better answer the question and the associated mitigation measure (HAZ-2) was modified.

Response 1.4 – This comment discusses concerns over mixing and storage areas, as well as drainage ditches, farmhouse or other buildings or locations used for storage and use of chemicals. As noted in Response 1.1, the subject site is void of any structures. As noted in Response 1.3, revision to existing Mitigation Measures will ensure soil sampling will be conducted and remediation to occur if necessary.

REVISIONS TO THE DRAFT IS/MND

This section presents specific text changes to the IS/MND. In no case do these revisions result in a greater number of impacts or impacts of a greater severity than those set forth in the IS/MND. These measures would further ensure that potential impacts are reduced to a less than-significant level. These revised measures represent refinements to the MMRP (attached) to be considered with adoption of the IS/MND. Added text is indicated with underlined text and deleted text is shown in ~~strikeout~~.

The following revisions are made to the IS/MND on page 61 and Mitigation Measure HAZ-2 on Page 64:

9.a-b: During the construction phase, small quantities of hazardous materials common to equipment maintenance and operation, such as gasoline, diesel fuel, hydraulic fluids, oils, and lubricants may be required. Once constructed, the project would be anticipated to utilize household and commercial cleaning supplies, in addition to fuels, lubricants, solvents, pesticides, and fertilizers during routine maintenance. Although, the types and quantities of materials to be used are not expected to pose a significant risk to the public and/or environment and would be managed in accordance with federal, State, and local regulations, in order to assure hazardous materials are not released into the environment, leaks, drips, and spills of hydraulic fluid, oil, or fuel from construction equipment shall be promptly cleaned, per Mitigation Measure HAZ-1, below.

Further, because the site requires earth related activities (grading, trenching etc.) there exists a possibility of unintended discovery of soil staining, odors of suspected hazardous materials that are not visible or known at this time. To assure that no hazardous materials are discovered, Mitigation Measure HAZ-2, below will reduce risk associated with discovery. With mitigation incorporated, a less than significant impact would occur.

Currently, the property site is utilized for agricultural purposes with seasonal crops being planted. With the land in agricultural production, the site is subject to the application of fertilizers, pesticides and herbicides to ensure that the crop yield is successful. The Colusa County Department of Agriculture enforces pesticide use and regulations within the County. The department's Agricultural Biologist are responsible for regulatory duties, such as maintaining state license for pesticide regulations, investigation and environmental monitoring. The department also enforces other agricultural laws and regulations including weights and measures, State and federal plant quarantine, State seed nursery inspection and State quality standards for produce. The department is also responsible for managing pest detection and weed and vertebrate pest management.

The department also regulates the type, timing and application of pesticides, requiring applicators to register and notify the department on the type of material that are to be applied to a particular site. The department is responsible for issuing both Restricted Materials Permits and Operator Identification numbers to property operators and landowners who wish to purchase and use pesticides. These records are kept with the department.

In addition to the County, the State has the Department of Pesticide Regulation (DPR), which is to further protect human health and the environment by regulating the sales and use of pesticides. The DPR does this through product evaluation and registration, statewide licensing of commercial applicators, dealers and other professionals, evaluation of health impacts of pesticides through illness surveillance and risk assessment, environmental monitoring of air, water and soil to name just a few. The DPR keeps a list of banned products that are not permitted to be registered in the state or sold. To ensure the site does not contain contaminants of concern, Mitigation Measure HAZ-2 has been modified, as stated below.

HAZ-2: Prior to issuance of a grading permit the soils within the boundaries of the site shall be tested by a qualified environmental engineering firm to ensure that the site does not contain contaminants of concern. If contaminants of concern are found to be present at levels that exceed thresholds, the applicant shall consult with the Department of Toxic Substance control to remedy the project site.

If soil staining, odors of suspected hazardous materials are encountered during construction activities, work shall cease in the area approximately 100 feet around the discovered site until a qualified firm conducts an environmental site assessment. The assessment shall identify the potential contaminated area and shall recommend measures to reduce or eliminate potential adverse impacts. The contractor shall implement all mitigation measures prior to resumption of work in the 100-foot area.