

**SECTION ONE**  
**INTRODUCTION**

## **SECTION ONE – INTRODUCTION**

### **1.1 Purpose**

An Environmental Impact Report for the expansion of the City of Hughson's Wastewater Treatment Plant (WWTP) was prepared to disclose, analyze, and provide mitigation measures for potentially significant environmental effects associated with the construction and operation of the WWTP. Preparation of an environmental impact report is a requirement of the California Environmental Quality Act (CEQA) for all discretionary projects in California that have a potential to result in significant environmental impacts.

A Notice of Preparation (NOP) for the project was circulated on December 8, 2006. The NOP informed public agencies of the City's intent to prepare an environmental impact report (EIR). The 30-day review period for the NOP started on December 8, 2007 and ended on January 8, 2007.

A Draft EIR was prepared and delivered to the State Clearinghouse and mailed to Responsible Agencies, organizations and interested individuals on June 11, 2007 for a 45-day review period. During the 45-day review period, the Hughson City Council held a public hearing on the Draft EIR. The date of the hearing was June 25, 2007.

The Final EIR consists of any comments received concerning the Draft EIR and responses to these comments.

Responses to comments are directed to the disposition of significant environmental issues that are raised in the comments, as set forth in Section 15088(b) of the State CEQA Guidelines. When reviewing the comments and in developing responses thereto, every effort is made to compare the comment to the information contained in the Draft EIR. In most instances, responses are not provided to comments on non-environmental aspects of the proposed project. For comments not directed to significant environmental issues or in which the commenter simply notes agreement with the EIR, the responses indicate that the comment has been "noted".

CEQA requires that a Final EIR be prepared, certified and independently considered by the decision-making body prior to taking action on the project. The Final EIR provides the opportunity to respond to comments on the Draft EIR and to incorporate any changes necessary to clarify and/or amplify information contained in the Draft EIR. The Draft EIR and this document constitute the Final EIR for the project. The Final EIR will be available to any commenter for at least ten (10) days prior to its certification.

### **1.2 Scope and Format**

Section One introduces and outlines the purpose, scope and format of the Final EIR. Section Two describes the project in detail and identifies the location, project objectives and alternatives analyzed and summarizes potential impacts, mitigation measures and mitigation monitoring program. Section Three consists of the actual letters of comment, and the responses to each written comment received on the Draft EIR. These responses are intended to supplement or clarify information received contained in the Draft EIR. Additions to the Draft EIR are shown in underline and deletions shown in ~~strikeout~~ format. Each response follows the associated letter or document. Each letter has been numbered (e.g. Letter 1, Letter 2). Within each letter or document, individual comments are assigned a numeric identification. For example, the first comment of Letter 1 is Comment 1-1 and the second is Comment 1-2.

**SECTION TWO**

**SUMMARY OF DRAFT  
ENVIRONMENTAL IMPACT REPORT**

## SECTION TWO – SUMMARY OF DRAFT ENVIRONMENTAL IMPACT REPORT

This project is located in central Stanislaus County, in the City of Hughson (Figure 2.1). The project site is located adjacent to the Tuolumne River, approximately two miles north of the City at the corner of Charles Street and Leedom Road and encompasses the existing City of Hughson Wastewater Treatment Plant (WWTP) facilities site, as well as the 30 acres of land immediately to the west of the WWTP (see Figure 2.2).

### ***Project Description***

The City of Hughson (City) WWTP treats municipal and industrial wastewater. The WWTP discharges to evaporation and percolation ponds in the vicinity of the Tuolumne River. The current average flow is approximately 0.83 million gallons per day (mgd) while current capacity is 1.0 mgd. The City's WWTP operates under Waste Discharge Requirements (WDR) Order No. 5-00-024, issued in January 2000 by the Central Valley Regional Water Quality Control Board (RWQCB). The WDR includes numerical effluent limits, narrative requirements, groundwater limitations, surface water limitations, solids disposal requirements and other provisions. As the City's WWTP does not discharge to surface water, a National Pollutant Discharge Elimination System (NPDES) permit is not required.

The proposed project consists of the adoption and implementation of the proposed *Wastewater Treatment Plant Master Plan Report* (Master Plan) and the associated expansion, construction and operation. The Master Plan is hereby incorporated by reference. The purpose of the Master Plan is "to develop a master plan for the WWTP based on projected flows and loadings through the year 2025" (Master Plan, pg. 4). This Master Plan will replace the prior Wastewater Treatment Plant Master Plan adopted in 2003. The City received a Notice of Violation (NOV) from the RWQCB, issued July 29, 2003, stating that the WWTP had exceeded its effluent contaminant limits for Total Dissolved Solids, Electrical Conductivity, total coliform organisms, and nitrate as nitrogen. Additionally, the NOV listed violations of acceptable sludge management practices and degradation of groundwater for total coliform, nitrate, salts, and chloroform. The improvements proposed in this project will address the violations currently on file with the RWQCB.

The Master Plan identifies that financing the upgraded treatment and the expansion of the WWTP would require a sewer rate increase, and a developer impact fee increase. The Master Plan estimated that approximately 20% of the total cost would be attributable to a sewer rate increase and 80% to developer impact fee. The City has prepared a Wastewater Treatment Financial Plan. The draft Financial Plan (March 2007) was drafted by Bartle Wells and Associates, an independent financial consultant. It is anticipated that such increases will be used to finance the upgrading and expansion by serving as security for a loan, or debt issuance.

Municipal wastewater flows vary substantially by season and time of day. A wastewater treatment plant must have the capacity to treat typical flows in high flow seasons, as well as to accommodate high peak flows when they occur. The most recent full year of information available on flows reaching the Hughson WWTP, as reported in the Master Plan, is from 2005.

The average day maximum month flow (ADMMF) in 2005 (defined as the mean of the daily flows in the month with the highest total flows) was 0.83 mgd. The single highest (peak) hour is usually recorded in wet weather, which was recorded to be 2.6 mgd (pg. 24). In dry weather, flows are reduced, resulting in an annual average wastewater flow (AAWF) of 0.78 mgd.

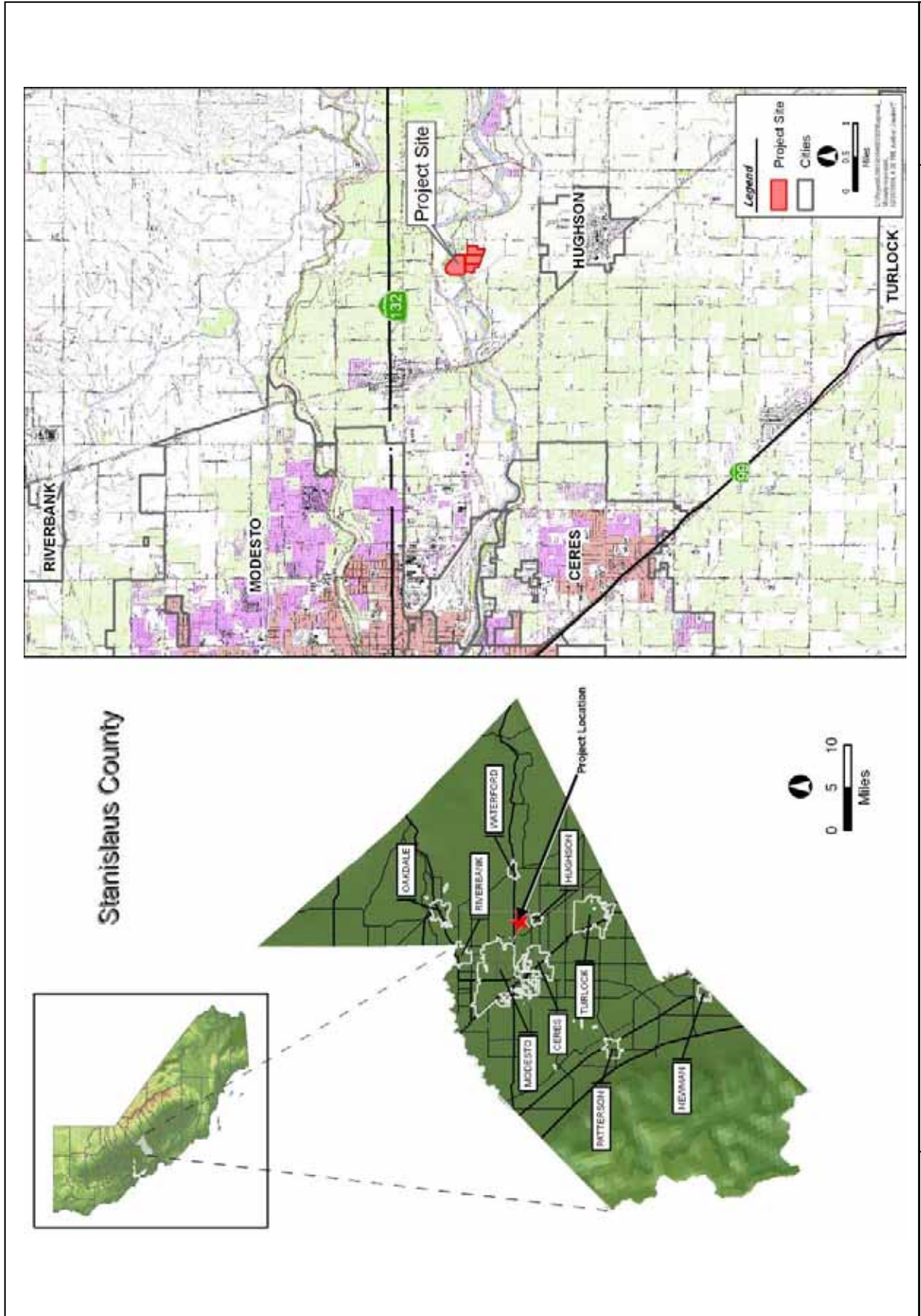


FIGURE 2.1

REGIONAL AND VICINITY MAP



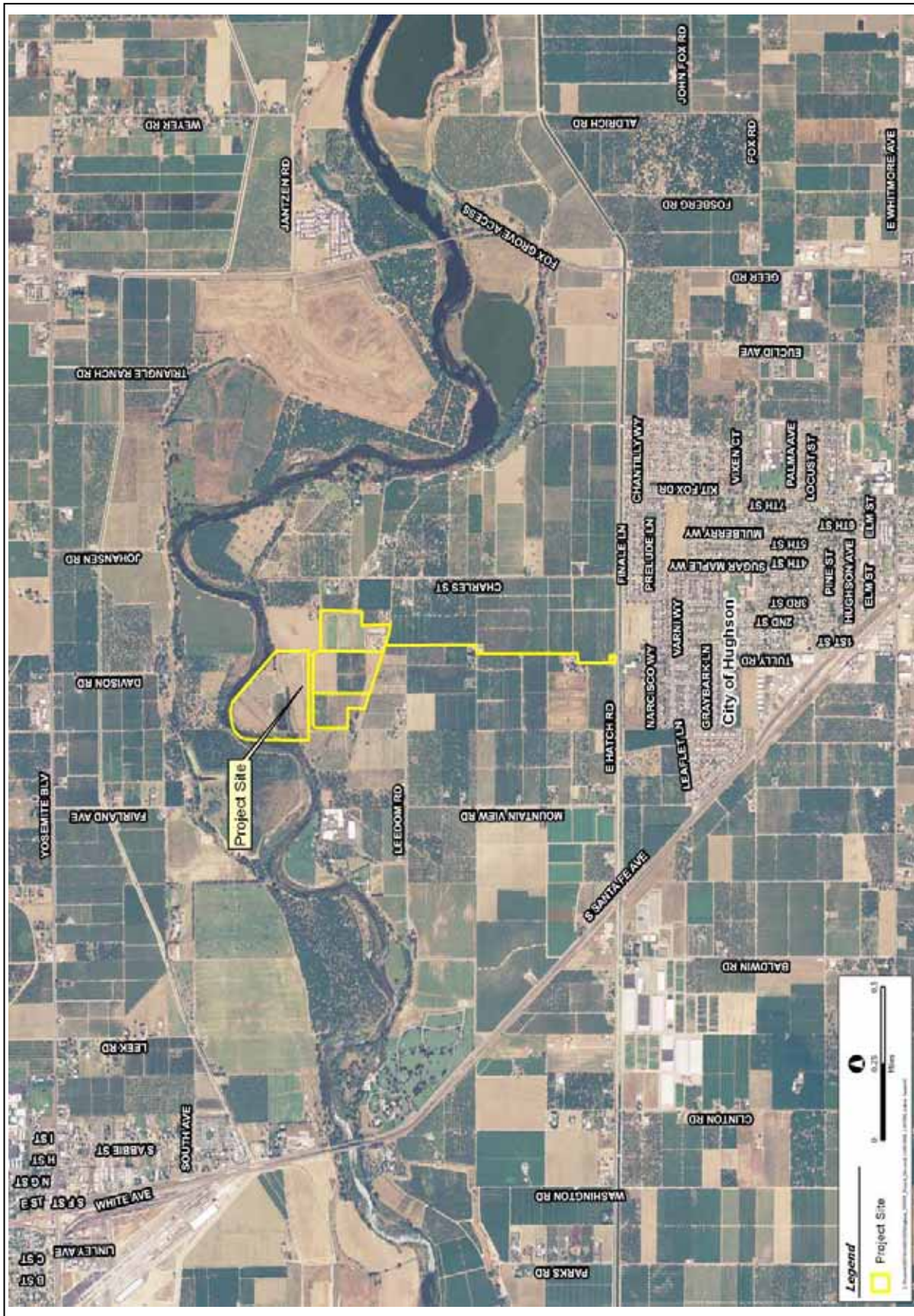


FIGURE 2.2

PROJECT AREA



To project future WWTP capacity demand, factors such as population and industry need to be analyzed. The Hughson General Plan adopted in 2005, with a planning horizon of 20 years, included infill and substantial new areas for residential growth. According to the 2005 City of Hughson Municipal Service Review (pg. 2-14), the infill and new growth areas will accommodate a population that is estimated to reach 15,074 by 2025, which equates to a 4.8% annual increase. Assuming the continuation of existing industries and the addition of one heavy industrial use by 2025, the most probable flow scenario was projected. At 300 gallons per EDU per day, 0.47 mgd from industry, and 0.42 mgd from commercial, parks/open space, public facilities, urban reserve, and roads/right of way, the projected AAWF for 2025 is 1.9 mgd.

The capacity of a wastewater treatment facility must be sufficient to accommodate peak flows as well as typical average flows. To project future peak hourly flows (PHF), historical peaking factors are typically used. These peaking factors are the ratio of the PHF to the average flow rate. The historical peaking factor for the WWTP is 3.3, which is relatively high for a small community in the Central Valley. This rate was calculated from data that was recorded once every minute and could be influenced by influent surges from the current pump station. With proposed improvements to the influent pump station, the peaking factor is expected to decrease. Therefore, a peaking factor of 3.0 times the AAWF was used to project the future PHF between years 2006 and 2025, as seen in Table 2-1.

**Table 2.1  
Projected Wastewater Treatment Plant Influent Flows**

<b>Year</b>	<b>Population</b>	<b>AAWF (mgd)</b>	<b>ADMMF (mgd)</b>	<b>PHF (mgd)</b>
2005	5,942	0.78	0.83	2.6
2006	6,399	0.90	1.0	3.0
2009	7,768	1.0	1.1	3.3
2016	10,965	1.35	1.5	4.1
2025	15,074	1.9	2.1	5.6

Improvements include several upgrades to increase capacity and efficiency of the plant. New headworks, including coarse and fine screens, a Parshall flume, and biofilters for odor control will be constructed at the existing plant. WWTP improvements on the parcels of land immediately west of the existing plant consist of two new trapezoidal section oxidation ditches, two 70 ft diameter secondary clarifiers, and three percolation ponds. Other improvements include a RAS/WAS pump station, two new gravity belt filter presses for dewatering, operations center building upgrades, and a supervisory control and data acquisition system. The Hatch Road influent pump station and associated force main will be removed and a new 36" gravity sewer will extend approximately one mile from Hatch Road to the new influent pump station location near the headworks, at the WWTP. The gravity sewer will utilize the same route as the existing force main.

Of the 10 existing percolation ponds, four that are currently out of commission will be abandoned as percolation ponds and may potentially be converted into stormwater basins (Ponds 7,8,9 and 10). Should this conversion happen, the City will send a detailed work plan to the RWQCB. Two of the percolation ponds (Ponds 5 and 6) may be rehabilitated by grading (approximately 6.5 acres) and Ponds 1, 2 and 3 will continue to be in service (9.9 acres). Percolation pond #4 will be used for percolation of treated wastewater or as a stormwater retention basin.

The Hughson WWTP Master Plan improvement projects can be seen in Figure 2.3. The location of the Hatch Road influent pump station and associated gravity sewer can be seen in Figure 2.2 and a detailed graphic of the percolation pond configuration can be seen in Figure 2.4.



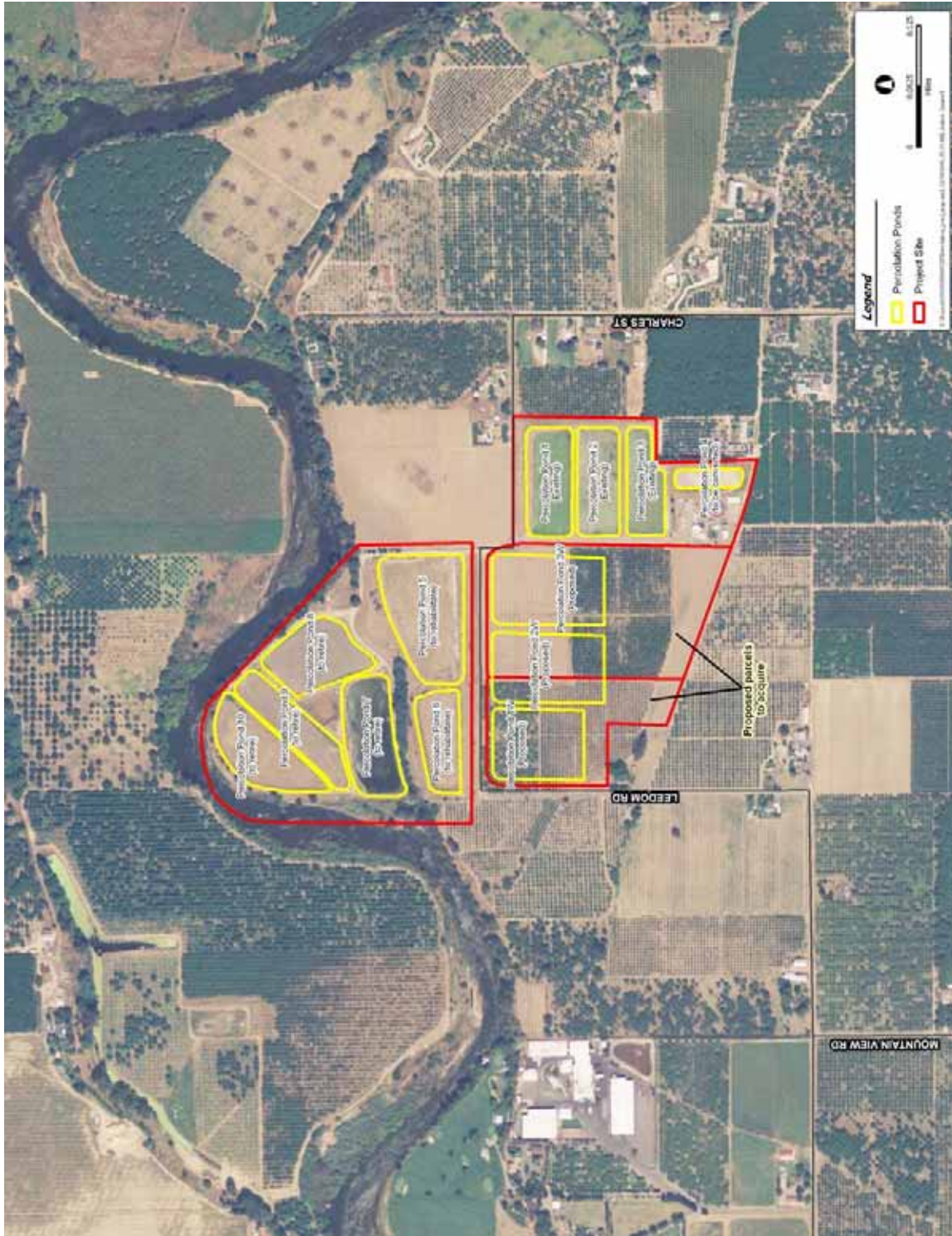


FIGURE 2.4

PERCOLATION POND CONFIGURATION



### ***Project Objective***

The objective of the project is to establish a plan for managing existing and anticipated sewer treatment needs in the City for a 20 year period and to implement capital improvement projects necessary to expand the capacity of and improve the functioning of the WWTP while preserving the ability for substantial future expansion. Based on population projections, capacity will be expanded from 1.0 mgd to 1.9 mgd over the study period of this EIR.

### ***Potential Areas of Controversy and Issues to be Resolved***

Based on responses to the Notice of Preparation, public scoping meeting and other responses, the following issues are considered to be the most likely to produce controversy in reviewing and considering the proposed project.

- Air Quality
- Growth Inducement
- Land Use
- Water Quality
- Issues to be Resolved

### ***Alternatives to the Proposed Project***

Section 15126.6 of the State CEQA Guidelines requires the EIR to describe a reasonable range of alternatives to the project which would reduce or avoid significant impacts, and which could feasibly accomplish the basic objectives of the project, and to evaluate the comparative merits of the alternatives. Alternatives that would reduce or avoid significant impacts represent environmentally superior alternatives to the proposed project. However, if the environmentally superior alternative is the no action, the EIR must also identify an environmentally superior alternative among the other alternatives.

### ***Project Alternatives***

#### **NO PROJECT**

Under the No Project Alternative, the Wastewater Treatment Plant Master Plan would not be adopted and the capacity of the WWTP would not be expanded. The WWTP is currently in non-compliance with the Regional Water Quality Control Board regulations and would remain in non-compliance. The Hughson General Plan would remain in effect, permitting growth to continue until the capacity of the WWTP is met. At the population growth rate of 4.8% per year as shown in the City of Hughson Municipal Service Review, the City would reach its treatment capacity and would likely be required to impose a development moratorium in 2008 or 2009. When wastewater flows exceed the design capacity of the WWTP, the Regional Water Quality Control Board would be expected to impose a "cease and desist" order which would require a building moratorium in the City of Hughson to prevent effluent spills and other violations of the City's Waste Discharge Requirements. Once issued, the City may face fines or other sanctions until or unless an ordinance was adopted to strictly limit future connections to the wastewater system. Such a moratorium would typically restrict infill and commercial development as well as continued residential growth and would be required to be maintained until a treatment plant expansion is planned, financed and constructed.

#### **ALTERNATIVE SECONDARY PROCESS COMPONENTS**

This alternative would replace the two proposed trapezoidal-section oxidation ditches, with three vertical-wall oxidation ditches, to be constructed in two phases. Two oxidation ditches would be constructed immediately and the third would be constructed to the west of the current treatment plant site as needed to serve growing demand. Both the proposed project and this alternative will require the purchase of land to the west of the current treatment plant, however, in this alternative, the purchase, can be deferred until the third oxidation ditch is needed, in approximately 2016. This alternative would generally achieve the

project's basic objective since it would result in additional wastewater treatment capacity to accommodate increased population. However, as described in the Master Plan, this alternative may increase construction costs and may be associated with additional operation costs and related concerns.

### **CONSTRUCT NEW HATCH ROAD PUMP STATION**

The existing Hatch Road Pump Station must be removed or relocated to accommodate anticipated road improvements. The project description calls for the pump station to be removed entirely and replaced with a new gravity sewer line from Hatch Road to the WWTP site. This alternative proposes to remove the existing pump station and construct a new pump station at approximately the same location set back from the proposed roadway. The project description calls for the installation of a new 36 inch gravity line from Hatch Road to the WWTP site. This alternative would require the installation of a new 20 inch force main along the same alignment.

**Table 2.2**  
**Summary of Potential Impacts, Mitigation Measures and Mitigation Monitoring Program**

<b>Impact No</b>	<b>Impact</b>	<b>Page Number in EIR</b>	<b>Mitigation Number</b>	<b>Mitigation Measure</b>	<b>Level of Significance</b>	<b>Monitoring Agency</b>
3.2.1	Scenic Vista, Scenic Resources, Visual Character, and Light and Glare	3-3	None	None	None	None
3.3.1	Prime Farmland	3-7	None	None	None	None
3.3.2	Williamson Act Contract	3-7	None	None	None	None
3.4.1	Operational CO	3-22	None	None	None	None
3.4.2	Operational Emissions (ROG, NOx & PM <sub>10</sub> )	3-22 to 3-23	None	None	None	None
3.4.3	Adverse Odors	3-23 To 3-26	None	None	None	None
3.4.4	Hazardous Air Pollutant Exposure	3-26	None	None	None	None
3.4.5	Construction Emissions NOx	3-27 to 3-28	None	None	None	None
3.5.1	Substantial Adverse Effect on Candidate, Special-Status or Sensitive Species or Habitat of Sensitive Species	3-37 to 3-39	3.5.1.1	<p>Protection of Valley Elderberry Longhorn Beetle</p> <p>The following action shall be taken where construction may encroach to within 100 feet of the elderberry bushes located along the easterly fence line of the subject area:</p> <ul style="list-style-type: none"> <li>▪ Each elderberry bush that has stems 1 inch or greater in diameter and that is within 100 feet of any proposed construction activity will be inspected for Valley elderberry longhorn beetles prior to initiation of construction.</li> <li>▪ For those bushes in which the beetle does not occur, construction</li> </ul>	Less Than Significant	City of Hughson

Impact No	Impact	Page Number in EIR	Mitigation Number	Mitigation Measure	Level of Significance	Monitoring Agency
				<p>within the 100 foot buffer area will be allowed, provided that:</p> <ul style="list-style-type: none"> <li>- A letter of concurrence is obtained from the United States Fish and Wildlife Service authorizing construction within the buffer area.</li> <li>- A biologist is present on-site during construction within the 100-foot buffer area to monitor construction activities and ensure that there are no impacts to the elderberry bushes.</li> <li>- Restoration of habitat within the 100-foot buffer area must occur once construction is complete, except in those instances where permanent facilities are constructed. The applicant must provide a written description to the USFWS of how the buffer areas are to be restored, protected, and maintained after construction is completed. Mowing of grasses/ground cover may occur from July through April to reduce fire hazard. No mowing shall occur within five (5) feet of elderberry plant stems. Mowing must be done in a manner that avoids damaging plants (e.g., stripping away bark through careless use of mowing/trimming equipment).</li> <li>- All areas to be avoided during construction activities shall be fenced and flagged. In areas where encroachment on the 100-foot buffer has been approved by the Service, provide a minimum setback of at least 20 feet from the dripline of each elderberry plant is required.</li> <li>- Erect signs every 50 feet along the edge of the avoidance area with the following information: "This area is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." The signs should be clearly readable from a distance of 20 feet, and must be maintained for the duration of construction.</li> <li>- A qualified biologist shall conduct a training program for all construction contractors that will be working on the project to inform workers of the need to avoid damaging elderberry plants</li> </ul>		

Impact No	Impact	Page Number in EIR	Mitigation Number	Mitigation Measure	Level of Significance	Monitoring Agency
				and the possible penalties for not complying with these requirements. The training program must include information on the status of the beetle and the need to protect its elderberry host plant.		
				<ul style="list-style-type: none"> <li>- No insecticides, herbicides, fertilizers, or other chemicals that might harm the beetle or its host plant shall be used in the buffer areas, or within 100 feet of any elderberry plant.</li> <li>- Other protection measures and replacement of elderberry bushes, when applicable, are implemented as outlined in <i>Conservation Guidelines for the Valley Elderberry Longhorn Beetle</i> (USFWS 1999; Appendix C of this EIR).</li> </ul>		
				<ul style="list-style-type: none"> <li>▪ For each bush in which the Valley elderberry longhorn beetle is found, the 100-foot buffer area shall be observed during the activity period of the Valley elderberry longhorn beetle (from April to July). Construction activities may occur within the 100 foot buffer area during other periods provided the mitigation measures outlined above are implemented and restoration within the buffer area is completed by beetle emergence (April).</li> </ul>		
3-39 to 3-40			3.5.1.2	<p>Protection of Swainson's hawks and other raptors (including bald eagle) and migratory birds.</p> <p>Preconstruction surveys must be implemented prior to the initiation of construction if construction activities are to start between February 15 and September 15 (during the breeding season for raptors and migratory birds). Pre-construction survey protocols and protective mitigation requirements for Swainson's hawks, which are the most rigorous requirements for this group of species, will be followed. Surveys must consist of the following:</p> <ul style="list-style-type: none"> <li>- All trees which are suitable for raptor nesting and are within 600 feet of construction activities shall be inspected by a qualified biologist.</li> <li>- Surveys will be conducted at the following intensities, depending upon dates of initiation of construction:</li> </ul>	Less Than Significant	City of Hughson

<b>Construction start</b>	<b>Survey period</b>	<b>Number of surveys</b>	<b>Timing</b>
1 January to 20 March	1 January to 20 March	1	All day
21 March to 24 March	1 January to 20 March	1	All day
	21 March to 24 March	Up to 3	Sunrise to 1000 and 1600 to sunset
24 March to 5 April	1 January to 20 March	1	All day
	21 March to 5 April	3	Sunrise to 1000 and 1600 to sunset
	21 March to 5 April	3	Sunrise to 1000 and 1600 to sunset
6 April to 9 April	6 April to 9 April	Up to 3	Sunrise to 1000 and 1600 to sunset
	1 January to 20 March	1 (if all 3 surveys are performed between 6 and 9 April, then this survey need not be conducted)	All day
10 April to 30 July	21 March to 5 April	3	Sunrise to 1000 and 1600 to sunset
	6 April to 20 April	3	Sunrise to 1200 and 1630 to sunset
31 July to 15 September	6 to 20 April	3	Sunrise to 1200 and 1630 to sunset
	10 to 30 July	3	Sunrise to 1200 and 1600 to sunset

Impact No	Impact	Page Number in EIR	Mitigation Number	Mitigation Measure	Level of Significance	Monitoring Agency
				<ul style="list-style-type: none"> <li>- If Swainson's hawks or other raptors are detected to be nesting in trees within 500 feet of the construction area, construction will not occur within this zone until after young Swainson's hawks have fledged (this usually occurs by early June). The nest will be monitored by a qualified biologist to determine fledging date.</li> </ul>		
3-40		3-40	3.5.1.3	Impacts to western pond turtles. If percolation ponds #5 and 6 are dry during the proposed pond rehabilitation, then there is no impact and no mitigation will be required. If the ponds adjacent to the rehabilitated ponds (ponds #5 and #6) contain water during construction, then a pre-construction survey of the northern project parcel shall be conducted by a qualified biologist no more than 24 hours prior to initial ground disturbing construction. The biologist shall provide Environmental Awareness training to equipment operators prior to work commencement and be available to relocate turtles outside the impact area.	Less Than Significant	City of Hughson
3.5.2	Adverse Affect on any Riparian Habitat or Other Sensitive Natural Community	3-40	None	None	None	None
3.5.3	Disturbance to Wetlands and Jurisdictional Waters	3-40	None	None	None	None
3.5.4	Interfere with the movement of fish or wildlife or impede wildlife movement corridors	3-41	3.5.4	Implement Mitigation Measures #3.5.1.2, #3.5.1.3 and #3.5.1.4	Less Than Significant	City of Hughson
3.5.5	Conflict With Any Local Policies or	3-41	None	None	None	None

Impact No	Impact	Page Number in EIR	Mitigation Number	Mitigation Measure	Level of Significance	Monitoring Agency
	Ordinances Protecting Biological Resources					
3.5.6	Habitat Conservation Plan or Other Plan Conflict	3-41	None	None	None	None
3.6.1	Disturbance of Cultural or Historic Resources, Skeletal Remains	3-43 to 3-44	3.6.1.1	If, in the course of project construction or project operation, any archaeological or historical resources are uncovered, discovered, or otherwise detected or observed, activities within 50 feet of the find area shall cease. A qualified archaeologist shall be contacted and advise the City of the site's significance. If the findings are deemed significant appropriate mitigation measures recommended or approved by the archaeologist shall be implemented prior to any resumption of work in the affected area of the project.	Less Than Significant	City of Hughson
3.7.1	Seismic Effects	3-46	None	If, in the course of project construction or project operation, any skeletal remains are uncovered, discovered, or otherwise detected or observed, activities in the affected area shall cease. A qualified archaeologist, the City, the County Coroner and local Native American organizations shall be consulted, and appropriate measures approved by such entities shall be implemented that may include avoidance of the burial site or reburial of the remains.	Less Than Significant	None
3.7.2	Landslides	3-46 To 3-47	None	None	None	None
3.7.3	Soil Erosion, Topsoil Loss	3-47	None	None	Less Than Significant	None
3.7.4	Soil Instability	3-47	None	None	Less Than Significant	None
3.7.5	Expansive Soils	3-47	None	None	Less Than Significant	None

<b>Impact No</b>	<b>Impact</b>	<b>Page Number in EIR</b>	<b>Mitigation Number</b>	<b>Mitigation Measure</b>	<b>Level of Significance</b>	<b>Monitoring Agency</b>
	Hazards				Significant	
3.7.6	Soils Unsuitable for Domestic Waste Disposal	3-47	None	None	Less Than Significant	None
3.7.7	Soil Contamination	3-47 To 3-48	None	None	Less Than Significant	None
3.8.1	Hazard to the Public or Environment	3-53	None	None	Less Than Significant	None
3.8.2	Hazardous Emissions, Hazardous Materials within One-quarter Mile of an Existing or Proposed School	3-54	None	None	None	None
3.8.3	Hazardous Materials Site, Safety Hazard for People Working in Vicinity of a Public Airport, Public Use Airport, or Private Airport, or Private Airstrip	3-54	None	None	None	None
3.8.4	Impair or Interfere with Emergency Response	3-54	None	None	None	None
3.8.5	Wildland Fires	3-54	None	None	Less Than Significant	None
3.9.1	Violation of Water Quality Standards or Waste Discharge Requirements	3-68	None	None	Less Than Significant	None
3.9.2	Substantial Effect	3-69	None	None	None	None

<b>Impact No</b>	<b>Impact</b>	<b>Page Number in EIR</b>	<b>Mitigation Number</b>	<b>Mitigation Measure</b>	<b>Level of Significance</b>	<b>Monitoring Agency</b>
	on Groundwater Supply					
3.9.3	Substantially Alter Existing Drainage Pattern	3-69	None	None	Less Than Significant	None
3.9.4	Substantial Degradation of Water Quality	3-69	None	None	Less Than Significant	None
3.9.5	Exposure of People or Structures to Significant Risk of Loss Involving Flooding	3-69 To 3-71	None	None	Less Than Significant	None
3.10.1	Physically Divide an Established Community	3-74	None	None	None	None
3.10.2	Conflict with Existing Policies and Regulations	3-74	3.10.2.1	The City shall apply to LAFCO for a Sphere of Influence (SOI) amendment to add the land purchased for Phase II to the City's SOI. In addition, the City shall annex this land into its City limits and designate it as Public Facility. This mitigation measure shall be implemented before construction of Phase II begins.	Less Than Significant	City of Hughson
3.10.3	Habitat Conservation Plans	3-74	None	None	None	None
3.11.1	Loss in Availability of Minerals	3-75	None	None	None	None
3.12.1	Construction Noise	3-77 to 3-78	3.12.1	Noise producing equipment used during construction shall be restricted to the hours from 7:00 a.m. to 7:00 p.m., Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday and Sunday and holidays. Construction outside of these hours shall require written approval by the Planning and Building Director. Also, effective mufflers shall be fitted	Temporary, Significant and Unavoidable	City of Hughson

<b>Impact No</b>	<b>Impact</b>	<b>Page Number in EIR</b>	<b>Mitigation Number</b>	<b>Mitigation Measure</b>	<b>Level of Significance</b>	<b>Monitoring Agency</b>
3.12.2	Operational Noise	3-78	None	Noise generation shall be considered in the purchase evaluation and installation of new equipment at the WWTP. Equipment shall be enclosed within buildings, when feasible, or placed behind noise attenuating barriers when necessary to ensure that noise levels do not exceed 70 dB (Stanislaus County General Plan, Noise Element Policy 2) at the boundary of the subject site.	Less Than Significant	City of Hughson
3.13.1	Induce Population Growth	3-80	None	None	Less Than Significant	None
3.13.2	Displacement of Housing or Residents	3-80	None	None	None	None
3.14.1	Fire Protection, Police Protection, Schools, Parks and Other Public Facilities	3-81 to 3-82	None	None	None	None
3.15.1	Recreation	3-82	None	None	None	None
3.16.1	Increase in Traffic, Exceedance of LOS Standards, Increased Traffic Hazards, Emergency Access, and Parking	3-83 to 3-84	None	None	None	None
3.16.2	Change in Air Traffic Patterns	3-84	None	None	None	None
3.16.3	Alternative Transportation	3-84	None	None	None	None
3.17.1	Wastewater	3-85	None	None	Less Than	None

<b>Impact No</b>	<b>Impact</b>	<b>Page Number in EIR</b>	<b>Mitigation Number</b>	<b>Mitigation Measure</b>	<b>Level of Significance</b>	<b>Monitoring Agency</b>
	Treatment Requirements of the RWQCB	3-86 to 3-86			Significant	
3.17.2	Water and wastewater treatment facilities and wastewater capacity	3-86	None	None	None	None
3.17.3	Storm drainage systems	3-86	None	None	None	None
3.17.4	Water supplies	3-86	None	None	None	None
3.17.5	Solid Waste Disposal	3-86 to 3-87	None	None	Less Than Significant	None

**Table 2.3  
Summary of Potential Cumulative Impacts, Mitigation Measures and Mitigation Monitoring Program**

<b>Impact No</b>	<b>Cumulative Impact</b>	<b>Page Number in EIR</b>	<b>Mitigation Number</b>	<b>Mitigation Measure</b>	<b>Level of Significance</b>	<b>Monitoring Agency</b>
5.2	Aesthetics	5-2	None	None	Cumulatively Significant and Unavoidable	None
5.3	Agricultural Resources	5-2	None	None	Cumulatively Significant and Unavoidable	None
5.4	Air Quality	5-2, 5-3	None	None	Cumulatively Significant and Unavoidable	None
5.5	Biological Resources	5-4	None	None	Less Than Significant	None
5.6	Cultural Resources	5-4	None	None	Less Than Significant	None
5.7	Geology and Soils	5-4	None	None	Less Than Significant	None
5.8	Hazards and Hazardous Material	5-4, 5-5	None	None	Less Than Significant	None
5.9	Hydrology; Groundwater Impacts	5-5	None	None	Less Than Significant	None
5.10	Land Use and Planning	5-5	None	None	Less Than Significant	None
5.11	Mineral Resource	5-5, 5-6	None	None	Less Than Significant	None
5.12	Noise	5-6	None	None	Less Than Significant	None
5.13	Population and Housing	5-6	None	None	Less Than Significant	None
5.14	Public Services	5-6	None	None	Less Than Significant	None
5.15	Recreation	5-6, 5-7	None	None	Less Than Significant	None
5.16	Transportation/Traffic	5-7	None	None	Less Than Significant	None
5.17	Utilities	5-7, 5-8	None	None	Less Than Significant	None

**Table 2.4**  
**Summary of Impacts Which Remain Significant After Mitigation**

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<b>Agricultural Resources</b>		
3.3.1	Prime Farmland	Significant and Unavoidable
3.3.2	Williamson Act Contract	Significant and Unavoidable
<b>Noise</b>		
3.12.1	Construction Noise	Temporary, Significant and Unavoidable

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**SECTION THREE**  
**COMMENTS AND RESPONSES**

## **SECTION THREE – COMMENTS AND RESPONSES**

Section 3.1 provides a list of all agencies, or organizations and individuals that submitted comments on the accuracy and sufficiency of the Draft EIR. The excerpted comments and responses to environmental issues raised in those letters are presented in Section 3.2. Comment letters can be found in Exhibit D of this Final EIR.

### **3.1 List of Commentors**

The following agencies provided written comments on the Draft EIR:

#### **Written Comments:**

1. Tom Dumas  
Chief, Office of Metropolitan Planning  
Department of Transportation  
P.O. Box 2048  
Stockton, CA 95201
2. Kenneth Slamon  
Fire Marshall  
Office of Fire Warden  
Fire Prevention Bureau, Stanislaus County  
Hughson Fire Protection District  
3705 Oakdale Road  
Modesto, CA 95357
3. Katy Sanchez  
Program Analyst  
Native American Heritage Commission  
915 Capitol Mall, Room 364  
Sacramento, CA 95814
4. Christopher Huitt  
Staff Environmental Scientist  
Floodway Protection Section  
Department of Water Resources  
1416 Ninth Street  
Sacramento, CA 94236-0001
5. Raul Mendez  
Senior Management Consultant  
Environmental Review Committee  
Stanislaus County  
1010 10<sup>th</sup> Street, Suite 6800  
P.O. Box 3404  
Modesto, CA 95353- 3404
6. Arie W. Vander Pol  
Engineering Technician, Civil  
Turlock Irrigation District  
333 East Canal Drive  
P.O.Box 949  
Turlock, CA 95381

7. Arnaud Marjollet  
Permit Services Manager  
San Joaquin Valley Air Pollution Control District/ Central Region  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244
  
8. Lisa Lee  
Regional Programs Unit  
State Water Resources Control Board  
Division of Financial Assistance  
1001 I Street  
Sacramento, CA 95814
  
9. Robin Merod  
Waste Resources Control Engineer  
Waste Discharge to Land Program  
California Regional Water Quality Control Board/ Central Valley Region  
11020 Sun Center Drive #200  
Rancho Cordova, CA 95670-6114

**Oral Comments:**

No public comments on the Draft EIR were made at the public hearing.

### **3.2 Responses to Comments**

This section restates the written comments received on the Draft EIR during the 45-day review period. Following each comment (shown in italics) is a response intended to either supplement, clarify, or amend information provided in the Draft EIR, or refer the commenter to the appropriate place in the Draft EIR where the information is found. Each letter and corresponding response is numbered for reference. Comments not directed to significant environmental issues may be included in this section; responses thereto indicate that the comment has been noted and that no detailed response is necessary. Comments and responses are referenced by comment letter number and comment number. For example, response 1-1 indicates the first comment of the first commenter, etc. The original comments can be found in Exhibit D.

#### **COMMENT LETTER 1**

**TOM DUMAS  
CHIEF, OFFICE OF METROPOLITAN PLANNING  
DEPARTMENT OF TRANSPORTATION  
P.O. BOX 2048  
STOCKTON, CA 95201**

No Comments.

#### **COMMENT LETTER 2**

**KENNETH SLAMON  
FIRE MARSHALL  
OFFICE OF FIRE WARDEN  
FIRE PROTECTION BUREAU, STANISLAUS COUNTY  
HUGHSON FIRE PROTECTION DISTRICT  
3705 OAKDALE ROAD  
MODESTO, CA 95357**

##### **Comment 2-1**

*“All buildings/structures over 5,000 square feet shall be equipped with an approved automatic fire extinguishing system conforming to National Fire Protection Association Standard 13. A reduction in the required fire flow will be granted per the California Fire Code.”*

##### **Response**

Any building or structure over 5,000 square feet will be equipped with an approved automatic fire extinguishing system conforming to National Fire Protection Association Standard 13.

##### **Comment 2-2**

*“Water supply and access requirements will be determined at the time of development. Requirements will be based on the number and location of building(s)/structure(s). Note static supplies of fire protection water shall be at positive pressure.”*

**Response**

The comment has been noted and incorporated into the EIR.

**Comment 2-3**

*"If a public water supply is available off-site fire hydrants will be required. Fire hydrant spacing will be a maximum of 300 feet between fire hydrants. Please submit a plan for approval. Note location of buildings, structures, and access ways may alter the location of fire hydrants."*

**Response**

There is no public water supply.

**Comment 2-4**

*"All development shall comply with applicable laws, codes, ordinances and standards."*

**Response**

The comment has been noted and incorporated into the EIR.

**COMMENT LETTER 3**

**KATY SANCHEZ  
PROGRAM ANALYST  
NATIVE AMERICAN HERITAGE COMMISSION  
915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814**

**Comment 3-1**

*"Contact the appropriate Information Center for a record search to determine:*

- *If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.*
- *If any known cultural resources have already been recorded on or adjacent to the APE.*
- *If the probability is low, moderate, or high that cultural resources are located in the APE.*
- *If a survey is required to determine whether previously unrecorded cultural resources are present."*

## Response

A records search was conducted at the Central California Information Center at California State University, Stanislaus. One cultural resource study has been conducted within the proposed project area with a negative finding. Please see page 3-42 of the DEIR.

### Comment 3-2

*"If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.*

- *The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.*
- *The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center".*

## Response

A cultural resources survey was conducted in April of 2007 which resulted in no findings of cultural significance. Please see page 3-42 of the DEIR. The full survey report is attached to the DEIR as Appendix F.

### Comment 3-3

*"Lack of surface evidence of archeological resources does not preclude their subsurface existence."*

- *Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.*
- *Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.*
- *Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code 7050.5, CEQA 15064.5(e), and Public Resources Code 5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery."*

## **Response**

Mitigation measures that address potential impacts to cultural resources are included on page 3-43 and 3-44 of the DEIR.

## **COMMENT LETTER 4**

**CHRISTOPHER HUITT  
STAFF ENVIRONMENTAL SCIENTIST  
FLOODWAY PROTECTION SECTION  
DEPARTMENT OF WATER RESOURCES  
1416 NINTH STREET  
SACRAMENTO, CA 94236-0001**

### **Comment 4-1**

*"The limited project description suggests your project may be an encroachment on the State Adopted Plan of Flood Control... If indeed your project encroaches on an adopted flood control plan, you will need to obtain an encroachment permit from the Reclamation Board prior to initiating any activities...If after careful evaluation, it is your assessment that your project is not within the authority of the Reclamation Board, you may disregard this notice."*

## **Response**

The proposed project is within the Tuolumne River designated floodway in Stanislaus County. An application for a reclamation board encroachment permit will be completed and submitted after the FEIR has been certified.

## **COMMENT LETTER 5**

**RAUL MENDEZ  
SENIOR MANAGEMENT CONSULTANT  
ENVIRONMENTAL REVIEW COMMITTEE  
STANISLAUS COUNTY  
1010 10<sup>TH</sup> STREET, SUITE 6800  
P.O. BOX 3404  
MODESTO, CA 95353-3404**

### **Comment 5-1**

*"Applicant shall determine, to the satisfaction of the Department of Environmental Resources (DER), that a site containing (or formerly containing) residences or farm buildings, or structures, has been fully investigated (via Phase I study and Phase II study, if necessary) prior to the issuance of a grading permit. If zoning will change from agricultural land to a commercial or residential zoning designation, DER recommends research to be conducted to determine if pesticides were used on the proposed development site; if confirmed, suspect site areas should be tested for organic pesticides and metals. Any discovery of underground storage tanks, former underground storage tank locations, buried chemicals, buried refuse, or contaminated soil shall be brought to the immediate attention of DER."*

## Response

Proposed project improvements will take place on the existing WWTP site and the 30 acres of land immediately west of the project site. Prior to grading of the 30-acre site, the City will conduct a Phase I study. The 30 acres of land will undergo a zoning change, from agriculture to public facility.

### Comment 5-2

*"Applicant should contact the DER regarding appropriate permitting requirements for hazardous materials and/or wastes. Applicant and/or occupants handling hazardous materials or generating hazardous wastes must notify the DER relative to: (Calif. H&S, Division 20)*

- A. Permits for the underground storage of hazardous substances at a new or the modification of existing tank facilities.*
- B. Requirements for registering as a handler of hazardous materials in the County.*
- C. Submittal of hazardous materials Business Plans by handlers of materials in excess of 55 gallons or 500 pounds of a hazardous material or of 200 cubic feet of compressed gas.*
- D. The handling of acutely hazardous materials may require the preparation of a Risk Management Prevention Program, which must be implemented prior to operation of the facility. The list of acutely hazardous materials can be found in SARA, Title III, Section 302.*
- E. Generators of hazardous waste must notify the DER relative to the: (1) quantities of waste generated; (2) plans for reducing wastes generated; and (3) proposed waste disposal practices.*
- F. Permits for the treatment of hazardous waste on-site will be required from the Hazardous Materials Division.*
- G. Medical waste generators must complete and submit a questionnaire to the DER for determination if they are regulated under the Medical Waste Management Act."*

## Response

The design of the expanded WWTP does not include the use of chlorine or any other chemical disinfectant; however, the City or its delegated agent will contact the Department of Environmental Resources and obtain appropriate permits prior to any handling of hazardous material that is not currently permitted.

### Comment 5-3

*"The California Health and Safety Code section 25534 and 25535.1 require that stationary source facilities that handle or store acutely hazardous materials in reportable quantities develop a Risk Management Plan (RMP) and submit it to the local administering agency for*

*review and approval. Facilities in California, having a threshold quantity of 500 lbs. of ammonia or over 100 lbs. of Cl<sub>2</sub>, are subject to the RMP. Stanislaus County DER is the administering agency for facilities subject to an RMP."*

**Response**

The design of the expanded WWTP does not include the use of chlorine or any other chemical disinfectant; however, the City or a delegated agent will submit a Risk Management Plan to the Stanislaus County Department of Environmental Resources should the WWTP handle or store reportable quantities of acutely hazardous materials.

**Comment 5-4**

*"Property located at 6049 Leedom is a known contaminated site within Stanislaus County and is currently under investigation and remediation for contaminated soil and groundwater, originating from a pipeline. The Regional Water Quality Control Board (RWQCB) is the lead regulatory agency for the investigation. The primary contaminant of concern is total dissolved solids (TDS). Copies of reports are on file with the DER."*

**Response**

The property located at 6049 Leedom Road was referred to the RWQCB in 1997 because of high TDS levels. The site has since been cleaned and as of March '07, monitoring data has indicated acceptable TDS levels. The RWQCB no longer considers the site contaminated.

**Comment 5-5**

*"All building/structures over 5,000 square feet shall be equipped with an approved automatic fire extinguishing system conforming to National Fire Protection Association Standard 13. A reduction in the required fire flow will be granted per the California Fire Code."*

**Response**

Please see response to Comment 2-1.

**Comment 5-6**

*"Water supply and access requirements will be determined at the time of development. Requirements will be based on the number and location of building(s)/structures(s). Note static supplies of fire protection water shall be at positive pressure."*

**Response**

Please see response to Comment 2-2.

**Comment 5-7**

*"If a public water supply is available off-site fire hydrants will be required. Fire hydrant. Fire hydrant spacing will be a maximum of 300 feet between fire hydrants. Please submit a plan*

*for approval. Note locations of buildings, structures, and access ways may alter the location of fire hydrants."*

**Response**

Please see response to Comment 2-3.

**Comment 5-8**

*"All development shall comply with applicable laws, codes, ordinances and standards."*

**Response**

Please see response to Comment 2-4.

**COMMENT LETTER 6**

**ARIE W. VANDER POL  
ENGINEERING TECHNICIAN, CIVIL  
TURLOCK IRRIGATION DISTRICT  
333 E CANAL DRIVE  
P.O. BOX 949  
TURLOCK, CA 95381**

**Comment 6-1**

*"Has the City evaluated the effect of increased percolation on groundwater discharge to the Tuolumne River? What is the effect of percolation of treated wastewater on water quality in the Tuolumne River?"*

**Response**

The City has not evaluated the effect of increased percolation on groundwater discharge to the Tuolumne River. Based on groundwater monitoring wells located near the Tuolumne River, the water quality in the river is actually of lesser quality than the water quality observed in monitoring wells between the treatment plant and the river. Groundwater quality data for the monitoring wells is provided in Table 3 of Exhibit F. Therefore, the treated wastewater actually improves the water quality of the Tuolumne River.

**Comment 6-2**

*"There is no discussion on a water supply from the proposed Regional Surface Water Supply Project. This source would reduce the salinity in treated water that should reduce the potential for salinity violations in the current WWTP."*

**Response**

The City will be purchasing water from Turlock Irrigation District. This is expected to begin in 2010 as discussed in the City's Urban Water Management Plan.

**Comment 6-3**

*"Pages ES-3 and 2-5: Future use of Pond #4 is not discussed."*

**Response**

The County's comment has been noted. The following sentence has been added to pages ES-3 and 2-5: "Percolation pond # 4 will be used for percolation of treated wastewater or as a storm water retention basin."

**Comment 6-4**

*"Page 3-63, River Discharge: While this is an option, is it to be pursued under this plant expansion? If discharge to the river is required as part of a revised WDR, how will impact to the Tuolumne River be addressed?"*

**Response**

Discharge to the Tuolumne River is not a part of the proposed project. If it is required as part of a revised WDR, a National Pollutant Discharge Elimination System permit will be required, which will place contaminants limitations on discharged water.

**Comment 6-5**

*"This should note that construction activities are still subject to SWPPP regulations."*

**Response**

The City or a delegated agent will submit a SWPPP to comply with SWPPP regulations.

**Comment 6-6**

*"Page 3-69, Impact #3.9.5: How will existing percolation ponds 7, 8, 9 and 10 be retired? (i.e. returned to riparian forest or used for storm water). Also, if these ponds are not permitted for wastewater in a 100-year flood zone would they be available for storm water?"*

**Response**

Ponds 7, 8, 9, and 10 will be taken out of service. No treated wastewater will be sent to them. There are no plans to physically alter the existing ponds. Due to their location in the 100-year flood plain, these ponds could not be used for stormwater retention.

**COMMENT LETTER 7**

**ARNAUD MARJOLLET  
PERMIT SERVICES MANAGER  
SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT/ CENTRAL REGION  
1990 E. GETTYSBURG AVENUE  
FRESNO, CA 93726-0244**

#### **Comment 7-1**

*"The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above and concurs with the following conclusions:*

- *The project's CO emissions will have a less than significant impact.*
- *The project's odor impact is expected to have a less than significant impact.*
- *The project's construction emissions will not exceed the District Thresholds of Significance (10 tons per year ROG or NOx) and, therefore, will have a less than significant impact."*

#### **Response**

The comment has been noted and incorporated into the EIR.

#### **Comment 7-2**

*"Attainment Standards and Air Basin Studies- In review of Table 3.4-1 Federal and State Ambient Air Quality Standards and Table 3.4-3 San Joaquin Valley Air Basin Designation/Classification, it was noticed that some values appear to be incorrect.*

*Table 3.4-1- The District recommends the table corrected to reflect the current particulate matter (Federal) and nitrogen dioxide (State) values."*

#### **Response**

The District's recommendations to correct the nitrogen dioxide (State) values and Federal particulate matter values in Table 3.4-1 are noted, the corrections have been made.

#### **Comment 7-3**

*"Table 3.4-3- As noted in the DEIR, the US EPA found that the San Joaquin Valley has attained the PM10 standard. However, their determination does not constitute a redesignation to attainment per section 107(d)(3) of the Federal Clean Air Act. The Valley will continue to be designated non-attainment until all of the Section 107(d)(3) requirements are met."*

#### **Response**

The District's comment on the PM10 attainment status is noted and has been corrected in the DEIR, Table 3.4-3. An additional sentence has been added to Table 3.4-3, Note #1, to read, "The US EPA's finding does not change the District's classification as a serious PM<sub>10</sub> non-attainment to attainment area. However, re-designation from serious non-attainment to attainment requires additional documentation and will occur at some future date."

#### **Comment 7-4**

*"Harp Analysis- On pages 3-13 and 3-26 the DEIR incorrectly states that HARP analysis is not required for this project because the project will produce fewer than 10 tons per year of organic gasses, particulate matter, nitrogen oxides, and sulfur oxides. If a project produces emissions that are below the District's 10-ton per year threshold, the project may still have an impact on human health. The District's Thresholds of Significance for Hazardous Air Pollutants (HAPs) for the Maximally Exposed Individual (MEI) are: the probability of contracting cancer exceeding 10 in one million or ground level concentration of non- carcinogenic toxic air contaminants resulting in a Hazard Index greater than one."*

#### **Response**

The District's comments are noted. On page 3-13, the DEIR has been revised to state:

"HARP is not required for this project because it will not emit more than 10 tons per year of total organic gases, particulate matter, nitrogen oxides, or sulfur oxides. The facility is not subject to Air Toxic Hot Spots Requirements because it does not emit more than 10 tons per year of Total Organic Gases, Particulate Matter, Nitrogen Oxides, or Oxides of Sulfur; nor belongs to a source category identified in the State Emission Inventory Criteria and Guidelines Report. Although the project produces emissions that are below the District's 10-ton per year threshold, the project may still have an impact on human health, therefore a prioritization screening was performed for the project. The District's Thresholds of Significance for Hazardous Air Pollutants (HAPs) for the Maximally Exposed Individual (MEI) are: the probability of contracting cancer exceeding 10 in one million or ground level concentrations of non-carcinogenic toxic air contaminants resulting in a Hazard Index greater than 1."

The prioritization screening conducted resulted with a Hazard Index of 0.5763, which is less than significant. The full analysis is provided in Exhibit E.

On page 3-26, the DEIR has been revised to state:

"As indicated in the Regulatory Setting of this section, the HARP is not required for this project because it will not emit more than 10 tons per year of total organic gases, particulate matter, nitrogen oxides, or sulfur oxides. A prioritization screening for the project was conducted; a copy is included in Appendix D. According to the SJVAPCD, potential HAPs from a wastewater treatment plant include: Chloroform, 1,4 Dichlorobenzene, Ethyl Benzene, Methylene Chloride, Trichloroethylene, 1,1,1 Trichloroethane, Phenol, Benzene, Styrene, Toluene, Xylene, Ammonia, and Hydrogen Sulfide."

#### **Comment 7-5**

*"Also, HAPs are not limited to the criteria pollutants identified above. HAPs generated by the project have not been adequately identified. The District recommends the DEIR to include a discussion of all potential HAPS generated by the project. The discussion should include identification of these HAPs and their quantification. The applicant should perform a prioritization on all sources of emissions to determine if a health risk assessment (HRA) will be needed or required. A prioritization is a screening tool that identifies whether a source has the possibility to exceed a prioritization score of 10 and therefore having the potential to have an impact that may exceed the District's level of significance."*

**Response**

The District's comments are noted. The DEIR has been revised to discuss potential HAPs as described in comment 7-4.

**Comment 7-6**

*"Impact 3.4.2- The DEIR states the project's fugitive emissions were not quantified, but that District Regulation VII and Rule 4120 requirements would be followed. However, the project's fugitive emissions are not limited to dust (e.g. emissions from percolation ponds). Without an analysis of all the emissions generated by the project, the District cannot validate the conclusion that operational emissions will have a less than significant impact on air quality. The district recommends that Table 3.4-5 be amended to include all sources of fugitive emissions."*

**Response**

The District's comments are noted. Fugitive emissions from the City of Hughson WWTP were estimated using the current emissions from CARB's 2005 Emissions Inventory. Potential pollutants include: Total Organic Gases, its subset, ROG, Carbon Monoxide (CO), NOx, and PM10. The table below illustrates the 2005 emissions:

TOG	ROG	CO	NOx	Sox	PM <sub>10</sub>
0.0058	0.0048	0.0153	0.0396	0.0047	0.0049

Calculations for fugitive emissions are provided in Exhibit E. The project will not quite double the present throughput, however if the 2005 emissions were doubled or even tripled they would still be less than significant for ROG, NOx, and PM<sub>10</sub>. Operational emissions remain less than significant.

**Comment 7-7**

*"The DEIR states the project will be subject to District permitting requirements. A Permit to Operate (PTO) Application Form has been enclosed. If the applicant has not already done so, the application should be submitted to the District as soon as possible to avoid any delays in the project."*

**Response**

The District's comments are noted; a PTO will be submitted.

## COMMENT LETTER 8

LISA LEE  
REGIONAL PROGRAMS UNIT  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF FINANCIAL ASSISTANCE  
1001 I STREET  
SACRAMENTO, CA 95814

### Comment 8-1

*"Page 3-7 states that "approximately 30 acres of Prime Farmland will be converted to public facility use as treatment facilities and percolation ponds for the wastewater treatment plant. The loss of Prime Farmland is significant and unavoidable," and "the Project will conflict with Williamson Act Contract land and will cause a significant and unavoidable impact." Page 3-79 mentions that even though "noise is not expected to exceed the threshold for normally acceptable noise levels, there could be a potential, temporary and significant impact." According to CEQA Guidelines Section 15093(b), when the lead agency approves a project that will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its actions based on the final EIR. If the City decides to certify the EIR and approve the Project, please include a Statement of Overriding Considerations that addresses specific reasons why the City will approve the Project even though significant and unavoidable impacts will remain, and provide substantial evidence to support your reasons."*

### Response

Comment noted. A Statement of Overriding Considerations is included in this FEIR as Exhibit C.

### Comment 8-2

*"Page 3-38 provides mitigation measures to reduce potential impacts to the Valley elderberry longhorn beetle (VELB). Some of these mitigation measures state that "other protection measures and replacement of elderberry bushes, when applicable, are implemented as outlined in Conservation Guidelines for the VELB (USFWS 1999: Appendix D of this EIR)," and "for each bush in which the VELB is found, the 100-foot buffer area shall be observed during the activity period of the VELB (from April to July). Construction activities may occur within the 100-foot buffer area during other periods provided the mitigation measures outlined above are implemented and restoration within the buffer area is completed by beetle emergence (April)." Please define the term "observed," and identify the correct appendix that addresses other VELB protection measures."*

## Response

Comment noted. The statement, "for each bush in which the VELB is found, the 100-foot buffer area shall be observed during the activity period of the VELB..." can also read, "for each bush in which the VELB is found, the 100-foot buffer shall be implemented during the activity period of the VELB..."

The correct appendix that addresses other VELB protection measures is incorrectly identified in the DEIR. It has been modified to state, "Appendix E of this EIR).

## Comment Letter 9

**ROBIN MEROD  
WASTE RESOURCES CONTROL ENGINEER  
WASTE DISCHARGE TO LAND PROGRAM  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD/ CENTRAL VALLEY REGION  
11020 SUN CENTER DRIVE #200  
RANCHO CORDOVA, CA 95670-6114**

### Comment 9-1

*"If the City of Hughson WWTP plans to continue utilizing percolation ponds 5 and 6 for water disposal, please provide full disclosure of the current seepage problems associated with their lower berms. Additionally, please describe the investigative and/or rehabilitation techniques that will be needed to fix the current conditions.*

*Issues with ponds 5 and 6 have previously been addressed in the current WDRs (Order No. 5-00-024). Specifically, Finding 12 states: "Ponds 5 and 6 are rarely used because they exhibit relatively fast percolation, which can express as seepage at the toe of the slope below the ponds. Seepage from these ponds, if any, does not discharge directly into surface water but causes localized saturation of on-site maintenance roads. Therefore, this Order requires that the Discharger cease use of these ponds until a registered Geotechnical Engineer verifies that the impoundment dike and slope below these ponds is stable."*

*Additionally, Provision 4 states: "The Discharger shall cease discharge to Ponds 5 and 6 until Discharger submits, and Board staff approves, a slope stability analysis report demonstrating that continued use of these ponds does not present an unacceptably high risk of pond levee failure and subsequent accidental release to the Tuolumne River. The slope stability analysis shall be completed by a registered Geotechnical Engineer, and shall present calculated factors of safety for all reasonably foreseeable conditions, including consideration of site specific soil properties, vadose zone moisture content and hydraulic conductivity, the effects of hydrostatic loads, the maximum credible earthquake, and potential rapid drawdown scenarios."*

## Response

The City does not use ponds 5 and 6 for disposal, nor do they have plans to do so. The use of ponds 5 and 6 was discussed as an option, if and only if, they could be rehabilitated. The final pond layout shown in the Master Plan does not require the use of ponds 5 and 6 at this time to

meet their disposal requirements. If ponds 5 and 6 were to be used, the reports and documentation required by the RWQCB would be submitted.

**Comment 9-2**

*"Page 3-57: The effluent quality limitations for salinity, coliform organisms, and nitrate set forth in the current WDRs will be re-examined during development of revised WDRs, and will be set to the value necessary to protect the underlying groundwater. The groundwater limitations will also be re-examined and possibly revised based on background groundwater quality, best practical treatment and control (BPTC) measures implemented, and the applicable water quality limits from the Basin Plan. However, please note that applicable groundwater quality limits may be more stringent than MCLs."*

**Response**

The comment has been noted and incorporated into the EIR.

**Comment 9-3**

*"Page 3-58: With regard to the Basin Plan please note the following:*

- a) The beneficial uses of groundwater include municipal, agricultural, and industrial water supply. Accordingly, the Basin Plan sets narrative and numerical water quality objectives for each of these uses. Therefore, the applicable water quality limit for any given constituent may be lower than the MCLs cited in the DEIR.*
- b) The Sacramento and San Joaquin River Basin Plan does not specifically allow an incremental increase in EC by 500  $\mu$ mhos/cm over the source water, as does the Tulare Lake Basin Plan. While this standard may be used as guidance, the final EC value will be derived specifically for this facility based on background concentration, BPTC practices, and that which is achievable."*

**Response**

The Board's comments are noted. On page 3-58, the DEIR has been revised to state:

"The Basin Plan cites narrative and numerical water quality objectives for waters designated as municipal supply. These are the MCLs specified in the following provision of title 22, California Code of Regulations: Tables 64431-A (Inorganic Chemicals) and 64431-B (Fluoride) of Section 64431, Table 64444-A (Organic Chemicals) of Section 64444, and Tables 644490A (Secondary Maximum Contaminant Levels Consumer Acceptance Limits (and 64449-B (Secondary Maximum Contaminant Levels Ranges) of Section 64449. Additionally, the Basin Plan cites narrative and numerical water quality objectives for agricultural and industrial water supply.

The Basin Plan identifies the greatest long-term problem facing the entire Sacramento and San Joaquin River Basins as the increase in salinity in groundwater, which has accelerated due to the intensive use of soil and water resources by irrigated agriculture. The Basin Plan recognizes that

degradation is unavoidable until a Central Valley wide drain is constructed to carry salts out of the basin. Until the drain is available, the Basin Plan describes numerous salt management recommendations and requirements. The Basin Plan currently recommends that discharges to land from wastewater treatment facilities not have an EC greater than source water plus 500 µmhos/cm. If source water originates from more than one area, the Basin Plan indicates that source water EC shall be a weighted average of all areas. Accordingly, the Basin Plan allows for salinity degradation and focuses on controlling the rate if increase."

**Comment 9-4**

*"Impact 3.9.1 utilizes circular logic to conclude, "Compliance with the new WDRs will ensure that impacts regarding violation of water quality standards are less than significant." Please provide a full analysis and discussion of how the proposed facility design and operation will ensure sufficient compliance with WDRs."*

**Response**

The requirements in the WDRs that the City has struggled to meet concern nitrates and coliform counts in the groundwater monitoring wells. The nitrate issue has been addressed by the previous interim project (2005 Hughson Wastewater Treatment Plant Interim Upgrades Initial Study and Negative Declaration, State Clearing House #2005042055) by allowing the treatment plant to nitrify and denitrify the wastewater. The new oxidation ditch process will also have the capabilities to remove nitrates from the treated wastewater. Current groundwater monitoring has demonstrated reduction in nitrate concentrations in the groundwater and that data is provided in the table below.

**Water Quality Data- Nitrate (mg/l)**

Monitoring Date	MCL	W-2	W-3	W-4	W-5	W-6	W-7	W-8	W-9	W-10	S-1	S-2
04/2006	10	-0.25	0.34	2.9	9	14	14	14	12	39	-0.25	-0.25
04/2007	10	-0.25	-0.25	3.16	1.69	--	6.1	6.18	14.4	55.3	0.39	0.94

The coliform issue is believed to be due to contaminated wells. The City has installed new monitoring wells and made improvements to their existing wells to repair well seals and improve sampling techniques. Preliminary data indicates that the coliform counts have decreased. Current coliform data is provided in the table below as well as in Table 3 of Exhibit F.

**Water Quality Data- Coliform (MPN)**

Monitoring Date	MCL	W-2	W-3	W-4	W-5	W-6	W-7	W-8	W-9	W-10	S-1	S-2
04/2006	2.2	-2	4	8	2.2	2.2	-1.1	2	-2	-2	500	130
04/2007	2.2	-2	-2	21	2	--	1600	-2	-2	-2	80	130

In addition to the issues that are addressed in the WDRs, the RWQCB has also expressed a concern regarding the potential for THMs in the groundwater from chlorination of the plant effluent. To address this problem, the current project does not provide chlorination of the effluent. If disinfection is required by the RWQCB, the recommended method would be ultraviolet light (UV) disinfection which would not cause the formation of THMs.

**Comment 9-5**

*"Impact 3.9.4 does not address the potential impacts to groundwater resulting from the increased discharge of effluent at the facility. On page 3-61, the EIR recognizes that the facility is not currently meeting discharge limits to groundwater. It also states that, "results to date indicate that the percolation ponds are not degrading background groundwater quality; however the Board requires at least 12 months of data to make a conclusion, so data is being analyzed." Although a final conclusion cannot yet be made, the EIR should provide currently available information regarding the depth to groundwater, groundwater gradient and groundwater quality upgradient and downgradient of the existing wastewater ponds. This information should be used to assess whether the existing discharge has impacted groundwater quality and the effects of the proposed expansion project."*

**Response**

The groundwater monitoring report for the second quarter of 2007 is included in Exhibit F of this Final EIR.

This information is not, in itself, conclusive as to whether the current discharge from the City's treatment facility is impacting groundwater quality. Additional data is currently being collected to confirm or negate such a conclusion.

**Comment 9-6**

*"Page 4-6: Please revise the analysis of Alternative No. 3. It is the same as the analysis for Alternative No. 2 and does not address the topic of Alternative No. 3."*

**Response**

Comment noted. Alternative No. 2 provides analysis for reconfiguring the oxidation ditches. In this alternative, the two proposed oxidation ditches would be replaced with three vertical-wall oxidation ditches, to be constructed in two phases.

Alternative No. 3 provides an analysis for the relocation of the Hatch Road pump station. This alternative proposes to remove the pump station and construct a new pump station, approximately 110 feet north of the existing pump station.