



Final Supplement to  
City of Stockton  
Regional Wastewater Control Facility  
Modifications Project  
Environmental Impact Report

State Clearinghouse No. 2018092017

Outfall Relocation Project

Prepared for:

City of Stockton  
Municipal Utilities Department  
2500 Navy Drive  
Stockton, CA 95206

May 2022

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## LIST OF ABBREVIATIONS

AB	Assembly Bill
CARB	California Air Resources Board
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CERP	Community Emission Reduction Program
City	City of Stockton
Commission	California State Lands Commission
CSLC	California State Lands Commission
CVFPB	Central Valley Flood Protection Board
CWA	Clean Water Act
EIR	environmental impact report
NMFS	National Marine Fisheries Service
NPDES	National Pollutant Discharge Elimination System
RWCF	Regional Wastewater Control Facility
RWQCB	Regional Water Quality Control Board
SEIR	supplemental environmental impact report
SJVAB	San Joaquin Valley Air Basin
SJVAPCD	San Joaquin Valley Air Pollution Control District
TAC	toxic air contaminants
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service

# 1 INTRODUCTION

This final supplement to the Regional Wastewater Control Facility (RWCF) Modifications Project Environmental Impact Report (EIR) has been prepared by the City of Stockton (City), as lead agency, in accordance with the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (California Code of Regulations [CCR] Section 15132). Referred to herein as the Final Supplemental EIR, this document contains comments received on the Draft Supplemental EIR for the RWCF Modifications Project, which evaluates the relocation of the RWCF outfall from the west bank of the San Joaquin River to the east bank, responses to those comments, and revisions to the Draft Supplemental EIR. In its entirety, the Final Supplemental EIR consists of the Draft Supplemental EIR and this document.

## 1.1 PURPOSE AND INTENDED USES OF THIS FINAL SUPPLEMENTAL EIR

CEQA requires a lead agency that has prepared a Draft Supplemental EIR to consult with and obtain comments from responsible and trustee agencies that have jurisdiction by law with respect to the project, and to provide the public with an opportunity to comment on the Draft Supplemental EIR. The Final Supplemental EIR is the mechanism for responding to these comments. This Final Supplemental EIR has been prepared to respond to comments received on the Draft Supplemental EIR, which are reproduced in this document; and to present corrections, revisions, and other clarifications and amplifications to the Draft Supplemental EIR, including project updates, made in response to these comments and as a result of ongoing planning and design efforts. The Final Supplemental EIR will be used to support the City Council's decision regarding whether to approve the proposed outfall revision to the RWCF Modifications Project.

This Final Supplemental EIR will also be used by CEQA responsible and trustee agencies to ensure that they have met their requirements under CEQA before deciding whether to approve or permit project elements over which they have jurisdiction. It may also be used by other state, regional, and local agencies that may have an interest in resources that could be affected by the project or that have jurisdiction over portions of the project.

Responsible, trustee, and interested agencies may include:

### **Federal**

- ▶ National Marine Fisheries Service (NMFS)
- ▶ U.S. Army Corps of Engineers (USACE)
- ▶ U.S. Fish and Wildlife Service (USFWS)

### **State**

- ▶ Central Valley Flood Protection Board (CVFPB)
- ▶ California Department of Fish and Wildlife (CDFW)
- ▶ Central Valley Regional Water Quality Control Board (RWQCB)
- ▶ California State Lands Commission (CSLC)

### **Regional and Local**

- ▶ Reclamation District 404
- ▶ San Joaquin Valley Air Pollution Control District (SJVAPCD)

## 1.2 PROJECT LOCATION

The project site is located at the City's RWCF, along the east bank of the San Joaquin River, south of the Santa Fe Railroad bridge in Stockton, California. The proposed outfall location is at an abandoned 60-inch reinforced concrete pipe that served as the outfall for the City's treated wastewater effluent before circa 1970.

## 1.3 PROJECT OBJECTIVES

The purpose of the project is to consolidate RWCF effluent disposal operations and maintenance activities at the main plant. The specific objectives of the project are to:

- ▶ further consolidate treatment facilities, thereby eliminating the need to construct approximately 2,000 feet of 72-inch pipeline along the western edge of the San Joaquin River,
- ▶ allow gravity discharge of effluent to the San Joaquin River to the maximum extent possible (more than 90 percent of the time) thereby reducing overall disposal cost, and
- ▶ comply with receiving water limitations specified in the RWCF National Pollutant Discharge Elimination System (NPDES) permit.

## 1.4 SUMMARY DESCRIPTION OF THE PROJECT

The proposed project consists of the following three primary elements:

- ▶ reinstatement of the existing 60-inch reinforced concrete pipe running from the RWCF to the abandoned outfall apron on the east bank of the San Joaquin River,
- ▶ modification of the outfall apron structure to create a new outfall outlet, and
- ▶ construction of a pipeline running from the Final Effluent Pump Station to the reinstated 60-inch reinforced concrete pipe.

With the RWCF effluent outfall relocated to the east side of the San Joaquin River adjacent to the main plant, the following components of the RWCF Modifications Project would no longer be constructed:

- ▶ 1,600 feet of 72-inch final effluent pipeline (Option 1 or 2) to the existing tertiary plant,
- ▶ connection of new 72-inch final effluent pipeline to the existing 72-inch reinforced concrete pipe at the control weir drainage box, and
- ▶ 400 feet of 36-inch pipeline under the utility bridge and the associated discharge to the pond return channel.
- ▶ In addition, the existing 60-inch pipeline to the pond return channel would remain in service with no modifications.

Upon successful commissioning and reinstatement of the main plant east discharge outfall, the existing outfall on the west side of the river would no longer be required and would be abandoned in place so that no discharge of RWCF effluent could occur through the existing outfall. The abandonment of the existing outfall would be performed in conjunction with the demolition of the tertiary plant. The existing outfall abandonment would be accomplished by removing the process equipment, including air vacuum pumps and associated equipment that is currently required for operation. When this equipment is removed, the system would be deemed nonoperational and outfall abandoned in place.

## 1.5 MAJOR CONCLUSIONS OF THE ENVIRONMENTAL ANALYSIS

### 1.5.1 Less Than Significant Impacts

The Draft Supplemental EIR identified the following impacts related to the project that would be less than significant:

#### HYDROLOGY AND WATER QUALITY

- ▶ Impact 4.1-1: Potential for Project Construction to Affect Water Quality
- ▶ Impact 4.1-2: Potential for Project Construction to Cause Increased Erosion or Affect Flood Flows
- ▶ Impact 4.1-3: Potential for Project Operations to Affect Water Quality
- ▶ Impact 4.1-4: Potential for the New Outfall to Cause Increased Erosion or Affect Flood Flows

#### AQUATIC BIOLOGICAL RESOURCES

- ▶ Impact 4.3-1: Potential for Project Construction-related Alterations in Aquatic and Riparian Habitat to Affect Aquatic Species
- ▶ Impact 4.3-2: Potential for Project Construction-Related Underwater Noise and Vibration to Affect Fish and Their Prey Organisms
- ▶ Impact 4.3-4: Potential for the RWCF's Thermal Plume in the San Joaquin River to Thermally Block or Substantially Delay the Migrations or Movements of Fishes Past the New Outfall
- ▶ Impact 4.3-5: Potential for the RWCF Effluent Discharge to Cause Mortality or Chronic Adverse Sublethal Effects on Fish, Phytoplankton, Zooplankton, or Macroinvertebrates Moving through the Thermal Plume
- ▶ Impact 4.3-6: Potential for the Abandoned-in-Place Outfall Structure to Affect Movements of Fishes or Increase Predation on Special-Status Fishes
- ▶ Impact 4.3-7: Potential for the New East Bank Outfall Structure and Thermal Plume to Cause Increased Predation on Special-Status Fishes

### 1.5.2 Less than Significant Impacts with Mitigation

The Draft Supplemental EIR identified the following significant or potentially significant impacts related to the project, which would all be reduced to less-than-significant levels with mitigation:

#### TERRESTRIAL BIOLOGICAL RESOURCES

- ▶ Impact 4.2-1: Potential for Project Construction to Result in Disturbance to or Loss of Special-Status Plant Species and Habitat
- ▶ Impact 4.2-2: Potential for Project Construction to Result in Disturbance to or Loss of Western Pond Turtle
- ▶ Impact 4.2-3: Potential for Project Construction to Result in Disturbance to or Loss of Burrowing Owl
- ▶ Impact 4.2-4: Potential for Project Construction to Result in Disturbance to or Loss of Swainson's Hawk, White-Tailed Kite, and Other Nesting Raptors
- ▶ Impact 4.2-5: Potential for Project Construction to Result in Disturbance to or Loss of Song Sparrow ("Modesto" Population) and Other Nesting Birds
- ▶ Impact 4.2-6: Potential for Project Construction to Result in Disturbance to or Loss of Special-Status Bats

- ▶ Impact 4.2-7: Potential for the Project to Result in Disturbance to or Loss of Waters of the United States and State
- ▶ Impact 4.2-8: Potential for Project Construction to Result in Disturbance to or Loss of Riparian Habitat

## AQUATIC BIOLOGICAL RESOURCES

- ▶ Impact 4.3-3: Potential for Project Construction to Cause Direct Fish Injury or Mortality, Resulting in Impacts on Fish Populations

## 1.6 CEQA PUBLIC REVIEW PROCESS

On February 25, 2022, the City released the Draft Supplemental EIR for a 45-day public review and comment period. The Draft Supplemental EIR was submitted to the State Clearinghouse for distribution to reviewing agencies; posted on the City's website (<http://www.stocktonca.gov/mudprojects>); and was made available at the City Clerk's office and the Cesar Chavez Central Library. A notice of availability of the Draft Supplemental EIR was advertised in *The Record* and distributed by the City to a project-specific mailing list.

As a result of these notification efforts, six written comment letters were received on the content of the Draft Supplemental EIR from the following agencies and Native American tribes:

- ▶ San Joaquin County Environmental Health Department
- ▶ Wilton Rancheria
- ▶ California State Lands Commission
- ▶ San Joaquin Valley Air Pollution Control District
- ▶ Central Valley Regional Water Quality Control Board
- ▶ Southern Sierra Miwuk Nation

Chapter 2, "Responses to Comments," identifies these commenting parties, their respective comments, and responses to these comments. None of the comments received, or the responses provided, constitute "significant new information" by CEQA standards (State CEQA Guidelines CCR Section 15088.5).

## 1.7 ORGANIZATION OF THE FINAL SUPPLEMENTAL EIR

This Final Supplemental EIR is organized as follows:

**Chapter 1, "Introduction,"** describes the purpose of the Final Supplemental EIR, summarizes the proposed outfall revision to the RWCF Modifications Project and the major conclusions of the Draft Supplemental EIR, provides an overview of the CEQA public review process, and describes the content of the Final Supplemental EIR.

**Chapter 2, "Responses to Comments,"** contains a list of all parties that submitted comments on the Draft Supplemental EIR during the public review period, copies of the comment letters received, and responses to the comments.

**Chapter 3, "Revisions to the Draft Supplemental EIR,"** presents revisions to the Draft Supplemental EIR text made in response to comments, or to amplify, clarify or make minor modifications or corrections. Changes in the text are signified by ~~strikeouts~~ where text is removed and by underline where text is added.

**Chapter 4, "References,"** identifies the documents used as sources for the analysis in this Final Supplemental EIR.

**Chapter 5, "List of Preparers,"** identifies the lead agency contacts as well as the preparers of this Final Supplemental EIR.

## 2 RESPONSES TO COMMENTS

This chapter contains comment letters received during the public review period for the Draft Supplemental EIR, which concluded on April 11, 2022. In conformance with Section 15088(a) of the State CEQA Guidelines, written responses were prepared addressing comments on environmental issues received from reviewers of the Draft Supplemental EIR.

### 2.1 LIST OF COMMENTERS ON THE DRAFT SUPPLEMENTAL EIR

Table 2-1 presents the list of commenters, including the numerical designation for each comment letter received, the author of the comment letter, and the date of the comment letter.

**Table 2-1 List of Commenters**

Letter No.	Commenter	Date
1	San Joaquin County Environmental Health Department Michael Suszycki, Senior Registered Environmental Health Specialist	March 2, 2022
2	Wilton Rancheria Cultural Preservation Department	March 28, 2022
3	California State Lands Commission Nicole Dobroski, Division of Environmental Planning and Management Chief	April 11, 2022
4	San Joaquin Valley Air Pollution Control District Brian Clements, Director of Permit Services	April 12, 2022
5	Central Valley Regional Water Quality Control Board Greg Hendricks, Environmental Scientist	April 13, 2022
6	Southern Sierra Miwuk Nation Jazzmyn Gegere (Brochini), Tribal Cultural Monitor Coordinator	April 21, 2022

### 2.2 COMMENTS AND RESPONSES

The individual comments received on the Draft Supplemental EIR and the responses to those comments are provided below. Each comment is reproduced in its entirety and is followed by the response. Comment letters in their original form are included in Appendix A; individual comments are bracketed and numbered in the comment letters, and correspond to the comments presented in this section.

**Letter 1 San Joaquin County Environmental Health Department**

Michael Suszycki, Senior Registered Environmental Health Specialist

March 2, 2022

**Comment 1-1**

The Environmental Health Department has no comment or concerns regarding the Environmental Impact Report (EIR) dated February 2022 concerning the above-mentioned project.

**Response 1-1**

No specific comment on the adequacy, accuracy, or completeness of the Draft Supplemental EIR is provided; therefore, no further response is necessary.

DRAFT

**Letter 2 Wilton Rancheria**

Cultural Preservation Department  
March 28, 2022

**Comment 2-1**

Thank you for sending over the notice for the opportunity to comment on the EIR of the City of Stockton Regional Wastewater Control Facility Modifications Project (Project No. M16022). Wilton Rancheria knows of one Culturally related site nearby. This site is a known Burial Site and is less than 2 miles away. This is extremely important to acknowledge due to the fact that there is most likely other known resources in the area and the City of Stockton Regional Wastewater Control Facility Modifications Project (Project No. M16022) happens to be extremely close by. Wilton Rancheria would like to ask you to consider having a Tribal Monitor on site to ensure the protection of any unknown resources that could be uncovered during any ground disturbing activities.

**Response 2-1**

During project planning in 2018, Native American consultation was initiated pursuant to Assembly Bill (AB) 52. The City sent out formal notification letters, pursuant to Public Resources Code Section 21080.3.1, on September 7, 2018 to eight Tribes, including the Wilton Rancheria, and received responses from two tribes, the Northern Valley Yokuts Tribe and the United Auburn Indian Community of the Auburn Rancheria. The City conducted a site visit with representatives from these tribes.

The Mitigation Monitoring and Reporting Program adopted by the City Council for the RWCF Modifications Project includes Mitigation Measure 4.8-2, "Halt Ground-disturbing Activity Upon Discovery of Subsurface Archaeological Resources and Tribal Cultural Resources." Developed, in part, from discussions with tribal representatives, the mitigation measure requires training of construction personnel and notification of the United Auburn Indian Community of the Auburn Rancheria and the Northern Valley Yokuts Tribe by email in the event tribal cultural resources are discovered during ground-disturbing activities.

Because the consulting tribes, the Northern Valley Yokuts and the United Auburn Indian Community of the Auburn Rancheria, were involved with and approved the mitigation measures in the RWCF Modifications Project Draft EIR and those mitigation measures adequately address potential impacts to tribal cultural resources for the revised outfall location, no additional measures are necessary.

In addition, the "Cultural Resources Inadvertent/Unanticipated Discovery Plan for the Stockton Regional Wastewater Control Facilities Project, San Joaquin County, California" prepared for the project outlines protective measures to address unanticipated discoveries of cultural resources during project construction, including tribal cultural resources (NIC 2020). This plan provides for the identification, protection, and treatment of cultural resources discovered by the construction workforce during project-related activities within the project area of potential effects. The qualified archaeologist who prepared this plan is and will remain on-call during project-related ground-disturbing activities. If cultural resources are discovered during construction, the measures identified in the plan will be implemented by the qualified archaeologist and/or their assignee throughout the life of the project.

The qualified archaeologist will notify Tribal representatives in the event unanticipated discoveries are suspected to be Native American in origin. As discussed in the Plan, upon being called to assess potential discoveries, the qualified Archaeologist and any Tribal Monitors will inspect soil profiles exposed during mechanical trenching or associated ground disturbance, as well as backfill dirt piles, for evidence of prehistoric, historic, or other culturally sensitive materials. If warranted by their observations, the qualified Archaeologist and any Tribal Monitors have the authority to halt or redirect construction to further examine soils or the interior of a trench, and to allow for sufficient time to evaluate and potentially sample or recover a find.

**Letter 3 California State Lands Commission**

Nicole Dobroski, Division of Environmental Planning and Management Chief

April 11, 2022

**Comment 3-1**

The California State Lands Commission (Commission) staff has reviewed the Draft Supplemental Environmental Impact Report (SEIR) for the City of Stockton Regional Wastewater Control Facility Modification, Outfall Relocation Project (Project), which is being prepared by the City of Stockton (City). The City, as the public agency responsible for the Regional Wastewater Control Facility (RWCF) proposing to carry out the Project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The Commission is a trustee agency for projects that could directly or indirectly affect State sovereign land and their accompanying Public Trust resources or uses. Additionally, because the Project involves work on State sovereign land, the Commission will act as a responsible agency.

**Response 3-1**

The City acknowledges that the project involves work on State sovereign land and accompanying Public Trust resources or uses. Section 1.5.2, "Trustee and Responsible Agencies," of the Draft Supplemental EIR (pages 1-5 and 1-6) identifies the California State Lands Commission (Commission) as a trustee and responsible agency.

**Comment 3-2**

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, subd. (c); 6009.1; 6301; 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust Doctrine.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the state for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways the State holds fee ownership of the bed of the waterway landward to the mean high-tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a final court decision. Such boundaries may not be readily apparent from present day site inspections.

Based on the Project description, staff understands that the proposed Project will be located in the bed of the San Joaquin River. The San Joaquin River at this location is a natural, navigable, tidal watercourse. The Commission's jurisdiction includes the river and levees below the ordinary high-tide line. In addition, Project construction requires in-water work. Therefore, a lease from the Commission will be required for the Project. An application may be submitted to the Commission through the online application portal (OSCAR.sl.c.ca.gov). If you have questions specific to jurisdiction, lease provisions, or the application process, please contact Public Land Management Specialist, Al Franzoia (see contact information below).

**Response 3-2**

The City acknowledges that portions of the project area are within the Commission's jurisdiction. Section 1.5.3, "Required Permits and Approvals," of the Draft Supplemental EIR (page 1-6) identifies a lease from the Commission as a required permit and approval for the project. The City will submit a lease application prior to commencing in-water work and will reach out to Mr. Franzoia with any questions.

**Comment 3-3**

The City proposes to relocate an existing outfall to meet the City's objectives and needs for the Project as follows:

- ▶ Further consolidate treatment facilities, thereby eliminating the need to construct approximately 2,000 feet of pipeline along the western edge of the San Joaquin River;

- ▶ Allow gravity discharge of effluent to the San Joaquin River to the maximum extent possible (more than 90 percent of the time) thereby reducing overall disposal cost; and
- ▶ Comply with receiving water limitation specified in the RWCF National Pollutant Discharge Elimination System permit.

From the Project Description, Commission staff understands that the Project would include the following components that have potential to affect State sovereign land:

- ▶ Project Component 1. Reinstatement of an existing 60-inch reinforced concrete pipe running from the RWCF to an abandoned outfall apron on the east bank of the San Joaquin River.
- ▶ Project Component 2. Modification of the outfall apron structures to create a new outfall outlet.
- ▶ Project Component 3. Construction of a pipeline running from the Final Effluent Pump Station (a component of the RWCF) to the reinstated 60-inch reinforced concrete pipe.

Outfall construction would involve installation of a temporary cofferdam and dewatering in the San Joaquin River.

### Response 3-3

The comment correctly summarizes project objectives and elements of the project that could affect State sovereign land.

### Comment 3-4

Commission staff requests that the City consider the following comments on the Project's SEIR, to ensure that impacts to State sovereign land are adequately analyzed for the Commission's use of the SEIR when considering a future lease application for the Project.

### Response 3-4

The comment introduces the Commission's specific comments on the Draft Supplemental EIR.

### Comment 3-5

#### General Comments

1. The Executive Summary, p. 2-1, Section 2.2.2 Project Objectives states that one of the objectives of the Project is to "eliminate the need to construct approximately 2,000 feet of 54-inch pipeline..." However, the Project Description, p. 3-1, Section 3.3 Project Purpose and Objectives states that the objective is to "eliminate the need to construct approximately 2,000 feet of 72-inch pipeline..." Staff requests a clarification on the size of the pipeline to avoid confusion as to what part of the Final Environmental Impact Report would be eliminated through certification of this SEIR.

### Response 3-5

In response to this comment the project objectives in Section 2.2.2, "Executive Summary," are revised as shown below to be consistent with the objectives as stated in Section 3.3, "Project Purpose and Objectives," and the project description in Section 3.5, "Project Components."

The purpose of the proposed project is to consolidate RWCF effluent disposal operations and maintenance activities at the main plant on the east side of the San Joaquin River. The specific objectives of the project are to:

- ▶ further consolidate treatment facilities, thereby eliminating ~~eliminate~~ the need to construct approximately 2,000 feet of ~~54-inch~~ 72-inch pipeline along the western edge of the San Joaquin River,

The project objectives in Section 6.1.1, "Project Purpose and Objectives," are also revised as shown below.

One of the key factors in considering alternatives is whether they can feasibly attain most of the objectives of the project. Chapter 3, "Project Description," Section 3.3, "Project Purpose and Objectives," states the project objectives, which are repeated here for reference:

- ▶ Further consolidate treatment facilities, thereby eliminating the need to construct approximately 2,000 feet of ~~54-inch~~ 72-inch pipeline along the western edge of the San Joaquin River.

### **Comment 3-6**

#### **Cultural Resources**

2. Title to Resources within Commission Jurisdiction: The SEIR should state that “the title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the Commission (Pub. Resources Code, § 6313).” Commission staff requests that the City consult with Staff Attorney Jamie Garrett should any cultural resources on state lands be discovered during construction of the proposed Project.

Although Cultural Resources were not required to be further analyzed in the SEIR, staff requests that the following statement be included in the final Mitigation Monitoring Program for the Project: “The final disposition of archaeological, historical, and paleontological resources recovered on State land under the jurisdiction of the California State Lands Commission must be approved by the Commission.”

### **Response 3-6**

The City understands that all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands are under the jurisdiction of the Commission. The City will consult with the Commission’s Staff Attorney in the event that cultural resources are discovered on State lands during project construction. Mitigation Measure 4.8-2 from the Mitigation Monitoring and Reporting Program adopted by the City Council for the RWCF Modifications Project is revised as follows:

#### **Mitigation Measure 4.8-2: Halt Ground-disturbing Activity Upon Discovery of Subsurface Archaeological Resources and Tribal Cultural Resources.**

The City shall implement cultural resource training of construction personnel to make them aware of the cultural value of the area, including the potential for tribal cultural resources to be present near the project site, and to educate them on how to best avoid impacting such resources, if encountered. If archaeological resources and/or tribal cultural resources are discovered during project-related construction activities all ground disturbance within a minimum of 100 feet of the find shall be halted until a qualified professional archaeologist can evaluate the discovery. The archaeologist shall examine the resources, assess their significance, and recommend appropriate procedures to either further investigate or mitigate adverse impacts. If the find is determined to be a significant historical resource and the archaeological resource cannot be avoided, then applicable mitigation measures for significant resources shall be completed (e.g., preservation in place, data recovery program pursuant to PRC Section 21083.2[j]). In the event that tribal cultural resources are discovered during ground disturbing activities, the City shall notify the United Auburn Indian Community of the Auburn Rancheria and the Northern Valley Yokuts Tribe by email. During evaluation or mitigative treatment, ground disturbance and construction work could continue on other parts of the project area.

The title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the California State Lands Commission (Commission) (Pub. Resources Code, Section 6313). In the event that archaeological, historical, and paleontological resources are discovered on State land during project construction, the City will notify and consult with the Commission’s Staff Attorney. The final disposition of archaeological, historical, and paleontological resources recovered on State land under the jurisdiction of the California State Lands Commission must be approved by the Commission.

This revised mitigation measure will be included in the Mitigation Monitoring and Reporting Program for the project.

**Comment 3-7****Recreation**

3. Commission staff believes that there could be temporary potential impacts to recreational activities during the construction phase of the Project. Because the Project's use of a temporary cofferdam is within a recreational site, Commission staff suggests that the City include additional analysis to address impacts to existing and ongoing recreational activities, even on a temporary basis. For example, would the Project interfere with the existing use of in-river recreational opportunities, such as kayaking, paddleboarding, or fishing? Mitigation to address potential impacts to recreational users may include safety and informational signage and a clear demarcation of the Project area during construction or temporary relocation/redirection of river access.

**Response 3-7**

The project area is not within a designated recreation area; however, the City acknowledges that the portion of the San Joaquin River adjacent to the project area may be used for recreational purposes and could affect the recreation experience in various ways. For example, construction-generated noise could be audible to people traveling past the project site by boat, kayak, or paddleboard on the San Joaquin River. Similarly, construction activities and equipment could be visible to these recreationists and construction emissions could be detectable at close proximity. However, these impacts would be short-term, localized, and would be reduced in severity with distance from the source. Further, the project area is surrounded by industrial and institutional land uses. No launch ramps or other recreational access features are provided within or adjacent to the project area. Therefore, short-term, localized construction activities would not be out of character. Therefore, the project would not reduce or impair access to recreational opportunities.

Project construction would not substantially impair access within the San Joaquin River channel. Specifically, all construction activities would occur from the landside and no waterside construction equipment would be needed (e.g., barges). In addition, the temporary cofferdam would occupy a small area of the San Joaquin River channel. As discussed on page 4-10 of the Draft Supplemental EIR, the temporary cofferdam would extend approximately 60 feet from the ordinary high-water mark into the San Joaquin River channel. The channel width at this location is approximately 225 feet. Although the channel capacity to convey river flows would be temporarily reduced, the temporary cofferdam would only be in place during the summer period at a time when river flows are lowest. The Draft Supplemental EIR determined that the temporary cofferdam would not impede or redirect river flow. Therefore, there would be adequate space for recreational users to travel around the project area. Based on the above discussion, project construction would not interfere with in-river recreational opportunities. Temporary relocation or redirection of river access would not be required.

In addition, there are substantial recreational opportunities throughout the City of Stockton and along other sections of the San Joaquin River that would continue to be available during project construction. There are no special features of the project area or its vicinity that make it especially attractive to recreationists. Existing recreational sites throughout the region and other areas of the San Joaquin River up- and downstream of the project site would accommodate any recreational users potentially displaced by project construction.

During operations, the project area would be restored to similar conditions as the existing setting. No permanent effects on recreation opportunities would occur with implementation of the project.

Based on the above discussion, the City maintains its conclusion that impacts related to recreation would be less than significant and no mitigation would be required. Therefore, no revisions to the Draft Supplemental EIR are necessary in response to this comment.

**Comment 3-8**

Thank you for the opportunity to comment on the SEIR for the Project. As a responsible agency, the Commission will rely on the Final SEIR when considering a new lease as specified above (see Section "Commission Jurisdiction and Public Trust Lands"). We request that you consider our comments before certifying the SEIR.

Please send electronic copies of the Final EIR, Final SEIR, Mitigation Monitoring Program, Notice of Determination, approving resolution, CEQA Findings, and, if applicable, Statement of Overriding Considerations when they become

available. Please note that federal and state laws require all government entities to improve accessibility of information technology and content by complying with established accessibility requirements. (29 U.S.C. § 794d; 36 C.F.R. § 1194.1 et seq.; Gov. Code, § 7405.) California State law prohibits State agencies from publishing on their websites content that does not comply with accessibility requirements. (Gov. Code, § 115467.) Therefore, any documents submitted to Commission staff during the processing of a lease or permit, including all CEQA documentation, must meet accessibility requirements for Commission staff to place the application on the Commission agenda.

Refer questions concerning environmental review to Christine Day, Environmental Scientist, at Christine.Day@slc.ca.gov or (916) 562-0027. For questions concerning archaeological or historic resources under Commission jurisdiction, please contact Jamie Garrett, Staff Attorney, at Jamie.Garrett@slc.ca.gov or (916) 574-0398. For questions concerning Commission leasing jurisdiction, please contact Al Franzoia, Public Land Management Specialist, at Al.Franzoia@slc.ca.gov or (916) 574-0992.

**Response 3-8**

The City appreciates the Commission's comments on the Draft Supplemental EIR and will continue to work with the Commission to ensure that public resources are protected. CEQA documentation and other documents submitted to the Commission will comply with accessibility requirements.

DRAFT

## Letter 4 San Joaquin Valley Air Pollution Control District

Brian Clements, Director of Permit Services

April 12, 2022

### Comment 4-1

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Draft Supplemental Environmental Impact Report (Draft Supplemental EIR) for the Regional Wastewater Control Facility Modifications project (Project) from the City of Stockton (City). The Project consists of the three primary elements listed below:

- ▶ Reinstatement of an existing 60-inch reinforced concrete pipe running from the existing Regional Wastewater Control Facility to the abandoned outfall apron on the east bank of the San Joaquin River
- ▶ Modification of the outfall apron structure to create a new outfall outlet
- ▶ Construction of a pipeline running from the final effluent pump station to the reinstated 60-inch reinforced concrete pipe

The Project is located at the City's existing Regional Wastewater Control Facility along the east bank of the San Joaquin River, south of the Santa Fe Railroad bridge, in Stockton, CA and lies within one of the communities in the State selected by the California Air Resources Board (CARB) for investment of additional air quality resources and attention under Assembly Bill (AB) 617 (2017, Garcia) in an effort to reduce air pollution exposure in impacted disadvantaged communities.

### Response 4-1

The comment correctly summarizes elements of the project. The City acknowledges that the project area is within a community selected by the California Air Resources Board (CARB) for investment of additional air quality resources and attention under Assembly Bill (AB) 617.

### Comment 4-2

#### 1) Assembly Bill 617

AB 617 requires CARB and air districts to develop and implement Community Emission Reduction Programs (CERPs) in an effort to reduce air pollution exposure in impacted disadvantaged communities, like those in which the Project is located. The Stockton AB 617 community is one of the statewide communities selected by CARB for development and implementation of a CERP. Following extensive community engagement and collaboration with the Community Steering Committee, the CERP for the Stockton Community was adopted by the District's Governing Board in March 2021 and by CARB in July 2021.

During the development of the CERP, the Community Steering Committee expressed concerns regarding the proximity of emission sources to nearby sensitive receptors like schools, homes, day care centers, and hospitals, and the potential future industrial development within the community that may exacerbate the cumulative exposure burden for community residents. The Community Steering Committee also expressed the desire for more meaningful avenues of engagement surrounding the land-use decisions in the area. As these issues can most effectively be addressed through strong partnerships between community members and local land-use agencies. Furthermore, the District recommends the City assess the emission reductions measures and strategies included in the CERP and address them in the Draft Supplemental EIR, as appropriate, to align the City's work with the air pollution and exposure reduction strategies and measures outlined in the CERP.

For more information regarding the CERP approved for Stockton, please visit the District's website at: <http://community.valleyair.org/selected-communities/stockton/>

### Response 4-2

The RWCF Modifications Project EIR determined that project construction and operations would have less-than-significant impacts related to the exposure of sensitive receptors to toxic air contaminants (TACs). As stated in Section 1.4, "Scope of this Draft Supplemental EIR" of the Draft Supplemental EIR (page 1-2), the proposed outfall relocation

would not result in a net increase in emissions from construction relative to that assessed in the RWCF Modifications Project EIR. In addition, the outfall relocation project would not site any new stationary sources of TACs that would cause adverse impacts to sensitive receptors in the project area. As such, the Draft Supplemental EIR concluded that the outfall relocation project would not create any new sources of emissions from operations and maintenance activities beyond those assessed in the RWCF Modifications Project EIR.

The City acknowledges that a Community Emission Reduction Program (CERP) was adopted for the Stockton Community. The CERP contains various measures to reduce pollution in an existing pollution burdened community; however, the measures contained in the CERP are primarily directed towards reducing emissions from long-term operational sources of air pollution. As discussed in Section 3.7, "Project Operation and Maintenance," of the Draft Supplemental EIR, the outfall relocation project would not increase operational activities above what is currently occurring at the project site. Specifically, the proposed outfall relocation project would not change the number of employees and truck trips at the existing RWCF. Therefore, the outfall relocation project would not contribute to new long-term operational sources of air pollution. Additionally, the construction period for the project evaluated in the Draft Supplemental EIR would occur between July 1 and October 31 during which some diesel equipment use would occur, but this use would not extend over a prolonged period such that adverse levels of pollution would be generated.

Because the project would not introduce substantial new vehicle trips, would not result in a new stationary source of TACs and criteria air pollutants, and would not result in stationary source emissions that would exceed existing conditions, the policies of the Stockton CERP would not be applicable to the project.

#### **Comment 4-3**

##### **2) Project Emissions**

The Draft Supplemental EIR demonstrates Project criteria pollutant emissions from construction and operations are not expected to exceed the District thresholds of significance.

Although the construction-related emissions are expected to have a less than significant impact, the District suggests that the City advise project proponents with construction-related exhaust emissions and activities resulting in less than significant impact on air quality to utilize the cleanest reasonably available off-road construction fleets and practices (i.e. eliminating unnecessary idling) to further reduce impacts from construction-related exhaust emissions and activities.

#### **Response 4-3**

The comment acknowledges that construction-related emissions were determined in the RWCF Modifications Project EIR to result in a less-than-significant impact. The RWCF Modifications Project EIR estimated emissions of construction-generated criteria air pollutants and ozone precursors and compared these estimates against San Joaquin Valley Air Pollution Control District (SJVAPCD) thresholds of significance and federal *de minimis* levels for pollutants for which the San Joaquin Valley Air Basin (SJVAB) is in nonattainment. Emissions were found to be less than significant based on these standards. Additionally, the project would be required to implement the fugitive dust reduction measures contained in its Regulation VIII (Fugitive PM<sub>10</sub> Prohibition), which would further reduce fugitive dust emissions.

While SJVAPCD may submit a comment to the Draft Supplemental EIR consistent with State CEQA Guidelines Section 15044 and recommend that additional mitigation be required to reduce exhaust emissions, the City has evaluated the significance of the project emissions using SJVAPCD-developed performance standards at the time of preparing the RWCF Modifications Project EIR (i.e., 10 tons per year [tpy] for reactive organic gases and oxides of nitrogen, 100 tpy for carbon monoxide and sulfur oxides, and 15 tpy for respirable and fine particulate matter) and determined that air quality impacts would be less than significant. These thresholds were developed in consideration of long-term regional air quality planning in the SJVAB which is overseen by SJVAPCD. The City, serving as lead agency overseeing the environmental assessment of the now proposed project and Draft Supplemental EIR, has determined that these thresholds of significance are adequate to determine the significance of the project's air quality impacts.

Through the use of SJVAPCD's mass emissions thresholds, the project's air quality impacts were found to be less than significant. Pursuant to Section 15126.4(a)(3), mitigation measures are not required for effects which are not found to be significant. Therefore, due to the significance determination made in the RWCF Modifications Project EIR and Draft Supplemental EIR, additional mitigation for the project is unnecessary, and no revisions to the Draft Supplemental EIR are proposed in response to this comment.

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

##### **3) District Rules and Regulation**

The District issues permits for many types of air pollution sources and regulates some activities not requiring permits. A project subject to District rules and regulation would reduce its impacts on air quality through compliance with regulatory requirements. In general, a regulation is a collection of rules, each of which deals with a specific topic. Here are a couple of example, Regulation II (Permits) deals with permitting emission sources and includes rules such as District permit requirements (Rule 2010), and New and Modified Stationary Source Review (Rule 2201).

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm). To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (209) 557-6446.

##### **3a) District Rule 9510 (Indirect Source Review)**

Per District Rule 9510 (Indirect Source Review) section 4.4.3, a development project on a facility whose primary functions are subject to District Rule 2201 or District Rule 2010 are exempt from the requirements of the rule. The District has reviewed the information provided and has determined that the primary functions of this Project are subject to District Rule 2201 (New and Modified Stationary Source Review Rule) or District Rule 2010 (Permits Required). As a result, District Rule 9510 requirements and related fees do not apply to the Project referenced above.

##### **3b) Other District Rules and Regulations**

The Project may also be subject to the following District rules: Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

#### **Response 4-4**

The project would comply with all applicable SJVAPCD rules and regulations, which would be enforced through the SJVAPCD permitting process.

#### **Comment 4-5**

##### **4) District Comment Letter**

The District recommends that a copy of the District's comments be provided to the Project proponent.

#### **Response 4-5**

The City is the project proponent and acknowledges receipt of SJVAPCD's comments.

#### **Comment 4-6**

If you have any questions or require further information, please contact Harout Sagherian by e-mail at [Harout.Sagherian@valleyair.org](mailto:Harout.Sagherian@valleyair.org) or by phone at (559) 230-5860.

#### **Response 4-6**

The City appreciates the SJVAPCD's comments on the Draft Supplemental EIR.

**Letter 5 Central Valley Regional Water Quality Control Board**

Greg Hendricks, Environmental Scientist  
April 13, 2022

**Comment 5-1**

Pursuant to the State Clearinghouse's 24 February 2022 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the Request for Review for the Draft Supplemental Environmental Impact Report for the Regional Wastewater Control Facility Modifications Project - Outfall Relocation, located in San Joaquin County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

**Response 5-1**

The comment consists of prefatory remarks to more detailed comments contained in the letter.

**Comment 5-2****I. Regulatory Setting****Basin Plan**

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/)

**Response 5-2**

The comment summarizes the role of the Central Valley RWQCB with regard to formulation and adoption of Basin Plans. No response is necessary.

**Comment 5-3****Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/sacsjr\\_2018\\_05.pdf](https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

*The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.*

### **Response 5-3**

The comment summarizes the Antidegradation Policy. The RWCF discharge to the San Joaquin River is regulated by NPDES permit No. CA0079138 (Central Valley Regional Water Quality Control Board [RWQCB] Order R5-2020-0007), which finds that the permit is consistent with federal and state antidegradation regulations and policies. Project impacts on groundwater and surface water quality are addressed in Section 4.1, "Hydrology and Water Quality," of the Draft Supplemental EIR. Impacts were determined to be less than significant. The Draft Supplemental EIR adequately analyzes the potential impacts on groundwater and surface water quality and does not conflict with the NPDES permit antidegradation policy consistency findings.

### **Comment 5-4**

#### **II. Permitting Requirements**

##### **Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

### **Response 5-4**

Construction activities associated with the project would disturb more than 1 acre of soils. Therefore, page 4-8 in Section 4.1, "Hydrology and Water Quality," of the Draft Supplemental EIR states that the construction work would be subject to the Construction General Permit and that City and/or its construction contractor would be required to develop a stormwater pollution prevention plan and implement appropriate construction best management practices for all activities that may result in the discharge of construction-related contaminants from disturbed construction areas.

### **Comment 5-5**

#### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/postconstruction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/)

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at: [http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

#### **Response 5-5**

The City of Stockton's MS4 is covered under the Central Valley RWQCB's NPDES permit and WDR General Permit for Discharges from Municipal Separate Storm Sewer Systems (NPDES permit No. CAS0085324, Order R5-2016-0040). The City received the Notice of Applicability from the Central Valley RWQCB on November 30, 2016.

#### **Comment 5-6**

##### **Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014- 0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml)

#### **Response 5-6**

The RWCF has been approved for coverage under Order No. 2014-0057-DWQ.

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

##### **Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

#### **Response 5-7**

The City has applied for a Clean Water Act (CWA) Section 404 permit from USACE.

#### **Comment 5-8**

##### **Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/water\\_quality\\_certificatio n/](https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certificatio n/)

#### **Response 5-8**

The City has applied for a CWA Section 401 Water Quality Certification from the Central Valley RWQCB.

**Comment 5-9****Waste Discharge Requirements – Discharges to Waters of the State**

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: [https://www.waterboards.ca.gov/centralvalley/water\\_issues/waste\\_to\\_surface\\_water/](https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/)

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at: [https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2004/wqo/wqo2004-0004.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf)

**Response 5-9**

As part of the CWA Section 404 permit application, the City submitted an aquatic resources delineation report to USACE. As delineated in the report, all waters at the project site are waters of the United States. The jurisdictional delineation informed the analysis of impacts to wetlands and waters of the United States and waters of the state presented in the Draft Supplemental EIR.

**Comment 5-10****Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf)

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at: [https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2018-0085.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf)

**Response 5-10**

The project does not propose to discharge construction dewatering to land. As described in Section 3.6.2, “Temporary Cofferdam,” of the Draft Supplemental EIR, the water behind the cofferdam may be discharged to the San Joaquin River. If necessary for compliance with applicable discharge permits, dewatering water would be routed into a nearby sediment settling tank and then conveyed to the tertiary plant, where it would be treated before discharge to the San Joaquin River.

**Comment 5-11****Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for Limited Threat Discharges to Surface Water (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at: [https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2016-0076-01.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf)

**Response 5-11**

As described in Section 3.6.2, "Temporary Cofferdam," of the Draft Supplemental EIR, the water behind the cofferdam may be discharged to the San Joaquin River. The City will apply for the appropriate NPDES permit for dewatering discharges to the river.

**Comment 5-12****NPDES Permit**

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

**Response 5-12**

The RWCF discharge to the San Joaquin River is regulated by NPDES permit No. CA0079138 (Central Valley RWQCB Order R5-2020-0007). The City has contacted the Central Valley RWQCB regarding the need to modify the NPDES permit to allow discharges from the RWCF through the new outfall proposed by the project.

**Comment 5-13**

If you have questions regarding these comments, please contact me at (916) 464-4709 or [Greg.Hendricks@waterboards.ca.gov](mailto:Greg.Hendricks@waterboards.ca.gov).

**Response 5-13**

The City appreciates the Central Valley RWQCB comments on the Draft Supplemental EIR.

**Letter 6 Southern Sierra Miwuk Nation**

Jazzmyn Gegere (Brochini), Tribal Cultural Monitor Coordinator  
April 21, 2022

**Comment 6-1**

I am contacting you in regard to the Notification of Consultation Opportunity the Southern Sierra Miwuk Nation had received concerning the proposed project located at Stockton's Regional Wastewater Control Facility. As of now, Stockton is out of the range of areas the Southern Sierra Miwuk Nation culturally monitors. I'd recommend contacting the following Tribe for consultation. Their contact information will be listed below.

California Valley Miwok Tribe  
Silvia Burley, Chairperson  
14807 Avenida Central  
La Grange, California 95329  
Phone: 1 (209) 931-4567  
Email: office@cvmt.net

**Response 6-1**

The information provided by the Southern Sierra Miwuk Nation is appreciated. The California Valley Miwok Tribe was included in the list of tribes notified pursuant to AB 52 prior to preparation of the RWCF Modifications Project Draft EIR in 2018 and received the notice of availability of the Draft Supplemental EIR for review and comment. See also response to comment letter #2.

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### 3 REVISIONS TO THE DRAFT SUPPLEMENTAL EIR

This chapter presents specific text changes made to the Draft Supplemental EIR since its publication and public review. The changes are presented in the order in which they appear in the original Draft Supplemental EIR and are identified by the Draft Supplemental EIR page number. Text deletions are shown in ~~strike through~~ and text additions are shown in underline.

The information contained within this chapter clarifies and expands on information in the Draft Supplemental EIR. None of the changes identified below alter the conclusions of the Draft Supplemental EIR and do not constitute "significant new information" requiring recirculation. (See Public Resources Code Section 21092.1; CEQA Guidelines Section 15088.5.)

#### 3.1 REVISIONS TO CHAPTER 2, "EXECUTIVE SUMMARY"

Page 2-1, Section 2.2.2, "Executive Summary," is revised as shown below to be consistent with the objectives as stated in Section 3.3, "Project Purpose and Objectives," and the project description in Section 3.5, "Project Components."

The purpose of the proposed project is to consolidate RWCF effluent disposal operations and maintenance activities at the main plant on the east side of the San Joaquin River. The specific objectives of the project are to:

- ▶ further consolidate treatment facilities, thereby eliminating ~~eliminate~~ the need to construct approximately 2,000 feet of ~~54-inch~~ 72-inch pipeline along the western edge of the San Joaquin River,

Page 2-2, Section 2.2.3, "Project Characteristics," is revised as shown below to be consistent with the construction window identified in Section 3.6.6, "Timing and Workforce," and assessed in Chapter 4, "Environmental Setting, Impacts, and Mitigation."

- ▶ Construction of the outfall would involve installation of a temporary cofferdam on the waterside of the San Joaquin River levee and removal of two trees at the site. Construction is expected to ~~last up to 3 months, from occur between~~ July 15 1 through October 30 31.

Page 2-10, Table ES-1, Mitigation Measure 4.2-7, "Compensate for Loss of Waters of the United States and State," is revised as shown below to remove the U.S. Army Corps of Engineers (USACE) jurisdictional determination request. The portion of the San Joaquin River that would be affected by project implementation is a navigable waterway, hence a water of the United States and state, and as such a jurisdictional determination is not necessary. The aquatic resources delineation prepared for the project has identified the exact acreage of these waters that would be filled by the project implementation.

Impact	Significance before Mitigation	Mitigation Measure	Significance after Mitigation
<p><b>Impact 4.2-7: Potential for the Project to Result in Disturbance to or Loss of Waters of the United States and State</b></p> <p>Construction of the proposed new outfall within the San Joaquin River would result in temporary dewatering of approximately 0.04 acre of the San Joaquin River and permanent fill of approximately 0.02 acre of waters of the United States and state because of apron demolition and placement of a steel pipe and riprap to create the new outfall. Therefore, implementation of the project would result in a</p>	<p>S</p>	<p><b>Mitigation 4.2-7: Compensate for Loss of Waters of the United States and State</b></p> <p>The City will implement the following measures to compensate for the loss of waters of the United States and state:</p> <ul style="list-style-type: none"> <li>▶ <del>The City will submit an aquatic resources delineation report to USACE and request a jurisdictional determination.</del> Based on the <u>jurisdictional determination aquatic resources delineation</u>, the City will determine the exact acreage of waters of the United States and waters of the state that would be filled because of project implementation.</li> </ul>	<p>LTS</p>

Impact	Significance before Mitigation	Mitigation Measure	Significance after Mitigation
substantial adverse effect on state and federally protected waters.		<ul style="list-style-type: none"> <li>▶ The City will replace on a “no net loss” basis (minimum 1:1 ratio) (in accordance with USACE and/or the regional water quality control board [RWQCB]) the acreage and function of all wetlands and other waters that would be removed, lost, or degraded as a result of project implementation. Wetland habitat will be replaced at an acreage and location agreeable to USACE and the Central Valley RWQCB and as determined during the Section 401 and Section 404 permitting processes.</li> <li>▶ The City will obtain a USACE Section 404 permit and RWQCB Section 401 water quality certification before any groundbreaking activity within 50 feet of waters of the United States or state. The City will implement all permit conditions.</li> </ul>	

Page 2-14, Section 2.2.2, “Executive Summary,” is revised as shown below to add in the summary for Impact 4.3-6, “Potential for the Abandoned-in-Place Outfall Structure to Affect Movements of Fishes or Increase Predation on Special-Status Fishes.”

Impact	Significance before Mitigation	Mitigation Measure	Significance after Mitigation
<p><b>Impact 4.3-6: Potential for the Abandoned-in-Place Outfall Structure to Affect Movements of Fishes or Increase Predation on Special-Status Fishes</b></p> <p>The project would involve abandoning in place the existing west bank outfall structure, located below the river’s water surface. Therefore, the two 48-inch-diameter outfall pipes would remain unchanged compared to existing conditions, except that RWCF effluent would no longer enter the river via these pipes. The continued existence of these submerged pipes on the west bank of the river would not provide any additional physical structure within the channel compared to existing conditions. Consequently, these pipes would not block or delay fish movement past the site or provide physical structure and associated hydraulic breaks for predatory fish to hold behind beyond that which presently occurs.</p>	LTS	No mitigation is required for this impact.	LTS

### 3.2 REVISIONS TO CHAPTER 3, “PROJECT DESCRIPTION”

Page 3-17, Section 3.6.2, “Temporary Cofferdam,” is revised as shown below to be consistent with the construction window identified in Section 3.6.6, “Timing and Workforce,” and assessed in Chapter 4, “Environmental Setting, Impacts, and Mitigation.”

The cofferdam would be in place for the entire permitted in-water work window, from approximately July 15 through October 31.

Page 3-21, Section 3.6.6, "Timing and Workforce," is revised as shown below for clarity and to be consistent with the construction window assessed in Chapter 4, "Environmental Setting, Impacts, and Mitigation."

Construction is expected to last up to 3 months and occur between July 1 and October 31.

### 3.3 REVISIONS TO CHAPTER 4, "ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES"

Page 4-27, Mitigation Measure 4.2-7, "Compensate for Loss of Waters of the United States and State," is revised as shown below, consistent with the revisions described above for this mitigation measure in the Executive Summary.

#### **Mitigation 4.2-7: Compensate for Loss of Waters of the United States and State**

The City will implement the following measures to compensate for the loss of waters of the United States and state:

- ▶ The City will submit an aquatic resources delineation report to USACE and request a jurisdictional determination. Based on the jurisdictional determination aquatic resources delineation, the City will determine the exact acreage of waters of the United States and waters of the state that would be filled because of project implementation.
- ▶ The City will replace on a "no net loss" basis (minimum 1:1 ratio) (in accordance with USACE and/or the regional water quality control board [RWQCB]) the acreage and function of all wetlands and other waters that would be removed, lost, or degraded as a result of project implementation. Wetland habitat will be replaced at an acreage and location agreeable to USACE and the Central Valley RWQCB and as determined during the Section 401 and Section 404 permitting processes.
- ▶ The City will obtain a USACE Section 404 permit and RWQCB Section 401 water quality certification before any groundbreaking activity within 50 feet of waters of the United States or state. The City will implement all permit conditions.

### 3.4 REVISIONS TO CHAPTER 6, "ALTERNATIVES ANALYSIS"

Page 6-2, Section 6.1.1, "Project Purpose and Objectives," is revised as shown below to be consistent with the objectives as stated in Section 3.3, "Project Purpose and Objectives," and the project description in Section 3.5, "Project Components."

One of the key factors in considering alternatives is whether they can feasibly attain most of the objectives of the project. Chapter 3, "Project Description," Section 3.3, "Project Purpose and Objectives," states the project objectives, which are repeated here for reference:

- ▶ Further consolidate treatment facilities, thereby eliminating the need to construct approximately 2,000 feet of 54-inch ~~72-inch~~ pipeline along the western edge of the San Joaquin River.

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DRAFT

## 4 REFERENCES

Natural Investigations Company. 2020 (April). *Cultural Resources Inadvertent/Unanticipated Discovery Plan for the Stockton Regional Wastewater Control Facilities Project, San Joaquin County, California*. Sacramento, CA. Prepared for City of Stockton.  
NIC. See Natural Investigations Company.

DRAFT

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DRAFT

## 5 LIST OF PREPARERS

### 5.1 CITY OF STOCKTON (LEAD AGENCY)

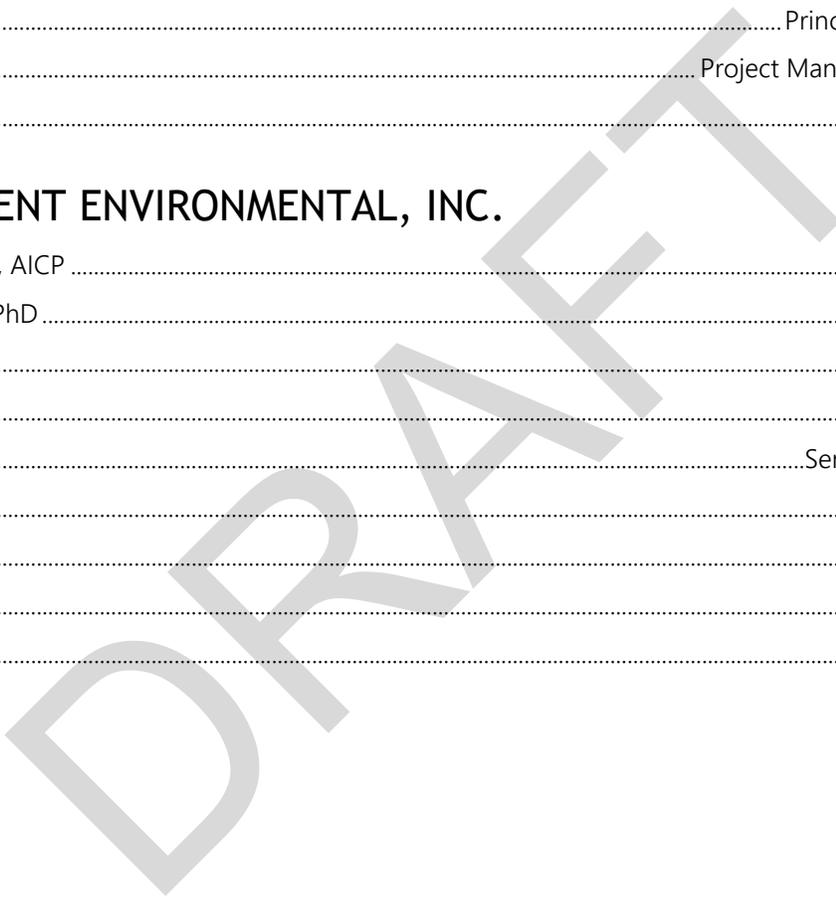
C. Mel Lytle, PhD..... Director, Municipal Utilities Department  
 Ali Gharegozloo, PE ..... Engineering Services Manager, Municipal Utilities Department  
 Deedee Antypas.....Deputy Director of Wastewater Operations, Municipal Utilities Department

### 5.2 ROBERTSON-BRYAN, INC.

Michael Bryan, PhD..... Principal-in-Charge, Biologist  
 Michelle Brown, PE..... Project Manager, Associate Engineer  
 Art O'Brien, PE ..... Principal Engineer

### 5.3 ASCENT ENVIRONMENTAL, INC.

Sydney Coatsworth, AICP ..... Principal  
 Andrea Shephard, PhD ..... Project Manager  
 Nicole Greenfield ..... Environmental Planner  
 Alta Cunningham..... Environmental Planner  
 Dimitri Antoniou.....Senior Air Quality Specialist  
 Julia Wilson ..... Air Quality Specialist  
 Jim Merk..... Editor  
 Michele Mattei.....Publishing Specialist  
 Gayiety Lane .....Publishing Specialist



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DRAFT

# Appendix A

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Comments Received on the Draft SEIR



**SAN JOAQUIN**  
— COUNTY —  
*Greatness grows here.*

**Environmental Health Department**

**Jasjit Kang, REHS, Director**  
Muniappa Naidu, REHS, Assistant Director

**PROGRAM COORDINATORS**

Robert McClellon, REHS  
Jeff Carruesco, REHS, RDI  
Willy Ng, REHS  
Melissa Nissim, REHS  
Steven Shih, REHS  
Michelle Henry, REHS

March 2, 2022

To: San Joaquin County Community Development Department  
Attention: Deedee Antypas

From: Michael Suszycki (209) 598-7001  
Senior Registered Environmental Health Specialist 

RE: **M16022 (EIR), Response Letter, SU0014785 (2677)**  
**2500 Navy Dr., Stockton**

---

The Environmental Health Department has no comment or concerns regarding the Environmental Impact Report (EIR) dated February 2022 concerning the above-mentioned project.

1-1

DRAFT

**From:** Cultural Preservation Department Inbox <[cpd@wiltonrancheria-nsn.gov](mailto:cpd@wiltonrancheria-nsn.gov)>  
**Sent:** Monday, March 28, 2022 8:56 AM  
**To:** Deedee Antypas <[Deedee.Antypas@stocktonca.gov](mailto:Deedee.Antypas@stocktonca.gov)>  
**Cc:** Cultural Preservation Department Inbox <[cpd@wiltonrancheria-nsn.gov](mailto:cpd@wiltonrancheria-nsn.gov)>  
**Subject:** City of Stockton Regional Wastewater Control Facility Modifications Project (Project No. M16022)

**CAUTION:** This email originated from outside the City of Stockton. Do not click any links or open attachments if this is unsolicited email.

Good morning,

Thank you for sending over the notice for the opportunity to comment on the EIR of the City of Stockton Regional Wastewater Control Facility Modifications Project (Project No. M16022). Wilton Rancheria knows of one Culturally related site nearby. This site is a known Burial Site and is less than 2 miles away. This is extremely important to acknowledge due to the fact that there is most likely other known resources in the area and the City of Stockton Regional Wastewater Control Facility Modifications Project (Project No. M16022) happens to be extremely close by. Wilton Rancheria would like to ask you to consider having a Tribal Monitor on site to ensure the protection of any unknown resources that could be uncovered during any ground disturbing activities.

2-1

Thank you



**Cultural Preservation Department**

Wilton Rancheria

Tel: 916.683.6000 | Fax: 916.683.6015

9728 Kent Street | Elk Grove | CA | 95624

[cpd@wiltonrancheria-nsn.gov](mailto:cpd@wiltonrancheria-nsn.gov)

[wiltonrancheria-nsn.gov](http://wiltonrancheria-nsn.gov)

**CALIFORNIA STATE LANDS COMMISSION**  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202



*Established in 1938*

JENNIFER LUCCHESI, *Executive Officer*  
(916) 574-1800

TTY CA Relay Service: 711 or Phone 800.735.2922  
from Voice Phone 800.735.2929  
or for Spanish 800.855.3000

**Contact Phone: (916) 574-1890**

April 11, 2022

File Ref: SCH #2018092017

City of Stockton Municipal Utilities Department  
Deedee Antypas, Deputy Director of Wastewater Operations  
2500 Navy Drive  
Stockton, CA 95206

VIA ELECTRONIC MAIL ONLY ([deedee.antypas@stocktonca.gov](mailto:deedee.antypas@stocktonca.gov))

**Subject: Draft Supplemental Environmental Impact Report (SEIR) for City of Stockton Regional Wastewater Control Facility Modifications Project, Outfall Relocation Project, San Joaquin County**

Dear Deedee Antypas:

The California State Lands Commission (Commission) staff has reviewed the Draft Supplemental Environmental Impact Report (SEIR) for the City of Stockton Regional Wastewater Control Facility Modification, Outfall Relocation Project (Project), which is being prepared by the City of Stockton (City). The City, as the public agency responsible for the Regional Wastewater Control Facility (RWCF) proposing to carry out the Project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The Commission is a trustee agency for projects that could directly or indirectly affect State sovereign land and their accompanying Public Trust resources or uses. Additionally, because the Project involves work on State sovereign land, the Commission will act as a responsible agency.

3-1

### **Commission Jurisdiction and Public Trust Lands**

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, subd. (c); 6009.1; 6301; 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust Doctrine.

3-2

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the state for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways the State holds fee ownership of the bed of the waterway landward to the mean high-tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a final court decision. Such boundaries may not be readily apparent from present day site inspections.

Based on the Project description, staff understands that the proposed Project will be located in the bed of the San Joaquin River. The San Joaquin River at this location is a natural, navigable, tidal watercourse. The Commission's jurisdiction includes the river and levees below the ordinary high-tide line. In addition, Project construction requires in-water work. Therefore, a lease from the Commission will be required for the Project. An application may be submitted to the Commission through the online application portal (OSCAR.slc.ca.gov). If you have questions specific to jurisdiction, lease provisions, or the application process, please contact Public Land Management Specialist, Al Franzoia (see contact information below).

3-2  
cont.

### **Project Description**

The City proposes to relocate an existing outfall to meet the City's objectives and needs for the Project as follows:

- Further consolidate treatment facilities, thereby eliminating the need to construct approximately 2,000 feet of pipeline along the western edge of the San Joaquin River;
- Allow gravity discharge of effluent to the San Joaquin River to the maximum extent possible (more than 90 percent of the time) thereby reducing overall disposal cost; and
- Comply with receiving water limitation specified in the RWCF National Pollutant Discharge Elimination System permit.

3-3

From the Project Description, Commission staff understands that the Project would include the following components that have potential to affect State sovereign land:

- Project Component 1. Reinstatement of an existing 60-inch reinforced concrete pipe running from the RWCF to an abandoned outfall apron on the east bank of the San Joaquin River.
- Project Component 2. Modification of the outfall apron structures to create a new outfall outlet.
- Project Component 3. Construction of a pipeline running from the Final Effluent Pump Station (a component of the RWCF) to the reinstated 60-inch reinforced concrete pipe.

Outfall construction would involve installation of a temporary cofferdam and dewatering in the San Joaquin River.

3-3  
cont.

**Environmental Review**

Commission staff requests that the City consider the following comments on the Project’s SEIR, to ensure that impacts to State sovereign land are adequately analyzed for the Commission’s use of the SEIR when considering a future lease application for the Project.

3-4

General Comments

1. The Executive Summary, p. 2-1, Section 2.2.2 Project Objectives states that one of the objectives of the Project is to “eliminate the need to construct approximately 2,000 feet of **54-inch** pipeline...” However, the Project Description, p. 3-1, Section 3.3 Project Purpose and Objectives states that the objective is to “eliminate the need to construct approximately 2,000 feet of **72-inch** pipeline...” Staff requests a clarification on the size of the pipeline to avoid confusion as to what part of the Final Environmental Impact Report would be eliminated through certification of this SEIR.

3-5

Cultural Resources

2. Title to Resources within Commission Jurisdiction: The SEIR should state that “the title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the Commission (Pub. Resources Code, § 6313).” Commission staff requests that the City consult with Staff Attorney Jamie Garrett should any cultural resources on state lands be discovered during construction of the proposed Project.

3-6

Although Cultural Resources were not required to be further analyzed in the SEIR, staff requests that the following statement be included in the final Mitigation Monitoring Program for the Project: “The final disposition of archaeological, historical, and paleontological resources recovered on State land under the jurisdiction of the California State Lands Commission must be approved by the Commission.”

Recreation

3. Commission staff believes that there could be temporary potential impacts to recreational activities during the construction phase of the Project. Because the Project’s use of a temporary cofferdam is within a recreational site, Commission staff suggests that the City include additional analysis to address impacts to existing and ongoing recreational activities, even on a temporary basis. For example, would the Project interfere with the existing use of in-river recreational opportunities, such as kayaking, paddleboarding, or fishing? Mitigation to address potential impacts to recreational users may include safety and informational signage and a clear

3-7

demarcation of the Project area during construction or temporary relocation/redirection of river access.

3-7  
cont.

Thank you for the opportunity to comment on the SEIR for the Project. As a responsible agency, the Commission will rely on the Final SEIR when considering a new lease as specified above (see Section "Commission Jurisdiction and Public Trust Lands"). We request that you consider our comments before certifying the SEIR.

Please send electronic copies of the Final EIR, Final SEIR, Mitigation Monitoring Program, Notice of Determination, approving resolution, CEQA Findings, and, if applicable, Statement of Overriding Considerations when they become available. Please note that federal and state laws require all government entities to improve accessibility of information technology and content by complying with established accessibility requirements. (29 U.S.C. § 794d; 36 C.F.R. § 1194.1 et seq.; Gov. Code, § 7405.) California State law prohibits State agencies from publishing on their websites content that does not comply with accessibility requirements. (Gov. Code, § 115467.) Therefore, any documents submitted to Commission staff during the processing of a lease or permit, including all CEQA documentation, must meet accessibility requirements for Commission staff to place the application on the Commission agenda.

3-8

Refer questions concerning environmental review to Christine Day, Environmental Scientist, at [Christine.Day@slc.ca.gov](mailto:Christine.Day@slc.ca.gov) or (916) 562-0027. For questions concerning archaeological or historic resources under Commission jurisdiction, please contact Jamie Garrett, Staff Attorney, at [Jamie.Garrett@slc.ca.gov](mailto:Jamie.Garrett@slc.ca.gov) or (916) 574-0398. For questions concerning Commission leasing jurisdiction, please contact Al Franzoia, Public Land Management Specialist, at [Al.Franzoia@slc.ca.gov](mailto:Al.Franzoia@slc.ca.gov) or (916) 574-0992.

Sincerely,



Nicole Dobroski, Chief  
Division of Environmental Planning  
and Management

cc: Office of Planning and Research  
C. Day, Commission  
A. Franzoia, Commission  
A. Kershen, Commission  
J. Garret, Commission



April 12, 2022

Deedee Antypas  
City of Stockton  
Municipal Utilities Department  
2500 Navy Drive  
Stockton, CA 95206

**Project: Draft Supplemental Environmental Impact Report for the City of Stockton Regional Wastewater Control Facility Modifications Project, State Clearinghouse No.:2018092017**

**District CEQA Reference No: 20220241**

Dear Ms. Antypas:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Supplemental Environmental Impact Report (Draft Supplemental EIR) for the Regional Wastewater Control Facility Modifications project (Project) from the City of Stockton (City). The Project consists of the three primary elements listed below:

- Reinstatement of an existing 60-inch reinforced concrete pipe running from the existing Regional Wastewater Control Facility to the abandoned outfall apron on the east bank of the San Joaquin River
- Modification of the outfall apron structure to create a new outfall outlet
- Construction of a pipeline running from the final effluent pump station to the reinstated 60-inch reinforced concrete pipe

The Project is located at the City's existing Regional Wastewater Control Facility along the east bank of the San Joaquin River, south of the Santa Fe Railroad bridge, in Stockton, CA and lies within one of the communities in the State selected by the California Air Resources Board (CARB) for investment of additional air quality resources and attention under Assembly Bill (AB) 617 (2017, Garcia) in an effort to reduce air pollution exposure in impacted disadvantaged communities.

4-1

**Samir Sheikh**  
Executive Director/Air Pollution Control Officer

**Northern Region**  
4800 Enterprise Way  
Modesto, CA 95356-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: (861) 392-5500 FAX: (861) 392-5585

The District offers the following comments:

**1) Assembly Bill 617**

AB 617 requires CARB and air districts to develop and implement Community Emission Reduction Programs (CERPs) in an effort to reduce air pollution exposure in impacted disadvantaged communities, like those in which the Project is located. The Stockton AB 617 community is one of the statewide communities selected by CARB for development and implementation of a CERP. Following extensive community engagement and collaboration with the Community Steering Committee, the CERP for the Stockton Community was adopted by the District's Governing Board in March 2021 and by CARB in July 2021.

During the development of the CERP, the Community Steering Committee expressed concerns regarding the proximity of emission sources to nearby sensitive receptors like schools, homes, day care centers, and hospitals, and the potential future industrial development within the community that may exacerbate the cumulative exposure burden for community residents. The Community Steering Committee also expressed the desire for more meaningful avenues of engagement surrounding the land-use decisions in the area. As these issues can most effectively be addressed through strong partnerships between community members and local land-use agencies. Furthermore, the District recommends the City assess the emission reductions measures and strategies included in the CERP and address them in the Draft Supplemental EIR, as appropriate, to align the City's work with the air pollution and exposure reduction strategies and measures outlined in the CERP.

For more information regarding the CERP approved for Stockton, please visit the District's website at:

<http://community.valleyair.org/selected-communities/stockton/>

**2) Project Emissions**

The Draft Supplemental EIR demonstrates Project criteria pollutant emissions from construction and operational are not expected to exceed the District thresholds of significance.

Although the construction-related emissions are expected to have a less than significant impact, the District suggests that the City advise project proponents with construction-related exhaust emissions and activities resulting in less than significant impact on air quality to utilize the cleanest reasonably available off-road construction fleets and practices (i.e. eliminating unnecessary idling) to further reduce impacts from construction-related exhaust emissions and activities.

4-2

4-3

### **3) District Rules and Regulation**

The District issues permits for many types of air pollution sources and regulates some activities not requiring permits. A project subject to District rules and regulation would reduce its impacts on air quality through compliance with regulatory requirements. In general, a regulation is a collection of rules, each of which deals with a specific topic. Here are a couple of example, Regulation II (Permits) deals with permitting emission sources and includes rules such as District permit requirements (Rule 2010), and New and Modified Stationary Source Review (Rule 2201).

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm). To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (209) 557-6446.

#### **3a) District Rule 9510 (Indirect Source Review)**

Per District Rule 9510 (Indirect Source Review) section 4.4.3, a development project on a facility whose primary functions are subject to District Rule 2201 or District Rule 2010 are exempt from the requirements of the rule. The District has reviewed the information provided and has determined that the primary functions of this Project are subject to District Rule 2201 (New and Modified Stationary Source Review Rule) or District Rule 2010 (Permits Required). As a result, District Rule 9510 requirements and related fees do not apply to the Project referenced above.

#### **3b) Other District Rules and Regulations**

The Project may also be subject to the following District rules: Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

**4) District Comment Letter**

The District recommends that a copy of the District's comments be provided to the Project proponent.

4-5

If you have any questions or require further information, please contact Harout Sagherian by e-mail at [Harout.Sagherian@valleyair.org](mailto:Harout.Sagherian@valleyair.org) or by phone at (559) 230-5860.

4-6

Sincerely,

Brian Clements  
Director of Permit Services



For Mark Montelongo  
Program Manager

DRAFT



GAVIN NEWSOM  
GOVERNOR



JARED BLUMENFELD  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## Central Valley Regional Water Quality Control Board

13 April 2022

Deedee Antypas  
City of Stockton Municipal Utilities Department  
2500 Navy Drive  
Stockton, CA 95206  
*deedee.antypas@stocktonca.gov*

### COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, REGIONAL WASTEWATER CONTROL FACILITY MODIFICATIONS PROJECT - OUTFALL RELOCATION, SCH#2018092017, SAN JOAQUIN COUNTY

Pursuant to the State Clearinghouse’s 24 February 2022 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Supplemental Environmental Impact Report* for the Regional Wastewater Control Facility Modifications Project - Outfall Relocation, located in San Joaquin County.

5-1

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

#### I. Regulatory Setting

##### Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State’s water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

5-2

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has

adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/)

5-2  
cont.

### **Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/sacsjr\\_2018\\_05.pdf](https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

5-3

## **II. Permitting Requirements**

### **Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the

5-4

State Water Resources Control Board website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

5-4  
cont.

**Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

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For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/)

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

**Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml)

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**Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act

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<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

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Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

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 cont.

**Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

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[https://www.waterboards.ca.gov/centralvalley/water\\_issues/water\\_quality\\_certification/](https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/)

**Waste Discharge Requirements – Discharges to Waters of the State**

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: [https://www.waterboards.ca.gov/centralvalley/water\\_issues/waste to surface water/](https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/)

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Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2004/wqo/wqo2004-0004.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf)

**Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage

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under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wgo/wgo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wgo/wgo2003-0003.pdf)

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2018-0085.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf)

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cont.

**Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2016-0076-01.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf)

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**NPDES Permit**

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

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If you have questions regarding these comments, please contact me at (916) 464-4709 or [Greg.Hendricks@waterboards.ca.gov](mailto:Greg.Hendricks@waterboards.ca.gov).

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Greg Hendricks  
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,  
Sacramento

**From:** SSMN Cultural Preservation <[preservation@southernsierramiwuknation.org](mailto:preservation@southernsierramiwuknation.org)>  
**Sent:** Thursday, April 21, 2022 10:32 PM  
**To:** Deedee Antypas <[Deedee.Antypas@stocktonca.gov](mailto:Deedee.Antypas@stocktonca.gov)>  
**Subject:** RWCF Modifications Project (M16022) Draft Supplemental EIR Comments

**CAUTION:** This email originated from outside the City of Stockton. Do not click any links or open attachments if this is unsolicited email.

Jazzmyn Gegere (Brochini)  
Tribal Cultural Monitor Coordinator  
4630 Ben Hur Rd.  
P.O. Box 186  
Mariposa, CA 95338

Hello DeeDee,

I am contacting you in regard to the Notification of Consultation Opportunity the Southern Sierra Miwuk Nation had received concerning the proposed project located at Stockton's Regional Wastewater Control Facility. As of now, Stockton is out of the range of areas the Southern Sierra Miwuk Nation culturally monitors. I'd recommend contacting the following Tribe for consultation. Their contact information will be listed below.

California Valley Miwok Tribe  
Silvia Burley, Chairperson  
14807 Avenida Central  
La Grange, California 95329  
Phone: 1 (209) 931-4567  
Email: [office@cvmt.net](mailto:office@cvmt.net)

Thank you,

Jazzmyn Gegere (Brochini)  
Tribal Monitor Coordinator  
Southern Sierra Miwuk Nation  
Cell #209-742-3104  
[preservation@southernsierramiwuknation.org](mailto:preservation@southernsierramiwuknation.org)