

ADOPT RESOLUTION CERTIFYING THE SUPPLEMENT TO THE REGIONAL WASTEWATER CONTROL FACILITY MODIFICATIONS PROJECT ENVIRONMENTAL IMPACT REPORT, ADOPTING FINDINGS OF FACT, ADOPTING MITIGATION MONITORING AND REPORTING PROGRAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH THE CALIFORNIA STATE LANDS COMMISSION

RECOMMENDATION

It is recommended that the City Council adopt a resolution to:

1. Certify that the Supplement to the Regional Wastewater Control Facility Modifications Project Environmental Impact Report for the Outfall Relocation Project (Supplemental EIR) has been completed in compliance with the California Environmental Quality Act and finds the Supplemental EIR adequately addresses the environmental issues of the Outfall Relocation Project component of the Regional Wastewater Control Facility Modifications Project, and
2. Approve the Supplemental EIR, including that it identifies no significant and unavoidable impacts, adopt the Findings of Fact, and adopt the Mitigation Monitoring and Reporting Program, and
3. Adopt findings that the Supplemental EIR reflects the independent judgment of the City Council, as lead agency.
4. Authorize the City Manager to execute a lease agreement with the California State Lands Commission for the placement of outfall components within the San Joaquin River.

It is further recommended that the City Manager be authorized to take appropriate and necessary actions to carry out the intent of the resolution.

Summary

The Regional Wastewater Control Facility (RWCF) Modifications Project is currently under construction. Modifications to the RWCF are required to maintain compliance with the RWCF National Pollutant Discharge Elimination System (NPDES) permit, extend the useful life of existing facilities, improve working conditions for facility staff, and implement components of the City's Capital Improvement and Energy Management Plan. The City certified the RWCF Modifications Project Environmental Impact Report (EIR) (State Clearinghouse No. 2018092017) on March 26, 2019.

A supplement to the RWCF Modifications Project EIR (referred to as a Supplemental EIR) was prepared to address a change in the location of the outfall through which RWCF final effluent would be discharged to the San Joaquin River (referred to herein as the Outfall Relocation Project, or "project") relative to that described and assessed in

the RWCF Modifications Project EIR. The City originally proposed as part of the RWCF Modifications Project to construct facilities to continue discharging RWCF final effluent to the San Joaquin River through the existing west bank outfall. The City now proposes to discharge RWCF final effluent through a reinstated outfall located on the east bank of the San Joaquin River and abandon the existing west bank outfall in place.

On February 25, 2022, a Draft Supplemental Environmental Impact Report (SEIR) (Exhibit 1 to the Resolution) was released for public review. The 45-day comment period ended on April 11, 2022. Public comments on the Draft Supplemental EIR and responses are contained in the Final Supplemental EIR (Exhibit 2 to the Resolution). The Draft and Final Supplemental EIR, and related Findings of Fact and Mitigation Monitoring and Reporting Program (Exhibits 3 and 4 to the Resolution) and can be viewed at <http://www.stocktonca.gov/mudprojects>.

DISCUSSION

Background

The RWCF currently consists of the main plant on the east side of the San Joaquin River and the tertiary plant on the west side of the river. RWCF effluent is discharged through an existing outfall to the San Joaquin River on the west bank using pipe siphons. The RWCF Modifications Project proposed to construct facilities to continue discharge of final effluent to the San Joaquin River using the existing outfall on the west bank. The City now proposes to discharge final effluent through a reinstated outfall located on the east bank of the San Joaquin River, adjacent to the main plant and abandon the existing west bank outfall in place. The proposed outfall includes reinstatement of an abandoned 60-inch reinforced concrete pipe that served as the outfall for the City's treated wastewater effluent before circa 1970.

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 proposed project consists of the following three primary elements:

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,
2. Modification of the outfall apron structure on the east bank to create a new outfall outlet, and
3. Construction of a pipeline running from the Final Effluent Pump Station to the reinstated 60-inch reinforced concrete pipe.

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 and occur between July 1 and October 31, 2023.

Upon successful commissioning and reinstatement of the main plant outfall on the east side of the river, the existing outfall on the west side of the river would no longer be required and would be abandoned in place. No discharge of RWCF effluent would occur through the existing outfall and all discharge would occur through the reinstated outfall on the east side of the river.

Previous Council Actions

On March 5, 2013, by Motion 2013-03-05-1203, the Council authorized the execution of an amendment to the Master Services Contract for the Preparation of Generalized & Specialized California Environmental Quality Act, National Environmental Policy Act, and Brownfields Remediation project documents with Robertson-Bryan, Inc. of Elk Grove, California, in the amount of \$319,757 to prepare an EIR for projects implemented under the CIEMP. The EIR effort was halted following the NPDES permit renewal in June 2014 and pending the RWCF Modifications Project development.

On May 15, 2018, by Resolution 2018-05-15-11, the Council authorized the execution of a second amendment to the Master Services Contract for the Preparation of Generalized & Specialized California Environmental Quality Act, National Environmental Policy Act, and Brownfields Remediation project documents with Robertson-Bryan, Inc. of Elk Grove, California, in the amount of \$209,000 to prepare the RWCF Modifications Project EIR.

On November 19, 2019, the Council authorized a five-year contract with Robertson-Bryan, Inc. then of Elk Grove, California, now of Rancho Cordova, California, to provide NPDES Wastewater Discharge Permit compliance and program support services in an amount not-to-exceed \$2,434,494. The scope of the contract included preparation of the RWCF Modifications Project Supplemental EIR.

Present Situation

Phase 2B (final design and construction) of RWCF Modifications Project issued Notice to Proceed on September 3, 2019. Final design is complete, and construction is approximately 75 percent complete.

For the relocation and reinstatement of the outfall to the east bank of the San Joaquin River, the City has applied for Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers, a Clean Water Act Section 401 Water Quality Certification from the Central Valley Regional Water Quality Control Board, and a California Department of Fish and Wildlife Fish and Game Code Section 1602 Lake and Streambed Alteration Agreement.

The project also will require a lease from the California State Lands Commission (CSLC). The State of California has sovereign ownership of tidelands and submerged lands and beds of navigable lakes and waterways. The CSLC has jurisdiction over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways, which includes the portion of the San Joaquin River channel on which the relocated RWCF outfall will be constructed. Therefore, a lease is required for the Project

construction and operation.

Environmental Determination

The Supplemental EIR identifies less-than-significant impacts to hydrology and water quality and significant or potentially significant impacts that can be mitigated to a less-than-significant level for terrestrial biological resources and aquatic biological resources. There would be no significant and unavoidable impacts. The MMRP details the mitigation measures to be taken during the construction of this project. There would be no significant and unavoidable impacts.

FINANCIAL SUMMARY

There are sufficient funds available in the Wastewater CIP Fund, RWCF Modifications Project UW16022 to pay for the RWCF Modifications EIR and staff expenses.

Any costs associated with the required mitigation measures and permit fees have been budgeted in the adopted FY 2022-23 CIP and will be budgeted in future CIP.

There is no impact to the City's General Fund or any other unrestricted fund as a result of taking the recommended action.