



FINAL ENVIRONMENTAL IMPACT REPORT
VOLUME I – RESPONSE TO COMMENTS DOCUMENT

CITY OF VACAVILLE
EASTERLY WASTEWATER TREATMENT PLANT
TERTIARY PROJECT
SCH# 2009082066

MARCH 2010

LEAD AGENCY:

City of Vacaville
Public Works - Engineering Services
650 Merchant Street
Vacaville, CA 95688



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Public Works - Engineering Services
650 Merchant Street
Vacaville, CA 95688



PREPARED BY:

Analytical Environmental Services
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(916) 447-3479



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SECTION 1.0

INTRODUCTION

1.0 INTRODUCTION

1.1 OVERVIEW

This Response to Comments document has been prepared to address comments received by the City of Vacaville (City/Lead Agency) on the Draft Environmental Impact Report (Draft EIR) for the proposed Vacaville Easterly Wastewater Treatment Plant (EWWTP) Tertiary Project (Proposed Project). The Draft EIR was submitted to the State Clearinghouse on January 14, 2010 (SCH# 2009082066). This Response to Comments together with the Draft EIR, as revised, comprises the Final EIR.

An EIR is an informational document that must be considered by the Lead Agency prior to project approval. CEQA *Guidelines* Section 15132 specifies that the Final EIR shall consist of:

- The Draft EIR or a revision of the draft (Draft EIR together with **Chapter 4.0** of this Final EIR Response to Comments).
- Comments and recommendations received on the Draft EIR either verbatim or in summary (**Chapter 2.0** of this Final EIR Response to Comments).
- A list of persons, organizations, and public agencies commenting on the Draft EIR (**Chapter 2.0** of this Final EIR Response to Comments)
- Responses of the Lead Agency to significant environmental points raised in the review and consultation process (**Chapters 3.0** and **4.0** of this Final EIR Response to Comments).
- Any other information added by the Lead Agency.

1.2 PUBLIC PARTICIPATION PROCESS

The process of environmental review for the Proposed Project was initiated with public release of the Notice of Preparation (NOP) on August 21, 2009. A scoping meeting was held at the Vacaville EWWTP on September 14, 2009. The Notice of Availability (NOA) for the DEIR was released on January 14, 2010. The NOA announced a 45-day comment period running from January 14 to March 1, 2010, as well as a public meeting on January 27, 2010, at the Vacaville EWWTP.

The public comment period provides an opportunity for interested public and private parties to provide input regarding the completeness and adequacy of an EIR. CEQA *Guidelines* Section 15151 addresses the standards by which EIR adequacy is judged:

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement

among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

CEQA *Guidelines* Section 15204(a) encourages parties to focus comments on the “sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated.” Commenters are advised:

Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

1.3 RESPONSE TO COMMENTS ORGANIZATION

This Response to Comments document consists of this introduction and the chapters outlined below:

Chapter 2, Comments on the Draft EIR – This chapter includes a list of all agencies, organizations, and individuals who submitted written comments during the public review period for the Draft EIR. The list is followed by copies of original written comments received during the public review period for the Draft EIR as well as a Record of Public Comments taken at the Public Meeting. Comment letters are each assigned a number, and individual comments are bracketed in the margin.

Chapter 3, Responses to Comments - This chapter provides individual responses to each written comment submitted during the public review period for the Draft EIR. Responses are keyed to the bracketed comment numbers provided in **Chapter 2.0**.

Chapter 4, Text Revisions to the Draft EIR – This chapter presents any revisions to the Draft EIR text that were made in response to comments received during the public review period for the Draft EIR. These revisions are organized by the section and page number as they appear in the Draft EIR. Additions are indicated with an underline (e.g. new text) and deletions are designated by with a strikethrough (e.g. ~~deleted text~~).

Chapter 5, Mitigation Monitoring and Reporting Plan - This chapter presents the Mitigation Monitoring and Reporting Plan for the Proposed Project.

SECTION 2.0

COMMENTS ON THE DRAFT EIR

2.0 COMMENTS ON THE DRAFT EIR

This chapter contains written comments that were received during the public review period for the Draft EIR prepared for the Vacaville Easterly Wastewater Treatment Plant (EWWTP) Tertiary Project (Proposed Project). The Draft EIR was submitted to the State Clearinghouse (SCH#2009082066) and released for public and agency review for a 45-day review and comment period on January 14, 2010. The comment period closed on March 1, 2010. A total of two comment letters were received by the City of Vacaville (City) in response to the Draft EIR during the comment period. The agencies, organizations and individuals who provided comments on the Draft EIR are listed in **Table 2-1**. Individual comment letters are provided following this table. As discussed in **Section 1.0**, each individual letter and comment has been provided a number in the right-hand margin. This number is cross-referenced with a specific response in **Section 3.0**.

TABLE 2-1. PERSONS, ORGANIZATIONS, AND PUBLIC AGENCIES COMMENTING IN WRITING

Comment Letter Number	Name/Individual(s)	Agency/Organization	Date
1	Charles Armor, Regional Manager	State of California Department of Fish and Game	March 1, 2010
2	Lisa Lee, Environmental Scientist	State Water Resources Control Board	March 1, 2010

Additional opportunity to comment on the Draft EIR was provided at the January 27, 2010, Draft EIR Public Meeting. A summary of the proceedings, including comments and questions raised in the meeting, is included at the end of this chapter. Individual comments raised at the meeting have been provided a number in the right-hand margin which is cross-referenced with a specific response in **Section 3.0**.

Neither the comments received on the Draft EIR nor the responses thereto indicate new significant impacts or significant new information that would require recirculation of the Draft EIR pursuant to CEQA *Guidelines* Section 15088.5.



State of California – The Natural Resources Agency
 DEPARTMENT OF FISH AND GAME
 Bay Delta Region
 7329 Silverado Trail
 Napa, CA 94558
 (707) 944-5500
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ARNOLD SCHWARZENEGGER, Governor
 John McCamman, Director



Comment Letter 1

March 1, 2010

Ms. Deborah Faaborg
 City of Vacaville
 650 Merchant Street
 Vacaville, CA 95688

Dear Ms. Faaborg:

Subject: City of Vacaville Easterly Wastewater Treatment Plant Tertiary Treatment Project, Draft Environmental Impact Report, SCH #2009082066, Solano County

The Department of Fish and Game (DFG) has reviewed the City of Vacaville Easterly Wastewater Treatment Plant Tertiary Treatment Project (Project) draft Environmental Impact Report (EIR), and we have the following comments.

The proposed Project area is located at 6040 Vaca Station Road, in the Community of Elmira, which is 4.5 miles east of central Vacaville in Solano County. The Project site is located within the boundaries of the 182-acre property owned by the City of Vacaville (City) and designated as public facilities uses. The existing Easterly Wastewater Treatment Plant (EWWTP) occupies approximately 30 acres of this City-owned parcel. The EWWTP currently discharges treated wastewater effluent to Old Alamo Creek. The proposed Project includes the construction of improvements to the existing facilities which would be necessary to comply with regulatory and permit requirements including compliance with Central Valley Regional Water Quality Control Board waste discharge requirements as well as City regulations.

1 - 1

Terrestrial and aquatic habitat types located within the proposed Project site include non-native grassland and shrubs, agricultural land, ruderal and disturbed areas, basins and roadside ditches. Riparian woodland is present on Alamo Creek located adjacent to the northern border of the Project site.

DFG is providing comments on the draft EIR as a Trustee Agency and Responsible Agency. As Trustee for the State's fish and wildlife resources, DFG has jurisdiction over the conservation, protection, and management of the fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of such species for the benefit and use by the people of California.

Botanical Resources

Mitigation 4.3-1

The draft EIR states that focused botanical surveys will be conducted for hispid bird's-beak (*Cordylanthus mollis* ssp. *hispidus*), adobe-lily (*Fritillaria pluriflora*) and robust monardella (*Monardella villosa* ssp. *globosa*) prior to the start of construction activities. Hispid bird's-

1 - 2

beak is listed by the California Native Plant Society (CNPS) as 1B.1, which means that the species is seriously endangered in California. The State rank of this species is S2.1 which corresponds to 6 to 20 occurrences or 1,000 to 3,000 individuals or 2,000 to 10,000 acres. The adobe-lily and robust monardella are CNPS-listed as 1B.2, meaning that both species are fairly endangered in California. However, the CNPS online *Inventory of Rare and Endangered Plants* (see <http://cnps.site.aplus.net/cgi-bin/inv/inventory.cgi/>) indicates that the adobe-lily population is presumed to be locally extirpated in Solano County and the robust monardella is not known to occur in Solano County. If botanical surveys within the Project site document new occurrences of any rare plant species, results should be submitted to CNPS as well as the California Natural Diversity Database (CNDDB).

The draft EIR states that a botanical survey and wetland delineation were conducted within the proposed Project site on May 20, 2009. Botanical surveys should be conducted throughout the blooming period for plant species potentially occurring within the proposed Project site. Please refer to the recently revised DFG protocols for surveying and evaluating impacts to rare plants available at <http://dfg.ca.gov/habcon/plant/plants.html>. Please be advised that Baker's navarretia (*Navarretia leucocephala* ssp. *bakeri*) is known to occur within 0.5 miles of the proposed Project site. The draft EIR should specify that rare, threatened and endangered plant species to be addressed include all those which meet the California Environmental Quality Act (CEQA) definition (see CEQA Guidelines, Section 15380).

1 - 2
Cont.

The draft EIR should provide a detailed analysis of Project-related impacts to sensitive plant species and effective mitigation to avoid or reduce those impacts to below a level of significance. If project impacts to sensitive plant species cannot be avoided then off-site conservation should be included as part of a mitigation and monitoring plan. DFG should be consulted to review and approve the mitigation and monitoring plan. The draft EIR states that, where feasible, a 10-foot buffer will be established surrounding any rare plants found within the Project site. DFG does not believe that this buffer is adequate to protect rare plants. To prevent adverse impacts of Project-related activities such as ground disturbance, soil compaction, sediment and contaminant run-off and excessive shade, DFG recommends a minimum 50-foot buffer be established surrounding any sensitive plants documented on-site.

The Project description in Section 3.4.2 states that the existing perimeter landscaping will be extended to act as a visual screen and will include the remaining boundaries of the City's property. The landscaping buffer would encompass a large area of the property especially to the east. The Project description indicates that mixed evergreen plant types will be planted within the 70-foot landscaping buffer, and a plant height of between 50 to 100 feet will be achieved. The Project description does not specify the species which are proposed to be planted within the vegetation buffer. Non-native invasive plants used as landscaping ornamentals as well as erosion control may spread to valuable wildlife habitat and be difficult if not impossible to control. The draft EIR should fully describe the type(s) of existing habitat which would be affected by the establishment of the landscape buffer.

1 - 3

Biological Resources

Mitigation 4.3-4

The draft EIR states that potential habitat is present within the proposed Project area for the giant garter snake (*Thamnophis gigas*), which is listed as threatened under both the California Endangered Species Act (CESA) and the Federal Endangered Species Act (FESA). Results of pre-construction surveys for the giant garter snake should be submitted to the U.S. Fish and Wildlife Service (USFWS) and DFG. The draft EIR does not include effective avoidance and mitigation measures to avoid "take" or adverse impacts to giant garter snake. These measures should be determined in consultation with USFWS and DFG. Guidance documents on measures to avoid and minimize Project-related impacts are available at http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html.

1 - 4

Mitigation 4.3-5

The draft EIR indicates that suitable habitat is present within the proposed Project area for the western burrowing owl (*Athene cunicularia*) which is a State Species of Special Concern (SSC). Birds in the order of Falconiformes and Strigiformes and their nests are protected under Fish and Game Code Section 3503.5. Migratory raptors are also protected under the Migratory Bird Treaty Act. It is also unlawful to take, possess, or destroy the nest or eggs of any bird pursuant to Fish and Game Code Section 3503.

The draft EIR states that the non-native grassland within the Project area is disked, therefore it is not clear if the Project site and surrounding areas contain both suitable nesting and foraging habitat. If burrowing owls are documented on the Project site, DFG views this as a significant impact and recommends the conservation of extant burrowing owl habitat. DFG is available to provide guidance on compensatory mitigation based on site-specific factors.

In addition to the mitigation measures outlined in the draft EIR, DFG recommends the following measures be conducted by a qualified biologist to ensure appropriate avoidance and mitigation for the loss of burrowing owl habitat:

1 - 5

- 1) Burrowing owl surveys should be conducted during both the nesting (April 15 through July 15) and wintering (December 1 through January 31) seasons. These surveys should take place from one hour before to two hours after sunrise, as well as two hours before to one hour after sunset. Surveys should be conducted on multiple days during each of the above mentioned seasons. Additional surveys should be conducted prior to construction to identify occupied burrows within the Project's impact area and avoid direct "take" of owls.
- 2) A report on the proposed Project's survey results should be prepared and submitted to DFG staff according to the guidelines identified in the DFG "Staff Report on Burrowing Owl Mitigation" (1995).
- 3) If avoidance is not possible, loss of suitable burrowing owl habitat should be mitigated acre for acre with suitable, occupied habitat at an appropriate location. Mitigation for the loss of foraging and nesting habitat should be provided off-site at a DFG-approved location on an acre-for-acre basis. The site should provide permanent protection for the burrowing owl.

- 4) The draft EIR should require DFG approval of any burrowing owl eviction plan before implementation.

1 - 5
Cont.

Mitigations 4.3-6 and 4.3-7

The draft EIR indicates that suitable nesting and foraging habitat is present within the proposed Project site and surrounding areas for the Swainson's hawk (*Buteo swainsoni*) which is designated as threatened under CESA. Records show relatively recent (2005) use of the Old Alamo Creek area by Swainson's hawks. The DFG-recommended Swainson's hawk survey protocol is available at http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html. To avoid adverse impacts to Swainson's hawk, Project activities are prohibited within 0.25 to 0.5 miles (depending on ambient noise levels) of a nesting Swainson's hawk between March 1 and September 15 without consultation with DFG.

The draft EIR should include measures to avoid or minimize loss of Swainson's hawk foraging habitat. Lands should be protected in perpetuity and provide for long-term management of Swainson's hawk habitat. DFG recommends mitigation for loss of Swainson's hawk foraging habitat based on the following ratios:

- For projects within one mile of an active nest tree - shall provide one acre of land for each acre of development authorized (1:1 ratio).
- For projects within 5 miles of an active nest tree but greater than one mile from the nest tree - shall provide 0.75 acres of land for each acre of urban development authorized (0.75:1 ratio).
- For projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree - shall provide 0.5 acres of land for each acre of urban development authorized (0.5:1 ratio).

1 - 6

Please be advised that a CESA Permit must be obtained if the project has the potential to result in take of species of plants or animals listed under CESA, either during construction or over the life of the project. Issuance of a CESA Permit is subject to CEQA documentation; therefore, the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the project will impact CESA listed species, early consultation is encouraged, as significant modification to the project and mitigation measures may be required in order to obtain a CESA Permit.

Lake and Streambed Alteration Agreement

The proposed Project area includes three artificially-constructed stormwater and emergency storage detention basins in the northern portion of the Project area. Three roadside drainage ditches are also located to the east, west, and south of the Project area. The basins and ditches were created in upland sites and receive run-off from the adjacent roads and upland areas. Portions of the basins contained ponded water during the May 10, 2009 site visit and some wetland-obligate plant species were observed. The draft EIR indicates that Basins 2 and 3 may provide suitable habitat for the western pond turtle (*Actinemys marmorata*) which is a State SSC. The photos taken at the ditches appear to show moderate to sparse vegetation and signs of maintenance activities in some areas. The draft

1 - 7

EIR should include a more complete description of the plant species present in the roadside drainage areas. The draft EIR should also fully describe the direct and indirect Project-related impacts to waterbodies found within the Project site and surrounding areas. Please be advised that waters not considered waters of the United States by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act may be considered jurisdictional pursuant to Section 1600 et seq. of the Fish and Game Code.

DFG may require a Lake and Streambed Alteration Agreement (LSAA) with the applicant for any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of Old Alamo Creek and other waterbodies or use material from the streambed. Issuance of an LSAA is subject to CEQA. DFG, as a responsible agency under CEQA, will consider the CEQA document for the project. The CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the agreement. To obtain information about the LSAA notification process, please access our website at <http://www.dfg.ca.gov/habcon/1600/>; or to request a notification package, contact the Lake and Streambed Alteration Program at (707) 944-5520.

1 - 7
Cont.

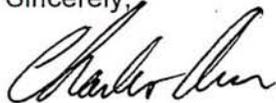
General Comments

The draft EIR does not provide a complete and accurate description of the existing physical conditions within the proposed Project site and study area. Compliance with the CEQA is predicated on a complete and accurate description of the environmental setting which may be affected by the proposed Project. DFG recommends that survey results and specific mitigation measures be included in the document. CEQA states that surveys to be conducted at a later time, or mitigation measures to be identified at some future time, are not acceptable. Mitigation requirements for special-status species should be determined in consultation with USFWS and DFG, and fully disclosed in the CEQA document prior to certification of the EIR.

1 - 8

If you have any questions, please contact Ms. Brenda Blinn, Environmental Scientist, at (707) 944-5541; or Mr. Liam Davis, Habitat Conservation Supervisor, at (707) 944-5529.

Sincerely,



Charles Armor
Regional Manager
Bay Delta Region

cc: State Clearinghouse

Mr. Ryan Olah – ryan_olah@fws.gov
U.S. Fish and Wildlife Service



State Water Resources Control Board



Division of Financial Assistance

1001 I Street • Sacramento, California 95814 • (916) 341-5700 FAX (916) 341-5707
Mailing Address: P.O. Box 944212 • Sacramento, California • 94244-2120
Internet Address: <http://www.waterboards.ca.gov>

Linda S. Adams
Secretary for
Environmental Protection

Arnold Schwarzenegger
Governor

MAR - 1 2010

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Comment Letter 2

Ms. Deborah Faaborg
City of Vacaville
650 Merchant Street
Vacaville, CA 95688

MAR 2 2010

PUBLIC WORKS
ENGINEERING SVC

Dear Ms. Faaborg:

ENVIRONMENTAL IMPACT REPORT (EIR) FOR CITY OF VACAVILLE (CITY); EASTERLY WASTEWATER TREATMENT PLANT TERTIARY PROJECT (PROJECT); SOLANO COUNTY; STATE CLEARINGHOUSE NO. 2009082066

We understand the City is pursuing Clean Water State Revolving Fund (CWSRF) financing for this Project (CWSRF No. C-06-4841-110). As a funding agency and a state agency with jurisdiction by law to preserve, enhance, and restore the quality of California's water resources, the State Water Resources Control Board (State Water Board) is providing the following information for the California Environmental Quality Act (CEQA) document prepared for the Project.

We would appreciate notice of any hearings or meetings held regarding the environmental review of the Project, and look forward to receiving the final EIR. Following the City's CEQA process, please provide the following documents applicable to the Project: (1) Two copies of the draft and final EIR, (2) the resolution certifying the EIR, adopting the Mitigation Monitoring and Reporting Program (MMRP) and a Statement of Overriding Considerations, and making CEQA findings, (3) all comments received during the review period and the City's response to those comments, and (4) a date stamped copy of the Notice of Determination filed with the Governor's Office of Planning and Research.

The CWSRF Program is partially funded by the U.S. Environmental Protection Agency (USEPA) and requires additional "CEQA-Plus" environmental documentation and review. The State Water Board can consult directly with agencies responsible for implementing federal environmental laws and regulations. Any environmental issues raised by federal agencies or their representatives will need to be resolved prior to State Water Board approval of a CWSRF Program funding commitment. For further information on the CWSRF Program environmental compliance, please contact Ms. Michelle Lobo at (916) 341-6983.

2 - 1

In addition, CWSRF projects must comply with federal laws pertaining to cultural resources, specifically Section 106 of the National Historic Preservation Act. The State Water Board has been delegated responsibility for carrying out the requirements of Section 106 under a Nationwide Programmatic Agreement executed for the CWSRF Program by the USEPA, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers. Please contact the State Water Board's Cultural Resources Officer Ms. Cookie Hirn at (916) 341-5690 for more information.

The State Water Board previously provided comments on the Notice of Preparation for the Project, and appreciates the City for incorporating our comments into the EIR prepared for the Project.



Ms. Deborah Faaborg

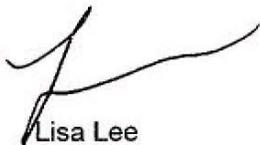
- 2 -

MAR - 1 2010

The State Water Board has no further comments on the EIR at this time. Thank you once again for the opportunity to review the City's environmental document. If you have any questions or concerns, please feel free to contact me at (916) 327-9401, or contact Ms. Justine Herrig at (916) 327-9117.

2 - 1
Cont.

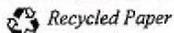
Sincerely,



Lisa Lee
Environmental Scientist

cc: State Clearinghouse w/o enclosures
(Re: SCH# 2009082066)
P. O. Box 3044
Sacramento, CA 95812-3044

California Environmental Protection Agency



**Vacaville Easterly Wastewater Treatment Plant
Tertiary Treatment Project Draft Environmental Impact Report
SCH# 2009082066**

**Record of Public Comments
DEIR Public Meeting - January 27, 2010 - 6:30 p.m.**

City Staff

Deborah Faaborg, Environmental Project Manager, City of Vacaville Public Works Department
Fred Buderer, City Planner, City of Vacaville Community Development Department
Mary Page, Recording Secretary, City of Vacaville, Community Development Department
Dave Tompkins, Director, City of Vacaville Utilities Department
Steve Sawyer, Senior Civil Engineer, City of Vacaville Utilities Department
Tawnia Skow, Senior Civil Engineer, City of Vacaville Public Works Department
Chris Bailey, Associate Civil Engineer, City of Vacaville Utilities Department

EIR Consultant Staff

Ryan Lee, Project Manager, Analytical Environmental Services, Inc.
Bibiana Alvarez, Staff, Analytical Environmental Services, Inc.

Others in Attendance

Sandy Baker, Alza
Frank Crim, City of Vacaville Planning Commission Vice-Chair
Heidi Spencer, Elmira, Rural Resident
Debbie Egidio, DTS Egidio
Jannine Foster, Elmira, Rural Resident
Jeff Keilhorn, Elmira, Rural Resident

INTRODUCTION:

Fred Buderer, City Planner, Community Development Department, reviewed the meeting objectives, and introduced City staff and AES Consultant Staff. He discussed the objectives of the meeting which were:

- Explain CEQA & Use Permit Process
- Present a Summary of the proposed Tertiary Treatment Project Components
- Present a Summary of the Draft EIR Analysis and Conclusions
- Provide an opportunity for public comment on the adequacy of the impact analysis and mitigation provided in the Draft EIR.

Ryan Lee, Project Manager, Analytical Environmental Services, reviewed the project location and background of the Easterly Wastewater Treatment Facility and described the previous expansion projects. She reviewed the purposes of the currently proposed Tertiary Project, stating that improvements are necessary to comply with Regional Water Quality Control Board Permit requirements. She summarized permit requirements and deadlines while providing an overview

of the site plan showing the proposed improvements. Ms. Lee then reviewed the scope of issues covered in the Draft EIR.

Mr. Buderj concluded the presentation, adding that the City would assemble all comments submitted during the Draft EIR circulation period and provide responses to comments as part of the Final EIR. Information was provided regarding availability of documents for review and reiterating that the Draft EIR circulation and comment period runs from January 14, 2010 through March 1, 2010.

PUBLIC COMMENT:

Heidi Spencer, Elmira area rural resident to the south east of the facility expressed concern about the existing lights being too high, too bright, and too many. She commented that they should be lower to the ground, less bright and noted that there was no screening between the sewer plant and the neighbors. PM - 1

Ms. Spencer asked if the greenbelt people have been brought in, stating that the area is in greenbelt and zoned for agriculture and not utilities. PM - 2

Ms. Spencer expressed concern about runoff into Alamo Creek, going into the delta. PM - 3

Ms. Spencer commented that the report refers to the word “significant” and questioned what perspective that is based on. PM - 4

Ms. Spencer added that she wants the lowest impact on her well water as this would affect her family’s health. She felt that a lot of things go into their drinking wells and notification is critical for the surrounding neighbors so they have the opportunity to determine if they need to have their wells tested and the city should pay for the testing. PM - 5

Ms. Spencer stated that there had been spills at the plant and violations that caused emissions into the air, water and soil and that the neighbors were never informed of hazards that might affect their wells and their health. She asked how many violations had occurred in the last year and what they were for. PM - 6

Ms. Spencer commented that studies regarding noise and lighting should be conducted in the evening to more closely represent the impacts they experience. PM - 7

Ms. Spencer asked if construction traffic would come down Vaca Station Road. PM - 8

Ms. Spencer expressed understanding that expansion to the plant is necessary, but it needs to be less visible and cause less impact on area residents; the plant is creeping loudly and brightly into their lives. PM - 9

Ms. Spencer felt that her comments are ignored, adding a concern about odors over the last seven years. PM - 9

<u>Jannine Foster</u> , Elmira area rural resident, asked for clarification of the landscape buffer that was proposed with the project.		PM - 10
<u>Jeff Keilhorn</u> , Elmira area rural resident asked if recycled water from the plant would be used for landscape irrigation.		
Mr. Keilhorn asked for clarification regarding storm drainage runoff at the plant.		PM - 11
Mr. Keilhorn asked if the plant has a testing program for effluent and whether there are records of how clean the water is when it is discharged into the creek.		PM - 12
Mr. Keilhorn asked when the proposed project is planned to be complete.		PM - 13
Mr. Keilhorn noted concerns about the driving habits related to the existing trucks that exit the site and asked if the project will install turn lanes at road intersections for trucks to utilize.		PM - 14
Mr. Keilhorn asked for clarification regarding the use liquid chloride at the plant.		PM - 15
<u>Sandy Baker</u> , Senior Facility Engineer for Alza, questioned if there has been consideration about salinity control or salt reduction.		PM - 16

Mr. Buder confirmed that there were no additional public comments, thanked the audience, summarized the next steps in the CEQA process and informed the public that formal responses to their comments would be prepared in writing and included in the public record with the Final Environmental Impact Report.

Note: Clarification of project details and current plant operations were offered by staff throughout the meeting. Since formal written responses will be prepared for the record, staff's oral clarifications have not been included in this meeting summary and will be provided in writing in the Response to Comments document.

SECTION 3.0

RESPONSE TO COMMENTS

3.0 RESPONSES TO COMMENTS

The following responses have been prepared for each bracketed comment included in **Chapter 2.0** of this Response to Comments document.

Letter 1 - Charles Armor, Regional Manager, California Department of Fish and Game, March 1, 2010

Comment 1-1

The commenter summarized the Proposed Project, the terrestrial and aquatic habitat types located within the project site, and jurisdiction of the California Department of Fish and Game (DFG).

Response 1-1

Comment noted. Responses to comments provided by the DFG in its comment letter of March 1, 2010 are provided below.

Comment 1-2

The commenter describes the status of the hispid bird's beak (*Cordylanthus mollis* ssp. *hispidus*), adobe lily (*Fritillaria pluriflora*), robust monardella (*Monardella villosa* ssp. *globosa*), and Baker's navarretia (*Navarretia leucocephala* ssp. *bakeri*) as well as their frequency of occurrence within Solano County. The commenter states that botanical surveys for special status plant species should be conducted during the blooming period for plant species potentially occurring within the project site. The commenter states that the DEIR should specify the definition of rare, threatened and endangered plant species addressed within the DEIR. The commenter states that if sensitive plant species are identified that cannot be avoided, then off-site conservation should be included as part of a mitigation and monitoring plan to be approved by DFG. The commenter also recommends that a minimum 50-foot buffer be established surrounding any sensitive plants documented on-site, rather than the 10-foot buffer recommended in the DEIR.

Response 1-2

As recommended, the Draft EIR has been revised on page 4.3-6 of the biological section to clarify that "special-status" is defined to include those species that meet the definitions of rare, threatened, or endangered plants or animals under the California Environmental Quality Act (CEQA) (CEQA Guidelines Section 15380). Please refer to text revisions to Section 4.3.2 in **Chapter 4.0** of this Response to Comments.

A discussion of special status plant species with the potential to occur within the project site is included within Section 4.3 of the DEIR. Because the biological survey for the Proposed Project was conducted outside of the bloom period for several special status plant species with the potential to occur within the

project site, Mitigation Measure 4.3-1 requires that a bloom period survey be conducted for each of these species prior to the start of construction to determine presence.

In accordance with DEIR Mitigation Measure 4.3-1, a focused botanical survey was conducted for adobe-lily (*Fritillaria pluriflora*) on March 9, 2010 during the bloom period for this species in accordance with recently revised DFG protocol for surveying and evaluating impacts to rare plants. Adobe-lily was not observed within the project site or surrounding vicinity. Therefore, it was determined that adobe-lily does not occur within the project site and no further mitigation is required. The results of the survey were incorporated within the Biological Resources section of the EIR. Please refer to the text revisions to DEIR Section 4.3.2 in **Chapter 4.0** of this Response to Comments.

A bloom season survey will be conducted in June 2010 for robust monardella (*Monardella villosa* ssp. *globosa*) and hispid bird's-beak (*Cordylanthus mollis* ssp. *hispidus*) in accordance with the Mitigation Measure 4.3-1 (refer to Section 4.3 of the DEIR). As recommended by DFG, Mitigation Measure 4.3-1 has been revised to require that the avoidance buffer be extended to 50 feet (rather than 10 feet) should either of these species be observed during the focused botanical bloom period survey of the project site. If special status plants occur onsite, the DFG recommends offsite conservation as part of a mitigation and monitoring plan in the event that avoidance is infeasible. Mitigation Measure 4.3-1 has been revised to require that the City salvage and relocate plants within the same type of habitat onsite should the DFG decide not to transplant the species if present. The mitigation measure specifies that the City shall monitor the transplanted individuals for five years and submit an annual monitoring report to the DFG. Should a special status species occur, onsite relocation would reduce impacts to less than significant if avoidance is infeasible and DFG decides not to transplant the species. Please refer to text revisions to DEIR Section 4.3, Mitigation Measure 4.3-1, in **Chapter 4.0** of this Response to Comments.

Baker's navarretia (*Navarretia leucocephala* ssp. *bakeri*) is found in vernal pools and swales on adobe or alkaline soils within cismontane woodland, meadows and seeps, vernal pools, valley and foothill grassland, and lower montane coniferous forest. This species blooms from April through July. A CNDDDB record for Baker's navarretia (*Navarretia leucocephala* ssp. *bakeri*) is documented less than 0.5 miles southwest of the project site (CNDDDB occurrence number: 33). The record is from 1962 and states that a collection was obtained from a dried vernal pool along the railroad. The record states that additional fieldwork is required. The disked, nonnative grassland within the project site provides marginal habitat for this species. The May 2009 biological survey was conducted within the evident and identifiable blooming period for this species. This species was not observed within the project site. Therefore, it was determined that this species does not have the potential to occur within the project site, and no mitigation is required.

Comment 1-3

The commenter requests that the EIR specify the species which are proposed to be planted within the landscape buffer, as well as describe the type(s) of existing habitat which could be affected by the establishment of the landscape buffer.

Response 1-3

The precise species of trees and plants expected to be planted within the proposed perimeter landscape area has not been determined. Landscaping may consist of various non-native plant species capable of achieving the screening expectation for the landscape buffer and determined to be tolerant to the unique weather and soil conditions in the project area. Because the project site and adjacent lands have historically been utilized for agricultural production and there are no native grasslands or other habitat types supporting native plant species in the surrounding area, the use of non-native species within the landscape buffer would have no adverse effects on the existing quality of habitat types present on surrounding lands. An expanded discussion of surrounding habitat types has been added to Section 4.3 of the EIR. Please refer to text revisions to Section 4.3.2 in **Chapter 4.0** of this Response to Comments.

Comment 1-4

The commenter states that results of pre-construction surveys for giant garter snake (*Thamnophis gigas*: GGS) should be submitted to both the USFWS as well as DFG. The commenter states that effective avoidance and mitigation measures to avoid “take” or adverse impacts to GGS should be determined in consultation with USFWS and DFG.

Response 1-4

The potential for GGS to occur within the project site is further clarified in Section 4.3, Biological Resources, of the DEIR. The discussion includes a rationale for why GGS is not likely to occur within the project site even though the project site provides marginal aquatic habitat within the constructed treatment basins. The discussion notes that the project site is geographically isolated from GGS's existing range. Figure 4.3-4 of the DEIR (DEIR Section 4.3) identifies the three known GGS populations within Solano County. These populations are geographically isolated from the project site. Despite the absence of known GGS occurrences in the proximity of the project site, mitigation was recommended as a precautionary measure to avoid potential temporary impacts to GGS from construction within Basins 2 and 3. Mitigation Measure 4.3-4b was revised to specify that both USFWS and DFG would be immediately consulted if any sightings and any incidental take occurs to GGS. Please refer to text revisions to Section 4.3.2 and Mitigation Measure 4.3-4 in **Chapter 4.0** of this Response to Comments.

Comment 1-5

The commenter states that it is not clear if both the project site and surrounding area provides suitable habitat for the western burrowing owl. The commenter states that if burrowing owls are documented on the project site, DFG views this as a significant impact and recommends conservation of habitat. The commenter recommends various mitigation measures to be included within the EIR.

Response 1-5

The non-native grassland areas on the project site and adjacent fallow agricultural fields provide potential habitat for western burrowing owl. The DFG recommended that multiple surveys be conducted for burrowing owl. The first nesting season survey for burrowing owl (*Athene cunicularia*) was conducted on

the project site on May 10, 2009. Since public release of the DEIR, an additional breeding season survey was conducted for burrowing owl in conjunction with bloom period surveys on March 9, 2010 in accordance with the Staff Report on Burrowing Owl Mitigation (DFG, 1995). Burrowing owl or their signs were not observed within the project site and adjacent areas during either survey. Mitigation Measure 4.3-5 of the DEIR has been revised to require that an additional breeding season survey for burrowing owl be conducted in June 2010 and that a letter report documenting survey methods and findings be submitted to the City of Vacaville (City) and the DFG within 30 days following the survey in accordance with Staff Report on Burrowing Owl Mitigation (DFG, 1995). In the event that burrowing owl nests are detected on the project site during the June 2010 survey, the City may conduct an additional survey during the non-breeding wintering season (September through January 31) and collapse unoccupied burrows or otherwise obstruct their entrances to prevent owls from entering and nesting. Please refer to the text revisions to Section 4.3, Mitigation Measure 4.3-5, in **Chapter 4.0** of this Response to Comments. Mitigation Measure 4.3-5 further requires that pre-construction surveys be conducted 30 days prior to construction, and that a second letter report documenting survey methods and findings be submitted to the City and the DFG within 30 days following the survey in accordance with Staff Report on Burrowing Owl Mitigation (DFG, 1995). These surveys would ensure that burrowing owls would be identified, if present, to avoid direct “take”.

In the event the occupied burrows are observed during the preconstruction survey that cannot be avoided during construction, the DEIR requires mitigation for foraging habitat for relocated pairs in accordance with the guidelines provided in *the California Burrowing Owl Survey Protocol and Mitigation Guidelines* (Mitigation Guidelines) (California Burrowing Owl Consortium, 1993). The Mitigation Guidelines recommend the following ratios for impacts to occupied burrows:

- Replacement of occupied habitat with occupied habitat: 1.5 times 6.5 (9.75) acres per pair or single bird.
- Replacement of occupied habitat with habitat contiguous to currently occupied habitat: 2 times 6.5 (13.0) acres per pair or single bird.
- Replacement of occupied habitat with suitable unoccupied habitat: 3 times 6.5 (19.5) acres per pair or single bird.

The offsite mitigation for loss of more than 6.5 acres of continuous foraging habitat would range from 9.75 to 19.5 acres per pair. Mitigation Measure 4.3-5 was revised from a ratio of 7.5 to 19.5 acres to a ratio of 9.75 to 19.5 acres in accordance with the Mitigation Guidelines. In the event that avoidance of active burrowing owl nests during construction is infeasible, measures to purchase offsite mitigation would reduce impacts to burrowing owl to less than significant. Please refer to text revisions to Section 4.3, Impact 4.3-5 and Mitigation Measure 4.3-5, of the DEIR in **Chapter 4.0** of this Response to Comments.

With regards to DFG’s request to approve any potential eviction plan for burrowing owl, Mitigation Measure 4.3-5 requires that if impacts to occupied burrows are unavoidable, onsite passive relocation techniques approved by the DFG shall be used to encourage burrowing owls to move to alternative burrows outside of the project site. Please refer to Section 4.3 of the DEIR.

Comment 1-6

The commenter states that to avoid adverse impacts to Swainson's hawk, project activities are prohibited within 0.25 to 0.5 miles of an active nest without consultation with DFG. The commenter recommends mitigation for loss of foraging habitat for Swainson's hawk. The commenter states that a CESA take permit must be obtained if the project has the potential to result in take of species of plants and animals protected under CESA. The commenter states that because CESA take permits are subject to CEQA documentation, the CEQA document must specify impacts, mitigation measures, and a mitigation and monitoring program.

Response 1-6

Section 4.3, Biological Resources, of the EIR has been revised to include mitigation for the conversion of 2.86 acres of agricultural land, which provides foraging habitat for Swainson's hawk (*Buteo swainsoni*). The mitigation measure identifies that the City will purchase mitigation credits at a CDFG approved mitigation bank for the conversion of the 2.86 acres. Please refer to text revisions to DEIR Section 4.3, Impact 4.3-7 and Mitigation Measure 4.3-7, in **Chapter 4.0** of this Response to Comments.

Section 4.3, Biological Resources, of the EIR has been further revised to include additional clarification of mitigation requirements should an active Swainson's Hawk nest occur within 0.25 miles of construction activities. Any construction activities within 0.25 miles of an active nest would require consultation with DFG to establish an appropriate noise buffer, and to establish a monitoring and reporting program. A biologist approved by the DFG shall monitor activities occurring within the established noise buffer to ensure that disruption of the nest or resulting in forced fledging does not occur. Should the biologist determine that the construction activities are disturbing the nest, then the biologist shall consult DFG and construction activities shall not commence until the DFG determines that the activities would not result in abandonment or a CESA take permit is obtained. Please refer to text revisions to DEIR Section 4.3, Impact 4.3-6 and Mitigation Measure 4.3-6, in **Chapter 4.0** of this Response to Comments.

Comment 1-7

The commenter states that the EIR should include a complete description of the plant species observed within the roadside drainage areas. The commenter states that DFG may require a Lake and Streambed Alteration Agreement for (LSAA) for any activity which may divert or obstruct the natural flow, or change the bed, channel, or bank of Old Alamo Creek and other waterbodies or use material from the streambed. The commenter states that the EIR should fully describe the direct and indirect impacts to waterbodies found in the within the project site and surrounding areas, and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of a LSAA.

Response 1-7

Old Alamo Creek is not located within the project site and would not be impacted by project construction or operation. A description of water features present within the project site, including a list of plant species observed within these features, is provided in Section 4.3.2 of the DEIR (page 4.3-5), as well as within the Wetland Delineation prepared for the project site (DEIR Appendix F). A complete list of all

plant species observed during biological surveys of the project site is provided within Appendix E of the DEIR. The wetland datasheets provided as Attachment 1 of the Wetland Delineation (DEIR Appendix F) identify plants within the vicinity of the ditches. The roadside ditches were primarily devoid of vegetation. Vegetation observed within the roadside ditches includes curly dock (*Rumex crispus*), mustard (*Brassica rapa*), prickly lettuce (*Lactuca serriola*), and Burmuda grass (*Cynodon dactylon*). The roadside ditches do not meet the hydric soil parameter to meet the criteria of a wetland. In addition, the roadside ditches are not within the project site but are located along adjacent roadways within the County right-of-way and will not be modified as part of the project.

As discussed within Section 4.3 of the DEIR, the three EWWTP treatment basins within the project site are engineered features that were dug wholly in uplands, receive artificial hydrology, and serve no connectivity for fish and wildlife species (page 4.3-6). The six roadside ditches that occur adjacent to the project were also excavated wholly in uplands, do not carry a relatively permanent flow of water, and do not have a significant nexus to downstream traditional navigable waters. These roadside ditches are maintained by Solano County, and would not be impacted by development of the Proposed Project. Thus, a Lake and Streambed Alteration Agreement from the DFG would not be required.

Western pond turtle (*Actinemys marmorata*) (WPT) is highly unlikely to occur within the manmade basins within the project site because of the steepness of the banks, the lack of surrounding upland habitat, and the timeframe in which water is ponded within the treatment basins. WPT prefers slopes less than 15 percent. The banks of the basins are comprised of approximately 33 percent slopes. The basins are surrounded by ruderal/developed areas including parking lots treatment structures, maintenance roads and the entrance and the exit of the EWWTP. Water is diverted to the basins for temporary storage during compliance testing and maintenance conditions at the EWWTP that can occur at unpredictable times and frequencies. The basins are often dry for consecutive days. WPT prefers permanent water sources. The DEIR provides precautionary mitigation measures that would avoid impacts to WPT even though it is unlikely that WPT would occur within the project site.

Comment 1-8

The commenter states that the DEIR does not provide an accurate description of the physical conditions within the project site and study area. The commenter recommends that survey results and specific mitigation measures be included within the document. The commenter states that mitigation measures or surveys to be conducted at a future time are not acceptable. The commenter states that mitigation should be developed in consultation with USFWS and DFG, and fully disclosed within the CEQA-document prior to certification,

Response 1-8

A complete and accurate description of the biological resources setting is provided in Section 4.3 of the DEIR. The results of biological surveys have been summarized, and specific mitigation measures have been recommended to reduce any potential impacts to special status species to less than significant. Mitigation requires that additional surveys for special status plant species be conducted within the bloom period for those species, and requires that preconstruction surveys be conducted for special status

species with the potential to be impacted by the Proposed Project. Further, specific mitigation measures and performance standards have been identified should special status species be observed and determined to be present within the project site. Please refer to Section 4.3 of the DEIR as well as text revisions to Section 4.3 included in **Chapter 4.0** of this Response to Comments.

Letter 2 – Lisa Lee, Environment Scientist, State Water Resources Control Board, March 1, 2010

Comment 2-1

The commenter provides an overview of the CEQA-plus process associated with the Clean Water State Revolving Fund (SRF) program administered by the State Water Resources Control Board (SWRCB). The commenter requests copies of any notices for future public meetings, and copies of the Final EIR and associated documentation. The commenter notes that comments submitted by the SWRCB on the Notice of Preparation for the EIR were responded to within the DEIR. The commenter states that the SWRCB has no further comments on the DEIR at this time.

Response 2-1

Comment noted. As stated in Section 1.0 of the DEIR, environmental documentation has been prepared to meet “CEQA-plus” requirements for the Clean Water State Revolving Funds Program administered by the State Water Resources Control Board (SWRCB), including federal laws pertaining to cultural resources. The City will continue to coordinate environment review with the SWRCB and will forward copies of the requested documentation when available.

Public Meeting, January 27, 2010

A public meeting was held to address questions and concerns regarding the Draft EIR for the Proposed Project at the City of Vacaville Easterly Wastewater Treatment Plant on January 27, 2010. A summary of comments and question raised at the public meeting is provided in Chapter 2.0. All individual comments raised at the meeting are responded to below.

Comment PM - 1

The commenter, an Elmira area rural resident to the south east of the facility, expressed concern about the existing lights being too high, too bright, and too many. She commented that they should be lower to the ground, less bright and noted that there was no screening between the sewer plant and the neighbors.

Response PM - 1

Modifications to lighting facilities at the EWWTP that would result from the Proposed Project are described in Chapter 3.0, Project Description, page 3-16 of the DEIR. As described therein, new lighting

will be shielded to reduce upward glow and spillage off site and will also be designed to allow manual switching in areas where occasional task lighting is needed. Potential impacts associated with lighting and glare are described in Section 4.1, Aesthetics, of the DEIR. Although not part of the proposed project, the DEIR (pg. 4.1-10) explains that the existing lighting at the EWWTP is undergoing evaluation and retrofit work to shield light sources, redirect fixtures, and modify switches to reduce the nighttime appearance of lighting in existing plant facility areas. Impacts resulting from the Proposed Project associated with lighting are discussed on page 4.1-10 of the DEIR, including potential impacts to nearby residences and travelers on adjacent roadways. As discussed within the DEIR, implementation of recommended Mitigation Measure 4.1-2 would require new lighting to include lower intensity light with fixtures directing light downward, thereby reducing impacts to a less than significant level. In addition, the Proposed Project would result in the development of a 70 foot wide landscape buffer along the frontages of the City property that would filter views of the EWWTP (including light sources) from the surrounding area.

Comment PM - 2

The commenter asked if the greenbelt people have been brought in, stating that the area is in a greenbelt and zoned for agriculture and not utilities.

Response PM - 2

As discussed in Chapter 3.0, pg 3-1, and Section 4.8 of the DEIR, the project is located within City owned and incorporated property that is designated as Public/Waste Disposal within the City's General Plan and is zoned for Commercial Facilities (CF). General Plan land use designations for the property have previously been subject to environmental and public review as part of the adoption process for the City's General Plan and associated CEQA documentation. The project site is within the City's Sphere of Influence as adopted by the Local Agency Formation Commission (LAFCO). There is no "Greenbelt" designation for the surrounding area. The County General Plan and Zoning designation for the surrounding land is rural residential and agriculture. The project's consistency with the General Plan and Zoning designations is discussed further within Section 4.8, Land Use, of the DEIR. The DEIR concluded that the Proposed Project is consistent with all applicable land use policies and regulations.

Comment PM – 3

The commenter expressed concern about runoff entering into Alamo Creek, and eventually discharging into the delta.

Response PM - 3

Refer to DEIR Chapter 3.0 - Project Description, Section 4.3 - Biology, and Section 4.7 - Hydrology and Water Quality, for a discussion of existing and proposed storm water collection facilities at the EWWTP and effluent discharge to old Alamo Creek. As discussed therein, all stormwater run-off at the EWWTP is contained within the plant boundaries. Compliance with the RWQCB permit requirements ensure that water quality standards are maintained for discharges into Alamo Creek and habitat is not impacted by

project discharge or surface runoff. The primary purpose of the Proposed Project is to improve the quality of treated effluent discharged to Alamo Creek, and ultimately the Delta, in order to comply with permit requirements adopted by the Central Valley Regional Water Quality Control Board (RWQCB) in April 2008. A copy of the RWQCB April 2008 Permit and detailed compliance requirements are provided in Appendix C of the DEIR.

Comment PM – 4

The commenter stated that the report refers to the word “significant” and questioned what perspective that is based on.

Response PM - 4

Refer to Chapter 1.0, page 1-5 of the DEIR for clarification of the terminology used in the DEIR, including the use of the word “significant” in the context of analysis of impacts. Section 21068 of the State of California Public Resources Code (CEQA Statute) states that a “Significant effect on the environment” means a substantial, or potentially substantial, adverse change in the environment”. Section 15382 of the CEQA Guidelines provides a similar definition. The analysis of impacts and environmental conclusions disclosed in the DEIR uses the CEQA statute and Guidelines definitions of the word.

Comment PM - 5

The commenter stated that she wants the lowest impact on her well water as this would affect her family’s health. She felt that contaminants from the EWWTP enter into drinking wells, and notification is critical for the surrounding neighbors so they have the opportunity to determine if wells should be tested. The commenter stated that the City should pay for the testing. The commenter stated that there have been spills at the plant and violations that caused emissions into the air, water and soil and that the neighbors were never informed of hazards that might affect their wells and their health. She requested information regarding the number of violations that had occurred in the last year and nature of the violations.

Response PM - 5

Refer to Section 4.7 of the DEIR for a discussion of hydrology and water quality, including groundwater. In accordance with National Pollutant Discharge Elimination System (NPDES) Permit No. CA0077691 issued by the Regional Water Quality Control Board (RWQCB) for operation of the EWWTP, ground water quality is monitored via seven monitoring wells at various locations on the City property. Figure 4.7-3 of the DEIR shows the locations of the seven monitoring wells. The results of the well monitoring follows required parameters and is reported quarterly to the RWQCB. Potential impacts to groundwater quality and levels are discussed under Impact 4.7-5 of the DEIR (page 4.7-18). Because the Proposed Project would result in concrete lining of the emergency storage ponds, which were identified as an area of concern in the City’s previous NPDES permit (Order No. R5-01-044), and because the Proposed Project will improve the quality of water discharged into Alamo Creek to a tertiary treatment level, the impacts to groundwater quality resulting from the project are concluded to be less than significant. Operation of the EWWTP will continue to be conducted in accordance with NPDES permit requirements

and monitoring and reporting on ground water will continue in compliance with the RWQCB requirements. Copies of RWQCB Permits and detailed compliance requirements are provided in Appendix C of the DEIR.

Since the City converted from gaseous to liquid chemical disinfection methods in 2002, the EWWTP has not had a sanitary sewer overflow (SSO) or chemical spill into the environment (e.g. water, soil, or air). In 2009, the City recorded two (2) short permit discharge violations that were reported to the RWQCB. One violation was a three minute pH limit violation. The City diverted this effluent into the emergency storage basin until the pH level in the treated effluent was brought back into compliance with the discharge permit. Effluent diverted into the emergency storage basin was drained back into the headworks and processed back through the treatment facilities. The second violation was a settleable solids concentration limit violation. The effluent was re-tested and the settleable solids concentration was determined to be within permit limits.

The City's wastewater treatment plant operators provide continuous monitoring of the wastewater treatment 24 hour per day, 7 days per week. The operators monitor the treatment process and the treated wastewater effluent to ensure compliance with the City's discharge permit.

Comment PM – 6

The commenter stated that studies regarding noise and lighting should be conducted in the evening to more closely represent the impacts they experience.

Response PM - 6

See **Response to PM – 1** above. The Aesthetics analysis (Chapter 4.1 of the DEIR) evaluated visual impacts from viewpoints at nearby residences as demonstrated on Figure 4.1-1 of the DEIR. Chapter 4.9 of the DEIR evaluates the potential for noise impacts from the Proposed Project. The DEIR provides detailed information regarding the industry standards for measurement of noise levels and the thresholds of impact based on the types of receptors. The DEIR noise analysis takes into account both daytime and nighttime noise levels and discloses potential construction and operational noise that could be produced by the Proposed Project.

Comment PM – 7

The commenter asked if construction traffic would come down Vaca Station Road.

Response PM - 7

Anticipated routes for construction traffic are described in Chapter 3.0, Project Description, of the DEIR (page 3-19). Chapter 4.10 of the DEIR discloses potential transportation impacts associated with the Proposed Project. Primary access to the EWWTP is via driveways that enter the site from Vaca Station Road. Traffic associated with the Proposed Project will utilize Vaca Station Road and be routed south to Fry Road; construction traffic will not be allowed to pass through the Town of Elmira to access Vaca

Station Road.

Comment PM – 8

The commenter expressed understanding that expansion of the EWWTP is necessary, but it needs to be less visible and cause less impact on area residents. The commenter stated that the plant is creeping loudly and brightly into their lives.

Response PM – 8

Please see **Response to PM – 1, 2, 3, and 5**. Based on the analysis under aesthetics and noise, the Draft EIR concludes that the Project will have a less than significant impact with mitigation and, in some cases, a long term beneficial result for these issues due to the installation of buffer landscape and the removal of the North Plant facilities.

Comment PM – 9

The commenter felt that previous comments have been ignored, adding a concern about odors over the last seven years.

Response PM – 9

Chapter 4.2 of the DEIR provides analysis of potential air quality impacts associated with the Proposed Project. The potential for the operation of the Proposed Project to generate objectionable odors is analyzed under Impact 4.2-4 of the DEIR (page 4.2-23). The Proposed Project includes a number of odor control measures that would improve existing odor conditions at the EWWTP, including removal of North Plant infrastructure that does not include odor control facilities. New facilities developed to replace the North Plant capacity will include odor capture and filtration systems. The overall effect of the Proposed Project would be a net decrease in the potential for odor emissions. Additionally, the concrete lining of the emergency storage basin, equalization basins and biosolid lagoons will improve the maintenance ability to remove odor causing residue.

All comments associated with the adequacy of the CEQA analysis for the Proposed Project will be responded to and made part of the administrative record for the project.

Comment PM – 10

The commenters asked for clarification of the proposed components of the landscape buffer and whether or not recycled water from the EWWTP would be used for landscape irrigation.

Response PM – 10

The Project Description, Chapter 3.0, of the DEIR (page 3-15) describes the perimeter landscape buffer that is proposed to be installed with the first construction phase of the project. The perimeter landscape would continue along the EWWTP's western boundary adjacent to Vaca Station Road, the southern

boundary adjacent to Fry Road, and the eastern boundary of the City's property along Lewis Road. Perimeter landscaping will also be provided along the northeastern boundary of the City's property, adjacent and south of the existing farm just north of the City's property and south of Alamo Creek. The 70-foot wide buffer area would be planted with a landscape screen of mixed evergreen plant types expected to achieve a variable screening height from 50 to 100 feet. There will be gaps in the landscape buffer as needed to accommodate driveways and utility lines. As with existing landscaped areas on the property, the proposed landscape buffer would be irrigated with recycled water from the EWWTP.

Comment PM – 11

The commenter asked for clarification regarding how storm drainage runoff at the plant is handled.

Response PM – 11

Storm water runoff from the EWWTP is routed to catch basins and the west pond, pumped back to the headworks of the plant for treatment and incorporated with treated waters that are discharged to Alamo Creek.

Comment PM – 12

The commenter asked if the EWWTP has a testing program for effluent, and whether there are records of how clean the water is when it is discharged into the creek.

Response PM – 12

As discussed in Section 4.7 of the DIER, the discharged effluent from the EWWTP must comply with the CVRWQCB permit requirements stipulated in Waste Discharge Order No. R5-2008-0055, NPDES Permit No. CA007769 and Time Schedule Order R5-2008-0056. These permits require detailed and regular sampling, recording and reporting of effluent quality to ensure that discharge into Alamo Creek meets all permit requirements. Copies of RWQCB Permits and detailed compliance requirements were provided in Appendix C of the DEIR.

Comment PM – 13

The commenter asked when the Proposed Project is planned to be complete.

Response PM – 13

The anticipated schedule for proposed improvements is discussed in Section 3.4.3 of the DEIR. Improvements necessary for de-nitrification must be completed by 2013. Improvements associated with the tertiary treatment filtration process must be completed by 2015.

Comment PM – 14

The commenter noted concerns about the driving habits related to the existing trucks that exit the site and asked if the project will install turn lanes at road intersections for trucks to utilize.

Response PM – 14

Impacts associated with traffic are discussed in Section 4.10 of the DEIR. Based on the analysis, trip generation associated with the operation of the project will not increase significantly and therefore improvements such as turn lanes have not been required to address operational safety or level of service at nearby intersections. City staff is required to comply with the vehicle code when operating City vehicles. The City cannot control the traffic violations that might result from the operation of private trucks once they are on public roadways away from the site.

Comment PM – 15

The commenter asked for clarification regarding the use liquid chloride at the EWWTP.

Response PM – 15

Liquid chlorine (sodium hypochlorite at 10 to 12 percent bleach concentration) is utilized at EWWTP to disinfect its treated wastewater effluent. After disinfection is achieved, the chlorinated effluent is de-chlorinated with sodium bisulfate prior to releasing into Old Alamo Creek. The storage and handling of hazardous materials is addressed in Section 4.6, Hazards and Hazardous Materials, of the DEIR.

Comment PM – 16

The commenter, Senior Facility Engineer for Alza, questioned if there has been consideration about salinity control or salt reduction as a component of the Proposed Project.

Response PM – 16

There is no salinity control or salt reduction feature as part of the Tertiary Treatment Project. The objective of the Proposed Project is to comply with the CVRWQCB permit requirements stipulated in Waste Discharge Order No. R5-2008-0055, NPDES Permit No. CA007769 and Time Schedule Order R5-2008-0056. Copies of RWQCB Permits and detailed compliance requirements are provided in Appendix C of the DEIR.

SECTION 4.0

TEXT REVISIONS TO THE DRAFT EIR

4.0 TEXT REVISIONS TO THE DRAFT EIR

4.1 INTRODUCTION

The following corrections/edits have been performed to the text of the Draft Environmental Impact Report (DEIR) since the public release in January of 2010. The corrections made by the EIR authors include: corrections that will improve the clarity of writing, grammatical errors, and consistency errors. Additional corrections or clarifications have been made based on requests by commenters, or an update to information based in the DEIR. Text that has been deleted from the EIR will be marked in this chapter as a ~~strikeout (deleted text)~~, while new text will be labeled with an underline (new text).

4.2 TEXT REVISIONS

The first paragraph of the discussion of “Habitat Types” in Section 4.3.2 on page 4.3-1 of the DEIR has been revised as follows:

This section includes biological data obtained during a biological survey and wetland delineation conducted by AES on May 10, 2009 and from a biological resources report for a portion of the project site prepared by ESA in January 2009. Plant communities were classified based on *Preliminary Descriptions of the Terrestrial Natural Communities of California* (Holland, 1986). The nomenclature described in the plant communities was based on the *Jepson Manual-Higher Plants of California* (Hickman, 1993). Terrestrial habitat types within the project site include: nonnative grassland, nonnative blackberry, agriculture, and ruderal/disturbed areas. Aquatic habitat types within the project site include: basins and roadside ditches. Dominant vegetation in each terrestrial habitat type and each aquatic habitat type is discussed below. A list of plant species observed within the project site is included in Appendix E. Photographs of representative habitat types are illustrated in Figure 4.3-1. Habitat types observed during the May 10, 2009 biological survey of the project site are summarized in Table 4.3-1, illustrated in Figure 4.3-2, and described in detail below. Surrounding habitats include both fallow and actively cultivated agricultural fields and ruderal areas.

The discussion of “Nonnative Grassland” in Section 4.3.2 on page 4.3-4 of the DEIR has been revised as follows:

Nonnative Grassland

Nonnative grassland occurs within portions of the project site (**Figure 4.3-1: Photograph 1**). The nonnative grassland is disked annually in the late spring to reduce fire hazards (Faaborg, 2009). Dominant vegetation observed in the nonnative grassland includes: winter vetch (*Vicia villosa*), purple wild radish (*Raphanus sativus*), plantain (*Plantago lanceolata*), alfalfa (*Medicago*

polymorpha), yellow star thistle (*Centaurea solstitialis*), field mustard (*Brassica rapa*), common groundsel (*Senecio vulgaris*), wild oat (*Avena fatua*), and ripgut grass (*Bromus diandrus*). Two ground squirrel burrows were observed within the nonnative annual grassland on the southwestern portion of the project site.

The discussion of “Special-Status Species” in Section 4.3.2 on page 4.3-6 of the DEIR has been revised as follows:

Special-Status Species

For the purposes of this EIR, special-status has been defined to include those species that meet the definitions of rare, threatened, or endangered plants or animals under the California Environmental Quality Act (CEQA) (CEQA Guidelines Section 15380) including species that are:

- Listed as endangered or threatened under the ESA (or formally proposed for, or candidates for, listing);
- Listed as endangered or threatened under the CESA (or proposed for listing);
- Designated as endangered or rare, pursuant to California Fish and Game Code (§1901);
- Designated as fully protected, pursuant to California Fish and Game Code (§3511, §4700, or §5050); or
- Designated as species of special concern to the California Department of Fish and Game (CDFG).

A list of regionally occurring special-status plants and wildlife was compiled based on: a review of pertinent literature; a USFWS list, updated January 29, 2009, of federally listed special-status species with the potential to occur on or be affected by projects on the Elmira U.S. Geological Survey (USGS) 7.5 minute topographic quadrangle (quad) (USFWS, 2009a); a CDFG California Natural Diversity Database (CNDDDB) query, dated May 30, 2009, of special-status species known to occur on the Elmira quad and the eight surrounding quads (CDFG, 2003); a CNDDDB map of known occurrences of special-status species documented within five miles of the project site (**Figure 4.3-3**); and a California Native Plant Society (CNPS) query, viewed August 17, 2009, of special-status species known to occur on the Elmira quad and the eight surrounding quads (CNPS, 2009). The USFWS list and the CNDDDB and CNPS queries are included within **Appendix G**.

AES conducted a biological survey of the project site on May 10, 2009, a botanical inventory within the project site on March 9, 2010, and a burrowing owl survey in the vicinity of the project site on March 9, 2010. The botanical inventory was conducted in accordance with the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFG Protocols) (CDFG, 2009). All species observed within the project site were

documented during the botanical inventory. The burrowing owl survey was conducted in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFG, 1995).

The potential for each of the regionally occurring special-status species to occur in the project site was subsequently evaluated based on the results of the ~~biological~~ field surveys, review of reported occurrences of special-status species within five miles of the project site (**Figure 4.3-3**), and review of biological documentation pertaining to the project site including the *Biological Resources Report for the Easterly WWTP Biosolids Drying Bed #2 Project* (ESA, 2009) and the *Draft Solano Multispecies Habitat Conservation Plan: Final Administrative Draft* (Draft Solano HCP; LSA, 2009). A discussion of the distribution and habitat requirements for each species and an evaluation of the potential for each species to occur in the project site are included in **Appendix H**. Species that have no potential to occur in the project site are not discussed further. In addition, potentially occurring plants having a documented blooming period at the time of the May 10, 2009 biological survey, but were not observed, are not discussed further.

The discussion of the Adobe Lily in Section 4.3.2 on page 4.3-9 of the DEIR has been revised as follows:

Adobe Lily (*Fritillaria pluriflora*)

Federal Status – None

State Status – None

Other – CNPS List 1B

Adobe lily is a bulbous perennial herb found in valley and foothill grassland, cismontane woodland, and chaparral communities from 60 to 705 meters. The blooming period is from February to April (CDFG, 2003). The known range includes Butte, Colusa, Glenn, Lake, Napa, Solano, Tehama, and Yolo counties (CNPS, 2009).

There is one CNDDDB record (CNDDDB occurrence number 26) within five miles of the project site. The record is from 1913 and is approximately 3.5 miles west of the project site (CDFG, 2003). The record states that field work is needed in order to verify that the previously documented occurrence exists. Although the nonnative grassland is disked annually, it still provides habitat for this species. This species was not observed during the May 10, 2009 biological survey. The biological survey was conducted outside of its evident and identifiable blooming period for this species. This species was not observed during the March 9, 2010 botanical inventory. The botanical inventory was conducted within the evident and identifiable blooming period for this species. Adobe lily ~~has the potential to~~ does not occur within the project site.

The discussion of the Giant Garter Snake in Section 4.3.2 on page 4.3-12 of the DEIR has been revised as follows:

Giant Garter Snake (*Thamnophis gigas*; GGS)

Federal Status – Threatened

State Status – Threatened

Habitat requirements for giant garter snake (GGS) consist of (1) adequate water during the snake's active season (early-spring through mid-fall) to provide food and cover; (2) emergent, herbaceous wetland vegetation, such as cattails and bulrushes, for escape cover and foraging habitat during the active season; (3) grassy banks and openings in waterside vegetation for basking; and (4) higher elevation uplands for cover and refuge from flood waters during the snake's dormant season in the winter (CaliforniaHerps.com, 2009). This species is highly aquatic and is active during the day and at night in hot weather.

GGS inhabit small mammal burrows and other soil crevices above prevailing flood elevations throughout the winter dormancy period. GGS typically select burrows with sunny exposure along south and west facing slopes. The breeding season extends through March and April, and females give birth to live young from late July through early September.

The project site does not occur within any areas currently identified as having high value habitat for the GGS under the Draft Solano HCP. The project site does not occur within the Mid-Valley recovery unit for GGS (LSA, 2007). There are no CNDDDB records for this species within five miles of the project site (CDFG, 2003). Only three known occurrences are known in Solano County. The three records are confined to the eastern portion of Solano County (LSA, 2007) (Figure 4.3-4). The project site occurs outside of the known geographical range for GGS. The agricultural land does not provide potential upland habitat for this species because GGS does not inhabit crops that are not flood irrigated. It is unlikely that GGS utilize the EWWTP basins as aquatic habitats because ponded water is not consistently present. ~~However,~~ the irrigation canal and Alamo Creek north of the northern boundary of the project site provide potential aquatic habitat for this species; ~~however, these features are outside of the known range for GGS and are separated from the project site by paved areas. Although the project site provides marginal aquatic habitat within the EWWTP's basins, the project site is geographically isolated from the three known GGS populations (Figure 4.3-4) through habitat fragmentation. No GGS were observed during the May 10, 2009 biological survey. This species is unlikely to have the potential to utilize aquatic habitat within the agricultural area EWWTP's basins within the project site as upland habitat because the project site is geographically isolated from GGS's existing range.~~

The discussion of the Burrowing Owl in Section 4.3.2 on page 4.3-15 of the DEIR has been revised as follows:

Burrowing Owl (*Athene cunicularia*)

Federal Status – None

State Status – Species of Concern

Burrowing owls occur in suitable habitat throughout California, except in northwestern coastal forests and on high mountains. Suitable habitat consists of open grasslands, especially prairie, plains, savanna, and in open areas including vacant lots and spoils piles near human habitat. Nesting and roosting occurs in burrows dug by mammals (such as ground squirrels), but may also occur in pipes, culverts, and nest boxes. Occupied nests can be identified by the lining of feathers, pellets, debris, and grass. Burrowing owls search for prey on the ground or on low perches such as fence posts or dirt mounds. Burrowing owls are diurnal, crepuscular, and nocturnal, depending on time of year. Burrowing owls nest from March to August (CDFG, 2005).

The project site is within an area identified in the Draft Solano HCP as an Irrigated Agriculture Conservation Area for burrowing owl. The nearest CNDDDB record is from 2005 (occurrence number: 962) and is approximately 0.8 miles north of the project site (**Figure 4.3-3**). A burrowing owl was observed feeding nearby a burrow at the top of a drainage ditch adjacent to a fallow field. The project site provides potential habitat for burrowing owls within the nonnative grassland. Two ground squirrel burrows were observed within the nonnative annual grassland on the southwestern portion of the project site. No burrowing owls or their sign were observed during the May 10, 2009 or March 9, 2010 biological surveys of the project site. Burrowing owls have the potential to occur within the project site.

Impact 4.3-1 in Section 4.3.4 on page 4.3-25 of the DEIR has been revised as follows:

Impact

4.3-1 Grading and construction activities associated with the Proposed Project, including the installation of the landscape buffer, would result in removal of nonnative grassland, which provides potential habitat for hispid bird's-beak, ~~adobe lily,~~ and robust monardella.

Hispid bird's-beak, ~~adobe lily,~~ and robust monardella were not observed during biological survey or botanical inventory of the project site; however, the surveys ~~were~~ was conducted outside their blooming periods. Although unlikely, these species have the potential to occur within the nonnative grassland even though it is disked annually. Development of the Proposed Project would result in the conversion of 10.73 acres of nonnative grassland, which provides marginal habitat for these species. Loss of any potential habitat for hispid bird's-beak, ~~adobe lily,~~ and robust monardella would be considered a significant impact. Implementation of the following mitigation measures

would reduce potential impacts (i.e., loss of potential habitat) to special-status plant species to a less-than-significant level. If special-status plant species are observed within the project site during the floristic surveys yet to be conducted, implementation of the additional recommended mitigation measures would reduce any potential impacts to special-status plant species to a less-than-significant level. **Less than Significant with Mitigation.**

Mitigation Measure 4.3-1a. Focused botanical surveys shall be conducted during the blooming periods for hispid bird's-beak (June through September), ~~adobe lily (February through April), and~~ robust monardella (June through July) prior to commencement of construction activities within the nonnative grassland. A letter report shall be submitted to the City within 30 days following the preconstruction survey to document the results. Should no species be observed, then no additional mitigation is required.

Mitigation Measure 4.3-1b. Should hispid bird's-beak, ~~adobe lily,~~ and/or robust monardella be observed during the focused botanical survey, the biologist shall contact the City within one day following the preconstruction survey to report the findings. A ~~50~~^{ten}-foot buffer shall be established around the species using construction flagging prior to commencement of construction activities.

Mitigation Measure 4.3-1c. Should avoidance of the special-status plant be infeasible, then the CDFG shall be notified at least ten days prior to commencement of ground-breaking activities to provide the CDFG the opportunity to transplant the species from the project site. An additional letter report shall be submitted to the City within 30 days to document the results.

Mitigation Measure 4.3-1d. Should the CDFG not intend to transplant the species offsite within ten days prior to commencement of ground-breaking activities, the City shall salvage and relocate plants within the same type of habitat onsite and develop a mitigation and monitoring plan. The City shall monitor the species for five years and submit an annual monitoring report to the CDFG.

Mitigation Measure 4.3-4b in Section 4.3.4 on page 4.3-27 of the DEIR has been revised as follows:

Mitigation Measure 4.3-4b. Twenty-four hours prior to construction activities within Basins 2 and 3, the project site will be surveyed for GGS. Survey of the project site will be repeated if a lapse in construction activity of two weeks or greater has occurred. If a snake is encountered during construction, activities shall cease until GGS leaves the construction site on its own. Any sightings and any incidental take will be immediately reported to the USFWS and the CDFG.

Impact 4.3-5 in Section 4.3.4 on page 4.3-27 of the DEIR has been revised as follows:

Impact

4.3-5 Grading and construction activities associated with the Proposed Project would result in the removal of potential nesting habitat for burrowing owls.

Burrowing owls or their nests were not observed within the project site during May 10, 2009 ~~and March 9, 2010 biological surveys~~ of the project site. Although unlikely, burrowing owls have the potential to nest or winter within the nonnative grassland even though it is disked annually. Potential disruption of burrowing owls from construction activities could result in the abandonment or loss of active nests through burrow destruction. This is considered a potentially significant impact. In the event that the Draft Solano HCP is adopted prior to the approval of the Proposed Project, the City shall comply with the mitigation measures identified therein, as required under Mitigation Option 1 below. If the Draft HCP has not been adopted prior to project approval, the City may choose to comply with the mitigation measures identified under Option 2, in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG, 1995). The mitigation measures identified under Option 2 would reduce the potential impacts to burrowing owls through the avoidance of any active burrowing owl nests, the safe exclusion of burrowing owls from any burrows to be destroyed prior to construction of the Proposed Project, and the passive relocation of nesting birds and purchase of additional burrowing owl habitat should occupied burrows be discovered on the project site. After implementation of mitigation identified under Option 1 or Option 2 below, impacts would be considered less than significant. **Less than Significant with Mitigation.**

Mitigation Option 1 – Draft Solano HCP IS Adopted Prior to Project Approval

Mitigation Measure 4.3-5a. The City shall submit a pre-application package to the SCWA to determine conservation measure requirements for burrowing owl in accordance with Section 10 of the Draft Solano HCP. The preapplication package includes, but is not limited to, the preparation of a biological resources assessment that documents biological communities, dates and results of surveys conducted, known occurrences of all species covered within the Draft Solano HCP within one mile of the project site, burrowing owl habitat covered by the Draft Solano HCP that occurs within the project, and a justification of impacts. The SCWA will determine the appropriate avoidance, minimization, and compensation measures for the Proposed Project.

Mitigation Option 2 - Draft Solano HCP Not Adopted Prior to Project Approval

Mitigation Measure 4.3-5b. June 2010 Survey for Nesting Burrowing Owls.
A qualified biologist shall conduct an additional nesting season survey for

burrowing owl in the vicinity of the project site. (This survey may be conducted in conjunction with bloom period surveys for special status plant species in June 2010.) In accordance with the CDFG burrowing owl survey protocol, the survey area will extend 500-feet from construction areas (CDFG, 1995) where legally permitted. The biologist will use binoculars to visually determine whether burrowing owls occur beyond the construction areas if access is denied on adjacent properties. A letter report documenting survey methods and findings shall be submitted to the City and the CDFG in accordance with Staff Report on Burrowing Owl Mitigation (CDFG, 1995) within 30 days following the survey. In the event that burrowing owl nests are detected on the project site during the June 2010 survey, the City may conduct an additional survey during the non-breeding wintering season (September through January 31) and collapse unoccupied burrows or otherwise obstruct their entrances to prevent owls from entering and nesting.

Mitigation Measure 4.3-5c. Preconstruction Measures

1. A qualified biologist shall conduct a preconstruction survey within 30 days prior to construction activities occurring within potential ~~nesting or wintering~~ habitat for burrowing owl, including the nonnative grassland areas that occur within the project site. In accordance with the CDFG burrowing owl survey protocol, the survey area will extend 500-feet from construction areas (CDFG, 1995) where legally permitted. The biologist will use binoculars to visually determine whether burrowing owls occur beyond the construction areas if access is denied on adjacent properties. If no burrowing owls or their sign are detected in the vicinity of the project site during the preconstruction survey, a letter report documenting survey methods and findings shall be submitted to the City and the CDFG in accordance with Staff Report on Burrowing Owl Mitigation (CDFG, 1995) within 30 days following the survey, and no further mitigation is required.

~~Mitigation Measure 4.3-5c. If unoccupied burrows are detected during the non-breeding season (September through January 31), the City shall be contacted within one day following the preconstruction survey to report the findings. The City shall collapse the unoccupied burrows, or otherwise obstruct their entrances to prevent owls from entering and nesting in the burrows.~~

~~Mitigation Measure 4.3-5ed.~~

2. If occupied burrowing owl burrows are detected during the pre-construction survey, impacts on burrows shall be avoided by providing a buffer of 160 feet during the non-breeding season (September 1 through January 31) or 250 feet during the breeding season (February 1 through August 31). The size of the buffer area may be adjusted if a qualified biologist or the CDFG determine the burrowing owl would not likely be affected by the Proposed

Project. Project activities shall not commence within the buffer area until a qualified biologist confirms that the burrow is no longer occupied. If the burrow is occupied by a nesting pair, a minimum of 7.5 acres of foraging habitat contiguous to the burrow shall be maintained until the breeding season is finished.

~~Mitigation Measure 4.3-5ef.~~

3. If impacts to occupied burrows are unavoidable, onsite passive relocation techniques approved by the CDFG shall be used to encourage burrowing owls to move to alternative burrows outside of the project site. No occupied burrows shall be disturbed during the nesting season unless a qualified biologist verifies through non-invasive methods that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Mitigation for foraging habitat for relocated burrowing owl pairs shall follow the guidelines provided in the California Burrowing Owl Survey Protocol and Mitigation Guidelines (California Burrowing Owl Consortium, 1993); ~~The mitigation for foraging habitat for relocated pairs range from 7.5 to 19.5 acres per pair.~~

- Replacement of occupied habitat with occupied habitat: 1.5 times 6.5 (9.75) acres per pair or single bird.
- Replacement of occupied habitat with habitat contiguous to currently occupied habitat: 2 times 6.5 (13.0) acres per pair or single bird.
- Replacement of occupied habitat with suitable unoccupied habitat: 3 times 6.5 (19.5) acres per pair or single bird.

Mitigation Measure 4.3-6 in Section 4.3.4 on page 4.3-30 of the DEIR has been revised as follows:

Mitigation Measure 4.3-6a. Prior to any construction activities that occur between March 1 and September 15, a qualified biologist shall conduct surveys for nesting Swainson's hawk in the project site and within 0.25 miles of construction activities where legally permitted. The biologist will use binoculars visually determine whether Swainson's hawk nests occur beyond the 0.25-mile survey area if access is denied on adjacent properties. If no active Swainson's hawk nests are identified on or within 0.25 miles of construction activities, a letter report summarizing the survey results shall be submitted to the City within 30 days following the survey, and no further mitigation for nesting habitat is required.

Mitigation Measure 4.3-6b. If active Swainson's hawk nests are found within 0.25 miles of construction activities, the biologist shall contact the City within one day following the preconstruction survey to report the findings.

~~A qualified biologist shall monitor all activities that occur within the buffer zone established through consultation with the CDFG. Construction activities include~~

heavy equipment operation associated with construction, use of cranes or draglines, new rock crushing activities) or other project-related activities that could cause nest abandonment or forced fledging within 0.25 miles of a nest site between March 1 and September 15, ~~or until August 15 if a Management Authorization or Biological Opinion is obtained from the CDFG for the project.~~ Should an active nest be present within 0.25 miles of construction areas, then the CDFG shall be consulted to establish an appropriate noise buffer, develop take avoidance measures, and implement a monitoring and reporting program prior to any construction activities occurring within 0.25 miles of the nest. The monitoring program would require that a qualified biologist shall monitor all activities that occur within the established buffer zone to ensure that disruption of the nest or forced fledging does not occur. Should the biologist determine that the construction activities are disturbing the nest, then the biologist shall halt construction activities until the CDFG is consulted. The construction activities shall not commence until the CDFG determines that construction activities would not result in abandonment of the nest site. If the CDFG determines that take may occur, the applicant would be required to obtain a CESA take permit. Should the biologist determine that the nest has not been disturbed during construction activities within the buffer zone, then a letter report summarizing the survey results shall be submitted to the City and CDFG and no further mitigation for nesting habitat is required.

Mitigation Measure 4.3-6c. If the biologist determines that the nest site is abandoned and the nestlings are still alive, the City shall fund the recovery of hacking of the nestlings. A letter report summarizing the survey results shall be submitted to the City and the CDFG within 30 days to report the findings.

Impact 4.3-7 in Section 4.3.4 on page 4.3-30 of the DEIR has been revised as follows:

Impact

4.3-2 Construction activities for the Proposed Project would result in the potential removal of Swainson's hawk foraging habitat.

The CDFG considers five or more vacant acres within ten miles of an active nest to be significant foraging habitat for Swainson's hawk, the conversion of which to urban uses is considered a significant impact. The project site occurs within one mile of active Swainson's hawk nests documented within the last five years (**Figure 4-3.5**). The project would convert approximately 10.65 acres of non-native grassland; however due to the small acreage of land converted, the linear nature of the land to be converted, and the highly disturbed quality of the habitat due to its proximity to existing roadways and urban areas, conversion of this land is not considered a potentially significant impact to Swainson's hawk foraging habitat. The project would directly convert up to 2.86 acres of agricultural land that is considered to provide suitable foraging habitat for Swainson's

hawk. The measures identified under **Mitigation Measure 4.3-7b** comply with the *State Fish and Game Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California* (CDFG, 1994) as they relate to the Proposed Project. Implementation of **Mitigation Measure 4.3-7b** would reduce the loss of foraging habitat within the agricultural land to less than significant. However, due to the small size of this area (less than 5 acres), CDFG would not consider this a potentially significant impact that would require mitigation. Additionally, although not proposed as mitigation, the proposed landscape buffer around the perimeter of the site would result in the addition of trees, creating suitable nesting ~~habitat opportunities~~ for Swainson's hawk in proximity to higher quality foraging areas in nearby agricultural fields. Implementation of **Mitigation Measure 4.3-7a** would require that the City comply with the conservation requirements of the Solano County HCP, should that document be adopted prior to project implementation. This potential impact is considered less than significant with mitigation.

Less than Significant with Mitigation.

Mitigation Option 1 – Draft Solano HCP IS Adopted Prior to Project Approval

Mitigation Measure 4.3-7a. In the event the Draft Solano HCP is adopted prior to approval of the Proposed Project, the City shall comply with the conservation measures identified therein. This will require that City shall submit a pre-application package to the SCWA to determine conservation measure requirements for Swainson's hawk in accordance with Section 10 of the Draft Solano HCP. The pre-application package would include, but is not limited to, the preparation of a biological resources assessment that documents biological communities, dates and results of surveys conducted, known occurrences of all species covered within the Draft Solano HCP within one mile of the project site, Swainson's hawk habitat covered by the Draft Solano HCP that occurs within the project, and a justification of impacts. The SCWA will determine the appropriate avoidance, minimization, and compensation measures for the Proposed Project.

Mitigation Option 2 – Draft Solano HCP is NOT Adopted Prior to Project Approval

Mitigation Measure 4.3-7b. The City shall purchase credits to off-set the loss of 2.86 acres of agricultural land considered suitable Swainson's Hawk foraging habitat at a one-to-one ratio at an approved CDFG mitigation bank.

SECTION 5.0

MITIGATION MONITORING AND REPORTING PLAN

5.0 MITIGATION MONITORING AND REPORTING PLAN

5.1 INTRODUCTION

The California Environmental Quality Act (CEQA) requires that a Lead Agency establish a program to report on and monitor measures adopted as part of the environmental review process to mitigate or avoid significant effects on the environment. This Mitigation Monitoring and Reporting Plan (MMRP) is designed to ensure that the mitigation measures identified in the Environmental Impact Report (EIR) for the Easterly Wastewater Treatment Plant Tertiary Project (Proposed Project) are fully implemented. The MMRP, as presented **Table 5-1**, describes the timing/frequency of mitigation implementation responsibilities and standards, and verification of compliance for the mitigation measures identified in the Proposed Project EIR.

Table 5-1 presents all recommended mitigation measures and is organized in the same order as the contents of the EIR, by topic. A number of entities have been assigned monitoring responsibilities under this MMRP. All monitoring actions, once completed, would be reported (in writing) to the City of Vacaville Community Development Department (CDD), which would maintain mitigation monitoring records for the Proposed Project. The MMRP will be considered by the Planning Commission, City Council, and/or staff in conjunction with review and approval of the project and each subsequent approval related to future project phases, and will be adopted as a condition of project approval for each action and future action.

The components of this table are addressed below.

Mitigation Measure: The mitigation measures are taken verbatim from the Draft EIR or, when a revision has been made, from the Final EIR. Mitigation measures are assigned the same number they have in the EIR.

Timing/Frequency of Action: Identifies the timing for the implementation of each action.

Responsibility for Implementation: Identifies the authority responsible for implementing the mitigation measures.

Responsibility for Monitoring: Identifies the authority responsible for monitoring implementation of the mitigation measure.

Standards for Compliance: Identifies the action that must be completed in order for the mitigation measure to be considered implemented.

Verification of Compliance: Identifies verification of compliance with each identified mitigation measure.

TABLE 5-1. Mitigation Monitoring and Reporting Plan

	Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
4.1 AESTHETICS						
4.1-2	Design plans that configure exterior EWWTP light fixtures to emphasize lower intensity light. Lighting shall be directed downward in order to minimize glare on adjacent uses and minimize impacts to night sky views.	Prior to the approval of each use permit for each phase of project development.	PWD	PWD	Project design review.	
4.3 BIOLOGICAL RESOURCES						
4.3-1						
(a)	Focused botanical surveys shall be conducted during the blooming periods for hispid bird's-beak (June through September) and robust monardella (June through July) prior to commencement of construction activities within the nonnative grassland. A letter report shall be submitted to the City within 30 days following the preconstruction survey to document the results. Should no species be observed, then no additional mitigation is required.	Surveys shall occur during the blooming periods for hispid bird's-beak and robust monardella prior to construction. The letter report shall be submitted within 30 days following the survey.	PWD	PWD	Verify submittal of letter report following the preconstruction survey.	
(b)	Should hispid bird's-beak and/or robust monardella be observed during the focused botanical survey, the biologist shall contact the City within one day following the preconstruction survey to report the findings. A 50-foot buffer shall be established around the species using construction flagging prior to commencement of construction activities.	Notification shall occur one day following the preconstruction survey. Buffer shall be maintained throughout construction.	PWD	PWD	Verify implementation and maintenance of buffer.	
(c)	Should avoidance of the special-status plant be infeasible, then the CDFG shall be notified at least ten days prior to commencement of ground-breaking activities to provide the CDFG the opportunity to transplant the species from the project site. An additional letter report shall be submitted to the City within 30 days to document the results.	CDFG shall be notified at least ten days prior to commencement of ground-breaking activities. The letter report shall be submitted to the City within 30 days of notifying CDFG.	PWD/CDFG	PWD/CDFG	Verify appropriate mitigation has been documented in letter report.	
(d)	Should the CDFG not intend to transplant the species offsite within ten days prior to commencement of ground-breaking activities, the City shall salvage and relocate plants within the same type of habitat onsite and develop a mitigation and monitoring plan. The City shall monitor the species for five years and submit and annual monitoring report to the CDFG.	Plants shall be salvaged prior to ground-breaking activities. Monitoring shall occur for five years after construction is complete.	PWD	PWD/CDFG	Verify transplantation of individuals. Prepare and implement a monitoring plan for 5 years.	

CDD = Community Development Department

CDFG = California Department of Fish and Game

PWD = Public Works Department

USFWS = U.S. Fish and Wildlife Service

	Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
	<p>reporting of the find. The Treatment Plan shall be submitted to the City for review and approval prior to resuming construction.</p> <ul style="list-style-type: none"> All significant cultural or paleontological materials recovered shall be subject to scientific analysis, professional curation, and a report prepared by the professional archaeologist, or paleontologist, according to current professional standards. 					
(b)	If human remains are encountered during construction activities, work shall halt immediately in the vicinity and the Solano County Coroner should be notified in accordance with California Health and Safety Code Section 7050.5. If human remains are of Native American origin, the Coroner must, in accordance with PRC Section 5097, notify NAHC within 24 hours of this identification.	During project construction.	PWD	PWD	In the event of discovery of human remains, verify County Coroner is contacted and NAHC is notified if remains are of Native American origin.	
4.4-2	Implement Mitigation Measures 4.4-1a and 4.4-1b .	See Mitigation Measure 4.4-1 .				
4.5 GEOLOGY AND SOILS						
4.5-1	Implement Mitigation Measure 4.7-1a (Hydrology and Water Quality) to identify and implement erosion control BMPs within the SWPPP prepared for construction activities. Implementation of these BMPs would ensure that temporary and short-term construction-related erosion impacts under the Proposed Project would be reduced to a less-than-significant level.	See Mitigation Measure 4.7-1a .				
4.5-3	Prior to final design and construction, the City shall conduct a soil/geotechnical engineering study in the previously unconstructed portion of the project site to determine the extent of high shrink-swell soils. Recommendations from this study shall be incorporated into the final design and construction methods for the project according to accepted engineering practices.	Prior to final design and construction.	PWD	PWD	Verify that site-specific soil/geotechnical engineering studies have been prepared and implemented.	
4.5-4	Implement Mitigation Measures 4.5-1 and 4.5-3 .	See Mitigation Measures 4.7-1a and 4.5-3 .				
4.6 HAZARDS AND HAZARDOUS MATERIALS						
4.6-1	The City of Vacaville shall ensure through the enforcement of contractual obligations that all contractors	Prior to entering into construction contracts.	PWD	PWD	Verify stipulations in construction contracts.	

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CDFG = California Department of Fish and Game

PWD = Public Works Department

USFWS = U.S. Fish and Wildlife Service

Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
transport, store, and handle construction-required hazardous materials in a manner consistent with relevant regulations and guidelines, including those recommended and enforced by the City of Vacaville Fire Department and the Solano County Fire Protection District. Recommendations may include, but are not limited to, transporting and storing materials in appropriate and approved containers, maintaining required clearances, and handling materials using approved protocols.	Implement procedures during construction.				Site inspection to verify compliance with mitigation measure during construction.
4.6-2					
(a) During construction, staging areas, welding areas, or areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other materials that could serve as fire fuel. To the extent feasible, the contractor shall keep these areas clear of combustible materials in order to maintain a fire break.	During construction.	PWD	PWD		Site inspection to verify compliance with mitigation measure during construction.
(b) Any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order. This includes, but is not limited to, vehicles, heavy equipment, and chainsaws.					
4.6-6 Implement Mitigation Measures 4.6-1 and 4.6-2 .	See Mitigation Measures 4.6-1 and 4.6-2 .				

4.7 WATER

4.7-1					
(a) The City shall comply with the SWRCB NPDES General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (General Permit). The SWRCB requires that all construction sites have adequate control measures to reduce the discharge of sediment and other pollutants to streams to ensure compliance with Section 303 of the Clean Water Act. To comply with the NPDES permit, the applicant will file a Notice of Intent with the SWRCB and prepare a SWPPP prior to construction, which includes a detailed, site-specific listing of the potential sources of stormwater pollution; pollution prevention measures (erosion and sediment control measures and measures to control non-stormwater discharges and hazardous spills) to include a description of the type and location of erosion and sediment control	Prior to and during Construction	PWD	PWD		Submit NOI to SWRCB. Verify that a SWPPP has been prepared and implemented.

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