

FINAL  
ENVIRONMENTAL IMPACT REPORT

for the

MOSSDALE LANDING  
URBAN DESIGN CONCEPT

SCH# 2001052059



Prepared for the City of Lathrop



January, 2003

FINAL  
ENVIRONMENTAL IMPACT REPORT

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MOSSDALE LANDING  
URBAN DESIGN CONCEPT

SCH# 2001052059

lead agency:

City of Lathrop  
16775 Howland Road - Suite One  
Lathrop, California 95330

contacts:

Bruce Coleman  
Community Development Director  
(209) 858-2860, ext. 258

Deanna Walsh  
Principal Planner  
(209) 858-2860, ext. 269

environmental consultant:

EDAW, Inc.  
2022 J Street  
Sacramento, California 95814



January 15, 2003

**TABLE OF CONTENTS**

<u>Section</u>	<u>Page</u>
<b>I. INTRODUCTION</b> .....	1
A. Overview .....	1
B. Summary Description of the Proposed Project .....	1
C. Project Alternatives .....	3
<b>II. COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR</b> .....	4
A. List of Commenters .....	4
B. Written and Oral Comments and Responses on the DEIR .....	10
<b>III. REVISIONS TO THE DEIR</b> .....	259
<b>IV. REFERENCES</b> .....	265
<b>V. ATTACHMENTS</b>	
A. Revised Appendix C of the DEIR (Revised Surface Water Quality Report)	
B. Lathrop-Manteca Fire District and Califia Interim Fire Station Agreement (May 15, 2002 letter from the Lathrop-Manteca Fire District)	
C. Exhibit A - Existing and Cumulative Condition Traffic Volumes at Mossdale Road/Northbound I-5 and Manthey Road/Southbound I-5 Ramp Intersections	
<b>TABLES</b>	
II-A Comments Received on the DEIR .....	4

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## I. INTRODUCTION

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## **I. INTRODUCTION**

### **A. Overview**

On August 30, 2002, the City of Lathrop (City) distributed to public agencies and the general public a Draft Environmental Impact Report (DEIR) under the California Environmental Quality Act (CEQA) for the Mossdale Landing Urban Design Concept (UDC). The Mossdale Landing UDC (proposed project) represents the first development project under the West Lathrop Specific Plan (WLSP). The WLSP was approved by the City in 1996 and governs City development generally west of the I-5 freeway. City of Lathrop Community Development Department staff have determined that the proposed project is consistent with the WLSP.

In accordance with §15105 of the State CEQA Guidelines, a 45 day public review period was provided on the DEIR (August 30 through October 15, 2002). A total of 24 comment letters was received on the DEIR during the public comment period. In addition, a public hearing was held by the City of Lathrop Planning Commission on September 24, 2002, during which time the planning commissioners and the public provided oral comments on the DEIR.

This document responds to the written and oral comments received on the DEIR and has been prepared in accordance with §15089 of the CEQA Statute and §15132 of the State CEQA Guidelines. This document includes: (1) a summary of the proposed project and alternatives; (2) public comments received on the DEIR; (3) written responses to the comments; and (4) revisions to the DEIR in response to the comments. This document, along with the DEIR, together represent the FEIR. The DEIR is hereby incorporated into this document by reference.

### **B. Summary Description of the Proposed Project**

The DEIR evaluated the proposed project as summarized below and as described in its entirety in Chapter 3 of the DEIR.

The project would be developed as a mixed use residential community consisting of 16 neighborhoods. It would include 1,690 residential units, 653,399 square feet of commercial uses, 39 acres of parks, two elementary schools, an interim fire station on a 0.4 acre site, 13.8 acres of levee/open space, and 52.2 acres of major streets. The residential uses would include 1,238 low-density residential units, 330 medium-density residential units, 122 apartments. The commercial uses would include 175,111 square feet of Village Commercial (“Main Street”, retail sales, service retail, restaurant, entertainment, office, etc.) and 478,288 square feet of Service Commercial (service commercial, service retail regional-oriented retail, etc.).

A fully improved roadway system would be developed to provide access to the project, including arterials, collectors, a commercial “Main Street, residential streets, sidewalks, and bikeways. Walls and fences would be developed at strategic points within the project to separate project neighborhoods from arterial streets, to separate the project from adjacent agricultural uses, and to provide sound attenuation, security, and privacy. Drainage would be accommodated by the development of an on-site storm drain system which would collect, retain, and pump runoff during peak storm events to the San Joaquin River (SJR). Best Management Practices (BMPs) would be incorporated into the drainage system to reduce urban contaminants in the runoff before being discharged to the SJR. Water and wastewater treatment service would be provided through the development of water and sewer pipelines from the project site to the City’s municipal water and sewer systems. Wastewater disposal service would be provided through on-site land disposal of tertiary-

treated wastewater for the majority of the project (i.e., “interim development”), and off-site land or river disposal for the incremental increase in wastewater generated by the balance of the project (i.e., “buildout”).

The project would be developed in several phases over an eight year period (2003 through 2010).

Possible approvals, entitlements, and permits required for the proposed project from the City include:

- Urban Design Concept (UDC)
- Vesting Tentative Tract Map
- Development Agreement
- Final Map
- Neighborhood Design Review
- Building Permits
- Gold Rush Boulevard Precise Plan Line (PPL)

Possible approvals, entitlements, and permits required for the proposed project from responsible and trustee agencies include:

- Williamson Act Cancellation (from San Joaquin County)
- Reclamation Board Permit (to construct on levee)
- Potential Federal Endangered Species Act consultation and incidental take permit (not anticipated as required at this time) from the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS)
- Potential State Endangered Species Act take permit (not anticipated as required at this time) from California Department of Fish & Game (CDFG)
- Section 404 of Clean Water Act - discharge or fill of Waters of the U.S. from the U.S. Army Corps of Engineers (USACE)
- Nationwide Permit 33 for any dewatering from USACE
- Nationwide Permit 25 for any structural discharge from USACE
- Encroachment Permit for construction that could affect a state highway from the California Department of Transportation (Caltrans)
- Section 401 of the Clean Water Act - certification of 404 permits from the Regional Water Quality Control Board (RWQCB)
- Potential reconsideration of Annexation of WLSP area to City of Lathrop from the San Joaquin Local Agency Formation Commission (LAFCO)

## **C. Project Alternatives**

The DEIR evaluated three alternatives to the proposed project as listed below and as described in their entirety in Chapter 8 of the DEIR:

- No Project (No Development)
- Interim Development Only
- Environmental Constraints

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## **II. COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR**

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## II. COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR

### A. List of Commenters

A total of 24 comment letters were received on the DEIR during the public comment period, and both the planning commissioners and the public provided oral comments on the DEIR during the September 24, 2002 Planning Commission hearing. A list of comments on the DEIR, along with the topic of each comment, is found in Table II-1. Each letter and comment has a letter/number designation assigned for cross-referencing purposes. This list represents all written and oral comments received during the comment period. The verbatim comment letters and hearing transcript, and the responses to the substantive environmental issues raised in those letters and transcript, are presented in Section II.B.

TABLE II-A COMMENTS RECEIVED ON THE DEIR				
Letter/ Hearing	Commenter	Date	Comment Number	Comment Topic(s)
<b>LETTER COMMENTS</b>				
A	Governor's Office of Planning and Research State Clearinghouse	10/8/02	A-1	General
B	California Regional Water Quality Control Board Central Valley Region Timothy O'Brien	10/8/02	B-1	Project Description, Wastewater
			B-2	Project Description, Wastewater
			B-3	Wastewater, Groundwater, Permits
			B-4	Surface Water Quality
			B-5	Groundwater
			B-6	Air Quality (odors)
			B-7	Project Description, Wastewater
			B-8	Groundwater
			B-9	Groundwater, Surface Water Quality
			B-10	Groundwater
			B-11	Groundwater
			B-12	Surface Water Quality, Permits
			B-13	Surface Water Quality, Permits
			B-14	Terrestrial Biology, Permits
			B-15	Surface Water Quality, Permits
			B-16	Surface Water Quality, Permits
			B-17	Terrestrial Biology, Permits
C	Delta Protection Commission Lori Clamurro, Environmental Scientist	9/19/02	C-1	General
			C-2	Project Description, Recreation
D	California Dept of Toxic Substances Control Guenther Moskat, Chief	9/6/02	D-1	Hazardous Materials
E	San Joaquin County Community Development Dept. Chandler Martin, Senior Planner	9/20/02	E-1	Farmland
			E-2	Farmland
F	Lathrop-Manteca Fire District J.R. Monty, Fire Marshal	9/23/02	F-1	Fire
G	Governor's Office of Planning and Research State Clearinghouse	10/15/02	GV-1	General

**TABLE II-A  
COMMENTS RECEIVED ON THE DEIR**

<b>Letter/ Hearing</b>	<b>Commenter</b>	<b>Date</b>	<b>Comment Number</b>	<b>Comment Topic(s)</b>
H	Governor's Office of Planning and Research State Clearinghouse Terry Robert, Director of State Clearinghouses	10/16/02	H-1	General
			H-2	Hazardous Materials
			H-3	General, Project Description, Recreation
			H-4	Project Description, Wastewater, Surface Water Quality, Groundwater, Air Quality, Permits, Terrestrial Biology
			H-5	General, Project Description, Surface Water Quality
I	Georgianna Reichelt, Resident	9/23/02	I-1	Water
			I-2	Wastewater
			I-3	Drainage
			I-4	Flood Control/Drainage
			I-5	Flood Control/Drainage
			I-6	Traffic
			I-7	Air Quality
			I-8	Flood Control/Drainage
			I-9	Flood Control/Drainage
			I-10	Public Safety
			I-11	CEQA
			I-12	Farmland
J	U.S. Army Corps of Engineers W. Craig Gains, Project Manager	10/15/02	J-1	General
K	U.S. Army Corps of Engineers W. Craig Gains, Project Manager	10/15/02	K-1	General
			K-2	Flood Control/Drainage
			K-2	Flood Control/Drainage
			K-3	Flood Control/Drainage
			K-4	Flood Control/Drainage
L	United States Fish and Wildlife Service Jan Knight, Chief of Endangered Species Division	10/17/02	L-1	General, CEQA, Terrestrial Biology
			L-2	General, Project Description
			L-3	Terrestrial Biology
			L-4	Terrestrial Biology
			L-5	Groundwater, Fisheries
			L-6	General
M	California Department of Water Resources Larry Joyce, Chief of Water Quality Control Section	10/9/02	M-1	General, Project Description
			M-2	General
			M-3	Surface Water Quality
			M-4	Surface Water Quality
			M-5	Surface Water Quality
			M-6	Surface Water Quality
			M-7	Surface Water Quality
			M-8	Surface Water Quality
			M-9	Surface Water Quality
			M-10	Surface Water Quality
			M-11	Surface Water Quality

**TABLE II-A  
COMMENTS RECEIVED ON THE DEIR**

Letter/ Hearing	Commenter	Date	Comment Number	Comment Topic(s)
			M-12	Surface Water Quality
			M-13	Surface Water Quality
			M-14	Surface Water Quality
			M-15	Surface Water Quality
			M-16	Surface Water Quality
N	California Department of Toxic Substances Control	10/9/02	N-1	Hazardous Materials
O	California Department of Transportation Tom Dumas, Chief of Office of Intermodal Planning	10/15/02	O-1	General, Project Description
			O-2	Traffic
			O-3	Traffic
			O-4	Traffic
			O-5	Traffic
			O-6	Traffic
			O-7	Traffic
			O-8	Air Quality
			O-9	Traffic
			O-10	Traffic
			O-11	Traffic
			O-12	Traffic
			O-13	Traffic
			O-14	Traffic
P	San Joaquin Valley Air Pollution Control District John Cadrett, Air Quality Planner for Northern Region	10/15/02	P-1	Air Quality
			P-2	Air Quality
			P-3	Air Quality
			P-4	Air Quality
			P-5	Air Quality
			P-6	Air Quality
Q	Northern Valley Yokut Tribe Katherine Perez, NVY	10/10/02	Q-1	Cultural Resources
			Q-2	Cultural Resources
			Q-3	Cultural Resources
			Q-4	Cultural Resources
R	San Joaquin Audubon Society Waldo Holt, Conservation Chair	10/14/02	R-1	General
			R-2	Terrestrial Biology
			R-3	Terrestrial Biology
			R-4	Terrestrial Biology
S	Sierra Club Eric Parfrey, Chair of Mother Lode Chapter	10/15/02	S-1	General
			S-2	CEQA, EIR Adequacy
			S-3	CEQA, EIR Adequacy
			S-4	CEQA
			S-5	CEQA, General
			S-6	CEQA, EIR Adequacy
			S-7	CEQA, EIR Adequacy
			S-8	CEQA, EIR Adequacy
			S-9	CEQA, EIR Adequacy

**TABLE II-A  
COMMENTS RECEIVED ON THE DEIR**

Letter/ Hearing	Commenter	Date	Comment Number	Comment Topic(s)
			S-10	Wastewater
			S-11	Wastewater
			S-12	Wastewater, EIR Adequacy
			S-13	Wastewater, Groundwater, EIR Adequacy
			S-14	Wastewater, EIR Adequacy
			S-15	Wastewater, Project Description
			S-16	Groundwater
			S-17	Groundwater
			S-18	Wastewater, CEQA, EIR Adequacy
			S-19	Water Supply, EIR Adequacy
			S-20	Wastewater, CEQA, EIR Adequacy
			S-21	Water Supply, CEQA, EIR Adequacy
			S-22	Groundwater
			S-23	Groundwater, Water Supply
			S-24	Groundwater, EIR Adequacy
			S-25	Groundwater, EIR Adequacy
			S-26	Groundwater
			S-27	Flood Control
			S-28	Flood Control
			S-29	Flood Control/Drainage
			S-30	Flood Control/Drainage
			S-31	Flood Control/Drainage
			S-32	Flood Control/Drainage
			S-33	Terrestrial Biology
			S-34	Terrestrial Biology
			S-35	Terrestrial Biology
			S-36	Fisheries, Permitting
			S-37	Fisheries, Surface Water Quality
			S-38	Traffic
			S-39	Traffic
			S-40	Traffic
			S-41	Traffic
			S-42	Traffic
			S-43	Air Quality, Traffic
			S-44	Air Quality, Traffic
			S-45	Traffic
			S-46	Traffic
			S-47	Alternatives
			S-48	Alternatives
T	Law Offices of Charles E. Steidtmann (represents Silveira) Charles Steidtmann	10/15/02	T-1	General
			T-2	Project Description, Land Use
			T-3	Traffic, Project Description
			T-4	Agricultural/Suburban Interface



**TABLE II-A  
COMMENTS RECEIVED ON THE DEIR**

Letter/ Hearing	Commenter	Date	Comment Number	Comment Topic(s)
			T-5	Drainage
			T-6	Agricultural Operations, Project Description, Traffic
			T-7	Access, Traffic
			T-8	Access, Traffic
			T-9	Access, Traffic
U	U.S. Army Corps of Engineers Thomas Trainer, Chief of Engineering Division	10/21/02	U-1	General
			U-2	Flood Control
			U-3	Flood Control/Drainage
			U-4	Flood Control/Drainage
			U-5	Flood Control
			U-6	Flood Control
V	San Joaquin County Dept. of Public Works Adam Brucker, Associate Planner	11/5/02	V-1	Traffic
			V-2	Traffic
W	California Department of Transportation Tom Dumas, Chief of Office of Intermodal Planning	11/26/02	W-1	Traffic
			W-2	Traffic
			W-3	Traffic
			W-4	Traffic
			W-5	Traffic
X	Governor's Office of Planning and Research State Clearinghouse	1/6/03	X-1	General
Y	California Department of Transportation Tom Dumas, Chief of Office of Intermodal Planning	1/3/03	Y-1	Traffic
			Y-2	Traffic
			Y-3	Traffic
			Y-4	Traffic
			Y-5	General

**PUBLIC HEARING COMMENTS (9/24/02 Planning Commission Hearing)**

PC	Georgianna Reichelt, Resident	9/24/02	PC-1	EIR Adequacy
			PC-2	Water
			PC-3	CEQA, Wastewater
			PC-4	Flood Control/Drainage
			PC-5	Flood Control/Drainage
			PC-6	Traffic
			PC-7	Air Quality
			PC-8	Flood Control/Drainage
			PC-9	Public Safety
			PC-10	Farmland
			PC-11	CEQA
			PC-12	Schools
	Maxine Brazil, Resident	9/24/02	PC-13	Funding of Infrast. Improvements
			PC-14	Funding of Infrast. Improvements
	Diane Lazard, Planning Commissioner	9/24/02	PC-15	Project Description
			PC-16	Fire
	Ray Camara, Planning Commissioner	9/24/02	PC-17	Water, Wastewater

**TABLE II-A  
COMMENTS RECEIVED ON THE DEIR**

Letter/ Hearing	Commenter	Date	Comment Number	Comment Topic(s)
			PC-18	Water, Groundwater
	Crystal Quinly, Vice Chair of Planning Commission	9/24/02	PC-19	Farmland
			PC-20	General
			PC-21	Project Description, Drainage
			PC-22	Project Description, Drainage
			PC-23	Groundwater, Surface Water Quality
			PC-24	Traffic
			PC-25	Traffic, General
			PC-26	Traffic
			PC-27	Traffic
			PC-28	Air Quality
			PC-29	Utilities
			PC-30	Wastewater
			PC-31	Police, Fire
			PC-32	Schools
			PC-33	Terrestrial Biology
			PC-34	Terrestrial Biology
			PC-35	Fisheries
			PC-36	Fisheries
			PC-37	Cultural Resources, General
			PC-38	Water
	PC-39	Schools, Project Description		
	PC-40	Project Description		
	PC-41	Cumulative Impacts		
	PC-42	Farmland		
	PC-43	Alternatives		
	PC-44	Alternatives		
	PC-45	Alternatives		
	PC-46	Alternatives		
	Bennie Gatto, Planning Commissioner	9/24/02	PC-47	Bike Lanes, Project Description
			PC-48	Traffic
			PC-49	Flooding, Funding of Infrastruct. Improvements
	Stephen Dresser, Planning Commission Chairman	9/24/02	PC-50	Wastewater
			PC-51	Traffic, Funding of Infrast. Improvements
			PC-52	Traffic
	Ray Camara, Planning Commissioner	9/24/02	PC-53	Traffic
	Stephen Dresser, Planning Commission Chairman	9/24/02	PC-54	Air Quality
			PC-55	Noise
			PC-56	Police
			PC-57	Fiscal Impacts
			PC-58	Project Description, Traffic
	Bennie Gatto, Planning Commissioner	9/24/02	PC-59	Noise

**B. Written and Oral Comments and Responses on the DEIR**

The written and oral comments received on the DEIR, and the responses to those comments, are provided in this section. Each comment letter and the public hearing transcript is reproduced in its entirety and is followed by responses to comments raised in each letter and at the public hearing.



Gray Davis  
GOVERNOR

STATE OF CALIFORNIA

Governor's Office of Planning and Research  
State Clearinghouse



Tal Finney  
INTERIM DIRECTOR

**ACKNOWLEDGEMENT OF RECEIPT**

DATE: October 8, 2002

TO: Deanna Walsh  
City of Lathrop  
16775 Howland Road  
Suite One  
Lathrop, CA 95330

RE: Mossdale Landing Urban Design Concept, Vesting Tentative Map, and  
Development Agreement  
SCH#: 2001052059

This is to acknowledge that the State Clearinghouse has received your environmental document for state review. The review period assigned by the State Clearinghouse is:

Review Start Date: September 11, 2002  
Review End Date: October 25, 2002

We have distributed your document to the following agencies and departments:

- Air Resources Board, Transportation Projects
- California Highway Patrol
- Caltrans, District 10
- Department of Conservation
- Department of Fish and Game, Region 2
- Department of Housing and Community Development
- Department of Parks and Recreation
- Department of Toxic Substances Control
- Department of Water Resources
- Native American Heritage Commission
- Office of Historic Preservation
- Public Utilities Commission
- Regional Water Quality Control Bd., Region 5 (Sacramento)
- Resources Agency
- State Lands Commission

A-1

The State Clearinghouse will provide a closing letter with any state agency comments to your attention on the date following the close of the review period.

Thank you for your participation in the State Clearinghouse review process.



**Governor's Office of Planning & Research  
Tal Finney, Interim Director  
October 8, 2002**

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- A-1 The comment does not raise any environmental issues, and no further response is required with one exception. The comment identifies September 11, 2002 as the review start date and October 25, 2002 as the review end date for the DEIR. The correct start and end dates are August 29, 2002 and October 15, 2002, respectively. See, also, additional letters from OPR confirming these dates (Letters G and H).



# California Regional Water Quality Control Board

## Central Valley Region

Robert Schneider, Chair



Winston H. Hickox  
Secretary for  
Environmental  
Protection

Sacramento Main Office  
Internet Address: <http://www.swrcb.ca.gov/rwqcb5>  
3443 Routier Road, Suite A, Sacramento, California 95827-3003  
Phone (916) 255-3000 • FAX (916) 255-3015

8 October 2002

Deanna Walsh  
City of Lathrop  
16775 Howland Road  
Lathrop, CA 95330

***SCH# 2001052059, DRAFT EIR FOR MOSSDALE LANDING URBAN DESIGN CONCEPT, LATHROP, SAN JOAQUIN COUNTY***

I have reviewed the Draft Environmental Impact Report (DEIR) and the Mossdale Landing Urban Design Concept for Mossdale Landing, Lathrop, San Joaquin County. The document package was distributed by the State Clearinghouse and is identified by State Clearinghouse No. 2001052059. This letter provides comments on the DEIR and identifies issues that may require further discussion. The Regional Board previously commented on this project in letters dated 15 May 2001 and 18 May 2001.

Project Description

The project consists of a 477.3-acre residential subdivision consisting of approximately 1,690 dwelling units. Development will be performed in seven phases over an eight-year period. The DEIR states wastewater will be treated in the existing Wastewater Treatment Plant No. 1 (Crossroads) and will be returned to the development for application. It has been brought to the attention of the Regional Board that the Crossroads treatment plant will not be available to treat the project's wastewater and that an entirely new treatment plant will be constructed adjacent to the Crossroads facility. The DEIR must be revised to correctly describe the wastewater treatment that is planned.

B-1

The following additional comments on the DEIR are provided:

Draft Environmental Impact Report

The DEIR refers to treating wastewater from other developments (Calfia River Islands and Lathrop Station) in addition to the Mossdale Landing project. No other information is provided on the location of the other projects or how their wastewater will be handled.

B-2

The DEIR describes interim conditions (until 2007) during which time the wastewater treated at WWTP No. 1 (Crossroads) would be returned to the project for storage and land application. The storage ponds are described as 16 feet in depth with a clay or synthetic liner. Because groundwater in the project area is shallow (approximately 10 feet) measures to protect the liners from damage from high groundwater conditions are likely needed. Based on descriptions presented in the Kleinfelder groundwater report (discussed later in this letter) a permit from the Department of Water Resources Division of Dam Safety

B-3

may be required for the storage pond(s). Review of the pond design is not included in the list of permits that is provided in Section 1.4 of the DEIR.

B-3  
Cont'd

Use of the wastewater for irrigation as described in the DEIR may require additional wastewater storage facilities or redundant treatment facilities because Title 22 Section 60304 requires backup measures if treatment fails. In addition, storage of wastewater in ponds after treatment will likely result in measurable total coliform organisms possibly requiring secondary disinfection prior to land application.

B-4

#### Draft Environmental Impact Report – Mitigation Measures

Table 2.1, Summary of Impact and Mitigation Measures, Item No. 4.4-c states, "...because of the depth to potable groundwater (150 feet) the application of recycled water would not result in the percolation of pollutants to potable groundwater." It should be noted that the beneficial uses of shallow groundwater must also be protected. Because of the shallow depth to groundwater in the conceptually described land application areas, it is likely that additional treatment, storage, and application procedures will be required to protect groundwater quality.

B-5

Table 2.1, Summary of Impact and Mitigation Measures, Item No. 4.8-f states, "...implementation of the mitigation measure identified in the Master Plan EIR, with the exception of odor impacts, which would be significant and unavoidable." WDRs for a wastewater treatment plant will not allow generation of nuisance odors. WDRs will contain a Discharge Specification stating objectionable odors originating at the facility shall not be perceivable beyond the limits of the property owned by the Discharger.

B-6

Table 2.1, Summary of Impact and Mitigation Measures, Item No. 4.8-h states, "Project build out would result in an incremental increase in project wastewater requiring disposal. However, insufficient areas would exist at the project site to dispose of this additional wastewater, and no offsite land disposal site or river discharges have been identified. Therefore a significant impact would occur." For mitigation measures, the DEIR assumes build out would be delayed, reserving 20 acres of storage pond area and 34 acres of land application areas for wastewater use. Because an RWD has not been submitted, it is unknown if that amount of storage and land application area is sufficient. The alternative mitigation measure identified is river disposal, which may not be an available option due to the existing impaired condition of the receiving water.

B-7

#### Groundwater Characterization

The groundwater information presented in the DEIR is incomplete and will need to be supplemented with additional information for the RWD. Groundwater monitoring will be required upgradient and downgradient of all land application and/or wastewater storage areas. Because of the number of land application areas that will be landscaped areas, a regional approach to groundwater monitoring may be acceptable. However, wastewater storage areas will require site-specific groundwater monitoring networks. Groundwater monitoring should be performed to characterize the background groundwater quality at the site. Inadequate groundwater monitoring data may result in delays evaluating the Report of Waste Discharge while the groundwater quality is characterized.

B-8

Additional comments on the groundwater report supplied in the DEIR are provided below:

- The 11 July 2002, Revised Report, Summary of Groundwater Studies, Terry and Adjacent Properties, prepared by Kleinfelder Inc., contained in Volume II Appendix F, states in Section 5, "It

B-9

is our understanding in discussions with the RWQCB that discharge waters can be impounded on the surface, percolate into the ground, and eventually seep into an existing drainage ditch used by local farmers.” That statement is not referenced so the personal quote is unknown. Waste discharge to land typically must not degrade groundwater quality, must be controlled to prevent escape from the storage area, and must not produce nuisance conditions. Discharge of wastewater into drainage ditches would require a National Pollutant Discharge Elimination System permit.

B-9  
Cont'd

- Section 7 of the Kleinfelder report states, “...embankments approximately 10-feet above the original grade may be needed.” As previously discussed, such impoundments may require approval of the construction of the ponds by the Department of Water Resources, Division of Dam Safety.
- The Kleinfelder report does not tabulate the analytical results of groundwater sample chemical analyses. Laboratory reports for two sample events are included in Appendix C of the report, but presentation of the data should allow review without requiring readers to create data tables. In addition, Section VI of the Kleinfelder report describes four sample events from 25 January to 13 June 2001, only data from 27 February 2001 and 16 April 2001 are included in the report. Presentation of incomplete groundwater monitoring data does not allow evaluation of the groundwater conditions.

B-10

B-11

The following discussion provides information on permits required by the Regional Water Board for the project.

#### Waste Discharge Requirements

Because wastewater will be generated and treated, stored, or disposed on site, Waste Discharge Requirements (WDRs) will be required. The project proponent shall submit a Report of Waste Discharge (RWD) at least 120 days prior to discharging wastewater at the site. California Water Code Section 13260 requires submittal of the RWD. If groundwater dewatering is required, the owner/operator must first obtain an NPDES permit prior to initiating dewatering activities. If discharge of wastewater to surface water is anticipated, a complete Report of Waste Discharge is required. Objections to the WDRs may cause significant delays in the adoption of WDRs by the Regional Board. The Regional Board staff previously submitted comments to the City of Lathrop (see attached letter dated 16 December 1999) regarding a proposed NPDES discharge, outlined several concerns regarding the process, and requested additional information if the process were to proceed. The long term wastewater disposal needs for the community need to be resolved, and appropriate permit limitations established before subdivisions are approved for development.

B-12

#### Construction Stormwater Permit

A NPDES General Permit for Storm Water Discharges Associated with Construction Activities, Order No. 99-28-DWQ is required when a project involves clearing, grading, disturbances to the ground, such as stockpiling, or excavation. Currently, construction activity that involves soil disturbances on construction sites five acres or greater or which are part of a larger common plan of development or sale require a construction storm water permit.

B-13

Because construction associated with the project will disturb more than five acres, the property owner needs to obtain permit coverage under the NPDES General Permit No. CAS000002 for Discharges of Storm Water Associated With Construction Activity. Before construction begins, the proponent must



submit an NOI to comply with the permit to the State Water Resources Control Board and an SWPPP must be prepared.

B-13  
Cont'd

Water Quality Certification - Wetlands

If a U.S. Army Corp of Engineers (ACOE) permit is required due to the disturbance of wetlands, then Water Quality Certification must be obtained from the Regional Board prior to initiation of project activities. Section 401 of the federal Clean Water Act requires that the project proponent for any project that impacts surface waters of the United States (such as streams and wetlands) must request a 401 Water Quality Certification from the Regional Board. Water Quality Certification must be obtained prior to initiation of project activities. The proponent must follow the ACOE 404(b)(1) Guidance to assure approval of their 401 Water Quality Certification application. The guidelines are as follows:

B-14

1. Avoidance (Is the project the least environmentally damaging *practicable* alternative?)
2. Minimization (Does the project minimize any adverse effects to the impacted wetlands?)
3. Mitigation (Does the project mitigate to assure a no net loss of functional values?)

Dewatering Permit

The proponent may be required to file a Dewatering Permit covered under Waste Discharge Requirements General Order for Dewatering and Other Low Threat Discharges to Surface Waters Permit, Order No. 5-00-175 (NPDES CAG995001). The following discharges may be covered by this permit provided they do not contain significant quantities of pollutants and are either (1) four months or less in duration, or (2) the average dry weather discharge does not exceed 0.25 mgd:

- a. Well development water
- b. Construction dewatering
- c. Pump/well testing
- d. Pipeline/tank pressure testing
- e. Pipeline/tank flushing or dewatering
- f. Condensate discharges
- g. Water Supply system discharges
- h. Miscellaneous dewatering/low threat discharges

B-15

Industrial Stormwater Permit

Depending on the Standard Industrial Classification (SIC) code of the final project, compliance with the NPDES General Permit No. CAS000001 for Discharges of Storm Water Associated With Industrial Activities may be required. The SIC codes of activities requiring coverage are listed in the General Permit. In order to obtain coverage by the General Permit, the proponent must submit a Notice of Intent to comply with the permit (NOI) to the State Water Resources Control Board and a Storm Water Pollution Prevention Plan (SWPPP) must be prepared.

B-16

Section 404 Permit

If the project will involve the discharge of dredged or fill material into navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the US Army Corps of Engineers. If a Section 404 permit is required by the Corps, the Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water

B-17

drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions about the storm water program, please call Dani Berchtold at (916) 255-3383. Additional information is available via the internet at the Regional Board's Storm Water website <http://www.swrcb.ca.gov/stormwtr/index.html>. For more information on Section 404 Permits contact the Sacramento District of the Corps of Engineers at (916) 557-5250 or Patrick Gillum with the Regional Board at (916) 255-3397. If you have any questions about the RWD process, please telephone me at (916) 255-3116.



TIMOTHY R. O'BRIEN  
Waste Discharge to Land Unit  
Lower Sacramento River Watershed

Attachment: 16 December 1999 Regional Board Correspondence

cc: Mike Huggins, San Joaquin County Environmental Health Department, Stockton  
Gregoria Garcia, State Clearinghouse, Sacramento



# California Regional Water Quality Control Board

## Central Valley Region

Steven T. Butler, Chair

Winston H. Hickox  
Secretary for  
Environmental  
Protection

Sacramento Main Office  
Internet Address: <http://www.swrcb.ca.gov/~rwqcb5>  
3443 Routier Road, Suite A, Sacramento, California 95827-3003  
Phone (916)255-3000 • FAX (916) 255-3015

16 December 1999

Mr. Jon Crawford  
Public Works Director  
City of Lathrop  
16775 Howland Road, Suite 1  
Lathrop, CA 95330

### REVIEW OF REPORT OF WASTE DISCHARGE AND REQUEST FOR ADDITIONAL INFORMATION, CITY OF LATHROP, SAN JOAQUIN COUNTY

A report of waste discharge (RWD) was submitted by the City of Lathrop (City) on 13 August 1999, to the Regional Water Quality Control Board (Board). The City is requesting a new National Pollutant Discharge Elimination System (NPDES) permit for a wastewater treatment plant expansion to accommodate future development. We met with you, other City representatives, Califia Development Group, and Libbey Owens Ford Company on 17 November 1999 to discuss the difficulties that lie ahead for permitting a new discharge to the San Joaquin River, an impaired surface water body.

B-12a

The Sacramento-San Joaquin Delta is impaired due to low dissolved oxygen, salts, mercury, persistent organochlorine pesticides, diazinon, chlorpyrifos, DDT, and unknown toxicity. Studies to determine Total Maximum Daily Loads (TMDLs) for these constituents are not yet complete. Therefore, pollutant load allocations for individual dischargers have not been determined. In addition, other constituents may require effluent limits if they cause or have reasonable potential to cause or contribute to an excursion above a water quality objective.

B-12b

An interpretation of the regulations is that any new NPDES permit must include stringent effluent limitations to ensure no increase in loads to the Delta. However, growth in the area is inevitable, and the City's proposed tertiary treatment facility will cause less impact on the beneficial uses of the Delta than an increase in secondary discharge from an existing facility. In addition, the City has indicated a willingness to maximize land disposal to the extent feasible and to discharge only highly-treated effluent at times of the year when the receiving water has assimilative capacity. These were two significant factors in our decision to agree to proceed with drafting an NPDES permit for the City.

B-12c

To begin drafting a NPDES permit, Board staff require information showing that a new discharge to the river will not cause or contribute to an impairment. The City must provide an estimate of the quantity and quality of the proposed discharge and a determination of the impact of each constituent in the discharge on Delta waters, particularly for constituents on the 303(d) list. A determination will then be made on what discharge can be allowed under federal and state law. We must emphasize that there is no guarantee that the Board will adopt an NPDES permit once it is drafted. In addition, if the Board adopts

B-12d

the proposed NPDES permit, the City will have the associated responsibility, along with other dischargers, for bringing the San Joaquin River into compliance with water quality objectives.

B-12d  
Cont'd

We reviewed the information the City submitted in their RWD. As discussed in our 17 November 1999 meeting, the City's application is deficient in many areas. Following are issues requiring resolution:

1. Lathrop needs to better evaluate the constituents expected to be present in its treated wastewater effluent. The analyses required for the existing land application under the existing WDR are insufficient for evaluation of its appropriateness for surface water discharge. Data should be provided for all conventional pollutants, as well as priority pollutants, diazinon, and chlorpyrifos. Staff will need this information to assess the contribution of the proposed discharge to the impaired water body. The proposed discharge will be fundamentally different from the current discharge at the Industrial WWTP, so analyses of that discharge may be of little use in evaluating the proposed NPDES discharge.
2. Form 200, Section V of the submitted application indicates that the proposed expansion of the wastewater treatment plant is exempt from the California Environmental Quality Act (CEQA) process. Additionally, it states that a Notice of Determination (NOD) has been filed. Please note that the NOD submitted with the application packet was filed in October 1991 and was specific for the design and construction of the existing 0.6 million gallon per day (mgd) wastewater treatment plant. Your permit application specifies an increase of the average daily flow to 1.2 mgd. Also, as discussed at the meeting, the envisioned future treatment system will include multiple satellite treatment plants throughout the community that are linked and discharge through a master plant. Because the future plans are significantly different from historical proposals, the CEQA process must be completed.
3. At our meeting, the City proposed the concept of a master plan for sewage management and treatment. You discussed the possibility that reclamation throughout the community may be possible, or that land at the nearby Libbey Owens Ford glass manufacturing plant may become available for land application purposes. Prior to proceeding with drafting either new waste discharge requirements or an NPDES permit, the Board will require a formalized sewage management plan. Please submit a copy of your draft Master Plan as soon as it is available.
4. The following comments pertain to EPA Form A, Section I:
  - Item 7 is incomplete, as it did not estimate the total volume discharged in mgd. A clearer understanding of proposed surface water discharges needs to be presented.
  - Item 8 states that there will be no intermittent, seasonal discharges, whereas this was the basic plan presented at the meeting. Please clarify your plans.
  - Item 10 states the population served is 300, whereas you propose to discharge 1.2 mgd. Please correct the form to address plans for growth and development.
  - Item 11 states there are no industrial flows to the facility, whereas the current treatment plant is accepting industrial wastewater flows from Nestles Company. All industrial flows must be addressed in the permit application.

B-12e

The schematic of water flow provided for Item 13 is incorrect, outlining the current treatment plant instead of an expanded plant with advanced treatment capability.

5. The following comments pertain to EPA Form A, Section II:

Item 2 needs to define an anticipated discharge startup date.

Item 10 pertains to seasonal/periodic discharges. The application needs to include technical information regarding the available land disposal capacity, how land disposal will be maximized, and the volume and months when a surface water discharge is expected to be necessary.

Item 11 requires the discharger to provide a description of the treatment proposed. The schematic presented is of the existing plant, which is only capable of secondary treatment. Please provide specific details of the proposed future plant(s).

Item 12 states an Operations and Maintenance manual is available, whereas the proposed plant has yet to be designed. Please correct the discrepancy.

Please correct Item 13 in regard to current and future plant flows.

Item 14 requires adequate influent and effluent data be collected and provided (or estimated) based on the design of the advanced treatment plant. Also, in our review of the data presented, staff noted that temperature data does not appear to be accurate, and the concentration of total dissolved solids to be very high (up to 2100 mg/l).

6. The quality and characteristics of the receiving water must be evaluated to determine the impacts of constituents in the discharge that are already in the receiving water at concentrations causing impairment, as well as the assimilative capacity for constituents not causing water quality impairment.
7. There is no discussion of how the increased production of sludge will be managed. A discussion of the projected increase of sludge volume and a means of managing that increase must be presented to the Board.
8. With increased treatment capabilities and the possibility of attracting additional industrial users to the treatment system, Lathrop may be required to incorporate a pretreatment program as outlined in 40 CFR Part 403. The Board requests the City to evaluate the need for a pre-treatment program as part of its proposed expansion.
9. On EPA Form A, Section IV, you are required to indicate if there are any industrial dischargers contributing to the influent wastewater flows. On the form it is indicated that there are presently "no industrial dischargers". However, during our meeting with you at the existing wastewater treatment plant, you indicated that the Nestle Facility is discharging boiler blowdown to the facility. Please correct your application to include accurate information regarding existing and projected industrial flows.

B-12e  
Cont'd

- 10. During the 17 November 1999 meeting, you indicated that expanding residential and commercial development in existing rural areas would aid in the reduction of non-point source pollutants to the San Joaquin River, and possibly provide no net increase in pollutant load with a seasonal discharge. Please submit your technical evidence to support your statement. Note that development of rural areas will likely cause other forms of point and non-point pollution from of urban stormwater runoff.

B-12f

Our goal is to work with you within the framework of the permitting process to find a wastewater management solution that protects the beneficial uses of the waters of the State but at the same time allows for flexibility and growth of your community. Submittal of the above information will greatly assist us in meeting our goal.

B-12g

Please note that a new Associate Water Resources Control Engineer, Ms. Karen Niiya has been assigned to this project. If you have any questions regarding this letter or require additional information, please contact Ms. Niiya at (916) 255-3000 or myself at (916) 255-3023.



PATRICIA LEARY  
Senior Engineer  
Delta NPDES Unit

PHL:pl

- cc: Mr. Roger Bennett, City of Lathrop
- Mr. Jon Weiss, Libbey Owens Ford, Lathrop
- Mr. Darryl Forman, Califia Development Group, Lathrop
- Ms. Karen Niiya, Central Valley Regional Water Quality Control Board

CAD-FILES\LATHROP\RWD v.2a (16 December 1999)

B-1 As stated on page 3-18 of the DEIR, the Crossroads treatment plant (i.e., Wastewater Treatment Plant #1 or WRP #1) does not currently have the treatment and disposal capacity required to serve the Mossdale Landing project. However, plans to increase the capacity of WRP #1, and to convert WRP #1 from a secondary to a tertiary treatment plant, were approved on a programmatic level in 2001 with adoption of the Lathrop Water, Wastewater and Recycled Water Master Plan (Master Plan). Project level plans for expansion and improvement of WRP #1 consistent with the Master Plan have been prepared by the City and are currently undergoing project-level CEQA review. Named the WRP #1 Phase 1 Expansion Project, this planned improvement to the existing plant (not an "entirely new treatment plant") would provide the tertiary-level treatment and disposal capacity required to serve the first phases of development planned in the West Lathrop Specific Plan (WLSP) area of the City, including the Mossdale Landing project. Approval of the WRP #1 plant expansion is expected in 2003, and the plant is anticipated to be phased into operation soon thereafter. As required by mitigation in the EIR (Mitigation Measures 4.8-d and 4.8-e as modified herein; see Section III of this FEIR), occupancy of any habitable structures in the Mossdale Landing project shall not be permitted until the WRP #1 Phase 1 Expansion Project is completed and operational. Hence, adequate wastewater treatment and disposal capacity will be available to serve the proposed project.

The DEIR adequately describes how wastewater treatment and disposal will be provided for the proposed project (Chapter 3 and Section 4.8), and adequately evaluates the potential environmental impacts associated with the conveyance, treatment and disposal of project wastewater (Sections 4.3, 4.4 and 4.8, Chapter 5). The DEIR also summarizes the potential environmental impacts associated with the expansion of WRP #1 based on the analysis, findings, and conclusions of the Master Plan EIR (Impact 4.8-f). Wastewater treatment and disposal is adequately described and evaluated in the DEIR. No revision of the EIR is required.

B-2 As discussed in Response B-1, wastewater generated by the proposed project will be treated at WRP #1, which will be constructed by the City of Lathrop for overall growth, including the Mossdale Landing project. The Mossdale Landing project does not propose to treat or dispose of wastewater generated by the proposed River Islands or Lathrop Station projects. Hence, project-level evaluation of the potential wastewater treatment/disposal impacts associated with these other developments (separate projects under CEQA) is not required.

As indicated in Chapter 5 of the EIR, the River Islands and Lathrop Station do represent reasonably foreseeable future projects. As such, the potential environmental effects associated with these projects and other planned growth in the City of Lathrop, combined with the potential environmental impacts of Mossdale Landing, are evaluated as cumulative impacts in the EIR (Chapter 5) as required by CEQA. Potential cumulative wastewater treatment/disposal impacts are evaluated specifically on pages 5-9, 5-10, and 5-41 of the DEIR. No comments are provided on the relevant cumulative analysis so no additional response is required.

*continued ...*

- B-3 The comment is noted concerning potential high water impacts on the proposed storage pond liners. The following mitigation is hereby added to the DEIR.

**Corrections and Additions**

Page 4.1-11, Section 4.1-3, add the following mitigation measure:

- “4.1-c(2) **Flood Control/Drainage - Expose People or Structures to a Significant Risk of Flooding, Including Flooding as a Result of the Failure of a Levee.** Each proposed treated wastewater storage pond on the project site shall be designed and constructed with a sub-drain system beneath the storage pond liner. This sub-drain will collect and convey any high groundwater away from the liner of each pond and into the project’s storm drain system. Sump pumps will be provided, as necessary, to facilitate the conveyance.”

Concerning the comment that a permit may required from the Department of Water Resources Division of Dam Safety (DSOD) for the proposed on-site treated wastewater storage ponds, the California Water Code includes certain exemptions from DSOD jurisdiction. Specifically, wastewater storage ponds are exempt when the stored volume is less than 1,500 acre feet, and the dam height above grade is less than 15 feet, where the operating public agency adopts certain resolutions. The California Water Code section dealing with wastewater storage pond exemptions reads as follows:

6025.5. (a) Notwithstanding any other provision, subject to subdivision (b), the requirements for state regulation and supervision of safety of dams, as contained in this division, shall not be applicable to waste water treatment and storage ponds constructed as a part of a waste water control facility.

(b) This section applies to those ponds specified in subdivision (a) only after the governing body of the city, county, district, or other agency which operates the waste water control facility adopts a resolution which (1) finds that the ponds have been constructed and operated to standards adequate to protect life and property, and (2) provides that the city, county, district, or other agency shall supervise and regulate the design, construction, operation, enlargement, replacement, and removal of the ponds after the effective date of the resolution.

(c) This section applies only to ponds specified in subdivision (a) which (1) have a maximum height of 15 feet or less and a maximum storage capacity of 1,500 acre-feet or less, (2) have been designed by, and constructed under the supervision of a registered civil engineer, and (3) are not across a stream channel or watercourse.

As indicated on page 4.4-7 of the DEIR, the storage ponds would have a total storage capacity of only 166 acre-feet, and would be only 10 feet above grade (with the balance below grade). Hence, the storage ponds would not meet the thresholds identified above and would thus be exempt from



*continued ...*

DSOD jurisdiction (upon adoption of the described resolution by the City of Lathrop). Listing DSOD as a permitting agency for the ponds in thus neither required nor appropriate.

- B-4 As indicated on page 4.3-6 of the DEIR, recycled wastewater to be used for irrigation of the Mossdale Landing project will be treated to Title 22 disinfected tertiary treatment standards for unrestricted use. By definition, tertiary treatment is an advanced treatment process, following secondary treatment of wastewater, that produces high-quality water. Tertiary treatment includes removal and/or inactivation of nutrients such as phosphorus and nitrogen, practically all suspended and organic matter, and pathogenic microorganisms from wastewater. Tertiary treatment provides the redundancy required by Title 22. There is no requirement in Section 60304 for backup measures beyond the use of tertiary treatment. No additional wastewater storage facilities or redundant treatment facilities are required.

It is true that storage of wastewater in ponds after treatment may deteriorate and coliforms can either re-grow or be introduced by birds and animals or from bottom sediments. However, once treated to the requirements of Title 22, its Title 22 designation remains so long as it is not commingled with another water source that does not meet Title 22 standards. The only possible source of non-Title 22 water commingling with the treated wastewater would be from surface runoff, which will be prevented by the design of the ponds. Also, there are no Regional Board requirements to require pretreatment.

It is noted that the proposed use of treated wastewater as irrigation water at the project site under the Mossdale Landing project would be required to occur in accordance with the requirements of the discharge permits required for such an operation. The proposed project will comply with all applicable requirements of the discharge permit, including any requirements for additional facilities storage and/or treatment facilities. However, as stated above, it is anticipated that such facilities are not required.

- B-5 The projected water quality of the tertiary treated discharge is in general of a higher quality than that of shallow groundwater on-site as sampled in the groundwater quality report (see table below which is a combination of tables contained in Section 4.4 and Appendix F of the DEIR). The shallow groundwater beneath the site was shown to exceed many Primary and Secondary Maximum Contaminant Levels. Discharge of the better quality tertiary treated water may have a positive effect in diluting high concentrations in the existing poor quality shallow groundwater. However, if additional treatment, storage and application procedures to preserve groundwater quality are identified by the RWQCB in the Waste Discharge Requirements for the site, these will be complied with by the project applicant.

*continued ...*

Analyte	Water Quality Goal	Maximum Concentration in Shallow Groundwater <sup>1</sup>	Projected Maximum Concentration in Tertiary Treated Water <sup>2</sup>
Calcium	none known	301 mg/l	57.8 mg/l
Magnesium	none known	184 mg/l	21 mg/l
Manganese	0.050 mg/l (SMCL)	9.40 mg/l	0.3 mg/l
Potassium	none known	29.0 mg/l	21 mg/l
Sodium	2.0 mg/l (SNARL)	694 mg/l	80.2 mg/l
Zinc	5.0 mg/l (SMCL)	2.04 mg/l	
Total Alkalinity	none known	900 mg/l	264.8 mg/l
Bicarbonate Alkalinity	none known	900 mg/l	229.5 mg/l
TDS	500 mg/l / 1,000 mg/l / 1,500 mg/l SMCL	2,110 mg/l	572.2 mg/l
Chloride	250 mg/l / 500 mg/l / 600 mg/l SMCL	610 mg/l	83 mg/l
Sulfate as SO <sub>4</sub>	250 mg/l / 500 mg/l / 600 mg/l SMCL	409 mg/l	44.3 mg/l
<sup>1</sup> Kleinfelder Inc., based on groundwater sampling conducted by Kleinfelder for the Mossdale Landing Project as contained in Appendix F of the DEIR.			
<sup>2</sup> Lathrop Water, Wastewater and Recycled Water Master Plan DEIR, June 2001. Prepared by EDAW for the City of Lathrop.			

In addition to the above, as indicated on page 4.4-10 of the DEIR, the land application of tertiary treated wastewater at the project site will occur at the agronomic rate which will minimize percolation to even the shallow groundwater. Furthermore, even if the discharge does percolate to the shallow groundwater: (1) the shallow groundwater beneath the project site is not currently used as a potable water source; (2) wastewater to be discharged at the project site will be tertiary treated and disinfected to Title 22 standards for unrestricted use and significant public access (a very high level of treatment); and (3) wastewater treated to this level is permitted, under existing regulations, to be used for irrigation of parks, schools, golf course, and other areas of high human contact, as well as for groundwater recharge (pages 4.4-10 and 4.4-11, and Table 4.3-2, of the DEIR). These points provide further evidence that the proposed land application of tertiary treated wastewater at the project site will not interfere with the beneficial uses of the shallow groundwater underlying the project site.

B-6 The City is in the process of designing the WRP #1 Expansion and intends to implement state of the art odor control technology. Because performance details were not available for this EIR, a conservative assumption that odor impacts could be significant was included consistent with what is said about planned WRP expansions in the Lathrop Water, Wastewater and Recycled Water Master Plan EIR. The City will comply with all requirements of the WDR it will ultimately required.

- B-7 Mitigation Measure 4.8-h does not assume that buildout of the proposed project would be delayed until additional disposal capacity is acquired. Rather, it states that buildout of the proposed project “shall not commence until and unless additional disposal capacity is provided to dispose of the incremental increase in treated wastewater to be generated by the proposed project between interim conditions and buildout.”

For the land disposal option, the 20 acres of storage pond area and 34 acres of land application area identified in the mitigation measure are estimates from a qualified engineer (i.e., MacKay & Soms) based on the amount of wastewater, soil conditions, the agronomic rate, and other applicable factors. If, based on any additional analysis required for the discharge permits, it is determined that additional disposal area would be required, such disposal area would be provided and the amount of development would be adjusted accordingly. This is not expected. In any event, the size of the off-site land disposal area would not affect the level of the associated impacts identified in the EIR.

For the river disposal option, if river disposal does not become available in the future, then either the land disposal option would be exercised or else buildout of the proposed project would not be permitted to occur. However, the City analyzed river discharged of tertiary-treated wastewater (up to 11.5 mgd) in its Water, Wastewater, and Recycled Water Master Plan EIR (2000). Based on the analysis therein, it is the City’s belief that treated wastewater ultimately can be discharged to the San Joaquin River with no significant project impacts, and general overall improvement of river water quality would occur due to the relatively clean treated wastewater.

- B-8 The groundwater monitoring information required for the RWD is not required for the DEIR. The groundwater quality information and analysis presented in the DEIR (Section 4.4 and Appendix F) is adequate to inform governmental decision makers and the public about the potential significant groundwater quality effects of the proposed project. This information includes existing conditions data for the deep aquifer from City well logs (Table 4.4-2), and existing conditions data for the shallow aquifer from soil borings, test pits, monitoring wells, CPT soundings, percolation tests, and backhoe excavations performed at the project site in 2000 and 2001 (Table 4.4-1 and pages 4.4-2 through 4.4.4). The impact analysis uses this data, as well as other environmental information (etc. depth to groundwater, percolation rates, etc.) and information about the proposed use and storage of treated wastewater at the project site (i.e., tertiary treatment prior to storage/application, use of clay liners in the storage ponds, application at the agronomic rate, etc.), to conclude a less than significant impact (Impact 4.4.c on pages 4.4-10 through 4.4-13). See Response B-5 for further discussion. This analysis represents a good faith effort to evaluate the potential groundwater quality impacts associated with the storage and disposal of treated wastewater at the project site.

The comment is noted concerning the groundwater monitoring information required for the RWD. A proposal for a groundwater monitoring network will be submitted by Pacific Union Homes (the Mossdale Landing applicant) to the RWQCB as part of the RWD process. The purpose of the network will be to establish background groundwater quality data and to monitor potential groundwater quality impacts at the on-site storage pond and application sites. At this time, it is anticipated that the proposal will call for upgradient and downgradient groundwater monitoring wells

utilizing a regional approach, and will include multiple monitoring wells within the study area to evaluate spatial variations.

- B-9 The referenced Kleinfelder quote is taken out of context; it references dewatering effluent rather than treated wastewater. The proposed project will not include the discharge of treated wastewater onto the surface for percolation into agricultural drainage ditches. The project applicant will obtain all necessary permits associated with project dewatering activities, including the referenced NPDES permit, if required. Treated wastewater discharges will occur at the project site under separate discharge permits, and will occur at the agronomic rate to prevent runoff and/or percolation to agricultural ditches.

Concerning the discharge of treated wastewater to land for use as irrigation water under the proposed project, this will not degrade groundwater quality, will be controlled to prevent escape from the storage areas, and will not produce nuisance conditions (see Chapter 3 and Sections 4.1 through 4.3 of the DEIR, and Responses B-9 and S-17, for further discussion).

- B-10 See Response B-3.

- B-11 Page 8 and 25 of Kleinfelder's July 11, 2002 report (Appendix F of the DEIR) does summarize the results of Kleinfelder's sampling on-site. That summary of concentration ranges in bullet format was much more concise than a detailed table. Section VI of the report does not refer to 4 sampling events, it refers to 4 groundwater level monitoring events. The section titled "Collection of Groundwater Samples" on page 6 of the report states samples were obtained on February 27, 2001 and April 16, 2001. Those laboratory data sheets are included in Appendix C of the report.

- B-12 The comment is noted concerning the WDRs. The project applicant will be preparing a Report of Waste Discharge and submitting it to the RWQCB at least 120 days prior to the target date for actual waste water discharges. The report will be prepared to meet the objectives of the RWQCB.

The comment is also noted concerning the NPDES permit. The applicant's civil engineers are working on a pre- and post-development best management stormwater pollution prevention plan. As required by the NPDES General Permit, a Notice of Intent (NOI) will be filed with the RWQCB within the stipulated timeframe to do so (i.e., 30 days prior to ground disturbance). A stormwater pollution prevention plan (SWPPP) will also be prepared as part of that notification. As a matter of record, the RWQCB will be formally contacted as part of the Clean Water Act permitting pursuant to Section 401 of the Clean Water Act. The project applicant will also be filing a RWD pursuant to the Porter-Cologne Clean Water Act. Accordingly, the RWQCB will have ample opportunity to ensure that its objectives for water quality protection are met prior to the time there is any ground disturbance associated with the proposed project. This is supported by the impact analyses in Section 4.2 and 4.4 of the DEIR.

Concerning the attachment to this comment (i.e., December 16, 1999 letter from the RWQCB), the proposed Mossdale Landing project does not propose the expansion of wastewater treatment plants and does not propose any river disposal of treated wastewater that may be associated with such

*continued ...*

expansions. Hence, the proposed project would not directly generate environmental effects associated with such activities. However, it is recognized in the DEIR (see Impact 4.8-f) that the proposed project would contribute to the need for the expansion of WRP #1, and possibly associated river discharges, both of which have been planned for in the Lathrop Water, Wastewater & Recycled Water Master Plan (Master Plan) and evaluated in the certified Master Plan EIR. The potential environmental effects identified in the Master Plan EIR associated with these activities have been summarized in the Mossdale Landing EIR (Impacts 4.8-f). Given this context, Provided below are specific responses to the comments made in the December 16, 1999 RWQCB letter.

B-12a The comment refers to both expansion of Water Recycling Plant #1 (WRP #1) and the discharge of treated wastewater to the San Joaquin River (SJR).

Concerning the expansion of WRP #1, a project-level proposal to expand WRP #1 is being prepared by the City of Lathrop entitled the WRP #1 Phase 1 Expansion Project. That project is currently undergoing CEQA review in a project-level EIR which is anticipated to be considered in 2003. The WRP #1 Phase 1 Expansion Project is required to provide wastewater treatment service to the proposed project as well as to other expected growth in the City (i.e., Crossroads Commerce Center, River Islands, Lathrop Station, etc.). This utility project would be developed with or without development of the Mossdale Landing project, is for general growth in the City, and represents a separate project to Mossdale Landing under CEQA. The expansion of WRP #1 has been planned for in the adopted Lathrop Water, Wastewater and Recycled Water Master Plan (Master Plan), and has been evaluated at a programmatic level in the certified Master Plan EIR. As a separate but related project under CEQA, a good faith effort has been made in the Mossdale DEIR to summarize the anticipated potential environmental effects associated with the construction and operation of the WRP #1 expansion. This summary is provided under Impact 4.8-f and is based on the analysis of WRP #1 in the certified Master Plan EIR. Any RWD and NPDES permits that may be required for the WRP #1 Phase 1 Expansion Project will be obtained by the City in the context of that project.

Concerning the discharge of treated wastewater to the SJR, see Response B-7.

B-12b The comment is noted. The comment does not raise any environmental issues pertinent to the EIR. No further response is required.

B-12c The comment does not directly apply to the Mossdale Landing project (see Response B-12a). No wastewater treatment plant related NPDES permit is being sought as a part of the Mossdale Landing project.

The commenter provides one interpretation of its obligations for NPDES permitting of treated effluent in an impaired water body. This interpretation is not consistent with State Water Resource Control Board NPDES permitting (APU-90-004) and a U.S. Supreme Court ruling (503 U.S. 91(1992)) which require consideration of the magnitude of loading in reviewing whether a permit may be granted.

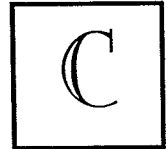
- B-12d See Response B-12c.
- B-12e The comment does not apply to the Mossdale Landing project and is related to a prior RWD. This does not relate to the project under consideration or the proposed WRP #1 Expansion.
- B-12f The comment is noted. An analysis of the potential surface water quality to the SJR associated with urban stormwater runoff under the Mossdale Landing project is provided in Section 4.2 and Appendix C of the DEIR. As indicated, the project would eliminate the existing agricultural discharges to the river and replace them with urban discharges from the proposed project that would result in less than significant water quality impacts to the SJR with implementation of the BMPs and mitigation measures discussed in the EIR.
- B-12g The comment does not raise any environmental issues. No further response is required.
- B-13 The comment is noted. The applicant will obtain all required permits for the proposed project.
- B-14 The ACOE has conducted a jurisdictional determination on the project site and determined that there are no waters of the United States (which include wetlands) on the project site. No areas within the project site meet criteria as wetlands in accordance with the ACOE's wetland delineation manual<sup>1</sup>. As such, no Section 404 permit will be required for development of the project site.

While a Section 404 permit will not be required for the project site, the San Joaquin River forms the western boundary of the project site and an outfall is proposed as part of the project. The outfall would be installed on the inboard side of the levee and would discharge treated storm water flows into this river. Construction of the outfall would not affect wetlands, but would affect a water of the United States (and waters of the state). As such, pursuant to Section 404 of the Clean Water Act, an application will be prepared for the ACOE as necessary to permit impacts to waters of the United States. It is also acknowledged that the San Joaquin River is a water of the state, and that any proposed activities that affect this river would be regulated by the RWQCB pursuant to Section 401 of the Clean Water Act and pursuant to the Porter-Cologne Water Quality Control Act. Accordingly, the project proponent will be preparing a request for certification of water quality pursuant to Section 401 of the Clean Water Act, and will file a Report of Waste Discharge pursuant to the Porter-Cologne Water Quality Control Act. The application will include all steps deemed necessary by the RWQCB to compensate or otherwise ameliorate impacts from the construction of the outfall. The application will be filed with the RWCQB prior to any construction activity, or other activity that would impact the San Joaquin River. The applicant will also initiate a pre-application process with the RWQCB prior to filing any application. Analysis of this issue was provided in Section 4.2 of the DEIR.

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<sup>1</sup> U.S. Army Corps of Engineers. 1987. Corps of Engineers Wetlands Delineation Manual. Waterways Experiment Station. Technical Report, Y-87-1. Vicksburg, Mississippi. 100 pp.

- B-15 The project applicant will be preparing a Dewatering Permit application as part of the outfall installation permitting process that commences with the RWQCB prior to the construction of the outfall. To ensure that the outfall construction project does not result in construction related turbidity in the San Joaquin River (SJR), and to ensure that construction of the outfall will not cause other water quality degradation, it will be necessary to dewater a small area along the levee interface with the SJR. No construction will occur in a flowing or otherwise hydrologically connected area to the SJR. This will ensure that water quality in the SJR is maintained throughout the construction project. A dewatered work area below the water level of the SJR will ensure that the outfall can be constructed in contour with the existing levee, and to otherwise meet all installation objectives set forth by all applicable resource agencies.
- B-16 See Response B-12. In addition, because the SJR is a water of the state, has a bed, bank, and channel, it would be regulated by the California Department of Fish and Game (CDFG) pursuant to Section 1600-03 of the Fish and Game Codes. As necessary to remain in compliance with Fish and Game Codes, a Streambed Alteration Agreement will be filed with the CDFG prior to impacting the bed, bank, or channel of the SJR. Similar to the RWQCB application, the CDFG application will include any necessary mitigation for the impacts of the outfall as determined in conjunction with CDFG.
- B-17 The comment is noted. The applicant will obtain all required permits for the proposed project.



**DELTA PROTECTION COMMISSION**

14215 RIVER ROAD  
P.O. BOX 530  
WALNUT GROVE, CA 95690  
Phone (916) 776-2290  
FAX (916) 776-2293  
E-Mail: dpc@citlink.net Home Page: www.delta.ca.gov

September 19, 2002

Ms Deanna Walsh, Project Manager  
City of Lathrop Planning Department  
16775 Howland Road, Suite One  
Lathrop, CA 95330

Subject: Comments on the Draft Environmental Impact Report (DEIR) for the  
Mossdale Landing Urban Design Concept (SCH# 2001052059)

Dear Ms Walsh,

I have reviewed the above document, and am submitting general comments on behalf of the Delta Protection Commission. The Commission has not reviewed the document nor these comments; they are staff comments only.

The Delta Protection Commission, created under the Delta Protection Act of 1992, has appeal authority over local government actions within the Legal Delta's Primary Zone. The Commission was mandated to prepare a regional land use plan for the Delta Primary Zone; its Land Use and Resource Management Plan (Plan) was completed in 1995.

Mossdale Landing would be located between the San Joaquin River on the west and Interstate 5 on the east, within the Delta's Secondary Zone, and is thus not subject to the Commission's appeal authority, so these are advisory comments only. The Commission's Plan includes a *recommendation* on recreation and access that is relevant to this proposal:

“R-3: New projects in the Secondary Zone, adjacent to the Primary Zone, should include commercial and public recreation facilities which allow safe, supervised access to and along the Delta waterways (pedestrian and bike trails, launch ramps including small boat launch ramps, windsurfing access, overlooks, nature observation areas, interpretive information, picnic areas, etc.).”

The Mossdale Landing Urban Design Concept proposes a linear open space/multi-use trail corridor along the San Joaquin River, which is consistent with the Commission's above recommendation. This corridor should be linked with the City of Stockton's existing and future bicycle trails system, as well as with proposed future development projects in the Lathrop area.

C-1

C-2



Thank you for the opportunity to review the DEIR. If you'd like more information about the Commission or its Plan, the Commission's website has a lot of useful information: [www.delta.ca.gov](http://www.delta.ca.gov). You may also contact me directly at (916) 776-2290 or [loridpc@citlink.net](mailto:loridpc@citlink.net).

Sincerely,

A handwritten signature in black ink that reads "Lori Clamurro". The signature is fluid and cursive, with a long horizontal line extending to the right.

Lori Clamurro  
Environmental Scientist

Cc: Patrick N. McCarty, Chairman  
Katie Shulte-Joung, Governor's Office of Planning and Research  
Commissioner Lynn Bedford  
Commissioner Augie Beltran



**Delta Protection Commission**  
**Lori Clamurro**  
**September 19, 2002**

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- C-1 The comment does not raise any environmental issues. No further response is required.
- C-2 The comment that the Mossdale Landing project site is located within the Delta's Secondary Zone and thus is not subject to the Delta Protection Commission's appeal authority is noted. The comment that, because of this, the recommendation made by the Commission is advisory is also noted.

The proposed project provides recreation and access opportunities along the San Joaquin River consistent with the Commission's recommendation. As indicated in Exhibits 3-4 and 3-6 of the DEIR, open space and a river park are proposed where the project abuts the river, and a multi-use trail (Class I pedestrian/bikeway) is proposed within the river park. The multi-use trail would both connect to Class II bikeways proposed within the balance of the project site and permit connection to any Citywide/Countywide multi-use trail system along the river which may be developed in the future. The proposed project does not include commercial recreation facilities (boat ramps, docks, etc.) or other public recreation facilities (windsurfing access, picnic areas, etc.) along the river, but also does not preclude the development of such facilities in the future.



Department of Toxic Substances Control



Edwin F. Lowry, Director  
1001 "I" Street, 25<sup>th</sup> Floor  
P.O. Box 806  
Sacramento, California 95812-0806

Winston H. Hickox  
Agency Secretary  
California Environmental  
Protection Agency

September 6, 2002

Deanna Walsh  
City of Lathrop  
16775 Howland Road, Suite One  
Lathrop, California 95330

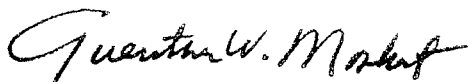
Re: Mossdale Landing Urban Design Concept

The Department of Toxic Substances Control (DTSC) is in receipt of the environmental document identified above. Based on a preliminary review of this document, we have determined that additional review by our regional office will be required to fully assess any potential hazardous waste related impacts from the proposed project. The regional office and contact person listed below will be responsible for the review of this document in DTSC's role as a Responsible Agency under the California Environmental Quality Act (CEQA) and for providing any necessary comments to your office:

James Tjosvold  
Site Mitigation Branch  
8800 Cal Center Drive  
Sacramento, California 95826-3200

If you have any questions concerning DTSC's involvement in the review of this environmental document, please contact the regional office contact person identified above.

Sincerely,

  
Guenther W. Moskat, Chief  
Planning and Environmental Analysis Section

cc: James Tjosvold  
Site Mitigation Branch  
8800 Cal Center Drive  
Sacramento, California 95826-3200

D-1



**California Department of Toxic Substances Control**  
**Guenther W. Moskat**  
**September 6, 2002**

---

D-1 This comment is noted. The comment does not raise any environmental issues. No further response is required.



**SAN JOAQUIN COUNTY  
COMMUNITY DEVELOPMENT DEPARTMENT**

1810 E. HAZELTON AVE., STOCKTON, CA 95205-6232  
PHONE: 209/468-3121 FAX: 209/468-3163



September 20, 2002

Deanna Walsh  
Community Development Department  
16775 Howland Road  
Lathrop, California 95330

Dear Ms. Walsh:

Re: Mossdale Landing Urban Design Concept DEIR

Agricultural Resources, Pages 10, 11 of Initial Study, Appendix A of DEIR

Paragraph (c) states, "To evaluate the potential urban-agricultural interface impacts associated with the proposed project, a project level analysis of such impacts will be included in the Mossdale Landing EIR. (PS)" The FEIR should include a discussion of urban-agricultural interface impacts.

E-1

Paragraph (a) indicates that the WLSP EIR identified the loss of Agricultural land as significant and unavoidable. The FEIR should include a project level review of possible mitigation measures. The California Environmental Quality Act (CEQA) Guidelines provide for five categories of mitigation measures that avoid, minimize, rectify, reduce, eliminate, or compensate for significant environmental effects of the proposed project (Section 15370). Compensation as a mitigation technique is used to justify the loss of habitat for rare, threatened, or endangered species.

Although mitigation by this project for the loss of farmland would not reduce the impact to less than significant, mitigation must still be provided to minimize, reduce, or compensate for the loss of farmland. This project must provide some mitigation for the significant loss of agricultural land.

E-2

There are several ways a "Project" proponent can minimize, reduce, or compensate for the significant loss of agricultural land, whether significant only by the loss proposed by "Project" or cumulatively significant, including, but not limited to:

1. By providing water supply for agriculture.
2. By assisting agriculturists in developing restoration and conservation projects.
3. By purchasing and combining smaller parcels to make agriculture more viable.
4. By conducting or funding flood plain restoration projects that benefit agriculture.
5. By developing or funding buffer zones between urban development and agricultural land.
6. By improving levees to protect agricultural land from flooding.

7. By conducting or funding erosion control projects that benefit agriculture.
8. By clustering development of the 'Project' to support efficient use of agricultural lands.
9. By conducting or providing funding for techniques that increase production by identifying new processes, new techniques, or new crop potential on heretofore limited agricultural production lands, i.e., converting grazing land to vineyards.
10. By conducting or funding programs that identify best agriculture management practices to increase efficiencies, such as land adjacent to wetlands, and potentially bring more agricultural land into production.
11. By conducting or funding Urban Limit Line studies that provide for improvement of geometric shape and compactness of urban development that reduce pressure to prematurely convert agricultural lands.

E-2  
Cont'd

For San Joaquin County to accommodate future anticipated population there will be a loss of agricultural land. This is because all cities in the County are built on and surrounded by agricultural land. Another method to mitigate for the loss of agricultural land is to obtain agricultural conservation easements that assure the availability of agricultural land for the long term. The county has hired a consultant to study the feasibility of establishing a countywide mitigation fee. Currently, the American Farmland Trust is assisting property owners in obtaining easements.

Thank you for the opportunity to comment on this DEIR. Please include this department on the distribution list for the FEIR.

Sincerely,



Chandler Martin  
Senior Planner

CM:vb  
MossdaleLandingDeir



E-1 This comment is noted. The DEIR includes an evaluation of the potential noise impacts associated with the creation of an urban-agricultural interface under the proposed project. More specifically, the DEIR includes an analysis of the potential noise impacts to proposed residential uses from the continuation of existing adjacent agricultural operations (Impact 4.7-e).

In addition to the above, the EIR includes an evaluation of the project’s potential to interfere with continued farming operations on adjacent properties (page 7-2 of the DEIR). The analysis concludes that the proposed project could potentially restrict the ability of farmers to apply certain pesticides and herbicides adjacent to the project site, but that the City’s right-to-farm ordinance would ensure that farming is permitted to continue. The following additional supporting analysis is hereby provided.

The proposed project would include the development of urban land uses which, due to their proximity to existing adjacent off-site agricultural operations, could potentially limit the extent of such operations within the vicinity of the project site. The presence of residential and school uses in close proximity to adjacent farmland could limit the use of fertilizers, pesticides, and herbicides, the times of day when farming machinery is used, burning of agricultural refuse, and other agricultural activities directly adjacent to the proposed project because such activities could result in nuisance complaints by area residents. However, the City of Lathrop enforces Chapter 15.48 of its City Code entitled Agricultural Land Preservation, otherwise known as the “right-to-farm” ordinance. This ordinance requires that:

“No agricultural activity, operation, or facility or appurtenances thereof, conducted or maintained for commercial purposes, in a manner consistent with property and accepted customs and standards and all codes, ordinances, and resolutions adopted by the city council of the city, as established and followed by agricultural operations, shall be or become a nuisance, public or private, if it was not a nuisance when such activity commenced operation, or facilities or appurtenances thereof commenced activity.”

Hence, no existing agricultural operations adjacent to the project site that are taking place consistent with applicable requirements shall be deemed a nuisance by the City in the future so long as said operations continue to occur consistent with applicable requirements. Furthermore, the ordinance requires that:

- (1) The City preserve, protect and encourage the use of viable agricultural land for the production of food and other agricultural products; and

*continued ...*

- (2) Sales of properties<sup>2</sup> shall be accompanied by disclosure statements that indicate the presence and permitted continuation of adjacent agricultural operations, and that buying the house is acceptance of any inconveniences or discomfort that may occur associated with occupancy adjacent to such agricultural operations.

With the enforcement of the City's right-to-farm ordinance, existing adjacent agricultural operations would not be discontinued, substantially hampered, or otherwise substantially adversely affected by development of the proposed project. Therefore, a less-than-significant impact to adjacent agriculture would occur.

With provision of the above, no further analysis is required.

E-2 The DEIR does identify mitigation measures which would minimize, reduce, and compensate for the loss of farmland. As indicated in Section 4.10 (page 4.10-28) of the DEIR, the City of Lathrop is a signatory to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) which has as its main purpose to balance the often conflicting interests of agriculture, development, and the environment. The SJMSCP establishes a fee-based compensation program to mitigate impacts to biological, agricultural and open space resources by new development with the intent of purchasing conservation easements or fee title lands elsewhere containing such resources as a mechanism for preservation. As indicated on page 4.10-42 of the DEIR, five pay zones are described in the SJMSCP: (1) No Pay Zone; (2) Multi-Purpose habitat land conservation fee; (3) Agriculture habitat land conversion fee; (4) Natural habitat land conversion fee; and (5) Vernal Pool habitat land conservation fee. As indicated in Exhibit 4.10-8 of the DEIR, the majority of the project site falls within Agricultural habitat land conversion fee pay zone which requires the applicant to pay a fee of \$1,690 per acre for on-site lands within the Agricultural habitat lands zone. Because the City of Lathrop and the project applicant have elected to comply with SJMSCP requirements in order to mitigate those biological resource impacts of the proposed project covered under the SJMSCP, the proposed project is subject to all fees required by the SJMSCP including the fee for Agricultural habitat lands. While the SJMSCP (page 7-25) acknowledges that payment of this fee will not fully mitigate farmland conversion impacts, payment of the required fee would "minimize, reduce, and compensate" for the loss of farmland associated with the proposed project consistent with CEQA requirements.

In addition to being a signatory to the SJMSCP, the City of Lathrop is exploring, with San Joaquin County and the cities of Stockton, Manteca, and Tracy, the possibility of establishing greenbelt separators between cities with County. This greenbelt separators program could conceivably be used, in part, to preserve prime agricultural land in the County. The greenbelt separators program effort is in its infancy and will require the establishment of a committee, committee workshops to formulate a program and associated implementation mechanisms, and adoption of the program by each of the participants. At such time as a greenbelt separator program is established, the City will

---

<sup>2</sup> Sales of homes associated with the proposed project would be an example.



*continued ...*

consider its participation in the program in an effort to preserve existing farmland in the County. However, like the purchase of agricultural conservation easements elsewhere, the City's participation in the greenbelt separator program would not represent full mitigation for the proposed project because it would preserve existing farmland rather than create new farmland to offset the farmland converted under the proposed project.

Based on the above, mitigation is provided in the EIR to reduce the farmland conversion impacts of the proposed project to the greatest extent feasible consistent with CEQA requirements. However, because the identified mitigation would not fully mitigate the impact, and because the only way to fully mitigate the impact would be to select the No Project Alternative which would represent an infeasible alternative under CEQA, the impact is identified as significant and unavoidable in the DEIR (Chapter 7, page 7-2). This is despite that the City already adopted a Statement of Overriding Considerations for this impact in the context of the certified WLSP EIR.



**LATHROP-MANTECA FIRE DISTRICT**

800 "J" Street  
Lathrop, California 95330  
(209) 858-2331 ph. 858-1180 fax.  
www.lmfd.org

September 23, 2002

City of Lathrop  
Planning Department

Attn: Deanna Walsh, Principal Planner

Application # EIR and Development Agreement Comment

Dear Deanna:

After some consideration, I would request the following comments be documented in both the EIR and DA for the Mossdale Landing Project (Pacific Union Homes).

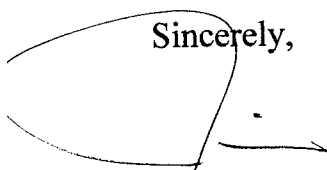
Attached is the agreement between Pacific Union Homes and the Lathrop-Manteca Fire District with regard to the building of a fire station to serve the West Lathrop Area. It is very specific when and where the station will be built. It gives trigger points and where the fees will come from. It also gives an interim location and a more suitable permanent location. Also attached are several maps that identifies the parcels to be dedicated.

F-1

As stated in the original letter, these are the facts around the timing and location of the West Lathrop fire station and should be included as a mitigation in the EIR and DA.

Should there be any questions in reference to the above, please contact me at my office.

Sincerely,

  
J.R. Monty  
Fire Marshal



## LATHROP-MANTECA FIRE DISTRICT

800 "J" Street  
Lathrop, California 95330  
(209) 858-2331 ph. 858-1180 fax.  
www.lmfd.org

July 31, 2002

City of Lathrop  
Planning Department

Attn: Deanna Walsh, Principal Planner

Application # Screencheck DEIR (7-26-02)

Dear Staff:

After reviewing the above publication, I would request the following changes be made prior to Final approval:

1. On page 2-1, paragraph 3, line 6, the correct address for the City is "Suite One".
2. On page 3-1, paragraph 4, line 2, the correct name of the school is "Widmer"
3. On page 3-6, paragraph 3, line 3, under the heading of Urban Design Concepts, add the word interim, so the line reads, "...an interim fire station on 0.4 acres, ..."
4. On page 4.1-2, paragraph 4, line 3, the correct spelling of the road is "Dos Reis Road".
5. On Exhibit 4.7-6, indicates that an 8 ft Sound Wall should be placed around the future Interim Site of the Fire Station. Please verify.
6. On page 4.7-20, paragraph 6, line 1, please include the word interim when referring to this fire station. The line should read "...under the proposed project an interim fire station would be developed..."
7. On page 5-44, paragraph 1, line 5, make the following change, "...when construction by the City LMFD of the new on-site ..."
8. On page 8-7, paragraph 4, line 5, the next to the last word refers to "a station". What kind of station is this referring?

Attachment  
to F-1

Should there be any questions in reference to the above, please contact me at my office.

Sincerely,

J.R. Monty  
Fire Marshal



## LATHROP-MANTECA FIRE DISTRICT

800 "J" Street  
Lathrop, California 95330  
(209) 858-2331 ph. 858-1180 fax.  
www.lmfd.org

May 15, 2002

Mr Ramon Batista  
Assistant City Manager  
City of Lathrop  
16775 S. Howland Rd  
Lathrop, Ca. 95330

re: Lathrop-Manteca Fire District Position on Fire Station Location - Mossdale Landing Project

Ramon,

After a lengthy discussion with City staff and considerable analysis on the part of the Fire District and Pacific Union Homes collectively, we have arrived at the following process for the location of the New Fire Station within the West Lathrop Specific Plan area. We have also agreed on an interim location on the three PUH "Mossdale Landing" lots (see attached map) and an adjacent permanent location at the intersection of Golden Valley Parkway and River Islands Parkway (formerly Gold Rush Blvd) when that site becomes available.

It is anticipated that the permanent site will be ratified and adopted when the currently developing traffic analysis for the "River Islands at Lathrop" project is approved, dismissing the need for a grade separated intersection at that location. This will make land available for the Fire Station in such a place that it can serve all the residential development in the Mossdale area, as well as the Crossroads Commerce Center. Both locations will free up funds previously set aside for an additional Fire Station and Training Facility that was to be located within the Commerce Center, as well as new funds from other residential developments within the response area.

Please communicate the substance of our discussion to EDAW, the EIR consultant, for inclusion in the "Mossdale Landing" EIR. The following points will confirm the conceptual understanding shared among the participants with the specific details remaining for determination and agreement, with these concepts to be included in substance in the mitigation section of the EIR.

1. PUH would initially dedicate the land for the three lots (67 thru 69) and designate the three lots (18,900 sq ft) as the interim site for the new station at the start of our Master Plan improvements. PUH will be given credit for certain on-site and off-site fire facilities improvements constructed or paid for by the developer. PUH may be entitled to credit for the value of improvements if the developer (a) dedicates an appropriate site, (b) constructs the improvements, (c) finances an improvement by cash, assessment District or Mello-Roos Community Facility District, or (d) any combination of the above.

The fee may be reduced by the District if the improvements provided by the developer are sufficient to meet the impacts created by the development.

2. Once the right-of-way is acquired from the Robinson family parcel along Louise Avenue occurs, designate that additional 1,600 sq ft parcel to the final fire station site.
3. PUH would be served by the existing fire station for the first 170 homes, unless the 3-4 minute response time for the area is exceeded by other factors, such as other development that occurs in the area; response route obstructions or detours; or any other item that may increase response times beyond our standard.

Attachment  
to F-1



## LATHROP-MANTECA FIRE DISTRICT

800 "J" Street  
Lathrop, California 95330  
(209) 858-2331 ph. 858-1180 fax.  
www.lmfd.org

4. PUH will not be required to build the entire station, but may be required to build a first phase facility if, at the sole discretion of the Fire District, such a fire facility is needed and sufficient funding is not available to fund its construction. If the station is needed and not phased in time for homes in excess of the 3-4 minute response time, the District will develop the station in phases utilizing PUH fees, Crossroads Commerce Center fees and any other fees available from projects within the service area.
5. With the anticipated adoption of the new Traffic model principles, eliminating the need for a Grade separated intersection; the District will move the location of the Fire Station/Training Facility from the PUH lots and officially adopt the new site at the intersection of Golden Valley Parkway and River Island Parkway (formerly Gold Rush Blvd). Since this station location is to replace the planned Fire Station/Training Facility of the Commerce Center, a relatively large parcel is required. This parcel will need to include the 14331.24 sq ft parcel, the 21,297.79 sq ft parcel and the 1604.86 sq ft parcel. The total area of the combined parcel will be 37,233.89 sq ft.
6. If the need for a grade separation at Golden Valley parkway remains and the future site can not be used, the interim site shall become the final site. If the Fire District can not acquire sufficient funds to build the fire station and the full station is needed, due to response time within the coverage area, then the developer shall either finance or build the station, at its option, at the interim site (lots 67 - 69).

Attachment  
to F-1

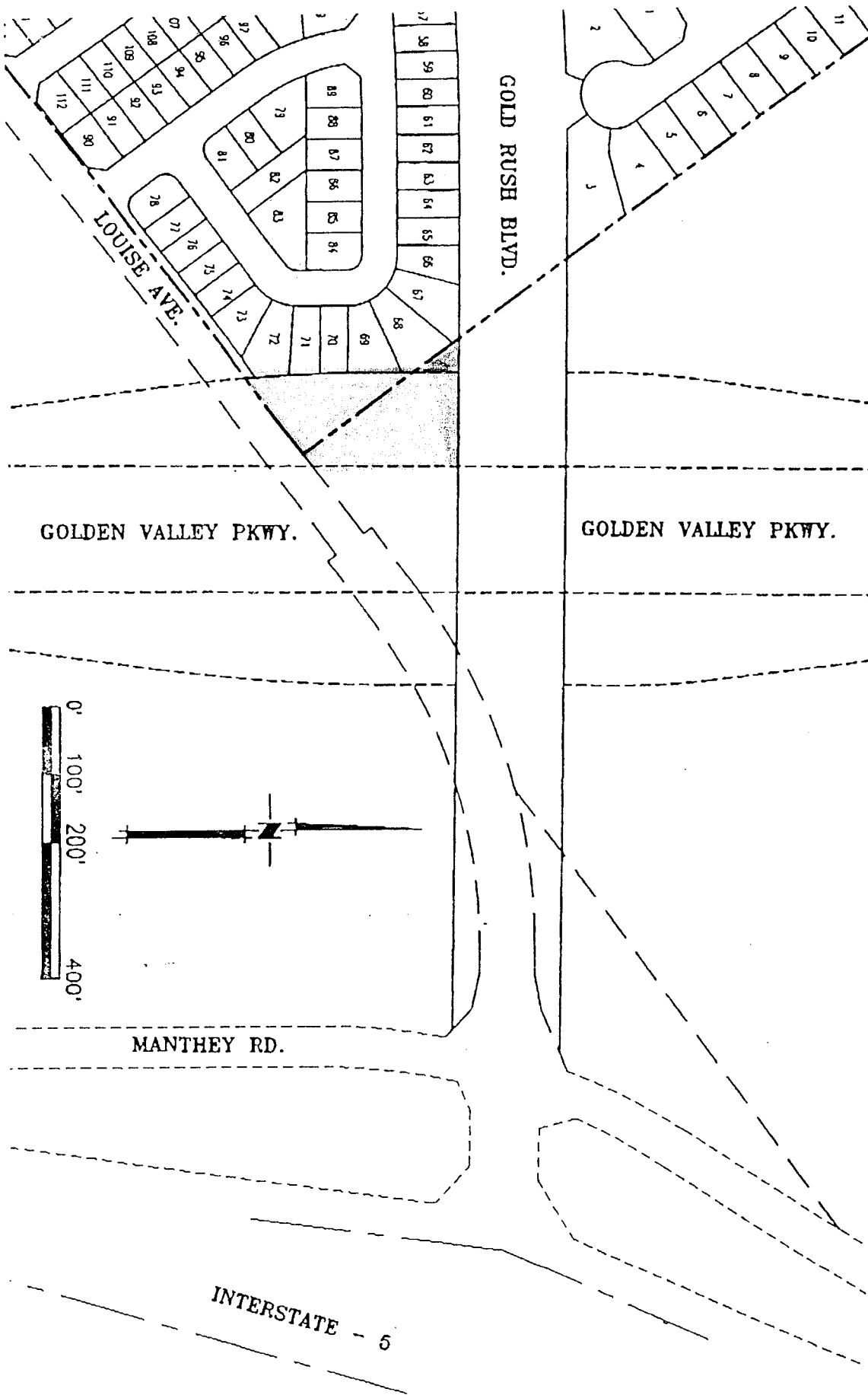
This has been a dynamic process where each of the parties has contributed positively to concepts, which appear to work well for all concerned. My compliments to the Lathrop City Staff for their role in creating the forum for this mutually beneficial discussion.

Sincerely,

Gerald Sims  
Fire Chief

Attachments: Location Maps - Pacific Union Homes - Mossdale Landing Lots

cc: Darryl Foreman, LP&E Inc  
Mike Badner, PUH Project Manager

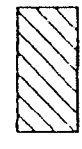
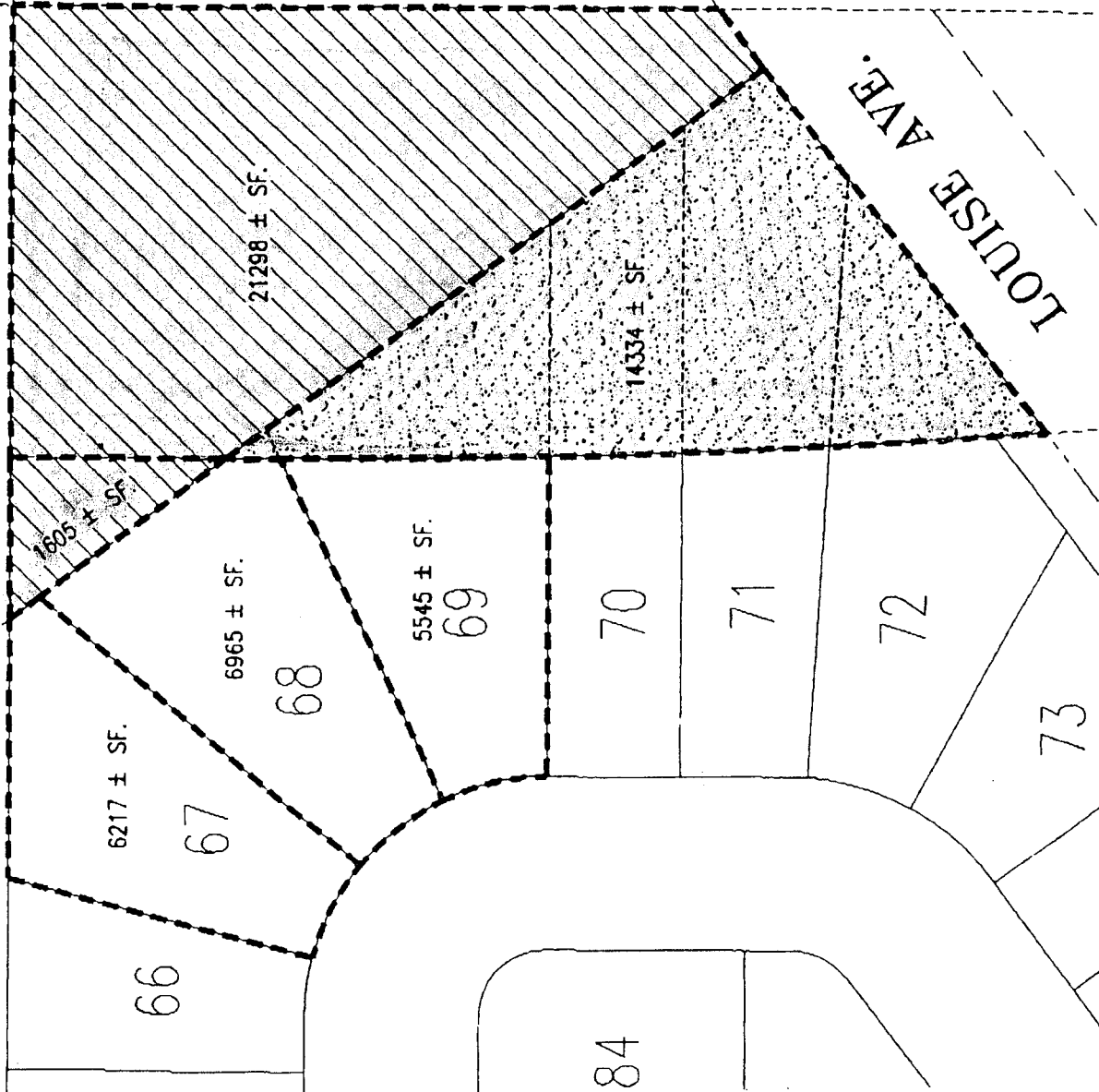


Attachment  
to F-1

GOLD RUSH BLVD.

GOLDEN VALLEY PKWY.

LOUISE AVE.



AREA TO BE DEDICATED TO FIRE DISTRICT IF R.O.W. FOR GOLDEN VALLEY PKWY. ON-RAMP IS NOT REQUIRED.



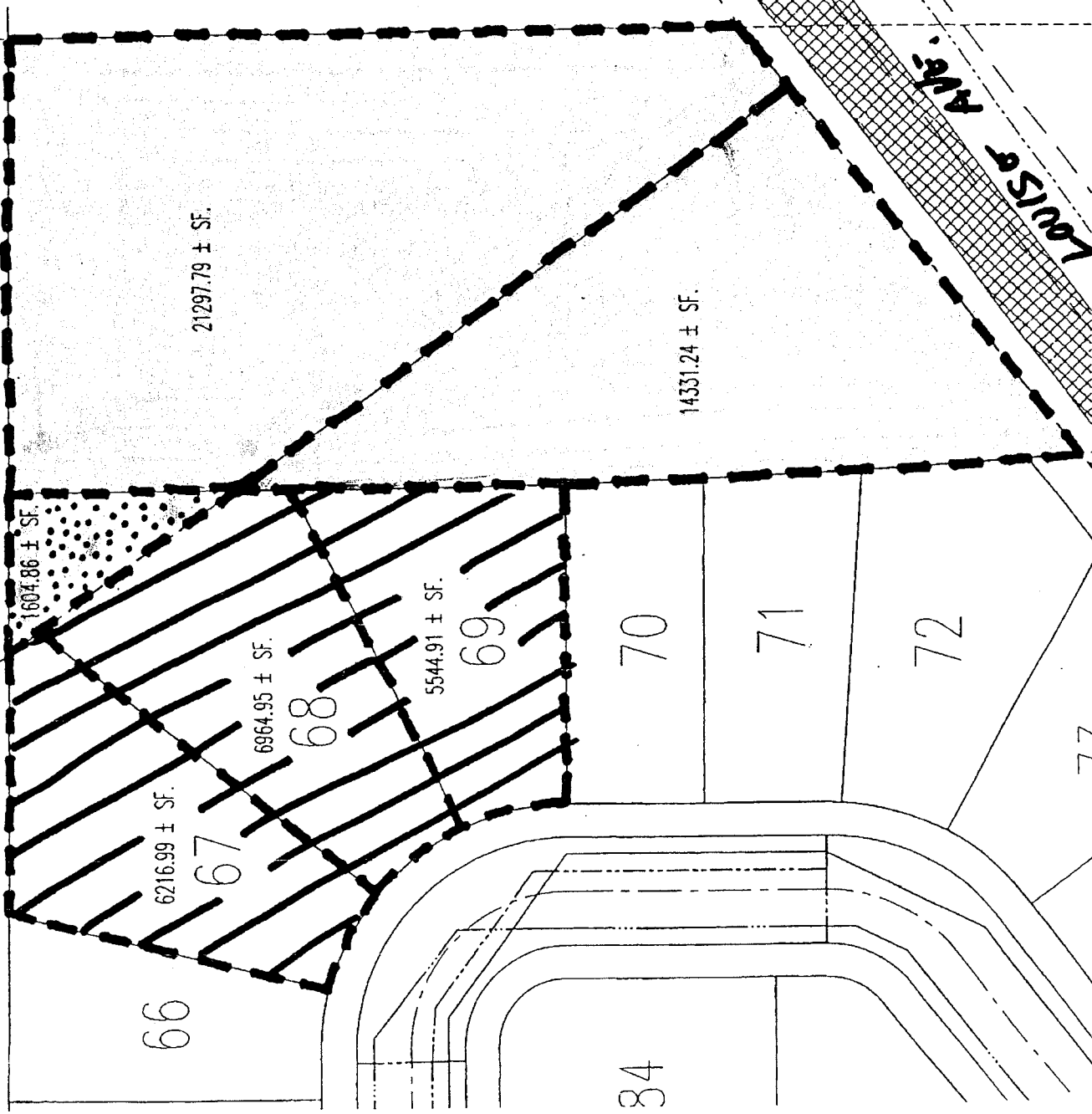
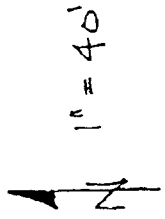
AREA TO BE MAPPED AS LOTS OR IF REQUIRED, DEDICATED TO FIRE DISTRICT WHEN IT IS DETERMINED R.O.W. FOR GOLDEN VALLEY PKWY. IS NOT REQUIRED.

Attachment to F-1

GOLD RUSH

GOLDEN VALLEY

(18,727 SF.)  
AREA MARKED AS  
FIRESTATION WITH  
LOTTING OF 3 LOTS  
AS AN OVRLAY.  
AREA TO BE DEDICATE  
ONCE ACQUIRED FROM  
ROBINSON  
(1604 SF.)



Attachment  
to F-1





**Lathrop-Manteca Fire District**  
**J. R. Monty, Fire Marshal**  
**September 23, 2002**

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F-1 As requested by the commenter, the May 15, 2002, agreement between Pacific Union Homes and the Fire District is attached (see Section IV.B of this FEIR). City staff will also include the agreement in the development agreement (DA) for the proposed project.

Concerning the District comments contained in its July 31, 2002, letter (identified as Attachment to F-1), these were incorporated into the DEIR subsequent to the July 31, 2002 letter but before circulation of the DEIR on August 29, 2002.



Gray Davis  
GOVERNOR

STATE OF CALIFORNIA

Governor's Office of Planning and Research  
State Clearinghouse



**ACKNOWLEDGEMENT OF RECEIPT**

DATE: October 15, 2002

TO: Deanna Walsh  
City of Lathrop  
16775 Howland Road  
Suite One  
Lathrop, CA 95330

RE: Mossdale Landing Urban Design Concept, Vesting Tentative Map, and  
Development Agreement  
SCH#: 2001052059

This is to acknowledge that the State Clearinghouse has received your environmental document for state review. The review period assigned by the State Clearinghouse is:

Review Start Date: August 29, 2002  
Review End Date: October 15, 2002

We have distributed your document to the following agencies and departments:

- Air Resources Board, Transportation Projects
- California Highway Patrol
- Caltrans, District 10
- Department of Conservation
- Department of Fish and Game, Region 2
- Department of Housing and Community Development
- Department of Parks and Recreation
- Department of Toxic Substances Control
- Department of Water Resources
- Native American Heritage Commission
- Office of Historic Preservation
- Public Utilities Commission
- Regional Water Quality Control Bd., Region 5 (Sacramento)
- Resources Agency
- State Lands Commission

G-1

The State Clearinghouse will provide a closing letter with any state agency comments to your attention on the date following the close of the review period.

Thank you for your participation in the State Clearinghouse review process.



**Governor's Office of Planning and Research**  
**October 15, 2002**

---

G-1 The comment does not raise any environmental issues. No further response is required.



STATE OF CALIFORNIA

Governor's Office of Planning and Research  
State Clearinghouse



Gray Davis  
GOVERNOR

October 16, 2002

Deanna Walsh  
City of Lathrop  
16775 Howland Road  
Suite One  
Lathrop, CA 95330

Subject: Mossdale Landing Urban Design Concept, Vesting Tentative Map, and Development Agreement  
SCH#: 2001052059

Dear Deanna Walsh:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on October 15, 2002, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

H-1

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2001052059  
**Project Title** Mossdale Landing Urban Design Concept, Vesting Tentative Map, and Development Agreement  
**Lead Agency** Lathrop, City of

**Type** EIR Draft EIR  
**Description** The project would be developed as a mixed use residential community consisting of 16 neighborhoods, with single and multi-family residential uses, village and service commercial uses, parks, two schools, a fire station, pedestrian and bicycle paths, a roadway system, and levee/open space. Entitlements being sought from the lead agency include a Certified EIR, Urban Design Concept (UDC), Vesting tentative Tract Map, Final Map, Neighborhood Design Review, Building Permits, Gold Rush Boulevard Precise Plan Line (PPL), and Williamson Act Contract Cancellations. The project would be consistent with General Plan land use designations and zoning.

**Lead Agency Contact**

**Name** Deanna Walsh  
**Agency** City of Lathrop  
**Phone** 209-858-2860 x 269  
**email**  
**Address** 16775 Howland Road  
 Suite One  
**City** Lathrop **State** CA **Zip** 95330  
**Fax**

**Project Location**

**County** San Joaquin  
**City** Lathrop  
**Region**  
**Cross Streets** Louise Avenue  
**Parcel No.** 191-190-02,-03,-05,-06,-11,-14,-16,-17,-22,-23, and 191-200-01  
**Township** **Range** **Section** **Base**

**Proximity to:**

**Highways** I-5, I-205, SR 120  
**Airports**  
**Railways** Union Pacific  
**Waterways** San Joaquin River  
**Schools** Widmore School, Lathrop Elementary  
**Land Use** Residential Low, Residential Medium, Public, Service Commercial, Village Commercial, roadways R-MV (Single Family Residential), RM-MV (Multi-Family Residential, CS-MC (Service Commercial), CV-MV (Village Commercial), and OS (Open Space).

**Project Issues** Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Drainage/Absorption; Flood Plain/Flooding; Noise; Public Services; Schools/Universities; Sewer Capacity; Solid Waste; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Cumulative Effects; Other Issues

**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Fish and Game, Region 2; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 10; Department of Housing and Community Development; Air Resources Board, Transportation Projects; Regional Water Quality Control Bd., Region 5 (Sacramento); Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission; State Lands Commission

**Date Received** 08/29/2002 **Start of Review** 08/29/2002 **End of Review** 10/15/2002



# Department of Toxic Substances Control



Edwin F. Lowry, Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200

Gray Davis  
Governor

Justin H. Hickox  
Agency Secretary  
California Environmental  
Protection Agency

October 9, 2002

Ms. Deanna Walsh  
Principal Planner  
City of Lathrop  
16775 Howland Road, Suite One  
Lathrop, California 95330

DRAFT ENVIRONMENTAL IMPACT REPORT FOR MOSSDALE LANDING URBAN  
DESIGN CONCEPT (SCH #2001052059)

Dear Ms. Walsh:

The Department of Toxic Substances Control (DTSC) has reviewed the above document that proposes building residential and school properties on agricultural land. DTSC recommends that additional research be conducted to determine whether pesticides were used on the proposed development site. Although DTSC does not regulate legally applied pesticides, if pesticides have historically been used on the property, we strongly recommend that these areas be tested for environmentally persistent pesticides such as DDT and metals prior to development. The results of any testing should be evaluated to determine if concentrations present in soils will be protective of residents, students, and workers.

H-2

If you have any questions, please contact me by email at [tmiles@dtsc.ca.gov](mailto:tmiles@dtsc.ca.gov) or by telephone at (916) 255-3710.

Sincerely,

Tim Miles  
Hazardous Substances Scientist

cc: See next page.

Ms. Deanna Walsh  
October 9, 2002  
Page 2

cc: Planning & Environmental Analysis Section (PEAS)  
CEQA Tracking Center  
1001 "I" Street, 22nd Floor  
P.O. Box 806  
Sacramento, California 95812-0806

State Clearinghouse  
Office of Planning and Research  
1400 10th Street, Room 121  
Sacramento, California 95814-0613

H-2  
Cont'd

**DELTA PROTECTION COMMISSION**

14215 RIVER ROAD  
 P.O. BOX 530  
 WALNUT GROVE, CA 95690  
 Phone (916) 776-2290  
 FAX (916) 776-2293  
 E-Mail: dpc@citlink.net Home Page: www.delta.ca.gov



September 19, 2002

Ms Deanna Walsh, Project Manager  
 City of Lathrop Planning Department  
 16775 Howland Road, Suite One  
 Lathrop, CA 95330

Subject: Comments on the Draft Environmental Impact Report (DEIR) for the  
 Mossdale Landing Urban Design Concept (SCH# 2001052059)

Dear Ms Walsh,

I have reviewed the above document, and am submitting general comments on behalf of the Delta Protection Commission. The Commission has not reviewed the document nor these comments; they are staff comments only.

The Delta Protection Commission, created under the Delta Protection Act of 1992, has appeal authority over local government actions within the Legal Delta's Primary Zone. The Commission was mandated to prepare a regional land use plan for the Delta Primary Zone; its Land Use and Resource Management Plan (Plan) was completed in 1995.

H-3

Mossdale Landing would be located between the San Joaquin River on the west and Interstate 5 on the east, within the Delta's Secondary Zone, and is thus not subject to the Commission's appeal authority, so these are advisory comments only. The Commission's Plan includes a *recommendation* on recreation and access that is relevant to this proposal:

“R-3: New projects in the Secondary Zone, adjacent to the Primary Zone, should include commercial and public recreation facilities which allow safe, supervised access to and along the Delta waterways (pedestrian and bike trails, launch ramps including small boat launch ramps, windsurfing access, overlooks, nature observation areas, interpretive information, picnic areas, etc.).”

The Mossdale Landing Urban Design Concept proposes a linear open space/multi-use trail corridor along the San Joaquin River, which is consistent with the Commission's above recommendation. This corridor should be linked with the City of Stockton's existing and future bicycle trails system, as well as with proposed future development projects in the Lathrop area.



Thank you for the opportunity to review the DEIR. If you'd like more information about the Commission or its Plan, the Commission's website has a lot of useful information: [www.delta.ca.gov](http://www.delta.ca.gov). You may also contact me directly at (916) 776-2290 or [loridpc@citlink.net](mailto:loridpc@citlink.net).

Sincerely,



Lori Clamurro  
Environmental Scientist

H-3  
Cont'd

Cc: Patrick N. McCarty, Chairman  
Katie Shulte-Joung, Governor's Office of Planning and Research  
Commissioner Lynn Bedford  
Commissioner Augie Beltran



# California Regional Water Quality Control Board

## Central Valley Region

Robert Schneider, Chair



Gray Davis  
Governor

Winston H. Hickox  
Secretary for  
Environmental  
Protection

### Sacramento Main Office

Internet Address: <http://www.swrcb.ca.gov/rwqcb5>  
3443 Routier Road, Suite A, Sacramento, California 95827-3003  
Phone (916) 255-3000 • FAX (916) 255-3015

8 October 2002

Deanna Walsh  
City of Lathrop  
16775 Howland Road  
Lathrop, CA 95330

### ***SCH# 2001052059, DRAFT EIR FOR MOSSDALE LANDING URBAN DESIGN CONCEPT, LATHROP, SAN JOAQUIN COUNTY***

I have reviewed the Draft Environmental Impact Report (DEIR) and the Mossdale Landing Urban Design Concept for Mossdale Landing, Lathrop, San Joaquin County. The document package was distributed by the State Clearinghouse and is identified by State Clearinghouse No. 2001052059. This letter provides comments on the DEIR and identifies issues that may require further discussion. The Regional Board previously commented on this project in letters dated 15 May 2001 and 18 May 2001.

#### Project Description

The project consists of a 477.3-acre residential subdivision consisting of approximately 1,690 dwelling units. Development will be performed in seven phases over an eight-year period. The DEIR states wastewater will be treated in the existing Wastewater Treatment Plant No. 1 (Crossroads) and will be returned to the development for application. It has been brought to the attention of the Regional Board that the Crossroads treatment plant will not be available to treat the project's wastewater and that an entirely new treatment plant will be constructed adjacent to the Crossroads facility. The DEIR must be revised to correctly describe the wastewater treatment that is planned.

H-4

The following additional comments on the DEIR are provided:

#### Draft Environmental Impact Report

The DEIR refers to treating wastewater from other developments (Calfia River Islands and Lathrop Station) in addition to the Mossdale Landing project. No other information is provided on the location of the other projects or how their wastewater will be handled.

The DEIR describes interim conditions (until 2007) during which time the wastewater treated at WWTP No. 1 (Crossroads) would be returned to the project for storage and land application. The storage ponds are described as 16 feet in depth with a clay or synthetic liner. Because groundwater in the project area is shallow (approximately 10 feet) measures to protect the liners from damage from high groundwater conditions are likely needed. Based on descriptions presented in the Kleinfelder groundwater report (discussed later in this letter) a permit from the Department of Water Resources Division of Dam Safety

may be required for the storage pond(s). Review of the pond design is not included in the list of permits that is provided in Section 1.4 of the DEIR.

Use of the wastewater for irrigation as described in the DEIR may require additional wastewater storage facilities or redundant treatment facilities because Title 22 Section 60304 requires backup measures if treatment fails. In addition, storage of wastewater in ponds after treatment will likely result in measurable total coliform organisms possibly requiring secondary disinfection prior to land application.

#### Draft Environmental Impact Report – Mitigation Measures

Table 2.1, Summary of Impact and Mitigation Measures, Item No. 4.4-c states, "...because of the depth to potable groundwater (150 feet) the application of recycled water would not result in the percolation of pollutants to potable groundwater." It should be noted that the beneficial uses of shallow groundwater must also be protected. Because of the shallow depth to groundwater in the conceptually described land application areas, it is likely that additional treatment, storage, and application procedures will be required to protect groundwater quality.

Table 2.1, Summary of Impact and Mitigation Measures, Item No. 4.8-f states, "...implementation of the mitigation measure identified in the Master Plan EIR, with the exception of odor impacts, which would be significant and unavoidable." WDRs for a wastewater treatment plant will not allow generation of nuisance odors. WDRs will contain a Discharge Specification stating objectionable odors originating at the facility shall not be perceivable beyond the limits of the property owned by the Discharger.

Table 2.1, Summary of Impact and Mitigation Measures, Item No. 4.8-h states, "Project build out would result in an incremental increase in project wastewater requiring disposal. However, insufficient areas would exist at the project site to dispose of this additional wastewater, and no offsite land disposal site or river discharges have been identified. Therefore a significant impact would occur." For mitigation measures, the DEIR assumes build out would be delayed, reserving 20 acres of storage pond area and 34 acres of land application areas for wastewater use. Because an RWD has not been submitted, it is unknown if that amount of storage and land application area is sufficient. The alternative mitigation measure identified is river disposal, which may not be an available option due to the existing impaired condition of the receiving water.

H-4  
Cont'd

#### Groundwater Characterization

The groundwater information presented in the DEIR is incomplete and will need to be supplemented with additional information for the RWD. Groundwater monitoring will be required upgradient and downgradient of all land application and/or wastewater storage areas. Because of the number of land application areas that will be landscaped areas, a regional approach to groundwater monitoring may be acceptable. However, wastewater storage areas will require site-specific groundwater monitoring networks. Groundwater monitoring should be performed to characterize the background groundwater quality at the site. Inadequate groundwater monitoring data may result in delays evaluating the Report of Waste Discharge while the groundwater quality is characterized.

Additional comments on the groundwater report supplied in the DEIR are provided below:

- The 11 July 2002, Revised Report, Summary of Groundwater Studies, Terry and Adjacent Properties, prepared by Kleinfelder Inc., contained in Volume II Appendix F, states in Section 5, "It

is our understanding in discussions with the RWQCB that discharge waters can be impounded on the surface, percolate into the ground, and eventually seep into an existing drainage ditch used by local farmers." That statement is not referenced so the personal quote is unknown. Waste discharge to land typically must not degrade groundwater quality, must be controlled to prevent escape from the storage area, and must not produce nuisance conditions. Discharge of wastewater into drainage ditches would require a National Pollutant Discharge Elimination System permit.

- Section 7 of the Kleinfelder report states, "...embankments approximately 10-feet above the original grade may be needed." As previously discussed, such impoundments may require approval of the construction of the ponds by the Department of Water Resources, Division of Dam Safety.
- The Kleinfelder report does not tabulate the analytical results of groundwater sample chemical analyses. Laboratory reports for two sample events are included in Appendix C of the report, but presentation of the data should allow review without requiring readers to create data tables. In addition, Section VI of the Kleinfelder report describes four sample events from 25 January to 13 June 2001, only data from 27 February 2001 and 16 April 2001 are included in the report. Presentation of incomplete groundwater monitoring data does not allow evaluation of the groundwater conditions.

The following discussion provides information on permits required by the Regional Water Board for the project.

#### Waste Discharge Requirements

Because wastewater will be generated and treated, stored, or disposed on site, Waste Discharge Requirements (WDRs) will be required. The project proponent shall submit a Report of Waste Discharge (RWD) at least 120 days prior to discharging wastewater at the site. California Water Code Section 13260 requires submittal of the RWD. If groundwater dewatering is required, the owner/operator must first obtain an NPDES permit prior to initiating dewatering activities. If discharge of wastewater to surface water is anticipated, a complete Report of Waste Discharge is required. Objections to the WDRs may cause significant delays in the adoption of WDRs by the Regional Board. The Regional Board staff previously submitted comments to the City of Lathrop (see attached letter dated 16 December 1999) regarding a proposed NPDES discharge, outlined several concerns regarding the process, and requested additional information if the process were to proceed. The long term wastewater disposal needs for the community need to be resolved, and appropriate permit limitations established before subdivisions are approved for development.

#### Construction Stormwater Permit

A NPDES General Permit for Storm Water Discharges Associated with Construction Activities, Order No. 99-28-DWQ is required when a project involves clearing, grading, disturbances to the ground, such as stockpiling, or excavation. Currently, construction activity that involves soil disturbances on construction sites five acres or greater or which are part of a larger common plan of development or sale require a construction storm water permit.

Because construction associated with the project will disturb more than five acres, the property owner needs to obtain permit coverage under the NPDES General Permit No. CAS000002 for Discharges of Storm Water Associated With Construction Activity. Before construction begins, the proponent must

H-4  
Cont'd

submit an NOI to comply with the permit to the State Water Resources Control Board and an SWPPP must be prepared.

#### Water Quality Certification - Wetlands

If a U.S. Army Corp of Engineers (ACOE) permit is required due to the disturbance of wetlands, then Water Quality Certification must be obtained from the Regional Board prior to initiation of project activities. Section 401 of the federal Clean Water Act requires that the project proponent for any project that impacts surface waters of the United States (such as streams and wetlands) must request a 401 Water Quality Certification from the Regional Board. Water Quality Certification must be obtained prior to initiation of project activities. The proponent must follow the ACOE 404(b)(1) Guidance to assure approval of their 401 Water Quality Certification application. The guidelines are as follows:

1. Avoidance (Is the project the least environmentally damaging *practicable* alternative?)
2. Minimization (Does the project minimize any adverse effects to the impacted wetlands?)
3. Mitigation (Does the project mitigate to assure a no net loss of functional values?)

#### Dewatering Permit

The proponent may be required to file a Dewatering Permit covered under Waste Discharge Requirements General Order for Dewatering and Other Low Threat Discharges to Surface Waters Permit, Order No. 5-00-175 (NPDES CAG995001). The following discharges may be covered by this permit provided they do not contain significant quantities of pollutants and are either (1) four months or less in duration, or (2) the average dry weather discharge does not exceed 0.25 mgd:

- a. Well development water
- b. Construction dewatering
- c. Pump/well testing
- d. Pipeline/tank pressure testing
- e. Pipeline/tank flushing or dewatering
- f. Condensate discharges
- g. Water Supply system discharges
- h. Miscellaneous dewatering/low threat discharges

#### Industrial Stormwater Permit

Depending on the Standard Industrial Classification (SIC) code of the final project, compliance with the NPDES General Permit No. CAS000001 for Discharges of Storm Water Associated With Industrial Activities may be required. The SIC codes of activities requiring coverage are listed in the General Permit. In order to obtain coverage by the General Permit, the proponent must submit a Notice of Intent to comply with the permit (NOI) to the State Water Resources Control Board and a Storm Water Pollution Prevention Plan (SWPPP) must be prepared.

#### Section 404 Permit

If the project will involve the discharge of dredged or fill material into navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the US Army Corps of Engineers. If a Section 404 permit is required by the Corps, the Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water

H-4  
Cont'd

drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions about the storm water program, please call Dani Berchtold at (916) 255-3383. Additional information is available via the internet at the Regional Board's Storm Water website <http://www.swrcb.ca.gov/stormwtr/index.html>. For more information on Section 404 Permits contact the Sacramento District of the Corps of Engineers at (916) 557-5250 or Patrick Gillum with the Regional Board at (916) 255-3397. If you have any questions about the RWD process, please telephone me at (916) 255-3116.



TIMOTHY R. O'BRIEN  
Waste Discharge to Land Unit  
Lower Sacramento River Watershed

Attachment: 16 December 1999 Regional Board Correspondence

cc: Mike Huggins, San Joaquin County Environmental Health Department, Stockton  
Gregoria Garcia, State Clearinghouse, Sacramento

H-4  
Cont'd



# California Regional Water Quality Control Board

## Central Valley Region

Steven T. Butler, Chair



Gray Davis  
Governor

Winston H. Hickox  
Secretary for  
Environmental  
Protection

Sacramento Main Office  
Internet Address: <http://www.swrcb.ca.gov/~rwqcb5>  
3443 Routier Road, Suite A, Sacramento, California 95827-3003  
Phone (916) 255-3000 • FAX (916) 255-3015

16 December 1999

Mr. Jon Crawford  
Public Works Director  
City of Lathrop  
16775 Howland Road, Suite 1  
Lathrop, CA 95330

### REVIEW OF REPORT OF WASTE DISCHARGE AND REQUEST FOR ADDITIONAL INFORMATION, CITY OF LATHROP, SAN JOAQUIN COUNTY

A report of waste discharge (RWD) was submitted by the City of Lathrop (City) on 13 August 1999, to the Regional Water Quality Control Board (Board). The City is requesting a new National Pollutant Discharge Elimination System (NPDES) permit for a wastewater treatment plant expansion to accommodate future development. We met with you, other City representatives, Califia Development Group, and Libbey Owens Ford Company on 17 November 1999 to discuss the difficulties that lie ahead for permitting a new discharge to the San Joaquin River, an impaired surface water body.

The Sacramento-San Joaquin Delta is impaired due to low dissolved oxygen, salts, mercury, persistent organochlorine pesticides, diazinon, chlorpyrifos, DDT, and unknown toxicity. Studies to determine Total Maximum Daily Loads (TMDLs) for these constituents are not yet complete. Therefore, pollutant load allocations for individual dischargers have not been determined. In addition, other constituents may require effluent limits if they cause or have reasonable potential to cause or contribute to an excursion above a water quality objective.

An interpretation of the regulations is that any new NPDES permit must include stringent effluent limitations to ensure no increase in loads to the Delta. However, growth in the area is inevitable, and the City's proposed tertiary treatment facility will cause less impact on the beneficial uses of the Delta than an increase in secondary discharge from an existing facility. In addition, the City has indicated a willingness to maximize land disposal to the extent feasible and to discharge only highly-treated effluent at times of the year when the receiving water has assimilative capacity. These were two significant factors in our decision to agree to proceed with drafting an NPDES permit for the City.

To begin drafting a NPDES permit, Board staff require information showing that a new discharge to the river will not cause or contribute to an impairment. The City must provide an estimate of the quantity and quality of the proposed discharge and a determination of the impact of each constituent in the discharge on Delta waters, particularly for constituents on the 303(d) list. A determination will then be made on what discharge can be allowed under federal and state law. We must emphasize that there is no guarantee that the Board will adopt an NPDES permit once it is drafted. In addition, if the Board adopts

Attachment  
to H-4

the proposed NPDES permit, the City will have the associated responsibility, along with other dischargers, for bringing the San Joaquin River into compliance with water quality objectives.

We reviewed the information the City submitted in their RWD. As discussed in our 17 November 1999 meeting, the City's application is deficient in many areas. Following are issues requiring resolution:

1. Lathrop needs to better evaluate the constituents expected to be present in its treated wastewater effluent. The analyses required for the existing land application under the existing WDR are insufficient for evaluation of its appropriateness for surface water discharge. Data should be provided for all conventional pollutants, as well as priority pollutants, diazinon, and chlorpyrifos. Staff will need this information to assess the contribution of the proposed discharge to the impaired water body. The proposed discharge will be fundamentally different from the current discharge at the Industrial WWTP, so analyses of that discharge may be of little use in evaluating the proposed NPDES discharge.
2. Form 200, Section V of the submitted application indicates that the proposed expansion of the wastewater treatment plant is exempt from the California Environmental Quality Act (CEQA) process. Additionally, it states that a Notice of Determination (NOD) has been filed. Please note that the NOD submitted with the application packet was filed in October 1991 and was specific for the design and construction of the existing 0.6 million gallon per day (mgd) wastewater treatment plant. Your permit application specifies an increase of the average daily flow to 1.2 mgd. Also, as discussed at the meeting, the envisioned future treatment system will include multiple satellite treatment plants throughout the community that are linked and discharge through a master plant. Because the future plans are significantly different from historical proposals, the CEQA process must be completed.
3. At our meeting, the City proposed the concept of a master plan for sewage management and treatment. You discussed the possibility that reclamation throughout the community may be possible, or that land at the nearby Libbey Owens Ford glass manufacturing plant may become available for land application purposes. Prior to proceeding with drafting either new waste discharge requirements or an NPDES permit, the Board will require a formalized sewage management plan. Please submit a copy of your draft Master Plan as soon as it is available.
4. The following comments pertain to EPA Form A, Section I:  
  
Item 7 is incomplete, as it did not estimate the total volume discharged in mgd. A clearer understanding of proposed surface water discharges needs to be presented.  
  
Item 8 states that there will be no intermittent, seasonal discharges, whereas this was the basic plan presented at the meeting. Please clarify your plans.  
  
Item 10 states the population served is 300, whereas you propose to discharge 1.2 mgd. Please correct the form to address plans for growth and development.  
  
Item 11 states there are no industrial flows to the facility, whereas the current treatment plant is accepting industrial wastewater flows from Nestles Company. All industrial flows must be addressed in the permit application.

Attachment  
to H-4



The schematic of water flow provided for Item 13 is incorrect, outlining the current treatment plant instead of an expanded plant with advanced treatment capability.

5. The following comments pertain to EPA Form A, Section II:

Item 2 needs to define an anticipated discharge startup date.

Item 10 pertains to seasonal/periodic discharges. The application needs to include technical information regarding the available land disposal capacity, how land disposal will be maximized, and the volume and months when a surface water discharge is expected to be necessary.

Item 11 requires the discharger to provide a description of the treatment proposed. The schematic presented is of the existing plant, which is only capable of secondary treatment. Please provide specific details of the proposed future plant(s).

Item 12 states an Operations and Maintenance manual is available, whereas the proposed plant has yet to be designed. Please correct the discrepancy.

Please correct Item 13 in regard to current and future plant flows.

Item 14 requires adequate influent and effluent data be collected and provided (or estimated) based on the design of the advanced treatment plant. Also, in our review of the data presented, staff noted that temperature data does not appear to be accurate, and the concentration of total dissolved solids to be very high (up to 2100 mg/l).

6. The quality and characteristics of the receiving water must be evaluated to determine the impacts of constituents in the discharge that are already in the receiving water at concentrations causing impairment, as well as the assimilative capacity for constituents not causing water quality impairment.
7. There is no discussion of how the increased production of sludge will be managed. A discussion of the projected increase of sludge volume and a means of managing that increase must be presented to the Board.
8. With increased treatment capabilities and the possibility of attracting additional industrial users to the treatment system, Lathrop may be required to incorporate a pretreatment program as outlined in 40 CFR Part 403. The Board requests the City to evaluate the need for a pre-treatment program as part of its proposed expansion.
9. On EPA Form A, Section IV, you are required to indicate if there are any industrial dischargers contributing to the influent wastewater flows. On the form it is indicated that there are presently "no industrial dischargers". However, during our meeting with you at the existing wastewater treatment plant, you indicated that the Nestle Facility is discharging boiler blowdown to the facility. Please correct your application to include accurate information regarding existing and projected industrial flows.

Attachment  
to H-4

- 10. During the 17 November 1999 meeting, you indicated that expanding residential and commercial development in existing rural areas would aid in the reduction of non-point source pollutants to the San Joaquin River, and possibly provide no net increase in pollutant load with a seasonal discharge. Please submit your technical evidence to support your statement. Note that development of rural areas will likely cause other forms of point and non-point pollution from of urban stormwater runoff.

Attachment  
to H-4

Our goal is to work with you within the framework of the permitting process to find a wastewater management solution that protects the beneficial uses of the waters of the State but at the same time allows for flexibility and growth of your community. Submittal of the above information will greatly assist us in meeting our goal.

Please note that a new Associate Water Resources Control Engineer, Ms. Karen Niiya has been assigned to this project. If you have any questions regarding this letter or require additional information, please contact Ms. Niiya at (916) 255-3000 or myself at (916) 255-3023.



PATRICIA LEARY  
Senior Engineer  
Delta NPDES Unit

PHL:pl

- cc: Mr. Roger Bennett, City of Lathrop
- Mr. Jon Weiss, Libbey Owens Ford, Lathrop
- Mr. Darryl Forman, Califia Development Group, Lathrop
- Ms. Karen Niiya, Central Valley Regional Water Quality Control Board

CAD-FILES\LATHROP\RW v.2a (16 December 1999)



## DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836  
 SACRAMENTO, CA 94236-0001  
 (916) 653-5791

October 9, 2002

Deanna Walsh, Principal Planner  
 City of Lathrop  
 16775 Howland Road – Suite One  
 Lathrop, California 95330

SCH No. 2001052059  
Draft Environmental Impact Report for the Mossdale Landing Urban Design Concept

Dear Ms. Walsh:

Thank you for the opportunity to review the Mossdale Landing Urban Design Concept Draft Environmental Impact Report. The city of Lathrop proposes to construct a 1,690 DU residential and mixed-use commercial development on 477 acres of farmland within the incorporated city of Lathrop and adjacent to the San Joaquin River. The proposed Mossdale Landing development project seeks to discharge urban stormwater runoff into the San Joaquin River, upstream of Old River.

The San Joaquin River is a major fresh water input to the Sacramento-San Joaquin Delta, a source of drinking water for about two-thirds of California's population. The Department of Water Resources operates the State Water Project and exports water from Old River through Banks Pumping Plant near Byron. DWR takes an active role in evaluating the suitability of Delta water as a drinking water source with programs that seek to identify and prevent sources of water quality degradation.

H-5

The DWR Municipal Water Quality Investigations Unit, Water Quality Office and the Water Quality Section of the Division of Operations and Maintenance have reviewed this DEIR for the Mossdale Landing Urban Design Concept and our comments and recommendations are as follows:

The DEIR appears to be a compilation of a large volume of material, especially within the area of storm water runoff. Nevertheless, key elements involving the assessment of significance of the project's water quality impacts are inadequate, notably the baseline and potential water quality impacts are neither detailed nor applicable. In addition, the proposed storm water mitigation measures are shown to provide only an estimated and uncertain level of water quality mitigation and they appear to portend a decreasing level of protection as the responsibility is relegated to homeowner's associations for maintenance and compliance in the post-construction era.

Page 4.2-2

The DEIR fails to accurately capture and describe the baseline or existing water quality of the storm water runoff under the current agricultural uses on the project site. Average constituent concentrations are listed as estimated, but the source of this data is not properly referenced. The appendix references Larry Walker and Associates, yet details about the estimations of constituent concentrations are not provided.

The DEIR should provide actual water quality measurements from the project site to reveal an accurate comparison of storm water runoff under current agricultural uses with predicted runoff from the proposed Mossdale Landing development. The document also fails to include the loading, in pounds, for the constituents of concern that the San Joaquin River would be required to bear from the development's storm water runoff.

With regard to the predicted water quality of the runoff from the completed Mossdale Landing development, Table 4.2-1 provides storm water runoff data for residential, commercial, and industrial uses that is referenced to have been supplied by Ventura County, an area far outside the geographic scope of this project. Ample storm water quality data exists from such cities as Stockton and Tracy and could have provided a more adequate representation of storm water runoff for this region.

H-5  
Cont'd

Page 4.2-2 Receiving Waters

The DEIR states that dry year San Joaquin River flows can be as low as 1,500 cfs, while actual flows in September 2000, a dry year, averaged around 1,100 cfs. The DEIR does not adequately address the dry season urban runoff. State Water Resource Control Board studies indicate that nearly half of urban runoff in the city of Sacramento can be attributed to sources other than precipitation. Dry season runoff from irrigation, wash off, etc. can have a greater effect on the San Joaquin River while at minimum flows.

Page 4.2-4 Degradation of Water Quality

The DEIR states that TDS, carbon and other contaminants were not evaluated *because they are typically not components of urban runoff; or if they are components of urban runoff, they occur in such low concentrations as to not be a concern with a regard to water quality of the SJR.* We disagree with this statement. TDS and organic carbon are significant components of urban runoff. Storm water monitoring for the city of Sacramento reveals carbon levels as high as 43 mg/L, well above the 2 – 4 mg/L dry season average for the Sacramento-San Joaquin Delta. In addition, The DEIR fails to provide bacteriological data. Animal wastes in residential yards and public recreation areas are a common source of bacterial contamination in urban storm water runoff.

The CALFED Bay-Delta program drinking water program has identified bromide and organic carbon as two of the main constituents of concern in Delta source water. The ten-year old Delta Wetlands Project has been required to address organic carbon loading and impacts to Delta drinking water intakes as part of their EIR and water rights processes. The cities of Tracy and Sacramento have been responsive on their wastewater treatment expansion plans to evaluate their impact of carbon on the urban water export facilities in the south Delta. The location of the Mossdale Landing Project exacerbates the cumulative impact to existing loadings of salt, carbon and bacteria to the San Joaquin River and the DEIR fails to accurately estimate the projects impacts to the Delta drinking water intakes.

Page 4.2-12 Structural BMPs

On page 4.2-12 the DEIR states that *"on-lot treatment" describes a series of practices designed to treat runoff from individual residential lots. Their primary purpose is to manage rooftop, driveway and sidewalk runoff. Detaching roof leaders will be used on all homes built within the proposed Mossdale Landing project to achieve this reduction.* This structural BMP may not be effective in the long-term, as many homeowners find the on-lot treatment aesthetically undesirable, and negate the positive effects by redirecting downspouts through drain pipes directly to the street.

H-5  
Cont'd

Page 4.2-17 Surface Water Quality – Proposed BMPs

The DEIR states that responsibility for structural and non-structural BMPs will be passed on to multiple homeowner associations following the completion of this project. We feel that this could jeopardize the effectiveness of the storm water pollution prevention plan and ultimately degrade the water quality of the San Joaquin River. The Mossdale Landing project is proposing to use storm water detention basins as the centerpiece of the project's structural BMPs. As with any structural measure to prevent pollution from urban storm water runoff, regular maintenance is a requirement for continued effectiveness and detention basins are among the most expensive to maintain.

Homeowner associations may not have the financial provisions necessary to provide adequate maintenance of Mossdale Landing's structural BMPs in the long-term. In addition, we question whether sufficient motivation exists within the framework of a homeowner's association to ensure ongoing compliance of the proposed storm water pollution prevention plan. Page 30 in Volume II of the DEIR under the Project Area Drainage Plan for Mossdale Landing seems to concur with our concerns in the following statement *The key to any plan that involves a water quality basin is to implement a reliable maintenance program to assure that they continue to function as intended. In this regard, attempts to place this responsibility on homeowners have often failed.*

Recommendations

1. Assess the project's impact on the San Joaquin River with regard to salt, TDS, carbon, and pathogens with respect to affected beneficial users of Delta water. Include cumulative impact assessment for the entire Mossdale Village development, as well as other development projects in the region that expect to generate urban runoff.
2. Provide actual supporting water quality data for the site under existing agricultural uses including the parameters mentioned above.
3. Provide documented urban runoff loading data from regional sources based upon the density of the urban development.
4. Provide a long-term mitigation plan managed through a funded account to provide for continued maintenance of BMPs. This responsibility should reside with the city of Lathrop. A special assessment should be levied to provide the financial resources for BMP maintenance. Storm water detention basins need to remain in operation after build out.
5. With the development of a drinking water quality policy now listed as a top priority within the SJR basin, DWR recommends that the NPDES permit for Mossdale Village include a monitoring plan for drinking water parameters of concern, in addition to other parameters. Contingency mitigation measures should be developed in the EIR to provide the necessary additional corrective actions to avoid any water quality degradation to the San Joaquin River.

H-5  
Cont'd

If you have any questions regarding our review of this DEIR, please call me at (916) 653-7213 or Tim Smith of my staff at (916) 653-0955.

Sincerely,



Larry Joyce, Chief  
Water Quality Control Section  
Division of Operations and Maintenance

cc: State Clearinghouse  
Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, California 95814

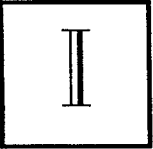


**Governor's Office of Planning and Research**  
**Terry Roberts, Director**  
**October 16, 2002**

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- H-1 The comment does not raise any environmental issues. No further response is required.
- H-2 See responses to Letter D.
- H-3 See responses to Letter C.
- H-4 See responses to Letter B.
- H-5 See responses to Letter M.

Sept 23, 2002. Please include in EIR



of some concerns are what was in the original EIR on the West Lathrop EIR Report,

I-1

1. no water

I-2

2. sewer

I-3

3. drainage

4. seepage - during the last flood the entire area was under water and pumps were going 24 hours a day and it took months to clear up. In fact there was so much water it was a lake and people stopped to water ski.

I-4

5. sold, being so close to the water table and

I-5

①



because acres of dirt  
was removed, that area  
is much closer to the  
water table and more  
subject to dampness.

I-5  
Cont'd

5. accumulative traffic  
The freeways are totally full  
at this time and any in-  
crease in traffic to the  
degree of thousands of cars  
~~there~~ would make the fre-  
ways car bound. 8,000 home  
would add approximately  
16,000 more cars on the  
roads.

I-6

6. air pollution. The Valley  
is in violation most of  
the time and Grubray resi-

I-7

(2)

tests of previous high levels  
of ~~breaching~~ problems. This  
would increase with added  
traffic.

5. The levy has been raised  
but not to the levels after  
the flood. The ~~levels~~ are only  
peat dirt and subject to  
erosion, gopher, ground  
squirm. Putting homes next  
to the San Joaquin River is  
taking a risk for property  
loss and risking animals  
and human lives. Example  
Mississippi River and Weston  
Ranch in the last of flood <sup>people  
water  
roads  
time</sup>  
This caused result in a  
large burden to the taxpayer.

③

7. Dammer ~~is~~ being built so close to the river can cause more wear and tear on the levees so the upkeep would be greater.

I-9

8. There would also increase the fear of children drowning in the dangerous San Joaquin River.

I-10

9. The proposed project is an accident waiting to happen and someone realizing the project still does not take care of the over all problem.

I-11

10. Loss of farm-land.

Regynora Bicket  
360 E. Lathrop Ave.  
Wentworth, Co and  
The LUH - ④

I-12

- 
- I-1 As indicated in Chapter 3 (page 3-21) and Section 4.8 (pages 4.8-8 through 4.8-10) of the DEIR, water for the proposed project would be provided as planned for in the adopted Lathrop Water, Wastewater and Recycled Water Master Plan (Master Plan). Water supply would originate initially with groundwater from a new well planned for under the Master Plan (Well #21) to supply general City growth, and then through conjunctive use of both groundwater from Well #21 and surface water from the approved South San Joaquin Irrigation District (SSJID) South County Surface Water Supply Project (SCSWSP) to supply general City growth. Once SCSWSP water becomes available (anticipated around 2005), SCSWSP water would be utilized as the primary water source for the project, with Well #21 providing supplemental water during peak demand and needed water pressure for fire flows. In addition, 100% of the wastewater generated by the proposed project during interim (2007) conditions, and the majority of the wastewater generated by the proposed project at buildout (2010) would be treated to tertiary levels and then returned to the project site for use as irrigation water for parks, landscape medians, and other public open space areas. Hence, a feasible strategy for provision of water to the project has been identified and described in the EIR.

Water demand and the availability of adequate water supplies to serve the proposed project were quantitatively evaluated in Section 4.8 of the DEIR. As indicated in Section 4.8, a Water Supply Assessment (included in its entirety as Appendix L of the DEIR) has been prepared for the proposed project in accordance with California Senate Bill (SB) 610 (§10910 of the California Water Code). Under SB 610, a Water Supply Assessment must be prepared by the lead agency that demonstrates the availability of adequate existing and future water supplies to serve the project in 5-year increments over a 20-year projection, including during single-dry and multi-dry drought years. A summary of the conclusions of the Assessment is provided under Impact 4.8-b (pages 4.8-8 through 4.8-10) of the DEIR. As indicated, adequate potable water would be available with development of the planned well and approved SCSWSP to serve the proposed project and existing and planned development in the City over the 20-year time horizon, including during drought years. Hence, the issue of water supply for the proposed project has been evaluated in the EIR, and it has been determined that adequate existing and future water supplies will be available to serve the proposed project. See Section 4.8 and Appendix L of the DEIR for further discussion and quantified analysis. No further analysis is required.

The DEIR (Impact 4.8-b) does identify a possible scenario whereby project development commences prior to the availability of potable water from planned Well #21 (a well planned for under the Master Plan). However, the DEIR identifies mitigation (Mitigation Measure 4.8-b) as required to reduce this potentially significant impact to less than significant levels (i.e., no occupancy of the project until Well #21 and associated conveyance pipelines are constructed and capable of making water deliveries to the project site).

Based on the above, a feasible strategy for provision of water for the project has been identified, described, and evaluated in the DEIR, and it has been determined that adequate water will be available to serve the proposed project after mitigation. No further analysis is required.

- I-2 As indicated in Chapter 3 (pages 3-15 through 3-18) and Section 4.8 (pages 4.8-11 through 4.8-16) of the DEIR, wastewater treatment/disposal for the proposed project would be provided as planned for in the adopted Master Plan. As indicated, wastewater generated by the proposed project would be treated to tertiary levels at City Wastewater Recycling Plant #1 (WRP #1). During interim conditions, 100% of the treated wastewater generated by the proposed project would be returned to the project site for land disposal. At buildout, the incremental increase in treated wastewater generated by the project would be disposed of via either land disposal or river discharge (if such discharge will have already commenced associated with the WRP #1).

Wastewater generation and the availability of adequate wastewater treatment capacity to serve the proposed project were quantitatively evaluated in Section 4.8 of the DEIR. As indicated in Chapter 3 (page 3-18) and Section 4.8 (page 4.8-11 through 4.8-14), insufficient wastewater treatment capacity currently exists at WRP #1 to treat the wastewater to be generated by the proposed project, and WRP #1 currently treats wastewater to secondary levels rather than the tertiary level required to allow for disposal as proposed under the proposed project. However, plans to expand/improve WRP #1 to provide for the wastewater treatment capacity required to serve the proposed project and other growth in the City are being prepared by the City and are undergoing project-level CEQA review. Named the WRP #1 Phase 1 Expansion Project, implementation of this utility project would provide sufficient treatment capacity to serve the proposed project and other City growth.

The DEIR (Impacts 4.8-d and 4.8-e) indicates that insufficient treatment capacity currently exists in the City to serve the proposed project, and identifies a possibly scenario whereby insufficient treatment capacity would be available to serve the proposed project which would represent a significant impact. However, the DEIR identifies mitigation (Mitigation Measures 4.8-d and 4.8-e) required to reduce these potential impacts to less than significant levels (i.e., delay commencement of interim development and project buildout until adequate treatment capacity is available at WRP #1, and until wastewater treatment at WRP #1 occurs to tertiary levels).

Based on the above, a feasible method for provision of wastewater treatment for the project has been identified, described, and evaluated in the DEIR, and it has been determined that adequate wastewater treatment capacity will be available to serve the proposed project after mitigation. No further analysis is required.

- I-3 As indicated in Chapter 3 (page 3-15) and Section 4.1 (page 4.1-3), the project site is located in FEMA Flood Hazard Zone B which is outside the 100-year floodplain and which, according to FEMA, can accommodate urban development. The project site is not subject to flooding from 100-year storm flows.

As indicated in Chapter 3 (page 3-15 and Exhibit 3-7) and Section 4.1 (pages 4.1-4 through 4.1-6), the project includes a drainage plan that calls for the development of an on-site storm drain system consisting of a series of on-site stormwater detention basins, pump stations, storm drains, and a stormwater outfall that would convey stormwater runoff generated on the project site to the San Joaquin River. Per City standards, the proposed storm drain system would be designed to accommodate 10-year peak flows with a minimum freeboard of one foot, and would be designed to

accommodate 24-hour, 100-year peak flows while maintaining the hydraulic grade line at a minimum of one foot below the lowest floor of adjacent structures.

The flood risk associated with the proposed project, the adequacy of the proposed drainage system to safely accommodate and convey criteria stormwater flows through and off of the project site, and the potential for such flows to result in on- and off-site flooding, were each quantitatively evaluated in the DEIR (Section 4.1). The analysis concludes that the proposed drainage plan would be adequate to serve the proposed project while avoiding significant flooding impacts to adjacent and downstream properties.

Based on the above, a feasible strategy for managing stormwater flows associated with the project has been identified, described, and evaluated in the DEIR, and it has been determined that implementation of the proposed drainage plan would provide adequate drainage protection for the proposed project, adjacent properties, and downstream properties. No further analysis is required.

- I-4 The comment that during the last (1997) flood, the project site was under water and amounted to a lake is incorrect. As indicated on page 4.1-2 of the DEIR, flooding occurred on the west side of the San Joaquin River on the Stewart Tract associated with a breach of the east levee near Paradise Cut during the 1997 flood. However, no levee breach-related flooding occurred at the Mossdale Landing project site. The Mossdale Landing project site did experience some standing water from an up-swell of groundwater during heavy rains associated with the 1997 event. However, since then Reclamation District (RD) 17 and the U.S. Army Corps of Engineers (USACE) have constructed seepage berms along the base of the levee, which as indicated on page 4.1-2 has largely mitigated this problem. Furthermore, as indicated on page 4.1-9 of the DEIR, "Given the current condition of the levee, FEMA has removed the project site from the 100-year floodplain. Furthermore, the levees in the area of Mossdale Landing have been found to be some of the more stable levees in the Delta ..."

The issue of seepage is evaluated under Impact 4.1-c (pages 4.1-9 and -10) of the DEIR. As indicated, the proposed drainage plan calls for installation of toe drains along the landside levee frontage, under-curb subdrains along project roadways, and tile drains under the proposed detention basins. In addition, a 130 foot minimum setback is proposed between the toe of the levee and the nearest proposed project structure. With these proposed drainage improvements, it is concluded in the analysis that any seepage which may still occur at the project site since improvement of the levees in response to the 1997 flood would be reduced to less than significant levels. See Response K-2 for further discussion.

Per the above, the issue of seepage is adequately evaluated in the DEIR. No further analysis or mitigation is required.

- I-5 Proposed project structures would be developed consistent with all applicable state and local building standards and codes, including standards and codes dealing with a high groundwater table which would avoid the establishment of mold in proposed structures. In addition, the comment does not raise any environmental issues (mold in new structures is not an environmental impact (change)

to the existing environment and thus is not subject to CEQA review - see §15002 and 15064(d) of the State CEQA Guidelines). No further analysis is required.

- I-6 Project traffic impacts to the local freeway system are presented on pages 4.5-24 and 5-32 of the DEIR. As shown on page 4.5-24, with full project buildout and existing volumes and existing freeway geometrics, project traffic would be expected to produce a significant impact on the I-205 freeway just west of the I-5 freeway during both the AM and PM peak traffic hours. As shown on page 5-32, by 2010 with area growth and the widening of the I-205 freeway to six lanes as already programmed by Caltrans, project traffic would not be expected to produce a significant impact on the local freeway network.
- I-7 The comment is noted. The DEIR documents that the San Joaquin Valley is in severe nonattainment for ozone  $PM_{10}$  (pages 4.6-9 and 4.6-10); indicates that the proposed project would generate mobile source emissions which would exceed the SJVAPCD's recommended significance threshold of 10 tons/year for ROG and  $NO_x$  and would thus exacerbate the Valley's nonattainment status; states that this is a significant impact in terms of long-term regional emissions (Impact 4.6-c, pages 4.6-13 and 4.6-14); identifies mitigation (i.e., provision of bus stops, park and ride lots, preferential parking, transit incentives, compressed work schedules, telecommuting, etc.) required to reduce the impact to the greatest extent feasible (Mitigation Measure 4.6-c, page 4.6-16); and concludes that even with implementation of all feasible mitigation measures, the project would result in a significant unavoidable air quality impact in terms of long-term regional emissions (page 4.6-17, and Chapter 7, page 7-1). The DEIR provides an adequate evaluation of the potential air quality impacts of the proposed project consistent with CEQA requirements, and no further analysis is required. If the City decides to approve the proposed project, a Statement of Overriding Considerations would be required consistent with CEQA requirements which explains why the City is approving the project in light of the project's significant unavoidable air quality impacts.
- I-8 With regards to the comment concerning the height of the levees before and after the 1997 flood event, the height of the east levee in the vicinity of the project site has remained relatively constant before and after 1997. In addition, as indicated on page 4.1-8 of the DEIR, although the river exceeded the design water surface elevation of the levees in the Lathrop area during the 1997 flood event, the river never did overtop the east levee in the vicinity of Lathrop. Furthermore, the project site is located outside the FEMA designated 100-year floodplain. Hence, as indicated under Impact 4.1-b of the EIR, the project would not be subject to a significant flood hazard.

Concerning the content of the levees bordering RD17, these levees generally do not contain peat deposits. Those types of black organic materials are present farther west in the Delta.

With regards to damage of the levees by erosion and gophers, and payment for maintenance of the levees, maintenance of the RD17 levees, including the levee fronting the project site, is provided by the district. A part of this maintenance includes erosion and rodent control. The work is paid for by assessing landowners with the District.

Concerning the proximity of the proposed residential development to the levee, the project provides for a minimum setback of at least 130 feet from the toe of the landside of the levee. The development of the proposed residences and other project development would thus not interfere with the physical integrity of, or cause more wear and tear to, the levee. Furthermore, the development of the proposed residences “next” to the levee would not represent a significant risk to people or property as the levee does not represent a significant breach hazard and a significant flood hazard does not exist at the project site (see Response I-4).

I-9 See Response I-8.

I-10 The comment is noted and will be forwarded to the decision-makers for their consideration. While the comment may raise community issues, it does not raise environmental issues. The potential for children from the project visiting the San Joaquin River, and then drowning, is not an environmental impact. Further, such an event is speculative and is no different than suggesting children may be injured by a mishap in their home. These serious events happen but are not environmental impacts as defined by CEQA.

I-11 The comment characterizing the proposed project as an “accident waiting to happen” will be forwarded to the decision-makers for their consideration. The comment does not raise any environmental issues. No further response is required.

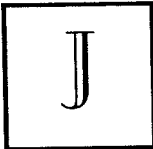
The comment that the proposed project represents “piecemealing” is too broad to provide a specific response. The comment does not identify in what way(s) the project may represent piecemealing. The DEIR evaluates all the potential environmental impacts of the proposed project (including indirect impacts - see Impacts 4.8-c, indirect impacts associated with the development of Well #21, Impact 4.8-f, indirect impacts associated with the expansion of WRP #1, and Chapter 5, Cumulative Impacts). The DEIR does not provide a piecemeal analysis and is adequate under CEQA. See Response S-3 for additional discussion.

I-12 The following is a response to Comment I-12 and to an elaboration on this comment made by the commenter in Comment PC-10.

The farmland conversion impact of the project’s project was evaluated in the Initial Study (Appendix A), and is identified as a significant unavoidable adverse impact of the project in the DEIR (Chapter 7, page 7-2).

See Response E-2 concerning mitigation measures identified in the DEIR designed to minimize, reduce, and compensate for the loss of farmland associated with the proposed project. All feasible mitigation for this impact has been identified in the DEIR consistent with CEQA requirements.





**Deanna Walsh**

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**From:** Gaines, William C SPK [William.C.Gaines@usace.army.mil]

**Sent:** Tuesday, October 15, 2002 11:46 AM

**To:** 'dwalsh@lathropgov.org'

**Subject:** Comments from W. Craig Gaines, U.S. Army Corps of Engineers on the Draft Environmental Impact Report for the Mossdale Landing Urban Design Concept

Deanna Walsh,

The U.S. Army Corps of Engineers, Sacramento District is in the process of preparing a formal response to the Draft Environmental Impact Report for the Mossdale Landing Urban Design Concept.

I have the attached comments based on my coordination with the Sacramento District. These should be considered draft comments subject to the Sacramento District's formal comments, which may take a week or more to finalize. Thank you for allowing me to comment

J-1

W. Craig Gaines  
Project Manager  
Sacramento District  
916-557-6672

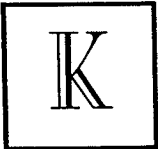
<<Mossdale Landing Comments.doc>>



**U.S. Army Corps of Engineers**  
**W. Craig Gaines, Project Manager**  
**October 15, 2002**

---

J-1 See Responses K-2 through K-5.



FROM: W. Craig Gaines, Project Manager, U.S. Army Corps of Engineers  
TO: Deanna Walsh, Principal Planner, City of Lathrop  
DATE: October 15, 2002

The U.S. Army Corps of Engineers, Sacramento District is in the process of preparing a formal response to the Draft Environmental Impact Report for the Mossdale Landing Urban Design Concept.

I have the following comments based on my coordination with the Sacramento District. These should be considered draft comments subject to the Sacramento District's formal comments, which may take a week or more to finalize. These comments relate to 4.1 Flood Control/Drainage:

1. There is concern over geotechnical issues regarding deep underseepage, which should be considered in levee evaluation. The levees may overlies abandoned oxbows and deep gravel and sand layers. Levee work done under PL 84-99 after the 1997 flood was to restore problem areas to as-built conditions and not to address other potential problems for the entire RD 17 reach.

2. Due to the historic underseepage problems, water could flow under the levees through the ground and exit 200 to 300 feet from the landside levee and berm toes. Structures should be located no closer than 300 to 400 feet from the landside levee and berm toes, or the structures should be on raised pads to avoid potential seepage damage. Preservation of adequate open space on the landside of levees to ensure flood fight access to levees during flood events and to reduce seepage impacts on structures should be part of the design. The normal 10 feet of open space on the landside of the levee and berm toes is not adequate. The area has a history of boils and seepage.

3. Underseepage should be considered in increased surface runoff to ensure pumping facilities can handle surface flows from rainfall and underseepage.

4. Residual risk beyond the FEMA 100-year floodplain is a concern which should be discussed, especially in an urbanized area. Flood depths and water velocities should be considered, if the levee were to fail. This area last flooded in the 1950 flood when it was largely rural land.

K-1

K-2

K-3

K-4

K-5

K-1 See Responses K-2 through K-5.

K-2 Underseepage has been a historical issue affecting farmland adjacent to RD17 levees. When the existing levees were improved approximately 15 years ago, Mr. Henry Long, executive secretary for the District, identified those locations where heavy seepage or sand boils had been observed. Seepage berms were constructed at all those locations identified by Mr. Long. During the high river levels in 1997, additional seepage areas were observed. It is possible that there may be other areas where seepage could develop depending on the length of elevated river levels. For the Mossdale Landing area, the proposed drainage plan for the project calls for: (1) toe drains along the landside levee frontage; (2) under-curb subdrains along project roadways; and (3) tile drains systems under detention basins. In addition, a minimum 130 foot setback has been provided between the toe of the east levee of the SJR and the nearest proposed project structure. As indicated under Impact 4.1-c (page 4.1-10 of the DEIR), these measures would avoid any significance seepage impacts from the SJR. To provide an extra degree of safety, the following mitigation is hereby added to the DEIR. The addition of this mitigation measure does not change the significance conclusion in the DEIR, and does not result in additional significant impacts.

**Corrections and Additions**

Page 4.1-11, Section 4.1.3, Mitigation Measures, after the second sentence add the following:

“However, to provide an extra degree of safety against possible seepage from the San Joaquin River onto and/or beneath the project site, and/or to deal with high groundwater, the following mitigation measure is provided:

**4.1-c(2): Flood Control/Drainage - Expose People or Structures to a Significant Risk of Flooding, Including Flooding as a Result of the Failure of a Levee.** The storm drain pipelines installed beneath the future roads of the development shall also be designed and constructed to act as french drains, with seepage being collected in the bedding zone of the proposed development and allowed to enter into manholes of the drain pipelines at specific elevations.”

K-3 See Response K-2. Because the measures proposed in the project’s drainage plan along with the proposed additional mitigation measure would avoid significant seepage impacts, neither the 300-400 foot setback or raised building pads are required.

With regard to the comment that the normal 10 feet of open space on the landside of the levee and berm toes will not be adequate as the area has a history of boils and seepage, with the proposed toe drain installed near the toe of the existing levee, a greater than 10-foot wide road/setback would not be required. In addition, the proposed project will provide a minimum 130 foot setback between the

toe of the levee and the nearest proposed project structure which will provide RD17 with unfettered access to the levee for inspection and maintenance.

- K-4 Underseepage has already been accounted for in the pumping estimates and associated pumping facility capacity size requirements for the proposed project (see Appendix D, page 40, Table 3.3-1, "Levee Seep" column).
- K-5 All communities protected from flooding by levees face a residual flood risk. This risk includes potential flooding from a levee failure. A levee can fail from overtopping, erosion, or defects in either the levee or the foundation. FEMA has established a program for evaluating the level of protection that is provided by a levee system. This program requires an analysis of the various risks of levee failure and a certified maintenance program by a government agency in order to meet the minimum FEMA standard. The San Joaquin River (SJR) levees protecting Lathrop have been certified as having the minimum FEMA protection required. The FEMA standard provides for a maximum change of flooding in any given year of 1%. This is the standard (i.e., 100-year floodplain) by which all development in the Sacramento and San Joaquin Valleys takes place, and by which flood insurance in the state is based (i.e., no flood insurance required if outside the 100-year floodplain). The 100-year standard is appropriately used in Section 4.1 of the DEIR as the significance threshold for flooding given the above, and given that this threshold is identified in the CEQA guidelines as the appropriate threshold to determine the significance of potential flooding hazards (Appendix G of the State CEQA Guidelines, Environmental Checklist Form, VIII(g) and (h)). There is no basis under CEQA to require the use of greater than the 100-year flood threshold of significance or to evaluate the potential flood hazard from greater than a 100-year flood.

L



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W-2605  
Sacramento, California 95825-1846

IN REPLY REFER TO:  
1-1-02-TA-3445

October 17, 2002

Deanna Walsh  
City of Lathrop  
16775 Howland Road  
Suite One  
Lathrop, California 95330

Subject: Endangered Riparian Brush Rabbit, San Joaquin Multi-Species Open Space Conservation Plan, and the Draft Environmental Impact Report for the Mossdale Landing Urban Design Concept (SCH# 2001052059), San Joaquin County, California

Dear Ms. Walsh:

This letter is in response to the August 29, 2002, Draft Environmental Impact Report for the Mossdale Landing Urban Design Concept (DEIR), located in the City of Lathrop, San Joaquin County, California. This DEIR was received by the U.S. Fish and Wildlife Service (Service) on September 5, 2002. The preferred alternative in the DEIR is a 477-acre residential, commercial, and public service development, with open space parks (proposed project). The proposed project is a component of the West Lathrop Specific Plan. Because the proposed project will likely result in take of federally listed species, the Service is providing comments pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act).

L-1

The DEIR is requesting approval of an Urban Design Concept that includes a residential and mixed-use commercial development that will be known as Mossdale Landing. Presently, the Mossdale Landing site land use includes 477.3 acres of farmland (alfalfa and row crop agriculture, and farm residential) located on a portion of the area known as the Mossdale Village, which is a component of the 6,955-acre West Lathrop Specific Plan. The proposed Mossdale Landing development would include 16 neighborhoods with 1,690 dwelling units, 653,399 square feet of commercial uses, 39 acres of parks, two elementary schools, and interim fire station on a 0.4-acre site, 13.8 acres of levee/open space, and 52.2 acres of major streets. The residential development would include 1,238 low-density housing units, 330 medium-density housing units, and 122 apartments.

L-2

**Recommended regulatory process**

San Joaquin County is a participant in the San Joaquin Multi-Species Conservation Plan (SJMSCP) which addresses impacts to wildlife and their habitat. Under the terms of the Implementing Agreement of the SJMSCP, participating local governments have committed to ensure that any project which they approve within the SJMSCP area pays appropriate development fees or is required to include minimization or mitigation measures, as described in the SJMSCP, as conditions of project approval. If a local government chooses to participate in the SJMSCP, then they receive incidental take authorization of covered species, as described in the SJMSCP and the biological opinion. Therefore, we recommend that you condition the proposed project so that it is consistent with the SJMSCP. Based on an August 21, 2002, site visit conducted by Adam Zerrenner of my staff and Dan Gifford of California Department of Fish and Game, we believe that the appropriate mitigation fee under the SJMSCP is the agricultural fee because the site consists of alfalfa and other row crops.

L-3

**Federally endangered riparian brush rabbit**

The Service is concerned with the potential adverse effects that may occur from the proposed project to the riparian brush rabbit (*Sylvilagus bachmani riparius*). The riparian brush rabbit is not a covered species under the SJMSCP. Presently, the animal is only known from three locations; two of the sites are under imminent threats, and the other is a recent repatriation site. One of the locations, Paradise Cut, is approximately two miles from the proposed project site. The Service understands that the proposed project footprint does not have potential riparian brush rabbit habitat, but potential habitat for this species is located adjacent to the proposed project in the southwest corner along the San Joaquin River (Williams *in litt.*, 2002). The Service is concerned about the indirect effects of the proposed project that may occur to this species from predatory domestic or feral animals as a result of residential homes. Therefore, the Service recommends that the potential habitat is surveyed for riparian brush rabbits to determine if this habitat is occupied by the species. This would assist the Service in determining the extent of affects that may occur from the proposed project to the riparian brush rabbit.

L-4

**South delta modeling**

The Service has concerns that the proposed project may alter the flow of water in the south delta, by removing water from the ground water table, which may have affects to the federally threatened Sacramento splittail (*Pogonichthys macrolepidotus*), federally threatened delta smelt (*Hypomesus transpacificus*), delta smelt's designated critical habitat, and anadromous salmonids. Modeling should be conducted for the south delta which would show if any alterations of flows or water levels would occur in the south delta resulting from full implementation of this project. The Service recommends that the following issues be addressed as part of the water withdrawal for their project and south delta modeling:

L-5

1. How will this project affect the water surface elevations specific to the South Delta Water Association service area and the subsequent increased pressure on the Service to install permanent barriers as opposed to seeking a "functional equivalent" should water elevations be affected.

- 2. How does the ground water withdrawal at the project site alter the flows and temperature in the San Joaquin River, and the salt water / fresh water interface (X2). The Service recommends that potential changes to flow and temperature in the San Joaquin River and X2 be modeled at different levels of annual precipitation; these results should be related to the life history requirements and survival of splittail, delta smelt, and anadromous salmonids.
- 3. How does the water withdraw in the project affect the height of tidal changes in the south delta, velocity of the tidal changes, and how do these potential changes affect water quality in the south delta and the project area.

L-5  
Cont'd

The Service recommends that the issues in this letter be addressed prior to the completion of the revised draft environmental impact statement. Addressing these concerns will allow the Service to adequately assess the impacts from the project alternatives on federally listed species. Please contact Adam Zerrenner or Susan Jones of my staff at (916) 414-6630, if you have any questions regarding the Mossdale Landing Urban Design Concept DEIR.

L-6

Sincerely,

  
 Jan C. Knight  
 Chief, Endangered Species Division

cc:

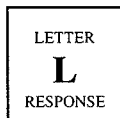
- U.S. Army Corps of Engineers, Sacramento, California (Attn.: Nancy Haley)
- National Marine Fisheries Service, Sacramento, California (Attn.: Madeline Martinez)
- California Department of Fish and Game, Rancho Cordova, California (Attn.: Dan Gifford)
- San Joaquin Council of Governments, Stockton, California (Attn.: Jerry Park)
- California State University of Stanislaus, Turlock, California (Attn.: Dan Williams)
- EDAW, Inc., Sacramento, California (Attn.: Robert Hilman)



### Literature Cited

*In lit.*

Williams, D. 2002. Email correspondence between Adam Zerrenner of the Service and Dr. Dan Williams of the Endangered Species Recovery Program.



**U.S. Fish and Wildlife Service**  
**Jan C. Knight, Chief, Endangered Species Division**  
**October 17, 2002**

- 
- L-1 The comment does not raise any environmental issues. No further response is required.
- L-2 The comment does not raise any environmental issues. No further response is required.
- L-3 The City will be requiring the use of the SJMSCP. Informal talks have occurred on many occasions between Mr. Geoff Monk (the applicant's biologist) and Mr. Gerald Park of the San Joaquin Council of Governments (SJCOG) regarding the proposed project to ensure that the project and the terrestrial biology analysis/mitigation in the DEIR (Section 4.10) is in compliance with the Implementing Agreement of the SJMSCP. EDAW (the EIR preparer for the City) has peer-reviewed this work. The terrestrial biology section of the DEIR was prepared using the tenets and conditions set forth in the SJMSCP. Monk & Associates prepared the biology section of the DEIR and is a selected firm assisting SJCOG with implementation of the SJMSCP (i.e., one of the biological consulting firms on SJCOG's list of consultants on call to prepare field surveys under the SJMSCP). Because this project commenced prior to the formal adoption of the SJMSCP, the terrestrial biology section was prepared prior to the time that a formal application for the project could be submitted to the SJCOG. Nevertheless, the DEIR (including the mitigation measures in Section 4.10) has been prepared to be consistent with the SJMSCP.
- L-4 The potential for the riparian brush rabbit to occur on the project site (and thus to be affected by the proposed project) was evaluated by Dr. Daniel F. Williams, a recognized expert on the distribution of the riparian brush rabbit, and the author cited in Comment L-4. On July 18, 2002, Dr. Williams and Mr. Monk visited the project site to conduct the riparian brush rabbit evaluation. The evaluation included an investigation of all potential habitats on the project site and in those riparian habitats located immediately north and south of the project site. No riparian brush rabbits were observed at any location during this site evaluation. It should be noted that Dr. Williams surveyed a small riparian area associated with an agricultural ditch return pump and water storage area located on the north end of the project site. The riparian habitats examined on the north end of the project site extended to north of the project boundary. Dr. Williams and Mr. Monk observed two desert cottontails (*Sylvilagus audubonii*) near the recirculation ditch and storage area riparian habitat.

Dr. Williams' conclusion regarding the potential for the project site to support riparian brush rabbits was provided in an email to Mr. Monk on July 19, 2002. A copy of this email was forwarded to Ms. Karen Harvey of the USFWS. In that email Dr. Williams stated that he observed desert cottontail on the project site, but that the project site did not provide habitat that could be used by the riparian brush rabbit.

While surveying the site, Dr. Williams and Mr. Monk also visited the location along the San Joaquin River that is referenced in the comment, an oxbow in the river. The site visit occurred on July 18, 2002. No riparian brush rabbits were observed. Signs of rabbits (warrens and pellet groups) were observed in the oxbow habitat, but the species of rabbit associated with this sign was not determined. The observations of Dr. Williams and Mr. Monk did not raise the specter that riparian brush rabbit

were sufficiently likely to be present that a potentially significant impact from the project would be expected.

This observation along with the survey of the project site and connected habitats was the basis for the conclusion in the DEIR that there would be no significant impacts to the riparian brush rabbit from implementation of the proposed project. This conclusion was strengthened with information provided in the San Joaquin County SJMSCP which did not identify this area as habitat of the riparian brush rabbit.

Nevertheless, the USFWS raises legitimate concerns with respect to this species. As such, the proposed project was again discussed with Dr. Williams (Telecon. between Mr. G. Monk and Dr. D. Williams on November 21, 2002). During that discussion, Dr. Williams noted that during the investigation of the oxbow, warrens and pellet groups of an unknown rabbit species were observed. Dr. Williams agreed that riparian brush rabbit was not observed. Dr. Williams also stated that a trapping study would be the only way to exclude the possibility that the species is riparian brush rabbit.

Given the field observations and knowledge of the location of riparian brush rabbit habitat in the region, we believe that impacts to the riparian brush rabbit are unlikely from the proposed project. Further, this and other comment letters, while raising the possibility that riparian brush rabbits could occur in this area, are not substantial evidence and do not provide a basis to suggest the EIR conclusions regarding impact significance should be changed. However, it is prudent to more definitively determine if this species could be riparian brush rabbit and, if so, to adopt measures to ensure there are no adverse affects from the proposed project on this species.

To develop appropriate measures, the proposed project was discussed with Mr. A. Zurrenner (author of Comment L-4) of the USFWS on December 2, 2002 (telephone call with Mr. Monk). Mr. Zurrenner stated that the USFWS would like to have a trapping survey conducted to determine if the riparian brush rabbit was present in the oxbow area. Accordingly, an initial measure shall be that the project proponent will sponsor a riparian brush rabbit trapping study in the oxbow habitat at the earliest possible time and prior to occupancy of any habitable structures on the project site. The trapping study shall be conducted by a biologist carrying both a California state permit and a Federal 10(a)1(A) permit that allows the permittee to trap and handle the riparian brush rabbit.

If the trapping survey concludes, as expected, that riparian brush rabbits do not occur in the oxbow habitat, there shall be no further requirements for the riparian brush rabbit. However, if the rabbit is found in the oxbow habitat during a trapping survey, then additional measures would be developed during formal consultation with the USFWS pursuant to Section 7 or 10 of the Federal Endangered Species Act (FESA). Such additional measures could include obtaining an incidental take permit from USFWS and otherwise implementing the procedures outlined in the paragraph below. Any measures implemented to reduce project related impacts to the riparian brush rabbit would be required by law to be in compliance with the FESA and would thus be required to minimize and mitigate any impacts to the species. The project would not be allowed to jeopardize the survival of the species.

USFWS' current preference regarding treatment of any riparian brush rabbits in the oxbow, if it is found there, would be to relocate the population to a safer environment. USFWS has determined that due to the inevitable developed condition of the project area, either from the proposed development or other developments that will occur in the future under the approved WLSP, that any riparian brush rabbits that occur in the oxbow would be unlikely to survive over the long-term. Besides development, a factor influencing the long-term survivorship of any rabbits in the oxbow habitat that must be considered is the susceptibility of the oxbow habitat to flooding. As an example, the oxbow habitat is known to have been completely under water in the winter of 1997. Accordingly, the USFWS would like to see any riparian brush rabbits found in the oxbow translocated to an environment that is protected in perpetuity and that provides a more stable environment. It is noted that this is an existing condition, not one affected or potentially affected by the project. The following measure is hereby added to the Final EIR.

**Corrections and Additions**

Page 4.10-48, just before Section 4.10.4, add the following measure:

**“4.10-o Terrestrial Biology - Riparian Brush Rabbit.** A trapping survey shall be conducted in the oxbow habitat by a qualified biologist. If riparian brush rabbits are captured during the survey, the project proponent shall commission a genetic study to determine the genetic complement of the riparian brush rabbit found in the oxbow habitat. If the genetic complement of the captured rabbits is near or similar to known populations of riparian brush rabbits, the rabbits in the oxbow shall be re-trapped and relocated to safe habitats containing the genetically similar riparian brush rabbit population. If the species is determined to be riparian brush rabbit but its genetic complement is dissimilar to any known riparian brush rabbit population, the rabbits shall be re-trapped and reintroduced to an appropriate refuge site in consultation with USFWS.”

It is important to restate that field surveys specifically for this species have already occurred in the area of interest, and no individuals of the species were found and none are expected to be found. The steps outlined herein are being applied and adopted as a conservative step to protect even an improbable impact to riparian brush rabbit. This does not constitute significant new information as no substantial evidence has been provided to suggest the conclusions in the DEIR are incorrect or that riparian brush rabbit occurs in the oxbow habitat. Further, based on informal USFWS consultation, desirable mitigation would be available, in the unlikely event this species is found, to resolve both an existing condition (occasionally flooding of the oxbow area) and a future condition (compatibility concerns associated with development).

- L-5 The project does not include proposals for on-site wells. The project will obtain its potable water from a new well (Well #21) to be located near the City's existing well field approximately two miles from the San Joaquin River (SJR). Use of groundwater by the project will be temporary, lasting only until such time as surface water deliveries commence to the City of Lathrop associated with the South San Joaquin Irrigation District (SSJID) South County Surface Water Supply Project

*continued ...*

(SCSWSP). Thereafter, groundwater will be used by the project only during peak periods and for fire flow. At this time, surface water deliveries associated with the SCSWSP are anticipated to commence starting in 2005.

The project's temporary reliance on groundwater as a potable water source would not affect the surface water elevations of the SJR or the Delta, and would not affect water temperatures in the SJR, for several reasons. First, the project would consume a relatively small amount of groundwater annually (approximately 472,000 gpd per the table below) which would not be sufficient to affect area groundwater levels. Second, there is no direct connectivity between the deep water aquifer where the project will get its groundwater and the SJR. Third, the well upon which the project will obtain its near-term water supply is approximately two miles from the SJR, which would represent a mitigating factor for any indirect connection between the SJR and the deep water aquifer. Fourth, the use of recycled water for irrigation under the proposed project would be maximized and would help recharge the groundwater basis. Finally, project reliance on groundwater would be temporary and would end with deliveries of SCSWSP water. For all the reasons, groundwater usage associated with the proposed project would have a less than significant impact on the SJR and Delta.

<b>Project Potable Water Demand During Interim (2007) Conditions</b>				
Land Use	Interim Conditions (2007) Consumption Factor (gal/ac/day)		Consumption Factor (gal/ac/day) <sup>1</sup>	Consumption (gpd)
	Gross Acres	Units/Sq Ft		
Low Density Res.	235.3	1,071 du	1,760	414,128
Medium Density Res.	26.1	215 du	3,000	6,300
Village Commercial	6.7	175,111 sq ft	1,500	10,050
High Density Res.	6.0	122 du	4,200	25,200
Service Commercial	12.4	324,086 sq ft	1,500	18,600
Parks	39.0	--	300	11,700
Schools	33.7	164,000 sq ft	3,000	101,100
Fire Station	0.4	--	2,100	840
Levee/Open Space	13.8	--	--	--
Major Streets	52.2	--	--	--
Recycled Water Storage Ponds and Spray Fields	51.7	--	--	--
Total				
W/o Recycled Water				587,918
With Recycled Water				474,402

<sup>1</sup> Lathrop Water, Wastewater and Recycled Water Master Plan, March 2001.

L-6 This comment is noted and will be forwarded to the decision-makers for their consideration.

**DEPARTMENT OF WATER RESOURCES**

1416 NINTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 94236-0001  
(916) 653-5791



October 9, 2002

Deanna Walsh, Principal Planner  
City of Lathrop  
16775 Howland Road – Suite One  
Lathrop, California 95330

SCH No. 2001052059  
Draft Environmental Impact Report for the Mossdale Landing Urban Design Concept

Dear Ms. Walsh:

Thank you for the opportunity to review the Mossdale Landing Urban Design Concept Draft Environmental Impact Report. The city of Lathrop proposes to construct a 1,690 DU residential and mixed-use commercial development on 477 acres of farmland within the incorporated city of Lathrop and adjacent to the San Joaquin River. The proposed Mossdale Landing development project seeks to discharge urban stormwater runoff into the San Joaquin River, upstream of Old River.

M-1

The San Joaquin River is a major fresh water input to the Sacramento-San Joaquin Delta, a source of drinking water for about two-thirds of California's population. The Department of Water Resources operates the State Water Project and exports water from Old River through Banks Pumping Plant near Byron. DWR takes an active role in evaluating the suitability of Delta water as a drinking water source with programs that seek to identify and prevent sources of water quality degradation.

M-2

The DWR Municipal Water Quality Investigations Unit, Water Quality Office and the Water Quality Section of the Division of Operations and Maintenance have reviewed this DEIR for the Mossdale Landing Urban Design Concept and our comments and recommendations are as follows:

The DEIR appears to be a compilation of a large volume of material, especially within the area of storm water runoff. Nevertheless, key elements involving the assessment of significance of the project's water quality impacts are inadequate, notably the baseline and potential water quality impacts are neither detailed nor applicable. In addition, the proposed storm water mitigation measures are shown to provide only an estimated and uncertain level of water quality mitigation and they appear to portend a decreasing level of protection as the responsibility is relegated to homeowner's associations for maintenance and compliance in the post-construction era.

M-3

Page 4.2-2

The DEIR fails to accurately capture and describe the baseline or existing water quality of the storm water runoff under the current agricultural uses on the project site. Average constituent concentrations are listed as estimated, but the source of this data is not properly referenced. The appendix references Larry Walker and Associates, yet details about the estimations of constituent concentrations are not provided.

M-4

The DEIR should provide actual water quality measurements from the project site to reveal an accurate comparison of storm water runoff under current agricultural uses with predicted runoff from the proposed Mossdale Landing development. The document also fails to include the loading, in pounds, for the constituents of concern that the San Joaquin River would be required to bear from the development's storm water runoff.

M-5

With regard to the predicted water quality of the runoff from the completed Mossdale Landing development, Table 4.2-1 provides storm water runoff data for residential, commercial, and industrial uses that is referenced to have been supplied by Ventura County, an area far outside the geographic scope of this project. Ample storm water quality data exists from such cities as Stockton and Tracy and could have provided a more adequate representation of storm water runoff for this region.

M-6

Page 4.2-2 Receiving Waters

The DEIR states that dry year San Joaquin River flows can be as low as 1,500 cfs, while actual flows in September 2000, a dry year, averaged around 1,100 cfs. The DEIR does not adequately address the dry season urban runoff. State Water Resource Control Board studies indicate that nearly half of urban runoff in the city of Sacramento can be attributed to sources other than precipitation. Dry season runoff from irrigation, wash off, etc. can have a greater effect on the San Joaquin River while at minimum flows.

M-7

Page 4.2-4 Degradation of Water Quality

The DEIR states that TDS, carbon and other contaminants were not evaluated *because they are typically not components of urban runoff; or if they are components of urban runoff, they occur in such low concentrations as to not be a concern with a regard to water quality of the SJR.* We disagree with this statement. TDS and organic carbon are significant components of urban runoff. Storm water monitoring for the city of Sacramento reveals carbon levels as high as 43 mg/L, well above the 2 – 4 mg/L dry season average for the Sacramento-San Joaquin Delta. In addition, The DEIR fails to provide bacteriological data. Animal wastes in residential yards and public recreation areas are a common source of bacterial contamination in urban storm water runoff.

M-8

The CALFED Bay-Delta program drinking water program has identified bromide and organic carbon as two of the main constituents of concern in Delta source water. The ten-year old Delta Wetlands Project has been required to address organic carbon loading and impacts to Delta drinking water intakes as part of their EIR and water rights processes. The cities of Tracy and Sacramento have been responsive on their wastewater treatment expansion plans to evaluate their impact of carbon on the urban water export facilities in the south Delta. The location of the Mossdale Landing Project exacerbates the cumulative impact to existing loadings of salt, carbon and bacteria to the San Joaquin River and the DEIR fails to accurately estimate the projects impacts to the Delta drinking water intakes.

M-9

Page 4.2-12 Structural BMPs

On page 4.2-12 the DEIR states that *“on-lot treatment” describes a series of practices designed to treat runoff from individual residential lots. Their primary purpose is to manage rooftop, driveway and sidewalk runoff. Detaching roof leaders will be used on all homes built within the proposed Mossdale Landing project to achieve this reduction.* This structural BMP may not be effective in the long-term, as many homeowners find the on-lot treatment aesthetically undesirable, and negate the positive effects by redirecting downspouts through drain pipes directly to the street.

M-10

Page 4.2-17 Surface Water Quality – Proposed BMPs

The DEIR states that responsibility for structural and non-structural BMPs will be passed on to multiple homeowner associations following the completion of this project. We feel that this could jeopardize the effectiveness of the storm water pollution prevention plan and ultimately degrade the water quality of the San Joaquin River. The Mossdale Landing project is proposing to use storm water detention basins as the centerpiece of the project’s structural BMPs. As with any structural measure to prevent pollution from urban storm water runoff, regular maintenance is a requirement for continued effectiveness and detention basins are among the most expensive to maintain.

M-11

Homeowner associations may not have the financial provisions necessary to provide adequate maintenance of Mossdale Landing’s structural BMPS in the long-term. In addition, we question whether sufficient motivation exists within the framework of a homeowner’s association to ensure ongoing compliance of the proposed storm water pollution prevention plan. Page 30 in Volume II of the DEIR under the Project Area Drainage Plan for Mossdale Landing seems to concur with our concerns in the following statement *The key to any plan that involves a water quality basin is to implement a reliable maintenance program to assure that they continue to function as intended. In this regard, attempts to place this responsibility on homeowners have often failed.*



Recommendations

- |    |  |      |
|----|--|------|
| 1. | Assess the project's impact on the San Joaquin River with regard to salt, TDS, carbon, and pathogens with respect to affected beneficial users of Delta water. Include cumulative impact assessment for the entire Mossdale Village development, as well as other development projects in the region that expect to generate urban runoff.   | M-12 |
| 2. | Provide actual supporting water quality data for the site under existing agricultural uses including the parameters mentioned above.   | M-13 |
| 3. | Provide documented urban runoff loading data from regional sources based upon the density of the urban development.  | M-14 |
| 4. | Provide a long-term mitigation plan managed through a funded account to provide for continued maintenance of BMPs. This responsibility should reside with the city of Lathrop. A special assessment should be levied to provide the financial resources for BMP maintenance. Storm water detention basins need to remain in operation after build out.   | M-15 |
| 5. | With the development of a drinking water quality policy now listed as a top priority within the SJR basin, DWR recommends that the NPDES permit for Mossdale Village include a monitoring plan for drinking water parameters of concern, in addition to other parameters. Contingency mitigation measures should be developed in the EIR to provide the necessary additional corrective actions to avoid any water quality degradation to the San Joaquin River. | M-16 |

If you have any questions regarding our review of this DEIR, please call me at (916) 653-7213 or Tim Smith of my staff at (916) 653-0955.

Sincerely,



Larry Joyce, Chief  
Water Quality Control Section  
Division of Operations and Maintenance

cc: State Clearinghouse  
Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, California 95814



- M-1 The comment confirms a project component. No further response is required.
- M-2 The comment introduces environmental issues but is not a comment on the EIR content. No further response is required.
- M-3 The baseline water quality analysis contained in Sections 4.2 and Appendix C of the DEIR has been revised to include monitoring data from local sources with similar land uses (see Section IV.A of this FEIR, Revised Surface Water Quality Report, page 17), but is noted that the DEIR was based on data for similar land uses. See Response M-4 for further discussion. This revision does not constitute significant new information and does not change the significance conclusions in the DEIR. It merely refines the baseline stormwater quality currently generated by the agricultural use of the project site.

There has been very little monitoring data for agricultural areas during storm events, and it is impractical to provide monitoring data for the site as a representative baseline study would take 2-3 monitoring seasons to complete which is beyond the timeframe of the EIR process. The data used in the baseline analysis is of sufficient level of detail and applicability to: (1) make the finding of a less than significant impact; and (2) to inform governmental decision makers (the City of Lathrop as lead agency) and the public about the potential significant effects of the proposed project. CEQA does not require assemblage of this type of data (given the time required), especially if alternative data can lead to supportable conclusions.

The quality of the stormwater runoff projected to be generated by the proposed project, and the constituent reduction affects of the proposed stormwater quality BMPs, were evaluated in Section 4.2 and Appendix C of the DEIR using the EPA simple method, a recognized approach for the estimation of mass loadings of constituents from a given watershed. The removal efficiencies of the BMPs by constituent were estimated based on numerous BMP effectiveness studies. Such studies were device and constituent specific, and, consequently, are applicable for the subject project.

Maintenance of BMPs by the Homeowners Association is an accepted practice absent a local improvement district or other public mechanism. The Homeowners Association will be bound to maintain the BMPs through the CC&Rs for the project and through the conditions issued with the project's required 401 certification.

- M-4 The baseline stormwater quality analysis provided in Section 4.2 and Appendix C of the DEIR has been enhanced with additional data from the San Joaquin Valley, including data from the nearby River Islands at Lathrop project DEIR, to provide a more detailed picture of existing stormwater quality generated at the project site under the existing agricultural condition. As noted in Response M-3, there is very little data available locally for monitoring of agricultural areas during stormwater runoff conditions, and monitoring of the project site is beyond the timeframe of the EIR process. The enhanced analysis is included in the revised Surface Water Quality Report which is included

in its entirety in Section IV of this FEIR. The references for the water quality data have been revised and updated. City of Stockton data from their municipal monitoring program now serves as the primary reference for most post-construction constituent concentration information.

- M-5 Loading, in pounds, for constituents of concern, is given in the “Total” columns of Table 4.2-3 on page 4.2-9 of the DEIR for both developed conditions without and with BMPs in place.
- M-6 The comment is noted. See Response M-4. As indicated, Tables 4.2-1 and 4.2-3 have been revised in the revised Surface Water Quality Report (Section IV.A of this FEIR, Tables 1 and 3, respectively) to incorporate data from the City of Stockton as the primary reference for both typical constituent concentrations in stormwater runoff by land use type and predicted water quality of the runoff from the completed Mossdale Landing project. However, the data used in the DEIR, which includes a mix of data from Ventura County, Sacramento, Davis, Fresno, Bakersfield and Novato, is also valid because these sources are in the same general region as the project area and because the land uses, practices, etc., used in these area are comparable to those at the project site. The Stockton data has been incorporated into the revised Surface Water Quality Report at the request of the commenter, and refines the analysis already presented in the DEIR (i.e., validates the original conclusions).
- M-7 The dry year flow for the SJR of 1,500 cfs identified on page 4.2-2 of the DEIR is hereby changed to 1,100 cfs. This revision does not change the significance conclusions in the DEIR, especially as the surface water quality analysis evaluates load of constituents to the river rather than concentrations of constituents in the river before and after project development.

**Corrections and Additions**

Page 4.2-2, first full paragraph, last sentence, change “1,500” to “1,100”

Concerning dry year flow in the SJR, this is not relevant to the surface water quality analysis in the DEIR. This is because the analysis evaluates the potential surface water quality impacts of the proposed project by calculating changes in loading of constituents of concern under the project, and not changes in constituent concentrations in the river.

Concerning dry season urban runoff, there is a good reason why this is not evaluated in the DEIR. The analysis evaluates the impacts of average annual first flush urban runoff under the proposed project. Annual average first-flush urban flows represent the worst-case condition for constituent loading to the SJR (i.e., constituent loading to the river would be higher under this scenario than under a dry season scenario). Hence, the analysis provides a conservative analysis of potential surface water quality impacts.

- M-8 As indicated in Footnote 2 on page 4.2-4 of the DEIR, the Central Valley Regional Water Quality Control Board’s “A Compilation of Water Quality Goals (August 2000), which compiles existing water quality standards for all constituents of concern within the Central Valley Region, does not list carbon as a pollutant of concern. As further indicated in the footnote, Typical TDS

concentrations in stormwater runoff is identified in the Compilation as 200 mg/l, which is below all standards listed in the Compilation for this pollutant (250 mg/l for taste and odor being the most restrictive). Furthermore, comparison of City of Sacramento runoff water quality to that of the proposed project is not representative because City of Sacramento stormwater has a large industrial flow component which is not applicable to the proposed project. Finally, the comment fails to take into account any reduction in TDS and carbon in stormwater flows from the project site that may occur associated with the ending of agricultural discharges from the project site under the proposed project. Per the above, TDS and organic carbon in project stormwater need not be evaluated further in the DEIR.

Concerning bacteria (i.e., pathogens such as fecal coliform, Giardia and Cryptosporidium), this constituent is not evaluated in the runoff surface water quality analysis for several reasons. First, fecal coliform levels at monitoring stations along the San Joaquin River (SJR) and the Delta are currently below the Basin Plan water quality objective of 200 MPN/100 mL for this constituent, while Giardia and Cryptosporidium levels are below the laboratory detection limit of 10 cysts/100 L.<sup>3</sup> Second, the source control BMPs specified in the water quality program for the project (pages 4.2-8 through 4.2-12 of the DEIR) will control the discharge of constituents, including bacteria if any is present, to the maximum extent practicable (MEP). Third, the commenter fails to take into account any reduction in bacteria from the project site that may occur associated with the ending of agricultural discharges from the project site under the proposed project. Hence, there is substantial evidence to indicate that bacteria in stormwater runoff from the project will not result in significant water quality impacts to the SJR and the Delta. The commenter has not submitted any evidence that would contradict this conclusion.

- M-9 Concerning total organic carbon (TOC), the project proposes discharging stormwater runoff to the San Joaquin River and not treated wastewater as is proposed in the cases of the referenced Tracy and Sacramento wastewater treatment expansions. Therefore, comparing the analysis requirements of these treatment expansions to those of the proposed project is inappropriate. Studies in other parts of the country indicate that some agricultural crops can release substantial amounts of TOC in stormwater runoff. The levels of this constituent in agricultural runoff and discharges depend upon the crop being raised and the farming practices, and there is no data of this type available for the region of the project. While limited studies do exist in other regions of the country, differences in climate, soil types, crop types, farming practices, etc., make it impossible to correlate the data from those studies to this region. Hence, it is impossible to identify baseline TOC levels in existing runoff from the project site, or how the change in land use will affect these levels. The proposed project could very well reduce TOC loading to the river with elimination of the existing agricultural runoff, especially with implementation of the proposed Best Management Practices (BMPs). Furthermore: (1) TOC is typically generated as a byproduct of drinking water treatment rather than as a constituent of urban runoff; (2) there are no regulatory standards for TOC; and (3) there is no methodology for analysis of TOC impacts. For all these reasons, TOC is not evaluated further in the EIR.

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<sup>3</sup> Lathrop Water, Wastewater and Recycled Water Master Plan DEIR, page 4.2-14. March 2001. Prepared by EDAW for the City of Lathrop.

*continued ...*

Concerning bromide, there is no data available for bromide content in agricultural or developed areas, so it is impossible to identify baseline bromide levels in existing runoff from the project site, or how the change in land use will affect these levels. Since the main source of bromide is seawater and/or as a byproduct of drinking water treatment, and since the project site is not located within the coastal zone and does not propose drinking water treatment, it is expected that both pre- and post-development levels of bromide will be low. Under §15145 of the State CEQA Guidelines, if, after investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact. For this reason, bromide is not evaluated further in the EIR.

In regards to salinity (TDS), as stated in Response M-8, TDS in stormwater is on the order of 200 mg/l, which is far below the Federal Drinking Water standard of 500 mg/l. Consequently, the project impact on cumulative levels of TDS should not be enough to adversely affect drinking water.

- M-10 Mitigation Measure 4.2-c on page 4.2-16 of the DEIR, as amended, requires that the developers of each project under the Mossdale Landing UDC shall be responsible for the physical improvements associated with each BMP, and that the Landscaping and Lighting Districts and/or Geotechnical Districts established associated with the proposed project shall be responsible for the programmatic measures associated with the BMPs which shall be spelled out by the City in the conditions of approval for project development. Hence, the referenced BMP will be implemented. See Response M-11 for additional discussion.
- M-11 The comment is noted. Mitigation Measure 4.2-c is hereby revised in the DEIR to require that a Landscape and Lighting Maintenance District (LLD) and/or a Geotechnical District shall be formed for the proposed project which will be responsible operating the structural BMPs once the project is developed. This revision does not constitute significant new information and does not change the significance conclusions in the DEIR. It merely refines the mitigation measure to ensure implementation of the proposed BMPs.

**Corrections and Additions**

Pages 4.2-16 and 4.2-17, Mitigation Measure 4.2-c, revise as follows:

“4.2-c Surface Water Quality - Proposed Best Management Practices (BMPs). The project applicant shall implement the following measures with respect to the BMPs proposed in the Mossdale Landing UDC Document and described under the “Project Proposals subheading of Section 4.2 of the EIR:

- Responsibilities for Implementation of Proposed BMPs. For those proposed Best Management Practices (BMPs) identified under the “Project Proposals” subheading of Section 4.2 of the EIR ~~where specific responsible parties or funding sources are not identified in the BMP itself:~~ (1) the developers of each project under the UDC shall be responsible for the physical improvements associated with each BMP; and (2) a Landscape and

*continued ...*

Lighting Maintenance District (LLD) and/or Geotechnical District shall be established for the proposed project that shall be responsible for operation of the proposed structural BMPs and overseeing implementation of the proposed programmatic BMPs. The LLD and/or Geotechnical District shall also be responsible for implementing any BMP requirements of the stormwater pollution prevention plan (SWPPP) to be prepared for the proposed project. ~~homeowners associations and/or other entities established associated with each development under the UDC shall be responsible for the programmatic measures associated with the BMPs. These responsibilities shall be spelled out by the City in the conditions of approval for each development project under the UDC.~~

- Implementation of Proposed BMPs During All Project Phases. The proposed Best Management Practices (BMPs) listed under the “Project Proposals” subheading of Section 4.2 of the EIR shall be implemented during all phases of the proposed project rather than during only the early phases of the proposed project.”

M-12 With respect to the surface water quality impacts of the proposed project in terms of salt/TDS, carbon, and pathogens, see Responses M-8 and M-9.

A cumulative surface water quality analysis is contained in Chapter 5 of the DEIR. The commenter has provided no comments on this analysis. It already includes an evaluation of the potential cumulative surface water quality impacts associated with implementation of the proposed project in conjunction with other cumulative growth. No further cumulative analysis is required.

M-13 See Response M-4, M-8 and M-9.

M-14 See Responses M-4 and M-5.

M-15 As indicated in Response M-11, a long-term mitigation plan managed through a funded account to provide for continued maintenance of the proposed BMPs is required by mitigation in the EIR. As indicated in the second bullet under Mitigation Measure 4.2-c, the BMPs shall be implemented during all phases of the proposed project. Mitigation Measure 4.2-c is hereby revised in the DEIR to ensure that the BMPs are implemented in perpetuity.

**Corrections and Additions**

Page 4.2-17, Mitigation Measure 4.2-c, Second Bullet, Second Sentence, add “,in perpetuity,” after “during all phases of the proposed project”.

M-16 See Response M-9. The proposed project will comply with all requirements of any NPDES permit required for the project. If such a permit requires a monitoring plan for drinking water parameters of concern, the project will comply.



# Department of Toxic Substances Control



Edwin F. Lowry, Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200

Winston H. Hickox  
Agency Secretary  
California Environmental  
Protection Agency

October 9, 2002

Ms. Deanna Walsh  
Principal Planner  
City of Lathrop  
16775 Howland Road, Suite One  
Lathrop, California 95330

## DRAFT ENVIRONMENTAL IMPACT REPORT FOR MOSSDALE LANDING URBAN DESIGN CONCEPT (SCH #2001052059)

Dear Ms. Walsh:

The Department of Toxic Substances Control (DTSC) has reviewed the above document that proposes building residential and school properties on agricultural land. DTSC recommends that additional research be conducted to determine whether pesticides were used on the proposed development site. Although DTSC does not regulate legally applied pesticides, if pesticides have historically been used on the property, we strongly recommend that these areas be tested for environmentally persistent pesticides such as DDT and metals prior to development. The results of any testing should be evaluated to determine if concentrations present in soils will be protective of residents, students, and workers.

N-1

If you have any questions, please contact me by email at [tmiles@dtsc.ca.gov](mailto:tmiles@dtsc.ca.gov) or by telephone at (916) 255-3710.

Sincerely,

Tim Miles  
Hazardous Substances Scientist

cc: See next page.

Ms. Deanna Walsh  
October 9, 2002  
Page 2

cc: Planning & Environmental Analysis Section (PEAS)  
CEQA Tracking Center  
1001 "I" Street, 22nd Floor  
P.O. Box 806  
Sacramento, California 95812-0806

State Clearinghouse  
Office of Planning and Research  
1400 10th Street, Room 121  
Sacramento, California 95814-0613





N-1 The potential hazardous materials/waste impacts of the proposed project were evaluated on pages 23-25 of the Initial Study (IS) prepared for the proposed project (Appendix A of the DEIR). As indicated in the IS, the project site does not contain any listed hazardous materials/waste sites. As further indicated in the IS, the hazardous materials/waste impacts of the proposed project were determined to have been adequately evaluated in the certified West Lathrop Specific Plan (WLSP) EIR, which determined that development of the project site under the WLSP would result in less than significant impacts with implementation of the identified mitigation measures. Because the proposed project is consistent with the WLSP, would be required to implement the mitigation measures identified in the WLSP EIR, and would be required to comply with existing regulations and standards for the use, storage, and disposal of hazardous materials, and for the elimination from the project site of any pre-existing hazards, the IS concluded that the Mossdale Landing project would not result in any impacts not already evaluated and mitigated in the WLSP. No further analysis of hazardous materials/waste impacts is required under CEQA.

While no further analysis of this issue is required under CEQA, the project applicant had a Phase I Environmental Site Assessment (ESA) conducted for the project site in 2001 as part of its due diligence for the proposed project.<sup>4</sup> The ESA was prepared in accordance with the scope/limitations of the American Society of Testing and Materials (ASTM) and Standard Practice for Phase I ESA Process E1527-00. The results of this Phase I ESA are summarized below.

- Existing Conditions: The project site contains: two domestic wells; at least one irrigation well; underground septic tanks; buildings potentially containing asbestos and/or lead-based paint; two abandoned underground storage tanks (one at 653 West Louise Ave., and one at 17772 Manthey Rd.); and potentially underground agricultural pipelines containing asbestos (e.g., Transite pipe). The site includes a history of on-site agricultural chemical use.
- Regulatory Agency Database Search: No listed hazardous materials/waste sites are located on the project site. Two off-site hazardous materials/waste sites were identified within the ASTM E 1527-00 search radii of the CHMIRS Database: one at 17100 South Harland Rd. (approximately 1,000 feet east of the project site); and one at the I-5/Louise Ave. interchange (approximately 750 feet northeast of the project site). The former was the site of toxic gases from a urethane fire in 1991 which have since dissipated. The latter was the site of a 55-gallon spill of sealer in 1989 which affected the soil but not the groundwater.
- Local Agency Records Search/Interviews: A restricted materials permit, expiring in 1997, was granted to 17287 South Manthey Rd. for pesticide use (Aluminum Phosphate, Zinc Phosphide, 2-4-D, Amine and Paraquat). DTSC, San Joaquin County Public Health

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<sup>4</sup> Kleinfelder, Phase I Environmental Site Assessment for the Mossdale Landing Property, prepared for Pacific Union Homes, August 16, 2001.

*continued ...*

Services, San Joaquin County OES, and SJVAPCD indicated no files were available for the site. According to the California State Fire Marshal Pipeline Safety Office, no pipelines are located on-site. Well logs were not reviewed as the Department of Water Resources did not issue permission to review such logs during preparation of the ESA.

- Historical Use of Property: Aerial photography identifies primarily irrigated row crops, dry crops, orchards, and farm residences/structures dating back to the earliest air photos in 1937. Air photo shows possible dairy during mid-1960s. There is no Sanborn Fire Insurance Map coverage of the project site. Historical topographic maps show farming uses, farm residences, irrigation canals, and irrigation pumps from 1952 on.
- Site Reconnaissance: A pedestrian survey of the project site was conducted on June 29, 2001. Approximately 18 farm structures were identified, including farm residences, barns, and ancillary farm structures. Several debris piles were observed in conjunction with the on-site farm buildings containing vegetative matter, wood and metal scraps, and various pieces of machinery. Several burn piles were observed containing vegetative matter. Five 55-gallon drums of unknown contents were observed at 777 West Louise Avenue, a 35-gallon drum of waste oil was observed west of 750 West Louise Avenue, and two empty 55-gallon drums were located in a debris pile at an abandoned house. Light oil staining on a dirt floor underneath a pole she as observed north of West Louise Avenue. Six pole mounted transformers are present throughout the site. The age of some of the structures make it possible for them to contain asbestos and/or lead-based paint.

The following was not observed at the project site: underground storage tanks; above ground storage tanks; chemical storage areas; agricultural chemical mixing areas; fill dirt from unknown sources; hazardous chemical and petroleum products in connection with unknown use; hazardous waste storage; industrial waste treatment equipment; odors; pools of liquid; process waste water; sanitary systems; septic systems (although several residences are known to have them); soil piles; solid waste; stressed vegetation; sumps/clarifies.

- Interviews: The owners and residents of the project site indicated that there have been no hazardous materials or petroleum product incidents at the project site to her knowledge. One of those interviewed indicated the presence of an abandoned underground storage tank at 653 West Louise Ave. that contained gasoline until the above-ground fixtures were removed in the 1970s.
- Recommendations: An asbestos and lead-based paint survey should be conducted prior to demolition, renovation, or relocation of on-site structures. The underground storage tanks at 653 West Louise Ave. and 17772 Manthey Rd. should be removed and closed in accordance with Local, State and Federal regulations. Soil sampling and analysis should be conducted in the area where the dairy existed for the potential presence of nitrate impacts to site soil related to dairy wastes. In the event that underground Transite pipe is unearthed and found to contain asbestos, it should be removed, handled, transported, and disposed of in accordance with Local, State and Federal laws and regulations. While normal agricultural

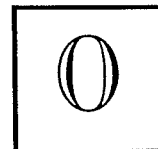
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chemical usage does not generally trigger enforcement action by regulatory agencies, given the proposed residential use of the site, surface soil sampling should be performed to evaluate the potential for residual pesticides. The 55-gallon drums of unknown content should be sampled, characterized and properly disposed of. The on-site septic systems should be properly abandoned in accordance with applicable regulations.

Hazardous materials/waste is heavily regulated, and, per existing federal, state and county regulations, any conditions on the project site which could potentially represent an exposure hazard would be required to be removed prior to development and occupancy of the proposed project with or without this being required in a CEQA document. To provide for an extra measure of safety, the recommendations of the Phase I ESA will be incorporated into the Conditions of Approval for the proposed project by the City of Lathrop.

**DEPARTMENT OF TRANSPORTATION**

P.O. BOX 2048 (1976 E. CHARTER WAY)  
 STOCKTON, CA 95201  
 TDD (209) 948-7981  
 PHONE (209) 948-1921  
 FAX (209) 948-7194



October 15, 2002

**10-SJ-5-16.47**  
**Draft Environmental Impact**  
**Report, Mossdale Landing Urban**  
**Design Concept**  
**SCH# 2001052059**

Ms. Deanna Walsh  
 City of Lathrop  
 Planning Division  
 16775 Howland Road  
 Lathrop, CA 95330

Dear Ms. Walsh:

Caltrans has reviewed and provides comments for the Draft Environmental Impact Report (DEIR) for the Mossdale Landing Urban Design Concept. The proposed project would be developed as 16 neighborhoods to include a total of: 1,690 residential units, 653,399 square feet of commercial space, two elementary schools, an interim fire station, 39 acres of parks and 13.8 acres of levees/open space. The proposed project site is located on the west side of Interstate 5 (I-5), adjacent to Louise Avenue, Lathrop.

O-1

**TRAFFIC OPERATIONS**

The traffic study uses year 2010 as the cumulative baseline condition. Page 4.5-1 claims, "There are too many unknowns about the future of the area upon which to base a traffic analysis of the proposed project." Caltrans requires year 2025, or at least the San Joaquin Council of Government's (SJCOG) Traffic Model year, when analyzing cumulative conditions. Year 2010 does not capture the full general plan build-out in the area, which Caltrans requires to adequately assess cumulative impacts. Therefore, Caltrans requests a revised traffic analysis utilizing SJCOG's projections.

O-2

Volumes for Existing Conditions and Cumulative Conditions at the Mossdale Road/I-5 northbound and Manthey Road/I-5 southbound ramps are not provided. Caltrans requests these numbers in diagram form.

O-3

Existing freeway (I-5) volumes are significantly low compared to Caltrans 2001 Traffic Volumes (10% - 30% lower). Existing volumes need to be adjusted to more accurately reflect the proposed project's traffic impacts.

O-4

As stated in the Notice of Preparation letter, Caltrans requested inclusion of other planned and approved projects specifically the Califia proposal and Mossdale Associates project. As previously mentioned Caltrans requests an analysis of these projects at full buildout, in conjunction with the full buildout of the Mossdale landing proposal and the remaining projects in the Lathrop vicinity.

O-5

With the proposed project's location and size, Traffic Operations has concerns about the traffic impacts this proposed project will create on I-5 between State Route (SR) 120 and 1-205, as well as the weaving between these two connections and the Mossdale/Manthey hook ramps. Therefore, Caltrans requests a weaving analysis between SR 120 & 1-205 and SR 120 and 1-205 to I-5 ramp, which this current DEIR does not include.

O-6

Caltrans also requests the electronic files (simulation files) of all analyzed scenarios when available.

O-7

### ENVIRONMENTAL

This project will increase the ambient air pollution problem existing in San Joaquin County. Please be aware that any increase of negative air quality may well impact negatively on future transportation projects. There may also be cumulative impacts on the air quality by additional projects located in the Lathrop area that should be addressed within this CEQA document.

O-8

If additional impacts occur during construction and/or if Traffic Impact Studies/Models required work to be done on any State Route, an Encroachment Permit may be required. Fair share money for work may include funds for environmental work and/or mitigation.

O-9

The use of California State Highways for other than normal transportation purposes may require written authorization from Caltrans in the form of an Encroachment Permit. The environmental document prepared for the project that includes Caltrans right-of-way must be submitted with the Encroachment Permit application. At a minimum, documentation of cultural (archaeological), biological, and hazardous waste surveys within Caltrans right-of-way are required.

O-10

For cultural surveys a recent record search from the information center and an Archaeological Survey Report are required.

O-11

A Natural Environment Study report shall be written documenting the results of biological surveys and the record search from the California Department of Fish and Game Natural Diversity Database. A qualified biologist should conduct surveys at the appropriate time of year to determine if listed plant or animal species or wetlands occur in the area. Surveys should meet the protocol standards of the U.S. Fish and Wildlife Service and the California Department of Fish and Game.

O-12

If right-of-way is being dedicated to Caltrans, the applicant is required to submit a copy of Attachment A, confirming that the land to be dedicated to Caltrans is free of hazardous waste. Even if right-of-way is not being dedicated to Caltrans, it is a good practice to conduct a record search to obtain known hazardous waste locations.

O-13

It is highly recommended to contact the Native American Heritage Commission (NAHC) at 915 Capitol Mall, Room 364, Sacramento, California, 95814, (916) 653-4082, [FAX] (916) 657-5390. The results of the information from NAHC should be used to consult with Native American Tribes and groups regarding concerns within the project area

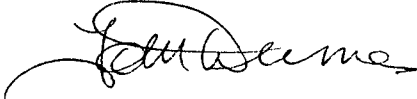
O-14

Ms. Deanna Walsh  
October 15, 2002  
Page 3

For more information on encroachment permits and their requirements, please visit our web page at <http://www.dot.ca.gov/doingbusiness.html> then click on encroachment permits.

If you have any questions, or would like to discuss these comments in more detail, please contact Mike Higgins, at (209) 948-3996 (email: [mhiggins@dot.ca.gov](mailto:mhiggins@dot.ca.gov)).

Sincerely,



**TOM DUMAS, Chief**  
**Office of Intermodal Planning**

CC: Terry Roberts, Chief  
Governor's Office of Planning and Research  
State Clearinghouse  
1400 Tenth Street  
Sacramento, CA 95814



California Department of Transportation  
Tom Dumas, Chief  
Office of Intermodal Planning  
October 15, 2002

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O-1 The comment describes the project and does not raise any environmental issues. No further response is required.

O-2 The cumulative traffic condition in the Mossdale traffic analysis is based on year 2010 rather than year 2025 for the five reasons discussed below. Based on the following, analysis of year 2025 as the cumulative condition is not required and thus is not included in the DEIR.

- (1) The cumulative traffic impacts of buildout of the WLSP have already been evaluated and mitigated in a previous EIR (the EIR upon which the Mossdale EIR is tiered). The cumulative traffic impacts of buildout of the WLSP (of which the Mossdale Landing project is a part and is consistent with) were already evaluated in the certified WLSP EIR, and thus need not be further evaluated in the Mossdale EIR. Because of this, and because Mossdale Landing is consistent with the WLSP, further analysis of cumulative (2025) impacts in the Mossdale EIR is not required per §15130(b)(3)(e) and §15183(j) of the CEQA Guidelines. The guidelines state, in part, that if a cumulative impact was adequately addressed in a prior EIR for a community plan, zoning action, or general plan and the project is consistent with that plan or action, then an EIR for the consistent project should not further analyze the cumulative impact. Because the WLSP was certified and is considered adequate under CEQA, and there are no comments or supporting evidence suggesting the WLSP cumulative analysis is not adequate, the cumulative analysis in the Mossdale DEIR is not only consistent with CEQA but goes beyond CEQA requirements.
- (2) A regional traffic fee is in place to mitigate the cumulative traffic impacts associated with the proposed project, and no further mitigation is required. In addition to the above, Lathrop has adopted a regional traffic fee with the assistance of the local Council of Governments (COG) which is designed to fund traffic improvements required to accommodate projected growth in the County through 2020. The fee is based on a regional traffic study conducted five years ago by Caltrans, the County and local cities which identifies the freeway and major roadway improvements required during the 25 year time horizon of the study. The City of Lathrop adopted the fee for properties within the WLSP area, including the Mossdale Landing property. Payment of the fee represents mitigation for Mossdale Landing's contribution to cumulative traffic impacts on area freeways and major roadways, and no further mitigation for the project's contribution to cumulative traffic impacts is required. Hence, regardless of the cumulative year evaluated, the same mitigation for cumulative traffic impacts would apply (i.e., payment of the regional traffic fee).
- (3) The Caltrans Guidelines require that the buildout year of the project be evaluated as the cumulative condition. According to the Caltrans Guide for the Preparation of Traffic Impact Studies (June 2001, page 2-16), the cumulative year for a project which does not include a General Plan Amendment shall be the buildout year of the project. By contract, the cumulative analysis year for a proposed project which does include a General Plan

*continued ...*

Amendment is required by Caltrans to be General Plan buildout. The Mossdale Landing project is consistent with the City's General Plan and WLSP, and thus, according to Caltrans' guidelines, the cumulative year shall be the buildout year of the project which in the present case is proposed to be 2010. Nothing in the Caltrans Guidelines indicate that "Caltrans requires year 2025, or at least the San Joaquin Council of Government's (SJCOG) Traffic Model year" as stated in the comment.

- (4) The project will not result in additional traffic impacts after 2010. §15355 of the CEQA Guidelines indicates that a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. §15130(a)(1) of the Guidelines indicates than an EIR should not discuss impacts which do not result in part from the project evaluated in the EIR. Because project buildout and occupancy will occur in 2010, the project will not result in additional impacts after 2010.
- (5) CEQA does not identify the appropriate year for cumulative analysis - the year chosen is reasonable. CEQA provides no timeframe (horizon year) for consideration of cumulative impacts, and the approach used in the DEIR (project buildout) is reasonable, especially as the project is consistent with the City's General Plan and West Lathrop Specific Plan (WLSP) for which cumulative traffic analysis has already been conducted.
- (6) The Updated SJCOG Traffic Model was not available at the time the traffic analysis was prepared. The updated San Joaquin Council of Governments (SJCOG) Traffic Model was not available at the time the Mossdale traffic analysis was prepared (June/July 2001), and thus could not have been used in the Mossdale traffic analysis even if it would have been appropriate to do so. The traffic consultant (Crane Transportation Group) had a phone conversation with Carlos Yamzon of Caltrans in June 2001 during which this issue was discussed, and it was agreed that the Mossdale evaluation could proceed in the same manner as the RiverWalk project, also in Lathrop. The RiverWalk approach was agreed to with Caltrans at a meeting on May 3, 2000 at the startup of the RiverWalk EIR where it was agreed that, due to the lack of an up-to-date regional traffic model, it would be acceptable to use a 2010 cumulative analysis horizon year based on manual projections consistent with are land use plans/projects. Caltrans guidance at the time was that this methodology was acceptable until a new updated regional traffic model was developed. The forecasted volumes in the analysis contain currently adopted land uses and are representative of buildout conditions at 2010. The Mossdale Landing project will be built out by 2010, so it is the correct year for analysis.

In addition, the update regional model projects to year 2025 is predictive, not definitive, and provides for more speculation than does the 2010 approach which is based on a greater degree of certainty and less speculation about future conditions.



- O-3 The comment is noted. Existing and cumulative condition traffic volumes at the Mossdale Road/northbound I-5 and Manthey Road/southbound I-5 ramp intersections are provided as Exhibit A in Section IV.C of this FEIR.
- O-4 We do not concur that the existing I-5 traffic volumes shown in the EIR are low and that they need to be adjusted to more accurately reflect the proposed project's traffic impacts.

In response to this comment, communications were attempted with Caltrans by the traffic consultant (Crane Transportation Group) and the City of Lathrop on two separate occasions to inquire as to the source of the count data for I-5 to support the commentor's contention that existing (year 2001) I-5 counts used in the DEIR are low, and no response was provided. Absent any other information, it can only be assumed that the source data used by Caltrans is its 2001 Traffic Volumes of California State Highways, June 2002. This publication presents Annual Average two-way daily traffic, peak month two-way daily traffic, and two-way peak hour volumes for major segments of all state highways and freeways. Based upon the preface language in that document (page iii), the peak hour volumes presented are "estimates". Also, the preface indicates a few hours each year are higher than the "peak hour" but not many. On roads with large seasonal fluctuations in traffic, the peak hour is the hour near the maximum for the year but excluding a few (30 to 50 hours) that are exceedingly high. We thus contend that our traffic counts for the specific I-5 freeway segment in question (as discussed below) are more accurate than the regional, more general, and less precise traffic volumes estimates identified for the segment in Caltrans study.

As part of the DEIR traffic analysis, weekday AM and PM peak hour period (5:30-8:30 AM and 4:00-6:00 PM) traffic counts were conducted in June and/or August 2001 on the I-5 freeway both north and south of the Louise Avenue interchange and to the south of the I-5/I-205 freeway-to-freeway junction. In addition, counts were also conducted on the I-205 freeway just west of the I-5 freeway and on the S.R. 120 freeway just east of the I-5 freeway for the same time periods during August 2002. All counts were conducted on Thursdays, a day, based upon input from Caltrans District 10 staff, that has conservatively high volumes.

Based upon input in May 2000 from Carlos Yamzon of Caltrans District 10 (currently Chief, Travel Forecasting and Metropolitan Planning), the required procedure for adjusting raw data freeway counts so they can be used as a basis for evaluation and modeling purposes was as follows:

- Obtain Caltrans seasonal (monthly) Average Daily Traffic (ADT) count data for the last three to five years.
- Compare the month of recent count ADT with the annual ADT.
- Adjust the current daily and peak hour counts up or down based upon the historic relationship of ADT in a particular month to the annual ADT.

Historically, June and August freeway counts in the Lathrop area have been about 7% above the annual average traffic.

The above procedure was followed, as required, to develop the existing AM and PM traffic conditions freeway counts identified in the traffic analysis.

It is also noted that the I-5, I-205, and S.R. 120 freeways evaluated in the traffic analysis present a “closed system” of counts in that the volume leaving one segment of freeway must equal the volume arriving at the next downstream segment of freeway, with adjustments, where needed, to take into account vehicles entering or exiting the freeway interchanges. This system approach was applied to development of the existing freeway volumes through the Lathrop area. Review of the two-way peak hour “estimated” counts for I-5 and I-205 in the 2001 Traffic Volumes on California State Highways publication indicates a significant mismatch in reported peak hour volumes between the legs of the I-5/I-205 freeway-to-freeway merge, where the I-5 north leg of the merge should equal the sum of the I-5 south leg and the I-205 west leg. There is a discrepancy of about 650 vehicles between the “estimated” peak hour counts entering and leaving this merge area.

Finally, no comment was received from Caltrans regarding inappropriate peak hour volumes on the I-205 or S.R. 120 freeways.

The overall peak hour volume system used for the DEIR is appropriate.

- O-5 In response to the comment that the cumulative traffic analysis should be based on full buildout of the cumulative projects, see Response O-2. As indicated, year 2010 is the appropriate analysis year for the cumulative traffic analysis rather than the buildout year (2025) of the larger West Lathrop Specific Plan (including Califia).

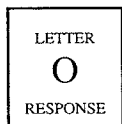
In response to the comment that the cumulative traffic analysis should specifically include buildout of the Califia/River Island and Mossdale Associates projects, we disagree. As indicated in Chapter 5 of the DEIR, the cumulative traffic analysis evaluates the proposed project in conjunction with 17 past, present, and reasonably foreseeable future projects and regional traffic growth on area highways. Among the 17 projects evaluated is the West Lathrop Specific Plan (WLSP). The WLSP covers two areas of the City of Lathrop: (1) the Stewart Tract, upon which a mixed-use entertainment project was planned named Gold Rush City; and (2) West Central Lathrop, upon which mixed use entertainment and residential development was planned. Since adoption of the programmatic WLSP in 1996, several project specific development proposals under the Plan have been received by the City, including Mossdale Landing, Lathrop Station, FarmWorld, RiverWalk, and others. More recently, the City received applications for an additional development project, Mossdale Associates, and for a revision to the Stewart Tract portion of the WLSP, Califia/River Islands. Provided below are the reasons the DEIR assumes development of Gold Rush City instead of Califia/River Islands (see page 5-4 of the DEIR). The reason the DEIR assumes development of the uses permitted at the Mossdale Associates site under the WLSP instead of the Mossdale Associates project itself is simple; the Mossdale Associates project was proposed well after circulation of the NOP and completion of the traffic analysis for Mossdale Landing. The cumulative traffic analysis contained in the DEIR provides for a conservative analysis and is adequate under CEQA. No revision is required.

*continued ...*

- The project approved in the WLSP for the Stewart Tract provides for a greater overall level of development, and hence more extensive traffic and other environmental impacts, than the Califia/River Islands project.
- CEQA does not provide clear guidance in cumulative analyses when there is a choice among considering two different project proposals for the same site; consequently, the approach used in the DEIR was to choose the more conservative approach (i.e., the higher intensive Gold Rush City project) which is consistent with CEQA’s goals of being more environmentally protective.
- The NOP for the proposed project was released in May 2001, and the analysis of Mossdale was initiated at that time. The application for Califia River Islands was not deemed complete until September 2001, 4 months later. The Mossdale analysis would not have been able to consider River Islands because the River Islands proposal was not sufficiently defined at the time preparation of the Mossdale DEIR was initiated.
- CEQA case law (see, especially, *San Franciscans for Reasonable Growth v. City and County of San Francisco (151 Cal.App.3d 61)*) acknowledges the problem of new projects “...constantly being fed into the environmental review process. The problem of where to draw the line on “projects under review” that must be included in the cumulative impact analysis of a particular project could be solved by the use of a reasonable cut-off date ...” Certainly, the initiation of analysis and the end of the NOP review period are both reasonable cut-off dates, otherwise an environmental analysis could never be completed as it would always “wait” for developer activity to cease.

Based on all these considerations as well as Response Y-2, we feel the cumulative analysis is adequate.

- O-6 The EIR evaluates impacts of the project on Interstate 5, State Route 120, and Interstate 205. The evaluation looked at overall freeway impacts, and this embodied weaving considerations. Caltrans was consulted on this issue after receipt of the comment and concurs that the overall impact analysis is sufficient. See Response Y-2 for further discussion.
- O-7 The comment is noted. A printed appendix with capacity worksheets is in production and will be provided to Caltrans, when completed.
- O-8 The comment is noted. See Response I-7 with the following clarifications. The air quality impacts of the proposed project, including the project’s contribution to cumulative air quality impacts, have been adequately evaluated in the DEIR (see Section 4.6 and Chapter 5) and no specific deficiencies are identified in the comment. All “additional” or related projects in the Lathrop area that could generate cumulative air quality impacts in concert with the proposed project have been identified and evaluated in the EIR as required under CEQA (Chapter 5 and Exhibit 5-2). No additional related projects require evaluation in the DEIR. Further, the Mossdale project is consistent with the Lathrop General Plan and the assumptions included in the San Joaquin Valley Air Quality Attainment Plan.



*continued ...*

- O-9 Commented noted concerning an Encroachment Permit. The applicant will obtain all required permits for the proposed project, including an Encroachment permit, if required.

With regard to fair share funding for any environmental work and/or mitigation required associated with the Mossdale Landing project, a regional traffic fee is in place to mitigate the cumulative traffic impacts associated with the proposed project, and no further mitigation is required. See Response O-2 for further discussion.

- O-10 The comment is noted. The applicant will obtain all required permits for the proposed project and comply with all applicable permit requirements.

It is noted that the cultural and biological surveys conducted for the proposed project and included in the DEIR (Sections 4.10 and 4.12) were also conducted where proposed roadways and utility improvements, and those roadway improvements required by traffic mitigation in the DEIR, would encroach into Caltrans' rights-of-way (Exhibits 3-8 and 4.5-9). These locations include: (1) the Louise Ave./I-5 interchange, which is the location of several proposed utility improvements, the Gold Rush Precise Plan Line, and the roadway improvements required by traffic mitigation in the DEIR; and (2) the I-5 ROW approximately 4,800 feet south of Manthey Road, which is the location of proposed jack-and-bore utility improvements under I-5.

- O-11 The comment is noted. A cultural resources records search and archaeological field survey which included the Caltrans right-of-way locations discussed in Response O-10 have been conducted for the DEIR. The findings of the records search and field survey are summarized in Section 4.12 of the DEIR. The confidential Archaeological Survey Report that includes the records search and the field survey maps is on file for review by authorized individuals at the City of Lathrop Community Development Department, 16775 Howland Road - Suite One, Lathrop, CA 95330. These materials and any other studies required for any needed permits from Caltrans will be provided to Caltrans by the project applicant as part of the permitting process.

- O-12 The DEIR (Section 4.10) prepared for the project actually incorporates all requirements necessary for preparation of a Natural Environment Study (NES). As such, it should fairly simple to reformat the DEIR's Terrestrial Biology section into an NES report during the permitting process. The applicant is committed to meeting this requirement as part of the Caltrans encroachment permit process.

The project biologist (Monk & Associates) has prepared many NES for Caltrans and is familiar with the requirements. The major difference in the two formats (DEIR vs. NES) is that the NES requires more stringent requirements for reporting data base search information, and similarly has more stringent standards for conducting and reporting special-status species surveys. Differing from a DEIR, an NES also requires an assessment of the limitation of the study. For this DEIR, the extra steps necessary to meet all criteria necessary to prepare an NES were taken. For example, the DEIR has a section and tables indicating the results of the data base searches. Data bases that were searched for records of special-status plants and animal records within five miles of the project site were conducted using the California Department of Fish and Game's Natural Diversity Data Base,

the California Native Plant Society's Electronic Inventory<sup>5</sup>, and the record base used by the U.S. Fish and Wildlife Service. As result of these data base searches, special surveys were conducted for nesting raptors, riparian brush rabbit, and several rare plants that are known to occur in the region of the project site.

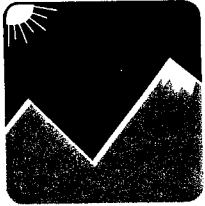
Qualified personnel conducted all special-status species surveys. Similarly, all surveys were conducted during appropriate periods using resource agency accepted procedures. The survey times and procedures are detailed in Section 4.10 of the DEIR. The wildlife surveys were conducted by a certified wildlife biologist (certified by national division of The Wildlife Society). In addition, Dr. Dan Williams formerly of Stanislaus State University and a recognized expert with the riparian brush rabbit, conducted a project site evaluation for this rabbit species. Dr. Williams determined that the riparian brush rabbit does not occur on the project site or within the off-site utility and roadway improvement areas. The botanists that conducted the rare plant surveys have similar extensive experience. As an example, the lead botanist prepared a key for the genus *Stachys* in the Jepson Manual<sup>6</sup>, the current reference manual used by all botanical professionals statewide. Finally, the preliminary wetlands evaluation was conducted by experienced wetlands biologists. A preliminary map showing all potential waters of the United States was prepared by Monk & Associates on May 4, 2001. On August 31, 2001, the U.S. Army Corps of Engineers (Corps) confirmed the May 4, 2001 wetland delineation map, and concluded that no waters of the United States occur on the 477.3-acre project site or within the off-site utility and roadway improvement areas.

- O-13 The project does not include the dedication of right-of-way to Caltrans. If permits are required for the proposed project from Caltrans, the applicant will comply with all applicable permit requirements (including the conducting of a records search of hazardous materials/waste sites for any Caltrans ROWs to be affected, if required).
- O-14 Both the NAHC and the local Native American Tribe (Northern Valley Yokuts) were consulted during the course of the preparation of the DEIR and Archaeological Survey Report for the proposed project. The City of Lathrop sent the NOP and NOC/DEIR to OPR which forwarded these materials on to the NAHC (see 5/11/02 letter from OPR contained in Appendix B of the DEIR, and the 10/8/02 letter from OPR contained in this FEIR, respectively). EDAW, the EIR consultant for the City, sent two consultation letters to the Northern Valley Yokuts (Katherine Perez) in July 2001, and had two phone communications with Katherine Perez in July and August 2001. The applicant will carry out additional consultations with the NAHC and the Northern Valley Yokuts, if required, for any permits needed for the proposed project.

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<sup>5</sup> CNPS (California Native Plant Society). 2002. Inventory of rare and endangered plants of California (sixth edition). Rare plant scientific advisory committee, David P. Tibor, convening editor. California Native Plant Society. Sacramento, CA. x+338 pps.

<sup>6</sup> Hickman, J. (ed.). 1993. The Jepson manual: higher plants of California. University of California Press, Berkeley. 1400 pp.



San Joaquin Valley  
Air Pollution Control District



October 15, 2002

Deanna Walsh, Principal Planner  
City of Lathrop  
16775 Howland Road Suite 1  
Lathrop, CA 95330

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE  
MOSDALLE LANDING URBAN DESIGN CONCEPT (SCH 2001052059).

Dear Ms Walsh:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the proposed project and offers the following comments:

The DEIR adequately addresses existing air pollution conditions and current regulations. Based on the information provided in Section 4.6 "Air Quality" of the DEIR, the District concurs with the findings of significant impacts identified in the report. However, the District would like to suggest the following items as additional mitigation measures and clarifications:

P-1

1. Impact 4.6-a: **Air Quality – Short-term Construction Impacts.** Most of the mitigation measures listed in this section correspond to fugitive dust controls, which have no effect on NOx or ROG emissions. The following items from table 6-3 of the Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) should be listed as potential mitigation measures:

- Install wind breaks at windward sides of construction areas.
- Suspend excavation and grading activity when winds exceed 20 mph.
- Any proposed renovation/demolition of existing building in the project area is subject to compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAPS). Specifically, the primary air pollutant of concern is asbestos. To ascertain whether this project is subject to NESHAPS, the project applicant is advised to review the enclosed *Asbestos - Compliance Assistance Bulletin*, dated December 1994. Leaf Sexton is the Northern Region's District contact for the program and is available should you need further assistance.

P-2

Additionally, Regulation VIII has recently undergone revision that the applicant should be aware of. At various stages during construction the City of Lathrop should have the applicant contact the District to maintain current on fugitive dust control regulations. The attached Compliance Assistance Bulletin highlights many of the requirements contained within Regulation VIII. The Compliance Assistance Bulletin is not meant to be all-inclusive, but it can be a useful compliance aid in the field and office alike.

P-3

The following items were taken from Table 6-4 of the Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) should be listed as potential construction equipment mitigation measures:

- Use of alternative fueled construction equipment.
- Limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use at any time.
- Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set).
- Curtail construction during periods of high ambient pollutant concentration; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways (or ceasing/reducing heavy duty equipment usage on Spare the Air Days).
- Prior to the issuance of construction contracts the City of Lathrop should perform a review of new technology, as it relates to heavy-duty equipment, to determine what if any advances in emission reduction are available for use. It is anticipated that in the near future both NOx and PM10 control equipment will be available. The District would be available for consultation on this process.

P-4

2. Impact 4.6-c: **Air Quality – Long-term Regional Impact.** The following additional mitigation measures while unable to reduce emission to a less than significance level will help reduce operation emission to the maximum amount feasible:

- Planting of deciduous trees on the south and westerly facing sides of buildings.
- Natural gas lines and electrical outlets should be installed in patio areas to encourage the use of gas and/or electric barbecues.

P-5

- Air Quality impact fees should be developed to help fund additional air quality mitigation measure to further reduce air quality impacts.
- Clean fuel transit vehicles (this could include compressed natural gas and/or electric vehicles or other as technology improves or becomes available).
- Establishment of clean fuel fueling stations open to the public (this could include electric charging stations, natural gas fueling stations, ect.).
- Promote the use of low emission vehicles, this will not reduce vehicles miles traveled, but rather promote the use of fuels and vehicles that are less polluting then gasoline or diesel. Air quality impact fees could be used to provide incentives to business or individual who purchase/use low emission vehicles.
- Allow business or individual through the zoning and building permit process the option of installing electric/natural gas fuel hookups.
- Telecommuting should be encouraged through land use mixes and zoning ordinances to provide incentives that minimize restrictions for in hone offices and satellite work centers.
- The URBEMIS 7G modeling information provides emissions for natural gas fireplaces only, therefore there should be a mitigation measure allowing only natural gas fireplace be installed, not to exceed one per residential unit.
- The District would like the opportunity to comment on individual projects as they move forward in the future.

P-5  
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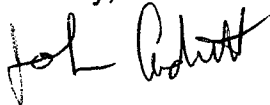
Finally, as individual projects are considered for approval the applicant and the City of Lathrop should consider the toxic risk associated with diesel-fueled engines and vehicles. The California Air Resources Board has issued a report entitled **Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles** (October 2000). Appendix VII of the report provides several risk characterization scenarios, which may serve as a starting point for estimating risks from diesel engine emissions. The District will work with applicants to review appropriate methodology for estimating toxic risk.

P-6



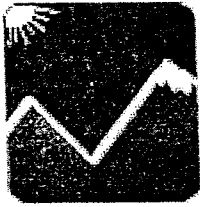
Thank you for the opportunity to comment. If you have any questions, please feel free to contact me at (209) 557-6400.

Sincerely,



John Cadrett  
Air Quality Planner  
Northern Region

APCD REF # 20020005



# San Joaquin Valley Air Pollution Control District

## COMPLIANCE ASSISTANCE BULLETIN

September 2002

(Update from June 2002)

### *Fugitive Dust Control at Construction Sites*

**Regulation VIII, Fugitive PM<sub>10</sub> Prohibitions**, of the District's Rules and Regulations regulates activities that generate fugitive dust. Fugitive dust is emitted to the air from open ground or caused by activities such as excavation, transporting bulk materials, or travel on unpaved surfaces. "PM<sub>10</sub>" is a term applied to small sized particulate matter - microscopic dust particles - in the air. The San Joaquin Valley currently exceeds the air quality standards for particulate matter. It is for this reason that the District adopted Regulation VIII in 1993. Significant amendments to Regulation VIII were adopted in 2001 and became effective May 15, 2002. The following dust control and administrative requirements are applicable at construction sites:

**Visible Dust Emissions (VDE).** Visible dust emissions may not exceed 20% opacity during periods when soil is being disturbed by equipment or wind at any time. Dust control may be achieved by means of applying water before and during earth work and on traffic areas, phasing work to limit dust, and setting up wind fences to limit wind blown dust. VDE opacity of 20% means the amount of dust that would obstruct the view of an object by 20%.

**Soil stabilization.** Soil stabilization is required at any construction site after normal working hours and on weekends and holidays. This requirement also applies to inactive construction areas such as phased projects where disturbed land is left unattended. Applying water to form a visible crust on the soil is an effective method for stabilizing a disturbed surface area. Long-term methods include applying dust suppressants or establishing vegetative cover. Restricting vehicle access from the area will help to maintain a stabilized surface. Information regarding stabilization standards and test methods are in Rule 8011 – *General Requirements*.

**Carryout and Trackout.** These requirements are found in Rule 8041 – *Carryout and Trackout*. Carryout and trackout are materials adhered to vehicle tires and transport vehicles carried from a construction site and deposited onto a paved public road. Should carryout and trackout occur, it must be cleaned up at least daily, and immediately if it extends more than 50 feet from the exit point onto a paved road. The recommended clean-up methods include manually sweeping, sufficiently wetting the area prior to mechanical sweeping to limit VDE or using a PM<sub>10</sub>-efficient street sweeper. A blower device, or dry sweeping with any mechanical device other than a PM<sub>10</sub>-efficient street sweeper is prohibited.

Attachment  
to P-2

**Haul Roads.** Dust control is required on all haul roads and unpaved vehicle and equipment traffic areas at construction sites, per Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*.

**Storage Piles and Bulk Materials.** The handling, storage, and transportation requirements for bulk materials are found in Rule 8031 – *Bulk Materials*. These requirements include: applying water as materials are handled, stabilizing or covering stored materials, and installing wind barriers to limit VDE. Limiting vehicle speed, loading haul trucks with a freeboard six inches or greater, covering haul trucks, or applying water to the top of the load are options for reducing VDE from vehicle transportation of bulk materials.

**Demolition.** Wetting of the exterior of a building to be demolished is required. Demolition debris and the area around the demolition must also be controlled to limit VDE. Cleaning up carryout and trackout must be completed according to Rule 8041. Demolition activities are also subject to the District's asbestos rule, Rule 4002 – *National Emission Standards for Hazardous Air Pollutants*.

**Dust Control Plans.** For large construction projects, Rule 8021 requires the owner or contractor to submit a Dust Control Plan to the District for approval at least 30 days prior to commencing construction activities. This requirement applies to projects that include 40 or more acres of disturbed surface area or will involve moving more than 2,500 cubic yards per day of material on at least three days during the project.

**Record keeping.** All sites subject to the regulation that employ dust control measures must keep records for each day any dust controls are used. The District has developed record keeping forms for water application, street sweeping, and for "permanent" controls such as applying long term dust palliatives, vegetation, ground cover materials, paving, or other durable materials. Pursuant to Rule 8011, records must be kept for one year after the end of dust generating activities.

**Exemptions.** Activities in areas above 3,000 feet elevation are exempt from all Regulation VIII requirements. The following exemptions in Rule 8021 apply to construction activities:

- Blasting activities
- Maintenance and remodeling of existing buildings if the addition is less than 50% of the size of the existing building or 10,000 square feet. These activities, however, are subject to the District's asbestos rule, Rule 4002.
- Additions to single family dwellings
- Mowing, disking or other weed control on sites less than ½ acre.

**Nuisance.** Whether or not the construction activity is exempt from the Regulation VIII requirements, any activity that creates fugitive dust must not cause a nuisance, per Rule 4102 - Nuisance. Therefore, it is important to monitor the dust generating activities and, if necessary, plan for and implement the appropriate dust control measures to limit the public's exposure to fugitive dust.

This is a basic summary of Regulation VIII as it applies to the construction industry. For more information contact the Compliance Division of the District office nearest to you.

Attachment  
to P-2

**SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT**  
**Compliance Assistance Bulletin- December, 1994**  
**Asbestos Synopsis**

**Asbestos Demolition/Renovation-Summary**

**Prior to any renovation or demolition of a facility**

**Inspect:** Conduct an asbestos inspection of the site before:

- Any renovation which 160 sq. ft. of building materials, or 260 linear feet of pipe insulation will be disturbed, or
- Any demolition of a facility with or without asbestos-containing materials

**Notify:** Submit an asbestos notification form for any regulated renovation or demolition, 10 working days before the activity.

**Fees:** Fees must be paid to the District with the notification for all regulated renovations and demolitions.

**Demolition Release Form:** Prior to any demolition, you must have completed a demolition release form. Upon its approval by the District this signed form may be used as proof (needed by the building official) of compliance with, or exemption from, the NESHAP notification requirements.

Submit this form to the building department with your application for a demolition permit.

**Applicability**

**Facilities** subject to the NESHAP (regulated facilities) include all commercial buildings, apartments with more than 4 units, other structures and non-portable equipment. Single family dwellings may be exempt, but only on a case by case basis.

**Demolitions** subject to the NESHAP (regulated demolitions) are demolitions of facilities described above, whether or not asbestos is present.

**Regulated renovation** applies to any activity in which 160 sq. ft. of regulated asbestos-containing building materials or 260 linear feet of asbestos-containing pipe insulation is disturbed at a regulated facility.

**Asbestos Notification and Inspection Requirements**

**Definitions**

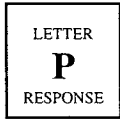
<i>Facilities:</i>	Facilities subject to the rule include "all structures, installations, buildings and equipment, except for single family dwellings and apartments with four or fewer dwelling units." Single family dwellings and apartments are also subject to the regulation if: <ul style="list-style-type: none"> <li>-There is more than one building at a site being renovated or demolished, or</li> <li>-The building had been used for, or is being removed for a commercial or public use, or is to be used as a training burn exercise.</li> </ul>
<i>Demolition:</i>	In addition to the total destruction of a structure, demolitions include "the removal of any structural load-bearing member from a facility together with any related handling operations or the intentional burning of a building: (training burns conducted by a fire fighting agency). Also, the separation of a structure from its foundation prior to relocation is a demolition.
<i>Renovation:</i>	Altering a facility or one or more facility components in any way, including the stripping or removal of regulated asbestos-containing material (RACM) from a facility component. Renovations include all activities in which asbestos could be disturbed at a regulated facility, including the clean up and removal of debris from buildings which have burned.

Attachment  
to P-2

**SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT**  
**Compliance Assistance Bulletin- December, 1994**  
**Asbestos Synopsis**

<p><b>Definitions, Continued</b></p> <p><i>Regulated Asbestos-Containing Materials (RACM) Include:</i></p>   <p><i>Friable Asbestos-Containing Material (ACM):</i></p> <p><i>Category I nonfriable ACM:</i></p> <p><i>Category II nonfriable ACM:</i></p>	<p>(1) Friable asbestos-containing material (ACM).  (2) Category 1 nonfriable ACM in poor condition and "has become friable" or that has or will be subjected to sanding, grinding, cutting, or abrading.  (3) Category II nonfriable ACM that has a high probability of becoming, or as become, crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation.</p> <p>Any material containing more than 1 percent asbestos, as determined by Polarized Light Microscopy (PLM) testing, which, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure.</p> <p>Any asbestos-containing packings, gaskets, resilient floor coverings, and asphalt roofing products containing more than 1 percent asbestos as determined by PLM testing.</p> <p>Any asbestos-containing materials, excluding Category 1 ACM, containing more than 1 percent asbestos as determined by PLM testing, which when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.</p>
<p><b>Inspection:</b> done by, or under the direction of a Cal-OSHA certified consultant prior to:</p> <ul style="list-style-type: none"> <li>● Any regulated demolition.</li> <li>● Any renovation activity in which more than 160 sq. ft. of any building material or 260 linear feet of pipe insulation will be disturbed. An inspection is not required if the material to be disturbed is stipulated to be asbestos-containing and will be removed in accordance with the NESHAP.</li> </ul> <p><b>Inspection Report Must Include:</b></p> <ul style="list-style-type: none"> <li>● A schematic showing the location of all tested materials.</li> <li>● The following data for all asbestos-containing materials: <ol style="list-style-type: none"> <li>1. The amount and description of each material.</li> <li>2. Percent asbestos content.</li> <li>3. Whether or not the material is friable.</li> </ol> </li> </ul>	
<p><b>Notification:</b> An asbestos notification must be submitted to the District at least 10 working days prior to:</p> <ol style="list-style-type: none"> <li>1. Any regulated demolition.</li> <li>2. Any renovation in which more than 160 sq. ft. or 260 linear ft. of RACM will be disturbed.</li> </ol> <p><b>A copy of the Asbestos Inspection Report must be included with the Notification.</b></p> <p>Notification will not be considered complete, nor will the 10 working day notice period begin until all required information and fees have been submitted to the District.</p>	
<p><b>Fees:</b> District Rule 3050 requires that nonrefundable asbestos fees be received along with asbestos job notifications. Fees must be paid for regulated asbestos abatement projects and regulated demolition projects, <u>whether or not asbestos is present.</u></p>	
<p><b>Demolition Release Form:</b> The California Health and Safety Code requires that the city or county building official have proof of compliance with, or exemption from, the asbestos notification requirement before he or she issues a demolition permit.</p> <p>After the District has received a demolition notification and is satisfied that the NESHAP notification requirements have been complied with, the District will issue a Demolition Release Form to the person who submitted the notification.</p>	
<p><b>Recycle and Waste Disposal:</b> The asbestos notification must also identify any building materials which will be recycled after removal from a project. The name of the recycling contractor and location of such activity must be identified.</p>	

Attachment  
to P-2



**San Joaquin Valley Air Pollution Control District**  
**John Cadrett, Air Quality Planner**  
**Northern Region**  
**October 15, 2002**

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- P-1 The comment is noted and will be forwarded to the decision-makers for their consideration. See Responses P-2 through P-6 concerning the referenced SJVAPCD additional mitigation measures and clarifications.
- P-2 The comment is noted. The potential mitigation measures listed in the comment have been incorporated into the EIR as requested. These additions do not change the significance conclusion in the DEIR, and do not result in additional significant impacts.

**Corrections and Additions**

Page 4.6-15, Mitigation Measure 4.6-a, after the last bullet on the page add the following:

“In addition to the measures identified above, the following measures from Table 6-3 of the Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) are identified as potential mitigation measures that may be required by SJVAPCD:

- Install wind breaks at windward sides of construction areas.
- Suspend excavation and grading activity when winds exceed 20 mph.
- Comply with the National Emission Standards for Hazardous Air Pollutants (NESHAPS) during the novation/demolition of any existing buildings on the project site with the potential to contain asbestos. Consult the SJVAPCD’s Asbestos - Compliance Assistance Bulletin, dated December 1994, to ascertain whether individual structures on the project site are subject to NESHAPS”

- P-3 The comment is noted. The fact that Regulation VIII has undergone recent revisions and is subject to future periodic revisions, and that the proposed project will be subject to said revisions, has been incorporated into the EIR as requested. These additions do not change the significance conclusion in the DEIR, and do not result in additional significant impacts.

**Corrections and Additions**

Page 4.6-14, Mitigation Measure 4.6-a, after the first sentence add the following:

“It is recognized that SJVAPCD Regulation VIII, upon which the following control measures are based, have recently undergone revision that these control measures are subject to future period revision. Therefore, prior to the beginning of each of the six phases of project construction, the project applicant shall contact the SJVAPCD to identify the most recent fugitive dust control measures required to be implemented by the proposed project.

*continued ...*

Consult the SJVAPCD's Compliance Assistance Bulletin which highlights many of the requirements contained within Regulation VIII."

- P-4 The comment is noted. The potential mitigation measures listed in the comment have been incorporated into the EIR as requested. These additions do not change the significance conclusion in the DEIR, and do not result in additional significant impacts.

**Corrections and Additions**

Page 4.6-16, Mitigation Measure 4.6-a, after the last paragraph in the mitigation measure add the following:

"In addition to the measures identified above, the following measures from Table 6-4 of the Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) are identified as potential construction equipment mitigation measures that may be required by SJVAPCD:

- Use of alternative fueled construction equipment.
- Limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use at any one time.
- Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set).
- Curtail construction during periods of high ambient pollutant concentration; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways (or ceasing/reducing heavy duty equipment usage on Spare the Air Days).
- Prior to the issuance of construction contracts the applicant should perform a review of new technology, as it relates to heavy-duty equipment, to determine what if any advances in emissions reduction are available for use. It is anticipated that in the near future both NO<sub>x</sub> and PM<sub>10</sub> control equipment will be available. The District would be available for consultation on this process."

- P-5 The comment is noted. The additional mitigation measures listed in the comment have been incorporated into the EIR as requested, except as otherwise indicated. These additions do not change the significance conclusion in the DEIR, and do not result in additional significant impacts.

**Corrections and Additions**

Page 4.6-17, Mitigation Measure 4.6-c, after the last sentence of the mitigation measure add the following:

*continued ...*

“The following additional measures shall be implemented as part of the design of the proposed project and/or during project operation.

- Planting of deciduous trees on the south and westerly facing sides of buildings.
- Natural gas lines and electrical outlets should be installed in patio areas to encourage the use of gas and/or electric barbecues.
- Allow businesses or individuals through the zoning and building permit process the option of installing electric/natural gas fuel hookups.”
- If a gasoline service station is developed as part of the proposed project, it is encouraged that natural gas fueling be incorporated as part of the station.
- The City of Lathrop is encouraged to permit home offices and satellite work centers in the zoning provisions for the proposed project to encourage/facilitate telecommuting.
- Wood burning fireplaces are prohibited. Only natural gas fireplaces shall be installed and shall be limited to one per residential unit.”

Several of the recommended mitigation measures have not been incorporated into the EIR as identified and explained below.

- The establishment of an air quality impact fee for the proposed project is outside the scope of the Mossdale Landing DEIR as no such SJVAPCD fee currently exists. Such a fee is a regional fee and would need to be applied to all projects in the region.
- Promoting the use of low emission vehicles works for large office or industrial projects where large employers can provide financial, parking, or other incentives for their employees to use low emission vehicles. However, there are no feasible mechanisms available to provide incentives to residential and small retail development, such as proposed under the proposed project, to encourage the use of low emission vehicles.
- The proposed project would utilize the existing transit system rather than development a new transit system. Hence, there would be no opportunity on the part of the proposed project to utilize clean fuel transit vehicles.
- The DEIR (Mitigation Measure 4.6-c, pages 4.6-16 and 4.6-17) already includes a measure requiring the establishment and implementation of a trip reduction program to reduce motor vehicle trips associated with proposed larger commercial uses.

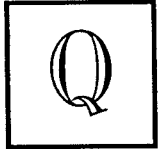
Concerning the comment that the District would like the opportunity to comment on individual projects as they move forward in the future, the DEIR prepared for the proposed project is a project



*continued ...*

EIR as defined by CEQA, and no further CEQA review of the project will occur. Hence, any additional review by the District of development under the project would need to be restricted to that which may occur associated with any permits that may be required for the project by the District.

- P-6 Implementation of the district-recommended mitigation measures for the control of short-term emissions would reduce health risks associated with diesel-exhaust PM generated by construction equipment, including stationary sources and off-highway equipment. However, because the proposed land uses are primarily residential, the proposed project does not involve the construction of land uses that would, in and of themselves, be anticipated to result in long-term diesel-exhaust PM emissions. Long-term risks associated diesel-exhaust PM are primarily associated with on-highway heavy-duty vehicles. Because sources of diesel-exhaust PM, such as heavy-duty truck fleets, are not anticipate to be associated with the proposed development and/or owned by the applicant, there are no additional mitigation measure that could be implemented by the applicant to reduce impacts from these sources.



**Northern Valley Yokut Tribe**  
1234 Luna Lane  
Stockton, CA 95206  
Tel: (209) 462-2680 Fax: (209) 462-2680

Ms. Deanna Walsh, Project Manager  
City of Lathrop  
16775 Howland Road, Suite One  
Lathrop, California 95330

October 10, 2002

Subject: Mossdale Landing Urban Design Concept Vesting Tentative Map, and Development Agreement.

Dear Ms. Walsh:

The Northern Valley Yokut Tribe has reviewed the environmental documents for the above Reference projects. Our concerns, recommendations, corrections and /or request for additional Data are as follows:

The environmental impact report is insufficient in that it lacks Native American (Northern Valley Yokut Tribe) consultation and/or involvement.

Q-1

The archaeological survey report also lack Native American (Northern Valley Yokut Tribe) consultation and involvement. There is an obligation to have Native American consultation. The report also lacks inadequate data and finding.

The recommendation from the archaeologist in the EIR report is not only egocentric but inconsiderate of our people.

Q-2

The Northern Valley Yokut Tribe (NVYT) would like to recommend to the City of Lathrop, that they consult with the aboriginal (NVYT) about their own ancestral lands. The tribe should not only be consulted, but brought on board to assist with the project from the beginning. The tribe also recognizes that the EIR recommends implementing CEQA guideline which has never minimized the desecration of our burial grounds. Having said that, and without disclosing the whereabouts of any of our site. We are advising the City of Lathrop that the above reference project has a high potential for impact to our burials, and village sites.

Q-3

Q-4

If your have any question call (209) 462-2680

Respectfully,

Katherine Perez, NVY,



**Northern Valley Yokut Tribe**  
**Katherine Perez, NVY**  
**October 10, 2002**

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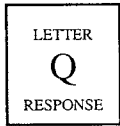
Q-1 Multiple contacts and consultations were made with the Northern Valley Yokut Tribe (NVYT) by the EIR preparer (EDAW, Inc.) during the preparation of the DEIR as listed below:

- Letter to Native American Heritage Commission (NAHC) requesting contact information and a records search of the Sacred Lands File: early July 2001.
- First letter to Katherine Perez (NVYT representative): early July 2001.
- Second letter to Katherine Perez: late July 2001.
- First phone call from Katherine Perez: late July 2001.
- Second phone call from Katherine Perez: August 2001.

As part of these contacts/consultation, the EIR preparer provided to the NVYT representative maps of the project site and discussed the archaeological resources listed at the project site in the records search and observed at the project during the field surveys. During the second phone conversation, the NVYT representative was questioned as to any concerns the NVYT may have regarding the project site, including any specific known archaeological sites/resources that may be of concern to the NVYT at the project site. No site specific concerns were expressed other than a general overall concern about the project site. During the second phone conversation, the NVYT representative also requested that a Native American be permitted to accompany the archaeologists during the field survey; however, the field survey had already been conducted by that time.

Per the above, a good faith effort was made to contact and consult with the local Native American tribe concerning the project site.

In regards to the comment that the archaeological report lacks adequate data and findings, no documentation describing specific inadequacies was provided. An archaeological resources assessment (August 5, 2002) has been prepared for the proposed project by EDAW and has been summarized in Section 4.12 of the DEIR. The assessment, which is on file at the City of Lathrop Community Development Department and has been submitted to the Central California Information Center (CCIC) for recordation, has been prepared consistent with CEQA requirements and industry norms. The assessment includes: a management summary; description of the regulatory context and archaeological study team; background research, including historic, natural, and cultural setting; description of the assessment methodology; report of findings; management considerations; recommendations; and references. Research conducted for the assessment includes: an archaeological pedestrian field survey of the project site, including mapping, recording, and photographing finds; a records search of CCIC records, including searches of the National Register, California Inventory of Historic Resources, California Points of Historical Interest, Survey of Surveys, California Historical Landmarks, Directory of Properties in the Historical Resources Inventory, Gold Districts of California, and California Gold Camps; a review of General Land Office (GLO) plat maps; consultation with the San Joaquin Historical Society; a review of written prehistoric and historic records and texts; a review of historic air photos; evaluation of the listings



*continued ...*

and finds (including the preparation of Department of Parks and Recreation forms); and identification of mitigation measures required to avoid significant archaeological impacts.

- Q-2 The comment will be forwarded to the decision-makers for their consideration. The comment does not raise any environmental issues. No further response is required.
- Q-3 See Response Q-1.
- Q-4 The comment is noted. The archaeological resources assessments treats the project site as archaeologically sensitive, and identifies a comprehensive mitigation package which would reduce potential significant impacts to archaeological resources associated with the proposed project. The mitigation measures which compose this mitigation package are summarized below:

For Moss Site 2, a listed archaeological site that may be a potential burial mound, Mitigation Measure 4.12-b requires that, prior to construction, a professional archaeologist conduct Phase II testing (i.e., limited text excavation to characterize the extent/nature of the potential archaeological deposit). If the archaeologist determines that any archaeological resources which may be found at the location represent “unique archaeological resources” as defined by CEQA, the archaeologist is to identify mitigation measures required at the location to avoid significant impacts to the finds (i.e., photo documentation and preservation in-place, data recovery and curation, etc.).

For any undiscovered/unlisted archaeological resources, Mitigation Measure 4.12-c requires that prior to construction, construction personnel be alerted to the potential for buried cultural resources, and that if artifacts, unusual amounts of stone, bone or shell, or human remains are uncovered, construction work at the specific location be suspended, an archaeologist be called in to evaluate the find and conduct Phase II testing, if required, and if the finds are determined to represent “historical resources” or “unique archaeological resources” as defined by CEQA, the archaeologist is to identify mitigation required to avoid significant impacts to the find.

For any human remains that may be discovered, Mitigations 4.12-d and -f require the same treatment as described above under Mitigation Measure 4.12-c, except that in addition, the County coroner be contacted immediately and, if the remains are determined to be Native American, the NAHC be contacted within 24 hours and the guidelines of the NAHC be adhered to in the treatment and disposition of the remains.

In recognition of the continuing concern expressed by the NVYT with regards to the potential for archaeological impacts associated with the proposed project, the following mitigation requirements are hereby added to the cultural resources mitigation measures in the DEIR. These additions do not change the significance conclusions in the DEIR, and do not result in additional significant impacts.



*continued ...*

**Corrections and Additions**

Page 4.12-17, Mitigation Measure 4.12-b, after the first paragraph add the following:

“The project applicant shall pay the costs for a Native American representative, to be chosen by the Northern Valley Yokut Tribe, to observe the Phase II testing at Moss Site 2. The City of Lathrop shall determine the appropriate fee for the observer based on standard rates.”

Page 4.12-17, Mitigation Measure 4.6-c, after the first paragraph add the following:

“The project applicant shall pay the costs for a Native American representative, to be chosen by the Northern Valley Yokut Tribe, to observe all earth moving and excavation activities associated with project construction. The City of Lathrop shall determine the appropriate fee for the observer based on standard rates.”




# SAN JOAQUIN AUDUBON SOCIETY

Deanna Walsh  
Principal Planner  
City of Lathrop Community Development Department  
16775 Howland Road  
Lathrop, California 95330

Subject: Draft Environmental Impact Report for the Mossdale Landing Urban Design Concept and Related Approvals (SCH#2001052059).

October 14, 2002

Dear Ms. Walsh,

Thank you for the opportunity to comment on the Mossdale Landing DEIR. In this letter we limit our comments to Biological Impacts, however, we are in agreement with all comments made by Sierra Club and by Deltakeeper.

R-1

The DEIR for Mossdale Landing states that impacts to various wildlife species are to be mitigated through the San Joaquin Multi-Species and Open Space Habitat Conservation Plan. Please state in the FEIR what is the amount of habitat acreage impacted and also how many acres of habitat will be provided as mitigation?

R-2

The area of the West Lathrop Specific Plan is subject to the conditions of a stipulated judgement obtained in San Joaquin County Superior Court resulting from a settlement of the matter of Holt v. Lathrop. Projects within the West Lathrop Specific Plan area (such as Mossdale Landing) cannot be annexed into the City of Lathrop until they have satisfied the conditions in that stipulated judgement. The City has adopted the SJMSCP as a mitigation vehicle which satisfies the requirements of the stipulated judgement. However, The SJMSCP specifically does not provide a permit for direct or for cumulative take of the riparian brush rabbit (hereafter: rbr). The US Fish and Wildlife Service currently considers the river corridor along the San Joaquin River, which includes the proposed project, to be habitat for the rbr (SJMSCP Habitat Technical Advisory Committee minutes). Furthermore, the USFWS considers that a one mile buffer along the San Joaquin River corridor is necessary for the protection of the rbr (SJMSCP HTAC). A buffer area such as this would include a substantial area of the proposed project. The DEIR does not divulge the fact that the proposed project is at odds with the policy of the SJMSCP. Please resolve this in the final EIR. If the city chooses to accept only those determinations of the

R-3

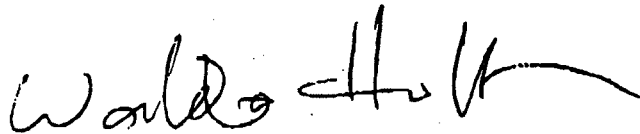
SJMSCP which it agrees with and to disregard what it does not agree with, the city will be in violation of a Superior Court stipulated judgement.

R-3  
Cont'd

The issue of cumulative impacts to riparian brush rabbit is not addressed in the DEIR. The DEIR erroneously states there is no impact to the rbr. Within the DEIR (page 4.10-21) Take of rbr from direct project construction is discounted because the rbr is not deemed to reside on levees included within the boundaries of the proposed project. However, rbr is considered to reside adjacent to the southern edge of the project (L. Hamilton pers. Comm.). The riparian area which is directly upstream from the project area is considered to be an important possible habitat for rbr. The placement of 1,700 homes with the attending dogs, cats, children with BB guns and matches would constitute a clear and unfortunately deadly impact on rbr. Please resolve this issue in the FEIR.

R-4

Sincerely,  
Waldo Holt  
Conservation Chair  
San Joaquin Audubon Society  
c/o 3900 West River Drive  
Stockton CA 95204-1120



cc: interested parties

R-1 The comment (i.e., Audubon Society's agreement with Sierra Club and Deltakeeper comments) is noted and will be forwarded to the decision-makers for their consideration.

R-2 The proposed project will impact a total of 477.3 acres. The SJMSCP habitat maps show that the project site consists of the following habitats: Approximately 25 acres are urban, 3.5 acres great valley riparian, and 448.80 are mapped as agricultural habitats. It should be noted that the urban area is associated with residences, barns, and other farmyard areas. Also, that the great valley riparian habitat mapped by the San Joaquin Council of Governments on the project site is strictly associated with agricultural irrigation ditches on the project site. These ditches, in every case, do not have hydrologic connectivity to any natural water of the state or United States.

To use the SJMSCP the applicant will be required to pay a fee to the San Joaquin Council of Governments (SJCOG). The fee will be used by the SJCOG to purchase offsite mitigation lands. The fee that is levied on the project proponent is based upon the total project site acreage and the habitat types that would be impacted within this acreage. The habitats mapped on the project site in the SJMSCP, and respective fee categories for impacts to these habitats, are as follows: Great Valley riparian habitat is considered to be a Category D, Pay Zone C (natural habitat). In this case the Great Valley riparian habitat on the project site is completely associated with agricultural ditches. Nonetheless, to use the SJMSCP the applicant is bound by the aerial photograph interpretations of the SJCOG that classifies some ditches on the site as Great Valley riparian. The urban areas on the project site are classified as a Category B, Pay Zone A (multi-purpose habitats). Finally, the agricultural areas on the project site are considered to be Category C, Pay Zone B areas. Agricultural lands are further broken down by the SJCOG into separate pay categories for cropland vs. orchard lands. The above is discussed on page 4.10-42 of the DEIR, while the fee categories on the project site are mapped in Exhibit 4.10-8 (page 4.10-43) of the DEIR.

The amount of mitigation habitat that would be acquired and preserved by the SJCOG to mitigate project impacts is based upon the requirements of the SJMSCP and the implementing documents. Any acquired lands would be preserved in perpetuity through dedication of a conservation easement. According to Mr. Gerald Parks of the SJCOGs (telephone conversation between Mr. G. Monk and Mr. G. Parks on November 18, 2002), natural lands would be replaced by the SJCOG at a 3:1 ratio. That is for each acre of natural land impacted (in this case Great Valley riparian habitat), three acres of similar habitat would be preserved in perpetuity at a different location. For agricultural lands, replacement acreage would be at a 1:1 ratio. Finally, areas that are mapped as urban constitute no pay zones and no replacement mitigation is required.

R-3 First, a clarification regarding the Stipulated Judgment is necessary. To meet the conditions set forth in the Stipulated Judgment, the City of Lathrop cannot annex land into the City until it has completed a Habitat Conservation Plan (HCP) or a Habitat Management Plan (HMP) for the Swainson's hawk. The City of Lathrop has adopted its own HMP for Swainson's hawk (October 16, 1996) and this was accomplished prior to the annexation of the West Lathrop Specific Plan area (October 7, 1997). This



*continued ...*

alone satisfies the Stipulated Judgment. The participation of the City in the SJMSCP (January 16, 2001) is an option under the City's HMP, but is not required. Furthermore, the Stipulated Judgment only relates to the Swainson's hawk --- no other species. Finally, the comment does not apply to the proposed project as the annexation has already taken place and is not a part of the proposed project.

Second, the DEIR is not suggesting use of the SJMSCP to compensate for impacts to the riparian brush rabbit. In fact, the SJMSCP requires full avoidance of riparian brush rabbit habitat. No conversion of occupied habitat or mortality to individual riparian brush rabbits is allowed under the SJMSCP, and neither of these would occur at the project site under the proposed project. The DEIR stated that there would be no significant impacts to the riparian brush rabbit and so it did not prescribe any mitigation or compensation for impacts to this species using the SJMSCP or otherwise. However, see Response L-4.

R-4 See Response L-4



15 October 2002

Deanna Walsh, Principal Planner  
City of Lathrop  
16775 Howland Road, Suite One  
Lathrop, CA 95337

RE: Comments of Draft Environmental Impact Report, Mossdale Landing Urban Design Concept

Dear Ms. Walsh:

The Mother Lode Chapter of the Sierra Club submits the following comments on the Draft Environmental Impact Report (DEIR) for the Mossdale Landing Urban Design Concept. Please send the Final EIR, and all notices and correspondence regarding this project to my home address, 1421 W. Willow Street, Stockton 95203, not to the Sierra Club office in Sacramento.

S-1

The City is poised to approve a very large (1,700-housing unit) development project prematurely, before adequate infrastructure planning and engineering has been completed. The Draft EIR fails to contain adequate engineering plans, analysis and mitigation for very serious cumulative impacts within the City related to water supply, sewer treatment and disposal, transportation, air quality, storm drainage, farmland and habitat loss.

S-2

In particular, the Draft EIR continues to defer the “project level” analysis of basic infrastructure issues such as wastewater treatment and disposal and water supplies for the project, until a later time, in violation of California Environmental Quality Act and subsequent case law

S-3

Purpose of the EIR

This DEIR is a “project” level Subsequent Environmental Impact Report (SEIR) (page 1-2 of the SEIR or DEIR). The approvals and entitlements that could be taken with the DEIR include subdivision tract maps and building permits (page 2-3). This means that following certification of this Final EIR, no further environmental analysis under the California Environmental Quality Act (CEQA) is supposed to take place before the project goes to construction.

S-4

We suspect that this DEIR is the first and last time the public and public agencies will have the ability to comment on the environmental issues related to the project within the context of a CEQA document. Is this correct? There may be opportunities for public comment during additional public hearings for the detailed financing plans but there will be no more ability to comment on

S-5

environmental impacts for the detailed development plans with responses provided under CEQA guidelines. Is this correct?

S-5  
Cont'd

### Tiering Off Two Other Inadequate EIRs

This project DEIR “tiers off” the analysis provided in two other EIRs certified by the City: the flimsy 1995 West Lathrop Specific Plan FEIR, which is subject to two lawsuits brought by the Sierra Club (one case which will be heard in Appellate Court later this month), and the 2001 Water, Wastewater and Recycled Water Master Plan, which the Club also criticized extensively in written comments (see copy of our letter and responses to them, attached).

S-6

This DEIR correctly notes that “environmental conditions” have “substantially changed” since the 1995 West Lathrop Specific Plan FEIR was adopted. However, this DEIR should also explain that the Stewart Tract portion of the West Lathrop Specific Plan (5,800 acres out of 7,000 acres) is being significantly revised and updated, making the 1995 FEIR largely obsolete, e.g., no more theme parks and much more housing.

S-7

This DEIR should also provide the project level analysis that is required by the more recent 2001 Water, Wastewater and Recycled Water Master Plan NOW, rather than deferring the analysis to a later time (see below).

S-8

### Illegal Deferral of Detailed Infrastructure Analysis and Mitigation Measures

If no further environmental review will occur for each of the phases of the large development project, then this DEIR must suffice as the one document that accurately discusses all mitigation measures in detail and solves all of the engineering and environmental problems. Unfortunately, this “project level” DEIR illegally defers environmental analysis and mitigation to later studies (such as the project-level environmental documents that would study the impacts of drilling of new water wells or expanding the City’s wastewater treatment plant and disposal system). The assumption that potentially significant environmental issues related to infrastructure constraints can be mitigated effectively with future permits and future vaguely defined mitigation plans or programs, in the absence of any detailed description of what must be included in those mitigation programs, violates the basic tenets expressed in the key CEQA cases on the issue (*Sundstrom v. County of Mendocino*, and more recent cases).

S-9

Deferral of project level analysis of infrastructure systems needed to serve this project deprives the right of residents and public agencies to comment on the true impacts and mitigation required for a project of this size and complexity.

### Project Level Wastewater Treatment and Disposal Analysis is Deferred

The City has a serious problem with its existing Crossroads wastewater plant. “It was designed to treat 0.6 million gallons per day (mgd) but investigative and hydraulic analysis determined that the underlying

S-10

soils have a lower transmissivity rate than expected and the existing ponds have a maximum disposal capacity of approximately 0.1 mgd (page 4.8-3). In other words, the high groundwater table in Lathrop prevents the effective percolation of treated effluent into the ground. "A remedial project has been approved by the City to accommodate disposal of the full 0.6 mgd affected wastewater in a number of phases" (page 4.8-3).

S-10  
Cont'd

The DEIR notes "WRP#1 is currently proposed to be expanded in a series of phases, in addition to the remedial program identified above. Phase I would include conversion of the plant to tertiary treatment and expansion from 0.6 to 3.6 mgd. An EIR is being prepared for the WRP#1 Phase 1 Expansion Project and is currently planned to be expanded beginning in 2003. It is planned to serve some or all of the proposed Califia/River Islands, Mossdale Village and Stonebridge projects..." (page 4.8-4).

S-11

The City has not yet performed the engineering work to determine if it is feasible, from an engineering perspective, to expand the plant operations and dispose of wastewaters at the plant site or on the project site. This project level analysis must be included now, and not ignored with findings of no significant impact (Impact 4.4-c) or meaningless measures that indicate no houses will be occupied until the new tertiary wastewater treatment plant is "available" to serve the project (measure 4.8-d and e).

S-12

We concur with the doubts raised in the comment letter from the Regional Water Quality Control Board. The Board staff note that the DEIR fails to include any descriptive details and analysis of potential impacts, much less detailed mitigation programs, regarding how the on-site land disposal of treated wastewaters would operate in the short term.

The analysis of wastewater impacts in section 4.8 should also be cross-referenced with the related discussion of land disposal impacts in section 4.4.

The Board letter says: "The DEIR describes interim conditions (until 2007) during which time the wastewater treated at WWTP No. 1 (Crossroads) would be returned to the project for storage and land application. The storage ponds are described as 16 feet in depth with a clay or synthetic liner. Because groundwater in the project area is shallow (approximately 10 feet) measures to protect the liners from damage from high groundwater conditions are likely needed. Based on descriptions presented in the Kleinfelder groundwater report (discussed later in this letter) a permit from the Department of Water Resources Division of Dam Safety may be required for the storage pond(s)..."

S-13

"Use of the wastewater for irrigation as described in the DEIR may require additional wastewater storage facilities or redundant treatment facilities because Title 22 Section 60304 requires backup measures if treatment fails. In addition, storage of wastewater in ponds after treatment will likely result in measurable total coliform organisms possibly requiring secondary disinfection prior to land application."

Please describe the specific land disposal facilities, e.g., ponds and redundant treatment facilities, that would be constructed on the project site or at Crossroads, and discuss whether the proposed facilities would be consistent with the regulatory standards cited in the RWQCB letter and all others.

This portion of the DEIR analysis in sections 4.4 and 4.8 should also be augmented with text description graphic figures to identify potential areas within the project site for disposal, as outlined in the technical

S-14

reports in the Appendix. Excerpts from the Appendix F should be included in the discussion of land disposal acreage requirements. The location of the land disposal should also be analyzed for potential land use compatibility impacts with existing and planned land uses.

S-14  
Cont'd

Mitigation Measures, Item No. 4.8-h states, "Project build out would result in an incremental increase in project wastewater requiring disposal. However, insufficient areas would exist at the project site to dispose of this additional wastewater, and no offsite land disposal site or river discharges have been identified. Therefore a significant impact would occur." For mitigation measures, the DEIR assumes build out would be delayed, reserving 20 acres of storage pond area and 34 acres of land application areas for wastewater use. The RWQCB letter notes that "Because an RWD has not been submitted, it is unknown if that amount of storage and land application area is sufficient. The alternative mitigation measure identified is river disposal, which may not be an available option due to the existing impaired condition of the receiving water."

S-15

Please explain how the treated effluent would be disposed of, which planned land uses within the project would not constructed for what period of time in order to accept land disposal, and what specific infrastructure would be required to provide redundancy, as required by tertiary treatment.

The RWQCB staff questions the statement in the Kleinfelder report "It is our understanding in discussions with the RWQCB that discharge waters can be impounded on the surface, percolate into the ground, and eventually seep into an existing drainage ditch used by local farmers." RWQCB notes "Waste discharge to land typically must not degrade groundwater quality, must be controlled to prevent escape from the storage area, and must not produce nuisance conditions." What specific mitigation measures would be required to ensure that waste land discharges are controlled? Please add to section 4.4 in the place of 4.4.3 Mitigation Measure, which now indicates "no mitigation measures are required" for recycled water impacts on groundwater quality.

S-16

Mitigation Measures, Item No. 4.4-c states, "... because of the depth to potable groundwater (150 feet) the application of recycled water would not result in the percolation of pollutants to potable groundwater." Again, we concur with the RWQCB comments which question this conclusion. RWQCB notes that "It should be noted that the beneficial uses of shallow groundwater must also be protected. Because of the shallow depth to groundwater in the conceptually described land application areas, it is likely that additional treatment, storage, and application procedures will be required to protect groundwater quality." Please describe the specific infrastructure that would be required to meet regulatory standards.

S-17

Mitigation measure 4.8-b states "Interim development under the Mossdale Landing project shall not commence until both adequate wastewater treatment capacity and tertiary treatment to Title 22 standards for unrestricted use are available at WRP#1 to serve this interim development" (page 4.8-19). Please describe how this deferral of mitigation responsibility to a point after approval of all other permits would be consistent with the decision by the Appellate Court in the first Diablo Grande decision (*Stanislaus Natural Heritage Project et al., v. County of Stanislaus*, 48 Cal.App.4th 182).

S-18

The court in that decision nullified an EIR that failed to include project level analysis of future water supplies to serve the project, stating "a decision to "tier" environmental review does not excuse a governmental entity from complying with CEQA's mandate to prepare, or cause to be prepared, an

S-19

environmental impact report on any project that may have a significant effect on the environment, with that report to include a detailed statement setting forth "[a]ll significant effects on the environment of the proposed project." (Pub. Resources Code, Section 21100.)...No matter what subsequent environmental review might take place, and no matter what additional mitigation measures might be adopted to ameliorate adverse environmental impacts on each of the four "phases" of planned development, the project was going to need water from some source or sources. To defer any analysis whatsoever of the impacts of supplying water to this project until after the adoption of the specific plan calling for the project to be built would appear to be putting the cart before the horse."

S-19  
Cont'd

The court also concluded that "It is not mitigation of a significant environmental impact on a project to say that if the impact is not addressed then the project will not be built."

The mitigation measure 4.8-b runs afoul of this court decision. The measure states "Interim development under the Mossdale Landing project shall not commence until both adequate wastewater treatment capacity and tertiary treatment to Title 22 standards for unrestricted use are available at WRP#1 to serve this interim development." This DEIR fails to explain and analyze at a project level of detail how the City wastewater treatment plant at Crossroads could be expanded (or if its feasible from an environmental constraints and engineering perspective) to reach a tertiary level of treatment, and what mitigation programs would be required. The Mossdale landing project relies on this tertiary treatment; the project cannot proceed without it. Saying no houses will be occupied in the project unless the tertiary treatment is provided is contrary to the court's finding that "It is not mitigation of a significant environmental impact on a project to say that if the impact is not addressed then the project will not be built." Please explain how this measure is consistent with the court ruling.

S-20

#### Project Level Water Supply Analysis is Deferred

The DEIR notes that the project will rely on water provided by one or more new water wells that are planned. "...The City is preparing project-level plans and a project-level EIR for three of the new wells (Wells #21 through #23) that have been planned for in the adopted Master Plan and evaluated (at a programmatic level) in the certified Master Plan EIR. As planned for in the Master Plan, Wells #21 through #23 would serve new-term development in the City (Mossdale Landing, the first phases of River Islands, Lathrop Station, etc.)" (page 4.8-1).

Mitigation measure 4.8-b states "No occupancy of the proposed project shall take place until Well #21 is constructed, water infrastructure (pipelines, etc.) to the project is completed, and said well and water infrastructure are capable of making potable water deliveries to the project site" (page 4.8-19).

S-21

Once again, please explain how this measure is consistent with the decision by the Appellate Court in the first Diablo Grande decision (*Stanislaus Natural Heritage Project et al., v. County of Stanislaus*, 48 Cal.App.4th 182), which said "It is not mitigation of a significant environmental impact on a project to say that if the impact is not addressed then the project will not be built."

#### SB 910 Water Supply Assessment and Groundwater Impacts

Please provide clarification to the following conclusions in the Water Supply Assessment Report:

S-22

“Groundwater extractions will be maintained within the safe yield for the groundwater basin. As described earlier in previous studies, groundwater extractions of up to 7,200 ac-ft/yr in Lathrop should not impact regional groundwater levels” (page 25). Please describe the previous studies, their methodology, conclusions, and provide excerpts of the descriptions and conclusions in the water supply section of the DEIR.

S-22  
Cont'd

Please describe potential impacts to increased groundwater pumping by the City in the event that the South County Water Supply Project (SSJID) infrastructure is not in place and delivering surface water to the City and to the project by 2005, as is assumed in the DEIR analysis and Water Supply Assessment Report.

S-23

As we noted in our comments to the Water, Wastewater and Recycled Water Master Plan DEIR (which were dismissed in the Response to Comments in the FEIR):

The Master Plan proposes to increase pumping of groundwater in the long term by 4,900 acre-feet per year (AFY), from the current baseline level of approximately 2,100 to 7,000 AFY. The represent enough water to serve approximately 10,000 new households. Most of the increase would occur in the short term (2000-2004) when the Plan proposes a tripling in pumping (from 2.1 million gallons per day (mgd) to 6.3 mgd. Substantial evidence in the record indicates that there could be potential environmental impacts related to this tripling in annual groundwater pumping. However, these potential environmental impacts are either not analyzed in the DEIR, or are glossed over and determined to be of “less than significant impact” without the benefit of any substantial evidence, or in direct contradiction of the evidence.

S-24

The Water, Wastewater and Recycled Water Master Plan DEIR stated that there the increased pumping would cause a drawdown in the existing groundwater levels of 52 feet at the City’s wellfield, and would “would likely contribute to the eastward migration of the 500 mg/L TDS front” (page 4.3-8). Yet the potential impacts to existing and private wells in the area were determined to be “less than significant” because “it is assumed that the these wells would cease operation and. would be replaced with water from the City’s municipal water system” and because “industrial well water is not subject to the same stringent drinking water standards.”

Similarly, the Water Supply Assessment Report for this DEIR notes that “the increase in groundwater pumping up to 7,200 ac-ft/yr could contribute to the eastward migration of a groundwater salinity front” (page 26). This discussion and conclusion should be excerpted in section 4.8 of the DEIR, and appropriate mitigation measures should be added. The measures included in the Master Plan DEIR are inadequate for the project level analysis required for this 1,700 unit project, i.e., site specific analyses prior to new well construction “to determine design parameter,” including “well depth and location of the aquifer to be pumped” and if “additional treatment is required” measures will be undertaken, such as “well-head treatment facilities, blending with surface water, and/or the relocation of the wells further east (away from the salinity intrusion front).”

S-25

The mitigation measure in this DEIR, as in the previous Master Plan DEIR, contain no plans for what specific actions will occur if the monitoring detects significant impacts to the groundwater elevations (i.e., declining water table) or water quality delivered to customers. Such plans should be added.

This project DEIR should be amended to include substantial evidence to indicate that potential impacts related to a tripling in the amount of groundwater pumping in the City, which the project relies on, will be mitigated to a level of “less than significant” simply by monitoring the pumping and implementing these vague measures in the previous Master Plan DEIR.

S-26

#### Flooding Issues and Mitigation Are Ignored

The State Reclamation Board has notified Califia that the developer of Stewart Tract will be required to design the levee improvements around Stewart Tract and elsewhere to 200-year flood protection standard, not 100-year protection. Will the Board or the USACE require the same level of flood protection for this Mossdale project? Please include a discussion of current and expected requirements based on a discussion with the Reclamation Board executive director.

S-27

Please discuss the current rating of the levee improvements? We believe the levee protection is still rated at an “agricultural” not “urban” level of protection. Is this correct? What are the chances (instances per 100 or 200 years) for flooding in the area proposed for urbanization?

S-28

The text indicates that “it could be necessary to limit project discharge to pre-development levels for significant period of time during heavy storm events” (page 4.1-8). What specific operational facilities could accomplish this? How would the project design have to be modified? Why isn’t this potential impact addressed in a mitigation measure?

S-29

We find the flooding section of the DEIR to be unpersuasive in its dismissal of the potentially life threatening impacts of locating 5,000 residents directly adjacent to agricultural levees along a portion of the San Joaquin River which has historically flooded over the years. The DEIR fails to explain how and why flooding occurs at this point at the edge of the Delta, and fails to quantify the inherent risks to life and property by building in a (former) floodplain.

S-30

The text should be augmented, perhaps by excerpting more of the Kleinfelder report.

S-31

Several conclusionary statements are not justified, e.g., “no improvement of the levees is required” (page 4.1-2) and “the proposed project would not require levee or other flood control improvements” (page 4.1-4). Is this the opinion of Kleinfelder? Is this the opinion of the Reclamation Board, the USACE, or other agency staff? Have the project proponents verified this conclusion with agency staff?

S-32

#### Terrestrial Biology

The main deficiency in this section is the failure to discuss potential impacts and mitigation for the riparian brush rabbit. The DEIR dismisses the potential for the impacts to the endangered species found along Paradise Cut based on a single site reconnaissance with Dr. Dan Williams.

S-33

The DEIR must include further, update description of the latest studies of this animal and interview specific USFWS staff to determine what the agency’s position would be in terms of issuing needed take permits for this area along the San Joaquin River.

S-34



It is our understanding that USFWS will not issue take permits for the rabbit for any project within one mile of the San Joaquin River. Is this correct? Please verify by talking to USFWS staff. S-35

Fisheries/Storm Water

The project includes a new proposed discharge of storm waters into the San Joaquin River. The DEIR text should be augmented to explain the specific regulatory requirements for permitting of such a discharge from the Regional Water Quality Control Board and other agencies (pages 4.11-16 thru -24). S-36

The conclusion of the analysis that the construction 1,700 homes and commercial facilities, with the addition of 45,000 daily auto trips, “would serve to decrease loading for most pollutants and thereby improve water quality in the San Joaquin River over the existing condition” does not appear to be justified by the evidence, especially since the RWQB has not established numerical TMDLs for several pollutants. The modeling results should be better excerpted from the appendix and presented in a table in the DEIR for each indicator. In particular, this section should have a more extensive discussion of potential salinity impacts of treated wastewater applied to nearby lands affecting river water quality, or cross-reference to other sections of the EIR. S-37

Transportation Mitigation is Vague and Unspecified

The project would generate a total of almost 45,000 daily trips, including 2,544 AM peak hour trips and 4,081 PM peak hour trips. Extensive improvements to the regional freeway system would be required to serve the project, yet the DEIR defers all specific mitigation, including payment of fees, to a later time and analysis. S-38

Mitigation measure 4.5-f states the “the project applicant shall pay its required regional traffic impact for its fair share contribution for already planned I-205 freeway improvements,” yet no fee or cost estimate of the “fair share” contribution is specified. Please explain the exact regional fee the project will pay, and provide an estimate of the “fair share” contribution to planned I-205 freeway improvements, based on the known budget for the widening and the known contribution of project trips to the facility. S-39

Mitigation measure 4.5-f requires the project to conduct traffic monitoring at critical intersections “until all the traffic improvements required by mitigation in Section 4.5.3 of this EIR have been completed.” Please provide a list of the specific “traffic improvements required by mitigation in Section 4.5.3 of this EIR.” S-40

The same measure indicates that the project will be assessed a Capital Facility Fee, which is now being revised. Please indicate the current fee that the project would be required to pay, and discuss how the fee might be changed (presumably increased) after the fee revision program is adopted. S-41

The DEIR transportation mitigation measure are most unconvincing since they include “weasel language” that obfuscates the responsibility of the project applicant to pay for the specific transportation improvements that would be required to mitigate for project traffic. Nowhere is this more evident than in the text and measures regarding the needed freeway lanes and interchange improvements. The DEIR measures are vague and not specific as to the applicant’s financial responsibilities. The language illegally S-42

defers specific mitigation and payment of mitigation fees to a later time and adoption of future fee revision programs which, conveniently, are not subject to further CEQA review. Is this correct?

S-42  
Cont'd

Who Will Implement and Monitor TDM Measures?

The DEIR cites the standard list of Transportation Demand Management (TDM) programs provided by the San Joaquin Valley Air Pollution Control District (Mitigation Measure 4.6-c), but fails to indicate how the suggested programs would be implemented and monitored over time to judge their effectiveness. Portions of the measure are so vague as to be unworkable: What specific transit programs are being required of the project with "Provide transit incentives"?

S-43

The DEIR must be amended to include specific mitigation measures, tailored to the development project, not a generic list from the SJVAPCD, that could effectively reduce the impacts of single occupant vehicle commuting. Such programs could require car- and van-pools for area employers ad major residential areas, shuttle buses to the nearest transit facilities (ACE train and SMART commute bus stop), rideshare matching services, provision of specific on-site facilities at specific locations to encourage bicycle and pedestrian commuting, etc.

S-44

The DEIR must describe how effective these typical programs may be to reduce the impacts of single occupant vehicle commuting to and from the project site. The DEIR must analyze the effectiveness and recommend specific design changes to the project which would incorporate TDM design and programs.

S-45

At a minimum, the DEIR must include all of the specific types of TDM programs mentioned in the Caltrans and other agency letters, plus other programs that are recommended by the EIR transportation consultant based on his experience.

S-46

Alternatives Are Inadequate

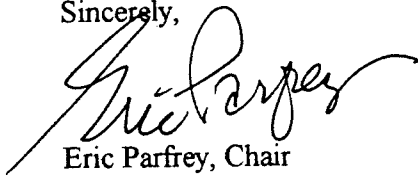
The DEIR range of alternatives studied is inadequate because two of the alternatives examine the impacts of only a slightly smaller project: 1,400 and 1,480 housing units for the Interim Development and Environmental Constraints alternatives, respectively, as opposed to the proposed project of 1,700 units. The assumed land use difference is not significant. A smaller scale alternative of less than 1,000 units should be proposed and analyzed for impacts, perhaps assuming less than tertiary level of wastewater treatment and other constraints. An alternative should also examine what impacts to Mossdale would occur if urban development does not occur on the Stewart Tract, and consequently, what facilities would then be needed to serve the remaining areas of the City.

S-47

S-48

If there are any questions regarding these comments, you may contact me at [eric@baseline-env.com](mailto:eric@baseline-env.com), 510/420-8686 or 209/462-7079. Please send all notices and correspondence regarding this project to my home address, 1421 W. Willow Street, Stockton 95203, not to the Sierra Club office in Sacramento.

Sincerely,



Eric Parfrey, Chair  
Sierra Club, Mother Lode Chapter

cc: Regional Water Quality Control Board  
State Reclamation Board  
San Joaquin County Supervisors and Community Development  
Senator Mike Machado  
Assemblywoman Barbara Matthews



**Sierra Club  
Eric Parfrey, Chair  
Mother Lode Chapter  
October 15, 2002**

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S-1 The comment is noted. The City of Lathrop will send the Final EIR, and any notices and correspondences regarding the project which are to be mailed, to the identified Sierra Club office in Stockton rather than to the Sierra Club office in Sacramento.

S-2 Infrastructure planning to provide for CEQA review of the project is described in Chapter 3 and Sections 4.5 and 4.8 of the DEIR, and in the Mossdale Landing Urban Design Concept (UDC) Document (which is on file for public review at the City of Lathrop Community Development Department, 16775 Howland Road - Suite One, Lathrop, CA 95330). The infrastructure planning for the project is consistent with that contained in the adopted West Lathrop Specific Plan (WLSP) and Lathrop Water, Wastewater and Recycled Water Master Plan (Master Plan), and is consistent with that evaluated at a programmatic level in the certified WLSP and Master Plan EIRs. These plans describe how water systems and wastewater systems will be developed and where, as well as associated environmental impacts, mitigation measures, and alternatives. In addition, engineering detail is not required to conduct CEQA analysis of the project. The infrastructure information and analysis presented in the DEIR is adequate to inform governmental decision makers (the City of Lathrop as lead agency) and the public about the potential significant environmental effects of the proposed project as required by §15002(a)(1) of the State CEQA Guidelines. No further detail concerning the infrastructure planning and engineering for the project is required in the DEIR.

It is the opinion of the City of Lathrop that the cumulative analyses of water supply, sewer treatment and disposal, transportation, air quality, storm drainage, farmland, and habitat loss contained in Chapter 5 and relevant sections of Chapter 4 of the DEIR are adequate under CEQA and no further analysis is required. No specific information is provided in this comment to consider. See the responses to the balance of the comments in this letter for additional discussion.

S-3 The DEIR does not defer project level analysis of infrastructure issues associated with the proposed project. The environmental impacts of providing wastewater treatment/disposal and water supply to the proposed project are analyzed in the DEIR. Sections 4.8, 4.10 and 4.12 of the DEIR contain evaluations of utility, terrestrial biology, and cultural resource impacts associated with the development of the on- and off-site water and sewer pipelines and pump stations required to serve the proposed project. Section 4.8 (Impacts 4.8-c and 4.8-f) contains evaluations of the indirect impacts associated with the development of Well #21 and the expansion of WRP #1, each of which is required to serve development throughout Lathrop including the proposed project. In addition, as required by Senate Bill 610, a Water Supply Assessment was prepared for the proposed project that evaluates the availability of adequate water supplies to serve the proposed project (Impact 4.8-b and Appendix L of the DEIR). See Response I-1 for further discussion of the Water Supply Assessment.

With regards specifically to the development of Well #21 and the expansion of WRP #1, clarification is required. The development of Well #21 and the expansion of WRP #1 are required to provide water and wastewater treatment service to development throughout the City consistent with the

City's General Plan (i.e., River Islands, Lathrop Station, Crossroads Commerce Center, California Natural Products, the proposed project, etc.). These two utility projects would be developed with or without development of the Mossdale Landing project, and represent separate projects under CEQA. The development of Well #21 and expansion of WRP #1 have each been planned for in the adopted Master Plan, and have each been evaluated at a programmatic level in the certified Master Plan EIR. Development of Well #21 was the subject of project-level CEQA review in a Negative Declaration completed in 2001, and is currently undergoing final permitting. Expansion of WRP #1 is currently the subject of project-level CEQA review in an EIR which is scheduled for certification in the first half of 2003. As separate but related projects under CEQA (i.e., projects which are not being sponsored by Mossdale Landing but upon which Mossdale Landing will rely on for water and sewer service), a good faith effort has been made in the Mossdale DEIR to describe the potential environmental affects associated with their construction and operation. These descriptions are provided under Impacts 4.8-c and 4.8-f and are based on the analyses of these utility projects available at the time the Mossdale DEIR was prepared (i.e., the Master Plan EIR). In considering the proposed project, Lathrop decision makers also have before them the impacts associated with provision of City-wide utilities. Based on the above, no deferment of analysis or mitigation associated with these two utility projects has taken place.

- S-4 The comment correctly characterizes the type and intent of the DEIR prepared for the Mossdale Landing project.
- S-5 The comment correctly characterizes the type and intent of the DEIR prepared for the Mossdale Landing project, with the following clarification. This is intended to be final CEQA review for the project, as a whole. Certain federal, state and local regulatory agencies may have additional opportunities to comment on, and require refinements in, elements of the proposed project as part of any permitting required for said project elements.
- S-6 The WLSP EIR and Master Plan EIR were found by the lead agency (City of Lathrop) to be adequate under CEQA and were subsequently certified by the lead agency. The WLSP EIR has been litigated several times but its adequacy has been upheld each time. Thus, it is considered legally adequate. No legal challenges were filed against the adequacy of the Master Plan EIR and the statute of limitations for any such filings is long since passed. Therefore, it too is an adequate EIR. Furthermore: (1) the fact that WLSP EIR may currently be the subject of litigation<sup>7</sup>, or that the Sierra Club may have commented on the Master Plan EIR, does not change the adequacy of these EIRs; and (2) the City responded to the commentor's comments on that Master Plan DEIR in the Master Plan FEIR.

The fact that the Mossdale DEIR tiers off the WLSP and Master Plan EIRs requires clarification. The Mossdale Initial Study (IS) tiered off the previous EIRs in that it relied on the analysis in the previous EIRs, in part, to help scope what environmental issues required and did not require further

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<sup>7</sup> It is our understanding that the Sierra Club may appeal to the State Supreme Court a recent Court of Appeals decision in favor of the City (*Sierra Club v. San Joaquin Local Agency formation Commission*).

analysis in the Mossdale DEIR. However, the Mossdale DEIR does not tier off these EIRs for the information that may have significantly changed. The Mossdale DEIR tiers off the previous EIRs in terms of the descriptions of the WLSP and Master Plan projects, certain background and baseline information, and in two instances, actual analysis conclusions (i.e., Impacts 4.8-c and 4.8-f which summarize the potential environmental impacts associated with the development of Well #21 and the expansion of WRP #1). The analyses of the 12 environmental issues addressed in the Mossdale DEIR represent stand-alone analyses which do not rely on the WLSP or Master Plan EIR for technical analysis or significance conclusions, because significant changes in these analysis areas warranted a new evaluation.

- S-7 An explanation that the Stewart Tract portion of the WLSP was in the process of being revised during the of preparation of the DEIR is provided in the DEIR (see page 5-4). Also included in the DEIR is a description of the differences between the two sets of plans for the Stewart Tract, as well as a lengthy explanation of why the DEIR assumes development of the Stewart Tract under the approved plans rather than the recently proposed plans. The reasons the DEIR assumed development of the Stewart Tract under the approved plans are provided in Response O-5.

The City does not concur with the comment that the revised plans for the Stewart Tract map make the WLSP EIR “obsolete”, although it may not be applicable to certain analyses of the Stewart Tract area if River Islands replaces Gold Rush City. Further, the River Islands project does not alter the analysis of environmental impacts to Mossdale which were tiered off the WLSP EIR.

- S-8 See Response S-3.

- S-9 See Response S-3. Because the commenter does not identify specific deficiencies in the analysis of infrastructure impacts provided in the DEIR, no other response can be provided.

- S-10 Project level wastewater treatment and disposal analysis is not deferred. See Response S-3.

The comment correctly characterizes what is said in the DEIR about the existing problems associated with the Crossroads plant, except that: (1) the DEIR does not characterize the issue as “serious”; and (2) the DEIR (page 4.8-3) indicates that the percolation ponds have a lower percolation capacity than planned due to the low transmissivity rate of the underlying soils, not due to high groundwater.

- S-11 The comment correctly characterizes what is said in the DEIR about WRP #1 and the planned WRP #1 Phase 1 Expansion Project.

- S-12 As indicated in Chapter 3 (page 3-18) of the DEIR, during interim conditions (2007) 100% of the wastewater generated by the proposed project would be treated at WRP #1 and then returned to the project site for disposal, while the incremental increase in wastewater generated by the project between interim and buildout (2010) conditions would either be land disposed at an off-site location or discharged to the San Joaquin River (if river discharges associated with WRP #1 have commenced by then). The Mossdale Landing project does not propose to dispose of its treated wastewater at the WRP #1 site or via percolation ponds, but rather proposes to dispose of its treated wastewater on-site

*continued ...*

and at off-site locations via spray fields. Hence, not only are the soil and percolation conditions at the WRP #1 site irrelevant, but so are percolation conditions in the larger Lathrop area (as the Mossdale project does not propose to dispose of its treated wastewater via percolation ponds).

The ability of the project site to accommodate on-site disposal of the treated wastewater to be generated by the proposed project was evaluated in the DEIR in Section 4.3 (Recycled Water), 4.4 (Groundwater), and Appendix E (Agronomic Water Use Report). Based on soil type, transmissivity of the soil, hydrologic conditions, climatic conditions, and the desire to minimize the percolation to the groundwater (i.e., the agronomic rate), the Agronomic Water Use Report calculated the storage and spray field acreage required at the project site to dispose of the amount of treated wastewater to be generated by the project. The proposed conceptual site plan was then revised to provide for the required acreage of storage ponds and spray fields. The same exercise was then conducted to determine the amount of off-site storage and spray field area required to dispose of the incremental increase in treated wastewater generated by the proposed project between interim and buildout conditions (assuming similar environmental conditions). Hence, analysis needed to determine the feasibility of land disposing of the treated wastewater to be generated by the proposed project has been undertaken.

The engineering work required to determine the feasibility of expanding WRP #1 is not required to be included in the Mossdale DEIR - see Response S-3. However, expansions of wastewater plants are not a novel concept and the only question the City needs to address is which technology (of the many available) it would employ in the expansion.

Concerning the less-than-significant impact conclusion associated with Impact 4.4-c (page 4.4-10), this conclusion is based on an evaluation of the conditions at the project site (soil type, transmissivity of the soil, hydrologic conditions, climatic conditions), the quality of the tertiary treated wastewater to be disposed of, and the rate (agronomic) at which the treated wastewater will be disposed of. The commenter has submitted no evidence or analysis with its comment that would call the DEIR analysis into question.

Concerning Mitigation Measures 4.8-d and 4.8-e, these measures are not meaningless, but rather are critical to avoiding a situation where development at the project site occurs prior to the availability of adequate wastewater treatment capacity to serve said development. This, in concert with the description of impacts and mitigation associated with expanding treatment capacity, provides for full disclosure of this issue in the EIR.

- S-13 Descriptive details and analysis of the proposed on-site storage and disposal of the tertiary treated wastewater to be generated by the proposed project is provided in Chapter 3, Sections 4.4 and 4.8, and Appendices C, E and F of the DEIR, and in the Mossdale Landing UDC Document which is on file at the City of Lathrop Community Development Department. These descriptions and analysis are adequate to inform governmental decision makers (the City of Lathrop as lead agency) and the public about the potential significant environmental effects of the proposed project as required by §15002(a)(1) of the State CEQA Guidelines. No further detail concerning the infrastructure planning

and engineering for the project is required in the DEIR. Additional detail may be required and provided in the context of the permitting of these facilities.

In response to the comment that the analysis of wastewater impacts in Section 4.8 should be cross-referenced with the related discussion of land disposal impacts in Section 4.4 of the DEIR, cross-references are made between these sections in the DEIR where required. There is insufficient detail in the comment to provide a more specific response.

With regard to the quotation identified in the comment from the RWQCB letter (Letter B) concerning the proposed treated wastewater storage ponds (shallow groundwater, liners, etc.), see Response B-3.

Concerning the quotation identified in the comment from the RWQCB letter (Letter B) concerning additional wastewater storage facilities and redundant treatment facilities, see Response B-4.

In reference to the comment requesting a description of the specific land disposal facilities and storage ponds proposed under the Mossdale Landing project, descriptions of these facilities are provided on pages 3-15 through 3-21, 4.3-5 through 4.3-8, and 4.8-11 through 4.8-16 of the DEIR, and in the Mossdale Landing UDC Document which is on file at the City of Lathrop Community Development Department. The potential environmental effects associated with the construction and operation of these facilities, and the most important federal, state, and local regulations applicable to them, are discussed in Sections 4.3, 4.4, and 4.8 of the DEIR. An analysis of the consistency of the proposed facilities with each and every facility design requirement of the RWQCB and all other regulatory agencies is not required in the DEIR - the permitting stage for the facilities is the appropriate venue for such an analysis.

- S-14 The proposed on-site spray fields and storage ponds are described on pages 3-18 through 3-21 of the DEIR, the acreages of each are quantified in Table 3-2 on page 3-19 of the DEIR, and the proposed locations of each are identified in Exhibit 3-9 on page 3-20 of the DEIR. The amount of on-site acreage required for the spray fields and storage ponds to accommodate 100% of the treated wastewater flows to be generated by the proposed project under interim conditions is calculated in Appendix E of the DEIR, and is discussed under Impact 4.8-g on pages 4.8-15 and 4.8-16 of the DEIR. The information about these facilities relevant to the evaluations of their potential groundwater quality and utilities impacts are discussed and cross-referenced, as required, in Sections 4.4 and 4.8 of the DEIR. No further description or evaluation of these facilities is required in the DEIR.

As indicated on page 4.3-9 of the DEIR, the wastewater to be land disposed under the Mossdale Landing project will be tertiary treated to Title 22 standards for unrestricted and significant public access use prior to storage and disposal. The potential effects on public health of the proposed recycled water use was evaluated under Impact 4.3-b of the DEIR. As indicated, "The State of California Department of Health Services has determined that the storage and use of such recycled water for crop and landscape irrigation, including the irrigation of food crops, parks, playgrounds, school yards, residential landscaping, and other uses, does not represent a public health hazard"



(page 4.3-9 of the DEIR). Since even direct contact with the highly treated recycled water would not represent a health hazard as discussed above, the proposed land application of recycled water at the project site would not generate significant land use compatibility impacts on existing and planned land uses.

S-15 With regard to Mitigation Measure 4.8-h and the quote from the RWQCB, see Response B-7.

Explanations of how the treated effluent from the proposed project would be disposed of is provided on pages 3-15 through 3-21, 4.3-5 through 4.3-8, 4.4-7 through 4.4-8, and 4.8-11 through 4.8-16 of the DEIR, and in the Mossdale Landing UDC Document. Evaluations of the potential environmental effects associated with the disposal of the treated effluent are provided in Sections 4.3, 4.4 and 4.8 of the DEIR. No further description or analysis is required.

Concerning which planned land uses within the project would not be constructed in order to accept land disposal during interim conditions, this is identified graphically in Exhibit 3-9 on page 3-20 of the DEIR, in tabular form in Table 3-1 on page 3-9 of the DEIR, and in text form on pages 3-18 3-21 of the DEIR. As indicated in Table 3-9, 29.3 acres of interim spray fields and 19.7 acres of storage ponds would be provided, As indicated in Exhibit 3-9, the interim spray fields would be located at the site of the future Community Park, and in areas planned for future residential development in both the east central and southwest portions of the site, while the storage ponds would be located in areas planned for future residential and commercial development in the southeastern portion of the site. As described on pages 3-18 through 3-21, the interim spray fields and storage ponds would remain through 2007 and/or until such time as off-site disposal options become available. As indicated in Table 3-1, the proposed interim spray fields and storage ponds would eventually be replaced with 282 new residential units and 154,202 square feet of new commercial uses (i.e., Buildout Conditions Column minus Interim Conditions column). No further description is required.

With regard to the provision of redundant treatment facilities, see Response B-4.

S-16 With regard to the quote from the RWQCB, see Response B-9. No additional mitigation is required.

S-17 With regard to the quote from the RWQCB, see Response B-5.

In response to the last sentence of the comment requesting a description of the specific infrastructure required to meet regulatory standards, such infrastructure (storage ponds and clay liners) is already described in Chapter 3 and Section 4.4 of the DEIR. As indicated in Response B-5, if additional treatment, storage and application procedures to preserve groundwater quality are identified by the RWQCB in the Waste Discharge Requirements for the site, these will be complied with by the project applicant. Since a waste discharge permit has not yet been applied, and since the RWQCB has not yet identified Waste Discharge Requirements for the plant, it is not possible at this time to identify the specific infrastructure that may be required to meet regulatory standards - this will be determined during the permitting process. However, it is the City's belief based on analysis in the DEIR that sufficient area has been set aside to provide all necessary infrastructure and no additional impacts would result.

- S-18 First, the comment references Mitigation Measure “4.8-b” but then goes on to quote and discuss Mitigation Measure 4.8-d. We assume that the commenter meant to cite Mitigation Measure “4.8-d” which deals with wastewater treatment capacity rather than 4.8-b which deals with demand for potable water.

Mitigation Measure 4.8-d does not represent the deferral of mitigation responsibility. Rather, it prohibits development of the Mossdale Landing project until adequate wastewater treatment capacity and quality is available associated with the expansion of Wastewater Recycling Plant #1 (WRP #1). The expansion of WRP #1 is planned for in the Lathrop Water, Wastewater & Recycled Master Plan (Master Plan) and was programmatically evaluated in the Master Plan EIR. The expansion of WRP #1 is currently undergoing project-level planning and CEQA review as the WRP #1 Phase 1 Expansion Project. Mitigation Measure 4.8-d is critical in that it will avoid a situation where project development occurs prior to the availability of adequate wastewater treatment capacity and quality to serve said development. Furthermore, the WRP #1 Expansion Project is a related but separate project under CEQA (see Response S-3). Despite this, the Mossdale EIR discloses the probable environmental impacts of the WRP expansion so that Lathrop decision makers and the public have a full understanding of the direct, indirect, cumulative, and related impacts of the project and can make a fully-informed decision. This is the exact principle of the referenced case (*Stanislaus Natural Heritage Project et al., v. County of Stanislaus*).

The commenter incorrectly applies the findings of the case to the issue at hand. The case focused on the manner in which a “first tier” EIR for a proposed “specific plan” should have dealt with water supply issues. The relevant key principle in the case was that a first-tier EIR is not a device for deferring the identification of significant environmental impacts that the adoption of a specific plan can be expected to cause. This does not apply to the Mossdale DEIR or Mitigation Measure 4.8-d. There is no deferment of impact analysis, as was the case in Stanislaus, and the commenter does not specifically identify any such deferment.

Per the above and Response S-3, the DEIR includes a complete analysis of the potential environmental effects associated with the provision of wastewater treatment required for the proposed project. No deferment of analysis has occurred. Also, the DEIR includes detailed statements setting for all significant effects on the environment of the proposed project. No further analysis is required.

- S-19 See Response S-18 concerning the issues of the deferment of mitigation and the applicability of the referenced court case. The same issues/principals identified in Response S-18 for wastewater also apply to water (i.e., Mitigation Measure 4.8-b does not represent deferment of mitigation, the case of *Stanislaus Natural Heritage Project et al., v. County of Stanislaus* does not apply to the Mossdale Landing EIR or to Mitigation Measure 4.8-b).

The quote provided by the commenter illustrates the irrelevance of Stanislaus to this EIR. The DEIR fully describes how the proposed project will be provided with potable water. As discussed in Chapter 3 and Section 4.8 of the DEIR, the proposed project will be provided potable water initially by City Well #21, and over the long term by the South San Joaquin Irrigation District (SSJID) South

County Surface Water Supply Project (SCSWSP), via existing pipelines and the proposed pipelines identified in Exhibit 3-8. Both water projects have already undergone CEQA review and approval, and are currently in the permitting phase. Both projects would also be developed regardless of whether or not Mossdale Landing is developed. As approved projects and projects that are related but separate from the Mossdale Landing project under CEQA, the potential environmental impacts associated with these water projects need not be evaluated in the Mossdale Landing EIR. However, for public disclosure purposes, and because the Well #21 project was not an approved project during the early stages of preparation of the Mossdale DEIR, the potential significant environmental impacts associated with the development and operation of Well #21 were summarized under Impact 4.8-4.8-c of the Mossdale DEIR. No further analysis of these water projects is required in the DEIR.

The DEIR also fully evaluates the adequacy of existing and future water supplies to serve the proposed project (see Response I-1). The DEIR includes an analysis of the adequacy of existing and future water supplies to serve the project consistent with state (SB 610) requirements.

Per the above and Response S-3, it is concluded that the DEIR includes a complete analysis of the potential environmental effects associated with the provision of water to the proposed project. No deferment of analysis has occurred.

S-20 The comment is narrowly focused on the one mitigation measure and ignores the analysis of impacts in the DEIR. As discussed in Responses S-18 and S-19, the referenced court case does not apply to Mitigation Measures 4.8-b or 4.8-d. In addition, neither of these mitigation measures state that a significant environmental impact will not occur if the proposed project is not developed. Rather, these mitigation measures prohibit development and occupancy of the proposed project until the water and wastewater projects already approved and in the permitting stages (i.e., WRP #1, SCSWSP) are developed.

With regards to the comment that the DEIR does not evaluate the expansion of WRP #1, see Responses S-3 and S-18.

S-21 See Responses I-1, S-3, S-19 and S-20.

S-22 The City of Lathrop service area falls within the Eastern San Joaquin Groundwater Basin, as delineated in the California Department of Water Resources (DWR) Bulletin 118-80. Using guidelines developed by DWR, the safe yield of the basin was estimated in the *Eastern San Joaquin County Groundwater Study* prepared by Brown and Caldwell in 1985. As defined in the referenced DWR bulletin, safe yield represents *the maximum quantity of water that can be continuously withdrawn from a groundwater basin without adverse effect*. Adverse effects would be represented by declining groundwater levels, intrusion of poor quality groundwater, higher extraction costs, or subsidence. From a review of historical groundwater levels as compared to groundwater extraction rates along with an analysis of recharge potential, the safe yield of the basin was projected at one acre-foot/acre-year in the 1985 study. This criterion has served as a baseline for the assessment of potential impacts from groundwater extractions. Specifically, groundwater pumping less than the safe yield would not create adverse impacts. This rationale was used in the South County Surface

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Water Supply Project Draft Environmental Impact Report to identify groundwater pumping rates for the participating agencies (Manteca, Escalon, Lathrop, and Tracy) that would fall within the safe yield of the basin (i.e., one acre-foot/acre-year). For the City of Lathrop, this groundwater pumping rate on an annual basis is 7,200 acre-feet/year (page 6 of the Mossdale Landing SB 610 report). Groundwater extractions beyond this level are not proposed by the City of Lathrop in its Water, Wastewater & Recycled Water Master Plan or in the Mossdale Landing SB 610 report, and the proposed project would not contribute to any exceedance of this threshold.

- S-23 As indicated in Response S-19, the Well #21 and SCSWSP water projects are related but separate projects under CEQA, and evaluation of the potential environmental effects associated with these water projects is not required in the Mossdale Landing DEIR. Furthermore, the DEIR and Water Supply Assessment Report evaluate the Mossdale Landing project as proposed, which includes use of the approved SCSWSP water in the long-term. Thus, evaluation of alternatives to the SCSWSP project is difficult to argue as necessary for the Mossdale DEIR. Furthermore, it is noted that SB 610 specifically requires that all existing and future water supply entitlements of the local water purveyor (i.e., City of Lathrop) be considered, and does not make a distinction between those future water entitlements for which conveyance infrastructure is already developed and those for future entitlements for which conveyance infrastructure has been approved but not yet developed (i.e., SCSWSP).

Despite the above, the DEIR does summarize the potential environmental impacts associated with the construction and operation of Well #21 (including the associated groundwater impacts) under Impact 4.8-c. This was undertaken to provide a good faith effort at public disclosure.

While evaluation of the scenario where SCSWSP water does not become available is not required in the Mossdale Landing EIR, such a scenario was evaluated as an alternative to the Master Plan in the Master Plan EIR (Proposed Project Without SSJID SCSWSP Water, Section 9.4-6). The following summary of groundwater impacts identified in the Master Plan for this alternative is provided below:

This alternative would result in a groundwater extraction of up to 18,800 AFY and would cause an eastward migration of the groundwater salinity intrusion front (500 mg/L TDS contour line) than would the proposed plan, and greater groundwater quality impacts. These could potentially require substantially more treatment of groundwater to meet safe drinking water standards, and possibly the closure of wells where treatment costs would be prohibitive (pages 9-22 and 9-23 of the Master Plan EIR).

Please note, that the above conclusions from the Master Plan EIR are based on the assumption that all future development in the City over the next 30 years, which represents many times the development proposed under Mossdale Landing, is served by groundwater, and thus cannot be considered representative of what would happen if Mossdale Landing itself uses 100% groundwater.

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The following information is also provided for public disclosure purposes:

Implementation of the South County Water Supply Project is on schedule for completion in 2005. Final design documents for the project are anticipated in early 2003 along with the acquisition of all required permits. Bid and award of the construction contract is projected for the spring of 2003 with construction activities beginning in the summer of 2003. With this schedule, water deliveries are still anticipated to begin in 2005. In the interim, increased water demands within the City of Lathrop will be met by greater groundwater extractions. As outlined in the Lathrop Water, Wastewater and Recycled Water Master Plan, a new well (Well #21) has been approved and is currently under design to serve initial development west of Interstate-5. This well will be available for service prior to completion of the South County Water Supply Project. A schedule for increased pumping has been developed that matches projected demand while remaining within the safe yield of the aquifer. Specifically, water demands are expected to increase from the current level of 3,150 acre-feet/year to 4,500 acre-feet/year in 2005. These demands can be satisfied through groundwater pumping within the safe yield of the basin (7,200 acre-feet/year). Because groundwater pumping will be significantly less than the safe yield, no adverse impacts to groundwater levels or quality are expected.

S-24 Th comment does not apply to the proposed project. The Lathrop Water, Wastewater and Recycled Water Master Plan (Master Plan) was the subject of a previously certified EIR, is an approved project, and is a related but separate project from Mossdale Landing under CEQA. Evaluation of the environmental effects of implementation of the Master Plan is not required in the Mossdale Landing DEIR. See Responses S-3, S-19, and S-23 for further discussion.

Note that because the Mossdale Landing project will rely on groundwater (Well #21) temporarily until surface water deliveries to the City of Lathrop commence associated with the SCSWSP (anticipated in 2005), the project will contribute to some minor impacts to groundwater supply/quality as indicated in the cumulative analysis in the Mossdale DEIR (page 5-10). However, as indicated, such minimal groundwater impacts would be temporary and would cease once SCSWSP water deliveries commence. A less than significant cumulative groundwater impact would occur.

Despite all of the above, the following information is provided for public disclosure purposes from the SB 610 Water Supply Assessment Report prepared for the proposed project (Appendix L of the Mossdale Landing DEIR):

The current baseline level for groundwater pumping is approximately 3,150 acre-feet/year within the City of Lathrop. The projected maximum groundwater pumping rate will be 5,100 acre-feet/year in the year 2025. Over the 20 plus year period, the increase in groundwater extractions will be gradual, less than 200 acre-feet/year depending on the delivery schedule for the South County Water Supply Project. These groundwater extraction rates are well within the recharge capacity of the basin as identified in the South County Surface Water Supply Project Draft Environmental Impact Report. By pumping

less than the safe yield of the basin, as established by earlier technical studies (*Eastern San Joaquin County Groundwater Study*), no significant adverse environmental impacts should occur from the relatively small increase in annual pumping rates.

- S-25 The first paragraph of the comment does not apply to the proposed project. As indicated in Responses S-3, S-23, and S-24, both Well #21 and the greater Master Plan projects address City-wide growth, including Mossdale Landing. As further indicated, the potential environmental effects (including the groundwater impacts) associated with the development and operation of Well #21 are summarized under Impact 4.8-c of the DEIR, while the project’s temporary contribution to cumulative groundwater impacts are discussed on page 5-10 of the DEIR.

With regard to the conclusion in the Water Supply Assessment Report (Appendix L of the DEIR) that the increase in groundwater pumping of up to 7,200 ac-ft/yr could contribute to the eastward migration of the groundwater salinity front, the commenter takes this excerpt out of context. The commenter fails to mention the following which is stated on pages 25 and 26 of the Water Supply Assessment Report: (1) the 7,200 ac-ft/yr estimate is for all development within the City at year 2025 as evaluated in the Master Plan and not the proposed Mossdale Landing project at year 2010 which would be a small fraction of the 7,200 estimate; (2) the 7,200 ac-ft/year figure would neither exceed the safe yield of the groundwater basin or impact regional groundwater levels (page 25 of Appendix L); (3) the production of potable water wells would not be affected as they have well casing depths of approximately 270 feet versus the anticipated localized drawdown of between 25 and 45 feet (page 25 of Appendix L); (4) the production of some low-capacity private non-industrial wells in the City could be affected, but mitigation is identified in the Master Plan EIR to reduce this impact to less than significant levels; and (5) the increase in groundwater pumping to up to 7,200 ac-ft/year could contribute to the eastward migration of the groundwater salinity front, but this impact would be mitigated with implementation of the SCSWSP, the subsequent blending of groundwater and SCSWSP water which is lower in TDS, and the implementation of wellhead treatment mitigation identified in the Master Plan EIR. Hence, even groundwater pumping up to 7,200 ac-ft/yr would result in a less than significant groundwater impact, not to mentioned the small fraction of this pumping indirectly attributable to the proposed project. As mentioned in the previous paragraph, this less than significant cumulative groundwater impact is discussed on page 5-10 of the Mossdale Landing DEIR.

With regard to the comment that the conclusions about groundwater impacts contained in the Water Supply Assessment Report should be excerpted in Section 4.8 of the DEIR, they are to the extent that they apply to the proposed project (see pages 4.8-11 and 5-10). Once again, the affect of the 7,200 ac-ft/year groundwater extraction figure referenced in the comment is applicable to all development projected within the City between now and year 2025, not the Mossdale Landing project which would contribute to only a fraction of the groundwater to be extracted. Furthermore, the commenter neglects to mention that, as indicated on page 5-10 of the DEIR, the project’s small contribution to cumulative groundwater impacts would be temporary and less than significant, ceasing with commencement of surface water deliveries from the SCSWSP and not requiring mitigation. Finally, the Water Supply Assessment Report is part of the EIR, and the degree to which it should be excerpted into Section 4.8 is a matter of judgement. The facts that the proposed project would not

result in significant groundwater impacts and would not require mitigation, combined with the summary of the less than significant impacts of the project contained on pages 4.8-11 and 5-10 of the DEIR, would seem to indicate that the full text of pages 25 and 26 of the Report need not have been excerpted into Section 4.8 of the DEIR.

With regard to the comment that the mitigation measures referenced in the comment from the DEIR are inadequate for a project-level analysis, the comment does not apply to the proposed project. As indicated previously, the Well #21 project is a separate project that has already undergone CEQA review, and the Mossdale Landing DEIR is not a vehicle for re-analysis of that project. Project-level mitigation measures for the well were identified, as required, in the project-level CEQA review conducted by the City for the well.

- S-26 See Responses S-23 through 2-25. The comment does not apply to the proposed project. The project will not result in a tripling in the amount of groundwater pumping in the City. Also, the monitoring mentioned by the commenter is only one component of a larger mitigation measure required in the Lathrop Water, Wastewater and Recycled Water Master Plan EIR to avoid groundwater impacts.

With regard to cumulative impacts, at present 100 percent of the City's water supply is furnished through groundwater pumping. The current groundwater pumping rate within the City of Lathrop is approximately 3,150 acre-feet/year. To supply future development within the City service area, a combination of surface water and increased groundwater pumping is proposed. In the year 2025, approximately 70 percent of the City's water supply will be available from the South County Water Supply Project with only 30 percent provided via groundwater pumping. The maximum groundwater pumping rate is projected at 5,100 acre-feet/year or approximately 70 percent of the safe yield of the aquifer. The City's long-range plan to rely upon treated surface water as the primary water supply component represents a prudent approach to mitigate potential impacts related to limited increases in groundwater extractions. In addition, the commenter neglects to mention the extent to which the City is requiring the use of recycled water as a way to offset potable water demand, including potable water demand from groundwater. The Mossdale Landing project will maximize the on-site use of treated wastewater for irrigation, as will other large development projects currently being planned in the City (River Islands, Lathrop Station, etc.).

- S-27 First, no such comment has been received from the State Reclamation Board on the Mossdale Landing project. Second, the informal consultations between Calafia and Board have centered on providing 200-year flood protection for a portion of the River Islands project (i.e., applies to a portion of the east levee and an associated cross levee fronting the RI project site), not for either the larger Stewart Tract or to properties on the east side of the river (such as Mossdale Landing). Third, the portion of the RI project site in question is located within the 100-year floodplain, as compared to the Mossdale Landing project site which is located outside the 100-year floodplain and thus not subject to the same flood hazard. For all these reasons, the Board's 200-year flood protection comment does not apply to the Mossdale Landing project. See Response K-5 for further discussion. As indicated, the 100-year flood protection standard is the applicable standard for the Mossdale Landing project. Evaluation of other potential standards is not required in the DEIR.

- S-28 The issue is described and addressed in the DEIR on page 4.1-3 paragraph 1; page 4.1-6 Impact 4.1-a. As indicated in Chapter 3 (page 3-15) and Section 4.1 (page 4.1-3), the project site is located in FEMA Flood Hazard Zone B which is outside the 100-year floodplain and which, according to FEMA, can accommodate urban development (i.e., “urban” level of protection).
- S-29 The issue is not addressed as a mitigation measure because the Mossdale Landing Drainage Plan (Appendix D, pages 19-20, of the DEIR) already requires shutting down the pumps during heavy storm events when water in the SJR exceeds the river’s 21.0 feet msl design elevation. As indicated on page 19, “During a pump shutdown, storm runoff will need to be stored somewhere on site.” Furthermore, Table 2.5-1 on page 20 of the Drainage Plan identifies the peak discharge in cfs during shutdown of the project pumps within each of the six tributary areas covered by the plan (i.e., 3 on-site, 3 off-site) which will need to be detained on-site. As indicated on page 20, “...each tributary will need to demonstrate [during a pump shutdown] that the required runoff volume can be stored below the elevation of the lowest pad and that runoff from one tributary will not adversely impact another”. The above are requirements of the Drainage Plan; the project must be consistent with these requirements. Hence, no mitigation measure is required. Engineering drawings and detail of the proposed pumps and other drainage facilities under the Drainage Plan will be prepared at the design stage of the project and need not be included in the DEIR to inform governmental decision makers (the City of Lathrop as lead agency) and the public about the potential significant effects of the proposed project.
- S-30 The project site has not historically flooded over the years. The site has been subject to occasionally seepage which would be mitigated with implementation of the proposed Drainage Plan (i.e., levee toe drains, etc.). The comment provides no factual basis to dispute the conclusions in the DEIR that flood control and drainage is adequately addressed, per CEQA. See Responses I-3, I-4, K-5, and S-28 for further discussion.
- S-31 The Drainage section of the DEIR (Section 4.1) and associated appendix (Appendix D, Drainage Plan for Mossdale Landing)) provide an adequate analysis flood control/drainage impacts associated with the proposed project. See Responses I-3, I-4, K-5, and S-28 for further discussion. In addition, note that the “Kleinfelder report” is the groundwater report, not the drainage report.
- S-32 For static loading conditions and with the provision that patrolling occurs during periods of high water to monitor areas of seepage (which is a normal practice for all reclamation districts), it is the opinion of Kleinfelder (the registered professional geotechnical engineer on the project) that no improvements of the levees are required. The computed factors of safety for static loading meet the FEMA requirement. Kleinfelder’s analysis was reviewed by Baker Engineers, the technical reviewer for all of FEMA’s levee projects, and found to be adequate. It has been confirmed with staff of RD 17 (Chris Neudeck, civil engineer for RD 17) that provision of the proposed toe-drains will be sufficient to protect the proposed project from any seepage from the levee.<sup>8</sup> The levees are adequate

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<sup>8</sup> E-mail from Chris Neudeck of RD 17 to Chris Ragan of MacKay & Somps, December 12, 2002.



to allow for development of the proposed project. See Responses I-4, K-5, U-2, U-6, and PC-22 for further discussion.

S-33 See Response L-4.

S-34 See Response L-4.

S-35 It is unclear what the commenter's understanding is based upon. Perhaps it is based upon the premise that there is no take allowed using the SJMSCP. On December 2, 2002 the project biologist (Mr. Monk) discussed the proposed project with Mr. A. Zurrenner (author of Comment L-4) of the USFWS. During the conversation with the USFWS, the need for a trapping survey was identified to conclusively determine whether or not riparian brush rabbit is present in the oxbow habitat immediately southwest of the project site. The possibility of finding riparian brush rabbit in the oxbow habitat was discussed, as was appropriate avoidance and mitigation measures. In that conversation, the USFWS concluded that due to inevitable development in the vicinity of the oxbow habitat (for the proposed project as well as other projects that are proposed or pending), that it would be unlikely that the riparian brush rabbit could be preserved in this environment if it does indeed exist (which has not been confirmed and is not expected). The USFWS further suggested a program that would include trapping and relocating any riparian brush rabbits found in the oxbow habitat (see Response L-4). Such activity would require issuance of an incidental take permit from the USFWS.

Ultimately, the Federal Endangered Species Act allows the USFWS the discretion to issue an incidental take permit for impacts to listed species provided the take is justified and ultimately leads to an improvement in the opportunity for continued existence of the listed species. However, such a permit need be issued only when there is a likelihood of take. As described in Response L-4, take is not expected.

If the commenter is referencing the SJMSCP riparian brush rabbit 600 foot setback requirement from the SJR, this setback does not apply to the proposed project for two reasons. First, no riparian brush rabbit was found on the project site during the site survey. Second, the project site is not located within one of the riparian brush rabbit 600 foot setback areas mapped in the SJMSCP.

S-36 The DEIR explains the regulatory requirements for impacts to waters of the state and United States in detail on page 4.10-29 through 4.10-32. The level of detail in these pages of the DEIR is not as extensive as the actual regulations, but contain sufficient detail to inform the City of Lathrop and the public about the potential significant effects of the proposed project. The reader is also provided the actual regulation sections which provide ample opportunity for the lead agency, regulatory agencies, the public, and the commenter to research the specific regulations should they be so inclined.

The outfall project would result in impacts to regulatory waters of the state and United States (i.e., the San Joaquin River). Accordingly, discussions provided for Section 404 of the Clean Water Act (page 4.10-29), the Rivers and Harbors Act (page 4.10-31), Section 401 of the Clean Water Act (page 4.10-31), the Porter-Cologne Water Quality Control Act (page 4.10-32), and finally, Sections

1601-1603 of the California Fish and Game Code (page 4.10-32) are all applicable. The aforementioned pages of the DEIR, which include discussions of Section 401 of the Clean Water Act and the Porter-Cologne Water Quality Control Act, specifically address the regulatory requirements that would be imposed on the for the outfall project by the Regional Water Quality Control Board. No further information is required in the DEIR.

- S-37 The analysis, enhanced by local data (see Response M-4) still supports the statement that implementation of BMPs in the developed condition “would serve to decrease loading for most pollutants” as compared to existing (undeveloped) agricultural conditions with no BMPs in place. See Table 3 on page 17 of the revised surface water quality report included as Section IV.A of this FEIR for the magnitude of these reductions, and pages 17-19 of the revised report for a discussion of why the several constituents which would increase under the proposed project would still result in less than significant surface water quality impacts.

The issue of whether TMDLs may or may not exist for the constituents of concern is not relevant to the analysis. The analysis identifies those pollutants in project runoff for which the San Joaquin River is identified as “impaired”, and then compares the pre- and post-project runoff water quality from the project site. As indicated in Table 4.2-4, pollutant loading to the river for most of the constituents evaluated would be reduced under post-project condition with the ending of existing agricultural discharges from the project site. Because there would be no increase in pollutant loading to the river for these constituents, there would be no impact. Once again, several exceptions would occur (i.e., selenium, diazinon, copper, zinc, phosphorus, TKN) which, although they would increase under the proposed project, would not represent significant impacts.

In regards to salinity (TDS), as stated in Response M-8, TDS in project stormwater runoff will be on the order of 200 mg/l, which is far below the Federal Drinking Water standard of 500 mg/l. Consequently, the project impact on cumulative levels of TDS should not be enough to adversely affect drinking water.

- S-38 The DEIR does not defer specific mitigation for the traffic impacts of the proposed project and for cumulative traffic impacts. Specific mitigation measures, including specific descriptions of the improvements required, are provided in Section 4.5 (pages 4.5-29 through 4.5-36) and Chapter 5 (pages 5-34 through 5-37) of the DEIR. Exhibits (Exhibits 4.5-9 and 5-6) in the DEIR identify the location of, and the specific lane geometric improvements required by, the mitigation.

The proposed project will be paying the West Lathrop Specific Plan (WLSP) Regional Transportation Fee, per unit or per 1,000 square feet of commercial development, developed in 1997 by the City of Lathrop in conjunction with the San Joaquin Council of Governments and Caltrans District 10 (see page 4.5-35 of the DEIR). The fees will be paid as development occurs, and this does not represent deferment of analysis or mitigation. The Regional Transportation Fee is described below.

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West Lathrop Specific Plan (WLSP Regional Transportation Fee)

The West Lathrop Specific Plan Regional Transportation Fee (Regional Transportation Fee) was adopted as a mitigation program to calculate new development's fair share of regional improvements needed within San Joaquin County, including improvements to mainline freeways, freeway interchanges, regional streets, the regional bicycle system and the bus transit system, as well as rail corridor improvements. Under this program, the City of Lathrop decides the order and the timing of the construction of these facilities within their sphere of influence. The Regional Transportation Fee was adopted by the City of Lathrop as Ordinance No. 97-146 on September 16, 1997, and applies to the entire West Lathrop Specific Plan area. Payment of the Regional Fee will therefore mitigate the project's share of impacts upon mainline freeway widening on I-5, SR 120, and I-205.

Specific Improvements in the area to be funded by the Regional Transportation Fee are identified in the table below. The incremental difference between the fee funding and total funding will be provided by State STIP funds, federal funds (including CMAQ funds), and Measure K funds.

<b>Mainline Freeway Facility</b>	<b>Improvement Funded</b>	<b>Fee Funding</b>	<b>Total Funding</b>
I-5 mainline, I-205 to SR 120	Widen to 12 lanes	\$11,505,000	\$23,010,000
I-5 Southbound, SR 120 to I-205	Add SB aux. Lane	\$6,500,000	\$13,000,000
I-5 mainline, SR 120 to French Camp	Widen to 3 lanes	\$14,495,000	\$28,990,000
I-5 Northbound, @ San Joaquin River	Widen bridge, one lane	\$10,000,000	\$20,000,000
SR 120, I-5 to SR 99	widen to 6 lanes	\$8,450,000	\$16,900,000
I-205, I-580 to I-5	widen to 8 lanes	\$27,950,000	\$55,900,000
<b>Mainline Interchange Facility</b>	<b>Improvement Funded</b>	<b>Fee Funding</b>	<b>Total Funding</b>
I-5/Louise Avenue	Included in GVP funding		
I-5/Lathrop Road	State I and II improvements	\$5,100,000	\$17,200,000
I-205/Paradise-Chrisman	New interchange	\$13,400,000	\$19,200,000
I-5/SR 120	New brnach connections	\$15,000,000	\$30,000,000
<b>Regional Roadway Facility</b>	<b>Improvement Funded</b>	<b>Fee Funding</b>	<b>Total Funding</b>
Golden Valley Pkwy, Lathrop Rd. to Paradise/Chrisman	New facility	\$41,503,000	\$59,290,000
E/W Expressway, along Arbor (Paradise to Mountain House)	Expanded facility	\$18,655,000	\$26,650,000

S-39 The regional fee as adopted by the City of Lathrop and San Joaquin Council of Governments is \$2,463 per single family dwelling unit, \$1,611 per multifamily dwelling unit, \$2,097 per 1,000 square feet of retail floor space, and \$1,465 per 1,000 square feet of service uses floor space. Identification of the specific fee amount to be paid by the project applicant for the Mossdale Landing project would be approximately \$4.7 million at interim conditions and an additional \$1.0 million at buildout based on the above identified fees and the proposed land uses outlined in Table 3-1 of the DEIR. The exact fee and the distribution of funds to the improvement locations identified in the table in S-38 will be determined in accordance with the Regional Transportation fee, in place as individual phases of the project are developed. See Response S-38 for additional discussion.

S-40 Mitigation Measure 4.5-f details freeway mitigation, not intersection mitigation (including traffic monitoring) as indicated in the comment. Intersection mitigation is provided under Measures 4.5-a and 4.5-b (on page 4.5-29 of the DEIR), and Measures 4.5-c and 4.5-d (on page 4.5-31 of the DEIR).

The traffic monitoring required by mitigation in the DEIR (Mitigation Measure 4.5-l) merely helps identify when the required intersection traffic improvements need to be undertaken, not the type/location of the required traffic improvements which are specifically identified on pages 4.5-29 through 4.5-36, and in Exhibit 4.5-9, of the DEIR. As indicated in Mitigation Measure 4.5-l on page 4.5-35, payment of both the WLSP Regional Transportation Fee and the City’s Capital Facility Fee will be at the building permit stage for each phase of the proposed project.

S-41 Payment of the City’s Capital Facility Fee (CFF) is required under Mitigation 4.5-l, not mitigation Measure 4.5-f as indicated in the comment. A summary description of the CFF is provided under Mitigation Measure 4.5-l on page 4.5-35 of the DEIR. The description is expanded upon below, which includes an estimate of the current fee applicable to the project and the fee after the fee revision.

City of Lathrop Capital Facility Fee (CFF)

The Regional Transportation Fee anticipated some funding from local impact fees to account for local impacts to some regional facilities, including Golden Valley Parkway and some freeway Interchanges. There are also other facilities of a City-wide nature that benefit multiple projects yet were not included in the Regional Fee. The City will require payment of CFF impact fees for funding City-wide transportation improvements required within the Mossdale Landing UDC area that are beyond the scope of the Regional Transportation Fee.

The City’s existing CFF program provides funding for various elements of infrastructure and public amenities, including those for transportation in accordance with California Government Code §66000 et seq. However, the current fee applies only to new development in the area east of I-5. The CFF program is currently being updated to reflect the impact of anticipated residential and commercial development within the West Lathrop Specific Plan area, and will set a fee for mitigating those impacts. The existing CFF for transportation includes funding for the following improvements:

*continued ...*

- Interstate 5/Louise Avenue Interchange Stage 1 and partial 2 improvements (local share)
- Interstate 5/Lathrop Road Interchange Stage 1 and partial 2 improvements (local share)
- Interstate 5/Roth Road Interchange Stage 1 improvements
- Railroad grade separations
- Traffic signals at major intersections
- Park and Ride Lots and bicycle trails

The CFF update currently being processed will include, at a minimum, the following improvements:

- Golden Valley Parkway (local share), Gold Rush Blvd. (proposed River Islands Parkway) to Paradise Road
- Gold Rush Blvd.(proposed River Islands Parkway), I-5 to San Joaquin River
- Interstate 5 Interchange improvements at Louise Avenue (Balance of Stage 2 improvements plus par-clo or equivalent, local share)
- Traffic signals at new major intersections, including:
  - Golden Valley Parkway/River Islands Parkway
  - Golden Valley Parkway/Main Street
  - Golden Valley Parkway/South River Islands Parkway
  - Golden Valley Parkway/Broad Street
  - Golden Valley Parkway/Lake Harbor Blvd.
  - Golden Valley Parkway/Paradise/Arbor
  - Golden Valley Parkway/River Edge Drive
  - River Islands Parkway/Mosssdale Boulevard
  - River Islands Parkway/Silvera Access

In addition, the CFF update will review the extent that major improvements on Stewart Tract benefit an area beyond Stewart Tract and should be partially funded by development east of the San Joaquin River. Facilities analyzed will include:

- River Islands Parkway Bridge (Bradshaw’s Crossing) over San Joaquin River
- Expanded Paradise Road Bridges over Paradise Cut
- Paradise Road widening, I-205 to North River Islands Parkway
- North River Islands Parkway (on Stewart Tract)
- South River Islands Parkway (on Stewart Tract)

The current and proposed CFF fees for the project would be:

<u>Land Use Category</u>	<u>1995 Fee</u>	<u>Proposed 2002 Fee (*1.21)</u>
Single Family Unit	\$2,674	\$3,247
Multi Family Unit	\$1,964	\$2,385
Commercial (1,000 sf)	\$3,651	\$4,434
Industrial (1,000 sf)	\$1,074	\$1,304

S-42 See Responses S-38, S-39, and S-41. The DEIR does not defer specific mitigation and payment of mitigation fees to a later time.

With regard to the “future fee revision” associated with the CFF, the City is currently updating its CFF program, with higher fees proposed to reflect additional improvement needs as well as inflation. The project will be required to pay the higher updated fees.

S-43 The project applicant and/or developer(s) will be responsible for providing the physical improvements required under Mitigation Measure 4.6-c. Either individual property owners under the project (through project deed restrictions) or project homeowner/business owner associations will be responsible for the programmatic measures required under the mitigation measure. This is codified in the augment to Mitigation Measure 4.6-c identified below. In addition, the mitigation measure indicates that each on-site commercial business to employ 20 persons or more shall prepare and implement a trip reduction program which will be reviewed and approved by the City prior to issuance of business permits.

**Corrections and Additions**

Page 4.6-16, Mitigation Measure 4.6-c, after the last bulleted item add the following paragraph:

“The physical improvements identified above will be the responsibility of the project applicant and/or developers(s), while the programmatic measures will be the responsibility of either: (1) individual property owners under the project (through project deed restrictions); or (2) project HOAs and business associations. If project HOAs and business associations, they shall be established by the project applicant and/or developers of each phase of the project prior to occupancy of said phase, and shall both operate and implement their responsibilities under this mitigation measure for the life of the project. ”

With regard to judging the effectiveness of the TDM measures in Mitigation Measure 4.6-c, this will be a component of the project’s Mitigation Monitoring Program. However, page 4.6-17 of the DEIR concludes that the proposed project would still result in long-term regional emissions that would exceed SJVAPCD recommended significance thresholds of 10 tons/year for ROG and No<sub>x</sub>, and thus a significant unavoidable impact would occur with respect to long-term regional emissions. No further evaluation of the effectiveness of the mitigation is required in the DEIR.

Examples of transit incentives include provision of preferential parking for bus and van pools, employer subsidization of employee transit costs, and provision of electric vehicle hookups and bicycle racks. As indicated in Mitigation Measure 4.6-c, those on-site business to employ 20 persons or more will need to prepare a trip reduction program to reduce motor vehicle trips - if these programs will include transit incentives, they will need to be spelled out in the program. However, because the project is primarily a residential project and not a big box commercial, industrial, or office project, the ability to provide effective transit incentives is limited. This is one reason the DEIR identifies project-related long-term regional emissions as significant and unavoidable.

- S-44 Mitigation Measure 4.6-c lists the measures identified in the SJVAPCD Guidelines consistent with SJVAPCD requirements. Further detail is not feasible at this time given that specific types of business and commercial tenants have not yet been identified associated with the proposed project. Such detail (including carpooling, vanpooling, use of alternative modes of transportation, etc.) will be provided in the context of any trip reduction programs that are prepared by commercial business of 20 employees or more as required by the mitigation measure.

With regard to the commenter's recommendation that carpool, vanpool, and shuttle bus opportunities be made available to the residential component of the proposed project, there will be no opportunity to provide such facilities since the project will not include its own residential carpool, vanpool and shuttle fleet of vehicles. A requirement for such facilities can only be applied to residential developments which have their own vehicle fleets and organizational structures (such as senior residential communities operated by a community management company). Mitigation Measure 4.6-c does require a full range of other TDM measures which can be applied to residential development, including but not limited to transit infrastructure (transit shelters, benches, bus turnouts, etc.), park-and-ride lots, pedestrian infrastructure, bicycle infrastructure, carpool ride matching services, assistance with vanpool formation, preferential parking for carpools/vanpools, transit incentives, telecommuting programs, and on-site child care.

With regard to the commenter's recommendation that the project include specific on-site bicycle, pedestrian, and commuting (bus stop) facilities, the project does already propose such facilities (see Chapter 3 of the DEIR and the Mossdale Landing UDC Document), and Mitigation Measure 4.6-c requires that such facilities be incorporated into the project.

- S-45 See Responses S-43 and S-44. It is infeasible, given a variety of factors, to predict effectiveness of various measures. Historically, car- and van-pool programs have performed poorly. As freeways became more congested, and they will, it can be expected that car-pools and van-pools will become more popular. However, it takes several years for land use patterns and community employment patterns to emerge, and this EIR does not rely on optimistic car-pool/van-pool estimates to reduce impacts.

- S-46 No Transportation Demand Management (TDM) programs for the Mossdale Landing project are recommended or suggested by Caltrans in their October 15, 2002 or November 26, 2002 response letters (Letters O and W) to the Draft EIR. Likewise, no TDM programs are recommended in any other response letter to the Draft EIR. Currently there are no TDM programs mandated by San Joaquin County nor the City of Lathrop.

Virtually all development within the Mossdale Landing project will be residential or retail. The DEIR recommends that the applicant work with the local transit agency to incorporate their suggestions into the final circulation system designs of the residential and commercial areas to accommodate transit service (Mitigation Measure 4.5-K). Part of the regional fee to be paid by the Mossdale Landing project would be applied towards transit improvements. Overall, there are no other realistic TDM measures that can be applied to residential units at the residential end of the trip that will significantly reduce residential trip generation. Likewise, for commercial areas there is no

realistic set of TDM measures that will significantly reduce customer traffic during peak demand periods. Commercial area employees, however, would be a group that may be subject to some shifting in travel patterns or mode shifting if enough incentives (to carpool or use transit) are provided or enough realistic disincentives (to drive alone or to arrive/depart during peak traffic hours) are provided. Since no other nearby jurisdictions have such programs for their commercial areas, it is unknown if Lathrop would consider implementation of such plans as reducing their ability to capture certain retail businesses. Still, mitigation in the DEIR (Mitigation Measure 4.6-c) does require that any on-site employers that would have greater than 20 on-site employees prepare and implement a trip reduction program to reduce motor vehicle trips to the greatest extent feasible. The mitigation further requires that each program be reviewed and approved by the City of Lathrop prior to issuance of business permits, and that they encourage carpooling, vanpooling, use of transit, and use of alternative modes of transportation (bicycles, electric vehicles, etc.).

Per the above, no additional TDM measures are required.

- S-47 As required by §15126.6 of the State CEQA Guidelines, the DEIR evaluates a range of reasonable alternatives to the proposed project which would feasibly attain most of the basic objectives of the project while avoiding or substantially lessening one or more of the significant impacts of the project. The DEIR (Chapter 8) includes an evaluation of three alternatives to the project, each of which provides for less intensive development of the project site. Evaluation of an alternative which would cut the permitted and proposed residential development at the project site by nearly 40% would neither feasibly attain most of the basis objectives of the proposed project or be consistent with the land use planning of the project site under the WLSP which envisions a considerably higher density of development for the site. Furthermore, it must be clarified that the two alternatives to the proposed project identified in the comment (Interim Development and Environmental Constraints) are designed to not only reduce the amount of development proposed under the Mossdale Landing project, and thus the significant environmental impacts of the proposed project in terms of traffic, air quality, and noise, but are also designed with other features, such as avoidance of on-site biotic habitat and avoidance of the need to discharge project stormwater to the San Joaquin River, to reduce other potential significant impacts of the project (i.e., surface water quality, terrestrial and fisheries biology, cultural resources, etc.). Per the above, the range of alternatives evaluated in the DEIR is adequate under CEQA.

With regard to the comment that an alternative should be evaluated that assumes a less than tertiary level of wastewater treatment, evaluation of such an alternative is not warranted because: (1) it would result in greater rather than less impacts than the proposed project (i.e., surface water quality, groundwater quality, fisheries, odors, etc.); and (2) it would be inconsistent with WRP #1 Expansion Project currently being planned by the City to provide tertiary treatment to near-term development in the City (including, but not limited to, the Mossdale Landing project). We do not see the benefit of treating wastewater to a poorer quality level than proposed.

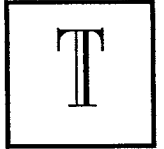
- S-48 Development of the Stewart Tract is not part of the Mossdale Landing project. Therefore, different development scenarios for the Stewart Tract would not represent alternatives to the proposed project as defined by §15126.6 of the State CEQA Guidelines. Evaluation of such development scenarios



*continued ...*

is thus neither appropriate nor required in the Mossdale Landing DEIR. The same holds true for facilities required to “serve the remaining areas of the City. Such facilities are not being proposed as part of the Mossdale Landing project, and need not be evaluated in the DEIR.

LAW OFFICES OF  
CHARLES E. STEIDTMANN



369 PINE STREET  
SUITE 818  
SAN FRANCISCO, CALIFORNIA 94104

Telephone (415) 397-1565  
Facsimile (415) 397-2477  
steidtmann@aol.com

October 15, 2002

**Via Fax (209) 858-5259  
and Personal Delivery**  
City of Lathrop  
Community Development Department  
16775 Howland Road  
Lathrop, CA 95330

**Re: Draft Environmental Impact Report (DEIR)  
For the Mossdale Landing Urban Design Concept and related  
approvals.**

Dear Community Development Department:

This office represents J.W. and B.O. Silveira in connection with the above referenced DEIR. As you know, the Silveiras are one of the largest landowners in Mossdale Village, owning over 200 acres that has been dedicated to farming activities for generations. The following constitutes the Silveira's comments on the DEIR.

At the outset, the Silveiras have asked me to make it very clear that they fully intend to continue their farming operation for many years to come. This operation consists of the actual farming activities conducted in the field as well as the management, machinery storage and repair and related operations conducted from the farmhouse and barns at the south end of their property.

T-1

The Silveiras are also very interested in seeing Mossdale Village developed as a true "village" and in a manner that maximizes the enjoyment of the beautiful riverfront setting by its future residents and visitors. This was clearly the goal of Specific Plan, which goal was integrated into the proposed development of theme parks on the Stewart Tract and a commercial/residential "village" at Mossdale Village. However, since the adoption of the Specific Plan, major changes have occurred in connection with the nature

T-2

and extent of the development that is likely to occur in the Specific Plan area. At the present time it appears that the development of the theme parks on Stewart Island will be replaced by more typical suburban residential/office/commercial development, and that the commercial "village" that was proposed at Mossdale Village will be greatly reduced in scope, with commercial development more in the nature of stripmalls and big box retailers. For this reason, and as an overriding comment, we request that the Specific Plan to be updated and amended prior to the approval of this Project, to take into account the substantially revised development plans for the entire area encompassed by the Specific Plan, as well as to take into account the environmental concerns (i) related to the changed scope of development, and (ii) that have arisen or become more acute (e.g. traffic and air quality) in general in the Specific Plan area since the Specific Plan was adopted. Although there was some flexibility within the Specific Plan as to what the Specific Plan envisioned would be developed, we do not believe that this flexibility was meant to apply to the massive changes that have taken place.

T-2  
Cont'd

Addressing the DEIR in more detail, we have the following comments:

1. Gold Rush Boulevard Precise Plan Line. The West Lathrop Specific Plan was originally approved at a time when up to five destination oriented theme parks were proposed for the Stewart Tract. The large daily influx of theme park visitors appeared to give merit to the plan to construct Gold Rush Boulevard, a six lane divided boulevard connecting the Stewart Tract and its theme parks to Interstate 5 at Louise Avenue. Although the six-lane boulevard bisected and divided Mossdale Village, it appeared to be a necessity.

It now appears that none of the theme parks will be constructed and as a result the Silveiras request that the City and the DEIR consider, prior to adopting the Precise Plan Line, the possibility of eliminating or reducing the size of Gold Rush Boulevard. The boulevard, as it is presently planned will clearly divide Mossdale Village, adversely affecting the "village" atmosphere that was clearly an objective of the West Lathrop Specific Plan. The bridge crossing the San Joaquin River will adversely affect wildlife as well as the enjoyment of the river itself. Perhaps the road could be reduced to two lanes and be used as a local neighborhood roadway for circulation within Mossdale Village and perhaps the bridge could be deleted in its entirety, with Stewart Island traffic directed to the freeways and to the planned Golden Valley Parkway. These issues and alternatives should be addressed in the DEIR.

T-3

2. Agriculture/Suburban Interface. One of the objectives of the West Lathrop Specific Plan was to allow existing agricultural uses to continue (See Objective 5A WLSP). The Project does little to meet this objective and is inconsistent with the Specific Plan in this regard. The following items need to be addressed:

a. The agriculture/suburban buffer zone with 2 fences that was promised in the Specific Plan EIR needs to be implemented. (WLSP EIR page v-2) This buffer or a similar barrier is critical to the continued farming operation on the Silveira property. Noise, as referenced in the DEIR, is only one element of interference. Dust, agricultural chemical

T-4

spray, attractive nuisance and trespass onto the farm by the new residents of the Project needs to be evaluated and mitigation measures need to be adopted. The Silveira agricultural drainage ditches will be immediately behind the new residences and are filled with water year round, posing a hazard to any children who might fall in. The proposed residential fence is woefully inadequate and is inconsistent with the Specific Plan. Economic unfeasibility is no justification for deviating from the Specific Plan, especially where farming operations on the Silveira property are expected to continue into the foreseeable future, and the health and safety of the new residents is at risk. In addition, the buffer zone and fence need to be constructed at all points where the Project interfaces with the Silveira property; not just behind the proposed residences as is presently proposed.

T-4  
Cont'd

b. The impact of the Project on the drainage from the Silveira property must be addressed in the DEIR and appropriate mitigation measures need to be adopted. Some of the existing Silveira drainage ditches will need to be rerouted/resloped and extended or modified in connection with the Project. Existing drainage within the Silveira property is presently integrated with drainage on the Terry property and will be seriously impacted once the Terry property is developed. In addition, the pumps that carry drainage from both the Silveira property and the Terry property back into the river are shared and are located on the Terry property at the site of the proposed residential development. The Silveira's have easements and other rights related to these ditches and pumps and this will need to be addressed.

T-5

c. If Gold Rush Boulevard is not reduced or eliminated as requested above, then in approving the Precise Plan Line for this road, the impact of the proposed road on the Silveira farming operation needs to be analyzed and its impacts mitigated. How will the farm operate once the farmhouse and barns are separated from the farm by Gold Rush Boulevard? Will a tunnel be required under Gold Rush Blvd to move machinery from the barns to the fields? Will the farmhouse and barns need to be moved? If so, will they be entitled to reinstall a septic system and well or will they be required to connect to the sewer and public water supply? What will be done about the irrigation pumps that presently supply irrigation water to the Silveira property. These pumps are right in the middle of the proposed location of Gold Rush Boulevard. Mitigation measures should be established and be imposed as a condition of Project approval, so that farming operations can continue on the Silveira property. Many of the problems described in this paragraph could be eliminated if Gold Rush Boulevard is placed on the south side of the Silveira farm buildings, a location not inconsistent with the Specific Plan but supposedly, according to City staff, not within sound traffic engineering practices. This should be studied and addressed in specific detail in the DEIR.

T-6

d. Access to the Silveira farm needs to be planned for and evaluated in the DEIR. Farm machinery and truck traffic through the planned residential neighborhood to the Silveira farm has inherent problems and needs to be addressed. Mitigation measures may be required.

T-7

e. Currently the Silveira property is accessed by a roadway and utility easement through the Terry property from the end of Louise Avenue. The Silveira's have not been approached regarding a sale of this easement, yet residential roadways and new homes are shown on the Project maps in the area of this easement. If the Silveiras should choose not to sell their easement, many features of Project (e.g. the locations of roadways and new houses) will need to be rearranged or reconsidered. Isn't it necessary to resolve these issues before the DEIR can evaluate the "Project"?

T-8

f. The Silveiras request written confirmation, in connection with adoption of the Precise Plan Line, that that the Silveira property will have access to Gold Rush Boulevard. It appears questionable that, as the road as is now aligned, an access point into the Silveira property can be accomodated between the entrance to the Mossdale Landing Project and the up ramp for the bridge over the San Joaquin River. Although the Silveiras have been verbally promised that an entrance to their property will be allowed from Gold Rush Boulevard, this needs to be confirmed and clearly shown on the Precise Plan Line before the Precise Plan Line is adopted.

T-9

I will be present at the scheduled Public Hearings to answer any questions you may have. In the meantime, you may contact me by telephone or by mail.

Thank you for your consideration.

Very truly yours,



Charles E. Steidtmann

cc: J.W. Silveira Company  
Howard Seligman, Esq.  
Leal Charonnat



- T-1 The comment does not raise any environmental issues. No further response is required.
- T-2 As indicated on page 3-5 of the DEIR, the Mossdale Landing project is based upon the Mossdale Village Concept Plan as set forth in the West Lathrop Specific Plan (WLSP), and City staff have deemed it to be consistent with the goals, land use designations, zoning, and UDC requirements of the Plan. This is demonstrated in Table 8-1 on page 8-2 of the DEIR which compares the zoning under the WLSP and the Mossdale Landing project. As indicated, the acreages of each land use type permitted under these two plans (i.e., single family residential, medium family residential, public, village commercial, service commercial, major streets) are roughly equivalent. The proposed project represents the residential/commercial “village” development envisioned for the project site under the WLSP. No General Plan Amendment or Zone Change is required.

The commercial “village” component of Mossdale Village will not be greatly reduced, and will not include strip malls and big box retailers. As indicated in Table 8-1 on page 8-2 of the DEIR, the WLSP and the Mossdale Landing project provide an equivalent amount of commercial uses: 11.0 acres of Village Commercial and 18.6 acres of Service commercial under the WLSP; 12.9 acres of Village Commercial and 18.5 acres of Service Commercial under Mossdale Landing. As indicated on page 3-10 of the DEIR, Village Commercial uses under the proposed project would include a pedestrian-oriented mixed use activity area with retail sales, service retail, restaurants, office, and high density residential where residents and visitors would shop, eat, work, and live, while Service Commercial uses would include both Village Commercial type uses and regional-oriented sales and services. These definitions are consistent with those identified in the WLSP. Per the above two paragraphs, the project does not represent a change in the nature or extent of development planned for the area by the WLSP.

The commenter is correct that the City is in the process of evaluating a proposal to revise the WLSP to allow residential/commercial mixed use development on the Stewart Tract instead of theme park uses. However, that project (Califia/River Islands) is a separate project under CEQA for which the City is preparing a separate EIR, and is not part of the Mossdale Landing project.

- T-3 Gold Rush Boulevard, as proposed, is consistent with the roadway called for in the WLSP (see page 3-11 of the DEIR) and is required to serve both the Mossdale Landing project and future development on the Stewart Tract (regardless of whether said development is Gold Rush City or Califia/River Islands). While overall trip generation for River Islands may be less than Gold Rush City: (1) River Islands is not currently the approved land use plan for Stewart Tract, Gold Rush City is; and (2) based on the DEIR for River Islands (City of Lathrop, October 2002), this same roadway would be needed if River Islands is approved. Thus, the DEIR evaluates the potential environmental effects of the Gold Rush Boulevard Precise Plan Line as proposed (see Chapter 3 and Appendix K of the DEIR). Finally, this comment provides no substantial evidence to suggest the roadway is incorrectly sized, or should be in a different location, and why this is the case. Therefore, consideration of alternatives has no basis.

*continued ...*

Concerning the effect Gold Rush Boulevard may have to the “village atmosphere” of the Mossdale Landing project, the proposed alignment of this roadway is consistent with that planned in the WLSP (Figures III-4, IV-2, IV-3, etc.). As indicated, it has always planned in the WLSP that Gold Rush Boulevard would separate planned residential neighborhoods as it would with Mossdale Landing, and elimination or a reduction in size of this needed roadway now would be inconsistent with the WLSP.

Concerning the extension of Gold Rush Boulevard over the San Joaquin River, such a crossing is not proposed as part of the Mossdale Landing project. The potential effects of such a crossing was evaluated, at a programmatic-level, in the WLSP EIR and is being evaluated, at a project-level, in the EIR currently being prepared for Califia/River Islands. Note, however, that as required by CEQA, the potential growth inducing impacts of the proposed project, including the extension of infrastructure such as roads, is included in Chapter 6 of the Mossdale Landing DEIR. Furthermore, per §15126.6(f) of the State CEQA Guidelines, the Mossdale Landing DEIR is not the appropriate document to evaluate alternatives to extending Gold Rush Boulevard across the SJR (i.e., need only evaluate alternatives that would lessen the impacts of the proposed project, and reasonable range of alternatives already evaluated in the context of the tiering EIR - WLSP EIR).

T-4 The commenter’s interpretation of WLSP Objective 5A is not entirely accurate. Objective 5A does not call for “allowing existing agriculture uses to continue” at the expense of urban development. Rather, it calls for “arranging phases of development to allow on-going agricultural operations in the plan area to continue as long as feasible” with the intent of avoiding leap-frog development. The development of Mossdale Landing is a logical westerly progression of development in the City of Lathrop in that it lies on the east side of the SJR, the site already enjoys roadway access via I-5, Louise Avenue, and Manthey Road, and the development will “hug” Golden Valley Parkway as encouraged in the objective. Hence, Mossdale Landing is not inconsistent with this objective. Furthermore, because the proposed project will continue farming operations on undeveloped portions of the project site up through interim project conditions (2007) as a way to dispose of recycled water, it will allow existing agricultural uses to continue on the project site as long as is feasible.

With regard to the project’s potential to interfere with existing adjacent agricultural operations, see Response E-1. As indicated, enforcement of the City’s right-to-farm ordinance would ensure that existing adjacent agricultural operations will be permitted to continue, will not be substantially hampered, and will not otherwise be substantially adversely affected by development of the proposed project.

With regard to the agriculture/suburban interface buffer mitigation identified on page v-2 of the WLSP EIR requiring a 50-100 yard buffer with two fences between urban development and adjacent farmland, it is acknowledged that the project does not incorporate this mitigation measure. However, as indicated in the WLSP Community Design chapter, page v-2, “Given the long time frame for West Lathrop buildout, it is understood that these concepts will likely be amended from time to time based on innovation or the changing context of development.” In the current instance, the buffer is economically infeasible (see discussion below). As noted in the previous paragraph and in Response

E-1, the project as proposed without the buffer but with one row of fencing would not interfere with existing adjacent agricultural operations (on the Silveira property or elsewhere).

Economic Infeasibility of WLSP EIR 50-150 Yard Setback Mitigation

The 50-150 yard mitigation measure is economically infeasible. Provision of a 50 yard setback would result in a loss to the project of 301 lots while provision of a 100 yard setback would result in a loss of 582 lots. The 50-yard setback would result 19% of the total lots lost, while the 100 yard setback would result in a substantial additional loss. The fiscal analysis completed for the project, which is on file at the City of Lathrop Community Development Department, indicates that the project is fiscally neutral. Therefore, any loss of lots would result in a fiscal deficit to the project, thus requiring the applicant to pass on the greater cost of each home. This would result in housing costs that exceed the amount buyers would be willing to pay given current housing prices in the region.

Concerning the implications of the lack of the 50-100 yard buffer to both the continued application of agricultural chemical sprays (pesticides, herbicides, fertilizers, etc.) on existing adjacent farmland and impacts to project residents, as indicated in Response E-1, such chemical sprays are highly regulated. Strict application criteria are identified by the manufacture and enforced by federal, state and local agencies for such chemicals. These criteria identify when, where, how much, and under what conditions each chemical may be applied, including specific criteria of how close to residential uses application may occur. The proposed project may place some limitations on the ability of adjacent farming operations to utilize agricultural chemicals directly adjacent to the project site to the same degree as presently takes place. However, limiting the use of agricultural chemicals in farm operations does not equate to elimination of the ability to farm directly adjacent to the project site, nor does it represent a significant environmental effect under CEQA (i.e., conversion of agriculture to a non-agricultural use - Appendix G, Item II of the State CEQA Guidelines). Furthermore, the City's right-to-farm ordinance will ensure that farming is permitted to continue in adjacent areas. At the same time, application of the chemicals consistent with the manufacturer-identified application criteria would avoid significant health hazards to area residents.

With regard to the implications of the lack of the 50-100 yard buffer in terms nuisance/trespass impacts to the adjacent farming operations, the lack of such a buffer does not automatically equate to significant trespass and safety impacts. The proposed project would include neighborhood fences, temporary neighborhood fences, metal rail fences, community walls, or masonry walls between the proposed project and adjacent farmland (Exhibit 3-10 on page 3-23 of the DEIR). These barriers would be at least six feet in height and would effectively (as a wide buffer) block project residents from gaining access onto adjacent farmland. Hence, less than significant trespass and safety risks would occur. The commenter's contention that barriers are proposed only where proposed residences front the Silveira property is incorrect. As indicated in Exhibit 3-10, the combination of metal rail fences, community walls, and temporary neighborhood fences are proposed along the whole of the project site's interface with the Silveira property. It should be noted that there is no evidence suggesting a 50-100 yard buffer is any better at avoiding most of the referenced conflicts (particularly trespassing) than the project as proposed. This particularly holds true when considering



that, as now designed, trespassers would generally need to access adjacent agricultural areas by going through a residence's back yard and over a fence.<sup>9</sup>

Concerning the implications of the lack of the 50-100 yard buffer to dust impacts on proposed new residential development, the City's right to farm ordinance addresses this as well. Section 15.48.040 of the ordinance requires that the disclosure statements for new residential dwelling proposed adjacent to existing agricultural operations include a notification that said dwelling may be subject to adverse effects from said agricultural operations, including but not limited to "...dust, smoke, noise, odor, ...", and that it may be necessary for residents of said dwellings to "... accept such inconveniences or discomfort as normal and necessary aspects of living in an agricultural region." Hence, a less than significant impact would occur to agriculture.

T-5 The project's drainage impacts on the Silveira property and other adjacent properties were adequately evaluated in the DEIR as discussed below. No further analysis is required.

As indicated on pages 4.1-4 through 4.1-6 of the DEIR, a drainage plan (Appendix D of the DEIR) is proposed as the Mossdale Landing project. The drainage plan has been designed with two primary objectives: (1) safely divert all on-site stormwater runoff generated on the project site into a proposed storm drain system with eventual discharge to the San Joaquin River; and (2) develop the proposed drainage improvements such that they can serve as a basis of a drainage system serving the whole of the Mossdale Village area (3 on-site sub-sheds and 3 off-site sub-sheds). The proposed drainage plan was evaluated under Impact 4.1-b, and it was found that the drainage plan would convey stormwater runoff through and off the project site without resulting in on- or off-site flooding. As indicated on page 4.1-11 of the DEIR, no mitigation is required. Any stormwater runoff generated on the project site that may currently drain to the Silveira property would be eliminated, thus resulting in a beneficial impact to drainage conditions on said adjacent property. Furthermore, the proposed storm drain system will be designed for easy expansion of drainage service to areas outside the project site, including the Silveira property, once again representing a beneficial impact to drainage conditions on the Silveira property.

With regard to any existing drainage facilities which are currently shared by the Mossdale Landing and Silveira properties, PUH will work with Silveira and/or its representatives to realign drainage ditches, as required, during project construction. With regard specifically to the referenced existing pump, this pump will not be effected as it is to remain in an "open space" area.

T-6 Adoption of the proposed Gold Rush Boulevard Precise Plan Line (PPL) would have a less than significant impact on Silveira farming operations as discussed below.

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<sup>9</sup> See Can City and Farm Coexist? The Agricultural Buffer Experience in California, Great Valley Center, March, 2002. This document suggests that geographic buffers may not be as effective as perceived, and installed barriers may be highly effective in some instances. Importantly, the document suggests there is no clear advantage to geographic versus installed buffers.

When built, Gold Rush Boulevard would increase in elevation from surface grade to top of levee grade as it approaches the east levee of the San Joaquin River in order to go over the levee. This would provide adequate clearance under the road for the movement of farming equipment from the Silveira barns to the Silveira fields, and visa-versa. Therefore, a less than significant impact would occur to Silveira’s existing farming operations.

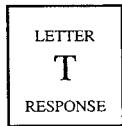
As indicated on pages 4.12-9 and 4.12-10 of the DEIR, the northern barn and northern shed within the Silveira property are located within the proposed Gold Rush Boulevard PPL. As indicated, these structures would require removal in order to make way for the eventual construction of Gold Rush Boulevard. If these two structures are currently connected to Silvera’s existing well and septic systems and were to be relocated, they could either be reconnected to said systems or connect to the City’s municipal water and sewer systems, when available. The River Islands project applicant will pay for any required relocations of buildings and utility lines necessitated by the development of Gold Rush Boulevard across the Silveira property at the time development of said roadway segment is to occur (not part of the Mossdale Landing project).

With regard to the irrigation pumps, PUH will work with Silveira and/or its representatives to relocate any pumps that may be displaced associated with the Gold Rush Boulevard PPL.

Per the above, no mitigation and no realignment of the proposed PPL is required.

T-7 There is a potential that Silveira farm machinery and truck traffic through the planned Mossdale Landing residential neighborhood could occur. However, this traffic would not have significant environmental effects (i.e., traffic, air emissions, noise, etc.) for several reasons. First, it is anticipated that the movement of farm-related heavy vehicle traffic associated with Silveira farming operations would be infrequent and thus would not cause congestion impacts on area roads and intersections and/or significant noise impacts. Second, the City has a right-to-farm ordinance (§15.48 of the City Code) which permits, among other things, “...any commercial agricultural practices performed as incident to or in conjunction with such operations, including preparation for market, delivery to storage or to market, or to carriers for transportation to market.” Third, the right-to-farm ordinance requires that the sales documents for residences proposed adjacent to existing farming operations include a public disclosure that inconveniences or discomfort may occur arising from existing adjacent farming operations, such as traffic, air emissions, and noise, which must be accepted as normal and necessary aspects of living in an agriculturally active region.

T-8 The easement is proposed to remain in-place. Paved access is proposed to be provided via new streets. The DEIR evaluates the Mossdale Landing project as described in Chapter 3 of the DEIR. If the referenced easement cannot be acquired for the proposed project: (1) plans for that portion of the proposed project affected would need to be revised; and (2) the revisions could potentially need to undergo additional CEQA review if (if it is determined by the City that said revisions would result in potentially significant environmental effects not already evaluated in the Mossdale Landing DEIR and/or the WLSP EIR). However, because the project proposal remains as stated in the DEIR, no new analysis is needed at this time and such analysis would be speculative.



*continued ...*

T-9 Concerning the request for written confirmation that the Silveira property will have access to Gold Rush Boulevard, provision of access in matters of right-of-way (ROW) dedications is a requirement of State law. Access rights will be documented in writing as part of the dedication agreement between Silveira and the City for the Gold Rush Boulevard ROW across the Silveira property. Because the development of this segment of Gold Rush Boulevard will occur in the context of the River Islands (RI) project, rather than under the Mossdale Landing project, access rights will be documented in writing as part of the dedication agreement between Silveira and the City when RI is ready to construct the segment of Gold Rush Boulevard in question.

Concerning the feasibility of access from the Silveira property to Gold Rush Boulevard, an access point from the Silveira property to Gold Rush Boulevard will be provided, and said roadway will be engineered to provide the referenced access. Gold Rush Boulevard will be near enough to surface grade at the western boundary of the Silveira property to allow for feasible access.



DEPARTMENT OF THE ARMY  
 U.S. ARMY ENGINEER DISTRICT, SACRAMENTO  
 CORPS OF ENGINEERS  
 1325 J STREET  
 SACRAMENTO, CALIFORNIA 95814-2922



REPLY TO  
 ATTENTION OF

Engineering Division

*October 21, 2002*

Ms. Deanna Walsh, Principal Planner  
 City of Lathrop  
 Community Development Department  
 16775 Howland Road  
 Lathrop, CA 95330

Dear Ms. Walsh:

At your request, the Sacramento District, U.S. Army Corps of Engineers (Corps) has reviewed the Draft Environmental Impact Report (EIR) for the Mossdale Landing Urban Design Concept, Volume I, dated August 29, 2002. We appreciate the opportunity to review this document and provide comment. Our concerns are with the geotechnical condition of the existing levees (including foundation material), accessibility to the landside of the levees during flood events, and the risk of flooding. Specific comments are as follows.

U-1

1. Page 4.1-2 of the draft EIR states, "No improvement of the levees is required." Page 4.1-9, Impact 4.1-c, of the draft EIR states, "The proposed project would not expose people or structures to significant risk of flooding as a result of the failure of a levee, because the east levee of the San Joaquin River has been constructed consistent with all applicable requirements, has been improved by RD 17 and the U.S. Army Corps of Engineers (USACE), consistent with the latest levee design and construction practices."

U-2

Levee work done under PL 84-99 after the 1997 flood was to restore problem areas to as-built conditions and not to address other potential problems for the entire RD 17 reach and was not an improvement of the levees.

There is concern over geotechnical issues regarding deep under seepage, which should be considered in levee evaluation. The levees may overlie abandoned oxbows and deep gravel and sand layers which could require cutoff walls, setback levees, or seepage berms, which might extend 200 to 400 feet off the landside toe of the levee. Due to the historic under seepage and boil problems, water could flow under the levees through the ground and exit 200 to 300 feet from the landside levee and berm toes.

U-3

Due to seepage concerns, structures should be located no closer than 300 to 400 feet from the landside levee and berm toes, or the structures should be on raised pads to avoid potential seepage damage. Preservation of adequate open space on the landside of levees to ensure flood fight access to levees during flood events and to reduce seepage impacts

1 conditions in the project in a sense, and so we would be  
2 attempting to do it if that's the way it was approved.

PC-28  
Cont'd

3 VICE CHAIR QUINLY: Okay. Utilities is just my  
4 same comment. I think it's hard to know until everything  
5 is approved so that we do know what we're looking at.

PC-29

6 And I think that Mr. Jakobs already addressed the  
7 recycled water, the disposal capacity, and what happens  
8 if we don't ever get to the second phase, if we don't  
9 find another place for the recycled water to go.

10 MR. COLEMAN: They -- oh, I'm sorry. We're not  
11 really answering these. Excuse me.

PC-30

12 VICE CHAIR QUINLY: Right. I know.

13 MR. COLEMAN: I was going to try.

14 MS. WALSH: He already did answer it to her  
15 satisfaction.

16 VICE CHAIR QUINLY: Right. I think that's okay.  
17 And emergency services, as long as the police and fire  
18 are happy and they agree with the response times.

PC-31

19 And on 2-39, this is on the school services.  
20 Again, it's mitigation and whether they're really  
21 enforceable, which is the second bullet, "Where a  
22 residential project is large enough to generate the need  
23 for an entire school facility, school construction should  
24 match the phasing of residential construction." So  
25 again, I just wonder whether that's really enforceable or

PC-32

33

1 not. And yes, we can always buy out, but when there's  
2 2500 kids over there and there's no schools, it still  
3 makes it a little difficult.

4 MR. COLEMAN: Maybe just by way of background --  
5 I'm not going to respond to this question because I know  
6 that's not the forum, but the obligation, of course, is  
7 for the City to collect the fees. And that's really the  
8 only thing we can require. And what we're obviously  
9 intending to do is we're encouraging the establishment of  
10 mitigation agreement between the school district and the  
11 developer, and we certainly hope that will be completed  
12 at the time we come back with the project. But we can't  
13 require that that occur. I don't know if the city  
14 attorney has any --

15 MS. BURNS COCHRAN: I'm not disagreeing with  
16 you, Bruce. In fact, state law constrains us and  
17 essentially says that all you can do is to condition the  
18 project and you can't deny a project on CEQA grounds.  
19 You don't do anything more than that.

20 VICE CHAIR QUINLY: I understand that. That's  
21 just my comment.

22 MS. BURNS COCHRAN: So it puts us -- we're  
23 between the rock and the hard place between the BIA who  
24 put forth this bill and the school and looking for the  
25 City to fix the problem with the state legislature. And

34

PC-32  
Cont'd

1 we can't.

2 VICE CHAIR QUINLY: Terrestrial biology. Who's  
3 going to be performing the preconstruction surveys? I  
4 know that the biologists have already been out, but who  
5 would be performing those? Is it going to be the same,  
6 the M & A?

7 MR. JAKOBS: The San Joaquin Multi-Species  
8 Conservation Plan has an actual project in place that  
9 requires that the San Joaquin Council of Government  
10 actually provides the biologists who will conduct the  
11 reconstruction surveys.

PC-33

12 VICE CHAIR QUINLY: Okay. Okay. And 4.5-C, it  
13 talks about a qualified biologist in the mitigations.  
14 Now who would be doing those? Again, this is  
15 preconstruction surveys. I guess that's going to be the  
16 same. And you actually did a very good job on the  
17 biology section. I had our biologist look at it.

18 MR. JAKOBS: I'll bet our biologist know.

19 VICE CHAIR QUINLY: On 2-47 on 4.10, the  
20 terrestrial biology, one of the mitigation measures talks  
21 about if a tree is removed -- I think it's a one to  
22 three -- you will replace them with three one-gallon  
23 pots. One gallon pot, that's not really much of a tree.  
24 Just a comment.

PC-34

25 And also 2-48 on the fisheries, it talks about a

35

PC-35

1 flat gate shall be installed on each outgoing pipe. I  
2 just don't know what that is. I guess it's just so the  
3 fish don't try to get up.

4 MS. WALSH: Right. That's what it's for.

5 MR. JAKOBS: When the water hits it, it goes  
6 out. Otherwise, it's closed.

7 VICE CHAIR QUINLY: Also on 2-49 still on the  
8 fisheries, one of the -- on the second one from the  
9 bottom, the mitigation is reconstruction activity within  
10 the river side of the levee. I guess I didn't see where  
11 we were doing a lot of construction within the river  
12 side.

13 MR. COLEMAN: I think that's probably -- I think  
14 that refers to the outfall.

15 MS. WALSH: It does.

16 MR. COLEMAN: Yeah.

17 VICE CHAIR QUINLY: Okay. Cultural resources.  
18 That actually looked really good too. Cumulative  
19 impacts. On 2-56, again, I guess this is still the  
20 uncertainties on the Lathrop Water, Wastewater, and  
21 Recycled Water Master Plan. Now we're calling it  
22 adopted; before we're saying proposed. So there's just a  
23 few places that I'm not quite sure.

24 MS. WALSH: The water, recycled water master  
25 plan was adopted last year.

PC-35  
Cont'd

PC-36

PC-37



1 VICE CHAIR QUINLY: Okay.

2 MR. COLEMAN: I think we just need to check  
3 through the document and make sure anyplace that's  
4 referenced, that it is in fact an adopted document.

5 VICE CHAIR QUINLY: They can just say proposed  
6 or approved for each one. Because it is hard to remember  
7 who all --

8 MS. WALSH: Who's on first.

9 VICE CHAIR QUINLY: Who's on first and where  
10 it's at in the process. Also on 2-57, this is 5.3-B, the  
11 last paragraph, the last sentence, actually, in that  
12 section. We're talking again about water and the master  
13 plan requires the City of Lathrop to provide municipal  
14 water to any uses within the City limits. Currently are  
15 we not relying on well water should closure of said wells  
16 be required? I think this just was one of my comments  
17 when it had to do -- we were talking about the wells and  
18 the uncertainty again of SSJID. Where is all this water  
19 going to come from?

20 5.3.H. This is on page 2-62. I just wanted to  
21 see if I could get a copy of the water supply assessment  
22 for SSJID that was prepared for this project.

23 MS. WALSH: That is available in your technical  
24 appendices.

25 VICE CHAIR QUINLY: In this one?

PC-37  
Cont'd

PC-38

1 MR. COLEMAN: It -- you should have that whole  
2 package.

3 MS. WALSH: It's in number II. It's the second  
4 volume, Volume II. It's a little bit thicker than the  
5 actual EIR itself, and it's actually available there.

6 VICE CHAIR QUINLY: Okay.

7 MS. BURNS COCHRAN: And as the City as a whole,  
8 it's in the 610 report.

9 VICE CHAIR QUINLY: Okay. Also on -- let's see.  
10 This is on page 3-10, the high school discussion in the  
11 West Lathrop Specific Plan and the school wanting it in a  
12 different area. And then also when I looked in the draft  
13 that we approved in '96, we said that we were going to  
14 have Mello Roos. Is that going to happen? So that would  
15 be a question to find out, if we're going to have Mello  
16 Roos in all of these new areas.

17 And I think this kind of touches on Diane's  
18 comments about the traffic and the -- and that's on page  
19 3-12. And my only comment there or question would be on  
20 the right of ways, that we don't have fronting on any of  
21 the arterial collectors or the main streets.

22 MR. COLEMAN: Your question is that there not be  
23 fronting?

24 VICE CHAIR QUINLY: Right.

25 MR. COLEMAN: Okay.

38

PC-38  
Cont'd

PC-39

PC-40

1 VICE CHAIR QUINLY: And a general statement on  
2 the cumulative. When we have a discussion of the other  
3 projects, certainly West Lathrop Specific Plan is over  
4 1,000 acres; Mossdale, 477; River Island, 5700;  
5 Riverwalk, 523. That's over 8,000 acres that we're  
6 trying to put homes on. And it's more than a cumulative  
7 impact when we get up to those numbers. That's something  
8 that's hard to see when we put all these projects  
9 together. And those also -- that doesn't include Lathrop  
10 Station or the South Lathrop Specific Plan. So Lathrop  
11 is growing, and I'm glad that it is, but the comment is  
12 8,000 acres is quite a few to pave over.

13 On 7 -- let's see. 7-2, farmland conversion.  
14 There was a comment saying it's still prime farmland. I  
15 thought that we had had a discussion when we were looking  
16 at the first draft for the whole Lathrop Specific Plan  
17 that one of the arguments was that it was not prime  
18 farmland. So that would be my question. Is it still  
19 designated as prime farmland or not? And that's on page  
20 7-2.

21 MR. COLEMAN: Let me just clarify. You mean the  
22 West Lathrop Specific Plan says it's nonprime or was it  
23 discussion as the item was presented to you a few years  
24 ago?

25 VICE CHAIR QUINLY: It was as presented is the

39

PC-41

PC-42

1 way I remember it. But now here I'm looking on 7-2, and  
2 it's calling it prime farmland or farmland of state-wide  
3 importance.

4 MR. JAKOBS: Right. There's two different  
5 designations that are considered. One is farmland of  
6 state-wide importance and the other one is prime. Prior  
7 to that it was considered important, but does not change  
8 the quality of land that was listed in the West Lathrop  
9 Specific Plan. We're not correcting that.

10 VICE CHAIR QUINLY: It just runs with my prior  
11 comment of 8,000 acres and that's still prime farmland or  
12 farmland of state-wide importance. On -- I'm almost  
13 done, Ben.

14 COMMISSIONER GATTO: That's all right. Go for  
15 it.

16 VICE CHAIR QUINLY: On 8 point -- I think it's  
17 8.3. This is on the alternatives, one of the  
18 alternatives which is 8.2.4, the agricultural urban  
19 interface buffer. I actually thought that that was  
20 probably -- well, as far as the developer, I guess I  
21 would say it was a weak self-serving argument.

22 And then there's also a statement in there  
23 that's saying that the development of a row which is --  
24 the explanation is why we don't want to put this urban  
25 buffer in, and it's saying because if we develop a row of  
40

PC-42  
Cont'd

PC-43

PC-44

1 one-story homes along the periphery of the project, it  
2 would be economical and feasible by limiting the  
3 properties and would be aesthetic as it would create a  
4 monotonous line of single-story homes. So I would take  
5 that to be a promise by the developer that it will not be  
6 a monotonous-based track homes. So we'll just see. And  
7 I know what we've been promised or shown.

8 MR. JAKOBS: As a comment on that, we're not  
9 looking at what the developer is or is not promising.  
10 We're just looking at what would -- what --

11 VICE CHAIR QUINLY: I understand.

12 MR. JAKOBS: We're just doing an alternative  
13 analysis.

14 VICE CHAIR QUINLY: I understand. And the  
15 comment also on -- this is on 8-17, the other  
16 alternative, the environment constraints alternative. I  
17 guess I would have questions on when it gets to the  
18 bullets -- this is on page 8-17, the elimination of the  
19 village commercial uses and the reduction of the service  
20 uses. Just because it's environmentally constrained to  
21 increase the density of the area, why would we want to  
22 eliminate the village commercial and just put in houses  
23 only?

24 And I don't even know. That's probably more of  
25 a comment than if you want to respond to. But I do like

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PC-44  
Cont'd

PC-45

1 the last statement of that part, which is on 8-18.

2 "Environmental constraint alternatives would meet all the  
3 project objectives so it still meets the project although  
4 to a lesser degree than would the proposed project as  
5 development would not occur with the density called for."  
6 And there's nothing wrong with using -- decreasing the  
7 density or the less intensity of this project.

8 There's also a comment, and I'm not sure -- or  
9 not a comment, but a statement in here saying that it  
10 would be inconsistent with the West Lathrop Specific Plan  
11 if we did increase the density to have a lower level of  
12 development. And I don't know if that's necessarily true  
13 or not.

14 MS. WALSH: Yes. The West -- this project is  
15 built consistent absolutely with West Lathrop Specific  
16 Plan as to density and intensity and land uses. It is  
17 not off in the least little bit. That's why it makes  
18 that statement.

19 VICE CHAIR QUINLY: But if we were to have less  
20 intense development, it wouldn't necessarily call up a  
21 new EIR. We wouldn't have -- less impact is still better  
22 than more.

23 MS. WALSH: It doesn't make the project --  
24 economically that's --

25 VICE CHAIR QUINLY: My statement on that is

42

PC-45  
Cont'd

PC-46

1 that's my preferred alternative. I guess that's just  
2 what I need to say.

3 MS. WALSH: That's fine.

4 MR. COLEMAN: I think that's your comment, and  
5 that should be part of the record.

6 VICE CHAIR QUINLY: Intensity and density does  
7 not make it inconsistent.

8 MR. COLEMAN: Right. I understand.

9 VICE CHAIR QUINLY: And that's all I have.

10 CHAIRMAN DRESSER: Okay. Thank you. Mr. Gatto.

11 COMMISSIONER GATTO: That's why I wanted Crystal  
12 to go first because she's addressed a lot of my concerns  
13 already. Which I apologize. I grabbed the wrong book.  
14 That's why I was doing so much thumbing through here.  
15 All my notes were for the other book. But on the bicycle  
16 -- I had one on the bicycle on page -- I guess it's  
17 4.5-J. Yeah, 4.5. The mitigation says that the project  
18 applicant shall provide bike lanes along North 40 Avenue.  
19 Where is North 40 Avenue on that map? I don't recall.

20 MR. COLEMAN: Deanna, do you want to try to  
21 point that out?

22 MS. WALSH: Well, the street names haven't all  
23 been named, but the bi -- repeat where it says. The  
24 bicycle lane on 40 North?

25 COMMISSIONER GATTO: North 40 Avenue and

43

PC-46  
Cont'd

PC-47

1 Mossdale Boulevard.

2 MS. WALSH: Yeah, Mossdale Boulevard is one.  
3 All along the linear park is another area that they're  
4 providing a bike lane. And in the bicycle plan it shows  
5 where the bicycle plans -- in the map of the bicycle  
6 plans, it shows you the streets where the bicycle lanes  
7 are.

8 COMMISSIONER GATTO: Okay. There's none on the  
9 major thoroughfares though.

10 MS. WALSH: No. The Golden Valley Parkway and  
11 the Golden Boulevard, it was determined that it was not a  
12 safe area to have bike lanes.

13 COMMISSIONER GATTO: Right. Right. That is  
14 what I was concerned about because I couldn't find North  
15 40 Avenue.

16 UNIDENTIFIED SPEAKER: This is the North 40 back  
17 here.

18 MR. COLEMAN: North 40 is an east/west -- I  
19 think it's a collector. If you look at your map 3-6, if  
20 you see the Terry school, it's the street just north of  
21 Terry school. It's an east/west street.

22 COMMISSIONER GATTO: Okay.

23 MR. COLEMAN: Okay. I was trying to see if it  
24 was named on these maps, but it doesn't seem to be.

25 MS. BURNS COCHRAN: It's named on the T map.

44

PC-47  
Cont'd



1 MR. COLEMAN: That's right.

2 COMMISSIONER GATTO: On 4.5-K, the traffic  
3 provisions for public transit. I think all of you know  
4 that I've been to the Council many times addressing  
5 transit buses in residential areas. I think that's  
6 something we really need to look at in this area here. I  
7 don't -- you know, we're talking on Fifth Street where I  
8 live where the buses -- and Diane also lives there -- you  
9 know, we can't slow them down. They're speeding and, you  
10 know, right next to the school. And I'm very concerned  
11 about that, you know.

PC-48

12 If -- I think the City needs to get on top of  
13 this, you know, right away before something we do gets --  
14 they say, well, yeah, we want a transit bus out there.  
15 That's fine and dandy, but put it in an area where it's  
16 not going to go down a residential street or in front of  
17 a school like we have over here. I've always advocated  
18 that hopefully some day we can get it off of that  
19 residential street.

20 4.1-C. I think Crystal addressed that one, but  
21 I had a comment on that as far as -- I think it was on  
22 the flooding. 4.1-C. No mitigation measures are  
23 necessary. What I wanted to address on that was that  
24 your impact does state pretty thoroughly what's being  
25 done, what has been done, but I don't know if you, Mr.

PC-49

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1 Jakobs, if you have researched, but we just got assessed  
2 -- and myself also because I don't know why, but I'm  
3 included in RD-17. But a -- I believe it's a ten-year  
4 fee that we have to pay for improvements to the levee  
5 system. Okay? The levee system was improved when Weston  
6 Ranch was built, but there is also from the floods of  
7 1997, RD-17 came back and identified pockets of seepage,  
8 you know, that -- so they assessed every property owner  
9 in that RD-17 to come up -- I think it was about \$10  
10 million to address all these seepage holes.

11 So that -- that probably should be put in there,  
12 you know, to assure that the levee system is still, you  
13 know, adequate. And it is also being upgraded, you know.  
14 I still wonder myself how I got included in RD-17, but  
15 that's all right. I'll help pay for it. I'll plug in a  
16 levee.

17 I think that's all I have right now, Mr. Chair.  
18 I may want to come back.

19 CHAIRMAN DRESSER: Okay.

20 COMMISSIONER GATTO: I know in my -- like I say,  
21 my book I left at home, I had all my notes in that.  
22 These notes I had here was all on the UDC.

23 CHAIRMAN DRESSER: Okay. Thank you. All right.  
24 My first item is the surface water -- no. That was  
25 covered. It's 4.3-B. It says, "Recycled water will be

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PC-49  
Cont'd

PC-50

1 disinfecting tertiary treated to Title 22 standard." Our  
2 wastewater recycle plants, now are they treating to  
3 tertiary levels?

4 MS. WALSH: No.

5 CHAIRMAN DRESSER: So what the plan is when this  
6 gets on-line, then all the recycled water is going to be  
7 taken to that level; those pipes will be up to that  
8 standard? What is the linchpin? Okay. How does  
9 development progress while that other thing is underway  
10 to bring it up to that level?

11 MR. COLEMAN: Well, basically, development can  
12 only occur once, you know, once there are facilities,  
13 once there is infrastructure for development to occur.  
14 It's one thing to certify an environmental document and  
15 to even approve a track map, but there have to be  
16 extensive conditions in that that have trigger points.  
17 So that -- so that only when there's sewer, only when  
18 there's water facilities can the first houses and  
19 development occur. And those are going to be necessarily  
20 included as conditions of approval in this kind of  
21 project.

22 CHAIRMAN DRESSER: And I guess that's kind of  
23 back to Commissioner Quinly and Commissioner Lazard. We  
24 have plans for water and recycled water and sewer master  
25 plans that aren't fully developed out so we can document

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PC-50  
Cont'd

1 that. I just want to make sure. The point is that we're  
2 asking for something that's not there yet.

3 MR. COLEMAN: That's correct.

4 CHAIRMAN DRESSER: 4.5-B traffic, degradation  
5 service. Just over in the mitigation it says, "Louise  
6 Avenue and Mathey Road provides civilization when  
7 warranted."

8 MR. COLEMAN: I'm sorry. What letter was that?

9 CHAIRMAN DRESSER: 4.5-B. I mean because we  
10 spoke -- through the whole EIR they talk about traffic  
11 and everything, the buildup of traffic, and there's  
12 issues now occurring there. I'm just concerned that what  
13 is the trigger.

14 MR. JAKOBS: Let me just provide a little  
15 clarification that might help in looking at this.  
16 Traffic engineers conduct what is called signal warrants.  
17 It's a process, and they look at, I think, it's 11  
18 different factors. And if certain of those factors are  
19 met, they'll hold what is called a meeting of warrant  
20 which is what this really suggests.

21 One of the very important issues that the City  
22 has in front of it with this particular project and with  
23 other projects that the City is going to be looking at is  
24 a traffic monitoring fee program and how that will be  
25 implemented and your comfort zone with that. It will not

48

PC-50  
Cont'd

PC-51

1 only apply to this project but a host of other projects  
2 that are going to be in front of you.

3 And while we're just presenting this EIR  
4 tonight, I would just encourage that the City really does  
5 take a strong look at the fee program, the monitoring  
6 program and make sure that they are comfortable with it  
7 because it will help to dictate how traffic improvements  
8 do occur in the future if you do approve these  
9 development projects, how the traffic improvements will  
10 occur, how they're timed to occur, what kind of phasing  
11 they will occur in, and how often they will be monitored.

12 We've tried to put a pretty aggressive  
13 monitoring program in this document that requires  
14 frequent checks on the traffic system. It's very  
15 difficult, and I know you're not looking for a long  
16 discussion here, but it's relevant. It's very difficult  
17 in looking out at projects that are going to occur over  
18 the next five to ten years and state precisely when  
19 you're going to need to improve a certain roadway, yet  
20 you want those roadways approved at the right time.

21 So we're trying to match those needs and the  
22 timing of those needs with the ultimate improvement with  
23 the funds that you're also going to be receiving to  
24 provide those improvements. And then how they mesh is  
25 obviously very important too.

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PC-51  
Cont'd

1 MR. COLEMAN: And one of the concepts of this  
2 monitoring program is it's really performance based  
3 because it's clearly -- it's really unclear what's going  
4 to be built first, what's going to be built, in essence.  
5 Is the River Islands project going to be approved? You  
6 know, when are they going to actually create traffic?  
7 The same thing with Lathrop Station. Same thing with  
8 this project. Same thing with commercial development on  
9 the west side of the freeway. So some of that can't be  
10 determined at this point so, therefore, we have to have  
11 enough flexibility in the conditions of approval so at  
12 such time there is approval, there's a mechanism to treat  
13 those improvements.

PC-51  
Cont'd

14 CHAIRMAN DRESSER: Well, what concerns me is  
15 when you look at Golden Rush Boulevard coming out then  
16 back over to the freeway and then the development, Golden  
17 Valley Parkway, there is obviously going to be an impact  
18 to traffic. And I just want to make sure that that's  
19 addressed.

PC-52

20 COMMISSIONER CAMARA: You also have a fire  
21 station there.

PC-53

22 CHAIRMAN DRESSER: And I think you already spoke  
23 to air quality, the significant but unavoidable  
24 mitigation. Did you address that, 4.6-C? I think  
25 Commissioner Quinly might have brought that up.

PC-54

1 VICE CHAIR QUINLY: I had asked whether they  
2 were required or just recommendations for the mitigation.

3 CHAIRMAN DRESSER: Okay. There was a section in  
4 here about notification to residents, and that's a big  
5 concern for me, one of them. There are two or three lots  
6 that are earmarked, I think, as being noisier than the  
7 rest. And I know in the other sections said there are  
8 going to be pamphlets out there and part of the paperwork  
9 when they bought homes and things like that. And I just  
10 think it's important that when we have lots like that  
11 where it's recognized, that we do address that with the  
12 buyers. That's just a comment in there. Here it is.  
13 2-30 is where it's at. That's page 2-30.

14 Storage ponds. There was a comment about that  
15 already. There was also -- okay. You talked about the  
16 trees and the signs. There was a comment -- I'm looking  
17 through and I apologize for that -- about the addition of  
18 law enforcement officers, potentially eight. And I  
19 wanted to know just for my mind what is the level now?  
20 Is it per capita or per residence?

21 MS. BURNS COCHRAN: Per capita. I think it's  
22 1.5 officers per thousand.

23 MS. WALSH: Yes, it is. I know it is. 1.5 per  
24 thousand.

25 MR. BATISTA: The existing is 1.4, and the

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PC-54  
Cont'd

PC-55

PC-56

1 target is 1.5 per thousand population.

2 CHAIRMAN DRESSER: Okay. And how does that hold  
3 up against the project?

4 MR. BATISTA: I think the mitigation is saying  
5 that whatever the current level of service that the  
6 police department has by adopted City Council policy,  
7 this project has to mitigate for.

8 CHAIRMAN DRESSER: That's what I wanted to hear.

9 MR. COLEMAN: And the financial analysis for  
10 this project, because the project has to become fiscally  
11 neutral, has to demonstrate how that's going to be  
12 achieved.

13 CHAIRMAN DRESSER: Those are the words I like.  
14 Okay. Another observation, looking at page 3-12,  
15 vehicular circulation map. It seems like traffic is a  
16 big issue, but actually I use that only to refer to a  
17 couple items. And maybe you can clarify them for me. Up  
18 by school K-8 on the left-hand side north of Main Street  
19 right where they all come together, you have something  
20 that appears to be something similar to what we had at  
21 Jasper and Onyx Court, and I want to know if I am seeing  
22 that right.

23 MS. WALSH: It's a little bit different than  
24 Jasper and Onyx Court. It's a whole system that we spent  
25 a lot of time going through that it's not anywhere --

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PC-56  
Cont'd

PC-57

PC-58



1 it's nothing like that. It's not.

2 CHAIRMAN DRESSER: I just want to make sure that  
3 this development doesn't repeat those type of things.

4 MS. WALSH: No, it doesn't. And I think you'll  
5 see this better in the UDC. I don't remember the page,  
6 but it shows it better in the UDC than in the EIR. But  
7 it's not anywhere nearly the same thing.

8 CHAIRMAN DRESSER: Okay. Because I see about  
9 three examples.

10 MS. WALSH: Right.

11 CHAIRMAN DRESSER: Okay. I apologize. Again, I  
12 just don't want to be redundant to these items.

13 Bicycles.

14 COMMISSIONER GATTO: Maybe, Mr. Chair, while  
15 you're hunting, I'll address.

16 CHAIRMAN DRESSER: Okay.

17 COMMISSIONER GATTO: You addressed this one in  
18 4.7-D, noise, project activity noise. I think Crystal  
19 mentioned it too. But the mitigation measure says noise  
20 barriers of at least 6 foot -- excuse me. Six foot in  
21 height. Now is that a berm and then 6 foot, or is that  
22 just a 6-foot wall?

23 MR. JAKOBS: It's 6 feet.

24 MR. COLEMAN: Total. So it could be 4 feet of  
25 berm, for example.

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PC-58  
Cont'd

PC-59

1 COMMISSIONER GATTO: Because we're actually in  
2 the Stone Bridge subdivision over here, their requirement  
3 was what? That berm is what? Six or eight, 10 feet, and  
4 then there's a soundwall on top of that.

5 MS. WALSH: That's along the freeway frontage.

6 COMMISSIONER GATTO: Yeah, it is, but still, you  
7 know, any time you're in a residential area and  
8 especially around school sites and things, you know,  
9 you're going to have a lot of noises, and a 6-foot fence  
10 doesn't really -- you know, I don't know. That's  
11 probably all we can require the developer to do anyway;  
12 right?

13 MR. COLEMAN: Actually, it's a minimum of 6 at  
14 least.

15 MR. JAKOBS: We actually -- our noise planner,  
16 acoustical planner on staff actually looks at noise  
17 levels and he calculates the height of a structure that's  
18 needed based on what the calculated noise level is going  
19 to be. So they look at quite a bit of detail. Generally  
20 if you can reduce the line of sight or reduce the line of  
21 sight to the residence, then it usually takes the noise  
22 down significantly, unless it's a lot of noise like  
23 freeways which require quite a bit more engineering and  
24 height in order to get the noise level to an adequate  
25 level. So this was looked at with the noise source in

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PC-59  
Cont'd

1 mind and the type of noise that we were trying to  
2 mitigate.

3 COMMISSIONER GATTO: Okay.

4 CHAIRMAN DRESSER: Okay. Thank you. All my  
5 items have been covered too. With that, are there any  
6 other questions from the commissioners? Anything  
7 different? Okay. All right.

8 MS. WALSH: Thank you, Mr. Chair. This item, as  
9 we've indicated, the consultant will now prepare the  
10 response to comments when the comment period ends. It  
11 will be put together with the draft EIR and comprise the  
12 final environmental impact report which will be brought  
13 back to the Commission.

14 CHAIRMAN DRESSER: Thank you.

15 MS. WALSH: Thank you.

16 CHAIRMAN DRESSER: All right. Moving on to item  
17 No. 9, project updates.

18 (Time noted: 8:23 PM.)

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STATE OF CALIFORNIA, )  
 )  
COUNTY OF SAN JOAQUIN )

I, KAREN A. JOSEPH, a Certified Shorthand Reporter in and for the County of San Joaquin, State of California, do hereby certify:

That on September 24, 2002, thereof, I reported verbatim in shorthand writing the foregoing proceedings;

That I thereafter caused my shorthand writing to be reduced to typewriting, and that the foregoing transcript constitutes a full, true, and correct transcription of all proceedings had and given.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal this 27th day of September, 2002.



KAREN A. JOSEPH, CSR #10919

Certified Shorthand Reporter



**Planning Commission Hearing  
September 24, 2002**

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PC-1 The comment does not raise any environmental issues. No further response is required.

PC-2 See Response I-1.

PC-3 See Response I-2 concerning the sewer plant. Note that the Mossdale Landing project applicant will be contributing its fair share to the development of the WRP #1 Phase 1 Expansion Project which would provide wastewater treatment service to the proposed project.

See Response I-11 concerning piecemealing.

PC-4 See Responses I-3 and I-4.

PC-5 See Response I-5.

PC-6 See Response I-6 concerning cumulative traffic impacts.

Concerning the comment that there is no assurance that any freeway widening or other freeway improvements will occur due to the economy, see Responses S-38 and S-39. The Mossdale Landing project applicant will pay its fair share for the roadway and highway improvements required by mitigation in Section 4.5 and Chapter 5 of the DEIR.

PC-7 The comment does not raise any specific environmental issues regarding the proposed project. No further response is required. See Response I-7 for a discussion of the project's air quality impacts within the San Joaquin Valley.

PC-8 See Responses I-8 and I-9.

PC-9 See Response I-10.

PC-10 See Response I-12.

PC-11 See Response I-11.

PC-12 The proposed project's potential impacts to schools (i.e., creation of a demand for schools) is evaluated under Impacts 4.9-i and 4.9-j of the DEIR (pages 4.9-11 and 4.9-12). As indicated, the project will create a less than significant demand for school facilities with the required payment of the State mandated school impact fee and the proposed dedication to the District of two on-site elementary school sites. Under state law, the project cannot be required to pay more than the state mandated school impact fee. According to the state, payment of the fee represents full mitigation for the increased demand for school facilities generated by development. The presumption in the DEIR is that the fee to be paid by the project will go to its intended purpose; is a reasonable assumption given that the fee is required to be spent by the District on schools under state law.

- PC-13 The comment was partially responded to at the 9/24/02 hearing by City staff (see pages 18 through 20 of the hearing transcript, included in its entirety in this FEIR). The developer will be responsible for constructing the surface streets required to serve the project, and will pay its fair for freeway improvements in the local area for which it will contribute a need for (see Response S-38 and S-39).
- PC-14 Any future movement of new Harland Road would not be related to the Mossdale Landing project. Hence, the comment does not raise any environmental issues (regarding the proposed project). No further response is required.
- PC-15 Traffic volumes dictate the type of street needed to accommodate traffic. Mossdale Boulevard is proposed as an arterial, collector, and local street as it traverses the project site based on the amount of traffic projected on the street at differing locations along the street. In those areas where it is required to be an arterial or collector street, houses will either back up or side onto Mossdale Boulevard. Where the traffic volumes will be low such as in a residential area, the street is sized as a local street and houses may front the street. This is consistent with City policies and standards applied throughout the City.
- PC-16 The comment was responded to at the 9/24/02 hearing by Lathrop-Manteca Fire District staff (see pages 23 and 24 of the hearing transcript, included in its entirety in this FEIR). No further response is required.
- PC-17 The comment was responded to at the 9/24/02 hearing by the EIR preparer and City staff (see page 25 of the hearing transcript, included in its entirety in this FEIR). No further response is required.
- PC-18 The comment was partially responded to at the 9/24/02 hearing by the EIR preparer (see page 26 of the hearing transcript, included in its entirety in this FEIR). See Response S-23 for the balance of the response.
- PC-19 The comment was partially responded to at the 9/24/02 hearing by City staff (see pages 26 and 27 of the hearing transcript, included in its entirety in this FEIR). The only project site parcel that is currently under a Williamson Act contract is the Osborne parcel (38.44 acres). The contract on this parcel is set to expire May 5, 2005. The balance of the 477.3-acre project site is not currently the subject of active Williamson Act contracts.
- PC-20 The comment was partially responded to at the 9/24/02 hearing by City staff and the EIR preparer (see pages 27 and 28 of the hearing transcript, included in its entirety in this FEIR). See Response S-3 for the balance of the response.
- PC-21 Concerning the stormwater detention basins mentioned under Impact 4.1-c, these are discussed on page 4.1-5, and their proposed locations identified in Exhibit 3-7, of the DEIR. As indicated, the project would include at least one detention basin within each of the three on-site sub-sheds. These would be located 200 feet or more from the levee toe of slope and would maintain at least 2 feet of separation from groundwater unless lined with impermeable material. The detention basins would be used to reduce peak 100-year stormwater flow rates from the project site to the San Joaquin River

by at least 30% in order to reduce the pressure on the river during heavy storms. After such storms, the stormwater stored in these detention basins would drain slowly to the river after water levels in the river have subsided. See pages 46 through 49 of the Drainage Plan for Mossdale Landing (Appendix D of the DEIR) for further discussion and conceptual plans for the detention basins.

PC-22 The toe drains are required to minimize seepage from the San Joaquin River and this is similar to what was done at Weston Ranch. RD 17 has been contacted regarding the drains and are in agreement to having them placed along the levee frontage.<sup>11</sup>

PC-23 First flush stormwater concentrations from urban residential/commercial areas are typically elevated in heavy oils (asphalt leachates and minor drips and spills) and metals. Metals are also naturally present in rocks, minerals and soil. During the time when leaded gas was used, aerially deposited lead was present in urban runoff. Aerially distributed lead concentrations should not be significant in a subdivision with new roads.

First flush stormwater concentrations from agricultural areas are typically elevated in heavy oils (road oil used in dust control and minor drips and spills) and agricultural chemicals (pesticides, fertilizers, herbicides, etc.) and metals (high metals concentrations including lead, arsenic and others are commonly associated with some commercial herbicides).

As indicated above, there are distinct similarities in the types of pollutants that may be deposited on the soil, and thus potentially percolate to the groundwater, between urban and agricultural uses. Hence, it is appropriate to compare the amount of these pollutants in stormwater runoff under the existing agricultural use and the proposed urban use of the project site. Furthermore, this comparison is appropriate in response to §15126.2(a) of the State CEQA Guidelines which indicates that an EIR shall evaluate a project's potential environmental effects on the existing physical environment. Stormwater with agricultural pollutants is the existing stormwater quality at the project site. It is thus appropriate to compare this first flush stormwater quality of the existing agricultural condition at the project site to that of the urban condition that would result under the proposed project.

PC-24 As indicated on pages 4.5-13 through 4.5-21 of the DEIR, the traffic analysis in the DEIR utilizes the traffic significance thresholds set down by the City of Lathrop and Caltrans for surface streets and freeways, respectively. As the significance thresholds set down by the agencies with regulatory authority over the surface streets and freeways to be affected by the proposed project, these are the appropriate thresholds for use in the analysis.

PC-25 The comment was responded to at the 9/24/02 hearing by City staff (see pages 30 and 31 of the hearing transcript, included in its entirety in this FEIR). No further response is required.

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<sup>11</sup> E-mail from Chris Neudeck of RD 17 to Chris Ragan of MacKay & Somps, December 12, 2002.

PC-26 The comment is noted. City staff will enforce and monitor project adherence to Mitigation Measure 4.5-g as required by the Mitigation Monitoring Program to be adopted by the City for the proposed project in accordance with §15097 of the State CEQA Guidelines.

PC-27 Explanations of the existing peak traffic volumes used for the analysis in the DEIR are contained on pages 4.5-4 and 4.5-8 of the DEIR. As indicated, during the morning commute period, the peak hour of surface streets (non-freeway) traffic was 7:00-8:00 AM, while the peak hour of freeway traffic was 6:30-7:30 AM. These different peaks were used to provide a conservative (worst case) analysis of potential project traffic impacts.

PC-28 The comment was partially responded to at the 9/24/02 hearing by the EIR preparer and City staff (see pages 32 and 33 of the hearing transcript, included in its entirety in this FEIR). Mitigation Measure 4.6-c is recommended by the District, but is required in the DEIR (i.e., Mitigation Measure 4.6-c indicates that the following measures “shall be incorporate and implemented during operation”). It is the EIR’s prerogative to make the measures required - implementation of the measures is required to reduce the impact to the greatest extent feasible.

PC-29 See Response PC-20.

PC-30 See Responses PC-20. In addition, if either off-site land disposal sites and/or river discharges do not become available to dispose of the incremental increase in project wastewater to be generated between interim and buildout conditions of the proposed project, buildout of the proposed project would not be permitted to occur per Mitigation Measure 4.8-h on page 4.8-20 of the DEIR.

PC-31 The City of Lathrop Police Department and the Lathrop-Manteca Fire District have reviewed the police and fire subsections in Section 4.9 of the DEIR and agree with the analysis, conclusions, and mitigation measures.

PC-32 The comment was responded to at the 9/24/02 hearing by City staff (see pages 34 and 35 of the hearing transcript, included in its entirety in this FEIR). No further response is required.

PC-33 The comment was partially responded to at the 9/24/02 hearing by the EIR preparer (see page 35 of the hearing transcript, included in its entirety in this FEIR).

The SJCOG has selected a team of biologists from several different biological consulting firms to assist with field surveys of project sites.

PC-34 The comment is noted. As indicated on page 4.10-40 of the DEIR, the majority of those on-site oaks that exceed 40 inches in diameter at breast height (dbh) will be preserved, while any oaks of greater than 18 inches dbh that are removed will be replaced on a 3:1 basis by oaks of one-gallon in size or greater. While the project would result in a less than significant impact on oak trees as indicated under Impact 4.10-n on pages 4.10-40 through 4.10-42 of the DEIR, the following mitigation measure is hereby added to the DEIR requiring replacement of larger oaks with fitting replacements.



*continued ...*

The addition of this mitigation measure does not change the significance conclusion in the DEIR, and does not result in additional significant impacts.

### **Corrections and Additions**

Page 4.10-48, Section 4.10.3, after Mitigation Measure 4.10-m, add the following mitigation measure:

**4.10-n: Terrestrial Biology - Oak Trees.** While the proposed project would not result in a significant impact to valley oak trees, the following mitigation measure is identified to alleviate public concern about the possible removal of oak trees under the proposed project:

The majority of valley oaks trees on the project site that exceed 40 inches in diameter at breast height (dbh) shall be preserved. For any valley oak trees of 18 inches dbh or greater which are to be removed, they shall be replaced by the project applicant at a 3:1 ratio (three replacements for each impacted tree). Replacement trees shall meet the following sizing criteria: existing valley oaks that exceed 40 inches dbh shall be replaced with 24-inch box valley oaks; existing valley oaks between 20 and 40 inches dbh shall be replaced with five gallon valley oaks; existing valley oaks between 18 and 21 inches dbh shall be replaced with one gallon valley oaks. Replacement trees shall be planted within the river parks and/or open space portions of the project site, and shall be watered by the project for a period of at least three years (or longer, if required, to establish the trees on the project site).

PC-35 There are two methods that will be use to keep fish from entering the stormwater outfall pipes. First, there will be an area of very steep flow below the pipes and prior to the time the flows enter the river. These steep areas of flow are called “super critical flow areas.” Such an area is to steep and shallow to allow fish to migrate up the incline. The second method for blocking fish migration into the stormwater outfall pipes is the installation and maintenance of flap gates. These gates are hinged in one direction only, and thus allow water to flow out of the pipes, but not back into the pipes. Thus, even in high water periods when the effect of super critical flows might be ameliorated, the flap gates ensure that water (and fish) cannot enter the stormwater outfall pipes.

PC-36 The comment was partially responded to at the 9/24/02 hearing by City staff (see page 36 of the hearing transcript, included in its entirety in this FEIR).

The proposed project includes installation of a stormwater outfall station that would be installed on and within the top five feet of the east levee of the San Joaquin River (SJR). Treated stormwater would be pumped through this outfall into the SJR. No effluent or other gray water would be discharged through this outfall station. Prior to the installation and use of the outfall station, appropriate permits would be acquired from the U.S. Army Corps of Engineers, the California Regional Water Quality Control Board, the California Department of Fish and Game, the U.S. Fish

*continued ...*

and Wildlife Service, the National Marine Fisheries Service, and RD 17, the local irrigation district. Any conditions set forth by these agencies for the outfall would become conditions that would have to be met in order to construct the outfall station.

PC-37 The comment was partially responded to at the hearing by City staff (see pages 36 and 37 of the hearing transcript, included in its entirety in this FEIR). The Lathrop Water, Wastewater, and Recycled Water Master Plan is “adopted”, not “proposed”. The following revisions are made in the DEIR to correct instances where the DEIR refers to the Master Plan as “proposed” rather than “adopted”. These revisions do not constitute significant new information and do not change the significance conclusions in the DEIR.

**Corrections and Additions**

Page 1-8, Third Paragraph 6, First Sentence, change “... means the proposed Lathrop Water, Wastewater and Recycled Water Master Plan ...” to “... means the adopted Lathrop Water, Wastewater and Recycled Water Master Plan ...”.

Page 4.8-1, Third Paragraph, Fifth Sentence, change “... four proposed new wells...” to “... four planned new wells...”.

Page 4.8-4, Second Full Paragraph, First Sentence, change “WRP #1 is currently planned to be expanded ...” to “WRP #1 is currently planned to be expanded ...”.

Page 4.8-4, Fourth Full Paragraph, Third Sentence, change “... three proposed WRPs ...” to “... three planned WRPs ...”.

PC-38 The comment was partially responded to at the 9/24/02 hearing by City staff (see pages 37 and 38 of the hearing transcript, included in its entirety in this FEIR).

The referenced impact is Impact “5.3-d” (Cumulative Groundwater Quality) rather than “5.3-b” (Cumulative Surface Water Quality - Stormwater Runoff) as referenced in the comment.

When it is said under Impact 5.3-d that “...the Master Plan requires the City of Lathrop to provide municipal water to any uses within the City limits currently reliant on well water should closure of said wells be required”, it is referring to a Master Plan requirement. The requirements is meant to mitigate any instances where increased groundwater extraction by the City in the future results in a degradation of groundwater at private wells (i.e., increase in salinity) such that the wells are no longer viable. Any City water to be provided will most likely be a blend of water from the City’s wells system and SSJID surface water deliveries. With regard to the uncertainty of the SSJID, see Response S-23.

PC-39 Since 1996, new State laws and an initiative have passed which prevent a City from requiring, as CEQA mitigation, participation in a Mello Roos. The property owner may still participate if the

Manteca Unified School District works out such an arrangement with the developer. The City plans on having a Mello Roos district to help fund various infrastructure improvements.

PC-40 Project residences will not front any Arterial or Collector. As indicated in Exhibit 3-5 of the DEIR, approximately 26 proposed residences in Neighborhoods 12 and 17 in the southern part of the project site would front Mossdale Boulevard. However, Mossdale Boulevard would be a Major Low Density Residential Street in this portion of the project (unlike further north where Mossdale Boulevard would be a Collector).

PC-41 The comment is noted. The cumulative projects referenced in the comment cover a large area (approximately 6,995 acres) of currently agricultural land in the City of Lathrop. The cumulative impact of developing this large area is evaluated in the West Lathrop Specific Plan (WLSP) EIR and, as required, in the cumulative analysis (Chapter 5) of the Mossdale Landing EIR.

A point of clarification - the individual development projects identified in the comment (i.e., Mossdale Landing, River Islands, RiverWalk, Lathrop Station, South Lathrop Specific Plan) are each proposed within the greater West Lathrop Specific Plan (WLSP) area. Hence, the WLSP area is inclusive of the identified development projects, not in addition to them.

PC-42 As indicated on page III-19 of the WLSP DEIR, most of the WLSP area is located on “prime” and “near-prime” agricultural soils (i.e., “Prime Farmland”). This was the main reason for the WLSP identifying farmland conversion associated with WLSP as significant and unavoidable (page VII-6 of the WLSP DEIR). As indicated on page 7-2 of the Mossdale Landing DEIR, the Farmland Mapping and Monitoring Program of the California Department of Conservation identifies the project site as containing either “Prime Farmland” or “Farmland of Statewide Importance”. Hence, the Mossdale and WLSP DEIRs are consistent in this regard.

PC-43 The comment is noted. The comment will be forwarded to the decision-makers for their consideration. See Response T-4.

PC-44 The comment does not raise any environmental issues. No further response is required.

PC-45 As explained at the bottom of page 8-17 of the DEIR, the elimination of the Village Commercial component and reduction of the residential and Service Commercial components are intended to reduce project traffic, air emissions, and noise, and to provide space for the required on-site retention basins (to allow for 100% on-site retention of stormwater runoff instead of discharging it to the river). All three uses (i.e., Village Commercial, Service Commercial, residential) would be reduced under this alternative. There is no particular reason why the Village Commercial component was completely eliminated other than its elimination would result in a greater reduction in project traffic than would the elimination of the same acreage of residential uses.

The comment is noted concerning: (1) the commenter’s agreement with the conclusion in the DEIR that the Environmental Constraints Alternative would meet all the project objectives, just to a lesser degree than the proposed project; and (2) the commenter’s statement that there is nothing wrong with

reducing the density planned for in the WLSP. This comment will be forwarded to the decision-makers for their consideration.

- PC-46 The comment is noted and will be forwarded to the decision-makers for their consideration.
- PC-47 The comment was responded to at the 9/24/02 hearing by City staff (see pages 43 through 47 the hearing transcript, included in its entirety in this FEIR). No further response is required.
- PC-48 Impact 4.5-k on page 4.5-28 of the DEIR indicates that no provisions are provided for transit in the design of the Mossdale Landing residential or commercial areas. Mitigation Measure 4.5-k on page 4.5-34 of the DEIR states that the applicant shall incorporate suggestions from the local transit agency into the final local circulation system design for the project. City staff can also offer input during this process. Hence, transit facilities will be incorporated into the proposed project as required by the local transit agency.
- PC-49 In the late 1980's the Reclamation District 17 levee was improved to remove a large portion of the City of Lathrop, and the area west of Interstate 5 up to and including Weston Ranch, from Flood Zone A. The impetus for doing this was to flood proof Weston Ranch but the residents of Lathrop also benefitted from the improvement. The Reclamation District requested that LAFCO expand its boundaries to include all of those properties that had been removed from Flood Zone A and these properties were included within the District. This included properties within the City as well as those on the east side of the San Joaquin River that were annexed as part of the West Lathrop Specific Plan. The District then assessed each property for its share of the maintenance of the levee.

The lands within the Mossdale Landing project are already part of Reclamation District 17 and pay a portion of the costs of levee maintenance. The new landowners who buy houses in the area will also pay their share of the cost of maintaining the levee system. The proposed project will not result in any increase in maintenance costs to the existing residents of the City of Lathrop.

- PC-50 The comment was partially responded to at the 9/24/02 hearing by City staff (see pages 47 and 48 of the hearing transcript, included in its entirety in this FEIR).

See Responses B-1, B-12a and I-2 for the balance of the response.

- PC-51 The comment was partially responded to at the 9/24/02 hearing by City staff and the EIR preparer (see pages 48 and 50 of the hearing transcript, included in its entirety in this FEIR).

As indicated under Mitigation Measure 4.5-1 on pages 4.5-34 and 4.5-35 of the DEIR, a traffic monitoring program is required for the proposed project. The monitoring program will monitor traffic conditions at the intersections to be affected by project traffic, and will identify when traffic conditions at these intersections reach unacceptable levels of service as a result of the project. When traffic conditions at a particular monitored intersection reaches unacceptable level of service, then the traffic improvement and/or fair-share payment for said improvement required at that intersection by the other mitigation in Section 4.5 will be undertaken. With regard specifically to the Louise

Avenue/Manthey Road intersection, the payment of the project's fair share cost for signalization and other improvements to the intersection under Mitigation Measure 4.5-b shall be provided by Mossdale Landing when the intersection reaches its signal warrant (i.e., Caltrans Traffic Warrant 11 as defined in Appendix G, Table 4.4-A-3, of the DEIR)

- PC-52 The DEIR evaluates project and cumulative traffic impacts on Gold Rush Boulevard and Golden Valley Parkway in Section 4.5 and Chapter 5 of the DEIR. Project impacts to Gold Rush Boulevard are evaluated under Impact 4.5-b (pages 4.5-21 and 4.5-22 of the DEIR). Cumulative impacts to Gold Rush Boulevard and Golden Valley Parkway are evaluated under Impact 5-a (pages 5-30 through 5-32 of the DEIR). Because it is assumed that Golden Valley Parkway will not exist during initial development of Mossdale Landing, only cumulative impacts on this roadway are evaluated.
- PC-53 The location of the proposed interim fire station was approved by the Lathrop-Manteca Fire District. During a response to an emergency, emergency vehicles would disrupt local intersection operation for one signal cycle. This would be an immeasurable impact over the course of an hour much less a 24-hour period, and would represent a less than significant traffic impact.
- PC-54 See Response PC-28.
- PC-55 The requested buyer notification is already required by Mitigation Measure 4.7-d in the DEIR (i.e., "In addition, future residents within 500 feet of the proposed fire station shall be notified of the potential fire station noise in the disclosure statement for the project.").
- PC-56 The response to the comment provided by City staff at the 9/24/02 hearing requires clarification. Mitigation Measure 4.9-c on page 4.9-13 of the DEIR requires that the project applicant pay the startup costs incurred in the hiring, training, and equipping of each of the eight new police officers required to serve the project. The service costs associated with the provision of police protection services to the project after payment of the initial start-up costs required under Mitigation Measure 4.9-13 will be paid for by the City's General Fund. The project will contribute to the City's General fund through the payment of taxes.
- PC-57 A separate fiscal analysis is being prepared for the project by Goodwin Consulting. The analysis will be put on file at the City of Lathrop Community Development Department once completed. The fiscal analysis does not evaluate the potential environmental impacts of the proposed project, and thus is not included as a part of the EIR.
- PC-58 The comment was responded to at the 9/24/02 hearing by City staff (see pages 52 and 53 of the hearing transcript, included in its entirety in this FEIR). No further response is required.
- PC-59 The comment was partially responded to at the 9/24/02 hearing by City staff and the EIR preparer (see pages 53 through 55 of the hearing transcript, included in its entirety in this FEIR).

Most project schools and parks have roadways separating them from proposed residences. The added distance from the school/park to the homes is usually adequate to reduce the amount of noise

*continued ...*

at these homes to acceptable levels without a noise barrier. Some schools and parks such as the Terry School and Crescent Park under the proposed project have homes that would share a common property line with the school or park. These homes are closer and have the potential to be exposed to school/park noise levels in excess of the City's  $L_{dn}$  of 60 dBA goal (Impact 4.7-d on pages 4.7-16 through 4.7-20 of the DEIR). The six-foot barrier required by Mitigation Measure 4.7-d is identified to reduce the school/park noise at these homes to acceptable levels.

The total height of the noise barrier will be six feet above the ground elevation of the residences. The barrier can be an earthen berm, wall, or a combination of the two. The wall can be constructed of wood, masonry or other materials, provided it has sufficient mass (2.5 lbs per square foot) and does not have discernible gaps. The exact design should be reviewed during the architectural design phase of the project. As indicated on page 4.7-23 of the DEIR, this wall would reduce Impact 4.7-d to less than significant levels.

on structures should be part of the design. The normal 10 feet of open space on the landside of the levee and berm toes is not adequate. (See levee standards in Regulations of the Reclamation Board, Title 23, Waters, Article 8, Standards, subsection, 120 Levees.)

U-3  
Cont'd

2. Page 4.1-6 and 7, Table 4.1-1 of the draft EIR shows the 100-year 48-hour Storm Runoff Volumes. The report should also discuss potential effects from levee under seepage. This under seepage volume should be determined and the pumping facility sized to accommodate the combined flows.

U-4

3. Page 4.1-6 of the draft EIR states, "The project is not located within a FEMA 100-year floodplain, and thus would not place housing within a 100-year flood hazard area or impede/redirect 100-year storm flows. No impact would occur."

In the discussion of project impacts related to flooding risk on page 4.1-9, it would be appropriate to discuss the residual risk of flooding in the project area and not rely solely on the FEMA 100-year floodplain. The FEMA standard is a standard used to determine whether property owners would qualify for disaster assistance and whether they would be required to purchase flood insurance. Areas within the 100-year floodplain are still subject to flooding, only at a lesser frequency. The risk to lives and property due to flooding cannot be adequately described using only information on whether a property is within or outside of the 100-year floodplain. Residual risk beyond the FEMA 100-year floodplain is a concern that should be discussed, especially in an urbanized area. Flood depths and water velocities should be considered, if the levee were to fail. This area last flooded in the 1950 flood when it was largely rural land. Depth of flooding and velocity of flood waters should levees fail during a large flood event are two other important factors which should be discussed.

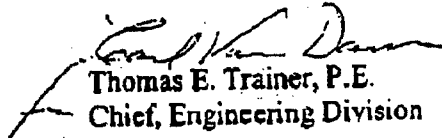
U-5

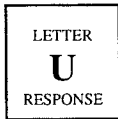
4. In summary, it appears a detailed comprehensive evaluation of the levee system has not been performed. Based on our knowledge and experience in the area, it is likely the existing levee system would not meet current minimum USACE design standards. All levees protecting the area of concern should be reevaluated using current USACE guidance on levee design including risk analysis.

U-6

5. Thank you for the opportunity to comment on this document. If you have any questions, please contact Mr. W. Craig Gaines, Project Manager, at (916) 557-6672 or Mr. Ben Gompers, Chief, Soil Design Section at (916) 557-7484.

Sincerely,

  
Thomas E. Trainer, P.E.  
Chief, Engineering Division



**U.S. Army Corps of Engineers**  
**Thomas E. Trainer, Chief**  
**October 21, 2002**

- 
- U-1 The comment is noted. See Responses U-2 through U-6.
- U-2 With regard to the referenced quotes, See Responses I-4, K-5, and S-32. These quotes are supported by substantial evidence in the record.

With regard to the issue of whether or not the levees were improved by RD 17 as the U.S. Army Corps of Engineers (USACE) after the 1997 flood event, work done by the USACE included placing filter cloth and rock over areas where seepage was observed and adding additional soil to create seepage berms. These alterations did improve the levees at those specific locations. In any event: (1) the levees are in a condition such that FEMA has designated the project site as being located outside the 100-year floodplain, thus representative less than significant flood potential at the project site under CEQA (see Response K-5); and (2) any seepage which still may occur along that portion of the east levee fronting the project site will be mitigated with development of the toe drains and other subsurface drainage facilities proposed under the project's drainage plan and required by mitigation in the DEIR (see Response K-2).

- U-3 See Responses K-2 and K-3.
- U-4 See Response K-4.
- U-5 See Response K-5.
- U-6 A detailed evaluation of the levee system was performed and approved in 1989. Based on that analysis and other information, FEMA thought the levees sufficient to remove the project site and surrounding areas east of the SJR from the 100-year floodplain. Furthermore, the majority of the changes that have occurred in USACE guidance on levee design has focused on design to prevent levee failure associated with liquefaction and seepage. The area has a low probability of strong seismic ground shake, and per the geotechnical report prepared for the project<sup>10</sup>, the project site is not subject to a significant potential for liquefaction. Because the San Joaquin Valley and the project site are not subject a high potential for liquefaction, no well documented instances of liquefaction in the Valley have been found, and the potential for liquefaction and high surface water elevations to occur simultaneously is extremely remote, the changes in the regulations are not particularly relevant to the levees in the Lathrop area. Finally, while further study of the levees would add to the body of knowledge, there is no regulatory requirement or known funds available for such a study, which is outside the scope of the current EIR to prepare. For these reasons, and for the reasons stated in Responses I-4, K-2, K-5, S-27, S-32 and U-2, additional analysis of the integrity of the levees for the proposed project, including a risk analysis, is not warranted.

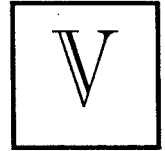
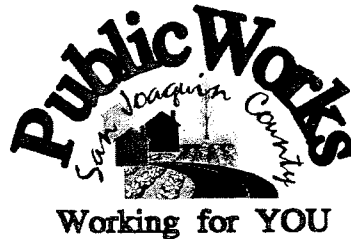
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<sup>10</sup> Kleinfelder, Inc. "Summary of Geotechnical and Groundwater Studies - Terry and Adjacent Properties, Lathrop, California". June 22, 2001.





THOMAS R. FLINN  
DIRECTOR



THOMAS M. GAU  
DEPUTY DIRECTOR

JAMES F. PAYTON  
BUSINESS ADMINISTRATOR

MANUEL SOLORIO  
DEPUTY DIRECTOR

STEVEN WINKLER  
DEPUTY DIRECTOR

November 5, 2002

Ms. Deanna Walsh  
Project Manager  
City of Lathrop  
16775 Howland Road, Suite One  
Lathrop, California 95330

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE MOSSDALE LANDING  
URBAN DESIGN CONCEPT AND RELATED APPROVALS

Dear Ms. Walsh:

The San Joaquin County Department of Public Works has reviewed the environmental document for the above referenced project (received October 21, 2002) and our concerns, recommendations, and corrections are as follows:

Section 4.5 Traffic

- 1. Pages 4.5-14, 18, and 19, Exhibits 4.5-5, 4.5-6, and 4.5-7; Although all three of these exhibits identify eleven (11) study intersections, the analysis does not address impacts to study intersections 9 (Manthey Road/Interstate 5 Underpass), 10 (Manthey Road Southbound Ramps), and 11 (Mossdale Road/Northbound Ramps). San Joaquin County is concerned with potential impacts at all three of these intersections and they should be addressed in all scenarios. This and all corresponding tables and text should be corrected to include these three intersections. V-1
- 2. The intersection of Mossdale Road/Interstate 5 Underpass should be added to the analysis as a study intersection since it is logical to assume that trips generated by the project will use the intersection. V-2

Thank you for the opportunity to be heard. Should you have questions or need additional information regarding the above comments, please contact me at 468-8568.

Sincerely,

ADAM BRUCKER  
Associate Planner



**San Joaquin County Department of Public Works**  
**Adam Brucker, Associate Planner**  
**October 5, 2002**

---

V-1 The Manthey Road/Northbound I-5 Ramps, Manthey Road/I-5 Underpass Road, Mossdale Road/Southbound I-5 Ramps and Mossdale Road/I-5 Underpass Road intersections are all currently stop sign controlled on the Off-Ramp or I-5 Underpass Road approaches. All have minimal levels of peak hour traffic (i.e. from 60 to 90 vehicles passing through the different intersections during the AM peak hour (or, on average, at most one vehicle every 40 seconds passing through the busiest intersection), and from 70 to 140 vehicles passing through the different intersections during the PM peak hour (or, on average, at most one vehicle every 25 seconds passing through the busiest intersection). Field observations indicate no congestion or delay at any of the four intersections during either weekday peak traffic hour. With full Mossdale Landing development, during the AM peak hour up to an additional 54 to 71 vehicles would pass through the Manthey Road intersections, while up to an additional 17 vehicles could pass through the Mossdale Road intersections. During the PM peak hour a fully developed Mossdale Landing project would be likely to add up to an additional 68 to 123 vehicles to the Manthey Road intersections, while up to an additional 55 vehicles would pass through the Mossdale Road intersections. All four intersections should continue to operate at good levels of service with the addition of Mossdale Landing traffic (i.e. at level of service A conditions on the stop sign controlled approach of the busiest intersections).

By 2010 and with development of a major commercial project (FarmWorld) along the west side of Manthey Road near the interchange with the I-5 freeway, and other development in the vicinity of the Mossdale Landing project, an additional 900 or more PM peak hour trips would be added to Manthey Road, while 400 or more trips would be added to Mossdale Road during this same time period. Because the specific access plan for FarmWorld has not been finalized, it is impossible to know the specific reconfiguration of the two intersections along Manthey Road in question that may be required. Also, it is unknown what improvements may be provided by the FarmWorld project at any of the four intersections in questions. In addition, as indicated on page 5-4 of the DEIR, the FarmWorld project is currently on hold, but the cumulative analysis assumes its development to provide a conservative analysis of potential future cumulative traffic conditions. Finally, it is unknown whether Caltrans will give permission for any and all needed improvements given their concern over increased traffic using the Mossdale Road and Manthey Road ramp connections to the I-5 freeway. Therefore, given the current totally speculative nature of future traffic conditions around the Mossdale Road and Manthey Road intersections at their interchanges with I-5, no cumulative evaluation was conducted at this location. This is consistent with §15145 of the State CEQA Guidelines which states that, if, after thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should not its conclusion and terminate discussion of the impact.

V-2 See Response V-1.

**DEPARTMENT OF TRANSPORTATION**

P.O. BOX 2048 (1976 E. CHARTER WAY)  
 STOCKTON, CA 95201  
 TTY: California Relay Service (800) 735-2929  
 PHONE (209) 948-1921  
 FAX (209) 948-7164

November 26, 2002

**10-SJ-5-16.47**  
**Mossdale Landing Urban Design Concept**  
**Letter of Clarification**  
**SCH: 2001052059**

Ms. Deanna Walsh  
 City of Lathrop  
 Planning Division  
 16775 Howland Road  
 Lathrop, CA 95330

Dear Ms. Walsh:

The purpose of this letter is to expand upon Caltrans' letter, dated October 15, 2002, in response to the Draft Environmental Impact Report (DEIR) for the Mossdale Landing Urban Design Concept. The proposed project would be developed as 16 neighborhoods to include a total of: 1,690 residential units, 653,399 square feet of commercial space, two elementary schools, an interim fire station, 39 acres of parks and 13.8 acres of levees/open space. The proposed project site is located on the west side of Interstate 5 (I-5), adjacent to Louise Avenue, Lathrop.

W-1

In the DEIR letter, Caltrans requested a revised traffic analysis to include the following:

1. Utilization of the San Joaquin Council of Government's Traffic Model year (2025).
2. Volumes for Existing Conditions and Cumulative Conditions at the Mossdale Road/I-5 northbound and Manthey Road/I-5 southbound ramps.
3. An adjustment of existing freeway volumes to more accurately reflect Caltrans 2001 Traffic Volumes.
4. Inclusion of other planned and approved projects, specifically the full buildout of the River Isles proposal and Mossdale Associates project.
5. A weaving analysis between State Route (SR) 120/I-205 and SR 120/I-205 to the I-5 ramp.
6. Electronic files (simulation files) of all analyzed scenarios.

W-2

With the exception of the weaving analysis, Caltrans is willing to defer the request for a more detailed traffic study to the Project Study Report (PSR) phase for the Louise Avenue/I-5 interchange. Caltrans Traffic Operations, however, requests the aforementioned weaving analysis for the I-5/I-205/SR 120 connection prior to approval of the Final Environmental Impact Report.

W-3

Ms. Deanna Walsh  
November 26, 2002  
Page 2

In addition, Caltrans requests clarification of the projected construction phasing that will trigger the timing of the Louise Avenue PSR and its associated improvements. This is required to insure necessary improvements are constructed in a timely fashion.

W-4

Mitigation Measure 4.5-a, c and f, requires the applicant to provide their fair share cost for Louise Avenue interchange and I-5/I-205/SR 120 mainline improvements. This is accomplished by contributing their share of a regional impact fee. As discussed in our meeting, the project will comply with the mitigation rates as presented in the "West Lathrop specific Plan Regional Transportation Fee" plan.

W-5

If you have any questions or would like to discuss these comments in more detail, please contact me at (209) 941-1921 (email: [tdumas@dot.ca.gov](mailto:tdumas@dot.ca.gov)).

Sincerely,



**TOM DUMAS, Chief  
Office of Intermodal Planning**



**California Department of Transportation**  
**Tom Dumas, Chief**  
**November 26, 2002**

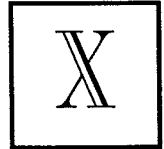
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- W-1 The comment does not raise any environmental issues. The subject letter is responded to in Responses O-1 through O-14. No further response is required.
- W-2 The comment is noted that Caltrans is willing to defer the listed traffic information requested in Caltrans' October 15, 2002 letter (Letter O), with the exception of the weaving analysis, until the PSR for the Louise Avenue/I-5 interchange. Responses O-2 through O-5 provide responses to these same comments, and deferral of the analysis is not necessary.
- With regard to the weaving analysis, please see Response O-6 and Comment Y-2.
- W-3 See Response O-6.
- W-4 The City of Lathrop and some project applicants within the West Lathrop Specific Plan (WLSP) area are currently in discussion regarding a time frame to begin the Louise Avenue interchange PSR. It is the desire of the City and those applicants with projects currently before the City or shortly coming before the City to begin the PSR by February or March 2003 and to complete the PSR within as early a time frame as possible in order to identify intermediate interchange improvements and an ultimate interchange design that will be approved by Caltrans. The Louise Avenue PSR should be underway and possibly completed before any significant construction will be completed west of the I-5 freeway.
- W-5 The comment is noted. See Response S-38. The project applicant will pay the WLSP Regional Transportation Fee, as required.



Gray Davis  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse



January 6, 2003

Deanna Walsh  
City of Lathrop  
16775 Howland Road  
Suite One  
Lathrop, CA 95330

Subject: Mossdale Landing Urban Design Concept, Vesting Tentative Map, and Development Agreement  
SCH#: 2001052059

Dear Deanna Walsh:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on October 15, 2002. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2001052059) when contacting this office.

Sincerely,

Terry Roberts  
Senior Planner, State Clearinghouse

Enclosures  
cc: Resources Agency

X-1



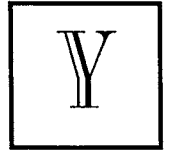
**Governor's Office of Planning & Research**  
**Terry Roberts**  
**January 6, 2003**

---

X-1 The comment is noted. See responses to Letter Y.

**DEPARTMENT OF TRANSPORTATION**

P.O. BOX 2048 (1976 E. CHARTER WAY)  
STOCKTON, CA 95201  
TTY: California Relay Service (800) 735-2929  
PHONE (209) 941-1921  
FAX (209) 948-7164



January 3, 2003

**10-SJ-15-16.47**  
**SCH: 2001052059**  
**ADDENDUM TO NOV 2002**  
**COMMENT LETTER**  
**MOSSDALE LANDING URBAN**  
**DESIGN CONCEPT**

Mr. Bruce Coleman  
Community Development Director  
City of Lathrop  
16775 Howland Road, Suite 1  
Lathrop, CA 95337

Re: Addendum to November 26, 2002 Comment Letter on Mossdale Landing Urban Design Concept (NOVEMBER 2002)

Dear Mr. Coleman:

The California Department of Transportation (Department) would like to provide this Addendum as additional clarification for our comment letter that was submitted to Ms. Deanna Walsh, dated November 26, 2002, concerning the Mossdale Landing Urban Design Concept (Project).

Y-1

After further consideration, the Department has assessed that the weaving analysis on Interstate 5 (I-5), between the junction of State Route 120 (SR-120) and Interstate 205 (I-205), is unnecessary in aiding in the determination of environmental impacts on this Project. These environmental impacts were addressed in the overall analysis of the freeway system. The weaving analysis information should be incorporated within the Project Study Report (PSR) phase of this Project.

Y-2

The Department feels that there are important operational issue(s) related to the future improvement plans being considered for the Louise Avenue/I-5 interchange and I-5 to the south. Therefore, we recommend that the PSR to be prepared for Louise Avenue consider facility improvements and mitigation measures that will incorporate improvements on the weaving issue(s) in the area. In addition, the traffic analysis for the PSR will need to consider including the most updated information available for the West Lathrop Specific Plan area.

Y-3

The City of Lathrop (City) and the Department have worked cooperatively to identify and address the improvements necessary to resolve all freeway impacts attributable to developments within the West Lathrop Specific Plan (WLSP) at full build out scenario. Therefore, this Project as well as others approved by the City will be expected to participate in a fair share basis with the Regional Transportation Impact Fee Program that was adopted for the purpose of mitigating the WLSP impacts on the freeway system. It

Y-4



Mr. Bruce Coleman  
January 3, 2003  
Page 2

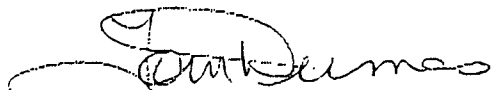
will also include transportation impacts created from other development projects within the region.

Y-4  
Cont'd

Please continue to forward copies of reports on this proposed project for our review, comments, and records. If you have any further questions, please contact me at (209) 941-1921. We look forward in continuing to working with you in a cooperative manner

Y-5

Sincerely,



**TOM DUMAS, Chief  
Office of Intermodal Planning**

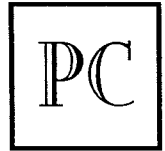
cc: State Clearinghouse  
Attn: Gregoria Garcia  
P.O. Box 3044  
Sacramento, CA 95812-3044



**California Department of Transportation**  
**Tom Dumas, Chief**  
**January 3, 2003**

---

- Y-1 The comment that Caltrans has submitted these comments as an addendum to its November 26, 2002 letter (i.e., Letter W) is noted.
- Y-2 The comments that Caltrans has determined that the previously requested weaving analysis is not required for the proposed project, and that the weaving impacts of the project were already addressed in the overall traffic analysis for the project, are noted. The requests made by Caltrans in its previous comments (Comments O-6 and W-3) for the addition of a weaving analysis to the Mossdale Landing EIR have been withdrawn.
- Y-3 The comment is noted. The City of Lathrop will ensure that PSR to be prepared for the Louise Avenue/I-5 interchange and I-5 to the south will include the requested weaving analysis with the following clarification. The referenced PSR is a separate project under CEQA, and is not a "phase" of the Mossdale Landing project.
- Y-4 The comment is noted. As required by Mitigation Measure 4.5-1 in the DEIR, the project will pay all required WLSR Regional Transportation Impact Fees.
- Y-5 The comment is noted.



CITY OF LATHROP  
PLANNING COMMISSION MEETING  
TUESDAY, SEPTEMBER 24, 2002  
LATHROP CITY HALL  
COUNCIL CHAMBERS  
16775 HOWLAND ROAD  
LATHROP, CALIFORNIA  
7:00 PM

Reported by: Karen A. Joseph, CSR 10919

## *Palermo Reporting Services*

318 McHenry Avenue Suite B Modesto, CA 95354 1  
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*Julie Rishwain Palermo • CSR #4220*  
*"Accurate, Professional Service Dedicated to Excellence"*

1 PERSONS PRESENT:

2 DEANNA D. WALSH, Principal Planner

3 SUSAN BURNS COCHRAN, City Attorney

4 BENNIE GATTO, Planning Commissioner

5 CRYSTAL QUINLY, Vice Chair

6 STEPHEN A. DRESSER, Chair

7 RAY CAMARA, Planning Commissioner

8 DIANE LAZARD, Planning Commissioner

9 JAMES R. MONTY, Deputy Chief/Fire Marshal

10 GARY D. JAKOBS, AICP, Vice President, EDAW

11 BRUCE A. COLEMAN, Community Development Director

12 RAMON BATISTA IV, Assistant City Manager

13  
14 ----oOo----

15  
16 CHAIRMAN DRESSER: Item Number 8 is the public  
17 meeting to review the Draft Environmental Impact Report  
18 on the Mossdale Landing Urban Concept.

19 MR. COLEMAN: Before Deanna makes her  
20 presentation, I just want -- I realized that I didn't  
21 introduce Karen Joseph who is helping us with  
22 transcribing tonight, and I do apologize for that.

23 CHAIRMAN DRESSER: Karen Joseph. Okay. Thank  
24 you.

25 MS. WALSH: Yes. Mr. Chairman, Members of the

2

1 Commission, the item this evening is the discussion of  
2 the Mossdale Landing Draft Environmental Impact Report.  
3 As we've indicated in the staff report, this is a public  
4 meeting. It's an opportunity for the Planning Commission  
5 and the public to ask questions regarding the draft EIR.  
6 The draft EIR commenced the -- was -- excuse me. The  
7 draft EIR was approved to get underway in May of 2001.  
8 It was completed and started its 45-day public review  
9 period, which is required under CEQA, on August 30th.  
10 The public review period will end October 15th.

11 CHAIRMAN DRESSER: Okay. Can I stop you for  
12 just a second?

13 MS. WALSH: Yes.

14 CHAIRMAN DRESSER: Did you say 2001, May 2001?

15 MS. WALSH: I said May 2001. 2001 is when the  
16 contract and EIR got underway.

17 CHAIRMAN DRESSER: Okay.

18 MS. WALSH: Development of the EIR. But the  
19 actual EIR was completed and started the public review  
20 period August 30th, 2002.

21 CHAIRMAN DRESSER: Thank you.

22 MS. WALSH: And was then -- will complete its  
23 public review period on October 15th, 2002. In November  
24 -- it's anticipated sometime in November that the final  
25 EIR will come before the Commission and eventually before

3

1 the Council for certification of the EIR if it's  
2 determined that the EIR is adequate.

3 The draft EIR covered a lot of subjects. It  
4 looked at the impacts in a lot of areas. And as we've  
5 indicated in the staff report, no use in repeating it,  
6 the draft EIR provides mitigations. And in some cases  
7 there are not mitigations that are able to be satisfied,  
8 and so a statement of overriding considerations may have  
9 to be considered.

10 Staff recommends that the Planning Commission,  
11 again, take no action because this is a public meeting,  
12 not a public hearing. It has not completed the EIR  
13 review period. We are just now starting to get comments  
14 back from a couple of agencies at this point.

15 I'd like to introduce Gary Jakobs who is our EIR  
16 consultant who will make a presentation regarding the  
17 EIR, what's covered, what's not, et cetera.

18 MR. COLEMAN: And before Gary starts, you may  
19 have seen the article in today's Record that kind of  
20 suggested to me that you were taking action tonight on  
21 this environmental document which, of course, is not the  
22 case. So just to clarify the record, the record in the  
23 Record, we just want to make it clear that this is just a  
24 presentation, a public informational meeting and for  
25 comment and what have you.

4

1 CHAIRMAN DRESSER: Thank you.

2 MR. JAKOBS: Thank you very much. Good to be  
3 here tonight. We've been working on this project for  
4 quite some time. What I'd like to do is I'd like to give  
5 just a basic overview of what an EIR is and very quickly  
6 go through that, and then describe what we did cover in  
7 this particular environmental impact report and what the  
8 process is and where we're going to go. It's a short  
9 presentation. The document is very long and it's always  
10 hard to know exactly what to say, so I find that saying  
11 very little is usually the best.

12 First of all, an environmental impact report is  
13 a full disclosure document. It's intended to disclose  
14 what the environmental impacts of a project would be,  
15 describe measures to mitigate those impacts wherever  
16 possible, describe alternatives that also can possibly  
17 reduce or avoid impacts, hopefully alternatives that are  
18 feasible to implement, and very importantly, it's  
19 intended to be objective.

20 Agreement with an environmental impact report is  
21 what the document says. Agreement by this body,  
22 agreement by the public, or disagreement is not a comment  
23 on the project. The environmental impact report is  
24 solely intended to provide information for your  
25 consideration prior to the deliberation of a project.

5

1           If you certify the EIR as adequate, which is you  
2 accept it, you find the EIR to be adequate, it doesn't  
3 mean the project is approved. It just means that the  
4 environmental impact report is deemed to be complete and  
5 adequate for your use in considering the impacts of the  
6 project.

7           There are several phases to preparation of an  
8 environmental impact report: A very early phase in which  
9 an initial study is usually prepared. This study is a  
10 very brief document relative to the overall length of an  
11 environmental impact report, and it's intended to focus  
12 the issues that will be addressed in the environmental  
13 impact report.

14           It covers a Notice of Preparation which is sent  
15 out to the public and to public agencies, and that notice  
16 tells these agencies that we're in the process of  
17 preparing an EIR, describes what issues we're going to --  
18 what we're proposing to address, alternatives we propose  
19 to address, and it solicits comments from those agencies  
20 and from the public on additional issues that people  
21 would like to see, agencies would like to see addressed  
22 in the EIR. There's also a scoping meeting that is held  
23 to receive comments during this period.

24           Later on and where we are now, the draft EIR is  
25 released. It's released for a minimum of 45 days

6



1 generally. And during that period, the EIR is reviewed  
2 by the public and by public agencies for their  
3 concurrence, their comments, and corrections on the  
4 report. Following that, we respond to comments. We  
5 respond to both comments that are received at the public  
6 hearing and respond to comments that are provided in  
7 writing.

8 Generally the comments that we respond to are  
9 those that address the environmental issues that are  
10 addressed in the environmental impact report. Comments  
11 on whether people like the project, don't like project,  
12 like the consultant, don't like the consultant are not  
13 comments that generally are responded to fully. We  
14 respond to those issues that do address the environmental  
15 issues and that's what the California Environmental  
16 Quality Act does require.

17 Following that, the EIR is considered -- a  
18 document is prepared as a response to comment document.  
19 And that accompanies the draft EIR, and together those  
20 documents constitute the final environmental impact  
21 report. And that is what is considered for  
22 certification. After certification, the City can decide  
23 whether or not it wants to go through with the project.  
24 So that's the overall process.

25 In terms of the Mossdale Landing EIR, as Deanna

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1 indicated, the NOP was released, notice of preparation  
2 was released May 7th, 2001. So obviously it has taken  
3 some time to get us where we are today. The draft EIR  
4 was released August 30th. And the comment period does  
5 end October 15th, so keep that in mind for comment  
6 submittal. Again, comments that are addressed tonight  
7 will be responded to.

8 The project that we addressed in the  
9 environmental impact record is the Mosssdale Landing  
10 Project. Mosssdale Landing is located in the Mosssdale  
11 Village area of the West Lathrop Specific Plan. It's a  
12 477 -- roughly a 477-acre area within the over 6,000 acre  
13 West Lathrop Specific Plan site. And the proposed uses  
14 in the Mosssdale Landing project include residential,  
15 about 1700 dwelling units; commercial, 650,000 square  
16 feet; and a school site. There are other uses that are  
17 proposed, but those are the primary issues that were  
18 addressed in the EIR.

19 The project is proposed to take place in two  
20 phases, the first one ending in 2007 and the build-out of  
21 the project being in 2010. And we address both phases in  
22 this environmental impact record.

23 As this council knows, the West Lathrop Specific  
24 Plan project itself was subject to an environmental  
25 impact report which was certified, I believe, in 1997.

8

1 MS. BURNS COCHRAN: '6.

2 MR. JAKOBS: 1996. Thank you. And this is  
3 considered a subsequent environmental impact report.  
4 What it does is it zeros in a little bit more on the  
5 details of the particular project. It looks at some of  
6 the specifics that may not have been addressed to the  
7 same level of detail in the West Lathrop Specific Plan.  
8 It also address any change in the environment that may  
9 have occurred since the West Lathrop Specific Plan was  
10 approved. So it's considered subsequent to the West  
11 Lathrop Specific Plan EIR, very much focused on Mossdale  
12 Village.

13 When we prepared the initial study, we focused  
14 the issues on those conditions that have changed or that  
15 needed new information or that had new information that  
16 needed to be addressed in this EIR. Those issues, areas  
17 that are addressed here are flood control, storm water  
18 drainage, surface water quality, groundwater quality,  
19 traffic, air quality, noise, public services, utilities,  
20 terrestrial biology, aquatic biology, cultural resources.  
21 Those are the issues that are addressed in detail in this  
22 EIR.

23 Issues that were sufficiently addressed  
24 previously in the West Lathrop Specific Plan and,  
25 therefore, are not addressed in detail in this

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1 environmental impact report are aesthetics, hazards,  
2 mineral resources, agricultural resources, recreation,  
3 geology and soils, land use and planning, population and  
4 housing, and odors.

5 Now of those issues I need to note that geology  
6 and soils was identified in the West Lathrop Specific  
7 Plan as a significant and unavoidable impact. We  
8 revisited that issue in the introduction to this project,  
9 and when we were looking at the initial study and found  
10 that some of the conditions that had been addressed then  
11 could now be -- could now be addressed through design  
12 issues and the significant unavoidable impacts which is  
13 as a result of liquefaction now are deemed to be  
14 mitigable to a less than significant level. That's good  
15 news.

16 Each impact is addressed in this EIR for its  
17 significance, and mitigation is proposed wherever  
18 feasible to reduce any significant impacts to a less than  
19 significant level. A number of significant and  
20 unavoidable impacts were also identified in our EIR.  
21 What that means is that there are impacts that would  
22 occur that application of feasible mitigation would not  
23 reduce to a level that is considered less than  
24 significant. That is traffic, particularly on Interstate  
25 205 between I-5 and McArthur. There would be significant

10

1 unavoidable impacts until I-205 is widened which  
2 Cal-Trans is in the process of planning and doing. It's  
3 a short-term impact.

4 Air quality, particularly mobile source  
5 emissions. Emissions from vehicles is considered  
6 significant and unavoidable. Noise. There are three  
7 residences on the project site or adjacent to the site  
8 that would be affected by traffic noise. And also  
9 agricultural noise would have significant affects on some  
10 of the project site uses, although they are very  
11 sporadic.

12 Farmland conversion, which was addressed in the  
13 prior EIR, we brought that forward to identify that as  
14 significant and unavoidable here just to make sure that  
15 this document fully disclosed that. Same with light and  
16 glare. That was disclosed in the prior EIR and it is  
17 again disclosed here.

18 A number of cumulative impacts would also occur  
19 as significant and unavoidable. Traffic, air quality,  
20 noise, public services, potentially to fish, and  
21 potentially odors associated with Water Recycling Plant  
22 No. 1, although that is going to be subject to its own  
23 analysis.

24 So with that, I'll turn it back over to Deanna.  
25 We're here to take notes, answer procedural questions,

11

1 but not really respond to any comments on the technical  
2 comment.

3 MS. WALSH: Just a note, this is the Mosssdale  
4 Landing project, and so we have the map on there that we  
5 wanted to show. It's also in the EIR, but that is the  
6 area. And just to make a comment, there are two K-8  
7 elementary schools, not one. At this time the Commission  
8 can --

9 CHAIRMAN DRESSER: Okay. Thank you for that.  
10 My fellow commissioners are leafing through their  
11 material and have many questions, but I'd like -- would  
12 you like to go to the public first or --

13 COMMISSIONER GATTO: That's a good idea.

14 CHAIRMAN DRESSER: Okay. At this time then I'll  
15 go to the public looking for comments. Is there anybody  
16 out there that would like to approach the podium and  
17 speak on this? State your name and address for the  
18 record, please.

19 MS. REICHEL: I'm Georgianna Reichelt, 3605  
20 East Louise. I'm speaking for myself. I'm also speaking  
21 for the Land Utilization Alliance, Eric Parfrey, and the  
22 Sierra Club. And I am going to include some of the  
23 things that the consultant has said has been addressed  
24 that I don't think has been fully addressed, but I do  
25 want to point out that it is still a concern of ours and

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PC-1

PC-1  
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want it included in the environmental impact report.

I share the same concerns as the environmental impact report on the West Lathrop Specific Plan. Don't feel that Lathrop has done one thing -- to mitigate one thing in all the years since the property was annexed. There is not a finding for water. They keep referring to the SSJID. I can assure you that the SSJID is not a done deal. There are several litigations, probably with plans even to go to the Supreme Court, over SSJID. And I believe a bill was just passed that says that you must identify a water source in the future.

PC-2

You have not built nor have you brought up the money for a proper sewage plan for any of the West Lathrop Specific Plan of which you're piecemealing this project. You have not adequately provided for drainage. You have not addressed seepage, and during the last flood, the entire area was under water and pumps were going 24 hours a day and it took months to clear up the lakes just from seepage. There was no flooding. It was just seepage from the river to I-5. In fact, there was so much water it was a lake and people were stopping to ask if they could water-ski.

PC-3

PC-4

You have not addressed the mold, and being so close to the water table because acres of dirt was removed, that area is much closer to the water table and

PC-5

1 so subsequently would be subject to more dampness. And  
2 they are already experiencing a lot of mold in the Weston  
3 Ranch area.

PC-5  
Cont'd

4 You have not adequately talked about the  
5 accumulative traffic. Anyone going on 205 or any of the  
6 freeways know that it is practically impossible some days  
7 to even try to get over that highway. And if you're  
8 planning on building another 1800 homes, that could add  
9 3,600 cars on an already overburdened road. And with the  
10 economy the way it is, there is no assurance that any  
11 widening or anything is going to be done to any of those  
12 major freeways.

PC-6

13 Air pollution. We have been in the F zone many  
14 times during this summer. If we don't improve our air  
15 quality, we are going to be losing federal moneys. If we  
16 keep building the way we're building and not addressing  
17 the issues that we have before us, fluffing them off, if  
18 you will, we are going to be not able to breathe.

19 What I was told when I served on the Air  
20 Resources Board 25 years ago, that if we don't start  
21 doing something about air pollution, we will not live in  
22 this valley because we do not have the air to take out  
23 the fumes like they do in some of the valleys. We sit  
24 stagnant. And we will be worse than the LA basin ever  
25 thought of being, and we will not be able to grow crops

PC-7

14



1 or live in this valley, and that was told to us by the  
2 State Resources Board twenty-five years ago when we were  
3 warned about it.

PC-7  
Cont'd

4 Seven homes are being built so close to the  
5 river that they cause a lot of wear and tear on the  
6 levees that are merely peat dirt stacked up. You have  
7 not addressed the fact about ground squirrels and gophers  
8 or rodents that dig into those levees and can cause  
9 failure at any time, and you have not addressed who's  
10 going to do the upkeep of those levees.

PC-8

11 There is also when you build homes so close to  
12 that roaring San Joaquin -- unpredictable San Joaquin  
13 River, you have not addressed the dangers to children and  
14 to animals once that area is built out and who's going to  
15 make sure that they don't end up down along the San  
16 Joaquin River and drowned.

PC-9

17 In our opinion -- well, and you have also not  
18 addressed and said how you're going to mitigate all the  
19 loss of the farmland. Last but not least, my comment.  
20 The proposed project in our opinion is an accident  
21 waiting to happen, and piecemealing the project still  
22 does not take care of the overall problems. Thank you  
23 very much.

PC-10

24 CHAIRMAN DRESSER: Thank you.

25 MS. REICHEL: Oh, one other thing. On the

PC-11

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1 schools, I certainly wouldn't put too much stock in San  
2 Joaquin County Board of Education or the San Joaquin  
3 County doing much for your school funding since they too  
4 along with some of the other folks are under the FBI  
5 investigation. You might want to know that the San  
6 Joaquin County is also under investigation for projects  
7 and moneys not being where they should ought to be, and  
8 they're having a thorough investigation of the San  
9 Joaquin. So I noticed in your article here you've got a  
10 lot to say about maybe the County is going to pick up  
11 some of your schools. All I can say is don't count on  
12 it. Thank you.

13 CHAIRMAN DRESSER: Thank you. Does anyone --  
14 okay.

15 MS. BRAZIL: Good evening. My name is Maxine  
16 Brazil, and I live at 14643 Stratford Avenue, Lathrop,  
17 California. And I'm here tonight not to address anything  
18 that Georgia is talking about because she did a very good  
19 job. And I haven't been to these meetings in a long  
20 time, and I'm here to ask a few questions if I can. I  
21 want to know has the City spent any of the taxpayers'  
22 money on any of this project across I-5. If so, what  
23 were they. And I need to know who is paying for the  
24 construction of the Golden Valley Parkway and Gold Rush  
25 Boulevard. Is any Measure K money being spent on this

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PC-12

PC-13

1 project linking Louise Avenue to Gold Rush Boulevard?

2 MR. COLEMAN: Wait a minute. Mr. Chairman, do  
3 you want us to answer these questions now or --

4 MS. WALSH: It's up to you.

5 CHAIRMAN DRESSER: Why don't we go ahead and  
6 we'll take in all the questions first, and then if we can  
7 have staff address those.

8 Ms. Brazil, do you have any more questions?

9 MS. BRAZIL: Sure I do, but this is the main  
10 concern to me because of the construction of moving of  
11 new Harlan Road behind my property. And I would just  
12 like to know what is going on across I-5.

13 CHAIRMAN DRESSER: Okay. We'll have somebody  
14 address those.

15 MS. BRAZIL: Are you going to do it now? Do you  
16 want me to step down?

17 CHAIRMAN DRESSER: If you'd step down. I want  
18 to take all the information first and then we'll --

19 MS. BRAZIL: Okay. Thank you.

20 CHAIRMAN DRESSER: Okay. I've noted them, and  
21 we'll address them. Is there anyone else in the audience  
22 that would like to make a comment at this time? Anyone  
23 else? Not seeing that, then I'll bring it back to the  
24 Commission.

25 Okay. At this point then would somebody from

1 staff like to address the questions that Mrs. Brazil  
2 brought up?

3 MS. WALSH: I think some of the questions that  
4 Ms. Reichelt answered can probably be addressed by the  
5 EIR consultant and I can address some of them by Maxine  
6 Brazil. So if you want to start with Gary, if you'd like  
7 to address those concerns.

8 MR. JAKOBS: Well, we normally don't respond  
9 during hearings on specific issues. We will address each  
10 of the issues that were addressed by the first  
11 commentator. She didn't raise any issues that have not  
12 been addressed in some form or fashion in the EIR, but  
13 she is raising issues on sufficiency and adequacy. And  
14 once we have a chance to look at those, we'll provide  
15 very full responses.

16 MR. COLEMAN: And then with regard to the other  
17 question concerning how will Golden Valley Parkway and  
18 Gold Rush Boulevard be developed, the City is in the  
19 process of developing a fee structure. We're currently  
20 negotiating with the developer a fee structure. We're  
21 currently negotiating a development agreement with this  
22 developer which is intended to address issues of  
23 responsibilities for construction, not only obviously the  
24 subdivision streets but also the main arterial streets  
25 that would be required for this development. These are

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PC-13  
Cont'd

1 issues which will be addressed, I think, through the full  
2 development process. And I don't know if that was an  
3 adequate answer.

4 COMMISSIONER GATTO: If I may, Mr. Chair. I  
5 think where the concern was was there any City taxpayer  
6 dollars going to be used in that. And I talked to Mrs.  
7 Brazil just before that --

8 MR. COLEMAN: Oh, I see.

9 COMMISSIONER GATTO: -- and assured her that the  
10 developer constructs the street and constructs  
11 everything, and once it's constructed and accepted by the  
12 City, then it becomes City property.

13 MR. COLEMAN: Yeah. Basically the streets and  
14 the subdivisions are developer constructed. They are  
15 then dedicated to the City for -- usually as easements.  
16 And then the City, of course, has maintenance  
17 responsibilities for those streets once they're turned  
18 over to the City.

19 With regard to the major arterials that would be  
20 involved with this particular project, these are -- these  
21 are developer-based requirements, in essence, that will  
22 either be funded over a period of time through the  
23 payment of development fees as the homes get built, or in  
24 some cases they'll be fronted. Certain aspects of the  
25 roads would be fronted by the developer, perhaps one

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PC-13  
Cont'd

1 developer, and then require reimbursements through other  
2 developers.

3 COMMISSIONER GATTO: All right.

4 CHAIRMAN DRESSER: Okay. At this point then  
5 we'll move on, but what I want to make sure is that  
6 everybody understands that as the questions come up that  
7 Mrs. Brazil brought up and Mrs. Reichelt, those will  
8 probably be further developed as this moves on. But in  
9 tonight's meeting, we just want to get the information  
10 out to share that. I thank them for raising those issues  
11 and response from the staff.

12 So with that, I'll move to the Commission, and  
13 we'll start to my left and start with Commissioner  
14 Lazard.

15 COMMISSIONER LAZARD: You were looking that way.

16 CHAIRMAN DRESSER: A little change up.

17 COMMISSIONER LAZARD: I have a question about  
18 the -- I believe it's Mossdale Boulevard. It starts here  
19 as I believe --

20 COMMISSIONER GATTO: What page are we talking  
21 about?

22 COMMISSIONER LAZARD: We're talking about page  
23 76 in the urban design.

24 MS. BURNS COCHRAN: That's beyond the scope of  
25 the EIR.

1 COMMISSIONER LAZARD: It's in here too. I don't  
2 know the page, but my question being was --

3 CHAIRMAN DRESSER: Okay. Just a second. Help  
4 me with this, Madam Attorney. We've got a question now  
5 regarding the street?

6 COMMISSIONER LAZARD: Uh-huh.

7 CHAIRMAN DRESSER: Now can you pull that --

8 COMMISSIONER LAZARD: I can find it from here.

9 MS. BURNS COCHRAN: And this is for purposes of  
10 soliciting comments on the draft EIR, not necessarily on  
11 the various sundry project approvals that are encompassed  
12 by the EIR.

13 COMMISSIONER LAZARD: Okay. I can't find it.

14 MR. COLEMAN: If you're asking about a map, for  
15 example, there is a map after 3-6.

16 MS. WALSH: There's also a map in the traffic  
17 section.

18 COMMISSIONER LAZARD: My question was it goes  
19 from a collector street to a medium density street, but  
20 it still goes straight through. I don't understand how  
21 that can be when -- that being when the houses that are  
22 backing up on it is one from a low density.

23 VICE CHAIR QUINLY: Can I ask a comment on that?  
24 I think I know where Diane is coming from. We have seen  
25 that on another proposed project, and it's actually not

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PC-15  
Cont'd

1 part of this one. If you look on that map where it's  
2 between Louise and Main Street.

3 COMMISSIONER LAZARD: Right.

4 VICE CHAIR QUINLY: That's where we saw houses  
5 backing up on that other project. I don't see it on this  
6 one.

7 MR. COLEMAN: There was houses on -- I guess  
8 it's okay to answer.

9 MS. WALSH: I guess what she's asking about --  
10 she showed me the map before. There are wider -- there's  
11 a wider segment -- it's a major street through the  
12 Mossdale Boulevard as it runs through the project, but  
13 when it gets to the residential areas outside of the  
14 commercial areas, it's reduced down to a local street.  
15 And the reason that is generally done is to discourage  
16 major traffic going through major streets and -- but to  
17 the extent that that's covered in the EIR.

18 COMMISSIONER LAZARD: Okay.

19 MS. BURNS COCHRAN: Maybe that part -- is that  
20 part of another subdivision?

21 MS. WALSH: No, it's part of this development.

22 COMMISSIONER LAZARD: I was talking about this  
23 one from a collector down to the major low density. But  
24 it still goes through the development. I don't  
25 understand why the change there.

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PC-15  
Cont'd



1 MR. JAKOBS: Maybe I can get an answer for you  
2 if you can help put it into the form of a question that I  
3 can respond to.

4 COMMISSIONER LAZARD: Okay. My question being  
5 is it starts out as a collector street, and that one  
6 area, it goes down to major low density street but it's  
7 still going straight through and across and it's still  
8 extending out to that other project.

9 MR. JAKOBS: And the concern you would like us  
10 to address?

11 COMMISSIONER LAZARD: Since it goes straight  
12 through, I don't understand the change where it scales  
13 down.

14 MR. JAKOBS: So you would like to know why it  
15 scales down from collector to a residential street?

16 COMMISSIONER LAZARD: Uh-huh.

17 MR. JAKOBS: Okay. We'll get you the answer.

18 COMMISSIONER LAZARD: Thank you. And the other  
19 question I have is about the fire station. On there it  
20 says there is an interim station coming in. I don't  
21 understand. And it's going on one lot. Let me see.  
22 Where did it go? I lost it. I'm sorry. The fact that  
23 there's the interim station in the interim, you mean what  
24 type of station is that?

25 MR. MONTY: Okay. Basically what you're

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PC-15  
Cont'd

PC-16

1 referring to is an agreement between Pacific Union Homes  
2 and the fire district where a station will be required at  
3 a given time, however, we're hoping for a larger parcel.  
4 That parcel is part of a realignment that we're expecting  
5 on Golden Valley Parkway.

6 In the meantime, in case if the station is  
7 required due to amount of calls or response times,  
8 Pacific Union is going to supply us with an interim  
9 location of parcel 67 through 69 so that we can construct  
10 either a day station or a smaller station or a mobile  
11 station, something that we can use in the meantime until  
12 a more permanent location becomes available.

13 The optimum location would be east of the  
14 temporary which gives us about 37,237 square feet of  
15 space that we'll need to supply a fully equipped station.  
16 But in the meantime, until that realignment occurs or  
17 redesignation of Golden Valley Parkway occurs, they're  
18 going to supply us with parcels 67 through 69 for a  
19 temporary location. The station will be designed and  
20 built by us.

21 COMMISSIONER LAZARD: Okay. That's all the  
22 questions.

23 CHAIRMAN DRESSER: Okay. Thank you.  
24 Commissioner Camara.

25 COMMISSIONER CAMARA: Thank you. I had a

24

PC-16  
Cont'd

PC-17

1 question on the water. Now is this project going to have  
2 the recycled water with the purple pipe system that we  
3 won't be dumping it into the river; we'll be recycling as  
4 much as we can and putting it into parks or agriculture  
5 land or something like that?

6 MR. JAKOBS: Yeah. The project really is two  
7 phases. The first phase includes a recycled water  
8 storage area, and that recycled water storage area will  
9 actually be a reservoir on the site that will also be  
10 used to take water from and irrigate on site.

11 During the second phase of the project for  
12 build-out, it will require identification of another  
13 location for storage and application of some of the  
14 wastewater. And we've addressed in the EIR that there  
15 are some uncertainties regarding what could happen at  
16 build-out. So the project is actually phased in a way  
17 that if there is not a solution in the future, that the  
18 project would continue to be able to operate with the  
19 recycled water storage and application on site.

20 MR. COLEMAN: But the build-out could not occur  
21 unless -- for the later phases unless in fact additional  
22 sites can be found.

23 COMMISSIONER CAMARA: Okay. And on potable  
24 water, now if for some reason the San Joaquin Irrigation  
25 District falls through, is there any plans to getting

25

PC-17  
Cont'd

PC-18

1 water anywhere else or --

2 MR. JAKOBS: Within the context of the EIR we've  
3 looked at groundwater and how far groundwater can go. I  
4 don't have the number on the top of my head, but we can  
5 respond to that in our response to comments. But  
6 certainly groundwater is an interim phase, and the City  
7 has a good reservoir of groundwater right now. Certainly  
8 SSJID is key to the development.

9 COMMISSIONER CAMARA: Okay. That's all I have.

10 CHAIRMAN DRESSER: Thank you. Commissioner  
11 Gatto.

12 COMMISSIONER GATTO: I'm still searching here.  
13 I've got notes, and I don't know where I wrote them down.

14 CHAIRMAN DRESSER: All right. We'll come back  
15 to you.

16 COMMISSIONER GATTO: Crystal, go ahead. Go for  
17 it.

18 VICE CHAIR QUINLY: A lot of these are just  
19 going to be comments. Also some of them are not going to  
20 be questions that you'll be able to respond to, but I'm  
21 going to ask them anyway or say them anyway.

22 The first one is the Williamson Act. How many  
23 acres are going to be cancelled? I haven't seen a number  
24 in here. If I can find out how many acres are going to  
25 be cancelled on that.

26

1 MS. WALSH: None of the properties is currently  
2 within the Williamson Act. That is -- excuse me. I take  
3 that back. The Terry Harris property is not in the  
4 Williamson Act. There are some other pieces of property,  
5 the Osborne has a few years, and a couple of other ones  
6 are not in the Williamson Act and have not been in the  
7 Williamson Act.

8 VICE CHAIR QUINLY: Okay. Because on 2-3, it  
9 does talk about it. It mentions the Williamson Act.

10 MS. WALSH: There is -- some of the Osborne  
11 property has three years to run on the Williamson Act.  
12 So if they wanted to develop that property, they would  
13 have to go through the cancellation process. It isn't in  
14 one of the first phases of the development so, you know,  
15 it may not be germane.

16 MR. COLEMAN: This will be addressed in the  
17 responses.

18 VICE CHAIR QUINLY: Okay. Thank you. The next  
19 comment is on the master plan. This is the Lathrop  
20 Water, Wastewater, and Recycled Water Master Plan. It is  
21 still proposed -- and I know I say this at all of these  
22 meetings. It is difficult to assess these kinds of  
23 projects when we don't have the answers. None of this is  
24 finalized. It's the same thing with the SSJID.

25 MS. WALSH: The water recycled master plan for  
27

PC-19  
Cont'd

PC-20

1 the City of Lathrop was certified in 2001. That's the  
2 master plan.

3 VICE CHAIR QUINLY: Well, it was proposed. Is  
4 everything finalized?

5 MS. WALSH: The master plan for the water,  
6 recycled water -- all I know is the acronyms. But  
7 anyways, water, recycled water, sewer master plan,  
8 wastewater was.

9 VICE CHAIR QUINLY: All of that is approved  
10 then?

11 MS. WALSH: All of that was certified, yes, last  
12 year, 2001.

13 MR. JAKOBS: If I may add, if there's potential  
14 confusion, it's because there's a master plan that serves  
15 the entire City of Lathrop, yet there are facilities that  
16 need to be constructed to implement the master plan. So  
17 in this EIR, we talk about some of those proposed  
18 facilities that are consistent with the master plan that  
19 are currently going through the consideration process.  
20 So that might be --

21 VICE CHAIR QUINLY: Right. I do see that. It  
22 consists of, and then it lists about five of our plans  
23 are still in the process.

24 MR. JAKOBS: (Nods head.)

25 VICE CHAIR QUINLY: I have all my notes, so I

28

PC-20  
Cont'd

PC-21

1 might be a little slow, but -- on page 2-8 on the storm  
2 drains. This is in 4.1-C. And also I wanted to ask  
3 about storm drain ponds. I don't see those on the map,  
4 at least on this part of it so I don't know if they are  
5 proposed or if these are all going to be -- is this just  
6 all going to be pipes for the storm drains? Is there a  
7 storm drain pond? And also there's a comment about  
8 finally the proposed project would place drains along the  
9 land side, and just to be sure that that is okay with  
10 RD-17. It just says no mitigation measures are  
11 necessary, so I don't have any other information on that.

12 MR. JAKOBS: Okay. We'll respond to that.

13 VICE CHAIR QUINLY: Okay. On 2-12, this is  
14 4.4-B. I've also mentioned this before. This is on  
15 groundwater quality and storm water runoff impacts. Just  
16 that I don't think it's appropriate to use the comparison  
17 of urban versus agriculture with the first flash. It's  
18 just the comparison, I think it should be scanned alone  
19 documented and the BMP should be what we're looking at  
20 and the comparison on that.

21 And on 2-13, the traffic, I was trying to find  
22 out exactly what the level of service was, and I did look  
23 into this the other day. Some of these areas were  
24 already at a level of service of E. And with this  
25 project, we're going to have E and F. And I do see that

29

PC-21  
Cont'd

PC-22

PC-23

PC-24

1 we mitigate, but even with the mitigations, we're going  
2 to be at C and D on some of the offramps and some of the  
3 intersections. Actually we're at A and B on some of  
4 those. The highway is actually an E. So to be able to  
5 say that a C and D are less than significant -- and I  
6 also saw that we say that level D is what the City of  
7 Lathrop and Cal-Trans desires, but that doesn't mean that  
8 it's less than significant for those that are on the  
9 road.

10 MR. JAKOBS: Is your comment that the City  
11 should look at the thresholds? I just want to write a  
12 comment that we can respond to.

13 VICE CHAIR QUINLY: Well, I do not think that it  
14 is appropriate and an appropriate comparison. I think  
15 it's probably just going to be no more than a comment. I  
16 don't think you can really respond to that.

17 MR. JAKOBS: Okay.

18 VICE CHAIR QUINLY: Also on 4.5-E in the  
19 mitigation measures, the last sentence, "The road shall  
20 be repaired to the applicant's expense to the  
21 satisfaction of the City." Is that the applicant? Is  
22 that the developer? Are they one and the same?

23 MR. COLEMAN: In this particular case it's --  
24 the developers are the applicant in this case. I don't  
25 know if you can hear me. The applicant in this case is

30

PC-24  
Cont'd

PC-25



1 the developer, so it's going to be a developer  
2 obligation.

3 VICE CHAIR QUINLY: There were just a few places  
4 in here where it went back and forth between the  
5 developer and the applicant, so that's what I was asking,  
6 if they're the same or separate on those.

7 Also in 4.5-G, also the construction traffic,  
8 the mitigation measures.

9 MR. COLEMAN: That was, I'm sorry, 4 --

10 VICE CHAIR QUINLY: 4.5-G. This is construction  
11 traffic. As far as the mitigation measures, I think it's  
12 a good idea to -- the mitigation is to limit the  
13 construction traffic between 6:45 and 8:15 and 4:15 to  
14 5:45. I just don't think that's going to be enforceable  
15 or realistic when we actually get into the building of  
16 this phase.

17 Just one other comment on the traffic, and this  
18 is actually further back. It's Exhibit 4.5-3 and -4.  
19 And there's actually an explanation which was on 4.5-8,  
20 and that's regarding the peak hours. And one of the  
21 exhibits, it's from 7:00 to 8:00 AM, and then the other  
22 one the peak hours says 6:30 to 7:30. There is an  
23 explanation for that, but that could be confusing too. I  
24 do see that it's explained, but it's still confusing when  
25 you look at the pictures, and even the numbers are still

31

PC-25  
Cont'd

PC-26

PC-27

1 the same.

2 4.6-C. This is air quality. The mitigations by  
3 the San Joaquin Valley Pollution Control District, those  
4 are requirements or recommendations? So that would be a  
5 question. It appears that they're required.

6 MR. JAKOBS: Just -- that's a fairly easy  
7 response. The District recommends mitigation measures  
8 for a variety of areas. They don't have permit  
9 authority. They cannot require any limitation. It's  
10 usually the local jurisdiction that's required to  
11 implement for the long-term emissions. In particular for  
12 short-term construction emissions, the District strongly  
13 encourages that the local jurisdiction does implement all  
14 of the mitigation measures. And long-term are more  
15 recommended and it's up to the City to decide whether  
16 they want to implement them or not.

PC-28

17 VICE CHAIR QUINLY: Okay. In the mitigation  
18 measures, it does appear that they're required, so maybe  
19 some statements should be changed that they are going to  
20 be recommended then.

21 MR. JAKOBS: Maybe a wording on that. We write  
22 the mitigation measures so that the City can actually  
23 implement them. So they are written in a way -- we try  
24 to write them in a way that this shall actually occur.

25 MR. COLEMAN: These would actually become

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**III. REVISIONS TO THE DEIR**

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### III. REVISIONS TO THE DEIR

#### A. Revisions in Response to Comments

As a result of comments received on the DEIR, revisions have been made to the EIR text. A compilation of the revisions to the EIR is provided below. These revisions do not include significant new environmental effects and do not represent substantial new information.

1. In response to Comment K-2: Page 4.1-11, Section 4.1.3, Mitigation Measures, after the second sentence add the following:

“However, to provide an extra degree of safety against possible seepage from the San Joaquin River onto and/or beneath the project site, the following mitigation measure is provided:

**“4.1-c: Flood Control/Drainage - Expose People or Structures to a Significant Risk of Flooding, Including Flooding as a Result of the Failure of a Levee.** The storm drain pipelines installed beneath the future roads of the development shall also be designed and constructed to act as french drains, with seepage being collected in the bedding zone of the proposed development and allowed to enter into manholes of the drain pipelines at specific elevations.”

2. In response to Comment L-4: Page 4.10-48, just before Section 4.10.4, add the following measure:

**“4.10-o Terrestrial Biology - Riparian Brush Rabbit.** A trapping survey shall be conducted in the oxbow habitat by a qualified biologist. If riparian brush rabbits are captured during the survey, the project proponent shall commission a genetic study to determine the genetic complement of the riparian brush rabbit found in the oxbow habitat. If the genetic complement of the captured rabbits is near or similar to known populations of riparian brush rabbits, the rabbits in the oxbow shall be re-trapped and relocated to safe habitats containing the genetically similar riparian brush rabbit population. If the species is determined to be riparian brush rabbit but its genetic complement is dissimilar to any known riparian brush rabbit population, the rabbits shall be re-trapped and reintroduced to an appropriate refuge site in consultation with USFWS.”

3. In response to Comment M-7: Page 4.2-2, first full paragraph, last sentence, change “1,500” to “1,100”.

4. In response to Comment M-11: Pages 4.2-16 and 4.2-17, Mitigation Measure 4.2-c, revise as follows:

**4.2-c Surface Water Quality - Proposed Best Management Practices (BMPs).** The project applicant shall implement the following measures with respect to the BMPs proposed in the Mossdale Landing UDC Document and described under the “Project Proposals” subheading of Section 4.2 of the EIR:

- Responsibilities for Implementation of Proposed BMPs. For those proposed Best Management Practices (BMPs) identified under the “Project Proposals” subheading of Section 4.2 of the EIR ~~where specific responsible parties or funding sources are~~

~~not identified in the BMP itself:~~ (1) the developers of each project under the UDC shall be responsible for the physical improvements associated with each BMP; and (2) a Landscape and Lighting Maintenance District and/or Geotechnical District shall be established for the proposed project by the City of Lathrop that shall be responsible for operation of the proposed structural BMPs and overseeing implementation of the proposed programmatic BMPs. The Landscape and Lighting Maintenance District and/or Geotechnical District will also be responsible for implementing any BMP requirements of the stormwater pollution prevention plan (SWPPP) to be prepared for the proposed project. ~~homeowners associations and/or other entities established associated with each development under the UDC shall be responsible for the programmatic measures associated with the BMPs. These responsibilities shall be spelled out by the City in the conditions of approval for each development project under the UDC.~~

- Implementation of Proposed BMPs During All Project Phases. The proposed Best Management Practices (BMPs) listed under the “Project Proposals” subheading of Section 4.2 of the EIR shall be implemented during all phases of the proposed project rather than during only the early phases of the proposed project.

5. In response to Comment M-15: Page 4.2-17, Mitigation Measure 4.2-c, Second Bullet, Second Sentence, add “,in perpetuity,” after”during all phases of the proposed project”.

6. In response to Comment P-2: Page 4.6-15, Mitigation Measure 4.6-a, after the last bullet on the page add the following:

“In addition to the measures identified above, the following measures from Table 6-3 of the Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) are identified as potential mitigation measures that may be required by SJVAPCD:

- Install wind breaks at windward sides of construction areas.
- Suspend excavation and grading activity when winds exceed 20 mph.
- Comply with the National Emission Standards for Hazardous Air Pollutants (NESHAPS) during the renovation/demolition of any existing buildings on the project site with the potential to contain asbestos. Consult the SJVAPCD’s Asbestos - Compliance Assistance Bulletin, dated December 1994, to ascertain whether individual structures on the project site are subject to NESHAPS”

7. In response to Comment P-3: Page 4.6-14, Mitigation Measure 4.6-a, after the first sentence add the following:

“It is recognized that SJVAPCD Regulation VIII, upon which the following control measures are based, have recently undergone revision that these control measures are subject to future period revision. Therefore, prior to the beginning of each of the six phases of project construction, the project applicant shall contact the SJVAPCD to identify the most recent fugitive dust control measures required to be implemented by the proposed project. Consult the SJVAPCD’s Compliance Assistance Bulletin which highlights many of the requirements contained within Regulation VIII.”

8. In response to Comment P-4: Page 4.6-16, Mitigation Measure 4.6-a, after the last paragraph in the mitigation measure add the following:

“In addition to the measures identified above, the following measures from Table 6-4 of the Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) are identified as potential construction equipment mitigation measures that may be required by SJVAPCD:

- Use of alternative fueled construction equipment.
- Limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use at any one time.
- Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set).
- Curtain construction during periods of high ambient pollutant concentration; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways (or ceasing/reducing heavy duty equipment usage on Spare the Air Days).
- Prior to the issuance of construction contracts the applicant should perform a review of new technology, as it relates to heavy-duty equipment, to determine what if any advances in emissions reduction are available for use. It is anticipated that in the near future both Nox and PM10 control equipment will be available. The District would be available for consultation on this process.”

9. In response to Comment P-5: Page 4.6-17, Mitigation Measure 4.6-c, after the last sentence of the mitigation measure add the following:

“The following additional measures shall be implemented as part of the design of the proposed project and/or during project operation.

- Planting of deciduous trees on the south and westerly facing sides of buildings.
- Natural gas lines and electrical outlets should be installed in patio areas to encourage the use of gas and/or electric barbecues.
- Allow businesses or individuals through the zoning and building permit process the option of installing electric/natural gas fuel hookups.”
- If a gasoline service station is developed as part of the proposed project, it is encouraged that natural gas fueling be incorporated as part of the station.
- The City of Lathrop is encouraged to permit home offices and satellite work centers in the zoning provisions for the proposed project to encourage/facilitate telecommuting.

- Wood burning fireplaces are prohibited. Only natural gas fireplaces shall be installed and shall be limited to one per residential unit.”

10. In response to Comment Q-4: Page 4.12-17, Mitigation Measure 4.12-b, after the first paragraph add the following:

“The project applicant shall pay the costs for a Native American representative, to be chosen by the Northern Valley Yokut Tribe, to observe the Phase II testing at Moss Site 2. The City of Lathrop shall determine the appropriate fee for the observer based on standard rates.”

11. In response to Comment Q-4: Page 4.12-17, Mitigation Measure 4.6-c, after the first paragraph add the following:

12. In response to Comment S-43: Page 4.6-16, Mitigation Measure 4.6-c, after the last bulleted item add the following paragraph:

“The physical improvements identified above will be the responsibility of the project applicant and/or developers(s), while the programmatic measures will be the responsibility of either: (1) individual property owners under the project (through project deed restrictions); or (2) project HOAs and business associations. If project HOAs and business associations, they shall be established by the project applicant and/or developers of each phase of the project prior to occupancy of said phase, and shall both operate and implement their responsibilities under this mitigation measure for the life of the project.”

13. In response to Comment PC-34: Page 4.10-48, Section 4.10.3, after Mitigation Measure 4.10-m, add the following mitigation measure:

**4.10-n: Terrestrial Biology - Oak Trees.** While the proposed project would not result in a significant impact to valley oak trees, the following mitigation measure is identified to alleviate public concern about the possible removal of oak trees under the proposed project:

The majority of valley oaks trees on the project site that exceed 40 inches in diameter at breast height (dbh) shall be preserved. For any valley oak trees of 18 inches dbh or greater which are to be removed, they shall be replaced by the project applicant at a 3:1 ratio (three replacements for each impacted tree). Replacement trees shall meet the following sizing criteria: existing valley oaks that exceed 40 inches dbh shall be replaced with 24-inch box valley oaks; existing valley oaks between 20 and 40 inches dbh shall be replaced with five gallon valley oaks; existing valley oaks between 18 and 21 inches dbh shall be replaced with one gallon valley oaks. Replacement trees shall be planted within the river parks and/or open space portions of the project site, and shall be watered by the project for a period of at least three years (or longer, if required, to establish the trees on the project site).

14. In response to Comment PC-37: Page 1-8, Third Paragraph 6, First Sentence, change “... means the proposed Lathrop Water, Wastewater and Recycled Water Master Plan ...” to “... means the adopted Lathrop Water, Wastewater and Recycled Water Master Plan ...”.

15. In response to Comment PC-37: Page 4.8-1, Third Paragraph, Fifth Sentence, change “... four proposed new wells...” to “... four planned new wells...”.

16. In response to Comment PC-37: Page 4.8-4, Second Full Paragraph, First Sentence, change “WRP #1 is currently planned to be expanded ...” to “WRP #1 is currently planned to be expanded ...”.
17. In response to Comment PC-37: Page 4.8-4, Fourth Full Paragraph, Third Sentence, change “... three proposed WRPs ...” to “... three planned WRPs ...”.

**B. Revisions in Response to Errors**

The following revisions are hereby made to the DEIR in response to errors made in the original DEIR document. These revisions do not include significant new environmental effects and do not represent substantial new information.

1. Page 4.8-19, Mitigation Measure 4.8-d, revise as follows:

**4.8-d Utilities - Demand for Wastewater Treatment Capacity During Interim Conditions.** Interim development under the Mosssdale Landing project shall not be occupied ~~commence~~ until both adequate wastewater treatment capacity and tertiary treatment to Title 22 standards for unrestricted use are available at WRP #1 to serve this interim development.

2. Page 4.8-20, Mitigation Measure 4.8-e, revise as follows:

**4.8-e Utilities - Demand for Wastewater Treatment Capacity at Buildout.** Buildout development under the Mosssdale Landing project shall not be occupied ~~commence~~ until both adequate wastewater treatment capacity and tertiary treatment to Title 22 standards for unrestricted use are available at WRP #1 to serve this buildout development.



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#### IV. REFERENCES

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**V. ATTACHMENTS**

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**Attachment A: Revised Appendix C of the DEIR  
(Revised Surface Water Quality Analysis Report)**

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# **Water Quality Analysis Report Mossdale Landing**

**Prepared for:**

**Pacific Union Homes**

**Prepared by:**

**Scott Taylor, P.E. (CA043053)**

**Marcy Rockwell, E.I.T.**

**RBF Consulting**

**November 8, 2002**

## TABLE OF CONTENTS

1.0	INTRODUCTION .....	1
1.1	PROJECT DESCRIPTION .....	1
1.2	PURPOSE OF THIS REPORT .....	1
2.0	EXISTING SURFACE WATER CONDITIONS.....	3
2.1	DRAINAGE FEATURES.....	3
2.2	RECEIVING WATERS .....	3
2.3	PRIMARY WATER QUALITY ISSUES.....	3
2.3.1	Degradation of Water Quality.....	3
2.3.2	Impairment of Beneficial Uses.....	4
3.0	EXISTING APPLICABLE SURFACE WATER QUALITY STANDARDS .....	7
3.1	CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD.....	7
3.2	MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT .....	8
3.3	NPDES GENERAL PERMIT (CONSTRUCTION ACTIVITY).....	8
3.3.1	Storm Water Pollution Prevention Plan.....	9
3.3.1.1	Non-Structural BMPs .....	9
3.3.1.2	Structural BMPs .....	12
4.0	CONSTITUENT LOADING MODEL.....	14
4.1	EPA SIMPLE METHOD .....	14
4.2	EXISTING CONDITION .....	16
4.3	DEVELOPED CONDITION WITHOUT BMP.....	16
4.4	DEVELOPED CONDITION WITH BMP .....	17
4.5	DISCUSSION .....	18
5.0	WASTEWATER EFFLUENT DISPOSAL SYSTEM.....	20
5.1	APPLICABLE WATER QUALITY STANDARDS .....	20
5.1.1	NPDES Permit Program .....	20
5.1.2	Title 22.....	20
5.2	EXPECTED EFFLUENT QUALITY FROM PROPOSED SYSTEM.....	23
5.2.1	Flow Rates .....	23
5.2.2	Treatment.....	25
5.2.3	Effluent Disposal .....	26
5.3	THRESHOLDS OF SIGNIFICANCE.....	27
5.4	IMPACT ANALYSIS .....	28
5.4.1	Effects on Public Health .....	28
5.4.2	Effects on Water Quality .....	29
5.4.3	Effect on Plant Life and Wildlife.....	29
5.5	MITIGATION MEASURES .....	30
6.0	SUMMARY.....	31
7.0	REFERENCES .....	32
APPENDIX		



**LIST OF TABLES**

Table 1. Average Constituent Concentration.....	15
Table 2. Annual Runoff.....	16
Table 3. Annual Constituent Load Estimation, Existing and Developed Conditions.....	17
Table 4. Standards For Title 22 Disinfected Tertiary Recycled Water for Unrestricted Use.....	21
Table 5. Wastewater Treatment Processes and Allowed Effluent Reuse.....	22
Table 6. Average Dry Weather Flow 100-Year Water Balance for Mossdale Landing Land Application System .....	24
Table 7. Projected Recycled Water Quality for Mossdale Landing.....	26
Table 8. Possible Future Waste Discharge Requirements for Effluent Disposal.....	27

## 1.0 INTRODUCTION

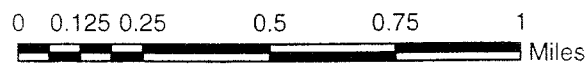
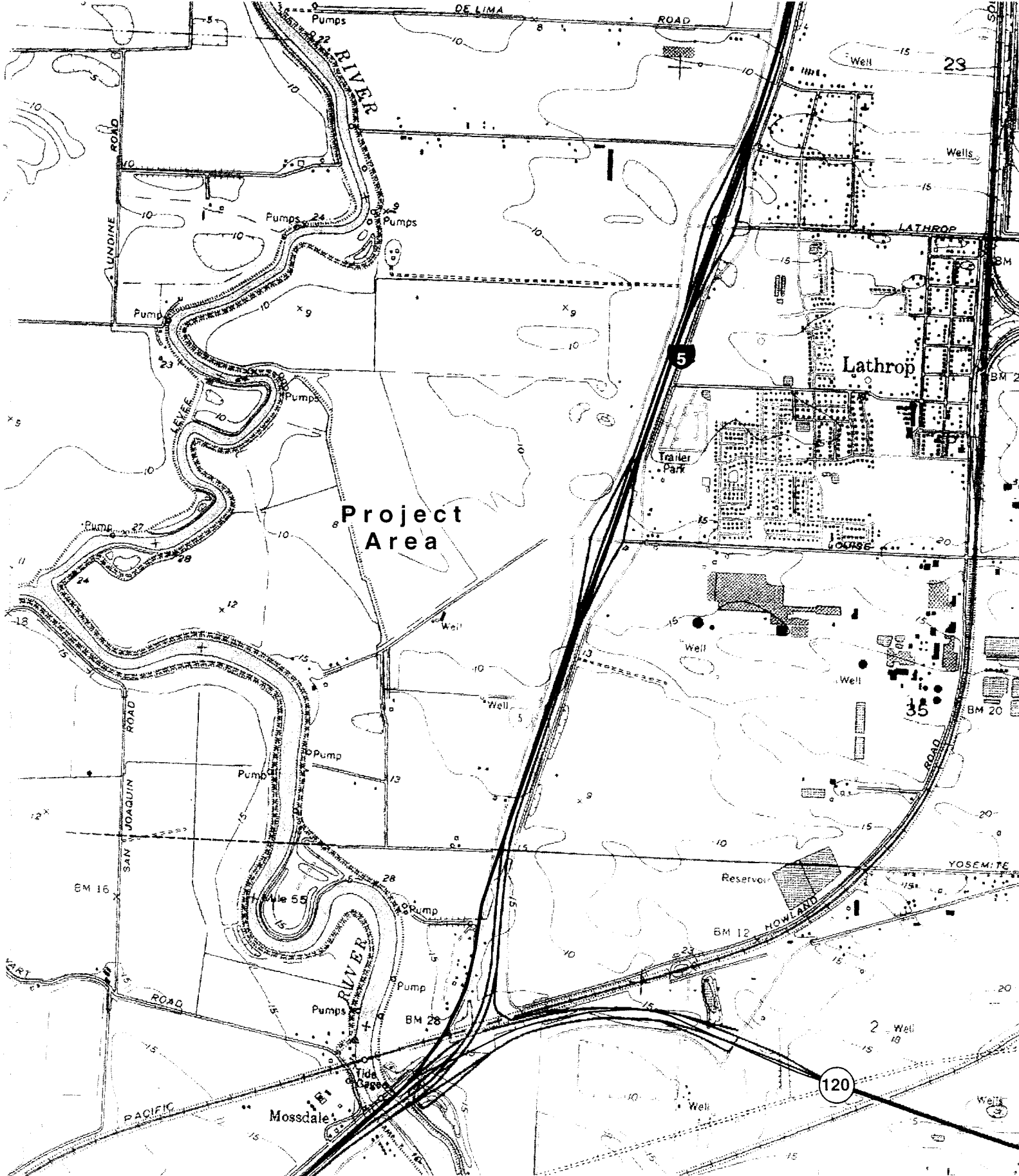
### 1.1 Project Description

Mossdale Landing by Pacific Union Homes is a 477-acre mixed-use master-planned community within the City of Lathrop, California. The proposed community is part of the Mossdale Village area, which is bordered on the west by the San Joaquin River, on the east by Interstate 5, and on the north and south by agricultural land (see Figure 1). This area is encompassed by the approved West Lathrop Specific Plan and EIR and will consist of 1,690 dwelling units, 653,399 square feet of commercial and village uses, a fire station on 0.4 acre, 39 acres of parks, 164,000 square feet of schools, 13.8 acres of open space and 52.2 acres of major streets. The planning and design of this project will be pedestrian-oriented, in keeping with traditional Central Valley communities, and will include tree-canopied parkways, interconnected streets, bike paths, windrows and orchards, and other elements that reflect the history and visual character of the City of Lathrop and its surrounding environs.

### 1.2 Purpose of this Report

RBF Consulting was retained by Pacific Union Homes to prepare a Water Quality Analysis Report for the proposed Mossdale Landing development. This report will detail elements of that analysis, including the following:

- Review of existing applicable surface water quality standards for the site and its receiving waters, including the Central Valley Region Water Quality Control Board (CVRWQCB) Basin Plan,
- Determination of existing water quality conditions at the project site and how they compare to those standards,
- Review of published values of constituent reduction for non-proprietary Best Management Practices (BMPs),
- Construction of a constituent loading model to assess land use alternatives,
- Review of existing standards and regulations for surface disposal of treated wastewater (domestic) and NPDES requirements for drainage water quality (both on-site retention and disposal to surface waters), and
- Determination of system operation, expected tertiary-treated effluent quality for irrigation for the project site, and potential impacts.



**Figure 1. Location Map**  
Project Area

## 2.0 EXISTING SURFACE WATER CONDITIONS

### 2.1 Drainage Features

The proposed Mossdale Landing Development is located in the San Joaquin River Basin. The San Joaquin River Basin is bounded on the east by the Sierra Nevada Mountains and on the west by the Coast Ranges. The basin covers 15,880 square miles and includes the entire area drained by the San Joaquin River (SJR).

The Mossdale Watershed occupies a tiny fraction of the San Joaquin River Basin, draining a total area of 1,250 acres. This area is bounded on the east by Interstate 5 and on the south and west by 20-foot river levees built in the late 1980's. The accepted northern limit of the watershed is the Robinson property line.

Ground slopes vary from 0 to 2 percent, with elevations ranging from 8 to 12 feet above mean sea level. The watershed is characterized by a variety of different soil types, with hydrologic soil Types B and C being predominant. Type B soils having a moderate infiltration rate when thoroughly wet, while Type C soils having a slow infiltration rate when thoroughly wet. However, due to heavy agricultural use of the soils in this area, permeability is higher than would be suggested by soil type alone, and runoff is minimal. The runoff that does occur is directed to the west via a series of swales and ditches, then pumped through the levee into the SJR.

### 2.2 Receiving Waters

The receiving water for the Mossdale Watershed is the San Joaquin River. The SJR is 330 miles long and flows through portions of Contra Costa, Fresno, Madera, Merced, Sacramento, San Joaquin and Stanislaus Counties. The river experiences flows of up to 1,100 cubic feet per second (cfs) in dry years, and exceeding 40,000 cfs in wet years.

Water quality in the SJR has degraded significantly since the 1940's, due mainly to reservoir development for agricultural purposes both on the east side tributaries and in the upper basin, as well as to drainage from upslope saline soils on the west side of the San Joaquin Valley. Use of pesticides and fertilizers, agricultural return flows, municipal discharges, and channelization of the SJR have all contributed to this degradation.

### 2.3 Primary Water Quality Issues

Degradation of water quality and impairment of beneficial uses are the primary water quality issues for the Mossdale Watershed.

#### *2.3.1 Degradation of Water Quality*

The Environmental Protection Agency (EPA) is the primary federal agency responsible for management of water quality in the United States. The Clean Water Act (CWA) is the federal law that governs water quality control activities initiated by the EPA and others. Section 303 of the CWA requires the adoption of water quality standards for all surface water in the United States. Under Section 303(d), individual States are required

to develop lists of water bodies which do not meet water quality objectives after required levels of treatment by point source dischargers. Total maximum daily loads (TMDLs) for all pollutants for which these water bodies are listed must be developed in order to bring them into compliance with water quality objectives.

According to the California 1998 303(d) list for the CVRWQCB, the San Joaquin River is impaired for the following agricultural pollutants/stressors/indicators:

- Boron
- Chlorpyrifos
- DDT
- Diazinon
- Electrical conductivity (salinity)
- Group A pesticides<sup>1</sup>
- Selenium
- Unknown toxicity

*1) Group A pesticides include: aldrin, dieldrin, chlordane, endrin, heptachlor, heptachlor epoxide, hexachlorocyclohexane (including lindane), endosulfan and toxaphene. Many of these pesticides have been banned from use.*

Except for selenium, these pollutants are known to be out of compliance with applicable water quality standards for a 130-mile stretch of the SJR upstream of the City of Lathrop, from the Airport Way Bridge near Vernalis (see Figure 2) to the Mendota Dam.

Selenium levels exceed applicable water quality standards for 50 miles upstream of the City of Lathrop, from Vernalis to the Salt Slough confluence.

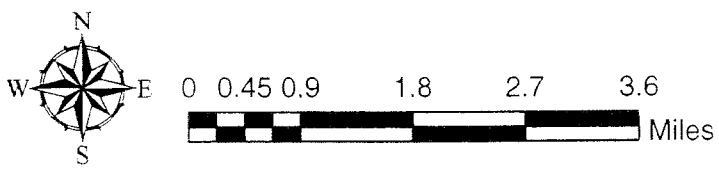
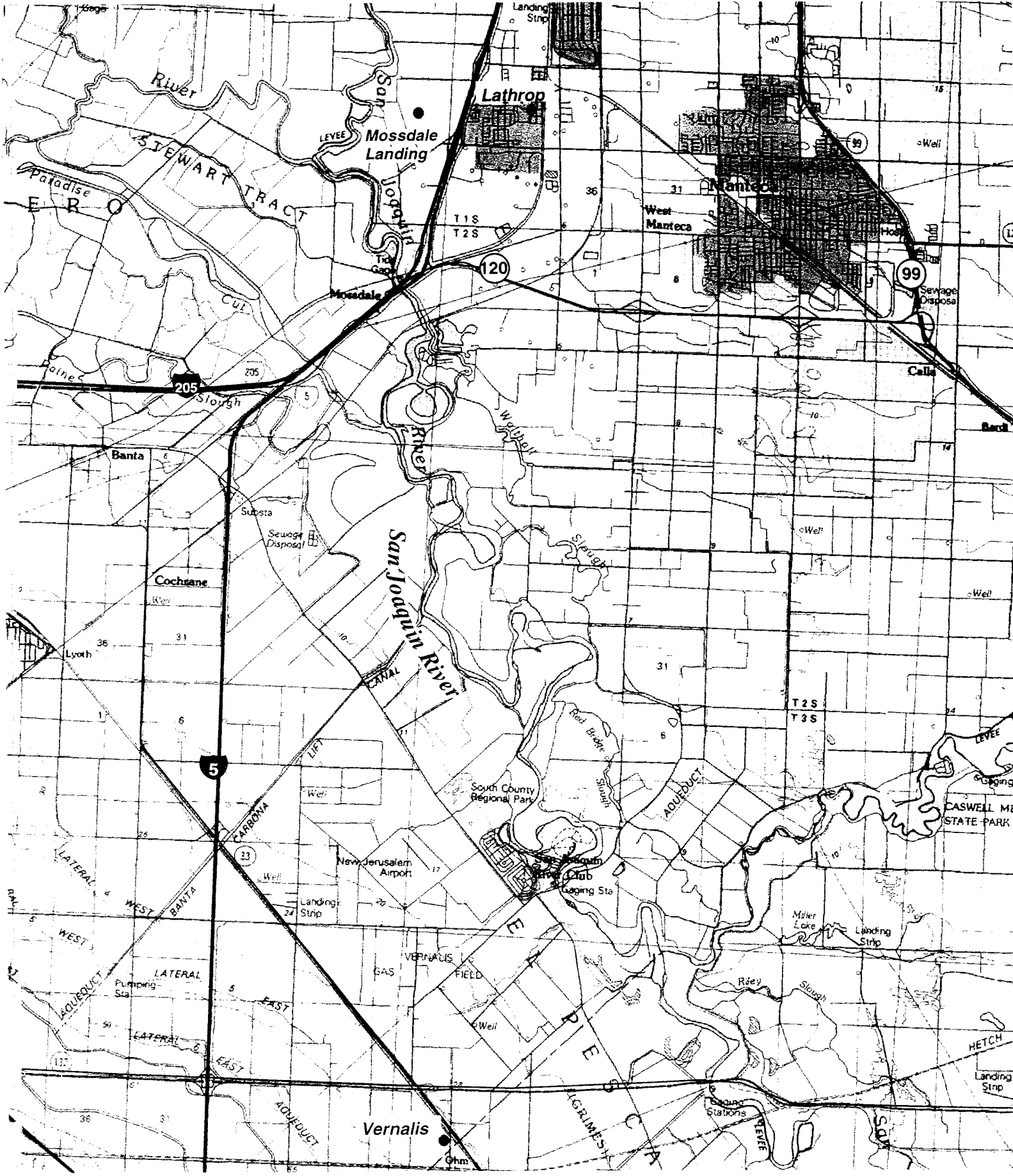
Table 4.2-5 from the Lathrop Water, Wastewater, and Recycled Water Master Plan (see Appendix) lists other relevant constituents for the SJR and how they compare to applicable water quality criteria.

### ***2.3.2 Impairment of Beneficial Uses***

Protection and enhancement of existing and potential “beneficial uses” of water bodies are primary goals of water quality planning. State law defines beneficial uses as “...domestic; municipal; agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves” (Water Code Section 13050(f)). Additional protected beneficial uses of the SJR include groundwater recharge and fresh water replenishment (designated GWR and FRSH, respectively, in standard basin plans).

Degradation of water quality in the San Joaquin River has impaired many of the beneficial uses for this water body. Among those existing uses adversely impacted by pollutants in the affected reach of the SJR are (listed with standard basin plan designation abbreviations) irrigation (AGR), stock watering (AGR), human contact and non-contact recreation (e.g., swimming, canoeing and rafting) (REC-1 and REC-2), freshwater habitat

(WARM and COLD) and wildlife habitat (WILD). Municipal (MUN), industrial (IND), and power generation (POW) are potential uses for some portions of the SJR that may also be negatively impacted by pollutants that exceed applicable water quality standards.



**Figure 2. Vicinity Map**  
Lathrop & Vernalis

### 3.0 EXISTING APPLICABLE SURFACE WATER QUALITY STANDARDS

#### 3.1 Central Valley Regional Water Quality Control Board

Of those pollutants/stressors for which the San Joaquin River is considered impaired, the Central Valley Regional Water Quality Control Board currently has TMDLs in place for selenium and drafts under consideration for boron, diazinon, chlorpyrifos, and salinity. TMDLs for other listed constituents are in the planning stages. These TMDLs were based, in large part, on the August 2000 edition of the CVRWQCB *A Compilation of Water Quality Goals*, which compiles existing water quality standards for all constituents of concern within the Central Valley Region (Ref 1).

**Selenium** is a naturally occurring trace element known to be hazardous to waterfowl at elevated levels. Subsurface agricultural drainage discharges are another major source of selenium. The CVRWQCB has adopted the U.S. Environmental Protection Agency (EPA) aquatic life criterion for total selenium of 5 µg/L four-day average as the selenium water quality objective for the lower SJR.

**Boron** is an element commonly found in soils of the western United States. Mainstay California crops, such as citrus fruits, grapes and nuts, are highly sensitive to boron in irrigation water in concentrations as low as 0.5 mg/L. Boron toxicity has been linked to fetal malformations in certain species of fish, toads and frogs, and adverse effects of even moderate boron concentrations have been reported in dogs and rats. The EPA has set a suggested no-adverse response level (SNARL) for boron in drinking water of 0.6 mg/L, while the California State action level is 1.0 mg/L. No TMDLs for boron have been established; however, it is reasonable to assume that concentration levels would be on the order of those cited in the above paragraph.

**Diazinon** and **chlorpyrifos** are organophosphorus insecticides commonly used for agricultural purposes in the San Joaquin River Basin. Diazinon is moderately soluble in water and does not readily adsorb to soil organic matter; it is likely to be washed off of crops and soil during rainfall or irrigation. In addition, diazinon can readily volatilize into air or fog, where it can be transported for great distances before being redeposited on soil or surface waters. Conversely, chlorpyrifos is relatively insoluble in water and adsorbs strongly to soil organic matter.

The toxicological effects of these two pesticides are cumulative. Both diazinon and chlorpyrifos are toxic not only to aquatic insects, but to freshwater aquatic crustaceans and arthropods, which serve as potential food sources for early life stages of fish. Further, diazinon has been shown to damage the olfactory function of some fish in concentrations as low as 1,000 ng/L.

The CVRWQCB has not established TMDLs for either diazinon or chlorpyrifos. However, the Regional Board has determined that an acceptable diazinon target would be between zero and the target derived by the California Department of Fish and Game (CDFG) using EPA methodology: 50 ng/L 4-day average and 80 ng/L 1-hour average. An acceptable chlorpyrifos target would be between zero and the target determined by the CDFG: 14 ng/L 4-day average and 25 ng/L 1-hour average.



**Salinity** is the dissolved mineral content in water. Whether measured in terms of total dissolved solids (TDS) or electrical conductivity (EC), the CVRWQCB recognizes high concentrations of salt or saline water as the most serious long-term water quality issue on the San Joaquin River. High salinity negatively impacts potable water supplies, fish and other aquatic life, crops ranging from tomatoes and alfalfa to beans and apricots, poultry, livestock, and waterfowl. No TMDLs for salinity have been established; however, the Federal Drinking Water standard is set at 500 mg/L.

Each of these pollutants/stressors poses a threat to the water quality of the San Joaquin River. However, it should be noted that none of the listed pollutants exceed water quality objectives for the Mosssdale Watershed, as the defined limits of impairment end upstream of the City of Lathrop, at Vernalis. Additionally, with the possible exception of diazinon, the proposed master-planned community, Mosssdale Landing, is unlikely to produce any of these pollutants in concentrations that would adversely impact the water quality in the SJR (see Section 4.0 for analysis).

### **3.2 Municipal Separate Storm Sewer System (MS4) Permit**

The 1987 Water Quality Act (WQA) required, in part, that discharges from large (systems serving a population of 250,000 or more) and medium (systems serving a population of more than 100,000, but less than 250,000) MS4s be permitted under the NPDES Program. These types of storm water discharges are part of what is generally referred to as Phase I of the NPDES storm water program. Phase II of the program addresses discharges not covered by Phase I, such as small MS4s that serve populations below 100,000.

The City of Lathrop must obtain coverage under Phase II of the NPDES Program. Operators of small MS4s are required to obtain coverage by March 10, 2003, and a fully implemented storm water program must be in place within five years of that date.

The proposed Mosssdale Landing project will not be constructed until 2003, after the City of Lathrop has obtained its MS4 permit. Therefore, the project will be subject to the requirements of that permit, when it is issued.

### **3.3 NPDES General Permit (Construction Activity)**

The Clean Water Act was amended in 1972 to provide that discharge of pollutants to waters of the United States without an NPDES permit is unlawful. In 1990, the EPA published final regulations mandating that discharges of storm water to waters of the US from construction projects that encompass 5 or more acres of soil disturbances without an NPDES permit are prohibited.

While the EPA allows for two permitting options to meet these requirements (individual permits and General Permits), the State Water Resources Control Board (SWRCB) has elected to adopt one statewide General Permit for California that applies to all construction-related storm water discharges except for those on tribal lands, in the Lake Tahoe Hydrologic Unit and those performed by the California Department of Transportation.

Construction activity subject to this General Permit includes clearing, grading, stockpiling and excavation that results in soil disturbances of at least five acres of total land area. Construction activities disturbing less than five acres may still be subject to this permit if the activity is part of a larger common plan of development or if significant water quality impairment will result from the activity.

The General Permit requires all dischargers whose construction activity disturbs five acres or more to:

- Develop and implement a Storm Water Pollution Prevention Plan (SWPPP) that specifies BMPs to prevent all construction pollutants from contacting storm water and with the intent of keeping all products of erosion from moving off-site into receiving waters.
- Eliminate or reduce non-storm water discharge to storm sewer systems and other waters of the US.
- Perform inspections of all BMPs.

The proposed Mossdale Landing project will disturb more than five acres of land; therefore, it will be subject to the requirements of the NPDES General Permit for construction activity.

### ***3.3.1 Storm Water Pollution Prevention Plan***

Implementation of the NPDES permit-required SWPPP entails the use of post-construction BMPs that will remain in service to protect water quality throughout the life of the project. The proposed Mossdale Landing project will utilize both structural and non-structural post-construction BMPs.

Non-structural BMPs will be used to reduce pollutant load to runoff, while structural BMPs will serve to treat that runoff. These post-construction Best Management Practices are described in more detail in the ensuing sections.

#### **3.3.1.1 Non-Structural BMPs**

One of the best ways to protect water quality is to reduce the number of pollutants entering storm water runoff. Preventing pollution of a water body is much less difficult and expensive than is attempting to restore that water body once it has been polluted. Therefore, the proposed Mossdale Landing project will implement the following categories of non-structural BMPs that focus on preventing pollutants from entering storm water:

- Public Education and Outreach on Storm Water Impacts
- Public Involvement/Participation
- Pollution Prevention/Good Housekeeping
- Post-construction Storm Water Management

### *Public Education and Outreach on Storm Water Impacts*

Public education about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff is a vital component of any successful Storm Water Pollution Prevention Plan. Public education and outreach for the Mossdale Landing project will include:

- Educational Displays, Pamphlets, Booklets and Utility Stuffers

Printed materials are an inexpensive way to inform the public about storm water pollution. These types of materials are versatile and can be tailored to many different types of audiences. Printed materials that will be used to inform residents and businesses in the proposed Mossdale Landing project about storm water pollution will include educational displays, pamphlets, booklets, and utility stuffers.

- Education/Outreach for Commercial Activities

Many commercial activities, such as vehicle washing, landscape fertilization, and improper hazardous waste disposal, contribute to storm water pollution and they must be specifically addressed in an outreach strategy. Additionally, many business practices use materials and chemicals that are harmful to the environment. Therefore, municipalities must inform owners, operators, and employees about practices that should be avoided to maintain and improve water quality; the City of Lathrop will use printed materials such as those listed above to disseminate this information within the proposed Mossdale Landing project.

- Pollution Prevention for Businesses

Pollution prevention combines activities that reduce or eliminate contaminants at the source of production or that prevent waste from entering the environment. More efficient use of resources, substitution of less harmful substances for hazardous ones, and elimination of toxic substances from the production process are all examples of pollution prevention, as are source reduction, reuse/recycling, and energy recovery. The proponents of the proposed Mossdale Landing project will work together with the City of Lathrop to implement many such measures, including recycling and energy conservation programs.

### *Public Involvement/Participation*

For maximum efficacy, the public should participate in developing, implementing, and reviewing a storm water management program. Public participation in the Mossdale Landing project will focus on storm drain stenciling.

- Storm Drain Stenciling

Storm drain stenciling consists of labeling storm drain inlets with painted messages that warn the public against dumping pollutants into drains. All storm drain inlets within the proposed Mossdale Landing project will implement this BMP, which affords an excellent opportunity to educate its residents about the link between the storm drain system and drinking water quality. Media coverage of the program or stenciling event may also serve to increase public awareness of storm water issues.

*Pollution Prevention/Good Housekeeping*

Operation and maintenance (O & M) that includes a training component and that has the ultimate goal of preventing or reducing pollutant runoff will be an integral component of the storm water management program for the proposed Mossdale Landing project.

- Alternative Products

The most common toxic substances used in residential and commercial applications are cleaners, paints, automotive products, pesticides, fertilizers, and fuels. Using alternative products greatly reduces the amount of these common substances in storm water and receiving waters. However, one of the biggest impediments to widespread use of such alternative products is a lack of public awareness. Proponents of the proposed Mossdale Landing project will work together with the City of Lathrop to inform the public about alternative project, via printed materials discussed previously, public service announcements, and other means.

- Spill Response and Prevention

Spill response and prevention plans should outline measures to stop, contain, and clean up a spill, to dispose of contaminated materials, and to train personnel to prevent and control future spills. Training, equipment and materials for cleanup must be readily available to workers in order to reduce the likelihood of spills and to ensure that any spills that do occur are dealt with quickly and efficiently. Spill response and prevention plans will be in place in the proposed Mossdale Landing project both during and after construction.

- Parking Lot and Street Cleaning

Employing pavement cleaning practices on a regular basis minimizes pollutant export to receiving waters. As part of an agreement with the project proponent, the City of Lathrop will implement a street sweeping program within the proposed Mossdale Landing project.

### *Post-construction Storm Water Management*

Another key element of a successful storm water management program is maintenance of structural BMPs. Regular inspection of post-construction best management practices will be carried out as a part of the proposed Mossdale Landing project implementation plan.

- BMP Inspection and Maintenance

Routine inspection and maintenance reduce the chance of polluting storm water runoff by identifying and correcting problems before the next storm event. In addition, regular maintenance helps reduce the need for repair and helps prevent the development of nuisance situations, such as mosquitoes, weeds and odor. Proper inspection and maintenance is also essential to avoid the health and safety threats associated with BMP neglect. These measures will be implemented in the proposed Mossdale Landing project as part of the development of the structural BMPs detailed in the following section.

#### 3.3.1.2 Structural BMPs

##### *Post-construction Storm Water Management*

Structural BMPs are an integral element of post-construction storm water management and include storage, filtration, and infiltration practices. The selection, design and siting of structural BMPs within a project depend largely on the development of a project-wide drainage plan. For the proposed Mossdale Landing project, the preferred drainage plan consists of the construction of an extended detention basin in the proposed Community Park area, to which the entire site will drain for both flood control and storm water runoff treatment purposes.

- On-Lot Treatment

"On-lot treatment" describes a series of practices designed to treat runoff from individual residential lots. Their primary purpose is to manage rooftop, driveway and sidewalk runoff. Managing runoff from these sources helps to disconnect impervious surfaces and to reduce the effect of increased impervious cover in a watershed. Detaching roof leaders will be used on all homes built within the proposed Mossdale Landing project to achieve this reduction.

Runoff will also be diverted to a pervious area or to a treatment area on each individual lot using site grading, channels or berms, as opposed to flowing directly to the street and thus to the storm drain system.

If the Mosssdale Landing project incorporates homeowners associations (HOAs), prohibitions against redirecting on-lot treatment practices will be placed in the Association CC&Rs.

- Grassed Swales

A swale is a vegetated, open channel management practice designed to treat and attenuate storm water runoff for a specified water quality volume. Storm water runoff flowing through these channels is treated through filtration by vegetation in the channel or through a subsoil matrix, and/or through infiltration into the underlying soils. Swales will be used throughout the proposed Mosssdale Landing project where feasible; however, they will be predominantly located in the proposed commercial area in the eastern portion of the project to treat parking lot runoff.

- Grassed Filter Strips

Grassed filter strips are vegetated surfaces designed to treat sheet flow from adjacent surfaces. Filter strips slow runoff velocities and filter out sediment and other pollutants. They can also provide some infiltration into underlying soils. Properly designed and maintained, filter strips can provide relatively high levels of pollutant removal. Filter strips will be used mainly in the commercial area of the proposed Mosssdale Landing project.

- Extended Detention Basins (EDBs)

Extended detention basins are designed to detain storm water runoff to allow particles and other pollutants to settle. EDBs are among the most widely applicable storm water management practices, despite limited applicability in highly urbanized settings because of space constraints. EDBs can also provide flood control and channel protection. As previously discussed, the preferred drainage plan for the proposed Mosssdale Landing project incorporates one EDB, located in the proposed Community Park area of the project. Maintenance of the project EDB will be performed by a Lighting and Landscape Maintenance District established by the City of Lathrop.

The most effective storm water management programs combine both preventative (non-structural) and treatment (structural) BMPs. The storm water management program for the proposed Mosssdale Landing project will utilize the most effective combination of BMPs; the constituent loading model described in the following sections calculates best and worst case removal efficiencies for the combined action of the post-construction BMPs described above.

#### 4.0 CONSTITUENT LOADING MODEL

The purpose of this model is to estimate the change in local constituent mass loading that will result from construction of the Mossdale Landing project. The proposed storm drain system will utilize pump stations sized to discharge the 2-year storm event and detention facilities sized to accommodate up to the 100-year storm event. Three conditions will be assessed for the project:

- Existing land use,
- Developed condition without BMPs, and
- Developed condition with BMPs.

For each case, the annual constituent mass load is estimated as the product of the annual runoff volume and the average constituent concentration associated with a particular activity or land use.

#### 4.1 EPA Simple Method

An annual constituent loading model for the proposed project was developed using the EPA Simple Method, which does not require the use of constituent loading export coefficients:

$$L = A \times P \times Rv \times C \times 0.226$$

where:

$L$  = annual constituent load (pounds)

$A$  = Contributing drainage area (acres)

$P$  = Average annual precipitation (inches)

$Rv$  = Runoff coefficient for the fraction of impervious cover

$C$  = Average constituent concentration (mg/L)

0.226 = units conversion factor

The average estimated concentration in storm water runoff for each constituent by land use type is shown in Table 1. The data in this table were obtained from numerous sampling programs conducted throughout the Central Valley Region. A unit conversion factor was utilized for those constituents reported in units other than mg/L.

**Table 1. Average Constituent Concentration**

Constituent	Units	Residential	Commercial	Industrial	Agricultural
Chromium-Total	µg/L	5.3 <sup>a</sup>	9.6	12.4	4.0 <sup>c</sup>
Chromium-dissolved	µg/L	1.2 <sup>a</sup>	1.3	1.4	5.1 <sup>d</sup>
Copper-Total	µg/L	13.0 <sup>a</sup>	18.8	18.3	10.5 <sup>e</sup>
Copper-Dissolved	µg/L	4.6 <sup>a</sup>	6.3	4.3	3.4 <sup>d</sup>
Lead-Total	µg/L	13.0 <sup>a</sup>	19.6	11.2	6.0 <sup>c</sup>
Lead-Dissolved	µg/L	1.6 <sup>a</sup>	1.6	0.9	5.4 <sup>j</sup>
Selenium-Total	µg/L	1.0 <sup>b</sup>	-	-	6.5 <sup>i</sup>
Selenium-Dissolved	µg/L	1.0 <sup>b</sup>	-	-	6.6 <sup>i</sup>
Zinc-Total	µg/L	132.0 <sup>a</sup>	197.2	269.8	30.0 <sup>e</sup>
Zinc-Dissolved	µg/L	53.5 <sup>a</sup>	98.5	48.6	14.4 <sup>d</sup>
Diazinon	µg/L	0.7 <sup>a</sup>	0.6	0.8	0.1 <sup>g</sup>
Chlorpyrifos	µg/L	0.1 <sup>a</sup>	0.1	0.1	0.1 <sup>g</sup>
Phosphorous-Dissolved	mg/L	0.2 <sup>a</sup>	0.2	0.4	1.0 <sup>i</sup>
Phosphorous-Total	mg/L	0.4 <sup>a</sup>	0.4	0.8	0.4 <sup>i</sup>
NO3	mg/L	0.5 <sup>a</sup>	0.7	0.8	7.1 <sup>d</sup>
TKN	mg/L	2.2 <sup>a</sup>	2.0	3.4	1.3 <sup>h</sup>
NH4-N	mg/L	0.6 <sup>a</sup>	0.8	0.9	2.7 <sup>i</sup>
BOD	mg/L	14.0 <sup>a</sup>	11.6	20.6	31.2 <sup>e</sup>
TSS	mg/L	70.0 <sup>a</sup>	84.0	216.8	3590.0 <sup>i</sup>

a) 1997-1998 City of Stockton Stormwater Monitoring Program Aug 1998 Kinetic Laboratory

b) Modesto Comprehensive Monitoring Program

c) USGS Water Quality Samples San Joaquin Salt Slough

d) California Department of Water Resources - Vernalis

e) USGS Water Quality Samples Orestimba

f) Stewart Tract Drainage Pump (Draft Subsequent Environmental Impact Report for the River Islands at Lathrop Project)

g) USGS CIRC 1159

h) Kratzer, C.R. "Water Quality Assessment of the San Joaquin - Tulare Basins, California: Analysis of Available Data on Nutrients and Suspended Sediment in Surface Water, 1972-1990"

i) Kratzer, C.R. "Transport of Sediment-Bound Organochlorine Pesticides to the San Joaquin River, California" U.S. Geological Survey Open-File Report 97-655



The existing land use in the proposed project area is agricultural; therefore, the runoff coefficient was calculated using a 0% impervious cover. The proposed Mossdale Landing community is predominantly residential with a proposed impervious cover of 53% at build-out. The annual runoff will be calculated based on an average annual precipitation of approximately 13 inches at the site, as shown in Table 2.

Average annual runoff for the existing agricultural condition is about 52 acre-feet (AF), compared to an estimated 156 AF of total runoff in the developed condition. The annual runoff is increased by a factor of 3, due to a higher runoff coefficient that results from the conversion of approximately 84% of formerly agriculture land use to residential and commercial land uses.

**Table 2. Annual Runoff**

	Units	Undeveloped Condition	Developed Condition
Developable Acreage	Acres	477	477
Impervious Cover	-	0.00	0.53
Runoff Coefficient	-	0.10	0.36
Annual Runoff	AF	52	156

#### 4.2 Existing Condition

The existing condition land use is exclusively agricultural. Agricultural land use typically results in relatively high discharge of sediment, nutrients, herbicides and pesticides. The use of tile drains for agriculture in the region may also tend to produce elevated concentration of selenium, nutrients and TDS (salinity). Estimated constituent loading for the existing condition (based on similar conditions in other agricultural municipalities within the Central Valley) is shown in Table 3.

#### 4.3 Developed Condition without BMPs

The developed condition constituent loading was compared to the constituent loading from the existing agricultural land use condition. As shown in Table 3, the estimated average concentrations of many constituents in the developed condition are less than those observed in the existing agricultural use runoff. However, the increased runoff coefficient associated with development (i.e., the increase in impervious area) will serve to increase the load for most constituents in the post-construction condition.

**Table 3. Annual Constituent Load Estimation, Existing and Developed Conditions**

Constituents	Units	Existing Condition (Agriculture)	Developed Condition w/o BMP:		Developed Condition W/ BMP <sup>1</sup> :		
			Total	% Change	% Removal	Total	% Change
Chromium-Total	lb	0.562	2.22	296%	74%	0.580	3%
Chromium-Dissolved	lb	0.720	0.49	-32%	58%	0.204	-72%
Copper-Total	lb	1.476	5.50	273%	80%	1.085	-26%
Copper-Dissolved	lb	0.476	1.93	306%	63%	0.710	49%
Lead-Total	lb	0.843	5.50	552%	86%	0.762	-10%
Lead-Dissolved	lb	0.756	0.66	-12%	70%	0.199	-74%
Selenium-Total	lb	0.911	0.42	-54%	83%	0.072	-92%
Selenium-Dissolved	lb	0.922	0.42	-54%	68%	0.136	-85%
Zinc-Total	lb	4.217	55.83	1224%	85%	8.466	101%
Zinc-Dissolved	lb	2.023	22.64	1019%	79%	4.806	138%
Diazinon <sup>2</sup>	lb	0.015	0.30	1842%	78%	0.067	332%
Chlorpyrifos	lb	0.007	0.03	381%	78%	0.008	7%
Phosphorous-Dissolved	lb	139	85	-39%	17%	71	-49%
Phosphorous-Total	lb	58	169	190%	32%	115	97%
NO3	lb	995	228	-77%	49%	117	-88%
TKN	lb	183	931	409%	51%	457	150%
NH4-N	lb	380	254	-33%	73%	68	-82%
BOD	lb	4,385	5,922	35%	57%	2,573	-41%
TSS	lb	504,596	29,608	-94%	78%	6,588	-99%

1 - Combination of pollution prevention/education, regulatory practices, on-site BMPs, and regional BMPs

2 - The EPA estimates Diazinon use will decrease by 75% by December of 2003

#### 4.4 Developed Condition with BMP

The developed condition with BMPs uses the same calculation procedure described previously except that the resulting constituent load is reduced based on the estimated

BMP removal efficiency for the specific constituent. Removal efficiencies were projected assuming that BMPs were applied sequentially: first, non-structural practices such as education and pollution prevention, then smaller structural practices such as on-lot treatment and, finally, larger-scale structural BMPs, like extended detention basins. Table 3 summarizes the calculated constituent loads for both existing and developed conditions.

#### 4.5 Discussion

The range of removal efficiencies for developed conditions with BMPs in place was determined from information obtained through a review of available literature, from the experiences of other municipal storm water permittees that have developed agricultural land, and from current engineering practice. As Table 3 shows, constituent loading under developed conditions, with no BMPs in place, exceeds loading under existing agricultural conditions in most cases.

For all constituents, loading with BMPs in place was considerably lower than loading expected under similarly developed conditions without BMPs in place. For all but six constituents, loading with BMPs in place was also considerably lower than existing loading in the undeveloped condition. The exceptions to this trend are dissolved copper, total and dissolved zinc, total phosphorous, TKN and diazinon. According to the water quality analysis model used, copper and zinc loading is projected to increase under developed conditions, even with BMPs in place. However, this projected increase still results in copper (0.0046 mg/L) and zinc (0.0535 mg/L) levels lower than the water quality objects (0.01 mg/L and 0.10 mg/L) set for these constituent by the California Regional Water Quality Control Board Central Valley Region.

The projected concentration of total phosphorus (0.4 mg/L) in the site urban runoff is lower than the ambient concentration of phosphorus in the San Joaquin River (0.51 mg/L). The concentration of TKN found in urban runoff (2.2 mg/L) is at a level sufficiently low so as not to cause a toxicity concern for ammonia. TKN is not regulated in storm water; there is currently no standard.

TMDLs for diazinon have not yet been developed by the RWQCB; however, the concentration of diazinon under existing conditions in the river is already higher than the range currently being considered by the Board. Therefore, even if the BMPs for the proposed Mossdale Landing project had a removal efficiency of 100% for diazinon, levels of this pollutant would still be out of compliance with the proposed standards. Diazinon levels resulting from this project should not significantly impact the overall diazinon levels, which themselves must be reduced by applying regional measures beyond the scope of this project.

Source control will be the most effective measure in limiting the discharge of diazinon from this site and others in the region. The EPA is currently phasing out diazinon for

over-the-counter use; residential outdoor use of diazinon should cease by December of 2003, which will decrease its use by about 75%, according to the EPA. This phase-out will greatly reduce this constituent in the Mossdale Landing loading model, such that loading for urbanized areas will approach zero.

Though not specifically addressed in Table 3, some mention should be made of other constituents for which the San Joaquin River is listed as impaired; namely, boron, salinity (or TDS), and DDT. Typical highway runoff values for boron are on the order of 0.2 mg/L, which is far below the most restrictive standard cited for this constituent, 0.8 mg/L (California Regional Water Quality Control Board Central Valley Region Basin Plan). It is reasonable to assume that runoff from a project with only 53% impervious cover at build-out would generate boron levels even lower than this concentration. TDS in storm water is typically low; on the order of 200 mg/L, which is below all standards listed in the compilation (250 mg/L for taste and odor being the most restrictive, see Ref 1). Finally, DDT is a banned substance and, as such, will not be used in or generated by the Mossdale Landing project; therefore, it is not addressed in this report.

Typically, removal efficiencies for BMPs are determined by generating and comparing best case removal and worst case removal scenarios based on the individual and cumulative removal efficiencies of a combination of BMPs. The best-case removal scenario assumes that each BMP is operating at maximum efficiency, both alone and in conjunction with the other applicable BMPs. Likewise, the worst-case removal scenario assumes that each BMP is operating at minimum efficiency, both alone and in combination with other applicable BMPs. Clearly, assuming either case is completely representative of actual removal efficiencies is unreasonable; assuming the worst case removal scenario to provide a conservative analysis would unnecessarily bias design based on said analysis, especially since the BMPs selected for this analysis are those which are particularly suited to a project of this type and its associated land uses. A more reasonable assumption is that the actual removal efficiency lies between the two extremes, with a trend towards the best-case removal scenario, based on careful selection of site-specific BMPs; the removal efficiencies shown in Table 3 reflect this methodology.

Overall, the removal efficiencies for developed conditions with BMPs in place suggest that the proposed Mossdale Landing project will serve to decrease loading for most pollutants and will thereby improve water quality in the San Joaquin River. This improved water quality would in turn beneficially impact fisheries in the San Joaquin River as compared to the current land use practices in the area.

## **5.0 WASTEWATER EFFLUENT DISPOSAL SYSTEM**

The proposed Mossdale Landing project includes new wastewater treatment and recycled water facilities and recycled treated wastewater for irrigation. This section describes the regulatory setting, existing conditions, impacts and mitigation measures related to surface and groundwater quality for the proposed domestic wastewater facilities.

### **5.1 Applicable Water Quality Standards**

Wastewater quality in California is regulated primarily under the National Pollutant Discharge Elimination System program established by the CWA and the California Code of Regulations, Division 4, Title 22.

#### ***5.1.1 NPDES Permit Program***

Effluent discharges to surface water from wastewater treatment plants (known as point source discharges) are regulated under both Federal and State laws to protect the chemical, physical, and biological integrity of the nation's waters. The Federal Clean Water Act requires that wastewater from publicly-owned treatment plants be treated to secondary or higher standards before being discharged into waterways. The discharge of wastewater to surface waters is prohibited unless a National Pollutant Discharge Elimination System permit has been issued which allows such discharge. Each NPDES permit contains effluent and receiving water limits on allowable concentrations and/or mass emissions of pollutants contained in the discharge, prohibitions on discharges not specifically allowed under the permit, provisions which describe required actions by the discharger, including industrial pretreatment, pollution prevention, self monitoring, and other activities. No direct discharge of wastewater effluent to surface waters is proposed by this project.

#### ***5.1.2 Title 22***

Since 1928, all water uses in the state are required to be reasonable and beneficial under the California Constitution, Article X, and Section 2. Beneficial uses of treated water include irrigation (AGR), urban (MUN) and industrial (IND) uses, and fish (WARM and COLD) and wildlife (WILD) habitat needs. Whether a beneficial use is "reasonable" depends on the particular circumstance. Under certain conditions, use of potable water for non-potable applications is ruled a waste and unreasonable use if recycled water is available (California Water Code Section 13550-13553).

Wastewater recycling in California is regulated under Title 22. The intent of these regulations is to ensure protection of public health associated with the use of recycled water. The regulations establish acceptable levels of constituents in recycled water for a range of uses, and prescribe means for assurance of reliability in the production of recycled water. Use of recycled water for non-potable uses is common throughout the State and is an effective means of maximizing use of water resources in water-short communities. The California Department of Health services (DHS) has jurisdiction over

the distribution of recycled wastewater and the enforcement of Title 22 regulations. The RWQCB is responsible for issuing waste discharge requirements (including discharge prohibitions, monitoring and reporting programs). The RWQCB is also responsible for user reuse requirements associated with the implementation of wastewater reclamation projects.

It is the intent of the proposed project that reuse opportunities be maximized. To maximize reuse opportunities, project wastewater would need to be treated to standards set forth by Title 22 for disinfected tertiary treatment. These standards are set forth in Table 4. To achieve this high quality, a tertiary treatment system will be employed under the project where secondary effluent will be coagulated, filtered, and disinfected to achieve a quality suitable for unrestricted use. This system will be part of improvements undertaken at WRP #1 in a separate project under the California Environmental Quality Act (CEQA).

**Table 4. Standards for Title 22 Disinfected Tertiary Recycled Water for Unrestricted Use**

Constituent	Value
Turbidity	24 hour average < 2 NTU less than 5% of values > 5 NTU at all times < 10 NTU
Total Coliform Bacteria	Running 7 day median < 2.2 MPN/100 mL Once every 30 days > 23 MPN/100 mL At all times < 240 MPN/100 mL
Biochemical Oxygen Demand, BOD5	< 10 mg/L
Total Suspended Solids, TSS	< 10 mg/L

Source: Nolte Associates, Inc. (Ref 5)

Water reuse/reclamation requires treating municipal wastewater to remove sediments and impurities. Different levels of treatment allow different reuses of water. The extent of treatment is determined by the initial quality of the water, the reuse application, and State and Federal laws. The RWQCB defines water quality requirements and has specified some physical features of the reuse through land disposal systems. Table 5 summarizes the different levels of wastewater treatment, the treatment process, and the corresponding disposal and uses for treated effluent as stipulated in Title 22.

**Table 5. Wastewater Treatment Processes, and Allowed Effluent Reuse**

Wastewater Treatment Level	Treatment Process	Title 22 Permitted Uses
Primary	<ul style="list-style-type: none"> <li>• Bar screens remove debris</li> <li>• Grit chamber grinds large particles</li> <li>• Coagulation and flocculation forms settleable aggregates</li> <li>• Sedimentation settles out aggregates</li> </ul>	<ul style="list-style-type: none"> <li>• Irrigation of fiber, fodder, and seed crops not consumed by humans</li> </ul>
Secondary	<ul style="list-style-type: none"> <li>• Oxidation of organics in primary treated water by controlled biological masses in aerated tanks</li> <li>• Biological mass is settled out</li> <li>• disinfection inactivates pathogens</li> </ul>	<ul style="list-style-type: none"> <li>• Irrigation of cemeteries, freeway landscaping, and restricted access golf courses</li> <li>• Irrigation of ornamental nursery stock and sod farms</li> <li>• Irrigation of pasture for milk-producing animals</li> <li>• Irrigation of non-edible vegetation with access control</li> <li>• Irrigation of food crops with edible portions above ground with no water contact</li> <li>• Landscape impoundments with no body contact</li> <li>• Restricted recreational impoundment limited to fishing, boating, and other non-body contact recreation</li> <li>• Industrial boiler feed</li> <li>• Air condition or cooling tower with no mist</li> <li>• Backfill consolidation around non-potable piping</li> <li>• Mixing concrete</li> <li>• Dust control and cleaning roads and streets</li> <li>• Non-structural fire fighting</li> </ul>
Tertiary	<ul style="list-style-type: none"> <li>• Coagulation and flocculation process repeated on secondary treated water</li> <li>• Filtration removes aggregates and some pathogens</li> <li>• Disinfections inactivates pathogens</li> </ul>	<ul style="list-style-type: none"> <li>• Irrigation of parks, playgrounds, school yards, residential landscaping, and unrestricted golf courses</li> <li>• Irrigation of food crops where edible portion contacts water</li> <li>• Any other irrigation uses not prohibited under state regulations</li> <li>• Groundwater recharge is allowed on a case-by-case basis</li> </ul>
Advanced	<ul style="list-style-type: none"> <li>• Target contaminant removal e.g., denitrification of nitrate removal, granular activated carbon for organics removal, membrane treatment for micro-contaminant removal, etc.</li> </ul>	<ul style="list-style-type: none"> <li>• Generally all uses listed above</li> </ul>

## 5.2 Expected Effluent Quality from Proposed System

### 5.2.1 Flow Rates

The proposed Mossdale Landing project is a mixed-use master-planned community consisting of approximately 1,700 dwelling units, village and commercial uses, a fire station, schools, parks, and open space. The estimated Average Dry Weather Flow (ADWF) of wastewater for the proposed Mossdale Landing development is approximately 0.513 million gallons per day (MGD). This flow assumes that the entire project is built-out. However, based on project requirements that the development dispose of all treated effluent on site, the actual ADWF would be calculated excluding flows associated with on-site storage ponds and spray-fields.

A Water Budget Model prepared by Dixon Agronomics for the Mossdale Landing Project (see Table 6) defines the acreage needed for pond storage and application areas for the proposed project's recycled water disposal. This model is based on an average daily wastewater flow of 0.431 MGD for the initial development, and concludes that the Mossdale Landing project would require 14.5 acres of pond storage and an application area of approximately 83 acres for land disposal of recycled water.

Pond storage would be located on the Harris property, a 24-acre parcel located at the southeastern boundary of the project. This parcel is ultimately planned to include 66 single-family residential lots and 6 acres of commercial development, and would generate an additional 0.029 MGD of wastewater at build-out.

The proposed application area is comprised of 54 acres of parks, schools, and medians, and 29 acres of interim spray-fields, for a total of 83 acres. The 29 acres of interim spray-fields are necessary to ensure that application of effluent does not result in runoff to surface waters or percolation into groundwater (i.e., to "balance" the project). The interim spray-fields are currently proposed to be located in an area ultimately proposed to contain 103 single-family residential lots, until such time as alternative spray-field location is determined and approved. The future 103 single-family residential lots will generate approximately 0.030 MGD at build-out.

While the current Average Dry Weather Flow (ADWF) for the balanced project would be 0.431 MGD, the ADWF at built-out will be 0.513 MGD (current of 0.431 MGD plus the 0.029-MGD flow associated with the storage pond area, the 0.030-MGD flow associated with the interim spray-field area, and 0.023 MGD associated with the incremental increases in on-site development). Once these additional flows are added to the project, approximately 20 acres of off-site pond storage and 34 acres of off-site spray-fields will be required to balance the recycled water flows. The City of Lathrop is currently seeking alternate off-site locations for both storage ponds and spray-fields. Once these locations are identified and the proposed Mossdale Landing project is allowed the use of them, those on-site areas currently slated for storage ponds and spray-fields could be developed as shown on the project's Tentative Tract Map.



**Table 6. Average Dry weather FLOW  
 100-Year Water Balance for Mossdale Landing Land Application System  
 Pacific Union Homes, Lathrop CA (San Joaquin County)**

Month	Precipitation			Storage Ponds			Application Area							
	in.	ET in	ET in	Inflow, ac-in -WW	Area ac.	Outflow, ac-in Evap. WW	Volume, ac-in Change	Natural Percolation, inches	Applied Total	Net ET, in.	Applied WW, in.			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
Jan 31	5.13	0.91	528	74	12.2	10	0	593	1351	4.22	0.00	4.22	0.00	0.00
Feb 28	4.37	1.71	477	63	13.2	21	47	472	1823	2.66	0.57	3.23	0.00	0.57
Mar 31	2.85	3.42	528	41	13.7	45	345	180	2003	0.00	3.57	3.57	0.57	4.14
Apr 30	1.53	5.05	511	22	13.3	69	582	-117	1885	0.00	3.46	3.46	3.52	6.98
May 31	1.38	6.42	528	20	12.8	85	717	-255	1631	0.00	3.57	3.57	5.04	8.61
Jun 30	0.24	7.33	511	3	11.9	94	879	-458	1173	0.00	3.46	3.46	7.09	10.55
Jul 31	0.05	7.99	528	1	10.7	95	959	-525	648	0.00	3.57	3.57	7.94	11.51
Aug 31	0.08	7.06	528	1	8.7	76	879	-425	222	0.00	3.57	3.57	6.98	10.55
Sep 30	0.28	5.13	511	4	0.0	45	692	-222	0	0.00	3.46	3.46	4.85	8.31
Oct 31	1.17	3.29	528	17	4.6	8	474	63	63	0.00	3.57	3.57	2.12	5.69
Nov 30	2.14	1.59	511	31	10.1	7	242	293	356	0.55	2.91	3.46	0.00	2.91
Dec 31	2.61	0.90	528	38	11.0	9	155	402	758	1.71	1.88	3.57	0.00	1.88
	21.83	50.80	6221	317	**	564	5973	0	**	9.14	33.57	42.71	38.11	71.68

Average Dry Weather Flow, gal/d: 462,000 (0.462 MGD)  
 Total pond catchment/storage area, ac: 14.50 Based on a maximum water depth of 19 feet plus 3 feet free board.  
 Application Area, acres: 83.33 Hydraulic Conductivity, inches/hour: 0.06  
 Safety Factor: 0.08 Maximum Pond Storage, March, acre-feet: 166 (estimated)

- (1) Water balance begins in October (storage ponds are empty at end of September).
- (2) 100-yr annual precipitation of 21.83 inches for Manteca provided by CA Dept. of Water Resources.
- (3) Average monthly evapotranspiration (ET) from 1988 to 2000 from CIMIS station at Manteca, CA.
- (4) Wastewater inflow equals daily wastewater flow times days per month.
- (5) Precipitation inflow equals precipitation (2) times total pond catchment area.
- (6) Total pond water surface area derived by interpolation of pond volumes (ac-in) and area (acres) provided by MacKay & Sumps.
- (7) Evaporation outflow equals ET (3) times pond water surface area (83.33 acres)
- (8) Wastewater outflow equals applied wastewater (15) times application area (83.33 acres)
- (9) Volume change equals WW inflow plus precipitation inflow minus evaporation outflow minus WW outflow.
- (10) Net volume equals running total of volume changes (9) beginning October.
- (11) Natural percolation equals precipitation (2) minus ET (3). Zero when negative.
- (12) Applied water percolation equals total percolation minus natural percolation.
- (13) Total application equals a safety factor (0.08) times hydraulic conductivity (0.06) times 24 hours time days per month, or natural percolation (12), whichever is greater.
- (14) Net ET equals ET (3) minus precipitation (2). Zero when negative.
- (15) Applied wastewater equals applied percolation (13) plus Net ET (15).

Source: Dixon Agronomics (Ref 2)

### **5.2.2 Treatment**

Tertiary treatment of project wastewater will occur at Water Reclamation Plant #1 (WRP #1, also known as the Crossroads Treatment Plant), approximately one mile east of the proposed project site. Wastewater from the proposed project would be conveyed via gravity pipelines to a proposed lift station. The lift station would be located at the southwest corner of the Louise Avenue/Interstate 5 interchange, between the freeway on-ramp and the freeway. A force main would be constructed to the south in Manthey Road for approximately 4,800 feet. At that point, the force main would change direction to the east and continue under Interstate 5 through a jack and bore operation for approximately 400 feet. In the interim, the force main would connect to an existing sanitary sewer manhole at the intersection of Harlan Road and Nestle Way. The wastewater would then be conveyed to WRP#1 via the existing pipeline located in Nestle Way, which currently has remaining capacity. When ultimate capacity is reached, the force main will be disconnected from the existing manhole. At that time, a new force main would be constructed down Nestle Way to WRP#1 for approximately 4000 feet. The wastewater would be tertiary treated and conveyed back to the project site via recycled water pipelines for dispersal onto sprayfields and other approved uses.

The tertiary treatment process involves screening, settling, coagulation, flocculation, filtration, and disinfection of the wastewater. Tertiary treatment enhances normal sewage treatment operations to provide water of potable quality using further chemical and physical treatment. Tertiary treatment of wastewater has been found to be successful in the removal and inactivation of pathogenic microorganisms.

The expected quality parameters for the wastewater can be estimated based upon approximating the mineral pick-up and applying it to the quality parameters of the source water utilized by the community. The projected water quality for tertiary recycled water was previously analyzed in the City of Lathrop's Recycled Water Master Plan. Future source water for the City is expected to be a blend of South County Surface Water Project and local groundwater. Surface water is considered a lower boundary for inorganic constituent concentration and groundwater is considered an upper boundary. Table 7 shows the projected recycled water quality for the proposed project, based on the two potential water sources.

**Table 7. Projected Recycled Water Quality for Mossdale Landing**

Constituents	Units	Recycled Water Quality	
		South County Surface Water	City of Lathrop Groundwater
Bicarbonate, as HCO <sub>3</sub>	mg/L	N/A	229.5
Calcium	mg/L	22	57.8
Carbonate, as CO <sub>3</sub>	mg/L	N/A	<6
Chloride	mg/L	41	83
Magnesium	mg/L	12	21
Manganese	mg/L	N/A	0.3
Potassium	mg/L	12	21
Sodium	mg/L	57	80.2
Sodium adsorption ratio	--	2.43	2.30
Sulfate		27	44.33
Total alkalinity, as CaCO <sub>3</sub>	mg/L	128	264.8
Total dissolved solids	mg/L	320	572.2

Source: Nolte Associates, Inc. (Ref 5)

### **5.2.3 Effluent Disposal**

Effluent disposal for the proposed project would consist of two phases. First, the treated effluent would be stored in on-site ponds, sized to contain all wastewater flow as well as rainfall during the 100-year storm. Then it would be pumped into a recycled water system. The system would be a pressurized pipeline system leading to spray irrigation of crops and landscaping.

The RWQCB permit requires that the tertiary effluent meet minimum water quality standards prior to disposal. The proposed project would involve discharges to land, both in areas with minimum public access (agricultural irrigation) and significant public access (landscape irrigation). As such, all effluent treated would meet the more stringent requirements for significant public access (see Table 8). The tertiary treatment process would be operated to meet these discharge requirements at all times, in accordance with the RWQCB permit, prior to disposal.

**Table 8. Possible Future Waste Discharge Requirements for Effluent Disposal**

Constituent	Units	Method of Disposal		
		Surface Water (San Joaquin River)	Discharge to Land	
			Minimum Public Access <sup>1</sup>	Significant Public Access <sup>2</sup>
BOD <sub>5</sub>	mg/L	10	30	10
Suspended Solids	mg/L	10	--	--
Settleable Solids	mg/L	0.1	0.2	--
Total Coliform	MPN/100ml	2.2/23 <sup>3</sup>	23 <sup>4</sup>	2.2/23 <sup>5</sup>
Turbidity	NTU	2	--	2
Acute Toxicity	% Survival	70/90 <sup>6</sup>	--	--
Chlorine	mg/L	<0.01	--	--
Residual Oil and Grease	mg/L	10	--	--

<sup>1</sup> Examples of land application with minimum public access include the irrigation of fodder and fiber crops.

<sup>2</sup> Examples of land application with significant public access include the irrigation of golf courses, parks, playgrounds, schoolyards, and residential landscaping.

<sup>3</sup> First value represents monthly median, second value represents daily maximum.

<sup>4</sup> Monthly median value.

<sup>5</sup> First value represents 7-day median, second value represents 7-day maximum.

<sup>6</sup> First value represents minimum survivability for one bioassay, second value represents median survivability for three or more consecutive bioassays.

Source: Nolte Associates, Inc. (Ref 5)

### 5.3 Thresholds of Significance

Use of reclaimed water for the proposed Mossdale Landing project would result in significant surface water quality impacts:

- If such use resulted in a violation of waste discharge requirements as specified in the NPDES permit to be issued by the RWQCB,
- If such use resulted in violation of enforceable water quality standards designed to protect public health, and
- If such use resulted in a violation of State and Federal antidegradation policies.

## 5.4 Impact Analysis

Project construction and operation were evaluated to determine if the activities would result in the significant or cumulatively considerable impacts defined in the relevant criteria. Potential impacts were categorized as effects on public health, effects on surface water, and effects on groundwater quality. All project impacts have been reviewed and where potentially significant impacts or cumulatively considerable effects may occur, mitigation measures were developed and either incorporated into the current design during development of the EIR or would be required as part of future project implementation in the Mitigation, Monitoring, and Reporting Program.

No adverse effect to water resources, including impacts to groundwater and/or the San Joaquin River, is anticipated. Good management measures are included in the project to assure the public and future prospective irrigators of safety and compliance with all requirements for typical and unusual conditions. As described, reclaimed wastewater to be used for irrigation of the Mossdale Landing project will be treated to tertiary levels. By definition, tertiary treatment is an “advanced treatment process, following secondary treatment of waste water, that produces high-quality water. Tertiary treatment includes removal of nutrients such as phosphorus and nitrogen and practically all suspended and organic matter from wastewater.” Due to this high level of treatment, significant build-up of pollutants in soil over time is unlikely. Any pollutants that might conceivably accumulate in soil over time would be further treated by the natural processes of infiltration and vegetative uptake, whereby particulates will become bound in root systems and will generally not discharge from the irrigated areas. Tertiary treatment and natural processes will significantly reduce the potential constituent load that might enter the San Joaquin River during first flush from a storm event.

### 5.4.1 *Effects on Public Health*

Proposed treatment, storage, and disposal by irrigation for the project would be in accordance with all appropriate treatment and disposal requirements and would not pose any risk of potential adverse effects on the public health in the project area. Effluent at the proposed treatment level is commonly used for irrigation of public and human contact recreational areas.

- By following the water budget model, runoff from areas used for project irrigation would be limited to natural rainfall.
- Potential accidental releases of effluent that could occur from ruptures of pipelines, infrequent discharges from storage, and accidental releases or runoff from irrigation areas would not be considered hazardous. Exposure to accidentally released effluent would not create a risk to human health. Signage would be provided in accordance with Title 22 requirements.
- Regulations and permit requirements will maintain an operating mitigation effect on water quality and thereby public health related to irrigation and presence of irrigation in the project area.

- No adverse effect on public health would result from the proposed project's transmission, storage, and/or disposal of effluent.

#### ***5.4.2 Effects on Water Quality***

As previously discussed, all applicants for projects that result in treated effluent disposal through land application must obtain a permit from the RWQCB for recycling of effluent. The permit specifies the maximum allowable level of total suspended solids, biochemical oxygen demand, nutrients, bacteria, and other pollutants that could be stored or discharged through the proposed project.

Based upon the proposed Water Budget Model (Table 8), the proposed project would reuse all produced effluent for irrigation. Indirect discharge from the detention basin(s) to the San Joaquin River could conceivably occur; however, such occurrences would be limited and very infrequent, as the basin(s) will be sized to accommodate both treated effluent and the 100-year storm flow, in addition to incorporating appropriate freeboard requirements. Further, the high level of treatment (tertiary) would ensure maximum protection of surface water quality should a discharge occur.

- The project would not violate water quality standards or waste discharge requirements. The quality of tertiary-treated effluent meets the treatment and disposal requirements for all irrigation and public contact purposes.
- Storage and irrigation of tertiary effluent at the Mossdale Landing development would not create any adverse effects. Proposed management practices would assure early identification of changes in soil structure or infiltration of effluent and require changes to mitigate any potential adverse effects. Such program management practices are typically incorporated by the RWQCB into the land application permit, and can include:
  - Incorporation of runoff barriers in the design of the irrigation areas;
  - Proper signage indicating reclaimed water usage;
  - Construction of shallow monitoring wells for sampling and analysis of impacts to groundwater levels; and
  - Water quality monitoring in nearby surface streams.

#### ***5.4.3 Effect on Plant Life and Wildlife***

Most native flora in the proposed Mossdale Landing project area was removed from the landscape with the advent of agricultural practices. Those non-agricultural plant species that remain are ruderal species that have weathered exceptionally disturbed conditions. Accordingly, dispersal of treated water would not be expected to impact any special-status plants.

The proposed Mossdale Landing project and associated sprayfields will be located in an urbanized area; therefore, any use by wildlife will be limited to those species that have adapted to high levels of human disturbance. Typically, those adapted species would not

include special-status species. Even if special-status or other species did use the treated fields, the high level of water treatment (tertiary) would not be expected to have deleterious effects.

### **5.5 Mitigation Measures**

The proposed Mossdale Landing project incorporates tertiary treatment and land application of effluent. The tertiary treatment process involves screening, settling, coagulation, flocculation, filtration, and disinfection of the wastewater. Tertiary treatment enhances normal sewage treatment operations to provide water of potable quality. Land application of effluent eliminates the need for discharge to the San Joaquin River. Dry weather flows will be diverted to the project water quality basins. These measures would preclude the need for additional mitigation.

## 6.0 SUMMARY

This report provides a thorough review of existing applicable surface water quality standards for the site and its receiving water (the San Joaquin River), an assessment of existing water quality conditions at the project site, a constituent loading model to assess land use alternatives with and without the use of Best Management Practices, and a determination of expected tertiary-treated effluent quality and its impacts for the proposed development.



## 7.0 REFERENCES

- Central Valley Regional Water Quality Control Board, 2000. *A Compilation of Water Quality Goals*, August 2000.
- Dixon Agronomics, 2001. *Water Budget Model Land Application of Wastewater Including Cropping Plans and Nitrogen Balances, Mossdale Landing, a Community by Pacific Union Homes*. Lathrop, CA (San Joaquin County), September 2001.
- EDAW, 2001. *Draft Environmental Impact Report for the Lathrop Water, Wastewater, and Recycled Water Master Plan, SCH #98082050*, March 2001.
- Kinnetic Laboratories, 1998. *1997-1998 City of Stockton Stormwater Monitoring Program*, August 1998.
- Kratzer, C.R. "Water Quality Assessment of the San Joaquin - Tulare Basins, California: Analysis of Available Data on Nutrients and Suspended Sediment in Surface Water, 1972-1990"
- Kratzer, C.R. "Transport of Sediment-Bound Organochlorine Pesticides to the San Joaquin River, California" U.S. Geological Survey Open-File Report 97-655.
- MacKay & Somps, 2001. Master Drainage Plan, Mossdale Village, May 2001.
- Nolte Associates, 2000. Recycled Water Master Plan, City of Lathrop, 2000.

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**Attachment B: Lathrop-Manteca Fire District and Califa  
Interim Fire Station Agreement  
(May 15, 2002, letter from the Lathrop-Manteca Fire District)**

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## LATHROP-MANTECA FIRE DISTRICT

800 "J" Street  
Lathrop, California 95330  
(209) 858-2331 ph. 858-1180 fax.  
www.lmfd.org

May 15, 2002

Mr Ramon Batista  
Assistant City Manager  
City of Lathrop  
16775 S. Howland Rd  
Lathrop, Ca. 95330

re: Lathrop-Manteca Fire District Position on Fire Station Location - Mossdale Landing Project

Ramon,

After a lengthy discussion with City staff and considerable analysis on the part of the Fire District and Pacific Union Homes collectively, we have arrived at the following process for the location of the New Fire Station within the West Lathrop Specific Plan area. We have also agreed on an interim location on the three PUH "Mossdale Landing" lots (see attached map) and an adjacent permanent location at the intersection of Golden Valley Parkway and River Islands Parkway (formerly Gold Rush Blvd) when that site becomes available.

It is anticipated that the permanent site will be ratified and adopted when the currently developing traffic analysis for the "River Islands at Lathrop" project is approved, dismissing the need for a grade separated intersection at that location. This will make land available for the Fire Station in such a place that it can serve all the residential development in the Mossdale area, as well as the Crossroads Commerce Center. Both locations will free up funds previously set aside for an additional Fire Station and Training Facility that was to be located within the Commerce Center, as well as new funds from other residential developments within the response area.

Please communicate the substance of our discussion to ED AW, the EIR consultant, for inclusion in the "Mossdale Landing" EIR. The following points will confirm the conceptual understanding shared among the participants with the specific details remaining for determination and agreement, with these concepts to be included in substance in the mitigation section of the EIR.

1. PUH would initially dedicate the land for the three lots (67 thru 69) and designate the three lots (18,900 sq ft) as the interim site for the new station at the start of our Master Plan improvements. PUH will be given credit for certain on-site and off-site fire facilities improvements constructed or paid for by the developer. PUH may be entitled to credit for the value of improvements if the developer (a) dedicates an appropriate site, (b) constructs the improvements, (c) finances an improvement by cash, assessment District or Mello-Roos Community Facility District, or (d) any combination of the above.

The fee may be reduced by the District if the improvements provided by the developer are sufficient to meet the impacts created by the development.

2. Once the right-of-way is acquired from the Robinson family parcel along Louise Avenue occurs, designate that additional 1,600 sq ft parcel to the final fire station site.
3. PUH would be served by the existing fire station for the first 170 homes, unless the 3-4 minute response time for the area is exceeded by other factors, such as other development that occurs in the area; response route obstructions or detours; or any other item that may increase response times beyond our standard.



## LATHROP-MANTECA FIRE DISTRICT

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4. PUH will not be required to build the entire station, but may be required to build a first phase facility if, at the sole discretion of the Fire District, such a fire facility is needed and sufficient funding is not available to fund its construction. If the station is needed and not phased in time for homes in excess of the 3-4 minute response time, the District will develop the station in phases utilizing PUH fees, Crossroads Commerce Center fees and any other fees available from projects within the service area.
5. With the anticipated adoption of the new Traffic model principles, eliminating the need for a Grade separated intersection; the District will move the location of the Fire Station/Training Facility from the PUH lots and officially adopt the new site at the intersection of Golden Valley Parkway and River Island Parkway (formerly Gold Rush Blvd). Since this station location is to replace the planned Fire Station/Training Facility of the Commerce Center, a relatively large parcel is required. This parcel will need to include the 14331.24 sq ft parcel, the 21,297.79 sq ft parcel and the 1604.86 sq ft parcel. The total area of the combined parcel will be 37,233.89 sq ft.
6. If the need for a grade separation at Golden Valley parkway remains and the future site can not be used, the interim site shall become the final site. If the Fire District can not acquire sufficient funds to build the fire station and the full station is needed, due to response time within the coverage area, then the developer shall either finance or build the station, at its option, at the interim site (lots 67 - 69).

This has been a dynamic process where each of the parties has contributed positively to concepts, which appear to work well for all concerned. My compliments to the Lathrop City Staff for their role in creating the forum for this mutually beneficial discussion.

Sincerely,

Gerald Sims  
Fire Chief

Attachments: Location Maps - Pacific Union Homes - Mossdale Landing Lots

cc: Darryl Foreman, LP&E Inc  
Mike Badner, PUH Project Manager

GOLD RUSH BLVD.

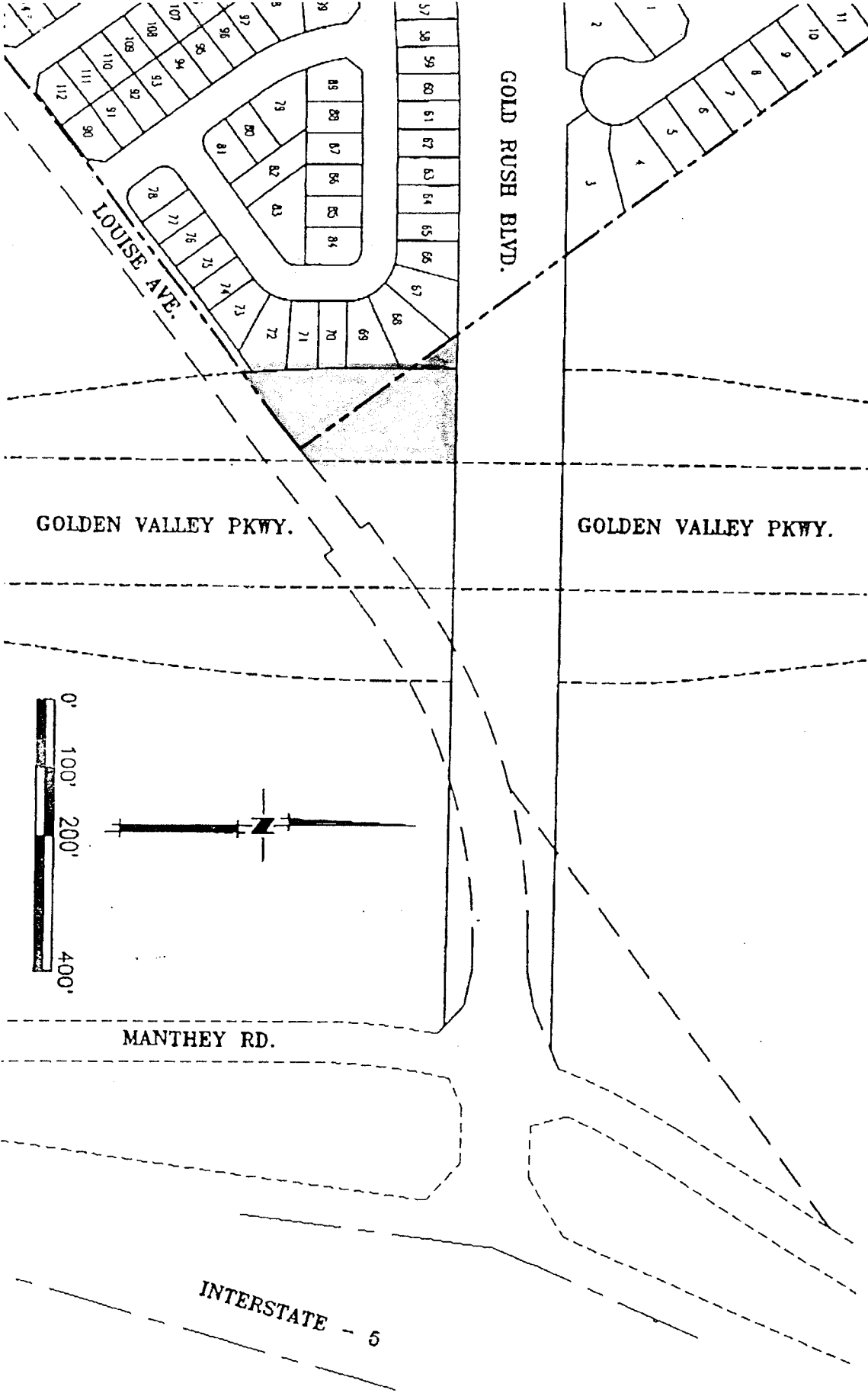
LOUISE AVE.

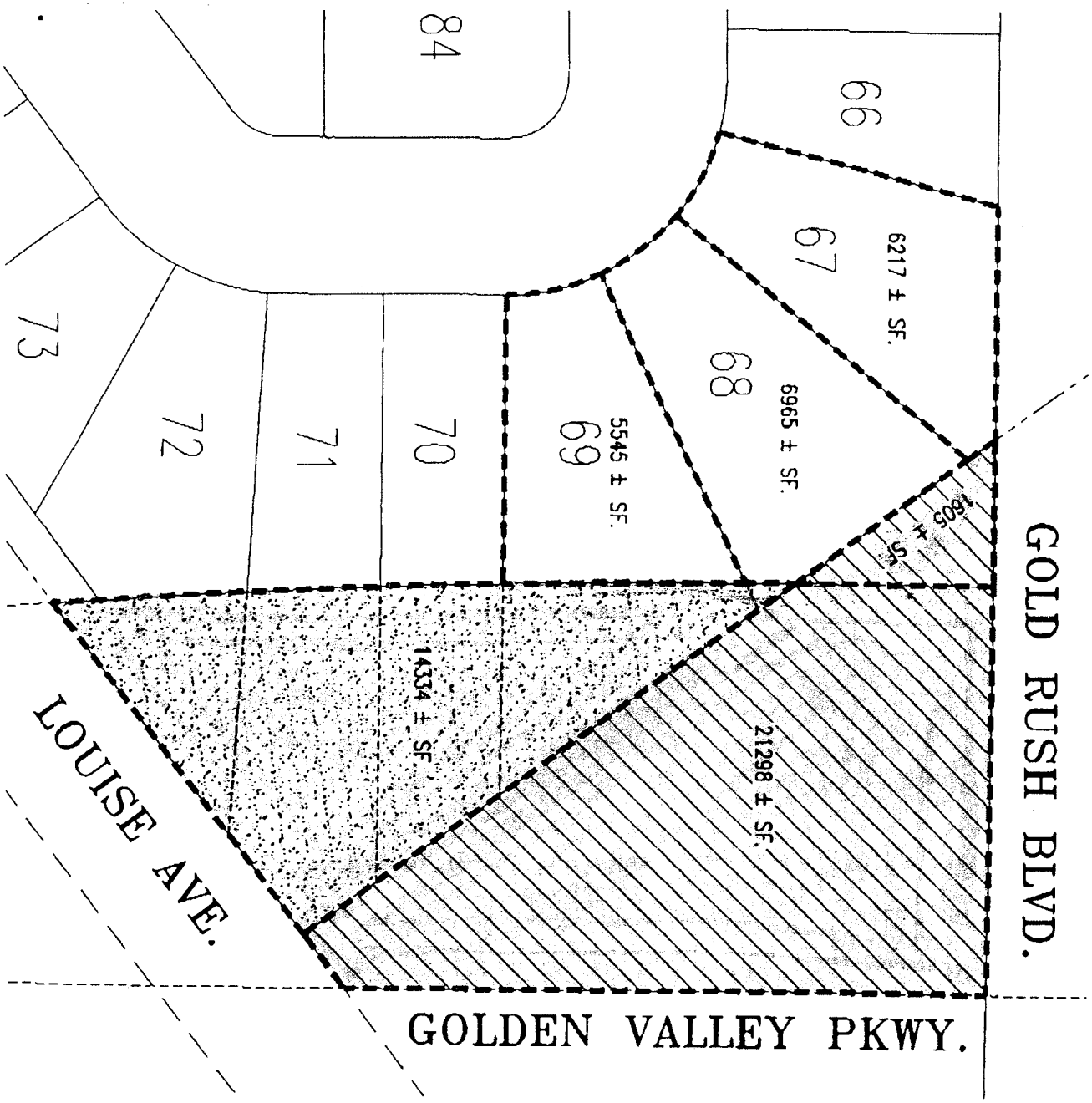
GOLDEN VALLEY PKWY.

GOLDEN VALLEY PKWY.

MANTHEY RD.

INTERSTATE - 5





GOLD RUSH BLVD.

GOLDEN VALLEY PKWY.

LOUISE AVE.

66

67

6217 ± SF.

68

6965 ± SF.

69

5545 ± SF.

70

14334 ± SF.

71

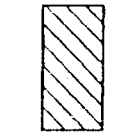
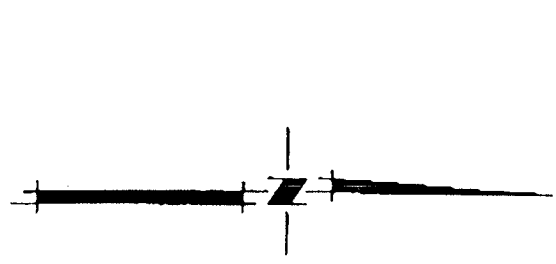
72

73

84

1805 ± SF.

21298 ± SF.



AREA TO BE DEDICATED TO FIRE DISTRICT IF R.O.W. FOR GOLDEN VALLEY PKWY. ON-RAMP IS NOT REQUIRED.



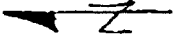
AREA TO BE MAPPED AS LOTS OR IF REQUIRED, DEDICATED TO FIRE DISTRICT WHEN IT IS DETERMINED R.O.W. FOR GOLDEN VALLEY PKWY. IS NOT REQUIRED.

MORRISDALE LANDING

RUSH

GOLD

1" = 40'

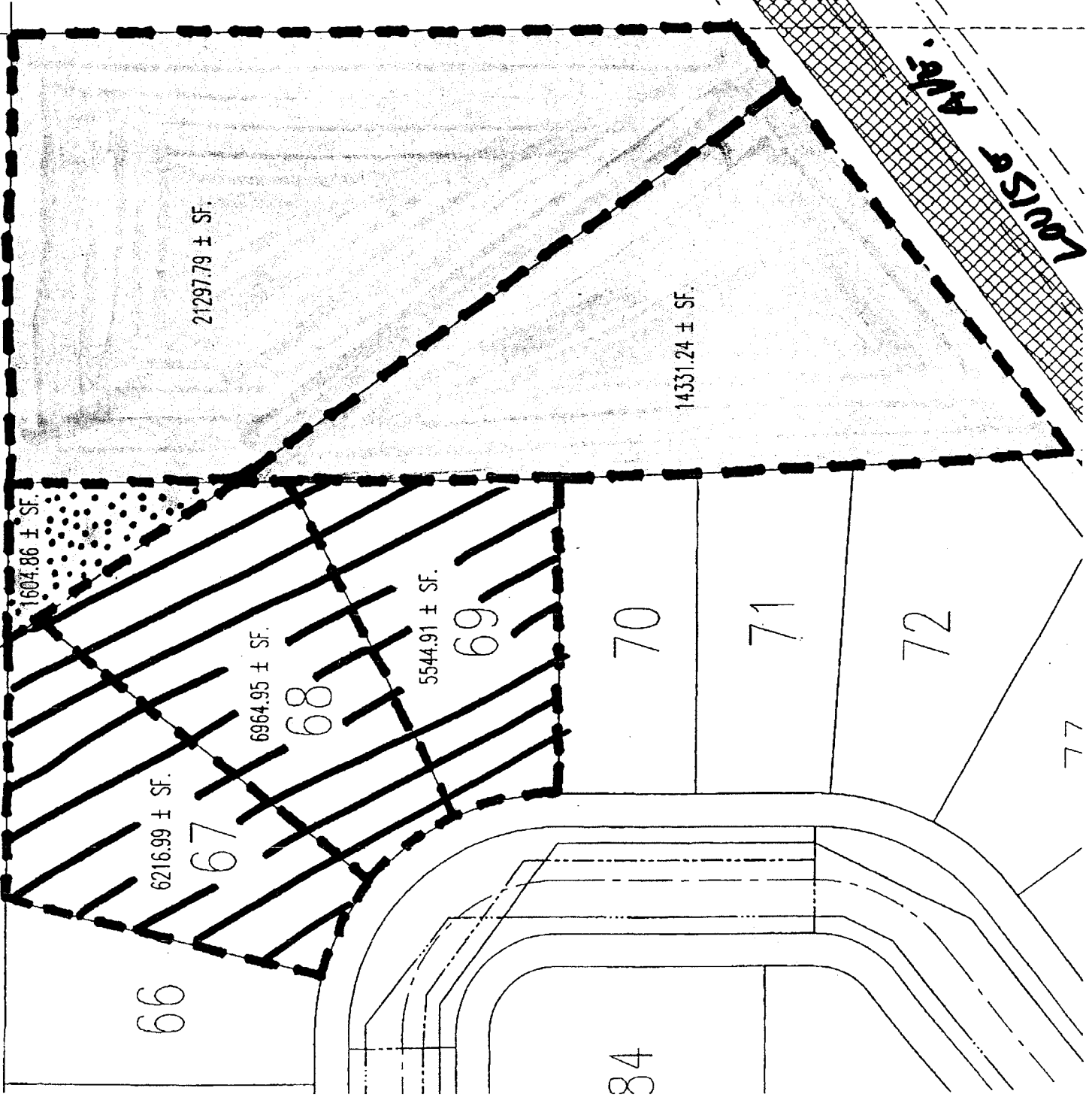


GOLDEN VALLEY

(18,727 SF.)

AREA MARKED AS FIRESTATION WITH LOTTING OF 3 LOTS AS AN OVERLAY.

AREA TO BE DEDICATED ONCE ACQUIRED FROM ROBINSON (1604 SF.)



66

67

68

69

84

70

71

72

77

21297.79 ± SF.

14331.24 ± SF.

1604.86 ± SF.

6216.99 ± SF.

6964.95 ± SF.

5544.91 ± SF.

(18,727 SF.)

(1604 SF.)

LOUISIANA AVE.

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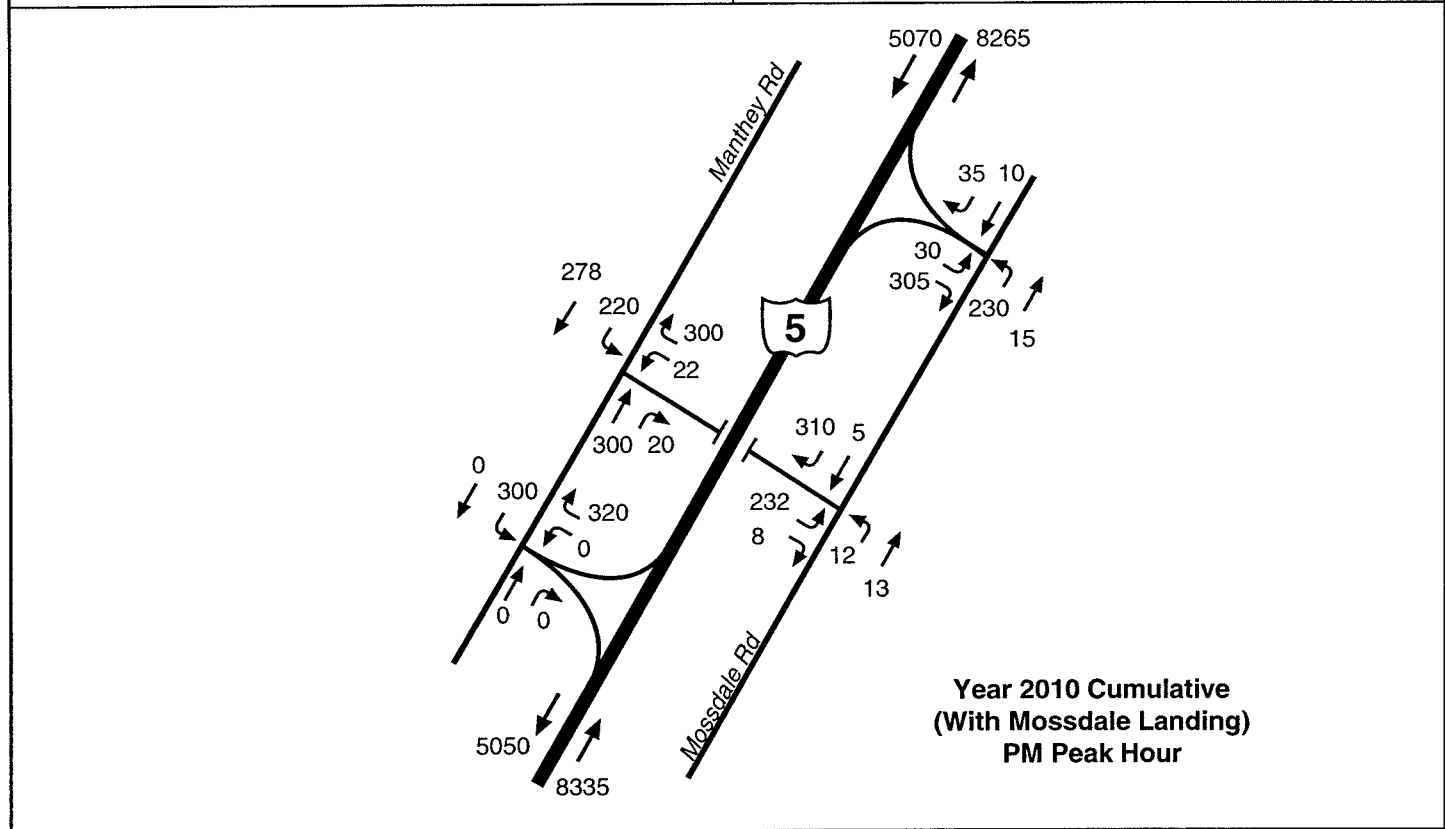
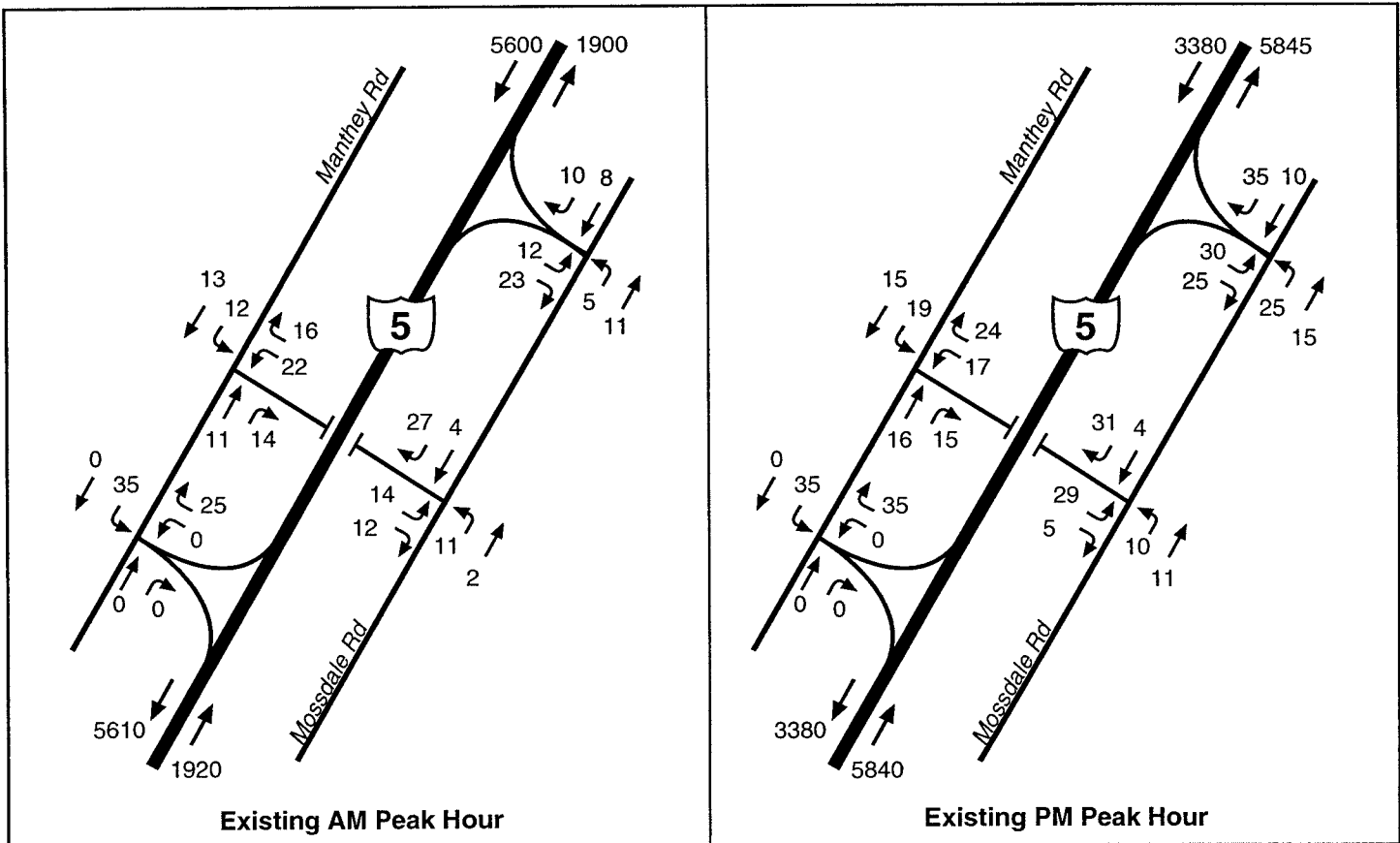
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**Attachment C: Exhibit A - Existing and Cumulative Condition Traffic  
Volumes at Mossdale Road/Northbound I-5 and  
Manthey Road/Southbound I-5 Ramp Intersections**

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Source: Crane Transportation Group

## Existing and Year 2010 (with Project) Peak Hour Volumes

Mossdale Landing UDC FEIR  
CITY OF LATHROP

G 1T019.01 12/02

NOT TO SCALE



EXHIBIT **A**