

ITEM 5.2

CITY MANAGER'S REPORT SEPTEMBER 11, 2023 CITY COUNCIL REGULAR MEETING

ITEM: ADOPTION OF A MITIGATED NEGATIVE DECLARATION FOR CIP PW 22-36 AQUIFER STORAGE AND RECOVERY

RECOMMENDATION: Adopt a Resolution Adopting the Mitigated Negative Declaration for the City of Lathrop Aquifer Storage and Recovery Project, CIP PW 22-36 in Accordance with the California Environmental Quality Act Requirements

SUMMARY:

The technique of Aquifer Storage and Recovery (ASR) involves actively storing water underground during periods of high precipitation for later retrieval as needed. This process of injecting and extracting water utilizes a well and is authorized by the State Water Board.

A Mitigated Negative Declaration (MND) and Mitigation Monitoring/Reporting Program (MMRP) were prepared for the project, pursuant to the provisions of California Environmental Quality Act (CEQA) requirements. The public comment and review period began on August 2, 2023 and ended on September 1st, 2023. As of writing this report, a total of five comments were received and have been addressed in the Responses to Comments Memorandum, included as Attachment "D".

Staff requests that Council adopt the attached resolution adopting the MND and MMRP, and authorize staff to file a Notice of Determination with San Joaquin County.

BACKGROUND:

The proposed ASR project would optimize the conjunctive use of the City's existing supplies of treated surface water and available groundwater to enhance delivered water quality to customers and increase the reliability of the City's water supply and delivery system.

On January 10, 2022, Council approved the creation of CIP PW 22-36 Aquifer Storage and Recovery and a Professional Services Agreement with Carollo Engineers, Inc. (Carollo) to complete the project's engineering feasibility study and preliminary design. The ASR project was also included in the FY 23-34 budget approved by the Planning Commission and adopted by City Council in June 2023.

The proposed project would involve the injection of treated (potable) drinking water from the City's South San Joaquin Irrigation District (SSJID) South County Water Supply Project (SCWSP) into selected confined aquifer zones for storage and subsequent extraction (i.e., "recovery").

SEPTEMBER 11, 2023 CITY COUNCIL REGULAR MEETING**ADOPTION OF A MITIGATED NEGATIVE DECLARATION FOR CIP PW 22-36
AQUIFER STORAGE AND RECOVERY**

The ASR Project would help mitigate drought impacts on the City's surface water supplies by providing long-term storage of up to 1,450 acre-feet per year (AFY) in the lower confined aquifer. The injection period generally occurs from November through April when water demand is lowest.

The proposed ASR project is located in the City of Lathrop at the River Islands potable water tank and booster pump site at APN 210-210-28. The project site is currently surrounded by industrial and agricultural uses and located within the River Islands Master Plan area. The site will ultimately be adjacent to an "Employment Center" designated by the River Islands Master Plan.

Currently, the project site has an existing 1.5-million-gallon (MG) water tank with plans for two more tanks in the future. The proposed ASR Well and two monitoring wells would be located on the River Islands site. One of the monitoring wells has recently been completed near the southern boundary of this site.

A MND and MMRP were prepared for the project, pursuant to the provisions of CEQA with NEPA like requirements. The MND was submitted to the State Clearinghouse (SCH# 2023080053) to be circulated for a 30-day public review period commencing on August 2, 2023 and ending on September 1st, 2023, in accordance with Section 21091 of the Public Resources Code. Notices of the MND availability were also sent out using CEQA-net, the City's website, County Clerk, Manteca Bulletin and mailed to a list of CEQA notice subscribers maintained by the City. Comments were received from the SWRCB, PG&E and the SJCOG. The comments received are addressed in the attached responses to comments memorandum.

Overall, the MND concluded that the ASR project could have a "Potentially Significant Impact" to Cultural Resources and Tribal Cultural Resources environmental factors which are addressed in the attached Mitigation and Monitoring Program.

RECOMMENDATION:

The City of Lathrop ASR project would considerably enhance reliability and mitigate emerging risks to the City's water supply by pumping and storing surface water acquired from SSJID during wet periods into the ground allowing for later retrieval and utilization during dry seasons, droughts, or instances of water supply shortage.

Staff requests that City Council adopt the attached resolution for adopting a Mitigated Negative Declaration and Mitigation Monitoring/Reporting Program for the subject project in accordance with CEQA requirements, and authorizing staff to file a Notice of Determination with San Joaquin County.

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ADOPTION OF A MITIGATED NEGATIVE DECLARATION FOR CIP PW 22-36
AQUIFER STORAGE AND RECOVERY

FISCAL IMPACT:

There is no direct fiscal impact associated with the recommended action. The ASR project is estimated to cost a total of \$6,000,000 and has been awarded an Urban Communities Drought Relief Grant in the amount of \$4,500,000 with a 25% local cost share in the amount of \$1,500,000.

ATTACHMENTS:

- A. Resolution Adopting a Mitigated Negative Declaration and Mitigation Monitoring/Reporting Program for CIP PW 22-36 Aquifer Storage and Recovery in Accordance with the California Environmental Quality Act Requirements
- B. Notice of Determination
- C. Initial Study/Mitigated Negative Declaration for the City of Lathrop Aquifer Storage and Recovery
- D. Responses to Comments Memorandum
- E. Mitigation Monitoring and Reporting Program

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SEPTEMBER 11, 2023 CITY COUNCIL REGULAR MEETING
ADOPTION OF A MITIGATED NEGATIVE DECLARATION FOR CIP PW 22-36
AQUIFER STORAGE AND RECOVERY

APPROVALS:



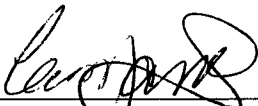
Greg Gibson
Senior Civil Engineer

8/21/2023
Date



Brad Taylor
City Engineer

8/22/2023
Date



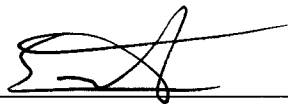
Cari James
Finance Director

8/28/23
Date



Michael King
Assistant City Manager

8.23.2023
Date



Salvador Navarrete
City Attorney

8.24.2023
Date



Stephen J. Salvatore
City Manager

9.1.23
Date

RESOLUTION NO. 23 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE CITY OF LATHROP AQUIFER STORAGE AND RECOVERY PROJECT, CIP PW 22-36 IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS

WHEREAS, the proposed City of Lathrop Aquifer Storage and Recovery project, CIP PW 22-36, would optimize the conjunctive use of the City's existing supplies of treated surface water in addition to available groundwater, to enhance delivered water quality to customers and increase the reliability of the City's water supply and delivery system; and

WHEREAS, on January 10, 2022 Council approved the creation of CIP PW 22-36 Aquifer Storage and Recovery and a Professional Services Agreement with Carollo Engineers, Inc. (Carollo) to complete the engineering feasibility study and preliminary design for the project. The ASR project was also included in the FY 23-34 budget that was approved by the Planning Commission and adopted by City Council in June, 2023; and

WHEREAS, the proposed project would involve the injection of treated (potable) drinking water from the City's South San Joaquin Irrigation District (SSJID) South County Water Supply Project (SCWSP) into selected confined aquifer zones for storage and subsequent extraction (i.e., "recovery"); and

WHEREAS, a Mitigated Negative Declaration (MND) and Mitigation Monitoring/Reporting Program (MMRP) were prepared for the project, pursuant to the provisions of California Environmental Quality Act (CEQA) requirements; and

WHEREAS, the MND was submitted to the State Clearinghouse (SCH# 2023080053) to be circulated for a 30-day public review period commencing on August 2, 2023 and ending on September 1st, 2023, in accordance with Section 21091 of the Public Resources Code; and

WHEREAS, public notice of the availability of the MND was provided as required by CEQA Guidelines Section 15072; and

WHEREAS, five public comments were received on the MND and were addressed in a response to comments memorandum, listed as Attachment "D", of the City Manager's report, dated September 11th, 2023; and

WHEREAS, the City of Lathrop has considered the MND together with any public comments received on the MND; and

WHEREAS, a Mitigated Monitoring/Reporting Program (MMRP) was prepared based on the MND; and

WHEREAS, there is no substantial evidence that the project will have a significant effect on the environment; and

WHEREAS, Section 21108 and 21152 of the Public Resources Code require the filing of a Notice of Determination within five (5) days of certification of the Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED, that the City of Lathrop has determined, based on its independent judgement, that the Mitigated Negative Declaration for the City of Lathrop Aquifer Storage and Recovery project has met the requirements of CEQA; and

BE IT FURTHER RESOLVED that the City Council adopts the MND and MMRP and authorizes the filing of a Notice of Determination with the County.

The foregoing resolution was passed and adopted this 11th day of September 2023, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSTAIN:

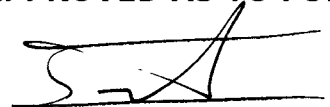
ABSENT:

Sonny Dhaliwal, Mayor

ATTEST:

Teresa Vargas, City Clerk

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney

ATTACHMENT
" B "

Notice of Determination

Appendix D

To: Office of Planning and Research
U.S. Mail: P.O. Box 3044 Sacramento, CA 95812-3044
Street Address: 1400 Tenth St., Rm 113 Sacramento, CA 95814

County Clerk
County of: San Joaquin
Address: 44 N. San Joaquin Street, 2nd Floor, Su Stockton, CA 95202

From: Public Agency: City of Lathrop
Address: 390 Towne Centre Drive Lathrop, CA 95330
Contact: Gregory W. Gibson, P.E.
Phone: (209) 841-7442

Lead Agency (if different from above):
Address:
Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 20230080053

Project Title: City of Lathrop Aquifer Storage and Recovery

Project Applicant: City of Lathrop

Project Location (include county): Lathrop, San Joaquin County

Project Description:

The proposed ASR project would optimize the conjunctive use of the City's existing supplies of treated surface water in addition to available groundwater, to enhance delivered water quality to customers and increase the reliability of the City's water supply and delivery system.

The proposed project would involve the injection of treated (potable) drinking water from the City's South. This is to advise that the City of Lathrop has approved the above (input checked box) Lead Agency or (input unchecked box) Responsible Agency

described project on 09/11/2023 and has made the following determinations regarding the above described project. (date)

- 1. The project [input unchecked box] will [input checked box] will not have a significant effect on the environment.
- 2. [input unchecked box] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. [input checked box] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
- 3. Mitigation measures [input checked box] were [input unchecked box] were not made a condition of the approval of the project.
- 4. A mitigation reporting or monitoring plan [input checked box] was [input unchecked box] was not adopted for this project.
- 5. A statement of Overriding Considerations [input unchecked box] was [input checked box] was not adopted for this project.
- 6. Findings [input checked box] were [input unchecked box] were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at: https://www.ci.lathrop.ca.us/com-dev/page/public-review-documents

Signature (Public Agency): Title:

Date: Date Received for filing at OPR:

**FINAL INITIAL STUDY AND MITIGATED
NEGATIVE DECLARATION**

FOR THE

LATHROP AQUIFER STORAGE RECOVERY PROJECT

SEPTEMBER 2023

Prepared for:

**City of Lathrop
Department of Public Works
390 Towne Centre Dr.
Lathrop, CA 95330**

Prepared by:

**De Novo Planning Group
1020 Suncast Ln, Suite 106
El Dorado Hills, CA 95762
(916) 997-1865**

D e N o v o P l a n n i n g G r o u p

A Land Use Planning, Design, and Environmental Firm

FINAL INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

FOR THE

LATHROP AQUIFER STORAGE RECOVERY PROJECT

SEPTEMBER 2023

Prepared for:

City of Lathrop
Department of Public Works
390 Towne Centre Dr.
Lathrop, CA 95330

Prepared by:

De Novo Planning Group
1020 Suncast Ln, Suite 106
El Dorado Hills, CA 95762
(916) 997-1865

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INITIAL STUDY CHECKLIST

PROJECT TITLE

Lathrop Aquifer Storage and Recovery Project

LEAD AGENCY NAME AND ADDRESS

City of Lathrop
Department of Public Works
390 Towne Centre Dr.
Lathrop, CA 95330

CONTACT PERSON AND PHONE NUMBER

Gregory Gibson, Senior Civil Engineer
209-941-7442
ggibson@ci.lathrop.ca.us

PROJECT SPONSOR'S NAME AND ADDRESS

City of Lathrop
Department of Public Works
390 Towne Centre Dr.
Lathrop, CA 95330

PURPOSE OF THE INITIAL STUDY

An Initial Study (IS) is a preliminary analysis which is prepared to determine the relative environmental impacts associated with a proposed project. It is designed as a measuring mechanism to determine if a project will have a significant adverse effect on the environment, thereby triggering the need to prepare a full Environmental Impact Report (EIR). It also functions as an evidentiary document containing information which supports conclusions that the project will not have a significant environmental impact or that the impacts can be mitigated to a "Less Than Significant" or "No Impact" level. If there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, the lead agency shall prepare a Negative Declaration (ND). If the IS identifies potentially significant effects, but: (1) revisions in the project plans or proposals would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and (2) there is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment, then a Mitigated Negative Declaration (MND) shall be prepared.

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if the proposed Aquifer Storage and Recovery (ASR) Project (project) may have a significant effect upon the environment. Based upon the findings and mitigation measures contained within this report, a Mitigated Negative Declaration (MND) will be prepared.

UPDATE TO THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Minor revisions have been made to the draft Mitigated Negative Declaration (MND). Specifically, typographical errors were corrected and clarifications were made to the final environmental document. Added language appears in a strikeout and underlined format. CEQA Guidelines Section 15073.S(a) requires a lead agency to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given. Pursuant to CEQA Guidelines Section 15073.S(b), a "substantial revision" includes two situations: (i) a new, avoidable significant effect is identified, and to reduce that effect to a level of insignificance, mitigation measures or project revisions must be added; or (ii) the lead agency determines that the mitigation measures or project revisions originally included in the negative declaration will not reduce potentially significant impacts to a level of insignificance, and new mitigation measures or project revisions are required. CEQA is clear that recirculation is not required if "new information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration." (CEQA Guidelines, §15073.S(c)(4).) None of the revisions made meet the recirculation requirements. As such, recirculation is not required.

WATER SUPPLY CONSIDERATIONS

The San Joaquin River historically divided the city into two separate groundwater basins. To the east of the river was the Eastern San Joaquin Groundwater Subbasin¹ and to the west is the Tracy Subbasin.² Both subbasins are part of the San Joaquin Valley Groundwater Basin. The City submitted a Basin Boundary Modification Request (BBMR) in June 2018, which was approved in February 2019 to include the entire City within the Tracy Subbasin.

The City has five operational production wells with a combined capacity of 8.4 million gallons per day (mgd), obtaining water from a relatively shallow aquifer at depths of 270 to 282 feet below land surface (BLS), above the Corcoran Clay. These wells are subject to contamination plumes from the Occidental Chemical Corporation (OCC), and by PFAS, resulting in a reduction in production rates and limited use to help meet peak demands. Well 9 has been placed in standby mode since summer of 2019 due to PFAS concentrations exceeding the State response level.

The City purchases Stanislaus River water from South San Joaquin Irrigation District (SSJID) through the South County Water Supply Project (SCWSP). The SCWSP is a partnership between Lathrop, Manteca, Tracy, Escalon, and SSJID. The water is treated at the Nick C. DeGroot Water Treatment Plant (DGWTP) located near the Woodward Reservoir in San Joaquin County, then distributed to the jurisdictions via pipelines.

¹ California Department of Water Resources, 2006. California's Groundwater Bulletin 118, San Joaquin Valley Groundwater Basin Eastern San Joaquin Subbasin, Groundwater Basin Number: 5-22.01. January. Available: [San Joaquin Valley Groundwater Basin Eastern San Joaquin Subbasin \(ca.gov\)](https://www.water.ca.gov/groundwater/bulletin-118). Accessed: June 19, 2023.

² California Department of Water Resources, 2006. California's Groundwater Bulletin 118, San Joaquin Valley Groundwater Basin Tracy Subbasin, Groundwater Basin Number: 5-22.15. January. Available: [San Joaquin Valley Groundwater Basin Tracy Subbasin \(ca.gov\)](https://www.water.ca.gov/groundwater/bulletin-118). Accessed: June 19, 2023.

PROJECT LOCATION AND SETTING

The proposed Aquifer Storage and Recovery (ASR) project is located in the City of Lathrop at the River Islands potable water storage and sewer pumping project, located at 950 Stewart Road (see **Figure 1** and **Figure 2**), near Water Tank 5 and the L2 South San Joaquin Irrigation District (SSJID) turnout. The project site is immediately surrounded by industrial and agricultural uses and is within the River Islands Master Plan area. The potable water storage and sewer pumping project site is located adjacent to an “Employment Center” as designated by the River Islands Master Plan.

Currently the project site has an existing 1.5-million-gallon (MG) water tank, and as of July 2023, two additional tanks are currently under construction. The proposed ASR well and two monitoring wells would be located on the River Islands site. There are two alternative placement configurations for the proposed project; the first is locating the ASR building within the tank site parcel (**Figure 3**), while the second is locating the ASR building on an adjacent parcel east of the tank site parcel (**Figure 4**). One of the monitoring wells has recently been completed near the southern boundary of this site.

GENERAL PLAN AND ZONING DESIGNATIONS

The project site is currently designated Regional Commercial – River Islands (RC-RI) by the City of Lathrop General Plan Land Use Designations Map and is zoned Regional Commercial – River Islands (CR-RI).

PROJECT DESCRIPTION

The proposed project would implement Aquifer Storage and Recovery (ASR) technology to optimize the conjunctive use of the City’s existing supplies of treated surface water in addition to available groundwater, to enhance delivered water quality to customers and increase the reliability of the City’s water supply and delivery system.

The proposed project would involve the injection of treated (potable) drinking water from the City’s South San Joaquin Irrigation District (SSJID) South County Water Supply Project (SCWSP) into selected confined aquifer zones for storage and subsequent extraction (i.e., “recovery”).

The ASR Project would help mitigate drought impacts on the City’s surface water supplies by providing long-term storage of up to 1,450 acre-feet per year (AFY) in the lower confined aquifer that is not impacted by the City’s groundwater contamination. In general, the injection period would occur from November through April, when water demand is lowest.

The City would utilize a new well within the project site for both the injection of the treated surface water or drinking water supplied from the City’s distribution system into the aquifer, and the subsequent extraction of this water. The project would not require an increase in the City’s existing surface water usage or increase the demand for water supplies. Initial well development would start with formation of a buffer zone around the well. The buffer zone initially separates the native groundwater and the stored water, providing water quality and geochemical benefits. The buffer zone volume is never recovered; however, the subsequent water stored is typically

fully recovered during times when it is needed to meet peak or emergency demands or during severe droughts. The sum of the buffer zone volume and the volume required for recovery is known as the target storage volume (TSV). A typical “rule-of-thumb” for the buffer zone volume is at least 70 days of recovery at the design production capacity of the well during ASR recovery, i.e., a 2 million gallon per day (mgd) well would likely have a buffer zone volume of at least 140 million gallons (MG). The recovery volume remains to be determined, but would be at least the volume required to help meet projected peak summer demands for typically 60 to 120 days and more likely a larger volume intended to provide water supply reliability during an extended drought. For example, to provide water supply reliability during a one-year drought, the volume of water to be stored for a 2-mgd well would be 730 MG, plus the buffer zone volume of at least 140 MG, or at least 870 MG (2,670 acre-feet [AF]).

The ASR well would be drilled to a depth of 1,200 – 1,500 feet BLS. The ASR well’s buffer zone is estimated at 1,000 GPM (or approximately 1.44 mgd, or 101 MG [309 AF]). A target storage volume of 7 months recovery was selected for this well assuming there is a 4-month peak demand on the existing potable water supply plus a 70-day buffer zone. Adding in the initial buffer zone contribution the total storage volume for this well is estimated to be at least 408 MG. The radius of this storage zone is not yet determined as it would relate to how deep and thick is the proposed storage interval. Associated pumps and piping would be constructed to provide water injection and recovery. Two monitoring wells would be installed, one within 30 feet of the ASR well and the other approximately 220 feet of the well. The first well has already been installed as part of preliminary feasibility analyses.

The ASR well may be housed in a masonry building to protect the well, pipes, and electronic components. If constructed, the masonry building would be a single-story structure and would include safety lighting on the outside. It is also possible that the well and piping could remain outdoors, in an unprotected environment, or under a shade canopy. Construction of the ASR well, including startup, monitoring, and cycle testing would take place over approximately 24 months beginning in early 2024.

Water stored in the aquifer under the ASR program would be used for two primary purposes: 1) to meet peak hour summer water demands, and 2) for drought water supply. Peak hour demands occur daily during the summer months. The ASR water would supplement the water stored by the City in above-ground storage tanks, and water pumped from the wells assists the City in keeping water pressure within the distribution system within the desired pressure range.

By delivering stored, high quality surface water from SSJID, municipal water customers in Lathrop would receive the best quality water at their taps. Water not withdrawn from the aquifer for peak hour demand would remain in the groundwater basin for future use without degradation of quality. The intention of the ASR program is for the City to inject approximately 1,450 AFY and build up its banked groundwater supply over multiple years.

PROJECT BACKGROUND

In order to determine the feasibility of a long-term ASR project, the City undertook a feasibility analysis at the project site to determine whether an ASR well would result in the desired level of

storage. An 8.75-inch diameter borehole to a depth of 800 feet below ground surface (bgs) by the direct rotary drilling method. The test hole was geophysically logged to the completed depth. The test hole was widened to 12.25-inch diameter to a depth of 270 feet bgs, 10.625-inch diameter from 270 to 540 feet bgs, and 8.75-inch diameter from 540 to 800 feet bgs and install three piezometers that would allow for the collection of zone-specific water quality samples and water levels. Water quality, mineralogy, geochemical, and geologic measurements were taken and logged.

The results, conclusions, and findings of the City's ASR Feasibility Assessment.³ The Engineer's Report included in the feasibility analysis demonstrates that the proposed ASR project is technically feasible, and demonstrates that the proposed project would not adversely impact groundwater quality or the City's water supply infrastructure.

REQUESTED ENTITLEMENTS AND OTHER APPROVALS

The City of Lathrop will be the Lead Agency for the proposed project, pursuant to the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), Section 15050. The following agencies may be required to issue permits or approve certain aspects of the proposed project:

- San Joaquin County Environmental Health Department (well drilling permit)
- State Water Resources Control Board Division of Drinking Water (Drinking Water Source Assessment and Protection application; water supply permit amendment)

PROJECT GOALS AND OBJECTIVES

The City of Lathrop has identified the following goals and objectives for the proposed project:

1. Provide seasonal storage of drinking water during winter months, when system demand for drinking water is below peak levels and excess water supply and treatment capacity is available, and have sufficient water supplies available for future recovery from the same well when needed to meet peak summer demands.
2. Provide emergency storage for drinking water in the event of a natural disaster, transmission pipeline failure, or if the domestic water supply wells need to be taken partially or completely offline for a period of time.
3. Provide long-term drinking water storage (water banking) to provide water supply reliability and sustainability at low cost, allowing more water to be stored in wet years and other times of relatively low water demand with recovery anticipated in later years, and particularly during droughts.
4. Defer expansion of the City's water treatment facilities until such time as more water treatment, not just disinfection, is needed.

³ City of Lathrop, 2023. Aquifer Storage Recovery Feasibility Assessment. Final. March.

Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

	Aesthetics		Agriculture and Forestry Resources		Air Quality
	Biological Resources	X	Cultural Resources		Energy
	Geology and Soils		Greenhouse Gasses		Hazards and Hazardous Materials
	Hydrology and Water Quality		Land Use and Planning		Mineral Resources
	Noise		Population and Housing		Public Services
	Recreation		Transportation	X	Tribal Cultural Resources
	Utilities and Service Systems		Wildfire		Mandatory Findings of Significance

DETERMINATION:

On the basis of this initial evaluation:

	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



[Handwritten Signature]

09/06/2023

Signature

Date



EVALUATION INSTRUCTIONS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance

EVALUATION OF ENVIRONMENTAL IMPACTS:

In each area of potential impact listed in this section, there are one or more questions which assess the degree of potential environmental effect. A response is provided to each question using one of the four impact evaluation criteria described below. A discussion of the response is also included.

- **Potentially Significant Impact.** This response is appropriate when there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries, upon completion of the Initial Study, an EIR is required.
- **Less than Significant With Mitigation Incorporated.** This response applies when the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less-Than-Significant Impact". The Lead Agency must describe the mitigation measures and briefly explain how they reduce the effect to a less-than-significant level.
- **Less-than-Significant Impact.** A less-than-significant impact is one which is deemed to have little or no adverse effect on the environment. Mitigation measures are, therefore, not necessary.
- **No Impact.** These issues were either identified as having no impact on the environment, or they are not relevant to the project.

ENVIRONMENTAL CHECKLIST

This section of the Initial Study incorporates the most current CEQA Guidelines Appendix G Environmental Checklist Form. Impact questions and responses are included in both tabular and narrative formats for each of the 21 environmental topic areas.

I. AESTHETICS

<i>Would the project:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Have a substantial adverse effect on a scenic vista?				x
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				x
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			x	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			x	

RESPONSES TO CHECKLIST QUESTIONS

Responses a) through b): No Impact. There are no designated scenic vistas on the project site. The site is not located near a scenic highway. As such, there would be no change to any visual resources within the city. There would be no impact.

Responses c) through d): Less than Significant. The proposed Project would not conflict with applicable zoning and other regulations governing scenic quality. The proposed masonry building would be a single-story structure that would not adversely affect day or nighttime views in the area, and would not degrade the existing visual character or quality of public views of the site and its surroundings. There is less-than-significant impact.

II. AGRICULTURE AND FOREST RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				x
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				x
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 1222(g)) or timberland (as defined in Public Resources Code section 4526)?				x
d) Result in the loss of forest land or conversion of forest land to non-forest use?				x
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				x

RESPONSES TO CHECKLIST QUESTIONS

Responses a) through e): No Impact. The project would not result in any changes to existing land uses within the city, and the project does not have the potential to impact any agricultural or forest resources. The project would provide more reliable municipal water supplies within the City’s service area and would not reduce water availability for existing agricultural operations. The water stored in the aquifer under the ASR program will be used for two primary purposes: 1) to meet peak hour summer water demands, and 2) for drought water supply. There is no impact.

III. AIR QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			x	*
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			x	*
c) Expose sensitive receptors to substantial pollutant concentrations?			x	*
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			x	*

RESPONSES TO CHECKLIST QUESTIONS

Responses a) through d): ~~No Impact~~ Less-Than-Significant Impact. The project would not generate minimal air emissions during project construction activities. The site is already flat, and there would not be mass dirt moving. Drilling of the well would require construction equipment that would emit minimal emissions. There would not be any emissions generated during the operation of the project. ~~Two monitoring wells will be installed, one within 30 feet of the ASR well and the other approximately 220 feet of the well. The first well has already been installed as part of preliminary feasibility analyses.~~ Project operations would not generate odors. The proposed Project would not expose sensitive receptors to substantial pollutants as there will be no emissions generated during operation and emissions during construction would be minimal. ~~There is no impact. The impact would be less than significant.~~

IV. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				x
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				x
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				x
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				x
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				x
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				x

RESPONSES TO CHECKLIST QUESTIONS

Responses a) through f): No Impact. The project involves injecting surface water into the local aquifer for storage and future recovery. The surface water comes from the City’s existing surface water allocations. The project would not increase the rate or volume of surface water use or diversion, and as such, would not impact any riparian habitat or surface water resources that provide habitat for biological resources.

The City of Lathrop is located within the jurisdiction of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (“Plan” or “SJMSCP”) and is located within the Central Transition Zone of the SJMSCP. The San Joaquin Council of Governments (SJCOG) prepared the Plan pursuant to a Memorandum of Understanding adopted by SJCOG, San Joaquin County, the United States Fish and Wildlife Service (USFWS), the California Department of Fish and Game (CDFG), Caltrans, and the cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy in October 1994. On February 27, 2001, the Plan was unanimously adopted in its entirety by SJCOG.

According to Chapter 1 of the SJMSCP,⁴ its key purpose is to “provide a strategy for balancing the need to conserve open space and the need to convert open space to non-open space uses, while protecting the region's agricultural economy; preserving landowner property rights; providing for the long-term management of plant, fish and wildlife species, especially those that are currently listed, or may be listed in the future, under the Federal Endangered Species Act (ESA) or the California Endangered Species Act (CESA); providing and maintaining multiple use Open Spaces which contribute to the quality of life of the residents of San Joaquin County; and, accommodating a growing population while minimizing costs to project proponents and society at large.”

In addition, the goals and principles of the SJMSCP include the following:

- Provide a County-wide strategy for balancing the need to conserve open space and the need to convert open space to non-open space uses, while protecting the region's agricultural economy.
- Preserve landowner property rights.
- Provide for the long-term management of plant, fish, and wildlife species, especially those that are currently listed, or may be listed in the future, under the ESA or the CESA.
- Provide and maintain multiple-use open spaces, which contribute to the quality of life of the residents of San Joaquin County.
- Accommodate a growing population while minimizing costs to project proponents and society at large.

In addition to providing compensation for conversion of open space to non-open space uses, which affect plant and animal species covered by the SJMSCP, the SJMSCP also provides some compensation to offset impacts of open space conversions on non-wildlife related resources such as recreation, agriculture, scenic values and other beneficial open space uses. Specifically, the SJMSCP compensates for conversions of open space to urban development and the expansion of existing urban boundaries, among other activities, for public and private activities throughout the County and within Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy.

The project would not result in any open space conversions and would not impact any biological resources. Project implementation would not conflict with this plan. The Project would not have a substantial adverse effect on any species identified as a candidate, sensitive or special species in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The proposed Project would not conflict with any local policies or ordinances protecting biological resources. The proposed Project would not interfere with the movement of any native resident or migratory fish or wildlife species. There is no impact.

⁴ San Joaquin County Multi-Species Habitat Conservation and Open Space Plan. November 14, 2000. Accessed July, 2023.

V. CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?				x
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?		x		
c) Disturb any human remains, including those interred outside of formal cemeteries?		x		

RESPONSES TO CHECKLIST QUESTIONS

Response a) No Impact. There is no potential for the project to impact any cultural or historical resources. The proposed Project will not cause a substantial adverse change in the significance of a historical resource. There is no impact.

Responses b) through c) Less Than Significant with Mitigation. Based on previous disturbance, and the environmental context, the proposed Project has low potential to impact archaeological resources. Despite the low potential, the discovery of archaeological materials during ground-disturbing activities cannot be entirely discounted. The inadvertent discovery of cultural materials during project implementation could be a potentially significant impact. This impact would be reduced to a less-than-significant level with implementation of **Mitigation Measure CUL-1 and Mitigation Measure CUL-2**, which require avoidance measures or the appropriate treatment of archaeological resources and human remains if discovered during project implementation.

Mitigation Measure CUL-1

If pre-contact or historic-era cultural resources are encountered during project implementation, construction activities within 100 feet shall halt and a qualified archaeologist, defined as an archaeologist meeting the U.S. Secretary of the Interior’s Professional Qualification Standards for Archeology, shall inspect the find within 24 hours of discovery and notify the City of Lathrop of their initial assessment. Pre-contact cultural materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (“midden”) containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-era materials might include building or structure footings and walls, and deposits of metal, glass, and/or ceramic refuse.

If the City determines, based on recommendations from a qualified archaeologist and a Native American representative (if the resource is pre-contact), that the resource may qualify as a historical resource or unique archaeological resource (as defined in CEQA Guidelines Section 15064.5) or a tribal cultural resource (as defined in PRC Section 21080.3), the resource shall

be avoided if feasible. Consistent with Section 15126.4(b)(3), this may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement.

If avoidance is not feasible, the City shall consult with appropriate Native American tribes (if the resource is pre-contact), and other appropriate interested parties to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC Section 21083.2, and CEQA Guidelines Section 15126.4. This shall include documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource (according to PRC Section 21084.3).

Mitigation Measure CUL-2

In the event of discovery or recognition of any human remains during project implementation, construction activities within 100 feet of the find shall cease until the San Joaquin County Coroner has been contacted to determine that no investigation of the cause of death is required. The Coroner shall contact the Native American Heritage Commission within 24 hours, if the Coroner determines the remains to be Native American in origin. The Commission will then identify the person or persons it believes to be the most likely descendant from the deceased Native American (PRC Section 5097.98), who in turn would make recommendations to the City for the appropriate means of treating the human remains and any associated funerary objects (CEQA Guidelines Section 15064.5[d]).

VI. ENERGY

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			x	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			x	

RESPONSES TO CHECKLIST QUESTIONS

Responses a) through b) Less-than-Significant Impact. Appendix G of the CEQA Guidelines requires consideration of the potentially significant energy implications of a project. CEQA requires mitigation measures to reduce “wasteful, inefficient and unnecessary” energy usage (Public Resources Code Section 21100, subdivision [b](3)). According to Appendix G of the CEQA Guidelines, the means to achieve the goal of conserving energy include decreasing overall energy consumption, decreasing reliance on natural gas and oil, and increasing reliance on renewable energy sources. In particular, the proposed Project would be considered “wasteful, inefficient, and unnecessary” if it were to violate state and federal energy standards and/or result in significant adverse impacts related to project energy requirements, energy inefficiencies, energy intensiveness of materials, cause significant impacts on local and regional energy supplies or generate requirements for additional capacity, fail to comply with existing energy standards, otherwise result in significant adverse impacts on energy resources, or conflict or create an inconsistency with applicable plan, policy, or regulation.

The proposed Project would implement ASR technology to optimize the conjunctive use of the City’s existing supplies of treated surface water in addition to available groundwater, to enhance delivered water quality to customers and increase the reliability of the City’s water supply and delivery system.

The implementation of the proposed Project is estimated to utilize approximately 390,745 kilowatt-hours per year (kwh/year). This was calculated based on the amount of water used for long-term storage for the project (1,450 acre-feet per year), as provided by the City of Lathrop, as well as the electricity intensity factor for water supply in the San Joaquin River Hydrologic Region of 827 kwh per million gallons of water.^{5,6}

Other potential sources of energy consumption are not considered herein, as the existing Project site is already established, and the Project is simply the implementation of a new technology on an already existing site. Therefore, other potential sources of energy consumption (such as worker trips associated with the Project) are considered to already be part of the existing conditions. The new technology (ASR) is anticipated to require the amount of electricity

⁵ See the CalEEMod (v.2022.1) User’s Guide, Appendix G, Table G-32, for detail on the electricity intensity factor.

⁶ Based on a conversion factor of 1 acre-foot of water being equal to approximately 325,851.4 gallons.

consumption as described above. The proposed Project does not anticipate installation of solar photovoltaic (PV) systems or other sources of renewable energy on-site.

Conclusion

The proposed Project would use energy resources for the implementation of the ASR technology within the Project site. The proposed Project would be responsible for conserving energy, to the extent feasible, and relies heavily on reducing per capita energy consumption to achieve this goal, including through Statewide and local measures.

The proposed Project would be in compliance with all applicable federal, state, and local regulations regulating energy usage. As a result, the proposed Project would not result in any significant adverse impacts related to project energy requirements, energy use inefficiencies, and/or the energy intensiveness of materials by amount and fuel type for each stage of the proposed Project including construction, operations, maintenance, and/or removal. The proposed Project would comply with all existing energy standards, including those established by the City of Lathrop, and would not result in significant adverse impacts on energy resources. Therefore, the proposed Project would not be expected cause an inefficient, wasteful, or unnecessary use of energy resources nor cause a significant impact on any of the threshold as described by Appendix G of the CEQA Guidelines. This is a less-than-significant impact.

VII. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				x
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				x
ii) Strong seismic ground shaking?				x
iii) Seismic-related ground failure, including liquefaction?				x
iv) Landslides?				x
b) Result in substantial soil erosion or the loss of topsoil?			x	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			x	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			x	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?				x
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				x

RESPONSES TO CHECKLIST QUESTIONS

Responses a) No Impact. The closest earthquake fault to the Project site is the Vernalis Fault, located approximately 5 miles southwest of the Project site.⁷ The proposed Project will not directly or indirectly cause potential substantial adverse effects including strong seismic ground shaking, or seismic-related ground failure such as liquefaction. Therefore, there is no impact.

⁷ USGS Quaternary Fault and Fold Database of the United States. Available: <https://www.usgs.gov/programs/earthquake-hazards/faults> Accessed: July 10, 2023.

Responses b) through d): Less than Significant. The Corcoran Clay is a major regional confining bed beneath the western part of the San Joaquin Valley. This clay separates the overlying upper aquifer from an underlying confined lower aquifer. The top of the Corcoran Clay is at an average depth of 280 feet beneath the Project site. The electric log and lithologic samples collected during drilling indicate the Corcoran Clay extends from 280 to 420 feet in depth at this location. Groundwater below the Corcoran Clay is indicated to be of high salinity. There are two other shallow clay layers in the upper aquifer. The shallowest is termed the A-clay. The soil cutting and electronic log for this well indicates the equivalent of the A-Clay likely extends from 90 to 100 feet in depth. Another regional clay is the C-Clay, which is present between the A-Clay and the Corcoran Clay. The electric log for this well indicates the equivalent C-Clay extends from 220 to 230 feet in depth at this location.⁸ Due to previous site disturbance, there is less than significant impact to soil erosion and loss of topsoil. The Project site is not located on a geologic unit or soil that is unstable, or that would become unstable because of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. Therefore, there is a less than significant impact.

Responses e) through f): No Impact. The proposed Project would involve the injection of treated drinking water into selected confined aquifer zones for storage and subsequent extraction. The proposed Project will not affect the use of septic tanks or wastewater resources. The proposed Project will not destroy a unique paleontological resource, site or unique geological feature. Therefore, there is no impact.

⁸ City of Lathrop, Stewart Monitoring Well Construction Summary and Aquifer Storage and Recovery Well Design Recommendations. March 2023

VIII. GREENHOUSE GAS EMISSIONS

<i>Would the project:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			x	*
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?			x	*

RESPONSES TO CHECKLIST QUESTIONS

Responses a) and b): ~~No Impact~~ Less-than-Significant Impact. During construction of the ASR well, some construction equipment would be used to drill the well, construct the masonry building, and install piping. GHG emissions from construction equipment would be minimal. The project operation would not generate any greenhouse gas emissions. Project implementation would not conflict with any statewide, regional, or local GHG reduction plans or regulations. There is no impact. The impact would be less than significant.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				x
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				x
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				x
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				x
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				x
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				x
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				x

RESPONSES TO CHECKLIST QUESTIONS

Responses a) through d): No Impact. The proposed project would not involve the use of any hazardous materials. There would be no hazardous materials used, stored or transported to the injection well site as a result of project implementation. The injection well site is not located on a list of hazardous sites. STEAM Academy is located 1 mile north of the well site. However, this school site would not be exposed to any project related hazards, as there are no hazardous materials or activities associated with the project. There is no impact.

Response e): No Impact. The Federal Aviation Administration (FAA) establishes distances of ground clearance for take-off and landing safety based on such items as the type of aircraft using the airport. The San Joaquin County Airport Land Use Commission (ALUC) is an advisory body that assists local agencies with ensuring the compatibility of land uses in the vicinity of airports. The County ALUC reviews proposed development projects for consistency with airport land use

compatibility. The General Plan presents a policy that is designed to ensure that new development is consistent with setbacks, height and land use restrictions as determined by the Federal Aviation Administration and the San Joaquin County Airport Land Use Commission.

The Stockton Metropolitan Airport is the closest airport to the project site, located approximately 12.5 miles north of the site. The San Joaquin County's Aviation System Stockton Metropolitan Airport Land Use Compatibility Plan⁹ shows that the project site is not located within a flight zone and the proposed project is not considered an incompatible land use. Implementation of the proposed project would have no impact with regards to this environmental issue.

Response f): No Impact. The proposed Project does not include any actions that would impair or physically interfere with an adopted emergency response plan or emergency evacuation plan. Furthermore, the proposed project would not result in population growth that would increase the demand for emergency services during disasters. Implementation of the proposed Project would result in no impact on this environmental topic.

Response g): No Impact. The risk of wildfire is related to a variety of parameters, including fuel loading (vegetation), fire weather (winds, temperatures, humidity levels and fuel moisture contents) and topography (degree of slope). Steep slopes contribute to fire hazard by intensifying the effects of wind and making fire suppression difficult. Fuels such as grass are highly flammable because they have a high surface area to mass ratio and require less heat to reach the ignition point, while fuels such as trees have a lower surface area to mass ratio and require more heat to reach the ignition point.

According to the State Responsibility Area Fire Hazard Severity Zone Map¹⁰ the Project site is not located in a SRA High Fire Risk zone. The proposed Project does not include any structures that would be at risk from fires, and does not include any activities that would potentially result in wildland fires. There is no impact.

⁹ County of San Joaquin Aviation System Stockton Metropolitan Airport Land Use Compatibility Plan. February 2018. Accessed July 2023.

¹⁰ CAL FIRE Fire Hazard Severity Zone Map <https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildfire-preparedness/fire-hazard-severity-zones/fire-hazard-severity-zones-map/> Accessed July 2023

X. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			x	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			x	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				x
(i) Result in substantial erosion or siltation on- or off-site;				x
(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;				x
(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or				x
(iv) Impede or redirect flood flows?				x
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				x
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				x

RESPONSES TO CHECKLIST QUESTIONS

Responses a) and b): Less than Significant. The potential for the proposed project to result in groundwater quality impacts was addressed in the 2023 City of Lathrop Aquifer Storage and Recovery Feasibility Assessment. Although the primary goal of most ASR programs is to maximize water supply reliability by storing seasonally available water in the aquifer until needed, an equally important goal is the preservation or enhancement of water quality through the ASR process. The capture, treatment, conveyance, and later recovery of this water (in addition to the cost of water purchase and/or water rights) results in the recharge water being valuable.

The City of Lathrop is evaluating the potential to use an ASR groundwater banking program to enhance the management of surplus water using seasonal storage, emergency storage, and/or long-term storage methods to support continued drought resiliency and overall water supply reliability. The focus of the ASR program includes the following:

- **Seasonal storage.** During winter months, when system demand for drinking water is below peak levels and excess water supply and treatment capacity is available, drinking water will be stored underground through an ASR well located at the Project site. Ambient water quality in the aquifer is brackish with an estimated TDS concentration of about 4,300 to 6,000 mg/L. The California drinking water standard for TDS is 1,000 mg/L. The stored water will be recovered from the same well when needed to meet peak summer demands.
- **Emergency storage.** In the event of a natural disaster, transmission pipeline failure, or if the domestic water supply wells need to be taken partially or completely offline for a period an additional volume of water would be stored that is not needed for seasonal recovery. This will provide the volume required to meet a suitable design flow rate and duration that is determined to be appropriate for an emergency.
- **Long-term storage.** Long-term storage, or “water banking” is increasingly used by water utilities to provide water supply reliability and sustainability at low cost. No additional construction cost would be required; however, the storage volume would be increased beyond what is necessary to meet seasonal and emergency storage demands. More water would be stored in wet years and other times of relatively low water demand. This additional volume of long-term stored water would be carried over for recovery in later year, and particularly during droughts.

An important issue for long-term storage is the natural regional flow rate (feet per year) and direction that could cause stored water to move laterally downgradient so that it is no longer recoverable from the well in which it was recharged. Deeper ASR wells tend to have higher TDS values, but also lower flow velocity, as in feet per year as opposed to tens or hundreds of feet per year in shallower or unconfined aquifers. Wellfield design can partially overcome this constraint by providing a line of ASR wells oriented downgradient so that stored water that is no longer recoverable from upgradient ASR wells can be recovered from downgradient ASR wells.

Deferring expansion of water treatment facilities is a secondary objective that could be useful for the City. Water recovered from the ASR well after storage will only need disinfection during the recovery, not retreatment of the water. This will be evaluated during the testing phase of the Project. To the extent that ASR can help meet peak demands with local seasonal storage, planned future expansion of the DGWTP, and associated cost, may be deferred.

Therefore, the impact will be less than significant.

Responses c), d), and e): No Impact. There would be no change to the existing drainage pattern or flood control facilities in the project vicinity or elsewhere in the city as a result of project implementation. The project would not increase the risk of flooding, nor would it involve surface water discharges that could adversely impact surface water quality. There is no impact.

There are no significant bodies of water near the project site that could result in the occurrence of a seiche or tsunami. Additionally, the project site and the surrounding areas are essentially flat, which precludes the possibility of mudflows occurring on the project site. There is no impact.

XI. LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community?				x
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				x

RESPONSES TO CHECKLIST QUESTIONS

Responses a) through b): No Impact. Implementation of the proposed project would not divide an established community as there is no residential communities located in the surrounding areas. The project would not conflict with the City of Lathrop General Plan or the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan. There is no impact and no mitigation is required.

XII. MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				x
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				x

RESPONSES TO CHECKLIST QUESTIONS

Responses a) through b): No Impact. As described in the City of Lathrop General Plan DEIR,¹¹ the Project site is located in MRZ-3, areas containing mineral deposits, the significance of which cannot be evaluated. The project would not result in the construction of any facilities or any changes in land use that would interfere with the extraction of mineral resources in the region. There is no impact.

¹¹ City of Lathrop. Draft Environmental Impact Report for the Lathrop General Plan Update. May 2022. Accessed July 2023.

XIII. NOISE

Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			x	x
b) Generation of excessive groundborne vibration or groundborne noise levels?			x	x
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				x

RESPONSES TO CHECKLIST QUESTIONS

Responses a) through c): No Impact Less-than-Significant Impact. Generally, a project may have a significant effect on the environment if it will substantially increase the ambient noise levels for adjoining areas or expose people to severe noise levels. In practice, more specific professional standards have been developed. These standards state that a noise impact may be considered significant if it would generate noise that would conflict with local planning criteria or ordinances, or substantially increase noise levels at noise-sensitive land uses.

Construction of the Project would generate some temporary noise during business hours, as dictated by the City’s Noise Ordinance. Implementation Operation of the Project would not generate noise. The Project will not generate excessive groundborne vibration or groundborne noise levels. No permanent increases in ambient noise levels would occur as a result of project implementation, and the project would not generate new noise sensitive land uses. The impact would be less than significant.

Response c): No Impact. The project site is not located within two miles of a public airport or a private airstrip. There is no impact.

XIV. POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				x
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				x

RESPONSES TO CHECKLIST QUESTIONS

Responses a) through b): No Impact. Implementation of the project would not directly result in population growth, nor would it convert any land use designations to a use that would allow for the construction of housing. The proposed project would not generate a significant number of new jobs which could lead indirectly to population growth.

The project would not extend water, wastewater and electrical infrastructure to an area that could result in indirect population growth as a result of new infrastructure. The project would utilize existing surface water allocations for aquifer storage and recovery. No homes or people would be displaced by the project. There is no impact.

XV. PUBLIC SERVICES

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?				x
Police protection?				x
Schools?				x
Parks?				x
Other public facilities?				x

RESPONSES TO CHECKLIST QUESTIONS

Responses a): No Impact. As described above, the project would not induce population growth and would not increase the demand for public services in the City of Lathrop. There is no impact.

XVI. RECREATION

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				x
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				x

RESPONSES TO CHECKLIST QUESTIONS

Responses a), b): No Impact. The proposed project would not increase the use of existing recreational facilities, nor would it include the construction of new recreational facilities. There is no impact.

XVII. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?				x
b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?				x
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				x
d) Result in inadequate emergency access?				x

RESPONSES TO CHECKLIST QUESTIONS

Response a) through d): No Impact. The proposed project would not increase vehicle traffic in the City of Lathrop. Project operations would not generate vehicle trips on area roadways, and the project would have no impact on traffic operations. The project site is not located in the vicinity of a public airport or private airstrip. Project implementation would have no impact on air traffic patterns. There are no roadway design improvements proposed as part of the project, and therefore, no changes to the area roadways would occur. The project would not increase area traffic and emergency access would not be impeded. Implementation of the proposed project would not result in an increased demand for parking at the injection well site. The project would have no impact on any existing plans or policies related to alternative transportation. There is no impact.

XVIII. TRIBAL CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?		x		
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resources to a California Native American tribe.		x		

RESPONSES TO CHECKLIST QUESTIONS

Responses a): Less than Significant. The proposed Project site has been previously disturbed, the project proposes adding monitoring wells to the site for aquifer storage and recovery. However, the discovery of tribal cultural resources during ground-disturbing activities cannot be entirely discounted. The inadvertent discovery of tribal cultural resources during project implementation could be a potentially significant impact. This impact would be reduced to a less-than-significant level with implementation of **Mitigation Measure TCR-1**, which requires avoidance measures or the appropriate treatment of tribal cultural resources if discovered during project implementation. Therefore, the impact is less than significant with implementation of mitigation.

Mitigation Measure TCR-1

Implement Mitigation Measure CUL-1.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?				x
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?				x
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments?				x
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?				x
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				x

RESPONSES TO CHECKLIST QUESTIONS

Responses a) through e): No Impact. The primary objectives and purpose of the proposed project are to:

1. Improve the quality of potable water delivered to Lathrop customers.
2. Increase available supplies of high-quality water to meet peak demand, particularly during summer months.
3. Provide additional water supplies to meet demand during drought conditions.

The project would not increase the consumption of water in the City of Lathrop. All of the water used in the ASR project would come from existing surface water supplies that are currently entitled. Water delivered to City of Lathrop would not increase beyond existing levels, and no changes to surface water entitlements are proposed or needed. Water stored in the aquifer under the ASR program would be used for two primary purposes: 1) to meet peak hour summer water demands, and 2) for drought water supply. Peak hour demands occur daily during the summer months. The ASR water would supplement the water stored by the City in above-ground storage tanks, and water pumped from the wells assists the City in keeping water pressure within the distribution system within the desired pressure range.

By delivering stored, high quality surface water from SSJID, municipal water customers in Lathrop would receive the best quality water at their taps. Water not withdrawn from the aquifer for peak hour demand would remain in the groundwater basin for future use without degradation of quality.

The project would not generate solid waste, nor would it increase wastewater flows in the City of Lathrop. No new or expanded facilities would be constructed, and the project would rely on existing City infrastructure. Overall, the project would provide benefits to the City's water system, and no adverse impacts would occur.

XX. WILDFIRE

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?				x
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				x
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				x
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				x

RESPONSES TO CHECKLIST QUESTIONS

Responses a), c): The proposed improvements would reduce fire risks on and relating to the project site relative to existing conditions. The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Fire risk would not be increased as a result of the proposed Project. Therefore, there would be no impact.

Response b): The risk of wildfire is related to a variety of parameters, including fuel loading (vegetation), fire weather (winds, temperatures, humidity levels and fuel moisture contents) and topography (degree of slope). Steep slopes contribute to fire hazard by intensifying the effects of wind and making fire suppression difficult. Fuels such as grass are highly flammable because they have a high surface area to mass ratio and require less heat to reach the ignition point. The Project would not result in development of structures or housing which would subject residents, visitors, or workers to long-term wildfire danger. Therefore, there would be no impact.

Response d): The project does not propose any housing that would result in direct population growth. However, projects that do not directly induce population growth still have the potential to result in indirect population growth through the creation of jobs or the extension of infrastructure into areas that were not previously served. The proposed project will not result in intensification of land uses, or the addition of structures or uses that would differ from the current General Plan. As such, exposure to people or structures to any significant risk would not result. Therefore, there would be no impact.

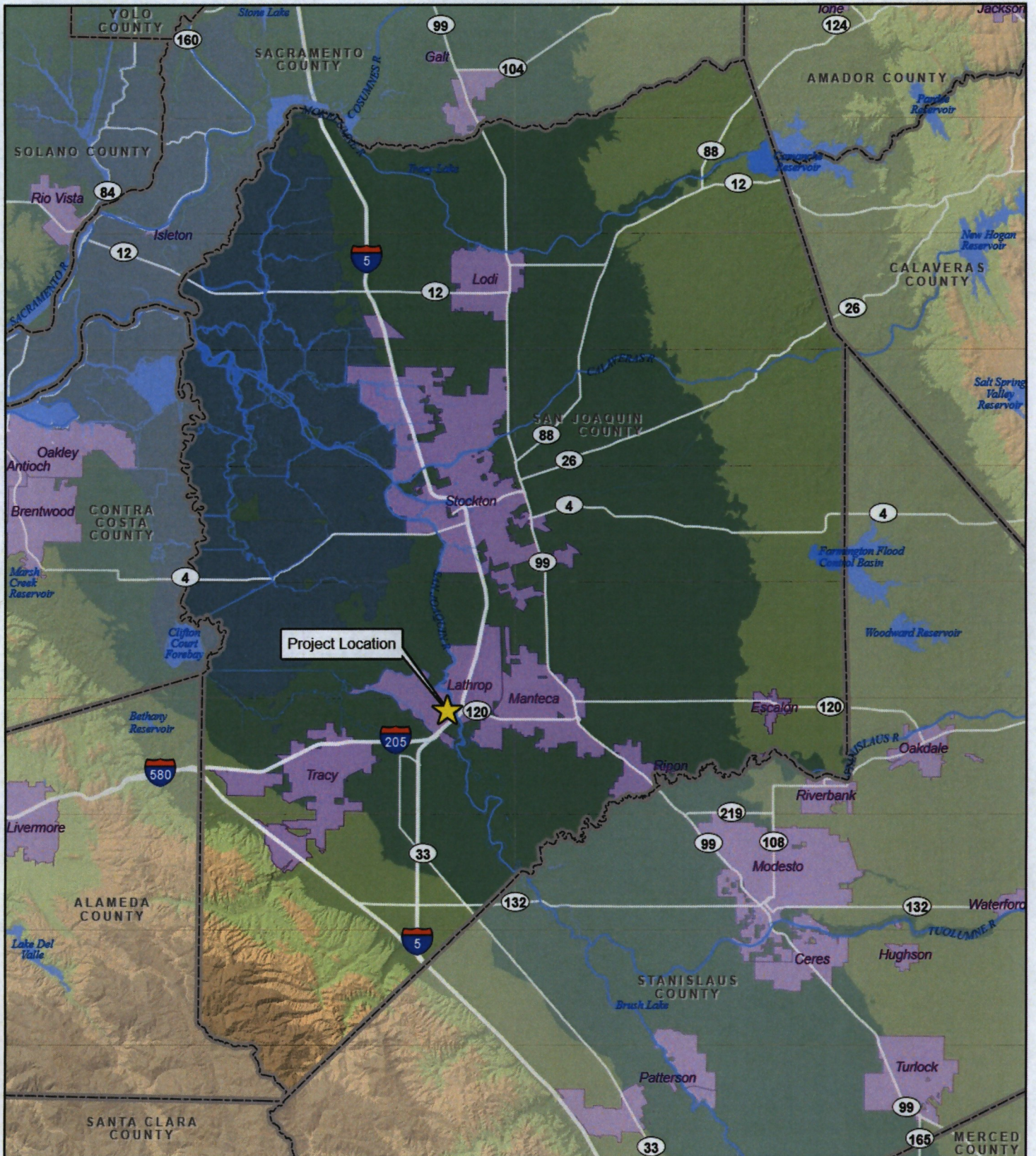
XXI. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		x		
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			x	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			x	

RESPONSES TO CHECKLIST QUESTIONS

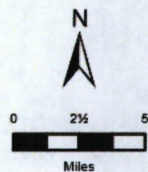
Response a): Less than Significant with Mitigation. The proposed Project would not result in any impacts to biological resources including sensitive habitat, aquatic species, plant or animal communities, rare or endangered plants or animals. However, the proposed Project could inadvertently encounter previously unknown cultural, archaeological, or tribal cultural resources, or human remains. Implementation of **Mitigation Measures CUL-1, CUL-2, and TRC-1** would require avoidance measures or the appropriate treatment of archaeological resources, tribal cultural resources, and human remains if discovered during project implementation. Therefore, the impact would be less than significant with mitigation.

Responses b), c): Less than Significant. As described throughout the analysis above, the proposed project would not result in any significant impacts to the environment. The project would not result in any cumulative impacts, impacts to biological resources or impacts to cultural and/or historical resources. There are no impacts.



LEGEND

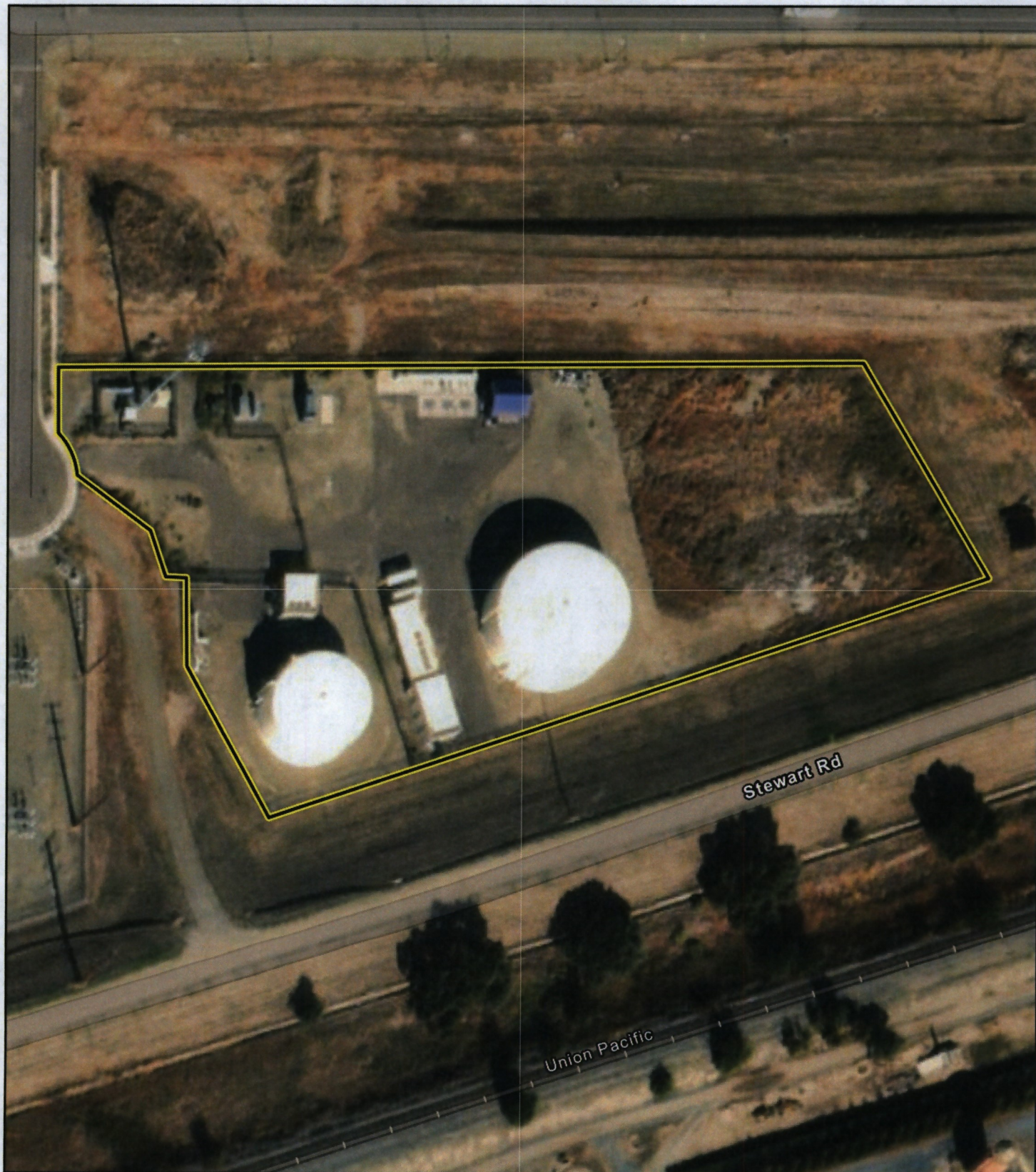
- Incorporated Area
- County Boundary




LATHROP AQUIFER STORAGE RECOVERY

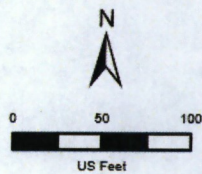
Figure 1. Regional Project Location

Sources: San Joaquin County GIS. Map date: June 30, 2023.



LEGEND

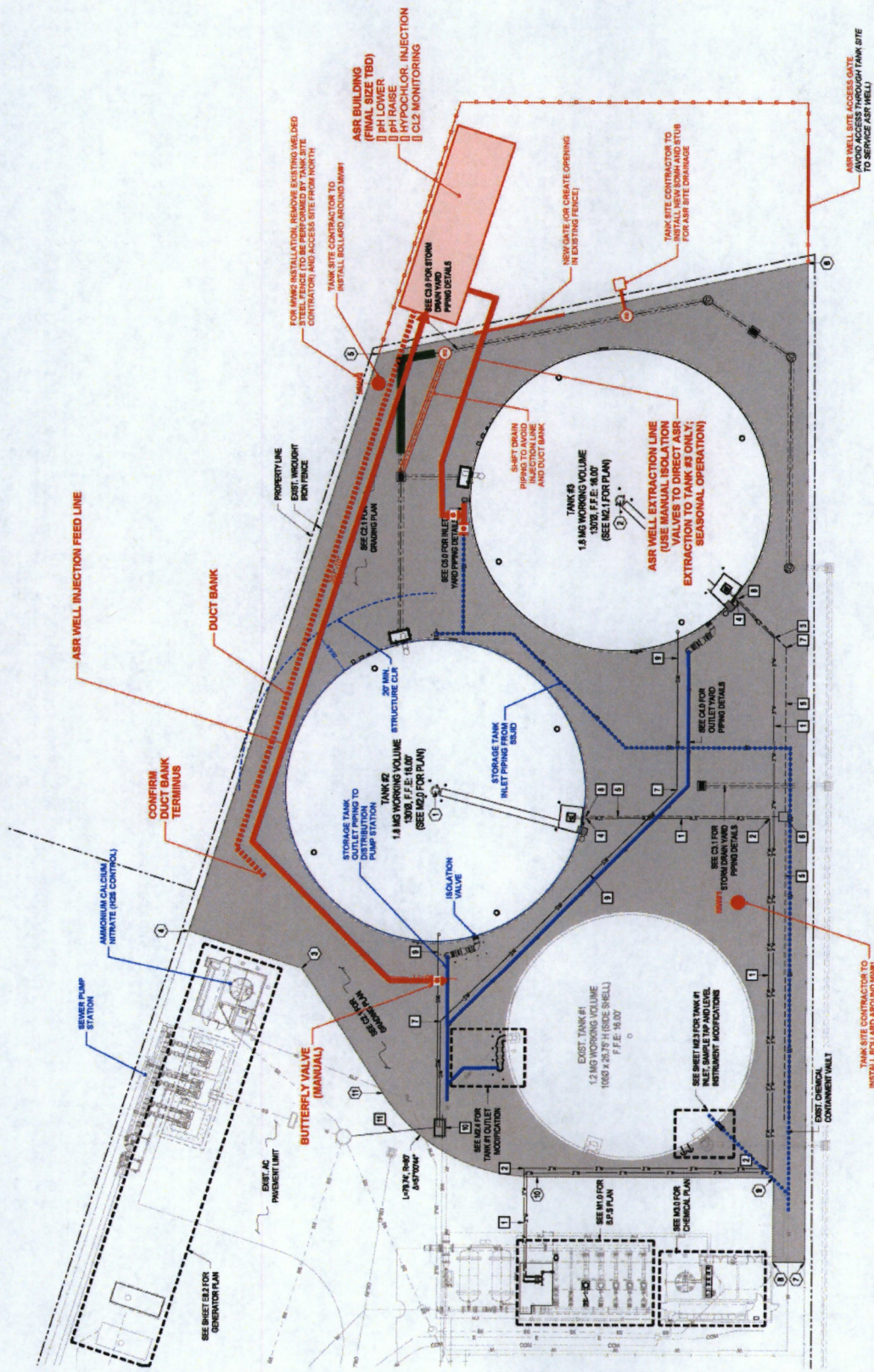
 Site Boundary



LATHROP AQUIFER STORAGE RECOVERY

Figure 2. Site Aerial Map

**ALTERNATIVE 2
ASR BUILDING OUTSIDE OF TANK SITE**



LATHROP AQUIFER STORAGE RECOVERY

Figure 4. Proposed Site Plan, Alternative 2



memorandum

date September 5, 2023

to Gregory Gibson, Senior Engineer

cc

from Christina Erwin

subject Responses to Comments on the Aquifer Recovery and Storage Project IS/MND

The City of Lathrop posted the Lathrop Aquifer Storage and Recovery Project Initial Study/Mitigated Negative Declaration (IS/MND) for a 30-day public comment period. The City received several comment letters during the public comment period (August 2, 2023 through September 1, 2023) regarding the project and the environmental analysis.

The California Environmental Quality Act (CEQA) requires that the lead agency consider the proposed Mitigated Negative Declaration together with comments received during the public comment period, prior to reaching a final decision on the project (Title 14, CCR § 15074).

Although not required, the City has chosen to respond to comments received on the IS/MND. Table 1 identifies letters received by the City on the proposed project during the public comment period.

Letter #	Entity	Author(s) of Comment Letter/e-mail	Date Received
1	San Joaquin Council of Governments (SJCOG)	Laurel Boyd	August 1, 2023
2	Pacific Gas & Electric Company (PG&E)	Plan Review Team	August 3, 2023
3	State Water Resources Control Board (SWRCB)	Tahir Mansoor	August 22, 2023
4	San Joaquin County Environmental Health Department	Aldara Salinas	August 24, 2023
5	Central Valley Regional Water Quality Control Board (CVRWQCB)	Peter Minkel	September 1, 2023

Letter 1 advised that the City of Lathrop is a signatory to the signatory to San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). As such, certain requirements must be met in order for projects to proceed.

The ASR project is proposed on a parcel that is classified as “Urban Habitat Land” in the SJMSCP. It is located in Land Category B, Other Open Spaces, and is in Compensation Category A, No Pay Zone.¹ Disturbance of the project site has already been mitigated through compliance with the SJMSCP. In compliance with the SJMSCP, the City must schedule a SJMSCP Biologist to perform a pre-construction survey prior to any ground disturbance. Incidental Take Minimization Measures (ITMMs) must be established and followed.

Letter 2 noted that the PG&E Plan Review Team is reviewing the IS/MND. Further, it offered broad guidance that should the project have the potential to interfere with PG&E’s facilities, PG&E would advise the City with project-specific comments. They also provided guidance for the City when working near PG&E’s facilities and land rights. Any proposed uses within the PG&E fee strip and/or easement may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E’s fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required for the proposed project. PG&E’s advisory language would be thoroughly reviewed prior to beginning ground disturbing activities for the proposed project. Any conflict between PG&E’s facilities or land rights would be identified and the City would contact PG&E to coordinate construction activities.

Letter 3 notes that there are two existing tanks shown on the aerial image in Figure 2, in contrast to the IS/MND text on page 5 of the IS/MND that indicates there is only one 1.5-million-gallon (MG) water tank on the project site. While Figure 2 does show two existing tanks within the boundary of the project site, the southwestern most tank, enclosed behind its own fence, is SSJID Water Tank 5. Figure 3 highlights the area to the east of that tank, but still within the project site, and shows one existing tank (the easternmost tank shown in Figure 2) plus two additional tanks to be constructed in the future under a separate proposal. The proposed project does not include the construction of water tanks.

To construct the proposed project, the State Water Resources Control Board (SWRCB) requires the City to submit a completed Water Supply Permit Environmental Intake Form (EIF) prior to the SWRCB issuing a use permit for the well.

The proposed project would result in the construction and operation of a new well in the northeastern portion of the project site, as shown on Figure 3. Although the IS/MND did evaluate the potential impacts related to construction of the project, the text was not clear that construction impacts had been considered. Minor revisions have been made to the draft IS/MND to clarify where and how construction

¹ San Joaquin Council of Governments, 2016. SJMSCP Compensation Map – Lathrop. Last Uploaded August 16, 2016. Available <https://www.sjcog.org/DocumentCenter/View/769/SJMSCP-Compensation-Map---Lathrop>. Accessed August 23, 2023.



impacts were considered. Added language appears in a ~~and underlined~~ format in the Final IS/MND. CEQA Guidelines Section 15073.S(a) requires a lead agency to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given. Pursuant to CEQA Guidelines Section 15073.S(b), a "substantial revision" includes two situations: (i) a new, avoidable significant effect is identified, and to reduce that effect to a level of insignificance, mitigation measures or project revisions must be added; or (ii) the lead agency determines that the mitigation measures or project revisions originally included in the negative declaration will not reduce potentially significant impacts to a level of insignificance, and new mitigation measures or project revisions are required. CEQA is clear that recirculation is not required if "new information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration." (CEQA Guidelines, §15073.S(c)(4).) None of the revisions made meet the recirculation requirements. As such, recirculation is not required.

Letter 4 states the San Joaquin County Environmental Health Department (EHD) reviewed the Notice of Intent to Adopt a Mitigated Negative Declaration and has no comments at this time.

Letter 5 provides guidance to the City regarding various permits that may be needed to protect groundwater and surface water quality. The comment is noted and will be provided to the decision makers for consideration.




S J C O G, Inc.

555 East Weber Avenue • Stockton, CA 95202 • (209) 235-0574 • Email: boyd@sjcog.org

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)

**SJMSCP RESPONSE TO LOCAL JURISDICTION (RTLJ)
ADVISORY AGENCY NOTICE TO SJCOC, Inc.**

To: Greg Gibson, City of Lathrop, Public Works Department
From: Laurel Boyd, SJCOC, Inc. Phone: (209) 235-0574 Email: boyd@sjcog.org
Date: August 1, 2023

-Local Jurisdiction Project Title: Notice of Availability/Notice of Intent to Adopt a Mitigated Negative Declaration/Initial Study
for the Lathrop Aquifer Storage and Recovery Project

Assessor Parcel Number(s): 210-210-01

Local Jurisdiction Project Number: N/A

Total Acres to be converted from Open Space Use: Unknown

Habitat Types to be Disturbed: Urban Habitat Land (**Mitigated Prior**)

Species Impact Findings: Findings to be determined by SJMSCP biologist.

Dear Mr. Gibson:

SJCOC, Inc. has reviewed the project referral for Notice of Availability/Notice of Intent to Adopt a Mitigated Negative Declaration/Initial Study for the Lathrop Aquifer Storage and Recovery Project. This proposed project would implement Aquifer Storage and Recover (ASR) technology to optimize the conjunctive use of the City's existing supplies of treated surface water in addition to the available groundwater to enhance delivered water quality to customers and increase the reliability of the City's water supply and delivery system.

The proposed project would involve the injection of treated (potable) drinking water from the City's South San Joaquin Irrigation District (SSJID) South County Water Supply Project into selected confined aquifer zones for storage and subsequent extraction (i.e., "recovery").

Under the ASR project, each year up to 1,450 acre-feet (af) of treated potable surface water would be injected into the confined aquifer at a rate of up to two million gallons per day (gpd). In general, the injection period would occur from November through April, when water demand is lowest.

The City of Lathrop is a signatory to San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Participation in the SJMSCP satisfies requirements of both the state and federal endangered species acts, and ensures that the impacts are mitigated below a level of significance in compliance with the California Environmental Quality Act (CEQA). The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measure are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP. Although participation in the SJMSCP is voluntary, Local Jurisdiction/Lead Agencies should be aware that if project applicants choose against participating in the SJMSCP, they will be required to provide alternative mitigation in an amount and kind equal to that provided in the SJMSCP.

This Project is subject to the SJMSCP. This can be up to a 30 day process and it is recommended that the project applicant contact SJMSCP staff as early as possible. It is also recommended that the project applicant obtain an information package. <http://www.sjcog.org>

Please contact SJMSCP staff regarding completing the following steps to satisfy SJMSCP requirements:

- Schedule a SJMSCP Biologist to perform a pre-construction survey ***prior to any ground disturbance***
- SJMSCP Incidental take Minimization Measures and mitigation requirement:
 1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant

must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.

2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
 - a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
 - b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
 - c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
 - d. Purchase approved mitigation bank credits.
4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:
 - a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
 - b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
 - c. Purchase approved mitigation bank credits.

Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.

- Receive your Certificate of Payment and release the required permit

It should be noted that if this project has any potential impacts to waters of the United States [pursuant to Section 404 Clean Water Act], it would require the project to seek voluntary coverage through the unmapped process under the SJMSCP which could take up to 90 days. It may be prudent to obtain a preliminary wetlands map from a qualified consultant. If waters of the United States are confirmed on the project site, the Corps and the Regional Water Quality Control Board (RWQCB) would have regulatory authority over those mapped areas [pursuant to Section 404 and 401 of the Clean Water Act respectively] and permits would be required from each of these resource agencies prior to grading the project site.

If you have any questions, please call (209) 235-0574.



S J C O G , I n c .

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan

555 East Weber Avenue • Stockton, CA 95202 • (209) 235-0600 • FAX (209) 235-0438

SJMSCP HOLD

TO: Local Jurisdiction: Community Development Department, Planning Department, Building Department, Engineering Department, Survey Department, Transportation Department, Other:

FROM: Laurel Boyd, SJCOG, Inc.

**DO NOT AUTHORIZE SITE DISTURBANCE
DO NOT ISSUE A BUILDING PERMIT
DO NOT ISSUE _____ FOR THIS PROJECT**

The landowner/developer for this site has requested coverage pursuant to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). In accordance with that agreement, the Applicant has agreed to:

- 1) SJMSCP Incidental Take Minimization Measures and mitigation requirement:
 - 1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.
 - 2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
 - 3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
 - a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
 - b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
 - c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
 - d. Purchase approved mitigation bank credits.
 - 4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:
 - a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
 - b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
 - c. Purchase approved mitigation bank credits.
- Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.

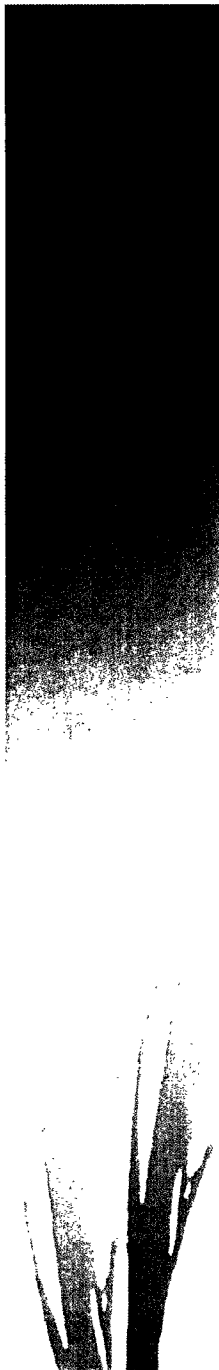
Project Title: Lathrop Aquifer Storage & Recovery Project

Assessor Parcel #s: 210-210-01

T _____, R _____, Section(s): _____

Local Jurisdiction Contact: Greg Gibson

The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measures are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP.





FW: [EXTERNAL**] RE: Notice of Availability/Notice of Intent to Adopt a Mitigated Negative Declaration/Initial Study for the Lathrop Aquifer Storage and Recovery Project**

1 message

Gregory Gibson <ggibson@ci.lathrop.ca.us>
To: Christina Erwin <cerwin@denovoplanning.com>

Thu, Aug 3, 2023 at 11:56 AM

Here is the initial response letter from PG&E.

Greg

From: Monica Garcia <mgarcia@ci.lathrop.ca.us>
Sent: Thursday, August 3, 2023 10:28 AM
To: Gregory Gibson <ggibson@ci.lathrop.ca.us>
Subject: FW: [**EXTERNAL**] RE: Notice of Availability/Notice of Intent to Adopt a Mitigated Negative Declaration/Initial Study for the Lathrop Aquifer Storage and Recovery Project

From: PGE Plan Review <PGEPlanReview@pge.com>
Sent: Thursday, August 3, 2023 10:27 AM
To: Monica Garcia <mgarcia@ci.lathrop.ca.us>
Subject: [**EXTERNAL**] RE: Notice of Availability/Notice of Intent to Adopt a Mitigated Negative Declaration/Initial Study for the Lathrop Aquifer Storage and Recovery Project

Classification: Public

Dear Monica Garcia,

Thank you for submitting the Lathrop Aquifer Storage and Recovery Project plans. The PG&E Plan Review Team is currently reviewing the information provided. Should this project have the potential to interfere with PG&E's facilities, we intend to respond to you with project specific comments. Attached is some general information when working near PG&E facilities that must be adhered to when working near PG&E's facilities and land rights.

This email and attachment does not constitute PG&E's consent to use any portion of PG&E's land rights for any purpose not previously conveyed. If there are subsequent modifications made to your design, we ask that you resubmit the plans to the email address listed below.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at pgeplanreview@pge.com.

Thank you,



Pacific Gas and Electric Company

Plan Review Team

Email: pgeplanreview@pge.com

From: Monica Garcia <mgarcia@ci.lathrop.ca.us>

Sent: Wednesday, August 2, 2023 1:55 PM

Cc: Gregory Gibson <ggibson@ci.lathrop.ca.us>

Subject: RE: Notice of Availability/Notice of Intent to Adopt a Mitigated Negative Declaration/Initial Study for the Lathrop Aquifer Storage and Recovery Project

CAUTION: EXTERNAL SENDER!

This email was sent from an EXTERNAL source. Do you know this person? Are you expecting this email? Are you expecting any links or attachments? If suspicious, do not click links, open attachments, or provide credentials. Don't delete it. Report it by using the "Report Phish" button.

Good Afternoon,

The IS/MND is now available on the City of Lathrop's Website.

City of Lathrop - ASR - IS/MND

Thank You,

Monica Garcia

Administrative Assistant I

City of Lathrop | Public Works Department
390 Towne Centre Drive, Lathrop CA 95330
MAIN: 209.941.7430 | DIRECT: 209.941.7423
www.ci.lathrop.ca.us/publicworks



From: Monica Garcia
Sent: Monday, July 31, 2023 3:51 PM
Subject: Notice of Availability/Notice of Intent to Adopt a Mitigated Negative Declaration/Initial Study for the Lathrop Aquifer Storage and Recovery Project

Hello,

Please see attached Notice of Availability/Notice of Intent to Adopt a Mitigated Negative Declaration/Initial Study for the Lathrop Aquifer Storage and Recovery Project.

Thank You,


Monica Garcia

Administrative Assistant I

City of Lathrop | Public Works Department
390 Towne Centre Drive, Lathrop CA 95330
MAIN: 209.941.7430 | DIRECT: 209.941.7423
www.ci.lathrop.ca.us/publicworks



You can read about PG&E's data privacy practices here or at [PGE.com/privacy](https://www.pge.com/privacy).

 **Initial_Response_Letter_8-3-2023.pdf**
260K



August 3, 2023

Monica Garcia
City of Lathrop
390 Towne Centre Dr
Lathrop, CA 95330

Ref: Gas and Electric Transmission and Distribution

Dear Monica Garcia,

Thank you for submitting the Lathrop Aquifer Storage and Recovery Project plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page.
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team
Land Management



Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 24 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch



wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [$24/2 + 24 + 36/2 = 54$] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 24 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ($90^\circ \pm 15^\circ$). All utility lines crossing the gas pipeline must have a minimum of 24 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.



11. Cathodic Protection: PG&E pipelines are protected from corrosion with an “Impressed Current” cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.



Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as **"RESTRICTED USE AREA – NO BUILDING."**
2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 10 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.



8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

Subject: **[**EXTERNAL**] ASR well and tanks - EIF form needed for permit**



Mansoor, Tahir@Waterboards <Tahir.Mansoor@waterboards.ca.gov>
to Gregory Gibson

Tue, Aug 22, 3:28 PM

You are viewing an attached message. De Novo Planning Group Mail can't verify the authenticity of attached messages.

Hi Greg, our CEQA staff wants the City to complete the attached form for the new two tanks and the ASR well. We'll need this form when the City apply for the permit for their use.

In addition, our staff provided the following comment regarding CEQA document:

“If the City of Lathrop going to use the current CEQA document they are circulating for the Aquifer Storage and Recovery Project for the well, they should address the construction of the well in the document, not just it's use.”

Thanks,
Tahir

From: Schmitz, Lori@Waterboards <Lori.Schmitz@waterboards.ca.gov>
Sent: Thursday, August 17, 2023 5:07 PM
To: Mansoor, Tahir@Waterboards <Tahir.Mansoor@waterboards.ca.gov>
Cc: Pierce, Wendy@Waterboards <Wendy.Pierce@Waterboards.ca.gov>
Subject: RE: City of Lathrop, Lathrop Aquifer Storage & Recovery Project, Infrastructure Permitting Questions

Tahir,

I am attaching the Google Screen shot from the document and designs from the document (pdf above). I don't know why there are two tanks on the Google Screen Shot already and they stated two tanks are being built, since there is only 3 tanks on the design.

Could you please follow up with the City to find out what they are building and if they have a CEQA document to cover it?

If they are building tanks that are not yet permitted, please have them fill out the EIF form attached for the two (or one tank) they are building.

If they are going to be developing a well separately in the future they should also fill out an EIF form for that, when they have their document available.

If they are going to use the current CEQA document they are circulating for the Aquifer Storage and Recovery Project for the well, they should address the construction of the well in the document, not just it's use.

Please let us know what you find out.

Thanks!

Lori Schmitz

STATE WATER RESOURCES CONTROL BOARD WATER SUPPLY PERMIT ENVIRONMENTAL INTAKE FORM (EIF)

Instructions: All water supply permit applicants are required to fill out this EIF and attach the specified attachments.

Fill out Part I and attach the documents detailed under Part I question 10 if there is a completed CEQA or NEPA environmental document that has been circulated at the State Clearinghouse (SCH) or if a Notice of Exemption (NOE) was filed at the SCH or at the county clerk.

If there is no environmental document or filed NOE, fill out Part I and Part II and attach the required documentation detailed in Part II A. Applicants that fill out Part II are required to certify the document by signing it.

I. PART 1 GENERAL WATER SYSTEM AND PROJECT INFORMATION

1. Water system name:
2. Water system number:
3. Is Water System a Public agency or Private entity?
4. Water system contact person for this project:
 Phone Number: _____ Email: _____
5. Project Name:
6. Has the project already been constructed? yes no
7. If no, what is the estimated start date for construction?
8. Is there an Environmental Document prepared for the Project? [i.e. Environmental Impact Report, Negative Declaration, Mitigated Negative Declaration, or NEPA documents (Environmental Impact Study, Environmental Assessment, FONSI, Categorical Exclusion)] yes no. If yes, what type?
9. Is there a Notice of Exemption or Categorical Exclusion for the project? yes no
10. Required Attachments for submittal to DDW:
 - **If question 8 is answered 'yes'**, Submit Part I and following attachments to DDW.
 - Attachment 1** All environmental documentation (i.e. draft and final Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report, Mitigation Monitoring and Reporting Program if applicable, Resolution from lead agency adopting the CEQA document and approving the project, and Notice of Determination)
 - Attachment 2** Project design plans
 - **If question 9 is answered 'yes'**, Submit Part I and following attachments to DDW.
 - Attachment 1** Notice of Exemption stamped by county clerk or proof of posting on OPR
 - Attachment 2** Project design plans
 - Attachment 3** Map of project site (overview of plan on aerial background)
 - **If questions 8 and 9 are both answered 'no', fill out Part 2.**

II. PART 2 FOR NO ENVIRONMENTAL DOCUMENT AND PRIVATE ENTITIES

(Part 2 is for private entities with no environmental document, public agency exempt projects that did not file a NOE, or public agency project with no discretionary approvals required)

Section A. Required Attachments

Attachment 1 Project design plans (minimum 30% design)

Attachment 2 Map of project site (overview of project elements on aerial background preferred)

Attachment 3 Overview photos of Project Site (If no Google street view available)

Attachment 4 Geotechnical report, if available

Section B. Agency Approvals and Permits (for private entities)

List and describe all project-related permits and any other governmental approvals required for this project, including those required by a city, county, regional or special district, or the state (e.g. encroachment permit, conditional use permit, rezoning, variance, etc.)

Permit/Approval	Agency	Department	Phone number	Email

Which public agency do you expect will be the first to permit the project? List the permitting agencies in chronological order:

Is there any federally owned land within the project footprint? yes no,

If yes what federal agency is the landowner?

Is this project part of a larger project or series of projects? yes no unknown

Section C. Project Description for CEQA Review

Provide a thorough project description (PD) that is detailed enough for CEQA review. This can be done using one of the three following methods. Note method used by checking the appropriate box:

- Use the following questions as prompts to write a detailed PD and attach the description to the EIF or fill in PD box under C.1 (preferred),
- Use as a form and fill in the information that pertains to the project, or
- Attach an Engineering Report with the preferred project described and fill in the form fields that address details not discussed in the engineering report.

C.1 General Project Information

Project Name:

Project Address/location (give nearest cross streets if no address):

City:

County:

Zip:

APN No.:

Describe the location of the project. If there are project elements at different locations, describe all locations:

Are the new project components on land owned by the water system? yes no

Provide the total size of the area to be impacted by construction (ft² or acres). Be sure to include new access roads, service lines, and staging areas:

Provide a written description of the project:

Is the project within an existing facility? yes no partially within
Does the project involve a replacement in the same footprint with a similar capacity? yes no
Does the project involve new construction that is not within an existing facility, or replacing or repairing existing infrastructure? yes no

C.2 Water Tank(s)

Does the project include constructing a water tank(s)? yes no. (If no, do not fill out this section).

Number of tanks:

Volume of tank(s) in gallons:

Tank(s) dimensions:

Is it a replacement tank? yes no

If yes, list the capacity of the old tank(s):

Will the old tank(s) be destroyed as part of this project? yes no

If the new tank capacity is greater than 10% of the old tank's capacity, but is for fire flow, please provide the breakout of water usage:

Drinking Water (Gallons):

Fire Flow (Gallons):

Will there be a discharge basin? yes no. If yes, what are the basin dimensions (LxWxD)

Will the basin be lined or unlined ?

C.3 Well(s)

Does the project include a new well(s)? yes no. (If no, do not fill out this section).

Number of new wells:

What is the expected capacity of the new well(s)?

Has the new well(s) already been drilled? yes no

Is the new well replacing an old well? yes no

If yes, what is the capacity of the old well:

Will the old well be converted to a different use? (e.g. monitoring well, standby well, irrigation)? yes
 no

Will the old well be destroyed/sealed? yes no

If no, what will be done with the old well?

Where is the old well located?

Will a new pump(s) be installed? If yes, is it electric or diesel ?

Will the new pump will be submersible or outside the well ?:

If outside the well, give the dimensions of the concrete pad:

Will there be a well house building? If yes, give dimensions:

Will there be a discharge basin? If yes, what are the basin dimensions (LxWxD)?

C.4 Treatment System(s)

Does the project involve constructing a new or modifying an existing treatment system? (If not, do not fill out this section).

What kind of treatment system?

Will it be in a new building , in an existing building , or outside ?

If in a new building, what are the dimensions of the building?

If outside, what are the pad dimensions?

What type of treatment media will be used?

What chemicals will be used?

Will the treatment media need to be removed occasionally? yes no

Will the media be taken to a hazardous waste treatment/disposal site? yes no

How is the spent media disposed?

Will the tanks be backwashed? If yes, describe

C.5 Piping

Will the project require pipelines to connect new facilities to the existing system or expand the service area? yes no (If no, do not fill out this section).

Will the new equipment be connected to the existing system on-site? yes no

If the connection to the system is not on-site, how many linear feet or miles of pipe is needed?

C.6 Appurtenant Features

Will the project include appurtenant features not discussed above (lighting, fence, transformers, etc.)?

yes no. (If no, do not fill out this section).

If yes, describe

Will new electrical components be installed in the ground? If yes, what are the pad dimensions?

Will trenching for electrical be needed? If yes, how many linear feet of trenching?

Will new fencing be installed? yes no

What type of fencing?

The height of the fencing?

C.7. Additional comments

Section D. Environmental Setting

Describe the topography and geology of the region (or attach a geotechnical report):

Elevation range

Describe current land use at the project site:

What are the vegetation types? (check all that apply)

	On Project Site	Surrounding Area
Urbanized	<input type="checkbox"/>	<input type="checkbox"/>
Landscaped	<input type="checkbox"/>	<input type="checkbox"/>
Ruderal (Weedy)	<input type="checkbox"/>	<input type="checkbox"/>
Grassland	<input type="checkbox"/>	<input type="checkbox"/>
Shrub/Chaparral	<input type="checkbox"/>	<input type="checkbox"/>
Oak Woodland	<input type="checkbox"/>	<input type="checkbox"/>
Woodland (other)	<input type="checkbox"/>	<input type="checkbox"/>
Forest	<input type="checkbox"/>	<input type="checkbox"/>
Riparian/Streamside	<input type="checkbox"/>	<input type="checkbox"/>
Wetland, vernal pools	<input type="checkbox"/>	<input type="checkbox"/>

If there are rivers, streams, or wetlands at or near the project site, list and state whether the flow is permanent, intermittent, or ephemeral.

Does the site have any land within coastal zone jurisdiction? yes no unknown

Are there protected status wildlife or plant species within or near the Project? yes no unknown

Environmental Impacts

To the best of your ability, check any of the following impacts that might result from the project. Discuss below all items checked "yes" (attach additional sheets as necessary).

Will the Project:

- | | Yes | No | |
|-----|--------------------------|--------------------------|---|
| 1. | <input type="checkbox"/> | <input type="checkbox"/> | Remove mature native trees: # species/type |
| 2. | <input type="checkbox"/> | <input type="checkbox"/> | Clear or trim native vegetation |
| 3. | <input type="checkbox"/> | <input type="checkbox"/> | Interfere with use of recreational facilities |
| 4. | <input type="checkbox"/> | <input type="checkbox"/> | Alter existing drainage patterns |
| 5. | <input type="checkbox"/> | <input type="checkbox"/> | Be located in a floodplain |
| 6. | <input type="checkbox"/> | <input type="checkbox"/> | Change scenic views or vistas from residential areas, public lands, or roads |
| 7. | <input type="checkbox"/> | <input type="checkbox"/> | Produce significant amounts of solid waste or litter |
| 8. | <input type="checkbox"/> | <input type="checkbox"/> | Increase dust, ash, smoke, fumes, or odors in the vicinity |
| 9. | <input type="checkbox"/> | <input type="checkbox"/> | Substantially change noise or vibration levels in the vicinity (beyond the property line) |
| 10. | <input type="checkbox"/> | <input type="checkbox"/> | Be located on or near a seismic fault |
| 11. | <input type="checkbox"/> | <input type="checkbox"/> | Substantially increase fuel consumption |
| 12. | <input type="checkbox"/> | <input type="checkbox"/> | Impact wetlands |
| 13. | <input type="checkbox"/> | <input type="checkbox"/> | Convert farmland to non-farm use |

Describe any known potentially significant environmental effects that may result if the project is implemented (attach additional sheets as necessary):

Certification

I hereby certify that the statements furnished in Part II and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature of Applicant: _____ Date: _____

Name: _____ Title: _____



Environmental Health Department

Jasjit Kang, REHS, Director

Muniappa Naidu, REHS, Assistant Director

PROGRAM COORDINATORS

Jeff Carruesco, REHS, RDI

Willy Ng, REHS

Steven Shih, REHS

Elena Manzo, REHS

Natalia Subbotnikova, REHS

August 24, 2023

To: City of Lathrop Community Department of Public Works
Attention: Greg Gibson

From: Aldara Salinas (209) 616-3019 
Environmental Health Specialist

RE: **Lathrop Aquifer Storage and Recovery Project, Referral, SU0015756**
Notice of Availability/ Notice of Intent to Adopt a Mitigated Negative Declaration/ Initial Study for the Lathrop Aquifer Storage and Recovery Project

The San Joaquin County Environmental Health Department (EHD) has reviewed the Notice of Intent to Adopt a Mitigated Negative Declaration and has no comments at this time.



Central Valley Regional Water Quality Control Board

1 September 2023

Gregory Gibson
City of Lathrop
390 Towne Center Drive
Lathrop, CA 95330
ggibson@ci.lathrop.ca.us

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, LATHROP AQUIFER STORAGE AND RECOVERY PROJECT, SCH#2023080053, SAN JOAQUIN COUNTY

Pursuant to the State Clearinghouse's 2 August 2023 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Lathrop Aquifer Storage and Recovery Project, located in San Joaquin County.

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

I. Regulatory Setting

Basin Plan

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

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

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

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

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

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf

In part it states:

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

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

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

II. Permitting Requirements

Clean Water Act Section 404 Permit

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

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic

General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

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

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

Dewatering Permit

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

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

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

Limited Threat General NPDES Permit

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

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

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

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.

Peter Minkel

Peter Minkel
Engineering Geologist

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

LATHROP AQUIFER AND STORAGE RECOVERY PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

Section 15097 of the California Environmental Quality Act (CEQA) Guidelines requires public agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a "mitigated negative declaration" or specified environmental findings related to environmental impact reports.

The following is the Mitigation Monitoring and Reporting Program (MMRP) for the Lathrop Aquifer Storage and Recovery project. The intent of the MMRP is to prescribe and enforce a means for properly and successfully implementing the mitigation measures identified within the Initial Study/Mitigated Declaration (IS/MND) for this project.

MITIGATION MEASURES

The mitigation measures are taken from the Lathrop Aquifer Storage and Recovery IS/MND and are assigned the same number as in the IS/MND. The MMRP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions.

MMRP COMPONENTS

The components of the attached table, which contains applicable mitigation measures, are addressed briefly, below.

Impact: This column summarizes the impact stated in the IS/MND.

Mitigation Measure: All mitigation measures that were identified in the Lathrop Aquifer Storage and Recovery IS/MND are presented and numbered accordingly.

Action(s): For every mitigation measure, one or more actions are described. The actions delineate the means by which the mitigation measures will be implemented, and, in some instances, the criteria for determining whether a measure has been successfully implemented. Where mitigation measures are particularly detailed, the action may refer back to the measure.

Implementing Party: This item identifies the entity that will undertake the required action.

Timing: Implementation of the action must occur prior to or during some part of project approval, project design or construction or on an ongoing basis. The timing for each measure is identified.

Monitoring Party: The City of Lathrop is primarily responsible for ensuring that mitigation measures are successfully implemented. Within the City, a number of departments and divisions would have responsibility for monitoring some aspect of the overall project.

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INITIAL STUDY – LATHROP AQUIFER STORAGE & RECOVERY PROJECT

LATHROP AQUIFER STORAGE AND RECOVERY PROJECT – MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

IMPACT	MITIGATION MEASURE	ACTION(S)	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
<p>V. CULTURAL RESOURCES</p> <p>Cultural Resources (b): The project could cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.</p>	<p>Mitigation Measure CUL-1 If pre-contact or historic-era cultural resources are encountered during project implementation, construction activities within 100 feet shall halt and a qualified archaeologist, defined as an archaeologist meeting the U.S. Secretary of the Interior's Professional Qualification Standards for Archeology, shall inspect the find within 24 hours of discovery and notify the City of Lathrop of their initial assessment. Pre-contact cultural materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-era materials might include building or structure footings and walls, and deposits of metal, glass, and/or ceramic refuse.</p> <p>If the City determines, based on recommendations from a qualified archaeologist and a Native American representative (if the resource is pre-contact), that the resource may qualify as a historical resource or unique archaeological resource (as defined in CEQA Guidelines Section 15064.5) or a tribal cultural resource (as defined in PRC Section 21080.3), the resource shall be avoided if feasible. Consistent with Section 15126.4(b)(3), this may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the</p>	<p>If historic-era resources, archaeological resources, or tribal cultural resources, stop ground disturbing activities within 100 feet until a qualified archaeologist can assess the fine. Follow recommendations from a qualified archaeologist and a Native American representative.</p>	<p>Project Applicant</p>	<p>During all onsite ground disturbing and construction activities.</p>	<p>City of Lathrop</p>

INITIAL STUDY – LATHROP AQUIFER STORAGE & RECOVERY PROJECT

IMPACT	MITIGATION MEASURE	ACTION(S)	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
	<p>resource, or deeding the site into a permanent conservation easement.</p> <p>If avoidance is not feasible, the City shall consult with appropriate Native American tribes (if the resource is pre-contact), and other appropriate interested parties to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC Section 21083.2, and CEQA Guidelines Section 15126.4. This shall include documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource (according to PRC Section 21084.3).</p>				
<p>Cultural Resources (c): The project could disturb human remains, including those interred outside of formal cemeteries.</p>	<p>Mitigation Measure CUL-2</p> <p>In the event of discovery or recognition of any human remains during project implementation, construction activities within 100 feet of the find shall cease until the San Joaquin County Coroner has been contacted to determine that no investigation of the cause of death is required. The Coroner shall contact the Native American Heritage Commission within 24 hours, if the Coroner determines the remains to be Native American in origin. The Commission will then identify the person or persons it believes to be the most likely descendant from the deceased Native American (PRC Section 5097.98), who in turn would make recommendations to the City for the appropriate means of treating the human remains and any associated funerary objects (CEQA Guidelines Section 15064.5[d]).</p>	<p>If human remains are encountered during ground disturbing activities, halt construction activities within 100 feet until the Coroner evaluates the find. Follow the recommendations of the Coroner.</p>	<p>Project Applicant</p>	<p>During all onsite ground disturbing and construction activities.</p>	<p>City of Lathrop</p>
	<p>See Impact Cultural Resources (b)</p>	<p>See Impact Cultural Resources (b)</p>	<p>See Impact Cultural Resources (b)</p>	<p>See Impact Cultural Resources (b)</p>	<p>See Impact Cultural Resources (b)</p>

INITIAL STUDY – LATHROP AQUIFER STORAGE & RECOVERY PROJECT

IMPACT	MITIGATION MEASURE	ACTION(S)	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
XVIII. TRIBAL CULTURAL RESOURCES					
<p>Tribal Cultural Resources (a): The project could cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</p> <p>i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).</p> <p>ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resources to a California Native American tribe.</p>	<p>Mitigation Measure TCR-1 Implement Mitigation Measure CUL-1.</p>	<p>If historic-era resources, archaeological resources, or tribal cultural resources, stop ground disturbing activities within 100 feet until a qualified archaeologist can assess the fine. Follow recommendations from a qualified archaeologist and a Native American representative.</p>	<p>Project Applicant</p>	<p>During all onsite ground disturbing and construction activities.</p>	<p>City of Lathrop</p>