



## 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.

<b>Letter #</b>	<b>Entity</b>	<b>Author(s) of Comment Letter/e-mail</b>	<b>Date Received</b>
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.<sup>1</sup> 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

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<sup>1</sup> 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 ~~strikeout~~ 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](mailto:boyd@sjcog.org)

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

### SJMSCP RESPONSE TO LOCAL JURISDICTION (RTLJ) ADVISORY AGENCY NOTICE TO SJCOG, Inc.

**To:** Greg Gibson, City of Lathrop, Public Works Department  
**From:** Laurel Boyd, SJCOG, Inc. Phone: (209) 235-0574 Email: [boyd@sjcog.org](mailto: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:

SJCOG, 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 #: 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.**





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**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

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**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

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**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

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**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](mailto:pgeplanreview@pge.com).

Thank you,



**Pacific Gas and Electric Company**

**Plan Review Team**

Email: [pgeplanreview@pge.com](mailto:pgeplanreview@pge.com)

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**From:** Monica Garcia <[mgarcia@ci.lathrop.ca.us](mailto:mgarcia@ci.lathrop.ca.us)>

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

**Cc:** Gregory Gibson <[ggibson@ci.lathrop.ca.us](mailto: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](http://www.ci.lathrop.ca.us/publicworks)



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**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](http://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).

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 **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](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](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](mailto:Lori.Schmitz@waterboards.ca.gov)>  
**Sent:** Thursday, August 17, 2023 5:07 PM  
**To:** Mansoor, Tahir@Waterboards <[Tahir.Mansoor@waterboards.ca.gov](mailto:Tahir.Mansoor@waterboards.ca.gov)>  
**Cc:** Pierce, Wendy@Waterboards <[Wendy.Pierce@Waterboards.ca.gov](mailto: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
Permit/Approval	Agency	Department	Phone number	Email
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 (ft<sup>2</sup> 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:*

- |     | <b>Yes</b>               | <b>No</b>                |   |
|-----|--------------------------|--------------------------|---|
| 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: \_\_\_\_\_



**SAN JOAQUIN**  
— COUNTY —

*Greatness grows here.*

## **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 *AS*  
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**

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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.

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## 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](mailto: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



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

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

### **Antidegradation Considerations**

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

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

In part it states:

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

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

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

## **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/](https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/)

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

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

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

#### **Dewatering Permit**

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

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at: [http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf)

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

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

**Limited Threat General NPDES Permit**

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

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

**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