

**MEMORANDUM
DEPARTMENT OF FACILITY SERVICES
COUNTY OF PLACER**

To: BOARD OF SUPERVISORS

Date: JULY 12, 2011

From:  JAMES DURFEE / WILL DICKINSON

Subject: SMD 1 WASTEWATER TREATMENT PLANT UPGRADE AND EXPANSION PROJECT: MITIGATED NEGATIVE DECLARATION ADOPTION

ACTION REQUESTED / RECOMMENDATION: Staff recommends that your Board adopt the attached Resolution adopting the Mitigated Negative Declaration for the Sewer Maintenance District 1 Wastewater Treatment Plant Upgrade and Expansion Project, and direct staff to file a Notice of Determination upon approval of plans and specifications for the Project.

BACKGROUND: On May 18, 2010, your Board approved a contract with AECOM Technical Services, Inc. (AECOM) to evaluate the potential impacts associated with the Sewer Maintenance District 1 Wastewater Treatment Plant Upgrade and Expansion Project (Upgrade Project). The proposed project includes a major reconstruction of Plant 1, including new facilities for biological removal of nutrients and a new ultraviolet disinfection system. The Upgrade Project has been designed to accommodate influent wastewater flows of up to 2.7 million gallons per day to serve planned growth in accordance with the Auburn/Bowman Community Plan.

AECOM prepared an Initial Study (IS) for the Upgrade Project and determined that the proposed project has the potential to result in significant impacts to aesthetics, air quality, biological resources, cultural resources, hydrology and water quality, noise and transportation. The only long-term potential impacts were to aesthetics, air quality and noise; all others were temporary/construction-related. With the implementation of the mitigation measures identified in the Mitigation Monitoring and Reporting Program (MMRP), all potential impacts from the proposed project would be reduced to less than significant. Under the California Environmental Quality Act (CEQA), an Environmental Impact Report and consideration of alternatives is only required when there is substantial evidence supporting a fair argument that the proposed project may produce significant and unmitigated impacts. Accordingly, a Mitigated Negative Declaration (MND) has been determined to be the appropriate document for the proposed project.

In addition to complying with the standard CEQA noticing requirements, staff notified the North Auburn Municipal Advisory Council at their May 10, 2011 meeting, and mailed notice of the opportunity to review the environmental document to residents in neighborhoods near Plant 1. Full copies of the IS/MND were also posted at public libraries, County offices, and on the County website.

The IS/MND was released on April 25, 2011 for a 30-day public comment period. Staff received six comment letters; one of which was a "no comment letter". Although CEQA does not require a lead agency to prepare formal responses to comments on a proposed MND, staff has prepared informal responses to each letter, which are attached.

As mentioned above, with the implementation of the project design and MMRP, all potential impacts from the proposed project would be reduced to less than significant. In addition, staff believes that: 1) the comments are adequately addressed in the IS / MND, 2) the comments do not affect the conclusion that an MND is the appropriate document, and 3) there are no potential significant environmental effects as a result of this Project.

The current Plant 1 discharge permit issued by the Regional Water Quality Control Board includes a compliance milestone for awarding a construction contract for the Upgrade Project by December 31, 2011. In order to meet the compliance milestone, staff requests that your Board adopt the MND for the Upgrade Project so the County can solicit bids as requested in an associated item on today's agenda.

Due to the size of the MND, the document is not provided as an attachment to this report. It was previously provided to members of the Board together with a copy of the Mitigation Monitoring and Reporting Program. A copy is on file with the Clerk of the Board and has been available for review at the Department of Facility Services, the Community Development Resource Agency, the Meadow Vista, Applegate, and Auburn Public Libraries, and online at:

www.placer.ca.gov/Departments/CommunityDevelopment/EnvCoordSvcs/NegDec.aspx

ENVIRONMENTAL DETERMINATION: With implementation of the proposed mitigation measures, the Project as proposed will not have a significant impact on the environment. Therefore, the appropriate level of analysis for the Project is the proposed Mitigated Negative Declaration.

AVAILABLE FOR REVIEW AT THE CLERK OF THE BOARD: INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION.

ATTACHMENT: RESOLUTION
COMMENT LETTERS AND RESPONSES

JD:WD:BZ:LM

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Before the Board of Supervisors County of Placer, State of California

In the matter of:

**ADOPTION OF A MITIGATED NEGATIVE
DECLARATION FOR THE SEWER MAINTENANCE
DISTRICT 1 WASTEWATER TREATMENT PLANT
UPGRADE AND EXPANSION PROJECT**

Reso. No. _____

The following Resolution was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held on July 12, 2011, by the following vote:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Robert Weygandt, Chairman

Attest:

Ann Holman,
Clerk of the Board

WHEREAS, Placer County, through the Department of Facility Services, proposes to undertake the Sewer Maintenance District 1 Wastewater Treatment Plant Upgrade and Expansion Project (the "Project"), and

WHEREAS, an Initial Study (IS) and Mitigated Negative Declaration (MND) for the Project was prepared in accordance with the California Environmental Quality Act (Public Resources Code 21000 et seq.--CEQA) and the CEQA Guidelines (14 California Code of Regulations 15000 et seq.), and

WHEREAS, the proposed IS/MND was sent to the State Clearinghouse on April 25, 2011, and

WHEREAS, a Notice of Intent (NOI) to adopt a MND was distributed to neighborhoods surrounding the SMD 1 WWTP, and other interested individuals and agencies, in compliance with CEQA Guidelines Section 15087, and

WHEREAS, a thirty (30) day public review period of the proposed IS/MND was provided from April 25, 2011, to May 24, 2011, and

WHEREAS, written comments were received, and responses to those comments have been prepared, and

WHEREAS, the Placer County Board of Supervisors held a public hearing on July 12, 2011, to consider adoption of the IS/MND,

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the Board, having considered the IS/MND, the written comments and responses thereto, the mitigation measures and the Mitigation Monitoring and Reporting Program, the staff report, and all public comment, oral and written, and all other information in the record pertinent to the Project, hereby makes the following findings and adopts the MND for the Project:

1. The IS/MND has been prepared in compliance with the requirements of CEQA and the CEQA Guidelines and all notice has been given as required by law.
2. There is no substantial evidence in the record as a whole that the Project to support a fair argument that the Project as mitigated would have a significant impact on the environment.
3. The MND, as adopted for the Project, reflects the independent judgment and analysis of the County, which has exercised overall control and direction of its preparation.
4. The Mitigation Monitoring and Reporting Program (MMRP) prepared for the Project is approved and will be implemented. Mitigation measures included address potential impacts related to aesthetics, air quality, biological resources, cultural resources, hydrology and water quality, noise, and transportation, and will be incorporated into the Project.
5. Records associated with the Project are maintained at the Department of Facility Services located at 2855 2nd Street, Auburn, California.

**SMD 1 WWTP UPGRADE AND EXPANSION PROJECT
INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION
COMMENT LETTERS AND RESPONSES**

the Initial Study and Mitigated Negative Declaration (IS/MND) for the Sewer Maintenance District 1 (SMD 1) Wastewater Treatment Plant (WWTP) Upgrade and Expansion Project (Project) was distributed for a 30-day public review from April 25, 2011 through May 24, 2011. The table below provides a list of all agencies, organizations, and persons who submitted written comments in response to the legal notice. Six (6) comment letters were received. Comment letters are organized by date received.

List of Commenters Submitting Written Comments on the Sewer Maintenance District 1 Wastewater Treatment Plant Upgrade and Expansion Project		
Commenter	Letter ID	Date
Gregg Bates, Dry Creek Conservancy	A	May 2, 2011
Dianira Soto, CALTRANS	B	May 10, 2011
Gary King, Nevada Irrigation District	C	May 20, 2011
James Marshall, California Regional Water Quality Control Board	D	May 24, 2011
Michelle Lobo, State Water Resources Control Board	E	May 24, 2011
Ronald Otto, Ophir Property Owners Association, Inc. and Auburn Ravine Preservation Assoc.	F	May 24, 2011

RESPONSES TO COMMENTS

This section presents the comment letters received and the responses to those comments. Each comment contained in the comment letter is summarized at the beginning of each response. The first responses are master responses (single response to an issue raised in multiple comment letters); individual letters and specific responses follow.

MASTER RESPONSES

1. Consideration of Alternatives / Prepare EIR

Three of the comment letters state that the IS/MND is deficient in that it does not consider an alternative, specifically a regional sewer project, and that an Environmental Impact Report (EIR) should have been prepared. CEQA requires the preparation of an EIR when the public agency finds substantial evidence that the project may have a significant effect on the environment (CEQA Guidelines sec. 15064[a][1]). In preparing an EIR, CEQA requires that a range of reasonable alternatives to the project, or to the location of the project, be described which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant project effects (CEQA Guidelines sec. 15126.6[a]). Thus, the purpose for including alternatives in an EIR is to determine if significant environmental impacts can be reduced or avoided by implementing an alternative to the proposed project.

Because a Mitigated Negative Declaration represents the lead agency's determination that mitigation measures identified in the Initial Study would mitigate potentially significant environmental impacts to the point where no significant effect on the environment would occur and there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment (CEQA Guidelines sec. 15064[f][2]), CEQA does not require IS/MNDs to include a description of alternatives that would reduce significant environmental effects. Therefore, the lack of alternatives in the IS/MND does not make it deficient. CEQA also does not require the preparation of an EIR solely because alternatives to a project have been identified by project opponents.

Finally, although the County has directed staff to complete design and environmental review as part of its evaluation of this project, it is still considering other compliance alternatives, which would be subject to independent CEQA review.

2. Analysis of Expansion to 4.2 mgd

Two comments expressed concern with the lack of analysis of impacts from the potential build out of the plant to treat 4.2 million gallons per day (mgd) with regard to long-term discharges and/or growth inducement. As stated in the IS/MND, the project is designed to accommodate 2.7 mgd. Although portions of the proposed project are designed to be expandable, Placer County is not proposing the expansion of the facility to accommodate 4.2 mgd. The facility's proposed 2.7 mgd capacity is anticipated to accommodate growth within the service area for at least 30 years, consistent with the Auburn Bowman Community Plan, and it is speculative whether additional expansion will be needed in the future. With regard to the comments related to growth inducement, the proposed project is anticipated to accommodate growth in wastewater generation anticipated within the Auburn/Bowman Community Plan area. The impacts associated with growth in the Auburn/Bowman Community Plan area were evaluated in the EIR that was prepared for the Plan in 1994. The proposed project would not be anticipated to generate growth-inducing impacts that would differ substantially from those identified in the 1994 EIR.

3. Water Quality Impacts to Downstream Users

Finally, two comments were submitted related to the inadequate discussion and analysis of the impacts associated with the continued discharge of effluent into Rock Creek and the potential impacts to Nevada Irrigation District's proposed water treatment facility. Regarding analyzing the impacts associated with the *continued* discharge from the WWTP, CEQA Guidelines specify that the environmental setting at the time the environmental analysis is commenced will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant (CEQA Guidelines sec. 15125[a]). The IS/MND describes the existing wastewater discharges from the WWTP in detail in Chapter 3.9, Hydrology and Water Quality, commencing on page 3-61. Since the WWTP has been in operation for over 40 years, continued discharge from the plant would be considered part of the existing environmental setting. The IS/MND further describes the anticipated changes in these discharges and their potential environmental effects. This includes a discussion of the anticipated impacts to Rock Creek and downstream beneficial uses, as explained below.

Regarding impacts to Rock Creek habitat and wildlife, Chapter 3.4, Biological Resources, provides an extensive discussion of the sensitive biological habitat, resources, and special status species that could be affected by the proposed project. The analyses conclude that, with mitigation, there would be no significant impacts to biological habitat, riparian areas and wetlands, or fish and wildlife species.

Chapter 3.9, Hydrology and Water Quality, discusses the water quality impacts anticipated from the construction and operation of the proposed project. Construction of the project could result in temporary impacts; however, these impacts are reduced to less-than-significant levels with the implementation of a Stormwater Pollution Prevention Plan and other best management practices identified in the IS/MND. This Chapter also provides an extensive analysis of operations-related impacts to water quality, specifically addressing the mass balance change in constituents in the receiving water and providing specific discussions on various constituents, including constituents of emerging concern (pharmaceuticals and personal care products). The Chapter also references various water quality studies undertaken, including an antidegradation analysis. The discussion in this Chapter concludes that after implementation of the project, concentrations of several constituents would decrease, the effluent would meet the highest statutory and regulatory NPDES requirements, and the project would not cause exceedences of applicable state or federal numeric water quality objectives / standards. Because the discharge from the WWTP following project implementation would meet regulatory standards, the effluent would not adversely affect any beneficial use of the receiving water.

Regarding consideration of the planned water treatment plant, staff acknowledges that the District has been evaluating a potential water treatment plant downstream of the proposed project. However, it is the County's understanding that to date, no detailed plans are available regarding the design of this treatment plant or its capacity, or whether a location has been selected for its development. It is also the County's understanding that CEQA review for this potential project has not been initiated. Therefore, this potential water treatment plant would not be considered a probable future project, as referenced in CEQA Guidelines sec. 15130(b)(1)(A), and its evaluation as a cumulative project in the IS/MND would be considered speculative



Placer County Board of Supervisors
1000 California Street, Suite 100
Auburn, CA 95603
Phone: (530) 885-1000
Fax: (530) 885-1001

May 2, 2011

To: Placer County Board of Supervisors
Via email
Re: Regional Wastewater Treatment and SMD1 upgrade

in the debate regarding the regional alternative proposed by City of Lincoln and the County proposal to the SMD Plant, all information shows the regional alternative is environmentally superior since it will remove wastewater effluent from the creeks downstream of the SMD1 plant and the Auburn plant and other plants in future. Although we can't comment on cost and engineering, the county should put its efforts toward working to make the regional alternative feasible since it best protects the investments the county has made to preserve environmental values.

The alternative to upgrade SMD1 is at cross purposes with Placer Legacy and the PCCP and may introduce new issues making it difficult to complete the PCCP process. The upgrade alternative will result in a number of plants, including Auburn, discharging into the spawning and rearing habitat of Coon Creek and Auburn Ravine. Each plant will be subject to regulation and the county will be liable for failures thus increasing exposure to state penalties and sanctions.

Regionalization is the trend for modern facilities management. With decentralization each small plant will have its own set of problems. Management time over the long term is likely to be considerable. Future upgrades to additional plants will require an EIR and additional permits. They can be challenged and the environmental disadvantages of the decentralized approach will need to be overcome each time. For example, the mitigated negative declaration for SMD1 can be questioned for not adequately addressing issues such as:

- cumulative impacts when SMD1 is expanded to the anticipated 4.2 Mgal/day
- growth inducing impacts due to over sizing
- The amount of pharmaceuticals that will be introduced into streams designated as critical habitat by federal agencies.
- Environmental benefit of alternatives such as the Lincoln regional project.

On the other hand, the regional alternative, in addition to removing pollutants from the spawning and rearing habitat of Auburn Ravine and Coon Creek, will provide a process for determining flow requirements for steelhead and salmon, and for securing a dedicated source of water. Implementing a regional solution would show the County is sincere about conserving these species that have been clearly demonstrated to be present by state agency data and monitoring by other organizations, and are protected by state and federal agencies.

Please consider the bigger vision when making this decision.

Sincerely,
Gregg Bates
Executive Director 

Comment #1: The commenter expresses concerns with the County's consideration of the upgrade, stating that a regional alternative is environmentally superior.

Response: See Master Response #1; CEQA requires the preparation of an EIR when the public agency finds substantial evidence that the project may have a significant effect on the environment (CEQA Guidelines sec. 15064[a][1]). Because a Mitigated Negative Declaration represents the lead agency's determination that the mitigation measures would mitigate potentially significant environmental impacts to the point where no significant effect on the environment would occur (CEQA Guidelines sec. 15064[f][2]), CEQA does not require IS/MNDs to include a description of alternatives that would reduce significant environmental effects. Therefore, the lack of alternatives in the IS/MND does not make it deficient.

Comment #2: The commenter raises a concern that the proposed project conflicts with land use plans such as the Placer Legacy Program and Placer County Conservation Plan (PCCP).

Response: The goal of the Placer Legacy Program is to protect open space and habitat in Placer County. Similarly, the goal of the PCCP is to maintain Placer County's unique character, high quality of life, diverse ecosystems, and rare species, and to protect its many resources. As discussed in Chapter 3.4 of the MND, the Agency Draft of the PCCP was released on February 1, 2011, and is currently under review by USFWS, NMFS, and DFG. The draft PCCP includes Biological Goals and Objectives at the landscape, natural and semi-natural community, and species level. While these goals and objectives do not apply to the proposed project, as the Draft PCCP has not yet been approved, they are discussed in Chapter 3.4 of the MND, Biological Resources, for informational purposes to provide additional regulatory context regarding the project area. This chapter demonstrates that the project would not adversely impact protected species or sensitive habitat, or convert open space. All work will occur on the County-owned site that is zoned Rural Low-Density Residential; because the County would be required to obtain the minor use permit prior to project implementation, the proposed project would be consistent with the applicable zoning designation for the site. No other existing habitat conservation plan is applicable to the project site.

Comment #3: The commenter raises a concern regarding the continuation of discharge upstream of Coon Creek spawning and rearing habitat.

Response: See Master Response #3 above. Since the WWTP has been in operation for over 40 years, continued discharge from the plant would be considered part of the existing environmental setting. The IS/MND further describes the anticipated changes in these discharges and their potential environmental effects. This includes a discussion of the anticipated impacts to Rock Creek and downstream beneficial uses. Because the discharge from the WWTP following project implementation would meet regulatory standards, the effluent would not adversely affect any beneficial use of the receiving water.

Comment #4: The commenter raises a concern that the IS/MND does not adequately address issues regarding cumulative impacts when the WWTP is expanded to 4.2 mgd.

Response: See Master Response #2. Although portions of the proposed project are designed to be expandable, Placer County is not proposing the expansion of the facility to accommodate 4.2 mgd. The facility's proposed 2.7 mgd capacity is anticipated to accommodate growth within the service area for at least 30 years, consistent with the Auburn Bowman Community Plan, and it is speculative whether additional expansion will be needed in the future.

Comment #5: The commenter raises a concern that the IS/MND does not adequately address issues regarding growth inducing impacts due to over sizing.

Response: See Master Response #2 and the response to Comment #4 above. Although portions of the proposed project are designed to be expandable, Placer County is not proposing the expansion of the facility to accommodate 4.2 mgd. Potential growth inducement impacts are discussed in Section 3.13.2. The proposed project would increase the capacity of the existing SMD 1 WWTP to 2.7 mgd, which could indirectly contribute to increased growth in the WWTP service area by providing increased capacity for wastewater treatment. However, any new growth that could be served by the proposed project was projected and planned in the Auburn/Bowman Community Plan, which anticipates substantial growth in the project vicinity. Therefore, growth impacts would be considered less than significant.

Comment #6: The commenter raises a concern that the IS/MND does not adequately address issues regarding the amount of pharmaceuticals that will be introduced into streams designated as critical habitat by federal agencies.

Response: Pharmaceuticals are discussed in Section 3.9.19(f) Operations Related Impacts on Water Quality – Constituents of Emerging Concerns (CECs). Several classes of compounds are

considered CECs when discharged into wastewater: pharmaceutical and personal care products, natural and synthetic hormones, alkylphenols and alkylphenol ethoxylates, polybrominated diphenyl ether flame-retardant chemicals, bisphenol A, and new unregulated pesticides. CECs are currently not regulated, as no applicable federal water quality criteria or state objectives have been adopted or recommended for CECs, and it may be many years before regulatory objectives are developed or the Central Valley RWQCB establishes effluent limitations for CECs in wastewater discharges. However, the proposed WWTP treatment processes would include improvements and new treatment technologies and unit processes (e.g. improved filtration and solids removal, improved oxidation and anaerobic digestion, improved nitrogen removal, UV disinfection) that would provide improved performance and would increase the efficiency of CEC removal. Consequently, the concentrations of CECs that may be present in the SMD 1 WWTP effluent would be anticipated to be lower under the proposed project than under existing conditions. Overall water quality will be improved as a result of the proposed improvements.

Comment #7:

The commenter raises a concern that the IS/MND does not adequately address issues regarding the environmental benefit of alternatives such as the Lincoln regional project.

Response: See Master Response #1; CEQA requires the preparation of an EIR when the public agency finds substantial evidence that the project may have a significant effect on the environment (CEQA Guidelines sec. 15064[a][1]). Because a Mitigated Negative Declaration represents the lead agency's determination that the mitigation measures would mitigate potentially significant environmental impacts to the point where no significant effect on the environment would occur (CEQA Guidelines sec. 15064[f][2]), CEQA does not require IS/MNDs to include a description of alternatives that would reduce significant environmental effects. Therefore, the lack of alternatives in the IS/MND does not make it deficient.

Rebecca Lillis

From: Dianira Soto [dianira_soto@dot.ca.gov]
Sent: Tuesday, May 10, 2011 10:46 AM
To: Rebecca Lillis
Cc: Richard Helman
Subject: RE: Notice of Completion & Environmental Document Transmittal Wasterwater Treatment Plant Upgrade

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Rebecca,

Upon closer review of the documents you sent over we concluded there will "No Comments" from Caltrans at this time. Do keep us informed if any changes are made to the proposed project.

Thank you,

DIANIRA SOTO
Associate Transportation Planner
Office of Transportation Planning - East
CALTRANS - District 3 - Division of Planning & Local Assistance
703 B St., Marysville, CA 95901
(530) 740-4905

Comment Letter: CALTRANS
May 10, 2011

B

Comment #1: The commenter states that upon review of the IS/MND there were "no comments", and requested to be kept informed of any proposed changes to the project.

Response: Comment noted.



NEVADA IRRIGATION DISTRICT

1036 W. Main Street, Grass Valley, CA 95945-5424 ~ www.nidwater.com
(530) 273-6185 ~ Fax: (530) 477-2646 ~ Toll Free: (800) 222-4112

May 20, 2011

RECEIVED
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MAY 23 AM 8:48

Rebecca Lillis
Placer County
Department of Facility Services
11476 C Avenue
Auburn, CA 95603

RE: SMD 1 WWTP UPGRADE AND EXPANSION - MITIGATED NEGATIVE DECLARATION (MND)

Dear Ms. Lillis,

The purpose of this letter is a response to the current MND for this project. We have reviewed your California Environmental Quality Act (CEQA) documentation and believe that it fails to address certain issues pertinent to the projects environmental impact.

1. Currently, the District provides raw water for blending with the plant effluent. This provision of water for blending is not discussed in the study. Moreover the study does not consider the environmental impacts of the project if the District is unable to provide this water. If the District is unable to provide this water then the lack of blending water could have additional impacts on the environment. Therefore, the documentation should consider this project without the provision of Districts water for blending purposes.
2. The CEQA document does not adequately discuss the adverse impact of effluent flow into Coon Creek and the Districts canals.
3. The study does not consider cumulative impacts of this expansion. The District is nearing completion of the planning of a Regional Water Treatment Facility downstream of this facility. Some of the creeks and canals affected by the SMD1 effluent are needed to convey water for domestic and municipal use in Western Placer County. The District has had numerous public meetings over its project. Currently, the District is planning to prepare and circulate an Environmental Impact Report in the near future. We are requesting that this Regional Water project be included as a planned facility and addressed by the SMD1 expansion CEQA document; your CEQA document should fully assess the impact of this project on the quality and supply of water available to the Regional Water Treatment Facility.

In summary, this current CEQA document fails to address the project's significant impact on the District, nor its impact with, and without, District's water for blending with the effluent. The document assumes, without foundation, that such water will be available in perpetuity. Therefore, these omissions require substantial supplementation and revision to the document. Alternatively, we request the document be placed on hold to allow NID and Placer County staff to meet and to discuss and resolve these issues.

Sincerely,

Gary King, PE
Chief Engineer

CC: Brian Powell, Senior Associate Engineer
Tim Crough, Assistant General Manager

On June 2, 2011, County staff contacted the District and spoke with Gary King and Bryan Powell via telephone, to clarify the District's concerns.

Comment #1: The commenter raises a concern that the IS/MND does not discuss the provision of water for blending or the potential impacts if the District is unable to provide this water in the future .

Note: County staff was unclear why the District raised the issue of discontinued water provision. The District has been providing water in Rock Creek for over 10 years and has not indicated they plan to stop providing water; therefore, the MND's evaluation of potential impacts from the proposed project makes the reasonable assumption that the District will continue to supply water. District staff clarified that they could not guarantee provision of water, especially under certain scenarios, such as drought conditions; agricultural and other beneficial uses, including the flow into Rock Creek, could be cut off in drought conditions.

Response: Purchasing supplemental creek water from the District is not a requirement of the County's discharge permit; however, the permit does contain a receiving water limitation that prohibits the discharge from altering the receiving water temperature by more than 5 degrees Fahrenheit. The County has historically purchased supplemental creek water to limit the risk of exceeding this limitation.

However, as discussed in the MND (see Chapter 3.4, Biological Resources), studies show that it is unlikely that Rock Creek and Dry Creek would support cold water species in the vicinity of SMD 1. Therefore slightly increased temperatures from the County's discharge in Rock Creek would not impact any cold water species or create a significant environmental impact. The County plans to pursue changes to its permit to reflect the lack of cold water habitat and change the receiving water temperature limitation. However, if the County's permit is not altered to acknowledge the lack of cold water habitat, and the District is unable to provide blending water, the County could construct facilities to cool its WWTP effluent and mitigate the risk of exceeding the temperature limit.

In addition, the County's water quality permit assumes there is no dilution in the receiving water when applying effluent limits necessary to protect beneficial uses; therefore, the County is designing the project to comply with all applicable regulatory standards with or without blending water.

Comment #2:

The commenter raises a concern that the IS/MND does not adequately discuss the potential impacts of effluent flow into Coon Creek and the District's canals.

Note: Staff was unclear on what analysis the District felt was lacking; for example the water quality analysis or flow volumes. District staff clarified that water quality was the primary concern, especially regarding nitrates, phosphates, and the reliance on UV disinfection. Flow volumes were a lesser concern, and regarding whether the increased discharge would result in the need for increased dilution water from the District, which may not be guaranteed.

Response: Regarding water quality, the Coon Creek watershed and the proposed project's impacts on its biology and water quality are discussed extensively in Chapters 3.4 and 3.9 of the IS/MND, as discussed in Master Response #3. In Section 3.9.1, the MND provides a discussion of water quality impacts on downstream uses, including specific analysis of nitrogen and phosphates. The new WWTP will provide nitrification and denitrification processes to dramatically reduce the effluent nitrogen concentrations compared to the existing conditions. Additionally the new SMD 1 WWTP is expected to provide improved performance in the removal of phosphorus. Based on available data, it is anticipated that the effluent nutrient discharges under the proposed project would not cause or contribute to nuisance-level biostimulation effects and thus would not adversely affect beneficial uses. Effluent quality overall is anticipated to improve; therefore, the potential long-term operations-related water quality impacts of the proposed project due to nutrient discharges would be less than significant.

The proposed project would use ultraviolet (UV) radiation to inactivate pathogens instead of the current chlorine disinfection system which creates disinfection byproducts. In addition, the use of UV disinfection would also facilitate the elimination of some chemical additions for treatment processes, thus resulting in a reduced net mass loading of dissolved solids to downstream receiving water bodies (refer to Appendix D of the MND). The proposed UV system uses numerous safeguards to mitigate the potential risks of relying on UV disinfection. For example, the UV system will use flow and water clarity sensors to automatically provide the correct UV dosage. The system includes redundant UV channels and lights, critical replacement parts will be ready on-site, and the entire system is designed to operate on backup electric power when required. Finally, in the event the entire system fails, plant staff will be able to divert wastewater to onsite storage facilities rather than discharging un-disinfected effluent to Rock Creek.

Regarding flow volumes, see response to Comment #1 above. The

project does not require dilution water to meet water quality effluent limitations in its discharge permit.

Comment #3:

The commenter raises a concern that the IS/MND does not consider cumulative impacts of the proposed expansion, taking into account a proposed municipal drinking water plant.

Response: Cumulative impacts are defined in CEQA Guidelines sec. 15355 as two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. The individual effects may be changes resulting from a single project or a number of separate projects. The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects.

Regarding consideration of the planned water treatment plant, staff acknowledges that the District has been evaluating a potential water treatment plant downstream of the proposed project. However, it is the County's understanding that, to date, no detailed plans are available regarding the design of this treatment plant or its capacity, or whether the preferred location has been confirmed for its development. It is also the County's understanding that CEQA review for this potential project has not been initiated. Therefore, this potential water treatment plant would not be considered a probable future project, as referenced in CEQA Guidelines sec. 15130(b)(1)(A), and its evaluation as a cumulative project in the IS/MND would be considered speculative.

However, in an effort to address the commenter's concerns, staff assessed the potential cumulative impacts of the water treatment plant. In this assessment, it was unclear to staff what individual environmental effects of the water treatment plant would combine with the individual environmental effects of the SMD 1 project to create a significant, cumulatively considerable impact. The water treatment plant would extract water downstream of the SMD 1 WWTP that would be treated and used for domestic purposes. Prior to its use, the water would need to be treated to meet all applicable standards for the intended use, then the treated water would be piped to the intended users. The water treatment plant would not contribute any constituents to local surface waters and no degradation of local water quality would be anticipated. Similarly, the SMD 1 WWTP would improve the treatment of wastewater discharged from the plant and would not degrade water quality. Therefore, a cumulatively considerable degradation in surface water quality would not be expected with the implementation of these two projects. See also Master Response #3 above for a discussion of the project's water quality impacts.

Due to the expected distance between the two plants, the noise and visual impacts of the two projects would not be considered cumulatively considerable because they would not combine to cause a greater impact on the local community. Some site-specific impacts associated with construction activities and the removal of vegetation would be reasonable to expect with development of the water treatment plant. However, without more detailed design and site location information, it would be speculative to assume what these impacts would entail.

Based on a review of the IS/MND, staff could not identify any individual environmental effects of the SMD 1 WWTP that would combine with potential individual environmental effects of the water treatment plant to create a significant, cumulatively considerable environmental impact.

Although the District's comments do not require a revisions of the IS/MND, staff is open to continue dialogue with District staff to discuss any outstanding concerns associated with implementation of the SMD 1 WWTP project.



**California Regional Water Quality Control Board
Central Valley Region
Katherine Hart, Chair**



D

Linda S. Adams
Acting Secretary for
Environmental Protection

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<http://www.waterboards.ca.gov/centralvalley>

Edmund G. Brown Jr.
Governor

24 May 2011

Rebecca Lillis
Placer County Dept. of Facility Services
11476 C Avenue
Auburn, CA 95603

RECEIVED
FACILITY SERVICES
2011 MAY 27 PM 12:44

COMMENTS ON NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION, SEWER MAINTENANCE DISTRICT 1 WASTEWATER TREATMENT PLANT UPGRADE AND EXPANSION

We have reviewed Placer County's California Environmental Quality Act (CEQA) Initial Study/Mitigated Negative Declaration for the Sewer Maintenance District 1 Wastewater Treatment Plant (SMD 1) Upgrade and Expansion Project. Our main concern is that the Mitigated Negative Declaration does not sufficiently address the proposed project's impact on the implementation of the Mid-Western Placer Regional Sewer Project (Regional Sewer Project), and the associated environmental impacts.

Placer County's participation in the Regional Sewer Project is an important element to its success. Proceeding with the proposed project would result in Placer County removing SMD 1's participation in the Regional Sewer Project. This would make the City of Auburn's participation in the Regional Sewer Project infeasible and would have a major impact on the ultimate success of the Regional Sewer Project. Therefore, a full Environmental Impact Report (EIR) that adequately addresses regional alternatives must be developed. The EIR should compare the environmental impacts of the proposed project with the impacts of regional alternatives. For example, the environmental impacts of the proposed project should include impacts from the SMD 1 discharge along with the long-term impacts of the continued discharge to Auburn Ravine from the City of Auburn Wastewater Treatment Plant.

In addition to our main concern expressed above, we have the following comments:

- o It is our understanding that the planned ultimate capacity of the expanded and upgraded treatment plant is 4.2 million gallons per day (mgd). The Mitigated Negative Declaration addresses only the proposed increase to 2.7 mgd. Impacts at the ultimate capacity of 4.2 mgd should be considered.
- o The long-term impacts of discharges of up to 4.2 mgd to Rock Creek, and downstream waters, were not adequately addressed in the Mitigated Negative Declaration. Long term impacts on the downstream beneficial uses include impacts on salmon and

D

steelhead spawning areas, impacts on domestic and municipal uses, and higher dry-season flow rates in a creek that normally would have very low flows during summer months.

- It is our understanding that a proposed Nevada Irrigation District (NID) project serving western Placer County would use waters downstream of the SMD 1 discharge for municipal and domestic use. The potential impact of the SMD 1 discharge on this use was not addressed.

Thank you for the opportunity to comment on the CEQA document. If you have any questions, please contact me at (916) 464-4772 or JDMarshall@waterboards.ca.gov.



James Marshall
Senior Engineer
NPDES Section

Comment #1: The commenter states that their main concern is that the IS/MND "...does not sufficiently address the proposed project's impact on the implementation of the Mid-Western Placer Regional Sewer Project (Regional Sewer Project) and the associated environmental impacts." The commenter raises a concern that the County nonparticipation in the Regional Sewer Project will make it infeasible for the City of Auburn to participate and would therefore have a major impact on the success of the Regional Project and, as a result, an EIR should be prepared to address regional alternatives.

Response: Analysis of the impacts of the proposed project on an alternative project is not required by CEQA. In addition, CEQA requires the preparation of an EIR when the public agency finds substantial evidence that the project may have a significant effect on the environment (CEQA Guidelines sec. 15064[a][1]). Because a Mitigated Negative Declaration represents the lead agency's determination that the mitigation measures would mitigate potentially significant environmental impacts to the point where no significant effect on the environment would occur (CEQA Guidelines sec. 15064[f][2]), CEQA does not require IS/MNDs to include a description of alternatives that would reduce significant environmental effects. Therefore, the IS/MND as prepared, is sufficient.

Comment #2: The commenter raises a concern that the impacts of a 4.2 mgd treatment plant should be considered.

Response: See Master Response #2. Although portions of the proposed project are designed to be expandable, Placer County is not proposing the expansion of the facility to accommodate 4.2 mgd. The facility's proposed 2.7 mgd capacity is anticipated to accommodate growth within the service area for at least 30 years, consistent with the Auburn Bowman Community Plan, and it is speculative whether additional expansion will be needed in the future.

Comment #3: The commenter raises a concern that the IS/MND did not address the potential impacts to proposed Nevada Irrigation District's water treatment plant.

Response: See Master Response #3 and the Response to Comment 3 of Letter C.



Division of Financial Assistance

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Edmund G. Brown Jr.
Governor

Linda S. Adams
Acting Secretary for
Environmental Protection

RECEIVED
FACILITY SERVICES
2011 MAY 26 PM 12:38

MAY 24 2011

Ms. Rebecca Lillis
Placer County Department of Facility Services
11476 C Avenue
Auburn, Ca 95603

Dear Ms. Lillis:

INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION (IS/MND) FOR THE PLACER COUNTY DEPARTMENT OF FACILITY SERVICES (COUNTY); SEWER MAINTENANCE DISTRICT 1 WASTEWATER TREATMENT PLANT UPGRADE AND EXPANSION PROJECT (PROJECT); PLACER COUNTY; STATE CLEARINGHOUSE NO. 2011042083

We understand the County is pursuing Clean Water State Revolving Fund (CWSRF) financing for this Project. As a funding agency and a state agency with jurisdiction by law to preserve, enhance, and restore the quality of California's water resources, the State Water Resources Control Board (State Water Board) is providing the following information for the environmental document prepared for the Project.

Please provide us with the following documents applicable to the proposed Project: (1) two copies of the draft and final IS/MND, (2) the resolution adopting the IS/MND and Mitigation Monitoring and Reporting Program (MMRP) and making California Environmental Quality Act (CEQA) findings, (3) all comments received during the review period and the County's response to those comments, (4) the adopted MMRP, and (5) the Notice of Determination filed with the Governor's Office of Planning and Research and the County Clerk. In addition, we would appreciate notices of any hearings or meetings held regarding environmental review of any projects to be funded by the State Water Board.

The CWSRF Program is partially funded by the United States Environmental Protection Agency (USEPA) and requires additional "CEQA-Plus" environmental documentation and review. Three enclosures are included that further explain the environmental review process and some additional federal requirements of the CWSRF Program. In addition, an environmental evaluation form is included for the County to submit should it pursue CWSRF financing. The State Water Board is required to consult directly with agencies responsible for implementing federal environmental laws and regulations. Any environmental issues raised by federal agencies or their representatives will need to be resolved prior to State Water Board approval of a CWSRF funding commitment for the proposed Project. For further information on the CWSRF Program environmental requirements, please contact Ms. Michelle Lobo at (916) 341-6983.

It is important to note that prior to a CWSRF funding commitment, projects are subject to provisions of the federal Endangered Species Act, and must obtain approval from the United States Fish and Wildlife Service (USFWS), and/or the National Marine Fisheries Service (NMFS) for any potential effects (even if beneficial) to special status species.

Ms. Rebecca Lillis

-2-

Please be advised that the State Water Board can consult with USFWS, and/or NMFS regarding all federal special status species the Project has the potential to impact if the Project is to be funded under the CWSRF Program.

CWSRF projects must also comply with Section 106 of the National Historic Preservation Act (NHPA). The State Water Board has been delegated responsibility for carrying out the requirements of Section 106 under a Nationwide Programmatic Agreement executed for the CWSRF by the USEPA, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers.

Other federal requirements pertinent to the Project under the CWSRF Program include the following:

- A. Compliance with the federal Clean Air Act: (a) Provide air quality studies that may have been done for the Project; and (b) if the Project is in a nonattainment area or attainment area subject to a maintenance plan; (i) provide a summary of the estimated emissions (in tons per year) that are expected from both the construction and operation of the Project for each federal criteria pollutant in a nonattainment or maintenance area, and indicate if the nonattainment designation is moderate, serious, severe, or extreme (if applicable); (ii) if emissions are above the federal de minimis levels, but the Project is sized to meet only the needs of current population projections that are used in the approved State Implementation Plan for air quality, quantitatively indicate how the proposed capacity increase was calculated using population projections.
- B. Protection of Wetlands: Provide the State Water Board with a copy of the preliminary wetland delineation and the United States Army Corps of Engineers (ACOE) verification letter.
- C. Compliance with the Farmland Protection Policy Act: Identify whether the Project will result in the conversion of farmland. State the status of farmland (Prime, Unique, or Local Statewide Importance) in the Project area and determine if this area is under a Williamson Act Contract.
- D. Compliance with the Migratory Bird Treaty Act (MBTA): List any birds protected under the MBTA that may be impacted by the Project and identify conservation measures to minimize impacts.
- E. Compliance with the Flood Plain Management Act: Identify whether or not the Project is in a Flood Management Zone and provide a copy of the Federal Emergency Management Agency flood zone map for the area.
- F. Compliance with the Wild and Scenic Rivers Act: Identify whether or not any Wild and Scenic Rivers would be potentially impacted by the Project and include conservation measures to minimize such impacts.

Following are specific comments on the County's IS/MND:

1. In mitigation measure Bio-1, please discuss the actions the County will take to minimize or avoid impacts to nesting birds, should they be seen outside what is generally considered to be the nesting season.

2. Please provide a copy of the jurisdictional delineation for Dry Creek, Rock Creek, and the other freshwater marsh wetlands that were identified.
3. Please discuss the status of the Clean Water Act Section 404 Permit from the ACOE and the Streambed Alteration Agreement from the California Department of Fish and Game.
4. Please explain whether the ACOE has consulted with NMFS regarding special status species that may be impacted by the Project.
5. Please include a species list from the USFWS.

The State Water Board has no further comments on the IS/MND at this time. Thank you for the opportunity to review the County's environmental document. If you have any questions or concerns, please feel free to contact me at (916) 341-6983 or MLobo@waterboards.ca.gov, or contact Mr. Alex Hunt at (916) 341-7388 or AHunt@waterboards.ca.gov.

Sincerely,



Michelle Lobo
Environmental Scientist

cc: State Clearinghouse
(Re: SCH# 2011042083)
P. O. Box 3044
Sacramento, CA 95812-3044

Prior to providing specific comments on the IS/MND, the commenter acknowledged the County's intent to pursue Clean Water State Revolving Fund (CWSRF) financing for the Project and requested the County provide documents applicable to the proposed project. The County commits to providing the following with the CWSRF funding application:

1. *Two copies of the draft and final IS/MND*
2. *The resolution adopting the IS/MND and MMRP, and the CEQA findings*
3. *Copies of all comments received during the public review period and the County's response to those comments*
4. *Copy of the adopted MMRP*
5. *Copy of the Notice of Determination (NOD) filed with the Governor's Office of Planning and Research and the County Clerk and notification of public hearings.*

The commenter also stated that since the CWSRF program is partially funded by the US Environmental Protection Agency, it requires additional CEQA-Plus environmental documentation and review and is subject to certain federal regulations. The specific information required by the CWSRF Program to comply with federal cross-cutting environmental regulations has been incorporated throughout the IS/MND; the SRF program's Evaluation Form for Environmental Review and Federal Coordination is included in Appendix A. SWRCB staff will also facilitate (1) federal consultation on Section 7 of the ESA, if needed; (2) a California Air Resources Board determination of conformity with the federal Clean Air Act; and (3) coordination with the State Historic Preservation Officer to ensure compliance with Section 106 of the National Historic Preservation Act. In addition, the IS/MND discusses the federal regulatory requirements pertinent to the project under the CWSRF program:

- A. *Clean Air Act - To comply with this rule, Placer County has prepared a Federal Air Conformity Applicability Analysis. The results of this analysis are included in Appendix B.*
- B. *Protection of Wetlands - AECOM conducted a wetland delineation of the proposed project footprint in December 2010, to identify waters of the United States and California that would be affected by the proposed project. Dry Creek, Rock Creek, and freshwater marsh wetland were identified. The potential area of disturbance to these features is presented in Table 3.4-4 of the IS/MND. The delineation has been submitted to the US Army Corps of Engineers (ACOE) for verification.*
- C. *Compliance with the Farmland Protection Policy Act – Chapter 3.2 of the IS/MND explains that the proposed project would not affect farmlands. Specifically, the entire project site is owned by Placer County; no agricultural activities take place on the project site and no part of the project site is designated or zoned for large-scale agricultural production or the production of agricultural resources for commercial purposes.*
- D. *Compliance with the Migratory Bird Treaty Act (MBTA) – Special status species, including migratory birds, are discussed in Chapter 3.4, Biological Resources, of the IS/MND. Mitigation Measure Bio-1 will require construction and tree trimming*

and removal activities to occur in the non-breeding season. If that is not feasible, preconstruction surveys will be conducted by a qualified biologist; if an active migratory bird or raptor nest is discovered during the nesting survey, a no-disturbance buffer will be established around the active nest to avoid disturbance or destruction of the nest.

- E. Compliance with the Flood Plain Management Act – Chapter 3.9, Hydrology and Water Quality, explains that no 100-year floodplain boundary designation by the Federal Emergency Management Agency has been formally established for any reach of Rock Creek, or for Dry Creek either in the stream reach adjacent to the WWTP or farther downstream.
- F. Compliance with the Wild and Scenic Rivers Act – Chapter 3.1, Aesthetics, of the IS/MND discusses scenic resources. No designated scenic resources are in the project area, and no proposed project component would have a substantial effect on any scenic vistas or resources in the project area.

Specific comments on the IS/MND and the County's responses are listed below.

Comment #1: The commenter requests that the Mitigation Measure, Bio-1, discuss the actions the county will take to minimize or avoid impacts to nesting birds, should they be seen outside what is generally considered to be the nesting season.

Response: Chapter 3.4, Biological Resources, discusses the potential impacts, and mitigation to avoid the impacts, to nesting birds. Mitigation Measure Bio-1, as discussed in #D above, contains measures to avoid, identify, and protect birds during the nesting season. The County recognizes there may be the potential to observe nesting birds outside the general nesting season. If a nesting bird is seen outside the traditional nesting season, the County will implement the same mitigation measures stated in Bio-1.

Comment #2: The commenter requested a copy of the jurisdictional delineation for Dry Creek, Rock Creek, and the other freshwater marsh wetlands that were identified.

Response: A copy of the Preliminary Delineation of Waters of the United States, Including Wetlands, will be submitted to the commenter, as requested.

Comment #3: The commenter requested that the status of the Clean Water Act Section 404 Permit from the ACOE and the Streambed Alteration Agreement from the California Department of Fish and Game (DFG) be discussed.

Response: Section 3.4.2 of the MND discusses the potential impacts to biological habitats, including wetlands (waters of the State and waters of the United States) and riparian habitat. As stated earlier, a wetland delineation has been completed by AECOM and has been sent to the ACOE for verification. Construction of the new outfall and removal of the existing secondary outfall, in addition to installation of monitoring equipment in Rock Creek and Dry Creek, and

construction of fencing and a new building above Dry Creek could have temporary impacts on freshwater marsh, riparian forest, creek bank or creek bed. Prior to construction, the County will obtain all necessary permits, including a Section 404 permit and Streambed Alteration Agreement, if required.

As stated in Mitigation Measure Bio-3, if required by the ACOE, the County will replace, restore, or enhance the ecological values of all wetlands and other waters of the United States and waters of the State that would be removed and/or degraded with project implementation at a minimum 1:1 ratio and on a "no net loss" basis. Compensation would be provided through the purchase of mitigation credits at approved mitigation banks, or through onsite and/or off-site preservation/restoration. Furthermore, the County will consult with DFG, and if required, will comply with the requirements of a streambed alteration agreement, including implementing a habitat mitigation plan as a component of the streambed alteration agreement as described in Mitigation Measure Bio-2 for impacts to riparian forest.

Comment #4:

The commenter requests an explanation of whether the ACOE has consulted with National Marine Fisheries Service (NMFS) regarding special status species that may be impacted by the project.

Response: The ACOE is in the process of reviewing the wetland delineation for the proposed project and has not yet issued a Clean Water Act Section 404 permit. Prior to issuing this permit, which is required when a project results in the discharge of dredge or fill material into waters of the United States, the ACOE will consider whether the project has the potential to affect threatened or endangered species or their designated critical habitat. If the ACOE determines that the project might affect these species, they will consult with the U.S. Fish and Wildlife Service and National Marine Fisheries Service before they make a permit decision. The ACOE will not issue a Section 404 permit if the project adversely affects threatened or endangered species.

Comment #5:

The commenter requests that a species list from the USFWS be included in the IS/MND.

Response: The County will request a species list and submit to the commenter upon receipt.

From: Ronald Otto [mailto:rottoophir@gmail.com]
Sent: Tuesday, May 24, 2011 8:07 PM
To: Robert Weygandt; Jim Holmes; Rebecca Lillis
Cc: Rick and Diane Johnson; Patricia Otto; Barbara/Joyce; Dick Dal Pino
Subject: Possible Negative Declaration for SMD1 Upgrade

Dear Ms. Lillis:

On behalf of the Ophir Property Owners Association and Auburn Ravine Preservation Committee, please accept these comments. We very recently learned that the County may be considering a Negative Declaration for the proposed SMD1 facility Upgrade. With the complexity and number of potential impacts from pursuing an Upgrade, rather than Regional wastewater treatment, we find it exceedingly difficult to understand why a full EIR has not been recommended. It may be highly imprudent to forego such review and does not appear to be in anyone's best interests.

In addition to rejecting a negative declaration for an SMD1 upgrade, we encourage the County and Board of Supervisors/BOS to pursue the Regional option for wastewater treatment. Please reference our comments to the BOS and County staff dated 4/30/11 which were offered for the 5/3/11 hearing. In these comments we noted several compelling arguments in favor of moving forward with the Regional treatment option rather than upgrading SMD1. We also requested to be kept in the loop on this and related matters- and would appreciate it if you could see that this occurs.

Thank you for the opportunity to comment.

Sincerely,

Ronald Otto for the Ophir Property Owners Assoc., Inc., and Auburn Ravine Pres. Comm.

10170 Wise Road
Auburn (Ophir), CA 95603

From: Ronald Otto [mailto:rottoophir@gmail.com]
Sent: Monday, May 30, 2011 10:51 AM
To: Rebecca Lillis; Jim Holmes; Robert Weygandt
Cc: Dick Dal Pino; Barbara/Joyce; Patricia Otto; Rick and Diane Johnson
Subject: Re: Comments for 5/3/11 BOS Hearing; Possible Negative Declaration for SMD1 Upgrade

Dear Ms. Lillis--

Thanks for responding, and for your interest. I forwarded earlier today, and also pasted below, our 4/30/11 comments sent for the 5/3/11 BOS' Hearing *regarding whether to upgrade the County's SMD1 facility or to pursue Regional wastewater treatment at Lincoln.*

Although work responsibilities precluded our attending the 5/3/11 Hearing, we appreciate the inclusion of our comments for the hearing in the review process.

Sincerely,

Ronald Otto

(4/30/11 comments for 5/3/11 BOS Hearing, sent via e-mail)

Dear Supervisors Holmes and Weygandt;

On behalf of the Ophir Property Owners Association and Auburn Ravine Preservation Committee, we strongly encourage the Board to approve moving forward with the Regional treatment alternative rather than upgrading the existing SMD1 facility at the May 3, 2011 Board meeting.

With reportedly little difference in potential cost to rate payers between the two options, the potential environmental benefits weigh strongly in favor of the Regional alternative. Among other things, the Regional alternative assures that no longer will effluent convey harmful pharmaceuticals to receiving waters. And Regional Board requirements, as well as vigilance in enforcing Waste Discharge Requirements, may soon make operating facilities which discharge to streams simply infeasible. The County should not paint itself into such a corner. Regional treatment also seems a far better fit with NOAA's Central Valley (steelhead) Recovery Plan, Placer Legacy, HCP, and ongoing community efforts to restore and enhance salmon and steelhead resources in Auburn Ravine and other Western Placer streams.

Thank you for considering our comments. Please do keep us in the loop on this and related matters.

Sincerely,

Ronald Otto for the Ophir Property Owners Association, Inc., and Auburn Ravine Preservation Committee

10170 Wise Road
Auburn (Ophir), CA 95603

Comment Letter: Ophir Property Owners Association, Inc.
and Auburn Ravine Preservation Committee
May 24, 2011

F

Comment #1: The commenter raised a concern that an EIR was not prepared due to the complexity and potential impacts from pursuing an upgrade project versus a regional compliance alternative.

Response: See Master Response #1. CEQA requires the preparation of an EIR when the public agency finds substantial evidence that the project may have a significant effect on the environment (CEQA Guidelines sec. 15064[a][1]). Because a Mitigated Negative Declaration represents the lead agency's determination that the mitigation measures would mitigate potentially significant environmental impacts to the point where no significant effect on the environment would occur (CEQA Guidelines sec. 15064[f][2]), CEQA does not require IS/MNDs to include a description or analysis of alternatives that would reduce significant environmental effects. Therefore, the IS/MND as prepared is the appropriate environmental review document for this project and fully complies with the requirements of CEQA.

Comment #2: The commenter requested that the County refer to comments submitted on April 30, 2011 for consideration at the May 3, 2011 Board of Supervisors hearing.

Response: County staff obtained a copy of the April 30th letter; the comment and response is noted below.

Comment #3: In the April 30, 2011 letter, the commenter recommended that the County consider the regional compliance option over the upgrade option because the regional alternative assures that effluent will no longer convey harmful pharmaceuticals to receiving waters and that regulatory requirements may soon make operating facilities which discharge to streams infeasible.

Response: See Master Response #1 and response to Comment #1 above regarding analysis of alternatives. See Master Response #3 and the discussion below regarding water quality impacts on receiving waters.

A discussion of pharmaceuticals is included in Chapter 3.9 of the MND, Hydrology and Water Quality, and more specifically in Section 3.9.19(f) Operations Related Impacts on Water Quality – Constituents of Emerging Concerns (CECs). This section provides an extensive analysis of operations-related impacts to water quality, specifically addressing the mass balance change in constituents in the receiving water, including CECs (pharmaceuticals and personal care products). CECs are currently not regulated, as no applicable federal water quality criteria or state objectives have been adopted or

recommended for CECs, and it may be many years before regulatory objectives are developed or the Central Valley RWQCB establishes effluent limitations for CECs in wastewater discharges. However, the proposed WWTP treatment processes would include improvements and new treatment technologies and unit processes (e.g. improved filtration and solids removal, improved oxidation and anaerobic digestion, improved nitrogen removal, UV disinfection) that would provide improved performance and would increase the efficiency of CEC removal. Consequently, the concentrations of CECs that may be present in the SMD 1 WWTP effluent would be anticipated to be lower under the proposed project than under existing conditions. Overall water quality will be improved as a result of the proposed improvements.

However, if water quality criteria are established in the future, and it is found that the effluent cannot comply with these criteria, the proposed project has been laid out to accommodate additional processes (such as ozone) that preliminary studies have shown to be effective in removing many CECs.

Regarding regulatory compliance, the section concludes that after implementation of the project, concentrations of several constituents would decrease, the effluent would meet the highest applicable statutory and regulatory NPDES requirements, and would not cause exceedances of applicable state or federal numeric water quality objectives and standards. Because the discharge from the WWTP following project implementation would meet regulatory standards, the effluent would not adversely affect the receiving water.

