**MINUTE ITEM**
This Calendar Item No. C03 was approved as Minute Item No. 03 by the California State Lands Commission by a vote of 2 to 0 at its 7-11-97 meeting.

# CALENDAR ITEM
# C03

A 26

S 12

PRC 4074

07/11/97
WP 4074.9
L. Burks

## TERMINATION OF EXISTING LEASE AND ISSUANCE OF A NEW GENERAL LEASE - PUBLIC AGENCY USE NO. PRC 4074.9

**LESSEE:**

City of Modesto
Attn: Dean Phillips
P. O. Box 642
Modesto, California 95353

**AREA, LAND TYPE, AND LOCATION:**

.30 acres, more or less, of tide and submerged lands in the Tuolumne River near the city of Modesto, Stanislaus County.

**AUTHORIZED USE:**

One new 60-inch Reinforced Concrete Pressure Pipe (RCPP) industrial/sanitary pipeline; and one existing 60-inch Concrete Cylinder Pipe (CCP) sewer force main.

**PREVIOUS LEASE TERM:**

49 years, beginning October 1, 1968.

**PROPOSED LEASE TERM:**

25 years, beginning July 1, 1997.

**CONSIDERATION:**

Public Use and Benefit, with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the uplands adjoining the lease premises.

2. An EIR (SCH #96042009) was prepared and certified for this project by the City of Modesto. Commission staff has reviewed such document and

Mitigation Monitoring Program adopted by the lead agency.

2. Findings made in conformance with the State CEQA Guidelines (Title 14), California Code of Regulations, sections 15091 and 15096) are contained in Exhibit C, attached hereto.

3. A Statement of Overriding Considerations made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, section 15093) is contained in Exhibit C, attached hereto.

4. This activity involves land identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et. seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the significant environmental values that were originally identified are either no longer there, that such values are not within the project site or will not be affected by the proposed project.

**APPROVALS OBTAINED:**

City of Modesto, California Department of Fish and Game, California Department of Water Resources, Regional Water Quality Control Board, United States Army Corps of Engineers.

**EXHIBITS:**

A. Site Map
B. Location Map
C. CEQA Findings; Mitigation Monitoring Plan; Statement of Overriding Considerations (Resolution No. 97-290)
D. Notice of Determination
E. Modesto City Council Resolution No. 97-291

**PERMIT STREAMLINING ACT DEADLINE:**

December 24,1997

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN EIR (SCH #96042009) WAS PREPARED AND CERTIFIED FOR THIS PROJECT BY THE CITY OF MODESTO AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE FINDINGS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15091 AND 15096(h), AS CONTAINED IN EXHIBIT C, ATTACHED HERETO.

ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN EXHIBIT C, ATTACHED HERETO.

ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15093, AS CONTAINED IN EXHIBIT C, ATTACHED HERETO.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THE SIGNIFICANT ENVIRONMENTAL VALUES ORIGINALLY IDENTIFIED PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ., ARE NOT WITHIN THE PROJECT SITE AND WILL NOT BE AFFECTED BY THE PROPOSED PROJECT.

AUTHORIZATION:

1. AUTHORIZE TERMINATION OF A 49 YEAR GENERAL PERMIT - PUBLIC AGENCY USE, BEGINNING OCTOBER 1, 1968 AND ENDING SEPTEMBER 30, 2017 FOR AN EXISTING 60-INCH SEWER OUTFALL FORCE MAIN EFFECTIVE JUNE 30, 1997.

2. AUTHORIZE ISSUANCE TO CITY OF MODESTO OF A NEW GENERAL LEASE - PUBLIC AGENCY USE, BEGINNING JULY 1, 1997 FOR A TERM OF 25 YEARS, FOR INSTALLATION OF ONE 60-INCH REINFORCED CONCRETE PRESSURE PIPE (RCPP) INDUSTRIAL/SANITARY PIPELINE AND CONTINUED USE OF ONE EXISTING 60-INCH CONCRETE CYLINDER PIPE (CCP) SEWER FORCE MAIN; IN CONSIDERATION OF PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S

BEST INTEREST; ON THE LAND DESCRIBED ON EXHIBIT A ATTACHED AND BY REFERENCE MADE A PART HEREOF.



| | |
|---|---|
| CALENDAR PAGE | 12 |
| MINUTE PAGE | 001033 |

This Land description is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

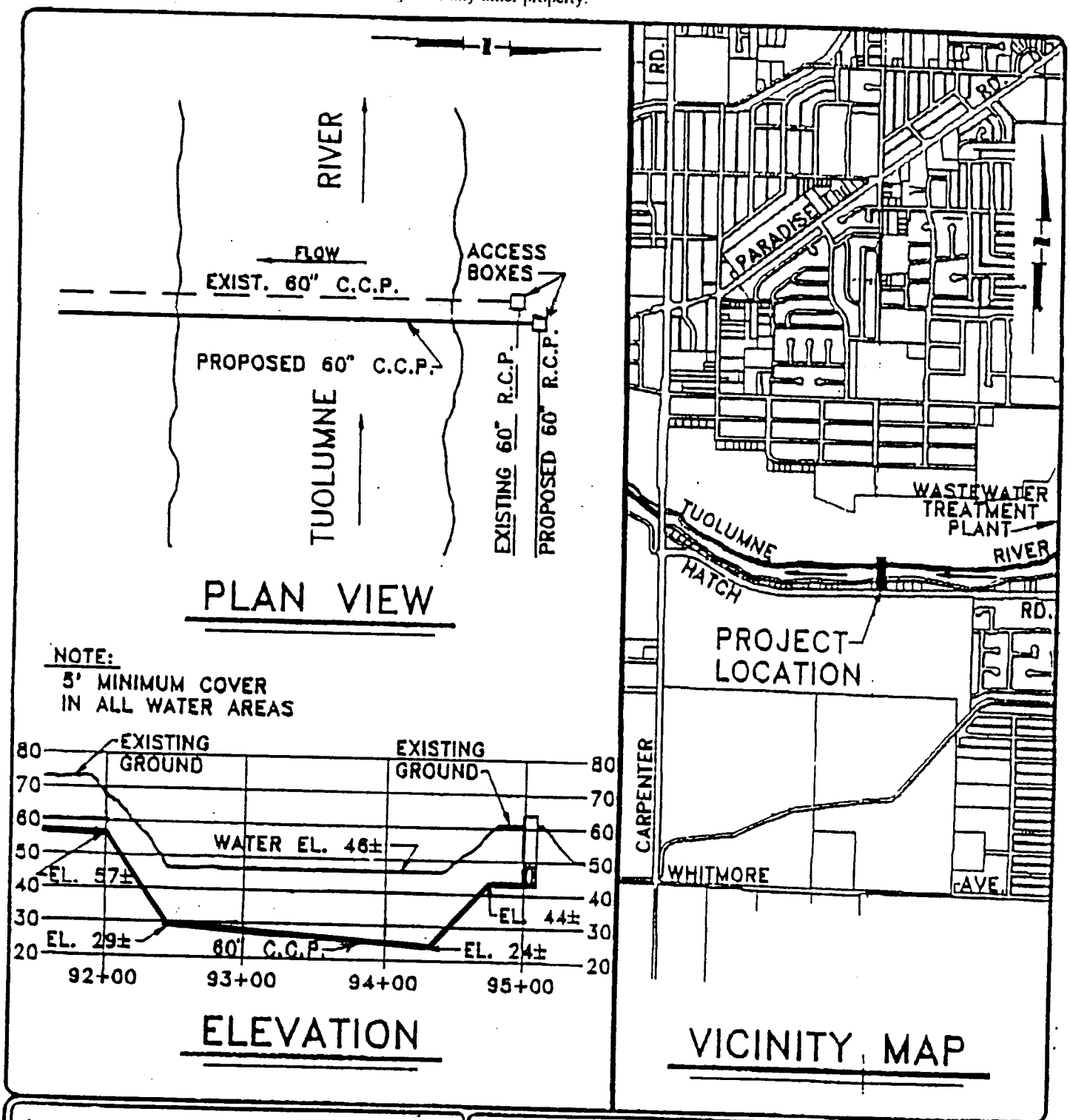


**EXHIBIT A**
**WP 4074.9**

# PARALLEL OUTFALL CROSSING OF THE TUOLUMNE RIVER

| | |
|---|---|
| ASBUILT BY: | DATE: |
| ASBUILT PLOTTED: | DATE: |
| REVISED: | DATE: |
| DATE: JAN. 1996 | DRAWN BY: J. CHRISTIANSEN |
| CHECKED BY: | |

CALENDAR PAGE
MINUTE PAGE

CITY of MODESTO
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
ACTIVITY NO. E557
FILE NO. 1-34 OUTFLMAP

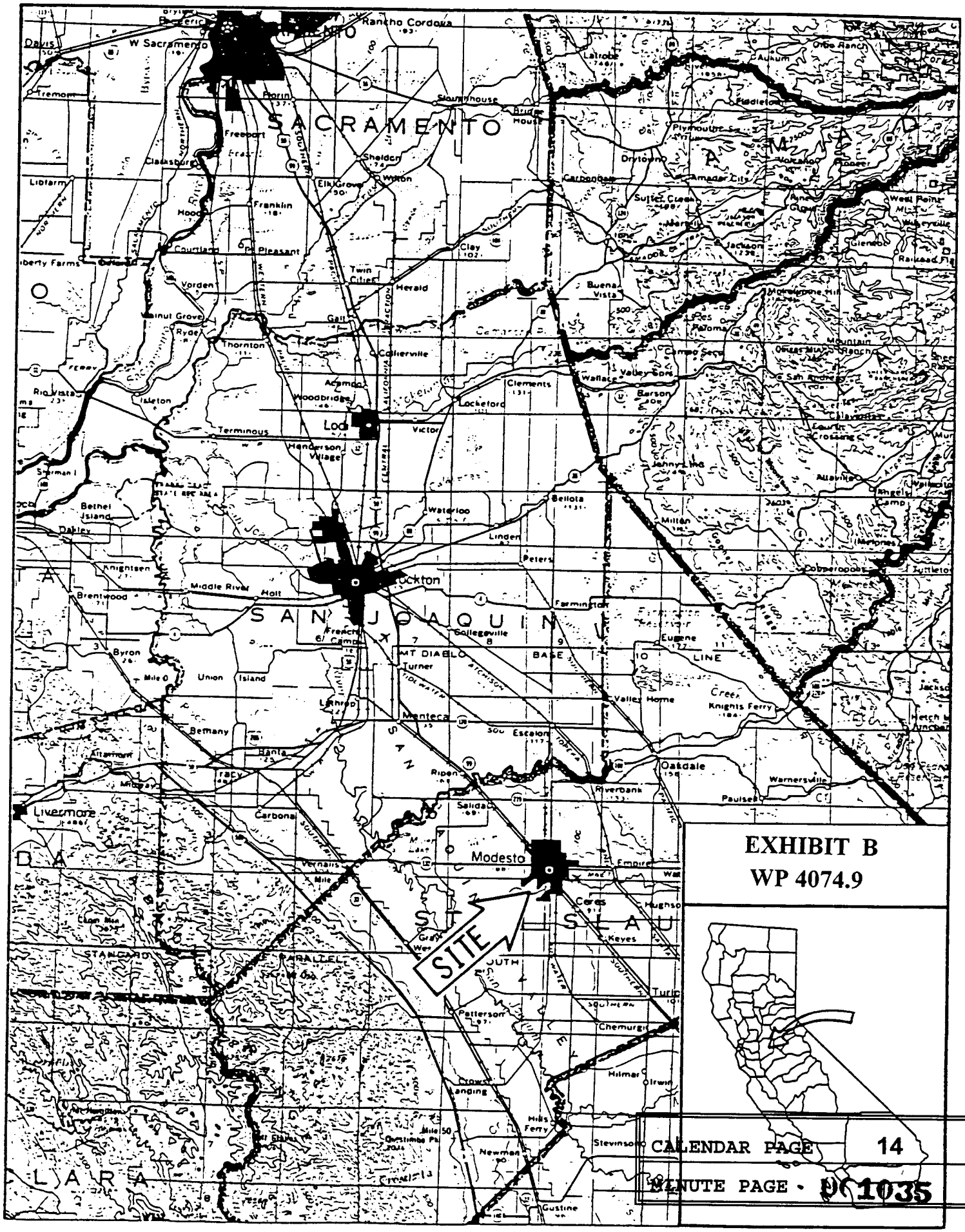


**EXHIBIT B**
**WP 4074.9**



CALENDAR PAGE 14
MINUTE PAGE · PC 1035

EXHIBIT C

MODESTO CITY COUNCIL
RESOLUTION NO. 97-290

CERTIFYING THE WASTEWATER MASTER PLAN MASTER ENVIRONMENTAL IMPACT REPORT, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING PROGRAM.

WHEREAS, the City of Modesto ("City"), accepted a recommendation of an audit of City's Public Works and Transportation Department in September, 1992, to develop a long range Master Plan for the Wastewater Treatment Plant and Wastewater Collection System, and

WHEREAS, a draft Wastewater Master Plan was presented to City's Council in September, 1994, and in May, 1995, the City Council adopted the Final Draft 1995 Wastewater Master Plan as a "proposed project" for purposes of commencing the environmental review process, and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et. seq.), and the California CEQA Guidelines (14 California Code of Regulations 15000 et. seq.), on May 27, 1997, the City Council certified the Final Master Environmental Impact Report for the Wastewater Master Plan entitled "Wastewater Master Plan Master Environmental Impact Report" ("MEIR"), and

WHEREAS, the City certified the Final Master Environmental Impact Report on the Urban Area General Plan ("GPMEIR") on August 15, 1995, and the City's Wastewater Master Plan is listed in the GPMEIR as an "anticipated subsequent project" in the context of

Section 21157 of CEQA (GPMEIR, Exhibit 19-1, page VIII-9), the MEIR therefore served to focus the environmental analysis of the Wastewater Master Plan, and

WHEREAS, the information contained in the MEIR was reviewed and considered by the City Planning Commission, and

WHEREAS, the City Council held a public hearing on May 27, 1997, and considered the adequacy of the MEIR, its Mitigation Monitoring Program and Statement of Overriding Considerations, and

WHEREAS, information contained in the MEIR, evidence, testimony and staff reports for the project, including information submitted throughout the process recited above, was reviewed and considered by the City Council prior to taking action on the MEIR.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. RECITALS. The foregoing recitals are true and correct and are incorporated herein as findings.

2. Effects not examined in this Final EIR. As permitted by Section 21158(b) of the Public Resources Code, the MEIR did not further examine the environmental effects of the land application of Class A biosolids since the City is currently circulating for public review a draft Master EIR for the land application of Class A biosolids (land application MEIR) to address environmental issues raised by the land application of those biosolids. The MEIR does address the environmental impacts of the production of biosolids at the City's Wastewater Treatment Plant, along with several other projects.

3. Wastewater Master Plan Projects. The Wastewater Master Plan consists of smaller individual projects which will be carried out in phases [Public Resources Code "PRC", Section 21157(a)(2)]. Those projects were collectively analyzed in the MEIR and are considered to be subsequent projects. The location, size and capacity of the proposed projects are described in Chapter II of the MEIR. The specific subsequent projects are as follows:

(1) Construct new and replacement collection system facilities.

(2) Construct facilities for the segregation of cannery wastewater.

(3) Rehabilitate the Sutter Avenue Treatment Plant.

(4) Negotiate a water exchange agreement.

(5) Construct a demonstration Water Reclamation Plant.

(6) Construct a full water reclamation facility.

(7) Modify the Jennings Road Treatment Plant.

4. Additional Anticipated Project to be Undertaken. The specific type of project anticipated to be undertaken consists of ongoing operations and maintenance of the Sutter Avenue Plant, the Jennings Road Plant, and the City's wastewater collection system. The maximum and minimum intensity of ongoing operations and maintenance and the anticipated location and alternative locations for any related development projects are discussed in the MEIR at page III-4, IV-5 and IV-6.

5. Effects Examined in the MEIR. It was determined through the scoping process that the following effects should be addressed in the MEIR as potential project

specific effects on the environment:

(1) Growth Inducing Impacts.

(2) Traffic and Circulation Needs.

(3) Degradation of Air Quality and Generation of Odors.

(4) Generation of Noise.

(5) Loss of Productive Agricultural Land.

(6) Increased Demand for Water Supplies.

(7) Increased Demand for Sanitary Sewer Services.

(8) Loss of Sensitive Wildlife and Plant Habitat.

(9) Disturbance of Archeological or Historical Sites.

(10) Drainage, Flooding, and Water Quality.

(11) Increased Demand for Storm Drainage.

(12) Increased Demand for Parks and Open Space.

(13) Increased Demand for Schools.

(14) Increased Demand for Police Services.

(15) Increased Demand for Fire Services.

(16) Generation of Solid Wastes.

(17) Generation of Hazardous Materials.

(18) Landslides and Seismic Activity.

(19) Energy.

(20) Significant Unavoidable Impacts.

(21) Significant Reversible Environmental Changes.

6. Pursuant to Public Resources Code Section 21081, the City is required to make one or more of the following findings with respect to each significant effect identified in the MEIR:

(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR. The potential impacts of planned growth, including all of the impacts previously listed in this resolution, were analyzed in the GPMEIR, and all of the impacts and mitigation measures identified in the GPMEIR were incorporated into the MEIR by reference. Except as further described herein, the MEIR identified no significant effects on the environment additional to or greater than those discussed and dealt with in the GPMEIR. This approach is specifically approved in CEQA Guidelines 15152 and generally in Guideline 15153 as permitting the elimination of repetitive discussion of the same issues as discussed in a previous EIR, and permitting the focus of the EIR under review on the actual issues right for decision at each level of the environmental review. Accordingly, the Wastewater MEIR environmental effects,

mitigation measures, alternatives and overriding considerations discussed in that document and found to be true here, based on all of the evidence provided to the Council, shall refer only to those impacts that are in excess of or represent a significant departure from those discussed in the GPMEIR, or, more particularly, those peculiar to the projects specifically contemplated by the Wastewater Master Plan.

7. The City finds, based on substantial evidence in the record, that changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the following additional significant effects on the environment:

(1) Degradation of Air Quality and Generation of Odors.

(a) The increase in system wastewater flows at the Sutter Avenue Plant would increase odorous emissions.

(b) The biosolids processing facility at the Jennings Road Plant and the excavation of solids from the secondary treatment ponds may cause odors to any potential future residential communities in the area.

(2) Loss of Productive Agricultural Land.

(a) Construction of the portion of the parallel outfall pipeline from Whitmore Avenue to Hackett Road could temporarily displace a limited area of orchard and other agricultural lands.

8. The City finds, based on substantial evidence in the record, that changes or alterations required in, or to be incorporated into, the project which mitigate or avoid the following additional significant effects on the environment are within the responsibility and

jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(1) Loss of Sensitive Wildlife and Plant Habitat.

(a) The proposed outfall pipeline connecting the Sutter Avenue Plant to the Jennings Road Plant would traverse the Tuolumne River and Pipeline 24C would cross Dry Creek. Based on preconstruction surveys, sensitive species may be identified in an area where project noise or habitat modification could result in the loss of important habitat and/or displacement of the species of the area. Sensitive habitat potentially affected would include wetlands and riparian natural communities. Sensitive species potentially affected include Sacramento Split Tail, Swaison's Hawk, and Valley Elderberry Longhorned Beetle. While no Valley Elderberry bushes (habitat for the Valley Elderberry Longhorned Beetle) were observed during the site reconnaissance, there remains potential for occurrence in the project area, particularly along Dry Creek.

9. The City finds, based on substantial evidence in the record, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the GPMEIR for the following additional significant effects on the environment. The City also finds, based on substantial evidence in the record, that overriding specific economic, legal, social, technological, or other benefits of the project outweigh the following significant effects on the environment.

(1) Transportation and Circulation. The Wastewater Master Plan will cause significant and unavoidable impact in this area. Additional impacts on transportation and circulation may result from implementation of the General Plan, which is accommodated by implementation of the Wastewater Master Plan. The City relies on substantial evidence such as that found in MEIR (SCH No. 96042009), at page VI-20. Specifically, the GPMEIR assumed the funding and construction of certain transportation improvement projects. However, funding for these projects is not currently available and it is not anticipated to be available in the reasonably foreseeable future, and therefore is infeasible.

(2) Degradation in Air Quality and Generation of Odors. Under the proposed Wastewater Master Plan, system wastewater flows by the year 2025 would increase ROG on the order of 50-100 pounds per day and $NO_x$ 250-500 pounds per day. The predicted increases of ROG and $NO_x$ would incrementally contribute to regional ozone concentrations. No feasible mitigation is available. Compliance with SJVUAPCD permit conditions and the use of emissions abatement technology would still exceed threshold levels. The City relies on substantial evidence found in the MEIR (SCH No. 96042009), at page VI-32.

10. Impacts Found Not to be Significantly Greater than Identified Previously.

(1) Growth Inducing Impact. Significant impacts were identified in the GPMEIR. The City adopted a Statement of Overriding Considerations for these impacts when it approved the GPMEIR. The Wastewater Master Plan Master EIR will result in no additional significant environmental effects to these resources.

(2) Traffic and Circulation Needs. With the implementation of

standard construction methods described in MEIR page VI-A, no significant impacts on traffic and circulation are expected. Operation of the Wastewater Master Plan Facility would incrementally increase traffic on Modesto roadways. Pursuant to MEIR VI-A.2 the increase in daily trips would not be considered significant.

(3) Degradation of Air Quality and Generation of Odors. Pursuant to MEIR VI-B.5., this effect would not be significant. The removal of solids that have accumulated in the secondary treatment pond system could generate PM-10 emissions. Pursuant to MEIR page VI-B.6, PM-10 emissions would be minimal since the solids would have a high moisture content when removed. The proposed biosolids processing at the Jennings Road facility can result in substantial odor and dust emissions. However, the City does not control future land use development in the vicinity of the Jennings Road facility. The co-composting facility at the Jennings Road plant would generate airborne particulates. As discussed at MEIR page VI-B.8., the City will comply with the SJVUAPCDs' rule 8030, and the visible dust emissions standard in this rule would be used by the City to indicate when dust abatement measures should be implemented.

(4) Generation of Noise. Noise generated from the construction operation of the Wastewater Master Plan Facility would significantly affect adjacent land uses. Noise generated from construction and operation of the Wastewater Master Plan Facility would be within the normally accepted range. MEIR page VI-C.

(5) Loss of Productive Agricultural Land. Biosolids by reason of potentially containing heavy metals and pathogens could cause agricultural lands to become

unsuitable for that use over extended periods of application. However, the proposed project does not propose to over apply or encourage over application of biosolids. MEIR page VI-D.2.

(6) Increased Demand for Water Supplies. The project would actually increase the availability of local water supplies, a beneficial impact.

(7) Increased Demand for Sanitary Sewer Services. The Wastewater Master Plan is, in effect, a response to the potential for increased demand for sanitary sewer services. MEIR page VI-F.

(8) Disturbance of Archeological or Historical Sites. No cultural resources were identified through completion of the record search and field surveys. MEIR page IV-K.

(9) Drainage, Flooding and Water Quality. Construction could have a variety of effects on the environment. The measures required for adequate mitigation are contained at MEIR pages VI-I.1, 2 and 3. Operation of water reclamation facilities would result in discharge of advanced treated effluent to the City's park and recreation facilities. Cannery flows would be directly applied to the crops on the City's ranch or other application site. Irrigation water that is not consumed by plants would either percolate to ground water or would run off to area creeks or rivers. Discharges would need to comply with Title 22 requirements for reuse and the Basin Plan in order to obtain a permit from the regional board. The Wastewater Master Plan would eventually result in a cessation of direct discharges to the San Joaquin River. MEIR page VI-I.4. Surface and ground waters could potentially be contaminated from the land application of co-composted biosolids. The City's proposed biosolids facility will produce

biosolids meeting Class A exceptional quality specifications. These biosolids would be unlikely to cause a significant degradation of water quality. MEIR page VI-I.5.

(10) Increased Demand for Storm Drainage. The expansion of the collection and treatment system would have a beneficial impact to the City's ability to relieve overloaded storm drains by diverting more flows to the sewer system. MEIR page VI-J.

(11) Increased Demand for Parks and Open Space. Facility construction may have temporary impacts on the usage of City parks. However, implementation of the Wastewater Master Plan would not be anticipated to result in the long term disruption of the normal use of parks or require the reduction in size of an existing park. MEIR page VI-K.

(12) Increased Demand for Schools. The Wastewater Master Plan would not generate a demand for schools beyond that analyzed in the GPMEIR. MEIR page VI-L.

(13) Potential for Increased Demand for Fire Services. The Wastewater Master Plan would not generate significantly greater cause for fire services beyond that analyzed in the GPMEIR. MEIR page VI-N.1. Additionally, the Wastewater Master Plan Facility would not be expected to significantly increase the risk of a hazardous material incident requiring fire department services. MEIR page VI-N.2.

(14) Generation of Solid Waste. The biosolids component of the project would recycle green waste that would otherwise be land filled, a beneficial impact. MEIR page VI-O. The Wastewater Master Plan would not generate significantly greater solid waste beyond that analyzed in the GPMEIR. MEIR page VI-O.

(15) Generation of Hazardous Materials. Construction activities, increased volume of traffic and movement of hazardous materials, and additional use and storage of hazardous materials for plant operations will occur. All of these effects are adequately dealt with in the MEIR. See pages VI-P.1, 2 and 3.

(16) Land Slides and Seismic Activity. All structures are required to conform to Uniform Building Code Regulations which mitigate the threat to public health and safety to below significant levels.

(17) Energy. Although the project would require additional electrical energy for operation of expanded treatment plants and pump stations and would require energy for construction, the co-generation digester gas burning engine would convert wasted gases to electricity. Thus, the Wastewater Master Plan would not create a significant increase in demand for energy beyond that analyzed in the GPMEIR. MEIR page VI-R.

11. With regard to the effects that are significant but mitigable, the City adopts new and additional mitigation measures, as permitted by Public Resources Code Section 21158(a). These mitigation measures are presented in the Executive Summary, attached hereto as Exhibit "1" and incorporated by reference herein, and are further presented in Exhibit "2", the Final EIR, which is not attached hereto but a copy of which is on file in the Office of the City Clerk.

12. Pursuant to Public Resources Code Section 21081, and CEQA Guidelines 15091 and 15093, the City has balanced the benefits of the proposed project against its unavoidable environmental risk in determining whether to approve the project and hereby

determine that some of the adverse environmental effects although significant and unavoidable are outweighed by certain economic, fiscal, social, environmental, land use and other overriding considerations. In that regard, Exhibit "3" attached hereto and adopted and incorporated herein by this reference, entitled Statement of Findings of Significant Unavoidable Impacts and Overriding Considerations states the significant adverse, unavoidable impacts identified in the MEIR and that certain economic, social or other considerations make infeasible certain mitigation measures and project alternatives identified in the MEIR.

13. Cumulative Impacts, Growth Inducing Impacts and Irreversible Significant Effects on the Environment. The City hereby finds, that the analysis presented in the GPMEIR regarding cumulative impacts, growth inducing impacts and irreversible significant effects on the environment, is adequate for the MEIR. This analysis is presented throughout the MEIR.

14. Alternatives Evaluated. The MEIR contains additional analysis of alternatives beyond the analysis presented in the GPMEIR. These include: expanded treatment without cannery separation, expanded treatment with cannery separation, year-round discharge without cannery separation, year-round discharge with cannery separation, water reclamation without cannery separation, and no project. The major characteristics of each aforementioned alternative and their environmental impacts associated therewith are summarized in the MEIR at page VII-4.

15. Proposed Modifications to the GPMEIR. Public Resources Code Section 21157.6(b) permits the MEIR to modify the GPMEIR, by including updated information.

Chapter VIII of the MEIR presents this information which generally reflects a revised land use diagram and a revised projected population and employment table. These are reproduced at MEIR page VIII-1 and is hereby adopted and incorporated into the GPMEIR. (Exhibit "4")

16. Mitigation Monitoring. Public Resources Code Section 21081.6(b) provides that mitigation monitoring requirements can be achieved by incorporating the mitigation measures into the plan, policy, regulation, or project design. A mitigation monitoring program has been accomplished by directly incorporating the mitigation measures set forth in the Executive Summary to the MEIR. The City adopts the Statement of the Mitigation Monitoring Program attached hereto as Exhibit "5", and incorporated herein by reference.

17. Certification. Based on the above facts and findings, the City Council of the Modesto hereby certifies the MEIR for the Wastewater Master Plan as both accurate and adequate. The City Council further certifies that the MEIR was completed in compliance with CEQA and the State CEQA Guidelines. The Community Development Director is directed to file a Notice of Determination as required by CEQA and the State CEQA Guidelines.

18. Location and Custodian of Documents. The record of project approval shall be kept in the Office of the City Clerk, City of Modesto, City Hall, 801 - 11th Street, Modesto, California, 95354.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of May, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

| | | |
|---|---|---|
| AYES: | Councilmembers: | Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa and Mayor Lang |
| NOES: | Councilmembers: | None |
| ABSENT: | Councilmembers: | None |

ATTEST: Original Signed By
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

The foregoing is a correct copy of the original on file in this office which has not been revoked and is now in full force and effect.
ATTEST:
JUDY C. HALL, Acting City Clerk of the City of Modesto, County of Stanislaus, State of California.



W:\APPS\CAOFFICE\ROLLP\RESOS\WASTEWTR

CALENDAR PAGE 29

MINUTE PAGE 001050

NO TEXT THIS PAGE

# CHAPTER I
## EXECUTIVE SUMMARY

### A. INTRODUCTION

This Master Environmental Impact Report (EIR) has been prepared to evaluate the potential environmental impacts from implementing the proposed City of Modesto Wastewater Master Plan. The Wastewater Master Plan is a long-range strategic plan to guide the improvement and expansion of the City's wastewater collection, treatment, and disposal facilities and operations over the next 30 years. The plan is necessary because:

1. The existing wastewater treatment system is overloaded by flows in the late summer months from the food processing canneries in the City and from stormwater infiltration/inflow during winter storms.

2. The system is being operated near its capacity throughout the year and with projected population growth will soon be operating above its capacity. New sewers are needed to accommodate planned growth in outlying areas

3. The facilities are aging and need to be upgraded or rehabilitated.

4. Regulations governing the discharge of treated wastewater to the San Joaquin River are becoming stricter and may affect the ability of the City to continue discharging.

5. There are opportunities to recycle treated wastewater effluent and biosolids and beneficially use these waste products.

The goal of the Wastewater Master Plan is to accommodate the wastewater service needs of the population and land uses described in the City's Urban Area General Plan planned through 2025. Objectives of the Master Plan include:

1. Implement the City's economic goals by planning for, and providing, sewer infrastructure in a timely and cost effective manner to serve new and existing development.

2. Continue the City's policy of providing affordable and attractive wastewater rates.

3. Plan for state-of-the-art facilities that meet changing regulatory requirements reliably and economically and that can be endorsed by City officials, public citizens, and industry.

4. Replace outdated facilities such as the gas chlorination facility at the Sutter Avenue Plant with safer and more environmentally sensitive equipment.

5. Firmly commit to community sensitivity by controlling odors at the Sutter Avenue Plant.

6. Encourage the regional beneficial use of reclaimed water.

7. Maintain quality standards, as established by the Central Valley Regional Water Quality Control Board, for effluent and biosolids to protect public health and the environment.

The Department of Health Services in its letter dated February 19, 1997 concurs with the objective of the Wastewater Master Plan to encourage the use of recycled water provided that public health is protected.

This Master EIR is intended to be used by City officials in considering approval of the Wastewater Master Plan and by state and local agencies in authorizing permits and approvals for implementing the Plan. It has been prepared in accordance with the California Environmental Quality Act (CEQA) and Guidelines, as currently amended.

## GROWTH INDUCING IMPACTS

The City of Modesto is anticipating and planning for a significant increase in population over the next 30 years. This growth is considered beneficial and necessary to achieve key economic and social goals of the City. These goals include increasing employment opportunities in the region and providing affordable housing for area residents, among others.

In planning for its future, the City has developed population and employment projections based on a number of assumptions of future conditions, including household size and employees per acre for the various land uses designated in the Urban Area General Plan. These assumptions are educated estimates and while the City believes they are reasonable and appropriate, the development and population that would actually occur on a given parcel may vary considerably, depending on future economic and social factors. For example, the City assumed a household size of 3.0 persons per home. It would not be unreasonable, depending on social and economic factors, for the actual household size in year 2025 to be between 2.5 and 3.5 persons which would significantly change the total population and the needed facilities for the wastewater system to accommodate the population.

The proposed Wastewater Master Plan used the same land use designations and population and employment factors as the General Plan and, therefore, is planned to accommodate the same Modesto year 2025 estimated population (467,000) as the General Plan. Additional assumptions on wastewater flow rate generation and standard engineering practices, such as the use of standard size pipes and factors of safety, were adhered to in the development of the Wastewater Master Plan which also introduces variability in the total accommodated population.

Since the proposed Wastewater Master Plan and the General Plan are based on the same growth assumptions and accommodate the same estimated populations, the growth inducing impacts of the proposed project are the same impacts as the General Plan impacts which are described in

Chapter V of this document. Some of these impacts are significant and unavoidable, and the City has previously prepared a Statement of Overriding Considerations to address the environmental consequences.

The California Department of Transportation in Comment H-19 of their letter dated June 12, 1995 inquired about the City's policy for funding transportation improvements and the mitigation of traffic impacts caused by additional population growth. Funding and construction of certain transportation projects was assumed in the GPMEIR to mitigate significant impacts on traffic caused by implementing the General Plan. However, funding for these projects is not currently available and is not anticipated to be available in the reasonably foreseeable future. Therefore, funding of improvements as a mitigation is not considered "feasible" as defined in CEQA Section 21061.1 (i.e. "...capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.") Thus, the overall conclusion reached in the GPMEIR that there would be significant unavoidable traffic impacts as a result of implementing the City's updated General Plan remains valid. While this is a re-statement of the conclusion made in the GPMEIR and is therefore not a new finding of the Wastewater Master Plan Master EIR, the City will also include this clarifying language in the GPMEIR for consistency.

The project impacts are consistent with an approved, orderly land use plan supported as much as possible by adequate public services. However, as described in CEQA Section 15126(g) the expansion of wastewater facilities may allow for more construction and foster economic or population growth and this growth may further tax existing community services. The proposed project would remove an obstacle to growth which would result in significant unavoidable impacts.

According to CEQA Section 15126 (g), "It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment." However, in this case, the growth accommodated by the Wastewater Master Plan would be beneficial as it would foster the objectives of the City's General Plan. These objectives include job creation, provisions for affordable housing, and other economic and social considerations.

## MASTER EIR AND ANTICIPATED SUBSEQUENT PROJECTS

This document was prepared as a Master EIR under CEQA Section 21157 because the Wastewater Master Plan is a project that consists of smaller individual projects which will be carried out over time. The anticipated subsequent projects are described in Chapter III.

Subsequent projects would be the subject of an Initial Study to analyze whether the subsequent project may cause significant effects that were not examined in this Master EIR. After considering the Initial Study, the City may determine that the proposed subsequent project would

have no additional significant impacts and that no new environmental document is required. If the Initial Study identifies potentially new or additional significant effects, the subsequent project would undergo environmental review by the use of a Mitigated Negative Declaration or Focused EIR. The subsequent environmental document would analyze only the subsequent project's additional significant effects not addressed in this Master EIR and/or the Master EIR for the 1995 General Plan Update.

Not all of the information about certain anticipated subsequent projects is known at this time, and therefore, a full assessment of their potential impacts cannot be made. For this reason, and as described in CEQA Section 21157(b)(3), the various impacts sections in Chapter VI include a description of "Aspects of the Analysis For Which There is Not Sufficient Information Available at this Time." This section will help to focus subsequent environmental review. In addition, it should be noted that the City will not be precluded from relying on this Master EIR solely because a subsequent project, as ultimately proposed for approval, is not specifically identified or listed by name in this document.

A Draft Master EIR was circulated to local, state and federal agencies to review and comment on the report. On January 7, 1997 the City of Modesto released the Draft EIR for a 45-day public review and comment period which closed on February 21, 1997. The City received 11 letters from various agencies and a member of the public. Responses to the comments were prepared and are presented in Appendix D. These comments and comments from City staff resulted in a number of modifications to the Draft EIR, however, none of the modifications were significant and the City has chosen to not recirculate the Draft EIR.

The City Council may consider certifying this Final EIR. Upon Final EIR certification, the City may proceed with project approval actions and construction.

## RELATIONSHIP TO OTHER CEQA DOCUMENTS

As provided under CEQA Section 21158(a), this Master EIR evaluates the significant environmental effects on the environment of the project not addressed in the City's Urban Area General Plan Master EIR (GPMEIR). The Wastewater Master Plan was identified in the GPMEIR as an anticipated subsequent project.

The City is currently preparing a Master EIR for the Land Application of Class A Exceptional Quality Biosolids (Land Application MEIR). This Wastewater Master Plan Master EIR addresses the environmental impacts of the production of biosolids at the City's wastewater treatment plant, along with several other projects. The Land Application MEIR addresses environmental issues raised by the land application of those biosolids. Land application of biosolids was identified in the City's General Plan as the most environmentally beneficial use of this resources compared to landfilling or incineration.

## B. PROJECT DESCRIPTION

The City wastewater facilities serve both domestic wastewater (sewage) from residences and offices in the service area and wastewater generated at industrial facilities, most notably the numerous food processors (canneries) in the southeastern part of the City. Wastewater flows to the City's Sutter Avenue treatment plant in sewers mostly by gravity, however, in some areas of the City it is pumped uphill through "force mains". All wastewater generated in the service area undergoes physical (primary) treatment. After treatment, the liquid portion of the treated wastewater (effluent) is conveyed in a large pipeline (Outfall) to the City's Secondary Wastewater Treatment Plant on Jennings Road in unincorporated Stanislaus County.

The stabilized solid portion of the treated wastewater (biosolids) is applied on the City's ranch or nearby farms as a fertilizer. At the Jennings Road Plant, the effluent undergoes biological (secondary) treatment and is discharged either by irrigating the City's ranch or to the San Joaquin River. The solid portion of the secondary treatment has been accumulating in the plant's treatment ponds and has not been removed or further treated.

The Wastewater Master Plan consists of a collection of projects to correct system deficiencies, accommodate future wastewater service needs, and meet regulatory requirements. The adopted Land Use Diagram in the City's Urban Area General Plan plans for an estimated buildout population in 2025 of 467,000, more than double the current population. The wastewater treatment system, with a current Average Daily Dry Weather Flow capacity of 29 million gallons per day (mgd), will need to accommodate over 72 mgd in 2025.

Projects proposed in the Master Plan as the Preferred Alternative are:

1. Construct New and Replacement Collection System Facilities. This includes sewers to relieve overloaded sewers, extensions of trunk sewers to serve new developments, pump stations, and force mains.

2. Construct Facilities for the Segregation of Cannery Wastewater. New sewers dedicated to the canneries in the southeastern part of the City would be constructed to increase the efficiency of the wastewater system. The flows would be diverted to a land application area at the Jennings Road wastewater treatment plant.

3. Rehabilitate the Sutter Avenue Treatment Plant. A number of near-term improvements are necessary within the existing plant.

4. Negotiate a Water Exchange Agreement. This would involve an agreement with a water agency in the area to exchange reclaimed water suitable for agricultural irrigation with potable water.

5. Construct a Demonstration Water Reclamation Plant. A 5 million gallon per day (mgd) plant would be sited at the Sutter Avenue treatment plant to demonstrate the high water quality that can be produced at the plant for irrigation uses.

6. Construct a Full Water Reclamation Facility. This plant may also be sited at the Sutter Avenue treatment plant, although other sites are also under consideration.

7. Modify the Jennings Road Treatment Plant. The modifications would convert half of the existing pond system to sludge dewatering facilities, add a co-composting facility to produce Class A Exceptional Quality biosolids from wastewater sludge, and construct pipelines from the Sutter Avenue plant.

The distinguishing elements of the Preferred Alternative are the separation of cannery flows, which would significantly decrease the flows to the wastewater treatment system, and the recycling of effluent through a water reclamation plant, which would allow the City to discontinue discharge to the San Joaquin River.

## C. ALTERNATIVES

Several alternatives to the project, including the No Project alternative were analyzed.

**Expanded Treatment Without Cannery Separation.** Under this scenario, the existing wastewater treatment and disposal practices of seasonal discharge to the San Joaquin River and irrigation of crops would continue without the water reclamation components of the Preferred Alternative. The capacities of the facilities would be expanded to accommodate the projected flow increases. This alternative would achieve the objective of providing treatment of wastewater to meet current water quality regulations. However, it is likely that stricter discharge requirements will be imposed in the future and that the capacity of the City's Ranch to absorb higher irrigation flows will be exceeded. To continue the current discharge practices under stricter water regulations and higher flows could require extensive upgrades of the treatment processes and additional irrigation land. This alternative would continue to provide treatment of the cannery flows and would continue discharging to the San Joaquin River. Treating these flows would require substantially more energy and chemical usage and would result in additional impacts to air quality than the Preferred Alternative.

**Expanded Treatment With Cannery Separation.** This alternative is similar to the above alternative, but would add the cannery separation components. As with the Preferred Alternative, the separation of cannery wastes would reduced the flows to the treatment system. The concerns noted above for the viability of future discharges to the river would also be evident for this alternative. All other impacts would remain substantially as those from the Preferred Alternative.

**Year-round Discharge Without Cannery Separation.** This alternative is similar to the Expanded Treatment Alternative, with the addition of advanced treatment at the Jennings Road location. This alternative, however, would upgrade the treatment system so that discharge to the San Joaquin River could be done without the seasonal restrictions by the Regional Board. By

expanding the treatment capability, the City would avoid additional land purchases and modifications to the irrigation system. With the de-emphasis on irrigation, the existing City property becomes more flexible to accommodate cannery flows or sludge (biosolids) application.

This alternative would continue to provide treatment of the cannery flows and would continue discharging to the San Joaquin River. Treating these flows would require substantially more energy and chemical usage and would result in additional impacts to air quality than the Preferred Alternative. This alternative would not have the beneficial effect of recycling wastewater for irrigation on City parks and the corresponding reduction in potable water demand.

**Year-round Discharge With Cannery Separation.** This alternative is similar to the Year-Round Discharge alternative described above, with the addition of the cannery separation components of the Preferred Alternative. The separation of cannery wastes would reduce the flows to the treatment system. The impacts of this alternative would be similar to the impacts of the Year-Round Discharge alternative described above, but by land applying cannery waste, the impacts to energy, chemical use, and air quality would be reduced as with the Preferred Alternative. The concerns noted above for the viability of future discharges to the river would also be evident for this alternative.

**Water Reclamation Without Cannery Separation.** This alternative is similar to the Preferred Alternative except the cannery wastes would continue to be treated by the wastewater system and would not be segregated. All of the effluent would be reused or stored for subsequent irrigation. This alternative would provide treatment of the cannery waste (commingled with the domestic waste) and would incur the corresponding additional energy and chemical use and air quality impacts.

**No Project.** The No Project Alternative would continue the present wastewater collection, treatment, and discharge system. Wastewater flows would continue to increase as the City grows. Development outside the existing trunk system would be limited to low-density developments served by individual septic systems. Without the relief sewers, the existing trunk sewers would soon be overloaded and the City may be forced to place a moratorium on new developments. The City would continue to treat wastes from the canneries, incurring operational costs of over $1 million annually for energy and chemicals. The Sutter Avenue Plant facilities would continue to decay. Odors would continue. The sludge buildup in the Jennings Plant aeration basins would continue to accumulate, further decreasing the treatment effectiveness and potentially causing violations of the NPDES permit for discharging poor quality effluent. Co-composting and water reclamation for producing irrigation water for parks would not be conducted, foregoing the opportunity to reuse these materials.

The Environmentally Superior Alternative would be the Preferred Alternative because it would maximum reuse of waste products (recycled water and biosolids) resulting in beneficial impacts to water supply demand and solid waste generation, minimum use of energy and chemicals, and lesser air quality impacts (from separation of cannery wastes).

## D. ISSUES TO BE RESOLVED AND AREAS OF CONTROVERSY

In accordance with CEQA, the City circulated a Notice of Preparation of an Environmental Impact Report (NOP) for the project from April 1, 1996 through April 30, 1996. The NOP included an Initial Study and made determinations as to the scope of the EIR based on initial staff review of the project. It was determined that the EIR should conduct further environmental analysis of:

1. Growth Inducing Impacts
2. Cumulative Impacts
3. Increased Demand for Sanitary Sewers
4. Increased Demand for Water Supplies
5. Loss of Sensitive Wildlife and Plant Habitat
6. Disturbance of Archaeological or Historical Sites
7. Degradation of Air Quality
8. Increased Demand for Parks and Open Space
9. Loss of Agricultural Land
10. Increased Demand for Storm Drainage
11. Increased Demand for Fire Services
12. Landslides and Seismic Activity
13. Generation of Hazardous Materials

The City circulated the Draft Master EIR to agencies and the public and received letters commenting on the project which are shown in Appendix D. Based on a review of these letters, the following issues may still remain unresolved and/or controversial:

1. Traffic and Circulation

   As noted in Section A above, during the public review of the Draft Wastewater Master Plan Master EIR, Caltrans inquired about the City's policy for funding transportation improvements and the mitigation of traffic impacts caused by additional population growth. Funding and construction of certain transportation projects was assumed in the General Plan Master EIR to mitigate significant impacts on traffic caused by implementing the General Plan. However, funding for these projects is not currently available and is not anticipated to be available in the reasonably foreseeable future.

   This issue has been controversial with Caltrans since the General Plan was approved in 1995 and remains unresolved.

2. Growth Inducing Impacts

   The projections of wastewater flow were based on population forecasts prepared for the General Plan. The population projections were developed using certain assumptions about

the intensity of development, population, and employment in the City. While no controversy was raised on this issue since publication of the Draft Wastewater Master Plan Master EIR, long term growth projections, however, are estimates and may always have some uncertainty which may remain unresolved.

## E. SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Many of the potential environmental impacts of the project would be mitigated by existing environmental regulations and policies at the various levels of government. For this reason, Chapter VI includes a section that describes, "Conditions That Mitigate Potential Environmental Effects" for each environmental resource evaluated.

The potential environmental impacts of the project are described in Chapter VI and summarized in Table I-1 below. The project would cause significant, unmitigable effects on air quality from the increased air emissions attributable to the higher wastewater flowrates and from construction activities. All other impacts were found to be less than significant or could be mitigated to a less than significant level.

## F. CHANGES IN THE MASTER EIR RESULTING FROM LETTERS RECEIVED DURING THE PUBLIC REVIEW AND COMMENT PERIOD

1. It has been noted in Section A that the Department of Health Services in its letter dated February 19, 1997 concurs with the objective of the Wastewater Master Plan to encourage the use of recycled water provided that public health is protected.

2. Section IV of Table I-1 was modified to add the Growth Inducing Impact based on the letter dated February 21, 1997 from the Stanislaus Area Association of Governments.

3. Information was provided in Section A - Growth Inducing Impacts and in Table I-1 on additional growth impacts on traffic from implementing the General Plan based on Caltrans letter dated June 12, 1995.

## TABLE I-1
## SUMMARY OF IMPACTS AND MITIGATION MEASURES

### I. IMPACTS THAT ARE SIGNIFICANT BUT MITIGABLE

In order to support its decision on a project for which an EIR has been prepared, a lead agency must prepare written findings of facts for each significant impact identified in the EIR (Public Resources Code 21081). The lead agency must make findings that the project has been changed (including the adoption of mitigation measures) to avoid, or substantially lessen the magnitude of, the impact or, if this finding is not possible, the agency may make other findings as appropriate. The following section of this table presents the impacts of this project that are mitigable to a less-than-significant level, the mitigation measures, and the mitigation monitoring requirements.

| ENVIRONMENTAL IMPACT | MITIGATION |
|---|---|
| **DEGRADATION OF AIR QUALITY AND GENERATION OF ODORS** | |
| VI-B.1. The increase in system wastewater flows at the Sutter Avenue Plant would increase odorous emissions. | **VI-B.1.a.** The proposed Wastewater Master Plan includes several inter-related components specifically included for the purpose of reducing odors emanating from the Sutter Avenue facility. Odor control methods include injection of ferrous chloride at upstream locations in the sewer system and at the plant, covering the DAF thickeners and the effluent launders of the primary clarifiers and collecting the gas for subsequent scrubbing and processing.<br><br>**VI-B.1.b.** The City would develop and implement an Odor Contingency Plan to reduce or eliminate odors related to upset conditions. |
| VI-B.2. The biosolids processing facilities at the Jennings Road Plant and the excavation of solids from the secondary treatment ponds may cause odors to any potential future residential communities in the area. | **VI-B.2.** The City would keep the County informed of its plans for the Jennings Road facility and would encourage the County to maintain the current agricultural land designations for lands within a mile of the Jennings Road facility. |
| **LOSS OF PRODUCTIVE AGRICULTURAL LAND** | |
| VI-D.1. Construction of the portion of the parallel outfall pipeline from Whitmore Avenue to Hackett Road would temporarily displace a limited area of orchard and other agricultural lands. | **VI-D.1.** The City shall reduce the potential for conflicts with the agricultural use by siting construction easements and equipment staging areas so that the amount of any displacement of agricultural lands is minimized. |

## TABLE I-1
## SUMMARY OF IMPACTS AND MITIGATION MEASURES (Continued)

### II. IMPACTS THAT ARE SIGNIFICANT BUT WHOSE MITIGATION FALLS OUTSIDE THE JURISDICTION OF THE CITY OF MODESTO

In order to support its decision on a project for which an EIR has been prepared, a lead agency must prepare written findings of fact for each significant impact identified in the EIR (Public Resources Code 21081). The lead agency must make findings that the project has been changed as described in Section I of this table or that the changes to the project are within another agency's jurisdiction and that such changes have been or should be adopted; or that specific economic, social, legal, technical or other considerations make the mitigation measure infeasible.

| ENVIRONMENTAL IMPACT | MITIGATION |
|---|---|
| LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT | |
| VI-G. The proposed outfall pipeline connecting the Sutter Avenue Plant to the Jennings Road Plant would traverse the Tuolumne River and Pipeline 24C would cross Dry Creek. Based on pre-construction surveys (see mitigation measures below), sensitive species may be identified in an area where project noise or habitat modification could result in the loss of important habitat and/or displacement of the species of the area. Sensitive habitat potentially affected would include wetlands and riparian natural communities. Sensitive species potentially affected include Sacramento splittail, Swainson's hawk, and Valley elderberry longhorn beetle. While no Valley elderberry bushes (habitat for the Valley elderberry long beetle) were observed during the site reconnaissance, there remains potential for occurrence in the project area, particularly along Dry Creek. | **VI-G.** Sensitive species surveys would be conducted in the Dry Creek and Tuolumne River areas at the appropriate season to determine occurrence of Swainson's hawk, passerine birds and other raptors. Surveys would employ accepted methodologies as determined by CDFG and USFWS. Any elderberry bushes shall be avoided and preserved, and avoided areas shall also be protected by fencing, signage and/or establishment of buffer areas. At the time the specific alignment for the new pipeline crossings are identified and marked in the field, a qualified biologist should review the alignment to confirm absence.<br><br>Where Swainson's hawk are determined present within 0.25 miles of the trenching operation, and actively involved in pre-nesting or nesting behaviors, either:<br><br>A. No construction will take place until the end of the nesting season (July), or<br>B. A qualified observer (Certified Wildlife Biologist) shall monitor the nest to determine if construction operations will jeopardize nesting success, in which case operations shall be suspended as per (A), above. |

## TABLE I-1
## SUMMARY OF IMPACTS AND MITIGATION MEASURES (Continued)

### III. IMPACTS THAT ARE SIGNIFICANT AND NOT MITIGABLE

In order to support its decision on a project for which an EIR has been prepared, a lead agency must prepare written findings of facts for each significant impact identified in the EIR (Public Resources Code 21081). The lead agency must make one of three possible findings: that the project has been changed; or that the changes to the project are within another agency's jurisdiction and that such changes have been or should be adopted; or that specific economic, social, legal, technical, or other considerations make the mitigation measure infeasible. The following section of this table presents the impacts that are not mitigable to a less-than-significant level.

| ENVIRONMENTAL IMPACT | MITIGATION |
|---|---|
| TRANSPORTATION AND CIRCULATION | |
| VI-A. Additional impacts on transportation and circulation may result from implementation of the General Plan, which is accommodated by implementation of the Wastewater Master Plan. | **VI-A.** The analysis of impacts and mitigation of transportation and circulation in the GPMEIR assumed the funding and construction of certain transportation improvement projects. However, funding for these projects is not currently available and is not anticipated to be available in the reasonably foreseeable future, and therefore is not feasible. |
| DEGRADATION IN AIR QUALITY AND GENERATION OF ODORS | |
| VI-B.3. Under the proposed Wastewater Master Plan, system wastewater flows by 2025 would increase ROG on the order of 50 to 100 pounds per day, and $NO_x$ 250 to 500 pounds per day. The predicted increases of ROG and $NO_x$ would incrementally contribute to regional ozone concentrations. | No feasible mitigation is available. Compliance with SJVUAPCD permit conditions and the use of emissions abatement technology would still exceed threshold levels. |
| VI-B.4. Construction activities are anticipated to exceed the $NO_x$ significance threshold of 55 pounds per day and 10 tons per year in some years. | **VI-B.4.** No feasible mitigation is available. |

## TABLE I-1
## SUMMARY OF IMPACTS AND MITIGATION MEASURES (Continued)

### IV. IMPACTS FOUND NOT TO BE SIGNIFICANTLY GREATER THAN IDENTIFIED PREVIOUSLY

The following section of this table presents the impacts that are found not be significant, or are impacts identified in the GPMEIR and the City finds that no additional significant environmental effects will result.

| ENVIRONMENTAL IMPACT | RATIONALE |
|---|---|
| GROWTH INDUCING IMPACT | |
| V-1. Implementation of the Wastewater Master Plan would remove an obstacle to growth which would contribute to significant impacts identified in the General Plan Master EIR. These significant impacts are on Traffic and Circulation, Degradation of Air Quality, Noise, Loss of Productive Agricultural Land, Increased Demand for Water Supply, Drainage, Flooding and Water Quality, and Increased Demand for Storm Drainage. | **V-1.** Significant impacts to these resources were identified in the General Plan Master EIR. The City adopted a Statement of Overriding Considerations for these impacts when it approved the General Plan Master EIR. The Wastewater Master Plan Master EIR will result in no additional significant environmental effects to these resources. |
| TRAFFIC AND CIRCULATION NEEDS | |
| VI-A.1. Construction of the cannery segregation sewers, sewer extensions, relief sewers, the new force main, and the new outfall and sludge pipelines may have temporary impacts on the operation of the Modesto roadway network. | **VI-A.1.** With the implementation of standard construction methods described in VI.1.I.C., no significant impacts on traffic and circulation would be expected. |
| VI-A.2. Operation of the Wastewater Master Plan facilities would incrementally increase traffic on Modesto roadways. | **VI-A.2.** Traffic generation associated with the WWMP includes that generated by a small increase in the number of persons required to operate the facilities, approximately ten truck trips per day for the delivery of green waste and approximately 20 truck trips per day for shipment of the finished product from the biosolids co-composting facility at the Jennings Road Plant. This increase in daily truck trips would not be considered significant. |
| DEGRADATION OF AIR QUALITY AND GENERATION OF ODORS | |
| VI-B.5. Modifications to the wastewater treatment facilities and increases in wastewater flow would change the overall amount of emissions of toxic air contaminants and the associated health risks. | **VI-B.5.** This effect would not be significant since the SJVUAPCD's calculated risk value of 0.5 is sufficiently low that even a ten-fold increase in TAC emissions (which would not be expected) would not cause the risk to approach the significance threshold of 10 in a million. |

## TABLE I-1
## SUMMARY OF IMPACTS AND MITIGATION MEASURES (Continued)

| ENVIRONMENTAL IMPACT | RATIONALE |
|---|---|
| VI-B.6. The removal of solids that have accumulated in the secondary treatment pond system could generate PM-10 emissions. | **VI-B.6.** PM-10 emissions would be minimal since the solids would have a high moisture content when removed. |
| VI-B.7. The proposed biosolids processing at the Jennings Road facility can result in substantial odor and dust emissions. However, the City does not control future land use development in the vicinity of the Jennings Road facility, and if the County were to allow new residential development near the facility, the biosolids processing activities could result in nuisance and health concerns for those residents. | **VI-B.7.a.** The potential for substantial impacts related to odor and PM-10 (finer particulates) would be minimized by the lack of existing sensitive land uses in the vicinity of the Jennings Road facility.<br><br>**VI-B.7.b.** To avoid the potential for land use conflicts with development of new and expanded biosolids processing facilities at the Jennings Road facility, the City would keep the County informed of its plans for the Jennings Road facility and would encourage the County not to approve new residential development within a mile of the Jennings Road facility. |
| VI-B.8. The co-composting facility at the Jennings Road Plant would generate airborne particulates. | **VI-B.8.** The City would comply with the SJVUAPCD's Rule 8030 "Fugitive Dust Requirements for Control of Fine Particulate Matter (PM-10) from Handling and Storage of Bulk Materials." The "visible dust emissions" standard in this rule would be used by the City to indicate when dust abatement measures should be implemented and would have the beneficial effect of reducing PM-10 as well as the larger particulate that would fall out on neighboring agricultural fields. Potential dust abatement measures would include wetting, installation of wind breaks, minimizing mechanical disturbance, lowering of drop heights, etc. |
| GENERATION OF NOISE | |
| VI-C. Noise generated from construction and operation of the Wastewater Master Plan facilities would not significantly affect adjacent land uses. | **VI-C.** Noise generated from construction and operation of the Wastewater Master Plan facilities would be within the normally accepted range and would not significantly affect ambient noise levels of surrounding residential or other sensitive land uses in most instances. In addition, construction related impacts would be temporary.<br><br>The Generation of Noise was examined at a sufficient level in the GPMEIR. All mitigation measures identified in the GPMEIR will apply citywide, including those applicable to the Wastewater Master Plan. |
| LOSS OF PRODUCTIVE AGRICULTURAL LAND | |
| VI-D2. Biosolids, by reason of potentially containing heavy metals and pathogens, could cause agricultural lands to become unsuitable for that use over extended periods of application. This might occur either as a result of toxicity to crops and livestock, or as a result of the unacceptability of the final product to be marketed. | **VI-D2.** The proposed project does not propose to over-apply or encourage over-application of biosolids. There is an economic disincentive to overapplying biosolids in that the cost of purchasing, transporting and applying the biosolids would be similar to other forms of fertilizer or soil amendments. Bulk material (e.g. biosolids which is not bagged) which meets the pollutant concentrations in Section 503.13(b)(3), Class A pathogen requirements, and one of the vector attraction reduction requirements in Section 503.33 (b) (1) through (b) (8) presents a negligible risk to the public, agriculture or livestock. Consequently, there are not expected to be any significant adverse environmental consequences of the proposed biosolids land application. |

## TABLE I-1
## SUMMARY OF IMPACTS AND MITIGATION MEASURES (Continued)

| ENVIRONMENTAL IMPACT | RATIONALE |
|---|---|
| INCREASED DEMAND FOR WATER SUPPLIES | |
| VI-E. The project would increase the availability of local water supplies, a beneficial impact. | **VI-E.** By more fully recycling the City's wastewater, the City would be able to further decrease demand for potable water. In addition, the additional recycled water applied as irrigation water would percolate to the groundwater basin and would be added to the City's groundwater supply. |
| INCREASED DEMAND FOR SANITARY SEWER SERVICES | |
| VI-F. Potential for increased demand for sanitary sewer services. | **VI-F.** The proposed Wastewater Master Plan is, in effect, a response to the potential for increased demand for sanitary sewer services. Staff's Initial Determination that no further analysis is needed for increased demand for sewer services was published in the NOP on April 1, 1996. Comments were solicited from responsible agencies, and no comments were provided that contradicted the finding. |
| DISTURBANCE OF ARCHAEOLOGICAL OR HISTORICAL SITES | |
| VI-H. Potential for disturbance of archaeological or historical sites. | **IV-K.** Within the facilities and routes for the Preferred Alternative, no cultural resources were identified through completion of the records search and field surveys. Given this absence of cultural resources in the Area of Potential Effect (APE), there are no significant impacts and therefore no requirements for mitigation. In conducting the literature review and field surveys, the City has ensured that the Wastewater Master Plan projects would not adversely impact any known or recorded cultural resources. |
| DRAINAGE, FLOODING AND WATER QUALITY | |
| VI-I.1. Proposed earthwork would expose disturbed soils to wind and water erosion and could, in turn, result in sedimentation of the adjacent rivers and drainage channels. | **VI-I.1.** The City would implement both the erosion control measures described in Section VI-Q, Landslides and Seismic Activity of the EIR, and dust control program described in Section VI-B, Air Quality of the EIR. In addition, the RWQCB requires an NPDES Stormwater Permit for certain construction sites to prevent erosion and subsequent degradation of surface and groundwater. |
| VI-I.2. Construction of facilities at the Sutter Avenue Plant and Jennings Road Plant would result in additional structures within the 100-year floodplain. | **VI-I.2.** The modifications proposed at both facilities would not involve habitable structures and would not result in an increase in risk to life or property. All structures within this area would comply with flood hazard protection requirements and flood insurance requirements. Buildings would have berms around them or be raised 1 foot above the base flood elevation. |
| VI-I.3. Construction of the proposed Master Plan facilities would involve short-term dewatering of groundwater in excavated areas. Groundwater may be encountered during excavation and would need to be removed by pumping. Groundwater would be discharged to the rivers or placed in the City's stormwater or sewer system. | **VI-I.3.** This dewatering activity would not substantially reduce the amount of groundwater or alter the direction of groundwater flow. |

## TABLE I-1
## SUMMARY OF IMPACTS AND MITIGATION MEASURES (Continued)

| ENVIRONMENTAL IMPACT | RATIONALE |
|---|---|
| VI-I.4. Operation of water reclamation facilities would result in discharge of advanced treated effluent to the City's parks and recreation facilities. Cannery flows would be directly applied to the crops on the City's Ranch or other application site. Irrigation water that is not consumed by plants would either percolate to groundwater or would runoff to area creeks or rivers. | **VI-I.4** Discharges would need to comply with Title 22 requirements for reuse and the Basin Plan in order to obtain a permit from the Regional Board. The Wastewater Master Plan would eventually result in a cessation of direct discharges to the San Joaquin River. |
| VI-I.5. Surface and groundwaters could potentially be contaminated from the land application of co-composted biosolids. | **VI-I.5.** The City's proposed biosolids facility would produce biosolids meeting Class A Exceptional Quality specifications, the quality of biosolids with the lowest concentration of potentially harmful constituents. Class A biosolids are treated to where they contain very low concentrations of pathogens, metals, and nutrients. Incidental discharges of small amounts of Class A biosolids would be unlikely to cause a significant degradation of water quality. The low levels of pathogens in the material would create water quality conditions no worse than those downstream of a wastewater treatment plant discharge or grazing livestock area. Metals in Class A biosolids are also required to be at low levels. If discharged, some of the metals would dissolve into solution, but most would be insoluble. For conceivable discharge volumes, the resulting concentrations would be less than drinking water standards. Organic matter from discharged biosolids would increase the BOD in the water. Any increase in BOD from an incidental biosolids discharge would be temporary and localized. |
| INCREASED DEMAND FOR STORM DRAINAGE | |
| VI-J. Potential for increased demand for storm drain facilities. | **VI-J.** The expansion of the collection and treatment system would have a beneficial impact to the City's ability to relieve overloaded storm drains by diverting more flows to the sewer system. Relief sewers would be able to convey additional flows to the plant. The expanded facilities at the plant would allow for additional intentional infiltration, particularly during non-peak wastewater flow periods. Relief sewers would be able to convey additional flows to the plant. The expanded facilities at the plant would allow for additional intentional infiltration, particularly during non-peak wastewater flow periods. |
| INCREASED DEMAND FOR PARKS AND OPEN SPACE | |
| VI-K. Construction of the individual cannery segregation sewers, sewer extensions, relief sewers, the new force main, and the pipelines crossing the Tuolumne River may have temporary impacts on the usage of City parks, such as Beard Brook Park, and open space. | **VI-K.** Implementation of the Wastewater Master Plan would not be anticipated to result in the long-term disruption of the normal use of a park or require the reduction in size of an existing park. |

## TABLE I-1
## SUMMARY OF IMPACTS AND MITIGATION MEASURES (Continued)

| ENVIRONMENTAL IMPACT | RATIONALE |
|---|---|
| INCREASED DEMAND FOR SCHOOLS | |
| VI-L. Potential for increased demand for schools. | **VI-L.** Staff's Initial Determination that no further analysis is needed for increased demand for schools was published in the NOP on April 1, 1996. Comments were solicited from responsible agencies, and no comments were provided that contradicted the finding. The Wastewater Master Plan would not generate a demand for schools beyond that analyzed in the GPMEIR. |
| POTENTIAL FOR INCREASED DEMAND FOR POLICE SERVICES | |
| VI-M. Potential for increased demand for police services. | **VI-M.** Staff's Initial Determination that no further analysis is needed for increased demand for police services was published in the NOP on April 1, 1996. Comments were solicited from responsible agencies, and no comments were provided that contradicted the finding. The Wastewater Master Plan would not generate significantly greater calls for police services beyond that analyzed in the GPMEIR. |
| POTENTIAL FOR INCREASED DEMAND FOR FIRE SERVICES | |
| VI-N.1. Fire services may be potentially impacted from construction activities that may temporarily impact traffic flow on streets leading to fire stations. | **VI-N.1.** The City would provide advanced notification of construction schedules to the Fire Department and all affected agencies. The Wastewater Master Plan would not generate significantly greater calls for fire services beyond that analyzed in the GPMEIR. |
| VI-N.2. The proposed wastewater treatment facilities would require larger quantities of treatment plant chemicals and a new chemical, ferrous chloride, would be used at the plant and at the four major pumping plants. A release of hazardous materials would require a response from the Fire Department. | **VI-N.2.** The existing gas chlorination facilities at the Sutter Avenue plant would be abandoned and a new facility designed to meet current fire and building codes would be constructed as part of the water reclamation facility. It would be enclosed and would include chlorine scrubbers. The Wastewater Master Plan facilities would not be expected to significantly increase the risk of a hazardous material incident requiring Fire Department services. |
| GENERATION OF SOLID WASTE | |
| VI-O. The biosolids component of the project would recycle green wastes that would otherwise be landfilled, a beneficial impact. | **VI-O.** Staff's Initial Determination that no further analysis is needed for increased demand for police services was published in the NOP on April 1, 1996. Comments were solicited from responsible agencies, and no comments were provided that contradicted the finding. The Wastewater Master Plan would not generate significantly greater solid waste beyond that analyzed in the GPMEIR. |

## TABLE I-1
## SUMMARY OF IMPACTS AND MITIGATION MEASURES (Continued)

| ENVIRONMENTAL IMPACT | RATIONALE |
|---|---|
| GENERATION OF HAZARDOUS MATERIALS | |
| VI-P.1. Construction activities proposed at the treatment plant sites or cleanup of hazardous materials or wastes potentially in the area could pose a threat to construction workers and the public. | **VI-P.1.** OSHA has stringent regulations governing worker safety that must be followed by the City and contractors. |
| VI-P.2. Increased volume of traffic and movement of hazardous materials to the expanded plant would result indirectly in greater potential for accidents involving hazardous materials. | **VI-P.2.** Increased traffic related to the expanded plant might increase the probability of an accident occurring, or might increase the actual frequency of accidents, but would not change the type of accident that might occur. Hazardous material packaging and transportation requirements are stringent, and accident rates involving hazardous materials are low. |
| VI-P.3. Implementation of the Wastewater Master Plan would expand wastewater treatment capabilities and thus would require additional use and storage of hazardous materials for plant operations. Construction activities will involve the storage and use of fuels. | **VI-P.3.** The City would follow existing policies and regulations for the use and storage of hazardous materials. All modifications to wastewater facilities would be required to meet current applicable regulations. The existing gas chlorination facility at the Sutter Avenue Plant would be abandoned and a new facility, part of the proposed water reclamation facilities, would be designed to meet current fire and building codes that require it to be enclosed and have chlorine scrubbers. |
| LANDSLIDES AND SEISMIC ACTIVITY | |
| VI-Q. Potential for increased landslides or seismic activity. | **VI-Q.** All structures are required to conform to Uniform Building Code (UBC) regulations which mitigate the threat to public health and safety to below significant levels. |
| ENERGY | |
| VI-R. Increased energy use. | **VI-R.** Staff's Initial Determination that no further analysis is needed for energy impacts was published in the NOP on April 1, 1996. Comments were solicited from responsible agencies, and no comments were provided that contradicted the finding. Although the project would require additional electrical energy for operation of the expanded treatment plants and pump stations and would require energy for construction, the co-generation digester gas burning engine would convert wasted gases to electricity. The Wastewater Master Plan would not create a significant increase in the demand for energy beyond that analyzed in the GPMEIR. |

NO TEXT THIS PAGE

| | |
|---|---|
| CALENDAR PAGE | 49 |
| MINUTE PAGE | 001070 |

EXHIBIT "2"

On file in the Office of the City Clerk.

NO TEXT THIS PAGE

ATTACHMENT A

STATEMENT OF FINDINGS OF SIGNIFICANT UNAVOIDABLE IMPACTS AND OVERRIDING CONSIDERATIONS

Based upon the objectives identified in the Modesto Urban Area General Plan, the City Council has determined that the Wastewater Master Plan should be approved and that any remaining unmitigated environmental impacts attributable to the Master Plan are outweighed by the following specific economic, fiscal, social, environmental, land use and other overriding considerations.

A. Findings Regarding Significant Unavoidable Impacts

Section 21081(a)(3) of the Public Resources requires the City to determine if any mitigation measures or project alternatives are infeasible, due to overriding considerations. Following are the Issue Areas, identified in the Final Master EIR, in which the mitigation measures have been judged to be infeasible. In other words, the Wastewater Master Plan will cause significant and unavoidable impact on the following areas:

1. Transportation and Circulation

a) Finding No. 1: Additional impacts on transportation and circulation may result from implementation of the General Plan, which is accommodated by implementation of the Wastewater Master Plan.

Substantial Evidence:

Final Master EIR (SCH #96042009), page VI-20.

b) Finding No. 2: The analysis of impacts and mitigation of transportation and circulation, in the Master EIR for the Modesto Urban Area General Plan, assumed the funding and construction of certain transportation improvement project. However, funding for these projects is not currently available and is not anticipated to be available in the reasonably foreseeable future, and therefore is not feasible.

Substantial Evidence:

Final Master EIR (SCH #96042009), page VI-20.

2. Degradation in Air Quality and Generation of Odors

a) Finding No. 1: Under the proposed Wastewater Master Plan, system wastewater flows by 2025 would increase ROG on the order of 50 to 100 pounds per day, and $No_x$ 250 to 500 pounds per day. The predicted

increases of ROG and $No_x$ would incrementally contribute to regional ozone concentration. No feasible mitigation is available. Compliance with SJVUAPCD permit conditions and the use of emissions abatement technology would still exceed threshold levels.

b) Finding No. 2: Construction activities are anticipated to exceed the $NO_x$ significance threshold of 55 pounds per day and 10 tons per year in some years. No feasible Mitigation is available.

Substantial Evidence:

Final Master EIR (SCH #96042009), page VI-32.

B. Findings Regard Impacts Which Are Significant, But Whose Mitigation Falls Outside the Jurisdiction of the City of Modesto

In order to support its decision on a project for which an EIR has been prepared, a lead agency must prepare written findings of fact for each significant impact identified in the EIR (Public Resources Code 21081). Following are the Issue Area(s), identified in the Final Master EIR, for which mitigation is not within the City's jurisdiction.

1. Loss of Sensitive Wildlife and Plant Habitat

a) Finding No. 1: The proposed outfall pipeline connecting the Sutter Avenue Plant to the Jennings Road Plant would traverse the Tuolumne River and Pipeline 24C would cross Dry Creek. Based on pre-construction surveys (see mitigation measures below), sensitive species may be identified in an area where project noise or habitat modification could result in the loss of important habitat and/or displacement of the species of the area. Sensitive habitat potentially affected would include wetlands and riparian natural communities. Sensitive species potentially affected include Sacramento splittail, Swainson's hawk, and Valley elderberry longhorn beetle. While no Valley elderberry bushes (habitat for the Valley elderberry long beetle) were observed during the site reconnaissance, there remains potential for occurrence in the project area, particularly along Dry Creek.

Substantial Evidence:

Final Master EIR (SCH #96042009), page VI-68.

b) Finding No. 2: The following Mitigation Measure would be applied to the Project:

"Sensitive species surveys would be conducted in the Dry Creek and Tuolumne River areas at the appropriate season to determine occurrence of Swainson's hawk, passerine birds and other

raptors. Surveys would employ accepted methodologies as determined by CDFG and USFWS. Any elderberry bushes shall be avoided and preserved, and avoided areas shall also be protected by fencing, signage and/or establishment of buffer areas. At the time the specific alignment for the new pipeline crossings are identified and marked in the field, a qualified biologist should review the alignment to confirm absence.

Where Swainson's hawk are determined present within 0.25 miles of trenching operation, and actively involved in pre-nesting or nesting behaviors, either:

A. No construction will take place until the end of the nesting season (July), or

B. A qualified observer (Certified Wildlife Biologist) shall monitor the nest to determine if construction operations will jeopardize nesting success, in which case operations shall be suspended as per (A), above."

Substantial Evidence:

Final Master EIR (SCH #96042009), page VI-69.

c) Finding No. 3: The above mitigation measure cannot be fully implemented by the City of Modesto. Another jurisdiction(s), namely California Department of Fish and Game, and/or the U.S. Fish and Wildlife Service exercise jurisdiction over this measure.

Substantial Evidence:

Final Master EIR (SCH #96042009), page I-11.

C. Impacts That Are Substantial But Mitigable

Section 21081 of the Public Resources Code requires the City to make findings that the project has changed (including the adoption of mitigation measures) to avoid, or substantially less the magnitude of, the impact. Following are the Issue Areas, identified in the Final Master EIR, in which the impacts of the project are mitigable to a less-than-significant level.

1. Degradation of Air Quality and Generation of Odors

a) Finding No. 1: The increase in system wastewater flows at the Sutter Avenue Plant would increase odorous emissions. In addition, the biosolids processing facilities at the Jennings Road Plant and the excavation of solids from the secondary treatment ponds may cause odors to any potential future residential communities in the area.

b) Finding No. 2: The following Mitigation Measures will be applied to the project, to reduce these impacts to a less-than-significant level.

- The proposed Wastewater Master Plan includes several inter-related components specifically included for the purpose of reducing odors emanating from the Sutter Avenue facility. Odor control methods include injection of ferrous chloride at upstream locations in the sewer system and at the plant, covering the DAF thickeners and the effluent launders of the primary clarifiers and collecting the gas for subsequent scrubbing and processing.

- The City would develop and implement an Odor Contingency Plan to reduce or eliminate odors related to upset conditions.

- The City would keep the County informed of its plans for the Jennings Road facility and would encourage the County to maintain the current agricultural land designation for lands within a mile of the Jennings Road facility.

Substantial Evidence:

Final EIR (SCH #96042009), page VI-32 through VI-36.

2. Loss of Productive Agricultural Land

a) Finding No. 1: Construction of the portion of the parallel outfall pipeline from Whitmore Avenue to Hackett Road could temporarily displace a limited area of orchard and other agricultural lands.

b) Finding No. 2: The following Mitigation Measure will be applied to the project, to reduce this impact to a less-than-significant level:

- The City shall reduce the potential for conflicts with the agricultural use by siting construction easements and equipment staging areas so that the amount of any displacement of agricultural lands is minimized.

Substantial Evidence:

Final EIR (SCH #96042009), pages VI-49 and VI-50.

D. General Overriding Considerations

1. Implementation of this Project Forwards the Goals of the City of Modesto Urban Area General Plan

a) Finding No. 1: In 1995, the City of Modesto adopted the new City of Modesto Urban Area General Plan. This General Plan was accompanied by a Master Environmental Impact Report ("MEIR") which analyzed the impacts and offered mitigation measures relative to the buildout of the General Plan as adopted. The General Plan recognizes the development of this property and through the General Plan goals and policies attempts to provide a diversity of employment opportunities within the Modesto urban area. The MEIR prepared on the Modesto Urban Area General Plan recognized certain significant and unavoidable environmental affects which would be associated with development in the General Plan area an made the requisite overriding consideration findings.

Although the MEIR identified significant and unavoidable environmental impacts and made the appropriate overriding consideration findings, the MEIR and Modesto Urban Area General Plan did not state that future projects could not also have significant and unavoidable environmental affects which were specifically related to the individual project. This project, the Wastewater Master Plan is in an area which contains five additional significant and unavoidable environmental affects related to the buildout of this project. These significant and unavoidable environmental affects are specifically related to traffic and circulation needs, and generation of odors/air quality.

The development of this project is necessary to implement the goals and policies set forth in the Modesto Urban Area General Plan. The Wastewater Master Plan specifically recognizes that the provision of Wastewater facilities to accommodate future development is required to meet the overall intent of the General Plan. As such, if a significant and unavoidable environmental affect were permitted to stop provision of facilities development in any area of the General Plan where such an impact existed, then the overall goals of the General Plan would be frustrated and provision of employment opportunities, the funding of needed infrastructure, and other policies in the General Plan would be frustrated. On the basis of the foregoing, the City Council hereby finds and declares that implementing the General Plan and its supporting goals and policies are necessary for a healthy and thriving community and find that the need to implement the General Plan and its supporting goals and policies are benefits associated with this project.

Substantial Evidence:

1. "Modesto Urban General Plan: pages I-5, I-6.

2. "Recommended Modesto Economic Development Strategy," prepared by Kreines & Kreines.

3. Goals and Project Objectives of the Wastewater Master Plan

a) Finding No. 1: The Wastewater Master Plan is a long-range strategic plan to guide the improvement and expansion of the City's wastewater collection, treatment, and disposal facilities and operations over the next 30 years. The plan is necessary because:

1. The existing wastewater treatment system overloaded by flows in the late summer months from the food processing canneries in the City and from stormwater infiltration/inflow during winter storms.

2. The system is being operated near its capacity throughout the year and with projected population growth will soon be operating above its capacity. New sewers are needed to accommodate planned growth in outlying areas.

3. The facilities are aging and need to be upgraded or rehabilitated.

4. Regulations governing the discharge of treated wastewater to the San Joaquin River are becoming stricter and may affect the ability of the City to continue discharging.

5. There are opportunities to recycle treated wastewater effluent and biosolids and beneficially use these waste products.

Substantially Evidence:

Final Master EIR for the Wastewater Master Plan, page I-1.

b) Finding No. 2: The goal of the Wastewater Master Plan is to accommodate the wastewater service needs of the population and land uses described in the City's Urban Area General Plan planned through 2025. Objectives of the Master Plan include:

1. Implement the City's economic goals by planning for, and providing, sewer infrastructure in a timely and cost effective manner to serve new and existing development.

2. Continue the City's policy of providing affordable and attractive wastewater rates.

3. Plan for state-of-the-art facilities that meet changing regulatory requirements reliably and economically and that can be endorsed by City officials, public citizens, and industry.

4. Replace outdated facilities such as the gas chlorination facility at the Sutter Avenue Plant with safer and more environmentally sensitive equipment.

5. Firmly commit to community sensitivity by controlling odors at the Sutter Avenue Plant.

6. Encourage the regional beneficial use of reclaimed water.

7. Maintain quality standards, as established by the Central Valley Regional Water Quality Control Board, for effluent and biosolids to protect public health and the environment.

Substantial Evidence:

Final Master EIR for the Wastewater Master Plan, page I-2.

c) Finding No. 3: Letter dated February 19, 1997, from Joseph O. Spano, District Engineer, Drinking Water Field Operations Branch, State Department of Health Services. Letter filed in Appendix D of Final Master EIR for Wastewater Master Plan (Letter C).

NO TEXT THIS PAGE

# CHAPTER VIII
## KEEPING THE GENERAL PLAN MASTER EIR CURRENT

Pursuant to CEQA Section 21157.6(b), this Master EIR is for a project identified in the previously certified Master EIR for the Modesto Urban Area General Plan as an Anticipated Subsequent Project. As such, this EIR can be a vehicle to modify the GPMEIR.

The GPMEIR adopted by the City Council on August 15, 1995 was based on a modification to the General Plan Preferred Alternative described and analyzed in the GPMEIR. The Project Description of the General Plan was revised and presented in Exhibit C-3 of the Addendum to the Final EIR. This Addendum shows a revised Land Use Diagram as Attachment D-2 and Table I-5, Projected Population and Employment, General Plan Alternatives as Attachment D-1. This table incorrectly states the population projections for the Preferred Alternative. The correct projections are shown in Table IV-4 of this Master EIR and repeated below:

**TABLE IV-4**
**PROJECTED POPULATION AND EMPLOYMENT, GENERAL PLAN PREFERRED ALTERNATIVE**

| | |
|---|---|
| Population | |
| Redevelopment Area | 2,300 |
| Baseline Developed Area | 300,300 |
| Planned Urbanizing Area | 164,400 |
| Total | 467,000 |
| Employment | |
| Redevelopment Area | 53,700 |
| Baseline Development Area | 100,500 |
| Planned Urbanizing Area | 167,600 |
| Total | 321,800 |

The assumptions underlying the estimated population and employment projections are explained in Chapters IV and V of this Master EIR. Table I-5 in Attachment D-1 of the GPMEIR is hearby modified to reflect these numbers and assumptions.

## *CHANGES IN THE MASTER EIR RESULTING FROM LETTERS RECEIVED DURING THE PUBLIC REVIEW AND COMMENT PERIOD*

Based on letters dated January 22, 1997 and June 12, 1995 from the California Department of Transportation, the following changes are made in the GPMEIR:

Page IV-1-18. after the 2nd paragraph of Section B, add: "The City's policy for funding transportation-related mitigation measures is through its capital facilities fee program. Conditions of approval for individual development projects would address requirements for contribution toward needed mitigation of transportation impacts generated by these developments. Other sources for funding include those identified in the Section I.B, Base Year 1994 Policies of the Master EIR for the Urban Area General Plan, sales taxes, exactions of right-of-way for specific actions, flexible congestion relief State funds, and Federal funds through grants."

"The traffic analysis assumed that certain transportation improvements would be made. However, the funding for these improvements is not currently available and is not anticipated to be available in the foreseeable future. Therefore, funding of improvements as a mitigation is not considered "feasible" as defined in CEQA Section 21061.1 (i.e. "...capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.") Thus, the overall conclusion reached below that there would be significant unavoidable traffic impacts as a result of implementing the City's updated General Plan remains valid."

Page IV-1-31, at the end of Section D, add: "Additionally, funding for certain roadway improvements assumed in the analysis is not currently available and is not anticipated to be available in the foreseeable future. This further substantiates the conclusion that effects from implementing the General Plan remain significant after mitigation."

Page IV-1-13, under 3. Other Governmental Polices, the heading "County Congestion Management Plan" is changed to read "County Congestion Management Program".

Page III-3, second paragraph, third sentence is revised to read "Other County plans include the Regional Transportation Plan and Congestion Management Program, prepared by the Stanislaus Area Association of Governments."

Page IV-1-14, fifth bulleted item is revised to read "A program to biennially monitor implementation of all CMP elements;".

Page IV-1-13, the following sentence is added following the third paragraph: "Caltrans District 10 uses LOS "D" as a conceptual level objective for state highways in the Modesto urbanized area. All improvements to the state highway system must conform to State design standards and requirements."

NO TEXT THIS PAGE

| | |
|---|---|
| CALENDAR PAGE | 62 |
| MINUTE PAGE | 001083 |

EXHIBIT "5"

Attachment B
Mitigation Monitoring Program

The following Mitigation Measures, from the Final Master EIR (SCH #96042009) have been incorporated into the Wastewater Master Plan:

1. The proposed Wastewater Master Plan includes several inter-related components specifically included for the purpose of reducing odors emanating from the Sutter Avenue facility. Odor control methods include injection of ferrous chloride at upstream locations in the sewer system and at the plant, covering the DAF thickeners and the effluent launders of the primary clarifers and collecting the gas for subsequent scrubbing and processing.

2. The City would develop and implement an Odor Contingency Plan to reduce or eliminate odors related to upset conditions.

3. The City could keep the County informed of its plans for the Jennings Road facility and would encourage the County to maintain the current agriculture land designations for lands within a mile of the Jennings Road facility.

4. The City shall reduce the potential for conflicts with the agricultural use by siting construction easements and equipment staging areas so that the amount of any displacement of agricultural lands is minimized.

5. Sensitive species surveys would be conducted in the Dry Creek and Tuolumne River areas at the appropriate season to determine occurrence of Swaison's hawk, passerine birds and other raptors. Surveys would employ accepted methodologies as determined by California Department of Fish and Game and U.S. Fish and Wildlife Service. Any elderberry bushes shall be avoided and preserved, and avoided areas shall also be protected by fencing, signage and/or establishment of buffer areas. At the time the specific alignment for the new pipeline crossings are identified and marked in the field, a qualified biologist should review the alignment to confirm absence.

   Where Swainson's hawk are determined present within 0.25 miles of the trenching operation, and actively involved in pre-nesting or nesting behaviors, either:

   A. No construction will take place until the end of the nesting season (July), or
   B. A qualified observer (Certified Wildlife Biologist) shall monitor the nest to determine if construction operations will jeopardize nesting success, in which case operations shall be suspended as per (A), above.

Note: Minor editorial revisions may be necessary, to accommodate the above measures' context within the Wastewater Master Plan.

EXHIBIT D

# CITY of MODESTO

Community Development Department

## NOTICE OF DETERMINATION

97 MAY 30 AM 10: 41

KAREN MATHEWS, COUNTY CLERK

BY _____

_____ DEPUTY

TO: _____ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

__X__ County Clerk
County of Stanislaus
1021 I Street
Modesto, CA 95354

FROM: City of Modesto
Community Development
Department
P. O. Box 642
Modesto, CA 95353

**Subject:**
**Filing of Notice of Determination in Compliance with**
**Section 21152 of the Public Resources Code**

Wastewater Master Plan and Wastewater Master Plan Final Master EIR
Project Title

| No. 96042009 | Robert Meleg, Associate Civil Engineer | (209) 577-5149 |
|---|---|---|
| State Clearinghouse No. | Contact Person | Area Code/Phone/Ext. |

The project is a Master Plan for Sanitary Sewer Facilities located throughout the Modesto Urban Area as well as the Primary Treatment Facility, located on Robertson Rd. at the intersection of Sutter Ave. and its Master Environmental Impact Report - Stanislaus County
Project Location (include county)

Project Description: Adoption of a Master Plan for Sanitary Sewer Facilities to serve the Modesto Urban Area and certification of the Master Environmental Impact Report for the Master Plan (SCH# 96042009). The Wastewater Master Plan provides strategies for the long-term improvement of Modesto's Sewer facilities including: major rehabilitation of the Treatment Plant, separation of cannery waste from conventional treatment, construct a demonstration, then full-size Reclamation Plant in cooperation with a partner interested in reusing the water, Eliminate bottlenecks in the existing collection system, and provide expanded collection mains as urban development requires. Other strategies included are: increased conventional treatment with river discharge and increased conventional treatment with ranch irrigation.

This is to advise that on May 27, 1997, the City of Modesto, the lead agency, adopted a Master Environmental Impact Report for and approved the above-described project. In taking this action, the City Council, on May 27, 1997, approved and adopted a Master EIR for the project and made the following determinations:

1. The project will have a significant effect on the environment.

2. A Master Environmental Impact Report (SCH # 96042009) was prepared for this project pursuant to CEQA Section 21157.

| | |
|---|---|
| CALENDAR PAGE | 64 |
| MINUTE PAGE | 001085 |

801 11th Street, P.O. Box 642, Modesto, CA 95353
Phone (209) 577-5433, Fax (209) 522-1780, TDD (209) 526-9211

3. Mitigation Measures were made a condition of project approval.

4. A Statement of Overriding Considerations was adopted for this project.

This is to certify that the Wastewater Master Plan Final Master EIR (SCH# 96042009) and record of project approval is available to the General Public at:

City of Modesto, Office of the City Clerk, City Hall, 901 11th Street, Modesto, CA 95354.

| Brian R. Seth | 5/28/97 | Principal Planner |
|---|---|---|
| Signature (Public Agency) | Date | Title |

Date Received for Filing and Posting at OPR _____.

| | |
|---|---|
| Signature | Title |

| | |
|---|---|
| CALENDAR PAGE | 65 |
| MINUTE PAGE | 001086 |

EXHIBIT E

MODESTO CITY COUNCIL
RESOLUTION NO. 97-291

A RESOLUTION ADOPTING THE FINAL 1995 WASTEWATER MASTER PLAN.

WHEREAS, the City of Modesto ("City"), accepted a recommendation of an audit of the City Public Works and Transportation Department in September, 1992, to develop a long range Master Plan for the Wastewater Treatment Plant and Wastewater Collection System, and

WHEREAS, a draft Wastewater Master Plan was presented to the City Council in September, 1994, and in May, 1995, the City Council adopted the Final Draft 1995 Wastewater Master Plan as a "proposed project" for purposes of commencing the environmental review process, and

WHEREAS, by a written report from the Acting Director of Public Works and Transportation, dated May 16, 1997, staff recommended to the Council adopting the Final 1995 Wastewater Master Plan, a copy of said staff report is on file in the Office of the City Clerk, and

WHEREAS, on May 27, 1997, the Council adopted Resolution No. 97-290 Certifying the Wastewater Master Plan Master Environmental Impact Report, Adopting a Statement of Overriding Considerations, and Adopting a Mitigation Monitoring Program, and

WHEREAS, the Wastewater Master Plan provides direction that will enable the City of Modesto to meet treatment and discharge standards for wastewater treatment and disposal now and

| | |
|---|---|
| CALENDAR PAGE | 66 |
| MINUTE PAGE | 001087 |

in the future, and

WHEREAS, on May 15, 1997, the Utilities Services and Franchise Committee recommended approval as presented by City staff,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the Final 1995 Wastewater Master Plan prepared for the City of Modesto as recommended by City staff. A copy of the final revision of the Master Plan is on file in the Office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of May, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

| | | |
|---|---|---|
| AYES: | Councilmembers: | Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa and Mayor Lang |
| NOES: | Councilmembers: | None |
| ABSENT: | Councilmembers: | None |

ATTEST: Original Signed By
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

The foregoing is a correct copy of the original on file in this office which has not been revoked and is now in full force and effect.
ATTEST:
JUDY C. HALL, Acting City Clerk of the City of Modesto, County of Stanislaus, State of California.

| | |
|---|---|
| CALENDAR PAGE | 67 |
| MINUTE PAGE | 001088 |