



City Of Merced Wastewater Collection System Master Plan

DRAFT ENVIRONMENTAL IMPACT REPORT

CHAPTER 1.0 INTRODUCTION

September 2020



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**CITY OF MERCED WASTEWATER COLLECTION SYSTEM MASTER PLAN UPDATE DRAFT
ENVIRONMENTAL IMPACT REPORT**

Project Description
September 2020

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1.0 INTRODUCTION

1.1 ENVIRONMENTAL REVIEW PROCESS

The California Environmental Quality Act (CEQA) (codified in Title 14 California Code of Regulations [CCR] Chapter 3 Section 15000 et seq. [the CEQA Guidelines] and California Public Resources Code [PRC] 21000 et seq.) requires public agencies to identify, disclose, and consider the potential environmental impacts of proposed discretionary actions that the agencies are considering for approval. When a project may have significant environmental impacts, the Lead Agency must prepare an Environmental Impact Report (EIR) and certify its adequacy before it considers whether to approve the project. A project that may have a significant impact on the environment cannot be approved unless the Lead Agency adopts mitigation measures that would reduce that impact to a less-than-significant level if feasible. If the impact would remain significant after mitigation (significant and unavoidable), the Lead Agency is still required to mitigate the impact to the extent feasible. An EIR is an informational document used for this purpose in state, regional, and local planning and decision-making processes to disclose potential environmental effects.

The City of Merced (City), as the CEQA Lead Agency, has prepared this Draft EIR for public review and comment pursuant to the requirements of Title 14 CCR Sections 15080 to 15097. The Draft EIR will be available for review and comment by public agencies and the public for a period of 45 days (14 CCR Section 15105). Pursuant to 14 CCR Section 15088, the City will evaluate comments on environmental issues received from persons who reviewed the Draft EIR and will provide written response to comments raising significant environmental issues in the Final EIR. The City will prepare the Final EIR, which will include any necessary revisions to the Draft EIR, the comments received on the Draft EIR, a list of persons, organizations, and public agencies who commented, and written responses to those comments raising significant environmental points pursuant to Title 14 CCR Sections 15088-15089 and 15132. As required under Section 15090 of the CEQA Guidelines, prior to approval, the City shall certify that the: the Final EIR complies with CEQA; it has reviewed and considered the information contained in the Final EIR before making their decision; and document that the Final EIR reflects the City's independent judgment and analysis.

1.1.1 Lead Agency Determination

The City is designated as the Lead Agency for preparing this EIR. CEQA Guidelines Section 15367 defines the Lead Agency as, "... the public agency, which has the principal responsibility for carrying out or approving a project." Other public agencies may use this document in their decision making or permit processes related to the undertaking proposed by the City. These agencies are considered Responsible Agencies under CEQA.

This Draft EIR was prepared for the City by Stantec Consulting Services Inc. (Stantec), an independent environmental consultant. Prior to public review, this Draft EIR was extensively reviewed and evaluated by City staff and, as such, this Draft EIR reflects the independent judgment and analysis of City staff. A list of report preparation personnel is provided in Section 6.0.

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1.1.2 Scope of the EIR

1.1.2.1 Notice of Preparation

In accordance with the CEQA Guidelines, the City distributed a Notice of Preparation (NOP) of a Draft EIR on September 9, 2018, and gave the public an opportunity to provide comments on the scope of the analysis that should be included in this Draft EIR. A public scoping meeting was held at the Merced Civic Center on July 24, 2018, and the public scoping comment period closed on August 7, 2018. The comments received by the City on the NOP were considered in the preparation of this Draft EIR. The scope of this Draft EIR includes the potential environmental impacts identified in the NOP, as well as any issues raised by agencies and the public in response to the NOP. Copies of the NOP and comments received during the NOP comment period are provided in Appendix A.

Twelve comment letters were received in response to the NOP. They are listed in Table 1.1-1 and provided in Appendix A of this Draft EIR.

Table 1.1-1 NOP Comment Letter Summary

Date	Commenter	Affiliation	Summary	Relevant EIR Section Related to Concern(s)
12/18/2017 (included with August 6, 2018 letter received by Richard Harriman)	Richard Harriman	Property owner in the City of Merced and also represents the Merced Citizens for Responsible Planning and the San Joaquin Valley Environmental Defense Center regarding this matter.	Proposed not adopting the proposed resolution approving the amended 2015 Urban Water Management Plan in its form until the sewer master plan is approved.	Project Description; Utilities and Service Systems
7/24/2018	Arnaud Marjollet, Director of Permit Services	San Joaquin Valley Air Pollution Control District	Expressed concerns regarding the Program implementation, including emissions analysis, criteria pollutants, construction emissions, nuisance odors, health risk screening/assessment, ambient air quality analysis, and district rules and regulations.	Air Quality and Greenhouse Gases

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Date	Commenter	Affiliation	Summary	Relevant EIR Section Related to Concern(s)
7/25/2018	Pete and Vicki Bandoni	Landowner	These landowners currently farm 240 acres (80 acres of almond trees and 160 acres of winter oats). They expressed concern about noticing of the EIR, access through their property, overflow into the drain on the south side of Cardella Road into the G Street Drain, and about drainage issues, topography, the Program's impact on the agricultural land, and road improvements.	Agricultural Resources; Introduction; Project Description; Traffic; Hydrology; Soils; Utilities and Service Systems
7/30/2018	Sharaya Souza cc: state clearinghouse	Native American Heritage Commission	Expressed concerns regarding tribal consultation and cultural resources as a result of implementation of the Program.	Cultural; Tribal Cultural Resources
8/2/2018	Sean Tobin	MVE Inc.	Expressed concerns regarding the Yosemite Lake Estates project in north Merced, alternatives, and land use changes as a result of implementation of the Program.	Project Description; Alternatives; Land Use
8/3/2018	William (Bill) Lyons CC: Marci D'Arpino Mark W. Purdon John B. Anderson	Mape's Ranch and Lyons' Investments	Expressed concerns with the Sewer Master Plan prepared in 2017 and if adequate time has been given to conclude impacts of the study. Expressed concerns over appropriate future industrial development of University Industrial Park and notices of any public works to interested parties.	Land Use; Project Description; Utilities and Service Systems
8/4/2018	Rick Telegan	Partner 3 rd Millennium Investments	Expressed concerns regarding financial impact and economic burden on parcels within the North Merced Sewer District, consistency with the General Plan, limiting areas initially annexed, alternatives, effluent reuse, study for funding considering different uses for the recycled water from wastewater treatment plant, and how the 2017 Master Plan intends to meet the sustainability plan by 2020.	Land Use; Alternatives; Project Description
8/6/2018	Richard Harriman	Valley Voice / Environmental and Land Use Attorney	Expressed concern over the unnecessary financial burden on taxpayers who do not need the wastewater facilities, as well as, "the current paradigm of hugely expensive large-scale centralized wastewater treatment facilities." Requested discussion of small-scale de-centralized tertiary wastewater systems for new development.	Utilities and Service Systems; Alternatives

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Date	Commenter	Affiliation	Summary	Relevant EIR Section Related to Concern(s)
8/6/2018	Richard Harriman	Property owner in the City of Merced and also represent the Merced Citizens for Responsible Planning and the San Joaquin Valley Environmental Defense Center, regarding this matter.	Expressed concerns over the project description inadequacy (particularly related to describing the whole of the project). Additional concerns over alternatives, which should expand on the use of de-centralized tertiary treated wastewater facilities. Expressed concerns regarding the 2017 Urban Water Management Plan, use of surface water supplied by the Merced Irrigation District, common law public trust doctrine's applicability to the City's proposed use of in-stream surface water in conjunction with the groundwater supply that has been relied upon, validity of the City's 2017 Urban Water Management Plan due to recent policies, the Groundwater Sustainability Agency's groundwater management plan, the City's proposed surface and groundwater supplies from Global Warning, environmental justice, General Plan consistency, and economic study.	Air Quality, Greenhouse Gases, Biological Resources, Hydrology and Water Quality, Alternatives, Project Description, Land Use; Cumulative
8/7/2018	Pete and Vicki Bandoni	Landowner	Expressed concern about the financial burden of not developing their property and the ability to continue agricultural operations; not wanting to convert from private septic systems	Agricultural Resources; Land Use
8/7/2018	Bill Nicholson, Executive Officer	LAFCO	Requested that the 2017 Master Plan and EIR consider the community of Celeste's sewer connections to the City's system within the study area/service boundaries. Suggested that two specific community plans (Bellevue Community Plan [City of Merced 2015] and University Community Plan [Merced County 2004]) be referenced within the Draft EIR. Also mentions Rural Residential Areas currently served by individual septic systems and wells and asks if these were considered within the sewer density developing the 2017 Master Plan.	Land Use; Project Description; 2017 Master Plan

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Date	Commenter	Affiliation	Summary	Relevant EIR Section Related to Concern(s)
8/7/2018	Michael K. Claiborne	Leadership Counsel for Justice & Accountability	Expressed concerns over environmental justice, the expansion of sewer service to unserved residence in disadvantaged communities, historic disinvestment, air quality, vehicle miles traveled, greenhouse gases, water quality, agricultural resources, hazardous materials, housing, economic issues, land use, cumulative impacts, alternatives, and mitigation.	Land Use; Project Description; Air Quality; Vehicle Miles Traveled; Greenhouse Gases; Water Quality; Agricultural Resources; Hazardous Materials; Housing; Land Use; Cumulative; Alternatives; Mitigation

1.1.2.2 Scoping Meeting

Pursuant to CEQA Guidelines Section 15082(c)(1), the City held a public scoping meeting on Tuesday, July 24, 2018, in the Sam Pipes Meeting Room at Merced Civic Center. Commenters at the scoping meeting were requested to provide comments in writing (a summary of all NOP comments received shown in Table 1.1-1). Of the six attendees at the meeting three provided written comments, which are addressed in this Draft EIR.

1.1.2.3 Draft EIR

The analysis included in Chapter 3.0 focuses on the specific environmental resource topics that require further evaluation to determine if they would have a potential impact. As summarized in Table 1.1-1, comments received during the scoping process were taken into consideration in development of this Draft EIR and were used to focus and refine impact analyses. Potential impacts and thresholds of significance were established by the City based on comments received, a comparison with the CEQA Guidelines Appendix G checklist, and resource-specific policy guidance and available scientific information. Resource areas that were identified to have potential impact based on comments submitted during the scoping process and informed by scientific studies are summarized below:

- Aesthetics and Visual Resources (AES)
- Agricultural and Forest Resources (AG)
- Air Quality (AQ)
- Biological Resources (BIO)
- Cultural and Tribal Cultural Resources (CUL)
- Geology, Soils, and Minerals (GEO)
- Greenhouse Gases and Energy Resources (GHG)
- Hazards, Hazardous Materials, and Wildfires (HAZ)
- Hydrology and Water Quality (HYD)
- Land Use and Planning (LAND)
- Noise (NOS)
- Population and Housing (POP)
- Public Services and Utilities (PUB)
- Recreation (REC)
- Transportation (TRA)

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1.1.3 Relationship to Other Documents

This Draft EIR incorporates by reference the analysis and other information contained in the City's Draft 2017 Wastewater Collection System Master Plan (2017 WCSMP), published on December 15, 2017 (City of Merced 2017). The full text of the City's 2017 WCSMP is available online at

<https://www.cityofmerced.org/departments/engineering/sewer-master-plan>. The 2017 WCSMP used previous City sewer planning documents, including the City of Merced Sewer Master Plan (City of Merced 2007, Draft), which was prepared in the context of serving the City's Merced Vision 2015 General Plan growth projections, and the City of Merced, North Merced Sewer Master Plan (City of Merced 2002, Draft) which was prepared to identify the sewer needs in the North Merced area. These documents include a combination of analysis and possible future projects that were used during the preparation of the current Draft 2017 WCSMP (City of Merced 2017).

The 2017 WCSMP itself is a planning document that lays out the general long-range plan for how to develop the City's collection system infrastructure to meet growth and development needs associated with growth projections identified within the 2030 Merced Vision General Plan (2030 General Plan). As identified in the 2017 WCSMP and noted in the beginning of the Introduction (Section 1.1), some of these improvements can be defined into specific projects; however, other improvements are too uncertain or undeveloped but can generally describe the nature of the activities that may occur at some point in the future in a programmatic fashion.

Section 15150 of the CEQA Guidelines permits documents of lengthy technical detail to be incorporated by reference in an EIR. Specifically, Section 15150 states that an EIR may "incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public..." Consistent with the CEQA Guidelines and as a way to avoid creating an overwhelming amount of paper for members of the public and decision-makers to sort through, this Draft EIR incorporates by reference planning documents that helped define the Program Study Area, 2017 WCSMP growth projections, Program capacity estimates, and overlapping environmental analysis. The following documents are incorporated into this 2017 WCSMP EIR by reference:

- The 2017 WCSMP, December 15, 2017 (City of Merced 2017)
https://www.cityofmerced.org/depts/engineering_division/sewer_master_plan.asp
- The 2030 General Plan (City of Merced 2012),
<https://www.cityofmerced.org/departments/development-services/planning-division/merced-vision-2030-general-plan#:~:text=The%20Merced%20Vision%202030%20General%20Plan%20was%20adopted%20on%20January,which%20can%20be%20downloaded%20below>
- The 2030 General Plan EIR (State Clearinghouse [SCH] No. 2008071069) (City of Merced 2010)
<https://www.cityofmerced.org/civicax/filebank/blobdload.aspx?BlobID=9183>
- The 2009 University of California (UC) Merced 2020 Project Addendum Long-Range Development EIS/EIR (SCH Number 200841009) (University of California 2008)
https://merced2020.ucmerced.edu/sites/merced2020.ucmerced.edu/files/documents/2020_adeir102708web.pdf
- City of Merced, North Merced Sewer Master Plan (City of Merced 2002, Draft)
Available upon request
- The City's Draft and Final Wastewater Treatment Plan Expansion Project EIR (SCH Number 2005101135) August 2006 (City of Merced 2006)
<https://www.cityofmerced.org/civicax/filebank/blobdload.aspx?blobid=4782>
- The 2015 Bellevue Community Plan (City of Merced 2015)
<https://www.cityofmerced.org/Home/ShowDocument?id=8608>
- The 2004 University Community Plan (Merced County 2004)
http://web2.co.merced.ca.us/pdfs/planning/cplan/completed/university/final_university_community_plan.pdf

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1.1.4 Review of the Draft EIR

Upon publication of this Draft EIR, the City will file a Notice of Completion (NOC) in accordance with 14 CCR Section 15085 along with a Notice of Availability (NOA), in accordance with 14 CCR Section 15087, to begin the public review period. Concurrent with the NOC, this Draft EIR will be distributed to responsible and trustee agencies, other affected agencies, and interested parties, including those requesting a copy of the Draft EIR in accordance with PRC Section 21092(b)(3). The NOA will be posted and published in accordance with noticing requirements of CEQA Guidelines Section 15087. During the public review period, the Draft EIR will be available for review at the City's Planning and Public Works Departments during regular business hours as well as the Merced County Library Main Branch in Merced.

The document will be posted on the City's website at:

<https://www.cityofmerced.org/departments/engineering/sewer-master-plan>

Agencies, organizations, and interested parties will have the opportunity to comment on this Draft EIR during the 45-day public review period. All comments concerning the Draft EIR must be in writing either by letter or email and should be directed to the City's Public Works Director at the following address by the close of the comment period. Please include the commenter's full name and address.

Ken Elwin, PE, City of Merced Public Works Director
1776 Grogan Avenue
Merced, CA 95341
E-mail: elwink@cityofmerced.org

The public comment period will be identified in the NOA, which will be available on the City's website identified above.

1.1.4.1 Effectively Commenting on the EIR

Readers are invited to review and comment on the adequacy and completeness of this Draft EIR, particularly in describing the potential impacts, the level of severity, the mitigation measures being proposed to reduce or avoid significant impacts, and the alternatives being considered.

In this regard, CEQA defines "significant effect on the environment" as a substantial or potentially substantial adverse change in any of the physical conditions within the area affected by the actions Program or proposed Projects, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance (CEQA Guidelines Section 15382).

"Mitigation" includes actions that would avoid the impact altogether; minimize the impact; rectify by repairing, rehabilitating, or restoring the impacted environment; reduce the impact over time; or compensate for the impact by replacing or providing substitute resources or environments (CEQA Guidelines Section 15370).

The most effective comments are those that focus on the adequacy and completeness of the environmental analysis and that are supported by factual evidence. Comments that focus on the City's decision to approve or deny an action are not comments on the adequacy of this Draft EIR.

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1.1.5 Final EIR

Upon completion of the public review period, the City will review the comments received and will prepare written responses to environmental issues raised pursuant to CEQA Guidelines Section 15088, and if necessary, will make any related revisions to the Draft EIR. Comments received and the responses to comments will be included as part of the record for consideration by the City in its decision-making process. Responses will be incorporated into the Final EIR and provided to any commenting public agencies at least 10 days prior to certification of the EIR (CEQA Guidelines Section 15088(b)). The general process for the preparation and certification of an EIR is described under Section 15096 of the CEQA Guidelines.

Following certification of the Final EIR, the City may then consider approval of the action as described in Section 15092 of the CEQA Guidelines, which states that a public agency shall not decide to approve or carry out a project for which an EIR was prepared unless either: (1) the project as approved will not have a significant effect on the environment, or (2) the agency has eliminated or substantially lessened all significant effects where feasible and made a determination that any remaining significant effects found to be unavoidable are acceptable due to overriding considerations.

If approved by the City, Section 15091 of the CEQA Guidelines requires the City to adopt findings describing how each of the significant impacts identified in the EIR is being mitigated. The findings will describe the reasons why significant unavoidable impacts, if any, cannot be mitigated. The findings will also describe the City's findings with respect to the alternatives that were analyzed in the EIR.

If the City decides to approve the action, any alternative analyzed in the Final EIR despite a finding that it would have significant and unavoidable impacts, the City will also adopt a Statement of Overriding Considerations describing the benefits of the action that in the City's judgment outweigh its significant environmental impacts, pursuant to Section 15093 of the CEQA Guidelines. Finally, the City will adopt a Mitigation Monitoring and Reporting Plan (MMRP) as required under Section 15096 (g) and 15097 of the CEQA Guidelines, which describes how it will ensure that the mitigation measures being required will be carried out.

1.2 PERMITS REQUIRED

The following permits may be required prior to the start of construction activities associated with implementation of the proposed Program:

- Section 404 Clean Water Act Permit
- Section 401 Clean Water Act Water Quality Certification
- Section 1602 California Department of Fish and Wildlife Streambed Alteration Agreement
- State Water Resources Control Board Construction General Permit
- Regional Water Quality Control Board Discharge Permit
- San Joaquin Valley Air Pollution Control District Indirect Source Review
- California Department of Transportation Encroachment Permit
- Union Pacific Railroad/Burlington Northern Santa Fe Pipeline or Wire Line Encroachment Permit
- City Encroachment Permit
- Merced County Encroachment Permit

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1.3 ABBREVIATIONS

CCR	California Code of Regulations
CEQA	California Environmental Quality Act
City	City of Merced
EIR	Environmental Impact Report
MMRP	Mitigation Monitoring and Reporting Program
NOA	Notice of Availability
NOC	Notice of Completion
NOP	Notice of Preparation
PRC	Public Resources Code
SCH	State Clearinghouse
Stantec	Stantec Consulting Services Inc.
UC	University of California
2017 WCSMP	2017 Wastewater Collection System Master Plan
2030 General Plan	City of Merced 2030 General Plan

1.4 REFERENCES

- City of Merced. 2002. City of Merced North Merced Sewer Master Plan. Prepared by ECO:LOGIC Engineering. Accessed November 2018.
- _____. 2006. City of Merced Wastewater Treatment Plant Expansion Project Draft Environmental Impact Report. <https://www.cityofmerced.org/civicax/filebank/blobdload.aspx?blobid=4782>. Accessed November 2018.
- _____. 2007. City of Merced Sewer Master Plan Draft. Prepared by ECO:LOGIC Engineering. Accessed November 2018.
- _____. 2010. Merced Vision 2030 General Plan Draft Environmental Impact Report. <https://www.cityofmerced.org/civicax/filebank/blobdload.aspx?BlobID=9183>. Accessed October 2019.
- _____. 2012. Merced Vision 2030 General Plan. <https://www.cityofmerced.org/departments/development-services/planning-division/merced-vision-2030-general-plan#:~:text=The%20Merced%20Vision%202030%20General%20Plan%20was%20adopted%20on%20January,which%20can%20be%20downloaded%20below>. Accessed June 2018.
- _____. 2015. Bellevue Community Plan. Adopted April 6, 2015. Website: <https://www.cityofmerced.org/Home/ShowDocument?id=8608>. Accessed July 2020.
- _____. 2017 Wastewater Collection System Master Plan (WCSMP). 2017. https://www.cityofmerced.org/depts/engineering_division/sewer_master_plan.asp. Accessed April 2019.
- Merced County. 2004. University Community Plan. Adopted December 21, 2004, Resolution No. 2004 2004-239. Website:

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http://web2.co.merced.ca.us/pdfs/planning/cplan/completed/university/final_university_community_plan.pdf.
Accessed July 2020.

University of California. 2008. UC Merced and University Community Project Draft Environmental Impact Statement/ Environmental Impact Report. (SCH# 2008041009). Prepared for the United States Army Corps of Engineers, Sacramento District.
https://merced2020.ucmerced.edu/sites/merced2020.ucmerced.edu/files/documents/2020_adeir102708web.pdf. Accessed December 2019.