



City Of Merced Wastewater Collection System Master Plan

DRAFT ENVIRONMENTAL IMPACT REPORT

APPENDIX A
September 2020



Prepared for:
City of Merced
678 W 18th Street
Merced, CA 95340

Prepared by:
Stantec Consulting Services Inc.
3875 Atherton Road
Rocklin CA 95765-3716



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

Appendix A Notice of Preparation
September 2020

Appendix A NOTICE OF PREPARATION

A.1 NOTICE OF PREPARATION

A.2 COMMENTS RECEIVED

City of Merced

Notice of Preparation of a Draft Environmental Impact Report

Date: July 9, 2018

Project Title: City of Merced Sewer Master Plan Update

To: Responsible Agencies, Organizations, and Interested Parties

Lead Agency: City of Merced
678 W 18th St
Merced, CA 95340
(209) 385-6800

Contact: Ken Elwin, PE, Public Works Director, City of Merced

INTRODUCTION

The City of Merced (City) will prepare an Environmental Impact Report (EIR) that addresses the potential impacts of implementing the proposed Updated Wastewater Collection System (WCS) Master Plan (Master Plan or proposed Project) to address key wastewater infrastructure needs within the City. Your input is requested in the form of written comments regarding the scope of the EIR including potential environmental impacts and alternatives to be considered.

The EIR is being prepared in compliance with the California Environmental Quality Act (CEQA). Under CEQA, upon deciding to prepare and EIR, the City, as lead agency, must issue a Notice of Preparation (NOP) to inform trustee agencies, the public, and responsible agencies of the decision. Accordingly, the purpose of this NOP is to provide information describing the Master Plan including associated potential environmental effects to those in the public who may wish to comment regarding the scope and content of the information to be included in the EIR. Agencies should comment on such information as is related to their statutory responsibilities in connection with the Master Plan.

The EIR will provide an evaluation of potential environmental impacts associated with implementation of the Master Plan at a project- and program-level where appropriate. The Master Plan location, description, and environmental resource areas that may be affected by development of the Master Plan are described below. The EIR will evaluate potentially significant environmental impacts of the Master Plan, on both a direct and indirect, and cumulative basis; identify mitigation measures that may be feasible to lessen or avoid such impacts; and identify alternatives that may lessen one or more potentially significant impact to the Master Plan.

PROJECT LOCATION/SETTING

Figure 1, Project Vicinity, shows the setting of the proposed Project area in the Merced County region. The proposed Project is located entirely within the boundaries shown in the City's *Merced Vision 2030 General Plan*, including the University of California at Merced (UC Merced) campus and additional community planning areas (Figure 2). This area includes the area within existing City limits, as well as the authorized sphere-of-influence (SOI) for the City, as recognized by the Merced County Local Agency Formation Commission (LAFCo).

PROJECT DESCRIPTION

Development of the WCS Master Plan has been an iterative process from 2002 to 2017 to evaluate and assess function, expansion, and replacement of the wastewater collection system within the City to accommodate existing and future development. Wastewater generated within the City is collected in a series of pipelines which the City owns, operates, and maintains. The system includes over 400 miles of gravity sewers which collect wastewater from a majority of residential users, as well as, commercial users, industrial users, and public uses.

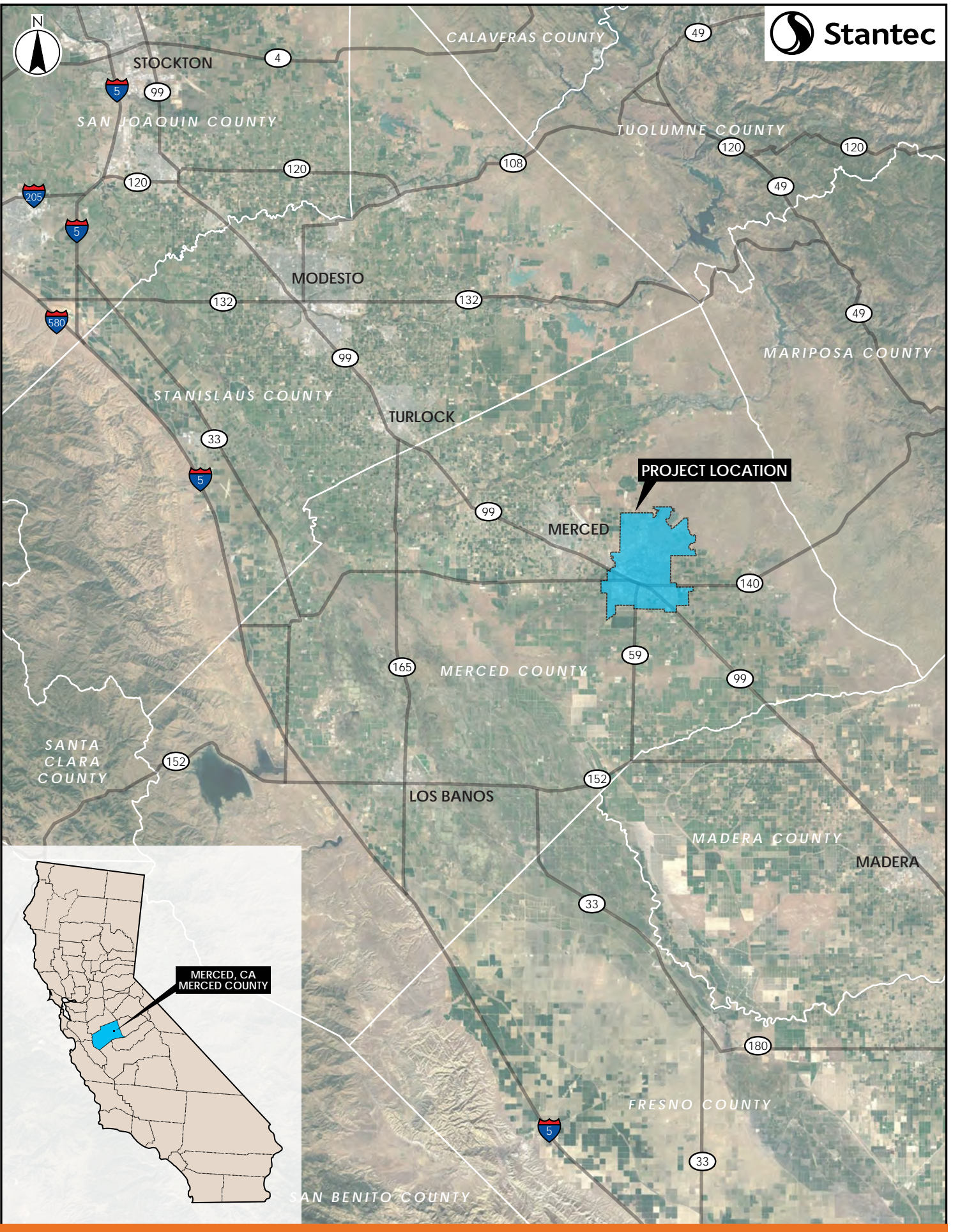
The current Master Plan identifies potential capacity constraints within the existing sewer system, assesses the future demand for these services, and develops recommendations for short- and long-term Capital Improvement Projects (CIP) to address the identified issues needed to serve the anticipated future capacity. During preparation of the Master Plan the City attempted to minimize impacts to the four natural streams that flow through the City: Fahrens Creek, Black Rascal Creek, Cottonwood Creek and Bear Creek, while working to maximize gravity flow of the sewer system to reduce energy and pump station costs.

This most recent draft Master Plan, released in December 2017, incorporated elements from other planning documents that have been developed, including the *Merced Vision 2030 General Plan* and the University of California (UC) Merced 2020 Project Addendum Long Range Development EIS/EIR. These planning documents, combined with the Master Plan, have led to the identification of Alternative Plan A as the preferred alternative to address the long-range sewer system planning needs for the City.

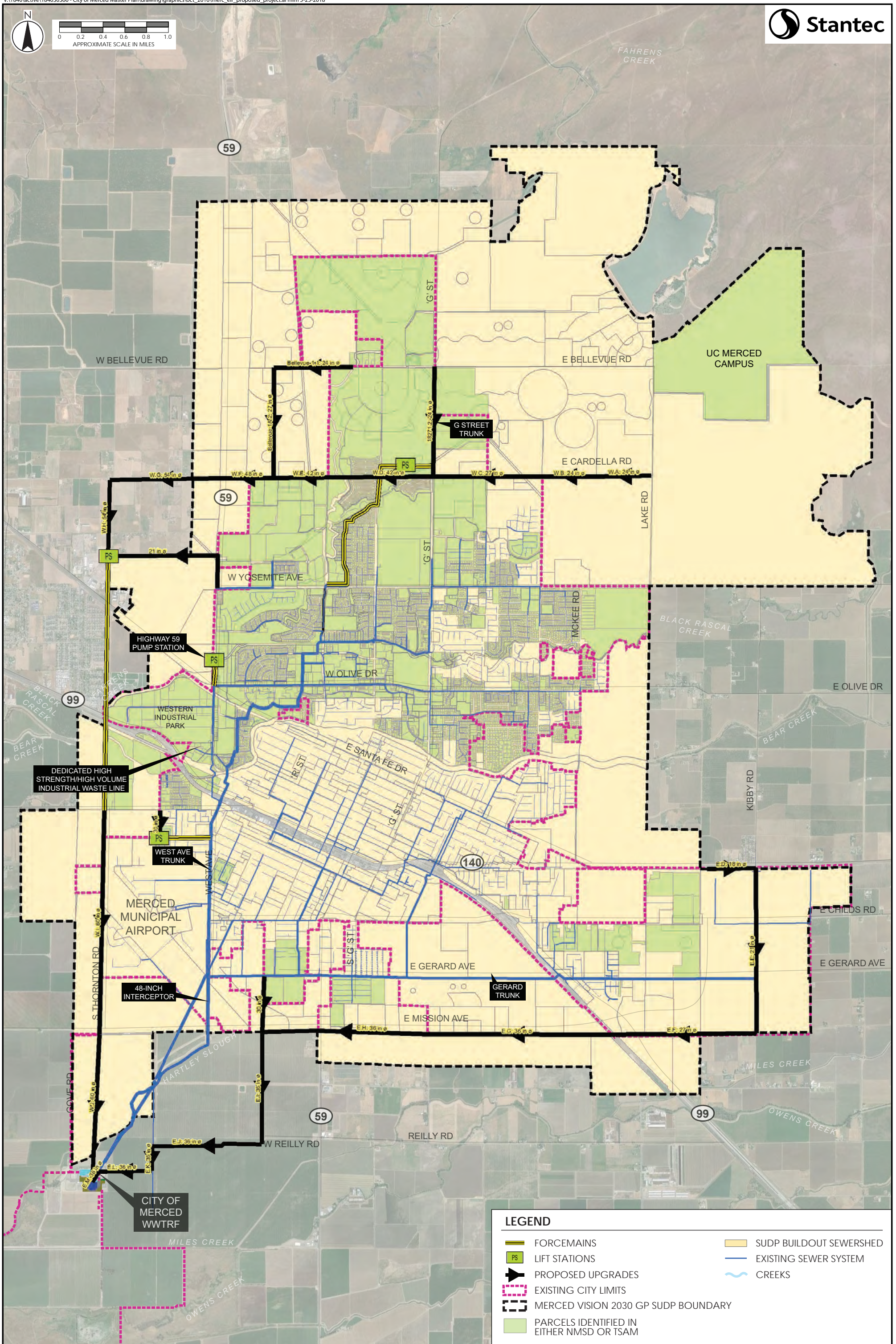
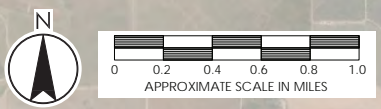
PROJECT ELEMENTS

The purpose of the Master Plan is to:

1. Update land use and wastewater flows accommodating the *Merced Vision 2030 General Plan*;
2. Assess the available capacity of the City's major sewers;
3. Determine the best means to sewer the build-out of the *Merced Vision 2030 General Plan* SUDP;
4. Develop an interim service plan and CIP for City growth; and
5. Establish a sewer repair and replacement program.



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LEGEND	
	FORCEMAINS
	LIFT STATIONS
	PROPOSED UPGRADES
	EXISTING CITY LIMITS
	MERCED VISION 2030 GP SUDP BOUNDARY
	PARCELS IDENTIFIED IN EITHER NMSD OR TSAM
	SUDP BUILDOUT SEWERSHED
	EXISTING SEWER SYSTEM
	CREEKS

ENVIRONMENTAL EFFECTS AND SCOPE OF THE EIR

The EIR will analyze potentially significant impacts that result from construction and operation of the Master Plan. Pursuant to section 15063(a) of the CEQA Guidelines, the EIR will evaluate the full range of environmental issues contemplated for consideration under CEQA statute and the CEQA Guidelines including:

- Aesthetics and Visual Resources
- Agriculture and Forestry Resources
- Air Quality and Greenhouse Gases
- Biological Resources
- Cultural and Tribal Resources
- Energy Resources
- Geology, Soils, and Mineral Resources
- Hazards, Hazardous Materials, and Wildfires
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services and Utilities
- Recreation
- Transportation and Traffic

Potential environmental impacts associated with implementation of the Master Plan are anticipated to be analyzed at project-level where feasible and a program-level for all other considerations. Preliminary screenings indicate that any potential adverse effects can be avoided, redesigned, minimized and/or mitigated through the development of alternatives or adoption of appropriate mitigation measures. The EIR will consider a range of potential temporary construction-period impacts, permanent impacts, and cumulative impacts.

SUBMITTING COMMENTS

Comments and suggestions as to the appropriate scope of analysis in the EIR are invited from all interested parties. Written comments or questions concerning the EIR for the WCS Master Plan should be directed to the City's public works director at the following address by **5:00 PM on August 7th, 2018**.

Ken Elwin, PE, City of Merced Public Works Director
678 W 18th Street
Merced, CA 95340
E-mail: elwink@cityofmerced.org

All comments should please include the name, email address, phone number, and mailing address of the contact person submitting the written response. In the event no response or request for additional time is received by any responsible agency or trustee agency by the end of the review period on **August 7th, 2018**, the City may presume that the responsible agency or trustee agency has no response.

SCOPING MEETING

A public scoping meeting will be held to receive comments on environmental issues that should be addressed in the Draft EIR as well as the range of practicable alternatives to be evaluated in the Draft EIR. The address, date, and time of this meeting are as follows:

Date: **Tuesday, July 24, 2018**
Time: **5:30 –7:30 pm**
Place: Merced Civic Center, Sam Pipes Room
678 W. 18th Street
Merced, CA 39540

July 25, 2018



Ken Elwin PE, City of Merced Public Works Department
678 West 18th St.
Merced, CA 95340

RE: Draft Environmental Impact Report City of Merced Master Plan Update

Dear Mr. Elwin:

We are the owners of the property which fronts on Cardella Rd. and runs from G St. to Gardner Rd. We currently farm the 80-acre southwest parcel to 3-year-old almond trees. This parcel is in the city limits. The remainder of the 240 acres (160 acres) is currently farmed to winter oats. We mention this because we recently experienced a PG&E pipeline construction along G St., where workers from PG&E were parking along Cardella Rd. and inside our orchard, which impeded our normal farming practices, without notice to us prior to their work. We do not wish for this to occur during any sewer line construction running down Cardella Rd., as it could impede our farming practices again, depending on the time of year and requirements for irrigation, spraying, pruning, harvest, and other farming practices performed year-round. Any pipeline construction on Cardella Road should not impede our "right to farm".

Access to our house is accessed by entering Cardella Rd. from G St., and is located between G St. and Gardner Rd. The paved road is somewhat maintained by the City, from the G Street access. There is only dirt road access from Gardner Rd. across our back field on a road which we maintain and is suitable only for a pickup or an all-terrain vehicle. Our daily vehicles, mail vehicles, and guest vehicles cannot travel across the dirt road from Gardner Rd. Mail trucks, visitors, etc. must access our home on Cardella Road. The back portion of our ranch (160 acres) is in the County. It is important to us that the sewer builders understand our ingress and regress predicament and offer us some solutions before making the G St. access unsuitable for driving using regular cars (non-four-wheel drive and non-pickups).

The land on either side of Cardella Road to the east sits at a higher elevation than the land closer to G St. Stormwater and any overflow irrigation waters naturally flow across Cardella Rd. into a drain located on the south side of Cardella Road into the current G St. drain. Depending on the rainy season, the amount of water flowing into the drain can be considerable. Any construction along Cardella Rd. should take the drainage issues and the topography of the land in the area into consideration. Excess water running into the orchard from poorly considered drainage issues would be extremely harmful to the trees.

Of course, the condition of Cardella Rd. after any construction is important to us. Will the road be improved and extended to Gardner Rd. and beyond? Will Cardella Rd. become an access road to Old Lake Road and the University connecting with the other portion of Cardella Rd. to the east? Cardella Rd, will become a main East-West through fare and traffic flows should be taken into account. Will our driveway access to our home be rebuilt by the project?

Please consider all of these issues as you plan your Environment Impact Report for the sewer project.

Thank you,

Pete and Vicki Bandoni
1550 E. Cardella Rd.
Merced, CA 95340

Two handwritten signatures in black ink. The top signature is "Pete Bandoni" and the bottom signature is "Vicki Bandoni".

August 7, 2018

City of Merced
Merced City Council,
678 West 18th st.
Merced, CA 95340

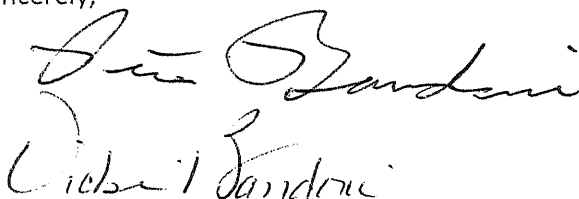
Dear, Mayor Mike Murphy and Council members, Michael Belluomini, Kevin Blake, Josh Pedrozo, Anthony Levi Martinez, Jill McLeod, Matthew Serratto

We are writing this letter as landowners of property adjacent to the proposed 2030 Sewer Project along Cardella Rd. We have owned and farmed 240 acres of land in this location for over 40 years. Our income is derived from farming our land to almonds and winter oats. We do believe that planning for northern growth is vital, but we have watched over many years the ebb and flow of development in north Merced. While developers close to the University of California, Merced, and the Lake Road and Bellevue Corridor may be in a hurry to have sewer access, development of lands in between the University and Cardella Rd. will likely not be developed for many years. The majority of this land is still used for farming, grazing cattle, and low-density residential.

It is our understanding that it is the City of Merced's plan to create a sewer assessment district to finance the 2030 sewer project. We have heard numbers in the neighborhood of \$1000 per acre per year for 40 years. For our family, that would mean \$240,000 per year, which would put such a financial burden that we could be forced to lose our land or change our livelihood. This is simply unsustainable for any landowner who does not develop their property, essentially forcing all farmers and residents along Cardella Road to sell out or change their current operations completely. Much of the land is owned in small parcel ranchettes that function on private septic systems, and those that would benefit in the long term would only be the developers. How could it be that the burden would lie with landowners, with an unsustainable assessment?

As landowners, longtime citizens of Merced, and parents, we feel an obligation to find a balance between planning for the future of our community as a whole and planning for our future as a family. We urge you to not only consider the University of California and its interest in the project, but find an equitable financial solution to finance any "sewer expansion" for which the benefits are years in the future for the landowners in between.

Sincerely,

The image shows two handwritten signatures in black ink. The top signature is 'Pete Bandoni' and the bottom signature is 'Vicki Bandoni'. Both are written in a cursive, flowing style.

Pete and Vicki Bandoni

**Law Offices of
Richard L. Harriman
1078 Via Verona Drive
Chico, California 95973-1031
Telephone: (530) 343-1386
Email: harrimanlaw1@sbcglobal.net**

August 6, 2018

VIA EMAIL TRANSMISSION

[elwink@cityofmerced.org]

Ken Elwin, PE,
Public Works Director
City of Merced
678 W. 18th Street.
Merced, CA 95340

Re: Merced Wastewater Collection System Master Plan (MWCSMP)
Comments re Notice of Preparation for Environmental Impact Report
Request for Notice of All Public Notices re Availability of Public
Environmental Review Documents and Meetings, Hearings, and Workshops

Dear Mr. Elwin:

As you were informed previously at the Scoping Meeting for the above-referenced Program and Project held on July 24, 2018, I am a property owner in the City of Merced and also represent the Merced Citizens for Responsible Planning (MCRP) and the San Joaquin Valley Environmental Defense Center (SJVEDC), regarding this matter.

After having carefully reviewed the Notice of Preparation (NOP) for the above-referenced Program and Project Environmental Impact Report (EIR), I am submitting the following objections to and comments regarding the NOP for the above-referenced EIR.

1. I incorporate by reference herein all of the oral objections and comments made by attorney Michael Claiborne and the undersigned at the Scoping Meeting held on July 24, 2018.
2. The project description for the program and project is inadequate, due to the fact the proposed program and project fails to provide a stable, complete, finite, and accurate description of the “whole of the project” because the NOP fails to include the expansion of the City’s Waste Water Treatment Facility at Gurr Road, which will the proposed project is designed and will be constructed to serve.

3. Based on the previous comment, the Notice of Preparation is defective and fails to provide the public and stakeholders with adequate notice of what the true and accurate “whole of the project” will be. Therefore, the NOP should be corrected, re-circulated to the trustee and affected federal, state, and local agencies, and published as required by law; and the Scoping Meeting should be re-noticed and conducted, after the project description has corrected to remedy the improper segmentation of the whole project, due to the “piece-mealing” of the program and project by the lead agency, so that the City property owners, taxpayers, and rate-payers will be properly informed of the true scope of the whole program./project and cost of the whole program/project.
4. The Project Alternatives need to be revised and expanded to disclose, analyze, and consider the use of de-centralized tertiary treated wastewater facilities that can be specially planned, designed, and engineered to be constructed and served new growth as it occurs, rather than incurring the exorbitant costs of the construction and debt service for growth that may not occur or be necessary. [See article attached to December 18, 2017 letter to the City Council, regarding the City’s Urban Water Management Plan, enclosed herewith and incorporated herein.]
5. The 2017 UWMP is flawed and invalid, based on the reasons set forth in Comment No. 4 hereinabove, which needs to be disclosed, analyzed and considered in the program/project EIR.
6. The City’s proposed use of surface water supplied by the Merced Irrigation District (MID) from the Merced River raises significant environmental effects and other legal issues that need to be disclosed, analyzed, and considered in the EIR for this program/project.
7. The EIR needs to disclose, analyze, and consider the 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 historically relied upon by the City for its Municipal and Industrial (“M&I”) water supplies. Specifically, the EIR must disclose, analyze, and consider the legal and other design and construction issues raised by the use of water impressed with the “Public Trust” for its M&I purposes, in conjunction with the California Water Code mandate to recycle and re-use its treated urban effluent within its jurisdiction. [See CWC sections 13350 et seq.]
8. The Urban Water Management adopted by the lead agency on December 18, 2017 is defective and valid due to the failure of the City to include and analyze recycling and re-use of treated urban water effluent within is jurisdiction. [See Commentator’s letter of December 18, 2017 to the City Council, attached hereto and incorporated herein by reference.]
9. The EIR needs to disclose, analyze, and consider in the Environmental Background and Environmental Setting section the recently announced policy and decision to

reduce the diversion of surface water from the Merced River and other tributaries of the San Joaquin River by 40-60%, due to fact that the City's 2017 UWMP plan states the lead agency's policy and decision to depend on a conjunctive use system. Specifically, the City has stated in its UWMP that it will use surface water diverted by the MID for its agricultural water supply to mix with existing groundwater supplies for the City's M&I uses. This foundational assumption included in the City's 2017 UWMP is no longer valid and cannot be relied upon in the EIR for the proposed program/project.

10. The EIR needs to disclose, analyze, and consider the local Groundwater Sustainability Agency's (GSA's) groundwater management plan, which has not yet been completed or adopted. Until the local GSA's groundwater management plan has been completed and adopted, the lead agency's lack of a final plan must be disclosed, analyzed, and considered, and the City will need to provide current updated accurate groundwater facts, data, and information about the reliability and sustainability of both the surface water supply that may be banked in the City's groundwater basin and the existing supply of groundwater that the City plans to utilize to provide potable water for the City's M&I supplies identified in the 2017 UWMP. These facts, data, and information will need to be analyzed and considered in both the Environmental Background/Setting sections and the Project Alternatives section of the EIR.
11. The EIR needs to include full disclosure, analysis, and consideration of the direct and indirect impacts on the City's proposed surface and groundwater supplies from "Global Warning." The NOP refers to "Greenhouse Gases;" but this term should include facts, data, and information regarding "Global Climatic Disruption," as described by Dr. John Holdren (former Assistant to the President on Science and Technology and Harvard Professor of Environmental Policy) in Thomas L. Friedman's 2008 book, "Hot, Flat, and Crowded," at page 134. This subject matter must be addressed in the Environmental Background, Air Resources, Biological Resources, Hydrological Resources and Project Alternatives. These sections must include disclosure, analysis, and consideration of the substantial probability of significant reduction in the amount of annual snowfall and spring runoff from the Sierra Nevada in the Merced River, which is purported to be the surface water source of the City's M&I water supplies and of the recharge for agricultural, municipal, and industrial use.
12. The EIR must analyze and consider Environmental Justice issues, with respect to how the proposed program/project will impact the lower income communities and communities of color in the City of Merced regarding the issues raised at the Scoping Meeting by Michael Claiborne, attorney for the Leadership Counsel for Justice and Accountability, concerning adverse impacts on affordable housing and other quality of life issues that disproportionately impact the African-American, Hmong, Latino, and lower income communities in the City. In addition, the issue of consistency with the City General Plan, which the City must update to include an Environmental Justice Element by the end of 2018, must be disclosed, analyzed, and considered, pursuant to Government Code sections 65040.12 and 65302(h).

13. The issues of General Plan consistency with the program/project, as a whole, must be disclosed, analyzed, and considered in the EIR. These issues have been raised numerous times in the stakeholders' meetings, public meetings before the City Council, the public hearings regarding this program/project, and the UWMP matter, at which City Staff and the City's consultants from STANTEC have been present. It is the position of this Commentator that the City will need to amend the City General Plan as part of the process and actions taken by the City Council to proceed with the proposed program/project, both as described and as a whole. Therefore, this Commentator has raised and is raising, again, this issue as one which must be properly addressed in the Draft EIR and the EIR process that has been commenced. The amendment of the City General Plan policies, goals, objectives, and its implementation action plan should have been included in the NOP and notice to the public of the Scoping Meeting; and this defect in the NOP and the Notice to the Public is raised herein and is not waived.
14. As was raised in the Scoping Meeting by Mr. Claiborne and me, there is a substantial probability that the proposed program/project will have a significant impact on the physical environment of the minority communities who reside in Merced, as caused by short-term, intermediate term, and long-term construction activities and by the physical urban blight that will be caused by the development and construction of the proposed program/project. Moreover, the failure to provide and include the costs of the construction of the expansion of the Gurr Road WWTF caused by this program/project and the long-term servicing of the debt from the program/project as a whole in the NOP constitutes a major defect in the notice to the public of the proposed program/project as a whole. This procedural defect should be remedied *immediately* by the revision and correction of the notice of the NOP and the Scoping Meeting, because this issue is not waived and will infect the entire environmental review process, if not addressed forthwith.
15. With regard to the issue of impacts caused by urban blight to the physical environment by the proposed program/project, the City's consultants must disclose, analyze, and consider the potentially significant effects on the existing urban environment in the EIR and should include an economic study of such potential environmental effects in the EIR. This study should also include an analysis of the potentially significant financial impacts on property owners and rate-payers of the substantial increase in debt service and operating expenses generated by and associated with the development of the program/project *as a whole*. If the economic and financial impacts of the program/project are not addressed, the City could face another financial disaster similar to the recent recession (e.g., the Bellevue Ranch infrastructure bond default by property owners and developers), due the failure of the lead agency to identify, disclose, analyze, and consider the potentially significant impacts of the overly aggressive expansion of the City's sewer collection system infrastructure and the WWTF on Gurr Road, in violation of the City's current General Plan policies, goals, objectives, and implementation action plan.

Thank you for the opportunity to comment on the NOP for this program/project EIR. Please note the procedural objections set forth herein and the undersigned's request for timely written notice by email and U.S. Mail of all future environmental review and planning documents and all public stakeholders' meetings, workshops, Planning Commission and City Council meetings and hearings concerning this matter, including Agenda items regarding the revision and/or amendment of the program/project description and/or Notice of Preparation and re-scheduling of another Scoping Meeting for the revised project description and Notice of Preparation.

Respectfully submitted,

/s/ Richard L. Harriman
RICHARD L. HARRIMAN
Attorney for MCRP and the
San Joaquin Valley
Environmental Defense Center

Encl.: December 18, 2017 Letter re 2017 UWMP w/ enclosures

cc: Ken Alex, Director, OP&R
California Department of Water Resources
Central Valley Regional Water Quality Control Board
Merced Sun Star
Clients

**Law Offices of
Richard L. Harriman
1078 Via Verona Drive
Chico, California 95973-1031
Telephone: (530) 343-1386
Email: harrimanlaw1@sbcglobal.net**

December 18, 2017

VIA EMAIL TRANSMISSION
[cityclerk@cityofmerced.org]

Michael Murphy, Mayor
Merced City Council
678 W. 18th Street, 1st Fl.
Merced, CA 95340

Re: City of Merced Amended 2015 Urban Water Management Plan (UWMP)
Item J.3 on Council Consent Agenda for December 18, 2017
Comments and Objections re Final Amended 2015 UWMP
Hearing Date: December 18, 2017; 6:00 p.m.
Request to Pull Matter from Consent Agenda and Discuss

Honorable Mayor Murphy and City Council Members:

As you have been previously informed, I am a property owner in the City of Merced and also represent the Merced Citizens for Responsible Planning (MCRP) and the San Joaquin Valley Environmental Defense Center. .

The purpose of this letter is to request that you pull the above-referenced item from your Consent Calendar, in order to discuss and deliberate in open session the approval of the proposed final Amended City of Merced 2015 Urban Water Management Plan, which is required to have been approved no later than July 1, 2016.

After having carefully reviewed the above-referenced document, I am submitting the following comments and objections to the final Amended 2015 UWMP.

1. P. 6-7, line 2: The plan mistakenly refers to “sewer drought conditions,” which should be corrected to read “**severe** drought conditions.” (emphasis added)
2. The final Amended 2015 UWMP states, at p. 6-10:

CWC §10633

The plan shall provide, to the extent available, information on recycled water and its potential for use as a water source in the service area of the urban water supplier. The preparation of the plan shall be coordinated with local water, wastewater, groundwater, and planning agencies that operate within the supplier's service area

All of the City's wastewater is treated at the Wastewater Treatment Facility (WWTF). **Currently, the City's recycled water program is in its early stages** and is used within the Public Works Collections Department. **The City does not have the infrastructure to convey large quantities of recycled water to customers within the service Area.** Any recycled water not used by the Public Works Department is used for Agricultural irrigation and environmental purposes. According to the 2016 Draft Sewer Master Plan, the City's wastewater generation was 85 gallons." (emphasis added)

As will be discussed in greater detail below, the primary defect in the Amended 2015 UWMP is that it does not comply with the mandatory statutory requirement that the UWMP discuss and analyze the potential for use of recycled water as a water source in the service area of the City of Merced and the alternatives which would achieve this statutory goal.

The amended UWMP concedes that the City's recycled water program is in its early stages and that the City does not have the infrastructure to convey large quantities of recycled water to customers within the service area. [see quoted portion above] The reason for this lack of progress in the development of the use of recycled water in the City is that it has not chosen to analyze or include consideration of the use of recycled water in the City's service area. The evidence for this statement is contained in the 2016 Draft Sewer Master Plan, which fails to include a plan for the development of infrastructure for a sewer water recycling plant in north Merced, where a majority of development is occurring and will continue to occur, due to the location of the University of California campus, nor has the City has chosen not to analyze or consider the alternative of de-centralized tertiary treatment facilities to be constructed on the site of, or in close proximity to, new developments as they occur.

In addition, there is no analysis or consideration in the Amended UWMP of the cumulative financial impacts to the City of Merced and to its residents from the costs of the infrastructure necessary to treat the surface water proposed by the City, the new trunk line system necessary to transport the untreated effluent to the existing Waste Water Treatment Facility (WWTF) located 10-12 miles from new development in north Merced, of the expansion of the WWTF, nor of the cost of a separate trunk line to return the treated effluent to the location of new development for re-use, as required by California Water Code (CWC) section 13350 et seq. (re-use of treated recycled urban effluent in the service area of the source of the untreated urban effluent).

Despite the fact that the City has been working on the Draft Sewer Master Plan since 2007 and on the 2015 UWMP for over almost four years, there is still no evidence in the amended 2015 UWMP that the City intends to comply with either CWC sections 10633 or 13350. It should also be noted that, in Fig. 3.4 at p. 3-9, the population of the City will be 105,000 in 2020 and approximately 145,000 in 2035, according to the 2035 Merced General Plan

Update. Thus, the longer the City postpones its compliance with CWC sections 10633 and 13350, the more costly it will be for the City and its ratepayers to treat and transport potable and recycled water for re-use in the City's service area.

Therefore, the City should address, analyze, and consider the potential for the use of recycled water now---as mandated by CWC sections 10633 and 13350 et seq.

3. Section 6.4.3.2, at p. 6-18, of the amended UWMP states:

“CWC §10633

(f) (Describe the) actions, including financial incentives, which may be taken to encourage the use of recycled water, and the projected results of these actions in terms of acre-feet of recycled water used per year.

CWC § 10633

(g) (Provide a) plan for optimizing the use of recycled water in the supplier's service area, including actions to facilitate the installation of dual distribution systems, to promote recirculating uses, to facilitate the increased use of treated wastewater that meets recycled water standards, and to overcome any obstacles to achieving that increased use. (emphasis added)

The City supports use of reclaimed water in the service area **where economically feasible, though there are no current plans to do so.** The City however, has taken steps to promote and expand the use of reclaimed water and promote awareness among City stakeholders. The majority of the potential use of recycled water consists of agricultural demands **and minimal application is planned for urban reuse. The City does not provide or maintain incentives to use reclaimed water.**” (emphasis added)

The foregoing quotation from the Amended UWMP further demonstrates, again, the City's lack of compliance with CWC section 10633. Here, the City blatantly disregards the mandatory statutory language in subsection (g) above to “Provide a plan” for the express purposes of “for optimizing the use of recycled water in the supplier's service area, including actions to facilitate the installation of dual distribution systems, to promote recirculating uses, to facilitate the increased use of treated wastewater that meets recycled water standards, and to overcome any obstacles to achieving that increased use.”

In this context, it is particularly instructive to refer to Tables 6-7 and 6-8, at pp. 6-17 and 6-18, which report that no more than 1.0 acre foot (AF) of the treated effluent is currently used for urban re-use in the City's service area as required by CWC section 13350 et seq., which “consultant's failure to perform its duties under its contract with the City to provide an UWMP which complies with the statutory requirements of the Act.

The foregoing citations to CWC section 10633 set in relief the City's willful failure and refusal to proceed in the manner required by law, in violation of CWC section 10651.

4. Section 6.7, p. 6-19, states:

“CWC §10631

(g) ...The urban water supplier shall include a detailed description of expected future projects and programs...that the urban water supplier may implement to increase the amount of the water supply available to the urban water supplier in average, single-dry, and multiple-dry water years. The description shall identify specific projects and include a description of the increase in water supply that is expected to be available from each project. The description shall include an estimate with regard to the implementation timeline for each project or program.” (emphasis added)

The foregoing section reinforces the statement immediately preceding this statement in section 6.6.2, which states:

“UC Merced’s Long Range Development Plan identifies the need for the Campus to consider the use of recycled water for irrigation and industrial use. The plan recognizes the City as a source for recycled water. However, the City and UC Merced do not have any plans to implement the transfer of recycled water. Therefore, any transfers between the City and UC Merced have not been considered for the planning period. The City’s 2015 Water Master Plan (Water Master Plan) identifies the need to increase the water supply in the future and outlines alternatives to address the potential supply deficiency.”

These two sections, again, demonstrate the City’s unwillingness and refusal to analyze, discuss or consider the use of tertiary treated effluent or de-centralized tertiary treatment facilities in its UWMP. Section 6.7 also fails to include a “detailed description of expected future projects and programs...that the urban water supplier may implement to increase the amount of the water supply available to the urban water supplier in average, single-dry, and multiple-dry water years” and to “identify specific projects and include a description of the increase in water supply that is expected to be available from each project, as required by CWC section 10631(g) set forth above.

Specifically, the amended UWMP fails to disclose and include a detailed description of the conveyance system that will be necessary to transport the additional untreated effluent that will be produced as a result of the use of surface water with groundwater in the proposed “conjunctive water use” system which is described in the amended UWMP, along with the project and program that will be necessary to expand the WWTF on Gurr Road to treat the increased supply of water resulting from the importation of surface water from the Merced River source utilized by the Merced Irrigation District (MID).

What has been omitted from the amended UWMP by the City and its consultants is the cumulative project infrastructure and its components that will have to be constructed as parts of the new Surface Water Treatment Plant (SWTP) system---including the cost to the City and its residents of this entire integrated water supply, treatment, re-use, and disposal system. By omitting the required “detailed description of future projects and programs that the urban water supplier **may** implement to increase the amount of water supply available to the urban water supplier,” the City violates the legislative intent of the law set forth in CWC sections 10610.2 and 10610.4.

Specifically, the amended UWMP violates CWC section 10610.4, subsections (a), (b), and (c), as follow:

- (a) The management of urban water demands and efficient use of water shall be actively pursued to protect both the people of the state and their water resources.
- (b) The management of urban water demands and efficient use of urban water supplies shall be a guiding criterion in public decisions.
- (c) Urban water suppliers shall be required to develop water management plans to actively pursue the efficient use of available supplies.

In support of the foregoing arguments in favor of including a meaningful role for decentralized recycling opportunities in the City's 2015 UWMP, I have provided a copy of an article that was published in the *Valley Voice* in the summer of 2015, which was also published in the Merced Sun Star in July, 2015, for your information and for the record.

Finally, the failure of the City to comply with CWC section 16031, subd. (g) will result in the improvident and imprudent expenditure of public funds, which will result in a substantial increase to City residents and tax payers in the rates paid to store and supply their potable water and to convey and treat the increased wastewater resulting from growth and development in the City. The residents and rate payers of Merced deserve to have their legal and economic interests protected by your City Council.

With your Council's leadership, Merced can be a statewide example of "Smart Growth" and financially responsible development. **Please do not adopt the proposed resolution approving the amended 2015 UWMP in its current form and until your Sewer Master Plan has been finally approved.** The City is already a year and a half late in approving its UWMP; please take the time to do it and the Sewer Master Plan right.

Respectfully submitted,

/s/ Richard L. Harriman
RICHARD L. HARRIMAN
Attorney for MCRP and the
San Joaquin Valley
Environmental Defense Center

Encl.: Valley Voice Article
cc: Clients
Council members



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Urban Water Conservation: Another Alternative

Posted on August 6, 2015 by Richard L. Harriman

Lester Snow's recent editorial, "Drought Serves as Wake-up Call for Major Changes" (Sacramento Bee, July 11), invites renewed focus on "improved urban water conservation."

California statutes mandate re-use of tertiary treated wastewater by urban communities within their jurisdictions. Re-use of tertiary treated wastewater from de-centralized treatment facilities for purposes that do not require potable water is defined as "beneficial use" of water.

Civil engineering consultants in the Bay area and the San Joaquin Valley already have the knowledge and technology necessary to design and construct specially engineered tertiary wastewater treatment systems to serve new development or retro-fit infill development. The UC Merced Engineering Department has the intellectual ability and resources to assist in the application or improvement of such technology in Merced and the Valley. If implemented, this technology can reduce the demand for potable urban water by almost 30% .

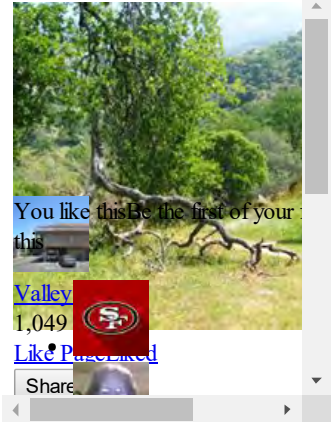
Similarly, financing for de-centralized tertiary wastewater systems is available. Community Facility District (CFD) financing for public police, fire safety services, and infrastructure for public utilities is commonly utilized throughout the state. Public finance consultants are familiar with this financing; and, following the repeal of redevelopment agency statutes, new financing options are being created by consultants, and new legislation will follow.

The financial and environmental benefits of specially engineered community wastewater treatment facilities are numerous. First, using small-scale wastewater treatment systems allows a local government to avoid excess treatment capacity and debt service for development of treatment facilities that are over-sized to anticipate future growth. Second, the use of small-scale community wastewater treatment facilities avoids having to speculate about the rate of future growth and allows the local governments to respond more accurately to real growth, rather than speculate on growth during uncertain future economic conditions.

The failure to use small-scale wastewater facilities imposes an unnecessary burden on the existing local taxpayers and water users. Currently, they pay for excess unused capacity that does not benefit these rate payers—who do not need it, and will never use it. Using tertiary treated wastewater from small-scale de-centralized facilities avoids the cost of having to construct and operate additional unnecessary water conveyance facilities to return the tertiary treated waste water to the users for re-use on site.

Finally, the environmental benefits of small-scale wastewater treatment facilities includes re-use of urban tertiary treated wastewater closer to the original user, as required by statute, which will reduce the total amount of groundwater used. Second, the use of this technology allows local governments to "fine tune" the amount and rate of new growth which will occur in the local community. Third, these systems may be used for both new development and retro-fitting in-fill growth, without expanding or surcharging the existing centralized wastewater treatment facilities. Fourth, charging the residents of the new growth and/or infill development for the cost of their own wastewater treatment facilities and operating expenses will make these residents more aware of their own water use, so they may reduce their use of potable water supplies as much as possible. Fifth, the use of small-scale de-centralized wastewater treatment facilities will reduce demand per capita on groundwater supplies.

Therefore, the current paradigm of hugely expensive large-scale centralized wastewater treatment facilities must be re-examined in the light of currently available wastewater treatment technology and financing. Governor Brown's administration should aggressively pursue "improved urban conservation" by permitting developers to elect state-of-the-art small-scale de-centralized tertiary wastewater systems for new development. This alternative can be expedited and implemented quickly by executive action. This strategy will



Upcoming Events

Tue 11

Valley Oak SPCA Yappy Hour

August 11 @ 5:00 pm - 9:00 pm
Recurring Event (See all)
Every month on the second
Tuesday

The Planing Mill Artisan Pizzeria
Visalia CA

Tue 11

save money for local rate payers and will protect environmental resources, while implementing the mandatory "beneficial use" of recycled tertiary treated wastewater.

Mr. Harriman is an environmental and land use attorney who has practiced in the Central Valley for over 39 years.

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Name *

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Valley Oak SPCA Yappy Hour

August 11 @ 5:00 pm - 9:00 pm
Recurring Event (See all)
Every month on the second Tuesday

Kindergarten Readiness Storytime

August 11 @ 6:15 pm - 7:00 pm
Recurring Event (See all)
Every week

Tulare Public Library
Tulare CA

Palette Club Meeting

August 11 @ 7:00 pm - 8:00 pm
Recurring Event (See all)
Every month on the second Tuesday

Tulare Historical Museum
Tulare CA

Exeter Friends of the Library

August 11 @ 7:00 pm - 8:00 pm
Recurring Event (See all)
Every month on the second Tuesday

Exeter Branch Library
Exeter CA

Farmers Market at Quail Park

August 12 @ 10:30 am - 1:30 pm
Recurring Event (See all)
Every week

Quail Park Retirement Village
Visalia CA

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From: Elwin, Ken
To: [Clyma, Kimberly](#)
Cc: [Espinosa, Kim](#)
Subject: FW: NOP COMMENTS
Date: Monday, August 6, 2018 8:53:18 AM
Attachments: [NOP ATTACHMENTS_SCSMP.pdf](#)

Kimberly;

Please see the attached from Mr. Rick Telegan.

Thanks
Ken

From: RICK TELEGAN <fresno3rdm@aol.com>
Sent: Saturday, August 04, 2018 7:16 PM
To: Elwin, Ken <ElwinK@cityofmerced.org>
Subject: NOP COMMENTS

Mr. Elwin....Please accept this email, with attachments, as my comment letter relative to the proposed environmental impact report intended to be prepared for the city's draft Sewer Collection System Master Plan. Thank you.

- Analyze the financial impact and economic burden, both direct and in-direct, on those parcels of land within the North Merced Sewer District that have not yet been developed.

- Analyze and explain how this Sewer Collection System Master Plan would further the city's intent of consistency with each of the "Guiding Principles" enumerated in the "Merced Vision 2030 General Plan" (beginning on page I-iii), particularly:
 - Expansion of the Sphere of Influence and City boundary with phasing of development to avoid premature conversion of agricultural land and to plan for cost-effective extension of municipal services.
 - Foster compact and efficient development patterns.
 - Connectivity between existing and planned urban areas.

- Justify, in detail, why future developments (particularly in the new SUDP areas) should be financially responsible for "addressing existing system deficiencies" (paragraphs 7.3.1 and 7.4.2 of draft plan, December 15, 2017), rather than the existing rate-payers (through the monthly city imposed sewer service fees).

- Explain the fairness of the city's intent to establish an assessment district encompassing the

entire SUDP while limiting the areas to be initially annexed, as was previously mentioned in various public gatherings, including the notice of preparation for this environmental document held on July 24, 2018.

- Thoroughly evaluate the environmental and financial results of an alternative that permits property owners, individually or collectively with neighboring property owners, to opt-out of the city's plan and assessment district, allowing them to build, when needed to develop, their own sewer collection and treatment system, including urban re-use (within the City of Merced).
- Thoroughly evaluate the environmental and financial results of modifying the Sewer Collection System Master Plan to allow UC Merced, and its associated community, to build their own tertiary sewer treatment plant on their property, thereby removing the rush to have this plan approved, financed and constructed...all without the burden that this plan would have on thousands of acres privately owned property.
- In light of the statement on page ES-1 of the Executive Summary dated December 15, 2017 ["The most important concept coming out of these concurrent planning efforts is that the City is not planning to implement extensive effluent reuse (i.e. the City is not planning to install a 'purple pipe' distribution system) in the North Merced area], explain how Merced's proposed Sewer Collection System Master Plan complies with the California Water Code, Sections 13550, 13551, 13552.2, 13552.4, 13552.6, 13552.8, 13553 and 13554 (see attached).
- In a July 14, 2015 email to me from the then Merced City Manager John Bramble (see attached), he said that at the July 6th 2015 city council meeting, "...the City Council authorized a separate study to be funded considering different uses for the recycled water from the wastewater treatment plant...". This study needs to be completed and the results analyzed in order for the Sewer Collection System Master Plan to comply with California State Law.
- In an article recently written by Mr. Marc Benjamin titled "Fresno, Clovis Plan To Mix Recycled Sewer Water For Drinking" published in the July 18, 2018 edition of The Business Journal (see attached), nearly two (2) dozen water agencies in California are working with state officials to make this a reality. The article mentions that the Central Valley must have a sustainability plan by 2020, and needs to achieve that sustainability by 2040. How does the Sewer Collection System Master Plan intend to interface with the near future concept of blending potable water with treated sewer water to accomplish the sustainability

requirements of the State of California?

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Telephone 559.298.9300
Cell 559.269.3441

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DIVISION 7. WATER QUALITY [13000 - 16104] (*Division 7 repealed and added by Stats. 1969, Ch. 482.*)

CHAPTER 7. Water Reclamation [13500 - 13557] (*Chapter 7 added by Stats. 1969, Ch. 482.*)

ARTICLE 7. Water Reuse [13550 - 13557] (*Heading of Article 7 amended by Stats. 1994, Ch. 724, Sec. 6.*)

13550. (a) The Legislature hereby finds and declares that the use of potable domestic water for nonpotable uses, including, but not limited to, cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses, is a waste or an unreasonable use of the water within the meaning of Section 2 of Article X of the California Constitution if recycled water is available which meets all of the following conditions, as determined by the state board, after notice to any person or entity who may be ordered to use recycled water or to cease using potable water and a hearing held pursuant to Article 2 (commencing with Section 648) of Chapter 1.5 of Division 3 of Title 23 of the California Code of Regulations:

(1) The source of recycled water is of adequate quality for these uses and is available for these uses. In determining adequate quality, the state board shall consider all relevant factors, including, but not limited to, food and employee safety, and level and types of specific constituents in the recycled water affecting these uses, on a user-by-user basis. In addition, the state board shall consider the effect of the use of recycled water in lieu of potable water on the generation of hazardous waste and on the quality of wastewater discharges subject to regional, state, or federal permits.

(2) The recycled water may be furnished for these uses at a reasonable cost to the user. In determining reasonable cost, the state board shall consider all relevant factors, including, but not limited to, the present and projected costs of supplying, delivering, and treating potable domestic water for these uses and the present and projected costs of supplying and delivering recycled water for these uses, and shall find that the cost of supplying the treated recycled water is comparable to, or less than, the cost of supplying potable domestic water.

(3) After concurrence with the State Department of Public Health, the use of recycled water from the proposed source will not be detrimental to public health.

(4) The use of recycled water for these uses will not adversely affect downstream water rights, will not degrade water quality, and is determined not to be injurious to plantlife, fish, and wildlife.

(b) In making the determination pursuant to subdivision (a), the state board shall consider the impact of the cost and quality of the nonpotable water on each individual user.

(c) The state board may require a public agency or person subject to this article to furnish information which the state board determines to be relevant to making the determination required in subdivision (a).

(Amended by Stats. 2014, Ch. 544, Sec. 14. (SB 1458) Effective January 1, 2015.)



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(1) The source of recycled water is of adequate quality for these uses and is available for these uses. In determining adequate quality, the state board shall consider all relevant factors, including, but not limited to, food and employee safety, and level and types of specific constituents in the recycled water affecting these uses, on a user-by-user basis. In addition, the state board shall consider the effect of the use of recycled water in lieu of potable water on the generation of hazardous waste and on the quality of wastewater discharges subject to regional, state, or federal permits.

(2) The recycled water may be furnished for these uses at a reasonable cost to the user. In determining reasonable cost, the state board shall consider all relevant factors, including, but not limited to, the present and projected costs of supplying, delivering, and treating potable domestic water for these uses and the present and projected costs of supplying and delivering recycled water for these uses, and shall find that the cost of supplying the treated recycled water is comparable to, or less than, the cost of supplying potable domestic water.

(3) After concurrence with the State Department of Public Health, the use of recycled water from the proposed source will not be detrimental to public health.

(4) The use of recycled water for these uses will not adversely affect downstream water rights, will not degrade water quality, and is determined not to be injurious to plantlife, fish, and wildlife.

(b) In making the determination pursuant to subdivision (a), the state board shall consider the impact of the cost and quality of the nonpotable water on each individual user.

(c) The state board may require a public agency or person subject to this article to furnish information which the state board determines to be relevant to making the determination required in subdivision (a).

(Amended by Stats. 2014, Ch. 544, Sec. 14. (SB 1458) Effective January 1, 2015.)

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13551. A person or public agency, including a state agency, city, county, city and county, district, or any other political subdivision of the state, shall not use water from any source of quality suitable for potable domestic use for nonpotable uses, including cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses if suitable recycled water is available as provided in Section 13550; however, any use of recycled water in lieu of water suitable for potable domestic use shall, to the extent of the recycled water so used, be deemed to constitute a reasonable beneficial use of that water and the use of recycled water shall not cause any loss or diminution of any existing water right.

(Amended by Stats. 1995, Ch. 28, Sec. 40. Effective January 1, 1996.)



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CHAPTER 7. Water Reclamation [13500 - 13557] (*Chapter 7 added by Stats. 1969, Ch. 482.*)

ARTICLE 7. Water Reuse [13550 - 13557] (*Heading of Article 7 amended by Stats. 1994, Ch. 724, Sec. 6.*)

13552.2. (a) The Legislature hereby finds and declares that the use of potable domestic water for the irrigation of residential landscaping is a waste or an unreasonable use of water within the meaning of Section 2 of Article X of the California Constitution if recycled water, for this use, is available to the residents and meets the requirements set forth in Section 13550, as determined by the state board after notice and a hearing.

(b) The state board may require a public agency or person subject to this section to submit information that the state board determines may be relevant in making the determination required in subdivision (a).

(*Amended by Stats. 1995, Ch. 28, Sec. 41. Effective January 1, 1996.*)


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CHAPTER 7. Water Reclamation [13500 - 13557] (*Chapter 7 added by Stats. 1969, Ch. 482.*)

ARTICLE 7. Water Reuse [13550 - 13557] (*Heading of Article 7 amended by Stats. 1994, Ch. 724, Sec. 6.*)

13552.4. (a) Any public agency, including a state agency, city, county, city and county, district, or any other political subdivision of the state, may require the use of recycled water for irrigation of residential landscaping, if all of the following requirements are met:

(1) Recycled water, for this use, is available to the user and meets the requirements set forth in Section 13550, as determined by the state board after notice and a hearing.

(2) The use of recycled water does not cause any loss or diminution of any existing water right.

(3) The irrigation systems are constructed in accordance with Chapter 3 (commencing with Section 60301) of Division 4 of Title 22 of the California Code of Regulations.

(b) This section applies to both of the following:

(1) New subdivisions for which the building permit is issued on or after March 15, 1994, or, if a building permit is not required, new structures for which construction begins on or after March 15, 1994, for which the State Department of Public Health has approved the use of recycled water.

(2) Any residence that is retrofitted to permit the use of recycled water for landscape irrigation and for which the State Department of Public Health has approved the use of recycled water.

(c) (1) Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to any project that only involves the repiping, redesign, or use of recycled water for irrigation of residential landscaping necessary to comply with a requirement prescribed by a public agency under subdivision (a).

(2) The exemption in paragraph (1) does not apply to any project to develop recycled water, to construct conveyance facilities for recycled water, or any other project not specified in this subdivision.

(Amended by Stats. 2010, Ch. 288, Sec. 45. (SB 1169) Effective January 1, 2011.)

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13552.6. (a) The Legislature hereby finds and declares that the use of potable domestic water for floor trap priming, cooling towers, and air-conditioning devices is a waste or an unreasonable use of water within the meaning of Section 2 of Article X of the California Constitution if recycled water, for these uses, is available to the user, and the water meets the requirements set forth in Section 13550, as determined by the state board after notice and a hearing.

(b) The state board may require a public agency or person subject to this section to submit information that the state board determines may be relevant in making the determination required in subdivision (a).

(*Amended by Stats. 1995, Ch. 28, Sec. 43. Effective January 1, 1996.*)


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CHAPTER 7. Water Reclamation [13500 - 13557] (*Chapter 7 added by Stats. 1969, Ch. 482.*)

ARTICLE 7. Water Reuse [13550 - 13557] (*Heading of Article 7 amended by Stats. 1994, Ch. 724, Sec. 6.*)

13552.8. (a) Any public agency, including a state agency, city, county, city and county, district, or any other political subdivision of the state, may require the use of recycled water in floor trap priming, cooling towers, and air-conditioning devices, if all of the following requirements are met:

(1) Recycled water, for these uses, is available to the user and meets the requirements set forth in Section 13550, as determined by the state board after notice and a hearing.

(2) The use of recycled water does not cause any loss or diminution of any existing water right.

(3) If public exposure to aerosols, mist, or spray may occur, appropriate mist mitigation or mist control is provided, such as the use of mist arrestors or the addition of biocides to the water in accordance with criteria established pursuant to Section 13521.

(4) The person intending to use recycled water has prepared an engineering report pursuant to Section 60323 of Title 22 of the California Code of Regulations that includes plumbing design, cross-connection control, and monitoring requirements for the public agency, which are in compliance with criteria established pursuant to Section 13521.

(b) This section applies to both of the following:

(1) New industrial facilities and subdivisions for which the building permit is issued on or after March 15, 1994, or, if a building permit is not required, new structures for which construction begins on or after March 15, 1994, for which the State Department of Public Health has approved the use of recycled water.

(2) Any structure that is retrofitted to permit the use of recycled water for floor traps, cooling towers, or air-conditioning devices, for which the State Department of Public Health has approved the use of recycled water.

(c) (1) Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to any project which only involves the repiping, redesign, or use of recycled water for floor trap priming, cooling towers, or air-conditioning devices necessary to comply with a requirement prescribed by a public agency under subdivision (a).

(2) The exemption in paragraph (1) does not apply to any project to develop recycled water, to construct conveyance facilities for recycled water, or any other project not specified in this subdivision.

(Amended by Stats. 2014, Ch. 544, Sec. 15. (SB 1458) Effective January 1, 2015.)



WATER CODE - WAT

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CHAPTER 7. Water Reclamation [13500 - 13557] (*Chapter 7 added by Stats. 1969, Ch. 482.*)

ARTICLE 7. Water Reuse [13550 - 13557] (*Heading of Article 7 amended by Stats. 1994, Ch. 724, Sec. 6.*)

13553. (a) The Legislature hereby finds and declares that the use of potable domestic water for toilet and urinal flushing in structures is a waste or an unreasonable use of water within the meaning of Section 2 of Article X of the California Constitution if recycled water, for these uses, is available to the user and meets the requirements set forth in Section 13550, as determined by the state board after notice and a hearing.

(b) The state board may require a public agency or person subject to this section to furnish any information that may be relevant to making the determination required in subdivision (a).

(c) For purposes of this section and Section 13554, "structure" or "structures" means commercial, retail, and office buildings, theaters, auditoriums, condominium projects, schools, hotels, apartments, barracks, dormitories, jails, prisons, and reformatories, and other structures as determined by the State Department of Public Health.

(d) Recycled water may be used in condominium projects, as defined in Section 4125 or 6542 of the Civil Code, subject to all of the following conditions:

(1) Prior to the indoor use of recycled water in any condominium project, the agency delivering the recycled water to the condominium project shall file a report with, and receive written approval of the report from, the State Department of Public Health. The report shall be consistent with the provisions of Title 22 of the California Code of Regulations generally applicable to dual-plumbed structures and shall include all the following:

(A) That potable water service to each condominium project will be provided with a backflow protection device approved by the State Department of Public Health to protect the agency's public water system, as defined in Section 116275 of the Health and Safety Code. The backflow protection device approved by the State Department of Public Health shall be inspected and tested annually by a person certified in the inspection of backflow prevention devices.

(B) That any plumbing modifications in the condominium unit or any physical alteration of the structure will be done in compliance with state and local plumbing codes.

(C) That each condominium project will be tested by the recycled water agency or the responsible local agency at least once every four years to ensure that there are no indications of a possible cross connection between the condominium's potable and nonpotable systems.

(D) That recycled water lines will be color coded consistent with current statutes and regulations.

(2) The recycled water agency or the responsible local agency shall maintain records of all tests and annual inspections conducted.

(3) The condominium's declaration, as defined in Section 4135 or 6546 of the Civil Code, shall provide that the laws and regulations governing recycled water apply, shall not permit any exceptions to those laws and regulations, shall incorporate the report described in paragraph (1), and shall contain the following statement:

"NOTICE OF USE OF RECYCLED WATER

This property is approved by the State Department of Public Health for the use of recycled water for toilet and urinal flushing. This water is not potable, is not suitable for indoor purposes other than toilet and urinal flushing purposes, and requires dual plumbing. Alterations and modifications to the plumbing system require a permit and are prohibited without first consulting with the appropriate local building code enforcement agency and your property

management company or owners' association to ensure that the recycled water is not mixed with the drinking water."

(e) The State Department of Public Health may adopt regulations as necessary to assist in the implementation of this section.

(f) This section shall only apply to condominium projects that are created, within the meaning of Section 4030 or 6580 of the Civil Code, on or after January 1, 2008.

(g) This section and Section 13554 do not apply to a pilot program adopted pursuant to Section 13553.1.

(Amended (as amended by Stats. 2012, Ch. 181, Sec. 84) by Stats. 2013, Ch. 605, Sec. 53. (SB 752) Effective January 1, 2014.)



WATER CODE - WAT

DIVISION 7. WATER QUALITY [13000 - 16104] (*Division 7 repealed and added by Stats. 1969, Ch. 482.*)

CHAPTER 7. Water Reclamation [13500 - 13557] (*Chapter 7 added by Stats. 1969, Ch. 482.*)

ARTICLE 7. Water Reuse [13550 - 13557] (*Heading of Article 7 amended by Stats. 1994, Ch. 724, Sec. 6.*)

13554. (a) Any public agency, including a state agency, city, county, city and county, district, or any other political subdivision of the state, may require the use of recycled water for toilet and urinal flushing in structures, except a mental hospital or other facility operated by a public agency for the treatment of persons with mental disorders, if all of the following requirements are met:

(1) Recycled water, for these uses, is available to the user and meets the requirements set forth in Section 13550, as determined by the state board after notice and a hearing.

(2) The use of recycled water does not cause any loss or diminution of any existing water right.

(3) The public agency has prepared an engineering report pursuant to Section 60323 of Title 22 of the California Code of Regulations that includes plumbing design, cross-connection control, and monitoring requirements for the use site, which are in compliance with criteria established pursuant to Section 13521.

(b) This section applies only to either of the following:

(1) New structures for which the building permit is issued on or after March 15, 1992, or, if a building permit is not required, new structures for which construction begins on or after March 15, 1992.

(2) Any construction pursuant to subdivision (a) for which the State Department of Public Health has, prior to January 1, 1992, approved the use of recycled water.

(c) Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to any project which only involves the repiping, redesign, or use of recycled water by a structure necessary to comply with a requirement issued by a public agency under subdivision (a). This exemption does not apply to any project to develop recycled water, to construct conveyance facilities for recycled water, or any other project not specified in this subdivision.

(Amended by Stats. 2014, Ch. 544, Sec. 17. (SB 1458) Effective January 1, 2015.)

RICK TELEGAN

From: Bramble, John <bramblej@cityofmerced.org>
Sent: Tuesday, July 14, 2015 2:06 PM
To: Fresno3rdM@aol.com
Subject: Use of Recycled Water

July 14, 2015

Mr. Telegan:

Thank you for your comments on the potential to utilize the effluent water from the wastewater treatment plant for other irrigation purposes in the City and its potential for the reduction of the use of potable water to irrigate our parks, open spaces and street medians.

What we did not explain at the July 6th Council meeting is that the City Council authorized a separate study to be funded considering different uses for the recycled water from the wastewater treatment plant as part of the 2015-2016 Adopted Budget. The other action that the City is taking is for an immediate project that will allow the City to haul the recycled water from the WWTP to landscaped areas in the City that do not have a separate drip system to utilize to keep our trees and shrubbery alive during this summer and fall.

My point is your voice has been heard and although it will not be tacked onto the sewer master plan study at this point, it is an evaluation that the City Council has established as a very high priority.

Again thank you for your input regarding the re-use of non-potable water.

John Bramble
City Manager
Merced, Ca
209-385-6834

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Fresno, Clovis Plan To Mix Recycled Sewer Water For Drinking


By [MARC BENJAMIN \(/PEOPLE/MARC-BENJAMIN\)](/PEOPLE/MARC-BENJAMIN) • 20 HOURS AGO


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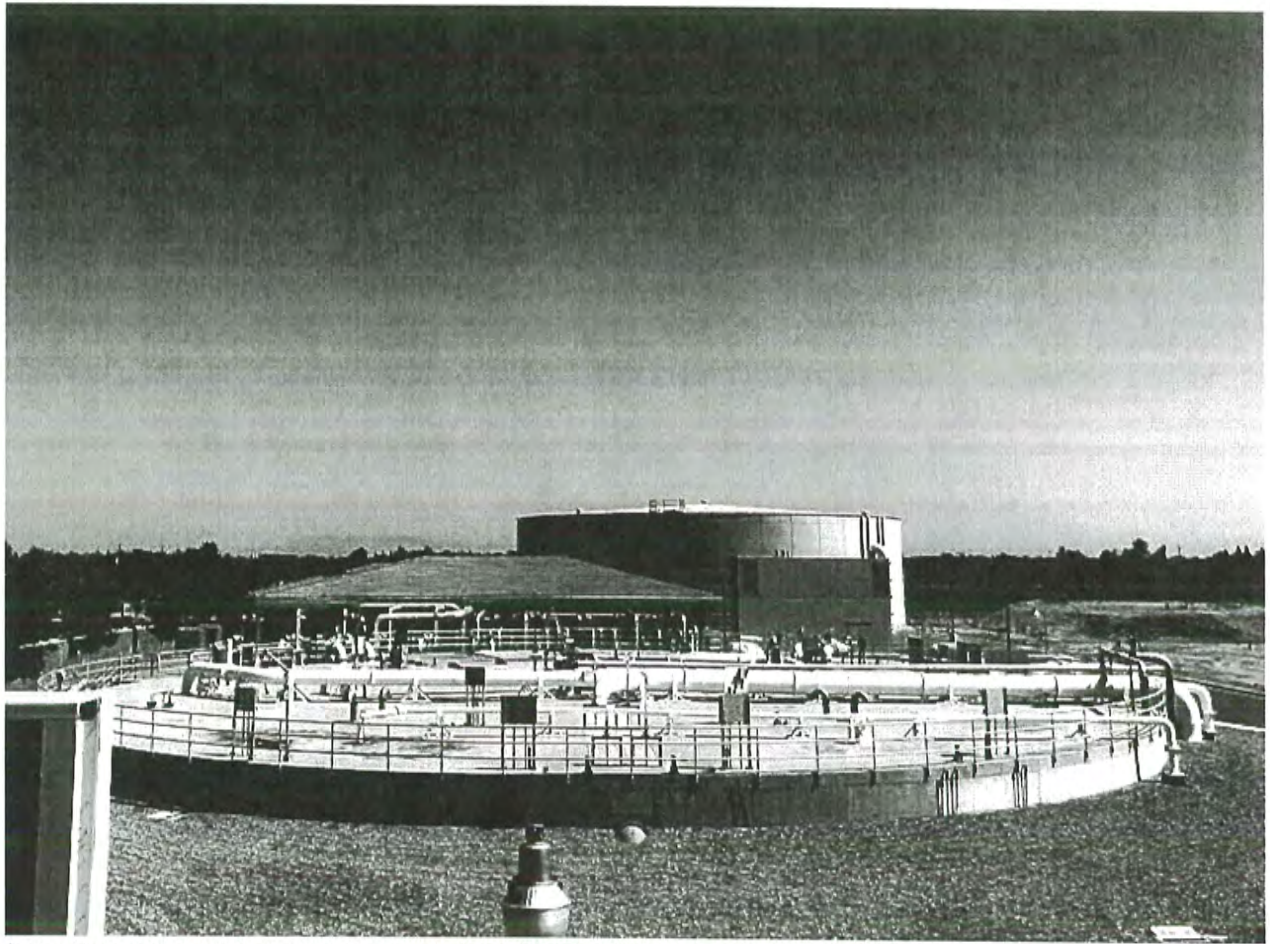
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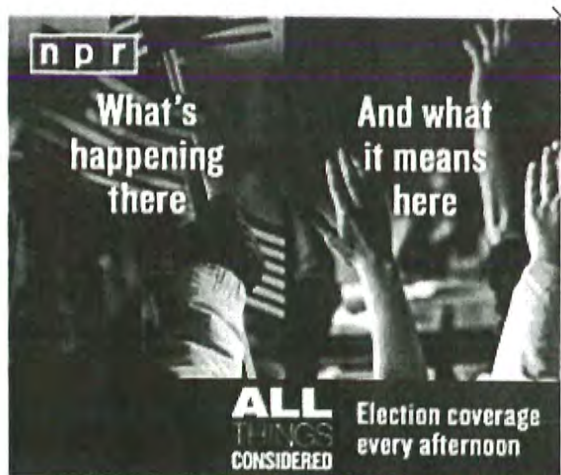
[subject=Fresno%2C%20Clovis%20Plan%20To%20Mix%20Recycled%20Sewer%20Water%20For%20Drinking%20&](mailto:)



(http://mediad.publicbroadcasting.net/p/kvpr/files/styles/x_large/public/201807/IMG_2034.jpg)

The Clovis Water Reuse Facility treats sewage and turns it into clean water for landscaping. The city's largest user is Clovis Community Medical Center. The water also is used by Caltrans and the city for landscaping.

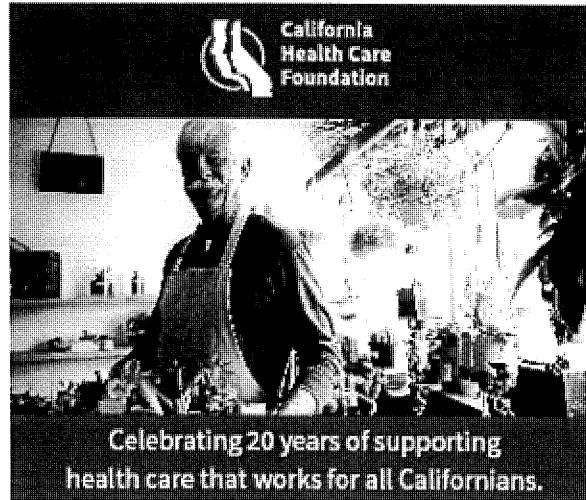
MARC BENJAMIN



Listen

6:01

Listen to this story here:



If you've been to Disneyland, Cambria, many parts of Los Angeles, then you most likely had a swig of highly treated recycled water. Recycled water meaning, yes, it was once in a sewage treatment plant.

For many years this recycled water has helped Orange County meet the needs of its growing population and reduce the toll on its declining aquifers. Soon, the same kind of water may be coming to Clovis and Fresno's drinking water.

Fresno and Clovis have sewage treatment plants equipped to recycle water to a level that meets state drinking water standards. For now, neither city is using the water for drinking because of state rules. Both cities irrigate landscaping with the water. Fresno is starting a pilot program for downtown, southwest Fresno and Roeding Park landscaping. For nearly 10 years, Clovis has been using the highly treated water from its water reuse plant for landscaping, too.

Now, Clovis and Fresno are planning the next steps. They are among 22 California agencies working with the state Water Board on permits to allow them to deliver some of this water to your tap within a few years.

It's an idea whose time has come, says Dan Schlenk, professor of Environmental Toxicology at U.C.-Riverside. Schlenk has served on two state water board panels examining emerging contaminants. He says there shouldn't be any concerns about drinking tertiary treated recycled water.

"The water that is treated is not the same water that comes out of the toilet," he says. "That water undergoes a tremendous amount of treatment and it costs a lot of money to do that. There are so many steps after the toilet part that happen, before it gets to the tap, and most people don't realize that."

The point, Schlenk says is that "every drop of water that you drink comes from someplace else. It may go to the ocean volatilize in the atmosphere and come down as rain, but every drop of water is recycled."

And this water is safe. "The bottom line risk is extremely low, if measurable at all."

To make that water drinkable will require the cities to go through the state permitting process.

Mike Carbajal, Fresno's assistant director for the Department of Public Utilities, explains that the city wants to eventually "take some of that recycled water and put it into our existing recharge facilities that we operate to allow the water to percolate back into the aquifer over a period of time. We can subsequently pump that water that becomes groundwater back out and utilize it for potable water purposes."

In Fresno, the proposed destination for highly treated water is Leaky Acres at Highway 168 and Ashlan Avenue. The city also has a much smaller recharge site west of Fresno. Clovis plans to pipe its treated water to the Marion Avenue basin for recharge on the city's north side.

Once in the basins, the water will mix with river water, percolate into the ground, then into aquifers and wells before going into homes.

That plan will require more of a financial commitment from the city's ratepayers or get financed through grants and loans to pay the cost of new pipelines, Carbajal says. Fresno officials are eyeing other projects around the state, specifically Pure Water San Diego, a 20-year plan by San Diego to have one-third of its drinking water supply come from recycled water.

ALL IS NOT WELL

For decades, Clovis and Fresno grew. Clovis is four times larger than it was 30 years ago and Fresno is twice the size. During that time, both cities were drawing water from wells. This drained aquifers and lowered water tables.

In the past 15 years, Fresno and Clovis began using water from local rivers, known as surface water. The cities built water treatment plants to clean river water from the Kings and San Joaquin rivers to reduce pressure on wells.

Fresno also is employing \$105 million in low-interest state loans for the Fresno-Clovis Regional Wastewater Reclamation Facility on Jensen Avenue to produce 5 million gallons of recycled water each day.

"The city has historically been a groundwater-based system, Carbajal says. "All of our potable water was pumped directly out of the ground through 260 wells... our groundwater levels have dropped by more than 100 feet."

A major reason Fresno and Clovis are planning to boost use of recycled water is the California Sustainable Groundwater Management Act.

Gary Serrato is general manager for Fresno Irrigation District and he says "The Central Valley has been identified as a critically overdrafted basin that means we are taking more out than we are putting back in."

Each critically designated basin must have a sustainability plan developed by 2020.

"By 2040 we need to be sustainable," Serrato says. "That means... we are putting a like amount back into the underground so that our groundwater tables do not continue to decline."

And, this means conservation and using every available water supply, including surface water, groundwater recharge and recycled water, Serrato says.

"We are going to be looking at how we take advantage of those water supplies as well... they all become part of the overall fix to get us sustainable by 2040," Serrato says.

Clovis Public Utilities Director Scott Redelfs says the state's groundwater sustainability requirements loom large.

"We don't want to have any negative consequences in our aquifer so if we can't meet future demand with our water supply, or even if we can, we want to decrease well pumping," Redlfs says. "In order to do that, we want to look at every additional available water supply we can get."

YOU LIKELY DRANK IT ALREADY

Getting recycled water into the two cities' drinking water systems is still a couple years away. It will take another year or two to complete the permitting process, says Randy Barnard, the state's recycled water unit chief in the state Water Resources Control Board. When that's done, the cities can start building pipelines.

He says the state has reported no recycled water quality issues during Water Board during monitoring.

"If you have ever visited LA or you've been to Disneyland, and you drank some water in those areas, you've drank some potable reuse recycled water," Barnard says. "Nobody can tell the difference. It's very protective of public health. As a matter of fact, Orange County Water District is a world leader in the process."

Other places using this water are Cambria and Monterey's program just recently got underway, Barnard says.

The state Water Board also is preparing new rules to allow treated recycled water to get added into a drinking water system or into a raw water supply immediately upstream from a water treatment plant. Those rules are expected in 2023.

TAGS: [WATER \(/TERM/WATER\)](#) [FRESNO \(/TERM/FRESNO\)](#) [CLOVIS \(/TERM/CLOVIS\)](#)

[RECYCLED WATER \(/TERM/RECYCLED-WATER\)](#) [ENVIRONMENT \(/TERM/ENVIRONMENT-0\)](#)

[GROUNDWATER \(/TERM/GROUNDWATER\)](#) [SGMA \(/TERM/SGMA\)](#)


[SUSTAINABILITY \(/TERM/SUSTAINABILITY\)](#)

[SUSTAINABLE GROUNDWATER MANAGEMENT ACT \(/TERM/SUSTAINABLE-GROUNDWATER-MANAGEMENT-ACT\)](#)

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Mape's Ranch and Lyons' Investments

10555 Maze Road Modesto, CA 95358
Office: (209) 522-1762 FAX: (209) 522-7871

August 3, 2018

Mr. Ken Elwin, PE
Public Works Director
City of Merced
678 W 18th Street
Merced, CA 95340

RE: Notice of Preparation of a DEIR for the City of Merced Sewer Master Plan Update

Dear Ken:

We appreciate the opportunity to participate in the process to update the City of Merced's Sewer Master Plan. As you are aware my family has a tremendous investment in the University Industrial Park easterly of Campus Parkway and south of State Route 140. We also enjoy a Development Agreement with the City of Merced which serves to ensure our ability to develop the subject property into a job generating center for the community and the region. Our concerns are not focused on the environmental document to be published, but rather with the Sewer Master Plan itself. My team of experts has not had the time to completely review the work of Stantec engineering published December 15, 2017. Nor have we had time to conclude our impression of the impacts this new study may have on the developability of our land holdings. We suspect the conclusions of this report will embrace the commitments made by the City of Merced with our development. In this regard, we assume appropriate sewer capacity reservation have been made in the sewer modeling represented to fully accommodate future industrial development of the University Industrial Park.

John B. Anderson of JB Anderson Planning has placed a call to you to discuss the specifics of the updated Sewer Master Plan. I would appreciate you and your staff making yourselves available to meet with Mr. Anderson and Ms. D'Arpino.

In the future we would appreciate be notified of any and all studies, reports, presentations to the City Council on any topic involving water and non-potable water, sewer, storm drainage and road improvements in the area of our properties described below:

APN: 061-250-089, 093 & 095
061-290-053
061-030-019
061-033-023 & 024
061-340-023

Notices of any public works related actions in the vicinity of our properties need to be sent to the following interested parties:

William (Bill) J. Lyons, Jr.
Lyons' Investments L.P.
10555 Maze Blvd.
Modesto, CA 95358
e-mail: maperanch@aol.com

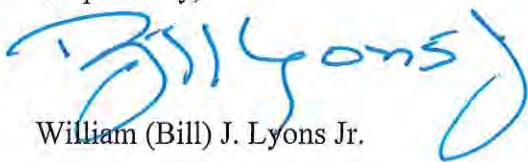
Marci D' Arpino
Plan-Tech
920 13th Street, Suite #4
Modesto, CA 95354
e-mail: mldarpino@gmail.com

Mark W. Purdon
AIM Property Management
1212 K Street
Modesto, CA 95354
e-mail: mark@aimpmc.com

John B. Anderson
JB Anderson Land Use Planning
139 South Stockton Ave.
Ripon, CA 95366
e-mail: John@jbandersonplanning.com

Again we appreciate the opportunity to participate in this very important topic and appreciate the hard work your department does to ensure infrastructure capacities are available to accommodate the future growth projections contemplated in and around the City of Merced that will benefit the economy and provide job opportunities in the local community.

Respectfully,



William (Bill) J. Lyons Jr.

Cc: Marci D' Arpino
Mark W, Purdon
John B. Anderson



Local Agency Formation Commission
2222 M Street
Merced, CA 95340
Phone (209) 385-7671 / Fax (209) 726-1710
www.lafcomerced.org

August 7, 2018

Ken Elwin, P.E., Director
Department of Public Works
City of Merced
678 West 18th Street
Merced, CA 95340

RE: City of Merced Sewer Master Plan Update – Comments on Notice of Preparation

Dear Mr. Elwin:

Thank you for forwarding Merced LAFCO a copy of the Notice of preparation (NOP) for the important Sewer Master Plan Update project. While LAFCO has no direct role in the preparation or approval of the Master Plan, the Commission will rely on this document in future LAFCO actions including: updates to the Municipal Service Review and/or Sphere of Influence for the City, processing individual annexation proposals which will connect to City sewer and wastewater services, and any future consolidations with existing special districts or public utility districts that currently provide sewer service or rely on septic systems.

It is understood the boundary of the Master Plan study area (reflected in Figure 2 of the NOP) is the same as the Merced Vision 2030 General Plan boundary. Areas outside the current city limits anticipated to be annexed into the City are reflected in this boundary. However, there is an existing area, the community of Celeste, which is currently connected to the sewer system (and the water system), but which is not identified within the General Plan or Sewer Master Plan boundary. The Celeste area is located on the north side of State Highway 140 and the west side of Kibby Road, across the highway and BNSF railroad tracks from the City's eastern industrial park. Whether or not the City has any capacity to expand service in this area, it does have approximately 100 connections to the City and should be considered in the Master Plan. At some point in the future, LAFCO will be processing a consolidation of the Celeste County Water District with the City of Merced since the City currently provides all the services and collects all fees for the sewer and water needs of the currently inactive Celeste County Water District.

The NOP references the Master Plan incorporates elements from the City 2030 General Plan and the UC Merced 2020 Long Range Development Plan. Other adopted planning documents that have been adopted but are not referenced include the Bellevue Community Plan, adopted by the City Council in April 2015, covering approximately 1,600 acres along the Bellevue Road corridor between G Street and Lake Road. Another adopted planning document is the University Community Plan adopted by Merced County in 2004 covering approximately 2,100 acres which are within the City SUDP boundary.

Ken Elwin, P.E. Director
Department of Public Works
City of Merced
August 7, 2018
Page 2

One final comment involves the ongoing discussions for annexation into the City of the area from G Street to the UC Merced Campus which currently contains a partially developed Rural Residential Center (RRC) in the County with minimum lot sizes of one acre and homes on individual septic systems and wells. Does the Master Plan assume a density of future development in this area which will ultimately be served by City sewer and water service? Does the Master Plan contemplate replacing existing septic systems in the Rural Residential Center area with sewer connections over the life of the Master Plan?

It appears there would be capacity for serving these existing developed areas based on information in the City's adopted Bellevue Community Plan. On Page 133, under the discussion of wastewater collection and disposal, the document indicates the City has projected a growth in population to 155,000 from growth planned within the 2030 General Plan boundary and the UC Merced and University Community areas. This is less than the capacity of the planned 20 mgd treatment plant which could be able to serve a population of 174,000. If this information is correct, it appears there would be adequate capacity to connect the existing development areas in order to eventually abandon the use of on-site septic systems.

This concludes the LAFCO comments on the NOP. Please let me know if you have any questions or would like to discuss any issues raised in this letter.

Sincerely,



Bill Nicholson,
Executive Officer

cc: LAFCO Counsel



August 7, 2018

Sent Via Email [ElwinK@cityofmerced.org]

Ken Elwin, P.E.
Public Works Director
City of Merced
1776 Grogan Ave
Merced, CA 95341

Re: Notice Of Preparation Of Environmental Impact Report, Merced Sewer Master Plan Update

Dear Mr. Elwin:

Thank you for the opportunity to comment on the Notice of Preparation for the Merced Sewer Master Plan Update (the “project”). This letter follows written comments dated February 5, 2018 on the draft Wastewater Collection System Master Plan, as well as oral comments delivered at the July 24, 2018 Public Scoping Meeting. We incorporate our prior comments by reference.

As you will recall, Leadership Counsel for Justice and Accountability (“Leadership Counsel”) works alongside and supports the most impacted communities to advocate for sound policy and eradicate injustice to secure equal access to opportunity regardless of wealth, race, income and place. We work with community leaders throughout the San Joaquin Valley and Eastern Coachella Valley to ensure meaningful investment in the communities most in need. Within the City of Merced, we work with many residents who live in the area south of State Route 99.

Our concerns throughout this process have been, in general, threefold: (1) the need to expand sewer service to presently unserved residents of the City and its sphere of influence, especially to those residing in disadvantaged communities; (2) the impacts of a potential assessment district or assessment districts on current residents, especially those living in disadvantaged communities and/or low-income households; and (3) the need to prevent or limit avoidable northward sprawl while residents of South Merced experience the effects of historic disinvestment.

Turning to the Notice of Preparation, the California Supreme Court has held that “[t]he foremost principle under CEQA is that the Legislature intended the act ‘to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.’” (*Laurel Heights Improvement Assn. v. Regents of University of California*

(1988) 47 Cal.3d 376, 390 quoting *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 259 disapproved on other grounds by *Kowis v. Howard* (1992) 3 Cal.4th 888; *Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105, 112.)

The purpose of an environmental impact report is to “provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.” (*Laurel Heights*, 47 Cal.3d at 390 citing Pub. Resources Code § 21061; CEQA Guidelines, § 15003, subs. (b)-(e).) The phrase “significant effect on the environment” means “a substantial, or potentially substantial, adverse change in the environment.” (Pub. Resources Code § 21068; *Laurel Heights*, 47 Cal.3d at 390.)

“The EIR is the heart of CEQA, and the mitigation and alternatives discussion forms the core of the EIR.” (*In re Bay-Delta etc.* (2008) 43 Cal.4th 1143, 1162; *see also Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.)

With these principles in mind, we ask that the City of Merced thoroughly analyze all potentially significant impacts of the project in the EIR, including but not limited to:

- Environmental, social and economic impacts in disadvantaged communities, communities of color and low-income communities from both construction and operation of the project;
- Air quality impacts, including localized, city-wide and regional impacts, as well as impacts to neighborhoods that are already disproportionately burdened by poor air quality;
- Impacts on vehicle miles traveled within Merced City and the County;
- Greenhouse gas emissions related to the project;
- Water quality and sustainability, including impacts related to reduced groundwater recharge caused by urban development;
- Conversion of prime farmland;
- Hazardous materials, creating a hazard to the public or environment through the transport, use or disposal of hazardous materials, in particular, due to the siting of hazardous waste sites or facilities that process hazardous materials in proximity to existing or planned development;
- Noise impacts, during and after construction;
- Odor impacts, during and after construction;
- Aesthetic impacts, especially those impacting disadvantaged communities;
- Climate resilience and adaptation;

- Impacts on availability of affordable quality housing, including housing sufficient to meet the Regional Housing Needs Assessment allocations in the City of Merced, other cities located in Merced County and in the unincorporated County, and any impacts on the development capacity of sites designated in the inventory of sites included in the housing elements of those jurisdictions;
- Impacts of new development — both infill and greenfield — on economic and physical displacement on residents and businesses in existing disadvantaged communities;
- The induction of urban sprawl through identification of new areas for housing development and/or through extension of wastewater infrastructure; and
- Cumulatively significant impacts of the project taken together with all existing or reasonably foreseeable projects and considering existing conditions in areas burdened by poor environmental quality.

At a minimum, the EIR should also consider feasible alternatives which would: (a) prioritize expansion of sewer service to existing homes within the city limits and sphere of influence; and (b) require, encourage and/or incentivize dense infill development in the vicinity of existing residential and commercial development.

With respect to mitigation, Merced should analyze: (a) increasing utilization of recycled water through groundwater recharge, irrigation and purple pipe projects; (b) opportunities to increase groundwater recharge, through use of recycled water or otherwise; (c) the prevention of new market-rate development within the sphere of influence while existing residents lack access to safe water and wastewater infrastructure; (d) transit and active transportation investments within disadvantaged communities, including transit routes from disadvantaged communities to University of California, Merced; (e) investments in quality affordable housing and rehabilitation of existing housing stock; (f) expansion of drinking water and wastewater services to existing homes within the City and its sphere of influence; (g) explore opportunities to reduce air quality impacts and GHG emissions related to transportation by investing in public services and commercial development, in particular grocery stores, in neighborhoods that presently must travel for such services; and (h) air pollution and GHG reduction measures aimed at improving conditions in disadvantaged communities, communities of color and low-income communities which are most burdened by air quality and climate change impacts, including but not limited to air quality monitoring and local air quality improvement plans.

Furthermore, we note that state law provides that no person shall, on the basis of race, national origin, ethnic group identification, and other protected classes, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state. (Gov. Code § 11135.) In addition, California's Fair Employment and Housing Act, California Government Code 12900, et

Mr. Elwin
August 7, 2018
Page 4



seq. guarantees all Californians the right to hold and enjoy housing without discrimination based on race, color or national origin. (*See also* Gov. Code §§ 65008; 12955.) Similarly, Title VI prohibits recipients of federal funds from taking actions that have the effect of discriminating on the basis of race. (*See* 42 U.S.C. § 2000d.)

As the environmental review proceeds, Merced must analyze compliance with the above-referenced authorities to ensure that the project will not have a disparate impact on protected classes.

We look forward to working with City staff during EIR development and would be happy to discuss any of the issues raised above at your convenience.

Regards,

Michael K. Claiborne



Project Management · Civil/Structural Engineering · Urban Design · Land Planning
Entitlements · Right-of-Way/Permitting · Surveying · Construction Staking · Graphics

August 2, 2018

Ken Elwin, PE elwink@cityofmerced.org
City of Merced Public Works Director
678 West 18th Street
Merced, CA 95340

RE: Waste Collection System Master Plan Scoping Comments

Ken: After the November 13, 2017 Sewer Collection Stakeholder meeting and in a follow up email from December 21, 2017, we detailed the following concerns to Dave Price (Stantec) as it related to the proposed Yosemite Lake Estates (YLE) project located in north Merced (unincorporated Merced County). We did this in order to determine if adjustments or additional review were needed to the proposed Updated Wastewater Collection System Master Plan. In summary, our concerns were:

- Page 13 of the Sewer Master Plan (October 28, 2016), Table 3-1 Footnotes (a) and (b) state that for undeveloped parcels within the Planning Area, land uses were assigned per the General Plan. For the YLE project area, the assigned land use was Community Plan which assumed 4.5 units/ acre.

For some amount of time now, YLE proponents have discussed with City planning staff two potential land use alternatives, i.e. 1) Alternative A, which has a portion of it as an age restricted/active adult community and 2) Alternative B, a traditional mix of residential housing. See attached the land use maps and tables.

The primary land uses for both alternatives are LDR (4 to 6 du/acre) and MDR (4 to 10 du/acre) but there also a small portion of HDR (8 acres at 15 to 33 du/acre) and Neighborhood Commercial (6 acres). Moreover, Alternative B may need to analyze a future school site location.

Finally, there are approximately 100 acres of Yosemite Lake Estates that are outside of the existing Merced SUDP/SOI. As part of our entitlements we will request an SOI amendment but in the interim, it was requested that the non-SOI area be analyzed for wastewater flow if feasible.

Because of these differences, we have concerns that the actual project densities of the project are more intensive than the 4.5 units/acre that was analyzed in the WCS modeling study.

In pre-application discussions with City staff it has been mentioned that the active adult scenario would have less impacts on utility/sewer demand. However, as future market demand is unknown the project proponents requested that both alternatives be evaluated as build options.

We've not yet received confirmation that both scenarios were considered by the City of Merced and Stantec in its Updated Wastewater Collection System Master Plan.

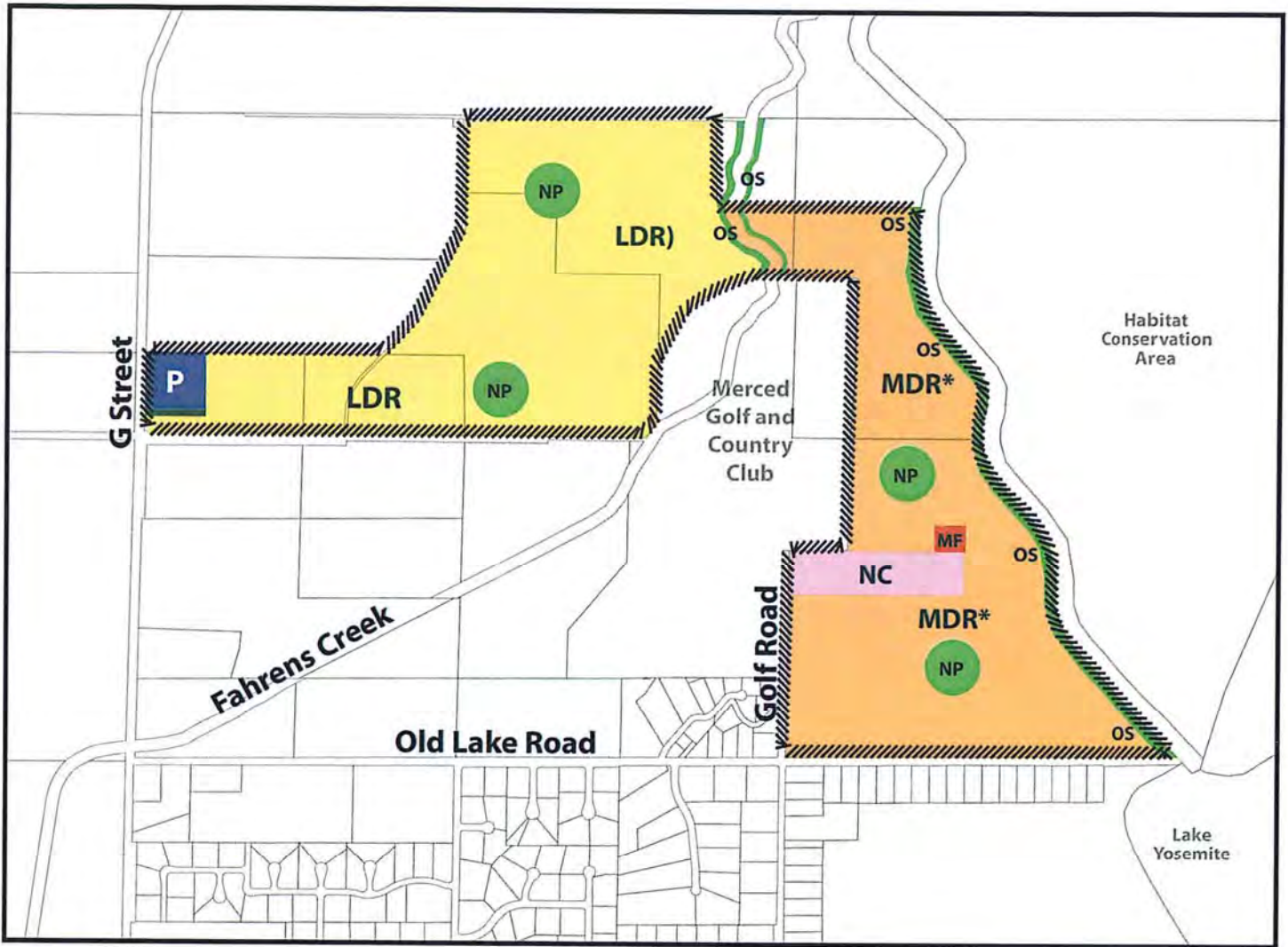
Per the process, we would like to submit these comments as part of the related EIR scoping process for evaluation and response.

Sean Tobin, stobin@mve.net
1117 "L" Street, Modesto, CA 95354
(209) 526-4214









cc: Enclosures

mid-valley engineering

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LEGEND

-  Community Plan Boundary
-  LDR Low Density Residential (LDR)
-  MDR* Medium Density Residential (MDR*) Active Adult Community
-  NC Neighborhood Commercial (NC)
-  P Public/Quasi Public (P)
-  NP Neighborhood Parks (NP)
-  OS Open Space (OS)
-  MF Multi-Family

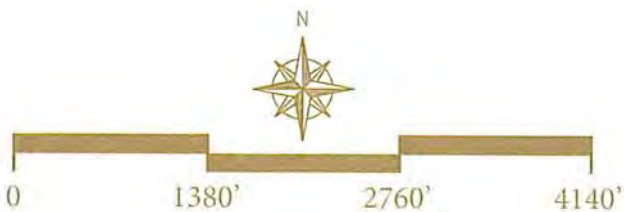
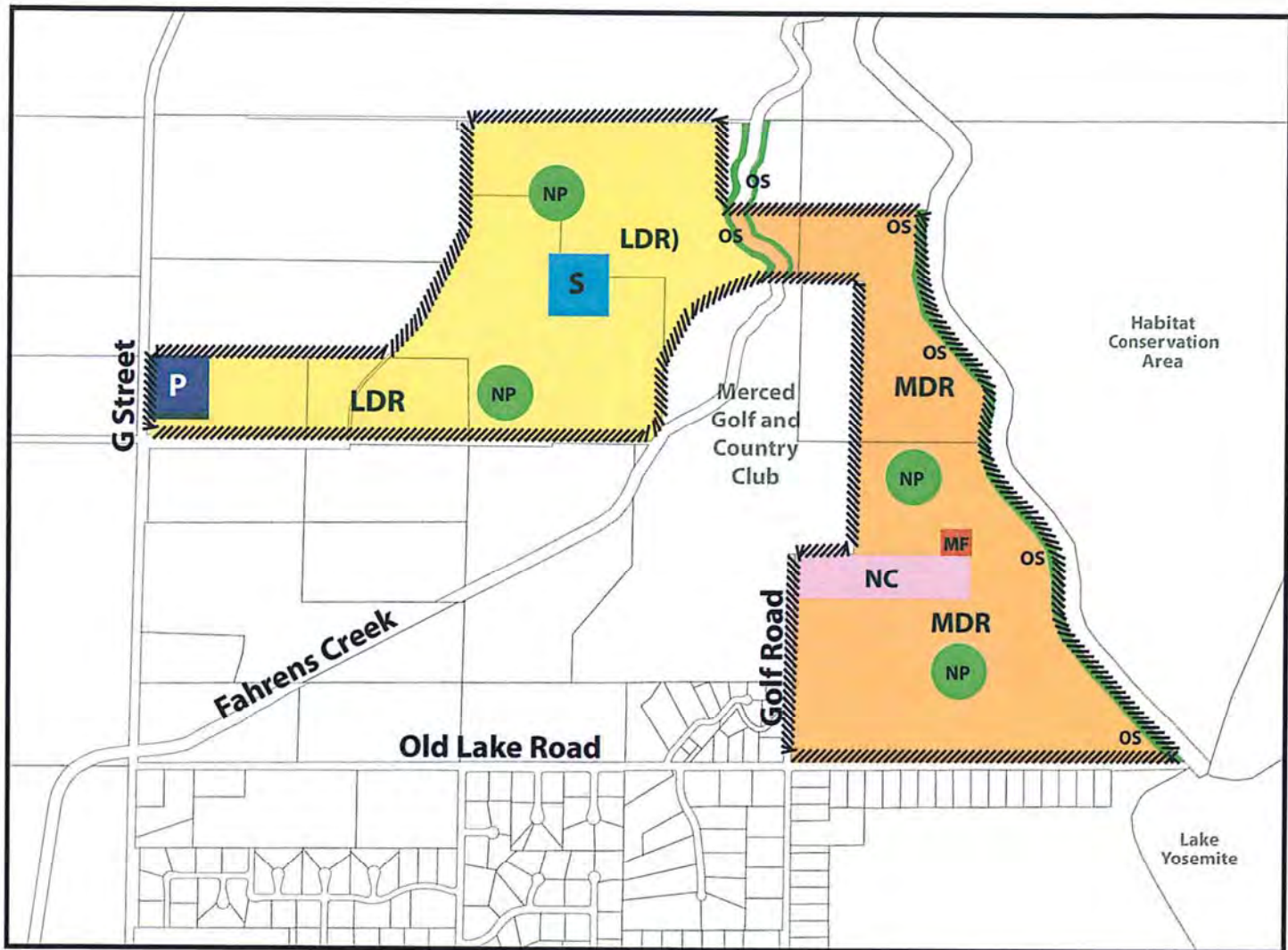


FIGURE 3.1A
LAND USE DIAGRAM
ALTERNATIVE A WITH ACTIVE ADULT COMMUNITY



LEGEND

-  Community Plan Boundary
-  LDR Low Density Residential (LDR)
-  MDR Medium Density Residential (MDR)
-  NC Neighborhood Commercial (NC)
-  P Public/Quasi Public (P)
-  NP Neighborhood Parks (NP)
-  OS Open Space (OS)
-  S Elementary School Site (underlying zoning to be LDR)
-  MF Multi-Family

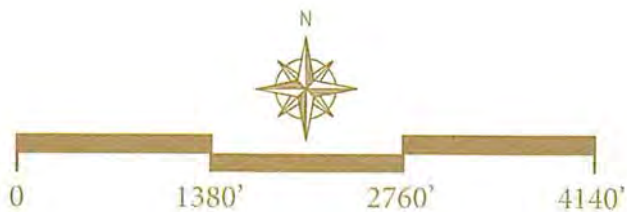


FIGURE 3.1B
LAND USE DIAGRAM
ALTERNATIVE B WITH TRADITIONAL HOUSING

**Table 3.1A
Alternative A Land Use Summary**

Land Use Designation	Total Acreage	Land Use Distribution	Units Per Acre	Total Units	Population	FAR	Potential Building Square Footage
Low Density Residential (4 to 6 du/acre)	131	36%	5.0	649	2,077	–	–
Medium Density Residential (4 to 10 du/acre)	137	41%	5.2	713	1,355	–	–
High Density Residential (15 to 33 du/acre)	8	2%	20	160	304	–	–
Neighborhood Commercial (NC)	6	2%	–	–	–	.35	91,500
Public/Quasi Public	20	6%	–	–	–	–	–
Neighborhood Parks and Open Space	32	10%	–	–	–	–	–
Total	334	100%	3.86	1,522	3,736	–	91,500

Assumptions:

Units per acre and total units are representative of typical or median range of residential density allowable and reflect the level of development expected during the planning period of this Community Plan.

Population is based on the Merced County General Plan of 3.2 persons per household for LDR and 1.9 for MDR and HDR.

Floor area ratio (FAR) is the ratio of building area to parcel area. The FAR is representative of the typical or median range of building area allowable.

Potential building square footage is derived by multiplying the typical FAR and the land use designation acreage total (excluding existing uses) and reflects the average intensity of development expected during the planning period of this Community Plan.

Average is calculated on a gross acreage basis.

**Table 3.1B
Alternative B Land Use Summary**

Land Use Designation	Total Acreage	Land Use Distribution	Units Per Acre	Total Units	Population	FAR	Potential Building Square Footage
Low Density Residential (4 to 6 du/acre)	119	36%	5.0	595	1,904	–	–
Medium Density Residential (4 to 10 du/acre)	137	41%	5.2	713	2,400	–	–
High Density Residential (15 to 33 du/acre)	8	2%	20	160	512	–	–
Neighborhood Commercial (NC)	6	2%	–	–	–	.35	91,500
School Site	12	3%	–	–	–	–	–
Public/Quasi Public	20	6%	–	–	–	–	–
Neighborhood Parks and Open Space	32	10%	–	–	–	–	–
Total	334	100%	3.86	1,468	4,816	–	91,500

Assumptions:

Units per acre and total units are representative of typical or median range of residential density allowable and reflect the level of development expected during the planning period of this Community Plan.

Population is based on the Merced County General Plan of 3.2 persons per household for LDR and 1.9 for MDR and HDR in Alternative A and 3.2 persons per household for Alternative B for all Land Use Designations.

Floor area ratio (FAR) is the ratio of building area to parcel area. The FAR is representative of the typical or median range of building area allowable.

Potential building square footage is derived by multiplying the typical FAR and the land use designation acreage total (excluding existing uses) and reflects the average intensity of development expected during the planning period of this Community Plan.

Average is calculated on a gross acreage basis.

**Table 3.2
Non-Residential Floor Area Ratio (FAR) Standards**

Non-Residential Land Use Designation	Minimum FAR	Maximum FAR
Neighborhood Commercial (NC)	0.20	.35

1. Minimum of two hundred (200) square feet of open space per dwelling is required.
2. From existing or adopted street right-of-way line (ultimate width of existing street).
3. Carports and garages facing the front lot line shall be twenty (20) feet from the right-of-way.
4. The rear yard may be ten (10) feet if a side yard width is fifteen (15) feet with outdoor access (back door, patio, etc.) oriented to that side yard.
5. A maximum of ten (10) percent reduction in lot width or depth may be allowed where it can be demonstrated to the satisfaction of the Planning and Community Development Director that due to physical constraints of the property, compliance with the standard width or depth would not allow the property to be developed to its maximum potential.

NATIVE AMERICAN HERITAGE COMMISSION

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July 30, 2018

Ken Elwin
City of Merced
678 W. 18th Street
Merced, CA 95340

RE: SCH#2018071019, City of Merced Sewer Plan Update, Merced County

Dear Mr. Elwin:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. **Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
 3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
 4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).
 7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).
 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation

monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
 - a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
 - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at:
<http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have been already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
- a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subs. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions, please contact me at my email address: Sharaya.Souza@nahc.ca.gov.

Sincerely,



Sharaya Souza
Staff Services Analyst
(916) 573-0168

cc: State Clearinghouse

JUL 24 2018

Ken Elwin, PE, City of Merced Public Works Director
City of Merced
Public Works Department
678 West 18th Street
Merced, CA 95340

Project: Updated Wastewater Collection System Master Plan

District CEQA Reference No: 20180710

Dear Mr. Elwin:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Notice of Preparation (NOP) for the proposed Updated Wastewater Collection System Master Plan project. The proposed project consists of updating land use and wastewater flows accommodating the Merced Vision 2030 General Plan; assess the available capacity of the City's major sewers; determine the best means to sewer the build-out of the Merced Vision 2030 Sphere of Influence; develop an interim sewer service plan and capital improvement program for City growth; and establish a sewer repair and replacement program (Project). The District offers the following comments:

Emissions Analysis

- 1) At the federal level for the National Ambient Air Quality Standards (NAAQS), the District is currently designated as extreme nonattainment for the 8-hour ozone standards; nonattainment for the PM_{2.5} standards; and attainment for the 1-Hour ozone, PM₁₀ and CO standards. At the state level, the District is currently designated as nonattainment for the 8-hour ozone, PM₁₀, and PM_{2.5} California Ambient Air Quality Standards (CAAQS). The District recommends that the Air Quality section of the Environmental Impact Report (EIR) include a discussion of the following impacts:
 - a) **Criteria Pollutants:** Project related criteria pollutant emissions should be identified and quantified. The discussion should include existing and post-project emissions.

Samir Sheikh
Executive Director/Air Pollution Control Officer

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Southern Region
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Tel: 661-392-5500 FAX: 661-392-5585

- i) **Construction Emissions:** Construction emissions are short-term emissions and should be evaluated separately from operational emissions. For reference, the District's annual criteria thresholds of significance for construction are: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NO_x), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SO_x), 15 tons per year of particulate matter of 10 microns or less in size (PM₁₀), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM_{2.5}).
- *Recommended Mitigation Measure if needed:* To reduce impacts from construction related exhaust emissions, the District recommends feasible mitigation for the project to utilize off-road construction fleets that can achieve fleet average emissions equal to or cleaner than the Tier III emission standards, as set forth in §2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations. This can be achieved through any combination of uncontrolled engines and engines complying with Tier III and above engine standards.
- ii) **Operational Emissions:** Permitted (stationary sources) and non-permitted (mobile sources) sources should be analyzed separately. For reference, the annual criteria thresholds of significance for operation of permitted and non-permitted sources each are: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NO_x), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SO_x), 15 tons per year of particulate matter of 10 microns or less in size (PM₁₀), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM_{2.5}).
- *Recommended Mitigation Measure if needed:* Project related impacts on air quality can be reduced through incorporation of design elements, for example, that increase energy efficiency, reduce vehicle miles traveled, and reduce construction exhaust related emissions.
- iii) **Recommended Model:** Project related criteria pollutant emissions from construction and operation non-permitted (limited to equipment not subject to District permits) should be identified and quantified. Emissions analysis should be performed using CalEEMod (**California Emission Estimator Model**), which uses the most recent approved version of relevant Air Resources Board (ARB) emissions models and emission factors. CalEEMod is available to the public and can be downloaded from the CalEEMod website at: www.caleemod.com.

- b) **Nuisance Odors:** The Project should be evaluated to determine the likelihood that the Project would result in nuisance odors. Nuisance orders are subjective, thus the District has not established thresholds of significance for nuisance odors. Nuisance odors may be assessed qualitatively taking into consideration of Project design elements and proximity to off-site receptors that potentially would be exposed objectionable odors.
- c) **Health Risk Screening/Assessment:** A Health Risk Screening/Assessment identifies potential Toxic Air Contaminants (TAC's) impact on surrounding sensitive receptors such as hospitals, daycare centers, schools, work-sites, and residences. TAC's are air pollutants identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) (<https://www.arb.ca.gov/toxics/healthval/healthval.htm>) that pose a present or potential hazard to human health. A common source of TACs can be attributed to diesel exhaust emitted from both mobile and stationary sources. Industry specific TACs generated must also be identified and quantified.

The District recommends the Project be evaluated for potential health impacts to surrounding receptors (on-site and off-site) resulting from operational and multi-year construction TAC emissions.

- i) The District recommends conducting a screening analysis that includes all sources of emissions. A screening analysis is used to identify projects which may have a significant health impact. A prioritization, using CAPCOA's updated methodology, is the recommended screening method. A prioritization score of 10 or greater is considered to be significant and a refined Health Risk Assessment (HRA) should be performed. The prioritization calculator can be found at: http://www.valleyair.org/busind/pto/emission_factors/Criteria/Toxics/Utilities/PRIORITIZATION%20RMR%202016.XLS.
- ii) The District recommends a refined HRA for projects that result in a prioritization score of 10 or greater. It is recommended that the Project proponent contact the District to review the proposed modeling protocol. The Project would be considered to have a significant health risk if the HRA demonstrates that the Project related health impacts would exceed the Districts significance threshold of 20 in a million for carcinogenic risk and 1.0 for the Acute and Chronic Hazard Indices.

More information on toxic emission factors, prioritizations and HRAs can be obtained by:

- E-Mailing inquiries to: hramodeler@valleyair.org; or
- The District can be contacted at (559) 230-6000 for assistance; or
- Visiting the Districts website (Modeling Guidance) at http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm

- d) **Ambient Air Quality Analysis:** An ambient air quality analysis (AAQA) uses air dispersion modeling to determine if emissions increases from a project will cause or contribute to a violation of the ambient air quality standards. The District recommends that an AAQA be performed for the Project if emissions exceed 100 pounds per day of any pollutant.

If an AAQA is performed, the analysis should include emissions from both Project specific permitted and non-permitted equipment and activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis. Specific information for assessing significance, including screening tools and modeling guidance is available online at the District's website www.valleyair.org/ceqa.

- 2) In addition to the discussions on potential impacts identified above, the District recommends the EIR also include the following discussions:

- a) A discussion of the methodology, model assumptions, inputs and results used in characterizing the Project's impact on air quality. To comply with CEQA requirements for full disclosure, the District recommends that the modeling outputs be provided as appendices to the EIR. The District further recommends that the District be provided with an electronic copy of all input and output files for all modeling.
- b) A discussion of the components and phases of the Project and the associated emission projections, including ongoing emissions from each previous phase.
- c) A discussion of Project design elements and mitigation measures, including characterization of the effectiveness of each mitigation measure incorporated into the Project.
- d) A discussion of whether the Project would result in a cumulatively considerable net increase of any criteria pollutant or precursor for which the San Joaquin Valley Air Basin is in non-attainment. More information on the District's attainment status can be found online by visiting the District's website at: <http://valleyair.org/aqinfo/attainment.htm>.

District Rules and Regulations

- 3) The proposed Project may be subject to District rules and regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).
- 4) This Project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and will require District permits. Prior to construction, the Project proponent should submit to the District an application for an Authority to Construct (ATC). For further information or assistance, the project proponent may contact the District's Small Business Assistance (SBA) Office at (209) 557-6446.
- 5) As stated above, the project will be subject to District Rule 2010 and Rule 2201. Per Section 4.4.3 of District Rule 9510 (Indirect Source Review), any project whose primary functions are subject to District Rule 2010 and Rule 2201 is exempted from Rule 9510. Therefore, the District concludes that the proposed Project is not subject to District Rule 9510.
- 6) The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (209) 557-6446. Current District rules can be found online at the District's website at: www.valleyair.org/rules/1ruleslist.htm.

The District recommends that a copy of the District's comments be provided to the Project proponent. If you have any questions or require further information, please call Mark Montelongo at (559) 230-5905.

Sincerely,

Arnaud Marjollet
Director of Permit Services


Brian Clements
Program Manager

AM: cf



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH



KEN ALEX
DIRECTOR

Notice of Preparation

July 9, 2018

To: Reviewing Agencies
Re: City of Merced Sewer Master Plan Update
SCH# 2018071019

Attached for your review and comment is the Notice of Preparation (NOP) for the City of Merced Sewer Master Plan Update draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Ken Elwin
City of Merced
678 W. 18th Street
Merced, CA 95340

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2018071019
Project Title City of Merced Sewer Master Plan Update
Lead Agency Merced, City of

Type **NOP** Notice of Preparation
Description The development of the Wastewater Collection System Master Plan for the city has evaluated and assessed the function, expansion, and replacement of the wastewater collection system within the city to accommodate future development. As identified in the Wastewater Collection System Master Plan, alternative plan A is the proposed project for the development of this Draft EIR.

Lead Agency Contact

Name Ken Elwin
Agency City of Merced
Phone 209-385-6800
email
Address 678 W. 18th Street
City Merced
Fax
State CA **Zip** 95340

Project Location

County Merced
City Merced
Region
Cross Streets SR 99, Hwy 140, 59
Lat / Long 37° 18' 10.4" N / 120° 29' 7.25" W
Parcel No.
Township 7S **Range** 14E **Section** 30 **Base** MDBM

Proximity to:

Highways 99
Airports Merced Regl
Railways UPRR
Waterways Bear Creek
Schools mult
Land Use Multiple: ag, industrial reserve, mixed use, commercial, and res

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 4; Department of Parks and Recreation; Department of Water Resources; Native American Heritage Commission; Public Utilities Commission; Caltrans, Division of Aeronautics; Caltrans, Division of Transportation Planning; Air Resources Board, Major Industrial Projects; Caltrans, District 10; State Water Resources Control Board, Division of Financial Assistance; State Water Resources Control Board, Division of Drinking Water; State Water Resources Control Board, Division of Drinking Water, District 11; Department of Toxic Substances Control; Regional Water Quality Control Bd., Region 5 (Fresno)

Date Received 07/09/2018 **Start of Review** 07/09/2018 **End of Review** 08/07/2018

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

2018071019
SCH #

Project Title: City of Merced Sewer Master Plan Update

Lead Agency: City of Merced
Mailing Address: 678 W 18th Street
City: Merced
Contact Person: Ken Elwin
Phone: (209)385-6800
County: Merced
Zip: 95340

Project Location: County: Merced City/Nearest Community: City of Merced

Cross Streets: State Route 99, Highway 140 and 59 Zip Code: 95340

Longitude/Latitude (degrees, minutes and seconds): 37 ° 18 ' 10.4 " N / 120 ° 29 ' 7.25 " W Total Acres: N/A

Assessor's Parcel No.: N/A Section: 30 Twp.: T7S Range: R14E Base: MDB&M

Within 2 Miles: State Hwy #: 99 Waterways: Bear Creek

Airports: Merced Regional Airport Railways: Union Pacific Rail Road Schools: multiple

Document Type:

CEQA: [X] NOP [] Draft EIR [] Supplement/Subsequent EIR (Prior SCH No.) [] Mit Neg Dec [] Early Cons [] Neg Dec [] Other: [] Joint Document [] Final Document [] Other:
NEPA: [] NOI [] Draft EIS [] FONSI
Government's Office of Planning & Research
JUL 09 2018

Local Action Type:

[] General Plan Update [] Specific Plan [] Rezone [] Annexation
[] General Plan Amendment [X] Master Plan [] Prezone [] Redevelopment
[] General Plan Element [] Planned Unit Development [] Use Permit [] Coastal Permit
[] Community Plan [] Site Plan [] Land Division (Subdivision, etc.) [] Other:
STATE CLEARINGHOUSE

Development Type:

[] Residential: Units _____ Acres _____
[] Office: Sq.ft. _____ Acres _____ Employees _____
[] Commercial: Sq.ft. _____ Acres _____ Employees _____
[] Industrial: Sq.ft. _____ Acres _____ Employees _____
[] Educational: _____
[] Recreational: _____
[] Water Facilities: Type _____ MGD _____
[] Transportation: Type _____
[] Mining: Mineral _____
[] Power: Type _____ MW _____
[] Waste Treatment: Type _____ MGD _____
[] Hazardous Waste: Type _____
[X] Other: Wastewater Collection System

Project Issues Discussed in Document:

[X] Aesthetic/Visual [] Fiscal [X] Recreation/Parks [X] Vegetation
[X] Agricultural Land [X] Flood Plain/Flooding [X] Schools/Universities [X] Water Quality
[X] Air Quality [X] Forest Land/Fire Hazard [X] Septic Systems [X] Water Supply/Groundwater
[X] Archeological/Historical [X] Geologic/Seismic [X] Sewer Capacity [X] Wetland/Riparian
[X] Biological Resources [X] Minerals [X] Soil Erosion/Compaction/Grading [X] Growth Inducement
[] Coastal Zone [X] Noise [X] Solid Waste [X] Land Use
[X] Drainage/Absorption [X] Population/Housing Balance [X] Toxic/Hazardous [X] Cumulative Effects
[] Economic/Jobs [X] Public Services/Facilities [X] Traffic/Circulation [] Other:

Present Land Use/Zoning/General Plan Designation:

multiple including, but not limited to; agriculture, industrial reserve, mixed use, commercial, and residential

Project Description: (please use a separate page if necessary)

The development of the Wastewater Collection System Master Plan for the City of Merced has evaluated and assessed the function, expansion, and replacement of the wastewater collection system within the City to accommodate future development. As identified in the Wastewater Collection System Master Plan, Alternative Plan A is the proposed Project for the development of this Draft Environmental Impact Report.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X". If you have already sent your document to the agency please denote that with an "S".

- | | |
|---|--|
| <input checked="" type="checkbox"/> Air Resources Board | <input checked="" type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Public School Construction |
| <input type="checkbox"/> California Emergency Management Agency | <input type="checkbox"/> Parks & Recreation, Department of |
| <input type="checkbox"/> California Highway Patrol | <input type="checkbox"/> Pesticide Regulation, Department of |
| <input checked="" type="checkbox"/> Caltrans District #10 | <input type="checkbox"/> Public Utilities Commission |
| <input type="checkbox"/> Caltrans Division of Aeronautics | <input checked="" type="checkbox"/> Regional WQCB #5 |
| <input type="checkbox"/> Caltrans Planning | <input checked="" type="checkbox"/> Resources Agency |
| <input type="checkbox"/> Central Valley Flood Protection Board | <input type="checkbox"/> Resources Recycling and Recovery, Department of |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy | <input type="checkbox"/> S.F. Bay Conservation & Development Comm. |
| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Colorado River Board | <input type="checkbox"/> San Joaquin River Conservancy |
| <input type="checkbox"/> Conservation, Department of | <input type="checkbox"/> Santa Monica Mtns. Conservancy |
| <input type="checkbox"/> Corrections, Department of | <input type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Delta Protection Commission | <input type="checkbox"/> SWRCB: Clean Water Grants |
| <input type="checkbox"/> Education, Department of | <input checked="" type="checkbox"/> SWRCB: Water Quality |
| <input type="checkbox"/> Energy Commission | <input type="checkbox"/> SWRCB: Water Rights |
| <input checked="" type="checkbox"/> Fish & Game Region #4 | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> Food & Agriculture, Department of | <input type="checkbox"/> Toxic Substances Control, Department of |
| <input checked="" type="checkbox"/> Forestry and Fire Protection, Department of | <input checked="" type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> General Services, Department of | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Health Services, Department of | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Housing & Community Development | |
| <input checked="" type="checkbox"/> Native American Heritage Commission | |

Local Public Review Period (to be filled in by lead agency)

Starting Date July 9, 2018 Ending Date August 7th, 2018

Lead Agency (Complete if applicable):

Consulting Firm: <u>Stantec Consulting Services</u>	Applicant: <u>Ken Elwin, City of Merced</u>
Address: <u>3875 Atherton Road</u>	Address: <u>678 W 18th Street</u>
City/State/Zip: <u>Rocklin, California, 95765</u>	City/State/Zip: <u>Merced, CA 95340</u>
Contact: <u>Kim Clyma</u>	Phone: <u>(209)385-6800</u>
Phone: <u>(916)773-8100</u>	

Signature of Lead Agency Representative:  **Date:** 7/6/18

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

<input checked="" type="checkbox"/> <u>Resources Agency</u> Resources Agency Nadell Gayou	<input type="checkbox"/> Fish & Wildlife Region 4 Julie Vance	<input type="checkbox"/> Native American Heritage Comm. Debbie Treadway	<input type="checkbox"/> Caltrans, District 9 Gayle Rosander	<input type="checkbox"/> Regional Water Quality Control Board (RWQCB)
<input type="checkbox"/> Dept. of Boating & Waterways Denise Peterson	<input type="checkbox"/> Fish & Wildlife Region 5 Leslie Newton-Reed Habitat Conservation Program	<input checked="" type="checkbox"/> Public Utilities Commission Supervisor	<input checked="" type="checkbox"/> Caltrans, District 10 Tom Dumas	<input type="checkbox"/> RWQCB 1 Cathleen Hudson North Coast Region (1)
<input type="checkbox"/> California Coastal Commission Allyson Hitt	<input type="checkbox"/> Fish & Wildlife Region 6 Tiffany Ellis Habitat Conservation Program	<input type="checkbox"/> Santa Monica Bay Restoration Guangyu Wang	<input type="checkbox"/> Caltrans, District 11 Jacob Armstrong	<input type="checkbox"/> RWQCB 2 Environmental Document Coordinator San Francisco Bay Region (2)
<input type="checkbox"/> Colorado River Board Elsa Contreras	<input type="checkbox"/> Fish & Wildlife Region 6 I/M Heidi Calvert Inyo/Mono, Habitat Conservation Program	<input type="checkbox"/> State Lands Commission Jennifer Deleong	<input type="checkbox"/> Caltrans, District 12 Maureen El Haraque	<input type="checkbox"/> RWQCB 3 Central Coast Region (3)
<input type="checkbox"/> Dept. of Conservation Crina Chan	<input type="checkbox"/> Dept. of Fish & Wildlife M William Paznokas Marine Region	<input type="checkbox"/> Tahoe Regional Planning Agency (TRPA) Cherry Jacques	<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> RWQCB 4 Teresa Rodgers Los Angeles Region (4)
<input checked="" type="checkbox"/> Central Valley Flood Protection Board James Herota	<input type="checkbox"/> Other Departments	<input type="checkbox"/> Cal State Transportation Agency CalSTA	<input type="checkbox"/> Airport & Freight Jack Wursten	<input type="checkbox"/> RWQCB 5 Central Valley Region (5)
<input type="checkbox"/> Office of Historic Preservation Ron Parsons	<input type="checkbox"/> California Department of Education Lesley Taylor	<input type="checkbox"/> Caltrans - Division of Aeronautics Philip Crimmins	<input type="checkbox"/> Transportation Projects Nesamant Kalandiyur	<input checked="" type="checkbox"/> RWQCB 5F Central Valley Region (5) Fresno Branch Office
<input type="checkbox"/> Dept of Parks & Recreation Environmental Stewardship Section	<input type="checkbox"/> OES (Office of Emergency Services) Monique Wilber	<input type="checkbox"/> Caltrans - Planning HQ LD-IGR	<input type="checkbox"/> Industrial/Energy Projects Mike Tollstrup	<input type="checkbox"/> RWQCB 5R Central Valley Region (5) Redding Branch Office
<input type="checkbox"/> S.F. Bay Conservation & Dev't. Comm. Steve Goldbeck	<input type="checkbox"/> Food & Agriculture Sandra Schubert Dept. of Food and Agriculture	<input type="checkbox"/> California Highway Patrol Suzann Ikeuchi Office of Special Projects	<input type="checkbox"/> State Water Resources Control Board Regional Programs Unit Division of Financial Assistance	<input type="checkbox"/> RWQCB 6 Lahontan Region (6)
<input checked="" type="checkbox"/> Dept. of Water Resources Nadell Gayou	<input type="checkbox"/> Dept. of General Services Cathy Buck Environmental Services Section	<input type="checkbox"/> Dept. of Transportation	<input type="checkbox"/> State Water Resources Control Board Cindy Forbes - Asst Deputy Division of Drinking Water	<input type="checkbox"/> RWQCB 6V Lahontan Region (6) Victorville Branch Office
<input type="checkbox"/> Fish and Game	<input type="checkbox"/> Housing & Comm. Dev. CEOA Coordinator Housing Policy Division	<input type="checkbox"/> Caltrans, District 1 Rex Jackman	<input type="checkbox"/> State Water Resources Control Board Div. Drinking Water # 1	<input type="checkbox"/> RWQCB 7 Colorado River Basin Region (7)
<input type="checkbox"/> Dept. of Fish & Wildlife Scott Flint Environmental Services Division	<input type="checkbox"/> Independent Commissions, Boards	<input type="checkbox"/> Caltrans, District 2 Marcelino Gonzalez	<input type="checkbox"/> State Water Resources Control Board Student Intern, 401 Water Quality Certification Unit Division of Water Quality	<input type="checkbox"/> RWQCB 8 Santa Ana Region (8)
<input type="checkbox"/> Fish & Wildlife Region 1 Curt Babcock	<input type="checkbox"/> Delta Protection Commission Erik Vink	<input type="checkbox"/> Caltrans, District 3 Susan Zanchi - North	<input type="checkbox"/> State Water Resources Control Board Phil Crader Division of Water Rights	<input type="checkbox"/> RWQCB 9 San Diego Region (9)
<input type="checkbox"/> Fish & Wildlife Region 1E Laurie Harnsberger	<input type="checkbox"/> Delta Stewardship Council Anthony Navasero	<input type="checkbox"/> Caltrans, District 4 Patricia Maurice	<input type="checkbox"/> Dept. of Toxic Substances Control Reg. # CEQA Tracking Center	<input type="checkbox"/> Other _____ _____
<input type="checkbox"/> Fish & Wildlife Region 2 Jeff Drongesen	<input type="checkbox"/> California Energy Commission Eric Knight	<input type="checkbox"/> Caltrans, District 5 Larry Newland	<input type="checkbox"/> Department of Pesticide Regulation CFOA Coordinator	<input type="checkbox"/> Conservancy
<input type="checkbox"/> Fish & Wildlife Region 3 Craig Weightman		<input type="checkbox"/> Caltrans, District 6 Michael Navarro		
		<input type="checkbox"/> Caltrans, District 7 Dianna Watson		
		<input type="checkbox"/> Caltrans, District 8 Mark Roberts		

City of Merced

Notice of Preparation of a Draft Environmental Impact Report

Date: July 9, 2018

Project Title: City of Merced Sewer Master Plan Update

To: Responsible Agencies, Organizations, and Interested Parties

Lead Agency: City of Merced
678 W 18th St
Merced, CA 95340
(209) 385-6800

Contact: Ken Elwin, PE, Public Works Director, City of Merced

INTRODUCTION

The City of Merced (City) will prepare an Environmental Impact Report (EIR) that addresses the potential impacts of implementing the proposed Updated Wastewater Collection System (WCS) Master Plan (Master Plan or proposed Project) to address key wastewater infrastructure needs within the City. Your input is requested in the form of written comments regarding the scope of the EIR including potential environmental impacts and alternatives to be considered.

The EIR is being prepared in compliance with the California Environmental Quality Act (CEQA). Under CEQA, upon deciding to prepare and EIR, the City, as lead agency, must issue a Notice of Preparation (NOP) to inform trustee agencies, the public, and responsible agencies of the decision. Accordingly, the purpose of this NOP is to provide information describing the Master Plan including associated potential environmental effects to those in the public who may wish to comment regarding the scope and content of the information to be included in the EIR. Agencies should comment on such information as is related to their statutory responsibilities in connection with the Master Plan.

The EIR will provide an evaluation of potential environmental impacts associated with implementation of the Master Plan at a project- and program-level where appropriate. The Master Plan location, description, and environmental resource areas that may be affected by development of the Master Plan are described below. The EIR will evaluate potentially significant environmental impacts of the Master Plan, on both a direct and indirect, and cumulative basis; identify mitigation measures that may be feasible to lessen or avoid such impacts; and identify alternatives that may lessen one or more potentially significant impact to the Master Plan.

PROJECT LOCATION/SETTING

Figure 1, Project Vicinity, shows the setting of the proposed Project area in the Merced County region. The proposed Project is located entirely within the boundaries shown in the City's *Merced Vision 2030 General Plan*, including the University of California at Merced (UC Merced) campus and additional community planning areas (Figure 2). This area includes the area within existing City limits, as well as the authorized sphere-of-influence (SOI) for the City, as recognized by the Merced County Local Agency Formation Commission (LAFCo).

PROJECT DESCRIPTION

Development of the WCS Master Plan has been an iterative process from 2002 to 2017 to evaluate and assess function, expansion, and replacement of the wastewater collection system within the City to accommodate existing and future development. Wastewater generated within the City is collected in a series of pipelines which the City owns, operates, and maintains. The system includes over 400 miles of gravity sewers which collect wastewater from a majority of residential users, as well as, commercial users, industrial users, and public uses.

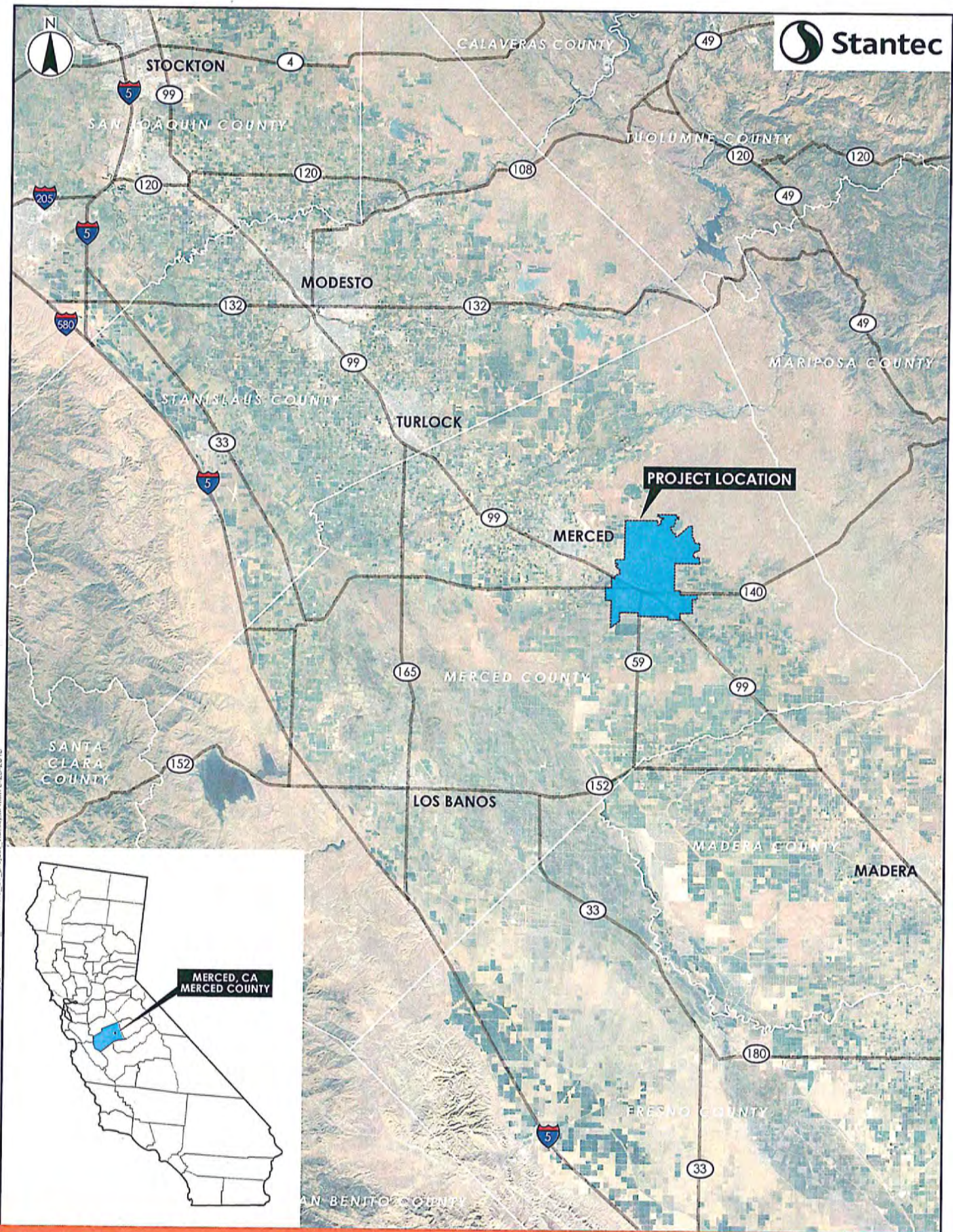
The current Master Plan identifies potential capacity constraints within the existing sewer system, assesses the future demand for these services, and develops recommendations for short- and long-term Capital Improvement Projects (CIP) to address the identified issues needed to serve the anticipated future capacity. During preparation of the Master Plan the City attempted to minimize impacts to the four natural streams that flow through the City: Fahrens Creek, Black Rascal Creek, Cottonwood Creek and Bear Creek, while working to maximize gravity flow of the sewer system to reduce energy and pump station costs.

This most recent draft Master Plan, released in December 2017, incorporated elements from other planning documents that have been developed, including the *Merced Vision 2030 General Plan* and the University of California (UC) Merced 2020 Project Addendum Long Range Development EIS/EIR. These planning documents, combined with the Master Plan, have led to the identification of Alternative Plan A as the preferred alternative to address the long-range sewer system planning needs for the City.

PROJECT ELEMENTS

The purpose of the Master Plan is to:

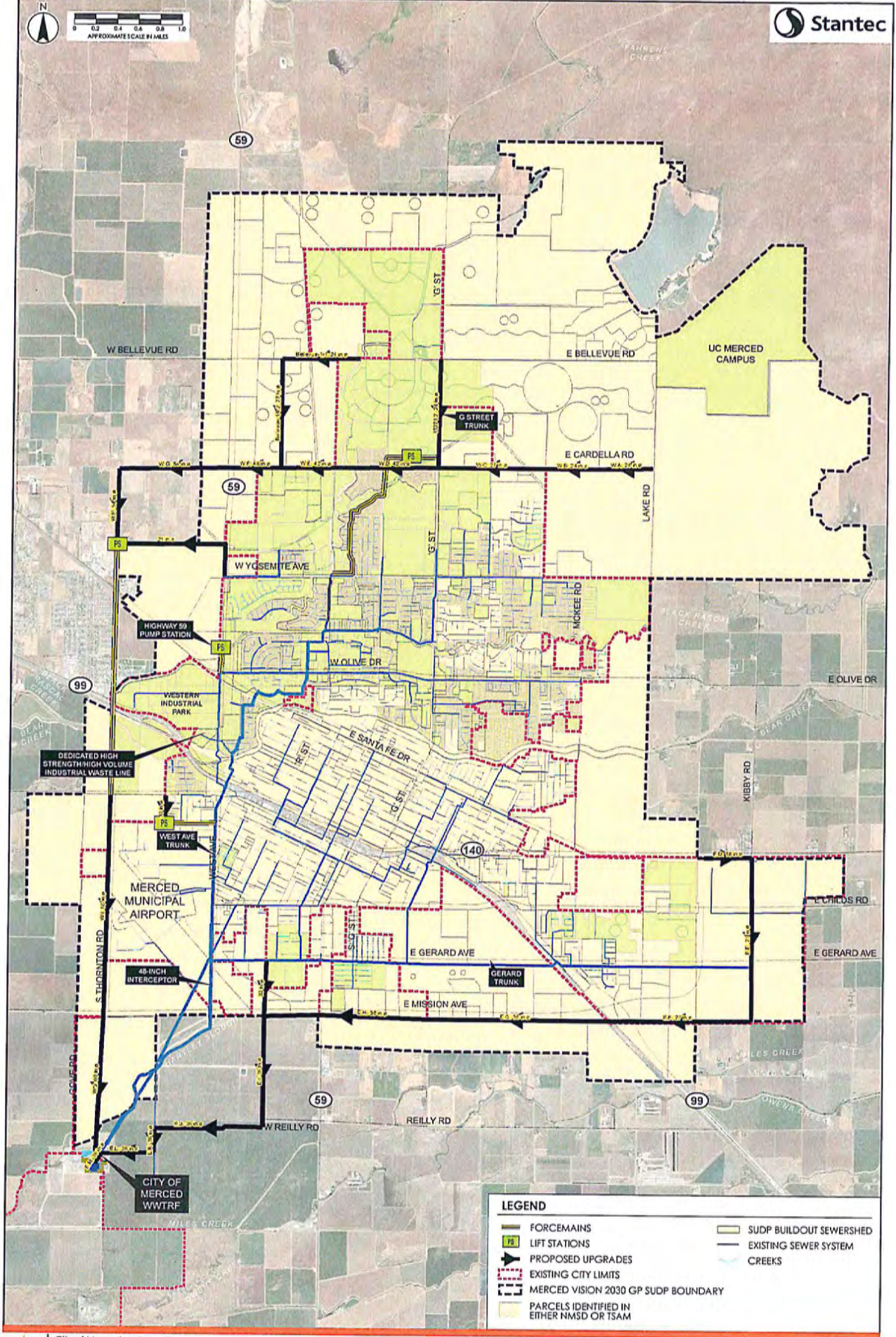
1. Update land use and wastewater flows accommodating the *Merced Vision 2030 General Plan*;
2. Assess the available capacity of the City's major sewers;
3. Determine the best means to sewer the build-out of the *Merced Vision 2030 General Plan* SUDP;
4. Develop an interim service plan and CIP for City growth; and
5. Establish a sewer repair and replacement program.



V:\18\03\active\18030350 - City of Merced\Merced Planning\graphics\dot_2016\merc_eir_project_vicinity.ar mfm 5-25-2018



Figure 1
Project Vicinity



LEGEND

FORCEMAINS	SUDP BUILDOUT SEWERSHED
LIFT STATIONS	EXISTING SEWER SYSTEM
PROPOSED UPGRADES	CREEKS
EXISTING CITY LIMITS	
MERCED VISION 2030 GP SUDP BOUNDARY	
PARCELS IDENTIFIED IN EITHER NMSD OR TSAM	

Figure 2
Proposed Project

ENVIRONMENTAL EFFECTS AND SCOPE OF THE EIR

The EIR will analyze potentially significant impacts that result from construction and operation of the Master Plan. Pursuant to section 15063(a) of the CEQA Guidelines, the EIR will evaluate the full range of environmental issues contemplated for consideration under CEQA statute and the CEQA Guidelines including:

- Aesthetics and Visual Resources
- Agriculture and Forestry Resources
- Air Quality and Greenhouse Gases
- Biological Resources
- Cultural and Tribal Resources
- Energy Resources
- Geology, Soils, and Mineral Resources
- Hazards, Hazardous Materials, and Wildfires
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services and Utilities
- Recreation
- Transportation and Traffic

Potential environmental impacts associated with implementation of the Master Plan are anticipated to be analyzed at project-level where feasible and a program-level for all other considerations. Preliminary screenings indicate that any potential adverse effects can be avoided, redesigned, minimized and/or mitigated through the development of alternatives or adoption of appropriate mitigation measures. The EIR will consider a range of potential temporary construction-period impacts, permanent impacts, and cumulative impacts.

SUBMITTING COMMENTS

Comments and suggestions as to the appropriate scope of analysis in the EIR are invited from all interested parties. Written comments or questions concerning the EIR for the WCS Master Plan should be directed to the City's public works director at the following address by **5:00 PM on August 7th, 2018**.

Ken Elwin, PE, City of Merced Public Works Director
678 W. 18th Street
Merced, CA 95340
E-mail: elwink@cityofmerced.org

All comments should please include the name, email address, phone number, and mailing address of the contact person submitting the written response. In the event no response or request for additional time is received by any responsible agency or trustee agency by the end of the review period on **August 7th, 2018**, the City may presume that the responsible agency or trustee agency has no response.

SCOPING MEETING

A public scoping meeting will be held to receive comments on environmental issues that should be addressed in the Draft EIR as well as the range of practicable alternatives to be evaluated in the Draft EIR. The address, date, and time of this meeting are as follows:

Date: Tuesday, July 24, 2018
Time: 5:30 –7:30 pm
Place: Merced Civic Center, Sam Pipes Room
678 W. 18th Street
Merced, CA 95340