

**ENVIRONMENTAL IMPACT REPORT
FOR THE SANTA PAULA WATER
RECYCLING FACILITY**

RESPONSES TO COMMENTS REPORT

State Clearinghouse Number 2004071038

**Prepared for:
City of Santa Paula
970 Ventura Street
Santa Paula, CA 93060
Rene Salas, Project Manager
(805) 933-4212**

**Prepared by:
P&D Consultants
999 Town and Country Road, 4th Floor
Orange, CA 92868
Gilberto Ruiz, Project Manager
(714) 835-4447**

March 2005

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ATTACHMENTS

- A. Notice of Completion and Notice of Availability
- B. Distribution List for the Draft EIR
- C. Investigation of Santa Paula Basin Yield
- D. Emissions Inventory Modeling
- E. Flooding Analysis for City of Santa Paula Water Recycling Facility (WRF)
- F. Time Schedule Order Containing the Interim Effluent Limits
- G. Figure 4-6, Figure 4-7 and Figure 4-8
- H. Figure 4-9

GLOSSARY

AC	Advisory Circular
ACBMs	asbestos containing building materials
ACOE	United States Army Corps of Engineers
AE	Agriculture Exclusive
AOA	airport operations area
APN	Assessor Parcel Number
AQMP	Air Quality Management Plan
BMPs	Best Management Practices
BRMP	Biological Resources Management Plan
Caltrans	California Department of Transportation
CCR	California Code of Regulations
CDs	compact discs
CDFG	California Department of Fish and Game
CDHS	California Department of Health Services
CEQA	California Environmental Quality Act
CFS	cubic feet per second
CUP	Conditional Use Permit
DEIR	Draft Environmental Impact Report
EIR	Environmental Impact Report
FAA	Federal Aviation Administration
FEIR	Final Environmental Impact Report
FEMA	Federal Emergency Management Agency
HOV	High Occupancy Vehicle
IN	Institutional/Civic
IS	Initial Study
LAFCO	Ventura County Local Agency Formation Commission
LBV	least Bell's vireo
LCA	Land Conservation Act
mg	milligrams
ml	milliliters
MPN	Mean Probable Number
MRP	mineral resources protection
NOA	Notice of Availability
NOC	Notice of Completion

NOP	Notice of Preparation
NO _x	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
RCPG	Regional Comprehensive Plan and Guide
ROG	reactive organic gases
RWQCB	Regional Water Quality Control Board
SCAG	Southern California Association of Governments
SCH	State Clearinghouse
SOI	Sphere of Influence
SPFD	Santa Paula Fire Department
SPGB	Santa Paula Ground Water Basin
SR	State Route
SWPPP	Stormwater Pollution and Prevention Plan
TAC	Technical Advisory Committee
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
VCAPCD	Ventura County Air Pollution Control District
VCWPD	Ventura County Watershed Protection District
WDR	Waste Discharge Requirements
WRF	Santa Paula Water Recycling Facility
WTP	Santa Paula Wastewater Treatment Plant

**RESPONSES TO COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT
REPORT FOR THE SANTA PAULA WATER RECYCLING FACILITY
State Clearinghouse No. 2004071038**

1.0 PUBLIC NOTICE

The City of Santa Paula submitted the Draft Environmental Impact Report (DEIR) for the proposed Santa Paula Water Recycling Facility (WRF) to the State Clearinghouse (SCH) on November 8, 2004. A Notice of Completion (NOC) was posted at the SCH and a Notice of Availability (NOA) was posted at the Ventura County Clerk's Office on November 8, 2004. The NOC and NOA for the DEIR are provided in Attachment A. The NOA was sent to interested individuals, and federal, state and local agencies. The distribution list for the DEIR is provided in Attachment B. The public review period for the DEIR was 45 days (November 8, 2004 through January 5, 2005). In addition to the distribution of the DEIR to agencies and interested individuals, the DEIR was made available for public review at the following locations:

- City of Santa Paula Planning Department, 970 Ventura Street, Santa Paula, CA 93060.
- City of Santa Paula Public Works Department, 113 North Mill Street, Santa Paula, CA 93060.
- Blanchard Community Library, 119 North 8th Street, Santa Paula, CA 93060.
- Ventura County Recorder's, Office 800 South Victoria Avenue, Ventura, CA 93009-1210.

In addition, copies of the DEIR were also made available for purchase at the City of Santa Paula's Planning Department either as a hard copy or on compact discs (CDs).

**2.0 SUMMARY OF WRITTEN COMMENTS RECEIVED DURING THE
PUBLIC REVIEW PROCESS FOR THE DRAFT EIR**

Written comments on the DEIR received during the public review period are included in this Section. Responses to these comments are provided following each comment letter. When a comment is made by multiple parties, the response is provided the first time the comment is made and all later similar comments are referred back to that response.

The format of the responses to all the comments is based on a unique letter and number code for each comment. The letter and number immediately following the letter refer to an individual agency, business, group, organization or member of the general public comment letter. The number at the end of the code refers to a specific comment within the individual letter. Therefore, each comment has a unique code assignment. For example, comment S1-1 is the first comment in letter S1.

Section 15204(a) of the California Environmental Quality Act (CEQA) Guidelines indicates that "When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith

effort at full disclosure is made in the EIR.” Some of the comments received on the DEIR for WRF project raised issues which are not environmental issues or provided comments or opinions on the project unrelated to specific environmental issues. The responses to comments on the DEIR specifically focus on those comments that relate to potentially significant environmental issues, consistent with the requirements of Section 15204(a) of the CEQA Guidelines.

The written comments received on the DEIR included letters and e-mails. Written comments on the DEIR for the proposed WRF project were received from the following:

2.1 WRITTEN COMMENTS RECEIVED FROM STATE AGENCIES

- S1. State of California Governor’s Office of Planning and Research (November 8, 2004).
- S2. State of California Department of Health Services (December 6, 2004).
- S3. Southern California Association of Governments (December 8, 2004).
- S4. State of California Department of Transportation - District 7 (December 23, 2004).
- S5. California Regional Water Quality Control Board (December 30, 2004).
- S6. State Water Resources Control Board (January 5, 2005).
- S7. State of California Governor’s Office of Planning and Research (January 6, 2005).
- S8. State of California Governor’s Office of Planning and Research (January 24, 2005).
- S9. State of California Department of Conservation (January 21, 2005).

2.2 WRITTEN COMMENTS RECEIVED FROM REGIONAL AND LOCAL AGENCIES

- R1. County of Ventura Resource Management Agency (January 5, 2005).
- R2. County of Ventura Resource Management Agency (January 4, 2005).
- R3. County of Ventura Public Works Agency Transportation Department (July 28, 2004).
- R4. Ventura County Air Pollution Control District (July 21, 2004).
- R5. County of Ventura Public Works Agency Water Resources Division (July 20, 2004).
- R6. County of Ventura Agricultural Commissioner (December 21, 2004).
- R7. City of San Buenaventura (January 5, 2005).
- R8. County of Ventura Public Works Agency Transportation Department (November 22, 2004).
- R9. Ventura County Air Pollution Control District (December 29, 2004).

It should be noted that comment letters R3, R4 and R5 were comments letters that were submitted during the NOP review period but were not included as part of Appendix C (Comment Letters Received on the NOP) of the DEIR. Comment letters R3, R4 and R5 were inadvertently omitted during the NOP comment period due to a clerical error and were not provided to the EIR consultant and therefore, were not included in Appendix C of the DEIR. However, comments raised in these letters were addressed in the DEIR and were also included as comments received during the 45 day public review period for the DEIR. In addition, they are also incorporated and addressed in this Responses to Comments Report.

2.3 WRITTEN COMMENTS RECEIVED FROM BUSINESSES, GROUPS AND ORGANIZATIONS

- B1. McConica Citrus Partnership (January 3, 2005).
- B2. California Native Plant Society (January 4, 2005).
- B3. Law Office of K.M. Neiswender (January 5, 2005).

2.4 WRITTEN COMMENTS RECEIVED FROM MEMBERS OF THE GENERAL PUBLIC

- P1. S. David Lippert (December 4, 2004).

2.5 WRITTEN COMMENTS RECEIVED FROM QUASI GOVERNMENTAL AGENCIES

- Q1. United Water Conservation District (January 5, 2005).

It should be noted that there were two comment letters submitted after January 5, 2005, the end of the 45 day review period. These late comment letters were submitted by state agencies. Because the comment letters submitted by the State of California Governor's Office of Planning and Research and State of California Department of Conservation raised new issues of concern regarding the proposed project, they were included in Section 2.1 (above) and were provided with responses.

STATE AGENCIES

Form A Notice of Completion & Environmental Document Transmittal

SCH# 2004071038

Mail to: State Clearinghouse, PO Box 3044, Sacramento, CA 95812-3044 916/445-0613

Project Title: Santa Paula Water Recycling Facility
Lead Agency: City of Santa Paula
Street Address: 970 Ventura Street
City: Santa Paula, CA Zip: 93060
Contact Person: Bern Salas
Phone: 805-833-4212
County: Ventura

S1

Project Location:
County: Ventura City/Nearest Community: City of Santa Paula
Cross Streets: Corporation Street/Todd Lane Zip Code: 93060 Total Acres: 48
Assessor's Parcel No. (See Initial Study) Section: unnumbered Twp: 3N Range: 21W Base: Santa Paula, CA
Within 2 Miles: State Hwy #: SR-126 Waterways: Santa Clara River
Airports: Santa Paula Airport Railways: Van Co. Trans. Comm. Schools: None

Document Types:
CEQA: [] NOP [] Supplement/Subsequent EIR NEPA: [] NOI Other: [] Joint Document
[] Early Cons (Prior SCH No.) [] EA [] Final Document
[] Neg Disc [] Other [] Draft EIS [] Other
[] Draft EIR [] FONSI

Local Action Types:
[] General Plan Update [] Specific Plan [] Resort [] Annexation
[] General Plan Amendment [] Master Plan [] Rezone [] Redevelopment
[] General Plan Element [] Planned Use [] Use Perm [] Coastal Permit
[] Community Plan [] Site Plan [] Land Division (Subdivision, etc.) [] Other Project

RECEIVED
NOV - 8 2004
STATE CLEARINGHOUSE

Development Types:
[] Residential: Units Acres Employees
[] 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 Waps
[] Waste Treatment: Type Wastewater
[] Hazardous Waste: Type
[] Other: Revision to Waste Discharge Requirements (WDR)

Funding (approx.): Federal \$ State \$ 28.0 million City \$ 12.0 million Total \$ 40.0 million

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

Present Land Use/Zoning/General Plan Designation:
(See attached EIR)

Project Description:
Development of a water recycling facility designed to meet the City of Santa Paula's treatment needs to 2020 and requirements established by the Regional Water Quality Control Board-Los Angeles and California Department of Health Services.

State Clearinghouse Contact: (916) 445-0613

State Review Began: 11-8-2004

SCH COMPLIANCE 1-5-2005

per lead

Please note State Clearinghouse Number (SCH#) on all Comments 2004071038

SCH#:
Please forward late comments directly to the Lead Agency

AQMD/APCD 39

(Resources: 11, 13)

Project Sent to the following State Agencies

- X Resources
Boating & Waterways
Coastal Comm
Colorado Rvr Bd
Conservation
Fish & Game # 5
Delta Protection Comm
Forestry & Fire Prot
Historic Preservation
X Parks & Rec
Reclamation Board
Bay Cons & Dev Comm
X DWK
OES (Emergency Svcs)
Bus Transp Hous
Aeronautics
CHP
X Caltrans # 7
Trans Planning
Housing & Com Dev
Food & Agriculture
X Health Services
State/Consumer Svcs
General Services
Cal EPA
ARB - Airport Projects
ARB - Transportation Projects
ARB - Major Industrial Projects
Integrated Waste Mgmt Bd
SWRCB: Clean Wtr Prog
X SWRCB: Wtr Quality
X SWRCB: Wtr Right
Reg. WQCB # 4
X Toxic Sub Cbl-CTC
Yth/Adlt Corrections
Corrections
Independent Comm
X Energy Commission
X NAHC
Public Utilities Comm
Santa Monica Mtns
State Lands Comm
Taboe Rgl Plan Agency
Other:

S1-1

**S1 RESPONSES TO COMMENTS FROM THE STATE OF CALIFORNIA
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH DATED
NOVEMBER 8, 2004**

S1-1 Comments noted. No response necessary.

State of California—Health and Human Services Agency
Department of Health Services



California
Department of
Health Services

SANDRA SHEWRY
Director

ARNOLD SCHWARZENEGGER
Governor

COPY

RECEIVED
By DEC 14 2004

December 6, 2004

Mr. Rene Salas, Deputy Director of Public Works
City of Santa Paula
Public Works Department
113 North Mill Street
Santa Paula, CA 93060

S2

Dear Mr. Salas

Subject: DEIR 2004071038

The California Department of Health Services, Drinking Water Program has reviewed your Draft EIR for the City of Santa Paula Water Recycling Facility. The proposed project includes construction of a new Water Recycling Treatment Plant to produce water that meets the Title 22 criteria for tertiary treated effluent. The Regional Water Quality Control Board is the lead permitting agency for this project but the CDHS will be reviewing aspects of the project. The CDHS time to review the project will be billed to your system as required.

S2-1

The City of Santa Paula will be required to submit to this office and the RWQCB a Title 22 Engineering Report, an outline can be obtain from our web site. The City of Santa Paula will also be required to submit the plans and specification of the treatment facility to this office for review and comment. Our comments will be sent to the City and the RWQCB to be included in their permit. Your proposal includes the use of Ultra Violet Light for disinfection. Please note that a validation study is required for the use of UV light for Title 22 disinfection purposes.

S2-2

If you have any questions, please call this office at (805) 566-1326.

Sincerely,

Kurt Souza, P.E.
District Engineer
Santa Barbara District

Cc: State Clearinghouse
County EHD

L12062004 Santa Paula WRF.doc

**S2 RESPONSES TO COMMENTS FROM THE STATE OF CALIFORNIA
DEPARTMENT OF HEALTH SERVICES DATED DECEMBER 6, 2004**

S2-1 Comments noted. No response necessary.

S2-2 Comments noted. The noted information and submittals will be provided by the City of Santa Paula as part of the mandatory permitting requirements for the proposed facility.



December 8, 2004

Mr. Rene Salas
Deputy Director of Public Works
City of Santa Paula
Public Works Department
113 North Mill Street
Santa Paula, CA 93060

RECEIVED
JAN 25 2005
By _____

S3

RE: **Comments on the Draft Environmental Impact Report for the Santa Paula Water Recycling Facility – SCAG No. I 20040760**

Main Office

818 West Seventh Street

12th Floor

Los Angeles, California

90017-3435

1 (213) 236-1800

1 (213) 236-1925

www.scag.ca.gov

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Riverside County: Jeff Stone, Riverside County • Thomas Burkley, Lake Elsinore • Bonnie Fickinger, Moreno Valley • Ron Lovelidge, Riverside • Greg Patten, Cathedral City • Ron Roberts, Temecula

San Bernardino County: Paul Blaine, San Bernardino County • Bill Alexander, Rancho Cucamonga • Lawrence Gole, Barstow • Lee Ann Garcia, Grand Terrace • Susan Langville, San Bern • Deborah Robertson, Rialto

Ventura County: Judy Mikels, Ventura County • Glenn Simi Valley • Carl Morthouse, San Buenaventura • Tom Young, Port Hueneme

Orange County Transportation Authority: Vacant

Riverside County Transportation Commission: Robin Lower, Hemet

Ventura County Transportation Commission: Kelli Millhouse, Mariposa

Dear Mr. Salas:

Thank you for submitting the **Draft Environmental Impact Report for the Santa Paula Water Recycling Facility** to SCAG for review and comment. As areawide clearinghouse for regionally significant projects, SCAG reviews the consistency of local plans, projects, and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies.

S3-1

It is recognized that the proposed Project considers the development of a water recycling facility for the City of Santa Paula. The proposed Project is located at 903/905 Corporation Street in the City of Santa Paula.

S3-2

SCAG staff has evaluated the **Draft Environmental Impact Report for the Santa Paula Water Recycling Facility** for consistency with the Regional Comprehensive Plan and Guide (RCPG) and Regional Transportation Plan (RTP). The Draft EIR does not include an analysis of project consistency with relevant and applicable policies of SCAG's RCPG and RTP, which were outlined in our July 26, 2004 letter on the Notice of Preparation (NOP) for this Draft EIR. It would be helpful if the Final EIR would provide a discussion and address the manner in which the proposed Project is consistent with or detracts from the achievement of RCPG and RTP policies. SCAG's July 26, 2004 letter is attached for your information.

S3-3

We expect the Final EIR to specifically cite the appropriate SCAG policies and address the manner in which the Project is consistent with applicable core policies or supportive of applicable ancillary policies. Please use our policy numbers to refer to them in your Draft EIR. Also, we would encourage you to use a side-by-side comparison of SCAG policies with a discussion of the consistency or support of the policy with the proposed Project.

S3-4

Based on the information provided in the Draft EIR, we are unable to determine whether the Project is consistent with SCAG policies. If you have any questions, please contact me at (213) 236-1867. Thank you.

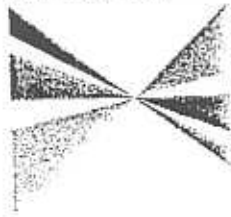
S3-5

Sincerely,

JEFFREY M. SMITH, AICP
Senior Regional Planner
Intergovernmental Review

Attachment: SCAG Letter, July 26, 2004

SOUTHERN CALIFORNIA



ASSOCIATION of GOVERNMENTS

Main Office

818 West Seventh Street

12th Floor

Los Angeles, California

90017-3435

1 (213) 236-1800

f (213) 236-1825

www.scag.ca.gov

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Orange County: Chris Norby, Orange County • Ronald Waters, Los Alamitos • Lou Bone, Tustin • Art Brown, Buena Park • Richard Chavel, Anaheim Debbie Cook, Huntington Beach • Calixty DeYoung, Laguna Hills • Richard Dixon, Lahr Forest • Alla Duke, La Palma • Dev Perry, Brea • Tom Ridgeway, Newport Beach

Riverside County: Marion Ashley, Riverside County • Thomas Buckley, Lake Esdinore • Buster Hickinger, Moreno Valley • Ron Lovelidge, Riverside • Greg Pettis, Cathedral City • Ron Roberts, Temecula

San Bernardino County: Paul Bland, San Bernardino County • Bill Alexander, Rancho Cucamonga • Edward Burgeon, Town of Apple Valley • Lawrence Stale, Brea • Lee Ann Garcia, Terrace • Susan Longville, San Bernardino • M. Ontario • Deborah Robertson, Bialle

Ventura County: Jody Miles, Ventura County • Glen Bezerra, Simi Valley • Carl Morehouse, San Buenaventura • Toni Young, Port Huemene

Orange County Transportation Authority: Charles Smith, Orange County

Riverside County Transportation Commission: Robin Lowe, Hemet

Ventura County Transportation Commission: Bill Davis, Simi Valley

July 26, 2004

Mr. Rene Salas
Deputy Director
Department of Public Works
City of Santa Paula
970 Ventura Street
Santa Paula, CA 93060

RE: Comments on the Notice of Preparation for a Draft Environmental Impact Report for the Santa Paula Water Recycling Facility – SCAG No. I 20040441

Dear Mr. Salas:

Thank you for submitting the Notice of Preparation for a Draft Environmental Impact Report for the Santa Paula Water Recycling Facility to SCAG for review and comment. As areawide clearinghouse for regionally significant projects, SCAG reviews the consistency of local plans, projects, and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies.

S3-6

We have reviewed the Notice of Preparation, and have determined that the proposed Project is regionally significant per SCAG mandates that directly relate to the policies and strategies contained in the Regional Comprehensive Plan. The proposed Project considers the construction of a water treatment facility with a capacity of 225,000 gallons per day. CEQA requires that EIRs discuss any inconsistencies between the proposed project and the applicable general plans and regional plans (Section 15125 [d]). If there are inconsistencies, an explanation and rationalization for such inconsistencies should be provided.

S3-7

Policies of SCAG's Regional Comprehensive Plan and Guide and Regional Transportation Plan, which may be applicable to your project, are outlined in the attachment. We expect the DEIR to specifically cite the appropriate SCAG policies and address the manner in which the Project is consistent with applicable core policies or supportive of applicable ancillary policies. Please use our policy numbers to refer to them in your DEIR. Also, we would encourage you to use a side-by-side comparison of SCAG policies with a discussion of the consistency or support of the policy with the Proposed Project.

S3-8

Please provide a minimum of 45 days for SCAG to review the DEIR when this document is available. If you have any questions regarding the attached comments, please contact me at (213) 236-1867. Thank you.

S3-9

Sincerely,

JEFFREY M. SMITH, AICP
Senior Regional Planner
Intergovernmental Review

July 26, 2004
Mr. Rene Salas
Page 2

**COMMENTS ON THE PROPOSAL TO DEVELOP A
DRAFT ENVIRONMENTAL IMPACT REPORT
FOR THE
SANTA PAULA WATER TREATMENT FACILITY
SCAG NO. I 20040441**

PROJECT DESCRIPTION

The proposed Project considers the development of a water recycling facility for the City of Santa Paula. The proposed Project is located at 903/905 Corporation Street in the City of Santa Paula.

S3-10

CONSISTENCY WITH REGIONAL COMPREHENSIVE PLAN AND GUIDE POLICIES

The Growth Management Chapter (GMC) of the Regional Comprehensive Plan and Guide (RCPG) contains the following policies that are particularly applicable and should be addressed in the Draft EIR for the Santa Paula Water Recycling Facility.

S3-11

3.03 The timing, financing, and location of public facilities, utility systems, and transportation systems shall be used by SCAG to implement the region's growth policies.

GMC POLICIES RELATED TO THE RCPG GOAL TO IMPROVE THE REGIONAL STANDARD OF LIVING

The Growth Management goals to develop urban forms that enable individuals to spend less income on housing cost, that minimize public and private development costs, and that enable firms to be more competitive, strengthen the regional strategic goal to stimulate the regional economy. The evaluation of the proposed project in relation to the following policies would be intended to guide efforts toward achievement of such goals and does not infer regional interference with local land use powers.

S3-12

3.10 Support local jurisdictions' actions to minimize red tape and expedite the permitting process to maintain economic vitality and competitiveness.

GMC POLICIES RELATED TO THE RCPG GOAL TO IMPROVE THE REGIONAL QUALITY OF LIFE

The Growth Management goals to attain mobility and clean air goals and to develop urban forms that enhance quality of life, that accommodate a diversity of life styles, that preserve open space and natural resources, and that are aesthetically pleasing and preserve the character of communities, enhance the regional strategic goal of maintaining

S3-13

July 26, 2004
Mr. Rene Salas
Page 3

the regional quality of life. The evaluation of the proposed project in relation to the following policies would be intended to provide direction for plan implementation, and does not allude to regional mandates.

S3-13

3.18 *Encourage planned development in locations least likely to cause environmental impact.*

3.20 *Support the protection of vital resources such as wetlands, groundwater recharge areas, woodlands, production lands, and land containing unique and endangered plants and animals.*

S3-14

3.21 *Encourage the implementation of measures aimed at the preservation and protection of recorded and unrecorded cultural resources and archaeological sites.*

S3-15

3.22 *Discourage development, or encourage the use of special design requirements, in areas with steep slopes, high fire, flood, and seismic hazards.*

S3-16

3.23 *Encourage mitigation measures that reduce noise in certain locations, measures aimed at preservation of biological and ecological resources, measures that would reduce exposure to seismic hazards, minimize earthquake damage, and to develop emergency response and recovery plans.*

S3-17

GMC POLICIES RELATED TO THE RCPG GOAL TO PROVIDE SOCIAL, POLITICAL, AND CULTURAL EQUITY

The Growth Management Goal to develop urban forms that avoid economic and social polarization promotes the regional strategic goal of minimizing social and geographic disparities and of reaching equity among all segments of society. The evaluation of the proposed project in relation to the policy stated below is intended guide direction for the accomplishment of this goal, and does not infer regional mandates and interference with local land use powers.

S3-18

3.27 *Support local jurisdictions and other service providers in their efforts to develop sustainable communities and provide, equally to all members of society, accessible and effective services such as: public education, housing, health care, social services, recreational facilities, law enforcement, and fire protection.*

REGIONAL TRANSPORTATION PLAN

The 2004 Regional Transportation Plan (RTP) also has goals and policies that are

S3-19

July 26, 2004
 Mr. Rene Salas
 Page 4

pertinent to this proposed project. This RTP links the goal of sustaining mobility with the goals of fostering economic development, enhancing the environment, reducing energy consumption, promoting transportation-friendly development patterns, and encouraging fair and equitable access to residents affected by socio-economic, geographic and commercial limitations. The RTP continues to support all applicable federal and state laws in implementing the proposed project. Among the relevant goals and policies of the RTP are the following:

S3-19

Regional Transportation Plan Goals

- Maximize mobility and accessibility for all people and goods in the region.
- Ensure travel safety and reliability for all people and goods in the region.
- Preserve and ensure a sustainable regional transportation system.
- Maximize the productivity of our transportation system.
- Protect the environment, improve air quality and promote energy efficiency.
- Encourage land use and growth patterns that complement our transportation investments.

S3-20

Regional Transportation Plan Policies

- Transportation investments shall be based on SCAG's adopted Regional Performance Indicators.

Performance Indicator	Performance Measures	Definition	Performance Outcome
Mobility	• Average Daily Speed	Speed experienced by travelers regardless of mode.	10% Improvement
	• Average Daily Delay	Delay-excess travel time resulting from the difference between a reference speed and actual speed. Total daily delay and daily delay per capita are indicators used.	40% Improvement
Accessibility	• Percent PM peak work trips within 45 minutes of home		Auto 90% Transit 37%
	• Distribution of work trip travel times		Auto 8% Improvement Transit 8% Improvement
Reliability	• Percent variation in travel time	Day-to-day change in travel times experienced by travelers. Variability results from accidents, weather, road closures, system problems and other non-recurrent conditions.	10% Improvement
Safety	• Accident Rates	Measured in accidents per million vehicle miles by mode.	0.3% Improvement
Performance Indicator	Performance Measures	Definition	Performance Outcome
Cost Effectiveness	• Benefit-to-Cost (B/C) Ratio	Ratio of benefits of RTP investments to the associated investments costs.	\$3.08

S3-21

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Productivity	<ul style="list-style-type: none"> Percent capability utilized during peak conditions 	Transportation infrastructure capacity and services provided: <ul style="list-style-type: none"> Roadway Capacity - vehicles per hour per lane by type of facility Transit Capacity - seating capacity, utilized by mode 	20% improvement at known bottlenecks N/A
Sustainability	<ul style="list-style-type: none"> Total cost per capita to sustain current system performance 	Focus in on overall performance, including infrastructure condition. Preservation measure is a sub-set of sustainability.	\$20 per capita, primarily in preservation costs
Preservation	<ul style="list-style-type: none"> Maintenance cost per capita to preserve system at base year conditions 	Focus is on infrastructure condition. Sub-set of sustainability.	Maintain current conditions
Environmental	<ul style="list-style-type: none"> Emissions generated by travel 	Measured/forecast emissions include CO, NOX, PM10, SOX and VOC. CO2 as secondary measure to reflect greenhouse emissions.	Meets conformity requirements
Environmental Justice	<ul style="list-style-type: none"> Expenditures by quintile and ethnicity Benefit vs. burden by quintiles 	Proportionate share of expenditures in the 2004 RTP by each quintile. Proportionate share of benefits to each quintile ethnicity. Proportionate share of additional airport noise by ethnic group.	No disproportionate impact to any group or quintile

S3-21

- Ensuring safety, adequate maintenance, and efficiency of operations on the existing multi-modal transportation system will be RTP priorities and will be balanced against the need for system expansion investments.
- RTP land use and growth strategies that differ from currently expected trends will require a collaborative implementation program that identifies required actions and policies by all affected agencies and sub-regions.
- HOV gap closures that significantly increase transit and rideshare usage will be supported and encouraged, subject to Policy #1.

S3-22

S3-23

S3-24

AIR QUALITY CHAPTER CORE ACTIONS

The Air Quality Chapter core actions related to the proposed project includes:

- 5.07 Determine specific programs and associated actions needed (e.g., indirect source rules, enhanced use of telecommunications, provision of community based shuttle

S3-25

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services, provision of demand management based programs, or vehicle-miles-traveled/emission fees) so that options to command and control regulations can be assessed.

S3-25

5.11 *Through the environmental document review process, ensure that plans at all levels of government (regional, air basin, county, subregional and local) consider air quality, land use, transportation and economic relationships to ensure consistency and minimize conflicts.*

S3-26

WATER QUALITY CHAPTER RECOMMENDATIONS AND POLICY OPTIONS

The **Water Quality Chapter** core recommendations and policy options relate to the two water quality goals: to restore and maintain the chemical, physical and biological integrity of the nation's water; and, to achieve and maintain water quality objectives that are necessary to protect all beneficial uses of all waters.

S3-27

11.06 *Clean up the contamination in the region's major groundwater aquifers since its water supply is critical to the long-term economic and environmental health of the region. The financing of such clean-ups should leverage state and federal resources and minimize significant impacts on the local economy.*

S3-28

11.07 *Encourage water reclamation throughout the region where it is cost-effective, feasible, and appropriate to reduce reliance on imported water and wastewater discharges. Current administrative impediments to increased use of wastewater should be addressed.*

S3-29

11.08 *Ensure wastewater treatment agency facility planning and facility development be consistent with population projection contained in the RCPG, while taking into account the need to build wastewater treatment facilities in cost-effective increments of capacity, the need to build well enough in advance to reliably meet unanticipated service and storm water demands, and the need to provide standby capacity for public safety and environmental protection objectives.*

S3-30

CONCLUSIONS

All feasible measures needed to mitigate any potentially negative regional impacts associated with the proposed project should be implemented and monitored, as required by CEQA.

S3-31

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SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS

Roles and Authorities

THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) is a *Joint Powers Agency* established under California Government Code Section 6502 et seq. Under federal and state law, SCAG is designated as a Council of Governments (COG), a Regional Transportation Planning Agency (RTPA), and a Metropolitan Planning Organization (MPO). SCAG's mandated roles and responsibilities include the following:

SCAG is designated by the federal government as the Region's *Metropolitan Planning Organization* and mandated to maintain a continuing, cooperative, and comprehensive transportation planning process resulting in a Regional Transportation Plan and a Regional Transportation Improvement Program pursuant to 23 U.S.C. '134, 49 U.S.C. '5301 et seq., 23 C.F.R. '450, and 49 C.F.R. '613. SCAG is also the designated *Regional Transportation Planning Agency*, and as such is responsible for both preparation of the Regional Transportation Plan (RTP) and Regional Transportation Improvement Program (RTIP) under California Government Code Section 65080 and 65082 respectively.

SCAG is responsible for developing the demographic projections and the integrated land use, housing, employment, and transportation programs, measures, and strategies portions of the *South Coast Air Quality Management Plan*, pursuant to California Health and Safety Code Section 40460(b)-(c). SCAG is also designated under 42 U.S.C. '7504(a) as a *Co-Lead Agency* for air quality planning for the Central Coast and Southeast Desert Air Basin District.

SCAG is responsible under the Federal Clean Air Act for determining *Conformity* of Projects, Plans and Programs to the State Implementation Plan, pursuant to 42 U.S.C. '7506.

Pursuant to California Government Code Section 65089.2, SCAG is responsible for *reviewing all Congestion Management Plans (CMPs) for consistency with regional transportation plans* required by Section 65080 of the Government Code. SCAG must also evaluate the consistency and compatibility of such programs within the region.

SCAG is the authorized regional agency for *Inter-Governmental Review* of Programs proposed for federal financial assistance and direct development activities, pursuant to Presidential Executive Order 12,372 (replacing A-95 Review).

SCAG reviews, pursuant to Public Resources Code Sections 21083 and 21087, Environmental Impacts Reports of projects of regional significance for consistency with regional plans [California Environmental Quality Act Guidelines Sections 15206 and 15125(b)].

Pursuant to 33 U.S.C. '1288(a)(2) (Section 208 of the Federal Water Pollution Control Act), SCAG is the authorized *Areawide Waste Treatment Management Planning Agency*.

SCAG is responsible for preparation of the *Regional Housing Needs Assessment*, pursuant to California Government Code Section 65584(a).

SCAG is responsible (with the Association of Bay Area Governments, the Sacramento Area Council of Governments, and the Association of Monterey Bay Area Governments) for preparing the *Southern California Hazardous Waste Management Plan* pursuant to California Health and Safety Code Section 25135.3.

Revised July 2001

S3-32

S3 RESPONSES TO COMMENTS FROM THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS DATED DECEMBER 8, 2004

S3-1 Comments noted. No response necessary.

S3-2 Comments noted. No response necessary.

S3-3 Comments noted. Refer to responses to comments S3-10 to S3-31, below.

S3-4 Comments noted. Refer to responses to comments S3-10 to S3-31, below.

S3-5 Comments noted. Refer to responses to comments S3-10 to S3-31, below.

S3-6 Comments noted. No response necessary.

S3-7 Comments noted. Refer to responses to comments S3-10 to S3-31, below.

S3-8 Comments noted. Refer to responses to comments S3-10 to S3-31, below.

S3-9 Comments noted. No response necessary.

S3-10 Comments noted. No response necessary.

S3-11 Policy 3.03 of the Regional Comprehensive Plan and Guide (RCPG) requires Southern California Association of Governments (SCAG) to use information on the timing, financing and location of public facilities in its implementation of the region's growth policies. If the proposed Water Recycling Facility is approved for implementation by the City of Santa Paula, information on the timing and financing of this facility can be provided to SCAG, at SCAG's request. Therefore, the proposed project is consistent with this policy.

S3-12 The proposed project is consistent with Policy 3.10 of the RCPG. The City of Santa Paula will enter into negotiations with the Ventura County Local Agency Formation Commission (LAFCO) to discuss the annexation of the 53 acres proposed for the construction of the proposed project. Because the LAFCO considers a City's Sphere of Influence (SOI) as the area to which a city or special district is expected to eventually provide services, its consideration of proposals to change local government boundaries considers these factors. Therefore, the proposed project is consistent with SCAG Policy 3.10.

S3-13 The proposed project is consistent with Policy 3.18 of the RCPG because it analyzes and mitigates, to the extent feasible, the potential adverse environmental impacts associated with implementation of the proposed project. In addition, Section 6.0 (Alternatives to the Proposed Project) describes alternatives to the proposed project.

- S3-14 The proposed project is consistent with Policy 3.20 of the RCPG because Section 5.0 (Existing Conditions, Impacts, Mitigation Measures and Level of Significance) in the DEIR discusses the potential impacts of the proposed project and identifies mitigation, where feasible, to avoid or substantially reduce, those adverse impacts.
- S3-15 The proposed project is consistent with Policy 3.21 of the RCPG. Section 5.11 (Cultural and Scientific Resources) of the DEIR describes the existing cultural and scientific resources on and in the vicinity of the project site, potential project impacts on cultural and scientific resources, recommended mitigation measures to reduce or avoid impacts to identified cultural and scientific resources, and the level of significance of project impacts on those resources after mitigation.
- S3-16 The proposed project is consistent with Policy 3.22 of the RCPG. Section 5.8 (Geology and Soils) of this DEIR discusses the potential project impacts related to geology and soils and provides mitigation measures that identify specific design requirements to address seismic safety. As described in Section 5.8 in the DEIR, the project is proposed on property with no substantial slopes. There are no existing or planned land uses on the project site that would result in a high fire risk. In addition, as discussed in Section 5.9 (Hydrology & Water Quality) of the DEIR, the proposed project is located outside of the Federal Emergency Management Agency (FEMA) designated 100-year floodway for the Santa Clara River. To protect the site from flooding, an earthen dike would be constructed along the southern and western boundary of the WRF site. The construction and design of the dike would be coordinated with the United States Army Corps of Engineers (ACOE) and Ventura County Watershed Protection District (VCWPD) to ensure that flood flows are not impeded and/or redirected. Therefore, the proposed project is consistent with this policy.
- S3-17 The proposed project is consistent with Policy 3.23 of the RCPG. Section 5.0 (Existing Conditions, Impacts, Mitigation Measures and Level of Significance) in the DEIR identifies mitigation measures for various environmental parameters (biology, hazards and hazardous materials, and seismic). Section 11.0 (Inventory of Mitigation Measures) in the DEIR provides a list of all the mitigation measures identified for the proposed project. Therefore, the proposed project is consistent with this policy regarding mitigation for project impacts.
- S3-18 The proposed project is consistent with Policy 3.27 of the RCPG. Section 5.12 (Public Services) in the DEIR discusses accessible and effective services as they relate to fire protection and medical services.
- S3-19 Comments noted. Refer to responses to comments S3-20 to S3-24, below.
- S3-20 The only Regional Transportation Plan Goal that would apply to the proposed project would be bullet five, "Protect the environment, improve air quality and promote efficiency." This DEIR was prepared pursuant to Section 15161 of the CEQA Guidelines which states that a project EIR "...examines the environmental impacts of a specific development project." This DEIR analyzes the environmental consequences that could

- be anticipated to occur from the construction and operation of the proposed project, including potential air quality impacts, and provides feasible mitigation measures for potentially significant adverse project impacts. Therefore, the proposed project is consistent with this policy.
- S3-21 This policy does not apply to the proposed project because the project does not propose any transportation investments based on the adopted Regional Performance Indicators.
- S3-22 This policy does not apply to the proposed project because the project does not propose any changes to existing operations and maintenance of the public street system in the project vicinity and does not propose any transportation system expansions.
- S3-23 This policy does not apply to the proposed project because the project proposes a water recycling facility to replace an existing facility to meet existing and future planned needs in the City of Santa Paula. This project is consistent with existing and forecasted development and demand trends in the City as discussed in Sections 4.0 (Project Description) and 5.13 (Utilities & Services) in the DEIR.
- S3-24 This policy does not apply to the proposed project because the project does not propose any transportation facilities, including high occupancy vehicle (HOV) facilities or HOV gap closure projects.
- S3-25 Policy 5.07 under the Air Quality Chapter Core Actions does not apply to the proposed project because the project does not propose a substantial increase in employees, daily trips or other emissions associated with wastewater treatment in the City of Santa Paula.
- S3-26 The proposed project is consistent with Policy 5.11 of the Air Quality Chapter Core Actions. Section 5.0 (Existing Conditions, Impacts, Mitigation Measures and Level of Significance) in the DEIR discusses the potential environmental impacts related to various environmental parameters and identifies whether or not the impacts would be avoided or reduced to below a level of significance. During the 45 day public review period, the DEIR was distributed to interested individuals, and federal, state and local agencies for their review. The distribution list for the DEIR is provided in Attachment B. Therefore, the proposed project is consistent with this policy.
- S3-27 The proposed project is consistent with the two water quality goals of the Water Quality Chapter. Section 5.9 (Hydrology and Water Quality) in the DEIR identifies whether or not the proposed project would result in impact to water quality of receiving waters, including mitigation to avoid or substantially reduce any adverse project impacts on water quality.
- S3-28 Policy 11.06 of the Water Quality Chapter does not apply to the proposed project because the project does not propose any use of groundwater or any clean up of existing contaminated groundwater resources.
- S3-29 The proposed project is consistent with Policy 11.07 of the Water Quality Chapter.

Section 5.9 (Hydrology and Water Quality) in the DEIR addresses the issue of water reclamation requirements and wastewater discharge in the region.

S3-30 The proposed project is consistent with Policy 11.08 of the Water Quality Chapter. Section 4.4.14 (Population and Flow Projections) in the DEIR discusses the project's consistency with the City's population projections and the need to build well enough in advance to reliably meet capacity demand and to meet the requirements for treated wastewater.

S3-31 Section 11.0 (Inventory of Mitigation Measures) in the DEIR provides an inventory of all the mitigation measures required as part of the proposed project. In addition, a Mitigation Monitoring and Reporting Program will be prepared as part of the Final EIR (FEIR).

S3-32 Comments noted. No response necessary.

DEPARTMENT OF TRANSPORTATION
DISTRICT 7, REGIONAL PLANNING
IGR/CEQA BRANCH
120 SO. SPRING ST.
LOS ANGELES, CA 90012
PHONE: (213) 897-3949
FAX: (213) 897-1337



*Flex your power!
Be energy efficient!*

By
DEC 28 2004
RECEIVED

IGR/CEQA No. 041127AL, DEIR
Santa Paula Water Recycling Facility
Vic. VEN-126/PM R10.36
SCH #: 2004071038

December 23, 2004

Ms. Rene Salas
Deputy Director of Public Works
City of Santa Paula
Public Works Department
113 North Mill Street
Santa Paula, CA 93060

S4

Dear Ms. Salas:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The proposed project is to construct and operate a Water Recycling Facility and Corporation Yard.

S4-1

Storm water run-off is a sensitive issue for Los Angeles and Ventura counties. Please be mindful that projects need to be designed to discharge clean run-off water.

S4-2

Any transportation of heavy construction equipment and/or materials which requires the use of oversized-transport vehicles on State highways will require a Caltrans transportation permit. We recommend that large size truck trips be limited to off-peak commute periods. In addition, a truck/traffic construction management plan is needed for this project. Thank you for the opportunity to have reviewed this project.

S4-3

If you have any questions, please feel free to contact me at (213) 897-3747 or Alan Lin the project coordinator at (213) 897-8391 and refer to IGR/CEQA No. 041127AL.

S4-4

Sincerely,

Alan Sheng-yen Lin for

CHERYL J. POWELL
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse

S4 RESPONSES TO COMMENTS FROM THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION, DISTRICT 7 DATED DECEMBER 23, 2004

S4-1 Comments noted. No response necessary.

S4-2 Storm water runoff impacts during construction and operation of the WRF and Corporation Yard were assessed in detail in Section 5.9 (Hydrology and Water Quality) in the DEIR. Impacts were determined to be less than significant, because standard Best Management Practices (BMPs), compliance with the State Water Resources Control Board Order No. 99-08-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, and preparation and implementation of a Stormwater Pollution and Prevention Plan (SWPPP) were identified as required for the proposed project.

S4-3 The selected contractor would be expected to apply for the appropriate California Department of Transportation (Caltrans) transportation permits for oversize vehicles, if those types of vehicles are anticipated to be used for the construction of the proposed project. The construction of the proposed project is not anticipated to require the development of a truck/construction management plan because, with the exception of impacts at the intersection of Peck Road/State Route (SR) 126 eastbound ramps/Acacia Way, the project construction traffic would not result in an adverse traffic impact. For the one impacted intersection identified in the DEIR, mitigation measure T-1 provides for PM peak hour traffic control, which would be coordinated with Caltrans.

S4-4 Comments noted. No response necessary.



California Regional Water Quality Control Board Los Angeles Region



Terry Tamminen
Secretary for
Environmental
Protection

Over 51 Years Serving Coastal Los Angeles and Ventura Counties
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Governor

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.swrcb.ca.gov/rwqcb4>

December 30, 2004

Rene Salas
City of Santa Paula
970 Ventura Street
Santa Paula, CA 93060

RECEIVED
JAN 03 2005
CITY OF SANTA PAULA

S5

Dear Rene Salas,

Re: CEQA Documentation for Project in the Santa Clara Watershed

Santa Paula Water Recycling Facility
SCH No. 2004071038

We appreciate the opportunity to comment on the CEQA documentation for the above-mentioned project. For your information a list of permitting requirements and Regional Board Contacts is provided in Attachment A hereto.

S5-1

The project site lies in the Santa Clara watershed that was listed as being impaired pursuant to Section 303 (d) of the Clean Water Act. Impairments listed in reaches downstream from the proposed project include nutrients and their effects, salts, coliform bacteria, and historic pesticides. The Los Angeles Regional Water Quality Control Board will be developing Total Maximum Daily Loads (TMDLs) for the watershed, but the proposed project is expected to proceed before applicable TMDLs are adopted. In the interim, the Regional Board must carefully evaluate the potential impacts of new projects that may discharge to impaired waterbodies.

S5-2

Our review of your documentation shows that it does not include information on how this project will change the loading of these pollutants into the watershed. Please provide the following additional information for both the construction and operational phases of the project.

- For each constituent listed above, please provide an estimate of the concentration (ppb) and load (lbs/day) from non-point and point source discharges.
- Estimates of the amount of additional runoff generated by the project during wet and dry seasons.
- Estimate of the amount of increased or decreased percolation due to the project.

S5-3

California Environmental Protection Agency



Page 2 of 2

- 2 -

December 30, 2004

- Estimates of the net change in cubic feet per second of groundwater and surface water contributions under historic drought conditions (as compiled by local water purveyors, the Department of Water Resources, and others), and 10-year 50-year, and 100-year flood conditions.

S5-3

The Upper Santa Clara River has been subjected to significant urban development during the past 10 years. Unfortunately very little water quality data has been collected in this area, especially in comparison with data collected in the Lower Santa Clara River.

S5-4

Additional water quality data are necessary to evaluate the cumulative impacts of past development and predict potential impacts of the subject project. Pollutants of concern include sediment, dissolved oxygen, pesticides, metals, and bioassessment.

S5-5

If you have any questions please call me at (213) 576 6683.

Sincerely,



Elizabeth Erickson
Associate Geologist, TMDL Unit
Los Angeles Regional Water Quality Control Board

EE

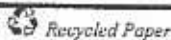
Attachments (1)

cc:

State Clearinghouse

File

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

Revised : March 11, 2004

ATTACHMENT A

- ✓ If the proposed project will result in a discharge of dredge or fill into a surface water (including a dry streambed), and is subject to a federal license or permit, the project may require a Section 401 Water Quality Certification, or waiver of Waste Discharge Requirements. For further information, please contact:

Valerie Carillo, Nonpoint Source Unit at (213) 576-6759.

- ✓ If the project involves inland disposal of nonhazardous contaminated soils and materials, the proposed project may be subject to Waste Discharge Requirements. For further information, please contact:

Rodney Nelson, Landfills Unit, at (213) 620-8119

- ✓ If the overall project area is larger than five acres, the proposed project may be subject to the State Board's General Construction Activity Storm Water Permit. For further information, please contact:

Tracy Woods, Statewide General Construction Activity Storm Water Permits at (213) 620-2095.

- ✓ If the project involves a facility that is proposing to discharge storm water associated with industrial activity (e.g., manufacturing, recycling and transportation facilities, etc.), the facility may be subject to the State Board's General Industrial Activities Storm Water Permit. For further information, please contact:

Kristie Chung, Statewide General Industrial Storm Water Permits at (213) 620-2263.

- ✓ If the proposed project involves requirements for new development and construction pertaining to municipal storm water programs, please contact:

Dan Radulescu, Municipal Storm Water Permits, Los Angeles County at (213) 620-2038;
Jeff Mack, Municipal Storm Water Permits, Ventura County at (213) 620-2121.

- ✓ The proposed project also shall comply with the local regulations associated with the applicable Regional Board stormwater permit

Los Angeles County and Co-permittees:
NPDES No. CAS614001
Waste Discharge Requirements Order No. 96-054.

Long Beach County and Co-permittees:
NPDES CAS004003
Waste Discharge Requirements Order No. 99-060.

Ventura County and Co-permittees:
NPDES No. CAS004002
Waste Discharge Requirements Order No. 00-108.

- ✓ If the proposed project involves any construction and/or groundwater dewatering to be discharged to surface waters, the project may be subject to NPDES/Waste Discharge Requirements. For further information, please contact:

Augustine Anijelo, General Permitting and Special Projects Unit at (213) 576-6657 (All Region 4 Watersheds).

- ✓ If the proposed project involves any construction and/or groundwater dewatering to be discharged to land or groundwater, the project may be subject to Waste Discharge Requirements. For further information, please contact:

Kwang-il Lee, Non-Chapter 15 Unit, at (213) 620-2269 (All Region 4 Watersheds).

S5 RESPONSES TO COMMENTS FROM THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD DATED DECEMBER 30, 2004

S5-1 Comments noted. No response necessary.

S5-2 Comments noted. Refer to responses to comments S5-3 to S5-5, below.

S5-3 The effects of nutrients, salts, coliform bacteria and historic pesticides in the Santa Clara Watershed are described below:

Nutrients: The proposed WRF will be a point source discharge to percolation ponds. The treatment process will include biological nutrient removal (Nitrification/Denitrification) and will produce effluent water quality with less than 10 milligrams (mg)/l Total Nitrogen. The water quality of the water produced by the WRF far exceeds the treated effluent quality from the existing wastewater treatment plant. Therefore, the project is not expected have an adverse effect on nutrient levels in the Santa Clara River watershed.

Salts: The salts (chloride) in the wastewater stream to the WRF will be addressed through source controls. A separate project has been defined to evaluate source control options for salts in the wastewater stream in the City of Santa Paula. This project will include a separate Project Report and associated environmental evaluation under CEQA.

Coliform Bacteria: The proposed WRF will produce effluent for unrestricted use. Consequently, the coliform bacteria criterion of 2.2 mean probable number (MPN) per 100 milliliters (ml) will be met by the project. This is an improvement from the present wastewater treatment facility. Therefore, the proposed project will not result in an adverse impact related to coliform bacteria.

Historic Pesticides: Pesticides are mainly attributed to non-point sources, predominantly runoff from agricultural land. The proposed project will involve the use of approximately 53 acres of land that is presently used for agricultural purposes. The use of the land for the proposed WRF will result in net reductions in the amount of land in this area treated with pesticides. As a result, there would not be an adverse impact to the Santa Clara River watershed with regard to pesticides under the proposed project.

The WRF will involve approximately 53 acres of land; about 12 acres of that will be paved or covered with structures and, therefore, subject to storm water runoff. The proposed project includes an on-site storm water retention basin intended to capture the first flush during a storm event. As a result, there would be no increase off site in polluted runoff generated by the project. Likewise, the majority of the storm water generated on the site would be directed to the adjacent percolation basins; thus there will be no change in natural percolation of storm water percolation due to the project.

It should be noted that although the stormwater detention basin is shown in Figures 4-6 through 4-8 of the DEIR, a description of this facility was not included in Section 4.0 (Project Description). However, Section 5.13 (Utilities and Services), page 5.13-3 of the DEIR does describe this facility in detail. On page 5.13-3 of the DEIR, the following is noted:

The analysis prepared for the Hydrology Report indicates that during a 50-year frequency storm event (24-hour period), a total of 17.44 acre-feet of water would fall on the site. Of this total, 7.27 acre-feet of water would be associated with the WRF and Corporation Yard facilities. A total of 10.17 acre-feet of water would be associated with the WRF percolation ponds. The peak flow from this rainfall for the WRF and Corporation Yard would be 34.85 cubic feet per second (CFS), while the peak flow from the WRF percolation ponds would be 50.33 CFS. In order to contain these flows on-site, a storm water detention basin capable of storing 0.5 million gallons would be constructed. Storm water flows collected from the detention basin would be returned to the treatment system for processing within the WRF. The construction of the storm water detention basin would ensure that flows are maintained on-site during a first flush event. Therefore, impacts to storm water conveyance facilities are less than significant.

On page 4-24 of the DEIR, the following new section is hereby added to describe this facility:

4.6.11.4 Stormwater Basin

“As shown in Figures 4-6 through 4-8, a stormwater basin would be constructed on-site within the WRF. The stormwater basin would be capable of capturing and retaining all on-site first flush stormwater flows from the WRF and Corporation Yard. This facility would have a one-half million gallon stormwater capacity.”

Groundwater and surface water contributions under the various flood conditions (e.g., 10, 50 and 100-year floods) would occur only to the extent that there is a proportional change in the current levels of direct discharge of wastewater to the Santa Clara River versus the proposed discharge levels using percolation ponds to groundwater. Because surface and groundwater interactions in this stretch of the Santa Clara River are closely linked, such changes will be minimal.

- S5-4 Available information was used for the analysis of the potential impacts of the proposed WRF related to water quality. Refer to the first paragraph in Section 5.9 (Hydrology and Water Quality) in the DEIR for specific technical sources used for the water quality analysis.
- S5-5 Treated discharge from the proposed water recycling facility will be placed in percolation ponds or used for irrigation (Title 22 unrestricted water reuse). No direct discharges of treated effluent to the Santa Clara River are proposed. Therefore, the surface water contributions of the proposed project are not an issue, since all treated effluent would either be percolated within ponds or used for Title 22-approved irrigation. The pollutants

identified in this comment are related to surface water quality and the proposed project does not include surface water discharge. Therefore, further analysis of surface water quality issues as a result of the proposed project is not necessary.



State Water Resources Control Board



Alan C. Lloyd, Ph.D.
Secretary for
Environmental
Protection

Division of Financial Assistance
1001 I Street • Sacramento, California 95814 • (916) 341-5700 FAX (916) 341-5707
Mailing Address: P.O. Box 944212 • Sacramento, California • 94244-2120
Internet Address: <http://www.waterboards.ca.gov>

Arnold Schwarzenegger
Governor

S6

JAN 5 2005

clear
1-5-05
late



Mr. Rene Salas, Deputy Director of Public Works
City of Santa Paula
Public Works Department
113 North Mill Street
Santa Paula, CA 93060

Dear Mr. Salas:

DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR CITY OF SANTA PAULA (CITY), WATER RECYCLING FACILITY (WRF) PROJECT - STATE CLEARINGHOUSE (SCH) NO. 2004071038

Thank you for the opportunity to review the above document. We understand that the City will be seeking a State Revolving Fund (SRF) loan from the State Water Resources Control Board (SWRCB), Division of Financial Assistance (Division) to assist in financing the proposed project. As a funding agency, the SWRCB will be a responsible agency pursuant to the California Environmental Quality Act (CEQA) and must consider the information in the environmental document prepared for the project when deciding whether to approve funding for the proposed project.

S6-1

Please provide us with a copy of: (1) the Final EIR, (2) the resolution certifying the EIR and making CEQA findings, including the required Statement of Overriding Considerations for identified significant and unavoidable environmental impacts, (3) all comments received during the review period and your responses to those comments, (4) the adopted Mitigation Monitoring Plan, and (5) the Notice of Determination filed with the Governor's Office of Planning and Research when it becomes available. In addition, we would appreciate notices of any hearing or meeting held regarding environmental review of the project.

S6-2

The Division is required to consult directly with federal agencies responsible for implementing federal environmental laws and regulations for projects that involve an SRF loan, since it is partially funded by the U.S. Environmental Protection Agency. Accordingly, please mail us eight (8) copies of the Draft EIR so that we can initiate this process. We will send you copies of any comments we receive during the review period for your response. It is important to note that SRF loan projects are subject to provisions of the federal Endangered Species Act and must obtain a Section 7 clearance from the U.S. Fish and Wildlife Service (USFWS) prior to a loan commitment.

S6-3

Mr. Salas

- 2 -

JAN 15 2005

SRF projects must also comply with federal laws pertaining to cultural resources, particularly Section 106 of the National Historic Preservation Act. For projects intended to receive SRF assistance, please contact our Cultural Resources Officer, Ms. Cookie Hirn, at (916) 341-5690 to initiate the Section 106 process. She will consult with the State Historic Preservation Officer (SHPO) on your behalf at several points in the process. She will also work with your agency and the SHPO to establish your project's Area of Potential Effects (APE). After the APE is established, please provide documentation of the following: (1) background research for cultural resources, including a records search with the California Historical Resources Information System, consultation with interested Native Americans, local historical societies, and any other interested parties; and (2) a field survey by a qualified archaeologist and, if appropriate, historical specialist. Additional submittals may be required to document resource significance and/or project effects. When adequate information has been submitted, Ms. Hirn will review it for Section 106 compliance and will request concurrence from the SHPO that the Section 106 process has been completed.

S6-4

We appreciate your efforts in preparing a document that follows our environmental guidelines and meets our requirements for the SRF loan program.

S6-5

The following are my specific comments regarding the Draft EIR:

1. Page 4-24 of the Draft EIR discusses a 32' high, 150' diameter recycled water reservoir capable of storing one to five million gallons of Title 22 unrestricted use water. Page 4-23 states that the recycled water reservoir is one of three disposal options considered in this Draft EIR. Although included in Figures 6, 7, and 8 of the Initial Study, the reservoir was not included in Figures 4.6, 4.7, and 4.8 of the Draft EIR. Has this reservoir been eliminated as an option? If not, where on the project site will the reservoir be located? Will both the percolation ponds and reservoir be built?
2. Table 5.6-2 lists under "Common Outdoor Activities" a Gas Lawn Mower at three feet with a noise level of both 95 dBA and 70 dBA. Please clarify which is the correct noise level.
3. Please address the human risk (west nile virus, etc.) associated with mosquitoes breeding in the percolation ponds and oxidation ponds, if applicable, and what will be done to decrease this risk. In addition, address the potential for avian disease (e.g. fowl cholera and botulism) associated with open ponds and the dangers of attracting waterfowl to airport areas.
4. Since the project may involve conversion of agricultural land, the City may also need to prepare a Farmland Impact Conversion Analysis. Contact the U.S. Natural Resources Conservation Service for more information on this issue.

S6-6

S6-7

S6-8

S6-9

JAN 5 2005

Mr. Salas

- 3 -

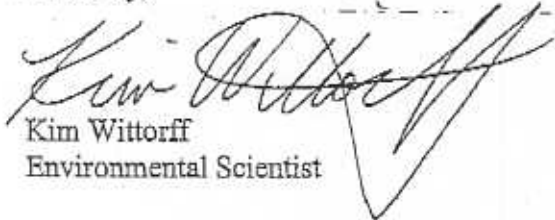
5. If the City decides to terminate or decrease the level of treated effluent discharged to the Santa Clara River via the existing outfall pipe, the nearby southern willow scrub riparian habitat would be modified and degraded. This, in turn, would have adverse and significant impacts on the Least Bell's Vireo, a federally endangered species. If this project "may adversely affect" the Least Bell's Vireo, formal federal consultation with the USFWS may be necessary. Formal consultation culminates in a biological opinion issued by the USFWS.

S6-10

If you have any questions regarding the environmental review of this project, please contact me at (916) 327-9117.

S6-11

Sincerely,


Kim Wittorff
Environmental Scientist

cc: Mr. Raymond Jay
Los Angeles Regional Water Quality Control Board
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

State Clearinghouse
1400 Tenth Street
Sacramento, CA 95814

S6 RESPONSES TO COMMENTS FROM THE STATE WATER RESOURCES CONTROL BOARD DATED JANUARY 6, 2005

S6-1 Comments noted. No response necessary.

S6-2 The requested material will be provided to the Board as follows:

- Notices of hearings related to the EIR: prior to each hearing.
- Responses to Comments Report: prior to the Santa Paula City Council meeting to consider certification of the FEIR.
- FEIR, Resolution, Findings, Statement of Overriding Considerations, Mitigation Monitoring Plan and Notice of Determination: after certification of the FEIR by the Santa Paula City Council.

S6-3 The DEIR was sent to the State Water Resources Control Board during the public review period (i.e., November 8, 2004 through January 5, 2005) for the DEIR. An additional eight copies of the DEIR were subsequently sent to the Board by the City of Santa Paula, after receipt of the January 5, 2005 comment letter by the City.

S6-4 Coordination with Ms. Hirn of the State Water Resources Control Board was undertaken prior to initiation of the environmental impact analysis for cultural and historic resources. Copies of the Archaeological Report, Paleontological Report and Historic Resources Report for the proposed project are provided in Appendices G, H and I, respectively of the DEIR (Volume II).

S6-5 Comments noted. No response necessary.

S6-6 Figures 4-6 through 4-8 of the DEIR have been revised to reflect the location of the recycled water reservoir (see Attachment G). The construction of the recycled water reservoir will be dependent upon the ultimate treatment technology selected and discussed in Section 4.0 (Project Description). The DEIR assumed the construction of this facility provided it is needed as part of project design.

S6-7 Gas Lawn Mowers at three feet emit noise levels at 95 dBA Leq. Table 5.6-2 is revised by reference to remove the statement that Gas Lawn Mowers at three feet emit noise levels at 70 dBA Leq.

S6-8 Standing water can potentially attract insects that are vectors for malaria, viruses and other diseases. The most basic measure for insect control is control of weeds and scum because insect generation generally occurs in sheltered areas where there may be substantial growth of rooted plants and scum layers. The proposed percolation ponds will hold treated effluent from advanced treatment processes that include nutrient removal (Nitrogen), which inhibits aquatic plant growth. Additionally, the ponds will be

maintained and growth of rooted plants and/or scum would be controlled because their existence could effectively reduce percolation rates. Therefore, the proposed percolation ponds are not anticipated to result in the generation of insects or insect borne diseases.

The construction of the WRF percolation ponds would be anticipated to attract some aquatic and terrestrial avian species. The use of the ponds by these species would likely be incidental and would not constitute habitat considered suitable for breeding and/or foraging. The ponds would be kept free of aquatic vegetation since this would have the potential to lower percolation rates. In addition, the presence of humans is also likely to discourage the use of the ponds by many species. Only those species with a high tolerance for humans and which are habitat generalists would be anticipated to persist. Those species that do frequent the ponds are likely to be limited to small numbers of birds (e.g., 10-20 individuals) and would be anticipated to utilize the ponds infrequently (e.g., seasonally).

Construction of the percolation ponds would not be anticipated to increase the potential for avian diseases (e.g., avian botulism, fowl cholera, etc.). Both avian botulism and fowl cholera are diseases that affect a wide range of birds and can occur through a variety of factors, including man-made and natural conditions. Since the transmission of these diseases can be facilitated through the presence of bird and animal carcasses, their removal will be undertaken upon being observed by staff, as proscribed by local and state regulations.¹

The Federal Aviation Administration's (FAA) July 27, 2004 Advisory Circular (AC) (AC150/5200-33A) – Hazardous Wildlife Attractants on or Near Airports provides guidance for land use planners, operators of non-certified airports, and developers of projects, facilities and activities on or near airports. The intent of the AC is to provide airport operators and those parties with whom they cooperate with the guidance they need to assess and address potentially hazardous wildlife attractants when locating new facilities and implementing certain land use practices on or near public use airports.

The FAA establishes separation distances for airports serving piston-powered aircraft and turbine-powered aircraft. A separation distance of 5,000 feet from the nearest airport operations area (AOA) is identified for piston-powered aircraft. A separation distance of 10,000 feet is identified for airports serving turbine-powered aircraft. The Santa Paula Airport serves piston-powered aircraft. In addition, the FAA also identifies specific land use practices which have the potential to attract hazardous wildlife and threaten aviation safety. The FAA recommends that the separation distance between a wastewater treatment facility (including percolation ponds) and the AOA be 5,000 feet. The proposed project's parking facilities would be located approximately 5,600 feet from the western end of Runways 4 and 22, respectively. The proposed project's percolation ponds would be located approximately 8,760 feet from the western end of Runways 4 and 22, respectively.

¹ Source: <http://cahfs.ucdavis.edu/diseaseinfo/cholera-e.pdf> and <http://www.nwhc.usgs.gov/facts/avian.html>, accessed on March 13, 2005.

A review of accident information for the Santa Paula Airport maintained by the FAA indicates that no bird strike incidents have been recorded.² Bird strike data for Santa Paula Airport obtained from the Santa Paula Airport (personal communication, Bryan Grantham, Airport Manager, February 28, 2005) indicates that bird strikes rarely occur. The last recorded bird strike at the Santa Paula Airport occurred more than five years ago (2000) and included a strike from a western gull (*Larus occidentalis*).

Waterfowl often use areas of open water for resting during migration, and gulls make visits to water bodies during their daily movements between foraging and roosting locations. Wildlife that may occur in this area would include both resident forms as well as those that would occur on a more seasonal basis in the southern California area. As far as birds are concerned, crows and ravens would be examples of resident species, waterfowl (geese and ducks) and shorebirds would be most likely present during migration and winter, gulls reach their highest numbers during winter, and swallows reach their peak numbers during spring migration and summer months.

The FAA AC noted above, addresses aircraft safety issues related to hazardous wildlife attractants and hazardous wildlife types in the vicinity of airports. A listing has been provided in this AC (Table 1) which ranks the 25 wildlife species groups that have been found to pose the most hazards to aircraft. Of the groups that are listed in Table 1, those considered to have the highest potential to be attracted to the WRF percolation ponds include geese, ducks, herons, gulls, pigeons and doves, crows and ravens, shorebirds, blackbirds/starlings, swallows and nighthawks. In evaluating the potential risk presented by these bird groups, factors that have been considered include the potential population sizes of each species group (based on their expected status and distribution in the region), their potential to be attracted to the percolation ponds, and the typical height that these species would likely fly.

It should be emphasized that the percolation ponds are over 8,000 feet from runways 4 and 22 of the Santa Paula Airport. Due to the elevations at which the various bird species would typically be expected to fly, and the distance from the airport, many of the bird groups potentially attracted to the percolation ponds addressed above would not be considered an aircraft strike risk. These include pigeons and doves, crows and ravens, shorebirds, blackbirds/starlings, swallows and nighthawks.

The larger birds that have been identified as being potentially attracted to the percolation ponds, and those that may potentially fly at higher elevations, include geese, ducks, herons and gulls. Although geese (e.g., Canada geese) are large species, and capable of flying at higher elevations relative to many other birds, these species not expected to occur commonly in the area due to limited foraging opportunities (e.g., freshwater marsh and other wetland habitats, grain fields). Therefore, geese would be considered only infrequent visitors to the percolation ponds, and thus be an unlikely candidate for aircraft strike risk. Up to twelve species of ducks would likely occur in the Santa Paula area during migration and winter months and would be expected to make occasional stopovers on the percolation ponds. Similarly, several species of gulls may potentially occur in the

² Source: <http://www.nts.gov/ntsb/Response2.asp>, accessed February 28, 2005).

Santa Paula area, and visit the percolation ponds. These species often occur in flocks from a few to many dozen birds. Due to the distance from the airport, however, it would not be expected that ducks or gulls approaching or leaving the percolation ponds would pose a significant risk of aircraft strike.

Deer and coyote are included in the FAA AC, and may potentially be attracted to the percolation ponds, but due to the distance from the airport, these animals are not considered to be a risk to aircraft operations at the airport.

As noted above, the WRF percolation ponds are located over 8,000 feet from the Santa Paula Airport's AOA and would not be anticipated to be a source of increased strike incidents associated with aircraft utilizing this airport. The location of the percolation ponds outside of the AOA and infrequent use by avian species would result in less than significant impacts.

S6-9 Comments noted. The City will coordinate with the United States Natural Resources Conservation Service concerning the preparation of a Farmland Impact Conversion Analysis, if necessary. However, it should be noted that Section 5.2 (Agricultural Resources) of the DEIR did include a detailed analysis of impacts on agricultural lands from implementation of the proposed project.

S6-10 The City of Santa Paula is currently in discussion with both the United States Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) concerning potential project impacts to the least Bell's vireo (LBV) from modifications in the quantities of treated effluent disposed of in the Santa Clara River. No modifications to the amount of treated effluent would be undertaken until these agencies are consulted and appropriate incidental take permits, if required, are obtained for project related impacts, if any, on this species.

S6-11 Comments noted. No response necessary.



Arnold Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Jan Boel
Acting Director

S7

January 6, 2005

RECEIVED
JAN 12 2005
By _____

Rene Salas
City of Santa Paula
970 Ventura Street
Santa Paula, CA 93060

Subject: Santa Paula Water Recycling Facility
SCH#: 2004071038

Dear Rene Salas:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on January 5, 2005, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

S7-1

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

S7-2

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

S7-3

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

S7-4

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2004071038
Project Title Santa Paula Water Recycling Facility
Lead Agency Santa Paula, City of

Type EIR Draft EIR
Description Development of a water recycling facility designed to meet the City of Santa Paula's treatment needs to 2020 and requirements established by the Regional Water Quality Control Board - Los Angeles and California Department of Health Services.

Lead Agency Contact

Name Rene Salas
Agency City of Santa Paula
Phone 805 933-4212 **Fax**
email
Address 970 Ventura Street **State** CA **Zip** 93060
City Santa Paula

Project Location

County Ventura
City Santa Paula
Region
Cross Streets Corporation Street/Todd Lane
Parcel No. 099-0-030-345,575,645;099-0-060-215,235,035;099-0-030-635
Township 3N **Range** 21W **Section** un# **Base** Santa Pa

Proximity to:

Highways SR-126
Airports Santa Paula Airport
Railways Ven. Co. Trans. Comm.
Waterways Santa Clara River
Schools
Land Use

Project Issues Air Quality; Archaeologic-Historic; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Minerals; Noise; Public Services; Recreation/Parks; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects; Biological Resources; Sewer Capacity; Agricultural Land

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 5; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; Caltrans, District 7; Department of Health Services; State Water Resources Control Board, Clean Water Program; State Water Resources Control Board, Division of Water Quality; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; California Energy Commission; Native American Heritage Commission

Date Received 11/08/2004 **Start of Review** 11/08/2004 **End of Review** 01/05/2005

**S7 RESPONSES TO COMMENTS FROM THE STATE OF CALIFORNIA
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH DATED JANUARY
6, 2005**

S7-1 Comments noted. No response necessary.

S7-2 Comments noted. No response necessary.

S7-3 Comments noted. No response necessary.

S7-4 Comments noted. No response necessary.



Arnold Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Jan Boel
Acting Director

January 24, 2005

Rene Salas
City of Santa Paula
970 Ventura Street
Santa Paula, CA 93060

RECEIVED
JAN 26 2005
By _____

S8

Subject: Santa Paula Water Recycling Facility
SCH#: 2004071038

Dear Rene Salas:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on January 5, 2005. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

S8-1

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

S8-2

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2004071038) when contacting this office.

S8-3

Sincerely,

Terry Roberts
Senior Planner, State Clearinghouse

Enclosures
cc: Resources Agency

**S8 RESPONSES TO COMMENTS FROM THE STATE OF CALIFORNIA
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH DATED JANUARY
24, 2005**

Note: This comment letter was received after the end of the public review and comment period for the DEIR.

S8-1 Comments noted. No response necessary.

S8-2 Comments noted. No response necessary.

S8-3 Comments noted. No response necessary.



ARNOLD SCHWARZENEGGER
GOVERNOR

DEPARTMENT OF CONSERVATION
STATE OF CALIFORNIA

RECEIVED
JAN 26 2005
By _____

DIVISION OF
LAND RESOURCE
PROTECTION

January 21, 2005

■ ■ ■

801 K STREET
SACRAMENTO
CALIFORNIA
95814

Mr. Rene Salas, Project Manager
City of Santa Paula
970 Ventura Street
Santa Paula, CA 93060

S9

PHONE
916/324-0850

Subject: Santa Paula Water Recycling Facility Draft Environmental
Impact Report (DEIR) – SCH# 2004071038, Ventura County

FAX
916/327-3430

TDD
916/324-2555

Dear Mr. Salas:

INTERNET
consrv.ca.gov

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the DEIR for the referenced project. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We apologize for this late submission but call your attention to issues involving Williamson Act contracted land.

S9-1

Project Description

The project is the construction of a new Santa Paula Water Recycling Facility (WRF) to meet wastewater demands of the City of Santa Paula's (City) 2020 forecasted population. The existing wastewater treatment plant would be demolished at a future date. The WRF would be constructed immediately adjacent west and southwest of the existing site. The proposed site lies in Ventura County within the City's sphere of influence.

S9-2

The project includes 12 acres for the WRF, 28 acres for percolation ponds and eight acres for a Corporation Yard. The project site is located in an active agricultural area that currently produces citrus, row crops and cut flowers. One of the parcels involved (APN 099-0-080-035) is enforceably restricted by a Williamson Act contract. Approximately 23 contracted acres are proposed for project development. Project land is designated Prime Farmland. The City will eventually seek annexation of the land.

S9-3

Mr. Rene Salas
January 21, 2005
Page 2

The project site was identified in the City's 1998 General Plan (GP) as the West Area 2 expansion area. The GP Final EIR determined that impacts on agricultural resources in West Area 2 would be significant despite mitigation, a determination that the DEIR applies to this project. However, no mitigation measures beyond those identified for air quality and hydrology and water quality are discussed or proposed (5.2.5 Mitigation Measures).

S9-4

Williamson Act Land

The Department recommends that the following information be included in the FEIR regarding Williamson Act land impacted by the project.

As a general rule, land can be withdrawn from Williamson Act contract only through the nine-year nonrenewal process. Immediate termination via cancellation is reserved for "extraordinary", unforeseen situations (See Sierra Club v. City of Hayward (1981) 28 Cal.3d 840, 852-855). Furthermore, it has been held that "cancellation is inconsistent with the purposes of the (Williamson) act if the objectives to be served by cancellation should have been predicted and served by nonrenewal at an earlier time, or if such objectives can be served by nonrenewal now" (Sierra Club v. City of Hayward).

S9-5

- If cancellation is proposed, notification must be submitted to the Department when the County or City accepts the application as complete (Government Code §51284.1). The board or council must consider the Department's comments prior to approving a tentative cancellation. Required findings must be made by the board or council in order to approve tentative cancellation. Cancellation involving FSZ contracts include additional requirements. We recommend that the DEIR include discussion of how cancellations involved in this project would meet required findings. However, notification must be submitted separately from the CEQA process and CEQA documentation. (The notice should be mailed to Darryl Young, Director, Department of Conservation, c/o Division of Land Resource Protection, 801 K Street MS 18-01, Sacramento, CA 95814-3528.)
- Pursuant to Government Code §51243, if a city annexes land under Williamson Act contract, the city must succeed to all rights, duties and powers of the county under the contract unless conditions in §51243.5 apply to give the city the option to not succeed to the contract. A Local Agency Formation Commission (LAFCO) must notify the Department within 10 days of a city's proposal to annex land under contract (Government Code §56753.5). A LAFCO must not approve a change to a sphere of influence or annexation of contracted land to a city unless specified conditions apply (Government Code §§51296.3, 56426, 56426.5, 56749 and 56856.5).

S9-6

S9-7

Mr. Rene Salas
 January 21, 2005
 Page 3

- Termination of a Williamson Act/FSZ contract by acquisition can only be accomplished by a public agency, having the power of eminent domain, for a public improvement. The Department must be notified in advance of any proposed public acquisition (Government Code §51290 - 51292), and specific findings must be made. The property must be acquired in accordance with eminent domain law by eminent domain or in lieu of eminent domain in order to void the contract (§51295). The public agency must consider the Department's comments prior to taking action on the acquisition. School districts are precluded from acquiring land under FSZ contract. We recommend discussion in the DEIR of whether such action is envisioned by this project and how the acquisition will meet the required findings. However, notification must be submitted separately from the CEQA process and CEQA documentation to the address noted above.
- If any part of the site is to continue under contract, or remain within an agricultural preserve, after project completion, the DEIR should discuss the proposed uses for those lands. Uses of contracted and preserve land must meet compatibility standards identified in Government Code §51238 - 51238.3, 51296.7. Otherwise, contract termination (see above) must occur prior to the initiation of the land use, or the preserve must be disestablished.
- An agricultural preserve is a zone authorized by the Williamson Act, and established by the local government, to designate land qualified to be placed under contract. Preserves are also intended to create a setting for contract-protected lands that is conducive to continuing agricultural use. Therefore, the uses of agricultural preserve land must be restricted by zoning or other means so as not to be incompatible with the agricultural use of contracted land within the preserve (Government Code §51230). The DEIR should also discuss any proposed general plan designation or zoning within agricultural preserves affected by the project.

S9-8

S9-9

S9-10

Mitigation Measures

Although the DEIR states that impacts to agricultural resources are significant despite mitigation, no mitigation measures beyond those identified for air quality and hydrology and water quality are discussed or proposed (5.2.5 Mitigation Measures). If the intention is to utilize mitigation measures from the City's GP FEIR, those measures should be presented in the DEIR and re-circulated for public review. If mitigation measures have not been proposed or adequately considered for the significant impacts to agricultural resources from this project, it would appear that CEQA requirements have not been satisfied, as explained below.

S9-11

The Department encourages the use of agricultural conservation easements on land of at least equal quality and size as partial compensation for the direct loss of agricultural land. If a Williamson Act contract is terminated, or if growth inducing or cumulative agricultural impacts are involved, we recommend that this ratio be increased. We highlight this measure because of its acceptance and use by lead agencies as mitigation under CEQA. It follows a rationale similar to that of wildlife habitat mitigation under the Metropolitan Bakersfield Habitat Conservation Plan (HCP).

S9-12

Mr. Rene Salas
January 21, 2005
Page 4

The loss of agricultural land represents a permanent reduction in the State's agricultural land resources. Agricultural conservation easements will protect a portion of those remaining resources and lessen project impacts in accordance with CEQA Guideline §15370. It may be feasible to combine habitat and continued agriculture under the HCP.

S9-13

Mitigation using agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The conversion of agricultural land should be deemed an impact of at least regional significance, and the search for replacement lands conducted regionally or statewide, and not limited strictly to lands within the project's surrounding area.

S9-14

Other forms of mitigation may be appropriate for this project, including the following:

- Protecting farmland in the project area or elsewhere in the County through the use of less than permanent long-term restrictions on use such as 20-year Farmland Security Zone contracts (Government Code §51296 et seq.) or 10-year Williamson Act contracts (Government Code §51200 et seq.).
- Directing a mitigation fee to invest in supporting the commercial viability of the remaining agricultural land in the project area, County or region through a mitigation bank that invests in agricultural infrastructure, water supplies, marketing, etc.
- The Department also has available listing of approximately 30 "conservation tools" that have been used to conserve or mitigate project impacts on agricultural land. This compilation report may be requested from the Division at the address or phone number below.

S9-15

S9-16

S9-17

Although the direct conversion of agricultural land and other agricultural impacts are often deemed to be unavoidable by an agency's CEQA analysis, mitigation measures must nevertheless be considered. The adoption of a Statement of Overriding Consideration does not absolve the agency of the requirement to implement feasible mitigation that lessens a project's impacts. A principal purpose of an EIR is to present a discussion of mitigation measures in order to fully inform decision-makers and the public about ways to lessen a project's impacts. In some cases, the argument is made that mitigation cannot reduce impacts to below the level of significance because agricultural land will still be converted by the project, and, therefore, mitigation is not required. However, reduction to a level below significance is not a criterion for mitigation. Rather, the criterion is feasible mitigation that lessens a project's impacts. Pursuant to CEQA Guideline 15370, mitigation includes measures that "avoid, minimize, rectify, reduce or eliminate, or compensate" for the impact. For example, mitigation includes "*Minimizing impacts by limiting the degree or magnitude of the action and its implementation (§15370(b))*" or "*Compensating for the impact by replacing or providing substitute resources or environments (§15370(e)).*"

S9-18

Mr. Rene Salas
January 21, 2005
Page 5

All measures ostensibly feasible should be included in the DEIR. Each measure should be discussed, as well as the reasoning for selection or rejection. A measure brought to the attention of the Lead Agency should not be left out unless it is infeasible on its face.

S9-19

Finally, when presenting mitigation measures in the DEIR, it is important to note that mitigation should be specific, measurable actions that allow monitoring to ensure their implementation and evaluation of success. A mitigation consisting only of a statement of intention or an unspecified future action may not be adequate pursuant to CEQA.

S9-20

Information about agricultural conservation easements, the Williamson Act and provisions noted above is available on the Department's website or by contacting the Division at the address and phone number listed below. The Department's website address is:

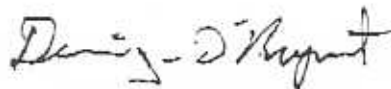
S9-21

<http://www.conservation.ca.gov/dlrp/index.htm>

Thank you for the opportunity to comment on this DEIR. The Department looks forward to receiving a copy of a re-circulated DEIR or, pursuant to Public Resources Code §21092.5(a), a copy of the FEIR. The Department looks forward to receiving your response, including a copy of the DEIR. If you have questions on our comments or require technical assistance or information on agricultural land conservation, please contact Bob Blanford at 801 K Street, MS 18-01, Sacramento, California 95814; or, phone (916) 327-2145.

S9-22

Sincerely,



Dennis J. O'Bryant
Acting Assistant Director

S9 RESPONSES TO COMMENTS FROM THE STATE OF CALIFORNIA DEPARTMENT OF CONSERVATION DATED JANUARY 21, 2005

Note: This comment letter was received after the end of the public review and comment period for the DEIR.

S9-1 Comments noted. No response necessary.

S9-2 Comments noted. No response necessary.

S9-3 Comments noted. No response necessary.

S9-4 Mitigation measures identified in the City's General Plan FEIR on pages F-4.1-10 through F-4.1-18 which specifically address impacts to agricultural resources are hereby incorporated by reference.

S9-5 The Williamson Act provides a number of conditions by which land under active contract may be obtained and the contract terminated. Accordingly, a public agency or person may acquire Williamson Act land by public acquisition. As defined by the Williamson Act,

"(1) 'public agency' means any department or agency of the United States or the state, and any county, city, school district, or other local public district, agency, or entity, and (2) 'person' means any person authorized to acquire property by eminent domain (Government Code §51291(a))."

The policy of the state, consistent with the purpose of the Williamson Act to preserve and protect agricultural land, is to avoid, whenever practicable, locating public improvements and any public utilities improvements in agricultural preserves. If it is necessary to locate within a preserve, it shall be on land that is not under contract (Government Code §51290(a)(b)). More specifically, the basic requirements are:

- Whenever it appears that land within a preserve or under contract may be required for a public improvement, the public agency or person shall notify the Department of Conservation (Department) and the city or county responsible for administering the preserve (§51291(b)).
- Within 30 days of being notified, the Department and city or county shall forward comments, which shall be considered by the public agency or person (§51291(b)).
- "No public agency or person shall locate a public improvement within an agricultural preserve unless the following findings [emphasis added] are made (§51292):"

"(a) The location is not based primarily on a consideration of the lower cost of acquiring land in an agricultural preserve (§51292(a)).

b) If the land is agricultural land covered under a contract pursuant to this chapter for any public improvement, that there is no other land within or outside the preserve on which it is reasonably feasible to locate the public improvement (§51292(a)(b))."

- The contract shall be terminated when land is acquired by eminent domain or in lieu of eminent domain (§51295).
- The Department and city or county shall be notified before project completion of any proposed, significant changes to the public improvement (§51291(d)).
- The Department shall be notified within 10 working days upon completion of the acquisition (§51291(c)).
- If, after acquisition, the acquiring public agency determines that the property will not be used for the proposed public improvement, before returning the land to private ownership, the Department and city or county administering the involved preserve shall be notified. The land shall be reenrolled in a new contract or encumbered by an enforceable restriction at least as restrictive as that provided by the Williamson Act (§51295).

S9-6 Comments noted. In addition, the City will coordinate with the Department of Conservation's Division of Land Resources Protection concerning the preparation of required findings for cancellation of an active Land Conservation Act (LCA) contract.

S9-7 Comments noted. In addition, the City will coordinate with the County of Ventura and Ventura County LAFCO regarding rights, duties and powers associated with LCA contract requirements.

S9-8 Comments noted. The City has eminent domain powers, per state law and will coordinate with the Department in preparing required findings in advance of acquisition of the active LCA contract.

S9-9 Only that part of the LCA contract land that would be required to construct the proposed project would be acquired by the City. It is anticipated that the remaining 24 acres would continue to be actively used for agricultural production.

S9-10 Comments noted. Section 5.1 (Land Use) of the DEIR identified in detail the City's General Plan land use designation for this area, as well as its anticipated pre-zone designation.

S9-11 The mitigation measures identified for agricultural resources in the City's General Plan FEIR were reviewed by the public and other public agencies with purview over these resources and deemed adequate by the City Council prior to its certification. Therefore, these mitigation measures have received adequate public review per the requirements of CEQA and would not require that the WRF and Corporation Yard EIR be re-circulated.

S9-12 Comments noted. Refer to response S9-11, above.

S9-13 Comments noted. Refer to response S9-11, above.

S9-14 Comments noted. Refer to response S9-11, above.

S9-15 Comments noted. Refer to response S9-11, above.

S9-16 Comments noted. Refer to response S9-11, above.

S9-17 Comments noted. Refer to response S9-11, above.

S9-18 Comments noted. Refer to response S9-11, above.

S9-19 Comments noted. Refer to response S9-11, above.

S9-20 Comments noted. Refer to response S9-11, above.

S9-21 Comments noted. No response necessary.

S9-22 Comments noted. In addition, the Department will be sent a copy of the FEIR prior to its consideration for certification by the City Council.

REGIONAL AND LOCAL AGENCIES

RESOURCE MANAGEMENT AGENCY
county of ventura

Planning Division

Christopher Stephens
Director

January 5, 2005

Rene Salas
Deputy Director of Public Works
City of Santa Paula
Public Works Department
113 North Mill Street
Santa Paula, CA 93060

R1

FAX #: 805-525-3742

Subject: Santa Water Recycling Facility; Draft EIR

Thank you for the opportunity to review and comment on the subject document. Attached are the comments that we have received resulting from intra-county review of the subject document.

R1-1

Your proposed responses to these comments should be sent directly to the commenter, with a copy to Carl Morehouse, Ventura County Planning Division, L#1740, 800 S. Victoria Avenue, Ventura, CA 93009.

R1-2

If you have any questions regarding any of the comments, please contact the appropriate respondent. Overall questions may be directed to Carl Morehouse at (805) 654-2476.

R1-3

Sincerely,



Christopher Stephens
County Planning Director

I:\Working Files\MOREHOC\Outside Env. Docs\Response Letters\SantaPaula 04-061-1

Attachment

County RMA Reference Number 04-061-1



**R1 RESPONSES TO COMMENTS FROM THE COUNTY OF VENTURA
RESOURCE MANAGEMENT AGENCY DATED JANUARY 5, 2005**

R1-1 Comments noted. No response necessary.

R1-2 Copies of the Responses to Comments will be provided to the appropriate County commenting agency (as noted in the correspondence received) in advance of the City Council's consideration of certification of the FEIR

R1-3 Comments noted. No response necessary.

**COUNTY OF VENTURA
RESOURCE MANAGEMENT AGENCY
PLANNING DIVISION
M E M O R A N D U M**

DATE: January 4, 2005

R2

TO: Carl Morehouse

FROM: Bruce Smith, Manager, General Plan Section

SUBJECT: Santa Paula Water Recycling Facility, Draft EIR; RMA 04-061-1

In reviewing the above referenced document, it appears that this Division's comments of August 2, 2004 are not reflected in the document at all. This either means that the comments were never received by the consultant, or they were not recognized as of merit. In either regard, they are absent from the comments received section of the Technical Appendices. To reiterate our points from before, the only areas that we would recommend for change, and added precision of the document, are the following.

R2-1

1. On Figure 4-9 (page 4-25 of Volume I) it appears that one of the parcels is mislabeled. The second, northernmost parcel from the west appears in the County's data base as 099-0-030-345. It seems that this parcel accidentally got labeled with the same parcel number as the parcel to the west. (The westernmost one is correct.)

R2-2

2. On page 21 of the Initial Study Checklist, now located in Volume II Technical Appendices, under Item X. a., the paragraph indicates, in the second sentence, that "none of the APN's potentially affected by the proposed project are currently zoned Mineral Resource Protection (MRP)." Our records indicate that the southernmost parcels, 099-0-080-035 and 099-0-080-215 **both** are zoned "A-E/MRP Overlay". The MRP overlay portion, however, is only applied to the portions closest to the river.

R2-3

Thank you for the opportunity to comment on this Draft EIR.

R2-4

**R2 RESPONSES TO COMMENTS FROM THE COUNTY OF VENTURA
RESOURCE MANAGEMENT AGENCY DATED JANUARY 4, 2005**

R2-1 Comments noted. Refer to responses to comments R2-2 and R2-3, below.

R2-2 Figure 4-9 in the EIR has been revised and is included as Attachment H of this Responses to Comments Report.

R2-3 The last paragraph on page 5.3-1 in the DEIR is revised by reference to read: “The area considered for development of the WRF and the Corporation Yard consists of the following Assessor Parcel Numbers (APN) identified in Section 4.6.12 (Land Acquisition and Right-of-Way Easements). According to the Ventura County General Plan, Non-Coastal Zoning Ordinance, APN 099-0-080-245, 099-0-080-035 and 099-0-080-215 are within a mineral resources protection (MRP) Overlay Zone. The MRP overlay for APN 099-0-080-035 and 099-0-080-215 only applies to the parts of those parcels closest to the river. The purpose of this Zone is:”

R2-4 Comments noted. No response necessary.



**PUBLIC WORKS AGENCY
TRANSPORTATION DEPARTMENT**
Traffic, Advance Planning & Permits Division
MEMORANDUM

JUL 29 2004

R3

DATE: July 28, 2004

TO: Resource Management Agency, Planning Division
Attention: Carl Morehouse

FROM: Nazir Lalani, Deputy Director *ML*

SUBJECT: Notice of Preparation of a DEIR for the construction of the City of Santa Paula Water Recycling Plant (WRP) located east of Todd Lane and immediately south of SR 126 within the unincorporated area of Ventura County and within the City of Santa Paula sphere of influence boundary.

Applicant: City of Santa Paula
970 Ventura Street, Santa Paula
Contact: Rene Salas, Deputy Director, Public Works
Lead Agency: City of Santa Paula

The Transportation Department has reviewed the subject Initial Study & Notice of Preparation of a DEIR for the subject project. The project will involve Water Recycling Plant (WRP) at a new location east of Todd Lane and immediately south of SR 126. We offer the following comments:

- 1. We concur with the comments in the Initial Study Notice of Preparation (NOP) for the Draft Environmental Impact Report (DEIR) for those areas under the purview of the Transportation Department. R3-1
- 2. The initial study indicated that this project would generate traffic. The DEIR should also include the project specific impact and mitigation measures for the impacts of additional ADT, including construction related trucks, due to this project on Ventura County local roads and intersections, in particular on Telegraph Road. Truck routes for the construction of this project should be identified in the DEIR. R3-2
- 3. California Environmental Quality Act (CEQA) requires the evaluation of cumulative impacts when they are significant [PRC 15130 (a)]. The cumulative impact which results from the incremental impact of traffic generated by this project, when added to other closely related past, present, and reasonably foreseeable probable future projects may be individually minor, but collectively significant over a period of time. R3-3

R3-4

4. The County of Ventura did prepare a "Traffic Impact Mitigation Fee Program Engineering Report" dated October 2001. The purpose of the Engineering Report is to provide documentation for revision to County Ordinance Code section 8601-0, et seq. in accordance with Government Code section 66000 et seq. (AB1600). It is also intended to provide technical support for reciprocal traffic impact agreements between each city in Ventura County and the County of Ventura. It is further intended to advise each city, municipal agency, business or trade organization and the public in general, of the process used to develop the County Traffic Impact Mitigation Fee Ordinance. R3-5
5. The Engineering Report finds and identifies certain roads in the County Regional Road Network, as defined by the County General Plan, that will degrade to an unacceptable Level of Service (LOS) due to cumulative traffic generated by past, present, and reasonably foreseeable probable future projects approved by the City of Santa Paula and others. This is a substantial traffic increase in relation to the existing street and traffic load and capacity of the Regional Road Network and a potentially significant adverse project impact if not mitigated to a Less than Significant level. R3-6
6. CEQA provides for mitigation of significant project impacts by compensation of the impact to replace or provide substitute resources. The County Traffic Impact Fee Ordinance (County Ordinance Code section 8601-0 et seq.) does provide a method to provide substitute resources by payment of a traffic impact fee designed to provide a method of funding improvements to the Regional Road Network caused by the cumulative impact of this project and reasonably foreseeable probable future projects approved by the cities. R3-7
7. The Board of Supervisors by adoption of Ordinance 4246 repealed existing Chapter 6 (commencing with section 8601-0) of the Ventura County Ordinance Code and accompanying resolution on November 6, 2001. Ordinance 4246 became effective on January 8, 2002. R3-8
8. Based on the fee schedule established in accordance with County Ordinance Code 8601-0 et seq. for the area identified in the Ordinance as the Santa Paula Impact Fee District the amount of TIMF will be \$37.61 per ADT generated by the project. R3-9
9. The City may propose to mitigate the cumulative project impacts on the County Regional Road Network to a Less than Significant level, by the methodology described in the County Ordinance and Engineering Report, or an alternate methodology which can be shown to result in mitigation of the cumulative traffic impacts of this project on the County Regional Road Network to a Less than Significant level, providing such alternate methodology is satisfactory to the County. R3-10
10. If the project cumulative impacts are not mitigated by payment of a traffic mitigation fee, current General Plan policy will require County opposition to this project. R3-11
11. The County Transportation Department hereby requests that a copy of any response to our comments, advice of future meetings at which this project may be discussed or approved, R3-12

NOV-09-2004 16:55

RMA PLANNING

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P.05/11

notice of availability of any final environmental or project approval documents and notice of determination be furnished to:

County of Ventura
Public Works Agency
Director, Transportation Department
800 S. Victoria Avenue
Ventura, CA 93009-1600

R3-12

Our review is limited to the impacts this project may have on the County's Regional Road Network.

Please call me at 654-2080 if you have questions.

F:\transport\LandDev\Nod_County\04-Santa Paula.docx

R3 RESPONSES TO COMMENTS FROM THE COUNTY OF VENTURA PUBLIC WORKS AGENCY TRANSPORTATION DEPARTMENT DATED JULY 28, 2004

- R3-1 Comments noted. Refer to responses to comments R3-2 to R3-12, below.
- R3-2 Comments noted. No response necessary.
- R3-3 Section 5.4 (Transportation and Circulation) in the DEIR identifies project related impacts, mitigation measures and truck trips during both construction and operation of the proposed project.
- R3-4 Section 8.3.4 (Cumulative Impacts Related to Transportation and Circulation) in the DEIR discusses cumulative impacts as they relate to transportation and circulation.
- R3-5 Comments noted. No response necessary.
- R3-6 Section 8.0 in the DEIR discusses cumulative impacts as they relate to transportation and circulation. As documented in Section 5.4 in the DEIR, it was determined that the potential traffic impacts during construction and operation of the proposed project would be less than significant.
- R3-7 Section 5.4 in the DEIR provides a mitigation measure for traffic related impacts. Implementation of mitigation measure T-1 would mitigate the significant adverse short term traffic impact during construction of the proposed project to below a level of significance.
- R3-8 Comments noted. No response necessary.
- R3-9 As discussed on page 5.4-13 in the DEIR, the operation of the proposed project will result in the addition of a total of 44.5 daily trips to the area road system. In accordance with the County Traffic Impact Fee Ordinance, the City of Santa Paula will pay the required Traffic Impact Mitigation Fee to the County of Ventura, consistent with the terms of the existing reciprocal agreement between the County and the City.
- The sentence in Section 8.3.4 discussing the average daily trips added to the road system by the operation of the proposed project incorrectly stated that 45.5 trips would be added. That sentence is revised by reference to correctly state that 44.5 trips would be added, as follows: "A total of 44.5 trips would be added to the road system above existing levels."
- R3-10 As discussed in Section 8.3.4 in the DEIR, the construction and operation of the proposed project will not result in a cumulative significant adverse impact on transportation facilities in the area. Therefore, no mitigation is required.
- R3-11 Refer to responses to comments R3-9 and R3-10, above.
- R3-12 Comments noted. No response necessary.

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RMA PLANNING

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P.07/11

**VENTURA COUNTY
AIR POLLUTION CONTROL DISTRICT**
Memorandum

JUL 23 2004

R4

TO: Carl Morehouse, Planning

DATE: July 21, 2004

FROM: Andy Brown AB

SUBJECT: Request for review of a Notice of Preparation (NOP) for the proposed Santa Paula Water Recycling Facility's Draft Environmental Impact Report (EIR), City of Santa Paula (Reference No. 04-061)

Project Description

District staff has reviewed the subject project NOP of a Draft EIR for the proposed Santa Paula Water Recycling Facility (WRF). The City of Santa Paula has conducted an Initial Study (IS) for this project and determined that an EIR is necessary.

R4-1

Existing Facilities

The existing Santa Paula Wastewater Treatment Plant (WWTP) was built in 1938 and employs trickling filter technology to treat the City's wastewater needs. Despite upgrades, the plant's facilities are aging, with major equipment and unit process structures reaching the end of their useful lives. In addition, trickling filter technology is not able to meet the new treatment requirements imposed by the Regional Water Quality Control Board (RWQCB) on October 8, 2003. The City of Santa Paula must either modify the existing WWTP or construct a new plant to meet the new water quality requirements by September 10, 2008. The existing Santa Paula WWTP's current average day dry weather flow (ADDWF) capacity is 2.2 million gallons per day (MGD). The plant's peak wet weather flow (PWWF) is 4.4 MGD.

R4-2

The existing Corporate Yard was built in the 1960's and has not been expanded to meet the City's growing public facility maintenance needs. The current facility is severely constrained due to its size and does not provide sufficient space for the maintenance and work activities required to meet the City Public Works Department's needs.

R4-3

Proposed Facilities

The proposed new Santa Paula WRP would be designed to accommodate an ADDWF of 4.69 MGD. The plant is anticipated to include the following treatment processes and facilities: Influent Pump Station; Headwork's Facilities; Primary Clarification; Odor Control Facilities; Four-Stage Activated Sludge, Oxidation Ditch, or Membrane Bio Reactor; Secondary Clarification; Tertiary Filtration; Disinfection (Ultra Violet and Sodium Hypochlorite); Sludge

R4-4

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RMA PLANNING

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Santa Paula Water Recycling Facility/04-061
 July 22, 2004
 Page 2

Thickening; Aerobic Digestion or Anaerobic Digestion; Mechanical Sludge Dewatering; Percolation Ponds; Recycled Water Reservoir/Pump Station; Standby Power (Emergency Generator); and a 15,000 square foot Control Building with Operations Laboratory.

R4-4

The proposed Corporate Yard would include a two-story, 12,000 square foot administrative building. Additional facilities onsite would include a one-story, 1,600 square foot vehicle maintenance area containing four work bays, an enclosed chemical storage area, covered material storage areas, and 25 covered parking spaces for City vehicles.

R4-5

The NOP also indicates that an earthen dike would be constructed along the southern boundary of the WRF. The earthen dike would be 5 feet high, 10 feet wide, and extend approximately 3,000 feet.

R4-6

Construction of the proposed WRF would also require extending the existing 36-inch diameter sewer main (serving the existing WWTP site), approximately 1,000 to 1,500 feet, southwest to the new treatment plant site. The existing sewer line extending to the current treatment plant site would be capped. Also onsite, a 32 foot high, 130-foot diameter recycled water reservoir capable of storing one to five million gallons of water would be built. This reservoir would allow storage of recycled water during storm events, or during rehabilitation and maintenance of the onsite percolation ponds.

R4-7

After the initial site preparation, including rough grading, construction of the plant facilities is anticipated to take about 18 months to complete. Preliminary earthwork requirements indicate that a total of 77,000 cubic yards (CY) of soil would need to be excavated. The entire 77,000 CY of excavated material would be used to construct the earthen dike. Construction of the percolation ponds would require a total of 160,000 CY of soil be excavated. Of this amount, a total of 80,000 CY would be reused onsite and compacted to fill in the excavated areas comprising the percolation ponds. The remaining 80,000 CY would be exported offsite or used onsite as needed.

R4-8

Project Location

The proposed WRF and Corporate Yard would be constructed on a site immediately adjacent (west) and southwest of the existing plant site. The site would cover approximately 40-acres. The existing WWTP and Corporate Yard are located at 905 and 903 Corporation Street respectively, in the City of Santa Paula.

R4-9

Ventura County Air Quality Assessment Guidelines (2003 Guidelines)

APCD staff recommends that the air quality section of the Draft EIR be prepared in accordance with the *Ventura County Air Quality Assessment Guidelines (2003 Guidelines)*.

R4-10

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RMA PLANNING

805 654 2509

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 Page 3

Please note that the 2003 Guidelines is the current advisory document for preparing air quality evaluations of environmental documents.

R4-10

The air quality assessment should consider Reactive Organic Gases (ROG) and Nitrous Oxides (NO_x) emissions from all project-related motor vehicle trips. Additionally, the air quality assessment should consider potential impacts from fugitive dust, including PM₁₀ that will be generated by construction activities. A copy of the 2003 Guidelines can be accessed from the downloadable materials section of the APCD website at www.vcapcd.org.

R4-11

Local Air Quality Impacts

APCD recommends that the Draft EIR discuss potential local air quality impacts, and provide appropriate mitigation measures, if any are projected to be significant. For example, construction activities associated with this project, such as demolition, grading, excavation, and dirt transfer will generate fugitive dust. Additionally, the Draft EIR should discuss any potential odor concerns associated with the proposed WRF and determine if they would be significant. Appropriate mitigation measures should be provided to reduce any potential significant odor concerns to a less than significant level.

R4-12

AQMP Consistency

The Draft EIR should address the project's consistency with the Ventura County Air Quality Management Plan (AQMP). A project that is determined to be inconsistent with the AQMP is also determined to have a significant cumulative adverse air quality impact. Chapter 4 - Air Quality Management Plan Consistency, of the District's 2003 Guidelines, provides guidance on determining a project's AQMP consistency.

R4-13

Mitigation Measures

If the project is determined to have a significant impact on regional and/or local air quality, the Draft EIR should include all feasible mitigation measures, including project design features. Chapter 7 of the District's 2003 Guidelines discusses a number of mitigation measures that may be appropriate for this project. In addition, the District encourages other mitigation measures not currently included in the 2003 Guidelines be considered.

R4-14

The Draft EIR should explicitly state that air quality mitigation measures would be implemented unless a feasibility analysis shows them to be infeasible or other, more effective, air quality mitigation measures become available and are applied to the project. All of the mitigation measures and project design elements that are incorporated into the project should be considered when evaluating and presenting the air quality impacts of the project in the Draft EIR. Mitigation of the project's impacts shall apply to all portions of the project.

R4-15

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RMA PLANNING

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Santa Paula Water Recycling Facility/04-061
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Page 4

General Conformity

This project may be subject to the requirements of the federal General Conformity rule. On November 23, 1993, a federal rule entitled "Determining Conformity of General Federal Actions to State or Federal Implementation Plans" was published in the Federal Register. This rule, also called "general conformity," states that a federal agency may not "engage in, support in any way or provide financial assistance for, license or permit, or approve any activity which does not conform to an applicable implementation plan." In Ventura County, the applicable implementation plan is the Ventura County Air Quality Management Plan.

R4-16

The general conformity rule applies to federal actions that are: 1) needed on projects equaling or exceeding 25 tons per year of volatile organic compounds (VOC) or oxides of nitrogen (NO_x); 2) not covered by the federal Transportation Conformity rule; and, 3) not exempted under a "presumed to conform" action listed in the rule.

R4-17

Examples of federal actions subject to the general conformity rule include Army Corps of Engineer permits, wastewater treatment plant construction or expansions, and new airports or airport expansions. Examples of federal actions not subject to the general conformity rule include permit renewals, planning activities, routine maintenance and repair activities, actions subject to transportation conformity, and activities with emissions below the general conformity de minimis threshold of 25 tons per year of VOC or NO_x.

R4-18

District staff is providing this information since this project may be subject to the federal conformity rule. The general conformity rule applies only to federal agencies and is not part of the CEQA environmental review process. If the project is subject to the general conformity rule, the federal agency, and not your agency, is responsible for conducting the conformity analysis. Since information collected for the CEQA process can be used for the federal conformity analysis, coordination between your agency and the federal agency may prevent time delays and duplication of efforts.

R4-19

If you have further questions regarding general conformity and its applicability, please contact Ben Cacatian of the APCD by telephone at (805) 645-1428 or by email at ben@vcapcd.org.

R4-20

If you have any questions, contact me by telephone at (805) 645-1439 or by email at andy@vcapcd.org.

R4 RESPONSES TO COMMENTS FROM THE VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT DATED JULY 21, 2004

R4-1 Comments noted. No response necessary.

R4-2 Comments noted. No response necessary.

R4-3 Comments noted. No response necessary.

R4-4 Comments noted. No response necessary.

R4-5 Comments noted. No response necessary.

R4-6 Comments noted. No response necessary.

R4-7 Comments noted. No response necessary.

R4-8 Comments noted. No response necessary.

R4-9 Comments noted. No response necessary.

R4-10 The air quality analysis provided in Section 5.5 (Air Quality) in the DEIR was prepared in accordance with Ventura County Air Pollutant Control District's Ventura County Air Quality Assessment Guidelines.

R4-11 Reactive organic gases (ROG) and nitrogen oxides (NO_x) emissions associated with the proposed project were evaluated as discussed in Section 5.5 (Air Quality) in the DEIR (refer to pages 5.5-15 and 5.5-16). Potential impacts from fugitive dust, including PM₁₀, were also evaluated in Section 5.5 in the DEIR (refer to page 5.5-15).

R4-12 Section 5.5 in the DEIR discusses the potential local air quality impacts and provides appropriate mitigation measures to address dust generation during construction. Section 5.5 also discusses the potential odor impacts during operations of the WRF and provides appropriate mitigation measures to address those impacts.

R4-13 Section 5.5 in the DEIR discusses the project's consistency with the Ventura County Air Quality Management Plan (AQMP). Refer to page 5.5-18 which indicates that the project was determined to be consistent with the AQMP.

R4-14 Section 5.5 (Air Quality) in the DEIR discusses the potential air quality impacts of the construction and operation of the proposed project. Refer to pages 5.5-21 to 5.5-23 for the mitigation measures identified for the construction and operation of the proposed WRF.

R4-15 Refer to pages 5.5-21 to 5.5-23 for the mitigation measures identified for the construction and operation of the proposed WRF. The City of Santa Paula is committed to

implementing these mitigation measures during the construction and operation of the proposed WRF.

R4-16 The proposed project was evaluated in terms of the federal General Conformity Rule. The conformity analysis is provided on page 5.5-19 in the DEIR.

R4-17 Comments noted. Refer to response R4-16.

R4-18 Comments noted. Refer to response R4-16.

R4-19 Comments noted. Refer to response R4-16.

R4-20 Comments noted. No response necessary.

**COUNTY OF VENTURA
PUBLIC WORKS AGENCY
Watershed Protection District
Water Resources Division**

MEMORANDUM

July 20, 2004

R5

To: Carl Morehouse
RMA Planning Division

From: Lowell Preston
Water Resources Division

Subject: RMA 04-0061, NOP of Draft EIR
Santa Paula Water Recycling Facility

Project Description

Construction of a water recycling facility to replace aging, City of Santa Paula Waste Water Treatment Plant (WWTP) built in 1938. The existing plant employs trickling filter technology, which is not able to meet the new treatment requirements imposed by the Regional Water Quality Control Board (RWQCB). RWQCB has issued a Time Schedule Order (TSO) to the City of Santa Paula to either modify the existing WWTP or construct a new plant to meet the new water quality requirements. The City of Santa Paula intends to construct a new plant by September 2008. Lead Agency is the City of Santa Paula and they have made a determination that an EIR is required.

R5-1

Treated effluent from the new facility will be percolated directly into the Santa Paula Groundwater Basin (SPGB) via percolation and/or discharged directly to the Santa Clara River.

Comments

Groundwater recharge should be "Potentially Significant Unless Mitigation Incorporated." This item is marked "Less than Significant Impact" under Item VIII. B), yet discussion item e) acknowledges that the project "would result in a reduction in the amount of impervious surfaces on the project and the ability of rainfall to naturally percolate into the SPGB). Although not discussed, the net recharge to the groundwater basin should not be reduced as a result of any recycling. However, any new, increased releases could be reused.

R5-2

Groundwater quality issues needs to thoroughly addressed and mitigated (in addition to surface water quality issue). The project must insure that there is no net decrease in overall groundwater quality as a result of direct discharge into the SPGB and Santa Clara River.

R5-3

R5 RESPONSES TO COMMENTS FROM THE COUNTY OF VENTURA PUBLIC WORKS AGENCY WATERSHED PROTECTION DISTRICT DATED JULY 20, 2004

R5-1 Comments noted. No response necessary.

R5-2 Refer to response S5-3, above. In addition, storm water runoff from the project will be contained on site and directed to the on site storm drain detention basin and percolation ponds. Therefore, there is not an issue relative to reduction in recharge to the Santa Paula Ground Water Basin (SPGB). Further, the project involves a commitment to reclamation of wastewater for beneficial reuse. Such recycled water will be fully compliant with permits issued by the Regional Water Quality Control Board (RWQCB) – Los Angeles and California Department of Health Services (CDHS) relative to California Title 22 unrestricted reuse water regulations. The level of acceptance and the timing of reuse of such waters are as yet unknown; therefore, the extent of reductions of existing discharges of wastewater to the Santa Clara River are also unknown. Treated wastewater disposed in the percolation ponds would, in effect, remain in the shallow alluvial system and be potentially available for diversion by United Water Conservation District at the Freeman Diversion in a fashion similar to the current direct discharge of wastewater to the Santa Clara River.

R5-3 Refer to response S5-3, above.



Office of
AGRICULTURAL COMMISSIONER

Agricultural Commissioner
W. Earl McPhail

Chief Deputy
David Buettner

P.O. Box 889, Santa Paula, CA 93061
815 East Santa Barbara Street
Telephone: (805) 933-3165, (805) 647-5931
FAX: (805) 525-8922

R6

December 21, 2004

RECEIVED
DEC 28 2004
By _____

Rene Salas, Deputy Director, Public Works
City of Santa Paula
Public Works Department
113 North Mill Street
Santa Paula, CA 93060

SUBJECT: Proposed Santa Paula Water Recycling Facility Draft EIR, RMA#04-061-1

Dear Mr. Salas,

We have reviewed the draft EIR and offer the following concerns and suggestions as you proceed:

1. It is unclear in both the Project Description and the Alternatives Analysis why the project is configured to take part of 7 active parcels, and not designed to use the whole of several parcels. The rationale for this configuration is absent.
2. The project could be designed to avoid property under LCA contract, and therefore is not in compliance with Government Code Section 51290 (b).
3. The actual acreage of impact to agricultural land is much more significant than the 48 acres proposed for the WRF. Due to the strange configuration, the actual impact to agricultural production could effectively impact 184 acres of land or 131 acres in actual productive use (due to the limitations imposed by the River). This needs to be made clear in the impact analysis.
4. As an Expansion Area, SOI, there is currently no adopted land use plan or Area Specific Plan for West Area 2, that would indicate the build-out of the remaining "left-over" parcels. These land areas may not remain viable agricultural parcels (even in the short term) depending on access and other operational constraints.
5. It would appear to make more sense to consolidate the proposed facility close to SR-126, adjacent to the existing WTP on parcels 099-0-030-635, 099-0-030-645, and 099-0-030-575, thus retaining the most productive agriculture on LCA contract land and Bender Farms (not shown on the outdated aerial used in the DEIR), parcels 099-0-80-035 and 099-0-080-215.

R6-1

R6-2

R6-3

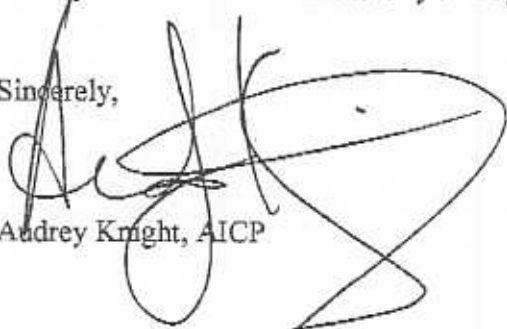
R6-4

R6-5

The Agricultural Commissioner supports the City's desire to not "leap-frog" into the County in order to update it's facility. However, we suggest that either an Area Specific Plan is needed to indicate the build-out of the entire area proposed to be effected (the majority of the West Area 2 GP Expansion Area), and/or that the project be reconfigured to enable the viable continued use of existing agricultural production until such time that it is annexed and planned and zoned by the city in accordance with the City's adopted General Plan.

R6-6

Sincerely,


Audrey Knight, AICP

R6 RESPONSES TO COMMENTS FROM THE COUNTY OF VENTURA AGRICULTURAL COMMISSIONER DATED DECEMBER 21, 2004

R6-1 As described on page 5.2-6 in the DEIR, the configuration of the WRF considered several factors in determining its overall layout including soil percolation rates, groundwater dispersal rates and location of the FEMA's (FEMA's) 100-year floodway. As noted in the DEIR, this location provides percolation rates necessary for the proper function of the percolation ponds. The site also provides a sufficient hydraulic gradient between the percolation ponds and the Santa Clara River, thereby, facilitating the proper function of the ponds. Areas north of the proposed plant site do not contain soil composition or percolation rates equal to and/or better than the rates achieved by the proposed project site location. In addition, the site is located outside the FEMA 100 year floodway and would not derive any additional benefit from locating the proposed project further north. In addition, the location of the proposed WRF would require minimal use of pump stations to transport the influent to the plant site. The current design layout would require initial pumping at the existing headworks location and then influent would flow via gravity to the new WRF headworks for treatment processing.

R6-2 Refer to response R6-1 above.

R6-3 Section 5.2 (Agricultural Resources) in the DEIR indicates that a total of 53 acres of Prime Farmland would be directly affected by the proposed project through conversion of this land to non-agricultural uses. This impact was considered an adverse and significant impact to both State and County of Ventura Prime Farmland acreage. No additional Prime Farmland would be required for the WRF and Corporation Yard. It is unclear by the comment how the acreage impact ranges of 184 and 131 acres were derived. The City requests that further clarification of these acreage impacts be made.

As noted on pages 5.2-3 and 5.2-4 in the DEIR, the assessment of impacts to agricultural resources was based on thresholds of significance criteria identified in the CEQA Guidelines (2004) and County of Ventura Initial Study Assessment Guidelines (September 2000). These thresholds of significance provide standard impact criteria for assessing and determining impacts to agricultural resources. The thresholds evaluate a broad range of impacts including direct conversion of agricultural lands to non-agricultural uses, General Plan and Zoning consistency, water quality, creation of solar impediments, water supply and other relevant parameters. As such, the environmental analysis prepared for this Agricultural Resources component of the DEIR used these criteria in evaluating impacts to agricultural resources.

In addition, although not specifically identified in the thresholds of significance used in the impact assessment for agricultural resources, access impacts to agricultural lands located both north and south of the WRF and Corporation Yard were also discussed in Section 5.2 in the DEIR. As noted on page 5.2-8 in the DEIR, access to properties located either north or south of the proposed project site would not be eliminated, although more circuitous routes would be required. For property owners located north of the proposed project, access would continue to be available via Todd Lane/Corporation

Street and/or via Todd Lane/Telegraph Road. Similarly, properties located south of the WRF and Corporation Yard would continue to be able to access their properties via Corporation Street/Todd Lane under a permanent access easement on a paved road that would be constructed parallel to the proposed levee. Therefore, property owners would continue to be able to access and actively farm the unaffected remainders of their properties. It should be noted that Figures 4-6 through 4-8 of the DEIR have been revised to clearly show how access would be achieved along the north/south and east/west access points along Todd Lane. Implementation of the proposed project would not preclude property owners from accessing their properties via Todd Lane.

As described on page 5.2-6 in the DEIR, the configuration of the WRF considered several factors in determining its overall layout including soil percolation rates, groundwater dispersal rates and location of the FEMA's 100-year floodway. As noted in the DEIR, this location provides percolation rates necessary for the proper function of the percolation ponds. The site also provides a sufficient hydraulic gradient between the percolation ponds and the Santa Clara River, thereby, facilitating the proper function of the ponds. Areas north of the proposed plant site do not contain soil composition or percolation rates equal to and/or better than the rates achieved by the proposed project site location. In addition, the site is located outside the FEMA 100 year floodway and would not derive any additional benefit from locating the proposed project further north.

Therefore, the analysis, which determined that a total of 53 acres of Prime Farmland would be affected by implementation of the WRF and Corporation Yard remains valid as discussed in the DEIR.

- R6-4 The West Area 2 area is located within the City's SOI and is also designated by the City's General Plan as a future expansion area. It is also recognized by the Ventura County LAFCO and County of Ventura as an area in which the City of Santa Paula is expected to eventually provide services. However, because the City is not seeking to annex areas beyond the 53 acres identified for construction of the WRF and Corporation Yard, the County of Ventura would continue to be the land use planning and entitlement agency for the other areas identified within the West Area 2. Therefore, until such time that the City seeks annexation of those areas in the West Area 2 excluding the 53 acres, all land use proposals will be processed through the County of Ventura and subject to its land use regulations and controls. Therefore, it is premature for the City to develop a Specific Plan for the parcels remaining in the West Area 2 expansion area at this time.

Refer to response to comment R6-3, above, for discussion of the continuation of access to the remainder agricultural parcels.

- R6-5 Refer to response R6-1 above.

- R6-6 Refer to responses R6-3 and R6-4, above.

CITY OF SAN BUENAVENTURA

January 5, 2005

CITY COUNCIL

Mr. Rene Salas
Deputy Director of Public Works
City of Santa Paula
113 North Mill Street
Santa Paula, CA 93060

R7

Brian Brennan, Mayor
Carl E. Morehouse, Deputy Mayor
Neal Andrews, Councilmember
Bill Fulton, Councilmember
James L. Monahan, Councilmember
Sandy E. Smith, Councilmember
Christy Weir, Councilmember

RE: Santa Paula Water Recycling Facility Draft Environmental Impact Report

Dear Mr. Salas:

The City of Ventura appreciates the opportunity to comment on the Santa Paula Water Recycling Facility Draft Environmental Impact Report. The City of Ventura supports the water recycling process and water supply benefits to the Santa Paula Water Basin that would be realized by the proposed project. While we believe the analysis and mitigation measures addressing water reuse and conservation strategies would be adequate to address potential impacts that may occur as a result of the proposed project, the City of Ventura believes the DEIR would benefit by use of, and reference to the "Investigation of the Santa Paula Basin Yield" report of July, 2003 which was completed by the Santa Paula Basin Experts Group for the Santa Paula Basin Technical Advisory Committee (TAC). The City of Ventura also recommends the City of Santa Paula consider inclusion of regular reporting of data regarding water quantity and discharge quality to the Santa Paula Groundwater Basin TAC during construction and after completion of the proposed project. Should you have any questions, please contact Susan Rungren, Utilities Engineer at (805) 677-4138, or Maggie Ide, Environmental Planner at (805) 658-8326.

R7-1

Regards,



Robert L. Williams
Interim Long Range Planning Manager

C: Margaret Ide, Associate Planner, Environmental
Susan Rungren, Utilities Engineer

**R7 RESPONSES TO COMMENTS FROM THE CITY OF SAN BUENAVENTURA
DATED JANUARY 5, 2005**

- R7-1 A copy of the most recent "Investigation of the Santa Paula Basin Yield" (July 2003) prepared by the Santa Paula Basin Experts Group has been obtained and is included in Attachment C of this Responses to Comments Report. The City will provide the Technical Advisory Committee with water quality data, if requested.



**PUBLIC WORKS AGENCY
TRANSPORTATION DEPARTMENT
Traffic, Advance Planning & Permits Division
MEMORANDUM**

DATE: November 22, 2004

R8

TO: Resource Management Agency, Planning Division
Attention: Carl Morehouse

FROM: Nazir Lalani, Deputy Director *NL*

SUBJECT: Review Document 04-061

DEIR for the construction of the City of Santa Paula Water Recycling Plant (WRP) located east of Todd Lane and immediately south of SR 126 within the unincorporated area of Ventura County and within the City of Santa Paula sphere of influence boundary.

Applicant: City of Santa Paula
970 Ventura Street, Santa Paula

Lead Agency: **City of Santa Paula**

The Transportation Department has reviewed the subject DEIR for the City of Santa Paula Water Recycling Plant project. The project will involve the relocation of the Water Recycling Plant (WRP) at a new location east of Todd Lane and immediately south of SR 126. The following comments should be addressed in the DEIR:

R8-1

1. The draft EIR indicated that this project would generate an average of 220 (50 employee and 60 truck trips) construction related ADT for a period of 18 months and 45 additional employees. The project includes transporting of construction materials and equipment to the project site. The truck routes access to the site would be via SR 126, Todd Lane, Corporation Street and Peck Road. This project will have a cumulative impact on Ventura County roadways. The EIR should include the cumulative impact and measures to mitigate the impact.

R8-2

2. California Environmental Quality Act (CEQA) requires the evaluation of cumulative impacts when they are significant [PRC 15130 (a)]. The cumulative impact which results from the incremental impact of traffic generated by this project, when added to other closely related past, present, and reasonably foreseeable probable future projects may be individually minor, but collectively significant over a period of time.

R8-3

3. The County of Ventura did prepare a "Traffic Impact Mitigation Fee Program Engineering Report" dated October 2001. The purpose of the Engineering Report is to provide documentation for revision to County Ordinance Code section 8601-0, et seq. in accordance with Government Code section 66000 et seq. (AB1600). It is also intended to provide

R8-4

technical support for reciprocal traffic impact agreements between each city in Ventura County and the County of Ventura. It is further intended to advise each city, municipal agency, business or trade organization and the public in general, of the process used to develop the County Traffic Impact Mitigation Fee Ordinance.

R8-4

4. The Engineering Report finds and identifies certain roads in the County Regional Road Network, as defined by the County General Plan, that will degrade to an unacceptable Level of Service (LOS) due to cumulative traffic generated by past, present, and reasonably foreseeable probable future projects approved by the City of Santa Paula and others. This is a substantial traffic increase in relation to the existing street and traffic load and capacity of the Regional Road Network and a potentially significant adverse project impact if not mitigated to a Less than Significant level.

R8-5

5. CEQA provides for mitigation of significant project impacts by compensation of the impact to replace or provide substitute resources. The County Traffic Impact Fee Ordinance (County Ordinance Code section 8601-0 et seq.) does provide a method to provide substitute resources by payment of a traffic impact fee designed to provide a method of funding improvements to the Regional Road Network caused by the cumulative impact of this project and reasonably foreseeable probable future projects approved by the cities.

R8-6

6. The Board of Supervisors by adoption of Ordinance 4246 repealed existing Chapter 6 (commencing with section 8601-0) of the Ventura County Ordinance Code and accompanying resolution on November 6, 2001. Ordinance 4246 became effective on January 8, 2002.

R8-7

7. Based on the fee schedule established in accordance with County Ordinance Code 8601-0 et seq. for the area identified in the Ordinance as the Santa Paula Impact Fee District the amount of TIMF will be:

$$265\text{ADT} \times \$37.61 \text{ per ADT} = \underline{\$9,966.65}$$

R8-8

The above County fee is an estimate and may be subject to adjustment at the time of deposit due to provisions in the Traffic Impact Mitigation Ordinance allowing the Fee to be adjusted for inflation based on the Engineering News Record (ENR) construction cost index.

8. If desired the City may place the TIMF in a Trust Fund assigned to the County until such time as the reciprocal traffic impact mitigation funding agreement has been approved by both agencies. If the County has successfully negotiated a reciprocal agreement with the City before the approval of this project, this project will be subject to the terms of this agreement. If the project cumulative impacts are not mitigated by payment of a traffic mitigation fee, current General Plan policy will require County opposition to this project.

R8-9

9. If the project cumulative impacts are not mitigated by payment of a traffic mitigation fee, current General Plan policy will require County opposition to this project.

R8-10

10. The County Transportation Department hereby requests that a copy of any response to our comments, advice of future meetings at which this project may be discussed or approved,

R8-11

notice of availability of any final environmental or project approval documents and notice of determination be furnished to:

County of Ventura
Public Works Agency
Director, Transportation Department
800 S. Victoria Avenue
Ventura, CA 93009-1600

R8-11

Our review is limited to the impacts this project may have on the County's Regional Road Network.

Please call me at 654-2080 if you have questions.

R8-12

F:\transport\LandDev\Non_County\04-061-1.doc:sa

R8 RESPONSES TO COMMENTS FROM THE VENTURA COUNTY PUBLIC WORKS AGENCY TRANSPORTATION DEPARTMENT DATED NOVEMBER 22, 2004

R8-1 Comments noted. Refer to responses to comments R8-2 to R8-12, below.

R8-2 As indicated in Section 5.4 (Transportation and Circulation) in the DEIR, the proposed project would result in short term traffic impacts at the Peck Road intersection during construction of the proposed project. Implementation of mitigation measure T-1, provided in Section 5.4, would mitigate this significant adverse short term impact during construction to below a level of significance. The operation of the proposed project would not result in a significant adverse traffic impact, as documented in Section 5.4. Section 8.3.4 (Cumulative Impacts Related to Transportation and Circulation) determined that the construction and operation of the proposed project would not result in significant cumulative adverse impacts. The analysis for cumulative projects utilized the City's General Plan Update since this document represents the planned buildout of the City to 2020, the planning horizon for the proposed project.

R8-3 Refer to response to comment R3-4, earlier in this Responses to Comments Report.

R8-4 Comments noted. No response necessary.

R8-5 Comments noted. Refer to response to comment R3-6, earlier in this Responses to Comments Report.

R8-6 Comments noted. Refer to response to comment R3-7, earlier in this Responses to Comments Report.

R8-7 Comments noted. No response necessary.

R8-8 Comments noted. Refer to response to comment R3-9, earlier in this Responses to Comments Report.

R8-9 Comments noted. No response necessary.

R8-10 Comments noted. Refer to responses to comments R3-9 and R3-10, earlier in this Responses to Comments Report.

R8-11 Comments noted. No response necessary.

R8-12 Comments noted. No response necessary.

**VENTURA COUNTY
AIR POLLUTION CONTROL DISTRICT**
Memorandum

DEC 30 2004

R9

TO: Carl Morehouse, Planning DATE: December 29, 2004
 FROM: Andy Brown *AB*
 SUBJECT: Review of a Draft Environmental Impact Report (EIR) for the proposed Santa Paula Water Recycling Facility, City of Santa Paula (Reference No. 04-061-1)

Project Description

District staff has reviewed the subject project Draft EIR for the proposed Santa Paula Water Recycling Facility (WRF). The City of Santa Paula conducted an Initial Study (IS) for the proposed project and determined that an EIR was necessary.

Existing Facilities

The purpose of the proposed WRF would be to replace the existing Santa Paula Wastewater Treatment Plant (WWTP), originally built in 1938. The existing plant serves a population of approximately 29,100 within the City's corporate boundary. The Draft EIR's analysis is based on the assumption that the existing WWTP would be abandoned and demolished at a future date.

R9-1

Despite upgrades, the plant's facilities are aging, with major equipment and unit process structures reaching the end of their useful lives. The existing WWTP's trickling filter technology is not able to meet the new treatment requirements imposed by the Regional Water Quality Control Board (RWQCB) on October 8, 2003. The City of Santa Paula must either modify the existing WWTP or construct a new plant to meet the new water quality requirements by September 15, 2008.

R9-2

The existing WWTP's current average day dry weather flow (ADDWF) capacity is 2.2 million gallons per day (MGD). The plant's peak wet weather flow (PWWF) is 4.4 MGD. Existing facilities are operated 24 hours a day, seven days a week, by a total of 5.5 full time employees. A total of two truck trips per month, associated with chemical deliveries necessary for plant operations, are generated.

R9-3

The existing Corporate Yard was built in the 1960's and has not been expanded to meet the City's growing public facility maintenance needs. The current facility is severely constrained due to its size and does not provide sufficient space for the maintenance and

R9-4

Santa Paula Water Recycling Project Draft EIR/04-061-1

December 29, 2004

Page 2

work activities required to meet the City Public Works Department's needs. A total of 30 employees use the facility daily, with typically 10 employees working onsite at the Corporation Yard on a given day. The Draft EIR's analysis is based on the assumption that the existing Corporation Yard would be abandoned and demolished at a future date.

R9-4

Proposed Facilities

The proposed new Santa Paula WRP would be designed to accommodate an ADDWF of 4.2 MGD. The plant is anticipated to include the following treatment processes and facilities: Influent Pump Station; Headwork's Facilities; Primary Clarification; Odor Control Facilities; Four-Stage Activated Sludge, Oxidation Ditch, or Membrane Bio Reactor; Secondary Clarification; Tertiary Filtration; Disinfection (Ultra Violet Radiation and Sodium Hypochlorite); Sludge Thickening; Aerobic Digestion or Anaerobic Digestion; Mechanical Sludge Dewatering; Percolation Ponds; Recycled Water Reservoir/Pump Station; Standby Power (Emergency Generator); and a 15,000 square foot Control Building with Operations Laboratory.

R9-5

The proposed WRF would be operated 24 hours a day, seven days a week, by a total of 6 full time employees. A total of four truck trips per month, associated with chemical deliveries necessary for plant operations, would be generated.

R9-6

The proposed new Corporate Yard would include a two-story, 12,000 square foot administrative building. Additional facilities onsite would include a one-story, 1,600 square foot vehicle maintenance area containing four work bays, an enclosed chemical storage area, covered material storage areas, and 25 covered parking spaces for City vehicles. A total of 45 full time employees would use the facility daily, with typically 10 to 15 employees working onsite at the Corporation Yard on a given day.

R9-7

To protect the site from a 100-year flood event, an earthen dike would be constructed along the southern boundary of the WRF. The earthen dike would be 5 feet high, 10 feet wide, and extend approximately 3,200 feet.

R9-8

Construction of the proposed WRF would also require extending the existing 36-inch diameter Corporation Street Trunk sewer main (serving the existing WWTP site), approximately 1,000 to 1,500 feet, southwest to the new treatment plant site. Also onsite, a 32 foot high, 150-foot diameter recycled water reservoir capable of storing one to five million gallons of water would be built. This reservoir would allow storage of recycled water during storm events, or during rehabilitation and maintenance of the onsite percolation ponds. Depending on the size needed, up to 28-acres of the site would be used for percolation ponds, accommodating treated effluent produced by the WRF.

R9-9

Santa Paula Water Recycling Project Draft EIR/04-061-1
December 29, 2004
Page 3

After the initial site preparation, including rough grading, construction of the plant facilities is anticipated to take about 18 months to complete. Preliminary earthwork requirements indicate that a total of 77,000 cubic yards (CY) of soil would need to be excavated. The entire 77,000 CY of excavated material would be used to construct the earthen dike. Construction of the percolation ponds would require a total of 160,000 CY of soil be excavated. Of this amount, a total of 80,000 CY would be reused onsite and compacted to fill in the excavated areas comprising the percolation ponds. The remaining 80,000 CY would be exported offsite or used onsite as needed.

R9-10

Project Location

The proposed WRF and Corporate Yard would be constructed on a site immediately adjacent (west) and southwest of the existing plant site. The site would cover approximately 40-acres. The existing WWTP and Corporate Yard are located at 905 and 903 Corporation Street respectively, in the City of Santa Paula.

R9-11

Regional Air Quality Project Impacts

District staff concurs with the Draft EIR's conclusion of page 5.5-16, that air quality impacts will be below the 25 lbs/day threshold for reactive organic gases (ROG) and oxides of nitrogen (NO_x), as described in the 2003 *Ventura County Air Quality Assessment Guidelines* (2003 Guidelines). Therefore the project is not expected to have a significant impact on regional air quality.

R9-12

On page 5.5-16 of the Draft EIR, Table 5.5-6 – Project Related Operational Phase Emissions, states the project is estimated to generate 5.9 lbs/day of ROG and 17.1 lbs/day of NO_x. Both of these emission estimates are below their applicable thresholds of 25-lbs/day. These emission estimates are based on the assumption that the project would produce 147 trips/day. However, the actual net gain in trips as a result of the new facility would be only 44.5 trips/day, based on Table 5.4-4 – Comparison of Daily Operational Characteristics of the Existing and Proposed Facilities, which states that the existing facilities currently generate 102 trips/day. Therefore, the actual emission increase would be less than the numbers stated in the aforementioned Table 5.5-6.

R9-13

Local Air Quality Project Impacts

District staff concurs with the Draft EIR's conclusions on pages 5.5-16 through 5.5-18, that the subject project may generate some local air quality impacts, but those impacts are expected to be less than significant. Potential odor impacts are discussed, with the proposed WRF detailing a number of odor control project design features to contain and treat odorous emissions.

R9-14

Santa Paula Water Recycling Project Draft EIR/04-061-1

December 29, 2004

Page 4

Mitigation Measures

District staff concurs with all of the mitigation measures (AQ-1 through AQ-15), listed on page 5.5-21 through 5.5-22 of the Draft EIR, and recommends that they all be implemented as part of this project. These mitigation measures cover fugitive dust control and ozone pre-cursor production during the construction and grading phases of the project.

R9-15

Additionally, mitigation measures AQ-14 and AQ-15 are focused on mitigating any potential odor and/or nuisance issues that may occur during the WRF's operational phase. Although the project is not expected to result in any significant local air quality impacts, the aforementioned mitigation measures should help to ensure this.

Please note that Table 5.5-5 – Project Related Construction Emissions, lists the “VCAPCD Daily Threshold” for both the Grading Phase and the Building Construction Phase of the project as 75 lbs/day for ROG emissions and 150 lbs/day for NO_x emissions. However, the 2003 Guidelines state on page 5-3 that “...construction-related emissions should be mitigated if estimates of ROG and NO_x emissions from the heavy-duty construction equipment anticipated to be used for a particular project exceed the 5 lbs/day threshold in the Ojai Planning Area, or the 25 lbs/day threshold in the remainder of the county.” The 25-lbs/day thresholds would be applicable to this project as it is located in Santa Paula. Therefore, Table 5.5-5 should be corrected in the Final EIR to reflect these lower thresholds.

R9-16

Additionally, on page 5.5-14 of the Draft EIR, it states, “During the grading phase, daily emissions of nitrogen oxides (NO_x) would exceed the daily VCAPCD construction emission thresholds and are considered significant and adverse.” Because of the aforementioned lower significance thresholds for construction related emissions, this language should be updated as daily emissions for both the ROG grading phase, and the NO_x Building Construction Phase now exceed the significance thresholds. Per Table 5.5-5, only the Building Construction Phase ROG emission would be below the applicable 25-lbs/day-significance threshold.

R9-17

District staff notes that mitigation measures AQ-10 through AQ-13, already included in the Draft EIR, should adequately mitigate construction related ozone pre-cursor emissions.

R9-18

Demolition Mitigation Measure

As previously stated, both the existing WWTP and Corporation Yard would be abandoned and demolished at a future date. The District recommends that the following mitigation measure be included in the Final EIR to ensure that any asbestos-containing material (ACM) is properly handled during the demolition process:

R9-19

Santa Paula Water Recycling Project Draft EIR/04-061-1
December 29, 2004
Page 5

- 1) The applicant shall notify the District prior to issuance of demolition permits for any onsite structures. Demolition and/or renovation activities shall be conducted in compliance with District Rule 62.7, *Asbestos – Demolition and Renovation*.

R9-19

Rule 62.7 governs activities related to demolition of buildings with asbestos-containing materials. This rule establishes the notification and emission control requirements for demolition activities. Specifically, this rule requires that the owner or operator of a facility shall remove all asbestos-containing material from a facility being demolished. For additional information on asbestos, or to download a copy of Rule 62.7, please visit our website at www.vcapcd.org/asbestos.htm. You can also contact the District's Asbestos Coordinator, Jay Nicholas at (805) 645-1443 or by email at jay@vcapcd.org.

R9-20

APCD Permit Requirements

The District recommends that the applicant contact APCD's permit processing staff to ensure that all of the Permit to Operate (PTO) requirements have been met at the new location. The existing WWTP's currently operates under PTO No. 01373. Contact the APCD Engineering Division at (805) 645-1401 for assistance with permit applications and the permit process.

R9-21

If you have any questions, contact me by telephone at (805) 645-1439 or by email at andy@vcapcd.org.

R9-22

R9 RESPONSES TO COMMENTS FROM THE VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT DATED DECEMBER 29, 2004

R9-1 Comments noted. No response necessary.

R9-2 Comments noted. No response necessary.

R9-3 Comments noted. No response necessary.

R9-4 Comments noted. No response necessary.

R9-5 Comments noted. No response necessary.

R9-6 Comments noted. No response necessary.

R9-7 Comments noted. No response necessary.

R9-8 Comments noted. No response necessary.

R9-9 Comments noted. No response necessary.

R9-10 Comments noted. No response necessary.

R9-11 Comments noted. No response necessary.

R9-12 Comments noted. No response necessary.

R9-13 Emissions attributable to operations related project trips would be less than shown on Table 5.5-6 in the DEIR which included all trips and not just the net operations related trips. The emissions inventory modeling was conducted using the net trips and Table 5.5-6 was revised to reflect the lower emissions generated by the net trips. That emissions inventory modeling is provided in Attachment D of this Responses to Comments Report. Table 5.5-6 in the DEIR is revised by reference as follows:

**Table 5.5-6
PROJECT RELATED OPERATIONAL PHASE EMISSIONS
(IN POUNDS PER DAY)**

	ROC	NO_x
Stationary Sources (Electricity consumption)	0.1	14.7
Mobile Source	5.0	0.6
Total	5.1	15.3
VCAPCD Standard	25	25
Significant Adverse Impact?	No	No

R9-14 Comments noted. No response necessary.

R9-15 Comments noted. The City of Santa Paula is committed to implementing these mitigation measures during the construction and operation of the proposed WRF.

R9-16 Table 5.5-5 in the DEIR was updated to use the lower emissions level of 25 lbs/day, for mitigation of ROC and NO_x, as follows:

**TABLE 5.5-5
PROJECT RELATED CONSTRUCTION EMISSIONS
(IN POUNDS PER DAY)**

	<i>ROC</i>	NO _x
Emissions During the Grading Phase		
Construction Equipment	26	191
Delivery Truck Emissions	11	161
Total Grading Phase	37	352
VCAPCD Daily Threshold	75	150
VCAPCD Daily Threshold for Mitigation	25	25
Threshold Exceedance for Mitigation?	Yes	Yes
Emissions During the Building Construction Phase		
Construction Equipment	13	67
Delivery Truck Emissions	1	20
Total Building Construction Phase	14	87
VCAPCD Daily Threshold	75	150
VCAPCD Daily Threshold for Mitigation	25	25
Threshold Exceedance for Mitigation?	No	Yes

The last paragraph on page 5.5-14 in the EIR is referenced as follows:

“Daily construction-related regional emissions for the proposed project are presented in Table 5.5-5. NO_x and ROC emissions would be produced from diesel consumption due to the use of heavy construction equipment during the grading phase of the project. During the grading phase, daily emissions of NO_x and ROC would exceed the daily Ventura County Air Pollution Control District (VCAPCD) construction emission thresholds and would exceed the VCAPCD daily thresholds for mitigation of these construction emissions. These short term impacts are considered significant and adverse. During the building construction phase, NO_x emissions would exceed the VCAPCD construction emission threshold for mitigation and the ROC levels would be below the VCAPCD construction emission threshold for mitigation. Therefore, NO_x emissions during the building construction phase of the project would be considered significant and adverse prior the application of mitigation measures.”

R9-17 Comments noted. Refer to response to comment R9-6, above.

R9-18 Comments noted. No response necessary.

R9-19 The future demolition of the existing plant and corporate yard will be subject to existing requirements and regulations related to hazardous materials, including the identification, removal, handling, transport and disposal of asbestos containing building materials (ACBMs). Existing requirements regarding ACBMs include District Rule 62.7 and

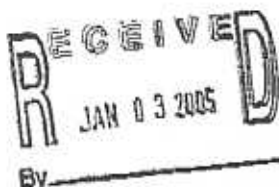
several state and federal laws. Because the demolition of the existing facilities in the future would be subject to these requirements, no specific mitigation related to ACBMs for that future demolition is required as part of the EIR and mitigation program for the proposed WRF and Corporate Yard.

R9-20 Comment noted. Refer to response to comment R9-19, above.

R9-21 The City of Santa Paula will coordinate all Permit to Operate requirements for the proposed WRF, if the City Council certifies the EIR and approves the project for implementation.

R9-22 Comments noted. No response necessary.

BUSINESSES, GROUPS AND ORGANIZATIONS



McConica Citrus Partnership
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January 3, 2005

HAND DELIVERED

Rene Salas, Deputy Director of Public Works
City of Santa Paula
Public Works Department
113 North Mill Street
Santa Paula, CA 93060

B1

Re: Draft EIR for Santa Paula Water Recycling Facility

Dear Mr. Salas:

I am the Managing Partner of the McConica Citrus Partnership, the owner of McConica Ranch #7, assessor's parcel No. 099-0-080-035. This property is an operating lemon and avocado ranch with a street address of 537 Todd Lane, Santa Paula, California. The ranch includes 10 acres of river bottom land in the Santa Clara River contiguous with the lemon orchard, and a two acre area between the orchard and the river, which is the subject of an oil lease with Vintage Oil Corp. The northern part of our ranch, where the most productive lemon trees and our water well are located, is shown as being the site of the Percolation Ponds and other portions of the proposed Water Recycling Facility. This letter is written to set forth our comments regarding Draft EIR SCH No. 2004071038 for the Santa Paula Water Recycling Facility (hereinafter "WRF.")

B1-1

While the WRF plans have evolved since the Notice of Preparation of the Draft EIR, our comments to that Notice, as set forth in our letter of July 16, 2004, remain current and topical. We attach a copy of that letter as Exhibit "A" to this letter and renew those comments as pertaining to the Draft EIR. We will discuss some of these issues further, and will raise new matters in this letter.

B1-2

Since we understand that the City of Santa Paula ("City"), is considering a project that should enable it to use the power of eminent domain to acquire land needed for the project, our comments will not address the right of the City to acquire our property for just compensation. We will talk about environmental and related issues, and will organize our comments into three parts, the first concerning the property proposed to be acquired outright for the WRF, which is the northern 25 acres of our orchard, second the

B1-3

Rene Salas
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15 acres of lemon orchard that is south of the 100 year flood line, and third the 10 acres of our property that is in the river bottom. All these sizes are approximate.

B1-3

1. Orchard to be acquired outright

This property is in the City's West Area #2 expansion area, and has been planned for eventual development for commercial and industrial uses that will benefit the City and its citizens. The EIR should address the impact of removing this substantial amount of acreage from the property available to the City for such expansion and economic uses.

B1-4

This property contains an operating water well that supplies water to our entire orchard, State well number 03N21W21B0S3, the acquisition and destruction of which will eliminate our water source. It must be replaced to allow us to continue the economic use of our remaining property, discussed under the "Remaining Orchard" section of this letter. The cost of abandonment of this well in a manner and fashion consistent with the intended use of the property as a part of the WRF must be considered. The same comment applies to State Well number 03N21W21B01S, no longer used, for which we obtained an abandonment permit before this Draft EIR was prepared. We have put our plans on hold partly because we do not want to abandon the well in a manner that would be inconsistent with such future plans. We want too coordinate our efforts with those of the City and avoid duplicative or unnecessary work and expenses.

B1-5

This property contained a residence that was located on the north east corner of the property and was demolished on February 20, 2000. The loss of a replacement site for another residence should be considered in the EIR.

B1-6

This northern property is the most productive part of our orchard, as production records will show, and was a premier citrus property. This can be addressed in the compensation paid to the landowner, and may want to be addressed in the EIR.

B1-7

Drainage is a problem on this property which should be more fully addressed in the EIR. The property itself has good drainage. The surrounding properties are imposing a problem. In heavy rainfall episodes a tremendous volume of water flows trough the underpass of Todd Lane and State Highway 126. This problem has been worsened by the developments over the last two decades and, most recently, by drainage work that was undertaken, perhaps by Bender Farms, but discontinued a few months ago. We are concerned about the flood protection of the planned WRF and all neighboring properties including the Santa Clara River. This can be mitigated by drainage improvements, but we did not see the specific ones that are needed in this area adequately discussed in the EIR including, in particular, the drainage on the eastern and western boundaries of our property. There are existing drainage ditches in these areas that will be overburdened.

B1-8

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Orchard South of 100 year Flood Line ("Remaining Orchard")

We are concerned that this property will not be an economically viable farming unit following the property acquisition discussed in the Draft EIR. Our first concern is water. Our well will be destroyed. We must have an equivalent water supply. The property is currently planted with lemons and avocados. We have heard from our farming consultants that the "Title 22" quality water produced to the WRF is marginal for such orchard uses, being high in TDS and salts, as well as other chemicals and elements that are not conducive to healthy, productive trees. We and the EIR also need to consider impacts on future uses, such as greenhouse agriculture, that are water sensitive. So, can the City drill another well for us on our property? Perhaps, but will the water be of good quality and adequate quantity, particularly considering the proximity of the percolation ponds to be constructed, the existing oil operations, and other geological and hydrological factors. What about water cost? What about electrical service to the Remaining Orchard? These questions are unanswered, and if the project will in essence prevent or impede the farming of an additional 15 acres in the Santa Clara River Valley this should be considered in the EIR.

B1-9

The large, high berm to be constructed around the percolation ponds, particularly along the line of the 100 year flood, will make it much more difficult to farm the Remaining Orchard. A setback to allow turn around for farming equipment and irrigation will be essential, resulting in the removal of additional trees and the reduction of the useable size of the Remaining Orchard. The berm will block wind flow, resulting in greater threat of frost damage, something now addressed through expensive, state of the art wind machines, three of which have been carefully located on the orchard. Wind machines will have to be relocated. Are these compatible with the WRF and the noise and smell impacts? Will the WRF improvements make our Remaining Orchard more prone to flood, as from high flow episodes in the Santa Clara River? The adjoining Bender property was seriously damaged during the high flows in 1998. All these issues need to be considered.

B1-10

Will there be access to the Remaining Orchard from Peck Road by a new roadway, or through Todd Lane, or both, and how are we, our contractors, large trucks and the like going to get in and out in an unrestricted and safe fashion. Where is staging going to be available to load bins on to trucks? This is currently done on the Orchard to be Acquired.

B1-11

Rene Salas
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Should the City consider taking this remaining orchard property of ours to enhance wildlife habitat associated with the Santa Clara River watershed? Or as park land, such as a demonstration orchard with two operating oil wells at the lower end? Sounds like a way to preserve some Santa Paula history.

B1-12

Our property as it now exists lets us construct a main residence and a farm workers' residence. When the size is reduced to less than 40 acres we understand that this may no longer be possible. This loss of housing and economic value should be considered in the Draft EIR.

B1-13

What about the health and safety issues associated with the WRF and the Percolation Ponds as related to food production for human consumption that will be taking place only feet from the WRF? What about food safety standards that may be imposed in the future? What about restrictions that may apply to us as the farmers when we want to apply otherwise acceptable agricultural chemicals in close proximity to a Water Recycling Facility? What about the health of our farm workers? These are issues to address.

B1-14

River Bottom Property

We currently own 10 acres of this ranch located in the river bottom of the Santa Clara River. This is an area that has been utilized by us for aggregate extraction, and our neighbors immediately downstream, Mr. and Mrs. Malzacher, have grown watercress in the river bottom. Will the WRF make these or other available land uses more difficult or prohibitive? The Draft EIR seems to assume that the river bottom land is basically a wildlife habitat and refuge with no landowner rights. If this is the way it is going to be treated then the EIR should consider the cost of taking this land in fee in order to guarantee this sort of dedication to wildlife and restricted use.

B1-15

Please contact me if you have any questions.

Very truly yours,


John R. McConica II

Enclosure
cc: partners

McConica Citrus Partnership
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Ventura, CA 93001
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July 16, 2004

Rene Salas, Deputy Director
Department of Public Works
City of Santa Paula
P. O. Box 569/93061-0569
Santa Paula, CA 93060

Re: Notice of Preparation of Draft EIR for Santa Paula Water Recycling Facility

Dear Ms. Salas:

I am one of the owners of the McConica Citrus Partnership, the owner of McConica Ranch #7, 537 Converse Road in Santa Paula, assessor's parcel No. 099-0-080-035. This property is designated as the site of the percolation ponds and related facilities for a portion of the proposed Santa Paula Water Recycling Facility ("Sewer Project.") This letter is written to set forth our concerns about the scope and content of the EIR for the project.

B1-16

The proposed location of the Sewer Project follows a 100 year flood line that appears to be questionable. I understand from long term owners that vast portions of these areas shown in the flood zone were not threatened during the 1969 and 1998 Santa Clara River floods. There is also no meaningful discussion or analysis of what bank protection along the Santa Clara River could do to allow construction on the "river side" of the 100 year line used in the analysis. If the percolation ponds, for instance, were located in this area, to the East of our property, the project would then not consume as much valuable land that is designated for future commercial and industrial development in Santa Paula, development that is needed for the future economic strength of the City. This would also minimize the adverse impact of locating percolation ponds next to the residential and ranching areas to the immediate west of our property.

B1-17

We are very concerned that the Sewer Project, as proposed, cuts our lemon orchard, which now has approximately 40 producing acres, into a smaller unit that will be much more difficult to operate. Our orchard was carefully laid out over its current location with an irrigation well in the upper northeast corner and three strategically placed wind machines. The proposed project will destroy our well and take two of the wind machines, leaving us with an odd shaped piece that will be only about 15 planted acres,

B1-18

EXHIBIT "A" page 1

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potentially landlocked, without water and much more difficult to farm. We currently access the property through Todd Lane as it connects to our Eastern boundary, continuing on our eastern boundary to the bottom of the orchard. The proposed Headworks and related facilities will block the current access. The remaining orchard must be set off from the Sewer Project to allow tree access and farm equipment turn around and loading areas. We will likely be faced with restrictions on the use of certain pesticides. Our workers will be faced with odor and similar impacts. The phyllosanitary requirements now in place and to be applied in the future for raising crops for human consumption make us very wary of having a Sewer Project as a neighbor. The impacts of the Sewer Project on raising crops for human consumption next to the plant and farm workers being next door on a daily basis must be addressed.

B1-18

Because of the special impacts on our property mentioned in the preceding paragraphs the impact of the Project, as proposed, must factor in the cost of taking our entire parcel, or paying substantial severance damages, as well as the impact of taking 40 of our acres out of agricultural use and future office/industrial uses rather than just 24 acres of our land.

B1-19

We believe that the EIR should consider more alternative sites than the one proposed and the site below the Todd Road (Ventura County Jail) site. What about other areas near the River that are in the upstream and downstream reaches near City boundaries?

B1-20

The Notice of Preparation points out that the proposed location of the Sewer Project is in the West Area 2 expansion area for the City. Indeed, this proposal effectively cuts off this area from the higher and better economic uses that would generate jobs and revenue for the City and its citizens. This area is one of the most logical and reasonable areas for the City to expand its light industrial and high technology business base, complimenting the existing retail and industrial uses and having development that is harmonious with the existing residential and agricultural uses.

B1-21

We are very concerned about drainage and groundwater issues. Concerning drainage, there is currently a serious rainwater drainage issue involving water that flows from areas north of Highway 126 through the underpass for Todd Lane, inundating our property and those of our neighbors. This has been made worse by the K-Mart development and will become even more of a problem with the Bender business park development now being built. The proposed site for the Sewer Project is right in the middle of the area across which the water drains. A full and adequate drainage plan is needed including upgraded facilities for these flows which will be increased by this development. Concerning groundwater impacts, what will the effect be of percolating treated sewage water into the

B1-22

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upper aquifer areas? Our citrus trees and any future crops will be very sensitive to the immediate water table. How will it be impacted? Our water well is being destroyed. When we drill another well will we still be able to get clean, uncontaminated water for our crops?

B1-22

The EIR should address the emergency procedures that will be followed and the impacts on neighboring properties when problems are encountered with the operation of the Sewer Project. For instance, if emergency vehicles need to access the area the underpass on Todd Lane can only accommodate one way traffic. Todd Lane itself is a private road that was never designed to accommodate the kind of intense uses for this project, including a Corporate Yard, or such emergency situations. If there is a sewage spill where will it go?

B1-23


Ten acres of our property is located in the bed of the Santa Clara River. This is a sensitive and valuable ecosystem. The EIR must adequately address the impacts on our river bottom property including our access, recreational uses, wastewater discharge to the river, all significant effects on flora and fauna, and, last but not least, impacts on flooding and riverbank integrity.

B1-24

We ask that the issues raised in this letter be addressed in and that this letter be made a part of the EIR being done for this project. As our understanding of the proposed Sewer Project and its impacts increases and as this project evolves we want to continue to offer our input. To that end please keep us informed of all developments as they occur. Thank you for your consideration and for the opportunity to provide these comments.

B1-25

Very truly yours,


John K. McConica II

cc: partners
Gilberto Ruiz, P&D Consultants ✓
Fred Malzacher

EXHIBIT "A" page 3

B1 RESPONSES TO COMMENTS FROM McCONICA CITRUS PARTNERSHIP DATED JANUARY 3, 2005

B1-1 Comments noted. Refer to responses to comments B1-2 to B1-25, below.

B1-2 Comments noted. Refer to responses to comments B1-3 to B1-25, below.

B1-3 Comments noted. No response necessary.

B1-4 Section 5.1 (Land Use and Planning) in the DEIR evaluated the consistency of the WRF and Corporation Yard with the City's General Plan land use designation of Institutional/Civic (IN), as well as its pre-zone annexation designation for this area, which is also anticipated to be IN. It also evaluated the implementation of these proposed uses in the West Area 2 expansion area. Both the WRF and Corporation Yard were determined to be acceptable and appropriate uses under the General Plan and pre-zone designations of IN and for the West Area 2 expansion area in Section 5.1. The CEQA does not normally require the evaluation of economic impacts of a proposed project and as such an economic analysis was not prepared.

B1-5 In the event that an operating well is required to be abandoned due to implementation of the proposed project, an alternate water source would be provided. This may include drilling of a new well in an alternate location and/or supplies via the City's domestic water supply.

The City would coordinate with the County of Ventura Public Works Agency, Water Resources Division concerning abandonment procedures for all wells proposed for abandonment.

B1-6 The DEIR evaluated impacts based on existing conditions at the time the NOP of the EIR was released for public review and comment on July 8, 2004. Because the referenced residence was demolished prior to the issuance of the NOP, no impacts from the proposed project related to residential uses were identified in the EIR. Moreover, CEQA does not require that an EIR speculate as to potential impacts that might be associated with a hypothetical use and/or location, such as the replacement residence noted. In addition, it is unclear as to whether or not an application to the County has been submitted to construct an alternate residences and at what location. The City requests additional information in order to determine if implementation of the proposed project would preclude construction of an alternate residence at this site based upon County land use regulations for such a use.

B1-7 The City is required by federal and state regulations to provide just compensation, including fair market value, for the acquisition of private property. The proposed project and any property acquisition proposed for the project will comply with the applicable federal and state regulations regarding acquisition of private property. Further, CEQA does not require an EIR to consider economic impacts of a proposed project and, therefore, an economic analysis was not included in the EIR.

- B1-8 Stormwater runoff from rainfall events will be collected and maintained on-site through the use of on-site drainage conveyance facilities and the storm drain detention basin. No stormwater flows will be directed to off-site areas. Storm flows collected on-site will be processed as part of the influent treatment process.
- B1-9 California Code of Regulations Title 22 unrestricted reuse water which would be produced by the WRF can and is actively used for agricultural production. The City is unaware of any agricultural limitations which would prohibit the use of recycled water produced by the WRF for agricultural uses, including citrus. The recycled water produced by the WRF would meet standards for Total Dissolved Solids and salts, applicable for on-site percolation as required by Waste Discharge Requirements (WDR) imposed by the RWQCB – Los Angeles.

Refer to response to comment B1-7, above, concerning economic impacts.

Relocation of utilities (e.g., water, electricity, etc.) affected by the proposed project will be addressed prior to their removal and/or disturbance. The City will work with service providers and property owners to ensure that all service disruptions are minimized.

Implementation of the WRF and Corporation Yard would not require the acquisition of additional acreage beyond that already identified in the DEIR and shown in Figure 4-9 in the DEIR. The proposed project does not include the acquisition (either temporary and/or permanent) of lands located within the Santa Clara River. Access and/or use of property located within the Santa Clara River would not be precluded and would continue to be available as discussed in Response R6-3.

- B1-10 As noted in Section 5.12 (Public Services) and on page 5.12-1, the size of the access road required will be determined by the Santa Paula Fire Department (SPFD). Such factors as minimum roadway width, unrestricted vertical clearance and turnaround requirements are required to be considered before roadway design and construction are approved. As noted on page 5.2-8 in the DEIR, access to existing residences and property owners would not be precluded and would continue to be guaranteed. It is anticipated that the turnaround widths required by the SPFD would be sufficient to meet requirements of property owners utilizing farm equipment located to the north and south of the WRF and Corporation Yard. However, the design of the access roads serving the WRF and Corporation Yard will be finalized pending input from the City of Santa Paula, SPFD and adjacent property owners containing current valid access easement rights.

The proposed earthen dike would be limited to five feet in height and would not alter local wind patterns resulting in increased incidence of frost. Winds in this part of the Santa Clara River Valley are predominately west to east, during daylight hours and then reversing during the evening and early morning hours. For specific wind pattern data for this area, refer to page 5.5-6 in the DEIR. The existing design of the WRF and Corporation Yard and proposed earthen dike are arranged in an east/west layout and would not impede the typical wind patterns of this part of the Valley. In addition, Section

5.2 (Agricultural Resources) in the DEIR determined that no solar impediments would result due to implementation of the proposed project and, therefore, impacts were considered less than significant.

Air quality and noise impacts are discussed in detail in Sections 5.5 (Air Quality) and 5.6 (Noise) in the DEIR. Those impact analyses determined that air quality and noise impacts were less than significant with the implementation of mitigation measures identified in Sections 5.5.5 and 5.6.5 in the DEIR, respectively.

The earthen dike would be designed to protect the WRF and Corporation Yard from a 100-year flood event occurring in the Santa Clara River. Properties located south of the earthen dike are currently within the FEMA-designated 100 year floodway and would be subject to flooding, regardless of the construction of the earthen dike. In addition, the earthen dike would not exacerbate or re-direct flows to adjacent areas. A hydrology analysis performed for the proposed project (see Attachment E of this Responses to Comments document) determined that during a 100-year storm event in the Santa Clara River, the earthen dike would not re-direct flows to adjacent areas.

B1-11 Access to properties located south of the WRF and Corporation Yard will be made available via the extension of Corporation Street south to Todd Lane as noted on page 4-26 and as shown on Figures 4-6 through 4-8 in the DEIR. All property owners (including employees and contractors) would be guaranteed access and use of the access roads serving the WRF and Corporation Yard.

It is unclear from the comment how many acres of land would be required for equipment turnaround, staging areas and bin and truck loading associated with the adjacent property. Fire and safety requirements would require that all roadway widths meet equipment turnaround requirements for the largest fire engine operated by the City of Santa Paula. These roadway widths are assumed to provide sufficient turnaround areas for equipment required for harvesting agricultural crops currently grown within adjacent areas.

B1-12 No acquisition of additional acreage beyond that already identified in the DEIR (i.e., 53 acres) as necessary for construction of the WRF and Corporation Yard is planned. Areas not required for construction of the proposed project would be left intact and would not be converted from their existing uses as part of the proposed project.

B1-13 Comments noted. Refer to response to comment B1-6, above.

B1-14 The CDHS regulates the use of recycled water, including California Code of Regulations (CCR) Title 22 unrestricted reuse water that would be produced by the WRF. As noted in Section 5.9 of the DEIR, CDHS permit CCR Title 22 unrestricted reuse water produced by the WRF would be permitted for use in agricultural production. The percolation of the recycled water would not adversely affect agricultural crops or potentially cause health and safety issues. Recycled water produced by the plant would comply with current CDHS permit standards for CCR Title 22 unrestricted reuse water. Provided these requirements change in the future, the City would be required to ensure

compliance with those future standards. The use of chemicals associated with agricultural production would not be impeded by the construction of the WRF and Corporation Yard. The City would not require application of these chemicals in a manner that is not normally used. As discussed in Section 5.10 (Hazards and Hazardous Materials) of the DEIR, chemicals used in operation of the WRF and Corporation Yard are not considered acutely hazardous and would not pose an unusual safety risk to employees or adjacent residents and/or farm workers.

- B1-15 Construction and operation of the WRF and Corporation Yard would not require the acquisition of additional land beyond that identified in the DEIR (i.e., 53 acres). No property is proposed for acquisition in the Santa Clara River. In addition, access to properties (including those located in the river) would not be precluded and would be available as they are currently achieved by these property owners.

The City of Santa Paula recognizes the importance of private property rights and does not intend to preclude property owners from accessing and/or using their land that is not proposed for acquisition. In addition, the City is unaware of any wildlife refuge status for this part of the Santa Clara River. However, the presence of sensitive species, including the federally endangered least Bell's vireo prohibits the City, as well as all property owners, from modifying (e.g., removing and/or damaging vegetation, diverting water courses, etc.) the river and the associated riparian habitat. All modifications (e.g., hydraulic, vegetation removal, etc.) proposed within the river are subject to regulatory controls of the ACOE, USFWS and CDFG. The City is working closely with these agencies to ensure that any proposed indirect and/or direct modifications to the river and subsequent impacts to sensitive species are mitigated to the extent practicable. Potential impacts (and mitigation measures) to sensitive species identified in this part of the Santa Clara River were discussed in detail in Section 5.7 (Biological Resources) in the DEIR.

The City does not intend to acquire lands in addition to the 53 acres required for the WRF and Corporation Yard for use as a wildlife refuge and/or nature preserve.

- B1-16 Comments noted. Refer to responses to comments B1-17 to B1-25, below.

- B1-17 The location of the 100-year floodway was based upon information obtained from maps prepared by the FEMA for this part of the Santa Clara River. The WRF and Corporation Yard are proposed to be located outside of the FEMA-designated 100-year floodway. There are no project components that would necessitate river bank protection structures within the Santa Clara River. CEQA does not normally require the evaluation of economic impacts of a proposed project, including the WRF and Corporation Yard. The DEIR concluded that residential land uses located within close proximity of the WRF and Corporation Yard would not be adversely affected by the proposed project with the application of identified mitigation measures.

- B1-18 Refer to response B1-14 above. In addition, CEQA does not normally require the evaluation of economic impacts from a proposed project, including the WRF and Corporation Yard. Acquisition of property necessary for construction of the proposed

project would be subject to requirements identified in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The relocation of utilities (including wells) and impacts to other equipment necessary in on-site agricultural production (e.g., wind machines, etc.) would also be addressed during acquisition negotiations and compensation provided. Access to properties located to the south of the WRF would continue to be provided via Todd Lane, as shown on revised Figures 4-6 through 4-8 of the DEIR.

B1-19 Comments noted. Refer to responses to comments B1-4 and B1-6, above.

B1-20 Section 6.0 (Alternatives to the Proposed Project) in the DEIR evaluated the following three alternatives to the proposed project: Alternative 1 (No Project Alternative), Alternative 2 (Reuse/Rehabilitation of the Existing Wastewater Treatment Plant (WTP) Site) and Alternative 3 (Todd Road (Ventura County Jail Site). However, Alternative 3 was evaluated but for the specific reasons provided in Section 6.5 (Alternatives Considered But Rejected), this Alternative was eliminated from further consideration and analysis. Briefly, the elimination of this Alternative was based on its inability to meet the project's identified objectives, its location outside the City's SOI, impacts to agricultural resources and costs associated with extending the influent/effluent lines approximately 10,000 feet west to the new plant site.

As noted on page 6-1 in the DEIR, the CEQA Guidelines require that a range of reasonable alternatives to the proposed project that could be feasibly attain most of the basic objectives of the project and are capable of avoiding or substantially lessening and of the significant adverse effects of the proposed project be considered in an EIR. It does not however, require that all alternatives to a proposed project be considered. In selecting and eliminating the project alternatives, the City used objectives identified in Section 6.2 (Project Objectives) as a standard against which to measure possible alternatives for the proposed project.

B1-21 Comments noted. Refer to response to comment B1-4, above.

B1-22 Refer to response S5-3, above. In addition, localized mounding (e.g., elevated groundwater levels) of CDHS permit CCR Title 22 unrestricted reuse water may occur during the winter as groundwater levels become elevated due to rain events. Areas located to the south and west of the proposed project may experience these temporal conditions. However, no agricultural crops would be adversely affected by the elevated groundwater levels. As indicated previously, wells required to be abandoned as part of the proposed project would be relocated or an alternate source of water provided by the City. All water provided would meet applicable water quality standards for agriculture and domestic use as required by state and local guidelines.

B1-23 Sections 5.10 (Hazards and Hazardous Materials) and 5.12 (Public Services) in the DEIR evaluated impacts associated with risk of upset and the provision of emergency services, respectively. The analyses concluded that with the implementation of standard BMPs and other local, state and federal requirements no adverse impacts related to risk of upset

would occur. The previous plant had a direct discharge to the river. The existing plant is utilizing over 40 year old technology. The new WRF will treat the wastewater to a tertiary level and provide Title 22 unrestricted reuse effluent. It will be state of the art utilizing current technology. If wastewater is not completely processed it will be discharged into a holding pond rather than directly into the river. From there it can be reprocessed. If a spill were to occur, it would be contained onsite. In addition, the analysis considered emergency response vehicle access to the site. As noted in Section 5.12, the WRF and Corporation Yard would be subject to design review and conditions of approval from the SPFD and City. These conditions of approval would need to be satisfied before construction permits are issued. As part of the design review, the SPFD will evaluate whether vertical clearance, roadway width and turnaround requirements can be met. As noted on page 5.12-4 in the DEIR, emergency vehicle access would be obtained via the extension of Corporation Street south to Todd Lane and then via Todd Lane west. No emergency vehicle access is proposed for the north/south segment of Todd Lane, due to the width and height limits associated with Todd Lane at SR 126.

- B1-24 Section 5.7 (Biological Resources) in the DEIR evaluated impacts to sensitive plant and animal species known to occur and/or directly observed during sensitive species surveys. The impact analysis determined that the southern willow riparian scrub habitat could be adversely affected by the proposed project if future discharge of treated effluent is completely eliminated. In addition, the analysis also determined that impacts to the federally endangered least Bell's vireo would be significant. The City will coordinate with the USFWS and CDFG concerning appropriate mitigation measures to address impacts to this species.

The proposed project would not preclude existing access to the Santa Clara River. Access to the river would continue to be available via Todd Lane and other previously used access points. Construction of the proposed project would not require the implementation of bank protection within the Santa Clara River. The proposed project would be located outside of the FEMA-designated 100 year floodway. Construction of the earthen dike would not result in increased incidents of flooding or redirect flows to adjacent properties. The FEMA 100-year flood maps for this part of the Santa Clara River indicate that properties located to the south and west of the proposed project are within the 100-year floodway and are subject to inundation during such a storm event in the Santa Clara River.

Refer to response to comment B1-9, above, concerning access to the Santa Clara River.

- B1-25 Comments noted. No response necessary.

California Native Plant Society

January 4, 2005

Rene Salas, Deputy Director of Public Works
City of Santa Paula
Public Works Department
113 North Mill Street
Santa Paula, CA 93060

B2

RE: Comments on the Draft Environmental Impact Report on the Santa Paula Water Recycling Facility (SCH No. 2004071038)

Dear Rene Salas,

The California Native Plant Society (CNPS) is a non-profit organization of more than 10,000 laypersons and professional botanists organized into 32 chapters throughout California. The mission of the California Native Plant Society is to increase the understanding and appreciation of California's native plants and to preserve them in their natural habitat through scientific activities, education, and conservation. The Santa Clara River and its development issues are of great botanical interest to our members and others because of the suite of rare plant species and unique habitats associated with the river.

B2-1

CNPS has taken the opportunity to review the Draft Environmental Impact Report (Draft EIR) for the proposed Santa Paula Water Recycling Facility and provides the following comments in two areas: general document comments and specific document comments

B2-2

General Comments: The document lacks a floral inventory of the plant species that occur on the site. In the absence of such information, it is impossible for the CNPS to evaluate the effect of the project on the native plants. While dominant species are documented in the text, a comprehensive list, similar to the Faunal Compendium found in Appendix J, Appendix A-1 is not present. A floral inventory is an essential component of a California Environmental Quality Act (CEQA) document for the reason that it clearly identifies all of the plant species on the site. In the absence of documentation on survey protocol (see specific document comments), it appears to the CNPS that comprehensive plant surveys were not done, including rare plant surveys. The CNPS requests that a supplemental list be included.

B2-3

Document Specific Comments:

Section 5 Table 5.7-1 and Section 5.7.2.3. No information is given on the procedures for rare plant surveys or how the determination for of their absence on the project site was made. Description of how the surveys were done is conspicuously absent in both this section and in Appendix J. All of the rare species included in Table 5.7-1 are seasonal in their appearance – three being annual species and the fourth an herbaceous perennial. If surveys were

B2-4



Dedicated to the preservation of California native flora



CNPS comments- DEIR Santa Paula Water Recycling Facility
Page 2 of 2

inappropriately timed, these species would not be detectable on site. We recommend that you use CNPS' Botanical Survey Guidelines (Attachment 1)

B2-4

Mitigation Measure B-2.

The CNPS contends that all of the proposed mitigations for the impacts to the Southern Willow Scrub are not "equal". We support the preservation of this important and rare plant community as the preferred mitigation. If the other types of mitigations are pursued, the CNPS requests that the mitigation ratio needs to be increased to compensate for the reduced biodiversity (Longcore 2003) that occurs during replacement, creation or restoration of Southern Willow Scrub. The CNPS supports a no net loss of Southern Willow Scrub.

B2-5

Additionally, the plant monitoring plan needs to be included in this document to evaluate the adequacy of the proposed plan, on which the adaptive management will be based.

B2-6

Mitigation Measure B-3.

The BRMP needs to be part of the public review document so that the public is clearly informed of what types of measures will be required to minimize and protect the biological resources on the site from unnecessary degradation.

B2-7

Thank you for the opportunity to provide comments on this document. We look forward to continued participation in this process. If you have any questions, please feel free to contact me at (323) 654-5943.

B2-8

Sincerely,



Ilene Anderson
Southern California Botanist
CNPS

Handcopy is in the mail

Post-it* Fax Note	7671	Date	1/5/05	# of pages	4
To	Rene Salas	From	Ilene Anderson		
Co./Dept	Public Works	Co.	CNPS		
Phone #	805 933 4212	Phone #	323 654 5943		
Fax #	805 525 3742	Fax #	323 650 4620		

Attachment 1) CNPS' Botanical Survey Guidelines

cc: CNPS State Office
David Chipping, Conservation Director, CNPS
California Dept. of Fish and Game

Longcore, Travis. 2003. Arthropods as indicators of restoration success in coastal sage scrub (California, U.S.A.). *Restoration Ecology* 11(4):397-409.

BOTANICAL SURVEY GUIDELINES OF THE CALIFORNIA NATIVE PLANT SOCIETY

December 9, 1983 / Revised June 2, 2001

The following recommendations are intended to help those who prepare and review environmental documents determine when a botanical survey is needed, who should be considered qualified to conduct such surveys, how surveys should be conducted, and what information should be contained in the survey report. The California Native Plant Society recommends that lead agencies not accept the results of surveys unless they are conducted and reported according to these guidelines.

1. Botanical surveys are conducted in order to determine the environmental effects of proposed projects on all botanical resources, including special status plants (rare, threatened, and endangered plants) and plant (vegetation) communities. Special status plants are not limited to those that have been listed by state and federal agencies but include any plants that, based on all available data, can be shown to be rare, threatened, or endangered under the following definitions:

A species, subspecies, or variety of plant is *endangered* when the prospects of its survival and reproduction are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, over-exploitation, predation, competition, or disease. A plant is *threatened* when it is likely to become endangered in the foreseeable future in the absence of protection measures. A plant is *rare* when, although not presently threatened with extinction, the species, subspecies, or variety is found in such small numbers throughout its range that it may be endangered if its environment worsens.¹

Rare plant (vegetation) communities are those communities that are

of highly limited distribution. These communities may or may not contain special status plants. The most current version of the California Natural Diversity Database's *List of California Terrestrial Natural Communities*² should be used as a guide to the names and status of communities.

Consistent with the California Native Plant Society's goal of preserving plant biodiversity on a regional and local scale, and with California Environmental Quality Act environmental impact assessment criteria,³ surveys should also assess impacts to locally significant plants. Both plants and plant communities can be considered significant if their local occurrence is on the outer limits of known distribution, a range extension, a rediscovery, or rare or uncommon in a local context (such as within a county or region). Lead agencies should address impacts to these locally unique botanical resources regardless of their status elsewhere in the state.

2. Botanical surveys must be conducted to determine if, or to the extent that, special status or locally significant plants and plant communities will be affected by a proposed project when any natural vegetation occurs on the site and the project has the potential for direct or indirect effects on vegetation.

3. Those conducting botanical surveys must possess the following qualifications:

- Experience conducting floristic field surveys;
- Knowledge of plant taxonomy and plant community ecology and classification;
- Familiarity with the plants of the area, including special status and locally significant plants;
- Familiarity with the appropriate state and federal statutes related to plants and plant collecting; and,

c. Experience with analyzing impacts of a project on native plants and communities.

4. Botanical surveys should be conducted in a manner that will locate any special status or locally significant plants or plant communities that may be present. Specifically, botanical surveys should be:

a. Conducted in the field at the proper times of year when special status and locally significant plants are both evident and identifiable. When special status plants are known to occur in the type(s) of habitat present in the project area, nearby accessible occurrences of the plants (reference sites) should be observed to determine that the plants are identifiable at the time of survey.

b. Floristic in nature. A floristic survey requires that every plant observed be identified to species, subspecies, or variety as applicable. In order to properly characterize the site, a complete list of plants observed on the site shall be included in every botanical survey report. In addition, a sufficient number of visits spaced throughout the growing season is necessary to prepare an accurate inventory of all plants that exist on the site. The number of visits and the timing between visits must be determined by geographic location, the plant communities present, and the weather patterns of the year(s) in which the surveys are conducted.

c. Conducted in a manner that is consistent with conservation ethics and accepted plant collection and documentation techniques.^{4,5} Collections (voucher specimens) of special status and locally significant plants should be made, unless such actions would jeopardize the continued existence of the population. A single sheet should be collected and deposited

at a recognized public herbarium for future reference. All collections shall be made in accordance with applicable state and federal permit requirements. Photography may be used to document plant identification only when the population cannot withstand collection of voucher specimens.

d. Conducted using systematic field techniques in all habitats of the site to ensure a thorough coverage of potential impact areas. All habitats within the project site must be surveyed thoroughly in order to properly inventory and document the plants present. The level of effort required per given area and habitat is dependent upon the vegetation and its overall diversity and structural complexity.

e. Well documented. When a special status plant (or rare plant community) is located, a California Native Species (or Community) Field Survey Form or equivalent written form, accompanied by a copy of the appropriate portion of a 7.5-minute topographic map with the occurrence mapped, shall be completed, included within the survey report, and separately submitted to the California Natural Diversity Database. Population boundaries should be mapped as accurately as possible. The number of individuals in each population should be counted or estimated, as appropriate.

5. Complete reports of botanical surveys shall be included with all environmental assessment documents, including Negative Declarations and Mitigated Negative Declarations, Timber Harvesting Plans, Environmental Impact Reports, and Environmental Impact Statements. Survey reports shall contain the following information:

a. *Project location and description*, including:

- 1) A detailed map of the location and footprint of the proposed project.
- 2) A detailed description of the proposed project, including one-time activities and ongoing activities that may affect botanical resources.

3) A description of the general biological setting of the project area.

b. *Methods*, including:

- 1) Survey methods for each of the habitats present, and rationale for the methods used.
- 2) Description of reference site(s) visited and phenological development of the target special status plants, with an assessment of any conditions differing from the project site that may affect their identification.
- 3) Dates of surveys and rationale for timing and intervals; names of personnel conducting the surveys; and total hours spent in the field for each surveyor on each date.
- 4) Location of deposited voucher specimens and herbaria visited.

c. *Results*, including:

- 1) A description and map of the vegetation communities on the project site. The current standard for vegetation classification, *A Manual of California Vegetation*,⁶ should be used as a basis for the habitat descriptions and the vegetation map. If another vegetation classification system is used, the report must reference the system and provide the reason for its use.
- 2) A description of the phenology of each of the plant communities at the time of each survey date.
- 3) A list of all plants observed on the project site using accepted scientific nomenclature, along with any special status designation. The reference(s) used for scientific nomenclature shall be cited.
- 4) Written description and detailed map(s) showing the location of each special status or locally significant plant found, the size of each population, and method used to estimate or census the population.
- 5) Copies of all California Native Species Field Survey Forms or Natural Community Field Survey Forms and accompanying maps.

d. *Discussion*, including:

- 1) Any factors that may have affected the results of the surveys (e.g., drought, human disturbance, recent fire).
- 2) Discussion of any special local or range-wide significance of any plant population or community on the site.
- 3) An assessment of potential impacts. This shall include a map showing the distribution of special status and locally significant plants and communities on the site in relation to the proposed activities. Direct, indirect, and cumulative impacts to the plants and communities shall be discussed.
- 4) Recommended measures to avoid and/or minimize direct, indirect, and cumulative impacts.

e. References cited and persons contacted.

f. Qualifications of field personnel including any special experience with the habitats and special status plants present on the site.

FOOTNOTES

¹ California Environmental Quality Act Guidelines, § 15065 and § 15380.

² *List of California Terrestrial Natural Communities*. California Department of Fish and Game Natural Diversity Database. Sacramento, CA.

³ *California Environmental Quality Act Guidelines, Appendix G (Initial Study Environmental Checklist)*.

⁴ *Collecting Guidelines and Documentation Techniques*. California Native Plant Society Policy (adopted March 4, 1995).

⁵ Ferron, W.R., Jr., D.L. Magney, and T.A. Sholars. 1995. The future of California floristics and systematics: Collecting guidelines and documentation techniques. *Madroño* 42(2): 197-210.

⁶ Sawyer, J.O. and T. Keeler-Wolf. 1995. *A Manual of California Vegetation*. California Native Plant Society. Sacramento, CA. 471 pp.

B2 RESPONSES TO COMMENTS FROM THE CALIFORNIA NATIVE PLANT SOCIETY DATED JANUARY 4, 2005

B2-1 Comments noted. No response necessary.

B2-2 Comments noted. Refer to responses to comments B2-3 to B2-8, below.

B2-3

&

B2-4 A rare plant survey and floral compendium was not included because the direct impact area of the proposed project does not contain habitat suitable to rare native plant species. The proposed project site consists of orange groves, agriculture and ruderal areas with extreme disturbance regiments. These plant communities are not expected to support rare native plant species nor were any native plant species seen during project site visits.

The southern willow scrub plant community was evaluated for sensitive biological resources due to the potential indirect impacts of proposed project activities. Suitable habitat for the plant species listed in Table 5.7-1 of the DEIR is not found in the southern willow scrub plant community. Therefore, these plant species, if present, would not be impacted by the proposed project.

During sensitive biological resource surveys in the southern willow scrub habitat, notes were taken on plant species occurring within the alluvial sage scrub plant community that occurred along the edges of the southern willow scrub. These plants were included in order to describe the general plant communities of the survey area but were not meant to be a rare plant survey, since no impacts are associated with this plant community. However, the sensitive biological resource surveys were conducted April-July and coincided with the flowering periods for the plants listed in Table 5.7-1.

B2-5 The southern willow scrub community will be mitigated (Mitigation Measure B-2) at a level that is considered adequate by the resource agencies involved. It is assumed that any such mitigation ratio as determined by the resource agencies would compensate for any loss of southern willow scrub habitat, both in quantity and quality.

B2-6 The plant monitoring plan will be made available to the resource agencies to ensure the adequacy of the plan to measure the degree of drought stress in relation to cessation of the WRF effluent discharge outflow. An adaptive management approach will be taken that meet the satisfaction of the resource agencies and will be a condition of permits required for impacts to this plant community.

B2-7 The Biological Resources Management Plan (BRMP) will be made available to the public as part of permit approvals with the USFWS and CDFG.

B2-8 Comments noted. No response necessary.

Law Office of K.M. Neiswender

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January 5, 2005

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Rene Salas – Department Director
 Department of Public Works
 City of Santa Paula
 P.O. Box 569
 Santa Paula, CA 93061-0569

Re: Draft Environmental Impact Report
 For the Santa Paula Water Recycling Facility

Dear Ms. Salas,

This office represents Malzacher Ranch (parcel # 099-0-080-195), its owners and operators, Fred and Elaine Malzacher. This letter is to acknowledge receipt of the Draft Santa Paula Water Recycling Facility Environmental Impact Report ("DEIR"), dated November 5, 2004, and to formally address the concerns of the Malzachers.

B3-1

The Malzachers commented previously on the project, yet none of their concerns were addressed in the DEIR. Through this letter, the Malzachers again point out the risk and probability of contamination entering their sources for drinking and irrigation water. They are especially concerned with the untreated or partially treated sewage that can contaminate their drinking water and which has – in the past – contaminated their crops and prevented continued operation of their watercress farming. The probability of future contamination is extremely high.

B3-2

There are numerous errors in this DEIR, and significant failures to address the mandates of the California Environmental Quality Act (hereinafter "CEQA"). This letter will set forth the most obvious problems; we reserve the right to amend these comments prior to a final vote on this matter.

B3-3

The Environmental Baseline

An accurate description of the proposed project is "the heart of the EIR process" (*Sacramento Old City Assn. v. City Council* (1991) 119 Cal. App. 3d 1011, 1023). A curtailed or distorted project description may stultify the objectives of the reporting process (*Id.*) An EIR must include a description of the environment in the vicinity of the project as it exists before the commencement of the project, from both a local and regional perspective." (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 722).

B3-4

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Obviously, the need for accurate project description is a CEQA maxim, yet this EIR fails to even reference the existence of four occupied houses adjacent to the project site, and the water wells that service those houses (*see, e.g.*, "Environmental Setting," at Section 4.2). Potential adverse impacts to these houses are ignored. We set forth specific items from the DEIR below.

B3-5

"1.1 Land uses surrounding the sites for the proposed WRF and Corporate Yard are entirely comprised of agricultural uses and include citrus, row crops and commercial flowers." Page 3 of 31, Existing Land Uses

There is **no** mention of the property to the west and southwest of the proposed site. There are countless maps enclosed in this report, yet there is little or no mention of the four family residences that would be significantly impacted. There would be huge percolation ponds directly in front of these four homes.

The parcel numbers of these residences are **not** even detailed on the maps enclosed in this report. (*See Figure 6-1, Figure 6-2 in Volumes 1 and Figure 9, Plate 1, Plate 2, Plate 5 in Volumes 11*)

"1.2 The proposed project may require full and/or partial acquisition of the parcels with the following Assessor Parcel Numbers (APNs), as shown in Figure 9:

B3-6

- 099-0-030-345
- 099-0-030-575
- 099-0-030-645
- 099-0-080-215
- 099-0-080-235
- 099-0-030-635

These parcels may be required for temporary construction and/or permanent right-of-way easements." Page 23 of 31 of Volume 11, Page 4-24 of Volume 1 – Land Acquisition and Right of Way Easements

There is **no** mention of the property to the west and southwest of the proposed site. We attach Exhibits 4, 5 and 6, showing the Malzacher parcels, as omitted from the DEIR's maps and figures.

In addition, Todd Lane is a private road that provides access to the four residences that have been omitted from the DEIR. The road that the City is planning to use for temporary and permanent construction is essentially the driveway of these three residences. How could there possibly be no full or partial acquisition for their use to the homeowners of these three homes? The additional issues concerning Todd Lane will be addressed further hereinbelow.

B3-7

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1.3 "To accommodate these improvements, full and/or partial acquisition of adjacent parcels to the south and west of the site of the existing WTP may be required. The potentially affected parcels, by Assessor Parcel Numbers (APN's) are listed below: · 099-0-030-345

- 099-0-030-575
- 099-0-030-645
- 099-0-080-215
- 099-0-080-235
- 099-0-030-635"

B3-8

(Page 1-27 of Volume 1 – Alternative No.2 Reuse/Rehabilitation of the Existing WRP Site)
Again, there is no mention of the property to the west of the proposed site. Four residences would be directly adjacent to the proposed site and yet none is listed.

"1.5 The WTP and Corporation Yard sites are bounded on the north by State Route (SR) 126, the Santa Clara River to the south, agricultural uses to the west and single family residential and light industrial uses to the east." - Page 5-1-1 – 5.1.1.1 Existing Land Uses

B3-9

There is no mention of the family residential uses to the west.

"1.6 Environmental Factors Potentially Affected: The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages. " Page 4 of 31 – Environmental Factors Potentially Affected

B3-10

In this section, impacts to Population/Housing are not checked, because the DEIR fails to acknowledge the existence of the four houses directly adjacent to the project. Thus, there is not even a passing acknowledgment of the proper baseline for the project.

"1.9 No residential uses are proposed as part of the project. The issue will not be discussed in the EIR." - Page 19 of 31 – g) Initial Study Checklist

B3-11

The above statement disregards the current environmental setting; there already are four houses that will be directly impacted by the project. Due to this glaring error in the baseline evaluation, the DEIR must be revised and recirculated for further public comment.

Case after case has voided approval of an EIR when the baseline is inaccurate or misleading. In the *San Joaquin Raptor* case, *supra*, the EIR's baseline setting mentioned agricultural uses around the site, but failed to address adjacent wetlands and a wildlife area. The court therefore rejected the EIR, stating:

B3-12

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"Without accurate and complete information pertaining to the setting of the project and surrounding uses, it cannot be found that the FEIR adequately investigated and discussed the environmental impacts of the development project. The failure to provide clear and definite analysis of the location, extent and character of wetlands possibly within and definitely adjacent to the development project and the failure to discuss SJWF, precludes this court from concluding that all environmental impacts of the development project were identified and analyzed in the FEIR." 27 Cal. App. 4th at 728-729.

B3-12

Like the *San Joaquin Raptor* EIR, the DEIR for the water treatment plant fails to identify the existing environmental setting. The glaring omission of this information results in a fatally flawed environmental document, with a complete lack of information on the impacts of the project to the health and safety of the residents, to their drinking water, and to their farming operations.

The Impacts On Existing Agricultural Resources Are Improperly Minimized

Section 5.2 addresses impacts to agricultural resources. Again, the failure to discuss the Malzacher property creates fatal flaws in the document. There are other problems as well.

First of all, the project would eliminate valuable agricultural land under an LCA contract, when other land is available. "LCA" stands for "Land Conservation Act," a statutory scheme that was established to protect and preserve the limited and diminishing supply of agricultural land in the state. In order to take a parcel out of an LCA contract, state law requires the following findings be made: (1) That the cancellation is consistent with the purposes of this Chapter [Chapter 7 of the Government Code, beginning with §51200], or (2) that the cancellation is in the public interest.

The chapter in question addresses the need for preservation of agricultural land in California (see Government Code §51220). In order to be certain that a cancellation is, in fact, consistent with the chapter, the legislature requires that the City make all of the following findings regarding cancellation of the LCA contract:

B3-13

- (1) That the cancellation is for land on which notice of nonrenewal has been served;
- (2) That the cancellation is not likely to result in the removal of adjacent lands from agricultural use;
- (3) That the cancellation is for an alternative which is consistent with the provisions of the applicable general plans;
- (4) That the cancellation will not result in discontinuous patterns of urban development;
- (5) That there is no proximate noncontracted land which is both available and suitable for the proposed use. (Government Code §51282).

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These findings cannot, as a matter of law, be made. The land is currently zoned Agricultural. The City would re-zone the land Industrial. There is "proximate noncontracted land" which is both available and suitable, as detailed in Alternative Two, which would create a lesser impact on the LCA land, and would utilize other land which is not under contract.

B3-13

When passing the Williamson Act, the legislature made findings that the preservation of the maximum amount of agricultural land is necessary to the state's economy, as well as for the assurance of an adequate, healthful and nutritious food supply (Government Code §51220(a)). To eliminate a parcel under LCA contract when alternatives exist is a clear violation of the Act, and should not be allowed.

The City has not revealed the costs for developing the project, versus developing Alternative Two, or developing an alternative location. The Malzachers are requesting that a complete economic evaluation of the costs to purchase of all of the land, easements, fines, legal fees, and court awards versus the cost of renovating the existing facility be provided. For example, if the LCA contract is cancelled, what is the cancellation fee? Who would pay the fee? Would acquisition of an alternative location, or development of Alternative Two improve the economic feasibility of the project?

B3-14

In addition to the LCA impacts, there are impacts to existing farming operations that have not been addressed. As noted in this letter, the City's creation of a 0.62 mile long berm in the flood plain may result in a change in erosion patterns and the concomitant loss of farmland. The DEIR notes that there will be a loss of land designated locally as "Prime Farmland," as well as a loss of "Farmland of Statewide Importance" (Section 5.2.4.2). Even so, the DEIR fails to reveal the impacts to the Malzacher property, property which is also prime farmland.

B3-15

One of the more obvious issues is one that is not discussed – even in passing – in Section 5.2: what happens to the adjacent farmland in the event of a spill? Such a spill occurred in 2002, shutting down the Malzachers' watercress operations for two years. What measures are in place to prevent future spills? What is the spreading pattern of a potential spill? How will it affect the agricultural operations of the Malzachers and others, especially considering that the Malzachers and several other agricultural operations are down-wind and down-gradient from the proposed project? Will a spill shut down farming operations? Is there a warning system in place? How will compensation for the crop loss be calculated in the event of a spill?

B3-16

None of these questions is raised or answered in the DEIR, and all should be analyzed, made available for public comment, and answered in detail. This omission from the DEIR requires revision and recirculation.

B3-17

The Traffic Analysis Omits Critical Information

The DEIR claims that there are very few impacts from traffic, but neglects to discuss the impacts to Todd Lane, a private road over which the City has no easement. The construction impacts alone are a severely adverse impact.

B3-18

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In the Technical Appendix, the Traffic Circulation Analysis notes the additional of 380 one-way trips a day down Todd Lane, a fact that is not discussed in the DEIR itself:

“1.4 Equipment used during construction of the pipeline would include backhoes, loaders, construction crane and other similar equipment. Temporary construction and permanent access easements would be required to construct the facility. Two-way Truck Trips to the WRF and Corporate Yard Site = 120; to the Water Reuse/Conservation Areas = []; Percolation Ponds = 40; Agriculture/Municipal Landscape Reuse = []; Collection and Conveyance Facilities = 20; Effluent Conveyance Facilities = 10. Page 18-19 of Katz, Okitsu & Associates – Traffic Circulation Analysis

B3-19

This equals 380 one-way trips daily along the Malzachers' private road. Again, there is no mention of how a minimum of 380 daily trips a day will affect the homeowners. Assuming construction will take place between 8 am and 5 pm, that means a truck will be traveling down Todd Lane every one-to-two minutes every day, all day. Construction is expected to last for a year and-a-half, but may be lengthened due to air quality concerns (see Section 5.5.1.1, measure AQ-12).

Again, Todd Lane is a private road, essentially a long private driveway, which happens to also provide access to the agricultural property that surrounds the homes. Traffic of this magnitude for 18 months would significantly increase the risk of accidents, spillage and other traffic hazards, and will also have an significant effect on the market value of these four homes. None of this is mentioned in the section of the DEIR on Traffic and Circulation. We looked in Section 5.10, thinking that such hazards would be referenced in that section, but nothing is there either.

B3-20

The facility itself is expected to operate 24 hours a day, seven days a week (Section 5.4.4.2), with traffic expected during all hours. The impacts to the local residents from such continuous traffic is not addressed in the DEIR. The DEIR estimates the project will generate 146.5 trips daily, but it is unclear how many of those trips will utilize Todd Lane, a private road. The only mitigations are for improvement of operations at Peck Road and the 126, but no mention is made of the severe and focused impacts to local residents, and no mitigation has been formulated to help the local residents (including the Malzachers) cope with 380 trips a day during construction, and 146 trips a day – around the clock – during operations. In addition, Todd Lane has an underpass under the freeway that is only twenty feet wide, and does not allow for two-way traffic.

B3-21

Finally, in Section 5.4.4.2 of the DEIR, it is noted that chemical deliveries will occur 48 times a year. Are these chemicals hazardous? What mitigations are in place to deal with a chemical spill? Will there be an early warning system for the residents? How will they evacuate if Todd Lane is closed by a spill? What is the alternate evacuation route? This should be addressed in this section or in Section 5.10, but it cannot be ignored.

B3-22

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The Air Quality Analysis Does Not Address Air Impacts on The Residential Housing or the Agricultural Operations Surrounding The Project Site

At Section 5.5.4.2, the DEIR notes the following:

- (1) The houses are down-wind of the project
- (2) Odor and dust will travel directly towards the houses
- (3) Agricultural operations are down-wind of the project
- (4) Dust adversely affects the growth of crops and could damage the adjacent agricultural operations

B3-23

The mitigation measures do not even mention the residences that will have to live down-wind of many acres of percolation ponds. In fact, these ponds will be located directly in front of these residences, with ponds just a few feet from the homes. The potential health impacts from breathing in fugitive dust and odors from effluent are enormous, and yet no mitigation measures are proposed. Sadly, there is no reasoned and good faith analysis of these impacts.

The Noise Analysis Is Incomplete

The DEIR admits that noise from construction would exceed the permitted 55dBA thresholds for two years. No mitigations are proposed, other than to suggest that staging areas will be located away from the houses "to the extent feasible" (Section 5.6.5.1, measure N-1).

B3-24

As for operations, the facility is expected to operate 24 hours a day, and generate noise levels of approximately 70-75 dBA. The DEIR claims that there will be no problem, because the machinery is located on the other side of the percolation ponds, or approximately 1,300 feet away from the Malzachers' residence. However, there is no indication in the DEIR what the noise levels will be at the Malzachers' property line. The DEIR simply makes the conclusory statement that there will be no violation of City or County noise ordinances. An EIR is required to contain more detail than that. What is the expected noise level at the Malzachers' property during the day, and at night?

B3-25

The Modification of the Flood Plain Could Affect The Malzachers' Farmland

The project is upstream from the Malzacher Ranch, which extends into the Santa Clara River. Part of the project is a large earthen dike, five feet in height, 10-feet wide and 3,200 feet long. This berm is designed to protect the project site from a 100-year flood, but a modification to the flood plain of such a significant nature could potentially affect the Malzachers' farming of watercress on their property.

B3-26

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Already, contamination from the existing water treatment facility caused significant damage to the Malzachers' watercress operations. In 2002, the state shut down the operation due to contamination, and the state inspectors specifically blamed the contamination on a spill from the City's treatment plant. Now, the City is planning to modify the flood plain. How will this affect the watercress operation? Any modification of the hydrology of the river will affect downstream erosion and could potentially result in the river washing away sections of the Malzacher land. Have hydrological studies been completed? What is the mitigation for this impact?

B3-27

Impacts to Hydrology and to Water Quality Are Not Adequately Assessed

Due to the DEIR's improper baseline, there is an unfounded assumption – carried through the entire DEIR's analysis – that the percolation ponds will not affect the Malzachers' drinking water well. Considering that the planned percolation ponds are only 150 feet from the Malzachers' drinking water wells, failure to analyze the impacts on the residences is fatal to the validity of the DEIR. We attach maps from the DEIR as Exhibits 1, 2 and 3, showing the locations of the Malzacher wells, which were omitted from the DEIR.

The DEIR notes that there are four agricultural water wells located on the project site, and notes one additional agricultural water well located immediately south and east of the project site, outside the project limits. The DEIR notes one domestic water well located immediately west of the project site (adjacent to the proposed percolation pond area) (Section 5.9.1.8).

B3-28

The domestic water well that is mentioned in the DEIR is the well found on the Lippert family property. There is **no** mention of Malzacher Ranch's water well. There is no reference to the Malzacher Ranch's well on Plate 1 of Appendix J of the EIR. While the DEIR admits that there is a potential for an effluent spill, it does not address how such a spill might affect the domestic or agricultural water wells on the Malzacher, Lippert and Westerdale properties. There are no proposed mitigation measures.

The DEIR should provide an accurate and complete picture of the project's impacts. Yet it is difficult to determine from the document where and how the treated effluent will be released into the Santa Clara River. The following is a quote from the Notice of Preparation:

"1.8 Direct Discharge to Santa Clara River - As shown in Figures 6,7,8, this project component would include the construction of a new 24-inch diameter pipe extending from the proposed WRF east approximately 1,200 feet to the existing culvert serving the existing WWTP. Depending on local user needs, the amount of treated effluent discharged to the Santa Clara River may vary throughout the year. During the southern California rainy season (November through April), discharge of up to 2.7 MGD of treated effluent may result, while the discharges during the summer may not occur at all." - Page 21 of 31 Notice of Preparation, July 7, 2004

B3-29

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This description notes "local user needs," but does not identify the local users or the use for the treated effluent. Who are the local users and what use will be made of the effluent? The EIR should provide this additional information in detail, in order for the public and the decision-makers to understand the impacts of this project.

B3-29

The description also references a culvert. Where is the existing culvert? It is not well defined on the figures referenced in the quote, nor can such information be gleaned from the DEIR. What is the location of the new culvert in relation to the old culvert? How will adjacent and downstream property owners be affected by this culvert? There have been contamination and spillage problems in the past; what is the history of such incidents and how did it affect the downstream properties? Whose land does the existing culvert cross? Whose land will the proposed culvert cross? Because the DEIR has not disclosed the location of the existing culvert or the location of the proposed culvert, we must assume that the culvert will release effluent directly onto or adjacent to the Malzacher property. How does the City intend to mitigate the impacts of the effluent release, and how does the City propose to compensate the landowners for the impacts of impacts of the effluent releases?

B3-30

It is important to note that several families farm the land on the banks of the Santa Clara River. Already, the City's 2002 spill shut down farming operations along the River. Future spills must be anticipated and actions taken to mitigate, to the greatest extent feasible, the impacts of those spills. Alternatively, the project's location should be changed.

B3-31

Furthermore, there is no mention of Malzacher Ranch's water line that currently runs across the proposed project site. What will happen to their water source? Will it be relocated?

B3-32

The DEIR's Alternatives Analysis is Inadequate

Under CEQA, an EIR must describe a "reasonable range of alternatives" to the project or to its location (CEQA Guidelines §15126.6(a)). Alternative Two is essentially a mirror of the project itself, but has distinct environmental advantages, especially regarding agricultural resources. However, there is a real need for an analysis of alternate locations.

While there is no "ironclad rule," there are four threshold tests to determine whether an alternate location is suitable for inclusion in an EIR:

- (1) Can the location substantially reduce the environmental impacts of the project?
- (2) Can the location attain the basic objectives of the project?
- (3) Is the location potentially feasible?
- (4) Is the location plainly unreasonable?

B3-33

These criteria must be satisfied or the alternative should not be presented in the EIR (CEQA Guidelines §15126.6(c)).

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The DEIR fails to include a proper alternative location in the analysis, looking at only one alternative location – Todd Road (Alternative Three). The Todd Road alternative is spurious. The location is “plainly unreasonable” in that it is outside City boundaries and non-contiguous; it is two miles away from the current facility, and nearly as far from the River (where the treated effluent will be discharged). It is, in short, a straw man, set up solely for the purposes of knocking it down.

B3-34

Alternative Two claims to be the alternative that analyzes rehabilitation of the existing site, and expansion of the existing facility. This is not accurate. Alternative Two would result in the demolition of the existing plant, and the construction of an all-new plant. This alternative is almost identical to the project itself and does not provide any substance for comparison. It is, in short, not an “alternative” at all, but a minor modification to the project as proposed. The only positive aspect to Alternative Two is that – in comparison to the project – it minimizes the impact on the surrounding agricultural land.

B3-35

The Malzchers would recommend an Alternative Four, which includes the use of Parcel #099-0-040-635, 099-0-040-625, 099-0-030-635, 099-0-040-585, 099-0-040-575, 090-0-040-605, 090-0-40-615. Attached collectively as Exhibit 8 is a map showing Alternative Four, with supporting photographs. (See also Exhibit 6)

B3-36

But there are other reasonable and good faith alternatives to the site. The DEIR fails to include the most obvious alternative, that of placing the Water Treatment Facility on the east side of the City, and combining the water treatment needs of both Santa Paula and Fillmore into one single facility. But locating the facility within existing City boundaries is also a rational way to proceed. There is land available by the airport, and on the east side of town. To choose only one alternate location – Todd Road – and to have that location be totally unsuitable shows bad faith on the part of the City.

B3-37

The purpose of an alternatives analysis is to identify ways that significant environmental effects can be reduced or avoided. Therefore, the lead agency should generally start with a number of alternatives locations, and screen out those that are infeasible or inappropriate. Some of the factors to be considered include site suitability, economic viability, availability of infrastructure, land use plan consistency, regulatory limitations, jurisdictional boundaries, and site ownership (§15126.6(f)). There is nothing in the DEIR to indicate what other locations were targeted and why those alternate locations were rejected.

B3-38

Land Use Issues

There are numerous land use issues that have not been adequately addressed. As is true in so many areas of the EIR, the failure to establish the proper environmental baseline plagues the analysis. The problems start in the Initial Study, which failed to address current land uses in the vicinity of the project site:

B3-39

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1.13 "Section IX - LAND USE AND PLANNING - No Impact, Potentially Significant Unless Mitigation Incorporated, and No Impact were checked" - Page 19 of 31 j) Initial Study Checklist

There is no mention of the adjacent residential property and how it will be impacted. Thus, no mitigation measures are proposed. Alternatives to the impacts on the residential housing are not addressed. In sum, the entire EIR fails because of the failure to include a key portion of the environmental setting in the document.

B3-40

In addition to the problems with taking valuable agricultural land for an industrial purpose, there is the issue of whether the land should be annexed to the City at all. Under the laws governing annexation, agricultural land should not generally be annexed into a City. The City's own Open Space and Conservation Element acknowledges that annexation of land within the greenbelt is discouraged. Any change in the greenbelt requires mutual consent between the cities and LAFCO. The area to be annexed is either within, or directly adjacent to, the Greenbelt.

B3-41

Finally, there is the question of General Plan consistency. The site is currently zoned agricultural, with a 40-acre minimum parcel size. The City is expecting to re-zone it to industrial, but this would be inconsistent with the City's General Plan.

B3-42

Specifically, Section 3.w.w of the General Plan's Land Use Element states that agricultural lands must be preserved, and notes that agricultural lands should be used as greenbelt and buffer around the City's urban core. In the Open Space and Conservation Element, it states:

"The presence of prime agricultural soils in the planning area is a natural resource that must be conserved to provide opportunities for ongoing and expanded agricultural operations.

B3-43

"Future land use decisions which affect agricultural operations and prime soils must recognize the irreplaceable nature of these resources. **The value of these resources are to be given equal weight to other factors being considered in the decision making process**" (CO-4-5)

The document continues:

"These lands [Prime Farmland and Farmland of Statewide Importance] **should be preserved as long as possible and buffered from urban development.**" (CO-35)

There are other statements of policy in the General Plan which strongly reject the idea of taking Prime Farmland and Farmland of Statewide Importance for non-agricultural uses. (See Goals, Objectives and Policies at CO-35 and Implementation Measures at CO-55-56).

B3-44

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In the Conservation element, the General Plan notes that the use of treated wastewater is an opportunity. Wetlands can be created, with the potential for sales of mitigation banking. Golf courses can be watered with treated effluent. Yet this project does not take advantage of any of these opportunities, instead placing the percolation ponds in the front yards of four houses, a recipe for constant nuisance complaints and future lawsuits. There may be other plans for the use of this water (see discussion regarding "local user needs" above), but such plans have not been disclosed in the DEIR.

B3-45

Another of the City's General Plan policies call for a reduction in the exposure of the residents to noise and glare (Goal 6.5 through 6.7). Yet this project will operate 24 hours a day in an area that was previously unaffected by noise and glare.

B3-46

The DEIR Omits Any Reasonable Discussion of The Private Road To Be Used By the City, a Private Road Over Which No Easement Exists

There is reference in Section 4.6.13 acknowledging the fact that Todd Lane is a private road, over which the City has no easement rights. However, the Malzacher parcel is not cited as one of the parcels affected.

There are several property owners who utilize Todd Lane for access. Fred Malzacher has personally taken on the responsibility of collecting funds of all the property owners who use Todd Lane and ensures that these funds are used to maintain the easement. The DEIR assumes that these owners would automatically agree to the use of Todd Lane by the City. If the City assumes that it will gain easement rights through the purchase of the McConica property, it is mistaken. The City's use of Todd Lane for a water treatment facility is a far different and much more burdensome use than the current use. Overburdening the easement can be prevented, and the Malzachers will take all appropriate actions to prevent the City from accessing Todd Lane.

B3-47

Placement of the Project Adjacent to These Residences Would Be A Taking of The Land Without Compensation

Due process prevents the deprivation of personal or property rights by persons unlawfully acting under color of state law. (42 U.S.C. §1983). The Malzachers contend that the City has violated their substantive and procedural due process rights by falsely designating their property as not being effected by the project. It is clear that the effects of the proposed project on Malzacher Ranch have been deliberately left out of the DEIR. The blatant omission of the data representing the proposed site is unconscionable. The DEIR does not include the effects to the residences on Todd Lane and completely interferes with the owners' future economic advantage. This affects not only the Malzachers, but also the Lipperts and the Westerdals, neither of whose houses are properly addressed in the DEIR.

B3-48

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The current market value of the Malzacher property alone is estimated at almost \$3 million. It is difficult to accurately assess agricultural property, but attached as Exhibit 7 is a brief summary detailing some current market values, which were used to help derive this value.

B3-49

It is estimated that current market value of Malzacher Ranch alone would decrease as much as 30% to 60% should the proposed site be directly adjacent to this property. As you look out the front door of any of the four homes on Todd Lane, they face beautiful orchards of orange and lemon trees. The impact on the values of these homes from changing it from farmland to a water treatment facility justify the estimated decrease in value of up to 60% alone.

B3-50

Is the City of Santa Paula prepared to compensate the homeowners on Todd Lane up to 60% market value of their homes? We would direct the City to the Adams Brothers case out of Santa Barbara. In that case, the County falsely designated certain farmland as "wetlands." Recently, a Santa Barbara County Jury found the County and its personnel liable for such false designation, and awarded the Adams Brothers \$5.6 million. We have attached a short article on the case from the case as Exhibit 9. By omitting the Malzacher, Lippert and Westerdale properties from the EIR, the City is creating a false impression of the situation, similar to the false impression created by Santa Barbara County when it mis-designated farmland as "wetlands."

B3-51

Need for Further Information

In addition to the items discussed above, the following clarifications are required:

1. What are the Interim Effluent Limits as defined by the TSO?
2. In regards to the treatment capacity of the existing water treatment facility, please provide us with the water quality tests on March 15, 2003 when the daily flow at the plant was recorded at 3.3 MGD.
3. What are the specific issues and problems of the existing plant? Why isn't renovation and minor expansion considered an alternative?
4. What are the specific dates when leaks or problems were found at the existing plant? What are the data that describes the effects of these leaks?
5. What are the effects of the direct discharge to the Santa Clara River, exactly where are the culverts?

B3-52

Exhibits From The DEIR Corrected

Because the DEIR's exhibits omitted key information, and failed to identify the location of the Malzachers' house and wells, we include the following:

Exhibit 1 - Plate 2 (map indicating Oil, Gas, Water Well Locations - Malzacher Ranch not shown on map)

B3-53

Exhibit 2 - Plate 5 (map indicating Oil, Gas, Water Well Locations - Malzacher Ranch not shown on map)

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January 5, 2005
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Exhibit 3 – Plate 1 (map of water wells – Malzacher Ranch not shown on map)

Exhibit 4 – Figure 9 (map of Parcels by Assessor Parcel Numbers Affected by the WRF and Corporate Yard – Malzacher Ranch not shown on map with outline or Parcel #)

Exhibit 5 – Figure 6.1 (map of Parcels by Assessor Parcel Numbers Affected by Alternative 2 – Malzacher Ranch not shown on map with outline or Parcel #)

Exhibit 6 – Figure 9 (map of Parcels by Assessor Parcel Numbers Affected by the WRF and Corporate Yard - NEW ALTERNATIVE SHOWN)

Exhibit 7 – Data to Support Market Value of Malzacher Ranch

Exhibit 8 - Map showing possible alternate for the project, including supporting photographs

Exhibit 9 - Article from the December 2004 issue of *California Farmer*

B3-53

Conclusion

On behalf of the Malzachers and the other residents of Todd Lane, we ask that the concerns expressed in this letter be addressed as the City continues to plan and design a new and/or expanded facility. We also ask that this letter and its attachments become a part of the ongoing documentation and discussion of this project.

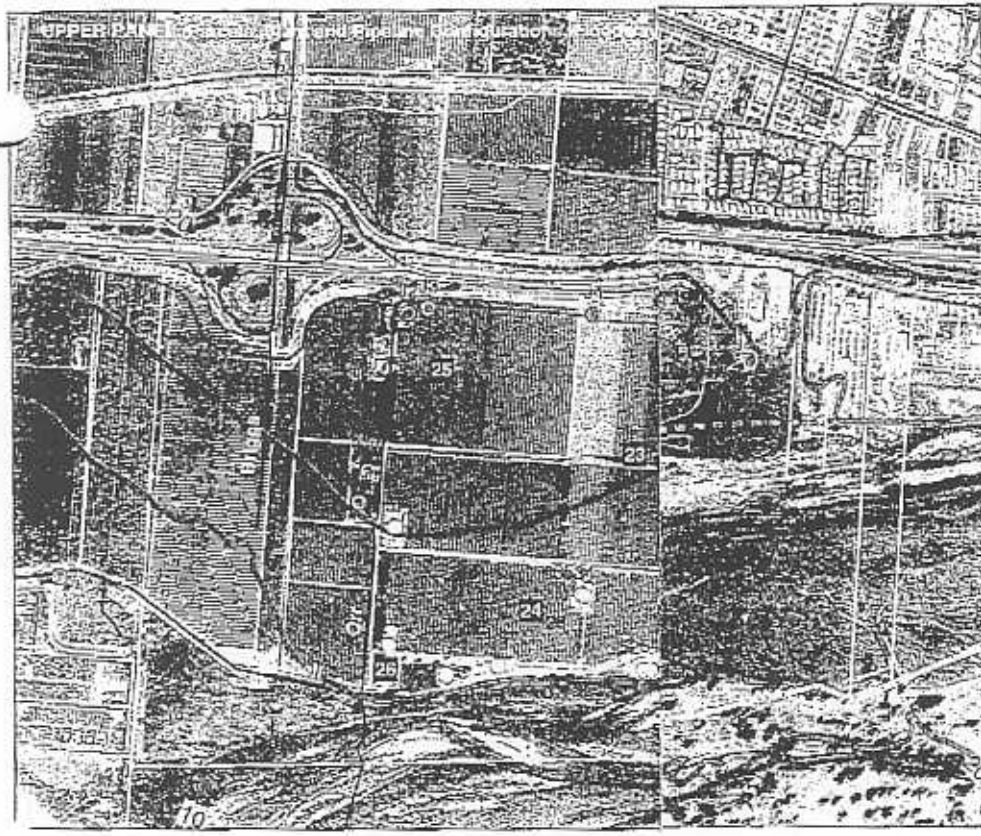
B3-54

Sincerely,



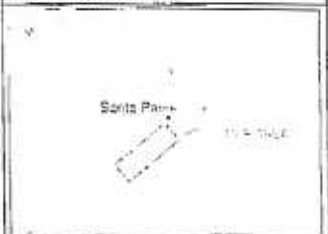
Kate M. Neiswender

cc: David Lippert
Don and Marilyn Westerdale
John McConica
Santa Paula City Council
Evert Millais, Ventura County LAFCO



Santa Paula Water Recycling
Plant Siting Study
Santa Paula, California
OIL, GAS AND WATER
WELL LOCATIONS

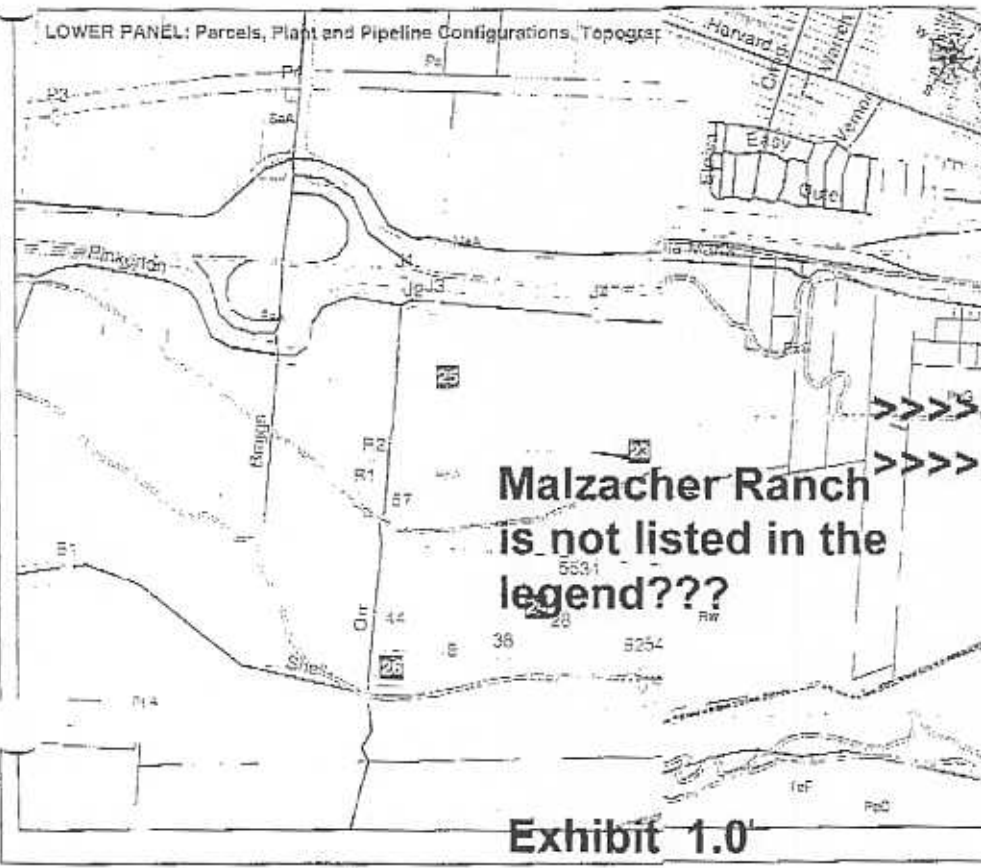
July 2004
PUGH W&T, Inc.
4400 Highway 77, Santa Paula, California 91351
Tel: 805.324.7925, Fax: 805.433.1710



LEGEND

- UPPER PANEL**
- Oil & Gas Wells
 - Water Wells
 - Depth to Ground Water Contour, feet
 - Values are historic highs from CGR
 - Proposed Site Boundry
- SANTA CLARA RIVER FLOODPLAIN**
Source: County of Ventura 1/20/93
- Floodway
 - 100-Year Floodplain
 - 500-Year Floodplain
 - Parcel (yellow)
 - City Limit (Sphere of Influence)
 - Railroad
 - Streams
 - Roads

- LOWER PANEL**
- TOPOGRAPHIC CONTOUR, Ft. Mean Sea Level**
Source: USGS
- Contour Interval is 10 feet
 - Contour Interval is 20 feet
 - Supplemental contour of elevations from Spot 325 808
 - Contour Interval is 10 feet



- LIQUEFACTION AND LANDSLIDE SPECIAL STUDIES ZONES**
Source: California Geological Survey
- Liquefaction Hazard Zone**
This study is based on the liquefaction potential of the soil in the study area. It is based on the geotechnical data provided by the owner.
- Earthquake-Induced Landslide Hazard Zone**
This study is based on the potential for landslides induced by seismic shaking. It is based on the geotechnical data provided by the owner.
- SOIL DATA** Source: USDA
- 1-1/2" Soil Type
 - Permeability
 - Measured from USDA Soil Survey for Ventura Area (1970)
 - 1) Low permeability
 - 2) Medium permeability
 - 3) High permeability
 - 4) Very high permeability

Parcel No.	Owner Name	Acres
1	Malzacher Ranch and Environs	6,470 AC
2	Malzacher Ranch	15,180 AC
3	Malzacher Ranch	12,240 AC
4	Malzacher Ranch	6,450 AC
5	Malzacher Ranch	15,940 AC
6	Malzacher Ranch	12,240 AC
7	Malzacher Ranch	6,450 AC
8	Malzacher Ranch	6,450 AC
9	Malzacher Ranch	6,450 AC
10	Malzacher Ranch	6,450 AC
11	Malzacher Ranch	6,450 AC
12	Malzacher Ranch	6,450 AC
13	Malzacher Ranch	6,450 AC
14	Malzacher Ranch	6,450 AC
15	Malzacher Ranch	6,450 AC
16	Malzacher Ranch	6,450 AC
17	Malzacher Ranch	6,450 AC
18	Malzacher Ranch	6,450 AC
19	Malzacher Ranch	6,450 AC
20	Malzacher Ranch	6,450 AC
21	Malzacher Ranch	6,450 AC
22	Malzacher Ranch	6,450 AC
23	Malzacher Ranch	6,450 AC
24	Malzacher Ranch	6,450 AC
25	Malzacher Ranch	6,450 AC

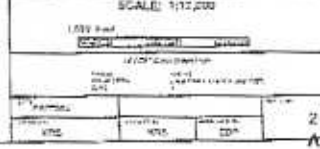


Exhibit 1.0

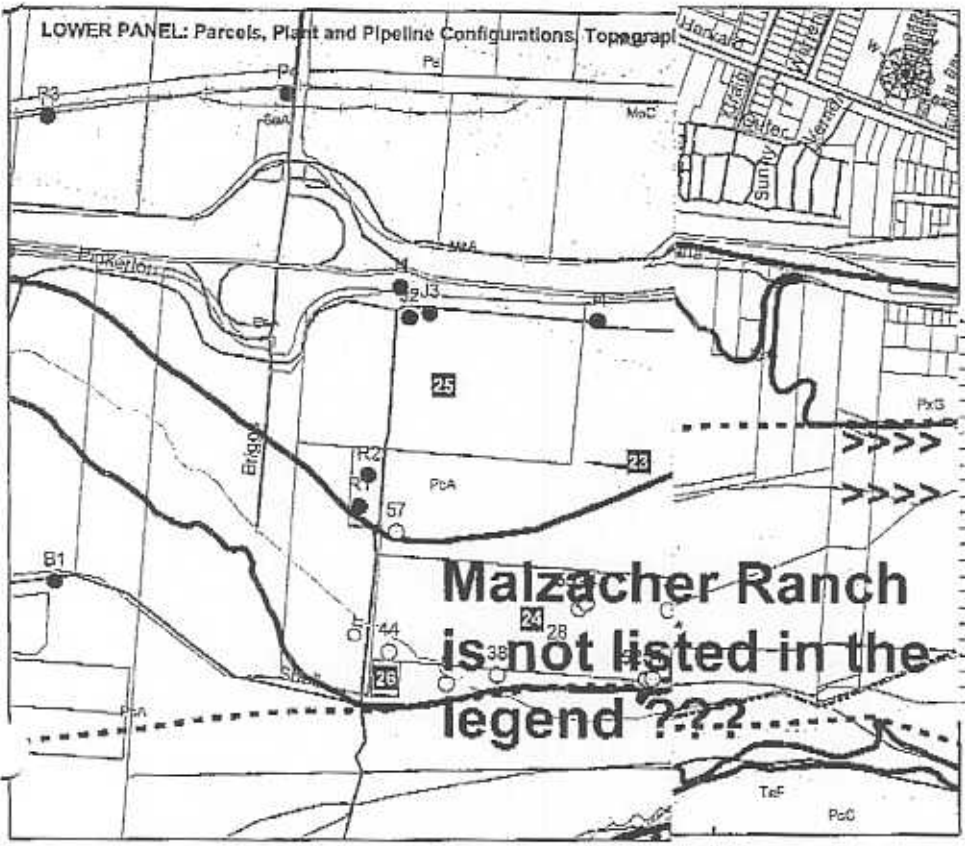
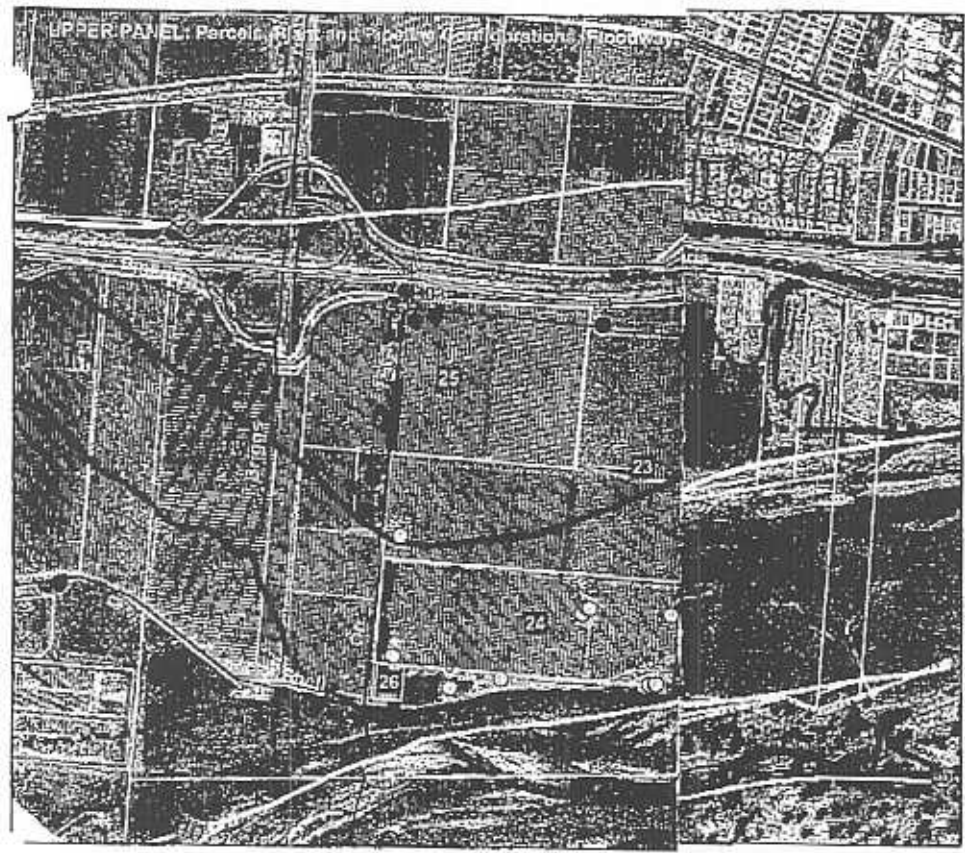
Santa Paula Water Recycling
Plant Siting Study
Santa Paula, California
OIL, GAS AND WATER
WELL LOCATIONS

July 2004 Plate 5
EUGEO WEST, INC.
4800 WILSON BL., SUITE 100, VENTURA, CALIFORNIA 93003
TEL: 805 648-0022, FAX: 805 648-0700



LEGEND

- UPPER PANEL**
- Oil & Gas Wells
 - Water Wells
 - Depth to Ground Water Contour, feet
Values are Historic highs from CGS.
 - - - Proposed Site Boundary
 - SANTA CLARA RIVER FLOODPLAIN**
Source: County of Ventura 1205203
 - Floodway
 - 100-Year Floodplain
 - 500-Year Floodplain
 - ▨ Percol (yellow)
 - ▭ City Limit (Sphere of Influence)
 - Railroad
 - Stream
 - Road
 - LOWER PANEL**
 - TOPOGRAPHIC CONTOUR, Re. Mean Sea Level**
Source: USGS
 - Contour Interval is 100 feet.
 - Contour Interval is 20 feet.
 - Supplemental contour at elevations lower than 200 feet.
 - Contour Interval is 10 feet.



- LIQUEFACTION AND LANDSLIDE SPECIAL STUDIES ZONES**
Source: California Geological Survey
- Liquefaction Hazard Zone**
Areas where there is a potential for liquefaction, or high probability of liquefaction and ground failure, and possible for liquefaction and ground failure.
- Earthquake-Induced Landslide Hazard Zone**
Areas where there is a potential for earthquake-induced landslides of local, state, or regional significance, and ground movement is likely to be significant.
- SOIL DATA Source: USCA**
- Soil Type
- Permeability**
Adapted from USCA Soil Survey for Ventura Area (1970)
- 2000 ft or more
 - 100 to 200 ft
 - 50 to 100 ft
 - 25 to 50 ft
 - 10 to 25 ft
 - 5 to 10 ft
 - 2 to 5 ft
 - 1 to 2 ft
 - Very fine, fine to medium sand
 - Other available on file only

1	099-0-030-026	Facchini, Manuel and Angela	6,400 AC
2	099-0-030-043	Becker Family	11,180 AC
3	099-0-030-349	Reiser Family	10,200 AC
4	099-0-033-070	Reiser Family	6,840 AC
5	099-0-030-049	Reiser, Robert	8,940 AC
6	099-0-030-043	Reiser, Robert	11,180 AC
7	099-0-030-008	Alvarez, Pablo et al	6,674 SF
8	099-0-030-049	Alvarez, Pablo et al	5,313 SF
9	099-0-030-049	Alvarez, Pablo et al	5,313 SF
10	099-0-030-075	Alvarez, Pablo et al	6,722 SF
11	099-0-030-243	Ventura County Road District	1,292 AC
12	099-0-030-049	Reiser Family	65,054 AC
13	099-0-030-049	Reiser Family	44,550 AC
14	099-0-030-026	Lipsett, J. Donald and Tracy	7,690 AC
15	099-0-030-195	Woodruffe, Cheryl and Marilyn	2,080 AC
16	099-0-030-145	John Shook Family Partnership	8,100 AC
17	099-0-030-109	McCartel, John and Sara	11,895 AC
18	099-0-030-049	McCartel, John	11,180 AC
19	099-0-030-049	McCartel, John and Sara	11,214 AC
20	099-0-070-026	Morris, Gilbert and Claudia	7,590 AC
21	099-0-070-026	Olson, Roger B.	21,043 AC
22	099-0-070-140	Wetherill, Russell J.	7,590 AC
23	099-0-070-026	John Shook Family Partnership	44,842 AC
24	099-0-070-049	De Raven Co.	16,912 AC
25	099-0-070-026	De Raven Co.	33,967 AC

Malzacher Ranch is not listed in the legend ???

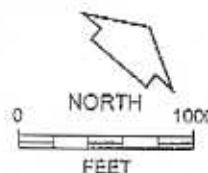
Exhibit 2.0



PHOTOGRAPH SOURCE: AirPhoto USA/I.K. Curtis Aerial Photography (9-03).

LEGEND

- Project site boundary
- 1 Oil/gas well
- 1 Water well

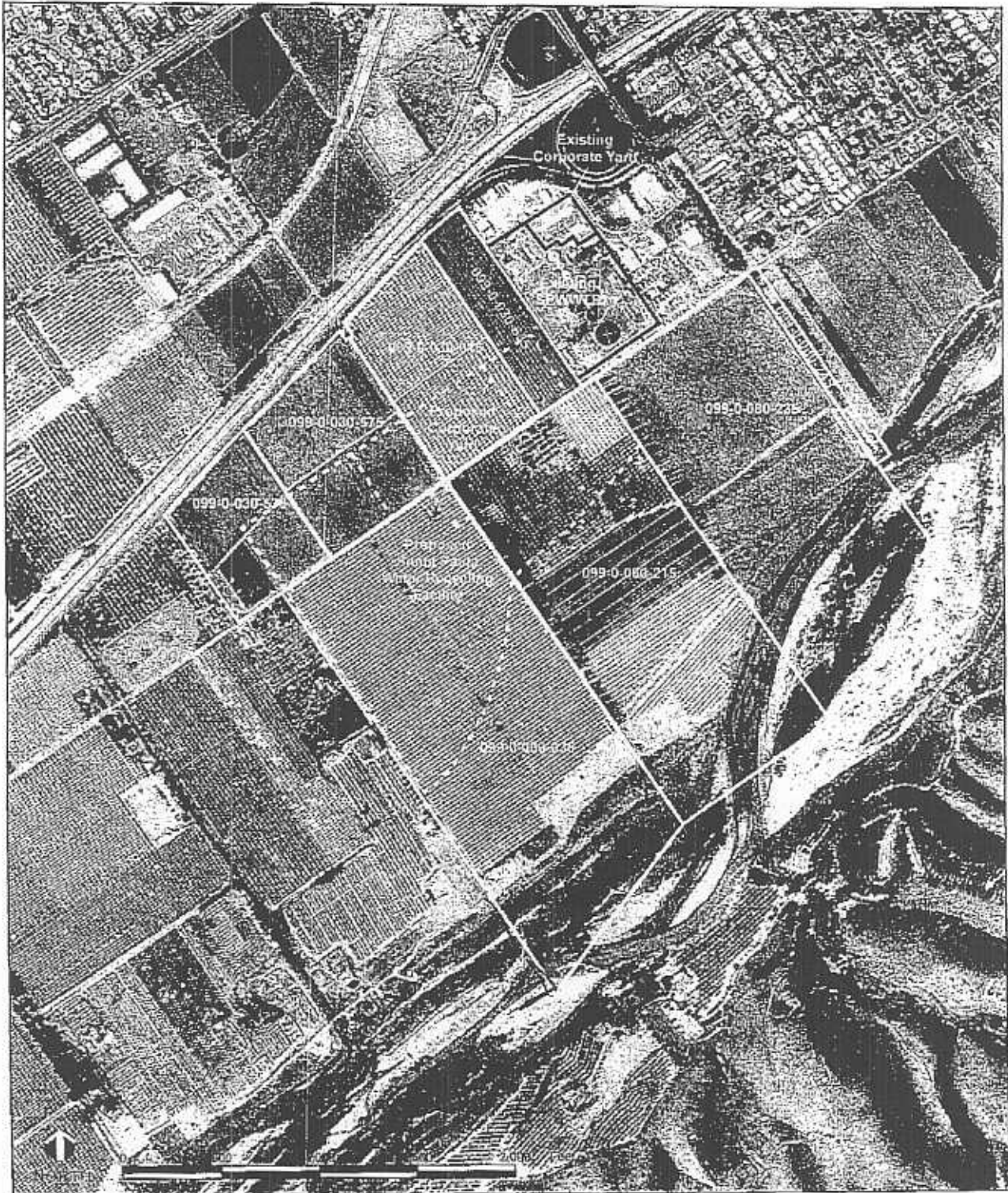


Malzacher Ranch's water well is NOT shown on map.

Exhibit 3.0

PROJECT COMPONENTS MAP
Santa Paula Water Recycling Facility
Santa Paula, California

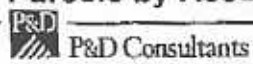
> PLATE 1



Source: P&D Consultants, Inc. (2004).

> Figure 9

Parcels by Assessor Parcel Numbers Affected by the WRF and Corporate Yard



Santa Paula Water Recycling Facility

**Malzacher Ranch's parcel # is NOT shown on the map.
Exhibit 4.0**



Source: P&D Consultants, Inc. (2004)

> Figure 6-1

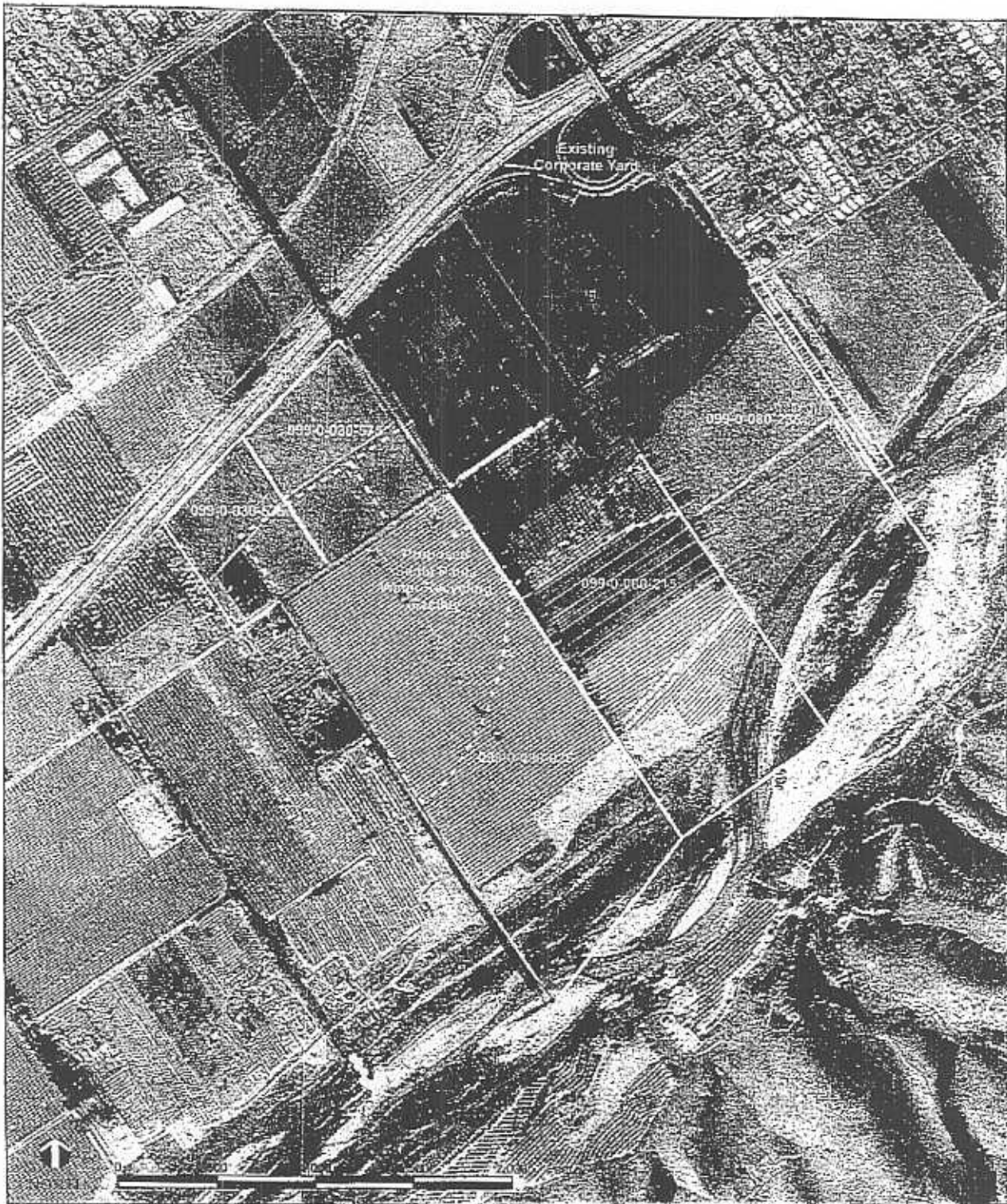
Parcels by Assessor Parcel Numbers Affected by Alternative 2



P&D Consultants

Santa Paula Water Recycling Facility

**Malzacher Ranch's parcel is NOT shown on the map.
Exhibit 5.0**



Source: P&D Consultants, Inc. (2004).

> Figure 9

Parcels by Assessor Parcel Numbers Affected by the WRF and Corporate Yard



P&D Consultants

Santa Paula Water Recycling Facility

The blue highlighted areas represent an alternative that destroys much less farm land and includes improving the existing WRF.

Exhibit 6.0

Data to Support Market Value of Malzacher Ranch

Comps of Ag Land

<u>Parcel #</u>	<u>Date of Acquisition</u>	<u>Purchase Price</u>	<u># of Acres</u>	<u>Price per Acre</u>
098 0 010 185	11/4/1999	\$ 164,903.00	6.49	\$ 25,408.78
098 0 010 165	11/4/1999	\$ 580,349.00	13.88	\$ 41,811.89
098 0 020 045	9/30/1999	\$ 228,159.00	5.91	\$ 38,605.58
098 0 020 195	12/15/1999	\$ 215,425.00	2.66	\$ 80,986.84
098 0 020 205	12/15/1999	\$ 183,588.00	2.27	\$ 80,875.77
099 0 030 345	1/28/2000	\$ 576,871.00	13.59	\$ 42,448.20
099 0 030 575	11/4/1999	\$ 240,115.00	9.45	\$ 25,408.99
099 0 030 645	11/9/1999	\$ 328,050.00	13.18	\$ 24,889.98
099 0 080 215	11/9/1999	\$ 667,330.00	44.55	\$ 14,979.35
099 0 080 235	11/4/1999	\$ 573,685.00	45.16	\$ 12,703.39
				\$ 38,811.88 = average price per acre

Comps of Custom Homes

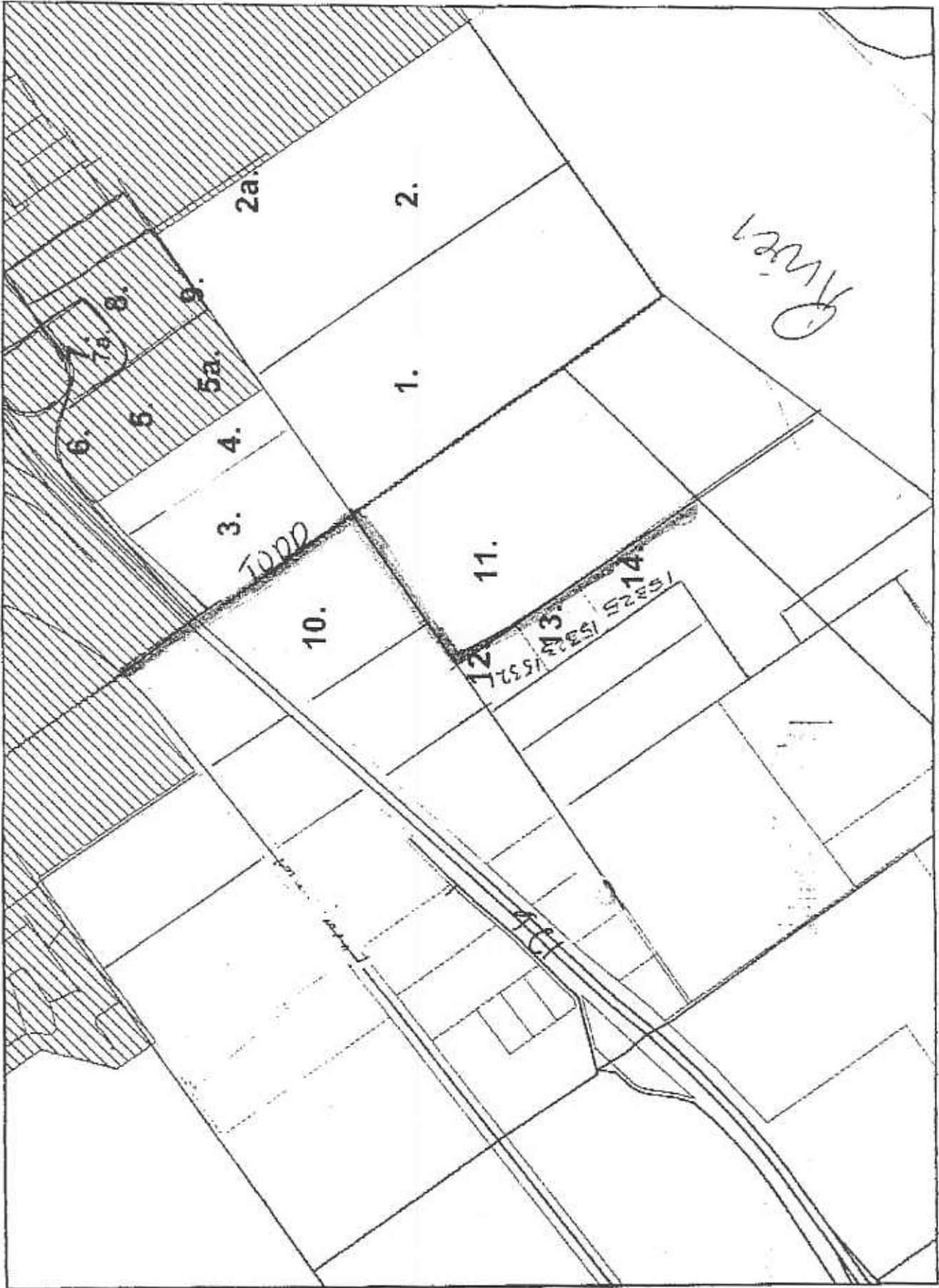
<u>Address</u>	<u>Date of Acquisition</u>	<u>Purchase Price</u>	<u># of Acres</u>	<u>Sq. Footage</u>
19880 S. Mountain	11/5/2004	\$ 574,900.00	1.9	1,436
1230 Gatewood La	12/3/2004	\$ 849,000.00	1.31	1,714
15115 Faulkner	7/21/2004	\$ 1,100,000.00	4.87	2,050
20090 S. Mountain	8/11/2004	\$ 979,900.00	2.61	3,413
14961 Foothill Rd.	10/22/2004	\$ 995,000.00	1.4	2,477
280 Cummings Rd	10/5/2004	\$ 1,699,000.00	3.86	4,269
5152 Wheeler Cyn	10/29/2004	\$ 495,000.00	3.01	678
				\$ 956,114.28 = average price of custom home

Exhibit 7.0

Map Detail

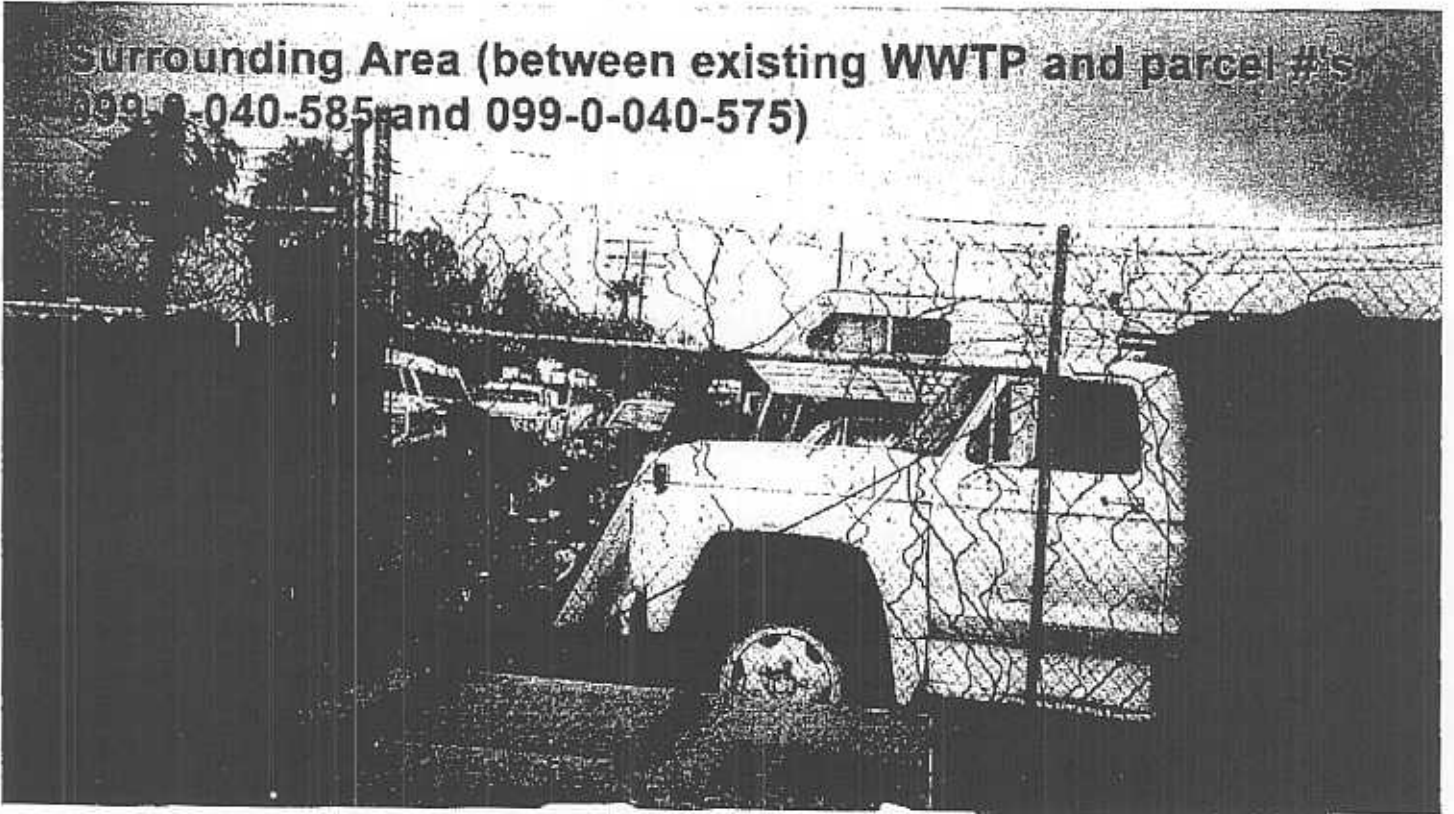
# Assigned on Map	Parcel #	Property Owner	Current Use
1	099-0-080-215	Bender	Agriculture
2	099-0-080-235	Bender	Agriculture
2a.	n/a	Malzacher Water Line	additional use
3	099-0-030-645	Bender	Agriculture
4	099-0-030-635	Escalante	Agriculture
5	099-0-040-625	City of Santa Paula	Current WWTP
5a.	n/a	FFA (abandoned/not in use)	not in use
6	099-0-040-635	D & H Investment	Abandoned House
7	099-0-040-585	Harry and Jean Mallette	Housing / Duplex
7a.	099-0-040-575	Harry and Jean Mallette	Housing / Duplex
8	090-0-040-605	Serreno Emelio Trust	junk yard/open
9	090-0-040-615	Piddwick, Kurt & Suzanne and Nichols, Gary TR.	junk yard
10	090-0-030-345	Bender	Agriculture
11	099-0-080-215	McConica	Agriculture
12	099-0-080-185	Westerdale	Agriculture/Residence
13	099-0-080-035	Lippert	Agriculture/Residence
14	099-0-080-195	Malzacher	Agriculture/Residence
***** Todd Lane is highlighted on map in Pink *****			

Appendix 8

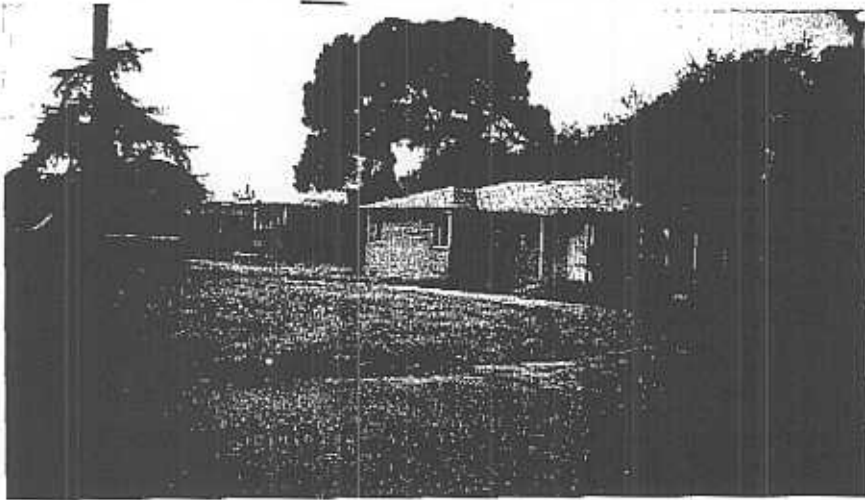


Map to detail recommended new Waste Water Treatment Plant - Why not an Alternative ???

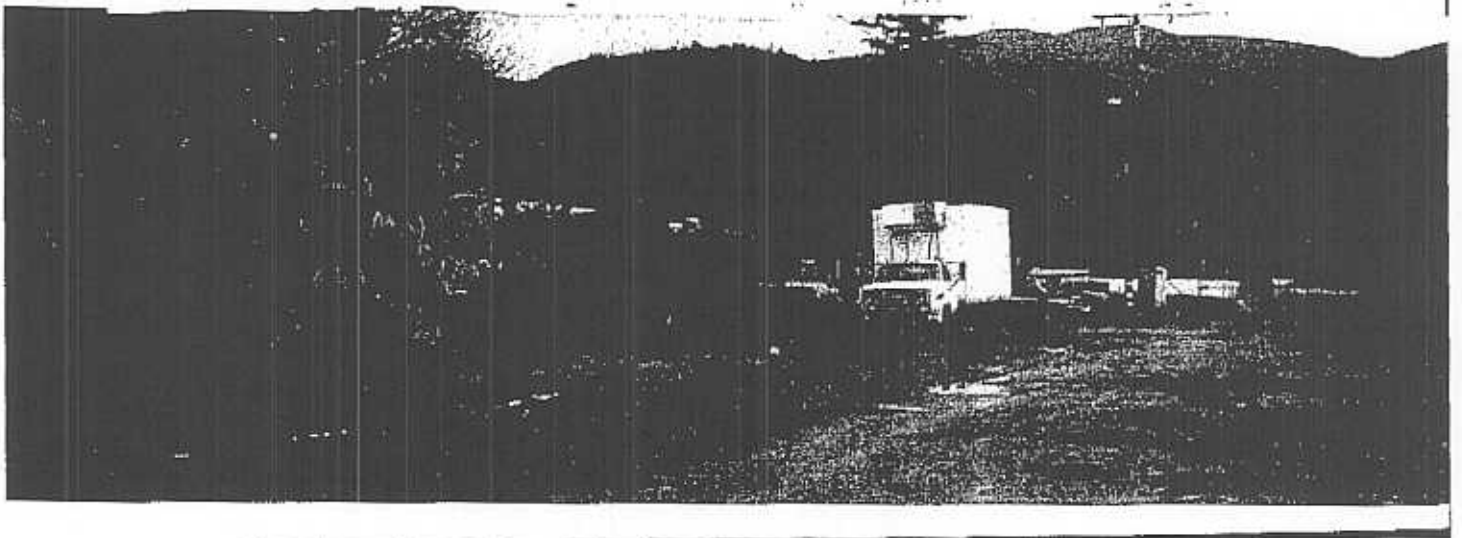
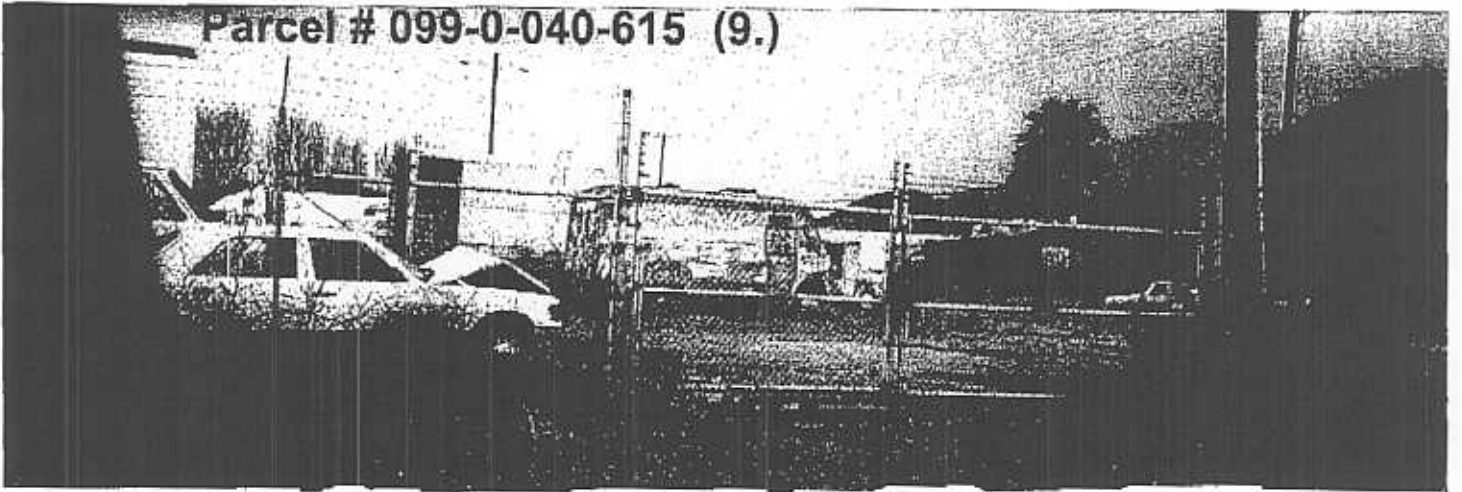
Surrounding Area (between existing WWTP and parcel #'s
099-0-040-585 and 099-0-040-575)

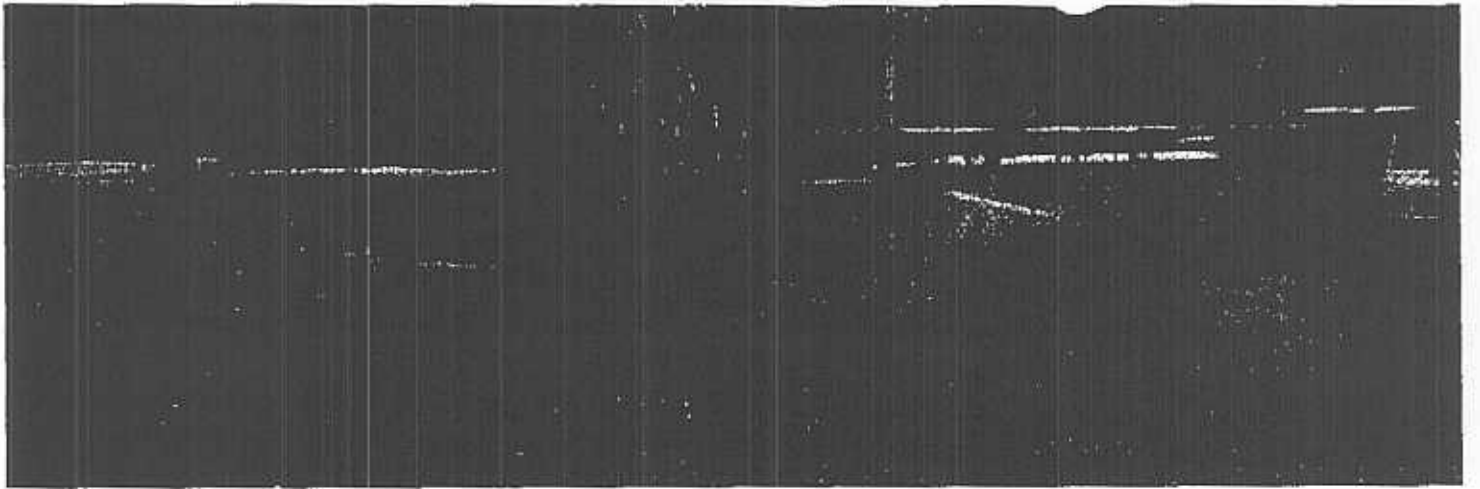
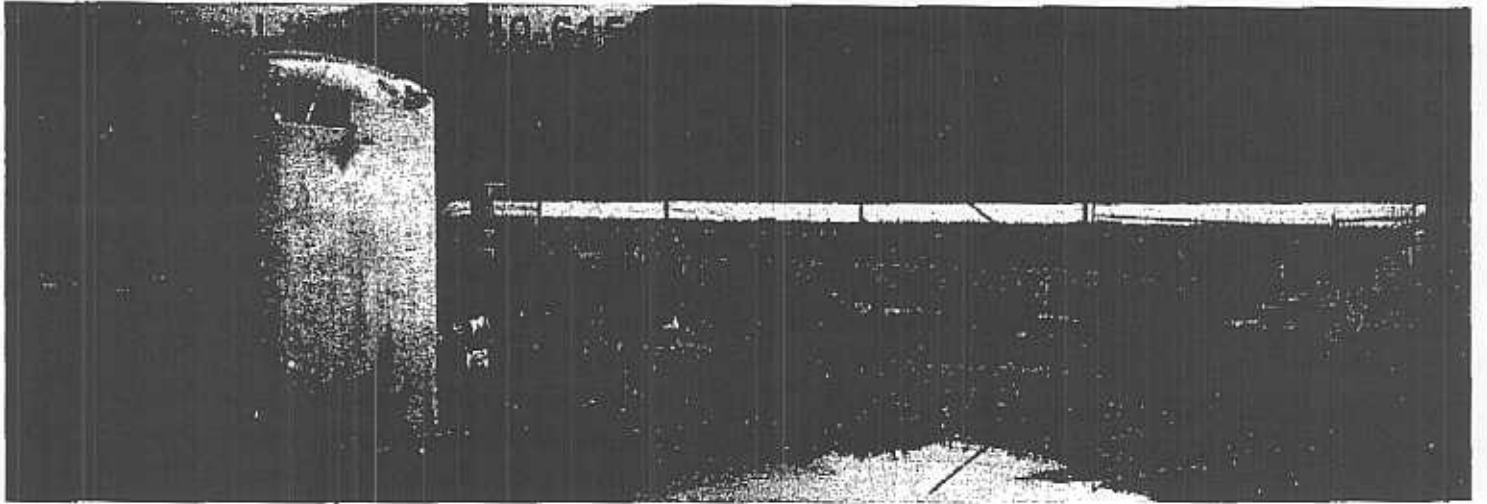


Parcel # 099-0-040-585 & 099-0-040-575. (7



Parcel # 099-0-040-615 (9.)





new are of land. In the rural county as it county been ue to o sale trust- sulted es of uses. acres. a net es in 8,700 1 that ted to

Angies County. Baby carrots, alfalfa and other vegetables planted on land that had been long idled caused an increase of nearly 3,600 acres in prime farmland in the county, the highest level of active use since the mapping program began in 1984. Antelope Valley urbanization is taking a toll however, with agriculture declining by more than 1,400 acres.

Los Angeles County is also an unusual case: in that the improvements to mapping urban boundaries in 2002 virtually negated actual urbanization in the statistics. Over the 1990 to 2002 period, however, the county gained just under 12,000 urban acres — mostly from nonagricultural hillsides and grazing areas. Urbanization trends are expected to continue, as cities in the county reported 10,570 acres committed to nonagricultural use in the future.

In Riverside County, 13,166 acres of agricultural land — including almost 9,300



HOUSING AND other forms of urban development are pushing agriculture out of the Southland.

acres of prime farmland — were reclassified to nonagricultural use, while 8,050 acres of new urbanized land were noted. Over the 1990-2002 timeframe, Riverside County posted the largest increase in urbanization among the five Southland counties — nearly 66,000 acres — accompanied by a loss of more than 50,000 acres of prime farmland (78% of the total loss in agricultural land). Additionally, the county reports almost 44,000 acres as committed to future nonagricultural use.

San Bernardino County had a net loss of 23,418 agricultural acres — mainly grazing land, but also 3,300 acres of prime farmland — and 12,133 acres of new urban land. These figures were larger than average due to the availability of high-resolution photography in the area north of the San Bernardino Mountains. Between 1990 and 2002, San Bernardino County's urban land increased by nearly 40,000 acres and farmland losses were pegged at more than 47,000 acres. Jurisdictions in the county reported 15,047 acres committed to future nonagricultural use.

Farmland in these Southern California counties will continue to face development

pressure in the foreseeable future. The California Department of Finance projects that the population of the five counties will grow by nearly 5 million between 2000 and 2020.

Land leaving Williamson Act

Enrollment in the Williamson Act — a voluntary program that gives landowners potential property tax breaks in exchange for a 10-year commitment to maintain agricultural or open-space uses — dropped by 33% between 1991 and 2002 in the five-county area. Removing land from a Williamson Act contract is often a precursor to development.

According to CDFA, Ventura County remained in the top 10 counties for gross agricultural value at more than \$1.16 billion in 2002, while Riverside County was in the No. 11 position at \$1.06 billion. San Bernardino, Orange and Los Angeles counties had a combined 2002 production value of \$1.25 billion.

Printed copies, enlargements, or digital versions of the maps are available to the public. Call (916) 324-0859 or e-mail fmmp@consrv.ca.gov.



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Exhibit 9.0

Farm family wins in land dispute

SANTA Barbara County jurors say that county land planners engaged in conduct that shocked their conscience and awarded a Santa Maria farming family, Adam Bros. Farming Inc., \$5.6 million.

The award includes \$130,000 in punitive damages against four individual defendants — a former director of comprehensive planning, a former staff biologist, the zoning administrator and a wetlands consultant.

The jury found against the Santa Barbara County Planning and Development Department and some of its personnel for intentionally preparing and approving a fraudulent wetlands description which prevented the plaintiffs from farming 250 acres of their land for the last six years. Much of the Adam Brothers farming enterprise is along Highway 1 and protected as wetlands, preventing the vegetable grower from farming the land.

Any farming within 50 feet of the

wetlands requires grading and land-use permits from the county and possibly the federal Army Corps of Engineers, according to a letter the family received.

The decision, after a nearly three-week trial, sets a new precedent in California and in the United States by holding planning and development personnel and their hired consultants personally responsible for intentionally recording as valid a false description of 95 acres of the Adam Brothers property.

The jury called the action intentional, despicable and done with "malice, oppression or fraud."

"This ruling holds county government and planning and development personnel personally responsible if they violate the constitutional rights of citizens," says Richard C. Brenneman, attorney for the plaintiffs.

"This verdict will go a long way in creating a more fair and honest permitting and planning process for everyone," concludes Brenneman.

California Farmer Dec. 1999

B3 RESPONSES TO COMMENTS FROM THE LAW OFFICE OF K.M. NEISWENDER DATED JANUARY 5, 2005

- B3-1 Comments noted. Refer to responses to comments B3-2 to B3-54, below.
- B3-2 Comments received on the NOP were summarized in Table 2-2 of the DEIR and addressed specifically in the DEIR
- B3-3 Comments noted. Refer to responses to comments B3-4 to B3-54, below.
- B3-4 The project description in Section 4.0 (Project Description) in the DEIR contains all mandatory elements of the CEQA Guidelines, as required by the Act and was written to provide the public and decision-makers with a clear and concise understanding of the proposed project. As required by CEQA, the project description identified the regional and local settings through the use of maps and text descriptions of these areas. In addition, the project objectives, a mandatory element of the project description, were included in Section 4.6.2 in the DEIR. A discussion of existing and planned (i.e., County of Ventura and City of Santa Paula General Plans) land uses both on and off the project site is provided in Section 4.2 (Environmental Setting) in the DEIR.
- B3-5 The NOP/Initial Study (IS) and Section 4.2 in the DEIR provided general descriptions of off site land uses based on the percentage of dominance. As such, land uses located to the west were described as agriculture. The residential uses located to the west were not specifically described because these constitute secondary uses. The presence of single-family residences west of the proposed WRF and Corporation Yard are, however, explicitly identified and/or referenced throughout the DEIR including Sections 5.5 (Air Quality, page 5.5-10) and 5.6 (Noise, page 5.6-3). In addition, page 10 the NOP notes there are single-family residences located approximately 1,200 feet east and immediately west of the site proposed for WRF and Corporation Yard. In addition, page 22 of the NOP notes that there are three single-family residences located immediately west of the proposed percolation ponds.

The location of known water wells is also referenced and shown on Plate 1 of Appendix J (Geological Technical Report).

The DEIR provided a detailed analysis of potential impacts from implementation of the proposed project, including those impacts that might affect off site and adjacent residences and/or businesses.

Figure 4-9 (Parcels by Assessor Parcel Numbers Affected by the WRF and Corporation Yard) in the DEIR, identifies the parcels comprising the four residential uses as APN 099-0-0080-185, 099-0-080-205 and an unknown APN located to the south and bounded by APN 099-0-080-035 to the east. Section 4.6.12 (Land Acquisition and Right-of-Way Easements) identified those parcels which may require full and/or partial acquisition with implementation of the proposed project. Only those parcels identified in the DEIR are proposed for partial and/or full acquisition.

- B3-6 Comments noted. Refer to response to comment B3-5, above.
- B3-7 Todd Lane is acknowledged in the DEIR as a private access road, in Section 5.12 (Public Services) on page 5.12-2. In addition, as noted in response to comment B3-5, above, APNs potentially affected (i.e., through direct acquisition) by the proposed project were identified in Section 4.6.12 and Figure 4-9 in the DEIR. As shown in Figure 4-9, this would include part of the existing north/south and east/west segment of Todd Lane. Further, Section 4.6.13 (Site Access) in the DEIR notes that access along Todd Lane (with project implementation) would be restricted, but would be available to employees, visitors and adjacent property owners. Similarly, access to Todd Lane during construction of the WRF and Corporation Yard would also be ensured. As noted in Figures 4-6 through 4-8 of the DEIR both north/south and east/west access along Todd Lane would be maintained in its current form. The WRF and Corporation Yard site plans have been modified to ensure that this access is maintained for use by existing area residents.
- B3-8 Section 1.3.1.2 (Alternative No 2 – Reuse/Rehabilitation of the Existing WRP Site) identified APN parcels that may require direct acquisition (i.e., partial and/or full). The four residences located west of the proposed WRF and Corporation Yard are not proposed for acquisition and, therefore, were not identified.
- B3-9 Comments noted. Refer to response to comment B3-5, above.
- B3-10 The IS prepared for the proposed project determined that no impacts to population and housing would occur as a result of the proposed project. Appendix J of the CEQA Guidelines identifies three questions that must be addressed to determine if a proposed project will have an impact on population and housing. These include the project's ability to result in population growth (either directly and/or indirectly), whether it would result in the displacement of substantial numbers of existing housing or necessitate the construction of replacement housing elsewhere, or displace substantial numbers of people necessitating the construction of replacement housing elsewhere. As noted in the IS, no residential uses are proposed as part of the WRF and Corporation Yard. In addition, neither the WRF nor Corporation Yard would generate substantial increases in employment as a result of their construction. A total of 5.5 new employees would be required, or a combined total of 21 employees would work on-site within these facilities. Based on information in the IS no additional analysis beyond that provided was required and as such, no further analysis was provided in the DEIR. References to the four residences located west of the proposed WRF and Corporation Yard would not change this conclusion.
- B3-11 Comments noted. Refer to response to comment B3-10, above.
- B3-12 Comments noted. Refer to responses to comments B3-5 and B3-10, above.

B3-13 Public agencies such as the City of Santa Paula are permitted to acquire active Land Conservation Act (LCA) lands under certain circumstance for public improvements, such as the proposed project. As part of acquisition, certain findings and conditions must be met as identified in Government Code Section 51292. The City fully intends to comply with these requirements and will actively coordinate with the California Department of Conservation's Division of Land Resources Protection, County of Ventura, LCA contract holder and the Ventura County LAFCO.³

As noted in Section 5.1 (Land Use), the land identified for use as part of the proposed project is located within the City's SOI and proposed West Area 2 expansion area. Both the County of Ventura and Ventura County LAFCO recognize that this area will be converted to non-agricultural uses as identified in the City's current General Plan. Provided these lands are approved for annexation by LAFCO, the City's land use authority would apply and re-zoning of the land could be lawfully undertaken.

As identified in Section 6.0 (Alternatives to the Proposed Project), while the total amount of agricultural land necessary for acquisition under Alternative 2 would be less than the proposed project and no active LCA contracts would be required, a number of other environmental factors would be exacerbated. As such, the proposed project was identified as the Environmentally Superior Alternative.

B3-14 Section 15131 of the CEQA Guidelines indicates that:

“Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.” [emphasis added]

As noted above, the focus of the DEIR analysis is placed upon the physical impacts of the proposed project on the environment. The City is not required per CEQA to consider the economic costs (e.g., land acquisition, easements, court costs, etc.) associated with the proposed project although this may constitute one of many factors used in determining the feasibility of a proposed project.

The City would be responsible for paying all cancellation fees associated with the LCA parcel. The fee will be determined pending consultation with the property owner, the County of Ventura and California Department of Conservation.

Section 6.0 (Alternatives to the Proposed Project) in the DEIR evaluates in detail the potential impacts of alternatives to the proposed project. As noted previously, CEQA does not generally require the analysis of impacts to include a discussion of economic effects.

³ Source: http://www.consrv.ca.gov/DLRP/lca/FAQ/public_acquisitions.htm, accessed March 14, 2005.

- B3-15 As noted in Section 5.2 (Agricultural Resources) on page 5.2-5 in the DEIR, a total of 53 acres of land designated by the State as Prime Farmland will be acquired for the proposed project. The proposed project would not require the acquisition of Farmland of Statewide Importance. Properties located to the south and west of the proposed project are not proposed for acquisition. As such, impacts to Prime Farmland and Farmland of Statewide Importance were only addressed for those properties that would be directly acquired as part of the proposed project. Construction of the earthen dike would not redirect storm flows to properties located to the south and/or west of the proposed project. The hydrology analysis contained in Attachment E of this Responses to Comments Report concluded that during a 100-year storm event in this part of the Santa Clara River, flows would not be redirected to off-site areas to the south and/or west of the proposed project. In addition, a review of FEMA 100-year flood event maps indicates that properties located to the south and west of this part of the river would be subject to flooding during such a flow event. Therefore, the construction of the earthen dike would not exacerbate or redirect flows to adjacent areas.
- B3-16 The WRF would be constructed as a state-of-the-art self-contained water recycling plant with no treated effluent discharge to the Santa Clara River occurring. All influent and treated effluent spills potentially occurring would be contained on-site via a number of redundant treatment processes. Therefore, adjacent properties (including agricultural operation) would not be affected during a potential spill event.
- B3-17 Refer to responses to comments B3-1 to B3-16, above. These issues were adequately addressed in the IS and/or the DEIR and, therefore, no revision or recirculation of the EIR related to these issues is necessary.
- B3-18 Construction access to the site would be via SR 126, Peck Road, Corporation Street and Todd Lane west of the existing site. Construction staging would occur to the east of the proposed plant site, on a temporary staging area. The construction access routes will be clearly marked to ensure that all contractors utilize identified routes. Construction trips along Todd Lane between Telegraph Road and the project site south of the freeway would not be included as a part of the construction access plan and all contractors and staff would be advised of this.
- B3-19 Construction access to the site would be via SR 126, Peck Road, Corporation Street and Todd Lane west of the existing site. Construction staging would occur to the east of the proposed plant site, on a temporary staging area. Construction trips will not use Todd Lane between Telegraph Road and the project site south of the freeway. Impacts to local residents would not be anticipated with this construction trip routing.

During operation of the WRF and Corporation Yard employee and delivery access would be achieved via the future extension of Corporation Street and the east/west segment of Todd Lane. No employee and/or delivery access would be allowed along the north/south segment of Todd Lane. In addition, as shown in Figures 4-6 through 4-8 of the DEIR north/south and east/west access to Todd Lane would not be eliminated by the proposed

project. Figures 4-6 through 4-8 have been revised to include unimpeded access along the north/south and east/west segments of Todd Lane. Access to Todd Lane by area residents and land owners would continue to be maintained.

B3-20 Not all phases of the project would be under construction at the same time, so the total number of truck trips on a particular day would vary and would not be additive of all the construction trips at all the construction areas. Refer also to response to comment B3-19, above.

B3-21 The section of Todd Lane specified in the comment is not part of the construction access route. Therefore, no construction related traffic impacts on this segment of Todd Lane are anticipated. In addition, refer to response B3-19 above.

B3-22 As noted on pages 5.10-1 and 5.10-5 in Section 5.10 (Hazards and Hazardous Materials) in the DEIR, no chemicals that would be used and/or stored at the WRF or Corporation Yard would be considered acutely hazardous (i.e., determined by the United States Environmental Protection Agency to be so dangerous in small amounts that they are regulated the same way as are large amounts of other hazardous wastes). On page 5.10-5, the required Business Plan that must be approved by the SPFD is described, to specifically to address hazardous materials use and storage on the project site. In addition, all vendors supplying the WRF and Corporation Yard would be required to be permitted by the appropriate federal, state and local agencies to transport and handle all hazardous materials delivered to the site.

In the event of a chemical or hazardous materials spill, residents would be instructed by the SPFD and/or the County Fire Department concerning evacuation procedures and evacuation routes, in the event a local evacuation is necessary as part of the overall response to the spill. Given that Todd Lane contains both north/south and east/west access points to Telegraph Road and Corporation Street, respectively, it is likely that this private road would be available to residents during an emergency event. Alternatively, South Clow Road (located west of the WRF and Corporation Yard) could also serve as an additional emergency evacuation route.

B3-23 Section 5.5.4 (Potential Impacts) in the DEIR discusses potential construction (exhaust emissions, fugitive dust, micro-climate) and operations (regionally, local impacts, carbon monoxide hotspots, odor impacts, toxic air contaminants) impacts of the proposed project. The identified air quality impacts were based on whether the proposed project would exceed the significance thresholds defined by the VCAPCD.

Section 5.5.5 (Mitigation Measures) in the DEIR identifies the need to incorporate a Model Fugitive Dust Mitigation Plan in the final design and construction specifications for the proposed project, to minimize dust generation during construction. In addition, mitigation measures AQ-14 and AQ-15 have been incorporated in the proposed project to address odor impacts. With implementation of the mitigation measures identified in Section 5.5.5, the construction and operation of the proposed project would not result in significant adverse air quality impacts.

B3-24 Section 5.6.5 (Mitigation Measures) in the DEIR identifies three mitigation measures that would be implemented during the construction phase to minimize noise impacts.

B3-25 Section 5.6.4.2 (Operations Noise Impacts) in the DEIR discusses the potential noise impacts related to the operation of the proposed project. In order to determine whether or not a certain noise level is considered significant, it must be determined whether or not it exceeds an established City and/or County threshold. Another factor that is considered when determining significant noise impacts is the distance between the closest sensitive receptor and the noise source. As such, the distance between the noise source (WRF machinery during operation) and the location of the closest sensitive receptor (nearest City of Santa Paula residence) is approximately 200 feet. The noise analysis concluded that noise generated by operation of the proposed project would not result in an exceedance of the City noise level limits (i.e., threshold) at the distance of 200 feet from the WRF machinery. The Malzacher property boundary (receptor) is substantially farther than 200 feet from the WRF equipment (noise source). Therefore, noise associated with the operation of the proposed project would not result in a significant adverse noise impact at the Malzacher property.

B3-26 The earthen dike is located outside of the 100 year floodway. Although some work may be required within the 100 year floodplain, it would not affect properties located downstream.

B3-27 Refer to responses B3-26 and B1-23.

B3-28 The locations of domestic and agricultural water wells were derived from existing public well location data. The exhibits provided in the comment letter do not show the location of the water well referenced. The City requests that the location of the water well be more specifically identified in order to ensure that an appropriate response to the comment can be made.

The WRF would be constructed as a state-of-the-art water recycling facility and would not directly discharge treated effluent to the Santa Clara River. The WRF would have a number of redundancy treatment processes in place to treat and/or contain influent and/or treated effluent in case of an accidental spill. In the event of an accidental spill, all influent would be contained on-site and would not be discharged to off-site areas. Therefore, impacts to domestic and/or agricultural water wells from an accidental on-site spill are not anticipated.

B3-29 Section 4.6.11 (Water Reuse and Conservation Strategies) in the DEIR indicates that treated effluent will be released via the existing outfall pipe located southeast of the existing Santa Paula Wastewater Treatment Plant (WTP). Figures 4-6 through 4-8 in the DEIR have been revised to show the location of the outfall pipe. As noted in Section 4.6.11, the City is considering a number of options for the reuse and/or conservation of the treated effluent. Because the treated effluent produced will meet CDHS permit requirements for CCR Title 22 water reuse, this recycled water can be used for a number

of beneficial uses including agriculture and municipal landscape, groundwater recharge or other permitted uses. As described on pages 4-22 to 4-24 in the DEIR, the quantity and ultimate disposition of the treated effluent is not known at this time and is dependent on a number of factors including impacts to biological resources and future end-user needs.

It should be noted that the City's preferred disposal method is percolation via the on-site percolation ponds. Any disposal of treated effluent to the Santa Clara River would be undertaken in response to requirements by the USFWS and/or CDFG related to potential impacts to LBV and the riparian area. No direct discharge to the river would occur, but may instead be achieved via an on-site water well or other agency-approved disposal mechanism in which treated effluent could be delivered to this area.

As discussed in Section 5.7 (Biological Resources) in the DEIR, the existing treated effluent discharge supports a variety of sensitive plant and animals including a southern willow riparian scrub community, federally endangered least Bell's vireo and the southwestern pond turtle, a California Species of Special Concern. The City is currently working with the USFWS and the CDFG to determine how variations in the quantity of treated effluent may affect these sensitive resources. As discussed in Section 5.7, two effluent discharge scenarios are contemplated to assess impacts to these species: maintaining existing discharge levels or zero discharge of treated effluent to the Santa Clara River. Pending the outcome of discussions with these agencies, it is unknown at this time whether treated effluent discharges will be maintained, permitted to be reduced and/or eliminated altogether.

Section 4.6.11.1 (Agricultural and Municipal Landscape Reuse) in the DEIR indicates that future end-users may include agricultural and/or municipal users. These users have not been identified to date but may include agricultural users in and/or adjacent to the City of Santa Paula. Municipal users may include the City itself, future residential and/or commercial projects proposed in the City, or the California Department of Transportation (landscaping water needs along the median of SR 126). The construction of recycled water transmission lines to these future end-users are not proposed as part of the proposed project. Once future end-users are identified and/or transmission lines identified, appropriate CEQA documentation will be prepared to address impacts associated with those transmittal facilities.

B3-30 Refer to response to comment B3-29, above. In addition, Section 4.6.9.1 (Effluent Discharge) in the DEIR indicates that a new 24-inch diameter pipe will be extended from the proposed WRF east approximately 1,200 feet to the existing culvert serving the existing WTP. The Ventura County Watershed Protection District is the property owner of the site where the existing culvert is located. Figure 4-9 (Parcels by Assessor Parcel Numbers Affected by the WRF and Corporation Yard) in the DEIR identifies the site of the existing culvert as APN 099-0-080-245. Disposal of treated effluent via the existing culvert is not currently proposed, but instead would be accomplished via percolation within the on-site percolation ponds. No treated effluent would be disposed of on adjacent property owners' properties. Treated effluent released would meet CDHS

permit requirements for CCR Title 22 unrestricted reuse water and would not negatively affect agricultural crop production.

B3-31 Refer to response B3-16, above.

B3-32 All utilities (e.g., water, sewer, etc.) directly affected by implementation of the proposed project will be relocated and service disruptions minimized to the extent practicable. The City will coordinate with utility service providers and property owners directly affected by the relocation of these utilities in advance of construction activities.

B3-33 Comments noted. Refer to response to comment B1-20, earlier in this Responses to Comments Report.

B3-34 Comments noted. Refer to response to comment B1-20, earlier in this Responses to Comments Report.

B3-35 Alternative 2 as described on page 6-5 does not intend to imply reuse of the existing water treatment facilities. This section specifically states that Alternative 2 proposes “This Alternative would entail the reuse/rehabilitation of the existing WTP and Corporation Yard sites for a **new** WRF and Corporation Yard. **All existing WTP and Corporation Yard structures would be demolished under this Alternative, once the new WRF and Corporation Yard are constructed and operational.**” (bold added). The intent of Alternative 2 is to reuse as much of the existing **site** as possible, not of the existing treatment facilities. Reuse of the existing site for new facilities is different from the proposed project and does result in different environmental impacts than the proposed project, as describe in Section 6.0 (Alternatives to the Proposed Project). Therefore, Alternative 2 is a reasonable and feasible alternative to the proposed project, consistent with the intent of CEQA to identify and evaluate reasonable and feasible alternatives to a proposed project which meet some or all of the defined project objectives.

B3-36 Comments noted. Refer to response to comment B1-20, earlier in this Responses to Comments Report.

In addition, the areas located to the east of the existing WTP (noted as parcels 099-0-040-635, 099-0-040-625, 099-0-030-635, 099-0-040-585, 099-0-040-575, 090-0-040-605 and 090-0-04-615 in the comment letter) are comprised of existing light industrial, commercial and residential land uses. The inclusion of an alternative that would contemplate acquisition and subsequent demolition of these land uses would result in greater environmental impacts than the alternatives currently considered in the DEIR. The demolition of these structures would generate greater air quality, noise and traffic impacts (amongst other environmental factors) than the proposed project. In addition, it is likely that hazardous materials may be encountered during the demolition of these structures from past and present uses that could result in substantial remediation requirements and subsequently delay the implementation of the proposed project.

B3-37 Comments noted. Refer to response to comment B1-20, earlier in this Responses to Comments Report.

In addition, the City previously considered a joint regional water recycling plant with the City of Fillmore. However, that proposal is no longer being considered by either City due to cost and operational considerations. The WRF would be constructed to serve the existing and future needs of the residents of the City of Santa Paula. No wastewater treatment services would be provided for City of Fillmore residents as part of the Santa Paula WRF. In addition, alternative locations for the WRF and Corporation Yard (including those areas east of the City) were initially considered during the preliminary planning stages of the project. However, preliminary analysis determined that many of the potential locations did not meet technical requirements (e.g., soil permeability, etc.) necessary to construct the proposed project. In addition, existing and future land use compatibility factors were also considered which eliminated these areas.

B3-38 Refer to response B3-37 above.

B3-39 Both the IS and DEIR provide an adequate baseline of existing conditions, as required by CEQA. The analysis provided in the IS concluded that the proposed WRF and Corporation Yard would not divide an existing community. The dominant land uses in the areas immediately north, south and west of the site for the proposed WRF and Corporation Yard are comprised of agricultural uses. The four residences located to the west of the WRF and Corporation Yard would not be and are not proposed for acquisition as part of the proposed project.

Under CEQA, the analysis establishing whether or not a project would physically divide a community is generally applied to urbanized areas in which the dominate land use is residential and to a lesser degree commercial. Common examples of projects that have been determined to result in the division of a community include transportation infrastructure (e.g., freeway, rail lines, etc.) or other industrial uses. In these instances, the division of the community (e.g., road closures, removal of residential and commercial land uses, etc.) results in both physical changes (e.g., changed transportation patterns) and community perception (e.g., distinct new land use boundaries, etc.). The four residences west of the proposed WRF and Corporation Yard would not normally meet the definition of an established community. In addition, because these residences are not proposed to be acquired by the proposed project, implementation of the proposed project would not result in the division of an established community. As such, the conclusion identified on page 19 in the IS, noting that the proposed project would not result in the division of an established community remains valid and no additional analysis in the EIR is required.

B3-40 Comments noted. Refer to response B3-39, above.

The DEIR does analysis potential impacts to the adjacent four residential units, in Sections 5.5 (Air Quality), 5.6 (Noise) 5.9 (Hydrology and Water Quality) and 5.10

(Hazards and Hazardous Materials) which specifically evaluate impacts to residential uses and which include detailed discussions of potential impacts.

B3-41 The City's General Plan does not prohibit modification or amendment of the Greenbelt Agreement with the City of San Buenaventura. The City will coordinate with Ventura County LAFCO and City of San Buenaventura concerning modification of the existing Greenbelt Agreement.

B3-42 As noted in Section 5.1 (Land Use and Planning) in the DEIR, the Ventura County LAFCO considers the City's General Plan as the governing planning document for any territory already within the City's SOI. In addition, LAFCO indicates that there is no need to consider or discuss any inconsistency issues with the County's General Plan or Zoning Code, if the territory involved is in the City's SOI and if annexation is contemplated. As indicated on page 5.1-1 in the DEIR, information on the County of Ventura's General Plan and Non-Coastal Zoning Ordinance were included to provide background information on existing conditions and restrictions.

Although the 53 acres proposed for locating the WRF and Corporation Yard are currently designated by the County General Plan and Non-Coastal Zoning Ordinance as Agriculture and Agriculture Exclusive (AE), respectively, this designation is not applicable to City's General Plan and Zoning Code because these areas are in the City's SOI. As noted on page 5.1-1 in the DEIR, the City's General Plan (the governing planning document, as identified by LAFCO for the DEIR) designates this area as Mixed Use – Commercial/Light Industrial. The annexation pre-zone designation is anticipated to be IN. Page 5.1-3 in the DEIR notes that City's IN zoning designation permits the operation of community wastewater facilities and corporation yards, pending a City Council-approved Conditional Use Permit (CUP). Therefore, under the City's General Plan and Zoning Ordinance, the construction of the WRF and Corporation Yard are considered permitted uses and are consistent with these land use planning documents.

It should also be noted that the County's AE designation also permits the construction of community wastewater plants, provided a County Board of Supervisors-approved CUP is obtained (bold added).

B3-43 Policy 3w.w. of the City's General Plan also notes that the agricultural land use designation on the parcel south of SR 126 in the City should be replaced with a Commercial/Industrial designation consistent with the West Area 2 Sphere Amendment. This policy was included with the intention of ensuring that agricultural lands that are eventually annexed as part of the City's planned West Area 2 expansion area would be re-designated for Industrial, Light Industrial or other non-agricultural uses compatible with planned uses in this area. As noted in Section 5.1.1.3 (Sphere of Influence/Expansion Areas) in the DEIR, the West Area 2 expansion area is one of six planned expansion areas identified in the City's General Plan.

Section 5.2 (Agricultural Resources) in the DEIR acknowledges that conversion of 53 acres of Prime Farmland would constitute an adverse and significant impact. Further,

impacts to Prime Farmland and Farmland of Statewide Importance were previously evaluated under the City General Plan FEIR and the determination in that EIR, that individual and cumulative significant adverse impacts on agricultural resources would occur, is still applicable. In adopting the General Plan, the City evaluated and weighed the impacts of its decision to include agricultural lands currently contained in the West Area 2 expansion area for future conversions to non-agricultural uses. Pages CO-36 and CO-37 in the General Plan discuss in detail Constraints and Conservation Opportunities for the West Area 2.

B3-44 The reference to page CO-35 in the General Plan is not applicable to the West Area 2 expansion area, but instead refers to Constraints and Opportunities associated with the East Areas 1 and 2 which are located along the City's eastern boundary. The West Area 2 expansion area is located along the City's western corporate boundary. In addition, refer to response to comment B3-43, above.

B3-45 Comments noted. Refer to response to comment B3-29, above.

B3-46 Section 5.6 (Noise) in the DEIR evaluated the potential for noise impacts from construction and operation of the WRF and Corporation Yard. As noted on pages 5.6-18 and 5.6-19 in the DEIR, with the implementation of mitigation measures contained in Section 5.6.5 (Mitigation Measures), impacts would be reduced to less than significant levels and, therefore, were determined to meet both City and County daytime and evening noise standards.

In addition, all building materials used on-site would be subject to the City's architectural design standards to ensure that no building materials capable of creating substantial levels of glare would be used.

B3-47 APN information used to prepare Figure 4-9 in the DEIR did not identify an APN for parcel 099-0-080-195. Figure 4-9 is revised to include parcel 099-0-080-195.

Property rights relating to Todd Lane, along with maintenance fees, will be determined and addressed as part of the City's acquisition discussions with affected property owners.

B3-48 The DEIR adequately identified and discussed potential environmental impacts associated with the proposed project. CEQA does not normally require that economic impacts be evaluated as part of the DEIR process. Whether the City acquires property by contract or pursuant to its eminent domain powers, it is obligated to compensate current property owners for the acquisition of such property. The DEIR need not speculate on how the City would acquire property needed to construct the WRF and Corporation Yard.

B3-49 Comments noted. Refer to response to comment B3-48, above.

B3-50 Please refer to Response B3-48.

B3-51 The DEIR acknowledges the presence of the four residences located to the west of the proposed WRF and Corporation Yard. These residences are identified as sensitive receptors in Sections 5.5 (Air Quality) and 5.6 (Noise) in the DEIR

The article referenced as Exhibit 9 refers to the County of Santa Barbara's prohibition of farming activities in an area proposed as containing wetlands. The City of Santa Paula does not have land use control over areas outside of its existing corporate boundaries. Land use control outside of the City's corporate boundaries is under the jurisdiction of the County of Ventura. The four residences located west of the WRF and Corporation Yard are located within unincorporated Ventura County. As such, the City is not authorized to determine and/or define the type of activities permitted on land uses outside its control.

In further response, refer to Response B3-48, above.

B3-52 A copy of the Time Schedule Order and containing the Interim Effluent Limits is provided as Attachment F of this Responses to Comments Report.

Water quality tests were not performed for the March 15, 2003 recorded flow event.

As noted on page 4-1 in the DEIR, the existing WTP was built in 1938 and employs trickling filter technology to treat the City's wastewater needs. Despite upgrades, the WTP facilities are aging with major equipment and unit process structures reaching the ends of their useful lives. In addition, trickling filter technology is unable to meet RWQCB water quality standards. Revisions and/or upgrades to the existing plant would require taking some facilities off-line potentially resulting in major spill events. Water quality treatment requirements established by the RWQCB require that a new state of the art water recycling plant be constructed.

No leak data is currently available for the existing WTP.

Sections 5.7 (Biological Resources) and 5.9 (Hydrology and Water Quality) in the DEIR describe impacts to the Santa Clara River from implementation of the proposed project. The culvert used to dispose of existing and future treated effluent is shown in revised Figures 4-6 through 4-8 in the DEIR, which is provided in the Clarifications and Revisions to the Draft Environmental Report.

B3-53 Exhibits provided do not show the location of water wells identified in the comment letter and therefore, cannot be addressed. The City requests that the location of the wells be identified and re-submitted for review.

B3-54 Comments noted. No response necessary.

GENERAL PUBLIC

S. DAVID LIPPERT RECEIVED

DEC 07 2004

CITY OF SANTA PAULA

December 4, 2004

Department of Public Works
 City of Santa Paula
 Attn: Rene Salas, Deputy Director
 P.O. Box 569
 Santa Paula, CA 93061-0569

P1

Re: Draft Santa Paula Water Recycling Facility - Environmental Impact Report

Mr. Salas:

I am in receipt of the Draft Santa Paula Water Recycling Facility Environmental Impact Report (DEIR), dated November 5, 2004. I am writing to express concern over the lack of the DEIR addressing concerns previously brought up in my correspondence dated July 16, 2004. While the comments I brought up in my letter are outlined on page 2-6 of the DEIR with corresponding references to the sections where they are supposedly addressed, there is in fact no comment or addressing of my specific concerns, but only general analysis. Below I have laid out the comments and responses I reviewed in the DEIR, as outlined at 2-6:

- Concerned with their water wells which supply water to their family and orchards.
 Where supposedly addressed: Section 5.9
 Review: At section 5.9.1.8 it is noted that "One domestic water well is located immediately west of the project site" and a corresponding map is at Appendix J (should actually read Appendix K). I do not feel that simply acknowledging that I have a well west of the site, and noting a corresponding dot on the plates of Appendix K comes close to addressing or alleviating concerns for the quality of my family's water supply.
- Concerned with flooding of their property with untreated or partially treated sewage.
 Where supposedly addressed: Section 4.0 & 5.9
 Review: Not specifically addressed at all. Section 4.0 gives overview and details of project in general, and Section 5.9 reinforces the concerns that I have based on natural contours and flood lines. Neither section specifically addresses the real concern of my property and family potentially being flooded with treated or untreated wastewater.
- Concerned with access to and from their residence and whether they would have emergency access.
 Where supposedly addressed: Section 5.4
 Review: Not addressed at all, rather section 5.4 deals with traffic flows of existing roads such as Peck, Telegraph and Briggs. It is almost comical that the only road on the maps of section 5.4 that lies in the middle of the proposed project is Todd Lane, and it is not mentioned once in the analysis. Needless to say, I do not feel that the concerns I raised have been addressed or alleviated in any way.

P1-1

P1-2

P1-3

P1-4

City of Santa Paula

December 4, 2004

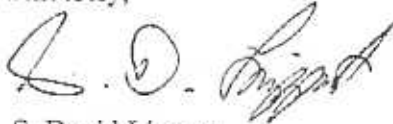
Page 2 of 2

- Concerned with potential harmful effects to children living and playing in close proximity to the project site.
Where supposedly addressed: Section 5.0
Review: Section 5.0 notes zoning and land use issues, which in no way addresses the concern raised. P1-5
- Need to adequately address the potential destruction of the Santa Clara River Ecosystem.
Where addressed: Section 5.7
Review: Exhaustively addressed and analyzed. I only wish that my family fell under the "Sensitive Biological Resources – Mammals" of section 1.2.6 of Appendix J. P1-6
- All the identified issues prove disastrous to their way of life and will reduce their property value by 30 to 50 percent.
Where addressed: N/A
Review: "Comment noted"; accurately stated that the comment was noted. P1-7
- Encourage the City to locate the facility elsewhere.
Where addressed: Section 6.0
Review: As can be seen on page 6-19 of section 6.7, Alternative 2 meets the exact objectives of the proposed project, but with less impact and probably less money. Once again I emphasize that Alternative 2 would be a better and more desirable option. P1-8

I ask that this letter and these concerns be addressed as the City of Santa Paula continues to plan and design a new/expanded facility. I also ask that this letter and these issues become a part of ongoing documentation and discussion of this project. If I am incorrect in noting the lack of specific attention or addressing of my concerns noted above, I apologize and would ask to be made aware by reference to the areas that I have overlooked or failed in my review. P1-9

Thank you for the consideration and ongoing evaluation of these concerns. I may be reached at the numbers below. P1-10

Sincerely,



S. David Lippert

Cc: Gilberto Ruiz, via fax

P1 RESPONSES TO COMMENTS FROM S. DAVID LIPPERT DATED DECEMBER 4, 2004

P1-1 Comments received on the NOP were addressed in the DEIR in one of two ways. Those comments that addressed environmental parameters in which the NOP determined to result in less than significant and/or no impact were addressed in Section 3.0 (Effects Not Found to be Significant) in the DEIR. Remaining comments were addressed in Section 5.0 (Existing Conditions, Impacts, Mitigation Measures and Level of Significance) in the DEIR. Refer also to responses to comments P1-1 to P1-10, below.

P1-2 The reference to Appendix J (Geological Technical Report) in Section 5.9.1.8 (Water Wells) is revised by reference as follows:

5.9.1.8 Water Wells

There are four agricultural water wells located on the project site. An additional agricultural water well is located immediately south and east of the project site, outside the project limits. One domestic water well is located immediately west of the project site (adjacent to the proposed percolation pond area). Plate 1 of Appendix K (Geological Technical Report) of this EIR shows the locations of water wells in relation to the proposed project.

Treated effluent produced by the WRF would meet CDHS permit requirements for CCR Title 22 unrestricted reuse water and would not adversely affect groundwater quality of local wells. However, the City will install wells to monitor the groundwater quality of domestic water wells located within the influence area of the WRFs Title 22 unrestricted water reuse percolation ponds. In the event that monitoring data indicates that the domestic water wells are being adversely affected by the percolated Title 22 unrestricted reuse water, such that applicable federal, state and local domestic water quality standards are being regularly exceeded, the City will provide the affected residences with an alternative domestic water supply. This supply would be derived from the City's existing domestic water supply. The following mitigation measure is hereby included in the FEIR:

“H-2 The City shall install wells to monitor the groundwater quality of domestic water wells located within the influence area of the WRFs Title 22 unrestricted water reuse percolation ponds. In the event that monitoring data indicates that the domestic water wells are being adversely affected by the percolated Title 22 unrestricted reuse water, such that applicable federal, state and local domestic water quality standards are being regularly exceeded, the City shall provide the affected residences with an alternative domestic water supply. This supply shall be derived from the City's existing domestic water supply.”

P1-3 The intent of Section 4.0 (Project Description) in the DEIR is to provide the public with an understanding of the location, objectives of the project, technical, economic and environmental characteristics of the proposed project. It also provides the names of

agencies that are expected to review the DEIR, permits and required approvals necessary to implement the project and other applicable laws and regulations. The project description also identifies all permits and required approvals required of the proposed project. It is not however, intended to describe specific impacts and/or mitigation measures associated with the proposed project. This information is provided in Section 5.0 (Existing Conditions, Impacts, Mitigation Measures and Level of Significance) in the DEIR.

The WRF would be constructed as a state-of-the-art water recycling facility that would not directly discharge treated effluent to off-site areas. The WRF would contain a number of system redundancies designed to contain accidental influent and/or treated effluent spills on-site. No spills would be directed off-site.

- P1-4 As shown in Figures 4-6 through 4-8 north/south and east/west access along Todd Lane would not be eliminated by the proposed project. In the event of an emergency, area residents would be able to utilize one of these two access points. Alternatively, South Clow Road (located west of the WRF and Corporation Yard) could also serve as an additional emergency evacuation route.
- P1-5 As noted in Section 5.10 (Hazards and Hazardous Materials) of the DEIR, no chemicals identified as acutely hazardous would be used on-site during WRF and Corporation Yard activities. Neither residents nor their children would be exposed to harmful chemicals or other associated risks. In addition, the Title 22 unrestricted reuse water produced by the WRF and disposed of via percolation within the percolation ponds would not be considered toxic and/or hazardous to residents and/or their children. Recycled water produced by the WRF is deemed suitable by the CDHS for landscape, agriculture and other end-uses and would not jeopardize the health and/or safety of areas residents.
- P1-6 Comments noted. No response necessary.
- P1-7 Comments noted. Refer to responses to comments B1-7, earlier in this Responses to Comments Report.
- P1-8 Comments noted. No response necessary.
- P1-9 Comments noted. No response necessary.
- P1-10 Comments noted. No response necessary.

QUASI GOVERNMENTAL AGENCIES

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UNITED WATER CONSERVATION DISTRICT

"Conserving Water Since 1927"



January 5, 2005

Rene Salas, Deputy Director of Public Works
 City of Santa Paula
 Public Works Department
 113 North Mill Street
 Santa Paula, CA 93060

Q1

Dear Mr. Salas,

United Water Conservation District (United) appreciates this opportunity to comment on the Draft Environmental Impact Report (DEIR) for the City of Santa Paula's proposed new Water Recycling Facility (WRF). United has a keen interest in the development of the new WRF. United takes an active role in water resource management in the Santa Clara River Valley and the Oxnard Plain, and operates a major surface water diversion three miles downstream from the exiting plant site. Surface water diverted at the Freeman Diversion is used for groundwater recharge in close proximity to our municipal well field. Diverted water is also distributed via agricultural pipeline and used for the direct irrigation of row crops and berries on the Oxnard Plain. United continues to be concerned about the discharges from the current plant, especially with respect to human health considerations associated with the downstream reuse of reclaimed water.

Q1-1

The DEIR states that "effluent from the Santa Paula water treatment plant is recharged to the water table as stream flow percolation" (Section 5.9.1.4 and Appendix O). United is unaware of any publications or technical studies that support this assertion. Stream gauging and field observations by United staff show river flow to be generally stable in the reach between Peck Road and the Freeman Diversion. The USGS characterizes this reach as a gaining section of the river, and suggests that shallow aquifer system near the river is yielding water to the river (Water-Resources Investigations Report 98-4208). The DEIR accurately states that the recent alluvial deposits under and adjacent the Santa Clara River are considered to be unconfined. However, poor communication with older underlying aquifer units and the likely shallow groundwater discharge to the river from adjacent areas of higher elevation create the common condition of the Recent Alluvium in this reach being fully saturated, with the active groundwater flowpaths moving water downstream along the river corridor, not downwards into the basin as groundwater recharge. United acknowledges that when groundwater elevations are severely depressed by groundwater extraction in times of

Q1-2



UNITED WATER CONSERVATION DISTRICT

drought, groundwater will flow out of the alluvial aquifer and into the deeper and older sediments that form the main aquifers of the basin.

Q1-2

The DEIR fails to address water quality impacts to the Santa Clara River beyond the very limited water quality parameters listed in the Los Angeles Regional Water Quality Control Board's *Water Quality Control Plan*. The water quality evaluation focuses on the infrequent impacts of stormwater runoff from the plant site, and not the primary and continuous issue of the disposal or reuse of a city's treated wastewater. As detailed above, reclaimed water discharged to the Peck Road Drain contributes to the total flow in the Santa Clara River, which is diverted a short distance downstream at the Freeman Diversion. Diverted water is used to irrigate food crops and recharge drinking-water aquifers in close proximity to municipal wells. Water quality impacts to the river need to be addressed with respect to regulated and unregulated drinking water contaminants. The Regional Board's current requirement of a downstream sampling point at the Freeman Diversion is consistent with United's concerns of reclaimed water impacts at this downstream location. Santa Paula treatment plant operators have been collecting monthly data at this location since 1997, which should assist in the evaluation of potential impacts.

Q1-3

It appears that more technical work is required to evaluate the percolation potential of the proposed percolation ponds. The geotechnical report notes shallow depths to groundwater already exist at the proposed site, which would be exacerbated by the percolation of additional water. Further, results of recent Geoprobe explorations led investigators to conclude that "above about three to eight feet bgs, materials appears to consist primarily of clayey sand, sandy clay and sandy silt" (Section 5.8.1.7). It appears the substantial fine-grained overbank deposits overlie the coarser stream channel alluvium mapped in the vicinity, and these fine-grained deposits may substantially reduce the infiltration capacity at the site. Percolation and/or permeability tests are a logical way to determine if this site is suitable for the large-scale percolation of treated wastewater proposed for the project, and it is not clear that such tests were conducted.

Q1-4

The DEIR does not adequately address the chloride compliance issue facing the City of Santa Paula, and the year 2002 data used in the evaluation appears to understate the problem. The City is prohibited from discharging water with greater than 100 mg/l chloride, and the DEIR states this will be achieved through chloride source-reduction programs initiated by the City. Monthly monitoring of plant effluent in 2003 recorded chloride values ranging from 156 to 191 mg/l, and averaging 171 mg/l. The incomplete data set from 2004 records a similar range of values, averaging 161 mg/l chloride. United questions whether it is reasonable to expect such significant chloride reductions without a source evaluation study or other supporting evidence.

Q1-5

The above comments notwithstanding, United Water Conservation District is very pleased that the City of Santa Paula is moving forward with plans to upgrade its existing water reclamation facility. The reduced turbidity and improved disinfection

Q1-6



UNITED WATER CONSERVATION DISTRICT

promised by a modern plant design will undoubtedly improve water quality in the Santa Clara River downstream of Peck Road Drain. In the meantime, United appreciates the continued prompt notification of plant upsets or spills, given the existing uses of water diverted from the river downstream of Santa Paula.

Q1-6

United also applauds the City's foresight and good judgment in constructing a reservoir for reclaimed water at the plant site in anticipation of the widespread future use of reclaimed water in the Santa Paula basin. We are hopeful that the water quality goals specified in the DEIR are attainable and prove acceptable for agricultural users and other intended uses. If you have any questions regarding our comments please do not hesitate to contact us.

Q1-7

Sincerely,

Dana L. Wischart
General Manager

Cc: BDRF

Q1 RESPONSES TO COMMENTS FROM THE UNITED WATER CONSERVATION DISTRICT DATED JANUARY 5, 2005

Q1-1 Comments noted. No response necessary.

Q1-2 Based on discussions with United Water Conservation District staff, the City appreciates the clarification that not all effluent from the existing plant is recharged to the Santa Paula Basin. Published documents, notably those by the Santa Paula Basin Technical Advisory Committee (TAC) (2003) and the Santa Paula Basin Annual Report (2002), cite streambed recharge along the Santa Clara River, especially in the two mile stretch that begins immediately south of the City of Santa Paula, as being significant, perhaps the major source, of recharge to the groundwater basin. The United States Geological Survey (USGS) report "Simulation of Groundwater/Surface Water Flow in the Santa Clara-Calleguas Basin, Ventura County" (2003) also provides graphs of estimated streamflow losses for gauged inflows along the Santa Clara River under dry- and wet-year seasons. The losses, and thus recharge to the basin, can be significant depending on the reach considered. The USGS data, however, are fairly generic to the entire reach of the Santa Clara River from Piru to Santa Paula. United points out, based on their own stream gauging and field observations, that the Santa Clara River reach from about Peck Road to the Freeman is relatively stable, with wastewater discharged from the existing Santa Paula plant for the most part remaining in the unconfined alluvial aquifer system and potentially available for diversion and recharge by United. United acknowledges that when the water table along this reach is severely depressed, such as in droughts, some recharge to the deeper aquifer systems in the basin likely occurs.

Q1-3 The preferred disposal method of treated wastewater from the proposed project is percolation ponds. Recycled water use is not discussed in detail in the EIR. It is noted as a possible future project, which would need to be adequately addressed as a separate project with a separate EIR (or supplement). It is the intent that the treated wastewater will be in compliance with the permits issued by the RWQCB – Los Angeles and CDHS for Title 22 water quality for unrestricted use. Because the beneficial use designation, as defined in the Basin Plan is potential Municipal and Domestic Supply, concentrations of chemical constituents are not to exceed the limits specified in the provisions of Title 22 of the California Code of Regulations (Division 4. Environmental Health, Chapter 15. Domestic Water Quality and Monitoring Regulations). The following table summarizes the anticipated levels for most of the primary constituents, which need to be finalized during the WDR and CDHS permit processes.

Constituent	Anticipated Discharge Requirements Reclamation/Reuse (On-Site Percolation Ponds) ⁽⁴⁾
Biochemical Oxygen Demand (BOD ₅ 20° C)	10 mg/L ⁽¹⁾
Total Suspended Solids (TSS)	10 mg/L ⁽¹⁾
Oil & Grease	10 mg/L
Settleable Solids	0.1 mg/L
Total Residual Chlorine	0.1 mg/L
Nitrate + Nitrite-N	10 mg/L
Total Dissolved Solids	2,000 mg/L ⁽²⁾
Sulfate	800 mg/L ⁽²⁾
Chloride	110 ⁽²⁾ mg/L
Boron	1.0 ⁽²⁾ mg/L
Coliform	1.1/100 ml
pH	6.5 – 8.5
Turbidity	2 NTU

⁽¹⁾ disinfected tertiary treatment, Title 22.

⁽²⁾ Basin Plan Table 3-10 – Santa Clara-Santa Paula Area, west of Peck Road.

⁽³⁾ Water quality monitoring upstream and downstream of the percolation area to demonstrate compliance with WDR issued by RWQCB – Los Angeles.

⁽⁴⁾ Title 22 effluent and Basin Plan criteria as noted.

Q1-4 Fugro West, Inc., (water quality and geology consultants to the City) has completed considerable technical studies relative to the feasibility of the percolation ponds. The studies have included cone penetrometer soundings, test holes with completions to monitoring wells, test pits, and the performance of field and laboratory permeability tests. While the studies are preliminary to the final design of the percolation ponds, the results suggest sustained percolation rates will be adequate to accept the volumes of wastewater being considered while maintaining adequate separation to groundwater. The final geotechnical report documenting the field investigations and testing should be available prior to April 2005 and a copy will provided to United.

Q1-5 The chloride within the wastewater will be addressed through source control. A separate project has been defined to evaluate source control. This project will include a separate Project Report and associated EIR. The source control program will also include a commitment to reduce chloride loading from private water softeners to achieve eventual compliance with the RWQCB – Los Angeles WDRs that will be issued for operation of the recycling facility.

Q1-6 Comments noted. No response necessary.

Q1-7 Comments noted. No response necessary.