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# Response to Comments

## Introduction

This document contains the comments received on the Waterman Road Rehabilitation and Bike Lanes - Bond Road to Sheldon Road Project (Project) (SCH# 2017072064) during the agency/public review period for the Initial Study/Mitigated Negative Declaration (IS/MND) (from July 28, 2017 to August 28, 2017).

## Comments Received on the Mitigated Negative Declaration

The public comment period for the Project was initiated on July 28, 2017 and was open for 30 days. A summary of the comment letters received is provided below, with the individual comment letters and the City's response to the comment letters provided on the following pages.

Letter Number	Commenter	Affiliation
1	Stephanie Tadlock, Environmental Scientist	Central Valley Regional Water Quality Control Board
2	Angela C. McIntire, Regional & Local Government Affairs	Sacramento Municipal Utility District (SMUD)
3	Connie Conley	Citizen




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**Central Valley Regional Water Quality Control Board**

22 August 2017

Kevin Bewsey  
 City of Elk Grove  
 8401 Laguna Palms Way  
 Elk Grove, CA 95758

CERTIFIED MAIL  
 91 7199 9991 7035 8421 1830

**COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE  
 DECLARATION, WATERMAN ROAD REHABILITATION AND BIKE LANES – BOND ROAD  
 TO SHELDON ROAD PROJECT, SCH# 2017072064, SACRAMENTO COUNTY**

Pursuant to the State Clearinghouse's 28 July 2017 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Waterman Road Rehabilitation and Bike Lanes – Bond Road to Sheldon Road Project, located in Sacramento County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

**I. Regulatory Setting**

**Basin Plan**

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases,

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KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCEE, EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)



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the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/).

#### **Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:  
[http://www.waterboards.ca.gov/centralvalleywater\\_issues/basin\\_plans/sacsjr.pdf](http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

## **II. Permitting Requirements**

### **Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan

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(SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml).

**Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/).

For more information on the Caltrans Phase I MS4 Permit, visit the State Water Resources Control Board at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/caltrans.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/caltrans.shtml).

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

**Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

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**Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

**Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance (i.e., discharge of dredge or fill material) of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

**Waste Discharge Requirements (WDRs)**

*Discharges to Waters of the State*

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

*Land Disposal of Dredge Material*

If the project will involve dredging, Water Quality Certification for the dredging activity and Waste Discharge Requirements for the land disposal may be needed.

*Local Agency Oversight*

Pursuant to the State Water Board's Onsite Wastewater Treatment Systems Policy (OWTS Policy), the regulation of septic tank and leach field systems may be regulated under the local agency's management program in lieu of WDRs. A county environmental health department may permit septic tank and leach field systems designed for less than 10,000 gpd. For more information on septic system regulations, visit the Central Valley Water Board's website at:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/owts/sb\\_owts\\_policy.pdf](http://www.waterboards.ca.gov/centralvalley/water_issues/owts/sb_owts_policy.pdf)

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For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit2.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml).

#### **Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf)

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2013-0145\\_res.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf)

#### **Regulatory Compliance for Commercially Irrigated Agriculture**

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_lands/app\\_oval/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_oval/index.shtml); or contact water board staff at (916) 464-4611 or via email at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other

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action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).

#### **Low or Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0074.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf)

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0073.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf)

#### **NPDES Permit**

If the proposed project discharges waste that could affect the quality of the waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit3.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml)

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If you have questions regarding these comments, please contact me at (916) 464-4644 or Stephanie.Tadlock@waterboards.ca.gov.

  
Stephanie Tadlock  
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento



Letter 1 – Central Valley Regional Water Quality Control Board:

**Response:**

Comment noted.

No specific environmental concerns relating to items within the Draft Initial Study with proposed Mitigated Negative Declaration were provided. The letter highlighted general existing regulatory setting, required permits, and compliance with required permits. The Project will comply with all applicable regulations, required permits, and requirements for water quality of both ground and surface water sources as laid out in the Draft Initial Study with proposed Mitigated Negative Declaration.

Powering forward. Together.

**Sent Via E-Mail**

August 28, 2017

Kevin Bewsey  
 City of Elk Grove  
 8401 Laguna Palms Way  
 Elk Grove, CA 95758  
[kbewsey@elkgrovecity.org](mailto:kbewsey@elkgrovecity.org)

Subject: Waterman Road Rehabilitation and Bike Lanes – Bond Road to Sheldon Road Project (Clearinghouse No. 2017072064)

Dear Mr. Bewsey:

The Sacramento Municipal Utility District (SMUD) appreciates the opportunity to provide comments on the Initial Study/Mitigated Negative Declaration (IS/MND) for the Waterman Road Rehabilitation and Bike Lanes – Bond Road to Sheldon Road Project (Project). SMUD is the primary energy provider for Sacramento County and the proposed Project area. SMUD's vision is to empower our customers with solutions and options that increase energy efficiency, protect the environment, reduce global warming, and lower the cost to serve our region. As a Responsible Agency, SMUD aims to ensure that the proposed Project limits the potential for significant environmental effects on SMUD facilities, employees, and customers.

It is our desire that the MND for the Project will acknowledge any Project impacts related to the following:

- Overhead and or underground transmission and distribution line easements. Please view the following links on [smud.org](http://smud.org) for more information regarding transmission encroachment:
  - <https://www.smud.org/en/business/customer-service/support-and-services/design-construction-services.htm>
  - <https://www.smud.org/en/do-business-with-smud/real-estate-services/transmission-right-of-way.htm>
- Utility line routing
- Electrical load needs/requirements
- Energy Efficiency
- Climate Change

SMUD-1

Based on our review of the Initial Study and our understanding of the proposed Project, SMUD offers the following input for your consideration:

- As discussed in the IS/MND, SMUD has distribution and transmission facilities in and around the project area that could be impacted during the construction of the

SMUD-2

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Project. Please review the links above for more information regarding transmission encroachment.

- SMUD encourages the City to coordinate any overhead/underground construction with SMUD to ensure no facilities will be compromised.
- If existing SMUD facilities must be relocated, SMUD requests a new standard 12.5-foot Public Utility Easement (PUE) for its facilities.
- SMUD requests a standard 12.5-foot underground PUE along Waterman Road for future 12kV underground facilities.

SMUD-2  
(cont.)

SMUD-3

SMUD-4

SMUD would like to be involved with discussing the above areas of interest as well as discussing any other potential issues. We aim to be partners in the efficient and sustainable delivery of the proposed Project. Please ensure that the information included in this response is conveyed to the Project planners and the appropriate Project proponents.

Environmental leadership is a core value of SMUD and we look forward to collaborating with you on this Project. Again, we appreciate the opportunity to provide input on this IS/MND. If you have any questions regarding this letter, please contact Kim Crawford at [kim.crawford@smud.org](mailto:kim.crawford@smud.org) or (916)732-5063.

Sincerely,



Angela C. McIntire  
Regional & Local Government Affairs  
Sacramento Municipal Utility District  
6301 S Street, Mail Stop A313  
Sacramento, CA 95817  
[angela.mcintire@smud.org](mailto:angela.mcintire@smud.org)

Cc: Kim Crawford

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## Letter 2 – Sacramento Municipal Utility District

**Response:**

SMUD 1: Please note this Project makes no change to the existing SMUD facilities.

For climate change and energy impacts related to the Project, refer to Section 3.7, Greenhouse Gas Emissions, of the IS/MND. The City adopted the City of Elk Grove Climate Action Plan (CAP) on March 27, 2013 to comply with AB 32. The CAP identified how the City and the broader community could reduce regional GHG emissions and included reduction targets, strategies, and specific actions. The City considers a specific project proposal consistent with the Elk Grove CAP if it complies with the GHG reduction measures contained in the adopted CAP. The Project is consistent with the CAP, as specified in Section 3.7, Greenhouse Gas Emissions.

The Project is the modification of an existing roadway and does not currently use electricity, nor will it require electricity use once constructed.

SMUD 2: The requirements outlined within the comment letter will be further coordinated through the City's utility coordination process for the Project.

SMUD 3: Please note this Project makes no change to the existing SMUD facilities.

SMUD 4: The comment regarding the request for a new standard 12.5-foot Public Utility Easement (PUE) for a future 12kV underground SMUD facilities is noted. Since this Project does not cause the need for a PUE, and the City's project is entirely within existing City right-of-way, there is not opportunity to acquire a separate PUE as a part of this Project. Should SMUD want to install future 12kV underground facilities, it would need to be completed as part of a separate SMUD or other project that would trigger the granting of a PUE.

**From:** Connie Conley <connie4eg@frontiernet.net>  
**Sent:** Tuesday, August 1, 2017 3:53 PM  
**To:** Kevin Bewsey  
**Cc:** Bob Murdoch; Laura Gill; Steve Ly; Patrick Hume; Darren Suen; Stephanie Nguyen; Steve Detrick; 'TRACIE STAFFORD'; Kendrasway@gmail.com; Maureen Craft for Elk Grove City Council; Linda Ford; Dan Gougherty; Lance Armstrong; Lynn Wheat; Kevin Spease; George Murphey  
**Subject:** Waterman Road Repaving!

Dear Kevin,

Finally! We are getting Waterman Road between Sheldon and Bond Roads repaved with bike lanes. It has been a long time coming, but it is a start.

I, along with many others, are very much aware that we are 10 million dollars in the arrears and years behind in repaving roads in Elk Grove, and to date, we still don't know where the Elk Grove City Council is going to get the money. Well maintained roads and infrastructure development will ensure improvement in the quality of life here in Elk Grove. Last thing we need in our city is rotten roads. Not glamorous, no photo ops, but critical to any city. Why? Infrastructure development is a vital component in encouraging a city's economic growth. That and trails which, by the way, we all know having a trail, or bike lane, nearby your home increases property values; not to mention all the other advantages to businesses and economic development – all of which factor into a city's vitality.

We have a beautiful rural area for biking that residents of Elk Grove should be able to enjoy; but for the most part you take your life in your hands if you try and ride a bike on Sheldon or Waterman Roads. Now we will have bike lanes on Waterman Road. Again, a good start.

Best regards,  
Connie Conley

Letter 3 – Connie Conley

**Response:**

Comment supporting the Project is noted.