



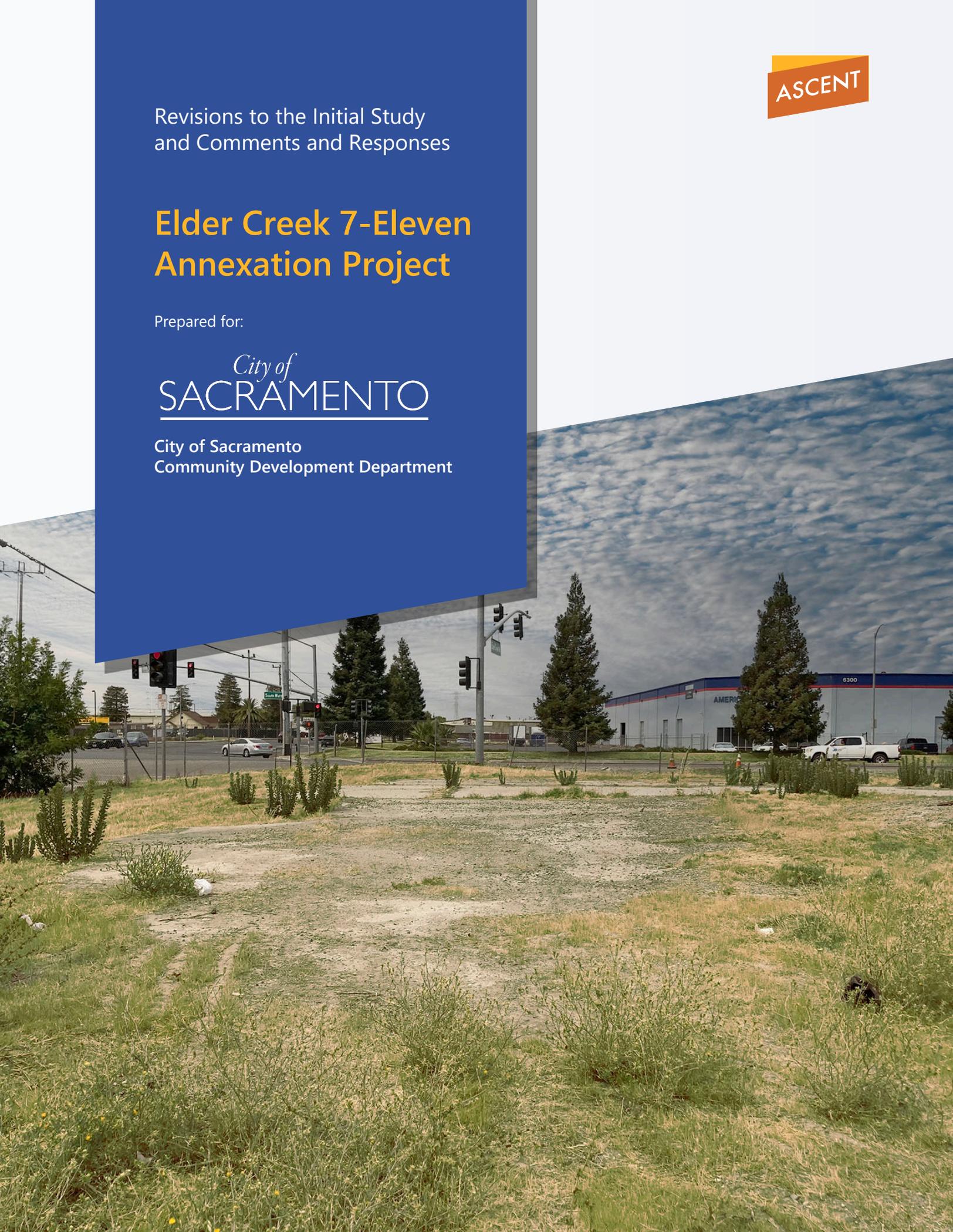
Revisions to the Initial Study
and Comments and Responses

Elder Creek 7-Eleven Annexation Project

Prepared for:

City of
SACRAMENTO

City of Sacramento
Community Development Department



Revisions to the Initial Study and Comments and Responses

Elder Creek 7-Eleven Annexation Project

(P20-036) (SCH#: 2022080366)

Prepared for:



City of Sacramento
Community Development Department

Environmental Planning Services
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811

Contact:

Scott Johnson
916.808.5842

Prepared by:



Ascent Environmental
455 Capitol Mall, Suite 300
Sacramento, CA 95814

Contact:

Marianne Lowenthal
Environmental Planner
916.444.7301

October 2022

TABLE OF CONTENTS

Section	Page
LIST OF ABBREVIATIONS	II
1 BACKGROUND AND LIST OF COMMENTERS	1-1
2 REVISIONS TO THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION.....	2-1
3 COMMENT LETTERS AND RESPONSES TO COMMENTS.....	3-1
3.1 List of Commenters.....	3-1
3.2 Comments and Responses.....	3-1
4 REFERENCES.....	4-1
5 LIST OF PREPARERS.....	5-1

Tables

Table 3-1	List of Commenters.....	3-1
-----------	-------------------------	-----

LIST OF ABBREVIATIONS

CARB	California Air Resources Board
CEQA	California Environmental Quality Act
City	City of Sacramento
Final IS/MND	final initial study and mitigated negative declaration
SMAQMD	Sacramento Metropolitan Air Quality Management District

1 BACKGROUND AND LIST OF COMMENTERS

Project Name and File Number: Elder Creek 7-Eleven Annexation

Project Location: Northern side of Elder Creek Road between South Watt Avenue and Turner Road, APN 62-0060-033

Project Applicant: Tekin and Associates

Project Planner: Michael Hanebutt, City of Sacramento Community Development Department

Environmental Planner: Scott Johnson, City of Sacramento Community Development Department

Date Initial Study Completed: August 17, 2022

The proposed Elder Creek 7-Eleven Annexation project, which is located on a vacant 2.49-acre parcel in Sacramento County, would include a 7-Eleven convenience store, fueling station with six pumps, a car wash, and other elements including lighting, hardscape, and landscaping. The project involves annexation of 3.42 acres into the City of Sacramento (City).

This final initial study and mitigated negative declaration (Final IS/MND) has been prepared by the City of Sacramento (City), as lead agency, in accordance with the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code 21000-21189) and the State CEQA Guidelines ((California Code of Regulations Title 14, Division 6, Chapter 3, Sections 15000-15387). The Final IS/MND consists of the Draft IS/MND and this document (response to comments document), which includes comments on the Draft IS/MND, responses to those comments, and revisions to the Draft IS/MND. The Lead Agency is the City of Sacramento.

The Mitigated Negative Declaration for the project was circulated for public comment from August 17, 2022 through September 16, 2022. Written comments were received as follows:

List of Commenters

Name	Agency/Organization	Date
Satwinder Dhatt	California Department of Transportation, District 3 Local Development Review, Equity and System Planning	September 6, 2022
Yadira Lewis, Development Services	Sacramento Area Sewer District	September 8, 2022
Peter Minkel, Engineering Geologist	Central Valley Regional Water Quality Control Board	September 16, 2022
Molly Wright, Air Quality Planner/Analyst	Sacramento Metropolitan Air Quality Management District	September 16, 2022

This page intentionally left blank.

2 REVISIONS TO THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

This chapter presents specific text changes made to the Draft IS/MND since its publication and public review. The changes are presented in the order in which they appear in the original Draft IS/MND and are identified by the Draft IS/MND page number. Text deletions are shown in ~~strike through~~, and text additions are shown in underline.

The changes shown below consist of minor clarifications to the text of the Draft IS/MND. Because the changes presented below would not result in any new significant impacts or an increase in impact significance from what was identified in the IS/MND, recirculation of the IS/MND is not required (CEQA Guidelines section 15073.5).

2.1 CITY-INITIATED REVISIONS

The revisions to the Draft IS/MND include a clarification regarding the acreage of the annexation request. The project site consists of 2.49 acres; however, a total of 3.42 acres would be annexation from unincorporated Sacramento County into the City of Sacramento as part of the project.

Revisions to Section 1.1, "Purpose of Document"

The second paragraph of Section 1.1, "Purpose of Document," of the IS/MND has been modified as follows.

This draft initial study/mitigated negative declaration (Draft IS/MND) has been prepared by the City to evaluate potential environmental effects resulting from the project. Chapter 2, "Project Description," presents the detailed project information. The project would involve annexation of 3.42 acres, which includes the 2.49-acre project site, from unincorporated Sacramento County into the City of Sacramento. In addition to the annexation request, the Sacramento Local Agency Formation Commission (LAFCo), a responsible agency under CEQA, would consider for approval the following associated reorganizations within the project area.

This reorganization would involve detachment of the ~~2.49~~ 3.42 acres from the following service districts:

- ▶ detachment from Southgate Park District
- ▶ detachment from Sacramento Metropolitan Fire District
- ▶ detachment from Sacramento County Water Maintenance District Zones 11, 12, 13, 40, and 41 (water supply and drainage planning services)
- ▶ detachment from County Service Areas No. 1 and 11

Revisions to Section 2.4, "Proposed Project"

The first paragraph on page 2-4 of the Draft IS/MND has been modified as follows.

This reorganization would involve detachment of the ~~2.49~~ 3.42 acres from the following service districts:

- ▶ detachment from Southgate Park District
- ▶ detachment from Sacramento Metropolitan Fire District
- ▶ detachment from Sacramento County Water Maintenance District Zones 11, 12, 13, 40, and 41 (water supply and drainage planning services)
- ▶ detachment from County Service Areas No. 1 and 11

Revisions to Section 4.2.1, "Overview of Annexation Request"

The first paragraph under subsection 4.2.1 of the Draft IS/MND, "Overview of Annexation Request," has been modified as follows.

The project would involve the annexation of ~~2.49~~ 3.42 acres (~~project site~~) within the City's Sphere of Influence. The project site is located in unincorporated Sacramento County at the northeast corner of South Watt Avenue and Elder Creek Road. In addition to the proposed annexation, this reorganization would involve detachment of the ~~2.49~~ 3.42 acres from the following service districts:

- ▶ detachment from Southgate Recreation and Park District;
- ▶ detachment from Sacramento Metropolitan Fire District;
- ▶ detachment from Sacramento County Water Maintenance District Zones 11, 12, 13, 40 and 41 (water supply and drainage planning services); and
- ▶ detachment from County Service Areas No. 1 and 11.

Revisions to Section 4.4, "Impacts and Mitigation Measures

Impact 4-2, on page 4-13 of the Draft IS/MND, has been modified as follows.

Impact 4-2: Impacts to Sacramento Metropolitan Fire Department

Detachment of the project area from Metro Fire would not result in significant service impacts to Metro Fire because the detachment would only result in a minor reduction of service area and a Property Tax Exchange Agreement would be established to address payment of impact feeds and funding. Therefore, project's impacts to Metro would be **less than significant**.

Less than significant. While the proposed annexation of the project area would involve the detachment of ~~2.49~~ 3.42 acres from Metro Fire and annexation to the City, and would be served by the SFD, this detachment would only result in a minor reduction Metro Fire's service area by approximately ~~0.7~~ 0.96 percent. The project would contribute to the need for facility improvements and equipment needs that would be addressed through its payment of impact fees and funding through its Property Tax Exchange Agreement. The project site is located within the Metro Fire district boundary. It is also provided fire service by SFD through a mutual aid agreement. Once annexed, the project site would annexed into the SFD service area and would be served by SFD. The existing mutual aid agreement between Metro Fire and SFD would continue upon annexation to SFD. As a result, the detachment of the project site from Metro Fire would be **a less-than-significant** impact and would not create new or altered service impacts.

Mitigation Measures

No mitigation is required.

Impact 4-3, on page 4-13 of the Draft IS/MND, has been modified as follows.

Impact 4-3: Impacts Related to an Increase in Demand for Fire Protection Services in the City

The proposed annexation of the project area would involve the detachment of ~~2.49~~ 3.42 acres from Metro Fire and annexation to SFD. This detachment would only result in a minor increase to SFD's service area by approximately ~~1.7~~ 2.3 percent, and would not change the level of service demanded by the SFD because it already provides services to the project site through a mutual aid agreement with Metro Fire. The mutual aid agreement between Metro Fire and SFD would continue upon annexation to SFD. In addition, a Property Tax Exchange Agreement would be established to address funding for City fire protection services. Therefore, the project's impacts to City fire protection services would be **less than significant**.

Less than significant. Development would also be required to comply with state and local fire regulations, as outlined in the California Health and Safety Code and the City Code and fire prevention code. Compliance with these mandatory regulations would ensure that fire and other emergency

service providers would have adequate access to all properties within the project area in the event of a fire emergency. Compliance would also support fire suppression and decrease the likelihood of fire spreading through preventative measures such as fire sprinklers and appropriate fire-safe vegetation choices and clearing requirements, and through the use of fire-safe building materials, building plans, emergency access details and site plans.

The proposed annexation of the project area would involve the detachment of ~~2.49~~ 3.42 acres from Metro Fire and annexation to SFD. This detachment would only result in a minor increase to SFD's service area by approximately ~~1.7~~ 2.3 percent, and would not change the level of service demanded by the SFD because it already provides services to the project site through a mutual aid agreement with Metro Fire. The mutual aid agreement between Metro Fire and SFD would continue upon annexation to SFD. In addition, a Property Tax Exchange Agreement would be established to address funding for City fire protection services. As a result, the annexation of the project site to SFD would be a **less-than-significant** impact and would not create new or altered service impacts.

Mitigation Measures

No mitigation is required.

Impact 4-4, on page 4-14 of the Draft IS/MND, has been modified as follows.

Impact 4-4: Impacts to the Southgate Recreation and Park District

Detachment of the project area from the SRPD would not result in significant service impacts to SRPD because this area does not currently contain any park facilities or residents that generate demand and revenue to SRPD. Therefore, project's impacts to the SRPD would be **less than significant**.

Less than significant. A majority of the project's land area is vacant. The proposed annexation of the project area would involve the detachment of ~~2.49~~ 3.42 acres from the SRPD and annexation to the City. This detachment would result in a reduction SRPD service area by approximately ~~0.007~~ 0.01 percent, of the total approximately 52 square miles (33,280 acres). The project site does not contain any on-site park facilities maintained by the SRPD. The detachment of the project area from the SRPD would not alter park demands for park facilities or result in the loss of park facilities. In regard to decreased funding of SRPD, the project site contributes a small amount toward the overall property tax revenue in the County and thus generates a minor contribution toward SRPD funding. Thus, project's impact to the SRPD would be **less than significant**.

2.2 REVISIONS IN RESPONSE TO COMMENTS

Revisions to Section 3.3, "Air Quality"

In response to a comment from SMAQMD, the language of paragraph five on page 3-13 of the IS/MND has been modified as follows.

Operation of the project would introduce a gasoline dispensing facility, which is a ~~not result in result in any~~ new stationary source requiring a permit from the SMAQMD; ~~nor would the~~ however, the project would not site new sensitive receptors. The proposed gasoline dispensing facility would be permitted through SMAQMD and would be equipped with a CARB-certified recovery system. Moreover, ~~However,~~ operation of the project would result in new sources of TACs associated with commercial and fuel delivery trucks, as well as vehicles refueling.

This page intentionally left blank.

3 COMMENT LETTERS AND RESPONSES TO COMMENTS

This chapter contains comment letters received during the public review period for the Draft IS/MND, which concluded on September 16, 2022. As required by Section 15088(a) of the State CEQA Guidelines, written responses were prepared addressing comments on environmental issues received from reviewers of the Draft IS/MND.

3.1 LIST OF COMMENTERS

Table 3-1 presents the list of commenters, including the numerical designation for each comment letter received, the author of the comment letter, and the date of the comment letter.

Table 3-1 List of Commenters

Name	Agency/Organization	Date
Satwinder Dhatt	California Department of Transportation, District 3 Local Development Review, Equity and System Planning	September 6, 2022
Yadira Lewis, Development Services	Sacramento Area Sewer District	September 8, 2022
Peter Minkel, Engineering Geologist	Central Valley Regional Water Quality Control Board	September 16, 2022
Molly Wright, Air Quality Planner/Analyst	Sacramento Metropolitan Air Quality Management District	September 16, 2022

3.2 COMMENTS AND RESPONSES

The Responses to Comments below include responses to the comment letters submitted regarding the proposed project. The letters are reproduced first, with responses following. Some responses clarify or correct language in the IS/MND. It should be noted that where revisions to the IS/MND text are required in response to a comment, new text is underlined and deleted text is in ~~strikeout~~. The revisions to the IS/MND do not affect the adequacy of the environmental analysis or conclusions in the IS/MND. Some comments address elements of the project and do not require a detailed response under CEQA. These comments have been noted by the City planning staff and will be forwarded to the decision makers for their consideration.

3.2.1 Agencies

From: [Dhatt, Satwinder K@DOT](mailto:Dhatt.Satwinder.K@DOT) on behalf of D3.Local.Development@DOT
To: [Scott Johnson](mailto:Scott.Johnson)
Cc: [Arnold, Gary S@DOT](mailto:Arnold.Gary.S@DOT)
Subject: Elder Creek 7 Eleven Annexation (P20-036)
Date: Tuesday, September 6, 2022 10:49:56 AM

Good Morning Scott,

Thank you for including California Department of Transportation in the review process for Elder Creek 7 Eleven Annexation project. We wanted to reach out and let you know we have no comments at this time.

Please provide our office with copies of any further actions regarding this proposal. We would appreciate the opportunity to review and comment on any changes related to this development.

Should you have questions please contact me, Local Development Review, Equity and System Planning Coordinator, by phone (530) 821-8261 or via email at D3.local.development@dot.ca.gov.

Thank you!

Satwinder Dhatt
Local Development Review, Equity and System Planning
California Department of Transportation, District 3
(530) 821-8261

California Department of Transportation, District 3

Satwinder Dhatt, Local Development Review, Equity and System Planning
September 6, 2022

Response

The commenter provides a letter of no comment, and requests to review of any changes related to the project. No response is necessary.



10060 Goethe Road
Sacramento, CA 95827-3553
Tel 916.876.6000
Fax 916.876.6160
www.sacsewer.com

September 8, 2022

Scott Johnson
City of Sacramento
Community Development Department
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811

**Subject: Elder Creek 7-Eleven Annexation Project
Notice Of Availability/Intent To Approve Draft Mitigation Negative
Declaration**
APN: 062-006-0033
File No.: P20-036

Dear Mr. Johnson,

The Sacramento Area Sewer District (SacSewer) has reviewed the subject documents.

The applicant is requesting a 7-Eleven convenience store, a fueling station with six pumps, a car wash, and other elements including lighting, hardscape, and landscaping. The project involves annexation of the project site into the City of Sacramento and is already within the City’s Sphere of Influence.

For public sewer connection, SacSewer requires the installation of approximately 500’ of 18-inch trunk line on Elder Creek Rd and approximately 350’ of 8-inch collector on Turner Rd.

SacSewer expects that if the project is subject to currently established policies, ordinances, fees, and to conditions of approval that we will propose after review of entitlement application documents, then mitigation measures will adequately address the sewage aspects of the project and we anticipate a less than significant impact to the sewage facilities.

If you have any questions regarding these comments, please call me at Yadira Lewis at (916) 876-6336.

Sincerely,
Yadira Lewis
Yadira Lewis
SacSewer Development Services

www.sacsewer.com

Board of Directors
Representing:
County of Sacramento | City of Citrus Heights
City of Elk Grove | City of Folsom
City of Rancho Cordova | City of Sacramento

Christoph Dobson
District Engineer
Rosemary Clark
Director of Operations

Mike Huot
Director of Policy & Planning
Matthew Doyle
Director of Internal Services

Masiku Tapa Banda
Director of Finance
Nicole Coleman
Director of Communications

Sacramento Area Sewer District

Yadira Lewis, Development Services

September 8, 2022

Response

The comment indicates that that the project would be required to install an approximately 500-foot 18-inch trunk line on Elder Creek Road and an approximately 350-foot 8-inch collector line on Turner Road. The pipeline is described in Section 2.4.2, "Utilities," and depicted in Figure 2-5 in the Draft IS/MND. An evaluation of the environmental impacts of the sewer line is included in Chapter 3, "Environmental Checklist" in the Draft IS. No changes to the document are necessary.



Central Valley Regional Water Quality Control Board

16 September 2022

Scott Johnson
City of Sacramento
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811
srjohnson@cityofsacramento.org

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, ELDER CREEK 7-ELEVEN ANNEXATION PROJECT, SCH#2022080366, SACRAMENTO COUNTY

Pursuant to the State Clearinghouse's 17 August 2022 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 Elder Creek 7-Eleven Annexation 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

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley

Elder Creek 7-Eleven Annexation Project - 2 -
Sacramento County

16 September 2022

Administrative Law (OAL) and in some cases, 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/

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 Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.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

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

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 (USACE). If a Section 404 permit is required by the USACE, 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

Elder Creek 7-Eleven Annexation Project - 3 -
Sacramento County

16 September 2022

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 USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE 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 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. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE 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. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

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 Threat General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage

Elder Creek 7-Eleven Annexation Project - 4 -
Sacramento County

16 September 2022

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 Threat 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

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

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 *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface 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: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.

Peter Minkel

Peter Minkel
Engineering Geologist

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

Central Valley Regional Water Quality Control Board

Peter Minkel, Engineering Geologist

September 16, 2022

Response

The comment includes a summary of regulations that pertain to hydrology and water quality. The comment does not address the potential environmental impacts of the project, and no further response can be provided.

From: [LU Project Review Account](#)
To: [Scott Johnson](#)
Cc: [Karen Huss](#); [Paul Phillee](#)
Subject: RE: CEQA Notice of Availability/Intent for the Elder Creek 7 Eleven Annexation (P20-036)
Date: Friday, September 16, 2022 8:16:40 AM
Attachments: [image001.png](#)
[image002.png](#)
[SCH2022080366 Elder Creek 7Eleven Annexation Project SMAQMD.pdf](#)

Dear Scott Johnson:

Thank you for providing Sac Metro Air District with the opportunity to review the [Elder Creek 7-Eleven Annexation Project](#) Mitigated Negative Declaration under the California Environmental Quality Act (CEQA). This project would include a 7-Eleven convenience store, a fueling station with six pumps, a car wash, and other elements including lighting, hardscape, and landscaping. The project involves annexation of the project site into the City of Sacramento and is already within the City’s Sphere of Influence. Sac Metro Air District offers the attached recommendations on air quality and climate considerations for project implementation and CEQA review, consistent with methods recommended in our [Guide to Air Quality Assessment in Sacramento County](#) (CEQA Guide), available on our website.

Molly Wright

Air Quality Planner/Analyst
 Desk: (279) 207-1157
mwright@airquality.org
www.AirQuality.org



From: Scott Johnson <SRJohnson@cityofsacramento.org>
Sent: Wednesday, August 17, 2022 10:27 AM
To: Scott Johnson <SRJohnson@cityofsacramento.org>
Cc: Michael Hanebutt <MHanebutt@cityofsacramento.org>; Cheryle Hodge <CHodge@cityofsacramento.org>; Ron Bess <RBess@cityofsacramento.org>
Subject: CEQA Notice of Availability/Intent for the Elder Creek 7 Eleven Annexation (P20-036)

***** THIS EMAIL ORIGINATED OUTSIDE AIRQUALITY.ORG *****

Dear Interested Persons,

This email is to inform you that the City of Sacramento, Community Development Department, as Lead Agency, has issued a Notice of Availability/Intent to Approve a Mitigated Negative Declaration for the **Elder Creek 7 Eleven Annexation Project (P20-**

036)

The Comment Period is from August 17, 2022, to September 16, 2022.

The document is now available for public review and comment. The NOA/I is available, along with the Mitigated Negative Declaration on the City's Community Development Department EIR webpage located at:

<http://www.cityofsacramento.org/Community-Development/Planning/Environmental/Impact-Reports>

Comments are invited from all interested parties. Written comments on the Mitigated Negative Declaration should be submitted to the following address **NO LATER THAN 5:00 pm on Friday, September 16, 2022**. All comments should be submitted via email or mailed to:

Scott Johnson, Senior Planner
300 Richards Blvd., 3rd Floor
Sacramento, CA 95811
(916) 808-5842
srjohnson@cityofsacramento.org

Please let me know if you have any questions.

Thank you.

Scott Johnson
City of Sacramento
Community Development Department
Environmental Planning Services
300 Richards Blvd., 3rd Floor
Sacramento, CA 95811
(916) 808-5842
srjohnson@cityofsacramento.org



September 16, 2022

Scott Johnson, Senior Planner
City of Sacramento Community Development Department
300 Richards Boulevard, 3rd Floor, Sacramento, CA 95811

Subject: Elder Creek 7-Eleven Annexation Project (SCH# 2022080366)

Dear Scott Johnson:

Thank you for providing the Sacramento Metropolitan Air Quality Management District (Sac Metro Air District) with the opportunity to review the [Elder Creek 7-Eleven Annexation Project](#) Mitigated Negative Declaration (MND) under the California Environmental Quality Act (CEQA). This project would include a 7-Eleven convenience store, a fueling station with six pumps, a car wash, and other elements including lighting, hardscape, and landscaping. The project involves annexation of the project site into the City of Sacramento and is already within the City's Sphere of Influence. Sac Metro Air District offers the following recommendations on air quality and climate considerations for project implementation and CEQA review, consistent with methods recommended in our [Guide to Air Quality Assessment in Sacramento County](#) (CEQA Guide), available on our website:

- The MND indicates that "Operation of the project would not result in result in any new permitted stationary sources." Please note that gasoline dispensing facilities (GDFs) are permitted sources requiring an Authority to Construct and Permit to Operate from Sac Metro Air District. The installation of a California Air Resources Board certified vapor recovery system is also required. Sac Metro Air District will conduct a health risk assessment for the GDF which may limit the gasoline throughput to meet allowable health risk levels. For GDF application instructions and forms visit: <http://www.airquality.org/businesses/permits-registration-programs/permit-applications-recordkeeping-advisories/gasoline-dispensing-facility>. If you have any questions on GDFs, please contact Steve Mosunic, Program Supervisor with Sac Metro Air District's Permitting Section, at 279-207-1137 or smosunic@airquality.org.
- The MND indicates that "there would be relatively few daily trips that would not result in longterm TAC [toxic air contaminant] exposure to nearby receptors" (p. 3-14), as part of its rationale for finding that project exposure of substantial pollutant concentrations to sensitive receptors would be less than significant. This appears to indicate that most daily trips would result in long-term TAC exposure, which would not be an appropriate rationale for the less than significant finding. Sac Metro Air District recommends clarifying this rationale. Further, we recommend supplementing this rationale with a quantification and of the weekly number of trips that would result in long-term TAC exposure, and a description of the types of trips that would result in the long-term TAC exposure. Please note that the California Air Resources

777 12th Street, Ste. 300 • Sacramento, CA 95814
Tel: 279-207-1122 • Toll Free: 800-880-9025
AirQuality.org

Board's [Air Quality and Land Use Handbook](#) provides guidance on the number of daily heavy duty truck trips that may result in substantial concentrations of TACs.

Construction

As a reminder, all projects are subject to Sac Metro Air District rules and regulations in effect at the time of construction. Please visit our website to [find a list of the most common rules that apply at the construction phase of projects](#).

Conclusion

Thank you for your attention to our comments. If you have questions about them, please contact Sac Metro Air District staff at mwright@airquality.org or 279-207-1157.

Sincerely,



Molly Wright, AICP
Air Quality Planner / Analyst

c: Paul Philley, AICP, Program

Sacramento Metropolitan Air Quality Management District

Molly Wright, Air Quality Planner/Analyst
September 16, 2022

Response

Comment 1

The comment indicates that it is incorrect to state that the project would not result in any new permitted stationary sources. The comment states that the Sacramento Metropolitan Air Quality Management District (SMAQMD) will conduct a health risk assessment associated with the gasoline dispensing facilities.

In response to this comment, the language of paragraph five on page 3-13 of the ISMND has been amended as follows. Where language have been removed, it is shown in ~~strike through~~; where language has been added, it is shown in underline.

Operation of the project would introduce a gasoline dispensing facility, which is a ~~not result in result in any~~ new stationary source requiring a permit from the SMAQMD; ~~nor would the~~ however, the project would not site new sensitive receptors. The proposed gasoline dispensing facility would be permitted through SMAQMD and would be equipped with a CARB-certified recovery system. Moreover, ~~However,~~ operation of the project would result in new sources of TACs associated with commercial and fuel delivery trucks, as well as vehicles refueling.

The text edits above do not alter the significance determination of the ISMND. No further response is required.

Comment 2

The comment quotes page 3-14 of the ISMND stating that "there would be relatively few daily trips that would not result in long-term TAC exposure to nearby receptors." The comment suggests that the rationale to determine a less-than-significant impact is based on long-term TAC exposure and is not appropriate. The comment suggests using the

California Air Resources Board (CARB) 2005 Air Quality and Land Use Handbook to determine whether the project would have a significant TAC impact.

As stated on page 3-14 of the ISMND, “[w]ith regards to the placement of the project near existing sensitive receptors, the project would be located approximately 220 feet from the nearest residence. Per CARB’s Air Quality and Land Use Handbook, large gasoline dispensing facilities should be located at least 300 feet from sensitive receptors (CARB 2005:4). A large gasoline dispensing facility is considered one which has an annual throughput of 3.6 million gallons. The project is anticipated to have an annual throughput of less than 2 million gallons per year, thus it would not be considered large by CARB’s standards” (page 3-14). The analysis provided in the IS/MND already uses CARB’s 2005 Air Quality and Land Use Handbook and determined that the size of the gasoline dispensing facility (fueling station with six pumps of 2 million gallons per year) would not meet CARB’s standards in its handbook.

No edits to the ISMND are required in response to this comment. No further response is required.

4 REFERENCES

California Air Resources Board. 2005 (April). *Air Quality and Land Use Handbook: A Community Health Perspective*. Sacramento, CA.

CARB. See California Air Resources Board.

This page intentionally left blank.

5 LIST OF PREPARERS

Amanda Olekszulín.....	Principal
Marianne Lowenthal.....	Project Manager
Alta Cunningham.....	Senior Cultural Resources Specialist
Emilie Zelazo.....	Cultural Resources Specialist
Dimitri Antoniou.....	Senior Noise Specialist
Hannah Kornfeld.....	Senior Air Quality, Greenhouse Gas, Energy, and Noise
Carrie Simmons.....	Air Quality, Greenhouse Gas, Energy, and Noise
Julia Wilson.....	Air Quality, Greenhouse Gas, Energy, and Noise
Zachary Miller.....	Transportation
Tammie Beyerl.....	Senior Biologist
Hannah Weinberger.....	Biologist
Lisa Merry.....	GIS Specialist
Brian Perry.....	Graphics Specialist
Gaiety Lane.....	Publishing Specialist
Michele Mattei.....	Publishing Specialist

This page intentionally left blank.