

3200 Rio Linda Boulevard Gas Station Project Responses to Comments Received on the Initial Study/Mitigated Negative Declaration

The Initial Study/Mitigated Negative Declaration (IS/MND) for the 3200 Rio Linda Boulevard Gas Station Project (proposed project) was circulated for public comment from August 31, 2023 to October 2, 2023. Written comments were received as follows:

Letter	Date	Commenter
1	10/02/2023	Molly Wright, Sacramento Metropolitan Air Management District
2	10/02/2023	Peter Minkel, Central Valley Regional Water Quality Control Board

The written comments are included as Attachment A. The comments are acknowledged by the City and have been considered as part of the project planning and its implementation. The comments received did not identify any new significant effect, increase in severity of an impact identified in the IS/MND, or any significant new information. Recirculation of the IS/MND is not required (CEQA Guidelines section 15073.5).

The responses below include responses to each written comment submitted regarding the proposed project. Where revisions to the IS/MND text are required in response to a comment, new text is double underlined and deleted text is ~~struck through~~.

Letter 1: Molly Wright, Sacramento Metropolitan Air Management District, 10/02/2023

Response to Comment 1-1

The comment is an introductory statement and does not address the adequacy of the IS/MND.

Response to Comment 1-2

The SMAQMD noted that some Basic Construction Emission Control Practices (BCECP) were missing from Mitigation measure AQ-1. The IS/MND and MMRP have been amended to reflect the additional BCECP. The comment does not directly address the adequacy of the IS/MND and does not warrant further investigation. The revisions are as follows:

- AQ-1:** Implement SMAQMD Basic and Enhanced Construction Emission Control Practices to Reduce Fugitive Dust. The implementing agency will require, as a standard or specification of their contract, the construction contractor(s) to implement basic and enhanced control measures to reduce construction-related fugitive dust. Although the following measures are outlined in the SMAQMD's CEQA guidelines, they are required for the entirety of the construction area. The implementing agency will ensure through contract provisions and specifications that the contractor adheres to the mitigation measures before and during construction and documents compliance with the adopted mitigation measures.
- Control of fugitive dust is required by District Rule 403 and enforced by District staff.
 - Water all exposed surfaces two times daily. Exposed surfaces include (but are not limited to) soil piles, graded areas, unpaved parking areas, staging areas, and access roads.
 - Cover or maintain at least 2 feet of freeboard space on haul trucks transporting soil, sand, or other loose material on the site. Any haul trucks that would be traveling along freeways or major roadways should be covered.
 - Use wet power vacuum street sweepers to remove any visible trackout mud or dirt onto adjacent public roads at least once a day. Use of dry power sweeping is prohibited.
 - Limit vehicle speeds on unpaved roads to 15 miles per hour.
 - All roadway, driveway, sidewalk, and parking lot paving should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

- Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes [California Code of Regulations, Title 13, sections 2449(d)(3) and 2485]. Provide clear signage that posts this requirement for workers at the entrances to the site.
- Provide current certificate(s) of compliance for CARB's In-Use Off-Road Diesel-Fueled Fleets Regulation [California Code of Regulations, Title 13, sections 2449 and 2449.1]. For more information contact CARB at 877-593-6677, doors@arb.ca.gov, or www.arb.ca.gov/doors/compliance_cert1.html.
- Maintain all construction equipment in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified mechanic and determine to be running in proper condition before it is operated.

Response to Comment 1-3

The SMAQMD requested that a construction schedule be included in the IS/MND to meet guidelines specified within the SMAQMD CEQA guide. The IS/MND has been amended to reflect this request. A brief overview of general construction equipment and timeline has been added to the Environmental Setting of the Air Quality Section. The comment does not directly address the adequacy of the IS/MND and does not warrant further investigation. The revisions are as follows:

Construction Details

The proposed project consists of the rehabilitation of a former gas station including the retail building, fueling canopy, and four fuel pumps. Construction activities on site would be relatively minimal. Construction phases would generally consist of the following: Site preparation, Grading, Building Construction, Paving, and Architectural Coating. Construction equipment used on site would potentially consist of Graders, Pavers, Rollers, Dozers, Tractors/Loaders/Backhoes, Cement Mixers, Air Compressors, and various power tools. Due to the relatively small size of the property, a minimal amount of equipment use is expected. Construction is generally expected to take approximately six months to complete.

Response to Comment 1-4

The SMAQMD noted that the value given for NOx emissions in Table 3-2 was given in the wrong units. The value was given in tons per year when it should have been given in pounds per day. The value has been revised to reflect this comment. The comment does not directly address the adequacy of the IS/MND and does not warrant further investigation. The revisions are as follows:

TABLE 3-2 PROJECT CONSTRUCTION EMISSIONS (UNMITIGATED)

CONSTRUCTION YEAR	NO _x (PPD)	PM ₁₀ (TPY)	PM _{2.5} (TPY)
2024	0.3326 <u>1.78</u>	0.0238	0.0176
SMAQMD Thresholds	85	14.6	15
Maximum Emissions	2.9	0.1	0.1
Significant	No	No	No

Response to Comment 1-5

The SMAQMD noted that the value given for the ROG emissions threshold in Table 3-3 of the IS/MND was given in the wrong units. The value was given in tons per year when it should have been given in pounds per day. The value has been revised to reflect this comment. The comment does not directly address the adequacy of the IS/MND and does not warrant further investigation. The revisions are as follows:

TABLE 3-3 PROJECT OPERATIONAL EMISSIONS (UNMITIGATED)

Source	ROG (tpy) (PPD)	PM ₁₀ (tpy)	PM _{2.5} (tpy)
Area	0.0120	0.0000	0.0000
Mobile	0.6784	0.4581	0.1254

Total Emissions	0.6904	0.4581	0.1254
SMAQMD Thresholds	11.8625 <u>65</u>	14.6	15
Significant	No	No	No

Response to Comment 1-6

Values in table 3-4 were derived from the 2022 CARB & CAPCOA Gasoline Service Station Industrywide Risk Assessment Look-Up Tool. Values for the project were entered into the Lookup Tool (excel spreadsheet) and the results were put into table 3-4 of the IS/MND. The link below Table 3-4 has been updated. A record of the Lookup Tool has been added to the appendix of the IS/MND. The threshold given by the city of Sacramento is a 10 in 1 million cancer risk. As seen in the Lookup Tool estimates, the proposed project is far below this threshold. The comment does not directly address the adequacy of the IS/MND and does not warrant further investigation. The revisions are as follows:

Source: 2022 CARB & CAPCOA Gasoline Service Station Industrywide Risk Assessment Look-up Tool, Version 1.0 – February 18, 2022, available at <https://ww2.arb.ca.gov/resources/documents/gasoline-service-stationindustrywide-risk-assessment-guidance> https://ww2.arb.ca.gov/sites/default/files/2022-03/Draft%202022%20Gas%20Station%20IWG%20-%20Technical%20Guidance_ADA%20Compliant.pdf, accessed on August 11, 2023.

Response to Comment 1-7

Mitigation Measure AQ-2 has been changed to GHG-1 to meet recommendations from the SMAQMD. In addition to this, the SMAQMD Greenhouse Gas Thresholds/Best Management Practices Applicability document has been added to the IS/MND as an appendix. The revisions are as follows:

AQ-2 GHG-1: In accordance with the SMAQMD’s CEQA Guidance, all Projects undergoing environmental review should implement the Tier 1 BMPs – even if they do not exceed the operational screening table in Chapter 4 of the CEQA guide.

- BMP 1 – Projects shall be designed and constructed without natural gas infrastructure.

If Project greenhouse gas emissions are over the 1,100 metric tons CO2e/year after the Project applied Tier 1 BMPs, Tier 2 BMPs should be implemented.

- BMP 2 – Projects shall meet the current CalGreen Tier 2 standards, except all electric vehicle capable spaces shall instead be electric vehicle nearby.

Response to Comment 1-8

The comment does not directly address the adequacy of the IS/MND and does not warrant further investigation.

Response to Comment 1-9

The comment does not directly address the adequacy of the IS/MND and does not warrant further investigation.

Response to Comment 1-10

The comment does not directly address the adequacy of the IS/MND and does not warrant further investigation.

Letter 2: Central Valley Regional Water Quality Control Board 10/2/2023

Response to Comment 2-1

The comment does not directly address the adequacy of the IS/MND and does not warrant further investigation.

Response to Comment 2-2

The comment does not directly address the adequacy of the IS/MND and does not warrant further investigation.

Response to Comment 2-3

The comment does not directly address the adequacy of the IS/MND and does not warrant further investigation.

Response to Comment 2-4

The comment does not directly address the adequacy of the IS/MND and does not warrant further investigation.

Response to Comment 2-5

The comment does not directly address the adequacy of the IS/MND and does not warrant further investigation.

Response to Comment 2-6

The comment does not directly address the adequacy of the IS/MND and does not warrant further investigation.

Response to Comment 2-7

The comment does not directly address the adequacy of the IS/MND and does not warrant further investigation.

Response to Comment 2-8

The comment does not directly address the adequacy of the IS/MND and does not warrant further investigation.

ATTACHMENT A
COMMENT LETTERS



October 2, 2023

Ron Bess, Associate Planner
City of Sacramento Community Development Department
300 Richards Boulevard, 3rd Floor, Sacramento, CA 95811

Subject: 3200 Rio Linda Boulevard Gas Station Project (SCH# 2023080755)

Dear Ron Bess:

1-1

Thank you for providing the Sacramento Metropolitan Air Quality Management District (Sac Metro Air District) with the opportunity to review the [3200 Rio Linda Boulevard Gas Station Project](#) Mitigated Negative Declaration (MND) under the California Environmental Quality Act (CEQA). This project is a request to rebuild a former gas station, including the retail building, gas station canopy and associated site improvements. The proposed retail building covers approximately 2,000 square feet. The gas canopy is approximately 1,000 sf and includes 4 gas pumps. The gas station would sell gasoline only; no diesel sales are proposed. 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.

1-2

- Sac Metro Air District commends the project's incorporation of some of Sac Metro Air District [Basic Construction Emission Control Practices](#) (BCECP) as mitigation measure AQ-1, and recommends that AQ-1 include all of the BCECP measures. Currently only six of the total nine BCECP measures are included. [BCECP implementation is a prerequisite for use of Sac Metro Air District's non-zero thresholds of significance for particulate matter](#) (PM).

1-3

- Consistent with [the Sac Metro Air District CEQA Guide chapter on assessing the impacts of project construction emissions](#), we recommend that the MND include a description of project construction including the timing and duration of construction, as indicated on page 3-2 of that chapter.

1-4

- Table 3-2 indicates that project emissions of oxides of nitrogen (NOx) would be .3326 pounds per day. However, according to the project CalEEMod in MND Appendix A, these NOx emissions would actually be .3326 *tons per year*. We recommend correcting Table 3-2 with the correct amount of NOx emissions and comparing the corrected amount against [Sac Metro Air District thresholds to determine CEQA significance](#).

1-5

- Table 3-3 lists an operational significance threshold for reactive organic gases (ROG) that is not consistent with [Sac Metro Air District guidance](#). It appears to convert the Sac Metro Air District threshold into a ton value, but the ton value is not an adequate gauge of the emission impacts.

We recommend correcting Table 3-3 and comparing project ROG emissions to the pounds-per-day threshold to determine CEQA significance.

1-6

- To demonstrate that the project does not substantially increase public health risk due to toxic air contaminant (TAC) exposure, Table 3-4 lists risk values from the [2022 California Air Resources Board \(CARB\) Gasoline Service Station Industrywide Risk Assessment](#) guidance. It is not clear why the risk values listed in Table 3-4 were selected from this guidance, as opposed to other risk values provided in the guidance. For full, clear public disclosure, Sac Metro Air District recommends that the MND include an explanation of how the risk values in Table 3-4 were selected from the guidance. Further, please note that the website link provided for this guidance directly beneath the table is broken, but the overall guidance is available at the following website: [https://ww2.arb.ca.gov/sites/default/files/2022-03/Draft%202022%20Gas%20Station%20IWG%20-%20Technical%20Guidance ADA%20Compliant.pdf](https://ww2.arb.ca.gov/sites/default/files/2022-03/Draft%202022%20Gas%20Station%20IWG%20-%20Technical%20Guidance%20ADA%20Compliant.pdf)

The MND greenhouse gas (GHG) analysis uses project consistency with the 2012 City of Sacramento Climate Action Plan (CAP) as its standard of significance. It indicates the following: “Per [Sac Metro Air District] thresholds, operational emissions for land development projects need to demonstrate consistency with the City’s CAP by implementing [best management practices]. Further discussion on the Project’s consistency with the City’s CAP is discussed below, however, the Project will implement measure AQ-2 to demonstrate compliance.” However, there is no substantial discussion of CAP consistency below this text, and the practices in MND mitigation measure AQ-2 were adopted years after the 2012 CAP. Further, the 2012 CAP will soon be superseded as part of the [City’s 2040 General Plan and Climate Action and Adaptation Plan effort](#).

1-7

- Sac Metro Air District recommends that the MND utilize our [performance-based threshold of significance for GHG emissions impacts from project operations](#), available in our CEQA Guide. Under this threshold, the project would need to implement the BMPs listed in mitigation measure AQ-2 to ensure that impacts from project operations are less than significant. As part of this, we recommend identifying measure AQ-2 as a GHG reduction measure rather than a measure to reduce other air pollutants.

Gasoline Dispensing Facilities

As a reminder, gasoline dispensing facilities (GDFs) are required to obtain an Authority to Construct and Permit to Operate from the Sac Metro Air District. The installation of a California Air Resources Board certified vapor recovery system is also required. The 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.

1-8

Asbestos

Due to the health risks posed by public exposure to asbestos, demolition of existing buildings is subject to Sac Metro Air District [Rule 902](#), to limit asbestos exposure during these activities. Sac Metro Air

1-9

District staff is available to review notifications and answer asbestos related questions, either by emailing asbestos@airquality.org, or calling 279-207-1122.

1-10

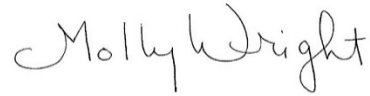
Construction

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 me at mwright@airquality.org or 279-207-1157.

Sincerely,



Molly Wright, AICP
Air Quality Planner / Analyst

c: Paul Philley, AICP, Program

Central Valley Regional Water Quality Control Board

2 October 2023

Ron Bess
City of Sacramento
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811
Rbess@cityofsacramento.org

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, 3200 RIO LINDA BOULEVARD GAS STATION PROJECT (P22-021), SCH#2023080755, SACRAMENTO COUNTY

Pursuant to the State Clearinghouse's 30 August 2023 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 3200 Rio Linda Boulevard Gas Station Project (P22-021), 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, 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

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 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/

2-5

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 under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

2-6

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

2-7

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

2-8

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