

Response to Comments Memorandum

Response to Comments for the Rovana Circle Industrial Project Initial Study Mitigated Negative Declaration

This memorandum has been prepared for the City of Sacramento (City), as lead agency, in accordance with the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. This memorandum contains responses to comments received on the draft Initial Study Mitigated Negative Declaration (draft IS/MND) for the Rovana Circle Industrial Project (project).

This document has been prepared to respond to comments received on the draft IS/MND, which are reproduced in this document. This document will also be used by the CEQA lead agency, City of Sacramento, to ensure that they have met their requirements under CEQA before deciding whether to approve and permit the project. It may also be used by other state, regional, and local agencies that may have an interest in resources that could be affected by the project or that have jurisdiction over portions of the project.

Summary Description of the Project

The proposed project would include development of the project site with three industrial shell buildings totaling approximately 118,250 square feet to support heavy industrial, with possible warehouse, uses. Buildings A and B would be 37 feet tall with a 4-foot parapet for a total height of 41 feet. Building C would be 36 feet tall with a 4-foot parapet for a total height of 40 feet. Building A would include six depressed truck docks for loading and unloading the truck trailer on the eastern portion of the building, while Building B would include twelve depressed truck docks on the northern portion of the building. Buildings would be located on the southern portion of the site outside of the Sacramento Municipal Utility District right-of-way. The proposed project would be all electric and would not include natural gas connections. Landscaping would be incorporated throughout the site around the proposed parking areas and southern site perimeter

CEQA Public Review Process

On November 17, 2023, the City of Sacramento released the draft IS/MND for a 30-day public review and comment period. The draft IS/MND was submitted to the State Clearinghouse for distribution to reviewing agencies; posted on the City's website. A notice of availability/intent of the draft IS/MND was published in the Sacramento Bee and distributed by the City to a project-specific mailing list.

Responses to Comments

Three comment letters were received during the public review period for the draft IS/MND, which concluded on December 18, 2023. Written responses were prepared addressing comments on environmental issues received from reviewers of the draft IS/MND. Table 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 1 **List of Commenters**

Letter No.	Commenter	Date
1	Pacific Gas & Electric (PG&E), PG&E Plan Review Team	December 14, 2023
2	Central Valley Regional Water Quality Control Board (RWQCB), Peter Minkel, Engineering Geologist	December 18, 2023

Letter No.	Commenter	Date
3	City of Sacramento Department of Utilities	December 2023

The written individual comments received on the draft IS/MND and the responses to those comments are provided below.

Letter 1 Pacific Gas & Electric

PG&E Plan Review Team

December 14, 2023

- 1-1 The comment states that the project does not appear to interfere with existing PG&E facilities or easements. The commenter requests that subsequent modifications to the project design be submitted to PG&E for review.

The comment does not provide any input regarding the adequacy of the IS/MND, and no further response is required. This comment is noted.

Letter 2 Central Valley Regional Water Quality Control Board

Peter Minkel, Engineering Geologist

December 18, 2023

- 2-1 The comment is an introductory remark and outlines the Central Valley Regional Water Quality Control Board's (RWQCB) responsibilities/authority.

The comment it noted.

- 2-2 The comment provides background on the Basin Plan.

The comment does not address the adequacy of the IS/MND analysis, and no further response is required. This comment is noted.

- 2-3 The comment states that the environmental review document should evaluate potential impacts to both surface and groundwater quality.
- As identified in Section 9, "Hydrology and Water Quality," of the draft IS/MND, the impact analysis includes assessment of project impacts on surface and groundwater quality. As included in Section 9 the project would be required to prepare a stormwater pollution prevention plan during construction and maintain operational stormwater in accordance with Sections 13.16 and 13.08 of the City of Sacramento Code. The draft IS/MND analyzes the potential effects on both surface and groundwater quality.

- 2-4 The comment provides an overview of potential permitting requirements related to maintaining water quality that may apply to development in the City.

Regulatory requirements related to maintaining water quality assessed under Section 9, "Hydrology and Water Quality," of the draft IS/MND. Coordination with the RWQCB and acquisition of any necessary permits or coverage under general permits administered by the RWQCB for site development would occur prior to project construction. The comment provides general statements regarding potential requirements but does not raise specific issues regarding the adequacy of the draft IS/MND analysis or identify applicable requirements that were not included as part of the analysis. No further response is required.

Letter 3

City of Sacramento

December 2023

3-1

The comment states that the project is located in the City of Sacramento and is subject to pay Department of utilities drainage development impact fees and water development impact fees.

The comment does not provide any input regarding the adequacy of the IS/MND. The project applicant is committed to paying the necessary impact fees for the project and no further response is required. This comment is noted.



December 14, 2023

Ron Bess
City of Sacramento
300 Richards Blvd, 3rd Flr
Sacramento, CA 95811

Re: DR22-158
Rovana Circle Industrial Project

Dear Ron Bess,

Thank you for providing PG&E the opportunity to review the proposed plans for DR22-158 dated 11/17/2023. Our review indicates the proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

Please note this is our preliminary review and PG&E reserves the right for additional future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to the design, we ask that you resubmit the plans to the email address listed below.

If the project requires PG&E gas or electrical service in the future, please continue to work with PG&E's Service Planning department: <https://www.pge.com/cco/>.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at pgeplanreview@pge.com.

Sincerely,

PG&E Plan Review Team
Land Management

Central Valley Regional Water Quality Control Board

18 December 2023

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

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, ROVANA CIRCLE INDUSTRIAL PROJECT (DR22-158), SCH#2023110437, SACRAMENTO COUNTY

Pursuant to the State Clearinghouse's 16 November 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 Rovana Circle Industrial Project (DR22-158), 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

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 and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-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 (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

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 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 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

ROVANA CIRCLE INDUSTRIAL PROJECT(DR22-158)

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

HYDROLOGY AND WATER QUALITY

Issues:	Effect will be studied in the EIR	Effect can be mitigated to less than significant	No additional significant environmental effect
9. <u>HYDROLOGY AND WATER QUALITY</u> Would the project:			
A) Substantially degrade water quality and violate any water quality objectives set by the State Water Resources Control Board, due to increases in sediments and other contaminants generated by construction and/or development of the project?			X
B) Substantially increase the exposure of people and/or property to the risk of injury and damage in the event of a 100-year flood?			X

ENVIRONMENTAL SETTING

Any project that is built in the City of Sacramento is subject to pay Department of Utilities drainage development impact fees.

Surface Water

The project site is within the Sacramento River Basin. Within the Sacramento River Basin there are sub-basins or smaller watersheds that drain to the tributaries of the Sacramento River. The Sacramento River is approximately 6.6 miles west of the project site and the American River is located approximately 3.5 miles north. Although the project site is vacant, it is surrounded by industrial development as does not include any creeks, streams, or ponds.

Groundwater

The project site is within the South American Groundwater Basin, which is a sub-basin of the Sacramento River watershed. The South American Subbasin is a high priority subbasin surrounded by rivers including the American River on the northern boundary, Cosumnes and Mokelumne Rivers to the south, and the Sacramento River that forms the northern boundary (South American Subbasin 2023). The subbasin shares boundaries with five adjacent subbasins including the Yolo, Solano, North American, Eastern San Joaquin, and Consumnes subbasins.

Flood Hazards

The project site is located within an area mapped by the Federal Emergency Management Agency (FEMA) as the 500-year floodplain, which describes areas that have a 0.2 percent annual chance of flood hazard. Areas surrounding the site are also mapped as being in the 500-year floodplain (FEMA 2023).

The city of Sacramento, including the project site, is not within an area subject to seiche, tsunami, or mudflows (City of Sacramento 2015a).

STANDARDS OF SIGNIFICANCE

For purposes of this Initial Study, impacts to hydrology and water quality may be considered significant if construction and/or implementation of the proposed project would result in the following impacts that remain significant after implementation of General Plan policies or mitigation from the General Plan Master EIR:

- substantially degrade water quality and violate any water quality objectives set by the State Water Resources Control Board, due to increases in sediments and other contaminants generated by construction and/or development of the Specific Plan or

ROVANA CIRCLE INDUSTRIAL PROJECT(DR22-158)

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

UTILITIES AND SERVICE SYSTEMS

Issues:	Effect will be studied in the EIR	Effect can be mitigated to less than significant	No additional significant environmental effect
15. UTILITIES AND SERVICE SYSTEMS Would the project:			
A) Result in the determination that adequate capacity is not available to serve the project's demand in addition to existing commitments?			X
B) Require or result in either the construction of new utilities or the expansion of existing utilities, the construction of which could cause significant environmental impacts?			X

ENVIRONMENTAL SETTING

Water Supply

Any project that is built in the City of Sacramento is subject to pay Department of Utilities water development impact fees.

The City of Sacramento Department of Utilities is responsible for the treatment and provision of potable water supplies within the city limits. As reported in the City of Sacramento 2020 Urban Water Management Plan, the total water supply (retail and wholesale customers) was 100,512 acre-feet per year (AFY) (89.73 million gallons per day [mgd]). The total water demand in 2020 was 100,483 AFY (89.71 mgd). The city is projected to have surplus water supplies ranging from 224,769 AFY in 2025 to 216,258 AFY in 2045 during normal and single dry years and a surplus water supplies ranging between 219,667 AFY in 2025 and 198,436 AFY in 2045 during multiple dry year conditions (City of Sacramento 2021).

Wastewater

The Sacramento Area Sewer District provides wastewater collection and conveyance service to the project area. Wastewater flows are conveyed to the Sacramento Regional Wastewater Treatment Plant (Regional San). Wastewater treatment within the city is provided by Regional San and the City of Sacramento. Regional San operates all regional interceptors and wastewater treatment plants serving the city except for the combined sewer and storm drain treatment facilities, which are operated by the City of Sacramento. The Regional San Wastewater Treatment Plant (WWTP) currently provides secondary treatment of wastewater, has a permitted treatment capacity of 181 mgd of average dry-weather flow, and a daily peak wet weather flow of 392 mgd. A Wastewater Operating Agreement between Regional San and the City limits wastewater flows from the city to 60 mgd (City of Sacramento 2021). In 2020, 40,341 AFY (36 mgd) of wastewater flows were collected in the City's Urban Water Management Plan service area delivered to the Regional San WWTP (City of Sacramento 2021).

Solid Waste

The City of Sacramento collects all residential solid waste within city boundaries. Most of the waste is disposed at the Sacramento County Kiefer Landfill. The Kiefer Landfill has a remaining capacity of 112,900,000 cubic yards (96 percent of permitted capacity of 117,400,000 cubic yards) through 2064 (CalRecycle 2023).