

# **APPENDIX H**

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## RESPONSES TO WRITTEN COMMENTS

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The City of Lodi (City) is proposing to provide the City of Lodi Police Department (PD) with a police training facility. The City of Lodi Police Department currently uses other City and Agency facilities for training; the purpose of this project is to provide the necessary long-term police training facility required in order to properly train and certify the Department on a long-term, consistent basis, as well as potentially offer some “open to the public” opportunities such as scheduled hunter safety courses or local shooting club competition space. The Training Facility proposes to include a classroom training facility, short, medium, and long-range shooting ranges, a defensive driving training course, a detonation area and bunker, as well as a mobile restroom, storage containers, parking stalls, an emergency access lane, target berms, improvements to the existing gravel road, lighting for night time use of the facility, and site fencing with access through sliding gates. Other associated facility improvements include hardscape, limited greenscape, and landscaping. File number 2020-01 MND.

The City received two written comments during the public review period. and the comments were responded to and incorporated into the Final Mitigated Negative Declaration. The comment letter has been assigned a corresponding number, and comments within the comment letter have been separated to respond to the specific issues raised, as well as being additionally numbered. The original comment letter is provided in Appendix G of this Final Mitigated Negative Declaration.

Written comments may include opinions or preferences pertaining to project approval or disapproval. Additionally, the comments may provide information regarding a subject that does not directly challenge information presented in the Draft Mitigated Negative Declaration, introduce new environmental information or directly challenge information presented in the Draft Mitigated Negative Declaration. In such cases, the response “This comment is acknowledged” has been used.

**Table 1.**  
**Written Comments Summary**

Letter No.	SUMMARY OF WRITTEN COMMENTS	PROJECT DESCRIPTION	AESTHETICS	AIR QUALITY	BIOLOGICAL RESOURCES	CULTURAL RESOURCES	GEOLOGY/SEISMIC HAZARDS	Hazards and Hazardous Materials	HYDROLOGY	NOISE	TRANSPORTATION & CIRCULATION	LAND USE AND PLANNING	GROWTH INDUCING IMPACTS	CUMULATIVE IMPACTS	GENERAL	PUBLIC SERVICES*	POPULATION*	UTILITIES*	OTHER
<b>STATE AGENCIES</b>																			
1	Gavin McCreary, Project Manager Department of Toxic Substances Control 8800 Cal Center Drive Sacramento, CA 95826-3200							●											
2	Nicholas White, Water Resource Engineer Central Valley Regional Water Quality Control Board 11020 Sun Center Drive #200 Rancho Cordova, CA 95670								●										

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## **LETTER NO. 1**

Gavin McCreary, Project Manager  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, CA 95826-3200

DTSC recommends that the following issues be evaluated in the IS/MND Hazards and Hazardous Materials section:

### **COMMENT 1-1**

The IS/MND should acknowledge historic or future activities on or near the project site that have the potential to result in the release of hazardous wastes/substances on the project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The IS/MND should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.

### **RESPONSE 1-1**

The IS/MND states the generation and handling of hazardous waste in the region is monitored by the San Joaquin Valley Environmental Health Department, Central Valley Regional Water Quality Control Board, San Joaquin Valley Air Pollution Management District, and the US Environmental Protection Agency (EPA). The project acknowledges in any instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of contamination and the potential threat to the public and/or environment should be evaluated. The Hazards and Hazardous Materials Mitigation 2 notes the Lead Hazard Management Plan will require comprehensive record keeping and documentation and will also identify the site-specific mechanism(s) to initiate required scheduled testing to monitor the site; investigation and/or remediation would be site-specific as needed

### **COMMENT 1-2**

If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers* ([https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance\\_Lead\\_Contamination\\_050118.pdf](https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance_Lead_Contamination_050118.pdf)).

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**RESPONSE 1-2**

This comment is noted for the record.

**COMMENT 1-3**

If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to *DTSC's 2001 Information Advisory Clean Imported Fill Material* ([https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP FS Cleanfill-Schools.pdf](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf)).

**RESPONSE 1-3**

This comment is noted for the record.

**COMMENT 1-4**

If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the IS/MND. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 *Interim Guidance for Sampling Agricultural Properties (Third Revision)* (<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Aq-Guidance-Rev-3-August-7-2008-2.pdf>).

**RESPONSE 1-4**

Although the site has been used for agricultural crops in the past, the topsoil was highly disturbed and utilized to assist the creation of the Prop 84 Ponds. The City of Lodi will consider performing limited scope sampling for OCPs prior to ground disturbance and incorporation of the soil onsite being utilized for fill source for berms.

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## **LETTER NO. 2**

Nicholas White, Water Resources Engineer  
Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive #200  
Rancho Cordova, CA 95670

### **COMMENT 2-1**

Pursuant to the State Clearinghouse's 14 February 2020 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 City of Lodi - Police Training Facility Project, located in San Joaquin 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.

### **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

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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/waterissues/basinplans/>.

**RESPONSE 2-1**

This comment is noted for the record.

**COMMENT 2-2**

**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/waterissues/basinplans/sacsjr201805.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.

**RESPONSE 2-2**

This comment regarding antidegradation considerations are noted for the record.

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## **COMMENT 2-3**

### **Permitting Requirements**

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

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

#### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits**

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

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

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water/issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water/issues/programs/stormwater/phase_ii_municipal.shtml)

#### **Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_generalpermits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_generalpermits/index.shtml)

## **RESPONSE 2-3**

This comment regarding permitting requirements are noted for the record.



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**COMMENT 2-4****Clean Water Act Section 401 Permit — Water Quality Certification**

If an USAGE 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 at: <https://www.waterboards.ca.gov/centralvalley/water issues/water qualitycertification/>

**RESPONSE 2-4**

This comment is noted for the record.

**COMMENT 2-5****Waste Discharge Requirements — Discharges to Waters of the State**

If USAGE\_ determines that only non-jurisdictional waters of the State (i.e., "nonfederal" 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/waterissues/waterqualitycertification/>.

**RESPONSE 2-5**

This comment is noted for the record.

**COMMENT 2-6**

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).

**RESPONSE 2-6**

This comment is noted for the record.

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**COMMENT 2-7****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.

**RESPONSE 2-7**

This comment is noted for the record.

**COMMENT 2-8****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.

**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.

**RESPONSE 2-8**

This comment is noted for the record.