

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS
In Connection with the
Regional Wastewater Control Facility Modifications Project
CITY OF STOCKTON

Introduction

The City of Stockton is the lead agency under the California Environmental Quality Act (CEQA) for purposes of the Regional Wastewater Control Facility (RWCF) Modifications Project, hereafter the project. CEQA prohibits an agency from approving or carrying out a project for which significant effects have been identified, unless the agency can make one or more of a set of three findings set forth in Public Resources Code (PRC) Section 21081, subdivision (a):

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report. (See also California Code of Regulations [CCR], Title 14, Section 15091.)

When significant effects are subject to a finding under paragraph (3) of subdivision (a), it means that a significant and unavoidable environmental impact would result from project implementation. If this occurs, the public agency must find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment, if the agency approves the project (PRC Section 21081, subd. (b)). In the instance of the project, no significant and unavoidable environmental impacts would occur.

CEQA requires public agencies to prepare a program for monitoring or reporting on the revisions which it requires in the project and the measures it has imposed to mitigate or avoid significant environmental effects (CCR, Title 14, Section 15097, subd. (a)).

Under PRC section 21002.1, subdivision (d), the lead agency shall be responsible for considering the effects, both individual and collective, of all activities involved in a project. The City of Stockton therefore provides the following CEQA Findings and Mitigation Monitoring and Reporting Program (MMRP) (Attachment 1) that concern potentially significant impacts to all resource areas considered in the environmental review of the project.

CEQA Compliance

As the lead agency pursuant to CEQA, the City of Stockton has prepared a Draft and Final Environmental Impact Report (Draft and Final EIR) for the proposed RWCF Modifications Project. Having considered the applicable environmental review documents, as explained in more detail below, the Stockton City Council (the decision-making body for the city) hereby issues these Findings and concurrently approves the project.

The Final EIR has been assigned State Clearinghouse Number 2018092017. The Final EIR consists of both the Draft EIR, as amended through responses to comments, as well as a volume with formal responses to comments received on the Draft EIR. The Final EIR assesses the potential environmental effects of implementation of the project, identifies the means to eliminate or reduce potentially significant adverse

impacts, and evaluates a reasonable range of alternatives to the project. The Final EIR also includes responses to comments on the Draft EIR and explains changes made to the text of the Draft EIR.

Pursuant to PRC section 21081 and Title 14, CCR section 15090, the City of Stockton hereby certifies that it completed the following activities prior to approving the project: the City of Stockton has received the Final EIR; the City of Stockton has reviewed and considered the information contained in the Final EIR and received through public comments; and the City of Stockton has considered all additional written and oral statements received prior to or at its public hearing on the Final EIR and on the project. The City of Stockton additionally certifies that the Final EIR was completed in compliance with CEQA (PRC section 21000 et seq.) and the State CEQA Guidelines (CCR, Title 14, Section 15000 et seq.), and that the Final EIR reflects the independent judgment and analysis of the City of Stockton. The conclusions presented in these Findings are based on the Final EIR and all other evidence in the administrative record.

Findings

Having received, reviewed, and considered the Final EIR and all other information in the administrative record, the City of Stockton hereby adopts the following Findings for the RWCF Modifications Project in compliance with CEQA and the State CEQA Guidelines. The City of Stockton adopts these Findings in conjunction with its approval of the RWCF Modifications Project.

Project Description and Background

The City of Stockton proposes to implement modifications to its RWCF, located at 2500 Navy Drive, Stockton, San Joaquin County, California. The RWCF provides wastewater treatment for the City of Stockton, the Port of Stockton, and surrounding urbanized areas in San Joaquin County. The modifications are required to maintain compliance with the National Pollutant Discharge Elimination System (NPDES) permit, extend the useful life of existing facilities, improve working conditions for facility staff, and implement components of the City's Capital Improvement and Energy Management Plan (CIEMP).

The RWCF occupies approximately 800 acres adjacent to the San Joaquin River. The main plant (east of the river) and tertiary plant (west of the river) are located on approximately 90 acres; the remaining 710 acres are occupied by oxidation ponds and treatment wetlands west of the San Joaquin River. The RWCF is bounded by Navy Drive and the San Joaquin River to the north, State Route (SR) 4 to the south, an access easement called Brooks Road to the east, and the Port of Stockton Expressway to the west. Regional access is provided by Interstate 5 (I-5), Charter Way (SR 4), and Navy Drive. Land uses in the vicinity include agricultural lands to the west and south, industrial and institutional lands to the north, and industrial, low density residential, and park space to the east/southeast.

The City commissioned preparation of the CIEMP in 2010 to provide a strategy for planning and implementing improvement projects at the RWCF. Implementation of the CIEMP was halted as a result of renewal of the City's NPDES wastewater discharge permit by the Central Valley Regional Water Quality Control Board in June 2014. The renewed NPDES permit for the RWCF stipulated a lower nitrate plus nitrite limitation, which could not be met without upgraded facilities that provide for denitrification. The new nitrate plus nitrite (N+N) limitation is 10 mg/L as nitrogen (N) to be met on a monthly average basis. Recognizing the need to re-evaluate the necessary improvements at the RWCF to meet the new NPDES permit limitations, the City initiated a procurement process in 2015 to contract with a firm to prepare designs and construct the facility improvements at the RWCF. The outcome of that process is the RWCF Modifications Project, which retains some elements of the CIEMP, modifies or eliminates other elements, and includes elements not recommended by the CIEMP, but determined to be necessary for meeting the project purpose and objectives, as specifically stated in Chapter 1, "Introduction," of the Final EIR.

Existing facilities consist of the following four systems: (1) preliminary treatment (coarse screening to remove debris, and settling to remove grit to reduce wear on downstream equipment and prevent accumulation of grit in other process tanks); (2) primary treatment (settling to remove a portion of the solids and organic matter); (3) secondary treatment (biological reduction of organics and further removal of suspended solids

from the primary effluent); and (4) tertiary treatment (biological reduction of ammonia, algae removal, filtration, and disinfection of the treated effluent before discharge to the San Joaquin River).

The proposed RWCF modifications consist of demolition of certain treatment process components and buildings, rehabilitation and repurposing of some existing components and buildings, and construction of new treatment process components and buildings. The modifications would not involve any expansion of the RWCF treatment capacity. Construction activities for the RWCF Modifications Project are anticipated to begin in August 2019 and conclude in March 2023. Existing RWCF facilities would remain in operation during construction of new and rehabilitated facilities to ensure continual wastewater treatment services. The proposed improvements would provide a wastewater treatment capacity of 40.2 million gallons per day (mgd) average dry-weather flow (ADWF).

Absence of Significant New Information

The State CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the draft EIR but before certification. New information includes: (i) changes to the project; (ii) changes in the environmental setting; or (iii) additional data or other information. Section 15088.5 further provides that:

[n]ew information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.

Comments received on the Draft EIR express a range of CEQA and non-CEQA issues, as discussed in Chapter 2 of the Final EIR. Each comment has been responded to in the Final EIR and none of the comments trigger the need to recirculate the Draft EIR.

Having reviewed the information contained in the Draft and Final EIR, and in the administrative record, including all comments received, as well as the requirements of State CEQA Guidelines Section 15088.5 and interpretive judicial authority regarding recirculation of draft EIRs, the City of Stockton hereby finds that no significant new information was added to the Draft EIR after the public review period. The City of Stockton specifically finds with regard to comments on the Draft EIR that: no new significant environmental impact would result from the RWCF Modifications Project or from the implementation of a mitigation measure; no substantial increase in the severity of an environmental impact would result; the City of Stockton has not declined to adopt any feasible project alternative or mitigation measures considerably different from others previously analyzed that would clearly lessen the environmental impacts of the RWCF Modifications Project; and the Draft EIR is not so fundamentally and basically inadequate in nature that it precluded meaningful public review.

Having reviewed the information in the Draft EIR, Final EIR, and administrative record, the City of Stockton finds that no new significant information was added to the EIR following public review, and recirculation of the EIR is therefore unnecessary and not required by CEQA.

Environmental Impacts Summary

As required by CEQA and the State CEQA Guidelines, the following section summarizes the direct, indirect, and cumulative environmental impacts of the project identified in the Final EIR and includes the City of Stockton Findings regarding those impacts and any mitigation measures set forth in the Final EIR, adopted by the City of Stockton, and incorporated as requirements of the project. These Findings summarize the determinations of the Final EIR with respect to the project’s impacts before and after mitigation and do not attempt to describe the full analysis of each environmental impact considered in the Final EIR. Instead, the Findings provide a summary of each impact, describe the applicable mitigation measures identified in the Final EIR and adopted by the City of Stockton, and state the City’s Findings regarding the significance of

each impact with the adopted mitigation measures. The Final EIR contains a full explanation of each impact, mitigation measure, and the analysis that led the City of Stockton to its impact conclusions. These Findings hereby incorporate by reference the discussion and analysis in the Final EIR, which support the Final EIR determinations regarding the project's environmental impacts and mitigation measures. In making these Findings, the City of Stockton ratifies, adopts, and incorporates by reference the analysis, determinations, and conclusions of the Final EIR relating to environmental impacts and mitigation measures. The substantial evidence supporting these findings and conclusions is set forth in the Final EIR and the record of proceedings.

The City of Stockton hereby adopts, and incorporates as conditions of approval, the mitigation measures set forth in the Findings below to reduce or avoid the potentially significant and significant impacts of the project. In adopting the mitigation measures described below, the City of Stockton intends to adopt each of the mitigation measures recommended in the Final EIR. Accordingly, in the event that a mitigation measure recommended in the Final EIR has been inadvertently omitted from these Findings, that mitigation measure is hereby adopted and incorporated by reference in the Findings. Additionally, in the event that the description of mitigation measures set forth below fails accurately to capture the substance of a given mitigation measure due to a clerical error (as distinct from specific and express modification by the City of Stockton through these Findings), the language of the mitigation measure as set forth in the Final EIR shall govern.

1. Significant and Unavoidable Adverse Impacts

Pursuant to PRC Section 21081(b) and State CEQA Guidelines Section 15093, where the lead agency identifies significant adverse environmental impacts that cannot feasibly be mitigated to a less-than-significant level, the lead agency may nonetheless approve the project if it finds that specific economic, legal, social, technological, or other benefits of the project outweigh the unavoidable significant environmental impacts.

No significant and unavoidable impacts would occur with implementation of the RWCF Modifications Project.

2. Issues for which the Project would have a Less-than-Significant Impact with Project-Specific Mitigation Measures Incorporated

Pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), the following potentially significant or significant impacts identified in the Final EIR will be reduced to less-than-significant levels through the implementation of the mitigation measures hereby incorporated into the project.

Terrestrial Biological Resources

Impact 4.6-2: Disturbance to or Loss of Special-Status Plant Species and Habitat

Special-status plants with potential to occur within the project site include plants associated with wetland or aquatic habitat. Suitable habitat for these species is present within the project site, including in canals, treatment wetlands, and oxidation ponds. Modifications to the treatment wetlands and oxidation ponds could result in a reduction of suitable habitat for special-status plant species. Canal improvements within the canal surrounding the oxidation ponds, including construction of inlet and outlet structures, could result in removal or damage of these plant species, if present. This would be a potentially significant impact.

Mitigation Measure 4.6-2: Protect and Mitigate Impacts to Special-Status Plants

Consistent with the avoidance and minimization measures in the *San Joaquin County Multi-Species Habitat Conservation and Open Space Plan* (SJMSCP), the City will implement the following measures to mitigate potential impacts to special-status plant species.

Preconstruction

- ▲ Before improvements are implemented that would affect effluent canals, and before the flow of effluent to the treatment wetlands and oxidation ponds is halted, suitable habitat for special-

status plants within the project site shall be surveyed by a qualified botanist when the species' distinguishing characteristics are identifiable, such as during their typical blooming periods (Table 4.6-4). This survey will be conducted no more than one year before the start of construction or changes to the flow of effluent.

Table 4.6-4 Normal Blooming Period for Special-Status Plants with Potential to Occur on the Project Site

Species	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov
Watershield <i>Brasenia schreberi</i>										
bristly sedge <i>Carex comosa</i>										
slough thistle <i>Cirsium crassicaule</i>										
Delta button-celery <i>Eryngium racemosum</i>										
woolly rose-mallow <i>Hibiscus lasiocarpus</i> var. <i>occidentalis</i>										
Delta tule pea <i>Lathyrus jepsonii</i> var. <i>jepsonii</i>										
Mason's lilaepsis <i>Lilaeopsis masonii</i>										
Sanford's arrowhead <i>Sagittaria sanfordii</i>										
Suisun Marsh aster <i>Symphotrichum lentum</i>										

Source: Data compiled by Ascent Environmental in 2018

Construction

- ▲ Populations of special-status plants within 200 feet of construction footprints shall be flagged or fenced no more than 30 days before the start of construction. Flagging and fencing shall be refreshed and maintained throughout construction.

Avoidance of these special-status plants will be achieved when the boundaries of the viable plants plus a 200-foot buffer and including protection of those areas which may be necessary to support the hydrological regime of the plants is incorporated into the project design and includes provisions for protection and management of the avoided area in perpetuity. Proposals for substituting complete avoidance of impacts to these species requires the review and approval of the SJMSCP Joint Powers Authority (JPA) to verify that a viable population of the species exists and is worthy of preservation. Concurrence by the permitting agencies for these substitutions is not required.

Treatment Wetland and Oxidation Ponds

- ▲ If no special-status plants are observed within the treatment wetlands or oxidation ponds, then further mitigation would not be required.
- ▲ If special-status plants are observed within the treatment wetlands or oxidation ponds, the City will prepare a mitigation and monitoring plan that will include a detailed analysis of the potential impacts on wetland or open water habitat following the hydrology regime shift and the potential impacts on special-status plants. If it is determined that special-status plants present within

these features would persist without a consistent flow of effluent, then the plants will be monitored as outlined in the mitigation and monitoring plan. If it is determined that the changes in effluent conveyance would result in loss of these plants, then a mitigation or transplantation plan would be implemented as outlined in the mitigation and monitoring plan and in accordance with the SJMSCP.

- ▲ All populations of Delta button-celery, slough thistle, and Sanford's arrowhead shall be avoided in accordance with the identified measures in Section 5.5.9(F) of the SJMSCP. The SJMSCP does not permit destruction of these species. If avoidance is not feasible, a compensation plan for Delta button-celery, slough thistle, and Sanford's arrowhead shall be developed in conjunction with the California Department of Fish and Wildlife (CDFW). The plan shall determine the appropriate measures to minimize direct and indirect impacts that could occur as a result of project construction and shall describe measures to achieve no net loss of occupied habitat or individuals. Measures may include preserving and enhancing existing populations, creation of offsite populations on project mitigation sites through seed collection or transplantation, restoring or creating suitable habitat in sufficient quantities, or paying an in-lieu fee to achieve no net loss of occupied habitat and/or individuals.
- ▲ If impacts to special-status plant species cannot be avoided, the City will implement compensation requirements provided in the SJMSCP, which may include species relocation to SJMSCP Preserves, seed collection for propagation on SJMSCP Preserves, or payment of SJMSCP fees such that no net loss of occupied habitat and/or individuals would occur.
- ▲ If watershield, which is not covered under the SJMSCP, is found and cannot be avoided during construction, the City shall consult with CDFW and/or the U.S. Fish and Wildlife Service (USFWS), as appropriate depending on species status, to determine the appropriate measures to achieve no net loss of occupied habitat or individuals. Mitigation measures may include preserving and enhancing existing populations, creation of offsite populations on mitigation sites through seed collection or transplantation, and/or restoring or creating suitable habitat in sufficient quantities to achieve no net loss of occupied habitat and/or individuals. A mitigation and monitoring plan shall be developed describing how unavoidable losses of special-status plants will be compensated.

Finding: The City of Stockton finds that implementation of the RWCF Modifications Project could result removal or damage of special-status plant species if they are present in the canals, treatment wetlands, or oxidation ponds. Adoption and incorporation of Mitigation Measure 4.6-2 into the project will reduce the impact to a less-than-significant level because it would require that the project would not result in unapproved take of these species. Therefore, the project with mitigation will not result in significant impacts to special-status plant species.

Impact 4.6-3: Disturbance to or Loss of Giant Garter Snake

Implementation of the project would include improvements to canals and construction work within 200 feet of aquatic features. These project components could result in disturbance or direct loss of giant garter snake, if present, within aquatic and upland estivation habitat. This would be a potentially significant impact.

Mitigation Measure 4.6-3: Avoid and Minimize Effects on Giant Garter Snake

The City will implement the following measures to avoid potentially significant impacts on giant garter snake, consistent with the avoidance and minimization measures in the SJMSCP. All mitigation listed below shall be limited to construction within 200 feet of potential aquatic habitat.

- ▲ All construction activities within 200 feet of aquatic habitat suitable for giant garter snakes shall be conducted during the snake's active season of May 1 to October 1 so that snakes can move and avoid danger. For any construction outside of this period, USFWS and CDFW will be

consulted to determine whether additional measures are necessary to avoid or minimize potential impacts during the inactive season and avoid take.

- ▲ Aquatic habitat shall be dewatered at least two weeks before commencing construction.
- ▲ Within 24 hours before beginning construction or ground disturbing activities within 200 feet of suitable aquatic habitat for giant garter snakes, a qualified biologist shall inspect areas of anticipated disturbance for the presence of giant garter snakes. The construction area shall be re-inspected whenever a lapse in construction activity of 2 weeks or more has occurred. The monitoring biologist shall be available thereafter; if a snake is encountered during construction activities, the monitoring biologist shall have the authority to stop construction activities until appropriate corrective measures have been completed or it is determined that the snake will not be harmed.
- ▲ Giant garter snakes encountered during construction activities shall be allowed to move away from construction activities on their own. Any sightings or incidental take must be reported within 24 hours to the USFWS by telephone at (916) 414-6600.
- ▲ Heavy equipment and vehicular movement within 200 feet of the banks of aquatic habitat shall be restricted to existing access roads and the predetermined staging and construction sites to minimize habitat disturbance.
- ▲ Before ground disturbance, all onsite construction personnel shall be instructed by a qualified biologist regarding the potential presence of giant garter snakes, the importance of avoiding impacts on this species and its habitat, and recognition of giant garter snakes and their habitat(s).
- ▲ During construction operations, temporary stockpiling of construction materials, portable equipment, vehicles, supplies, and soil will be restricted to designated construction staging areas. To avoid attracting predators of the snake, all food-related trash items, such as wrappers, cans, bottles, and food scraps, will be disposed of in closed containers.
- ▲ In areas where treatment wetlands, irrigation ditches, or other potential giant garter snake habitats are being retained on the site:
 - A qualified biologist shall install temporary exclusion fencing around suitable upland habitat within 200 feet of aquatic habitat to prevent giant garter snakes from entering the work area during construction. The fencing shall be maintained for the duration of the construction activities. The primary construction contractor will inspect the fencing before the start of each work day and will maintain the fencing in place until all construction activities are completed.
 - Ground disturbance, spoils, and equipment storage and other project activities shall not be allowed within the fenced area.
 - The water quality shall be maintained and construction runoff into wetland areas shall be limited through the use of hay bales, filter fences, vegetative buffer strips, or other accepted equivalents. However, no plastic, monofilament, jute, or similar matting to control erosion that could entangle snakes shall be placed in the project site.
- ▲ Other provisions of the USFWS Standard Avoidance and Minimization Measures during Construction Activities in Giant Garter Snake Habitat shall be implemented.

Finding: The City of Stockton finds that implementation of the RWCF Modifications Project could result in disturbance or direct loss of giant garter snake, if present, within aquatic and upland estivation habitat. Adoption and incorporation of Mitigation Measure 4.6-3 into the project will reduce the impact to a less-than-significant level because it would minimize through timing of activities, monitoring, and other means, the potential that project construction would result in take of giant garter snakes. Therefore, the project with mitigation will not result in significant impacts to giant garter snake.

Impact 4.6-4: Disturbance to or Loss of Western Pond Turtle

Implementation of the project would include improvements to canals and construction work within 0.3 mile of aquatic features. These project components could result in disturbance or direct loss of western pond turtle, if present, within aquatic and upland habitat. This would be a potentially significant impact.

Mitigation Measure 4.6-4: Conduct Western Pond Turtle Preconstruction Surveys and Relocation

The City will implement the following measures to avoid potentially significant impacts on western pond turtle, consistent with the avoidance and minimization measures in the SJMSCP. All mitigation listed below shall be limited to construction within 0.3 mile of potential aquatic habitat.

- ▲ A preconstruction survey for western pond turtle shall be conducted by a qualified biologist before work in suitable aquatic habitat. If no pond turtles are observed, no further mitigation is necessary.
- ▲ During the draining of the treatment wetlands, a qualified biologist shall be present to survey for western pond turtles. If pond turtles are observed, a qualified biologist, with approval from CDFW, shall relocate pond turtles to the nearest area with suitable aquatic habitat that will not be disturbed by project-related construction activities.
- ▲ If nesting areas for pond turtles are identified on the project site, a buffer area of 300 feet shall be established between the nesting site (which may be immediately adjacent to wetlands or extend up to 400 feet away from wetland areas in uplands) and the wetland located near the nesting site. These buffers shall be indicated by temporary fencing if construction has or will begin before nesting periods are ended (the period from egg laying to emergence of hatchlings is normally April to November).

Finding: The City of Stockton finds that implementation of the RWCF Modifications Project could result in disturbance or direct loss of western pond turtle, if present, within aquatic and upland habitat. Adoption and incorporation of Mitigation Measure 4.6-4 into the project will reduce the impact to a less-than-significant level because it would ensure that western pond turtles are removed from the site and that nest sites are protected so that project construction would not result in mortality of individuals. Therefore, the project with mitigation will not result in significant impacts to western pond turtle.

Impact 4.6-5: Disturbance to or Loss of Burrowing Owl

Implementation of the project would include ground disturbance during trenching activities, which could result in disturbance or direct loss of burrowing owls and their burrows, if present. This would be a potentially significant impact.

Mitigation Measure 4.6-5: Protect Burrowing Owls

The City will implement the following measures consistent with the SJMSCP to avoid, minimize, and mitigate impacts on burrowing owl.

- ▲ The City will retain a qualified biologist to conduct focused breeding and nonbreeding season surveys for burrowing owls in areas of suitable habitat on and within 150 meters of project activities. Surveys will be conducted before the start of construction activities during breeding season. Surveys will be conducted before project activity in accordance with Appendix D of CDFW's *Staff Report on Burrowing Owl Mitigation* (CDFW 2012).

- ▲ If no occupied burrows are found, a letter report documenting the survey methods and results shall be submitted to the City and no further mitigation would be required.
- ▲ If burrowing owls are discovered during preconstruction surveys and can be avoided during project activities, a protective buffer around the burrow shall be established in conjunction with the JPA and consistent with the SJMSCP.
- ▲ During the breeding season (February 1 through August 31) occupied burrows shall not be disturbed. The development of a protective buffer shall be supported by a qualified biologist. The protective buffer will be informed by monitoring the burrowing owls' sensitivity and will be put in place to prevent burrow destruction and disturbance to nest sites (including nest abandonment and loss of eggs or young). The 2012 CDFW Staff report identifies variables to consider for the buffer such as habitual disturbances (visual and audible), existing vegetation, and type and extent of disturbance and impact. The staff report gives general guidelines for buffers during the breeding season. It recommends that, at minimum, the protective buffer during the breeding season be 200 meters; moving up to 500 meters for high levels of disturbance. These guidelines shall be followed. If activities are allowed closer than these recommended setback distances, then a broad-scale, long-term, scientifically-rigorous monitoring program that ensures that the owls are not detrimentally affected by the alternative approach shall be conducted. The protective buffer shall remain until the end of the breeding season unless a qualified biologist approved by the permitting agencies verifies through non-invasive means that either: (1) the birds have not begun egg-laying, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Once the fledglings are capable of independent survival, the burrow can be destroyed.

Finding: The City of Stockton finds that implementation of the RWCF Modifications Project would include ground disturbance during trenching activities, which could result in disturbance or direct loss of burrowing owls and their burrows, if present. Adoption and incorporation of Mitigation Measure 4.6-5 into the project will reduce the impact to a less-than-significant level because it would require that burrowing owls are avoided and protected from construction activity or that the City would compensate for loss of suitable occupied habitat due to construction activity. Therefore, the project with mitigation will not result in significant impacts to burrowing owl.

Impact 4.6-6: Disturbance to or Loss of Swainson's Hawk, White-Tailed Kite, and Other Nesting Raptors

Implementation of the project would include tree and other vegetation removal, which could result in disturbance or direct loss of nesting Swainson's hawk, white-tailed kite, and other nesting raptors, potentially resulting in nest abandonment, failure, or mortality of chicks and eggs. This would be a potentially significant impact.

Mitigation Measure 4.6-6: Protect Swainson's Hawk, White-Tailed Kite, and Other Nesting Raptors

The City will implement the following measures consistent with the SJMSCP to avoid, minimize, and mitigate impacts on Swainson's hawk, white-tailed kite, northern harrier, and other nesting raptors.

- ▲ If removal of a known nest tree is required, it shall be removed between September 16 and February 14.
- ▲ If project activity would commence between February 15 and September 15, a qualified biologist will be retained to conduct preconstruction surveys for active nests on and within 0.5 mile of the project site no more than 14 days and no less than 7 days before commencement.
- ▲ If an occupied nest is present, CDFW guidelines recommend implementation of 0.25- mile buffer for Swainson's hawk and 500 feet for other raptors, but the size of the buffer may be adjusted if a qualified biologist and CDFW determine that it would not be likely to adversely affect the nest. No project activity will commence within the buffer area until a qualified biologist confirms that

the nest is no longer active or that the young have fully fledged. Monitoring of the nest by a qualified biologist will be required if the activity has potential to adversely affect the nest.

Finding: The City of Stockton finds that implementation of the RWCF Modifications Project would include tree and other vegetation removal, which could result in disturbance or direct loss of nesting Swainson’s hawk, white-tailed kite, and other nesting raptors, potentially resulting in nest abandonment, failure, or mortality of chicks and eggs. Adoption and incorporation of Mitigation Measure 4.6-6 into the project will reduce the impact to a less-than-significant level because it would require that project activities would not remove an active nest tree or disturb nest sites. Therefore, the project with mitigation will not result in significant impacts to Swainson’s hawk, white-tailed kite, northern harrier, and other nesting raptors.

Impact 4.6-7: Disturbance to or Loss of Tricolored Blackbird, Song Sparrow (“Modesto” Population), and Other Nesting Birds

Implementation of the project would include tree and other vegetation removal, which could result in disturbance or direct loss of nesting tricolored blackbird, song sparrow (“Modesto” population), and other nesting birds, potentially resulting in nest abandonment, failure, or mortality of chicks and eggs. This would be a potentially significant impact.

Mitigation Measure 4.6-7: Protect Tricolored Blackbird, Song Sparrow (“Modesto” Population), and Other Nesting Birds

Tricolored Blackbird

Consistent with the avoidance and minimization measures in the SJMSCP, the City will implement the following measures to reduce impacts on tricolored blackbird:

- ▲ A qualified biologist shall conduct a preconstruction survey for any project activity that would occur during the tricolored blackbird nesting season (March 1–August 31) and within 500 feet of suitable nesting habitat, including freshwater marsh and patches of thorny or prickly vegetation. The survey shall be conducted within 14 days before project activity begins.
- ▲ If no tricolored blackbird colony is present, no further mitigation is required. If a colony is found, the qualified biologist will establish a no-disturbance buffer around the nesting colony. No project activity will commence within the buffer area until a qualified biologist confirms that the colony is no longer active. A setback of 500 feet from colonial nesting areas shall be established and maintained during the nesting season for the period encompassing nest building and continuing until fledglings leave nests. This setback applies whenever construction or other ground-disturbing activities must begin during the nesting season in the presence of nests which are known to be occupied. Setbacks shall be marked by brightly colored temporary fencing.

Song Sparrow (“Modesto” Population) and Other Nesting Birds

- ▲ A qualified biologist shall conduct a preconstruction survey for any project activity that would occur during the nesting bird season (March 1–August 31) and within 500 feet of suitable nesting habitat, including shrubs, riparian vegetation, and trees. The survey shall be conducted within 14 days before project activity begins.
- ▲ If no nesting birds are found, no further mitigation is required. If nests are found, the qualified biologist will establish a no-disturbance buffer around the nest. A 10-foot buffer for songbirds is typically sufficient to protect the nest from disturbance but will be determined by a qualified biologist. Buffer size may vary based on bird species, listing status of the species, and other factors including distance from construction activity, type and duration of construction activity, and whether the nest is within the line-of-sight of construction activity. The size of the buffer may be adjusted if the qualified biologist and the City, in consultation with CDFW, determines that such an adjustment would not be likely to adversely affect the nest.

Finding: The City of Stockton finds that implementation of the RWCF Modifications Project would include tree and other vegetation removal, which could result in disturbance or direct loss of nesting tricolored blackbird, song sparrow (“Modesto” population), and other nesting birds, potentially resulting in nest abandonment, failure, or mortality of chicks and eggs. Adoption and incorporation of Mitigation Measure 4.6-7 into the project will reduce the impact to a less-than-significant level because it would require that project activities would not remove an active nest or disturb nest sites. Therefore, the project with mitigation will not result in significant impacts to tricolored blackbird, song sparrow (“Modesto” population), and other nesting birds.

Impact 4.6-8: Disturbance to or Loss of Valley Elderberry Longhorn Beetle

Implementation of the project could result in direct removal, direct damage, or indirect damage to elderberry shrubs, which could result in mortality of the federally listed valley elderberry longhorn beetle. This would be a potentially significant impact.

Mitigation Measure 4.6-8: Conduct Surveys for and Protect Valley Elderberry Longhorn Beetle

In 2017, USFWS provided updated guidelines for assessing impacts to valley elderberry longhorn beetle.¹ The City, however, will use guidelines outlined in the SJMSCP. The measures regarding valley elderberry longhorn beetle in the SJMSCP have not been revised due to the “no surprises” assurance provided by USFWS in the HCP process. The City will implement the following measures to avoid, minimize, and mitigate impacts on valley elderberry longhorn beetle consistent with the SJMSCP:

- ▲ A qualified biologist shall be retained by the City to conduct a preconstruction survey to count and measure elderberry stems and determine whether valley elderberry longhorn beetle exit holes are present prior to implementation of the project for all elderberry shrubs within or adjacent to the project footprint.
- ▲ The following measures will be implemented for all elderberry shrubs that will be retained on the project site:
 - A construction setback of 20 feet from the drip line of each elderberry shrub shall be established.
 - Brightly colored flags and fencing shall be placed surrounding elderberry shrubs during project activities.
 - Ground disturbing activities on the project site shall not alter the hydrology of the site or otherwise affect the likelihood of vigor or survival of elderberry shrubs.
 - Project activities, such as truck traffic or other use of machinery, shall not create excessive dust on the project site, such that the growth or vigor of elderberry shrubs is adversely affected.
 - Areas that are disturbed temporarily shall be restored to pre-disturbance conditions. Erosion control measures shall be implemented to restore areas disturbed within 100 feet of elderberry shrubs.
 - No insecticides, herbicides, fertilizers, or other chemicals shall be used within 100 feet of elderberry shrubs.

¹ U.S. Fish and Wildlife Service. 2017. *Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle (Desmocerus californicus dimorphus)*. Sacramento, California. 28 pp.

- ▲ The following measures will be implemented for all elderberry shrubs planned for removal from the project site:
 - ▼ For all shrubs with evidence of valley elderberry longhorn beetle exit holes (as determined during the preconstruction survey) that cannot be avoided by the project, the City shall undertake transplanting of these elderberry shrubs to valley elderberry longhorn beetle mitigation sites during the dormant period for elderberry shrubs (November 1 - February 15).
 - ▼ If elderberry shrubs with evidence of valley elderberry longhorn beetle exit holes cannot be transplanted, the City shall provide mitigation within SJMSCP Preserves of three new plants for each stem 1 inch in diameter or greater (as determined during the preconstruction survey) to be removed from the project site.
 - ▼ For all elderberry shrubs without exit holes that cannot be avoided by the project, the City shall provide mitigation within SJMSCP Preserves of three new plants for each stem over 1 inch in diameter or greater (as determined during the preconstruction survey) to be removed from the project site.

Finding: The City of Stockton finds that implementation of the RWCF Modifications Project could result in direct removal, direct damage, or indirect damage to elderberry shrubs, which could result in mortality of the federally listed valley elderberry longhorn beetle. Adoption and incorporation of Mitigation Measure 4.6-8 into the project will reduce the impact to a less-than-significant level because indirect effects would be minimized by implementing protective measures for shrubs to be retained on site and direct effects would be compensated in accordance with the SJMSCP. Therefore, the project with mitigation will not result in significant impacts to valley elderberry longhorn beetle.

Impact 4.6-9: Disturbance to or Loss of Special-Status Bats

Implementation of the project would include demolition of existing buildings and other structures that could potentially provide roost habitat for common and special-status bats, particularly pallid bat. Demolition or improvement activities at existing facilities could result in disturbance to active bat colonies that could affect the survival of young or adult bats. This would be a potentially significant impact.

Mitigation Measure 4.6-9: Protect Special-Status Bats

The City shall implement the following measures to avoid, minimize, and mitigate impacts on special-status bat species, consistent with the SJMSCP:

- ▲ A qualified biologist shall be retained to conduct surveys for roosting bats before demolition of buildings. Surveys will consist of daytime pedestrian surveys to look for visual signs of bats (e.g., guano) and/or evening emergence surveys to note the presence or absence of bats, if determined necessary. If evidence of bat use is observed, the number and species of bats using the roost will be determined. If no evidence of bat roosts are found, then no further study shall be required.
- ▲ If roosts of pallid bat or other special-status bats are determined to be present and must be removed, the bats shall be excluded from the roosting site before the building is removed or renovated. Exclusion methods may include use of one-way doors at roost entrances (bats may leave but not re-enter), or sealing roost entrances when the site can be confirmed by a bat expert to contain no bats. Exclusion efforts may be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young).
 - ▼ Before the nursery season (April through August), nursery sites shall be sealed.
 - ▼ If identified on the project site, hibernation sites shall be sealed before the hibernation season (November through March).

- If colonial roosting sites are identified in structures proposed for removal, such removal shall occur outside of the nursery and/or hibernation seasons and shall occur during dusk and/or evening hours after bats have left the roosting site.

Finding: The City of Stockton finds that implementation of the RWCF Modifications Project would include demolition of existing buildings and other structures that could potentially provide roost habitat for common and special-status bats, particularly pallid bat. Adoption and incorporation of Mitigation Measure 4.6-9 into the project will reduce the impact to a less-than-significant level because it would require surveys to confirm that bats are absent from potential roost sites before they are demolished or removed. Therefore, the project with mitigation will not result in significant impacts to pallid bats.

Impact 4.6-10: Disturbance to Riparian Habitat

Implementation of the project, including construction of the 72-inch force main pipe (Option 1) could result in direct removal or disturbance to riparian vegetation. This would be a potentially significant impact.

Mitigation Measure 4.6-10: Protect Riparian Habitat

The City shall implement the following measures to avoid, minimize, and mitigate impacts on riparian habitat, consistent with the SJMSCP:

- ▲ A qualified biologist shall be retained to conduct a survey for riparian habitat with the RWCF project site.
- ▲ The qualified biologist shall establish a construction buffer of at least 100 feet measured from the outer (project-site) edge of the dripline of the riparian habitat. The buffer shall be marked by brightly colored fencing or flagging visible to construction workers, including heavy equipment operators, throughout the construction process.
- ▲ Appropriate erosion control measures (e.g., hay bales, filter fences, vegetative buffer strips, or other accepted equivalents) to reduce siltation from project sites will be installed, if deemed necessary by the qualified biologist.
- ▲ The qualified biologist shall provide training to all on-site construction personnel regarding the presence of the sensitive habitat and the importance of avoiding impacts to the habitat.

Finding: The City of Stockton finds that implementation of the RWCF Modifications Project, including construction of the 72-inch force main pipe (Option 1), could result in direct removal or disturbance to riparian vegetation. Adoption and incorporation of Mitigation Measure 4.6-10 into the project will reduce the impact to a less-than-significant level because it would require a setback to avoid direct removal or damage to riparian vegetation. Therefore, the project with mitigation will not result in significant impacts to riparian habitat.

Cultural and Tribal Cultural Resources

Impact 4.8-2: Effects on Previously Undiscovered Archaeological Resources and Tribal Resources

There are no National Register of Historic Places (NRHP) or California Register of Historic Resources (CRHR) listed or eligible resources (historic properties or historical resources), or unique archaeological resources that have been documented in the project area and, considering the previous site disturbances due to construction of the RWCF, roadways, and railroad, the possibility that intact archaeological resources and/or tribal cultural resources would be uncovered is low. However, it is possible to encounter as-yet undiscovered prehistoric archaeological resources and/or tribal cultural resources or historic cultural resources during construction and subsurface disturbance. Newly discovered cultural resources could be eligible for listing in the NRHP or CRHR or could be unique archaeological resources and could be adversely affected during project construction. Therefore, this impact would be potentially significant.

Mitigation Measure 4.8-2: Halt Ground-disturbing Activity Upon Discovery of Subsurface Archaeological Resources and Tribal Cultural Resources

The City shall implement cultural resource training of construction personnel to make them aware of the cultural value of the area, including the potential for tribal cultural resources to be present near the project site, and to educate them on how to best avoid impacting such resources, if encountered. If archaeological resources and/or tribal cultural resources are discovered during project-related construction activities all ground disturbance within a minimum of 100 feet of the find shall be halted until a qualified professional archaeologist can evaluate the discovery. The archaeologist shall examine the resources, assess their significance, and recommend appropriate procedures to either further investigate or mitigate adverse impacts. If the find is determined to be a significant historical resource and the archaeological resource cannot be avoided, then applicable mitigation measures for significant resources shall be completed (e.g., preservation in place, data recovery program pursuant to PRC Section 21083.2[i]). In the event that tribal cultural resources are discovered during ground disturbing activities, the City shall notify the United Auburn Indian Community of the Auburn Rancheria and the Northern Valley Yokuts Tribe by email. During evaluation or mitigative treatment, ground disturbance and construction work could continue on other parts of the project area.

Finding: The City of Stockton finds that implementation of the RWCF Modifications Project could encounter as-yet undiscovered prehistoric archaeological resources, tribal cultural resources, and/or historic cultural resources during construction and subsurface disturbance; newly discovered cultural resources could be eligible for listing in the NRHP or CRHR or could be unique archaeological resources and could be adversely affected during project construction. Adoption and incorporation of Mitigation Measure 4.8-2 into the project will reduce the impact to a less-than-significant level because it would ensure that any undocumented cultural resources or inadvertent discoveries of cultural resources during construction or ground-disturbing activities would be properly recorded and the historical significance of the resources documented. Therefore, the project with mitigation will not result in significant impacts resulting from inadvertent damage or destruction of unknown cultural resources during construction.

Impact 4.8-3: Effects on Previously Undiscovered Human Remains

Although there is a low potential for human remains to be discovered during ground disturbance for the project, construction activities could potentially uncover or disturb unanticipated discoveries of human remains, including those interred outside of formal cemeteries. This impact would be potentially significant.

Mitigation Measure 4.8-3: Halt Ground-disturbing Activity Upon Discovery of Human Remains

If human remains are discovered, all work within a minimum of 100 feet of the discovery site shall halt immediately. The City shall notify the County Coroner, as stipulated in Section 7050.5 of the California Health and Safety Code. The Coroner shall determine whether the remains are Native American and, if so, shall contact the Native American Heritage Commission by telephone within 24 hours. The Commission shall follow the stipulations in PRC Section 5097.98, including determination of a most likely descendent. If the Commission is unable to identify a descendant, the descendant is unable to make a recommendation, or the landowner rejects the recommendation, the Commission shall mediate any dispute between the parties. Where such mediation fails to provide measures acceptable to the landowner, the landowner shall reinter the human remains and associated funerary items with appropriate dignity on the property, in a location not subject to further subsurface disturbance.

Finding: The City of Stockton finds that implementation of the RWCF Modifications Project could potentially uncover or disturb unanticipated discoveries of human remains, including those interred outside of formal cemeteries, during construction activities. Adoption and incorporation of Mitigation Measure 4.8-3 into the project will reduce the impact to a less-than-significant level because it would ensure that any undocumented or inadvertent discoveries of human remains during construction or ground-disturbing activities would be properly mitigated in accordance with the laws of the State of California. Therefore, the project with mitigation will not result in significant impacts resulting from inadvertent disturbance of undocumented human remains during construction.

Impact 4.8-4: Effects on Paleontological Resources

Due to the known presence of paleontological resources in the region, construction activities in the Modesto Formation geologic unit, which underlies the RWCF main plant, have the potential to disturb or destroy newly discovered paleontological resources. This impact would be potentially significant.

Mitigation Measure 4.8-4: Halt Ground-disturbing Activity Upon Discovery of Paleontological Resources

If fossils or other paleontological resources are encountered during construction, all work shall be halted within a 100-foot radius of the find and a qualified paleontologist shall be contacted to examine the find and evaluate its significance. If the find is deemed to have significant scientific value, the paleontologist and the City shall formulate a plan to either avoid impacts or to continue construction without disturbing the integrity of the find (e.g., by carefully excavating the material containing the resources under the direction of the paleontologist followed by routine conservation, laboratory preparation, and curation). Recommendations determined by the City to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resources were discovered.

Finding: The City of Stockton finds that implementation of the RWCF Modifications Project has the potential to disturb or destroy newly discovered paleontological resources during construction activities in the Modesto Formation geologic unit, which underlies the RWCF main plant. Adoption and incorporation of Mitigation Measure 4.8-4 into the project will reduce the impact to a less-than-significant level because it would ensure that any inadvertent discoveries of paleontological resources during construction or ground-disturbing activities are properly documented and salvaged. Therefore, the project with mitigation will not result in significant impacts resulting from inadvertent damage or destruction of unknown paleontological resources.

Transportation and Circulation**Impact 4.11-1: Increased Traffic Congestion During Construction**

Construction-related activities would result in slow-moving construction vehicles and increases in traffic on the roadway network. Construction-related vehicles could reduce the level of service on local roadways. This impact would be potentially significant.

Mitigation Measure 4.11-1: Implement a Construction Traffic Management Plan

The City of Stockton will prepare and implement a Traffic Management Plan (TMP) that addresses the specific steps to be taken before, during, and after construction to minimize temporary construction traffic impacts. The City will be responsible for developing the TMP in consultation with the applicable transportation entities, including the following:

- ▲ Caltrans for state and federal roadway facilities, and
- ▲ City of Stockton Fire Department and Police Department for emergency services.

The City shall prepare the TMP before construction. The TMP shall ensure that acceptable operating conditions on local roadways and freeway facilities are maintained during construction activities. At a minimum, the TMP shall include:

- ▲ construction schedule and time;
- ▲ description of material delivery routes, number of truck trips, and specification of construction vehicle travel hour limits;
- ▲ maintenance of safe and efficient access routes for emergency vehicles;
- ▲ manual traffic control when necessary;

- ▲ submittal of the construction TMP to local emergency response agencies and notification to such agencies shall at least 14 days before the commencement of construction that would partially or fully obstruct roadways; and
- ▲ posting of contact information in case of emergency or complaint.

If necessary to minimize unexpected operational impacts or delays experienced during real-time construction, the City will also be responsible for modifying the TMP to address such effects.

Finding: The City of Stockton finds that implementation of the RWCF Modifications Project would result in slow-moving construction vehicles and increases in traffic on the roadway network, which could reduce the level of service on local roadways. Adoption and incorporation of Mitigation Measure 4.11-1 into the project will reduce the impact to a less-than-significant level because it would ensure that temporary traffic delays experienced during construction would be minimized and that acceptable operating conditions on local roadways and freeway facilities are maintained. Therefore, the project with mitigation will not result in significant transportation impacts during construction.

Alternatives

In compliance with CEQA and the State CEQA Guidelines, Chapter 6, “Alternatives Analysis,” of the Draft EIR evaluated a reasonable range of alternatives to the project, including the No-Project Alternative, followed by identification of an environmentally superior alternative. The EIR examined each alternative’s feasibility and ability to meet the following project objectives:

- ▲ replace or rehabilitate aging treatment facilities thereby extending the useful life of the RWCF;
- ▲ reduce or eliminate unnecessary treatment processes to streamline operations;
- ▲ comply with effluent limitations specified in the RWCF NPDES permit;
- ▲ improve working conditions and operations support facilities for increased efficiency;
- ▲ improve energy efficiency and reduce reliance; and
- ▲ implement a project that reflects the priorities and funding capacity of the City.

Potential alternatives found to be clearly infeasible, including Alternative RWCF Location, Alternatives to Discharge in the San Joaquin River, and High-Rate Activated Sludge Process Alternative, were rejected for a variety of reasons as described in Section 6.2, “Alternatives Considered, but Not Analyzed in Detail,” of the Draft EIR.

The No-Project Alternative, Chlorine Disinfection Alternative, and Belt Press Alternative were carried forward for detailed analysis in the Draft EIR with regard to whether they would reduce or avoid the significant impacts of the project.

In connection with certification of the Final EIR for the project, the City of Stockton certifies that it has independently reviewed and considered the information on alternatives provided in the Final EIR and the record of proceedings. The City of Stockton finds that no new alternatives have been identified and that the feasibility of the analyzed alternatives has not changed since the Draft EIR was circulated for public review. The City of Stockton certifies that it has independently reviewed and considered the information on alternatives provided in the Final EIR and the administrative record, and finds, for the reasons set forth below, that each of the following alternatives cannot feasibly attain, either at all or to the same extent as the proposed project, one or more of the project objectives, is otherwise infeasible or fails to avoid or substantially lessen the significant effects of the RWCF Modifications Project.

1. No-Project Alternative

Under this alternative, the City would continue to operate the existing RWCF within the current permitted average dry weather flow capacity of 55 mgd. The RWCF would be maintained with increasing frequency of repairs and ongoing maintenance. The City would not make modifications to the RWCF—no new facilities

would be constructed, no existing facilities would be demolished or removed, and the existing RWCF would be managed at its current capacity as best as possible to meet the NPDES permit effluent limitations.

Because the RWCF is currently operating under a regulatory mandate for compliance, the City must take necessary steps to implement facilities or processes that bring RWCF into compliance with regulatory standards. The No-Project Alternative would not be feasible because it would result in non-compliance with the NPDES permit's limitation for nitrate plus nitrite of 10 mg/L (as N), which would subject the City to enforcement actions by the Central Valley Regional Water Quality Control Board. This alternative would not meet any of the objectives identified above for the project. Because this alternative would not attain any project objectives and for the reasons set forth above, the No-Project Alternative is rejected by the City of Stockton from further consideration.

2. Chlorine Disinfection Alternative

The Chlorine Disinfection Alternative would include the same facilities as the project, except it would utilize a different technology for the disinfection process. Instead of using ultraviolet (UV) light for the disinfection process, the RWCF would continue to use hypochlorite for disinfection and sodium bisulfite for dechlorination. However, whereas chlorine disinfection facilities are currently located at the tertiary plant, the new chlorine contact basins would be constructed at the main plant along with facilities to store and inject the sodium hypochlorite for chlorination and sodium bisulfite for de-chlorination. The chlorine contact basins would require a larger footprint than the UV disinfection facility to be sufficient to properly disinfect the wastewater.

Compared to the project, the Chlorine Disinfection Alternative would result in greater impacts with respect to air quality, hydrology and water quality, and transportation and circulation (per Table 6-1, "Comparison of the Environmental Impacts of the Alternatives in Relation to the Project," in Chapter 6, "Alternatives," of the Draft EIR). Specifically, the Chlorine Disinfection Alternative would generate greater emissions during construction, higher levels of electrical conductivity (EC), total dissolved solids (TDS), and trihalomethane (THM) compounds in the treated effluent discharged to the San Joaquin River under project operations, and greater construction and operations vehicle trips as compared to the project.

The Chlorine Disinfection Alternative would meet all of the project objectives. Preliminary economic analysis of this alternative indicates that the present worth costs, including capital, operation, and maintenance costs, are similar to the Project. This alternative would require RWCF staff to continue to be exposed to the chemicals (hypochlorite and sodium bisulfite) that are currently used at the RWCF, and for which there is a hazardous materials management plan currently in place; this exposure would not occur with the project.

Even though this alternative would meet all of the project objectives, this alternative would not result in fewer or reduced environmental effects compared to the project. For these reasons, the Chlorine Disinfection Alternative is rejected by the City of Stockton from further consideration.

3. Belt Press Alternative

The Belt Press Alternative would include the same facilities as the project, except it would utilize different technology for the dewatering of sludge. Instead of using a centrifuge for sludge dewatering, belt presses would be used. Centrifugal dewatering of sewage sludge uses the force from rapid rotation of a cylindrical bowl to separate wastewater solids from liquid. In contrast, a belt press dewateres by applying pressure to the biosolids to squeeze out the water.

Compared to the project, the Belt Press Alternative would result in less energy use. However, there would be potentially greater impacts relative to the project related to hydrology and water quality and transportation and circulation (per Table 6-1, "Comparison of the Environmental Impacts of the Alternatives in Relation to the Project," in Chapter 6, "Alternatives," of the Draft EIR). This alternative would result in a higher water

content sludge than the project, and thus greater truck trips associated with hauling sludge for disposal and greater potential for indirect effects at the disposal landfill associated with leachate production and quality.

The Belt Press Alternative would meet all of the project objectives. However, preliminary economic analysis of this alternative indicates that the present worth costs, including capital, operation, and maintenance costs would be approximately 15 to 20 percent higher than the Project. The Belt Press Alternative would require constant staffing (24-hours per day) for operation. Therefore, this alternative would require a higher level of staffing compared to the project.

Even though this alternative would meet all of the project objectives, this alternative would not result in fewer or reduced environmental effects compared to the project and it would be more expensive to implement. For these reasons, the Belt Press Alternative is rejected by the City of Stockton from further consideration.

4. Environmentally Superior Alternative

CEQA requires the identification of an environmentally superior alternative. Section 15126.6(e)(2) of the CEQA Guidelines states that if the No-Project Alternative is the environmentally superior alternative, then the EIR shall also identify an environmentally superior alternative among the other alternatives. Table 6-1 of the Draft EIR summarizes the environmental analyses for the project alternatives.

The No-Project Alternative would avoid significant environmental impacts associated with construction of the project. However, the No-Project Alternative would not improve the quality of the RWCF effluent for ammonia and nitrate plus nitrite when compared to existing conditions, as the project would do. Further, the No-Project Alternative would not attain any of the project objectives. Therefore, the No-Project Alternative is not the environmentally superior alternative.

With regard to the remaining alternatives—Chlorine Disinfection and Belt Press—the project is the environmentally superior alternative. The Belt Press Alternative would result in less energy use compared to the project. However, there would be potentially greater impacts to other resource categories relative to the project, including hydrology and water quality and transportation and circulation. The project would result in a lower water content sludge than the Belt Press Alternative, and thus fewer truck trips associated with hauling sludge for disposal and less potential for indirect effects at the disposal landfill associated with leachate production and quality. The Chlorine Disinfection Alternative would result in greater impacts with respect to hydrology and water quality. Specifically, the Chlorine Disinfection Alternative would generate higher levels of EC, TDS, and THM compounds in the final effluent as compared to the project. The project also would result in reduced transportation and air quality impacts as compared to both alternatives, primarily due to fewer operations-related vehicle trips.

Therefore, while the State CEQA Guidelines stipulate that an EIR shall identify an environmentally superior alternative from among the alternatives to the project, in this instance, neither of the action alternatives would result in fewer or reduced environmental effects compared to the project. In addition, all significant impacts of the project can be mitigated to less-than-significant levels, and all project objectives would be met.

Additional Findings

1. These Findings incorporate by reference in their entirety the text of the EIR prepared for the RWCF Modifications Project. Without limitation, this incorporation is intended to elaborate on the scope and nature of the project, related mitigation measures, and the basis for determining the significance of such impacts.
2. All of the environmental effects of the RWCF Modifications Project have been adequately addressed in the EIR and have been mitigated to a less-than-significant level or avoided.
3. Section 15093(b) of the State CEQA Guidelines provides that when the decision of the public agency results in the occurrence of significant impacts that are not avoided or substantially lessened, the

agency must state in writing the reasons to support its actions. The Findings adopted by the Stockton City Council in connection with its approval of the RWCF Modifications Project and certification of the associated EIR addressed all of the potentially significant impacts associated with implementation of the project. The EIR concluded that the impacts associated with the project are less than significant with the adoption of identified mitigation measures. As a result, the adoption of a Statement of Overriding Considerations for the RWCF Modifications Project is not required.

4. The State CEQA Guidelines Section 15074 requires the lead agency approving a project to adopt an MMRP for changes to the project that it adopts or makes a condition of project approval in order to ensure compliance during project implementation. The Stockton City Council adopts the MMRP for the RWCF Modifications Project and the specific mitigation measures will be monitored in conjunction with the City's MMRP process.

Record of Proceedings

For purposes of CEQA and these Findings, the record of proceedings for the RWCF Modifications Project (Record of Proceedings) consists of the following documents and other evidence, at a minimum:

- ▲ the Notice of Preparation (NOP) distributed on September 7, 2018, and comments received during its 30-day public review;
- ▲ the EIR for the project, including, without limitation, the Draft EIR, Final EIR, and all of their appendices;
- ▲ all studies, EIRs, maps, rules, regulations, guidelines, permits and other documents and materials incorporated by reference in any portion of the EIR;
- ▲ all presentation materials used during every noticed public meeting and public hearing for the project;
- ▲ the MMRP for the proposed project;
- ▲ matters of common knowledge, including but not limited to federal, state, and local laws and regulations, including, without limitation, City of Stockton's adopted CEQA Procedures, and other adopted plans, policies, and programs;
- ▲ any documents expressly cited in these Findings; and
- ▲ all materials not otherwise identified which are expressly required to be in the Record of Proceedings by PRC Section 21167.6(e).

Custodian and Location of Records

The documents and other materials which constitute the Record of Proceedings are located at the City of Stockton's Municipal Utilities Department. Copies of those documents are, and at all relevant times have been and will be, available upon request at the following address. The custodian of the Record of Proceedings may be contacted as follows:

Juan Chavez, Engineering Services Manager
 City of Stockton Municipal Utilities Department
 2500 Navy Drive Stockton, CA 95206
 Telephone: (209) 937-5428
 Email: juan.chavez@stocktonca.gov

This information is provided in compliance with PRC Section 21081.6(a)(2) and the State CEQA Guidelines Section 15091(e).

Summary

Based on the foregoing findings and the information contained in the record, it is hereby determined that:

1. All significant impacts on the environment due to the project have been eliminated, or substantially lessened.
2. The project will result in no significant and unavoidable environmental effects and adoption of a Statement of Overriding Considerations in connection with the approval of the project is not required, as described above.
3. The project is the environmentally superior alternative. No other alternatives identified in the EIR would reduce overall significant environmental effects and attain project objectives, and there are no significant and unavoidable impacts associated with the proposed project.

This determination reflects the independent judgment and analysis of the Stockton City Council.