



San Benito County Water District

30 Mansfield Road • P.O. Box 899 • Hollister, CA 95024-0899 • (831) 637-8218 • Fax (831) 637-7267

San Benito County Water District

Comments on

City of Hollister

Draft Subsequent EIR

Reclaimed Water Irrigation Project

REVIEWED and APPROVED by SBCWD REUSE COMMITTEE

February 6, 2008

Mr. Steve Wittry, Engineering Manager
City of Hollister, Engineering Department
375 Fifth Street
Hollister, CA 95023

Re: City of Hollister's Subsequent Environmental Impact Report ("SEIR") for the Reclaimed Water Irrigation Project (SCH# 2007021136)

Dear Mr. Wittry:

San Benito County Water District ("District") appreciates the opportunity to comment on the City of Hollister's ("City") Administrative Draft SEIR ("SEIR") for the project referenced above. The SEIR tiers from the 2006 Domestic Wastewater Systems Improvements Project and Recycled Water Facility Project EIR (SCH# 2006012149), and is one part of the cooperative effort ongoing between the City, District, and San Benito County ("County") to address long-term groundwater, surface water, and wastewater management, a program that involves implementation of numerous components. The District's further comments will address only the SEIR's suitability as a project-level CEQA document for the selection and use of reclaimed water sites for use during Phase I. With this in mind, the District submits the following comments:

5-1

A. The SEIR Should More Fully Discuss the District's Cooperative Role

The current MOU provides that the selection of the Phase I wastewater disposal options and sites is to be agreed to by the City, County, and District. The City reaffirmed its commitments in the MOU in a letter dated October 9, 2006, which the Board approved by Resolution 2006-133.

5-2

(Attachment A) Indeed, as that letter indicated, the City, County, and District continue to work collaboratively in the spirit and intent of the MOU. However, although the SEIR mentions in some places that the City must work with the District to implement various portions of Phase I, it does not clearly indicate the District's role in development and implementation of some of these elements. To properly inform the public, the SEIR should somewhere discuss, perhaps in Section 3.6, the recent ongoing cooperation and progress made between the City, District, and County to better explain each entity's crucial role in helping solve the City's wastewater problem.

5-2
cont.

B. The SEIR Should Indicate that the City Is Responsible For Mitigation As Long As It Uses Reclaimed Water At Project Sites

The SEIR's groundwater simulation and scope of analysis extend only 30 years into the future, but the SEIR should identify the continuing responsibility of the City to mitigate for any adverse impacts to groundwater quality or levels for the lifetime of the project, regardless of whether Phase II occurs when anticipated and has the beneficial effects on salinity and other water quality levels that are predicted in the SEIR.

5-3

C. Significance Standards and Mitigation

Generally, CEQA requires an EIR to develop and provide a detailed discussion of each resource category's standards of significance and mitigation measures. (See *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296). However, for some projects every detail of mitigation cannot be presented at the outset. In these situations, courts have upheld EIRs that set forth a range of mitigation measures that would effectively offset impacts even though more studies were needed and the EIR did not specify precisely which measures the lead agency must adopt. (See *Sacramento Old City Assn. v. City and Council of Sacramento* (1991) 229 Cal.App.3d 1011). The District recognizes that this project, by its nature, is such a project.

5-4

Because of the complexity of the project and the various operational scenarios that may occur on the different project sites, the District recognizes that the precise methods by which certain impacts will be mitigated, if they occur at all, is very dependant on the specific facts and circumstances at that time. Therefore, the District understands that the SEIR cannot provide an exact level of detail for all potential future operational scenarios and the possible occurrence of impacts therefrom. This appears especially true of Brookhollow Ranch sub-area B. The SEIR itself states that "minimal hydrogeologic information is available for sub-area B," and that "[d]ue to insufficient information for model calibration and comparison, the results of the groundwater modeling analysis for Sub-area B are uncertain." The District requests that the City revise the Final SEIR as appropriate to include the latest, up-to-date information available on the hydrology, soils, and future operational parameters of the various project sites, and revise or refine any applicable significance thresholds or mitigation measures.

D. No Project Alternative

The 2006 EIR contemplated a No Project Alternative where “no improvement would be made to increase the quantity or quality of effluent treated.” (2006 EIR at 6-2) However, the City may want to include an additional or alternative No Project Alternative in the SEIR. Because the City is currently upgrading its wastewater treatment plant to include new treatment technology, CEQA may require the SEIR to include this in a No Project Alternative. The fact that the City has approved and is currently constructing the MBR and other treatment facilities, which will improve the quality of the City’s treated effluent regardless of approval of the proposed project may be relevant to the public or decision makers because under this No Project Alternative, the City’s quantity of wastewater would not increase and the existing wastewater would be of better quality.

5-5

E. Actions The City Previously Committed to Implementing

In various places, the 2006 EIR and the SEIR indicate certain actions, which the City must take to implement the program and project. The District provides these comments regarding the following actions:

E.1. Annual Wastewater Report

2006 EIR Mitigation Measure 5.1 indicated that “the City of Hollister shall prepare an annual wastewater demand report for the DWTP, and make the report available to San Benito County and the public.” (2006 FEIR at 5-12) If the City has not completed the report for 2007, then the SEIR should indicate this. The District urges completion of this report for 2007 and requests a copy when the 2007 report is completed.

5-6

E.2. Regional Salinity Control Program

The SEIR states that the City will implement a regional salinity control program, as described in the Hollister Urban Area Water and Wastewater Master Plan. (NOP at 5, Appx. A) This is an integral part of the City’s overall program. The District understands that an updated Master Plan is in preparation and urges the City to complete this effort as soon as possible. The District is available to assist in this effort. The SEIR should note this development.

5-7

E.3. Site Management Plans

2006 EIR Mitigation Measure 4.2.5 requires the development of reclaimed water use site management plans to reduce impacts associated with reduced soil productivity as a result of irrigation with high salinity treated effluent. As indicated in the SEIR, these Management Plans should include, at a minimum, the following Best Management Practices: (a) quarterly sampling and quantification of water quality for electrical conductivity, sodium, chloride, boron, sulfate, calcium, magnesium, and bicarbonate, (b) soil sampling of individual sprayfield sites to determine the baseline rootzone salinity, (c) development of an estimated leaching fraction for

5-8

each sprayfield, (d) estimates of the water or soil amendments necessary to address sodium or bicarbonate levels, (e) sprayfield management and monitoring, and (f) reclamation standards and procedures for abandoned sprayfields. (Appx. C at 2) The development and the detailed implementation of these plans requires a great deal of work and close cooperation between the City and the District. The District looks forward to continued efforts with the City to complete these Management Plans through cooperative processes discussed in the City's letter (Attachment A).

5-8
cont.

F. Site Selection And Implementation

If the project sites that are used when the project is implemented are lands already owned and operated by the City, then the City will not require long-term legal commitments from other private parties for the use of those lands. Conversely, if the City intends to use private lands, then the project cannot be implemented until definitive plans and legal agreements with any private owners of land intended for reclaimed water use are completed. If such private agreements become necessary for the use of reclaimed water on any site, the District requests that the City allow it to review and participate in the negotiation of these contracts as they may affect the District's implementation of Phase II.

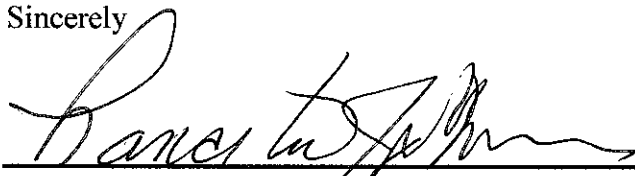
5-9

Conclusion

Thank you for the opportunity to comment on the SEIR. Pursuant to Public Resources Code section 21092.5(a), the Department looks forward to receiving your responses at least 10 days prior to certification of the Final SEIR. If you have any questions regarding our comments or require technical assistance or information, please contact Lance Johnson, District Manager. The District looks forward to working with the City on balancing and successfully coping with the City's wastewater capacity needs and the long-term maintenance of soil and water quality, among other environmental concerns.

5-10

Sincerely



Lance W. Johnson, P.E.

District Manager/Engineer

Attachment



CITY OF HOLLISTER

375 Fifth Street • Hollister, CA 95023-3876

October 9, 2006

Pat Loe, Chairperson
San Benito County Board of Supervisors
481 Fourth Street
Hollister, CA 95023

John Tobias, President
San Benito County Water District
P. O. Box 899
Hollister, CA 95024-0899

Dear Mrs. Loe and Mr. Tobias:

The intent of this letter is to affirm the City of Hollister's (CITY) commitment to implementing all facets of the Memorandum of Understanding – Hollister Urban Area Water and Wastewater Master Plan (HUAWWMP). The CITY is investing over \$100,000,000 to not only address our wastewater issue but as the first vital step, as identified by the CITY, San Benito County (COUNTY), and the San Benito County Water District (WATER DISTRICT), towards managing water quality, quantity, and groundwater levels in the Hollister Urban Area and the San Juan Valley. This is the first major infrastructure investment by any agency to address these issues. In keeping with our commitment to be an active partner in water resource management for this area, it is the City's intention and commitment to not increase quantities of domestic wastewater percolated at the Domestic or Industrial Wastewater Treatment Plants beyond current levels at any time. In fact, this initial project is a vital first step towards reducing the amount of water disposed of at these facilities over time.

The CITY is also honoring its commitment in the Memorandum of Understanding to reach agreement on wastewater disposal options and sites. Agreement was previously reached on disposal options through coordinated staff efforts that were accepted by the three agencies acting through the HUAWWMP Governance Committee (Governance Committee). Site selection is ongoing and will not be finalized until completion of a supplemental environmental document evaluating additional sites as identified by the Site Selection Sub-committee of the Governance Committee and accepted by the Governance Committee. Target completion date for this work is February, 2007. However, there is some

RECEIVED

OCT 11 2006

SAN BENITO COUNTY
WATER DISTRICT

City Attorney
636-4306

City Clerk
636-4304

City Manager
636-4305

Finance
636-4301

Management Services
636-4324

Personnel
636-4308

County of San Benito
San Benito County Water District

flexibility, as necessary, to accomplish a thorough and complete evaluation. The CITY is also anxious to complete CEQA compliance for full scale recycled water delivery in the San Juan Valley consistent with the Regional Recycled Water Facilities Plan and the Cooperative EIR Agreement between the CITY, COUNTY AND WATER DISTRICT.

As the CITY begins development of sprayfields, we are committed to consulting agricultural specialists to ensure proper irrigation and/or crop rotation techniques in order to have a sustainable operation. These operations will be closely monitored for effectiveness in early years when disposal volumes are low so that we are able to determine the need to acquire additional sprayfield acreage if the operations cause a reduction in capacity. This will allow adequate time to technically and environmentally analyze additional acreage, coordinate with other local agencies, obtain necessary permits, acquire land and develop funding sources, if necessary. To assure that disposal capacity is available to handle growth, the CITY has proposed to implement a Disposal Plan with the WATER DISTRICT, COUNTY and community and the City will not issue additional building permits if adequate disposal capacity including recycled water is not available.

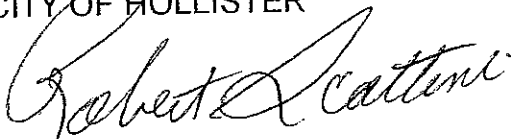
With regard to immediate efforts regarding salt/source control, the City currently requires all new development to install dual water systems and prohibits the use of on-site regenerating water softeners in new development. The most recent project with such provisions is the West of Fairview – Award Homes project. We are also committed to ultimately prohibiting the replacement of on-site regenerating water softeners and providing incentives for replacement with off-site regenerated softeners. We are participating in the Water Resource Associations efforts in this regard and have budgeted funds for this activity. We are also prepared to expand upon those efforts as practicable.

The City of Hollister looks forward to the completion of the Hollister Urban Area Water and Wastewater Master Plan and is committed to its implementation. We are very interested in beginning the process of negotiating the next set of cooperative agreements with the COUNTY, WATER DISTRICT, and the Sunnyslope County Water District (SUNNYSLOPE) for the joint actions necessary to implement Hollister Urban Area water supply and quality improvements and a full recycled water program as part of the effort to meet the goals of the Groundwater Management, including groundwater level management and agricultural supply reliability. Achieving these goals in a timely, cost effective and affordable way will require continued cooperative efforts by the CITY, COUNTY, WATER DISTRICT, AND SUNNYSLOPE.

Sincerely,

County of San Benito
San Benito County Water District

CITY OF HOLLISTER

A handwritten signature in black ink that reads "Robert Scattini". The signature is written in a cursive style with a large, looping initial "R".

Robert Scattini
Mayor

cc: Dawn Anderson, Sunnyslope County Water District
John Gregg, San Benito County Water District
Susan Thompson, San Benito County
Clint Quilter, City of Hollister
Bryan Yamaoka, Sunnyslope County Water District
Harry Blohm
Dave Jones, CH2M Hill

RESOLUTION 2006-133

Resolution of the City Council of the City of Hollister Authorizing Execution of a Letter to the County of San Benito and the San Benito County Water District Regarding the City's Intent with Respect to Water Resource Management

WHEREAS, the City of Hollister, the County of San Benito, and the San Benito County Water District have entered into a Memorandum of Understanding for Preparation of a Hollister Urban Area Water and Wastewater Master Plan; and

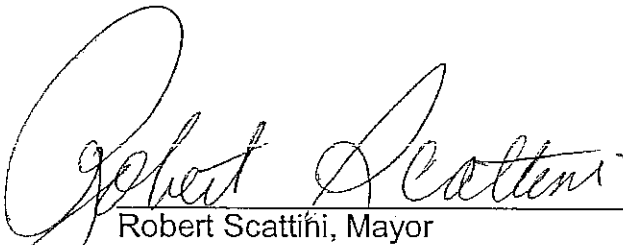
WHEREAS, the City is moving towards implementation of the first stage of improvement contemplated by the Memorandum of Understanding; and

WHEREAS, the City wishes to make clear its intent with regard to current and future actions related to the Memorandum of Understanding and to express interest in negotiating the next set of cooperative agreements for implementation of the Hollister Urban Area Water and Wastewater Master Plan;


NOW, THEREFORE, BE IT RESOLVED THAT the Mayor is authorized and directed to execute and send a letter to the County of San Benito and the San Benito County Water District regarding the City's intent with respect to water resource management.

PASSED AND ADOPTED by the City Council of the City of Hollister at a special meeting duly held on this 9th day of October, 2006, by the following vote:

AYES: Council Members Emerson, Valdivia, Johnson and Mayor Scattini.
NOES: None.
ABSENT: Council Member Pike
ABSTAINING: None.

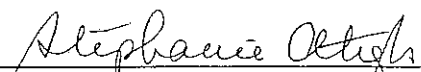

Robert Scattini, Mayor

ATTEST:


Geri Johnson, City Clerk

DUPLICATE OF ORIGINAL
ON FILE IN THE
OFFICE OF THE CITY CLERK
CITY OF HOLLISTER

APPROVED AS TO FORM:


Stephanie Atigh, City Attorney