

# **APPENDIX H**

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## RESPONSES TO WRITTEN COMMENTS

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The Lodi Unified School District (LUSD) is proposing to construct a new school site that will be approximately 18.5 acres in size after property line adjustments. The proposed school site – Stockton Site I – is still in the design concept phase, however, LUSD anticipates the proposed school site would serve approximately 800 students with approximately 35 (K-8) classrooms to accommodate the ongoing West Lakes Development in Stockton, California. The proposed project site is within the footprint of the Westlake at Spanos Park West Master Development Plan (2004), Development Agreement, and Environmental Impact Report (State Clearinghouse No. 2004052105) which created a framework for future development, including the development of a future school. The City of Stockton approved the Westlake Master Development Plan which included a 10-acre school site listed to be developed by LUSD and was tentatively located in the proposed Site “I” Area. Water and sewer services for the school would be provided by the City of Stockton Municipal Utilities District.

The District received two written comment letters during the public review period and response to these comments are addressed herein. The comment letters have been assigned a corresponding number, and comments within each comment letter have been separated to respond to the specific issues raised. The original comment letters are 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” or “This comment is noted for the record” 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	Tom Dumas, Chief Office of Metropolitan Planning, CalTrans P.O. Box 2048 Stockton, California 95201										●								
2	Nicholas White Water Resource Control Engineer Central Valley Regional Water Quality Control Board 11020 Sun Center Drive #200 Rancho Cordova, CA 95670				●														

## **LETTER NO. 1**

Tom Dumas, Chief  
Office of Metropolitan Planning, CalTrans  
P.O. Box 2048  
Stockton, California 95201

### **COMMENT 1-1**

Caltrans recommends a Complete Streets approach to planning this development that promotes bicycle and pedestrian and pedestrian connectivity between the school and neighboring residents. This would include facilities such as crosswalks, sidewalks, and bicycle lanes.

### **RESPONSE 1-1**

This comment is noted for the record. The proposed Project is currently located within the Westlake Villages, which incorporated the pedestrian and bicycle circulation system to be compatible with the City of Stockton's 'Existing and Future Bikeways Plan' with pedestrian and bicycle trails incorporated into residential neighborhoods to provide connections to major circulation roads, public transportation facilities, and with other pedestrian and bicycle incorporated in the Westlake at Spanos Park Master Development Plan.

### **COMMENT 1-2**

Caltrans recommends that the school include facilities necessary to accommodate alternate modes of transportation such as bus parking, bike racks, and solar charging stations for electric vehicles.

### **RESPONSE 1-2**

This comment is noted for the record. A minimum of five bike racks will be installed post construction, and in accordance with the City of Stockton and California Department of Education Standards.

## **LETTER NO. 2**

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

### **COMMENT 2-1**

Pursuant to State Clearinghouse's 2 February 2021 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff has reviewed the *Request for Review for the Mitigated Negative Declaration for the Mitigated Negative Declaration for the Proposed School Site – Stockton Site I 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 address concerns surrounding those issues.

### **RESPONSE 2-1**

This comment is noted for the record.

### **COMMENT 2-2**

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 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, 40CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the Water Quality Control Plan for the Sacramento and San Joaquin River Basins, please visit our website:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/)

### **RESPONSE 2-2**

This comment is noted for the record.

### **COMMENT 2-3**

Antidegradation Considerations: All wastewater discharge must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues\\_basin\\_plans/sacsjr\\_201805.pdf](https://www.waterboards.ca.gov/centralvalley/water_issues_basin_plans/sacsjr_201805.pdf)

In part 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 NPDES and land discharge WDRs permitting process. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

### **RESPONSE 2-3**

This comment is noted for the record.

### **COMMENT 2-4**

#### **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 acre, 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](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

### **RESPONSE 2-4**

This comment is noted for the record.

### **COMMENT 2-5**

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits: The Phase I and II MS4 permits require the Permittee to 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/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/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\\_muni](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_muni)

**RESPONSE 2-5**

This comment is noted for the record.

**COMMENT 2-6**

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 2014-0057-DWQ

**RESPONSE 2-6**

This comment is noted for the record.

**COMMENT 2-7**

Clean Water Act Section 404 Permit: If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

**RESPONSE 2-7**

This comment is noted for the record.

**COMMENT 2-8**

Clean Water Act Section 401 Permit – Water Quality Certification: If an USACE permit (e.g., Non-Reporting Nationwide Permit, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal 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.

**RESPONSE 2-8**

This comment is noted for the record.

**COMMENT 2-9**

Waste Discharge Requirements:

*Discharges to Waters of the State:* If an USACE permit (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, are subject to State regulation.

**RESPONSE 2-9**

This comment is noted for the record.

**COMMENT 2-10**

Dewatering Permit: If the proposed project includes construction dewatering and groundwater will be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. 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 2-10**

This comment is noted for the record.

**COMMENT 2-11**

Limited Threat General NDPES 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 Dewatering and Other Low Threat Discharges to Surface Waters (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

**RESPONSE 2-11**

This comment is noted for the record.



**COMMENT 2-12**

NDPES Permit: If the proposed project discharges waste that could affect the quality of the 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 2-12**

This comment is noted for the record