

**CHAPTER ONE**  
**INTRODUCTION**

# CHAPTER ONE - INTRODUCTION

## 1.1 Project Summary

The City of Hughson (pop. 6,082) is located in Stanislaus County, in the Central Valley of California. Hughson provides a full range of municipal services to its residents. In response to ongoing population increases, the City of Hughson periodically updates the master plans for the provision of municipal services. The City is currently considering an update to the Master Plan for the Hughson Wastewater Treatment Plant (WWTP). The project site is located adjacent to the Tuolumne River, approximately two miles north of the City at the corner of Charles Street and Leedom Road, and encompasses the existing City of Hughson WWTP as well as the 30 acres of property immediately to the west. The facility treats municipal and industrial wastewater. The City owns the property on which the WWTP is located and is responsible for day-to-day operations.

The proposed project consists of the adoption and implementation of the proposed *Wastewater Treatment Plant Master Plan Report* (Master Plan) and the associated expansion, construction and operation of the Hughson WWTP. The Master Plan identifies facilities needed to treat and dispose of the City's wastewater for a 20-year period from 2006 to 2026. The proposed project will increase WWTP capacity from 1.0 million gallons per day (mgd) to 1.9 mgd over the 20 year planning period.

## 1.2 Project Objective

The objective of the project is to establish a plan for managing existing and anticipated sewer treatment needs in the City for a 20 year period and to implement capital improvement projects necessary to expand the capacity of and improve the functioning of the WWTP while preserving the ability for substantial future expansion. Based on population projections, capacity will be expanded from 1.0 mgd to 1.9 mgd over the study period of this EIR.

## 1.3 Procedures

This Draft Environmental Impact Report (EIR) was prepared to evaluate potentially significant environmental effects (also called "impacts") of the proposed project and of alternatives to the project. The EIR was prepared to meet all requirements of the California Environmental Quality Act (CEQA) and *Guidelines for the Implementation of the California Environmental Quality Act* (California Code of Regulations, Title 14, Division 6, Chapter 3 - hereinafter called the *CEQA Guidelines*).

The Lead Agency responsible for the EIR is the City of Hughson. Under CEQA, the lead agency is normally the public agency that has discretionary authority to approve the project. In this case, the City Council has the final authority to approve the project.

Section 15121(a) of the *CEQA Guidelines* defines an EIR as an informational document that will:

*“...inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.”*

The installation of improvements and the operation of such improvements to the City's wastewater treatment facility is the action that constitutes the project for purposes of this EIR. As defined in §15378 of the *CEQA Guidelines*, a “project” is an action that “...has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment ...”

Under §15091 of the *CEQA Guidelines*, the City must make findings prior to approving the project. For each significant environmental effect identified in the EIR, one or more of the following findings must be made:

- *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen (i.e., mitigate) the significant environmental effect as identified in the final EIR.*
- *Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*
- *Specific economic, legal, social, technical or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.*

Section 15093 of the *CEQA Guidelines* requires the City Council to balance the economic, legal, social, technical or other benefits of a proposed project against any unavoidable environmental effects of the project. If, in the City's opinion, the benefits of the project outweigh the unavoidable adverse environmental effects, the City Council may adopt a Statement of Overriding Considerations, finding that the environmental effects are considered acceptable.

Section 15004 of the *CEQA Guidelines* states that EIRs should be prepared as early as feasible in project planning to enable environmental considerations to influence project design. Thus, the EIR must be completed and certified by the City before the City approves the project. The EIR provides an opportunity to change the project's design or adopt alternatives to mitigate any potential environmental impacts before project approval.

The Draft EIR will be subject to public review as required under §15087 of the *CEQA Guidelines*. CEQA requires that the City consider input from other agencies, citizen groups, and individuals. CEQA is a public process requiring full public disclosure of the expected environmental consequences of the project and its alternatives. The public must be given a meaningful opportunity to comment. The *CEQA Guidelines* require a public review period of no less than 30 days and not more than 60 days. A 45 day review period is customary for a project of this nature. CEQA specifies how the public must be notified that the Draft EIR is available for review. During the review period, the public, all responsible trustee agencies, and any other interested agencies may comment, orally or in writing, on the Draft EIR.

Section 15132 of the *CEQA Guidelines* requires that significant environmental points raised in each comment made during the public review period must be responded to in writing. The Final EIR that will be considered for certification by the City will consist of:

- The Draft EIR with any necessary revisions resulting from public and agency comments.
- Comments on the Draft EIR.
- A list of individuals, organizations, or agencies that commented on the Draft EIR.
- The City's responses to significant environmental points raised in the comments.

Upon completion, the City Council can certify that the Final EIR has been completed, it complies with CEQA, and the information in the Final EIR was reviewed and considered prior to making a decision on the project. After reviewing and considering the EIR, including public comments on the Draft EIR and responses to those comments, the City will make its findings as explained above.

Finally, the City will adopt, if required to mitigate identified impacts, a Mitigation Monitoring and Reporting Program as required by Public Resources Code §21081.6(a) for the reporting or monitoring of mitigation measures that are adopted or to be made as conditions of project approval. The Mitigation Monitoring and Reporting Program is required to ensure that mitigation measures identified in the EIR are actually carried out and produce the desired results. The Mitigation Monitoring and Reporting Program names the person or agency responsible for implementing each mitigation measure, the agency to which implementation of the measure should be reported, and a timetable for implementation and monitoring.

#### **1.4 Methodology/Scope of EIR**

The CEQA process begins with scoping to determine the type and extent of environmental documentation necessary for the project and provide an initial opportunity for public and agency input. Scoping often begins, as in this instance, with a Notice of Preparation (NOP). A NOP is used where the decision is made early in the process that an EIR will be prepared. For this project, the City sent a Notice of Preparation (NOP) to the Governor's Office of Planning and Research State Clearinghouse. The State Clearinghouse distributed the NOP to potential State responsible<sup>1</sup> and trustee agencies,<sup>2</sup> and the City distributed it to local agencies or other agencies that are expected to take an interest in the project. The NOP review period ran from December 8, 2006 to January 8, 2007 and was posted in the Modesto Bee on Saturday, December 23, 2006.

All responsible and trustee agencies, as well as other interested agencies, citizens groups, and individuals had 30 days to respond to the NOP. These responses helped determine the range of environmental issues that the EIR must address. The NOP is included in Appendix A of this

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<sup>1</sup> A "responsible agency" is one that has discretionary authority to approve or deny a project or an element of a project. Each of these agencies will require that the City certify the EIR for the project before issuing a permit.

<sup>2</sup> A "trustee agency" is one that manages or has jurisdiction over certain natural resources that may be affected by the project. For example, the California Department of Fish and Game is responsible for managing wildlife and wildlife habitats throughout the state. The Department of Fish and Game serves as a trustee agency for most projects subject to CEQA and reviews most EIRs for effects on wildlife and habitat.

Draft EIR. A list of agencies that commented on the NOP and their comments are included in Appendix B.

## **1.5 Organization of the EIR**

Preceding this chapter is the Executive Summary. Section 15123 of the CEQA Guidelines states that an EIR “*shall contain a brief summary of the proposed actions and its consequences...The summary shall identify each significant effect with proposed mitigation measures and alternatives that would reduce or avoid that effect...areas of controversy known to the Lead Agency including issues raised by agencies and the public, and...issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects.*” The Executive Summary of this EIR contains a table (Table ES-1) which summarizes all impacts and recommended mitigation measures.

The purpose of Chapter One is to state the nature of the project and inform the reader of the reason for preparing the EIR. It also explains the purposes of CEQA and briefly summarizes the CEQA process.

Chapter Two describes the site location, the project objectives, project description, the subsequent permits and approvals required, the general environmental setting of the project site and surrounding area, and includes a brief discussion of relevant regulations and plans as they relate to the project.

Chapter Three details the environmental setting as it relates to each topical area (e.g., noise, traffic, air quality), identifies and evaluates impacts, including cumulative impacts, and proposes mitigation measures to reduce impacts to less than significant levels, where feasible. The format and content of this chapter are described as follows:

### **INTRODUCTION**

Where applicable, a brief introduction is presented under each general topical heading (e.g., Noise; Air Quality).

### **SETTING**

The existing physical and regulatory setting and conditions with respect to the environmental topic being discussed are briefly described.

### **IMPACT EVALUATION CRITERIA/REGULATORY CONTEXT**

This section of each subchapter defines the standard by which impacts are measured or the threshold of significance. The purpose is to establish the level at which an environmental impact will be considered significant. The City primarily uses the thresholds of significance defined in Appendix G of the *CEQA Guidelines*.

### **IMPACTS**

- **Impact #:** Each identified environmental impact is numbered for reference in accord with the chapter subsection (e.g., #3.8.1).

- **Conclusion:** This is a statement of whether an identified impact is significant or less than significant. Significant environmental effects will include direct, indirect, short-term, long-term, cumulative, and unavoidable impacts.
- **Mitigation Measure Number:** Each proposed or recommended legal, feasible and enforceable mitigation is described and listed by number.
- **Effectiveness of Measure:** For significant impacts, a statement is made regarding whether the impact can be mitigated to a less than significant level or, alternatively, whether the impact is only partially mitigated, immitigable, unavoidable, and/or irreversible, based on the Impact Evaluation Criteria.

Chapter Four describes and evaluates alternatives to the proposed project. Per requirements of §15126.6 of the *CEQA Guidelines*, the “no project” alternative must be considered to compare the environmental consequences of the project as proposed to the consequences of taking no action. The potential environmental impacts of these alternatives will be compared to the environmental impacts of the project as proposed.

Chapter Five provides an analysis of cumulative effects. Such effects are impacts of the project which are less than significant on an individual basis but which may be cumulatively considerable when addressed in the context of other approved or pending projects.

Chapter Six discusses other mandatory CEQA requirements. It provides a description of growth inducing impacts of the proposed project, effects found not to be significant, and significant and unavoidable impacts.

Chapter Seven is the Mitigation Monitoring and Reporting Program.

Chapter Eight provides a list of references and a list of preparers.

Appendices include the NOP, comments received during the early public review period and in response to the NOP, technical reports cited in the text, and the names of agencies or individuals contacted for information during EIR preparation.

The above format is intended to conform to standards for adequacy of the EIR as described in *CEQA Guidelines* §15151, which states:

*“An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR shall summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and good faith effort at full disclosure.”*

## **1.6 Relationship to Other Environmental Documents**

Although this EIR is a stand alone document, it does incorporate by reference portions of the 2005 Hughson Wastewater Treatment Plant Interim Upgrades Initial Study and Negative Declaration. The 2005 Initial Study and Negative Declaration covered the construction and operation of increased biological treatment needed to comply with the General Plan.

The analysis of this DEIR includes review of the 2005 Hughson General Plan and its conclusions regarding significance of impacts. Those steps recommended to reduce said impacts to less than significant with mitigation are incorporated in this EIR when applicable.