

EXHIBITS

EXHIBIT A

STATEMENT OF FINDINGS AND FACTS

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STATEMENT OF FINDINGS AND FACTS RELATING TO THE ENVIRONMENTAL IMPACTS OF CITY OF HUGHSON WASTEWATER TREATMENT PLANT MASTER PLAN

I. INTRODUCTION

The California Environmental Quality Act (*Public Resources Code Section 21000 et seq.*, “CEQA”) provides, in *Section 21081*, that:

No public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

- (a) *The public agency makes one or more of the following findings with respect to each significant effect:*
 - (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.*
- (b) *With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.*

As defined in CEQA, ‘significant effect on the environment’ means “a substantial, or potentially substantial, adverse change in the environment.” (*Public Resources Code Section 21068.*)

II. ENVIRONMENTAL IMPACTS OF THE PROJECT; FINDINGS REGARDING SIGNIFICANT UNMITIGABLE EFFECTS OF THE PROJECT

The potentially significant and unavoidably significant effects of the Project as determined by the City, including the facts supporting the findings in connection therewith, are:

Agriculture – Loss of Prime Farmland

Project will remove approximately 30 acres from agriculture production.

Finding: The Hughson General Plan identifies that the "loss of agricultural land within Hughson and the SOI as a result of urban development is part of an overall trend within Stanislaus County," and continual urbanization is projected for Stanislaus County at a significant rate. The loss of Prime Farmland is a **significant and unavoidable impact.**

Agriculture - Violation of Williamson Act Contract

The 30 acres marked for development of treatment facilities are all under Williamson Act Land Conservation Contract. The Land Conservation contracts do not permit development of the site with public facilities as proposed. Prior to development, the land will be removed from contract under the provisions of the Williamson Act. Options for removal include the nonrenewal process, purchase through (or in lieu of) eminent domain and cancellation. Specific findings must be met for termination of Williamson Act contracts through eminent domain or cancellation.

Finding: The proposed project will conflict with the existing Williamson Act Contract and will require termination of that contract. This is a **significant and unavoidable impact.**

Noise - Exceed City Thresholds for Construction Noise

Although below thresholds, there is little background noise and residents may find the noise intensive.

Finding: Although noise is not expected to exceed the threshold for normally acceptable noise levels, there could be a potential **temporary, significant and unavoidable impact.**

III. FINDINGS REGARDING ALTERNATIVES TO THE PROJECT

CEQA requires that an EIR describe a range of reasonable alternatives to the Project or to a location of the Project which could feasibly attain the basic objectives of the Project, and evaluate the comparative merits of the alternatives. *Section 15126(d)(1)* of the State CEQA Guidelines states that the "discussion of alternatives shall focus on alternatives to the project or to its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly."

As more particularly set forth in the EIR, the Project was compared to the following alternatives: (1) no project; and (2) alternate site location.

(1) No Project Alternative.

Under the No Project Alternative, the Wastewater Treatment Plant Master Plan would not be adopted and the capacity of the WWTP would not be expanded. The WWTP is currently in non-compliance with the Regional Water Quality Control Board regulations and would remain in non-compliance. The Hughson General Plan would remain in effect, permitting growth to continue until the capacity of the WWTP is met. As noted in Chapter 2, the 2005 City of Hughson Municipal Service Review estimates that the population of the City will increase to 15,074 by 2025, which equates to a 4.8% annual increase. At that rate, anticipated flows would exceed treatment capacity in 2008 or 2009. When wastewater flows exceed the design capacity of the WWTP, the Regional Water Quality Control Board would be expected to impose a "cease and desist" order which would require a building moratorium in the City of Hughson to prevent effluent spills and other violations of the City's Waste Discharge Requirements. Once issued, the City may face fines or other sanctions until or unless an ordinance was adopted to strictly limit future connections to the wastewater system. Such a moratorium would typically restrict infill and commercial development as well as continued residential growth and would be required to be maintained until a treatment plant expansion is planned, financed and constructed.

(2) Alternative Secondary Process Components

This alternative would replace the two proposed trapezoidal-section oxidation ditches, with three vertical-wall oxidation ditches, to be constructed in two phases. Two oxidation ditches would be constructed immediately and the third would be constructed to the west of the current treatment plant site as needed to serve growing demand. Both the proposed project and this alternative will require the purchase of land to the west of the current treatment plant, however, in this alternative, the purchase can be deferred until the third oxidation ditch is needed, in approximately 2016.

Alternative No. 2 would generally achieve the project's basic objective since it would result in additional wastewater treatment capacity to accommodate increased population. However, as described in the Master Plan, this alternative may increase construction costs and may be associated with additional operational costs and related concerns.

In brief, analysis of the impacts of Alternative No. 2 compared with the impacts of the proposed project follows:

- Aesthetics: Less than significant impact; similar to the project.

The primary aesthetic impact of the proposed project is its relationship to adjacent residences. Those residences are primarily affected by equipment and buildings, which are unchanged in this alternative.

- Agricultural Resources: Significant impact; less than the project.

Deferring purchase of the adjacent land would permit the adjacent agricultural land to remain in production for an additional five to ten years; however, conversion will occur in this alternative upon the construction of the third oxidation ditch.

- Air Quality: Potentially significant impact; similar to the project.

Construction related emissions for Alternative No. 2 would be the same as those for the proposed project. The new equipment at the WWTP is similar in scope and operation.

- Biological Resources: Less than significant impact; greater than the project.

Alternative No. 2 would require construction of the first two oxidation ditches in close proximity to a stand of large ornamental trees on the adjacent property to the east. Such construction would require additional mitigation measures to protect the root systems which are presumed to extend onto the subject site.

- Cultural Resources: Potentially significant impact; similar to the project.

No cultural resources are known to exist at the subject site. Similar mitigation measures would be required to appropriately respond to resources found during construction.

- Geology, Soils, and Mineral Resources: Less than significant impact; similar to the project.

No significant impacts related to geology, soils or mineral resources have been identified.

- Hazards and Hazardous Materials: Less than significant impact; similar to the project.

None of the hazards associated with the operation of the WWTP are associated with the design or location of the oxidation ditches.

- Hydrology and Water Quality: Less than significant impact; similar to the project.

Waste Discharge Requirements and similar regulations would apply to the alternative. Deferring purchase of land for future development of oxidation ditches will not change the project impact to hydrology and water quality.

- Land Uses and Planning: Significant impact; similar to the project.

The proposed project will not conform to the Stanislaus County General Plan or Zoning Ordinance until a Sphere of Influence Amendment and Annexation and/or a General Plan Amendment is secured by the City of Hughson. Deferring purchase of land for construction of the oxidation ditches will delay the requirement to secure these approvals but will not affect their magnitude.

- Noise: Significant impact; similar to the project.

Construction equipment, hours of operation, etc., will be similar to the proposed project.

- Population and Housing: Less than significant impact; similar to the project.

Alternative No. 2 does not change the proposed capacity of the WWTP. Both alternatives will support the population anticipated in the General Plan for 2025.

- Public Services: No impact; similar to the project.

None of the municipal services provided to the WWTP are dependent upon the configuration of the oxidation ditches.

- Recreation: No impact; similar to the project.

Both the project and Alternative No. 2 will have no effect on recreation.

- Transportation/Traffic: Less than significant impact; similar to the project.

No change to the number of employees, or number of required truck trips would occur as a result of Alternative No. 2.

- Utilities and Service Systems: Less than significant impact; similar to the project.

The capacity and operations of the plant are unchanged by Alternative No. 2.

(3) Construct New Hatch Road Pump Station

The existing Hatch Road Pump Station must be removed or relocated to accommodate anticipated road improvements. The project description calls for the pump station to be removed entirely and replaced with a new gravity sewer line from Hatch road to the WWTP Site. Alternative No. 3 proposes to remove the existing pump station and construct a new pump station at approximately the same location, set back from the proposed roadway. The project description calls for the installation of a new 36 inch gravity line from Hatch road to the WWTP site. Alternative 3 would require the installation of a new 20 inch force main line along the same alignment.

In brief, analysis of the impacts of Alternative No. 3 is compared with the impacts of the proposed project follows:

- Aesthetics: No impact; similar to the project.

The Hatch Road Pump station would not be a source of light and glare and would not be situated to block scenic vistas.

- Agricultural Resources: Significant Impact; similar to the project.

The proposed project would essentially the same footprint as the proposed project, with the exception of a modestly sized pumping station. Little additional land would be taken out of production to accommodate Alternative No. 3.

- Air Quality: Significant Impact; greater than the project.

Construction related emissions for Alternative No. 3 would be the same as those for the proposed project. Most construction emissions are associated with site preparation and grading, and with demolition, both of which would occur to similar degrees in the project and in the Alternative. There may be modest air quality impacts associated with the construction of the pumping station. Although the pumping station would have odor control mechanisms, Alternative No. 3 requires wastewater handling in closer proximity to potentially sensitive receptors than would occur in the project description. This has the potential to increase impacts related to odors.

- Biological Resources: Less than Significant Impact; similar to the project.

No biological resources have been identified at the location of the Hatch Road Pumping Station.

- Cultural Resources: Less than Significant Impact; Similar to the project.

No cultural resources are known to exist at the subject site. Similar mitigation measures would be required to appropriately respond to resources found during construction.

- Geology, Soils, and Mineral Resources: Less than Significant Impact; Similar to the Project.

No impacts related to Geology, Soils or Mineral Resources have been identified. Constructing a replacement pumping station at Hatch Road will not create impacts to these resources.

- Hazards and Hazardous Materials: Less than Significant Impact; Similar to the project.

None of the Hazards associated with the operation of the WWTP are associated with the design or location of the pumping station.

- Hydrology and Water Quality: Potentially significant impact; similar to the project.

- Waste Discharge Requirements and similar regulations would apply to the alternative. Deferring purchase of land for future development of oxidation ditches will not change the project impact to hydrology and water quality.

- Land Uses and Planning: Significant impact; similar to the project.

The proposed pumping station would conform to the applicable General Plan and Zoning Ordinance.

- Noise: Less than Significant impact; similar to the project.

As the proposed project also requires construction in the vicinity of the Hatch Road pumping station, construction noise would not be notably increased through Alternative No. 3. This Alternative would maintain a continuous pumping operation in the vicinity of existing residences; however, equipment will be fully enclosed, effectively reducing potential noise impacts.

- Population and Housing: Less than Significant impact; similar to the project.

Alternative No. 3 does not change the proposed capacity of the WWTP. Both Alternatives will support the population anticipated in the General Plan for 2025, leaving little or no capacity remaining for growth beyond 2025.

- Public Services: No significant impacts; similar to the project.

None of the municipal services provided to the WWTP are dependent upon the removal of the pumping station.

- Recreation: No significant impacts; similar to the project.

Replacing the pumping station would have no effect on the recreational impacts of the project.

- Transportation/Traffic: Less than significant impact; similar to the project.

No change to the number of employees, or number of required truck trips would occur as a result of the proposed Alternative No. 3.

- Utilities and Service Systems: Less than significant impact; similar to the project

The capacity and operations of the plant are unchanged by Alternative No. 3. Therefore, there will be no change in the demand for water; wastewater treatment; solid waste disposal, etc. as a result of the project.

Environmentally Superior Alternative

CEQA requires that the alternatives be compared and the environmentally superior alternative identified. The No Project Alternative is the environmentally superior alternative; however, it does not achieve the project objective of ensuring adequate infrastructure to accommodate planned growth in Hughson, nor does it maintain compliance with the regulations of the Regional Water Quality Control Board. Moreover, per CEQA Guidelines Section §15126.6(e)(2), if the No Project Alternative is the environmentally superior alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. The proposed project is the next most environmentally superior project alternative.