

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. BOX 2000, SACRAMENTO, CA 95812-2000
Info: (916) 341-5300, Fax: (916) 341-5400, Web: <http://www.waterrights.ca.gov>

ENVIRONMENTAL INFORMATION
FOR PETITIONS

(THIS IS NOT A CEQA DOCUMENT)

The following information will aid in the environmental review of your change petition as required by the California Environmental Quality Act (CEQA). IN ORDER FOR YOUR CHANGE PETITION TO BE ACCEPTED AS COMPLETED, ANSWERS TO THE QUESTIONS LISTED BELOW MUST BE COMPLETED TO THE BEST OF YOUR ABILITY. Failure to answer all questions may result in your change petition being returned to you, causing delays in processing. If you need more space, attach additional sheets. Additional information may be required from you to amplify further or clarify the information requested in this form.

DESCRIPTION OF CHANGES TO PROJECT

1. Provide a description of the proposed changes to your project, including but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated, changes in land use, and project operational changes, including changes in how the water will be used.

The City of Atwater (City) owns a wastewater collection, treatment, and disposal system that provides municipal sewerage service to the City, Castle Airport Aviation and Development Center, the Federal Bureau of Prisons (United States Penitentiary, Atwater) and the community of Winton. The City's current wastewater treatment plant (WWTP) is operated pursuant to NPDES permit No. CA 0079197. The NPDES permit for the existing WWTP states that the City must meet new effluent limitations for ammonia, salinity, chlorine residual, nitrite, nitrate, oil and grease, turbidity, lead, copper, zinc, chlorodibromomethane, bromodichloromethane and dioxins. Reliable compliance with these new limitations cannot be achieved by the existing WWTP. Based on review of the potential alternatives that would allow the City to achieve reliable compliance with the new limitations, the City proposes to construct a new WWTP at an alternative site.

The proposed project includes construction of a new Atwater WWTP at the 77-acre area of the Bert Crane Road site, approximately 5.5 miles from the City's current WWTP. (See maps in Attachment 1.) The new WWTP would have the capacity to treat up to 6 mgd average dry-weather flow (ADWF), which is the capacity of the City's existing facility. The new WWTP would provide filtration, nitrogen reduction, and ultraviolet light (UV) disinfection of wastewater. Related facilities at the new WWTP site would include a solids handling building, a chemical feed building, a biosolids storage/transfer facility, administration and maintenance facilities, a stormwater retention pond, and an electrical substation, if needed. The proposed project also includes upgrading of the influent pump station at the existing WWTP site to allow conveyance to the new facility and decommissioning and demolition of other remaining structures related to WWTP operations at the existing site. New dual parallel 24-inch influent force mains would convey wastewater flows from the upgraded influent pump station to the new WWTP.

An 8-foot-high cyclone fence would be constructed around the new WWTP site. At least one driveway would be constructed to allow access to the WWTP grounds from Bert Crane Road. A parking lot would be constructed within the WWTP site for use by employees and visitors. Approximately 125,000 cubic yards of fill material would be required to elevate the grade of the WWTP site. This material would be excavated from on-site borrow areas, which could provide a suitable location for the stormwater retention pond.

Treated effluent from the existing WWTP is discharged at a location that is 800 feet downstream from the head of the Atwater Drain. (See maps in Attachment 1). From the existing WWTP, the Atwater Drain continues south, crossing rural agricultural land and running parallel to roadways, to the eastern boundary of the Joseph Gallo Farms south of SR 140, along Bert Crane Road. Approximately 30 years ago, the 2.5 mile section of the Atwater Drain flowing through Joseph Gallo Farms west of Bert Crane Road was realigned and became known as Peck Drain. The Peck Drain rejoins the Atwater Drain alignment on the southwest side of Joseph Gallo Farms. Beyond Joseph Gallo Farms, the Atwater Drain borders a few large agricultural parcels and two managed wetland areas and eventually terminates in the Arena Plains Unit of the Merced National Wildlife

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Refuge (Arena Plains Refuge) in the vicinity of Sunrise Lake. The maps at Attachment 1 illustrate the location of the Atwater and Peck Drains, Joseph Gallo Farms, and the Arena Plains Refuge.

The City currently has an agreement with Joseph Gallo Farms that provides the City with the right to deliver all WWTP treated effluent and municipal stormwater flows into the Peck Drain via the Atwater Drain. Joseph Gallo Farms has agreed to accept all of the WWTP flows into the Peck Drain and may use, divert or discharge the water in the Peck Drain, with no further responsibilities by the City. Any flows in the Peck Drain not diverted by Joseph Gallo Farms continue to the Arena Plains Refuge. Within the Refuge, the remaining flows in the Atwater Drain disperse across the natural surface water channels and may eventually reach the southwest corner of the Refuge that is bounded by a levee for the East Side Canal. A small breach in the levee allows the Refuge to exchange water with the East Side Canal during extreme flood events. Water in the East Side Canal is periodically diverted to the San Joaquin River just south of its confluence to the Merced River.

The new point of discharge will be about five miles downstream of the current point of discharge at a location in the Peck Drain. (See maps in Attachment 1). A new 42-inch diameter pipeline would be constructed within the new WWTP site to convey treated effluent across Bert Crane Road to a new single discharge point (outfall) near the northwest corner of the WWTP site. The current agreement between the City and Joseph Gallo Farms provides that Gallo would continue to have the right to divert all WWTP flows from the Peck Drain and any WWTP flows not diverted by Joseph Gallo Farms would continue to be used within the Arena Plains Wildlife Refuge.

The Atwater and Peck Drains are man-made channels that were constructed for the purposes of conveying agricultural tail water and stormwater drainage for the City of Atwater. In addition to the existing WWTP effluent, existing discharges to the Atwater Drain include agricultural tailwater, stormwater runoff from portions of the City of Atwater and from agricultural areas surrounding the drains, and miscellaneous discharges (e.g., landscape irrigation runoff, wash water, etc.) from areas within the City. The Parriera Drain, Stickney Lateral, Tin Flume Lateral, and Upper Dallas Lateral also contribute surface water flows and excess irrigation flows to the Atwater Drain in the reaches located between the existing WWTP and the proposed new discharge location.

The Atwater and Peck Drains are typically disconnected from downstream natural channels and only three warmwater fish species have been observed downstream of the existing WWTP outfall: bluegill, common carp, and western mosquitofish. No special-status or California native fish species have ever been observed or are expected to occur in the Atwater Drain or the Peck Drain. The proposed change in the point of discharge will not substantially reduce the amount of available habitat for any species of fish or other aquatic organism or otherwise adversely affect them.

GOVERNMENTAL REQUIREMENTS

Before a final decision can be made on your change petition, we must consider the information contained in an environmental document prepared in compliance with the requirements of CEQA. If an environmental document has been prepared for your proposed changes by another agency, we must consider it. If one has not been prepared, a determination must be made as to who is responsible for the preparation of the environmental document for your change petition. The following questions are designed to aid us in that determination.

2. Contact your county planning or public works department for the following information:
- a. Person contacted Justin Hendrix Date of contact August 4, 2009
Department City of Atwater Community Development Department Telephone (209) 357-6342
 - b. Assessor's Parcel No. APNs 056-200-026
 - c. County Zoning Designation General Agricultural (A-1); Exclusive Agricultural (A-2)
 - d. Are any county permits required for your proposed changes? Yes
If yes, check appropriate space below:
 Grading Permit, Use Permit, Watercourse Obstruction Permit, Change of Zoning, General Plan Change,
Other (explain): Encroachment Permit

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e. Have you obtained any of the required permits described above? No
If yes, provide a complete copy of each permit obtained.

3. Are any additional state or federal permits required for your proposed changes? Yes (i.e., from Federal Energy Regulatory Commission, U.S. Forest Service, Bureau of Land Management, Soil Conservation Service, Department of Water Resources (Division of Safety of Dams), Reclamation Board, Coastal Commission, State Lands Commission, etc.) For each agency from which a permit is required provide the following information:

Permit Type	Agency	Person(s) Contacted	Date of Contact	Telephone
Incidental Take Permit	U.S. Fish and Wildlife Service	Not yet submitted		
Potential Streambed Alternation Agreement	California Department of Fish and Game	Not yet submitted		
Review of Change Petition	California Department of Fish and Game	Not yet submitted		
NPDES Storm Water Permit for General Construction Activity (unless covered under the City's municipal Storm Water Management Program)	Central Valley Regional Water Quality Control Board	Not yet submitted		
NPDES Permit for new WWTP	Central Valley Regional Water Quality Control Board	Dale Harvey	July 2009	(559) 445-6190
Dust Control Plan Approval	San Joaquin Valley Air Pollution Control District	Not yet submitted		

4. Has any public agency prepared an environmental document for any aspect of your proposed changes? Yes

If so, please submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the public agency. If not, explain below whether you expect that a public agency other than the State Water Resources Control Board will be preparing an environmental document for your change petition or whether the applicant, if it is a California public agency, will be preparing the environmental document for your change petition:

Enclosed as Attachment 2 please find the City's Draft Environmental Impact Report (EIR) for the Wastewater Treatment Plant Improvement Project, State Clearinghouse No. 2006101079. Also attached are the responses to comments on the Draft EIR (Attachment 3), the final mitigation monitoring and reporting program (Attachment 4), and the final addendum to the EIR (Attachment 5). Enclosed as Attachment 6 is the City's notice of determination.

Note: When completed, please submit a copy of the final environmental document (including notice of determination) or notice of exemption to the State Water Resources Control Board. Processing of your change petition cannot proceed until such documents are submitted.

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5. Will your proposed changes, during construction or operation, generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or cause erosion, turbidity or sedimentation? Yes
If so, explain:

The proposed project involves the construction of a new WWTP that will discharge treated wastewater to the Peck Drain. In addition, as explained in the attached EIR, the following project-related construction activities have the potential to cause temporary soil erosion and discharge construction-related contaminants: improvements to the existing pump station, demolition of the existing WWTP facility, installation of influent and effluent pipelines, and construction of the new WWTP.

If yes or you are unsure of your answer, contact your local Regional Water Quality Control Board for the following information (See attachment for address and telephone number):

Will a waste discharge permit be required for your petition? Yes

Person contacted: Because of the nature of this project, we are in contact with a number of representatives from the Central Valley Regional Water Quality Control Board, including Matt Scroggins and Dale Harvey.

Date of Contact Ongoing.

What method of treatment and disposal will be used? The City's new WWTP will provide secondary and tertiary treatment for all wastewater that will be discharged to the Peck Drain. To avoid or minimize the potential for adverse construction-related effects on water quality, construction contractors must develop a storm water pollution prevention plan (SWPPP) and obtain authorization under the City's municipal Storm Water Management Program or the statewide NPDES Storm Water Permit for General Construction Activity before beginning work. Implementation of construction BMPs identified in the SWPPP would avoid and minimize the potential for construction-related erosion and contaminant discharges to surface water and groundwater.

6. Have any archeological reports been prepared on this project, or will you be preparing an archeological report to satisfy another public agency? Yes, see section 3.7 of the Draft EIR.

Do you know of any archeological or historic sites located within the general project area?

No If so, explain:

ENVIRONMENTAL SETTING

7. Attach THREE COMPLETE SETS of color photographs, clearly dated and labeled, showing the vegetation currently existing at the following locations:

- a. Along the stream channel immediately downstream from the proposed point(s) of diversion.
- b. Along the stream channel immediately upstream from the proposed point(s) of diversion.
- c. At the place(s) where the water is to be used.

Note: It is very important that you submit no less than three complete sets of photographs as required above. If less than three sets are submitted, processing of your change petition will be delayed until you furnish the remaining sets!

See Attachment 7

8. From the list given below, mark or circle the general plant community types which best describe those which occur within your project area (Note: See footnote denoted by * under Question 11 below):

Tree Dominated Communities

Subalpine Conifer
Red Fir
Lodgepole Pine

Shrub Dominated Communities

Alpine Dwarf-Shrub
Low Sage
Bitterbrush

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Mixed Conifer
Sierran Mixed Conifer
White Fir
Klamath Mixed Conifer
Douglas Fir
Jeffrey Pine
Ponderosa Pine
Eastside Pine
Redwood
Pinyon-Juniper
Juniper
Aspen
Closed-Cone Pine-Cypress
Montane Hardwood-Conifer
Montane Hardwood
Valley Foothill Hardwood
Blue Oak Woodland
Valley Oak Woodland
Coastal Oak Woodland
Valley Foothill Hardwood-conifer
Blue Oak-Digger Pine
Eucalyptus
Montane Riparian
Valley Foothill Riparian
Desert Riparian
Palm Oasis
Joshua Tree

Sagebrush
Montane Chaparral
Mixed Chaparral
Chamise-Redshank Chaparral
Coastal Scrub
Desert Succulent Shrub
Desert Wash, Desert Scrub
Alkali Desert Scrub

Herbaceous Dominated Communities

Annual Grassland
Perennial Grassland
Wet Meadow
Fresh Emergent Wetland
Saline Emergent Wetland
Pasture

Aquatic Communities

Riverine
Lacustrine
Estuarine
Marine

Developed Communities

Cropland
Orchard-Vineyard
Urban

Literature source: Mayer, K.E., and W.F. Laudenslayer, Jr., (eds) 1988. A Guide to Wildlife Habitats of California. California Department of Forestry and Fire Protection, Sacramento. 166 pp. (Note: You may view a copy of this document at our public counter at the address given at the top of this form or you may purchase a copy by calling the California Department of Fish and Game, Wildlife Habitat Relationships (WHR) Program at (916) 653-7203.)

9. Provide below an estimate of the type, number, and size (trunk/stem diameter at chest height) of trees and large shrubs that are planned to be removed or destroyed due to implementation of the proposed changes. Consider all aspects of your change petition, including changes in diversion structures, water distribution and use facilities, and changes in the place of use due to additional water development.

No trees are planned for removal as part of the project.

FISH AND WILDLIFE CONCERNS

10. Identify the typical species of fish which occur in the source(s) from which you propose to divert water and discuss whether or not any of these fish species or the habitat has been or would be affected by your proposed changes. (Note: See footnote denoted by * under Question 11 below):

Sections 3.6 and 3.3 of the Draft EIR addresses this issue in detail. In summary, three warmwater fish species have been observed in the Atwater Drain downstream of the existing WWTP outfall: bluegill, common carp, and western mosquitofish. All of these nonnative species were introduced, either intentionally or accidentally, into California water bodies and are common in warmwater lakes and streams of the Central Valley. Other aquatic organisms observed in the

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Atwater Drain include bullfrogs, crayfish, and freshwater clams. Based on available information, no special-status fish species have ever been observed in the Atwater Drain or the Peck Drain. Because the proposed relocation of the Atwater WWTP outfall will be downstream of its current location, its relocation would result in a natural intermittent flow regime that could adversely affect aquatic habitat currently used by nonnative fish between the current discharge location and the proposed discharge location. However, these aquatic species would continue to persist within the drain downstream of the new outfall and seasonally in the reach between the current outfall and the proposed outfall. Therefore, the relocation of the outfall is not expected to eliminate any populations or communities of aquatic organisms presently using the drain. The EIR concluded that the project's impacts to these species would not be significant. Atwater will consult with the California Department of Fish and Game in conjunction with this change petition to confirm that no aquatic species are affected by the project.

11. Identify the typical species of riparian and terrestrial wildlife in the area and discuss whether or not any of these species and/or their habitat has been or would be affected by your proposed changes through construction of additional water diversion and distribution works and/or changes in land use in the place of water use. (Note: See footnote denoted by * below):

As set forth in section 3.6 of the Draft EIR in detail, Western scrub-jay, American crow, European starling, turkey vulture, and American robin are common bird species known to occur in the project area. Fallow fields and edges of agricultural fields along the Atwater Drain are expected to support several common small mammals, such as deer mouse, California vole, and California ground squirrel. These small mammals are potential prey for a variety of raptors, including American kestrel, northern harrier, and red-tailed hawk. Reptiles and amphibians expected to occur along field edges and the banks of the Atwater Drain include gopher snake, southern alligator lizard, and western fence lizard.

Although mixed riparian habitat in the project area is limited to small, isolated stands, a number of birds are expected to nest in mixed riparian habitat: Bullock's oriole, western kingbird, western scrub-jay, and Bewick's wren. Large willow and cottonwood trees provide potential nesting habitat for special-status raptors including Swainson's hawk and white-tailed kite. Mammals expected to occur in mixed riparian habitat along the Atwater Drain include coyote, raccoon, gray fox, and opossum.

Vernal pools located in the Arena Plains Unit of the Merced National Wildlife Refuge contain California tiger salamander, western spadefoot toad, Conservancy fairy shrimp, vernal pool fairy shrimp, and vernal pool tadpole shrimp. Potential wetlands in the path of the pipelines carrying effluent to the new WWTP may also contain these species.

The installation of the influent pipelines, the decommissioning of the existing Atwater WWTP, and the construction of the new WWTP could result in the degradation and/or removal of habitat associated with federally protected and state-protected vernal pool species, tricolored blackbird, raptors (including Swainson's hawk and white-tailed kite), burrowing owl, and San Joaquin kit fox. To address these impacts, the City of Atwater plans to construct its facilities so as to avoid any such impacts. For any remaining impacts, the EIR proposes extensive mitigation, including wetlands delineations, preconstruction surveys by biologists, project buffers and reconfigurations, passive relocation, and follow-up monitoring.

* **Note:** The purposes of Questions 10 and 11 are to provide a preliminary assessment of the presence of typical plant and animal species in the area and whether these species might be affected by your proposed changes. Detailed site surveys to quantify populations of specific species or determine the presence of rare or endangered species may be required at a later date. It is very important that you answer these questions accurately. If you are unable to obtain appropriate answers from your local California Department of Fish and Game biologists (see attachment for address and telephone number) or you do not have adequate information or expertise to complete your answers you should hire a fishery consultant and/or a wildlife consultant to review your project and prepare suitable answers for you. For information on available qualified fishery or wildlife consultants near you, consult your local telephone directory yellow pages under Environmental and Ecological Services, or call the California Environmental Protection Agency, Registered

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Environmental Assessor (REA) Program, at (916) 324-6881 or the University of California, Cooperative Extension Service (see your local telephone directory white pages).

12. Do your proposed changes involve any construction or grading-related activity which has significantly altered or would significantly alter the bed or bank of any stream or lake? No.

If so, explain: _____

CERTIFICATION

I hereby certify that the statements I have furnished above and in the attached exhibits are complete to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge.

Date 8/24/09 Signature [Handwritten Signature]