

CEDAR BOULEVARD RESIDENTIAL DEVELOPMENT

Response to Comments on the Draft Initial Study &
Mitigated Negative Declaration
(SCH # 2022120529)

Prepared By
City Of Newark
Community Development Department, Planning
37101 Newark Boulevard
Newark, CA 94560
Contact: Carmelisa Lopez, Senior Planner

Prepared with the assistance of
M-Group
51 East Campbell Avenue, #1247
Campbell, CA 95009

May 2023



Introduction

This document provides responses to written comments received following circulation of the Public Draft Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Cedar Boulevard Residential Development Project (hereinafter referred to collectively as the “project”) (State Clearinghouse # 2022120529).

In accordance with the California Environmental Quality Act (CEQA) of 1970 (as amended) (California Public Resources Code 21000 et. seq.), the IS/MND was circulated for a 30-day public review and comment period from December 21, 2022, to January 20, 2023, and subsequently for a 20-day review and comment period from April 11, 2023 to May 1, 2023 to fulfill the requirements of CEQA Guidelines Section 15072. The IS/MND identifies the likely environmental consequences associated with implementation of the proposed project and recommends mitigation measures to reduce potentially significant impacts.

This Response to Comments document identifies comments received relating to environmental concerns, and the responses provided herein address issues raised by the comments received and clarify information provided in the Draft IS/MND. This response to comments document along with the Draft IS/MND constitutes the Final IS/MND.

CEQA REQUIREMENTS

CEQA Guidelines Section 15074 identifies the responsibilities of the Lead Agency when considering the adoption of a Negative Declaration or Mitigated Negative Declaration:

- (a) Any advisory body of a public agency making a recommendation to the decision-making body shall consider the proposed negative declaration or mitigated negative declaration before making its recommendation.
- (b) Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence¹ that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency’s independent judgment and analysis.

Consistent with CEQA requirements, the City of Newark has reviewed and considered all comments received on the IS/MND. The CEQA does not require formal responses to comments on an IS/MND, but instead requires that the lead agency considers the comments received (CEQA Guidelines Section 15074(b)). Nonetheless, responses to the comments are included in this document to provide a complete environmental record.

One comment letter from the California Department of Transportation (Caltrans) and one comment letter from the Alameda County Water District (ACWD) were received upon circulation of the Public Draft IS/MND. The following table summarizes each comment in these letters and provides the City’s written responses. Copies of the comment letters are attached after the table.

¹ “Substantial evidence” includes facts, fact-related reasonable assumptions, and expert opinions based on facts. It does not include arguments, speculation, unsubstantiated opinion or narrative, clearly inaccurate or erroneous evidence, or socioeconomic impacts not related to the physical environment. (Pub. Res. Code Secs. 21080(e), 21082.2(c); Guidelines § 15384).

California Department of Transportation (Caltrans)	Response
<p>Landscaping:</p> <p>This proposed project is located directly adjacent to a section of the Classified Landscaped Freeway, with ornamental vegetation planting that meets the criteria established by the California Code of Regulations, Outdoor Advertising Regulations, Title 4, Division 6. The rear of the property currently consists of a chain link fence with vines growing on it to create a visual separation between I-880 and the property. There is also planting and irrigation in between the existing guardrail and the fence. To maintain the Classified Landscaped Freeway status, please maintain the existing planting and irrigation within Caltrans' Right-of-Way (ROW).</p>	<p>This comment has been noted and will be taken into account by the project applicant and City staff should there be a potential for site improvements to impact ornamental plantings within the Caltrans' Right of Way (ROW) adjacent to the project site. As such, the proposed project proposes landscape improvements within the boundaries of the project site and no revisions to the IS-MND are necessary in response to this comment.</p>
<p>Landscaping:</p> <p>The project also proposes to install an 18-foot high masonry/sound wall along the rear of the property, adjacent to I-880. To maintain a consistent design along the I-880 corridor, the masonry/sound wall should match and complement the existing walls along the I-880 corridor.</p>	<p>The design of the retaining wall is subject to design review. This comment has been noted and will be taken into account by City staff during that process. No revisions to the IS-MND are necessary in response to this comment.</p>
<p>Lead Agency:</p> <p>As the Lead Agency, the City of Newark is responsible for all project mitigation, including any needed improvements to the State Transportation Network (STN). The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.</p>	<p>This comment has been noted and will be taken into account by City staff should there be any improvements needed to the STN related to the project. As such, the project does not require any mitigation that will need improvements to the State Transportation Network (STN). No revisions to the IS-MND are necessary in response to this comment.</p>
<p>Encroachment Permit:</p> <p>Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' ROW requires a Caltrans-issued encroachment permit. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating Caltrans' ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement. Your application package may be emailed to D4Permits@dot.ca.gov.</p> <p>Please note that Caltrans is in the process of implementing an online, automated, and milestone-based Caltrans Encroachment Permit System (CEPS) to replace the current permit application submittal process with a fully electronic system, including online payments. The new system is expected to be available during 2023. To obtain information about the most current encroachment permit process and to download the permit application, please visit: https://dot.ca.gov/programs/traffic-operations/ep/applications.</p>	<p>This comment has been noted and will be taken into account by the project applicant and City staff in the event of temporary traffic control or permanent work in the Caltrans's ROW. No revisions to the IS-MND are necessary in response to this comment.</p>

Alameda County Water District (ACWD)	Response
<i>Groundwater Protection</i>	
ACWD requests that the following potentially significant impacts to the protection of groundwater be addressed by the draft IS/MND:	
a. Groundwater Well Destruction and Drilling Permits:	
<p>i. As required by ACWD Ordinance No. 2010-01, drilling permits are required prior to the start of any subsurface drilling activities for wells, exploratory holes, and other excavations (including the installation of support piers, piles, or caissons) within the City of Newark. Application for a permit may be obtained from ACWD’s Engineering Department at 43885 South Grimmer Boulevard, Fremont, or online at http://www.acwd.org. Before a permit is issued, a cash or check deposit is required in a sufficient sum to cover the fee for issuance of the permit or charges for field investigation and inspection. All permitted work requires scheduling for inspection; therefore, all drilling activities must be coordinated with ACWD prior to the start of any field work.</p> <p>ii. ACWD has identified at least one water well and a number of monitoring wells located within or adjacent to the Project area. In order to protect the groundwater basin, each well located within the Project area must be in compliance with ACWD Ordinance No. 2010-01 and must be either protected or properly destroyed prior to or during construction activities. If the well(s) are to remain, a letter indicating so must be sent to ACWD.</p> <p>If the well(s) are: 1) no longer required by any regulatory agency; 2) no longer monitored on a regular basis; or 3) damaged, lost, or the surface seal is jeopardized in any way during the construction process, the wells must be destroyed in accordance with ACWD requirements.</p>	<p>The City acknowledges the need to protect and abandon the wells on the project site in accordance with ACWD requirements, including obtaining the requisite permit(s) from ACWD for groundwater well destruction/abandonment and/or drilling/excavation. These requirements have been noted and will be taken into account by the applicant. No revisions to the IS/MND are necessary in response to this comment.</p>
<p>b. Hazards and Hazardous Materials:</p> <p>Ramboll US Consulting, Inc.’s Phase I Environmental Site Assessment (Phase I), dated June 20, 2022, identified a portion of 38370 Cedar Boulevard as a recognized environmental condition (REC) due to the address’ association with an open Leaking Underground Fuel Tank (LUFT) case. The draft IS/MND addressed this REC in Mitigation Measure HAZ-1. However, it should be noted that the Phase I also documented the presence of a used-oil above ground storage tank (AST), drums containing petroleum and other unknown material, and/or ground staining (unrelated to the LUFT case) at 38370 Cedar Boulevard, as well as other addresses within the boundaries of the proposed redevelopment. Proper</p>	<p>The Hazards and Hazardous Material Setting discussion on page 63 of the IS/MND is hereby modified to include the following text as the last paragraph of this section:</p> <p><u>The Phase I ESA also acknowledges the presence of hazardous materials unrelated to the LUFT cases on the project site, such as a used oil above ground storage tank (AST) on 38370 Cedar Boulevard and containers of petroleum and other materials such as carbon filters, at various locations on the project site including the area shown in blue on Figure 5 where the Phase I ESA states that there are no historical or current regulatory cases but the area is under review by Regional Water Quality</u></p>

<p>disposal of regulated or hazardous materials and the closure of facilities that generate/store these materials must be conducted and overseen by the appropriate regulatory agency (e.g., Alameda County Environmental Health) prior to grading activities. Any evidence of an unauthorized release discovered should be reported to the San Francisco Bay Regional Water Quality Control Board (Regional Board), City of Newark, and ACWD immediately.</p> <p>In addition, in a letter dated March 21, 2023, the Regional Board stated that soil with reported polychlorinated biphenyls concentrations exceeding the Regional Board’s Residential Environmental Screening Level should be removed during redevelopment activities and discussed in a risk management plan (RMP). The RMP should contain procedures that will be followed if impacted media is disturbed or unknown environmental conditions are encountered during redevelopment activities. The Regional Board’s letter excluded the addresses 38288 Cedar Boulevard and 38370 Cedar Boulevard, because they are currently open LUFT cases. However, since the Phase I report indicated that potential environmental issues may exist at these two addresses that are unrelated to the former underground storage tanks, the RMP should be applied to the entire Project area.</p>	<p><u>Control Board (RWQCB). As such, Mitigation Measure HAZ-1 is included to address the disposition of hazardous materials that are existing or may be discovered on the project site.</u></p> <p>Revised language is provided below to clarify Mitigation Measure HAZ-1 on page 67 of the IS/MND (Deleted text is shown in strikethrough text and inserted text is shown in <u>underlined</u> text):</p> <p>HAZ-1 <u>Prior to the issuance of a grading permit, the applicant shall address for any lot which overlaps or is within the boundary of the any recognized environmental condition (REC) on the project site, per the direction and to the satisfaction of—as validated—by the applicable regulatory agency/ies (e.g. San Francisco Regional Quality Control Board (SFRQCB), Alameda County Water District (ACWD), Alameda County Department of Environmental Health)—the applicant shall provide evidence that demonstrates that the REC has been resolved to the satisfaction of the applicable regulatory agencies for future residential land use and retain the services of a qualified professional to prepare a Risk Management Plan (RMP), which shall establish protocols and measures to address known and presently unknown environmental conditions, to be implemented during site preparation and grading activities, under the approving agency’s oversight at the applicant’s cost. The applicant shall provide evidence to the City of Newark that demonstrates that the mitigation measure is implemented to the satisfaction of the applicable regulatory agency/ies.</u></p>
<p>c. Stormwater Management:</p> <p>Pages 10, 11, 74, and 115 of the draft IS/MND state that four of the proposed open space areas on site would include bioretention areas for stormwater. ACWD appreciates the biotreatment of stormwater in bioretention areas to impede runoff from rapidly infiltrating the subsurface and bypass soils which have the capacity to remove pollutants and protect the groundwater supply. In order to protect the groundwater basin, ACWD provides the following comments regarding onsite stormwater management:</p>	
<p>i. To protect the groundwater supply, the proposed stormwater system and treatment measures should be carefully evaluated. Because the Project is located near one of ACWD’s water supply wells (i.e., Bellflower), as well as in a wellhead protection area within the groundwater basin, the types of pollutants, loading, and the proposed treatment measures could present an unacceptable long-term risk to beneficial uses of groundwater. Therefore, the land use is critical in determining what kind of stormwater system and treatment measure requirements are appropriate.</p>	<p>As indicated on page 73 of the IS/MND, the project would be subject to the National Pollutant Discharge Elimination System (NPDES) C.3 requirements of the Municipal Regional Stormwater Permit (MRP). Provision C.3 requires source control, site design, and stormwater treatment measures to address stormwater pollutants. A condition of approval ‘nn’ for the project, requires that the Stormwater Treatment Plan complies with the Municipal Regional Stormwater NPDES Permit (MRP). Alameda County C.3 Stormwater Technical Guidance, which is a handbook supporting the MRP, discusses the use of an impermeable liner and placement of an</p>

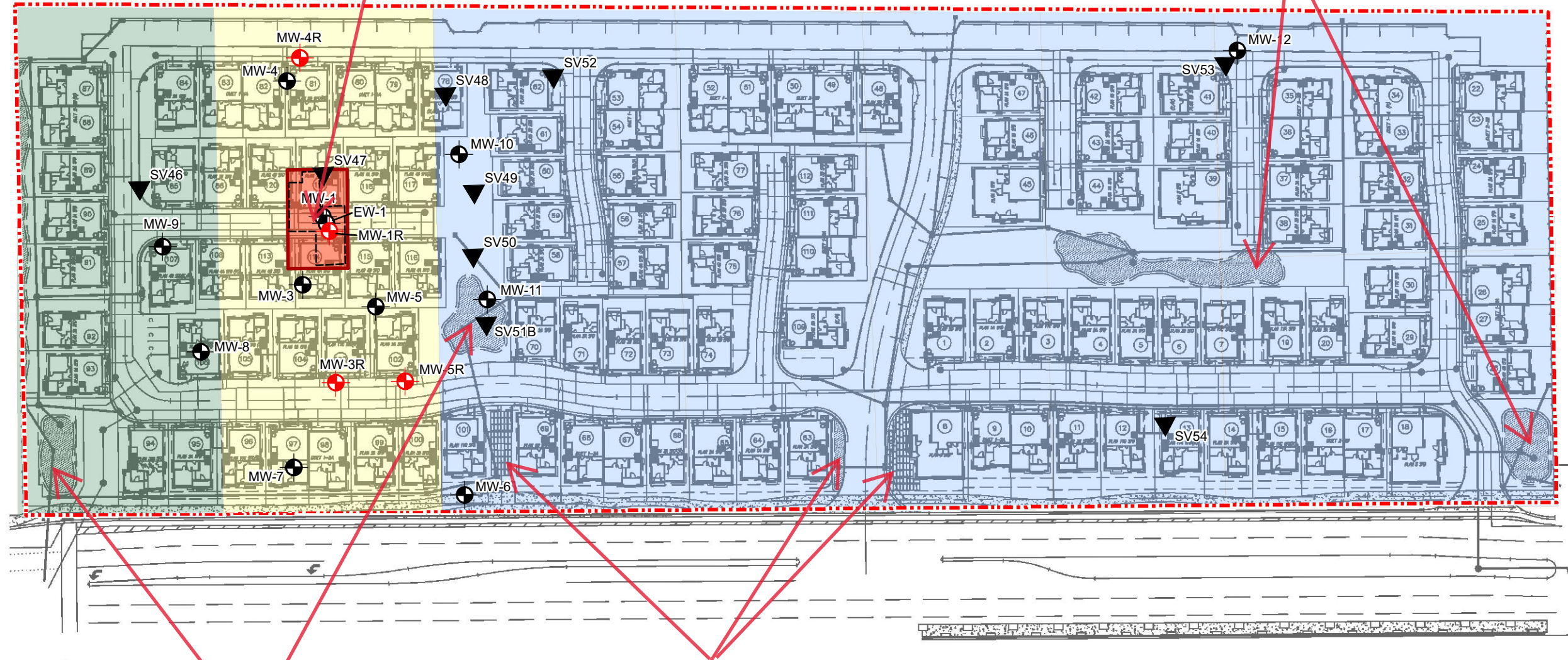
	<p>underdrain on top of the liner to prevent infiltration if there is less than 5-ft separation between the bottom of the stormwater facility and the seasonal high groundwater elevation. This is an acceptable county-wide practice in eliminating potential pollutants from entering the groundwater that would be applicable to the project.</p> <p>Additionally, condition of approval “ddd” for the project requires that all improvement plans are reviewed and approved by the Alameda County Water District (ACWD) along with other applicable regulatory agencies where the applicant is solely responsible for any modifications to the site design provided with the vesting tentative map as necessary to satisfy requirements from the agencies. No revisions to the IS/MND are necessary in response to this comment.</p>
<p>ii. Page 74 of the draft IS/MND states, “The proposed project would include 10,887 square feet of landscape area including bioretention that would result in some groundwater recharge. Therefore, the proposed project would not impact groundwater supplies or recharge adversely and, thus, would not impede sustainable groundwater management of the Niles Cones basin.” Please note that loss of groundwater supply is not the only sustainability indicator for sustainable groundwater management; water quality degradation is also a sustainability indicator. Since there is known and potential soil and groundwater contamination present within the Project boundaries, the proposed locations of the bioretention should be fully evaluated in terms of preventing any groundwater quality degradation, adverse impacts to groundwater supplies, and movement of the onsite groundwater contaminant plume. Therefore, ACWD requests the draft IS/MND evaluate the proposed locations of the bioretention in relation to known soil or groundwater impacts and include a requirement that Project proponents coordinate the design and installation of the bioretention with ACWD.</p>	<p>The Phase I Environmental Site Assessment (ESA) prepared for the project and included as an appendix (Appendix 5) to the IS/MND discusses the soil and groundwater conditions on the project site and indicates that groundwater contamination on the project site is primarily limited to the former underground storage tank (UST) area in a portion of 38370 Cedar Boulevard that is part of the project site. On page 2, the assessment states, “No migration of this impact has occurred since groundwater monitoring activities began in 1989.” The proposed location of the bioretention areas on the project site is away from the area of groundwater contamination, shown in red in the attached exhibit (Exhibit A). The location of the area of groundwater contamination is not anticipated to have significant impact on groundwater quality because contamination on the site is localized and away from the proposed bioretention areas. Further, the improvement plans for the project would include the proposed bioretention areas and are required to be reviewed and approved by the ACWD per condition of approval “ddd”. Therefore, no revisions to the IS/MND are necessary in response to this comment.</p> <p>Subsequent to the submittal of the Comment Letter, the City conducted a meeting with ACWD representatives on April 27, 2023, to discuss the ACWD’s concerns regarding the proposed bioretention areas expressed in the letter and the City’s proposed approach to addressing those concerns. This response and the response to Comment c.i in the Comment Letter reflect the discussion during this meeting.</p>
<p><i>Utilities and Service Systems</i></p>	
<p>ACWD requests that the following potentially significant impacts to the existing water infrastructure be addressed by the draft IS/MND:</p>	

<p>a. ACWD operates an existing 12-inch asbestos-cement pipeline (ACP) in the back of the Project site, fronting Highway 880, which will need to be relocated to meet ACWD clearance requirements to the existing PG&E 24-inch gas transmission pipeline and proposed Union Sanitary District (USD) sanitary sewer pipelines. The relocated 12-inch pipeline shall be welded steel pipe (WSP) and tie-in to existing 12-inch mains in Cedar Boulevard (two locations) as well as the existing 8-inch crossing near the Alameda County Flood Control crossing along the southern property line.</p> <p>i. Additional pipelines and connections to existing pipelines, including within Cedar Boulevard, may be required in order to restore a continuous 12-inch pipeline extension through and/or fronting the Project site. ACWD recommends Project proponents contact ACWD's Engineering Department, Development Services Division, to discuss the Project requirements early in the Project design process.</p>	<p>This comment has been noted. Since it does not pertain to potential environmental effects of the proposed project, no revisions to the IS/MND are necessary in response to this comment.</p>
<p>b. Existing Hazardous Material Contamination: The ability to install a public water system within the Project area would be conditioned upon confirmation that the soil, groundwater, and/or soil gas vapors do not pose a risk to the health and safety of workers either during installation of the public water system or during its long-term routine operation and maintenance.</p> <p>The public water system extension and all appurtenances must be constructed in "clean corridors," which would be assured by either further testing of native soil, groundwater, and/or soil vapors along the proposed public water system alignments or by use of clean imported fill as backfill for all trenches excavated for any part of the public water system. The use of upgraded materials, including but not limited to all steel pipelines with upgraded gaskets, may be required.</p>	<p>The project's public water lines are proposed to be installed within public and private street pavement. City standard details require clean import trench backfill material for utility trench proposed in private and public street pavements. Native soils or materials are not permitted to be used for trench backfill. As such, no revisions to the IS-MND are necessary in response to this comment.</p>
<p>c. ACWD should be listed as a permitting agency and that the Project proponent will need to coordinate with ACWD for all required ACWD permits.</p>	<p>This comment has been noted. Since it does not pertain to potential environmental effects of the proposed project, no revisions to the IS/MND are necessary in response to this comment.</p>
<p>d. The Project shall be designed to implement water-efficient plumbing fixtures and irrigation systems at both residential and non-residential developments, including but not limited to those listed in the Water Efficiency Measures for New Development, located on the District's website (http://acwd.org/DocumentCenter/View/421).</p>	<p>This comment has been noted and will be taken into account by the applicant. As such, as indicated in the IS/MND, the project would be subject to CALGreen standards that require new residential and commercial buildings to comply with mandatory measures under five topic areas: planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and environmental quality. No revisions to the IS/MND are necessary in response to this comment.</p>



Shallow Groundwater Impacted Area

Bioretention Area



Silva Cell
(Underground Bioretention Area)

Bioretention Area

LEGEND

- Site Boundary
- Former USTs at 38370 Cedar Boulevard

- Soil Vapor Well Location
- Existing Monitoring Wells
- Approximate Location of Replacement Monitoring Wells

- 38288 Cedar Blvd: Case closure by ACWD is pending 60 day public comment period.
- Location of Impacted Groundwater at 38370 Cedar Boulevard
- 38370 Cedar Blvd: Open regulatory case; additional groundwater remediation and monitoring required in red shaded area
- 38424 - 38594 Cedar Blvd and Eastern Portion of 38370 Cedar Blvd: No current or historical regulatory cases. Ramboll will submit voluntary oversight application to RWQCB for this portion of site and request no further action.

PROPOSED SITE REDEVELOPMENT MAP

FIGURE 2



Freitas Site
38288-38594 Cedar Boulevard
Newark, California

RAMBOLL US CONSULTING, INC.
A RAMBOLL COMPANY



PROJECT: 1690019190-002 | DATED: 6/16/2022 | DESIGNER: RMSO
C:\Users\rmsc\OneDrive - Ramboll\Desktop\drawing\1690019190-002\Monitoring Well Map_SPZone03-2.mxd

California Department of Transportation

DISTRICT 4
OFFICE OF REGIONAL AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660
www.dot.ca.gov



January 25, 2023

SCH #: 2022120529
GTS #: 04-ALA-2022-00699
GTS ID: 28478
Co/Rt/Pm: ALA/880/7.7

Carmelisa Lopez, Senior Planner
City of Newark
37101 Newark Blvd
Newark, CA 94560

Re: Cedar Boulevard Residential Development – Initial Study/Mitigated Negative Declaration (IS/MND)

Dear Carmelisa Lopez:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Cedar Boulevard Residential Development project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the December 2022 IS/MND.

Project Understanding

The proposed project would rezone a 7.76-acre site to Residential Medium Density-Planned Residential overlay, subdivide the site to create 124 lots, and redevelop the project site with a residential development containing 118 units, incorporating single family residences and two-unit attached townhouses. This project site is located directly adjacent to I-880.

Landscape Architecture

This proposed project is located directly adjacent to a section of the Classified Landscaped Freeway, with ornamental vegetation planting that meets the criteria established by the California Code of Regulations, Outdoor Advertising Regulations, Title 4, Division 6. The rear of the property currently consists of a chain link fence with vines growing on it to create a visual separation between I-880 and the property. There is also planting and irrigation in between the existing guardrail and the fence. To maintain the Classified Landscaped Freeway status, please maintain the existing planting and irrigation within Caltrans' Right-of-Way (ROW).

The project also proposes to install an 18-foot high masonry/sound wall along the rear of the property, adjacent to I-880. To maintain a consistent design along the I-880 corridor, the masonry/sound wall should match and complement the existing walls along the I-880 corridor.

Lead Agency

As the Lead Agency, the City of Newark is responsible for all project mitigation, including any needed improvements to the State Transportation Network (STN). The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Encroachment Permit

Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' ROW requires a Caltrans-issued encroachment permit. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating Caltrans' ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement. Your application package may be emailed to D4Permits@dot.ca.gov.

Please note that Caltrans is in the process of implementing an online, automated, and milestone-based Caltrans Encroachment Permit System (CEPS) to replace the current permit application submittal process with a fully electronic system, including online payments. The new system is expected to be available during 2023. To obtain information about the most current encroachment permit process and to download the permit application, please visit <https://dot.ca.gov/programs/traffic-operations/ep/applications>.

Carmelisa Lopez, Senior Planner
January 25, 2023
Page 3

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, or for future notifications and requests for review of new projects, please email LDR-D4@dot.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Mark Leong". The signature is written in a cursive, flowing style with a long horizontal tail stroke.

MARK LEONG
District Branch Chief
Local Development Review

c: State Clearinghouse



BOARD MEMBERS

AZIZ AKBARI
JAMES G. GUNTHER
JUDY C. HUANG
PAUL SETHY
JOHN H. WEED

43885 SOUTH GRIMMER BOULEVARD • FREMONT, CALIFORNIA 94538
(510) 668-4200 • www.acwd.org

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GIRUM AWOKE
Engineering and Technology
LAURA J. HIDAS
Water Resources
JONATHAN WUNDERLICH
Finance and Administration

April 20, 2023

VIA ELECTRONIC MAIL

Carmelisa Lopez, Senior Planner (carmelisa.lopez@newark.org)
Community Development Department
City of Newark
37101 Newark Boulevard
Newark, CA 94560

Dear Ms. Lopez:

Subject: Notice of Intent to Adopt a Mitigated Negative Declaration for the Cedar Boulevard Residential Development Project

Alameda County Water District (ACWD wishes to thank you for the opportunity to comment on the draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Cedar Boulevard Residential Development Project (Project). ACWD staff has reviewed the draft IS/MND and offers the following comments for your consideration:

1. Groundwater Protection: ACWD requests that the following potentially significant impacts to the protection of groundwater be addressed by the draft IS/MND:
 - a. Groundwater Well Destruction and Drilling Permits:
 - i. As required by ACWD Ordinance No. 2010-01, drilling permits are required prior to the start of any subsurface drilling activities for wells, exploratory holes, and other excavations (including the installation of support piers, piles, or caissons) within the City of Newark. Application for a permit may be obtained from ACWD's Engineering Department at 43885 South Grimmer Boulevard, Fremont, or online at <http://www.acwd.org>. Before a permit is issued, a cash or check deposit is required in a sufficient sum to cover the fee for issuance of the permit or charges for field investigation and inspection. All permitted work requires scheduling for inspection; therefore, all drilling activities must be coordinated with ACWD prior to the start of any field work.
 - ii. ACWD has identified at least one water well and a number of monitoring wells located within or adjacent to the Project area. In order to protect the groundwater basin, each well located within the Project area must be in compliance with ACWD Ordinance No. 2010-01 and must be either protected or properly destroyed prior to or during construction activities. If the well(s) are to remain, a letter indicating so must be sent to ACWD.

If the well(s) are: 1) no longer required by any regulatory agency; 2) no longer monitored on a regular basis; or 3) damaged, lost, or the surface seal is jeopardized in any way during the construction process, the wells must be destroyed in accordance with ACWD requirements.

- b. Hazards and Hazardous Materials: Ramboll US Consulting, Inc.'s *Phase I Environmental Site Assessment* (Phase I), dated June 20, 2022, identified a portion of 38370 Cedar Boulevard as a recognized environmental condition (REC) due to the address' association with an open Leaking Underground Fuel Tank (LUFT) case. The draft IS/MND addressed this REC in Mitigation Measure HAZ-1. However, it should be noted that the Phase I also documented the presence of a used-oil above ground storage tank (AST), drums containing petroleum and other unknown material, and/or ground staining (unrelated to the LUFT case) at 38370 Cedar Boulevard, as well as other addresses within the boundaries of the proposed redevelopment. Proper disposal of regulated or hazardous materials and the closure of facilities that generate/store these materials must be conducted and overseen by the appropriate regulatory agency (e.g., Alameda County Environmental Health) prior to grading activities. Any evidence of an unauthorized release discovered should be reported to the San Francisco Bay Regional Water Quality Control Board (Regional Board), City of Newark, and ACWD immediately.

In addition, in a letter dated March 21, 2023, the Regional Board stated that soil with reported polychlorinated biphenyls concentrations exceeding the Regional Board's Residential Environmental Screening Level should be removed during redevelopment activities and discussed in a risk management plan (RMP). The RMP should contain procedures that will be followed if impacted media is disturbed or unknown environmental conditions are encountered during redevelopment activities. The Regional Board's letter excluded the addresses 38288 Cedar Boulevard and 38370 Cedar Boulevard, because they are currently open LUFT cases. However, since the Phase I report indicated that potential environmental issues may exist at these two addresses that are unrelated to the former underground storage tanks, the RMP should be applied to the entire Project area.

- c. Stormwater Management: Pages 10, 11, 74, and 115 of the draft IS/MND state that four of the proposed open space areas on site would include bioretention areas for stormwater. ACWD appreciates the biotreatment of stormwater in bioretention areas to impede runoff from rapidly infiltrating the subsurface and bypass soils which have the capacity to remove pollutants and protect the groundwater supply. In order to protect the groundwater basin, ACWD provides the following comments regarding onsite stormwater management:
 - i. To protect the groundwater supply, the proposed stormwater system and treatment measures should be carefully evaluated. Because the Project is located near one of ACWD's water supply wells (i.e., Bellflower), as well as in a wellhead protection area within the groundwater basin, the types of pollutants, loading, and the proposed treatment measures could present an unacceptable long-term risk to beneficial uses of groundwater. Therefore, the land use is critical in determining what kind of stormwater system and treatment measure requirements are appropriate.
 - ii. Page 74 of the draft IS/MND states, "The proposed project would include 10,887 square feet of landscape area including bioretention that would result in some groundwater recharge. Therefore, the proposed project would not impact groundwater supplies or recharge adversely and, thus, would not impede sustainable groundwater

management of the Niles Cones basin.” Please note that loss of groundwater supply is not the only sustainability indicator for sustainable groundwater management; water quality degradation is also a sustainability indicator. Since there is known and potential soil and groundwater contamination present within the Project boundaries, the proposed locations of the bioretention should be fully evaluated in terms of preventing any groundwater quality degradation, adverse impacts to groundwater supplies, and movement of the onsite groundwater contaminant plume. Therefore, ACWD requests the draft IS/MND evaluate the proposed locations of the bioretention in relation to known soil or groundwater impacts and include a requirement that Project proponents coordinate the design and installation of the bioretention with ACWD.

2. Utilities and Service Systems: ACWD requests that the following potentially significant impacts to the existing water infrastructure be addressed by the draft IS/MND:

- a. ACWD operates an existing 12-inch asbestos-cement pipeline (ACP) in the back of the Project site, fronting Highway 880, which will need to be relocated to meet ACWD clearance requirements to the existing PG&E 24-inch gas transmission pipeline and proposed Union Sanitary District (USD) sanitary sewer pipelines. The relocated 12-inch pipeline shall be welded steel pipe (WSP) and tie-in to existing 12-inch mains in Cedar Boulevard (two locations) as well as the existing 8-inch crossing near the Alameda County Flood Control crossing along the southern property line.
 - i. Additional pipelines and connections to existing pipelines, including within Cedar Boulevard, may be required in order to restore a continuous 12-inch pipeline extension through and/or fronting the Project site. ACWD recommends Project proponents contact ACWD’s Engineering Department, Development Services Division, to discuss the Project requirements early in the Project design process.
- b. Existing Hazardous Material Contamination: The ability to install a public water system within the Project area would be conditioned upon confirmation that the soil, groundwater, and/or soil gas vapors do not pose a risk to the health and safety of workers either during installation of the public water system or during its long-term routine operation and maintenance.

The public water system extension and all appurtenances must be constructed in "clean corridors," which would be assured by either further testing of native soil, groundwater, and/or soil vapors along the proposed public water system alignments or by use of clean imported fill as backfill for all trenches excavated for any part of the public water system. The use of upgraded materials, including but not limited to all steel pipelines with upgraded gaskets, may be required.

- c. ACWD should be listed as a permitting agency and that the Project proponent will need to coordinate with ACWD for all required ACWD permits.
- d. The Project shall be designed to implement water-efficient plumbing fixtures and irrigation systems at both residential and non-residential developments, including but not limited to those listed in the Water Efficiency Measures for New Development, located on the District’s website (<http://acwd.org/DocumentCenter/View/421>).

Ms. Carmelisa Lopez

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3. ACWD Contacts:

The following ACWD contacts are provided so that the City of Newark staff can coordinate with ACWD as needed during the Project:

- Michelle Walden, Groundwater Resources Manager, at (510) 668-4454 or by email at michelle.walden@acwd.com, for coordination regarding ACWD's groundwater resources.
- Kit Soo, Well Ordinance Supervisor, at (510) 668-4455 or by email at kit.soo@acwd.com, for coordination regarding groundwater wells and drilling permits.
- Sean O'Reilly, Development Services Manager, at (510) 668-4472 or by email at Sean.OReilly@acwd.com, for coordination regarding public water systems and water service.

Again, thank you for the opportunity to comment on the draft Initial Study/Mitigated Negative Declaration for the Cedar Boulevard Residential Development Project.

Sincerely,

Laura J. Hidas
Director of Water Resources

al/sro/tn

cc: Michelle Walden, ACWD
Kit Soo, ACWD
Sean O'Reilly, ACWD