

**APPENDIX E: DRAFT INITIAL STUDY/MITIGATED NEGATIVE
DECLARATION COMMENT LETTERS AND RESPONSES**



Central Valley Regional Water Quality Control Board

23 March 2015

Scott Johnson
City of Sacramento
Community Development Department
300 Richards Blvd, 3rd Floor
Sacramento, CA 95811

CERTIFIED MAIL
7014 2870 0000 7535 7839

COMMENTS TO NOTICE OF AVAILABILITY/INTENT TO ADOPT - MITIGATED NEGATIVE DECLARATION, MITSUBISHI RAYON CARBON FIBER AND COMPOSITES FACILITY EXPANSION (DR14-339) PROJECT, SACRAMENTO COUNTY

Pursuant to the City of Sacramento Community Development Department's 26 February 2015 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Notice of Availability/Intent to Adopt - Mitigated Negative Declaration* for the Mitsubishi Rayon Carbon Fiber and Composites Facility Expansion (DR14-339) Project, located in Sacramento County.

A-1

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

A-2

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

A-3

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

A-4

Clean Water Act Section 404 Permit

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

A-5

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

A-6

Waste Discharge Requirements

If USACOE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

A-7

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program.

There are two options to comply:

- 1. Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board’s website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml; or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.
- 2. Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory

A-8

Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

A-8

Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

A-9

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

If you have questions regarding these comments, please contact me at (916) 464-4684 or tleak@waterboards.ca.gov.



Trevor Cleak
Environmental Scientist



County of Sacramento

March 5, 2015

Scott Johnson, Associate Planner
City of Sacramento, Community Development Department
300 Richards Boulevard
Sacramento, CA 95811
srjohnson@cityofsacramento.org

Dear Mr. Johnson:

Subject: **Mitsubishi Rayon Plant Expansion (DR14-339) Initial Study / Draft Mitigated Negative Declaration**

The Sacramento County Environmental Management Department (EMD) received notice for the above referenced draft Mitigated Negative Declaration. The Project proposes to expand the existing operations of the Mitsubishi Rayon Carbon Fiber and Composites Manufacturing Facility on the 10.59 acre parcel located in the City of Sacramento's Florin-Fruitridge Industrial area. The project is located at 5900 88th Street, Sacramento, CA, 95828 (APN: 062-0060-078-0000). EMD has reviewed the document and has the following comments:

B-1

1. The facility is currently permitted in EMD's Hazardous Materials Business Plan (HMBP) Program as the facility handles and/or stores a hazardous material equal to or greater than the minimum reportable quantities (55 gallons for liquids, 500 pounds for solids and 200 cubic feet (at standard temperature and pressure) for compressed gases).
2. The facility is currently permitted in EMD's Hazardous Waste Program as the facility generates hazardous waste.
3. On page 35, it states, "*The existing facility manufactures carbon fiber, which generates hazardous material byproducts including ammonia and hydrogen cyanide. The facility currently treats the hydrogen cyanide on site and uses a certain amount for energy recovery activities while the ammonia generated is either transported offsite for treatment, treated onsite, or used onsite for energy recovery activities.*"

B-2

B-3

B-4

If your facility is conducting hazardous waste treatment, you may be required to obtain a Tiered Permit from EMD. Tiered permitting is a 5-tiered permitting process that regulates prescribed hazardous waste treatment activities at a facility. EMD provides oversight for three of the treatment tiers: Conditionally Exempt, Conditionally Authorized, and Permit By Rule. Hazardous waste treatment activities are classified by the type of hazardous waste being treated, the amount of hazardous waste being treated, and the treatment method/technology used to treat the hazardous waste.

March 5, 2015

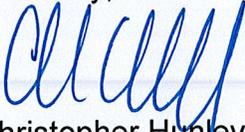
Page 2 of 2

4. All domestic water use shall be provided by a public water system. | B-5

5. All sewage disposal shall be provided by a public sewer system. | B-6

Please feel free to contact me should you have any questions.

Sincerely,



Christopher Hunley, REHS
Environmental Specialist
County of Sacramento
Environmental Management Department
(916) 8767-7277
hunleyc@saccounty.net



March 24, 2015

Scott Johnson
Community Development Department
City of Sacramento
300 Richards Blvd, 3rd Floor
Sacramento, CA 95811

Subject: MND, Mitsubishi Rayon Carbon Fiber & Composites Facility Expansion

Dear Mr. Johnson,

The Sacramento Municipal Utility District (SMUD) appreciates the opportunity to provide comments on the Mitsubishi Rayon Carbon Fiber & Composites Facility Expansion MND. SMUD is the primary energy provider for Sacramento County and the proposed project location. SMUD's vision is to empower our customers with solutions and options that increase energy efficiency, protect the environment, reduce global warming, and lower the cost to serve our region. As a Responsible Agency, SMUD aims to ensure that the proposed project limits the potential for significant environmental effects on SMUD facilities, employees, and customers.

C-1

We are glad to see that the Mitsubishi Rayon Carbon Fiber & Composites Facility Expansion CEQA project description address the development of a supporting substation and associated electric infrastructure. It is our understanding that the applicant will install, own, operate and maintain the new substation including a single 10 MVA transformer. The proposed substation would tie in to SMUD's existing 69 kilovolt (kV) circuit and the proposed substation would step voltage down from 69 kV to 12 kV. It is our desire that the Mitsubishi Rayon Carbon Fiber & Composites Facility Expansion MND acknowledge any project impacts related to the following:

C-2

C-3

Overhead and or underground transmission and distribution line easements

C-4

Utility line routing, including installing two new poles to accommodate the 69kV tie in and step down

C-5

Additionally, the Draft MND document erroneously states that the new substation would be owned, operated, and maintained by the Sacramento Municipal Utility District (SMUD). Please clarify that the applicant will install, own, operate and maintain the new substation, and will be metered at 69kV. Mitigation Measure EN-1 erroneously states a Memorandum of Understanding will be established. Please clarify the applicant will provide grant of easement to SMUD for operation and maintenance activities.

C-6

C-7

SMUD would like to continue being involved with discussing and resolving the above issues as well discussing any other potential issues. We aim to be partners in the efficient and

C-8

sustainable delivery of the proposed project. Please ensure that the information included in this response is conveyed to the project planners and the appropriate project proponents.

C-8

Environmental leadership is a core value of SMUD and we look forward to collaborating with you on this project. Again, we appreciate the opportunity to provide input on the Mitsubishi Rayon Carbon Fiber & Composites Facility Expansion MND. If you have any questions regarding this letter, please contact Ammon Rice, SMUD Environmental Specialist at (916) 732-7466 or Ammon.Rice@smud.org.

Sincerely,



Rob Ferrera
Environmental Specialist
Environmental Management
Legislative & Regulatory Affairs
Sacramento Municipal Utility District

Cc: Jose Bodipo-Memba
Pat Durham
Joseph Schofield
Ammon Rice

Scott Johnson

From: Jerry Vorpahl <jerry@powerinn.org>
Sent: Thursday, March 12, 2015 10:38 AM
To: Scott Johnson
Cc: David Hung; Donald J. Carter (don.carter@mrcfac.com)
Subject: RE: Notice of Mitsubishi Rayon Plant Expansion (DR14-339)

Re: Mitsubishi Rayon Carbon Fiber Expansion

The Power Inn Alliance, a Business Improvement District of over 1,100 members, supports this expansion that will create 60,000 additional sq. ft. and some 50 new jobs in an attractive MRD zoned district of the Power Inn Area. The Alliance also supports the findings of the Neg Dec.

D-1

The Mitsubishi expansion will be an economic stimulus to this area and all of Sacramento. We have received a full briefing on the project and anticipated outcomes, and are in full support.

Sincerely,



JERRY VORPAHL
Executive Director/CEO
Power Inn Alliance
5310 Power Inn Road
Sacramento, CA 95820
916-453-8888

www.powerinn.org

find us on
facebook



Scott Johnson

From: Ron Maertz <ronmaertz@surewest.net>
Sent: Friday, February 27, 2015 1:39 PM
To: Scott Johnson
Cc: Alex Kelter; Rick Guerrero; Melinda Dorin Bradbury; terry.preston@yahoo.com; Rob Burness
Subject: Mitigated Negative Declaration for Mitsubishi Rayon Carbon Fiber and Composites Facility Expansion Project

Scott,

The Environmental Council of Sacramento appreciates the notice which we received on the subject project. We also believe the Mitigation Measures, if applied, will reduce the environmental impacts of the project to a less than significant level.

E-1

Thank you again for your referral.

Ron Maertz
Land Use Co-Chair
Environmental Council of Sacramento

**[Mitsubishi Rayon Carbon Fiber and Composites Facility Expansion Project]
 (Project # DR14-339) (SCH#: 2015022086)
 Draft Initial Study/Mitigated Negative Declaration Comment Letters & Responses**

| Letter | |
|--------|--|
| A | Commenter: Central Valley Regional Water Quality Control Board, Trevor Cleak, March 23, 2015 |
| A-1 | Response: Comment noted. |
| A-2 | Response: Per your agency's comment, the proposed Project would apply for a Construction General Permit and develop and implement a Storm Water Pollution Prevention Plan when the Project reaches that phase in the future. |
| A-3 | Response: Comment noted. |
| A-4 | Response: The proposed Project includes the expansion of an existing manufacturing facility. The Project applicant will review the existing Industrial Storm Water General Permit and if required obtain a new permit that would take into account the additional building space that would be developed on the Project site. The Project applicant will comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ. |
| A-5 | Response: The proposed Project is located in an industrial area of the City of Sacramento and is not adjacent to navigable waters or wetlands. A Clean Water Act Section 404 Permit would not be required for this Project. |
| A-6 | Response: The proposed Project is located in an industrial area of the City of Sacramento and is not adjacent to navigable waters or wetlands. A USACOE permit or any other federal permit would not be required for this Project, as Project implementation would not disturb waters of the United States. Therefore a Water Quality Certification would not be required from the Central Valley Water Board prior to commencement of Project construction. |
| A-7 | Response: The Project applicant will comply with USACOE requirements and obtain a Waste Discharge Requirement permit issued by the Central Valley Water Board. |
| A-8 | Response: This comment is not applicable to the Project. The Project includes the expansion of an existing manufacturing facility and the property will not be used for commercial irrigated agricultural uses. |
| A-9 | Response: Dewatering activities are not expected to occur on the Project site during construction. However, if construction dewatering is needed the Project applicant would comply with obtaining coverage under a National Pollutant Discharge Elimination System (NPDES) permit. If necessary, a complete application would be submitted to the Central Valley Water Board to obtain coverage under such a General NPDES Permit. |
| B | Commenter: County of Sacramento Environmental Management Department, Christopher Hunley, March 2, 2015 |
| B-1 | Response: Comment noted. |
| B-2 | Response: Comment noted. |
| B-3 | Response: Comment noted. |
| B-4 | Response: The proposed Project includes the expansion of an existing manufacturing facility. The Project applicant will contact EMD, to determine if a Tiered Permit is required for the operation of the facility once the Project is completed. The Project applicant will comply with the EMD permitting requirements regarding onsite hazardous waste treatment. |
| B-5 | Response: The Project includes the expansion of an existing manufacturing facility. The |

[Mitsubishi Rayon Carbon Fiber and Composites Facility Expansion Project]

(Project # DR14-339) (SCH#: 2015022086)

Draft Initial Study/Mitigated Negative Declaration Comment Letters & Responses

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| | existing facility is currently connected to a public water system and will continue to be connected to the same system once the Project is completed. |
| B-6 | Response: The Project includes the expansion of an existing manufacturing facility. The existing facility is currently connected to a public sewer system and will continue to be connected to the same system once the Project is completed. |
| C | Commenter Sacramento Municipal Utility District, Rob Ferrera, March 24, 2015 |
| C-1 | Response: Comment noted. |
| C-2 | Response: Comment noted. |
| C-3 | Response: The project description in the Final IS/MND has been revised to reflect that the substation and transformer being developed on the Project site will be installed, owned, operated, and maintained by the Project applicant. The project description has also been revised to indicated that the proposed substation would tie into SMUD’s existing 69 kV circuit and the proposed substation would step voltage down from 69 kV to 12 kV and that utility poles or other infrastructure needed to connect to existing facilities onsite will be included. |
| C-4 | Response: Please see Response to comment C-3 above. The project description in the Final IS/MND has been revised to include a discussion about installation of onsite utility poles or other infrastructure needed to connect to existing SMUD facilities. |
| C-5 | Response: Please see Response to comment C-3 above. The project description in the Final IS/MND has been revised to include a discussion about installation of onsite utility poles or other infrastructure needed to connect to existing SMUD facilities. |
| C-6 | Response: Please see Response to Comment C-3 above. The project description in the Final IS/MND has been revised to indicated that the Project applicant will install, own, operate and maintain the new onsite substation and will be connected to SMUD’s existing 69 kV circuit. |
| C-7 | Response: Mitigation Measure EN-1 has been revised in the Final IS/MND per the comment received. The revised Mitigation Measure EN-1 is as follows: “Mitigation Measure EN-1: The Project applicant shall provide SMUD with final design plans for the new substation that would be developed on the Project site. Design plans for the new substation shall be submitted to the City of Sacramento and SMUD prior to final building permit approval of the proposed Project. The Project applicant shall provide a grant of easement to SMUD for operational and maintenance activities.” |
| C-8 | Response: Comment noted. |
| D | Commenter Power Inn Alliance, Jerry Vorpahl, March 12, 2015 |
| D-1 | Response: The commenter indicates their support for the Project and the findings in the IS/MND. Comment noted. |
| E | Commenter Environmental Council of Sacramento, Ron Maertz, February 27, 2015 |
| E-1 | Response: The commenter indicates their support for the Project and the findings in the IS/MND. Comment noted. |