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UNITED WATER CONSERVATION DISTRICT

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 JAN 22 2002
 PLANNING DIVISION
 CITY OF OXNARD

January 18, 2002

Gary Sugano, Principal Planner
 City of Oxnard
 305 W 3rd St., 2nd Floor
 Oxnard, CA 93030

Re: Riverpark Draft EIR, SCH #2000051046

Dear Mr. Sugano:

Thank you for the opportunity to comment on the Draft EIR for the Riverpark project. We have several specific comments, but would also like to make a general comment relating to the presence of MTBE in groundwater at the edge of the project. This MTBE, which was a surprise to all of us involved in groundwater management in the county, has brought up some issues specific to the location and possible movement of this contaminant.

The biggest issue is that the well field that supplies half of the potable water to the cities and naval bases on the Oxnard Plain (the biggest user being the City of Oxnard) lies just 1300 feet from high concentrations of MTBE in groundwater. It would be a catastrophic impact if this water supply was compromised. Presently there is only sketchy information on the extent of the MTBE problem – there is evidence that the MTBE has been moving away from the contamination site, but its fate is unknown. There has just been a low-level MTBE detection at the SP Milling batch plant, across the pits from the contamination site. We do not know if there is MTBE in the pit water itself. Given these uncertainties, it is imperative that the exact location and movement of the MTBE be determined and that activities of the Riverpark project be carefully analyzed so that the MTBE problem is not exacerbated. It is to this backdrop that we make some of the following comments. We believe that with careful evaluation and planning, MTBE concerns can be mitigated.

UWCD-1

4.5 Water Resources

Comment: Words are reversed in discussion, p. 43-40. The Saticoy spreading grounds reflect recharged water quality and the El Rio spreading grounds reflect background water quality. The actual analysis of background (ambient) water quality was done correctly in the EIR.

UWCD-2

Comment: Discharge of dewatering water, p. 45-70. The dewatered water should be returned to the Forebay as recharge. If the water is removed from the Forebay by

UWCD-3

Riverpark EIR Response, Page 2

discharge into the Santa Clara River, the loss of water would cause significant impacts to both water quantity and quality across the Forebay and Oxnard Plain – the Forebay is the primary source of the groundwater that has reversed seawater intrusion beneath the Oxnard Plain.

UWCD-3

Comment: MTBE in groundwater, p. 4.5-84. The EIR needs to be updated and state that MTBE has been found in local groundwater (up to 1800 µg/L).

UWCD-4

Comment: MTBE standard, p. 4.5-85. The California primary MCL for MTBE is 13 µg/L and the secondary MCL is 5 µg/L (DHS website).

UWCD-5

Comment: MTBE characterization, p. 4.5-85. The discussion should to be updated and corrected. The MTBE is mobile and has moved off the contamination site in groundwater. Based on discussions with County Environmental Health and the consultants for the contamination site, it is very unlikely that 50% containment will occur in the next 12 months. It should be assumed that this cleanup will take several years.

UWCD-6

Comment: Effect of construction dewatering on MTBE, p. 4.5-85. The discussion should be updated and corrected. The discussion should correct the statement that groundwater modeling has shown that the pits will significantly dampen the effects from dewatering during construction – there has been no modeling of the dampening effects of the pits. It is very likely that such modeling would indicate that the dewatering, as proposed, would lower water levels in the pits sufficiently to accelerate the movement of MTBE from the contamination site.

UWCD-7

The effect of the dewatering could potentially be mitigated by a combination of decreased dewatering rates, physical barriers separating the dewatering area from the pits, and discharging dewatering water back into the pits. If the level of water in the pits remains relatively stable during construction dewatering, then there will be little effect of the dewatering at the contamination site.

Comment on construction mitigation measure, p. 4.5-99. The discharge of groundwater extracted during dewatering into United Water's recharge basins would be predicated on the water meeting quality standards. These standards would include no detectable MTBE in the discharge.

UWCD-8

4.3 Earth Resources

Comment on pit slope materials, p. 4.3-7 and maps. The proposed project shall relieve the Aggregate mining company of its obligation to reclaim the site in accordance with the CUP conditions. These conditions, if followed, would be expected to leave the site with stable, safe, pit slopes that would protect neighboring properties. Any proposed relaxation of these conditions ought to afford equivalent levels of protection.

UWCD-9

Riverpark EIR Response, Page 3

The boring data presented in Fugro's May 2000 and July 2001 reports do not appear to justify the EIR statements regarding liquefiable strata, lateral spreading and the associated stability of the pit slopes. However, data from earlier studies reportedly confirms the statement. A table of referenced locations, depths and values of SPT corrected blow counts should be presented for the northeastern side of the Small Woolsey and the southeastern side of the Large Woolsey Pits. The boring data that are presented are confined in plan to an area that is not representative of the pit slope perimeters, and are limited in depth to only the top half of the slope heights. Several of the borings appear to indicate possible liquefiable layers, which then could be expected to result in local seismic failures of the pit slopes. The boring data presented does not indicate uniformly dense native alluvium materials.

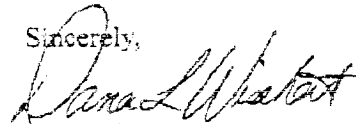
UWCD-9

General Safety Issue

Open water pits: The proximity of open water to the proposed business and residential development could create an "attractive nuisance" hazard that ought to be mitigated by appropriate setbacks, fencing and signing of the open water pit areas.

UWCD-10

Sincerely,



Dana Wischert
General Manager

CC: BDRF
Paul Keller, Riverpark

Board of Directors:

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UNITED WATER CONSERVATION DISTRICT

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April 8, 2002

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APR 9 2002

PLANNING DIVISION
CITY OF OXNARD

Gary Sugano, Principal Planner
City of Oxnard
305 W 3rd St., 2nd Floor
Oxnard, CA 93030

Re: Riverpark

Dear Mr. Sugano:

We would like to make some additional comments about the Riverpark project now that we have additional information on the MTBE contamination at the Poole Oil site. The presence of MTBE at a property adjacent to the Riverpark site raised concerns for United Water Conservation District. In particular, as a regional water supply and management agency, one of United's primary goals is to ensure that local groundwater quality is maintained and protected. While the MTBE contamination is being remediated, groundwater management (pumping and replenishment) activities in the Forebay may influence the location and migration of the MTBE contamination.

This issue is relevant to the Riverpark Project and United's proposed use of the pits in two ways. First, the localized dewatering efforts related to certain Riverpark construction activities may have an impact on the migration of the Poole Oil site MTBE plume. Second, United's potential future use of the mine pits within the Riverpark Project to enhance groundwater recharge may also impact the location and extent of the MTBE contamination.

UWCD-11

In our prior comments on the Draft EIR, we requested that the City conduct further analysis of the potential influence of the dewatering activities on plume migration. From our involvement in the technical work being performed to address this issue, we believe the City has analyzed this issue appropriately to address the concerns raised by United.

With regard to future use of the pits by United for the storage of water diverted from the Santa Clara River, United plans to use the pits in a manner that minimizes any effect on the existing MTBE contamination. Specifically, United proposes that river water diverted to the pits not exceed an amount that would change groundwater gradients at the Poole Oil MTBE site. This diverted water would be preferentially placed in the pits along the river, which are the farthest distance from the MTBE site. Smaller amounts of additional water may be able to be placed in the pits closest to the MTBE site.



UNITED WATER CONSERVATION DISTRICT

As much as 375 cfs of river water would be available to be diverted to the pits in the wettest years. This rate of water delivery would only be available for a few days at a time during peak storms. In the wettest years, about 15,000 acre-feet would be available in the period from December to April. In dry years, no water would be delivered to the pits. A long-term average of about 7,400 acre-feet per year could be delivered to the pits. United assumes that use of the pits would not commence until three years from now and that there would be a phased approach in early stages of water delivery to the pits. Delivery of water to the pits would increase as the MTBE contamination was mitigated. Given this mode of operation, United wants to be assured that there would be no significant impact on water resource issues related to the MTBE contamination.

UWCD-11

The United Board adopted Resolution 2000-19 in December 2000 in an effort to establish standards on the use of the existing gravel pits to ensure the protection of groundwater quality. United is also familiar with the recommendation included in Ventura County Fox Canyon Groundwater Management Agency ("GMA") Resolution No. 01-01 that runoff resulting from a storm event of up to the 10-year storm event not be allowed to enter any deep pits in the Forebay area, such as the existing mine pits, unless such runoff meets the most stringent of three specified water quality standards. This recommendation seems reasonable to United based upon the latest available information on storm water quality. The Riverpark project proposes extensive water quality measures in order to meet the standard propose by GMA Resolution No. 01-01. The DEIR provides substantial evidence that these Riverpark water quality features will meet and possibly exceed this condition of Resolution No. 01-01, as well as the requirements of United Resolution 2000-19. United appreciates the City's careful consideration of this issue.

UWCD-12

Please contact me if you have any questions related to the information in this letter.

Sincerely,

Dana Wisheart
General Manager

United Water Conservation District (UWCD)

UWCD-1

A brief summary of information on the existing MTBE contamination at the Poole Oil site at the time the Draft EIR was prepared is provided below along with updated information that has become available since the Draft EIR was prepared.

Summary Of Dewatering Activities Known At The Time The Draft EIR Was Prepared

As stated in the Draft EIR, specific details regarding dewatering operations will not be known until the stockpile excavation begins. Groundwater levels at the time of construction will have the greatest influence on the specifics of the dewatering operation. Additionally, the methodology of the grading contractor, i.e., the size of the excavation, were also identified as factors that would influence the scope of the dewatering operation (Draft EIR, page 4.5-69).

A dewatering evaluation estimated that a wellpoint dewatering system could generate as much as 110 to 130 acre-feet per day (approximately 24,890 to 29,415 gallons per minute (gpm)) of discharge, if the groundwater level was at or below about 55 feet mean sea level (MSL) and excavation down to about 35 feet MSL was required. Dewatering is anticipated to last for three to four months, based on anticipated groundwater levels, to accommodate the grading activities for the reclamation of the stockpile area (Draft EIR, pages 4.5-69 and 4.5-70).

Potential discharge points for this water include the Large Woolsey Mine Pit, the Vulcan (previously CalMat) Ferro Pit (located immediately north of the Large Woolsey Pit), the UWCD El Rio Spreading Basins, or the Santa Clara River (Draft EIR, page 4.5-70).

Construction Dewatering Impacts Identified In the Draft EIR

The Draft EIR recognizes that the proposed construction dewatering could cause a significant impact on groundwater quantities depending on the actual amount of dewatering required and the method of discharge. The Draft EIR states that if a substantial amount of groundwater is discharged to the Santa Clara River, this would result in a significant impact on groundwater quantities and that allowing the dewatered groundwater to percolate back to groundwater could mitigate this impact to less than significant. This could be achieved, by discharging the groundwater to the mine pits if a small amount of dewatering is necessary or to the El Rio Spreading Grounds or the Ferro Pit if larger withdrawals are

required (Draft EIR, page 4.5-70). Mitigation Measure 4.5-1 for the construction dewatering states that groundwater extracted as a result of dewatering during construction shall be discharged to the UWCD El Rio Spreading Ground recharge basins, to mitigate significant impacts on groundwater quantity and quality to less than significant (Draft EIR, page 4.5-99).

The Draft EIR identifies several leaking underground storage tank (LUST) sites under investigation in close proximity of the Specific Plan Area. As indicated, as of October 25, 2001, the following three known active LUST sites in the industrial areas to the north of the Specific Plan Area were identified (Draft EIR, page 4.5-50):

- Poole Oil Company, 3885 E. Vineyard Avenue;
- Ventura Oil, 3815 E. Vineyard Avenue; and
- Sparkletts/McKesson, 210 Beedy Street.

No significant impact was identified with the latter two LUST sites since contamination at these sites was limited to the soil and these sites were actively being remediated.

For the Poole Oil Company Site, it was identified in the Draft EIR that elevated levels (i.e., concentrations) of benzene and MTBE had been found in groundwater samples on the Site (Draft EIR, page 4.5-50). In addition, based on personal communication on November 19, 2001 with Craig Klein of the VCEHD, Leaky Underground Fuel Tank (LUFT) Program, the VCEHD was requiring the installation of off-Site monitoring wells to determine the extent of groundwater contamination and active remediation with a pump and treat system had been approved and was scheduled to begin in the next 60 days (by January 18, 2002).

Based on information known at that time and on the results of an analysis presented by Fugro West, Inc. (Fugro) in a November 27, 2001 Technical Memorandum (Fugro, 2001; Draft EIR page 4.5-85), the potential for the dewatering operation to effect the movement of the existing groundwater contamination was not significant for the following reasons:

The contamination at the Poole Oil Company Site consists largely of Total Petrochemical Hydrocarbon (TPH) (gas) compounds, which are relatively immobile and contained onsite. Investigations of this site to date have determined that the mass of MTBE, benzene and TPH in the groundwater on the Site has been largely immobile since the early 1990s.

Active remediation with a pump and treat system will begin in the next 60 days (by January 18, 2002). Based on the volume of contamination at this site, 50 percent containment will likely be achieved in the next 12 months (by November 2002). The proposed dewatering of the Stockpile Area could begin in the fall of 2002 for a duration of up to 6 months. The pump and treat system on the Poole Oil Company Site will create a local groundwater capture zone that will restrict the migration of contaminants offsite.

Groundwater modeling completed indicates that the open Small Woolsey/ Brigham/ Vickers mine pits will significantly dampen the lateral extent, configuration, and the magnitude of water declines from the dewatering.

For these reasons, the Draft EIR concluded that the dewatering operation would not significantly impact the existing contamination from the Poole Oil Company Site or result in a significant impact on groundwater quality related to the contamination.

Information on the Poole Oil Company Site

Results of groundwater sampling performed by PW Environmental (PWE) on July 18, 2001 at the Poole Oil Company Site were received by the VCEHD on October 18, 2001 (PWE, 2001a). Analyses have been performed to further evaluate any effects of the refined dewatering operation on contamination from the Poole Oil Company Site. This information has clarified the understanding of contamination in the vicinity of the Poole Oil Company Site and does not represent or lead to the identification of a significant impact. The results of recent analyses are discussed in a subsequent section below.

Prior to groundwater sampling on July 18, 2001, the lateral extent of existing MTBE contamination in groundwater at the Poole Oil Company Site appeared to be delineated as discussed below. MTBE had not been detected in groundwater samples collected from any off-Site monitoring wells with the exception of one detection in January 2001 of 2 micrograms per liter (ug/L) from Well MW-9. MTBE had only been detected a total of three times above the laboratory detection limit of 0.5 ug/L in samples collected from two on-Site wells (Well MW-1 at 21 ug/L on April 20, 2001 and Well MW-6 at 230 and 16 ug/L on November 11, 1999 and April 20, 2000, respectively). Based upon data prior to July 18, 2001, very low concentrations of MTBE had been sporadically detected in groundwater at the Poole Oil Company Site and the extent of contamination appeared to be very localized.

Analytical results for groundwater samples collected by PW Environmental on July 18, 2001 were submitted to the VCEHD on October 18, 2001. MTBE was detected in samples from Wells MW-10 and MW-11 at concentrations of 840 and 0.9 ug/L, respectively. MTBE was not detected above the laboratory detection limit of 0.5 ug/L in samples from these wells in April 2001. The detection of MTBE in these

wells, which are located down gradient and off-Site of the Poole Oil Company property, indicates that MTBE contamination from the Site is mobile and migrating off-Site. In addition, MTBE was detected in a sample collected on July 18, 2001 from on-site Well EW-2 at 1,800 ug/L. A sample from this well collected in April 2001 did not detect MTBE above the laboratory detection limit of 0.5 ug/L. Based on the data collected on July 18, 2001, the lateral and vertical extent of existing MTBE contamination in groundwater was somewhat defined in the near-site vicinity. However, the full extent of contamination in the downgradient direction was not fully defined.

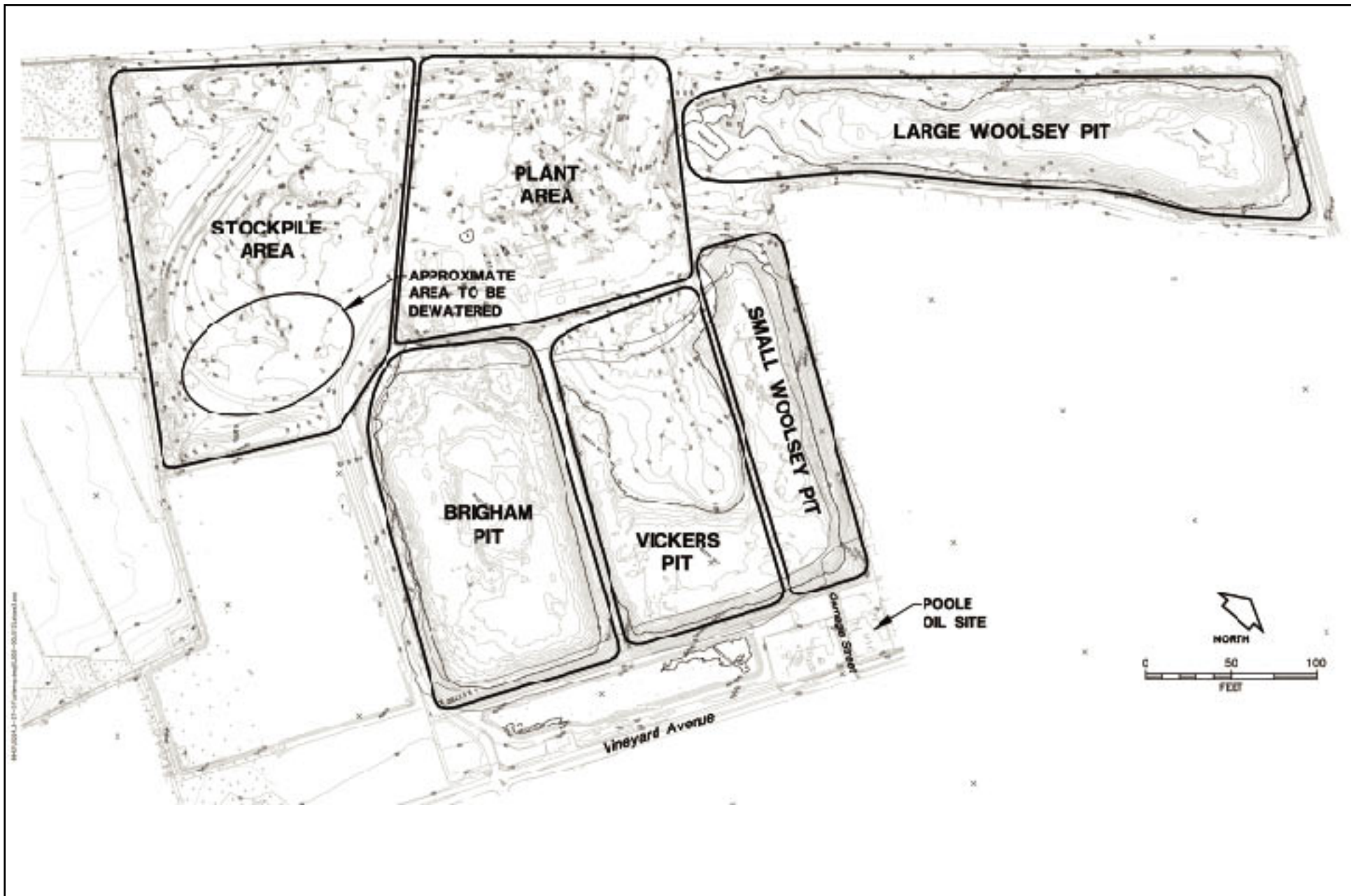
Currently no active remediation is being performed at the Site. A Corrective Action Plan/Remedial Action Plan (CAP/RAP) dated February 18, 2002 was developed by PW Environmental (PWE, 2002) and portions of the CAP/RAP have been granted approval, with modifications (VCEHD, 2002a).

Refined Dewatering Plan and Subsequent Evaluations Using the Revised RiverPark Groundwater Model

Since the preparation of the DEIR, the area requiring dewatering has been refined and the proposed dewatering operation has been further clarified by Fugro (see attached **Figures 2-7** and **2-8** for area and previous extent of proposed excavation). The area requiring deep excavation (and extensive dewatering to approximately 20 feet above MSL) has been clarified and greatly reduced from approximately 37 acres to approximately 5.5 acres (approximately a 400 feet by 600 feet area) as represented by Area D on attached **Figure 2-9** (Fugro, 2002). The reduction in area has reduced the required dewatering period presented in the DEIR (page 4.5-70) from three to four months to approximately 55 days.

A Construction Dewatering Plan will be prepared prior to the start of dewatering to finalize the details of the proposed excavation and dewatering operation. This Construction Dewatering Plan, at a minimum, shall include details on the timing and extent of excavation and dewatering, the disposition of water generated by dewatering and water level and water quality monitoring points and monitoring criteria.

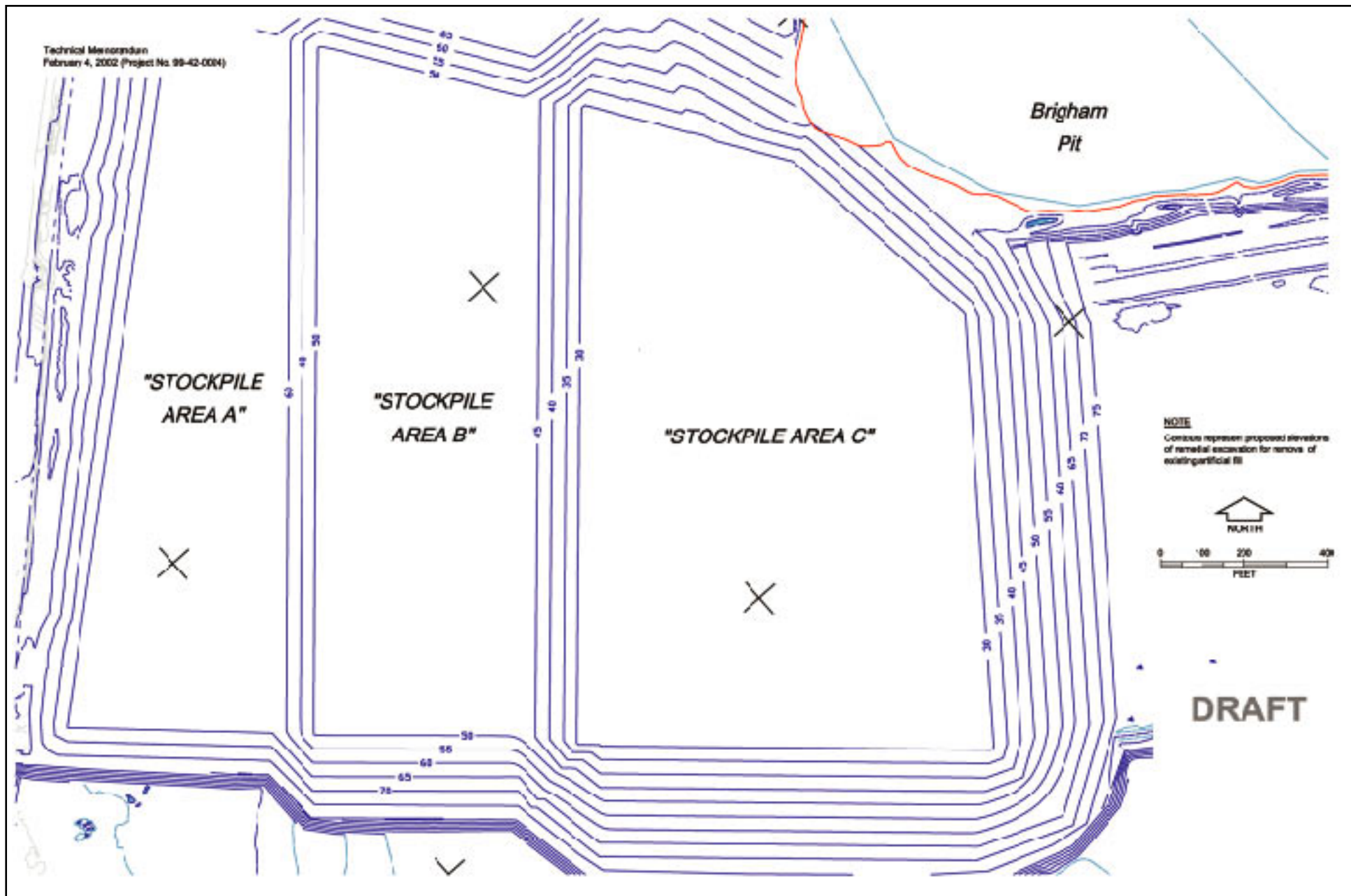
Based on the clarification of dewatering and excavation operations by the applicant, additional analyses consisting of numerical groundwater modeling was completed by the applicant to further evaluate whether the proposed dewatering operations can be performed without substantially impacting the existing Poole Oil Company plume. The existing RiverPark Groundwater Model was updated to better represent the pits and focus on the existing MTBE plume and proposed dewatering locations. The existing RiverPark Groundwater Model was developed as part of the Draft EIR to evaluate long-term loading of storm water on groundwater quality (Draft EIR page 4.5-12) and was based largely on a numerical model by the U.S. Geological Survey (USGS) to study the hydrogeology of the Santa Clara-Calleguas groundwater basin as part of the Southern California Regional Aquifer System Analysis (USGS, 1998).



SOURCE: Fugro, Nov 27, 2001.

FIGURE 2-7

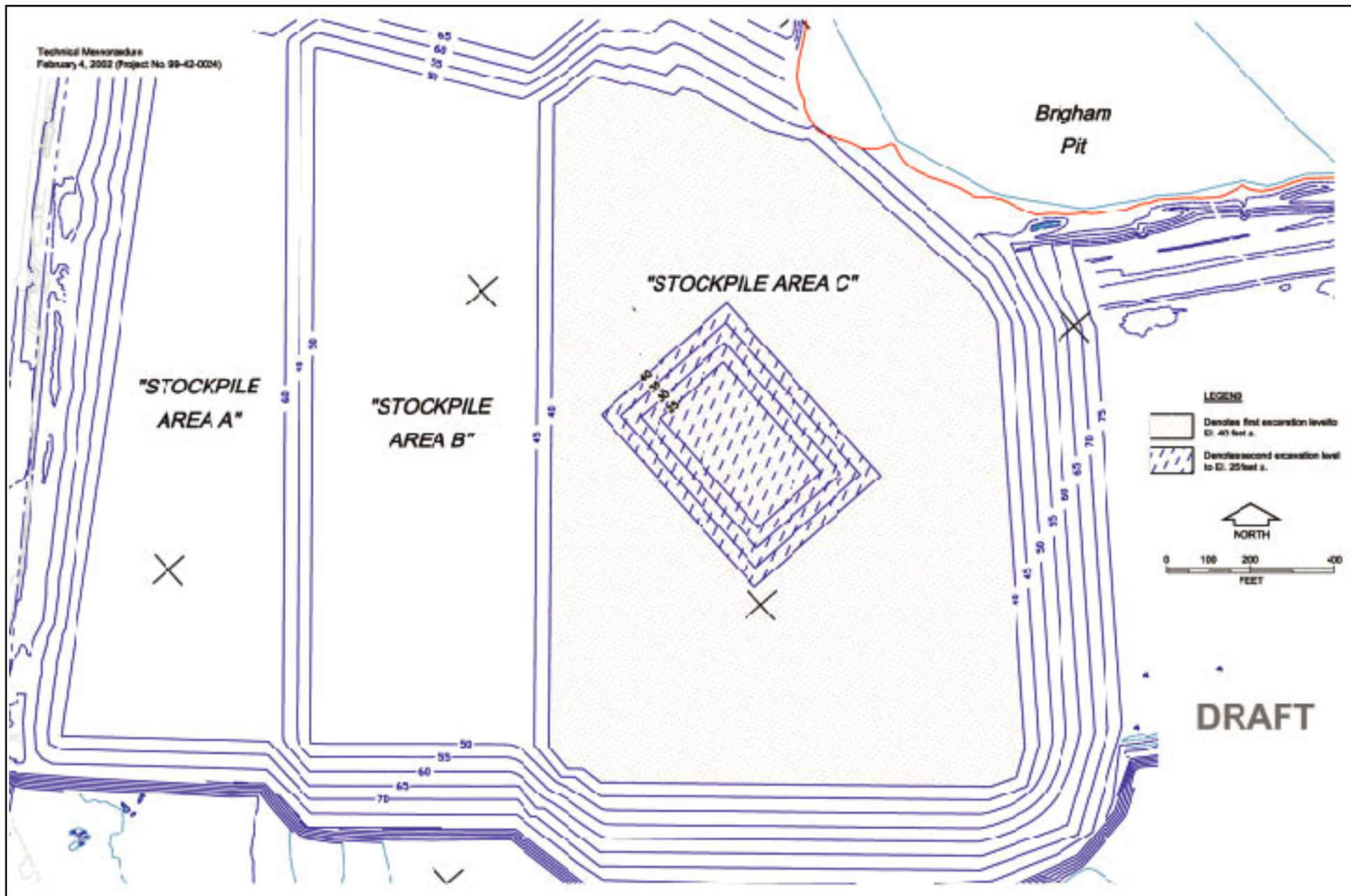
Proposed Dewatering Location



SOURCE: Fugro, Feb 4, 2002.

FIGURE 2-8

"Stockpile Area C" Excavation from Exhibit 3 in RFP



SOURCE: Fugro, Feb 4, 2002.

FIGURE 2-9

Staged Excavation Sequence

Groundwater flow simulations were prepared by ETIC Engineering, Inc. (ETIC) using the revised RiverPark Groundwater Model to further evaluate the proposed construction dewatering (ETIC, 2002). Water level elevations for 1997 were chosen for baseline condition, as explained in Draft EIR Appendix 4.5-2, because fall 1997 groundwater elevations were considered representative of average fall conditions. Based on the dewatering simulations performed by ETIC, groundwater levels returned to pre-dewatering levels within approximately 305 days of simulated recovery following the 60-day construction dewatering period. Because of this, a total time period of one year (365 days) was used to simulate baseline conditions and the effects of dewatering.

This modeling conservatively does not account for any dilution effects of the pits and also does not consider that local groundwater gradients vary dramatically from season to season and from year to year in the Forebay Basin over a standard water year (see Fugro (2001) Figure 3: Water level hydrograph for State Well No. 2N/22W-22H1).

The baseline one-year flow simulation indicates that the contamination from the Poole Oil Company Site would migrate approximately 3,400 feet downgradient (attached **Figure 2-10**) in one year, under ambient conditions. A modeling run simulating 60 days of dewatering operations followed by 305 days of non-pumping conditions indicates that the travel distance over one year would be similar, extending approximately 3,900 feet from the Poole Oil Company Site (attached **Figure 2-11**).

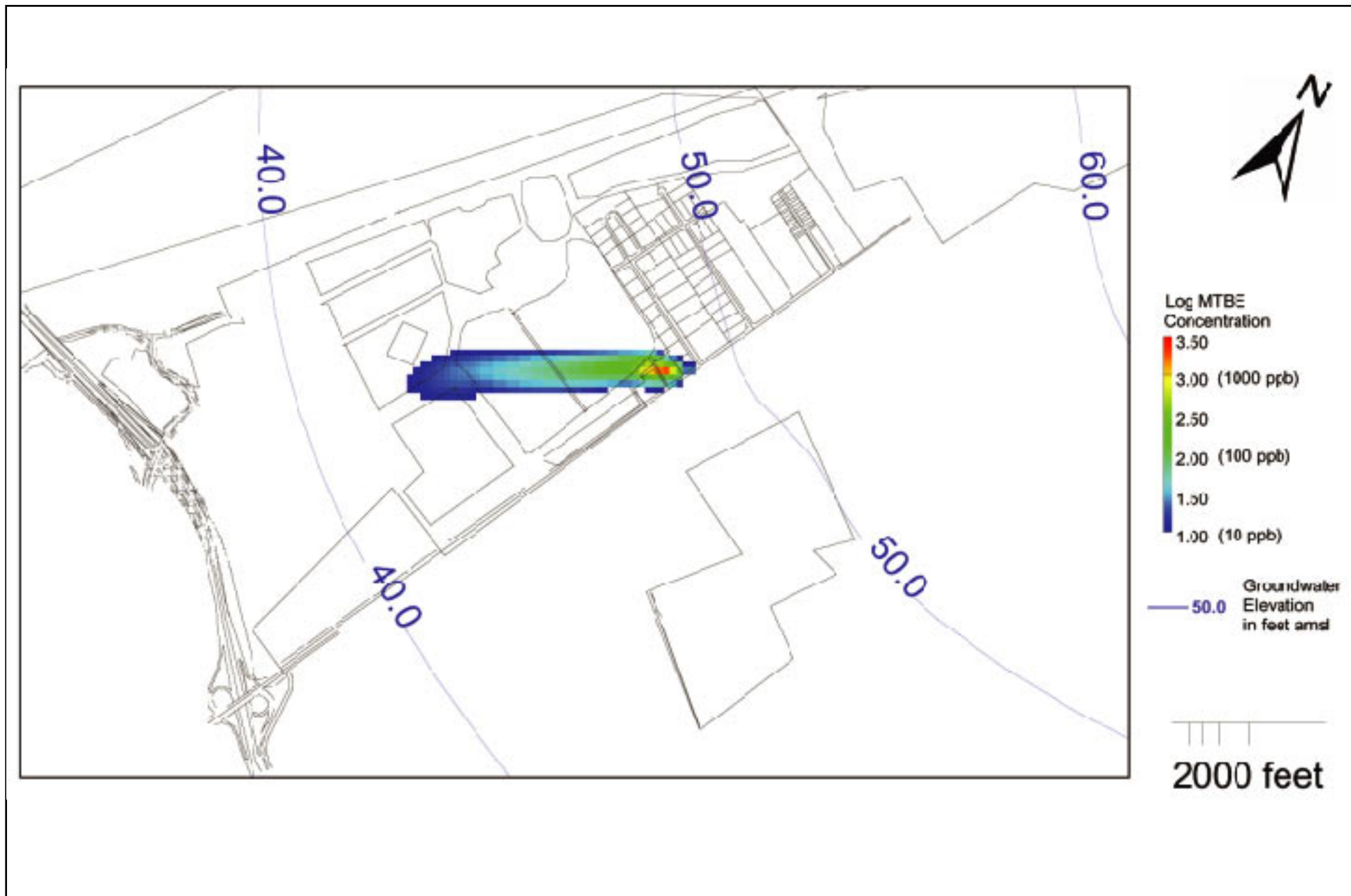
Based on clarification of the proposed construction dewatering by the applicant, subsequent results of the modeling analyses performed since preparation of the Draft EIR and the future preparation and implementation of a Construction Dewatering Plan, the proposed construction dewatering will not move the contamination substantially further than it would under ambient gradient conditions. Therefore, there is no significant impact of the proposed construction dewatering on contaminated groundwater from the Poole Oil Company Site.

UWCD-2

Comment noted. The referenced text on page 4.1-40 is revised as follows:

The Saticoy spreading basin portion is located upstream of the project site and is more reflective of the ~~background water quality~~ recharged water quality. The El Rio spreading basins, located closer to the project but downstream of the Saticoy Spreading Grounds, have substantial groundwater extraction wells and the water quality from these wells is generally more reflective of ~~the recharged water quality~~ background water quality.

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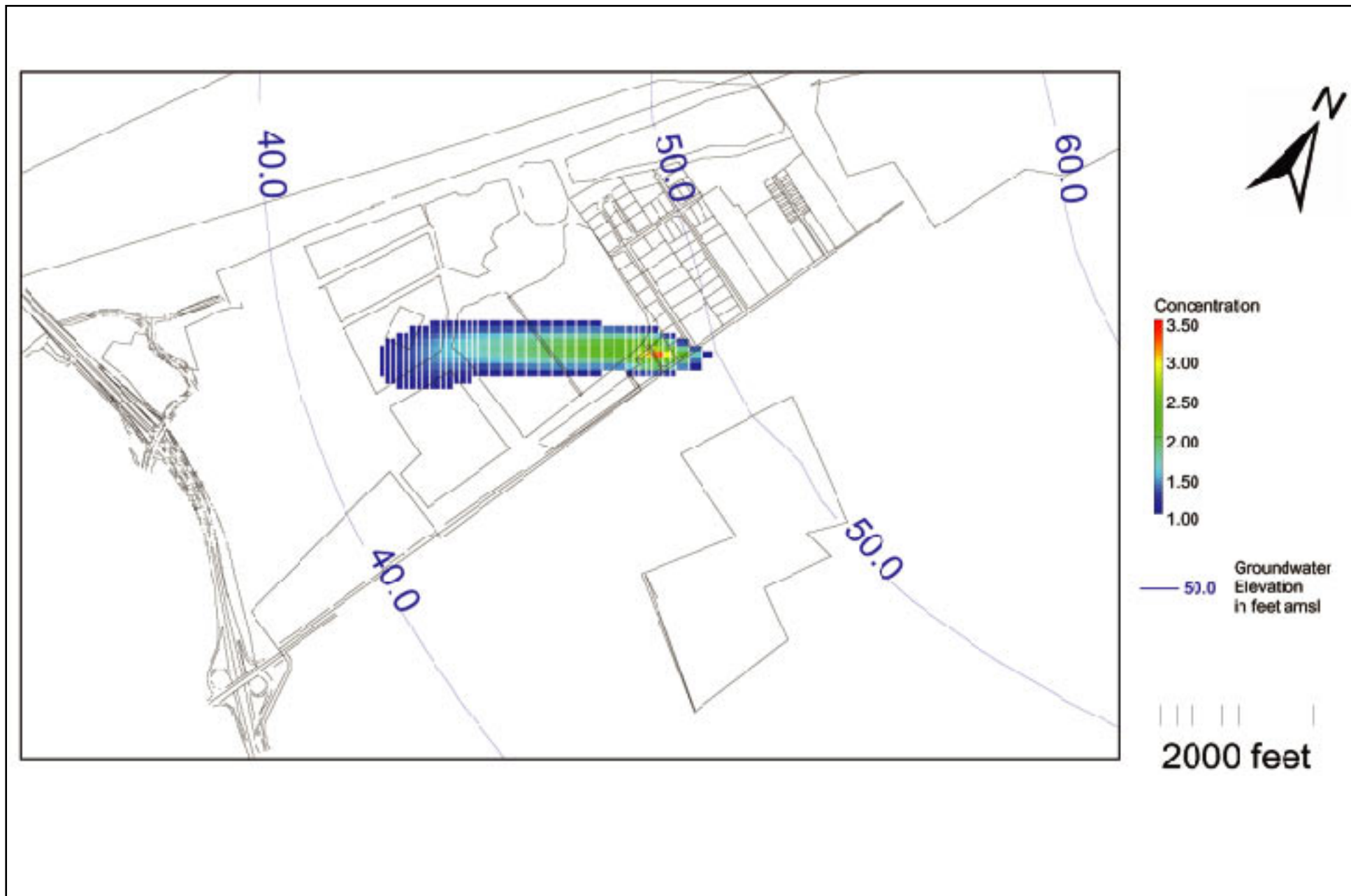


SOURCE: ETIC Engineering, Inc.

FIGURE 2-10

Simulated Transport of Existing MTBE Plume after One Year





SOURCE: ETIC Engineering, Inc.

FIGURE 2-11

Simulated Transport of Existing MTBE Plume after 365 Days in Response to Stockpile Dewatering/Pit Recharge