

county of ventura

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January 22, 2001

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Subject: **DRAFT EIR RIVERPARK PROJECT, CITY OF OXNARD
(WATER RESOURCES DIVISION COMMENTS- RMA REF 01-105)**

Dear Mr. Segano:

We have reviewed the subject DEIR and it our understanding that the project consists in part of the development of a new mixed-use community containing open space (38%), residential units (35%), commercial facilities (21%), and public facilities (6%). Total residential units planned is 2,805, with the first occupancy in 2003. It is intended that the project be fully developed by year 2020.

The project site is located immediately north of the Ventura Freeway (US 101) between the Santa Clara River and Vineyard Avenue in Oxnard. Total area is 701 acres. The project is divided into two areas: RiverPark Area A, consisting of 269 acres within the City of Oxnard, and RiverPark B, consisting of 432 acres in the unincorporated area within City of Oxnard Sphere of Influence. A sand and gravel mine exists in Area B with four sizeable mining pits: Large Woolsey, Small Woolsey, Vickers, and Brigham. Additionally, two Ventura County Flood Control District retention basins located in Area B intercept runoff from agricultural areas east of Vineyard Avenue for percolation into the Forebay. RiverPark Area A includes existing developed areas and active agricultural land. The project overlies the Oxnard Forebay, the groundwater recharge area for the 87-square-mile Oxnard Plain.

The proposed Reclamation Plan addresses all topics required by the State Surface Mining And Reclamation Act (SMARA). The proposed Reclamation Plan states that the site will be reclaimed in conformance with existing Hansen Aggregates reclamation plan previously approved by the County of Ventura if RiverPark Area B is not approved for the uses included in the proposed RiverPark Specific Plan.

The project storm water conveyance and treatment systems have been designed to handle up to the ten-year peak runoff flow rates before allowing runoff to overflow into the Water Storage/Recharge basins. The mass rainfall total used by Impact Sciences as a basis for the design of a 24-hour event was 5.53 inches (page 4.5-87).



Drainage from Ferro Industrial Area (Drainage Area 3), Beedy Street, Lambert Street, Montgomery Street and Carnegie Street industrial properties currently discharge storm water directly into the Large Woolsey and Small Woolsey Pits (page 4.5-14). Project flow from these streets will be directed to a dry swale and treatment along with the flow from the RiverPark B residential area. Storm flows exceeding the 10-year event peak flow will flow directly into the Large Woolsey Water Storage/Recharge Basin.

The El Rio County Flood Control Retention Basins collect flood flows from the agricultural area easterly of Vineyard Avenue between Central Avenue and the northern edge of the developed El Rio community. Basin No. 1 has an area of ten acres. Basin No. 2 covers 65 acres. Flows collected in these basins percolate into the aquifer. The system is designed to contain a 100-year storm. Excess flows are conducted from Basin No. 2 to the Santa Clara River via an earthen ditch between project areas 1 and 2 into the Santa Clara River. Basin No. 2 is proposed to be filled in and reclaimed to develop the property for other uses. Runoff from ten-year plus storms will overtop Basin No. 1 and flow into the gravel pits.

The June 2001 Memorandum of Understanding between the City of Oxnard, Ventura County Flood Control District, and the applicant for this project addresses the sale of the El Rio County Maintenance Yard and relocation of these facilities, as well as the exchange of El Rio Retention Basin No. 2 and a portion of El Rio Retention Basin No. 1 for replacement drainage facilities serving the same functions (page 2.0-22).

Most of the large agricultural area to the north and west of the UWCD El Rio Spreading grounds drains west across Vineyard Avenue into the El Rio Retention Basin No. 1. High flows are conveyed into Basin No. 2 through an 84-inch conduit from Basin No. 1. If Retention Basin No. 2 is converted to other project uses the discharge from Basin No. 1 will be discharged into the gravel pits.

If our project understanding is correct, the following comments are offered:

COMMENTS ON WATER QUALITY

1. The existing large detention basin is about fifteen feet deep and generally provides a substantial vadose zone through which a 100 year storm will percolate before reaching groundwater. Removal of this debris basin is not by itself a problem provided that alternate facilities are constructed to serve the same purpose. The proposed project allows the drainage from the East Side of Vineyard Avenue to enter the remaining pit and places the runoff directly into groundwater. This water will potentially contain hazardous contaminants from fertilizer, herbicides and pesticides. Protection from storms having a statistical frequency greater than 10 years is difficult. However, that protection already exists and should not be lost. This situation differs from the runoff from the Ferro industrial area because the industrial area is a distinct area that does not now have protection from a 100 year storm.

VCWR-1

a. Typically, the justification for retaining only a ten year storm is that a high percentage of the contaminants is contained within the first flush. In this case, the 100 year storm will transfer contaminants from a much greater agricultural and industrial area into the pits with a resulting dilution factor that is unknown.

VCWR-2

b. An additional response is that the pits will, over time, seal themselves and become retention basins. However, during this time, the pits will contribute runoff to groundwater through the side walls and the pit bottom each having at best a questionable value as a vadose zone. Over time, the pits will gradually lose their value as percolating basins, but will never seal themselves completely from groundwater.

VCWR-3

c. A third argument is that the groundwater gradient is southwest, approximately parallel to the Santa Clara River, and that this gradient will not soon, if ever, intersect a municipal or domestic well. In response to such an argument, that gradient is normal, but has been observed to reverse with pumping patterns and weather cycles. This change could place the groundwater gradient directly towards the City of Oxnard's, or the UWCD groundwater supply wells. The groundwater gradient is not reliable protection from contaminants originating in the pits.

VCWR-4

2. The treatment process for storm water from within the project that is treated and discharged either to the River or to the pits is unclear. This process needs additional explanation.

VCWR-5

COMMENTS ON WATER QUANTITY

While the requirement to meet CEQA is not directly related to the Fox Canyon Groundwater Management Agency (GMA) the GMA Ordinances may provide mitigation for some water quantity problems.

1. Table 4.11.2-1, Projected Water Demand, does not include the water demand due to evaporation of the ponds and water features of the project. A water loss factor of 5% is discussed, but these losses are usually attributable to system losses and do not include evaporation losses. Page 4.5-74 indicates a project evaporation demand of 416 acre-feet per year.

VCWR-6

2. The DEIR references an agricultural well located at the El Rio Retention Basin No. 2 site with a historical allocation of 280 acre-feet on the 67.4 acre parcel (Page 4.11.2-12). Based on an allowable agricultural to M&I allocation transfer of 2 acre-feet per acre, the DEIR calculates an allocation of 135 acre-feet. The State Well Number for this well was not provided. The Fox Canyon Groundwater Management Agency (GMA) has no record of this well, or any well in the area with such allocation. Moreover the parcel's owner is the County of Ventura. This allocation, if it exists, could be transferred to the City of Oxnard provided there is a written approval from the County.

VCWR-7

3. The DEIR analysis of water allocations (Page 4.11.2-12) shows a net deficit of 256 acre-feet; 493 acre-feet if the El Rio Retention Basin No. 2 site well is not counted. We do not agree with the DEIR's findings that "No mitigation measures are required as no

VCWR-8

significant impacts have been identified." Any deficit is a significant impact. The DEIR suggests that this deficit will be made up with the GREAT (Groundwater Recovery Enhancement and Treatment Program) program; yet this is a program still under development that will require upgrade of the city's wastewater treatment plant and agreement with UWCD as well as agricultural users. The viability of the GREAT program as a solid mitigation measure is questionable at this stage of its development.

VCWR-8

The DEIR does not address payment of overpumping fees to the GMA as a mitigation measure. The GMA ordinance provides for payment of penalties when allocations are exceeded. The DEIR needs to address specific mitigation measures for making up the deficit.

VCWR-9

In summary, if the City of Oxnard supplies water (not including that lost from evaporation from the basin), the water quantity balance is not an issue because the City of Oxnard will either pay a penalty to the GMA or import new water from CMWD to meet this demand. The evaporation issue must be mitigated either by United Water Conservation District (UWCD) use as a retention/percolating basin or mitigated through an allocation or penalty.

VCWR-10

4. The City of Oxnard's UWMP (Urban Water Management Plan) projects a water demand of 44,565 acre-feet in 2020 (Page 4.11.2-5). GMA 2010 allocations for UW CD and the City of Oxnard equal slightly over 10,000 acre-feet. Page 4.11.2-5 states "The City does not have an existing agreement with CMWD or MWD that guarantees the quantity of water the City may purchase. CMWD has also suggested that future imported water deliveries may be limited through rate restructuring." CMWD's 2000 delivery was 14,750 acre feet. Should guarantees for delivery of additional State Water not be obtained from CMWD, there will be a projected deficit of nearly 20,000 acre feet in 2020. This makes it necessary for the DEIR to address cumulative impacts of this development and others to follow.

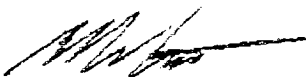
VCWR-11

Disposition of existing gravel pits: The proposed RiverPark Specific Plan would allow UWCD to reclaim the existing pits for storage and/or aquifer recharge of water diverted from Santa Clara River at the Freeman Diversion structure as one of the primary objectives of the plan. It is intended that this be accomplished in a manner that protects the quality of the exposed groundwater in the pits (page 4.1-42). It is noted that the existence of large pits in groundwater is potentially a hazardous situation. Consequently, it is necessary to create an irrevocable arrangement for the management of the pits by UWCD prior to project inauguration.

VCWR-12

If there are questions, do not hesitate to call me at (805) 648-9204.

Very truly yours,



Lowell Preston, Ph.D.

County of Ventura Public Works Agency – Water Resources Division (VCWR)**VCWR-1**

This comment refers to El Rio Retention Basin No. 2, also commonly known as the Campbell Basin. Currently, all stormwater discharges from a portion of the agricultural area located east of Vineyard Avenue and north of the existing El Rio Community drain to El Rio Retention Basin No. 1, with any overflow discharging to El Rio Retention Basin No. 2. This runoff is retained in these two basins and infiltrates. As proposed, the project would involve the reconfiguration of El Rio Retention Basin No. 1 to hold and treat runoff from up to a 10 yr. storm and El Rio Retention Basin No. 2 would be filled and reclaimed for urban uses.

The reconfigured El Rio Retention Basin No. 1, referred to as the “East Water Quality Basin” in the draft specific plan, would be lined to prevent infiltration of runoff. Runoff from storms larger than the 10 yr. storm would be allowed to overflow into the adjacent mine pits. The water quality analysis in the Section 4.5, Water Resources, of the Draft EIR demonstrates that fertilizer and pesticide concentrations in runoff discharged to the pits from the proposed water quality treatment system will not result in a significant impact on groundwater quality. Any potential effect on groundwater quality will be further minimized by the infrequency of these discharges resulting from larger storm events.

The capacity of the East Water Quality Basin was designed based on the City of Oxnard Master Plan of Drainage, which is based on the planning assumption that all 330 acres of land located between Vineyard Avenue, El Rio, Rose Avenue and Central Avenue would drain to the west across Vineyard Avenue. Please note that additional research on the existing drainage characteristics of this area has been completed since the Draft EIR was prepared. It has been determined that approximately 79 acres located between Vineyard Avenue and the UWCD El Rio Spreading Grounds currently drain west across Vineyard Avenue to the existing El Rio Retention Basins. As only 79 acres drains across Vineyard Avenue, as opposed to the 330 acres the basin was designed for, the basin will have the capacity to hold runoff from over a 10-year storm from this 79-acre area. A refined design for this basin has been proposed that would incorporate a pre-treatment swale with capacity for runoff from a 25-year storm from the agricultural area to the east of Vineyard Avenue. Any discharges to the pits from the reconfigured El Rio Retention Basin No. 1 will, therefore, be very infrequent. Based in the analysis in the Draft EIR, no significant impacts to groundwater quality will result from the proposed changes to El Rio Retention Basin No. 1.

VCWR-2

Presently, no industrial uses drain to the existing El Rio Retention Basins. There will no transfer or increase, therefore, of runoff from industrial areas to the mine pits as a result of the proposed changes to the El Rio Retention Basins. As indicated in the response to comment VCWR-1 above, no significant impacts to groundwater quality from agricultural runoff will result from the proposed changes to El Rio Retention Basins Nos. 1 and 2.

VCWR-3

It is acknowledged that the pits will never completely seal themselves. UWCD's implementation of their project would likely hasten the sealing process due to the expected sediment loading. As indicated in the response to comment VCWR-1 above, no significant impacts to groundwater quality from agricultural runoff will result from the proposed changes to El Rio Retention Basins Nos. 1 and 2.

VCWR-4

It is acknowledged that the groundwater gradient does vary depending on rainfall and weather conditions. As indicated in the response to comment VCWR-1 above, no significant impacts to groundwater quality from agricultural runoff will result from the proposed changes to El Rio Retention Basins Nos. 1 and 2.

VCWR-5

A full description of the treatment system was provided in Appendix 4.5-5, "Design and Technical Analysis of the Stormwater Quality Treatment System for RiverPark." An overview of the system can be found on page 4.5.65 in the EIR. To briefly summarize, storm flows from drainage area #2a (residential) are conveyed via a pre-treatment dry swale to the existing levee outlet. Storm flows from drainage area #2b (also residential) are conveyed via a pre-treatment dry swale to a lined detention basin, which then discharges to a pipeline which daylights at a levee outlet near the Ventura Freeway. Drainage area #1 (commercial) uses structural BMP's, including pervious pavement (for selected parking areas), catch basin inserts and manhole accessible centrifugal separator units to manage stormwater quality prior to discharge to the Santa Clara River via the existing levee outlet. Drainage Areas 3 (a and b) and 4 are off-site drainage areas. Runoff from these offsite industrial and agricultural drainage areas will be treated in lined detention basins and pre-treatment swales prior to discharge to the Santa Clara River through the existing levee outlets.

VWCR-6

The five percent water loss factor used in the water demand estimate results from distribution system losses as identified in the Draft EIR and this comment. The project includes only a small amount of ponds and landscape water features. Detailed information on the water features has not been developed, so evaporative losses have not been calculated, but given the small extent of these features, we would likely consider them to be negligible. The 416 AFY evaporative loss referred to in this comment is the calculated evaporative loss for the reconfigured mine pits.

If the UWCD project were implemented, there would be more than enough water recharged to overcome evaporative losses at the ponds. If UWCD's project were not implemented, then the evaporative losses from the existing mine pits would not change substantially. As discussed on page 4.5-74 of the Draft EIR, the minor reconfiguration of the mine pits proposed would increase the amount of groundwater exposed as a result of the proposed removal of the existing land bridge between the Brigham and Vickers mine pits and existing peninsula of discharged fill materials located between the Small Woolsey and Vickers mine pits. These evaporative losses are already factored into the project gravel pit water balance. Elimination of the UWCD project would reduce the project water balance, but no significant impacts would be result as the overall project water balance would still be better than the existing water balance.

VCWR-7

The well referred to in this comment is State Well No. 2N/22W-22J02. This well is located on the El Rio Retention Basin property. Specifically, this well is located on the portion of this property located between Vineyard Avenue and the existing retention basin itself as shown on **Figure 2-5** on the following page.

VCWR-8

Pages 4.11.2-5 to 4.11.2-7 of the Draft EIR contains a summary of the future water demand estimates and supply information included in the City of Oxnard Urban Water Management Plan (UWMP). The UWMP was adopted by the City of Oxnard in January 2002. As discussed in the UWMP and summarized in the Draft EIR, the City has multiple local and regional supply options available to meet projected cumulative water demands. These options include development of new local groundwater wells, increased deliveries from the United Water Conservation District O-H Pipeline, and increased deliveries from the Calleguas Municipal Water District.



SOURCE: Lowell.

FIGURE 2-5

State Well No. 2N/22W-22J02

The GREAT (Groundwater Treatment and Recovery Program) is an additional program for increasing the local availability of recycled water. Although the City believes that the GREAT Program will ultimately satisfy future water demands, it acknowledges that this program is still being developed. Future water demands can be met, however, with the other sources identified in the City's UWMP. The conclusion in the Draft EIR that adequate supplies exist to meet the demand associated with this project is based on all supply sources identified in the UWMP and not just on the GREAT Program.

Should the GREAT Program not be developed as currently planned, the City would likely purchase additional water above its current Fox Canyon Groundwater Management Agency allocation (for groundwater) and/or Calleguas Municipal Water District allocation (for surface water). Both of these options will incur cost penalties, but are viable options for the City.

VCWR-9

As indicated in the response above, increases in FCGMA or Calleguas MWD allocations are both options for meeting increased demands for water in the City of Oxnard. The City's UWMP discusses the fact that overpumping fees can be paid to the GMA as discussed in this comment. Payment of overpumping fees are, therefore, part of the City's overall supply options and not a mitigation measure for this project. As discussed in the previous comment, based on the supply options available to the City, no significant water supply impacts have been identified for the RiverPark Project.

VCWR-10

The City of Oxnard will supply water to the project as identified in the Draft EIR. In addition, use of the pits by UWCD is proposed, consistent with the recommendation in this comment. Please note that there are evaporative losses associated with the existing mine pits. There will be no substantial change in the evaporative losses from the mine pits as a result of the project. As the change in evaporative losses from the pits resulting from the project will not be substantial and the overall water balance will improve as a result of the project, mitigation is not warranted. Further, as the existing owner of the mine site is not assessed for evaporative losses, a potential allocation requirement or penalty for mitigating evaporative losses from the ponds in the event that the UWCD project is not implemented is not appropriate. In accordance with current FCGMA regulations, the City of Oxnard will pay overpumping fees if groundwater is pumped by the City in an amount that exceeds the City's groundwater allocations.

VCWR-11

Cumulative water demand impacts are addressed on pages 4.11.2-14 and 15 in the Draft EIR based on the information in the City's Urban Water Management Plan. Under its existing arrangement with CMWD, the City can purchase as much water as it is willing to pay for and that CMWD has available, however, there are no guarantees that the water will be available. Under the rate restructuring that CMWD is undergoing, the City would initially be given an allocation equivalent to 85 percent of its maximum purchase from 1991 – 2001. Water purchased up to the allocation amount would be at a "Tier 1" price and water purchased in excess of the allocation amount would be at a higher "Tier 2" price. Based on historical deliveries and the availability of CMWD water from other local sources (Los Posas ASR wellfield), water up to the Tier 1 allocation is likely to be available for the foreseeable future. As described in the City's UWMP, the City is developing the GREAT Program in order to create an additional reliable local source of water. No significant cumulative impacts, therefore, have been identified.

VCWR-12

The proposed Specific Plan would allow UWCD to use the pits for the storage and recharge of water diverted from the Santa Clara River after the pits have been reclaimed in conformance with the proposed reclamation plan. The proposed reclamation plan and Specific Plan include measures to ensure public safety. These measures would be implemented prior to acquisition of the pits by UWCD. For this reason, obtaining a commitment from UWCD to manage the pits prior to the beginning of construction of the project is not necessary.

RESOURCE MANAGEMENT AGENCY

county of ventura

Environmental Health Division
Robert Gallagher
Director

January 18, 2002

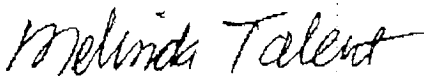
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City of Oxnard
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DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE RIVERPARK PROJECT

Environmental Health Division (EHD) staff reviewed the document submitted for the subject project and provides the following comments:

1. EHD records indicate that the subject project is located near or adjacent to several leaking underground fuel tank (LUFT) sites. Four of the sites are listed as active sites for which closure of the site has not yet occurred. The sites are identified as Ultramar Station at 3402 Vineyard Ave., Oxnard; Ventura Oil at 3815 Vineyard Ave., Oxnard; and two sites at Poole Oil Company at 3885 Vineyard Ave., Oxnard. Since monitoring wells from the LUFT sites may be influenced from the proposed project, the applicant must contact EHD prior to any construction activity at the site. A list of LUFT sites from the surrounding area is attached for your information. The heading listed as Date9 indicates when the site was closed. A blank date indicates that closure has not occurred. Please contact Doug Beach at 805/654-3519 for more information on the LUFT sites. VCEH-1
2. EHD records indicate that the Hanson Aggregates El Rio Plant property at 3555 E. Vineyard Ave., Oxnard, has entered into EHD's Voluntary Cleanup Program (VCP) on August 21, 2001. The site was contaminated with motor oil and the proposed remediation method was excavation. The excavation work was performed in December 2001. The contaminated soils are currently being land farmed on an adjacent site under a Waste Discharge Permit with the Los Angeles Regional Water Quality Control Board. The subject document should include a discussion on the VCP at the Hanson property that is included in the subject project. For more information regarding this site please contact Erin O'Connell at 805/662-6511. VCEH-2

If you have any questions please contact me at 805/654-2811.



MELINDA TALENT
LAND USE SECTION
ENVIRONMENTAL HEALTH DIVISION

McKinns/Landuse/RiverPark Oxnard \

c: Doug Beach, EHD
Erin O'Connell, EHD

01/17/2002

2.0-108

County of Ventura Resource Management Agency – Environmental Health Division (VCEH)

VCEH-1

The City of Oxnard will require the project applicant to contact the Environmental Health Division prior to any construction activity at the site.

VCEH-2

As indicted in this comment, the remediation of a small amount of soil contaminated with motor oil is ongoing on the Hanson Aggregate property, located in RiverPark Area 'B' as defined in the Draft EIR. Excavation of soil containing motor oil was completed in the maintenance area in the vicinity of the fuel dispenser islands at the Hanson Aggregate El Rio Plant during on October 29 through 31, 2001. Approximately 500 cubic yards of motor oil-containing soil was transported and placed in a Land Treatment Unit (LTU) constructed under a Regional Water Quality Control Board (RWQCB) Waste Discharge Requirement (WDR) permit to the south of the El Rio Plant area on the Hanson Aggregate property. Treatment of the soil contained within the LTU consists of tilling the material on a monthly basis. Laboratory analytical results of progress soil samples collected from the LTU indicated that elevated concentrations of Total Petroleum Hydrocarbons (TPH) in the carbon range (C4-C23+) initially decreased. The most recent analytical results of soil samples collected indicated that TPH concentrations have increased. Based on the most recent results, more intensive treatment of the soil contained within the LTU is proposed and completion of the soil remediation activities by July/August 2002 is currently expected. This remediation program is anticipated to be completed prior to the initiation of construction activities within the RiverPark Specific Plan Area. No significant impacts will, therefore, result from this ongoing treatment program.