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Re: May 2020 Central Valley Ag Group (CVAG) Bulk Whole Cottonseed Transload Facility Initial Study/Mitigated Negative Declaration for the CVAG Bulk Whole Cottonseed Transload Facility at the Port of Stockton

The Delta-Sierra Group (DSG) has completed review of the Initial Study/Mitigated Negative Declaration (IS/MND) to address the environmental effects of developing the Central Valley Ag Group rail-to-truck transload facility for whole cottonseed at property owned by the Port of Stockton, shown in the photo below. The IS/MND is deficient in a number of areas such as the characterization of whole cottonseed, air quality, greenhouse gas emissions-energy, and stormwater which the California Environmental Quality Act (CEQA) requires that an environmental impact report (EIR) be prepared instead of a mitigated negative declaration. Delta-Sierra Group's review indicate that additional environmental analyses and mitigations are necessary to comply with local, regional, and state regulatory guidance related to the facility's operational activities.

Public outreach and notification of comment periods involving environmental projects continues to require improvement. The DSG became aware of this project via email from a representative of the Port of Stockton on May 15, 2020 and the IS/MND was posted on the Port of Stockton CEQA webpage[1]; however, the document and webpage did not include the comment period which can be found on the CEQAnet website.[2] The Port of Stockton as the lead public agency has the principal responsibility for approving the project and has stated that the project could have a significant effect on the environment. Outreach to the nearby affected residents and school facilities was not performed and is necessary for disclosure to nearby sensitive receptors such as Boggs Tract neighborhood residents 2,800 feet to the east, George Washington Elementary School located approximately 0.8 mile to the east, with the nearest park Boggs Tract Park located 3,200 feet east of the project site.

[1] https://www.portofstockton.com/wp-content/uploads/2020/05/CVAG_Whole_Cottonseed_ISMND_05122020.pdf
[2] https://ceqanet.opr.ca.gov/2020050308/2

The Boggs Tract Community Center Advisory Board located in the neighborhood can be notified by contacting via email to the following individuals Rick Aguilera at raguilera@sjgov.org, Erté Boyette at eboyette@sjgov.org, and Frank Rodriguez at frodriguez@sjgov.org. The DSG would welcome dialogue regarding increased public outreach and involvement.

The proposed project was constructed and became operational in spring 2019 and according to the IS/MND without a Port lease or any CEQA analyses, and without stormwater discharge approval issued by the Port to tenants under the Port's NPDES Permit. This IS/MND was prepared to evaluate the impacts of the operational project as compared to the baseline condition when the project site was only a concrete pad and not operational. CEQA compliance is required for the Central Valley Ag Group (CVAG) to obtain a lease from the Port and a San Joaquin Valley Air Pollution Control District permit for the proposed outdoor stockpile. The Central Valley Ag Group headquartered at 5509 Langworth Road Oakdale, California 95361 lists their facility at the Port of Stockton at 26 Hooper Drive Stockton, CA 95203.[3] CVAG is seeking a permit and lease to transport approximately 96,000 tons per year of whole cottonseed to the Port by rail, and transload the cottonseed to trucks for use throughout the region as a livestock feed supplement.

As part of the project, CVAG constructed a small concrete apron pad on an existing Port 2.5-acre concrete pad lot at 530 Port Road 23; filled and leveled holes; installed a portable modular-type office, truck scale, portable toilet, diesel fuel tank, fuel storage compartment, and auxiliary generator at the project site; and designate part of the project site as a parking lot. The City's Envision Stockton 2040 General Plan designates the project site for industrial use, and the zoning classification of the project site and surrounding parcels is Port Area (PT), Industrial General (IG), or Unzoned (UNZ). Electricity would be provided by PG&E through an existing power pole at the southwest corner of the project site. The project would have no connection to Port water supplies. The project would use small quantities of potable water for drinking and wash water and non-potable water for dust control, all of which would be delivered to the project site by CVAG. The project discharges stormwater runoff through Port of Stockton infrastructure. Fire services are to be supplied by the City of Stockton Fire Department.

The photo below shows the existing operation of the facility.[4]

How has this facility operated for a year on property under the Port of Stockton's jurisdiction, without an SJVAPCD permit or Port of Stockton lease and stormwater management approval?

[3] http://www1.cv-ag.com/locations-and-hours-of-operation/

[4] https://earth.google.com/web/search/port+of+stockton/@37.94042428,-121.32790097,-

Whole Cottonseed Characterization

The above photo shows two distinct types of material: a white and a brown material. No description is provided to identify the white and brown materials. The IS/MND should include full characterization of the existing operations. This lack of disclosure is further evidence that additional environmental analyses are warranted.

What is the composition of the white and brown materials stockpiled on site?

The IS/MND stated that whole cottonseed is a nonhazardous material. A safety data sheet (SDS) was located and states that whole cottonseed is classified as a combustible dust if small particles are generated during further processing, handling or by other means.[5] Additionally, whole cottonseed is a mechanical eye irritant and may cause breathing difficulties if inhaled. The emergency overview and explosion hazards state that combustible dust concentration in air may form and that while initially not hazardous that dusts that may create a hazardous condition from actions including shipping, handling, transfer to bins, etc. Cottonseed dust is flammable when exposed to an ignition source. Airborne dust in sufficient concentrations when exposed to an ignition source may flash or in a confined situation may fuel an explosion.

The picture from google earth shown above includes train car and dust tracking.

Are these train cars tarped to prevent cottonseed deposits along the train route? Are the trucks used to transport the cottonseed open or closed to prevent cottonseed deposits on roadways? Has the City of Stockton Fire Department, as the designated fire service provider, been notified of the potential hazardous associated with cottonseed handling and transport?

The IS/MND described how CVAG has been transporting 96,000 tons of cottonseed annually. CVAG has reportedly been using this facility to distribute cottonseed since spring 2019. The follow description of material handling by rail and out of the Port by truck was included in the IS/MND:

1. Gondola-type railcars would arrive at the project site via manifest rail. Railcars would be moved within the Port by the Central California Traction Company, the Port's short-line operator.
2. Railcars arriving at the project site would be offloaded by opening one end of the gondola compartment, placing down a ramp and door holder, and then driving a small front-end loader in and out of the cars. The loader would deposit the cottonseed in the lot.
3. A second, larger front-end loader would stack the offloaded cottonseed in truck-loading piles (approximately 18 feet high) in the yard. The completed piles would be uncovered during the dry season and covered with tarps during the wet season.

[5] https://www.svfeeds.com/SDS/SVF-SDS-078.htm

4. Outbound empty trucks (approximately 16 trucks per day, 20 days per month) would arrive at the project site and would be loaded from the truck-loading piles by a front-end loader.
5. Limited use of a skid steer would occur to move whole cottonseed within tight spaces in the project site.
6. Limited use of a self-propelled stacker (less than 500 hours annually) would occur to stack whole cottonseed to an approximate height of 25 feet if additional ground space is required.

Additional mitigation is needed to protect worker safety and public safety within 1 mile of the facility. The safety sphere must be increased due to the throughput proposed for the facility, as shown below:

Table 2
Proposed Project Throughput

	Vehicles per Month	Cottonseed per Vehicle	Total Cottonseed Transloaded per Month
Railcars (Inbound)	80 railcars per month, 8 rail trips per month[1]	100 tons per railcar	8,000 tons (96,000 tons per year)
Trucks (Outbound)	320 trucks per month	25 tons per truck	

Note:
1. Assumes one manifest train would accommodate 10 railcars.

The proposed project would operate 5 to 6 days per week, 10 hours per day (7:00 a.m. to 5:00 p.m.). No more than two employees would be on site during typical operating conditions. A maximum operational day would result in 10 rail cars (1 train) and 40 trucks and could occur up to 1 day per month. Forty trucks in one day as a max is a statement that should have been supported by actual operational data. If in fact 40 trucks were transporting in one day, it seems likely that 320 trucks per month is an underestimation. As part of the Safety Management Plan (SMP), CVAG provides annual California Environmental Reporting System submittals detailing quantities and management of potentially hazardous materials at its facilities. No monitoring of particulate matter or efforts to reduce wind transport was provided in the IS/MND or dust control mitigation other than bringing some water onsite for dust suppression. The frequency of application was not disclosed. DSG does not support the claim made in the IS/MND that the proposed project would result in no impacts related to hazardous material emissions or handling in the vicinity of a school. Evidence has been provided that whole cottonseeds can become hazardous. Therefore, the statement that off-site transport of cottonseed by rail and truck would not pose a hazard to any schools because cottonseed is nonhazardous is not true.

Why is not dust suppression monitoring included and disclosed to the residents of the Boggs Tract neighbor and Stockton made available, along with the safety management plan provided as part of the IS/MND?

Air Quality

The IS/MND described the prevailing winds in Stockton as: "winds are predominately up-valley (from the north) in all seasons, but more so in the summary and spring months." This may be true of the southern part of the San Joaquin Valley but not so for Stockton CA, where prevailing winds are more westerly (from the west to the east). The direction of the wind becomes important when assessing the population exposure.

Data that conflicts with the description of prevailing winds has been obtained from two sources: Western Regional Climate Center[6] and the California Air Resources Board (CARB) air quality monitoring station located at Public Health Services on Hazelton Avenue in Stockton CA. The data from Western Regional Climate Center includes prevailing wind direction based on the hourly data from 1992-2002 obtained from the Stockton Municipal Airport (KSCK) and is defined as the direction with the highest percent of frequency.

[6] https://wrcc.dri.edu/Climate/comp_table_show.php?stype=wind_dir_avg

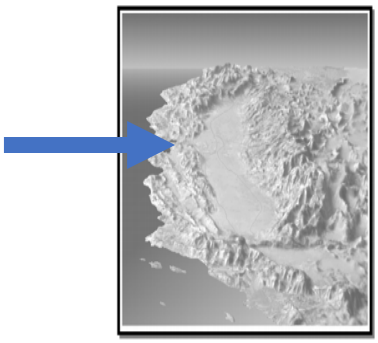
Western Reginal Climate Center Data 1992-2002

STATION	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	ANN
STK Airport	SE	SE	W	W	W	W	W	W	W	W	W	SE	W

The San Joaquin Valley Air Pollution Control District accessed the CARB wind direction data for the Hazelton Station hourly wind speed and direction data from the Stockton-Hazelton air monitoring site during the period of 2017-2019. These tabulated data shown below describe how approximately 62% of the time the wind direction has significant west or northwesterly component. The marine wind direction into the Central Valley is shown with an arrow through the delta to the Central Valley on the topographic map below.

Hazelton Station 2017-2019

Direction	Percent of Time for 3-year period
WNW	16.89%
WSW	12.47%
NW	12.28%
W	12.02%
NNW	7.93%
Summary	**61.58%**



The California Environmental Quality Act requires environmental impacts of a proposed project be identified, assessed, and avoided or mitigated as feasible, if these impacts are significant. This document, *Guidance for Assessing and Mitigating Air Quality Impacts*, provides technical guidance for the review of air quality impacts from proposed projects within the boundaries of the San Joaquin Valley Unified Air Pollution Control District.[7] The Port of Stockton is within the SJVAPCD and the most current related attainment status is shown below.[8]

San Joaquin Valley Attainment Status

Pollutant	Federal Standards	State Standards
Ozone- One hour	No Federal Standard	Nonattainment/Severe
Ozone – Eight hour	Nonattainment/Extreme	Nonattainment
Particulate Matter 10 *u*g (PM_{10})	Attainment	Nonattainment
Particulate Matter 2.5 *u*g ($PM_{2.5}$)	Nonattainment	Nonattainment

Ozone, the major component of the Central Valley's summertime smog, is formed via chemical reactions between reactive organic gases and nitrogen oxides (NO_X) in the presence of ultraviolet radiation or sunlight. Sunshine and warm temperatures are ideal conditions for the formation of photochemical oxidants, leading to ozone formation. Exposure to ozone may cause headaches, coughing, dry throat, shortness of breath, a heavy feeling in chest, and fluid in the lungs. Higher levels of exposure can lead to more severe symptoms. Chronic exposure may lead to asthma.[9] Tiny particles of solids or liquids (excluding pure water) that are suspended in the atmosphere are known as particulate matter (PM) and are classified according to their diameter in microns as either $PM_{2.5}$ (less than or equal to 2.5 microns in diameter) or PM_{10} (less than or equal to 10 microns in diameter).

[7] https://www.valleyair.org/transportation/GAMAQI-2015/FINAL-DRAFT-GAMAQI.PDF not the following link that was included in the IS/MND: http://www.valleyair.org/transportation/GAMAQI_3-19-15.pdf.

[8] http://www.valleyair.org/aqinfo/attainment.htm

[9] https://www.cdc.gov/niosh/topics/ozone/default.html

The IS/MND included summaries of emissions. The baseline conditions include a vacant project site without operational conditions and without emissions. The proposed project would generate air emissions from construction and operations. Construction would be conducted over a 2-week period (completed and in operation since spring 2019) and would not include the use of heavy equipment. The proposed project operational emissions, shown in Tables 4 and 5, are a result of rail and truck emissions: 80 railcars delivered per month, or eight trains, and 320 truck calls per month. Annually, there would be 96 train trips and 3,840 truck trips.

Table 4
Annual Operational Emissions in San Joaquin Valley Air Pollution Control District – Project (Tons per Year)

Source Category	PM_{10}	$PM_{2.5}$	NO_X	SO_X	CO	VOC
Year 2020						
Trucks	0.23	0.07	4.58	0.01	0.68	0.19
Rail	0.02	0.02	0.87	0.00	0.26	0.04
Employee Vehicles	0.00	0.00	0.00	0.00	0.02	0.00
Material Handling Dust	0.12	0.12				
Mobile on Site	0.01	0.01	0.33	0.00	0.35	0.03
Year 2020 Total	0.38	0.22	5.79	0.02	1.31	0.26
CEQA Impacts						
Significance Threshold	15	15	10	27	100	10
Significant?	**No**	**No**	**No**	**No**	**No**	**No**

Notes:
Emissions might not add precisely due to rounding.
PM_{10} and $PM_{2.5}$ truck emissions include exhaust and road dust.
Rail emissions reflect switcher and line-haul locomotives.
Material handling dust reflects dust emissions from product handling at the terminal.

The above emission summary does not include truck travel on the roads of San Joaquin County leading to ultimate destinations; thereby, underestimating the air quality impacts associated with operations creating the impression that mitigations are not necessary.

Why are operational emissions limited to project site idling and do not account for distribution transport to and from the site?

Table 5
Average Daily Operational Emissions On Site – Project (Pounds per Day)

Source Category	PM_{10}	$PM_{2.5}$	NO_X	SO_X	CO	VOC
Year 2020						
Trucks on Site	0.15	0.0	0.4	0.0	0.1	0.0
Rail on Site	0.05	0.0	1.4	0.0	0.4	0.1
Material Handling Dust	0.7	0.7				
Mobile on Site	0.1	0.0	1.8	0.0	1.9	0.2
Year 2020 Total	0.9	0.8	3.6	0.0	2.4	0.3
CEQA Impacts						
Significance Threshold	100	100	100	100	100	100
Significant?	**No**	**No**	**No**	**No**	**No**	**No**

Notes:
Emissions might not add precisely due to rounding.
Truck emissions include truck transit on site and truck idling on site.
Rail emissions reflect 1 switching event on site.
PM_{10} and $PM_{2.5}$ truck emissions include on-site exhaust and road dust.
Material handling dust reflects dust emissions from product handling at the terminal.

The IS/MND stated that "While not required by SJVAPCD, because the operation may result in days in which operations are higher than the average day, Table 6 presents emissions associated with a maximum day. Operational assumptions for a maximum day would include 10 rail cars (1 train a day) and 40 trucks per day and could occur up to 1 day per month." These data only include on-site exhaust and road dust. The IS/MND stated: "Because the proposed project would not exceed thresholds, it would not conflict with or obstruct implementation of SJVAPCD's O_3 attainment plans, including its most recent 2016 plan for the 2008 8-hour O_3 standard (SJVAPCD 2016). Impacts would be considered less than significant."

Table 6
Maximum Day Operational Emission in San Joaquin Valley Air Pollution Control District

Source Category	PM_{10}	$PM_{2.5}$	NO_X	SO_X	CO	VOC
Year 2020						
Trucks	4.7	1.5	95.5	0.3	14.2	4.0
Rail	0.2	0.2	10.1	0.0	3.1	0.4
Employee Vehicles	0.0	0.0	0.0	0.0	0.1	0.0
Material Handling Dust	2.5	2.5				
Mobile On Site	0.1	0.0	1.8	0.0	1.9	0.2
Maximum Day Total	7.5	4.2	107.4	0.3	19.4	4.5

Notes:
Emissions may not add precisely due to rounding.
PM_{10} and $PM_{2.5}$ truck emissions include exhaust and road dust.
Rail emissions reflect switcher and line-haul locomotives.
Material handling dust reflects dust emissions from product handling at the terminal.

The maximum daily NOx exceeds the CEQA significance threshold of 100 lbs/day and is the primary pollutant associated with ozone levels which are problematic both at 1 hour and 8 hour averages. These values do not include truck and rail travel to and from the site. Additional mitigation is necessary.

The IS/MND stated that there will be a less than significant impact related to cumulative impacts without doing any cumulative impact analyses. The reason that there will not be a cumulative impact according to the IS/MND is "criteria pollutant emissions would be less than significant and therefore would not contribute to significant cumulative impacts." The DSG disagrees for two reason: 1) there are a number of new projects which are under development at the Port of Stockton with significant transportation related air quality impact; and 2) the IS/MND only considered onsite air quality impacts instead of considering the full impact associated with operations or cumulative impacts.

The IS/MND stated that there will be a less than significant impact associated with exposure of sensitive receptors to substantial pollutant concentration. Sensitive receptors according to SJVAPCD includes residence, hospital, school, or convalescence facility where sensitive individuals could be exposed to substantial pollutant concentrations. The nearest "sensitive receptor" is the Boggs Tract residential community located 2,800 feet to the east of the facility. Diesel particulate matter emitted by on- and off-road vehicles is considered the toxic air contaminants of most concern from motor vehicles. Diesel is also associated with objectable and characteristics odors. The reason toxic air contaminant emissions were not quantified was that sensitive receptors were more than 1000 feet away from the site (not necessarily the emissions from trucks and rail travelling to and from the site). Additionally, the IS/MNG stated that "Operational emissions would occur over the entire operational period of the proposed project; however, PM emissions would increase by less than 1 pound per day over existing conditions. Due to the low level of emissions and distance between sources and emissions, the proposed project would not expose sensitive

receptors to substantial pollutant concentrations. This is considered a less-than-significant impact." The DSG disagrees with this assessment. Maximum PM emissions exceed 1 pound per day as shown in Table 6. The planting of a tree barrier south and east of the facility would decrease exposure to pollutants. There is a narrow strip of disturbed ruderal vegetation immediately south of the project site that could possibly be used for tree planting and some other structure could be installed to the east of the project site.

Why has not the Port of Stockton performed a cumulative air quality assessment for the nearby Boggs Tract neighborhood?

The IS/MND stated that there would be a less-than-significant impact to traffic from operations. This statement was based on the fact that the City of Stockton while having a policy to amend the City's Transportation Impact Analysis Guideline in *Envision 2040*, the policy has not been amended. The Port of Stockton used the City's existing transportation policies for significance: 100 trip during peak hours threshold. The IS/MND stated that the project would generate approximately 11 new truck trips to and from the project. The current City of Stockton Transportation Impact Analysis Guideline states that a transportation analysis may be required even if the threshold is not met if the project may impact an already congested or high-accident locations.[10] The Port of Stockton should perform a cumulative analysis of traffic impacts which involves outreach to the residents of Stockton neighborhoods impacted by truck, rail, and marine traffic to and from the Port. The Board of Supervisors will be considering approval of a consulting agreement with AECOM Technical Services to develop the Boggs Tract Sustainable Community Plan on June 16, 2020.

Why has not the Port of Stockton done a cumulative traffic analysis for the Port of Stockton's area of stewardship, and including a frequency analysis of trucks traveling through the neighborhood that are associated with operations at the Port?

Greenhouse Gases

SJVAPCD regulates both direct and indirect GHG emissions. Direct GHG emissions would include emissions resulting from a specific operation or process. Indirect GHG emissions would include emissions resulting from project related energy consumption. For projects resulting in increased vehicle miles traveled (VMT), indirect GHG emissions associated with transportation related activities would be included in the GHG emissions quantification. SJVAPCD requires all projects to reduce their GHG emissions, whether through project design elements or mitigation. SJVAPCD recommends determining whether the GHG emissions would result in a 29% reduction compared to business as usual. Global warming potential (GWP) is a measure of how much a given mass of GHG contributes to global warming. The GWP is determined using a CO_2 based scale for scaling. The following GWP's are used to determine the CO_2 equivalence (CO_2e):

Table 7
Operational Greenhouse Gas Emissions (Metric Tons per Year)

Source Category	CO_2	CH_4	N_2O	CO_2e
Year 2020				
Trucks	1,275	0.00	0.20	1,337
Rail	270	0.02	0.01	272
Employee Vehicles	7	0.00	0.00	7
Mobile on Site	85	0.01	0.00	85
Year 2020 Total	**1,636**	**0.03**	**0.21**	**1,701**

Notes:
Emissions might not add precisely due to rounding.
Rail emissions reflect switcher and line-haul locomotives.

[10] http://www.stocktongov.com/files/Appendix%20-%20Transportation%20Impact%20Analysis%20Guidelines.pdf

CO_2 = 1, CH_4 = 21, N_2O = 310, and Refrigerants range from 76 to 12,240. Table 7 above shows the proposed project's total operational GHG emissions, 1,701 metric tons of CO_2e per year, estimated using CalEEMod. Operational emissions included line-haul locomotives, switching locomotives, and on-road vehicles, onsite only. Therefore, according to the IS/MND impacts are considered less than significant if less than 10,000 metric tons per year. The DSG disagrees with this analysis because it fails to consider the total rail and truck transportation miles to and from the cottonseed distribution facility.

Why are operational greenhouse gas emissions limited to project site activities and do not account for distribution transport to and from the site?

The IS/MND stated that the project's conflict with the City of Stockton's Climate Action Plan and California Air Resources Board's 2017 Climate Change Scoping Plan Update was less than significant after implementing the following mitigation measures, without specifying a monitoring plan:

- **ENG-MM-1**: Truck Idling Reductions. CVAG will require trucks to minimize idling time to 2 minutes where available while on terminal. Truckers will be required to shut down trucks while waiting more than 2 minutes while on the terminal or CVAG will implement programs, such as appointment systems in periods of congestion. Exceptions include vehicles in a queue waiting for work at the truck rack.
- **ENG-MM-2:** Use of Clean Trucks. Where possible, CVAG will encourage the use of clean trucks (defined as model year 2017 or newer) to transport fuel. CVAG will educate customers about the SJVAPCD Truck Replacement Program during contract discussions.
- **ENG-MM-3**: Energy/Waste Audit. CVAG will develop a plan for reducing overall energy use at its terminal. The plan will incorporate the following measures at a minimum: replace less-efficient bulbs with energy-efficient light bulbs, where applicable and identify areas for waste reduction, including reductions in single use products in terminal buildings.

The City's Envision Stockton 2040 General Plan includes two policies that are applicable according to the IS/MND:

- Policy TR-3.2 requires new development and transportation projects to reduce travel demand and greenhouse gas emissions, support electric vehicle charging, and accommodate multi-passenger autonomous vehicle travel as much as feasible. thereby reducing GHG emissions.
- Policy CH-5.2 expands opportunities for recycling, re-use of materials, and waste reduction.

The California Air Resources Board's 2017 Climate Change Scoping Plan Update describes how California will reduce the states GHG emissions by 2030 to 40% below 1990 levels.

Impacts on GHG plans and regulations compliance, according to the IS/MND, would be considered significant without mitigation and less than significant with implementation of these mitigation measures: ENG-MM-1, ENG-MM-2, and ENG-MM-3. These measures include truck idling reductions, CVAG encouragement to use of clean trucks, and completing an energy/waste audit. The DGS Group disagrees with this analysis and limited mitigation proposals which lack a monitoring plan. The DSG suggests that more innovative measures are considered when promoting the use of clean trucks (defined as model year 2017 or newer) to transport fuel and the SJVAPCD programs. Incentive pricing could be offered for companies using newer trucks to transport cottonseeds or higher prices for companies using older trucks. These pricing incentives could be used to purchase trees and maintain a vegetative barrier around the project. Additionally, the Port could require that the auxiliary generator onsite be energy efficient with decreased emissions.

How will the Port of Stockton make available this required energy audit?

Energy

The IS/MND stated that the project does not currently include project-level measures that comply with the City's *Envision Stockton 2040 General Plan* policies pertaining to energy use. Impacts would therefore be considered significant without mitigation. According to the IS/MND the following mitigation measures would be implemented to address energy consumption and reduce GHG emissions in compliance with the City's *Envision Stockton 2040 General Plan*: ENG-MM-1, ENG-MM-2, and ENG-MM-3, described above.

The IS/MND stated that continued implementation of the Port's Renewable Portfolio Standard Procurement Plan would ensure that the proposed project does not conflict with state regulations pertaining to renewable energy. Since failing to comply with the first compliance period renewable energy requirements (2011-2013)[11], the Port was deemed compliant for the second compliance period (2014-2016)[12] and the current status is not yet determined. Whether or not the Port complies with state requirements seems not to relate this project's compliance with City of Stockton's requirements since PG&E is stated to be the supplier of electricity. The IS/MND stated that implementation of the ENG-MM-1, ENG-MM-2, and ENG-MM-3 would ensure efficient consumption of resources and reduce the proposed project's impacts to a less-than-significant level. The applicable mitigation measure calls for CVAG to develop a plan for reducing overall energy use at its terminal, but not how that energy plan would be made available to the residents of Stockton.

Stormwater

Most of the project site is surfaced with impermeable concrete, with some small areas surfaced in low-permeability compacted earth. Stormwater runoff within the project area is collected via a system of grated inlets throughout the project site. The storm drains would be equipped with filters and convey stormwater to a system of culvert pipes that extend north to south beneath the project site before conveyance to a concrete-lined drainage channel immediately south of the project site. The concrete-lined drainage channel conveys stormwater westward until it is ultimately pumped into a stormwater retention basin across Navy Drive from the project site. Stormwater while in the retention basin may percolate into the groundwater. During years when the retention basin reaches a high level, stormwater is pumped to the San Joaquin River.

The Port of Stockton is a highly developed and industrialized area characterized by storage tanks, industrial buildings, concrete surfaced storage or staging areas, stockpiles of various commodities, roadways, and rail lines. The nearest features that may provide notable wildlife habitat include a concrete-lined drainage channel and a stormwater retention basin located approximately 580 feet south and 1,000 feet west of the project site, respectively. The Burns Cutoff (tributary to the San Joaquin River) is located approximately 2,000 feet west of the project site, shown below. Runoff from the project site is conveyed to these features via a culvert system. The following mitigation measures would be implemented to reduce potential construction and operational impacts to off-site sensitive habitats from spills or polluted runoff:

- **BIO-MM-1**: Standard construction best management practices—including but not limited to use of storm drain inlet filters, erosion control (e.g., straw wattles), and maintenance of spill control kits—will be implemented during construction to control or respond to spills or other potential sources of construction-related pollution.
- **BIO-MM-2**: Operation of the proposed facility will include implementation of the facility Safety Management Program, which includes plans for spill prevention, control, and management. As a component of the Safety Management Program, CVAG will provide annual CERS submittals detailing quantities and management of potentially hazardous materials at the proposed facility.

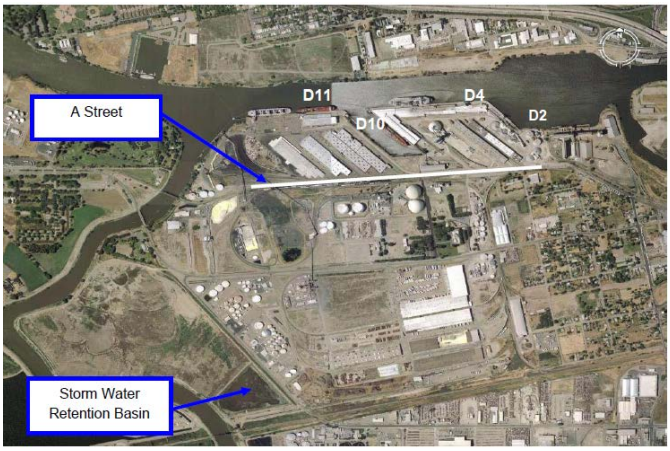
[11] https://www.energy.ca.gov/files/business-meeting-packets-february-21-2018 or https://www.energy.ca.gov/filebrowser/download/1036
[12] https://efiling.energy.ca.gov/GetDocument.aspx?tn=226534-5&DocumentContentId=57337

Why was not a summary of the documentation related to mitigation Bio-MM1 provided since construction on the site is complete. Why was not the facilities Safety Management Plan provided with the IS/MND and made available to the public?

The Port of Stockton's Stormwater Development Plan (SDP)[13] describes the three subareas (and requirements to ensure compatibility with the California Regional Water Quality Control Board (CVRWQCB)-issued Municipal Separate Storm Water Sewer System National Pollutant Discharge Elimination System Permit.[14] The project is located within the East Complex south of "A" Street subarea, shown below. For projects in this area the Port has identified best management practices to address stormwater problems. The following picture shows the subareas and the stormwater retention pond where runoff from the cottonseed distribution terminal drains. The DSP states that development work cannot begin until the CEQA process is complete and the Port has granted approval. The product's CEQA process is now underway, and the project's construction is complete, and operations began spring 2019.

Why was the CEQA process postponed since spring 2019 when operations began?

The Port of Stockton completed the DSP and approval was received from the CVRWQCB on November 17, 2005. The DSP became mandatory for the Port and its tenants on February 17, 2006. In response to the United Stated Environmental Protection Agency audit findings[15], the DSP was revised, and the changes became effective on June 1, 2009. The Port of Stockton DSP is a public accessible document and may be obtained by contacting the Port of Stockton Environmental Department at (209) 946-0246 but is not available by downloading it at http://www.stocktonport.com as indicated in the DSP.



Why does the Port of Stockton, as a public agency, not make available important environmental documents related to the area that the Port of Stockton has stewardship responsibility, including the DSP? Why not make available a summary of all environmental documents that affect soil, water and air quality and made readily accessible to the public?

Mandatory minimum best management practice in the DSP requires that all roof drains be directed to a permeable area or an infiltration trench to capture runoff from the first 0.75 inches of rain of each storm event. At its discretion, the Port may elect to perform a pre-construction inspection and site assessment which likely did not happen since the CEQA process was not complete. As described in the Port's Storm Water Management Plan, the Port will inspect all construction sites for compliance with its SWPPP and tenant agreements at least once every two weeks during the wet season, and once a month during the dry season, until construction is terminated. Once construction is complete, the Port will perform a "Final" inspection to assure that the best management practices and treatment control measures were installed to the approved specification and that they are functioning properly. No information was provided to describe whether a final

[13] https://www.sjgov.org/uploadedfiles/sjc/departments/supportserv/open_bids/bids/exhibit%20d%20to%20addendum%201_port%20development%20standards%20plan.pdf

[14] https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/fresno/r5-2011-0005-02.pdf

[15] https://www3.epa.gov/region9/water/npdes/pdf/ms4/ca/Port-of-Stockton.pdf
https://www3.epa.gov/region9/water/npdes/pdf/ms4/ca/StocktonPort_AOC.pdf

inspection was performed following construction. Annually, the Environmental Department will inspect the facility to assure that the best management practices and treatment control measures are in use and are being properly maintained. The facility will be notified of any deficiencies and a time schedule will be set to correct any problems. The project has been in operation for a year.

The minimum mandatory mitigation measures for projects in this area of the Port of Stockton include but are not limited to fuel dispensing area requirements as outlined in CASQA BMP Handbook SD-30. The IS/MND stated that mitigation measures BIO-MM-1 and BIO-MM-2 would be implemented to control spills and runoff during construction and operation. With implementation of these mitigation measures, the proposed project would have less than- significant impacts to water quality, according to the IS/MND. Additional mitigation measures are required according to the Port of Stockton DSP and NPDES Permit.[16] Specifically CASQA Stockpile Management WM-3 calls for measures that will reduce erosion and runoff of stockpiled materials.[17] Additional environmental analyses and mitigation requirements are necessary to be in compliance with Port of Stockton NPDES permit relating to tenants.

Why are not all Port of Stockton annual inspection reports for all facilities, including the project site made available on the Port of Stockton website under the environmental page[18]? Why was not CASQA WM-3, stockpile management, required while at the same time, a stockpile permit is required by the SJVAPCB?

Thank you for considering our comments on the May 2020 Central Valley Ag Group Bulk Whole Cottonseed Transload Facility Initial Study/Mitigated Negative Declaration for the Central Valley Ag Group Bulk Whole Cottonseed Transload Facility at the Port of Stockton. DSG's review indicate that additional environmental analyses and mitigations are necessary to comply with local, regional, and state regulatory guidance related to operational activities, cottonseed characterization, air quality, greenhouse gas emissions, energy, and stormwater management. The Delta Sierra Group welcomes opportunities to discuss the Port of Stockton's public outreach efforts related to this project and to the Port of Stockton's public information dissemination.

Sincerely,

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[16] https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/fresno/r5-2011-0005-02.pdf
[17] http://www.stancounty.com/publicworks/pdf/development/npdes/wm-03.pdf
[18] https://www.portofstockton.com/storm-drain-vs-sewer-drain/