

*A Public Agency*



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August 16, 2024

Chuck Beatty  
Planning Director  
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Jackson, CA 95642  
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Re: Wicklow Way Specific Plan (WWSP) Draft Environmental Impact Report (DEIR)

Mr. Beatty:

The Amador Water Agency (AWA), a Responsible Agency, provides the following comments on the subject DEIR:

**Water Conservation.** The Design Guidelines in the WWSP refer to the AWA Water Conservation Plan and the DEIR incorporates information from that plan. That Conservation Plan is not up to date. The applicable regulations now are in AWA's Water Code (Ordinance 2022-01). In addition, recently enacted legislation prohibits the irrigation of nonfunctional turf with potable water. These comments are relevant the DEIR Project Description on p 2-22.

**Treated Water Availability.**

The DEIR acknowledges the limited capacity of the Tanner Water Treatment Plant (WTP). However, the DEIR assumes on pages 4.16-11 and 4.16-15 that this will be addressed by new water infrastructure, for which new development will pay its fair share, and that therefore the project has less than significant impacts on existing public utilities. However, the project will be served by the existing Tanner Water Treatment Plant (WTP), and will require it to be further expanded. There are currently numerous development projects in various stages of planning that propose to draw on the Tanner WTP, which is not noted in the cumulative effects discussion.

The Agency's Water Master Plan Study (2020) projected demands according to the municipalities' General Plans and identified substantial additional water treatment capacity improvements that would be needed to meet those demands. The cost estimates in the Water Master Plan Study raise serious questions about the ultimate affordability of serving the planned development. Therefore, the Lead Agency should be aware that treatment capacity is and will continue to be a constraint on the project.

The DEIR states on page 4.16-10 that the project will also include construction of a well as an alternative water supply. The well is not evaluated with respect to a location and how that relates to likely water supply, effects on hydrology in the area, or the disposal or recycling of treated wastewater. Using a well for this purpose raises other issues about maintaining drinking water quality and the effectiveness of

relying on a well that is not regularly operated. The evaluation of groundwater on page 4.10-11 concludes that the site would not be expected to support substantial groundwater storage.

The DEIR misstates that AWA has the nearest water service lines to the project. The City of Jackson delivers water in the southern part of Martell, down to the Walmart. Because its existing system reaches the boundaries of the project, the City of Jackson should be considered the water service provider for the project. This does not change the concerns about the capacity of the Tanner WTP, which provides water wholesale to Jackson.

### **Wastewater Service.**

The WWSP foresees wastewater treatment being provided by a new onsite wastewater treatment plant (WWTP). This allows the DEIR to conclude that the project will not impact existing public wastewater utilities.

Effects of new WWTP. The DEIR asserts (e.g. page 4.10-16) that the project's new WWTP will have less than significant impacts because it will be required to comply with applicable laws and regulations. It assumes the wastewater will be recycled or discharged to Rock Creek, which it assumes will be armored against erosion. Recycling for irrigation will require significant onsite seasonal storage, which is not discussed in the DEIR. While Appendix D to the DEIR provides projections for water use and wastewater generation, it does not quantify demand for recycled water. It is unknown and not discussed in the DEIR whether obtaining an NPDES permit for such a discharge will be particularly challenging. Potential hydromodification of what appears to be an ephemeral stream may be an issue.

Treatment alternatives. The DEIR's focus on the onsite plant fails to assist the Lead Agency in making an informed choice among viable alternatives. Even though the DEIR foresees additional, separate environmental review of the onsite treatment plant, the environmental considerations of an onsite plant as opposed to pumping to an off-site plant should be presented to the Lead Agency. There are at least three alternatives for handling the wastewater that the project will generate: treatment on site, in Jackson's treatment plant, or at Sutter Creek's treatment plant.

The DEIR does not discuss the possible use of, or impacts from the use of, the Jackson WWTP, perhaps because of the mistaken belief that it is operated by AWA. The DEIR states on page 6-23 regarding offsite wastewater treatment that:

"AWA has identified that it is not feasible for 100 percent of the proposed Project's wastewater to be treated offsite. Moreover, if wastewater treatment were to occur offsite at a new or expanded facility, there could be greater impacts. Therefore, this alternative has greater impacts ...."

AWA expresses no opinion on the feasibility of onsite or offsite wastewater treatment. Certainly the lack of economy of scale for onsite treatment is a feasibility concern. The speculation in the DEIR's conclusion is not an analysis of impacts.

Regarding the Sutter Creek WWTP, page 4.16-11 states that the Sutter Creek WWTP is at capacity. The City of Sutter Creek is in the planning stage of a project to expand or replace its treatment plant, which could include planning to serve wastewater generated by the WWSP. It notes that expansion of the

Sutter Creek WWTP “could” have greater impacts than the onsite plant. There is no analysis that supports this supposition. (The DEIR does not raise any concerns about the impacts of expansion of the Tanner WTP.) The DEIR does not account for the offset of project impacts of the WWSP by not building an onsite plant, or for the likelihood that the Sutter Creek WWTP project is likely to proceed in any case.

Page 6-4 discusses an off-site WWTP alternative and “Expanding AWA Facility.” The discussion is confusing because its comments on an offsite alternative only discuss the onsite facility. No offsite location is specifically identified. It further asserts that AWA has claimed that its existing facilities lack the capacity to handle the WWSP project. It then describes an alternative of expanding AWA treatment facilities to address this issue. This portion appears to refer to the Jackson WWTP, which is not operated by AWA. The DEIR dismisses this alternative because any off-site treatment alternative would not meet the planning objective of “comprehensive planning for the WWSP site.” This should not be a determinative consideration in a CEQA evaluation. The DEIR should evaluate the environmental impacts of the onsite and off-site treatment alternatives and provide that information to the Lead Agency.

The DEIR concludes that the land disturbance and other impacts of expansion of an off-site WWTP would offset any environmental benefit of reducing or eliminating onsite treatment, and that the alternatives are therefore environmentally equal. The analysis ignores the likelihood that one or both of the city-operated off-site treatment plants will be expanded anyway, and that use of the off-site treatment therefore would be environmentally preferable from a cumulative impacts perspective.

Beginning on page 6-24, Section 6.6.4 Alternative: Reduced Development notes that, for this alternative, the need for wastewater treatment is reduced. However, it only refers to downsizing the onsite WWTP, and does not consider whether the reduced wastewater management requirement could be handled by offsite treatment.

Given the size of the project and the likely phasing of development, an onsite WWTP will be a significant financial challenge. This may be why the DEIR discusses a hybrid alternative. This would allow off-site treatment of early phases and then an onsite treatment plant for the later phases. Section 6.6.2 (page 6-11) and ES.10.1 Alternative 2: Hybrid WWTP – describes use of both an onsite treatment plant and treatment at Sutter Creek (as opposed to Jackson). This concept exhibits the worst of both ideas, since the end result would include the environmental effects of both strategies and even less economy of scale for construction and operation of an onsite plant.

The DEIR identifies the Reduced Development alternative to the project as the environmentally preferable alternative, but does not discuss whether the reduced development could change the desirability of using off-site treatment. As written, the DEIR lacks sufficient analysis to allow the County to compare the environmental effects of the alternatives.

It is probable that offsite wastewater treatment would have less significant environmental impacts than a new onsite WWTP. The City of Sutter Creek’s comment letter lists some of the differences in impacts. Against this must be weighed the likelihood that reuse of treated wastewater for irrigation within the project is likely to be challenging because of cost. Construction of a lift station that could move the project’s wastewater off-site could reach either Sutter Creek or Jackson with approximately the same lift. Given the likely length of time of developing the project, planning for this course provides the greatest flexibility to address offsite treatment capacity questions.

**Factual Corrections.**

Page 4.10-19 AWA does not serve the entire County. The Agency's service area is defined by statute as the entire County, but the Agency provides services in specific areas, while other agencies, organizations, and individuals also operate water and wastewater systems. In addition, total water deliveries in 2020 were 8683 AF, not 18,710 AF. Of that amount, 280 AF were groundwater production, not 1620 AF.

The third paragraph in the Water Distribution System description beginning on page 4.16-6 should state that the Tanner WTP does not have capacity to meet significant additional demands. It has a maximum capacity of 5 mgd and a reliable capacity of 4.56 mgd. Currently the Agency is operating under a special capacity allocation procedure in the Tanner plant service area adopted by its Board in Resolution 2023-17.

The third paragraph under Water Supply on page 4.16-7 should be changed to read:

The AWA's total water supply from the Mokelumne River is 18,000 AFY, with the AWS having contractual rights to 15,000 AFY (the remaining 3,000 AFY by water right is allocated to the CAWP); as noted above, a portion of this water is treated at the WTPs before delivery and a portion is delivered untreated. The Agency has historically been able to fully access its water supply and does not expect a reduction in available AWS supply.

Pages 2-7 and 2-22. The project description incorrectly states that the closest water infrastructure to the project is operated by AWA. While AWA operates the closest wastewater infrastructure, Jackson operates the closest water infrastructure, serving the existing Walmart adjacent to the project. This error also occurs on page 4.10-18.

ES.8.2 Alternative 2: Hybrid WWTP – incorrectly identifies the wastewater treatment plant in Jackson as being an AWA facility.

Impact 4.16-3 mistakenly says "adequate capacity" when it means "inadequate capacity."

Page 4.3-34. MM AQ-4 appears to envision the County operating the new onsite wastewater plant. This is inconsistent with other provisions in the DEIR.

Amador Water Agency has coordinated these comments with the Cities of Jackson and Sutter Creek, and concurs in their comment letters. Thank you for the opportunity to comment. I can be reached at [lmckenney@amadorwater.org](mailto:lmckenney@amadorwater.org).

Sincerely,

  
Larry B. McKenney