

1. **ACWD Groundwater Facilities:** ACWD requests that the following potentially significant impacts to the protection of groundwater be addressed by the draft IS/MND:

- a. **Groundwater/Well Protection:** ACWD has identified at least two water wells located within the Project area. In order to protect the groundwater basin, each well located within the project area must be in compliance with ACWD Ordinance No. 2010-01 and must be either protected or properly destroyed, prior to or during construction activities.

*City Response: Staff has shared ACWD's comment letter with the Project Applicant, advised them of these requirements, and asked them to contact the ACWD staff listed in the letter. Draft Condition of approval A-3 for this proposed project would require the applicant to obtain building permits (including demolition permits issued by the Building Division) prior to the commencement of any construction activities (please see attached Draft Conditions of Approval). A standard requirement to obtain a demolition permit from the Fremont Building Division is to obtain a letter from ACWD regarding any existing or potential wells on site. In addition, Draft Condition of Approval C-10 would require the applicant to work with other permitting agencies, including ACWD, to ensure all necessary permits from other agencies are obtained prior to building permit issuance. These conditions would ensure that the Project Applicant works with ACWD to address this concern. In addition, language was added to the Hydrology Section of the IS/MND to note the presence of these water wells and the requirements that they be protected or destroyed in accordance with ACWD regulations. (See section 1.10 of the attached IS/MND)*

- b. **Hazards and Hazardous Materials:** ACWD requests the draft IS/MND acknowledge that as part of ACWD's Groundwater Protection Program, ACWD entered into Cooperative Agreements with the California Regional Water Quality Control Board – San Francisco Bay Region (Regional Board) and the City of Fremont, which allows ACWD to provide technical oversight for the investigation and remediation of Leaking Underground Fuel Tank (LUFT) sites and sites where the pollution is attributed to spills or leaks from structures other than underground fuel tanks now referred to as Site Cleanup Program sites or SCP. The Project's Phase I identified several dirt stockpiles of unknown origin on the project site at the time of the study. ACWD requests the soil be tested for contaminants prior to disturbance.

*City Response: The Phase I Assessment documents the presence of several soil stockpiles of unknown origin throughout the site. The Phase I authors recommended conducting a baseline subsurface investigation to determine if soil and groundwater beneath the*

*proposed development have been impacted by the previous site activities. In 2017, a Phase II Assessment was performed which included reviewing the results of testing performed on the stockpiles for contaminants. Laboratory analysis of the soil samples showed levels of metals within the normal range of typical background concentrations. Diesel and oil-range organics were detected in concentrations of 10 and 55 milligrams per kilogram (mg/Kg), both below the 100 mg/Kg residential environmental screening level. Not detectable were gasoline range hydrocarbons, volatile organic compounds (VOCs) polychlorinated biphenyls (PCBs), and pesticides. This information has been added to the Hazardous Materials section of the IS/MND to clarify that there is no contamination of the existing stockpiles on the project site. (See section 1.9 of the attached IS/MND)*

- c. **Drilling Permit Requirement:** As required by ACWD Ordinance No. 2010-01, drilling permits are required prior to the start of any subsurface drilling activities for wells, exploratory holes, and other excavations within the City.

*City Response: No drilling is currently proposed as part of this project. Draft Condition of Approval C-10 would require the applicant to work with other permitting agencies, including ACWD, to ensure all necessary permits from other agencies are obtained prior to building permit issuance. This condition would address the concern. In addition, a note was added on page 3 of the IS/MND to specify a drilling permit may be required from ACWD.*

## 2. Utilities and Services:

- a. **Water Service:** The public water services must be designed per the ACWD's Standard Specifications and Development Specifications.

*City Response: Draft Condition of Approval A-3 would require the applicant to obtain building permits prior to the commencement of any construction activities. A standard requirement to obtain a building permit from the Fremont Building Division is to obtain a copy of ACWD approved plans. In addition, Draft Condition of Approval C-10 would require the applicant to work with other permitting agencies, including ACWD, to ensure all necessary permits from other agencies are obtained prior to building permit issuance. These conditions would address the comment.*

- b. **ACWD Engineering:** The Project proponent should contact ACWD's Engineering Department regarding new water service to the property and any modifications of existing water facilities that are required.

*City Response: Draft Condition of Approval A-3 would require the applicant to obtain building permits prior to the commencement of any construction activities. A standard requirement to obtain a building permit from the Fremont Building Division is to obtain a copy of ACWD approved plans. In addition, Draft Condition of Approval C-10 requires the applicant to work with other permitting agencies, including ACWD, to ensure all necessary permits from other agencies are obtained prior to building permit issuance.*

*These conditions would address the concern. Additionally, staff has shared ACWD's comment letter with the Project Applicant, advised them of these requirements, and asked them to contact the ACWD staff listed in the letter.*