

Chapter 6 Consultation and Coordination

6.1 Federal Requirements

National Environmental Policy Act of 1970

The NEPA process is intended to help public officials make decisions that are based on an understanding of environmental consequences and take actions that protect, restore, and enhance the environment. Regulations implementing NEPA are set forth by the Council on Environmental Quality (CEQ). Reclamation and the District have followed NEPA and CEQ regulations in the development of the South Bay Advanced Recycled Water Treatment Facility Project EA/IS-MND.

Section 404 of the Clean Water Act

The project would not result in work in jurisdictional waters, wetlands, or other waters of the United States (ponds and associated wetlands) and thus would not require a CWA Section 404 permit from the U. S. Army Corps of Engineers (Corps).

Section 10 of the Rivers and Harbors Act

There are no navigable waters in the project area. Therefore, the project does not fall within the jurisdiction of Section 10.

Section 401 of the Clean Water Act

The project would not result in discharges to a water of the State. Therefore, it would not require a 401 water quality certification issued by the RWQCB.

National Pollutant Discharge Elimination System Program

The project could discharge stormwater into local waterways during construction; consequently, a NPDES General Storm Water Permit for Construction Activities would be required. The construction contractor would

need to develop, submit, and comply with a SWPPP that meets the requirements of this permit.

Other potentially required permits include:

- NPDES General Permit for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities; and
- NPDES General Discharge Requirements for Discharge or Reuse of Extracted Brackish Groundwater and Reverse Osmosis Concentrate Resulting from Treatment of Groundwater by Reverse Osmosis and Discharge or Reuse of Extracted and Treated Groundwater Resulting from Structural Dewatering.

At a minimum, a Notice of Intent (NOI) will be submitted and, if appropriate, the RWQCB would issue one or both permits. For the storm water discharge permit, plant operations staff would need to develop, submit, and comply with a SWPPP that meets the requirements of this permit.

Executive Order 11990: Protection of Wetlands

Executive Order (EO) 11990 established the protection of wetlands and riparian systems as the official policy of the federal government. It requires all federal agencies to consider wetland protection as an important part of their policies and take action to minimize the destruction, loss, or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands. As noted above, the project would not affect wetlands; therefore, the project would comply with EO 11990.

Executive Order 11988: Flood Plain Management

EO 11988 requires Reclamation to regulate development in floodplains and preserve the floodplains' natural and beneficial values. Measures to comply with EO 11988 have been integrated into the project.

Clean Air Act

Because the project involves ground-disturbing activities with the potential to result in fugitive dust emission impacts and the use of heavy construction machinery that generates emissions potentially harmful to humans, coordination with BAAQMD is required. The EA/IS-MND prepared for this project contains measures aimed at fulfilling the requirements of the BAAQMD. Implementation of these measures is expected to reduce short-term mobile emissions. Thus, no further action is required.

Federal Endangered Species Act

Section 7 of the ESA requires federal agencies, in consultation with USFWS and NMFS, to ensure that their actions do not jeopardize the continued existence of endangered or threatened species, or result in the destruction or adverse modification of the critical habitat of these species. The required steps in the Section 7 consultation process are as follows:

- Agencies must request information from USFWS and NMFS on the existence in a project area of listed species or species proposed for listing.
- Following receipt of the USFWS/NMFS response to this request, agencies generally prepare an informal memo of concurrence or a BA to determine whether any listed species or species proposed for listing are likely to be affected by a proposed action.
- Agencies must initiate formal consultation with USFWS and NMFS if the proposed action would affect listed species.
- USFWS and NMFS must prepare a BO to determine whether the action would jeopardize the continued existence of listed species or adversely modify their critical habitat.

If a finding of jeopardy or adverse modifications is made in the biological opinion, USFWS and NMFS must recommend reasonable and prudent alternatives that would avoid jeopardy, and the federal agency must modify project approval to ensure that listed species are not jeopardized and that their critical habitat is not adversely modified (unless an exemption from this requirement is granted).

On September 1, 2009, Reclamation requested concurrence from the National Marine Fisheries Service (NMFS) that the project would not adversely affect the Central Valley steelhead. Continued coordination with NMFS will be needed to resolve ESA issues regarding steelhead. Based on discussions with NMFS concerning water quality and habitat in Alviso Slough, Reclamation concluded that a “not likely to adversely affect” determination is anticipated for the project.

National Historic Preservation Act of 1966, 16 U.S.C. Section 470 et seq., as amended

The purpose of this act is to protect, preserve, rehabilitate, or restore significant historical, archeological, and cultural resources. Based on the results of a cultural inventory and the evaluation of the historic property present in the project area, the proposed action would have no historic properties affected pursuant to 36 CFR Part 800.4 (d)(1). Reclamation and the District would consult with the SHPO and seek their concurrence on this finding of effect.

Chapter 7
Comments and Responses

Chapter 7

Comments and Responses

7.1 Introduction

Pursuant to California Public Resources Code Section 21091(b), the Draft EA/IS-MND was publicly circulated for a 30-day period. The purpose of the public review period was to provide information and solicit input on the content of the proposed Project and Draft EA/IS-MND. This chapter contains copies of the comment letters received on the proposed Project Draft EA/IS-MND during the review period and responses to each comment.

Only one comment letter (from the City of San Jose) was received on the Draft EA/IS-MND; thus, only one set of response from the District is needed. Accordingly, the District's responses are numbered to correspond with each numbered comment in the comment letter. Where the response indicates that revisions were made to the EA/IS-MND, the relevant revised text can be found in Chapter 4 of this Final EA/IS-MND.

Pursuant to CEQA Guidelines section 15088(a), responses are provided for each comment that raised an environmental issue related to the Draft EA/IS-MND. If comments do not raise an environmental issue or the completeness or adequacy of the Draft EA/IS-MND, the comment will be noted.



Department of Planning, Building and Code Enforcement
JOSEPH HORWEDEL, DIRECTOR

January 22, 2010

Elise Latedjou-Durand,
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose CA 95118

**SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT/INITIAL STUDY – MND
FOR SO. BAY ADVANCED RECYCLED WATER TREATMENT
FACILITY (OA10-003)**

Dear Ms. Latedjou-Durand:

The City of San Jose appreciates the opportunity to review and provide comments on the Draft Environmental Assessment/Initial Study prepared by the Santa Clara Valley Water District for the proposed South Bay Advanced Recycled Water Treatment Facility (ARWTF) to be located adjacent to the existing San Jose/Santa Clara Water Pollution Control Plant (WPCP) at the south end of San Francisco Bay in the City of San Jose.

The City is a strong supporter and collaborator for this project which will treat secondary effluent from the WPCP with advanced tertiary treatment to produce high-purity effluent with low total dissolved solids (TDS) concentration that will be blended with tertiary effluent from the WPCP and fed into the South Bay Water Recycling (SBWR) system. The project will result in significant benefits related to improved use of recycled water and improved water quality on San Francisco Bay. Accordingly, San Jose supports the timely completion of the project and offers the following comments:

1. Project Description, page 2-2:

The size of the proposed project site is identified as 4.6 acres. This does not appear to take into consideration any construction staging and stockpiling areas. There is only a brief mention on page 2-9 of additional area requirements beyond the footprint of the project site for construction purposes. More information about the construction staging and stockpiling areas needs to be included in the document, including location and size.

2. Site Location, page 2-2:

There is no mention of a pending lease agreement. The document simply states that the "parcel would remain under City ownership." The SCVWD and City of San Jose, Department of Environmental Services are currently working on a lease agreement which is going to be agenized concurrently with the EA, and should be addressed in the environmental document.

200 East Santa Clara Street, 3rd Floor Tower, San José, CA 95113 tel (408) 535-7800 fax (408) 292-6055
www.sanjoseca.gov

Ms. Elise Latedjou-Durand
 RE: DRAFT EA/IS - MND SOUTH BAY ARWTF (OA10-003)
 January 22, 2010
 Page 2

3. Executive Summary page ES-1; Project Overview, page 2-3:

The projects stated peak production capacity is 10 MGD; however, the main delivery pipe to the treatment facility is 36 inches diameter in size, able to carry up to 40 MGD. The proposed project has the ability to serve the full 40 MGD build out of the treatment facility but the document does not discuss the intent to build a facility sized for ultimate build out. The document should be revised accordingly.

4. Biological Resources, Wetlands and Waters of the United States, bottom page 3-35 to top of page 3-36:

The riparian area mentioned here appears to be a man-made seasonal drainage. Please review and confirm, and revise the document to more clearly describe the situation. Identification of the names of the roads mentioned in the paragraph on page 3-36 would be most useful for clarity.

5. Biological Resources, Special Status Species, Wildlife, pages 3-36 and 3-37:

Please include the date of the reconnaissance-level survey.

6. Mitigation Measure BIO-1.4, page 3-44:

The project site is considered foraging habitat for Burrowing Owls, as stated in second paragraph on page 3-43. Delete the first dozen words. The paragraph should be revised to begin to read as follows: "The District will offset the loss of Burrowing Owl foraging habitat in the project area by acquiring and ..."

At the end of the paragraph, it is stated that a mitigation monitoring annual report will be submitted to CDFG. A copy should also be submitted to the City of San Jose Environmental Principal Planner. Mitigation Measure BIO-1.4 needs to be revised.

7. Biological Resources, Impact BIO-5, page 3-46, 3rd sentence from end:

The sentence should be revised to read as follows: "... the NMFS have jointly initiated the process to prepare and manage a Santa Clara County HCP/NCCP, but this HCP/NCCP is only in the preliminary planning stages, and is not intended to apply to baylands. No other HCPs, NCCPs, or other ..."

8. Cultural Resources, two bulleted items on top half of page 3-52:

These two bulleted items need to be identified as Mitigation Measures, not as BMPs.

9. Hydrology and Water Quality, beginning on page 3-63:

This section does not adequately address post construction stormwater compliance issues. The site is not connected to any stormwater conveyance system, therefore all run off may have to be drained to the sanitary sewer system. Raising the site by 3 feet will block some of the natural drainage paths and could cause localized flooding. Please revise the document accordingly. In addition, there are sulfuric acid and sodium hydroxide tanks on site, which should also be addressed in the document.

Ms. Elise Latedjou-Durand
RE: DRAFT EA/IS - MND SOUTH BAY ARWTF (OA10-003)
January 22, 2010
Page 3

10. Noise, Affected Environment, page 3-76:

The proposed project area lies within the City of San Jose and is subject to the City of San Jose Noise Policies as identified in the San Jose 2020 General Plan. The document needs to be revised accordingly.

11. Noise, City of San Jose General Plan Guidelines, top of page, second sentence on page 3-78:

The sentence should be revised to read as follows: "The City of San Jose maintains a short-term outdoor guideline of 60 DNL, a long-term outdoor noise level of 55 DNL, and an indoor noise guideline of 45 DNL." The document needs to be revised accordingly.

General Plan Noise Policy 1 in its entirety (for information purposes):

The City's acceptable noise level objectives are 55 DNL as the long-range exterior noise quality level, 60 DNL as the short-range exterior noise quality level, 45 DNL as the interior noise quality level, and 76 DNL as the maximum exterior noise level necessary to avoid significant adverse health effects. These objectives are established for the City, recognizing that the attainment of exterior noise quality levels in the environs of the San José International and Reid-Hillview airports, the Downtown Core Area, and along major roadways may not be achieved in the time frame of this Plan. To achieve the noise objectives, the City should require appropriate site and building design, building construction and noise attenuation techniques in new residential development.

The City of San Jose appreciates the opportunity to review and provide comments on the Draft Environmental Assessment/Initial Study for this important project. Please let me know if you have any questions on the comments or if I can be of any assistance. Please provide me with a complete revised document when it becomes available, including all technical reports. You may send the document directly to my attention. If you have questions, please contact me at (408) 535-7815 or by email at Janis.moore@sanjoseca.gov.

Sincerely,



Janis Moore
Planner II

C: Jon Newby, ESD
Stanley Zhu, SCVWD, SR. Engineer

OA10-003 Draft EA-IS-MND So Bay Adv Recyc Wtr Tr Fac Ltr.doc/JAM

7.2 Responses to Comments

Response to Comment 1

The commenter points out that the EA/IS-MND does not appear to take into consideration the construction staging and stockpiling areas that would be located adjacent to the proposed site. At the time that the Draft EA/IS was prepared, it was known only that the staging or stockpiling would be located within the proposed project footprint or in adjacent areas. No information on the size or location of these areas was available. In response to this comment, page 2-2 of the EA/IS-MND has been revised to include a description of the current design and location of the staging and soil stockpiling areas.

Response to Comment 2

The commenter states that the EA/IS-MND does not mention the pending lease agreement between the District and City of San Jose. In response to this comment, page 2-2 of the EA/IS-MND has been revised to include a description of this pending agreement.

Response to Comment 3

The commenter points out that the main delivery pipe extending from the SJ/SC WPCP to the ARWTF has the ability to deliver up to 40 MGD of treated effluent, which is adequate to serve the future buildout of the project but is in excess of the ARWTF's 10 MGD production capacity. Reference to the future buildout of the facility is not an issue for consideration in this EA/IS-MND, as it is currently uncertain at what time or place the future phases would be constructed. A change that relates to the future buildout of the ARWTF would only need to be considered in the EA/IS-MND "if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable." (State CEQA Guidelines 15064(d)(3)). Because future buildout of the ARWTF is not reasonably foreseeable, the effects of that change do not need to be analyzed in this EA/IS-MND. Should it occur, the future buildout of the proposed project would be analyzed under a separate CEQA process.

Response to Comment 4

The commenter states that the EA/IS-MND should be amended to:

- clarify that the riparian area east of the project site is man-made
- include the names of the roads mentioned in the first paragraph on page 3-36

In response to the first bullet, the EA/IS-MND has been revised to more clearly describe the drainage and its origin. In response to the second bullet, the EA/IS-MND has been revised to clarify that the sludge pond access road bisects the

riparian corridor at the south end of the survey area, where some wetland vegetation was found. There is still some confusion surrounding the name of the roadway that bisects the corridor at the north end of the survey area; therefore, the current description of this road is considered adequate and does not need to be revised further.

Response to Comment 5

The commenter requests that the dates of the reconnaissance level surveys be included on pages 3-36 and 3-37. The EA/IS-MND has been revised accordingly.

Response to Comment 6

The commenter suggests edits to the text on page 3-44 to clarify the District's responsibilities with regard to implementing Mitigation Measure BIO-1.4. The EA/IS-MND has been revised accordingly.

Response to Comment 7

The commenter suggests edits to the text on page 3-46 to clarify that the Santa Clara County HCP/NCCP is not intended to apply to baylands. The EA/IS-MND has been revised accordingly.

Response to Comment 8

The commenter states that the two bulleted items identified as BMPs on page 3-52 need to be identified as mitigation measures. These items are standard BMPs from the District's 2008 BMP handbook and would be incorporated into the construction documents (plans and specifications). All contractors employed on the proposed project would be contractually required to adhere to them. Because these are standard BMPs that the District implements on all of its projects, there is no need to propose them as mitigation. It should be noted that additional measures, outside of those specified in the District's 2008 BMP Handbook, were also developed to mitigate specific impacts associated with project construction. These are clearly identified as mitigation measures to distinguish them from the District's BMPs, which are already incorporated into the project per standard practice. As such, no revisions to the EA/IS-MND are required.

Response to Comment 9

The commenter states that the EA/IS-MND does not adequately address post-construction stormwater compliance related to following issues:

- possible site drainage to the sanitary sewer system,
- localized flooding resulting from elevating the site
- potential contaminated runoff from chemical tanks onsite

In response to the first bullet, the EA/IS-MND was revised to clarify that the project site would not divert stormwater runoff to downstream water bodies during project operation, as originally stated. Rather, the ARWTF site would be designed such that all stormwater collected on the site would be routed to the Waste Equalization Basin and pumped from there to the WPCP headworks, specifically the Emergency Basin Overflow Structure. No site drainage would be diverted to a local sanitary sewer or stormwater drainage system.

In response to the second bullet, the EA/IS-MND was revised to clarify that final grades and pavements at the site would be sloped to direct surface water to the perimeter of the site, away from foundations and slabs.

In response to the third bullet, the EA/IS-MND was revised to clarify that contaminated runoff from the chemical tanks during project operation is not anticipated to occur because chemicals would be stored in appropriate secondary containment within reinforced concrete containment areas. Additionally, the District would be expected to adhere to the hazardous spill response procedures detailed in the project HMBP.

Response to Comment 10

The commenter correctly points out that the proposed project is subject to the City of San Jose noise policies rather than the County's noise policies, as originally stated. The reference to County noise policies on page 3-76 of the EA/IS-MND has been revised accordingly.

Response to Comment 11

The commenter suggests edits to the text on page 3-78 to include the City's defined long-term threshold for outdoor noise. The EA/IS-MND has been revised accordingly.

Chapter 8
References Cited

Chapter 8

References Cited

Printed References

Allen, R., A. M. Medin, R. S. Baxter, B. Wickstrom, C. Young, J. Costello, G. White, A. Huberland, H. M. Johnson, J. Meyer, and M. Hylkema. 1999. *Upgrade of the Guadalupe Parkway, San Jose: Historic Properties Treatment Plan*. Prepared for California Department of Transportation, District 4, Oakland. Prepared by Past Forward, Inc., Richmond, California; Foothill Resources Ltd., Mokelumne Hill, California; KEA Environmental, Sacramento; and the Archaeology Laboratory at California State University, Chico. On file at the Northwest Information Center, Sonoma State University, Rohnert Park, California.

Association of Bay Area Governments. 2009. ABAG Projections 2009. Regional projections. Available: <http://www.abag.ca.gov/planning/currentfcst/regional.html>. Accessed: October 2, 2009.

———. 2007. A place to call home: housing in the San Francisco Bay Area. Available: http://www.abag.ca.gov/planning/housingneeds/pdf/resources/A_Place_to_Call_Home_2007.pdf. Accessed: October 2, 2009.

———. 2001. *The Real Dirt on Liquefaction: A Guide to the Liquefaction Hazard in Future Earthquakes Affecting the San Francisco Bay Area*. (ABAG Publication P01001EQK.) Oakland, CA.

Bay Area Air Quality Management District. 2009a. *California Environmental Quality Act. Draft Air Quality Guidelines*. San Francisco, CA. September.

———. 2009b. *California Environmental Quality Act Guidelines Update. Proposed Thresholds of Significance*. San Francisco, CA. November.

———. 2006. *Source Inventory of Bay Area Greenhouse Gas Emissions*. November.

- . 1999. BAAQMD CEQA Guidelines: Assessing the Air Quality Impacts of Projects and Plans. Adopted: April 1996. Revised: December 1999. San Francisco, CA.
- Bay Area Clean Water Agencies. 2006. Wastewater and Recycled Water Functional Area Document. In Appendix B of Final Bay Area Integrated Regional Water Management Plan Document. Version 8 (March 3, 2006), File Number 10, 385.
- Black and Veach. 2007. Draft Engineers Report, South Bay Advanced Recycled Water Treatment Facility. July.
- Black and Veach. 2004. Final Advanced Recycled Water Treatment Feasibility Project. September. Available:
<http://www.valleywater.org/Water/Water_conservation/Recycled_water/_recycled_water_info/Recycled%20_water_documents.shtm> Accessed: October 19, 2007.
- California Air Resources Board. 2009. 2008 Estimated Annual Average Emissions: San Francisco Bay Area Air Basin. Available:
<http://www.arb.ca.gov/app/emsmv/emssumcat_query.php?F_YR=2008&F_DIV=-4&F_SEASON=A&SP=2009&F_AREA=AB&F_AB=SF>. Accessed: June 29, 2009.
- . 2008. Ambient Air Quality Standards. November 17, 2008. Available:
<<http://www.arb.ca.gov/research/aaqs/aaqs2.pdf>> Accessed: June 18, 2009
- California Climate Action Registry. 2009. *2007 Pacific Gas & Electric Company Public Report. Carbon dioxide emission factor for electricity delivered*. California Climate Action Registry. Los Angeles, CA.
- California Department of Conservation. Farmland Mapping and Monitoring Program. 2006. Santa Clara County Important Farmland Map. Available:
<http://www.consrv.ca.gov/DLRP/fmmp/map_products/download_gis_data.htm>. Accessed: October 19, 2007.
- California Geological Survey. 2004. State of California Seismic Hazard Zones, Milpitas Quadrangle. (Official Map, released October 19, 2004.) Available:
< http://gmw.consrv.ca.gov/shmp/download/pdf/ozn_milp.pdf>. Accessed: December 8, 2009.
- California Energy Commission (CEC). 2009. California Energy Sector Overview. Available:
<<http://energyalmanac.ca.gov/electricity/overview.html>> Accessed: July 13, 2009.
- . 2006. *Inventory of California Greenhouse Gas Emissions and Sinks 1990 to 2004*. (CEC-600-2006-013-SF.) December. Available:
<<http://www.energy.ca.gov/2006publications/CEC-600-2006-013/CEC-600-2006-013-SF.PDF>>.

- . 2005. *Global Climate Change: In Support of the 2005 Integrated Energy Policy Report*. (CEC-600-2005-007.) June Available: <http://www.energy.ca.gov/2006publications/CEC-600-2005-007/CEC-600-3005-007-SF.PDF>. Cal-EPA. 2007. Cortese List Data Resources. Available: <http://www.calepa.ca.gov/SiteCleanup/CorteseList/default.htm> > Accessed: October 19, 2007.
- California Integrated Waste Management Board (CIWMB). 2007. Available: <http://www.ciwmb.ca.gov/swis/detail.asp?PG=DET&SITESCH=43-AN-0007&OUT=HTML>> Accessed: October 16, 2007.
- California Natural Diversity Database (CNDDB). 2009. RareFind, Version 3.1.0 (May 2009 update). Sacramento, CA: California Department of Fish and Game. Sacramento, CA.
- Cusker, M. 2000. A Case Study in Infrastructure Planning: South Bay Water Recycling Program, San Jose, California. Available: http://icisnyu.org/assets/documents/case_study_south_bay.pdf> Accessed: May 5, 2009.
- ESA. 2007. Final Environmental Impact Report for the Richmond Advanced Recycled Expansion (RARE) Water Project.
- Federal Emergency Management Agency (FEMA). 1995. Q3 Flood Data Specifications, Draft. June 1995. Federal Emergency Management Agency, Washington, DC.
- Federal Highway Administration. 1983. Visual impact assessment for highway projects. (Contract DOT-FH-11-9694.) Washington, DC.
- Federal Transit Administration. 2006. Transit Noise and Vibration Impact Assessment. (FTA-VA-90-1003-06.) May. Washington, D.C.: Federal Transit Administration Office of Planning and Environment.
- Hart, E. W., and W. A. Bryant. 1997. Fault-Rupture Hazard Zones in California—Alquist-Priolo Earthquake Fault Zoning Act with Index to Earthquake Fault Zones Maps. (Special Publication 42.) Sacramento, CA: California Division of Mines and Geology.
- International Conference of Building Officials. 1997. Maps of Known Active Near-Source Zones in California and Adjacent Portions of Nevada. Whittier, CA: California Department of Conservation, Division of Mines and Geology, in cooperation with Structural Engineers Association of California Seismology Committee.
- Jones, G. R., J. Jones, B. A. Gray, B. Parker, J. C. Coe, J. B. Burnham, and N. M. Geitner. 1975. A Method for the Quantification of Aesthetic Values for Environmental Decision Making. *Nuclear Technology* 25(4): 682–713.

- Knudsen, K.L., J.M. Sowers, R.C. Witter, C.M. Wentworth, and E.J. Helley, 2000. Preliminary Maps of Quaternary Deposits and Liquefaction Susceptibility, Nine-County San Francisco Bay Region, California: A Digital Database. U.S. Geological Survey Open-File Report 00-444.
- Kohler-Antablin, S. 1999. Update of mineral land classification: aggregate materials in the Monterey Bay Production-Consumption Region, California. (Open-File Report 99-01.) Sacramento, CA: California Division of Mines and Geology.
- Levy, R. 1978. Eastern Miwok. In *California*, edited by R. F. Heizer, pp. 398–413. Handbook of North American Indians, Vol. 8, W. C. Sturtevant, general editor, Smithsonian Institution, Washington, DC.
- Life Science, Inc. 2003. *South Bay Salt Ponds Initial Stewardship Plan Draft EIR/EIS*. Prepared for California Department of Fish and Game (CDFG) and United States Fish and Wildlife Service (USFWS). December.
- Moratto, M. J. 1984. *California Archaeology*. New York: Academic Press.
- Pacific Gas & Electric (PG&E). 2008. Corporate Responsibility Report. Available:
<http://www.pgecorp.com/corp_responsibility/reports/2007/images/pge_crr_2007.pdf> Accessed: July 13, 2009.
- Regional Water Quality Control Board. San Francisco Bay Region. 2003. Waste discharge requirements for: cities of San Jose and Santa Clara water pollution control plant. Santa Clara County. September 17, 2003.
- San Jose, City of. 2009a. The Zoning Ordinance: Title 20, San Jose MunicipalCode.
- . 2009b. Initial Study/Negative Declaration Zanker Road Resource Recovery Operation and Landfill PD 03-081.
- . 2008. San Jose 2020 General Plan. Updated June 20, 2008. Chapter IV Goals and Policies. Available:
<http://www.sanjoseca.gov/planning/gp/2020_text/Pdf_version/2008/GPChp4_2008-06-20.pdf> Accessed: July 6, 2009.
- . 2007b. Environmental Services. Available:
<<http://www.sanjoseca.gov/esd/wpcp.htm>>. Accessed October 16, 2007.
- . 2006a. General Plan – land use map. February. Available:
<http://www.sanjoseca.gov/planning/gp/PDF/Alviso_web.pdf>. Accessed: October 11, 2007.
- . 2006b. City of San Jose. City facts. Available:
<http://www.sanjoseca.gov/cityManager/pdf/CityFactsFeb06.pdf> Accessed: July 6, 2009.

- . 2006c. Police department proposed five year staffing plan. Memorandum dated November 17, 2006. Available: <http://www.sjpd.org/Records/5_Year_Staffing_Plan_OCR.pdf> Accessed: July 6, 2009.
- . 2005a. Water Supply Assessment for North San Jose Development Policies Update. Available: <http://www.sanjoseca.gov/planning/eir/NSJ_Development/WSA%20June6.pdf> Accessed: October 19, 2007.
- . 2005b. Urban Water Management Plan. Available: <<http://www.sjmuniwater.com/PDFs/2005-UWMP.pdf>> Accessed; October 19, 2007.
- . 1998. Alviso Master Plan Environmental Impact Report.
- . 1994. *San Jose 2020 General Plan Final Environmental Impact Report*, Vol. 1 (revised). July.
- San Jose Police Department. 2009. *Community Policing Center*. Available: <<http://www.sjpd.org/BFO/Community/CommunityCntrLocation.html>> Updated March 30, 2009. Accessed: July 6, 2009.
- Santa Clara, City of. 2007. Available: <http://www.ci.santa-clara.ca.us/pub_utility/pu_city_owned.html> Accessed: October 16, 2007.
- Santa Clara County. 1994. 1995 – 2010 General Plan.
- Santa Clara Valley Transportation Authority. 2003. VTA's Congestion Management Program Transportation Impact Analysis Guidelines (June). San Jose, CA: Santa Clara Valley Transportation Authority.
- Santa Clara Valley Water District. 2009. *From Watts to Water: Climate Change Response through Saving Water, Saving Energy, and Reducing Air Pollution*. San Jose, CA. June.
- . 2008. Santa Clara Valley Water District, Best Management Practices (BMP) Handbook. (May). San Jose, CA: Santa Clara Valley Water District.
- State Water Resources Control Board. 2007. Geotracker database. Available: <<http://www.geotracker.waterboards.ca.gov/search>> Accessed: October 19, 2007.
- . 2006. Clean Water Act Section 303(d) List of Water Quality Limited Segments, Region 2. Available: <http://www.waterboards.ca.gov/water_issues/programs/tmdl/docs/303dlists_2006/epa/state_usepa_combined.pdf> Accessed: December 8, 2009.
- State of California, Department of Finance. 2009. E-4 population estimates for cities, counties and the state. Available:

- <http://www.dof.ca.gov/research/demographic/reports/estimates/e-4/2001-09/>. Accessed: June 16, 2009.
- . 2006a. *Population Estimates for Cities, Counties and State, 2001-2006 with 2000 DRU Benchmark*. Available: <http://www.dof.ca.gov/html/demograp/reportspapers/estimates/e4/e4-01-06/documents/hist_e-4.xls> Accessed: February 12, 2007.
- State of California, Employment Development Department. 2009. Monthly Labor Force Data for Cities and Census Designated Places (CDP). Available: <http://www.calmis.ca.gov/file/lfmonth/countyur-400c.pdf>. Accessed: June 5, 2009.
- Shoup, L. H. 1997. Historic Site Locations and Context Statements for Lower Guadalupe River Flood Control Archaeological Project, Santa Clara, California. Appendix A in Woodward-Clyde, 1998, Lower Guadalupe River Flood Control Project, Cultural Resources Research and Archaeological Reconnaissance, Oakland, CA.
- Society of Vertebrate Paleontology Conformable Impact Mitigation Guidelines Committee. 1995. Assessment and Mitigation of Adverse Impacts to Nonrenewable Paleontologic Resources: Standard Guidelines. Society of Vertebrate Paleontology News Bulletin 163.
- Transportation Research Board (TRB). 2000. Updates: Highway Capacity Manual. Special Report 209. National Research Council. Washington, DC
- URS. 2009. Geotechnical Investigation, Advanced Recycled Water Treatment Facilities Project. September 10.
- U.S. Bureau of Land Management. 1980. Visual Resource Management Program. (Stock No. 024-001-00116-6.) Washington, DC: U.S. Government Printing Office.
- U.S. Bureau of Reclamation. 1995. South Bay Water Recycling Program. Draft Environmental Impact Statement. July.
- U.S. Census Bureau. 2009. State & County Quick Facts – San Jose (city), California. Available: <<http://quickfacts.census.gov/qfd/states/06/0668000.html>>. Accessed: October 2, 2009.
- . 2000a. Data Sets, 2000 Decennial Census, Census 2000 Summary File 1 (SF 1). Available: <http://factfinder.census.gov/servlet/DatasetMainPageServlet?_program=DEC&_submenuId=&_lang=en&_ts=>. Accessed: October 2, 2009.
- . 2000b. Data Sets, 2000 Decennial Census, Census 2000 Summary File 3 (SF 3). Available: <

- http://factfinder.census.gov/servlet/DatasetMainPageServlet?_program=DEC&_submenuId=&_lang=en&_ts=>. Accessed: October 2, 2009.
- U.S. Environmental Protection Agency (EPA). 2009. eGRID2007 Version 1.1. Last Updated: June 2, 2009. Available: <http://www.epa.gov/cleanenergy/energy-resources/egrid/index.html> Accessed: June 18, 2009.
- . 2008a. Monitor Values Report - Criteria Air Pollutants. Available: www.epa.gov/air/data/monvals.html. Accessed: June 18, 2009.
- . 2008b. Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2006. April. Available: http://www.epa.gov/climatechange/emissions/downloads/08_CR.pdf Accessed: June 18, 2009.
- . 2002a. Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, 4th ed. Washington, DC.
- . 2002b. Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms, 3rd ed. Washington, DC.
- . 1998. Final Guidance for Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analyses. Washington, DC: U.S. Government Printing Office.
- U.S. Fish and Wildlife Service. 2009. Species list. Available: http://www.fws.gov/sacramento/es/spp_lists/auto_list_form.cfm. Accessed: October 2, 2009.
- U.S. Forest Service. 1995. Landscape Aesthetics: A Handbook for Scenery Management. (Agriculture Handbook No. 701.)
- U.S. Soil Conservation Service. 1978. Procedure to establish priorities in landscape architecture. (Technical Release No. 65.) Washington, DC.
- Wiberg, R.S. 1983. Subsurface Mechanical Testing at CA-SCL-528, Zanker Rd, Santa Clara County, California. On File at the Northwest Information Center, Sonoma State University.
- Zanker Materials Recovery and Landfill. 2009. Available: <http://www.zankerrecycling.com/content/zanker-materials-recovery-facility> Accessed: June 18, 2009.
- Zhou, H., and D.W. Smith. 2002. Advanced Technologies in Water and Wastewater Treatment. Journal of Engineering Science 1: 247-264.

Personal Communications

Krupp, M. Planner, City of San Jose. June 21, 2008 – letter to ICF Jones & Stokes.

Moore, J. Planner, City of San Jose. June 23, 2009 – email to ICF Jones & Stokes.

Ong, S. Associate Engineer, City of San Jose. June 11, 2009 – email to ICF Jones & Stokes.

San Jose Fire Department. 2009. Administrative Services. San Jose, CA. July 6, 2009 – telephone conversation.

Zhu, S. Project Manager, Santa Clara Valley Water District. June 4, 2009 – email to ICF Jones & Stokes.

Chapter 9
List of Preparers

9.1 United States Bureau of Reclamation, Federal Lead Agency

- David White—Title VXI Program Manager
- Douglas Kleinsmith—Natural Resources Specialist
- Steven Overly—Archaeologist

9.2 Santa Clara Valley Water District, State Lead Agency

- Tim Nguyen—Senior Project Manager
- Elise Latedjou-Durand—Environmental Planner
- Stanley Zhu—Senior Engineer

9.3 Black & Veatch, Design and Engineering

- Daniel Lopez—Engineering Manager
- Sanjay Reddy—Project Manager
- Michael Tache—Design Engineer

9.4 ICF Jones & Stokes, Environmental Consultant

- Harlan Glines—Project Director
- Andrew Martin—Project Manager, Geology and Soils, Hydrology and Water Quality, Transportation and Traffic, and other issues

- Donna Maniscalco—Biology, Land Use, Population and Housing, Public Services, and Recreation
- Lindsay Christensen—Aesthetics, Air Quality, Hazards and Hazardous Materials, and Noise
- Brian Schuster—Air Quality
- Joshua Carman—Air Quality and Noise
- Alisa Reynolds—Cultural Resources
- Joanne Grant—Cultural Resources
- Madeline Bowen—Cultural Resources
- Amanda Petel—Utilities and Service Systems
- Heidi Lypps—Technical Editing
- Jenelle Mountain-Castro—Publications Specialist
- Sehn Saelee—Graphics

Appendix A

Initial Study/Environmental Checklist

Environmental Checklist

- 1. Project Title:** South Bay Advanced Recycled Water Treatment Facility

- 2. Lead Agency Name and Address:** Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118-3614

- 3. Contact Person and Phone Number:** Stanley Zhu
Tel.: (408) 265-2607 ext. 2955

- 4. Project Location:** The project would be located in an undeveloped area east of the existing SBWR TPS near Alviso in northern San Jose and would be in close proximity to the SJ/SC WPCP. The SBWR TPS is located near 4200 Zanker Road, and the SJ/SC WPCP is located at 700 Los Esteros Road, approximately 0.55 miles north of Highway 237 and 0.6 miles south of San Francisco Bay.

- 5. Project Sponsor's Name and Address:** Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118-3614

- 6. General Plan Designation:** Public/Quasi-Public

- 7. Zoning:** Light industrial

- 8. Description of Project:** See Chapter 2 of the EA/IS-MND.

- 9. Surrounding Land Uses and Setting:**
The site is located near the southern end of San Francisco Bay and is surrounded by industrial and agricultural land uses.

- 10. Other Public Agencies whose Approval Is Required:** City of San Jose

Environmental Factors Potentially Affected:

The environmental factors checked below would potentially be affected by this project, as indicated by the checklist on the following pages. For detailed impact discussions, refer to Chapters 3 and 4 in this EA/IS-MND.

- | | | |
|--|--|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance | |

Determination:

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions to the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have an impact on the environment that is “potentially significant” or “potentially significant unless mitigated” but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards and (2) has been addressed by mitigation measures based on the earlier analysis, as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier **ENVIRONMENTAL IMPACT REPORT** or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier **ENVIRONMENTAL IMPACT REPORT** or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the project, nothing further is required.

Signature

Date

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
I. AESTHETICS					
Would the project:					
a.	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b.	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d.	Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
--	--------------------------------------	--	-------------------------------------	--------------

II. AGRICULTURAL RESOURCES

In determining whether impacts on agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation. Would the project:

<p>a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>b. Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c. Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

III. AIR QUALITY

When available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a.	Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d.	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e.	Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

IV. BIOLOGICAL RESOURCES

Would the project:

a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f.	Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
--	--------------------------------------	--	-------------------------------------	--------------

V. CULTURAL RESOURCES

Would the project:

a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

VI. GEOLOGY AND SOILS

Would the project:

a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	2. Strong seismic groundshaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	3. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	4. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project and potentially result in an onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d.	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
VII. HAZARDS AND HAZARDOUS MATERIALS					
Would the project:					
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d.	Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e.	Be located within an airport land use plan area or, where such a plan has not been adopted, be within two miles of a public airport or public use airport, and result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f.	Be located within the vicinity of a private airstrip and result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h.	Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
VIII. HYDROLOGY AND WATER QUALITY					
Would the project:					
a.	Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation onsite or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e.	Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f.	Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g.	Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h.	Place within a 100-year flood hazard area structures that would impede or redirect floodflows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i.	Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
j.	Contribute to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

IX. LAND USE AND PLANNING

Would the project:

a.	Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

X. MINERAL RESOURCES

Would the project:

- | | | | | | |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
XI. NOISE					
Would the project:					
a.	Expose persons to or generate noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	Expose persons to or generate excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c.	Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d.	Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e.	Be located within an airport land use plan area, or, where such a plan has not been adopted, within two miles of a public airport or public use airport and expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f.	Be located in the vicinity of a private airstrip and expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

XII. POPULATION AND HOUSING

Would the project:

a.	Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	Displace a substantial number of existing housing units, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c.	Displace a substantial number of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
--	--------------------------------------	--	-------------------------------------	--------------

XIII. PUBLIC SERVICES

Would the project:

- a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

XIV. RECREATION

Would the project:

- | | | | | | |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

XV. TRANSPORTATION/TRAFFIC

Would the project:

a.	Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input checked="" type="checkbox"/> (Construction)	<input checked="" type="checkbox"/> (Oper.)	<input type="checkbox"/>
b.	Cause, either individually or cumulatively, exceedance of a level-of-service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input checked="" type="checkbox"/> (Construction)	<input checked="" type="checkbox"/> (Oper.)	<input type="checkbox"/>
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d.	Substantially increase hazards because of a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e.	Result in inadequate emergency access?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f.	Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g.	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

XVI. UTILITIES AND SERVICE SYSTEMS

Would the project:

a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c.	Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or would new or expanded entitlements be needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e.	Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g.	Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
XVII. MANDATORY FINDINGS OF SIGNIFICANCE				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion of Impacts

- a. **Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?**

Less than significant with mitigation. The proposed project would not substantially reduce the habitat or population of a fish or wildlife species, threaten to eliminate a plant or animal community, restrict the range of a rare or endangered plant or animal species, or eliminate important examples of the major periods of California history or prehistory. However, the project has the potential to degrade the quality of the environment (i.e. hazardous materials, biological resources, cultural resources, and construction-related air quality, noise, and traffic impacts). This impact is considered less than significant with

implementation of the best management practices proposed as part of the project (refer to Chapter 2, *Best Management Practices*, of the EA/IS-MND) and with the additional mitigation measures identified in Chapter 3 of the EA/IS-MND.

- b. Does the project have impacts that are individually limited but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)**

Less than significant. The proposed project would not result in a substantial contribution to impacts that are individually limited or cumulatively considerable. The project’s effects are primarily temporary and construction-related, and all potential impacts would be less than significant or reduced to less than significant with mitigation required as part of the proposed project. No impacts would result in a substantial contribution to a significant cumulative impact. Therefore, this impact is considered less than significant.

- c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?**

Less than significant with mitigation. The project has the potential to have minor adverse effects on human beings from increased noise, dust, traffic, and exposure to hazardous materials during construction. This impact is considered less than significant because the impacts would be temporary and would be mitigated by implementing the best management practices proposed as part of the project (refer to Chapter 2, *Best Management Practices*, of the EA/IS-MND) and with the additional mitigation measures identified in Chapter 3 of the EA/IS-MND.

Mitigation Monitoring and Reporting Plan

Appendix B
Mitigation Monitoring Reporting Program
for the South Bay Advanced Recycled Water Treatment Facility Project
Mitigated Negative Declaration

Under the California Environmental Quality Act (CEQA), the Lead Agency must adopt a Mitigation Monitoring and Reporting Program (MMRP) as part of project approval whenever a Mitigated Negative Declaration or an Environmental Impact Report (EIR) is prepared on a project. This is stated in the CEQA Guidelines as follows:

“In order to ensure that the mitigation measures and project revisions identified in the EIR or negative Declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.” (§15097 (a))

“The Lead Agency may choose whether its program will monitor mitigation, report on mitigation, or both. “Reporting” generally consists of a written compliance review that is presented to the decision making body or authorized staff person. A report may be required at various stages during project implementation or upon completion of the mitigation measure. Reporting ensures that the approving agency is informed of compliance with mitigation requirements. “Monitoring” is generally an ongoing or periodic process of project oversight. Monitoring ensures that project compliance is checked on a regular basis during and, if necessary, after implementation. There is often no clear distinction between monitoring and reporting and the program best suited to ensuring compliance in any given instance will usually involve elements of both.” (§15097 (c))

This MMRP is summarized in table format. The table lists the impacts, mitigation measures, method and timing of implementation, and monitoring responsibility related to the South Bay Advanced Recycled Water Treatment Facility Project. It also suggests the documentation to be used to indicate that the measure was implemented. The table includes a column for a signature to verify that the measure was implemented, so that the MMRP itself can be used as the documentation.

The Santa Clara Valley Water District is the lead agency and is responsible for ensuring that the mitigation measures are implemented. All the mitigation measures listed in the MMRP would be implemented by the District or by its appointees.

According to CEQA Guidelines Section 15126.4 (a)(2), “Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments.” No permit conditions have been attached to this project; therefore, the mitigation measures listed in the MMRP would be implemented by the District when the project is approved

Impact	Mitigation Measure	Implementation Responsibility & Timing	Monitoring and Reporting Responsibility	Verified Implementation
--------	--------------------	--	---	-------------------------

Air Quality				
<p>Impact: Exhaust emissions from construction activities could cause the project to be in non-compliance with current BAAQMD requirements for PM10, resulting in adverse impacts to air quality</p>	<p>Mitigation Measure AQ-2.1 Implement Current BAAQMD Basic Construction Measures during Construction</p> <p>The District shall implement all of the BAAQMD's feasible control measures to reduce exhaust emissions of PM from construction activities presented below (as feasible and where applicable).</p> <ul style="list-style-type: none"> ▪ Use grid power instead of diesel generators at all construction sites where it is feasible to connect to grid power. ▪ In contract specifications, include requirements of 13 CCR 2480 and 2485, which limit the idling of all diesel-fueled commercial vehicles (weighing over 10,000 lbs) to 5 minutes at any location. In addition, limit the use of diesel auxiliary power systems and main engines to 5 minutes when within 100 feet of homes while the driver is resting. ▪ Minimize idling time to 5 minutes for all onsite heavy-duty equipment when not engaged in work activities. ▪ Locate staging areas and equipment maintenance activities as far from sensitive receptors as possible. <p>Develop a schedule of low-emissions tune-ups and perform such tune-ups on all equipment. A log of required tune-ups shall be maintained and a copy of the log submitted to the District on a monthly basis for review. In addition, all equipment shall be maintained in good working order and properly tuned in accordance with</p>	<p>Implementation: District/Contractor</p> <p>Timing: During Construction</p>	<p>District Project Manager</p>	<p>Initials _____</p> <p>Date _____</p>

Impact	Mitigation Measure	Implementation Responsibility & Timing	Monitoring and Reporting Responsibility	Verified Implementation
<p>Impact: Exhaust emissions from construction activities could cause the project to be in non-compliance with draft BAAQMD requirements for NOx, resulting in adverse impacts to air quality</p>	<p>Mitigation Measure AQ-2.2: Implement Draft BAAQMD Basic Construction Measures during Construction</p> <p>The District shall implement the following draft BAAQMD-recommended control measures to reduce PM and exhaust emissions from construction activities. The District shall include the following basic control measures, where applicable, in contract specifications:</p> <ul style="list-style-type: none"> • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. ▪ All haul trucks transporting soil, sand, or other loose material off-site shall be covered. ▪ All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. ▪ All vehicle speeds on unpaved roads shall be limited to 15 mph. ▪ All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. ▪ Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. 	<p>Implementation: District/Contractor Timing: During Construction</p>	<p>Implementation: District/Contractor Timing: During Construction</p>	<p>Initials _____</p> <p>Date _____</p>

Impact	Mitigation Measure	Implementation Responsibility & Timing	Monitoring and Reporting Responsibility	Verified Implementation
	<ul style="list-style-type: none"> ▪ All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. ▪ Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The phone number of the BAAQMD shall also be visible to ensure compliance with applicable regulations. 			
<p>Impact: Exhaust emissions from construction activities could cause the project to be in non-compliance with draft BAAQMD requirements for NOx, resulting in adverse impacts to air quality</p>	<p>Mitigation Measure AQ-2.3: Implement Draft BAAQMD Additional Construction Measures during Construction</p> <p>The District shall implement the following draft BAAQMD-recommended control measures to reduce PM and exhaust emissions from construction activities. The District shall include the following additional control measures, where applicable, in contract specifications:</p> <ul style="list-style-type: none"> ▪ All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe. ▪ All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph. ▪ Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 	<p>Implementation: District/Contractor Timing: During Construction</p>	<p>District Project Manager</p>	<p>Initials _____</p> <p>Date _____</p>

Impact	Mitigation Measure	Implementation Responsibility & Timing	Monitoring and Reporting Responsibility	Verified Implementation
	<p>percent air porosity.</p> <ul style="list-style-type: none"> ▪ Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established. ▪ The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time ▪ All trucks and equipment, including their tires, shall be washed off prior to leaving the site. ▪ Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel. ▪ Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent. ▪ The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOX reduction and 45 percent PM reduction compared to the most recent CARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as such 			

Impact	Mitigation Measure	Implementation Responsibility & Timing	Monitoring and Reporting Responsibility	Verified Implementation
	<p>become available.</p> <ul style="list-style-type: none"> Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings). 			
<p>Impact: Construction vehicles and equipment could be in non-compliance with ARB's proposed Early Action Measures to reduce GHG emissions, resulting in adverse impacts to global warming</p>	<p>Mitigation Measure AQ-7.1: Implement Construction Equipment GHG Reduction Measures</p> <p>The District shall include the following measures, as feasible and where applicable, in construction-contract specifications. These measures, in addition to having other environmental benefits, would also reduce GHG emissions. Some of these measures are part of ARB's "Early Action Measures."</p> <ul style="list-style-type: none"> The District will require that contractors maintain tire inflation to the manufacturer's inflation specifications The District will require that contractors shut down equipment when not in use for extended periods of time, and minimize idling time (i.e., 15 minute maximum). <p>The District will implement a construction worker education program</p>	<p>Implementation: District/Contractor Timing: During Construction</p>	<p>District Project Manager</p>	<p>Initials _____</p> <p>Date _____</p>
Biology				
<p>Impact: Construction activities would result in disturbance of tree nesting migratory birds and raptors, causing adverse impacts to special-status species</p>	<p>Mitigation Measure BIO-1.1. Establish Buffer Zones for Nesting Raptors and Migratory Birds</p> <p>If active nests are identified when construction activities begin, the biologist will establish no-disturbance buffer zones around the nest tree (or, for ground-nesting species, the nest itself). This buffer will be delineated with the help of the construction crew and will be made apparent through the use of flagging, fencing, or other</p>	<p>Implementation: District/Contractor Timing: During Construction</p>	<p>District Project Manager</p>	<p>Initials _____</p> <p>Date _____</p>

Impact	Mitigation Measure	Implementation Responsibility & Timing	Monitoring and Reporting Responsibility	Verified Implementation
	<p>agreed upon means that will not disturb the nesting birds. Buffer width and the establishment of buffers will be coordinated with DFG representatives. Buffers will remain in place for the duration of the nesting season, and no construction presence or activity of any type will be permitted within buffer zones. In general, the minimum buffer zone widths will be as follows: for golden eagle and white-tailed kite—300 feet; other raptors and migratory birds—250 feet. Based on discussion with DFG, buffer widths may be modified, depending on the proximity of the nest(s) and whether the nest(s) would have a direct line of sight to construction activities, existing disturbance levels at the nest(s), local topography and vegetation, the nature of proposed activities, and the species potentially affected. No construction presence or activity of any kind will be permitted within any buffer zone until the biologist determines that the young have fledged and moved out of the area and the nest is no longer active.</p>			
<p>Impact: Construction activities would result in disturbance to nesting burrowing owls, causing adverse impacts to a special-status species</p>	<p>Mitigation Measure BIO-1.2. Conduct Survey for Western Burrowing Owls and Remove Existing Refugia Prior to Breeding Season</p> <p>During the non-nesting season (September 1 – January 31) within 48-hours prior to ground disturbing activities, a survey will be conducted for overwintering western burrowing owls. A determination of owl presence and burrow use will be made. All unused refugia (ground squirrel burrows) will be filled in to deter owls from using the area. One-way doors will be placed in all occupied burrows. When it has been determined that owls have vacated the burrows, they will be filled to eliminate the risk of owls moving into the project site just prior to construction activities</p>	<p>Implementation: District</p> <p>Timing: Before Construction</p>	<p>District Project Manager</p>	<p>Initials _____</p> <p>Date _____</p>

Impact	Mitigation Measure	Implementation Responsibility & Timing	Monitoring and Reporting Responsibility	Verified Implementation
<p>Impact: Construction activities would result in disturbance to nesting burrowing owls, causing adverse impacts to a special-status species</p>	<p>commencing.</p> <p>Mitigation Measure BIO-1.3. Conduct Preconstruction Survey for New Nest Burrows and Establish Exclusion Zones If Needed</p> <p>The intent of this measure is to ensure that any new burrows dug following the completion of the preconstruction surveys required in Mitigation Measure BIO-1.2 do not create additional unmitigated opportunities for disturbance, injury, or mortality of owls in the construction area. If initial ground-disturbing activities (grubbing and clearing) occur during the nesting period, a qualified wildlife biologist will conduct a pre-construction survey for nesting western burrowing owls no more than 48 hours prior to ground disturbance in all suitable burrowing owl habitat. If the biologist identifies the presence of a nesting burrowing owl in an area that is schedule to be disturbed by construction, a 250-foot no-activity buffer will be established and maintained around the nest while it is active. Surveys and buffer establishment will be performed by qualified wildlife biologists and will be coordinated with DFG and will be subject to DFG review and oversight.</p>	<p>Implementation: District Timing: Before Construction</p>	<p>District Project Manager</p>	<p>Initials _____</p> <p>Date _____</p>
<p>Impact: Construction activities would result in disturbance to nesting burrowing owls, causing adverse impacts to a special-status species</p>	<p>Mitigation Measure BIO-1.4. Compensate for Loss of Burrowing Owl Habitat</p> <p>The District will offset the loss of foraging and burrow habitat in the project area by acquiring and permanently protecting foraging habitat identified in the project area. The protected lands would be located adjacent to the occupied burrowing owl habitat in the project area or at another occupied site within or adjacent to the bufferlands. The location of the protected lands and the ratio of compensation will be determined in coordination</p>	<p>Implementation: District Timing: Before Construction is Complete</p>	<p>District Project Manager</p>	<p>Initials _____</p> <p>Date _____</p>

Impact	Mitigation Measure	Implementation Responsibility & Timing	Monitoring and Reporting Responsibility	Verified Implementation
	with DFG. The District will also prepare a monitoring plan and provide long-term management and monitoring of the protected lands. The monitoring plan will specify success criteria, identify remedial measures, and require an annual report to be submitted DFG and to the City of San Jose Environmental Principal Planner. If lands are not protected near the project site, credits will be purchased from a mitigation bank in coordination with DFG. DFG will be consulted as to the location of the bank and the amount of mitigation credits that would need to be purchased to compensate for burrowing owl habitat loss.			
Impact: Construction activities would impede the use of tree nesting sites, causing adverse impacts to nesting migratory birds and raptors	Mitigation Measure BIO-4.1. Establish Buffer Zones for Nesting Raptors and Migratory Birds Same as Mitigation Measure BIO-1.1, described above.	Implementation: District Timing: Before Construction	District Project Manager	Initials _____ Date _____
Impact: Construction activities would impede the use of ground nesting sites, causing adverse impacts to burrowing owls	Mitigation Measure BIO-4.2. Conduct Survey for Western Burrowing Owls and Remove Existing Refugia Prior to Breeding Season Same as Mitigation Measure BIO-1.2, described above.	Implementation: District Timing: Before Construction	District Project Manager	Initials _____ Date _____
Impact: Construction activities would impede the use of ground nesting sites, causing adverse impacts to burrowing owls	Mitigation Measure BIO-4.3. Conduct Preconstruction Survey for New Nest Burrows and Establish Exclusion Zones If Needed Same as Mitigation Measure BIO-1.3, described above.	Implementation: District Timing: Before Construction	District Project Manager	Initials _____ Date _____
Impact: Construction activities would impede the use of ground nesting sites, causing adverse impacts to burrowing owls	Mitigation Measure BIO-4.4. Compensate for Loss of Burrowing Owl Habitat Same as Mitigation Measure BIO-1.4, described above.	Implementation: District Timing: Before Construction is Complete	District Project Manager	Initials _____ Date _____

Impact	Mitigation Measure	Implementation Responsibility & Timing	Monitoring and Reporting Responsibility	Verified Implementation
--------	--------------------	--	---	-------------------------

Cultural Resources

Impact: Native American remains may be unearthed during construction, causing adverse impacts in the significance of an archaeological resource pursuant to Section 15064.5	Mitigation Measure CR-2.1. Monitor Subsurface Earth Disturbances during Construction A qualified/registered archaeological monitor will be onsite periodically to perform inspections of subsurface earth disturbance during construction. The frequency of archaeological monitoring during construction will be at the discretion of the Consulting Archaeologist and will depend on the location of work. The archaeological monitor will have the authority to temporarily halt or redirect earth disturbance work in the vicinity of cultural resources exposed during construction, so the find can be evaluated by the Consulting Archaeologist and appropriately mitigated in accordance with District's standard BMPs for cultural resources protection, as described in Chapter 2, Best Management Practices.	Implementation: District Timing: During Construction	District Project Manager	Initials _____ Date _____
--	---	---	--------------------------	--

Impact: Previously unmarked and unknown burials may be unearthed during construction, causing disturbance of human remains	Mitigation Measure CR-3.1. Monitor Subsurface Earth Disturbances during Construction Same as Mitigation Measure CR-2.1, described above.	Implementation: District Timing: During Construction	District Project Manager	Initials _____ Date _____
---	--	---	--------------------------	--

Traffic

Impact: Construction of the proposed project would generate additional temporary traffic, causing degradation of LOS at local intersections and on local	Mitigation Measure TR-1.1: Coordinate with City to Reduce Peak Hour Traffic Impacts To the extent feasible, construction haul trips on the regional roadway will be scheduled for non-peak periods when delays are less prevalent. The	Implementation: District Timing: Before Construction	District Project Manager	Initials _____ Date _____
---	--	---	--------------------------	--

Impact	Mitigation Measure	Implementation Responsibility & Timing	Monitoring and Reporting Responsibility	Verified Implementation
roadways	construction contractor will coordinate with the City to identify appropriate routings and times for site deliveries and comply with City recommendations.			
Impact: Temporary lane closures and construction-related traffic could delay or obstruct the movement of emergency vehicles, resulting in inadequate emergency access	Mitigation Measure TR-5.1: Coordinate with City to Reduce Peak Hour Traffic Impacts Same as Mitigation Measure TR-1.1, described above.	Implementation: District Timing: Before Construction	District Project Manager	Initials _____ Date _____

Appendix C
**Special Status Plant and Wildlife Species
in the Region**

Table C-1. Special-Status Wildlife Species in the Project Region

Common and Scientific Name	Status Fed/State	Geographic Distribution	Habitat Requirements	Potential Occurrence in Study Area
INVERTEBRATES				
Vernal pool tadpole shrimp <i>Lepidurus packardii</i>	E/-	Shasta County south to Merced County	Vernal pools and ephemeral stock ponds	None
Conservancy fairy shrimp <i>Branchinecta conservatio</i>	E/-	Disjunct occurrences in Solano, Merced, Tehama, Ventura, Butte, and Glenn Counties	Large, deep vernal pools in annual grasslands	None
Bay checkerspot butterfly <i>Euphydryas editha bayensis</i>	T/-	Vicinity of San Francisco Bay including San Francisco peninsula in San Mateo Co., and mountains near San Jose, Santa Clara County	Native grasslands on outcrops of serpentine soil; California plantain and owl's clover are host plants	None
AMPHIBIANS				
California red-legged frog <i>Rana aurora draytoni</i>	T/SSC	Found along the coast and coastal mountain ranges of California from Marin County to San Diego County and in the Sierra Nevada from Tehama County to Fresno County	Permanent and semipermanent aquatic habitats, such as creeks and cold-water ponds, with emergent and submergent vegetation. May estivate in rodent burrows or cracks during dry periods.	None
California tiger salamander <i>Ambystoma californiense</i> (= <i>A. tigrinum c.</i>)	C/SSC, PT	Central Valley, including Sierra Nevada foothills, up to approximately 1,000 feet, and coastal region from Butte County south to northeastern San Luis Obispo County.	Small ponds, lakes, or vernal pools in grasslands and oak woodlands for larvae; rodent burrows, rock crevices, or fallen logs for cover for adults and for summer dormancy	None
REPTILES				
Alameda whipsnake <i>Masticophis lateralis euryxanthus</i>	T/T	Restricted to Alameda and Contra Costa Counties; fragmented into 5 disjunct populations throughout its range	Valleys, foothills, and low mountains associated with northern coastal scrub or chaparral habitat; requires rock outcrops for cover and foraging	None
FISH				
Chinook salmon - spring-run <i>Oncorhynchus tshawytscha</i>	T/T	Central Valley Spring-Run includes populations spawning in the Sacramento River and its tributaries	Spawn in the upper reaches of the Sacramento River and its tributaries	None; Out of species' range
Chinook salmon - winter-run Sacramento River <i>Oncorhynchus tshawytscha</i>	E/E	Occur primarily in the Sacramento/San Joaquin Estuary before entering the ocean. Runs are limited to the Sacramento River	Spawn in the upper reaches of the Sacramento River	None; Out of species' range

Table C-1. Continued

Common and Scientific Name	Status Fed/State	Geographic Distribution	Habitat Requirements	Potential Occurrence in Study Area
Chinook salmon - fall-run Central Valley <i>Oncorhynchus tshawytscha</i>	SC/SSC	Central Valley fall-run includes populations spawning in the Sacramento River and its tributaries	Spawn in the upper reaches of the Sacramento River and its tributaries	Moderate
Delta smelt <i>Hypomesus transpacificus</i>	T/T	Typically associated with Sacramento/San Joaquin Delta in fresh to brackish water	Reside primarily in the interface between salt and freshwater	None; Out of species' range
Steelhead—Central California coastal DPS <i>Oncorhynchus mykiss</i>	T/-	Central coastal basins from the Russian River, south to Soquel Creek, including San Francisco and San Pablo Bay basins	Spawns in cool, clear, well-oxygenated streams. Juveniles remain in freshwater for one or more years before migrating	Moderate
Steelhead—Central Valley DPS <i>Oncorhynchus mykiss</i>	T/-	Spawns in the Sacramento and San Joaquin rivers and their tributaries	Juveniles spend 1-4 years in fresh water before migrating to the ocean as smolts	None; Out of species' range
BIRDS				
California least tern <i>Sterna antillarum</i> (= <i>albifrons</i>) <i>browni</i> (nesting colony)	E/E	Nests on beaches along the San Francisco Bay and along the southern California coast from southern San Luis Obispo County south to San Diego County	Nests on sandy, upper ocean beaches, and occasionally uses mudflats; forages on adjacent surf line, estuaries, or the open ocean	None
Golden eagle <i>Aquila chrysaetos</i>	PR/SSC, FP	Foothills and mountains throughout California. Uncommon nonbreeding visitor to lowlands such as the Central Valley	Nest on cliffs and escarpments or in tall trees overlooking open country. Forages in annual grasslands, chaparral, and oak woodlands with plentiful medium and large-sized mammals	Present; species seen soaring over site by Jones & Stokes personnel—10.05.07
Western burrowing owl <i>Athene cunicularia hypugea</i>	-/SSC	Lowlands throughout California, including the Central Valley, northeastern plateau, southeastern deserts, and coastal areas. Rare along south coast	Level, open, dry, heavily grazed or low stature grassland or desert vegetation with available burrows	Probable—nesting habitat in project area and occurrences in area.
Western snowy plover (inland population) <i>Charadrius alexandrinus nivosus</i>	-/SSC	Nests at inland lakes throughout northeastern, central, and southern California, including Mono Lake and Salton Sea	Barren to sparsely vegetated ground at alkaline or saline lakes, reservoirs, ponds and riverine sand bars; also along sewage, salt-evaporation, and agricultural waste-water ponds	None

Table C-1. Continued

Common and Scientific Name	Status Fed/State	Geographic Distribution	Habitat Requirements	Potential Occurrence in Study Area
White-tailed kite <i>Elanus leucurus</i>	-/FP	Lowland areas west of Sierra Nevada from the head of the Sacramento Valley south, including coastal valleys and foothills to western San Diego County at the Mexico border	Low foothills or valley areas with valley or live oaks, riparian areas, and marshes near open grasslands for foraging	Present; species seen soaring over site by Jones & Stokes personnel—10.05.07
California clapper rail <i>Rallus longirostris obsoletus</i>	E/-	Marshes around San Francisco Bay and east through the Sacramento River–San Joaquin River Delta to Suisun Marsh.	Restricted to salt marshes and tidal sloughs. Usually associated with heavy growth of pickleweed. Feeds on mollusks removed from the mud in sloughs.	None
MAMMALS				
Salt marsh harvest mouse <i>Reithrodontomys raviventris</i>	E/E, FP	San Francisco, San Pablo, and Suisun Bays; the Delta	Salt marshes with a dense plant cover of pickleweed and fat hen; adjacent to an upland site	None
San Joaquin kit fox <i>Vulpes macrotis mutica</i>	E/T	Principally occurs in the San Joaquin Valley and adjacent open foothills to the west; recent records from 17 counties extending from Kern County north to Contra Costa County	Saltbush scrub, grassland, oak, savanna, and freshwater scrub	None

Common and Scientific Name	Status	Geographic Distribution	Habitat Requirements	Potential Occurrence in Study Area
Status explanations:				
Federal				
E = listed as endangered under the federal Endangered Species Act.				
T = listed as threatened under the federal Endangered Species Act.				
PT = proposed for federal listing as threatened under the federal Endangered Species Act.				
PR = Protected under the Bald Eagle/Golden Eagle Protection Act.				
SC = Species of concern.				
C = species for which USFWS has on file sufficient information on biological vulnerability and threat(s) to support issuance of a proposed rule to list, but issuance of the proposed rule is precluded.				
– = no listing.				
State				
E = listed as endangered under the California Endangered Species Act.				
T = listed as threatened under the California Endangered Species Act.				
FP = fully protected under the California Fish and Game Code.				
PT = proposed for state listing as threatened				
SSC = species of special concern in California.				
– = no listing.				
Potential Occurrence in the Study Area				
High:	Known occurrences of the species within the study area, or California Natural Diversity Database, or other documents, records the occurrence of the species within a 10-mile radius of the study area. Suitable habitat is present within the study area.			
Moderate:	California Natural Diversity Database, or other documents, records the known occurrence of the species within a 10-mile radius of the study area. Poor quality suitable habitat is present within the study area.			
Low:	California Natural Diversity Database, or other documents, does not record the occurrence of the species within a 10-mile radius of the study area. Suitable habitat is present within the study area.			

NOTICE OF DETERMINATION

Santa Clara Valley Water District
 5750 Almaden Expressway
 San Jose, CA 95118
 (408) 265-2600

Office of planning and Research
 1400 Tenth Street, Room 121
 Sacramento, CA 95818

County of Santa Clara County Clerk
 70 West Hedding Street
 San Jose CA 95110

Subject:

Filing of Notice of determination in compliance with Section 21108 or 21152 of the Public Resource Code.

Contact Person: Elise Latedjou-Durand Environmental Planner	Telephone No: 408-265-2600 X 3205	State Clearinghouse No: SCH # 2009122055
Project Title: South Bay Advanced Recycled Water Treatment Facility Project		
Project Location: The proposed project would occur on a vacant 4.6 acre-parcel land located on Zanker Road in northern San Jose, approximately 0.55 miles north of Highway 237 and 0.6 miles south of the San Francisco Bay.		
Project Description: The purpose of the project is to expand the district's existing recycled water service. The proposed project will reduce the salinity of the recycled water supply, which will lessen potential total dissolved solids (TDS) impacts on underlying groundwater and will also benefit protected habitats and species in the South Bay. The South Bay Advanced Water Recycled Facility (ARWTF) would have a peak production capacity of up to 10 million gallons of recycled water per day (MGD). The ARWTF would be part of the existing South Bay Water Recycling Transmission Plant Station (SBWR TPS) and would not increase the current plant's maximum 40 MGD capacity. The district and the City of San Jose, which have discretionary approval over the project, are respectively the lead agency and the responsible agency under California Environmental Quality Act (CEQA). Reclamation, which has discretionary approval over project funds allocated through the Title XVI program, is the lead agency for the proposed project under the National Environmental Policy Act (NEPA).		

This is to advise that the Santa Clara Valley Water District has approved the above described project on _____, and has made the following determinations regarding the above described project:

- The project will, will not, have a significant effect on the environment.
- An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
- Mitigation measures were were not made a condition of the approval of the project.
- A statement of Overriding Considerations was, was not adopted for this project.
- Findings were, were not made pursuant to the provision of CEQA.

This is to certify that the Final Mitigated Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Santa Clara Valley Water District
 5750 Almaden Expressway
 San Jose, CA 95118

Signature (Public Agency):	Title:	Date:
----------------------------	--------	-------