



EDMUND G. BROWN JR.
GOVERNOR

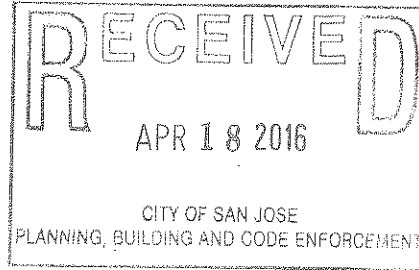


MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

APR 14 2016

Kieulan Pham
City of San Jose
200 East Santa Clara St., 3rd Floor
San Jose, CA 95113



Dear Ms. Pham:

ADDENDUM TO THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (ADDENDUM) FOR CITY OF SAN JOSE (CITY); SAN JOSE/SANTA CLARA REGIONAL WASTEWATER FACILITY COGENERATION PROJECT-BOILERS AND CHILLERS REPLACEMENT (PROJECT); SANTA CLARA COUNTY; STATE CLEARINGHOUSE NO. 2014042039

We understand that the City is pursuing Clean Water State Revolving Fund (CWSRF) financing for this Project (CWSRF No. C-06-8141-110). As a funding agency and a state agency with jurisdiction by law to preserve, enhance, and restore the quality of California's water resources, the State Water Resources Control Board (State Water Board) is providing the following information on the Addendum to be prepared for the Project.

The State Water Board, Division of Financial Assistance, is responsible for administering the CWSRF Program. The primary purpose for the CWSRF Program is to implement the Clean Water Act and various state laws by providing financial assistance for wastewater treatment facilities necessary to prevent water pollution, recycle water, correct nonpoint source and storm drainage pollution problems, provide for estuary enhancement, and thereby protect and promote health, safety and welfare of the inhabitants of the state. The CWSRF Program provides low-interest funding equal to one-half of the most recent State General Obligation Bond Rates with a 30-year term. Applications are accepted and processed continuously. Please refer to the State Water Board's CWSRF website at:
www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/index.shtml.

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The CWSRF Program is partially funded by the United States Environmental Protection Agency and requires additional "CEQA-Plus" environmental documentation and review. Three enclosures are included that further explain the CWSRF Program environmental review process and the additional federal requirements. For the complete environmental application package, please visit:
http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/srf_forms.shtml. The State Water Board is required to consult directly with agencies responsible for implementing federal environmental laws and regulations. Any environmental issues raised by federal agencies or their representatives will need to be resolved prior to State Water Board approval of a CWSRF financing commitment for the proposed Project. For further information on the CWSRF Program, please contact Mr. Ahmad Kashkoli, at (916) 341-5855.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

It is important to note that prior to a CWSRF financing commitment, projects are subject to provisions of the Federal Endangered Species Act (ESA), and must obtain Section 7 clearance from the United States Department of the Interior, Fish and Wildlife Service (USFWS), and/or the United States Department of Commerce National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) for any potential effects to special-status species.

Please be advised that the State Water Board will consult with the USFWS, and/or the NMFS regarding all federal special-status species that the Project has the potential to impact if the Project is to be financed by the CWSRF Program. The City will need to identify whether the Project will involve any direct effects from construction activities, or indirect effects such as growth inducement, that may affect federally listed threatened, endangered, or candidate species that are known, or have a potential to occur in the Project site, in the surrounding areas, or in the service area, and to identify applicable conservation measures to reduce such effects.

In addition, CWSRF projects must comply with federal laws pertaining to cultural resources, specifically Section 106 of the National Historic Preservation Act (Section 106). The State Water Board has responsibility for ensuring compliance with Section 106, and must consult directly with the California State Historic Preservation Officer (SHPO). SHPO consultation is initiated when sufficient information is provided by the CWSRF applicant. If the City decides to pursue CWSRF financing, please retain a consultant that meets the Secretary of the Interior's Professional Qualifications Standards (http://www.nps.gov/history/local-law/arch_stnds_9.htm) to prepare a Section 106 compliance report.

Note that the City will need to identify the Area of Potential Effects (APE), including construction and staging areas, and the depth of any excavation. The APE is three-dimensional and includes all areas that may be affected by the Project. The APE includes the surface area and extends below ground to the depth of any Project excavations. The records search request should extend to a ½-mile beyond Project APE. The appropriate area varies for different projects but should be drawn large enough to provide information on what types of sites may exist in the vicinity.

Other federal environmental requirements pertinent to the Project under the CWSRF Program include the following (for a complete list of all federal requirements please visit: http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/docs/forms/application_environmental_package.pdf):

- A. An alternative analysis discussing environmental impacts of the Project in either the CEQA document (Negative Declaration, Mitigated Negative Declaration or Environmental Impact Report) or in a separate report.
- B. Compliance with the Federal Clean Air Act: (a) Provide air quality studies that may have been done for the Project; and (b) if the Project is in a nonattainment area or attainment area subject to a maintenance plan; (i) provide a summary of the estimated emissions (in tons per year) that are expected from both the construction and operation of the Project for each federal criteria pollutant in a nonattainment or maintenance area, and indicate if the nonattainment designation is moderate, serious, or severe (if applicable); (ii) if emissions are above the federal de minimis levels, but the Project is sized to meet only the needs of current population projections that are used in the approved State Implementation Plan for air quality, quantitatively indicate how the proposed capacity increase was calculated using population projections.

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- C. Compliance with the Coastal Zone Management Act: Identify whether the Project is within a coastal zone and the status of any coordination with the California Coastal Commission.
- D. Protection of Wetlands: Identify any portion of the proposed Project area that should be evaluated for wetlands or United States waters delineation by the United States Army Corps of Engineers (USACE), or requires a permit from the USACE, and identify the status of coordination with the USACE.
- E. Compliance with the Farmland Protection Policy Act: Identify whether the Project will result in the conversion of farmland. State the status of farmland (Prime, Unique, or Local and Statewide Importance) in the Project area and determine if this area is under a Williamson Act Contract.
- F. Compliance with the Migratory Bird Treaty Act: List any birds protected under this act that may be impacted by the Project and identify conservation measures to minimize impacts.
- G. Compliance with the Flood Plain Management Act: Identify whether or not the Project is in a Flood Management Zone and include a copy of the Federal Emergency Management Agency flood zone maps for the area.
- H. Compliance with the Wild and Scenic Rivers Act: Identify whether or not any Wild and Scenic Rivers would be potentially impacted by the Project and include conservation measures to minimize such impacts.

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cont.

Following are specific comments on the City's draft Addendum:

- 1. Please provide a copy of the Initial Study/Mitigated Negative Declaration and all of its associated documents, such as the Mitigation Monitoring and Reporting Plan (MMRP), to the State Water Board.
- 2. Appendix A for air quality only mentions emissions for the boiler. Will the chiller have any emissions? What about construction versus operation emissions for both the boilers and the chillers?
- 3. Appendix B for biological resources says that there is potential foraging habitat in the Project area for golden eagles, white-tailed kites and prairie falcons. However, it makes the distinction that since no suitable nesting habitat is within the Project area, no impacts to these species will occur. Could foraging habitat for these species or others be impacted by the Project?
- 4. Please ensure that an environmental alternatives analysis is included in either the CEQA document or in the technical project report.

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Please provide us with the following documents applicable to the proposed Project following the City's California Environmental Quality Act (CEQA) process: (1) one copy of the draft and final Addendum, (2) the resolution adopting the Addendum and making CEQA findings, (3) all comments received during the review period and the City's response to those comments, (4) the adopted MMRP, and (5) the Notice of Determination filed with the Santa Clara County Clerk and the Governor's Office of Planning and Research, State Clearinghouse. In addition, we would appreciate notices of any hearings or meetings held regarding environmental review of any projects to be funded by the State Water Board.

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Thank you for the opportunity to review the City's draft Addendum. If you have any questions or concerns, please feel free to contact me at (916) 341-5686, or by email at Amanda.Dwyer@waterboards.ca.gov, or contact Ahmad Kashkoli at (916) 341-5855, or by email at Ahmad.kashkoli@waterboards.ca.gov.

Sincerely,



Amanda Dwyer
Environmental Scientist

Enclosures (3)

1. Clean Water State Revolving Fund Environmental Review Requirements
2. Quick Reference Guide to CEQA Requirements for State Revolving Fund Loans
3. Basic Criteria for Cultural Resources Reports

cc: State Clearinghouse
(Re: SCH# 2014042039)
P.O. Box 3044
Sacramento, CA 95812-3044