

MITIGATION MONITORING AND REPORTING PROGRAM

**San José/Santa Clara Regional Wastewater Facility
DIGESTER AND THICKENER FACILITIES UPGRADE
PROJECT**



AUGUST 2015

Planning File No. PP15-055

P R E F A C E

Section 21081 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring or reporting program is to ensure compliance with the mitigation measures during project implementation.

The Project is the backbone of a major anaerobic digestion process conversion at the San Jose/Santa Clara Regional Wastewater Facility. Components of the project include upgrades and improvements to the anaerobic digesters, dissolved air flotation thickeners (DAFTs), and digester gas system, conversion of the current mesophilic digestion process to a temperature phased anaerobic digestion (TPAD) system, an odor control system, and replacement of existing flares.

The Initial Study concluded that the implementation of the project could result in a significant effect on the environment and a mitigation measure is required as a condition of project approval. This Mitigation Monitoring and Reporting Program addresses that measure in terms of how and when it will be implemented.

This document does *not* discuss those subjects for which the Initial Study concluded that the impacts from implementation of the project would be less than significant.

I, _____, the applicant, on the behalf of _____, hereby agree to fully implement the Mitigation Measure described below which has been developed in conjunction with the preparation of an Initial Study/Mitigated Negative Declaration for my proposed Project. I understand that the Mitigation Measure or a substantially similar measure will be adopted as a condition of approval with my Conditional Use Permit request to avoid or significantly reduce potential environmental impacts to a less than significant level, where feasible.

Applicant's Signature _____

Date _____

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Potential Impact	Mitigation Measure	Oversight of Implementation	Method of Compliance	Timing of Compliance
<p>D. Biological Resources</p> <p>Impact D-1. Construction activities may result in abandonment of a nest in active use and loss of any eggs or young in the nest, resulting in violation of the federal Migratory Bird Treaty Act and State Fish and Game sections.</p> <p>[Significant Impact]</p>	<p>MM D-1. The following precautions shall be taken to avoid inadvertent take of bird nests protected under the federal Migratory Bird Treaty Act and the State Fish and Game Code:</p> <ul style="list-style-type: none"> • If initial construction is proposed during the nesting season (February 1 to August 31), a focused survey for nesting raptors and other migratory birds shall be conducted by a qualified biologist within 7 days prior to the onset of construction in order to determine whether any active nests are present in the APE and surrounding area within 100 feet of proposed construction. The survey shall be reconducted any time construction has been delayed or curtailed for more than 7 days during the nesting season. • If no active nests are identified during the construction survey period, or development is initiated during the non-breeding season (September 1 to January 31), construction may proceed with no restrictions. • If bird nests are found, an adequate setback shall be established around the nest location and construction activities restricted within this no-disturbance zone until the qualified biologist has confirmed that any young birds have fledged and are able to function outside the nest location. Required setback distances for the no-disturbance 	<p>Department of Planning, Building and Code Enforcement</p>	<p>City to retain biologist, conduct preconstruction survey, monitor compliance if necessary. Preconstruction surveys will be submitted to the Senior Environmental Planner at the Department of Planning, Building and Code Enforcement prior to ground disturbance.</p>	<p>Prior to any removal of trees or grading, whichever comes first</p>

	<p>zone shall be based on input received from the CDFW, and may vary depending on species and sensitivity to disturbance. As necessary, the no-disturbance zone shall be fenced with temporary orange construction fencing if construction is to be initiated elsewhere in the APE.</p> <ul style="list-style-type: none"> A report of findings shall be prepared by the qualified biologist and submitted to the City for review and approval prior to initiation of construction during the nesting season (February 1 to August 31). The report shall either confirm absence of any active nests or should confirm that any young are located within a designated no-disturbance zone and construction can proceed. No report of findings is required if construction is initiated during the non-nesting season (September 1 to January 31) and continues uninterrupted according to the above criteria. <p>[Less Than Significant Impact with Mitigation Incorporated]</p>			
<p>Impact E-1. Excavation activities for the sludge equalization tanks in Process Area 73 and for structural reinforcement of digesters 5-8 walls will be to depth where native soils will be encountered, raising the potential that archaeological materials that are either intact</p>	<p>MM E-1. The following measures shall be followed for the protection of archaeological resources:</p> <ul style="list-style-type: none"> Full-time monitoring by an archaeologist of the sludge equalization tank excavation for the first week. Based on the initial observations regarding the depth of fill or any previous disturbance, the archaeologist will determine the necessity for and frequency of remaining monitoring. 	<p>E. Cultural Resources</p> <p>Department of Planning, Building and Code Enforcement</p>	<p>City to retain archaeologist, conduct survey, develop and implement recovery plan, if necessary. Any necessary surveys will be submitted to the Senior Environmental</p>	<p>Prior to and during construction</p>

<p>or displaced from another site may be encountered.</p> <p>[Significant Impact]</p>	<ul style="list-style-type: none"> Should archaeological materials be encountered, work in the immediate find should halt and an archaeologist would assess the potential significance of the find. If significant, the Archaeologist shall develop a treatment plan in consultation with the City, the SWRCB, and the State Historic Preservation Officer. This plan would likely entail a program of systematic data recovery in which cultural materials are documented and removed. <p>[Less Than Significant Impact with Mitigation Incorporated]</p>		<p>Planner at the Department of Planning, Building and Code Enforcement.</p>	
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SOURCE: City of San José, **RWF Digester and Thickener Facilities Upgrade Project Initial Study**, August 2015.

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