MITIGATION MONITORING AND REPORTING PROGRAM

San José-Santa Clara Regional Wastewater Facility
Legacy Biosolids Lagoons Cleanup Project Addendum
File No. ER20-007
May 2020

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

PREFACE

Section 21081.6 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 and reporting program is to ensure compliance with the mitigation measures during project implementation.

The Initial Study/Addendum prepared for the Legacy Biosolids Lagoons Cleanup Project concluded that the implementation of the project could result in significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This Mitigation Monitoring and Reporting Program addresses those measures in terms of how and when they will be implemented.

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

The City of San José hereby agrees to fully implement the mitigation measures described below, which have been developed in conjunction with the preparation of an Initial Study/Addendum for the proposed project. The City understands that these mitigation measures, or substantially similar measures, will be adopted as conditions of approval to avoid or significantly reduce potential environmental impacts to less than significant levels.

The following abbreviations are used:

BAAQMD = Bay Area Air Quality Management District
CCR = California Code of Regulations
CDFW = California Department of Fish and Wildlife
CEQA = California Environmental Quality Act
CFR = Code of Federal Regulations
CM = Construction Management Resources Team
DTSC = Department of Toxic Substance Control
ESD = Environmental Services Department
HASP = Health and Safety Plan
HCP = Santa Clara Valley Habitat Conservation Plan
NAHC = Native American Heritage Commission
OSHA = Occupational Safety and Health Administration
PM = San José-Santa Clara Regional Wastewater Facility Capital Improvements Program - Project Manager
PBCE = Planning, Building and Code Enforcement
RMMP = Restoration Mitigation Monitoring Plan
RWQCB = Regional Water Quality Control Board
SCCDEH = Santa Clara County Department of Environmental Health
SCVHA = Santa Clara Valley Habitat Agency
SVOCs = semi-volatile organic compounds
USACE= U.S. Army Corps of Engineers
USFWS = U.S. Fish and Wildlife Service
VOCs = volatile organic compounds

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		**Documentation of Compliance [Lead Agency Responsibility]**		
	Method of Compliance Or Mitigation Action	**Timing of Compliance**	**Oversight Responsibility**	**Actions/Reports**	**Monitoring Timing or Schedule**
AIR QUALITY					
Impact AQ-1: The proposed Project could violate an air quality standard or contribute substantially to an existing or projected air quality violation.					
Mitigation Measure AQ-1: Bay Area Air Quality Management District (BAAQMD) Basic Control Measures The contractor shall implement the following measures: • 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.	ESD shall ensure that contract documents include a requirement for BAAQMD Basic Construction Measures.	Design	Environmental Services Department (ESD)	Review contract documents	Prior to contract approval
	ESD shall monitor to ensure that contractor implements measures in contract documents: • Include discussion of this mitigation measure in contractor environmental training sessions. • Post signage. • Maintain site inspection checklists. • Review contractor's equipment tune-up and emissions logs. • Notify San José-Santa Clara Regional Wastewater Facility Capital Improvements Program - Project Manager (PM) of non-compliance and ensure corrective action	Construction	ESD and Construction Management (CM)	Monitor implementation	Construction

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• All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. • Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours.					
Mitigation Measure AQ-2: Bay Area Air Quality Management District (BAAQMD) Additional Control Measures The contractor shall implement the following measures: • 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 percent air porosity. • 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.	ESD shall ensure that contract documents include a requirement for BAAQMD Additional Construction Measures.	Design	ESD	Review contract documents	Prior to contract approval
	ESD shall monitor to ensure that contractor implements measures in contract documents: • Include discussion of this mitigation measure in contractor environmental training sessions. • Post signage. • Maintain site inspection checklists. • Review contractor's equipment tune-up and emissions logs.	Design	ESD and CM	Monitor implementation.	Prior to contract approval

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• 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. • Minimize the idling time of diesel powered construction equipment to two minutes consistent with the requirements of Title 13, Section 2485, of the California Code of Regulations and Title 13, Section 2449, of the California Code of Regulations. • A plan shall be prepared to the satisfaction of the Environmental Services Department's Project Manager 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 ARB 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, add-on devices such as particulate filters, and/or other options as such become available.	• Notify PM of non-compliance and ensure corrective action.				

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• Use low Volatile Organic Compound (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings). • Require that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM. • Require that all contractors use equipment that meets CARB's most recent certification standard for off-road heavy duty diesel engines.					
BIOLOGICAL RESOURCES					
Impact BIO-1: The Project could have a substantial adverse effect, either directly or through habitat modifications, on Congdon's tarplant					
Mitigation Measure BIO-1: Reduce Impacts to Tarplant For purposes of reducing construction-related impacts to Congdon's tarplant, the City's Environmental Services Department (ESD) shall provide a qualified biologist to: • Conduct surveys for Congdon's tarplant May 1st through October 31st (inclusive) prior to implementing construction-related vegetation removal and/or excavation and fill activities. Surveys shall be conducted by a qualified biologist. The survey will follow the CDFW *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*[1].	ESD shall prepare the following: • Signed electronic copies (pdf) of the plant survey; • Signed documentation of seed collection and post-construction seeding results if required;	Prior to, during, and after ground-disturbing activities	ESD and Director of Planning, Building and Code Enforcement (PBCE) or Director's Designee	Prepare and review documentation and submit noncompliance report	Prior to, during, and after ground-disturbing activities

[1] California Department of Fish and Wildlife (CDFW). 2018. *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*. Revised March 20, 2018.

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• Avoid damaging or removing individuals of Congdon's tarplant while conducting the above activities whenever possible. • Prior to construction, all workers shall take part in a Worker Environmental Awareness Training program conducted by an agency-approved biologist. The biologist shall train work crews in standard procedures for identifying and avoiding impacts to all special-status species with the potential to occur in the work area. The awareness program shall be conducted at the start of construction and thereafter as required for new construction personnel. A sign-in sheet for crew receiving the training shall be maintained on file by ESD. The permanent loss of Congdon's tarplants shall be mitigated at a minimum mitigation-to-impact ratio of 1:1. To address permanent loss of Congdon's tarplant individuals, the following measures shall be implemented: • During July (inclusive), prior to initiation of construction activities, ESD shall provide a qualified biologist to begin tracking Congdon's tarplant within the project area to determine when plants have set seeds and identify individual from which to collect seeds. Once seeds have set, seeds from individuals of Congdon's tarplant from within the project area shall be collected during August or September (inclusive) under the direction of a qualified biologist, prior to initiation of activities that will impact individuals, and immediately sown at reseeding location(s) to mimic the species' natural seasonal cycle of dispersal and germination prior to the its blooming period, which can begin as early as May (inclusive).	• Signed documentation of mowing and annual weed control activities; and • If reseeding is required, annual monitoring reports documenting success of the planted population. • Signed documentation of appropriate trail signage. • A report of any instance of noncompliance with these measures. ESD shall submit report, if applicable to Director of PBCE Department or Director's Designee.				

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• Seed of Congdon's tarplant shall be applied within a proposed replacement area, the location of which shall be determined in consultation with CDFW. Location of seed planting will be recorded using a submeter accuracy GPS unit (e.g., Trimble GPS) to enable finding the relocation plantings for monitoring. • Areas seeded with Congdon's tarplant shall be monitored during the first 5 years following reseeding. Monitoring shall be conducted during the peak blooming period (July 1 through November 30, inclusive). The planted population shall be compared to a known reference population[2] each time monitoring is conducted to accurately verify the degree of success of the planted population. • During the first year of monitoring, revegetation shall be considered successful if the species in 70% of the reseeded area are occurring at densities comparable to the reference population. If unsuccessful, seed shall be collected and sown in the unsuccessful areas prior to the rainy season that year. If reseeding is necessary at any point during the monitoring period, the monitoring period shall reset (extended by five years) for the affected area. • During each subsequent year of monitoring, revegetation will be considered successful if the species is found to be occurring in 80% of the reseeded area at densities comparable to the reference population. If revegetation is					

[2] A reference population is a subset of a target population (e.g., Congdon's tarplant) that serves as a standard against which the population being monitored is evaluated; in this case, the reference population is checked to determine plant vigor, whether blooming is occurring, etc., so that the success of the monitored population can be compared to the established reference population.

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unsuccessful for two consecutive years, seed will be collected and sown in the unsuccessful areas prior to the rainy season that year. • During the final two years of monitoring, if seeding of previously unoccupied habitat is successful (plants occur in 80% of the reseeded area at densities comparable to the reference population), then the mitigation will be deemed successful and no additional monitoring will be required. If unsuccessful, the area will be deemed unsuitable habitat. In this case, revegetation of additional areas, determined in consultation with CDFW will occur, and an additional two years of monitoring will be conducted. For purposes of reducing direct impacts to Congdon's tarplant during operations and maintenance (O&M): • If Congdon's tarplant occurs within the footprint of the legacy biosolids lagoons project following the completion of the project and cannot be avoided during O&M activities, ESD shall conduct mowing and trimming of vegetation in areas occupied by Congdon's tarplant prior to flowering before November 15th to May 1st (inclusive) (to avoid the blooming season [May 1st to November 15th (inclusive)]) or after seeds have been set (November 16th). • Mow no lower than 6 inches in areas with Congdon's tarplant in order to minimize removal of tarplant foliage prior to flowering					

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Impact BIO-2: The Project could have a substantial adverse effect, either directly or through habitat modifications, on raptors and migratory birds					
Mitigation Measure BIO-2d: Raptor and Migratory Bird Nest Measures. • If possible, construction, including mowing and trimming of vegetation, shall be scheduled between September 1st and January 31st (inclusive) to avoid the bird nesting season (February 1st – August 31st, inclusive). • If Project construction is scheduled during the nesting season (February 1st–August 31st, inclusive), the City's Environmental Services Department (ESD) or its contractor shall retain a qualified wildlife biologist to conduct a survey for nesting raptors and migratory birds within 7 days of the start of construction or after any construction breaks of 14 days or more, within 7 days prior to the resumption of construction. • Surveys shall be performed for the Project area and for suitable habitat within 300 feet. If an active nest is discovered, a no-disturbance buffer zone around the nest tree (or, for ground-nesting species, or nests identified on Facility buildings, the nest itself) shall be established. • The no-disturbance zone shall be marked with flagging or fencing that is easily identified and avoided by the construction crew, and shall not affect the nesting birds. In general, the minimum buffer zone widths shall be as follows: 100 feet (radius) for non-raptor species and	If possible, ESD shall schedule construction between September 1st and January 31st (inclusive).	Construction	ESD	None	Construction
	ESD shall contract a qualified biologist to conduct surveys for nesting raptors and migratory birds within 7 days of start of project construction or within 7 days of start of construction after any construction breaks of 14 days or more (if construction commences between February 1st and August 31st, inclusive). If active nests are located during survey, establish buffer zones and consult with USFWS/CDFW as required.	Within 7 days prior to construction	ESD	Survey reports	Construction
	ESD shall monitor to ensure that contractor implements measures in contract documents regarding buffer zones and avoidance measures established by biologist and/or USFWS/CDFW: • Include discussion of this mitigation measure in environmental training sessions.	Construction	ET	Monitor implementation	Construction

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300 feet (radius) for raptor species; however, the buffer zone widths may be adjusted if an obstruction, such as a building, is within line-of-sight between the nest and construction. • Buffer zone widths and other avoidance measures may be modified based on consultation with CDFW and the USFWS. Buffer zones shall remain in place as long as the nest is active or young remain in the area and are dependent on the nest. • Construction activities that are scheduled to begin outside the breeding season (September 1st through January 31st, inclusive) can proceed without surveys. • If possible, all necessary tree and vegetation removal shall be conducted before the start of breeding bird season to minimize the opportunity for birds to nest at the Project site and conflict with Project construction activities. • Prior to construction, all workers shall take part in an environmental awareness program conducted by an agency-approved biologist. The biologist shall train work crews in standard procedures for identifying and avoiding impacts to all special-status species with the potential to occur in the work area. The awareness program shall be conducted at the start of construction and thereafter as required for new construction personnel. A sign-in sheet for crew receiving the training shall be maintained on file by the ESD or its contractor.	• Maintain site inspection logs. • Notify PM of non-compliance and ensure corrective action.				
	ESD shall submit reports, if applicable, to USFWS/CDFW per consultation requirements.	Construction	ESD	Submit Reports	Construction
	CM shall submit survey reports to ESD and any final compliance report, if applicable; ESD shall submit noncompliance report to Director of PBCE or Director Designee	Construction	ESD and Director of PBCE or Director Designee	Compliance Report	Construction, Post-Construction

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• ESD shall notify the Director of Planning Building and Code Enforcement or Director's Designee when the mitigation actions will occur for approval prior to the start of construction.					
Mitigation Measures BIO-2c: Salt Marsh Harvest Mouse and Salt Marsh Wandering Shrew Measures *Avoidance and Minimization During Construction and Maintenance* Construction work, including site preparation; mowing, trimming and removal of vegetation; stockpiling; and earthwork, shall avoid suitable salt marsh harvest mouse habitat (defined under 1., below) to the extent possible during their breeding seasons (February 1 to November 30, inclusive). As work during the species' breeding seasons will likely be necessary, a species avoidance plan shall be developed in consultation with USFWS and CDFW, and then implemented. The species avoidance plan shall include, at minimum, the following: 1. Species avoidance measures shall be implemented for all construction work within 100 feet of suitable salt marsh and non-tidal vegetated salt marsh habitat capable of containing salt marsh harvest mouse (suitable habitat).	ESD shall ensure that requirements for compliance with any biological resources buffer zones and species protection are included in contract documents.	Design	ESD	Review contract	Prior to contract approval
	For work during the salt marsh harvest mouse breeding season, ESD shall provide a qualified biologist to develop and implement a species avoidance plan in consultation with USFWS and CDFW.	Pre-construction/ Construction	ESD	Species Avoidance Plan	Pre-construction/ Construction
	ESD shall retain a qualified biologist to conduct an environmental awareness program to train work crews about standard procedures for identifying and avoiding impacts to all special-status species with the potential to occur in the work area.	Pre-construction/ Construction	ESD	Environmental Awareness Program	Pre-construction/ Construction

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2. Prior to initiation of work within suitable habitat, a USFWS- and CDFW-approved biologist shall be retained to survey areas where disturbance is planned and supervise the hand removal of pickleweed, to avoid impacts on salt marsh harvest mouse. Monitoring will occur for the duration of all clearing work within suitable habitat.	ESD shall retain a qualified biologist to survey areas where disturbance is planned and to supervise the hand removal of pickleweed during all clearing work within suitable habitat in accordance with the species avoidance plan.	Prior to and during vegetation removal within suitable habitat	ESD	Survey and supervise vegetation removal	Prior to and during vegetation removal within suitable habitat
3. If salt marsh harvest mouse or active nests of this species are observed during clearing activities, the following will occur: a. Clearing will cease and workers will move to a new area. b. Project activities within 100 feet of the observation will be postponed and a minimum no-disturbance buffer of 100 feet will be established. The buffer will remain in place until the biologist determines that the individuals have left the area and are not present in or near (within 100 feet) of the work area. If no individuals are observed during the surveys or avoidance protocol above, then buffers will not be required. Prior to construction, all workers shall take part in an environmental awareness program conducted by an agency-approved biologist. The biologist shall train work crews in standard procedures for identifying and avoiding impacts to all special-status species with the potential to occur in the work area.	ESD, in conjunction with a qualified biologist, shall create and/or restore salt marsh habitat at a ratio of at least 1:1, or as otherwise determined in consultation with resource agencies.	Post-construction	ESD	Habitat Restoration	Post-construction

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The awareness program shall be conducted at the start of construction and thereafter as required for new construction personnel. A sign-in sheet for crew receiving the training shall be maintained on file by the project proponent. For purposes of reducing direct impacts to salt marsh harvest mouse during operations and maintenance (O&M): • O&M work, including mowing and trimming, shall avoid suitable salt marsh harvest mouse habitat to the extent possible during their breeding seasons (February 1 to November 30, inclusive). *Habitat Creation, Restoration* The project proponent or its contractor shall create and/or restore salt marsh habitat at a ratio of at least 1:1. A more specific ratio will be developed in consultation with USFWS or CDFW for project impacts. The project proponent will implement one or more of the following options (i) enhancement of salt marsh in the area south of Dixon Landing Road, (ii) enhancement of salt marsh habitat in some inactive biosolids lagoons, and/or (iii) payment to the South Bay Salt Pond Project to restore salt marsh habitat in the vicinity of the project, or as otherwise deemed appropriate through consultation with USFWS and CDFW. The created and/or restored salt marsh will exhibit hydrology similar to other salt marsh habitat in the surrounding area and retain similar functions and values as those salt marsh habitats that are lost.					

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Impact BIO-4: The Project could have a substantial adverse effect on wetlands through direct removal, filling, hydrological interruption, or other means					
Mitigation Measure BIO-4a: Wetlands Avoidance Measures Access roads, work areas, and infrastructure shall be sited by a qualified biologist to avoid and minimize direct and indirect impacts to jurisdictional wetland habitat features. Prior to the beginning of any construction-related activities, the following measures shall be applied to protect potential jurisdictional features, as directed by ESD in conjunction with a qualified biologist: a. A protective barrier (such as silt fencing) shall be erected around water features adjacent to the Project at the "top of bank" or at the feature boundary to isolate them from Project activities and reduce the potential for incidental fill, erosion, or other disturbance; b. Signage shall be installed on the fencing to identify sensitive habitat areas and restrict construction activities; c. No equipment mobilization, grading, clearing, or storage of equipment or machinery, or similar activity shall occur at the Project site until a representative of the City has inspected and approved the protection fencing; and d. The City shall ensure that the temporary fencing is continuously maintained until the Project is completed. e. Drainage from all proposed facilities where chemical spills could occur during Project operation shall be directed away from sensitive resources and/or include	ESD shall ensure that wetlands are clearly designated on site plans and requirements for minimizing impacts to wetlands are included in contract documents.	Design	ESD	Review contract	Design
	CM, directed by ESD in conjunction with a qualified biologist, shall install construction fencing around designated wetlands according to delineation created by qualified biologist, and ensure that contractor erects signage for protection of environmentally sensitive areas	Construction	CM and ESD	Fencing and signage	Construction
	ESD, in conjunction with a qualified biologist, shall monitor to ensure that contractor implements measures in contract documents: • Include in contractor environmental training • Maintain site inspection logs • Notify PM of non-compliance and ensure corrective action	Construction	ESD	Monitor implementation	Construction

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other measures to minimize potential for release of potential pollutants to the environment.	CM shall submit final compliance reporting documentation, if applicable	Construction/Post-Construction	ESD	Compliance Report	Construction/Post-Construction
Mitigation Measure BIO-4b: Regulatory Approval and Wetlands Restoration. If it is determined during the design phase that impacts on wetland habitat cannot be avoided, the City's Environmental Services Department (ESD) shall obtain permits and approvals from the USACE, Regional Water Quality Control Board (RWQCB), and/or CDFW, as applicable. In order to ensure that the Project results in no net loss of wetland habitat functions and values, the City shall compensate for the loss of wetland resources through on-site restoration/ creation, off-site protection and enhancement of wetland habitat, and/or purchase of mitigation credits consistent with the terms and conditions of permits and approvals from the resource agencies (USACE, RWQCB, and CDFW, as applicable).. On-site or off-site habitat restoration/creation and/or purchase of mitigation credits consistent with the terms and conditions of the resource agency permits shall be determined in consultation with the resource agencies, as applicable. The City shall prepare a mitigation plan, which shall include monitoring applicable requirements and success criteria.	If wetlands cannot be avoided, ESD shall retain a qualified biologist or permitting specialist to assist with preparation of resource agency permit applications to USACE, RWQCB, and CDFW. This may include preparation of a Restoration Mitigation Monitoring Plan (RMMP).	Design (and at least one year prior to construction)	ESD	Restoration Mitigation Monitoring Plan	Design (and at least one year prior to construction)
	ESD shall ensure that requirements for compliance with resource agency permits are included in contract documents (specifications to be determined). This may include site restoration according to RMMP.	Design	ESD	Review contract	Design
	ESD, in conjunction with qualified biologist, shall monitor to ensure that contractor implements measures in contract documents regarding permit requirements: • Include in environmental training • Maintain site inspection logs	Construction	ESD	Monitor implementation	Construction

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	• Notify PM of non-compliance and ensure corrective action				
	ESD, in conjunction with a qualified biologist, shall submit reports, as applicable, to resource agencies per permit requirements.	Post-construction	ESD	Submit Reports	Post-construction
	ESD, in conjunction with a qualified biologist, shall perform post-construction compliance monitoring and corrective actions, as needed.	Post-construction/ restoration	ESD	Monitor restoration	Post-construction/ restoration
	ESD, in conjunction with a qualified biologist, shall submit final compliance report to resource agencies, if applicable	Post-restoration monitoring period	ESD	Compliance Report	Post-restoration monitoring period
CULTURAL RESOURCES					
Impact CUL-1: Implementation of the Project could cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.					
Mitigation Measure CUL-3a: Inadvertent Discovery of Archaeological Resources. If prehistoric or historic-era archaeological resources are encountered by construction personnel during project implementation, all construction activities within 100 feet shall halt and the contractor shall notify the City's Environmental Services Department (ESD) personnel and the Director of PBCE or Director's Designee. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers)	ESD shall ensure that measures related to archaeological discoveries are included in contract documents.	Design	ESD	Review Contract	Design
	ESD shall ensure that all personnel complete environmental training prior to beginning work. Monitor to ensure that the contractors implement measures in contract document	Construction	ESD	Monitor implementation	Construction

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or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); battered stone tools, such as hammer stones and pitted stones. Historic-era materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. City's ESD or its contractor shall retain a Secretary of the Interior-qualified archaeologist to inspect the findings within 24 hours of discovery. If it is determined that the project could damage a historical resource as defined by CEQA (CEQA Guidelines §15064.5), construction shall cease in an area determined by the archaeologist until a mitigation plan has been prepared, approved by the Director of PBCE or Director's Designee, and implemented to the satisfaction of the archaeologist (and Native American representative if the resource is prehistoric, who will be identified by the Native American Heritage Commission [NAHC]). If the Native American Representative identifies the find as a tribal resource, ESD or its contractor shall proceed to Mitigation Measure CUL-3c. For archaeological resources, the archaeologist, in consultation with the Director of PBCE or Director's Designee and the City's Historic Preservation Officer, shall determine when construction can resume. The preferred mitigation shall be preservation in place. If preservation in place is not physically or financially	A qualified archeologist shall evaluate the potential discovery and advise the PM as to the significance of the discovery. If warranted, proceed with measures that may include the following: a. On-site preservation of resource; b. Archaeological monitoring program with prior review/approval of PM; or c. Archaeological testing program with prior review/approval of PM.	Construction	PM Director of PBCE or Director's Designee, and City's Historic Preservation Officer	Evaluate Discovery	Construction
	A qualified archeologist shall prepare a Final Archaeological Resources Report if warranted. Submit to ESD for review and approval.	Construction	ESD and Director of PBCE or Director Designee	Final Archeological Resources Report	Construction

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
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feasible, mitigation shall be data recovery through excavation. If preservation in place is selected as mitigation, the mitigation shall be accomplished through one of the four following means: (1) modifying the construction plan to avoid the resource; (2) incorporating the resource within open space; (3) capping and covering the resource before building appropriate facilities on the resource site; or (4) deeding the resource site into a permanent conservation easement. If preservation in place is not feasible, a qualified archaeologist shall prepare and implement a detailed treatment plan to the satisfaction of the Director of PBCE or Director's Designee to recover the scientifically consequential information from the resource prior to any excavation at the resource site. Treatment for most resources that could be encountered shall consist of (but shall not necessarily be not limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the project. The treatment plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to the Director of PBCE or Director's Designee, the City's Historic Preservation Officer, the Northwest Information Center (if applicable), local and state repositories, libraries, and interested professionals.					

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
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Impact CUL-2: Implementation of the Project could disturb human remains, including those interred outside of formal cemeteries.					
Mitigation Measure CUL-5: Inadvertent Discovery of Human Remains. If human remains are encountered by construction personnel during project implementation, all construction activities within 100 feet shall halt and the contractor shall notify the Director of PBCE or Director's Designee. ESD shall contact the Santa Clara County Coroner to determine whether or not the remains are Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner shall contact the NAHC within 24 hours. The NAHC would then identify the person or persons it believes to be the most likely descendant from the deceased Native American, who in turn would make recommendations to the City for the appropriate means of treating the human remains and any associated funerary objects which shall be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.	ESD shall ensure that contract documents include measures related to discovery of human remains.	Design	ESD	Review contract	Design
	ESD shall include in environmental training. Monitor to ensure that the contractor implements measures in contract document including reporting human remains if encountered and suspending work in the vicinity.	Construction	ESD	Monitor implementation	Construction
	ESD, in conjunction with a qualified archeologist, shall confirm identification of human remains, if needed. If human remains are confirmed, perform required coordination and notifications.	Construction	ESD and Director of PBCE or Director's Designee	Confirm identification	Construction
	A qualified archeologist shall monitor to ensure the appropriate disposition of human remains.	Construction	ESD	Monitor disposition	Construction
	A qualified archeologist shall submit final compliance report, if applicable.	Construction	ESD and Director of PBCE or Director's Designee	Compliance Report	Construction

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TRIBAL CULTURAL RESOURCES					
Impact TCR-1: Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k). Impact TCR-2: A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.					
Implement **Mitigation Measure CUL-3a: Inadvertent Discovery of Archaeological Resources and Mitigation Measure CUL-5: Inadvertent Discovery of Human Remains**, described above under Cultural Resources.					
HAZARDS AND HAZARDOUS MATERIALS					
Impact HAZ-1: The Project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, and is located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, could create a significant hazard to the public or the environment.					
Mitigation Measure HAZ-1b: Health and Safety Plan. The City shall require the construction contractor to retain a qualified health and safety professional to prepare a site-specific Health and Safety Plan (HASP) in accordance with federal OSHA regulations (29 CFR 1910.120) and Cal/OSHA regulations (8 CCR Title 8, Section 5192), to be implemented during construction. The HASP shall address site-specific worker health and safety issues during construction of the project. The HASP shall include the following information: • Results of soil sampling reported in the Closure Plan. All required measures to protect construction workers and the general public by including engineering controls,	ESD shall ensure that contract documents include preparation of a Health and Safety Plan and documentation of compliance in accordance with the mitigation measure.	Design	ESD	Review contract	Design
	CM shall review contractor's Health and Safety Plan.	Design/ Construction	CM	Review Health and Safety Plan	Design/ Construction
	CM shall monitor compliance by the contractor, report non-compliance or discovery of suspect hazardous materials to PM. Ensure corrective action, sampling, remediation and/or	Construction	CM	Monitor implementation	Construction

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monitoring, and security measures to prevent unauthorized entry to the construction areas and to reduce hazards outside of the construction areas. If prescribed contaminant exposure levels are exceeded, personal protective equipment shall be required for workers in accordance with state and federal regulations. Required worker health and safety provisions for all workers potentially exposed to contaminated materials, in accordance with state and federal worker safety regulations, and designated qualified individual personnel responsible for implementation of the HASP. • Documentation that HASP measures have been implemented during construction. • Provision that submittal of the HASP to ESD, or any review of the contractor's HASP by ESD, shall not be construed as approval of the adequacy of the contractor as a health and safety professional, the contractor's HASP, or any safety measure taken in or near the construction site. The contractor shall be solely and fully responsible for compliance with all laws, rules, and regulations applicable to health and safety during the performance of the construction work.	disposal as warranted. (Note contractor is solely responsible for health and safety of its employees). A copy of the HASP shall be submitted to the Director of PBCE or Director's Designee.	Construction	ESD	Submit HASP to the Director of PBCE or Director's Designee	Construction

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HYDROLOGY AND WATER QUALITY					
Impact HYD-1: The project could substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would (i) result in substantial erosion or siltation on- or off-site; (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; or (iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.					
Mitigation Measure HYD-1: Phase 2 Lagoons Drainage Plan. During Phase 2 design, ESD shall prepare a Phase 2 lagoons area drainage plan to ensure that, once Phase 2 is complete: • Increased stormwater runoff volume or duration caused by the cleanup that may result in new erosion, sedimentation, or inundation of critical Facility structures or plant facilities are to be consistent with stormwater control requirements specified by the RWQCB; and • Drainage infrastructure, including culverts or pipelines, is designed to avoid inundation of important structures and plant facilities and to be consistent with Municipal Regional Stormwater Permit (MRP) requirements or other stormwater control requirements specified by the RWQCB.	ESD shall prepare a Phase 2 lagoons area drainage plan.	Design	ESD	Review Drainage Plan	Design

Source: San José-Santa Clara Regional Wastewater Facility Legacy Biosolids Lagoons Cleanup Addendum, April 2020.