

## DRINKING WATER ENVIRONMENTAL PACKAGE INSTRUCTIONS (CONSTRUCTION – TIER II)

**This Environmental Package is required for projects undergoing a Tier II (i.e., “non-equivalency”) review under the current Drinking Water (DW) State Revolving Fund (SRF) Intended Use Plan.** For additional information on the Tier II process, see Appendix 8 of the Drinking Water [State Environmental Review Process](#). The DW SRF Intended Use Plan can be found here: [https://www.waterboards.ca.gov/drinking\\_water/services/funding/DWSRFIUP.html](https://www.waterboards.ca.gov/drinking_water/services/funding/DWSRFIUP.html).

If you are not certain whether to complete this Tier II Environmental Package or the Tier I Environmental Package, contact the assigned State Water Resources Control Board (State Water Board) Project Manager. If a Project Manager has not been assigned to the project, contact the State Water Board, Division of Financial Assistance [[DrinkingWaterSRF@waterboards.ca.gov](mailto:DrinkingWaterSRF@waterboards.ca.gov); (916) 327-9978].

### I. GENERAL INFORMATION

**Applicant (entity) name:** Enter the full name of the entity that will be the legal signatory to a financing agreement.

**Project title:** Enter the title of the project.

**Environmental documents prepared by (e.g., consultant, city, etc.):** Provide the name of the environmental consulting firm, company, entity, or public agency that prepared the environmental document(s).

**Environmental contact (e.g., consultant, city, or county staff, etc.):** Provide the name of a person that prepared the environmental documents for the project, and/or is knowledgeable about the environmental documents. A State Water Board Environmental Scientist (Environmental Review Staff) may need to coordinate with this contact person during the environmental review process.

**Contact email:** Provide an email for the listed environmental contact.

**Contact phone:** Provide a phone number for the listed environmental contact.

**Project description:** Provide a description of all anticipated construction activities or indicate where this information may be found.

**List and describe all environmental permits, approvals, and/or certifications required for the project:** Identify any permits, approvals, and/or certifications that are required for the project. Permits, approvals, and certifications include those issued by local, state, and federal agencies, such as a California Department of Fish and Wildlife Lake and Streambed Alteration Agreement, Clean Water Act (CWA), Sections 404 Permit and 401 Certification, a Coastal Development permit, etc.

NOTE: Any project, regardless of funding, must obtain approval for any temporary or permanent disturbance to federal and state waters. The CWA, Sections 404 and 401 require consultation with the United States Army Corps of Engineers (USACE) and the Regional Water Quality Control Board(s) (RWQCB), if a project may result in the discharge of dredged or fill material into waters of the United States, including wetlands. The CWA, Section 404 Permit process through the USACE can be lengthy, and, as with the CWA, Section 401 Certification process, may ultimately require project alterations to avoid an adverse impact on waters of the United States. The applicant must consult with the USACE and the RWQCB(s) early in the planning process if any portion of the project may impact, or the project site contains waters of the United States, so that practical project alternatives and/or impact avoidance can be discussed. For more information on the CWA, Sections 404 Permit and 401 Certification processes, please visit <https://www.epa.gov/cwa-404/section-404-permit-program> and [https://19january2017snapshot.epa.gov/sites/production/files/2016-11/documents/cwa\\_401\\_handbook\\_2010.pdf](https://19january2017snapshot.epa.gov/sites/production/files/2016-11/documents/cwa_401_handbook_2010.pdf).

## II. FEDERAL ENVIRONMENTAL REQUIREMENTS

Public hearing and meeting requirements. A public hearing or meeting must be held for all projects and activities except those having little or no environmental effect. Projects exempt from CEQA, and many projects covered by an MND or ND may qualify as having little or no environmental effect, and thus would not require a public hearing or meeting. Public hearings or meetings to adopt an ND or MND, or to certify a final EIR will meet this requirement. The applicant should consult with the Environmental Review Staff to determine whether a public hearing or meeting is required. If a public hearing or meeting is determined by the Environmental Review Staff to be necessary, or one has already occurred for other reasons, provide the date(s) of when any such meeting(s) was held.

Environmental Analysis of Alternatives. The DW SRF Program requires an environmental analysis of alternatives for projects that are not exempt from CEQA. Preparation of an Environmental Impact Report under CEQA typically meets this requirement. If a Negative Declaration or Mitigated Negative Declaration (ND/MND) was prepared for the project, briefly discuss the “No Project” alternative if this is not already included in the ND/MND. (For general guidance see CEQA Guidelines, section 15126.6(e)). If project alternatives beyond the selected project were considered but are not included in the CEQA document, briefly discuss or identify the document that discusses the alternative analysis.

## III. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The CEQA process must be complete prior to a financing agreement being executed by the State Water Board, Division of Financial Assistance.

**Title of CEQA document:** Provide the title of the CEQA document that covers the project.

**CEQA lead agency:** Provide the name of the public agency acting as the lead agency pursuant to CEQA Guidelines. The CEQA lead agency is the public agency which has the principal responsibility for carrying out or approving the project.

If the applicant is not a public agency (e.g., non-profit, private water system, Native American Tribe, etc.), contact the State Water Board, Division of Financial Assistance to ensure CEQA requirements are met, and to assist in determining the lead agency for the proposed project.

If the State Water Board is the CEQA lead agency, early coordination with the State Water Board, Division of Financial Assistance is necessary to ensure Assembly Bill 52 tribal consultation requirements are met and to determine the appropriate CEQA process is completed. CEQA documents prepared for the State Water Board as CEQA lead agency must meet Web Content Accessibility Guidelines (WCAG) 2.1, with a minimum conformance level of AA. Additional information about WCAG 2.1 guidelines can be found at the World Wide Web Consortium website: <https://www.w3.org/TR/WCAG21/>.

When the applicant is acting as a CEQA responsible agency, they must adopt/certify the CEQA document, approve the project, and file a Notice of Determination with the County Clerk and the Governor's Office of Planning and Research (OPR), State Clearinghouse (SCH).

**Office of Planning and Research (OPR), State Clearinghouse (SCH) number:** Enter the ten-digit number assigned to the project at the time of filing with the OPR, SCH.

All CEQA documents with public comment period requirements must be circulated through the OPR, SCH. Additionally, to meet DW SRF requirements, all Notices of Exemption and Notices of Determination must be filed with the OPR, SCH in addition to the local County Clerk's office.

**Complete the appropriate CEQA checklist(s) below and provide any applicable documents as attachments to the Environmental Package.** Some documents may fulfill multiple checklist items, for example, the CEQA lead agency may have adopted the final MND and the Mitigation Monitoring and Reporting Plan/Program in the same adoption resolution or meeting minutes.

Detailed information on CEQA requirements, including statutes and CEQA Guidelines, can be obtained at <http://www.opr.ca.gov/ceqa/>.

#### IV. CEQA EXEMPTION INFORMATION

Complete this section only if the project is exempt from CEQA

All CEQA exemptions, including statutory exemptions, under Tier II are subject to the CEQA exceptions (see Attachment 7 of the Drinking Water [State Environmental Review Process](#); 40 CFR 35.3580(e), which prohibit application of exemptions where there are extraordinary circumstances in which a normally excluded project may have a significant environmental effect).

**Identify the CEQA exemption(s) that applies to the project:** Identify the California Code of Regulations citation(s). See Attachment 7 of the Drinking Water [State Environmental Review Process](#).

**Justify why the exemption(s) applies to the project:** Write a brief statement justifying why the exemption(s) applies to the project. This can be the same statement included on the NOE.

**If applicable, list any documents that support the CEQA exemption(s) applied to the project:**

Provide the title of any document(s) used to support the CEQA exemption(s) applied to the project, and submit a copy of the document(s) as an attachment to the Environmental Package (e.g., documentation explaining why exceptions to the categorical exemptions do not apply, technical reports, Initial Studies, maps, photographs, etc.).

**If the project is categorically exempt, respond to the following exceptions and justify why each exception (identified in the California Code of Regulations, title 14, division 6, chapter 3, article 19, section 15300.2.) does not apply.** The California Code of Regulations identifies six exceptions to categorical exemptions, which may cause a categorical exemption to not apply to a project. If a categorical exemption applies to the project, justify why each of the six exceptions listed do not apply, or indicate where this information may be found and attach supporting documentation to the Environmental Package.

## DRINKING WATER ENVIRONMENTAL PACKAGE (CONSTRUCTION – TIER II)

<b>I. GENERAL INFORMATION</b>
<b>Applicant (entity) name:</b>
<b>Project title:</b>
<b>Environmental documents prepared by (e.g., consultant, city, etc.):</b> <b>Environmental contact (e.g., consultant, city, or county staff, etc.):</b> <b>Contact email:</b> <b>Contact phone:</b>
<b>Project description:</b>
<b>List and describe all environmental permits, approvals, and/or certifications required for the project:</b>
<b>II. FEDERAL ENVIRONMENTAL REQUIREMENTS</b>
<u>Public hearing and meeting requirements.</u> A public hearing or meeting must be held for all projects and activities that are controversial. <b>Provide the public hearing or meeting date(s), if applicable:</b>

Environmental Analysis of Alternatives The DW SRF Program requires an environmental analysis of alternatives for projects that are not exempt from CEQA. Environmental Impact Reports must evaluate alternatives to the selected project to comply with CEQA. For projects covered by a Negative Declaration or Mitigated Negative Declaration (ND/MND), at a minimum, briefly discuss environmental impacts of the "No Project" alternative if this is not already included in the ND/MND.

### III. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

**Title of CEQA document:**

**CEQA lead agency:**

If no public agencies have discretionary approval over the project other than the State Water Resources Control Board, contact the Division of Financial Assistance prior to development of any CEQA documentation (please see the Environmental Package Instructions above for additional information).

**Office of Planning and Research (OPR), State Clearinghouse (SCH) number:**

**Complete the appropriate CEQA checklist(s) below and provide any applicable documents as attachments to the Environmental Package.**

#### CEQA Exemption

*Required documents:*

- Notice of Exemption (NOE) filed with the local County Clerk - **date filed:**
- NOE filed with the OPR, SCH - **date filed:**
- Supporting documentation for categorical exemptions (if applicable)

#### Initial Study/Negative Declaration (IS/ND)

*Required documents:*

- Draft IS/ND circulated through the OPR, SCH
- Comments received on circulated IS/ND
- Responses to comments (if applicable)
- Final IS/ND adopted by the CEQA lead agency
- Resolution/meeting minutes adopting IS/ND - **date adopted:**
- Notice of Determination (NOD) filed with the local County Clerk - **date filed:**
- NOD filed with the OPR, SCH - **date filed:**

Initial Study/Mitigated Negative Declaration (IS/MND)

*Required documents:*

- Draft IS/MND circulated through the OPR, SCH
- Comments received on circulated IS/MND
- Responses to comments (if applicable)
- Final IS/MND adopted by the CEQA lead agency
- Mitigation Monitoring and Reporting Plan/Program (MMRP) adopted by the CEQA lead agency
- Resolution/meeting minutes adopting IS/MND - **date adopted:**
- Resolution/meeting minutes adopting MMRP - **date adopted:**
- NOD filed with the local County Clerk - **date filed:**
- NOD filed with the OPR, SCH - **date filed:**

Environmental Impact Report (EIR)

*Required documents:*

- Draft EIR circulated through the OPR, SCH
- Comments received on circulated EIR
- Responses to comments
- Final EIR certified by the CEQA lead agency
- MMRP adopted by the CEQA lead agency
- Statement of Overriding Considerations (if applicable) - **date approved:**
- Resolution/meeting minutes certifying EIR - **date certified:**
- Resolution/meeting minutes adopting MMRP - **date adopted:**
- NOD filed with the local County Clerk - **date filed:**
- NOD filed with the OPR, SCH - **date filed:**

Addendum/Addenda, Supplemental or Subsequent CEQA Document

*Required documents:*

- Addendum/Addenda, Supplemental, or Subsequent CEQA Document
- MMRP adopted by the CEQA lead agency (if applicable)
- Resolution/meeting minutes/consideration document (if applicable) - **date:**
- Resolution/meeting minutes adopting MMRP (if applicable) - **date adopted:**
- NOD filed with the local County Clerk (if applicable) - **date filed:**

NOD filed with the OPR, SCH (if applicable) - **date filed:**

#### **IV. CEQA EXEMPTION INFORMATION**

Complete this section only if the project is exempt from CEQA. All CEQA exemptions, including statutory exemptions, under both Tier I and Tier II are subject to the CEQA exceptions (see Attachment 7 of the [State Environmental Review Process](#); 40 CFR 35.3580(e), which prohibit application of exemptions where there are extraordinary circumstances in which a normally excluded project may have a significant environmental effect).

**Identify the CEQA exemption(s) that applies to the project:**

**Justify why the exemption(s) applies to the project:**

**If applicable, list any documents that support the CEQA exemption(s) applied to the project:**

**If the project is categorically exempt, address the following exceptions and justify why each exception (identified in the California Code of Regulations, title 14, division 6, chapter 3, article 19, section 15300.2.) does not apply.**

Location. Classes 3, 4, and , 6, and are qualified by consideration of where the project is to be located - a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

**If a class 3, 4, and/or 6 categorical exemption applies, justify why this exception does not apply to the project, and/or indicate where supporting information can be found:**



**Cumulative Impact.** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

**Justify why this exception does not apply to the project, and/or indicate where supporting information can be found:**

**Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

**Justify why this exception does not apply to the project, and/or indicate where supporting information can be found:**

**Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

**Justify why this exception does not apply to the project, and/or indicate where supporting information can be found:**

**Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

**Justify why this exception does not apply to the project, and/or indicate where supporting information can be found:**

**Historical Resources.** A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

**Justify why this exception does not apply to the project, and/or indicate where supporting information can be found:**