Public Workshop and CEQA Scoping Meeting

Downtown Anchorage and B Street/Broadway Piers (DAB)
TMDLs for Toxic Pollutants in Sediments

January 10, 2013
II. CEQA Scoping Meeting
Purpose of CEQA Scoping Meeting

➢ To fulfill legal obligation
  • CEQA statute: Public Resources Code §21000 et seq. (California Environmental Quality Act)
  • CEQA Guidelines: 14 CCR §15000 et seq.
  • SWRCB’s Certified Regulatory Program Implementation Regulations: 23 CCR §3720 et seq.
  • Updated statute, guidelines, caselaw, other info: http://www.ceres.ca.gov/ceqa and http://www.waterboards.ca.gov/laws_regulations
Purpose of CEQA Scoping Meeting

- Provide opportunity for agencies and public
  - to review the proposed project, identify environmental impacts, alternatives, and mitigations, and
  - to suggest actions early in the process
Certified Regulatory Programs

- Water Board’s Basin Planning Process has been Certified by Secretary of the Resources Agency as CRP
- Includes same requirements as normal process but uses different names
Substitute Environmental Documents (SED)

- Includes
  - Basin Plan amendment
  - Supporting Staff Report
  - Checklist/environmental analysis
  - Comments
  - Responses
  - Resolution
Purpose of CEQA Analysis

- Evaluate proposed project
  - Environmental impacts
  - Alternatives to project
  - Mitigation measures for impacts
- Ensure Public Disclosure and Participation
Definition of “Project” Under CEQA

- The whole of the “action” and all foreseeable methods of compliance
  - Regulatory action by Water Board (TMDL/BPA) AND
  - Foreseeable methods of compliance by responsible parties
  - Required to evaluate both
Evaluate Regulatory Action (by Water Board)

- Alternatives
- Impacts
- Mitigation Measures
Example Alternatives to TMDL/BPA

- No Action

- Single Water Board Action Alternatives
  - Adopt Permit (NPDES, WDR)
  - Issue Conditional Waiver
  - Adopt Discharge Prohibition
  - Issue Enforcement Orders
  - Certify Third Party Implementation Plan (Non-regulatory)
Select Alternative That...

- Meets all project objectives
- Has least environmental impact
Evaluate Reasonably Foreseeable Methods of Compliance (by RPs)

- Alternatives
- Impacts
- Mitigation Measures
“Program” Vs. “Project” Level CEQA Analysis

- We Do Program Level CEQA Analysis (Now)
  - Big Picture, High Altitude Perspective
  - Considers broad range of foreseeable compliance methods

- Responsible Party Does Project Level CEQA Analysis (Later)
  - Specific to the selected project/method
Examples of Alternative Compliance Methods

Nonstructural Controls

- Education and outreach
- Road and street maintenance
- Eliminate Illicit discharges
- Inspection
- Development/enforcement of local ordinances
Examples of Alternative Compliance Methods

- Structural Controls – source control in watershed
  - Vegetated swales and buffer strips
  - Bioretention
  - Detention basins/retention ponds
  - Sand filters
  - Diversion systems
  - Porous pavement
  - Infiltration systems
Examples of Alternative Compliance Methods

- Remediation of legacy contamination in the bay
  - Bio-remediation
  - Capping
  - Dredging
For Each Alternative

- Identify Impacts
- Identify Mitigation Measures
Environmental Impact Checklist

- Aesthetics
- Agriculture & Forest Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology & Soils
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology & Water Quality
- Land Use & Planning
- Mineral Resources
- Noise
- Population & Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities & Service Systems
- Mandatory Findings of Significance
Select Alternative That…

- Meets all regulatory requirements
- Has least environmental impact
Your Comments Requested on…

- Alternatives to TMDL/BPA
- Methods the responsible parties would foreseeably use to comply with the TMDLs;
- Reasonably foreseeable significant environmental impacts associated with those means of compliance;
- Reasonable alternative means of compliance that would have less significant adverse environmental impacts;
- Reasonable mitigation measures that would minimize any unavoidable significant adverse environmental impacts associated with the means of compliance.
Comments

- Written comments will be accepted until January 24, 2013 at 5:00 pm
- Submit written comments to:
  - By mail: Mr. Charles Cheng
    San Diego Water Board
    9174 Sky Park Court, Suite 100
    San Diego, CA 92123-4340
  - By fax: (858) 571-6972
  - By email: ccheng@waterboards.ca.gov
Public Comments
Closing Remarks
Adjourn