

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF FINANCIAL ASSISTANCE

ENVIRONMENTAL REVIEW PROCESS GUIDELINES  
FOR STATE REVOLVING FUND APPLICANTS

September 2004

## PART I. PURPOSE

These guidelines detail steps applicants must take to comply with environmental review requirements for the State Revolving Fund (SRF) Program administered by the State Water Resources Control Board (SWRCB), Division of Financial Assistance (Division).

Generally, the process is accomplished through compliance with the California Environmental Quality Act (CEQA). Detailed requirements are given in the CEQA Guidelines (California Code of Regulations Title 14, Division 6, Chapter 3). CEQA and the CEQA Guidelines are available through the Internet at: <http://ceres.ca.gov/ceqa>.

The SRF guidelines presented here are intended to supplement the CEQA Guidelines with specific requirements for environmental documents acceptable to the SWRCB when reviewing applications for wastewater treatment facility funds; they are not intended to supersede or replace CEQA Guidelines. The SRF Program is partially funded by the U.S. Environmental Protection Agency (EPA) and is, therefore, subject to federal environmental regulations. To comply with applicable federal statutes and authorities, EPA established specific "CEQA-Plus" requirements in the Operating Agreement with SWRCB for administering the SRF Program. These requirements are emphasized in these guidelines.

Questions regarding environmental procedures and practices should be directed to the Division's Environmental Services (ES) staff, at (916) 341-5498. Questions regarding cultural resources should be directed to the Division's Cultural Resources Officer (CRO) at (916) 341-5690.

### **CEQA Requirements**

As defined under CEQA, the applicant is the *Lead Agency* and will be responsible for the preparation, circulation and consideration of the environmental document prior to approving the project. The SWRCB and other agencies having jurisdiction over the proposed project are *Responsible Agencies* and are accountable for reviewing and considering the information in the environmental document prior to approving any portion of the project.

The applicant may use a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report (EIR) to comply with CEQA requirements. The applicant may use a previously prepared document accompanied by a checklist to determine if the project is adequately covered. If the project is not adequately covered by an existing document, a Subsequent EIR, a Supplemental EIR, Addendum, or Negative Declaration should be prepared. Applicants should contact the Division before they decide to use an existing final document.

Public participation: For all projects, public participation and review are essential to the CEQA process (Section 15087). An earnest public participation program can improve the planning process and reduce the chance of delays due to public controversy. Each public agency,

consistent with its existing activities and procedures, should include formal and informal public involvement and receive and evaluate public reactions to environmental issues related to its project. Public comments or controversies not addressed during the planning of a proposed project could result in the need for a subsequent environmental document at a later stage or lead to legal challenges, delaying the project and raising the cost significantly. For assistance in this area, the applicant should call the ES staff.

### **Exemptions from CEQA**

In some circumstances, the applicant's project may be approved under a statutory or categorical exemption from CEQA. If a project were exempt from CEQA, the applicant must complete a Notice of Exemption and submit it with the project application to the Division. Once the local agency has approved the project, the applicant files the Notice of Exemption with the County Clerk and provides a copy of the notice to the Division.

*A Notice of Exemption* should include:

- a brief description of the project;
- a finding that the project is exempt;
- references stating the applicable statutory or categorical exemption in the law or State guidelines;
- a brief statement supporting the finding of exemption.

Categorical Exemptions cannot be used if the project will occur in an environmentally sensitive area or involve an increase in treatment capacity. Note that compliance with applicable federal environmental regulations, including consultation with federal authorities, is required for exempt projects.

## **PART II. DETAILED PROCEDURES**

### **Preparation of an Initial Study (CEQA Guideline Section 15063)**

An *Initial Study* is a preliminary analysis prepared by the Lead Agency to determine whether an EIR or a Negative Declaration should be prepared. The Initial Study uses the fair argument standard to determine if a project might have a significant environmental effect. The criteria for "significance" of impacts (Sections 15064 et seq.) must be based on substantial evidence in the record and includes:

- direct effects;
- reasonably foreseeable indirect effects;
- expert disagreement;
- considerable contribution to cumulative effects; and
- special thresholds for historical and archaeological resources.

If an applicant were to determine beforehand that an EIR would be required for the project, then an Initial Study is not required but may still be desirable to focus the analysis of impacts.

The Initial Study must include:

- a project description;
- an environmental setting;

- potential environmental impacts;
- mitigation measures for any significant effect;
- consistency with plans and policies; and
- the names of preparers.

If a checklist is used, it must be supplemented with explanations for all applicable items, including the items that are checked "no impact". Checklists should follow the format used in Appendix G of the most recent revision (1999 or later) of the CEQA Guidelines.

If the project has no significant effect on the environment, the applicant should prepare a Negative Declaration (or Mitigated Negative Declaration) and Initial Study (ND/IS) (Section 15371).

### **Negative Declaration (ND)**

The preparation and review of an ND is similar but more abbreviated than the EIR process. The applicant must provide a notice of intent to adopt an ND (Section 15072) specifying:

- the review period;
- the time and location of any public meetings or hearings on the proposed project;
- a brief project description; and
- the location where copies of the proposed negative declaration or mitigated negative declaration are available for review.

A *Negative Declaration* is a written statement, briefly explaining why a proposed project will not have a significant environmental effect. It must include:

- a project description;
- the project location;
- the identification of the project proponent;
- a proposed finding of no significant effect; and
- a copy of the Initial Study.

For Mitigated Negative Declarations, mitigation measures included in the project to avoid significant effects must be described.

A copy of the notice of intent and the proposed ND must be mailed to responsible and trustee agencies, agencies with jurisdiction, and all parties previously requesting notice. Since the SWRCB will be a Responsible Agency, the ND/IS also needs to be circulated through the State Clearinghouse (Sections 15072 and 15073). The notice of intent must be posted in the county clerk's office and sent to the State Clearinghouse with 15 copies of the ND.

After the review period ends, the applicant should review and address all comments. The applicant may, if necessary, make minor project changes or incorporate additional mitigation measures. If the project will have no significant effect on the environment or there is a commitment to adequately mitigate for significant effects, the applicant's decision-making body then adopts the ND.

## **Environmental Impact Report (EIR)**

A **Notice of Preparation (NOP)** must be distributed whenever an EIR is proposed (Section 15082, a & b). An NOP is a brief notice the applicant sends to notify the responsible agencies, trustee agencies, and involved federal agencies that an EIR will be prepared for the project. The NOP solicits guidance as to the scope and content of the environmental information to be included in the EIR.

Applicants may develop their own format for the NOP or they may use the format presented in Appendix I of the Guidelines. The contents of the NOP (Section 15082) are:

- a brief description of the proposed project;
- a description of the proposed project's location;
- the date, time, and place of the public hearing;
- an address where documents or files relating to the proposed project are available for review;
- an address where written comments on the scope of the EIR may be sent; and
- the deadline for submitting comments.

If the applicant is uncertain whether an EIR or a Negative Declaration is appropriate, an NOP should be distributed in order to cover both eventualities. The applicant should send a copy of the NOP directly to the ES staff at the address listed on page 9 and to the State Clearinghouse.

At this point, the applicant needs to prepare a Draft EIR (Section 15120 *et seq.*). The EIR is a detailed report, prepared under CEQA, and describes and analyzes the significant environmental effects of a project and discusses ways to mitigate or avoid the effects. The applicant should incorporate any comments received in response to the NOP into the Draft EIR. The Draft EIR contains:

- a table of contents;
- a summary;
- a project description;
- an environmental setting;
- a discussion of significant impacts;
- significant irreversible changes;
- growth inducing impacts;
- mitigation measures;
- project alternatives;
- effects not found significant;
- the organizations/persons consulted; and
- cumulative impacts.

## **Notice of Availability**

The applicant distributes the Draft EIR to public, local, state and federal agencies for review (Sections 15085-15087). The applicant must also provide a public notice of the availability of a Draft EIR. A *Notice of Availability* must contain:

- the project description;
- the project location;
- specification of the review period;

- identification of the public hearing – date, time, and place;
- identification of significant environmental impacts;
- the address where the Draft EIR can be reviewed; and
- a statement of whether the project site is a listed toxic site.

The public notice of a Draft EIR must be sent to the county clerk’s office, all responsible and trustee agencies, and any person previously requesting a copy. Table 1 lists the documentation that the applicant should send the ES staff upon initiation of the CEQA review period.

**Notice of Completion**

At the same time, Draft EIRs must be submitted to the State Clearinghouse for review by state agencies (Section 15205). The applicant needs to send fifteen (15) copies of the EIR to the State Clearinghouse, unless the State Clearinghouse approves a lower number in advance (Section 15205e).

The applicant may use the standard *Notice of Completion and Environmental Document Transmittal Form* included in the CEQA Guidelines (Appendix C), or develop a similar form to be used when submitting the documents. The Notice of Completion must include:

- a brief project description;
- the project location;
- the address where the draft EIR is available; and
- the public review period.

On the backside of the form, applicants should put a check on any of the "REVIEWING AGENCIES" that they would like draft documents to be sent to including "SWRCB – Division of Financial Assistance", otherwise the State Clearinghouse will select the appropriate review agencies.

The applicant must also send a formal transmittal letter to the State Clearinghouse giving them the authority to distribute the copies of the document. If a consultant is preparing the Draft EIR or ND/IS, the consultant must obtain a formal transmittal letter from the applicant stating that they give permission to the consultant to send the copies of the document to the State Clearinghouse. The letter should include the State Clearinghouse number from the NOP.

TABLE 1  
CHECKLIST FOR ENVIRONMENTAL DOCUMENTATION  
SUBMITTED TO ENVIRONMENTAL SERVICES STAFF

| DURING REVIEW PERIOD |   |
|----------------------|---|
| 1.                   | Eight Copies of the CEQA document for review and federal consultation |
| 2.                   | Any biological reports or documents incorporated by reference         |

|                            |   |
|----------------------------|---|
| 3.                         | A copy of the Notice of Completion that was circulated by the State Clearinghouse (Displaying the SCH# and circulation dates)   |
| 4.                         | The Notice of Intent for a Negative Declaration or Notice of Availability for an EIR  |
| 5.                         | *For SRF funding, three copies of any cultural resources technical studies completed for the CEQA document  |
| <b>AFTER REVIEW PERIOD</b> |   |
| 1.                         | Two copies of the Final EIR or adopted Negative Declaration   |
| 2.                         | Any comments received on the CEQA document and the applicant's responses  |
| 3.                         | The Adopted Mitigation Monitoring Plan (when mitigation measures are included)  |
| 4.                         | The Notice of Determination filed with the local County Clerk   |
| 5.                         | The Resolution certifying the EIR or adopting a Negative Declaration, the Mitigation Monitoring Plan, and CEQA Findings including any Statements of Overriding Considerations |

If the applicant needs a shorter review period than the 30 or 45-day period required by the CEQA Guidelines, the applicant, not the consultant, must submit a written request. This formal request can be included in the transmittal letter stating the reasons for a shorter review period. Use the following address to send documents to the State Clearinghouse:

STATE CLEARINGHOUSE  
OFFICE OF PERMIT ASSISTANCE  
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH  
P.O. Box 3044  
SACRAMENTO, CA 95812-3044

The focal point of the CEQA review is the State Clearinghouse. The review starts when the State Clearinghouse receives the Draft EIR or ND/IS, at which time it will assign a Clearinghouse number (SCH#) to the project. If an NOP was previously filed, the State Clearinghouse will use the SCH# assigned to the NOP. This ten-digit number (e.g. SCH# 2002061506) is very important and should be used on all documents including inquiry letters, supplemental drafts, final EIRs, etc. Note that the State Clearinghouse no longer provides acknowledgement of receipt of environmental documents. The applicant may call the State Clearinghouse at (916) 445-0613 to request verbal confirmation of receipt, or access that information by visiting the "CEQAnet" database at [www.ceqanet.ca.gov](http://www.ceqanet.ca.gov). Most other questions about State Clearinghouse procedures can be answered by reviewing the State Clearinghouse Handbook at [http://www.opr.ca.gov/planning/PDFs/sch\\_handbook.pdf](http://www.opr.ca.gov/planning/PDFs/sch_handbook.pdf).

To ensure that responsible agencies, including the Division, will receive copies of the environmental document for review, the applicant should send them directly to the agencies. This submittal does not replace the requirement to submit environmental documents to the State

Clearinghouse for distribution (Section 15205f). The applicant is also responsible for sending copies of the environmental documents to any local or federal responsible agency with jurisdiction over any part of the proposed project.

After the review period ends, the State Clearinghouse will send the applicant a letter stating that the review process is closed and that they have complied with the review requirements. Any comments from state agencies will be forwarded with the letter. Note that a lack of response from a state or federal agency does not necessarily imply concurrence.

When the comment period closes, the applicant reviews all comments received during the review process, including any oral comments received at formal or informal public meetings. The applicant then considers whether comments are significant enough to require a complete revision of the EIR or the proposed project, or whether minor changes in the EIR or addition of mitigation measures could adequately address the issues raised.

The applicant needs to incorporate any comments and their responses to comments, text revisions, and any additional mitigation measures into the Final EIR. Contents of a Final EIR (Section 15132) should include:

- the draft EIR;
- a list of persons and entities commenting on the Draft EIR;
- comments received during public review of the Draft EIR;
- lead agency responses to comments received on the Draft EIR; and
- dates for all public meetings, hearings, etc. and the dates of notices for such hearings or meetings.

The applicant’s decision-making body must certify the Final EIR. After resolving all comments and printing the Final EIR, the applicant needs to send copies to all responsible agencies including the ES staff. The ES staff will also need the plans for implementing and monitoring mitigation measures. The applicant should also send copies to agencies and individuals commenting on the Draft EIR.

Within five days after the applicant’s decision-making body has made a decision to proceed with the project, the applicant must prepare and file a *Notice of Determination* (NOD) with the Governor's Office of Planning and Research and the local County Clerk (see Appendix D of the CEQA Guidelines). The contents of the NOD are given in Table 2 for Negative Declarations and EIRs (Sections 15075 and 15094), respectively.

TABLE 2  
 CONTENTS OF A NOTICE OF DETERMINATION  
 FOR AN ND/MND AND EIR (Sections 15075 and 15094)

| ND/MND              | EIR                 |
|---------------------|---------------------|
| Project name        | Project name        |
| Project location    | Project location    |
| Project description | Project description |

|  |  |
|--|--|
| Lead agency's name & date of project approval  | Lead agency's name & date of project approval  |
| Determination that the project will not have a significant effect on the environment                                       | Determination by the lead agency whether the project will have a significant effect on the environment                     |
| Statement that an ND/MND was adopted in accordance with CEQA   | Statement that the EIR was prepared and certified in accordance with CEQA  |
| Whether mitigation measures were made a condition of project approval and whether a mitigation monitoring plan was adopted | Whether mitigation measures were made a condition of project approval and whether a mitigation monitoring plan was adopted |
|  | Whether findings were made   |
|  | Whether a statement of overriding considerations was adopted   |
| Address where the Final ND/MND may be reviewed   | Address where Final EIR and record of project approval may be reviewed   |

See Table 1 for documentation that the applicant needs to submit after the CEQA and “CEQA-Plus” review period has concluded.

### **SRF Requirements**

If the project involves an SRF funding, the Division must ensure that federal agencies are afforded adequate review of environmental documents for projects that will be federally funded. We will send copies of the CEQA document (draft or final) directly to federally designated agencies as part of the “CEQA-Plus” process. To do this, the applicant will need to submit eight (8) copies of their draft or final CEQA document, including the CEQA-Plus documents discussed below, to the ES staff.

All correspondence with the ES staff regarding environmental documents (Draft EIRs, comments received, Final EIRs, ND/ISs, etc) should be addressed to:

STATE WATER RESOURCES CONTROL BOARD  
 DIVISION OF FINANCIAL ASSISTANCE  
 REGIONAL PROGRAMS UNIT  
 1001 I STREET, 16<sup>th</sup> Floor  
 SACRAMENTO, CA 95814

Normally, one copy will be used for the ES staff review, one copy will be submitted to the CRO, and the other six (6) copies will be distributed to federally designated agencies.

The federally designated agencies must have at least forty-five (45) calendar days to review an EIR and thirty (30) calendar days to review an ND/IS. Six (6) days mailing time is also added to the review period, which would then total fifty-one (51) or thirty-six (36) calendar days from the date the environmental document was mailed to the reviewing agency.

If any of these agencies identify an issue of concern, the ES staff will consult with the agency to determine the necessary and appropriate actions to resolve the issue. Ideally, the federal consultation review should be done concurrently with the CEQA review to allow all comments to

be addressed at one time and prevent the need for supplemental documentation. However, federal consultation may also be initiated before or after CEQA review, but must be completed before an SRF funding agreement can be approved by the SWRCB.

### **SRF CEQA-plus Requirements**

***Federal Endangered Species Act*** - To ensure compliance with the federal Endangered Species Act, the Division has been designated as the non-federal representative under the federal Endangered Species Act for all wastewater and water reclamation projects in California that involve an SRF funding.

To comply with Section 7 of the federal Endangered Species Act, the ES staff will review SRF projects during the facilities planning process to determine if a project may affect any federally listed species. The applicant will need to provide the ES staff with any species lists, biological assessments and other documents that disclose information on the project's effect on sensitive species at the earliest date. It is important that the applicant identifies any issues concerning sensitive species and notifies the ES staff early in the planning stage. The ES staff will confer informally with the U.S. Fish and Wildlife Service (FWS) and/or National Marine Fisheries Service (NMFS), as appropriate.

If there are federally listed species that may be affected by a project, either directly or indirectly, the ES staff will evaluate the extent of any impacts as part of its environmental review process and submit its findings to the FWS/NMFS. If the ES staff, in consultation with the FWS/NMFS, determines that the project will adversely affect any federally listed species, it will notify the EPA of the need to request formal consultation. The EPA will participate as lead agency in the formal consultation process. The FWS/NMFS may have up to 90 days to prepare a biological opinion in response to a formal request from the EPA. The process can take up to 135 days and in some cases longer.

***Federal General Conformity Rule for the Federal Clean Air Act (CAA)*** - Federal clean air laws require areas with unhealthy levels of ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and inhalable particulate matter to develop plans, known as State Implementation Plans (SIPs), describing how these areas will attain national ambient air quality standards (NAAQS). Local air districts and other agencies prepare SIP elements and submit them to the Air Resources Control Board (ARB) for review and approval. ARB forwards SIP revisions to EPA for approval and publication in the Federal Register. The Code of Federal Regulations Title 40, Chapter I, Part 52, Subpart F, Section 52.220 lists all of the items that are included in the California SIP. Emission inventories can be obtained from the local air pollution control agency.

For SRF-funded projects, a CAA general conformity analysis applies only to projects in a nonattainment area or an attainment area subject to a maintenance plan and is required for each criteria pollutant for which an area has been designated nonattainment or maintenance. If a project's emissions are below the "de minimis" level and are less than 10% of the areas inventory specified for each criteria pollutant in a nonattainment or maintenance area, further general conformity analysis is not required. A conformity determination must be made if emissions from project facilities are above "de minimis" thresholds established for the area. A conformity determination can be made if facilities are sized to meet only the needs of current population

projections that are used in the approved SIP for air quality. Applicants must quantitatively indicate how the proposed capacity increase was calculated using population projections.

***National Historic Preservation Act*** - Applicants for SRF funds are required to demonstrate to the satisfaction of the State Historic Preservation Officer (SHPO) that the project complies with Section 106 of the National Historic Preservation Act. In order to avoid potential funding delays, the applicant is encouraged to contact the Division's CRO at the earliest stages of project planning to initiate the Section 106 process.

Development of an *Area of Potential Effects* (APE) map is a critical first step that requires SHPO/CRO consultation. The project's APE includes all construction areas, borrow pits, haul roads, staging areas, etc., as well as the "built environment" in close proximity to the construction area, which may be subject to indirect effects. Property that may be acquired for the proposed undertaking needs to be included in the APE. The APE is typically depicted on topographic maps and large-scale project plans, although aerial photographs are sometimes an effective "base map" alternative.

The Division's CRO will consult with the SHPO to determine which of the following items are needed to ensure compliance with Section 106. Items 1 and 2 are required for all SRF projects.

1. Background research for cultural resources beginning with a record search at the Information Center(s) of the California Historical Resources File System which serve(s) the project area. The Information Center(s) will need a 7.5' USGS topographical map section with the APE clearly delineated, as well as a request letter that describes the proposed undertaking. It is important to obtain information about resources in the general project vicinity as well as within the APE. A records search "buffer zone" of 1/2 mile beyond the APE limits is usually sufficient for this purpose.

The Information Centers release complete, confidential site and survey information only to researchers registered with the Center. The applicant is encouraged to designate a qualified archaeologist (typically a consultant) to be the recipient of the records search results. The applicant's designated researcher must include copies of all materials received from the Information Center, as well as all correspondence, in the documentation submitted for review to the Division's CRO.

2. Documentation of Native American consultation is required under Section 106. This includes a letter from the applicant or their consultant to the Native American Heritage Commission (NAHC) requesting a review of its Sacred Lands Inventory files.

Letters should be addressed to:

NAHC  
915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA, 95814

The applicant should also make direct contact (e.g., letter followed by telephone call) with Native American representatives in the community that may have interest in the project.

Native American consultation includes discussion of any potential project impacts to archaeological sites or traditional cultural places known to the Native American representative or the project archaeologist. The NAHC will recommend contacts in the Native American community.

3. The applicant may need to submit documentation of a cultural resources field survey conducted by a qualified archaeologist throughout the APE. The survey report should conform to the outline provided in the California Office of Historic Preservation's Preservation Planning Bulletin 4(a), December 1989. A copy of the APE map depicting "area surveyed" and the boundaries of all known cultural resources relative to the project's impact area should be included in the survey report.
4. The dates of construction of all elements of the built environment in and adjacent to the APE should be determined during pre-field research. Buildings, structures (such as a bridge), objects (such as a decorative gateway to a community), and features (canals, railroad tracks, etc.), which are at least 50 years old, are potentially eligible for the National Register of Historic Places (NRHP) and may need to be evaluated against the NRHP criteria for inclusion.

Numerous wastewater conveyance systems and treatment plants in the state have buildings or other elements older than 50 years and, thus, it may be necessary to evaluate the historic value of the plant or system itself. Local historians and historical societies should be contacted for input on the area history.

5. A Determination of Eligibility may be necessary for any cultural resource that cannot be avoided during project construction. Findings of Effect and mitigation proposals are necessary if a resource is determined to be NRHP-eligible and cannot be preserved through avoidance measures. The applicant's SRF financing agreement may include special provisions for protection of cultural resources in and adjacent to the APE.

The complexity of cultural resources studies for public works projects can vary widely, depending upon numerous factors. The applicant's proposed undertaking may satisfy Section 106 without including all the described elements. The nature of resources in the APE or the level of public interest may, on the other hand, add requirements not discussed here.

The applicant is encouraged to contact the Division's CRO at (916) 341-5690 early in the environmental planning stage for assistance in meeting Section 106 compliance requirements. The CRO will take into account the potential effects of the project upon cultural resources, apply the regulations implementing Section 106 and, on this basis, request the concurrence of the SHPO that the process has been completed satisfactorily. Please allow adequate review time for the CRO and the SHPO.

### **PART III. BASIC OUTLINE FOR ENVIRONMENTAL DOCUMENTS**

The purpose of the environmental review is to incorporate environmental considerations into the planning process. Prior to the selection of a specific project alternative, a thorough, unbiased and

frank analysis of the environmental impacts of every reasonable project alternative should be made. Environmental concerns should be considered on an equal basis with engineering feasibility, economics, and social considerations.

In order to assist the applicant in preparing environmental documents, the ES staff has prepared this outline. The outline details project-specific information that must be disclosed, when applicable, in all environmental documents, including Initial Studies. This outline does not replace CEQA guideline requirements regarding elements of an environmental document and does not cover all necessary components of the document.

## **I. PROJECT DESCRIPTION**

- A. Describe Project Objectives that Qualify the Project for SRF Funding
  - 1. Correction of any water quality problems associated with wastewater treatment or disposal facilities
    - a) Public health hazards
    - b) Pollution of impaired water bodies
  - 2. Compliance with water quality regulations
    - a) Waste Discharge Requirements
    - b) NPDES permits
    - c) Cease and Desist orders
  - 3. Preventative measures for impaired and unimpaired water bodies
  - 4. Capacity increase
  - 5. Wastewater recycling
- B. Explain How Objectives will be Accomplished
  - 1. New facilities
  - 2. Upgrading existing facilities
  - 3. Correction of inflow and infiltration problems
- C. Describe Any Existing Facilities
  - 1. Facilities (give physical dimensions and area of existing site)
    - a) Treatment facilities
    - b) Collection and/or Conveyance systems
    - c) Storage
    - d) Appurtenant structures
    - e) Effluent discharge facilities
    - f) Sludge disposal facilities
  - 2. Condition of facilities
  - 3. Level of treatment
  - 4. Present effluent quality
  - 5. Present capacity of facilities
    - a) Average Dry Weather Flow (ADWF) capacity
    - b) Peak Wet Weather Flow (PWWF) capacity
  - 6. Present inflow of wastewater (ADWF and PWWF)
- D. New Facilities (describe any facilities that will be constructed, removed or modified and facility operations)
  - 1. Facilities (give physical dimensions and area of project site)

- a) Treatment facilities
- b) Collection and/or Conveyance systems
- c) Storage
- d) Appurtenant structures
- e) Effluent discharge facilities
- f) Sludge disposal facilities
- 2. Proposed treatment level
- 3. Proposed effluent quality (describe qualitatively and quantitatively)
- 4. Capacities (give in terms of ADWF and PWWF)
  - a) Design capacity (show how capacity was calculated)
  - b) Any increase needed to serve existing development
  - c) Population basis for capacity determination (include year)
    - (1) Current population
    - (2) Projected population
- E. Project Approvals (discuss the roles of planning and regulatory agencies which have permit or funding authority over the proposed project)
- F. Project Location (description of the precise location and boundaries, preferably topographic, and detail map)
  - 1. Existing facilities
  - 2. New facilities
  - 3. Storage sites
  - 4. Staging Areas
  - 5. Effluent discharge sites
  - 6. Disposal sites
  - 7. Affected service area
  - 8. Reuse sites (for water recycling)

## **II. ENVIRONMENTAL SETTING**

Include a discussion of all the following detailed elements, as applicable; if an element is not present within the described area, give reasons or verify with investigative results. Consider all facilities; conveyance lines; storage, discharge, and disposal site(s); staging areas; affected service area; and water recycling reuse sites when applicable.

- A. Relationship of project to other planning (for an EIR, briefly describe the project's relationship to and consistency with other applicable planning)
  - 1. Water quality control plans
    - a) Basin Plan (include beneficial uses of the receiving waters as given in the applicable Basin Plan)
    - b) Watershed Management Plan
    - c) Area-Wide Wastewater Treatment Plan
  - 2. General Plans
  - 3. Regional Transportation Plan
  - 4. Regional Housing Allocation Plans
  - 5. Air Quality Management Plan  
(SRF applicants need to show that their project meets the federal Clean Air

Act general conformity requirements. EIRs need to include a general conformity section that follows the following steps):

- a) If the applicant's project is located in a nonattainment area or an attainment area subject to a maintenance plan (maintenance area) the environmental document should include a description of the air quality status for each criteria pollutant for which an area has been designated nonattainment or maintenance. Provide an estimate of the annual emissions that are expected from both the construction and operation of the project for each criteria pollutant. Projects in an attainment area not under a maintenance plan or in an unclassified area are not subject to a conformity analysis.
  - b) Compare these emissions to the "de minimis" (applicability) levels specified for each nonattainment or maintenance area pollutant. See 40 C.F.R. Section 93.153(b) (Applicability).
  - c) If the projects emissions are below the appropriate "de minimis" level, compare the emissions to the emissions inventory for the nonattainment or maintenance area to ensure the project's emissions are less than 10% of the inventory. See 40 C.F.R. Section 93.153(i) (Regional Significance). Emissions inventories can be obtained from the local air pollution control agency.
  - d) If emissions are below the "de minimis" levels and are less than 10% of the area's inventory the project is not subject to any further general conformity analysis.
  - e) If emissions are above the "de minimis" levels or are greater than 10% of the area's inventory, the ES staff will need to make a conformity determination for your project by following the requirements contained in 40 C.F.R. Section 93.158 and by consulting with the EPA.
6. Habitat Conservation Plans
  7. Regional land use plans
    - a) Coastal zone
    - b) Lake Tahoe Basin
    - c) San Francisco Bay
    - d) Santa Monica Mountains
- B. Topography of the Region
1. Location of project area with regard to major topographical features
  2. Elevations and slopes on project site (for grading and excavation activities)
- C. Land Use and Zoning
1. At project site
  2. Adjacent to project site
  3. Along pipeline alignments
  4. At reclaimed water reuse sites
- D. Geology of the Region
1. Seismic hazards
  2. Unstable substrate

3. Erosion potentials
  4. Information directly relating to a water quality problem (e.g., fractured bedrock)
- E. Climate
1. Annual precipitation
  2. Seasonal weather patterns
- F. Air Quality for construction related impacts (also see No. A.5 above)
1. Air basin
  2. State and Federal attainment status for the following pollutants:
    - a) Ozone
    - b) Nitrogen dioxide
    - c) Sulfur dioxide
    - d) Particulates
    - e) Carbon monoxide
  3. Status of local air quality plan
- G. Major Botanical Features (plant communities or associations)  
Important Fish and Wildlife (major species and economically or recreationally important species)
- H. Threatened or Endangered Species (Listed, Proposed or Candidate)
1. U.S. Fish and Wildlife Service
  2. National Marine Fisheries Service
  3. California Department of Fish and Game
  4. Private Organization Listings (e.g., California Native Plant Society)
- I. Critical Habitats listed by the U.S. Fish and Wildlife Service
1. Plant Community Type
  2. Location
  3. Size
- J. Wetlands delineated by U.S. Army Corps of Engineers
1. Type
  2. Location
  3. Size
- K. Designated Wild and Scenic Rivers (Include Map if Present)
1. Name
  2. Location
  3. Classification
- L. Water Resources
1. Surface water features
    - a) Lakes
    - b) Rivers
    - c) Estuaries
    - d) Ocean
    - e) Lagoons, marshes and other water features
  2. Groundwater resources
    - a) Depth
    - b) Water quality
    - c) Basin description

3. Receiving water quality
    - a) Qualitative description
    - b) Quantitative analysis
    - c) Comparison to effluent quality
    - d) Beneficial uses
  4. Water supplies for the service area
    - a) List of water purveyors
    - b) Percentage of supply from each source
- M. Agricultural Land
1. Acres by type (e.g. prime, statewide significance, local significance)
  2. Zoning
  3. Present use
- N. Cultural resources
1. Archaeological resources
  2. Historic architecture, landscapes, features, structures or objects
  3. Traditional cultural properties
  4. Paleontological resources
- O. Coastal Zone Jurisdiction
- P. Floodplain Delineated by the Federal Emergency Management Agency or Other Agency

### **III. PRIMARY AND SECONDARY IMPACTS**

For the following subjects, list and explain short and long-term impacts from project construction and operation, and any proposed mitigation measures. Consider all facilities; conveyance lines; storage; discharge and disposal sites; staging areas; affected service area; and water recycling reuse sites, as applicable. Include secondary impacts of other activities associated with or resulting from construction or operation of the project. Evaluate the significance of the impacts as required by CEQA.

- A. Water Quantity
1. Change in point of discharge
  2. Increase/decrease in stream discharge
  3. Increase in water demands
- B. Water Quality
1. Surface water
    - a) Contamination from construction materials
    - b) Siltation from construction related erosion
    - c) Effluent discharge
    - d) Storm runoff from site
    - e) Reclaimed water runoff
  2. Groundwater
    - a) Percolation of effluent
    - b) Construction dewatering
- C. Air Quality
1. Project construction emission estimates for non-attainment or maintenance

- pollutants
    - 2. Air basin emissions inventory for federal non-attainment or maintenance areas
    - 3. Construction dust
    - 4. Odors
  - D. Geology
    - 1. Slope stability
    - 2. Seismic hazards
  - E. Soils
    - 1. Erosion
    - 2. Contamination
    - 3. Compaction
    - 4. Stability
  - F. Vegetation
    - 1. Grading and excavation impacts
    - 2. Trampling
    - 3. Effluent impacts on aquatic and riparian vegetation
    - 4. Conflict with local policies and ordinances
  - G. Fish and Wildlife
    - 1. Construction noise and interference
    - 2. Habitat loss
    - 3. Interference with movement/migration
    - 4. Waterfowl attraction to open ponds
    - 5. Effluent impact on aquatic biota
    - 6. Conflict with local policies
  - H. Aesthetics
    - 1. Temporary impacts from construction
    - 2. Visual disruption of new facilities
    - 3. Creation of a new source of light or glare
  - I. Noise
    - 1. Construction
    - 2. Operation
  - J. Recreation
    - 1. Disruptions
    - 2. Closures
  - K. Open Space
    - 1. Loss of
    - 2. Construction or operation related interference
    - 3. Conflict with local policies
  - L. Cultural Resources
    - 1. Facilities construction impacts
    - 2. Pipeline alignment excavation impacts
    - 3. Erosion impacts
    - 4. Inundation from ponds
    - 5. Impacts from land application of effluent
  - M. Threatened or Endangered Species

1. Incidental taking of a species
  2. Potential for jeopardizing the viability of the population
  3. Loss of habitat
  4. Harassment
  5. Interference with movement/migration
  6. Disruption of reproductive activities
- N. Environmentally Sensitive Areas
1. Loss of environmentally significant agricultural land
  2. Incompatible activities within the coastal zone
  3. Removal, filling, hydraulic interruption, or other means of affecting wetlands as defined by Section 404 of the Clean Water Act
  4. Impacts to sensitive natural communities identified by California Department of Fish and Game or U.S. Fish and Wildlife Service
  5. Impacts on wild & scenic rivers
  6. Construction on floodplains that could impede floodwaters or expose structures to significant losses
  7. Loss of critical habitats
- O. Energy
1. Use during construction
  2. Use during operation
- P. Transportation/Circulation
1. Traffic interference during construction
  2. Traffic increases during construction and operation
  3. Parking interference during construction and operation
- Q. Public Services
1. Additional public services required for facilities operation
  2. Additional public services required for service area expansion
  3. Construction and operation interferences on public utilities
- R. Public Health and Safety
1. Use of reclaimed water
  2. Excavation of contaminated soils
  3. Mosquito attraction to open ponds
  4. Interference with emergency operations
  5. Use, storage, and disposal of hazardous materials
- S. Population and Housing
1. Additional work force for construction and operation
  2. Growth inducement
- T. Land Use and Zoning
1. Incompatible use of project site
  2. Conflict with surrounding land use or a Williamson Act contract

#### **IV. MITIGATION MEASURES**

- A. Commitment
1. Commitment is mandatory for mitigating significant impacts in a Mitigated Negative Declaration before it is circulated for review.

2. Commitment for mitigating significant impacts in an EIR is necessary to avoid making a “Statement of Overriding Considerations”.
- B. Specificity
1. Proposed future studies must include examples of mitigation measures that can be recommended from the studies.
  2. Monitoring must be accompanied by criteria that will trigger specific mitigation measures.
  3. Preparation of plans (e.g., an erosion control plan) must include specific examples of mitigation that the plan may include.
  4. Compliance with regulations must specify what regulations will do to mitigate the identified impacts.
- C. Effects of a Mitigation Measure (If a mitigation measure could cause one or more significant effects, the effects of the mitigation measure should be discussed)

## V. PROJECT ALTERNATIVES

For an EIR, discuss the environmental impacts, cost effectiveness, compatibility with proposed or existing projects, and reasons for rejection for each alternative; include future options, e.g., recycling regionalization, etc. Potential alternatives should be feasible and reasonable, and should accomplish the basic purposes of the project and avoid or substantially lessen significant effects.

- A. Alternatives for Each Major Phase or Component of the Project
1. Treatment processes
  2. Disposal
  3. Conveyance
  4. Discharges
- B. Alternative Siting Locations
1. Treatment facilities
  2. Storage sites
  3. Discharge sites
  4. Disposal sites
  5. Conveyance lines
- C. Alternative Projects Which Could Accomplish the Project Objectives (Examples)
1. Inflow and infiltration correction
  2. Upgrade of existing facilities
  3. Other
- D. No Project Alternative (must be included)
- E. Identification of the Environmentally Superior Alternative (if the “no project” alternative is not the environmentally superior alternative)

## VI. OTHER CEQA REQUIREMENTS

- A. Cumulative Impacts (Discuss effects of reasonably foreseeable projects or project phases in the area producing related or cumulative impacts including projects under the jurisdiction of other agencies).
  - 1. Projects related to, or similar to the proposed project
  - 2. Projects which produce environmental effects similar to those of the proposed project
- B. Growth Inducing Impacts (if none, explain why not)
  - 1. Ways in which the proposed project could encourage or accommodate growth directly or indirectly in the following areas:
    - a) Economy (e.g., building facilities that will create favorable conditions to attract businesses)
    - b) Population
      - (1) increasing the capacity of facilities to allow faster population growth
      - (2) increasing the supply of water available for population growth by replacing the use of existing water supplies with the use of reclaimed wastewater
    - c) Housing (e.g., expanding the service area to allow for more housing construction)
  - 2. Impacts (secondary or indirect) associated with growth inducement
    - a) Air pollution
    - b) Water pollution
    - c) Diminished resources
    - d) Displacement of plants and animals
    - e) Loss of open space
    - f) Loss of agricultural land
    - g) Transportation
    - h) Public Services
  - 3. Regional and Local Planning (including Air Quality Management Plans)
    - a) Information needed to make a conformity determination under the Federal General Conformity Rule for the Clean Air Act (wastewater treatment facilities in non-attainment areas which exceed the established “de minimis” thresholds for air pollutant emissions can be determined to conform if they are sized to meet only the needs of population projections that are in the applicable approved State Implementation Plan, which contains the most recent planning assumptions).
    - b) Ability of current planning to deal with growth by providing the necessary infrastructure and support facilities while attempting to minimize adverse effects on the environment.
- C. Unavoidable Significant Impacts  
For an EIR, discuss any unavoidable significant impacts identified in the document, their implications and the reasons why the project is being proposed

notwithstanding their effect.

## **VII. SRF REQUIREMENTS**

- A. For SRF financing agreements, federal regulations require additional detailed information to obtain clearance for projects involving:
  - 1. species protected under the federal Endangered Species Act,
  - 2. wetlands,
  - 3. wild and scenic rivers,
  - 4. coastal zone areas,
  - 5. floodplains,
  - 6. important agricultural land,
  - 7. cultural resources,
  - 8. non-attainment areas for air quality, and
  - 9. noise and nuisance, if endangered species are affected.
  
- B. If the project involves an increase in treatment capacity, by either building a new treatment plant or expanding existing facilities, the service area and related direct and indirect growth inducing impacts must be considered in the environmental impact analysis.
  
- C. In addition, capacity increases for SRF projects located in non-attainment areas must be based on population estimates and projections consistent with those used for the State Air Quality Implementation Plan if the project exceeds “de minimis” thresholds for emissions.
  
- D. For water recycling projects, the area of reuse must also be considered in the environmental impact analysis.

## **VIII. FINDINGS**

When one or more significant environmental impacts have been identified in the final EIR, the Lead Agency must prepare a written finding of fact (Section 15091). A finding is a written statement made and certified by the Lead Agency’s decision-making body that explains how it dealt with each significant impact and alternative in the EIR. Findings must be supported by substantial evidence in the record.

For each significant impact, the Lead Agency must make one of the following findings:

- 1. changes in the project have been made to avoid or substantially reduce an impact. This includes the adoption of mitigation measures.
- 2. changes to the project are within the jurisdiction of another agency and have been or should be adopted.
- 3. specific economic, social, legal, technical, or other consideration make mitigation measures or alternatives infeasible.

## **IX. STATEMENT OF OVERRIDING CONSIDERATIONS**

After considering the Final EIR and making Findings, if the Lead Agency finds that the proposed project will have a significant effect on the environment, after the imposition of feasible mitigation measures or alternatives, a Statement of Overriding Considerations must be prepared (Section 15093). A Statement of Overriding Considerations is a written statement explaining why the agency is willing to accept each significant impact and allows the Lead Agency the opportunity to weigh the overriding social, economic, legal, or technical benefits of the proposed project against unavoidable environmental risks in approving a project. The Statement of Overriding Consideration should be supported by substantial evidence in the record. The statement should be included in the record of the project approval and should be mentioned in the NOD.

## **X. MITIGATION MONITORING AND REPORTING PROGRAM**

For an EIR or MND, when a significant impact can be mitigated to avoid or substantially reduce the project's significant environmental effect, a Mitigation Monitoring Plan must be adopted (Section 15097). The Mitigation Monitoring Plans is implemented to ensure that mitigation measures and project revisions identified in the Final EIR or MND are implemented; in some cases, they are made a condition of project approval by a Responsible Agency. Mitigation Monitoring Plans must include all changes in the proposed project that mitigate each significant environmental impact and insure implementation of each mitigation measure. The Mitigation Monitoring Plan is often made part of the draft EIR or MND so that the Lead Agency can make revisions based on public comment.

Effective Mitigation Monitoring Plans:

1. state the objective of the mitigation measure and why it is recommended;
2. explain the specifics of the mitigation measure and how it will be implemented;
3. identify measurable performance standards by which the success of the mitigation can be determined;
4. provide for contingent mitigation if monitoring reveals that the success standards are not satisfied;
5. identify who is responsible for implementing the mitigation measure;
6. identify the specific location of the mitigation measure; and
7. develop a schedule for implementation.