

Appendix D

Environmental Analysis and Checklist

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D Environmental Analysis and Checklist

D.1 California Environmental Quality Act Requirements

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) must comply with the California Environmental Quality Act (CEQA) when amending the *Water Quality Control Plan for the San Diego Basin (9)* (Basin Plan) as proposed in this project to renew and issue the conditional waivers of waste discharge requirements for specific types of discharge within the San Diego Region. Under the CEQA, the San Diego Water Board is the Lead Agency for evaluating the environmental impacts of the reasonably foreseeable methods of compliance with the proposed conditional waivers.

The conditional waivers are set to expire at the end of 2007, and because the conditional waivers are part of the Basin Plan, renewing and issuing conditional waivers require a Basin Plan amendment. The adoption of a Basin Plan amendment is an activity subject to CEQA requirements because Basin Plan amendments constitute rules or regulations requiring the installation of pollution control equipment, establishing a performance standard, or establishing a treatment requirement.¹ In order to be eligible for ~~regulation by~~ a conditional waiver, a discharger must comply with the conditions set forth in the conditional waiver. The waiver conditions may be considered a performance standard.² Sections D.1.1 and D.1.2 below describe in detail the statutory requirements and scope of this environmental analysis required by the CEQA for Basin Plan amendments.

D.1.1 Exemption from Requirement to Prepare Standard CEQA Documents

The CEQA authorizes the Secretary of the Resources Agency to certify state regulatory programs, designed to meet the goals of the CEQA, as exempt from its requirements to prepare an Environmental Impact Report (EIR), Negative Declaration, or Initial Study. The State Water Resources Control Board's (State Water Board) and the San Diego Water Board's Basin Plan amendment process is a certified regulatory program and is therefore exempt from the CEQA's requirements to prepare such documents.³

The State Water Board's CEQA implementation regulations⁴ describe the environmental documents required for Basin Plan amendment actions. These documents consist of a written report that includes a description of the proposed activity, alternatives to the proposed activity to reduce or eliminate potentially significant environmental impacts, and identification of mitigation measures to minimize any significant adverse impacts. For this project, these documents are the Technical Report entitled *Basin Plan*

¹ California Code of Regulations Title 14 section 15187(a)

² The term "performance standard" is defined in the rulemaking provisions of the Administrative Procedure Act [Government Code sections 11340-11359]. A "performance standard" is a regulation that describes an objective with the criteria stated for achieving the objective [Government Code section 11342(d)].

³ California Code of Regulations Title 14 section 15251(g) and Public Resources Code section 21080.5

⁴ California Code of Regulations Title 23 section 3720 et seq. "Implementation of the Environmental Quality Act of 1970"

Amendment for the Renewal and Issuance of Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge Within the San Diego Region (Technical Report), an initial draft of the Basin Plan amendment (Appendix C) and an environmental checklist (section D.4 below). These components fulfill the requirements of the CEQA for preparation of environmental documents for this Basin Plan amendment.⁵

D.1.2 Scope of Environmental Analysis

There are 26 types of discharge that are conditionally waived of waste discharge requirements and/or requirement to file reports of waste discharge by the existing conditional waivers in the Basin Plan. Conditional waivers for all 26 types of discharge are proposed for renewal in this Basin Plan amendment. Of the 26 existing conditional waivers, 23 were first adopted by the San Diego Water Board in 1983,⁶ and 3 were first adopted in 1993.⁷ These types of discharge include the following:

1. Conventional septic tank/subsurface disposal systems for residential units.
2. Conventional septic tank/subsurface disposal systems for commercial/industrial establishments.
3. Alternative individual sewerage systems.
4. Conventional septic tank/subsurface disposal systems for campgrounds.
5. Construction and test pumping of water wells.
6. Air conditioner condensate.
7. Animal feeding operations (300 to 999 animal units).
8. Animal feeding operations (less than 300 animal units).
9. Plant crop residues.
10. Storm water runoff (not otherwise subject to NPDES regulations).
11. Sand and gravel mining operations.
12. Intermittent swimming pool discharges.
13. Dredging project wastes.
14. Short-term construction dewatering operations.
15. Manure composting and soil amendment operations.
16. Solid waste disposal facilities accepting only inert wastes.
17. Stream channel alterations.
18. Agricultural irrigation return water.
19. Nursery irrigation return water.
20. Short-term use of reclaimed wastewater.
21. On-site drilling mud discharge.
22. Timber harvesting.
23. Temporary discharge of specified contaminated soils.

⁵ California Code of Regulations Title 23 section 3777

⁶ Resolution No. 83-21, *A Resolution Conditionally Waiving Adoption of Waste Discharge Requirements for Certain Specific Types of Discharges*, adopted in July 1983

⁷ Addenda Nos. 1, 2, and 3 to Resolution No. 83-21, *A Resolution Conditionally Waiving Adoption of Waste Discharge Requirements for Temporary Discharge of Specified Contaminated Soils, Disposal/Reuse Options for Specified Soils, Green Waste Composting Facilities*, adopted in November 1993

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24. Green waste composting facilities.
25. Incidental discharges within a response area during a spill response.
26. Permanent reclaimed water projects.

The San Diego Water Board performed Initial Studies and adopted Negative Declarations for these 26 existing conditional waivers when they adopted Resolution No. 83-21 and Addenda 1, 2, and 3 to Resolution No. 83-21.⁸ In September 1994, the Basin Plan was amended to incorporate the conditional waivers into section 4 (Implementation) of the Basin Plan. When the existing conditional waivers in the Basin Plan were renewed by adopting Resolution No. R9-2002-186, the CEQA requirements were again fulfilled by preparing the environmental documents for a Basin Plan amendment action. Therefore, the CEQA requirements have been fulfilled for the 26 types of discharge ~~regulated by~~eligible for the existing conditional waivers.

The proposed waiver conditions that are applicable to the 26 types of discharge ~~regulated by~~eligible for the existing conditional waivers do not differ significantly from the existing waiver conditions. However, there are 9 new types of discharge proposed ~~for regulation by~~to be eligible for conditional waivers. Because the potential environmental impacts from the 26 existing conditional waivers have been adequately analyzed when first adopted in 1983 and 1993, and again when renewed in 2002, the scope of the environmental analysis for this project was limited to the 9 new types of discharge that have been proposed to be eligible for ~~regulation by the proposed~~ conditional waivers, which include the following:

1. “Low threat” discharges to land.
2. Discharges from on-site graywater systems.
3. Discharges from grazing lands.
4. Wildfire suppression and fuels management activities.
5. Discharge/reuse of soils characterized as inert from known contaminated sites.
6. Concrete grinding residues.
7. Temporary waste piles and surface impoundments for disaster-related wastes.
8. Temporary waste piles and emergency landfills for mass mortality wastes.
9. Discharges of wastes related to fireworks displays.

Discharges of emergency/disaster-related wastes could potentially have significant adverse environmental impacts. However, emergency projects are exempt from the requirements of CEQA.⁹

The CEQA has specific provisions that establish the scope of the environmental analysis required for the adoption of this Basin Plan amendment. The CEQA limits the scope to an environmental analysis of the reasonably foreseeable methods of compliance with the conditions of a conditional waiver. The State Water Board CEQA

⁸ Resolution 83-21 *A Resolution Conditionally Waiving Adoption of Waste Discharge Requirements for Certain Specific Types of Discharges* and 93-103, *A Resolution Adopting a Negative Declaration for Addenda Nos. 1, 2 and 3 to Resolution 83-21*

⁹ California Code of Regulations Title 14 section 15269

Implementation Regulations for Certified Regulatory Programs¹⁰ require the environmental analysis to include at least the following:

1. A brief description of the proposed activity. In this case, the proposed activity is to renew and issue the conditional waivers of waste discharge requirements in the Basin Plan, which requires a Basin Plan amendment. The Basin Plan amendment is described in section D.2 of this appendix.
2. Reasonable alternatives to the proposed activity (discussed in section D.8).
3. Mitigation measures to minimize any significant adverse environmental impacts of the proposed activity (discussed in section D.5).

Additionally, the CEQA¹¹ and CEQA Guidelines¹² require the following components, some of which are repetitive from the list above:

1. An analysis of the reasonably foreseeable environmental impacts of the methods of compliance. These methods may be employed to comply with the waiver conditions of the proposed conditional waivers of the Basin Plan amendment. Reasonably foreseeable methods of compliance are described in section D.3. Sections D.4 and D.5 identify the environmental impacts associated with the methods of compliance.
2. An analysis of the reasonably foreseeable feasible mitigation measures relating to those impacts. This discussion is also in section D.5.
3. An analysis of reasonably foreseeable alternative means of compliance with the rule or regulation, which would avoid or eliminate the identified impacts. This discussion is in section D.5.1.

Additionally, the CEQA Guidelines require the environmental analysis take into account a reasonable range of:¹³

1. Environmental factors (section D.5)
2. Economic factors (section D.7)
3. Technical factors (section D.6)
4. Population (section D.6)
5. Geographic areas (section D.6)
6. Specific sites (section D.6)

A “reasonable range” does not require an examination of every site, but a reasonably representative sample of them. The statute specifically states that the agency shall not

¹⁰ California Code of Regulations Title 23 section 3777

¹¹ Public Resources Code section 21159 (a)

¹² California Code of Regulations Title 14 section 15187(c)

¹³ California Code of Regulations Title 14 section 15187(d), Public Resources Code section 21159 (c)

conduct a “project level analysis.”¹⁴ Rather, a project level analysis must be performed by the dischargers to be eligible for ~~regulation by~~ a conditional waiver.¹⁵ Notably, the San Diego Water Board is prohibited from specifying the manner of compliance with its regulations,¹⁶ and accordingly, the actual environmental impacts will necessarily depend upon the compliance strategy selected by the dischargers. In preparing this environmental analysis, the San Diego Water Board has considered the pertinent requirements of state law,¹⁷ and intends this analysis to serve as a tier 1 environmental review.

Any potential environmental impacts associated with complying with the conditions of a conditional waiver depend upon the specific methods selected by the dischargers to comply with waiver conditions at a project level. There could be adverse environmental impacts from specific methods if not properly implemented, or if inappropriate methods are selected. We assumed that the reasonably foreseeable methods of compliance selected by a discharger will be the most cost effective with the least potential impacts on the environment.

The substitute CEQA documents identify broad mitigation approaches that could be considered at the project level. Consistent with the CEQA, the substitute documents do not engage in speculation or conjecture, but rather consider the reasonably foreseeable environmental impacts of the reasonably foreseeable methods of compliance, the reasonably foreseeable mitigation measures, and the reasonably foreseeable alternative means of compliance, which would avoid, eliminate, or reduce the identified impacts.

D.2 Description of the Proposed Activity

The Basin Plan designates beneficial uses of water bodies, establishes water quality objectives for the protection of these beneficial uses, and outlines a plan of implementation for maintaining and enhancing water quality. The conditional waivers are included in the plan of implementation within the Basin Plan. The existing conditional waivers are set to expire at the end of 2007, and because the conditional waivers are part of the Basin Plan, renewing and issuing conditional waivers require a Basin Plan amendment. The proposed Basin Plan amendment would revise the conditional waivers. The revisions to the conditional waivers include the following:

- Renewing the existing conditional waivers, adopted by Resolution No. R9-2002-186 and reviewed in Appendix A, for specific types of discharge in the San Diego Region;
- Issuing conditional waivers for several new specific types of discharge, discussed in Appendix B, for the San Diego Region;

¹⁴ Public Resources Code section 21159(d)

¹⁵ Public Resources Code section 21159.2

¹⁶ Water Code section 13360

¹⁷ Public Resources Code section 21159 and 14 CCR section 15187

- Reorganizing the conditional waivers by grouping the specific types of discharge into discharge classifications, as outlined in section 6 of the Technical Report;
- Providing general waiver conditions applicable to all specific types of discharge within a discharge classification, as given in section 7 of the Technical Report; and,
- Providing specific waiver conditions for each specific type of discharge within a discharge classification, if applicable, as given in section 7 of the Technical Report.

The proposed conditional waivers could be used ~~as a method~~ to waive the regulatory requirements of Water Code sections 13260(a) and (c), 13263(a), and/or 13264(a) for regulate-specific types of discharge within the San Diego Region. The proposed conditional waivers would be valid for a period of 5 years after adoption by the San Diego Water Board and approval by the State Water Board, and the Office of Administrative Law. Once adopted, a conditional waiver can be terminated for a specific type of discharge or specific discharge if the discharge is no longer in the public interest or does not comply with the water quality standards in the Basin Plan, or as deemed necessary by the San Diego Water Board.

D.2.1 Surrounding Land Uses and Setting

The San Diego Region forms the southwest corner of California and occupies approximately 3,900 square miles. The western boundary of the Region consists of the Pacific Ocean coastline. The northern boundary of the Region is formed by the hydrologic divide starting near Laguna Beach and extending inland through El Toro and easterly along the ridge of the Elsinore Mountains into the Cleveland National Forest. The eastern boundary of the Region is formed by the Laguna Mountains and other lesser known mountains located in the Cleveland National Forest. The southern boundary of the Region is formed by the United States-Mexico international border.

The San Diego Region encompasses most of San Diego County, parts of southwestern Riverside County, and southwestern Orange County. The Region is divided into a coastal plain area, a central mountain-valley area, and an eastern mountain-valley area. It consists of eleven hydrologic units that ultimately drain to the Pacific Ocean. The climate in the Region is generally mild with annual temperatures averaging around 65 °F near the coastal areas. Average annual rainfall ranges from 9 to 11 inches along the coast to more than 30 inches in the eastern mountains. There are two distinct seasons in the Region. Summer dry weather occurs from late April to mid-October. During this period almost no rain falls. The winter season (mid-October through early April) consists of generally dry weather interspersed by occasional rain storms. Eighty-five to ninety percent of the annual rainfall occurs during the winter season.

The land use of the San Diego Region is highly variable. The coastline areas are highly concentrated with urban and residential land uses, and the inland areas primarily consist of open space. Most of the Region is occupied by open space or recreational land use, followed by low-density residential and agriculture/livestock land uses. Other

major land uses are commercial/institutional, high-density residential, industrial/transportation, military, transitional, and water.

D.3 Analysis of Reasonably Foreseeable Methods of Compliance

This section identifies a range of reasonably foreseeable method(s) of compliance with the Basin Plan amendment. While the environmental analysis will be limited to the 9 new types of discharge listed above, the reasonably foreseeable methods of compliance that may be implemented by the discharges will be similar to those that are used for the 26 types of discharge ~~regulated by~~ eligible for the existing conditional waivers.

The most reasonably foreseeable methods that a discharger may utilize to comply with a waiver condition include management measures (MMs) and structural and non-structural best management practices (BMPs). Typical MMs/BMPs that may be selected by dischargers to comply with waiver conditions are divided into non-structural and structural controls, and are described below.

Non-structural Controls

Non-structural controls typically are aimed at controlling sources of a pollutant and generally do not involve new construction. Because the types of discharge ~~to be regulated by the~~ proposed to be eligible for conditional waivers are not expected to pose a significant threat to the environment, non-structural controls are expected to be the first methods to be utilized by the dischargers. No potentially significant impacts on the environment were identified for these controls.

Proper Waste Management: Properly manage where and how wastes are discharged to minimize or eliminate the potential for erosion and pollutants to impact waters of the state. Proper waste management can include, but is not limited to, moving and/or discharging wastes to areas with adequate distance from surface waters and groundwater, ensuring the waste discharge area will minimize or eliminate the discharge of runoff to waters of the state, or ensure waste is not exposed to surface runoff that can transport pollutants (via overland flow or infiltration) to waters of the state. Proper waste management also includes complying with local, state, and federal ordinances and regulations and obtaining any required approvals, permits, certifications, and/or licenses from authorized local agencies.

Facility Inspection and Maintenance: Conduct regular inspections of facilities to identify potential sources of pollutants and locations where discharged wastes may potentially impact waters of the state. Routine inspection and maintenance is an efficient way to prevent potential nuisance situations (e.g., odors, mosquitoes, weeds, etc.), to minimize or eliminate the potential for erosion and pollutants to impact waters of the state, and to reduce the need for repair maintenance.

Facility Management Plans: For facilities that use any products (e.g., fertilizers, pesticides, etc.) or discharge any wastes on site, adopt a facility management plan to ensure that products and wastes are stored, used, and disposed of in ways that minimize exposure to storm water or surface runoff that can transport pollutants to

waters of the state. Products and some wastes (e.g., compost, plant crop residues), when used properly, may also reduce surface runoff and runoff velocity, which can reduce or eliminate erosion and discharges of pollutants to waters of the state.

Design, Sizing and Location of Facilities: Properly design, size, and site facilities to minimize or eliminate the potential for pollutants to impact surface waters or groundwater.

Education: Dischargers should become educated about the conditional waivers and waiver conditions, potential sources of pollutants at their facility, and methods that may be implemented to comply with waiver conditions. When dischargers become educated about pollutants and their potential impacts, they can implement measures to reduce or eliminate the potential for pollutants to reach and impact waters of the state.

Structural Controls

Structural controls may be utilized to divert, store, and/or treat discharges of waste. Structural controls can involve activities that can potentially impact the environment. However, because the types of discharge ~~to be regulated by the~~ proposed to be eligible for conditional waivers are not expected to pose a significant threat to the environment, the reasonably foreseeable structural controls that may be implemented by the dischargers are not expected to have significant construction or operations requirements. The reasonably foreseeable structural controls are expected to have less than significant and/or short-term impacts on the environment.

Buffer Strips and Vegetated Swales: Construct and/or maintain vegetative buffer strips around and within a facility to slow surface runoff velocity, filter pollutants, and increase surface runoff infiltration.

Infiltration Trenches: Construct and maintain infiltration trenches designed to capture and naturally filter surface runoff.

Diversion and Containment Systems: Install diversion and containment systems to capture surface runoff and/or prevent discharge of pollutants. Surface runoff may be diverted and contained for reuse on site, or it may be diverted to wastewater collection plants for treatment. Diversion and containment systems consist of berms, roofs, liners, or enclosures to drain surface runoff away from discharged wastes, capture runoff from discharged wastes, and/or contain and isolate discharged wastes.

Animal Exclusion: Construct fencing, hedgerows, and livestock trails and walkways to exclude animals from streams and riparian areas to prevent direct deposition of animal wastes into surface waters and erosion of stream channels. Alternative water supplies and shade may need to be provided if animals are excluded from streams and riparian areas.

D.4 Environmental Checklist

POTENTIAL IMPACT	POTENTIALLY SIGNIFICANT	LESS THAN SIGNIFICANT WITH MITIGATION	LESS THAN SIGNIFICANT	NO IMPACT
1. Earth. Will the proposal result in:				
a. Unstable earth conditions or in changes in geologic substructures?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Disruptions, displacements, compaction or overcoming of the soil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Change in topography or ground surface relief features?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. The destruction, covering or modification of any unique geologic or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Any increase in wind or water erosion of soils either on or off the site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Exposure of people or property to geologic hazards, such as earthquakes, landslides, mudslides, ground failure, or similar hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Air. Will the proposal result in:				
a. Substantial air emissions or deterioration of ambient air quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The creation of objectionable odors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Water. Will the proposal result in:				
a. Changes in currents, or the course of direction or water movements, in either marine or fresh waters?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Alterations to the course of flow of flood waters?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

POTENTIAL IMPACT	POTENTIAL SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
3. Water. Will the proposal result in (Cont'd):				
d. Change in the amount of surface water in any water body?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen, or turbidity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Alteration of the direction or rate of flow of groundwaters?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Change in the quantity or quality of groundwaters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Substantial reduction in the amount of water otherwise available for public water supplies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Exposure of people or property to water related hazards such as flooding or tidal waves?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Plant Life. Will the proposal result in:				
a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, microflora and aquatic plants)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Reduction of the numbers of any unique, rare or endangered species of plants?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Reduction in acreage of any agricultural crop?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Animal Life. Will the proposal result in:				
a. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects or microfauna)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

POTENTIAL IMPACT	POTENTIAL SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
5. Animal Life. Will the proposal result in (Cont'd):				
b.Reduction of the numbers of any unique, rare or endangered species of animals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d.Deterioration to existing fish or wildlife habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Noise. Will the proposal result in:				
a.Increases in existing noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.Exposure of people to severe noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Light and Glare. Will the proposal:				
a.Produce new light or glare?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Land Use. Will the proposal result in:				
a.Substantial alteration of the present or planned land use of an area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Natural Resources. Will the proposal result in:				
a.Increase in the rate of use of any natural resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b.Substantial depletion of any nonrenewable natural resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Risk of Upset. Will the proposal involve:				
a.A risk of an explosion or the release of hazardous substances (including, but not limited to: oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Population. Will the proposal:				
a.Alter the location, distribution, density, or growth rate of the human population of an area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. Housing. Will the proposal:				
a.Affect existing housing, or create a demand for additional housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

POTENTIAL IMPACT	POTENTIAL SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
13. Transportation/Circulation. Will the proposal result in:				
a.Generation of substantial additional vehicular movement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b.Effects on existing parking facilities, or demand for new parking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c.Substantial impact upon existing transportation systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d.Alterations to present patterns of circulation or movement of people and/or goods?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e.Alterations to waterborne, rail or air traffic?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14. Public Service. Will the proposal have an effect upon, or result in a need for new or altered governmental services in an of the following areas:				
a.Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b.Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c.Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d.Parks or other recreational facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e.Maintenance of public facilities, including roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Other governmental services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. Energy. Will the proposal result in:				
a.Use of substantial amounts of fuel or energy?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b.Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Utilities and Service Systems. Will the proposal result in a need for new systems, or substantial alterations to the following utilities:				
a.Power or natural gas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b.Communications systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c.Water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d.Sewer or septic tanks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e.Storm water drainage?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

POTENTIAL IMPACT	POTENTIAL SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
16. Utilities and Service Systems. Will the proposal result in a need for new systems, or substantial alterations to the following utilities (Cont'd):				
f. Solid waste and disposal?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Human Health. Will the proposal result in:				
a. Creation of any health hazard or potential health hazard (excluding mental health)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Exposure of people to potential health hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
18. Aesthetics. Will the proposal result in:				
a. The obstruction of any scenic vista or view open to the public?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The creation of an aesthetically offensive site open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. Recreation. Will the proposal result in:				
a. Impact upon the quality or quantity of existing recreational opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20. Archeological/Historical. Will the proposal:				
a. Result in the alteration of a significant archeological or historical site structure, object or building?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
21. Mandatory Findings of Significance				
Potential to degrade: Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

POTENTIAL IMPACT	POTENTIAL SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
21. Mandatory Findings of Significance				
Short-term: Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cumulative: Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Substantial adverse: Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

D.5 Discussion of Possible Environmental Impacts of Reasonably Foreseeable Compliance Methods and Mitigation Measures

The environmental analysis must include an analysis of the reasonably foreseeable environmental impacts of the methods of compliance and the reasonably foreseeable feasible mitigation measures relating to those impacts. This section, consisting of answers to the questions in the checklist, discusses compliance methods and mitigation measures as they pertain to the checklist.

In formulating these answers, the impacts of implementing the non-structural and structural controls listed in section D.3 were evaluated. At this time, the exact type, size, and location of non-structural and/or structural controls that might be implemented to comply with the proposed waiver conditions is unknown. This analysis considers a range of non-structural and/or structural controls that might be used, but is by no means an exhaustive list of available controls. When non-structural and/or structural controls are selected for implementation, a project-level and site-specific CEQA analysis must be performed by the responsible agency.

Potential reasonably foreseeable impacts were evaluated with respect to earth, air, water, plant life, animal life, noise, light, land use, natural resources, risk of upset, population, housing, transportation, public services, energy, utilities and services systems, human health, aesthetics, recreation, and archeological/historical concerns. Additionally, mandatory findings of significance regarding short-term, long-term, cumulative and substantial impacts were evaluated. The evaluation considered whether the implementation and/or construction of the non-structural and/or structural controls would cause a substantial, adverse change in any of the physical conditions within the area affected by the control. In addition, the evaluation considered environmental effects in proportion to their severity and probability of occurrence. Based on this review, we concluded that the any potential impacts to the environment are less than significant.

A significant effect on the environment is defined ~~in regulation~~ as “*a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. A social or economic change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.*”¹⁸

A significant effect on the environment is defined in statute as “*a substantial, or potentially substantial, adverse change in the environment*”¹⁹ where “*Environment*” is defined as “*the physical conditions which exist within the area which will be affected by a proposed project, including air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance.*”²⁰

In this analysis, the level of significance was based on baseline conditions (i.e., current conditions). Short-term impacts associated with the implementation and/or construction of non-structural and/or structural controls were considered less than significant because the impacts due to construction activities are temporary and similar to typical capital improvement projects and maintenance activities currently performed by municipalities. The long-term impacts associated with implementation and/or construction of non-structural and/or structural controls were considered potentially significant, but only if they could have an adverse, or potentially adverse, impact on the environment.

Social or economic changes related to a physical change of the environment were also considered in determining whether there would be a significant effect on the environment. However, adverse social and economic impacts alone are not significant effects on the environment.

¹⁸ 14 CCR section 15382

¹⁹ Public Resources Code section 21068

²⁰ Public Resources Code section 21060.5

1. Earth. a. Will the proposal result in unstable earth conditions or in changes in geologic substructure?

Answer: Less than significant

Discussion: Reasonably foreseeable non-structural controls would not create unstable earth conditions or changes in geologic substructure because none of these controls include earth moving activities.

For structural controls, infiltration of surface runoff could potentially result in unstable earth conditions if loose or compressible soils are present, or if such structural controls were to be located where infiltrated runoff flowing as groundwater could destabilize existing slopes. However, if infiltration type structural controls are implemented, they would likely be built on a small enough scale to avoid these types of impacts. Projects that may implement structural controls to comply with waiver conditions are not expected to be of the size or scale that could result in significant unstable earth conditions or in changes in geologic substructure.

1. Earth. b. Will the proposal result in disruptions, displacements, compaction or overcoming of the soil?

Answer: Less than significant

Discussion: Reasonably foreseeable non-structural controls would not result in disruptions, displacements, compaction or overcoming of the soil because none of these controls include earth moving activities.

Depending on the structural controls selected, the proposal may result in minor surface soil excavation or grading during construction of structural controls resulting in increased disturbance of the soil. However, the use of standard construction techniques, along with proper siting, will minimize the potential impact on the environment to less than significant. Projects that may implement structural controls to comply with waiver conditions are not expected to be of the size or scale that could result in significant disruptions, displacements, compaction or overcoming of the soil.

1. Earth. c. Will the proposal result in change in topography or ground surface relief features?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls are not expected to be on a scale large enough to affect topography or ground relief features.

1. Earth d. Will the proposal result in the destruction, covering or modification of any unique geologic or physical features?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls are not expected to be on a scale large enough that would result in the destruction, covering or modification of any unique geologic or physical features.

1. Earth. e. Will the proposal result in any increase in wind or water erosion of soils, either on or off the site?

Answer: Less than significant

Discussion: Reasonably foreseeable non-structural controls would not result in increase in wind or water erosion of soils, either on or off site because none of the non-structural controls would result in increased surface runoff discharge, or in exposing soils to erosion by wind and water.

Depending on the structural controls selected, the proposal may result in minor soil excavation during construction of structural controls. However, construction related erosion impacts will cease with the cessation of construction. Wind or water erosion of soils may occur as a potential short-term impact. Typical established MMs/BMPs should be used during implementation to minimize offsite sediment runoff or deposition. Construction sites are required to retain sediment on site, both under general construction storm water WDRs and through the construction program of the applicable MS4 WDRs; both of which are already designed to minimize or eliminate erosion impacts on receiving water. Projects that may implement structural controls to comply with waiver conditions are not expected to be of the size or scale that could result in significant erosion of soils, either on or off the site.

1. Earth. f. Will the proposal result in changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls are not expected to be on a scale large enough that would result in changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake.

1. Earth. g. Will the proposal result in exposure of people or property to geologic hazards, such as earthquakes, landslides, mudslides, ground failure, or similar hazards?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls are not expected to be on a scale large enough that would result in exposure of people or property to geologic hazards because none of these controls would result in earth moving activities.

2. Air. a. Will the proposal result in substantial air emissions or deterioration of ambient air quality?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls are not expected to be on a scale large enough that would result in substantial air emissions or deterioration of ambient air quality.

2. Air. b. Will the proposal result in creation of objectionable odors?

Answer: Less than significant

Discussion: Non-structural controls could result in the creation of objectionable odors if animal wastes and/or compost is/are stored at a facility. However, proper storage, use and management of such wastes would minimize or eliminate such odors. In rural areas, the number of persons that may be affected and consider it a

nuisance would likely be very low. In urban areas, storage and use of such wastes are expected to be on small scales, which would have a less than significant effect on the environment.

Construction and installation of structural controls may result in objectionable odors in the short-term due to exhaust from construction equipment and vehicles, but no more so than during typical construction activities currently performed. Structural controls may be a source of objectionable odors if structural control designs allow for water stagnation or collection of water with sulfur-containing compounds. Storm water runoff is not likely to contain sulfur-containing compounds, but stagnant water could create objectionable odors. However, reasonably foreseeable structural controls are not expected to be on a scale large enough that would result in the significant creation of objectionable odors.

2. Air. c. Will the proposal result in alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls would not be of the size or scale to result in alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally.

3. Water. a. Will the proposal result in changes in currents, or the course of direction or water movements, in either marine or fresh waters?

Answer: Less than significant

Discussion: Most non-structural controls will not cause changes in currents, or the course of direction or water movements, in either marine or fresh waters because most of these controls would not introduce any physical effects that could impact these characteristics. Reduction or elimination of dry weather flows caused by implementation of non-structural controls could have a physical impact due to a reduction in sediment and refuse discharge. However, any reduction of dry weather flows would bring the creeks and streams to a more natural, pre-development condition with respect to currents, which is beneficial to the environment.

Structural controls may change the currents in the watersheds by diverting flow away from the creek and stream channels. The roughness coefficient may be reduced as sediment is kept out of the channels, which could increase the flow rate in the channels but would not change the direction of flow. Overland flow may change depending on the structural controls installed such as infiltration trenches. If surface runoff flow is reduced, or is diverted and not returned to the creeks, these

changes would reduce the potential for erosion, which is beneficial to the environment. Projects that may implement structural controls to comply with waiver conditions are not expected to be of the size or scale that could result in significant changes in currents, or the course of direction or water movements, in either marine or fresh waters.

3. Water. b. Will the proposal result in changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff?

Answer: Less than significant

Discussion: Non-structural controls would not result in changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff because none of these controls would introduce any physical effects that could impact these characteristics.

Depending on the structural controls selected, absorption rates, drainage patterns, and surface water runoff may change. Grading and excavation during construction and installation of structural controls could result in alterations in absorption rates, drainage patterns, and surface water runoff. Several types of structural controls for both urban and rural areas collect and/or inhibit surface runoff flow, which would likely alter drainage patterns, and also decrease the rate and amount of surface runoff. For example, structural controls such as buffer strips would change drainage patterns by increasing absorption rates, which would reduce the amount of surface runoff to creeks. If surface runoff is diverted to wastewater treatment facilities, thereby reducing the overall flow, the erosion and scour that would normally be caused in the streams by surface runoff would be reduced. The amount of flow within the stream channel may change; however, the channelized drainage pattern would remain essentially unchanged. Projects that may implement structural controls to comply with waiver conditions are not expected to be of the size or scale that could result in significant changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff.

3. Water. c. Will the proposal result in alterations to the course of flow of flood waters?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls would not be of the size or scale to result in alterations to the course of flow of flood waters because none of the controls would introduce any physical effects that could impact these characteristics.

3. Water. d. Will the proposal result in change in the amount of surface water in any water body?

Answer: Less than significant

Discussion: Implementation of non-structural controls could result in a reduction in the amount of dry weather surface water in the watersheds. Because the reduction of nuisance flows would return the watersheds to a more natural, predevelopment condition, this impact is considered less than significant.

Depending on the structural controls selected, surface runoff may be retained and/or diverted for groundwater infiltration and/or reused. Water that is retained or diverted would not flow into creek and stream channels. Because the surface water runoff to the creeks would be reduced, the adverse effects of channel scour and erosion of the creeks would also be reduced. Projects that may implement structural controls to comply with waiver conditions are not expected to be of the size or scale that could result in a significant change in the amount of surface water in any water body.

3. Water. e. Will the proposal result in discharge to surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen, or turbidity?

Answer: Less than significant

Discussion: Non-structural and/or structural controls would not result in any additional discharge to surface waters. Depending on the structural controls selected, the current amount of surface runoff discharged to surface waters may actually be reduced if diverted for groundwater infiltration, reuse, or to wastewater treatment facilities.

A reduction of dry weather discharges (i.e., a cessation or reduction in nuisance flows) would result in a reduction of overall water in the creek and stream channels during the dry season. This would result in a water temperature increase, and a decrease of dissolved oxygen in dry weather pools. Projects that may implement structural controls to comply with waiver conditions are not expected to be of the size or scale that could result in a significant discharge to surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen, or turbidity.

3. Water. f. Will the proposal result in alteration of the direction or rate of flow of groundwaters?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls would not be of the size or scale to result in alteration of the direction or rate of flow of groundwaters.

3. Water. g. Change in the quantity or quality of groundwaters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?

Answer: Less than significant

Discussion: Non-structural and/or structural controls that promote or utilize infiltration of surface runoff may increase the quantity and/or degrade the quality of groundwaters. The increase in quantity is unlikely to have any adverse effects since, under pre-development conditions, infiltration rates of storm water runoff to groundwater were most likely much higher than they are today due to the absence of hardscapes. Additionally, non-structural and/or structural controls are not expected to degrade groundwater because the types of discharge ~~that would be regulated by the proposed conditional waivers~~, if discharged in accordance with waiver conditions, would not pose a threat to the quality or beneficial uses of waters of the state.

3. Water. h. Will the proposal result in substantial reduction in the amount of water otherwise available for public water supplies?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls would not be of the size or scale to result in substantial reduction in the amount of water otherwise available for public water supplies.

3. Water. i. Will the proposal result in exposure of people or property to water related hazards such as flooding or tidal waves?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls would not be of the size or scale to result in exposure of people or property to water related hazards such as flooding or tidal waves.

4. Plant Life. a. Will the proposal result in change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, microflora and aquatic plants)?

Answer: Less than significant

Discussion: Implementing non-structural controls will not directly result in change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, microflora and aquatic plants) because most of these controls would not introduce any physical effects that could impact these characteristics. However, the reduction or elimination of nuisance flows could result in a change in the diversity of species, or number of any species of plants, especially in the dry weather season. No adverse impacts are expected because the elimination of nuisance flows would return the dry weather flows in creek and stream channels to a more natural, pre-development condition. This in turn would facilitate the return of the plant community of creek or stream channel to a more natural, pre-development condition and could impede the propagation of water-loving non-native and invasive plant species. Impeding the propagation of invasive species is not an adverse impact.

The installation of structural controls such as vegetated swales or buffer strips could increase the diversity or number of plant species, which is beneficial to the environment by increasing available habitat. However, during storm events, structural controls could also divert, reduce, and/or eliminate surface water runoff discharge, which may reduce the number and/or diversity of plant species within the streams, by modifying the hydrology of the creeks. However, surface runoff rates were most likely much lower than they are today due to the absence of hardscapes, and structural controls such as vegetated swales and buffer strips would likely restore creek and stream channels closer to more natural, pre-development conditions. Projects that may implement structural controls to comply with waiver conditions are not expected to be of the size or scale that could result in a significant change in the diversity of species, or number of any species of plants.

One of the new types of discharge proposed for ~~regulation by~~ a conditional waiver, discharge/reuse of soils characterized as inert from known contaminated sites, could potentially affect plant life by allowing the use of soils with elevated concentrations of metals. However, the waiver itself does not induce or approve a project where soils are going to be excavated, removed or reused. A project, and any associated excavation and removal of soil for a project, may only occur after the project itself undergoes any necessary CEQA analysis or obtains any other necessary permits (e.g., clearing and grading permits or permits under the Federal Clean Water Act) to the extent required.

Additionally, while the proposed waiver allows the reuse of certain soils, the placement of the soil may similarly only occur in association with another project that also has undergone the CEQA process (if necessary) and received any other necessary permits (e.g., grading permits, Army Corps permits, etc.). Also, it is the expectation that both projects (the site excavating the soil and the site receiving the soil) will follow all regulations requiring the implementation of Best Management Practices to avoid storm water runoff.

Tier I of the waiver proposes to allow the reuse of soil that contains metals at concentration levels below ecological screening levels or equal to or less than concentrations that occur naturally in the soil in San Diego County. Therefore, any soil that is reused under this waiver will not create ecological concerns or create soil conditions significantly different from naturally occurring conditions that exist today. Tier II of the waiver proposes to allow the reuse of soil at levels in some cases above ecological screening levels or higher than naturally occurring levels, but soil reused under Tier II may only be used in commercial or industrial areas, will be placed at least 2 feet below a protective cover, 5 feet above groundwater, and 100 feet away from surface water. Given these protective measures, this waiver will have a less than significant impact on plant life or species.

4. Plant life. b. Will the proposal result in reduction of the numbers of any unique, rare or endangered species of plants?

Answer: Less than significant

Discussion: Implementing non-structural controls will not directly result in a reduction of the numbers of any unique, rare, or endangered species of plants because these controls will not affect the habitat of any unique, rare, or endangered species of plants because the controls would not introduce any physical effects that could impact these characteristics.

Depending on the type of discharge and/or structural controls selected, direct or indirect impacts to special-status plant species may occur during and after the waste discharge and/or construction of structural controls. However, when the specific projects are developed and sites identified, a focused protocol plant survey and/or a

search of the California Natural Diversity Database should be performed to confirm that any potentially sensitive or special status plant species in the site area are properly identified and protected as necessary. If sensitive plant species occur on the project site, mitigation is required in accordance with the Endangered Species Act. Mitigation measures should be developed in consultation with the California Department of Fish and Game (CDFG) and the United States Fish and Wildlife Service (USFWS). Therefore, if a discharger chooses to implement structural controls, they can and should avoid affecting habitat that is vital for the survival of any unique, rare, or endangered plant species. Projects that may implement structural controls to comply with waiver conditions are not expected to be of the size or scale that could result in a significant reduction of any unique, rare or endangered species of plants.

One of the new types of discharge proposed for ~~regulation by~~ a conditional waiver, discharge/reuse of soils characterized as inert from known contaminated sites, could potentially affect plant life by allowing the use of soils with elevated concentrations of metals. However, the waiver itself does not induce or approve a project where soils are going to be excavated, removed or reused. Tier I of this waiver proposes to allow the reuse of soil that contains metals at concentration levels equal to or less than concentrations that occur naturally in the soil in San Diego County. Therefore, any soil that is reused under this waiver will not create soil conditions significantly different from naturally occurring conditions. Tier II of the waiver proposes to allow the reuse of soil at levels in some cases above ecological screening levels or higher than naturally occurring levels, but soil reused under Tier II may only be used in commercial or industrial areas, will be placed at least 2 feet below a protective cover, 5 feet above groundwater, and 100 feet away from surface water. For this reason, any soil reused under this waiver should not create any impact resulting in the reduction of the numbers of any unique, rare or endangered species of plants.

4. Plant life. c. Will the proposal result in introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?

Answer: Less than significant

Discussion: Implementing non-structural controls will not result in introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species because most of the controls would not introduce any physical effects that could impact these characteristics. However, the reduction or elimination of nuisance flows could result in the introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species especially in the dry weather season. However, no adverse impacts are expected as discussed in the answer to question 4.a.

For structural controls that may include the use of plants, such as vegetated swales or buffer strips, new species of plants may possibly be introduced into the area.

However, in cases where plants or landscaping is incorporated into the specific project design, the possibility of disruption of resident native species could be avoided or minimized by using only plants native to the area. The use of exotic invasive species or other plants listed in the Exotic Pest Plant of Greatest Ecological Concern in California (1999, California Invasive Plant Council, as amended) should be prohibited. Projects that may implement structural controls to comply with waiver conditions are not expected to be of the size or scale that could result in a significant introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species.

| One of the new types of discharge proposed for ~~regulation by~~ a conditional waiver, discharge/reuse of soils characterized as inert from known contaminated sites, could potentially affect plant life by allowing the use of soils with elevated concentrations of metals. Tier I of this waiver proposes to allow the reuse of soil that contains metals at concentrations equal to or less than concentrations that occur naturally in the soil in San Diego County. Therefore, any soil that is reused under this waiver will not create soil conditions significantly different from naturally occurring conditions that exist today. Tier II of the waiver proposes to allow the reuse of soil at levels in cases above ecological screening levels or higher than naturally occurring levels, but soil reused under Tier II may only be used in commercial or industrial areas, will be placed at least 2 feet below a protective cover, 5 feet above groundwater, and 100 feet away from surface water. For this reason, any soil reused under this waiver should not create any impact resulting in the introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species.

To the extent that soil is moved from one location to another under this waver, this waiver alone does not induce or approve projects involving the excavation or import of soil. Such projects, and any associated excavation, removal, or import of soil for a project, may only occur after the project itself undergoes any necessary CEQA analysis or obtains any other necessary permits (e.g., clearing and grading permits or permits under the Federal Clean Water Act) to the extent required. Therefore, the relocation of the soil itself will be evaluated under a separate CEQA evaluation when required.

4. Plant life. d. Will the proposal result in reduction in acreage of any agricultural crop?

Answer: Less than significant

Discussion: Implementing non-structural controls are not expected to result in a reduction in acreage of agricultural crops because establishing such controls does not necessitate area acquisition.

Implementing structural controls could result in a minor reduction in acreage of agricultural crops. Dischargers should check the California Department of Conservation, Division of Land Resources Protection, Farmland Mapping and

Monitoring Program, to see if there is Prime Farmland, Farmland of Statewide Importance, Unique Farmland or Farmland of Local Importance in the proposed project areas. Dischargers should avoid placing structural controls in areas that could affect the integrity of special status areas, and instead place them in areas that will have a minimal effect on crop production. Projects that may implement structural controls to comply with waiver conditions are not expected to be of the size or scale that could result in a significant reduction in acreage of agricultural crops.

5. Animal Life. a. Will the proposal result in change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects or microfauna)?

Answer: Less than significant

Discussion: Implementing non-structural controls will not directly result in change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects or microfauna) because the controls would not introduce any physical effects that could impact these characteristics. However, the reduction or elimination of nuisance flows could result in change in the diversity of species, or numbers of any species of animals, due to a reduction of dry weather flows that could eliminate instream habitats dependant on those flows. However, this would return dry weather flows in the watersheds to a more natural, pre-development condition as discussed in the answer to question 4.a. Animal species that thrived in the creeks in the absence of nuisance flows should not be adversely impacted by habitat changes if the flows are eliminated. Impeding the propagation of invasive species is not an adverse impact.

The installation of structural controls such as vegetated swales or buffer strips could increase the diversity or number of animal species, which is beneficial by creating habitat for those species. Structural controls could also divert, or reduce storm water runoff discharge, which could decrease the number and/or diversity of animal species within the stream channels by eliminating habitat dependant on those flows. However, native communities of animals can thrive under lower streamflow conditions than what currently exist. Projects that may implement structural controls to comply with waiver conditions are not expected to be of the size or scale that could result in change in a significantly adverse change in diversity of species, or numbers of any species of animals.

| One of the new types of discharge proposed for ~~regulation by~~ a conditional waiver, discharge/reuse of soils characterized as inert from known contaminated sites, could potentially affect animal receptors by allowing the use of soils with elevated concentrations of metals. However, the waiver itself does not induce or approve a project where soils are going to be excavated or removed. A project, and any associated excavation and removal of soil for a project, may only occur after the

project itself undergoes any necessary CEQA analysis or obtains any other necessary permits (e.g., clearing and grading permits or permits under the Federal Clean Water Act) to the extent required.

Additionally, while the proposed waiver allows the reuse of certain soils, the placement of the soil may similarly only occur in association with another project that also has undergone the CEQA process (if necessary) and received any other necessary permits (i.e., grading permits, etc.). Also, it is the expectation that both projects (the site excavating the soil and the site receiving the soil) will follow all regulations requiring the implementation of Best Management Practices to avoid storm water runoff.

Tier I of the waiver proposes to allow the reuse of soil that contains metals at concentrations equal to or less than concentrations that occur naturally in the soil in San Diego County. Therefore, any soil that is reused under this waiver will not create soil conditions significantly different from naturally occurring conditions that exist today. Tier II of the waiver proposes to allow the reuse of soil at levels in cases above ecological screening levels or higher than naturally occurring levels, but soil reused under Tier II may only be used in commercial or industrial areas, will be placed at least 2 feet below a protective cover, 5 feet above groundwater, and 100 feet away from surface water. Given these protective measures, this waiver has a less than significant impact on animal life or species.

5. Animal Life. b. Will the proposal result in reduction of the numbers of any unique, rare or endangered species of animals?

Answer: Less than significant

Discussion: Implementing non-structural controls will not result in a reduction of the numbers of unique, rare or endangered species of animals because these controls will not cause a reduction in habitat for unique, rare, or endangered animals. However, a reduction or elimination of nuisance flows could eliminate riparian habitat dependant on those flows. However, reasonably foreseeable non-structural controls are not expected to be of the size or scale to result in reduction of the numbers of any unique, rare or endangered species of animals.

Depending on the type of discharge and/or structural controls selected, direct or indirect impacts to special-status animal species may occur during and after the waste discharge and/or construction of structural controls. However, when the specific projects are developed and sites identified, a focused protocol animal survey and/or a search of the California Natural Diversity Database should be performed to confirm that any potentially sensitive or special status animal species in the site area are properly identified and protected as necessary. If sensitive animal species occur on the project site, mitigation is required in accordance with the Endangered Species Act. Mitigation measures should be developed in consultation with the CDFG and

the USFWS. Therefore, if a discharger chooses to implement structural controls, they can and should avoid affecting habitat that is vital for the survival of any unique, rare, or endangered animal species. Projects that may implement structural controls to comply with waiver conditions are not expected to be of the size or scale that could result in a significant reduction of any unique, rare or endangered species of animals.

| One of the new types of discharge proposed for ~~regulation by~~ a conditional waiver, discharge/reuse of soils characterized as inert from known contaminated sites, could potentially affect animal receptors by allowing the use of soils with elevated concentrations of metals. Tier I of this waiver proposes to allow the reuse of soil that contains metals at concentrations equal to or less than concentrations that occur naturally in the soil in San Diego County. Therefore, any soil that is reused under this waiver will not create soil conditions significantly different from naturally occurring conditions that exist today. Tier II of the waiver proposes to allow the reuse of soil at levels in some cases above ecological screening levels or higher than naturally occurring levels, but soil reused under Tier II may only be used in commercial or industrial areas, will be placed at least 2 feet below a protective cover, 5 feet above groundwater, and 100 feet away from surface water. For this reason, any soil reused under this waiver should not create any impact resulting in the reduction of the numbers of any unique, rare or endangered species of animal.

5. Animal Life. c. Will the proposal result in introduction of new species of animals into an area, or in a barrier to the migration or movement of animals?

Answer: Less than significant

Discussion: Implementing non-structural controls will not result in introduction of new species of animals into an area, or in a barrier to the migration or movement of animals because the controls would not introduce any physical effects that could impact these characteristics. However, the reduction or elimination of nuisance flows could result in a barrier to the migration or movement of animals especially in the dry weather season by eliminating habitat dependant on those flows. However, this would cause dry weather flows to return to a more natural, pre-development condition, as discussed in the answer to question 4a. Animal species that thrived in the creek and stream channels in the absence of nuisance flows should not be adversely impacted by habitat changes if the flows are eliminated. Impeding the propagation of invasive species is not an adverse impact.

Implementing structural controls would not foreseeably introduce new species. Construction of reasonably foreseeable structural controls likely would not restrict wildlife movement because the sizes of structural controls are generally too small to obstruct a corridor. For terrestrial animals, corridors would be maintained regardless of stream flow since reduced flows would not provide physical barriers for these animals. In the event that any structural controls built, such as animal exclusions,

that may impede some wildlife migration, fence gaps large enough to allow migrating wildlife to pass through could be included in the design. Projects that may implement structural controls to comply with waiver conditions are not expected to be of the size or scale that could result in a significant introduction of new species of animals into an area, or in a barrier to the migration or movement of animals.

One of the new types of discharge proposed for ~~regulation by~~ a conditional waiver, discharge/reuse of soils characterized as inert from known contaminated sites, could potentially affect animal receptors by allowing the use of soils with elevated concentrations of metals. Tier I of this waiver proposes to allow the reuse of soil that contains metals at concentrations equal to or less than concentrations that occur naturally in the soil in San Diego County. Therefore, any soil that is reused under this waiver will not create soil conditions significantly different from naturally occurring conditions that exist today. Tier II of the waiver proposes to allow the reuse of soil at levels in cases above ecological screening levels or higher than naturally occurring levels, but soil reused under Tier II may only be used in commercial or industrial areas, will be placed at least 2 feet below a protective cover, 5 feet above groundwater, and 100 feet away from surface water. For this reason, any soil reused under this waiver should not create any impact resulting in the introduction of new species of animals into an area, or result in a barrier to the normal replenishment of existing species.

To the extent that soil is moved from one location to another under this waiver, this waiver alone does not induce or approve projects involving the excavation or import of soil. Such projects, and any associated excavation, removal, or import of soil for a project, may only occur after the project itself undergoes any necessary CEQA analysis or obtains any other necessary permits (e.g., clearing and grading permits or permits under the Federal Clean Water Act) to the extent required. Therefore, the relocation of the soil itself will be evaluated under a separate CEQA evaluation when required.

5. Animal Life. d. Will the proposal result in deterioration to existing fish or wildlife habitat?

Answer: Less than significant

Discussion: Implementing non-structural controls will not directly result in deterioration to existing fish or wildlife habitat as discussed in the answers to questions 4 and 5.

Depending on the structural controls selected, direct or indirect impacts to existing fish or wildlife habitat may occur. In urbanized areas, the installation of structural controls would not likely result in the deterioration of existing fish and or wildlife habitat in the immediate area of a project. Nonetheless, potential effects on fish or

wildlife habitat can be minimized or eliminated by reducing the size of structural controls and limiting the encroachment and/or removal of animal habitat.

Structural controls could also divert, reduce, and/or eliminate surface runoff discharge, which could potentially change the fish and wildlife habitat within the stream channels by changing the flow regime of the creek and stream channels. Native communities of animals can thrive under lower streamflow conditions than what currently exists. The return to more natural, pre-development flow regimes in the creek and stream channels could be beneficial to restoring native habitats in the creeks. Projects that may implement structural controls to comply with waiver conditions are not expected to be of the size or scale that could result in a significant deterioration to existing fish or wildlife habitat.

One of the new types of discharge proposed for ~~regulation by~~ a conditional waiver, discharge/reuse of soils characterized as inert from known contaminated sites, could potentially affect animal receptors by allowing the use of soils with elevated concentrations of metals. However, Tier I of this waiver proposes to allow the reuse of soil that contains metals at concentrations equal to or less than concentrations that occur naturally in the soil in San Diego County. Therefore, any soil that is reused under this waiver will not create soil conditions significantly different from naturally occurring conditions that exist today. Tier II of the waiver proposes to allow the reuse of soil at levels in cases above ecological screening levels or higher than naturally occurring levels, but soil reused under Tier II may only be used in commercial or industrial areas, will be placed at least 2 feet below a protective cover, 5 feet above groundwater, and 100 feet away from surface water. For this reason, any soil reused under this waiver should not create any impact resulting in the deterioration to existing fish or wildlife habitat.

To the extent that soil is moved from one location to another under this waiver, this waiver alone does not induce or approve projects involving the excavation or import of soil. Such projects, and any associated excavation, removal, or import of soil for a project, may only occur after the project itself undergoes any necessary CEQA analysis or obtains any other necessary permits (e.g., clearing and grading permits or permits under the Federal Clean Water Act) to the extent required. Therefore, the relocation of the soil itself will be evaluated under a separate CEQA evaluation when required.

6. Noise. a. Will the proposal result in increases in existing noise levels?

Answer: Less than significant

Discussion: Non-structural controls would not result in changes in existing noise levels because none of these controls would introduce any physical effects that could impact these characteristics.

The construction and installation of structural controls would result in temporary increases in existing noise levels, but this would be short term and only exist until construction is completed. Therefore, this noise impact is less than significant.

6. Noise. b. Will the proposal result in exposure of people to severe noise levels?

Answer: No impact

Discussion: : Reasonably foreseeable non-structural and/or structural controls would not result in exposure of people to severe noise levels because the controls would not introduce any physical effects that could impact these characteristics.

7. Light and Glare. Will the proposal produce new light or glare?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls would not produce new light or glare because the controls would not introduce any physical effects that could impact these characteristics.

8. Land Use. Will the proposal result in substantial alteration of the present or planned land use of an area?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls would not be of the size or scale to result in substantial alteration of the present or planned land use of an area.

9. Natural Resources. a. Will the proposal result in increase in the rate of use of any natural resources?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls would not be of the size or scale to result in an increase in the rate of use of any natural resources.

9. Natural Resources. b. Will the proposal result in substantial depletion of any non-renewable natural resource?

Answer: No impact

Discussion Reasonably foreseeable non-structural and/or structural controls would not be of the size or scale to result in a substantial depletion of any non-renewable natural resource.

10. Risk of Upset. Will the proposal involve a risk of an explosion or the release of hazardous substances (including, but not limited to: oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and structural controls will not involve a risk of an explosion or the release of hazardous substances (including, but not limited to: oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions. The reasonably foreseeable non-structural and structural BMPs included in this evaluation would not be subject to explosion or the release of hazardous substances in the event of an accident because these types of substances would not be present.

11. Population. Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls would not be of the size or scale that would alter the location, distribution, density, or growth rate of the human population of an area.

12.Housing. Will the proposal affect existing housing, or create a demand for additional housing?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls would not be of the size or scale that would affect existing housing, or create a demand for additional housing.

13.Transportation/Circulation. a. Will the proposal result in generation of substantial additional vehicular movement?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls would not be of the size or scale that would result in generation of substantial additional vehicular movement.

13.Transportation/Circulation. b. Effects on existing parking facilities, or demand for new parking?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls would not be of the size or scale that would have an effect on existing parking facilities, or demand for new parking.

13.Transportation/Circulation. c. Will the proposal result in substantial impacts upon existing transportation systems?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls would not be of the size or scale that would result in substantial impacts upon existing transportation systems.

13. Transportation/Circulation. d. Will the proposal result in alterations to present patterns of circulation or movement of people and/or goods?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls would not be of the size or scale that would result in alterations to present patterns of circulation or movement of people and/or goods.

13. Transportation/Circulation. e. Will the proposal result in alterations to waterborne, rail or air traffic?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls would not be of the size or scale that would result in alterations to waterborne, rail or air traffic.

13. Transportation/Circulation. f. Will the proposal result in increase in traffic hazards to motor vehicles, bicyclists or pedestrians?

Answer: Less than significant

Discussion: Reasonably foreseeable non-structural and/or structural controls would not be of the size or scale that would result in increase in traffic hazards to motor vehicles, bicyclists or pedestrians.

14. Public Service. a. Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas: Fire protection?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls would not be of the size or scale that would result in a need for new or altered fire protection services.

14.Public Service. b. Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas: Police protection?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls would not be of the size or scale that would result in a need for new or altered police protection services.

14.Public Service. c. Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas: Schools?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls would not be of the size or scale that would result in a need for new or altered school services.

14.Public Service. d. Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas: Parks or other recreational facilities?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls would not be of the size or scale that would result in a need for new or altered parks or other recreational facilities.

14.Public Service. e. Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas: maintenance of public facilities, including roads?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls would not be of the size or scale that would result in a need for new or altered maintenance of public facilities, including roads.

14.Public Service. f. Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas: other government services?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls would not be of the size or scale that would result in a need for other new or altered governmental services. However, one of the new types of discharge proposed for ~~regulation by~~ a conditional waiver, discharges from on-site graywater systems, could require additional government services to oversee the permitting, construction and installation, and maintenance of graywater systems. Oversight for the permitting, construction and installation, and maintenance of graywater systems can be performed by the government services that currently oversee the septic and sewerage systems, which is typically at the county level. The conditions of the waiver allow for city governments to choose to regulate septic or graywater systems should they choose to do so, which could create additional government services. If a septic or graywater system is found to have a significant adverse impact on the environment by the San Diego Water Board, the discharger would no longer be eligible for ~~regulation by~~ a conditional waiver.

15.Energy. a. Will the proposal result in use of substantial amounts of fuel or energy?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls would not be of the size or scale that would result the use of substantial amounts of fuel or energy.

15.Energy. b. Will the proposal result in a substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls would not be of the size or scale that would result a substantial increase in demand upon existing sources of energy, or require the development of new sources of energy.

16. Utilities and Service Systems. a. Will the proposal result in a need for new systems, or substantial alterations to the following utilities: power or natural gas?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls would not be of the size or scale that would result in a need for new or substantial alterations to power or gas utilities.

16. Utilities and Service Systems. b. Will the proposal result in a need for new systems, or substantial alterations to the following utilities: communications systems?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls would not be of the size or scale that would result in a need for new or substantial alterations to communications systems.

16. Utilities and Service Systems. c. Will the proposal result in a need for new systems, or substantial alterations to the following utilities: water?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls would not be of the size or scale that would result in a need for new or substantial alterations to water utilities.

16. Utilities and Service Systems. d. Will the proposal result in a need for new systems, or substantial alterations to the following utilities: Sewer or septic tanks?

Answer: Less than significant

Discussion: Reasonably foreseeable non-structural and/or structural controls would not be of the size or scale that would result in a need for new or substantial alterations to sewer or septic tanks systems. However, new septic and sewerage systems are conditionally waived of waste discharge requirements and the requirement to file a report of waste discharge by the existing conditional waivers. The proposed conditional waivers will continue to waive waste discharge requirements and the requirement to file a report of waste discharge. Additionally,

one of the new types of discharge proposed for ~~regulation by~~ a conditional waiver, discharges from on-site graywater systems, could result in the installation of new graywater systems. If the dischargers comply with the proposed waiver conditions, the discharge from the septic or graywater systems will have a less than significant effect on the environment. Septic or graywater systems that are found to have a significant adverse effect on the environment would no longer be eligible for ~~regulation by~~ a conditional waiver.

16. Utilities and Service Systems. e. Will the proposal result in a need for new systems, or substantial alterations to the following utilities: storm water drainage?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls would not be of the size or scale that would result in a need for new or substantial alterations to storm water drainage systems.

16. Utilities and Service Systems. f. Will the proposal result in a need for new systems, or substantial alterations to the following utilities: solid waste and disposal?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls would not be of the size or scale that would result in a need for new or substantial alterations to solid waste and disposal systems.

17. Human Health. a. Will the proposal result in creation of, and exposure of people to, any health hazard or potential health hazard (excluding mental health)?

Answer: Less than significant

Discussion: Reasonably foreseeable and properly implemented non-structural and/or structural controls would not be of a size or scale that would result in creation of, and exposure of people to, any health hazard or potential health hazard (excluding mental health).

One of the new types of discharge proposed for ~~regulation by~~ a conditional waiver, discharge/reuse of soils characterized as inert from known contaminated sites, could potentially discharge soils with contaminants or pollutants that could have an adverse impact on the quality or beneficial uses of the waters of the state. However, Tier I of this waiver allows the reuse of soil that contains metals at concentrations

equal to or less than concentrations that occur naturally in the soil in San Diego County, and reuse of such soil will not create soil conditions significantly different from naturally occurring conditions that exist today. If the concentration level of the metals at naturally occurring levels was higher than a level deemed safe for human health, that is, higher than United States Environmental Protection Agency and the California Environmental Protection Agencies risk-based screening levels, then the Tier I level set forth by this waiver generally was set at a level within the range of background estimates (typically the mean of background estimates). However, since these levels are the same as those occurring naturally, these levels do not change any soil conditions from generally existing conditions, are not above a baseline threshold of significance, and therefore do not result in a new health hazard or potential health hazard. Some Tier I levels were set at concentrations greater than background estimates, but equal to or below human health risk based screening levels.

Tier II of the waiver proposes to allow the reuse of soil at levels higher than naturally occurring levels, but soil reused under Tier II may only be used in commercial or industrial areas, will be placed at least 2 feet below a protective cover, 5 feet above groundwater, and 100 feet away from surface water. Under these protective measures, there should be no pathway for exposure to humans. For this reason, any soil reused under this waiver should not create any health hazard or potential health hazard for humans.

Furthermore, this waiver applies to the reuse of soil remaining after the completion of a site remediation performed under the oversight of an appropriate regulatory agency. To the extent any metals are contaminants of concern, such contaminants will be considered and addressed pursuant to the regulatory process.

17.Human Health. b. Will the proposal result in exposure of people to potential health hazards?

Answer: Less than significant

Discussion: Reasonably foreseeable and properly implemented non-structural and/or structural controls would not be of a size or scale that would result in exposure of people to potential health hazards.

| One of the new types of discharge proposed for ~~regulation by~~ a conditional waiver, discharge/reuse of soils characterized as inert from known contaminated sites, could potentially result in exposure of people to potential health hazards by allowing the use of soils with elevated concentrations of metals. However, Tier I of this waiver allows the reuse of soil that contains metals at concentrations equal to or less than concentrations that occur naturally in the soil in San Diego County, and reuse of such soil will not create soil conditions significantly different from naturally occurring conditions that exist today. If the concentration level of the metals at naturally

occurring levels was higher than a level deemed safe for human health, that is, higher than United States Environmental Protection Agency and the California Environmental Protection Agencies risk-based screening levels, then the Tier I level set forth by this waiver generally was set at a level within the range of background estimates (typically the mean of background estimates). However, since these levels are the same as those occurring naturally, these levels do not change any soil conditions from generally existing conditions, are not above a baseline threshold of significance, and therefore do not result in a new health hazard or potential health hazard. Some Tier I levels were set at concentrations greater than background estimates, but equal to or below human health risk based screening levels.

Tier II of the waiver proposes to allow the reuse of soil at levels higher than naturally occurring levels, but soil reused under Tier II may only be used in commercial or industrial areas, will be placed at least 2 feet below a protective cover, 5 feet above groundwater, and 100 feet away from surface water. Under these protective measures, there should be no pathway for exposure to humans. For this reason, any soil reused under this waiver should not create any health hazard or potential health hazard for humans.

Furthermore, this waiver applies to the reuse of soil remaining after the completion of a site remediation performed under the oversight of an appropriate regulatory agency. To the extent any metals are contaminants of concern, such contaminants will be considered and addressed pursuant to the regulatory process.

18.Aesthetics. a. Will the proposal result in the obstruction of any scenic vista or view open to the public?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls would not be of the size or scale that would result in the obstruction of any scenic vista or view open to the public.

18.Aesthetics. b. Will the proposal result in the creation of an aesthetically offensive site open to public view?

Answer: No impact

Discussion: Reasonably foreseeable and properly implemented non-structural and/or structural controls would not be of the size or scale that would result in the creation of an aesthetically offensive site open to public view.

19.Recreation a. Will the proposal result in impact on the quality or quantity of existing recreational opportunities?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls would not be of the size or scale that would result in an impact on the quality or quantity of existing recreational opportunities.

20.Archeological/Historical a. Will the proposal result in the alteration of a significant archeological or historical site, structure, object or building?

Answer: No impact

Discussion: Reasonably foreseeable non-structural and/or structural controls would not be of the size or scale that would result in the alteration of a significant archeological or historical site, structure, object or building.

21.Mandatory Findings of Significance - Potential to degrade: Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Answer: Less than significant

Discussion: As discussed above in Questions 4 and 5, plant and animal species could potentially be adversely affected due to the reduction or elimination of nuisance flows, especially in the dry weather season. However, projects that may implement non-structural and/or structural controls to comply with waiver conditions are not expected to be of the size or scale that could result in significant changes that could have an adverse effect on native plant and animal species.

21.Mandatory Findings of Significance - Short-term: Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)

Answer: No impact

Discussion: There are no short-term beneficial effects on the environment from the implementation of non-structural and/or structural controls that would be at the expense of long-term beneficial effects on the environment. The implementation of non-structural and/or structural controls to comply with the proposed waiver conditions will result in improved water quality in the waters of the Region and will have significant beneficial impacts to the environment over the long term.

21.Mandatory Findings of Significance - Cumulative: Does the project have impacts which are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

Answer: Less than significant

Discussion: Cumulative impacts, defined in section 15355 of the CEQA Guidelines, refer to two or more individual effects, that when considered together, are considerable or that increase other environmental impacts. Cumulative impact assessment must consider not only the potential impacts associated with implementing projects to comply with Basin Plan amendment, but also the impacts from other Basin Plan amendment, municipal, and private projects, which have occurred in the past, are presently occurring, and may occur in the future, during the period of implementation.

Cumulative impacts associated with complying with this Basin Plan amendment and other water quality control programs are expected to be less than significant because effective non-structural controls, that are not expected to have any adverse impacts, will most likely be an initial strategy for complying with the proposed waiver conditions.

The dischargers may opt to use structural controls to minimize or eliminate erosion and the transport of pollutants to the waters of the state, which would increase the likelihood of potential impacts to the environment that are cumulatively considerable. Present and future specific projects and other construction activities may result in short-term cumulative impacts. The construction of structural controls, along with

other construction and maintenance projects, could have short-term cumulative effects. However, these effects are not cumulatively considerable in the long-term because the effects will cease with the completion of construction.

If the dischargers comply with the waiver conditions, any potential impacts on the environment will be less than significant. Dischargers do not comply with waiver conditions would not be eligible for ~~regulation by~~ a conditional waiver. Additionally, projects that may implement non-structural and/or structural controls to comply with waiver conditions are not expected to be of the size or scale that could result in any significant impacts on the environment, even when considered cumulatively.

21. Mandatory Findings of Significance - Substantial adverse: Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Answer: Less than significant

Discussion: Reasonably foreseeable and properly implemented non-structural and/or structural controls would not be of a size or scale that would cause substantial adverse effects on human beings, either directly or indirectly.

However, there is the possibility that the new types of discharge proposed for ~~regulation by~~ a conditional waiver could potentially discharge wastes with contaminants or pollutants that could expose people to potential health hazards. However, if the dischargers comply with the waiver conditions for these new types of waste discharge, the potential impact on the environment and human health will be less than significant. Dischargers do not comply with waiver conditions would not be eligible for ~~regulation by~~ a conditional waiver.

D.5.1 Alternative Means of Compliance

The CEQA requires an analysis of reasonably foreseeable alternative means of compliance with the rule or regulation, which would avoid or eliminate the identified impacts.²¹ The dischargers can use the non-structural and/or structural controls described in section D.3, to comply with waiver conditions in the Basin Plan amendment. However, the non-structural and structural controls provided in section D.3 are by no means a complete and exhaustive list. The controls described in section D.3 simply provide a reasonable range of reasonably foreseeable method of compliance that may be used by the dischargers to comply with the waiver conditions of the Basin Plan amendment.

The potential means of compliance with the proposed conditional waivers of the Basin Plan amendment may consist of any combination of non-structural and structural controls that the dischargers might select to use. Because there are many additional

²¹ California Code of Regulations Title 14 section 15187(c)(3)

controls that may be implemented, and innumerable ways to combine non-structural and/or structural controls, there are also innumerable alternative means on compliance. Therefore, all of the possible alternative means of compliance cannot be discussed here. However, because most of the adverse environmental effects are associated with the construction and installation of structural controls, in order for dischargers to avoid or eliminate potential impacts to the environment, compliance alternatives should minimize the use of structural controls, maximize the use of non-structural controls, and site, size, and design any structural controls that may be used in ways to minimize or eliminate any potential environmental effects.

D.6 Reasonably Foreseeable Methods of Compliance at Specific Sites

The San Diego Water Board analyzed various reasonably foreseeable methods of compliance at specific sites within the San Diego Region. Because this project is large in scope (the entire San Diego Region), the specific sites analysis was focused on reviewing potential compliance methods within various land uses. Land uses in this analysis include: animal operations (e.g., dairies/intensive livestock/horse ranches), transitional (construction areas), agriculture, residential, parks/recreation (e.g., state or national forests), commercial/institutional, industrial/transportation. These land uses represent a range of population densities and geographical settings found in the San Diego Region where this Basin Plan amendment may be applicable.

The following discussion involves a programmatic level review of specific site compliance methods, or combination of compliance methods that have been or may be implemented. The dischargers are in no way limited to using the controls included here to comply with waiver conditions, and may choose not to implement these particular controls.

In general, the San Diego Water Board anticipates a potential strategy to be the use of non-structural controls as a first step in complying with waiver conditions, followed by installation of structural controls, if necessary.

D.6.1 Potential Controls for Animal Operations

Animal operations (e.g., horse ranches, grazing pastures) in the San Diego Region are usually found in rural areas with lower population densities than the urbanized areas. However, small horse ranches and individual horse corrals are sometimes found within urbanized areas with higher population densities.²²

| The types of discharge that may be ~~regulated with~~eligible for conditional waivers for animal operations can likely use primarily non-structural controls to comply with waiver conditions to be eligible for ~~regulation by~~ conditional waivers. An example of non-structural controls includes ensuring that animal holding pens, paddocks, and corrals are properly sized and sited in areas that do not drain to surface waters. Other examples include properly managing animal wastes (i.e., stored in a manner that

²² The U.S. Census Bureau's 2000 data reported the City of San Diego to have a population density of 3,771 people per square mile.

prevents leaching pollutants into runoff and prevents runoff from reaching waterways during a rain event), and properly managing animal movements and activities (i.e., prevent animals from eroding topsoil by rotating grazing areas, and/or prevent animals from entering creek and stream channels).

However, for management of animals and animal wastes, structural controls may be required. Examples of structural controls include the installation of roof gutters to divert rain water away from manure and/or prevent erosion, or installation of vegetative strips, that absorb and filter runoff and minimize or prevent surface runoff and pollutants from reaching waters of the state. Another example includes the construction of animal exclusion devices, such as fences or other physical barriers, to keep animals out of the creeks, as shown in Figures D-1 and D-2. Figure D-1 depicts a galvanized fence that is useful for keeping dairy cows from the Konyon Dairy in Escondido, California, (background) out of the creek bed (foreground). However, this control would be more effective if set back farther from the creek bank and with a vegetative strip between the fence and the creek bank. Figure D-2 shows a similar fencing device that is useful for keeping horses confined and away from surface waters. No adverse environmental effects are expected as a result of implementing these types of structural controls.



Figure D-1. Animal Exclusion Device at Konyon Dairy, Valley Center Road, San Dieguito Watershed.



Figure D-2. Animal Exclusion Device at Happy Trails Horse Ranch, Black Mountain Road, Penasquitos Watershed.

D.6.2 Potential Controls for Construction Sites

Construction activities typically take place in various settings and existing land uses. In San Diego County, construction activities result in new residential units both in urban and suburban environments, as well as industrial and commercial sites, such as business parks and shopping malls. Population densities in the areas of construction vary greatly with the specific projects.

Many types of discharge that may be ~~regulated with~~eligible for conditional waivers in construction sites can use non-structural controls to comply with waiver conditions to be eligible for ~~regulation by~~a conditional waivers. An example of a non-structural control is properly managing any wastes generated at a construction site (e.g., construction debris, excavated soil) and placing it in areas with adequate distance from nearby water bodies. Additionally, the discharger should perform regular inspections and maintain the facilities to prevent the discharge or wastes and pollutants that could be transported to waters of the state.

However, construction sites often require some structural controls to control sediment and other wastes that are generated during construction activities. An example of structural controls includes a diversion and containment system using fiber rolls, as shown in Figure D-3. Other structural controls that are appropriate to use at construction sites include the use of sandbags, such as the ones shown in Figure D-4. Other examples include compost blankets, netting, silt fences, or filter berms. Such devices prevent pollutants, such as sediment, from reaching storm water drainage pathways and surface waters by allowing the water and contaminants to infiltrate into the surrounding soil.



Figure D-3. Use of Netting and Fiber Rolls at San Elijo Hills Construction Site, Northstar Way, Carlsbad Watershed.



Figure D- 4. Use of Sandbags upstream of Moonlight State Beach, Encinitas Blvd., Carlsbad Watershed.

D.6.3 Potential Controls for Agricultural Areas

Agricultural operations (e.g., farms, nurseries) in the San Diego Region are usually found in rural areas with lower population densities than the urbanized areas.

The types of discharge that may be ~~regulated with~~ eligible for conditional waivers in agricultural land use areas likely can use primarily non-structural controls to comply with waiver conditions to be eligible for ~~regulation by~~ conditional waiverss. An example of

non-structural controls includes having a facility management plan that outlines the proper use of any products and/or waste products (i.e., storage and application rates of fertilizers, pesticides, etc.), proper management of any wastes (i.e., storage, composting and/or disposal of plant crop residues), proper management and use of soil amendments (i.e., storage and application rates of composts or mulches that may include green wastes and/or manure), and proper irrigation practices (e.g., irrigation schedule, low flow irrigation system) to minimize or eliminate the discharge of pollutants to waters of the state. Education of employees about the elements in the management plan will also help in the implementation of such non-structural controls.

In some cases, structural controls may be required. An example of a structural control is installing diversion or containment systems using sandbags (see Figure D-5) to prevent runoff containing pollutants from agricultural fields, such as the strawberry fields located in Carlsbad, California, (background) from reaching the storm drains that protect flooding of the adjacent roadways (foreground). Another example includes the use of vegetated swales or buffer strips between crops and any nearby surface waters.



Figure D-5. Use of Sandbags near Strawberry Fields, Cannon Rd. near Interstate 5, Carlsbad Watershed.

D.6.4 Potential Controls for Residential Areas

Residential areas in the San Diego Region tend to have the highest population densities as compared to other land use categories. Most of the residential areas are in urbanized areas.

| For discharges that may be ~~regulated with~~ eligible for conditional waivers in residential land use areas, like the area shown in Figure D-6, utilizing non-structural controls, such as education about proper waste management and design, siting and location of facilities, may be appropriate.

In some cases, structural controls may be required. Structural controls may include the installation of diversion systems using sand bags, which could be placed around a storm sewer inlet, such as the one shown in Figure D-6. Residential areas are often constructed with vegetated swales or buffer strips (e.g., lawns and landscaping) which can reduce the velocity of runoff, increase infiltration, and prevent pollutants from entering storm water drainage pathways or surface water, as shown in Figure D-7.



Figure D-6. Residential Area, D Street, Carlsbad Watershed



Figure D-7. Vegetative Strip in Residential Area, San Elijo Hills, Carlsbad Watershed

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D.6.5 Potential Controls for Park and Recreational Areas

Park and recreational areas (e.g., state or national forest parks) typically do not have housing or industrial units, thus population densities in these areas are low. State and national forest parks are primarily located in rural areas, but there are parks and recreational areas located in urbanized areas as well.

The types of discharge that may be ~~regulated with~~ eligible for conditional waivers in park and recreational land use areas can likely use primarily non-structural controls to comply with waiver conditions to be eligible for ~~regulation by~~ conditional waivers. Examples of non-structural controls for state and national forest parks include proper management of wastes generated during timber operations (which can include fuels management and wildfire suppression activities). Timber operations typically require a water quality management plan. Education of land owners about the elements in the management plan will also help in the implementation of such non-structural controls.

Many park and recreation areas are used by animals, which can be a significant source of pollution if not properly managed. Another example of non-structural controls includes education of animal owners. Animal owners should be educated about proper management of their animal's wastes. For example, like the dog park shown in Figure D-8, a sign has been posted to encourage responsible actions by dog owners. Signs could also be posted so owners of larger pets, such as horses, are educated about how to properly manage their animals and animal wastes.



Figure D-8. Plastic Bag Dispenser at Mayflower Dog Park, Valley Center Road, San Dieguito Watershed.

In some cases, structural controls may be required. Park and recreation areas can also be used to treat pollutants like a vegetated swale or buffer strip. These types of areas can provide wildlife habitat, are visually pleasing, and are successful at reducing or

removing a number of pollutants from surface runoff before reaching creek and stream channels.

D.6.6 Potential Controls for Commercial/Institutional Areas

Population densities in commercial and institutional areas vary on an hourly basis but are relatively high in these areas, compared to other land uses. Commercial and institutional areas are located primarily in urbanized areas.

The types of discharge that may be ~~regulated with~~ eligible for conditional waivers in commercial and institutional land use areas likely can use primarily non-structural controls to comply with waiver conditions to be eligible for ~~regulation by~~ regulation by conditional waivers. Commercial businesses and keepers of school grounds should properly manage wastes and use cleaning practices that contain wastes instead of allowing them to enter conveyance systems. For example, debris and other waste should be swept up and disposed of properly, and trash receptacles should be available and properly maintained. Properly designing and siting facilities can also minimize or eliminate the potential for discharges of wastes to waters of the state.

Commercial and institutional land use areas are often constructed with vegetated swales or buffer strips which can reduce the velocity of runoff, increase infiltration, and prevent pollutants from entering storm water drainage pathways or surface water. If additional structural controls are required, diversion or containment systems could be installed around storm sewer inlets, or between the facilities and nearby surface waters to minimize or eliminate the discharge of pollutants to waters of the state.

D.6.7 Potential Controls for Industrial and Transportation Areas

Population densities in industrial and transportation areas vary depending on time of day and also day of week, but are relatively high in these areas, compared to other land uses. Industrial and transportation areas are located primarily in urbanized areas.

Many types of discharge that may be ~~regulated with~~ eligible for conditional waivers in industrial and transportation land use areas can use non-structural controls to comply with waiver conditions to be eligible for ~~regulation by~~ regulation by conditional waivers. An example of a non-structural control is properly managing any wastes generated at a site (e.g., trash, industrial debris) and placing it in areas with adequate distance from nearby water bodies. Additionally, the discharger should perform regular inspections and maintain the facilities to prevent the discharge of wastes and pollutants that could be transported to waters of the state.

However, industrial and transportation areas often require some structural controls to control sediment and other wastes that are generated. Industrial and transportation land use areas are often constructed with vegetated swales or buffer strips (i.e., lawns and landscaping) which can reduce the velocity of runoff, increase infiltration, and prevent pollutants from entering storm water drainage pathways or surface water. Additionally, pervious surfaces near transportation areas often have steep slopes. To prevent erosion and the transport of sediment and other pollutants to storm water

drainage pathways and surface waters, diversion and containment systems using fiber rolls, netting, and compost blankets may be installed.

D.7 Economic Factors

This section presents the San Diego Water Board’s economic analysis of the most reasonably foreseeable methods of compliance that a discharger may use to comply with waiver conditions in order to be eligible for ~~regulation by~~ a conditional waiver in the Basin Plan.

D.7.1 Legal Requirement for Economic Analysis

The CEQA has specific provisions governing the San Diego Water Board’s adoption of regulations such as the regulatory provisions of Basin Plans that establish “performance standards” or treatment requirements.²³ These provisions require that the San Diego Water Board perform an environmental analysis of the reasonably foreseeable methods of compliance prior to the adoption of the Basin Plan amendment. The San Diego Water Board must consider the economic costs of the methods of compliance in this analysis.²⁴ The proposed Basin Plan amendment does not include new water quality objectives but dischargers must comply with existing objectives to protect beneficial uses. The San Diego Water Board is therefore not required to consider the factors in Water Code section 13241.

The most reasonably foreseeable methods of compliance that dischargers may use to comply with waiver conditions to be eligible for regulation by a conditional waiver in this Basin Plan amendment is for dischargers to implement non-structural and/or structural controls to minimize or eliminate the discharge of pollutants to waters of the state.

D.7.2 Project Implementation Costs

The specific controls to be implemented will be chosen by the dischargers. All costs are preliminary estimates because particular elements of a control, such as type, size, and location, would need to be developed to provide a basis for more accurate cost estimations. Identifying the specific controls that dischargers will choose to implement is speculative at this time and the controls presented in this section serve only to demonstrate potential costs. Therefore, this section discloses typical costs of the reasonably foreseeable controls discussed in section D.3.

D.7.3 Cost Estimates of Reasonably Foreseeable Controls

Approximate costs associated with reasonably foreseeable non-structural and structural controls that might be implemented in order to comply with the proposed waiver conditions in the Basin Plan amendment. The controls are divided into non-structural and structural classes. Cost estimates for structural controls cited from “*Stormwater Best Management Practice Handbook – New Development and Redevelopment. January 2003*” are for new construction costs only (CASQA, 2003). Annual

²³ Public Resources Code sections 21159 and 21159.4

²⁴ See Public Resources Code section 21159(c)

maintenance costs estimates are based on a percentage of the construction cost estimate (USEPA, 1999).

Non-Structural Controls

Most non-structural controls are not expected to increase the cost of a project. Costs associated with non structural controls such as proper waste management, facility inspection and maintenance, and design, sizing and location of facilities should be included in project implementation and facility operations.

For non-structural controls such as facility management plans, a discharger may prepare such a document on their own, or employ the services of a consultant. Estimated costs for preparing facility management plans may range from nothing, if prepared by the discharger without any outside services, to several thousand dollars, depending on the size of the facility.

For non-structural controls such as education, information is available from numerous sources that are free to the public. Dischargers may also choose to attend workshops or classes to learn more about proper management of wastes. Estimated costs for education may range from nothing, if a discharger uses publicly available educational materials, to a few hundred dollars, depending on the types and number of workshops or classes attended.

Structural Controls

Buffer Strips and Vegetated Swales: Buffer strips and vegetated swales are designed to treat sheet flow from adjacent surfaces (CASQA, 2003). The costs associated with buffer strips vary and are dependent of the costs associated with establishing the vegetation. Cost estimates range from \$13,000 to \$30,000 per acre. Additional costs could include the purchase of land for the buffer strip (CASQA, 2003). Maintenance of the buffer strip consists mainly of irrigation, mowing, weeding, and litter removal. Costs are estimated to be \$350/acre/year (CASQA, 2003). Caltrans reported actual construction costs of a buffer strip for Carlsbad Maintenance Station to be \$81,000 with average annual maintenance cost of \$1,900 (Caltrans, 2004).

Infiltration Trench: Infiltration systems are designed to capture a volume of storm water runoff, retain it, and infiltrate that volume into the ground (USEPA, 1999). An infiltration trench is estimated to cost \$45,000 for a 5-acre commercial site (USEPA, 1999). An infiltration trench constructed at the Carlsbad Maintenance Station for a 0.7-hectare watershed area cost \$180,000 with an average annual maintenance cost of \$723 (Caltrans, 2004).

Diversion and Containment Systems: Simple diversion and containment systems may be constructed using fiber rolls, sandbags, or silt fences to divert and/or contain surface runoff to prevent pollutants from reaching waters of the state. Fiber rolls cost \$20-\$30 per 25 feet, pre-filled sandbags cost \$1.50-\$2.00 per bag, and silt fences cost \$3.50-\$9.10 per lineal foot (CASQA, 2003).

Animal Exclusion: Animal exclusion typically consists of constructing fencing to exclude animals from streams and riparian areas to prevent direct deposition of animal wastes into surface waters and erosion of stream channels. According to the University of Nebraska Cooperative Extension Livestock Fencing Costs and Information (1996), the cost for a woven wire fence is approximately \$1.51 per foot, and the cost for a barbed wire fence is approximately \$1.22 per foot, including fence materials and labor.

D.7.4 Costs for Agricultural Sources of Nonpoint Pollution

Porter Cologne Water Quality Control Act, Article 3, section 13141, California Water Plan, states that “prior to implementation of any agricultural water quality control program, an estimate of the total cost of such a program, together with an identification of potential sources of financing, shall be indicated in any regional water quality control plan.”

The existing conditional waivers already require agricultural facilities to implement MMs/BMPs ~~in order to be regulated by~~ for a conditional waiver. The proposed waiver conditions do not change these requirements, but include more explicit information and requirements. Therefore, there will be no additional costs to agricultural and animal facility owners and operators to comply with the proposed waiver conditions in this Basin Plan amendment if they are in compliance with existing waiver conditions.

However, the waiver conditions for the agricultural and nursery operations include preparation of a monitoring and reporting program plan (MRPP), a quality assurance project plan (QAPP), and submission of a monitoring program report (MPR). An analysis of the costs associated with preparing a MRP and QAPP, performing water quality sampling and monitoring, and preparing a MPR is presented in the following subsections.

D.7.4.1 Monitoring and Reporting Program Plan

The preparation of each MRPP is estimated to require approximately 80 hours of labor. The labor costs were estimated based on a billing rate of \$90 per hour, the rate used for billing San Diego Water Board staff costs in the Cost Recovery Programs. This rate includes overhead costs. During the effective period of this conditional waiver, one MRPP will be required from each monitoring group or individual enrolled under the conditional waiver. Therefore, each MRPP will cost approximately \$7,200.

D.7.4.2 Quality Assurance Project Plan

The preparation of each QAPP is estimated to require approximately 80 hours of labor. During the effective period of this conditional waiver, one QAPP will be required from each monitoring group or individual enrolled under the conditional waiver. Therefore, based on a billing rate of \$90 per hour, each QAPP will cost approximately \$7,200.

D.7.4.3 Water Quality Sampling and Monitoring

There are several uncertainties that prevent the precise estimation of potential costs for water quality sampling and monitoring, such as the number of sampling sites that will be required, the number of sampling events per year, and the constituents of concern that will be analyzed. For cost estimating purposes, we will assume that there will be three

sampling locations with two sampling events per year (one during wet weather and one during dry weather). We will assume that each sampling location will be analyzed for flow, temperature, pH, dissolved oxygen, turbidity, total dissolved solids, total suspended solids, total and fecal coliform bacteria, *E. coli* bacteria, *Enterococci* bacteria, total nitrogen, total phosphorus, organophosphate pesticides, and organochlorine pesticides.

Sample collection and transportation costs were estimated based on a two person sampling team in the field for an 8-hour day. Labor costs were estimated based on a billing rate of \$90 per hour. The vehicle costs were estimated assuming a distance traveled of 100 miles per day, and a vehicle cost of \$0.485 per mile, the per diem reimbursement rate for San Diego Water Board staff when they use their own cars for State business. This analysis assumes that the dischargers possess basic field monitoring equipment, including meters to measure flow, temperature, pH, dissolved oxygen, and turbidity in the field. The laboratory analytical costs were taken from the San Diego Water Board’s Laboratory Services Contract cost tables.

The estimated costs for the water quality sampling and monitoring are as follows:

Sample Collection and Transportation

<u>2 person sampling and monitoring team</u>	
<u>8 hours/event</u>	
<u>\$90/person/hour</u>	
<u>Sample Collection Costs</u>	<u>\$1,440/event</u>
<u>Sample Transportation Costs [100 miles/event x \$0.485/mile]</u>	<u>\$48.50/event</u>

Laboratory Analysis

<u>Total Dissolved Solids</u>	<u>x</u>	<u>\$25/sample</u>
<u>Total Suspended Solids</u>	<u>x</u>	<u>\$25/sample</u>
<u>Total Coliform</u>	<u>x</u>	<u>\$75/sample</u>
<u>Fecal Coliform</u>	<u>x</u>	<u>\$75/sample</u>
<u><i>E. coli</i></u>	<u>x</u>	<u>\$75/sample</u>
<u><i>Enterococci</i></u>	<u>x</u>	<u>\$95/sample</u>
<u>Total Nitrogen</u>	<u>x</u>	<u>\$40/sample</u>
<u>Total Phosphorus</u>	<u>x</u>	<u>\$45/sample</u>
<u>Organophosphate</u>		
<u>and Organochlorine Pesticides</u>	<u>x</u>	<u>\$180/sample</u>
<u>Laboratory Analysis Cost per Sample</u>		<u>\$635/sample</u>
<u>- 3 samples collected from 3 locations per sampling event</u>		<u>\$1,905/event</u>
<u>- 6 samples collected during 2 sampling events per year</u>		<u>\$3,810/year</u>

Laboratory analysis costs will increase if additional sampling locations and/or sampling events are included in the MRPP.

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D.7.4.4 Monitoring Program Report

The preparation of each MPR is estimated to require approximately 40 hours of labor. During the effective period of this conditional waiver, one MPR will be required from each monitoring group or individual enrolled under the conditional waiver. Therefore, based on a billing rate of \$90 per hour, each MPR will cost approximately \$3,600.

D.7.5 Potential Sources of Funding

~~If owners and operators of agricultural and animal facilities require additional structural controls, t~~The most prevalent source of funding for agricultural controls is the funding associated with the Farm Bill Environmental Quality Incentives Program (EQIP). These funds can be obtained through the USDA Natural Resources Conservation Service (NRCS) Office. For the San Diego Region, the local NRCS Field Office is located at 332 S. Juniper St., Suite 110, Escondido, CA 92025. Upon review and approval of a project, the NRCS will authorize payment for up to 50 percent of the estimated costs for purchasing and installing agricultural BMPS.

Other sources of funding are administered by the State Water Board, which receives funding, through the USEPA, for Federal CWA section 319(h) and section 205(j) programs, and from the State of California Proposition 13 program.

D.8 Reasonable Alternatives to the Proposed Activity

The environmental analysis must include an analysis of reasonable alternatives to the proposed activity.²⁵ The proposed activity is to renew and issue the conditional waivers of waste discharge requirements in the Basin Plan, which requires a Basin Plan amendment. The proposed Basin Plan amendment would revise the conditional waivers. The revisions to the conditional waivers include the following:

- Renewing the existing conditional waivers, adopted by Resolution No. R9-2002-186 and reviewed in Appendix A, for specific types of discharge in the San Diego Region;
- Issuing conditional waivers for several new specific types of discharge for the San Diego Region, discussed in Appendix B;
- Reorganizing the conditional waivers by grouping the specific types of discharge into discharge classifications, as outlined in section 6 of the Technical Report;
- Providing general waiver conditions applicable to all specific types of discharge within a discharge classification, as given in section 7 of the Technical Report; and,
- Providing specific waiver conditions for each specific type of discharge within a discharge classification, if applicable, as given in section 7 of the Technical Report.

The purpose of this analysis is to determine if there is an alternative that would feasibly attain the basic objective of the rule or regulation (the proposed activity), but would

²⁵ California Code of Regulations Title 23 CCR section 3777

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lessen, avoid, or eliminate any identified impacts. The alternatives analyzed include the following:

- No Action (i.e., allow the existing conditional waivers to expire),
- Re-adopt the Existing Conditional Waivers without Revisions,
- Adopt General Waste Discharge Requirements for Specific Types of Discharge.

The alternatives are discussed in the subsections below.

D.8.1 No Action

Under this alternative, no action would be taken to renew the existing conditional waivers in the Basin Plan. This would cause all the existing waivers to expire ~~beginning~~on January 1, 2008.

If this alternative were to occur, all the types of discharges that were ~~regulated by previously eligible for an expired~~ conditional waiver would ~~no longer be waived of the need for WDRs and/or filing RoWDs become subject to the regulatory requirements of Water Code section 13260, 13263, and 13264~~. Therefore, dischargers would be required to file RoWDs for any discharge ~~no longer regulated by a conditional waiver previously waived by the expired conditional waivers~~, and issued an individual conditional waiver or regulated under individual WDRs ~~for each discharge~~. ~~This would also be the case for any of~~In addition, the new types of discharge identified during the development of this Basin Plan amendment would also be required to file RoWDs and issued an individual conditional waiver or regulated under individual WDRs. ~~that were proposed for regulation by conditional waivers~~.

~~Unless the San Diego Water Board were to issue general WDRs for these types of discharge, which would require an annual fee as well as annual monitoring and/or reporting requirements, no conditions would be in place to regulate these types of discharge~~—Under this alternative, significant San Diego Water Board resources would likely have to be diverted from discharges that have a higher threat to water quality to process the documentation required to regulate discharges that are typically considered a lower threat to water quality. If the San Diego Water Board diverts resources away from discharges that have a higher threat to water quality, water quality in the Region would likely degrade.

D.8.2 Re-adopt the Existing Conditional Waivers without Revisions

Under this alternative, the existing conditional waivers in the Basin Plan would be renewed ~~and adopted~~ without revising the waiver conditions. The existing conditional waivers and waiver conditions would be effective available for another 5 years. Conditional waivers would not be available for any ~~No~~ additional types of discharge identified during the development of this Basin Plan amendment. ~~would be regulated by conditional waivers and waiver conditions~~.

If this alternative were to occur, ~~several~~ deficiencies in the waiver conditions that were identified would continue to exist. In many cases, the existing waiver conditions do not

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provide the San Diego Water Board, or members of the public, the information or data necessary to identify discharges ~~regulated by conditional waivers~~ occurring within the Region under a conditional waiver, the ability to verify compliance with waiver conditions, or the ability to assess the effectiveness of the waiver conditions. Available evidence and water quality monitoring data collected within the Region since 2002 indicates that ~~the~~ several types of discharge that are allowed to occur under an regulated by the existing conditional waivers ~~may not be complying with existing waiver conditions, or that existing waiver conditions are not~~ effective enough to minimize or eliminate the discharge of pollutants for the protection of water quality and beneficial uses.

Conditional waivers also would not be available for the ~~N~~ new types of discharge that have been identified during the development of this Basin Plan amendment for ~~regulation by conditional waivers also could not be regulated by waivers~~. Therefore, these new types of discharge ~~identified in the Region~~ would be required to file RoWDs and issued an individual conditional waiver or regulated under individual WDRs for each specific discharge. ~~Unless the San Diego Water Board were to issue general WDRs for these new types of discharge, which would require an annual fee as well as annual monitoring and/or reporting requirements, no conditions would be in place to regulate these types of discharge.~~ San Diego Water Board resources may have to be diverted from discharges that have a higher threat to water quality to investigate and/or process the documentation required to regulate discharges that may be considered a lower threat to water quality. If the San Diego Water Board diverts resources away from discharges that have a higher threat to water quality, water quality in the Region would likely degrade.

Additionally, the existing waiver conditions, as written, are vague, overly generalized, and difficult to understand. The existing waiver conditions need to be revised to ensure that the conditions minimize or eliminate the potential threat to waters of the state, and to eliminate the ambiguity for gauging compliance with waiver conditions by members of the public and the San Diego Water Board. ~~difficult for members of the public and/or the San Diego Water Board to determine if the discharges regulated by the existing conditional waivers may be a threat to the quality or beneficial uses of the waters in the Region.~~ Therefore, renewing the existing conditional waivers and waiver conditions without any revisions would continue to make it difficult for the San Diego Water Board to identify discharges that may be a potential or significant threat to water quality or beneficial uses of the water in the Region and to gauge compliance with waiver conditions.

This alternative would continue the status quo. Since available evidence indicates that existing waiver conditions may not be effective enough to minimize or eliminate the discharge of pollutants for the protection of water quality, water quality in the Region may degrade.

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D.8.3 Adopt General Waste Discharge Requirements for Specific Types of Discharge

Under this alternative, the existing conditional waivers in the Basin Plan would be allowed to expire and the San Diego Water Board would develop and adopt general WDRs ~~for to regulate~~ the specific types of discharge ~~regulated by that were previously eligible for an expired conditional waiver~~ the existing conditional waivers, ~~and as well as~~ the new types of discharge identified during the development of this Basin Plan amendment proposed for regulation by conditional waivers.

If this alternative were to occur, all the specific types of discharge that were previously eligible for an expired conditional waiver would in the proposed Basin Plan amendment ~~would~~ have to file a RoWD to enroll for regulation ~~by under~~ general WDRs. Enrollment for regulation ~~by under~~ general WDRs would require an annual fee as well as ~~annual~~ monitoring and ~~or~~ reporting requirements. The potential effects and/or benefits to the environment would likely be the similar to a conditional waiver because these types of discharge are expected to pose a low threat to water quality and the conditions required for discharge-discharge requirements in the general WDRs would likely be similar to the proposed revisions to the waiver conditions.

However, under this alternative significant San Diego Water Board resources and time would be required to develop and adopt general WDRs to regulate the specific types of discharge discussed ~~above in Appendices A and B.~~ Resources and time would ~~be~~ also be required by the dischargers to prepare RoWDs and enroll for regulation ~~by under~~ general WDRs. Additionally, significant San Diego Water Board resources would likely have to be diverted from discharges that have a higher threat to water quality to process the documentation required to regulate discharges that are typically considered a lower threat to water quality. If the San Diego Water Board diverts resources away from discharges that have a higher threat to water quality, water quality in the Region would likely degrade.

D.8.4 Preferred Alternative

Because none of the alternatives analyzed above would attain the basic objective of the rule or regulation (the proposed activity), but would lessen, avoid, or eliminate any identified impacts, the preferred alternative is the proposed activity, which is to revise the waiver conditions of the existing conditional waivers and issue waivers and waiver conditions ~~to regulate for~~ several new types of discharge. The revised waiver conditions for the existing conditional waivers provide more explicit requirements that can be used to determine compliance. In addition, ~~issuing-revising the~~ conditional waivers ~~for several new types of discharge that have been identified would~~ also allow several new types of discharge the San Diego Water Board to begin regulating several types of discharge that have gone unregulated in the past to be eligible for conditional waivers.

The types of discharge that may be eligible for a conditional waiver should pose a low threat to the quality of waters of the state provided they comply with certain conditions. A type of discharge that is expected to pose a low threat to water quality can be waived of the regulatory requirements of Water Code section 13260, 13263, and 13264 considered “low threat” can be regulated with little oversight until the public or the San

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Diego Water Board can develop enough evidence to identify ~~ies~~ it as a potentially ~~or~~ significant threat to water quality. At that time, the waiver conditions for that type of discharge can be revised to ~~provide~~ include more ~~information~~ monitoring and/or ~~oversight management requirements~~, or the conditional waiver can be terminated and the San Diego Water Board can begin regulating the discharge type with individual or general WDRs.

For dischargers identified by members of the public or the San Diego Water Board that do not comply with waiver conditions, they can be issued a Notice of Violation and required to correct deficiencies if the discharger would like to continue being regulated eligible for ~~under~~ a conditional waiver. However, if dischargers violate any waiver conditions, the San Diego Water Board ~~can~~ has the option to terminate the conditional waiver for the discharge and begin ~~regulating~~ the discharge with individual WDRs and/or take enforcement actions.

Also, if a conditional waiver and its waiver conditions for a type of discharge do not appear to be effective in ~~regulating a type of discharge and~~ protecting water quality, the San Diego Water Board ~~may~~ has the option to terminate the conditional waiver for a specific type of discharge or specific discharge at any time. If the San Diego Water Board decides to terminate a conditional waiver, individual conditional waivers or individual WDRs can be issued on a case-by-case basis, or general WDRs can be issued for the Region.

The proposed activity is also preferred because this alternative provides the San Diego Water Board the most flexibility to regulate or waive regulation of discharge types that are typically considered a low threat to water quality under certain conditions ~~options to regulate waste discharges~~. The proposed activity provides members of the public and/or San Diego Water Board more guidance to identify dischargers that are not providing adequate protection for the quality and beneficial uses of the waters of the state. Finally, the proposed activity will also allow the San Diego Water Board to efficiently utilize its limited resources by focusing on the discharges ~~with the~~ that are known to be the highest threat to the quality and beneficial uses of the waters in the Region. Therefore, water quality in the Region will likely improve and beneficial uses of the waters of the state in the Region will be supported.

D.9 CEQA Determination

On the basis of the initial environmental review checklist and analysis, and Technical Report for this Basin Plan amendment, which collectively provide the required information:

- I find the proposed Basin Plan amendment could not have a significant effect on the environment.
- I find that the proposed Basin Plan amendment could have a significant adverse effect on the environment, but that those impacts could be mitigated to less than significant.

Item 7. Supporting Document 4 (Appx D).

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- I find the proposed Basin Plan amendment may have a significant effect on the environment. There are no feasible alternatives and/or feasible mitigation measures available which would substantially lessen any significant adverse impacts. See the attached written report for a discussion of this determination.

John H. Robertus
Executive Officer

Date