



Meeting Date: 01/27/2015
Agenda Item: 2.1
Unclassified Manager: K. Oven
Extension: 3126
Director(s): All

BOARD AGENDA MEMO

SUBJECT: Rinconada Water Treatment Plant Reliability Improvement Project (Project No. 93294057) -- Resolution Certifying the Final Environmental Impact Report, Adopting the Mitigation, Monitoring and Reporting Program, Findings of Fact, and Statement of Overriding Considerations; Public Hearing on the Engineer's Report; Resolution Approving the Engineer's Report; and Approve the Project

RECOMMENDATION:

- A. Consider the potential environmental effects of the Rinconada Water Treatment Plant Reliability Improvement Project (Project) as discussed in the Final Environmental Impact Report (EIR) (Attachment 1);
- B. Adopt a Resolution certifying the Final EIR, adopting the Mitigation Monitoring and Reporting Program (MMRP), Findings of Fact, and Statement of Overriding Considerations for the Project (Attachment 2);
- C. Conduct Public Hearing on the Engineer's Report for the Project;
- D. Close the Public Hearing;
- E. Adopt a Resolution (Attachment 3) approving the Engineer's Report for the Project; and
- F. Approve the Project.

SUMMARY:

The Rinconada Water Treatment Plant (RWTP) currently provides 80 million gallons of treated water per day (MGD) to the west side of the Santa Clara Valley Water District's service area. As there is no backup facility for this supply, other than groundwater, the plant's operating reliability is critical to meet the daily water demands of the west side customers. The RWTP Reliability Improvement Project (Project) objectives are to improve the RWTP's reliability by replacing or upgrading all the major plant components and increasing the plant capacity to 100 MGD. The Project scope entails design and construction of new facilities including raw water ozonation, flocculation and plate settler clarification, dual media filtration, chlorine contact and hypochlorite dosing.

Background

The Santa Clara Valley Water District (District) manages the groundwater basin and owns and operates three treatment plants that provide potable water supply to Santa Clara County. The District draws water from various surface water sources including the State Water Project (SWP) water via the South Bay Aqueduct, the Central Valley Project water via the San Luis Reservoir, and local reservoirs (i.e., Anderson and Calero reservoirs), to treat the water to potable water standards at these three treatment plants. The combined treatment capacity of the District's water treatment plants is approximately 222 MGD and they serve two distinct service areas. The Santa Teresa and Penitencia WTPs are located on the East Pipeline (EPL),

SUBJECT: Rinconada Water Treatment Plant Reliability Improvement Project (Project No. 93294057) -- Resolution Certifying the Final Environmental Impact Report, Adopting the Mitigation, Monitoring and Reporting Program, Findings of Fact, and Statement of Overriding Considerations; Public Hearing on the Engineer's Report; Resolution Approving the Engineer's Report; and Approve the Project (01/27/15)

with each plant capable of serving as a back-up supply to the other. This redundancy provides a level of reliability not present in the western service area, where the RWTP is the provider of treated surface water via the West Side Treated Distribution System (consisting of West Pipeline, Santa Clara, Sunnyvale, Campbell and Mountain View). This area is highly vulnerable to seismic events. Reliability in the western service area, therefore, is a major concern for the District and water retailers in the western service area.

The RWTP was commissioned in 1968 and is the oldest of the District's treatment plants. Its current treatment capacity is 80 MGD. Numerous components of the RWTP are nearing the end of their useful lives. This, coupled with increasingly more stringent water quality and code requirements, make upgrades to the plant essential to ensure compliance with drinking water quality regulations and the reliability of its operation and the water supply for the western service area.

Project Description

The Project will be located entirely within the existing approximately 39-acre RWTP facility. The District proposes to improve the existing water treatment train at the RWTP through four principal modifications:

1. The addition of raw water ozonation facilities and processes. Ozone would be used to provide superior disinfection, enhance the removal of particulates from the water, improve the taste of the water, and accelerate removal of other contaminants that might be present in the water sources treated at the RWTP. The formation of disinfection by products (DBPs) is lower with ozone. Ozone functionally replaces chlorine in the treatment process, although chlorine would continue to be used for providing a disinfection residual in the water distribution system.
2. Replacement of the existing water clarification process/facilities with conventional flocculation and sedimentation processes with plate settlers. The horizontal flow flocculation-sedimentation process is more stable operationally than the existing vertical flow clarifiers and provides greater resiliency for fluctuations in the quality of water treated at the RWTP. In addition, the new basins would be designed to withstand seismic forces during an earthquake.
3. Removal and replacement of the water process filters. The 12 new filters would meet all current seismic standards, allowing for deep bed filter media to be used and providing greater flexibility for washing the filters, as each new filter would be half the size of the current filters.
4. Increase the plant capacity from 80 MGD to a maximum of 100 MGD for plant reliability. This increase in plant capacity, while not increasing the amount of water treated annually, provides the flexibility to reliably meet peak summer demands in the water distribution system. The new capacity would enable peak demands to be met reliably and lower potential risk of a water quality violation.

SUBJECT: Rinconada Water Treatment Plant Reliability Improvement Project (Project No. 93294057) -- Resolution Certifying the Final Environmental Impact Report, Adopting the Mitigation, Monitoring and Reporting Program, Findings of Fact, and Statement of Overriding Considerations; Public Hearing on the Engineer's Report; Resolution Approving the Engineer's Report; and Approve the Project (01/27/15)

Certification of the Final EIR and Adoption of the Findings, MMRP, and Statement of Overriding Considerations

EIR Preparation and Public Review Process

The District is the lead agency under the California Environmental Quality Act (CEQA). The Draft EIR (SCH#2014012012) was prepared to provide the public, responsible agencies, and trustee agencies with information about the potential environmental effects of Project alternatives. The Draft EIR analyzes the "no project" alternative, and six project alternatives (including the proposed Project) based on input from environmental assessments, public participation process, and resource agencies.

The Draft EIR describes project elements, assesses impacts, and proposes measures to avoid or minimize such impacts. The Draft EIR was completed and a Notice of Completion (NOC) was filed with the Governor's Office of Planning and Research (OPR) State Clearinghouse and Planning Unit on September 26, 2014. The Draft EIR was released for public review from September 26 to December 8, 2014. A public meeting to receive comments on the Draft EIR was held on October 29, 2014, within the public review period.

Eight letters with comments were received from the public and agencies in addition to oral comments received at the 10/29/14 public meeting. Staff considered these comments prior to preparing the Final EIR. Formal responses to each oral comment from the October 29, 2014 public meeting, as well as all written comments, were incorporated in the Final EIR which is included Attachment 1 to the Final EIR.

Summary of Environmental Analysis

The Final EIR identifies significant impacts related to air quality, biological resources, cultural resources, hazards and hazardous materials, noise, and traffic. Most of these significant environmental impacts are short-term and associated with construction, and feasible mitigation measures have been proposed to avoid or minimize or otherwise mitigate for those impacts. Chapter 7 of the Final EIR contains a Mitigation Monitoring and Reporting Program (MMRP) that identifies mitigation measures to reduce impacts to less-than-significant levels except for unavoidable significant impacts associated with noise during construction.

As discussed in Section 4.11.2.2 of the Final EIR, onsite construction/demolition activities and construction traffic would result in a substantial increase in noise levels in the surrounding residential area for a period of 5-7 years, which represents a significant impact. The Final EIR proposes two mitigation measures to reduce this impact. Mitigation Measure NSE-2 which requires preparation and implementation of a Construction Noise Mitigation Plan. The Construction Noise Mitigation Plan would incorporate noise control and specific requirements during construction activities. Key elements of the plan would include: 1) the requirement for temporary noise barriers to shield on-site construction; 2) prohibition of unnecessary engine idling; 3) use of "quiet" models of air compressors; 4) locating stationary noise sources as far from sensitive receptors as feasible; and 5) designation of the Construction Manager and district

SUBJECT: Rinconada Water Treatment Plant Reliability Improvement Project (Project No. 93294057) -- Resolution Certifying the Final Environmental Impact Report, Adopting the Mitigation, Monitoring and Reporting Program, Findings of Fact, and Statement of Overriding Considerations; Public Hearing on the Engineer's Report; Resolution Approving the Engineer's Report; and Approve the Project (01/27/15)

staff person to function as liaison with the community to respond to any noise complaints. Mitigation Measure NSE-3 limits construction activities during weekends. However, even with the implementation of these mitigation measures, noise levels from on-site construction activities could still exceed the significance threshold for noise levels for the duration of construction. In addition, these measures would not reduce off-site construction traffic noise. As a result, the impact from on-site construction and construction traffic would remain significant and unavoidable after mitigation.

In addition, implementation of Mitigation Measures NSE-2 and NSE-3 would reduce construction noise impacts, but the Project's incremental contribution to significant construction noise impacts would remain cumulatively considerable.

Overriding Considerations Supporting Approval of the Project

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency must adopt a statement of overriding considerations. CEQA Guidelines, section 15093.

The Board's Ends Policy No E-2 articulates the District's responsibility to provide "a reliable, clean water supply for current and future generations."

The RWTP Reliability Improvement Project would provide the following benefits:

1. Improve the RWTP's ability to treat potable water supply to meet the drinking water standards for disinfection, disinfection by-products, and constituents regulated under current and anticipated California drinking water standards.
2. Improve the reliability of water supply by achieving the objectives as they are identified in the EIR:
 - a) Provide a water process train that a) enables the plant to produce treated water that is aesthetically pleasing and complies with current and reasonably anticipated regulations, b) is adaptable for addressing emerging contaminants under a wide range of source water quality scenarios, and c) is cost-effective, environmentally sustainable, and operator-friendly.
 - b) Improve overall plant reliability by addressing seismic vulnerability and increasing the plant's peaking factor;
 - c) Implement in a single stage to minimize overall costs, reduce impacts to the RWTP's neighborhood, and maintain plant operations during construction; and
 - d) Minimize stranded costs (i.e., costs associated with temporary facilities).

SUBJECT: Rinconada Water Treatment Plant Reliability Improvement Project (Project No. 93294057) -- Resolution Certifying the Final Environmental Impact Report, Adopting the Mitigation, Monitoring and Reporting Program, Findings of Fact, and Statement of Overriding Considerations; Public Hearing on the Engineer's Report; Resolution Approving the Engineer's Report; and Approve the Project (01/27/15)

Engineer's Report

Section 12 of the District Act requires the Board to conduct a public hearing to hear testimony on a project when: 1) the project is new construction, and 2) the project is funded by a single or joint zone of benefit.

As the proposed Project meets both conditions, staff prepared an Engineer's Report (Attachment 4) for the purpose of public disclosure. The Notice of Public Hearing for the Engineer's Report (Attachment 5) was published in the San Jose Mercury News on January 8th and 16th; Saratoga News, Los Gatos Weekly, Cupertino Courier, and Campbell Reporter on January 16th; the El Observador on January 16th; the Viet Nam Daily on January 16th; and has been made available for review at the District Headquarters Building (5700 Almaden Expressway, San Jose, California) and on the District's website.

Relevant Prior Board Action(s)

On June 12, 2012, the Board considered the proposed Project's Planning Study Report and adopted Resolution 12-54 to consider undertaking a work of improvement and to authorize staff to begin designing the Project.

On January 22, 2013, the Board approved the Consultant Design Services Agreement with CDM Smith Inc..

On September 9, 2014, the Board approved the Consultant Construction Management Services Agreement with HDR Engineers Inc..

On December 9, 2014, the Board adopted Resolution 14-94 setting the time and date for today's Public Hearing on the Engineer's Report.

Next Steps

If the Board approves the Project, the future Project milestones are:

- a) Recommend Board to adopt plans and specifications and authorize construction bidding: February 2015
- b) Board award of construction contract: April 2015
- c) Initiate construction: June 2015;
- d) Complete construction June 2020

Project Delivery Process

Attachment 6 (Project Delivery Process Schematic) highlights the current Project phase and the staff recommendations currently before the Board.

SUBJECT: Rinconada Water Treatment Plant Reliability Improvement Project (Project No. 93294057) -- Resolution Certifying the Final Environmental Impact Report, Adopting the Mitigation, Monitoring and Reporting Program, Findings of Fact, and Statement of Overriding Considerations; Public Hearing on the Engineer's Report; Resolution Approving the Engineer's Report; and Approve the Project (01/27/15)

FINANCIAL IMPACT:

The estimated cost to plan, design, and construct the proposed Project is \$258 million (in 2014 dollars). The funds for planned Project work in this fiscal year are included in the Board-adopted FY 2014-15 Budget. The proposed Project would be funded by the Water Enterprise Fund, with 100 percent of the costs allocated to Zone W-2 (North County) because the Project work benefits only customers within Zone W-2.

The current annual cost for operations and maintenance of the plant is \$9,658,000 (in 2014 dollars). The anticipated additional annual operations and maintenance (O&M) costs associated with the proposed Project are approximately \$828,000. About 45% of the additional cost is for new chemicals including carbon dioxide and liquid oxygen, 27% is for additional power required to generate ozone and for the new booster pump, and 28% is for additional labor and for additional equipment repair and replacement.

CEQA:

A Final EIR has been prepared for this Project and is before the Board for certification. The Final EIR is available for Board and public review at the Clerk of the Board's office and on the District's website <http://www.valleywater.org/PublicReviewDocuments.aspx>.

ATTACHMENTS:

1. Final EIR including MMRP (cover, title page and Summary)
2. Resolution Certifying Final EIR adopting the MMRP, Findings of Fact, and Statement of Overriding Considerations for the Project
3. Resolution Approving the RWTP Reliability Improvement Project Engineer's Report
4. RWTP Reliability Improvement Project Engineer's Report
5. Notice of Public Hearing
6. Project Delivery Process Schematic
7. PowerPoint Presentation

RINCONADA WATER TREATMENT PLANT RELIABILITY IMPROVEMENT PROJECT

Final Environmental Impact Report

SCH# 2014012012

Project# 93294057

January 2015

Prepared for

*Santa Clara Valley
Water District*



Denise Duffy &
Associates, Inc.

INTENTIONALLY LEFT BLANK

**RINCONADA WATER TREATMENT PLANT
RELIABILITY IMPROVEMENT PROJECT**

Final Environmental Impact Report

Project No. 93294057
SCH No. 2014012012

January 2015

Prepared for:

Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, California 95118-3614

Contact Person:

Michael F. Coleman, AICP
Environmental Planner
MColeman@valleywater.org
(408) 630-3096

District Board of Directors

Dennis Kennedy District 1
Barbara Keegan District 2
Richard P. Santos District 3
Linda J. LeZotte District 4

Nai Hsueh, Chair District 5
Tony Estremera, Chair District 6
Gary Kremen District 7

2.0 Summary

2.1 Introduction

This summary provides a description of the proposed project, project alternatives, significant impacts, and mitigation measures identified during the environmental analysis. Responsibility for implementation of mitigation measures lies with the District unless otherwise noted. This summary is intended as an overview and should be used in conjunction with a thorough reading of the EIR. The text of this report, including figures, tables, and appendices, serves as the basis for this summary.

2.2 Summary of Project Description

The Rinconada Water Treatment Plant (RWTP) is located on approximately 39 acres at 400 More Avenue in the Town of Los Gatos. The RWTP is the oldest of the Santa Clara Valley Water District's water treatment plants constructed in 1968 and has numerous plant components nearing the end of their useful lives. In addition, water quality and code requirements for potable water treatment have become more stringent, requiring that the RWTP be upgraded to ensure the reliability of its operation and product water quality. The District proposes to improve the existing water treatment processes and facilities at the RWTP through four principal modifications:

- 1) Addition of raw water ozonation facilities and processes;
- 2) Replacement of the existing water clarification process/facilities with conventional flocculation and sedimentation processes with plate settlers;
- 3) Removal and replacement of the water process filters; and
- 4) Increase in plant capacity from 80 million gallons per day (mgd) to a maximum of 100 mgd to provide an increase in peaking capacity for plant reliability.

The major facility elements of the project are detailed in Chapter 3.0 Project Description. In plain terms, the project is the systematic tear down of much of the existing steel and concrete structures (old water treatment facilities and processes) to reconstruct a new state-of-the-art water treatment facility on the existing water treatment plant property, while keeping the plant running at all times. The project includes the onsite temporary conversion of one of the sludge drying beds to a construction staging area and the offsite-temporary addition of adjacent parking through a lease agreement with San Jose Water Company to add 30-50 construction worker parking spaces during construction. The project includes green development features such as solar panels, a truck tire-wash (to keep trucks from tracking soil into the streets during construction), and recycling of construction and demolition debris (50% level).

Construction is expected to last five to seven years due to phasing and requirements to keep the plant running during construction. Construction is slated to start in 2015.

2.3 Alternatives Evaluated in this EIR

In compliance with CEQA, the EIR evaluates the comparative advantages and disadvantages of project alternatives. The alternatives considered in this EIR are summarized below.

No Project Alternative. No Project Alternative represents the “no build” scenario in which the site is left in its current condition (per CEQA Guidelines Section 15126.6(e)(3)) and the existing treatment plant continues to operate in its current configuration and capacity. The No Project Alternative would avoid all of the environmental impacts of the proposed project, including the significant unavoidable noise impacts during construction. However, the No Project Alternative would fail to meet the project objectives to provide upgrades to an aging water treatment facility intended to improve drinking water quality and ensure reliable service. The treatment plant would remain vulnerable to probable seismic events disrupting service and would also be at risk in its ability to meet regulatory requirements and future projected demand.

Reduced Project Alternative. The Planning Study for the Rinconada Water Treatment Plant Reliability Improvement Project evaluated six alternative treatment options on the site. For the purposes of CEQA, Alternative 6 of the Planning Study was selected as the Reduced Project Alternative because it maintains and refurbishes the four existing upflow clarifiers on the site and reduces demolition activities. By requiring less demolition, the Reduced Project could possibly reduce noise and air pollutant emissions associated with demolition and decrease vehicle trips required to remove construction debris.

The Reduced Project Alternative would meet the basic objective of the project to provide reliable water supply. Although this alternative could somewhat reduce environmental impacts associated with reduced demolition, it would still result in significant and unavoidable noise impacts during construction. In addition, it has many disadvantages compared to the proposed project, including frequent shutdowns, diminished plant capacity during construction staging, and more complex operations.

2.4 Environmentally Superior Alternative

CEQA requires that an environmentally superior alternative to the proposed project be specified, if one is identified. In general, the environmentally superior alternative is intended to minimize adverse impacts to the project site and surrounding environment while achieving the basic objectives of the project. The "No Project" alternative could be considered the environmentally superior alternative because adverse impacts associated with project construction and operation would be avoided. However, CEQA Guidelines §15126.6(e)(2) states that if the environmentally superior alternative is the No Project alternative, “the EIR shall also identify an environmentally superior alternative among the other alternatives.”

Given the nature of the project, which consists of upgrades to an aging water treatment facility to improve drinking water quality and reliability, few alternatives are available that would meet the project’s most basic objectives. An alternative location is not feasible. The Planning Study evaluated six options for upgrading the RWTP. The Reduced Project Alternative would reduce the proposed project’s impacts related to demolition noise and dust by maintaining the existing clarifiers. Although it would meet the basic project objectives, it has higher operational difficulties and would require long shutdown periods and diminished plant capacity during construction staging than the project. In light of the constrained project location within a residential neighborhood, alternatives for reducing the unavoidable construction noise impacts

of the project to a less-than-significant level are not available. The proposed improvements to the RWTP are critical to providing quality drinking water with reliable service. For the reasons presented above, there does not appear to be an environmentally superior alternative to the proposed project. Extensive study of possible alternative designs identified the project as the best option for meeting the District's objectives for upgrading the RWTP.

2.5 Summary of Project Impacts

A summary of significant project impacts and mitigation measures are provided in Table 2-1 on the following pages. Mitigation measures have been identified to either avoid the impact or reduce the level of significance. The significance after mitigation implementation is noted within the table.

Revised Table 2-1 Summary of Significant Environmental Impacts and Mitigation		
Environmental Impact	Mitigation Measure	Level of Significance After Mitigation
4.1 Aesthetics		
No significant impacts.	None required.	N/A
4.2 Agricultural Resources		
No significant impacts.	None required.	N/A
4.3 Air Quality		
The project would expose existing sensitive receptors to substantial fine particle pollutant concentrations generated during construction of the project as described above. To reduce the potentially significant air quality impacts of the project during construction, the District would implement the mitigation measures below. These mitigation measures are intended to minimize fugitive dust to protect the health and safety of nearby sensitive receptors.	<p>AIR-1 The District shall implement BAAQMD Recommended Best Control Measures for reducing fugitive dust emissions during construction and include in the plans and specifications. These measures are as follows:</p> <ul style="list-style-type: none"> • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two or more times per day; • All haul trucks transporting soil, sand, or other loose material off-site shall be covered; • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited; • All vehicle speeds on unpaved roads shall be limited to 15 mph; • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used; • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be 	Less-than-Significant

Revised Table 2-1 Summary of Significant Environmental Impacts and Mitigation		
Environmental Impact	Mitigation Measure	Level of Significance After Mitigation
	<p>provided for construction workers at all access points;</p> <ul style="list-style-type: none"> All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation; and A publicly visible sign shall be posted with the telephone number and person to contact at the District regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. In addition to the BAAQMD measures above, all haul trucks will go through the proposed built-in tire wash at the plant before exiting to the public street. 	
4.4 Biological Resources		
<p>Construction of the project would potentially impact special-status wildlife species through direct disturbance to individuals, habitat modification, and/or disturbance to active nests. Special-status species that may be impacted by valley oak woodland removal, as well as other construction activities within and adjacent to valley oak woodland habitat include the San Francisco dusky-footed woodrat (SFDFW), nesting raptors, and other protected avian species. Construction of the project in proximity to the drying beds may impact western pond turtles. These impacts are considered potentially significant, since construction of the project could result in direct impacts to these special-status species.</p>	<p>BIO-1 Not more than seven (7) thirty (30) days prior to the start of construction (including vegetation removal) on the project site, the District biologist or a qualified biologist retained by the District shall conduct a survey of the project site to locate existing SFDFW nests. All SFDFW nests shall be mapped and flagged for avoidance. Graphics depicting all SFDFW nests shall be provided to the District. Any SFDFW nests that cannot be avoided shall be relocated according to the following procedures. <u>The District shall submit a woodrat nest relocation plan to CDFW for review prior to any nest relocation activities. All personnel conducting relocation activities shall wear safety gear during nest relocation activities.</u></p> <p>Areas within the valley oak woodland habitat that are outside of the proposed impact area shall be identified prior to the relocation process. These shall be referred to as the SFDFW</p>	Less-than-Significant

Revised Table 2-1 Summary of Significant Environmental Impacts and Mitigation	
Environmental Impact	Mitigation Measure
Level of Significance After Mitigation	
	<p>mitigation area. Large woody material, if present, shall be relocated from areas within the valley oak woodland, where impacts are expected, to the SFDFW mitigation areas. After large woody material has been relocated to the SFDFW mitigation areas, all understory vegetation shall be cleared within the areas where impacts are expected (but the nests should not be removed at this stage). Relocation of nest material shall commence only after the large woody debris and understory has been removed.</p> <p>After all cover (except the nests themselves) has been removed, each active nest shall be disturbed by the District biologist or a qualified biologist retained by the District) to the degree that SFDFW leave the nest and seek refuge elsewhere. After the nests have been disturbed, the nest sticks shall be removed from the impact areas and piled at the base of newly placed large woody material within the SFDFW mitigation area. Nests shall be dismantled during the non-breeding season (between October 1 and December 31), if possible. If a litter of young is found or suspected, nest material shall be replaced and the nest left alone for 2-3 weeks, after this time the nest would be rechecked to verify that young are capable of independent survival before proceeding with nest dismantling. The spacing distance between the newly placed piles of sticks shall not be fewer than 25 feet from each other.</p> <p>BIO-2 Prior to construction activities, the District biologist or a qualified biologist retained by the District shall conduct an Employee Education Program for the construction crew. The biologist shall meet with the construction crew at the project site at the onset of each construction phase to educate the construction crew on the following:</p> <ol style="list-style-type: none"> 1) A review of the project boundaries;

Revised Table 2-1 Summary of Significant Environmental Impacts and Mitigation		
Environmental Impact	Mitigation Measure	Level of Significance After Mitigation
	<p>2) The special-status species that may be present, their habitat, and proper identification;</p> <p>3) The specific mitigation measures that would be incorporated into the construction effort,</p> <p>4) The general provisions and protections afforded by the USFWS and the CDFW, and;</p> <p>5) The proper procedures if a special-status animal is encountered within the project site as determined by the District biologist or a qualified biologist retained by the District.</p> <p>BIO-3 Construction activities, including ground disturbance and tree removal, that may affect nesting birds shall be timed to avoid the nesting season. Specifically, tree removal shall be scheduled after September 15 and before January 31-15 or at the discretion of the District biologist or a qualified biologist retained by the District. Alternatively, if construction activities or tree removal are to occur during the breeding season (February 4-January 15 through September 15), the District shall conduct surveys for active nests no more than 30-14 days prior to construction, and a lapse in construction related activities 15 days or longer will require another preconstruction nesting survey. If nesting birds are identified during the pre-construction surveys, a buffer shall be imposed within which no construction activities or disturbance shall take place until the young of the year have fledged and are no longer reliant upon the nest or parental care for survival. The size of the buffer shall be determined by the District biologist or a qualified biologist retained by the District, dependent on the species and site conditions. The biologist must be onsite at a frequency required to ensure that nesting birds are not disturbed by Project activities and that nest abandonment or other potentially significant impacts do not occur. The biologist shall have the authority to halt project activities or increase the size</p>	

Revised Table 2-1 Summary of Significant Environmental Impacts and Mitigation		
Environmental Impact	Mitigation Measure	Level of Significance After Mitigation
	<p>of the buffer, if necessary to prevent or minimize impacts.</p> <p>BIO-4 Prior to beginning construction or staging activities in the proximity of the drying beds, the District biologist or other qualified biologist selected by the District, shall perform a site inspection for western pond turtles. If pond turtle(s) are found in the pre-construction survey or encountered while conducting construction activities the affected turtles shall be relocated outside the construction area and into suitable habitat and a barrier system shall be installed and maintained around the affected construction area.</p>	
<p>The project would impact approximately 1.92 acres of valley oak woodland habitat, a sensitive habitat. The removal of vegetation within the valley oak woodland habitat resulting from project construction is considered a potentially significant impact. The District would implement the following mitigation measure to reduce the project impacts on valley oak woodland.</p>	<p>BIO-5 Prior to construction, the District, with the guidance of a District approved biologist and arborist, shall develop an Oak Woodland Mitigation Management Plan to be implemented by the District. This Mitigation Management Plan will incorporate the guidelines of the SCVHP Condition 14, Santa Clara County Planning Office's "Guide to Evaluating Oak Woodlands Impacts, the Town of Los Gatos Tree Preservation Ordinance, and the recommendations of the arborist reports contained in Appendix D (HortScience), to the extent applicable and feasible. Details of the Oak Woodland Mitigation Management Plan will include the following at a minimum:</p> <ul style="list-style-type: none"> • Description of applicable guidelines from the sources listed above SCVHP, Santa Clara County Planning Office's "Guide to Evaluating Oak Woodlands Impacts", the Town of Los Gatos Tree Preservation Ordinance, and HortScience arborist reports; • Construction of temporary project access points as close as possible to the work area to minimize necessity for tree removal; • Mitigation for tree removals at a the ratios listed below of at least 1:1; 	Less-than-Significant

Revised Table 2-1 Summary of Significant Environmental Impacts and Mitigation		Level of Significance After Mitigation								
Environmental Impact	Mitigation Measure									
	<ul style="list-style-type: none"> • Tree replacement timing and amount of tree replacement; • Size of replacement trees; • Species selection; • Tree densities and spacing; • <u>Enhanced habitat in the proposed restoration areas through the salvage and redistribution of coarse woody debris;</u> • <u>Implementation, maintenance, and monitoring plans, and performance and success criteria.</u> • <u>Tree protection measures for remaining trees, including:</u> <ul style="list-style-type: none"> ◦ <u>Aligning roads and pathways outside of tree root protection zone whenever possible;</u> ◦ <u>Conducting pruning during winter dormant period for valley and blue oaks, under the supervision of a District approved arborist;</u> ◦ <u>Minimizing trenching for utility lines and other purposes within root protection zones; and</u> • <u>Off-site mitigation or in-lieu fee payment, if necessary.</u> <p><u>Mitigation Ratios for Native Trees. The District will mitigate for its removal of native trees by one of two options as described below.</u></p> <ul style="list-style-type: none"> • <u>Under Option 1, mitigation ratios for native trees will be calculated based on the following mitigation ratios.</u> <table border="1" style="margin-left: 20px;"> <thead> <tr> <th colspan="2">Tree Replacement Ratios for Oak Woodland Restoration (Option 1)</th> </tr> <tr> <th>Size of Tree Removed (dbh, in inches)</th> <th>Replacement Ratio (number of trees replaced to number of trees removed)</th> </tr> </thead> <tbody> <tr> <td><6</td> <td>3:1</td> </tr> <tr> <td>6-18</td> <td>4:1</td> </tr> </tbody> </table>	Tree Replacement Ratios for Oak Woodland Restoration (Option 1)		Size of Tree Removed (dbh, in inches)	Replacement Ratio (number of trees replaced to number of trees removed)	<6	3:1	6-18	4:1	
Tree Replacement Ratios for Oak Woodland Restoration (Option 1)										
Size of Tree Removed (dbh, in inches)	Replacement Ratio (number of trees replaced to number of trees removed)									
<6	3:1									
6-18	4:1									

Revised Table 2-1 Summary of Significant Environmental Impacts and Mitigation		Level of Significance After Mitigation
Environmental Impact	Mitigation Measure	
	<p>>18</p> <p>¹ Diameter at breast height (dbh) is defined as the diameter of the tree at breast height, or the diameter of the tree at 54 inches above existing grade.</p> <ul style="list-style-type: none"> Under Option 2, mitigation ratios will be based on the canopy approach in Table 3-1 of the Town of Los Gatos Tree Protection Ordinance. These ratios increase the number and size of replacement trees based on the canopy size of the removed tree. <p><u>Mitigation for Non-native Trees.</u> To mitigate for non-native trees (ornamentals) the District will pay impact fees to the Town of Los Gatos as described in the Town of Los Gatos Tree Protection Ordinance. Non-native tree replacement ratios will be based on tree canopy size measured as the maximum distance across the canopy. The mitigation ratios would range from 3:1 to 6:1.</p> <p><u>Tree Protection Measures.</u> The Oak Woodland Mitigation Plan will incorporate a variety of tree protection measures, including those set forth in the arborist reports. These measures will include:</p> <ul style="list-style-type: none"> Aligning roads and pathways outside of tree root protection zone whenever possible. Minimizing trenching for utility lines and other purposes within root protection zones. Using stem wrap to minimize damage to tree trunks. Avoiding stockpiling of materials within the tree critical root zones. Using high visibility fencing around the tree critical root zones to minimize root compaction that otherwise would be caused by parking of vehicles or equipment on top of or 	

Revised Table 2-1 Summary of Significant Environmental Impacts and Mitigation		
Environmental Impact	Mitigation Measure	Level of Significance After Mitigation
	<p>near these root zones:</p> <ul style="list-style-type: none"> Conducting pruning during winter dormant period for valley and blue oaks, under the supervision of a District approved arborist. 	
Removal of trees in the valley oak woodland habitat could result in significant impacts to SFDFW through individual mortality, nest destruction, and nest abandonment. In addition, removal of trees in the valley oak woodland habitat could result in significant impacts to raptors and other protected avian species through individual mortality, nest destruction, and nest abandonment.	See Mitigation Measure BIO-1 and Mitigation Measure BIO-3 above.	Less-than-Significant
All of the trees to be removed are defined as protected by the Town of Los Gatos Ordinance (Section 2114) and require a permit for removal as well as replacement or payment to the Town Forestry Fund.	Mitigation Measure BIO-5 would require the development and implementation of an Oak Woodland <u>Mitigation Management Plan</u> . This Plan would incorporate the requirements of the Los Gatos Tree Ordinance.	Less-than-Significant
4.5 Cultural Resources		
The project could disturb archaeological resources and/or human remains if encountered during construction, which represents a significant impact.	CR-1 If, during the course of project construction, archaeological resources or human remains are encountered during construction, the District shall halt work within 20 feet of the find until a qualified professional archaeologist can evaluate it. Work shall not recommence until the project archaeologist has submitted documentation to the District (as CEQA lead Agency) and Town of Los Gatos indicating that discovered resources have been adequately salvaged and no further resources have been identified within the area of disturbance.	Less-than-Significant
	CR-2 Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California, in the event of the discovery of human remains	

Revised Table 2-1 Summary of Significant Environmental Impacts and Mitigation		
Environmental Impact	Mitigation Measure	Level of Significance After Mitigation
	during construction, the District shall discontinue further excavation or disturbance on the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the District shall be responsible for insuring reinterment of human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.	
4.6 Geotechnical and Geological Hazards		
No significant impacts.	None required.	N/A
4.7 Greenhouse Gases		
No significant impacts.	None required.	N/A
4.8 Hazards and Hazardous Materials		
Demolition of existing buildings and structures could result in the release of asbestos and lead-based paint, posing a risk to the environment and public health. This represents a potentially significant impact.	<p>HAZ-1 The District shall retain a qualified professional to perform the following before and during demolition activities:</p> <ol style="list-style-type: none"> 1. Test for and remove all potentially friable asbestos-containing materials in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to building demolition or renovation activities that may disturb the materials. All demolition activities must be undertaken in accordance with Cal/OSHA standards contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing 	Less-than-Significant

Revised Table 2-1 Summary of Significant Environmental Impacts and Mitigation		
Environmental Impact	Mitigation Measure	Level of Significance After Mitigation
	<p>more than one percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations.</p> <p>2. During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1. Required safety measures shall be adhered to, including employee training and employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the waste being disposed.</p> <p>3. During demolition activities, a qualified professional shall inspect all potential sources of PCBs and remove and dispose of them in accordance with all regulatory requirements.</p>	
4.9 Hydrology & Water Quality		
No significant impacts.	None required.	N/A
4.10 Land Use and Planning		
No significant impacts.	None required.	N/A
4.11 Noise		
Operation of the RWTP with the proposed improvements in place would result in exposure of persons (nearby residents) to noise levels in excess of standards established by the Town of Los Gatos. Operational noise would also result in a significant permanent increase in noise levels above the existing noise level at some residences along Capistrano Place/Granada Way. This represents a significant impact.	NSE-1 Final project design plans and specifications shall incorporate noise control measures to reduce operational noise levels to 43 dBA L _{eq} (Town of Los Gatos' noise limit for weekend nighttime hours) or less at all adjacent residential property lines. Possible noise control measures include the use of a combination of parapet walls, enclosures/housing for noisier equipment, selection of 'quiet' equipment, locating enclosure openings, venting, etc., away from residences, and/or the construction of noise barriers. The District shall retain a qualified acoustical	Less-than-Significant

Revised Table 2-1 Summary of Significant Environmental Impacts and Mitigation		
Environmental Impact	Mitigation Measure	Level of Significance After Mitigation
Construction of the project would substantially increase noise levels in the surrounding residential area, resulting in a temporary increase in ambient noise levels. This represents a significant impact. Onsite construction activities and construction traffic would cause significant temporary noise increases at nearby sensitive receptors for a period of 5-7 years.	<p>consultant to prepare and implement the recommendations of a project-level noise analysis based on the final design plans, to identify the specific controls necessary to reduce operational noise levels to 43 dBA L_{eq} or less. The District would perform post-construction noise monitoring one time after the project is completed to ensure compliance with the Town of Los Gatos' noise limit at the closest residential property line. Additional noise controls would be implemented as necessary to reduce noise levels to 43 dBA or less if the results of the noise measurements show that operational noise levels exceed the limit.</p> <p>NSE-2 The District shall retain a qualified acoustical consultant to develop a Construction Noise Mitigation Plan, and include it in the final construction plans and specifications. The District shall also retain a qualified acoustical consultant to be on-call during the construction phase to assist the contractor in complying and adaptively responding to any noise issues that may arise. The Construction Noise Mitigation Plan shall incorporate the following controls to reduce construction noise levels:</p> <ul style="list-style-type: none"> • Indicate the requirement to minimize construction noise impacts at pre-bid conferences. Potential contractors should be requested to submit information on their noise management procedures, and to demonstrate a successful track record of construction noise management on prior projects. • Construct or utilize temporary noise barriers (ready-made solutions by the acoustical industry or constructed onsite by the contractor) to shield on-site construction and concrete demolition noise from nearby receptors. To be most effective, the barrier should be placed as close as possible to the noise source or the sensitive receptor. Examples of barriers include portable acoustically lined enclosure/housing for specific equipment (e.g., 	Significant Unavoidable Impact

Revised Table 2-1 Summary of Significant Environmental Impacts and Mitigation		
Environmental Impact	Mitigation Measure	Level of Significance After Mitigation
	<p>jackhammer and pneumatic-air tools, which generate the loudest noise), temporary noise barriers (e.g., solid plywood fences or portable panel systems, minimum 8 feet in height), and/or acoustical blankets. The portable enclosure/housing can be constructed with noise control curtains and lightweight frame structure, with a small door or opening facing away from sensitive noise receptors, and fastened with Velcro. Acoustical blankets or curtains would be set up on a supporting structure, such as a cyclone-type fence or on guy-wire strung between temporary supports. An example of the appearance of a temporary acoustical blanket and temporary sound walls are presented in Figure 4.11-4. At a minimum, temporary noise barriers shall be installed for any construction activity located within 50 feet of residences and for any use of the hydraulic breaker or wrecking ball within 100 feet of residences.</p> <ul style="list-style-type: none"> • Require all equipment driven by internal combustion engines be equipped with mufflers, which are in good condition and appropriate for the equipment. • Require use of "quiet" models of air compressors and other stationary noise sources where technology exists. • Prohibit unnecessary idling of internal combustion engines. • Establish construction staging areas at locations that would create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction. • Locate stationary noise sources as far from sensitive receptors as feasible. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) would be used as necessary to comply with local noise ordinance limits. Any enclosure openings or venting would face away from sensitive receptors. • Locate material stockpiles as well as 	

Revised Table 2-1 Summary of Significant Environmental Impacts and Mitigation		
Environmental Impact	Mitigation Measure	Level of Significance After Mitigation
	<p>maintenance/equipment staging and parking areas as far as feasible from residential receptors.</p> <ul style="list-style-type: none"> • Notify neighbors located adjacent to the construction site of the construction schedule in writing. • The District shall designate its Construction Manager for the project or assign a District staff person as liaison with the community to be responsible for responding to noise complaints during the construction phase. The name and phone number of the liaison shall be conspicuously posted at construction areas and on all advanced notifications. This person shall take steps to resolve complaints, including periodic noise monitoring. Results of noise monitoring shall be presented at regular project meetings with the project contractor, and the liaison shall coordinate with the contractor to modify any construction activities that generated excessive noise levels to the extent feasible. • The District shall institute a reporting program that documents complaints received, actions taken to resolve problems, and effectiveness of these actions. • The District and its Construction Manager shall hold a preconstruction meeting with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, construction schedule, and noise coordinator) are completed. Weekly reports shall be forwarded to the District Planner and District Outreach staff for review and compliance with the Town of Los Gatos Noise Ordinance and noise monitoring program (see above). <p>NSE-3 The District shall limit weekend construction activities as follows:</p> <ul style="list-style-type: none"> • No Sunday construction permitted. • No construction except within buildings on Saturdays. • No construction truck or tractor work on the outside of 	

Revised Table 2-1 Summary of Significant Environmental Impacts and Mitigation		
Environmental Impact	Mitigation Measure	Level of Significance After Mitigation
4.12 Public Services	<p>buildings on Saturdays (dump trucks, backhoes, jackhammers, or any motorized equipment, etc.).</p> <ul style="list-style-type: none"> No outside construction lighting or outside generators to operate on Saturdays (except regular security lighting or regular safety lighting). 	
No significant impacts.	None required.	N/A
4.13 Traffic and Circulation		
<p>Traffic hazards in the project area include limited sight distances along More Avenue due to the hills and curves along the main upper entrance and lower entrance. Project construction would generate additional traffic including larger slower trucks. The additional traffic generated by project construction would increase the risk of traffic accidents due to the insufficient sight distance on More Avenue. This represents a significant traffic hazard.</p>	<p>TRF-1 The District shall develop final site plans that relocate the main (upper) entrance to More Avenue to improve the sight distance. At the upper main gate, the access point shall be relocated a short distance to the south where the driveway intersects More Avenue.</p> <p>TRF-2 The District shall implement one of the two following improvements along More Avenue and incorporate into final site plans and specifications, subject to District and Town of Los Gatos concurrence:</p> <ol style="list-style-type: none"> Add a continuous turn lane in the middle of More Avenue between Capistrano Place and the main entrance. This lane would connect with the existing left-turn storage pocket in the southbound direction at the main entrance. 1. Add warning signs, speed feedback signs, and other appropriate signage as part of a specific sign package to be approved by the Town of Los Gatos. The sign package would provide prominent warning signs informing drivers on More Avenue that there are driveways ahead that cannot be seen. New signs stating "Caution Hidden Driveway," "Blind Driveway Ahead," or similar language, and signs posting the 25 mph speed limit before both entrances. 	Less-than-Significant

Revised Table 2-1 Summary of Significant Environmental Impacts and Mitigation		
Environmental Impact	Mitigation Measure	Level of Significance After Mitigation
	would be part of the proposed sign package to be approved by the Town of Los Gatos.	
4.14 Utilities and Service Systems		
No significant impacts.	None required.	N/A

THIS PAGE INTENTIONALLY LEFT BLANK

**BOARD OF DIRECTORS
SANTA CLARA VALLEY WATER DISTRICT**

RESOLUTION NO. 15-09

**CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING THE
MITIGATION MONITORING AND REPORTING PROGRAM, FINDINGS OF FACT, AND
STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE RINCONADA WATER
TREATMENT PLANT RELIABILITY IMPROVEMENT PROJECT**

WHEREAS, the Santa Clara Valley Water District ("District"), the lead agency under the California Environmental Quality Act ("CEQA") § 21067, has prepared a Final Environmental Impact Report ("EIR") for the Rinconada Water Treatment Plant Reliability Improvement Project (Project). The District is hereby certifying said EIR, issuing written findings regarding the potential for the Project to result in significant environmental effects, and adopting a statement of overriding considerations in accordance with CEQA Guidelines §§15090, 15091, and 15093:

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of Santa Clara Valley Water District that:

1. The Board hereby certifies the Final EIR, certifying that:
 - A. The Final EIR has been completed in compliance with CEQA and is adequate for purposes of Board consideration of the Project.
 - B. The Board of Directors has reviewed and considered the information contained in the Final EIR and the record including, but not limited to, technical reports, oral and written comments provided by the public, and state and local agencies; responses to said comments contained in the Final EIR; and other matters deemed material and relevant prior to making a decision on the Project.
 - C. The Final EIR reflects the independent judgment and analysis of the District.
2. Changes have been incorporated into the Project which avoid, and/or substantially lessen most of the significant environmental effects identified in the EIR. The District has the full responsibility for implementation of such changes during the implementation of the Project.
3. Specific economic, legal, social, technological and other considerations result in findings that mitigation measures for certain significant environmental effects are infeasible. The findings of fact, contained in Exhibit 1, state the overriding considerations that support the Project described in the Final EIR.
4. The findings of fact and Statement of Overriding Considerations contained in Exhibit 1, attached hereto and incorporated by this reference, are supported by substantial evidence in the record.
5. The Mitigation Monitoring and Reporting Program (MMRP), included in Chapter 7 of the Final EIR, and incorporated herein by this reference, is hereby adopted. Implementation of the MMRP, to avoid or substantially lessen significant environmental effects, is required as a condition of approval of the Project.

- 6. The documents and materials which constitute the record of the proceedings upon which this decision is based are available from the Clerk of the Board of the Santa Clara Valley Water District, 5750 Almaden Expressway, San Jose CA, 95118-3614.
- 7. The Chief Executive Officer is hereby authorized and directed, on behalf of the District's Board of Directors, to execute any such documents and to perform any such acts as may be deemed necessary or appropriate to accomplish the intention of this resolution.

PASSED AND ADOPTED by the Board of Directors of Santa Clara Valley Water District by the following vote on January 27, 2015:

AYES:	Directors	Estremera, Santos, Hsueh, Keegan, Kennedy, LeZotte
NOES:	Directors	None
ABSENT:	Directors	Kremen
ABSTAIN:	Directors	None

SANTA CLARA VALLEY WATER DISTRICT



Dennis Kennedy

By: Vice Chair/Board of Directors

For GARY KREMEN
Chair/Board of Directors

ATTEST: MICHELE L. KING, CMC



Clerk/Board of Directors

**EXHIBIT 1
BOARD OF DIRECTORS
SANTA CLARA VALLEY WATER DISTRICT**

**CEQA Findings of Fact and Statement of Overriding Considerations
Approval of the Rinconada WTP Reliability Improvement Project**

Regarding the Final Environmental Impact Report for the
Rinconada WTP Reliability Improvement Project
State Clearinghouse No. 2014012012

I. Project Background

I.1 Project Description Summary

The Rinconada Water Treatment Plant (RWTP) is located on approximately 39 acres at 400 More Avenue in the Town of Los Gatos. The RWTP is the oldest of the Santa Clara Valley Water District's (District's) water treatment plants constructed in 1968 and has numerous plant components nearing the end of their useful lives. In addition, water quality and code requirements for potable water treatment have become more stringent, requiring that the RWTP be upgraded to ensure the reliability of its operation and product water quality. The District proposes to improve the existing water treatment processes and facilities at the RWTP through four principal modifications:

- 1) Addition of raw water ozonation facilities and processes;
- 2) Replacement of the existing water clarification process/facilities with conventional flocculation and sedimentation processes with plate settlers;
- 3) Removal and replacement of the water process filters; and
- 4) Increase in plant capacity from 80 million gallons per day (mgd) to a maximum of 100 mgd to provide an increase in peaking capacity for plant reliability.

The major facility elements of the proposed project are detailed in EIR Chapter 3.0 Project Description. In plain terms, the project is the systematic tear down of much of the existing steel and concrete structures to reconstruct a new state-of-the-art water treatment facility on the existing water treatment plant property, while keeping the plant running at all times. The project includes the onsite temporary conversion of one of the sludge drying beds to a construction staging area and the offsite-temporary addition of adjacent parking through a lease agreement with San Jose Water Company to add 30-50 construction worker parking spaces during construction. Construction is expected to last five to seven years due to phasing and requirements to keep the plant running during construction. Construction is slated to start in 2015.

The District is the Lead Agency for the proposed project.

I.2 Type of EIR

The RWTP EIR has been prepared in compliance with the California Environmental Quality Act (CEQA, Public Resources Code §21000 et seq.). The RWTP Reliability Final EIR is a project-level EIR, as described in Cal. Code Regs. (CEQA Guidelines) §15161.

I.3 Project Objectives

In 2007, the District outlined five planning objectives for improvement of the RWTP.

1. Maintain aging infrastructure to reduce the risk of system interruptions/failures.
2. Improve reliability to address plant redundancy, seismic risks, and business continuity issues.
3. Contribute to energy self-sufficiency and minimize the carbon footprint.
4. Evaluate and implement cost-effective treatment technologies to meet current drinking water regulations, taste and odor control, and forecasted new contaminants to result in a robust plant design to take the RWTP into the future.
5. Improve operability of the plant.

The proposed project was developed based on the above objectives and to address aging components critical to on-going operations and the major capital improvements necessary for providing reliable capacity and better water quality. The project is intended to achieve the following:

- Provide a water process train that a) enables the plant to produce treated water that is aesthetically pleasing and complies with current and reasonably anticipated regulations, b) is adaptable for addressing emerging contaminants under a wide range of source water quality scenarios, and c) is cost-effective, environmentally sustainable, and operator-friendly;
- Improve overall plant reliability by addressing seismic vulnerability and increasing the plant's peaking factor and capacity (from 80 to 100 mgd);
- Implement in a single stage (rather than incrementally) to minimize overall costs, reduce impacts to the RWTP's neighborhood, and maintain plant operations during construction; and
- Minimize stranded costs (i.e., costs associated with temporary facilities).

II. Environmental Review Process and the EIR

A Notice of Preparation (NOP) for the Draft EIR (DEIR) was circulated to a project-specific mailing list and to the State Clearinghouse. The 30-day NOP comment period commenced on January 3 and ended on February 3, 2014. The District also held a scoping meeting on January 15, 2014 to receive oral and written comments on the NOP. The NOP and comments received are included in Appendix A of the DEIR. The District considered oral and written comments received during the scoping period in preparing the DEIR.

A public Notice of Availability of the DEIR was mailed to adjacent landowners and interested parties and posted in the San Jose Mercury News on September 26, 2014. The Notice of Completion for the DEIR was filed with the State Clearinghouse on September 26, 2014. The DEIR was circulated to the State Clearinghouse; to federal, state, and local agencies; and to organizations and individuals that had expressed interest in receiving the DEIR. The DEIR public review period commenced on September 26, 2014 and extended to December 8, 2014. The District held a public meeting to receive comments on the DEIR on October 29, 2014.

On January 16, 2014, the District distributed a Final EIR (FEIR) volume for the proposed project, consisting of comments received during the public review period, responses to those comments, and minor revisions to the DEIR text made in response to comments and other information. As part of this distribution, the District provided written proposed responses to all public agencies that commented on the Draft EIR at least 10 days prior to certifying the EIR.

The FEIR consists of the following documents: 1) the DEIR dated September 26, 2014, including appendices on CD; 2) the FEIR dated January 2015; and 3) Responses to Public Comments on the DEIR (attached to the FEIR). The FEIR is hereby incorporated by reference into these Findings.

III. Environmental Impacts and Findings of Fact

Pursuant to Public Resources Code § 21081 and CEQA Guidelines § 15091, a public agency may not approve or carry out a project for which an EIR has been certified which identifies one or more significant effects on the environment unless the public agency makes one or more of the following findings with respect to each significant impact:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR. "Feasible" means "capable of being accomplished in a reasonable period of time taking into account economic, environmental, legal, social, and technological factors" (CEQA Guidelines §15364). The concept of feasibility also encompasses whether a particular alternative or mitigation measure promotes the project's underlying goals and objectives, and whether an alternative or mitigation measure is impractical or undesirable from a policy standpoint. See *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957.

The Board has made one or more of these specific written findings regarding each significant impact associated with the proposed project. Those findings are presented below, together with the facts and reasons in support of the findings. The Board certifies these findings are based on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental issues identified and discussed in the EIR.

III.1 Environmental Impacts Found to be Less Than Significant

Public Resources Code § 21081 and CEQA Guidelines § 15091 do not require findings of fact for impacts that are less than significant. Under CEQA, no mitigation measures are required for impacts

that are less-than-significant (CEQA Guidelines § 15126.4(a)(3)). Nevertheless, for the sake of completeness, the Board hereby determines that the proposed project will have no impact or less than significant impacts for the impacts listed in Table 1. For each impact, Table 1 presents a brief rationale for the determination, and a reference to the DEIR section that presents facts and reasons supporting the determination.

Regarding cumulative impacts, Chapter 5 of the EIR demonstrates that aside from construction noise impacts, none of the proposed project's incremental impacts is considered "cumulatively considerable," and thus significant. (See CEQA Guidelines §15130.) Therefore, the Board hereby determines that with the exception of construction noise, the proposed project's incremental contribution to any significant cumulative impacts is less than cumulatively considerable and thus less-than-significant.

**Table 1
Effects Found to be Less-than-Significant**

Resource	Impact	Rationale for No Impact or Less than Significant Impacts	Reference
Aesthetics	Scenic Vistas. The project would have a less-than-significant impact on scenic vistas.	Based on the visual analysis and visual simulations for the project, changes to the site would not impact scenic vistas since the proposed structures are relatively low-profile, would be partially screened by existing new landscaping, and would not obstruct distant views of the valley and Diablo Range to the northeast.	DEIR pp 4.1-6, 4.1-18
	Scenic Route. The project would not impact a scenic route.	The project would not impact a scenic route, since it is not visible from any state scenic highways or other designated scenic routes.	DEIR pp. 4.1-8
	Sensitive Viewpoints. The project would not significantly affect the existing visual character/quality of the area.	Review of potentially sensitive viewpoints indicates that the project would not significantly affect the existing visual character/quality of the area since proposed structures would be relatively low-profile and obstructed by existing vegetation and proposed landscaping.	DEIR pp. 4.1-17, 18
	New Sources of Glare. The project would not create new sources of substantial glare.	The project would not create new sources of substantial glare due to the low-profile design of the proposed structures and lighting, limited use of glass or other reflective materials, and the existing developed nature of the site.	DEIR pp. 4.1-19
	Agricultural and Forest Resources	Land Use Conflicts. The project would not conflict with agricultural lands, lands zoned for agricultural use, or Williamson Act contracts.	The site is designated in the Santa Clara County Important Farmlands map as Urban and Built-up Land, no agricultural activities are occurring on the project site, and no portion of the site is under Williamson Act contract. In addition, no agricultural lands or activities are located adjacent to the project site.
Forest or Timberland. The project would not impact forest or timberland or related uses.		The project site does not contain active forest land or timberland, nor is the site zoned for forest land use or timberland production. The project would not impact forest or timberland (or related uses) since none are found on the project site or in the vicinity.	DEIR pp. 4.2.3
Clean Air Planning. The project would not conflict with implementation of control measures contained in the Bay Area 2010 Clean Air Plan.		The proposed improvements to the RWTP would not conflict with implementation of control measures contained in the Bay Area 2010 Clean Air Plan since it does not propose any changes in use or long-term traffic conditions that affect clean air planning efforts.	DEIR pp. 4.3-12
Air Quality	Production of Odors. The project would not result in significant odor impacts.	During construction, diesel-powered vehicles and equipment in use onsite would create localized odors. These odors would be temporary and not likely to be noticeable for extended periods of time much beyond the project's site boundaries. Operation of the project is not anticipated to produce any new sources of offensive odors compared to existing operations.	DEIR pp. 4.3-21

Resource	Impact	Rationale for No Impact or Less than Significant Impacts	Reference
Biological Resources The project would not conflict with the provisions of any other adopted HCP, NCCP, or other approved local, regional or state habitat conservation plan.	Conservation Plans. The project would not conflict with the provisions of any other adopted HCP, NCCP, or other approved local, regional or state habitat conservation plan.	The project is not located within or subject to any adopted habitat conservation plans.	DEIR pp. 4.4-18
Cultural Resources The project would not impact historical or unique paleontological resources.	Historical/Paleontological Resources. The project would not impact historical or unique paleontological resources.	The project site does not contain any significant historical resources, nor are any unique paleontological resources or geologic features known to be located within or associated with the project site.	DEIR pp. 4.5-5
Geotechnical Hazards The project would not expose people and structures to substantial adverse effects resulting from geologic hazards such as erosion, expansive soils, seismic shaking or liquefaction.	Exposure to Potential Hazards. The project would not expose people and structures to substantial adverse effects resulting from geologic hazards such as erosion, expansive soils, seismic shaking or liquefaction.	Proposed implementation of the recommendations identified in the geotechnical investigation for the project by the District, which includes specific design features such as site preparation, excavation, temporary slopes, shoring/bracing, subgrade preparation, engineered fill placement and compaction, pipe bedding, drainage, foundation design, and pavement design, would minimize potential geotechnical hazards.	DEIR pp. 4.6-9
Greenhouse Gases The project would have a less-than-significant impact on GHGs and would not conflict with any plans adopted for the purposes of minimizing GHG emissions.	GHG Emissions and Minimization Plans. The project would have a less-than-significant impact on GHGs and would not conflict with any plans adopted for the purposes of minimizing GHG emissions.	Operation of the project would result in an increase in annual GHG emissions that is well below the BAAQMD's CEQA GHG significance thresholds; therefore, the project would not conflict with any plans adopted for the purposes of minimizing GHG emissions.	DEIR pp. 4.7-6
Hazards and Hazardous Materials The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	Transport, Use and Disposal. The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials with required compliance with local, state, and federal regulatory requirements.	DEIR pp. 4.8-6, 4.8-7
Cortese List. The project is not located on a site that would create a significant hazard to the public or the environment.	Cortese List. The project is not located on a site that would create a significant hazard to the public or the environment.	The project is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Cortese List).	DEIR pp. 4.8-7
Airport Operations. The project would not result in a safety hazard related to airport operations.	Airport Operations. The project would not result in a safety hazard related to airport operations.	The project would not result in a safety hazard related to airport operations since no airports or airstrips are located in the area.	DEIR pp. 4.8.9
Water Quality. The project would have less-than-significant water quality impacts.	Water Quality. The project would have less-than-significant water quality impacts.	The project would not result in water quality impacts since it would incorporate best management practices consistent with the requirements of the National Pollution Discharge Elimination System (NPDES) General Construction Permit and Municipal Stormwater permit.	DEIR pp. 4.9-5, 4.9-6
Groundwater. The project would not substantially deplete groundwater supplies or interfere with groundwater recharge.	Groundwater. The project would not substantially deplete groundwater supplies or interfere with groundwater recharge.	The proposed project would not use any groundwater supplies as a water source, reduce groundwater infiltration, or otherwise interfere with groundwater recharge.	DEIR pp. 4.9-6

Resource	Impact	Rationale for No Impact or Less than Significant Impacts	Reference
	<p>Drainage. The project would not substantially alter the existing drainage pattern of the site or area, substantially increase the rate or amount of surface runoff, or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems.</p> <p>Flood Zones. The project site is not located within a 100-year floodplain and would not substantially increase the rate or amount of surface runoff from the RWTP nor would it result in flooding on- or off-site.</p>	<p>The project proposes an upgraded drainage system that would adequately manage stormwater runoff and maintain flows at pre-development levels. The project would not substantially alter the existing drainage pattern of the area, increase runoff, or contribute runoff that would exceed the capacity of any stormwater drainage systems.</p> <p>The project site is not located within a 100-year floodplain or any other flood hazard zones. The project would alter the existing layout of the RWTP, however, the general drainage patterns on the site would be maintained. The increase in impervious surfaces from the project would not substantially increase the rate or amount of surface runoff from the RWTP nor would it result in flooding on- or off-site.</p>	<p>DEIR pp. 4.9-7</p> <p>DEIR pp. 4.9-7</p>
	<p>Exposure to Flooding Risk. The project would not expose people or structures to a significant risk due to flooding from storms, levees, or dams, nor would it expose people or structures to a significant risk due to seiche, tsunami, or mudflow.</p> <p>Divide Community. The project would not physically divide an established community.</p>	<p>The project would not expose people or structures to a significant risk due to flooding from storms, levees, or dams, nor would it expose people or structures to a significant risk due to seiche, tsunami, or mudflow because the site is not located within a flood zone or other areas susceptible to the other hazards.</p>	<p>DEIR pp. 4.9-7 to 8</p>
<p>Land Use</p>	<p>Conflict with Policies. The project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project or conflict with any applicable habitat conservation plan.</p> <p>Displace People or Housing. The project would not displace housing or people.</p>	<p>The RWTP has been in operation on the site since 1968, and the proposed improvements would not create a barrier that would physically divide the neighborhood.</p> <p>The project has been designed to be consistent with the District's policies, goals, and objectives adopted for the purposes of avoiding or mitigating environmental effects. The RWTP is located outside any habitat or other conservation plan areas.</p>	<p>DEIR pp. 4.10-2</p> <p>DEIR pp. 4.10-3, 4.10-4</p>
<p>Noise</p>	<p>Exceedance of Noise Standards from Operational Traffic. The project would not impact long-term noise levels from proposed operations.</p>	<p>The project would be developed within the RWTP site and would not displace housing or people.</p> <p>Traffic generated by the upgraded RWTP would be negligible once construction is completed (from one new employee and a few additional monthly truck deliveries), and would not result in exceedance of applicable noise standards or a permanent increase in ambient noise levels.</p>	<p>DEIR pp. 4.10-4</p> <p>DEIR pp. 4.11-12</p>

Resource	Impact	Rationale for No Impact or Less than Significant Impacts	Reference
	<p>Groundborne Vibration. The project would result in a less-than-significant exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.</p>	<p>No new sources of groundborne vibration would occur from project operations. Construction activities would result in varying degrees of ground vibration, depending on the equipment used, construction activities, and the location of equipment. Based on an analysis of equipment to be used, vibration levels generated by project construction equipment would be below the 0.2 in/sec PPV criterion used to assess the potential for cosmetic or structural damage to nearby buildings within a distance of 25 feet.</p>	<p>DEIR pp. 4.11-22, 23</p>
Public Services	<p>Provision of Services. The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities.</p>	<p>Based on consultation with the police and fire providers, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities for these services. The project consists of improvements to the existing RWTP and will not affect school or recreational services.</p>	<p>DEIR pp. 4.12-2, 4.12-3</p>
	<p>Risk of Wildland Fire. The project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands</p>	<p>The proposed improvements are located on primarily on developed RWTP property within a residential area that does not contain wildlands. In addition, the project site is not located within a fire hazard zone.</p>	<p>DEIR pp. 4.12-4</p>
Traffic	<p>Traffic Increase. Construction of the project would not result in an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system. Alternative Transportation. The project would not conflict with adopted policies, plans, or programs supporting alternative transportation.</p>	<p>Construction of the project would not result in an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system, since it would not substantially degrade the LOS at study intersections or violate the City of Campbell or Town of Los Gatos Level of Service policies. The project would not conflict with adopted policies, plans, or programs supporting alternative transportation, since the RWTP improvements would not directly affect alternative modes of transportation.</p>	<p>DEIR pp. 4.13-16</p>
Utilities	<p>Water. The project would not impact water services or entitlements.</p>	<p>The project would have a minor increase in water demand on the site (e.g., irrigation) and would not adversely affect existing water supply entitlements or require new or expanded entitlements. The project would have a beneficial effect on water services by providing adequate capacity and improved treatment of public drinking water to meet existing and future demand.</p>	<p>DEIR pp. 4.13-21</p>
	<p>Wastewater. The project would not require the construction of new wastewater treatment facilities or require the expansion of existing facilities. Therefore, the project would not exceed wastewater treatment requirements of the regional RWQCB.</p>	<p>The wastewater generated by the project would be treated at the San José/Santa Clara WPCP. Given the treatment capacity at the WPCP (167 mgd), sufficient treatment capacity is available to accommodate the additional wastewater generated by the project.</p>	<p>DEIR pp. 4.14-4, 4.14-5</p>

Resource	Impact	Rationale for No Impact or Less than Significant Impacts	Reference
<p>Solid Waste. The project would not result in a determination by the wastewater treatment provider that it has inadequate capacity to serve the project's projected demand, or be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs, or not comply with federal, state, and local statutes and regulations related to solid waste.</p>	<p>Energy Use. The project would not result in the wasteful, inefficient and unnecessary consumption of energy during project construction, operation, maintenance, and/or demolition activities.</p>	<p>The project would increase solid waste production during construction from demolition debris, but would minimize this increase by the recycling/diversion of waste, resulting in a less-than-significant impact. Project operations would result in a negligible increase in solid waste production. The serving landfill would have sufficient capacity to accommodate the project's solid waste disposal.</p>	<p>DEIR pp. 4.14-5</p>
		<p>The project's relatively minor energy use, combined with the proposed energy efficiency measures, would not result in an inefficient or wasteful use of energy.</p>	<p>DEIR pp. 4.14-6</p>

III.2 Significant Environmental Impacts That Have Been Reduced to a Less-than-Significant Level

The Board hereby finds that the following significant environmental impacts can and will be mitigated to a less-than-significant level based upon the implementation of the mitigation measures in the FEIR. These findings are based on the discussion of impacts in the detailed resource area impact analyses in Section 4 of the Draft EIR., as well as relevant responses to comments and revisions in the FEIR. For each impact, the following information is presented: the CEQA finding, the applicable mitigation measure(s), the rationale for the finding, and a reference to the EIR section providing further facts and reasoning supporting the finding.

4.3 Air Quality

Impact: The project would expose existing sensitive receptors to substantial fine particle pollutant concentrations generated during construction of the project.

As discussed in Section 4.3 of the DEIR, implementation of Mitigation Measure AIR-1 would reduce this impact to a less-than-significant level.

Finding. The Board finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the above-stated significant impact. Specifically, the following mitigation measure is feasible and is hereby adopted to mitigate the above-stated significant impact to a less-than-significant level.

Mitigation Measure AIR-1. Implement Mitigation Measure AIR-1 per below.

AIR-1 The District shall implement BAAQMD Recommended Best Control Measures for reducing fugitive dust emissions during construction and include in the plans and specifications. These measures are as follows:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two or more times per day;
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered;
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited;
- All vehicle speeds on unpaved roads shall be limited to 15 mph;
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points;
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation; and

- A publicly visible sign shall be posted with the telephone number and person to contact at the District regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- In addition to the BAAQMD measures above, all haul trucks will go through the proposed built-in tire wash at the plant before exiting to the public street.

Rationale for Finding. With implementation of Mitigation Measure AIR-1, the potential exposure of sensitive receptors to air pollutants as a result of the project would be reduced to a less-than-significant level. Modeling of the fugitive dust emissions with the above mitigation in place demonstrates a maximum annual $PM_{2.5}$ concentration that is well below the BAAQMD concentration based significance threshold of 0.3 ug/m^3 .

Reference. DEIR Section 4.3.

4.4 Biological Resources

Impact: *Construction of the project would potentially impact special-status wildlife species through direct disturbance to individuals, habitat modification, and/or disturbance to active nests. Special-status species that may be impacted by valley oak woodland removal, as well as other construction activities within and adjacent to valley oak woodland habitat include the San Francisco dusky-footed woodrat (SFDFW), nesting raptors, and other nesting protected avian species. Construction of the project in proximity to the drying beds may also impact western pond turtles.*

As discussed in Section 4.4 of the DEIR, implementation of Mitigation Measures BIO-1 through BIO-4 would reduce this impact to a less-than-significant level.

Finding. The Board finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the above-stated significant impact. Specifically, the following mitigation measure is feasible and is hereby adopted to mitigate the above-stated significant impact to a less-than-significant level.

Mitigation Measures BIO-1 through BIO-4. Implement Mitigation Measures BIO-1 through and BIO-4 as per below.

BIO-1 Not more than seven (7) days prior to the start of construction (including vegetation removal) on the project site, the District biologist or a qualified biologist retained by the District shall conduct a survey of the project site to locate existing SFDFW nests. All SFDFW nests shall be mapped and flagged for avoidance. Graphics depicting all SFDFW nests shall be provided to the District. Any SFDFW nests that cannot be avoided shall be relocated according to the following procedures. The District shall submit a woodrat nest relocation plan to CDFW for review prior to any nest relocation activities. All personnel conducting relocation activities shall wear safety gear during nest relocation activities.

Areas within the valley oak woodland habitat that are outside of the proposed impact area shall be identified prior to the relocation process. These shall be referred to as the SFDFW mitigation area. Large woody material, if present, shall be relocated from areas within the valley oak woodland, where impacts are expected, to the SFDFW mitigation areas. After large woody material has been relocated to the SFDFW mitigation areas, all understory vegetation shall be cleared within the areas where impacts are expected (but the nests should not be removed at this stage). Relocation of nest material shall commence only after the large woody debris and understory has been removed.

After all cover (except the nests themselves) has been removed, each active nest shall be disturbed by the District biologist or a qualified biologist retained by the District) to the degree that SFDFW leave the nest and seek refuge elsewhere. After the nests have been disturbed, the nest sticks shall be removed from the impact areas and piled at the base of newly placed large woody material within the SFDFW mitigation area. Nests shall be dismantled during the non-breeding season (between October 1 and December 31), if possible. If a litter of young is found or suspected, nest material shall be replaced and the nest left alone for 2-3 weeks, after this time the nest would be rechecked to verify that young are capable of independent survival before proceeding with nest dismantling. The spacing distance between the newly placed piles of sticks shall not be fewer than 25 feet from each other.

BIO-2 Prior to construction activities, the District biologist or a qualified biologist retained by the District shall conduct an Employee Education Program for the construction crew. The biologist shall meet with the construction crew at the project site at the onset of each construction phase to educate the construction crew on the following:

- 1) A review of the project boundaries;
- 2) The special-status species that may be present, their habitat, and proper identification;
- 3) The specific mitigation measures that would be incorporated into the construction effort,
- 4) The general provisions and protections afforded by the USFWS and the CDFW, and;
- 5) The proper procedures if a special-status animal is encountered within the project site as determined by the District biologist or a qualified biologist retained by the District.

BIO-3 Construction activities, including ground disturbance and tree removal, that may affect nesting birds shall be timed to avoid the nesting season. Specifically, tree removal shall be scheduled after September 15 and before January 15 or at the discretion of the District biologist or a qualified biologist retained by the District. Alternatively, if construction activities or tree removal are to occur during the breeding season (January 15 through September 15), the District shall conduct surveys for active nests no more than 14 days prior to construction, and a lapse in construction related activities 15 days or longer will require another preconstruction nesting survey. If nesting birds are identified during the pre-construction surveys, a buffer shall be imposed within which no construction activities or disturbance shall take place until the young of the year have

fledged and are no longer reliant upon the nest or parental care for survival. The size of the buffer shall be determined by the District biologist or a qualified biologist retained by the District, dependent on the species and site conditions. The biologist must be onsite at a frequency required to ensure that nesting birds are not disturbed by Project activities and that nest abandonment or other potentially significant impacts do not occur. The biologist shall have the authority to halt project activities or increase the size of the buffer, if necessary to prevent or minimize impacts.

BIO-4 Prior to beginning construction or staging activities in the proximity of the drying beds, the District biologist or other qualified biologist selected by the District, shall perform a site inspection for western pond turtles. If pond turtle(s) are found in the pre-construction survey or encountered while conducting construction activities the affected turtles shall be relocated outside the construction area and into suitable habitat and a barrier system shall be installed and maintained around the affected construction area.

Rationale for Finding. Implementation of Mitigation Measures BIO-1 through BIO-4 would avoid or substantially lessen impacts to special status species during construction activities by requiring an Employee Education Program for the construction crew, preconstruction surveys and appropriate protection measures to avoid and/or preserve special status species, including SFDFW, western pond turtles, and nesting avian species, thus reducing the impact to a less-than-significant level.

Reference: DEIR Section 4.4.3.2.

Impact: *The project would impact approximately 1.9 acres of valley oak woodland habitat, a sensitive habitat. The removal of vegetation within the valley oak woodland habitat resulting from project construction is significant.*

As discussed in Section 4.4.3.3 of the DEIR, implementation of Mitigation Measure BIO-5 would reduce this impact to a less-than-significant level.

Finding. The Board finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the above-stated significant impact. Specifically, the following mitigation measure is feasible and is hereby adopted to mitigate the above-stated significant impact to a less-than-significant level.

Mitigation Measure BIO-5. Implement Mitigation Measure BIO-5 per below.

BIO-5 Prior to construction, the District, with the guidance of a District approved biologist and arborist, shall develop an Oak Woodland Mitigation Plan to be implemented by the District. This Mitigation Plan will incorporate the guidelines of the SCVHP Condition 14, Santa Clara County Planning Office's "Guide to Evaluating Oak Woodlands Impacts", the Town of Los Gatos Tree Preservation Ordinance, and the recommendations of the arborist reports contained in Appendix D (HortScience), to the extent applicable and

feasible. Details of the Oak Woodland Mitigation Plan will include the following at a minimum:

- Description of applicable guidelines from the sources listed above;
- Construction of temporary project access points as close as possible to the work area to minimize necessity for tree removal;
- Mitigation for tree removals at the ratios listed below;
- Tree replacement timing and amount of tree replacement;
- Size of replacement trees;
- Species selection;
- Tree densities and spacing;
- Enhanced habitat in the proposed restoration areas through the salvage and redistribution of coarse woody debris;
- Implementation, maintenance, and monitoring plans, and performance and success criteria.

Mitigation Ratios for Native Trees. The District will mitigate for its removal of native trees by one of two options as described below.

- Under Option 1, mitigation ratios for native trees will be calculated based on the following mitigation ratios.

Tree Replacement Ratios for Oak Woodland Restoration (Option 1)	
Size of Tree Removed (dbh, in inches)¹	Replacement Ratio (number of trees replaced to number of trees removed)
<6	3:1
6-18	4:1
>18	6:1
¹ Diameter at breast height (dbh) is defined as the diameter of the tree at breast height, or the diameter of the tree at 54 inches above existing grade.	

- Under Option 2, mitigation ratios will be based on the canopy approach in Table 3-1 of the Town of Los Gatos Tree Protection Ordinance. These ratios increase the number and size of replacement trees based on the canopy size of the removed tree.

Mitigation for Non-native Trees. To mitigate for non-native trees (ornamentals) the District will pay impact fees to the Town of Los Gatos as described in the Town of Los Gatos Tree Protection Ordinance. Non-native tree replacement ratios will be based on tree canopy size measured as the maximum distance across the canopy. The mitigation ratios would range from 3:1 to 6:1.

Tree Protection Measures. The Oak Woodland Mitigation Plan will incorporate a variety of tree protection measures, including those set forth in the arborist reports. These measures will include:

- Aligning roads and pathways outside of tree root protection zone whenever possible;
- Minimizing trenching for utility lines and other purposes within root protection zones;
- Using stem wrap to minimize damage to tree trunks;
- Avoiding stockpiling of materials within the tree critical root zones;
- Using high visibility fencing around the tree critical root zones to minimize root compaction that otherwise would be caused by parking of vehicles or equipment on top of or near these root zones;
- Conducting pruning during winter dormant period for valley and blue oaks, under the supervision of a District approved arborist.

Rationale for Finding. Implementation of Mitigation Measure BIO-5 would ensure that the project's impacts to valley oak woodland habitat are reduced through implementation of an oak woodland mitigation plan consistent with applicable local guidelines and prepared under the guidance of a District approved biologist and arborist, which includes tree replacement and tree protection measures, to ensure that the impact is reduced to a less-than-significant level. The draft mitigation plan will identify mitigation ratios, success criteria, maintenance and monitoring programs, and other details to demonstrate how the impact is reduced to a less-than-significant level.

Reference. DEIR Section 4.4.3.3.

Impact: Removal of trees in the valley oak woodland habitat could impact SDFW through individual mortality, nest destruction, and nest abandonment. In addition, removal of trees in the valley oak woodland habitat could result in significant impacts to raptors and other protected avian species through individual mortality, nest destruction, and nest abandonment.

As discussed in Section 4.4.3.4 of the DEIR, implementation of Mitigation Measures BIO-1 and BIO-3 would reduce this impact to a less-than-significant level.

Finding. The Board finds that changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the above-stated significant impact. Specifically, the following mitigation measures are feasible and are hereby adopted to mitigate the above-stated significant impact to a less-than-significant level.

Mitigation Measures BIO-1 and BIO-3. Implement Mitigation Measures BIO-1 and BIO-3 as set forth above.

Rationale for Finding. Implementation of Mitigation Measures BIO-1 and BIO-3 would avoid or substantially lessen impacts to SDFW and nesting avian species during construction activities

by requiring preconstruction surveys, monitoring by a qualified biologist, and appropriate protection measures to protect these species, thus reducing the impact to a less-than-significant level.

Reference. DEIR Section 4.4.3.4.

Impact: *The project would require the removal of 277 trees; all of the trees to be removed are defined as protected by the Town of Los Gatos Ordinance (Section 2114) and require a permit for removal as well as replacement or payment to the Town Forestry Fund.*

As discussed in Section 4.4.3.5 of the DEIR, implementation of Mitigation Measure BIO-5 would reduce this impact to a less-than-significant level.

Finding. The Board finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the above-stated significant impact. Specifically, the following mitigation measure is feasible and is hereby adopted to mitigate the above-stated significant impact to a less-than-significant level.

Mitigation Measure BIO-5. Implement Mitigation Measure BIO-5 as set forth above.

Rationale for Finding. Implementation of Mitigation Measure BIO-5 would ensure that the project's impacts to valley oak woodland habitat are reduced through implementation of an oak woodland mitigation plan consistent with applicable local guidelines and prepared under the guidance of a District approved biologist and arborist, which includes tree replacement and tree protection measures, to ensure that the impact is reduced to a less-than-significant level. The draft mitigation plan will identify mitigation ratios, success criteria, maintenance and monitoring programs, and other details to demonstrate how the impact is reduced to a less-than-significant level.

Reference. DEIR Section 4.4.3.5.

4.5 Cultural Resources

Impact: *The project could disturb archaeological resources and/or human remains if encountered during construction.*

As discussed in Section 4.5.3.2 of the DEIR, implementation of Mitigation Measures CR-1 and CR-2 would reduce this impact to a less-than-significant level.

Finding. The Board finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the above-stated significant impact. Specifically, the following mitigation measure is feasible and is hereby adopted to mitigate the above-stated significant impact to a less-than-significant level.

Mitigation Measures CR-1 and CR-2. Implement Mitigation Measures CR-1 and CR-2 as per below.

- CR-1 If, during the course of project construction, archaeological resources or human remains are encountered during construction, the District shall halt work within 20 feet of the find until a qualified professional archaeologist can evaluate it. Work shall not recommence until the project archaeologist has submitted documentation to the District (as CEQA lead Agency) and Town of Los Gatos indicating that discovered resources have been adequately salvaged and no further resources have been identified within the area of disturbance.
- CR-2 Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California, in the event of the discovery of human remains during construction, the District shall discontinue further excavation or disturbance on the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the District shall be responsible for insuring re-interment of human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

Rationale for Finding. Mitigation Measure CR-1 identifies protocol for protecting and properly curating any identified cultural resources encountered during construction, based on recommendations of a qualified archaeologist, to assure significant impacts to cultural resources would not occur. Mitigation Measure CR-2 sets forth the requirements for appropriate interment of any human remains encountered during construction, based on State requirements, to assure significant impacts to human remains would not occur. Implementation of Mitigation Measures CR-1 and CR-2 would, therefore, reduce the impacts on cultural resources to a less-than-significant level.

Reference. DEIR Section 4.5.3.2.

4.8 Hazards and Hazardous Materials

Impact: Demolition of existing buildings and structures could result in the release of asbestos and lead-based paint, posing a risk to the environment and public health.

As discussed in Section 4.8.3.3 of the DEIR, implementation of Mitigation Measure HAZ-1 would reduce this impact to a less-than-significant level.

Finding. The Board finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the above-stated significant impact. Specifically, the following mitigation measure is feasible and is hereby adopted to mitigate the above-stated significant impact to a less-than-significant level.

Mitigation Measure HAZ-1. Implement Mitigation Measure HAZ-1 as per below.

HAZ-1 The District shall retain a qualified professional to perform the following before and during demolition activities:

1. Test for and remove all potentially friable asbestos-containing materials in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to building demolition or renovation activities that may disturb the materials. All demolition activities must be undertaken in accordance with Cal/OSHA standards contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations.
2. During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1. Required safety measures shall be adhered to, including employee training and employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the waste being disposed.
3. During demolition activities, a qualified professional shall inspect all potential sources of PCBs and remove and dispose of them in accordance with all regulatory requirements.

Rationale for Finding. Implementation of Mitigation Measure HAZ-1 would substantially lessen the release of asbestos and lead-based paint during demolition and construction activities, by requiring survey and removal of any asbestos materials, lead-based paint, and PCBs onsite by a qualified professional, thus reducing potential risks to the environment and public health to a less-than-significant level.

Reference. DEIR Section 4.8.3.3.

4.11 Noise - Operations

Impact: *Operation of the RWTP with the proposed improvements in place would result in exposure of persons (nearby residents) to noise levels in excess of standards*

established by the Town of Los Gatos. Operational noise would also result in a significant permanent increase in noise levels above the existing noise level at some residences along Capistrano Place/Granada Way.

As discussed in Section 4.11.3.2 of the DEIR, implementation of Mitigation Measure NSE-1 would reduce this impact to a less-than-significant level.

Finding. The Board finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the above-stated significant impact. Specifically, the following mitigation measure is feasible and is hereby adopted to mitigate the above-stated significant impact to a less-than-significant level.

Mitigation Measure NSE-1. Implement Mitigation Measure NSE-1 as per below.

NSE-1 Final project design plans and specifications shall incorporate noise control measures to reduce operational noise levels to 43 dBA L_{eq} (Town of Los Gatos' noise limit for weekend nighttime hours) or less at all adjacent residential property lines. Possible noise control measures include the use of a combination of parapet walls, enclosures/housing for noisier equipment, selection of 'quiet' equipment, locating enclosure openings, venting, etc., away from residences, and/or the construction of noise barriers. The District shall retain a qualified acoustical consultant to prepare and implement the recommendations of a project-level noise analysis based on the final design plans, to identify the specific controls necessary to reduce operational noise levels to 43 dBA L_{eq} or less. The District would perform post-construction noise monitoring one time after the project is completed to ensure compliance with the Town of Los Gatos' noise limit at the closest residential property line. Additional noise controls would be implemented as necessary to reduce noise levels to 43 dBA or less if the results of the noise measurements show that operational noise levels exceed the limit.

Rationale for Finding. Implementation of Mitigation Measure NSE-1 requires noise control measures to decrease operational noise levels to a less-than-significant level by reducing noise levels to below the Town of Los Gatos' noise limit of 43 dBA L_{eq} at all times. A qualified acoustical consultant would prepare and implement the recommendations of a project-level noise analysis based on the final design plans, to identify the specific controls necessary to reduce operational noise levels to 43 dBA L_{eq} or less. With inclusion of this mitigation, noise increases would be 1 dBA DNL or less at all nearby noise sensitive land uses (i.e., residences), which represents a less-than-significant increase in ambient noise levels.

Reference. DEIR Section 4.11.3.2.

4.13 Traffic and Circulation

Impact: Traffic hazards in the project area include limited sight distances along More Avenue due to the hills and curves along the main upper entrance and lower entrance. Project construction would generate additional traffic including larger slower trucks. The additional traffic generated by project construction would increase the risk of traffic accidents due to the insufficient sight distance on More Avenue.

As discussed in Section 4.13.3.5 of the DEIR, implementation of Mitigation Measure NSE-1 would reduce this impact to a less-than-significant level.

Finding. The Board finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the above-stated significant impact. Specifically, the following mitigation measure is feasible and is hereby adopted to mitigate the above-stated significant impact to a less-than-significant level.

Mitigation Measure TRF-1 and TRF-2. Implement Mitigation Measures TRF-1 and TRF-2 as per below.

TRF-1 The District shall develop final site plans that relocate the main (upper) entrance to More Avenue to improve the sight distance. At the upper main gate, the access point shall be relocated a short distance to the south where the driveway intersects More Avenue.

TRF-2 The District shall implement the following improvements along More Avenue and incorporate into final site plans and specifications, subject to District and Town of Los Gatos concurrence:

1. Add warning signs, speed feedback signs, and other appropriate signage as part of a specific sign package to be approved by the Town of Los Gatos. The sign package would provide prominent warning signs informing drivers on More Avenue that there are driveways ahead that cannot be seen. New signs stating "Caution Hidden Driveway," "Blind Driveway Ahead," or similar language, and signs posting the 25 mph speed limit before both entrances would be part of the proposed sign package to be approved by the Town of Los Gatos.

Rationale for Finding. Implementation of Mitigation Measure TRF-1 would eliminate the sight distance problem at the main entrance and allow drivers to see northbound cars that are now "invisible" while they are in the dip south of the entrance, and Mitigation Measure TRF-2 would require implementing a traffic sign package to warn drivers of there are driveways ahead that cannot be seen. With the implementation of these mitigation measures, the project impact on traffic hazards during construction would be reduced to a less-than-significant level.

Reference. DEIR Section 4.13.3.5.

III.3 Significant Environmental Impacts That Cannot Be Avoided or Reduced to a Less-than-Significant Level

III.3.1 Introduction

The Board hereby finds that the following significant environmental impacts cannot be feasibly avoided or substantially lessened. These findings are based on the discussion of impacts in the detailed resource area impact analyses in Section 4 of the DEIR and construction noise cumulative impacts discussion in Section 5 of the DEIR. For each impact, the following information is presented: the CEQA finding, feasible mitigation measure(s) that would reduce the impact but not to less-than-significant levels, the rationale for the finding, and a reference to the DEIR section providing further facts and reasoning supporting the finding.

III.3.2 Noise - Construction

Impact: Construction of the project would substantially increase noise levels in the surrounding residential area, resulting in a temporary increase in ambient noise levels. Onsite construction activities and construction traffic would cause significant temporary noise increases at nearby sensitive receptors for a period of 5-7 years.

As discussed in Section 4.11.3.2 of the DEIR, implementation of Mitigation Measures NSE-2 and NSE-3 would reduce this impact, but not to a less-than-significant level.

Finding. The Board finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the above-stated significant impact. Specifically, the following mitigation measures are feasible and hereby adopted to mitigate the above-stated significant impact but not to a less-than-significant level. No feasible mitigation is available to reduce this impact to a less-than-significant level.

Mitigation Measures NSE-2 and NSE-3. Implement Mitigation Measures NSE-2 and NSE-3 as per below.

NSE-2 The District shall retain a qualified acoustical consultant to develop a Construction Noise Mitigation Plan, and include it in the final construction plans and specifications. The District shall also retain a qualified acoustical consultant to be on-call during the construction phase to assist the contractor in complying and adaptively responding to any noise issues that may arise. *The Construction Noise Mitigation Plan shall incorporate the following controls to reduce construction noise levels:*

- Indicate the requirement to minimize construction noise impacts at pre-bid conferences. Potential contractors should be requested to submit information on their noise management procedures, and to demonstrate a successful track record of construction noise management on prior projects.

- Construct or utilize temporary noise barriers (ready-made solutions by the acoustical industry or constructed onsite by the contractor) to shield on-site construction and concrete demolition noise from nearby receptors. To be most effective, the barrier should be placed as close as possible to the noise source or the sensitive receptor. Examples of barriers include portable acoustically lined enclosure/housing for specific equipment (e.g., jackhammer and pneumatic-air tools, which generate the loudest noise), temporary noise barriers (e.g., solid plywood fences or portable panel systems, minimum 8 feet in height), and/or acoustical blankets. The portable enclosure/housing can be constructed with noise control curtains and lightweight frame structure, with a small door or opening facing away from sensitive noise receptors, and fastened with Velcro. Acoustical blankets or curtains would be set up on a supporting structure, such as a cyclone-type fence or on guy-wire strung between temporary supports. At a minimum, temporary noise barriers shall be installed for any construction activity located within 50 feet of residences and for any use of the hydraulic breaker or wrecking ball within 100 feet of residences.
- Require all equipment driven by internal combustion engines be equipped with mufflers, which are in good condition and appropriate for the equipment.
- Require use of "quiet" models of air compressors and other stationary noise sources where technology exists.
- Prohibit unnecessary idling of internal combustion engines.
- Establish construction staging areas at locations that would create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- Locate stationary noise sources as far from sensitive receptors as feasible. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) would be used as necessary to comply with local noise ordinance limits. Any enclosure openings or venting would face away from sensitive receptors.
- Locate material stockpiles as well as maintenance/equipment staging and parking areas as far as feasible from residential receptors.
- Notify neighbors located adjacent to the construction site of the construction schedule in writing.
- The District shall designate its Construction Manager for the project or assign a District staff person as liaison with the community to be responsible for responding to noise complaints during the construction phase. The name and phone number of the liaison shall be conspicuously posted at construction areas and on all advanced notifications. This person shall take steps to resolve complaints, including periodic noise monitoring. Results of noise monitoring shall be presented at regular project meetings with the project contractor, and the liaison shall coordinate with the

contractor to modify any construction activities that generated excessive noise levels to the extent feasible.

- The District shall institute a reporting program that documents complaints received, actions taken to resolve problems, and effectiveness of these actions.
- The District and its Construction Manager shall hold a preconstruction meeting with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, construction schedule, and noise coordinator) are completed. Weekly reports shall be forwarded to the District Planner and District Outreach staff for review and compliance with the Town of Los Gatos Noise Ordinance and noise monitoring program (see above).

NSE-3 The District shall limit weekend construction activities as follows:

- No Sunday construction permitted.
- No construction except within buildings on Saturdays.
- No construction truck or tractor work on the outside of buildings on Saturdays (dump trucks, backhoes, jackhammers, or any motorized equipment, etc.).
- No outside construction lighting or outside generators to operate on Saturdays (except regular security lighting or regular safety lighting).

Rationale for Finding. Implementation of Mitigation Measures NSE-2 and NSE-3 would reduce construction noise impacts but not to a less-than-significant level. On-site construction activities could exceed 60 dBA L_{eq} and increase ambient noise levels at residences by more than 5 dBA L_{eq} for a period of 5 to 7 years (see Section 4.11.3.2). Off-site construction traffic would generate increase traffic noise levels by up to 11 dBA during the peak hours at some residences (see Section 4.11.3.2).

A list of a series of reasonable and feasible noise control measures implemented during construction as set forth in Mitigation Measures NSE-2 and NSE-3 would reduce on-site construction noise levels by 5 to 15 dBA as received by residences, but would still exceed the Town's noise standard of 60 dBA. These measures would not reduce off-site construction traffic noise.

Mitigation of off-site construction truck noise would require development of temporary noise barriers at residential property lines along streets in the project vicinity. This is not considered feasible mitigation due for the following reasons:

- 1) The barriers could partially block or restrict access to residential driveways and other entry points, creating traffic, parking, and related environmental concerns.
- 2) The barriers would impact views from existing residences for a period of several years, creating visual/aesthetic impacts.
- 3) The barriers may prove technologically infeasible at some locations due to site conditions and staging along roadways.

No other feasible mitigation measures are available to further reduce the construction noise impacts. Even with the implementation of feasible mitigation, noise levels from on-site construction activities could exceed 60 dBA L_{eq} and ambient noise levels at residences by more than 5 dBA L_{eq} for a period of 5 years or more. As a result, the impact from on-site construction and construction traffic would be significant and unavoidable.

Conclusion. For the above reasons, the construction noise impacts associated with the project would remain significant and unavoidable at nearby residences.

Reference. DEIR Section 4.11.3.2.

III.3.3 Cumulative Impacts – Construction Noise

Impact: *Onsite construction/demolition activities and construction traffic would result in a substantial temporary increase in ambient noise. The project's incremental contribution to significant cumulative construction noise impacts would be cumulatively considerable.*

Implementation of Mitigation Measures NSE-2 and NSE-3 would reduce this impact but not to a less-than-significant level.

Finding. The Board finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the above-stated significant impact. Specifically, the following mitigation measures are feasible and are hereby adopted to mitigate the above-stated significant impact but not to a less-than-significant level. No feasible mitigation is available to reduce this impact to a less-than-significant level.

Mitigation Measures NSE-2 and NSE-3. Implement Mitigation Measures NSE-2 and NSE-3 as set forth above.

Rationale for Finding. Implementation of Mitigation Measures NSE-2 and NSE-3 would reduce construction noise impacts, but the project's incremental contribution to significant cumulative construction noise impacts would remain cumulatively considerable and thus significant. For further explanations, see discussion above in III.3.2.

Reference. DEIR Sections 4.11.3.2 and 5.2.

IV. Finding on Growth-Inducing Impacts

According to State CEQA Guidelines §15126.2(d), an EIR must discuss the growth-inducing impacts of a project. Specifically, an EIR must discuss ways in which the project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. This discussion is presented in Section 5.1 of the DEIR.

Finding. The Board finds that the project would not induce substantial unplanned population growth in the region, would not generate a substantial demand for new housing, and would not remove an obstacle to growth. Therefore, the project would not be growth-inducing.

Rationale for Finding. A project may induce growth by creating jobs that attract economic or population growth to the area, promoting the construction of homes that would bring new residents to the area, or removing an existing obstacle that impedes growth in the area.

The Project would result an increase in capacity of the RWTP from 80 mgd to 100 mgd. This increase in capacity is intended to serve existing and planned future growth in service demand. The proposed increase in capacity was identified in the District's 2012 Water Supply and Infrastructure Master Plan (WSIMP) in its baseline conditions to meet anticipated water demand. These improvements would not indirectly induce growth, but accommodate existing planned growth under existing regional projections based on growth in the service areas and the projections developed by ABAG. Although the project would indirectly support growth by providing additional reliability and capacity, it would serve future projected water demand and would not support growth in excess of regional population projections, since the District's UWMP water demand projections were based on ABAG's population projections through 2035. The project, therefore, would not provide service capacity beyond that required to serve planned and projected development and growth as set forth in adopted general plans and regional population projections. In addition, the project enables the District to more reliably meet current and future demands. Without the project, the District system would be less reliable and have an increased risk of water supply shortages during peak demand periods.

Reference: DEIR Section 5.1.

V. Findings on Project Alternatives

Public Resources Code § 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives...which would substantially lessen the significant environmental effects of such projects." As described in Section III, "feasible" means "capable of being accomplished in a reasonable period of time taking into account economic, environmental, legal, social, and technological factors" (CEQA Guidelines §15364). The concept of feasibility also encompasses whether a particular alternative promotes the project's underlying goals and objectives, and whether an alternative is impractical or undesirable from a policy standpoint. See *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957.

The issue of alternatives feasibility arises twice in the CEQA process, once when the EIR is prepared, and again when CEQA findings are adopted. When assessing feasibility in an EIR, the EIR preparer evaluates whether an alternative is "potentially" feasible. Potentially feasible alternatives are suggestions by the EIR preparers which may or may not be adopted by lead agency decisionmakers. When CEQA findings are made after EIR certification, the lead agency decisionmaking body independently evaluates whether the alternatives are actually feasible, including whether an alternative is impractical or undesirable from a policy standpoint. See *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957.

If a significant impact can be substantially lessened (i.e., mitigated to a less than significant level) by adoption of mitigation measures, lead agency findings need not consider the feasibility of alternatives to reduce that impact. See *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515. Nevertheless, Chapter 6.0 of the EIR and these Findings of Fact do consider the ability of potentially feasible alternatives to substantially reduce all of the project's significant impacts, even those impacts reduced to less-than-significant levels through adoption of mitigation measures.

VI.1 Alternatives Considered in Detail in the EIR¹

VI.1.1 No Project/No Build Alternative

Description. CEQA requires the discussion of the No Project Alternative "to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project." The No Project Alternative represents the "no build" scenario in which the site is left in its current condition (per CEQA Guidelines Section 15126.6(e)(3)) and the existing treatment plant continues to operate in its current configuration and capacity.

Comparative Impacts. The No Project Alternative would avoid the adverse and beneficial effects of the proposed project. The No Project Alternative would avoid the significant environmental impacts of the project, which include certain impacts on air quality, biological resources, cultural resources, hazardous materials, noise, and traffic. As described in previous chapters, all of the above impacts, with the exception of the construction noise impact, can be reduced to a less-than-significant level under the project scenario with measures identified in this EIR. Although the No Project Alternative would avoid all of the significant environmental impacts of the proposed project as described above, it would fail to meet the basic project objectives as described in Section I.3.

Finding/Rationale: The Board hereby finds that specific economic, legal, social, or other considerations make this alternative infeasible. Specifically, the Board hereby finds that this alternative is infeasible and rejects this alternative for the following separate and independent reasons:

- Compared to the proposed project, this alternative would have substantially impaired ability to meet the following basic project objectives described in Section I.3, including:
 - Upgrades to the water treatment facility to improve drinking water quality and ensure reliable service for existing and future demand.
 - Upgrades to the water treatment plant to meet seismic code.

Reference: EIR Section 6.4.

¹ The EIR also described and briefly evaluates several preliminary "engineering alternatives" considered early in the Planning Study leading to development of the proposed project. See EIR Section 6.3.1.

V1.1.2 Reduced Project Alternative

Description. This alternative was developed to determine whether a reduced size alternative could avoid or reduce some of the project's significant adverse impacts. The Planning Study for the Rinconada Water Treatment Plant Reliability Improvement Project evaluated six alternative treatment options on the site. For the purposes of the EIR, Alternative 6 of the Planning Study was selected as the Reduced Project Alternative because it maintains and refurbishes the four existing upflow clarifiers on the site and reduces demolition activities. By requiring less demolition, the Reduced Project could possibly reduce noise and air pollutant emissions associated with demolition and possibly decrease truck trips required to remove construction debris. Alternative 6 was chosen over Alternative 5 (which also maintains the existing upflow clarifiers) because Alternative 6 uses raw water ozonation rather than settled ozonation, which is the preferred treatment by the District. The Reduced Project Alternative would use raw water ozonation. Carbon dioxide would be added to the raw water to stabilize the pH. Chlorine and ammonia would also be utilized. The existing four upflow clarifiers would be refurbished and their mechanical components would be replaced. An additional fifth clarifier would be added to increase the plant's capacity to 100 mgd. The raw water would enter a new ozone contactor located on the north side of the plant. The ozonated water would then be conveyed to the five upflow clarifiers followed by filtration. Filtered water would be dosed with chlorine before it enters the clearwell. Ammonia would be added to the clearwell effluent to form chloramine. Other facilities added under this alternative include the ozone generation and calcium thiosulfate building, a carbon dioxide facility, a LOX facility, a filter-to-waste facility, and a washwater clarification facility.

Comparative Impacts. The Reduced Project Alternative could potentially reduce some of the environmental impacts of the proposed project associated with reducing the number of structures that require demolition and related noise and air pollution emissions. This alternative could also reduce traffic during construction by requiring less debris removal. However, this alternative was evaluated extensively in the 2012 Planning Study and ranked fifth of the six alternatives evaluated. This alternative would have the following major disadvantages:

- Frequent shutdowns (during construction) and long capacity reductions²
- Diminished plant capacity during construction staging
- Lowest capacity to handle water quality variations
- Increased complexity of operation and control due to upflow clarification
- Lowest mechanical reliability
- Highest concrete usage
- Longest construction duration

In addition, seismically retrofitting the existing clarifier structures was considered to be less effective than entirely new construction. Although this alternative could slightly reduce environmental impacts associated with reduced demolition, it would still result in significant and unavoidable noise impacts during construction.

² Long plant capacity reductions would occur during development of this alternative since the plant would have extended periods when it would operate with only 2 - 3 of the 4 clarifiers during retrofitting.

Finding/Rationale: The Board hereby finds that specific economic, legal, social, or other considerations make this alternative infeasible. Specifically, the Board hereby finds that this alternative is infeasible and rejects this alternative for each of the following independent reasons:

- The alternative would not avoid or substantially lessen any of the proposed project's significant impacts.
- This alternative is impractical and undesirable from a policy standpoint because compared to the proposed project, it would result in frequent shutdowns, diminished plant capacity during construction staging, less capacity to handle water quality variations, more complex operations, less mechanical reliability, higher concrete usage, and a longer construction duration.. See EIR Section 6.5.3.

Reference. EIR Section 6.5.

VI.2 Alternatives Rejected as Infeasible in the EIR

In addition to the alternatives described above, the DEIR considered an Offsite Alternative and rejected it as infeasible.

Description. CEQA Section 15126.6(f)(2) identifies the criteria for evaluating alternative locations. Because the basic objectives of the project involve upgrading the existing water treatment plant, any alternative involving a different location would not meet the basic project objectives.

Also, this is not a feasible alternative, as the District would not be able to accomplish this alternative within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors as described further below. Developing a new water treatment plant at a different location would require finding an available property that is sufficiently large and sited to meet the hydraulic requirements necessary to serve the water retail customers. Development on an offsite location would require 1) land acquisition, 2) construction of the necessary new infrastructure, new buildings for operations and maintenance, new parking areas, new raw water and treated water pipelines, and new treated water storage, 3) obtaining all the necessary environmental and other permits for the use at a new location, and 4) an extended schedule to develop a new plant offsite.

Finding/Rationale: The Board hereby finds that specific economic, legal, social, or other considerations make this alternative infeasible. Specifically, the Board hereby finds that this alternative is infeasible and rejects this alternative for each of the following independent reasons:

- Because the basic objectives of the project involve upgrading the existing water treatment plant, any alternative involving a different location would not meet the basic project objectives.
- The alternative would create worse environmental impacts than the proposed project, and economic cost related to an alternative location would be far greater than renovating the

plant on its current site, making it economically infeasible because the much higher cost would make it infeasible to implement the alternative.

Reference: EIR Section 6.3.2.

VII. Absence of Significant New Information

The FEIR consists of two documents: the Draft EIR and the Final EIR. The FEIR includes comments made on the DEIR, responses to those comments, minor revisions to the DEIR text in response to comments, and other information. NOTE:

The comments, responses, and minor revisions to the DEIR text do not amount to significant new information, because they do not include identification of new or worsened significant impacts associated with the project or mitigation measures, or new potentially feasible project alternatives or mitigation measures considerably different from others previously analyzed that warrant consideration.

The Board hereby finds that responses to comments made on the DEIR and the minor revisions to the DEIR text merely clarify, amplify, or make insignificant modifications in an adequate EIR, and that this information is not "significant" within the meaning of CEQA Guidelines §15088.5. The Board further finds that incorporating the responses to comments and the minor revisions to the DEIR text does not deprive the public of a meaningful opportunity to comment on the proposed project or its effects, and that no information has been added to the EIR that would warrant recirculation of the DEIR pursuant to CEQA Guidelines §15088.5. This finding is based upon all the information presented in the FEIR and the record of proceedings.

VIII. Statement of Overriding Considerations

VIII.1 Introduction

Section 15093 of the CEQA guidelines states:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable.
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reason to support its actions based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

This Statement of Overriding Considerations describes the economic, social, and other benefits of the project to support the decision to proceed with the project notwithstanding its significant unavoidable impacts.

VIII.2 Impacts that Remain Significant

After implementation of the mitigation measures adopted above, most of the significant adverse impacts associated with the project would be reduced to a less-than-significant level. However, one impact would remain significant and unavoidable following the implementation of identified mitigation measures. Unavoidable adverse impacts are listed below. Section III.3 describes in detail each significant unavoidable impact, feasible mitigation measures, and why it cannot be reduced to less-than-significant levels.

VIII.2.1 Exposure of Residents to Increased Construction Noise Levels. Construction of the project would substantially increase noise levels in the surrounding residential area, resulting in a temporary increase in ambient noise levels. Onsite construction activities and construction traffic would cause significant temporary noise increases at nearby sensitive receptors for a period of 5-7 years. Implementation of Mitigation Measures NSE-2 and NSE-3 would reduce this impact, but not to a less-than-significant level.

VIII.2.2 Cumulative Noise Impacts. Onsite construction/demolition activities and construction traffic would result in a substantial temporary increase in ambient noise. The project's incremental contribution to significant construction noise impacts would be cumulatively considerable. Implementation of Mitigation Measures NSE-2 and NSE-3 would reduce this impact but not to a less-than-significant level.

VIII.3 Overriding Considerations Justifying Project Approval

Having adopted all feasible mitigation measures, rejected as infeasible alternatives to the project discussed above, and identified all significant and unavoidable impacts, the Board hereby balances the benefits of the project against its significant and unavoidable impacts, and hereby finds that the project's benefits outweigh and override its significant and unavoidable impacts. The Board finds that each of the project benefits set forth below outweighs the project's significant and unavoidable impacts. Each benefit set forth below constitutes an overriding consideration warranting approval of the project, and is supported by substantial evidence presented in the EIR.

1. The project was chosen as the best alternative after extensive review of six alternatives during a two-year Planning Study period. The Planning Study concluded that the project offered the best treatment in terms of water quality and operation with the fewest number of unknowns. In addition, the proven, successful use of this treatment train at the Alameda County Water District (to treat South Bay Aqueduct water) provided strong reassurance that this treatment process would be the most effective option for the RWTP.

2. The proposed project would improve the RWTP's ability to treat potable water supply to meet the drinking water standards for disinfection, disinfection by-products, and constituents regulated under current and anticipated California drinking water standards.
3. The proposed project would have the benefit of improving the reliability of water supply by clearly achieving the objectives identified below:
 - Provide a water process train that a) enables the plant to produce treated water that is aesthetically pleasing and complies with current and reasonably anticipated regulations, b) is adaptable for addressing emerging contaminants under a wide range of source water quality scenarios, and c) is cost-effective, environmentally sustainable, and operator-friendly.
 - Improve overall plant reliability by addressing seismic vulnerability and increasing the plant's peaking factor;
 - Implement in a single stage to minimize overall costs, reduce impacts to the RWTP's neighborhood, and maintain plant operations during construction; and
 - Minimize stranded costs (i.e., costs associated with temporary facilities).

IX. Mitigation Monitoring and Reporting Program

The Board finds that a Mitigation Monitoring and Reporting Program (MMRP) for the project has been prepared and adopted concurrently with these findings. (Public Resources Code, § 21081.6(a)(1).)

X. Custodian of Records

The documents and other materials that constitute the record of proceedings on which the proposed project findings are based are located at the District's Headquarters Building, 5750 Almaden Expressway, San Jose, CA. The custodian for these documents is Michael Coleman, Associate Planner. This information is provided in compliance with Public Resources Code §21081.6(a)(2) and CEQA Guidelines §15091(e).

**BOARD OF DIRECTORS
SANTA CLARA VALLEY WATER DISTRICT**

RESOLUTION NO. 15-10

**APPROVING THE ENGINEER'S REPORT FOR THE RINCONADA
WATER TREATMENT PLANT RELIABILITY IMPROVEMENT PROJECT**

WHEREAS, the Santa Clara Valley Water District (District) has been duly and regularly established and exists pursuant to the provisions of the Santa Clara Valley Water District Act; and

WHEREAS, the Rinconada Water Treatment Plant Reliability Improvement Project (proposed Project) is included in the Board-approved Fiscal Year 2015-19 Capital Improvement Program; and

WHEREAS, on the 12th day of June 2012, the Santa Clara Valley Water District's Engineer presented the Planning Study Report, titled "Rinconada Water Treatment Plant Reliability Improvement Project Planning Study Report," and dated May 2012, to the Board of Directors, containing information in regard to a work of improvement for the proposed Project; and

WHEREAS, on the 9th day of December, 2014, this Board of Directors set a time and place for a public hearing on the Engineer's Report to take place on the 27th day of January 2015, at 6:00 p.m., at the Santa Clara Valley Water District, 5750 Almaden Expressway, San Jose, California; and

WHEREAS, notice of the time and place of said public hearing was duly given and published pursuant to law; and

WHEREAS, on the 27th day of January 2015, the Santa Clara Valley Water District's Engineer presented the Engineer's Report dated December 2014 to the Board of Directors containing:

1. A general description of the proposed Project;
2. A general description of and maps showing the location of the proposed Project and lands, rights of way, and easements required therefor; and
3. An estimate of the cost of the proposed Project and means of financing these costs.

WHEREAS, on said 27th day of January 2015, at the time and place as set by the Board of Directors a public hearing was duly held.

NOW, THEREFORE, be it resolved by the Board of Directors of the Santa Clara Valley Water District:

SECTION 1

That all comments including all written and oral objections to the proposed Project have been heard and considered;

SECTION 2

That this Board hereby approves said Engineer's Report for a work of improvement for the Rinconada Water Treatment Plant Reliability Improvement Project—Project No. 93294057;

SECTION 3

That the Engineer of this District has estimated the current cost of the Project is \$258 million and that this Board hereby determines that said Project is for the benefit of North County (W-2) Zone and further determines that the cost thereof shall be borne by Zone W-2.

PASSED AND ADOPTED by the Board of Directors of Santa Clara Valley Water District by the following vote on January 27, 2015:

- AYES: Directors Estremera, Santos, Hsueh, Keegan, Kennedy, LeZotte
- NOES: Directors None
- ABSENT: Directors Kremen
- ABSTAIN: Directors None

SANTA CLARA VALLEY WATER DISTRICT



Dennis Kennedy

By: ~~Vice Chair/Board of Directors~~
for GARY KREMEN
Chair/Board of Directors

ATTEST: MICHELE L. KING, CMC


Clerk/Board of Directors

Rinconada Water Treatment Plant Reliability Improvement Project



Engineer's Report

Water Utility Capital Division

December 2014



RINCONADA WATER TREATMENT PLANT RELIABILITY IMPROVEMENT PROJECT

PROJECT NO. 93294057

ENGINEER'S REPORT

Prepared By:

Mike Munson, P.E.
Engineering Unit Manager

Under the Direction of:

Katherine Oven, P.E.
Deputy Operating Officer

Angela Cheung, P.E.
Deputy Operating Officer

Jim Fiedler, P.E., D.WRE
Chief Operating Officer

Beau Goldie
Chief Executive Officer

The Engineer's Report has been prepared under the direct supervision of the undersigned, who hereby certifies that he/she is a Registered Civil Engineer in the State of California



December 2014

DISTRICT BOARD OF DIRECTORS

Dennis Kennedy
Barbara Keegan
Richard P. Santos
Linda LeZotte

District 1
District 2
District 3
District 4

Nai Hsueh
Tony Estremera, Board Chair
Brian Schmidt, Vice Chair

District 5
District 6
District 7

1. PROJECT DESCRIPTION

The proposed Project is located at the District's Rinconada Water Treatment Plant (RWTP) at 400 More Avenue in Los Gatos (see Figures 1 and 2 for project location).

The objectives of this project are to extend the useful life and increase the reliability of the RWTP by replacing and upgrading the plant's primary process components.

The Project meets the following objectives:

1. Improves overall plant reliability by increasing the plant capacity to 100 MGD;
2. Uses the latest technology for day-to-day operations;
3. Provides treatment process improvements that enable the plant to produce water that complies with anticipated future water quality regulations and more effectively controls taste and odors;
4. Includes fluoridation;
5. Is adaptable for addressing emerging contaminant regulations, under a wide range of source water quality;
6. Is more cost-effective and environmentally sustainable;
7. Can be constructed in a single project to reduce impacts on plant operations and the neighborhood;
8. Minimizes costs associated with temporary facilities.

As discussed in the June 2012 Planning Study Report, staff has identified and evaluated four Project alternatives and recommended the Project with the following key project elements:

1. Addition of raw water ozonation to the existing water treatment process;
2. Replacement of the upflow clarifiers with conventional flocculation and sedimentation with plate settlers;
3. Replacement and expansion of the filter system;
4. Addition of new raw water controls, CO₂ and hypochlorite storage and metering, and a chlorine contact basin.

The proposed Project is required to ensure that the treatment plant can continue to efficiently and reliably provide potable water to water retailers, businesses, and residents within the District's service areas.

2. ZONE BENEFITS

All of the proposed Project work will benefit only customers of Zone W-2 (North County).

3. PROJECT RIGHT OF WAY

As work on the proposed Project will occur within the District-owned RWTP site, no additional right of way will be required.

4. MAPS AND FIGURES

See attached Figures 1 and 2 at the end of the report.

5. PROJECT COSTS

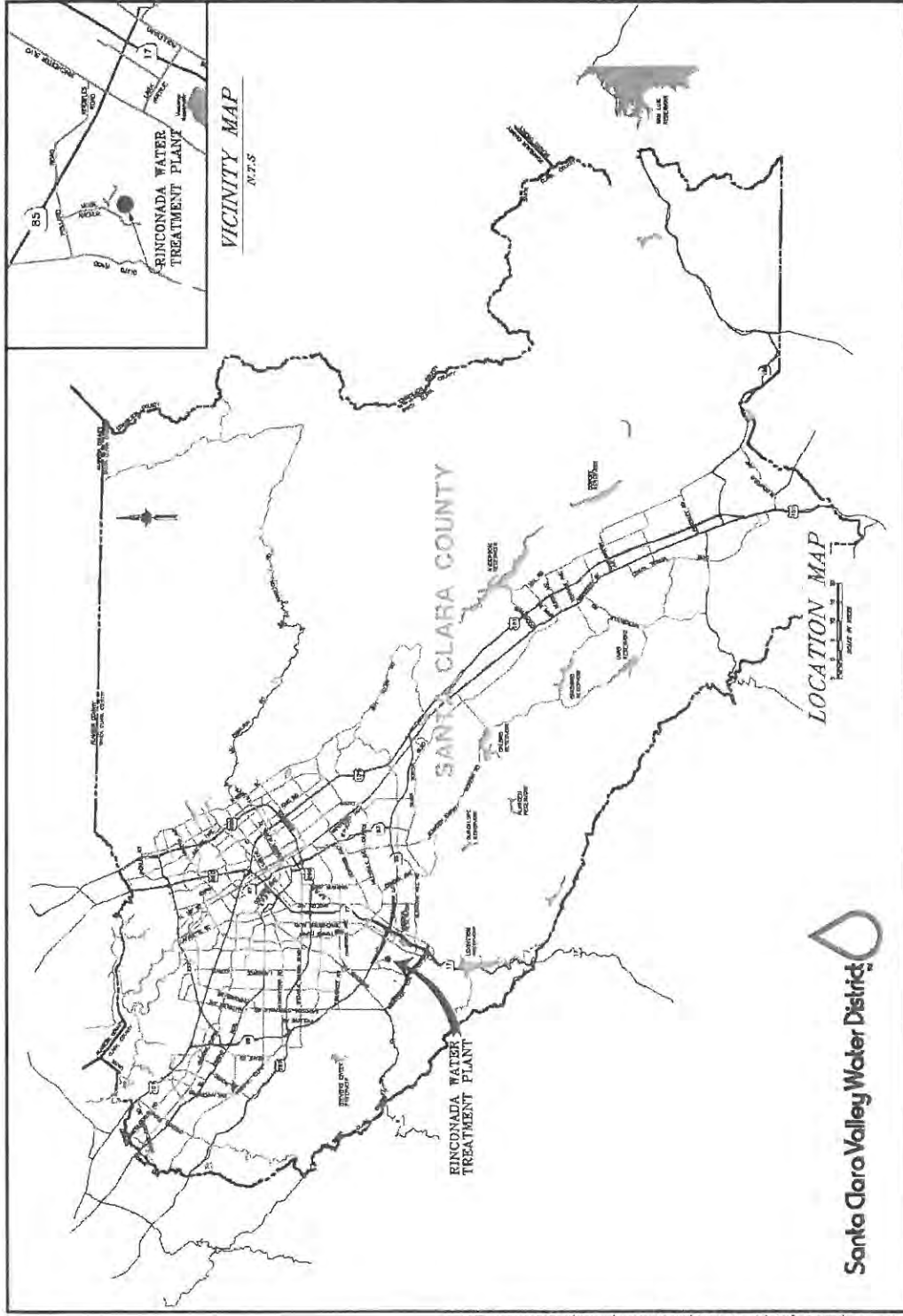
The estimated cost to design and construct the proposed Project is \$258 million (in 2014 dollars) which is within the total planned expenditures in the approved Fiscal Year 2015-19 Capital Improvement Program.

The proposed Project would be funded by the Water Enterprise Fund, with 100 percent of the costs allocated to Zone W-2 (North County).

6. LIST OF MAPS AND FIGURES

Figure 1 – Project Location and Vicinity Map
Figure 2 – Rinconada Water Treatment Plant

(Remainder of page intentionally left blank)



FILENAME: K:\Active Projects\MP-93084009\WTP 10 Mod\A\SHEETS\SH-T-9_5x11_FINAL.DWG

Figure 1 – Location and Vicinity Maps

LEGEND OF NEW FACILITIES

- | | | |
|---------------------------------------|----------------------------------|---|
| 1. RAW WATER OZONE CONTACTOR | 8. OPEN SPACE | 15. HYDROFLUOSILICIC ACID |
| 2. CARBON DIOXIDE | 9. SHADE STRUCTURE AND PATIO | 16. ELECTRICAL EQUIPMENT |
| 3. FLOCCULATION AND PLATE SETTLERS | 10. FILTERS | 17. SOLIDS HANDLING FACILITY (SEPARATE PROJECT) |
| 4. FLASH MIX AREA | 11. GATE | 18. NEW CONNECTOR ROAD |
| 5. LIQUID OXYGEN FACILITY | 12. FLOW CONTROL VALVE AND METER | 19. STORM WATER DETENTION BASIN |
| 6. OZONE BLDG. AND CALCIUM THOSULFATE | 13. FILTER-TO-WASTE BASIN | |
| 7. CHLORINE CONTACT TANK | 14. ELECTRICAL EQUIPMENT | |



Figure 2 – Graphic Rendering of Proposed Facilities to be constructed in Reliability Improvement Project at Rinconada Water Treatment Plant

THIS PAGE INTENTIONALLY LEFT BLANK



Public hearing notice

Topic: Rinconada Water Treatment Plant Reliability Improvement Project

Who: Santa Clara Valley Water District

What: Public hearing on the Engineer's Report

When: January 27, 2015
Item is time certain at 6:00 P.M.

Place: Santa Clara Valley Water District Board Room
5700 Almaden Expressway, San Jose, CA 95118

Why: The proposed work of improvement is described in the Rinconada Water Treatment Plant Reliability Improvement Project Engineer's Report. The Report is on file at the Clerk of the Board of Directors, 5700 Almaden Expressway, San Jose, California and on Valley Water's website: <http://www.valleywater.org/PublicReviewDocuments.aspx>

The objective of the Reliability Improvement Project is to replace and upgrade the major components of the Treatment Plant including the addition of raw water ozonation; replacement of the upflow clarifiers with conventional flocculation and sedimentation with plate settlers; and replacement and expansion of the filter system.

At the time and place fixed for the public hearing, the Board of Directors will receive comments on the Engineer's Report for the Project. The Board will also consider certifying the Project's EIR at this time. Pending the Board's certification of the EIR, the Board will decide whether or not to proceed with the Project.

For more information about this hearing or this Project, contact Project Manager, **Mike Munson at (408) 630-2926.**

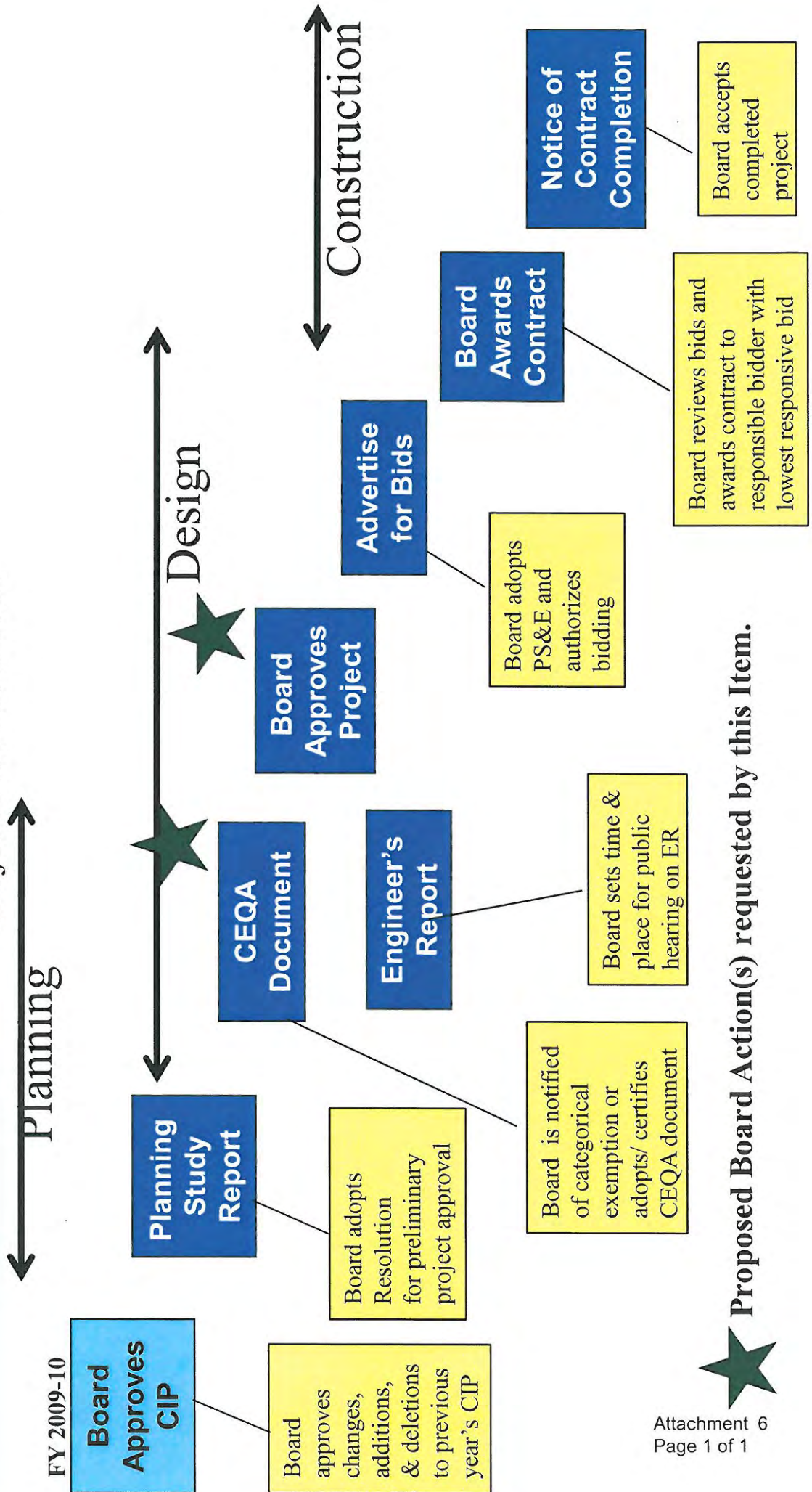
Reasonable efforts will be made to accommodate persons with disabilities wishing to attend this public hearing. For additional information on attending this hearing including requesting accommodations for disabilities or interpreter assistance, please contact the **Office of the Clerk of the Board at (408) 265-2607, ext. 2277**, at least three business days prior to the hearing.

THIS PAGE INTENTIONALLY LEFT BLANK

Project Delivery Process

Rinconada Water Treatment Plant Reliability Improvement Project

Project No. 93294057



Proposed Board Action(s) requested by this Item.



THIS PAGE INTENTIONALLY LEFT BLANK

**Rinconada Water Treatment Plant
Reliability Improvement Project
(Project No. 93294057)**

Public Hearing on the Engineer's Report
January 27, 2015



RWTP Reliability Improvement Project

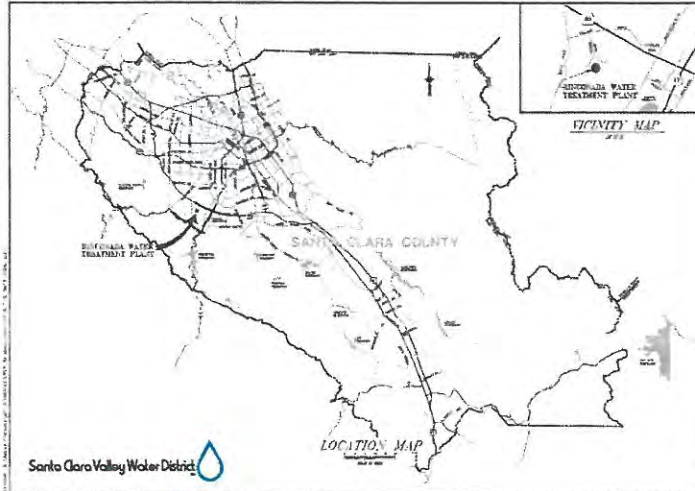
▶ **Board Actions – January 27, 2015**

- ▶ Certify Project's Final EIR
- ▶ Adopt Mitigation Monitoring and Reporting Program, Findings of Fact and Statement of Overriding Considerations
- ▶ Public Hearing on Engineer's Report
- ▶ Approve Engineer's Report
- ▶ Approve Project



RWTP Reliability Improvement Project

Project Location



RWTP Reliability Improvement Project

Project Background

- ▶ Commissioned in 1968
 - ▶ Key components nearing end of useful life
 - ▶ Increasingly stringent regulations
 - ▶ Major source of treated surface water on West Side
- ▶ Facility Renewal Projects since 2007 (\$55M)
 - ▶ Primary Electrical System
 - ▶ Valves Upgrades
 - ▶ Residuals Management
 - ▶ Seismic retrofit of Operations Building
 - ▶ Standby Power System Upgrade



RWTP Reliability Improvement Project

Project Objectives

- ▶ Improve plant reliability
- ▶ Modernize treatment process
- ▶ Construct in single stage



5

RWTP Reliability Improvement Project



Existing Facility

Proposed Project



RWTP Reliability Improvement Project

Project Description

- ▶ Raw water ozonation
- ▶ Flocculation/sedimentation
- ▶ New filter system
- ▶ Back-up power
- ▶ Chlorine Contact

Project Right of Way

- ▶ No new ROW requirements



Santa Clara Valley
Water District 

RWTP Reliability Improvement Project

Project Cost and Funding

- ▶ Total estimated cost: \$253M (2015 dollars)
 - ▶ Planning/Design: \$21M
 - ▶ 5-Year Construction Phase: \$232M
 - ▶ Construction contract: ~\$185M
 - ▶ CM /support services: ~\$47M
- ▶ Zone Benefits: Proposed Project benefits Zone W-2
- ▶ Funding Source: District Water Enterprise Fund, Zone W-2

Santa Clara Valley
Water District 

RWTP Reliability Improvement Project

Key Project Scope/Cost Changes (~\$35M)

Project Elements	Additional Cost (\$M)
Power and control system reliability	\$7M
Other identified defective systems	\$4M
Constructability	\$6M
60% to 90% Design refined costs	\$7M
5-year District labor	\$5M
Labor, material, and equipment inflation	\$6M
TOTAL	\$35M



RWTP Reliability Improvement Project

Schedule of Next Steps

- ▶ Complete contract documents: February 2015
- ▶ Advertise/award construction contract: Feb-April 2015
- ▶ Construction: June 2015 to June 2020



Questions?

Santa Clara Valley
Water District



SANTA CLARA VALLEY WATER DISTRICT

CEQA Internal Decision Memorandum Transmittal Form

Project:	RWTP Reliability Improvement Project – Expansion of Working Hours	Determination:	Addendum
Project # (8 digits):	93294057		
Project Manager/Extension:	Mike Munson X2926	Environmental Planner/Extension:	Michael Martin x3095

Signature on this transmittal indicates agreement with the recommendations of the attached Initial Determination Memo and supporting documents. Approval is required to move the package forward to the next approving authority.

DATE	NAME	TITLE	ACTION
6/2/16	Michael Martin <i>[Signature]</i>	1. Environmental Planner (originator)	Prepare IDM and Addendum.
6/2/16	Mike Munson <i>[Signature]</i>	2. Project Manager	Verify project description. Concur with IDM.
6/3/16	Jennifer Castillo <i>[Signature]</i>	3. Supervisor of the Environmental Planner	Review and concur [Quality Management].
6/14/16	Rita Chan <i>[Signature]</i>	4. General Counsel	Review IDM and Addendum, recommend approval or changes.
6/14/16	Katherine Owen <i>[Signature]</i>	5. DOO	Sign IDM and approve project. Return original to Environmental Planner.

ROUTE IN GREEN FOLDER

Approved. My suggested revisions on 6/10 (see attached) have been incorporated.

TO: Katherine Oven, Deputy Operating Officer
FROM: Michael Martin, Environmental Planner
SUBJECT: RWTP Reliability Improvement Project – Expansion of Working Hours (Project # 93294057)
DATE: June 2, 2016

RECOMMENDATION

This memorandum provides a basis for the recommendation that the expansion of working hours for the construction of the Rinconada Water Treatment Plant Reliability Improvement Project is a minor change that can be documented with an Addendum under CEQA. This recommendation was developed after a review of background materials, and discussion by the project team and District counsel.

ISSUE

The contractor has requested the District more time during each day to construct the project. Ideally this will allow the work to be completed in a shorter amount of time. Construction hours of 8:00 a.m. to 5:00 p.m. were noted in the certified EIR. The question is what level of documentation is appropriate to change the construction hours to 7:00 a.m. to 6:00 p.m.

CEQA CONSIDERATIONS

For CEQA compliance, changes to the project are subject to CEQA Guidelines Section 15162 and 15164. After an EIR has been certified for a project, if proposed changes to a project would result in new significant environmental effects or a substantial increase in severity of previously identified significant effects, Section 15162 of the CEQA Guidelines requires preparation of a Subsequent EIR. If none of the conditions specified in Section 15162 occur, an addendum shall be prepared per Section 15164.

ANALYSIS

The Board approved the EIR for the Project in January 2015. The project description in the EIR indicated that the hours of construction would be between 8:00 a.m. and 5:00 p.m. on weekdays. The District is proposing to extend those hours to 7:00 a.m. to 6:00 p.m. on weekdays; no changes are proposed for weekend work. An extended workday was determined to have potential impacts to air quality, noise, and traffic. No new or increased level of impacts would occur to other resources areas.

Air Quality

The hours of construction would be increased from 9 hours to 11 hours on a daily basis. It was assumed that extending the construction hours by 22 percent would result in a corresponding 22 percent increase in daily emissions of ROG, NOx and dust. However, this assumption is conservative because the activities that would occur during the extended hours include start up activities, site preparations, and logistics to construction work tasks, and the majority of emissions are caused by activities such as excavation, materials hauling, and concrete pouring which will continue to occur mostly during the former 8 am through 5 pm construction hours. In addition, implementation of Mitigation Measure AIR-1 will ensure that there will be no new significant or substantially worse air quality impacts as a result of the extended work hours.

Noise

Daily work hour limitations are normally imposed to reduce noise impacts on nearby residences. As noted in the EIR the Town of Los Gatos municipal code restricts construction activities to 8 am to 8 pm on weekdays. The District met with staff from the Town of Los Gatos, who indicated that the proposal would be acceptable as long as neighbors are informed; the Town of Los Gatos also acknowledged that the District is not subject to the town's limitations regarding construction hours based on Section 53091(d) of the Government Code. The District held a public meeting to provide a project update and to introduce the proposed new construction hours to the neighbors in attendance, where it did not receive objection on the proposed new hours. The EIR determined that construction noise would result in significant short term increases in the noise level. Mitigation was required in the EIR to reduce this impact to a less than significant level. The same mitigation measure will ensure that extending the work hours would not result in new significant or substantially worse noise impacts.

Traffic

The Project will create an average of 25 one-way trips per hour during peak truck traffic periods (when there is off-hauling of excavated materials or delivery of fill materials and concrete). This same level of traffic is assumed for extended work hours. The EIR concluded that this level of truck trips would not result in an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system. The same conclusion would apply for the additional hours of construction. Although the EIR determined that truck traffic would have a less than significant impact to the local circulation system, the District included language in the contractor's specifications that restricts truck traffic during the school year. This restriction will be maintained with the extended work hours. Thus, extending the work hours would not result in new significant or substantially worse traffic impacts.

CONCLUSION

As described above, the change to working hours would not create new significant impacts or substantially increase the severity of previously identified significant impacts. Indeed, allowing extended work hours could result in beneficial impacts if construction can be completed sooner than previously estimated. This would reduce the number of days that the public is exposed to construction air emission, noise and traffic. None of the conditions cited in CEQA Guidelines Section 15162(a) would occur as a result of the proposed change. Thus, an addendum shall be prepared per CEQA Guidelines Section 15164.

If you approve the recommendations contained in this memorandum, please sign below.



Michael Martin, Environmental Planner

Approval:

Katherine Oven, Deputy Operating Officer

cc: Mike Munson, CEQA Administrative Record

SANTA CLARA VALLEY WATER DISTRICT

CEQA Internal Decision Memorandum Transmittal Form

Project:	RWTP Reliability Improvement Project – Expansion of Working Hours	Determination:	Addendum
Project # (8 digits):	93294057		
Project Manager/Extension:	Mike Munson X2926	Environmental Planner/Extension:	Michael Martin x3095

Signature on this transmittal indicates agreement with the recommendations of the attached Initial Determination Memo and supporting documents. Approval is required to move the package forward to the next approving authority.

DATE	NAME	TITLE	ACTION
1/10/17	Michael Martin <i>[Signature]</i>	1. Environmental Planner (originator)	Prepare IDM and Addendum.
1-24-17	Mike Munson <i>[Signature]</i>	2. Project Manager	Verify project description. Concur with IDM.
1/24/17	Jennifer Castillo <i>[Signature]</i>	3. Supervisor of the Environmental Planner	Review and concur [Quality Management].
1/30/17	Rita Chan	4. General Counsel	Review IDM and Addendum, recommend approval or changes.
2/5/17	Katherine Oven <i>[Signature]</i>	5. DOO	Sign IDM and approve project. Return original to Environmental Planner.

ROUTE IN GREEN FOLDER

Comments/suggested revisions on 1/30/17 have been incorporated.

TO: Katherine Oven, Deputy Operating Officer
SUBJECT: RWTP Reliability Improvement Project – Expansion of Working Hours 2nd Addendum (Project # 93294057)

FROM: Michael Martin, Environmental Planner
DATE: January 10, 2017

RECOMMENDATION

This memorandum provides a basis for the recommendation that the expansion of trucking hours for the construction of the Rinconada Water Treatment Plant Reliability Improvement Project is a minor change that can be documented with an Addendum under CEQA. This recommendation was developed after a review of background materials, and discussion by the project team and District counsel.

ISSUE

The District wants to expand the time available for construction trucks to haul material to and from the site. This will allow the work to be completed in a shorter amount of time. The proposed new hours for all construction trucks are between 7 a.m. to 6 p.m. on workdays, with the following school-related restrictions:

- 8:15 a.m. to 8:45 a.m.
- 2:45 p.m. to 3:15 p.m. (excluding Wednesday)
- 1:45 p.m. to 2:15 p.m. (only Wednesday)

Construction hours of 8:00 a.m. to 5:00 p.m. were noted in the certified EIR and hour-long breaks during the start of end of the school day are called out in the specifications. The question is what level of documentation is appropriate to change the construction hours to 7:00 a.m. to 6:00 p.m. Monday through Friday. No changes are proposed to weekend work and hours.

District staff also want to formalize greater use of the Granada Way entrance for construction related traffic.

CEQA CONSIDERATIONS

For CEQA compliance, changes to the project are subject to CEQA Guidelines Section 15162 and 15164. After an EIR has been certified for a project, if proposed changes to a project would result in new significant environmental effects or a substantial increase in severity of previously identified significant effects, Section 15162 of the CEQA Guidelines requires preparation of a Subsequent EIR. If none of the conditions specified in Section 15162 occur, an addendum shall be prepared per Section 15164.

ANALYSIS

As the EIR assumed truck trips during all construction hours the impacts to air quality, noise, and traffic already include the effects of truck traffic during morning pick-up and afternoon drop-off at Rolling Hills Middle School. The First Addendum expanded this analysis to include the periods from 7 a.m. to 8 a.m. and from 5 p.m. to 6 p.m. The EIR determined that there is no significant safety impact from truck traffic to the school. The District recently conducted a traffic

study of the Pollard Road and More Avenue intersection (DKS, 2016) that reached the same conclusion. The Town of Los Gatos has reviewed the District's proposed new truck hours and the updated traffic study, and has not stated any objections to the changes.

To better utilize construction areas on the project site, the District is also planning to use the entrance on Granada Way more than it has in the past. The EIR notes that this entrance would be used for "peak truck activity days," however peak activities days is not defined. The Granada Way entrance would be used for construction worker parking and to provide greater flexibility in circulating trucks through the project site. The use of the Granada Way gate is consistent with the idea of additional access during peak activity times which includes the on-going grading and concrete work that is expected to continue for approximately six more months. The More Avenue entrance will continue to be the primary access point for construction vehicles.

CONCLUSION

The change to working hours, or greater use of the Granada Way entrance, would not create impacts or substantially increase the severity of previously identified significant impacts that are not already fully analyzed in the EIR. None of the conditions cited in CEQA Guidelines Section 15162(a) would occur as a result of the proposed change. Thus, an addendum shall be prepared per CEQA Guidelines Section 15164.

If you approve the recommendations contained in this memorandum, please sign below.



Michael Martin, Environmental Planner

Approval:

Katherine Oven, Deputy Operating Officer

cc: Mike Munson, CEQA Administrative Record