Sacramento Municipal Utility District

SMUD 59th Street Corporation Yard Demolition and Remediation Project

Final Initial Study and Proposed Mitigated Negative Declaration •
State Clearinghouse Number 2022010239 •
April 4, 2022

Powering forward. Together.

SMUD®

Sacramento Municipal Utility District

SMUD 59th Street Corporation Yard Demolition and Remediation Project

Final Initial Study and Proposed Mitigated Negative Declaration •
State Clearinghouse Number 2022010239 •
April 4, 2022

Lead Agency:

Sacramento Municipal Utility District
6201 S Street, MS B209
Sacramento, CA 95817-1899

or

P.O. Box 15830 MS B209
Sacramento, CA 95852-1830
Attn: Rob Ferrera
(916) 732-6676 or rob.ferrera@smud.org

Prepared by:

Ascent Environmental
455 Capitol Mall, Suite 300
Sacramento, CA 95814
Contact: Cori Resha
Cori.Resha@ascentenvironmental.com

TABLE OF CONTENTS

APPENDICES

List of Tables

ACRONYMS AND OTHER ABBREVIATIONS

BACT	best available control technology
BMP	best management practice
Caltrans	California Department of Transportation
CEQA	California Environmental Quality Act
DTSC	Department of Environmental Substances Control
I-5	Interstate 5
IS/MND	Initial Study/Mitigated Negative Declaration
MMRP	Mitigation, Monitoring, and Reporting Program
SMAQMD	Sacramento Municipal Air Quality Management District
SMUD	Sacramento Municipal Utility District
SVE	Soil Vapor Extraction
VOC	Volatile Organic Compounds

Executive Summary

Introduction

This Initial Study (IS) and Mitigated Negative Declaration (MND) has been prepared to evaluate the potential physical environmental impacts associated with Sacramento Municipal Utility District's (SMUD) 59th Street Corporation Yard Demolition and Remediation Project (project) in compliance with the California Environmental Quality Act (CEQA). SMUD is the lead agency responsible for complying with the provisions of CEQA.

Project Description

SMUD proposes installation of a full-scale soil vapor extraction (SVE) system to remediate volatile organic compounds (VOC)-impacted soil gas, and excavation and disposal of soil contaminated with arsenic, lead, and petroleum hydrocarbons. In order to access the contamination, multiple buildings would require demolition and pavement would need to be removed. The "SMUD 59th Street Corporation Yard Demolition and Remediation Project" or "project" would include building demolition, pavement removal, decommissioning of the existing pilot study SVE system, installation and operation of the SVE system, and excavation and disposal of contaminated soil, and backfilling the excavation with clean fill material. All soil gas and soil remediation activities would be reviewed and must be approved by the Department of Toxic Substances Control (DTSC) to ensure protection of human health and the environment. SMUD proposes to remediate the site to appropriate risk and exposure levels to be determined by DTSC. For purposes of this analysis, "project construction" means any demolition or remediation activities, including installation of the SVE system. Following complete site remediation to DTSC standards, SMUD will continue to be responsible for site maintenance and may seek entitlements for the future use of the site and/or transfer ownership of the parcel. Because future use of the site is not yet known and would be subject to City of Sacramento zoning and City development application and project approval processes, this analysis does not evaluate any future operation of the project site.

Findings

As lead agency for compliance with CEQA requirements, SMUD finds that the project would be implemented without causing a significant adverse impact on the environment. Mitigation measures for potential impacts associated with Air Quality, Biological Resources, Tribal Cultural Resources, Cultural Resources, and Traffic and Transportation would be implemented as part of SMUD's project through adoption of a mitigation monitoring and reporting program (MMRP).

Cumulative Impacts

CEQA requires lead agencies to assess whether a project's incremental effects are significant when viewed in connection with the effects of other past, present, and foreseeable future projects. Based on the analysis presented in the Draft IS/MND, the project would not contribute incrementally to considerable environmental changes when considered in combination with other projects in the area. Therefore, the potential cumulative environmental effects of the project were determined to be less than cumulatively considerable. All identified potentially significant impacts would be mitigated to less than significant.

Growth-Inducing Impacts

SMUD exists as a public agency to supply electrical energy to customers in the Sacramento area. It has an obligation to serve all new development approved by the local agencies and Sacramento County. SMUD does not designate where and what new development may occur. The project would remediate a site with known soil contamination. The project would not have the potential to foster economic or population growth. The project would be consistent with SMUD's established strategic direction, which includes environmental leadership, and is consistent with long-range planning documents prepared by the City of Sacramento, such as the 2035 General Plan, and would support development at levels approved by the City as the governing land use authority.

Determination

On the basis of this evaluation, SMUD concludes:

- The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered species, or eliminate important examples of the major periods of California history or prehistory.

- The project would not achieve short-term environmental goals to the disadvantage of long-term environmental goals.

- The project would not have impacts that are individually limited, but cumulatively considerable.

- The project would not have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly.

- No substantial evidence exists to demonstrate that the project would have a substantive negative effect on the environment.

Rob Ferrera
Environmental Management Specialist

April 4, 2022
Date

This page intentionally left blank.

1 Introduction

1.1 Project Overview

The Sacramento Municipal Utility District (SMUD) proposes installation of a full-scale soil vapor extraction (SVE) system to remediate volatile organic compounds (VOC)-impacted soil gas, and excavation and disposal of soil contaminated with arsenic, lead, and petroleum hydrocarbons. In order to access the contamination, multiple buildings would require demolition and pavement would need to be removed. The "SMUD 59th Street Corporation Yard Demolition and Remediation Project" or "project" would include building demolition, pavement removal, decommissioning of the existing pilot study SVE system, installation and operation of the SVE system, and excavation and disposal of contaminated soil, and backfilling the excavation with clean fill material. All soil gas and soil remediation activities would be reviewed and must be approved by the Department of Toxic Substances Control (DTSC) to ensure protection of human health and the environment. SMUD proposes to remediate the site to appropriate risk and exposure levels to be determined by DTSC. For purposes of this analysis, "project construction" means any demolition or remediation activities, including installation of the SVE system. Following complete site remediation to DTSC standards, SMUD will continue to be responsible for site maintenance and may seek entitlements for the future use of the site and/or transfer ownership of the parcel. Because future use of the site is not yet known and would be subject to City of Sacramento zoning and City development application and project approval processes, this analysis does not evaluate any future operation of the project site.

1.2 Environmental Process Summary

1.2.1 Review of the Draft IS/MND

Copies of the Draft IS/MND were made available in hard copy form for public review at SMUD offices (Customer Service Center and East Campus Operations Center), posted on SMUD's public website, and were distributed to the State Clearinghouse via the Governor's Office of Planning and Research. A notice of intent was distributed to property owners and occupants of record within 500 feet of the project site. The 30-day public review period began on January 18, 2022 and ended on February 17, 2022. SMUD held a virtual public meeting on February 3, 2022. No comments regarding the CEQA document were received during the public meeting. One comment letter was received from an agency during the comment period. This comment letter and SMUD's written responses to each comment received are presented in Section 2.0 of this document. As noted in Section 2.0, the conclusions presented in the Draft IS/MND were not altered in response to comments received.

1.2.2 Preparation of the Final IS/MND

The comment letter from an agency received during the comment period was reviewed, and responses were prepared (see Section 2.0). Based on the comments received, there were no new environmental effects identified. The Final Initial Study/Mitigated Negative Declaration (IS/MND) does not incorporate any changes to the project description. However, SMUD has added language to Mitigation Measure 3.3-1 to provide clarity regarding the mitigation requirements. These changes are reflected in the final text of the IS/MND (provided as Appendix A of this Final IS/MND).

CEQA Guidelines

CEQA Guidelines Section 15073.5 provides the conditions for determining if recirculation of a negative declaration is required before adoption. Section 15073.5(a) states:

> *A lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given pursuant to Section 15072, but prior to adoption.*

According to Section 15073.5(b), a substantial revision is defined as:

> *(1) A new, avoidable significant effect is identified, and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or*
>
> *(2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.*

SMUD has determined that none of the aforementioned conditions were satisfied following public notice; therefore, recirculation of the Draft IS/MND is not required. SMUD, as the lead agency, may proceed to present the Final IS/MND to the SMUD Board for action.

Circumstances under which recirculation is not required include:

> (1) Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.
>
> (2) New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects.
>
> (3) Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.

(4) New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration. (Section 15073.5[c])

The changes to Mitigation Measure 3.3-1 are made to clarify SMUD's mitigation obligation. These changes to not meet the above criteria for recirculation; therefore, recirculation of the Draft IS/MND is not required.

1.3 Mitigation Measures

This section presents the mitigation measures SMUD would implement to address potential impacts on Air Quality, Biological Resources, Tribal Cultural Resources, Cultural Resources, and Geology and Soils. These measures reflect text revisions as documented in the Final IS/MND.

1.3.1 Air Quality

As discussed in Section 3.3 of the Draft IS/MND, project construction activities would result in temporary generation and emissions of criteria air pollutants and precursors. The modeling of anticipated construction-generated emissions revealed that the project, without the application of best management practices (BMPs) and best available control technology (BACT), would generate daily emissions of particulate matter less than 10 microns in diameter and particulate matter less than 2.5 microns in diameter in excess of the Sacramento Municipal Air Quality Management District (SMAQMD) thresholds. Mitigation Measure 3.3-1 requires SMUD's contractor to implement SMAQMD emission control practices and would reduce impacts to less than significant.

Mitigation Measure 3.3-1: Implement SMAQMD Basic Construction Emission Control Practices.

During demolition and remediation, the contractor shall comply with and implement SMAQMD's Basic Construction Emission Control Practices, which includes SMAQMD-recommended BMPs and BACT, for controlling fugitive dust emissions. Measures to be implemented include the following:

- *Water all exposed surfaces at least two times daily during working hours to keep soil moist and prevent dust. Exposed surfaces include, but are not limited to, soil piles, graded areas, unpaved parking areas, staging areas, and access roads. Contaminated stockpiles to be covered at all times. If a contaminated stockpile becomes inactive (no work for 14 days), it will continue to be covered.*
- *Fabric will be installed on the perimeter chainlink fence to prevent fugitive dust from the site.*
- *Monitor air quality for fugitive dust emissions.*

- *Cover or maintain at least two (2) feet of freeboard space on haul trucks transporting soil, sand, or other loose material on the site. Cover any haul trucks that will be traveling along freeways or major roadways.*

- *Use wet power vacuum street sweepers to remove any visible track-out mud or dirt onto adjacent public roads at least once a day. Use of dry power sweeping is prohibited.*

- *Limit vehicle speed on unpaved roads to 15 miles per hour.*

- *All roadways, driveways, sidewalks, parking lots to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.*

- *Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes (required by California Code of Regulations Title 13, Sections 2449[d][3] and 2485). Provide clear signage that posts this requirement for workers at the entrances to the site.*

- *Maintain all equipment in proper working condition according to manufacturer's specifications. Equipment will be checked by a certified mechanic and determined to be running in proper condition before it is operated.*

Mitigation Measure 3.3-2: Implement SMAQMD Basic Construction Emission Control Practices.

During operations, SMUD shall comply with and implement SMAQMD's BMPs for Operational PM Emissions to support the use of the SMAQMD's non-zero thresholds of significance. Measures to be implemented include the following:

- *Compliance with District rules that control operational PM and NO_x emissions. Reference rules regarding wood burning devices, boilers, water heaters, generators and other PM control rules that may apply to equipment to be located at the project.*

- *Compliance with anti-idling regulations for diesel powered commercial motor vehicles (greater than 10,000 gross vehicular weight rating). This BMP focuses on non-residential land use projects (retail and industrial) that would attract these vehicles. The current requirements include limiting idling time to 5 minutes and installing technologies on the vehicles that support anti-idling.*

1.3.2 Biological Resources

As discussed in detail in Section 3.4 of the Draft IS/MND, mature trees on the project site and adjacent area could support bird nests. To avoid disturbance to nesting birds, SMUD would implement the following mitigation measure to reduce impacts to less than significant.

Mitigation Measure 3.4-1: Avoid disturbance of nesting birds

Ornamental vegetation shall be removed within the project site outside of the nesting bird season (September 1 – January 31).

If vegetation removal, demolition activities, or construction will occur during the nesting season (between February 1 and August 31), a SMUD project biologist/biological monitor will conduct pre-construction nesting bird surveys to determine if birds are nesting in the work area or within 0.25 mile for Swainson's hawk, and within 500 feet of the work area for non-listed raptors, and within the project site for all other nesting birds.

The pre-construction nesting bird surveys will identify on-site bird species and any nest-building behavior. If no nesting Swainson's hawks are found on or within 0.25 mile or no nesting raptors are found within 500 feet or no nesting birds are found within the project site during the pre-construction clearance surveys, construction activities may proceed as scheduled.

If active Swainson's hawk nests are found within the nest survey area, the construction contractor shall avoid impacts on such nests by establishing a no-disturbance buffer around the nest. Monitoring of the nest by a qualified biologist during construction activities shall be required if the activity has the potential to adversely affect the nest. Based on guidance for determining a project's potential for impacting Swainson's hawks (Swainson's hawk Technical Advisory Committee 2000), projects in urban areas have a low risk of adversely affecting nests greater than 600 feet from project activities. Therefore, 600 feet is anticipated to be the adequate buffer size for protecting nesting Swainson's hawks from disturbances associated with the proposed project. However, the qualified biologist shall consult with the California Department of Fish and Wildlife to confirm the adequacy of the no-disturbance buffer and/or if the buffer is reduced based on the biologist professional judgement.

If an active nest of non-listed raptor species is found in or within 500 feet of the project site during construction, a "No Construction" buffer zone will be established around the active nest. Similarly, if a passerine nest is found within the project site during construction a "No Construction" buffer zone will be established around the active nest (usually 500 feet for raptors) to minimize the potential for disturbance of the nesting activity. The project biologist/biological monitor will determine and flag the appropriate buffer size required, based on the species, specific situation, tolerances of the species, and the nest location. Project activities will resume in the buffer area when the project biologist/biological monitor has determined that the nest(s) is (are) no longer active or the biologist has determined that with implementation of an appropriate buffer, work activities would not disturb the bird's nesting behavior.

If special-status bird species are found nesting on or within 500 feet of the project site, the project biologist/biological monitor shall notify SMUD's project manager to notify CDFW or USFWS, as appropriate, within 24 hours of first nesting observation.

1.3.3 Tribal Cultural Resources

Although there are no known Tribal cultural resources within the project site, the NAHC Sacred Lands search was positive. Mitigation Measure 3.5-1 requires SMUD to stop work and notify Tribal representatives. Implementation of this measure would reduce impacts related to Tribal cultural resources to less than significant.

Mitigation Measure 3.5-1

If any suspected Tribal cultural resources are discovered during ground disturbing construction activities, including midden soil, artifacts, chipped stone, exotic rock (nonnative), or unusual amounts of baked clay, shell, or bone, all work shall cease within 100 feet of the find. Appropriate Tribal representative(s) shall be immediately notified and shall determine if the find is a Tribal cultural resource (pursuant to PRC Section 21074). The Tribal representative will make recommendations for further evaluation and treatment, as necessary.

Preservation in place is the preferred alternative under CEQA and the Tribes' protocols, and every effort must be made to preserve the resources in place, including through project redesign. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project vicinity where they will not be subject to future impacts. The Tribe does not consider curation of tribal cultural resources to be appropriate or respectful and request that materials not be permanently curated, unless approved by the Tribe. Treatment that preserves or restores the cultural character and integrity of a tribal cultural resource may include tribal monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil.

1.3.4 Cultural Resources

A cultural resources investigation was conducted for the project and included a records search and site evaluation. These revealed no built-environment historical resources or known archaeological resources within the project site but the possibility remains that project-related ground-disturbing activities could result in discovery or damage of yet undiscovered archaeological resources. Therefore, SMUD would implement Mitigation Measure 3.6-1 to reduce impacts related to archaeological resources to less than significant.

Mitigation Measure 3.6-1: Discovery of Archaeological Materials

In the event that indigenous subsurface archaeological features or deposits, including locally darkened soil ("midden") or historic-period archaeological materials (such as concentrated deposits of bottles or bricks with makers marks, or other historic refuse), is uncovered during construction activities, all ground-disturbing activity within 100 feet of the discovery shall be halted until a qualified archaeologist can assess the significance of the find. SMUD will be notified of the potential find and a qualified archeologist shall be retained to investigate its significance. If the qualified archaeologist determines the archaeological material to be Native American in nature, Mitigation Measure 3.18-1 shall

be implemented. If the find is determined to be significant by the archaeologist (i.e., because it is determined to constitute a unique archaeological resource), the archaeologist shall work with SMUD to develop and implement appropriate procedures to protect the integrity of the resource and ensure that no additional resources are affected. Procedures could include but would not necessarily be limited to preservation in place, archival research, subsurface testing, or contiguous block unit excavation and data recovery.

In addition, although records do not indicate the presence of human remains, it is possible that previously-undiscovered human remains could be encountered during project construction activities. SMUD would implement Mitigation Measure 3.6-2 to reduce potential impacts related to human remains to less-than-significant levels.

Mitigation Measure 3.6-2: Discovery of Human Remains

If human remains are discovered during any demolition/construction activities, potentially damaging ground-disturbing activities within 100 feet of the remains shall be halted immediately, and the project applicant shall notify the Sacramento County coroner and the NAHC immediately, according to Section 5097.98 of the PRC and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the NAHC to be Native American, the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project applicant shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. Following the coroner's and NAHC's findings, the archaeologist, and the NAHC-designated Most Likely Descendant shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in PRC Section 5097.94.

1.3.5 Geology and Soils

As discussed in Section 3.8 of the Draft IS/MND, project-related earthmoving activities would occur in the Pleistocene-age Riverbank Formation. Because numerous vertebrate fossils have been recovered from the Riverbank Formation in northern and central California, including localities that are close to the project site, this formation is considered to be paleontologically sensitive. While there are no known paleontological resources within the project alignment, implementation of Mitigation Measure 3.8-1 would reduce effects on previously unknown paleontological resources to less than significant.

Mitigation Measure 3.8-1: Worker awareness and response for paleontological resources

Prior to the start of project activities that would result in ground disturbance, SMUD shall provide information to the construction contractor and SMUD's project superintendent regarding the potential for paleontological resources that could be encountered during ground disturbance, the regulatory protections afforded to such finds, and the

procedures to follow in the event of discovery of a previously unknown resource, including notifying SMUD representatives.

If workers observe any evidence of paleontological resources (e.g., fossils), all work within 50 feet of the find shall cease immediately, and SMUD representatives shall be notified. A paleontologist meeting the Society of Vertebrate Paleontology's minimum qualifications shall be consulted to assess the significance of the paleontological find and recommend appropriate measure for the treatment of the resource. Potential treatment may include no action (i.e., the resource is not significant), avoidance of the resource, or data recovery.

1.4 CEQA Determination

SMUD has determined that although the proposed project could have a significant effect on the environment, a significant effect would not occur with implementation of the aforementioned mitigation measures because the proposed mitigation measures would reduce the effects of any impacts to below the established thresholds of significance. Therefore, SMUD published the Mitigated Negative Declaration on April 4, 2022, and SMUD's Board of Directors will consider adoption of the MND at a board meeting in April 2022.

2 Comments and Responses

2.1 Introduction

The Draft IS/MND for the proposed project was circulated for a 30-day public review period (January 18, 2022 to February 17, 2022). During the public comment period, SMUD received one comment letter that pertained to the proposed project (see Table 2-1).

Table 2-1: List of Commenters

Letter Number	Name
1	Central Valley Regional Water Quality Control Board Peter G. Minkel, Engineering Geologist February 17, 2022

2.2 Responses to Comments

The comment letters identified above and SMUD's responses to comments are provided on the following pages.

Letter 1

California Water Boards

Gavin Newsom, Governor
Jared Blumenfeld, Secretary for Environmental Protection

Central Valley Regional Water Quality Control Board

17 February 2022

Governor's Office of Planning and Research
Feb 17 2022
State of California

Rob Ferrera
Sacramento Municipal Utility District
6201 S Street, MS B209
Sacramento, CA 95817-1899
rob.ferrera@smud.org

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, SMUD 59TH STREET CORPORATION YARD DEMOLITION AND REMEDIATION PROJECT, SCH#2022010239, SACRAMENTO COUNTY

Pursuant to the State Clearinghouse's 18 January 2022 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the SMUD 59th Street Corporation Yard Demolition and Remediation Project, located in Sacramento County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore, our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38. 1-1

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of

Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

1-1 cont.

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:
https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

1-2

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

1-3

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits[1]
The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

1-3 cont.

Industrial Storm Water General Permit
Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml

Clean Water Act Section 404 Permit
If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act

[1] Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

1-3 cont.

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage

under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at: http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit
If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

1-3 cont.

NPDES Permit
If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/help/permit/

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.

Peter G. Minkel
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

Letter 1	Central Valley Regional Water Quality Control Board Peter G. Minkel, Engineering Geologist February 17, 2022

1-1 The comment provides background information about the Basin Plan and the process for amending the Basin Plan. It is understood that the standards of the Basin Plan may be amended over time. The comment does not address the adequacy of the analysis of the Draft IS/MND. No further response is needed.

1-2 The comment states that all wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan.

The Basin Plan is discussed on page 81 of the Draft IS/MND. Furthermore, as discussed on pages 81 and 82 of the Draft IS/MND, the project would comply with the City of Sacramento's Stormwater Quality Improvement Plan (SQIP) and obtain coverage under the NPDES General Construction Permit. No changes are required to the Draft IS/MND in response to this comment.

1-3 The comment provides information about the permitting requirements that may be applicable to the project. Section 2.4 beginning on page 21 of the Draft IS/MND discusses the potential permits that may be required and includes permits issued by the Central Valley Regional Water Quality Control Board. Additionally, the impact discussion on pages 81 and 82 of the Draft IS/MND discuss the applicable permits and requirements related to water quality. No changes are required to the Draft IS/MND in response to this comment.

This page intentionally left blank.

3 Changes to Draft IS/MND Text

This section presents specific text changes made to the Draft IS/MND since its publication and public review. The changes are presented in the order in which they appear in the original document and are identified by the Draft IS/MND page number. Text deletions are shown in strikethrough (~~strikethrough~~), and text additions are shown in underline (<u>underline</u>).

It should be noted that the following revisions do not change the intent or content of the analysis or effectiveness of mitigation measures presented in the Draft IS/MND and do not necessitate recirculation of the Draft IS/MND or preparation of an Environmental Impact Report.

3.1 Changes to Draft IS/MND Text

The text beginning on page 37 of the Draft IS/MND is revised as follows.

Mitigation Measure 3.3-1: Implement SMAQMD Basic Construction Emission Control Practices.

During demolition and remediation, the contractor shall comply with and implement SMAQMD's Basic Construction Emission Control Practices, which includes SMAQMD-recommended BMPs and BACT, for controlling fugitive dust emissions. Measures to be implemented include the following:

- Water all exposed surfaces at least two times daily <u>during working hours to keep soil moist and prevent dust</u>. Exposed surfaces include, but are not limited to, soil piles, graded areas, unpaved parking areas, staging areas, and access roads. <u>Contaminated stockpiles to be covered at all times. If a contaminated stockpile becomes inactive (no work for 14 days), it will continue to be covered.</u>

- <u>Fabric will be installed on the perimeter chainlink fence to prevent fugitive dust from the site.</u>

- <u>Monitor air quality for fugitive dust emissions.</u>

- Cover or maintain at least two (2) feet of freeboard space on haul trucks transporting soil, sand, or other loose material on the site. Cover any haul trucks that will be traveling along freeways or major roadways.

- Use wet power vacuum street sweepers to remove any visible track-out mud or dirt onto adjacent public roads at least once a day. Use of dry power sweeping is prohibited.

- Limit vehicle speed on unpaved roads to 15 miles per hour.

- All roadways, driveways, sidewalks, parking lots to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

- Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes (required by California Code of Regulations Title 13, Sections 2449[d][3] and 2485). Provide clear signage that posts this requirement for workers at the entrances to the site.

- Maintain all equipment in proper working condition according to manufacturer's specifications. Equipment will be checked by a certified mechanic and determined to be running in proper condition before it is operated.

4 Mitigation Monitoring and Reporting Program

4.1 Introduction

This mitigation monitoring and reporting program summarizes identified mitigation measures, implementation schedule, and responsible parties for the SMUD 59th Street Corporation Yard Demolition and Remediation Project (project). SMUD will use this mitigation monitoring and reporting program to ensure that identified mitigation measures, adopted as conditions of project approval, are implemented appropriately. This monitoring program meets the requirements of CEQA Guidelines Section 15074(d), which mandates preparation of monitoring provisions for the implementation of mitigation assigned as part of project approval or adoption.

4.2 Mitigation Implementation and Monitoring

SMUD will be responsible for monitoring the implementation of mitigation measures designed to minimize impacts associated with the project. While SMUD has ultimate responsibility for ensuring implementation, others may be assigned the responsibility of actually implementing the mitigation. SMUD will retain the primary responsibility for ensuring that the project meets the requirements of this mitigation plan and other permit conditions imposed by participating regulatory agencies.

SMUD will designate specific personnel who will be responsible for monitoring implementation of the mitigation that will occur during project construction. The designated personnel will be responsible for submitting documentation and reports to SMUD on a schedule consistent with the mitigation measure and in a manner necessary for demonstrating compliance with mitigation requirements. SMUD will ensure that the designated personnel have authority to require implementation of mitigation requirements and will be capable of terminating project construction activities found to be inconsistent with mitigation objectives or project approval conditions.

SMUD and its appointed contractor will also be responsible for ensuring that its construction personnel understand their responsibilities for adhering to the performance requirements of the mitigation plan and other contractual requirements related to the implementation of mitigation as part of project construction. In addition to the prescribed mitigation measures, Table 3-1 (Mitigation Monitoring and Reporting Program) lists each identified environmental resource being affected, the corresponding monitoring and reporting requirement, and the party responsible for ensuring implementation of the mitigation measure and monitoring effort.

4.3 Mitigation Enforcement

SMUD will be responsible for enforcing mitigation measures. If alternative measures are identified that would be equally effective in mitigating the identified impacts, implementation of these alternative measures will not occur until agreed upon by SMUD.

Table 3-1: Mitigation Monitoring and Reporting Program			
Checklist Section	**Environmental Criteria**	**Mitigation Measure**	**Timing**
Air Quality	a, b	***Mitigation Measure 3.3-1: Implement SMAQMD Basic Construction Emission Control Practices.*** *During demolition and remediation, the contractor shall comply with and implement SMAQMD's Basic Construction Emission Control Practices, which includes SMAQMD-recommended BMPs and BACT, for controlling fugitive dust emissions. Measures to be implemented include the following:* • *Water all exposed surfaces at least two times daily <u>during working hours to keep soil moist and prevent dust</u>. Exposed surfaces include, but are not limited to, soil piles, graded areas, unpaved parking areas, staging areas, and access roads. <u>Contaminated stockpiles to be covered at all times. If a contaminated stockpile becomes inactive (no work for 14 days), it will continue to be covered.</u>* • *<u>Fabric will be installed on the perimeter chainlink fence to prevent fugitive dust from the site.</u>* • *<u>Monitor air quality for fugitive dust emissions.</u> Cover or maintain at least two (2) feet of freeboard space on haul trucks transporting soil, sand, or other loose material on the site. Cover any haul trucks that will be traveling along freeways or major roadways.* • *Use wet power vacuum street sweepers to remove any visible track-out mud or dirt onto adjacent public roads at least once a day. Use of dry power sweeping is prohibited.*	Throughout construction activities

Table 3-1: Mitigation Monitoring and Reporting Program			
Checklist Section	**Environmental Criteria**	**Mitigation Measure**	**Timing**
		• *Limit vehicle speed on unpaved roads to 15 miles per hour.* • *All roadways, driveways, sidewalks, parking lots to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.* • *Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes (required by California Code of Regulations Title 13, Sections 2449[d][3] and 2485). Provide clear signage that posts this requirement for workers at the entrances to the site.* • *Maintain all equipment in proper working condition according to manufacturer's specifications. Equipment will be checked by a certified mechanic and determined to be running in proper condition before it is operated.* ***Mitigation Measure 3.3-2: Implement SMAQMD Basic Construction Emission Control Practices.*** *During operations, SMUD shall comply with and implement SMAQMD's BMPs for Operational PM Emissions to support the use of the SMAQMD's non-zero thresholds of significance. Measures to be implemented include the following:* • *Compliance with District rules that control operational PM and NO_x emissions. Reference rules regarding wood burning devices, boilers, water heaters, generators and other PM control rules that may apply to equipment to be located at the project.*	

Table 3-1: Mitigation Monitoring and Reporting Program			
Checklist Section	**Environmental Criteria**	**Mitigation Measure**	**Timing**
		• *Compliance with anti-idling regulations for diesel powered commercial motor vehicles (greater than 10,000 gross vehicular weight rating). This BMP focuses on non-residential land use projects (retail and industrial) that would attract these vehicles. The current requirements include limiting idling time to 5 minutes and installing technologies on the vehicles that support anti-idling.*	
Biological Resources	a	***Mitigation Measure 3.4-1: Avoid disturbance of nesting birds*** *Ornamental vegetation shall be removed within the project site outside of the nesting bird season (September 1 – January 31).* *If vegetation removal, demolition activities, or construction will occur during the nesting season (between February 1 and August 31), a SMUD project biologist/biological monitor will conduct pre-construction nesting bird surveys to determine if birds are nesting in the work area or within 0.25 mile for Swainson's hawk, and within 500 feet of the work area for non-listed raptors, and within the project site for all other nesting birds.* *The pre-construction nesting bird surveys will identify on-site bird species and any nest-building behavior. If no nesting Swainson's hawks are found on or within 0.25 mile or no nesting raptors are found within 500 feet or no nesting birds are found within the project site during the pre-construction clearance surveys, construction activities may proceed as scheduled.* *If active Swainson's hawk nests are found within the nest survey area, the construction contractor shall avoid impacts on such nests by establishing a no-disturbance buffer around the nest. Monitoring*	Prior to construction activities.

Table 3-1: Mitigation Monitoring and Reporting Program			
Checklist Section	**Environmental Criteria**	**Mitigation Measure**	**Timing**
		of the nest by a qualified biologist during construction activities shall be required if the activity has the potential to adversely affect the nest. Based on guidance for determining a project's potential for impacting Swainson's hawks (Swainson's hawk Technical Advisory Committee 2000), projects in urban areas have a low risk of adversely affecting nests greater than 600 feet from project activities. Therefore, 600 feet is anticipated to be the adequate buffer size for protecting nesting Swainson's hawks from disturbances associated with the proposed project. However, the qualified biologist shall consult with the California Department of Fish and Wildlife to confirm the adequacy of the no-disturbance buffer and/or if the buffer is reduced based on the biologist professional judgement. *If an active nest of non-listed raptor species is found in or within 500 feet of the project site during construction, a "No Construction" buffer zone will be established around the active nest. Similarly, if a passerine nest is found within the project site during construction a "No Construction" buffer zone will be established around the active nest (usually 500 feet for raptors) to minimize the potential for disturbance of the nesting activity. The project biologist/biological monitor will determine and flag the appropriate buffer size required, based on the species, specific situation, tolerances of the species, and the nest location. Project activities will resume in the buffer area when the project biologist/biological monitor has determined that the nest(s) is (are) no longer active or the biologist has determined that with implementation of an appropriate buffer, work activities would not disturb the bird's nesting behavior.* *If special-status bird species are found nesting on or within 500 feet of the project site, the project biologist/biological monitor shall notify*	

Table 3-1: Mitigation Monitoring and Reporting Program			
Checklist Section	**Environmental Criteria**	**Mitigation Measure**	**Timing**
		SMUD's project manager to notify CDFW or USFWS, as appropriate, within 24 hours of first nesting observation.	
Tribal Cultural Resources	a, b	***Mitigation Measure 3.5-1*** *If any suspected Tribal cultural resources are discovered during ground disturbing construction activities, including midden soil, artifacts, chipped stone, exotic rock (nonnative), or unusual amounts of baked clay, shell, or bone, all work shall cease within 100 feet of the find. Appropriate Tribal representative(s) shall be immediately notified and shall determine if the find is a Tribal cultural resource (pursuant to PRC Section 21074). The Tribal representative will make recommendations for further evaluation and treatment, as necessary.* *Preservation in place is the preferred alternative under CEQA and the Tribes' protocols, and every effort must be made to preserve the resources in place, including through project redesign. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project vicinity where they will not be subject to future impacts. The Tribe does not consider curation of tribal cultural resources to be appropriate or respectful and request that materials not be permanently curated, unless approved by the Tribe. Treatment that preserves or restores the cultural character and integrity of a tribal cultural resource may include tribal monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil.*	Throughout construction activities.

Table 3-1: Mitigation Monitoring and Reporting Program			
Checklist Section	**Environmental Criteria**	**Mitigation Measure**	**Timing**
Cultural Resources	a, b	***Mitigation Measure 3.6-1: Discovery of Archaeological Materials*** *In the event that indigenous subsurface archaeological features or deposits, including locally darkened soil ("midden") or historic-period archaeological materials (such as concentrated deposits of bottles or bricks with makers marks, or other historic refuse), is uncovered during construction activities, all ground-disturbing activity within 100 feet of the discovery shall be halted until a qualified archaeologist can assess the significance of the find. SMUD will be notified of the potential find and a qualified archeologist shall be retained to investigate its significance. If the qualified archaeologist determines the archaeological material to be Native American in nature, Mitigation Measure 3.18-1 shall be implemented. If the find is determined to be significant by the archaeologist (i.e., because it is determined to constitute a unique archaeological resource), the archaeologist shall work with SMUD to develop and implement appropriate procedures to protect the integrity of the resource and ensure that no additional resources are affected. Procedures could include but would not necessarily be limited to preservation in place, archival research, subsurface testing, or contiguous block unit excavation and data recovery.*	Throughout construction activities.
Cultural Resources	c	***Mitigation Measure 3.6-2: Discovery of Human Remains*** *If human remains are discovered during any demolition/construction activities, potentially damaging ground-disturbing activities within 100 feet of the remains shall be halted immediately, and the project applicant shall notify the Sacramento County coroner and the NAHC immediately, according to Section 5097.98 of the PRC and Section 7050.5 of California's Health and Safety Code. If the remains are*	Throughout construction activities.

Table 3-1: Mitigation Monitoring and Reporting Program			
Checklist Section	**Environmental Criteria**	**Mitigation Measure**	**Timing**
		determined by the NAHC to be Native American, the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project applicant shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. Following the coroner's and NAHC's findings, the archaeologist, and the NAHC-designated Most Likely Descendant shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in PRC Section 5097.94.	
Traffic and Transportation	a, c, d	***Mitigation Measure 3.17-1: Traffic Control Plan*** *Prior to project construction within or adjacent to public roadways, SMUD's construction contractor shall develop a traffic control plan for the project and submit the plan to the City of Sacramento's Department of Public Works. The plan shall identify temporary lane, sidewalk, bicycle lane, and transit stop closures and provide information regarding how access and connectivity will be maintained during construction activities. The plan shall include details regarding traffic controls that would be employed, including signage, detours, and flaggers. The traffic control plan shall be implemented by the contractor during construction to allow for the safe passage of vehicles, pedestrians, and cyclists along the project route.*	Prior to work within or adjacent to public roadways.

This page intentionally left blank.

5 List of Preparers

5.1 Sacramento Municipal Utility District

Rob Ferrera ..... Environmental Specialist

5.2 Ascent Environmental

Mike Parker, AICP ..... Principal

Cori Resha, J.D. ..... Project Manager

Gayiety Lane ..... Publishing Specialist

Michele Mattei ..... Publishing Specialist

This page intentionally left blank.