

May 27, 2016

Ms. Amanda Dwyer
Environmental Scientist
State Water Resources Control Board
1001 "I" Street
Sacramento, CA 95814

RE: Addendum to the Initial Study/Mitigated Negative Declaration for the San José/Santa Clara Regional Wastewater Facility Cogeneration Project (Project), File No. PP16-009

Dear Ms. Dwyer,

Thank you for your April 14, 2016 comment letter on the Addendum for the proposed Project, File No. PP16-009. Please find attached 1) Comment Letter with Comments Delineated and 2) Response to Comments.

If you have any questions, please feel free to contact me via email at Kieulan.Pham@sanjoseca.gov or at (408) 535-3844.

Regards,

Kieulan Pham

Kieulan Pham, AICP
Planner - Environmental Review
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Responses to Comments Received on the Addendum to the Initial Study/Mitigated Negative Declaration for the San José/Santa Clara Regional Wastewater Facility Cogeneration Project (File No. PP16-009, SCH#2014042039)

This document consists of comments received by the City of San José (the Lead Agency) on the Addendum to the Initial Study/Mitigated Negative Declaration for the San José-Santa Clara Regional Wastewater Facility Cogeneration Project during the public review period and responses to those comments.

Each comment letter has been assigned a letter code based on the initials of the commenter or agency/organization acronym. Individual comments within each letter have been assigned an alphanumeric comment identification code based on the letter code and comment number; for example, the first comment in the letter from the State Water Resources Control Board (SWRCB) is SWRCB-1. Copies of written comments on the Addendum that were received during the public review period are provided in Attachment A.

Response to Comments from the State Water Resources Control Board, Amanda Dwyer, Environmental Scientist, 04/14/16

- SWRCB-1 This comment, describing the Clean Water State Revolving Fund Program, is acknowledged.
- SWRCB-2 This comment, describing the consultation duties of the State Water Board under provisions of the Federal Endangered Species Act and Section 106 of the National Historic Preservation Act and summarizing the associated information that would be needed from the City of San José, is acknowledged. The Initial Study Section 2.4, Biological Resources and the Addendum Section 3.3, Biological Resources, discuss impacts to federally-listed endangered species. The Initial Study Section 2.5, Cultural Resources and the Addendum Section 3.4, Cultural Resources, discuss impacts to cultural resources. When the City of San José pursues Clean Water State Revolving Fund financing for the Cogeneration Project, the City will provide suitable background reports (such as a Biological Assessment for any projects that could adversely affect species or habitat of species protected under the Federal Endangered Species Act) to support the State Water Board’s consultation duties.
- SWRCB-3 This comment, summarizing other environmental requirements pertinent to the Cogeneration Project under the Clean Water State Revolving Fund Program, is acknowledged. When the City of San José pursues Clean Water State Revolving Fund financing for the Cogen Project, the City will prepare an “Environmental Package” accompanying its financing application, containing responses to all environmental requirements. Much, but not all, of the information needed to respond is included in the Initial Study/Mitigated Negative Declaration and Addendum documents.

- SWRCB-4 The commenter requests that a copy of the Initial Study/Mitigated Negative Declaration and associated documents, like the Mitigation Monitoring and Reporting (MMRP), be provided. The public review period for the Initial Study/Mitigated Negative Declaration for the Cogeneration Facility Project (dated April 2014; State Clearinghouse [SCH] No. 2014042039) was from April 11, 2014 through May 12, 2014. The document was submitted to the SCH for distribution and per the SCH environmental documentation posting, the State Water Resources Control Board, Division of Water Quality received a copy of the document. No comments from the SWRCB were received. Per the SWRCB guidelines for the Clean Water State Revolving Fund, a copy of the 2014 Initial Study/Mitigated Negative Declaration, associated MMRP, and the Notice of Determination will be provided with the Environmental Application submittal for the Clean Water State Revolving Fund (CWSRF) financing for this project (CWSRF No. C-06-8141-110).
- SWRCB-5 This comment questions the air quality emissions for the proposed boilers and the chillers; if the chillers will have direct emissions, and what is the construction versus operational emissions for these components. The Addendum Section 3.2, Air Quality, describes the project-related construction and operational emissions. The chillers would be powered by electricity and therefore would not generate any direct operational emissions. The construction-related emissions are also further described in the Initial Study Section 2.3, Air Quality. The emissions associated with construction would result from the construction-related activities (i.e., grading, excavation) and the worker trips and construction equipment usage. There would be no construction-related emissions from the boilers or the chillers.
- SWRCB-6 In this comment the SWRCB questions whether the project would have an impact to foraging habitat for bird species. The Initial Study Section 2.4, Biological Resources and the Addendum Section 3.3, Biological Resources, discuss impacts to special-status wildlife species. Golden eagle, northern harrier, prairie falcon, white-tailed kite and American peregrine falcon have the potential to occur within the project area during foraging activities only. While the project would develop approximately 4.5 acres of maintained non-native grassland (i.e. lawn), these areas currently provide low quality foraging habitat for such raptors due to the location within or adjacent to existing plant facilities and operations. Wildlife species that may use the project area for foraging have access to ample, higher quality habitat (i.e. open pasture) in adjacent areas outside of the facility to the south and west that will not be affected by project construction. Therefore, any impacts to the foraging habitat within the Cogeneration Facility project area would not have a significant adverse effect to these bird species through habitat modification or loss of habitat.
- SWRCB-7 The commenter requests that an environmental alternatives analysis be included in either the CEQA document or in the technical project report. A Project Alternatives Analysis that includes environmental analysis for alternatives will be submitted as part of Attachment T1

of the “Technical Package” when the City of San José pursues Clean Water State Revolving Fund financing for the Cogen Project.

SWRCB-8 This comment, requesting that the City of San José provide to the SWRCB documents associated with the CEQA process, is acknowledged. The City will provide the requested materials to the SWRCB with the “Environmental Package” submittal for the CWSRF financing for this project (CWSRF No. C-06-8141-110).