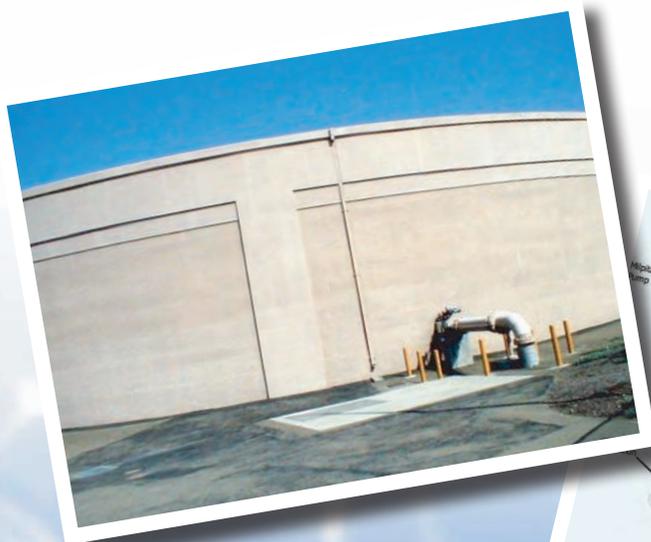




FINAL *PROGRAM ENVIRONMENTAL IMPACT REPORT*



WATER AND SEWER MASTER PLAN UPDATES

State Clearinghouse No. 2008082114

April 2010

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Chapter 8 – Introduction to Final EIR

Chapter 8 Introduction to Final EIR

The regulations for implementing the California Environmental Quality Act (CEQA) direct the lead agency to respond to substantive public comments on the Draft Environmental Impact Report (EIR). The City of Milpitas (City), acting as the CEQA lead agency, prepared and circulated a Draft EIR (State Clearinghouse No. 2008092082) in accordance with CEQA to evaluate the potential environmental impacts associated with the implementation of the Water and Sewer Master Plan Updates (Master Plan Updates). Comments received on the Draft EIR during the 45-day public review period are addressed in this document.

The Draft EIR is intended to inform decision-makers and the public of the possible environmental impacts of the Master Plan Updates, to determine whether these impacts could be significant, to identify methods whereby significant impacts could be reduced to less than significant levels, and to discuss possible alternatives to the proposed project. CEQA Guidelines specify that the Final EIR shall consist of the following:

- The Draft EIR or a revision of that draft;
- Comments and recommendations received on the Draft EIR;
- A list of persons, organizations, and public agencies commenting on the Draft EIR;
- The response of the lead agency to significant environmental points raised in the review and consultation process; and
- Any other information added by the lead agency.

The range of possible responses includes adding or modifying specific mitigation measures, modifying alternatives, supplementing analyses, making factual corrections, and explaining why comments do not warrant further agency response.

8.1 Organization of the Document

The Final EIR consists of the Draft EIR and appendices in Volume I and Comment Letters, Responses to Comments, and Mitigation Monitoring and Reporting Program in Volume II.

This document is Volume II of the EIR for the City's Master Plan Updates. This volume contains three chapters, which present the responses to comments on the Draft EIR and an appendix which contains the Mitigation Monitoring and Reporting Program. The four sections are:

- **Chapter 8 – Introduction to the Final EIR and Comments Received.** This describes the organization of the document and summarizes the public review process for the Draft EIR. This chapter contains copies of all written comments includes all letters received by the City during the Draft EIR review period. Each comment has been labeled with a unique identifier for reference to its response in Chapter 10.
- **Chapter 9 - Responses to Comments on Draft EIR.** This chapter includes individual responses to each comment on the Draft EIR. The responses emphasize issues related to the adequacy of the Draft EIR in identifying and analyzing the possible environmental impacts of the project and possible approaches for avoiding or mitigating these impacts. Revisions to text of the Draft EIR based on comments are included in these responses. Text revisions are formatted in revision fashion: ~~strikeouts~~ indicate removed text and underlines indicate new text.
- **Chapter 10 – Minor Changes and Edits to the Draft EIR.** Chapter 10 is a collection of all changes that result in changes to the Draft EIR. The changes are organized sequentially according to the page in the Draft EIR on which the text is changed.

- **Appendix E - Hydrostatic and Dewatering BMPs**
- **Appendix F - Mitigation Monitoring and Reporting Program.**
- **Appendix G – EnviroStar Database Outputs**

8.2 Public Review Process for EIR

The public comment period for the Draft EIR began on December 17, 2009 with announcement of the availability of the Draft EIR. A separate scoping meeting was held on September 9, 2008 in conjunction with the circulation of the Notice of Preparation (NOP) to present information about the Master Plan Updates and to receive early comments. The formal public comment period was closed on February 1, 2010.

The Draft EIR was distributed to those requesting copies. The Draft EIR was also made available to the public on the City's web site and hard copies were available for review at the following locations:

- Milpitas City Hall, 455 E. Calaveras Blvd.,
- Milpitas Public Library, 160 N. Main St., and on the
- City's website: www.ci.milpitas.ca.gov

The City will hold a meeting to consider certification of the EIR at 7 p.m. on May 4, 2010. In order to certify the Final EIR, the City must find that:

- the Final EIR has been completed in compliance with CEQA;
- the Final EIR was presented to the decision making body of the lead agency and that the decision making body reviewed and considered the information contained in the Final EIR prior to selection of a Project; and
- The final EIR reflects the lead agency's independent judgment and analysis (CEQA Guidelines 15090).

If the City certifies the Final EIR, a final decision will be made regarding whether to approve the Master Plan Updates, and the Notice of Determination will be filed. At the time of considering approval of the project, the City must consider the information presented in the Final EIR. Because the Master Plan Updates has significant, unavoidable environmental impacts, the City must find that the benefits of the project outweigh the environmental effects before it may approve the Master Plan Updates. This is called a Statement of Overriding Considerations and it must be included in the record of project approval (CEQA Guidelines 15093).

8.3 Changes to the Project Description

Since publication of the Draft EIR there has been a slight change to the recycled water improvements identified in Figure 2-6 and described on page 2-14 of the Draft EIR. The proposed recycled water improvements identified along Great Mall Parkway and west of McCandless Drive in Figure 2-6 were the subject of a previous Categorical Exemption that was filed in April 7, 2009. This minor changes to the project description is provided in Chapter 10 of this Final EIR.

8.4 Consideration of Recirculation

If significant new information is added to an EIR after public review, the lead agency is required to recirculate the revised document (CEQA Guidelines Section 15088.5). Significant new information includes, for example, a new significant environmental impact or a substantial increase in the severity of an impact. New information is not considered significant unless the

document is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or comment on a feasible mitigation measure that the proponent has declined to implement. As noted above, there have been minor changes to the Recycled Water improvements identified in Figure 2-6 of the Draft EIR. This change along with other minor changes and edits to the Draft EIR do not constitute new information resulting in a new previously unidentified impact, more severe impact, or reveal fundamental inadequacies in the document. For these reasons, recirculation of the Draft EIR was not deemed required.

8.5 Use of Comment Summaries

The full text of all written comments is included in Chapter 10. Each comment is identified by a comment number in the margin; responses use the same corresponding number system. In addition, to facilitate reading the Response to Comments, a summary of each comment is inserted in *italics* just prior to each response. This summary does not substitute for the actual comment; the reader is urged to read the full original text of all comments. The responses are prepared in answer to the full text of the original comment, and not to the abbreviated summary.

8.6 List of Letters Commenting on Draft EIR

The City received nine comment letters on the Draft EIR. Each comment letter has been assigned a letter (e.g., “A”), and each comment within that letter has been assigned a number. Therefore, a unique descriptor, consisting of a letter coupled with a number, applies to each comment and response. For example, “Response A1” refers to the response to the first comment in Letter A. These descriptors appear on each letter to indicate what text is considered part of each comment. Each communication is identified below in Table 8-1 by letter, comment author, and date.

Table 8-1. Comment Letters Received on the Draft EIR

Letter	Comment Author	Comment Date
A	Leroy Ellinghouse, Chief, State Water Project, Encroachments Section, Division of Operations and Maintenance	1/15/2010
B	Andrew Berna-Hicks, P. E., Department of Toxic Substances Control, Brownfields and Environmental Protection Program	1/25/2010
C	Eric Lacey, P.E., District Engineer, California Department of Public Health, Santa Clara District	1/27/2010
D	Ralucas Nitescu, P. E., Project Engineer, County of Santa Clara Roads and Airports Department	1/28/2010
E	Alfred Poon, Land Agent, Pacific Gas and Electric, Land Services	1/29/2010
F	Lisa Carboni, District Office Chief, California Department of Transportation, Local Development – Intergovernmental Review, District 4	2/1/2010
G	Roy Molseed, Senior Environmental Planner, Santa Clara Valley Transportation Authority	2/1/2010
The following letters were received after the close of the comment period (February 1, 2010)		
H	Antoinette Romeo, Planner III, County of Santa Clara Parks and Recreation Department	2/2/2010
I	Theodore Hipol, Assistant Engineer, Santa Clara Valley Water District	2/11/2010

STATE OF CALIFORNIA – THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791



JAN 19 2010

Sheldon Ah Sing
Milpitas Planning Division
Milpitas City Hall
455 East Calaveras Boulevard
Milpitas, California 95035

S.B. 2161 Review of 43-SC-6, Draft Environmental Impact Report, Proposed Improvements to the 2002 Water and 2004 Sewer Master Plans of the City of Milpitas, Delta Field Division, Santa Clara County

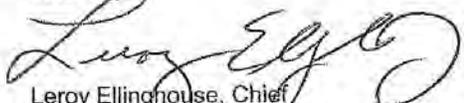
Dear Mr. Ah Sing:

The Division of Operations and Maintenance (O&M) has reviewed the draft environmental impact report for the City of Milpitas 2009 Water and Sewer Master Plans. The plans include water and sewer plan improvements from Dixon Road to Great Mall Parkway, west of Interstate 680.

O&M has reviewed the submitted materials with a requested response date of January 15, 2010, and has no comment.

If you have any questions about this letter, please contact Jonathan Canuela of my staff at (916) 653-5095.

Sincerely,


Leroy Ellinghouse, Chief
State Water Project Encroachments Section
Division of Operations and Maintenance

A-1

Comment Letter B



Department of Toxic Substances Control



Linda S. Adams
Secretary for
Environmental Protection

Maziar Movassaghi
Acting Director
700 Heinz Avenue
Berkeley, California 94710-2721



Arnold Schwarzenegger
Governor

January 25, 2010

Sheldon Ah-Sing
City of Milpitas
455 E. Calaveras Blvd
Milpitas, California 95035

DRAFT PROGRAM EIR, WATER AND SEWER MASTER PLAN UPDATES, CITY OF MILPITAS, CALIFORNIA, SCH# 2008082114

Dear Mr. Ah-Sing:

The Department of Toxic Substances Control (DTSC) has reviewed the Draft EIR document referenced above and dated December 17 2009 for hazardous materials related issues. The due date to submit comments is February 1, 2010. As you may be aware, DTSC oversees the cleanup of hazardous substance release sites pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a potential Responsible Agency, DTSC is submitting comments to ensure that the California Environmental Quality Act (CEQA) documentation prepared for this project adequately addresses any remediation of hazardous substance releases that might be required as part of the project.

The project includes projected updates to the water supply and sanitary sewer systems in your city. DTSC has the following comments on the Draft EIR:

- 1) The DEIR does not indicate whether the soil or groundwater at the projected locations of construction have been tested for the presence of hazardous materials. If testing has been completed, this information needs to be included in the Final EIR. B1
- 2) Soil and groundwater sampling should be performed to identify whether current or past chemical use may have resulted in a release of hazardous substances. This sampling should be conducted prior to or in conjunction with the preparation of the EIR. Any screening levels or criteria that are used in making a determination as to whether detected contaminants pose a risk to human health or the environment should be identified. If volatile organic compounds are present in soil or groundwater, the potential human health risk from vapor intrusion into future buildings will need to be considered. B2

Sheldon Ah-Sing
January 25, 2010
Page 2 of 2

- 3) Any remediation activities that are to be implemented as part of the project should be discussed in the EIR along with the cleanup levels that will be applied and the anticipated regulatory agency oversight. Potential impacts associated with the remediation activities should be addressed by the EIR. If the remediation activities include soil excavation, the EIR should include: (1) an assessment of air impacts and health impacts associated with the excavation activities; (2) identification of any applicable local standards which may be exceeded by the excavation activities, including dust and noise levels; (3) transportation impacts from the removal or remedial activities; and (4) risk of upset should there be an accident during cleanup. B3

If you have any questions, please call me at (510) 540-3956 or email me at abernahi@dtsc.ca.gov.

Sincerely,



Andrew Berna-Hicks, P.E.
Brownfields and Environmental Restoration Program

cc: Alyssa De La Cruz (via email)
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806
ADelacr1@dtsc.ca.gov

Nancy Ritter (via email)
Office of Environmental Planning and Analysis
Department of Toxic Substances Control
nritter@dtsc.ca.gov

State Clearinghouse and Planning Unit (via email)
Office of Planning and Research
P.O. Box 3044
Sacramento, California 95812-3044
State.clearinghouse@opr.ca.gov

Comment Letter C



State of California—Health and Human Services Agency
California Department of Public Health



MARK B HORTON, MD, MSPH
Director

ARNOLD SCHWARZENEGGER
Governor

January 27, 2010

Mr. Sheldon Ah Sing
Senior Planner, Planning Division
Planning and Neighborhood Services Department
City of Milpitas
455 East Calaveras Boulevard
Milpitas, CA 95035

Dear Mr. Ah Sing:

**2009 WATER AND SEWER MASTER PLAN UPDATES- DRAFT PROGRAM
ENVIRONMENTAL IMPACT REPORT (SCH # 2008082114)
CITY OF MILPITAS, WATER SYSTEM NO. 4310005**

The Department of Public Health's (Department) comments on the proposed project are as follows:

The project area, as indicated in the Draft Program Environmental Impact Report (EIR), is within the service area of the City of Milpitas, a public water system under the jurisdiction of the Department.

It was indicated in the Draft Program EIR that the City of Milpitas (City) intends to formally adopt the 2009 Water and Sewer Master Plan Updates, which outline specific Capital Improvement Project (CIP) improvements for the City's water and sewer systems based on modeled deficiencies in response to planned growth. The draft EIR addresses the potentially significant adverse environmental impacts that maybe associated with the planning, construction or operation of the individual improvements associated with the Master Plan Updates. The Master Plan Updates recommends conveyance-related facility improvements for the City's water supply infrastructure because the City is a wholesale water customer of both the San Francisco Utilities Commission (SFPUC) and the Santa Clara Valley Water District (SCVWD). These conveyance improvements include those necessary to correct low pressures, insufficient fire flow and head loss within the system. In addition, the City expects that additional storage and pumping capacity will be required within the pressure zones served by SCVWD. Prior to implementing these water system improvements, the City will need to apply for and obtain the necessary (amended) permits from the Department regarding any additions or changes to its system, in accordance with Section 116550 (a), Article 7, Chapter 4, California Health and Safety Code (CHSC). This section specifies that no person operating a water system shall modify, add to or change his or her source of supply or

C1

Mr. Sheldon Ah Sing
January 27, 2010
Page 2

method of treatment or change his or her distribution system as authorized by a valid permit issued to him or her by the Department, unless the person first submits an application to the Department and receives an amended permit as provided in this chapter authorizing the modification, addition or change in his or her source of supply or method of treatment.

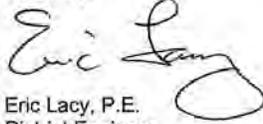
C1 cont.

Finally, the proposed water system improvements must comply with the provisions of the California Waterworks Standards, Chapter 16, Title 22, California Code of Regulations (CCR).

C2

If you have any questions, please call Jose P. Lozano IV at (510) 620-3459 or myself at (510) 620-3453.

Sincerely,



Eric Lacy, P.E.
District Engineer
Santa Clara District
Drinking Water Field Operations Branch

cc: Office of Planning and Research
State Clearinghouse
Attention: Scott Morgan
P. O. Box 3044
Sacramento, CA 95812-3044

Ms. Kathleen Phalen, P.E.
Utility Engineer
City of Milpitas
455 East Calaveras Boulevard
Milpitas, CA 95035-5411

Veronica Malloy
Environmental Review Unit
P.O. Box 997377, MS 7418
Sacramento, CA 95899-7377

Santa Clara County Environmental Health Department

Comment Letter D

County of Santa Clara
Roads and Airports Department



101 Skyport Drive
San Jose, California 95110-1302
(408) 573-2400

January 28, 2010

Mr. Sheldon Ah Sing, Milpitas Planning Division
City of Milpitas
455 East Calaveras Boulevard
Milpitas, CA95035-5479

Subject: City of Milpitas' Water and Sewer Master Plan Update Draft Environmental Report (DEIR).

Dear Mr. Singh,

Your December 21, 2009 letter along with the attachment for the subject project have been reviewed. Our comments are as follow:

1. An encroachment permit will be required for any projects taking place in the County right of way affecting county maintained roads. | D1
2. No open cuts on the expressway are allowed, only bore and jack. | D2
3. Disruption of traffic on the county maintained roads to be kept to a minimum | D3
4. Traffic Control plans for the project affecting County maintained roads to be reviewed and approved on individual project basis. | D4

Thank you for the opportunity to review and comment on this application. If you have any questions, please contact me at 408-573-2464.

Sincerely,


Raluca Nitescu, PE
Project Engineer

cc: KV, RS, MA, WRL, File

Board of Supervisors: Donald F. Gage, George Shirakawa, Dave Cortese, Ken Yeager, Liz Kniss
County Executive: Jeffrey V. Smith



Comment Letter E



Land Services, 111 Almaden Blvd., Rm. 814, San Jose, CA 95115

January 29, 2010

City of Milpitas
Planning Department
455 E Calaveras Blvd.
Milpitas, CA 95035
Attn: Sheldon Ah Sing
Email: sahsing@ci.milpitas.ca.gov

RE: Review of the Draft Environmental Impact Report (DEIR)
Dated December 17, 2009
For: Milpitas Water and Sewer Master Plan Project
Loc: Citywide - Milpitas
PG&E File : SJ 310 (Land)

Dear Sir / Madam,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) Milpitas Water and Sewer Master Plan Project. PG&E has the following comments to offer:

PG&E owns and operates gas and electric facilities which are located within and adjacent to the proposed project. To promote the safe and reliable maintenance and operation of utility facilities, the California Public Utilities Commission (CPUC) has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. To ensure compliance with these standards, project proponents should coordinate with PG&E early in the development of their project plans. Any proposed development plans should provide for unrestricted utility access and prevent easement encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities.

The developers will be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate their proposed development. Because facilities relocation's require long lead times and are not always feasible, the developers should be encouraged to consult with PG&E as early in their planning stages as possible.

Relocations of PG&E's electric transmission and substation facilities (50,000 volts and above) could also require formal approval from the California Public Utilities Commission. If required, this approval process could take up to two years to complete. Proponents with development plans which could affect such electric transmission facilities should be referred to PG&E for additional information and assistance in the development of their project schedules.

E1

We would also like to note that continued development consistent with the City's General Plans will have a cumulative impact on PG&E's gas and electric systems and may require on-site and off-site additions and improvements to the facilities which supply these services. Because utility facilities are operated as an integrated system, the presence of an existing gas or electric transmission or distribution facility does not necessarily mean the facility has capacity to connect new loads.

E1 cont.

Expansion of distribution and transmission lines and related facilities is a necessary consequence of growth and development. In addition to adding new distribution feeders, the range of electric system improvements needed to accommodate growth may include upgrading existing substation and transmission line equipment, expanding existing substations to their ultimate buildout capacity, and building new substations and interconnecting transmission lines. Comparable upgrades or additions needed to accommodate additional load on the gas system could include facilities such as regulator stations, odorizer stations, valve lots, distribution and transmission lines.

E2

It is recommended that environmental documents for proposed development projects include adequate evaluation of cumulative impacts of utility systems, the utility facilities necessary to serve those developments and any potential environmental issues associated with extending utility service to the proposed project. This will assure the project's compliance with CEQA and reduce potential delays to the project schedule.

PG&E remains committed to working with the City to provide timely, reliable and cost effective gas and electric service to the planned area. We would also appreciate being copied on future correspondence regarding this subject as this project develops.

The California Constitution vests in the California Public Utilities Commission (CPUC) exclusive power and sole authority with respect to the regulation of privately owned or investor owned public utilities such as PG&E. This exclusive power extends to all aspects of the location, design, construction, maintenance and operation of public utility facilities. Nevertheless, the CPUC has provisions for regulated utilities to work closely with local governments and give due consideration to their concerns. PG&E must balance our commitment to provide due consideration to local concerns with our obligation to provide the public with a safe, reliable, cost-effective energy supply in compliance with the rules and tariffs of the CPUC.

Should you require any additional information or have any questions, please call me at (408) 282-7544.

Sincerely,



Alfred Poon
Land Agent
Land Rights Protection
Southern Area
Email: akp3@pge.com

Sent By: CALTRANS TRANSPORTATIO PLANNING; 510 286 5560;
To: MILPITAS At: 914085863293

Feb-1-10 3:58PM;

Page 1

Comment Letter F

STATE OF CALIFORNIA — BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 622-5491
FAX (510) 286-5559
TTY 711



*Flex your power!
Be energy efficient!*

February 1, 2010

SCL-000-GEN
SCL000196
SCH#2008082114

Mr. Sheldon Ah-Sing
City of Milpitas
455 E. Calaveras Boulevard
Milpitas, CA 95035

Dear Mr. Ah-Sing:

City of Milpitas Water and Sewer Plan Update Project – Draft Environmental Impact Report (DEIR)

Thank you for continuing to include the California Department of Transportation (Department) in the environmental review process for the City of Milpitas Water and Sewer Plan Update Project. The following comments are based on the DEIR.

As lead agency, the City of Milpitas is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, and implementation responsibilities as well as lead agency monitoring should be fully discussed for all proposed mitigation measures and the project's traffic mitigation fees should be specifically identified in the environmental document.

Any required roadway improvements should be completed prior to issuance of project occupancy permits. An encroachment permit is required when the project involves work in the State's right of way (ROW). The Department will not issue an encroachment permit until our concerns are adequately addressed. Therefore, we strongly recommend that the lead agency ensure resolution of the Department's environmental concerns prior to submittal of the encroachment permit application; see the end of this letter for more information regarding the encroachment permit process.

F1

"Caltrans improves mobility across California"

Sent By: CALTRANS TRANSPORTATIO PLANNING; 510 286 5560;

Feb-1-10 3:57PM;

Page 2/3

Mr. Sheldon Ah-Sing/City of Milpitas
February 1, 2010
Page 2

Cultural Resources

The Department would like to add the following comment to the Cultural Resources Section, 3.5 under Mitigation:

Should ground disturbing activities take place within State ROW and a prehistoric site is identified, pursuant to California Environmental Quality Act (CEQA), PRC 5024, and Caltrans Environmental Handbook Volume 2, Caltrans will require a Cultural Resource Study prepared by a qualified, professional archaeologist that includes the following before an Encroachment Permit can be issued:

- An effects evaluation of potential project impacts to the archaeological site
- A mitigation plan per CEQA Guidelines 15126.4(b)(3)
- Evidence of Native American consultation pursuant to PRC 5097.

Avoidance is the preferred mitigation for archaeological sites under CEQA; however, CEQA Guidelines 15126.4(b) (3) provides discussion of archaeological mitigation. Archaeological monitoring is not appropriate mitigation prior to evaluation of a resource.

If a cultural resource evaluation results in the finding of a historically or culturally significant resource, based on the project impacts to this resource, a Data Recovery Plan may be necessary.

Encroachment Permit

Please be advised that any work or traffic control that encroaches onto the State ROW requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the address below. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process. See the website link below for more information.

<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Michael Condie, District Office Chief
Office of Permits
California DOT, District 4
P.O. Box 23660
Oakland, CA 94623-0660

"Caltrans improves mobility across California"

Sent By: CALTRANS TRANSPORTATIO PLANNING; 510 286 5560;

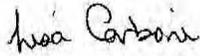
Feb-1-10 3:57PM;

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Mr. Sheldon Ah-Sing/City of Milpitas
February 1, 2010
Page 3

Please feel free to call or email Luis Melendez of my staff at (510) 286-5606 or Luis_Melendez@dot.ca.gov with any questions regarding this letter.

Sincerely,



LISA CARBONI
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

"Caltrans improves mobility across California"



Comment Letter G

February 1, 2010

City of Milpitas
Planning Division
455 East Calaveras Boulevard
Milpitas, CA 95035-5479

Attention: Sheldon Ah Sing

Subject: Milpitas Water and Sewer Master Plan Update

Dear Mr. Sing:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft EIR for the Milpitas Water and Sewer Master Plan Update. We have the following comments.

Transportation Impacts and Mitigation Measures

VTA supports the development of a comprehensive Traffic Control Plan as a mitigation measure for transportation-related impacts, as discussed in Mitigation Measure TR-1. As noted in our comments to the Notice of Preparation (NOP), there are several projects that may impact transit operations based on the location of existing transit. VTA requests that the project applicant coordinate with VTA throughout the project's lifetime if any potential impacts to bus stops or bus routes are expected to occur.

G1

Specifically, if any bus pads, passenger loading areas, or other bus stop facilities are affected (damaged, cut, or removed), those items will need to be replaced per VTA standards. Steve Newgren should be contacted well in advance at (408) 952-4106 if any bus stops or routes will be affected by construction activities.

Additionally, VTA commends the project applicant for considering signage and advance construction noticing as part of the Traffic Control Plan. VTA recommends that adequate signage be provided to alert not only motorists but cyclists and pedestrians as well of any detour routes or expected roadway closures. If possible, consideration should be given to allowing bikes to traverse a work site by dismounting as an option, if the alternate route results in a significant increased distance or travel time compared to using the detour. Please refer to VTA's *Bicycle Technical Guidelines (BTG)* for detailed guidance on bicycle accommodations for construction/work zones. The BTG may be downloaded from <http://www.vta.org/news/vtacmp/Bikes>. For more information, please contact Michelle DeRobertis of VTA's Congestion Management Agency Division at (408) 321-5716.

G2

City of Milpitas
February 1, 2010
Page 2

Coordination with SVRT

As construction of these projects are recommended for the near to mid-term time frame, coordination and understanding of the SVRT (BART) project planning, engineering, schedule, staging areas, and haul routes should be considered to avoid an overlap of construction or pre-construction activities associated with the SVRT project. The SVRT Final Environmental Impact Statement schedule calls for utility relocation and project construction to begin in 2012.

There are a couple of projects included in the project description that we wanted to mention in particular:

- For the TASP Recycled Water Pipeline Improvements (W-MP-6) on page 2-14, the proposed recycled water pipeline would be constructed in our SVRT Station Campus project area. Therefore, we would like to know the proposed schedule for this project.
- For the Great Mall Project B (S-MP-11B) on page 2-19, it will also be important to coordinate traffic handling for the sewer pipe replacements with construction of our SVRT Station Campus construction.

G3

3.1.4 Cumulative Analysis

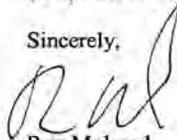
Please note the following corrections to statements made in this section:

- The Freight Railroad Relocation project is currently under construction (not proposed as stated in the Draft EIR)
- The SVRT project does not include creation of two light rail stations as stated in the Draft EIR.
- The site of the Milpitas BART Station is located at the intersection of Montague Expressway and Capitol Avenue.

G4

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,



Roy Molseed
Senior Environmental Planner

RM:kh
ML0806

Comment Letter H

County of Santa Clara

Parks and Recreation Department

298 Garden Hill Drive
Los Gatos, California 95032-7669
(408) 355-2200 FAX 355-2290
Reservations (408) 355-2201
www.parkhere.org



February 2, 2010

Sheldon Ah Sing
Milpitas Planning Division
City of Milpitas
455 E. Calaveras Blvd.
Milpitas, CA 95035

Subject: Draft Environmental Impact Report for the City of Milpitas Water and Sewer Master Plan Updates. (State Clearinghouse No. 2008082114)

Dear Mr. Ah Sing,

Thank you for the opportunity to comment on the Draft Program Environmental Impact Report (DEIR) for the Water and Sewer Master Plan Updates for the City of Milpitas. The program-level DEIR describes this project as implementation of the City's 2009 Water and Sewer Master Plan Updates which specifically define the potable water and sewer system improvements necessary to meet the City's current and forecasted demand. The Santa Clara County Parks Department (County Parks) comments are primarily focused on potential impacts related to land use policies, recreation, and to the *Santa Clara County Countywide Trails Master Plan Update* relative to countywide trail routes, public access, and regional parks.

Section 3.9.1 Environmental Setting

Existing Land Use: As stated in the DEIR, Ed R. Levin County Park (Ed Levin County Park) lies along the eastern border of the City and offers many recreational facilities and activities which serve local residents. While not within the project area, it should be noted that Ed Levin Park is within the City's sphere of influence and the southern portion of the park is within the city limits. The DEIR should correctly list the park as Ed R. Levin County Park and could more accurately describe the park. Recreational facilities and activities in Ed Levin County Park include over 19 miles of regional and internal park trails, group camping, an off-leash dog park, equestrian staging area, picnicking, fishing, hang gliding, and golfing. Spring Valley Golf Course, a leased facility, and Airpoint School, a private in-holding property, are located within the park.

H1

The DEIR should discuss Calaveras Road as bisecting the southern portion of the park and providing the main vehicular entry into the park and access to park facilities including the off-



Board of Supervisors: Donald F. Gage, George Shirakawa, Dave Cortese, Ken Yeager, Liz Kniss
County Executive: Jeffrey V. Smith

leash dog park facility which is operated by the City of Milpitas. In addition, Calaveras Road provides the only roadway access to the golf course, school site and the park's equestrian staging area and is used by commuters, residents and visitors to the park.

As such, the DEIR should include a discussion of potential direct and indirect impacts to Ed Levin County Park which may result from construction related activities and include mitigation measures to reduce potential impacts, including disruptions in access. Please also reference discussion under Section 3.11 Transportation Impacts and Mitigations.

H1 cont.

Local Policies and Programs

County Parks, in partnership with other public agencies, is charged with furthering the implementation of the *Santa Clara Countywide Trails Master Plan Update* adopted by the County Board of Supervisors as part of the County's General Plan (1995-2010) in November 1995. The DEIR should acknowledge the policies and guidelines of the *Santa Clara Countywide Trails Master Plan Update* and discuss how the proposed project is consistent with the County's General Plan policies. The following regional trail routes identified in the Countywide Trails Master Plan are within or adjacent to the project area (*see attached map*).

- Bay Area Ridge Trail: Diablo Range (R5-B) - designated as a trail route within other public lands for hiking, off-road cycling and equestrian use. This trail follows the Calera Creek Trail: Northwest Agua Caliente Trail within Ed Levin County Park.
- Calaveras Connector Trail (C7) – designated as an on-street bicycle route within the road right-of-way (ROW). This trail is located along Calaveras Boulevard/Road, Jacklin Road, Milpitas Street, and Dixon Landing Road connecting to Juan Bautista de Anza NHT (R1-B).
- Calera Creek Connector Trail (C6) – designated as a trail route within other public lands for hiking, off-road cycling and equestrian use. This trail follows Calera Creek until it crosses highway 680 then west along city streets connecting to the Calaveras Connector Trail at Milpitas Boulevard.
- Juan Bautista de Anza National Historic Trail (R1-B) – designated as a trail route within other public lands for hiking, on-road cycling and off-road cycling. This trail follows Coyote Creek and runs along portions of McCarthy Ranch Road.
- Piedmont Connector Trail (C8) – designated as a trail route within other public lands for hiking, off-road cycling, and equestrian. This trail originates at Piedmont Road connecting to Bay Area Ridge Trail: Diablo Range (R5-B)

H2

The DEIR should describe these trail routes, which in most instances, provide both local and regional recreation opportunities and offer opportunities for non-motorized transportation, interconnections between neighborhoods, and connections to regional parks, park trails and open space areas.

Implementation of projects identified in the DEIR, particularly construction-related activities, may impact recreational opportunities and as stated on page ES-2, there may be "Potential impacts to existing and proposed trails routes and recreational opportunities". Therefore, the DEIR should include a discussion of potential direct and indirect impacts to recreation and existing recreational facilities in the project vicinity such as those in Ed Levin County Park and the regional trail routes described above.



Board of Supervisors: Donald F. Gage, George Shirakawa, Dave Cortese, Ken Yeager, Liz Kniss
County Executive: Jeffrey V. Smith

Section 3.11 Transportation

Existing Conditions –SR 237/Calaveras Boulevard

The DEIR should note that Calaveras Boulevard becomes Calaveras Road east of Piedmont Road and provides the main vehicular entry into Ed Levin County Park and access to park facilities. Calaveras Road is used by commuters, residents, and visitors to the park and is a popular route for bicyclist. Please also reference discussion under *Existing Land Use*.

H3

Bicycle and Pedestrian Facilities

It should be noted that some of the existing and proposed bikeways identified in Figure 3.11-1 are Countywide Trails Master Plan trail routes and provide recreational opportunities and connections to regional trails, open space areas and regional parks. Please reference discussion under *Local Policies and Programs* or attached map of the Countywide Trails Master Plan trail routes within or adjacent to the project area. These routes or segments thereof including Calaveras Connector Trail, and portions of Calera Creek Connector Trail and Juan Bautista de Anza National Historic Trail are located within the road right-of-way and could be directly or indirectly impacted by construction related activities. Any project-specific environmental analysis should consider these potential regional trail impacts.

H4

Impacts and Mitigations

Traffic and circulation impacts identified in the DEIR, may directly and indirectly impact regional trail routes, recreational opportunities, and access to Ed Levin County Park facilities particularly as Calaveras Road is the primary vehicular access to the park and is a popular route for bicyclists.

Impact TR-2 “Construction of the Master Plan improvements could increase roadway safety hazards and contribute to disruptions in emergency and/or recreational access” states “*impacts would include direct disruption of traffic flows and street operations and restriction of bicycle and pedestrian access to adjacent land uses and streets.*” and “*construction of the individual improvements within public ROWs could increase the interaction of construction-related traffic, vehicles, bicycles, and pedestrians, thus temporarily increasing potential safety hazards and restricting or delaying access to adjacent land uses.*”

H5

While the DEIR adequately addresses potential impacts and mitigations within the project area, it should also evaluate and mitigate potential impacts to the adjacent land uses including Ed Levin County Park facilities and regional trail routes such as those described in *Local Policies and Programs*.

County Parks request to be included in the public outreach and advance construction noticing associated with the implementation of the Traffic Control Plan as outlined in Mitigation Measure LU-1 and noted in Mitigation Measure TR-1. County Parks also requests copies of documents showing the location of construction activity, and detour routes mentioned in Mitigation Measure TR-1 and Mitigation Measure LU-1 particularly those along Calaveras Boulevard which may impact access to the Ed Levin County Park. This would enable Parks staff to provide advance notification to park reservation staff and park visitors. Notifications may be sent to the attention of Matt Anderson, Chief Park Ranger, 298 Garden Hill Drive, Los Gatos CA 95032 or by email to Matt.Anderson@prk.sccgov.org.

H6



Board of Supervisors: Donald F. Gage, George Shirakawa, Dave Cortese, Ken Yeager, Liz Kniss
County Executive: Jeffrey V. Smith

The County Parks and Recreation Department appreciates the opportunity to review and submit comments on the Draft Program Environmental Impact Report (DEIR) for the Water and Sewer Master Plan Updates for the City of Milpitas and looks forward to reviewing the Final EIR and project-level environmental review documents when they become available. If you have any questions regarding these comments, please feel free to contact me at (408) 355-2235 or via email at Antoinette.Romeo@prk.sccgov.org.

Sincerely,



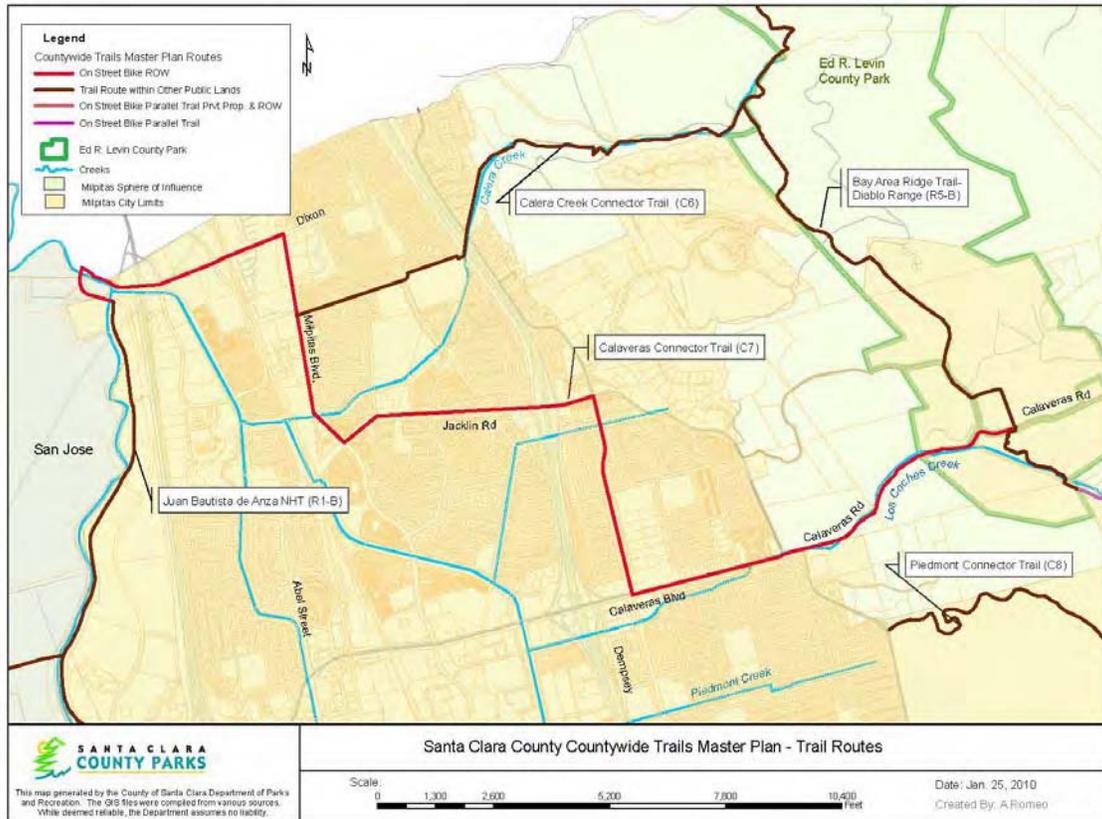
Antoinette Romeo
Planner III

Attachment: Santa Clara County Countywide Trails Master Plan – Trail Routes Map

cc: Jane Mark, Senior Planner
Matt Anderson, Chief Park Ranger
Bill Grimes, Environmental Health and Safety Compliance Specialist – Water Systems Advisor



Board of Supervisors: Donald F. Gage, George Shirakawa, Dave Cortese, Ken Yeager, Liz Kniss
County Executive: Jeffrey V. Smith





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SAN JOSE, CA 95118-3686
TELEPHONE (408) 266-2600
FACSIMILE (408) 266-0271
www.valleywater.org
AN EQUAL OPPORTUNITY EMPLOYER

Comment Letter I

File: 31939
Various

February 11, 2010

Mr. Sheldon Ah Sing
Milpitas Planning Division
City of Milpitas
455 E. Calaveras Blvd
Milpitas, CA 95035

Subject: Water and Sewer Master Plan (Master Plan) Update Draft Environmental Impact Report (DEIR) for City of Milpitas

Dear Mr. Ah Sing:

The Santa Clara Valley Water District (District) has reviewed the subject document and has the following specific comments.

Page 3.8-1, second paragraph under "Storm Water" mentions the City's Storm Drain Master Plan (2001) currently in the process of being updated. Please provide the District with the status and any updates regarding the Storm Drain Master Plan.

11

Page 3.8-2, first paragraph under "Flooding" states the District "maintains Arroyo de Los Coches, Caldera Creek (north and south branches), Piedmont Creek, Tularcitos Creek (north and south branches), Lower Penitencia and Berryessa Creeks. SCVWD is responsible for flood protection within the Study Area because it is located within the Coyote Watershed of the SCVWD's Flood Control Benefit Assessment District." With the implementation of the District's Water Resource Protection Ordinance in 2007, the District's creek responsibilities are limited to areas where the District owns land in fee or easement. The District's fee and easement rights along the aforementioned creeks are not continuous and vary for each creek. Please revise the language in the document accordingly.

12

Please revise and/or include the creek facility names as follows:

- Arroyo de Los Coches to Los Coches Creek
- Caldera Creek (north and south branches) to Calera Creek
- Tularcitos Creek (north and south branches) to Tularcitos Creek
- Add Penitencia East Channel (which flows from east to west located southerly Capitol Avenue crossing Montague Expressway and connecting into Lower Penitencia Creek)

Page 3.8-2, end of the second paragraph mentions planned improvements identified in Figure 3.1-1. The Legend in Figure 3.1-1 on page 3.1-5 is not consistent with the symbol corresponding to the Lower Berryessa Creek Flood Protection Project. The symbol representing the Lower Berryessa Creek Flood Control Project appears to represent all of the

13



Mr. Sheldon Ah Sing
Page 2
February 11, 2010

creek alignments within the study area. The Lower Berryessa Creek project limits are between Highway 237/Calaveras Boulevard and the confluence with Lower Penitencia Creek. Please revise accordingly. | 13 cont.

Page 3.8-2 under Berryessa Creek needs to be revised, since Berryessa Creek does not receive flows from Penitencia Creek. Berryessa Creek conflues with Wrigley-Ford Creek(which is local jurisdiction) and then into Lower Penitencia Creek. | 14

General comments are as follows:

In accordance with the Water Resources Protection Ordinance, any plans for construction over the District's 42-inch diameter Milpitas Pipeline or the District's fee or easement land rights should be sent to us for review and issuance of a permit. An application for a District permit will need to be completed and submitted with the plans. This application is available under the Permits heading in the Programs: Business Information & Permits section of the District's website at www.valleywater.org. | 15

Post-construction water quality mitigation needs to be implemented. The design of the project area should incorporate water quality mitigation measures such as those found in the "Start at the Source-Design Guidance Manual for Stormwater Quality Protection," prepared for the Bay Area Stormwater Management Agencies Association. | 16

For sites greater than one acre, the developer must file a Notice of Intent to comply with the State's NPDES General Permit for Storm Water Discharges Associated with Construction Activity with the State Water Resources Control Board. The developer must also prepare, implement, and maintain a Storm Water Pollution Prevention Plan (SWPPP) and provide measures to minimize or eliminate pollutant discharges from construction activities. The District would appreciate the opportunity to review the SWPPP for the Master Plan improvements when available. | 17

To prevent pollutants from construction activity, including sediments, from reaching the aforementioned creek facilities, please follow the Santa Clara Urban Runoff Pollution Prevention Program's recommended Best Management Practices for construction activities, as contained in "Blueprint for a Clean Bay," and the "California Storm Water Best Management Practice Handbook for Construction." | 18

The proposed work located within the existing floodplain should not increase the 100-year water surface elevation on surrounding properties nor should it increase existing flooding. The City of Milpitas shall be responsible for any additional street flooding as a result of the any work and projects completed as part of the Master Plan. | 19

In accordance with the District Ordinance 90-1, the owner should show any existing well(s) on the plans. If a well is located on the site during construction activities, it must be protected or properly destroyed in accordance with the District's standards. Property owners or their representatives should call the Wells and Water Production Unit at (408) 265-2607, extension 2660, for more information regarding well permits and registration or destruction of any wells. | 110

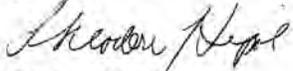
Mr. Sheldon Ah Sing
Page 3
February 11, 2010

Please reference File No. 31939 on further correspondence regarding the project.

| 111

Should you have any questions, please give me a call at (408) 265-2607, extension 2494 or email me at THipol@valleywater.org.

Sincerely,



Theodore Hipol
Assistant Engineer
Community Projects Review Unit

cc: S. Tippets, S. Yung, T. Hipol, B. Judd, M. Silva, W. Chang, S. Katric, V. Stephens, K. McKenzie, L. Lee, D. Adams, D. Duran, File

TH:

Chapter 9 – Responses to Comments

Chapter 9 Responses to Comments

This Chapter contains the City’s responses to comments received on the Draft EIR. Responses to the comments received emphasize issues related to the adequacy of the Draft EIR in identifying and analyzing the possible environmental impacts of the Master Plan Updates and possible approaches for avoiding or mitigating these impacts. As previously indicated, each comment letter has been assigned a letter (e.g., “A”), and each comment within that letter has been assigned a number. Therefore, a unique descriptor, consisting of a letter coupled with a number, applies to each comment and response. For example, “Response A-1” refers to the response to the first comment in Letter A. These descriptors appear on each letter to indicate what text is considered part of each comment.

9.1 Comment Letter A - State Water Project, Encroachments Section, Division of Operations and Maintenance

9.1.7 Response A-1

The City notes staffs’ review of the Draft EIR and that the Division of Operations and Maintenance has no comments on the Draft EIR.

9.2 Comment Letter B - Department of Toxic Substances Control, Brownfields and Environmental Protection Program

9.2.7 Response B-1

The City acknowledges that the Draft EIR does not provide the precise locations of pre-existing soil and groundwater contamination within the Master Plan Study Area. Rather, given the programmatic nature of the EIR, the City provided a general summary of these pre-existing conditions on pages 3.7-1 through 3.7-2 of the Draft EIR as opposed to providing an exhaustive list of the recorded sites within the Master Plan Study Area. As referenced on page 3.7-1, as part of the City’s assessment of potential hazards and risk of upset during construction, the City referred to DTSC’s EnviroStar Database to identify existing, documented sources of contamination within the Master Plan Study Area. Additionally, the Draft EIR incorporates by reference the Transit Area Specific Plan, which provides a comprehensive discussion of the pre-existing sources of contamination within the TASP. Based on these considerations, a summary of this information is considered sufficient to characterize potential impacts related to hazardous materials discovery during construction within the Master Plan Area.

As provided in Chapter 1 of the Draft EIR, the EIR provides a program level of analysis of the Master Plan Updates per the requirements of Section 15168 of the CEQA Guidelines. In acknowledging the issues raised by the Department, the City has prescribed suitable mitigation to address potential hazardous materials conditions that could be encountered along the alignments of individual improvement projects. The level of detail being requested in this comment would not be practical to obtain at the scale of analysis conducted as part of the program EIR and, therefore, is more appropriate at the project-level.

With this understanding, the City understands the need for complete transparency, especially for those unable to view the EnvironStar database online, and will add a new appendix containing outputs from the EnviroStar Database and summarized on pages 3.7-1 and 3.7-2 of the Draft EIR. This information will be included in the Final EIR as Appendix G. The minor changes and additions to the Draft EIR are provided in Chapter 10 of the Final EIR and would not result in any corresponding changes to the impact conclusions contained in the Draft EIR.

9.2.8 Response B-2

The City agrees with DTSC's comment and directs staff to the mitigation protocols identified in Mitigation Measures HAZ-2a and HAZ-2b. These measures, as described in more detail on pages 3.7-8 and 3.7-9 of the Draft EIR, provide a standardized protocol for identifying pre-existing hazardous material conditions and/or soil contamination prior to final design and construction of individual improvement projects covered under the Master Plan Updates. Mitigation Measure HAZ-2a requires the preparation of a Phase 1 Environmental Site Assessment for improvements that extend beyond the pavement of existing roadway rights-of-way where these types of soil contamination are otherwise visible at the surface. Additionally, the City has included Mitigation Measure HAZ-1, which requires the City's or developer's construction contractor to develop and implement a Spill Prevention, Control, and Countermeasure Program (SPCCP) to minimize the potential for and effects from spills of hazardous, toxic, or petroleum substances during construction activities. Combined, these measures provide a rigorous protocol for each improvement project covered under the Master Plan Updates. In terms of the scenario presented in the comment, in instances where the removal of contaminated soils becomes necessary, including contamination from volatile organic compounds (VOC), the City would follow the recommendations of a licensed professional as outlined in the project-specific remediation plan required under Mitigation Measure HAZ-1b.

9.2.9 Response B-3

The City appreciates the Department's comments and understands the Department's concerns related to the potential for encountering these pre-existing sources of contamination during Master Plan-related construction activities. However, it would be inappropriate for the City to speculate on potential remediation-related impacts before knowing what type of remediation activity would be implemented; let alone whether it would even be required. Based on these considerations and to address DTSC's concerns, the City proposes to revise Mitigation Measure HAZ-2b to incorporate some of the considerations identified. The following text will be added to the end of Mitigation Measure HAZ-2b on page 3.7-8 of the Draft EIR. This minor change is reflected in Chapter 10 of the Final EIR.:

The plan will include protocols necessary to ensure that contaminant-removal activities minimize the potential for air quality or health risk impacts to adjacent receptors along with proper disposal requirements. The plan will also include response procedures in the event of an accident during contaminant removal and notification requirements for the City's Fire Department OES, DTSC RWOCB, and Santa Clara County Hazardous Materials Response Team, as necessary.

9.3 Comment Letter C - California Department of Public Health, Santa Clara District

9.3.7 Response C-1

The City appreciates the Department of Public Health's (CDPH) review of the Draft EIR and looks forward to working with staff as part of the improvements identified for Projects W-MP-4 and W-MP-5 on page 2-14 of the Draft EIR. The City would also note that Section 116550 (b) of CHSC states: "Unless otherwise directed by the department, changes in distribution systems may be made without the submission of a permit application if the changes comply in all particulars with the waterworks standards." The City's standards incorporate the waterworks standards by reference. As a result, the City expects that Projects W-MP-1, W-MP-2, and W-MP-3 would require minimal to no involvement from CDPH.

9.3.8 Response C-2

As provided in Response C-1, the City's design standards require compliance with the State's waterworks standards and incorporate the waterworks standards by reference.

9.4 Comment Letter D - County of Santa Clara Roads and Airports Department

9.4.7 Response D-1

The City appreciates the Department's notification regarding the need for an encroachment permit for Master Plan-related improvements within the County's roadway right-of-way. The City will also add the Department to the list of potential agency approvals in Table 2-1 of the Draft EIR. This update is reflected in Chapter 10 of the Final EIR.

9.4.8 Response D-2

The City appreciates the County's notification of this requirement as several projects are currently aligned with County maintained expressways. The City acknowledges the need for close coordination with the Department for all potable water, sewer, and recycled water improvements planned to cross or parallel Montague Expressway. However, the City needs to emphasize that the alignments shown in the Draft EIR are modeled-based and have not undergone constructability review at the project-level. Rather, these alignments were included in the Draft EIR to provide responsible agencies and the public with an indication for the need for the improvement and the general vicinity of where these improvements would need to occur over the next 10 to 20 years.

Additionally, the Transit Area Specific Plan (TASP) EIR, which is incorporated by reference into the City's Program EIR indicates that implementation of the TASP would require the widening of Montague Expressway. The widening of the Montague Expressway is identified as a Tier 1A capability and operational project in the Comprehensive County Expressway Planning Study (2008 Update) and, although not specifically indicated in the Draft EIR, the City is considering the concurrent construction of the roadway widening project and the recycled water improvements identified along Montague Expressway for W-MP-6. The City will add this additional information to the description provided in Chapter 2 of the Draft EIR. This minor addition is reflected in Chapter 10 of the Final EIR.

The City looks forward to coordinating further with the Department as the City moves forward with individual Master Plan improvements projects. Beyond the improvement discussed above, the City will make every attempt to avoid County-owned expressways to the extent feasible. Where determined necessary, the City will perform any crossings via jack and bore construction techniques as described in Chapter 2 of the Draft EIR.

9.4.9 Response D-3

As indicated in Responses D-2, the City will make every attempt to avoid County-maintained expressway and looks forward to working with the Department as part of the encroachment process for individual improvement projects. The City also anticipates that the implementation of Mitigation Measure TR-1 would further minimize disruption to County maintained expressways.

9.4.10 Response D-4

The City looks forward to working with the Department as part of the encroachment process and has listed the Department as a responsible agency in Table 2-1 of the Draft EIR. This minor change and addition is reflected a revised Table 2-1 in Chapter 10.

9.5 Comment Letter E - Pacific Gas and Electric, Land Services

9.5.7 Response E-1

The City appreciates the background provided in the comment letter regarding electrical transmission and substation facilities within the Master Plan Study Area and will take these requirements into considerations. The City has included Mitigation Measure USS-3 to ensure consultation with local utilities prior to the construction of new water and sanitary sewer facilities. In addition, this mitigation stresses the avoidance of utilities in project design wherever possible.

9.5.8 Response E-2

The City agrees that ongoing infill growth within the City could present capacity issues for PG&E, thereby, necessitating upgrades to its existing electrical transmission and distribution system. This consequence is a primary driver behind the need for the City's Water and Sewer Master Plan Updates and the City has prepared this Program EIR to address the potential for off-site impacts as they relate potable water and sanitary sewer infrastructures. The City appreciates PG&E bringing this issue to the City's attention and looks forward to working with PG&E in the planning for future upgrades to PG&E's electrical transmission and distribution system. The City would not expect a majority of the water delivery and sewer collection improvements to require substantial upgrades to the existing electrical distribution system.

In limited instances, such as new pump stations and once project-specific details become better known, the City will coordinate as required by Mitigation Measure USS-3 with PG&E to ensure any necessary upgrades to the existing electrical distribution system are completed prior to operation. Based on these considerations, the implementation of the Mitigation Measure USS-3 would ensure that impacts to PG&E's electrical system as a result of Master Plan-related improvements remain less than significant.

9.6 Comment Letter F - California Department of Transportation, Local Development – Intergovernmental Review, District 4

9.6.7 Response F-1

The City appreciates the Department of Transportation's (Caltrans) review of the Draft EIR. As provided on page 3.11-7 of the Draft EIR, the number of new vehicle trips generated by the improvements identified in the Master Plan Updates would be negligible and, therefore, the City would expect that the fair share contributions would be the Developer's responsibility as new development is approved along with required City's required conditions of approval.

9.6.8 Response F-2

The City appreciates Caltran's overview of cultural resource mitigation requirements for improvements that enter Caltran's right-of-way (ROW). To ensure that the City and its' contractors are aware of Caltran's requirements for the treatment of cultural resources, the City will make the following minor changes and additions to Mitigation Measure CR-2, which are reflected in Chapter 10 of the Final EIR.

- Mitigation Measure CR-2 on page 3.5.6 of the Draft EIR is revised as follows:

For improvements that occur within State ROWs and where an archaeological site is identified during the initial archaeological survey, the City shall have a qualified, professional archaeologist prepare a cultural resources study that complies with the requirements of Caltran's Environmental Handbook, Volume 2 and shall include the following:

- An effects evaluation of potential project-level impacts to the archaeological site;
- A mitigation plan per CEQA Guidelines 15126.4(b)(3); and
- Evidence of Native American consultation pursuant to PRC 5097.

Avoidance shall be the preferred method of mitigating potential impacts, where feasible. If the City can demonstrate that avoidance is not feasible, the City shall have a qualified, professional archaeologist prepare a Data Recovery Plan.

9.6.9 Response F-3

The City will apply for an encroachment permit for all Master Plan-related improvements that enter the State's ROW. The City expects that this to occur as individual improvement project undergo further design-level engineering.

9.7 Comment Letter G - Santa Clara Valley Transportation Authority

9.7.7 Response G-1

The City appreciates VTA's ongoing interest in the Master Plan Updates and looks forward to working with staff as details regarding individual improvement projects become better known. Mitigation Measure TR-1 includes a requirement to coordinate with VTA to minimize disruptions to transit service during construction. The City's expects that a majority of the individual improvements projects would tier off the analysis provided in this Program EIR and for the corresponding mitigation requirements to be carried forward during Master Plan implementation.

9.7.8 Response G-2

Per VTA's request, the City has added an optional measure to Mitigation Measure TR-1 as requested by VTA to further minimize disruptions to cyclists and pedestrians. These additions are reflected in Chapter 10 of the Final EIR.

- The 10th bullet on page 3.11-11 for Mitigation Measure TR-1 will be revised as follows:
 - Identify detours, where available, for bicyclists and pedestrians in areas potentially affected by project construction. As an option, the City shall also consider allowing bikes and pedestrians to traverse a portion of the construction area to minimize significant increases in travel distances or time as a result of a detour.

9.7.9 Response G-3

The City appreciates the update provided by VTA for the SVRT Project. The City is still in the process of determining the construction schedules for projects W-MP-6 and S-MP-11B, which are contingent on the need for the additional capacity and the needs of new development with the Transit Area Specific Plan. As provided in Mitigation Measure TR-1, the City will coordinate with VTA as design plans for individual projects progress and construction details and schedules become better known.

9.7.10 Response G-4

The City appreciates the project updates provided by VTA for the Freight Relocation Project, the SVRT Project, and the location of the Milpitas BART station. These minor changes and additions are reflected in Chapter 10 of the Final EIR.

9.8 Comment H – County of Santa Clara Parks and Recreation Department

9.8.7 Response H-1

The City appreciates the County Parks and Recreation Department’s review of the Draft EIR and the additional description provided for Ed R. Levin County Park. As provided in the Notice of Preparation (NOP) and further described on pages 3.1-2 through 3.1-3 of the Draft EIR, the City concluded that no direct adverse impacts to City and County park facilities would occur and, therefore, these issues required no further analysis under CEQA. As provided on page 3.1-3 of the Draft EIR, the City notes the potential for Master Plan-related construction to result in disruptions to bike path and trail use, including facilities along Calaveras Road, and that these issues are evaluated in the context of alternative transportation in Section 3.11 of the Draft EIR under Impact TR-2. Additionally, issues related to potential direct and indirect impacts to aesthetics and visual resources within and adjacent to the Master Plan Study Area are addressed in Section 3.2 of the Draft EIR. Based on these considerations and in acknowledging that Ed R. Levin Park is outside of the Master Plan Study Area, no additional description is warranted to support the current impact conclusion. Chapter 10 provides a minor addition to Section 3.9 to provide the requested reference to Ed R. Levin County Park.

9.8.8 Response H-2

The City appreciates the County trail descriptions and supporting exhibit provided by the Department. For informational purposes, the City will add these trail descriptions to Section 3.11 of the Draft EIR. In addition, the City will add the exhibit provided as Figure 3.11-2, County Trails to Section 3.11. These minor changes and additions are reflected in Chapter 10 of the Final EIR per the Department’s request and would result in no change in the current impact conclusions provided in the Draft EIR. Beyond these minor additions, the description and analysis of potential direct and indirect impacts to Department-maintained trail facilities, which includes some City sidewalks, as provided in Impact TR-2 of the Draft EIR is sufficient to provide a programmatic evaluation per the requirements of CEQA and no additional discussion would be necessary.

9.8.9 Response H-3

Per the Department’s request, the City has added the text identified in this comment to page 3.11-1 of the Draft EIR. This minor addition is provided in Chapter 10 of the Final EIR.

9.8.10 Response H-4

Please refer to Response H-2.

9.8.11 Response H-5

The City understands the Department’s concerns relating to the potential for disruptions and/or damage to its facilities during construction of the of the individual Master Plan improvements. To ensure that the Department is properly consulted both at the project-level and prior to construction of individual improvements, the City has added the Department as a responsible agency to Mitigation Measure TR-1. This will ensure that the Department is both notified and coordinated with prior to construction of any of the individual Master Plan improvements that intersect one or more of the Department’s facilities. Please refer to Chapter 10 for the minor addition.

9.8.12 Response H-6

The City appreciates the Department’s desire for close coordination during the implementation of the individual Master Plan improvements. The City believes that the minor additions to

Mitigation Measure TR-2 combined with the City's agency notification requirements under CEQA will be sufficient to ensure that the Department's concerns related to the potential for access disruption and/or detours are addressed.

9.9 Comment I – Santa Clara Valley Water District

9.9.7 Response I-1

The City anticipates the release of a draft of the City's Storm Drain Master Plan in 2010. The City appreciates the District's interest in the update of the Storm Drain Master Plan and will include the District on the distribution list once released. No other updates are available at this time.

9.9.8 Response I-2

The City thanks the District for the additional description of its jurisdiction over local creeks that traverse the Master Plan Study Area. These minor changes and additions are reflected in chapter 10 of the Final EIR.

9.9.9 Response I-3

The City appreciates the District bringing this comment to the City's attention and will revise Figure 3.1-1 accordingly. These minor changes to figure 3.1-1 are reflected in Chapter 10 of the Final EIR.

9.9.10 Response I-4

The description provided for Berryessa Creek on page 3.8-2 of the Draft EIR will be revised per the District's request. This minor change is reflected in Chapter 10 of the Final EIR.

9.9.11 Response I-5

Table 2-1 of the Draft EIR identifies the District as a responsible agency for improvements that cross through the District's jurisdiction. The City appreciates the information provided by the District and will file the appropriate applications materials in conjunction with the encroachment permit as individual project details becomes better known.

9.9.12 Response I-6

Post-construction best management practices are a requirement of the State's Amended General Construction Permit and the Regional Municipal Permit. However, to ensure that City staff and its contractors have the proper local references, the City will add the references provided by the District to Mitigation Measure HWQ-1a. These minor changes and edits are provided in Chapter 10.

9.9.13 Response I-7

The information summarized in this comment is generally contained in Mitigation Measure HWQ-1a. For Master Plan-related improvements that cross the District's jurisdiction, the City expects that the District will be afforded an opportunity to review the contractor's SWPPP as part of the encroachment permit approval process.

9.9.14 Response I-8

The City appreciates the recommendations provided by the District. As provided in the Mitigation Measure HWQ-1a, the City will require that the SWPPP be prepared by a qualified SWPPP Practitioner (QSP). The menu of BMPs listed in Mitigation Measure HWQ-1a are considered sufficient to cover the range of construction activities anticipated for the various Master Plan improvement projects. Many of the BMP categories are derived directly from recommendations

contained in the California Storm Water Best Management Practices Handbook and prescribed by a QSP and, therefore, no changes to Mitigation Measure HWQ-1a would be required.

9.9.15 Response I-9

The City notes the District's concerns related to the installation of new improvements within floodplains and acknowledges that some of the improvements would overlap with newly established floods zones as depicted in the 2009 update of the Flood Insurance Rate Maps (FIRM) for the City. These updated zones are identified in Figure 3.8-1. By virtue that a majority of the Master Plan-related improvements would be housed underground following construction and, therefore, the City does not anticipate any corresponding reduction in capacity within existing floodways as a result of these improvements. Due to the programmatic nature of the EIR and uncertainties related to the location of future above-ground facilities, such as the storage tank, any conclusion at this time in terms of reductions in floodway capacity would be speculative without additional study, which is better suited at the project level. Additionally, the City would assert that the mitigation provided in Mitigation Measure HWQ-3 of the Draft EIR speaks to this issue by ensuring that these facilities include adequate drainage facilities in order to maintain post-construction runoff volumes to pre-construction levels.

9.9.16 Response I-10

The City appreciates the information provided by the District as it relates to the treatment of existing wells during construction. As engineering plans are developed for individual improvements projects, the City will ensure that its plans comply with the requirements of District Ordinance 90-1.

9.9.17 Response I-11

The City will use the reference File No. 31939 for all future correspondence with the District as it relates to the implementation of individual Master Plan improvements.

9.10 Revised Summary Table

Table 9-1 provides an updated impact mitigation summary since the publication of the Draft EIR.

Table 9-1: Summary of Impacts and Mitigation Measures

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
3.2 Aesthetics			
<p>Impact AES-1: Implementation of the Master Plan improvements could result in temporary and permanent changes to the visual character of the Study Area.</p> <p>The proposed program would involve the installation of new or replacement of existing buried water and wastewater pipelines, installation of valves and turnouts, and construction of a new storage tank and pump station or groundwater well. Construction activities would occur primarily within the disturbed, urban setting, along existing ROW. Activities would consist of surface preparation (i.e., removal of vegetation as needed and grading), excavation, installation of structures, and surface restoration, as described in Chapter 2, Project Description. Construction activities would be scattered throughout the City and vary in duration, but would cease upon completion of each individual project. Individual improvement projects would be short-term in nature, and implemented on different schedules within the planning horizon, occurring between 2009 and sometime after 2020.</p> <p>Construction activities would alter temporarily the visual character of the affected sites due to the presence of heavy-duty equipment (e.g., excavators, cranes, trucks, pavers, loaders, etc.) and changes in terrain (i.e., presence of pits, trenches, and stockpiles of material and soils). Visual alterations would be visible mainly to people in the immediate vicinity (short-range views), including motorists, residents, and/or employees where commercial / industrial uses are present.</p> <p>Construction activities are considered temporary in nature. To ensure that short-term visual effects of construction activities do not become permanent effects, Mitigation Measure AES-1 would be implemented to limit construction activities and promote restoration of disturbed areas to preconstruction conditions.</p>	<p>Potentially Significant</p>	<p>Mitigation Measure AES-1: Screen Staging Areas and Restore Affected Construction Areas.</p> <p>The City will require the construction contractor to site staging areas to minimize visual disturbance to surrounding residential and commercial parcels and confine construction-related activities to the designated ROW. Prior to and during use of construction staging areas for equipment, vehicle parking, and material storage, screening or vegetation will be installed as appropriate for the zoning at the site. To the extent feasible, all disturbed areas (e.g., roadway trenches and staging areas) will be returned to their preconstruction condition. All existing landscaping that is removed or damaged during construction will be replaced, along with irrigation hardware. These requirements will be reflected in contract documents.</p> <p>To the extent feasible, the City will require the contractor for Project W-MP-5 to contain construction staging areas to the project site.</p>	<p>Less Than Significant</p>

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>Impact AES-2: New Master Plan improvements could result in the degradation of the existing visual character of the Study Area through the installation of new sources of light and glare.</p> <p>Visual alterations associated with the construction of the various Master Plan improvements would be visible to people in the immediate vicinity (short-range views), including motorists, residents, and/or employees. Upon completion of construction activities, all pipelines, turnouts, and valves would be buried underground within existing roadway ROWs and out of sight from public view. As such, no long-term impacts associated with degradation of the existing visual character or quality of the Study Area and surroundings would occur from implementation of typical Master Plan-related improvements.</p> <p>The southwestern portion of the Study Area contains regional commercial and industrial facilities at a relatively large scale, including broad windowless buildings and expansive parking lots. Visual unity (i.e., architectural themes, patterns) and vividness (i.e., distinctive or memorable structures) within this portion of the Study Area both lack; however, the long-term implementation of the TASP is expected to gradually improve the area's appearance and uniformity. Construction of the proposed 6.6 MG storage tank and pump station would result in minor alteration of the existing visual character of the TASP area through the placement of an additional large, permanent structure. For the purposes of analysis, the City anticipates that the proposed storage tank, pump station, and paved areas would have a collective footprint of approximately 3 acres and be less than 30 feet in height.</p> <p>Viewer sensitivity to these new structures would likely be low due to the existing marginal, visual quality of the surrounding area and, therefore, the construction of a storage tank and pump station would not substantially degrade the character of the Study Area. However, to ensure that the new storage facilities blend with development planned for the TASP, the implementation of Mitigation Measure AES-2a would be required.</p> <p>Nighttime lighting would also be required along the perimeter of the above-ground structures to provide security and safety for maintenance workers. The storage facilities would generate new sources of night lighting and glare within an area where these sources already exist. However, the introduction of a new lighting source would could disrupt nearby residences and/or vehicle traffic within the Study Area. To reduce potential long-term light-and-glare impacts to a less than significant level, implementation of Mitigation Measure AES-2b would be required.</p>	<p>Potentially Significant</p>	<p>Mitigation Measure AES-2a: Incorporate Design Elements to Integrate Proposed Above-Ground Surfaces to Their Surroundings.</p> <p>The City will use design elements to enhance visual integration of above-ground facilities with their surroundings. These elements may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • painting (with earth-colored tones) of structural façades to blend with surrounding land uses, • use of fencing or structural materials similar to those used by nearby land uses, and • installation of berms and/or landscaping around the facility. <p>Mitigation Measure AES-2b: Implement Lighting and Material to Reduce Light and Glare.</p> <p>The City will reduce light and glare on surrounding land uses by shielding permanent exterior lighting, orienting all exterior lighting downward, or installing lights activated only by sensors. In order to minimize incidental light, the lights will be cutoff-type fixtures that cast low-angle illumination. All lights will provide natural color rendering and light qualities. In addition, the City will limit the use of highly reflective building materials and/or finishes in the design of its proposed above-ground structures.</p>	<p>Less Than Significant</p>
<p>3.3 Air Quality</p>			

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>Impact AQ-1: Implementation of the Master Plan Updates could contribute to an existing or projected air quality violation.</p> <p>Construction Emissions. The implementation of Master Plan-related construction activities would occur in two distinct phases: Phase I involves site preparation, trenching, and other earthmoving activities, while Phase II involves installing facilities equipment, concrete, and structural improvements. Site preparation includes activities such as general land clearing grubbing, pavement removal, or vegetation removal, in limited instances. Earthmoving and trenching activities include cut and fill operations, , soil compaction, and grading. These general construction activities would be utilized throughout the implementation of the Master Plan Updates for improvements such as pipelines, roadway surfaces, pump structures, structural foundations, and storage facilities. The emissions generated from these common construction activities include:</p> <ul style="list-style-type: none"> • Dust (including PM10 and PM2.5) primarily from fugitive sources such as soil disturbance and vehicle travel over unpaved surfaces; • Combustion emissions of criteria air pollutants (including ROG, NOx, PM10, and PM2.5) primarily from operation of heavy equipment construction machinery (primarily diesel operated), portable auxiliary equipment and construction worker automobile trips (primarily gasoline operated); and, • Evaporative emissions (ROG) from asphalt paving and architectural coating applications. <p>Construction-related fugitive dust emissions would vary from day to day, depending on the level and type of activity and local weather conditions. In the absence of mitigation, construction activities may generate significant quantities of dust, and as a result, local visibility may be adversely affected and concentrations of PM10 and PM2.5 could increase locally. In addition, the fugitive dust generated by construction would include not only PM10 and PM2.5, but also larger particles, which would fall out of the atmosphere within several hundred feet of the construction area and could result in nuisance-type impacts.</p> <p>Construction activities would also result in the emission of pollutants of concern, including ROG, NOx, PM10, and PM2.5, from construction equipment exhaust and construction worker automobile trips. Emission levels for construction activities would vary depending on the number and type of equipment, duration of use, operating schedules, and the number of construction workers. Criteria pollutant emissions of ROG and NOx from these emission sources would incrementally add to the regional atmospheric loading of ozone precursors during project construction.</p>	<p>Less Than Significant (Mitigation Recommended)</p>	<p>Mitigation Measure AQ-1: Mitigation Measure AQ-1: Implement Dust Control Measures.</p> <p>The City shall require the construction contractor to implement BAAQMD's basic and enhanced dust control procedures for all construction projects, as applicable. This requirement shall be reflected in contract documents. Dust control measures include:</p> <p>Basic Control Measures: The following basic control measures shall be implemented at all construction sites.</p> <ul style="list-style-type: none"> • Water all active construction areas at least twice daily. • Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard. • Pave and apply water three times daily or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. • Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites. • Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. <p>Enhanced Control Measures: The following enhanced control measures shall be implemented at construction sites greater than four acres in area.</p> <ul style="list-style-type: none"> • All basic control measures listed above. • Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more). • Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.). • Limit traffic speeds on unpaved roads to 15 miles per hour. • Install sandbags or other erosion control measures to prevent silt runoff to public roadways. • Replant vegetation in disturbed areas as quickly as possible. 	<p>Less Than Significant</p>

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>For the worst-case day construction scenario, it was assumed that multiple Master Plan improvements (e.g. sewer and water conveyance improvements) would occur simultaneously. Estimated construction-related fugitive dust emissions, as well as exhaust emissions from construction equipment and worker trips are shown in Table 3.3-2. As shown in the table, emissions of NOx, ROG, PM10, and PM2.5 in 2010 would not exceed the 54 pounds per day (lbs/day) significance threshold for NOx, ROG, and PM-2.5 or the 82 lbs/day significance threshold for PM-10 as specified by the BAAQMD and, therefore, the associated impact would be less than significant.</p> <p>Project Operations. Following installation, the Master Plan-related improvements would require maintenance activities that would generally be comparable to existing conditions. Pump operations would be driven by electricity and would not generate local emissions directly, but would result in emissions at a power plant within or outside of the Bay Area Air Basin. Power plant emissions, if located in California, are subject to the Rules and Regulations of the air district in which they are located and have been subject to their own regulatory review. Emissions from power generation to supply pumps would occur anywhere in the western U.S. power grid and emissions from motors to service the pumps would be regional. Energy would be supplied by permitted power sources, such as sources permitted by the California Energy Commission's Application for Certification (CEQA equivalent) process.</p> <p>Any new electrical loads from pumping facilities would necessitate the installation of a new emergency engine-generator. New emergency generators would consist of diesel-fueled, 4-cycle engines rated for standby duty and designed to meet the Tier 2 or 3 requirements of the BAAQMD. The generators would not be operated under normal conditions, but would likely be run for up to one hour per week for testing. Further, the standby generator will be subject to operating requirements and emission standards for new and in-use stationary diesel-fueled engines that have a rated brake horsepower of greater than 50 (>50 bhp) per the requirements of Section 93115, Title 17, of the California Code of Regulations. Compliance with these applicable regulatory requirements would ensure a less than significant air quality impact from the standby generator.</p> <p>Traffic generation during the long-term operation of the Master Plan improvements would average less than 10 one way passenger vehicle trips per day; comparable to existing conditions. Operational emissions were estimated for the well or storage tanks facilities using the URBEMIS 2007 model, version 9.2.4, based on the light industrial land use category and a maximum building envelop of 3 acres. As provided in Table 3.3-3, the URBEMIS outputs indicate that operational emissions for these facilities would be minor and would not exceed BAAQMD thresholds.</p>			

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>The BAAQMD CEQA Guidelines (BAAQMD 2009) recommends estimating carbon monoxide concentrations for projects where project traffic would affect signalized intersections or roadway links operating at Level of Service (LOS) D, E, or F or would cause LOS to decline to D, E, or F. According to Section 3.11, Transportation, temporary construction-related traffic would exacerbate LOS F conditions at three signalized intersections. However, operational traffic associated with the Master Plan Updates would be minor in duration and would not contribute to a long-term degradation of LOS on City roadways and intersections. Therefore, the BAAQMD threshold trigger level for estimating carbon monoxide for project operation would not be activated.</p> <p>Based on the discussion presented above, construction and operational emissions associated with Master Plan Update implementation concentrations would be less than significant.</p>			
<p>Impact AQ-2: Construction of Master Plan improvements could expose sensitive receptors to substantial pollutant concentrations.</p> <p>Construction Emissions. Construction of the Master Plan Updates would not emit any hazardous air pollutants (HAPs) in any significant quantity other than from large, heavy-duty, diesel-powered equipment exhaust. OEHHA currently describes the health risk from diesel exhaust entirely in terms of the amount of particulate, or PM-10, that is emitted. Currently, the health risk associated with diesel exhaust PM-10 or diesel particulate matter (DPM) only has a carcinogenic and chronic effect; whereas no short-term acute effect is currently recognized. Construction of the individual Master Plan improvements would be limited in duration, lasting less than 20 years total and relatively distributed throughout the Master Plan Study Area, and therefore, no long term, chronic impact at any one particular receptor location would be expected. In recognition of these circumstances, and combined with dust control mitigation prescribed in Mitigation Measure 3.2-1, it is reasonable to conclude that Master Plan-related construction would not expose sensitive receptors to substantial pollutant concentrations over the long-term. The impact would be considered less than significant with mitigation.</p> <p>Project Operations. Over the longer term, operational emissions associated with the proposed wells and/or storage tank pump(s) would operate by electricity with an emergency, back-up diesel generator. The proposed storage tank pump(s) would operate year-round (24-hours a day, seven days a week) and the backup generator(s) would operate under certain situations, during emergencies. Increased operation of diesel engines to pump groundwater and treated water supplies would contribute to increased air emissions in the areas where these facilities are proposed.</p> <p>A recently completed health risk assessment of comparable sources and receptors assessed the potential impact of diesel sources operating within</p>	<p>Potentially Significant</p>	<p>Mitigation Measure AQ-1: Implement Dust Control Measures. Mitigation Measure AQ-2a: Buffers for Pump Siting. The City will locate all new pump stations powered by diesel fuel more than 200 feet away from sensitive receptors, if feasible. Electrically-powered pumps shall be used to power new pumps, to the extent practicable. Mitigation Measure AQ-2b: Project-Level DPM Screening for Engine Siting. The City will require screening-level DPM assessments to be conducted for diesel-powered pump operations proposed within 500 feet of residences or other sensitive receptors. These analyses should include exact distances between the receptors and operations, as well as the actual DPM emissions for the engines proposed. If the analysis shows an annual average DPM concentration from project operations at residences within 500 feet of the DPM source to be greater than 0.024 ug/m3, the engine location shall be moved to a location where the annual average DPM concentration from individual project emissions is less than 0.024 ug/m3. The acceptable concentration of 0.024 ug/m3 was determined using the current OEHHA cancer potency factor and methodology for diesel exhaust (OEHHA 2003). If diesel exhaust concentrations at the affected receptor would be below 0.024 ug/m3, then the cancer health risk would be less than 9.9 cancers in a million population.</p>	<p>Less Than Significant</p>

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>200 feet of nearby residences on a year-round basis (Environmental Science Associates, 2006). The study concluded that the impact of the DPM emissions would be less than significant because they resulted in a cancer risk of less than 10 cases in a million population. However, without a precise facility location for the proposed storage tank pump station, the City is unable to confirm that these facilities would be located outside a 200-foot buffer and whether DPM emissions would pose conditions that exceed the previously studied impacts. For this reason, the implementation of Mitigation Measures AQ-1 (above) and Mitigation Measures AQ-2a and AQ-2b would be required to reduce the impact to a less than significant level.</p>			
<p>Impact AQ-3: Operation of Master Plan improvements would not create new sources of objectionable odors.</p> <p>The types of land use development that pose potential odor problems include agriculture, wastewater treatment plants, food processing and rendering facilities, chemical plants, composting facilities, landfills, transfer stations and dairies. The Master Plan improvements do not involve the construction or operation of any of these uses nor would it involve the placement of sensitive receptors in close proximity to the one of these odor-generating uses.</p> <p>Operation of pumping facilities would involve use of vehicles and/or maintenance equipment when necessary; however, these activities are not expected to generate objectionable odors. Further, pumping operations would be within fully enclosed structures and due to their nature would not result in odor generation.</p> <p>All sewer pipes replaced as part of the Sewer Master Plan Update would be buried underground and, as indicated in the City's adopted Odor Control Action Plan, are typically not associated with the generation of significant odors. Additionally, no new lift stations, above-ground temporary storage facilities, or treatment facilities are proposed as part of the Master Plan Updates. For these reasons, this impact is considered less than significant.</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>Impact AQ-4: The Master Plan improvements would contribute to increases in the generation of GHG emissions, thereby contributing to global climate change.</p> <p>Effects of GHG emissions on global climate change are an emerging issue that warrants discussion under CEQA. Unlike the criteria pollutants discussed previously that may have local and regional effects, GHG emissions contribute to global changes in the environment. GHG emissions do not directly produce a localized impact, but may cause an indirect impact if the local climate is adversely changed by its cumulative contribution. Individual infrastructure projects contribute relatively small amounts of GHG that when added to all other GHG-producing activities around the world result in increases in these emissions that have led many to conclude that these collective emissions are contributing to changes in the global climate.</p> <p>In 2006, the California State Legislature adopted AB 32, the California Global Warming Solutions Act of 2006. The impacts of global climate change described in AB 32 include changing sea levels, changes in snow pack and availability of potable water, changes in storm flows and flood inundation zones, and other impacts. The list of impacts included in AB 32 is considered substantial evidence of the potential environmental impacts that could result as a consequence of continued GHG outputs.</p> <p>At minimum, the Master Plan Update improvements will be required to comply with Title 24 energy efficiency standards, to the extent applicable; however, the extent to which these standards would help the individual projects in achieving the goals outlined above is unknown. In response to this uncertainty and to provide clarification to lead agencies for assessing GHG impacts, BAAQMD has developed thresholds of significance for common project types that, collectively, are responsible for substantial GHG emissions. In applying these thresholds, BAAQMD developed a threshold of 10,000 MTCO₂e/yr for stationary sources and 1,100 MTCO₂e/yr for projects other than stationary sources (e.g. mobile sources). However, this applies to only operations and not construction. BAAQMD has not established thresholds for construction; however, CARB is considering mandatory performance standards.</p> <p>Quantification of GHG for the Master Plan Updates was based on the CO₂ outputs generated during Master Plan operations using the URBEMIS 2007 model, shown in Table 3.2-3, combined with new electrical loads required for the operation of the pumping facilities for Project W-MP-5. At the highest level of operation in 2012 and beyond, GHG emissions generated by the pumping facilities are conservatively estimated at 3,158 MTCO₂e/yr and other operational emissions (e.g. mobile trips) are estimated at 399 MTCO₂e/yr. These estimates are overly conservative in that they assume peak operation of the pumping facilities, 24-hours a day, seven days a week annually, which is not expected to occur under normal operating conditions. Nevertheless,</p>	<p>Potentially Significant</p>	<p>Mitigation Measure AQ-4: GHG Reduction Measures for Construction.</p> <p>The City and/or Developer shall require its construction contractor to comply with the City's Clean Air Action Plan, once adopted. In conjunction with compliance with the City's Clean Air Action Plan, the City and/or Developer shall incorporate the following measures, to the extent they are applicable and feasible, into individual Master Plan Update improvements:</p> <ul style="list-style-type: none"> a. incorporate the use of recycled or local-origin construction materials; and/or b. maximize recycling of construction/demolition waste materials. 	<p>Less Than Significant</p>

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>even when applying these conservative assumptions, the calculated estimate remains less than the applied threshold and, therefore, operational-related GHG emissions are considered less than significant.</p> <p>Based on CARB's currently proposed approach to construction activities, construction GHG emissions would require performance based control measures, which are currently not included as part of the Master Plans. With the inclusion of the prescribed mitigation measures to reduce construction-related GHG emissions, the residual impact would be less than significant.</p>			

3.4 Biological Resources

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>Impact BIO-1: Construction of the Master Plan improvements could result in the potential disturbance or loss of special-status plant populations.</p> <p>Construction and improvement activities associated with the proposed Master Plan Updates may result in direct or indirect impacts to special-status plant species: Congdon's tarplant, alkali milk-vetch, and robust spineflower. Congdon's tarplant and robust spineflower are classified as 'possibly extirpated,' however, their status affords them special protections should they be found within the improvement sites. Although the Master Plan pipeline alignments will be constructed within roadway ROWs and therefore avoid direct impacts to special status plants, the storage tank and pump station facilities may result in direct or indirect impacts to suitable habitats for special-status plants. Direct impacts may result from grading, site preparation, and construction of the storage tank and pump station facilities. Vibration, dust, and human trampling associated with the construction activity may also indirectly disturb special plant status species. This could result in a reduction in local population size, lowered reproductive success, or habitat fragmentation. Potential loss or disturbance of special status plant species is considered a potentially significant impact.</p>	<p>Potentially Significant</p>	<p>Mitigation Measure BIO-1a: Document Special-Status Plant Populations for Individual Improvements Constructed Outside Existing Roadway ROW.</p> <p>Prior to design or construction of improvements outside of existing roadway ROW, the City will retain a qualified botanist to document the presence or absence of special-status plants on or near to the individual improvements before implementation. To document plant populations, the following steps will be undertaken: 1) review existing information to develop a list of special-status plants that could grow on the site; 2) coordinate with the appropriate agencies (CDFG and USFWS) to discuss botanical resource issues and determine the appropriate level of surveys necessary to document special-status plants; and 3) conduct a botanical survey of appropriate detail dependant on species richness, habitat type and quality, and the probability of special status species occurring in a particular habitat type. The botanical survey may include a habitat assessment, a species-focused survey, or a floristic protocol-level survey per CNPS Botanical Survey Guidelines (CNPS 2001).</p> <p>Special-status plant populations identified during the field surveys will be mapped and documented. The City shall implement Mitigation Measure BIO-2 to avoid or minimize significant impacts on identified special-status plants.</p> <p>Mitigation Measure BIO-1b: Avoid or Minimize Impacts on Special-Status Plants by Protecting Special-Status Plant Populations.</p> <p>If construction of the individual improvements has the potential to result in direct loss or indirect disturbance to special-status plants, the City will protect special-status plants by installing environmentally sensitive area fencing (orange construction barrier fencing) around special-status plant populations. The environmentally sensitive area fencing will be installed at least 20 feet from the edge of the population. The location of the fencing will be marked in the field with stakes and flagging and shown on the construction drawings. The construction specifications will contain clear language that prohibits construction-related activities, vehicle operation, material and equipment storage, and other surface-disturbing activities within the fenced environmentally sensitive area.</p>	<p>Less Than Significant</p>
<p>Impact BIO-2: Construction of the Master Plan improvements could result in potential disturbance or loss of special-status wildlife species and their associated habitats.</p> <p>Construction and improvement activities associated with the Master Plan Updates could result in the direct loss or indirect disturbance of special-status wildlife. As provided in Table 3.4-1, the Study Area provides potentially suitable habitat for several threatened and endangered wildlife species, including Salt marsh harvest mouse and California tiger salamander (CTS).</p>	<p>Potentially Significant</p>	<p>Mitigation Measure BIO-2a: Document Special-Status Wildlife Species and Their Habitats for Individual Improvements Constructed Outside Existing Roadway ROW.</p> <p>Prior to construction of the storage tank and pump station on undisturbed lands, the City will document special status wildlife species and their habitats. The City will retain a qualified wildlife biologist to document the presence or absence of special-status wildlife before implementation. To document special-status wildlife, the wildlife biologist will 1) review existing</p>	<p>Less Than Significant</p>

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>The Study Area also provides habitat for several species of concern, which include northwestern and southwestern pond turtle, white-tailed kite, burrowing owl, pallid bat, yuma myotis, and great blue heron. Specific impacts to special-status wildlife species are addressed below.</p> <p>California tiger salamander, Southwestern Pond Turtle, and Northwestern Pond Turtle. Drainage ways, wetlands, and swales may occur within the Study Area, providing habitat for special-status amphibians such as CTS and pond turtles. North and southwestern pond turtles may occur in drainage ditches, sloughs, and other aquatic features within the Study Area that may serve as suitable habitat. As shown in Figure 3.4-2, the nearest known occurrences of north and southwestern pond turtle to the Study Area is less than ¼ mile. In addition, there are also known occurrences of CTS within the Study Area, although this species is believed to be extirpated from the Study Area due to a lack of recent sightings.</p> <p>Direct impacts to drainage channels and wetland habitats may result from excavation and trenching which will be used to install pipeline across smaller ditches (less than 10 feet in width). Some direct impacts will be minimized by constructing primarily along and within existing roadways and by using trenchless construction techniques to cross larger water bodies. Temporary dewatering activities during construction could also cause mortality of wetland species, CTS, and Northwestern pond turtle eggs, larvae, and juveniles.</p> <p>Construction activities associated with the Master Plan improvements could potentially result in significant impacts to these species, and may also lead to a cumulative decline of the species over time. Indirect impacts may include the temporary degradation of water quality during construction. To minimize potential direct or indirect effects of Project implementation on CTS and western pond turtle, Mitigation Measures BIO-2a, BIO-2b and BIO-2c would be implemented.</p> <p>Burrowing owl. As shown in Figure 3.4-2, there are several occurrences of burrowing owl within the Study Area. The TASP EIR reports that during burrowing owl surveys conducted in July 2003 for the Elmwood Residential and Commercial Development Project EIR, twelve burrowing owls and six nesting burrows were identified in the Elmwood project area on vacant lots (City of Milpitas 2007). Burrowing owls often occur along the edges of croplands and along drainage ditches and levees where suitable habitat (burrows) occurs. Burrowing owls require short grasslands and open habitats for nesting and foraging. Construction of the Master Plan improvements may temporarily and permanently disturb the nesting of burrowing owl due to construction noise and disturbance, as well as permanent and temporary disturbance of foraging habitat. CDFG generally considers all disturbance within a 50 meters (160 feet) of an active nest to be a potential impact to burrowing owl. Construction may also affect foraging habitat for burrowing owl</p>		<p>information to confirm the list of special-status wildlife species that could occur in the project area; 2) coordinate with the appropriate agencies (CDFG or USFWS) to discuss wildlife resource issues in the region and determine the appropriate level of surveys necessary to document special-status wildlife and their habitats; and 3) conduct a field survey of an appropriate detail dependant on species richness, habitat type and quality, and the probability of special status species occurring in a particular habitat type. The wildlife biologist shall consider the CDFG Staff Report on Burrowing Owl Mitigation (CDFG 1995), which includes survey guidelines for burrowing owl. Special-status wildlife or suitable habitat identified during the field surveys will be mapped and documented. At any point during implementation of this mitigation measure, the City may choose to redesign or modify the program element(s) to avoid direct and indirect impacts on special-status wildlife, and will not need to complete the remaining steps identified in this measure.</p> <p>Mitigation Measure BIO-2b: Avoid and Minimize Impacts to Special-Status Wildlife Species During Construction.</p> <p>The City shall attempt to avoid and minimize direct and indirect effects on special-status wildlife. The City will require the construction contractor to protect special-status wildlife and their habitats near the project site by installing environmentally sensitive area fencing around habitat features, such as seasonal wetlands, burrows, and nest trees. The environmentally sensitive area fencing or staking will be installed at a minimum distance from the edge of the resource as determined through coordination with state and federal agency biologists (CDFG and USFWS). The wildlife biologist shall consider the CDFG Staff Report on Burrowing Owl Mitigation (CDFG 1995), which includes measures for minimizing impacts to burrowing owl. The location of the fencing will be marked in the field with stakes and flagging and shown on the construction drawings. The construction specifications will contain clear language that prohibits construction-related activities, vehicle operation, material and equipment storage, and other surface-disturbing activities within the fenced environmentally sensitive area.</p> <p>Mitigation Measure BIO-2c: Coordinate with Resource Agencies and Develop Appropriate Compensation Plans for Potentially Impacted State- and Federally Listed Wildlife Species.</p> <p>In the event that, despite implementation of Mitigation Measure BIO-2b, construction activities would result in significant impacts on state- or federally listed wildlife species, the City will develop a compensation plan in coordination with the appropriate resource agency (CDFG or USFWS), and/or follow their established compensation guidelines. Compensation guidelines have been identified for several special-status wildlife species, including burrowing owl (CDFG 1995). The amount of compensation will vary depending on the amount of habitat loss or degree of habitat disturbance</p>	

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>in the Study Area.</p> <p>Direct impacts may be minimized by constructing primarily along and within existing roadways, although burrows are often located along roadway embankments and on edges of drainage channels. Construction activities associated with new conveyance pipelines could potentially result in significant impacts to these species, and may also lead to a cumulative decline of the species over time. These impacts would be reduced to less than significant with the implementation of Mitigation Measures BIO-2a, BIO-2b, and BIO-2c.</p> <p>White-tailed Kite, Pallid bat, Yuma myotis, and Great blue heron. White-tailed kite and Great blue heron nest in moderate to tall trees, typically in riparian or woodland habitats. White-tailed kite forages mainly in open habitats such as grassland and cropland. The Great blue heron may nest in dense foliage of trees and shrubs, which in the Study Area are riparian habitats; and they may forage in open habitats, similar to foraging habitat for white tailed kite. In addition, special-status bat species have a moderate potential of occurring in the Study Area. In particular, the Pallid bat and Yuma myotis could potentially roost in riparian and ornamental trees in the Study Area. In addition, these species could roost under bridges and older buildings.</p> <p>Given programmatic nature of this analysis, the City is unable to confirm whether individual Master Plan improvements would require the removal of trees, which could in turn result in direct impacts to special status raptor and bat species in the form of next removal or abandonment. Construction may also permanently and temporarily affect foraging habitat for these species in the Study Area. CDFG generally considers disturbance within 500 feet of a nesting raptor to be an impact to that species. These potential impacts would be reduced to a less than significant level with the implementation of Mitigation Measures BIO-2a, BIO-2b, and BIO-2c.</p> <p>Salt marsh harvest mouse. Salt marsh harvest mouse is a Federally and State Endangered species and is found only in saline emergent wetlands of San Francisco Bay and its tributaries. Pickleweed saline emergent wetland is its preferred habitat, though grasslands adjacent to pickleweed marsh are also used where new grass growth affords suitable cover in spring and summer months. There are two occurrences of salt marsh harvest mouse within the Study Area boundaries as documented in the CNDDDB. With the close proximity of known occurrences and the availability of suitable habitat nearby, Master Plan related improvements within the northwestern portions of the Study Area has the potential for indirect impacts to salt marsh harvest mouse. These potential impacts would be reduced to a less than significant level with the implementation of Mitigation Measures BIO-2a, BIO-2b, and BIO-2c.</p>		<p>anticipated. The compensation plan would involve identifying an agency-approved mitigation bank or site (on- or off-site); re-creating (burrows) or preserving habitat for special status wildlife species; monitoring the mitigation site; or funding the management of the mitigation site.</p>	

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>Impact BIO-3: Construction of the Master Plan improvements carries the potential to introduce or spread noxious weeds.</p> <p>Construction activities associated with project elements could introduce or spread noxious weeds into currently uninfested areas, possibly resulting in the degradation of habitat for special-status wildlife. Plants or seeds may be dispersed on construction equipment if the appropriate measures are not implemented. This impact is considered significant because the introduction or spread of noxious weeds could result in a substantial reduction or elimination of species diversity or abundance. Implementation of the following mitigation measures would reduce this impact to a less-than-significant level.</p>	<p>Potentially Significant</p>	<p>Mitigation Measure BIO-3a: Avoid the Dispersal of Noxious Weeds into Uninfested Areas.</p> <p>To avoid the introduction or spread of noxious weeds into uninfested areas, the City will incorporate the following measures into construction project plans and specifications:</p> <ul style="list-style-type: none"> • Use certified, weed-free, imported erosion-control materials (or rice straw in upland areas). • Coordinate with the County Agricultural Commissioner and land management agencies to ensure that the appropriate best management practices (BMPs) are implemented. • Educate construction supervisors and managers about weed identification and the importance of controlling and preventing the spread of noxious weeds. • Clean equipment at designated wash stations after leaving noxious weed infestation areas. <p>The noxious weed avoidance measures will be reflected in contract documents and implemented by the construction contractor.</p>	<p>Less Than Significant</p>
<p>Impact BIO-4: Implementation of the Master Plan improvements could result in the loss or disturbance of waters of the United States or State and associated riparian habitats.</p> <p>Construction activities associated with Master Plan Updates could potentially result in the disturbance or loss of waters of the United States. The proposed conveyance pipelines would primarily be installed within existing roadway ROWs within the Master Plan Study Area. However, several of these proposed alignments cross over or directly adjacent to creeks and drainage channels, all of which are tributary to Coyote Creek.</p> <ul style="list-style-type: none"> • The proposed recycled water improvements (W-MP-6; refer to Figure 2-6) are located directly adjacent to Berryessa Creek. • Several Sewer Master Plan improvements (S-MP-1 and S-MP-11D; refer to Figure 2-7) are located adjacent to Penitencia Creek. • One Water Master Plan improvement (W-MP-2; refer to Figure 2-5) is located in close proximity to Penitencia Creek. <p>Excavation, trenching, and related construction techniques would be used to install the proposed water and sewer conveyance pipelines and associated facilities. Trenchless construction techniques would be used for any creek crossings. Dewatering of trenches or smaller ditches, however, could temporarily affect riparian vegetation, depending on the length of time necessary to install the pipeline and the season of construction. This impact is considered significant because it could result in long-term degradation of a</p>	<p>Potentially Significant</p>	<p>Mitigation Measure BIO-4a: If Necessary, Prepare a Wetland Delineation and Obtain Clean Water Act Permits.</p> <p>Prior to construction of individual Master Plan improvements located adjacent to a creek or drainage channel, the City shall determine if a wetland delineation report is necessary. If determined, the City shall prepare and submit for approval a formal wetland delineation report for verification through the USACE. The City shall obtain a Section 404 permit for impacts to jurisdictional wetlands from the USACE and/or a Section 401 permit from the RWQCB and shall comply with all conditions of permits received. In association with either or both permits, compensatory mitigation for impacts to jurisdictional wetlands may be required.</p> <p>Mitigation Measure BIO-4b: Compensate for the Loss of Wetlands or Riparian Habitat.</p> <p>If wetlands or riparian habitat is removed as part of the Master Plan Updates, the City will compensate for the loss of riparian vegetation to ensure no net loss of habitat functions and values. Compensation ratios will be based on site-specific information and determined through coordination with state and federal agencies (including CDFG, USFWS, USACE, and NOAA Fisheries). Compensation will be provided at a minimum 1:1 ratio (1 acre restored or created for every 1 acre removed) and may be a combination of on-site restoration/creation, off-site restoration, and mitigation credits. The City will develop and implement a restoration and monitoring plan that describes how wetlands or riparian habitat will be enhanced or re-created and monitored</p>	<p>Less Than Significant</p>

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>sensitive plant community, fragmentation or isolation of an important wildlife habitat, and disruption of natural wildlife movement corridors.</p>		<p>over a minimum period of time, as determined by the appropriate state and federal agencies.</p> <p>Mitigation Measure BIO-4c: Return Master Plan Improvement Sites to Pre-Construction Conditions.</p> <p>For open trench construction crossings across minor ditches and drainage channels (less than 15 feet in width), the following measures shall be implemented:</p> <ul style="list-style-type: none"> • Implement compliance measures, described in Section 3.8, Hydrology and Water Quality for Impact HWQ-1a, to reduce indirect impacts to wetlands and other waters during open trench construction; • Conduct trenching and construction activities across drainages during low-flow (e.g. <1 to 2 cfs) or dry periods as feasible; • If working in active channels, install cofferdam upstream and downstream of stream crossing to separate construction area from flowing waterway; • Place sediment curtains upstream and downstream of the construction zone to prevent sediment disturbed during trenching activities from being transported and deposited outside of the construction zone; • Locate spoil sites such that they do not drain directly into the drainages and/or seasonal wetlands; • Store equipment and materials away from the drainages and wetland areas. No debris will be deposited within 250 feet of the drainages and wetland areas; • Prepare and implement a revegetation plan to restore vegetation in all temporarily disturbed wetlands and other waters using native species seed mixes and container plant material that are appropriate for existing hydrological conditions. All disturbed drainages will be restored to pre-construction conditions. 	
<p>Impact BIO-5: Implementation of the Master Plan improvements could conflict with local policies or ordinances adopted for the purpose of protecting biological resources.</p> <p>Construction activities associated with project elements could potentially result in conflicts with local policies or ordinances (listed above under Regulatory Context) that protect locally significant biological resources. However, when Master Plan Update improvements are implemented, the City would also implement Mitigation Measures BIO-1a, 1b, 2a, 2b, 2c, 3a, 4a, 4b and 4a to avoid or minimize potential impacts from construction and operation activities. Consequently, this impact is considered less than significant.</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>
<p>3.5 Cultural Resources</p>			

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>Impact CR-1: Implementation of the Master Plan improvements would not result in the disturbance or destruction of documented historical and archaeological resources.</p> <p>No pedestrian surveys were conducted to identify cultural resources as part of this EIR. The records search conducted for the TASP EIR indicated only one historic property with the Study Area: 459 Great Mall Drive (FCC060215F), the Great Mall of the Bay Area Building, formerly the Old Ford Motor Assembly Plant. The City has also identified 13 cultural resources sites which could potentially be affected directly or indirectly by the construction of water and sewer facilities.</p> <p>Construction of Master Plan Update improvements would include ground-disturbing activities, such as excavation, clearing, and grading. These ground-disturbing activities may result in direct impacts to historical resources if they are present. However, due to their construction within previously-disturbed roadway ROWs, construction of the proposed pipelines are unlikely to affect existing cultural resources. Additionally, selection of the exact site for the proposed storage tank and pump station would exempt any cultural resource site from consideration. Construction of the Master Plan Update improvements would not directly or indirectly impact any known cultural or historical resource site within the Study Area. This impact is considered less-than-significant. No mitigation is required.</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>Impact CR-2: Construction of the Master Plan improvements could result in potential impacts to undocumented archeological and paleontological resources or human remains.</p> <p>Although no documented cultural resources are identified adjacent to the Master Plan improvements, it is possible that buried archaeological or paleontological materials are present. Disturbance or destruction of these resources may result from ground-disturbing activities associated with construction of any one of the Master Plan improvements. Likewise, undocumented human remains or burial sites could be encountered during individual project construction. This impact could be potentially significant, however, with the implementation of the following mitigation, this impact would be reduced to a less-than-significant level.</p>	<p>Potentially Significant</p>	<p>Mitigation Measure CR-2: Stop Work in Case of Accidental Discovery of Buried Archeological or Paleontological Resources.</p> <p>If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, human bone, or fossils, are inadvertently discovered during ground-disturbing activities, the program contractors will stop work within 100 feet of the find until a qualified archaeologist and/or paleontologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the City and other appropriate agencies.</p> <p>If human remains of Native American origin are discovered during project construction, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Pub. Res. Code Sec. 5097). If any human remains are discovered or recognized in any location other than a dedicated cemetery, the program contractors will conduct no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:</p> <ul style="list-style-type: none"> • the coroner of the county has been informed and has determined that no investigation of the cause of death is required; and • if the remains are of Native American origin, <ul style="list-style-type: none"> o the descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or o the Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission. <p>According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the California Native American Heritage Commission. The above provisions will be included in contract documents.</p> <p>For improvements that occur within State ROWs and where an archaeological site is identified during the initial archaeological survey, the City shall have a qualified, professional archaeologist prepare a cultural</p>	<p>Less Than Significant</p>

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		resources study that complies with the requirements of Caltran's Environmental Handbook, Volume 2 and shall include the following: - An effects evaluation of potential project-level impacts to the archaeological site; - A mitigation plan per CEQA Guidelines 15126.4(b)(3); and - Evidence of Native American consultation pursuant to PRC 5097. Avoidance shall be the preferred method of mitigating potential impacts, where feasible. If the City can demonstrate that avoidance is not feasible, the City shall have a qualified, professional archaeologist prepare a Data Recovery Plan.	
3.6 Geology And Soils			
<p>Impact GS-1: The Master Plan Update improvements could be subjected to hazards associated with earthquakes and the secondary effects of ground motion.</p> <p>Pipelines, above-ground facilities, and associated facilities constructed in conjunction with the Master Plan improvement projects could be subjected to significant ground motion associated with at least one major earthquake throughout their operational life. Ground failure or differential settlement along pipeline alignments could cause misalignment of the pipeline and result in failure of a coupling joint. The disruption of water supply service through a pipeline breakage, a critical public infrastructure facility, would represent a potentially significant impact. Likewise, the disruption of sanitary sewer facilities through a pipeline breakage could result in the discharge of untreated, wastewater into local drainage facilities and creeks.</p> <p>These types of impacts would generally be mitigated through the use of densification techniques, such as dynamic compaction or through the use of stone columns, vertical anchors (tension piles), sub-surfacing in a shallow trench, or thick-walled ductile-steel pipe during construction. However, without site-specific geotechnical information and interpretation, the City is unable to accurately pinpoint where these types of techniques would be required. As a result, the implementation of Mitigation Measure 3.5-1 would be required to minimize the risks associated with strong ground motion and secondary geologic hazards to a less than significant level.</p> <p>In addition to the water and sewer pipelines, the proposed storage tank could experience at least one major earthquake during the operational life of the facility. Ground failure due to ground motion could result in damage to below- and above-ground storage structures, thereby potentially disrupting water services to portions of the City. Seismic design consistent with current professional engineering and industry standards would be used in</p>	<p>Potentially Significant</p>	<p>Mitigation Measure GS-1a: Prepare Geotechnical Report(s) for Individual Water and Sewer Master Plan Improvement Projects.</p> <p>The City or Developer shall require that facility design for all Water and Sewer Master Plan facilities comply with the site-specific design recommendations as provided by a licensed geotechnical or civil engineer. These recommendations will be based on the anticipated PGA for each project-improvement identified in the Water and Sewer Master Plans. In instances where conflicting PGA values are obtained, the City will apply the greater of the two values to ensure maximum structural integrity. Design recommendations provided in the geotechnical report will demonstrate compliance with applicable 2007CBC requirements.</p> <p>Mitigation Measure GS-1b: Incorporate Pipeline Failure Contingency Measures.</p> <p>The City or Developer shall require that isolation valves or similar devices be incorporated into all pipeline facilities to prevent significant losses of potable water and/or untreated-wastewater in event of pipeline rupture. The specifications of the isolation valves will conform to the UBC, AWWA, and City standards.</p>	<p>Less Than Significant</p>

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>construction for resistance to strong ground motion, especially for lateral forces. The implementation of the seismic design criteria as required by the CBC and City's Municipal Code would reduce the potential for structural failure, major structural damage, and reduce the primary effects of ground motion on structures, and infrastructures to an acceptable level of risk. Additional requirements, recommended by a Certified Engineering Geologist or Geotechnical Engineer, would also be incorporated into the storage tank's design.</p> <p>Accurate prediction of seismic events is not possible, nor can site-specific design entirely eliminate the potential for injury and damage that could occur during a seismic event. Nonetheless, conformance with City geotechnical and building code requirements and incorporation of Mitigation Measures GS-1a and GS-1b would reduce potential impacts related to regional seismicity and secondary geologic hazards to a less than significant level.</p>			
<p>Impact GS-2: Construction of the Master Plan improvements could result in substantial soil erosion and loss of topsoil.</p> <p>Construction of the various Master Plan improvements could expose bare soil to precipitation and wind erosion, thereby potentially resulting in increased sedimentation of local waterways. Ground-disturbing activities, including removal of vegetation, could cause increased water runoff rates and concentrated flows, thereby potentially leading to accelerated erosion. In addition, by virtue that the City is crossed by several creeks, construction activities could occur in close-proximity to local waterways and result in adverse effects to water quality and aquatic habitat if proper erosion control measures are not implemented. Dewatering operations utilized during pipeline installation and the installation of sub-grade structures associated with the storage tank(s) also carries the potential for increased sedimentation of local waterways. This impact is considered potentially significant without mitigation.</p>	<p>Potentially Significant</p>	<p>Mitigation Measure HWQ-1a: Implement NPDES Permit Measures, including Development and Implementation of a SWPPP</p> <p>Mitigation Measure HWQ-1b: Provisions for Dewatering and Hydrostatic Test Water</p> <p>Mitigation Measure HWQ-2b: Dry-Season Construction</p>	<p>Less Than Significant</p>

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>Impact GS-3: The Master Plan improvements could be located on an instable geologic unit, thereby subjecting new facilities to potential geologic hazards.</p> <p>Based on the discussions provided for geologic hazards above, the primary local geologic hazards are related to the secondary effects of earthquakes and include seismically-induced ground failure, such as liquefaction, and differential settlement. Water and sewer pipelines may be underlain by loose alluvium, especially those in close proximity to creeks and areas underlain by recent alluvium. The potential for collapse of the underlying materials under seismic conditions or gradual settlement under non-seismic conditions is possible, given the potential for shallow groundwater and varying distribution of alluvial material.</p> <p>Settlement could potentially occur from the placement of new static loads with possibly half of the settlement taking place during construction or shortly thereafter. Differential settlement could occur between foundation blocks and/or slabs due to variability in underlying soil conditions. Total and differential settlement could therefore damage proposed foundations, structures, and pipelines. The implementation of Mitigation Measures GS-1a and GS-1b would reduce this impact to less than significant.</p>	<p>Potentially Significant</p>	<p>Mitigation Measure GS-1a: Prepare Geotechnical Report(s) for Individual Water and Sewer Master Plan Improvement Projects</p> <p>Mitigation Measure GS-1b: Incorporate Pipeline Failure Contingency Measures</p>	<p>Less Than Significant</p>
<p>Impact GS-4: Construction of the Master Plan improvements could encounter expansive and/or corrosive soil materials, thereby subjecting new facilities to risks of structural failure.</p> <p>Soils with high potential for shrink swell may be found at various locations throughout the City. Unless properly mitigated, shrink-swell soils could exert additional pressure on buried pipelines producing shrinkage cracks that would allow water infiltration and compromise the integrity of backfill material. Depending on the depth of the buried pipeline, soil expansion or contraction could lead to undue lateral pipeline stress and stress of structural joints. Over time, lateral stresses could lead to pipeline rupture or leaks in the coupling joints. However, standard engineering practices dictate that expansive soil materials would be identified and replaced by non-expansive engineered fill material. These practices would be conducted under the supervision of a licensed geotechnical or civil engineer.</p> <p>As indicated above, soil materials encountered within the Study Area may have high electrical conductivities, thereby introducing the potential for corrosion. Corrosive soil materials could lead to pipe corrosion, potentially resulting in pipe failure and localized surface flooding of water or wastewater, and/or localized settlement of surface soils in the location of the failure. This impact would be reduced to a less than significant level with the implementation of Mitigation Measure GS-4.</p>	<p>Potentially Significant</p>	<p>Mitigation Measure GS-4: Install Corrosion Protection Measures.</p> <p>As appropriate, the City shall install a cathodic protection system for all underground metallic fittings, appurtenances, and piping to protect these facilities from corrosion. The cathodic protection system shall be designed consistent with City standards.</p>	<p>Less Than Significant</p>

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
3.7 Public Health And Hazards			

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>Impact HAZ-1: Construction of the Master Plan improvements could result in significant hazards to the public or environment through the accidents involving the release of hazardous materials and/or substances.</p> <p>Proposed facilities developed as part of the Master Plan Updates include buried pipelines, turnouts, valves, and an above-ground storage tank and pump station. Potentially toxic substances such as fuels, oils, and lubricants would be used during construction of proposed facilities. These materials would generally be used for excavation equipment, generators, and other construction equipment and would be contained within vessels engineered for safe storage. These materials could be stored at the construction site for the storage tank and pump station; however, for pipeline construction, storage of significant quantities of these materials at the construction sites is not expected given the continual shifting of trenching activities. Instead, support vehicles would most likely provide fuel and lubricant to construction equipment on a daily basis and would be mobilized from an offsite location. Accidental releases of these substances, such as spills during onsite fueling of equipment or an upset condition associated with puncture of a fuel tank through operator error, have the potential to expose workers and the public to contamination. In addition, where construction activities are adjacent to a waterway, accidental release of these materials could degrade water quality. Operation of the underground components of the Master Plan Updates (i.e., pipelines, valves, and turnouts) would not require the use of any hazardous materials. The proposed storage tank and pump station, however, would be equipped with emergency standby generators. Diesel, contained within vessels engineered for safe storage, would be required for operation of the generators. Because the generators would be operated for short periods during weekly testing and during emergencies, only minor amounts of hazardous materials would likely be stored onsite. Additionally, because these generators would be operated for a shortly duration during regular testing, high-frequency, routine transport or use of this material would not be required. The potential for exposure of workers and the public to hazardous materials from accidental spills would be temporary, lasting through the construction period only. To ensure that potential impacts would be reduced to less than significant levels from accidental events, Mitigation Measure HAZ-1 would be required.</p>	<p>Potentially Significant</p>	<p>Mitigation Measure HAZ-1: Develop and Implement a Spill Prevention, Control, and Countermeasure Program for Construction Activities.</p> <p>The City's or Developer's construction contractor will develop and implement a Spill Prevention, Control, and Countermeasure Program (SPCCP) to minimize the potential for and effects from spills of hazardous, toxic, or petroleum substances during construction activities. The SPCCP will be prepared consistent with the requirements of the City's NPDES Permit and Hazardous Materials program before any construction activities begin.</p> <p>If a spill of petroleum products is reportable (per 40 CFR 110), the contractor's superintendent will notify the City and take action to contact the appropriate safety and cleanup crews to implement the SPCCP. A written description of reportable releases must be submitted to the San Francisco Bay RWQCB. The program contractor will select and implement measures to control contamination, with a performance standard that surface and/or groundwater quality must be returned to baseline conditions. These measures will be subject to review by the City.</p> <p>The City will review the SPCCP before onset of construction activities as required. The City will routinely inspect the construction area to verify that the measures specified in the SPCCP are properly implemented and maintained. The City will notify its contractors immediately if there is a noncompliance issue and will require compliance.</p>	<p>Less Than Significant</p>
<p>Impact HAZ-2: Construction of the Master Plan improvements could expose workers and the public to hazards associated with the accidental discovery of undocumented soil and/or groundwater contamination.</p> <p>Proposed Master Plan Update projects would occur at or near commercial</p>	<p>Potentially Significant</p>	<p>Mitigation Measure HAZ-1: Develop and Implement a Spill Prevention, Control, and Countermeasure Program for Construction Activities.</p> <p>See above.</p> <p>Mitigation Measure HAZ-2a: Conduct Phase 1 Site Assessment(s) for</p>	<p>Less Than Significant</p>

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>and industrial sites or other uses where chemicals have been used or released. Sites with historical or current contamination are identified in Appendix C. Construction of proposed conveyance and above-ground facilities would involve excavation and grading activities, which could encounter documented and unreported contaminated soils and groundwater during excavation activities. Encountered, contaminated materials may be classified as a hazardous waste, a designated waste, or a special waste, depending on the type and degree of contamination. If hazardous substances were encountered during construction of the proposed project and if materials were improperly managed or disposed, workers and the public would be potentially exposed to contaminated materials. The degree of any public health impact associated with the hazardous substances would depend on the nature and extent of any hazardous substances encountered and the subsequent handling and management of those materials. To reduce potential safety hazards to workers and the public to a less-than-significant level, Mitigation Measures HAZ-1, HAZ-2a, and HAZ-2b would be implemented.</p>		<p>Master Plan Improvements that Deviate from Existing Roadway ROW. Prior to construction, the City may conduct a Phase 1 Environmental Site Assessment according to ASTM protocol for portions of individual Master Plan improvements that deviate from existing roadway ROW, as warranted. If any hazardous materials or waste sites are identified during the Phase 1, the City shall implement Mitigation Measure HAZ-2b.</p> <p>Mitigation Measures HAZ-2b: Develop Remediation Plan(s), As Necessary. If determined necessary, to mitigate for potential hazards resulting from disturbance of existing contaminated areas, the extent of contamination from hazardous materials sites within or adjacent to individual Master Plan improvements shall be delineated during final design. Disturbance to contaminated areas during individual project construction shall be avoided, or any work done within contaminated areas shall be undertaken in compliance with standards approved by the DTSC or the County DEH to ensure that hazardous materials will not be released as a result of the ground disturbance.</p> <p>Additionally, if unidentified contaminated soil and/or groundwater are encountered, or if suspected contamination is encountered during any construction activities, work shall be halted in the area of potential exposure, and the type and extent of contamination shall be identified. A qualified professional, in consultation with appropriate regulatory agencies, will then develop and implement a plan to remediate the contamination and properly dispose of the contaminated material. The plan will include protocols necessary to ensure that contaminant-removal activities minimize the potential for air quality or health risk impacts to adjacent receptors along with proper disposal requirements. The plan will also include response procedures in the event of an accident during contaminant removal and notification requirements for the City's Fire Department OES, DTSC RWQCB, and Santa Clara County Hazardous Materials Response Team, as necessary.</p>	

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>Impact HAZ-3: Construction of the Master Plan improvements could impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.</p> <p>The City maintains a Multi-Hazard Emergency Plan to deal with natural or man-made disasters. Conveyance improvements along public ROWs could potentially interfere with implementation of the Emergency Plan. The restriction of road width may slow down emergency response service providers. However, in most instances, construction equipment could be moved relatively quickly to facilitate the necessary emergency vehicle movements. Additionally, horizontal drilling or jack-and-bore methods would be implemented at busy intersections, thereby reducing potential impacts associated with interference with emergency response. Staging of equipment and soils and construction of the storage tank and pump station or groundwater well would not be expected to interfere with the Emergency Plan as it would occur within private parcels away from public access. Due to the temporary nature of construction activities along ROWs and the continual shifting of such activities, impacts would be reduced. Planning and notification for continual emergency access in Mitigation Measure TR-1 in Section 3.11, Transportation would further reduce the impact to a less-than-significant level.</p> <p>No long-term interference with the City's emergency response plan are expected associated with operation of the proposed facilities, as the underground components would be buried and above-ground surfaces would be located on private parcels away from public access. As such, no impacts on emergency response would occur associated with these components.</p>	<p>Potentially Significant</p>	<p>Mitigation Measure TR-1: Prepare and Implement a Traffic Control Plan.</p>	<p>Less Than Significant</p>
<p>Impact HAZ-4: Construction of the Master Plan improvements could expose people and/or structures to risks involving wildland fires.</p> <p>The majority of the Master Plan Update improvement projects are located within urbanized areas along public ROWs. These areas are generally devoid of the dried vegetation unlike the foothill landscape east of Evans Road / Piedmont Road and, therefore, the corresponding risk of wildland fire is considered low. Given that a majority of the land area within the Study Area is urbanized, the presence of paved surfaces and existing structures substantially reduces the risk of construction equipment accidentally igniting surrounding vegetation. Further, the Master Plan improvements would not result in the placement of new habitable structures within an area at high risk of experiencing wildfires. Based on these considerations, the Master Plan Updates are not expected to substantially increase the threat of wildfire within the Study Area and this impact is considered less than significant.</p>	<p>Less than Significant</p>	<p>No mitigation measures required.</p>	<p>Less Than Significant</p>

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>Impact HAZ-5: The Master Plan Updates may result in hazardous emissions or handling of hazardous materials within one-quarter mile of an existing or proposed school.</p> <p>Children are sensitive receptors for inhalation or ingestion of hazardous materials due to their smaller body size and underdeveloped nervous systems. Assessment of the proximity of local schools to the proposed Master Plan Update projects is necessary to ensure that human health risks are not exacerbated in these areas. Several public and private schools are located within one-quarter mile of proposed Master Plan Update projects, as shown in Table 3.7-1 below.</p> <p>Potential for accidental release of hazardous materials or emissions during construction near schools would be reduced through implementation of Mitigation Measure HAZ-1, above. As further described in Impact HAZ-1 above, conveyance improvements would not require the use of any hazardous materials during operational activities. As such, these individual projects would not emit or require the handling of hazardous materials. Operation of the conveyance improvements would not result in any safety impacts to the public at nearby schools.</p> <p>The proposed storage tank and pump station (W-MP-5), however, may be located within one-quarter mile of a school. As described in Impact HAZ-1 above, diesel for operation of the pump station would be used during emergencies only. The City intends to store minor amounts of diesel onsite within vessels engineered for safe storage, and does not expect to engage in routine transport or use of this material. Because of the limited use of diesel, emissions associated with its use would constitute a less than significant impact on school children.</p>	<p>Potentially Significant</p>	<p>Mitigation Measure HAZ-1: Develop and Implement a Spill Prevention, Control, and Countermeasure Program for Construction Activities</p>	<p>Less Than Significant</p>
<p>3.8 Hydrology And Water Quality</p>			

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>Impact HWQ-1: Runoff generated by Master Plan construction could exceed water quality standards due to erosion, sedimentation, and potential for release of hazardous materials.</p> <p>Construction of the various program facilities would require grading, soil stockpiling, and excavation, along with disturbances of soils and vegetation. Construction would take place periodically and, therefore, has the potential to expose bare soils during the winter rainfall period. Bare soils are much more likely to erode than vegetated areas due to the lack of dispersion, infiltration, and retention created by covering vegetation. The extent of impact is dependent on soil erosion potential, type of construction practice, extent of disturbed area, timing of precipitation events, and topography and proximity to drainage channels. Storm events during construction activities could also cause transport of other construction-related contaminants (e.g., fuels, oil, concrete, paint) to nearby receiving waters thereby impairing water quality and potentially affecting aquatic organisms and their associated habitats. Discharge of construction-related dewatering effluent could also result in the release of contaminants to surface water. In addition, short-term water quality impacts are possible, such as local changes in turbidity and possibly changes in dissolved oxygen. Construction-related erosion, sedimentation, and release of hazardous materials are considered potentially significant impacts.</p> <p>Due to the presence of shallow groundwater within the City, trenching and trenchless construction activities associated with pipeline installation could encounter the water table, through which it would immediately and directly become available for contaminants to enter the groundwater system. Similarly, if construction is initiated in an area with direct contact with surface water, then the potential for contaminants to enter the surface water system increases. During trenchless construction, dewatering would be necessary to remove water from tunnel, launching, and receiving pits. It is not known how much water would be withdrawn because the volume would be influenced by the local shallow aquifer character, the depth of excavation, and the duration that subsurface work is conducted.</p> <p>Groundwater withdrawn from the construction areas would be subsequently discharged to local waterways or drainage ditches, or via land application. These discharges may contain sediments, dissolved solids, salts, and other water quality contaminants found in the shallow groundwater, which could degrade the quality of receiving waters. Degradation of local receiving waters from the introduction of shallow groundwater during construction dewatering could result in a significant impact to receiving waters.</p> <p>Trenchless construction activities may require the use a mixture of bentonite (an inert clay) and petroleum as a lubricant for the drilling mechanism. Drilling near the ground surface or close to the bed of a surface water body introduces the potential for an unplanned "frac-out," in which the pressure of</p>	<p>Potentially Significant</p>	<p>Mitigation Measure HAZ-1: Develop and Implement a Spill Prevention, Control, and Countermeasure Program for Construction Activities .</p> <p>Mitigation Measure HWQ-1a: Implement NPDES Permit Measures, including Development and Implementation of a SWPPP.</p> <p>Prior to the onset of construction activities on sites of one acre or more, the City's or Developer's contractor shall obtain coverage under the NPDES General Construction Permit. The City will be responsible for ensuring that construction activities comply with the conditions in the 2009 Amended General Construction Permit through the preparation of a SWPPP or, if determined appropriate, a Rainfall Erosivity Waiver. Individual improvement projects eligible for a Rainfall Erosivity Waiver must demonstrate that the rainfall erosivity factor will be less than five throughout the duration of construction. Improvement projects qualifying for the Rainfall Erosivity Waiver will be required to implement minimum BMPs consistent with City standards.</p> <p>All other Master Plan improvement projects will require the preparation of a SWPPP. At minimum, the SWPPP shall be prepared by a Qualified SWPPP Practitioner (QSP), identify site-appropriate soil stabilization and sediment control BMPs, and include a monitoring component that is consistent with the individual project's Risk Level or LUP Type. Based on the types of activities anticipated over the duration of the implementation of the Master Plan updates, SWPPPs for individual improvement projects shall include BMPs that cover the following:</p> <ul style="list-style-type: none"> ensure implementation of good site management (i.e., "housekeeping") measures for construction materials that could potentially be a threat to water quality if discharged. Special consideration shall be given to vehicle storage and maintenance, landscaping, waste management, and construction materials or equipment that are not designed to be outdoors and exposed to environmental conditions; provide effective soil cover for inactive construction areas that could contribute sediment to waterways; enclose and cover exposed stockpiles of dirt or other loose, granular construction materials that could contribute sediment to waterways; establish and maintain effective perimeter controls, as needed, to sufficiently control sediment discharges from the site. This will be done by using a combination of one or more of the following: berms, silt fencing, straw bales or wattles, plastic sheeting or geofabric, silt/sediment traps and catch basins, sand bag dikes, temporary vegetation or other groundcover, or other control measures consistent with City standards; 	<p>Less Than Significant</p>

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>the bentonite or other drilling lubricant generates a surface rupture, causing a release of bentonite to the ground surface or water column. Although bentonite is not toxic, it can smother aquatic habitat and increase turbidity and suspended sediments in the water column. Water quality degradation due to trenching and excavation activities are considered potentially significant impacts.</p>		<ul style="list-style-type: none"> • ensure that no earth or organic material shall be deposited or placed where it may be directly carried into a stream, marsh, slough, lagoon, or body of standing water; • ensure that dewatering activities shall be conducted according to the provisions of the SWPPP. No dewatered materials shall be placed in local water bodies or in storm drains leading to such bodies without implementation of proper construction water quality control measures; • effectively manage all run-on, all runoff within the site and all runoff that discharges off the site using BMPs consistent with City standards; and • appropriate post-construction BMPs shall be implemented to ensure that grass or other vegetative cover will be established on non-paved portions of the construction site(s) as soon as possible after disturbance. These BMPs should follow applicable water quality control measures found within "Start at the Source-Design Guidance Manual for Stormwater Quality Protection" prepared by the Bay Area Stormwater Management Agencies Association. <p>As required by the Amendment General Construction Permit, in situations where the improvements will occur across several properties, the City will be responsible for obtaining coverage under the General Permit. The City shall ensure that a QSP prepares each SWPPP specific to the individual improvements included in the Master Plan Updates as determined necessary by the City. The City shall review and approve the BMPs proposed in the SWPPP to ensure consistency with the City's standards and specifications.</p> <p>The City will ensure that the SWPPP and NOI are filed with the San Francisco Bay RWQCB prior to the start of construction. A QSP with the City or its agent will perform routine inspections of the construction area to verify that the BMPs specified in the SWPPP are properly implemented and maintained. The City or its agent will notify the project contractor(s) if there is a noncompliance issue and will require immediate corrective action.</p> <p>Mitigation Measure HWQ-1b: Implement Provisions for Dewatering and Hydrostatic Test Water.</p> <p>Before discharging any substance that could reach surface waters, the City's or Developer's construction contractor shall develop a plan for the disposal of dewatering or hydrostatic testing discharges in accordance with the requirements of the City, SWRCB, and San Francisco Bay RWQCB. Depending on the volume and characteristics of the discharge, coverage under the SWRCB's General Construction Permit or the RWQCB's Municipal Regional Stormwater Permit (R2-2009-0074), may be appropriate. As part of the plan, the contractor will design and implement measures that are effective in minimizing water quality impacts to receiving waters. A range of</p>	

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<p>potential BMPs is provided in Appendix E. Final selection of water quality control measures will be subject to review by the City of Milpitas.</p> <p>Mitigation Measure HWQ-1c: Use Trenchless Technology. Where conveyance pipelines cross water bodies, the City will require its construction contractor to use trenchless technology (microtunneling or jack-and-bore), where feasible. Frac-out plans as described in Mitigation Measure HWQ-1d shall be implemented as necessary.</p> <p>Mitigation Measure HWQ-1d: Develop and Implement a Frac-Out Contingency Plan for HDD and Jack and Bore Activities. For tunneling activities that use drilling lubricants (e.g., construction of pipelines using jack-and-bore methods), the City's or Developer's construction contractor will prepare and implement a Frac-Out Contingency Plan. The purpose of the plan will be to minimize the potential for a frac-out associated with tunneling activities, provide for the timely detection of frac-outs, and ensure an organized, timely, and "minimum-impact" response in the event of a frac-out and release of drilling lubricant (i.e., bentonite). Preparation and implementation of a Frac-Out Contingency Plan will be reflected in contract documents.</p> <p>Mitigation Measure HWQ-1e: Dry-Season Construction Where Mitigation Measure HWQ-1c is not feasible, and flows in the water body (or area) are seasonal, construction shall be conducted during the dry season. The program site will be restored prior to the onset of the rainy season to minimize the potential for erosion. This proposed mitigation is subject to additional conditions as a result of negotiations of the required permits from USACE, CDFG, and the San Francisco Bay RWQCB.</p>	
<p>Impact HWQ-2: Process discharge water generated during the operation of conveyance pipelines and storage tank facilities could impact surface waters.</p> <p>Pipelines may include blow-offs and other appurtenances that would result in the periodic release of potable water to surface waters. In addition, discharge of potable water associated with periodic maintenance of conveyance pipelines, storage tank, and pump stations may also be required. Impacts could include reductions in water quality where the water released is of lower quality than ambient conditions. This impact is potentially significant, but implementation of Mitigation Measure HWQ-2 would reduce the impact to a less than significant level.</p>	<p>Potentially Significant</p>	<p>Mitigation Measure HWQ-2: Implement BMPs for Operational Discharges. For operational discharges, the City will select and implement appropriate BMPs to minimize water quality impacts to receiving waters. Appendix E of this EIR contains a range of acceptable BMPs for operational discharges from both potable water and sewer collection facilities.</p>	<p>Less Than Significant</p>
<p>Impact HWQ-3: The Master Plan Updates could generate increased surface runoff and associated impacts to water quality, drainage facilities, and groundwater recharge.</p> <p>Due to their location within roadway ROWs, construction of a majority of the</p>	<p>Potentially Significant</p>	<p>Mitigation Measure HWQ-3: Design Drainage Facilities for the Storage Tank and Pump Station In Accordance with City Standards. The City shall design the proposed storage tank and associated facilities in accordance with City design standards and the City's NPDES permit for</p>	<p>Less Than Significant</p>

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>Master Plan conveyance pipelines and associated underground facilities would not alter the surface infiltration characteristics of the Study Area. However, the new aboveground facilities (storage tank and pump station) would involve a small amount of new impervious surface, which could increase the amount of surface runoff, convey NPS contaminants to surface waters during storm events, and reduce the ability of precipitation to infiltrate and recharge groundwater. Additional runoff could contribute to localized flooding with local waterways, accelerate soil erosion and stream channel scour, and provide a more lucrative means of transport for pollutants to enter waterways. However, the amount of additional impervious surface is anticipated to be relatively small, less than 3 acres, such that water quality, drainage capacity, and groundwater recharge impacts could be mitigated.</p>		<p>drainage to maintain runoff during peak conditions to pre-construction discharge levels.</p>	
<p>Impact HWQ-4: Some Master Plan improvements could involve the placement of structures within a 100-year Flood Hazard Area, which could impede or redirect flood flows.</p> <p>Construction of several of the Master Plan Update improvements would occur within the 100-year Flood Zone and 500-year Flood Zone, as defined by FEMA. Due to their location within roadway ROWs, however, construction of the Master Plan conveyance pipelines and associated underground facilities would not impede or redirect flood flows.</p> <p>Small segments of the new conveyance pipelines may require the crossing of local floodways. These crossings would be completed using in-channel or trenchless construction techniques and would be installed at sufficient depth below existing and/or planned flood control facilities and placed in suitable bedding materials. Additionally, construction of these facilities would generally be restricted to the summer months based on current environmental regulations and be of limited duration, and, therefore unlikely to expose workers to significant risk of injury or death as a result of flooding.</p> <p>In addition to conveyance facilities, the new aboveground facilities (storage tank and pump station) would be located within a Special Flood Hazard Area, thereby creating the potential to contribute to and/or redirect flood flows. However, these facilities would be subject to standards specified in the City of Milpitas Municipal Code (Standards for Utilities, Section XI-15-5.2) and the City's Floodplain Regulations. Compliance with these existing requirements would minimize any related hazard and therefore, this impact is considered less than significant.</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>
<p>Impact HWQ-5: Effects of global climate change on hydrology and flooding in the Study Area are unknown.</p> <p>Global climate change could result in changes in the timing, amount, and form of precipitation both within the Bay Area and in Sierra Nevada, where SFPUC's Hetch Hetchy System originates. Global climate change could also</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>result in changes in runoff timing and volume from the Sierra snowpack. More intense and/or frequent precipitation in the Bay Area could lead to changes in local reservoir operations in order to prevent flooding hazards. Additionally, global climate change will likely produce a rise in sea level, including high tides in San Francisco Bay. Higher water levels in San Francisco Bay could lead to seiche and other flooding hazards in low-lying areas of the City. High volume flood flows within Coyote Creek and its tributaries could potentially exacerbate existing flooding in the Special Flood Hazard Zones. However, it is not possible to accurately estimate the specific changes to flood flows and the duration over which these changes may occur because of climate change. For this reason, potential impacts are considered speculative and level of significance cannot be determined.</p>			
<p>3.9 Planning And Land Use</p>			
<p>Impact LU-1: The Master Plan improvements could result in disruptions or division of an established community during construction activities.</p> <p>Construction of Master Plan Update improvements would not physically divide an established community, but would temporarily disrupt existing land uses. Land uses adjacent to the proposed Master Plan improvements include regional commercial, manufacturing and warehousing, single family and multi-family residential, mixed use, and mobile home park.</p> <p>Construction would occur primarily within or adjacent to established roadway ROWs and could temporarily disrupt neighborhood circulation and access. The SCVWD Zone Storage Project (W-MP-5) project would be installed outside of the City ROW; however, an exact location has not been determined at this time and will require additional engineering. Potential direct and indirect impacts on land uses from construction-related traffic delays, public safety hazards, visual disruption, air emissions, and noise are addressed in other chapters of this document. Because construction is a short-term activity, however, disruption of existing neighborhoods and access routes within the City would be temporary during construction of program elements. Additionally, construction activity would move along the pipeline route, therefore shifting short-term disruptions.</p> <p>The range of improvements proposed as part of the Master Plan Updates, including a water storage tank, wastewater collection pipelines, and water distribution pipelines, would represent a minimal change in existing land uses. Surface features that would be visible above grade may include utility boxes, water appurtenances, sewer manholes, water storage tanks, and associated booster pumps. These elements would generally not conflict with the density, scale, and character of the existing land uses currently within the Study Area. Furthermore, the Master Plan Updates would be compatible with the future nearby land uses anticipated under the General Plan and TASP. Construction</p>	<p>Potentially Significant</p>	<p>Mitigation Measure LU-1: Public Outreach and Advance Construction Noticing.</p> <p>The City or Developer, in cooperation with its construction contractor, shall provide a phone number and community contact for inquiries about the Master Plan Update construction schedule throughout the construction period. This information will be posted in a local newspaper and at City Hall and will be updated on a monthly basis for individual projects.</p> <p>The City or Developer shall also require its construction contractor to provide a minimum 2-week advance notice of the construction activities schedule to the affected community members within 100 feet of construction areas (e.g., residences, property owners, business owners, and public facility operators), including the posting of signs. These conditions shall be included in contract documents.</p>	<p>Less Than Significant</p>

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>of the improvements would not preclude the existing land uses on surrounding properties, nor future development of surrounding parcels for urban (re)development. In order to mitigate disruption of existing land uses during the construction period, Mitigation Measure LU-1 shall be implemented. With implementation of public outreach, this impact would be less than significant.</p>			
<p>Impact LU-2: The Master Plan improvements could conflict with applicable land use plans, policies, and/or regulations.</p> <p>The Master Plan Update improvements do not conflict with the goals, policies, and objectives of the City's General Plan. The proposed Master Plan Update improvements would ensure construction of adequate wastewater collection, water distribution mains, and water storage tanks to provide consistent and reliable water supply and wastewater collection to the existing community. The Master Plan Updates implement General Plan Policy 2.d-I-2: Periodically update the City's water and sewer master plans.</p> <p>Construction of the Master Plan Update improvements, generally within ROWs, would comply with existing land use designations for the sites; in addition, construction activities would be temporary and the sites would be restored to pre-construction conditions once construction is completed. Construction of Master Plan Update improvements would not require amendments to the General Plan or conflict with policies adopted for the purposes of avoiding and/or mitigating significant environmental effects.</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>
<p>Impact LU-3: The Master Plan improvements would not impede the achievement of environmental justice for low-income and minority communities.</p> <p>Based on mapping of environmental justice communities within the region conducted by the Metropolitan Transportation Commission (2001), a majority of the proposed Master Plan Update conveyance pipelines and the storage tank are located within "minority population" zones.</p> <p>Analysis of construction and operational impacts in all other disciplines (i.e., air quality, noise, traffic) is presented in the other sections of Chapter 3, Environmental Analysis. Mitigation measures are presented in each section to ensure that construction and operational impacts would be reduced to less than significant levels. In addition, the improvements associated with the Master Plan Updates would typically provide long-term benefits to the areas in which they are located. Therefore, identified minority population zones would not be disproportionately affected in an adverse way by the Master Plan Update improvements and environmental justice related impacts would be less than significant.</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>
<p>3.10 Noise</p>			

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>Impact NOI-1: Construction of the Master Plan improvements could result in noise levels in excess of established standards during construction.</p> <p>Construction of the Master Plan Update improvements would occur primarily in roadway ROWs, with the exception of the storage tank site. Construction activities would generally involve excavation, concrete removal, earth movement, stockpiling, trenching activities, and truck hauling. These construction activities would generate temporary and intermittent noise at and near the conveyance pipeline alignments and storage tank site during construction. Noise levels would fluctuate depending on the particular type, number, and duration of use of various pieces of construction equipment. In addition, construction-related material haul trips would raise ambient noise levels along haul routes depending on the number of haul trips and the types of vehicles used. Table 3.10 3 shows typical noise levels produced by various types of construction equipment at a distance of 50 feet. As shown, noise levels from the loudest pieces of construction equipment could approach 89 dBA at distances as short as 50 feet.</p> <p>In addition to pipeline installation, staging areas will be located at various points along the construction route. These areas would be used to store pipe, equipment, and other construction-related material. In some cases, staging areas will be used for the duration of the project construction. In other cases, the area will be moved along the route to minimize the hauling distances and avoid disrupting any one area for an extended period of time. Potential staging areas include vacant private and public land, parking lots, and segments of closed traffic lanes. The City, or its contractor, would make short-term arrangements for the use of staging areas. These staging areas could be considerable sources of noise.</p> <p>Based on the noise levels provided in Table 3.10 3 and assuming a conservative attention rate of 4.5 dBA per doubling distance, noises levels during construction could range from 75.5 to over 80 dBA at 200 feet from the nearest sensitive receptor locations depending on the types of equipment in operation. Sensitive receptors within closer proximity could be subjected to even higher noise levels. Additionally, back-up beepers associated with trucks and equipment used for material loading and unloading at the staging area would generate significantly increased noise levels over the ambient noise environment in order to be discernable and protect construction worker safety as required by OSHA (29 CFR 1926.601 and 29 CFR 1926.602).</p> <p>Because existing daytime noise levels in the vicinity of the conveyance pipeline alignments are assumed to range from 60 to 70 dBA (based on noise monitoring conducted for the TASP EIR), daytime construction work associated with the Master Plan Updates would significantly affect the noise environment of structures in close proximity to construction activities by</p>	<p>Potentially Significant</p>	<p>Mitigation Measure NOI-1a: Comply with Noise Abatement Ordinance. The City or Developer will require all construction contractors to comply with the City's Noise Abatement Ordinance. Construction shall not be allowed in all zoning districts between 7 PM and 7 AM. Exemptions to these working hours will require the approval of the City engineer and are allowed per Section V-213-3.03(c) of the City's Municipal Code.</p> <p>Mitigation Measure NOI-1b: Employ Noise-Reducing Construction Practices. The City or Developer will require its construction contractor to identify and employ noise-reducing construction practices. This provision will be reflected in contract documents. Measures that may be used to limit noise include, but are not limited to:</p> <ul style="list-style-type: none"> • locating equipment as far a practical from noise sensitive uses, • using mufflers on all standard equipment, • selecting haul routes that affect the fewest number of people, • using noise-reducing enclosures around noise-generating equipment, • constructing barriers between noise sources and noise-sensitive land uses or taking advantage of existing barrier features (terrain, structures) to block sound transmission, and • enclosing equipment. <p>Mitigation Measure NOI-1c: Disseminate Essential Information to Residences and Implement a Complaint/Response Tracking Program. The City or Developer shall require the construction contractor to notify all residents and businesses within 500 feet of construction areas of the construction schedule in writing a minimum of two weeks prior to ground-breaking. The construction contractor will designate a Noise Complaint Coordinator who will be responsible for responding to complaints regarding construction noise. The Coordinator will determine the cause of the complaint and will ensure that reasonable measures are implemented to correct the problem. A contact telephone number for the Noise Complaint Coordinator will be conspicuously posted on construction site fences or barriers, where possible, and will be included in the written notification of the construction schedule sent to nearby residents. This provision will be reflected in contract documents.</p>	<p>Significant And Unavoidable (Only in limited circumstances)</p>

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>increasing ambient noise levels by five dBA or more. Few of the proposed pipeline alignments would affect residential receptors; a majority of the proposed improvements are located along arterial roadways in commercial or industrial areas. However, retired persons, people who work at home, and people caring for their children in their homes could be significantly affected by noise should construction activities occur in the immediate vicinity.</p> <p>The exposure of individual sensitive receptors to elevated noise levels would be contingent on the types of equipment in use and the duration of use. For example, pipeline construction per the Master Plan Updates would progress at rate of 50 to 100 feet a day and, therefore, no one particular receptor along the pipeline would be subjected to elevated noise for more than a couple of days. Construction activities associated with the Master Plan Updates would therefore be temporary in nature and related noise impacts would be short-term. However, in instances where trenchless construction techniques are required, localized activities could last upwards of several weeks. Likewise, the construction of the storage facilities could take several months. Since pipeline and other construction activities could substantially increase ambient noise levels, with potential intermittent noise levels exceeding 80 dBA, construction noise could exceed established thresholds (e. g. greater than 5 dBA) and result in potentially significant impacts to sensitive receptors in close proximity to construction.</p>			
<p>Impact NOI-2: Construction of Master Plan Update improvements could result in the excessive groundborne vibration.</p> <p>Construction activities associated with the Master Plan Updates would result in groundborne vibration, with the primary sources including installation of conveyance pipelines, using open-cut techniques or trenchless construction. In addressing the range of potential issues associated with ground-vibration, there are generally two forms of impacts that should be addressed: (1) annoyance to individuals or the community; and (2) damage to buildings. It is anticipated that installation of conveyance pipelines would require a backhoe or other trenching equipment, while trenchless construction activities would require a trencher and boring machine. Vibration from these typical construction activities is typically below the threshold of perception when the activity is more than about 50 feet from the receiver. Given that construction activities are not expected to encroach within 50 feet of existing structures, the level of annoyance from construction-related vibration at potential receptor locations would be unnoticeable especially in relation to the noise from construction equipment as described in Impact 3.10-1. For this reason, the level of annoyance from construction activities would be less than significant.</p> <p>In relation to the potential for structural damage at adjacent residential and commercial structures, peak particle velocity (PPV) is the maximum instantaneous positive or negative peak of the vibration signal, measured as a</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>distance per time (such as millimeters or inches per second). The PPV measurement has been used historically to evaluate shock-wave type vibrations from actions like blasting, pile driving, and mining activities, and their relationship to building damage.</p> <p>As provided in Table 3.10-2, the level of potential impact resulting project construction is generally contingent on the structural composition of the buildings potentially affected. As shown in Table 3.10-2, new residential structures with gypsum board walls/ceilings have a PPV threshold of 1.0 in/sec and would be the types of structures most likely to be impacted by project construction activities. Given that Master Plan-related construction activities would employ the use of equipment similar to those identified in Table 3.10-4, would not involve the use of blasting or pile driving, and would be situated 50 feet or more from existing structures, project construction is unlikely to generate vibration levels in excess of the thresholds identified in Table 3.10-2. Based on these considerations, the Master Plan improvements would result in less than significant impacts from groundborne vibration during construction and no additional mitigation is required.</p>			
<p>Impact NOI-3: Operation of the Master Plan improvements could create a substantial permanent increase in ambient noise levels.</p> <p>Noise-generating operations for the Master Plan Updates mainly include the use of electric pumps to move water throughout the pipeline network, operation of the emergency backup generators, and vehicle trips and equipment used for routine maintenance of facility components. Because routine maintenance is anticipated to be sporadic and short term in nature, it is not anticipated that maintenance activities would result in a significant noise impact.</p> <p>The proposed storage tank pump(s) would operate year-round (24-hours a day, seven days a week) and the backup generator(s) would operate under certain situations, during emergencies. Increased operation of diesel engines to pump treated water supplies would contribute to increased noise in the areas where these facilities are proposed. The pump station could eventually consist of a 1,930 horsepower (hp) vertical turbine pump installed within an enclosed structure, constructed of concrete masonry units or steel. Based on a review of published literature and other EIRs prepared for similar facilities, the typical noise level for water supply pumping facilities ranges from 70 to 76 dBA at 50 feet.</p> <p>Additionally, a standby generator will be installed in an enclosure to operate the entire pump station during a power outage. The typical noise level for a generator is approximately 80 dBA at 50 feet. With a surrounding masonry buffer, or with generator placement using other structures as shielding, the effective noise level may be reduced by 10 to 15 dBA at 50 feet. Since</p>	<p>Potentially Significant</p>	<p>Mitigation Measures NOI-3: Implement Noise Minimization Measures during Operation.</p> <p>The City shall design the proposed storage tank pump station to ensure that operational noise levels at the property line does not exceed the City standards. The City shall implement the following noise minimization measures to the extent they are feasible.</p> <ul style="list-style-type: none"> • Shielding and other specified measures as deemed appropriate and effective by the design engineer will be incorporated into the design in order to comply with performance standards. • Project equipment shall be outfitted and maintained with noise-reduction devices such as equipment closures, fan silencers, mufflers, acoustical louvers, noise barriers, acoustical panels, etc., to minimize operational noise. • Particularly noisy equipment shall, to the extent feasible, be located a minimum of 200 feet from nearby sensitive receptors. • The orientation of acoustical exits shall always be facing away from nearby sensitive receptors. • Buildings and landscaping shall be incorporated, where possible, to absorb and/or redirect noise away from nearby sensitive receptors. 	<p>Less Than Significant</p>

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>emergency generators would only be tested on a weekly basis for a short duration, they are not expected to contribute substantially to the overall average noise exposure outside of the site boundary. However, the combined operation of the pumps and back-up generator, depending on the proximity to the nearest sensitive receptor, could be significant.</p> <p>Without proper design, nearby noise-sensitive land uses could be exposed to significant increases in ambient noise levels. This impact is considered potentially significant.</p>			
<p>3.11 Transportation</p>			

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>Impact TR-1: The Master Plan improvements could result in short-term increases in traffic volumes, thereby contributing to decreases in roadway and intersection LOS.</p> <p>Construction-Related Effects. Construction-related traffic associated with the Master Plan Updates would result in a temporary and intermittent lessening of the capacities of access streets and haul routes because of the slower movements and larger turning radii of construction trucks compared to passenger vehicles. During construction activities, project traffic would be generated from two sources: truck trips to and from the work sites, and construction work crews and supervisor staff commuting to and from work sites. Construction-related truck trips would include trucks hauling equipment, material, or backfill to the work sites as well as trucks hauling spoils away for disposal or reuse offsite. As described in Chapter 2, Project Description, the peak trips associated with the most intense construction period when multiple water and sewer projects undergo concurrent construction (anticipated in 2010-2011) are estimated to be up to 142 round-trip truck trips per day. In assuming an average crew size of 15, including inspectors, construction activities could generate up to 120 round-trip truck trips per day. In addition, the Project could require up to 20 round-trip concrete delivery and/or soil export truck trips per day. The estimated average general materials delivery is estimated at 1 to 2 round-trips per day. The actual number of construction-related trucks traveling on the City's local transportation network each day would be influenced by the activity occurring at each work site and would generally be less than the peak number of trips as specified above.</p> <p>Construction-related truck trips would be scattered throughout the City, depending on the location of the individual work sites, along existing designated truck haul routes. The TASP EIR identified 14 intersections (Figure 3.3-9 in TASP EIR) that are projected to exceed their LOS standards and operate at unacceptable levels if the TASP is implemented. Because they include pipeline alignments and/or serve as part of designated truck routes, the following intersections would also be temporarily impacted by construction of the Master Plan Update improvements:</p> <ul style="list-style-type: none"> • Montague Expressway / S. Milpitas Boulevard. Coupled with traffic associated with TASP development, construction of the Master Plan Updates would degrade LOS F conditions during the PM peak hour. No feasible mitigation measures were identified in the TASP EIR. Therefore, this impact is considered significant and unavoidable. • Great Mall Parkway-E. Capitol Avenue / Montague Expressway. Coupled with traffic associated with TASP development, construction of the Master Plan Updates would exacerbate LOS F conditions during the AM and PM peak hours. Although the VTP 2030 includes planned improvements to this interchange, funding has not yet been 	<p>Potentially Significant</p>	<p>Mitigation Measure TR-1: Prepare and Implement a Traffic Control Plan.</p> <p>The City will arrange for a licensed traffic engineer to prepare a Traffic Control Plan for roadways and intersections affected by the Master Plan Update improvements. The Traffic Control Plan will comply with the requirements of the agencies (e.g., City of Milpitas, City of San Jose, Caltrans, Santa Clara County Department of Roads and Airports, Santa Clara VTA, and/or Santa Clara County Department of Parks and Recreation) with jurisdiction over project construction. The Traffic Control Plan will include, but not be limited to, the following elements:</p> <ul style="list-style-type: none"> • Provide street layout showing location of construction activity and surrounding streets to be used as detour routes, including "special signage." Post advance warning of construction activities within affected roadways to allow motorists to select alternative routes. • Restrict delivery of construction materials to non-peak travel periods (9:00am – 3:00pm) as appropriate. Weekend and night work shifts will be allowed in non-residential areas only. • Maintain the maximum travel-lane capacity during non-construction periods and provide flagger-control at construction sites to manage traffic control and flows. • Limit the construction work zone in each block to a width that, at a minimum, maintains alternate one-way traffic flow past the construction zone. • Maintain access for driveways and private roads, except for brief periods of construction, in which case property owners will be notified. • Require temporary steel-plate trench crossings, as needed, to maintain reasonable access to homes, businesses, and streets. When required by the applicable encroachment permit, maintain the existing lane configuration during nonworking hours by covering the trench or jack pit with steel plates or by using temporary backfill. • Require appropriate warning signage and safety lighting for construction zones. • Access for emergency vehicles shall be maintained at all times. Police, fire, and emergency services shall be notified of the timing, location, and duration of construction activities that could hinder and/or delay emergency access through the construction period. • Coordinate with VTA to plan, as needed, for the temporary relocation of bus stops and/or detour of transit routes on affected pipeline alignments. • Identify detours, where available, for bicyclists and pedestrians in 	<p>Significant And Unavoidable</p>

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>secured and the improvements cannot be assumed completed. Therefore, construction-related impacts associated with the improvements are considered significant and unavoidable.</p> <ul style="list-style-type: none"> Montague Expressway / McCandless Drive-Trade Zone Boulevard. Coupled with traffic associated with TASP development, construction of the Master Plan Updates would exacerbate LOS F conditions during the AM and PM peak hour. The planned improvements (ROW widening) are currently considered infeasible. Therefore, this impact is considered significant and unavoidable. <p>The generation of daily construction-related truck trips by the Master Plan Update sites would be distributed geographically on haul routes, would be temporary (lasting only during the duration of construction at each site), and would shift regularly to accommodate the movement of pipeline installation. However, if all the construction-related truck trips were to occur on segments of busy roadways during the peak AM or PM commute hours, an increase in traffic volumes would impede traffic flows and lead to short-term traffic delays. This impact is considered potentially significant and requires the implementation of the prescribed mitigation.</p> <p>Operational Effects. A small number of vehicle trips would potentially be generated by workers traveling to and from proposed facilities (i.e., conveyance pipelines, valves, storage tank and pump station) for routine operation and maintenance. These trips would not be substantial in relation to the existing traffic load and capacity of the street system or cause long-term increases in traffic delay. For these reasons, the Master Plan Updates would result in less than significant, long-term impacts to the local roadway network.</p>		<p>areas potentially affected by project construction. As an option, the City shall also consider allowing bikes and pedestrians to traverse a portion of the construction area to minimize significant increases in travel distances or time as a result of a detour.</p> <ul style="list-style-type: none"> Provide adequate off-street parking locations for workers' vehicles and construction equipment in those areas where on-street parking availability is insufficient. Provide written notification to appropriate contractors regarding appropriate routes to and from construction sites and weight and speed limits for local roads used to access construction sites. Submit a copy of all such written notifications to the City. Repair or restore the roadway ROW to its original condition or better upon completion of the work. 	
<p>Impact TR-2: Construction of the Master Plan improvements could increase roadway safety hazards and contribute to disruptions in emergency and/or recreational access.</p> <p>The Master Plan Updates consist of water and wastewater facility improvements throughout the City. With the exception of the proposed storage tank and pump station located within private property, a majority of the other improvements would be installed along public road ROWs. Pipeline installation would occur within roadways in a variety of land uses, including residential, commercial, and industrial uses. These roadways may include bicycle facilities and accommodate transit routes. Bicycle and bus routes that may be impacted by proposed Master Plan Update projects are located along the City's major roadways, including Great Mall Parkway, Montague Expressway, South Main Street, Abel Street, and Milpitas Boulevard.</p> <p>Because pipeline construction would require sufficient space (approximate 60-foot construction zone) to accommodate open trenches/pits and additional room for the placement of material and equipment, the travel width of</p>	<p>Potentially Significant</p>	<p>Mitigation Measure TR-1: Prepare and Implement a Traffic Control Plan.</p>	<p>Less Than Significant</p>

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>roadways would be reduced. As such, transportation and circulation patterns in the vicinity of work zones would temporarily be disrupted. Specifically, impacts would include direct disruption of traffic flows and street operations (including the use of bus stops), and restriction of bicycle and pedestrian access to adjacent land uses and streets. Access for emergency vehicles could also be impaired from the reduced roadway widths associated with the construction easement, as well as the increased volume of construction-related traffic on the roads.</p> <p>The Master Plan improvements do not include the installation of any roadway design features (e.g., sharp curves or dangerous intersections) or incompatible uses that would increase safety hazards. However, construction of the individual improvements within public ROWs could increase the interaction of construction-related traffic, vehicles (including buses), bicycles, and pedestrians, thus temporarily increasing potential safety hazards and restricting or delaying access to adjacent land uses. In addition, construction activities could temporarily affect the use of bike lanes/routes and/or existing trail networks throughout the Program Study Area. Mitigation Measure TR-1 would reduce potential safety hazards by providing flagger control in construction zones, maintaining emergency and recreational access using steel trench plates, coordinating with VTA for detour of transit routes, and posting signage warning of construction activities.</p>			
<p>Impact TR-3: Construction of the Master Plan improvements could increase demands for parking.</p> <p>During construction, the Master Plan Update projects would generate a need for parking spaces for construction workers and heavy equipment. Assuming that each worker drives alone to work sites, each crew would require about 15 parking spaces at each work site. For the proposed storage tank and pump station, adequate space would likely be available to accommodate construction and worker vehicles as they would be located on private property. For the proposed pipeline alignments, an inadequate parking supply on the adjacent roadways may result, due to the number of parking spaces required and the potential need to use the adjacent parking lanes to accommodate the 60-foot construction zone. To ensure that the Master Plan Updates would not result in impacts associated with parking capacity, Mitigation Measure TR-1 would require provision of off-street parking for construction workers.</p> <p>Upon completion of construction, all water and sewer facilities would be buried underground and/or located within an acceptable portion of the ROW. No permanent parking would be necessary for pipeline operation and maintenance. The proposed storage tank and pump station would provide sufficient parking onsite for City maintenance staff. As such, the Master Plan Updates would not result in any long-term increases in parking demand that</p>	<p>Potentially Significant</p>	<p>Mitigation Measure TR-1: Prepare and Implement a Traffic Control Plan.</p>	<p>Less Than Significant</p>

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
exceeds the existing parking capacity.			
3.12 Utilities And Service Systems			
<p>Impact USS-1: Implementation of the Master Plan Updates would carry the potential for cross-contamination of potable water pipelines.</p> <p>Conveyance improvements proposed as part of the Master Plan Updates would include new recycled water distribution pipelines with the water being provided by the SBWRP. With the extension of recycled water pipelines into other parts the TASP, there is a corresponding potential for cross-contamination of potable water with recycled water pipelines. This could in turn result in reduced potable water quality and potential public health concerns. Cross-contamination of water supply pipelines would be considered a potentially significant impact.</p>	Potentially Significant	<p>Mitigation Measure USS-1: Design Recycled Water Pipelines to Prevent Cross-Contamination.</p> <p>The City or Developer shall require the engineering and/or construction contractors to implement the following measures to avoid the potential for cross-contamination of potable water with recycled water. These measures shall be included in all contract documents.</p> <ul style="list-style-type: none"> • Incorporate applicable backflow prevention devices, as outlined in CCR Titles 22 and 17, South Bay Water Recycling Guidelines, and City Supplemental Guidelines, into pipeline design. • Incorporate applicable minimum pipeline separation standards for potable and non-potable water pipelines, as outlined in CCR Title 22, Section 64572(a), into pipeline design. • Use purple pipes (or purple tape) for all above or below ground recycled water pipelines, as outlined in Health and Safety Code, Section 116815(a). • Inspect all recycled water sites for possible cross-connections with the potable water system, in accordance with CCR Title 22, Section 60316(a). 	Less Than Significant
<p>Impact USS-2: The Master Plan improvements would collectively generate construction wastes that could exceed local landfill capacity and conflict with the State's solid waste diversion requirements.</p> <p>Construction of the Master Plan Updates would generate some construction debris during installation of the conveyance pipeline and structural foundations for above-ground facilities. Some materials excavated during trenching associated with the Master Plan Updates could be used as fill materials at the storage tank site. Non-recyclable construction waste would be hauled off site for disposal at the Newby Island Sanitary Landfill. The Newby Island Sanitary Landfill has adequate remaining capacity to provide solid waste disposal services to the City through 2017. However, by virtue that several of the Master Plan improvements would be constructed after 2017, the City is unable to confirm whether sufficient landfill capacity would be available for construction debris after 2017. In the event Newby Island reaches capacity, it is likely that solid waste would be transported to the next closest landfill, Zanker Road Landfill, which also recycles construction debris onsite.</p> <p>Given that the City currently exceeds the State's solid waste diversion</p>	Less Than Significant	No mitigation measures are required.	Less Than Significant

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>requirements, as of 2006, and has done so for the past three consecutive years, it is reasonable to conclude that the City will continue to implement its existing solid waste diversion programs during implementation of the Master Plan improvements. The continued implementation of the City's recycling and waste diversion programs and application of these programs to individual Master Plan improvements would ensure compliance with State solid waste diversion requirements and, therefore, the impact is considered less than significant.</p> <p>If construction wastes were determined to be hazardous, as defined by federal and state regulations, the waste would be disposed of at landfill(s) permitted to accept hazardous waste. A discussion of the disposal of hazardous materials is addressed in Section 3.7, Public Health and Hazards.</p>			
<p>Impact USS-3: Master Plan Update construction could result in temporary, planned, and/or accidental disruption to existing utility services.</p> <p>Utility services could be disrupted as a result of Master Plan Update construction. In most cases, impacts to utilities and services involve temporary disruption that would not exceed one day. All utility lines and cables that would be disrupted during program construction would be identified during the design phase for individual Master Plan improvements. Design for each Master Plan Update project would include a detailed engineering and construction plan, which would thoroughly describe construction techniques and protective measures for minimizing impacts to utilities. Reasonable efforts would be made to provide temporary bypass around the affected utilities during construction so interruptions in service are eliminated or minimized. Review of this plan by special service districts and utility providers in the program area would be required; as such, the City and its program contractors would coordinate with utility owners prior to program construction.</p> <p>Accidental disruption of utilities would be possible in conjunction with any of the Master Plan improvements, most notably along all conveyance pipeline alignments. Temporary and accidental impacts to small utility lines, such as telephone or cable lines, would be considered adverse, but not significant, because the affected area and duration of the impacts would be limited. However, disruptions to major utility lines, such as natural gas or sewer lines, would be considered significant.</p>	<p>Potentially Significant</p>	<p>Mitigation Measure USS-3: Identify and Relocate Existing Utilities, Where Necessary.</p> <p>The City's or Developer's construction contractor shall identify all underground utilities in the areas of proposed excavations for Master Plan Update improvements. Prior to beginning construction, USA shall be conducted to identify underground utilities. Temporary disruption of service may be required to allow for construction. No service on such lines would be disrupted until prior approval is received from the construction manager and the service provider (e.g., PG&E, AT&T, Comcast). Where possible, design and specifications for Master Plan Update projects shall avoid existing utilities. In instances where utilities cannot be avoided, the City's contractor will relocate existing utilities either before, or during, project construction. These conditions shall be included in contract documents.</p>	<p>Less Than Significant</p>

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>Impact USS-4: Construction and operation of the Master Plan improvements could result in the inefficient consumption of energy.</p> <p>During construction, the Master Plan Updates would consume energy in two general forms: 1) the fuel energy consumed by construction vehicles and equipment; and 2) bound energy used in the manufacturing and processing of construction materials such as steel, concrete, pipes, lumber, and glass. Energy in the form of fuels used for construction vehicles and other equipment would be used during site excavation, grading, and construction. Such fuel energy use would be temporary and not represent a significant or permanent commitment to the use of energy. In addition, contractors have a strong financial incentive to avoid wasteful and inefficient consumption of energy during construction. There would also be some non-renewable petroleum-based fuel savings resulting from mitigation measures in Section 3.3, Air Quality which would prevent the unnecessary idling of vehicles and equipment and require that vehicles and equipment be properly maintained.</p> <p>Substantial reductions in energy inputs for construction materials can be achieved by selecting building and construction materials composed of recycled materials, which require substantially less energy to produce than from non-recycled materials. Compliance with the City's existing solid waste diversion programs would ensure that all recyclable materials from construction and demolition activities are transferred to the City's recycling facility. Implementation of Mitigation Measure AQ-4, would ensure that recycled materials are used during construction of the Master Plan Updates, to the extent feasible. This will minimize the wastage of bound energy used in the original manufacturing and processing of construction materials.</p> <p>Although operation of the underground components of the Master Plan Updates (i.e., pipelines, valves, and turnouts) would not require the use of any additional energy sources, the proposed storage tank and pump station would be equipped with emergency standby generators. Diesel, contained within vessels engineered for safe storage, would be required for operation of the generators. Because the generators would be used only during emergencies, minor amounts of diesel would likely be stored onsite. Due to the limited amount of non-renewable diesel that would be used for operation, potential impacts would be considered less than significant.</p>	<p>Potentially Significant</p>	<p>Mitigation Measure AQ-4: GHG Reduction Measures for Construction. See Section 3.3.</p>	<p>Less Than Significant</p>
<p>5.2 Growth-Inducing Impacts</p>			
<p>Impact POP-1: Construction of the Master Plan Updates would induce substantial population growth through provision of water supply and sewer capacity.</p> <p>Construction of the Master Plan Updates would not directly induce population growth, as they do not propose any new residential or commercial</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>

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Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>development projects. The Master Plan Updates would indirectly induce growth by removing or reducing the barriers to growth – namely provision on potable water supply and sewer treatment within the Study Area. However, the infrastructure improvements associated with the Master Plan Updates would support an amount of growth that is consistent with the applicable land use plans already adopted by the City. As described in Chapter 2, Project Description, the Master Plan Updates are designed to project water and sewer capacity needs for the City based on current planning projects, including the near- and long-term developments currently in planning and approval stages, development in accordance with the TASP, and updated demand projections for large water users. As such, the Updates would provide the water and sewer capacity necessary to meet the anticipated demands of the City through build-out of the City's General Plan, as amended through 2008.</p> <p>The Master Plan Updates would consist of individual water and sewer improvements implemented at different stages through the build-out period. Each individual water and sewer project would be constructed as the City's development projects come online. Infrastructure projects would be implemented in line with development to support planned growth; they would not create additional capacity that would induce unplanned growth.</p> <p>Because the Master Plan Updates would not induce unplanned growth through increases in population or employment, they would not overwhelm existing community service facilities (e.g., parks, police, and fire protection stations) and require construction of new facilities beyond those anticipated by the City. Secondary impacts of planned growth, including traffic, air emissions, and noise, are addressed by the environmental documentation associated with the City's land use plans. Additional impacts associated with growth inducement would not occur.</p>			

Chapter 10 – Minor Changes and Edits to the Draft EIR

Chapter 10 Minor Changes and Edits to the Draft EIR

The California Environmental Quality Act (CEQA) provides that a Final Program EIR shall include revisions to the Draft Program EIR (DEIR) and any other information added by the lead agency. This chapter presents a consolidation of all of the text revisions identified in Chapters 8 and 9 in response to comments submitted on the Draft EIR. This chapter presents minor changes or clarifications to the Draft EIR, but does not represent significant new information that would change the conclusions of the EIR regarding potential significant impacts, mitigation measures, or alternatives. Additions are shown in underlined text. Deletions are shown in ~~striketrough~~ text. All page number and paragraph references pertain to the published Draft EIR. Original footnotes from the Draft EIR are not included in the text revisions presented in this chapter unless the footnotes themselves are being revised.

10.1.7 Chapter 1 – Introduction

No changes to the Chapter 1 of the Draft EIR are proposed.

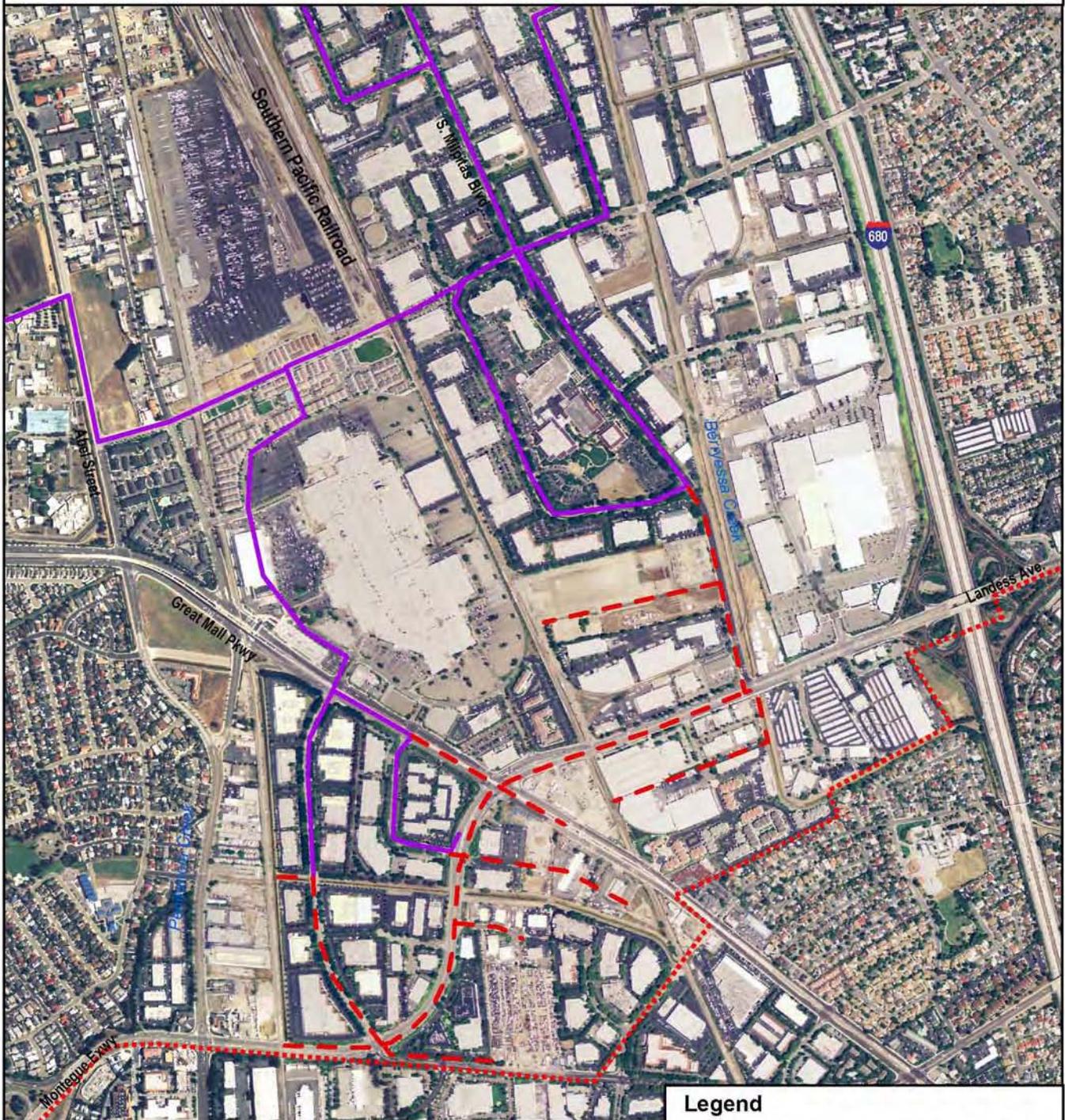
10.1.8 Chapter 2 – Project Description

- Figure 2-6 of the Draft EIR is modified on page 2-14 of the Draft EIR to reflect the removal of recycled water improvements identified along Great Mall Parkway west of McCandless Drive, which were the subject of a previous Categorical Exemption that was filed in April 7, 2009.
- The last paragraph on page 2-14 of the Draft EIR is modified to reflect the following:
TASP Recycled Water Pipeline Improvements (W-MP-6). The City proposes to construct approximately 14,970 LF of 6- and 8-inch recycled water pipeline within the TASP area. The recycled water pipelines would be constructed along the Montague Expressway, Piper Drive, S. Milpitas Boulevard, Great Mall Parkway, and Trade Zone Boulevard. Total estimated recycled water demand is 162,900 gpd. These improvements are shown in relation to the existing recycled water infrastructure in Figure 2-6. Recycled water improvements shown along Montague Expressway are contemplated to undergo construction concurrent with the widening of the roadway, which is identified as a Tier 1A capability and operational project in the Comprehensive County Expressway Planning Study (2008).
- Table 2-1 of the Draft EIR is modified as follows:

Table 2-1: Responsible Agencies and Coordination

Agency	Type of Approval
FEDERAL	
U.S. Fish and Wildlife Service	Federal Endangered Species Act Compliance (Section 7 Consultation)
U. S. Army Corps of Engineers	Clean Water Act, Section 404, Nationwide Permit(s)
STATE	
California Department of Fish & Game (Region 3)	State Endangered Species Act Compliance Section 1600 Streambed Alteration Agreement
San Francisco Regional Water Quality Control Board (Region 2)	National Pollutant Discharge Elimination System, Construction General Permit Clean Water Act, Section 401, Water Quality Certification
California Department of Public Health	Amended Domestic Water Supply Permit
California Department of Transportation	Highway Encroachment Permit
State Historic Preservation Office	Section 106 Consultation in compliance with the National Historic Preservation Act
Department of Toxic Substances Control	Approval of Remedial Action Plans for site-specific project improvements, as necessary
California Department Of Water Resources, Division Dam of Safety	Approval of Water Storage Tank (> 5 million gallons)
LOCAL	
Bay Area Air Quality Management District	Authority to Construct Authority to Operate
City of Milpitas	Roadway Encroachment Permit Tree Removal Permit Construction Stormwater Pollution Prevention Plan
City of San Jose	Roadway Encroachment Permit Tree Removal Permit (Note: These permits are only required if facilities are constructed within San Jose's jurisdiction.)
Santa Clara Valley Water District	Waterway Encroachment Permit
San Jose Water Pollution Control Plant	Discharge permit(s) for construction-related dewatering and hydrostatics testing and disinfection discharges to sewer
Union Pacific Railroad	Railroad Encroachment Permit
South Bay Water Recycling	Coordination of recycled water pipeline extensions
<u>Santa Clara County Roads and Airports Department</u>	<u>Encroachment Permit for improvements within County maintained roadways</u>
Santa Clara Valley Transportation Authority	Public Service Utility Easement
San Francisco Public Utilities Commission	Potential Utility Encroachment into Sunnyhills Turnout
Pacific Gas and Electric	Possible Service Extension(s) Potential Utility Encroachment Permit

Figure 2-6 - Water Master Plan - Recycled Water Improvements (Revised)



**City of Milpitas Water and Sewer
Master Plan Update**



Updated: 2/2010

Source: City of Milpitas and RMC, 2010

Legend

- - - Master Plan Improvements - W-MP-6
- Existing Recycled Water Pipelines
- Study Area



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Feet

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10.1.9 Chapter 3 – Environmental Analysis

3.1 - Introduction to Environmental Analysis

- The fifth and sixth paragraphs on page 3.1-3 of the Draft EIR are revised as follows:

Freight Railroad Relocation Project [State Clearinghouse (SCH) No. 2007082107]. The Santa Clara Valley Transportation Authority (VTA) is ~~proposing~~ constructing the Freight Railroad Relocation Project in preparation of replacing the existing freight tracks through Milpitas to maintain and enhance functionality for a future extension of the San Francisco Bay Area Rapid Transit (BART) system. This project includes constructing temporary tracks, to facilitate the construction of the multiple cell box culvert for Berryessa Creek, utility relocations, channel reconnection work, retrofitting the Abel Street bridge footings, and seismically retrofitting the Abel Street Bridge.

Silicon Valley Rapid Transit Corridor -- BART Extension to Milpitas, San Jose and Santa Clara (SCH No. 2002022004). The VTA is planning to extend the BART system to Silicon Valley through the City via the Union Pacific Railroad (UPRR) ROW. The project would include the creation of ~~two VTA light rail transit (LRT) stations and the future Milpitas BART station at Montague Expressway and Piper Drive.~~ Capitol Avenue.

- Figure 3.1-1 on Page 3.1-5 of the Draft EIR is revised to reflect the correct extent of the Lower Berryessa Creek Flood control Project:

3.2 - Aesthetics

No changes or additions to Section 3.2 of the Draft EIR are proposed.

3.3 - Air Quality and Climate Change

No changes or additions to Section 3.3 of the Draft EIR are proposed.

3.4 - Biological Resources

No changes or additions to Section 3.4 of the Draft EIR are proposed.

3.5 - Cultural Resources

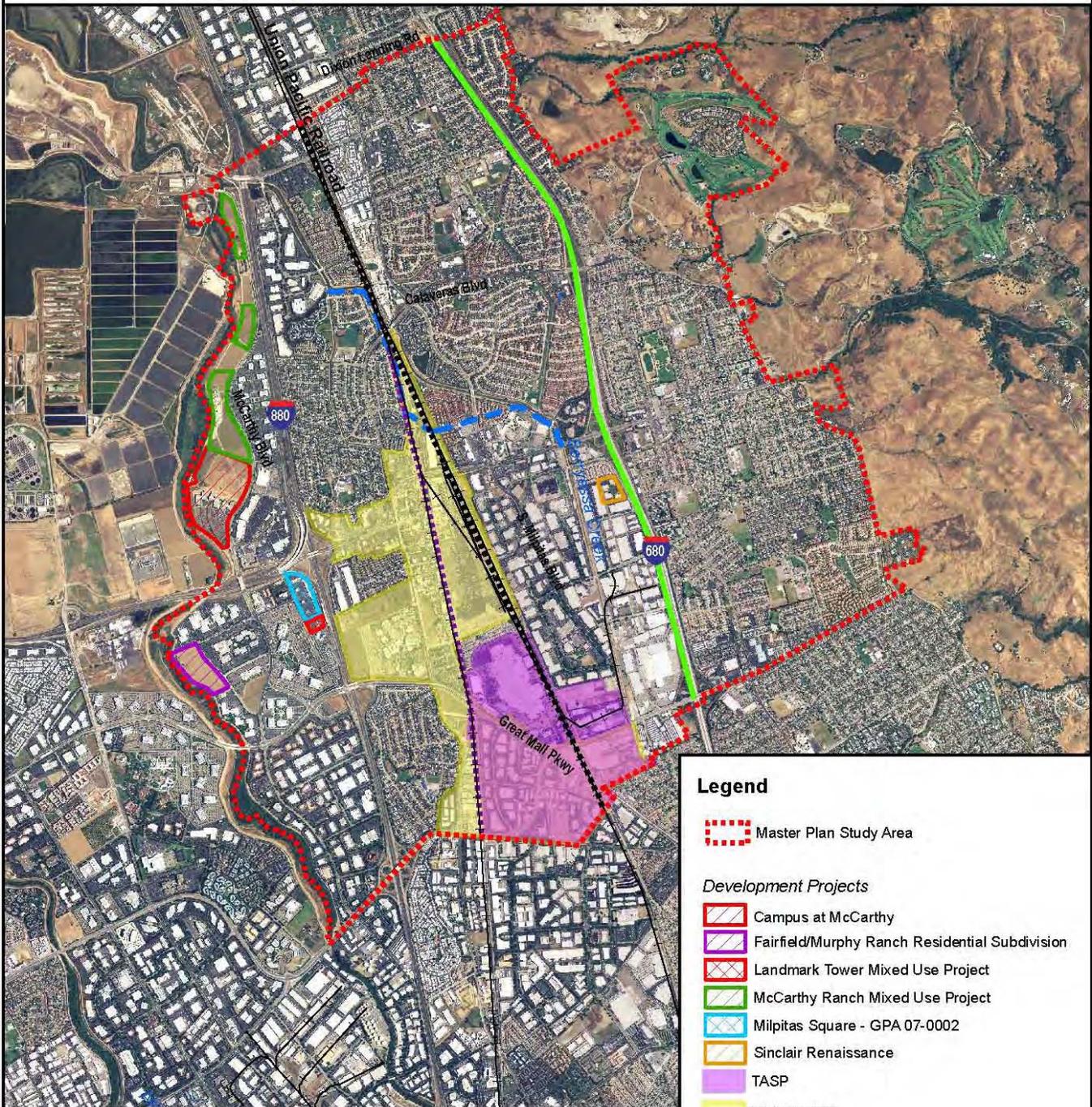
- Mitigation Measure CR-2 on Page 3.5-6 of the Draft EIR is revised as follows:

Mitigation Measure CR-2: Stop Work in Case of Accidental Discovery of Buried Archeological or Paleontological Resources.

If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, human bone, or fossils, are inadvertently discovered during ground-disturbing activities, the program contractors will stop work within 100 feet of the find until a qualified archaeologist and/or paleontologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the City and other appropriate agencies.

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Figure 3.1-1 - Cumulative Projects Map (Revised)



**City of Milpitas Water and Sewer
Master Plan Update**



Updated: 2/2010

Source: NAIP, 2005, City of Milpitas, 2008, RMC, 2010

Legend

Master Plan Study Area

Development Projects

- Campus at McCarthy
- Fairfield/Murphy Ranch Residential Subdivision
- Landmark Tower Mixed Use Project
- McCarthy Ranch Mixed Use Project
- Milpitas Square - GPA 07-0002
- Sinclair Renaissance
- TASP
- Midtown SPA

Infrastructure Projects

- Freight Railroad Relocation Project
- I-680 HOV Lanes Project
- Lower Berryessa Creek Flood Protection Project
- Silicon Valley BART Extension Project



0 0.25 0.5 1 1.5 Miles

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If human remains of Native American origin are discovered during project construction, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Pub. Res. Code Sec. 5097). If any human remains are discovered or recognized in any location other than a dedicated cemetery, the program contractors will conduct no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

- the coroner of the county has been informed and has determined that no investigation of the cause of death is required; and
- if the remains are of Native American origin,
 - the descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or
 - the Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission.

According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the California Native American Heritage Commission. The above provisions will be included in contract documents.

For improvements that occur within State ROWs and where an archaeological site is identified during the initial archaeological survey, the City shall have a qualified, professional archaeologist prepare a cultural resources study that complies with the requirements of Caltran's Environmental Handbook, Volume 2 and shall include the following:

- An effects evaluation of potential project-level impacts to the archaeological site;
- A mitigation plan per CEQA Guidelines 15126.4(b)(3); and
- Evidence of Native American consultation pursuant to PRC 5097.

Avoidance shall be the preferred method of mitigating potential impacts, where feasible. If the City can demonstrate that avoidance is not feasible, the City shall have a qualified, professional archaeologist prepare a Data Recovery Plan.

3.6 - Geology and Soils

- Mitigation Measure GS-1a of the Draft EIR is revised to reference the currently adopted version of the California Building Code. Additional text has been added to incorporate new versions of the CBC as they adopted.

Mitigation Measure GS-1a: Prepare Geotechnical Report(s) for Individual Water and Sewer Master Plan Improvement Projects.

The City or Developer shall require that facility design for all Water and Sewer Master Plan facilities comply with the site-specific design recommendations as provided by a

licensed geotechnical or civil engineer. These recommendations will be based on the anticipated PGA for each project-improvement identified in the Water and Sewer Master Plans. In instances where conflicting PGA values are obtained, the City will apply the greater of the two values to ensure maximum structural integrity. Design recommendations provided in the geotechnical report will demonstrate compliance with applicable 2000 UBC and 2001-2007 CBC requirements and subsequent amendments for structures located in seismic risk zone 4.

3.7 - Public Health and Hazards

- The last three paragraphs on Page 3.7-1 of the Draft EIR are revised as follows:

An online database search was conducted to identify reported hazardous materials spills and releases within the Study Area. Environmental databases reviewed include the Department of Toxic Substances Control (DTSC) EnviroStor (DTSC 2008a) and the SWRCB GeoTracker (SWRCB 2008). Properties in which historic or on-going activities have resulted in a reported release of hazardous materials into soil and groundwater, as identified by DTSC and SWRCB, are presented in Appendix ~~D~~G. These sites are located throughout the City, including the vicinities of the proposed Master Plan Update projects (see Appendix G). It is important to note that listed properties do not necessarily represent a potential risk to the Master Plan Study Area. Many of the identified sites in the City have been remediated and their cases have been closed.

The EnviroStor database (see: <http://www.envirostor.dtsc.ca.gov/public/>) identifies sites that have known contamination or sites for which there may be reasons to investigate further. Specifically, it lists the following site types: Federal Superfund sites (National Priority List (NPL)); State Response, including Military Facilities and State Superfund; Voluntary Cleanup; and School sites. Sites that are in the Hazardous Waste and Substances Site List - Site Cleanup (Cortese List) are also identified (DTSC 2008b). Ten (10) hazardous material sites were identified by the DTSC EnviroStor within the City of Milpitas (see Appendix G). One site, the Stonegate Development (1260 Dempsey Road, east of I-680) is identified in the Cortese List (see Figure G1 in Appendix G). This site contains pesticides and the corrective action was to place a cap on the site to prevent the public from exposure to contaminated materials. Land use restrictions on the site prohibit any disturbance of the contaminated soils.

The GeoTracker database provides regulatory data regarding sites with leaking underground fuel tanks, fuel pipelines, and public drinking water supplies. As of July 1, 2004, oversight responsibilities for subsurface investigations and clean-up of petroleum releases from leaking underground storage tanks (LUSTs) were transferred from the SCVWD to the Santa Clara County Department of Environmental Health (DEH). The SWRCB Geotracker identifies 148 sites in the City of Milpitas, the majority of which are located in the western portion of the Study Area between I-880 and I-680 (see Figure G2 in Appendix G). These sites are primarily LUST sites. Clean up of 80 sites have been completed and those cases have been closed; they do not require additional soil and/or groundwater remediation, and thus, are not considered a threat to future land uses. There are currently 28 sites open, and many of those are at various stages of site assessment, remediation, or verification monitoring.

- Mitigation Measure HAZ-2b on page 3.7-8 of the Draft EIR is revised as follows:

Mitigation Measures HAZ-2b: Develop Remediation Plan(s), As Necessary.

If determined necessary, to mitigate for potential hazards resulting from disturbance of existing contaminated areas, the extent of contamination from hazardous materials sites within or adjacent to individual Master Plan improvements shall be delineated during final design. Disturbance to contaminated areas during individual project construction shall be avoided, or any work done within contaminated areas shall be undertaken in

compliance with standards approved by the DTSC or the County DEH to ensure that hazardous materials will not be released as a result of the ground disturbance.

Additionally, if unidentified contaminated soil and/or groundwater are encountered, or if suspected contamination is encountered during any construction activities, work shall be halted in the area of potential exposure, and the type and extent of contamination shall be identified. A qualified professional, in consultation with appropriate regulatory agencies, will then develop and implement a plan to remediate the contamination and properly dispose of the contaminated material. The plan will include protocols necessary to ensure that contaminant-removal activities minimize the potential for air quality or health risk impacts to adjacent receptors along with proper disposal requirements. The plan will also include response procedures in the event of an accident during contaminant removal and notification requirements for the City's Fire Department OES, DTSC RWQCB, and Santa Clara County Hazardous Materials Response Team, as necessary.

3.8 - Hydrology and Water Quality

- The third paragraph on Page 3.8-1 of the Draft EIR are revised as follows:

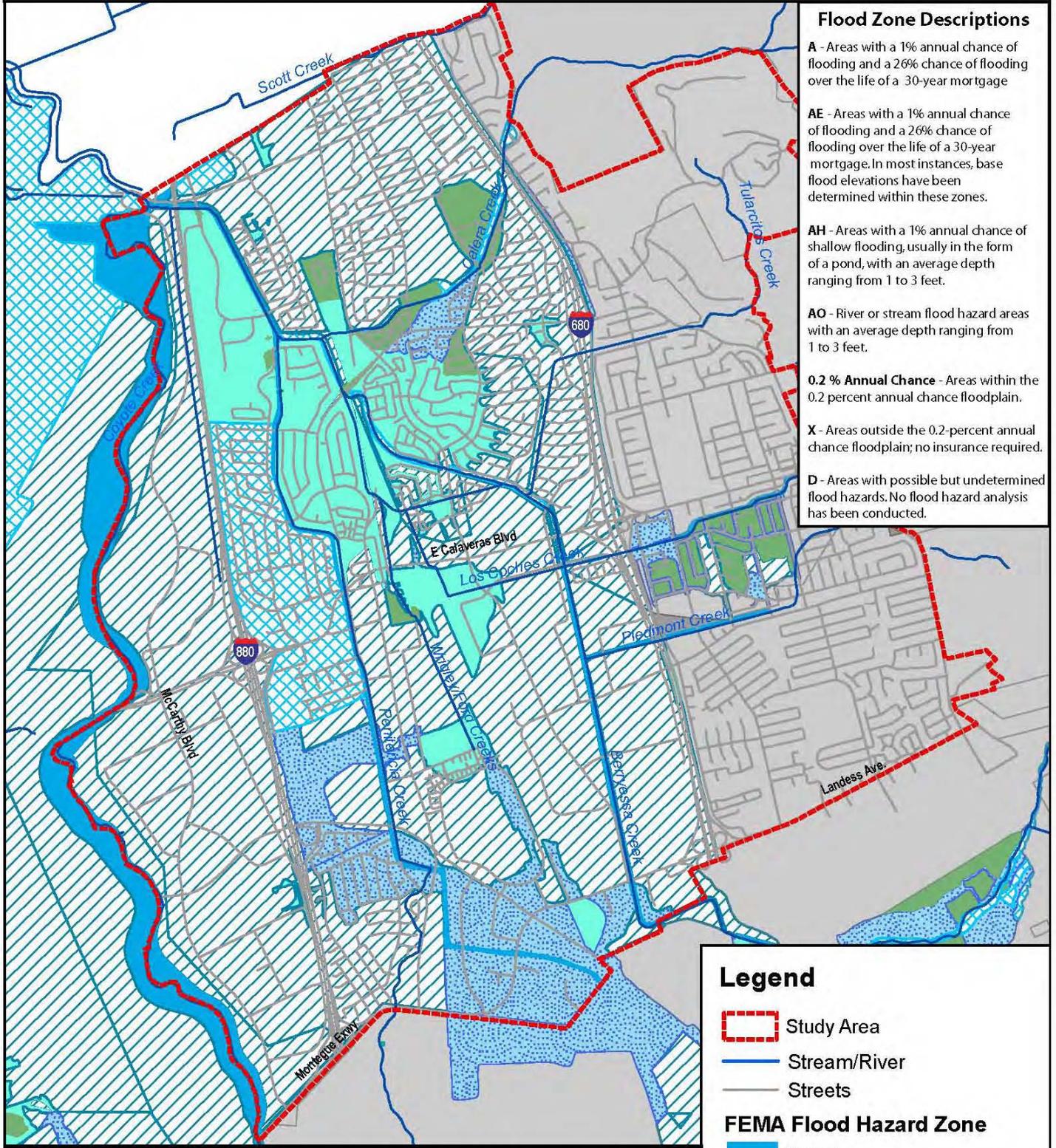
Drainage within the Study Area is generally to the west and northwest. The Study Area is drained by seven intermittent creeks, all tributary to Coyote Creek. Local tributaries to Coyote Creek that traverse the Study Area include:

- ~~Arroyo de Los Coches~~
- Berryessa Creek (including Los Buellis branch)
- Calera Creek (~~North and South branches~~)
- Lower Penitencia Creek (~~including East Channel~~)
- Penitencia East Channel
- Piedmont Creek
- Tularcitos Creek (~~North and South branches~~)
 - The Figure 3.8-1 on Page 3.8-3 of the Draft EIR is revised to reflect the SCVWD's comments regarding the names of hydrologic features within the Master Plan Study Area.
- The first paragraph on Page 3.8-2 of the Draft EIR is revised as follows:

The creeks and channels within the Study Area are subject to periodic flooding. The City owns and maintains the local storm drain and gutter system, while the Santa Clara Valley Water District (SCVWD) maintains ~~Arroyo de Los Coches~~ Creek, Calera Creek (~~north and south branches~~), Piedmont Creek, Tularcitos Creek (~~north and south branches~~), Lower Penitencia, Penitencia East Channel, and Berryessa Creeks. SCVWD is responsible for flood protection within the Study Area because it is located within the ~~East Zone~~ Coyote Watershed of the SCVWD's Flood Control Benefit Assessment District.

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Figure 3.8-1 - Local Hydrology and Flood Hazards (Revised)



Flood Zone Descriptions

- A** - Areas with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage
- AE** - Areas with a 1% annual chance of flooding over the life of a 30-year mortgage. In most instances, base flood elevations have been determined within these zones.
- AH** - Areas with a 1% annual chance of shallow flooding, usually in the form of a pond, with an average depth ranging from 1 to 3 feet.
- AO** - River or stream flood hazard areas with an average depth ranging from 1 to 3 feet.
- 0.2 % Annual Chance** - Areas within the 0.2 percent annual chance floodplain.
- X** - Areas outside the 0.2-percent annual chance floodplain; no insurance required.
- D** - Areas with possible but undetermined flood hazards. No flood hazard analysis has been conducted.

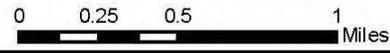
Legend

- Study Area
- Stream/River
- Streets
- FEMA Flood Hazard Zone**
- Zone A
- Zone AE
- Zone AH
- Zone AO
- Zone D
- 0.2 % ANNUAL CHANCE
- Zone X

City of Milpitas Water and Sewer Master Plan Update



Source: FEMA, 2009; USGS, 2005



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- The fifth paragraph on Page 3.8-2 of the Draft EIR is revised as follows:

Berryessa Creek is a seasonal creek that begins in the Los Buellis Hills southeast of the Study Area and enters the southern portion of the Study Area near the intersection of Montague Expressway and S. Milpitas Boulevard. Berryessa Creek is characterized as a linear ditch within the Study Area and receives flows from Piedmont Creek, ~~Arroyo de Los Coches Creek~~, and Calera Creek, ~~and Penitencia Creek~~ as it traverses through the City. Berryessa Creek confluences with ~~Coyote Wrigley-Ford Creek, which is under local jurisdiction, and then into Penitencia Creek, in the northwestern corner of the Study Area.~~ SCVWD has historically maintained and improved portions of the levee system along Berryessa Creek, including portions of the creek that traverse through the Study Area.

- The last bullet of Mitigation Measure HWQ-1a on Page 3.8-14 of the Draft EIR is revised as follows:
 - ~~Appropriate post-construction BMPs shall be implemented to ensure that grass or other vegetative cover will be established~~ on non-paved portions of the construction site(s) as soon as possible after disturbance in accordance with agency requirements. These BMPs should follow applicable water quality control measures found within “Start at the Source-Design Guidance Manual for Stormwater Quality Protection” prepared by the Bay Area Stormwater Management Agencies Association.
- Mitigation Measure HWQ-1b on Page 3.8-14 of the Draft EIR is revised as follows:

Mitigation Measure HWQ-1b: Implement Provisions for Dewatering and Hydrostatic Test Water.

Before discharging any substance that could reach surface waters, the City’s or Developer’s construction contractor shall develop a plan for the disposal of dewatering or hydrostatic testing discharges in accordance with the requirements of the City, SWRCB, and San Francisco Bay RWQCB. Depending on the volume and characteristics of the discharge, coverage under the SWRCB’s General Construction Permit or ~~General Dewatering the RWQCB’s~~ Municipal Regional Stormwater Permit (~~R2-2007-0033 R2-2009-0074~~), may be appropriate is possible. As part of the plan, the contractor will design and implement measures that are effective in minimizing water quality impacts to receiving waters as necessary so that the discharge limits identified in the relevant permit are met. If it is determined that neither of these permits apply, the contractor will be required to implement control measures for conditionally exempt discharges from uncontaminated groundwater pumping as outlined in the SCVURPPP’s WUDPPP. A range of potential BMPs is provided in Appendix E. Final selection of water quality control measures will be subject to review by the City of Milpitas.

- Mitigation Measure HWQ-2 on Page 3.8-15 of the Draft EIR is revised as follows:

Mitigation Measure HWQ-2: Implement BMPs ~~Contained in the SCVURPPP’s Water Utility for Operational and Discharges~~ Pollution Prevention Plan. For operational discharges, the City will select and implement appropriate BMPs to minimize water quality impacts to receiving waters as identified in the SCVURPPP’s WUDPPP. Appendix E of this EIR contains a range of acceptable BMPs for operational discharges from both potable water and sewer collection facilities.

3.9 - Planning and Land Use

- The third sentence of the second paragraphs on Page 3.9-1 of the Draft EIR are revised as follows:

Over 150 acres of City-owned park and recreation facilities serve local residents, in addition to the 1,544-acre Ed R. Levin County Park, along the eastern border of the City.

3.10 - Noise

No changes or additions to Section 3.10 of the Draft EIR are proposed.

3.11 - Transportation

- The third bullet on Page 3.11.1 of the Draft EIR is revised as follows:

SR 237 is an east-west roadway that traverses the center of the City and includes two distinct facilities: a six-lane freeway extending from I-880 west to US 101, and a four- to eight-lane arterial roadway between I-880 and I-680 with an elevated section over the Union Pacific Railroad tracks. The arterial section is locally designated as *Calaveras Boulevard*, which is six lanes except on the bridge over the Union Pacific railroad tracks and Main Street, where it is four lanes. Calaveras Boulevard serves as a major commute route with heavy directional travel during the peak hours (westbound in the morning and eastbound in the afternoon). Calaveras Boulevard becomes Calaveras Road east of Piedmont Road and provides main entry vehicular access to Ed R. Levin County Park.

- The last paragraph on Page 3.11.4 of the Draft EIR is revised as follows:

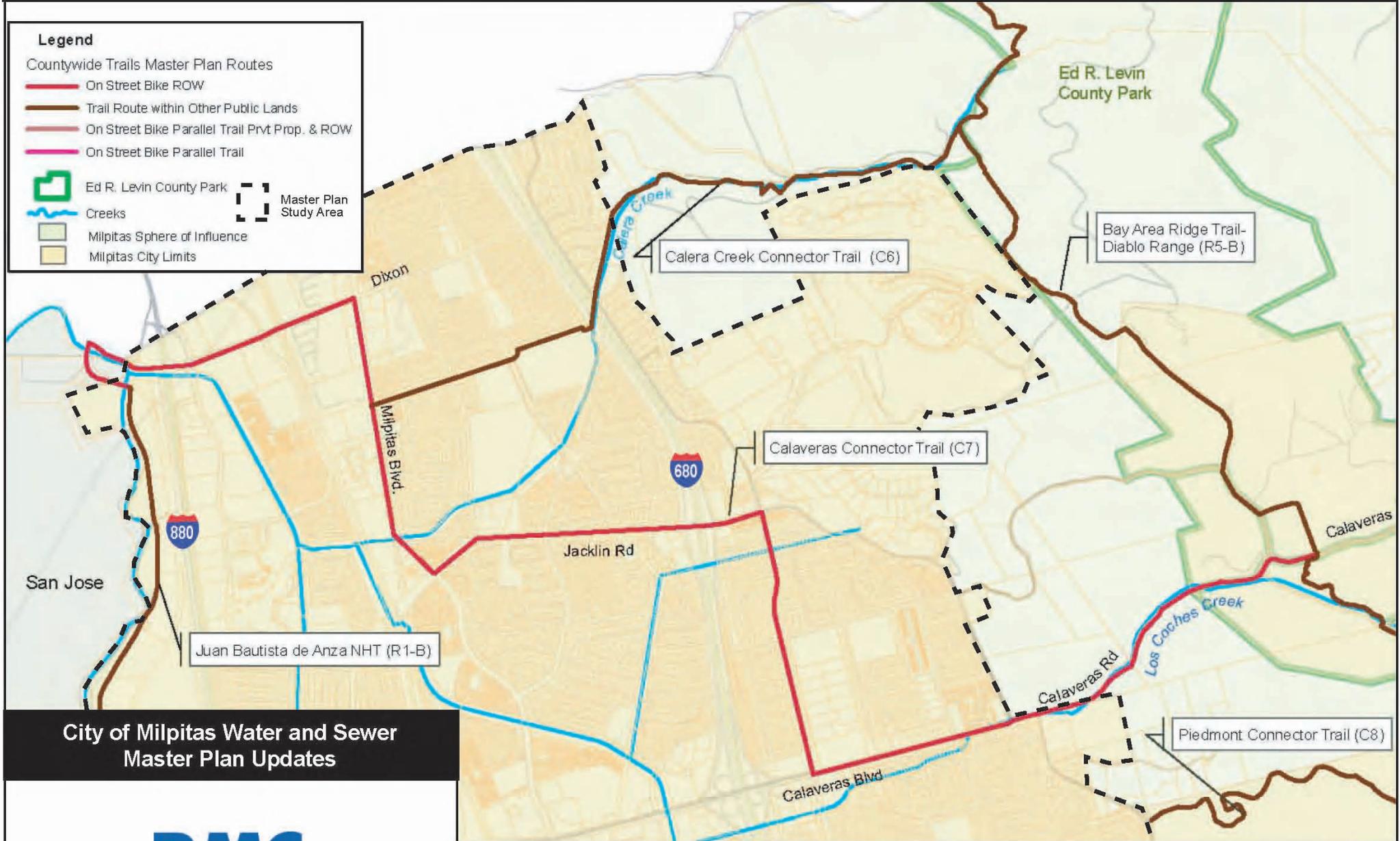
Pedestrian facilities within the Study Area are comprised of sidewalks, crosswalks, and off-street paths. Sidewalks are located in most residential and commercial areas. However, no sidewalks or paths are provided on Montague Expressway to the west of Great Mall Parkway. Beyond traditional streetscape sidewalks, the Santa Clara County Parks and Recreation Department maintains a trail network throughout the County with several trails traversing the Master Plan Study Area, north of Calaveras Boulevard. These trails along with their designated uses are illustrated in Figure 3.11-2 and include the following: Bay Area Ridge Trail - Diablo Range (R5-8); Calaveras Connector Trail (C7); Calera Creek Connector Trail (C6); Juan Bautista de Anza National Historic Trail (R1-B), and Piedmont Connector Trail (R5-B).

- Per the request of the Santa Clara County Parks and Recreation Department, Figure 3.11-2 has been added to the Draft EIR to provide additional detail for the County's trail system within the northern portion of the Master Plan Study Area.
- Mitigation Measure TR-1 on page 3.11-11 of the Draft EIR is revised as follows:

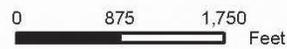
Mitigation Measure TR-1: Prepare and Implement a Traffic Control Plan.

The City will arrange for a licensed traffic engineer to prepare a Traffic Control Plan for roadways and intersections affected by the Master Plan Update improvements. The Traffic Control Plan will comply with the requirements of the applicable agency agencies (e.g., City of Milpitas, City of San Jose, Caltrans, Santa Clara County Department of Roads and Airports, Santa Clara VTA, and/or Santa Clara County Department of Parks and Recreation) with jurisdiction over project construction. The Traffic Control Plan will include, but not be limited to, the following elements:

Figure 3.11-2 - Countywide Master Plan Trails



City of Milpitas Water and Sewer Master Plan Updates



Source: adapted from Santa Clara County Department of Parks and Recreation Trails Master Plan, 2010

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- Provide street layout showing location of construction activity and surrounding streets to be used as detour routes, including “special signage.” Post advance warning of construction activities within affected roadways to allow motorists to select alternative routes.
- Restrict delivery of construction materials to non-peak travel periods (9:00am – 3:00pm) as appropriate. Weekend and night work shifts will be allowed in non-residential areas only.
- Maintain the maximum travel-lane capacity during non-construction periods and provide flagger-control at construction sites to manage traffic control and flows.
- Limit the construction work zone in each block to a width that, at a minimum, maintains alternate one-way traffic flow past the construction zone.
- Maintain access for driveways and private roads, except for brief periods of construction, in which case property owners will be notified.
- Require temporary steel-plate trench crossings, as needed, to maintain reasonable access to homes, businesses, and streets. When required by the applicable encroachment permit, maintain the existing lane configuration during nonworking hours by covering the trench or jack pit with steel plates or by using temporary backfill.
- Require appropriate warning signage and safety lighting for construction zones.
- Access for emergency vehicles shall be maintained at all times. Police, fire, and emergency services shall be notified of the timing, location, and duration of construction activities that could hinder and/or delay emergency access through the construction period.
- Coordinate with VTA to plan, as needed, for the temporary relocation of bus stops and/or detour of transit routes on affected pipeline alignments.
- Identify detours, where available, for bicyclists and pedestrians in areas potentially affected by project construction. As an option, the City shall also consider allowing bikes and pedestrians to traverse a portion of the construction area to minimize significant increases in travel distances or time as a result of a detour.
- Provide adequate off-street parking locations for workers’ vehicles and construction equipment in those areas where on-street parking availability is insufficient.
- Provide written notification to appropriate contractors regarding appropriate routes to and from construction sites and weight and speed limits for local roads used to access construction sites. Submit a copy of all such written notifications to the City.
- Repair or restore the roadway ROW to its original condition or better upon completion of the work.

3.12 - Utilities and Service Systems

No changes or additions to Section 3.12 of the Draft EIR are proposed.

10.1.10 Chapter 4 - Alternatives

No changes or additions to Chapter 4 of the Draft EIR are proposed.

10.1.11 Chapter 5 - Other CEQA Considerations

No changes or additions to Chapter 5 of the Draft EIR are proposed.

10.1.12 Chapter 6 - Document Preparation and Consultation

No changes or additions to Chapter 6 of the Draft EIR are proposed.

10.1.13 Chapter 7 - References

No changes or additions to Chapter 7 of the Draft EIR are proposed.

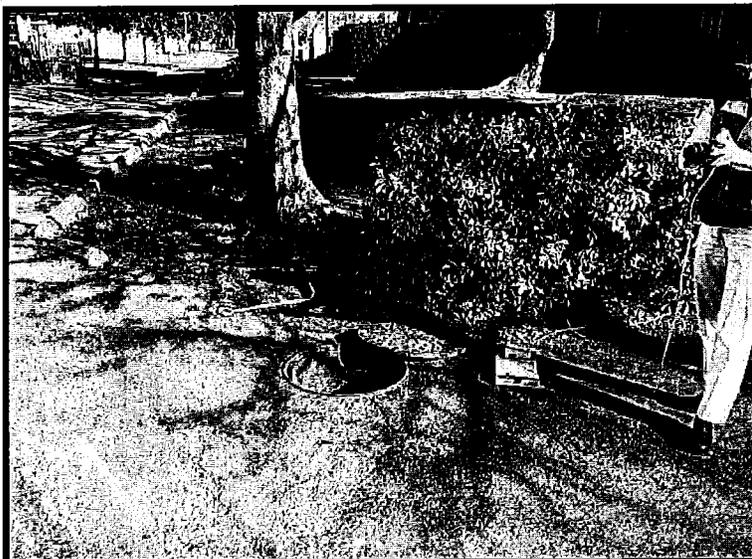
10.1.14 Appendix E

Appendix E of the Draft EIR has been updated to remove reference to the Santa Clara Valley Urban Runoff Program, which is now superseded by the Municipal Regional Stormwater Permit. The updated version of Appendix E is included at the end of the Final EIR as Appendix E.

Appendix E - Hydrostatic Testing and Dewatering BMPs

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Water & Sewer Utility Maintenance SC-76



Objectives

- Contain
- Educate
- Reduce/Minimize

Description

Although the operation and maintenance of public utilities are not considered chronic sources of stormwater pollution, some activities and accidents can result in the discharge of pollutants that can pose a threat to both human health and the quality of receiving waters if they enter the storm drain system. Sewage incident response and investigation may involve a coordinated effort between staff from a number of different departments/agencies. Cities that do not provide maintenance of water and sewer utilities must coordinate with the contracting agency responsible for these activities and ensure that these model procedures are followed.

Approach

Pollution Prevention

Inspect potential non-stormwater discharge flow paths and clear/cleanup any debris or pollutants found (i.e. remove trash, leaves, sediment, and wipe up liquids, including oil spills).

Suggested Protocols

Water Line Maintenance and Cleaning

Procedures can be employed to reduce pollutants from discharges associated with water utility operation and maintenance activities. Planned discharges may include fire hydrant testing, flushing water supply mains after new construction, flushing lines due to complaints of taste and odor, dewatering mains for maintenance work. Unplanned discharges from treated, recycled water, raw water, and groundwater systems operation and maintenance activities can occur from water main

Targeted Constituents

Sediment	<input checked="" type="checkbox"/>
Nutrients	<input checked="" type="checkbox"/>
Trash	
Metals	
Bacteria	<input checked="" type="checkbox"/>
Oil and Grease	<input checked="" type="checkbox"/>
Organics	<input checked="" type="checkbox"/>
Oxygen Demanding	<input checked="" type="checkbox"/>



SC-76 Water & Sewer Utility Maintenance

breaks, sheared fire hydrants, equipment malfunction, and operator error.

Planned discharges

- Identify a suitable discharge option in the following order of preference:
 - Apply to the land.
 - Reuse water for dust suppression, irrigation, or construction compaction.
 - Discharge to a sanitary sewer system with approval.
 - Discharge to the storm drain system using applicable pollution control measures. (Only available to clean water discharges such as water main/ water storage tank/water hydrant flushing).
- If water is discharged to a storm drain, control measures must be put in place to control potential pollutants (i.e. sediment, chlorine, etc.). Examples of some storm drain protection options include:
 - Silt fence – appropriate where the inlet drains a relatively flat area.
 - Gravel and wire mesh sediment filter – Appropriate where concentrated flows are expected.
 - Wooden weir and fabric – use at curb inlets where a compact installation is desired.
- Prior to discharge, inspect discharge flow path and clear/cleanup any debris or pollutants found (i.e. remove trash, leaves, sediment, and wipe up liquids, including oil spills).
- General Design considerations for inlet protection devices include the following:
 - The device should be constructed such that cleaning and disposal of trapped sediment is made easy, while minimizing interference with discharge activities.
 - Devices should be constructed so that any standing water resulting from the discharge will not cause excessive inconvenience or flooding/damage to adjacent land or structures.
- The effectiveness of control devices must be monitored during the discharge period and any necessary repairs or modifications made.

Unplanned Discharges

- Stop the discharge as quickly as possible.
- Inspect flow path of the discharged water:
 - Identify erodible areas which may need to be repaired or protected during subsequent repairs or corrective actions

Water & Sewer Utility Maintenance SC-76

- Identify the potential for pollutants to be washed into the waterway
- If repairs or corrective action will cause additional discharges of water, select the appropriate procedures for erosion control, chlorine residual, turbidity, and chemical additives. Prevent potential pollutants from entering the flow path.

Sanitary Sewer Maintenance

Applicable to municipalities who own and operated a sewage collection system. Facilities that are covered under this program include sanitary sewer pipes and pump stations owned and operated by a municipality. The owner of the sanitary sewer facilities is the entity responsible for carrying out this prevention and response program.

- Clean sewer lines on a regular basis to remove grease, grit, and other debris that may lead to sewer backups.
- Establish routine maintenance program. Cleaning should be conducted at an established minimum frequency and more frequently for problem areas such as restaurants that are identified
- Cleaning activities may require removal of tree roots and other identified obstructions.
- During routine maintenance and inspection note the condition of sanitary sewer structures and identify areas that need repair or maintenance. Items to note may include the following:
 - Cracked/deteriorating pipes
 - Leaking joints/seals at manhole
 - Frequent line plugs
 - Line generally flows at or near capacity
 - Suspected infiltration or exfiltration.
- Prioritize repairs based on the nature and severity of the problem. Immediate clearing of blockage or repair is required where an overflow is currently occurring or for urgent problems that may cause an imminent overflow (e.g. pump station failures, sewer line ruptures, sewer line blockages). These repairs may be temporary until scheduled or capital improvements can be completed.
- Review previous sewer maintenance records to help identify “hot spots” or areas with frequent maintenance problems and locations of potential system failure.

Spills and Overflows

- Identify and track sanitary sewer discharges. Identify dry weather infiltration and inflow first. Wet weather overflow connections are very difficult to locate.

SC-76 Water & Sewer Utility Maintenance

- Locate wet weather overflows and leaking sanitary sewers using conventional source identification techniques such as monitoring and field screening. Techniques used to identify other illicit connection sources can also be used for sewer system evaluation surveys (see SC74 Drainage System Operation and Maintenance).
- Implement community awareness programs for monitoring sanitary sewer wet weather overflows. A citizen's hotline for reporting observed overflow conditions should be established to supplement field screening efforts.
- Establish lead department/agency responsible for spill response and containment. Provide coordination within departments.
- When a spill, leak, and/or overflow occurs and when disinfecting a sewage contaminated area, take every effort to ensure that the sewage, disinfectant and/or sewage treated with the disinfectant is not discharged to the storm drain system or receiving waters. Methods may include:
 - Blocking storm drain inlets and catch basins
 - Containing and diverting sewage and disinfectant away from open channels and other storm drain fixtures (using sandbags, inflatable dams, etc.)
 - Removing the material with vacuum equipment
- Record required information at the spill site.
- Perform field tests as necessary to determine the source of the spill.
- Develop notification procedures regarding spill reporting.

Septic Systems

- Ensure that homeowners, installers, and inspectors are educated in proper maintenance of septic systems. This may require coordination with staff from other departments. Outreach to homeowners should include inspection reminders informing them that inspection and perhaps maintenance is due for their systems. Recommend that the system be inspected annually and pumped-out regularly.
- Programs which seek to address failing septic systems should consider using field screening to pinpoint areas where more detailed onsite inspection surveys are warranted.

Training

- Conduct annual training of water utility personnel and service contractors. (field screening, sampling, smoke/dye testing, TV inspection).
- OSHA-required Health and Safety Training 29 CFR 1910.120 plus annual Refresher Training (as needed).
- OSHA Confined Space Entry training (Cal-OSHA Confined Space, Title 8 and federal OSHA 29 CFR 1910.146).

Water & Sewer Utility Maintenance SC-76

Spill Response and Prevention

- See previous section regarding spills and overflows.
- Refer to SC-11, Spill Prevention, Control & Cleanup.
- Have spill cleanup materials readily available and in a known location.
- Cleanup spills immediately and use dry methods if possible.
- Properly dispose of spill cleanup material.

Other Considerations

- Enact ordinance granting “right-of-entry” to locate potentially responsible parties for sewer overflows.
- Reliance on individual onsite inspection to detect failed septic systems can be a major limitation. The individual onsite inspection is very labor-intensive and requires access to private property to pinpoint the exact location of the failing system.
- A significant limitation to correcting failing septic systems is the lack of techniques available for detecting individual failed septic systems.

Requirements

Costs

- Departmental cooperation recommended for sharing or borrowing staff resources and equipment from municipal wastewater department.
- Infiltration, inflow, and wet weather overflows from sanitary sewers are very labor and equipment intensive to locate.
- The costs associated with detecting and correcting septic system failures are subject to a number of factors, including availability of trained personnel, cost of materials, and the level of follow-up required to fix the system problems.

Maintenance

- Minimum 2-person teams to perform field screening and associated sampling.
- Larger teams required for implementing other techniques (i.e. zinc chloride smoke testing, fluorometric dye testing, television camera inspection and physical inspection with confined space entry) to identify sewer system leaks.
- Program coordination required for handling emergencies, record keeping, etc.
- Many of the problems associated with improper use of septic systems may be attributed to lack of user knowledge on operation and maintenance. Educational materials for homeowners and training courses for installers and inspectors can reduce the incidence of pollution from these widespread and commonly used pollution control devices.

SC-76 Water & Sewer Utility Maintenance

Supplemental Information

Further Detail of the BMP

Onsite Sewage Disposal Systems

New onsite sewage disposal systems should be designed, located, and installed away from open waterbodies and sensitive resources such as wetlands and floodplains. A protective separation between the OSDS and groundwater should also be established. OSDSs should be operated and maintained to prevent surface water discharges and reduce pollutant loadings to groundwater. Inspection of OSDSs should occur regularly and repairs made immediately. New or replacement plumbing fixtures should be of the high efficiency type.

Typical Sanitary Sewer Problems

- Old and deteriorated main and lateral pipes - Sewers range in age from 30 to 100 years with an average age of 50 years.
- Cracked sewer pipes - Existing sewers are mostly clay pipes which can crack as they deteriorate with age and also by earth movement.
- Misaligned and open pipe joints - Most of the mortar used to seal the joints between sections of clay pipe has deteriorated.
- Undersized sewer pipe - The existing sewer system is overloaded due to new sewer hook-ups, underground water infiltration, and illegal roof and/or yard drain connections.
- Defective manholes - Old manholes are made of bricks. Typical problems associated with brick manholes are loose bricks, missing bricks, and misaligned manholes.
- Missing and/or unrecorded sewer pipes and manholes - This problem is typical in the easement/backline sewer. Sewer pipe locations shown on the sewer record map are different from the actual sewer location.
- Sewer main under houses and other improvements - Complaints of sewer main alignment crossing the house and other improvements. A solution to this problem requires an agreement with the property owner for a new sewer easement at a relocated line.

Causes of Sanitary Sewer Backups

- Root infiltration - Tree roots are a major cause of backups.
- Water inflow/infiltration - Rain water entering the sewer pipe causes overflows.
- Solids - Typical solids that buildup in the pipe and cause backups are grease, dirt, bones, tampons, paper towels, diapers, broken dishware, garbage, concrete, and debris.
- Structural defects in pipes and manholes - Sags in the line, cracks, holes, protruding laterals, misaligned pipe, offset joints are all possible causes of backups.

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Design Considerations

Sanitary sewer overflows can often be reduced or eliminated by a number of practices, in addition to sewer system cleaning and maintenance, including the following:

- Reducing infiltration and inflow through rehabilitation and repair of broken or leaking sewer lines.
- Enlarging or upgrading the capacity of sewer lines, pump stations, or sewage treatment plants.
- Constructing wet weather storage and treatment facilities to treat excess flows.
- Addressing SSOs during sewer system master planning and facilities planning.

Septic Systems

Two field screening techniques that have been used with success at identifying possible locations of failing septic systems are the brightener test and color infrared (CIR) aerial photography. The first involves the use of specific phosphorus-based elements found in many laundry products, often called brighteners, as an indicator of the presence of failing onsite wastewater systems. The second technique uses color infrared (CIR) aerial photography to characterize the performance of septic systems. This method has been found to be a quick and cost-effective method for assessing the potential impacts of failing systems and uses variations in vegetative growth or stress patterns over septic system field lines to identify those systems that may potentially be malfunctioning. Then a more detailed onsite visual and physical inspection will confirm whether the system has truly failed and the extent of the repairs needed. These inspections may be carried out by county health departments or other authorized personnel.

References and Resources

Alameda Countywide Clean Water Program on-line
<http://www.ci.berkeley.ca.us/pw/Storm/stormala.html>

Los Angeles County Stormwater Quality. Public Agency Activities Model Program. On-line:
http://ladpw.org/wnd/npdes/public_TC.cfm

Orange County Stormwater Program
http://www.ocwatersheds.com/StormWater/swp_introduction.asp

Santa Clara Valley Urban Runoff Pollution Prevention Program. 1997 Urban Runoff Management Plan. September 1997, updated October 2000.

Santa Clara Valley Urban Runoff Pollution Prevention Program. 1998. Water Utility Operation and Maintenance Discharge Pollution Prevention Plan. June

United States Environmental Protection Agency (USEPA). 2001. Illicit Discharge Detection and Elimination. On-line: http://cfpub.epa.gov/npdes/stormwater/menuofbmps/illi_1.cfm

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United States Environmental Protection Agency (USEPA). 2001. Pollution Prevention/Good Housekeeping for Municipal Operators Septic System Controls. On-line:
http://www.epa.gov/npdes/menuofbmps/poll_14.htm

Appendix F - Mitigation Monitoring and Reporting Program

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Water and Sewer Master Plan Updates

Mitigation Monitoring and Reporting Program

This Mitigation Monitoring and Reporting Program (MMRP) for the City of Milpitas (City) Water and Sewer Master Plan Updates (Master Plan Updates) has been prepared pursuant to the California Environmental Quality Act (CEQA – Public Resources Code, Section 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., Title 14, Chapter 3, Sections 15074 and 15097). The mitigation measures included herein are considered conditions of approval for individual Master Plan improvements, as applicable. A master copy of this MMRP shall be kept on file with the Public Works Department and shall be available for viewing upon request.

The City intends to formally adopt the 2009 Master Plan Updates, which outline specific CIP improvements for the City's water and sanitary sewer systems based on modeled deficiencies in response to planned growth. As part of the master planning process, the City developed three new land use buildout scenarios. The City's preferred land use buildout scenario, Scenario 3, includes improvements necessary to accommodate several near- and long-term development projects currently in the planning process, buildout of the Transit Area Specific Plan (TASP), and modifications to the City's list of large water users (LWUs).

The potable water facility improvements recommended in the Water Master Plan Update are generally conveyance-related. Conveyance improvements include those necessary to correct low-pressures within the system, insufficient fire flow, and head loss, which results from friction and/or changes in elevation within the pipe network. In conjunction with the conveyance improvements recommended, the City expects that additional storage and pumping capacity will be required within the SCVWD zone.

Sanitary sewer conveyance improvements are generally aimed at removing existing or model-projected hydraulic restrictions within the City's existing collection system to prevent overflows. In this context, the conveyance improvements associated with the Sewer Master Plan Update are intended to remove bottlenecks (e.g. pipes too small to convey flow located between adequately sized pipes) within existing residential, commercial, and industrial areas.

This MMRP includes mitigation measures in Table F-1 Mitigation Monitoring and Reporting Matrix on the following pages that correspond with specific mitigation measures presented in the Final EIR for the Master Plan Updates. The matrix in Table F-1 lists each mitigation measure or series of mitigation measures by environmental topic. For each mitigation measure, the frequency of monitoring and the responsible monitoring entity is identified. Mitigation measures may be shown in submittals and may be checked only once, or they may require monitoring periodically during or after construction. Once a mitigation measure is complete, the responsible monitoring entity shall date and initial the corresponding cell, and provide comments regarding the mitigation measure's effectiveness.

If any mitigation measures are not being implemented, the City may pursue corrective action. Penalties that may be applied include, but are not limited to, the following: (1) a written notification and request for compliance; (2) withholding of permits; (3) administrative fines; (4) a stop-work order; (5) forfeiture of security bonds or other guarantees; (6) revocation of permits or other entitlements.

Implementation

Since the mitigation measures will be incorporated into the Master Plan Updates, implementation and monitoring of mitigation measures will occur at various stages of implementation of the Proposed Project, which may include, but are not limited to, the following:

- Implementation of development and design standards, guidelines, and programs for the individual Master Plan improvements, as applicable.
- Grading, site preparation; and construction of the Master Plan improvements.
- On-going operation of individual Master Plan improvements.
- On-site, day-to-day monitoring of construction activities.
- Reviewing construction plans and equipment staging/access plans to ensure conformance with adopted mitigation measures.
- Ensuring contractor knowledge of and compliance with all appropriate permit conditions and the MMRP.
- Verifying the accuracy and adequacy of contract wording.
- Having the authority to require correction of activities that violate permit conditions or mitigation measures. The inspector shall have the ability and authority to secure compliance with the MMRP through the City Manager, if necessary.
- Acting in the role of contact for property owners or any other affected persons who wish to register observations of violations of project permit conditions or mitigation. Upon receiving any complaints, the inspector shall immediately contact the construction representative. The inspector shall be responsible for verifying any such observations and for developing any necessary corrective actions in consultation with the construction representative and the City.
- Obtaining assistance as necessary from technical experts, such as archaeologists, botanists, and wildlife biologists in order to develop site- specific procedures for implementing the mitigation measures. Particularly for implementing the appropriate special-status species, marsh, or mature tree mitigation measures.
- Maintaining a log of all significant interactions, violations of permit conditions or mitigation measures, and necessary corrective measures.

Responsibility of implementation and monitoring of mitigation measures will typically reside with the City's Public Works Department staff as described in Table F-1.

Table F-1 – MMRP Compliance Checklist

Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/Initials
Aesthetics					
<p>Mitigation Measure AES-1: Screen Staging Areas and Restore Affected Construction Areas.</p> <p>The City will require the construction contractor to site staging areas to minimize visual disturbance to surrounding residential and commercial parcels and confine construction-related activities to the designated ROW. Prior to and during use of construction staging areas for equipment, vehicle parking, and material storage, screening or vegetation will be installed as appropriate for the zoning at the site. To the extent feasible, all disturbed areas (e.g., roadway trenches and staging areas) will be returned to their preconstruction condition. All existing landscaping that is removed or damaged during construction will be replaced, along with irrigation hardware. These requirements will be reflected in contract documents.</p> <p>To the extent feasible, the City will require the contractor for Project W-MP-5 to contain construction staging areas to the project site.</p>	City's contractor	City of Milpitas Department of Public Works	Requirements contained in contractor specifications	Prior to and during construction of individual Master Plan Improvements	
<p>Mitigation Measure AES-2a: Incorporate Design Elements to Integrate Proposed Above-Ground Surfaces to Their Surroundings.</p> <p>The City will use design elements to enhance visual integration of above-ground facilities with their surroundings. These elements may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • painting (with earth-colored tones) of structural façades to blend with surrounding land uses, • use of fencing or structural materials similar to those used by nearby land uses, and • installation of berms and/or landscaping around the facility. 	City of Milpitas Department of Public Works	City of Milpitas Planning Department and Public Works Department	Design elements contained in engineering plans for above-ground structures, as applicable	Prior to construction of above-ground improvements covered under the Master Plan Updates	

Table F-1 – MMRP Compliance Checklist

Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/Initials
<p>Mitigation Measure AES-2b: Implement Lighting and Material to Reduce Light and Glare. The City will reduce light and glare on surrounding land uses by shielding permanent exterior lighting, orienting all exterior lighting downward, or installing lights activated only by sensors. In order to minimize incidental light, the lights will be cutoff-type fixtures that cast low-angle illumination. All lights will provide natural color rendering and light qualities. In addition, the City will limit the use of highly reflective building materials and/or finishes in the design of its proposed above-ground structures.</p>	<p>City of Milpitas Department of Public Works</p>	<p>City of Milpitas Planning Division and Public Works Department</p>	<p>Design elements contained in engineering plans for above-ground structures, as applicable</p>	<p>Prior to construction of above-ground improvements covered under the Master Plan Updates</p>	
<p>Air Quality</p>					

Table F-1 – MMRP Compliance Checklist

Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/Initials
<p>Mitigation Measure AQ-1: Mitigation Measure AQ-1: Implement Dust Control Measures.</p> <p>The City shall require the construction contractor to implement BAAQMD's basic and enhanced dust control procedures for all construction projects, as applicable. This requirement shall be reflected in contract documents. Dust control measures include:</p> <p>Basic Control Measures: The following basic control measures shall be implemented at all construction sites.</p> <ul style="list-style-type: none"> • Water all active construction areas at least twice daily. • Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard. • Pave and apply water three times daily or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. • Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites. • Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. <p>Enhanced Control Measures: The following enhanced control measures shall be implemented at construction sites greater than four acres in area.</p> <ul style="list-style-type: none"> • All basic control measures listed above. • Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more). • Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.). • Limit traffic speeds on unpaved roads to 15 miles per hour. • Install sandbags or other erosion control measures to prevent silt runoff to public roadways. • Replant vegetation in disturbed areas as quickly as possible. 	<p>City's contractor</p>	<p>City of Milpitas Department of Public Works, City Inspectors, and BAAQMD</p>	<p>Inclusion of mitigation requirements in contract documents</p> <p>Verification of implementation of dust control measures</p>	<p>Prior to and during construction</p>	

Table F-1 – MMRP Compliance Checklist

Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/Initials
<p>Mitigation Measure AQ-2a: Buffers for Pump Siting. The City will locate all new pump stations powered by diesel fuel more than 200 feet away from sensitive receptors, if feasible. Electrically-powered pumps shall be used to power new pumps, to the extent practicable.</p>	<p>City of Milpitas Department of Public Works</p>	<p>City of Milpitas Planning Division, Public Works Department, and BAAQMD</p>	<p>Setback and design requirements contained in engineering plans, as applicable</p>	<p>Prior to construction of applicable improvements covered under the Master Plan Updates</p>	
<p>Mitigation Measure AQ-2b: Project-Level DPM Screening for Engine Siting. The City will require screening-level DPM assessments to be conducted for diesel-powered pump operations proposed within 500 feet of residences or other sensitive receptors. These analyses should include exact distances between the receptors and operations, as well as the actual DPM emissions for the engines proposed. If the analysis shows an annual average DPM concentration from project operations at residences within 500 feet of the DPM source to be greater than 0.024 ug/m3, the engine location shall be moved to a location where the annual average DPM concentration from individual project emissions is less than 0.024 ug/m3. The acceptable concentration of 0.024 ug/m3 was determined using the current OEHHA cancer potency factor and methodology for diesel exhaust (OEHHA 2003). If diesel exhaust concentrations at the affected receptor would be below 0.024 ug/m3, then the cancer health risk would be less than 9.9 cancers in a million population.</p>	<p>City of Milpitas Department of Public Works</p>	<p>City of Milpitas Planning Division, Public Works Department, and BAAQMD</p>	<p>Completion of Project-level DPM Screening for diesel-powered pumping facilities, where proposed</p>	<p>Prior to construction of applicable improvements covered under the Master Plan Updates</p>	
<p>Mitigation Measure AQ-4: GHG Reduction Measures for Construction. The City and/or Developer shall require its construction contractor to comply with the City's Clean Air Action Plan, once adopted. In conjunction with compliance with the City's Clean Air Action Plan, the City and/or Developer shall incorporate the following measures, to the extent they are applicable and feasible, into individual Master Plan Update improvements:</p> <ul style="list-style-type: none"> a. incorporate the use of recycled or local-origin construction materials; and/or b. maximize recycling of construction/demolition waste materials. 	<p>City's contractor</p>	<p>City of Milpitas Department of Public Works and BAAQMD</p>	<p>Inclusion of mitigation requirements in contract documents Verification of implementation of GHG reduction measures</p>	<p>Prior to and during construction</p>	

Table F-1 – MMRP Compliance Checklist

Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/Initials
Biological Resources					
<p>Mitigation Measure BIO-1a: Document Special-Status Plant Populations for Individual Improvements Constructed Outside Existing Roadway ROW.</p> <p>Prior to design or construction of improvements outside of existing roadway ROW, the City will retain a qualified botanist to document the presence or absence of special-status plants on or near to the individual improvements before implementation. To document plant populations, the following steps will be undertaken: 1) review existing information to develop a list of special-status plants that could grow on the site; 2) coordinate with the appropriate agencies (CDFG and USFWS) to discuss botanical resource issues and determine the appropriate level of surveys necessary to document special-status plants; and 3) conduct a botanical survey of appropriate detail dependant on species richness, habitat type and quality, and the probability of special status species occurring in a particular habitat type. The botanical survey may include a habitat assessment, a species-focused survey, or a floristic protocol-level survey per CNPS Botanical Survey Guidelines (CNPS 2001).</p> <p>Special-status plant populations identified during the field surveys will be mapped and documented. The City shall implement Mitigation Measure BIO-2 to avoid or minimize significant impacts on identified special-status plants.</p>	City's designated biologist	City of Milpitas Department of Public Works, USFWS, and CDFG	<p>Inclusion of mitigation requirements in contract documents</p> <p>Documentation providing evidence of completed survey.</p> <p>Coordination with CDFG ort USFWS regarding additional avoidance measures if special status plants are observed.</p>	Prior to construction	
<p>Mitigation Measure BIO-1b: Avoid or Minimize Impacts on Special-Status Plants by Protecting Special-Status Plant Populations.</p> <p>If construction of the individual improvements has the potential to result in direct loss or indirect disturbance to special-status plants, the City will protect special-status plants by installing environmentally sensitive area fencing (orange construction barrier fencing) around special-status plant populations. The environmentally sensitive area fencing will be installed at least 20 feet from the edge of the population. The location of the fencing will be marked in the field with stakes and flagging and shown on the construction drawings. The construction</p>	City's contractor in cooperation with the City's designated biologist	City of Milpitas Department of Public Works, USFWS, and CDFG	<p>Inclusion of mitigation requirements in contract documents</p> <p>Documentation providing evidence of the fence's installation prior to construction</p>	Prior to construction	

Table F-1 – MMRP Compliance Checklist

Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/Initials
<p>specifications will contain clear language that prohibits construction-related activities, vehicle operation, material and equipment storage, and other surface-disturbing activities within the fenced environmentally sensitive area.</p>					
<p>Mitigation Measure BIO-2a: Document Special-Status Wildlife Species and Their Habitats for Individual Improvements Constructed Outside Existing Roadway ROW.</p> <p>Prior to construction of the storage tank and pump station on undisturbed lands, the City will document special status wildlife species and their habitats. The City will retain a qualified wildlife biologist to document the presence or absence of special-status wildlife before implementation. To document special-status wildlife, the wildlife biologist will 1) review existing information to confirm the list of special-status wildlife species that could occur in the project area; 2) coordinate with the appropriate agencies (CDFG or USFWS) to discuss wildlife resource issues in the region and determine the appropriate level of surveys necessary to document special-status wildlife and their habitats; and 3) conduct a field survey of an appropriate detail dependant on species richness, habitat type and quality, and the probability of special status species occurring in a particular habitat type. The wildlife biologist shall consider the CDFG Staff Report on Burrowing Owl Mitigation (CDFG 1995), which includes survey guidelines for burrowing owl. Special-status wildlife or suitable habitat identified during the field surveys will be mapped and documented. At any point during implementation of this mitigation measure, the City may choose to redesign or modify the program element(s) to avoid direct and indirect impacts on special-status wildlife, and will not need to complete the remaining steps identified in this measure.</p>	<p>City's designated biologist</p>	<p>City of Milpitas Department of Public Works, USFWS, and CDFG</p>	<p>Inclusion of mitigation requirements in contract documents</p> <p>Documentation providing evidence of completed survey.</p> <p>Coordination with CDFG or USFWS regarding additional avoidance measures if special status wildlife are observed.</p>	<p>Prior to construction</p>	
<p>Mitigation Measure BIO-2b: Avoid and Minimize Impacts to Special-Status Wildlife Species During Construction.</p> <p>The City shall attempt to avoid and minimize direct and indirect effects on special-status wildlife. The City will require the construction contractor to protect special-status wildlife and their habitats near the project site by installing environmentally</p>	<p>City's contractor and designated biologist</p>	<p>City of Milpitas Department of Public Works, USFWS, and CDFG</p>	<p>Inclusion of mitigation requirements in contract documents</p> <p>Coordination with CDFG or USFWS regarding additional</p>	<p>Prior to construction</p>	

Table F-1 – MMRP Compliance Checklist

Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/Initials
<p>sensitive area fencing around habitat features, such as seasonal wetlands, burrows, and nest trees. The environmentally sensitive area fencing or staking will be installed at a minimum distance from the edge of the resource as determined through coordination with state and federal agency biologists (CDFG and USFWS). The wildlife biologist shall consider the CDFG Staff Report on Burrowing Owl Mitigation (CDFG 1995), which includes measures for minimizing impacts to burrowing owl. The location of the fencing will be marked in the field with stakes and flagging and shown on the construction drawings. The construction specifications will contain clear language that prohibits construction-related activities, vehicle operation, material and equipment storage, and other surface-disturbing activities within the fenced environmentally sensitive area.</p>			<p>avoidance or compensation measures if special status wildlife are observed.</p>		
<p>Mitigation Measure BIO-2c: Coordinate with Resource Agencies and Develop Appropriate Compensation Plans for Potentially Impacted State- and Federally Listed Wildlife Species. In the event that, despite implementation of Mitigation Measure BIO-2b, construction activities would result in significant impacts on state- or federally listed wildlife species, the City will develop a compensation plan in coordination with the appropriate resource agency (CDFG or USFWS), and/or follow their established compensation guidelines. Compensation guidelines have been identified for several special-status wildlife species, including burrowing owl (CDFG 1995). The amount of compensation will vary depending on the amount of habitat loss or degree of habitat disturbance anticipated. The compensation plan would involve identifying an agency-approved mitigation bank or site (on- or off-site); re-creating (burrows) or preserving habitat for special status wildlife species; monitoring the mitigation site; or funding the management of the mitigation site.</p>	<p>City of Milpitas Department of Public Works and City's designated biologist</p>	<p>City of Milpitas Department of Public Works, USFWS, and CDFG</p>	<p>Inclusion of mitigation requirements in contract documents Coordination with CDFG or USFWS regarding additional avoidance or compensation measures if special status wildlife are observed.</p>	<p>Prior to and during construction</p>	
<p>Mitigation Measure BIO-3a: Avoid the Dispersal of Noxious Weeds into Uninfested Areas. To avoid the introduction or spread of noxious weeds into uninfested areas, the City will incorporate the following measures into construction project plans and specifications:</p> <ul style="list-style-type: none"> • Use certified, weed-free, imported erosion-control materials 	<p>City's contractor and designated biologist</p>	<p>City of Milpitas Department of Public Works, USFWS, and CDFG</p>	<p>Inclusion of mitigation requirements in contract documents Coordination with CDFG or USFWS regarding additional</p>	<p>Prior to and during construction</p>	

Table F-1 – MMRP Compliance Checklist

Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/Initials
<p>(or rice straw in upland areas).</p> <ul style="list-style-type: none"> Coordinate with the County Agricultural Commissioner and land management agencies to ensure that the appropriate best management practices (BMPs) are implemented. Educate construction supervisors and managers about weed identification and the importance of controlling and preventing the spread of noxious weeds. Clean equipment at designated wash stations after leaving noxious weed infestation areas. <p>The noxious weed avoidance measures will be reflected in contract documents and implemented by the construction contractor.</p>			avoidance measures if special status wildlife are observed.		
<p>Mitigation Measure BIO-4a: If Necessary, Prepare a Wetland Delineation and Obtain Clean Water Act Permits.</p> <p>Prior to construction of individual Master Plan improvements located adjacent to a creek or drainage channel, the City shall determine if a wetland delineation report is necessary. If determined, the City shall prepare and submit for approval a formal wetland delineation report for verification through the USACE. The City shall obtain a Section 404 permit for impacts to jurisdictional wetlands from the USACE and/or a Section 401 permit from the RWQCB and shall comply with all conditions of permits received. In association with either or both permits, compensatory mitigation for impacts to jurisdictional wetlands may be required.</p>	City of Milpitas Department of Public Works and City's designated biologist	City of Milpitas Department of Public Works, USACE, CDFG, SCVWD, and RWQCB	<p>Inclusion of mitigation requirements in contract documents</p> <p>Submittal of Permit Applications to USACE, RWQCB, and if necessary, CDFG or SCVWD</p>	Prior to construction	
<p>Mitigation Measure BIO-4b: Compensate for the Loss of Wetlands or Riparian Habitat.</p> <p>If wetlands or riparian habitat is removed as part of the Master Plan Updates, the City will compensate for the loss of riparian vegetation to ensure no net loss of habitat functions and values. Compensation ratios will be based on site-specific information and determined through coordination with state and federal agencies (including CDFG, USFWS, USACE, and NOAA Fisheries). Compensation will be provided at a minimum 1:1 ratio (1 acre restored or created for every 1 acre removed) and may be a combination of on-site restoration/creation, off-site restoration, and mitigation credits. The City will develop and</p>	City of Milpitas Department of Public Works and City's designated biologist	City of Milpitas Department of Public Works, USACE, USFWS, NOAA Fisheries, RWQCB, SCVWD, and CDFG	<p>Inclusion of mitigation requirements in contract documents</p> <p>Submittal of mitigation plan to USACE, CDFG, SCVWD, and/or RWQCB</p>	Prior to construction	

Table F-1 – MMRP Compliance Checklist

Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/Initials
implement a restoration and monitoring plan that describes how wetlands or riparian habitat will be enhanced or re-created and monitored over a minimum period of time, as determined by the appropriate state and federal agencies.					
<p>Mitigation Measure BIO-4c: Return Master Plan Improvement Sites to Pre-Construction Conditions.</p> <p>For open trench construction crossings across minor ditches and drainage channels (less than 15 feet in width), the following measures shall be implemented:</p> <ul style="list-style-type: none"> • Implement compliance measures, described in Section 3.8, Hydrology and Water Quality for Impact HWQ-1a, to reduce indirect impacts to wetlands and other waters during open trench construction; • Conduct trenching and construction activities across drainages during low-flow (e.g. <1 to 2 cfs) or dry periods as feasible; • If working in active channels, install cofferdam upstream and downstream of stream crossing to separate construction area from flowing waterway; • Place sediment curtains upstream and downstream of the construction zone to prevent sediment disturbed during trenching activities from being transported and deposited outside of the construction zone; • Locate spoil sites such that they do not drain directly into the drainages and/or seasonal wetlands; • Store equipment and materials away from the drainages and wetland areas. No debris will be deposited within 250 feet of the drainages and wetland areas; • Prepare and implement a revegetation plan to restore vegetation in all temporarily disturbed wetlands and other waters using native species seed mixes and container plant material that are appropriate for existing hydrological conditions. All disturbed drainages will be restored to pre-construction conditions. 	City's contractor	City of Milpitas Department of Public Works, CDFG, and RWQCB	<p>Inclusion of mitigation requirements in contract documents</p> <p>Preparation and approval of a formal revegetation plan, if necessary.</p>	Prior to the finish of construction	
Cultural Resources					
Mitigation Measure CR-2: Stop Work in Case of Accidental					

Table F-1 – MMRP Compliance Checklist

Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/Initials
<p>Discovery of Buried Archeological or Paleontological Resources.</p> <p>If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, human bone, or fossils, are inadvertently discovered during ground-disturbing activities, the program contractors will stop work within 100 feet of the find until a qualified archaeologist and/or paleontologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the City and other appropriate agencies.</p> <p>If human remains of Native American origin are discovered during project construction, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Pub. Res. Code Sec. 5097). If any human remains are discovered or recognized in any location other than a dedicated cemetery, the program contractors will conduct no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:</p> <ul style="list-style-type: none"> • the coroner of the county has been informed and has determined that no investigation of the cause of death is required; and • if the remains are of Native American origin, <ul style="list-style-type: none"> o the descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or o the Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission. <p>According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human</p>	<p>City's contractor or appointed designee</p>	<p>City of Milpitas Department of Public Works, SHPO, and Native American Heritage Commission</p>	<p>Inclusion of mitigation requirements in contract documents</p> <p>Verification of compliance by Native American Heritage Commission, SHPO, and City, if resource discovery is documented</p>	<p>Prior to and during construction</p>	

Table F-1 – MMRP Compliance Checklist

Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/Initials
<p>remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the California Native American Heritage Commission. The above provisions will be included in contract documents.</p> <p>For improvements that occur within State ROWs and where an archaeological site is identified during the initial archaeological survey, the City shall have a qualified, professional archaeologist prepare a cultural resources study that complies with the requirements of Caltran's Environmental Handbook, Volume 2 and shall include the following:</p> <ul style="list-style-type: none"> - An effects evaluation of potential project-level impacts to the archaeological site; - A mitigation plan per CEQA Guidelines 15126.4(b)(3); and - Evidence of Native American consultation pursuant to PRC 5097. <p>Avoidance shall be the preferred method of mitigating potential impacts, where feasible. If the City can demonstrate that avoidance is not feasible, the City shall have a qualified, professional archaeologist prepare a Data Recovery Plan.</p>					
<p>Geology and Soils</p>					

Table F-1 – MMRP Compliance Checklist

Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/Initials
<p>Mitigation Measure GS-1a: Prepare Geotechnical Report(s) for Individual Water and Sewer Master Plan Improvement Projects.</p> <p>The City or Developer shall require that facility design for all Water and Sewer Master Plan facilities comply with the site-specific design recommendations as provided by a licensed geotechnical or civil engineer. These recommendations will be based on the anticipated PGA for each project-improvement identified in the Water and Sewer Master Plans. In instances where conflicting PGA values are obtained, the City will apply the greater of the two values to ensure maximum structural integrity. Design recommendations provided in the geotechnical report will demonstrate compliance with applicable 2007 CBC requirements.</p>	City of Milpitas Department of Public Works	City of Milpitas Department of Public Works	<p>Inclusion of mitigation requirements in contract documents</p> <p>Verification that recommendations from a project-specific geotechnical report are incorporated into the project's design</p>	Prior to construction of improvements covered under the Master Plan Updates	
<p>Mitigation Measure GS-1b: Incorporate Pipeline Failure Contingency Measures.</p> <p>The City or Developer shall require that isolation valves or similar devices be incorporated into all pipeline facilities to prevent significant losses of potable water and/or untreated-wastewater in event of pipeline rupture. The specifications of the isolation valves will conform to the UBC, AWWA, and City standards.</p>	City of Milpitas Department of Public Works	City of Milpitas Department of Public Works	Inclusion of mitigation requirements in contract documents	Prior to construction of improvements covered under the Master Plan Updates	
<p>Mitigation Measure GS-4: Install Corrosion Protection Measures.</p> <p>As appropriate, the City shall install a cathodic protection system for all underground metallic fittings, appurtenances, and piping to protect these facilities from corrosion. The cathodic protection system shall be designed consistent with City standards.</p>	City contractor or appointed designee	City of Milpitas Department of Public Works	Inclusion of mitigation requirements in contract documents	Prior to construction	
Public Health and Hazards					
<p>Mitigation Measure HAZ-1: Develop and Implement a Spill Prevention, Control, and Countermeasure Program for Construction Activities.</p> <p>The City's or Developer's construction contractor will develop and implement a Spill Prevention, Control, and Countermeasure Program (SPCCP) to minimize the potential for and effects from</p>	City contractor or appointed designee	City of Milpitas Department of Public Works, Santa Clara County Department Environmental	<p>Inclusion of mitigation requirements in contract documents</p> <p>Verification of completed final</p>	Prior to and during construction	

Table F-1 – MMRP Compliance Checklist

Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/Initials
<p>spills of hazardous, toxic, or petroleum substances during construction activities. The SPCCP will be prepared consistent with the requirements of the City's NPDES Permit and Hazardous Materials program before any construction activities begin.</p> <p>If a spill of petroleum products is reportable (per 40 CFR 110), the contractor's superintendent will notify the City and take action to contact the appropriate safety and cleanup crews to implement the SPCCP. A written description of reportable releases must be submitted to the San Francisco Bay RWQCB. The program contractor will select and implement measures to control contamination, with a performance standard that surface and/or groundwater quality must be returned to baseline conditions. These measures will be subject to review by the City. The City will review the SPCCP before onset of construction activities as required. The City will routinely inspect the construction area to verify that the measures specified in the SPCCP are properly implemented and maintained. The City will notify its contractors immediately if there is a noncompliance issue and will require compliance</p>		Health, and City Fire Department	SPCCP		
<p>Mitigation Measure HAZ-2a: Conduct Phase 1 Site Assessment(s) for Master Plan Improvements that Deviate from Existing Roadway ROW.</p> <p>Prior to construction, the City may conduct a Phase 1 Environmental Site Assessment according to ASTM protocol for portions of individual Master Plan improvements that deviate from existing roadway ROW, as warranted. If any hazardous materials or waste sites are identified during the Phase 1, the City shall implement Mitigation Measure HAZ-2b.</p>	City of Milpitas Department of Public Works or appointed designee	City of Milpitas Department of Public Works, Santa Clara County Department Environmental Health, and RWQCB	<p>Inclusion of mitigation requirements in contract documents</p> <p>Verification of water quality sampling data if groundwater dewatering becomes necessary</p>	Prior to construction	
<p>Mitigation Measures HAZ-2b: Develop Remediation Plan(s), As Necessary.</p> <p>If determined necessary, to mitigate for potential hazards resulting from disturbance of existing contaminated areas, the extent of contamination from hazardous materials sites within or adjacent to individual Master Plan improvements shall be delineated during final design. Disturbance to contaminated areas during individual project construction shall be avoided, or</p>	City contractor or appointed designee	City of Milpitas Department of Public Works, Santa Clara County Department Environmental Health, RWQCB, and City Fire Department	<p>Inclusion of mitigation requirements in contract documents</p> <p>Verification and approval of remediation plan, where necessary</p>	Prior to and during construction	

Table F-1 – MMRP Compliance Checklist

Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/Initials
<p>any work done within contaminated areas shall be undertaken in compliance with standards approved by the DTSC or the County DEH to ensure that hazardous materials will not be released as a result of the ground disturbance.</p> <p>Additionally, if unidentified contaminated soil and/or groundwater are encountered, or if suspected contamination is encountered during any construction activities, work shall be halted in the area of potential exposure, and the type and extent of contamination shall be identified. A qualified professional, in consultation with appropriate regulatory agencies, will then develop and implement a plan to remediate the contamination and properly dispose of the contaminated material. The plan will include protocols necessary to ensure that contaminant-removal activities minimize the potential for air quality or health risk impacts to adjacent receptors along with proper disposal requirements. The plan will also include response procedures in the event of an accident during contaminant removal and notification requirements for the City's Fire Department OES, DTSC RWQCB, and Santa Clara County Hazardous Materials Response Team, as necessary.</p>					
Hydrology & Water Quality					
<p>Mitigation Measure HWQ-1a: Implement NPDES Permit Measures, including Development and Implementation of a SWPPP.</p> <p>Prior to the onset of construction activities on sites of one acre or more, the City's or Developer's contractor shall obtain coverage under the NPDES General Construction Permit. The City will be responsible for ensuring that construction activities comply with the conditions in the 2009 Amended General Construction Permit through the preparation of a SWPPP or, if determined appropriate, a Rainfall Erosivity Waiver. Individual improvement projects eligible for a Rainfall Erosivity Waiver must demonstrate that the rainfall erosivity factor will be less than five throughout the duration of construction. Improvement projects qualifying for the Rainfall Erosivity Waiver will be required to implement minimum BMPs consistent with City standards.</p>	<p>City's contractor or appointed designee</p>	<p>City of Milpitas Department of Public Works and RWQCB</p>	<p>Inclusion of mitigation requirements in contract documents</p> <p>Preparation and approval of a QSP-prepared SWPPP, if applicable, or supporting documentation for the Rainfall Erosivity Waiver.</p> <p>If a waiver is pursued, preparation of an erosion control plan that follows City standards.</p>	<p>Prior to and during construction</p>	

Table F-1 – MMRP Compliance Checklist

Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/Initials
<p>All other Master Plan improvement projects will require the preparation of a SWPPP. At minimum, the SWPPP shall be prepared by a Qualified SWPPP Practitioner (QSP), identify site-appropriate soil stabilization and sediment control BMPs, and include a monitoring component that is consistent with the individual project's Risk Level or LUP Type. Based on the types of activities anticipated over the duration of the implementation of the Master Plan updates, SWPPPs for individual improvement projects shall include BMPs that cover the following:</p> <ul style="list-style-type: none"> • ensure implementation of good site management (i.e., "housekeeping") measures for construction materials that could potentially be a threat to water quality if discharged. Special consideration shall be given to vehicle storage and maintenance, landscaping, waste management, and construction materials or equipment that are not designed to be outdoors and exposed to environmental conditions; • provide effective soil cover for inactive construction areas that could contribute sediment to waterways; • enclose and cover exposed stockpiles of dirt or other loose, granular construction materials that could contribute sediment to waterways; • establish and maintain effective perimeter controls, as needed, to sufficiently control sediment discharges from the site. This will be done by using a combination of one or more of the following: berms, silt fencing, straw bales or wattles, plastic sheeting or geofabric, silt/sediment traps and catch basins, sand bag dikes, temporary vegetation or other groundcover, or other control measures consistent with City standards; • ensure that no earth or organic material shall be deposited or placed where it may be directly carried into a stream, marsh, slough, lagoon, or body of standing water; • ensure that dewatering activities shall be conducted according to the provisions of the SWPPP. No dewatered materials shall be placed in local water bodies or in storm drains leading to such bodies without implementation of proper construction water quality control measures; 					

Table F-1 – MMRP Compliance Checklist

Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/Initials
<ul style="list-style-type: none"> • effectively manage all run-on, all runoff within the site and all runoff that discharges off the site using BMPs consistent with City standards; and • appropriate post-construction BMPs shall be implemented to ensure that grass or other vegetative cover will be established on non-paved portions of the construction site(s) as soon as possible after disturbance. These BMPs should follow applicable water quality control measures found within "Start at the Source-Design Guidance Manual for Stormwater Quality Protection" prepared by the Bay Area Stormwater Management Agencies Association. <p>As required by the Amendment General Construction Permit, in situations where the improvements will occur across several properties, the City will be responsible for obtaining coverage under the General Permit. The City shall ensure that a QSP prepares each SWPPP specific to the individual improvements included in the Master Plan Updates as determined necessary by the City. The City shall review and approve the BMPs proposed in the SWPPP to ensure consistency with the City's standards and specifications.</p> <p>The City will ensure that the SWPPP and NOI are filed with the San Francisco Bay RWQCB prior to the start of construction. A QSP with the City or its agent will perform routine inspections of the construction area to verify that the BMPs specified in the SWPPP are properly implemented and maintained. The City or its agent will notify the project contractor(s) if there is a noncompliance issue and will require immediate corrective action.</p>					
<p>Mitigation Measure HWQ-1b: Implement Provisions for Dewatering and Hydrostatic Test Water. Before discharging any substance that could reach surface waters, the City's or Developer's construction contractor shall develop a plan for the disposal of dewatering or hydrostatic testing discharges in accordance with the requirements of the City, SWRCB, and San Francisco Bay RWQCB. Depending on the volume and characteristics of the discharge, coverage under the SWRCB's General Construction Permit or the RWQCB's Municipal Regional Stormwater Permit (R2-2009-0074), may be</p>	<p>City's contractor or appointed designee</p>	<p>City of Milpitas Department of Public Works and RWQCB</p>	<p>Inclusion of mitigation requirements in contract documents</p> <p>Preparation and approval of a dewatering or hydrostatic test water plan, if applicable.</p>	<p>Prior to and during construction</p>	

Table F-1 – MMRP Compliance Checklist

Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/Initials
appropriate. As part of the plan, the contractor will design and implement measures that are effective in minimizing water quality impacts to receiving waters. A range of potential BMPs is provided in Appendix E. Final selection of water quality control measures will be subject to review by the City of Milpitas.					
<p>Mitigation Measure HWQ-1c: Use Trenchless Technology. Where conveyance pipelines cross water bodies, the City will require its construction contractor to use trenchless technology (microtunneling or jack-and-bore), where feasible. Frac-out plans as described in Mitigation Measure HWQ-1d shall be implemented as necessary.</p>	City's contractor or appointed designee	City of Milpitas Department of Public Works, SCVWD, if applicable, CDFG, and RWQCB	<p>Inclusion of mitigation requirements in contract documents, if applicable</p> <p>Verification of engineering plans prior to construction</p>	Prior to construction	
<p>Mitigation Measure HWQ-1d: Develop and Implement a Frac-Out Contingency Plan for HDD and Jack and Bore Activities. For tunneling activities that use drilling lubricants (e.g., construction of pipelines using jack-and-bore methods), the City's or Developer's construction contractor will prepare and implement a Frac-Out Contingency Plan. The purpose of the plan will be to minimize the potential for a frac-out associated with tunneling activities, provide for the timely detection of frac-outs, and ensure an organized, timely, and "minimum-impact" response in the event of a frac-out and release of drilling lubricant (i.e., bentonite). Preparation and implementation of a Frac-Out Contingency Plan will be reflected in contract documents.</p>	City's contractor or appointed designee	City of Milpitas Department of Public Works, SCVWD, if applicable, CDFG, and RWQCB	<p>Inclusion of mitigation requirements in contract documents, if applicable</p> <p>Verification of engineering plans prior to construction</p>	Prior to construction	
<p>Mitigation Measure HWQ-1e: Dry-Season Construction Where Mitigation Measure HWQ-1c is not feasible, and flows in the water body (or area) are seasonal, construction shall be conducted during the dry season. The program site will be restored prior to the onset of the rainy season to minimize the potential for erosion. This proposed mitigation is subject to additional conditions as a result of negotiations of the required permits from USACE, CDFG, and the San Francisco Bay RWQCB.</p>	City's contractor or appointed designee	City of Milpitas Department of Public Works, and RWQCB	Inclusion of mitigation requirements in contract documents, if applicable	Prior to and during construction	
<p>Mitigation Measure HWQ-2: Implement BMPs for Operational Discharges.</p>	City of Milpitas Department	City of Milpitas	Verification of engineering	Prior to operation	

Table F-1 – MMRP Compliance Checklist

Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/Initials
<p>For operational discharges, the City will select and implement appropriate BMPs to minimize water quality impacts to receiving waters. Appendix E of this EIR contains a range of acceptable BMPs for operational discharges from both potable water and sewer collection facilities.</p>	<p>of Public Works</p>	<p>Department of Public Works and RWQCB</p>	<p>plans prior to construction</p>		
Planning and Land Use					
<p>Mitigation Measure LU-1: Public Outreach and Advance Construction Noticing. The City or Developer, in cooperation with its construction contractor, shall provide a phone number and community contact for inquiries about the Master Plan Update construction schedule throughout the construction period. This information will be posted in a local newspaper and at City Hall and will be updated on a monthly basis for individual projects.</p> <p>The City or Developer shall also require its construction contractor to provide a minimum 2-week advance notice of the construction activities schedule to the affected community members within 100 feet of construction areas (e.g., residences, property owners, business owners, and public facility operators), including the posting of signs. These conditions shall be included in contract documents.</p>	<p>City's contractor or appointed designee</p>	<p>City of Milpitas Department of Public Works</p>	<p>Inclusion of mitigation requirements in contract documents</p> <p>Verification of community contact information, 2-week construction noticing, and preparation of periodic updates</p>	<p>Prior to construction of individual improvement projects</p>	
Noise					
<p>Mitigation Measure NOI-1a: Comply with Noise Abatement Ordinance. The City or Developer will require all construction contractors to comply with the City's Noise Abatement Ordinance. Construction shall not be allowed in all zoning districts between 7 PM and 7 AM. Exemptions to these working hours will require the approval of the City engineer and are allowed per Section V-213-3.03(c) of the City's Municipal Code.</p>	<p>City's contractor or appointed designee</p>	<p>City of Milpitas Department of Public Works and City Inspection, Planning, and Neighborhood Services Department</p>	<p>Inclusion of mitigation requirements in contract documents</p>	<p>During construction</p>	

Table F-1 – MMRP Compliance Checklist

Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/Initials
<p>Mitigation Measure NOI-1b: Employ Noise-Reducing Construction Practices.</p> <p>The City or Developer will require its construction contractor to identify and employ noise-reducing construction practices. This provision will be reflected in contract documents. Measures that may be used to limit noise include, but are not limited to:</p> <ul style="list-style-type: none"> • locating equipment as far a practical from noise sensitive uses, • using mufflers on all standard equipment, • selecting haul routes that affect the fewest number of people, • using noise-reducing enclosures around noise-generating equipment, • constructing barriers between noise sources and noise-sensitive land uses or taking advantage of existing barrier features (terrain, structures) to block sound transmission, and • enclosing equipment. 	<p>City's contractor or appointed designee</p>	<p>City of Milpitas Department of Public Works</p>	<p>Inclusion of mitigation requirements in contract documents</p> <p>Selection and approval of staging arrears prior to construction</p>	<p>Prior to and during construction of individual improvements</p>	

Table F-1 – MMRP Compliance Checklist

Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/Initials
<p>Mitigation Measure NOI-1c: Disseminate Essential Information to Residences and Implement a Complaint/Response Tracking Program. The City or Developer shall require the construction contractor to notify all residents and businesses within 500 feet of construction areas of the construction schedule in writing a minimum of two weeks prior to ground-breaking. The construction contractor will designate a Noise Complaint Coordinator who will be responsible for responding to complaints regarding construction noise. The Coordinator will determine the cause of the complaint and will ensure that reasonable measures are implemented to correct the problem. A contact telephone number for the Noise Complaint Coordinator will be conspicuously posted on construction site fences or barriers, where possible, and will be included in the written notification of the construction schedule sent to nearby residents. This provision will be reflected in contract documents.</p>	<p>City's contractor or appointed designee</p>	<p>City of Milpitas Department of Public Works</p>	<p>Inclusion of mitigation requirements in contract documents Selection and approval of a noise compliant coordinator</p>	<p>Prior to and during construction of individual improvements</p>	

Table F-1 – MMRP Compliance Checklist

Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/Initials
<p>Mitigation Measures NOI-3: Implement Noise Minimization Measures during Operation.</p> <p>The City shall design the proposed storage tank pump station to ensure that operational noise levels at the property line does not exceed the City standards. The City shall implement the following noise minimization measures to the extent they are feasible.</p> <ul style="list-style-type: none"> Shielding and other specified measures as deemed appropriate and effective by the design engineer will be incorporated into the design in order to comply with performance standards. Project equipment shall be outfitted and maintained with noise-reduction devices such as equipment closures, fan silencers, mufflers, acoustical louvers, noise barriers, acoustical panels, etc., to minimize operational noise. Particularly noisy equipment shall, to the extent feasible, be located a minimum of 200 feet from nearby sensitive receptors. The orientation of acoustical exits shall always be facing away from nearby sensitive receptors. <p>Buildings and landscaping shall be incorporated, where possible, to absorb and/or redirect noise away from nearby sensitive receptors.</p>	<p>City's contractor or appointed designee</p>	<p>City of Milpitas Department of Public Works</p>	<p>Inclusion of mitigation requirements in contract documents</p> <p>Inclusion of measures within project-specific engineering plans, as applicable</p>	<p>Prior to construction of applicable improvements</p>	
Transportation					
<p>Mitigation Measure TR-1: Prepare and Implement a Traffic Control Plan.</p> <p>The City will arrange for a licensed traffic engineer to prepare a Traffic Control Plan for roadways and intersections affected by the Master Plan Update improvements. The Traffic Control Plan will comply with the requirements of applicable agencies (e.g., City of Milpitas, City of San Jose, Caltrans, Santa Clara County Department of Roads and Airports, Santa Clara VTA, and/or Santa Clara County Department of Parks and Recreation) with jurisdiction over project construction. The Traffic Control Plan will include, but not be limited to, the following elements:</p>	<p>City's contractor or appointed designee</p>	<p>City of Milpitas Department of Public Works, Planning Department, VTA, County Department of Roads and Airports, Caltrans, and County Parks and Recreation Department</p>	<p>Inclusion of mitigation requirements in contract documents</p> <p>Preparation and approval of the Traffic Control Plan</p> <p>Verification that traffic control plan includes necessary elements based on type of improvement</p>	<p>Prior to construction of individual improvements, as applicable</p>	

Table F-1 – MMRP Compliance Checklist

Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/Initials
<ul style="list-style-type: none"> • Provide street layout showing location of construction activity and surrounding streets to be used as detour routes, including “special signage.” Post advance warning of construction activities within affected roadways to allow motorists to select alternative routes. • Restrict delivery of construction materials to non-peak travel periods (9:00am – 3:00pm) as appropriate. Weekend and night work shifts will be allowed in non-residential areas only. • Maintain the maximum travel-lane capacity during non-construction periods and provide flagger-control at construction sites to manage traffic control and flows. • Limit the construction work zone in each block to a width that, at a minimum, maintains alternate one-way traffic flow past the construction zone. • Maintain access for driveways and private roads, except for brief periods of construction, in which case property owners will be notified. • Require temporary steel-plate trench crossings, as needed, to maintain reasonable access to homes, businesses, and streets. When required by the applicable encroachment permit, maintain the existing lane configuration during nonworking hours by covering the trench or jack pit with steel plates or by using temporary backfill. • Require appropriate warning signage and safety lighting for construction zones. • Access for emergency vehicles shall be maintained at all times. Police, fire, and emergency services shall be notified of the timing, location, and duration of construction activities that could hinder and/or delay emergency access through the construction period. • Coordinate with VTA to plan, as needed, for the temporary relocation of bus stops and/or detour of transit routes on affected pipeline alignments. • Identify detours, where available, for bicyclists and pedestrians in areas potentially affected by project 					

Table F-1 – MMRP Compliance Checklist

Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/Initials
<p>construction. As an option, the City shall also consider allowing bikes and pedestrians to traverse a portion of the construction area to minimize significant increases in travel distances or time as a result of a detour.</p> <ul style="list-style-type: none"> • Provide adequate off-street parking locations for workers' vehicles and construction equipment in those areas where on-street parking availability is insufficient. • Provide written notification to appropriate contractors regarding appropriate routes to and from construction sites and weight and speed limits for local roads used to access construction sites. Submit a copy of all such written notifications to the City. • Repair or restore the roadway ROW to its original condition or better upon completion of the work. 					
Utilities and Service Systems					
<p>Mitigation Measure USS-1: Design Recycled Water Pipelines to Prevent Cross-Contamination.</p> <p>The City or Developer shall require the engineering and/or construction contractors to implement the following measures to avoid the potential for cross-contamination of potable water with recycled water. These measures shall be included in all contract documents.</p> <ul style="list-style-type: none"> • Incorporate applicable backflow prevention devices, as outlined in CCR Titles 22 and 17, South Bay Water Recycling Guidelines, and City Supplemental Guidelines, into pipeline design. • Incorporate applicable minimum pipeline separation standards for potable and non-potable water pipelines, as outlined in CCR Title 22, Section 64572(a), into pipeline design. • Use purple pipes (or purple tape) for all above or below ground recycled water pipelines, as outlined in Health and Safety Code, Section 116815(a). <p>Inspect all recycled water sites for possible cross-connections with the potable water system, in accordance with CCR Title 22, Section 60316(a).</p>	<p>City of Milpitas Department of Public Works or appointed designee</p>	<p>City of Milpitas Department of Public Works, SFPUC, SCVWD, and CDPH</p>	<p>Verification that measures are included for all potable and recycled water improvements</p>	<p>Prior to construction</p>	

Table F-1 – MMRP Compliance Checklist

Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/Initials																						
<p>Mitigation Measure USS-3: Identify and Relocate Existing Utilities, Where Necessary. The City's or Developer's construction contractor shall identify all underground utilities in the areas of proposed excavations for Master Plan Update improvements. Prior to beginning construction, USA shall be conducted to identify underground utilities. Temporary disruption of service may be required to allow for construction. No service on such lines would be disrupted until prior approval is received from the construction manager and the service provider (e.g., PG&E, AT&T, Comcast). Where possible, design and specifications for Master Plan Update projects shall avoid existing utilities. In instances where utilities cannot be avoided, the City's contractor will relocate existing utilities either before, or during, project construction. These conditions shall be included in contract documents.</p>	<p>City's contractor</p>	<p>City of Milpitas Department of Public Works, SFPUC, PG&E, SCVWD, County Department of Roads and Airports, AT&T, Comcast, and VTA</p>	<p>Inclusion of mitigation requirements in contract documents</p>	<p>Prior to construction of individual improvements</p>																							
<p>Acronyms:</p> <table border="0"> <tr> <td>BAAQMD</td> <td>Bay Area Air Quality Management District</td> </tr> <tr> <td>Caltrans</td> <td>California Department of Transportation</td> </tr> <tr> <td>CDFG</td> <td>California Department of Fish and Game</td> </tr> <tr> <td>PG&E</td> <td>Pacific Gas and Electric</td> </tr> <tr> <td>RWQCB</td> <td>Regional Water Quality Control Board</td> </tr> <tr> <td>SFPUC</td> <td>San Francisco Public Utilities Commission</td> </tr> <tr> <td>SCVWD</td> <td>Santa Clara Valley Water District</td> </tr> <tr> <td>SHPO</td> <td>State Historic Preservation Office</td> </tr> <tr> <td>USACE</td> <td>U.S. Army Corps of Engineers</td> </tr> <tr> <td>USFWS</td> <td>U.S. Fish and Wildlife Service</td> </tr> <tr> <td>VTA</td> <td>Valley Transportation Authority</td> </tr> </table>						BAAQMD	Bay Area Air Quality Management District	Caltrans	California Department of Transportation	CDFG	California Department of Fish and Game	PG&E	Pacific Gas and Electric	RWQCB	Regional Water Quality Control Board	SFPUC	San Francisco Public Utilities Commission	SCVWD	Santa Clara Valley Water District	SHPO	State Historic Preservation Office	USACE	U.S. Army Corps of Engineers	USFWS	U.S. Fish and Wildlife Service	VTA	Valley Transportation Authority
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USFWS	U.S. Fish and Wildlife Service																										
VTA	Valley Transportation Authority																										

Appendix G - EnviroStar Database Outputs

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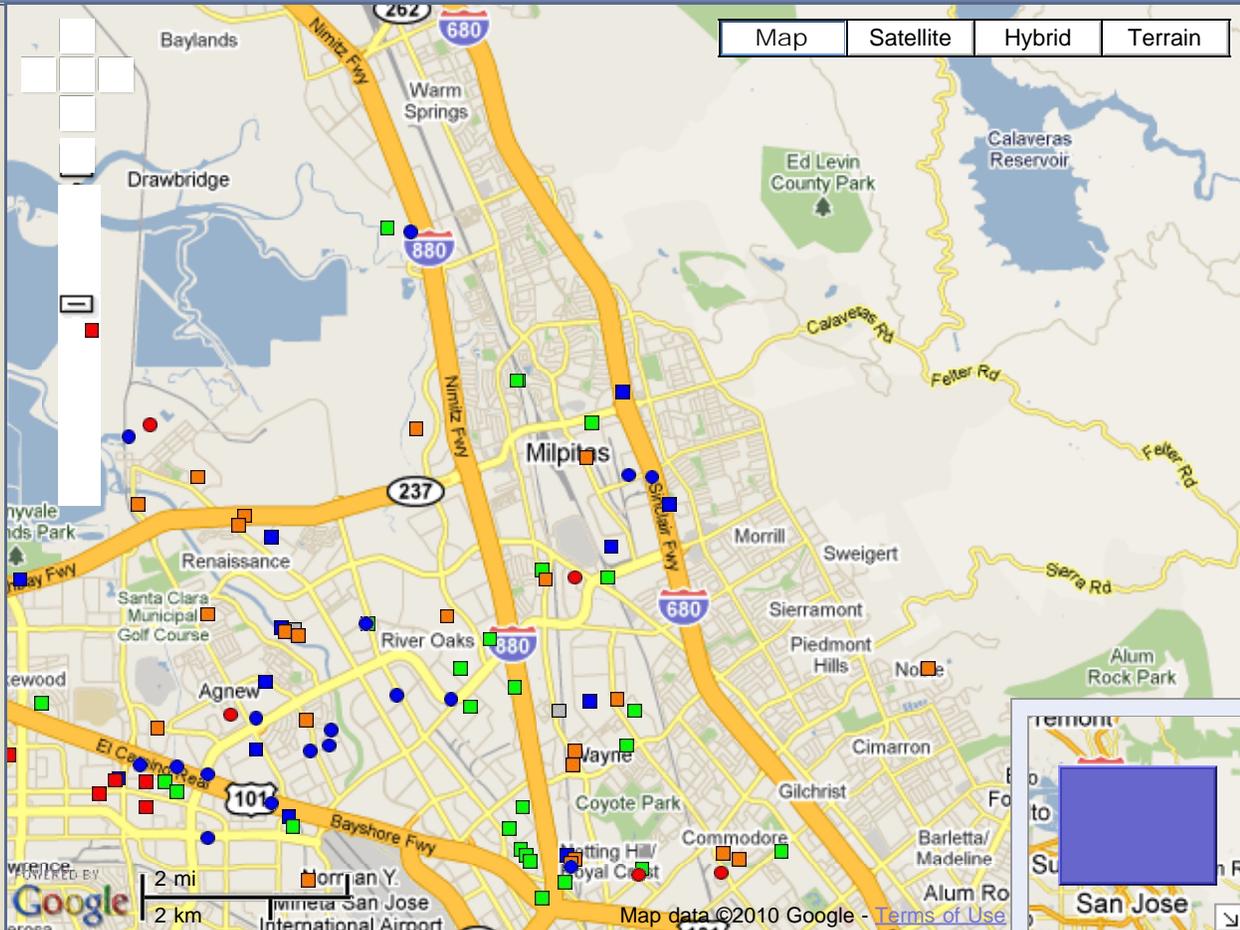
ENVIROSTOR

LAYERS

- Federal Superfund
- State Response
- Voluntary Cleanup
- School Cleanup
- Evaluation
- School Investigation
- Military Evaluation
- Corrective Action
- Haz Waste Permit
- ▲ [GeoTracker LUFT](#)
- △ [GeoTracker SLIC](#)

MAP SIZE

640x480



MAP AN ADDRESS:

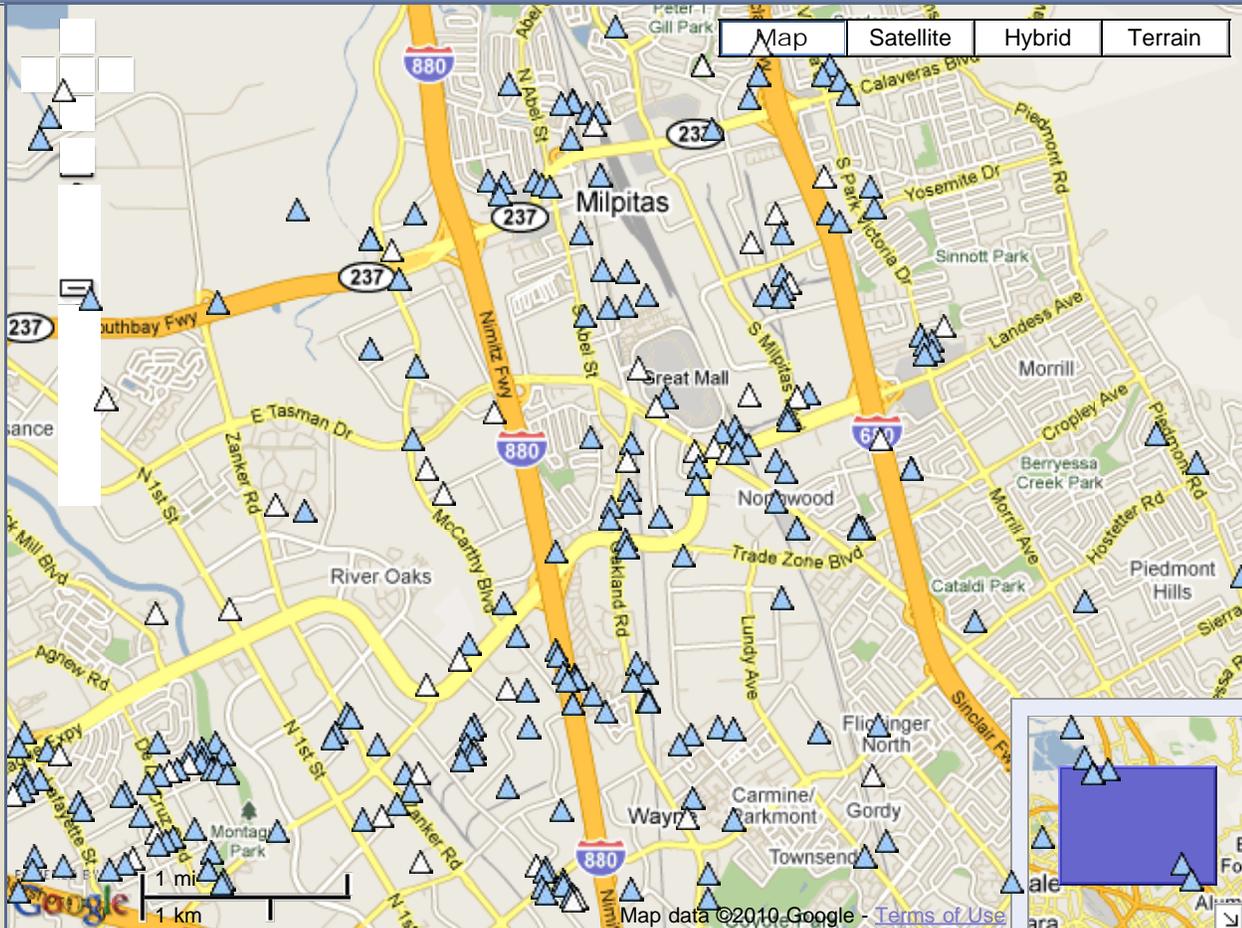
ENVIROSTOR

LAYERS

- Federal Superfund
- State Response
- Voluntary Cleanup
- School Cleanup
- Evaluation
- School Investigation
- Military Evaluation
- Corrective Action
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- ▲ [GeoTracker LUFT](#)
- △ [GeoTracker SLIC](#)

MAP SIZE

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MAP AN ADDRESS:

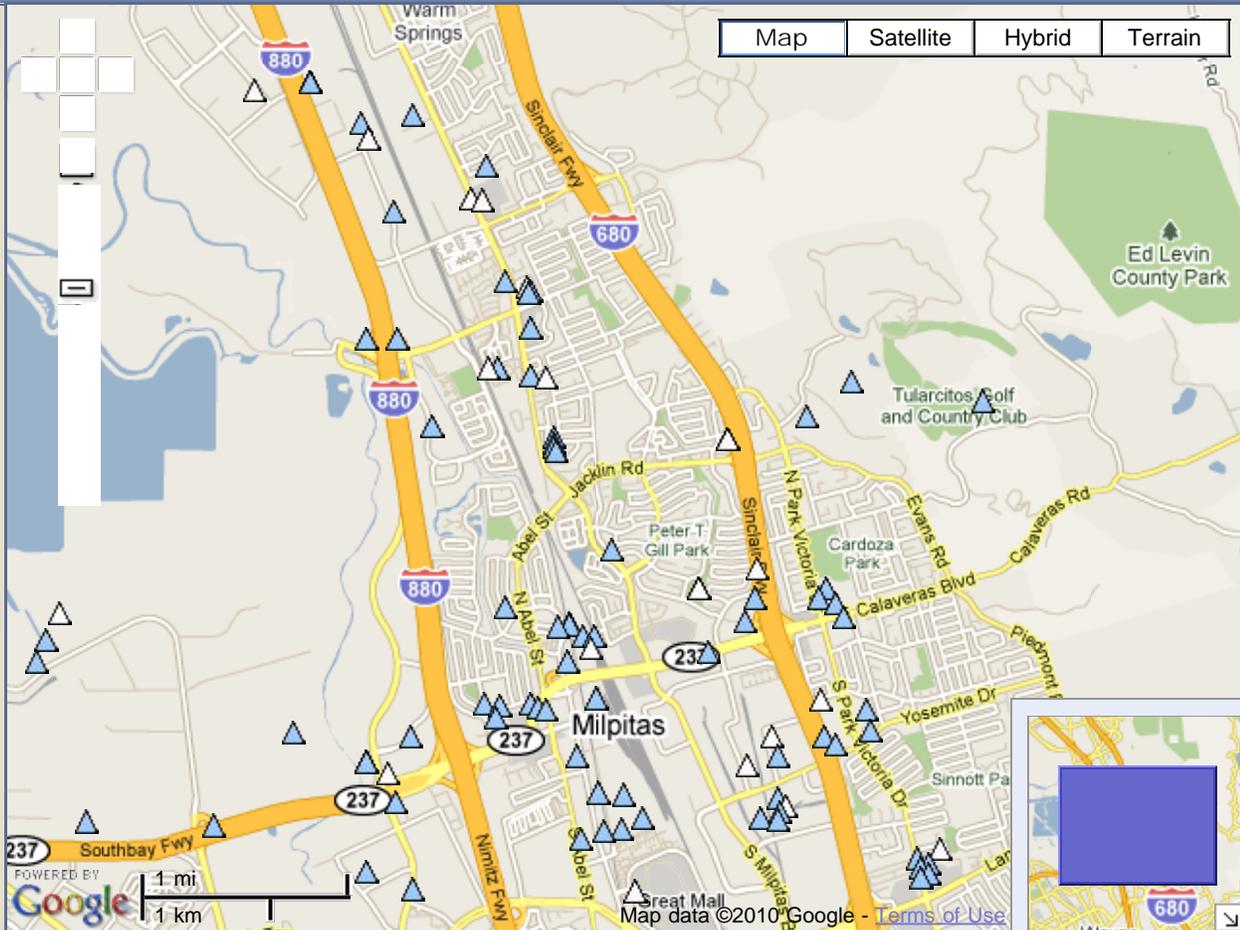
ENVIROSTOR

LAYERS

- Federal Superfund
- State Response
- Voluntary Cleanup
- School Cleanup
- Evaluation
- School Investigation
- Military Evaluation
- Corrective Action
- Haz Waste Permit
- ▲ [GeoTracker LUFT](#)
- △ [GeoTracker SLIC](#)

MAP SIZE

640x480



Map	Satellite	Hybrid	Terrain
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MAP AN ADDRESS:

PROJECT SEARCH RESULTS

CLEANUP STATUS: All Statuses

SEARCH CRITERIA: MILPITAS, FEDERAL SUPERFUND SITES (NPL), STATE RESPONSE SITES, VOLUNTARY CLEANUP SITES, SCHOOL CLEANUP SITES, PERMITTED - OPERATING SITES, POST-CLOSURE PERMITTED SITES, HISTORICAL NON-OPERATING SITES, CORRECTIVE ACTION SITES

12 RECORDS FOUND

[EXPORT TO EXCEL](#)

PAGE 1 OF 1

	SITE / FACILITY NAME	SITE / FACILITY TYPE	CLEANUP STATUS	ADDRESS DESCRIPTION	CITY	ZIP	COUNTY
[REPORT] < [MAP] <td>	COOK PAINT AND VARNISH COMPANY	STATE RESPONSE	CERTIFIED	201 SINCLAIR FRONTAGE ROAD	MILPITAS	95035	SANTA CLARA
[REPORT] < [MAP] <td>	EXIDE CORPORATION	STATE RESPONSE	CERTIFIED	700 MONTAGUE EXPRESSWAY	MILPITAS	95035	SANTA CLARA
[REPORT] < [MAP] <td>	FORMER STORMEDIA FACILITY	VOLUNTARY CLEANUP	NO FURTHER ACTION	690 GIBRALTAR DRIVE	MILPITAS	95035	SANTA CLARA
[REPORT] < [MAP] <td>	GREAT WESTERN CHEMICAL CO	CORRECTIVE ACTION	INACTIVE - NEEDS EVALUATION	945 AMES AVE	MILPITAS	950350000	SANTA CLARA
[REPORT] < [MAP] <td>	GREAT WESTERN CHEMICAL CO	HAZ WASTE - NON-OPERATING	INACTIVE	945 AMES AVE	MILPITAS	950350000	SANTA CLARA
[REPORT] < [MAP] <td>	HANDCRAFT TILE	VOLUNTARY CLEANUP	CERTIFIED	1696 SOUTH MAIN STREET	MILPITAS	95035	SANTA CLARA
[REPORT] < [MAP] <td>	IDC OF CALIFORNIA INC	HAZ WASTE - NON-OPERATING	INACTIVE	1601 DIXON LANDING RD	MILPITAS	950358100	SANTA CLARA
[REPORT] < [MAP] <td>	IDC OF CALIFORNIA INC	CORRECTIVE ACTION	INACTIVE - NEEDS EVALUATION	1601 DIXON LANDING ROAD	MILPITAS	950350000	SANTA CLARA
[REPORT] < [MAP] <td>	IONIZATION RESEARCH CO DBA ECOSOLUTIONS	HAZ WASTE - OPERATING PERMIT	EVALUATION NEEDED	1823 HOURET CT	MILPITAS	950350000	SANTA CLARA
[REPORT] < [MAP] <td>	MCCARTHY RANCH	VOLUNTARY CLEANUP	NO FURTHER ACTION	MCCARTHY BLVD. AND RANCH DRIVE	MILPITAS	95035	SANTA CLARA
[REPORT] < [MAP] <td>	STONEGATE DEVELOPMENT	STATE RESPONSE	CERTIFIED / OPERATION & MAINTENANCE - LAND USE RESTRICTIONS	1260 DEMPSEY ROAD	MILPITAS	95035	SANTA CLARA
[REPORT] < [MAP] <td>	THE SHERWIN WILLIAMS COMPANY	CORRECTIVE ACTION	INACTIVE - NEEDS EVALUATION	805 SINCLAIR FRONTAGE RD	MILPITAS	950350000	SANTA CLARA

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