



**Santa Clara Valley
Urban Runoff
Pollution Prevention Program**

ATTACHMENT II-7

CEQA Guidance Related to Provision C.3 Stormwater Requirements

- Table: CEQA Initial Study Guidance for Project Applicants
- Additional Resources for Environmental Review Process
- Table: Guidance for Co-Permittee Review/Modification of CEQA Procedures and Local CEQA Guidance

**SCVURPPP Guidance for Project Applicants in Addressing
Stormwater Quality Concerns During CEQA Review**

The following table provides supplemental guidance to project applicants in completing the initial study checklist to address urban runoff water considerations during project environmental review.

CEQA Guidelines Question	Additional Issues to Address Stormwater Quality Concerns within the CEQA Initial Study Checklist
CHECKLIST CHAPTER IV: BIOLOGICAL RESOURCES	
<i>IV.b) Will the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?</i>	The evaluation of a project’s effect on sensitive natural communities should encompass aquatic and wetland habitats. Consider “aquatic and wetland habitat” as examples of sensitive habitat.
CHECKLIST CHAPTER VIII: HYDROLOGY AND WATER QUALITY	
<i>VIII.a) Will the project violate any water quality standards or waste discharge requirements?</i>	The evaluation of a project’s compliance with water quality standards should consider the project’s potential effect on water bodies on the Section 303(d) list ¹ , as well as the potential for conflict with applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses.
<i>VIII.d) Will the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?</i>	The evaluation of a project’s effect on drainage patterns should refer to the final approved SCVURPPP Hydromodification Management Plan (HMP), where applicable, to assess the significance of altering existing drainage patterns and to develop any mitigation measures. The evaluation of hydromodification effects should also consider any potential for streambed or bank erosion downstream from the project.
<i>VIII.e) Will the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</i>	The evaluation of a project’s potential to create or contribute runoff should consider whether the project meets the NPDES permit’s Group 1 or Group 2 criteria. The response to this question will indicate how Provision C.3 requirements will be met. Applicants must address Provision C.3 requirements in environmental documents for projects that meet Group 1 or Group 2 criteria.
<i>VIII.f) Would the project otherwise substantially degrade water quality?</i>	The evaluation of a project’s potential to degrade water quality should consider whether a project has the potential to result in a significant impact to surface water quality, marine, fresh, or wetland waters, or to groundwater quality. As with every category of environmental impact, effects must be considered both during and after construction. The evaluation of water quality impacts should include a description of how the project will comply with the requirements of SCVURPPP’s NPDES permit and the State’s Construction General Permit. The description should also include a statement that the project should avoid creation of mosquito larval sources that would subsequently require chemical treatment to protect human and animal health.

¹ Available at: <http://www.swrcb.ca.gov/rwqcb2/tmdlmain.htm>

Additional Potential Water Quality Impacts

Additionally, the San Francisco Regional Board staff has expressed the concern that the following potential water quality impacts not be overlooked during CEQA review:

- Seasonal creeks;
- Stream crossing impacts;
- Turbidity limitation for discharged water;
- Whether increased runoff from increasing impervious surface will impact water ecology (along with storm drain capacity and flood control);
- Hydrograph modification;
- Endangered species;
- Off-site impacts to channels; and
- Appropriateness of runoff mitigation.

Additional Resources for the Environmental Review Process

Staff planners, engineers and consultants responsible for environmental reviews may find the following references useful for evaluating water quality impacts.

1. San Francisco Bay Regional Water Quality Control Board, 1995 Basin Plan and Amendments: (<http://www.swrcb.ca.gov/rwqcb2/basinplan.htm>).
2. Bay Area Stormwater Management Agencies Association, Start at the Source, 1999: (<http://www.scvurppp.org>).
3. California BMP Handbooks (New Development and Redevelopment, Construction Maintenance): (<http://www.cabmphandbooks.com/>).
4. Santa Clara Valley Urban Runoff Management Program, NPDES Permit Order No. 01-024 and NPDES Permit Order No. 01-119: (Appendix A and http://www.scvurppp-w2k.com/NPDES_Permit.htm)
5. 303 (d) Impaired Water Body List and TMDLs: (<http://www.swrcb.ca.gov/rwqcb2/tmdlmain.htm>)
6. San Jose Council Policy on Post-Construction Urban Runoff Management: (www.ci.san-jose.ca.us/planning/sjplan/counter/stormwater/pol_stormwater.pdf)
7. Santa Clara Valley Water District, Soils Data Mapping, 2003. (CDs have been provided to Co-permittees).
8. Santa Clara Valley Water District, Results of the Water Resources Collaborative that provides guidance on Water District review of projects near streams (under development): (<http://www.valleywater.org/index.htm>).

**Guidance for Co-permittees' Review/Modification of
CEQA Procedures and Local CEQA Guidance**

CEQA Guidelines Question	Corresponding C.3.m Example Question(s)	Recommended Action
CHECKLIST CHAPTER IV: BIOLOGICAL RESOURCES		
<p>IV.b) Will the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?</p>	<p>x. Will the project impact aquatic, wetland, or riparian habitat?</p>	<p>The evaluation of a project's effect on sensitive natural communities should encompass aquatic and wetland habitats. Co-permittees may revise any local CEQA guidance to identify "aquatic and wetland habitat" as examples of sensitive habitat. It is also recommended that Co-permittees evaluate, as an adverse impact, changes to sensitive habitats that favor the development of mosquitoes and other biting flies that may pose a threat to public health.</p>
CHECKLIST CHAPTER VI: GEOLOGY AND SOILS		
<p>VI.b) Will the project result in <u>substantial</u> soil erosion or the loss of topsoil?</p>	<p>v. Will the proposed project result in <u>increased</u> erosion in its watershed?</p>	<p>No change is recommended in Co-permittees' procedures for responding to Checklist question VI.b. The issue raised by the C.3.m example question is addressed under Checklist question VIII.d.</p>
CHECKLIST CHAPTER VIII: HYDROLOGY AND WATER QUALITY		
<p>VIII.a) Will the project violate any water quality standards or waste discharge requirements?</p>	<p>vi. Is the project tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, will it result in an increase in any pollutant for which the water body is already impaired?</p> <p>ix. Will the proposed project cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?</p>	<p>The evaluation of a project's compliance with water quality standards should consider the project's potential effect on water bodies on the Section 303(d) list, as well as the potential for conflict with applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses. Co-permittees may revise any local CEQA guidance to specify that these water quality standards be considered.</p>
<p>VIII.d) Will the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?</p>	<p>iv. Will the proposed project create a significant adverse environmental impact to drainage patterns due to changes in runoff flow rates or volumes?</p> <p>v. Will the proposed project result in increased erosion in its watershed?</p>	<p>The evaluation of a project's effect on drainage patterns should refer to the final approved SCVURPPP Hydromodification Management Plan (HMP), where applicable, to assess the significance of altering existing drainage patterns and to develop any mitigation measures. The evaluation of hydromodification effects should also consider any potential for streambed or bank erosion downstream from the project. Co-permittees may revise any local CEQA guidance to include these instructions regarding the evaluation of hydromodification effects.</p>

**Guidance for Co-permittees' Review/Modification of
 CEQA Procedures and Local CEQA Guidance**

CEQA Guidelines Question	Corresponding C.3.m Example Question(s)	Recommended Action
<p>VIII.e) Will the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</p>	<p>iii. Will the proposed project result in increased impervious surfaces and associated increased runoff?</p>	<p>The evaluation of a project's potential to create or contribute runoff should consider whether the project meets the NPDES permit's Group 1 or Group 2 criteria. The response to this question will indicate how Provision C.3 requirements will be met. Co-permittees should advise applicants of the need to address Provision C.3 requirements in environmental documents for projects that meet Group 1 or Group 2 criteria.</p>
<p>VIII.f) Would the project otherwise substantially degrade water quality?</p>	<p>i. Would the proposed project result in an increase in pollutant discharges to receiving waters? Consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g., heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash).</p> <p>ii. Would the proposed project result in significant alteration of receiving water quality during or following construction?</p> <p>vii. Would the proposed project have a potentially significant environmental impact on surface water quality, to marine, fresh, or wetland waters?</p> <p>viii. Would the proposed project have a potentially significant adverse impact on ground water quality?</p>	<p>The evaluation of a project's potential to degrade water quality should consider whether a project has the potential to result in a significant impact to surface water quality, marine, fresh, or wetland waters, or to groundwater quality. As with every category of environmental impact, effects must be considered both during and after construction. The evaluation of water quality impacts should include a description of how the project will comply with the requirements of SCVURPPP's NPDES permit and the State's Construction General Permit. The description should also include a statement that the project should avoid creation of mosquito larval sources that would subsequently require chemical treatment to protect human and animal health.</p> <p>Co-permittees may include these instructions in any local CEQA guidance.</p>