

APPENDIX H

Guidance for Preparing/Reviewing CEQA Initial Studies and Environmental Impact Reports

H.1 Guidance for Preparing and Reviewing CEQA Initial StudiesStep 1: Consider the Project Characteristics as Provided by the Project Applicant

Review the project application and draft plan submittals, including location in a given watershed, site acreage, change in percent impervious surface area, and BMPs to be incorporated into the project design (from applicant's preliminary WQMP, if available). Discretionary projects that fall into one of the Significant Redevelopment/New Development categories must incorporate the full range of BMPs into their project designs, due to their potential to contribute pollutants to Urban Runoff. Applications for projects that fall into one of the project categories should be carefully reviewed for potential impacts associated with Urban Runoff.

Step 2: Identify Receiving Waters and their Impairment or Special Status

Review maps to identify all Receiving Waters that may receive Urban Runoff from the proposed project site. This includes canyon drainages, natural open channels, lined drainage channels, storm drains, springs, creeks (ephemeral, perennial, intermittent), rivers, lakes, estuaries, lagoons, bays, surface reservoirs, groundwater basins, and the ocean. Available maps include General Plan (Resources Element), USGS topographic maps, Water Quality Control Plan (Basin Plan), and NPDES flood control and Environmentally Sensitive Area (ESA) maps. Review of aerial photos, if available, is helpful.

Some Receiving Waters in the Santa Ana River Region are regulated by a variety of federal, state and local laws and regulations. The ESA maps identify the location of Areas of Special Biological Significance and 303(d) listed impaired water bodies. Several Receiving Waters are currently or in the process of becoming regulated by a Total Maximum Daily Load (TMDL) as established by the Santa Ana Regional Board (or USEPA Region X). Some Receiving Waters are also being regulated under Santa Ana Regional Board Section 13225 or Section 13267 Directives. The most recent Clean Water Act Section 303(d)¹ list of impaired Receiving Waters and the pollutant or pollutant causing the impairment should be reviewed. The Basin Plan² should also be used to identify Beneficial Uses and Water Quality Objectives of the Regional Waters, and may further identify sensitive water resources.

¹ The 303(d) list can be viewed or downloaded from http://www.swrcb.ca.gov/water_issues/programs/tmdl/303d_lists2006_epa.shtml.

² The Basin Plan for the Santa Ana River Basin, which has beneficial uses for Receiving Waters listed in Chapter 3, can be viewed or downloaded from http://www.waterboards.ca.gov/santaana/water_issues/programs/basin_plan/index.shtml

Step 3: Characterize the Potential Impacts Associated with Urban Runoff Generated by the Proposed Project

New Development and Significant Redevelopment projects can be expected to have pollutants in Urban Runoff generated. Chapter 2 and Appendix B of the WQMP can be used to identify the reasonably anticipated potential sources of runoff pollutants to be generated by a proposed project. The list of potential sources of runoff pollutants anticipated for a proposed project should be compared to the pollutant (or pollutants) for which the Receiving Water(s) are impaired [303(d) listed] and for which a TMDL exists or is proposed. Any other applicable Regional Board Directives for a Receiving Water, as well as specific narrative and numeric Water Quality Objectives for the Receiving Water (outlined in the Basin Plan) should also be considered. Where a proposed project is expected to generate specific pollutants that are regulated by a TMDL, Directive or other water quality objectives, then a potential impact to Receiving Water quality may be expected but may be shown to not to exist after focused analysis during the CEQA process.

Step 4: Identify Hydrologic Conditions of Concern

New Development and Significant Redevelopment has the potential to increase runoff volume and velocity; reduce infiltration, and increase flow, frequency, duration, and peak of storm runoff. These hydrologic changes in a watershed have the potential to increase erosion and sedimentation in downstream channels as well as impact downstream aquatic habitats due changes in resulting water quality (increased dilution effects, increased sedimentation, etc). The extent to which downstream Receiving Waters are natural, partially-improved, or fully-improved channels and drainages should be considered along with the potential for the project to generate significant increases in runoff volume (e.g. major changes in the percent of pervious surface area to be converted to impervious area).

Step 5: Assess Project Impact Significance to Water Quality

Review the list of Urban Runoff water quality considerations provided in the 2010 MS4 Permit in light of the project location, sensitivity of Receiving Waters, project features and proposed BMPs, and the potential for project runoff to impact water quality without additional mitigation measures. In many cases, potential short-term construction impacts and long-term (post-construction) impacts to Receiving Water quality may be considered less than significant with incorporation of BMPs into project plans (e.g. project-specific WQMP).

The review will consider the temporary construction site BMPs and the permanent BMPs specified in the applicant's preliminary WQMP prepared for a project (if applicable). The assessment will be coordinated with staff from the City's Public Works Department and Principal Permittee, as necessary, to determine the probable effectiveness of the construction BMPs and the WQMP in controlling pollutants in stormwater discharges.

Permittee's planning staff should be aware that although temporary construction site BMPs and permanent BMPs specified in project-specific WQMPs may meet the requirements of the 2010 MS4 Permit, they may not, in all circumstances, result in mitigation to a level of insignificance under CEQA and/or may not satisfy other regulatory requirements (e.g., Clean Water Act Section 401 permits, Clean Water Act Section 404 water quality certifications, and California Department of Fish and Game Code 1601/1603 permits). These regulatory requirements may be discussed in the biological resources sections of CEQA

documents, but should also be considered in the Urban Runoff impact analysis. If no additional measures can be identified, the analysis must conclude that the project would be expected to create a significant impact on Receiving Waters.

There may be occasions when a proposed project would potentially create an Urban Runoff impact that cannot be fully mitigated through the use of BMPs specified in a preliminary WQMP, if applicable. Additional mitigation measures and BMPs could be required as part of the CEQA document to reduce potential water quality impacts to less than significant levels or the project may result in significant unmitigatable impacts which could be subject to a statement of overriding considerations under CEQA.

H.2 Guidance for Preparing and Reviewing CEQA Environmental Impact Reports (EIRs)

Thresholds of Significance

A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant. The Santa Ana Regional Board has not identified specific quantitative criteria that can be used to determine the level of significance of Urban Runoff impacts from a project. However, the 2010 MS4 Permit provides qualitative considerations that may be used as thresholds of significance with respect to water quality for assessing Urban Runoff impacts. The Permittees may use the CEQA Initial Study Checklist questions under Hydrology/Water Quality as thresholds of significance.

Quantitative Water Quality Analysis

If a proposed project has the potential to create a major new stormwater discharge³ to a Receiving Water with an established TMDL, the Permittees may require that the EIR include a quantitative analysis of the anticipated pollutant loads in the stormwater discharges to the Receiving Waters. This type of analysis will be prepared by an environmental specialist with experience or training in hydrology, sediment transport and pollutant load calculations. Such an analysis is likely to be provided in conjunction with an applicant's preliminary WQMP (if applicable) prepared for major land development projects. The quantitative analysis will be reviewed by Permittee staff familiar with the NPDES stormwater program and water quality issues within the jurisdiction.

Cumulative Impact Assessment

As required by CEQA, an EIR must include a reasonable analysis of the cumulative impacts of a proposed project together with past, present and reasonably anticipated future projects (related projects) that could produce cumulative impacts with the proposed project. With regard to the cumulative impact assessment for Urban Runoff, the Permittees will consider both land development projects and water resource projects (e.g. reservoir storage project, diversion project, flood control project, detention basin, etc). In lieu of a list of anticipated land development projects, a summary of projections contained in an adopted general plan or other related planning documents may be used. Identification of water resource projects may be coordinated through each Permittee, the Principal Permittee, local water districts, and local districts of the U.S. Army Corps of Engineers and California Department of Fish and Game.

³ Major land development project that has the potential to convert large amounts of pervious land surface to impervious surface area.

The cumulative impact discussion need not provide as much detail as is provided for the proposed project impact analysis, but must be guided by the standards of practicality and reasonableness (CEQA Guidelines Section 15130(b)). The discussion should include a summary of the expected environmental effects to be produced by the proposed project and a reasonable analysis of the cumulative impacts of the proposed projects together with the related projects or plan projection summaries. The cumulative impact assessment for stormwater quality impacts will include among other things, descriptions of new sources of stormwater runoff from new land development projects that would carry pollutants to local Receiving Waters; elimination of a critical riparian or wetland areas that could have an adverse affects on water quality; descriptions of water resource projects that together with the proposed project could cumulatively impact volume of flow in the Receiving Water. The discussion should also contain reasonable options for mitigating or avoiding any significant cumulative effects of the proposed project together with a related project.

Project Features versus Mitigation Measures

Project features that are related to managing Urban Runoff and complying with ordinances and regulatory permits (for example, grading permits, local water quality ordinances, Clean Water Act Section 401 permits, Clean Water Act Section 404 certifications, and California Department of Fish and Game Code 1601/1603 permits, stormwater NPDES permits for construction/industrial activities) should be identified in the project description and regulatory compliance sections of the EIR. Further, such project features should not be identified as mitigation measures. However, if requested by an agency or the public, such project features may be identified as mitigation measures as a means to track and identify a responsible party to ensure that specific project features are completed. It may be determined that the short-term construction BMPs or permanent BMPs included as part of the applicant's preliminary WQMP (if applicable) may not, in all cases, reduce a potential impact to below a level of significance. Additional mitigation measures and BMPs, if available and reasonable, will be identified and incorporated into the CEQA document as mitigation measures to be included in the applicant's final project-specific WQMP.

Mitigation Monitoring and Reporting Plan

Reporting generally consists of a written compliance review that is presented to the decision-making body or authorized staff person. A report may be required at various stages of a project. Reporting is suited to projects that have readily involved regular review under some other law or ordinance (Public Resources Code §15097(c)(1)). Mitigation monitoring is generally an ongoing process of project oversight and is suited to projects with complex mitigation that exceed the expertise of the local agency's expertise, expected to be implemented over a period of time, or require careful implementation to assure compliance (Public Resources Code §15097(c)(2)).

The Mitigation Monitoring and Reporting Program contained in a certified EIR will be reviewed during the plan check process to ensure all mitigation measures are incorporated into final project plans including erosion control plan or stormwater pollution prevention plan for construction phase and WQMP for the post-construction phase. Final Mitigation Monitoring and Reporting Programs will include cross-compliance with building/grading inspections for tracking BMP implementation.