



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item No. 8.1m

Meeting Date: March 3, 2016

Subject: **Approve Resolution No. 2872: Theodore Judah Elementary School
New Classroom Building Mitigated Negative Declaration (MND)**

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: _____)
- Conference/Action
- Action
- Public Hearing

Division: Facilities Support Services

Recommendation: Receive for review the Mitigated Negative Declaration (MND), including the public comments received, and the Mitigation Monitoring Plan (MMP) for the Theodore Judah classroom project. The California Environmental Quality Act (CEQA) requires the adoption of such a resolution for the planning and construction of the Theodore Judah classroom project. Resolution No.: 2872 is attached.

Background/Rationale: The District is preparing construction documents for the Theodore Judah classroom project. The Project consists of the removal of an older outdated portable building and construction of a new classroom building with restrooms and updated landscaping and play equipment at the school.

The proposed project is subject to review under CEQA. For every non-exempt public project, CEQA generally requires the Lead agency to prepare an initial study in order to determine the level of environmental review required for CEQA compliance. If the initial study indicates that the project will not result in significant environmental impacts, the lead agency may adopt a “negative declaration” rather than preparing a full environmental report. (Pub Res.Code §21080 (c).)

If the initial study reveals substantial evidence that significant environmental impacts might occur, but also identifies mitigation measures that reduce those impacts to a level of less than significant, the lead agency may satisfy CEQA obligations with a “Mitigated Negative Declaration.” (Pub. Res. Code §21064.5 & §21080 (d).)

Consistent with this process, an Initial Study was prepared which determined that the proposed project may result in significant environmental impacts, but that the mitigation measures would reduce those impacts to a level of less than significant. Therefore, a Mitigated Negative Declaration (MND) was prepared. In compliance with CEQA Guidelines 15072 & 15073, the District provided notice of and circulated the (MND) for public review. Notice was published in the Sacramento Bee and on the District's website.

The District received two (2) comments from members of the public which are included in the Summary of Comments for the Board's review. None of the Comments affect the adequacy of the (MND) for the purposes of CEQA compliance. The (MND) including the Appendices and Mitigation Monitoring Plan (MMP), represents the proposed final environmental document for the Project. Approval for the (MND), along with the (MMP), will satisfy the District's obligations under CEQA and is a prerequisite to final District approval of the Project.

Financial Considerations: None

LCAP GOAL (s): Safe, Clean and Healthy Schools

Documents Attached:

1. Resolution No. 2872
2. Mitigated Negative Declaration for the Theodore Judah Classroom Project Link: http://www.scusd.edu/sites/main/files/file-attachments/public_draft_mnd_for_print_0.pdf
3. Mitigation Monitoring Plan
4. Responses to Comments
5. Appendices Link: http://www.scusd.edu/sites/main/files/file-attachments/appendices_for_print_0.pdf

<p>Estimated Time of Presentation: N/A</p> <p>Submitted by: James C. Dobson, Director</p> <p>Approved by: José L. Banda</p>
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**SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
RESOLUTION NO. 2872**

**RESOLUTION ADOPTING THE MITIGATED NEGATIVE DECLARATION
APPROVING THE MITIGATION MONITORING PLAN FOR THE THEODORE
JUDAH ELEMENTARY NEW CLASSROOM BUILDING**

WHEREAS, the Board of Education (“Board”) of the Sacramento City Unified School District (the "District") has received a Mitigated Negative Declaration/Initial Study (“MND”) dated December 19, 2015, prepared for the Theodore Judah Elementary School New Classroom Building (“Project”); and

WHEREAS, the Project consists of the removal of an older outdated portable building and construction of a new classroom building with restrooms and updated landscaping and play equipment at the school, and

WHEREAS, on January 7, 2016, the District published the Notice of Availability and Intent to Adopt the MND in the Sacramento Bee; and

WHEREAS, on January 7, 2016, the District posted the Notice of Availability and Intent to Adopt the MND and the MND in its entirety on the District’s website; and

WHEREAS, on January 7, 2016, the District also filed a Notice of Completion with the State Clearinghouse allowing the State to circulate copies of the MND to any affected State agencies for comment; and

WHEREAS, the public comment period on the MND commenced on January 7, 2016, and ended on February 5, 2016, following said notice to the public and all public agencies; and

WHEREAS, the District received three (3) written comments on the MND from the public and reviewing public agencies during the public review period; and

WHEREAS, such comments and responses thereto have been incorporated into the MND through a Summary of Comments; and

WHEREAS, all actions required to be taken by applicable law relating to the preparation, circulation, and review of the MND have been taken; and

WHEREAS, the Board has independently reviewed and considered the MND (including the Appendices, the Summary of Comments and Responses) and has evaluated and considered the comments received from persons who have reviewed the MND and any written responses thereto; and

WHEREAS, the Board has independently reviewed and considered the mitigation measures identified in the MND and listed in the Mitigation Monitoring Plan (“MMP”) set forth in Exhibit B; and

WHEREAS, the facts and findings regarding the Project set forth in this Resolution are supported by substantial evidence in the administrative record and by the MND; and

WHEREAS, the MND has identified all significant environmental effects of the Project and all significant and known potentially significant impacts; and

WHEREAS, the MND has described reasonable mitigation measures that will reduce potentially significant impacts to less than significant; and

WHEREAS, the MND reflects the Board’s independent judgment and analysis on the potential for environmental impacts from the Project.

NOW, THEREFORE, BE IT RESOLVED by the Sacramento City Unified School District Board of Education as follows:

1. The foregoing recitals are true and correct and made part of this Resolution.
2. For every non-exempt public project, the California Environmental Quality Act (“CEQA”) generally requires the lead agency to prepare an initial study in order to determine the level of environmental review required for CEQA compliance. If the initial study indicates that the project will not result in significant adverse environmental impacts, the lead agency may adopt a “negative declaration.” (Pub. Res. Code § 21080(c).) If the initial study reveals substantial evidence that significant environmental impacts might occur, but also identifies mitigation measures that reduce those impacts to a level of less than significant, the lead agency may satisfy CEQA obligations with a “Mitigated Negative Declaration.” (Pub. Res. Code §§ 21064.5 & 21080(d).)
3. As set forth in the Recitals, in compliance with CEQA, the District prepared the MND and circulated it for public review.
4. The Board hereby certifies that all comments received in response to the MND and responses thereto have been considered by the Board, which comments and responses are included in the Summary of Public Comment. Further, for the purposes of CEQA and the findings set forth herein, the record of proceedings for the District decision on the Project includes, but is not limited to all information in the administrative record including but not limited to the MND, all public notices related to the Project; all comments submitted by any agencies and members of the public; all reports, studies memoranda (excluding confidential memoranda) and other documents relevant to the Project prepared by the District; the District’s consultants, or responsible or trustee agencies with respect to the District compliance with the requirements of CEQA and with

respect to the District's action on the Project; any documentary or other evidence submitted to the District at public meetings or hearings related to the Project; and matters of common knowledge to the District. The materials in the record are located at and available upon request at the District office.

5. The MND for the Project has been completed and is in compliance with the provisions of CEQA, with State and local Guidelines implementing CEQA, and all other applicable laws and regulations.

6. In accordance with CEQA, the Board determines that the findings made in the MND with respect to the potential environmental impacts of the Project and the proposed mitigation measures are complete and accurate and hereby incorporates such findings of the MND by reference.

7. The Board finds and declares that the MND for the Project was presented to the Board and the Board independently reviewed and considered the information contained in the MND prior to approving the Project, as the Project is defined in the MND.

8. Based on its review of the MND, the Board finds that the MND for the Project is an adequate assessment of the potentially significant environmental impacts of the Project, as described in the MND.

9. The Board has reviewed the findings of the Project, comments regarding the Project, and other relevant Project records. Based on the evidence contained therein, the Board finds and determines that, following implementation of the mitigation measures set forth in the MND, there is no substantial evidence of a significant, unmitigated environmental impact caused by the Project.

10. The Board hereby adopts the Mitigated Negative Declaration as complete and adequate under CEQA, and certifies that the MND represents the independent judgment of the Board.

11. The MMP has been prepared to meet the requirements of Public Resources Code Section 21081.6. This program is designed to ensure compliance with Project changes and mitigation measures imposed to avoid or substantially lessen the significant effects identified in the MND. The Board hereby adopts the Mitigation Monitoring Plan.

12. The MND and the MMP are on file and available at the administrative office of the Sacramento City Unified School District.

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PASSED AND ADOPTED by the Sacramento City Unified School District Board of Education on this 3rd day of March, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Christina Pritchett
President of the Board of Education

ATTESTED TO:

José L. Banda
Secretary of the Board of Education

Sacramento City Unified School District Theodore Judah Elementary School New Classroom Building

Mitigation Reporting Program

In January 1989, Assembly Bill 3180 went into effect requiring the lead agency to monitor all mitigation measures applicable to this project and included in the Mitigated Negative Declaration (MND). The Sacramento City Unified School District (District) is the lead agency for the CEQA review of the proposed Theodore Judah Elementary School Classroom Building project. The District prepared a CEQA Initial Study for the project and determined that the proposed project could result in impacts, but these impacts would be reduced to a less-than-significant level with incorporation of the following mitigation measures.

Adopted Mitigation Measures

MITIGATION MEASURE AIR 1: Reduce construction period dust during construction period by the following procedures to be adhered to by the construction contractor(s) in accordance with Air District Rule 403:

- a. Water all exposed surfaces two times daily. Exposed surfaces include, but are not limited to soil piles, graded areas, unpaved parking areas, staging areas, and access roads.
- b. Cover or maintain at least two feet of free board space on haul trucks transporting soil, sand, or other loose material on the site. Any haul trucks that would be traveling along freeways or major roadways should be covered.
- c. Use wet power vacuum street sweepers to remove any visible track out of mud or dirt onto adjacent public roads at least once a day. Use of dry power sweeping is prohibited.
- d. Limit vehicle speeds on unpaved roads to 15 miles per hour (mph).
- e. All roadways, driveways, sidewalks, parking lots to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- f. Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes [required by California Code of Regulations, Title 13, sections 2449(d)(3) and 2485]. Provide clear signage that posts this requirement for workers at the entrances to the site.

The District shall ensure these measures are included in the construction specifications

Responsible Party: District Facilities Support Services

Timing: Prior to start of construction the mitigation shall be included in construction documents and during construction the District shall monitor the contractor for compliance.

Date(s) of Phases of Compliance: _____

Comments:

MITIGATION MEASURE BIOLOGY 1: Prior to approval of final construction plans, the District and project architect shall consult with the City of Sacramento Department of Utilities (Urban Forest) and request a review of trees to be removed or trimmed on the project site. Based on consultation with the City’s Urban Forest Division, the District shall apply for any necessary Tree Removal permits and shall include any tree protection requirements to protect trees to be preserved from construction activities. Any trimming required to make access for construction of trees to be preserved to shall be performed by a certified arborist.

Responsible Party: District Facilities Support Services

Timing: Prior to approval of final construction plans. Any recommended tree protection requirements shall be included by the District in the construction specifications.

Date(s) of Phases of Compliance: _____

Comments:

MITIGATION MEASURE BIOLOGY 2: The removal of trees or trimming of trees necessary for the project construction will be conducted to avoid the migratory bird nesting season (February 15–September 1) to the extent possible. If construction occurs during the nest season, a qualified biologist will conduct preconstruction tree surveys of the trees to be removed. If any occupied nests are detected the tree will be flagged and that area will be avoided until the qualified biologist has determined the nest is no longer occupied/active. Once the biologist has determined that young have fledged and the nest is no longer active, the flagged tree can be removed.

Responsible Party: District Facilities Support Services

Timing: Prior to start of construction or prior to any tree trimming and/or tree removal required for construction the District shall ensure that none of the affected trees have any active nests occupied by migratory birds. In the event active nests are found the tree will be flagged and that area will be avoided until the qualified biologist has determined the nest is no longer occupied/active. Once the biologist has determined that young have fledged and the nest is no longer active, the flagged tree can be removed.

Date(s) of Phases of Compliance: _____

Comments:

MITIGATION MEASURE CULTURAL 1: If buried cultural or paleontological resources, such as chipped or ground stone, historic debris, building foundations or fossils, are discovered during ground disturbing activities, work shall stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the District. If human burials are encountered, all work in the area shall stop immediately and the Sacramento County Coroner's office shall be notified immediately. If the remains are determined to be Native American in origin, both the Native American Heritage Commission and any identified descendants will be notified and recommendations for treatment solicited (14 CCR 15064.5; California Health and Safety Code 7050.5; PRC 5097.94 and 5097.98).

Responsible Party: District Facilities Support Services

Timing: At the Pre-Construction Conference, the Contractor and any contractor involved in grading or excavation shall be informed of this requirement and if necessary the requirement shall be included in the construction specifications.

Date(s) of Phases of Compliance: _____

Comments: _____

MITIGATION MEASURE NOISE 1: The District shall ensure implementation of the following measures.

- a. The Improvement Plans and Specifications shall include the following language:
“Construction noise emanating from any construction activities for which a Grading or Building Permit shall occur in compliance with the City of Sacramento’s Noise Ordinance which restricts the hours when construction generated noise activities may take place.
- b. All project construction equipment with internal combustion engines shall be fitted with manufacturer’s mufflers or the equivalent and be maintained in good working order.
- c. Construction staging areas shall be located as far as practical from the nearest residences and classrooms.

Responsible Party: District Facilities Support Services

Timing: This requirement shall be incorporated into the Plans and Specifications for the Project. In addition, at the Pre-Construction Conference, the Contractor and sub-contractor(s) shall be informed of this requirement. District staff or their representative shall be responsible for periodic inspections to ensure compliance with these measures.

Date(s) of Phases of Compliance: _____

Comments: _____

SUMMARY OF WRITTEN COMMENTS

MITIGATED NEGATIVE DECLARATION (MND) FOR THE THEODORE JUDAH ELEMENTARY SCHOOL CLASSROOM EXPANSION PROJECT (SCH#2016012013)

On January 7, 2016, a Notice of Availability (NOA) for the Mitigated Negative Declaration (MND) for the Theodore Judah Elementary School Classroom Expansion Project was published by the Sacramento City Unified School District (SCUSD). The School District is the lead agency for this project and published the NOA in the Sacramento Bee, a newspaper of general circulation serving the Sacramento area in which the project is located. A full copy of the MND and Appendices was available for public review at the District's website at <http://www.scusd.edu/ceqa>. The MND and the NOA were also submitted to the State Clearinghouse for review in accordance with Section 15073 of the California Environmental Quality Act Guidelines. The 30 day public review period began January 7, 2016 and closed February 5, 2016. Three letters were received by the District.

1. Letter from the State Clearinghouse confirming receipt of the MND and circulation of the MND to affected State agencies for a 30 day period. This is a standard informational letter which does not require a response.
2. Letter from Stephanie Tadlock, Environmental Scientist, Central Valley Regional Water Quality Control Board (CVRWQCB), dated January 27, 2016.
3. Letter from Ammon Rice, Environmental Specialist, Sacramento Municipal Utility District (SMUD), dated February 5, 2016

A summary of responses to letters with comments follows:

Comment Letter 1 CVRWQCB: This letter summarizes the regulations which the CVRWQCB is responsible for implementing or enforcing. The letter requests that the MND evaluate potential impacts to both surface and groundwater quality. The MND includes information on surface and groundwater resources in the project vicinity on pages 48 and 49. Groundwater and surface water impacts are discussed on pages 50 and 51. The MND determined that there would be no direct or indirect significant impact on surface or groundwater resources as a result of implementation of the project. The project will be served by the City of Sacramento municipal water system and the structure and landscaping will include up to date water conservation measures.

The CVRWQCB also outlines permit requirements to protect water quality. The proposed project is less than one acre in size and does not require a Construction Storm Water General Permit but will require compliance with the City of Sacramento's Stormwater Quality Improvement Program which implements the requirements of the National Pollution Discharge Elimination System (NPDES) permit. Compliance with the City of Sacramento's Stormwater and NPDES Quality Improvement Program requirements are discussed on Page 50 and 51 of the MND.

The letter also advises that some projects may be subject to Section 404 of the Clean Water Act if a project would affect navigable waters, wetlands or other jurisdictional waters of the United States. Page 30 of the MND discusses jurisdictional waters and wetlands and concludes that the project will not have a significant direct or indirect on such waters or wetlands.

Comment Letter 2 SMUD: The SMUD letter requests that the MND identify any impacts to overhead or underground transmission or distribution lines or routes and that the project include energy efficiency. Based on the architectural design for the site, the proposed project will not interfere or require re-routing of any underground or overhead lines. Existing electrical services on the school site will be extended to the new classroom building. The new classroom building will

meet or exceed Title 24 energy efficiency building code requirements and will replace an older portable classroom building with less efficient energy systems.

In accordance with Section 15074 of the California Environmental Quality Act Guidelines, the District has reviewed and considered these comments and determined that the above comments provide supplemental information, but do not change the conclusions of the Mitigated Negative Declaration regarding impacts or the significance of impacts or the effectiveness of the mitigation measures.



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

February 8, 2016

Jim Dobson
Sacramento City Unified School District
5735 47th Avenue
Sacramento, CA 95819

Subject: Theodore Judah Elementary School New Classroom Building
SCH#: 2016012013

Dear Jim Dobson:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on February 5, 2016, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2016012013
Project Title Theodore Judah Elementary School New Classroom Building
Lead Agency Sacramento City Unified School District

Type MND Mitigated Negative Declaration
Description Replacement of 3 older portable classrooms with a 2 story stick built building with 9 classrooms and modern restrooms.

Lead Agency Contact

Name Jim Dobson
Agency Sacramento City Unified School District
Phone 916-643-9233 **Fax**
email
Address 5735 47th Avenue
City Sacramento **State** CA **Zip** 95819

Project Location

County Sacramento
City Sacramento
Region
Lat / Long
Cross Streets 3919 McKinley Blvd.
Parcel No.
Township

Range **Section** **Base**

Proximity to:

Highways Business 80
Airports
Railways UPRR
Waterways American River
Schools
Land Use Current use is a developed elementary school. Designated "Public/Quasi Public" on General Plan. Zoning is "R-1"

Project Issues Coastal Zone; Archaeologic-Historic; Noise

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 2; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 3 S; Air Resources Board; Regional Water Quality Control Bd., Region 5 (Sacramento); Native American Heritage Commission; Public Utilities Commission

Date Received 01/07/2016 **Start of Review** 01/07/2016 **End of Review** 02/05/2016



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

Governor's Office of Planning & Research

27 January 2016

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STATE CLEARINGHOUSE

Jim Dobson
Sacramento City Unified School District
5735 47th Avenue
Sacramento, CA 95824

CERTIFIED MAIL
91 7199 9991 7035 8364 3168

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATE NEGATIVE DECLARATION, THEODORE JUDAH ELEMENTARY SCHOOL NEW CLASSROOM BUILDING PROJECT, SCH# 2016012013, SACRAMENTO COUNTY

Pursuant to the State Clearinghouse's 7 January 2016 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Theodore Judah Elementary School New Classroom Building Project, located in Sacramento County.

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

I. Regulatory Setting

Basin Plan

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

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

the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/.

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:
http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf

In part it states:

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

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

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

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan

(SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

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

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

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

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

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

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water

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

drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

Waste Discharge Requirements – Discharges to Waters of the State

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml; or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

27 January 2016

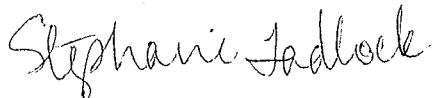
For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

If you have questions regarding these comments, please contact me at (916) 464-4644 or Stephanie.Tadlock@waterboards.ca.gov.



Stephanie Tadlock
Environmental Scientist

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



February 5, 2016

Jim Dobson
Sacramento City Unified School District
5735 47th Avenue
Sacramento, CA 95819

Subject: Mitigated Negative Declaration (MND), Theodore Judah Elementary School New Classroom Building

Dear Mr. Dobson,

The Sacramento Municipal Utility District (SMUD) appreciates the opportunity to provide comments on the MND, Theodore Judah Elementary School New Classroom Building project. SMUD is the primary energy provider for Sacramento County and the proposed project area. SMUD's vision is to empower our customers with solutions and options that increase energy efficiency, protect the environment, reduce global warming, and lower the cost to serve our region. As a Responsible Agency, SMUD aims to ensure that the proposed project limits the potential for significant environmental effects on SMUD facilities, employees, and customers.

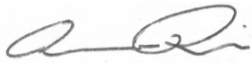
It is our desire that the MND, Theodore Judah Elementary School New Classroom Building project will acknowledge any project impacts related to the following:

- Overhead and or underground transmission and distribution line easements. Please view the following links on smud.org for more information regarding transmission encroachment:
- <https://www.smud.org/en/business/customer-service/support-and-services/design-construction-services.htm>
- <https://www.smud.org/en/do-business-with-smud/real-estate-services/transmission-right-of-way.htm>
- Utility line routing
- Electrical load needs/requirements
- Energy Efficiency

SMUD would like to be involved with discussing the above areas of interest as well as discussing any other potential issues. We aim to be partners in the efficient and sustainable delivery of the proposed project. Please ensure that the information included in this response is conveyed to the project planners and the appropriate project proponents.

Environmental leadership is a core value of SMUD and we look forward to collaborating with you on this project. Again, we appreciate the opportunity to provide input on this MND. If you have any questions regarding this letter, please contact Jose Bodipo-Memba, SMUD Environmental Specialist at (916) 732-6493.

Sincerely,



Ammon Rice
Environmental Specialist
Environmental Management
Workforce and Enterprise Services
Sacramento Municipal Utility District

Cc: Jose Bodipo-Memba
Pat Durham
Joseph Schofield