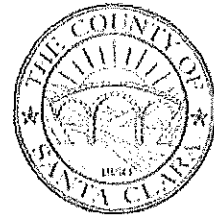


County of Santa Clara

Department of Environmental Health

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NOTICE OF PREPARATION OF A PROGRAM ENVIRONMENTAL IMPACT REPORT FOR SANTA CLARA COUNTY ONSITE WASTEWATER ORDINANCE

Project Applicant: Santa Clara County Department of Environmental Health

As the Lead Agency, the County of Santa Clara (County) will prepare a Program Environmental Impact Report (PEIR) for a new County Onsite Wastewater Ordinance. The project addressed in this Notice of Preparation consists of major revisions and updates to the ordinance and regulations for the permitting, construction and operation of individual onsite wastewater treatment and disposal systems for unincorporated portions of Santa Clara County, California, as well as for incorporated areas where County requirements for regulation of onsite wastewater systems are adopted by the applicable municipality. The new ordinance would replace the County's existing ordinance that governs the installation and management of onsite wastewater systems in the County.

A Program EIR will be prepared because the County does not know exactly where or what types of new onsite wastewater treatment systems will be proposed on developed or currently undeveloped parcels in the future. Therefore, the PEIR will examine the predicted range and scope of impacts that could be expected from the installation and operation of new onsite wastewater treatment systems under the provisions of the new ordinance.

The County would like your views regarding the scope and content of the environmental information to be included in the PEIR. Attached are a brief project description and a summary of the potential environmental effects.

A Public Scoping Session to solicit comments for the Notice of Preparation will be held in the City of San Jose on **Thursday November 17, 2011 at 6:30 pm**, at the Berger Auditorium, 1555 Berger Drive, Building 2, San Jose, CA 95112. In accordance with the California Environmental Quality Act (CEQA), comments on the Notice of Preparation are due within 30 days of receipt of this notice. However, an earlier response, if possible, would be appreciated. Please address your comments to:

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Prepared by:
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10/26/11

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10/27/11

Board of Supervisors: Mike Wasserman, George Shirakawa, Dave Cortese, Ken Yeager, Liz Kniss
County Executive: Jeffrey V. Smith

INTRODUCTION

The purpose of a Program Environmental Impact Report (PEIR) is to inform decision-makers and the general public of the environmental effects of a proposed project that an agency may implement or approve. The EIR process is intended to provide information sufficient to: (a) evaluate a proposed project and its potential for significant impacts on the environment; (b) to examine methods of reducing adverse impacts; and (c) to consider alternatives to the project.

The PEIR for the County's proposed Onsite Wastewater Ordinance will be prepared and processed in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended. In accordance with CEQA, the PEIR will include the following:

- A summary of the project;
- A project description;
- A description of the existing environmental setting, potential environmental impacts, and mitigation measures;
- Growth-inducing impacts;
- Cumulative impacts;
- Alternatives to the proposed project; and
- CEQA required environmental consequences, including: (a) any significant environmental effects which cannot be avoided if the project is implemented; (b) any significant irreversible and irretrievable commitments of resources; (c) the growth inducing impacts of the proposed project; and (d) effects found not to be significant.

PROJECT LOCATION

The Ordinance would regulate all onsite wastewater systems in the unincorporated portion of Santa Clara County. Additionally, requirements contained in the Ordinance may also be applied within those cities where the city defers to the County for regulation of onsite wastewater systems.

PROJECT DESCRIPTION

The County proposes to adopt a new ordinance that would update and replace existing County regulations governing individual onsite wastewater treatment and dispersal systems (Onsite Systems or OWTS). Onsite system regulations the County are currently codified in Division B11 of the Santa Clara County Code ("Ordinance"), most recently revised April 15, 2003. The regulations are administered by the Department of Environmental Health (DEH). The DEH has developed a supplemental document, Bulletin A, which is a compendium of Ordinance provisions and various implementing policies intended to explain the requirements and to provide technical guidance to homeowners, designers and installers of onsite systems. Along with revisions to the existing Ordinance, the County proposes to replace Bulletin A with a more comprehensive document (referred to as the "Onsite Systems Manual" or "Manual") that includes relevant technical and procedural requirements for various aspects of OWTS permitting, design, construction and operation. For purposes of the PEIR, the proposed project includes both the Ordinance and Manual.

In replacing these existing regulations, the new Ordinance and Manual will:

- provide a broader range of treatment and dispersal designs (referred to as “Alternative Systems”) and associated requirements to overcome limiting soil and groundwater conditions;
- incorporate new requirements pertaining to the vertical separation between the bottom of dispersal systems and groundwater or restrictive soil layers, related to the type of OWTS design;
- incorporate changes to ground slope requirements for OWTS to provide greater technical and procedural consistency throughout the County;
- incorporate changes in dispersal system design requirements to be more consistent with published technical literature, resulting generally in reduced dispersal field lengths and land area requirements;
- eliminate the current requirement that mandates an entirely separate OWTS for ancillary buildings, such as detached living units;
- delete the sections of the code that currently specify different OWTS requirements for Lexington Basin area, including the elimination of minimum lot size requirements particular only to this area of the County;
- institute a program requiring basic inspection and reporting of septic system conditions at the time any existing septic tank is serviced (i.e., pumped);
- institute an operating permit program to assure ongoing inspection, monitoring and maintenance of certain types of systems, in particular Alternative Systems;
- establish a new local (County) procedure for considering appeals of DEH decisions under the Ordinance;
- provide a comprehensive Onsite Systems Manual containing procedural and technical details for implementation of the Ordinance, covering administrative, design, materials, construction, operation, maintenance and monitoring matters;
- include an expanded list of definitions covering key terms used in the Ordinance and Manual.

Adoption of the Ordinance will be accompanied by corresponding modifications to the County General Plan and Zoning Ordinance that reference onsite systems.

The proposed project is anticipated to remove some existing constraints to the development of existing parcels that depend on the use of OWTS for sewage disposal mainly through: (a) reduction in leachfield land area requirements; (b) the ability to utilize more advanced technologies (as compared with conventional septic systems) to overcome certain types of site constraints; and (c) the removal of minimum lot size limitations for use of OWTS in the Lexington Basin. The improved ability of property owners to develop and gain approval for an acceptable OWTS does not guarantee that

any particular parcel can be developed, since many other planning and building requirements must also be satisfied. However, the proposed changes to Ordinance will increase the potential for development to take place in some areas where soil and other site conditions pose limiting constraints under the current Ordinance.

Using published soil and geologic information, GIS data, and information from the County Department of Environmental Health, an analysis has been made to identify the geographical areas of the County where development opportunities are likely to improve as a result of the proposed Ordinance changes, and to develop best estimates of the magnitude of the increased development potential in terms of number of lots. Briefly, for the entire unincorporated area of the County, preliminary analysis indicates that up to about 1,300 lots could have increased development potential resulting from the proposed Ordinance changes.

It is anticipated that the increases in development potential would occur in almost all geographical regions of the County, with the greatest concentration of affected lots being in the Lexington Basin and the Gilroy-San Martin-Morgan Hill area.

POTENTIAL ENVIRONMENTAL EFFECTS OF THE PROJECT

The PEIR will identify the significant environmental effects anticipated to result from implementation of the proposed project. Impacts of installing and operating new OWTS will be examined at a program level since at this time it is not known where or what type of OWTS would be proposed on any particular property. Specific environmental topics addressed will include:

A. Aesthetic Resources

The physical improvements that are part of new OWTS are generally not large or intrusive. The PEIR will describe the range of improvements and how they may affect views from sensitive off-site vantage points.

B. Agriculture and Forestry Resources

The PEIR will discuss the effects of constructing new OWTS on lands classified for agricultural or forestry use. It is not expected that the impacts of the OWTS themselves would be significant since the main impacts on these resources would be from the new residential or commercial use of the property, and not the ancillary OWTS. However, the PEIR will review the potential impacts to determine the accuracy of this assumption.

C. Air Quality

The construction of OWTS will result in emissions of dust and other criteria pollutants. The PEIR will describe whether emissions from construction of individual OWTS would exceed BAAQMD significance thresholds for construction-generated emissions. The PEIR will also evaluate any potential air quality impacts associated with traffic that could result from increased development under the Ordinance changes.

D. Biological Resources

Based on existing reports and maps, the PEIR will present a summary of the special status species and sensitive plant communities and habitats occurring in the areas within the County where the new Ordinance would apply. The PEIR will describe the potential impacts of OWTS installation on these sensitive resources. The PEIR will discuss potential impacts on water quality from inadequately maintained or damaged OWTS and

the effects of untreated or partially treated wastewater on fish and aquatic species. If warranted, program-level mitigations would be recommended to avoid or minimize effects on biological resources.

E. Cultural Resources

The PEIR will evaluate the potential for impacts to cultural resources at future OWTS sites. Program-level mitigation measures will be identified to avoid or minimize impacts to these resources.

F. Geology & Soils

Soil, seismic, and slope constraints on a site can affect the success of the installation and operation of OWTS. Program-level mitigations may be identified to ensure that adequate geologic-related guidelines for the installation of OWTS are included in the Ordinance. Installation of OWTS could cause soil erosion. Program-level mitigations may be identified to address erosion-related impacts.

G. Greenhouse Gas Emissions

Installation of new OWTS will result in short-term emissions of greenhouse gas (GHG). New OWTS that rely on pumping will also indirectly result in emission of GHG (emissions from electrical generating facilities). The PEIR will also evaluate the potential for new greenhouse gas emissions associated with increased development that could occur under the Ordinance changes.

H. Hazards and Hazardous Materials

Improperly sited or installed OWTS can result in partially treated wastewater escaping to the environment with potential adverse effects on human health and the environment. OWTS that are damaged by seismic activity, landslides, flooding, or other actions can also emit partially treated wastewater to the environment. The PEIR will assess these potential effects and identify program-level mitigation measures as warranted. In this section, the PEIR will also address the escape of hazardous material during OWTS installation.

I. Hydrology, Drainage & Water Quality

As mentioned in the previous subsection, improperly installed and/or damaged OWTS can release partially treated wastewater to streams thereby adversely affecting water quality. Improperly designed and installed OWTS can also adversely affect groundwater resources. The water quality analysis will evaluate the typical wastewater constituents of concern, the beneficial uses of water potentially at risk, and how each type of treatment and dispersal system addresses these risks. The primary wastewater constituents of concern include pathogens, ammonia-nitrogen, nitrate-nitrogen, phosphorous, minerals, heavy metals, trace organics, pharmaceuticals, biochemical oxygen demand and suspended solids. As warranted, program-level mitigation measures may be identified to address water quality impacts. The PEIR will include a review of the design measures and practices proposed by the Ordinance to reduce erosion and other impacts to water quality. The PEIR will discuss how the proposed Ordinance would bring the County into compliance with RWQCB discharge requirements.

J. Land Use and Planning

The PEIR will discuss whether the proposed Ordinance is consistent with pertinent policies of the County's General Plan.

K. Noise

Installation of new OWTS will have short-term noise impacts. The range of expected impacts will be identified in the PEIR along with mitigation measures to control such noise, if warranted. Operation of some OWTS requires motors and pumps, and the effects of such noise will be discussed and mitigations identified, as warranted.

L. Transportation and Traffic

Installation of OWTS will result in construction-generated trips. The PEIR will discuss these short-term impacts. A traffic analysis will be done to evaluate potential impacts from new development that could occur under the new Ordinance.

M. Other Factors

Installation and operation of future OWTS would not be expected to have significant impacts on mineral resources, population and housing, public services, or utilities and service systems. However, the PEIR will address the potential impact of the project on all these resources to confirm whether this assumption is correct.

N. Growth Inducing Impacts

The PEIR will discuss methods by which the proposed project will directly or indirectly induce economic, population, or housing growth. Because the Ordinance will allow types of OWTS that are not currently allowed under the existing Ordinance, some undeveloped properties that have soil or other constraints that would prohibit a standard OWTS may be able to be developed with alternative systems allowed under the proposed Ordinance.

The PEIR will assess the long-term impacts from this potentially induced growth. The analysis will discuss the range of geologic, hydrologic, biological, traffic, public service, and other impacts this additional development could have.

O. Cumulative Impacts

The EIR will include a Cumulative Impacts section, which will address the potential significant or irreversible cumulative impacts of the Ordinance changes when considered with past, present, and probable future projects producing related or cumulative impacts, or projections contained in applicable land use documents of regional or area-wide conditions contributing to the cumulative impact.

P. Alternatives

The PEIR will describe a range of reasonable alternatives to the proposed project, including a No Project Alternative and a Mitigated Alternative that limits the use of alternative OWTS in certain regions of the County.