

DEPARTMENT OF WATER RESOURCES

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11/18/2024

Mr. Michael Martin
Senior Water Resources Specialist
Santa Clara Valley Water District
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PWTPcomments@valleywater.org

SCH# 2024091149 Penitencia Water Treatment Plant (PWTP) Residuals Management
Project Mitigated Negative Declaration (MND)

Dear Mr. Martin:

The California Department of Water Resources, Division of Operations and Maintenance Right of Way Management Section (DWR) has conducted a preliminary review of the PWTP Residuals Management project Mitigated Negative Declaration and has the following comments.

Project Description

The proposed PWTP Residuals Management Project (project) would improve the washwater handling and treatment, sludge handling and dewatering, and sedimentation basin sludge withdrawal component of the PWPT Residual Management System (RMS). The project is located within the PWTP 21.58 acres site and includes demolition of existing facilities and improvements within a 3-acre portion of the PWTP site and a construction staging area in a separate 0.52-acre site within the PWTP site. An additional 0.33-acre staging area will be located along the upper portion of Whitman Way on a parcel that Santa Clara Valley Water District owns.

General Comment

DWR holds an easement within the Penitencia Water Treatment Plant facility property that was granted to DWR by Santa Clara County Flood Control and Santa Clara County Water District. It appears the project encroaches on DWR easement which could result in a direct impact on or conflict with DWR's facilities operated and maintained within DWR's easement area.

Specific Comments

Scope of Work Figure

The Scope of Work section's Figure 2.3-1 shows the location of the plant and the current condition of existing facilities.

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The figure does not include the easement granted to DWR by Santa Clara County Flood Control and Santa Clara County Water District within the Penitencia Water Treatment Plant facility property. DWR requests that the easement area and DWR facilities located within the project area, including the 72" diameter pipe, 60" diameter pipe, 66" diameter pipe, the Terminal Reservoir (160' dia.x20' high), and a 42" diameter overflow line be added to Figure 2.3-1. Attached is DWR's Spec. No. 64-24 as-builts for the facilities.

Project Location

DWR's Division of Operations and Maintenance Right of Way Management Section has identified the following project components that may result in a direct impact on or conflict with these facilities operated and maintained within DWR's easement. The following is a list of DWR concerns and suggested modifications to the project to address the concerns.

- Figure 2.3-1: The temporary staging area on the north end is close to DWR's 72-inch pipeline. The staging area near the south end of Washwater Ponds is near DWR's 42-inch overflow line. The staging area at the southwest corner of Vista Del Mar and Whitman Way is over DWR's 42-inch overflow line and should be moved away from the pipeline and outside DWR's easement. All staging areas need to be kept outside of DWR's easement and at a safe distance from the pipeline.
- Figure 2: The proposed impact area boundary encompasses DWR's 72-inch pipeline on the north side of Sludge Holding Ponds. It is not clear what project activities would be undertaken in the easement area where the 72-inch pipeline is located. Please clarify what activities will take place in this area and indicate whether project construction activities will take place directly over the pipeline.
- Section 2.4.9: Explains "[t]he project construction is proposed to begin between 2025 to 2030 and would be completed in approximately 5 years with the first 6 to 9 months consisting of mobilization and staging. The first 3 to 4 years would involve near-continuous construction activities. Facility outages would occur in the low-demand months (November to March) when possible". The MND does not provide information as to whether the construction activities may limit access to DWR facilities in the project area and whether the facility outages would apply to DWR facilities. Please provide information as to whether mobilization staging and construction activities would impact DWR's ability to access our facilities and whether DWR facilities would be impacted by the outages. Please contact Josephine Miyata (contact information below) to discuss these issues.
- Section 2.3.1: Per the Scope of Work, there are proposed electrical conduits, yard piping, service road extensions, and landscaping. The MND does not provide sufficient information to determine whether any of these features or any other features listed in the Scope of Work would need to cross DWR easement. Please contact Josephine Miyata to discuss this issue.

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- If construction equipment will be crossing over DWR pipelines, which seems likely considering DWR's 72-inch pipeline crosses under Whitman Way and the 42-inch overflow pipeline crosses Vista Del Mar Road, further information on the planned equipment crossings needs to be submitted to DWR for review and approval.

Please contact Josephine Miyata, Senior Right of Way Agent, at Josephine.Miyata@water.ca.gov or (916) 398-1565 to resolve our concerns regarding the project's potential interference with DWR's easement rights to protect DWR facilities and operations in the project area.

If you have any questions or need additional information, my contact information is Nancy.Finch@water.ca.gov or (916) 820-8124.

Sincerely,

Handwritten signature of Nancy Finch in cursive script.

Nancy Finch
Attorney III
Office of the General Counsel

enclosure