
File #: 2020-1344

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Agenda Item No: 7.

FROM: James D. Herberg, General Manager
Originator: Kathy Millea, Director of Engineering

SUBJECT:

BAY BRIDGE PUMP STATION REPLACEMENT, PROJECT NO. 5-67

GENERAL MANAGER'S RECOMMENDATION

RECOMMENDATION: Recommend to the Board of Directors to:

- A. Consider, receive, and certify the Environmental Impact Report for the Bay Bridge Pump Station and Force Mains Replacement Project, Project No. 5-67, dated January 2021; and
- B. Adopt Resolution No. OC SAN 21-XX, entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District Certifying the Environmental Impact Report for the Bay Bridge Pump Station and Force Mains Replacement Project, Project No. 5-67; Adopting the Mitigation Monitoring Program; and Approving the Bay Bridge Pump Station and Force Mains Replacement Project, Project No. 5-67".

BACKGROUND

The Bay Bridge Pump Station and associated force mains were constructed in 1966 on Pacific Coast Highway just east of the Newport Back Bay Channel. The two force mains cross the channel and connect to the existing Newport force main network. The pump station is critical to the Orange County Sanitation District's (Sanitation District) infrastructure as it conveys over half of Newport Beach's wastewater.

The pump station space is limited and bounded on three sides by a proposed three-story, mixed-use development, and bounded on the south side by Pacific Coast Highway. Part of the existing site was lost when Pacific Coast Highway was rerouted in the late 1980s to accommodate a new Bay Bridge. Additional real estate is required to replace the pump station to meet current safety and environmental requirements which includes improved odor treatment systems.

The Sanitation District has prepared an Environmental Impact Report (EIR) for the Bay Bridge Pump Station and Force Mains Replacement Project, Project No. 5-67, to analyze the potential environmental impacts of the project pursuant to the California Environmental Quality Act (CEQA).

RELEVANT STANDARDS

- Listen to and seriously consider community input on environmental concerns

- Meet CEQA standards
- Maintain collaborative and cooperative relationships with regulators, stakeholders, and neighboring communities

PROBLEM

To implement the Bay Bridge Pump Station and Force Mains Replacement Project, Project No. 5-67, the Sanitation District is required to comply with CEQA.

PROPOSED SOLUTION

Adopt Resolution No. OC SAN 21-XX certifying the EIR so the project may proceed into design, construction, and eventual completion.

TIMING CONCERNS

The project is within the preliminary design phase and requires CEQA compliance before final design can begin.

RAMIFICATIONS OF NOT TAKING ACTION

The project cannot proceed into final design before complying with CEQA.

PRIOR COMMITTEE/BOARD ACTIONS

N/A

ADDITIONAL INFORMATION

The project is currently in the preliminary design phase and the Sanitation District plans to advertise for construction bids by March 2023. Construction is expected to be completed by September 2026.

CEQA

The Sanitation District, as lead agency, prepared an Initial Study analyzing the project's potential environmental impacts. Based on the Initial Study, the Sanitation District determined that an Environmental Impact Report was required for the project. The Sanitation District subsequently issued a Notice of Preparation (NOP) that was made available for a 30-day public review period from November 10, 2016 to December 9, 2016. The NOP was also submitted to the State Clearinghouse (State Clearinghouse No. 2016111031).

A Draft Environmental Impact Report (Draft EIR) was developed and distributed for a 45-day public review period from June 21, 2017 to August 4, 2017. A public hearing was held on July 17, 2017. Following negotiations with the owner of the land adjacent to the existing pump station, a Draft Recirculated Environmental Impact Report (REIR) was developed and distributed for a 45-day public review period from July 3, 2019 to August 16, 2019. A public hearing was held on July 29, 2019. Due to comments received, a Draft 2020 Recirculated EIR (REIR) was developed and distributed for

a 45-day public review period from August 7, 2020 to September 21, 2020. A public hearing was held on September 3, 2020.

The Final Environmental Impact Report (Final EIR) (State Clearinghouse No. 2016111031) found that the project's significant environmental impacts can be avoided or reduced to less than significant levels through the adoption of mitigation measures. These conclusions are supported by findings that the proposed mitigation measures are feasible and will avoid or substantially reduce any significant environmental effects of the project. These mitigation measures are described in the Mitigation Monitoring and Reporting Program prepared for this project which is included in the Final EIR. Because the project, as mitigated, poses no significant environmental impacts, CEQA does not require the Sanitation District to make additional findings regarding recommended project alternatives or adopt a statement of Overriding Considerations in relation to this project.

The Sanitation District received fourteen comments on the Draft 2020 REIR, which are included as Section 2.0 of the Final EIR. The comments were from the following agencies, organizations, and members of the public:

Agencies

State of California Governor's Office of Planning and Research
State of California Department of Transportation, District 12
South Coast Air Quality Management District
California Department of Fish and Wildlife
OC Public Works Service Area/OC Development Services
City of Newport Beach

Organizations

California Cultural Resource Preservation Alliance, Inc.
Linda Isle Community Association
Bayshores Community Association
Nossaman LLP
Irvine Company
Gabrieleno Band of Mission Indians - Kizh Nation

Two Newport Beach Residents

Most of the comments were generally in support of the project, though they also included several concerns. Many of those comments involved project design decisions or other policy matters that were unrelated to the environmental review for the project. The environmental concerns, however, generally included:

- Potential impacts associated with dredging required in the Bay Channel;
- Potential construction impacts including noise, Bay Channel soil-silting, and light and glare;
- The treatment of tribal cultural resources, if any are discovered;
- Potential view impacts;
- The selected alignment of the sewer force-main channel-crossing;
- The potential use of Castaways Park for construction staging; and
- Cooperation with various resource agencies through project implementation.

The Final EIR provides detailed written responses to each of these concerns, among many others. (CEQA Guidelines section 15088(c).) The Final EIR concludes that these concerns were already addressed in the EIR and/or will be addressed through the implementation of mitigation measures identified in the EIR.

The proposed Resolution making the required CEQA findings and certifying the Final EIR and adopting the Mitigation Monitoring and Reporting Program, is attached for the Board of Directors consideration and approval.

FINANCIAL CONSIDERATIONS

N/A

ATTACHMENT

The following attachment(s) may be viewed on-line at the OC San website (www.ocsan.gov) with the complete agenda package:

- Resolution No. OC SAN 21-XX
- Final and Draft Environmental Impact Report - Exhibit "A" of Resolution No. OC SAN 21-XX
- Presentation