



Agenda Report

File #: 2023-3214, Version: 1

FROM: Robert Thompson, General Manager
Originator: Mike Dorman, Director of Engineering

SUBJECT:

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

GENERAL MANAGER'S RECOMMENDATION

RECOMMENDATION:

Approve a License Agreement with the City of Newport Beach for the construction staging area for the Bay Bridge Pump Station and Force Mains Replacement, 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 pump station and force mains are critical to the Orange County Sanitation District's (OC San) infrastructure as it conveys over half of Newport Beach's wastewater. The pump station is over 50 years old and at the end of its useful life. It is imperative that the facility and force mains be upgraded to ensure continuous service.

In February 2021, the OC San Board of Directors approved the Bay Bridge Pump Station and Force Mains Replacement Project, Project No. 5-67 (Project). At that time, OC San certified the corresponding Environmental Impact Report (EIR) for the Project.

On April 1, 2021, Bayside Village Marina filed a Verified Petition for Writ of Mandate against OC San in Orange County Superior Court alleging that the EIR failed to comply with CEQA on numerous grounds. (Orange County Superior Court Case No. 30-2021-01194238.) On December 16, 2022, the Court issued a ruling that upheld the EIR in all respects except one (Ruling). Thereafter, the Court issued a limited writ directing OC San to sufficiently identify project construction staging areas.

In response to the Ruling, OC San has prepared an Addendum to the EIR. Specifically, the Addendum clarifies the use of the Lower Castaways Park in the City of Newport Beach as a construction staging area and adds a new construction staging area at OC San's Plant No. 2 located in the City of Huntington Beach for soil storage/drying activities (Modified Project). In July 2023, OC San Board of Directors received and filed the Addendum.

In May 2023, the City of Newport Beach provided OC San with a letter of intent to enter into a License Agreement to utilize portions of Lower Castaways Park as a construction staging area for the Bay Bridge Pump Station and Force Mains Replacement, Project No. 5-67.

RELEVANT STANDARDS

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

PROBLEM

The Bay Bridge Pump Station and Force Mains Replacement, Project No. 5-67, Addendum to the EIR limits OC San to using Lower Castaways Park as the construction staging area and Plant No. 2 for soil storage/drying activities during construction. If OC San is not able to use a portion of Lower Castaways Park for construction staging, OC San will need to consider if an update to CEQA is required to use Plant No. 2 for staging beyond worker vehicles and soil stockpiling. This will increase the construction costs and potentially extend the construction schedule since Plant No. 2 is much further away from the project site.

PROPOSED SOLUTION

Enter into a no-fee Licensing Agreement with the City of Newport Beach to use a portion of Lower Castaways Park as a construction staging area.

TIMING CONCERNS

If the Licensing Agreement is delayed, it could delay the advertisement of the project, which is currently planned for the end of 2023.

RAMIFICATIONS OF NOT TAKING ACTION

The construction costs will increase, and the schedule may be extended. OC San would need to consider whether further environmental review is required.

PRIOR COMMITTEE/BOARD ACTIONS

July 2023 - Adopted Resolution No. OC SAN 23-13 entitled, "A Resolution of the Orange County Sanitation District Board of Directors receiving and filing the Addendum to the Environmental Impact Report for the Bay Bridge Pump Station and Force Mains Replacement Project No. 5-67 and approved the Modified Project".

February 2021 - Adopted Resolution No. OC SAN 21-03, 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 and Reporting Program; and Approving the Bay Bridge Pump Station and Force Mains Replacement Project, Project No. 5-67".

ADDITIONAL INFORMATION

N/A

CEQA

OC San, as lead agency, prepared a Final Program Environmental Impact Report ("EIR") for the Bay Bridge Pump Station and Force Mains Replacement Project, Project No. 5-67, dated May 2018. OC San Board of Directors ultimately certified the EIR for the Project on February 24, 2021. In response to a court ruling, the project was modified, and the impacts of those modifications were analyzed in an Addendum to the EIR. OC San Board of Directors received and filed the Addendum, and approved the modified project, on July 26, 2023. (Public Resources Code Section 21166; CEQA Guidelines Section 15162, 15164.)

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:

- License Agreement

CM:tk