



Agenda Report

File #: 2023-3065, **Version:** 1

FROM: Robert Thompson, General Manager
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SUBJECT:

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

GENERAL MANAGER'S RECOMMENDATION

RECOMMENDATION: Recommend to the Board of Directors to:

- A. Consider, Receive, and Certify the Addendum to the Environmental Impact Report for the Bay Bridge Pump Station and Force Mains Replacement Project No. 5-67, dated July 2023; and
- B. Adopt 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 approving the Modified Project".

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 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 of 2021, OC San approved the Bay Bridge Pump Station and Force Mains Replacement Project, Project No. 5-67 (Project). At that time, OC San certified the corresponding 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). The potential impacts of the Modified Project were evaluated, and it was determined that the Modified Project would not result in any new significant impacts or a substantial increase in the severity of previously identified significant impacts. (CEQA Guidelines § 15162.)

RELEVANT STANDARDS

- Meet CEQA standards
- Listen to and seriously consider community input on environmental concerns
- Maintain collaborative and cooperative relationships with regulators, stakeholders, and neighboring communities

PROBLEM

OC San must address the Court's ruling in order to proceed with the Project.

PROPOSED SOLUTION

Adopt 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 approving the Modified Project".

TIMING CONCERNS

The Addendum is needed to comply with the Court's Ruling and to proceed with the Project. The Project will be advertised for bids in November 2023. If this Project is delayed, OC San will continue to operate a pump station and force mains at the end of their useful life.

RAMIFICATIONS OF NOT TAKING ACTION

The Project cannot proceed into construction before complying with the Court's Ruling.

PRIOR COMMITTEE/BOARD ACTIONS

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 EIR for the Bay Bridge Pump Station and Force Mains Replacement Project, Project No. 5-67, dated May 2018. The Board ultimately certified the EIR for the Project on February 24, 2021. OC San filed a Notice of Determination on March 1, 2021. In response to the Court's Ruling, modifications to project construction staging areas have been proposed. The environmental impacts of the proposed modifications were analyzed, and it was determined that the modifications would not result in any new significant impacts or a substantial increase in the severity of previously identified significant impacts. (CEQA Guidelines § 15162.) An Addendum was prepared accordingly. (CEQA Guidelines § 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:

- Resolution No. OC SAN 23-13
- Addendum to the Final Environmental Impact Report for Bay Bridge Pump Station and Force Mains Replacement for Project No. 5-67
- Final Environmental Impact Report for the Bay Bridge Pump Station and Force Mains Replacement Project, Project No. 5-67 (Resolution No. OC SAN 21-03)