

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN *MSL*  
GENERAL MANAGER

DATE: NOVEMBER 10, 2011

**AGENDA ITEM**  
**E-5**  
**NOVEMBER 16, 2011**

## **CERTIFY SOUTHLAND WASTEWATER TREATMENT FACILITY IMPROVEMENTS FINAL ENVIRONMENTAL IMPACT REPORT**

### **ITEM**

Conduct a hearing to certify Final Environmental Impact Report Southland Wastewater Treatment Facility [RECOMMEND CONDUCT HEARING, CONSIDER TESTIMONY AND COMMENTS, BY MOTION AND ROLL CALL VOTE APPROVE RESOLUTION CERTIFYING FINAL EIR FOR SOUTHLAND WWTF IMPROVEMENTS].

### **BACKGROUND**

In 2008, the District retained Doug Wood and Associates Inc. (DWA) to perform environmental work related to the Southland Wastewater Treatment Facility Improvements project. On June 22, 2011, your Board authorized circulation of the Draft Environmental Impact Report (EIR) for the Southland Wastewater Treatment Facility (WWTF) Improvement Project.

The District circulated the draft Report for a minimum of 45 calendar days. DWA prepared responses to all comments the District received. Today's hearing has been noticed in accordance with CEQA requirements. A copy of the hearing notice and response to comments has been forwarded to all parties that commented on the draft EIR.

### **FISCAL IMPACT**

Environmental work in support of the Southland Wastewater Treatment Facility Improvements is included in the Districts 2011-2012 budget. In addition, budgeted staff time and engineering consulting cost were used to review and assist in the preparation of the Final EIR.

### **RECOMMENDATION**

Staff recommends that you receive the presentation, ask question and adopt the attached resolution certifying the Final EIR

### **ATTACHMENTS**

- November 1, 2011 Notice of Public Hearing
- Final EIR for Southland Wastewater Treatment Facilities Improvements
- Draft Resolution

# NIPOMO COMMUNITY

## BOARD MEMBERS

JAMES HARRISON, PRESIDENT  
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# SERVICES DISTRICT

## STAFF

MICHAEL S. LEBRUN, GENERAL MANAGER  
LISA BOGNUA, ASSISTANT GENERAL MANAGER  
PETER SEVCIK, P.E., DISTRICT ENGINEER  
TINA GRIETENS, UTILITY SUPERINTENDENT  
JON SEITZ, GENERAL COUNSEL

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November 1, 2011

ADDRESSEE MAIL MERGE

**NOTICE OF PUBLIC HEARING  
NCSD SOUTHLAND WASTEWATER TREATMENT FACILITIES PROJECT  
FINAL EIR**

Please be advised that the Nipomo Community Services District Board of Directors will consider certifying the NCSD Southland Wastewater Treatment Facilities Project Final Environmental Impact Report (FEIR) at its November 16, 2011 Board Meeting. The meeting will start at 9:00 a.m. in the Board chambers at the District Office located at 148 South Wilson, Nipomo.

Attached for your reference is a copy of the comments received on the Draft EIR and the District's responses. You may also download a copy of the Final EIR from the NCSD's website, [www.ncsd.ca.gov](http://www.ncsd.ca.gov). The Final EIR includes a chapter containing responses and comments which note any revisions to the document in response to the public agency review.

If you have any questions, please don't hesitate to call me at 805-929-1133.

Very truly yours,

NIPOMO COMMUNITY SERVICES DISTRICT

Michael S. LeBrun  
General Manager

**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2011-certify eir**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
CERTIFYING THE NCSD SOUTHLAND WASTEWATER  
TREATMENT FACILITIES IMPROVEMENTS  
FINAL ENVIRONMENTAL IMPACT REPORT**

**WHEREAS**, the Nipomo Community Services District ("District") proposed Southland Wastewater Treatment Facilities Improvements ("Project"), is more particularly described in the Final Environmental Impact Report and is summarized as follows:

The proposed Project involves the installation of improved treatment facilities and the phasing of additional facilities necessary to upgrade and expand the wastewater treatment capabilities of the existing Southland Wastewater Treatment Facility. These proposed wastewater treatment facilities involve three basic elements: 1) the upgrading of existing wastewater treatment facilities at the Southland WWTF within Phase 1 of the proposed project which will improve the treatment capability of the plant but will not increase the existing treatment capacity of the facility; 2) the provision of additional facilities at the Southland WWTF for the wastewater treatment and 3) additional areas to be devoted to off-site disposal of treated effluent, both of which will occur within Phases II and III of the proposed project. These improvements will expand the treatment capacity of the Southland WWTF and/or develop off-site disposal options. Proposed improvements to the WWTF will increase the ultimate treatment capacity to a maximum flow of 1.8 million gallons per day from its current capacity of 0.9 million gallons per day. Improvements to the wastewater treatment facility would be accomplished in three phases.

**WHEREAS**, an Initial Study for the District Waterline Intertie Project was prepared by the District in December, 2008, which identified potential environmental impacts attributable to the proposed Project. These potential impact areas included land use and planning, population and housing, water, biological resources, aesthetics, cultural resources, geology, traffic, noise, and air quality; and

**WHEREAS**, as a result of the Initial Study, it was determined that the proposed Project may have a significant impact on the environment and an Environmental Impact Report ("EIR") was required; and

**WHEREAS**, a Notice of Preparation ("NOP") for the Project EIR was distributed to local Responsible and Trustee Agencies, the State Clearinghouse and other interested parties between May 26, 2009 and June 30, 2009; and

**WHEREAS**, a Draft Environmental Impact Report dated June, 2011("DEIR") was forwarded to all Responsible/Trustee Agencies and interested groups and individuals; and

**WHEREAS**, the State-mandated 45-day public and agency review of the DEIR began on June 24, 2011, and ended on August 8, 2011; and

**WHEREAS**, a Response to Comments package was prepared which presented responses to all written comments received in response to the public review of the DEIR; and

**WHEREAS**, a Final Project EIR dated November, 2011 ("FEIR") has been prepared; and

**WHEREAS**, based on the Staff Report, the FEIR and public comment the District finds as follows:

1. The contents of the DEIR, the responses to Comments to the DEIR, the Mitigation Monitoring/Reporting Program, the Staff Report, documents, reports,

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RESOLUTION NO.2011-certify eir

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and studies referenced in the FEIR, the Findings of Fact and Statement of Overriding Considerations, public hearing testimony, and any other related attachments or additional materials comprise the FEIR for the proposed Project;

2. Based upon its review of the FEIR, the FEIR is an adequate assessment of the potentially significant environmental impacts of the Project as described in the FEIR, provides feasible mitigation measures to reduce potentially significant environmental impacts, sets forth a reasonable range of alternatives to the Project, and reflects the independent judgment of the District;
3. The hearing to certify the FEIR has been properly noticed; and
4. Public hearings have been held on the Project's environmental impacts by the District prior to the certification of the FEIR.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the Board of Directors of the Nipomo Community Services District, as follows:

1. The District has independently reviewed and analyzed the FEIR and considered the information contained therein and all comments, written and oral, received prior to approving this Resolution.
2. The Board of Directors certifies that the FEIR has been completed in compliance with the California Environmental Quality Act (CEQA) and State CEQA guidelines.
3. The Board of Directors hereby finds that the FEIR reflects the District's independent judgment and analysis, as required by Public Resources Code Section 21082.1.
4. The above recitals are true and correct, incorporated herein, and constitute additional findings in support of this Resolution.
5. The Nipomo Community Services District located at 148 S. Wilson Street, Nipomo, CA 93444, as the Lead Agency, attention District General Manager, is the custodian of the documents and other material which constitute the record of the proceedings upon which this FEIR certification is based.

Upon motion by Director \_\_\_\_\_, seconded by Director \_\_\_\_\_, on the following roll call vote, to wit:

AYES:

NOES:

ABSTAIN:

the foregoing resolution is hereby passed and adopted this 16<sup>th</sup> day of November, 2011.

\_\_\_\_\_  
JAMES HARRISON  
President of the Board

ATTEST:

APPROVED:

\_\_\_\_\_  
MICHAEL S. LEBRUN  
Secretary to the Board

\_\_\_\_\_  
JON S. SEITZ  
District Legal Counsel