

Clean Water Factory Project

FINAL Environmental Impact Report

State Clearinghouse No. 2014111012



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1.1 INTRODUCTION

The Final Environmental Impact Report (Final EIR) for the Clean Water Factory Project has been prepared in accordance with the California Environmental Quality Act (CEQA), and CEQA Guidelines. CEQA Guidelines Section 15132 indicates that the contents of a Final EIR shall consist of:

- The draft EIR or a revision of the draft;
- Comments and recommendations received on the draft EIR either verbatim or in summary;
- A list of persons, organizations, and public agencies commenting on the draft EIR;
- The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and
- Any other information added by the Lead Agency.

The Draft EIR, and the Final EIR, along with public comments, will be considered by the Board of Water Commissioners in determining whether to certify the EIR and approve the Clean Water Factory Project.

1.2 ORGANIZATION OF THE FINAL EIR

This Final EIR provides the requisite information required under CEQA and is organized as follows:

- **Section 1.0 Introduction.** This section provides an introduction to the Final EIR, including the requirements under CEQA, the organization of the document, as well as brief summary of the CEQA process activities to date.
- **Section 2.0 Comments and Responses.** This section provides a list of public agencies, organizations, and individuals commenting on the Draft EIR, provides a copy of each written comment received, and any response required under CEQA.
- **Section 3.0 Errata to the Draft EIR.** This section details changes to the Draft EIR.
- **Appendix.** This section provides additional content where needed and cross-referenced from the body of the Final EIR.

1.3 CEQA PROCESS SUMMARY

SBMWD filed a “Petition for Change for Owners of Waste Water Treatment Plants” with the State Water Resources Control Board (SWRCB) on April 22, 2010 (Petition revised June 7, 2010), pursuant to Water Code Section 1211 (and in accordance with Water Code Sections 461, 13500 et seq. and 13575 et seq.) to decrease current tertiary discharge from the Rapid Infiltration and Extraction Facility (RIX) to the Santa Ana River from approximately 35.7 mgd (40,000 acre-feet per year) to approximately 11.9 mgd (13,300 acre-feet per year). The Petition for Change proposes the “reuse of recycled water in [SBWMD’s] service area and the marketing of surplus recycled water to water agencies outside the SBMWD service area.” The “change” that would result from approval of this Petition includes the “place of use” and the “purpose of use” of SBMWD’s existing and future effluent. The Petition elicited five response letters from stakeholders including the United States Fish and Wildlife Service, California Department of Fish and Wildlife (Formerly California Department of Fish and Game), the Center for Biological Diversity, East Valley

Water District, and a joint protest filed on behalf of the City of Riverside, San Bernardino Valley Municipal Water District, and Western Municipal Water District. These letters requested, in part, that SBMWD formally analyze potential changes to discharge regimes and the resulting downstream impacts to the Santa Ana River. These comments helped to further refine the impact areas that would be analyzed as part of the environmental document and can be found in Draft EIR Appendix 10.1, Public Scoping.

Pursuant to CEQA, the discussion of potential effects on the environment is focused on those impacts that the lead agencies have determined may be potentially significant. On November 5, 2014, SBMWD issued a Notice of Preparation (NOP) (Appendix 10.1.1) to inform agencies and the general public that an EIR was being prepared and invited comments on the scope and content of the document and participation at a public scoping meeting held November 19, 2014. The NOP was distributed to Federal agencies, responsible and trustee agencies, interested parties and organizations. The NOP was circulated through December 8, 2014, beyond the CEQA-required 30-day circulation period.

The Bureau of Reclamation (Reclamation) issued a Notice of Intent (NOI) (Appendix 10.1.2) to inform agencies and the general public that a joint EIS/EIR was being considered and invited comments on the scope and content of the EIS. The NOI was published in the Federal Register, Vol. 80, No. 25, on February 6, 2015. Through continued Project refinement, and consultation with Reclamation, it was determined that the appropriate environmental document was a CEQA-Plus Program EIR, rather than a joint EIR/EIS. SBMWD may pursue a separate NEPA document at a later date should additional federal funding or regulatory permits require NEPA compliance.

The Draft EIR includes an evaluation of 10 environmental resource areas and other CEQA-mandated issues (e.g., cumulative impacts, growth-inducing impacts). The 10 environmental issue areas include Aesthetics, Light, and Glare; Air Quality, Energy, and Greenhouse Gas Emissions; Biological Resources; Cultural Resources; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; Noise and Vibration; Recreation; and Transportation.

The Draft EIR was released to the public on April 22, 2016, for a 45-day review ending on June 8, 2016. During the public review period, a PDF of the Draft EIR was available for review online at the San Bernardino Municipal Water District website at (www.sbcity.org/water/default.asp), and hardcopies were available at the City of San Bernardino Municipal Water Department (399 Chandler Place, San Bernardino, CA 92408) and the Norman F. Feldheim Central Library (555 West 6th Street, San Bernardino, CA 92410). See Appendix A for the Notice of Availability.

On May 3, 2016, public comment meeting was held during the Draft EIR public review to provide an overview of the project, results of the Draft EIR, and invite the public and agencies to participate in the CEQA process. The meeting was held proximal to the proposed Project area at the Norton Regional Event Center (1601 E. Third Street, San Bernardino, CA 92408). However, no comments were received at the public comment meeting. See Appendix A for the Meeting Summary.

Comments received on the Draft EIR and the subsequent Errata have been incorporated into the Final EIR document. The Draft EIR, Final EIR, and public comments will be considered by the SBMWD Board of Water Commissioners in determining whether to certify the EIR and approve the Clean Water Factory Project.

1.4 CHANGES TO THE DRAFT EIR

Section 3.0, *Errata to the Draft EIR* details the changes to the Draft EIR. Most of the changes to the Draft EIR represent clarifications to the existing content.

Key Draft EIR changes include the following:

- SBMWD consulted with the South Coast Air Quality Management District to further discuss potential mitigation to reduce air quality impacts. As a result, mitigation measure AQ-4 has been proposed, thereby reducing significant air quality impacts. In addition, this measure, in conjunction with other measures, reduces all significant impacts of the project to less than significant. Changes are detailed for the Executive Summary, and Section 4.
- In response to comments, Mitigation Measures BIO-7 has been modified to expand the Adaptive Management Plan and engender earlier monitoring of Santa Ana River conditions. BIO-8 has been modified for clarity and to provide coverage for any applicable species under Section 7 of the Endangered Species Act. Changes are detailed for the Executive Summary, and Section 4.
- Based on comments and concerns related by resource agencies, SBMWD added a new alternative for SBMWD consideration that would provide well water to replace the water diverted for recycling and maintain the flow at the RIX facility outfall at the volume necessary to keep project impacts less than significant. New Alternative 9: Flow Mitigation Alternatives is detailed in Section 6.

CEQA Guidelines Section 15088.5 describes when an EIR requires recirculation prior to certification, stating in part:

- (a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term “information” can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement...
- (b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

The changes in the Draft EIR described herein clarify or make insignificant changes to an adequate EIR, and are not significant new information as defined by CEQA Guidelines Section 15088.5. Therefore, this Final EIR is not subject to recirculation prior to certification.