

**MEMORANDUM
DEPARTMENT OF FACILITY SERVICES
COUNTY OF PLACER**

To: **BOARD OF SUPERVISORS** Date: **JANUARY 10, 2012**

From: **JAMES DURFEE / BILL ZIMMERMAN**

Subject: **APPLEGATE REGIONAL SEWER PIPELINE PROJECT: CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT**

ACTION REQUESTED / RECOMMENDATION: Adopt a Resolution certifying the Environmental Impact Report and Mitigation Monitoring and Reporting Plan for the Applegate Regional Sewer Pipeline Project (Project), and direct staff to file a Notice of Determination upon approval of Plans and Specifications for the Project.

BACKGROUND: On February 26, 2008, your Board approved an Agreement with ICF Jones & Stokes Associates (J&S) to evaluate potential environmental impacts associated with the Project. The Project consists of constructing a pump station in the Applegate community, installation of approximately 20,770 linear feet of 10-inch pipeline from Applegate to the existing Sewer Maintenance District (SMD) 1 collection system in the Winchester subdivision, and installation of 350 linear feet of 6-inch pipeline and upsizing an additional 7,400 linear feet of pipeline in Winchester. Completion of the Project would allow the County to decommission the existing Applegate Wastewater Treatment Pond Facility, convey the wastewater to the SMD 1 Wastewater Treatment Plant, and fulfill the terms and conditions of the Settlement Agreement for the Administrative Civil Liability Complaint R5-2005-0510 issued by the Central Valley Regional Water Quality Control Board.

A Notice of Preparation and Initial Study was released on August 22, 2008. Based on the potentially significant growth inducing impacts identified, County staff determined that an Environmental Impact Report (EIR) was the appropriate environmental document for the Project. Public input on the scope of the EIR was solicited during a 30-day comment period, including a public scoping meeting on September 17, 2008.

The Draft EIR was released on June 17, 2011 for a 45-day public comment period ending on August 1, 2011. In addition to the required noticing requirements, staff notified the Weimar / Applegate / Colfax Municipal Advisory Council at their April 20, 2011 meeting and mailed the Notice of Availability to residents in the Project area. Full copies of the Draft EIR were also posted at public libraries, County offices, and on the County website.

Since the Project is partially funded by the Environmental Protection Agency (EPA), the Draft EIR was provided to the EPA to serve as an Environmental Information Document (EID), which will provide sufficient information for the agency to satisfy its requirements under the National Environmental Policy Act (NEPA). The EPA intends to issue an Environmental Assessment/Findings of No Significant Impact with the information from the EID, which will complete the NEPA process.

During the design process, the pipeline was re-routed to an alignment that was both more cost effective and eliminated growth inducing impacts. Due to the change in alignment, and with implementation of the mitigation measures identified in the Mitigation Monitoring and Reporting Plan (MMRP), the Project mitigates all potential impacts to less than significant levels.

Staff received six comment letters on the Draft EIR. All comments received, and the County's responses, are included in Chapter 2 of the Final EIR. In some cases, the comments required clarification or minor changes in the EIR; the changes are shown in errata format in Chapter 3 of the Final EIR.

The Final EIR was released on November 21, 2011 for a ten (10) day public review period. The Draft and Final EIR, taken together, constitute the Final EIR pursuant to California Environmental Quality Act (CEQA) Guidelines.

Staff received one late arriving correspondence regarding Final EIR. Staff met with the commenter on December 8, 2011 to answer questions and clarify, among other things, the project's capacity for growth.

As the project design was finalized, staff gained a better understanding of the existing downstream collection system capacity. Engineering information confirmed that the proposed project will not utilize all of the existing capacity in the downstream collection system and that the proposed project will make some of that capacity available to areas that previously did not have capacity available. This would not create a significant growth impact because growth in this area must be consistent with the General Plan. Any new development inconsistent with the General Plan would require a General Plan amendment, rezoning, and independent environmental review. Also, in the event usage of this capacity were to be sought for a project outside of the current boundary of SMD 1, a further discretionary action, i.e., amendment of the boundaries of SMD 1, would be required. Since the letter does not raise any new CEQA issues, no revision of the EIR is necessary.

To satisfy the CEQA requirements for the Project, staff requests that your Board adopt the attached Resolution certifying the Final EIR and MMRP and direct staff to file a Notice of Determination upon approval of Plans and Specifications. Since all potential environmental impacts were mitigated to less than significant, adoption of written Findings and Statement of Overriding Considerations are not necessary to support your Board's decision.

Hard copies of the Draft and Final EIR, including the MMRP, have been provided to members of the Board. Copies are also on file with the Clerk of the Board, the Community Development Resource Agency, local libraries, and online at:

<http://www.placer.ca.gov/Departments/CommunityDevelopment/EnvCoordSvcs/EIR.aspx>

ENVIRONMENTAL CLEARANCE: Certification of the Final EIR and MMRP satisfies the environmental review requirements of CEQA.

FISCAL IMPACT: There is no fiscal impact associated with certification of the Final EIR and MMRP.

JD:BZ:CH:LM

CC: COUNTY EXECUTIVE OFFICE

ATTACHMENT: RESOLUTION
PUBLIC COMMENT LETTER

AVAILABLE FOR REVIEW AT THE CLERK OF THE BOARD OFFICE: FINAL EIR

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Before the Board of Supervisors County of Placer, State of California

In the matter of: CERTIFICATION OF
AN ENVIRONMENTAL IMPACT
REPORT FOR THE APPLGATE
REGIONAL SEWER PIPELINE
PROJECT AND APPROVAL TO FILE A
NOTICE OF DETERMINATION

Resolution _____

The following RESOLUTION was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chairman, Board of Supervisors

Attest:

Clerk of said Board

WHEREAS, Placer County, through the Department of Facility Services, proposes to undertake the Applegate Regional Sewer Pipeline Project (Project) and

WHEREAS, a Notice of Preparation and Initial Study was released on August 22, 2008, and

WHEREAS, a public scoping meeting was held on September 17, 2008, and

WHEREAS, a Notice of Availability of the Draft EIR was released on June 17, 2011 for a forty-five (45) day public comment period ending on August 1, 2011 (SCH #2008082116), and

WHEREAS, written comments from the public were received, and responses to those comments were prepared, and

WHEREAS, the Final EIR, including responses to comments, was released for a ten (10) day public comment period on November 21, 2011, and

WHEREAS, a Mitigation Monitoring and Reporting Plan (MMRP) was prepared that will mitigate all potential impacts to less than significant levels.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the Board, having considered the EIR, written comments and responses thereto, the mitigation measures and the Mitigation Monitoring and Reporting Plan, the staff report, and all public comment, oral and written, and all other information in the record pertinent to the Project, hereby makes the following findings and certifies the EIR for the Project:

1. The Final EIR is complete and has been prepared in compliance with the requirements of CEQA and the CEQA Guidelines.
2. The Final EIR was presented to, and reviewed by, the Board of Supervisors, the decision-making body of the lead agency.
3. The EIR, hereby certified for the Project, reflects the independent judgment and analysis of the County, which has exercised overall control and direction of its preparation.
4. The Mitigation Monitoring and Reporting Program (MMRP) prepared for the Project is adopted and all mitigation measures will be implemented.
5. There is no substantial evidence in the record as a whole to support a fair argument that the Project as mitigated would have a significant impact on the environment; therefore preparation of written Findings and a Statement of Overriding Considerations are not required.
6. Records associated with the Project are maintained at the Department of Facility Services located at 2855 2nd Street, Auburn, California.