

# Appendix B

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NOP Comment Letters



**NATIVE AMERICAN HERITAGE COMMISSION**

Cultural and Environmental Department  
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West Sacramento, CA 95691 Phone: (916) 373-3710  
Email: [nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
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July 29, 2019

Adam Nazarovf  
Orange County Sanitation District

VIA Email to: [CEQA@ocsd.com](mailto:CEQA@ocsd.com)

RE: SCH# 2019070998, Facilities Master Plan Project PS17-08, Orange County

Dear Mr. Nazarovf:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP) for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
  - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
  - a. Avoidance and preservation of the resources in place, including, but not limited to:
    - i. Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i. Protecting the cultural character and integrity of the resource.
    - ii. Protecting the traditional use of the resource.
    - iii. Protecting the confidentiality of the resource.
  - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
  - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf).

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

## NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:  
[Andrew.Green@nahc.ca.gov](mailto:Andrew.Green@nahc.ca.gov).

Sincerely,



Andrew Green  
Staff Service Analyst

cc: State Clearinghouse



SENT VIA USPS AND E-MAIL:

August 20, 2019

[CEQA@ocsd.com](mailto:CEQA@ocsd.com)

Kevin Hadden

Orange County Sanitation District, Engineering Planning

10844 Ellis Avenue

Fountain Valley, CA 92708

**Notice of Preparation of a Program Environmental Impact Report for the  
Wastewater Collection and Treatment Facilities Master Plan**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. South Coast AQMD staff's comments are recommendations regarding the analysis of potential air quality impacts from the Proposed Project that should be included in the Program Environmental Impact Report (EIR). Please send South Coast AQMD a copy of the Program EIR upon its completion. Note that copies of the Program EIR that are submitted to the State Clearinghouse are not forwarded to South Coast AQMD. Please forward a copy of the Program EIR directly to South Coast AQMD at the address shown in the letterhead. **In addition, please send with the Program EIR all appendices or technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files<sup>1</sup>. These include emission calculation spreadsheets and modeling input and output files (not PDF files). Without all files and supporting documentation, South Coast AQMD staff will be unable to complete our review of the air quality analyses in a timely manner. Any delays in providing all supporting documentation will require additional time for review beyond the end of the comment period.**

**Air Quality Analysis**

South Coast AQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. South Coast AQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from South Coast AQMD's Subscription Services Department by calling (909) 396-3720. More guidance developed since this Handbook is also available on South Coast AQMD's website at: [http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-\(1993\)](http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-(1993)). South Coast AQMD staff also recommends that the Lead Agency use the CalEEMod land use emissions software. This software has recently been updated to incorporate up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and replaces the now outdated URBEMIS. This model is available free of charge at: [www.caleemod.com](http://www.caleemod.com).

South Coast AQMD has also developed both regional and localized significance thresholds. South Coast AQMD staff requests that the Lead Agency quantify criteria pollutant emissions and compare the results

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<sup>1</sup> Pursuant to the CEQA Guidelines Section 15174, the information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Appendices to the EIR may be prepared in volumes separate from the basic EIR document, but shall be readily available for public examination and shall be submitted to all clearinghouses which assist in public review.



to South Coast AQMD's CEQA regional pollutant emissions significance thresholds to determine air quality impacts. South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found here at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>. In addition to analyzing regional air quality impacts, South Coast AQMD staff recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LSTs can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the Proposed Project, it is recommended that the Lead Agency perform a localized analysis by either using the LSTs developed by South Coast AQMD staff or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis.

In the event that the Proposed Project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("*Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*") can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>. An analysis of all toxic air contaminant impacts due to the use of equipment potentially generating such air pollutants should also be included.

In addition, guidance on siting incompatible land uses can be found in the California Air Resources Board's *Air Quality and Land Use Handbook: A Community Health Perspective*, which can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process. Guidance<sup>2</sup> on strategies to reduce air pollution exposure near high-volume roadways can be found at: [https://www.arb.ca.gov/ch/rd\\_technical\\_advisory\\_final.PDF](https://www.arb.ca.gov/ch/rd_technical_advisory_final.PDF).

### **Mitigation Measures**

In the event that the Proposed Project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize these impacts. Pursuant to CEQA Guidelines Section 15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed. Several resources are

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<sup>2</sup> In April 2017, CARB published a technical advisory, *Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways: Technical Advisory*, to supplement CARB's *Air Quality and Land Use Handbook: A Community Health Perspective*. This technical advisory is intended to provide information on strategies to reduce exposures to traffic emissions near high-volume roadways to assist land use planning and decision-making in order to protect public health and promote equity and environmental justice. The technical advisory is available at: <https://www.arb.ca.gov/ch/landuse.htm>.

available to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project, including:

- Chapter 11 “Mitigating the Impact of a Project” of South Coast AQMD’s *CEQA Air Quality Handbook* South Coast AQMD’s CEQA web pages available here: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies>
- South Coast AQMD’s Rule 403 – Fugitive Dust, and the Implementation Handbook for controlling construction-related emissions and Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities
- South Coast AQMD’s Mitigation Monitoring and Reporting Plan (MMRP) for the 2016 Air Quality Management Plan (2016 AQMP) available here (starting on page 86): <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf>
- California Air Pollution Control Officers Association (CAPCOA)’s *Quantifying Greenhouse Gas Mitigation Measures* available here: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

### **Alternatives**

In the event that the Proposed Project generates significant adverse air quality impacts, CEQA requires the consideration and discussion of alternatives to the project or its location which are capable of avoiding or substantially lessening any of the significant effects of the project. The discussion of a reasonable range of potentially feasible alternatives, including a “no project” alternative, is intended to foster informed decision-making and public participation. Pursuant to CEQA Guidelines Section 15126.6(d), the Program EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the Proposed Project.

### **Responsible Agency, South Coast AQMD Permits, and Rules**

It is important to note that generally, operation of portable engines and portable equipment units of 50 horsepower or greater that emit particulate matter require a permit from South Coast AQMD or registration under the Portable Equipment Registration Program (PERP) through the California Air Resources Board (CARB)<sup>3</sup>. The Lead Agency should consult with South Coast AQMD’s Engineering and Permitting staff to determine if there is any diesel-powered equipment during implementation that will require a South Coast AQMD permit or if the equipment will need to be registered under the PERP through CARB. If a permit from South Coast AQMD is required, South Coast AQMD should be identified as a Responsible Agency for the Proposed Project in the Program EIR. Any assumptions used in the Air Quality Analysis in the Program EIR will be used as the basis for permit conditions and limits for the Proposed Project. If there is any information in the permitting process suggesting that the Proposed Project would result in significant adverse air quality impacts not analyzed in the Final Program EIR or substantially more severe air quality impacts than those analyzed in the Final Program EIR, the Lead Agency should commit to reevaluating the Proposed Project’s air quality impacts through a CEQA process (CEQA Guidelines Section 15162). For more information on permits and rules, please visit South Coast AQMD’s webpage at: <http://www.aqmd.gov/home/permits>. Questions on permits can be directed to South Coast AQMD’s Engineering and Permitting staff at (909) 396-3385. For more information on the PERP Program, please contact CARB at (916) 324-5869 or visit CARB’s webpage at: <https://ww2.arb.ca.gov/our-work/programs/portable-equipment-registration-program-perp>.

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<sup>3</sup> South Coast AQMD. *Portable Equipment Registration Program (PERP)*. Accessed at: <http://www.aqmd.gov/home/permits/equipment-registration/perp>

**Data Sources**

South Coast AQMD rules and relevant air quality reports and data are available by calling South Coast AQMD's Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available at South Coast AQMD's webpage at: <http://www.aqmd.gov>.

South Coast AQMD staff is available to work with the Lead Agency to ensure that project's air quality and health risk impacts are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at [lsun@aqmd.gov](mailto:lsun@aqmd.gov).

Sincerely,

*Lijin Sun*

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS  
ORC190801-02  
Control Number



August 20, 2019

NCL-19-030

Kevin Hadden  
Orange County Sanitation District  
Engineering Planning  
10844 Ellis Avenue  
Fountain Valley, California 92708

**Subject:** Notice of Preparation of a Programmatic Environmental Impact Report and Notice of Public Scoping Meeting for the Orange County Sanitation District Facilities Master Plan

Dear Kevin Hadden,

The County of Orange has reviewed the Programmatic Environmental Impact Report and Notice of Public Scoping Meeting for the Orange County Sanitation District Facilities Master Plan and has no comments at this time. We would like to be advised of further developments on the project.

If you have any questions regarding these comments, please contact Cindy Salazar at (714) 667-8870 in OC Development Services.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Vuong', is written over a large, stylized 'R' that serves as a background for the signature.

Richard Vuong, Manager, Planning Division  
OC Public Works Service Area/OC Development Services  
300 North Flower Street  
Santa Ana, California 92702-4048  
[Richard.Vuong@ocpw.ocgov.com](mailto:Richard.Vuong@ocpw.ocgov.com)



August 21, 2019

Mr. Kevin Hadden  
Orange County Sanitation District  
Engineering Planning  
10844 Ellis Avenue  
Fountain Valley, CA 92708

**Subject: Notice of Preparation of a Program Environmental Impact Report and  
Notice of Public Scoping Meeting for the Orange County Sanitation  
District Facilities Master Plan, Project No. PS17-08**

Dear Mr. Hadden:

Staff is in receipt of a Notice of Preparation for a Program Environmental Impact Report (EIR) for the 2019 Wastewater Collection and Treatment Facilities Master Plan (FMP) update. The FMP update proposes to upgrade, replace, rehabilitate, and maintain existing facilities within the Sanitation District's wastewater collection and treatment system. The FMP also identifies individual projects occurring over a 20 year planning period. The projects are organized into three categories:

1. Projects at Reclamation Plant No. 1 in Fountain Valley.
2. Projects at Treatment Plant No. 2 in Huntington Beach.
3. Projects involving pipelines and pump stations occurring throughout the service area.

Staff has no comments at this time. We look forward to the Program EIR when it is available for review. If you have any questions, you may contact me at 949-724-6364 or [jequina@cityofirvine.org](mailto:jequina@cityofirvine.org)

Sincerely,

Justin Equina  
Associate Planner

cc: Kerwin Lau, Manager of Planning Services  
Marika Poynter, Principal Planner  
Justin Equina, Associate Planner





## DEPARTMENT OF FISH AND WILDLIFE

South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
(858) 467-4201  
www.wildlife.ca.gov

August 22, 2019

Mr. Adam Nazaroff  
Orange County Sanitation District  
10844 Ellis Avenue  
Fountain Valley, CA 92708  
CEQA@ocsd.com

**Subject: Comments on the Notice of Preparation of a Draft Program Environmental Impact Report for the Facilities Master Plan/SCH2019070998/Project# PS17-08**

Dear Mr. Nazaroff:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Notice of Preparation (NOP) for the Facilities Master Plan Draft Program Environmental Impact Report (PEIR). The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act [CEQA] Guidelines § 15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (CESA; Fish and Game Code § 2050 *et seq.*) and Fish and Game Code section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning (NCCP) program.

The project will implement the updated Facilities Master Plan, in order to ensure that Orange County Sanitation District (OCSD) infrastructure will be able to continue to support both existing wastewater collection and treatment processes and expanded operations at the Groundwater Replenishment System facilities. Projects covered in the PEIR have been separated into three categories: facility improvements at Reclamation Plant No. 1 in the City of Fountain Valley, facility improvements at Treatment Plant No. 2 in Huntington Beach, and pipeline and pump station improvements within the service area.

The Department offers the following comments and recommendations to assist the Orange County Sanitation District in avoiding or minimizing potential project impacts on biological resources.

**Specific Comments**

1. The NOP describes the use of trenchless technology to implement pipeline improvements (page 7). While trenchless technologies generally create fewer impacts than traditional trenching, the use of a clay lubricant, specifically bentonite slurry, can have permanent and lasting impacts on amphibians, aquatic reptiles, fish, other aquatic species and their habitats when hydrofractures (commonly referred to as "frac-outs") occur. Bentonite is often considered non-toxic; however, invertebrates, aquatic plants, fish, and their eggs can be smothered by fine particles of bentonite if it is discharged into waterways.

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The Department recommends that the PEIR include a discussion as to the potential of hydrofractures to impact sensitive species and habitats within the project area, specifically with regard to conveyance system improvement projects. This discussion should include a mitigation measure that focuses on the minimization of impacts that may occur from hydrofractures associated with directional drilling and/or 'cure-in-place' pipe technology. This mitigation measure should include the following techniques to reduce potential for hydrofracture and inadvertent returns:

- a. drilling shall halt immediately when a hydrofracture is detected, and hydrofractures shall be cleaned immediately after they occur, if feasible. Necessary response equipment shall be readily accessible and in good working order;
  - b. borehole pressures should be monitored during all drilling, boring, and reaming activities. The monitor should be independent of and work closely with the drill operator during operations. The drill operator and/or monitors shall have the authority to halt drilling activities without reprisal;
  - c. all field personnel shall understand their responsibility for timely reporting of hydrofractures; and,
  - d. techniques to reduce potential for hydrofracture and inadvertent returns, such as:
    - i. sufficient earth cover for the given substrate should be used to increase resistance to hydrofracture;
    - ii. an adequately dense drilling fluid should be used to avoid travel of drilling fluid in porous sands;
    - iii. the bore should be conducted in a manner that avoids collapse;
    - iv. borehole pressure should be maintained low enough to avoid hydrofracture;
    - v. reaming and pullback rates should be maintained at rates slow enough to avoid over-pressurization of the bore;
    - vi. the surface above the vicinity of the drill head should be visually monitored for surface evidence of hydrofracture; and,
    - vii. drilling methods should be modified to suit site conditions such that hydrofracture does not occur.
2. In the Biological Resources section, the NOP states that, "[t]he PEIR will analyze the potential for impacts to the sensitive habitats and species associated with the surrounding area. Such analysis will incorporate updated spatial data from the California Natural Diversity Database [CNDDB] and will address recent changes of federal- and state-listed species" (page 21). The CNDDB is a statewide inventory, managed by the Department, and is routinely updated with the location and condition of the state's rare and declining species and habitats. Although the CNDDB is the most current and reliable tool for tracking occurrences of special status species, it contains only those records that have been reported to the Department, and does not replace the need for timely physical surveys. While the Department agrees that preconstruction surveys are appropriate to supplement data collected through surveys whose results are adequately disclosed, we consider the reliance upon future biological surveys inadequate to determine whether or not project impacts on CESA-listed species will be less than significant with mitigation. We therefore request that data from on-the-ground biological assessments and surveys be included and discussed in the PEIR.



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### General Comments

3. The Department has responsibility for wetland and riparian habitats. It is the policy of the Department to strongly discourage development in wetlands or conversion of wetlands to uplands. We oppose any development or conversion that would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, project mitigation assures there will be "no net loss" of either wetland habitat values or acreage. Development and conversion include but are not limited to conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks that preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations. Mitigation measures to compensate for impacts to mature riparian corridors must be included in the PEIR and must compensate for the loss of function and value of a wildlife corridor.
  - a. The project area supports aquatic, riparian, and wetland habitats; therefore, a jurisdictional delineation of the creeks and their associated riparian habitats should be included in the PEIR. The delineation should be conducted pursuant to the U. S. Fish and Wildlife Service wetland definition adopted by the Department.<sup>1</sup> Please note that some wetland and riparian habitats subject to the Department's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers.
  - b. The Department also has regulatory authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of any river, stream, or lake or use material from a river, stream, or lake. For any such activities, the project applicant (or "entity") must provide written notification to the Department pursuant to section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, the Department determines whether a Lake and Streambed Alteration Agreement (LSAA) with the applicant is required prior to conducting the proposed activities. The Department's issuance of a LSAA for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. The Department as a Responsible Agency under CEQA may consider the local jurisdiction's (Lead Agency) PEIR for the project. To minimize additional requirements by the Department pursuant to section 1600 *et seq.* and/or under CEQA, the document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSAA.<sup>2</sup>

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<sup>1</sup> Cowardin, Lewis M., et al. 1979. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service.

<sup>2</sup> A notification package may be obtained by accessing the Department's web site at <http://www.wildlife.ca.gov/Conservation/LSA>



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4. The Department considers adverse impacts to a species protected by the CESA, for the purposes of CEQA, to be significant without mitigation. As to CESA, take of any endangered, threatened, or candidate species that results from the project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085). Consequently, if the Project, Project construction, or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, the Department recommends that the project proponent seek appropriate take authorization under CESA prior to implementing the project. Appropriate authorization from the Department may include an incidental take permit (ITP) or a consistency determination in certain circumstances, among other options (Fish and Game Code §§ 2080.1, 2081, subds. (b),(c)). Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that the Department issue a separate CEQA document for the issuance of an ITP unless the project CEQA document addresses all project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.
5. To enable the Department to adequately review and comment on the proposed project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the PEIR.
  - a. The document should contain a complete discussion of the purpose and need for, and description of, the proposed project, including all staging areas and access routes to the construction and staging areas.
  - b. A range of feasible alternatives should be included to ensure that alternatives to the proposed project are fully considered and evaluated; the alternatives should avoid or otherwise minimize impacts to sensitive biological resources. Specific alternative locations should be evaluated in areas with lower resource sensitivity where appropriate.

**Biological Resources within the Project's Area of Potential Effect**

6. The document should provide a complete assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, sensitive, and locally unique species and sensitive habitats. This should include a complete floral and faunal species compendium of the entire project site, undertaken at the appropriate time of year. The PEIR should include the following information.
  - a. CEQA Guidelines, section 15125(c), specifies that knowledge on the regional setting is critical to an assessment of environmental impacts and that special emphasis should be placed on resources that are rare or unique to the region.
  - b. A thorough, recent floristic-based assessment of special status plants and natural communities, following the Department's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (see



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<https://www.wildlife.ca.gov/Conservation/Plants/Info>). The Department recommends that floristic, alliance-based and/or association-based mapping and vegetation impact assessments be conducted at the Project site and neighboring vicinity. The Manual of California Vegetation, second edition, should also be used to inform this mapping and assessment (Sawyer et al. 2008<sup>3</sup>). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.

- c. A current inventory of the biological resources associated with each habitat type on site and within the area of potential effect. The Department's California Natural Diversity Data Base in Sacramento should be contacted at [www.wildlife.ca.gov/biogeodata/](http://www.wildlife.ca.gov/biogeodata/) to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code.
- d. An inventory of rare, threatened, endangered and other sensitive species on site and within the area of potential effect. Species to be addressed should include all those which meet the CEQA definition (see CEQA Guidelines, § 15380). This should include sensitive fish, wildlife, reptile, and amphibian species. Seasonal variations in use of the project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with the Department and the U.S. Fish and Wildlife Service.

#### Analyses of the Potential Project-Related Impacts on the Biological Resources

7. To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the PEIR.
  - a. A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage should also be included. The latter subject should address: project-related changes on drainage patterns on and downstream of the project site; the volume, velocity, and frequency of existing and post-project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-project fate of runoff from the project site. The discussions should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary, and the potential resulting impacts on the habitat, if any, supported by the groundwater. Mitigation measures proposed to alleviate such impacts should be included.

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3 Sawyer, J. O., T. Keeler-Wolf and J.M. Evens. 2009. A Manual of California Vegetation, Second Edition. California Native Plant Society Press, Sacramento.



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- b. Discussions regarding indirect project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a NCCP). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the PEIR.
- c. The zoning of areas for development projects or other uses that are nearby or adjacent to natural areas may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the environmental document.
- d. A cumulative effects analysis should be developed as described under CEQA Guidelines, section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

#### Mitigation for the Project-related Biological Impacts

- 8. The PEIR should include measures to fully avoid and otherwise protect Rare Natural Communities from project-related impacts. The Department considers these communities as threatened habitats having both regional and local significance.
- 9. The PEIR should include mitigation measures for adverse project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.
- 10. For proposed preservation and/or restoration, the PEIR should include measures to perpetually protect the targeted habitat values from direct and indirect negative impacts. The objective should be to offset the project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.
- 11. The Department recommends that measures be taken to avoid project impacts to nesting birds. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Title 50, § 10.13, Code of Federal Regulations). Sections 3503.5 and 3513 of the California Fish and Game Code prohibit take of all raptors and other migratory nongame birds and section 3503 prohibits take of the nests and eggs of all birds. Proposed project activities (including, but not limited to, staging and disturbances to native and nonnative vegetation, structures, and substrates) should occur outside of the avian breeding season which generally runs from February 1- September 1 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, the Department recommends surveys by a qualified biologist with



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Orange County Sanitation District  
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experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300 feet of the disturbance area (within 500 feet for raptors). Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

12. The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Studies have shown that these efforts are experimental in nature and largely unsuccessful.
13. Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. Each plan should include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity.
14. The Polyphagous and Kuroshio shot hole borers (ISHBs) are invasive ambrosia beetles that introduce fungi and other pathogens into host trees. The adult female (1.8-2.5 mm long) tunnels galleries into the cambium of a wide variety of host trees, where it lays its eggs and propagates the *Fusarium* fungi species for the express purpose of feeding its young. These fungi cause *Fusarium* dieback disease, which interrupts the transport of water and nutrients in at least 58 reproductive host tree species, with impacts to other host tree species as well. With documented occurrences throughout Orange County, the spread of invasive shot hole borers (ISHBs) could have significant impacts in local ecosystems. Therefore, with regard to ISHBs, we recommend the EIR include the following:
  - a. a thorough discussion of the direct, indirect, and cumulative impacts that could occur from the potential spread of ISHBs as a result of proposed activities in the EIR;
  - b. an analysis of the likelihood of the spread of ISHBs as a result of the invasive species' proximity to above referenced activities;
  - c. figures that depict potentially sensitive or susceptible vegetation communities within the project area, the known occurrences of ISHB within the project area (if any), and ISHB's proximity to above referenced activities; and
  - d. a mitigation measure or measure(s) within the EIR that describe Best Management Practices (BMPs) that bring impacts of the project on the spread of ISHB below a level of significance. Examples of such BMPs include:
    - i. education of on-site workers regarding ISHB and its spread;

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- ii. reporting sign of ISHB infestation, including sugary exudate ("weeping") on trunks or branches and ISHB entry/exit-holes (about the size of the tip of a ballpoint pen), to the Department and UCR's Eskalen Lab;
- iii. equipment disinfection;
- iv. pruning infected limbs in infested areas where project activities may occur;
- v. avoidance and minimization of transport of potential host tree materials;
- vi. chipping potential host materials to less than 1 inch and solarization, prior to delivering to a landfill;
- vii. chipping potential host materials to less than 1 inch, and solarization, prior to composting on-site;
- viii. solarization of cut logs; and/or
- ix. burning of potential host tree materials.

Please refer to UCR's Eskalen lab website for more information regarding ISHBs:  
<http://eskalenlab.ucr.edu/pshb.html>.

We appreciate the opportunity to comment on the referenced NOP. Questions regarding this letter and further coordination on these issues should be directed to Jennifer Turner at (858) 467-2717 or [jennifer.turner@wildlife.ca.gov](mailto:jennifer.turner@wildlife.ca.gov).

Sincerely,



Gail K. Sevens  
Environmental Program Manager  
South Coast Region

ec: Christine Medak at FWS (U.S. Fish and Wildlife Service)  
Scott Morgan (State Clearinghouse)



## CITY OF FOUNTAIN VALLEY

### PLANNING DEPARTMENT

10200 SLATER AVENUE • FOUNTAIN VALLEY, CA 92708-4736 • (714) 593-4425, FAX: (714) 593-4525

August 22, 2019

Kevin Hadden  
Orange County Sanitation District, Engineering/Planning  
10844 Ellis Avenue  
Fountain Valley, CA 92708

***SENT VIA EMAIL TO CEQA@ocsd.com***

SUBJECT: Notice of Preparation of Programmatic Environmental Impact Report for  
Facilities Master Plan, Project No. PS17-08

Dear Mr. Hadden,

Thank you for the opportunity to comment on the Notice of Preparation (NOP) of a Programmatic Environmental Impact Report (PEIR) for the Facilities Master Plan (FMP), Project No. PS17-08. Our understanding is that The Orange County Sanitation District (Sanitation District) is commencing preparation of a PEIR to evaluate the potential environmental impacts associated with implementation of its 2017 Wastewater Collection and Treatment FMP, which was updated in 2019 with additional projects. The FMP is a 20-year Capital Improvement Program to ensure that the Sanitation District can sustain its infrastructure, meet future requirements, and continue to provide a reliable service to the public.

Following our review of the NOP and Initial Study for Project No. PS17-08, we have the following comment/concern:

1. Section 2.3.1 Reclamation Plant No. 1 Improvements (Page 5) – This section identifies power supply projects that involve the demolition of the administrative building. Please include information on the relationship this project has with the proposed administrative headquarters building on the north side of Ellis Avenue in Fountain Valley.
2. Section 3.11 Land Use and Planning (Page 35) – Please include information on the relationship this project has with the proposed administrative headquarters building on the north side of Ellis Avenue in Fountain Valley.
3. Appendices – Please include other projects that may be related to this project including, but not limited to, the proposed headquarters building and pedestrian bridge, security fence and city water line abandonment, and Bushard diversion structure projects.

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Once again, thank you for the opportunity to review the NOP of PEIR for the FMP, Project No. PS17-08. Should you have any questions about our comments, please contact me at (714) 593-4431 or email at [steven.ayers@fountainvalley.org](mailto:steven.ayers@fountainvalley.org).

Sincerely,

A handwritten signature in black ink, appearing to be 'SA' or similar initials, enclosed within a stylized, loopy outline.

Steven Ayers  
Planner  
City of Fountain Valley



**DEPARTMENT OF TRANSPORTATION**

DISTRICT 12  
1750 EAST FOURTH STREET, SUITE 100  
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*Making Conservation  
a California Way of Life.*

August 23, 2019

Mr. Adam Nazaroff  
Orange County Sanitation District  
10844 Ellis Avenue  
Fountain Valley, CA 92708

File: IGR/CEQA  
SCH#: 2019070998  
IGR LOG # 2019-01187  
SR 1, PM 21.989  
I-405, PM 12.621  
SR 1, SR 39, SR 55, SR 73,  
SR 90, SR 91, I-405 - Various

Dear Mr. Nazaroff,

Thank you for including the California Department of Transportation (Caltrans) in the review of the Orange County Sanitation District (OCSD) Facilities Master Plan Project Initial Study. This project will allow OCSD to upgrade, replace, rehabilitate, and maintain existing facilities within their wastewater collection and treatment system. The Facilities Master Plan identifies individual projects located throughout the OCSD service area that would occur over the course of a 20-year planning period. Projects can be generally categorized into three categories: (1) projects occurring at Reclamation Plant No. 1 in Fountain Valley; (2) projects occurring at Treatment Plant No. 2 in Huntington Beach; and (3) projects involving pipelines and pump stations occurring throughout the OCSD service area.

The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. Caltrans is a responsible agency on this project and has the following comments:

**Traffic Operations**

1. Please coordinate with Caltrans to synchronize construction schedules with Caltrans projects taking place in the vicinity.

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SR 1

2. A number of OCSD facilities including Treatment Plant 2, Seal Beach Pump Station, Bitter Point Pump Station, Lido Pump Station, 15th Street Pump Station, Rocky Point Pump Station are in close proximity of SR-1 PCH. PCH is a busy commuter route and is heavily used by tourists in summer. Mitigation measures for the increased traffic during construction needs to be reviewed by Caltrans. Temporary lane closures, if needed, also need to be reviewed by Caltrans. Caltrans project 12-0P680 with limit SR-1 PM 13.0-33.7 is scheduled to be in construction from approximately 2021 to 2024 project; project 12-0R4100 with limit SR-1 PM 17.4-21.5 is scheduled to be in construction from approximately 2022 to 2024. The OCSD project will require coordination with Caltrans projects, especially in regards to potential construction activity closures.
3. Applicant is to submit the Construction Traffic Control Plan (TCP) and Transportation Management Planning (TMP) for further review during an Encroachment Permit Process, if required.

SR 39, SR 90

4. Any lane or shoulder closures proposed with the projects in the Caltrans rights-of-way (ROW) on Route 39 and 90, will require a Transportation Management Plan to be prepared and approved by Caltrans.

SR 55

5. Any lane or shoulder closures proposed with the projects in the Caltrans ROW will require a Transportation Management Plan to be prepared and approved by Caltrans. Also, any construction work proposed within the Caltrans (ROW) should meet or exceed current Caltrans Standards and Specifications. There is a Caltrans project, 12-0J340, that is scheduled to be in construction from approximately 2020 to 2023 within the limits of the OCSD 7-66 project. The OCSD project will require coordination with the Caltrans project especially in regards to potential construction activity closures.

SR 73

6. Any lane or shoulder closures proposed with the projects in the Caltrans ROW will require a Transportation Management Plan to be prepared and approved by Caltrans. Also, any construction work proposed within the Caltrans ROW should meet or exceed current Caltrans Standards and Specifications.

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SR 91

7. Please submit the Transportation Management Plans and Traffic Control Plans for review during the encroachment permit process, if required.

I-405

8. Several significant impacts for transportation are listed in the Master Plan. Please provide a traffic impact study to determine the appropriate mitigation measures needed for the traffic impacts related to the project.

### **Design**

9. Permittee shall adhere to standards expressed in the Caltrans Highway Design Manual and Encroachment Permits Manual. Excavation must include positive identification of high priority utilities in accordance with the Caltrans ROW manual. Any pedestrian facilities within Caltrans ROW that are impacted must be restored to meet ADA standards in accordance to Design Information Bulletin (DIB) 82-06.

I-405

10. Project X-076 (OCSD Reclamation Plan No. 1): This project would start construction around October 2023, which is around the same time the I-405 Widening Project (Ea 0H10010) would be completed. This project will likely not conflict with the I-405 Widening Project. There will be work within the existing sewer pipe underneath I-405, but no disruption to freeway traffic is anticipated. OCSD and its contractor shall take precautions not to undermine the sewer pipe during construction that would affect the integrity of I-405 above the trunk sewer.
11. Project 3-68 Los Alamitos Sub-Trunk Extension: This project will start construction around March 2034, which will be far after the I-405 Widening Project completion. Due to the complexity of the bore and jack method, please coordinate with Caltrans during construction to avoid potential operational disruptions on I-405.
12. Project 7-65 Gisler-Red Hill Interceptor Rehabilitation project: This project is to begin construction on September 2022, which might overlap with the 2023 completion of the I-405 Widening Project. The work on this pipe is mainly relining the pipe using the cured-in-place method. There will be work on the pipe under I-405, but no disruption to traffic on I-405 is anticipated. Again, OCSD and its contractor are to take every precaution when working underneath Caltrans ROW.

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to enhance California's economy and livability"*

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13. Project 7-67 Main Street P5 Force Main Rehabilitation: There are rehab works on 800 feet of the 30-inch VCP pipe and 6,000 feet of the dual 42-inch forcemain pipe. The rehab includes pump replacement and supporting piping. Work on the pipe could possibly take place under I-405 during the pipe replacement operation. OCSD and its contractor are to take every precaution not to disrupt moving traffic on the I-405 freeway during their construction operations. This project begin construction in March 2022 and completes on May 2023. The project is located outside of the I-405 Widening project and will not conflict with its construction operations.

### **Hydraulics**

For all OCSD projects taking place on Caltrans ROW, the following hydrology guidelines shall be adhered to:

14. No diversion flow shall be allowed,
15. Change to the existing grading, drainage pattern, swale/ ditch, etc. shall not be allowed,
16. The existing flow pattern shall be maintained,
17. Discharging groundwater to storm drains during earthwork such as excavation will not be allowed,
18. All existing drainage facilities should be protected during construction,
19. Caltrans Utility Branch should review and make comments on this Proposal, and
20. Final construction plans need to be reviewed and approved by hydraulics branch during Encroachment Permit Process.

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### **Active Transportation**

21. Many of the proposed project locations have Class I, II, and III bicycle facilities near or adjacent to the site, including regionally significant trails and corridors like the Santa Ana River Trail and Pacific Coast Highway. There are also sidewalks, crosswalks, transit stops, and schools near many of the project locations. During construction, please ensure that appropriate detours and safety measures are in place that prioritize the mobility, access, and safety of bicyclists, pedestrians, and transit users. If sidewalks, bike lanes, or transit stops need to be closed during construction, please ensure that closures and detours are clearly signed.
22. For bike lane closures, we recommend the use of "May Use Full Lane" (MUTCD R4-11) signage rather than "Share the Road" (W16-1P) signage to more clearly indicate to both drivers and bicyclists that bicyclists may ride in the center of the traffic lane while the bike lane is closed. Should access to the Santa Ana River Trail be disrupted, please ensure that there are sufficient notifications prior to closures.

### **Stormwater Compliance**

For all OCSD projects taking place on Caltrans ROW, the following stormwater guidelines shall be adhered to:

23. At the time of construction, treatment BMPs may be constructed within Caltrans ROW that may be in conflict with construction activities. Activities must be conducted as to not negatively affect the structure or function of the treatment BMPs. Before commencement of work, Caltrans NPDES Unit must be consulted.
24. Caltrans storm drains must be protected so that they don't receive runoff or nuisance waters related to the construction activities.
25. Post-project, there shall be no commingling of surface waters with Caltrans runoff. If offsite drainage will be discharged to Caltrans ROW, a WQMP or similar shall be submitted for Caltrans review showing that offsite runoff will be treated prior to entering Caltrans ROW.
26. If dewatering is anticipated, dewatering activities must be conducted outside Caltrans ROW.

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to enhance California's economy and livability"*

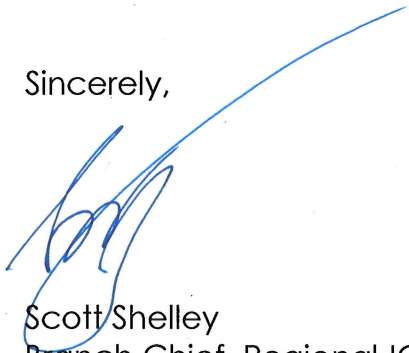
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### **Encroachment Permits**

27. Any project work proposed within Caltrans right-of-way requires an Encroachment Permit and all environmental concerns must be addressed. If the environmental documentation for the project does not meet Caltrans requirements, additional documentation would be required before approval of the Encroachment Permit. For application forms and specific details on Caltrans Encroachment Permits procedure, please refer to Encroachment Permits Manual. The latest edition of the Manual is available on: <http://www.dot.ca.gov/trafficops/ep/apps.html>.

Please continue to coordinate with Caltrans for any future developments that could potentially impact State transportation facilities. If you have any questions, please do not hesitate to contact Matthew Fluhmann, at (657) 328-6310 or [Matthew.Fluhmann@dot.ca.gov](mailto:Matthew.Fluhmann@dot.ca.gov).

Sincerely,



Scott Shelley  
Branch Chief, Regional-IGR-Transit Planning  
District 12