SANTA BARBARA COUNTY
BOARD AGENDA LETTER

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
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Agenda Number:	
Prepared on:	4/04/03
Department Name:	Solid Waste & Utilities/Public Works
Department No.:	054
Agenda Date:	5/27/03
Placement:	Administrative
Estimate Time:	
Continued Item:	NO
If Yes, date from:	

TO: Board of Directors, Laguna County Sanitation District

FROM: Phillip M. Demery, Director
Public Works Department

STAFF CONTACT: Mark Schleich, Deputy Director, ext. 3603
Martin Wilder, Engineer Manager, ext. 8755

SUBJECT: Laguna County Sanitation District Stockpile Removal Project
Fifth Supervisorial District

Recommendation(s):

That the Board of Supervisors:

A. Certify that the Final Environmental Impact Report, 03-EIR-01, for the Laguna County Sanitation District Stockpile Removal Project has been completed in compliance with the California Environmental Quality Act (CEQA);

B. Certify that the Board has reviewed and considered the information contained in the Final EIR, 03-EIR-01, as well as information presented during the public hearing prior to approval of the project, and adopt the CEQA Findings and Statement of Overriding Considerations included as Attachment 1;

C. Approve the Proposed Project (total removal of the stockpile) as the preferred project description;

D. Adopt the mitigation measures, with their corresponding monitoring requirements, as the Mitigation Monitoring and Reporting Program for this project (Attachment 2); and

E. Direct the Public Works Department to apply for State and Federal permits to the extent required by law.

Alignment with Board Strategic Plan:

The recommendations are primarily aligned with Goal No. 1 An Efficient Government Able to Respond Effectively to the Needs of the Community.

Executive Summary and Discussion:

The County of Santa Barbara Public Works Department, Solid Waste and Utilities Division (Division), Laguna County Sanitation District (District) is the Division's largest utility which operates a wastewater treatment plant serving the unincorporated community of Orcutt and portions of southern Santa Maria.. The district serves approximately 11,700 connections and currently collects, treats and disposes of 2.4 million gallons of wastewater per day. Wastewater is generated primarily from domestic sources with minor contributions from commercial establishments but does not include storm water collection. The District maintains one pump station and 155 miles of collection sewers. All of the water is recycled and used for irrigation purposes.

The District has prepared an Environmental Impact Report (EIR) 03-EIR-01 to evaluate the impacts of removing stockpiled soil on the District's site.

Background

The District provides municipal wastewater collection, treatment and disposal for the unincorporated Santa Maria area, the town of Orcutt area and a portion of southern potion part of the City of Santa Maria. The District currently collects, treats and disposes approximately 2.4 million gallons of wastewater per day. The treated effluent is disposed of by land or "spray" irrigation. When irrigation cannot be performed the effluent is stored in reservoirs. A large reservoir (290 million gallons) was constructed on the District's property during 1991 –1993 (the Reservoir). Soils excavated for construction of the Reservoir created a stockpile that encompasses approximately 30 acres and has a remaining volume of approximately 800,000 cubic yards. The Stockpile is proposed for removal (the proposed project). The proposed project would occur sporadically over an approximately 5 year time period.

Approximately 100 feet to the northwest of the Stockpile on an adjacent private parcel is a seasonal breeding pond (the Reservoir Pool) for the Santa Barbara County Distinct Population Segment of the California Tiger Salamander (CTS), a Federally listed endangered species. California red-legged frog (CRLF), a federally listed threatened species, has been observed in the existing Reservoir to the north of the Stockpile. Both species were listed under the Endangered Species Act (ESA) following construction of the Reservoir. Additionally, the western spadefoot toad (WST), a Federal and State Species of Special Concern has been observed on and near the stockpile. Excavation of the Stockpile may result in incidental take (mortality) of CTS, CRLF and WST that may use small mammal burrows within the Stockpile as upland habitat.

The objectives of the proposed project are to remove a soil stockpile from the District site with the intent to eliminate a potential source of sediment from entering surrounding wetland areas, to provide additional

useable land for effluent spray disposal, and to allow the existing District wastewater treatment plant (plant) to operate efficiently.

The proposed project would continue to provide adequate wastewater disposal services to the community of Orcutt and the unincorporated areas surrounding the City of Santa Maria. In 1998, Santa Barbara County approved the Orcutt Community Plan that provided a comprehensive land use plan for development in the unincorporated areas of the southern Santa Maria Valley. Implementation of the Orcutt Community Plan as well as increased population in the City of Santa Maria and the unincorporated Orcutt community (SBCAG, 2002) have increased pressure for adequate public facilities and infrastructure and make a more efficient and expanded municipal wastewater treatment facility a necessity in the area.

The Final Orcutt Community Plan EIR required a mitigation measure to identify, plan, and construct additional trunk and feeder lines to serve full build out of the Community Plan area. An additional mitigation measure required the District to expand the wastewater disposal facility. Removal of the Stockpile is part of the District's efforts to fulfill these mitigation measures. Removal of the Stockpile is required to provide additional open area for spray irrigation and other uses that would allow the District to operate in an efficient manner to provided adequate public services for waste water disposal for the Orcutt Planning area and the remaining service area.

Public Process

The environmental review process for the District's Stockpile Removal Project began on October 30, 2002 with a release of a Notice of Preparation (NOP). Scoping comments were accepted on the proposed project until the release of the Draft EIR for public comment on February 4, 2003. A public meeting was held on February 25, 2003 to solicit public comment on the adequacy and completeness of the analysis and proposed mitigation measures described in 03-EIR-01. The public comment period closed on March 21, 2003.

Proposed Project

Soils excavated for construction of the Reservoir created a stockpile that encompasses approximately 30 acres and has a volume of approximately 800,000 cubic yards. The Stockpile is proposed for removal (the proposed project). The proposed project would occur sporadically over an approximate 5 year time period.

Significant unavoidable impacts were identified to Biological Resources (threatened and endangered species). Mitigation measures have been required through the EIR to reduce these significant impacts.

Should the Board approve the Project, the following permits are required prior to implementation of the Project:

- Section 10(a) Permit in compliance with the Federal Endangered Species Act from the U.S. Fish and Wildlife Service

- National Pollution Elimination Discharge System (NPDES) permit form the Central Coast Regional Water Quality Control Board.

Alternatives

Pursuant to Section 15126.6 of the CEQA Guidelines, the following range of alternatives was evaluated in the EIR to determine the potential to eliminate or reduce potentially significant environmental impacts, while still meeting basic project objectives. Each of three alternatives, including the proposed project, reduced project alternative and no project alternative have been considered in this Final EIR. All alternatives are considered to have similar impacts on threatened and endangered species however; the proposed project was determined to be environmentally superior. The proposed project would remove the Stockpile as a source of sediment to the adjacent Reservoir Pool that provides habitat for the CTS, CRLF and WST. The alternatives are described below:

- **Reduced Project**

Under the reduced project alternative, approximately half of the Stockpile would be removed while providing a "set back" of approximately 850 feet from the Reservoir Pool. This would eliminate the potential for short-term erosion that would potentially occur during soil excavation, but would not alleviate erosion and sedimentation to wetland and open water areas (such as the Reservoir Pool and Reservoir) that has been on-going since the Stockpile was created.

The reduced project would remove upland habitat potentially available to CTS CRLF and WST, however the no CTS or CRLF have been found in small mammal borrows in the Stockpile during monitoring for other nearby projects. If CTS or CRLF were found in the Stockpile, potential impacts to these species would be similar to the proposed project. In the long-term, it would be expected that small mammals would colonize the area occupied by the Stockpile once it is removed. The mammals would construct a network of burrows that would replace potential upland habitat for CTS and other special-status species such as CRLF and WST. Erosion from the Stockpile would continue to occur and would continue to potentially degrade water quality in the Reservoir and Reservoir Pool

- **No Project**

Under the no project alternative, environmental conditions would not change from the current conditions. The Stockpile would remain in place adjacent to the Reservoir and Reservoir Pool and allowed to revegetate naturally. Erosion from the Stockpile would continue to occur and would continue to potentially degrade water quality in the Reservoir and Reservoir Pool.

However, leaving the Stockpile in place would not alter upland habitat. Although no CTS or other sensitive species have been found in upland habitat (burrows) during monitoring accomplished for other District projects in proximity to the Reservoir Pool removal of the Stockpile would temporarily disturb potential upland habitat for the CTS, although the area is expected to revert to spray irrigation similar to other spray irrigation areas on the District's property. In the long-term, it would be expected that small mammals would colonize the area

occupied by the Stockpile. The mammals would construct a network of burrows that would replace potential upland habitat for CTS and other special-status species such as CRLF and WST.

None of the alternatives, including the No Project Alternative were determined to be both environmentally superior to the proposed project.

EIR Issues from Public Comments

The Laguna Sanitation District Stockpile Removal Project has been the subject of one public hearing. No members of the public, public interest groups or representative of other agencies attended the meeting.

Comments on 03-EIR-01 were received from the Environmental Defense Center and suggested the use of native species for revegetation. This comment on the Draft EIR has been responded to in the proposed Final EIR. Where appropriate, changes have been made to the Draft EIR text in response to comments received, and have been incorporated into the proposed Final EIR.

A comment was received from Planning and Development (P&D), Comprehensive Planning Division requesting that an update of the progress made with US Fish and Wildlife Service regarding the Low-level Effect Habitat Conservation Plan be included in the Final EIR. P&D also requested that additional information about the Incidental Take permit process be added to the Final EIR. Where appropriate, changes have been made to the Draft EIR text in response to comments received, and have been incorporated into the proposed Final EIR.

The California Department of Fish and Game and the State Clearing house also contacted staff. Staff from these agencies indicated that there were no additional comments on the Draft EIR.

- **Biology**

Comments on the Draft EIR focused on the restoration of habitat with native vegetation at the Stockpile site to reduce impacts on sensitive species such as the California tiger salamander.

The areas surrounding the Stockpile are in agricultural production (grazing or row crops) while the Stockpile itself is vegetated with native and non-native species. The Stockpile is within the 1.2-mile migration distance from a known CTS breeding pond located approximately 100 feet to the northwest of the Stockpile. The Stockpile is vegetated with non-native annual grasses, and coyote bush seedlings (*Baccharis pilularis*). To the north of the Stockpile is the Reservoir and further to the north and east are cultivated row crops. To the west of the Stockpile are the District's irrigated spray irrigated pastures that are vegetated with non-native grasses. To the south the area is disked or otherwise maintained as a buffer to the District's plant.

Approximately 100 feet to the northwest of the Stockpile on an adjacent private parcel is a seasonal breeding pond (the Reservoir Pool) for the Santa Barbara County Distinct Population Segment of the California tiger salamander. A silt fence is located on the western edge of the Stockpile, between the Stockpile and the Reservoir Pool that may also serve as a barrier for the potential migration of California tiger salamander,

California red-legged frog, or western spadefoot toad. The Stockpile is located within the watershed of the Reservoir Pool.

The California tiger salamander is present in the Reservoir Pool west of the Stockpile. The Stockpile is approximately 1,700 feet long; therefore Reservoir Pool is within 100 to 1,800 feet of the Stockpile. In addition, California red-legged frog are present in the Reservoir north of the Stockpile. Western spadefoot toad were observed on and near the Stockpile in several areas where CTS was found. Other reported occurrences of WST in the area near the District's property were specimens collected by UCSB, and tadpoles observed within the Santa Maria River riparian habitat.

Mitigation Measures

Mitigation measures have been developed to address significant impacts (Class I impacts) on Biological Resources. These measures would potentially lessen impacts, but not to a level of insignificance.

Biological Resources:

1. To reduce impacts to California Tiger Salamander, California red-legged frog and Western spadefoot toad, the following actions shall be implemented during each soil removal event:

    a) All personnel doing work at the site will receive environmental awareness training, which will describe the appearance of CTS, CRLF, and WST, the applicable provisions of the Endangered Species Act, the importance of protecting the covered species and their habitat, and the required mitigation measures. The environmental awareness program will be prepared and presented by a Service-approved biologist. The presentation will be submitted to the Service for review and approval.

    b) At least 15 days prior to the onset of excavating soils from the Stockpile the Laguna County Sanitation District shall submit the name(s) and credentials of biologists that would conduct activities specified in the following measures to the USFWS. No project activities shall begin until Laguna County Sanitation District receives verbal/written approval from the USFWS that the biologist(s) is qualified to conduct the work.

    c) A "work area" shall be identified by the project manager/engineer and staked and flagged with material that is highly visible to equipment operators. Construction personnel and activities will not be allowed beyond the delineated areas.

    d) A USFWS-approved biologist shall conduct systematic searches of small animal burrows in the work area no more than 30 days prior to the beginning of excavation/construction activities. The areas shall not be surveyed again until the next rain event.

    e) A Service-approved CTS and CRLF biologist will be used for all the minimization measures, and will be present during the removal of the upper 3 feet of soils during the Project activities

f) Within 7 days of the removal of the upper 3 feet of Stockpiled soil, a USFWS-approved biologist shall number, map and flag burrows in the field with pin flags marked with the burrow number. Burrows shall be hand excavated or video examined either by, or under the direction of a USFWS-approved biologist.

g) Once an area of the Stockpile has been cleared by a biologist, based on mitigation measures 6 and 7, silt fences will be installed along the sides of the cleared area, to prevent migrating T&E species from entering the surveyed area, except for the eastern side for construction access. Following any significant rain event (i.e., greater than 0.5 inches), the silt fences will be inspected by a Service-approved CTS and CRLF biologist for T&E species.

h) No work shall be conducted prior to sunrise or after sunset when CTS, CRLF and WST are most active.

i) A daily pre-project clearance survey of the access roads and within 500 feet of the Reservoir Pool, shall be conducted by a USFWS-approved biologist between November and March prior to commencement of loading and hauling activities.

j) Speed limits on access roads shall be limited to 25 mph.

k) No Stockpile removal shall be conducted within 200 feet of the Reservoir Pool from November to March unless authorized by the USFWS.

l) The USFWS biologist shall remove and relocate any California tiger salamanders or California red-legged frogs from within the work area to upland habitat in proximity of the Reservoir Pool or other location mutually agreeable to the District and the USFWS.

m) Excavation shall be conducted in accordance with the SWPPP.

n) Trash will be removed from the site daily to avoid attracting predators.

o) Predator control shall be implemented as necessary, such as removal of bullfrogs and non-native fish.

p) The Laguna County Sanitation District shall designate a person to monitor onsite compliance with all mitigation measures. The USFWS-approved biologist shall ensure that the monitor is trained in the identification of California tiger salamander and red-legged frog. The monitor and the USFWS-approved biologist shall have the authority to halt any action that might result in impacts that exceed the levels anticipated by the USFWS during review of the proposed action. If work is stopped, approved biologist or onsite biological monitor shall notify the USFWS immediately.

q) All fueling and maintenance of vehicles and other equipment shall occur at least 100 feet from any wetland (i.e. the Reservoir Pool) or other water body. The Laguna County Sanitation District shall ensure that contamination of habitat does not occur during such operations. Prior to the onset of work, the USFWS shall ensure that the Laguna County Sanitation District has prepared a plan to allow a prompt and effective

response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

r) Access to the Stockpile shall be from the southeast to avoid the road adjacent to the Reservoir Pool.

s) To control erosion during and after project implementation, the applicant shall implement best management practices (BMPs) as identified by the RWQCB.

2. The District shall prepare and implement a restoration and revegetation plan for the Stockpile area to control erosion and runoff to the Reservoir and Reservoir Pool. Species used for revegetation shall emphasize native, fast growing plants that will quickly cover and stabilize the soil surface. Species selection shall be dependent upon the nature of the habitat and be obtained from locally obtained plants and seed stock.

Mitigation measures have been developed to reduce potentially significant impacts to a less than significant level (Class II impacts) in the issue areas of Air Quality, Cultural Resources, Geology, Water Quality, Traffic, and Health and Safety. Mitigation measures to reduce Class I impacts for Biological Resources would be implemented to reduce Class II impacts as well.

Air Quality

1. The following measures are required to reduce NOx emissions from earth-moving equipment:
   a. Heavy-duty diesel powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be used whenever feasible.
   b. The engine size of construction equipment shall be the minimum practical size.
   c. The number of construction equipment operating simultaneously shall be minimize through efficient management practices to ensure that the smallest practical number are operating at one time.
   d. Construction equipment shall be maintained in tune per the manufacturer's specifications.
   e. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
   f. Diesel catalytic converters shall be installed, if available
   g. Diesel particulate emissions shall be reduced using EPA or California certified and or verified technologies such as particulate traps
   h. Diesel equipment shall be replaced by electric equipment whenever feasible.

2. All trucks carrying soil from the site shall be tarped or wetted in order to minimize dust generation

3. During excavation and loading, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas to eliminate visible dust.

Cultural Resources

1. In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant.

Water Quality

1. Erosion control measures (BMPs) shall be implemented to prevent runoff into adjacent wetland areas. Silt fencing, straw bales or sand bags shall be used in conjunction with other methods to prevent erosion and siltation of the Reservoir Pool. Erosion control measures shall be maintained daily, prior to the start of work and removed immediately upon completion of soil excavation.

2. The Laguna County Sanitation District shall obtain an exemption or a National Pollutant Discharge Elimination System Storm Water Permit from the California Regional Water Quality Control Board.

Geology

Mitigation measures for geologic impacts associated with erosion have been included in the Air Quality, Biological Resources, and Water Quality sections of the FEIR.

Mitigation Monitoring and Reporting Program

CEQA Section 15091(d) requires "(d) When making the findings required in subsection (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures." CEQA Section 15097(a) ensures "… that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects."

The impact description, mitigation measures and enforcement agency is designated in the attached Mitigation and Monitoring Reporting Program (Attachment 2). This Mitigation and Monitoring Reporting Program would ensure compliance with the mitigation measures during project implementation.

Conclusions

Staff recommends that the Board approve the proposed Project as the preferred project description (Proposed Project.

Staff also recommends that the Board direct staff to obtain a permit from the US Fish and Wildlife Service to remove the stockpile in compliance with the Federal Endangered Species Act and a National Pollution Discharge Elimination System (NPDES) permit from the Regional Water Quality Control Board.

Further, staff recommends that your Board adopt the mitigation measures, with their corresponding monitoring requirements, as the Mitigation and Monitoring and Reporting Program for this project (Attachment 2) to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented to mitigate or avoid significant environmental effects.

Mandates and Service Levels:

Certification of the EIR will allow staff to continue to provide reliable and cost-effective municipal wastewater collection, treatment and disposal for the unincorporated Santa Maria area, the town of Orcutt area and a the southern portion of the City of Santa Maria

Fiscal and Facilities Impacts:

Certification of the EIR will allow staff to remove the stockpile from the District site and continue to operate the wastewater treatment plant in a cost efficient manner. Soil would be purchased by entities removing material. This revenue would be used to offset costs associated with the removal project.

Special Instructions:

The Clerk of the Board to file the Notice of Determination and send a copy of the minute order to the Laguna County Sanitation District office, attn: Martin Wilder, Civil Engineer Manager and Solid Waste and Utilities Division office, attn: Kathy Kefauver.

Concurrence:

County Counsel

Attachments

Attachment 1: CEQA Findings and Statement of Overriding Considerations
Attachment 2: Mitigation Monitoring and Reporting Program
Attachment 3: Executive Summary (Section 1.0) of the Laguna County Sanitation Final EIR