

# ORANGE COUNTY SANITATION DISTRICT HEADWORKS REHABILITATION AT PLANT NO. 1 (PROJECT NO. P1-105)

Final Mitigated Negative Declaration  
State Clearinghouse No. 2019049152

Prepared for  
Orange County Sanitation District

July 2019





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State Clearinghouse No. 2019049152

Prepared for  
Orange County Sanitation District

July 2019

2121 Alton Parkway  
Suite 100  
Irvine, CA 92606  
949.753.7001  
esassoc.com



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# CHAPTER 1

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## Introduction to Response to Comments

This Final Mitigated Negative Declaration (Final MND) has been prepared for the Orange County Sanitation District (OCSD) Headworks Rehabilitation at Plant No. 1 (Project No. P1-105) (referred to herein as the “proposed project”) in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code Section 21000 et seq.) and CEQA Guidelines (California Administrative Code Section 15000 et seq.).

### 1.1 CEQA Requirements

In accordance with CEQA Guidelines Section 15074 (b), prior to approving a project, the decision-making body of the Lead Agency shall consider the proposed Mitigated Negative Declaration (MND) together with any comments received during the public review process. The OCSD shall adopt the Final MND only if it finds on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment and that the MND reflects OCSD’s independent judgment and analysis.

This Final MND includes the comments received on the Public Review Draft Initial Study(IS)/MND, responses to the comments that have been received on the Public Review Draft IS/MND, a Corrections and Additions chapter that includes any changes or modifications to the Public Review Draft IS/MND that may be required, the Mitigation Monitoring and Reporting Program and the Public Review Draft IS/MND. These components constitute the Final MND. This Final MND is organized as follows:

- Chapter 1: Introduction and CEQA process;
- Chapter 2: A list of persons, organizations, and public agencies commenting on the Public Review Draft IS/MND and the written comments received on the Public Review Draft IS/MND;
- Chapter 3: Written responses to each comment received on the Draft IS/MND as well as any corrections made in response to comments received or initiated by the Lead Agency;
- Chapter 4: Revisions made to the Draft IS/MND in response to comments received or initiated by the Lead Agency; and
- Chapter 5: Mitigation and Monitoring and Reporting Program (MMRP). The MMRP summarizes the mitigation commitments identified in the Final MND.

## **1.2 CEQA Process**

### **Public Participation Process**

#### **Notice of Intent to Adopt a MND**

The Notice of Intent to Adopt a MND was posted on April 26, 2019 with the County Clerk in Orange County. The Public Review Draft IS/MND was circulated for a 30-day public review until May 26, 2019. The Public Review Draft IS/MND was circulated to federal, State, and local agencies and interested parties requesting a copy of the Public Review Draft IS/MND. Copies of the Public Review Draft IS/MND were made available to the public at the following locations:

- OCSD, Administrative Office Building at Plant No. 1, Engineering Planning Division – 10844 Ellis Avenue, Fountain Valley, CA 92708
- Fountain Valley Public Library – 17635 Los Alamos Street, Fountain Valley, CA 92708

## **1.3 Evaluation and Response to Comments**

In accordance with *CEQA Guidelines* Section 15074, OCSD, as the Lead Agency, is required to evaluate substantive environmental comments received on the Public Review Draft IS/MND. This response to comments provides written responses to each comment received on the Public Review Draft IS/MND. OCSD's responses to all comments received on the Public Review Draft IS/MND are provided in Chapter 3.

## **1.4 Final MND Approval**

As the Lead Agency, OCSD is required to determine the adequacy of the Final MND. OCSD can approve the Final MND if they determine that the environmental documentation is adequate.

## **1.5 Notice of Determination**

Pursuant to *CEQA Guidelines* Section 15094, OCSD is required to file a Notice of Determination (NOD) with the Orange County Clerk within five working days of project approval.

# CHAPTER 2

## Comment Letters

The Public Review Draft IS/MND for the proposed project was circulated for public review for 30 days (April 26, 2019 through May 26, 2019). This section includes a list of commenters that provided comments on the Public Review Draft IS/MND. In addition, this section includes each of the comment letters. Each comment letter is assigned a number and each individual comment within the letter was assigned a letter for cross-referencing. **Table 2-1** lists all entities who submitted comments on the Public Review Draft IS/MND during the public review period.

**TABLE 2-1  
COMMENT LETTERS RECEIVED**

<b>Comment Letter No.</b>	<b>Commenting Agency</b>	<b>Date of Comment</b>	<b>Comment Page Number</b>	<b>Response Page Number</b>
1	State Clearinghouse, Office of Planning and Research	May 29, 2019	2-1	3-1
2	Federal Emergency Management Agency (FEMA)	May 1, 2019	2-2	3-1
3	California Department of Transportation (CALTRANS)	May 28, 2019	2-4	3-2
4	South Coast Air Quality Management District (SCAQMD)	May 14, 2019	2-6	3-3
5	Gabrieleño Band of Mission Indians – Kizh Nation	May 1, 2019	2-8	3-4
6	Orange County Public Works	May 23, 2019	2-9	3-5
7	City of Irvine	May 20, 2019	2-12	3-7
8	City of Fountain Valley	May 23, 2019	2-13	3-7



Gavin Newsom  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Kate Gordon  
Director

May 29, 2019

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

Subject: Orange County Sanitation District Headworks Rehabilitation at Plant No. 1 (Project No. P1 -105)  
SCH#: 2019049152

Dear Kevin Hadden:

The State Clearinghouse submitted the above named MND to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on 5/28/2019, and the comments from the responding agency (ies) is (are) available on the CEQA database for your retrieval and use. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

“A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation.”

**Check the CEQA database for submitted comments for use in preparing your final environmental document: <https://ceqanet.opr.ca.gov/2019049152/2> . Should you need more information or clarification of the comments, we recommend that you contact the commenting agency directly.**

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

cc: Resources Agency

1-A

OCSD  
MAIL ROOM  
2019 MAY -3 AM 9:09  
RECEIVED

U.S. Department of Homeland Security  
FEMA Region IX  
1111 Broadway, Suite 1200  
Oakland, CA. 94607-4052



May 1, 2019

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

Dear Mr. Hadden:

This is in response to your request for comments regarding the Notice of Intent Public Notice – Orange County Sanitation District Public Notice, (NOI to Adopt Initial Study/Mitigated Negative Declaration – Project Title: Headworks Rehabilitation at Plant No. 1 (Project No I-105)).

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the County of Orange (Community Number 060212), Maps revised March 21, 2019 and Cities of Costa Mesa, Fountain Valley, Huntington Beach, Newport Beach, Santa Ana, and Westminster (Various community and map revision dates). Please note that the Cities of Costa Mesa, Fountain Valley, Huntington Beach, Newport Beach, Santa Ana, and Westminster, Orange County, California are participants in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.

2-A

Kevin Hadden, Orange County Sanitation District  
 Page 2  
 May 1, 2019

- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any **development** must not increase base flood elevation levels. **The term development means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.
- All buildings constructed within a coastal high hazard area, (any of the “V” Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.
- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA’s Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtm>.

2-A

**Please Note:**

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community’s floodplain manager for more information on local floodplain management building requirements. The Orange County floodplain manager can be reached by calling Penny Lew, Floodplain Manager, at (714) 647-3990.

If you have any questions or concerns, please do not hesitate to call Mark Delorey of the Mitigation staff at (510) 627-7015.

Sincerely,



Gregor Blackburn, CFM, Branch Chief  
 Floodplain Management and Insurance Branch

Kevin Hadden, Orange County Sanitation District  
Page 3  
May 1, 2019

cc:

Jay Trevino, Development Services Department Consultant, City of Costa Mesa  
Brian James, Planning and Building Director, City of Fountain Valley  
Tess Nguyen, Associate Planner, City of Huntington Beach  
Seimone Jurjis, Community Development Director, City of Newport Beach  
Fred Heidari, Deputy Building Director, City of Santa Ana  
Penny Lew, Floodplain Manager, Orange County  
Marwan Youssef, City Engineer, City of Westminster  
Garret Tam Sing, State of California, Department of Water Resources, Southern Region Office  
Mark Delorey, NFIP Planner, DHS/FEMA Region IX  
Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 12  
 1750 EAST FOURTH STREET, SUITE 100  
 SANTA ANA, CA 92705  
 PHONE (657) 328-6267  
 FAX (657) 328-6510  
 TTY 711  
[www.dot.ca.gov](http://www.dot.ca.gov)



*Making Conservation  
 a California Way of Life.*

Governor's Office of Planning & Research

**MAY 28 2019**

May 28, 2019

**STATE CLEARINGHOUSE**

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

File: IGR/CEQA  
 SCH#: 2019049152  
 IGR LOG# 2019-01118  
 I-405  
 PM 5.819

Dear Mr. Hadden,

Thank you for including the California Department of Transportation (Caltrans) in the review of the Public Notice of Intent to Adopt an Initial Study/Mitigated Negative Declaration for the proposed Headworks Rehabilitation at Plant No. 1 (Project No. P1-105). The proposed project is in Orange County Sanitation District Treatment Plant No. 1 at 10844 Ellis Avenue in the City of Fountain Valley. The project would consist of a combination of construction activities that include the rehabilitation of existing facilities, construction of new facilities, and demolition of existing facilities, as well as operating and maintaining facilities once construction and rehabilitation is complete. Rehabilitation activities would be mechanical and/or electrical in nature. Demolition of existing facilities would include removal of concrete, steel, mechanical equipment, piping, electrical wiring, raceways and duct banks, as well as other utilities that may be present. Interstate 405 (I-405) is located approximately 0.15-mile north of the project site.

3-A

Caltrans is a responsible agency on this project and has the following comments:

1. Access to Plant No. 1 is primarily through the I-405 Freeway, therefore, the document should include a discussion on any potential impacts of this project on I-405 ramps and mainline. Further, a discussion on the potential need for a Traffic Management Plan is required.
2. Coordination with San Diego Freeway (I-405) Improvement Project is required, and a discussion should be included in the environmental document.
3. Coordination with Project Management unit is required. You may contact Andrew Chuah at [Andrew.Chuah@dot.ca.gov](mailto:Andrew.Chuah@dot.ca.gov) or (657)328-6302.

3-B

3-C

3-D

Mr. Kevin Hadden  
May 28, 2019  
Page 2

4. In the event of any activity in Caltrans right of way an encroachment permit will be required. For specific details on Encroachment Permits procedure, please refer to Encroachment Permits Manual at:  
[www.dot.ca.gov/hq/traffops/developserv/permits](http://www.dot.ca.gov/hq/traffops/developserv/permits)

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 Maryam Molavi at (657) 328-6280 or [maryam.molavi@dot.ca.gov](mailto:maryam.molavi@dot.ca.gov).

3-E

Sincerely,



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



SENT VIA E-MAIL AND USPS:

May 14, 2019

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

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

**Mitigated Negative Declaration (MND) for the Proposed  
 Headworks Rehabilitation at Plant No. 1 (Project No. P1-105)**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final MND.

South Coast AQMD Staff’s Summary of Project Description

The Lead Agency proposes to demolish 39,047 square feet of structures, construct 10 facilities totaling 43,500 square feet, and rehabilitate 11 structures on seven acres (Proposed Project). The Proposed Project is located at 10844 Ellis Avenue within the 112-acre wastewater treatment Plant No. 1. Construction of the Proposed Project is expected to last approximately eight years<sup>1</sup>.

4-A

Responsible Agency, South Coast AQMD Permits, and Rules

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 with the Portable Equipment Registration Program (PERP) through the California Air Resources Board (CARB)<sup>2</sup>. It is recommended that the Lead Agency consult with South Coast AQMD’s Engineering and Permitting staff to determine if any equipment during construction and/or operation will require a South Coast AQMD permit or need to be registered under the PERP through CARB<sup>3</sup>, and if the Proposed Project would be subject to any South Coast AQMD rules in addition to South Coast AQMD Rule 201 – Permit to Construct and Rule 203 – Permit to Operate. 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 Final MND. The assumptions in the air quality analysis in the Final MND will be used as the basis for permit conditions and limits. 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 MND or substantially more severe air quality impacts than those analyzed in the Final MND, the Lead Agency should commit to re-evaluating the Proposed Project’s air quality impacts through a CEQA process (CEQA Guidelines Section 15162). For more information on permits, 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.

4-B

Conclusion

Pursuant to CEQA Guidelines Section 15074, prior to approving the Proposed Project, the Lead Agency shall consider the MND for adoption together with any comments received during the public review process. Please provide South Coast AQMD with written responses to all comments contained herein

4-C

<sup>1</sup> MND. Page 11.

<sup>2</sup> South Coast AQMD. *Portable Equipment Registration Program (PERP)*. Accessed at: <http://www.aqmd.gov/home/permits/equipment-registration/perp>.

<sup>3</sup> *Ibid*.

prior to the adoption of the Final MND. When responding to issues raised in the comments, response should provide sufficient details giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision makers and the public who are interested in the Proposed Project.

South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact me at [lsun@aqmd.gov](mailto:lsun@aqmd.gov), should you have any questions.

↑  
4-C

Sincerely,

*Lijin Sun*

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS  
ORC190501-19  
Control Number



## GABRIELENO BAND OF MISSION INDIANS - KIZH NATION

Historically known as The San Gabriel Band of Mission Indians  
recognized by the State of California as the aboriginal tribe of the Los Angeles basin

### **Notice of Intent to Adopt An Initial Study/ Mitigated Negative Declaration**

May 1, 2019

Orange County Sanitation District

10844 Ellis Avenue

Fountain Valley, CA 92708

Good Afternoon Kevin Hadden,

We have received your Notice of Intent to adopt a Negative Declaration for the Headworks Rehabilitation at Plant No.1 (Project No.P-1-105) in the location of Orange County. Our Tribal Government would like to be consulted if any ground disturbance will be conducted for this project.

5-A

Sincerely,

Gabrieleno Band of Mission Indians/Kizh Nation

(1844) 390-0787 Office

Andrew Salas, Chairman

Albert Perez, treasurer I

Nadine Salas, Vice-Chairman

Martha Gonzalez Lemos, treasurer II

Dr. Christina Swindall Martinez, secretary

Richard Gradias, Chairman of the council of Elders

PO Box 393 Covina, CA 91723

[www.gabrielenoindians@yahoo.com](mailto:www.gabrielenoindians@yahoo.com)

[gabrielenoindians@yahoo.com](mailto:gabrielenoindians@yahoo.com)



May 23, 2019

NCL-19-014

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

**Subject:** Notice of Availability and Intent to Adopt a Mitigated Negative Declaration for the Headworks Rehabilitation at Plant No. 1 Project

Dear Mr. Kevin Hadden:

Thank you for the opportunity to comment on the Initial Study and Mitigated Negative Declaration for the Headworks Rehabilitation at Plant No. 1 Project. The County of Orange offers the following comments for your consideration.

**OC Certified Unified Program Agency (OC CUPA)**

- 1. The applicant ensures that new chemical storage tanks/chemicals over 55 gallons are updated/disclosed via California Environmental Reporting System (CERS) on their sites CERS IDs. For assistance, please contact the OC CUPA Program Manager at 714-433-6010 or the Fountain Valley Fire Department.

6-A

**OC Local Enforcement Agency**

- 1. The IS/MND stated that a hazardous material survey (HMS) was completed but the HMS wasn't included in the document so it's not clear how the project plans to segregate, store and dispose of hazardous and non-hazardous waste.
- 2. The IS/MND mentions Rainbow Disposal as the hauler of residential and commercial waste of Fountain Valley and that it has a material recovery facility (MRF) but it's not clear if Orange County Sanitation District (OCSD) plans to send all waste to Rainbow and then to Frank R. Bowerman (FRB). Also, there is no mention of recycling of material. If the waste is transported to Rainbow Disposal, some of the material could be recycled, giving the city recycling credits which construct, and demolition projects usually need to show compliance with recycling goals of the state.
- 3. The hazardous material survey was included in the IS/MND. It's unclear what type of sampling will be occurring to ensure that hazardous waste or soil is not going to Rainbow or FRB landfill. Concrete has been known to have asbestos and should be tested prior to disposal or recycling. Soil could be contaminated with various chemicals and metals.

6-B

6-C

6-D

**OC HCA/Environmental Health**

Please see the following changes in red to the respective sections.

1. **4.19 Utilities and Service Systems**

**Solid Waste Management**

Company/Republic Services operates a MRF located at 17121 Nichols Street with a design capacity of approximately ~~2,800~~ **4,000** tons per day (tpd). Non-recyclable materials and solid waste are then transported to the appropriate landfill.

2. ~~The Orange County Integrated Waste Management Department (OCIWMD)~~ **Orange County Waste and Recycling (OCWR)** owns and operates three active landfills serving the Orange County region. These include the Frank R. Bowerman Landfill (11002 Bee Canyon Access Road, Irvine); Olinda Alpha Landfill (1942 N. Valencia Avenue, Brea), and the Prima Deshecha Landfill (32250 La Pata Avenue, San Juan Capistrano). The Olinda Alpha Landfill and the Prima Deshecha Landfill are open to the public while the Frank Bowerman Landfill is for commercial use only. All three landfills are permitted as Class III landfills. Class III landfills accept only non-hazardous municipal solid waste for disposal; no hazardous or liquid waste can be accepted. **Table 17** describes the maximum permitted capacity of the serving landfills.

3. The landfill closest to the project area is the Frank R. Bowerman Landfill, a 725-acre, non-hazardous, municipal solid waste landfill located approximately 13 miles northeast of the project area. The Frank R. Bowerman Landfill is permitted to receive 11,500 tpd, receives a daily average of approximately 6,800 tpd (Orange County Waste & Recycling 2017; City of Fountain Valley 2017b), and is scheduled to close in the year 2053 (Orange County Waste & Recycling 2017). The landfill is subject to regular inspection by state **and local** regulatory agencies such as the California Department of Resource Recycling and Recovery (CalRecycle), the California Regional Water Quality Control Board (RWQCB), and the South Coast Air Quality Management District (SCAQMD).

*Please note that the Local Enforcement Agency (LEA) inspects the landfills monthly and the State inspects them every 18 months.*

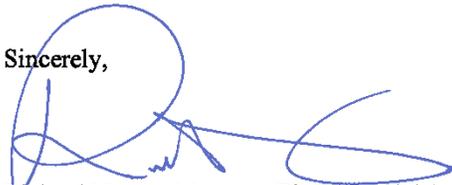
4. The IS/MND should address the recycling component of solid waste disposal. Construction debris such as concrete can be recycled/crushed for reuse instead of being landfilled. In addition, most construction projects are under mandatory recycling goals. Please include a discussion specific to recycling in Section 4.19 Utilities and Service Systems, f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.

If you have any questions regarding these comments, please contact the Kathy Cross at (714) 433-6270 in the OC Local Enforcement Agency, Geniece Higgins at (714) 433-6260 in Orange County Healthcare Agency/ Environmental Health or Cindy Salazar at (714) 667-8870 in OC Development Services.

6-E

6-F

Sincerely,



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)

cc: Sahar Parsi, OC Flood Programs/Hydrology & Floodplain Management  
Penny Lew, OC Flood Programs/Hydrology & Floodplain Management  
Jacqueline Sedighi, OC Environmental Resources



Community Development

1 Civic Center Plaza, Irvine, CA 92606-5208

[cityofirvine.org](http://cityofirvine.org)

949-724-6000

May 20, 2019

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

**Subject: Notice of Intent to Adopt an Initial Study/Mitigated Negative Declaration**

Dear Mr. Hadden:

City of Irvine staff is in receipt of the Initial Study/Mitigated Negative Declaration for the Headworks Rehabilitation Project. The project is within the Orange County Sanitation District (Plant No. 1) located at 10844 Ellis Avenue in the City of Fountain Valley. The project consists of rehabilitating and demolishing existing process facilities and buildings (e.g., Metering and Division Electrical Building, Headworks No. 1 Structure, and Chlorine Building) as well as constructing new facilities (e.g., Grit Pump Station, Power and Electrical building, and Chloride Building). Staff reviewed the project and has no comments.

7-A

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



**CITY OF FOUNTAIN VALLEY**

**PLANNING DEPARTMENT**

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

May 23, 2019

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

SUBJECT: Headworks Rehabilitation at Plant No. 1 (Project No. P1-105)

Dear Mr. Hadden,

Thank you for the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) for the Headworks Rehabilitation at Plant No. 1 (Project No. P1-105). Our understanding is that the proposed project would consist of a combination of construction activities that include the rehabilitation of existing facilities, construction of new facilities, and demolition of existing facilities, as well as operating and maintaining facilities once construction and rehabilitation is complete. Rehabilitation activities would be mechanical and/or electrical in nature. All new above-grade structures would range between 18 and 39 feet in height. Demolition of existing facilities would generally include removal of concrete, steel, mechanical equipment, piping, electrical wiring, raceways and ductbanks, as well other utilities which may be present.

8-A

Following our review of the IS/MND for the Headworks Rehabilitation at Plant No. 1 project, we have the following comment/concern:

1. Section 4.1.d Aesthetics (Page 22) – With construction hours starting at 7:00 am Monday through Friday, often delivery trucks arrive earlier than 7:00 am at a construction site and are left idling. Per Fountain Valley Municipal Code 6.28.147 (Idling Motor Vehicles), “No person shall leave standing any motor vehicle, including refrigeration trailers, with engine idling or auxiliary motor running for in excess of ten minutes between the hours of ten p.m. and seven a.m. if the engine or motor noise disturbs the peace or quiet of any residential neighborhood or causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area. The driver, owner, registered owner and legal owner of the motor vehicle or refrigeration trailer shall each be guilty of the offense described herein.” Therefore, staff requests that staging of all delivery trucks, or any other type of motor vehicle associated with this project, occur on site within the OCSD property.

8-B

Once again, thank you for the opportunity to review the IS/MND for the Headworks Rehabilitation at Plant No. 1 project. 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,

Steven Ayers  
Planner  
City of Fountain Valley

## CHAPTER 3

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# Responses to Comments

A summary of the comments contained within the comment letters received during the public review period for the Draft IS/MND are included in this section (see Chapter 2). OCSD provides individual responses to the bracketed comments in each letter. In some instances, in response to the comment, OCSD has made additions or deletions to the text of the Draft IS/MND; additions are included as underlined text and deletions as ~~stricken text~~. The revisions do not significantly alter the conclusions in the IS/MND.

### **Letter 1: State Clearinghouse, Office of Planning and Research**

#### Comment 1-A

The comment acknowledges the State Clearinghouse distributed the IS/MND as required under CEQA to pertinent agencies.

#### Response 1-A

The comment is noted and saved in the project record. No response is required because there are no specific comments on the contents in the Draft IS/MND.

### **Letter 2: Federal Emergency Management Agency (FEMA)**

#### Comment 2-A

The comment requests that the current Flood Insurance Rate Maps (FIRMs) for the County of Orange are reviewed as they were revised in March of 2019. The comment then states which cities are participants of the National Flood Insurance Program (NFIP). The comment provides the source for where NFIP building requirements are located, and summarizes primary NFIP floodplain management building requirements. The comment states that various participating communities have adopted more restrictive building requirements and provided a local contact to reach out to if there are any questions.

## Response 2-A

Page 78 of the Draft IS/MND states the following:

The Federal Emergency Management Agency (FEMA) flood insurance maps show that Plant No. 1 is located in an area designated as Zone X, Area with Reduced Risk Due to Levee. This area is protected from the one-percent-annual-chance flood by levee, dike, or other structures subject to possible failure or overtopping during larger floods (FEMA 2017a; FEMA 2017b).

The FEMA Flood Map Service Center online database was accessed June 2019 to ensure that appropriate changes of flood classification were made to the Draft IS/MND after the March 2019 revision date. The project area is still classified as Zone X according to the FEMA database. No changes to the Draft IS/MND are required. The comment is noted and saved in the project record. No further response is required because there are no specific comments on the contents in the Draft IS/MND.

## **Letter 3: California Department of Transportation (CALTRANS)**

### Comment 3-A

The comment acknowledges that CALTRANS has received and reviewed the Draft IS/MND and summarizes the project description. Additionally, the comment states that CALTRANS is a responsibly agency on this project.

### Response 3-A

The comment is noted. No response is required because there are no specific comments on the contents in the Draft IS/MND.

### Comment 3-B

The comment states that access to Plant No. 1 is primarily through the I-405 and that the document should include a discussion of potential impacts of the project on I-405 ramps and mainline. Further, the comment states that a discussion on the potential need for a Traffic Management Plan is required.

### Response 3-B

The Draft IS/MND evaluates the proposed project's impacts to traffic on page 106. The analysis notes that no detours, lane closures or road closures would be necessary. Although construction worker commutes would utilize I-405, the Draft IS/MND concludes that the additional 41 peak hour trips would not significantly impact the freeway on or off ramps. A traffic control plan is only required where a project would compromise lanes of traffic. Since no lanes of traffic would be compromised during construction, a traffic control plan is not necessary.

## Comment 3-C

The comment states that coordination with the San Diego Freeway (I-405) Project is required and a discussion should be included in the environmental document.

## Response 3-C

Although I-405 is located within 0.15 miles of the construction area, the project would not impede traffic or contribute substantial numbers of traffic during peak hours. As a result, the Draft IS/MND concludes on page 106 that impacts to I-405 would be less than significant. No encroachment permit or additional consultation with Caltrans is necessary.

## Comment 3-D

The comment states that coordination with the Project Management unit is required and provides the local contact information.

## Response 3-D

Although I-405 is located within 0.15 miles of the construction area, the project would not impede traffic or contribute substantial numbers of traffic during peak hours. As a result, the Draft IS/MND concludes on page 106 that impacts to I-405 would be less than significant. No encroachment permit or additional consultation with Caltrans is necessary.

## Comment 3-E

The comment states that in the event of any activity in a CALTRANS right of way, an encroachment permit will be required. The comment then provides a source that refers to the Encroachment Permits Manual and then an additional contact for potential questions regarding the comment letter.

## Response 3-E

The comment is noted and saved in the project record. The project would be implemented within the Plant No. 1 boundaries; therefore, no Encroachment Permit will be required.

## **Letter 4: South Coast Air Quality Management District (SCAQMD)**

### Comment 4-A

The comment acknowledges that SCAQMD has received and reviewed the Draft IS/MND and summarizes the project description.

### Response 4-A

No response is required because there are no specific comments on the contents in the Draft IS/MND.

## Comment 4-B

The comment states that operation of portable engines/ equipment units of 50 horsepower or greater that emit particulate matter require a permit from SCAQMD or registration with the Portable Equipment Registration Program (PERP) through the California Air Resources Board (CARB). The comment recommends that the Lead Agency consult with SCAQMD's Engineering and Permitting staff to determine if any equipment during construction and/or operation will require a South Coast AQMD permit or need to be registered under the PERP and if the project would be subject to any rules in addition to Rule 201 and Rule 203. The comment then states that if a permit from SCAQMD is required, the SCAQMD should be identified as a Responsible Agency for the project in the Final MND. The comment then states that assumptions in the air quality analysis in the Final MND will be used as the basis for permit conditions and limits and provides the Engineering and Permitting staff contact number.

## Response 4-B

OCSD will ensure that any equipment used during construction and operation of the proposed facility comply with all applicable permitting and regulatory requirements.

## Comment 4-C

The comment then requests that OCSD provide SCAQMD with written responses to all comments on the Final IS/MND before project certification. The comment provides a staff contact number for questions or concerns.

## Response 4-C

The comment is noted and saved in the project record. No response is required because there are no specific comments on the contents in the Draft IS/MND.

## **Letter 5: Gabrieleño Band of Mission Indians – Kizh Nation**

### Comment 5-A

The comment acknowledges that the Tribal Government has received the Draft IS/MND and requests to be consulted if ground disturbance would occur with the project.

### Response 5-A

Section 4.18, Tribal Cultural Resources of the Draft IS/MND describes the AB 52 Consultation Process that occurred for the project. OCSD has and will continue to coordinate closely with Native American Tribes within the project area, if requested. In September of 2017, OCSD consulted with Mr. Andrew Sales of the Gabrieleño Band of Mission Indians – Kizh Nation to understand tribal sensitivity of Plant No. 1. Mitigation Measures CUL-3 and CUL-4 described on pages 54 and 55 of the Draft IS/MND ensure that a Native American from a tribe that is culturally and traditionally affiliated with the project area will be invited to monitor excavation activities at

their discretion. Further, OCSD will consult with appropriate Native American representatives in determining treatment for prehistoric or Native American resources to ensure cultural values ascribed to the resource are considered, if resources were to be found.

## **Letter 6: Orange County Public Works**

### **Comment 6-A**

The comment acknowledges that OC Public Works has received the Draft IS/MND and states that the applicant (Lead Agency) shall ensure that new chemical storage tanks/chemicals over 55 gallons are updated/disclosed via the California Environmental Reporting System (CERS) on their sites VERS IDs. The comment then provides a contact for the OC CUPA Program Manager.

### **Response 6-A**

The comment is noted and saved in the project record. OCSD will continue to update/revise project facilities on the CERS, if required. No further response is required because there are no specific comments on the contents in the Draft IS/MND.

### **Comment 6-B**

The comment notes that a hazardous material survey (HMS) was completed but was not included in the document so it is not clear how the project plans to segregate, store and disposed of hazardous and non-hazardous waste.

### **Response 6-B**

The Draft IS/MND describes the hazardous materials management activities at Plant No. 1 beginning on page 72. The OCSD Plant No. 1 facility is an existing wastewater treatment plant with well-established hazardous materials handling procedures. The Draft IS/MND notes that the proposed upgrades would not change the existing operational requirements including preparation of hazardous materials Business Plans and compliance with other hazardous materials regulations.

### **Comment 6-C**

The comment states that it is not clear if OCSD plans to send all waste to Rainbow Disposal and then to Frank R. Bowerman landfill. Further, the comment states that there is no mention of recycling material and explains that if the waste is transported to Rainbow Disposal, some of the material could be recycled. Last, the comment states that recycling would provide the city recycling credits, and demolition projects usually need to show compliance with recycling goals of the state.

### **Response 6-C**

The Draft IS/MND states on page 117 that construction waste would be disposed of at the Bowerman landfill. Recycling waste would be the responsibility of the contractor. Operationally,

OCSD Plant No. 1 is a well-established facility that would continue implementing waste reduction procedures currently in place.

## Comment 6-D

The comment states that it is unclear what type of sampling will be occurring to ensure that hazardous waste or soil is not going to Rainbow or the Frank R. Bowerman landfill. The comment states that concrete has been known to have asbestos and should be tested prior to disposal or recycling and that soil could be contaminated with various chemicals and metals.

## Response 6-D

The Draft IS/MND states on page 117 that construction waste would be disposed of at the Bowerman landfill. Recycling waste would be the responsibility of the contractor. Operationally, OCSD Plant No. 1 is a well-established facility that would continue implementing waste reduction procedures currently in place. The Draft IS/MND concludes on page 74 that compliance with hazardous waste disposal regulations ensures that impacts would be less than significant.

## Comment 6-E

The comment requests that various text changes be made to the Draft IS/MND within Section 4.19, Utilities and Service Systems.

## Response 6-E

The following revisions will be made to Section 4.19 of the Draft IS/MND on pages 114 through 115. Chapter 4, *Corrections and Additions* of this Final MND further summarizes these revisions.

The Rainbow Disposal Company/Republic Services operates a MRF located at 17121 Nichols Street with a design capacity of approximately ~~2,800~~ 4,000 tons per day (tpd). Non-recyclable materials and solid waste are then transported to the appropriate landfill.

The ~~Orange County Integrated Waste Management Department (OCIWMD)~~ Orange County Waste and Recycling (OCWR) owns and operates three active landfills serving the Orange County region.

The landfill is subject to regular inspection by state and local regulatory agencies such as the California Department of Resource Recycling and Recovery (CalRecycle), the California Regional Water Quality Control Board (RWQCB), and the South Coast Air Quality Management District (SCAQMD).

## Comment 6-F

The comment requests that the IS/MND address the recycling component of solid waste disposal and states that construction debris such as concrete can be recycled/crushed for reuse instead of being landfilled. In addition, the comment requests that the IS/MND include a discussion specific to recycling in Section 4.19 Utilities and Service Systems, f) Be served by a landfill with

sufficient permitted capacity to accommodate the project's solid waste disposal needs. Last, the comment provides contact information for questions regarding OC Public Works' comments.

## Response 6-F

Recycling construction waste would be the responsibility of the contractor. Operationally, OCSD Plant No. 1 is a well-established facility that would continue implementing waste reduction procedures currently in place. The Draft IS/MND concludes on page 74 that compliance with hazardous waste disposal regulations ensures that impacts would be less than significant.

## Letter 7: City of Irvine

### Comment 7-A

The comment acknowledges that the City of Irvine has received and reviewed the Draft IS/MND, summarizes the project description, and states that there are no comments. The comment then provides staff contact information.

### Response 7-A

The comment is saved in the project record. No response is required because there are no specific comments on the contents in the Draft IS/MND.

## Letter 8: City of Fountain Valley

### Comment 8-A

The comment acknowledges that the City of Fountain Valley has received and reviewed the Draft IS/MND and summarizes the project description.

### Response 8-A

The comment is saved in the project record. No response is required because there are no specific comments on the contents in the Draft IS/MND.

### Comment 8-B

The comment reiterates text on Page 22 of the Draft IS/MND involving construction hours and consistency with Fountain Valley Municipal Code. The comment then requests that staging of all delivery trucks, or any other type of motor vehicle associated with the project occur onsite within OCSD property. The comment then provides contact information for questions.

### Response 8-B

As described in Section 2, *Project Description* of the Draft IS/MND, the project would be constructed and operated within the boundaries of Plant No. 1; this includes all project staging of equipment and vehicles. The comment is saved in the project record. No further response is required because there are no specific comments on the contents in the Draft IS/MND.

# CHAPTER 4

## Corrections and Additions to the Draft IS/MND

This chapter contains a compilation of revisions made to the text of the Draft IS/MND by OCSD as the Lead Agency, in response to the comments received during the 30-day public review period as well as minor edits. All revisions are previously introduced in Chapter 3 of this Final MND but are summarized here for convenience of the reader. Where the responses indicate additions or deletions to the text of the Draft IS/MND, additions are indicated in underline and deletions in ~~strikeout~~.

### 4.19 Utilities and Service Systems

Page 114-115

#### ***Solid Waste Management***

The cities of Fountain Valley Public Works Department is responsible for weekly residential and commercial trash collection services and contracts with Rainbow Disposal Company, Inc, which is currently associated with Republic Services (Republic Services 2017; City of Fountain Valley 2017a). All trash collected by the cities refuse services are sorted and processed at a Materials Recovery Facility (MRF) within the City of Huntington Beach. The Rainbow Disposal Company/Republic Services operates a MRF located at 17121 Nichols Street with a design capacity of approximately ~~2,800~~ 4,000 tons per day (tpd). Non-recyclable materials and solid waste are then transported to the appropriate landfill.

The ~~Orange County Integrated Waste Management Department (OCIWMD)~~ Orange County Waste and Recycling (OCWR) owns and operates three active landfills serving the Orange County region. These include the Frank R. Bowerman Landfill (11002 Bee Canyon Access Road, Irvine); Olinda Alpha Landfill (1942 N. Valencia Avenue, Brea), and the Prima Deshecha Landfill (32250 La Pata Avenue, San Juan Capistrano). The Olinda Alpha Landfill and the Prima Deshecha Landfill are open to the public while the Frank Bowerman Landfill is for commercial use only. All three landfills are permitted as Class III landfills. Class III landfills accept only non-hazardous municipal solid waste for disposal; no hazardous or liquid waste can be accepted.

**Table 17** describes the maximum permitted capacity of the serving landfills.

**TABLE 17**  
**CAPACITY OF ORANGE COUNTY LANDFILLS**

<b>Landfill</b>	<b>Daily Maximum (tons)</b>	<b>Maximum Capacity (cubic yards)</b>	<b>Remaining Capacity (cubic yards)</b>	<b>Anticipated Closure Date</b>
Frank R. Bowerman	11,500	266,000,000	205,000,000	2053
Olinda Alpha	8,000	148,800,000	34,200,000	2021
Prima Deshecha	4,000	172,900,000	87,384,799	2067

SOURCE: CalRecycle, 2008; CalRecycle, 2014; CalRecycle, 2005

The landfill closest to the project area is the Frank R. Bowerman Landfill, a 725-acre, non-hazardous, municipal solid waste landfill located approximately 13 miles northeast of the project area. The Frank R. Bowerman Landfill is permitted to receive 11,500 tpd, receives a daily average of approximately 6,800 tpd (Orange County Waste & Recycling 2017; City of Fountain Valley 2017b), and is scheduled to close in the year 2053 (Orange County Waste & Recycling 2017). The landfill is subject to regular inspection by state and local regulatory agencies such as the California Department of Resource Recycling and Recovery (CalRecycle), the California Regional Water Quality Control Board (RWQCB), and the South Coast Air Quality Management District (SCAQMD).

# CHAPTER 5

## Mitigation Monitoring and Reporting Program

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### CEQA Requirements

CEQA Guidelines Section 15097 requires a public agency to adopt a program for monitoring or reporting on the changes it has required in the project or conditions of approval to substantially lessen significant environmental effects. This Mitigation, Monitoring and Reporting Program (MMRP) summarizes the mitigation commitments identified in the OCSD Headworks Rehabilitation at Plant No. 1 (Project No. P1-105) (State Clearinghouse No. 2019049152). Mitigation measures are presented in the same order as they occur in the Public Review Draft IS/MND.

The columns in the MMRP table provide the following information:

- **Mitigation Measure(s):** The action(s) that will be taken to reduce the impact to a less-than-significant level.
- **Implementation, Monitoring, and Reporting Action:** The appropriate steps to implement and document compliance with the mitigation measures.
- **Responsibility:** The agency or private entity responsible for ensuring implementation of the mitigation measure. However, until the mitigation measures are completed, OCSD, as the CEQA Lead Agency, remains responsible for ensuring that implementation of the mitigation measures occur in accordance with the MMRP (CEQA Guidelines, Section 15097(a)).
- **Monitoring Schedule:** The general schedule for conducting each task, either prior to construction, during construction and/or after construction.

**TABLE 5-1  
MITIGATION MONITORING AND REPORTING PROGRAM FOR THE OCSD HEADWORKS REHABILITATION AT PLANT NO. 1 (PROJECT NO. P1-105)**

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule
<b>Air Quality</b>			
<p><b>AQ-1:</b> Equipment engines shall be maintained in proper tune and construction equipment shall be operated so as to minimize exhaust emissions. Mobile off-road construction equipment (wheeled or tracked) used during construction of the proposed project shall meet the USEPA Tier 3 standards for the first two years. Beginning in the third year of construction, Tier 4 final standards, either as original equipment or equipment retrofitted to meet the Tier 4 final standards. A copy of each unit's certified tier specification or model year specification shall be available upon request at the time of mobilization of each applicable unit of equipment. This mitigation applies to off-road equipment and does not apply to on-road vehicles.</p>	<ul style="list-style-type: none"> <li>• Include mitigation measure in construction contractor specifications.</li> <li>• Retain copies of contractor specifications in project files.</li> <li>• Perform site inspections to verify contractor compliance. Retain inspection records in the project file.</li> </ul>	<p align="center">OCSD; Construction Contractor</p>	<p align="center">Before and During Construction</p>
<b>Biological Resources</b>			
<p><b>BIO-1:</b> If removal of onsite trees and vegetation associated with the proposed project occurs during the non-nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors), no nesting survey or biological monitor are required.</p> <p>If the removal of onsite trees and vegetation associated with the proposed project occurs during the nesting season (February 15 to August 31 for songbirds; January 15 to August 31 for raptors), a qualified biologist shall conduct a survey prior to vegetation removal activities to determine if there are active nests within the onsite trees and vegetation proposed for removal. If an active nest is not found, no biological monitor is required. If active nests are detected, a minimum buffer (e.g., 300 feet for songbirds or 500 feet for raptors) around the nest shall be delineated and flagged, and no construction activity shall occur within the buffer area until a qualified biologist determines the nesting species have fledged and is no longer active or the nest has failed. The buffer may be modified (i.e., increased or decreased) and/or other recommendations proposed (e.g., a temporary soundwall) as determined appropriate by the qualified biologist to minimize impacts. The qualified biologist shall monitor the removal of onsite trees and vegetation. Nest buffer distance will be based on species, specific location of the nest, the intensity of construction activities, existing disturbances unrelated to the proposed program present in the program area, and other factors.</p> <p>If construction activities associated with the proposed project are scheduled outside the nesting season, no nesting survey or biological monitor are required.</p> <p>If grading/excavation or pile driving activities associated with the proposed project are scheduled during the nesting season, a qualified biologist shall conduct a survey, prior to grading/excavation or pile driving activities, of suitable nesting habitat within 500 feet of construction activities for the presence of nesting birds. If no active nests are detected, no biological monitor is required. If an active nest is detected, a minimum buffer (e.g., 300 feet for songbirds or 500 feet for raptors) around the nest shall be delineated and the active nest shall be flagged, and no construction activity shall occur within the buffer area until a qualified biologist determines the nesting species have fledged and is no longer active or the nest has failed. The qualified biologist shall monitor the activities of the active nests within the buffer area. The buffer may be modified (i.e., increased or decreased) and/or other recommendations proposed (e.g., a temporary soundwall) as determined appropriate by the qualified biologist to minimize impacts. Nest buffer distance will be based on species, specific location of the nest, the intensity of construction activities, existing disturbances unrelated to the proposed program present in the program area, and other factors.</p>	<ul style="list-style-type: none"> <li>• Include mitigation measure in construction contractor specifications.</li> <li>• Retain copies of the survey(s) in the project file.</li> <li>• Prepare reports to document any nesting bird species prior to construction activities.</li> <li>• Perform additional survey(s) if there is a lapse of construction activities for seven days or more.</li> <li>• Prepare reports to document any nesting bird species prior to resuming construction activities.</li> <li>• Retain surveys and reports in the project file.</li> </ul>	<p align="center">OCSD; Construction Contractor</p>	<p align="center">Before and During Construction</p>

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule
<p>If there is a lapse of construction activities associated with the proposed program during the nesting season for seven days or more, an additional nesting bird survey shall be conducted to determine if a nest is present prior to construction activities resuming. The procedure identified above for no active nest and an active nest shall be followed.</p>			
<b>Cultural Resources</b>			
<p><b>CUL-1:</b> Prior to start of any ground-disturbing activities related to construction at the project area, OCSD shall retain a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (U.S. Department of the Interior 2008) to carry out all mitigation related to archaeological resources.</p>	<ul style="list-style-type: none"> <li>• Include mitigation measure in construction contractor specifications.</li> <li>• Retain documentation of retaining a qualified archaeologist in the project file.</li> </ul>	OCSD; Construction Contractor	Before and During Construction
<p><b>CUL-2:</b> Prior to start of any ground-disturbing activities related to construction activities at the project area, the qualified archaeologist (or an archaeologist working under the direct supervision of the qualified archaeologist) shall conduct cultural resources sensitivity training for all construction personnel. Construction personnel shall be informed of the types of archaeological resources that may be encountered, the proper procedures to be enacted in the event of an inadvertent discovery of archaeological resources or human remains, and safety precautions to be taken when working with archaeological monitors. OCSD shall ensure that construction personnel are made available for and attend the training and retain documentation demonstrating attendance.</p>	<ul style="list-style-type: none"> <li>• Include mitigation measure in construction contractor specifications.</li> <li>• Retain documentation demonstrating attendance of construction personnel to cultural resources sensitivity training.</li> </ul>	OCSD; Construction Contractor	Before and During Construction
<p><b>CUL-3:</b> Archaeological monitoring shall be conducted for all excavation activities related to the project construction. Archaeological monitoring shall be conducted by an archaeologist familiar with the types of archaeological resources that could be encountered within the program area, and under the direct supervision of the qualified archaeologist. The frequency of the monitoring shall be determined by the qualified archaeologist in coordination with OCSD. A Native American monitor from a tribe that is culturally and traditionally affiliated with the project area shall be invited to monitor excavation activities at their discretion. In the event that archaeological resources are unearthed during ground-disturbing activities, the archaeological monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the discovery until OCSD, qualified archaeologist have evaluated the discovery and determined appropriate treatment (as prescribed in CUL-4). The archaeological monitor shall keep daily logs detailing the types of activities and soils observed, and any discoveries. After monitoring has been completed, the qualified archaeologist shall prepare a report that details the results of monitoring for submittal to OCSD, the South Central Coastal Information Center, and any Native American tribe that requests a copy.</p>	<ul style="list-style-type: none"> <li>• Include mitigation measure in construction contractor specifications.</li> <li>• Perform site inspections to ensure compliance with cultural sensitivity requirements.</li> <li>• Retain all archeological and tribal inspection forms in the project file.</li> <li>• Retain copy of final archaeological report in the project file.</li> </ul>	OCSD; Construction Contractor	Before and During Construction
<p><b>CUL-4:</b> In the event of the unanticipated discovery of archaeological materials during grading or excavation activities associated with the proposed project, OCSD shall immediately cease all work activities in the area (within approximately 100 feet) of the discovery until it can be evaluated by the qualified archaeologist. Construction shall not resume until the qualified archaeologist has conferred with OCSD on the significance of the resource.</p> <p>In the event that preservation in place is determined to be infeasible and data recovery through excavation is the only feasible mitigation available, an Archaeological Resources Treatment Plan shall be prepared and implemented by the qualified archaeologist in consultation with OCSD that provides for the adequate recovery of the scientifically consequential information contained in the archaeological resource. OCSD shall consult with appropriate Native American representatives in determining treatment for prehistoric or Native American resources to ensure cultural values ascribed to the resource are considered.</p>	<ul style="list-style-type: none"> <li>• Include mitigation measure in construction contractor specifications.</li> <li>• Perform site inspections to ensure compliance with cultural sensitivity requirements.</li> <li>• Retain inspection forms in the project file.</li> <li>• Retain correspondence between archeologist and Native American representative.</li> </ul>	OCSD; Construction Contractor	Before and During Construction

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule
	<ul style="list-style-type: none"> <li>Retain a copy of Archeological Resources Treatment Plan (if one is required) in the project file.</li> </ul>		
<p><b>CUL-5:</b> Prior to start of any ground-disturbing activities, OCSD shall retain a qualified paleontologist meeting the Society for Vertebrate Paleontology (SVP) Standards (SVP 2010) to carry out all mitigation related to paleontological resources. The qualified paleontologist shall be selected from the list of County of Orange certified paleontologists.</p>	<ul style="list-style-type: none"> <li>Include mitigation measure in construction contractor specifications.</li> <li>Retain documentation of retaining a qualified paleontologist in the project file.</li> </ul>	<p>OCSD; Construction Contractor</p>	<p>Before and During Construction</p>
<p><b>CUL-6:</b> Prior to the start of construction, the qualified paleontologist, or his or her designee, shall conduct training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. OCSD shall ensure that construction personnel are made available for and attend the training and retain documentation demonstrating attendance.</p>	<ul style="list-style-type: none"> <li>Include mitigation measure in construction contractor specifications.</li> <li>Retain documentation demonstrating attendance of construction personnel to fossil discovery training.</li> </ul>	<p>OCSD; Construction Contractor</p>	<p>Before and During Construction</p>
<p><b>CUL-7:</b> In the event of a fossil discovery by construction personnel, all work in the immediate vicinity of the find shall cease. The qualified paleontologist shall be notified and evaluate the find before restarting construction activity in the area. If it is determined that the fossil(s) is (are) scientifically significant, the qualified paleontologist shall complete the following conditions to mitigate impacts to significant fossil resources:</p> <ol style="list-style-type: none"> <li>Salvage of Fossils. The qualified paleontologist (or paleontological monitor) shall recover significant fossils following standard field procedures for collecting paleontological resources, as described by the SVP (2010). Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner.</li> <li>Preparation and Curation of Recovered Fossils. Once salvaged, significant fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition, and curated in a scientific institution with a permanent paleontological collection (such as the University of California Museum of Paleontology), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the qualified paleontologist</li> </ol>	<ul style="list-style-type: none"> <li>Include mitigation measure in construction contractor specifications.</li> <li>Paleontological monitoring reports and logs will be retained in project file.</li> <li>Retain fossil recovery logs in the project file.</li> </ul>	<p>OCSD; Construction Contractor</p>	<p>Before and During Construction</p>
<p><b>CUL-8:</b> If human remains are encountered, OCSD or its contractor shall halt work in the vicinity (within 100 feet) of the find and contact the Orange County Coroner in accordance with PRC Section 5097.98 and Health and Safety Code Section 7050.5. If the County Coroner determines that the remains are Native American, the NAHC will be notified in accordance with Health and Safety Code Section 7050.5, subdivision (c), and PRC Section 5097.98. The NAHC will designate a Most Likely Descendant (MLD) for the remains per PRC Section 5097.98. Until the landowner has conferred with the MLD, OCSD shall ensure that the immediate vicinity where the discovery occurred is not disturbed by further activity, is adequately protected according to generally accepted cultural or archaeological standards or practices, and that further activities take into account the possibility of multiple burials.</p>	<ul style="list-style-type: none"> <li>Include mitigation measure in construction contractor specifications.</li> <li>Retain inspection forms in the project file.</li> <li>Retain NAHC correspondence in project files, if necessary.</li> </ul>	<p>OCSD; Construction Contractor</p>	<p>Before and During Construction</p>