

RESOLUTION 2019.11

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE EAST VALLEY WATER DISTRICT ADOPTING THE ADDENDUM TO THE CERTIFIED ENVIRONMENTAL IMPACT REPORT FOR THE STERLING NATURAL RESOURCE CENTER

WHEREAS, the East Valley Water District (EVWD) is the lead agency, pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code §§ 21000 et seq.) and CEQA Guidelines (14 California Code of Regulations §§ 15000 et seq.), for the proposed Sterling Natural Resource Center (SNRC) Project; and

WHEREAS, the SNRC Project involves the construction of a wastewater treatment facility and associated facilities that will provide tertiary treatment of wastewater generated within the EVWD service area and make the treated water available for beneficial uses within the Upper Santa Ana River watershed; and

WHEREAS, the San Bernardino Valley Municipal Water District (Valley District) previously served as lead agency for the proposed SNRC Project; and

WHEREAS, On September 23, 2015, the EVWD Board of Directors approved a Framework Agreement with Valley District, which became effective on October 6, 2015, that outlined the terms of the cooperation between the parties and established Valley District as the lead agency for the SNRC Project; and

WHEREAS, on March 15, 2016, Valley District approved a Resolution 1038 certifying the Environmental Impact Report (EIR) for the Sterling Natural Resource Center Project (SCH #2015101058) and Resolution No. 1039 adopting CEQA Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program for the Sterling Natural Resource Center Project and approving the Sterling Natural Resource Center Project (SCH #2015101058); and

WHEREAS, on June 20, 2018, the San Bernardino Local Agency Formation Commission held a public hearing and approved the activation of EVWD's latent wastewater treatment authority and included a condition requiring the transfer of all obligations as lead agency for the SNRC Project from Valley District to EVWD within ninety (90) days. Thereafter the Framework Agreement was terminated by the parties; and

WHEREAS, on July 11, 2018, EVWD's Board of Directors voted to assume all EIR obligations and implementation, monitoring, and reporting responsibilities for the SNRC Project as lead agency; and

WHEREAS, since the certification of the 2016 EIR and the transfer of lead agency responsibility to EVWD, EVWD has modified the SNRC Project to allow for: 1) consistent and essential secondary storage of tertiary treated recycled water in the originally proposed detention ponds to enable the SNRC to perform its wastewater treatment operations; 2) use modifications to the Emergency Operations Center facility to provide additional monitoring and emergency support for the wastewater treatment operations; 3) incorporation of an additional two-acre parcel of land immediately adjacent to the original SNRC Project location; and 4) modifications

to the SNRC to accept up to 670,000 gallons of food waste that would be used to increase the energy production capacity of the facility; and

WHEREAS, pursuant to CEQA, when taking subsequent discretionary actions in furtherance of a project for which an EIR has been certified, the lead agency is required to review any changed circumstances to determine whether any of the circumstances under Public Resources Code section 21166 and CEQA Guidelines section 15162 require additional environmental review; and

WHEREAS, EVWD's Board of Directors commissioned Environmental Science Associates (ESA) to evaluate the environmental impact of the proposed modifications to the SNRC Project EIR in light of the standards for subsequent environmental review outlined in Public Resources Code section 21166 and CEQA Guidelines section 15162; and

WHEREAS, based on that evaluation, ESA concluded that the EIR had fully analyzed and mitigated, where feasible, in compliance with CEQA, all potentially significant environmental impacts, if any, that would result from the SNRC Project modifications, that the impacts to the environment as a result of the modifications are consistent with and would not create substantial new or increased impacts beyond those which were evaluated in the EIR, and that, therefore, no subsequent EIR or mitigated negative declaration is now required; and

WHEREAS, as a result of the proposed modifications to the SNRC Project, and based on ESA's evaluation of the environmental impact of said modifications, ESA prepared an Addendum pursuant to CEQA Guidelines section 15164; and

WHEREAS, EVWD's Board of Directors has reviewed and considered the information, findings and conclusions contained in the Addendum to the EIR, including without limitation the EIR and supporting documents.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of East Valley Water District on the basis of substantial evidence and based upon the whole record, as follows:

1. The Addendum was presented to the East Valley Water District Board of Directors on July 24, 2019 and considered by the Board of Directors at its regularly scheduled meeting of July 24, 2019, and had been independently reviewed and considered by the members of the Board of Directors prior to that meeting.

2. The Addendum was prepared for the SNRC Project modifications in compliance with the requirements of CEQA and the CEQA Guidelines and is adequate for EVWD's use as the lead agency under CEQA.

3. Based upon the evidence submitted and as demonstrated by the analysis included in the Addendum, none of the conditions described in Sections 15162 or 15163 of the CEQA Guidelines calling for the preparation of a subsequent or supplemental EIR or negative declaration have occurred; specifically:

a) The proposed modifications to the SNRC Project do not create substantial changes which would require major revisions to the EIR due to the involvement of new

significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

b) The proposed modifications to the SNRC Project do not create substantial changes with respect to the circumstances under which the Project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

c) There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the SNRC Project EIR was certified as complete and adopted, that shows any of the following: (A) the modifications will have one or more significant effects not discussed in the certified EIR; (B) significant effects previously examined will be substantially more severe than shown in the certified EIR; (C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the SNRC Project, but the Project proponent declines to adopt the mitigation measure or alternative; or (D) mitigation measures or alternatives which are considerably different from those analyzed in the certified EIR would substantially reduce one or more significant effects on the environment, but the Project proponent declines to adopt the mitigation measure or alternatives.

4. The evaluation of the proposed modifications to the SNRC Project, certified EIR, and Addendum reflects the Board of Directors' independent judgment and analysis based on the Board of Directors' review of the entirety of the administrative record, which record provides the information upon which this resolution is based.

5. Pursuant to the above findings, the EVWD Board of Directors determines that the SNRC Project EIR, together with this Addendum, satisfy all the requirements of CEQA and are adequate to serve as the required environmental documentation for the SNRC Project and, therefore, hereby approves and adopts the Addendum for the proposed modifications to the SNRC Project.

PASSED, APPROVED and ADOPTED this 24th day of July, 2019.

Ayes: Carrillo, Coats, Goodrich, Smith, Morales

Noes: None

Absent: None

Abstain: None



Chris Carrillo
Board President

July 24, 2019

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of Resolution 2019.11 adopted by the Board of Directors of East Valley Water District at its Regular Meeting held July 24, 2019.

ATTEST:



John Mura
Secretary, Board of Directors