

2020 OBMP Update

DRAFT PROJECT DESCRIPTION PRESENTATION

DECEMBER 19, 2019





Agenda

- Overview of CEQA Process
- 2000 OBMP PEIR
- Draft Project Description → Facilities to be evaluated by CEQA
- 2020 CEQA Process and Schedule



Overview of CEQA



WHAT CEQA IS!

- ❖ A PROCESS TO INFORM
- ❖ MINIMIZE ENVIRONMENTAL DAMAGE THROUGH MITIGATION / ALTERNATIVES
- ❖ JUSTIFY APPROVING PROJECTS WITH SIGNIFICANT IMPACTS
- ❖ A WAY TO DELAY PROJECTS



WHAT CEQA ISN'T!

- ❖ SOLE BASIS FOR DECISION MAKING: SOCIAL, POLITICAL, AND ECONOMIC CONSIDERATIONS, BALANCING COMPETING PUBLIC OBJECTIVES
- ❖ A SURE WAY TO STOP A PROJECT



CEQA – TEN EASY PIECES

1. CEQA IS THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. CEQA WAS ENACTED IN 1970, ONE YEAR FOLLOWING ENACTMENT OF THE FEDERAL PARALLEL, THE NATIONAL ENVIRONMENTAL POLICY ACT.
2. CEQA IS FOUND IN THE CALIFORNIA PUBLIC RESOURCES CODE, SECTION 21000, ET SEQ. GUIDANCE FOR IMPLEMENTATION OF CEQA IS FOUND IN THE CALIFORNIA CODE OF REGULATIONS, TITLE 14, SECTION 15000 ET SEQ. INDIVIDUAL STATE AND LOCAL AGENCIES ARE ALSO REQUIRED TO ADOPT THEIR OWN IMPLEMENTING GUIDELINES.
3. THE LEGISLATIVE INTENT STATEMENTS IN CEQA RECOGNIZE A GOAL OF PROTECTING AND ENHANCING THE ENVIRONMENT, WHILE ALSO BALANCING SOCIAL AND ECONOMIC REQUIREMENTS OF THE HUMAN POPULATION.



CEQA – TEN EASY PIECES

4. CEQA IS DIRECTED AT AVOIDING, MINIMIZING AND MITIGATING SIGNIFICANT ENVIRONMENTAL EFFECTS OF PROJECTS.
5. CEQA AND THE CEQA GUIDELINES INCLUDE DEFINITIONS AND ADVISORY INFORMATION TO BE USED IN DEFINING “PROJECT” AND “SIGNIFICANT ENVIRONMENTAL EFFECT”.
6. CEQA IS A PUBLIC DISCLOSURE PROCESS.
7. CEQA IS A PROCEDURAL REQUIREMENT. A PAPER TRAIL IS ESSENTIAL TO DOCUMENTING COMPLIANCE.
8. AN EXEMPTION IS THE QUICKEST & SIMPLIEST FORM OF COMPLIANCE. HOWEVER, VERIFICATION OF EXEMPTION APPLICABILITY MAY REQUIRE SPECIAL STUDIES. AN EXEMPTION DOES NOT REQUIRE A PUBLIC REVIEW PERIOD. COMPLIANCE IS INSTANTANEOUS.



CEQA – TEN EASY PIECES

9. A NEGATIVE DECLARATION IS THE MOST COMMON MEANS OF COMPLIANCE. A NEGATIVE DECLARATION IS A WRITTEN DOCUMENT OF SPECIFIED CONTENT AND MAY REQUIRE SUPPORTING TECHNICAL STUDIES. PUBLIC NOTICE IS REQUIRED BY SPECIFIED MEANS AND A PUBLIC REVIEW PERIOD OF EITHER 20 OR 30 DAYS IS REQUIRED. COMPLIANCE TYPICALLY REQUIRES 2 TO 6 MONTHS.

10. AN ENVIRONMENTAL IMPACT REPORT (EIR) IS THE MOST EXTENSIVE MEANS OF COMPLIANCE. AN EIR IS A MULTI-PHASE DOCUMENT REQUIRING MULTIPLE PUBLIC NOTICE AND REVIEW PERIODS. AN EIR IS REQUIRED WHEN A PROJECT WITH SIGNIFICANT ENVIRONMENTAL IMPACTS WILL BE APPROVED ON THE BASIS OF OVERRIDING SOCIAL OR ECONOMIC FACTORS. COMPLIANCE TYPICALLY REQUIRE 9 MONTHS TO 1 YEAR, BUT CAN TAKE CONSIDERABLY LONGER FOR COMPLEX PROJECTS.



THE CEQA REVIEW PROCESS BEGINS

- ❖ LEAD AGENCY / RESPONSIBLE AGENCY
- ❖ DISCRETIONARY / MINISTERIAL DECISIONS
- ❖ THE FIRST STEP, INITIATING THE REVIEW
- ❖ EXEMPTIONS, NO IMPACT PROJECTS
- ❖ TYPES OF EXEMPTIONS:
 - NOT A PROJECT
 - CANNOT CAUSE ANY SIGNIFICANT IMPACTS
 - STATUTORY EXEMPT., LIST IN THE STATE CEQA GUIDELINES
 - CATEGORICAL EXEMPT., LIST IN THE STATE CEQA GUIDELINES



THE PROJECT: THE KEY CONCEPT AND THE FIRST STEP IN THE CEQA PROCESS

- ❖ DEMISTIFY AND SIMPLIFY: CEQA IS A PROCESS THAT AIDS DECISIONMAKING; IT DOES NOT TAKE THE PLACE OF THE DECISIONMAKER'S DISCRETION, NOR DOES IT FORCE OUTCOMES.
- ❖ EVERY PROCESS HAS A BEGINNING AND AN END. THE CEQA PROCESS BEGINS WHEN A PUBLIC AGENCY OR A PRIVATE PARTY SEEKS TO IMPLEMENT A PROJECT.
- ❖ IT FORMALLY ENDS WHEN THE DECISIONMAKERS ACKNOWLEDGE THAT THEY HAVE SUFFICIENT AND ADEQUATE ENVIRONMENTAL INFORMATION TO MAKE A DECISION ON A PROJECT. NOTE: LEGAL END TO PROCESS IS DIFFERENT.
- ❖ IF IT ISN'T A PROJECT, THEN THE CEQA PROCESS DOES NOT APPLY AND THE PROJECT CAN PROCEED WITHOUT THE PROCESS.



PROJECTS ARE DEFINED BY WHAT THEY ARE AND WHAT THEY ARE NOT

❖ WHAT IS A PROJECT? LEGAL DEFINITION (SECTION 15378, STATE CEQA GUIDELINES):

(A) “PROJECT” MEANS THE WHOLE OF AN ACTION, WHICH HAS A POTENTIAL FOR RESULTING IN A PHYSICAL CHANGE IN THE ENVIRONMENT, DIRECTLY OR INDIRECTLY, AND THAT IS ANY OF THE FOLLOWING:

1. AN ACTIVITY DIRECTLY UNDERTAKEN BY ANY PUBLIC AGENCY BUT NOT LIMITED TO PUBLIC WORKS CONSTRUCTION AND RELATED ACTIVITIES, CLEARING OR GRADING OF LAND IMPROVEMENTS TO EXISTING PUBLIC STRUCTURES, ENACTMENT AND AMENDMENT OF ZONING ORDINANCES, AND THE ADOPTION AND AMENDMENT OF LOCAL GENERAL PLANS OR ELEMENTS THEREOF PURSUANT TO GOV'T CODE SECTIONS 65100-65700.

2. AN ACTIVITY UNDERTAKEN BY A PERSON WHICH IS SUPPORTED IN WHOLE OR IN PART THROUGH PUBLIC AGENCY CONTRACTS, GRANTS, SUBSIDIES, LOANS OR OTHER FORMS OF ASSISTANCE FROM ONE OR MORE PUBLIC AGENCIES.

3. AN ACTIVITY INVOLVING THE ISSUANCE TO A PERSON OF A LEASE, PERMIT, LICENSE, CERTIFICATION OR OTHER ENTITLEMENT FOR USE BY ONE OR MORE PUBLIC AGENCIES.



THE INITIAL STUDY

- ❖ THE KEY STEPS IN MEETING CEQA'S GOALS
- ❖ WHAT IS THIS ENVIRONMENTAL CHECKLIST FORM?
- ❖ WHO INVENTED SUBSTANTIATION? "THE NAKED CHECKLIST"
- ❖ WHERE DOES THE INFORMATION COME FROM?
 - EXISTING DOCUMENTS
 - TECHNICAL STUDIES
 - FIELD REVIEW/ TECHNICAL EXPERTS
- ❖ WHAT HAPPENS WHEN THE INITIAL STUDY IS DONE?
 - ERC, PUBLIC REVIEW, RESPONSES, FINAL RECOMMENDATIONS



REQUIRED CONTENT OF AN INITIAL STUDY

- ❖ PROJECT DESCRIPTION
- ❖ ENVIRONMENTAL SETTING
- ❖ POTENTIAL ENVIRONMENTAL IMPACTS
- ❖ MITIGATION MEASURES FOR ANY SIGNIFICANT EFFECT
- ❖ CONSISTENCY WITH PLANS AND POLICIES
- ❖ NAMES OF PREPARERS



USES OF INITIAL STUDIES

- ❖ DECIDING WHETHER TO PREPARE AN EIR
- ❖ AVOIDING UNNECESSARY EIRs THROUGH MITIGATION
- ❖ FOCUSING THE EIR ON SIGNIFICANT EFFECTS
- ❖ FACILITATING EARLY ENVIRONMENTAL ASSESSMENT
- ❖ SUPPORTING NEGATIVE DECLARATIONS
- ❖ FOSTERING THE REUSE OF EIR
- ❖ IDENTIFYING WHETHER A PROGRAM EIR, TIERING OR SIMILAR PROCESS CAN BE USED



DEFINITION OF A SIGNIFICANCE THRESHOLD

- ❖ A QUANTITATIVE OR QUALITATIVE STANDARD USED TO DETERMINE THE SIGNIFICANCE OF A GIVEN ENVIRONMENTAL EFFECT



EXAMPLES OF THRESHOLDS

- ❖ HEALTH-BASED STANDARDS FOR AIR QUALITY, WATER QUALITY, HAZARDOUS WASTE, AND NOISE

- ❖ SERVICE CAPACITY STANDARDS FOR TRAFFIC OR UTILITY SYSTEMS

- ❖ REGULATORY STANDARDS FOR BIOLOGICAL RESOURCES, BASED ON SECTION 404 OR ESA



REQUIREMENTS FOR MITIGATED NEGATIVE DECLARATIONS

- ❖ MITIGATION MUST CLEARLY REDUCE POTENTIALLY SIGNIFICANT IMPACTS TO LESS-THAN-SIGNIFICANT LEVELS

- ❖ MITIGATION MUST BE COMMITTED TO BEFORE PUBLIC REVIEW OF MITIGATED NEGATIVE DECLARATIONS

- ❖ EQUIVALENT MITIGATION MAY BE SUBSTITUTED AFTER PUBLIC REVIEW WITHOUT RECIRCULATION, BUT A PUBLIC HEARING IS REQUIRED



EIR PROCESS UNDER CEQA

- ❖ NOTICE OF PREPARATION (NOP) SENT TO RESPONSIBLE AND TRUSTEE AGENCIES
- ❖ RESPONSES TO NOP SENT TO LEAD AGENCY
TIME LIMITATION: 30-DAYS FROM ACCEPTANCE
- ❖ CONTRACT FOR EIR PREPARATION EXECUTED
TIME LIMITATION: 45-DAYS FROM DECISION TO PREPARE EIR
- ❖ PRELIMINARY DRAFT EIR PREPARED
- ❖ INDEPENDENT REVIEW BY LEAD AGENCY
- ❖ DRAFT EIR COMPLETED AND SUBMITTED FOR REVIEW
- ❖ NOTICE OF COMPLETION FILED



EIR PROCESS UNDER CEQA (cont.)

- ❖ PUBLIC NOTICE AND REVIEW OF DRAFT EIR
- ❖ TIME LIMITATION: 30-45 DAYS
- ❖ PUBLIC HEARING ON DRAFT EIR (OPTIONAL)
- ❖ WRITTEN COMMENTS RECEIVED
- ❖ RESPONSES TO COMMENTS PREPARED
- ❖ RESPONSES SENT TO COMMENTING AGENCIES
- ❖ TIME LIMITATION: 10-DAYS BEFORE DECISION
- ❖ FINAL EIR CERTIFIED BY LEAD AGENCY
- ❖ TIME LIMITATION: 1 YEAR FROM ACCEPTANCE



WHAT IS MITIGATION MEASURE UNDER CEQA?

- ❖ AVOID THE IMPACT ALTOGETHER BY NOT TAKING CERTAIN ACTION OR PART OF AN ACTION
- ❖ MINIMIZE IMPACTS BY LIMITING THE DEGREE OR MAGNITUDE OF THE ACTION AND ITS IMPLEMENTATION
- ❖ RECTIFY THE IMPACT BY REPAIRING, REHABILITATING OR RESTORING THE AFFECTED ENVIRONMENT
- ❖ REDUCE OR ELIMINATE THE IMPACT OVER TIME BY PRESERVATION AND MAINTENANCE DURING THE LIFE OF THE ACTION
- ❖ COMPENSATE FOR THE IMPACT BY REPLACING OR PROVIDING SUBSTITUTE RESOURCES OR ENVIRONMENTS



SPECIAL ISSUES

❖ ECONOMIC AND SOCIAL EFFECTS

❖ SPECULATION

❖ STANDARD OF ADEQUACY: “GOOD FAITH EFFORT AT FULL DISCLOSURE”

❖ TYPES OF EIRs: ADDENDUMS, SUBSEQUENT, STAGED, PROGRAM, MASTER EA, AND JOINT EIR/EIS

❖ PROJECTS OF STATEWIDE / REGIONAL OR AREAWIDE SIGNIFICANCE



STATE WATER RESOURCES CONTROL BOARD CEQA PLUS PROGRAM

- ❖ CEQA PLUS = CEQA PLUS NEPA PACKAGE; STATE USES FEDERAL MONEY AND THE STATE BOARD IS AUTHORIZED TO IMPLEMENT NEPA FOR THE FEDERAL EPA

- ❖ CEQA PLUS PACKAGE REQUIRES ADDITIONAL INFORMATION TO BE SUBMITTED WHEN APPLYING FOR SRF GRANTS OR LOANS: CEQA PLUS ENVIRONMENTAL PACKAGE

- ❖ STATE BOARD WANTS THE ORIGINAL CEQA DOCUMENT PLUS THE FOLLOWING:
 - CLEAN AIR ACT: ANNUAL EMISSIONS AND CONFORMITY W/ THE SIP
 - COASTAL BARRIERS RESOURCES ACT
 - COASTAL ZONE MANAGEMENT ACT
 - ENDANGERED SPECIES ACT: SUBSTANTIAL EXPANSION OF DATA REQUIREMENTS COMPARED TO CEQA
 - ENVIRONMENTAL JUSTICE
 - FARMLAND PROTECTION POLICY ACT



STATE WATER RESOURCES CONTROL BOARD CEQA PLUS PROGRAM (cont.)

- FLOODPLAIN MANAGEMENT: FEMA FIRM PANELS MANDATORY
 - NATIONAL HISTORICAL PRESERVATION ACT: SHPO CONSULTATION LEVEL DOCUMENTATION AND NATIVE AMERICAN CONSULTATION
 - MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT
 - MIGRATORY BIRD TREATY ACT
 - PROTECTION OF WETLANDS
 - SAFE DRINKING WATER ACT, SOLE SOURCE AQUIFER PROTECTION
 - WILD AND SCENIC RIVERS ACT
-
- ❖ PLAN AHEAD AND INCORPORATED CEQA PLUS EVALUATION IN THE CEQA DOCUMENT

 - ❖ ONCE CEQA IS COMPLETED, COMPILE A SEPARATE CEQA PLUS PACKAGE BY ABSTRACTING THE DATA FROM THE CEQA DOCUMENT IF ND OR EIR

 - ❖ IF NOE IS UTILIZED; COMPILE CEQA PLUS PACKAGE AS A SEPARATE DOCUMENT



STATEMENT OF OVERRIDING CONSIDERATION

- ❖ BALANCING TEST: SIGNIFICANT IMPACTS VS. BENEFICIAL EFFECTS. THE NEED TO EXPLAIN WHY.
- ❖ WHAT LEVEL OF DETAIL IS REQUIRED FOR A SOOC?
- ❖ OUTLINE FORMAT FOR SOOC
 - Introduction
 - Project Summary (Project Description and Characteristics)
 - Environmental Review
 - Findings (Nonsignificant Impacts identified in Initial Study and EIR)
 - Significant Unavoidable Adverse Impacts of the Project
 - Alternatives to the Proposed Action
 - Project Benefits
 - Overriding Considerations
- ❖ SOOC MUST BE IDENTIFIED IN PROJECT NOTICE OF DETERMINATION



2000 OBMP PEIR

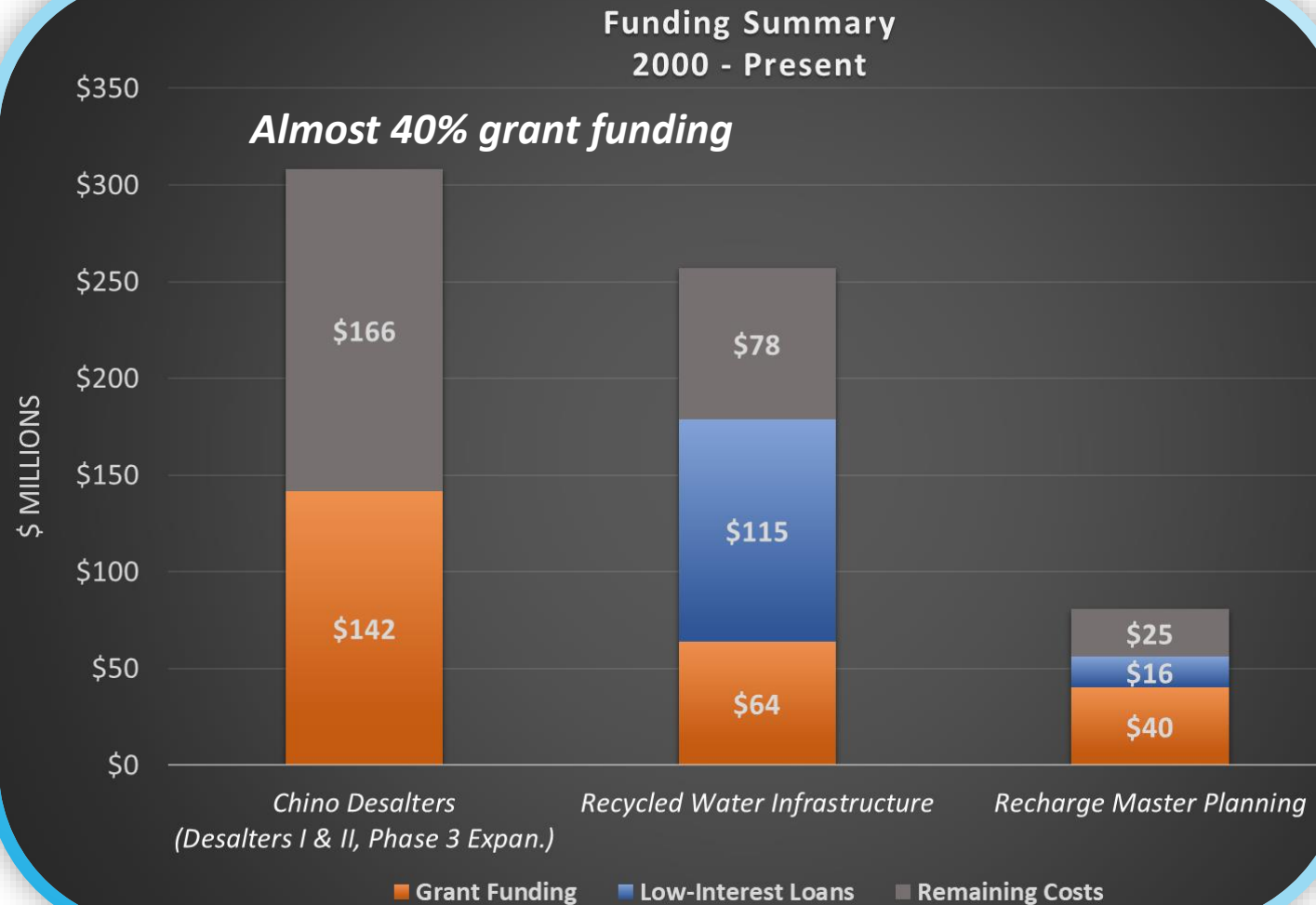
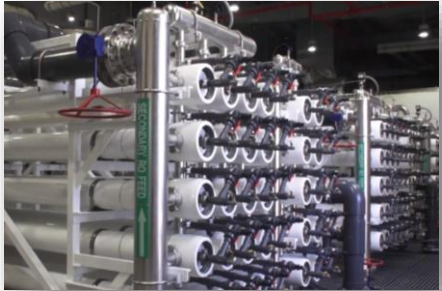


What has the 2000 OBMP enabled?

- ❖ Cumulative transfers between parties of 766 k AF
- ❖ Cumulative production and treatment of 449 k AF through CDA
- ❖ Cumulative put and take activity of Storage and Recovery programs (DYYP): 199 k AF



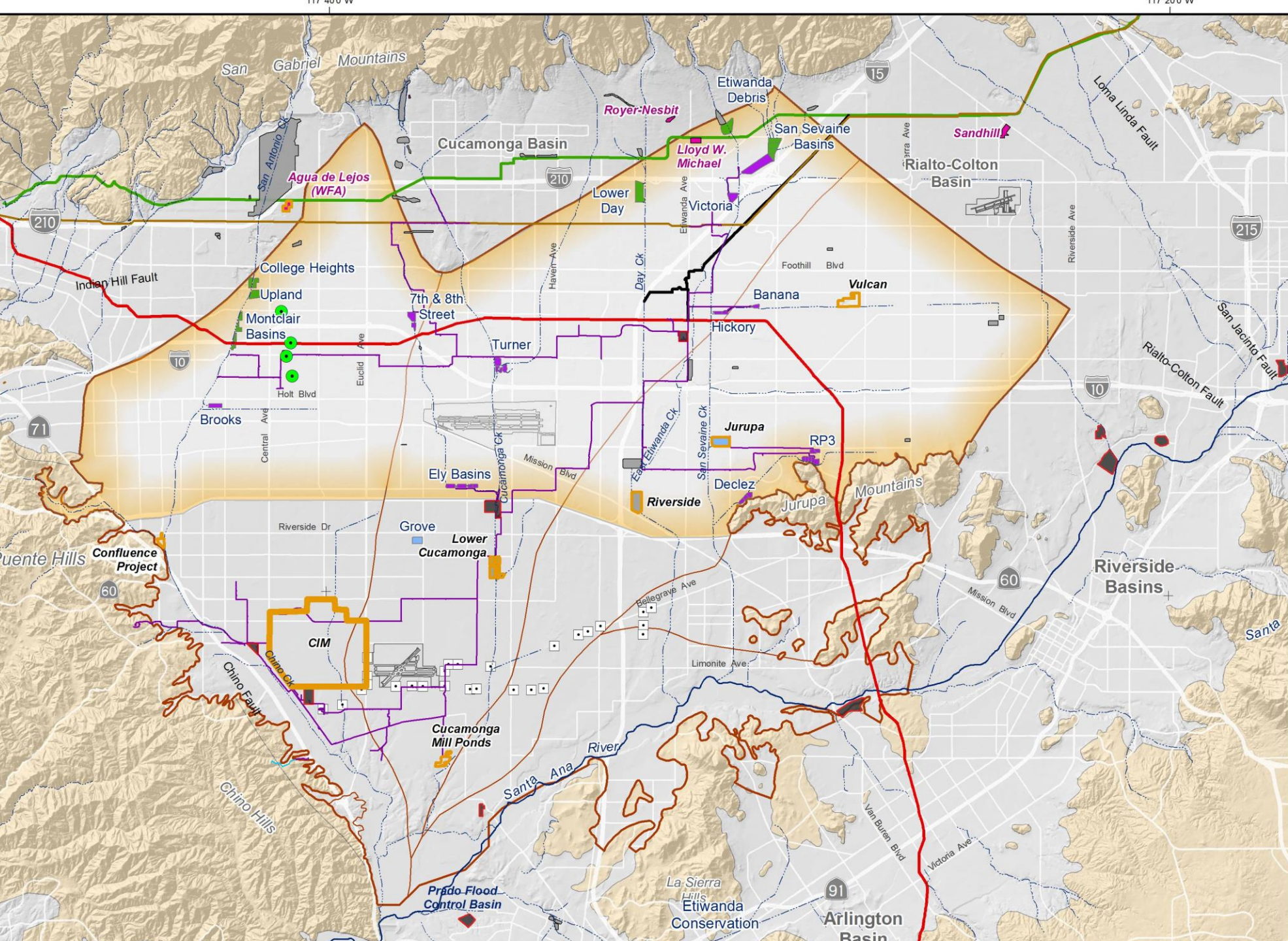
What has the 2000 OBMP enabled?











Draft Project Description →
Facilities to be evaluated by
CEQA

List of facilities to be evaluated in CEQA	PE1	PE2	PE4	PE5	PE6	PE7	PE8/9
New monitoring wells	✓	✓	✓	✓	✓	✓	✓
New surface water and groundwater recharge monitoring facilities	✓	✓					✓
New meteorological monitoring facilities	✓	✓					✓
New meter installation at pumping wells	✓						
New extensometers	✓		✓				✓
New benchmarks	✓		✓				✓
New stormwater diversion, storage, transfer and recharge facilities		✓	✓	✓			✓
CIM storage facilities*		✓	✓	✓			✓
Flood MAR*		✓	✓	✓			✓
Regional conveyance:*		✓	✓	✓			✓
Lower Cucamonga Basin		✓		✓			✓
Mills Wetlands		✓		✓			✓
New production wells in CCWF area*						✓	✓
Acquire wells in CCWF area*						✓	✓
New ASR wells in MZ2/3 north of Highway 60*							✓





Facilities Used for In-lieu and Wet-water Recharge

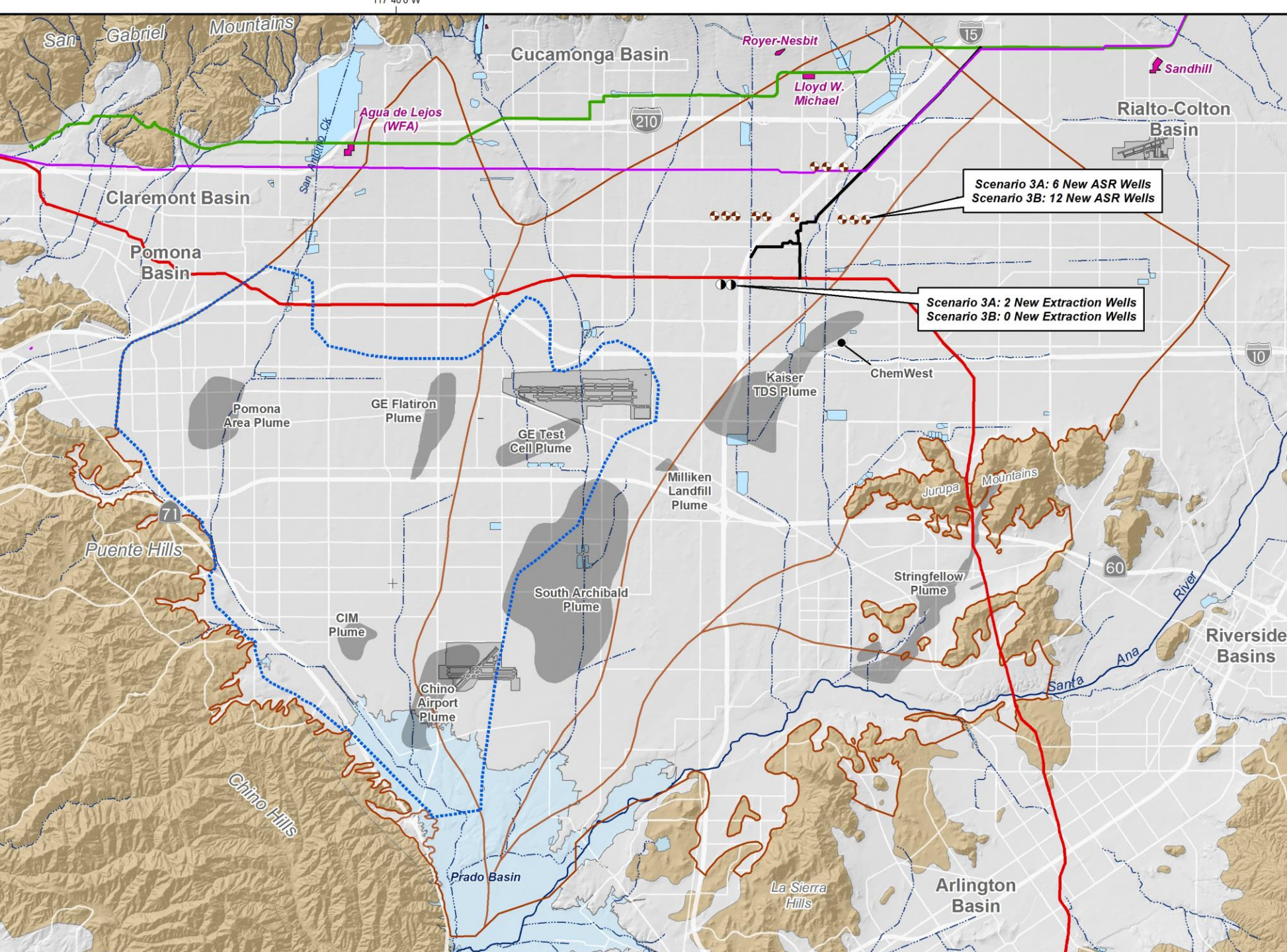
- Recharge Basins
-  Storm, Imported and Recycled Water
 -  Storm and Imported Water
 -  Stormwater
 -  Stormwater Facilities Not Managed Under the OBMP Recharge. Incidental Recharge Only

- Other Facilities
-  MVWD ASR Well
 -  Recycled Water Treatment Plant
 -  Recycled Water Pipeline
 -  Imported Water Treatment Plant
 -  Devil Canyon/Azusa Pipeline
 -  Upper Feeder
 -  Rialto Pipeline
 -  Etiwanda Pipeline

Other key map features are described in the legend of Exhibit 1

-  Location of up to 60 new ASR wells and flood MAR facilities
-  New Projects

34°00'N



Facilities and Related Features to Facilitate Op Band 3

- New ASR Well
- New Extraction Well
- Devil Canyon/Azusa Pipeline
- Upper Feeder
- Rialto Pipeline
- Etiwanda Pipeline
- Imported Water Treatment Plant
- Groundwater Contamination Plumes
- OBMP Management Zones

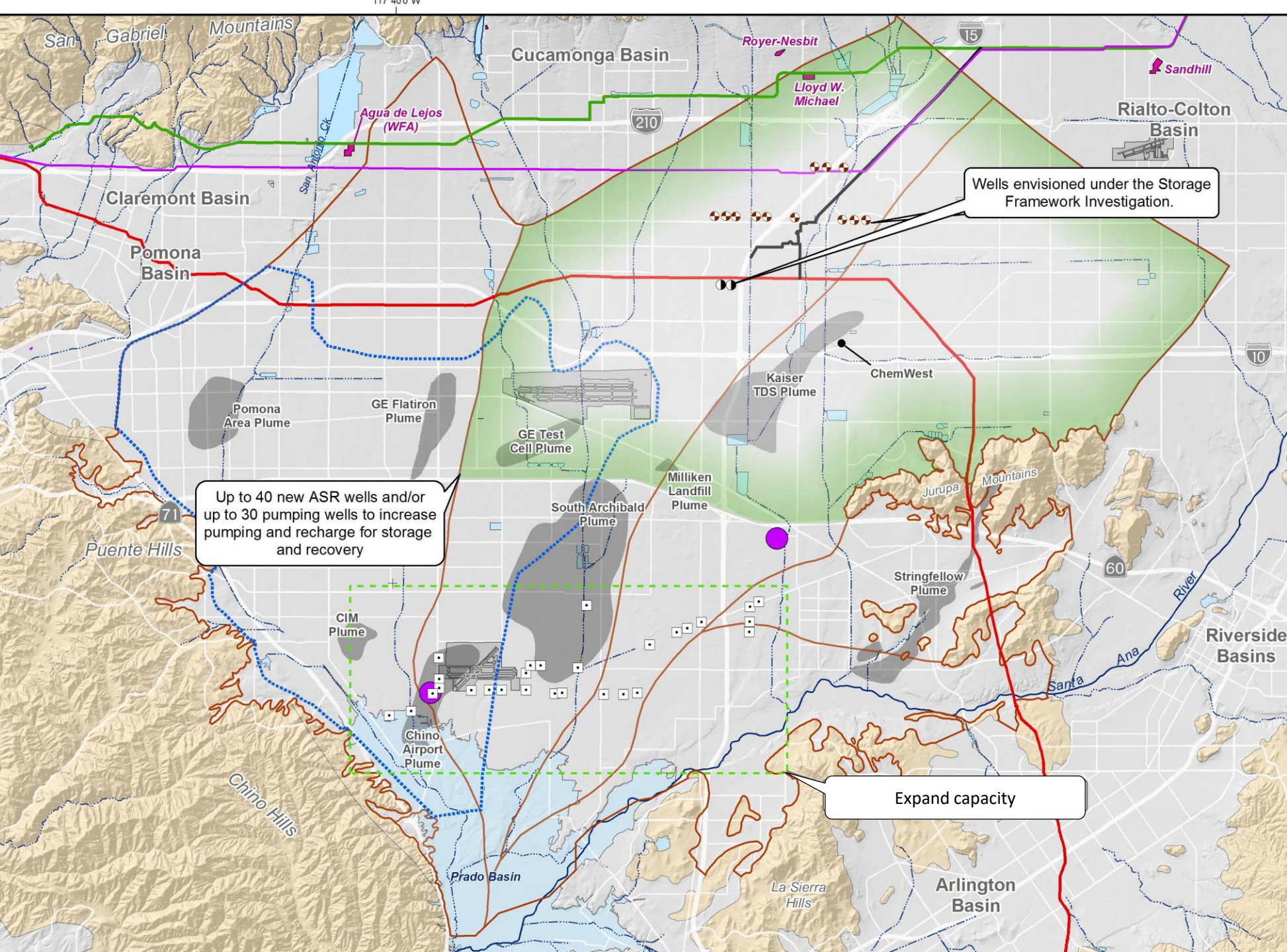
Scenario 3A: 6 New ASR Wells
Scenario 3B: 12 New ASR Wells















Scenario 3A: 2 New Extraction Wells
Scenario 3B: 0 New Extraction Wells

Geology

- Area of Subsidence Concern
- Water-Bearing Sediments
- Quaternary Alluvium
- Consolidated Bedrock
- Undifferentiated Pre-Tertiary to Early Pleistocene Igneous, Metamorphic, and Sedimentary Rocks



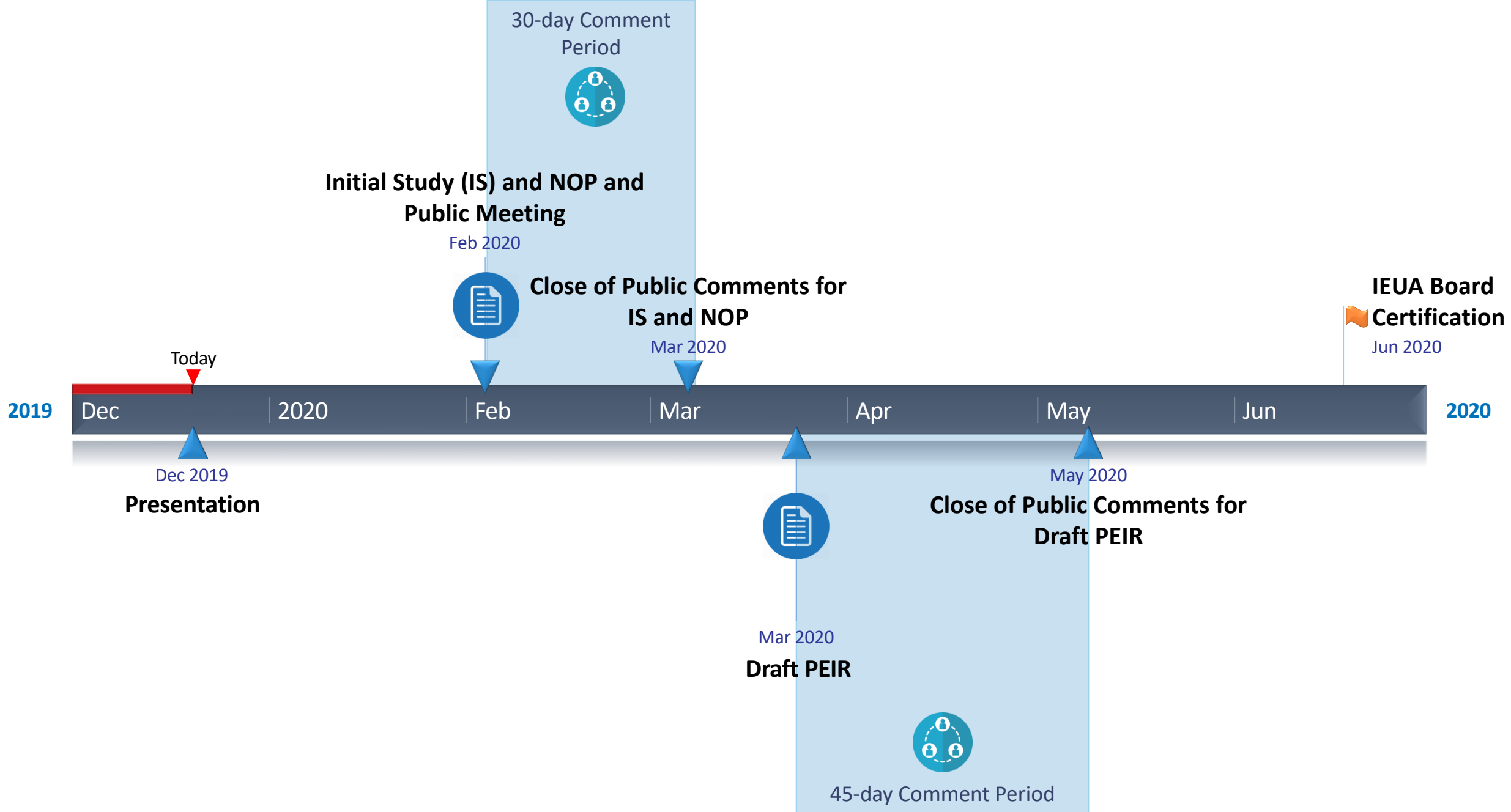


-  Desalter Treatment Facility
-  Chino Basin Desalter Well
-  Devil Canyon/Azusa Pipeline
-  Upper Feeder
-  Rialto Pipeline
-  Etiwanda Pipeline
-  Imported Water Treatment Plant
-  Groundwater Contamination Plumes
- Facilities and Related Features to Facilitate Op Band**
-  New ASR Well
-  New Extraction Well
-  OBMP Management Zones
- Geology**
-  Area of Subsidence Concern
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2020 OBMP PEIR





END
