CHAPTER 5
OTHER CEQA REQUIREMENTS

This section provides several types of analysis required for compliance with CEQA and the *CEQA Guidelines.* Under CEQA, an EIR is required to assess the growth inducing impacts of projects, the cumulative impacts of projects, the effects found not to be significant, and significant irreversible changes resulting from the project.

5.1 GROWTH INDUCING IMPACTS

The *CEQA Guidelines* Section 15126(D) require that an EIR evaluate the growth inducing impacts of a proposed action. A growth inducing impact is defined by the *CEQA Guidelines* as:

> The way in which a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this definition are public works projects which would remove obstacles to population growth. It is not assumed that growth in an area is necessarily beneficial, detrimental, or of little significance to the environment.

A project can have direct and/or indirect growth inducement potential. Direct growth would result if a project involved construction of new housing. A project can have indirect growth inducement if it would establish substantial new permanent employment opportunities (e.g., commercial, industrial or governmental enterprises) or even if it would involve a substantial construction effort with substantial short-term employment opportunities and indirectly stimulate the need for additional housing and services to support the new employment demand. Similarly, a project would have an indirect growth inducement effect if it would remove an obstacle to additional growth and development, such as removing a constraint on a required public service.

The PEIR for the 1999 Strategic Plan included an extensive analysis of the growth inducing impacts of the 1999 Strategic Plan. Incorporated by reference herein, that analysis includes 1) a discussion of the relationship between the local land use authority of local governments and the District approval of a Strategic Plan based on local planning decisions, and 2) a discussion of the population and wastewater flow projections upon which the Strategic Plan was based, and 3) the growth inducing impact of the Strategic Plan. This analysis also explains the relationship of population forecasts to those of local governments, the Southern California Association of Governments (SCAG) and the Air Quality Management Plan (AQMP) approved by the South Coast Air Quality Management District (SCAQMD). The PEIR for the 1999 Strategic Plan included the following impact and mitigation measures:

> **"Impact 11-1:** By removing wastewater treatment capacity as one barrier to growth, the District would have indirect, growth-inducement potential to support planned development within the Service Area that is consistent with and within the levels of development approved in the Adopted General Plans. Less than significant with mitigation measures.

District-Proposed Mitigation

Measure 11-1a: The project's phased design helps minimize growth inducement potential. The Strategic Plan allows for the incremental expansion of treatment capacity, allowing service area cities to re-evaluate and revise long-term needs before completing full "build out".

Measure 11-1b: The District revises its Strategic Plan periodically allowing the treatment facilities to best meet the actual needs of the service area. The implementation of the Strategic Plan was based on a projected decrease influent flow and serves to decrease anticipated capacity requirements. Future revisions every five years will assist the District in maintaining service for reasonably foreseeable planned growth levels.

Since the projects assessed in this Subsequent EIR do not increase capacity above the level evaluated in the PEIR for the 1999 Strategic Plan, the above noted impact and mitigation measure are adequate to describe and mitigate the growth inducement potential of the projects assessed in this document.

The PEIR for the 1999 Strategic Plan also included a discussion of the secondary effects of growth that would result from the additional population growth accommodated by the project. The previously certified document discussed the relationship of these forecasts to the Regional Transportation Plan approved by SCAG and the AQMP adopted by the SCAQMD. The previously certified document included the following impact and mitigation measure to address this impact:

"**Impact 11-2:** The OCSD Strategic Plan would accommodate planned growth in the service area. Implementation of planned growth would result in secondary environmental effects. The effects of planned growth have been identified and addressed in the EIRs on Regional Plans, General Plans for service area cities and associated Specific Plans. Some of the secondary effects of growth which have been identified as significant and unavoidable include air quality and congestion. Significant and unavoidable.

District-Proposed Mitigation

Measure 11-2: OCSD does not have the authority to make land use and development decisions, nor does it have the authority or jurisdiction to address many of the identified significant, secondary effects of planned growth. Authority to implement such measures lies with County and cities which enforce local, state and federal regulations through the permit process. Other agencies with authority to require mitigation or with the responsibility to implement measures to mitigate the effects of planned growth include regional and state agencies such as the SCAQMD, Regional Water Quality Control Board (RWQCB), California Department of Fish and Game (CDFG), California Department of Health Services (DHS), California Department of Transportation (Caltrans), and federal agencies including the U.S. Fish and Wildlife Service (USFWS), U.S. Environmental Protection Agency (USEPA), and the U.S. Army Corps of Engineers (USACE)."

Since the projects assessed in this Subsequent EIR do not increase capacity above the level evaluated in the PEIR for the 1999 Strategic Plan, the impacts and mitigation measures described above are adequate to address the secondary growth impacts of the projects assessed in this document.

5.2 CUMULATIVE IMPACTS

Under CEQA, an EIR is required to assess the cumulative impacts of a project with respect to past, current, and probable future projects within the region. *CEQA Guidelines* (Section 15355) define cumulative effects as "two or more individual effects that, when considered together, are considerable or which compound or increase other environmental impacts. The cumulative impacts from several projects result from the incremental impacts of the proposed project when added to other closely related, and reasonably foreseeable, future projects."

The cumulative environmental baseline condition is considered to be the built up urban development surrounding the two treatment plants. The surrounding development includes existing residential, commercial, and recreation land uses that generate a cumulative baseline environmental condition that effects traffic, air quality, and noise. The District's projects would contribute to this overall cumulative baseline condition. In addition, recently approved and planned projects will contribute to the cumulative condition as the proposed Project is completed.

The City of Fountain Valley, the City of Huntington Beach Planning Department, and the Orange County Transportation Authority (OCTA) were contacted to determine planned projects in the area that would contribute to the cumulative baseline. **Table 5-1** contains the list of planned projects in the area that have been approved and are pending, are currently in construction or are proposed but have not yet been constructed near the two treatment plants. As shown in the Table, the District has sponsored a number of the projects considered to be part of the cumulative condition. **Figures 5-1** and **5-2** identify the construction footprints of the construction projects proposed on each treatment plant by the year 2012.

This analysis of potential cumulative effects for the proposed Project focuses on the construction and operation effects that could have off-site or regional impacts and, thus that in combination with other project effects, could have a cumulative impact on the environment and people in the project vicinity. The relevant construction and operation effects for this analysis include air quality, traffic, and noise. The other environmental impacts identified for the proposed Project and summarized in Table S-1, such as aesthetics, erosion and stormwater, dewatering, hazardous materials, do not raise potentially significant cumulative effects both because they are very site-specific effects that would not have impact beyond the District's treatment plant sites and thus would not have combined effect with other off-site projects and because they are clearly less-than-significant effects with mitigation at the project level. Thus, these other impacts are not addressed in this analysis. With respect to effluent quality and the marine environment, the impact analysis in Section 3.6 – Marine Environment already addresses potential cumulative effects since the NPDES permit requirements established by the RWQCB for the District's ocean discharge set effluent quality limits designed to protect public health and the marine environment from cumulative effect. Please see the discussion of the District's NPDES permit requirements in Chapter 2.0 – Project description and Section 3.6 for the assessment of effluent quality.

The proposed Project would temporarily contribute to cumulative impacts to air quality, traffic, and noise. The projects listed in Table 5-1 coupled with the existing development in the region constitute the cumulative baseline condition. Construction of the proposed Project would temporarily contribute to the overall environmental baseline in the area. Once the treatment facilities are constructed, operation of the treatment plant would be similar to existing conditions. The following discussions summarize cumulative condition of the region.

Table 5-1
Approved, Planned and Probable Future Projects in Proximity to the Proposed Project Site

Project Applicant / Location	Description	Status	Proponent
Orange County Sanitation District Plant No. 2 Headworks	Construction of a new headworks facility at Plant No. 2 (P2-66)	Approved	Orange County Sanitation District
Orange County Sanitation District Effluent Pump Station	Construction of a new effluent pump station at Plant No. 2 (J-77)	Approved	Orange County Sanitation District
Orange County Sanitation District Primary clarifiers	Construction of a primary clarifiers at Plant No. 1 (P1-37)	Approved, under construction	Orange County Sanitation District
Orange County Sanitation District Trickling filter rehabilitation	Rehabilitation of existing trickling filters at Plant No 1 (P1-76)	Approved, under construction	Orange County Sanitation District
Orange County Sanitation District Ellis at Bushard Fountain Valley, CA 92708	Construction of a new pump station and force main, a new gravity sewer between two trunk sewers, a parallel Diversion Trunk Sewer, and diversion structures.	In planning	Orange County Sanitation District
Orange County Sanitation District Newport Trunk Sewer and Force Main Replacement Newport Beach and Huntington Beach, CA	Construction of new force main from Bitterpoint pump station to Plant No. 2 Headworks	In planning, not yet approved	Orange County Sanitation District
Orange County Water District 10500 Ellis Avenue Fountain Valley, CA 92708	Replace existing treatment facilities for Groundwater Replenishment System.	Approved, under construction	Orange County Water District/Orange County Sanitation District
Desalination Plant 21730 Newland at the AES Power Plant on Pacific Coast Highway	Construction of a 50 mgd desalination plant to augment regional water supplies. Facilities would be located adjacent to the existing power plant.	In planning	City of Huntington Beach
Gresham, Savage, Nolan & Tilden, LLP (Sam's Club) 17099 Brookhurst Street, Fountain Valley, CA 92708	Development of a new 135,000 sq. ft. membership warehouse store.	Approved with 1 year extension time. Under construction.	Sam's Club, Bentonville, AK.
Senior Center Northeast corner of Harbor Boulevard and Lilac Street, 17967 Bushard St. Fountain Valley, CA 92708	Construction of a 17,000 sf building	In planning, not yet approved (Neg. Dec.)	Talbert Development Partners, LA, CA
Newhope Street Design Corridor 18100 Newhope St. Fountain Valley, CA 92708	Construction of two new buildings (10,000 and 18,000 sf)	Pending Planning Commission approval.	Bundy-Finkel Architecture Santa Ana, CA
OCTA- Santa Ana River Crossing Project. Banning Avenue, Huntington Beach to 19th Street, Newport Beach, CA	Construction involving lane closure on PCH.	In planning, not yet approved	OCTA
Waterfront Residential Tract Beach Blvd/Pacific Coast Highway Huntington Beach, CA.	280 Condominium complex	Approved, under construction	William Lyons (Developer)
Magnolia Pacific (Ascon Landfill) Southwest corner of Hamilton Ave and Magnolia Street. Parcels 1, 2 3 of Parcel Map No. 86-442 Huntington Beach, CA	39.4 gross acres- approximately 502 units.	In planning, not yet approved	City of Huntington Beach
Animal Hospital Pacific Coast Highway Huntington Beach, CA	5,000 square feet animal house	Pending approval	Huntington Beach Wetland Conservancy
Tract 16438 Southeast corner of Lochlea Lane and Lomond Drive Huntington Beach, CA	10 single family home	Approved, under construction	Bonanni Development

Source: City of Fountain Valley, Planning Department, Caltrans, City of Huntington Beach Planning Department, City of Newport Beach, OCSD.

CONSTRUCTION FROM PROPOSED PROJECTS

P1-82 Activated Sludge Plant Rehabilitation
P1-97 Plant No. 1 66KV Substation
P1-100 Sludge Digester Rehabilitation at Plant No. 1
P1-101 Sludge Dewatering and Odor Control at Plant No. 1
P1-102 Secondary Activated Sludge Facility 2 at Plant No. 1
P1-106 Truck Wash & Dewatering Beds at Plant No. 1

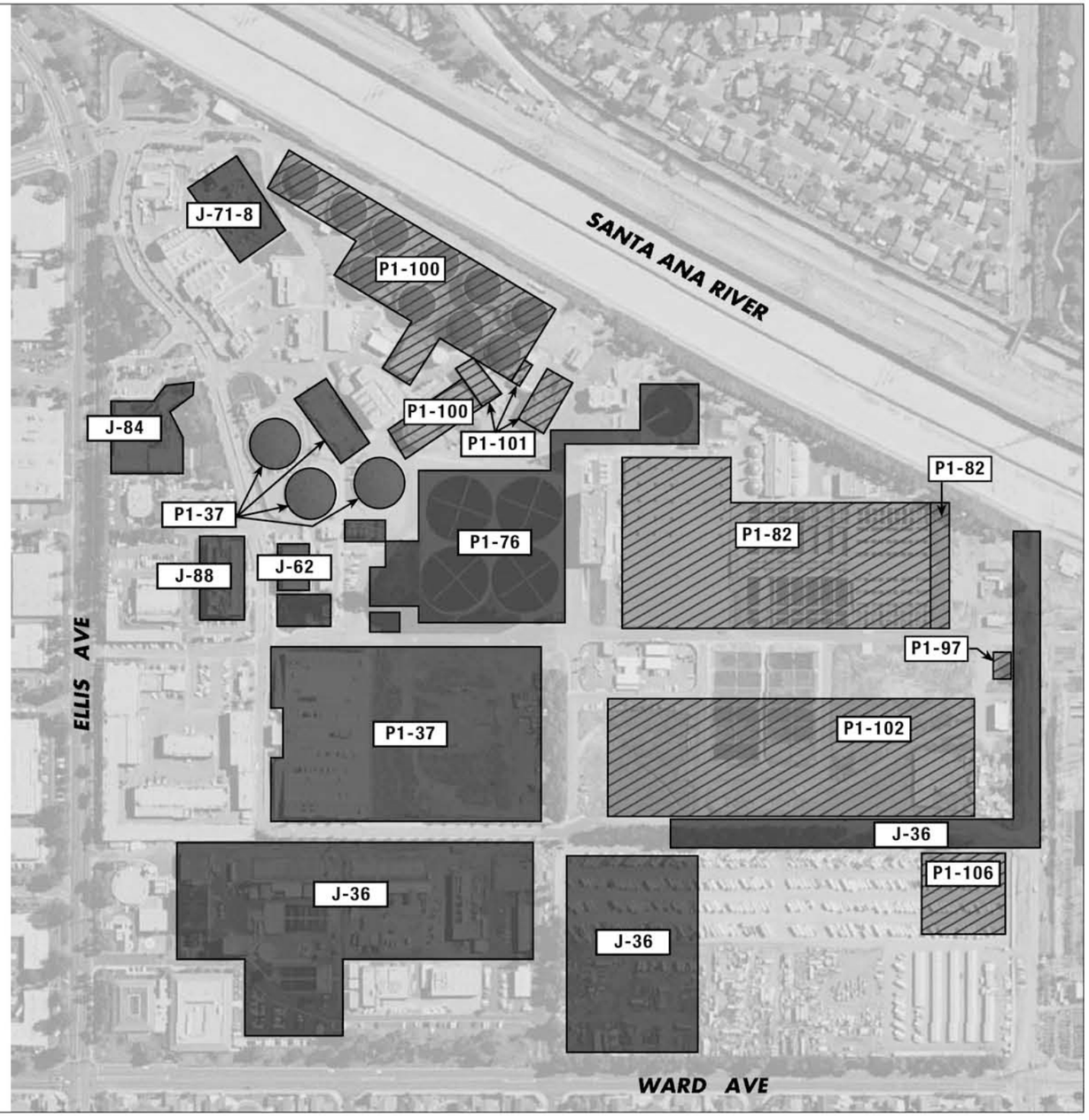
CONSTRUCTION FROM CUMULATIVE PROJECTS

P1-37 Primary Clarifiers and Related Facilities
P1-76 Trickling Filter Rehabilitation & New Clarifiers
J-36 Groundwater Replenishment System
J-62 Modifications to Existing Mech. System
J-84 Administrative Building Renovation
J-88 Lab Rehab
J-71-8 Headworks

N

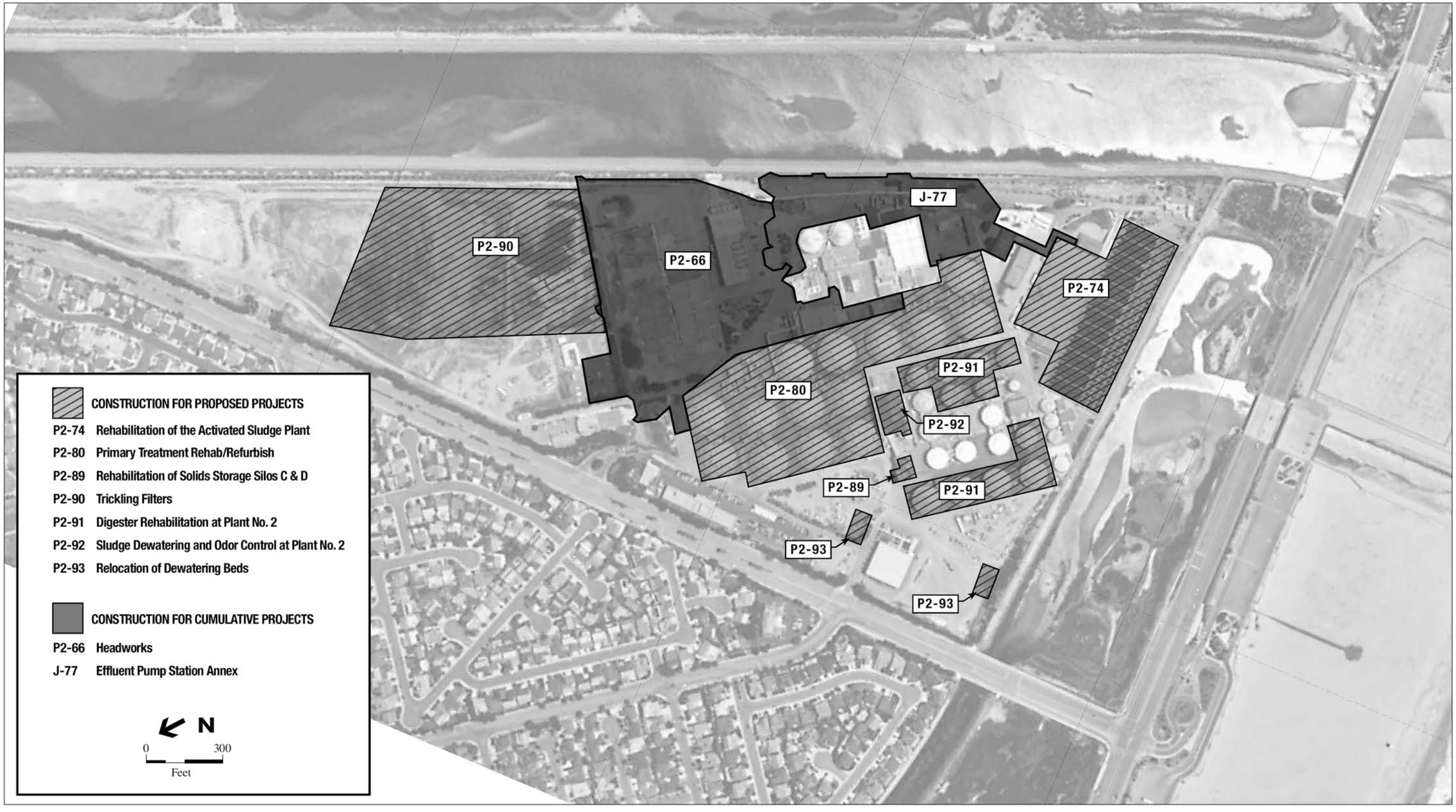
0 300

Feet



SOURCE: IPMC 2003

Figure 5-1
Cumulative Construction Project Footprints on Plant No. 1



SOURCE: IPMC 2003

Figure 5-2
Cumulative Construction Project Footprints - Plant No. 2

AIR QUALITY

Project construction would temporarily contribute to the poor air quality condition of the SCAB. The SCAB is in non-attainment for PM_{10}, ozone, and NO_x. The PEIR concluded that the cumulative contribution from air emissions from collection system construction projects would contribute to the cumulative condition, resulting in a significant air quality impact. The proposed Project would not change this assumption. Construction emissions associated with the proposed Project would be similar to the Scenario 4 alternative evaluated in the PEIR. Although the air emissions associated with construction would be short term, they would contribute to the existing non-attainment condition of the SCAB and would therefore be considered significant.

NOISE

The project would temporarily contribute to noise generation in the general area. For both plants, the closest residences are within 500 feet of the proposed construction activities. These residential areas could be exposed to construction noise during the multiple years of construction. Construction noise and local traffic noise both contribute to the cumulative baseline condition. Other residences located at distances further away would be impacted to a lesser degree by construction noise. Intervening structures (e.g., treatment facility buildings, trees, berms) would partially shield some of the adjacent residences from construction noise. In particular, it is likely that the 8-foot wall bordering Plant No. 2 on to the west would attenuate noise from construction activities for residences along Brookhurst Street.

Construction activities are short term and would comply with the Orange County Municipal Code Section 4-6-7(e), the City of Fountain Valley Municipal Code Chapter 6.28.070 that limits construction activities to 7:00 a.m. to 8:00 p.m. on weekdays and 8:00 a.m. to 9:00 p.m. on Saturdays, and the City of Huntington Beach Municipal Code Chapter 8.40.090(d), which limits construction activities to 7:00 a.m. to 8:00 p.m. Monday through Saturday.

The construction activities associated with the proposed Project would be similar to Scenario 4 evaluated in the PEIR. The PEIR identified cumulative construction noise as a significant impact of the 1999 Strategic Plan. The proposed Project would not change this conclusion.

TRAFFIC

The proposed Project would not substantially increase vehicle trips over levels assessed in the PEIR. Most of the vehicle trips associated with the operations of the two plants are worker commute trips. Completion of the proposed Project would slightly increase vehicle trips to and from the treatment plants. Other construction projects on the treatment plant sites as well as in the surrounding communities would add to the cumulative traffic baseline. Level of service at most intersections in the identified truck routes are within acceptable levels of service during peak hours. The additional traffic contributed by the cumulative projects listed in Table 5-1 would not substantially change this baseline condition. The PEIR identified cumulative impacts to local traffic as less than significant. Although the proposed Project would present a significant unavoidable impact to traffic during short-term construction periods, the overall cumulative condition of the region would not be substantially changed by the project. No cumulatively significant impact to traffic would result from the project. This is consistent with the conclusion of the PEIR for Scenario 4.

5.3 EFFECTS FOUND NOT TO BE SIGNIFICANT

Potential environmental effects listed on the CEQA environmental checklist that are either not relevant to the proposed Project or were found not to be significant and therefore not discussed in detail in this EIR include: mineral resources, agricultural resources, public services and utilities, cultural resources, and recreation resources. The reasons these effects are not considered relevant or were found not to be significant are presented in the Initial Study for this Subsequent EIR found in Appendix D.

5.4 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES THAT WOULD BE CAUSED IF THE PROPOSED PROJECT IS IMPLEMENTED

Section 15126.2(c) of the *Guidelines* requires that an EIR identify significant irreversible environmental effects that would occur as a result of the project. This section states:

> Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvements which provide access to previously inaccessible areas) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

The construction of the facility improvements described in the Project Description (see Section 2) will result in an irretrievable and irreversible commitment of natural resources through direct consumption of fossil fuels and through the use of construction materials. The facilities would be constructed on land currently set aside for wastewater treatment facilities. No previously undisturbed land would be developed as part of the Project.