

RESOLUTION NO. R.02-2012

**A RESOLUTION OF THE GOVERNING BOARD OF THE
BIG BEAR AREA REGIONAL WASTEWATER AGENCY
MAKING RESPONSIBLE AGENCY FINDINGS
PURSUANT TO THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT, AND APPROVING THE LAKE PUMP
STATION EXPANSION/REPLACEMENT PROJECT**

WHEREAS, the Big Bear Area Regional Wastewater Agency (“BBARWA”), established in 1974, is a public agency formed to transport, treat and dispose of wastewater for the Big Bear Valley area residents and businesses; and

WHEREAS, the purpose of BBARWA, pursuant to the Joint Powers Agreement, is to create an agency which will acquire, construct, install, maintain, and operate a regional system for the treatment and disposal of sewage and wastewater for the entire Big Bear Valley area, which system may ultimately be modified to include facilities for the reclamation of wastewater, and otherwise implement the 1974 Big Bear Area Regional Wastewater Management Plan; and

WHEREAS, pursuant to the 1974 Big Bear Area Regional Wastewater Management Plan, the purpose of the Plan was to develop a wastewater management plan for the Big Bear Area to meet short and long-term treatment and disposal needs, recognizing a regional concept and giving consideration to beneficial reuse and environmental economic constraints in conformance with regulatory agency requirements; and

WHEREAS, BBARWA compiled an updated Sewer Master Plan (“Sewer Master Plan”) which identifies current system deficiencies and determines anticipated long-term system requirements through 2030; and

WHEREAS, BBARWA’s Sewer Master Plan consists of anticipated upgrades and improvements to BBARWA’s sewer system, including improvements to the Wastewater Treatment Plant, the Lake Pump Station, and the Interceptor System; and

WHEREAS, the implementation of the Sewer Master Plan includes areas located in the Big Bear Valley, including the City of Big Bear Lake, the Big Bear City Community Services District and the County of San Bernardino, County Service Area 53B, in the mountains of western San Bernardino County, California; and

WHEREAS, pursuant to the California Environmental Quality Act (Pub. Res. Code, § 21000 et seq.), the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), and BBARWA’s local CEQA Guidelines (collectively, “CEQA”) BBARWA is the lead agency for the Sewer Master Plan and subsequent related projects, including the Lake Pump Station Expansion/Replacement Project; and

WHEREAS, pursuant to State CEQA Guidelines section 15063, an initial study (“Initial Study”) was prepared for the Sewer Master Plan to analyze whether the approval of the Sewer Master Plan would cause a potentially significant effect on the environment; and

WHEREAS, BBARWA, as lead agency, determined that a program Mitigated Negative Declaration (“MND”) should be prepared in order to analyze the Sewer Master Plan’s potential environmental effects; and

WHEREAS, BBARWA circulated the MND and Initial Study to the State Clearinghouse, the County Clerk’s Office, and the public in the manner required by CEQA for a thirty-day review and comment period beginning on February 11, 2011, and ending on March 14, 2011, pursuant to Public Resources Code section 21091(b); and

WHEREAS, pursuant to State CEQA Guidelines section 15097, BBARWA prepared a Mitigation Monitoring and Reporting Plan; and

WHEREAS, the BBARWA Governing Board (“Board”) carefully reviewed the Sewer Master Plan in connection with the MND, and also considered all other relevant information contained in the record regarding the Sewer Master Plan; and

WHEREAS, the BBARWA adopted a resolution approving the MND and the Sewer Master Plan on March 23, 2011; and

WHEREAS, pursuant to the upgrades anticipated by the Sewer Master Plan, the Lake Pump Station Expansion/Replacement Project (the “Project”) has now been proposed by BBARWA; and

WHEREAS, the scope of the Project includes constructing a new Lake Pump Station on the existing pump station site, minor pipeline alterations and the demolition of the existing pump station; and

WHEREAS, pursuant to State CEQA Guidelines section 15162, once a negative declaration has been adopted for a project, no subsequent environmental documents shall be prepared for that project unless substantial changes are proposed in the project which would require major revisions of the previous document due to the involvement of new significant environmental effects or if new information of substantial importance is available which shows that the project will have a significant impact on the environment has been made available; and

WHEREAS, consistent with the programmatic nature of the MND prepared for the Sewer Master Plan, the Board has reviewed and considered the Sewer Master Plan MND, the comment letters submitted on the Sewer Master Plan, the Board’s written finding, the Mitigation Monitoring and Reporting Plan adopted by BBARWA, a supplemental CEQA analysis of whether the Project would result in impacts different or worse than those previously disclosed, and other related documents to the Sewer Master Plan and the Project; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, the Governing Board of the Big Bear Area Regional Wastewater Agency does hereby resolves as follows:

SECTION 1. Compliance with the California Environmental Quality Act. As the decision-making body for the Big Bear Area Regional Wastewater Agency, the Board has received, reviewed, and considered the information contained in the Sewer Master Plan MND, the Initial Study, all comment letters, the supplemental CEQA analysis of whether the Project would have different or worse impacts than those previously disclosed, and other related documents to the Sewer Master Plan and the Project. Based on this review, the Governing Board finds that the MND, Initial Study, subsequent CEQA analysis, and administrative record contain a complete, objective, and accurate reporting of the potential environmental impacts associated with the Lake Pump Station Expansion/Replacement Project and reflect the independent judgment and analysis of the Board.

SECTION 2. Findings Under State CEQA Guidelines Section 15162. Under State CEQA Guidelines section 15162, once a negative declaration has been adopted for a project, no subsequent environmental document shall be prepared for that project unless substantial changes are proposed in the project which would require major revisions of the previous environmental document due to the involvement of new significant environmental effects or if new information of substantial importance which shows that the project will have a significant impact on the environment has been made available. The Governing Board finds that the Sewer Master Plan MND and accompanying Mitigation Monitoring and Reporting Plan meet the criteria of State CEQA Guidelines section 15162 such that no new environmental documentation or other further environmental review is required. The Board further finds that this conclusion is confirmed by the supplemental CEQA analysis which focused on the specific impacts of the Project.

The Project consists of the operation, repair, maintenance, and minor alteration of the existing Lake Pump Station. Moreover, the replacement structure will be within the existing, designated site for lake pump operations. The new structure will have the same purpose as the existing structure and will, in fact, incorporate existing structures on the site. Additionally, the Project will not have a significant effect on the environment because it will not create any impacts to land, air, water, biology, historic resources, aesthetics, or other areas because the Project will be on an already disturbed site and within an existing facility. Accordingly, BBARWA's decision not to require any additional environmental review is supported by substantial evidence in the record.

SECTION 3. Findings on Environmental Impacts. Based on the whole of the record before it, including the MND, Initial Study, the Mitigation Monitoring and Reporting Plan, the supplemental CEQA analysis prepared for the Project, the administrative record and all other written and oral evidence presented to the Board, the Board finds that all environmental impacts of the Project are either less than significant or can be mitigated to a less than significant level with the implementation of the mitigation measures set forth in the previously approved Mitigation Monitoring and Reporting Plan, compliance with which the Board makes a condition of the Project.

SECTION 4. Approval of Project. The Board hereby approves the Lake Pump Station Expansion/Replacement Project.

SECTION 5. Notice of Determination. The Board hereby directs BBARWA staff to file a Notice of Determination with the San Bernardino County Clerk and also with the Governor's Office of Planning and Research within five (5) working days of the approval of the Project.

SECTION 6. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings are based are located at the offices of the Big Bear Area Regional Wastewater Agency, 121 Palomino Drive, Big Bear City, CA 92314.

SECTION 7. Execution of Resolution. The Chairperson of the Board shall sign this Resolution and BBARWA's Secretary shall attest and certify to the passage and adoption thereof.

PASSED, APPROVED, and ADOPTED this 25th day of January, 2012.

Rick Herrick,
Chairperson of the Governing Board,
Big Bear Area Regional Wastewater Agency

ATTEST:

I, secretary to the Big Bear Area Regional Wastewater Agency, do hereby certify that the foregoing Resolution was duly adopted at a regular meeting of the Governing Board held on the 25th day of January, 2012, by the following vote:

AYES:

NOES:

ABSENT:

Elizabeth Harris, Ed.D
Secretary of the Governing Board,
Big Bear Area Regional Wastewater Agency

NOTICE OF DETERMINATION

To: County Clerk's Office
San Bernardino County
222 W. Hospitality Lane, 1st Fl.
San Bernardino, CA 92415-0022

Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044
Attn: State Clearinghouse

From (Lead Agency):
Big Bear Area Regional Wastewater
Agency
P.O. Box 517
121 Palomino Drive
Big Bear City, CA 92314-0517
Phone: (909) 584-4018

Subject: Filing of Notice of Determination for the approval of the Lake Pump Station Expansion/Replacement Project.

Project Title: The Lake Pump Station Expansion/Replacement Project.

State Clearinghouse Identification Number: 2011021026.

Contact Person & Telephone Number: Big Bear Area Regional Wastewater Agency
Steven C. Schindler
(909) 584-4018

Project Location (Include County): City of Big Bear Lake, County of San Bernardino, California.

Project Description: On March 23, 2011, the Big Bear Area Regional Wastewater Agency approved a Mitigated Negative Declaration for the Sewer Master Plan Project. That Master Plan anticipated the Lake Pump Station Expansion/Replacement Project ("Project") as part of the Master Plan's goal of meeting long-term system requirements through 2030. The Project consists of expanding the existing Lake Pump Station's capacity from 4.6 MGD to 8.0 MGD. The existing lake pump station would be demolished and a new one built with a 40-foot by 20-foot, 14-foot deep wet well, 4 submersible pumps (200 hp, 100 hp, 2-50 hp pumps). The existing 275 kilowatt backup generator would be moved from the existing pump station. The proposed pump station would be covered by a 20-foot by 30-foot block building, leaving a 20-foot by 10-foot section of the set well accessible for maintenance and repair. Operation of the pump station would use approximately 500 kilowatt hours of electricity. Three trees would be removed as a result of the pump station expansion. The Big Bear Area Regional Wastewater Agency determined that no additional environmental review is required pursuant to Public Resources Code section 21166 and State CEQA Guidelines section 15162 because no substantial changes are proposed which would require major revisions to the previously adopted Mitigated Negative Declaration; no substantial changes have occurred with respect to the circumstances under which the Project is being undertaken that would require major revisions in the previously adopted Mitigated Negative Declaration; and no new information of substantial importance to the Project has become available.

This notice is filed, in compliance with Public Resources Code section 21152 and State CEQA Guidelines section 15075, to advise that the Big Bear Area Regional Wastewater Agency, acting in its capacity as a Lead Agency under CEQA, has approved the above described Project on January 25, 2012, and has made the following determinations:

1. The Project WILL NOT have a significant effect on the environment.
2. A Mitigated Negative Declaration analyzing the impacts of the Sewer Master Plan, including the Lake Pump Station Expansion/Replacement Project, WAS prepared and adopted pursuant to the provisions of the California Environmental Quality Act (Public Resources Code, § 21000 et seq.) and reflects the independent judgment of the Lead Agency.
3. Mitigation measures WERE made a condition of the previously adopted Mitigated Negative Declaration and a mitigation monitoring plan/program was also adopted. These mitigation measures WERE made a condition of the Project's approval.
4. A Statement of Overriding Considerations WAS NOT adopted for this Project.
5. Findings WERE made pursuant to the provisions of CEQA.

This is to certify that the documents which comprise the record of proceedings for the Project, including the administrative record, with comments received, are available to the general public at:

Custodian: Big Bear Area Regional Wastewater Agency
Location: 121 Palomino Drive
Big Bear City, CA 92314-0517

January 25, 2012

Signature of Lead Agency Representative

Steven C. Schindler, General Manager
Big Bear Area Regional Wastewater Agency