

RESOLUTION NO. R. 01-2013

**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 COVERED
DRYING BED 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, the existing drying bed, 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 Covered Drying Bed 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 Covered Drying Bed Project (the “Project”) has now been proposed by BBARWA; and

WHEREAS, the scope of the Project includes the upgrade of the existing drying bed, including the construction of a metal building over the existing bed, the installation of heat exchangers to heat the floor of the drying bed, and the installation of an odor scrubber; 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 Covered Drying Bed 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 asphalt lined drying bed. Moreover, the upgraded bed involves an existing, designated site for sludge drying activities. The covered drying bed will have the same purpose as the existing bed, but provide benefits including year-round availability, odor containment through enclosure and installation of an odor scrubber, and a reduction in disposal-related expenditures. 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, including the Sewer Master Plan, the Sewer Master Plan MND and Initial Study, and the Mitigation Monitoring and Reporting Plan, all of which identify, analyze and mitigate for the Project.

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, which also covers this Project, 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 Covered Drying Bed 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 23rd day of January, 2013.

Rick Herrick, Chairman
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 23rd day of January, 2013, by the following vote:

AYES:

NOES:

ABSENT:

Jeff Rigney, Secretary
Big Bear Area Regional Wastewater Agency