

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF FINANCIAL ASSISTANCE
JANUARY 15, 2008**

ITEM 4

SUBJECT

CONSIDERATION OF A RESOLUTION ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE INTEGRATED REGIONAL WATER MANAGEMENT PROGRAM'S FILLMORE WATER RECYCLING PLANT PROJECT

DISCUSSION

The Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Proposition 50), was approved by California voters in November 2002. (Stats. 2003, ch. 493.) It amended the California Water Code to add, among other articles, section 79560 et seq., authorizing the Legislature to appropriate funding for Integrated Regional Water Management (IRWM) projects. The intent of the IRWM Grant Program is to provide funding via competitive grants for projects to protect communities from drought, protect and improve water quality, and improve local water security by reducing dependence on imported water while encouraging water management on a regional level.

Proposition 50 authorizes approximately \$360 million to implement these projects. The IRWM Grant Program is administered jointly by the State Water Resources Control Board (State Water Board) and the Department of Water Resources (DWR). The IRWM Program Guidelines were adopted by the State Water Board and approved by DWR in November 2004. On January 18, 2007, the State Water Board adopted an IRWM Implementation Grant Funding List with grants totaling \$75,000,000 ([Resolution 2007-0001](#)). In January 2007, DWR approved an IRWM Implementation Grant Funding List with grants totaling \$100,000,000.

The Fillmore Integrated Water Recycling Project II-A (Fillmore Component) is part of the larger Watersheds Coalition of Ventura County (WCVC) IRWM Implementation Project that was awarded funds by the State Water Board as part of the IRWM Grant Program. The Fillmore Component was approved for \$3,050,000, of the \$25 million awarded to the WCVC IRWM Implementation Project. The Fillmore Component consists of the construction of facilities needed for distribution of Title 22 unrestricted-use recycled water for public landscaping, wetlands, and agricultural uses in lieu of potable water. The State Water Board has not previously made findings regarding the Fillmore Component pursuant to the California Environmental Quality Act (CEQA).

The purpose of the Fillmore Component is to construct a water recycling plant capable of meeting established Los Angeles Regional Water Quality Control Board treatment standards, meeting the demands for the City of Fillmore (City) forecasted 2025 population, and producing recycled water that meets California Code of Regulations Title 22 reuse permit standards identified by the City. The City prepared Draft and Final Environmental Impact Reports (EIR), as well as Draft and Final Supplemental EIRs from 2005-2007 for the proposed Fillmore Component. The documents were circulated through the State Clearinghouse (State Clearinghouse No. 2004051020) for review from March 8, 2005 through April 21, 2005 and December 11, 2006 through January 24, 2007.

The City received comment letters from:

- (1) Federal Emergency Management Agency, Region IX, regarding adherence to pertinent flood delineation requirements;
- (2) National Marine Fisheries Service regarding potential impacts to steelhead and steelhead habitat;
- (3) State of California Public Utilities Commission regarding safety factors to be adhered to in the areas of planning for grading separations for major thoroughfares, improvements to existing at-grade highway rail crossings and appropriate fencing to limit the access of trespassers to construction areas;
- (4) Ventura County Watershed Protection District regarding how the project intends to address the increase in peak run-off rates due to an increase in impervious (paved) areas produced through construction, and the planned destruction of abandoned water wells;
- (5) Office of the Agricultural Commissioner regarding access roads, Sespe Creek and Santa Clara River Bicycle Trail, changes to the recycled water pipeline, revisions to the water re-use system, emergency storage ponds, monitoring wells, and additional right-of-way easements;
- (6) Ventura County Air Pollution Control District regarding demolition activities that may cause possible exposure to asbestos; and,
- (7) Public Works Agency Transportation Department regarding additional traffic generation during project construction, and a traffic control plan that identifies expected truck routes.

The City provided adequate responses and incorporated minor changes that address all comments. The City certified the EIRs, adopted a Mitigation Monitoring Plan (MMP) and Statement of Overriding Considerations, and approved the revised Fillmore Component on February 27, 2007. The City filed a Notice of Determination (NOD) with the Ventura County Clerk and the Governor's Office of Planning and Research on March 1, 2007. State Water Board staff have reviewed and considered the EIRs and applicable environmental documents and have determined that the Fillmore Component will not result in any significant adverse water quality impacts.

Component tasks include: 1) constructing a Fillmore Water Recycling Plant access road; (2) changing the recycled water pipeline system; (3) revising the water re-use system; (4) constructing emergency storage ponds; (5) refurbishing and constructing monitoring wells; (6) making additional right-of-way easements; and, (7) constructing the Sespe Creek and Santa Clara River Bicycle Trail.

The City adopted a Statement of Overriding Considerations to substantiate its decision to approve the Fillmore Component despite significant unavoidable impacts related to noise resulting from the construction of a water recycling plant. State Water Board staff find that the following specific economic, social, technological, and environmental benefits of the Fillmore Component outweigh the unavoidable adverse environmental impacts:

- a. Approval of the Component will allow the City to maximize its opportunity in design and planning efforts for the Water Recycling Plant;
- b. The changes to the recycled water pipeline distribution will form the backbone of the disposal program and allow for treated effluent to be distributed throughout the City;

- c. The revisions to the Water Reuse System will form the basis of the treated effluent disposal program and meet established Waste Discharge Requirements issued by the Los Angeles Regional Water Quality Control Board and California Code of Regulations Title 22 reuse permit standards;
- d. The emergency storage ponds will provide additional capacity at the Water Recycling Plant site when emergencies arise;
- e. The monitoring wells will ensure that any changes to groundwater would be known and potential remedies developed promptly; and,
- f. Construction of the Water Recycling Plant will help the demands for the City's forecasted 2025 population.

POLICY ISSUES

Should the State Water Board adopt a resolution to:

Adopt a Statement of Overriding Considerations regarding the Integrated Regional Water Management Program's Fillmore Water Recycling Plant Project?

FISCAL IMPACT

None

REGIONAL WATER BOARD IMPACT

None

STAFF RECOMMENDATIONS

That the State Water Board:

Adopt a Statement of Overriding Considerations regarding the Integrated Regional Water Management Program's Fillmore Water Recycling Plant Project.

DRAFT

STATE WATER RESOURCES CONTROL BOARD

RESOLUTION NO. 2008-

ADOPTION OF A STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE INTEGRATED REGIONAL WATER MANAGEMENT PROGRAM'S FILLMORE WATER RECYCLING PLANT PROJECT

WHEREAS:

1. The Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Proposition 50), authorizes approximately \$360 million to implement projects that protect communities from drought, protect and improve water quality, and improve local water security by reducing dependence on imported water while encouraging water management on a regional basis;
2. The Integrated Regional Water Management (IRWM) Grant Program is administered jointly by the State Water Resources Control Board (State Water Board) and the Department of Water Resources (DWR);
3. The IRWM Program Guidelines were adopted by the State Water Board and approved by DWR in November 2004;
4. On January 18, 2007, the State Water Board adopted an IRWM Implementation Grant Funding List with grants totaling \$75,000,000 (Resolution No. 2007-0001);
5. In January 2007, DWR approved an IRWM Implementation Grant Funding List with grants totaling \$100,000,000;
6. The Watersheds Coalition of Ventura County IRWM Implementation Project was on the January 18, 2007, IRWM Implementation Grant Funding List approved for funding by the State Water Board;
7. The Fillmore Integrated Water Recycling Project II-A (Fillmore Component) is part of the Watersheds Coalition of Ventura County IRWM Implementation Project;
8. The City of Fillmore (City) prepared Final and Supplemental Environmental Impact Reports (EIR) for its the proposed Fillmore Component (State Clearinghouse No. 2004051020);
9. The City certified the Supplemental EIR, adopted a Mitigation Monitoring Program and a Statement of Overriding Considerations, and approved the Fillmore Component on February 27, 2007;
10. The City filed a Notice of Determination with the Ventura County Clerk and the Governor's Office of Planning and Research on March 1, 2007;
11. The City adopted a Statement of Overriding Considerations to substantiate its decision to approve the Fillmore Component despite significant unavoidable impacts related to noise resulting from the construction of a water recycling plant;

D R A F T

12. The State Water Board has not previously made CEQA findings regarding the Fillmore Component of the Watersheds Coalition of Ventura County IRWM Implementation Project;
13. The State Water Board finds that the following specific economic, social, technological, and environmental benefits of the Project outweigh the unavoidable adverse environmental impacts:
 - a. Approval of the Fillmore Component will allow the City to maximize its opportunity in design and planning efforts for the Water Recycling Plant;
 - b. The changes to the recycled water pipeline distribution will form the backbone of the disposal program and allow for treated effluent to be distributed throughout the City;
 - c. The revisions to the Water Reuse System will form the basis of the treated effluent disposal program and meet established Waste Discharge Requirements issued by the Los Angeles Regional Water Quality Control Board and California Code of Regulations Title 22 reuse permit standards;
 - d. The emergency storage ponds will provide additional capacity at the Water Recycling Plant site when emergencies arise;
 - e. The monitoring wells will ensure that any changes to groundwater would be known and potential remedies developed promptly; and,
 - f. Construction of the Water Recycling Plant will help the demands for the City's forecasted 2025 population.
14. State Water Board staff have reviewed and considered the EIRs and applicable environmental documents and have determined that the Fillmore Component will not result in any significant adverse water quality impacts.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

Adopts a Statement of Overriding Considerations regarding the Integrated Regional Water Management Program's Fillmore Water Recycling Plant Project.

CERTIFICATION

The undersigned, Acting Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on January 15, 2008.

Jeanine Townsend
Acting Clerk to the Board