

Chapter 1. Introduction

PURPOSE OF THE FINAL ENVIRONMENTAL IMPACT STATEMENT

This final environmental impact statement (FEIS) has been prepared in compliance with the National Environmental Policy Act (NEPA), Council on Environmental Quality Regulations for implementing NEPA, and U.S. Environmental Protection Agency (EPA) NEPA procedures. The purpose of the FEIS is to identify significant environmental impacts associated with the proposed action and alternatives, identify mitigation measures that could avoid or reduce significant impacts, and disclose all substantive comments and responses on the draft EIS (DEIS).

EPA intends to disburse direct grant funds provided under the 1995 Appropriations Act (Public Law 103-327) to the County Sanitation Districts of Los Angeles County (Districts). The purpose of the grant is to fund the planning, design, and construction of wastewater treatment facilities to upgrade the Joint Water Pollution Control Plant (JWPCP) in the City of Carson, California, to 400 million gallons per day (mgd) of secondary treatment capacity.

BACKGROUND

In January, 1992, the EPA and the California Regional Water Quality Control Board filed suit against the Districts under Section 309 of the Clean Water Act to require full secondary treatment at the JWPCP in Carson. A Consent Decree (Consent Decree) was negotiated between the Districts, the United States, the State of California, the Natural Resources Defense Council, and Heal the Bay, which mandated that the Districts provide full secondary treatment to all wastewater flows by December 31, 2002. In response to the requirements of the Consent Decree, the Districts have prepared the Joint Outfall System (JOS) 2010 Master Facilities Plan (2010 Plan), which addresses the need to provide full secondary treatment at the JWPCP by 2002. The 2010 Plan also addresses long-term need for wastewater treatment, reuse, and disposal through 2010.

Previous CEQA Review

The Districts have completed a draft environmental impact report (EIR) that analyzes the impacts of the 2010 Plan, including the full secondary treatment upgrade project at the JWPCP, as required by the California Environmental Quality Act (CEQA). The Districts solicited comments from agencies, organizations, and individuals on the draft EIR, which was circulated

for public review between November 14, 1994 and January 17, 1995. The Districts also held two public information meetings in December 1994 and two public hearings in January 1995 to summarize the 2010 Plan and the environmental impacts of the 2010 Plan alternatives, and to receive questions. In response to the comments received, a final EIR was prepared and circulated on June 1, 1995. The Districts will consider certification of the final EIR at a Board meeting on July 12, 1995.

The EIR was also prepared to support a decision by the California State Water Resources Control Board (SWRCB) to issue a State Revolving Fund (SRF) loan for the secondary treatment upgrade project. Because the SRF loan program is authorized by the Clean Water Act, approval of the SRF loan requires that the SWRCB initiate a consultation and review process with federal agencies similar to that required by NEPA during the draft EIR preparation and review.

Relationship between Previous CEQA Review and Current NEPA Process and Incorporation of the EIR by Reference

EPA proposes to provide direct grant funding to the Districts for the proposed full secondary treatment upgrade project (Upgrade Project). Public Law 103-327 authorized a \$50 million grant. An EIS must be prepared to meet the requirements of NEPA to provide federal environmental review of the EPA grant funding for the Upgrade project. Because the Upgrade Project included in the alternatives proposed in the draft EIR and final EIR is the same as the proposed EPA action and alternatives for this FEIS, the environmental analysis required under NEPA has already been conducted in the draft EIR and final EIR. To avoid duplication of effort in complying with CEQA and NEPA policies, EPA has chosen to incorporate the draft EIR and final EIR by reference in the FEIS. Pursuant to 40 Code of Federal Regulations (CFR) 1506.5, EPA has independently reviewed the information in the draft EIR and final EIR and has determined the information to be accurate for its needs. Additional discussion of issues in this DEIS focuses on topics needed for compliance with NEPA, Council on Environmental Quality Regulations for implementing NEPA, EPA NEPA procedures, and comments received on the DEIS.

Contents of the Final Environmental Impact Statement

This document constitutes the FEIS for the upgrade project. The DEIS was distributed for public review on March 13, 1995. The comment period ended April 28, 1995. Three comment letters on the DEIS were received, from the following agencies:

- U.S. Department of Interior,
- Southern California Association of Governments, and
- Metropolitan Water District of Southern California.

These comment letters and EPA's responses are provided in Appendix B of this FEIS, "Comments on the DEIS and Responses". Minor changes to the text of this FEIS in response to comments or as modifications or updates are shown as double-underlined text.

Volume I of this document consists of the main body of the FEIS, Volume II (separately bound) consists of the draft EIR, and Volume III (separately bound) consists of the final EIR. Requests for copies of Volumes II and III should be directed to:

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PURPOSE OF AND NEED FOR PROPOSED ACTION

Under the proposed action, EPA intends to award direct grant funds to the Districts provided under the Public Law 103-327. The purpose of the grant is to fund the planning, design, and construction of wastewater treatment facilities to upgrade the JWPCP in the City of Carson, California. EPA would disperse the grant funds for the planning, design, and construction of facilities to upgrade the JWPCP to 400 mgd of secondary treatment capacity. The Upgrade Project at the JWPCP is needed to provide full secondary treatment for all flows as required by the Consent Decree.

SCOPE OF EIS

The EIS focuses on the construction and operation of the secondary treatment and related solids processing facilities at the JWPCP. EPA Region IX published a Notice of Intent (NOI) on January 27, 1995, to solicit comments from the public on the proposed action and alternatives to the proposed action. Because of the extensive scoping process already undertaken by the Districts during preparation of the draft EIR, a separate EIS scoping meeting was not held.

The following topics are analyzed in the EIS:

- hydrology and water quality;
- marine environment;
- geologic hazards and soils;
- energy and chemicals;
- transportation;
- air quality;

- noise;
- public health;
- botanical and wildlife resources;
- land use;
- population, employment, and housing;
- public services and facilities;
- aesthetics;
- cultural resources; and
- cumulative, growth-inducing, and growth-related impacts.

EIS PROCESS

The DEIS was circulated for a 45-day public review period from March 13 to April 28, 1995, during which time the public and interested agencies were encouraged to submit comments on the document. One public hearing was held on the DEIS on April 19, 1995, at 7:00 p.m. at the Carson Community Center. Once all comments were assembled and reviewed, EPA Region IX prepared responses to all significant environmental issues that have been raised. These comments and responses are included in Appendix B of this FEIS, "Comments on the DEIS and Responses". Once this EIS is determined adequate and certified by EPA, a record of decision (ROD) will be prepared and adopted by EPA, and the EPA grant funds will be disbursed.

REQUIRED PERMITS AND APPROVALS

No permits or approvals are required by other federal agencies for the proposed action.

COORDINATION WITH OTHER ENVIRONMENTAL REVIEW AND CONSULTATION REQUIREMENTS

The lead agency is required to integrate various federal laws and executive orders during environmental review for the proposed action, pursuant to 40 CFR 6.300. These laws and executive orders, and their applicability to the proposed action are described below.

Landmarks, Historical, and Archeological Sites

- **National Natural Landmarks.** The Secretary of the Interior is authorized to designate areas as national natural landmarks for listing on the National Registry of Natural Landmarks pursuant to the Historic Act of 1935, 16 USC 461 et seq. In conducting an environmental review of a proposed EPA action, the responsible official is required to consider the existence and location of natural landmarks, using information provided by the National Park Service, pursuant to 36 CFR 62.6(d). This act does not apply to the proposed action because no natural landmarks are located near the JWPCP.
- **Historic, architectural, archeological, and cultural sites.** If an EPA undertaking affects any property with historic, architectural, archeological, or cultural value that is listed on or eligible for listing on the National Register of Historic Places, the responsible official is required to comply with the procedures for consultation and comment promulgated by the Advisory Council on Historic Preservation in compliance with Section 106 of the National Historic Preservation Act (NHPA), 16 U.S. Code (USC) 470, and Executive Order 11593. Additionally, a programmatic agreement between the SWRCB and the State Historic Preservation Office requires that projects receiving federal funds administered by the SWRCB comply with Section 106 of the NHPA. The Districts have determined that the proposed action will have no effect on any historic property at the JWPCP. The SWRCB has received a letter of concurrence from the State Historic Preservation Office confirming the finding. See Appendix A for a copy of this correspondence. Because it was concluded that no historic, architectural, archeological, or cultural sites located near the JWPCP would be affected by the proposed Upgrade Project, the project complies with the requirements set forth in Section 106 of the NHPA.
- **Historic, prehistoric, and archeological data.** Under the Archeological and Historic Preservation Act of 1974, 16 USC 469 et seq., if any EPA activity may cause irreparable loss or destruction of significant scientific, prehistoric, historic, or archeological data, the responsible official or the Secretary of the Interior is authorized to undertake data recovery and preservation activities. Based on an extensive cultural resources study conducted in 1979 (which included excavating several backhoe trenches) and a records and literature search conducted in 1994, the proposed action was determined not to affect any historic, prehistoric, or archeological data.

Natural Environment

- **Wetlands protection.** Executive Order 11990, "Protection of Wetlands", requires federal agencies conducting certain activities to avoid, to the extent possible, the adverse impacts associated with the destruction or loss of wetlands and to avoid support of new construction in wetlands if a practicable alternative exists. Although

wetlands occur at the JWPCP marsh site, compliance with this executive order does not apply to the proposed action because no construction would occur directly in the wetlands and the proposed mitigation measures for construction and operation of nearby facilities would reduce any potential indirect impacts on the wetlands to a less-than-significant level.

- **Floodplains management.** Executive Order 11988, administered by the Federal Emergency Management Agency, requires federal agencies to evaluate the potential effects of actions they may take in a floodplain to avoid, to the extent possible, any adverse effects associated with the direct and indirect development of a floodplain. This executive order does not apply to the proposed action because the JWPCP is not located within a floodplain.
- **Important farmlands.** EPA Policy to Protect Environmentally Significant Agricultural Lands requires EPA to consider the protection of the nation's significant/important agricultural lands from irreversible conversion to uses that result in their loss as an environmental or essential food production resource. Compliance with the policy and act does not apply because the proposed action does not involve the conversion or other use of farmlands.
- **Coastal zone management.** The Coastal Zone Management Act, 16 USC 1451, requires that all federal activities in coastal areas be consistent with approved State Coastal Zone Management Programs, to the maximum extent possible. If an EPA action may affect a coastal zone area, the responsible official is required to assess the impact of the action on the coastal zone. A consistency analysis will not be required because the JWPCP is not located in the coastal zone and secondary effluent discharges do not trigger the need for a consistency analysis (Delaplaine, Mark. California Coastal Commission, San Francisco, CA. January 24, 1995 - telephone conversation.)
- **Wild and scenic rivers.** The Wild and Scenic Rivers Act, 16 USC 1274 et seq., establishes requirements applicable to water resource projects affecting wild, scenic, or recreational rivers within the National Wild and Scenic Rivers system, as well as rivers designated on the National Rivers Inventory. This act does not apply to the proposed action because the proposed action will not affect any wild, scenic, or recreational rivers.
- **Barrier islands.** New federal expenditures or financial assistance for any purpose within the Coastal Barrier Resource System, on or after October 18, 1982, is prohibited pursuant to the Coastal Barrier Resources Act, 16 USC 3501 et seq. This act does not apply because barrier islands do not occur within the Districts' boundaries.
- **Fish and wildlife protection.** The Fish and Wildlife Coordination Act, 16 USC 661 et seq., requires federal agencies involved in actions that will result in the control or

structural modification of any natural stream or body of water for any purpose, to take action to protect the fish and wildlife resources that may be affected by the action. This act does not apply to the proposed action because no control or structural modification of water bodies is proposed.

- **Endangered species protection.** The Federal Endangered Species Act, 16 USC 1536, prohibits agencies from jeopardizing threatened or endangered species or adversely modifying habitats essential to their survival. The Section 7 consultation process between EPA and U.S. Fish and Wildlife Service (USFWS) to determine the effects of the proposed action on listed species was recently completed. During informal consultation with USFWS, SWRCB, and EPA staff, it was determined that formal consultation under Section 7 would not be required. See Appendix A for a copy of the correspondence between SWRCB and USFWS staff leading to this determination.

Air Quality

The Clean Air Act requires federal actions to conform to any state implementation plan approved or promulgated under Section 110 of the act. For EPA action, the applicable conformity requirements specified in 40 CFR Part 51, Subpart W; 40 CFR Part 93, Subpart B; and the applicable state implementation plan must be met. According to the Federal Rule on General Conformity, 40 CFR 51.853(d)(4), a conformity determination is not required for a federal action where alteration and additions of existing structures as specifically required by new or existing applicable environmental legislation or environmental regulations occurs. Therefore, a conformity analysis for the Upgrade Project at the JWPCP addressed in the 2010 Plan is not required. See Appendix A for a copy of the correspondence between the Districts and EPA leading to this determination.

