

Chapter 1 INTRODUCTION

The Sanitation Districts of Los Angeles County (Sanitation Districts) prepared the Clearwater Program Master Facilities Plan (MFP), available under separate cover, to meet the wastewater management needs of the Joint Outfall System (JOS) through the year 2050. This chapter presents (1) introductory and background information for the MFP, (2) the lead agencies preparing this joint environmental impact report/environmental impact statement (EIR/EIS) – the Sanitation Districts and the United States (U.S.) Army Corps of Engineers (Corps), and (3) the scope and content of the EIR/EIS.

This EIR/EIS was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] Section 21000 et seq.) and the Guidelines for Implementation of the California Environmental Quality Act of 1970 (CEQA Guidelines) (14 California Code of Regulations [CCR] Section 15000 et seq.). The document also meets the requirements of the National Environmental Policy Act (NEPA) (42 United States Code [USC] Section 4321 et seq.) in conformance with the Council for Environmental Quality Regulations for Implementing NEPA (40 Code of Federal Regulations [CFR] Part 1500 et seq.) and the Corps' NEPA Implementation Procedures (33 CFR Part 325, Appendix B). The Sanitation Districts are the CEQA lead agency, and the Corps is the NEPA lead agency. This EIR/EIS has been prepared by ICF International under contract to the Sanitation Districts and has been independently reviewed by the Sanitation Districts and Corps staff. The scope of the document, methods of analysis, and conclusions represent the independent judgment of the Sanitation Districts and the Corps. Staff members from the Sanitation Districts, Corps, and ICF International who helped prepare this EIR/EIS are identified in Chapter 26.

This EIR/EIS describes the affected environmental resources and evaluates the potential impacts to those resources as a result of constructing and operating the *recommended plan* identified in Chapter 7 of the MFP. The term *recommended plan* in this document is used in the same way as *proposed project* in CEQA and *proposed action* in NEPA. The recommended plan and the alternatives are described in detail in Chapter 3. This EIR/EIS will be used to inform decision makers and the public about the environmental effects of the Clearwater Program.

1.1 Clearwater Program

The Sanitation Districts comprise 23 independent special districts responsible for the wastewater and solid waste management needs of 78 cities and unincorporated territory in Los Angeles County. The Sanitation Districts' service area, encompassing approximately 820 square miles, is shown on Figure 1-1. Seventeen of the independent districts participate in a cooperative agreement to operate and maintain a regional interconnected system of wastewater and treatment facilities known as the JOS. Improvements to the JOS are the subject of this EIR/EIS. The location of the JOS and existing treatment facilities within the JOS are identified on Figure 1-2. A detailed description of the JOS is provided in Chapter 2.

The Clearwater Program is the Sanitation Districts' comprehensive planning and engineering effort to provide cost-effective and environmentally sound wastewater management services and recycled water supply for the JOS through the year 2050. The Clearwater Program entails the preparation of a new MFP,

which will guide the development and management of the Sanitation Districts' infrastructure; the preparation of this EIR/EIS; and the design and construction of the recommended facilities. New facilities and upgrades that are required to accommodate projected future conditions within the JOS service area, including aging infrastructure, anticipated growth within the system, emerging demands for recycled water, and potential new regulatory requirements, were evaluated in the MFP.

A wide range of alternatives were analyzed in the MFP to ensure the continuation of a wastewater collection, treatment, effluent management, and biosolids management system that is protective of human health and the environment. This EIR/EIS assesses the potential environmental impacts of construction and operation of the final feasible alternatives identified in the MFP, including the recommended plan, and specifies appropriate mitigation measures.

1.1.1 Clearwater Program Objectives

The Clearwater Program is necessary to ensure adequate JOS wastewater system capacity and reliability through the year 2050. Specifically, the following objectives were identified in the MFP:

- Provide adequate system capacity to meet the needs of the growing population
- Provide for overall system reliability by allowing for the inspection, maintenance, repair, and replacement of aging infrastructure
- Provide support for emerging recycled water reuse and biosolids beneficial use opportunities
- Provide a long-term solution for meeting water quality requirements set forth by regulatory agencies

1.1.1.1 System Capacity

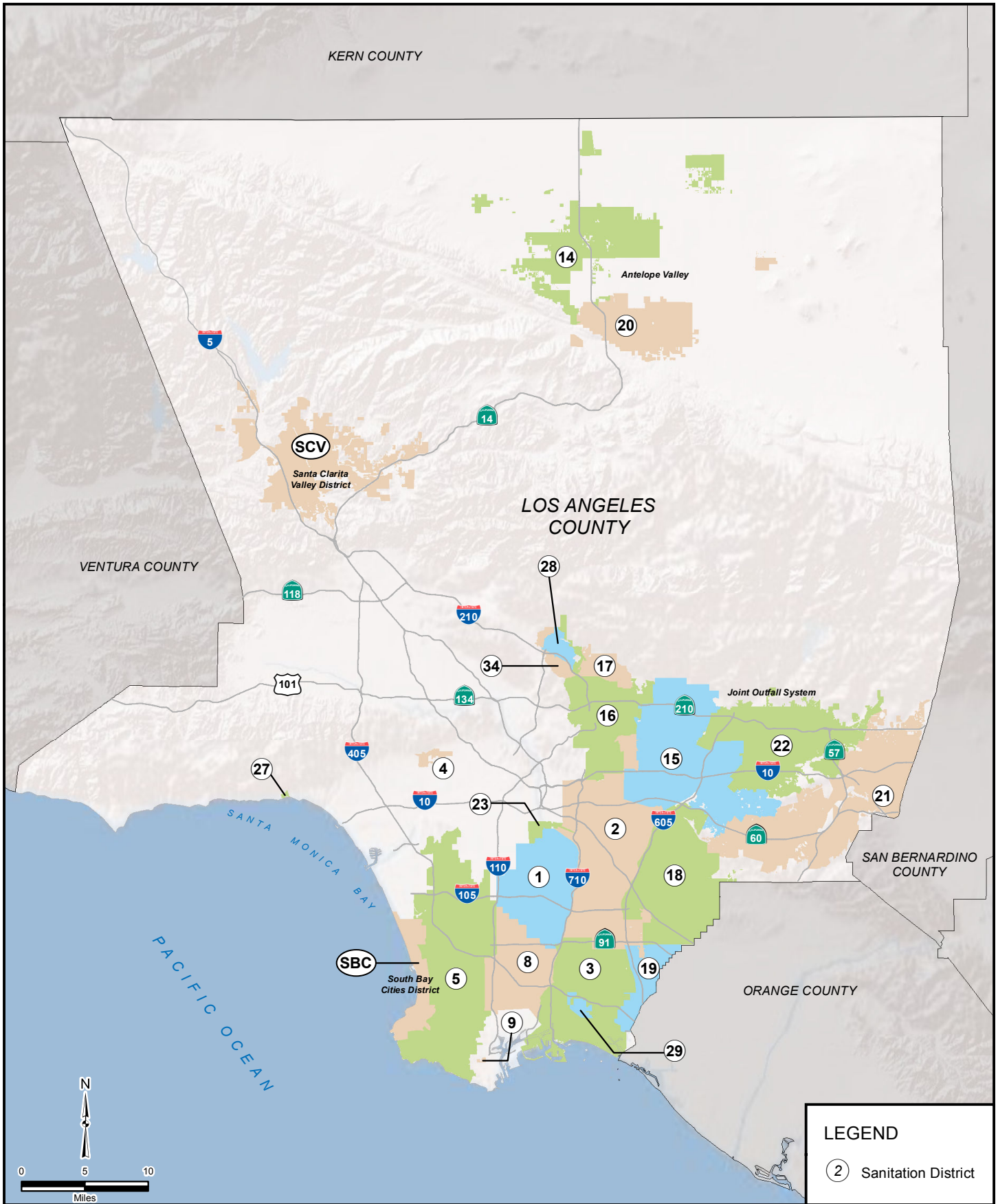
JOS wastewater flow projections are evaluated in the MFP. The Southern California Association of Governments (SCAG) provided the Sanitation Districts with population forecasts through the year 2050, which served as the basis for the flow projections. SCAG's population forecasts indicate the JOS service area population will increase to approximately 6.3 million by 2050. A geographic information system model was used to derive flow projections from the population data. The population increase will result in an average wastewater flow of about 612 million gallons per day (MGD) by the year 2050. Based on these projections, the JOS system will experience a treatment capacity shortfall of approximately 20 MGD by the year 2050.

1.1.1.2 Aging Infrastructure

The Sanitation Districts' philosophy is to design, construct, and maintain systems that have sufficient capacity and redundancy to provide the highest level of public safety and environmental protection. These systems are maintained with routine inspection, repair, and/or replacement as required. However, one critical component of the JOS, the onshore tunnels for the existing ocean discharge system, has not been inspected for over 50 years. Both tunnels cross the active Palos Verdes Fault. While the Sanitation Districts have no reason to believe serious problems exist with the tunnels, it is imperative they be properly inspected.

1.1.1.3 Emerging Reuse/Use Opportunities

Over 50 percent of the treated effluent (recycled water) produced by the JOS water reclamation plants (WRPs) is reused at various sites throughout the local region, reducing the demand on potable freshwater



LEGEND
 (2) Sanitation District

FIGURE 1-1

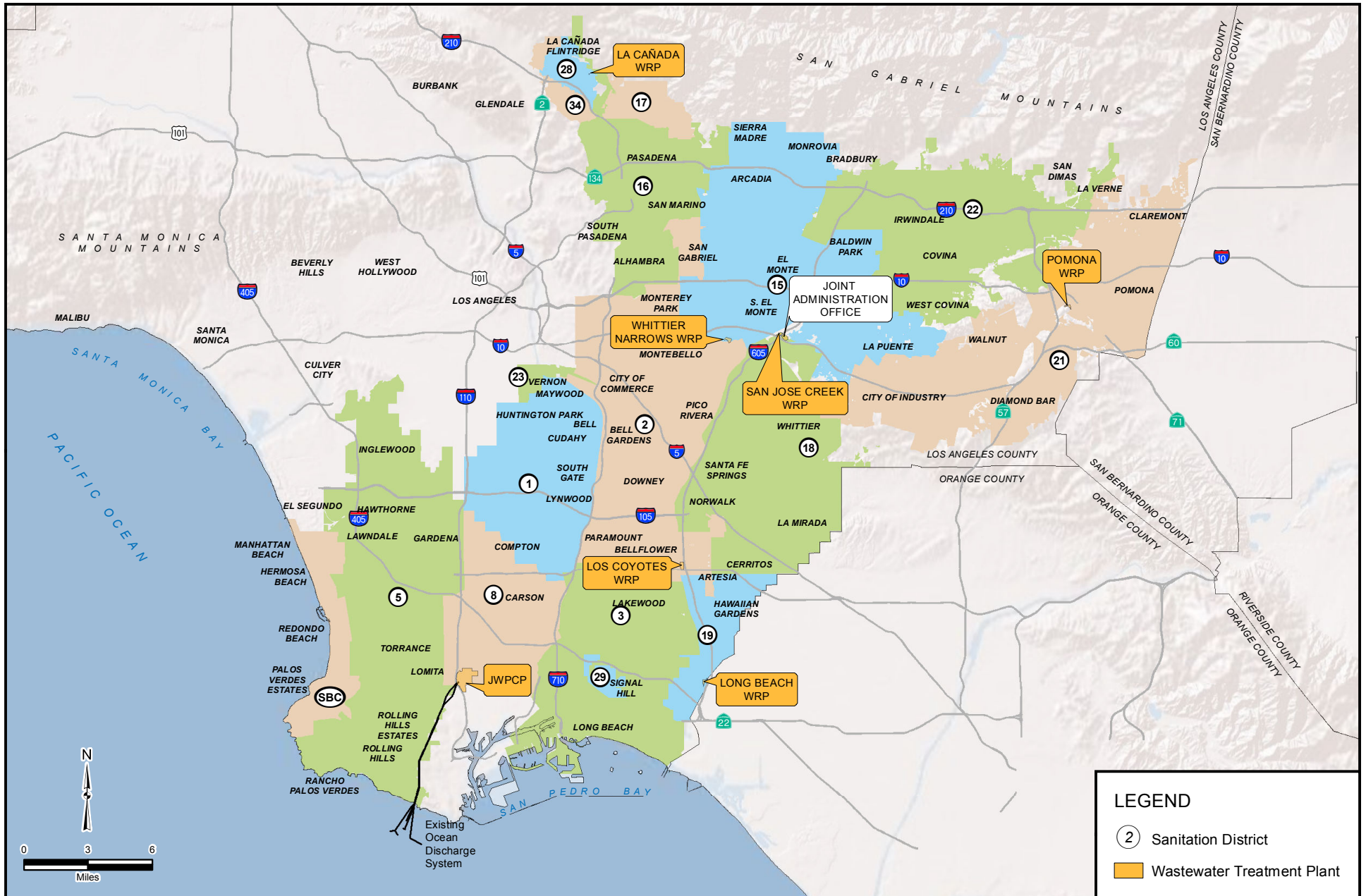


FIGURE 1-2

sources, which in turn minimizes the need to import water. In addition, during the treatment process at the JWPCP, solids are digested, producing a biogas that is converted to electricity or used for process heating. As a result, the Joint Water Pollution Control Plant (JWPCP) is electrically self-sufficient, and excess electricity is supplied to the power grid. The Sanitation Districts also participate in a wide range of biosolids management programs that promote beneficial use of this wastewater byproduct. Biosolids are beneficially used as a soil amendment for agriculture, in the production of high quality compost, in conversion to renewable fuels, and to help reduce emissions from cement kilns. Environmental benefits associated with these biosolids management programs include a reduction in the consumption of energy and raw materials that would otherwise be required in the production of new materials. The Sanitation Districts are committed to continue supporting emerging recycled water reuse and biosolids beneficial use opportunities.

1.1.1.4 Water Quality Requirements

The Sanitation Districts maintain a strong record of compliance with water quality regulations and permit requirements. They have also assisted in the drafting and/or review of future requirements. The Sanitation Districts strive to continue providing long-term engineering solutions that meet the constantly evolving and increasingly stringent water quality requirements in a cost-effective and environmentally sound manner.

1.1.2 Clearwater Program Master Facilities Plan

As a result of the Clearwater Program planning effort, system-wide improvements were identified in the MFP and are evaluated in this EIR/EIS at either the program or project level. A program-level analysis is prepared when the lead agency has a program or series of actions over time that can be characterized as one comprehensive plan for which specific construction information is typically unavailable. A program-level analysis generally analyzes broad environmental effects of the program with the understanding that additional project-specific environmental review may be required for particular aspects of the program at the time those aspects are proposed for implementation and construction (CEQA Guidelines Section 15168). However, it is possible for a program-level analysis to identify and address all potential environmental impacts, which would preclude the need for additional project-level environmental documentation. A project-level analysis generally includes the necessary construction information to analyze the specific details of the environmental effects of the proposed elements. Recommended program- and project-level improvements are summarized in the following sections.

1.1.2.1 Program

Five major program component areas within the JOS were identified in the MFP and their corresponding program elements are analyzed at the program level in this EIR/EIS. These program component areas are:

- Wastewater conveyance and treatment
- WRP effluent management
- Solids processing
- Biosolids management
- JWPCP effluent management

A detailed description of the program elements derived from the program component areas and the recommended plan and its alternatives at the program-level is provided in Chapter 3 of this EIR/EIS.

1.1.2.2 Project

Of the five major program component areas, the JWPCP effluent management component area was the only program-level component area to result in a project – either a new ocean discharge system or a modified ocean discharge system. The resulting ocean discharge system project has been organized into three functional categories with corresponding project elements for analysis in this EIR/EIS. These functional categories are:

- Tunnel alignment
- Shaft sites
- Riser/diffuser area

A detailed description of the project elements derived from the functional categories and the recommended plan and its alternatives at the project-level is provided in Chapter 3 of this EIR/EIS.

The level of CEQA and NEPA analysis for each component area and functional category is identified in Table 1-1.

Table 1-1. CEQA and NEPA Analysis at the Program Level and Project Level

Program Component Area	CEQA Analysis		NEPA Analysis	
	Program	Project	Program	Project
Wastewater Conveyance and Treatment	X			
Solids Processing	X			
Biosolids Management	X			
WRP Effluent Management	X			
JWPCP Effluent Management		X		X
Functional Category				
Tunnel Alignment		X		X
Shaft Sites		X		X
Riser/Diffuser Area		X		X

1.1.2.3 Project Purpose and Needs

Currently, the Sanitation Districts rely on two onshore tunnels and four offshore ocean outfall structures to convey effluent from the JWPCP in the city of Carson to the Pacific Ocean. The two tunnels were constructed in 1937 and 1958 and have not been inspected for over 50 years. Inspection of the tunnels is not possible due to their overall length, limited access, intermediate connections between the tunnels, and continuous flow through the tunnels. Furthermore, in January 1995, the JOS services area was inundated by two major back-to-back storm events. The resulting peak wastewater flows in the sewerage system from this storm event nearly exceeded the capacity of the JWPCP ocean discharge system. If the tunnels were to be damaged or the capacity of the ocean discharge system exceeded, treated JWPCP effluent would need to be bypassed into the Wilmington Drain. If sufficient capacity were not available in the Wilmington Drain, the sewers tributary to the JWPCP could overflow and untreated wastewater could enter various water courses, such as the Dominguez Channel and the Los Angeles River. The project purpose and needs are to inspect and upgrade the aging ocean discharge system, to provide sufficient capacity in the JOS to accommodate the estimated 2050 peak wastewater flows, and to comply with all applicable water quality standards including regulations prohibiting sewer overflows. To meet these needs, the Sanitation Districts propose to either modify the existing ocean discharge system or construct a new ocean discharge system.

1.2 Purpose of an EIR/EIS

1.2.1 CEQA

CEQA was enacted by the California legislature in 1970 and requires public agency decision makers to consider the environmental effects of their actions. When a state or local agency determines that a proposed project has the potential to significantly affect the environment, an environmental impact report (EIR) is required. The purpose of an EIR is to identify significant effects of a proposed project on the environment, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided. A public agency must mitigate or avoid significant environmental impacts of projects it carries out or approves whenever it is feasible to do so. If significant impacts cannot be avoided or mitigated, the project may still be carried out if the approving agency finds that economic, legal, social, technological, or other benefits outweigh the unavoidable significant environmental effects.

1.2.2 NEPA

NEPA was enacted by Congress in 1969 and requires federal agency decision makers to document and consider the environmental implications of their actions. When a federal agency determines that a proposed project could result in significant environmental effects, an environmental impact statement (EIS) is required. The purpose of an EIS is to provide full and fair discussion of anticipated significant environmental impacts. The EIS must also inform decision makers and the public of the reasonable alternatives that would avoid or minimize significant impacts or would enhance the quality of the human environment. An EIS is both a disclosure document and a tool used by federal officials in conjunction with other relevant material to plan actions and make decisions.

The project purpose and needs, as described in Section 1.1.2.3, are to inspect and upgrade the aging ocean discharge system, to provide sufficient capacity in the JOS to accommodate the estimated 2050 storm flows, and to comply with all applicable water quality standards including regulations prohibiting sewer overflows. To meet these needs, the Sanitation Districts propose to either modify the existing ocean discharge system or construct a new ocean discharge system, which would fall under federal jurisdiction and thus require NEPA compliance.

1.3 Lead, Responsible, and Trustee Agencies

The Sanitation Districts and the Corps are the lead agencies for evaluating potential impacts and assessing the need for mitigation measures under CEQA and NEPA, respectively. The Sanitation Districts and the Corps are preparing this joint EIR/EIS in the interest of efficiency and to avoid duplication of effort.

Several other agencies have special roles with respect to the recommended plan and may use this EIR/EIS as the basis for their decisions to issue any approvals and/or permits that might be required.

Section 15381 of the CEQA Guidelines defines a *responsible agency* as:

...a public agency which proposes to carry out or approve a project, for which a lead agency is preparing or has prepared an EIR or negative declaration. For the purposes of CEQA, the term “responsible agency” includes all public agencies other than the lead agency which have discretionary approval power over the project.

Additionally, Section 15386 of the CEQA Guidelines defines a *trustee agency* as:

...a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the state of California.

Responsible and trustee federal, state, and local agencies that may rely on this EIR/EIS in a review capacity or as a basis for issuance of a permit for the recommended plan or for related actions are listed in Table 1-2.

Table 1-2. Agencies Expected to Use This EIR/EIS

Agency/Permit and Action	Program^a	Project
Federal		
United States Army Corps of Engineers		
Permit under Section 404 of the Clean Water Act for discharge of dredged or fill material into waters of the United States		X
Permit under Section 103 of the Marine Protection, Research, and Sanctuaries Act for the transportation of dredged material intended for ocean disposal		X
Permit under Section 10 of the Rivers and Harbors Act for work or structures in or affecting navigable waters of the United States		X
United States Fish and Wildlife Service		
Compliance with Section 7 of the federal Endangered Species Act for effects to listed species and critical habitat through coordination via the lead federal agency	X	X
National Marine Fisheries Service		
Compliance with Section 7 of the federal Endangered Species Act for effects to listed species and critical habitat through coordination via the lead federal agency		X
Compliance with the federal Marine Mammal Protection Act for effects (e.g., take or harassment) to marine mammals through coordination via the lead federal agency		X
Compliance with the federal Magnuson-Stevens Fishery Act for effects to essential fish habitat through coordination via the lead federal agency		X
United States Environmental Protection Agency		
Conformity with the Clean Air Act	X	X
Determine suitability of dredged material for ocean disposal in accordance with Section 103 of the Marine Protection, Research, and Sanctuaries Act		X
Review and submit recommendations to the Corps related to the issuance of permits under Section 103 of the Marine Protection, Research, and Sanctuaries Act, Section 404 of the Clean Water Act, and ensure compliance with Section 404(b)(1) of the Clean Water Act		X
Review and submit recommendations to the California State Water Quality Control Board for the National Pollutant Discharge Elimination System permit for discharge of treated wastewater under Section 402 of the Clean Water Act	X	
Determine suitability of construction-related dewatering for ocean disposal or discharge into waters of the United States		X
Coordinate with the Los Angeles Regional Water Quality Control Board for issuance of 401 Water Quality Certification		X
United States Coast Guard		
Permit for Private Aids to Navigation for navigable waters of the United States. Jurisdiction over marine facilities and vessel transportation in harbor waters. Responsible for ensuring safe navigation and for preventing and responding to oil or hazardous materials releases in the marine environment.		X

Table 1-2 (Continued)

Agency/Permit and Action	Program^a	Project
State		
Regional Water Quality Control Board		
Permit under Section 402 of the Clean Water Act (National Pollutant Discharge Elimination System)	X	X
General Permit (National Pollutant Discharge Elimination System) for dewatering and construction activities	X	X
Water Quality Certification under Section 401 of the Clean Water Act		X
Waste Discharge Requirements under the Porter-Cologne Act		X
California Office of Historic Preservation		
Compliance with Section 106 of the National Historic Preservation Act through coordination via the federal lead agency	X	X
California Department of Fish and Game		
Streambed Alteration Agreement under Section 1602 of the California Fish and Game Code for activities that would alter a state river, stream, or other waters of the state	X	
Consistency Determination under Section 2080.1 of the California Fish and Game Code for take of state-listed endangered or threatened terrestrial and aquatic species (that are also listed under the federal Endangered Species Act)	X	X
Compliance with oil spill prevention and response planning requirements set forth in Subdivision 4 of 14 CCR Division 1 for marine vessels carrying petroleum and nontank vessels over 300 gross tons (Under the California Office of Spill Prevention and Response).		X
California Coastal Commission		
Coastal Development Permit for development within the coastal zone	X	X
Federal Coastal Zone Management Act consistency determination	X	X
State Lands Commission		
Land Use Lease for encroachments, docks, dredging, and crossing on state tidal and submerged lands		X
California Department of Transportation		
Easements and/or rights-of-way		X
Local		
South Coast Air Quality Management District		
Conformity with the Air Quality Management Plan		X
Permit or update to existing permits for emissions	X	
City of Los Angeles		
Easements and/or rights-of-way		X
Building permits, fire plan approvals, land lease, and/or easements for construction of facilities at Port of Los Angeles and/or park and recreation areas		X
City of Carson		
Conformance to building and safety construction requirements at JWPCP	X	X
County of Los Angeles		
Easements and/or rights-of-way	X	X
Easements through and/or at park and recreation areas		X
Fire protection plan approvals	X	X
^a Applies to program component areas other than JWPCP Effluent Management		

1.4 Scope and Content of the EIR/EIS

The scope of analysis and content for this EIR/EIS were established based on the professional judgment regarding the nature of the recommended plan, Appendix G of the CEQA Guidelines, the Corps' standard NEPA practices, comments received during the notice of preparation/notice of intent (NOP/NOI) review process, and the results of the Preliminary Screening Analysis (see Appendix 1-A).

The following issues have been determined to be potentially significant and, therefore, are evaluated in this EIR/EIS:

- Aesthetics
- Air quality
- Biological resources (terrestrial)
- Cultural resources
- Geology, soils, and mineral resources
- Greenhouse gas emissions
- Hazards and hazardous materials
- Hydrology, water quality, and public health
- Land use and planning
- Marine environment
- Noise and vibrations
- Employment, housing, socioeconomics, and environmental justice
- Public services
- Recreation
- Transportation and traffic (terrestrial)
- Transportation and traffic (marine)
- Utilities, service systems, and energy

These issues are discussed by resource area in Chapters 4 through 20. Mitigation measures to reduce impacts to a less than significant level are proposed whenever feasible.

1.4.1 CEQA Guidelines and Scope of Analysis

The CEQA scope of analysis and content for this EIR/EIS are primarily based on criteria from the thresholds of significance provided in the CEQA Guidelines. Some thresholds or criteria have been adapted to the specific circumstances of the recommended plan and its alternatives. The thresholds of significance are further discussed in Section 1.7.3 of this chapter.

The CEQA scope of analysis encompasses all five of the program component areas as described in Sections 1.1.2.1 and 1.1.2.2 of this chapter and as shown in Table 1-1.

1.4.2 NEPA Scope of Analysis

As part of the NEPA process, the Corps is responsible for establishing the NEPA scope of analysis pursuant to 33 CFR Part 325, Appendix B, which states:

In some situations, a permit applicant may propose to conduct a specific activity requiring a Department of the Army (DA) permit, which is merely one component of a larger project. The district engineer should establish the scope of the NEPA document to address the impacts of the specific activity requiring a DA permit and those portions of the entire project over which the district engineer has sufficient control and responsibility to warrant federal review.

The Clearwater Program MFP entails five program component areas, as described in Section 1.1.2.1 of this chapter. Of the five major component areas, the JWPCP effluent management component area was the only program-level component area to result in a project – either a new ocean discharge system or a modified ocean discharge system. The recommended project and its alternatives would entail both onshore and offshore construction activities. Offshore construction activities would include regulated activities within the Corps’ geographic jurisdiction (i.e., the marine environment). Based on the above and in consideration of the Sanitation Districts’ No-Federal-Action Alternative (Section 3.4.1.6), construction of the recommended project would require a permit from the Corps. In contrast, program component areas of the MFP would not result in regulated activities within the Corps’ geographic jurisdiction. Furthermore, there is not sufficient federal control and responsibility for the five program component areas. Therefore, the Corps’ NEPA scope of analysis would encompass the recommended project and its alternatives and would exclude all program component areas of the MFP. Details of the project and the Corps’ project-level NEPA scope of analysis are further described in Chapter 3.

1.4.3 Agency and Public Input

The scope of analysis and content of this EIR/EIS were established to ensure that the comments received from regulatory agencies and the public during the NOP/NOI review process would be addressed.

The following is a timeline of the public involvement and the CEQA/NEPA notices that have occurred:

- **October 6, 2008.** The NOI was published in the *Federal Register* by the Corps, posted on its website, and mailed or emailed to agencies, organizations, and individuals.
- **October 10, 2008.** The Sanitation Districts released the NOP to agencies, organizations, individuals, and the California Office of Planning and Research, State Clearinghouse (received October 15, 2008). The State Clearinghouse assigned State Clearinghouse Number 2008101074 to the CEQA documents.
- **October 10, 2008.** The NOP was filed with the Los Angeles City Clerk and the Los Angeles County Clerk.
- **October 16-23, 2008.** Notices were printed in ten newspapers throughout the JOS service area identifying the time and location for the public scoping meetings.
- **October 29, October 30, and November 5, 2008.** The Sanitation Districts held four public scoping meetings for the NOP.
- **November 6, 2008.** The Sanitation Districts and the Corps conducted a joint public scoping meeting for the NOP and NOI.

- **November 13, 2008.** The comment period for the NOP ended.
- **November 21, 2008.** The comment period for the NOI ended.

Comments received during the NOP/NOI process were incorporated into a scoping report, which is included in Appendix 1-B.

1.5 Intended Uses of This EIR/EIS

This EIR/EIS has been prepared in accordance with applicable federal and state environmental regulations, policies, and laws to inform federal, state, and local decision makers regarding the potential environmental impacts of the recommended plan and its alternatives. As an informational document, an EIR/EIS does not recommend approval or denial of a project. The draft EIR/EIS was provided to the public for review, comment, and participation in the planning process. This final EIR/EIS has been prepared after public review and comment. The final EIR/EIS includes responses to comments on the draft EIR/EIS received from agencies, organizations, and individuals. It will be distributed to provide the basis for decision making by the CEQA and NEPA lead agencies, as described below, and other responsible and trustee agencies.

1.5.1 Sanitation Districts' Use

As the lead agency pursuant to CEQA, the Sanitation Districts have jurisdictional authority over the recommended plan. This EIR/EIS will be used by the Sanitation Districts to make decisions with regard to the construction and operation of the recommended plan and to inform agencies considering permit applications and other actions required for the construction, lease, and operation of the recommended plan. Federal, state, regional, and local agencies that have jurisdiction over some part of the recommended plan or a resource area affected by the recommended plan are expected to use this EIR/EIS as part of their approval or permit process as set forth in Table 1-2.

Actions that could be undertaken by the Sanitation Districts following preparation of the final EIR include, but are not limited to:

- Certifying the EIR
- Approving the recommended plan or an alternative
- Completing final design
- Obtaining other agency permits and approvals (e.g., dredge and fill, grading, construction, occupancy, and fire safety)
- Approving construction contracts
- Obtaining state and federal funding

1.5.2 Corps' Use

Pursuant to NEPA, this EIR/EIS fulfills the Corps' responsibility to document a reasonable range of project alternatives, and provide full and fair discussion of anticipated significant environmental impacts within Corps' NEPA scope of analysis.

Furthermore, the Corps would utilize contents of this document in its permit evaluation process. The Corps' permit evaluation process incorporates factors indicated in 33 CFR Section 320.4: public interest

review; effects on wetlands; fish and wildlife; water quality; historic, cultural, scenic, and recreational values; consideration of private ownership; effects on coastal zones; and other federal, state, or local requirements.

Last, the project alternatives evaluated in this document and the analysis of environmental impacts also fulfill the Corps' responsibility to ensure compliance with the Clean Water Act (CWA) 404(b)(1) guidelines. For activities involving Section 404 discharges, the Corps is required to insure that its permit decision is in compliance with Section 404(b)(1) of the CWA. The Section 404(b)(1) guidelines state that no discharge of dredged or fill material will be permitted if there is a practicable alternative to the proposed discharge that would have a less significant impact on the aquatic ecosystem, so long as the alternative does not have other significant environmental consequences (40 CFR Section 230.10[a]). A Section 404(b)(1) evaluation typically includes the following types of analyses:

- Factual determinations (e.g., on substrate; currents, circulation, and drainage patterns; suspended particulates and turbidity; water quality; mixing zone; habitat for fish and other aquatic organisms; wildlife habitat; endangered or threatened species; and biological availability of possible contaminants in dredged or fill material).
- Findings of compliance or noncompliance with restrictions on discharge, including evaluation of the availability of practicable alternatives that would have a less significant impact on the aquatic ecosystem, and findings of compliance with a variety of state and federal regulations.
- Identification of practical steps taken to minimize potential significant impacts of the discharge on the aquatic ecosystem.
- A conclusion about the compliance of the recommended plan with the Section 404(b)(1) guidelines.

The Corps' record of decision (ROD) will document the Corps' decision on the proposed action, including issuance of any permit and/or required environmental mitigation commitments.

1.6 Relationship to Existing Plans

One of the primary objectives of the CEQA/NEPA process is to ensure that the recommended plan and its alternatives are consistent with applicable statutes, plans, policies, and other regulatory requirements. Major legislative acts, statues, plans, and policies applicable to this CEQA/NEPA document are listed in Table 1-3. The applicable rules or regulations that were promulgated under these acts are described in the relevant resource chapters. Analysis of plan consistency is also contained in the applicable individual resource chapter.

Table 1-3. Applicable Statutes, Plans, Policies, and Other Regulatory Requirements

Federal
Clean Water Act, 1972
Section 404 gives the Environmental Protection Agency (EPA) authority to regulate the discharge of pollutants from point sources to waters of the United States. The Corps regulates activities under Section 404 that involve a discharge of dredged or fill material into waters of the United States. Under Section 404(b)(1) of the CWA, the Corps may only issue authorization for the least environmentally damaging practicable alternative.
Section 402 of the CWA requires the EPA to develop and implement the National Pollutant Discharge Elimination System program. Section 402 has been delegated to the state for implementation through the Regional Water Quality Control Boards (RWQCBs).
Section 401 of the CWA requires that any discharge of dredged or fill material into waters of the United States not violate state water quality standards.

Table 1-3 (Continued)

Federal
Clean Air Act, 1963
Requires the EPA to establish national ambient air quality standards (NAAQS) for air pollutants. The EPA has promulgated NAAQS for criteria pollutants, including carbon monoxide (CO), ozone (O ₃), sulfur oxides, nitrogen oxides, particulate matter less than 10 microns in diameter (PM ₁₀), particulate matter less than 2.5 microns in diameter (PM _{2.5}), and lead. State governments must develop attainment plans to meet the NAAQS by a specific date. As outlined in the California Health and Safety Code Section 39602, the Air Resources Board (ARB) is designated as the air pollution control agency of the state for federal law purposes and is responsible for developing a state implementation plan as required by the Clean Air Act (CAA). Areas not meeting the NAAQS, referred to as nonattainment areas, are required to implement specified air pollution control measures. In California, responsibility for air pollution control measures is divided between the ARB and local air districts.
Rivers and Harbors Act, 1899
Section 10 regulates the creation of any obstruction, not affirmatively authorized by Congress, to the navigable capacity of any waters of the United States. Section 10 requires a permit from the Corps for the work or structures in, over, or under any navigable water of the U.S., including the excavation/dredging or deposition of material in these waters, or any obstruction or alteration in a navigable water.
Marine Protection, Research, and Sanctuaries Act, 1972
Prohibits unregulated dumping of material into the ocean to prevent or strictly regulate dumping of materials that would adversely affect human health and welfare, the marine environment, or economic potential.
Marine Mammal Protection Act, 1972
Prohibits, with certain exceptions, the take of marine mammals in the U.S. and by U.S. citizens on the high seas, and the importation of marine mammals and marine mammal products into the U.S. Administered by the National Oceanic and Atmospheric Administration's (NOAA) Fisheries Service.
Endangered Species Act, 1973
Section 7 of the Endangered Species Act, requires all federal agencies to ensure, in consultation with the NOAA Fisheries Service and the U.S. Fish and Wildlife Service, that any proposed action that they fund, authorize, or carry out does not jeopardize the existence of a federally listed, endangered, or threatened wildlife and plant species or adversely modify or destroy critical habitat.
Federal Migratory Bird Treaty Act, 1918
Makes it unlawful at any time, by any means or in any manner, to take (pursue, hunt, take, capture, possess, transport, sell, or kill) or attempt to take migratory birds. The U.S. Fish and Wildlife Service is the lead agency for migratory birds.
National Historic Preservation Act, 1966
Section 106 establishes that a federal agency involved in a proposed project or activity is responsible for initiating and completing the review process regarding adverse effects to properties that are listed or eligible for listing on the National Register. The agency must confer with the State Historic Preservation Officer (an official appointed in each state or territory to administer the National Historic Program) and possibly the Advisory Council on Historic Preservation.
Coastal Zone Management Act, 1972
All federal agencies with activities directly affecting the coastal zone, or with development projects within that zone, must comply with the state coastal acts to ensure that those activities or projects are consistent to the maximum extent practicable.
Federal Regulations Concerning Private Aids to Navigation, 33 CFR Part 66
The placement of aids to navigation (or fixed or floating structures) in navigable waters is regulated by the U.S. Coast Guard under 33 CFR, Part 66. These aids are designed to allow individuals or organizations to mark privately owned marine obstructions or other similar hazards to navigation. The regulations also govern artificial islands and structures that are erected on or over the seabed and subsoil of the Outer Continental Shelf and in the waters under the jurisdiction of the U.S., for the purpose of exploring for, developing, removing, and transporting resources from these waters.
State
State of California Ocean Plan, 2005
The California Ocean Plan (SWRCB 2005) was adopted by the State Water Resources Control Board (SWRCB) and approved by the U.S. EPA. Mandates the quality of ocean waters and requires control of discharge of waste to ocean waters. Establishes minimum protective bacteriological standards for coastal waters. Beneficial uses to be protected include industrial water supply; water contact and non-contact recreation, including aesthetic enjoyment; commercial and sport fishing; mariculture; preservation and enhancement of designated Areas of Special Biological Significance; rare and endangered species; marine habitat; fish migration; fish spawning; and shellfish harvesting.

Table 1-3 (Continued)

State
Porter-Cologne Water Quality Control Act, 1969
The SWRCB regulates actions that would involve discharging waste, or proposing to discharge waste, with any region that could affect the waters of the state. The SWRCB regulates all activities not regulated by the Corps due to a lack of connectivity with a navigable water body.
California Tidelands Trust Act, 1911
Submerged lands and tidelands within the Port of Los Angeles are held in trust by the city of Los Angeles and administered by the Harbor Department to promote and develop commerce, navigation, and fisheries, and other uses of statewide interest and benefit, including commercial, industrial, and transportation uses; public buildings and public recreational facilities; wildlife habitat; and open space.
California Coastal Act, 1976
Designates the Port of Los Angeles and its facilities as “one of the state’s primary economic and coastal resources and...an essential element of the national maritime industry” (PRC Section 30701). The act also establishes that the highest priority for any water or land area use within the Port of Los Angeles will be for developments that are completely dependent on such harbor water areas and/or harbor land areas for their operations (Sections 30001.5 (d), 30255, and 31260). The act further provides that the “highest priority [be given] to the use of existing land space within harbors for port purposes, including, but not limited to, navigational facilities, shipping industries, and necessary support and access facilities” (Section 30708 (c)).
California Clean Air Act, 1988
Requires attainment of state ambient air quality standards by the earliest practicable date. Each air district that is located in a nonattainment area is required to submit an attainment plan to the ARB. Local air districts that administer programs for nonattainment areas designated serious and above are required to revise their air quality plans to include specified emission reduction strategies, meet milestones in implementing emission controls, and achieve more healthful air quality. Air quality management plans (AQMPs) for nonattainment areas must be designed to achieve basin-wide emission reductions of at least 5 percent per year or 15 percent over a 3-year period. For air basins designated as nonattainment for both federal and state air quality standards for a single pollutant, the emission reductions are to be calculated with respect to the federal CAA baseline year. For the South Coast Air Basin, the baseline year is 2002. The JOS facilities are located within the jurisdiction of the South Coast Air Quality Management District (SCAQMD), which is classified as a severe nonattainment area for ozone and nonattainment for PM ₁₀ and PM _{2.5} .
Greenhouse Gas Legislation, 2006
California passed the Global Warming Solutions Act (Assembly Bill 32) in 2006. This legislation requires the state of California to reduce its carbon emissions by approximately 25% by the year 2020.
California Fish and Game Code
Under Code Sections 1600–1616, the California Department of Fish and Game has authority to regulate work that will substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of any river, stream, or lake. A Streambed Alteration Agreement under Section 1602 would be required for activities that would alter a state river, stream, or other waters of the state. A Consistency Determination under 2080.1 for take of state-listed endangered or threatened terrestrial or threatened species would also be required.
California Coastal Plan
The Los Angeles Harbor Department has coastal development permit authority for activities in the Port of Los Angeles.
Regional and Local
City of Carson General Plan, 2004
The city of Carson guides future development through its general plan goals and policies (City of Carson 2004).
City of Los Angeles General Plan – San Pedro Community Plan, 1999
The San Pedro Community Plan (City of Los Angeles 1999a) serves as a basis for future development of the community and it is the land use plan portion of its local coastal program for San Pedro. The San Pedro local coastal program and the land use plan emphasize that public access, recreational opportunities, and visual qualities are to be maximized.

Table 1-3 (Continued)

Regional and Local
<p>City of Los Angeles General Plan – Wilmington-Harbor City Community Plan, 1999</p> <p>The Wilmington-Harbor City Community Plan (City of Los Angeles 1999b) is part of the City of Los Angeles General Plan. The plan recommends interagency coordination in the planning and implementation of projects occurring in the Port of Los Angeles to facilitate efficiency in port operations and to serve the interests of the adjacent communities. All project tunnel alignments pass underneath Wilmington.</p> <p>Issues identified in the plan include: (1) compatibility between residential and adjacent commercial and other uses, (2) protection of residents from noxious environmental impacts of industrial activities, (3) adequate buffering of industrial areas from nearby residential and commercial uses, and (4) truck traffic related to nearby industrial or container storage facilities invading local residential streets.</p>
<p>Port of Los Angeles Master Plan With Amendments, 2002</p> <p>The Port of Los Angeles Master Plan (POLA 1979) provides for the development, expansion, and alteration of the port (both short-term and long-term) for commerce, navigation, fisheries, port-dependent activities, and general public access. Those objectives are consistent with the provisions of the California Coastal Act (1976), the City of Los Angeles Charter (2011), and applicable federal, state, and municipal laws and regulations.</p>
<p>Water Quality Control Plan for the Los Angeles Region, 1994</p> <p>The Water Quality Control Plan for the Los Angeles River Basin (Region 4) (basin plan) (LARWQCB 1994) was adopted by the Los Angeles Regional Water Quality Control Board (LARWQCB) in 1968, significantly revised in 1994, and has been amended through May 2009.</p> <p>The plan sets forth the water quality objectives for all surface and ground waters within the Los Angeles River Basin.</p> <p>The basin plan designates beneficial uses (BUs) for all such waters and specifies narrative and numerical water quality objectives that must be maintained or attained to protect those uses.</p> <p>The basin plan identifies general types of water quality problems that can threaten BUs of water resources in the Los Angeles region and identifies required or recommended control measures for these problems. The basin plan also summarizes applicable provisions of SWRCB and RWQCB planning and policy documents, as well as water quality management plans adopted by other federal, state, and regional agencies. In addition, past and present water quality monitoring programs are summarized. LARWQCB orders are based on applicable water quality objectives and/or prohibitions specified in the basin plan.</p>
<p>Water Quality Control Policy – Enclosed Bays and Estuaries of California, 1974</p> <p>The SWRCB adopted a water quality control policy that provides principles and guidelines to prevent degradation and to protect the beneficial uses of waters of enclosed bays and estuaries. The Los Angeles Harbor is considered to be an enclosed bay under this policy.</p> <p>The policy addresses activities such as the discharge of effluent, thermal wastes, radiological waste, dredged materials, and other materials that adversely affect beneficial uses of the bay and estuarine waters. Among other requirements, waste discharge requirements developed by the RWQCB must be consistent with this policy.</p>
<p>South Coast Air Quality Management District and Air Quality Management Plan</p> <p>The CAA and its subsequent amendments established the NAAQS and delegated the enforcement of these standards to the states. In areas that exceed the NAAQS, the CAA requires states to prepare a state implementation plan that details how the NAAQS would be met within mandated timeframes. The CAA identifies emission reduction goals and compliance dates based on the severity of the ambient air quality standard violation within an area.</p> <p>The California Clean Air Act outlines a program to attain the more stringent California Ambient Air Quality Standards for O₃, nitrogen dioxide, sulfur dioxide, and CO by the earliest practical date.</p> <p>The Lewis Air Quality Act of 1976 established the SCAQMD, created SCAQMD's jurisdiction over the four-county South Coast Air Basin (SCAB), and mandated a planning process requiring preparation of an AQMP. The 2007 AQMP (SCAQMD 2007) proposes emission reduction strategies that would enable the SCAB to achieve the national and most state ambient air quality standards within the mandated timeframes.</p>
<p>SCAG Regional Comprehensive Plan</p> <p>SCAG's Regional Comprehensive Plan (SCAG 2008) covers SCAG's planning policy for important regional issues like housing, traffic/transportation, water, and air quality. The Regional Comprehensive Plan is based on the Compass Growth Vision and 2% Strategy adopted in April 2004, which are based on the principles of mobility, livability, prosperity, and sustainability.</p> <p>The Regional Comprehensive Plan Guiding Principles include:</p> <ul style="list-style-type: none"> ▪ Improve mobility for all residents. Improve the efficiency of the transportation system by strategically adding new travel choices to enhance system connectivity in concert with land use decisions and environmental objectives. ▪ Foster livability in all communities. Foster safe, healthy, walkable communities with diverse services, strong civic participation, affordable housing, and equal distribution of environmental benefits. ▪ Enable prosperity for all people. Promote economic vitality and new economies by providing housing, education, and job training opportunities for all people. ▪ Promote sustainability for future generations. Promote a region where quality of life and economic prosperity for future generations are supported by the sustainable use of natural resources.

Table 1-3 (Continued)

Regional and Local
<p>Congestion Management Program</p> <p>The Congestion Management Program (CMP) is a state-mandated program intended as the analytical basis for transportation decisions made through the State Transportation Improvement Program process.</p> <p>The CMP was developed to: (1) link land use, transportation, and air quality decisions; (2) develop a partnership among transportation decision makers on devising appropriate transportation solutions that include all modes of travel; and (3) propose transportation projects that are eligible to compete for state gas tax funds.</p> <p>The CMP includes a land use analysis program, which requires local jurisdictions to analyze the impacts of land use decisions on the regional transportation system. For development projects, an EIR is required based on local determination and must incorporate a transportation impact analysis into the EIR.</p> <p>The CMP for Los Angeles County was adopted in 2004 (Los Angeles County Metropolitan Transportation Authority 2004).</p>
<p>City of Los Angeles Integrated Resources Plan, 2006</p> <p>The Integrated Resources Plan (IRP) (MWD 2010) incorporates the values of Los Angeles communities into infrastructure planning and integrates planning for the three interdependent water systems: wastewater, recycled water, and storm water.</p> <p>The IRP identifies solutions for these challenges that will meet 20% projected increase in wastewater flow over the next 20 years while maximizing the beneficial reuse of recycled water and urban runoff, optimizing the use of our existing facilities and water resources, reducing pollution, and reducing dependency on imported water.</p>
<p>City of Rancho Palos Verdes General Plan/Environmental Impact Report, 1975</p> <p>The Infrastructure chapter of the City of Rancho Palos Verdes General Plan (City of Rancho Palos Verdes 2012) provides policies related to public infrastructure. The Disposal/Recovery Systems addresses sanitation, while the Transportation Systems discusses the vehicular networks. The general plan is currently being updated.</p>

1.7 Key Principles Guiding Preparation of This EIR/EIS

1.7.1 Emphasis on Significant Environmental Effects

This EIR/EIS focuses on the significant environmental effects and their relevance to the decision-making process for the recommended plan and its alternatives. NEPA requires the federal lead agency to rely on a “scientific and analytical basis for the comparison of alternatives” (40 CFR Section 1502.16) in making its decisions. Commonly, when preparing a joint document in the state of California, the federal lead agency will adopt the CEQA significance thresholds as its scientific basis, unless otherwise noted.

Environmental impacts, as defined by CEQA, include physical effects on the environment. In this document, the term is used synonymously with the term *environmental effects* under NEPA. The CEQA Guidelines (Section 15360) define the *environment* as follows:

The physical conditions which exist within the areas which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

This definition does not include economic impacts (e.g., changes in property values) or social impacts (e.g., a particular group of persons moving into an area). The CEQA Guidelines (Section 15131[a]) state, “economic or social effects of a project shall not be treated as significant effects on the environment.” However, economic or social effects are relevant to physical effects in two situations. In the first, according to Section 15131(a) of the CEQA Guidelines, “an EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes to physical changes caused in turn by the economic or social changes.” In other words, if a physical impact leads to an economic impact, which then leads to another physical impact, that ultimate physical impact must be evaluated in the EIR. In the second instance, according to Section 15131(b) of the CEQA Guidelines, “economic or social effects of a project may be used to determine the significance of a physical change caused by a project.”

As with economic or social impacts, psychological impacts are outside the definition of the term “environmental.” While not specifically discussed in the CEQA Guidelines, the exclusion of psychological impacts was specifically affirmed in a 1999 court decision (*National Parks and Conservation Association v. County of Riverside* 71 Cal. App. 4th 1341, 1364).

In view of these legal precedents, the Sanitation Districts are not required to treat economic, social, or psychological impacts as significant environmental impacts absent a related physical effect on the environment. Therefore, such impacts are only discussed to the extent necessary to determine the significance of the physical impacts of the recommended plan and its alternatives.

1.7.2 Forecasting

In this EIR/EIS, the Sanitation Districts and the Corps have made their best efforts to predict and evaluate the reasonably foreseeable direct, indirect, and cumulative environmental impacts of the recommended plan and its alternatives. CEQA and NEPA do not require the Sanitation Districts and the Corps to engage in speculation about impacts that are not reasonably foreseeable. In these instances, CEQA does not require a worst-case analysis (CEQA Guidelines Sections 15144, 15145). Similarly, NEPA does not require a worst-case analysis when confronted with incomplete or unavailable information (40 CFR Section 1502.22).

1.7.3 Environmental Thresholds, Substantial Evidence, and Disagreement Among Experts

The threshold of significance for a given environmental effect is the level at which the Sanitation Districts and/or the Corps find an effect of the recommended plan and its alternatives to be significant. A *threshold of significance* can be defined as a “quantitative or qualitative standard, or set of criteria, pursuant to which significance of a given environmental effect may be determined” (CEQA Guidelines, Section 15064.7 [a]). The thresholds of significance provided in the CEQA Guidelines have been used as the basis of the environmental impact analysis for this EIR/EIS. Some thresholds or criteria have been adapted to the specific circumstances of the recommended plan and its alternatives. The Corps has adopted the CEQA thresholds presented in this document to meet its NEPA responsibilities, unless otherwise noted. The criteria for determining the significance of environmental impacts in this EIR/EIS analysis are described under each resource area in Chapters 4 through 20.

The identification of impacts as significant or less than significant is an important function of an EIR/EIS. While impacts determined to be less than significant need only be acknowledged as such, an EIR must identify feasible mitigation measures for any impact identified as significant. There may be no feasible mitigation measures for some impacts; therefore, an impact may remain significant and unavoidable. In preparing this document, the Sanitation Districts and the Corps have based their conclusions about the significance of environmental impacts on identifiable thresholds and have supported these conclusions with substantial scientific evidence. During the public review of the draft EIR/EIS, disagreements could be raised regarding the significance of environmental impacts. Such disagreements, if any, have been noted and will be considered by the decision makers during the public hearing process. However, to be adequate under CEQA and NEPA, this EIR/EIS need not resolve all such disagreements.

If it is known that expert opinions differ on an issue concerning the environmental impacts of a recommended plan and its alternatives, the main points of disagreement are to be described as required by the CEQA Guidelines. This EIR/EIS summarizes the conflicting opinions and includes sufficient information to allow the public and decision makers to take intelligent account of the environmental consequences of their actions.

In rendering a decision on a program and/or project in which there is a disagreement among experts, the decision makers are not obligated to select the most conservative, environmentally protective, or liberal viewpoint. They may give more weight to the views of one expert over another and need not resolve a dispute among experts. In their proceedings, the decision makers must consider the comments received and address the objections, but need not follow said comments or objections so long as they state the basis for their decision and that decision is supported by substantial evidence.

1.7.4 CEQA and NEPA Baselines

To determine significance, the recommended plan and its alternatives are compared to a baseline condition. The difference between the recommended plan and its alternatives and the baseline is then compared to a threshold to determine if the difference is significant. CEQA and NEPA use different baseline conditions from which to determine significance. The CEQA and NEPA baselines used to analyze the recommended plan and its alternatives are presented below.

1.7.4.1 CEQA Baseline

Section 15125 of the CEQA Guidelines requires that an EIR include a description of the physical environmental conditions in the vicinity of a proposed project that exist at the time the NOP is published. This environmental setting will normally serve as the baseline by which the lead agency determines whether an impact is significant. The lead agency may also consider a baseline condition that better reflects fluctuations resulting from cyclical trends, such as drought and wet weather. Because wastewater flows are subject to such variances, the baseline conditions for the JOS are representative of aggregate data collected from recent years prior to the release of the NOP. For the conveyance system, the water reclamation plants (including wastewater treatment and WRP effluent management), and the JWPCP (including solids processing, biosolids management, and JWPCP effluent management), the baselines are as described in Section 2.2.4.

The CEQA baseline represents the environmental setting at a fixed point in time, which can differ from a no-project alternative. A no-project alternative allows for growth at the project site that would likely occur without any required additional approvals. The No-Project Alternative for the Clearwater Program is described in Chapter 3.

1.7.4.2 NEPA Baseline

In analyzing a proposed project in a joint CEQA/NEPA format, the Corps must distinguish the scientific and analytical basis for its decisions from the CEQA lead agency's decision. The NEPA baseline condition for determining significance of impacts is generally determined by examining the full range of construction and operational activities the Sanitation Districts could implement, and are likely to implement, absent a Corps permit under Section 10 of the Rivers and Harbors Act, Section 404 of the CWA, and Section 103 of the Marine Protection, Research, and Sanctuaries Act. Therefore, the NEPA baseline in general is identical to baseline conditions associated with the No-Federal-Action Alternative.

Unlike the CEQA baseline, which is typically defined by environmental conditions at a point in time, the NEPA baseline is not bound to a "no-growth" scenario. For the Clearwater Program EIR/EIS, the NEPA baseline represents anticipated conditions at the year 2022, when construction of project elements identified as part of the Corps' NEPA scope of analysis, as described in Section 3.5 and graphically depicted on Figure 3-16, is expected to conclude.

Whenever possible, the Corps and the Sanitation Districts have relied on empirical data and best professional judgment to identify future conditions. For resources in which future conditions are identified, the NEPA baseline encompasses the No-Federal-Action Alternative and any identified conditions. For resources in which future conditions are not identified, the NEPA baseline is identical to the No-Federal-Action Alternative.

1.7.5 Duty to Mitigate

Mitigation measures must meet certain requirements to be considered adequate. Mitigation should define feasible actions that would improve adverse environmental conditions, be specific, and be measurable to allow monitoring of their implementation. Mitigation measures that only require further studies or consultation with regulatory agencies, are not tied to a specific action, and/or defer mitigation until some future time, should be avoided. Accordingly, effective mitigation measures should clearly explain what the objectives are, how a given measure should be implemented, who is responsible for its implementation, and where and when the mitigation would occur. Finally, mitigation measures must be enforceable, meaning that the lead agency must ensure that the measures will be imposed through appropriate permit conditions, agreements, or other legally binding instruments.

1.7.5.1 Mitigation Under CEQA

According to CEQA Guidelines Section 15126.4(a), each significant impact identified in an EIR must include a discussion of feasible mitigation measures that would avoid or substantially reduce the significant environmental effect. To reduce significant effects, mitigation measures must avoid, minimize, rectify, reduce, eliminate, or compensate for a given impact of a proposed project.

1.7.5.2 Mitigation Under NEPA

NEPA requires that mitigation and other conditions established in the environmental impact statement or during its review and committed as part of the ROD shall be implemented by the lead agency or other appropriate consenting agency (40 CFR Section 1505.3). In addition, NEPA requires that a monitoring and enforcement program be adopted and summarized where applicable for any mitigation identified in the ROD (40 CFR Section 1505.2(c)). While the Corps would identify and analyze impacts within its NEPA scope of analysis, the Corps typically limits the placement of special conditions and mitigation measures in its permits for activities in areas within the Corps' geographical jurisdiction as identified in Chapter 3. The Corps cannot constrain operations outside its jurisdiction where, absent the Corps' permits for construction in waters of the U.S., the federal government has no authority over operations that could otherwise occur. For upland indirect and/or cumulative effects within the Corps' NEPA scope of analysis (i.e., traceable to the issuance of a permit), the Corps would identify mitigation measures. However, the Corps would evaluate whether sufficient federal control and responsibility exists in determining whether special conditions in the Corps' permit for upland impacts are warranted.

1.7.5.3 Authority

CEQA grants a public agency the authority to require feasible changes that would substantially lessen or avoid significant effect on the environment associated with all activities involved in a project (CEQA Guidelines Section 15041). However, public agencies do not have unlimited authority to impose such mitigation. An agency may exercise only those express or implied powers provided by law, aside from those provided by CEQA. If another law grants an agency discretionary power, CEQA authorizes its use (CEQA Guidelines Section 15040).

In addition to the CEQA requirements, the U.S. Constitution limits an agency's authority to impose conditions to only those situations in which there is a clear and direct connection (*nexus* in legal terms) between a project impact and the mitigation measure. Finally, there must be a reasonable balance between the impact caused by a proposed project and the mitigation measure imposed upon the project applicant. A project applicant cannot be forced to pay more than its fair share of the mitigation, which should be roughly proportional to the impacts caused by a proposed project.

1.7.6 Requirements to Evaluate Alternatives

According to CEQA and NEPA regulations, the alternatives section of an EIR/EIS is required to:

- Rigorously explore and objectively evaluate all reasonable alternatives
- Include reasonable alternatives not within the lead agency's jurisdiction or congressional mandate, if applicable
- Include a no-project alternative and no-federal-action alternative
- Develop substantial treatment to each alternative, including the recommended plan, so that reviewers may evaluate its comparative merits
- Identify the lead agency's preferred alternative
- Include appropriate mitigation measures (when not already part of the alternatives)
- Present the alternatives that were eliminated from detailed study and briefly discuss the reasons for elimination

The CEQA Guidelines (Section 15126.6) and NEPA (40 CFR Section 1502.14[a]) require that an EIR and an EIS, respectively, describe a range of reasonable alternatives to a proposed project or to the location of a proposed project that could feasibly attain most of the basic objectives of the proposed project but would avoid or substantially lessen any significant environmental impacts. According to the CEQA Guidelines, the EIR should compare merits of the alternatives and determine an environmentally superior alternative. Chapter 3 of this EIR/EIS sets forth potential alternatives to the recommended plan and evaluates their suitability.

Alternatives for an EIR and EIS usually take the form of no-project, no-federal-action, reduced project size, different project design, and/or suitable alternative project sites (40 CFR Section 1502.14[c]). An EIR is governed by the *rule of reason* that requires the identification of only those alternatives necessary to permit a reasoned choice between the alternatives and the recommended plan. For an EIS, the range of alternatives discussed need not be beyond a reasonable range (40 CFR Section 1502.14[a]). An EIR and an EIS need not consider an alternative that would be infeasible. CEQA Guidelines Section 15126.6 explains that the evaluation of project alternative feasibility can consider site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site. The EIR is also not required to evaluate an alternative that has an effect that cannot be reasonably identified or that has remote or speculative implementation, and that would not achieve the basic project objectives. Additionally, for activities that result in the discharge of dredged or fill material in waters of the U.S. pursuant to Section 404 of the CWA, the U.S. Environmental Protection Agency (EPA) Section 404(b)(1) guidelines and the Corps' regulations (33 CFR Part 320-330) require the Corps to only issue a permit for the least environmentally damaging practicable alternative (focusing primarily on impacts to aquatic resources), where *practicable* is defined in terms of cost, logistics, and technology, that still meets the overall project purpose. To comply with these guidelines, the Corps

typically analyzes alternatives that reduce impacts to aquatic resources through alternative configurations, locations, construction methods, and/or project footprints.

1.7.7 State Revolving Fund Requirements

The State Water Resources Control Board (SWRCB) will use this document to ensure compliance with the state revolving fund (SRF) loan requirements. The SRF loan program is partially funded by the EPA and is thus subject to federal environmental regulations. The EPA has chosen to use CEQA as the compliance base for California's SRF Loan Program. In addition to CEQA, the EPA requires compliance with specific federal environmental regulations, which includes the federal Endangered Species Act, the National Historic Preservation Act, and the General Conformity Rule for the federal Clean Air Act (CAA). These requirements are satisfied in this document through compliance with NEPA, which will be handled by the Corps as the federal lead agency because the Corps has direct permitting authority over the Clearwater Program, whereas the EPA has indirect involvement through the SWRCB's SRF loan program.

1.8 CEQA/NEPA Processes After Release of the Draft EIR/EIS

1.8.1 Distribution of the Draft EIR/EIS

The draft EIR/EIS for the Clearwater Program was distributed to the public and agencies on February 10, 2012. Hard copies and/or compact discs of the draft EIR/EIS were distributed to various government agencies, organizations, and individuals. Hard copies of the draft EIR/EIS were also made available for review at the Sanitation Districts' offices in Whittier and at three public libraries (Carson Regional Library and the San Pedro Branch and Wilmington Branch of the Los Angeles Public Library). In addition, the draft EIR/EIS was made available online at the Sanitation Districts' website (<http://www.lacsd.org/>) and the Clearwater Program website (<http://www.ClearwaterProgram.org>).

On February 10, 2012, a notice of completion of the draft EIR was sent to the California Governor's Office of Planning and Research, State Clearinghouse and a notice of availability (NOA) for the draft EIR was posted at the County Clerk's office for Los Angeles County and mailed to an extensive mailing list of approximately 4,000 agencies, interest groups, and the general public. An NOA for the draft EIS was published in the Federal Register on February 13, 2012. Comments on the draft EIR/EIS were due on April 10, 2012, resulting in a 60-day review period for the draft EIR and a 57-day review period for the draft EIS. (See Appendix 1-B for the notices.)

The Sanitation Districts and the Corps held a joint public hearing to receive comments on both the draft EIR and draft EIS at the Crowne Plaza Los Angeles Harbor Hotel in San Pedro on March 8, 2012. The Sanitation Districts also conducted two additional public hearings on the draft EIR at the Sanitation Districts' offices near the city of Whittier on March 6, 2012, and the Carson Community Center in the city of Carson on March 7, 2012. (See Appendix 1-B for additional details on the public hearings, and Appendix 28-A for transcripts of the public hearings.)

1.8.2 Comments on the Draft EIR/EIS

The public comment and response component of the CEQA/NEPA process serves an essential role. It allows the respective lead agencies to assess the impacts of a project based on the analysis of other responsible, concerned, or adjacent agencies and interested parties, and it provides the opportunity to

amplify and better explain the analyses that the lead agencies have undertaken to determine the potential environmental impacts of a project. To that extent, responses to comments are intended to provide complete and thorough explanations to commenting agencies and individuals, and to improve the overall understanding of the project for the decision makers.

The Sanitation Districts and the Corps received 52 comments in the form of letters, emails, and oral statements during the public hearings on the draft EIR/EIS. The responses to each of these comments are found in Chapter 28 of this final EIR/EIS. As necessary, revisions were made to the EIR/EIS, as documented in Chapter 29. None of the revisions result in changes to the significance findings presented in the draft EIR/EIS.

1.9 EIR/EIS Organization

This EIR/EIS has been organized to ensure that the reader can easily obtain fundamental information about the recommended plan and its specific impacts. Impacts are covered under each of the environmental resource areas in Chapters 4 through 20. In general, the scope of the CEQA impact analysis is greater than the NEPA analysis; therefore, the CEQA analysis is presented first to allow a more efficient presentation of the NEPA impacts. Detailed technical and additional background information are provided in the appendices. Each of the chapters in this document is briefly described in Table 1-4.

Table 1-4. Organization and Contents of This EIR/EIS

EIR/EIS Chapter	Description
Executive Summary (Under separate cover)	Summarizes the recommended plan and its alternatives, potential significant impacts and mitigation measures, the environmentally superior alternative (in accordance with CEQA) and the environmentally preferred alternative (in accordance with NEPA), public comments and concerns, and unresolved issues and areas of controversy.
Chapter 1 – Introduction	Describes the purpose, need, and objectives of the recommended plan; the intended uses of the document and authorizing actions; the relationship to existing plans and policies; the scope and content of the document; and the organization of the document.
Chapter 2 – Existing Facilities	Describes the existing environmental and operational conditions of existing facilities.
Chapter 3 – Alternatives Description	Describes the alternatives evaluated in this document. Also introduces the methodology and terminology used for the environmental analysis.
Chapters 4 through 20 – Environmental Resource Analyses	Describes, for each environmental resource area, the environmental setting (including the baseline conditions), the regulatory setting, the criteria for judging whether an impact is significant, the impact assessment methodology, the impacts that would result from the each alternative, the applicable mitigation measures that would eliminate or reduce significant impacts, and the mitigation monitoring requirements.
Chapter 21 – Cumulative and Growth-Inducing Impacts	Provides a summary of significant cumulative impacts and whether or not each alternative contributes to the significant impacts. Also presents whether or not each alternative would result in growth-inducing impacts.
Chapter 22 – Comparison of Alternatives	Compares the significant environmental impacts of each alternative and identifies the superior and environmentally preferred alternative.
Chapter 23 – Significant Irreversible Impacts	Describes the significant irreversible changes associated with the preferred alternative.
Chapter 24 – List of Federal and State Permits for All Alternatives	Provides a list of federal and state permits potentially required for the Clearwater Program.
Chapter 25 – References	Identifies the documents used in preparing this EIR/EIS.
Chapter 26 – List of Preparers and Contributors	Lists the individuals involved in preparing this EIR/EIS.
Chapter 27 – Abbreviations	Provides the full names for acronyms and abbreviations used in this document.

Table 1-4 (Continued)

EIR/EIS Chapter	Description
Chapter 28 – Responses to Comments	Provides copies of all comments received on the draft EIR/EIS and responses to each comment.
Chapter 29 – Changes and Errata	Provides a list of all substantive changes to the EIR/EIS between the draft EIR/EIS and the final EIR/EIS.
Appendices (Under separate cover)	Present additional background information and technical detail for several of the resource areas.