

50
approved as amended
50 by the Board
by a vote of 3
0 of its 5/5/92
meeting.

CALENDAR ITEM

50

A 75

05/05/92

S 38

PRC 7029

A. Scott

AMENDMENT OF PUBLIC AGENCY PERMIT

LESSEE:

City of San Diego Water Utilities Department
Clean Water Project
401 "B" Street, Suite 710
San Diego, California 92101

AREA, TYPE LAND AND LOCATION:

Eight parcels of tide and submerged land totaling approximately 48.5 acres located in the Pacific Ocean near Point Loma, City of San Diego, San Diego County.

LAND USE:

Operation and maintenance of an existing 12-foot-diameter waste water outfall pipeline and shoreline protection together with the construction of an extension to the existing outfall of approximately 2.5 miles.

TERMS OF ORIGINAL PERMIT:

Initial period:

Twenty-five (25) years beginning January 1, 1967.

CONSIDERATION:

The public health and safety, with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

TERMS OF PROPOSED AMENDMENT TO PERMIT:

Initial period:

Twenty-five (25) years beginning January 1, 1987.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filling fee and Processing costs have been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:

N/A

OTHER PERTINENT INFORMATION:

1. The applicant proposes to extend the length of an existing waste water outfall pipeline in order to meet the requirements of the State Ocean Plan of the State Water Resources Control Board. They propose to extend the existing pipeline across State Lands to a point beyond the three-mile limit.
2. The annual rental value of the site is estimated to be \$317,000.
3. An EIR was prepared and adopted for this project by the City of San Diego on August 5, 1991. The State Lands Commission's staff has reviewed the information contained therein.
4. This amendment was previously approved by the Commission at its meeting of January 8, 1992. Modifications have been made to the Mitigation Monitoring Plan which was a part of the amendment. The inspection requirements of the monitoring plan have been extended to cover the existing pipeline as well as the proposed extension. Those monitoring requirements require a physical, visible inspection of all exposed areas by either dated _____ high resolution side scan sonar annually. These reports will be submitted to Commission staff. Staff feels that the modifications to the amendment are significant enough to require the approval of the Commission.

APPROVALS OBTAINED:

United States Army Corps of Engineers

FURTHER APPROVALS REQUIRED:

California Coastal Commission

EXHIBITS:

- A. Land Description
- B. Location Map
- C. Notice of Determination
- D. CEQA Findings
- E. Mitigation Monitoring Plan

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT AN EIR WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF SAN DIEGO AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. ADOPT THE FINDINGS MADE BY THE LEAD AGENCY UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND ITS GUIDELINES AS CONTAINED IN EXHIBIT "D".
3. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. AUTHORIZE ISSUANCE TO THE CITY OF SAN DIEGO OF AN AMENDMENT TO PERMIT PRC 7029 THAT WILL PROVIDE FOR THE EXTENSION OF AN EXISTING WASTE WATER OUTFALL PIPELINE AND INCORPORATION OF A MITIGATION MONITORING PLAN, ATTACHED AS EXHIBIT "D", AND THE REQUIREMENT FOR ANNUAL INSPECTION OF THE ENTIRE PIPELINE, EFFECTIVE BEGINNING JANUARY 1, 1992; IN CONSIDERATION OF THE PUBLIC HEALTH AND SAFETY, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTERES.; ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
5. AUTHORIZE STAFF OF THE COMMISSION TO THE MONITORING DUTIES REQUIRED IN THE MITIGATION MONITORING PLAN ATTACHED AS EXHIBIT "D" HERETO.

EXHIBIT "A"

PRC 7029.9

LAND DESCRIPTION

Eight parcels of tide and submerged land in the bed of the Pacific Ocean, San Diego County, California, more particularly described as follows:

PARCELS 1, 2, 3 & 4 - OUTFALL PARCELS

Three strips of tide and submerged land 50 feet wide lying 25 feet on each side of the following described centerline:

STRIP 1

BEGINNING at coordinates X = 1,693,206.01, and Y = 188,460.31, California Coordinates System Zone 6, NAD 1927; thence S 75° 30' W, 11,450.00 feet to Point "Wye".

EXCEPTING THEREFROM any portion lying landward of the mean high tide line of the Pacific Ocean.

STRIP 2

BEGINNING at said Point "Wye", thence S 11° 30' W, 1402.66 feet to the end of the herein described centerline.

EXCEPTING THEREFROM any portion lying within the abovementioned Strip 1.

STRIP 3

BEGINNING at said Point "Wye", thence N 40° 30' W, 1402.66 feet to the end of the herein described centerline.

EXCEPTING THEREFROM any portion lying within the abovementioned Strips 1 and 2.

STRIP 4

A strip of tide and submerged land 160 feet wide lying 80 feet on each side of the following described centerline:

BEGINNING at coordinates X = 1,682,126.25, and Y = 185,594.50, California Coordinates System Zone 6, NAD 1927; thence S 78° 40' W, 8,436.00 feet to point on the State/Federal boundary line as described in U.S. v. California 381-U.S. 139 (1969).

EXCEPTING THEREFROM any portion lying within the abovementioned strips 1, 2 and 3

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PARCELS 5, 6, 7 & 8 - SHORE PROTECTION PARCELS

Four parcels of tide and submerged land in the bed of the Pacific Ocean lying immediately beneath the existing riprap revetments and the proposed riprap revetments adjacent to Tract 38, T 17 S, R 4 W, SBM.

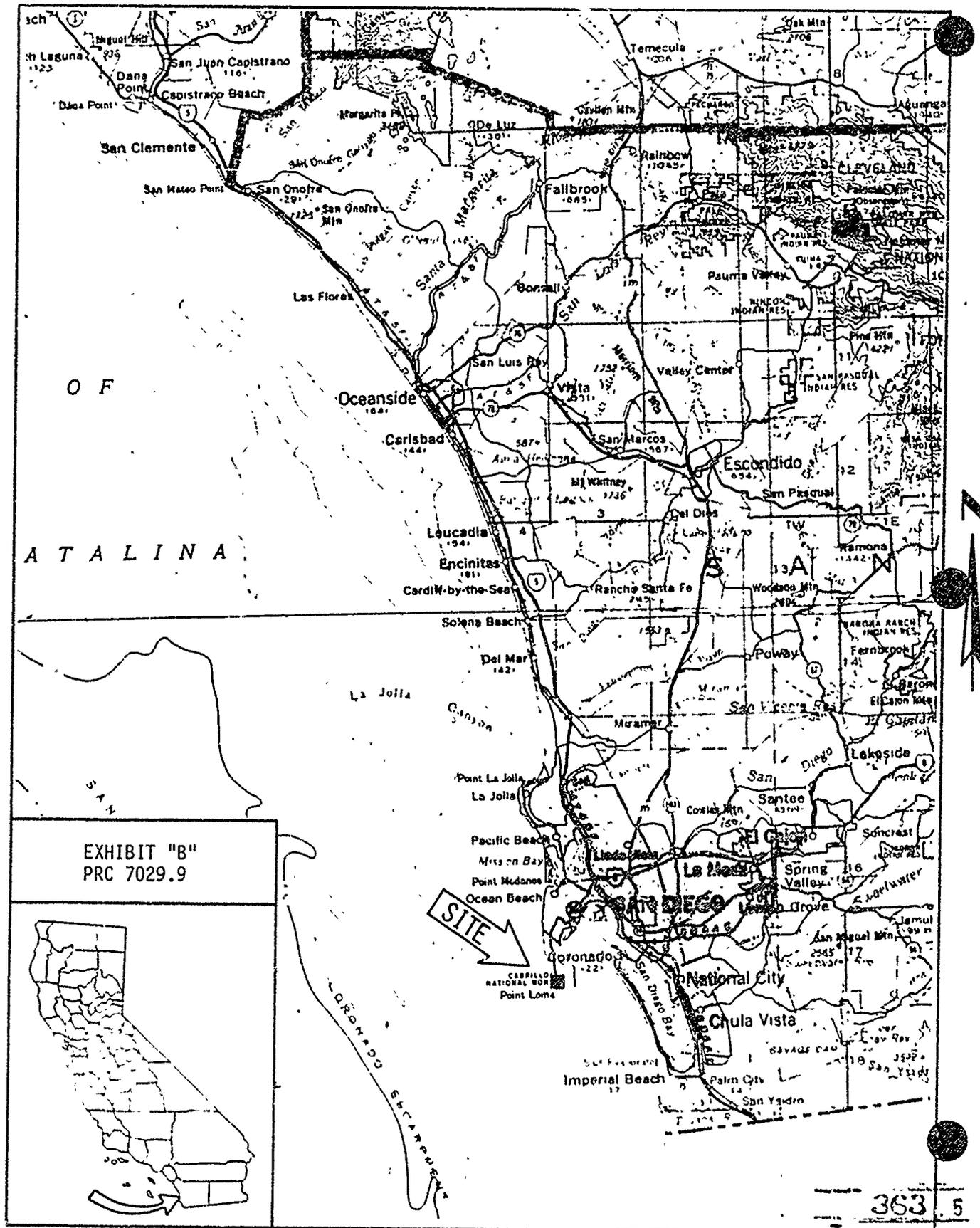
EXCEPTING THEREFROM any portion lying landward of the mean high tide line of the Pacific Ocean.

END OF DESCRIPTION

REVISED OCTOBER, 1991 BY LLB

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O F
A T A L I N A

EXHIBIT "B"
PRC 7029.9



SITE

NOTICE OF DETERMINATION

910617

TO: County Clerk
 County of San Diego
 220 W. Broadway, MS C-11
 San Diego, CA 92101

FROM: City of San Diego
 Planning Department
 202 "C" Street, MS 4C
 San Diego, CA 92101

Office of Planning and Research
 1400 Tenth Street, Room 121
 Sacramento, CA 95814

F I L E D
 Robert O. Zumwalt, Clerk
AUG 12 1991
St. Jimmy

DEP Number: 91-0127

State Clearinghouse Number: 8905312C

Permit Number: State Ocean Plan Compliance, Outfall Extension Project

Project Title: Construction and operation of the outfall extension would occur primarily offshore Point Loma. Some project boat traffic would enter and leave San Diego Bay and an on-shore staging area within the Port may also be required.

Project Location: A 12,500-foot extension to the existing 11,300 Point Loma Wastewater Treatment Plant Outfall, terminating in 312 feet of water, 4-1/2 miles offshore.

Project Description:

This is to advise that the City of San Diego City Council on August 5, 1991 approved the above described project and made the following determinations:

1. The project in its approved form ___ will, will not, have a significant effect on the environment.
- An Environmental Impact Report was prepared for this project and certified pursuant to the provisions of CEQA. R-278487
- ___ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

Record of project approval may be examined at the address above.

3. Mitigation measures were, ___ were not, made a condition of the approval of the project.
4. (EIR only) Findings were, ___ were not, made pursuant to CEQA Guidelines Section 15091
5. (EIR only) A Statement of Overriding Considerations ___ was, was not, adopted for this project.

It is hereby certified that the final environmental report, including comments and responses, is available to the general public at the office of the Development and Environmental Planning Division, Seventh Floor, Suite 710, 401 "B" Street, San Diego, CA 92101.

Analyst: Prisament

Telephone: (619) 533-5297

Filed by: *[Signature]*
 Signature

Title: Deputy City Clerk

EXHIBIT "C"

Reference: California Public Resources Code, Sections 21108 and 21152.

PRC 7029

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EXHIBIT "D"
NOTICE OF DETERMINATION

910617

TO: County Clerk
County of San Diego
220 W. Broadway, MS C-11
San Diego, CA 92101

FROM: City of San Diego
Planning Department
202 "C" Street, MS 4C
San Diego, CA 92101

Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FILED
Robert D. Linnick, Clerk

AUG 12 1991

Stinson

DEP Number: 91-0127

State Clearinghouse Number: 8905312C

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5. (EIR only) A Statement of Overriding Considerations was, was not, adopted for this project.

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Analyst: Prisament

Telephone: (619) 533-5297

Filed by:

Robert D. Linnick
Signature

Title: Deputy City Clerk

Reference: California Public Resources Code, Sections 21108 and 21152

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(R-92-169)

RESOLUTION NUMBER R- 278487

ADOPTED ON AUG 05 1991

BE IT RESOLVED, by the Council of The City of San Diego, that the Council hereby accepts the findings and recommendations contained in the Point Loma Outfall Extension Report, Engineering Studies, on file in the office of the City Clerk.

BE IT FURTHER RESOLVED, that it is hereby certified, that the information contained in ENVIRONMENTAL IMPACT REPORT DEP No. 91-0127, on file in the office of the City Clerk in connection with the above activity, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines thereto, and has been reviewed and considered by this Council.

BE IT FURTHER RESOLVED, that the Council hereby adopts the Mitigation Monitoring and Report Program and the Findings in connection with ENVIRONMENTAL IMPACT REPORT DEP NO. 91-0127.

APPROVED: JOHN W. WITT, City Attorney

By Ted Bromfield
Ted Bromfield
Chief Deputy City Attorney

TB:mb
07/23/91
Or.Dept:Cl.Wtr.
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FINDINGS

The California Environmental Quality Act (CEQA) requires that no public agency shall approve or carry out a project for which an environmental impact report has been completed which identifies one or more significant effects thereof unless such public agency makes one or more of the following findings:

- (1) Changes or alterations have been required in, or incorporated into, such project which mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

(Sec. 21081 of the California Environmental Quality Act)

Project findings are the bridge between Final EIR certification and project approval. The purpose of the statutory requirement for findings is to ensure that the decision-making agency considers alternatives and mitigation measures before taking action on the project (Resource Defense Fund v. Local Agency Formation Commissions of Santa Cruz County (1st Dist. 1987) 191 Cal. App. 3d 886)).

CEQA further requires that, where the decision of the public agency allows the occurrence of significant effects which are identified in the final EIR, but are not at least substantially mitigated, the agency shall issue a Statement of overriding Considerations stating the specific reasons to support its action based on the final EIR and/or other information in the record (Sec. 15093 of the CEQA Guidelines).

The following Findings have been submitted by the project applicant as candidate findings to be made by the decision making body. The Development and Environmental Planning Division does not recommend that the discretionary body either adopt or reject these findings. They are attached to allow readers of this report an opportunity to review the applicant's position on this matter.

CANDIDATE FINDINGS
for the Proposed
STATE OCEAN PLAN COMPLIANCE
OUTFALL EXTENSION PROJECT

The following findings are made relative to the conclusions of the Final Environmental Impact Report (EIR) for the proposed State Ocean Plan Compliance Outfall Extension Project in the City of San Diego (EAS No. 91-0127). Findings address the following two aspects of the proposed project: mitigation measures proposed to reduce significant project impacts to below a level of significance; and , the feasibility of project alternatives.

The proposed project would provide for an extension of the existing Point Loma Wastewater Treatment Plant's outfall pipe. This extension would bring the City into compliance with the bacteriological objectives of the State Ocean Plan as required by Cease and Desist Order 87-113 (amended June 24, 1989). The proposed project would isolate the wastefield from designated body contact areas by conveying the effluent further offshore and into deeper water. Ocean currents and density stratification would minimize the likelihood of wastefield transport to the kelp beds and other body contact areas.

PROPOSED PROJECT - OUTFALL EXTENSION

A. The decisionmakers, having reviewed and considered the information contained in the Final EIR for the proposed State Ocean Plan Compliance, Outfall Extension Project and the public record, find that specific measures have been identified (mitigation measures) which mitigate or substantially lessen the significant environmental impacts thereof, as identified in the Final EIR. Specifically:

1. MARINE BIOLOGICAL RESOURCES

Impact: The proposed project would involve the year-round construction of a large underwater pipeline. Construction activities would occur offshore from Point Loma, an area frequented by marine mammals and used by the California gray whale for its annual migration. The gray whale and other marine mammals could be significantly impacted during construction of the outfall extension. Such impacts would be related to potential collisions with project-related vessels and underwater cables.

Finding: Construction of the proposed project could result in significant impacts to California gray whales, an endangered species, and other marine mammals. Because the California gray whale is an endangered species, the City of San Diego has participated in Informal Consultation as required by Section 7 of the Endangered Species Act. In order to allow gray whales and other marine mammals the opportunity to avoid project-related underwater cables, all such

cables shall be at least one and one-half inches in diameter. To protect gray whales and marine mammals from collisions with project-related vessel traffic, all project-related vessels in transit shall post a designated whale/mammal watch. This person shall have a full view of any obstacles that may occur in the direction of travel. In the event of a collision, the pilot shall immediately radio the Coast Guard. The watch person shall prepare a report that documents any collisions that occur. The report shall then be given to an environmental monitor. The environmental monitor will be responsible for submitting these reports to the Planning Department and National Marine Fisheries Service on a quarterly basis.

2. WATER QUALITY

Impact: The proposed project is expected to generate solid waste that requires adequate disposal. Such materials cannot be legally disposed of at sea in the project area.

Finding: The potentially significant impact associated with solid waste being blown, swept, or thrown overboard shall be mitigated to below a level of significance. All workers and vessel pilots/crews shall attend an informal class with the Coast Guard, which addresses the requirements of Annex V of the MARPOL Treaty. In addition, an environmental monitor will be on location to document any violation of the Clean Water Act or of MARPOL which will aid enforcement action.

Impact: A remote possibility exists that crude oil or diesel fuel could be spilled as a result of a collision or accident at sea. Such a spill could significantly impact water quality.

Finding: The U.S. Coast Guard, Marine Safety Office Oil Spill Contingency Plan would be implemented in the event of an oil spill. In addition, all project barges shall carry materials to absorb oil and fuel in case of a spill on deck. These materials shall be used to keep accidental spills from reaching the marine environment. The City's environmental monitor shall periodically inspect all barges containing oil or fuel to ensure that absorbant material is aboard and submit his/her findings in a quarterly monitoring report to EAS. Any spill of 10 gallons or more shall be reported to the Coast Guard immediately and to the Clean Water Program Director and Planning Department Environmental Analysis Section Principal Planner.

3. GEOLOGY AND SOILS

Impact: The potential exists for the proposed extension pipe to leak as a result of differential settlement or seismically induced liquefaction.

Finding: The planned use of geotextile filter fabric and bedding rocks would reduce the likelihood that differential settling and seismically induced liquefaction would cause the proposed pipeline to leak (Bedding rocks would not be required if the steel pipe alternative is chosen). The Principal Planner of EAS shall review and approve the construction documents prior to finalization to ensure that these measures have been incorporated into final design. In order to ensure early detection of any leaks that may be caused by seismically induced liquefaction, the City shall have the pipeline inspected after significant seismic events (i.e., ground acceleration greater than 0.15 g in the project area). The Draft EIR identified that after a significant seismic event, the Clean Water Program would prepare an inspection report within two weeks of the seismic event. However, the City determined that it was not feasible to mobilize an inspection team and prepare a report within two weeks. Therefore, in the event of a significant seismic event, a preliminary assessment shall be submitted to EAS by the Clean Water Program within four weeks of the seismic event. If determined necessary in the preliminary assessment report, a full inspection will be conducted by the Clean Water Program, with a subsequent report of inspection findings issued, within 12 weeks of the seismic event. This would allow for the timely repair of any leaks and would mitigate impacts to below a level of significance.

B. The decisionmakers, having each reviewed and considered the information contained in the Final EIR for the proposed State Ocean Plan Compliance Outfall Extension Project, and having reviewed and considered the information contained in the public record, find that there are no changes or alterations to the project which would substantially lessen the significant environmental impacts of the project that are the responsibility and jurisdiction of another public agency and should be adopted by such other agency.

C. The decisionmakers, having each reviewed and considered the information contained in the Final EIR for the proposed State Ocean Plan Compliance Outfall Extension Project, and having reviewed and considered the information contained in the public record, find that there are no specific economic, social, or other considerations which make infeasible the mitigation measures or project alternatives which are identified in the Final EIR.

NO PROJECT ALTERNATIVE

The No Project alternative is the continued conveyance of advanced primary treated effluent into the Pacific Ocean off Point Loma via the existing 11,300 foot outfall pipe.

Impact: Under the No Project alternative, effluent released into the Pacific Ocean from the Point Loma Wastewater Treatment Plant would continue to violate the State Ocean Plan guidelines. In particular, the level of total and fecal

coliform bacteria in the kelp beds would continue to exceed the allowable levels at a higher frequency than allowed by the State Ocean Plan.

The potential for the public to be exposed to health hazards under the No Project alternative is considered significant, given the State Ocean Plan bacteriological standards for body contact areas. However, significant project-related environmental impacts identified in Section IV of the project EIR and discussed above would be avoided.

Finding: The No Project alternative would violate the Cease and Desist Order for meeting the bacteriological standards of the State Ocean Plan for which punitive measures may be imposed on the City of San Diego. The No Project alternative is not environmentally superior to the proposed project because of the long-term potentially significant impact to water quality, human health, and recreational resources associated with periodically elevated bacteria levels at depth at the outer edges of the Point Loma Kelp Beds.

DISINFECTION ALTERNATIVE

The disinfection alternative would involve the construction of a facility at the northern end of the Point Loma Wastewater Treatment Plant. This facility would mix sodium hypochlorite (or other source of chlorine) with the effluent before the effluent enters the outfall structure. The chlorine would be metered to kill off approximately 99 percent of the bacteria within the effluent. A small diameter pipe (approximately 8-inches) would be constructed parallel to the existing outfall pipe. A dechlorination solution of sodium bisulfite would be conveyed to the end of the outfall by the 8-inch pipe and injected and mixed with the effluent before the effluent enters the diffuser structure. In this way, the requirements of the State Ocean Plan Table B, Toxics for discharge of chlorine would be met. This alternative is not environmentally superior when compared to the proposed outfall extension project as follows:

1. TERRESTRIAL BIOLOGY

Impact: Since the site for the Disinfection alternative has been previously disturbed and remains disturbed today, no impacts to terrestrial biological resources are expected. During construction, it is possible that additional noise and traffic at the site may cause local wildlife to avoid the area, including the few pelicans and/or cormorants which possibly rest or roost near the proposed site. However, due to the small amount of land that will be disturbed as compared to the amount of adjacent habitat that will be left undisturbed, this is not considered to be a significant impact. The only circumstance that could lead to a significant impact to terrestrial biological resources would occur in the event of a transportation-related spill of sodium hypochlorite and/or sodium bisulfite.

Finding: The Disinfection alternative would cause a cumulatively significant traffic impact regardless of which alternative route or disinfection chemical was chosen because the additional project-related traffic (16 one-way trips for sodium hypochlorite vs. 2 one-way trips for liquid chlorine) would exacerbate the existing overcrowding on the aforementioned roadways. However, these impacts would be mitigated to below a level of significance by scheduling project-related truck traffic around peak hours (7:00 a.m. to 8:30 a.m. and 4:30 p.m. to 6:00 p.m.).

Impact: An accident involving a chemical delivery truck would result in traffic impacts beyond those experienced normally. Due to the necessity of cleaning up any spilled sodium hypochlorite or sodium bisulfite, additional traffic delays may occur. Therefore, these impacts may be significant.

Finding: The increased delays caused by a transportation-related spill of sodium hypochlorite or sodium bisulfite may increase traffic hazards to motor vehicles, bicyclists, or pedestrians. Therefore, the Clean Water Program would develop a risk management plan (similar to that required for the Point Loma Wastewater Treatment Plant) to address the trucking of sodium hypochlorite and sodium bisulfite. Specifically, the plan must address the location of and procedures to contact response crews, procedures for alerting the public, clean up methods, and traffic routing. Such a plan would minimize the hazards to motor vehicles, bicyclists and pedestrians. With development of this alternative plan, potential impacts would be below a level of significance.

4. HUMAN HEALTH / PUBLIC SAFETY

Impact: The Disinfection alternative would require the trucking and storage of sodium hypochlorite and sodium bisulfite, both hazardous substances. These substances would be handled using standard industry safety practices. However, an accidental release of either substance can not be ruled out and would be considered a potential health hazard. Short-term exposure to the sodium hypochlorite or sodium bisulfite could result in skin and eye irritation and/or temporary irritation to the respiratory tract. These injuries could be treated at local hospitals and would not be life threatening.

Finding: Since the impacts to the Human Health and Safety due to the construction and operation of the Disinfection alternative are below a level of significance, no mitigation measures are required. However, as described in the Traffic Section, the City would develop a risk management plan for the trucking of sodium hypochlorite and sodium bisulfite to reduce risk to human health and public safety.

Finding: Normal operations of this alternative project would not produce significant biological impacts. Therefore, no mitigation measures are required during normal operations. However, even though the probability of a hazardous material spill occurring is very low, the probability cannot be reduced to zero. The Clean Water Program must be prepared to mitigate after the fact. The required mitigation would be the replacement of contaminated soil with uncontaminated soil of essentially the same composition and revegetation of all impacted areas with native plant species.

2. MARINE BIOLOGICAL RESOURCES

Impact: Normal operations of the Disinfection alternative would not deteriorate the existing marine habitat. The chlorinated/dechlorinated effluent that would be introduced into the ocean from the existing diffuser structure would not be toxic to fish or other marine species nor would it be toxic to other organisms further up the food chain. Therefore, no impacts are expected during normal operations.

However, a very limited potential for an accidental spill of sodium hypochlorite and/or sodium bisulfite to the ocean environment would exist, in which case marine organisms in the immediate spill area would be adversely impacted. Such impacts would be considered significant.

Finding: Normal operations of the Disinfection alternative would not produce significant environmental impacts, however, a spill could occur accidentally which may result in a significant impact to biological resources. This impact cannot be mitigated to below a level of significance.

3. TRAFFIC

Impact: The Disinfection alternative would generate up to 16 one-way truck trips per day for the sodium hypochlorite alternative and 2 one-way truck trips for the liquid chlorine alternative. A single truck trip has the passenger car equivalent (PCE) of 2.5 passenger car trips. Thus, 16 truck trips per day would add the equivalent of 40 passenger car trips to the existing daily traffic volumes for each street along the alternative transport routes. Considering both incoming and outgoing truck trips, the maximum project-related PCE would be 80 trips per day for chemical delivery.

The majority of streets along the alternative transport routes are currently carrying more than their recommended traffic volumes. An increase of 80 ADT would cause cumulatively significant traffic impacts to streets along the alternative transport routes because the project would contribute to traffic in excess of the specific/ community plan allocations.

5. RECREATION

Impact: Normal operations of the proposed project would not create any significant impacts to local recreational resources. However, a transportation-related spill of sodium hypochlorite or sodium bisulfite into the tide pools or other sensitive and highly used recreational area along the truck routes could create a significant impact if the chemicals killed the locally occurring plant and animal species. Such a die-off would detract from the visual quality and the biological resources found in these areas.

Finding: It has been recognized that it would not be possible to reduce the probability of a transportation-related spill to zero. However, such a spill is considered to be highly unlikely. Potential impacts caused by transportation-related spills to recreational resources along the transportation routes would be unmitigable.

6. GEOLOGY AND SOILS

Impact: A potentially significant impact to the facilities associated with the Disinfection alternative is collapse-style settlement of existing fill and sediments of the Bay Point Formation. These potential impacts are considered to be significant.

Finding: Due to the potential for collapse-style settlement of existing fill and sediments of the Bay Point Formation, it has been recommended that all loose soil near the ground surface be removed and recompacted prior to the construction of facility foundations. In addition, foundations that are designed to tolerate relatively large differential settlement must be used to support project facilities. Finally, a qualified geologist must be present to monitor the soil removal and recompaction. Implementation of these mitigation measures would reduce geology and soils impacts to below a level of significance.

7. PALEONTOLOGY

Impact: The site for the Disinfection alternative is underlain with the Point Loma Formation and the Bay Point Formation, both of which have paleontological resources potential. The proposed grading into the potential fossil-bearing layers of these formations could result in the loss of significant paleontological resources.

Finding: The Disinfection alternative proposes a paleontological monitoring program which would mitigate impacts to potential paleontological resources to below a level of significance.

COMBINATION OUTFALL EXTENSION/DISINFECTION ALTERNATIVE

This alternative would employ a shorter outfall extension and a scaled down disinfection facility at the Point Loma Wastewater Treatment plant. This project would not be environmentally superior as compared to the proposed outfall extension project.

Impact: Implementation of the Combination Outfall Extension/Disinfection alternative would produce the same significant and potentially significant impacts associated with both the Outfall Extension and Disinfection alternatives. Impacts may be somewhat reduced because the outfall extension could likely be reduced in length and the quantities of hazardous chemicals used for disinfection would be reduced. However, impacts would still be deemed significant because off-shore construction and the trucking of hazardous materials through Point Loma would still be required.

Finding: The same mitigation measures identified for the proposed outfall extension project and the alternative disinfection project would also be required for this alternative. Potentially significant impacts to terrestrial and marine biology, human health and public safety, truck traffic, and recreational resources associated with a spill of hazardous materials cannot be fully mitigated. Impacts associated with solid waste being blown, swept, or thrown overboard during construction of the outfall extension cannot be fully mitigated.

OUTFALL EXTENSIONS GREATER THAN 12,500 FEET

Two alternative lengths are considered in the EIR, 13,300 and 14,375 feet. These alternatives are not environmentally superior as compared to the proposed length of 12,500 feet.

Impact: The alternative 13,300 foot and 14,375 foot extensions would produce slightly increased impacts as compared to the 12,500 foot alternative because the impacts would occur over a longer construction period. The fact that the impacts would occur over a longer time period would not produce significant construction impacts beyond those previously identified for the proposed project. Beyond 13,300 feet, the ocean bottom increases in slope. This increased slope may not be stable and the sediments underlying the pipeline beyond the 13,300 foot extension may be displaced by as much as 50 feet in the event of an earthquake. Therefore, implementation of the alternative 14,375 foot Outfall Extension would produce additional significant environmental impacts related to geology and soils.

Finding: The mitigation measures identified for the proposed 12,500 foot outfall extension would also mitigate the impacts of the alternative 13,300 foot extension. The decreased stability of the ocean bottom beyond the 13,300 foot extension may require additional mitigation.

XIII. MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with the requirements of AB 3180 (1988) during implementation of the proposed project. AB 3180 requires monitoring of mitigation measures, attached as conditions to the project, to ensure that they are conducted. The program identifies the City department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. The following mitigation measures contained in the Environmental Impact Report shall be incorporated into the construction plans and specifications.

The proposed outfall extension project may produce significant environmental impacts. To adequately monitor the implementation of the mitigation measures identified in the EIR, an environmental monitor will be required for this project. The environmental monitor shall be on-site randomly (15-20 hours per week) during construction activities. This person shall monitor all mitigation measures identified for this project and provide quarterly monitoring reports to the Environmental Analysis Section of the City Planning Department (EAS) and the Regional Director of the National Marine Fisheries Service (NMFS), Southwest Region. Prior to approval of the construction contract, the CWP shall submit the name of the proposed environmental monitor for approval by EAS. Upon completion of the proposed construction, the environmental monitor shall prepare a Summary Monitoring Report of all monitoring activities described in this Mitigation Monitoring and Reporting Program. This summary report shall document the following marine biological information:

- the number of collisions between project related vessels and marine mammals;
- the date, time, and location of each collision;
- the type of mammal involved in the collision;
- the name of the Coast Guard or other agency representative who was informed of the collision by radio;
- the result of the collision, if known (i.e., was there a rescue attempt, did the mammal die, was it treated at Sea World or some other similar facility and released);
- a summary of any citations issued to project-related vessels by the Coast Guard for violations of Annex V of the MARPOL;

- a summary of any willful violations of the prohibition from trash, sewage, oil, or fuel disposal at sea from project-related vessels (including the date, time, approximate location, substance disposed of, and vessel name); and
- a summary of the availability and use of absorbant material on board each vessel (including vessel name, date, time, absorbant material availability, spills on deck, and use of absorbant material to clean up spills).

The environmental monitor shall be paid no more than 90 percent of the approved budget until this report is completed to the satisfaction of the Planning Department. Upon acceptance of the Summary Monitoring Report, the environmental monitor's duties shall be considered completed.

MARINE BIOLOGICAL RESOURCES

Mitigation monitoring and reporting requirements for protection of the gray whale and other marine mammals would be identical. The potentially significant impact associated with the use of cables having a diameter of less than one inch shall be mitigated to below a level of significance by requiring the construction contractor to use cables and chains of at least one and one-half inches in diameter. This requirement shall be incorporated into final design specifications and the construction contract. A copy of the design specifications and construction contract shall be provided to EAS for their review and approval prior to approval by City Council.

Collisions between gray whales or other marine mammals and project-related vessels may occur and may be significant. Therefore, all project-related vessels shall post a designated whale/marine mammal watch with a full view of any obstacles in the direction of travel. This person's only task during vessel transit shall be watching for marine mammals. This watch shall be in direct contact with the pilot of the vessel (by radio if necessary) and shall assist the pilot in avoiding impacts with whales or other marine mammals that may be encountered. If a collision does occur, the pilot shall immediately radio the Coast Guard. The pilot shall give the name and location of his vessel, the type of mammal injured and an estimate of the extent of injuries. The watch person shall document any collisions with marine mammals including the type of mammal, action taken to assist the mammal, the vessels location when the collision occurred, time of day, Coast Guard or other agency representative contacted, and an estimate of the extent of injuries. These reports shall be given to the environmental monitor.

The City of San Diego has conducted an informal consultation with NMFS. The letter of determination from NMFS indicates the Service's concurrence with the mitigation measures identified in this EIR. This letter is included at the end of the comment letters received on the Draft EIR.

WATER QUALITY

The potentially significant impacts associated with solid waste entering the marine environment shall be mitigated to below a level of significance by implementing the following mitigation measures:

The construction contractor shall arrange for an informal class with the Coast Guard addressing the requirements of Annex V of the MARPOL Treaty. All workers and vessel pilots/crews shall provide evidence to EAS that this meeting has occurred prior to the start of construction. This evidence shall, at a minimum, consist of a sign-in sheet, signed by all attendees, including the Coast Guard Officer. All new employees shall be required to attend a similar meeting prior to the start of work. A similar sign-up sheet or other form of evidence shall be given to the City construction inspector on the new employees first day. The inspector shall then send a copy of the evidence to EAS along with his quarterly monitoring report.

The potentially significant impact of an oil spill is considered to be mitigated to below a level of significance by the U.S. Coast Guard, Marine Safety Office (MSO) Oil Spill Contingency Plan, 31 January 1990. The U.S. Coast Guard is the responsible agency for coordinating any clean-up operations and ensuring that all vessels carry the proper clean-up equipment. However, since cleanup equipment is not required on project barges, the following stipulation shall apply: all project barges shall carry materials to absorb oil and fuel in case of a spill. Sufficient absorbant material shall be carried to absorb all fuel and oils carried on board. These materials shall be used to clean up any accidental release of oil or fuel. The environmental monitor shall periodically inspect all barges containing oil or fuel to ensure that absorbant material is aboard and shall submit his/her findings in a quarterly monitoring report to EAS. Any spills of 10 gallons or greater shall also be reported to the Coast Guard immediately, and to the City Clean Water Program Director.

GEOLOGY AND SOILS

Features incorporated into the design of the proposed project, geotechnical filter fabric and bedding rock used to stabilize the bottom sediments, reduce the potentially significant geologic and seismic hazards associated with the proposed extension to below a level of significance. Prior to finalization of construction documents, the Principal Planner of EAS shall review and approve the final design to assure compliance with these measures. In order to ensure early detection of any leaks caused by seismically-induced liquefaction, the City shall have the pipeline inspected after significant seismic events (i.e., ground acceleration greater than 0.15 g in the project area). An preliminary assessment shall be submitted to EAS by the Clean Water Program within four weeks of the seismic event. If determined necessary in the preliminary assessment report, a

full inspection will be conducted by the Clean Water Program, with a subsequent report of inspection findings issued, within 12 weeks of the seismic event. This requirement shall continue for as long as the outfall extension pipe is used to convey water that does not meet the Title 22 requirements for reclaimed water. If the Title 22 requirements are revised or replaced, the new requirements shall serve as the standard for continued reporting.

EXHIBIT E

CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING AND REPORTING PLAN
FOR THE
PROPOSED EXTENSION OF THE POINT LOMA WASTEWATER OUTFALL PIPELINE

INTRODUCTION

This document contains the Mitigation Monitoring and Reporting Plan (the Plan) for City of San Diego Water Utilities Department's (lessee) construction of an extension of an existing waste water outfall pipeline located near Point Loma, San Diego County.

Recently adopted California legislation (AB 3180, CORTESE) requires public agencies to adopt monitoring programs to ensure that mitigation measures contained in the environmental document adopted for a project are effectively implemented. This document is designed to ensure that mitigation measures required by the State Lands Commission (Lessor) are properly implemented.

This plan consists of a narrative text and attachments and will serve as a part of the California State Lands Commission's Mitigation Monitoring and Reporting Plan for this project. The phrase "prior to start of construction", as used in this plan shall be defined to mean the start of pipeline and structures construction after the end of the wye crib preloading period.

IMPLEMENTATION

Responsibilities

Lessee, its representatives, or successors-in-interest remain responsible for full implementation of all mitigation measures adopted in the Environmental Impact Report, State Clearinghouse Number 89053120.

The California State Lands Commission (SLC), as the State's trustee for the use of the sovereign tide and submerged lands, and as a Responsible Agency under the California Environmental Quality Act (CEQA), is responsible for assuring full compliance with the provisions of this Plan. The SLC may contract with outside consultants or contractors for monitoring activities. The SLC will also ensure that monitoring reports are received complete, in a timely manner, and that violations are promptly corrected.

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The implementation requirements designed to achieve the environmental objectives of this construction project are as follows:

1. LESSEE shall allow LESSOR'S staff and/or LESSOR'S consultant open and non-discriminatory access to the ocean outfall extension project for the purposes of the Mitigation Monitoring and Reporting Plan (the Plan) including inspection of the construction and related operations.
2. LESSEE shall make necessary arrangements to provide for transportation from shore to worksite for LESSOR'S staff project monitoring visits. LESSOR agrees to provide LESSEE with 24-hour notice in advance of such offshore site visits such notice shall include the time of arrival, number of people, estimated time of departure and intended activities of LESSOR.
3. LESSEE shall provide LESSOR with copies of certified reports of all tests conducted by LESSEE or his appointed agent which verify the structural integrity and safety of all elements of the construction. All construction contract documents submitted to LESSEE by its contractor shall be submitted to the Commission staff for approval at least 60 days prior to the start of construction.

Such reports shall be provided to LESSOR promptly as they become available to LESSEE during the course of the project and they shall include but not be limited to:

- a. pipe manufacturer's mill tests to certify that the pipe supplied meets the project's structural and dimensional specifications.
- b. tests qualifying the material, quality and application process of any coatings applied to the pipe.
- c. test results qualifying all pipe welding procedures employed.
- d. test results qualifying project pipeline welders.
- e. non-destructive examination results of all welds, weld repairs and cut-out rewelds made on the pipeline including appurtenances (flanges, fittings, connectors, etc.).

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LESSOR'S staff shall be provided timely and unrestricted access to review all pipeline weld radiographic examinations.

- f. any other reports or information related to the project when requested by LESSOR.
4. LESSEE shall provide LESSOR with operational details of construction vessels to be employed including anchoring plans and the shore to work site schedule for the crew service vessel, a minimum of 60 days prior to the start of construction.
5. LESSEE shall submit a complete set of construction contract documents, including construction drawings and specifications, together with the contractor's project execution plan, quality assurance and control plan and a critical operations and curtailment plan, to the Commission staff for approval a minimum of 60 days prior to the start of construction.
6. With the exception of the circumstances defined in subparagraph a), in the event that LESSOR'S staff determines that the work being performed is not in conformance with this mitigation monitoring and reporting plan, with the project plans and specifications, with LESSOR'S rules and regulations or with any of the conditions set forth in this lease amendment, LESSOR'S staff shall provide LESSEE with a written notice describing the non-conformance activities. LESSEE shall have 5 days to bring the identified activity into conformance with the above-mentioned standards. If the non-conformance activity is not corrected within the 5-day period LESSOR'S staff may immediately order LESSEE to redirect or suspend the specific activity until LESSOR is assured that the non-conformance issue is resolved. Such order will be confirmed in writing to the LESSEE. If such redirection or suspension can be shown by LESSEE to be potentially threatening to life, health or safety, the required corrective action may be temporarily deferred but shall be implemented as soon as the potential threat is past.
 - a. In any situation where postponement of remedial action may adversely affect the pipeline design integrity, as defined by generally accepted industry codes and standards governing the integrity and safety of the construction, or in situations involving activities which are threatening to life, health, or safety of workers, LESSOR'S staff, in consultation with the LESSEE,

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may order LESSEE orally to immediately suspend or redirect a specific activity until remedial action is accomplished. Such order will be confirmed in writing to the LESSEE.

7. LESSEE shall submit for LESSOR'S review and approval all significant field changes affecting the design and/or construction of the project before such changes are implemented. LESSEE will determine which change orders are deemed significant and require LESSOR review. As a matter of routine, all change orders will be sent to LESSOR for information purposes. Except in an emergency, LESSOR'S staff shall be afforded reasonable time to review such changes.
8. LESSEE shall make external inspections of the outfall extension on STATE tide and submerged lands immediately following the completion of the project and before it is placed in service. External inspections shall be conducted after the first and second years of operation and annually thereafter unless the schedule is modified by mutual agreement by the respective parties, for the purpose of determining evidence of unburial, free-spanning, corrosion, structural damage or any other condition that may be hazardous to the pipeline or cause leakage of effluent. This inspection shall be documented by dated video records obtained by ROV or divers, or by high resolution side-scan sonar, or other appropriate means as approved by LESSOR'S staff.

LESSEE shall make additional inspections if so directed by LESSOR whenever LESSOR determines that such inspections are warranted by any unsafe or emergency conditions.

Copies of the results of all internal and external inspections including reports, analyses and recommendations prepared by or for LESSEE shall be submitted promptly to LESSOR. The reports shall include discussions of the type and extent of any newly created benthic habitat that has resulted from the construction of the outfall extension.

9. LESSEE shall check the corrosion control cathodic protection system of the pipeline after the first year of operation and once every five years thereafter to determine that the system meets its designed protection criteria. LESSOR shall be promptly notified of any deficiencies indicated by the testing and any needed

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remedial action shall be taken as expeditiously as possible.

10. LESSEE shall provide LESSOR an "as-built" report within one hundred and twenty (120) days after completion of construction. This report shall include the results of a survey of the route of the pipeline and pertinent maps and text indicating any debris, potential hazards or changes to the seafloor that may have occurred during installation. Hazardous debris shall be removed and other concerns shall be mitigated as specified by LESSOR'S staff. Such "as-built" report shall consist of map(s) with grid references (Lambert and Latitude-Longitude coordinates) for all turning points in the line, beginning and end points, and other pertinent data as may be required by LESSOR'S staff. LESSEE shall submit a certified declaration by a licensed engineer or licensed surveyor indicating that the improvements are accurately located and depicted on the map(s).
11. LESSEE shall assume full responsibility for keeping informed of and being in compliance with all federal, State, and local laws, ordinances and regulations which in any way govern the execution of the project. LESSEE shall ensure that LESSEE'S employees and LESSEE'S agents and their employees shall observe and comply with all such regulations.

LESSEE shall protect, indemnify and in all respects hold harmless LESSOR and all LESSOR'S staff and/or consultants against any claim or liability from any source or cause whatsoever arising from the execution of the project.

Reporting

Compliance with mitigation measures shall be verified by SLC's project monitor(s) using the enclosed reporting form.

COMPLIANCE

The SLC, or its designated site monitor(s), may be present at the project site throughout the construction phase of the project to ensure compliance. Upon completion of construction activities and receipt by SLC of all inspection and as-built plans required by this mitigation program the SLC will notify LESSEE, in writing, of its determination that the required project construction mitigation have been complied with.

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VIOLATIONS

If the mitigation monitoring reports identify violations of the mitigation program, the SLC shall:

- notify LESSEE or its designated representative(s) by telephone and order immediate compliance;
- prepare a written notification to LESSEE or its designated representative(s) of the violation ordering compliance; and
- identify the need for a follow-up field inspection.

If LESSEE fails to comply with the required mitigation plan, the SLC monitor(s) may issue a written warning which identifies the non-conformance activity and requires the LESSEE to bring the non-conformance activity into compliance with the appropriate standards as described in Paragraph 6 above. If conformance is not achieved within 5 days the SLC monitor(s) may order either orally, to be confirmed in writing, or in writing, work on the non-conformance activity to be stopped until compliance is achieved and notification is given by the SLC that work may commence.

If a dispute arises concerning the implementation or success of a mitigation, the dispute may be referred to the Chief of Enforcement and Compliance for a decision and for possible legal action. In such a case, work on the project will be stopped until the dispute is resolved.

COST REIMBURSEMENTS

All costs for the administration and implementation of the Plan shall be paid by LESSEE. Prior to commencement of construction, LESSEE shall execute a Reimbursement Agreement with the SLC to provide for the recovery of the total cost to implement the Plan. LESSEE shall deposit with the SLC an applicable expense deposit, including, but not limited to the amount required under the Reimbursement Agreement. The Plan fees are calculated based on actual or estimated costs plus proportional overhead. If the deposit amount is less than actual cost, LESSEE shall be required to submit additional costs within an allowable time period.

ENFORCEMENT AND PENALTIES

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A determination of non-implementation or non-compliance will result in immediate notification by the SLC to LESSEE as described above. If possible, the SLC or its designated monitor(s) will order and achieve immediate compliance. If the project is not brought into immediate compliance, a stop-work-order may be prepared. The period of time the stop-work-order will be enforced will be the time required to assure compliance has been achieved. Work on the project may not be resumed until compliance is achieved. Violations of an approved mitigation measure which are not discovered until after construction has been completed will result in one or more of the following actions:

- written notification and demand by the SLC for correction,
- issuance of an infraction citation,
- forfeiture of any bond trust account, or other financial assurance, and/or
- action to recover funds assured under a letter of credit.