

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> September 26, 2007 <b>Time:</b> 10:00 A.M	<b>Agenda Item No.:</b> 3
<b>Project Description:</b> Amendment to the existing 1992 Use Permit (PC-7748) to increase the operational capacity of the regional treatment plant to full physical plant capacity. The existing use permit allows an operational capacity of 27 million gallons per day (mgd). Full capacity is 29.6 mgd. No physical changes are proposed at the treatment plant with the project.	
<b>Project Location:</b> 14811 Del Monte Blvd., Marina	<b>APN:</b> 175-011-041-000
<b>Planning File Number:</b> PLN060331	<b>Name:</b> Monterey Regional Water Pollution Control Agency, Property Owner/Agent
<b>Plan Area:</b> Greater Monterey Peninsula Area Plan	<b>Flagged and staked:</b> No
<b>Zoning Designation:</b> "PQP-D-S" [Public/Quasi-Public with Design Control and Site Plan Review Overlays]	
<b>CEQA Action:</b> SEIR	
<b>Department:</b> RMA - Planning Department	

### RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Consider the Supplemental Environmental Impact Report; and
2. Approve the Use Permit amending the existing 1992 Use Permit (PC-7748) based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions (**Exhibit D**).

### PROJECT OVERVIEW:

The proposed project is an amendment to the existing 1992 use permit to increase the operational capacity of the regional wastewater treatment plant (RTP) from 27 million gallons per day (mgd) to 29.6 mgd, its full current physical plant capacity. No physical improvements to the plant are needed or proposed.

MRWPCA has applied to the County for an amendment to its use permit in order to expand its operational capacity to 29.6 million gallons per day. The Supplemental Environmental Impact Report (SEIR) was certified on February 27, 2006 by the Monterey Regional Water Pollution Control Agency (MRWPCA) Board of Directors acting as the Lead Agency under CEQA. The County of Monterey is a Responsible Agency as defined by Section 15096 of the CEQA Guidelines.

The MRWPCA has already obtained permits and approvals from the California Regional Water Quality Control Board (NPDES permit), the Monterey Bay Unified Air Pollution Control District (Permit to Operate) and the California Coastal Commission (coastal permit for pipeline discharge into the bay) to operate at full plant capacity of 29.6 mgd. No further permits from these agencies are required, and there are no areas of known controversy known to the Lead Agency.

## **OTHER AGENCIES INVOLVEMENT:**

- ✓ CDF Coastal Fire Protection District
- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency

The above checked agencies and departments have reviewed this project. Conditions recommended by the Environmental Health Division have been incorporated into the condition compliance reporting plan. The Greater Monterey County LUAC recommended approval of the project with a vote of 4-0, without conditions.

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July 26, 2007

cc: Planning Commission Members (10); Wendy Strimling County Counsel; CDF Coastal Fire Protection District; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Laura Lawrence, Acting Planning & Building Services Manager; Ricardo Soto-Lopez, Senior Planner; Carol Allen; Senior Secretary, Garrett Haertel, MRWPCA Compliance Officer Applicant; File PLN060331

Attachments: Exhibit A Project Data Sheet  
Exhibit B Project Overview  
Exhibit C Recommended Findings and Evidence  
Exhibit D Recommended Conditions of Approval  
Exhibit E Site Plan  
Exhibit F Greater Monterey Peninsula LUAC Minutes  
Exhibit G Resolution No. 92-139  
Exhibit H Draft Supplemental Environmental Impact Report  
Exhibit I MCWPCA Resolution 2006-4  
Exhibit J Final Supplemental Environmental Impact Report  
Exhibit K MRWPCA Letter Dated September 11, 2007

This report was reviewed by Laura Lawrence, Acting Planning and Building Services Manager.

<b>Exhibit A</b> <b>Project Information for (PLN060331)</b>
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<b>Project Title:</b> Monterey Regional Water Pollution Control Agency <b>Location:</b> 14811 DEL MONTE BLVD MARINA	<b>Primary APN:</b> 175-011-041-000 <b>Coastal Zone:</b> NO
<b>Applicable Plan:</b> Greater Monterey Peninsula Area Plan <b>Permit Type:</b> Use Permit	<b>Zoning:</b> PQP-D-S <b>Plan Designation:</b> 7
<b>Environmental Status:</b> EIR Prepared #2004101106 <b>Advisory Committee:</b> Greater Monterey Peninsula	<b>Final Action Deadline:</b> 11/30/2008

**Project Site Data:**

<b>Lot Size:</b> Approx. 108 Acres  <b>Existing Structures (sf):</b> Existing <b>Proposed Structures (sf):</b> N/A  <b>Total Square Feet:</b> 457,000SF	<b>Coverage Allowed:</b> 25% <b>Coverage Proposed:</b> N/A <b>Height Allowed:</b> 30' <b>Height Proposed:</b> N/A  <b>FAR Allowed:</b> N/A <b>FAR Proposed:</b> N/A
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**Resource Zones and Reports**

<b>Environmentally Sensitive Habitat:</b> Moderate <b>Botanical Report #:</b> N/A <b>Forest Mgt. Report #:</b> N/A  <b>Archaeological Sensitivity Zone:</b> Moderate <b>Archaeological Report #:</b> N/A  <b>Fire Hazard Zone:</b> URB/AG	<b>Erosion Hazard Zone:</b> Moderate <b>Soils/Geo. Report #:</b> N/A <b>Geologic Hazard Zone:</b> VI <b>Geologic Report #:</b> N/A  <b>Traffic Report #:</b> N/A
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**Other Information:**

<b>Water Source:</b> MRWPCA WATER SYSTEM  <b>Water District/Company:</b> MRWPCA WATER SYSTEM  <b>Fire District:</b> CDF-COASTAL  <b>Tree Removal (Count/Type):</b> N/A	<b>Sewage Disposal (method):</b> MRWPCA  <b>Sewer District Name:</b> MRWPCA  <b>Grading (cubic yds):</b> N/A
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## **EXHIBIT B**

### **PROJECT OVERVIEW**

#### **Project Overview and Setting**

The Monterey Regional Water Pollution Control Agency's (MRWPCA) service area is located in Monterey County adjacent to Monterey Bay and includes the cities of Del Rey Oaks, Monterey, Pacific Grove, Salinas, Sand City, Seaside, and Marina, the unincorporated communities of Boronda, Castroville, Moss Landing, and other unincorporated areas of north Monterey County. In July of 1990, MRWPCA applied for a use permit (PC-7748) to increase the operational capacity of the Regional Treatment Plant (RTP) to 27 million gallons per day (mgd). In conjunction with this, Monterey County prepared an initial study and a negative declaration for the proposed use permit to increase the operational capacity to 27 million gallons per day by consolidating the Marina Coast Water District 2 million gallons a day permitted capacity with MRWPCA's 25 million gallons per day permitted capacity. The County granted the use permit for 27 mgd of operational capacity on April 7, 1992. The proposed project is an amendment to the existing 1992 use permit to increase the operational capacity of the regional wastewater treatment plant from 27 million gallons per day to 29.6 million gallons per day its full current physical plant capacity. No physical improvements to the plant are needed or proposed.

#### **Project History**

A synopsis of the jurisdictional, physical plant, and permitted capacity history is presented below:

- In 1980, the County of Monterey issued a use permit for the originally planned 20.9 mgd RTP.
- In 1984 MRWPCA began planning for an expansion of the capacity of the RTP to 29.6 mgd, through an expansion project referred to as the Stage 5A Project.
- In May of 1987 a Final Supplemental Environment Impact Report Stage 5A Expansion Monterey Regional Wastewater Treatment Plant was completed by MRWPCA to evaluate the environmental impacts associated with the proposed capacity increase.
- In July of 1990, MRWPCA applied for a use permit (PC-7748) to increase the operational capacity of the RTP to 27 mgd. As a condition of the permit, the County required MRWPCA to prepare and submit a mitigation monitoring report, which MRWPCA submitted on April 9, 1992. The County accepted the report, which was focused on regional growth impacts in the areas of traffic, water resources (seawater intrusion), public services and utilities, energy, resource supplies, and vegetation and wildlife.
- In 1992, MRWPCA and the Monterey County Water Resources Agency formed a partnership to build a water recycling facility at the RTP, and a distribution system including 45 miles of pipeline and 22 supplemental wells. The recycling facility is known as the Salinas Valley Reclamation Plant (SVRP). The objective was to retard the advance of seawater intrusion by supplying irrigation water to nearly 12,000 acres of farmland in the northern Salinas valley. This has significantly reduced the pumping of water from the underground aquifers.
- On June 29, 1994 the Monterey Regional Water Pollution Control Agency applied to the Monterey County Planning and Building Inspection Department for a Major Use Permit

(PC94104) to expand the existing facility to include a tertiary wastewater treatment facility and pipelines to the Salinas River to connect with pipelines in the Castroville area.

- In 1997, after three years of construction, the \$75 million recycling project was complete. The SVRP is capable of producing an average of 29.6 million gallons of recycled water. The treated water reduces the need for farmers to use groundwater, thus helping the County of Monterey diminish the negative effects of seawater intrusion.

## **Existing Operations at the Regional Treatment Plant**

### Regional Treatment Plant (RTP)

The RTP is located at the Monterey Regional Environmental Park in unincorporated Monterey County, approximately two miles north of the City of Marina. The MRWPCA currently serves a population of approximately 264,306 (2005 AMBAG forecast). Approximately 21 mgd of raw wastewater is collected and treated at the RTP. During much of the year, effluent from the RTP receives tertiary treatment (see Salinas Valley Reclamation Plant discussion below). During the rainy season, when the growers don't need the treated water, it is safely discharged through a two-mile outfall to central Monterey Bay, under permits from the Regional Water Quality Control Board (RWQCB) and the California Coastal Commission (CCC).

### Salinas Valley Reclamation Plant (SVRP)

In 1992, MRWPCA and the Monterey County Water Resources Agency formed a partnership to build a water recycling facility at the RTP, and a distribution system including 45 miles of pipeline and 22 supplemental wells. The recycling facility is known as the Salinas Valley Reclamation Plant (SVRP). The plant was built in 1997 to retard the advance of seawater intrusion by supplying irrigation water to nearly 12,000 acres of farmland in the northern Salinas Valley. Through the reclamation process the SVRP has significantly reduced the pumping of water from underground aquifers. The recycled water facility is capable of producing an average of 29.6 million gallons of recycled water per day. In 2004, the plant delivered 13,409 acre-feet (AF) of recycled water to farmers in the delivery area (MRWPCA Recycled Water Graph 2004). This recycled water has helped reduce the over-drafting of the Salinas Valley groundwater basin by about 60 percent. The reclaimed water meets all state and federal standards for irrigating golf courses, parks, schools, and agricultural crops, including non-processed food crops that may be eaten raw.

Other uses under investigation for reclaimed water include the proposed regional urban recycled water project and the proposed groundwater replenishment project. The proposed regional urban recycled water project would include irrigation of existing and planned golf courses, parks, cemeteries, school playing fields, and residential landscaping. The proposed groundwater replenishment project would consist of putting purified reclaimed water into the Seaside groundwater basin for recharge purposes. This would increase the amount of water available from this basin for pumping by existing or new domestic wells. Conveyance and distribution systems for these two proposed projects do not currently exist.

### Electricity Generation

The RTP facility includes a power generation facility to generate electric power from burnable gas created as a by-product of sewage treatment. The electricity generated runs much of the plant, and any excess power is sold to Pacific Gas and Electric Company.

## **Allocation Plan**

MRWPCA's Board of Directors adopted Ordinance No. 2004-04 on September 27, 2004, which is a plan for the allocation of available wastewater treatment capacity among the Agency's member jurisdictions for the period October 1, 2004 through September 30, 2008. The allocation plan uses the AMBAG 2004 Population, Housing Unit and Employment Forecasts for Monterey County, as required by MRWPCA's Permit to Operate from the Monterey Bay Unified Air Pollution Control District. The Permit to Operate requires MRWPCA to limit residential service to those population forecasts.

The purpose and intent of the allocation plan is to ensure member jurisdictions have sufficient wastewater treatment capacity available for the period covered by the plan, to maintain consistency with the air quality management plan, to fairly distribute any shortfall in capacity among all member entities, and to preserve the maximum discretion for land use decisions and related issues within the respective jurisdictions of each member entity. Commercial and industrial hookups are not allocated except that any single project greater than 100,000 gallons per day requires review by the Special Projects Committee of the Board of Directors to determine if plant permit capacity is available.

The allocation plan identifies 7,096 new dwelling units, with 6,032 of those units (85 percent) to be allocated on a first-come, first-served basis. The remaining 15 percent (1,064 dwelling units) remains in reserve for entity-by-entity allocation, if needed. As previously noted, MRWPCA currently permits approximately 85,303 dwelling units, which equates to a population of approximately 264,306, with a current dry weather flow of approximately 21 million gallons per day. It should be noted that while the allocation plan provides for 7,096 new dwelling units, the proposed project 2.6 mgd increase in operational capacity could accommodate approximately 10,500 new dwelling units (MRWPCA Permit Update SEIR Page 2-13).

This use permit will help the MRWPCA meet their allocation goals by increasing the operational capacity from 27.0 mgd to 29.6 mgd. This increase of operational capacity enables the MRWPCA to treat an increased amount of water that can be utilized for the irrigation of farmland. The increased recycled water, when not irrigating crops will be pumped to the Pacific Ocean through an existing permit issued by the RWQCB. The increased capacity of the MRWPCA might accommodate development by providing an impetus for developers to request additional sewer hookups in the MRWPCA service area.

## **Supplemental Environmental Impact Report (SEIR)**

The Monterey Regional Water Pollution Control Agency (MRWPCA), acting as the lead agency, determined that the proposed Regional Treatment Plant Operational Capacity Increase Permit (hereinafter "proposed project") might result in significant adverse environmental effects, as defined by the California Environmental Quality Act (CEQA) Guidelines Section 15064. Therefore, the MRWPCA had a Draft Supplemental Environmental Impact Report (Draft SEIR) prepared to evaluate the potentially significant adverse environmental impacts of the project. The Draft SEIR was prepared to supplement the analysis and findings in the *Final Environmental Impact Statement and Report for North Monterey County (1977)*, *Stage 5A expansion Supplemental Environmental Impact Report (1986)*, and the *Final Addendum Environmental Impact Report (1989)* in accordance with Section 15163 of the CEQA Guidelines. The Draft SEIR was circulated for a 45 day public review between October 19, 2005 and December 2, 2005, and public comments were received. The MRWPCA certified the SEIR on February 26, 2006. As a responsible agency under CEQA, the county must consider the environmental effects of the project as shown in the SEIR and make findings regarding each significant effect of the

parts of the project which the County approves. An overview of the potential significant effects identified by the project and the county's response to each follows.

*Significant Impacts, Mitigation Measures Identified by the SEIR and County's Response*

**TRAFFIC IMPACTS**

The proposed project would not result in the addition of any new trips on the roadway system within the MRWPCA service area. However, the growth accommodated by the increase in operational capacity at the RTP (which also represents cumulative regional development) would result in a significant number of new vehicle trips on the roadway system. The proposed project, 2.6 mgd increase in operational capacity, could accommodate approximately 10,500 new dwelling units. Using an estimated eight trips per day per dwelling unit (an average for single family and multi-family dwellings), approximately 84,000 new daily vehicle trips would be generated. This increase in traffic is accounted for the 2005 Monterey County Regional Transportation Plan and EIR, as well as in each member jurisdiction's general plan and general plan EIR.

Mitigation Measure for Traffic Impact Identified in the SEIR

**Mitigation Measure #1**

Member agencies should continue to work with the Transportation Agency for Monterey County on implementing both minor and major improvement projects, within the member agency's jurisdiction, identified in the most recent Monterey County Regional Transportation Plan. If member agencies continue to approve projects that have an adverse affect on the regional transportation infrastructure, which currently operates at unacceptable levels of service and/or will operate at unacceptable levels of service, and the necessary improvements to operate at acceptable levels are not implemented, the impact would be considered significant and unavoidable.

**Responsible for Implementation:** Member Agencies and the Transportation Agency for Monterey County

**County Response to Mitigation Measure #1:** The County of Monterey, as a Member Agency of the Monterey Regional Water Pollution Control Agency, has policies and regulations to address transportation issues within the County. Currently, the County is in the process of updating the General Plan to further address these issues. In addition, such changes or alterations are also within the responsibility and jurisdiction of other public agencies over which the County of Monterey does not have jurisdiction. Because of the potential uncertainty and the long range time frame for implementation of the measure, the measure may not reduce the impact to a level of insignificance in the short-term. Therefore, the County finds that this impact is significant and unavoidable (CEQA Guideline Section 15091(a) (3)).

**WATER RESOURCES IMPACTS**

The proposed project would not result in any adverse effects on the groundwater basin or the ocean that were not already addressed in the 1987 Supplemental EIR and in the existing Regional Water Quality Control Board and Coastal Commission permits for the project. However, in an effort to update the previous data provided, the growth accommodated by the increase in operational capacity at the RTP (which also represents cumulative regional development) would result in a significant demand on the already constrained water supply for the service area. The proposed project, 2.6 mgd increase in operational capacity, could accommodate approximately 10,500 new dwelling units. The MPWMD has a water use factor of

0.286 acre-feet per year for single-family dwellings and .134 acre-feet per year for multiple family dwellings (City of Monterey 2005). Using an average of the two (0.21 acre-feet per year), the 10,500 new dwelling units would require approximately 2,200 acre-feet per year. This increase in water demand is accounted for the member jurisdictions' urban water management plans, general plans, and general plan EIRs.

### Mitigation Measures for Water Resources Impacts Identified in the SEIR

#### **Mitigation Measure # 2**

In compliance with the California Water Code, every urban water supplier that provides water to 3,000 or more customers, or that provides over 3,000 acre-feet of water annually, is required to prepare an Urban Water Management Plan. As applicable, water suppliers shall prepare, and update as required by the California Water Code, an Urban Water Management Plan that describes and evaluates sources of supply, reasonable and practical and efficient uses, reclamation and demand management activities. The components of the plan may vary according to an individual community or area's characteristics and its capabilities to efficient use and conserve water.

**Responsible for Implementation:** Water suppliers providing water to 3,000 or more customers.

**County Response to Mitigation Measure #2:** The County of Monterey has no control over the implementation of this mitigation measure by Water Suppliers providing water to 3,000 or more customers. Such changes can and should be adopted by these Water Suppliers as required under state law (CEQA Guideline Section 15091(a) (2)).

#### **Mitigation Measure #3**

As applicable, member agencies shall require, through the CEQA process, preparation of a SB 610 water supply assessment. The primary purpose for the assessment is to determine if the projected water supply for the next 20 years — based on normal, single dry, and multiple dry years — will meet the demand projected for the project plus existing and planned future use, including agricultural and manufacturing uses. Reference: *Guidebook for Implementation of Senate Bill 610 and Senate Bill 221 to Assist Water Suppliers, Cities, and Counties in Integrating Water and Land Use Planning*, prepared by the California Department of Water Resources.

**Responsible for Implementation:** Member Agencies acting as Lead Agency on projects subject to CEQA.

**County Response to Mitigation Measure #3:** The County of Monterey, as a Member Agency of the Monterey Regional Water Pollution Control Agency, requires the preparation of SB 610 water assessments in accordance with state law. In addition, such changes or alterations are also within the responsibility and jurisdiction of other public agencies over which the County of Monterey does not have jurisdiction. Such changes can and should be adopted by the other Member Agencies and as required by state law under SB 610 (CEQA Guideline Section 15091(a) (2)).

#### **Mitigation Measure #4**

Member agencies and water suppliers shall continue to investigate methods for developing new water sources including, but not limited to, those currently in the planning stages:



Regional Urban Recycled Water Project (Phase I and Phase II); Salinas Valley Water Project; and Seaside Groundwater Replenishment Project.

**Responsible for Implementation:** Member Agencies, Monterey Regional Water Pollution Control Agency, Monterey Peninsula Water Management District, Marina Coast Water District, Monterey County Water Resources Agency, Cal-Am, and others, as applicable.

**County Response to Mitigation Measure #4:** The County of Monterey, as a Member Agency of the Monterey Regional Water Pollution Control Agency, has policies and regulations to address the enhancement of the water supply within the County. Currently, the County is in the process of updating the General Plan to further address these issues. In addition, such changes or alterations are also within the responsibility and jurisdiction of other public agencies over which the County of Monterey does not have jurisdiction. Although the impact may be mitigated by the proposed measure over the long term, because of the potential uncertainty and the long range time frame for implementation of the measure, the County finds that this impact is significant and unavoidable (CEQA Guideline Section 15091(a) (3)).

#### **Mitigation Measure #5**

Member agencies and water suppliers shall continue to investigate new sources of water supply including, but not limited to, the regional desalination plant.

**Responsible for Implementation:** Member Agencies, Monterey Regional Water Pollution Control Agency, Monterey Peninsula Water Management District, Marina Coast Water District, Monterey County Water Resources Agency, Cal- Am, and others, as applicable.

**County Response to Mitigation Measure #5:** The County of Monterey, as a Member Agency of the Monterey Regional Water Pollution Control Agency, has policies and regulations to address the enhancement of the water supply within the County. Currently, the County is in the process of updating the General Plan to further address these issues. In addition, such changes or alterations are also within the responsibility and jurisdiction of other public agencies over which the County of Monterey does not have jurisdiction. Although the impact may be mitigated by the proposed measure, over the long term because of the potential uncertainty and the long range time frame for implementation of the measure, the County finds that this impact is significant and unavoidable (CEQA Guideline Section 15091(a) (3)).

### **PUBLIC SERVICES IMPACTS**

Police and Fire Services. The proposed project would not result in any adverse effects on public safety services. However, the growth accommodated by the increase in operational capacity at the RTP (which also represents cumulative regional development) would require police and fire services within the applicable member jurisdiction. The proposed project, 2.6 mgd increase in operational capacity, could accommodate approximately 10,500 new dwelling units. Most, if not all, member jurisdictions charge a public safety impact fee associated with new development. The funds are planned for new facilities and other capital improvements. Public safety employee salaries are paid for out of each agency's general fund.

Schools. The proposed project would not result in any adverse effects on schools. However, the growth accommodated by the increase in operational capacity at the RTP (which also represents cumulative regional development) would increase the number of students within each school district. The proposed project, 2.6 mgd increase in operational capacity, could accommodate

approximately 10,500 new dwelling units. There is currently excess capacity of varying degrees in most, if not all, school districts within the service area. If excess capacity is filled by new students, additional school facilities would be required. School districts are allowed by state law to collect school impact fees from new development.

Developers within the service area would be subject to the impact fees collected by the applicable school district as allowed by state law. The Leroy F. Greene School Facilities Act of 1998 (SB 50) sets the CEQA standard for full and complete school facilities mitigation. No further mitigation would be required.

Solid Waste. The proposed project would not result in any adverse effects to solid waste services or facilities. However, the growth accommodated by the increase in operational capacity at the RTP (which also represents cumulative regional development) would require solid waste services at either the MRWMD facility or the SVSWA facilities. The proposed project, 2.6 mgd increase in operational capacity, could accommodate approximately 10,500 new dwelling units. This would result in a significant increase in solid waste generation. This increase is accounted for in each member jurisdiction's general plan and general plan EIR. The MRWMD facility has sufficient capacity for approximately 100 years. The SVSWA is currently in the process of identifying alternatives for expanding existing landfills or developing new landfills.

Although the impacts identified in the August 1986 *Stage 5A Expansion Monterey Regional Wastewater Treatment Plan Supplemental EIR* (pgs. 5-10 through 5-16) are still valid for the currently proposed project, some of the mitigation measures identified are still relevant, have been implemented, and some are obsolete. Based upon the passing of about 13 years, the changing of existing conditions, the following mitigation measure is recommended as a replacement for those public service mitigations adopted in 1987.

#### Mitigation Measures for Public Services Impacts Identified in the SEIR

##### **Mitigation Measure #6**

Member agencies shall continue to encourage infill development in preference to annexation or sprawl. (This is essentially the same mitigation as the 1987 mitigation.)

**Responsible for Implementation:** Member Agencies

**County Response to Mitigation Measure #6:** The County of Monterey, as a Member Agency of the Monterey Regional Water Pollution Control Agency, has policies and regulations to encourage infill development in preference to annexation or sprawl within the County. Currently, the County is in the process of updating the General Plan to further address these issues. The County also collects development impact fees to finance fire protection facilities and equipment necessitated by new development. New development also generates property taxes for public services. Impacts fee can also be assessed for capital facilities construction as part of a development program to help mitigate the impacts of new development. Most, if not all, member jurisdictions charge a public safety fee associated with new development. (MRWPCA Permit Update SEIR, Page 2-13). In addition, such changes or alterations are also within the responsibility and jurisdiction of other public agencies over which the County of Monterey does not have jurisdiction. Although the impact may be mitigated by the proposed measure, because of the potential uncertainty and the long range time frame for implementation of the measure, the County finds that this impact is significant and unavoidable (CEQA Guideline Section 15091(a) (3)).

##### **Mitigation Measure #7**

Member agencies should continue their efforts to educate residents, businesses, etc. to reduce, reuse, and recycle to the greatest extent feasible.

**Responsible for Implementation:** Member Agencies

**County Response to Mitigation Measure #7:** The County of Monterey, as a Member Agency of the Monterey Regional Water Pollution Control Agency, has policies and regulations to provide opportunities for recycling and reusing waste within the County. Currently, the County is in the process of updating the General Plan to further address these issues. In addition, such changes or alterations are also within the responsibility and jurisdiction of other public agencies over which the County of Monterey does not have jurisdiction. Such changes can and should be adopted by the other Member Agencies and as required by state law under AB 939 (CEQA Guideline Section 15091(a) (2)).

**Mitigation Measure #8**

The MRWMD and the SVSWA should continue their efforts to provide opportunities for recycling and reusing waste to the greatest extent feasible.

**Responsible for Implementation:** The Monterey Regional Waste Management District

**County Response to Mitigation Measure #8:** The County of Monterey has policies and regulations to provide opportunities for recycling and reusing waste within the County. Currently, the County is in the process of updating the General Plan to further address these issues. In addition, such changes or alterations are also within the responsibility and jurisdiction of other public agencies over which the County of Monterey does not have jurisdiction. Such changes can and should be adopted by the other Member Agencies and as required by state law under AB 939 (CEQA Guideline Section 15091(a) (2)).

**Mitigation Measure #9**

The SVSWA should continue their efforts to find a long-term solution to disposing of solid waste.

**Responsible for Implementation:** The Salinas Valley Solid Waste Authority.

**County Response to Mitigation Measure #9:** Such changes or alterations are within the responsibility and jurisdiction of other public agencies over which the County of Monterey does not have jurisdiction. Such changes can and should be adopted by the SVSWA (CEQA Guideline Section 15091(a) (2)).

**ENERGY AND RESOURCE SUPPLIES IMPACTS**

If growth in the proposed service area proceeds as projected, annual residential natural gas usage and electrical consumption will increase proportionally. Commercial and industrial energy use should increase at a similar rate, even though it is difficult to project the type and amount of commercial-industrial development that will occur in the study area. This increased energy consumption is not expected to exceed existing regional capacity. The larger populations will also require increased energy supplies for transportation. If residential development proceeds as projected in the county and local plans, the new residents may, on the average, live further from their jobs. All of these increases in energy demand will in turn require additional development of renewable and nonrenewable energy resources. Most of these resources are currently being obtained from outside the study area. The proposed project would result in an incremental increase in energy use associated with the increase in wastewater flow. In addition, the growth

accommodated by the increase in operational capacity at the RTP (which also represents cumulative regional development) would result in a significant increase in energy consumption. The proposed project, 2.6 mgd increase in operational capacity, could accommodate approximately 10,500 new dwelling units.

The energy-related mitigation measures identified in the August 1986 *Stage 5A Expansion Monterey Regional Wastewater Treatment Plan Supplemental EIR* (pgs. 5-10 through 5-16) are still valid for the currently proposed project. They are modified and reiterated below:

### Mitigation Measures for Energy and Resource Supplies Impacts Identified in the SEIR

#### **Mitigation Measure #10**

Each member agency should adopt and implement the following policies:

- a. Prepare and implement an energy savings plan;
- b. Incorporate energy efficiency into land use planning;
- c. Incorporate energy efficiency into the design and location of development projects;
- d. Incorporate energy efficiency into new buildings and encourage existing buildings to be retrofitted where feasible; and
- e. Incorporate LEED into building design, to the greatest extent feasible.

The LEED (Leadership in Energy and Environmental Design) Green Building Rating System® is a voluntary, consensus-based national standard for developing high-performance, sustainable buildings. Members of the U.S. Green Building Council representing all segments of the building industry developed LEED and continue to contribute to its evolution. Many federal and state government agencies are requiring new building to incorporate the LEED standards. Responsible for Implementation: Member Agencies

**Responsible for Implementation:** Member Agencies

**County Response to Mitigation Measure #10:** The County of Monterey, as a Member Agency of the Monterey Regional Water Pollution Control Agency, has policies and regulations to promote efficient energy use within the County. Currently, the County is in the process of updating the General Plan to further address these issues. In addition, such changes or alterations are also within the responsibility and jurisdiction of other public agencies over which the County of Monterey does not have jurisdiction. Such changes can and should be adopted by the other Member Agencies (CEQA Guideline Section 15091(a)(2)).

### **VEGETATION AND WILDLIFE IMPACTS**

The proposed project would not result in any adverse effects on vegetation and wildlife that were not already addressed in the 1987 Supplemental EIR and in the existing Regional Water Quality Control Board and Coastal Commission permits for the project. However, the growth accommodated by the increase in operational capacity at the RTP (which also represents cumulative regional development) could result in a significant impact on sensitive vegetation and wildlife resources in the service area. The proposed project, 2.6 mgd increase in operational capacity, could accommodate approximately 10,500 new dwelling units. General vegetation and wildlife impacts associated with growth are accounted for in each member jurisdiction's general plan and general plan EIR. Although the impacts identified in the August 1986 *Stage 5A Expansion Monterey Regional Wastewater Treatment Plan Supplemental EIR* (pgs. 5-10 through 5-16) are still valid for the currently proposed project, and is reiterated below.

**Mitigation Measure #11**

Member agencies should continue to monitor the effectiveness of their policies for protection of natural resources and make modifications as necessary.

**Responsible for Implementation:** Member Agencies

**County Response to Mitigation Measure #11:** The County of Monterey, as a Member Agency of the Monterey Regional Water Pollution Control Agency, has policies and regulations to address the protection of natural resources within the County. Currently, the County is in the process of updating the General Plan to further address these issues. In addition, such changes or alterations are also within the responsibility and jurisdiction of other public agencies over which the County of Monterey does not have jurisdiction. Although the impact may be mitigated by the proposed measure, because of the level of generality of the measure, the County finds that this impact is significant and unavoidable (CEQA Guideline Section 15091(a) (3)).

**Greater Monterey Peninsula Land Use Advisory Committee**

The Greater Monterey Peninsula LUAC recommended approval of the project with a vote of 4-0 on June 6, 2007. The Greater Monterey Peninsula Land Use Advisory Committee requested the following responses to their concerns:

**a) *Is the increase in capacity growth inducing?***

The increase in capacity would match the use permit capacity with the actual facility capacity that was constructed in 1990. Thus, the use permit discharge capacity would equal the Regional Water Quality Control Board (RWQCB), National Pollution Discharge Elimination System (NPDES) permit capacity of 29.6 MGD. Growth within the MRWPCA service area must be consistent with that allowed by the Monterey Peninsula Unified Air Pollution Control District (MPUAPCD) Air Plan. That Plan uses growth figures that have been approved by the Association of Monterey Bay Area Governments (AMBAG).

**b) *What is the actual current capacity: 22MGD or 27MGD, how much excess capacity currently?***

The current average daily flow is about 22 MGD. However, through conservation, the average daily flow for 2006 was 21.1 MGD. The current permitted capacity of the Use Permit is 27 MGD. The current design and discharge capacity is 29.6 MGD. This request is to make the Use Permit capacity equal the design and discharge capacity. There is currently excess capacity of about 5 MGD between the average daily influent flows and the Use Permit capacity. However, much of this capacity will be used for the redevelopment of the former Fort Ord and other projects approved, but not yet connected to the system.

**c) *Will at the additional capacity generate more outfalls to the Monterey Bay Sanctuary that may affect it in a negative way?***

The RWQCB and the California Coastal Commission have permitted discharge from the MRWPCA outfall to 29.6 MGD. The design report for the 29.6 MGD facility focused on compatibility for all of the flow going to the bay. However, the Castroville Seawater Intrusion Project (CSIP) water recycling project has reduced Bay discharges by about 60%

and the upcoming Urban Recycling Water Project (2009) and the planned replenishment projects will reduce discharges to the bay even further. Currently, about 98% of all plant flow between May and September is recycled, discharged. The only time full flow goes to the Bay is during the winter months (November through February). The Urban Water Recycling Project will utilize a large portion of the winter flow. The MRWPCA's long-term goal is to ultimately recycle as much water as possible.

## **Conclusion**

The proposed project requests an increase of operational capacity from 27.0 mgd to 29.6 mgd. This would enable the MRWPCA to treat an increased amount of water that can be utilized for the irrigation of farmland. The MRWPCA has obtained the necessary permits and approvals from the California Regional Water Quality Control Board, the Monterey Bay Unified Air Pollution Control District (Permit to Operate) to operate at 29.6 mgd, and the California Coastal Commission (coastal permit for pipeline discharge into the bay) to operate at full capacity. No further permits from these agencies are required. As per all of the reasons stated in the recommended findings and evidence, staff recommends approval of the project.

**EXHIBIT C**  
**RECOMMENDED FINDINGS AND EVIDENCE**

1. **FINDING:** **CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Greater Monterey Peninsula Area Plan, Greater Monterey Peninsula Area Plan Inventory and Analysis, and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for development.
- EVIDENCE:**
- a) Policy 21.1.10 of the Monterey County General Plan states: “The County shall implement a program to prevent further seawater intrusion by developing supplemental sources of water for North County. This may include water importation, water conservation, and wastewater reclamation.” This project will increase the capacity of the RTP to recycle water for crop irrigation, and future urban development through the Urban Recycling Water Program reducing the need to extract underground water resources and thus retarding further seawater intrusion as a result of that extraction.
  - b) The property is located at Assessor’s Parcel Number 175-011-041-000, Greater Monterey Peninsula Area Plan. The parcel is zoned “PQP-D-S” The project conforms to the "PQP-D-S" zoning district. Public/Quasi-Public districts provide for land uses which serve the public at large like schools, parks, recreational areas and public and quasi-public land uses and infrastructure. The purpose of the “D” or Design Control districts is to provide for a review of the location, site, and configuration, materials, and colors of structures in those areas of Monterey County to assure protection of the public view shed, neighborhood character, and to assure the visual integrity of certain developments. Site Plan Review or “S” districts provide regulations for the review of development in those areas of the County where development, by reason of its location has the potential to adversely affect or be adversely affected by natural resources or site constraints. Development on the subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 21, and is therefore consistent with Title 21.
  - c) The project planner conducted a site inspection on May 18, 2007 to verify that the project on the subject parcel conforms to the plans listed above.
  - d) The project was referred to Greater the Monterey Peninsula Land Use Advisory Committee (GMP LUAC) for review. The GMP LUAC recommended approval of the project with a vote of 4-0 on June 6, 2007.
  - e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN060331.
  - f) 1982 General Plan Policy 54.1.1 states that the County shall require the provision of sewage treatment plant facilities for residential development in areas of development concentration. This use permit will allow the MRWPCA to further meet their allocation goals by increasing the

- operational capacity of the plant from 27.0 mgd to 29.6 mgd.
- g) 1982 General Plan Policy 54.2.1 states that the County shall to the fullest extent possible actively promote to state and federal levels of government the continuation of the existing research on the Monterey Wastewater Reclamation Study for Agriculture. The “Monterey Wastewater Reclamation Study for Agriculture” project was completed in 1987. Based upon that study, the SVRP was construction and put into operation in 1997.
  - h) 1982 General Plan Policy 54.2.2 states that the County shall expeditiously implement the proper application of reclaimed wastewater when proven safe to do so.
  - i) 1982 General Plan Policy 54.2.3 states that the County shall be attentive to the state of the art in reclamation technology and, where applicable and cost-effective, shall encourage implementation thereof.
- This Use Permit will allow for the operational capacity expansion of the plant thus allowing more reclaimed water to be made available.

2. **FINDING: SITE SUITABILITY** – The site is suitable for the use proposed.

**EVIDENCE a)** The site is physically suitable for the use proposed and is the site of a pre-existing Regional Treatment Plant (RTP). Site Suitability analysis is based on research of the Monterey County GIS data base analysis and the GMP Area Plan Inventory and Analysis, which indicates that the site, in relation to Environmentally Sensitive Habitats, Archaeological Sensitivity and Erosion Hazard Zones, is considered moderate in sensitivity. The RTP is located in an URB/AG Fire Zone. No physical improvements to the plant are needed or proposed which impacts site suitability.

**EVIDENCE: b)** The property is located at (Assessor’s Parcel Number 175-011-041-000), in the GMP Area Plan. The parcel is zoned “PQP-D-S” The project conforms to the "PQP–D-S" zoning district. Public/Quasi-Public districts provide for land uses which serve the public at large like schools, parks, recreational areas and public and quasi-public land uses and infrastructure. The purpose of the “D” or Design Control districts is to provide for a review of the location, site, and configuration, materials, and colors of structures in those areas of Monterey County to assure protection of the public view shed, neighborhood character, and to assure the visual integrity of certain developments. Site Plan Review or “S” districts provide regulations for the review of development in those areas of the County where development, by reason of its location has the potential to adversely affect or be adversely affected by natural resources or site constraints. This project does not propose a physical addition or alteration of the Regional Treatment Plant. Its sole purpose is to increase the operational capacity of the plant from 27 mgd to 29 mgd, the plant’s operational increase limit, which requires a Use Permit.

- c) The Draft EIR identified potentially significant impacts in the following areas: Traffic Growth, Water Resources, Public Services, Energy, Resources Supply, Vegetation and Wildlife. The Draft EIR includes mitigation measures to reduce impacts to less than significant levels.
- d) The Draft SEIR did not identify any significant unavoidable impacts for the project.
- e) The project has been reviewed for site suitability by the following



departments and agencies: RMA - Planning Department, CDF Coastal Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended by the Environmental Health Division have been incorporated.

- f) The site is designated Public/Quasi-Public on the Greater Monterey Peninsula Area Land Use Plan. Public/Quasi-Public uses listed in the Greater Monterey Peninsula Area Plan include solid and liquid waste disposal (Chapter 5, Public # 5, Page 78).
- g) Solid and liquid waste disposal sites are an allowed use with a Use Permit as per Zoning Ordinance Section 21.040.050(N). Expansion of existing facilities requires a Use Permit. The current Use Permit (PC-7748) was granted on April 7, 1992 in Resolution No. 92-139 for the expansion of the operational capacity of the RTP from 25 mgd to 27 mgd.

3. **FINDING:** **CEQA. PREPARATION OF A SUPPLEMENTAL EIR.** In accordance with the California Environmental Quality Act (CEQA), the Monterey Regional Water Pollution Control Agency prepared a supplemental EIR to assess the potential adverse environmental impacts from the project.

- EVIDENCE:**
- a) A Notice of Preparation was circulated to agencies and interested parties on October 19, 2004.
  - b) The Draft Supplemental EIR was distributed to responsible agencies, trustee agencies and interested parties, including the State Clearinghouse (SCH# 2004101106) in accordance with the California Environmental Quality Act. The public comment period for this document was from October 19, 2005 to December 2, 2005.
  - c) The Notice of Completion, dated October 27, 2005, was sent to the State Clearinghouse, along with copies of the Draft Supplemental EIR which were circulated to state agencies.
  - d) The Notice of Availability was published in *The Salinas Californian* on October 25, 2005.
  - e) On January 4, 2006 the Final Supplemental EIR was released to the public which responded to significant environmental issues received in the comments from agencies and interested parties.
  - f) The Supplemental EIR was certified by the Monterey Regional Water Pollution Control Agency Board of Directors on February 27, 2006 in Resolution 2006-4. Certification of the Supplemental EIR included adoption of a Mitigation and Monitoring Program.
  - g) Materials in project file PLN060331.

4. **FINDING** **CEQA. CONSIDER THE EIR.** In accordance with the California Environmental Quality Act (CEQA) Section 15096, the County of Monterey, acting as a responsible agency, has considered the SEIR prepared by the lead agency.

- EVIDENCE:**
- a) See Findings 3 & 5.
  - b) The Planning Commission considered the Supplemental EIR at a duly noticed public hearing held on September 26, 2007. The County is serving as a Responsible Agency for this project. The County has made

findings with regard to identified significant environmental effects and has adopted a Statement of Overriding Considerations as contained herein. The materials upon which the County's decision is based are located in the Planning Department, 168 W. Alisal Street, 2<sup>nd</sup> Floor, Salinas, CA.

5. **FINDING:** **CEQA.** In regard to each of the potential significant effects identified by the SEIR, the county makes the following findings:

**EVIDENCE:** a) **Traffic (DSEIR, Chapter 2.1)** The proposed project would not result in the addition of any new trips on the roadway system within the MRWPCA service area. However, the growth accommodated by the increase in operational capacity at the RTP (which also represents cumulative regional development) would result in a significant number of new vehicle trips on the roadway system. The proposed project, 2.6 mgd increase in operational capacity, could accommodate approximately 10,500 new dwelling units. Using an estimated eight trips per day per dwelling unit (an average for single family and multi-family dwellings), approximately 84,000 new daily vehicle trips would be generated. This increase in traffic is accounted for the 2005 Monterey County Regional Transportation Plan and EIR, as well as in each member jurisdiction's general plan and general plan EIR.

**Mitigation Measure #1**

Member agencies should continue to work with the Transportation Agency for Monterey County on implementing both minor and major improvement projects, within the member agency's jurisdiction, identified in the most recent Monterey County Regional Transportation Plan. If member agencies continue to approve projects that have an adverse affect on the regional transportation infrastructure, which currently operates at unacceptable levels of service and/or will operate at unacceptable levels of service, and the necessary improvements to operate at acceptable levels are not implemented, the impact would be considered significant and unavoidable.

**Responsible for Implementation:** Member Agencies and the Transportation Agency for Monterey County.

**County Response to Mitigation Measure #1:** The County of Monterey, as a Member Agency of the Monterey Regional Water Pollution Control Agency, has policies and regulations to address transportation issues within the County. Currently, the County is in the process of updating the General Plan to further address these issues. In addition, such changes or alterations are also within the responsibility and jurisdiction of other public agencies over which the County of Monterey does not have jurisdiction. Because of the potential uncertainty and the long range time frame for implementation of the measure, the measure may not reduce the impact to a level of insignificance in the short-term. Therefore, the County finds that this impact is significant and unavoidable (CEQA Guideline Section 15091(a) (3)).

b) **Water Resources (DSEIR, Chapter 2.2)** The proposed project would not result in any adverse effects on the groundwater basin or the ocean that were not already addressed in the 1987 Supplemental EIR and in the existing Regional Water Quality Control Board and Coastal

Commission permits for the project. However, in an effort to update the previous data provided, the growth accommodated by the increase in operational capacity at the RTP (which also represents cumulative regional development) would result in a significant demand on the already constrained water supply for the service area. The proposed project, 2.6 mgd increase in operational capacity, could accommodate approximately 10,500 new dwelling units. The MPWMD has a water use factor of 0.286 acre-feet per year for single-family dwellings and .134 acre-feet per year for multiple family dwellings (City of Monterey 2005). Using an average of the two (0.21 acre-feet per year), the 10,500 new dwelling units would require approximately 2,200 acre-feet per year. This increase in water demand is accounted for the member jurisdictions' urban water management plans, general plans, and general Plan EIRs.

### **Mitigation Measure # 2**

In compliance with the California Water Code, every urban water supplier that provides water to 3,000 or more customers, or that provides over 3,000 acre-feet of water annually, is required to prepare an Urban Water Management Plan. As applicable, water suppliers shall prepare, and update as required by the California Water Code, an Urban Water Management Plan that describes and evaluates sources of supply, reasonable and practical and efficient uses, reclamation and demand management activities. The components of the plan may vary according to an individual community or area's characteristics and its capabilities to efficient use and conserve water.

**Responsible for Implementation:** Water suppliers providing water to 3,000 or more customers.

**County Response to Mitigation Measure #2:** The County of Monterey has no control over the implementation of this mitigation measure by Water Suppliers providing water to 3,000 or more customers. Such changes can and should be adopted by these Water Suppliers as required under state law (CEQA Guideline Section 15091(a) (2)).

### **Mitigation Measure #3**

As applicable, member agencies shall require, through the CEQA process, preparation of a SB 610 water supply assessment. The primary purpose for the assessment is to determine if the projected water supply for the next 20 years — based on normal, single dry, and multiple dry years — will meet the demand projected for the project plus existing and planned future use, including agricultural and manufacturing uses. Reference: *Guidebook for Implementation of Senate Bill 610 and Senate Bill 221 to Assist Water Suppliers, Cities, and Counties in Integrating Water and Land Use Planning*, prepared by the California Department of Water Resources.

**Responsible for Implementation:** Member Agencies acting as Lead Agency on projects subject to CEQA.

**County Response to Mitigation Measure #3:** The County of Monterey, as a Member Agency of the Monterey Regional Water Pollution Control Agency, requires the preparation of SB 610 water

assessments in accordance with state law. In addition, such changes or alterations are also within the responsibility and jurisdiction of other public agencies over which the County of Monterey does not have jurisdiction. Such changes can and should be adopted by the other Member Agencies and as required by state law under SB 610 (CEQA Guideline Section 15091(a) (2)).

**Mitigation Measure #4**

Member agencies and water suppliers shall continue to investigate methods for developing new water sources including, but not limited to, those currently in the planning stages: Regional Urban Recycled Water Project (Phase I and Phase II); Salinas Valley Water Project; and Seaside Groundwater Replenishment Project.

**Responsible for Implementation:** Member Agencies, Monterey Regional Water Pollution Control Agency, Monterey Peninsula Water Management District, Marina Coast Water District, Monterey County Water Resources Agency, Cal-Am, and others, as applicable.

**County Response to Mitigation Measure #4:** The County of Monterey, as a Member Agency of the Monterey Regional Water Pollution Control Agency, has policies and regulations to address the enhancement of the water supply within the County. Currently, the County is in the process of updating the General Plan to further address these issues. In addition, such changes or alterations are also within the responsibility and jurisdiction of other public agencies over which the County of Monterey does not have jurisdiction. Although the impact may be mitigated by the proposed measure over the long term, because of the potential uncertainty and the long range time frame for implementation of the measure, the County finds that this impact is significant and unavoidable (CEQA Guideline Section 15091(a) (3)).

**Mitigation Measure #5**

Member agencies and water suppliers shall continue to investigate new sources of water supply including, but not limited to, the regional desalination plant.

**Responsible for Implementation:** Member Agencies, Monterey Regional Water Pollution Control Agency, Monterey Peninsula Water Management District, Marina Coast Water District, Monterey County Water Resources Agency, Cal- Am, and others, as applicable.

**County Response to Mitigation Measure #5:** The County of Monterey, as a Member Agency of the Monterey Regional Water Pollution Control Agency, has policies and regulations to address the enhancement of the water supply within the County. Currently, the County is in the process of updating the General Plan to further address these issues. In addition, such changes or alterations are also within the responsibility and jurisdiction of other public agencies over which the County of Monterey does not have jurisdiction. Although the impact may be mitigated by the proposed measure, over the long term because of the potential uncertainty and the long range time frame for implementation of the measure, the County finds that this impact is significant and unavoidable (CEQA Guideline Section 15091(a) (3)).

c) **Public Services (DSEIR, Chapter 2.3)**

Police and Fire Services. The proposed project would not result in any adverse effects on public safety services. However, the growth accommodated by the increase in operational capacity at the RTP (which also represents cumulative regional development) would require police and fire services within the applicable member jurisdiction. The proposed project, 2.6 mgd increase in operational capacity, could accommodate approximately 10,500 new dwelling units. Most, if not all, member jurisdictions charge a public safety impact fee associated with new development. The funds are planned for new facilities and other capital improvements. Public safety employee salaries are paid for out of each agency's general fund.

Schools. The proposed project would not result in any adverse effects on schools. However, the growth accommodated by the increase in operational capacity at the RTP (which also represents cumulative regional development) would increase the number of students within each school district. The proposed project, 2.6 mgd increase in operational capacity, could accommodate approximately 10,500 new dwelling units. There is currently excess capacity of varying degrees in most, if not all, school districts within the service area. If excess capacity is filled by new students, additional school facilities would be required. School districts are allowed by state law to collect school impact fees from new development. Developers within the service area would be subject to the impact fees collected by the applicable school district as allowed by state law. The Leroy F. Greene School Facilities Act of 1998 (SB 50) sets the CEQA standard for full and complete school facilities mitigation. No further mitigation would be required.

Solid Waste. The proposed project would not result in any adverse effects to solid waste services or facilities. However, the growth accommodated by the increase in operational capacity at the RTP (which also represents cumulative regional development) would require solid waste services at either the MRWMD facility or the SVSWA facilities. The proposed project, 2.6 mgd increase in operational capacity, could accommodate approximately 10,500 new dwelling units. This would result in a significant increase in solid waste generation. This increase is accounted for in each member jurisdiction's general plan and general plan EIR. The MRWMD facility has sufficient capacity for approximately 100 years. The SVSWA is currently in the process of identifying alternatives for expanding existing landfills or developing new landfills.

#### **Mitigation Measure #6**

Member agencies shall continue to encourage infill development in preference to annexation or sprawl. (This is essentially the same mitigation as the 1987 mitigation.)

**Responsible for Implementation:** Member Agencies

**County Response to Mitigation Measure #6:** The County of Monterey, as a Member Agency of the Monterey Regional Water Pollution Control Agency, has policies and regulations to encourage infill development in preference to annexation or sprawl within the

County. Currently, the County is in the process of updating the General Plan to further address these issues. The County also collects development impact fees to finance fire protection facilities and equipment necessitated by new development. New development also generates property taxes for public services. Impacts fee can also be assessed for capital facilities construction as part of a development program to help mitigate the impacts of new development. Most, if not all, member jurisdictions charge a public safety fee associated with new development. ( MRWPCA Permit Update SEIR, Page 2-13). In addition, such changes or alterations are also within the responsibility and jurisdiction of other public agencies over which the County of Monterey does not have jurisdiction. Although the impact may be mitigated by the proposed measure, because of the potential uncertainty and the long range time frame for implementation of the measure, the County finds that this impact is significant and unavoidable (CEQA Guideline Section 15091(a) (3)).

**Mitigation Measure #7**

Educate residents and business to reduce, reuse, and recycle. Member agencies should continue their efforts to educate residents, businesses, etc. to reduce, reuse, and recycle to the greatest extent feasible.

**Responsible for Implementation:** Member Agencies.

**County Response to Mitigation Measure #7:** The County of Monterey, as a Member Agency of the Monterey Regional Water Pollution Control Agency, has policies and regulations to provide opportunities for recycling and reusing waste within the County. Currently, the County is in the process of updating the General Plan to further address these issues. In addition, such changes or alterations are also within the responsibility and jurisdiction of other public agencies over which the County of Monterey does not have jurisdiction. Such changes can and should be adopted by the other Member Agencies and as required by state law under AB 939 (CEQA Guideline Section 15091(a) (2)).

**Mitigation Measure #8**

The MRWMD and the SVSWA should continue their efforts to provide opportunities for recycling and reusing waste to the greatest extent feasible.

**Responsible for Implementation:** The Monterey Regional Waste Management District

**County Response to Mitigation Measure #8:** The County of Monterey has policies and regulations to provide opportunities for recycling and reusing waste within the County. Currently, the County is in the process of updating the General Plan to further address these issues. In addition, such changes or alterations are also within the responsibility and jurisdiction of other public agencies over which the County of Monterey does not have jurisdiction. Such changes can and should be adopted by the other Member Agencies and as required by state law under AB 939 (CEQA Guideline Section 15091(a) (2)).

**Mitigation Measure #9**

The SVSWA should continue their efforts to find a long-term solution to disposing of solid waste.

**Responsible for Implementation:** The Salinas Valley Solid Waste Authority.

**County Response to Mitigation Measure #9:** Such changes or alterations are within the responsibility and jurisdiction of other public agencies over which the County of Monterey does not have jurisdiction. Such changes can and should be adopted by the SVSWA (CEQA Guideline Section 15091(a) (2)).

- d) **Energy and Resource Supplies (DSEIR, Chapter 2.4)** If growth in the proposed service area proceeds as projected, annual residential natural gas usage and electrical consumption will increase proportionally. Commercial and industrial energy use should increase at a similar rate, even though it is difficult to project the type and amount of commercial-industrial development that will occur in the study area. This increased energy consumption is not expected to exceed existing regional capacity. The larger populations will also require increased energy supplies for transportation. If residential development proceeds as projected in the county and local plans, the new residents may, on the average, live further from their jobs. All of these increases in energy demand will in turn require additional development of renewable and nonrenewable energy resources. Most of these resources are currently being obtained from outside the study area. The proposed project would result in an incremental increase in energy use associated with the increase in wastewater flow. In addition, the growth accommodated by the increase in operational capacity at the RTP (which also represents cumulative regional development) would result in a significant increase in energy consumption. The proposed project, 2.6 mgd increase in operational capacity, could accommodate approximately 10,500 new dwelling units.

#### **Mitigation Measure #10**

Each member agency should adopt and implement the following policies:

- a. Prepare and implement an energy savings plan;
- b. Incorporate energy efficiency into land use planning;
- c. Incorporate energy efficiency into the design and location of development projects;
- d. Incorporate energy efficiency into new buildings and encourage existing buildings to be retrofitted where feasible; and
- e. Incorporate LEED into building design, to the greatest extent feasible.

The LEED (Leadership in Energy and Environmental Design) Green Building Rating System® is a voluntary, consensus-based national standard for developing high-performance, sustainable buildings. Members of the U.S. Green Building Council representing all segments of the building industry developed LEED and continue to contribute to its evolution. Many federal and state government agencies are requiring new building to incorporate the LEED standards.

**Responsible for Implementation:** Member Agencies

**County Response to Mitigation Measure #10:** The County of

Monterey, as a Member Agency of the Monterey Regional Water Pollution Control Agency, has policies and regulations to promote efficient energy use within the County. Currently, the County is in the process of updating the General Plan to further address these issues. In addition, such changes or alterations are also within the responsibility and jurisdiction of other public agencies over which the County of Monterey does not have jurisdiction. Such changes can and should be adopted by the other Member Agencies (CEQA Guideline Section 15091(a) (2)).

- e) **Vegetation and Wildlife (DSEIR, Chapter 2.5)** The proposed project would not result in any adverse effects on vegetation and wildlife that were not already addressed in the 1987 Supplemental EIR and in the existing Regional Water Quality Control Board and Coastal Commission permits for the project. However, the growth accommodated by the increase in operational capacity at the RTP (which also represents cumulative regional development) could result in a significant impact on sensitive vegetation and wildlife resources in the service area. The proposed project, 2.6 mgd increase in operational capacity, could accommodate approximately 10,500 new dwelling units. General vegetation and wildlife impacts associated with growth are accounted for in each member jurisdiction's general plan and general plan EIR.

**Mitigation Measure #11**

Member agencies should continue to monitor the effectiveness of their policies for protection of natural resources and make modifications as necessary.

**Responsible for Implementation:** Member Agencies

**County Response to Mitigation Measure #11:** The County of Monterey, as a Member Agency of the Monterey Regional Water Pollution Control Agency, has policies and regulations to address the protection of natural resources within the County. Currently, the County is in the process of updating the General Plan to further address these issues. In addition, such changes or alterations are also within the responsibility and jurisdiction of other public agencies over which the County of Monterey does not have jurisdiction. Although the impact may be mitigated by the proposed measure, because of the level of generality of the measure, the County finds that this impact is significant and unavoidable (CEQA Guideline Section 15091(a) (3)).

6. **FINDING:** **CEQA. NO SUPPLEMENTAL OR SUBSEQUENT EIR IS NEEDED.** No Supplemental or Subsequent EIR is needed pursuant to Public Resources Code Section 21166, or California Code of Regulations, Title 14, Sections 15162 or 15163 since certification of the Final Supplemental EIR.

- EVIDENCE:** a) There have not been any substantial changes to the project which require major revisions to the previous Supplemental EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects. The SEIR analyzed the project for which MRWPCA is seeking a permit amendment.
- b) No substantial changes have occurred with respect to the circumstances



under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The project is administrative in nature and does not involve any physical expansion to the Regional Treatment Plant. No additional facilities will be constructed as a result of this Use Permit. The Use Permit Amendment approval will allow MRWPCA to accommodate its member entities' general plans by ensuring that the constructed capacity is available for users when needed (MRWPCA letter dated 9/11/2007).

- c) No new information of substantial importance has been presented, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete. The primary purpose of this Use Permit amendment is to bring all the various operational permits that the MRWPCA currently maintains to the same 29.6 MGD design limit (MRWPCA letter dated 9/11/2007). A Final Supplemental Environmental Impact Report was completed on January 4, 2006. No new information has been presented since that time.

**7. FINDING**

**ALTERNATIVES.** There are no feasible alternatives within County powers that would substantially lessen or avoid any significant effect of the project on the environment.

**EVIDENCE a)**

The "No Project" alternative in the SEIR is infeasible because it assumes that the County of Monterey, acting as the Responsible Agency as defined by CEQA Guidelines section 15096 would not approve the increase of operational capacity to 29.6 mgd. Keeping the operational capacity at its current level would have no effect upon the environment. The level of discharge into the ocean would remain the same and the Salinas Valley would receive the same amount of recycled water for the irrigation of local crops. One negative consequence of the "No Project Alternative" is the loss of recycled water that helps to reduce the seawater intrusion problem affecting the greater Monterey Peninsula. This "no project" alternative also assumes that member agencies would not approve projects that would require sewer permits beyond the already permitted 27.0 mgd. The proposed project accommodates growth planned within the member jurisdictions. Not accommodating this growth would likely result in less affordable housing and pushes planned growth outside of the MRWPCA's boundaries and into areas such as south county (King City, Soledad, Greenfield, etc.). This growth pattern would continue to exacerbate the existing traffic and air quality conditions, as more and more people who work within the MRWPCA boundaries are required to find housing outside of the area. These alternatives would also reduce the ability of member agencies to provide affordable housing and would result in a decrease in the quality of life due to longer commute times. For these reasons, the proposed project is considered the environmentally superior alternative. The "no project" alternative could also be considered the environmentally superior alternative, because it results in no indirect impacts. However, it would not achieve the project objectives and assumes that member agencies would not approve development projects that would require sewer

permits in excess of the existing permitted 27.0 mgd. The “No Project” alternative would not meet the objectives of the project and would not allow member entities to approve projects that would require sewer permits beyond the already permitted 27.0 mgd.

- b) The “Reduced Operational Capacity Permit” alternative in the SEIR is infeasible because it includes an increase capacity at a level lower than the 2.6 mgd. For the purpose of evaluation and comparison, this alternative would include a 50 percent in the increase in operational capacity requested—1.3 mgd. This would accommodate approximately 50 percent fewer dwelling units, 5,250, and consequently approximately 50 percent fewer indirect impacts, as discussed earlier in this EIR. This “reduced operational capacity” alternative also assumes that member agencies would not approve projects that would require sewer permits beyond 28.3 mgd (existing permitted 27.0 mgd plus the 1.3 mgd). The “reduced operational capacity” alternative is the second environmentally superior alternative because it reduces the indirect impacts by 50 percent. It would partially achieve the project objectives, however it assumes that member agencies would not approve development projects that would require sewer permits in excess of 28.3 mgd. increase).

**8. FINDING:**

**CEQA. STATEMENT OF OVERRIDING CONSIDERATIONS -**

The Supplemental FEIR indicates that if the Project mitigation measures are not implemented, significant impacts will occur. The County has found that the following impacts may be significant and unavoidable to: traffic; water resources; public services; energy and resource supplies; and vegetation and wildlife. As required by the CEQA Guidelines (Section 15093), the County finds that the unavoidable significant effects described in Supplemental FEIR are acceptable due to the overriding considerations described below.

- EVIDENCE:**
- a) See Findings 5 & 6.
  - b) Letter from Garrett Haertel, Monterey Regional Water Pollution Control Agency, dated September 11, 2007 attached as Exhibit K to the September 26, 2007 staff report.
  - c) Increasing the operational capacity of the Regional Treatment Plant will allow the MRWPCA to recycle an additional 2.6 million gallons per day (MGD) of wastewater, thus, reducing the need to pump more water from groundwater aquifers.
  - d) Increasing the operational capacity of the Regional Treatment Plant will serve 10,500 additional dwelling units and allow the MRWPCA to accommodate planned growth consistent with the Monterey County General Plan and the general plans of the member entities.
  - e) Preceding findings and supporting evidence.
  - f) The increase in the capacity will serve the regional community for 20 years.

**9. FINDING:**

**APPEALABILITY -** The decision on this project is appealable to the Board of Supervisors.

**EVIDENCE:**

Section 21.80 Monterey County Zoning Ordinance Title 21.

<b>EXHIBIT D</b> <b>Monterey County Resource Management Agency</b> <b>Planning Department</b> <b>Condition Compliance Reporting Plan</b>	<b>Project Name:</b> Monterey Regional Water Pollution Control Agency <b>File No:</b> PLN060331 <b>APNs:</b> 175-011-041-000 <b>Approved by:</b> Planning Commission <b>Date:</b> August 8, 2007
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*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<b>PD0001 - SPECIFIC USES ONLY</b> This Use Permit (PLN060331) is an amendment to the existing 1992 use permit (PC7784) allowing the Monterey County Regional Water Pollution Control Agency to increase the operational capacity of the regional treatment plant from 27 million gallons per day to 29.6 million gallons per day. The property is located at 14811 Del Monte Blvd., Marina (Assessor's Parcel Number 175-011-041-000) in the Greater Monterey Peninsula Area. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

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		monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. <b>(RMA - Planning Department)</b>				
2.		<b>PD002 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A Use Permit (Resolution [REDACTED]) was approved by the Planning Commission for Assessor's Parcel Number 175-011-041-000 on September 26, 2007. The permit was granted subject to 19 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. <b>(RMA - Planning Department)</b>	Proof of recordation of this notice shall be furnished to the RMA - Planning Department	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	

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3.		<p><b>PD004 - INDEMNIFICATION AGREEMENT</b></p> <p>The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney’s fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. <b>(RMA - Planning Department)</b></p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property.	

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4.		<p><b>PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN</b></p> <p>All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. <b>(RMA – Planning Department)</b></p>	<p>Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.</p>	Owner/ Applicant	Prior to the issuance of building permits.	
			<p>The lighting shall be installed and maintained in accordance with the approved plan.</p>	Owner/ Applicant	Prior to Occupancy / Ongoing	
5.		<p><b>PDSP001 – CONDITIONS OF APPROVAL (NON-STANDARD CONDITION)</b></p> <p>All previous conditions of permit PC-7784 (Resolution No. 92-139) are still in effect and remain applicable (See attached). <b>(RMA – Planning Department)</b></p>	<p>The applicant is required to continue to implement All previous conditions of permit PC-7784 (Resolution No. 92-139).</p>	Owner/ Applicant	Ongoing	
6.		<p><b>EH16 - RECYCLED WATER</b></p> <p>Wastewater applied for landscape irrigation shall meet or exceed the requirements of Title 22, Division 4, Chapter 3 of the California Code of Regulations or subsequently amended rules and regulations of the Department of Health Services. Specifically, water used for irrigation shall meet the standards of Section 60304 (Use of Recycled Water for Irrigation) &amp; 60310 (Use Area Requirements) of the California Code of Regulations. <b>(Environmental Health)</b></p>	<p>Submit plans to the Department of Health Services (DHS) for review and approval.</p>	CA Licensed Engineer / Owner/ Applicant	Continuous	

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7.		<b>EH17 - RAW WASTEWATER STORAGE</b> An emergency storage pond with a capacity for at least 3 days raw sewage flow shall be provided. <b>(Environmental Health)</b>	Submit plans to the CRWQCB for review and approval.	CA Licensed Engineer /Owner/ Applicant	Continuous	
8.		<b>EH18 - TREATED WASTEWATER STORAGE</b> Storage of treated wastewater shall be provided for a period of up to 120 days. All wastewater storage ponds, including surge ponds, must be lined with an impervious lining. The quality of stored wastewater shall meet the requirements as determined by the Director of Environmental Health. Submit plans to the Regional Water Quality Control Board (RWQCB) for review and approval. <b>(Environmental Health)</b>	Submit plans to the RWQCB for review and approval. Demonstrate to the Environmental Health Division that the RWQCB has approved the plans.	CA Licensed Engineer / Owner/ Applicant	Continuous	
9.		<b>EH28 - HAZ MAT BUSINESS RESPONSE PLAN</b> Comply with Title 19 of the California Code of Regulations and Chapter 6.95 of the California Health and Safety Code (Hazardous Material Registration and Business Response Plans) as approved by the Director of Environmental Health. <b>(Environmental Health)</b>	Contact the Hazardous Materials Program of the Division of Environmental Health.	Owner/ Applicant	Continuous	
10.		<b>EH31 - HAZ MAT RMP</b> Submit a Risk Management Plan to the Director of Environmental Health for review and approval. The RMP shall comply with Title 19, Chapter 4.5 of the California Code of Regulations and Chapter 6.95, Article 2 of the California Health & Safety Code. <b>(Environmental Health)</b>	Submit plan to the Hazardous Materials Program of the Division of Environmental Health for review and approval.	Owner/ Applicant	Continuous	

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11.		<b>EH30 - HAZARDOUS WASTE CONTROL</b> Comply with Title 22, Division 4.5 of the California Code of Regulations and Chapter 6.50 of the California Health and Safety Code (Hazardous Waste Control) as approved by the Director of Environmental Health. <b>(Environmental Health)</b>	Contact the Hazardous Materials Program of the Division of Environmental Health.	Owner/ Applicant	Continuous	
12.		<b>EH34 - HAZ MAT SPCC</b> Submit a site Spill Prevention Control Countermeasure (SPCC) Plan to the California Regional Water Quality Control Board for storage of petroleum products (i.e. diesel, oil, and gasoline) in above ground storage tanks greater than 650-gallon capacity or for cumulative storage of more than 1320 gallons. The Plan shall meet the standards as per Title 26, Division 22, Article 3, Sections 66264.30-66264.56 (Preparedness and Prevention). <b>(Environmental Health)</b>	Submit plan to the Hazardous Materials Program of the Division of Environmental Health for review and approval.	Owner/ Applicant	Continuous	
13.		<b>EH45 - WWTP OPERATORS</b> The operator of the collection, treatment and disposal systems shall be licensed by the State of California and be qualified to supervise all regular operation, maintenance, testing, and reporting to appropriate Health and Water Quality Control Agencies, including the Director of Environmental Health. <b>(Environmental Health)</b>	Submit copies of current licenses to the Division of Environmental Health for review and approval.	Operator of wastewater treatment facility/ Owner/ Applicant	Continuous	
14.		<b>EH46 - CONTAINMENT OF WASTEWATER</b> Wastewater shall not be permitted to flow, drain or seep into any natural waterway, pond or lake and shall be remain within the designated disposal area(s) at all times. <b>(Environmental Health)</b>	Comply with Title 22 regulations for the application of recycled water and comply with Waste Discharge Requirements issued by the California Regional Water Quality Control Board.	Operator of wastewater treatment facility/ Owner/ Applicant	Continuous	



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15.		<b>EH47 - POND BERM MAINTENANCE</b> A continuous program of rodent control, and inspection and maintenance of pond berms, shall be implemented. <b>(Environmental Health)</b>	Comply with Title 22 regulations for the application of recycled water and comply with Waste Discharge Requirements issued by the California Regional Water Quality Control Board.	Operator of wastewater treatment facility/ Owner/ Applicant	Continuous	
16.		<b>EH48 - POSTING SIGNS</b> All recycled water storage ponds and disposal areas shall be posted at frequent intervals around the periphery to indicate that they contain treated wastewater and should not be entered. <b>(Environmental Health)</b>	Comply with Title 22 regulations for the application of recycled water and comply with Waste Discharge Requirements issued by the California Regional Water Quality Control Board.	Operator of wastewater treatment facility/ Owner/ Applicant	Continuous	
17.		<b>EH49 - BACKFLOW PREVENTION</b> The water supply for makeup landscaping or irrigation water required above and beyond the available quantity of treated wastewater shall incorporate back-flow prevention as required by Title 17 of the California Code of Regulations or as otherwise required by the Director of Environmental Health. <b>(Environmental Health)</b>	Comply with the California Code of Regulations, Title 17, and install backflow prevention devices to prevent cross-connections between potable water and recycled water systems.	Operator of wastewater treatment facility/ Owner/ Applicant	Continuous	
18.		<b>EH51 - SLUDGE REMOVAL</b> Sludge shall be removed off-site to a suitable location approved by the Director of Environmental Health. <b>(Environmental Health)</b>	Submit plan for sludge removal to the Division of Environmental Health for review and approval.	Operator of wastewater treatment facility/ Owner/ Applicant	Continuous	
19.		<b>EH53 - NITRATE ORDINANCE</b> The wastewater treatment facility shall meet the nitrogen discharge limitations found in Monterey County Code Chapter 15.23 (Nitrate Discharge Ordinance). <b>(Environmental Health)</b>	Submit application and necessary fees to the Division of Environmental Health for review and approval. Once approved obtain and maintain a valid permit to operate a discharge facility as	Operator of wastewater treatment facility/ Owner/ Applicant	Continuous	

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			required per Chapter 15.23 of the Monterey County Code.			

END OF CONDITIONS