

## RESOLUTION NO. 2019-2180

### **A RESOLUTION APPROVING AND ADOPTING AN ADDENDUM (ADDENDUM No. 2) TO THE ADOPTED INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE LAS GALLINAS SECONDARY TREATMENT AND RECYCLED WATER PLANT UPGRADE PROJECT (JOB NO. 12600-07 & 16650-02) AND APPROVING THE MODIFIED PROJECT FOR THE LAS GALLINAS VALLEY SANITARY DISTRICT**

**WHEREAS**, the Las Gallinas Valley Sanitary District (the "District") approved and adopted Resolution No. 2016-2073 on June 9, 2016 approving and adopting the Mitigated Negative Declaration (the "2016 MND") and Mitigation Monitoring and Reporting Program for the Secondary Treatment and Recycled Water Plant Upgrade Project (also known as Secondary Treatment Plant Upgrade and Recycled Water Expansion, or Novato South Service Area/LGVSD-MMWD Recycled Water Project), to handle peak wet weather flows, improve effluent quality, and maximize the plant's ability to provide recycled water; and

**WHEREAS**, the types of facilities included in the Secondary Treatment and Recycled Water Plant Upgrade provide additional capacity for wet weather treatment, reduced nutrient concentrations and improved effluent quality. Specific elements include: a combined fixed-film, activated sludge process, equalization basin, replacement of three existing pump stations with one new primary pump station, two additional secondary clarifiers, raising the secondary treatment and clarification processes out of reach of tidal influences, expansion of the Recycled Water Facility to design capacity, sludge thickeners, various new structures to house said elements and related piping, realignment of the main road to the perimeter to limit tidal influences, relocated laboratory building, and modifications to the administration building, relocation of some power poles and overhead power lines, removal of existing lagoons on the east side of the plant, electrical system upgrades, new utility transformer, new service entrance, new metering equipment, replacement of the existing generator, and new odor control system (the "Project"); and

**WHEREAS**, the Project currently under consideration (herein after "Modified Project") consists of a new permanent staging area to store construction materials. The permanent staging area is situated south of the sludge storage lagoons near the Las Gallinas Wildlife Ponds that are part of the ongoing operation of the wastewater treatment plant. The staging area does not encroach onto the existing road south of the sludge storage lagoons and would not obstruct public use or any other uses of the area. All applicable mitigation measures from the 2016 IS/MND are required to be implemented by the Modified Project, including Mitigation Measure BIO-2 (Nesting Bird Surveys and Avoidance); and

**WHEREAS**, the District's staff has determined that construction of the Modified Project does not constitute substantial changes to the original Project, preparation of an Addendum is consistent with the California Environmental Quality Act, Public Resources Code Section 15164(b) (CEQA); and

**WHEREAS**, the Modified Project as analyzed in the Addendum has been presented to the Board, attached hereto as Exhibit “A” and made a part thereof, and the Board has carefully reviewed these documents and all of the information contained in the record for the Project; and

**WHEREAS**, the Addendum was prepared pursuant to CEQA, the State CEQA Guidelines, and the District’s Local CEQA Guidelines; and

**WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE BOARD OF DIRECTORS OF LAS GALLINAS VALLEY SANITARY DISTRICT AS FOLLOWS:**

**Section 1.** The above recitals are incorporated herein by reference.

**Section 2. Environmental Findings.** The Board, in light of the whole record before it including, but not limited to, the District’s local CEQA guidelines, the proposed Addendum and documents incorporated therein by reference, any comments received and responses provided, and other substantial evidence (within the meaning of Public Resources Code Sections 21080(e) and 21082.2) within the record and/or provided at the public meeting, hereby finds and determines as follows:

**Review Period:** That the District is not required by CEQA to circulate the Addendum for public review.

**Compliance with Law:** That Addendum was prepared, processed, and noticed in accordance with the CEQA (Public Resources Code Section 21000 *et seq.*), the CEQA Guidelines (14 California Code of Regulations Section 15000 *et seq.*) and the District’s local CEQA guidelines.

**Independent Judgment:** That Addendum reflects the independent judgment and analysis of the District.

**Mitigation Monitoring and Reporting Program:** That the mitigation measures identified in the Mitigation Monitoring and Reporting Program adopted by the District on June 9, 2016 designed to ensure compliance during Project implementation, are sufficient to mitigate for any potentially significant impacts identified and are fully enforceable through permit conditions, agreements, or other measures as required by Public Resources Code Section 21081.6.

**No Significant Effect:** That there are no new significant impacts as a result of the proposed revisions to the Project and that mitigation measures imposed as conditions of approval on the original Project avoid or mitigate any potential significant effects on the environment identified in the Initial Study to a point below the threshold of significance. Furthermore, after taking into consideration the mitigation measures imposed, the District finds that there is no substantial evidence, in light of the whole record, from which it could

be fairly argued that the Modified Project may have a significant effect on the environment. Therefore, the District finds that the Modified Project will not have a significant effect on the environment.

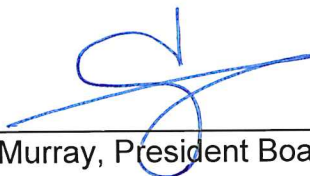
**Section 3. Adoption of Addendum No. 2 to the 2016 MND adopted on June 9, 2016 and Addendum No. 1 adopted on November 15, 2018.** The Board hereby approves and adopts the Addendum prepared for the Las Gallinas Secondary Treatment and Recycled Water Upgrade Project and approves the Modified Project.

**Section 4. Notice of Determination.** The Board directs District staff to prepare, execute, and file a Notice of Determination with the Marin County Clerk within five (5) working days of the passage and adoption of this Resolution.

**Section 5. Custodian of Records.** The documents and materials that constitute the record of proceedings on which these findings are based are located at 300 Smith Ranch Road, San Rafael, CA 94903. The custodian of these records is Teresa Lerch, District Secretary.

**Section 6. Effective Date.** This resolution shall take effect immediately upon its adoption.

**ADOPTED** this 5<sup>th</sup> day of December 2019.

  
\_\_\_\_\_  
Craig K. Murray, President Board of Directors

**ATTEST:**

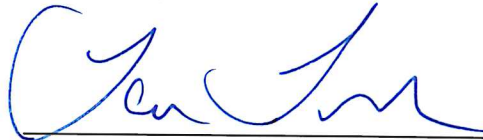
  
\_\_\_\_\_  
Teresa Lerch, District Secretary  
Las Gallinas Valley Sanitary District

**CERTIFICATION**

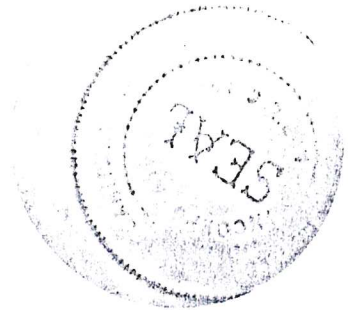
I, Teresa Lerch, Secretary of the Board of Directors of Las Gallinas Valley Sanitary District, certify that the foregoing resolution was regularly adopted by the Board of Directors of said District at a regular meeting held on the 5th day of December, 2019, by the following vote of the Directors:

AYES, and in favor thereof, Members: *Clark, Elias, Murray, Schriekman, Yezman*  
NOES, Members: *None.*  
ABSTAIN, Members: *None.*  
ABSENT, Members: *None.*

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of Las Gallinas Valley Sanitary District, this 5th day of December, 2019.



Teresa Lerch, District Secretary  
Las Gallinas Valley Sanitary District



# EXHIBIT A

## ADDENDUM TO THE ADOPTED INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE LAS GALLINAS SECONDARY TREATMENT AND RECYCLED WATER PLANT UPGRADE PROJECT

(Due to their size, the following are provided on the enclosed CD, and a hard copy is available at the counter.)

### Addendum to the Adopted Initial Study/Mitigated Negative Declaration

Appendix A – Nesting Bird Survey Results for the Las Gallinas Valley Sanitary District Secondary Treatment Upgrade Project, San Rafael, California (June 7, 2019)

Appendix B – Final Initial Study/Mitigated Negative Declaration – Las Gallinas Secondary Treatment and Recycled Water Plant Upgrade Project (June 2016)

Mitigation Monitoring and Reporting Program

