

RESOLUTION NO. 4736-2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BARSTOW, MAKING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT RELATIVE TO THE SOAPMINE ROAD AREA NITRATE REMEDIATION PROJECT, ADOPTING AN AMENDED MITIGATED NEGATIVE DECLARATION, AND APPROVING THE SOAPMINE ROAD AREA NITRATE REMEDIATION PROJECT

THE CITY COUNCIL OF THE CITY OF BARSTOW HEREBY FINDS, DETERMINES AND RESOLVES AS FOLLOWS:

WHEREAS, the City of Barstow owns and operates the Barstow Wastewater Treatment Plant (“the Facility”); and

WHEREAS, California Regional Water Quality Control Board, Lahontan Region (“the Water Board”) Order No. 6-94-26 regulates waste discharges from the Facility; and

WHEREAS, on May 18, 2007 and February 17, 2009, respectively, the Water Board issued Investigative Orders requiring the City to develop a plan of action to investigate nitrate groundwater pollution in the Soapmine Road area where nitrate concentrations in the groundwater exceed 5 mg/L and to propose and implement an interim and final cleanup remediation strategy; and

WHEREAS, from October 2009 through January 2010, the City conducted a pilot-scale evaluation of a Fluidized Bed Reactor (“FBR”) system to treat nitrate-laden groundwater, which successfully reduced nitrate concentrations in treated groundwater to less than 5 mg/L; and

WHEREAS, in February 2012, the City evaluated the technical effectiveness and feasibility of a remediation strategy to build on the pilot program, called the Soapmine Road Area Nitrate Remediation Project (“Project”). The Project proposed to establish and maintain hydraulic control of the shallow groundwater flowing from the Northern Reclamation Field area. The Project proposed to extract up to 1,000 gallons per minute from a groundwater extraction system operating 24-hours a day and 7 days a week. The extraction system consisted of five extraction wells and pumps located 60 feet below ground at each end of the Clay River Road pipeline and at the end of the pipeline extension in Webster Road, and with an additional well/pump at the mid-point of the Webster Road pipeline extension. The only above-ground evidence of the Project would be metal marker posts that surround underground concrete well vaults with steel doors accessible from the ground surface; and

WHEREAS, on August 14, 2012, the Water Board issued a draft Cleanup and Abatement Order (“Draft CAO”) that directed the City to, among other things, begin implementing elements of its proposed groundwater remediation system designed to capture and treat nitrate in groundwater from the Northern Reclamation Field. The City submitted comments on the Draft CAO, and the City worked with the Water Board for an additional year to further revise and refine the Draft CAO; and

WHEREAS, although the Project is a result of the Water Board’s discretionary action to require implementation of a groundwater remedy, and not a discretionary action on the part of the City, in 2012 the City prepared, in an abundance of caution, an Initial Study and Mitigated Negative Declaration to determine and assess the potential significant adverse impacts of the Project on the surrounding environment; and

WHEREAS, in April 2013, based on its discussions with the Water Board concerning the Draft CAO, the City modified its Project to add two additional extraction wells along Clay River Road, for a total of seven extraction wells; and

WHEREAS, on July 10, 2013 the Water Board issued a final Clean Up and Abatement Order No. R6V-

2013-0045A1 ("Final CAO") to require the City to cleanup and abate the nitrate pollution in groundwater, by designing, constructing, and implementing the Project; and

WHEREAS, the Final CAO requires that the Project design be completed by December 10, 2013; and

WHEREAS, in September 2013 an Amended Mitigated Negative Declaration ("Amended MND") for the Project was prepared to account for the two additional extraction wells; all other aspects of the project remained exactly as described and evaluated in the 2012 Mitigated Negative Declaration. The Amended MND concluded that the Project, with mitigation, will have no significant adverse impact on the environment; and

WHEREAS, the City has, in the manner prescribed by law, prepared, provided notice, and circulated to the public, all responsible and trustee agencies, and all agencies having jurisdiction over natural resources potentially affected by the project, an Initial Study, Mitigated Negative Declaration, and Amended MND with respect to the City's proposed construction of the Project. The Initial Study and Mitigated Negative Declaration was available at the City's offices located at 220 East Mountain view Street, Barstow, California. The comment period for the Initial Study and Mitigated Negative Declaration, State Clearinghouse number 2012081081, began on August 31, 2012 and ended on October 1, 2012, for a total of 31 days. The Amended MND was available at the same address, and the comment period began on October 11, 2013 and ended on November 12, 2013 for a total of 32 days. The City received comments on the Amended MND from two parties; and

WHEREAS, the City Council has independently reviewed the Amended MND and its supporting documents, the comments thereon, and the changes recommended thereto, in reaching the following findings, which reflect the independent judgment of the City Council; and

WHEREAS, the City Council reviewed and considered the Amended MND prior to taking action on the Project.

NOW THEREFORE, BE IT RESOLVED, by the City Council:

Section 1. The foregoing Recitals are true and correct and made a part of this Resolution.

Section 2. The Amended MND has been prepared and completed in compliance with the requirements of CEQA and the CEQA Guidelines. The Amended MND reflects the independent analysis and judgment of the City.

Section 3. Based on the Amended MND, public comments, and the entire record of proceedings before the City Council, the City Council finds that there is no substantial evidence that the Project as approved with mitigation will have a significant adverse impact on the environment.

Section 4. After considering the Amended MND and in conjunction with the findings set forth in this resolution, the City hereby determines that the Project does not have the potential to degrade the quality of the environment, reduce the fish and wildlife habitat, threaten plant, fish or wildlife species, or eliminate historical, archeological or cultural resources. The Project does not have impacts that are cumulatively considerable nor does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

Section 5. The City Council hereby approves and adopts the Amended MND, attached to this Resolution as Exhibit A.

Section 6. The mitigation measures in the Amended MND are made a condition of approval of the Project and a Mitigation Monitoring and Reporting Program, attached as Exhibit B, is adopted.

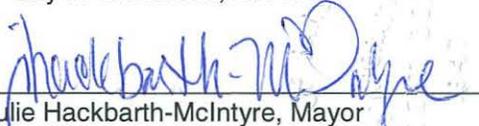
Section 7. The record of proceedings of the City and City Council on which this Resolution is based are on file and available for public inspection during normal business hours at City Hall, 220 East

Mountain View Street, Barstow, California. The custodian of these documents is the City.

Section 8. The City Council hereby approves the Project and directs staff to complete the Project design by December 10, 2013 and return to the City Council with a Project cost estimate for approval.

Section 9. Following approval of the Project, the City Clerk is authorized and directed to file with the County of San Bernardino a Notice of Determination pursuant to CEQA.

APPROVED AND ADOPTED this 2nd day of December, 2013.


Julie Hackbarth-McIntyre, Mayor

ATTEST:


JoAnne V. Cousino, City Clerk

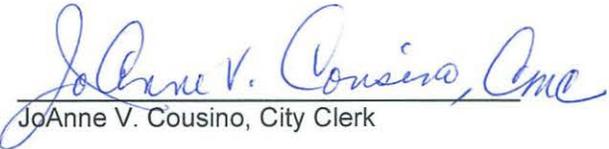
I, JoAnne V. Cousino, City Clerk of the City of Barstow and Ex-Officio Clerk of the Council, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY, that the foregoing is a true and correct copy of Resolution No. 4736-2013 of said City which was adopted at a regular meeting of said held on the 2nd day of December, 2013 by the following vote:

AYES: COUNCIL MEMBERS GRACEY, HARPOLE, HERNANDEZ; MAYOR PRO TEM SILVA;
MAYOR HACKBARTH-MCINTYRE

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE


JoAnne V. Cousino, City Clerk



**City of Barstow
California**

**Agenda Item
1413**



20 A Resolution of the City Council of the City of Barstow, Making Findings Pursuant to the California Environmental Quality Act Relative to the Soapmine Road Area Nitrate Remediation Project, Adopting an Amended Mitigated Negative Declaration, and Approving the Soapmine Road Area Nitrate Remediation Project

Information

Department:	Planning	Sponsors:
Category:	Resolution	

Attachments

- Printout
- SpmnRdC&R 2013
- Caltrans_MND_Amend_23Oct13
- SWRCB_Amend_MND_Comments_07Nov13
- Resolution of Barstow City Council Approving MND and Extraction Well Project_18Nov13_MN Clean
- IS_Signed
- MitMon2013 1
- MITMON2013 2

Fiscal Impact

None.

Executive Summary

On July 10, 2013, the California Regional Water Quality Control Board, Lahontan Region, issued a Cleanup and Abatement Order ("CAO") to the City to remediate the nitrate in groundwater that has migrated downgradient from the Northern Reclamation Field to the Soapmine Road neighborhood. To comply with the CAO, the City proposes to implement the Soapmine Road Area Nitrate Remediation Project ("Project"), which entails the construction and operation of a 7-extraction well system, transporting the extracted groundwater from the north side of the Mojave River to the south side by way of a pipeline, installing a fluidized bed reactor (FBR) that will lower the groundwater nitrate concentration to an acceptable level, and then discharge the treated water into designated effluent disposal locations. The City prepared, with the assistance of its consultant P.R. Secord, an Initial Study and Mitigated Negative Declaration ("MND") for the Project that originally contemplated 5 extraction wells, and then later circulated an Amended MND to include two additional extraction wells to optimize extraction and treatment of groundwater. Both the MND and Amended MND found that, with mitigation, the Project will have no significant adverse impacts on the environment. The Project will benefit water quality and the surrounding community. Staff recommends approval and adoption of the Amended MND and the Project by resolution.

Discussion

The Project is necessary to comply with the CAO. Pursuant to the CAO, the City is required to submit Design Criteria, an Implementation Schedule, and a Sampling and Analysis Plan for the Project by

December 10, 2013, and to complete construction of the 7-extraction well system by November 10, 2014. The Project will benefit water quality and the surrounding community because it will cleanup and maintain hydraulic control of the nitrate in groundwater. The Amended MND for the Project has concluded that, with mitigation, the Project will not have any significant adverse impacts on the environment. The Amended MND was prepared and completed in compliance with the requirements of California Environmental Quality Act ("CEQA") and the CEQA Guidelines, and reflects the independent analysis and judgment of the City. Therefore, Staff recommends approval and adoption of the Amended MND and the Project by resolution.

Recommended Action

Approve Resolution _____-2013 adopting the Amended Mitigated Negative Declaration and approving the Soapmine Road Area Nitrate Remediation project.

Meeting History

Dec 2, 2013 7:00 PM Video **City Council** **Joint Special Council/BFPD**  **Draft**

CITY PLANNER MIKE MASSIMINI gave the staff report explaining the amended mitigated negative declaration.

- RESULT:** **APPROVED [UNANIMOUS]**
- MOVER:** Merrill Gracey, Council Member
- SECONDER:** Carmen Hernandez, Council Member
- AYES:** Julie Hackbarth-McIntyre, Timothy Silva, Merrill Gracey, Richard Harpole, Carmen Hernandez