RESOLUTION NO. 2018/136

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE BRACKISH WATER DESALINATION PROJECT AS ADEQUATE FOR ADDRESSING THE ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT AND ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS, MITIGATION MEASURES, AND A MITIGATION MONITORING AND REPORTING PROGRAM AND APPROVING THE PROJECT
P.W. 694

WHEREAS, the City of Antioch ("City") prepared an Environmental Impact Report (EIR) for the Brackish Water Desalination Project ("Project") and seeks certification of the Final EIR.

WHEREAS, the Project facilities would be located in the cities of Antioch and Pittsburg, California.

WHEREAS, the Project consists of a brackish water desalination facility located within the footprint of the City's existing Water Treatment Plant (WTP) which would produce up to 6 million gallons per day (mgd) of finished water. The Project would require a direct connection to the City's existing River water intake. The existing intake pump station would be reconstructed. A new pipeline from the desalination facility to the existing Delta Diablo Wastewater Treatment Plant (WWTP) outfall would be constructed. The brine from desalination process would be mixed with treated wastewater from the WWTP prior to discharge through the existing WWTP outfall.

WHEREAS, the City initiated preliminary planning for the Brackish Water Desalination Project in 2015, the environmental effects of which must be evaluated pursuant to the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code 21000 et seq.;

WHEREAS, the City Council directed the Public Works Director to cause the Public Works Department to proceed with preparation of an EIR for the Project;

WHEREAS, pursuant to CEQA, and its implementing regulations ("CEQA Guidelines"), 14 California Code of Regulations Section 15000 et seq., the City is the lead agency for the Project, as the public agency with the principal responsibility for carrying out or approving the proposed Project;

WHEREAS, in accordance with CEQA Guidelines Section 15082, the City distributed a Notice of Preparation ("NOP") of the Draft EIR to the State Clearinghouse, local and regional responsible agencies, and other interested parties on August 15, 2017 for a 30-day public comment period and conducted a public scoping meeting on September 5, 2017;

WHEREAS, the City then prepared the Draft EIR (SCH No. 2017082044) and released the document for public review for a 45-day public comment period, beginning

June 29, 2018 and ending on August 13, 2018. The Draft EIR assesses the potential environmental effects of implementation of the Project, identifies means to eliminate or reduce potential adverse impacts, and evaluates a reasonable range of alternatives to the Project;

WHEREAS, on August 1, 2018, the Planning Commission duly held a hearing on the matter, and received and considered evidence, both oral and documentary on the Draft EIR during the 45-day public comment period;

WHEREAS, the City received comments concerning the Draft EIR from public agencies, organizations, and individuals, and pursuant to CEQA Guidelines Section 15088, the City prepared responses to all written comments received on the Draft EIR which raised environmental issues;

WHEREAS, the Final EIR comprises the Draft EIR together with one additional volume that includes the comments on the Draft EIR submitted by interested public agencies, organizations, and members of the public; written responses to the environmental issues raised in those comments; revisions to the text of the Draft EIR reflecting changes made in response to comments and other information; and other minor changes to the text of the Draft EIR. The Final EIR is hereby incorporated in this document by reference;

WHEREAS, this document contains the Project's CEQA findings, and its statement of overriding considerations supporting approval of the Project considered in the EIR. The Final EIR has State Clearinghouse No. 2017082044;

WHEREAS, on October 23, 2018, the City Council duly held a hearing on the matter, and received and considered evidence, both oral and documentary on the Final Environmental Impact Report;

WHEREAS, the City Council has reviewed and considered the environmental documentation comprising the Final EIR, including the Draft EIR, and revisions and additions thereto, the technical appendices and referenced documents, and the public comments and the responses thereto, and has found that the Final EIR considers all potentially significant environmental impacts of the Project and is complete and adequate, and fully complies with all requirements of CEQA and the State CEQA Guidelines;

WHEREAS, at said public hearing, the City Council considered all significant impacts, mitigation measures, and Project alternatives identified in the Final EIR and found that all potentially significant impacts of the Project have been lessened or avoided to the extent feasible;

WHEREAS, pursuant to CEQA Guidelines Section 15091 and 15097, the City of Antioch has prepared Findings of Fact and a Mitigation Monitoring and Reporting Program.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, as follows:

I. CERTIFICATION OF THE FINAL EIR

The City Council of the City of Antioch (the "City Council") certifies that is has been presented with the Final EIR and that is has reviewed and considered the information contained in the Final EIR prior to making the following findings in Section II, below.

Pursuant to CEQA Guidelines Section 15090 (Title 14 of the California Code of Regulations, Section 15090) the City Council certifies that the Final EIR has been completed in compliance with CEQA and the State CEQA Guidelines. The City Council certifies the Final EIR for the Project as described above.

The City Council further certifies that the Final EIR reflects its independent judgement and analysis.

II. FINDINGS

Having received, reviewed, and considered the Final EIR and other information in the record of proceedings, the City Council hereby adopts the following findings in compliance with CEQA and the CEQA Guidelines:

Part A: Findings regarding the environmental review process and the contents of the Final EIR.

Part B: Findings regarding the significant environmental impacts of the Project and the mitigation measures for those impacts identified in the Final EIR and adopted as conditions of approval, as well as the reasons that some potential mitigation measures are rejected.

Part C: Findings regarding the reasonableness of the range of alternatives evaluated in the Final EIR.

Because there are no significant impacts of the Project that cannot be reduced to a less-than-significant level through mitigation, the City Council need not adopt findings rejecting alternatives and the City Council need not adopt a Statement of Overriding Considerations.

The City Council certifies that these findings are based on full appraisal of all viewpoints, including all comments received up to date of adoption of these findings,

concerning the environmental issues identified and discussed in the Final EIR. The City Council adopts the findings and the statement in Parts A and B for the Project.

In addition to the findings regarding environmental impacts and mitigation measures, Part D, below, identifies the custodian and location of the record of proceedings, as required by CEQA.

Part D describes the Mitigation Monitoring and Reporting Program for the Project. As described in Part E, the City Council hereby adopts the Mitigation Monitoring and Reporting Program as set forth in Exhibit B to these findings.

A. Environmental Review Process

1. Notice of Preparation and Scoping Meeting

On August 15, 2017, the City issued a Notice of Preparation announcing the intended preparation of the Draft EIR and describing its proposed scope. The Notice of Preparation had a 30-day review period until September 14, 2017. The City held a public scoping meeting for the Draft EIR on September 5, 2017 for the purposes of informing the public and receiving comments on the scope of the environmental analysis to be prepared for the Project. The scoping meeting was held at the City of Antioch Maintenance Service Center located at 1201 West 4th Street, Antioch, CA.

The City received eleven comment letters during the comment period on the Notice of Preparation, from state, regional, and local agencies and organizations.

2. Preparation of the EIR

The City completed the Draft EIR for the Project and, beginning on June 29, 2018, the City made the Draft EIR available for review and comment. A notice of availability was published and the period for receipt of comments on the Draft EIR remained open for 45 days. Copies of the Draft EIR document were made available at the City of Antioch Community Development Department, located at 200 "H" Street, Antioch, the Antioch Library located at 501 W 18th Street, and on the City's website at: https://www.antiochca.gov/. During the comment period, the City received seven comment letters from six state and local agencies and one organization.

The Final EIR was completed and available to commenting public agencies on or before October 9, 2018.

The Final EIR contains all of the comments received during and immediately after the public comment period, together with written responses to significant environmental issues raised in those comments, which were prepared in accordance with CEQA and the CEQA Guidelines.

The City Council finds and determines that the Final EIR provides adequate, good faith, and reasoned responses to all comments raising significant environmental issues.

3. Absence of Significant New Information

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the draft EIR, but before certification of the final EIR. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The Guidelines provide examples of significant new information under this standard. Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

The City Council recognizes that the Final EIR incorporates information obtained by the City since the Draft EIR was completed, and contains additions, clarifications, modifications, and other changes. With respect to this information, the City Council finds as follows:

Changes to Mitigation Measures. As described in the Final EIR (Chapter 3, Revisions to the Draft EIR) and in the response to comments, Mitigation Measures 3.4-1a and 3.13-1 have been modified. The modifications to Mitigation Measure 3.4-1a adds new subsections (c) and (d), to reflect burrowing owl and Swainson's hawk survey methodologies as prescribed by CDFW. The modification to Mitigation Measure 3.13-1 clarifies that the temporary noise curtains or barriers would reduce potential daytime construction noise impacts to residential uses immediately south and west of the desalination facility. The additional language in these measures will not result in a new significant impact or a substantial increase in the severity of a previously disclosed environmental impact. Therefore, in accordance with CEQA and the CEQA Guidelines, no recirculation of the EIR is necessary based on changes or additions to the mitigation measures in the Final EIR.

Other Changes. Various minor changes have been made to the text of the Draft EIR, as described in the Final EIR. These changes are generally of an administrative nature such as correcting EIR section titles in cross references. The paragraph in Section 4.1, Significant and Unavoidable Adverse Impacts, was revised to include language clarifying that no significant and unavoidable impacts were identified for the Project. The City Council finds that these changes are of a minor, non-substantive nature and do not require recirculation of the EIR.

In responses to comments and questions from agencies, the Final EIR provides additional information regarding Delta Stewardship Council – Delta Plan policies related to aquatic biological resources and Delta hydrology and water quality that are applicable

to the Project. In addition, Section 5.3.2, Brine Disposal Options Screening Results, has been revised to include a discussion of a brine disposal option whereby the project brine would be combined with the CCCSD WWTP or Mirant power plant effluent; however, this alternative option was screened out. The City Council finds that this additional information does not constitute significant new information requiring recirculation, but rather that the additional information clarifies or amplifies an adequate EIR.

In summary, the City Council finds that the additional information, including the changes described above, does not show that:

(1) A new significant environmental impact would result from the Project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the Project, but the Project's proponents decline to adopt it.

(4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Based on the foregoing, and having reviewed the information contained in the Final EIR and in the record of the City's proceedings, including the comments on the Draft EIR and the responses thereto, and the above-described information, City Council hereby finds that no significant new information has been added to the Final EIR since public notice was given of the availability of the Draft EIR that would require recirculation of the EIR.

4. Differences of Opinion Regarding the Impacts of the Project

In making its determination to certify the Final EIR and to approve the Project, the City Council recognizes that a range of technical and scientific opinion exists with respect to certain environmental issues. The City Council acknowledges that it has acquired an understanding of the range of this technical and scientific opinion by its review of the Draft EIR, the comments received on the Draft EIR and the responses to those comments in the Final EIR, as well as letters and reports regarding the Final EIR and its own experience and expertise in these environmental issues. The City Council acknowledges that it has reviewed and considered, as a whole, the evidence and analysis presented in the Draft EIR, the evidence and analysis presented in the comments on the Draft EIR, the evidence and analysis presented in the Final EIR, the information submitted on the Final EIR, and the reports prepared by the experts who prepared the EIR, by the City's

consultants, and by staff, addressing those comments. The City Council acknowledges that it has gained a comprehensive and well-rounded understanding of the environmental issues presented by the Project. The City Council acknowledges that in turn, this understanding has enabled the City Council to make its decisions after weighing and considering the various viewpoints on these important issues. The City Council accordingly certifies that its findings are based on full appraisal of all of the evidence contained in the Final EIR, as well as the evidence and other information in the record addressing the Final EIR.

B. Impacts and Mitigation Measures

The City Council acknowledges that these findings provide the written analysis and conclusions of the City Council regarding the environmental impacts of the Project and the mitigation measures identified by the Final EIR and adopted by the City Council as conditions of approval for the Project.

Exhibit A attached to these findings and incorporated herein by reference summarizes the environmental determinations of the Final EIR about the Project's significant impacts before and after mitigation. This exhibit does not attempt to describe the full analysis of each environmental impact contained in the Final EIR. Instead, Exhibit A provides a summary description of each significant impact, describes the applicable mitigation measures identified in the Final EIR and recommended for adoption by the City Council, and states the City Council's findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Final EIR and these findings hereby incorporate by reference the discussion and analysis in the Final EIR supporting the Final EIR's determinations regarding the Project's impacts and mitigation measures designed to address those impacts. In making these findings, the City Council ratifies, adopts, and incorporates the analysis and explanation in the Final EIR, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Final EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

Pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d), the City Council adopts, and incorporates as conditions of approval of the Project, the mitigation measures set forth in the Mitigation Monitoring and Reporting Program attached to these findings as Exhibit B to reduce or avoid the potentially significant and significant impacts of the Project. The City Council acknowledges that in adopting these mitigation measures, the City Council intends to adopt each of the mitigation measures recommended for approval by the Final EIR. Accordingly, in the event a mitigation measure recommended in the Final EIR has inadvertently been omitted from Exhibit B, such mitigation measure is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in Exhibit B fails to accurately reflect the mitigation measures in the

Final EIR due to a clerical error, the language of the mitigation measure as set forth in the Final EIR shall control, unless the language of the mitigation measure has been specifically and expressly modified by these findings.

The City Council hereby finds that the adopted mitigation measures are changes or alterations that have been required in, or incorporated into, the Project which mitigate or avoid significant effects on the environment.

In comments on the Draft EIR, various measures were suggested by commenters as proposed additional mitigation measures or modifications to the mitigation measures identified by the EIR. Some modifications were made to mitigation measures in response to such comments. Other comments requested modifications in mitigation measures identified in the Draft EIR, requested mitigation measures for impacts that were less than significant, or requested additional mitigation measures for impacts as to which the Draft EIR identified mitigation measures that would reduce the identified impact to a less than significant level; these requests are declined as unnecessary.

With respect to the additional measures suggested by commenters that were not added to the Final EIR, the City Council hereby adopts and incorporates by reference the reasons set forth in the responses to comments contained in the Final EIR as its grounds for rejecting adoption of these mitigation measures.

C. Alternatives

1. Summary of Discussion of Alternatives in the Final EIR

The Final EIR evaluates two potential alternatives to the Project. The EIR examines the environmental impacts of each alternative in comparison with the Project and the relative ability of each alternative to satisfy project objectives.

2. Findings relative to Alternatives

In making these findings, the City Council certifies that it has independently reviewed and considered the information on alternatives provided in the Final EIR, including the information provided in comments on the Draft EIR and the responses to those comments in the Final EIR. The Final EIR's discussion and analysis of these alternatives is not repeated in these findings, but the discussion and analysis of the alternatives in the Final EIR is incorporated in these findings by reference.

The Final EIR describes and evaluates in detail two alternatives to the Project. The City Council acknowledges that as set forth in section B above, the City Council has adopted mitigation measures that reduce all of the significant environmental effects of the Project to a less-than-significant level. Accordingly, CEQA does not require the City Council to adopt findings rejecting alternatives to the Project. Nevertheless, The City Council acknowledges that the reasons for the City Council's decision to approve the

Project instead of the remaining alternatives are presented below. The City Council finds that the Project would satisfy the Project Objectives, and the remaining alternatives are unable to satisfy the project objectives to the same degree as the Project. The City Council further finds that, on balance, none of the remaining alternatives has environmental advantages over the Project that are sufficiently great to justify approval of such an alternative instead of the Project, in light of each such alternative's inability to satisfy the project objectives to the same degree as the Project. Accordingly, the City Council determines to approve the Project instead of approving one of the remaining alternatives.

A. Description of Project Objectives

The project objectives are to:

- Improve water supply reliability and water quality for customers.
- Develop a reliable, and drought-resistant water source to reduce dependency on purchased water supplies by maximizing the use of the City's pre-1914 water rights.
- Maximize the use of existing infrastructure to maintain economic feasibility.
- Provide cost effective operational flexibility to allow the City to respond to changes in source water quality, emergencies, changes in climate and Delta conditions.
- Preserve the value of the City's pre-1914 water rights.

B. Discussion and Findings Relating to the Alternatives Evaluated in the Draft EIR

Chapter 5 of the Draft EIR evaluates the following three alternatives, which are summarized below:

- No Project Alternative
- Intake Pump Station Siting Option 1 Alternative; and
- Reduced Footprint Alternative.

No Project Alternative.

Under CEQA, a "No-Project Alternative" compares the impacts of proceeding with a proposed project with the impacts of not proceeding with the proposed project. A No-Project Alternative describes the environmental conditions in existence at the time the Notice of Preparation was published, along with a discussion of what would be reasonably expected to occur at the site in the foreseeable future, based on current plans and consistent with available infrastructure and community services.

The No Project Alternative is defined as a continuation of existing conditions, as well as conditions that are reasonably expected to occur in the event that the proposed project is not implemented. Under the No Project Alternative and reasonably foreseeable future conditions, current operation of the City's existing water system would continue. The existing intake pump station would continue to divert water until the river's salinity exceeds potable water supply requirements, then supplemented by purchased water from CCWD. Under the No Project Alternative, the City would not implement the proposed project to provide desalinated water to offset purchased water use.

On balance, the environmental benefits that might be achieved with this alternative are outweighed by its failure to achieve any of the project objectives, and the City Council rejects this alternative.

Intake Pump Station Siting Option 1.

Intake Pump Station Siting Option 1 would include an alternative location for the intake pump station east of the existing pier and boat ramp at the north end of the parking lot. Because the intake pump station under this alternative would be located at the shoreline, it would not require the installation of three pipelines in the parking lot to convey river water to the pump station. This alternative would require the installation of one pipeline through the parking lot to convey the pumped river water to the existing raw water pipeline. As a result, the amount of temporary disturbance associated with the pipeline installation in the parking lot would be slightly reduced compared to the project and construction-related impacts would be proportionately reduced. All other project components, construction-related activities, operations, and maintenance would be the same as the proposed project.

The Draft EIR determined that this Alternative would not eliminate any impacts, could reduce impacts associated with excavation in the parking lot, and could result in greater impacts to aquatic biology and aesthetics when compared to the proposed project. The Intake Pump Station Siting Option 1 would meet all project objectives. On balance, the environmental benefits that might be achieved with this alternative are outweighed by the potential for greater impacts to aquatic biology and aesthetics and the City Council rejects the alternative.

Reduced Footprint Alternative.

The Reduced Footprint Alternative would include two intake pumps (no standby pump) instead of three pumps as in the project, thereby reducing the footprint area of the pump station by approximately 30 percent. The 3,000-foot raw water pipeline connection from the existing raw water pipeline to the WTP would not be constructed, but instead an approximately 100-foot-long pipeline segment would tee off the existing raw water pipeline on Lone Tree Way at Terranova Drive and connect to the existing pipeline that carries water to the WTP from the Municipal Reservoir (Reservoir). As a result, the raw

water connection pipeline would require about 95 percent less excavation and construction-related activities for this component. Valves would be installed to allow water to flow either directly to the WTP or to the Reservoir. In-pipe blending of raw water and Reservoir water could occur, which would lower the TDS concentration of the RO feedwater. All other project components and construction-related activities would be the same as the proposed project. However, because there would be no standby pump, in the event one of the pumps are out of service for maintenance, operations would be reduced to 8 mgd (versus 16 mgd under the project).

The Draft EIR determined that this Alternative would not eliminate any impacts, could reduce impacts associated with excavation at the intake pump station location and raw water connection pipeline, and could result in lower operational energy consumption and greenhouse gas emissions when compared to the project. However, the Reduced Footprint Alternative would meet fewer project objectives.

On balance, the environmental benefits that might be achieved with this alternative are outweighed by its failure to achieve all of the project objectives, and the City Council rejects this alternative.

C. Findings Regarding Reasonable Range of Alternatives

The City Council finds that the range of alternatives evaluated in the EIR reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing the Project's environmental effects, while accomplishing most but not all of the project objectives. The City Council finds that the alternatives analysis is sufficient to inform the City Council and the public regarding the tradeoffs between the degree to which alternatives to the Project could reduce environmental impacts and the corresponding degree to which the alternatives would hinder the City's ability to achieve the project objectives.

D. Record of Proceedings

Various documents and other materials constitute the record upon which the City Council bases these findings and the approvals contained herein. The location and custodian of these documents and materials is: Scott Buenting, Capital Improvements Division, City of Antioch, 200 H Street, Antioch, CA 94509.

E. Mitigation Monitoring and Reporting Program

In accordance with CEQA and the CEQA Guidelines, the City Council must adopt a mitigation monitoring and reporting program to ensure that the mitigation measures adopted herein are implemented. The City Council hereby adopts the Mitigation Monitoring and Reporting Program for the Project as conditions of approval for the project and attached to these findings as Exhibit B.

NOW THEREFORE BE IT FURTHER RESOLVED that the Environmental Impact Report for the Brackish Water Desalination Project is HEREBY CERTIFIED pursuant to the California Environmental Quality Act. All feasible mitigation measures for the Project identified in the Environmental Impact Report and accompanying studies are hereby incorporated into this approval.

* * * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the City Council of the City of Antioch at a regular meeting thereof held on the 23rd day of October, 2018 by the following vote:

AYES: Council Members Wilson, Thorpe, Tiscareno, Ogorchock and Mayor Wright

NOES: None

ABSENT: None

ARNE SIMONSEN, CMC
CITY CLERK OF THE CITY OF ANTIOCH