



**Final Environmental Impact Report for the  
Harbor Refineries Recycled Water Pipeline Project**  
State Clearinghouse No. 2008121093



Los Angeles Department of Water and Power ■ October 6, 2009

**Final Environmental Impact Report  
Harbor Refineries Recycled Water Pipeline Project,  
Los Angeles, California**



**Los Angeles Department of Water and Power**  
Environmental Planning and Assessment  
111 North Hope Street, Room 1044  
Los Angeles, CA 90012  
213.367.0610

Contact: Shilpa Gupta, Project Manager

Technical Assistance Provided by:

**Michael Brandman Associates**  
220 Commerce, Suite 200  
Irvine, CA 92602  
714.508.4100

October 6, 2009

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### Statement of Overriding Considerations

# Responses to Comments

## SECTION 1: PURPOSE

In accordance with Section 15088 of the State of California Environmental Quality Act (CEQA) Guidelines, the Los Angeles Department of Water and Power (LADWP), as the lead agency, has evaluated the comments received on the Draft EIR. The responses to the comments, Mitigation Monitoring Plan, Errata, and Draft EIR comprise the Final EIR for use by LADWP in its review of the proposed project.

This Response to Comments document is organized as follows:

- **Section 1 - Introduction.**
- **Section 2 - List of Commentors.** Provides a list of the agencies, organizations, and individuals that commented on the Draft EIR.
- **Section 3 - Response to Comments.** Includes a copy of the letters received and provides responses to comments on environmental issues describing the disposition of the issues, explaining the EIR analysis, supporting the EIR conclusions, and/or providing information or corrections as appropriate. This section is organized with a copy of the comment letter followed with the corresponding responses.

## SECTION 2: LIST OF COMMENTORS

Two comment letters were received on the Draft EIR. A list of the public agencies that provided comments on the Draft EIR is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Section 3, Responses to Comments, includes the text of the comment letters followed by the corresponding response.

<b>COMMENTOR</b>	<b>CODE</b>
State Water Resources Control Board, September 8, 2009 .....	A
Governor’s Office of Planning and Research, September 9, 2009.....	B

## SECTION 3: RESPONSE TO COMMENTS

The comment letters reproduced in the following pages follow the same organization as used in Sections 2’s List of Commentors.



Linda S. Adams  
Secretary for  
Environmental Protection

Division of Financial Assistance  
1001 I Street, Sacramento, California 95814 • (916) 341-5700  
Mailing Address: P.O. Box 944212 • Sacramento, California 94244-2120  
FAX (916) 341-5707 • <http://www.waterboards.ca.gov>



Arnold Schwarzenegger  
Governor

SM

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Ms. Shilpa Gutpa  
Los Angeles Department of Water and Power  
City of Los Angeles  
111 North Hope Street, Room 1044  
Los Angeles, CA, 90012

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Letter A  
Page 1 of 4

Dear Ms. Gutpa:

**ENVIRONMENTAL IMPACT REPORT (EIR) FOR LOS ANGELES DEPARTMENT OF WATER AND POWER (DEPARTMENT); HARBOR REFINERIES RECYCLED WATER PIPELINE PROJECT (PROJECT); LOS ANGELES COUNTY; STATE CLEARINGHOUSE NO. 2008121093**

We understand the Department may be pursuing Clean Water State Revolving Fund (CWSRF) financing for this Project (CWSRF No. 06-5491-110). As a funding agency and a state agency with jurisdiction by law to preserve, enhance, and restore the quality of California's water resources, the State Water Resources Control Board (State Water Board) is providing the following information for the environmental document prepared for the Project.

Please provide us with the following documents applicable to the proposed Project if seeking CWSRF or other State Water Board funding: (1) Two copies of the draft and final EIR, (2) the resolution certifying the EIR, adopting the Mitigation Monitoring and Reporting Program (MMRP) and the Statement of Overriding Considerations (SOC), if applicable, and making California Environmental Quality Act (CEQA) findings, (3) all comments received during the review period and the Department's response to those comments, (4) the adopted MMRP, and (5) the Notice of Determination filed with the Governor's Office of Planning and Research, State Clearinghouse. In addition, we would appreciate notice of any hearings or meetings held regarding environmental review of any projects to be funded by the State Water Board.

Letter A-1

The CWSRF Program is partially funded by the U.S. Environmental Protection Agency (USEPA) and requires additional "CEQA-Plus" environmental documentation and review. Four enclosures are included that further explain the environmental review process and additional federal requirements in the CWSRF Program. The State Water Board is required to consult directly with agencies responsible for implementing federal environmental laws and regulations. Any environmental issues raised by federal agencies or their representatives will need to be resolved prior to State Water Board approval of a CWSRF funding commitment for the proposed Project. For further information on the CWSRF Program, please contact Ms. Michelle L. Jones at (916) 341-6983.

It is important to note that prior to a CWSRF funding commitment, projects are subject to provisions of the Federal Endangered Species Act and must obtain approval from the U.S. Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS) for any potential effects to special status species.

*California Environmental Protection Agency*

Ms. Shilpa Gupta

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Please be advised that the State Water Board can consult with USFWS, and/or NMFS on behalf of the Department regarding all federal special-status species the Project has the potential to impact. The Department will need to identify whether the Project will involve any direct effects from construction activities, or indirect effects, such as growth inducement, that may affect federally-listed threatened, endangered, or candidate species that are known, or have a potential to occur on-site, in the surrounding areas, or in the service area.

In addition, CWSRF projects must comply with federal laws pertaining to cultural resources, specifically Section 106 of the National Historic Preservation Act (NHPA). The State Water Board has been delegated responsibility for carrying out the requirements of Section 106 under a Nationwide Programmatic Agreement executed for the CWSRF Program by the USEPA, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers.

As stated above, the State Water Board has responsibility for ensuring compliance with Section 106, and the State Water Board Cultural Resources Officer (CRO) consults directly with the California State Historic Preservation Officer (SHPO). SHPO consultation is initiated when sufficient information is provided by the CWSRF applicant for projects having potential impacts to cultural resources. Please contact State Water Board CRO Ms. Cookie Hirn at (916) 341-5690, to find out more about the requirements, and any questions on beginning the Section 106 compliance process, as applicable. Note that the Department will need to identify the Area of Potential Effects (APE), including construction, staging areas, and depth of any excavation.

Letter A-1  
cont

Please provide the CRO with a copy of a current records search, including maps that show all recorded sites and surveys in relation to the APE for the Project area. The APE is three dimensional, and includes all areas that may be affected by the Project. The APE includes the surface area and extends below ground to the depth of any Project excavations. The records search request should be made for an area larger than the APE. The appropriate area varies for different projects, but should be drawn large enough to provide information on what types of sites may exist in the vicinity.

Native American and Interested Party Consultation is required for Section 106 compliance:

- Project descriptions and maps should be sent to the Native American Heritage Commission (NAHC). The NAHC will provide a list of Native American tribes and individuals that are culturally affiliated with the Project areas and recommend they all be contacted.
- Project descriptions and maps should be sent to everyone on the list provided by the NAHC, asking for information on the Project areas.
- Similar letters should be sent to local historical organizations.
- Follow-up contact should be made by phone, if possible, and a phone log should be included.

*California Environmental Protection Agency*

Ms. Shilpa Gupta

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Comments from the NAHC, local tribes, and historical organizations affiliated with the project area, as well as District response to these comments should be included in the submittal to the CRO. The NAHC can be contacted at:

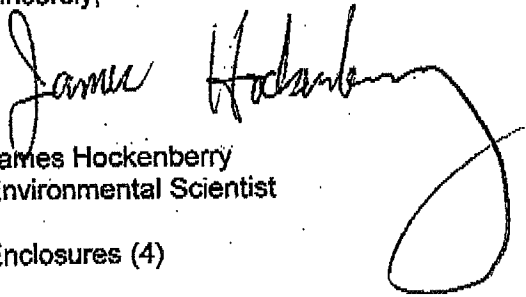
915 Capitol Mall, Room 364  
Sacramento, CA 95814  
(916) 653-4082

Following are specific comments on the Department's EIR:

- 1) The MMRP in the EIR's Executive Summary indicates that the cultural resources are less than significant, and yet on the EIR's checklist the impacts to cultural resources are significant and require mitigation measures. Please amend the MMRP in the Executive Summary to adjust the level of significance for cultural resource impacts.
- 2) The EIR states that there are significant environmental impacts to cultural resources, transportation, noise, air quality, climate change, and hazardous materials. Despite mitigation measures, these impacts cannot be reduced to a level of insignificance, and therefore, an SOC needs to be prepared, substantiated and adopted. Please provide the SOC in the Final EIR for the aforementioned significant impacts.
- 3) A Section 106 Report is needed if pursuing CWSRF financing.
- 4) Section 4, Environmental Impact Assessment, Page 4-28, checklist items (a) and (b) essentially states that there will be "no impact" to habitat or sensitive species. Please identify whether there has been any consultation with the California Department of Fish and Game (CDFG) or the USFWS for concurrence on these findings. If so, provide copies of the correspondences.
- 5) Section 4, Environmental Impact Assessment, Page 4-28, checklist item (c) essentially states that "Permits for crossing Dominguez Channel will be required from both the U. S. Army Corp of Engineers and the CDFG." Please identify the status of these permits and provide copies.

Thank you again for the opportunity to review the Department's EIR. If you have any questions or concerns, please feel free to contact me at (916) 341-5686, or by email at [JHockenberry@waterboards.ca.gov](mailto:JHockenberry@waterboards.ca.gov), or contact Lowell Jarvis by email at [LJarvis@waterboards.ca.gov](mailto:LJarvis@waterboards.ca.gov)

Sincerely,



James Hockenberry  
Environmental Scientist

Enclosures (4)

cc: See next page

Letter A-1  
cont

Letter A-2

Letter A-3

Letter A-4

Letter A-5

Letter A-6

Letter A-7

Ms. Shilpa Gupta

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cc: State Clearinghouse  
(Re: SCH# 200812093)  
P.O. Box 3044  
Sacramento, CA 95812-3044

***California Environmental Protection Agency***





## State Water Resources Control Board (Letter A)

### *Response to Comment A-1*

The commentor correctly indicates that the LADWP may pursue Clean Water State Revolving Fund (CWSRF) financing for the project and provides detailed information regarding CWSRF requirements. At the time of the preparation of this document, a final decision has not been reached regarding whether CWSRF financing would be a component of the project funding. However, if CWSRF financing is pursued, LADWP would comply with all applicable requirements, including those identified in the comment. The comment does not directly address the adequacy of the Draft EIR and no further response is required.

### *Response to Comment A-2*

The commentor indicates that the Mitigation Monitoring and Reporting Program (MMRP) in the Draft EIR's Executive Summary inaccurately identifies impacts associated with Cultural Resources. The MMRP is a separate document from the Draft EIR and is not included in the Draft EIR's Executive Summary. For purposes of this response, it is assumed that the commentor is referring to the Executive Summary's Table ES-1, Summary of Environmental Impacts and Mitigation Measures. Table ES-1 correctly identifies that the project would result in potentially significant impacts associated with archeological and paleontological resources. Additionally, Table ES-1 includes mitigation measures MM CR-2, MM CR-3a, MM CR-3b, and MM CR-3c to reduce impacts associated with cultural resources. Finally, Table ES-1 accurately reflects the conclusions in Draft EIR Section 3.2, Cultural Resources, that the impacts would be reduced to less than significant with the incorporation of mitigation measures. Because Table ES-1 properly characterizes the impacts to cultural resources based on the corresponding section in the Draft EIR, no revisions to Table ES-1 are required, and no further response is needed.

### *Response to Comment A-3*

The commentor correctly indicates that the Draft EIR identifies impacts that would be significant and unavoidable where feasible mitigation is not available to reduce the impacts to less than significant. However, the Draft EIR only identifies such significant and unavoidable impacts for issues associated with noise and traffic. As indicated in the Draft EIR's Executive Summary, no significant and unavoidable impacts would occur associated with cultural resources, air quality, climate change, or hazardous materials, contrary to what was stated in the comment. LADWP is required under CEQA to adopt a Findings of Fact and Statement of Overriding Consideration, copies of which will be provided to the commentor after the documents are adopted.

### *Response to Comment A-4*

See response A-1. As discussed above, if CWSRF financing is pursued, LADWP would comply with all applicable requirements, including those identified in the comment. The comment does not directly relate to the adequacy of the Draft EIR and no revisions are necessary.

*Response to Comment A-5*

Issues related to biological resources were addressed in the Initial Study/Notice of Preparation (IS/NOP) prepared for the project and included in Draft EIR appendices. As indicated in the IS/NOP, the project would not occur in close proximity to sensitive habitat or species and no significant impacts would occur. Consultation with the California Department of Fish and Game (CDFG) and/or the United States Army Corps of Engineers (USACE) was unnecessary. As such, the agencies were not consulted. However, the CDFG and USACE were provided copies of the IS/NOP and neither agency issued comments on the adequacy of the environmental analysis.

*Response to Comment A-6*

At the time of the preparation of this Final EIR, no formal action has been taken on behalf of LADWP pursuant to an USACE or CDFG permit. LADWP will provide documentation of such permits to the commentor, once the permits are acquired.

*Response to Comment A-7*

The contact information for the commentor is noted.



STATE OF CALIFORNIA  
**GOVERNOR'S OFFICE of PLANNING AND RESEARCH**  
 STATE CLEARINGHOUSE AND PLANNING UNIT



ARNOLD SCHWARZENEGGER  
 GOVERNOR

CYNTHIA BRYANT  
 DIRECTOR

September 9, 2009

Letter B  
 Page 1 of 2

Shilpa Gupta  
 City of Los Angeles Department of Water and Power  
 111 North Hope Street, Room 1044  
 Los Angeles, CA 90012

Subject: Harbor Refineries Recycled Water Pipeline Project  
 SCH#: 2008121093

Dear Shilpa Gupta:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on September 8, 2009, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

Letter B-1

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan  
 Acting Director, State Clearinghouse

Enclosures  
 cc: Resources Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2008121093  
**Project Title** Harbor Refineries Recycled Water Pipeline Project  
**Lead Agency** Los Angeles, City of

**Type** EIR Draft EIR  
**Description** The Project is the construction of ~60,000 ft (11.4 miles) of 36 inch (or smaller) recycled water pipelines and associated structures such as maintenance hotels, flow meters, air/vacuum valves, blow-off assemblies, isolation valves, water sampling stations, and vaults. The Project will be constructed in order to provide recycled water produced by the West Basin Municipal Water District's Carson Regional Water Recycling Plan, to various industrial and irrigation customers in the Carson and Los Angeles Harbor Area. Los Angeles Department of Water and Power will construct the recycled water pipelines up to the property boundaries adjacent to the appropriate metering devices for each potential customer. The pipeline will be installed in the ground beneath existing city streets. Installation of the pipeline would be accomplished using open trench excavations. However, in areas where trenching is not possible, such as the Dominguez Channel, railroad crossings, and major street intersections, construction of the pipeline will involve pipe jacking and/or horizontal directional drilling.

**Lead Agency Contact**

**Name** Shilpa Gupta  
**Agency** City of Los Angeles Department of Water and Power  
**Phone** (213) 367 0610 **Fax**  
**email**  
**Address** 111 North Hope Street, Room 1044  
**City** Los Angeles **State** CA **Zip** 90012

**Project Location**

**County** Los Angeles  
**City** Carson  
**Region**  
**Lat / Long** 33° 47' 57" N / 118° 15' 50" W  
**Cross Streets** Avalon Boulevard, Pacific Coast Hwy, Wilmington Boulevard, Lomita Boulevard  
**Parcel No.**  
**Township** 4S **Range** 13W **Section** **Base** Torrance

**Proximity to:**

**Highways** 405,110,47  
**Airports** No  
**Railways** BNSF  
**Waterways** Dominguez Channel  
**Schools** Banning, Carson, Wilmington  
**Land Use**

**Project Issues** Air Quality; Archaeologic-Historic; Cumulative Effects; Noise; Solid Waste; Toxic/Hazardous; Traffic/Circulation

**Reviewing Agencies** Resources Agency; California Coastal Commission; Department of Fish and Game, Region 5; Department of Parks and Recreation; Caltrans, District 7; Department of Health Services; Integrated Waste Management Board; State Water Resources Control Board, Clean Water Program; State Water Resources Control Board, Division of Water Quality; State Water Resources Control Board, Division of Water Rights; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission

**Date Received** 07/22/2009 **Start of Review** 07/22/2009 **End of Review** 09/08/2009

Note: Blanks in data fields result from insufficient information provided by lead agency.

## **Governor's Office of Planning and Research (Letter B)**

### *Response to Comment B-1*

The commenting agency indicates that the Draft EIR was circulated to selected State agencies for review and that the project has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to CEQA requirements. No further response is required.

## **SECTION 4: ERRATA**

No modifications to the Draft Environmental Impact Report have been made; therefore, no errata text is needed.

## Mitigation Monitoring Plan

Section	Mitigation Measure	Method of Implementation	Timing of Implementation	Group/Person Responsible for Implementation	Verification of Completion	
					Date	Initial
Air Quality	<p><b>MM AQ-2a.</b> In addition to compliance with SCAQMD Regulation 402 (Fugitive Dust), the Construction Manager/Contractor will implement the following dust control measures for all Excavation and shoring activities:</p> <p>Expediently replace ground cover in disturbed areas.            Water disturbed surfaces at least 3 times per day.            All stockpiles shall be covered</p>	Verify inclusion in project specifications; Site inspection	Prior to the start of excavation and shoring activities	Project Engineer and Construction Manager		
Air Quality	<p><b>MM AQ-2b.</b> Prior to the start of construction, the LADWP will draft a Construction Emission Reduction Plan (Plan) that details implementation of this measure, including discussions on feasibility and the degree of implementation of specific Plan components. The construction manager shall keep a copy of the Plan on-site during construction and shall implement the components of the Plan. The Plan shall demonstrate a reduction in maximum daily NO<sub>x</sub> emissions from the excavation and shoring phase such that the emissions will not exceed the SCAQMD's LST thresholds. The primary method of achieving emission reductions is reducing the maximum equipment use hours to occur on any one day at any one location of excavation and shoring. Total on-site (off-road equipment) horse power-hours (hp*h) allowed to occur at any one location to will be restricted to 13,825 or less.</p>	Approval of the Emission Reduction Plan; Site inspection	Prior to the start of construction.	Project Engineer		

Section	Mitigation Measure	Method of Implementation	Timing of Implementation	Group/Person Responsible for Implementation	Verification of Completion	
					Date	Initial
Air Quality	<b>MM AQ-3a.</b> During project construction, construction equipment will be properly maintained at an offsite location; maintenance shall include proper tuning and timing of engines. Equipment maintenance records and data sheets of equipment design specifications shall be kept at that location.	Verify inclusion in project specifications; Site inspection	Prior to the start of, and during construction	Construction Manager		
Air Quality	<b>MM AQ-3b.</b> In addition to the requirements of MM AQ-2b, LADWP shall incorporate into the Construction Emission Reduction Plan (Plan) a demonstration that the maximum daily activity that would occur for the project in the region (a summation of all construction site emissions) would not exceed the SCAQMD's regional NOx threshold of 100 lbs/day. Below is a menu of specific measures that may be included in the Plan to reduce total daily NOx emissions. The measures may be used singly or together to reduce the NOx impact to less than significant: <ul style="list-style-type: none"> <li>All construction diesel engines, which have a rating of 50 hp or more, shall meet, at a minimum, the Tier 2 California Emission Standards for Off-Road Compression-Ignition Engines as specified in California Code of Regulations, Title 13, Section 2423(b)(1) unless LADWP determines that such engine is not available or feasible for a particular type of equipment. In the event a Tier 2 engine is not available for any off-road engine larger than 50 hp, that engine shall be a Tier 1 engine, if available and feasible. In the event a Tier 1 engine is not available for any off-road engine larger than 50 hp, then that engine shall be a 1996 or newer engine. The LADWP may grant relief from this requirement</li> </ul>	Approval of the Emission Reduction Plan; Site inspection	Prior to the start of, and during construction.	Project Engineer and Construction Manager		

Section	Mitigation Measure	Method of Implementation	Timing of Implementation	Group/Person Responsible for Implementation	Verification of Completion	
					Date	Initial
	<p>for that engine if compliance with this requirement is infeasible.</p> <ul style="list-style-type: none"> <li>• To the extent that equipment and technology is available and cost-effective, the LADWP is encouraged to use NOX catalyst, and retrofit existing engines in construction equipment. This measure applies to all construction equipment, including portable diesel powered equipment holding a valid permit with the SCAQMD or ARB. As to assist the construction manager in identifying engines that implement this measure, equipment that implements the measure shall have clearly visible tags.</li> <li>• To the extent feasible, utilize alternative fueled equipment instead of diesel-powered equipment. If biodiesel is selected as an alternative fuel, the construction manager shall ensure that appropriate NOx reduction additives are utilized, as biodiesel alone would increase NOx emissions.</li> <li>• During project construction, onsite electrical hook ups shall be provided to utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators for electric construction tools including saws, drills and compressors, to eliminate the need for diesel powered electric generators. To the extent that equipment and technology is available and cost-effective, the LADWP is encouraged to use electrically driven equipment instead of fossil-fueled engines.</li> <li>• During project construction, restrict idling of construction equipment onsite to 5 minutes or less, unless idling is necessary for equipment use.</li> <li>• To the extent practicable, construction management techniques such as timing construction to occur</li> </ul>					



Section	Mitigation Measure	Method of Implementation	Timing of Implementation	Group/Person Responsible for Implementation	Verification of Completion	
					Date	Initial
	outside the ozone season of May through October shall be employed, or equipment use shall be scheduled to limit unnecessary concurrent operation.					
<b>Cultural Resources</b>	<p><b>MM CR-2.</b> A cultural resources discovery plan shall be prepared and implemented prior to the start of construction. The discovery plan will consist of the following components:</p> <ul style="list-style-type: none"> <li>• The Contractor/Construction Manager shall ensure that a cultural and paleontological discovery plan and training program shall be implemented prior to the start of construction. The discovery plans will outline procedures for identification and treatment of either cultural resources or paleontological resources found along the routes during construction. The training program will be prepared by a trained archaeologist and paleontologist and shall consist of a brief PowerPoint presentation (or other approved presentation method) for all construction personnel. The emphasis of the training is to educate all construction personnel on the potential archaeological and paleontological resources that could be found on the project during excavation and the proper procedures for dealing with resources if encountered. Should resources be identified during construction, work shall cease in the immediate area (within 100 feet) and a qualified archaeologist shall be notified to determine if the resource is significant. Work shall not continue until the qualified archaeologist makes a determination. If a significant resource is encountered, the steps outlined in the archaeological discovery plan shall be followed.</li> <li>• Prior to the commencement of construction activities, a qualified archaeologist shall review all construction</li> </ul>	<p>Approval of Cultural Resources Discovery Plan</p> <p>Site inspection;</p> <p>Letter of review by qualified archeologist</p>	Prior to the start of construction	Project Engineer and Construction Manager		

Section	Mitigation Measure	Method of Implementation	Timing of Implementation	Group/Person Responsible for Implementation	Verification of Completion	
					Date	Initial
	<p>plans to determine the amount of subsurface disturbance in the construction right of way. This shall be accomplished through a review of existing drawings of utilities currently in place, referenced against the location of the new recycled water pipeline. If no drawings are available, the qualified archaeologist shall make assessments during construction “potholing” activities to determine if undisturbed cultural resources are present or potentially present.</p> <ul style="list-style-type: none"> <li>• If it is determined that intact soils are present along portions of the route with a high potential for buried archaeological resources as shown in Exhibit 3.2-1, as identified through MM CR-2.b, a qualified archaeologist shall be present for excavation activities in those specific areas. If significant resources are encountered, the procedures outlined in the archaeological discovery plan shall be followed, before construction can continue. If no significant resources are encountered after 25 percent of one of the high potential areas has been excavated, the project archaeologist can reduce or eliminate archaeological monitoring at the location.</li> </ul>					

Section	Mitigation Measure	Method of Implementation	Timing of Implementation	Group/Person Responsible for Implementation	Verification of Completion	
					Date	Initial
<b>Cultural Resources</b>	<b>MM CR-3a.</b> Prior to the start of construction, a qualified paleontologist shall review all construction plans to determine the amount of subsurface disturbance in the construction right of way. This shall be accomplished through a review of existing drawings of utilities currently in place, referenced against the location of the new recycled water pipeline. If no drawings are available, the qualified paleontologist shall make assessments during construction “potholing” activities to determine if undisturbed cultural resources are present or potentially present.	Approval of Cultural Resources Discovery Plan  Site inspection;  Letter of review by qualified archeologist	Prior to the start of construction.	Project Engineer		
	<b>MM CR-3b.</b> If it is determined by the paleontologist that suitable intact soils are present along portions of the route with a high potential for buried paleontological resources as shown in Exhibit 3.2-1, as identified in MM CR3a, a qualified paleontologist shall be present for excavation activities in those specific areas. If significant resources are encountered, the procedures outlined in the discovery plan (MM CR2.a) shall be followed, before construction can continue. If no significant resources are encountered after 25 percent of one of the high potential areas has been excavated, the project paleontologist can reduce or eliminate monitoring at the location.	Review and approval of cultural resources discovery plan; Site inspection;	Prior to the start of ,and during construction	Project Engineer		
<b>Cultural Resources</b>	<b>MM CR-3c.</b> In the case that fossil remains are encountered, all recovered fossil remains shall be prepared to the point of identification and to the lowest taxonomic level possible. The remains shall be curated, catalogued, and the corresponding geologic and geographic site data archived and all items transferred to the appropriate museum repository,	Review and approval of cultural resources discovery plan; Site inspection; Catalogue of collected fossils prepared by a qualified	Following discovery of fossil remains	LADWP Waterworks Engineer		

Section	Mitigation Measure	Method of Implementation	Timing of Implementation	Group/Person Responsible for Implementation	Verification of Completion	
					Date	Initial
	preferably to the Los Angeles County Natural History Museum.	paleontologist. Deposit receipt of collected fossils from a museum.				
Noise	<b>MM NOI-1a.</b> During all construction activities associated with the project, the construction Contractor/Construction Manager shall ensure that, unless granted a variance or an exemption from the applicable City, construction activities shall not occur between the hours of 8:00 p.m. and 7:00 am Monday through Friday, between the hours of 6:00 p.m. and 8:00 a.m. on Saturday, nor at any time on Sunday or a national holiday where a construction work area is within 500 feet of a noise-sensitive land use.	Verify inclusion in project specifications; Site inspection	Prior to the start of construction	Project Engineer and Construction Manager		
Noise	<b>MM NOI-1b.</b> Prior to the commencement of construction activities, the Contractor/Construction Manager shall prepare a construction schedule that will ensure that construction shall be completed as rapidly as possible while minimizing potential cumulative construction noise impacts and accommodating particularly noise-sensitive periods for nearby land uses.	Verify inclusion in project specifications; Site inspection	Prior to the start of construction	Project Engineer and Construction Manager		

Section	Mitigation Measure	Method of Implementation	Timing of Implementation	Group/Person Responsible for Implementation	Verification of Completion	
					Date	Initial
Noise	<b>MM NOI-1c.</b> During all construction activities, the Contractor/Construction Manager shall ensure that the quietest construction equipment available shall be used. Where possible, electric-powered equipment shall be used rather than diesel equipment and hydraulic-powered equipment shall be used rather than pneumatic power. If compressors powered by diesel or gasoline engines are used, they shall be enclosed or have baffles to help abate noise levels.	Verify inclusion in project specifications; Site inspection	Prior to the start of, and during construction	Construction Manager		
Noise	<b>MM NOI-1d.</b> During all construction activities, the Contractor/Construction Manager shall ensure that all construction equipment shall be properly maintained.	Verify inclusion in project specifications; Site inspection	Prior to the start of, and during construction	Construction Manager		
Noise	<b>MM NOI-1e.</b> During all construction activities, the Contractor/Construction Manager shall ensure that all equipment shall be equipped with suitable exhaust and air-intake silencers in proper working order.	Verify inclusion in project specifications; Site inspection	Prior to the start of, and during construction	Construction Manager		
Noise	<b>MM NOI-1f.</b> During all construction activities, the Contractor/Construction Manager shall ensure that noisy equipment shall be operated only when necessary, and shall be switched off when not in use.	Verify inclusion in project specifications; Site inspection	Prior to the start of, and during construction	Construction Manager		
Noise	<b>MM NOI-1g.</b> During all construction activities in residential neighborhoods, the Contractor/Construction Manager shall ensure that where feasible, temporary barriers shall be employed around noisy equipment when it is located within 500 feet of a sensitive receptor. To maximize the effectiveness of the barriers they shall break the line-of site between the equipment and the noise-sensitive receptor(s) and shall be located as close as practicable to either the noise source or the	Verify inclusion in project specifications; Site inspection	Prior to the start of, and during construction	Project Engineer and Construction Manager		

Section	Mitigation Measure	Method of Implementation	Timing of Implementation	Group/Person Responsible for Implementation	Verification of Completion	
					Date	Initial
	receptor. Where the barrier does not enclose the equipment on multiple sides, the length of the barrier shall be substantially greater than its height to provide effective performance. The barriers shall be constructed of an acoustical blanket material that provides a minimum sound transmission class (STC) of 28.					
Noise	<b>MM NOI-1h.</b> During all construction activities, the Contractor/Construction Manager shall ensure that construction employees are trained in the proper operation and use of the equipment in order to minimize noise levels.	Verify inclusion in project specifications; Site inspection	Prior to the start of, and during construction	Construction Manager		
Noise	<b>MM NOI-1i.</b> Prior to the commencement of construction activities, the Contractor/Construction Manager shall ensure that construction employees shall be required to participate in training programs related to project-specific noise requirements, specifications, and equipment operations. The construction employees shall also receive onsite training related to the noise-specific issues and sensitive areas adjacent to the pipeline route.	Verify inclusion in project specifications; Site inspection	Prior to the start of construction	Project Engineer and Construction Manager		
Noise	<b>MM NOI-1j.</b> Staging sites shall be located on properties restricted to industrial and commercial uses only.	Verify the location of the staging sites in relation to MM NOI-1j	Prior to the start of construction	Project Engineer		
Noise	<b>MM NOI-1k.</b> Staging sites shall not be located within 500 feet of a sensitive receptor. Where this is not possible, the Contractor/Construction Manager shall ensure that noise barriers are erected, or ensure that existing structures provide adequate noise barriers between the staging site and the sensitive receptor(s).	Verify the location of the staging sites in relation to MM NOI-1k; Site inspection	Prior to the start of construction	Project Engineer		

Section	Mitigation Measure	Method of Implementation	Timing of Implementation	Group/Person Responsible for Implementation	Verification of Completion	
					Date	Initial
Noise	<b>MM NOI-1l.</b> During all construction activities, the Contractor/Construction Manager shall ensure that stationary noise sources such as generators and compressors shall be positioned as far away as possible from noise sensitive areas.	Verify inclusion in project specifications; Site inspection	Prior to the start of, and during construction	Construction Manager		
Noise	<b>MM NOI-1m.</b> During all construction activities, the Contractor/Construction Manager shall ensure that construction equipment is stored in the construction zone while in use in order to eliminate noise associated with repeated transportation of the equipment to and from the site.	Verify inclusion in project specifications; Site inspection	Prior to the start of, and during construction	Construction Manager		
Noise	<b>MM NOI-1n.</b> Prior to the commencement of construction activities, the Contractor/Construction Manager shall ensure that public notice is given regarding construction which identifies the location and dates of construction, and the name and phone number of the contractor's contact person in case of complaints. One contact person shall be assigned to the pipeline project. The public notice shall encourage the residents to contact this person rather than the police in case of complaint. Residents shall also be kept informed of any changes to the schedule. The designated contact person shall be available on a mobile phone. If a complaint is received, the contact person shall take whatever reasonable steps are necessary to resolve the complaint. If possible, a member of the construction team shall also travel to the complainant's location to understand the nature of the disturbance.	Verify that public notice is given regarding construction in accordance with MM NOI-1n	Prior to the start of construction	Project Engineer and Construction Manager		

Section	Mitigation Measure	Method of Implementation	Timing of Implementation	Group/Person Responsible for Implementation	Verification of Completion	
					Date	Initial
Noise	<b>MM NOI-1o.</b> Prior to the commencement of construction activities, the LADWP Waterworks Engineer shall prepare a haul route plan for the construction of the project. Haul routes shall be on major arterial roads in industrial and commercial areas. Where haul routes must occur on major arterial roads in residential areas, such routes shall be subject to the review and approval of the local jurisdiction wherein the haul route will occur.	Review and approval of haul route plan.	Prior to the start of construction	Project Engineer		
Noise	<b>MM NOI-2a.</b> During construction activities, in order to avoid potential building damage associated with construction vibration, the Contractor/Construction Manager shall ensure that heavy equipment (backhoes, dozers, graders, loaders, etc.) shall not be operated within 15 feet of any existing building. If the required distance cannot be maintained then the following measures shall be implemented:  a.) Qualified structural and/or geotechnical engineers shall review the peak particle velocities estimated in this report, and determine if there are any risks to the building, including possible risks from dynamic soil settlement induced by the vibration. If the structural or geotechnical engineers identify any potential risks, they shall take all necessary steps to protect the building including, but not limited to, photographing and/or videotaping the building in order to provide a record of the existing conditions before construction.  b.) If considered appropriate by a qualified structural engineer or geotechnical engineer, an engineer shall be on-site during the construction activities and perform such tests and observations as are	Verify inclusion in project specifications; Review construction plans relative to peak particle velocities; Site inspection	Prior to the start of, and during construction	LADWP Waterworks Engineer; Project Geotechnical and Structural Engineer		



Section	Mitigation Measure	Method of Implementation	Timing of Implementation	Group/Person Responsible for Implementation	Verification of Completion	
					Date	Initial
	necessary to ensure the structural stability of the building. This may include vibration measurements obtained inside or outside of the c.) building.					
<b>Transportation and Traffic</b>	<b>MM TRAN-1a.</b> Directional capacity (westbound in the a.m. peak and eastbound in the p.m. peak) should be considered in roadway closure planning. The provision of the original one-way capacity of the affected roadway (in number of travel lanes) in the peak direction, while providing a reduced number of travel lane for the opposite direction of traffic flow, would help to alleviate any potential traffic impacts during construction if construction-period roadway LOS would be unacceptable.	Verify inclusion in project specifications; Site inspection	Prior to the start of construction	Project Engineer		
<b>Transportation and Traffic</b>	<b>MM TRAN-1b.</b> There are bicycle lanes located along Avalon Boulevard between 246th Street to the north and L Street to the south. Closure of these lanes in addition to the on-street parking could be necessary during Project construction. If these lanes are closed, direct alternates should be provided during construction. If provision of alternate routes is not feasible, bicycle route closure signs shall be posted at the next major intersections to the north and south of the construction area.	Verify inclusion in project specifications; Site inspection	Prior to the start of construction	Project Engineer		
<b>Transportation and Traffic</b>	<b>MM TRAN-1c.</b> Left-turn lanes and other approach lanes (as feasible) should be maintained in close vicinity to major intersections along the proposed project route.	Verify inclusion in project specifications; Site inspection	Prior to the start of construction	Project Engineer		

Section	Mitigation Measure	Method of Implementation	Timing of Implementation	Group/Person Responsible for Implementation	Verification of Completion	
					Date	Initial
<b>Transportation and Traffic</b>	<b>MM TRAN-1d.</b> In residential areas where roadway widths are narrow, one lane should be maintained for reversible traffic flow. Additionally, access to residential driveways should be maintained.	Verify inclusion in project specifications; Site inspection	Prior to the start of construction	Project Engineer		
<b>Transportation and Traffic</b>	<b>MM TRAN-1e.</b> Marked pedestrian crosswalks should be maintained, especially when a school or transit stop is located nearby. There are schools located on Avalon Boulevard, Carson Street, L Street, Mahar Avenue, and Pacific Coast Highway. All crosswalks should be relocated temporarily, immediately beyond the construction work area in accordance with applicable safety regulations.	Verify inclusion in project specifications; Site inspection	Prior to the start of construction	Project Engineer		
<b>Transportation and Traffic</b>	<b>MM TRAN-1f.</b> If a mid-block crosswalk would result from a temporary crosswalk replacement, the crosswalk should be closed completely and pedestrians should be routed to another intersection leg.	Verify inclusion in project specifications; Site inspection	Prior to the start of construction	Project Engineer		
<b>Transportation and Traffic</b>	<b>MM TRAN-1g.</b> The study area has major industrial uses that generate sizeable levels of truck traffic, especially within the southern end of the study area (adjacent to the Port of Los Angeles). Where physical mitigation measures cannot be provided on roadway segments that would operate at LOS E or F during construction, peak-hour restrictions (6:00 to 9:00 a.m. and 3:30 to 7:00 p.m.) on construction activity would be necessary.	Verify inclusion in project specifications; Site inspection	Prior to the start of construction	Project Engineer and Construction Manager		

Section	Mitigation Measure	Method of Implementation	Timing of Implementation	Group/Person Responsible for Implementation	Verification of Completion	
					Date	Initial
<b>Transportation and Traffic</b>	<b>MM TRAN-7a.</b> During all construction activities, temporary replacement bus stops shall be established in portions of the project alignment where bus stop closures are required to accommodate project construction. The temporary bus stops shall be located along wide portions of the roadway where the maximum number of travel lanes can be accommodated during construction.	Verify inclusion in project specifications; Site inspection	Prior to the start of, and during construction	Project Engineer and Construction Manager		

# Findings of Fact in Support of Findings for Significant Environmental Effects of the Harbor Refineries Recycled Water Pipeline Project

## SECTION 1: INTRODUCTION

The California Environmental Quality Act (CEQA) Public Resources Code Section 21081, and the CEQA Guidelines Section 15091 provide that:

“No public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless the public agency makes one or more of the following findings:

- a. Changes or alterations have been required in, or incorporated into, the project, which mitigate or avoid the significant effects on the environment.
- b. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- c. Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final environmental impact report.”

Because the Harbor Refineries Recycled Water Pipeline Project Environmental Impact Report (EIR) identified significant effects that may occur as a result of the project, and in accordance with the provisions of CEQA and CEQA Guidelines, the Los Angeles Department of Water (LADWP) and Power hereby adopts these findings as part of the approval of the Harbor Refineries Recycled Water Pipeline Project and related applications.

The LADWP has prepared an EIR for the approximately 11.4-mile recycled water pipeline project in accordance with CEQA and CEQA Guideline requirements. The EIR analyzes the environmental effects of the project, which implements construction and operation of a recycled water pipeline in the cities of Carson and Los Angeles, within the Los Angeles Harbor area. At a public hearing held on October 6, 2009, the Board of Commissioners found the EIR to be adequate in accordance with CEQA procedures and certified the EIR.

After adopting this Statement of Findings of Fact, the Los Angeles Department of Water and Power Board of Commissioners can approve the Harbor Refineries Recycled Water Pipeline Project. All subsequent approvals, mitigation implementation, and regulatory agreements and permits will be reviewed based on the documentation in the EIR.

## Project Objectives

The objectives of the project are to:

- Improve the reliability of the City of Los Angeles' water supply through increased recycled water use.
- Comply with the City of Los Angeles and the Los Angeles Department of Water and Power action plan titled "Securing L.A.'s Water Supply" outlining the steps to sustain a reliable water supply to meet current and future demand.
- Construct the necessary infrastructure to convey recycled water to the various industrial and irrigation customers in the Los Angeles Harbor Area.
- Provide recycled water to some of the City of Los Angeles' largest water customers, and where feasible, switch their potable water use with recycled water use.

## SECTION 2: MITIGATED ADVERSE IMPACTS

The potential significant adverse impacts that would be mitigated are listed in the following sections. LADWP finds that with the exception of Noise, and Transportation and Traffic for short-term construction impacts, all potential adverse impacts would be mitigated to a level that is considered less than significant after implementation of the mitigation measures.

### Air Quality

#### **Significant Impact - Air Quality Plan**

Emissions of NO<sub>x</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, during construction activities would exceed the South Coast Air Quality Management District (SCAQMD) regional significance thresholds.

#### **Finding**

Changes or alterations have been required in, or incorporated into, the project, which mitigate to a level of insignificance or avoid the significant effects on the environment.

#### **Facts in Support of the Finding**

The significant effect has been eliminated or lessened to a level that is less than significant by the following mitigation measures, which are identified in the Final EIR and incorporated into the project:

#### **Mitigation Measures**

**MM AQ-2a** In addition to compliance with SCAQMD Regulation 402 (Fugitive Dust), the Construction Manager/Contractor will implement the following dust control measures for all Excavation and shoring activities:

- a.) Expeditiously replace ground cover in disturbed areas.
- b.) Water disturbed surfaces at least 3x per day.
- c.) All stockpiles shall be covered

**MM AQ-2b** Prior to the start of construction, the LADWP will draft a Construction Emission Reduction Plan (Plan) that details implementation of this measure, including discussions on feasibility and the degree of implementation of specific Plan components. The construction manager shall keep a copy of the Plan on-site during construction and shall implement the components of the Plan. The Plan shall demonstrate a reduction in maximum daily NO<sub>x</sub> emissions from the excavation and shoring phase such that the emissions will not exceed the SCAQMD's LST thresholds. The primary method of achieving emission reductions is reducing the maximum equipment use hours to occur on any one day at any one location of excavation and shoring. Total on-site (off-road equipment) horse power-hours (hp\*h) allowed to occur at any one location to will be restricted to 13,825 or less.

**MM AQ-3a** During project construction, construction equipment will be properly maintained at an offsite location; maintenance shall include proper tuning and timing of engines. Equipment maintenance records and data sheets of equipment design specifications shall be kept at that location.

**MM AQ-3b** In addition to the requirements of MM AQ-2b, LADWP shall incorporate into the Construction Emission Reduction Plan (Plan) a demonstration that the maximum daily activity that would occur for the project in the region (a summation of all construction site emissions) would not exceed the SCAQMD's regional NO<sub>x</sub> threshold of 100 lbs/day. Below is a menu of specific measures that may be included in the Plan to reduce total daily NO<sub>x</sub> emissions. The measures may be used singly or together to reduce the NO<sub>x</sub> impact to less than significant:

- All construction diesel engines, which have a rating of 50 hp or more, shall meet, at a minimum, the Tier 2 California Emission Standards for Off-Road Compression-Ignition Engines as specified in California Code of Regulations, Title 13, Section 2423(b)(1) unless LADWP determines that such engine is not available or feasible for a particular type of equipment. In the event a Tier 2 engine is not available for any off-road engine larger than 50 hp, that engine shall be a Tier 1 engine, if available and feasible. In the event a Tier 1 engine is not available for any off-road engine larger than 50 hp, then that engine shall be a 1996 or newer engine. The LADWP may grant relief from this requirement for that engine if compliance with this requirement is infeasible.

- To the extent that equipment and technology is available and cost-effective, the LADWP is encouraged to use NOX catalyst, and retrofit existing engines in construction equipment. This measure applies to all construction equipment, including portable diesel powered equipment holding a valid permit with the SCAQMD or ARB. As to assist the construction manager in identifying engines that implement this measure, equipment that implements the measure shall have clearly visible tags.
- To the extent feasible, utilize alternative fueled equipment instead of diesel-powered equipment. If biodiesel is selected as an alternative fuel, the construction manager shall ensure that appropriate NOx reduction additives are utilized, as biodiesel alone would increase NOx emissions.
- During project construction, onsite electrical hook ups shall be provided to utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators for electric construction tools including saws, drills and compressors, to eliminate the need for diesel powered electric generators. To the extent that equipment and technology is available and cost-effective, the LADWP is encouraged to use electrically driven equipment instead of fossil-fueled engines.
- During project construction, restrict idling of construction equipment onsite to 5 minutes or less, unless idling is necessary for equipment use.
- To the extent practicable, construction management techniques such as timing construction to occur outside the ozone season of May through October shall be employed, or equipment use shall be scheduled to limit unnecessary concurrent operation.

Mitigation measures MM AQ-2a, MM AQ-2b, MM AQ-3a, and MM AQ-3b would provide for dust control measures and would reduce emissions related to construction equipment to a level that would ensure that the project would not violate the SCAQMD's regional significance thresholds. Therefore, impacts to the Air Quality Plan would be mitigated to a less than significant level.

### **Significant Impact - Air Quality Standards**

Emissions of NO<sub>x</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, during construction activities would exceed localized significance thresholds.

### ***Finding***

Changes or alterations have been required in, or incorporated into, the project, which mitigate to a level of insignificance or avoid the significant effects on the environment.

**Facts in Support of the Finding**

The significant effect has been eliminated or lessened to a level that is less than significant by the following mitigation measures, which are identified in the Final EIR and incorporated into the project:

**Mitigation Measures**

- MM AQ-2a** In addition to compliance with SCAQMD Regulation 402 (Fugitive Dust), the Construction Manager/Contractor will implement the following dust control measures for all Excavation and shoring activities:
- a.) Expeditiously replace ground cover in disturbed areas.
  - b.) Water disturbed surfaces at least 3x per day.
  - c.) All stockpiles shall be covered
- MM AQ-2b** Prior to the start of construction, the LADWP will draft a Construction Emission Reduction Plan (Plan) that details implementation of this measure, including discussions on feasibility and the degree of implementation of specific Plan components. The construction manager shall keep a copy of the Plan on-site during construction and shall implement the components of the Plan. The Plan shall demonstrate a reduction in maximum daily NO<sub>x</sub> emissions from the excavation and shoring phase such that the emissions will not exceed the SCAQMD's LST thresholds. The primary method of achieving emission reductions is reducing the maximum equipment use hours to occur on any one day at any one location of excavation and shoring. Total on-site (off-road equipment) horse power-hours (hp\*h) allowed to occur at any one location to will be restricted to 13,825 or less.

Mitigation measures MM AQ-2a and MM AQ-2b would provide for dust control measures and would reduce emissions related to construction equipment to a level that would ensure that the project would not exceed localized significance thresholds. Therefore, impacts related to air quality standards would be mitigated to a less than significant level.

**Significant Impact - Criteria Pollutant**

Emissions of NO<sub>x</sub> during construction activities would exceed the SCAQMD regional emission threshold.

**Finding**

Changes or alterations have been required in, or incorporated into, the project, which mitigate to a level of insignificance or avoid the significant effects on the environment.



### ***Facts in Support of the Finding***

The significant effect has been eliminated or lessened to a level that is less than significant by the following mitigation measures, which are identified in the Final EIR and incorporated into the project:

#### ***Mitigation Measures***

- MM AQ-3a** During project construction, construction equipment will be properly maintained at an offsite location; maintenance shall include proper tuning and timing of engines. Equipment maintenance records and data sheets of equipment design specifications shall be kept at that location.
- MM AQ-3b** In addition to the requirements of MM AQ-2b, LADWP shall incorporate into the Construction Emission Reduction Plan (Plan) a demonstration that the maximum daily activity that would occur for the project in the region (a summation of all construction site emissions) would not exceed the SCAQMD's regional NO<sub>x</sub> threshold of 100 lbs/day. Below is a menu of specific measures that may be included in the Plan to reduce total daily NO<sub>x</sub> emissions. The measures may be used singly or together to reduce the NO<sub>x</sub> impact to less than significant:
- All construction diesel engines, which have a rating of 50 hp or more, shall meet, at a minimum, the Tier 2 California Emission Standards for Off-Road Compression-Ignition Engines as specified in California Code of Regulations, Title 13, Section 2423(b)(1) unless LADWP determines that such engine is not available or feasible for a particular type of equipment. In the event a Tier 2 engine is not available for any off-road engine larger than 50 hp, that engine shall be a Tier 1 engine, if available and feasible. In the event a Tier I engine is not available for any off-road engine larger than 50 hp, then that engine shall be a 1996 or newer engine. The LADWP may grant relief from this requirement for that engine if compliance with this requirement is infeasible.
  - To the extent that equipment and technology is available and cost-effective, the LADWP is encouraged to use NO<sub>x</sub> catalyst, and retrofit existing engines in construction equipment. This measure applies to all construction equipment, including portable diesel powered equipment holding a valid permit with the SCAQMD or ARB. As to assist the construction manager in identifying engines that implement this measure, equipment that implements the measure shall have clearly visible tags.
  - To the extent feasible, utilize alternative fueled equipment instead of diesel-powered equipment. If biodiesel is selected as an alternative fuel, the construction manager shall ensure that appropriate NO<sub>x</sub> reduction additives are utilized, as biodiesel alone would increase NO<sub>x</sub> emissions.

- During project construction, onsite electrical hook ups shall be provided to utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators for electric construction tools including saws, drills and compressors, to eliminate the need for diesel powered electric generators. To the extent that equipment and technology is available and cost-effective, the LADWP is encouraged to use electrically driven equipment instead of fossil-fueled engines.
- During project construction, restrict idling of construction equipment onsite to 5 minutes or less, unless idling is necessary for equipment use.
- To the extent practicable, construction management techniques such as timing construction to occur outside the ozone season of May through October shall be employed, or equipment use shall be scheduled to limit unnecessary concurrent operation.

Mitigation measures MM AQ-3a and MM AQ-3b would provide for dust control measures and would reduce emissions related to construction equipment to a level that would ensure that the project would not cumulatively result in a violation of SCAQMD's regional significance thresholds for criteria pollutants. Therefore, impacts to the criteria pollutants would be mitigated to a less than significant level.

## **Cultural Resources**

### **Significant Impact - Archeological Resources**

The potential for impacts to significant cultural resources is considered high within certain portions of the project area, due to the presence of previously recorded resources within the immediate vicinity of the project area. Areas of high potential for subsurface prehistoric resources include the area along Avalon Boulevard between Carson Street and Sepulveda Boulevard and the area along Anaheim Street between the Harbor Freeway and Vermont Avenue. During construction activities, there is a high probability that intact subsurface deposits could be uncovered, though any of these resources could have been significantly damaged by previous construction activities. This potential is high within undisturbed or minimally disturbed portions of the project area and significantly lower in areas that have been subject to extensive historic-utility construction.

### ***Finding***

Changes or alterations have been required in, or incorporated into, the project, which mitigate to a level of insignificance or avoid the significant effects on the environment.

***Facts in Support of the Finding***

The significant effect has been eliminated or lessened to a level that is less than significant by the following mitigation measures, which are identified in the Final EIR and incorporated into the project:

***Mitigation Measures***

- MM CR-2** A cultural resources discovery plan shall be prepared and implemented prior to the start of construction. The discovery plan will consist of the following components:
- a. The Contractor/Construction Manager shall ensure that a cultural and paleontological discovery plan and training program shall be implemented prior to the start of construction. The discovery plans will outline procedures for identification and treatment of either cultural resources or paleontological resources found along the routes during construction. The training program will be prepared by a trained archaeologist and paleontologist and shall consist of a brief PowerPoint presentation (or other approved presentation method) for all construction personnel. The emphasis of the training is to educate all construction personnel on the potential archaeological and paleontological resources that could be found on the project during excavation and the proper procedures for dealing with resources if encountered. Should resources be identified during construction, work shall cease in the immediate area (within 100 feet) and a qualified archaeologist shall be notified to determine if the resource is significant. Work shall not continue until the qualified archaeologist makes a determination. If a significant resource is encountered, the steps outlined in the archaeological discovery plan shall be followed.
  - b. Prior to the commencement of construction activities, a qualified archaeologist shall review all construction plans to determine the amount of subsurface disturbance in the construction right of way. This shall be accomplished through a review of existing drawings of utilities currently in place, referenced against the location of the new recycled water pipeline. If no drawings are available, the qualified archaeologist shall make assessments during construction “potholing” activities to determine if undisturbed cultural resources are present or potentially present.
  - c. If it is determined that intact soils are present along portions of the route with a high potential for buried archaeological resources as shown in Exhibit 3.2-1, as identified through MM CR-2.b, a qualified archaeologist shall be present for excavation activities in those specific areas. If significant resources are encountered, the procedures outlined in the archaeological

discovery plan shall be followed, before construction can continue. If no significant resources are encountered after 25 percent of one of the high potential areas has been excavated, the project archaeologist can reduce or eliminate archaeological monitoring at the location.

Mitigation measure MM CR-2 would provide for a cultural resources Discovery Plan, which would implement procedures for identification and treatment of either cultural resources or paleontological resources found along the routes during construction. Additionally, the Discovery Plan would identify the potential for undiscovered archeological resources and provide for archeological monitoring in areas where certain potential for undiscovered resources would exist. Therefore, impacts related to archaeological resources would be mitigated to a less than significant level.

### **Significant Impact - Paleontological Resource or Geologic Feature**

The potential for impacts to significant paleontological resources is considered high within certain portions of the project area, due to the presence of previously discovered resources within the vicinity of the project area, certain project area soils also have the potential to contain such resources. Construction-related earth-moving activities associated with the proposed project may impact undiscovered paleontological resources. This potential is high within undisturbed or minimally disturbed portions of the project area and significantly lower in areas that have been subject to extensive historic-utility construction.

### ***Finding***

Changes or alterations have been required in, or incorporated into, the project, which mitigate to a level of insignificance or avoid the significant effects on the environment.

### ***Facts in Support of the Finding***

The significant effect has been eliminated or lessened to a level that is less than significant by the following mitigation measures, which are identified in the Final EIR and incorporated into the project:

### ***Mitigation Measures***

**MM CR-3a** Prior to the start of construction, a qualified paleontologist shall review all construction plans to determine the amount of subsurface disturbance in the construction right of way. This shall be accomplished through a review of existing drawings of utilities currently in place, referenced against the location of the new recycled water pipeline. If no drawings are available, the qualified paleontologist shall make assessments during construction “potholing” activities to determine if undisturbed cultural resources are present or potentially present.

**MM CR-3b** If it is determined by the paleontologist that suitable intact soils are present along portions of the route with a high potential for buried paleontological resources as

shown in Exhibit 3.2-1, as identified in MM CR-3a, a qualified paleontologist shall be present for excavation activities in those specific areas. If significant resources are encountered, the procedures outlined in the discovery plan (MM CR-2a) shall be followed, before construction can continue. If no significant resources are encountered after 25 percent of one of the high potential areas has been excavated, the project paleontologist can reduce or eliminate monitoring at the location.

**MM CR-3c** In the case that fossil remains are encountered, all recovered fossil remains shall be prepared to the point of identification and to the lowest taxonomic level possible. The remains shall be curated, catalogued, and the corresponding geologic and geographic site data archived and all items transferred to the appropriate museum repository, preferably to the Los Angeles County Natural History Museum.

Mitigation measure MM CR-3a to MM CR-3c would ensure that paleontological resources would not be disturbed during construction activities and that any paleontological resources that may be encountered will be preserved.

## **Traffic**

### **Significant Impact - Conflict with Alternative Transportation**

The roadway lane closures associated with construction of the project will result in temporary closures of bicycle lanes along the project alignment. Construction along the project alignment would also result in temporary disruptions to bus services including Metro, LADOT Dash and Commuter Express, City of Carson North/South shuttle and Circuit, Torrance Transit, and Gardenia Municipal Service.

### ***Finding***

The significant effect has been eliminated or lessened to a level that is less than significant by the following mitigation measures, which are identified in the Final EIR and incorporated into the project:

### ***Facts in Support of the Finding***

Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

### ***Mitigation Measures***

**MM TRAN-1b** There are bicycle lanes located along Avalon Boulevard between 246<sup>th</sup> Street to the north and L Street to the south. Closure of these lanes in addition to the on-street parking could be necessary during Project construction. If these lanes are closed, direct alternates should be provided during construction. If provision of alternate

routes is not feasible, bicycle route closure signs shall be posted at the next major intersections to the north and south of the construction area.

**MM TRAN-7a** During all construction activities, temporary replacement bus stops shall be established in portions of the project alignment where bus stop closures are required to accommodate project construction. The temporary bus stops shall be located along wide portions of the roadway where the maximum number of travel lanes can be accommodated during construction.

Mitigation measure MM TRAN-1b and MM TRAN-7a would ensure that construction activities associated with the implementation of the proposed project would not conflict with existing alternative transportation.

### **SECTION 3: SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS**

#### **Noise**

##### **Significant Impact - Noise Level in Excess of Standards**

Construction activities will require the short-term use of heavy equipment within the construction area, which would result in the exposure of persons to noise levels in excess of the standards established in the local noise ordinance.

##### ***Finding***

Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

##### ***Facts in Support of the Finding***

Project construction would require the implementation of construction activities, including ground preparation, trenching, pipe installation, and backfilling. In certain locations, directional drilling and/or pipe jacking would occur. For each of these activities, the use of heavy equipment will be necessary in order to implement the project.

Only the No Project/No Development Alternative could avoid the non-mitigable noise impact. The Delores Street Alignment Alternative and the Main Street Alignment Alternative would both increase the total length of the construction area, thereby increasing the use of noise-generating construction equipment.

##### ***Mitigation Measures***

The following mitigation measures would be implemented to reduce the severity of the impact associated with construction noise. However, the resulting noise level after the incorporation of the mitigation would still exceed the daytime and nighttime thresholds of significance. No other feasible mitigation measures are available to reduce this impact. The remaining significant adverse impact is

considered to be acceptable in light of the Statement of Overriding Considerations provided herein as Attachment A.

- MM NOI-1a** During all construction activities associated with the project, the construction Contractor/Construction Manager shall ensure that, unless granted a variance or an exemption from the applicable City, construction activities shall not occur between the hours of 8:00 p.m. and 7:00 am Monday through Friday, between the hours of 6:00 p.m. and 8:00 a.m. on Saturday, nor at any time on Sunday or a national holiday where a construction work area is within 500 feet of a noise-sensitive land use.
- MM NOI-1b** Prior to the commencement of construction activities, the Contractor/Construction Manager shall prepare a construction schedule that will ensure that construction shall be completed as rapidly as possible while minimizing potential cumulative construction noise impacts and accommodating particularly noise-sensitive periods for nearby land uses.
- MM NOI-1c** During all construction activities, the Contractor/Construction Manager shall ensure that the quietest construction equipment available shall be used. Where possible, electric-powered equipment shall be used rather than diesel equipment and hydraulic-powered equipment shall be used rather than pneumatic power. If compressors powered by diesel or gasoline engines are used, they shall be enclosed or have baffles to help abate noise levels.
- MM NOI-1d** During all construction activities, the Contractor/Construction Manager shall ensure that all construction equipment shall be properly maintained.
- MM NOI-1e** During all construction activities, the Contractor/Construction Manager shall ensure that all equipment shall be equipped with suitable exhaust and air-intake silencers in proper working order.
- MM NOI-1f** During all construction activities, the Contractor/Construction Manager shall ensure that noisy equipment shall be operated only when necessary, and shall be switched off when not in use.
- MM NOI-1g** During all construction activities in residential neighborhoods, the Contractor/Construction Manager shall ensure that where feasible, temporary barriers shall be employed around noisy equipment when it is located within 500 feet of a sensitive receptor. To maximize the effectiveness of the barriers they shall break the line-of site between the equipment and the noise-sensitive receptor(s) and shall be located as close as practicable to either the noise source or the receptor. Where the barrier does not enclose the equipment on multiple sides, the length of the barrier

shall be substantially greater than its height to provide effective performance. The barriers shall be constructed of an acoustical blanket material that provides a minimum sound transmission class (STC) of 28.

- MM NOI-1h** During all construction activities, the Contractor/Construction Manager shall ensure that construction employees are trained in the proper operation and use of the equipment in order to minimize noise levels.
- MM NOI-1i** Prior to the commencement of construction activities, the Contractor/Construction Manager shall ensure that construction employees shall be required to participate in training programs related to project-specific noise requirements, specifications, and equipment operations. The construction employees shall also receive onsite training related to the noise-specific issues and sensitive areas adjacent to the pipeline route.
- MM NOI-1j** Staging sites shall be located on properties restricted to industrial and commercial uses only.
- MM NOI-1k** Staging sites shall not be located within 500 feet of a sensitive receptor. Where this is not possible, the Contractor/Construction Manager shall ensure that noise barriers are erected, or ensure that existing structures provide adequate noise barriers between the staging site and the sensitive receptor(s).
- MM NOI-1l** During all construction activities, the Contractor/Construction Manager shall ensure that stationary noise sources such as generators and compressors shall be positioned as far away as possible from noise sensitive areas.
- MM NOI-1m** During all construction activities, the Contractor/Construction Manager shall ensure that construction equipment is stored in the construction zone while in use in order to eliminate noise associated with repeated transportation of the equipment to and from the site.
- MM NOI-1n** Prior to the commencement of construction activities, the Contractor/Construction Manager shall ensure that public notice is given regarding construction which identifies the location and dates of construction, and the name and phone number of the contractor's contact person in case of complaints. One contact person shall be assigned to the pipeline project. The public notice shall encourage the residents to contact this person rather than the police in case of complaint. Residents shall also be kept informed of any changes to the schedule. The designated contact person shall be available on a mobile phone. If a complaint is received, the contact person shall take whatever reasonable steps are necessary to resolve the complaint. If possible, a



member of the construction team shall also travel to the complainant's location to understand the nature of the disturbance.

**MM NOI-1o** Prior to the commencement of construction activities, the LADWP Waterworks Engineer shall prepare a haul route plan for the construction of the project. Haul routes shall be on major arterial roads in industrial and commercial areas. Where haul routes must occur on major arterial roads in residential areas, such routes shall be subject to the review and approval of the local jurisdiction wherein the haul route will occur.

### **Significant Impact - Temporary or Periodic Increase in Ambient Noise Levels**

During project construction, the combined noise levels associated with construction activities will be at least 26 dB higher than existing ambient levels at all of the measurement locations along the proposed pipeline route. As these increases exceed the thresholds of 10 dB for daytime construction and 5 dB for nighttime construction, a significant impact associated temporary or periodic noise increases would occur, though existing conditions noise levels currently exceed noise standards for ambient noise.

#### ***Finding***

Specific, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

#### ***Facts in Support of the Finding***

Project construction would require the implementation of construction activities, including ground preparation, trenching, pipe installation, and backfilling. In certain locations, directional drilling and/or pipe jacking would occur. For each of these activities, the use of heavy equipment will be necessary in order to implement the project.

Only the No Project/No Development Alternative could avoid the non-mitigable noise impact. The No Project/No Development Alternative would not meet any of the Project Objectives identified in the Draft EIR. The Delores Street Alignment Alternative and the Main Street Alignment Alternative would both increase the total length of the construction area, thereby increasing the use of noise-generating construction equipment.

#### ***Mitigation Measures***

The following mitigation measures would be implemented to reduce the severity of the impact associated with construction noise. However, the resulting noise level after the incorporation of the mitigation would still exceed the daytime and nighttime thresholds of significance. No other feasible mitigation measures are available to reduce this impact. The remaining significant adverse impact is considered to be acceptable in light of the Statement of Overriding Considerations provided herein as Attachment A.

- MM NOI-1a** During all construction activities associated with the project, the construction Contractor/Construction Manager shall ensure that, unless granted a variance or an exemption from the applicable City, construction activities shall not occur between the hours of 8:00 p.m. and 7:00 am Monday through Friday, between the hours of 6:00 p.m. and 8:00 a.m. on Saturday, nor at any time on Sunday or a national holiday where a construction work area is within 500 feet of a noise-sensitive land use.
- MM NOI-1b** Prior to the commencement of construction activities, the Contractor/Construction Manager shall prepare a construction schedule that will ensure that construction shall be completed as rapidly as possible while minimizing potential cumulative construction noise impacts and accommodating particularly noise-sensitive periods for nearby land uses.
- MM NOI-1c** During all construction activities, the Contractor/Construction Manager shall ensure that the quietest construction equipment available shall be used. Where possible, electric-powered equipment shall be used rather than diesel equipment and hydraulic-powered equipment shall be used rather than pneumatic power. If compressors powered by diesel or gasoline engines are used, they shall be enclosed or have baffles to help abate noise levels.
- MM NOI-1d** During all construction activities, the Contractor/Construction Manager shall ensure that all construction equipment shall be properly maintained.
- MM NOI-1e** During all construction activities, the Contractor/Construction Manager shall ensure that all equipment shall be equipped with suitable exhaust and air-intake silencers in proper working order.
- MM NOI-1f** During all construction activities, the Contractor/Construction Manager shall ensure that noisy equipment shall be operated only when necessary, and shall be switched off when not in use.
- MM NOI-1g** During all construction activities in residential neighborhoods, the Contractor/Construction Manager shall ensure that where feasible, temporary barriers shall be employed around noisy equipment when it is located within 500 feet of a sensitive receptor. To maximize the effectiveness of the barriers they shall break the line-of site between the equipment and the noise-sensitive receptor(s) and shall be located as close as practicable to either the noise source or the receptor. Where the barrier does not enclose the equipment on multiple sides, the length of the barrier shall be substantially greater than its height to provide effective performance. The barriers shall be constructed of an acoustical blanket material that provides a minimum sound transmission class (STC) of 28.

- MM NOI-1h** During all construction activities, the Contractor/Construction Manager shall ensure that construction employees are trained in the proper operation and use of the equipment in order to minimize noise levels.
- MM NOI-1i** Prior to the commencement of construction activities, the Contractor/Construction Manager shall ensure that construction employees shall be required to participate in training programs related to project-specific noise requirements, specifications, and equipment operations. The construction employees shall also receive onsite training related to the noise-specific issues and sensitive areas adjacent to the pipeline route.
- MM NOI-1j** Staging sites shall be located on properties restricted to industrial and commercial uses only.
- MM NOI-1k** Staging sites shall not be located within 500 feet of a sensitive receptor. Where this is not possible, the Contractor/Construction Manager shall ensure that noise barriers are erected, or ensure that existing structures provide adequate noise barriers between the staging site and the sensitive receptor(s).
- MM NOI-1l** During all construction activities, the Contractor/Construction Manager shall ensure that stationary noise sources such as generators and compressors shall be positioned as far away as possible from noise sensitive areas.
- MM NOI-1m** During all construction activities, the Contractor/Construction Manager shall ensure that construction equipment is stored in the construction zone while in use in order to eliminate noise associated with repeated transportation of the equipment to and from the site.
- MM NOI-1n** Prior to the commencement of construction activities, the Contractor/Construction Manager shall ensure that public notice is given regarding construction which identifies the location and dates of construction, and the name and phone number of the contractor's contact person in case of complaints. One contact person shall be assigned to the pipeline project. The public notice shall encourage the residents to contact this person rather than the police in case of complaint. Residents shall also be kept informed of any changes to the schedule. The designated contact person shall be available on a mobile phone. If a complaint is received, the contact person shall take whatever reasonable steps are necessary to resolve the complaint. If possible, a member of the construction team shall also travel to the complainant's location to understand the nature of the disturbance.
- MM NOI-1o** Prior to the commencement of construction activities, the LADWP Waterworks Engineer shall prepare a haul route plan for the construction of the project. Haul

routes shall be on major arterial roads in industrial and commercial areas. Where haul routes must occur on major arterial roads in residential areas, such routes shall be subject to the review and approval of the local jurisdiction wherein the haul route will occur.

### **Significant Impact - Excessive Groundborne Vibration**

Construction activities will require the short-term use of heavy equipment within the construction area, which would result in the exposure of persons to noise levels in excess of the standards established in the local noise ordinance.

#### ***Finding***

Since the ambient noise levels of the area exceed current thresholds, additional mitigation measures may not decrease the levels to under thresholds...(something like this). Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

#### ***Facts in Support of the Finding***

Project construction would require the implementation of construction activities, including ground preparation, trenching, pipe installation, and backfilling. In certain locations, directional drilling and/or pipe jacking would occur. For each of these activities, the use of heavy equipment will be necessary in order to implement the project, which would generate groundborne vibration.

Only the No Project/No Development Alternative could avoid the non-mitigable noise impact associated with groundborne vibration. The No Project/No Development Alternative would not meet any of the Project Objectives identified in the Draft EIR. The Delores Street Alignment Alternative and the Main Street Alignment Alternative would both increase the total length of the construction area, thereby increasing the use of vibration-generating construction equipment.

#### ***Mitigation Measures***

The following mitigation measures would be implemented to reduce the severity of the impact associated with groundborne vibration. However, the resulting groundborne vibration levels after the incorporation of the mitigation would still exceed the applicable thresholds of significance. No other feasible mitigation measures are available to reduce this impact. The remaining significant adverse impact is considered to be acceptable in light of the Statement of Overriding Considerations provided herein as Attachment A.

**MM NOI-2a** During construction activities, in order to avoid potential building damage associated with construction vibration, the Contractor/Construction Manager shall ensure that heavy equipment (backhoes, dozers, graders, loaders, etc.) shall not be operated

within 15 feet of any existing building. If the required distance cannot be maintained then the following measures shall be implemented:

- a. Qualified structural and/or geotechnical engineers shall review the peak particle velocities estimated in this report, and determine if there are any risks to the building, including possible risks from dynamic soil settlement induced by the vibration. If the structural or geotechnical engineers identify any potential risks, they shall take all necessary steps to protect the building including, but not limited to, photographing and/or videotaping the building in order to provide a record of the existing conditions before construction.
- b. If considered appropriate by a qualified structural engineer or geotechnical engineer, an engineer shall be on-site during the construction activities and perform such tests and observations as are necessary to ensure the structural stability of the building. This may include vibration measurements obtained inside or outside of the building.

## **Traffic**

### **Significant Impact - Traffic Increase**

Construction activities associated with the proposed project would require the temporary closures of travel lanes which would significantly impact five arterial roadways within the project area.

Although four of the five arterial roadway segments are operating at an acceptable LOS, by reducing the roadway capacity by up to three lanes, the potential for significant impacts are high with roadway operations likely decreasing to unacceptable LOS (values of E or F). Because project construction would result in congestion along affected roadway segments and intersections, a significant impact associated with project construction would occur.

### ***Finding***

Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

### ***Facts in Support of the Finding***

The proposed Project would involve construction primarily within existing roadways in order to meet the objectives identified for the project. LADWP will prepare worksite traffic control and detour plans prior to the start of construction in order to ensure that unified plans are in place for lane closures and detours. Because the project would be constructed sequentially, impacts associated with specific roadways would be relatively short in duration (several weeks to a few months).

Only the No Project/No Development Alternative would avoid the impact associated with traffic increase along project area roadways. The No Project/No Development Alternative would not achieve any of the project objectives. The Delores Street Alignment Alternative and the Main Street

Alignment Alternative would avoid traffic impacts to a portion of Avalon Boulevard, though each of these alternatives would lengthen the total area of construction. Because the Delores Street Alignment Alternative and the Main Street Alignment Alternative would avoid a portion of Avalon Boulevard, an overall reduction in this impact associated with traffic increase would occur, though the impact would remain significant and unavoidable.

### Mitigation Measures

The following mitigation measures would be implemented to reduce the severity of the impact associated with traffic. However, the resulting traffic increase after the incorporation of the mitigation would still exceed the thresholds of significance. No other feasible mitigation measures are available to reduce this impact. The remaining significant adverse impact is considered to be acceptable in light of the Statement of Overriding Considerations provided herein as Attachment A.

- MM TRAN-1a** Directional capacity (westbound in the a.m. peak and eastbound in the p.m. peak) should be considered in roadway closure planning. The provision of the original one-way capacity of the affected roadway (in number of travel lanes) in the peak direction, while providing a reduced number of travel lane for the opposite direction of traffic flow, would help to alleviate any potential traffic impacts during construction if construction-period roadway LOS would be unacceptable.
- MM TRAN-1b** There are bicycle lanes located along Avalon Boulevard between 246<sup>th</sup> Street to the north and L Street to the south. Closure of these lanes in addition to the on-street parking could be necessary during Project construction. If these lanes are closed, direct alternates should be provided during construction. If provision of alternate routes is not feasible, bicycle route closure signs shall be posted at the next major intersections to the north and south of the construction area.
- MM TRAN-1c** Left-turn lanes and other approach lanes (as feasible) should be maintained in close vicinity to major intersections along the proposed project route.
- MM TRAN-1d** In residential areas where roadway widths are narrow, one lane should be maintained for reversible traffic flow. Additionally, access to residential driveways should be maintained.
- MM TRAN-1e** Marked pedestrian crosswalks should be maintained, especially when a school or transit stop is located nearby. There are schools located on Avalon Boulevard, Carson Street, L Street, Mahar Avenue, and Pacific Coast Highway. All crosswalks should be relocated temporarily, immediately beyond the construction work area in accordance with applicable safety regulations.

- MM TRAN-1f** If a mid-block crosswalk would result from a temporary crosswalk replacement, the crosswalk should be closed completely and pedestrians should be routed to another intersection leg.
- MM TRAN-1g** The study area has major industrial uses that generate sizeable levels of truck traffic, especially within the southern end of the study area (adjacent to the Port of Los Angeles). Where physical mitigation measures cannot be provided on roadway segments that would operate at LOS E or F during construction, peak-hour restrictions (6:00 to 9:00 a.m. and 3:30 to 7:00 p.m.) on construction activity would be necessary.

### **Significant Impact - Level of Service Standards**

Temporary lane closures would occur during the construction of the proposed project and would result in congestion along affected roadway segments and intersections. The lane closures associated with the construction would temporarily exceed the level of service (LOS) for five arterial roadways within the project area, and several smaller area roadways. Exceeding the LOS established for these roadways would result in a significant impact associated with this issue.

#### ***Finding***

Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

#### ***Facts in Support of the Finding***

The proposed Project would involve construction primarily within existing roadways in order to meet the objectives identified for the project. LADWP will prepare worksite traffic control and detour plans prior to the start of construction in order to ensure that unified plans are in place for lane closures and detours. Because the project would be constructed sequentially, impacts associated with specific roadways would be relatively short in duration (several weeks to a few months).

Only the No Project/No Development Alternative would avoid the impact associated with parking capacity along project area roadways. The No Project/No Development Alternative would not achieve any of the project objectives. The Delores Street Alignment Alternative and the Main Street Alignment Alternative would avoid traffic impacts to a portion of Avalon Boulevard, though each of these alternatives would lengthen the total area of construction. Because the Delores Street Alignment Alternative and the Main Street Alignment Alternative would avoid a portion of Avalon Boulevard, an overall reduction in this impact associated with traffic would occur, though the impact to parking capacity would remain significant and unavoidable.

#### ***Mitigation Measures***

The following mitigation measures would be implemented to reduce the severity of the impact associated with traffic. However, the resulting impact to roadway levels of service after the

incorporation of the mitigation would still exceed the thresholds of significance. No other feasible mitigation measures are available to reduce this impact. The remaining significant adverse impact is considered to be acceptable in light of the Statement of Overriding Considerations provided herein as Attachment A.

- MM TRAN-1a** Directional capacity (westbound in the a.m. peak and eastbound in the p.m. peak) should be considered in roadway closure planning. The provision of the original one-way capacity of the affected roadway (in number of travel lanes) in the peak direction, while providing a reduced number of travel lane for the opposite direction of traffic flow, would help to alleviate any potential traffic impacts during construction if construction-period roadway LOS would be unacceptable.
- MM TRAN-1b** There are bicycle lanes located along Avalon Boulevard between 246<sup>th</sup> Street to the north and L Street to the south. Closure of these lanes in addition to the on-street parking could be necessary during Project construction. If these lanes are closed, direct alternates should be provided during construction. If provision of alternate routes is not feasible, bicycle route closure signs shall be posted at the next major intersections to the north and south of the construction area.
- MM TRAN-1c** Left-turn lanes and other approach lanes (as feasible) should be maintained in close vicinity to major intersections along the proposed project route.
- MM TRAN-1d** In residential areas where roadway widths are narrow, one lane should be maintained for reversible traffic flow. Additionally, access to residential driveways should be maintained.
- MM TRAN-1e** Marked pedestrian crosswalks should be maintained, especially when a school or transit stop is located nearby. There are schools located on Avalon Boulevard, Carson Street, L Street, Mahar Avenue, and Pacific Coast Highway. All crosswalks should be relocated temporarily, immediately beyond the construction work area in accordance with applicable safety regulations.
- MM TRAN-1f** If a mid-block crosswalk would result from a temporary crosswalk replacement, the crosswalk should be closed completely and pedestrians should be routed to another intersection leg.
- MM TRAN-1g** The study area has major industrial uses that generate sizeable levels of truck traffic, especially within the southern end of the study area (adjacent to the Port of Los Angeles). Where physical mitigation measures cannot be provided on roadway segments that would operate at LOS E or F during construction, peak-hour



restrictions (6:00 to 9:00 a.m. and 3:30 to 7:00 p.m.) on construction activity would be necessary.

Even with the implementation of the mitigation measures identified above and the preparation of worksite traffic control and detour plans, this impact would be significant and unavoidable during various construction phases, albeit for relatively short time periods (several weeks to a few months) at some or all of the work areas.

### **Significant Impact - Parking Capacity**

During construction, curbside parking will be reduced in various work areas to accommodate the construction of the project. Impacts associated with temporary parking are significant and unavoidable, as demand may exceed supply within on-street parking areas in the immediate vicinity of the work areas. The reduction in parking capacity will be temporary and is expected to last from a few weeks up to a few months, depending on the work area under construction.

### ***Finding***

Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

### ***Facts in Support of the Finding***

Only the No Project/No Development Alternative would avoid the impact associated with parking capacity along project area roadways. The No Project/No Development Alternative would not achieve any of the project objectives. The Delores Street Alignment Alternative and the Main Street Alignment Alternative would avoid traffic impacts to a portion of Avalon Boulevard, though each of these alternatives would lengthen the total area of construction. Because the Delores Street Alignment Alternative and the Main Street Alignment Alternative would avoid a portion of Avalon Boulevard, an overall reduction in this impact associated with traffic would occur, though the impact to parking capacity would remain significant and unavoidable.

### ***Mitigation Measures***

No feasible mitigation measures are available to reduce the severity of this impact. The remaining significant adverse impact is considered to be acceptable in light of the Statement of Overriding Considerations provided herein as Attachment A.

## Statement of Overriding Considerations

The California Environmental Quality Act (CEQA) requires the decision-making or the Lead agency, in this case the LADWP, to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. If LADWP approves the project, which will result in the occurrence of significant effects identified in the final EIR that are not avoided or substantially lessened, LADWP must state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. Such reasons are included in the “statement of overriding considerations.”

Section 15093 of the CEQA Guidelines establishes the following requirements for a statement of overriding considerations: CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse effects, the adverse environmental effects may be considered “acceptable.”

- d.) When the lead agency approves a project which will result in the occurrence of significant effects, which are identified in the final EIR, but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support the action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- e.) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings pursuant to Section 15091.

The LADWP proposes to approve the Harbor Refineries Recycled Water Pipeline Project although temporary, but significant unavoidable adverse noise and traffic impacts, as follows, have been identified in the EIR.

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### Noise

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Construction activities will require the short-term use of heavy equipment within the construction area, which would result in the exposure of persons to noise levels in excess of the standards established in the local noise ordinance. During project construction, the combined noise levels associated with construction activities will be at least 26 dB higher than existing ambient levels at all of the measurement locations along the proposed pipeline route. The existing ambient levels exceed the established thresholds. Construction activities will require the short-term use of heavy equipment

within the construction area, which would result in the exposure of persons to noise levels in excess of the standards established in the local noise ordinance.

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## **Transportation and Traffic**

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Construction activities associated with the proposed project would require the temporary closures of travel lanes, which would significantly impact five arterial roadways within the project area. Although four of the five arterial roadway segments are operating at an acceptable LOS, by reducing the roadway capacity by up to three lanes, the potential for significant impacts are high with roadway operations likely decreasing to unacceptable LOS (values of E or F). Because project construction would result in congestion along affected roadway segments and intersections, a significant impact associated with project construction would occur.

Temporary lane closures would occur during the construction of the proposed project and would result in congestion along affected roadway segments and intersections. The lane closures associated with the construction would temporarily exceed the level of service (LOS) for five arterial roadways within the project area, and several smaller area roadways. Exceeding the LOS established for these roadways would result in a significant impact associated with this issue.

During construction, curbside parking will be reduced in various work areas to accommodate the construction of the project. Impacts associated with temporary parking are significant and unavoidable, as demand may exceed supply within on-street parking areas in the immediate vicinity of the work areas. The reduction in parking capacity will be temporary and is expected to last from a few weeks up to a few months, depending on the work area under construction.

Even though these adverse impacts are not reduced to a level considered less than significant, the Los Angeles Department of Water and Power Board of Commissioners finds that these short-termed, but significant unmitigated environmental impacts are outweighed by the benefits of the Harbor Refineries Recycled Water Pipeline Project, as summarized below:

### **Environmental, Social, and Economic Considerations:**

#### **1. Improve the reliability of the City of Los Angeles water supply through increased recycled water use.**

The project would replace a portion of the use of domestic water for industrial, commercial, and irrigation customers in the Los Angeles Harbor area. In 2007, several factors converged to create water shortages from all major sources of domestic water in the City of Los Angeles. Among the factors impacting the City's water supply are: a reduced snowpack in the Eastern Sierra, where Los Angeles historically receives the greatest share of its water supply, a drought in the City of Los Angeles, the current environmental crisis in the Delta which has led to a federal court decision that result in up to one-third less supply for the region, and uncertain climate change

impacts that threaten traditional water supplies. Because the construction and operation of the project would allow customers to replace or supplement their current use of domestic water, the City of Los Angeles would achieve an overall reduction in its reliance on imported water sources. Additionally, the proposed project would decrease energy consumption by 63,643,673 kWh by utilizing the recycled water treated at a nearby facility instead of using domestic water from various sources, including imported water.

**2. Comply with the City of Los Angeles and the Los Angeles Department of Water and Power action plan titled "Securing L.A.'s Water Supply" outlining the steps to sustain a reliable water supply to meet current and future demand.**

In May of 2008, Los Angeles Mayor Antonio R. Villaraigosa and the Los Angeles Department of Water and Power released a document entitled "Securing L.A.'s Water Supply." The document provides steps that the City will take to sustain a reliable water supply to meet current and future demand. This long term strategy calls for meeting all new water needs through aggressive water recycling and conservation. The construction and operation of the proposed Refineries Recycled Water Pipeline Project would comply with this strategy by displacing existing potable supplies with recycled water. The proposed project would conserve approximately 9,300 acre-feet of water, accounting for 19 percent of the Mayor's overall goal for recycled water.

**3. Construct the necessary infrastructure to convey recycled water to the various industrial and irrigation customers in the Los Angeles Harbor Area.**

There is not sufficient infrastructure currently available to convey recycled water to the large industrial, commercial, and irrigation customers in the Los Angeles Harbor area. The construction and operation of the project would allow various existing domestic water customers to utilize recycled water to replace and/or supplement their water use.

**4. Provide recycled water to some of the City of Los Angeles' largest water customers, and where feasible, switch their potable water use into recycled water use.**

The Los Angeles Harbor area, including the immediate vicinity of the project alignment, includes several of the City of Los Angeles' largest water customers, including numerous oil refineries and manufacturing facilities. The current use of domestic water at these locations for non-potable purposes would be replaced and/or supplemented by the conveyance of recycled water through the operation of the Harbor Refineries Recycled Water Pipeline Project.

The Los Angeles Department of Water and Power Board of Commissioners, having reviewed and considered the information contained in the EIR, has balanced the foregoing project benefit considerations against the unavoidable environmental impacts and risks identified in the EIR, and concludes that such impacts and risks are outweighed by the benefits. The Board of

Commissioners finds that the foregoing project benefits override the significant and unavoidable environmental impacts of the project.

In conclusion, the Board of Commissioners finds that any residual effects on the environment attributable to the project, which are found to be unavoidable in the preceding Findings of Fact, are acceptable due to the overriding concerns set forth in this Statement of Overriding Considerations.