

RESOLUTION NO. 2015-1

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE ARMONA COMMUNITY SERVICES DISTRICT
APPROVING ENVIRONMENTAL DOCUMENTS AND
ADOPTING MITIGATED NEGATIVE DECLARATION ADDENDUM
PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
("CEQA," PUBLIC RESOURCES CODE §§ 21000 ET SEQ.) FOR
THE ARMONA CSD SAFE DRINKING WATER PROJECT
SCH NO. 2008101087**

The Board of Directors of the Armona Community Services District ("District") does hereby find and determine:

- A. WHEREAS, the District is a California community services district formed and existing under the provisions of the California Community Services District Law, codified at Government Code §§ 61000-61144, and all acts and laws amendatory thereof or supplementary thereto, and possessing all the powers thereof; and
- B. WHEREAS, the District provides potable water to the residents in its service area; and
- C. WHEREAS, the District water supply is exclusively obtained from percolating groundwater occurring beneath the District; and
- D. WHEREAS, said ground water is supplied to the District by two ground water wells designated Well 1 and Well 2; and
- E. WHEREAS, Well 1 is the primary water supply well for the District; and
- F. WHEREAS, Well 2 is used as a back up water supply well, and to supply water at times of heavy demand; and
- G. WHEREAS, groundwater contains naturally occurring constituents dissolved over time by the presence of the water; and
- H. WHEREAS, among said dissolved constituents are metals including arsenic; and
- I. WHEREAS, providing drinking water is subject to state and federal laws, rules, and regulations, including the Federal Safe Drinking Water Act of 1974 as amended, codified at 42 U.S.C. §§ 300f-- 300j-26 (SDWA), and the national primary and secondary drinking water standards setting maximum contaminant levels, promulgated under authority of the SDWA; and

J. WHEREAS, on January 22, 2001, the Environmental Protection Agency (EPA) published the Final Rule for National Primary Drinking Water Regulations; Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring (66 Fed. Reg. 6976) (Final Rule); and

K. WHEREAS, the Final Rule established a 10 ppb MCL for arsenic in drinking water, the former MCL having been 50 parts per billion; and

L. WHEREAS, the effective date for purposes of compliance with the new arsenic MCL was January 23, 2006 (see 66 Fed. Reg. 6992-6993; 40 CFR § 141.6(j)); and

M. WHEREAS, on October 28, 2008, the EPA issued an administrative order, USEPA docket No. PWS-AO-2008-6023, for water exceeding the federal MCL for arsenic of 10 parts per billion; the District is under

N. WHEREAS, on November 19, 2008 the Board of Directors approved Resolution No. 2008-4, entitled "Resolution of the Board of Directors of the Armona Community Services District Approving Mitigated Negative Declaration For Safe Drinking Water Project SCH No. 2008101087" ("MND") for the Safe Drinking Water Project ("Project"); and

O. WHEREAS, CEQA Guidelines¹ § 15164 states:

The lead agency or responsible agency shall prepare an addendum to a previously adopted negative declaration if some changes or additions are necessary but none of the conditions described in Section 15162, above, calling for preparation of a subsequent negative declaration have occurred.

- (a) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary.
- (b) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.
- (c) The decision-making body shall consider the addendum with the adopted negative declaration prior to making a decision on the project; and

P. WHEREAS, since 2008, new information has become available, which was not known and could not have been known with the exercise of due diligence at the time the previous negative declaration was adopted; and

¹14 Cal. Code Regs. §§ 15000 et. seq.

Q. WHEREAS, this new information includes the requirement to now analyze the Project's greenhouse gas emissions and site specific biological and cultural studies that include new or modified conclusions and recommendations; and

R. WHEREAS, this information is a minor technical addition and none of the conditions described by CEQA Guidelines § 15162 (Subsequent Negative Declaration) have occurred; and

S. WHEREAS, the District Engineer prepared and submitted an Addendum to the MND dated April, 2015 (“Addendum”); and

T. WHEREAS, an addendum need not be circulated for public review but can be included in or attached to the prior adopted negative declaration; and

U. WHEREAS, the Addendum was approved at the May 12, 2015, Board meeting; and

V. WHEREAS, the Addendum proposes revisions to the Project as follows: The proposed revised Project involves the selection of Alternative Site 7 and Subset Alternative C as described in the IS/MND; that Alternative Site 7 is approximately 8 acres in size and is located west of 14th Avenue and 600 feet south of Lacey Boulevard; that north of the proposed site is an inactive drive in movie theater; that south of the proposed site is Grangeville Cemetery; that the site is bound on the west by the Last Chance Ditch with agricultural uses beyond that and agricultural uses to the east. The General Plan designation is Rural Commercial and the site is zoned consistent with the General Plan. Alternative 7 is associated with APN 018-012-070, located in Section 32, Township 18 South, Range 21 East, MDB&M; and

W. WHEREAS, the adopted IS/MND stated that an Alternative Subset could not be selected until the well was drilled. However, since adoption of the IS/MND in 2008, an exploratory test well was drilled and zone sampling was conducted which determined that the water quality from the new well would require full treatment. Based on the water quality from the test well, the only viable alternative is C. Subset Alternative C includes plans in the circumstance that the new well does not produce water with an arsenic concentration below the arsenic MCL; a water treatment plant will be constructed at the new well site to remove arsenic and secondary constituents. The proposed treatment process would consist of coagulation and filtration. The proposed Project components include water treatment and disposal facility design, and construction. Water pumped from the new well would be treated before entering the distribution system. The system would be backwashed as required during the treatment process. Disposal of backwash water generated in that process would consist of a combination of recycling, reclamation for irrigation, or disposal in pond(s) proposed as part of the project. Arsenic precipitate removed from the backwash water would be contained and de-watered, then hauled off-site for disposal in accordance with State and federal regulations. Based on the Revised Project Site Plan, as seen in Figure 4 in the Addendum, all required facilities would fit within the approximately 8 acre Project site.

X. WHEREAS, the proposed attached Addendum (including all appendices²), collectively Exhibit A hereto, reflects the Board's independent judgment and analysis; and

Y. WHEREAS, the Board shall maintain the documents and other material that constitute the record of proceedings upon which its decision is based at the District Office at 10956 14th Avenue in Armona, California.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Board hereby adopts all of the findings set forth in the above Recitals and on the basis of its independent judgment and analysis finds that they are true and correct and supported by substantial evidence.
2. The Board, after considering all the evidence presented, (a) certifies that the Addendum is adequate and was prepared in compliance with the California Environmental Quality Act (CEQA), and the State CEQA Guidelines; (b) finds and declares that the Addendum was presented to this Board and that prior to taking action on or approving the Addendum, this Board reviewed and considered the information contained therein; and (c) finds and declares that the certification thereof reflects this Board's independent judgment and analysis.
3. The Board further finds and declares that no substantial evidence has been submitted for the record to show that the Project will have a significant effect on the environment.
4. Based on the foregoing, this Board directs the staff of the District to do and to undertake such acts in connection herewith and in furtherance hereof as may be required by law or as are reasonably recommended or advisable to carry out the purposes hereof.

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²Appendix A: CalEEMod Output Files dated March 27, 2015 and March 30, 2015; Appendix B: Biological Report prepared by ICF International dated January 2015; Appendix C: Cultural Resources Inventory for the Armona Community Services District Arsenic Compliance Project dated December 2014; Appendix D: Safe Drinking Water Project Initial Study/Mitigated Negative Declaration dated October 2008.

WHEREFORE, this Resolution is passed and adopted by the Board of Directors of the Armona Community Services District on May 12, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

JAMES MACIEL, PRESIDENT,
BOARD OF DIRECTORS

ATTEST:

CANDIDA VENEGAS, SECRETARY

CERTIFICATE OF SECRETARY

I, Candida Venegas, the duly appointed and acting Secretary of the Board of Directors of Armona Community Services District, do hereby declare that the foregoing is a true and complete copy of a Resolution that was duly passed and adopted at a Regular Meeting of the Board of Directors of the Armona Community Services District, duly called and held at the Armona Community Center located at 11115 "C" Street, Armona, CA 93202, on May 12, 2015.

DATED: May 12, 2015.

CANDIDA VENEGAS, SECRETARY